

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

TESTIMONY OF THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE JOINT LEGISLATIVE BUDGET HEARING – PUBLIC PROTECTION

**PRESENTED BY CONNIE NEAL
EXECUTIVE DIRECTOR
JANUARY 31, 2017**

My name is Connie Neal and I am the Executive Director of the New York State Coalition Against Domestic Violence (Coalition). On behalf of the Coalition, I want to thank you for the opportunity to comment on the proposed New York State budget and its implications for victims of domestic violence in New York.

The New York State Coalition Against Domestic Violence is a statewide nonprofit membership organization of local domestic violence service providers and allied organizations. In New York there are nearly 250 residential and non-residential domestic violence programs across the state, and together we share a commitment to support the social change necessary to prevent and end domestic violence¹.

New York State has a long and storied history as a national leader. However, being Number 1 isn't always something to be proud of. According to the National Census of Domestic Violence Services (coordinated by the National Network to End Domestic Violence), New York has the highest demand for domestic violence services in the country.²

The National Census provides a one day unduplicated count of adults and children seeking services from domestic violence programs in all states and the U.S. territories.

Data from the most recently compiled Census indicate that:

- On one day, 6,950 victims of domestic violence received services in New York.
- Of those services, 3,239 victims (including adults and children) received critical non-residential services which include counseling, legal advocacy, and children's support groups.
- On that same day, 956 requests for domestic violence services went unmet because of critical funding and staffing shortages.
- We also know that domestic violence programs in New York reported that 148 individual domestic violence services for survivors were reduced or eliminated during 2015.
- And finally, domestic violence programs reported that 115 staff positions, most of which were direct service advocates, were eliminated in that same time period. As a result, there are fewer advocates to answer calls for help.

¹ OCFS Domestic Violence Prevention Act – 2014 Report to the Governor & Legislature Retrieved on January 30, 2017 from <http://ocfs.ny.gov/main/reports/DV%202014%20Annual%20Report%20Final.pdf>

² National Network to End Domestic Violence, 2015 Domestic Violence Counts: A 24-Hour Census of Domestic Violence Shelters and Services DV Counts Retrieved on January 30, 2017 from http://nnedv.org/downloads/Census/DVCounts2015/2015StateSummaries_FINAL.pdf

The staggering demand for domestic violence services in New York shows us that we must do more. This is a call to action for New York State, and this is our opportunity to create the strongest domestic violence coalition and network of domestic violence programs in the country. Simply put, a meaningful investment in domestic violence services and primary prevention must be a top public protection priority in our state.

SUPPORT FOR DOMESTIC VIOLENCE SERVICES AND PRIMARY PREVENTION

The New York State Executive Budget proposal contains little state originating funding to support domestic violence services, and relies heavily on federal funding sources. Federal funding is simply *not* enough.

Today, we are asking that you ensure the following items are prioritized in the final budget:

1) Address long standing gaps in funding for local domestic violence programs across the state as a result of years of flat or reduced investments by:

- **Providing \$6 million in TANF funding for non-residential domestic violence services; and**
- **Providing at least a 3% increase in the domestic violence shelter per diem rate.**

Non-residential domestic violence services which are mandated by New York State Social Service Regulations are essential to New York State's response to domestic violence. The state budget provides only one dedicated stream to support these services, and it is incumbent upon the legislature to increase funding to \$6 million. Similarly, because the per diem rate for shelters has been flat for years, domestic violence residential programs are in critical need of additional support as well.

2) Stabilize and increase civil legal services funding for domestic violence victims statewide.

The legislature should ensure there is stable funding dedicated to civil legal services for domestic violence victims, and funds be distributed so services in each county are adequately funded. Support from last year's budget must be increased in order to address the high demand for civil legal services by survivors of domestic violence.

3) Provide \$4.5 million in funding for local domestic violence programs to collaborate with colleges and universities to implement the recent Enough Is Enough campus policy mandates for dating violence, domestic violence, and stalking services. This support for domestic violence programs is intended to compliment the \$4.5 million already provided for rape crisis programs in each of the past two years for their work to prevent sexual assault. I encourage you to support domestic violence programs so that they can adequately implement this initiative by addressing dating violence, domestic violence, and stalking in conjunction with colleges and universities across the state.

4) Create a primary prevention funding stream for domestic violence programs in New York by establishing a \$17.25 million fund to be dispersed through coordinated support to the Coalition and local domestic violence programs statewide. The consequences and costs of domestic violence homicides can be devastating not only for the victims and their families, but also for neighborhoods and communities in which the murders occur. The average cost per homicide can exceed \$17.25

million when considering medical care costs, lost future earnings, public program costs, police response, property damage and losses, and quality of life losses.³

Primary prevention goes beyond raising awareness of domestic violence and works to promote the behaviors we want to see adopted in communities across our state. This is a relatively new concept for many working to end domestic violence, whose main focus has been *responding* to the needs of victims. However, it is clear that we must increasingly focus our efforts on stopping potential perpetrators *before they commit their first act*. This includes promoting social change through activities, programs, and policies that change the attitudes, behaviors and social norms that allow domestic violence to thrive.

Since the cost of a single homicide can be well over \$17.25 million - we are requesting funding at this level to demonstrate New York State's commitment to preventing the far-reaching tragedies of domestic violence homicides.

The challenge in front of us today, is to send a clear message that the Legislature will do more to help protect survivors of domestic violence. And equally important, take significant steps toward understanding that we also have to work toward preventing domestic violence before it occurs in the first place.

CONCLUSION

New York should not be the #1 state in the country with the highest demand for domestic violence services.

We must affirm our collective commitment to ending domestic violence by increasing investments in these vital, life-saving programs. In doing so, we will become the national model for primary prevention services in the country. We ask that you work with your fellow legislators and the Governor to ensure no survivor of domestic violence is ever turned away from the services they seek, and that New York State meaningfully invests in primary prevention so we can stem the tide of domestic violence once and for all.

I look forward to working with you to create and sustain the strongest statewide domestic violence coalition, network of domestic violence services, and primary prevention initiatives in the country, and want to thank you again for the opportunity to present this testimony.

³ Delisi, Kosloski, Sween, et. al. 2010. Murder by Numbers: Monetary Costs Imposed by a Sample of Homicide Offenders. The Journal of Forensic Psychiatry & Psychology. 21(4). P 501-503.

**NEW YORK STATE HAS THE HIGHEST DEMAND FOR
DOMESTIC VIOLENCE SERVICES IN THE COUNTRY**

In The State of New York
On Just One Day In 2015...

6,950 Survivors Of Domestic Violence Were Served

**956 Requests For Domestic Violence Services
Went Unmet, Largely Due To Funding Cuts**

And In The Course Of The Year...

115 Advocate Positions Were Reduced Or Eliminated

**148 Domestic Violence Services Were
Reduced Or Eliminated**

#ProtectSurvivorsNYS
#DVPrimaryPrevention



Being
#1
Isn't
Always
Something
To Be Proud Of

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NEW YORK STATE COALITION
AGAINST DOMESTIC VIOLENCE

Excerpts from

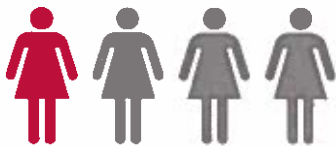
WHO WILL HELP ME?

Domestic Violence Survivors Speak Out About Law Enforcement Responses

National Domestic Violence Hotline
2015

In April 2015, the National Domestic Violence Hotline (The Hotline), with the help of Dr. TK Logan, a nationally and internationally recognized expert on partner violence and stalking, conducted a survey about law enforcement responses with survivors of domestic violence who used The Hotline's chat services¹.

Both the women who had called the police and those who had not shared a strong reluctance to seeking help from law enforcement:



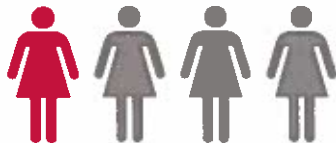
1 in 4 reported that they would not call the police in future



More than half said calling the police would make things worse

80%

said they were afraid the police would not believe them or do nothing



1 in 4 reported they were arrested or threatened with arrest after reporting an incident to the police.

This is what domestic violence advocates hear every day.

Survivors frequently cite **fear of reprisal** by the abuser as a reason for not calling law enforcement. Some jurisdictions have **nuisance laws** that allow a landlord to evict a survivor for calling the police too many times. Many survivors report that law enforcement's **failure to investigate** domestic violence cases appropriately. In some cases, the **victim is threatened with arrest** rather than the offender. Studies show that officers who tend to arrest survivors **believe that domestic violence is justified** in some situations and that victims stay in abusive relationships for psychological reasons.

All of these factors present huge obstacles for survivors trying to cope with domestic violence.

¹ National Domestic Violence Hotline, *Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses*. Washington, DC (2015). <http://www.thehotline.org/resources/law-enforcement-responses>. The sample likely under-represents a number of individuals (e.g., those with sexual assault experiences, disabilities and those from specific racial/ethnic groups). Further, these results do not represent all victims, or all victim interactions with police.



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Potential Unintended Consequences of Domestic Violence Offender Registries

Over the last several years, there have been many proposals across the country to create state and/or national registries listing domestic violence offenders. These proposals suggest that such a database will be a preventative tool, increasing safety for potential victims. Unfortunately, there is little evidence demonstrating that a registry of this kind will achieve the desired and intended goals of increasing victim safety and offender accountability. There are also many potential unintended consequences, many of which can decrease safety or have a negative impact on victims. The following are some of these concerns:

- **Creating a False Sense of Security**

Arguments for the registry can be compelling and seemingly logical: to easily and quickly assess if another person could be potentially dangerous based on prior convictions of domestic violence. The registry idea is partly premised upon the assumption that if a person's criminal history is known, then future potential victims can simply avoid the person and any possible harm. However, relying on a registry to determine if a person could be potentially dangerous is ineffective and can create a false sense of security.

Since only a small percentage of offenders actually ever enter the criminal justice system, a registry will always significantly underrepresent the number of individuals who are abusive and who may pose a danger to someone. Many domestic violence homicides and violent attacks are perpetrated by people with no prior criminal record. Of those who are charged, few are convicted and many plea to a lower offense that would not require them to be listed in the registry. Many registry proposals would only include individuals convicted of a violent felony. This threshold means that not everyone who commits violent domestic violence crimes would be listed. Additionally, many legislative proposals would also require the offender to be convicted at least three times of a domestic violence crime before being listed in the registry. There are many challenges to creating a registry that would be comprehensive and informative enough to be helpful at all, much less a tool for prevention.

- **The Simplicity of the Solution Ignores the Complexity of Domestic Violence**

Domestic violence is a complex pattern of power and control. The assumption is that if a person was to find their current or potential love interest listed in a domestic violence registry, they can simply avoid or end the relationship to maintain their safety. This ignores the complexity and context of domestic violence, and the reality that most homicides of women and their children occur when the person is attempting to leave or have left the relationship. Stalking behaviors also significantly increase at the point of a break-up. Breaking off a relationship needs to be a thoughtful process that includes a comprehensive safety plan.

- **Concerns for Victims' Privacy**

Due to the nature of the intimate relationship between a victim and an offender in domestic violence cases, publicizing an offender's name to the public can quickly and easily identify the victim as well. Survivors and their children deserve privacy and should be able to remain anonymous while offenders are held accountable. It has also been well-documented that a concern over privacy can deter victims



Potential Unintended Consequences of Domestic Violence Offender Registries

from seeking assistance. Not only are victims concerned about their personal privacy, they also face potential consequences from being identified as a victim, including negative social stigmas and the loss of jobs or housing options.

- **Public Shame Can Deter Victims from Calling 911**

The existence of a registry that can act as a public wall of shame can both deter victims from seeking help and raise serious concerns for the safety of those who do. Reporting domestic violence and trying to escape is often the most dangerous time for a victim. Some abusers may retaliate against the victim if their names are included in a public registry. Additionally, many survivors feel concern for their partner and their future. They want the abuse to stop, but they may not want a public disclosure or public shaming to occur. This concern may lead some survivors to not seek assistance at all.

- **Imperfect System = Imperfect Data**

Unfortunately, victims of domestic violence are sometimes arrested after reaching out for help. This may be due to the victim defending themselves or because of challenges in identifying the primary aggressor. In a study conducted by the National Domestic Violence Hotline, 1 in 4 survivors reported being arrested or threatened with arrest after making a report to police. Having victims in the registry will unfairly impact them and challenge the fundamental goal of the registry as a tool for identifying people who may be a danger to others. Victims are statistically extremely unlikely to pose a threat to others.

- **Unnecessary Use of Funds**

In most communities, criminal records are already public and/or available for a fee. Landlords and employers often access these records when conducting a background check. In addition, criminal records are increasingly becoming more readily accessible online. Creating and maintaining a database solely for this purpose is an unnecessary use of limited funds that can be better used serving victims or on effective prevention measures.

- **Minimization of the Epidemic of Abuse**

Some supporters of registries suggest that the existence of a registry will help increase awareness of domestic violence. However, since the vast majority of abusers will never be listed in a registry, either because they never enter the criminal justice system or because the threshold for being included is too high, a registry will not only be an inaccurate reflection of the issue, but could also minimize the prevalence of the crime.

Domestic violence continues to be an epidemic that requires comprehensive and effective responses that will hold offenders accountable, protect victims, and create real prevention. A domestic violence offender registry has many potentially harmful consequences and, regardless of the intended goals, is not a tool for primary prevention. To truly prevent abuse, we need to change social norms that allow and even condone one partner choosing to abuse another partner through power and control.

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NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

Shifting The Focus From Domestic Violence Registries To Domestic Violence Prevention

The New York State Coalition Against Domestic Violence is a statewide membership organization of domestic violence programs that are on the ground, day in day out, answering hotlines, safety planning, providing emergency shelter, and advocating for survivors of domestic violence. Our policy positions are made in collaboration with an advisory committee of these local programs, legal service providers, and survivors. We also work closely with several national organizations including the National Network to End Domestic Violence, the Intimate Partner Violence Prevention Council, and other state domestic violence coalitions.

Our concerns about domestic violence offender registries are not unique, and they mirror those of our partners across the country. We have relayed these concerns to the New York State Legislature for several years and have made numerous attempts at productive dialogue regarding domestic violence prevention.

THE UNINTENDED CONSEQUENCES OF DOMESTIC VIOLENCE OFFENDER REGISTRIES

We are concerned that domestic violence offender registries create a false sense of security to those they are meant to protect. Relying on a registry to determine if a potential partner will be abusive is dangerous because of the inaccuracies inherent in such a tool – namely that a registry will significantly underrepresent the number of people who are abusive. Only a small percentage of domestic violence offenders ever have contact with the criminal justice system. Even fewer face arrest, and of those that are arrested, far fewer are actually convicted. There are countless examples of this – we read stories every week about domestic violence homicides where no previous history of domestic violence was documented by authorities. For example, of the 75 family related homicides in New York City in 2010, 77% of those perpetrators had no known prior police contact, and 96% of these cases had no current order of protectionⁱ.

An offender registry will also likely create a chilling effect on the reporting of crimes to authorities, and can lead to escalated danger of retaliatory violence. A 2015 study by the National Domestic Violence Hotline revealed that more than half of the survivors that reached out to the police said they would not call the police again because doing so only made things worse.ⁱⁱ Offenders already blame victims and retaliate when the police are called. This danger will be intensified when they blame the victim for exposing the abuse to the community, and the victim's likelihood to call the police will be further reduced.

Victims of domestic violence that reach out for help from law enforcement are arrested at an alarming rate. According to the National Domestic Violence Hotline study, 1 in 4 survivors reported being arrested or threatened with arrest after reporting an incident to the police. Because of this, a domestic violence offender registry will likely contain a disproportionate number of wrongly convicted victims that were arrested after calling for help.

Domestic violence registries not only expose the identity of perpetrators, they expose the identity of victims, by the very nature of the relationship (i.e. spouse or ex-spouse). Exposing the identity of victims is dangerous and can further isolate them when friends or family pressure them to leave, or blame them for entering into or staying in the relationship. Leaving an abuser can put a victim and their children at heightened risk, and is often more dangerous than staying. One study found that victims who leave abusers are at a 75 percent greater risk of being killed by the abuser than those who stayⁱⁱⁱ. Because of this great risk, leaving should be done thoughtfully, and with a well-constructed safety plan.

SHIFTING TO PRIMARY PREVENTION

Over the past three decades, NYSCADV has worked with multiple criminal justice agencies on local, statewide, and national levels to strengthen offender accountability in all aspects of the criminal justice system response to

domestic violence. These initiatives include policy, training, and resource development projects including training for police officers on the nature and dynamics of domestic violence, accurate completion of Domestic Incident Reports, appropriate charging decisions and thorough investigations, enforcement of violations of orders of protection, town and village magistrate training, evidence-based prosecution, and integrating offender accountability mechanisms in probation and parole supervision practices.

It is clear that providing supportive services to victims of domestic violence and holding offenders accountable are essential components of a community's response to domestic violence. However, the reliance on criminal justice strategies and support services for survivors alone has not reduced the rates of domestic violence in the United States. In order to stem the tide of domestic violence, we must shift to investing in evidence based primary prevention strategies that stop domestic violence before it starts.

A domestic violence registry is a reaction and response to abuse and violence. It cannot prevent domestic violence that has already occurred. Additionally, while there is no data that we are aware of regarding the effectiveness of domestic violence offender registries, the evidence regarding public sex offender registries shows that they actually increase the likelihood that a perpetrator will re-offend.^{iv, v}

In 2002, NYSCADV began working with the Centers for Disease Control and Prevention to participate in a national prevention project, called DELTA, which supports efforts to design, implement and evaluate strategies that stop intimate partner violence from occurring in the first place. NYSCADV was a participant from the project's inception in 2002 until 2013. Today, we continue the work of primary prevention across the State of New York and serve as a member of the Intimate Partner Violence Prevention Council, supported by the CDCP, and comprised of state domestic violence coalitions, funders, and national domestic violence organizations.

Primary prevention goes beyond raising awareness of domestic violence and works to promote the behaviors we want to see adopted in communities across our state. This is a relatively new concept for many working to end domestic violence, whose main focus has been responding to victim needs. However, it is clear that we must increasingly focus our efforts on stopping potential perpetrators before they commit their first act. This includes promoting social change through activities, programs, and policies that change the attitudes, behaviors and social norms that allow domestic violence to thrive.

For additional resources and primary prevention strategies, NYSCADV's Prevention Project Toolkit is available on our website: <http://www.nyscadv.org/nyscadv-prevention-project-tool-kit>. This toolkit contains exercises, activities, primers, information and resources designed to help individuals and groups think about what would prevent domestic violence from happening in their communities. Tools and resources are chosen carefully, based on lessons learned from the New York State DELTA Project and successes from local domestic violence programs throughout the state and around the nation. Tools and techniques promoted in the toolkit support groups and individuals to go through their own process of discovery and decision-making to determine the role they wish to play in changing their communities. Specific resources include: Engaging Men, Preventing Teen Dating Violence, Dismantling Oppression, and Community Organizing.

Now is precisely the time for the State of New York to affirm a collective commitment to ending domestic violence. We continue to urge the New York State Legislature and the Governor to invest in primary prevention so that we can end domestic violence once and for all.

*It is also worth noting that there are currently tools in place for accessing information on individuals who have been convicted of crimes and are (or have been) incarcerated in New York State prisons or county jails. These include the New York State Department of Corrections and Community Supervision website inmate lookup database and VINELink – an online portal that provides custody status and criminal case information for current and recently released offenders.

REFERENCES

ⁱ NYC Mayor's Office to Combat Domestic Violence. *Domestic Violence Annual Fact Sheet 2010*. Retrieved on March 31, 2016 from http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2010.pdf

ⁱⁱ National Domestic Violence Hotline, *Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses*. Washington, DC (2015). <http://www.thehotline.org/resources/law-enforcement-responses>. The sample likely under-represents a number of individuals (e.g., those with sexual assault experiences, disabilities and those from specific racial/ethnic groups). Further, these results do not represent all victims, or all victim interactions with police.

ⁱⁱⁱ Hart, B. "Assessing Whether Batterers Will Kill You", PCADV. 1990

^{iv} Prescott, JJ; Rockoff, J; (2011) *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* The Journal of Law & Economics, v54(1) p161-206

^v Agan, A; (2011) *Sex Offender Registries: Fear Without Function?* The Journal of Law & Economics. V54(1); p207-239