



OFFICE OF THE DISTRICT ATTORNEY
RICHMOND COUNTY

DANIEL M. DONOVAN, JR.
DISTRICT ATTORNEY

130 STUYVESANT PLACE
STATEN ISLAND, NEW YORK 10301
TELEPHONE (718) 876-6300

February 27, 2012

Staten Island District Attorney Daniel M. Donovan Jr.

Testimony to the City Council Committee on Women's Issues re: Res. No. 1064 - Resolution calling upon the United States Congress to reauthorize the Violence Against Women Act (VAWA).

Members of the City Council, thank you for considering a resolution calling upon the United States Congress to re-authorize the Violence Against Women Act (VAWA), and for allowing me the opportunity to testify as to its merits.

Every morning, I start my day at the office by examining every arrest that occurred on Staten Island in the previous 24 hours, making notes for my assistant district attorneys, then placing them into piles based on the type of crime – such as violent felonies, DWI's, drug cases, etc. One of the largest piles I make each and every day is for domestic violence crimes. Though I have been the Staten Island District Attorney for more than 8 years, and a prosecutor for more than 15 years, I am still appalled by the number of individuals who find it acceptable to physically assault their spouse or intimate partner. And I have seen far too many of these cases reach deadly conclusions – in the past decade, nearly one third of the homicides on Staten Island have been domestic violence related.

Obviously, my borough is not the only place affected – domestic violence is pervasive. On average, a domestic violence crime occurs every 15 seconds in the United States – which means, by the time I complete my testimony here, about 1,000 people will have suffered at the hands of a spouse or intimate partner.

That is why I have made combating domestic violence a priority in my office, and for the past three years, I have proposed legislation to help do that.

First and foremost, I believe we must recognize that domestic violence is unique when compared to other crimes. It is the one crime in which the perpetrator and the victim are intimate with each other, and either share a household, have a child in common or are in a marriage or domestic partnership. Currently, there is no crime of “domestic violence” in New York. Our state treats violence between spouses, ex-spouses, boyfriends, girlfriends or same-sex partners the same as a random barroom brawl, with no real way of tracking offenders. The Domestic Violence Act of 2012 would create for the first time the crime of domestic abuse in this state. I believe this legislation would provide a greater deterrence for domestic violence, help us more effectively prosecute domestic violence cases, more accurately measure this problem and it would finally give New York State the ability to report domestic violence misdemeanors to the FBI’s National Instant Criminal Background Check System (NICS).

However, despite the lack of a domestic violence law and some disturbing statistics, we as a society have made great strides in addressing this epidemic – in part, due to resources made available to us under the Violence Against Women Act. The landmark 1994 legislation has helped fund many programs to aid victims of domestic violence and given law enforcement the tools to prosecute these crimes and to help prevent future abuse.

Last year, my office received \$61,000 in VAWA grant money. About \$17,000 of that money constituted pass-through funds dedicated to Safe Horizon, and the remainder helped to pay the salaries of an Assistant District Attorney in our Sex Crimes/Special Victims Bureau, a Victim Advocate and a Domestic Violence Coordinator – which is a position I created in my office years ago when I realized how difficult it was for the victims of domestic violence on Staten Island to get the crucial city services they need.

My Domestic Violence Coordinator provides “one-stop shopping” for our victims, since most City programs are not available in our borough. This allows the victims to cope with their immediate concerns – their children, their health, etc. - rather than have to travel to Manhattan to fill out paperwork at one City agency, or to Brooklyn for another agency.

I have hired several Victim Advocates in my office as part of a concerted effort to diversify my staff in order to meet the needs of a rapidly growing immigrant population on Staten Island. I now have a staff that speaks 16 languages, including Spanish, Korean, Russian, Mandarin, Cantonese, Urdu and Polish.

Making inroads and establishing trust with these various communities is crucial to our efforts to combat domestic violence and sexual assault. Many of the immigrants – perhaps due to their citizenship status, or to the government corruption they have experienced in their native countries – distrust law enforcement, or are from cultures where violence against women is still acceptable or considered a “private, family matter.”

Our partners at Safe Horizon provide free support services to help counter the damaging effects of domestic abuse, including family counseling, mental health therapy and case management.

Safe Horizon's victim services, combined with the services offered in my office, have a multiplier effect in our efforts to combat domestic violence: They help put victims' minds at ease, and give them the strength and the courage they need to aid us in prosecuting their assailants; the willing cooperation of the victim, in turn, leads to more successful prosecutions, and to holding domestic abusers accountable; and that also serves to prevent future domestic violence crimes and strengthen our relationship with the community.

Besides the grant money, one of the great measures brought by the VAWA is the imposition of mandatory restitution to victims of domestic violence. Many of our victims are financially dependent on their abusers, so they are victimized once again when those abusers are incarcerated or removed from their lives through court orders. Domestic violence victims both deserve and need financial redress to move on with their lives.

I could list many other reasons why VAWA needs to be re-authorized, but I will end my testimony with a quote from an organization with whom prosecutors don't always see eye to eye – the American Civil Liberties Union: “The VAWA is one of the most effective pieces of legislation enacted to end domestic violence, dating violence, sexual assault, and stalking. It has dramatically improved the law enforcement response to violence against women and has provided critical services necessary to support women in their struggle to overcome abusive situations.”

Thank you again for your time and I will be happy to answer any questions.



OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY
RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-2908
(718) 250-3300

CHARLES J. HYNES
District Attorney

NYC COUNCIL COMMITTEE ON WOMEN'S ISSUES:
Resolution calling upon the United States Congress to reauthorize the
Violence Against Women Act (VAWA)

February 27, 2012
1:00 P.M.

Representing Kings County District Attorney Charles J. Hynes:
Wanda Lucibello, Chief, Special Victims Division
(718) 250-3312
Lucibell@BrooklynDA.org

Good Afternoon and thank you for inviting me to address you here today and for your willingness and commitment to focus on the vital topic of the reauthorization of the Violence Against Women Act and the critical funding that it provides.

I am here today to tell you what I strongly suspect you already know; that the VAWA has given prosecutors an expanded toolbox to use within the criminal justice system. It has allowed us to forge deep relationships with community organizations around Brooklyn. In turn, these essential relationships have allowed us to utilize a more global approach to the life circumstances of a victim of domestic violence. Filing charges, obtaining court Orders of Protection, and preparing cases for trial is unquestionably the critical work of prosecutors and advocates. Without strong allies in government and in the community, such prosecutorial activities risk operating in a vacuum. The VAWA has fostered the development of an extensive multi-disciplinary support system through an array of individuals and organizations which has served to dramatically

reduce the frightening isolation that DV victims invariably experience. The filing of criminal justice charges can be the gateway for initiating a parallel track for providing essential options and support for victims. Then and only then, can a successful outcome be achieved. Without VAWA funding, this revolutionary but simple approach, would be difficult if not impossible to attain. That is because the Act, under the Grants to Encourage Arrest, foster the notion of a coordinated community response by making funds available only when there is a demonstrated community and government partnership.

Here are some examples of our Brooklyn programs which would be non-existent or severely diminished in capacity without VAWA funding. Moreover, these are programs which have been replicated or are certainly replicable in other jurisdictions. The VAWA funding creates incubators for change that can then be studied and replicated near and far.

OUTLINE OF TESTIMONY

1. Some Statistics:

- With over 2.5 million people, Brooklyn has the largest population of the five New York City boroughs**
- About one-third of the city's women reside in Brooklyn**
- Brooklyn prosecutes the highest number of domestic violence cases in New York City – about 10,000 cases per year**
- The vast majority of the cases are misdemeanor domestic violence prosecutions**

- **Since the passage of New York State’s strangulation bill on November 11, 2010, Brooklyn has filed the highest number of strangulation cases in NYS, accounting for about 25% of all of the state’s filings under the new law.**

2. Family Justice Center – GTEA [Grants to Encourage Arrest]

- **The New York City Family Justice Center in Brooklyn (BKFJC) opened in July 2005 in Brooklyn, as part of the President’s Family Justice Center Initiative through funding by the Department of Justice, Office on Violence Against Women. The Kings County District Attorney’s Office (KCDA) is the co-lead partner agency along with the Mayor’s Office to Combat Domestic Violence (MOCDV). The Center, thanks to Mayor Bloomberg, is named in honor of DA Hynes’ mother, Regina Drew, herself a victim of domestic violence.**
- **BKFJC reduces barriers faced by victims of domestic violence by enabling victims to meet with a prosecutor, community advocate, and/or civil attorney, and participate in self-sufficiency programs - all in one location and in their language, while their children play safely in the next room. This co-location of services increases the coordination among service providers and improves systems; co-location and collaboration increases the safety of victims and their children. There are currently 23 non-profit and City agencies that are**

co-located at the BKFJC. Since opening, the Brooklyn FJC has served over 44,000 survivors, with 100,164 total client visits, and 8,805 total visits by children to the Children's Room -Margaret's place - as of February 21, 2012.

- **Along with our immigration attorneys at the FJC, we have filed over 500 U-Visa certifications for battered immigrants who qualify for these special visas.**

3. The EVE (Early Victim Engagement) Project - GTEA

- **This highly collaborative, multi-disciplinary project started in 2007 and unites staff from MOCDV, KCDA, Safe Horizon, Good Shepherd Services Safe Home Project, and NYPD with the purpose of contacting victims of domestic violence shortly after their current/former partner has been arrested. EVE staff provides victims with supportive listening, accurate criminal legal information, immediate access to their order of protection (OOP), responsive safety planning and linkage to holistic services offered at BKFJC.**
- **With our Early Victim Engagement (EVE) Project, domestic violence and elder abuse victims are notified of their criminal court order of protection immediately following arraignment. Since the victim is not usually present in court at the arraignment, this "real-time" information is important; especially since arraignments occur 365 days/year and almost 24/7. EVE staff contacts victims by phone and provides them accurate criminal justice information including bail status, notifies them of their OOP, provides**

information about its enforcement (OOP's type, conditions, and expiration date), discusses safety planning and provides them with information about services at the Brooklyn Family Justice Center.

- **Since the Project's inception in 2007, the EVE staff has successfully contacted over 17,600 domestic violence victims. This intensive work results in the Project contacting approximately 89% of all victims following the arraignment of their current/former partner.**

4. Central Brooklyn Domestic Violence Program (CBDVP) - GTEA

- **First founded in 1998 by the grant from the Office on Violence Against Women, Central Brooklyn Domestic Violence Program has continuously focused on the prosecution of domestic violence cases and the provision of services to immigrant women victimized by domestic violence. The program was developed in recognition of the fact that immigrant women face an elevated risk of domestic violence and are at high risk of domestic violence fatalities.**
- **Central Brooklyn Domestic Violence Program has expanded to encompass all precinct areas in Brooklyn over the span of thirteen years of its existence. The community grant partners currently are: the New York Asian Women's Center, Center for Family Life, Dwa Fanm, Edith & Carl Marks Jewish Community House of Bensonhurst, and Trinity Healing Center.**
- **Since 1998 the Central Brooklyn Domestic Violence Program has worked with 18,500 victims of domestic violence providing comprehensive services in: Spanish, Creole, French, Russian, Chinese (Cantonese), Urdu, Hindu, Punjabi, Gha and Polish languages. In**

addition to providing services to victims of domestic violence, program staff conducts extensive community outreach and education. To date the program has conducted 1150 trainings and presentations to a total of 27,000 individuals.

5. Barrier Free Justice – STOP (Services, Training, Officers and Prosecutors) Grant

- Barrier Free Justice was launched in January 2000 and is the first project within a criminal justice agency to address the issue of violence against women with disabilities. It is a collaboration of the Kings County District Attorney's Office, Barrier Free Living (a social service agency specializing in serving women with disabilities) and South Brooklyn Legal Services.**
- The collaboration among the three partner agencies streamlines what can be an otherwise intimidating and fragmented process (i.e., negotiating the criminal justice system), during a highly stressful time. South Brooklyn Legal Services can assist women in obtaining Family Court Orders of Protection. Barrier Free Living provides extensive social services, including counseling, support groups, case management, advocacy, Deafness services and more. The District Attorney's social work and legal team provides early intervention, crisis counseling, safety planning, provision of expert witnesses when needed, and legal advocacy and guidance throughout the case.**
- As a result of the Barrier Free Justice Program, some 2273 people have received services since the January 2000 launch. Domestic violence cases account for**

approximately 85 percent of the cases; 15 percent are sexual assault cases. A survey of cases pending prior to the inception of Barrier Free Justice turned up only 52 disability-related cases among 2600 misdemeanors. This number represents only 2 percent of the total and of those at least half were age-related disabilities. Barrier Free Justice has allowed the office to more effectively and accurately identify disability-related cases, to better serve victims with disabilities and to more effectively prosecute crimes of interpersonal violence perpetrated against people with disabilities

6. Project Shield – STOP Grant

- **Project Shield aims to improve the prosecution of sex crimes involving persons with Intellectual Disabilities and Developmental Disabilities (ID/DD) through bringing awareness and training in practical skills to criminal justice professionals, social service and medical providers, community members, and to persons with developmental disabilities. Project Shield is a collaborative effort with YAI (Young Adult Institute) and we additionally provide consultations on best practices and consent determinations when assessing persons with ID/DD who have been sexually assaulted.**

7. Project SAVE (STOP Violence Against Women formula grant)

- **Project SAVE (Sexual Assault Victim Education) is a counseling and legal advocacy program designed to assist adult women who are victims of sexual assault through the criminal justice system. Rape victims are offered crisis intervention services at the time of initial**

report by an advocate from Project S.A.V.E. The advocate assists the victim throughout the duration of the case and provides support for additional police interviews, interviews with the prosecutors and court testimony. The advocated also provides advocacy, safety planning, updates and information about the status of the criminal case, and referrals to social service agencies.

- **Project SAVE has provided a comprehensive range of services to over 2,000 sexual assault victims over the last five years. During the first half of 2011, the project has received 169 new prosecutors' referrals, provided 263 counseling sessions, 418 units of advocacy with prosecutors, NYPD, and outside agencies on behalf of victims, referred 85 victims for on-going services and accompanied 97 sexual assault victims to court proceedings. In 2010, Project SAVE staff provided four trainings to professionals and volunteers.**

8. Primary Impacts:

- **The GTEA funded initiatives have brought the community together in a cohesive/consistent manner. The Family Justice Center in Brooklyn (BKFJC) is the highest level of learning/laboratory for identifying workable solutions and strategies for approaching cases from a community perspective. Many of the providers are experts in their field (ex: immigration, criminal justice, etc.). It has been a catalyst for identifying areas where there are gaps in services and/or communication in government or at the community level.**
- **CBDVP collaborations have broken down barriers and isolation between communities. The CBDVP has**

brought about an increase in numbers of arrests and prosecutions, which in turn means that more victims are learning about safety planning and options. Having created many opportunities for those victims who are not interested in participating in the criminal legal system, victims now come for services and explore the multiple options available at the Family Justice Center. Victims may later decide to utilize the criminal legal system or not. The goals are to maximize safety and opportunities for victims coupled with homicide prevention. The CBDVP would welcome research on their process and outcomes, believing that knowledge gleaned from such an investigation would enhance policy and practice.

- 9. In summary: We have made great strides in recognizing the crimes of domestic violence and addressing their impact on families. We must continue to find ways to provide victims with as many choices and options to safely leave battering relationships. 3 of 5 counties now have a Family Justice Center. When victims are able to walk in and choose from a variety of options including counseling, advocacy, meeting with a prosecutor, police officer, career services, housing and immigration assistance, as well as civil legal assistance – they will be able to get out of dangerous relationships at a much earlier point in time. The simple hypothesis is this: if you don't know what choices are available to leave a dangerous situation, you will stay longer. The longer you stay, the greater the danger. The longer the children witness the violence, the greater the chance that their full potential in society will either not be reached, or curtailed**

altogether in the form of their own dangerous behaviors. Every one of these programs would be in jeopardy without The Violence Against Women Act and the funding it makes available to jurisdictions here in NYC, in the state and the country.

PLANNED PARENTHOOD OF NEW YORK CITY

EXECUTIVE OFFICE

MARGARET SANGER SQUARE | 26 BLEECKER STREET | NEW YORK | NEW YORK 10012-2413
WWW.PPNYC.ORG | P: 212.274.7200 | F: 212.274.7276

February 27, 2012

NYC Women's Issues Committee Hearing on Reso. 1064
250 Broadway, 14th Floor Committee Room
Lower Manhattan

FOR THE RECORD

On behalf of Planned Parenthood of New York City (PPNYC) and the thousands of women we serve annually, including those who experience intimate partner violence (IPV), I thank you for calling on our Congressional leadership to reauthorize the Violence Against Women Act (VAWA). Perpetuators of violence against women commit these heinous acts on a daily basis, including domestic violence and sexual assault and stalking. This violence has an enormous emotional, physical and economic impact upon individuals, families and communities. We applaud your call on Congress to reauthorize this legislation.

Planned Parenthood of New York City also recognizes the significant intersection between Intimate Partner Violence (IPV)/Domestic Violence and reproductive health. Because of that, we are especially grateful for your initiative.

According to the Mayor's Office to Combat Domestic Violence, the New York City Police Department responded to 249,440 domestic violence incidents in 2010. This figure demonstrates an average of over 680 incidents per day in New York City alone. A 2007 study conducted by the NYC Alliance Against Sexual Assault reported that sexual violence is prevalent among youth in New York City and found that more than 1 in 6 students surveyed by the Alliance reported experiencing sexual violence at some point in their lives. Unlike most crimes in New York City, rapes and sexual assaults have risen in the last year according to 2011 NYPD data.

Prior to the Congressional enactment in 1994, no federal law recognized domestic violence as a crime. What makes this legislation so important in our country, our state, and our city is that it not only marks domestic violence (DV) as a federal crime, but also addresses causes and prevention, including education and training programs, the establishment of a national hotline, funding for research, and grants to local law enforcement agencies to better enforce DV laws. As your work on this resolution shows, the goal of our city should not only be to treat, but to help prevent IPV. To that end, PPNYC like many organizations across the country, has implemented youth-friendly services for teen dating violence prevention and health care, and expanded education and outreach services to immigrant communities with specialized expertise in language and cultural barriers.

IPV takes place daily among every race, ethnicity and faith, in every zip code. Women and men of all sexual orientations, races, ages, as well as marital and socioeconomic status can face intimate partner violence. Women's sexual and reproductive health is also compromised by abuse. For example, partner control and manipulation of condom

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use both illustrates the correlation between IPV and sexual and reproductive health, as well as presents challenges for new interventions to reduce STI and HIV infections.

Pregnant women are particularly vulnerable to relationship violence and the effects can be grave. Abused women seeking care at a prenatal clinic were found to be over two times more likely to have had a sexually transmitted infection than pregnant women who had not experienced abuse.

Though many women involved in abusive relationships utilize much needed medical services at high rates, those experiencing Intimate Partner Violence are rarely asked about abuse in a way that lends itself to reporting. In our health centers, staff find that asking only a few more screening questions, using language about specific behaviors and allowing for more response options helps to destigmatize the reporting of intimate partner violence. We also recognize that screening for IPV is only as helpful as the response that follows. Rather than simply referring patients, staff strives to facilitate access for survivors between well-trained health care and social service providers knowledgeable about partner violence. Here at Planned Parenthood of New York City, a verbal and written screen is conducted as part of a patient's general medical history, and if deemed necessary, patients are referred to an on-site social worker for further assessment and planning, as well as additional referrals to local IPV organizations and hotline numbers.

As your resolution acknowledges, relationship abuse is an extremely serious, widespread problem that must be addressed. Intimate partner violence is a symptom of alarming social implications which reinforce the belief that women lack the autonomy to make personal decisions, from education and employment, to healthy relationships and reproductive health. As you have shown with your resolution today, we must work to ensure that IPV has no place in society. In the past seventeen years, VAWA has aided thousands of women and families and has likely prevented untold numbers from entering into or remaining in abusive relationships. This work must continue. We salute you for taking a stand, and once again being a champion of women's health care.

Respectfully submitted,

Joan Malin

President and CEO

New York City Council Womens' Issues Committee
Hearing on Resolution 1064, Supporting Reauthorization of VAWA
February 27, 2012
Testimony of Legal Services for New York City

Good afternoon. My name is Nanette Schorr, and next to me is Brian Dworkin. I am the family law unit supervisor with Legal Services of New York City, and work in our Bronx office. Brian holds the same position in our Queens office. We thank you for the opportunity to testify here today.

We want to express our appreciation to the City Council for its continued support for the work of combating domestic violence, and supporting people affected by it and for this resolution to support the reauthorization of VAWA. One of the ways the City Council has helped survivors of domestic violence is through funding for the DoVE program. **VAWA funding also supports much of this important work.** This funding has played, and continues to play, a very important role in maintaining the continuity of our work. **Without it, many survivors of domestic violence would not be able to get the help they desperately need.**

Legal Services for New York City is the largest organization devoted to providing free civil legal services in the United States, with neighborhood offices in every borough of New York City. Every year our offices throughout the city provide approximately 1,500 low-income domestic violence survivors with free comprehensive services to solve their legal problems and get back on their feet. The need for services remains critical--in 2011 police responded to over 700 domestic incidents per day and the City's Domestic Violence Hotline answered 114,760 calls. We represent survivors, many of whom are immigrants, in their custody, visitation, support, orders of protection, matrimonial and immigration matters. Because our domestic violence work is embedded in a program that serves a broad range of legal needs, survivors have access to a panoply of options that can help secure their well-being for the future. We provide high quality legal help in cases involving housing, foreclosure, family issues, public benefits, income tax, employment, education, consumer rights and economic development. We help thousands of survivors obtain benefits they are entitled to and preserve families and homes.

Using VAWA funding, our Brooklyn, Queens and Bronx programs have been able to provide staffing to each of those County's Family Justice Centers, and see many clients at the Centers for advice and counsel, as well as legal representation. Though there is as yet no Family Justice Center in either Staten Island or Manhattan, our offices in each of those programs participate in community collaboratives that serve similar goals as the Family Justice Centers -- integrating the work of a broad range of providers, and providing a coordinated response to domestic violence. Each of our offices also partners with community organizations, social services providers and domestic violence advocacy organizations to conduct community education and outreach, which helps to reach many more survivors, reduce the incidence of domestic violence through early intervention, and enhance the access of survivors to free legal services. Through these partnerships, our clients also have access to needed non-legal support, such as counseling and case

management. **Research has demonstrated that the only service that reduces domestic abuse in the long term is legal assistance.** Funding invested in domestic violence services also saves other future costs.

VAWA reauthorization, however, is not just about funding. There are important substantive provisions in the VAWA reauthorization bill that would impact the lives of survivors here in New York City. VAWA reauthorization provides funding for programs supporting victims who have had difficulty accessing traditional services because of their sexual orientation or gender identity. VAWA's housing protections, which help survivors obtain housing stability, would be extended to additional supported housing programs and to victims of sexual assault, and would address the circumstances of those who need to move quickly when threatened. VAWA programs also help immigrant survivors by providing a pathway to legal immigration status for those whose abusive spouses fail to cooperate in completing immigration applications, those who cooperate in the investigation of crimes and for victims of human trafficking.

To illustrate the importance of the work Legal Services NYC to the lives of New Yorkers, we wanted to share with you some examples of our recent successful legal advocacy.

Queens office

Client Z, an Iranian woman, was subject to an arranged marriage to a man 20 years her senior. During the courtship, A was physically and sexually abusive to Z but she did not oppose the arrangements made by the families and they were quickly married in a telephone ceremony. A had petitioned for Z to travel to the US on a fiancée visa and A ordered her to represent that they were not yet married at the time of the visa interview. She complied with his directive and did not advise the immigration officer of the marriage. After arriving in the US, A locked Z in a bedroom with no access to food, water or a toilet. He raped her and assaulted her on numerous occasions. Z fled the home and contacted the project. Queens Legal Services filed a VAWA Self-petition, Adjustment of Status petition and Application for Employment Authorization, which were approved. After an adjustment interview in March 2011, the immigration officer first determined that Z was inadmissible because she previously lied to the immigration officer. The staff attorney submitted an Application for Waiver of Inadmissibility with a supporting brief on her behalf. In May, 2011, the petition was granted, her status was adjusted and Z obtained legal permanent resident status.

Manhattan office

A month after she gave birth to her son in 2008, Ms. Jones' abusive husband viciously beat her and threw her out of their Manhattan apartment. By the time she managed to return home, her husband had left the state with their baby, taking with him her green card and all other evidence of her legal immigration from Jamaica. Fortunately for Ms. Jones, Manhattan Legal Services was able to help her regain custody of her son, get child support, and obtain a five-year order of protection against her husband after a lengthy

trial. Now, Ms. Jones has been able to get a replacement green card and is working part-time while finishing an associate's degree, aiming for her bachelor's degree with her eyes on the ultimate prize of law school.

Brooklyn office

Client TA was in a long term marriage with 3 children. Her husband had been emotionally and physically abusive for many years. TA separated from her husband and filed for divorce after their youngest child threatened suicide and indicated one reason was she could not stand her father's abuse anymore. TA never graduated high school, is illiterate and worked outside the home only for occasional odd jobs. TA's husband is self-employed and adamantly refused to agree to any amount of spousal support. Despite his steady income he also would not consent to pay support according to the statutory formula. Although TA was granted temporary custody of the children by agreement, each time TA requested an increase in temporary support, her husband threatened to demand custody of the children, which would effectively mean starting the case over. Despite overwhelming evidence, the husband still demanded a hearing on temporary support (which required several hours of trial preparation) and tried to use the delay to pressure the client into withdrawing her request and attempt to manipulate the children into naming him as their preferred custodial parent. It was only after the hearing commenced and neared completion that the matter finally resolved when, presumably, the husband realized that the outcome was inevitable and no longer worth the expense of litigation and attorneys fees. Without a skilled attorney of her own, TA would not likely have been able to withstand her husband's manipulation of the court system to force her into conceding to his unreasonable demands.

Bronx office

Ms. R is a young single mother of two children struggling to maintain a safe home for her family. Ms. R. was referred to us by one of our housing attorneys, who was representing Ms. R. in Bronx Housing Court to prevent eviction and obtain repairs in her apartment. The father of her one and a half year old was extremely abusive. He had strangled Ms. R in front of the children and had threatened to kill Ms. R. and the children. Ms. R and the father of her child had an order of joint custody from Bronx Family Court, which had been encouraged by a Judge who was not sensitive to the history of domestic violence against Ms. R. In the past, Ms. R had not been represented by an attorney and had already been involved in four cases in Bronx Family Court in an attempt to modify the original order of joint custody. We represented Ms. R and were able to obtain an order of sole physical and legal custody so she could live safely with her children.

Staten Island Office

Ms. J.'s husband physically abused her from the inception of their marriage in Mexico. He then moved them to the United States where they had three children and the abuse continued, often in front of or involving the kids. Ms. J fled the relationship and found our Staten Island office with the assistance of one of their VAWA partners, a community

based organization. Our borough office assisted Ms. J to get a five year order of protection for her and her children, they also engaged in a two year battle for custody, ultimately getting Ms. J. sole legal and physical custody and limiting the abusive father to supervised visitation. They are now helping her obtain legal status, through a U visa, so she can independently support herself and her family.

VAWA has played a crucial role in responding to domestic violence here in New York City. It allows us to help many domestic violence survivors who would otherwise have no place to turn and it provides a range of additional, vital protections. We at Legal Services for New York City support the Council's bill supporting the reauthorization of VAWA.

**Testimony of
Safe Horizon, Inc.**

**The Importance of the Renewal of the Violence Against
Women Act (VAWA)**

**Women's Issues Committee Hearing on Reso. 1064
Chair Julissa Ferreras**

**Immigration Committee
Hon. Daniel Dromm, Chair**

New York City Council

February 27, 2012

Introduction

Thank you, Chairwoman Ferreras, Chairman Dromm, and members of the Committees, for the opportunity to testify before you today on the importance of VAWA reauthorization for immigrant women in New York City. My name is Bitta Mostofi, and I am a staff attorney for Safe Horizon's Immigration Law Project. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime and abuse, their families and communities. Safe Horizon creates hope and opportunities for hundreds of thousands of New Yorkers each year whose lives are touched by violence.

We are grateful the City Council is taking a look at this important issue, and asking community-based organizations like Safe Horizon to comment on our experiences. I would like to share with you the nature of our work, the population we serve and the importance of VAWA reauthorization to the lives of our many clients.

Background

Safe Horizon has a great deal of experience providing services to immigrant victims of crime. Since 1987, our **Immigration Law Project (ILP)** has provided free and low-cost services to victims of crime, torture and abuse in immigration proceedings. With help from the New York City Council, the Department of Youth and Community Development and the Department of Justice, ILP offers direct legal assistance to over 1,000 clients each year in many areas of immigration law, including VAWA I-360 self-petitions, U and T visas, work authorization, naturalization and in deportation and removal proceedings. Last year alone we provided consultations, referrals, hotline assistance and direct representation to over 3,000 individuals.

ILP specializes in assisting victims of crime and is unique in our community for serving domestic violence victims as well as other victims of crime, abuse and torture. Some of these clients either called us or walked into our office who self-identify as immigrants with domestic violence issues, something that takes enormous courage to do. Additionally, the model of our agency is such that we strive to provide a more holistic and immediate response to our client's needs through inter-agency referrals to our shelters, caseworkers, counselors, and in office providers of legal services. In the past this has allowed us to attend to and complete cases in a more timely and efficient manner.

Sadly, the needs of our clients persist. As the stated in Resolution 1064, violence against women is a pressing issue in our communities. Organizations like ours rely on the funding AND tools provided under VAWA to continue the important work of combating violence. There is no better way to impress upon you the importance of this law then to share with you the stories of some of our clients.

Case Story

Our client Natasha has three U.S. citizen children. She was abused by her husband for many years, had filed numerous police reports but never wanted him arrested because he threatened her with deportation. Natasha came to us when she was already in deportation proceedings. When our office looked at her file we saw that a former attorney had filed a VAWA self-petition but failed to submit the necessary evidence to substantiate a VAWA case. The United States Citizenship and Immigration Services' sent two requests for evidence which went unanswered and the VAWA was denied. The Immigration Judge expressed her doubt that we could do anything for the client because the VAWA had been previously denied. Our office filed a new, proper VAWA petition. The client's case is now being approved, she is getting her

worth authorization and the Judge terminated her deportation case this week, during which the client cried.

Yaneth, a 14 year old client of ours, was sexually assaulted at school by a teacher, along with her other classmates. This case was particularly traumatic for her and mom because Yaneth was previously a victim of rape when she was 8. After assisting the District Attorney in the prosecution of the case against the teacher, we successfully filed a U visa petition for both Yaneth and her mother. The cases were approved.

Because of the VAWA self-petition and the U Visa, both of these clients are now fully participating members of our society.

Recommendations

We are encouraged to see our City Council recognize the importance of VAWA reauthorization. We ask that in your calls for VAWA renewal you also consider the recommendations suggested by advocates like us to make our communities safer and to protect victims. These recommendations include:

- Adding dating violence and stalking to the list of crimes covered by the U visa. For example, we had a recent case where our client's sister-in-law threatened to kill her. The client received an order of protection for two years after the sister-in-law showed up at her home and place of work. Because stalking is not considered a qualifying criminal activity the District Attorney would not agree to certify this case. The perpetrator has threatened to find the client when the order of protection expires.
- Allowing any law enforcement supervisor, not only the head of the agency, to sign U visa law enforcement certifications;
- Allowing victims who have sufficient evidence of cooperating in an investigation or

prosecution of a crime to submit an application for U visa when law enforcement certification is not available;

- Clarifying that if the principal U visa applicant files a petition while the derivative child is under 21 years of age, the child will be treated as under 21 for the purposes of adjudication as a derivative;
- Allowing VAWA self-petitioners and U visa applicants to be granted work authorization 180 days after filing the application for VAWA or U visa relief or upon approval of the application, whichever occurs first. Currently, VAWA self-petitions are pending for ten month and U visas are pending at least nine months.

The U visa and VAWA self-petitioning have been essential tools for holding abusers accountable in your district. The funding received from VAWA and the protections it safeguard our essential to the safety of our city's residents. We are confident that our City Council will pass resolution 1064 and call on Congress to renew the Violence Against Women Act.

Thank you again for allowing us to testify here today, and I'd be happy to answer any questions you may have.



New York City Anti-Violence Project
240 West 35th Street, Suite 200
New York, New York 10001
212.714.1184 voice | 212.714.2627 fax
212.714.1141 24-hour hotline

Testimony of Chai Jindasurat

New York City Gay and Lesbian Anti-Violence Project to the

Before the New York City Council

Committee on Women's Issues

Regarding Resolution 1064 Calling Upon the United States Congress to reauthorize the Violence Against Women Act (VAWA)

February 27, 2012

Good afternoon. My name is Chai Jindasurat and I am the Coordinator of the National Coalition of Anti-Violence Programs (NCAVP) at the New York City Gay and Lesbian Anti-Violence Project (AVP). I am here to testify about Resolution 1064 and before I begin I would like to relay the regrets of AVP's Executive Director, Sharon Stapel, who has been out of the country and was unavailable to testify today.

AVP empowers lesbian, gay, bisexual, transgender, queer, and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy. We envision a world in which all lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected people are safe, respected, and live free from violence. AVP coordinates NCAVP, a national coalition of local member programs and affiliate organizations that works to prevent, respond to, and end all forms of violence against and within lesbian, gay, bisexual, transgender, queer and HIV-affected (LGBTQH) communities.

AVP's Executive Director and NCAVP members have worked extensively on the Violence Against Women Act and specifically to make the re-authorization of VAWA LGBTQ-inclusive to protect all survivors of violence. Recognizing this need, Senators Leahy (D-Vermont) and Crapo (R-Idaho), introduced S. 1925, a bill to re-authorize VAWA that explicitly includes LGBTQ survivors and victims in VAWA protections. The New York City Gay and Lesbian Anti-Violence Project urges the New York City Council to pass a resolution that supports the LGBTQ-inclusive S. 1925 and acknowledges the specific need to have a federal VAWA that is inclusive of the specific needs of LGBTQ victims and survivors of domestic violence, dating violence, sexual assault and stalking.

I. LGBTQ survivors of domestic violence, dating violence, sexual assault and stalking must be explicitly included in VAWA re-authorization.

AVP's program, NCAVP, has been advocating with other national stakeholders for the past two years to ensure that the reauthorization of VAWA has explicit protections for LGBTQ survivors.

NCAVP was the first national LGBTQ organization to gain a seat with the National Task Force to End Domestic and Sexual Violence Against Women (NTF), and has been the leading voice of NTF's LGBTQ subcommittee.

LGBTQ survivors of domestic violence, dating violence, sexual assault and stalking must be included in VAWA in the following three provisions of the legislation: first, as explicitly included as "underserved populations" in VAWA's definitions; second, as explicitly included in non-discrimination provisions for VAWA-funded service providers; and third, included as a specific purpose area under VAWA STOP formula funding. Including LGBTQ victims and survivors in these specific protections is critical due to the prevalence of this violence and the lack of services available to LGBTQ survivors.

Domestic violence, dating violence, sexual assault and stalking, the "four crimes" addressed by VAWA, are serious public health problems that threatens the well-being of thousands of individuals and families across the United States every year. Generally, when we think about domestic violence we think about heterosexual relationships in which men are violent toward women. Less universally recognized is the occurrence of domestic violence in LGBTQ relationships. Research indicates that LGBTQ and non-LGBTQ individuals experience domestic violence at comparable rates, in 25-33% of all relationshipsⁱ, and domestic violence, dating violence, sexual assault and stalking against LGBTQ people is severe and pervasive. LGBTQ women make up the majority of domestic violence-related murders in the LGBTQ communityⁱⁱ and account for nearly half of all reports of LGBTQ domestic violence.ⁱⁱⁱ Since 1994, VAWA has provided billions of dollars of funding for life-saving services for domestic violence, dating violence, sexual violence, and stalking victims across the country. However, these services are not universally accessible for LGBTQ survivors.

II. LGBTQ Survivors are Under-Served in the United States

NCAVP's membership works directly with LGBTQ survivors on a daily basis across the nation. NCAVP also compiles and documents this violence in an annually published report about intimate partner violence in LGBTQ communities in the United States.^{iv} In 2010, NCAVP's national report found that 45% of LGBTQ survivors were turned away from domestic violence shelter and only 7 percent of all LGBTQ survivors called the police after an incident of domestic violence.^v Additionally, nearly 55 percent of LGBTQ survivors seeking an order of protection in the United States were denied.^{vi} In another 2010 study, 96% of victim services and law enforcement agencies in the United States said that they did not have specific services for LGBTQ victims.^{vii}

LGBTQ people must be protected by non-discrimination provisions that prohibit service providers from discriminating against survivors and victims based on sexual orientation or gender identity. S. 1925 does this in the definition section of the legislation,^{viii} and we at AVP believe that this is the most effective way to include LGBTQ people as underserved populations.

III. LGBTQ Survivors Face Bias and Discrimination When Seeking Support Throughout the United States

A 2011 survey of NCAVP coalition members and affiliates found that nearly 85% of survey participants responded that they had worked with an LGBTQ client/survivor of domestic and intimate partner violence, dating violence, sexual assault or stalking who reported that they were turned away or denied services (such as shelter, crisis intervention, police or legal response) because of their sexual orientation and/or gender identity. Of those advocates who had worked

with survivors/clients who had been denied services because of their sexual orientation or gender identity:

- **100%** has worked with someone who had been denied shelter
- **91%** has worked with someone who had been denied direct services from a mainstream organization
- **64%** has worked with someone who had been denied services from law enforcement
- **54%** has worked with someone who had been denied services in the form of court response
- **9%** has worked with someone who had been denied services from crime victim compensation.

LGBTQ survivors – and all survivors - must be free from bias and discrimination when seeking support to end domestic violence, dating violence, sexual assault or stalking. S. 1925 does this by including sexual orientation and gender identity in non-discrimination protections in the definition section of the legislation^{ix} and AVP and NCAVP believe this is the most effective way to protect LGBTQ survivors and victims from this bias.

IV. LGBTQ Survivors Have Few LGBTQ-Specific Resources in the United States

Only approximately 1.5% of the 2,500 victim services organizations in the United States are LGBTQ specific^x. This means that most LGBTQ victims and survivors must seek services at mainstream organizations that may not have the cultural competency to address issues related to sexual orientation and gender identity. STOP funding, which provides funds for each state to address domestic violence, dating violence, sexual assault and stalking, should be explicitly LGBTQ-inclusive so that each state can develop LGBTQ-specific resources for LGBTQ victims and survivors in their state. Some states, such as New York, already provide this STOP pass-through funding; however, the vast majority of states do not. Explicit inclusion of LGBTQ-populations in STOP funding provisions in VAWA, such as that proposed in S. 1925^{xi} would address this.

V. The Real Life Impact of Domestic Violence, Dating Violence, Sexual Assault and Stalking on LGBTQ Victims and Survivors

To give you an idea of what this looks like for LGBTQ survivors, I'd like to tell you the true story of Davis. Davis, a gay man, was in danger because his ex-boyfriend Jason, the abuser he had fled, had just found him. Davis had just received a death threat in the form of a note on his car from Jason. Davis had been with Jason for seven years. During that time his partner was always controlling, he monitored his phone calls, wanted to know where he was at all times and controlled all of their money. One day when Davis came home from work, Jason was already home with his friends. Jason and Davis got into a fight and Jason sexually assaulted Davis. A few days later Davis grabbed a few things, got in his car and just started driving. Davis stayed with a friend that Jason didn't know, and got a job. He was away from Jason for a month before he got the note on his car, which threatened Davis' life. Davis sought help with domestic violence shelters but was told "we don't shelter men." Davis faced a world in which services for LGBTQ people were scarce, few service providers understood his needs as a gay man, and where he had to cross the country to find an LGBTQ-specific service provider to help him. No victim or survivor of violence should have to face this world, especially not while they are also dealing with intimate partner or sexual violence.

Currently, S. 1925, which would reauthorize VAWA, has passed the Senate Judiciary Committee with protections for LGBTQ survivors intact, but continued explicit support for these provisions is necessary to ensure its continued success. I speak today not only on behalf of LGBTQ communities but also on behalf of all survivors in ensuring that everyone, regardless of their identity, has access to safety. The New York City Gay and Lesbian Anti-Violence Project believes that S. 1925, the real VAWA reauthorization legislation, does this and we urge the New York City Council to specifically and explicitly support this legislation.

I thank the City Council for the opportunity to speak with you today and offer this testimony. I also thank you for considering this resolution in support of the passage of the Violence Against Women Act, and I encourage New York City, with a strong history of LGBTQ leadership and the birthplace of the LGBTQ movement, to be a national leader by explicitly including LGBTQ survivors in this resolution. LGBTQ victims of domestic violence, dating violence, sexual assault and stalking can receive the recognition and help they need by being included in the protections of the Violence Against Women Act.

Thank you for your time and for your consideration of this important matter.

Chai Jindasurat
National Coalition of Anti-Violence Programs Coordinator
New York City Gay and Lesbian Anti-Violence Project
212.714.1184 ext. 50
cjindasurat@avp.org

ⁱ Heintz, Adam J., Melendez, Rita M., *Intimate Partner Violence and HIV/STD Risk Among Lesbian, Gay, Bisexual, and Transgender Individuals*, *Journal of Interpersonal Violence*, Feb 2006, Vol. 21 Issue 2, p193-208.

ⁱⁱ National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. http://www.avp.org/documents/IPVReportfull-web_000.pdf

ⁱⁱⁱ National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. http://www.avp.org/documents/IPVReportfull-web_000.pdf

^{iv} National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. http://www.avp.org/documents/IPVReportfull-web_000.pdf

^v National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. http://www.avp.org/documents/IPVReportfull-web_000.pdf

^{vi} National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. http://www.avp.org/documents/IPVReportfull-web_000.pdf

^{vii} National Coalition of Anti-Violence Programs and National Center for Victims of Crime, 2010. *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence & Intimate Partner Violence*, retrieved from: <http://www.avp.org/documents/WhyItMatters.pdf>.

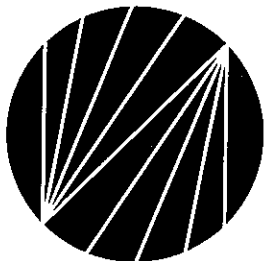
^{viii} **SEC. 3. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.** “(39) **UNDERSERVED POPULATIONS.**—The term ‘underserved populations’ means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.”

^{ix} **SEC. 3. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.** “(13) **CIVIL RIGHTS.**—“(A) **NONDISCRIMINATION.**—No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United

States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109-162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2011, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women. "(B) EXCEPTION.—If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming."

^x 38 programs (see. www.ncavp.org for the list) out of 2,500 victim services programs nationwide.

^{xi} **TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST VICTIMS, Sec. 101: STOP Grants** "(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code;"



**New York City Alliance
Against Sexual Assault**

27 Christopher Street
3rd Floor • New York, NY 10014
t 212.229.0345 • f 212.229.0676
www.nycagainstrape.org

New York City Council Testimony

Violence Against Women Act Reauthorization

**By: Mary Haviland, Esq.
Executive Director, New York City Alliance Against Sexual Assault**

February 27, 2012

Good afternoon. My name is Mary Haviland. I am the Executive Director of the NYC Alliance Against Sexual Assault. The Alliance:

1. is a city-wide clearing house and advocate for rape crisis centers in New York City;
2. one of two Centers of Excellence in the state, providing technical assistance and leadership on sexual assault prevention;
3. is one of 3 certified institutes in the state that provides training to medical personnel on forensic exams and evidence collection
4. and finally, is a motivator of research on cutting edge issues on intervention and the prevention of sexual assault.

I wish to applaud the members of Women's Issues Committee of the New York City Council for holding a hearing to address an issue that is so crucial to survivors of Sexual Assault and Domestic Violence, the reauthorization of the Violence Against Women Act (VAWA). This is perhaps the single most important piece of legislation for women and for victims of violence in the United States since its first passing in 1994.

First I want to give a picture of the problem. We have the benefit of a recent, national, large scale and carefully executed survey that looked at Intimate Partner and Sexual Violence. This survey, the National Intimate Partner and Sexual Violence Survey, which was conducted in 2010, found high levels of violence in the U.S. with 24 people being victims of rape, physical violence, or stalking by an intimate partner every minute (adding up to 12 million men and women a year).¹ With regard to Sexual Assault, this

¹ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence

survey was ground breaking in that it is the first national survey to capture a range of sexual violence in addition to rape. It found that 1 in 5 women or 18% and 1 in 71 or 1.4% of men have experienced attempted or completed rape in their lifetime, and that 13% of women and 6% of men experience sexual coercion in their lifetime (only if asked-defined as unwanted sexual penetration after being pressured in a non-physical way). Women of color had significantly higher rates of rape and attempted rape with 22% of Black women and 27% of Native women experiencing rape sometime in their lifetimes.

The Violence Against Women Act, when passed in 1994, was aimed at bringing the first federal funds for programs that would assist victims of domestic violence and to a lesser degree, victims of sexual assault through shelters and rape crisis programs. One of the greatest successes of VAWA is its emphasis on a coordinated community response to domestic violence, dating violence, sexual assault, and stalking. Courts, law enforcement, prosecutors, victim services, and the private bar currently work together in a coordinated effort that had not heretofore existed on the state and local levels.

Over the years VAWA has been expanded to provide multiple streams of funding to address domestic violence and sexual violence in as many ways. These grants are administered by the National Office of Violence Against Women (OVW). They are:

1. 3 legislated, restricted streams which go to each of the fifty states and then are administered by state agencies. These are:
 - a. the S.T.O.P. grants that are divided between Services, Training, Officers and Prosecutors and more recently courts. New York State received \$7 million in STOP grant funding in FY11 and administers these funds through NYS DCJS. In NYS, 69% of these funds are used for DV, 29% for Sexual Assault and 2% for stalking.
 - b. Sexual Assault Services Program (SASP) are funds that are solely dedicated to victims of sexual assault but the amounts dedicated are much lower with NYS receiving \$300,000 for FY 11. With approximately 65 rape crisis programs in the state, they each receive under \$5,000.
 - c. State Coalitions funding that goes to DV and SA state-wide coalitions across the country.²
2. 18 distinct funding programs that are discretionary and are administered through requests for proposals through the Office on Violence Against Women. These grants provide resources to very important initiatives such as:
 - a. enhancing culturally specific services, legal assistance to victims, grants address youth violence, funds for tribal communities, grants to

Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

² <http://www.ovw.usdoj.gov/ovwgrantprograms.htm#1>

Republican Senator Charles Grassley and a few conservative organizations object to the last three provisions. The provisions pertaining to the LGBT and the Native American communities are based on increased risk in these communities. A report in 2010 by the National Coalition of Anti-Violence Programs found that there is an increasing severity of violence against gays, lesbians and transgendered individuals and that access to services is very limited with more turned away from shelters than in 2009 and only about 50% of those who requested them received orders of protection. Native women are 2.5 times more likely than other U.S. women to be battered, raped, or stalked. (34% of Native women will be raped in their lifetimes and 39% will be the victim of domestic violence.)

Our activism on behalf of victims of violence has had an effect at least in domestic violence. Non-fatal intimate partner violence has decreased from 10 in 1000 women to 3.6 in 1000 between 1993 and 2005. Male Intimate Partner homicides have fallen from 1300 in 1975 to just over 300 in 2005. Female Intimate Partner homicide victims have fallen from 1600 in 1975 to 1,200 in 2005. We are on the right track, but much more needs to be done. Without VAWA, victims will suffer immeasurably. Violence causes long-lasting health and psychological repercussions. No one deserves to be a victim of violence and everyone deserves the opportunity that VAWA offers to heal from it.



Sauti Yetu

CENTER FOR AFRICAN WOMEN AND FAMILIES

Testimony of Zeinab Eyega, Executive Director
Sauti Yetu Center for African Women

FOR THE RECORD

Submitted to: New York City Council

Public Hearing: Resolution calling upon the United States Congress to authorize the Violence Against Women Act (VAWA)

Committees: Committee on Women's Issues

Chair: Julissa Ferreras

Testimony

Thank you for convening this hearing and inviting us to discuss the reauthorization of the Violence Against Women Act. My name is Zeinab Eyega and I am the Executive Director of Sauti Yetu Center for African Women. Sauti Yetu, which means "our voice" in Swahili, is a multi-service social justice organization mobilizing African immigrant women to improve their lives, strengthen their families and develop their communities. We achieve this through direct social services, advocacy and public education. Sauti Yetu is a member of the ARISE Coalition and receives VAWA funding through the United States Department of Justice.

I would like to share with you today how VAWA has helped immigrant women in New York City, both directly and through supporting the groundbreaking work of organizations such as Sauti Yetu. I would also like to call attention to some of the gaps in VAWA and provide recommendations as to how New York City can bolster VAWA and strengthen efforts to support immigrant victims of domestic violence, sexual assault, dating violence and stalking.

Adjustment of Status Under VAWA

Under VAWA, immigrant women without legal status whose abusers are legal residents or citizens of the U.S. can self-petition for a green card that will allow them to live and work in the U.S. free from their abusers. In order to qualify for a VAWA self petition, however, a victim must show proof of abuse through either a police report or an order of protection. This procedure was put in place to protect immigrant women without legal status from abusive relationships; yet, while the requirements to obtain a VAWA self-petition may sound relatively straightforward, they actually create barriers that are, in the eyes of many of our clients, insurmountable.

The experience of one of our clients, Mariam, is typical. Mariam and her child were living in the Bronx without legal status when her husband, who holds a green card, first began abusing her. Like many women, she never called the police or reported her injuries at the hospital because her husband told her that, if she did, she and her child would be deported. Mariam was terrified. Without legal status, she would not contact the police for fear of deportation or detention. In addition, she did not want to disclose the abuse to members of her close-knit community for fear that they would relay stories of the abuse to her family at home, who were intent on her staying with her husband whatever the cost. Finally, Mariam's husband continually threatened to report her to immigration and customs himself if she told anyone about the

situation. Eventually, Mariam could no longer live with an abusive spouse and left the home with her child. Despite the magnitude of abuse she faced, it was nearly impossible for her to apply for a VAWA self-petition, as she had never contacted the police to report her abuse or went to court to obtain an order of protection. With the assistance of our social worker at Sauti Yetu, Mariam was placed in emergency housing and underwent a course of counseling in French, her second language. In lieu of her proof of abuse in the form of a police report or order of protection, Sauti Yetu's social worker was able to write a counselor affidavit to confirm that Mariam had undergone abuse at the hands of her spouse. Eventually, Mariam gained access to economic and personal self-sufficiency by winning her VAWA self-petition and receiving a green card that allowed her not only to live, but to work, legally in the United States.

Recommendations for Strengthening the Impact of VAWA in New York City

New York City can and should make it easier for immigrant women to report abuse and seek protection under VAWA.

- **First, we call upon the Mayor's Office, the City Council and city commissions to follow the example set by the U.S. Department of Justice's Office on Violence Against Women by recognizing and supporting the critical role played by immigrant women's community-based organizations in preventing and responding to domestic violence and sexual assault.** Under VAWA, the counseling services offered by our organization can act as a substitute for proof of abuse through an order of protection or call to the police. With increased support for our clinical counseling services, not only can we help more victims to leave their abusers, but we can also help survivors achieve self-sufficiency by addressing their abuse in a clinical setting that pays close attention to their languages and cultures. This will increase the safety of women and children living in our communities.
- **Second, we call on the City to allow immigrant women's organizations like Sauti Yetu to train New York City police officers and detectives so that they may have the tools they need to better respond to immigrant victims of domestic and sexual violence.** We understand that police have to make quick, on-the-spot decisions in situations where their own safety is at risk. We appreciate their courage in responding to violence and ask that they let us support their efforts by helping them better serve victims. Similarly, we would like to provide training to court personnel and district attorneys.
- **Finally, we request that City Council call on Congress to reauthorize VAWA and to enhance funding for its culturally specific and underserved populations grant programs.** These programs were initially put in place to ensure equal access to services and violence prevention programs for members of immigrant communities, LGBTQ communities and communities of color. The support these programs give to organizations like ours will give immigrant victims access to services that take into account their languages and cultures—and will ultimately help survivors to seek the help they need and deserve.

I thank you for this opportunity to speak before the Committee on Women's Issues to discuss the impact of VAWA on our communities. By working together, we can help to ensure that all women in the City of New York are able to live lives that are free of violence.

Testimony of

Attia Nawaz

Volunteer at Coney Island Hospital

Oversight: Resolution calling upon the United States Congress to reauthorize the Violence
against Women Act (VAWA).

New York City Council

Committee on Women's Issue

February 27, 2012

Good Afternoon, My name is Attia Nawaz. I have bachelors in sociology from Hunter College. Now I have a plan to do my master's degree. I am a volunteer at Coney Island Hospital in Brooklyn, New York. Today in my testimony, I will discuss why the government should reauthorize the resolution about the violence against women I will also talk about the causes of the violence, and the ways we can prevent it.

The government should reauthorize the resolution about the violence against women because there are number of women are getting killed by the violence. According to National Organization for Women's website's statistics, in 2005, 1,181 women were murdered by an intimate partner. That's an average of three women every day. Of all the women murdered in the U.S., about one-third were killed by an intimate partner.¹ In this statistic, we can see how much violence is increasing among women, a big part of women are being killed through domestic violence. As we can see mostly murders belong to the partners with whom the women had been living. Just in one year, a large number of women were killed: 1,181 women. This rate is very high.

There are so many types of women violence such as Sexual harassment, physical beating, emotional abuse and violence against women with disabilities. Women are more victimized by their male partners who are living with them compared to strangers. According to the website Violence Against Women, Sometimes, women are attacked by strangers, but most often they are hurt by people who are close to them, such as a husband or partner. Whether you are attacked by a stranger or mistreated by a partner, violence and abuse can have terrible effects.² From the last sentence of this quote we can understand that the violence can have terrible impacts on females which can make them suffer physically and emotionally.

In addition to that, there is another category of violence "domestic violence", in this spouses attack their female partners. They beat the women up so badly or wound them. A lot of women get beaten by their spouses every year and some of them even get injured and they need medical treatment after that. According to statistics in Facts and figures, Domestic violence can be defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over an intimate partner. According to the National Center for Injury Prevention and Control, women experience about 4.8 million intimate partner-related physical assaults and rapes every year. Less than 20 percent of battered women sought medical treatment following an injury.

I want to talk about sexual assault and its effects on women. Sexual assault or rape is when a male touches a female without her will or desire. It is when a man touches her without her permission. In the website, Violence Against Women, it mentions that "Rape is sex you don't agree to, including forcing a body part or an object into your vagina, rectum (bottom), or mouth."³ Ladies who suffer from rape have its impacts last on them. They can have

¹ National Organization for Women. www.now.org/

² Violence Against Women. www.womenshealth.gov/violence-against-women/types-of-violence/sexual-assault-and-abuse.cfm

³ Violence Against Women. www.womenshealth.gov/violence-against-women/types-of-violence/sexual-assault-and-abuse.cfm

psychological and physical problems as well. For example, after rape, there is a possibility for the women to get pregnant which can make them so stressed out and angry because they never planned for this. Someone has misused them physically. It will be very hard for them to cope with this kind of sudden anxiety which they were never prepared for. There will be more sexual and health related problems for the raped females "Women who are sexually abused may suffer serious health problems, such as sexually transmitted infections, stomach problems, and ongoing pain. They also are at risk for emotional problems, like depression, anxiety, and post-traumatic stress disorder."⁴

Moreover, now I want to talk about some solutions to prevent all types of violence among women. Women should learn self-defense to protect themselves. They can learn judo Karate or kung Fu to keep them safe when any victim tries to hurt them. According to the website, Idea connection, Many cities in the US offer self-defense classes via their police or other law enforcement agencies. The basic self-defense moves are effective in physically foiling an attacker, and they don't require physical strength. You have to know the way to do the moves. Call your police department and ask them for info about classes. Women need to take this class. It is always free"⁵. Furthermore, men can learn at anger management courses in schools or agencies which can help them come out from stress. They can learn to cope well their emotional problems. According to the website Idea connection, men who physically abuse women cannot actually control their aggression. They don't know how to control their anger and they don't have any strategies to deal with their violent emotions. "Everyone experiences anger at some point in time, but many have no knowledge or ability to control these feelings. Anger management courses are widespread and proven to work"⁶

⁴ Violence Against Women. www.womenshealth.gov/violence-against-women/types-of-violence/sexual-assault-and-abuse.cfm

⁵ Idea Connection. : www.ideaconnection.com/solutions/7216-Violence-against-women.html

⁶ Idea Connection. : www.ideaconnection.com/solutions/7216-Violence-against-women.html

Testimony of Jin Kim

Resolution:

Congress to reauthorize the Violence Against Women Act (VAWA)

New York City Council

Committee on Women's Issues

February 27, 2012

Good morning Chairwoman Ferreras and members of the Women's Issues Committee. My name is Jin Kim; I am currently a graduate student at Hunter College and a constituent of District 27. I would like to take this opportunity to thank you for holding a meeting for such an important cause. The Violence Against Women Act has changed the ways in which victims are viewed and treated by creating regulations on how cases are handled. It is vital that this Act is reauthorized in order to continue to protect the rights of abused women, men and children. I will illustrate the prevalence of domestic violence, sexual assault, dating violence and stalking in the United States and then highlight the ways in which the Violence Against Women Act has helped victims.

Studies have found that both men and women are comparably likely to be violent in an intimate relationship.¹ The abuse can occur pre-marriage or post-marriage and is not dependent on race or gender. However, it has been found that young women, low-income individuals and people of certain minority groups are disproportionately victims of domestic abuse.² The reason behind the violence can differ between males and females. Males are not able to tolerate victimization from their partners and have shown to be more violent than females and inflict more harm once they reach their breaking point.³ Females on the other hand are better able to tolerate victimization and usually act out violently in self-defense or as a form of retaliation.⁴

Based on the National Intimate Partner and Sexual Violence Survey conducted by the Centers for Disease Control and Prevention (CDC) in 2010, nearly one in five women and one in

¹ Clifton P. Flynn, "Relationship Violence by Women: Issues and Implications," *Family Relations* 39 (1990): 194.

² National Organization for Women, "Violence Against Women in the United States: Statistics," 19 Feb. 2012. Available: <http://www.now.org/issues/violence/stats.html>.

³ Murray Straus, "Victims and Aggressors in Marital Violence," *American Behavioral Scientist* 23 (1980): 688.

⁴ Straus, pg. 689.

seventy-one men in the United States have been raped at one point in their lives.⁵ One in six women and one in nineteen men in the United States have been stalked at one point in their lifetime.⁶ Nearly one in four women and one in seven men in the United States have experienced severe physical violence by an intimate partner.⁷ These numbers may make it seem like there are more female victims than male victims but it should not be overlooked that a failure to identify male victims is due to the reluctance of institutions to acknowledge the existence of male victims.⁸ Due to societal pressures and social norms where men are viewed to be likely the aggressor, more powerful and not expected to be a victim, men are less likely to report a sexual assault.⁹ Only a fraction of sexual offenses are reported by women; men report sexual offenses at even lower rates.¹⁰

Regardless of the various reasons as to the *how* and *why* a person may commit a violent act, one cannot deny the fact that irreversible damage is done onto the victim once the act occurs. Roughly three in ten women and one in ten men in the United States who have experienced rape, physical violence and/or stalking have reported feeling fearful, experiencing post traumatic stress disorder symptoms, being concerned for their safety and missing at least one day of work or school.¹¹ Victims also report experiencing anxiety, chronic headaches, poor mental and physical

⁵ Centers for Disease Control and Prevention, "National Intimate Partner and Sexual Violence Survey: 2010 Summary Report," 24 Feb. 2012. Available: http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf.

⁶ Centers for Disease Control and Prevention, pg. 12.

⁷ Centers for Disease Control and Prevention, pg. 12.

⁸ Pauline Oosterhoff, Prisca Zwanikken and Evert Ketting, "Sexual Torture of Men in Croatia and Other Conflict Situations: An Open Secret," *Reproductive Health Matters* 12 (2004): 68.

⁹ A. Groth and Ann Burgess, "Male Rape: Offenders and Victims," *American Journal of Psychiatry* 137 (1980): 806.

¹⁰ Denise Donnelly and Stacy Kenyon, "'Honey, We Don't Do Men': Gender Stereotypes and the Provision of Services to Sexually Assaulted Males," *Journal of Interpersonal Violence* 11 (1996): 442.

¹¹ Centers for Disease Control and Prevention, pg. 12.

health as well as having difficulty sleeping.¹² Some speculate that up to ten million children have witnessed some form of domestic abuse.¹³ Studies have found that children who have been exposed to domestic violent acts exhibit post-traumatic stress disorder symptoms and grow up to have behavioral and health issues as adults.¹⁴

In 1995, the costs related to domestic violence cases exceeded \$5.8 billion per year in the United States alone where \$4.1 billion was for direct health care services and the remaining \$1.8 billion was related to productivity loss.¹⁵ Reports show that victims in the United States miss at least 8 million paid work days a year which is equivalent to roughly 32,000 full-time jobs.¹⁶ When reports were updated in 2003, costs related to domestic violence had risen to \$8.3 billion.¹⁷

In the eighteen years that the Violence Against Women Act has been in place, many positive changes have come about regarding victims' rights and people's perception of domestic violence. More and more people are finding the courage and getting the support they need to report domestic violence occurrences as well as seek various forms of help. According to the National Domestic Violence Hotline, the percentage of women who reported an incident was much greater in 1998 than in 1993.¹⁸ Since 1996, the Hotline has answered an average of 21,000

¹² Centers for Disease Control and Prevention, pg. 13.

¹³ Domestic Violence Statistics, "Domestic Violence Statistics," 19 Feb. 2012. Available: <http://domesticviolencestatistics.org/domestic-violence-statistics/>.

¹⁴ Futures Without Violence. "The Facts on Children and Domestic Violence," 20 Feb. 2012. Available: http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Children.pdf.

¹⁵ Domestic Violence Statistics.

¹⁶ Domestic Violence Statistics.

¹⁷ Futures Without Violence, "Get the Facts: The Facts on Domestic, Dating and Sexual Violence," 19 Feb. 2012. Available: http://www.futureswithoutviolence.org/content/action_center/detail/754.

¹⁸ The Hotline, "Violence Against Women Act (VAWA)," 20 Feb. 2012. Available: <http://www.thehotline.org/get-educated/violence-against-women-act-vawa/>.

phone calls per month.¹⁹ In addition, more than 660 state laws have been passed regarding stalking, dating violence, rape and sexual assault.²⁰ Statistics also show that rates of intimate partner violence against females have declined 53% between 1993 and 2008.²¹

In the United States, there is an average of 24 rape, physical violence or stalking victims per minute.²² That equates to more than twelve million men and women who are victimized in a span of one year.²³ Since the enactment of the Violence Against Women Act in 1994, reports of domestic violence have increased by fifty-one percent.²⁴ As I have stated at the beginning of my testimony, it is imperative that the Act is reauthorized. The rights of abused women, men and children need to continue to be protected regardless of their age, gender or race. Thank you for giving me an opportunity to present my testimony.

¹⁹ The Hotline.

²⁰ The Hotline.

²¹ Qing Luo, "Violence Against Women Act Saves Lives, But More Funding is Needed," 19 Feb. 2012. Available: <http://www.now.org/issues/violence/102209vawa.html>.

²² National Organization for Women, "Violence Against Women Act Needs Your Immediate Action," 25 Feb. 2012. Available: http://action.now.org/o/5996/t/0/blastContent.jsp?email_blast_KEY=116431.

²³ Centers for Disease Control and Prevention, "Sexual Violence, Stalking, and Intimate Partner Violence Widespread in the US," 24 Feb. 2012. Available: http://www.cdc.gov/media/releases/2011/p1214_sexual_violence.html.

²⁴ National Organization for Women, "Violence Against Women Act Needs Your Immediate Action."

Testimony in Support of the Violence Against Women Act(VAWA)

Committee on Women's Issues
February 27, 2012
1PM. 250 Broadway – Committee Room, 14th Floor

Good afternoon. My name is Jugba Santi and I am here today to speak in support of calling on Congress to reauthorize the Violence Against Women Act (VAWA).

In my testimony today, I will briefly highlight data on the effects of violence on women and their children and how the support of the VAWA needs to be continued and we should urge Congress to pass it.

Among other things, VAWA created special provisions in United States immigration law to protect victims of abuse who are not citizens of the United States. In cases of domestic violence, US immigration law allows certain victims of abuse who are not citizens to obtain lawful status without having to rely on their abuser to petition.¹

As a member of several community organizations, one of them primarily does community work at a local domestic violence shelter. I have seen firsthand the type of trauma that the women in this shelter and their children experience.

Organizations such as Safe Horizon help to protect women who have suffered violence recover from their abuse.

Here are just some statistics provided by Safe Horizon on women and violence:²

- One in 4 women will experience domestic violence during her lifetime.
- Women experience more than 4 million physical assaults and rapes because of their partners, and men are victims of nearly 3 million physical assaults.
- Every year, 1 in 3 women who is a victim of homicide is murdered by her partner.

As a woman of color, the statistics are even more alarming:³

- Approximately 885,623 African-Americans were victims of violent crime during 2001. This is the highest rate of violent victimization of any racial group
- In a 1994 survey of 243 women, the rates for adult rape showed African-American women disclosing the highest rate (37.9%), followed by white women (25.5%), Latinas (17.9%), and Asian-Americans (10.5%).

¹ (2008). Retrieved from http://www.womenslaw.org/laws_state_type.php?id=10270&state_code=US

² Safe horizon: Domestic violence. (n.d.). Retrieved from <http://www.safehorizon.org/index/what-we-do-2/domestic-violence--abuse-53/domestic-violence-the-facts-195.html>

³ New York State Coalition Against Sexual Assault: Women of Color and Sexual Assault. (n.d.). Retrieved from <http://nycasa.org/information/factsheets>

So many women are afraid to come forward about their abuse for fear that nothing will be done to their attacker or from retaliation from other members of their community. For every one white woman that reports her rape, at least 5 white women do not report theirs; and yet, for every African-American woman that reports her rape, at least 15 African-American women do not report theirs.⁴

As of January 2012, every Democrat in the United States Senate Judiciary committee has voted in favor of this act. Every Senate Republican on the committee has voted against it.⁵ We should not let partisan politics interfere with the safety and lives of the women in this country who are directly affected by domestic violence and sexual assault. We need to continue to prosecute the perpetrators of the violence and ensure the lives of the victims and their children. We must continue to protect them under the eyes of the law. By not supporting this act, we are putting millions of women's lives in danger. That is unacceptable.

Thanks to VAWA 1994 and VAWA 2000, non-fatal, violent victimizations committed by intimate partners have declined by 49%.⁶ This is proof that the programs that exist as a result of the Violence Against Women Act do help to deter crimes against women in our society.

This is why I encourage every member of this committee to step up to the plate, be an ally to the women who have fallen victim to violent crimes and support the Violence Against Women Act and ensure that Congress continues to support it and the victims that it helps to protect. It is the fair and right thing to do. Thank you.

⁴ New York State Coalition Against Sexual Assault: Women of Color and Sexual Assault. (n.d.). Retrieved from <http://nyscasa.org/information/factsheets>

⁵ Terkel, A. (2012, February 14). Violence against women act becomes partisan issue . Retrieved from http://www.huffingtonpost.com/2012/02/14/violence-against-women-act_n_1273097.html?ref=politics

⁶ The violence against women act of 2005 summary of provisions. (n.d.). Retrieved from <http://nnedv.org/docs/Policy/VAWA2005FactSheet.pdf>

Testimony of Yinghua Yue

CUNY Student in Sociology

“Reauthorization of the Violence against Women Act”

New York City Council

Committee on Women Issues

February 27, 2012

Good afternoon, ladies and gentlemen. My name is Yinghua Yue. I am currently a CUNY student in Sociology major. As a woman myself, especially one that is educated and trained into a responsible citizen, I eagerly feel that I should voice out to support the reauthorization of the Violence Against Women Act which will help protect my fellows who are facing physical and mental threats or even suffering abuses. Hereby, I will express my opinions on why it is important to reauthorize the VAWA.

When we look at the fact and data about violence against women, it should be sufficient for all of us who are conscious citizens with sympathy and sense of justice to stand by the victims. As findings of some surveys show, nearly one in every four adult women are beaten or raped by their partners, one in six have experienced an attempted or completed rape, three women are killed by intimate partners each day in this country, more than 22 women surveyed reported being assaulted by their partners, approximately 2.3 million people each year in this country are raped or physically assaulted by a current or former partner, and about 37% of women seeking injury-related treatment because of injuries inflicted by their partners, and so on¹. All of these show that violence against women is prevalent and severe. Thousands of women are suffering mistreatment that no single human being or even an animal should deserve.

Such kind of violence is usually called Domestic Violence, which involves various forms of coercive or controlling behaviors including physical abuse, emotional or psychological abuse, sexual abuse or financial abuse upon the victims. Sometimes, it can be life-threatening.² Health consequences caused by domestic violence can be easily observed and understood. Health-related consequences could be nonfatal outcomes including both physical injuries and mental injuries like depression, fear and post traumatic stress disorder; and even fatal outcomes including suicide, homicide, maternal mortality and HIV/AIDS.

¹ Domestic Violence and Sexual Assault Fact Sheet. The National Network to End Domestic Violence (2010). Retrieved from http://nnedv.org/docs/Stats/NNEDV_DVSA_factsheet2010.pdf

² Frequently Asked Questions About Domestic Violence, The National Network to End Domestic Violence (2010). Retrieved from http://nnedv.org/docs/Stats/NNEDV_FAQaboutDV2010.pdf

However, some other consequences are also so severe that should never be ignored. According to UNICEF's report about Domestic Violence against Women and Girls, consequences led by domestic violence also include denial of fundamental rights, human development goals being undermined and impact on children. ³ As the report states, series of international treaties on human rights have reached a consensus that violence against women and girls should be eradicated by the efforts of government and local laws, no matter how deeply these practices are embedded in culture. Thus, in the United States, women should also be protected from violence by effective laws. Women's being protected from violence is regarded as their enjoyment of human right. Also, as the Declaration of Independence states, all men are equal and endowed with unalienable rights of life, liberty and the pursuit of happiness. Therefore, women's rights of life, liberty and the pursuit of happiness should never be denied and deserve continuous protection efforts.

In addition, domestic violence can also lead to economic costs, not limited to the victims themselves, but also to the whole society. The UNICEF report shows that violence against women stopping women from participation will hinder the economic progress.⁴ While studies in the United States also show that domestic violence also cause huge financial costs such as annual expenses of more than \$ 5.8 billion with \$ 4.1 billion in direct health care expenses, cost at employers up to \$ 13 billion each year, and increasing dependence on public welfare of victims who lost their jobs due to domestic violence. ⁵

What's even worse, domestic violence will also have serious negative impact on children which will last into the future. The report of the UNICEF states that domestic violence will cause serious mental injuries on children no matter as witnesses or victims themselves. These children may have difficulties in schools and developing friendships with others,

³ Domestic Violence against Women and Girls. United Nations Children's Fund Innocenti Research Centre (June, 2000). Retrieved from <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>

⁴ Domestic Violence against Women and Girls. United Nations Children's Fund Innocenti Research Centre (June, 2000). Retrieved from <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>

⁵ Domestic Violence and Sexual Assault Fact Sheet. The National Network to End Domestic Violence (2010). Retrieved from http://nnedv.org/docs/Stats/NNEDV_DVSA_factsheet2010.pdf

and even display tendencies of suicide.⁶ Studies in the United States also support this. For example, men experienced domestic violence as children are 4 times more likely than others to perpetrate domestic violence after grown up; children exposed to violence are more likely to attempt deviant behaviors such as suicide, abuse of drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.⁷

Last but not the least, economy does matter and support of protecting women against violence is still necessary in such a doomed economic situation. Though research shows that economic factor does not necessarily lead to domestic violence, it can exacerbate the factors that lead to domestic violence and make it more difficult for victims to get away from the sufferings. For example, domestic violence is three times more likely to happen when couples are experiencing high levels of financial strains; women with unemployed partners are three times more likely to suffer domestic violence; and more than 50% of the shelters reporting financial issues like “stress” and “job loss”.⁸ Moreover, according to the national report of Domestic Violence Counts 2011 which was conducted on September 15 2011 by the National Network to End Domestic Violence, 67,399 victims were served in one day through various programs : 79% receiving children’s support, 74% emergency shelter, 53% legal supports and also other services such as transitional housing, bilingual advocacy and employment assistance. However, 10, 581 requests were still unmet for services on that day, among which 64% of requests were for housing. Lack of funding for staff, specialized services and facilities are the main reasons for not meeting the demand.⁹ In New York State, difficulties on meeting requests also exist. On the single day of September 15 2011, 4, 572 victims were served, 499 requests were unmet and 49% of the unmet were for housing. This is also mainly due to lack of funding.¹⁰

⁶ Domestic Violence against Women and Girls. United Nations Children’s Fund Innocenti Research Centre (June, 2000). Retrieved from <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>

⁷ Domestic Violence and Sexual Assault Fact Sheet. The National Network to End Domestic Violence (2010). Retrieved from http://nnedv.org/docs/Stats/NNEDV_DVSA_factsheet2010.pdf

⁸ The Impact of The Economy on Domestic Violence. The National Networks to End Domestic Violence. Retrieved from http://nnedv.org/docs/Stats/NNEDV_DVandEconomy.pdf

⁹ Domestic Violence Counts 2011: National Summary. The National Network to End Domestic Violence (2011). Retrieved from http://nnedv.org/docs/Census/DVCounts2011/DVCounts11_NatlSummary_Color.pdf

¹⁰ Domestic Violence Counts 2011: New York Summary. The National Network to End Domestic Violence (2011). Retrieved from http://nnedv.org/docs/Census/DVCounts2011/DVCounts11_StateSummary_NY.pdf

In the past period of more than two decades, our society does have made great progress on the course of freeing women from violence. The enactment of the Family Violence Prevention and Services Act (FVPSA) in 1984 and the authorization of Violence Against Women Act (VAWA) in 1994 under the Congress's commitment to improve the nation's response to domestic violence have help the nation make great step. Particularly, greater achievement can be seen with the authorization of the VAWA in 1994, whose aim is to change the response of the communities to domestic violence, sexual assault, dating violence and stalking. Since its first authorization, more than \$ 4 billion has been awarded for victims of domestic violence through hundreds of services and programs nationwide; also, VAWA has saved nearly \$ 14.8 billion in net averted social costs in its first 6 years as estimated. ¹¹

Therefore, I sincerely petition anyone that were against the reauthorization of the Violence Against Women Act or have not yet made the decision to take the thousands of suffering people into consideration, to take the principle and vision of the Constitution on protecting human rights into consideration, to take the various forms of costs to the society into consideration , and to take the great achievement of the VAWA in the past 17 years and also the better future of the society into consideration.

Finally and again, I strongly support that the Violence Against Women Act should be reauthorized. Thank you so much for the opportunity to testify.

¹¹ Domestic Violence and Sexual Assault Fact Sheet. The National Network to End Domestic Violence (2010). Retrieved from http://nnedv.org/docs/Stats/NNEDV_DVSA_factsheet2010.pdf
Russo, T. (2011). "Building on a good foundation: reauthorization of the violence against women act". Retrieved from <http://blogs.usdoj.gov/blog/archives/1788>



The Women's Legal Defense
and Education Fund

**Testimony of Silda Palerm, Executive Vice President and Legal Director
Legal Momentum
February 27, 2012
Before the
New York City Council Women's Issues Committee
Re:
Resolution in Support of the Reauthorization of the Violence Against Women Act**

Chair Ferreras and Council Member Dromm: good afternoon, and thank you for co-sponsoring the resolution in support of the reauthorization of the Violence Against Women Act (hereinafter “VAWA”). Good afternoon also, to the members of the Committee. I am Silda Palerm, Executive Vice President and Legal Director of Legal Momentum. With me is Lynn Schafran, Senior Vice President of Legal Momentum. We appreciate the opportunity to be here today and to present testimony in support of this important resolution.

At 42 years young, and located here in Manhattan, Legal Momentum, the former NOW Legal Defense and Education Fund, is the oldest women’s legal organization in the country. Legal Momentum is committed to the protection and expansion of economic and personal security for women and girls.

Although the issue before us is the resolution supporting the third reauthorization of VAWA, the history of both VAWA and Legal Momentum’s work on it predate enactment of the original VAWA, which we now refer to as “VAWA I.” VAWA I was enacted in 1994¹, in recognition of the insidious and pervasive nature of domestic violence, dating violence, sexual assault, and stalking. Legal Momentum worked closely with then-Senator Joseph Biden to draft and pass VAWA eighteen years ago, and we have continued to be active with respect to both implementation of the law and subsequent reauthorizations. We are now focused on what will become VAWA IV.

VAWA supports *comprehensive, effective and cost saving* responses to the crimes of domestic violence, dating violence, sexual assault and stalking. Since VAWA I was enacted, reporting of domestic violence has increased as much as 51%.² All states have passed laws making stalking a crime and have strengthened rape laws. The number of individuals killed by an intimate partner has decreased by 34% for women and 57% for men.³

VAWA programs, administered by the Departments of Justice and Health and Human Services, provide critical support for victims and give law enforcement, prosecutors and judges the tools they need to hold offenders accountable and keep communities safe. VAWA must be reauthorized swiftly, and we are grateful to the Council for both its interest and its support. Allow me to clarify one technical matter before I talk about the substance of the reauthorization: because VAWA is supposed to be reauthorized every 5 years, the current reauthorization lapsed last year. However, that is true of many

¹ VAWA was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. Pub.L. 103-322 (1994).

² ² “Intimate Partner Violence in the U.S.” U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Jan. 2008.; Cassandra Archer et al., Institute for Law and Justice, National Evaluation of the Grants to Encourage Arrest Policies Program 14 (Nov. 2002).

³ Uniform Crime report (UCR) Supplementary Homicide Reports (SHR), Federal Bureau of Investigation. (Decrease is based on date collected between 1993 and 2007.)

federal statutes. The Congress appropriated funds for the operation of the Office on Violence Against Women for this fiscal year, and we are currently in the midst of discussions with both the Obama Administration and the Congress about funding for the next fiscal year, FY '14. We expect that OVW will continue to do "business as usual," until such time as VAWA IV is signed into law.

In my brief time this afternoon, I want to touch on three things: 1) the current posture of VAWA with regard to the timing of the reauthorization; 2) some issues addressed by the bill; and 3) the importance of the Council's resolution.

First, to the bill and its trajectory: the bill was voted out of the Senate Judiciary Committee on February 2, 2012. Atypically, but perhaps not unexpectedly given that it is an election year, it was a straight party-line vote. Outside of the Judiciary Committee, the bill enjoys significant Republican support. There is no date for a floor vote as yet, but work is ongoing to amass additional co-sponsors for the Senate bill. As of last Friday, there were 54 co-sponsors, including both Senators from New York. No bill has been introduced in the House at this point, though bi-partisan discussions are ongoing. The hope is to see the bill passed by mid- to late-spring and on its way to the President's desk.

Second, to the substance of the bill: in significant measure, VAWA IV reauthorizes the current laws and grant programs, while at the same time, makes vitally needed improvements and program consolidations (for example, some programs for children and youth were consolidated). I understand from your staff that both the Committee and the New York advocacy community are quite interested in how the bill addresses the needs of the immigrant, LGBT and later life communities. It may not surprise you to know that strengthening protections for immigrant survivors of violence, and making explicit what VAWA already permits -- providing services to the LGBT community -- were considered "controversial," and have come under severe challenge.

Our allies and our Senate champions have persevered and stood strong. The bill that was passed out of the Judiciary Committee retains provisions making explicit that LGBT survivors of violence (both men and women) are eligible for services. The bill also contains provisions addressing the needs of immigrant communities. These include the need for additional U visas, and ensuring that detention facilities under the control of the Departments of Homeland Security and Health and Human Services adopt standards for preventing and punishing sexual assault in those facilities.

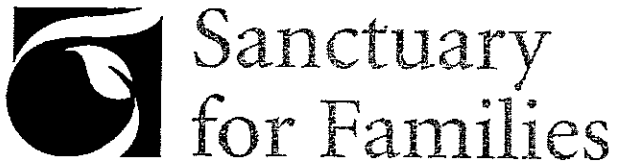
Also included are robust provisions that address abuse in later life, such as a requirement for multidisciplinary partnership among grantees; a section that addresses

violence against Native and Alaska Native women, a strong housing section and sections addressing the needs of the campus population as well as those of children and youth.

Finally, in a time of fiscal austerity it is more important than ever to ensure that every dollar is spent wisely. VAWA IV has new accountability provisions to ensure transparency and enable both Congress and the constituents to rest assured that the Department of Justice, the Department of Health and Human Services, and their grantees are fully accountable and adequately document their expenditures of VAWA funds. Obviously, I have omitted much in the interest of time.

In closing, I want to thank you for addressing this important issue and urge you to lend the weight and authority of your resolution to the calls from entities all around the country -- advocates and attorneys general, judges and law enforcement, survivors and service providers -- for the speedy reauthorization of VAWA. It counts!! It helps!! When we visit the New York delegation in the House of Representatives and show them our letters of support, they immediately look to see who in New York has signed on.

Thank you for being the champions of this vital resolution. I look forward to answering any questions that you may have.



Testimony before New York City Council
February 27, 2012

Thank you to the Committee on Women's Issues for the opportunity to address this important issue. My name is Emma Hansen and I am speaking on behalf of Sanctuary for Families, which is the largest non-profit organization in New York State dedicated exclusively to the needs of victims of domestic violence and sex trafficking. We are currently serving 11,600 individuals, providing shelter, counseling, legal assistance and representation, and economic empowerment services.

Sanctuary for Families strongly supports the swift reauthorization of the Violence Against Women Act (VAWA).

VAWA is critical to the safety of New York City's women and girls. Reauthorization of VAWA is necessary to provide comprehensive, effective and cost saving responses to the crimes of domestic violence, dating violence, sexual assault and stalking. Victims of domestic violence need a range of comprehensive services to recover from abuse. Annually, Sanctuary for Families helps thousands of domestic violence survivors and their children build safe lives with a range of high quality services to meet their complex needs.

Through past reauthorizations, VAWA has expanded to better aid victims of more crimes and to hold criminals accountable. VAWA programs, administered by the Departments of Justice and Health and Human Services, have dramatically changed federal, tribal, state, territorial and local responses to these crimes. More victims are coming forward and receiving life-changing and lifesaving services, and the criminal justice system has improved its ability to keep victims safe and hold perpetrators accountable. Since VAWA's passage, reporting of crimes of gender-based violence by both men and women has increased; the number of individuals killed by an intimate partner has decreased; and taxpayers have saved money due to net averted social costs.

Sanctuary for Families has seen the real impact of VAWA on the lives of our clients, including immigrant victims, who make up a large and important segment New York City's population. With funding from VAWA, Sanctuary runs a Courtroom Advocates Project helping volunteer attorneys and law students advocate for domestic violence victims seeking orders of protection against their abusers.

I would like to share a brief example of a Sanctuary client, a victim of domestic violence with the courage to share her story of how the services she received helped her change her life. After years of abuse at the hands of her husband, Michelle found the courage to call 911 and get herself and her young daughter to a homeless shelter. For eight months, Michelle struggled with her situation—and with herself. *"I was so angry when I was in shelter" she said, "[My counselor] would say, 'If you need to be angry, be angry. If you need to cry, cry.'"*

Years later, Michelle has had the courage to start a new life. As she turned the key in the lock of her new apartment, *"It finally dawned on me," she said, "I'm really free. Tonight, he will not be coming here. The key is mine. I am no longer a victim of domestic violence. I will not be beaten. I will*

not be forced into sex. I will go on the roof or stand in the street and shout, 'No more abuse! No more!'" Michelle has since graduated with honors from Metropolitan College of New York and she has applied to a master's program in public administration. Michelle's goal is to start a domestic violence shelter for women like herself.

The 2011 VAWA reauthorization should improve programs to prevent, respond to and hold criminals accountable for sexual assault, dating violence, stalking, and domestic violence against both women and men. Reauthorization of VAWA is necessary to preserve services to and for victims of these crimes, and funding must continue for both direct services and for programs that work with other systems and community supports that help women, men and children be safe and recover from violence. This includes housing and economic supports as well as training for health care providers, judges, the child welfare system and employers.

The proposed improvements upon reauthorization include provisions to help reach victims who are not currently being served or could be better served by community-based programs, including Americans living abroad, women with disabilities, teens and youth, elder victims, and victims who are underserved due to sexual orientation or gender identity. There are also additional protections for the confidentiality of victims' personally identifying information, and an explicit prohibition of employment discrimination for VAWA-related activity.

Prevention programs must grow and expand with the help of grant purposes added in the 2011 reauthorization. These include programs focused on primary prevention directed at men and boys as well as women and girls, and services for children who have been exposed to violence. In addition, existing prevention programs focused on domestic violence or sexual assault can be better integrated at the state level.

Please show your support for survivors of domestic violence by promoting the reauthorization and funding of VAWA to save lives, rebuild families, protect children and teens, conserve taxpayer resources and prevent future crimes.



**NEW YORK
CITY BAR**

Contact: Maria Cilenti - Director of Legislative Affairs - mcilenti@nycbar.org - (212) 382-6655

**TESTIMONY OF ANNA OGNIBENE, MEMBER,
DOMESTIC VIOLENCE COMMITTEE OF THE NEW YORK CITY BAR
ASSOCIATION, IN SUPPORT OF RES. NO. 1064**

**NEW YORK CITY COUNCIL
COMMITTEE ON WOMEN'S ISSUES HEARING
FEBRUARY 27, 2012**

Thank you for the opportunity to present testimony in support of Resolution Number 1064, calling upon Congress to reauthorize the Violence Against Women Act. The Committee on Domestic Violence of the New York City Bar Association writes in support of the Violence Against Women Reauthorization Act of 2011 (S. 1925), which continues the current protections given to victims of domestic violence and sexual assault, and expands the protections in certain key ways. The Committee on Domestic Violence engages in policy and legal analysis, and attorney and public education on issues relating to domestic violence and other forms of gender-based violence. Our committee members are employed in a variety of arenas, including legal and social service agencies, district attorneys' offices, law firms, policy positions and academia. We share a joint goal of advocating for improvements in our laws, policies, and services that impact survivors of domestic and sexual violence and their families.

As the Centers for Disease Control recently confirmed, domestic and sexual violence continues to be a major national problem and the number one cause of injury to women in the United States. The VAWA Reauthorization Act takes a multi-pronged approach to domestic and sexual violence, strengthening policies and providing funding for numerous programs aimed at ending violence. The Committee would like to express particular support for the provisions of the bill that relate to housing and immigration benefits for survivors, regardless of gender, sexual orientation, or gender identity, as these sections are of special importance to victims in New York City.

PROTECTIONS REGARDLESS OF GENDER OR SEXUAL ORIENTATION

The VAWA Reauthorization Act enumerates protections for victims of domestic violence and sexual assault regardless of gender, sexual orientation or gender identity. Specifically, the bill expands non-discrimination language prohibiting VAWA grantees from discriminating on the basis of protected categories - which currently include race, color, religion, national origin, sex, and disability - to also include gender identity or sexual orientation. In addition, the bill provides funding for programs supporting victims who have had difficulty accessing traditional services because of their sexual orientation or gender identity. These provisions recognize that victims of domestic violence in same-sex relationships can face discrimination when seeking

assistance. Given New York City's significant LGBTQ population, these provisions are of special importance to domestic violence victims in New York City and the attorneys representing these clients.

HOUSING PROTECTIONS

The Violence Against Women Act of 2005 created new housing protections for victims of domestic violence, dating violence, or stalking. The law now prohibits eviction or denial of housing because a tenant has experienced these forms of abuse. However, VAWA's current protections apply only to public and Section 8 housing, and do not extend to victims of sexual assault.

Title VI of the VAWA Reauthorization Act would improve the law by: (1) including victims of sexual assault among those covered under the housing protections; and (2) extending VAWA's housing protections to the following subsidized housing programs: the Low-Income Housing Tax Credit program; Section 811 supportive housing for persons with disabilities; Section 202 supportive housing for the elderly; the McKinney-Vento homelessness programs; Section 236 low-income housing; Section 221(d)(3) low-income housing; the HOME Investment Partnership Program; the Housing Opportunities for Persons with AIDS (HOPWA) program; and the rural housing assistance programs provided under sections 514, 515, 516, 533 and 538 of the Housing Act of 1949. Extending VAWA's protections to these supported housing programs will promote consistency across programs and provide many more survivors with the protections they deserve.

The VAWA Reauthorization Act would also address the significant problem of victims who need to move when threatened, by requiring that housing providers adopt an emergency transfer policy that allows survivors to transfer to another safe housing unit, where available, if the survivor expressly requests the transfer and the survivor reasonably believes that he or she is threatened with imminent harm if he or she remains at the current dwelling. The bill would also require the Department of Housing and Urban Development to establish policies and procedures under which a survivor seeking emergency relocation can receive, subject to availability, a Section 8 voucher.

PROTECTIONS FOR CERTAIN IMMIGRANTS

Title VIII of the bill makes several key improvements to the immigration laws that currently apply to victims of domestic violence and sexual assault. Given New York City's significant immigrant population, these provisions are especially important to the victims we serve.

Expansion of Enumerated Crimes for U Visa Eligibility

In order to encourage immigrant crime victims to report crimes to law enforcement without fear of negative immigration consequences, Congress previously created a type of visa – the U visa – that allows victims to obtain lawful immigration status. U nonimmigrant protection is currently available to victims of certain enumerated crimes, including domestic violence crimes and sexual assault. Section 801 of the VAWA Reauthorization Act adds dating violence and stalking to the list of enumerated crimes. This is consistent with the fact that domestic

violence can occur to anyone regardless of age, cultural background, or sexual orientation, and is not limited to spouses or people living together. Adding “dating violence” as an enumerated crime would extend immigration protection to, among others, young victims as well as LGBTQ victims.

Secondary Evidence of Helpfulness to Law Enforcement

Currently, a victim of domestic violence is not eligible to apply for U nonimmigrant status unless they receive a certification from a law-enforcement entity that the victim has been or is likely to be helpful in the investigation or prosecution of the crime. Unfortunately, there is much confusion among law enforcement entities about what entails being “helpful” or how “helpful” a victim must be to receive a certification.

For example, in New York City, some Family Court judges believe they are not empowered to sign certifications after the victim brings a civil family offense action – thus bringing the criminal behavior to the attention of the government – even if an Order of Protection is entered in the case. In addition, some District Attorneys will not sign certifications if they are not able to reach the victim within a certain amount of time. Victims in these circumstances then lose their opportunity to receive immigration protection, even if they wanted to assist but did not know how to do so; for example, because they do not speak English and did not receive instructions from the police or D.A. in their language. These determinations not to sign certifications are especially troubling because there is no right to appeal from that discretionary decision.

The new legislation would allow USCIS to consider secondary evidence that the victim *attempted* to be helpful to the investigation and attempted to obtain a certification. This would protect victims from arbitrary denials based on factors beyond their control, while leaving the discretion to ultimately award a U visa where it belongs, with the Secretary for Homeland Security.

Application Processing Times

Currently, processing of VAWA Self-Petitions, Battered Spouse Waivers and U and T visas can take many months. New York City attorneys representing battered immigrants report that they have clients who have been waiting a year or more for a decision on their applications. There are new provisions in the VAWA Reauthorization Act that would help to alleviate the burden on victims while they await the processing of their applications.

First, Section 807 of the VAWA Reauthorization Act would allow an I-765 Application for Employment Authorization to be approved on the *earlier* of a VAWA Self-Petition or U visa being approved, or 180 days after the self-petition or U visa application has been submitted. Currently, VAWA Self-Petitioners who are not married to a United States Citizen, and U visa applicants, must wait until their Self-Petitions or U visas are approved before they may apply for work authorization. Allowing these petitioners to work sooner allows them to begin supporting themselves free from the abusive relationship, and to become contributing members of society.

Second, Section 802 would require the Secretary of Homeland Security to submit annual reports on, among other things, (1) the mean and median amount of time to adjudicate U visa

applications, T visa applications and VAWA self-petitions; (2) the mean and median amount of time between the receipt of such an application and the issuance of work authorization to an eligible applicant; and (3) a description of any actions taken to reduce the adjudication and processing time of such applications. Requiring openness and accountability from the Department of Homeland Security would hopefully encourage DHS to strive to diminish processing times, while allowing solutions to be considered.

Protections for Children of VAWA Self-Petitioners

Currently, if a U.S. Citizen spouse dies after filing a family-based petition for a non-citizen spouse, that non-citizen spouse may continue his or her petition as a widow or widower of the sponsoring spouse. Until now, no such protections existed for derivatives (such as children) of a VAWA Self-Petitioner. Section 803 of the VAWA Reauthorization Act would allow the surviving children of a VAWA Self-Petitioner to continue their applications if their parent, the self-petitioner, dies. This fix is logically consistent with the “widow’s and widower’s fix,” and expands the VAWA protections to the victims’ children.

Public Charge Not a Ground for Inadmissibility

Victims of domestic violence often feel trapped in their abusive relationships because they are afraid they will not be able to support themselves and survive financially outside the relationship. This fear is especially dominant among immigrant victims who are not legally allowed to work to support themselves.

Many domestic violence victims need to avail themselves of public benefits for a short time after leaving their abusive relationship, to allow them to find safe homes, gain education and work skills, and become financially independent. However, the risk of becoming a “public charge” makes a non-citizen inadmissible to the United States. Section 804 of the VAWA Reauthorization Act would make clear that VAWA Self-Petitioners, U visa applicants and T visa applicants are deserving of protection in the United States, and are exempt from the public charge inadmissibility ground.

* * *

VAWA has played a central role in responding to domestic and sexual violence in New York City and across the country. The VAWA Reauthorization Act would strengthen existing protections and bring us closer to our goal of ending violence. For the foregoing reasons, the New York City Bar Association recommends enactment of this legislation, and supports Resolution No. 1064.



CONNECT

P.O. Box 20217 • Greeley Square Station • NY, NY 10001-0006 • P 212 683 0015 • F 212 683 0016 • connect@connectnyc.org

**CONNECT Testimony: On VAWA Reauthorization
February 27, 2012**

On behalf of CONNECT we would like to thank Council Member Julissa Ferreras, Chair of the Committee on Women's Issues and all of the committee members for convening this hearing and giving organizations such as ours the opportunity to give testimony to the impact of VAWA on the lives of victims/survivors we serve throughout NYC.

My name is Sharene Roig, I am an educator with CONNECT's Community Empowerment Program and I am Mercedes Matias a legal advocate with our Legal Advocacy Program and helpline.

In the last year, New York City witnessed an increase in crimes against women including femicides and rapes. In 2011, there were 92 family related homicides in NYC and the NYPD responded to 257,813 domestic incidents averaging to over 700 incidents per day. We also know that a significant portion of crimes against women are underreported. Immigrant women are especially vulnerable because of the multiple barriers that they face thus putting them at an ever greater risk. Working with the immigrant and newer immigrant communities I can testify that VAWA funding has provided agencies like CONNECT the ability to provide training for a wide variety of professionals and community based organizations, helping to ensure that victims of violence have access to a knowledgeable advocacy network, faith leaders, other stake holders and a well-informed and responsive justice system. Not to mention that the VAWA funding has enabled organizations to provide the most needed and critical immigration services to the survivors of domestic violence.

As many of you may be aware, crimes in NYC have seen a decline except for sexual assault and domestic violence. Currently VAWA is the only major federal funding that is available to combat domestic and sexual violence. Even with the current rate of VAWA funding, CONNECT and other victim service organizations in the City can hardly meet the needs of victims and/or survivors. Now imagine what will happen when the existing funding is withdrawn. Immigrant women and their children, who are victims of domestic violence often, do not report incidents of domestic violence for fear of retaliation and deportation. Without this much needed funding women will not be able to self petition or

have access to U-Visas and therefore remain ineligible for public benefits, reasonable lengths of stay in shelter, priority in public housing, etc - all of the safety nets our society turns to in encouraging battered women and their children to leave. All of the immigration remedies also act as a gateway to our civil and criminal systems. The fragile network of services and collaborative efforts that we have built in the city will be destroyed and large numbers of women and children will be vulnerable to escalating violence. Without continued VAWA funding the gateway to economic self-sufficiency will be closed. Too many families will be forced into deeper poverty and isolation. This will have a negative impact on our environment of instability and fear.

One recent example: In August of 2011, one client of the Legal Advocacy Project was at risk of becoming an undocumented immigrant because the conditional green card that she had obtained through her husband was set to expire, and he had refused to cooperate with the rest of the steps necessary for her to obtain permanent residence in the U.S. Through the VAWA Battered Spouse Waiver, we were able to assist our client in waiving the requirement of her husband's participation, and helped her complete the process for obtaining her permanent green card.

Thank you for your time and attention to this issue.

STATEMENT OF

FOR THE RECORD

CYRUS R. VANCE JR.

NEW YORK COUNTY DISTRICT ATTORNEY

BEFORE THE COMMITTEES ON WOMEN'S ISSUES

RES 1064-2011

February 27, 2012

Good afternoon Chairwoman Ferreras and members of the Committee on Women's Issues. I am New York County District Attorney Cyrus R. Vance Jr. Thank you for this opportunity to discuss Resolution 1064-2011, Regarding The Reauthorization of the Violence Against Women Act (VAWA).

The Violence Against Women Act was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. It was reauthorized in both 2000 and 2005. VAWA was designed to improve criminal justice responses to domestic violence, sexual assault, and stalking. At the same time, it was designed to increase the availability of services for victims. VAWA is rooted in the belief that a coordinated response to these crimes – meaning that law enforcement, service providers, non-governmental organizations, and community partners all working in tandem – is essential if we are going to achieve our shared goal of reducing violence against women.

VAWA was a long overdue piece of legislation. The Office on Violence Against Women, which became a permanent part of the Department of Justice in 2002 with the mission of implementing VAWA and subsequent legislation, was then, and remains today, a vital part of the mission of eradicating violence against women. Indeed, since 1994, the Office on Violence Against Women has awarded more than \$3 billion in grant funds to state, tribal, and local governments, non-profit victim services providers, and universities.¹ This money has been critical to both violence prevention and recovery efforts in communities across the state, including New York County.

It will not surprise you to hear that in a city as densely populated and diverse as New York, domestic violence continues to plague people at all points on the socioeconomic spectrum.

The NYPD received upwards of 250,000 domestic violence complaints last year – that averages out to nearly 700 domestic violence incidents reported to the NYPD every single day. The NYPD made 67,761 domestic violence related home visits in 2010. The stark reality is that every single domestic violence call is a potential homicide. Since January 2010, there have been 23 domestic violence homicides in Manhattan.

Yet, these staggeringly high numbers merely represent the incidents that have been reported to authorities. Domestic violence offenses are consistently some of the most underreported crimes. According to a National Violence Against Women Survey, only one-quarter of all physical assaults, one-fifth of all rapes and one-half of all stalking incidents committed against women by intimate partners were reported to the police. As these offenders evade prosecution, and the attendant criminal repercussion of their actions, evidence shows that they often escalate their behavior. In fact, 66% of domestic violence victims who have been killed had prior incidents of abuse that were never reported to the police.ⁱⁱ

The criminal justice system can, and I believe has a duty to, reduce these numbers and devastating outcomes. We have a responsibility to show that domestic violence reports will be dealt with seriously; to prevent the escalation of this violence; and to help victims escape the violence and return to a place of safety. And ultimately, we have a responsibility to work with our partners to reduce the actual incidence of violence against women.

Let me give you one example of how VAWA funding has helped us to move this mission forward in Manhattan. With \$900,000 of VAWA funds, the Collaborative of Domestic Violence Services in Upper Manhattan (the Collaborative) was born. The Collaborative is a partnership of community-based health, social, legal services and law enforcement agencies dedicated to providing culturally competent supportive services to victims of domestic violence through the delivery of coordinated interdisciplinary intervention strategies. The Collaborative model was designed to address the unmet service needs of African, African-American, and Latino women living in Northern Manhattan who are victims of domestic violence. The Collaborative provides a single point of entry into the system so that victims only need to contact one member of the Collaborative in order to be connected with the full spectrum of services offered by Collaborative members. The victim need not navigate a complicated criminal, civil, and social service system, since the Collaborative acts as a coordinated umbrella organization.

Through the Collaborative, we have been able to establish relationships, enhance NYPD technologies and protocols for interacting with victims, and create and implement numerous trainings. We have developed the expertise to bring trainings into the community – which are attended by upwards of 150 people at a single event – that cover issues such as stalking and sexual assault. Absent this funding, the Collaborative may never have developed, and almost certainly could not have achieved such far-reaching success.

VAWA funding helped cover a portion of assistant district attorneys' salaries as well as staff at many of the partner agencies. Using an additional grant, the Collaborative was able to extend its reach to include the Harlem Independent Living Center, an organization providing services to the hearing impaired. This recent expansion truly reaches an underserved community.

While the Collaboration did not receive money last year, my office benefited from VAWA funding that supports the activities of our Domestic Violence and Sex Crimes Units, with the goal of decreasing the incidence of domestic violence and sexual assault in Manhattan. The Units employ three strategies to achieve this goal: enhanced prosecution, community collaboration and training, and service to victims of these crimes.

Clearly, the funds awarded to my office through the Office on Violence Against Women have afforded us the opportunity to create forward-thinking programs that aim to reduce the incidence of violence against women and, where such violence has occurred, to provide comprehensive wraparound services to some of the most vulnerable victims in our society. Reauthorization of VAWA and continued funding for proven strategies is critical to our efforts.

At the same time, we simply cannot wait for the federal government to take action. Working together, we have found – and will continue to find – ways to pool our limited resources and use new ideas to reduce violence against women and to serve crime victims.

Take, for instance, a simple legislative proposal. Under current New York State Law, there is no penalty for repeat domestic violence offenders. Unless there is serious physical injury or physical injury caused by a weapon, most domestic violence crimes qualify merely as misdemeanors.

With only this misdemeanor charge at their disposal, prosecutors across the state see domestic violence abusers repeatedly cycle through the system, serving little or no jail time. Put

differently, there is little disincentive for them to do it again because the penalties are so low, even for repeat offenders. But, the opposite is true for the victim. The impact on the victims of repeated violence is severe and unconscionable. According to the Mayor's Office to Combat Domestic Violence, nearly 40% of battered women are victimized again within 6 months. From 2007 to 2011, in New York County alone, 685 individuals were convicted of two or more domestic violence offenses.

When a victim is repeatedly abused, but the consequences to the offender are the same every time, it sends a conflicting message about the importance of the victim and the gravity of the crime. Domestic violence is a matter of life and death – literally; evidence has shown time and time again that domestic violence can and does turn deadly.

That is why I have been a strong proponent of legislation that would create an E felony for repeatedly engaging in domestic violence. Last year, this legislation passed the Assembly but stalled in the Senate. The drafting of and support for this bill has truly been a bipartisan effort, and the reasons for this are clear. This bill is simple and straightforward. It enumerates “qualifying” domestic violence offenses, such as Aggravated Harassment and Strangulation, based upon the most common domestic violence convictions that my office saw last year. If an offender is convicted of two or more qualifying offenses against a member of the same family or household within the immediately preceding five years, the offender can be charged with an E felony.

This felony charge for repeat offenders will do several things to break the cycle of abuse. First, it sends a message to abusers and victims that the criminal justice system does not tolerate recurring acts of domestic violence. Second, families would be better protected from continued violence, because a felony order of protection lasts almost twice as long as one from a misdemeanor case. Under this felony charge, perpetrators of domestic violence would at a minimum be eligible for probation supervision for five years. In more serious cases, judges could incarcerate batterers in state prison. Finally, when incarceration is necessary and appropriate, these felony offenders would have much better access to re-entry and rehabilitative programs. Judges would also have the discretion to require offenders to participate in proven treatment programs.

In other words, creating an E felony for Aggravated Domestic Violence isn't simply about jail time; it is a concerted effort to break the cycle of domestic violence while providing families with the safety that they deserve.

I caution that the fight against domestic violence does not, and cannot, end with this legislation. The relationship between the victim and abuser in domestic violence is often complicated, with victims who may be financially dependent upon their abusers, or after years of abuse blame themselves for the violence. This cycle of abuse and control makes victims particularly vulnerable to intimidation and threats aimed at preventing them from pursuing the prosecution of their abuser. Even in cases where the victim notifies law enforcement and an arrest is made, we know from long experience that it is extremely difficult to bring a case through to a disposition. Of the 26,280 domestic violence crimes that were arraigned citywide in 2010, fewer than 10,000 resulted in a conviction.

To address these complexities, my office, along with the Mayor's Office to Combat Domestic Violence and the borough president is working to bring a Family Justice Center to Manhattan. This Center is designed to bring under one roof services for those escaping domestic violence. Specifically, the Family Justice Center will focus on improving three types of services for domestic violence victims. The first is crisis intervention: The Center will offer victims and their children safety and emergency care at the time of a violent incident. It will also provide long and short-term individual and group counseling that is linguistically, culturally, and age appropriate. Second, it will provide legal assistance: The Center will offer legal counseling, in English and Spanish, as well as support the representation of clients in Family and Supreme Court in matters concerning orders of protection, support, paternity, custody/visitation, and matrimonial proceedings. Third, the Center will provide educational outreach. Employees will conduct on and off-site pro se and legal clinics on matrimonial and family court proceedings, immigration issues, and safety planning. The Family Justice Center's client-centered approach will guide victims and enable them to determine their own path of action for improving their well-being.

My office is also dedicated to ensuring the best practices when prosecuting crimes of domestic violence. That is why in 2010 I formed the Special Victims Bureau, to focus on domestic violence, sex crimes, child abuse, and elder abuse. The cases that fall under the purview of the Special Victims Bureau are highly sensitive and involve some of our most

vulnerable victims. The consolidation of our resources in one bureau ensures that attorneys who have experience with the sensitive nature of these prosecutions are readily available to bring offenders to justice and to support these victims, whose lives are often upended due to the nature of these types of crimes. The Special Victims Bureau has greatly increased the ability to share information, coordinate training, access investigative resources, and match victims with the appropriate counseling and social services.

If one thing becomes clear during the hearings today, it is that violence against women is a complex, far-reaching epidemic. There is no one solution or simple fix. On the contrary, preventing violence against women and holding those who harm women accountable for their actions can only be achieved when law enforcement, service providers, community leaders, and lawmakers work together as a united front. With strong leadership at the federal, state, and local levels, coupled with realistic funding, we can make huge strides in reducing violence against women. The Violence Against Women Act is only one piece of that puzzle, but it is a critical element of our ongoing efforts and therefore the Violence Against Women Act must be reauthorized.

ⁱ <http://www.ovw.usdoj.gov/docs/vawa.pdf>

ⁱⁱ New York City Mayor's Office to Combat Domestic Violence, available at <http://www.nyc.gov/html/ocdv/html/publications/publications.shtml#brochures>.



Council of Senior Centers & Services of NYC, Inc.
49 West 45th Street, Seventh Floor, New York, NY 10036 (212) 398-6565
<http://www.cscs-ny.org>

**CITY COUNCIL PUBLIC HEARING
COMMITTEE ON WOMEN'S ISSUES
FEBRUARY 27, 2012**

**RESOLUTION 1064: REAUTHORIZATION OF THE
VIOLENCE AGAINST WOMEN'S ACT (VAWA)**

The Council of Senior Centers and Services (CSCS) represents 150 community-based aging services providers serving 300,000 older New Yorkers. Included in these services is the provision of elder abuse victim services funded through the NYC Department for the Aging. We thank City Council for restoring the \$800,000 each year for these services and holding hearings on this issue.

Resolution 1064 is a good opportunity to bring to light those older women who experience elder abuse (EA) in all its forms: physical, sexual, psychological and financial abuse. On behalf of the 260,000 older New Yorkers who experience elder abuse, about 65% or 170,000 women, in NY state that goes unreported, we urge City Council to include language about older women suffering from abuse in Resolution 1064.

The landmark study, "Under the Radar", NY State Elder Abuse Prevalence Study, May, 2011, was funded by the NY State Department of Family and Children Services. The lead researchers and consultants for this study are based in NYC, Dr. Mark Lachs, Director of Geriatrics, Cornell-Weill Medical Center, Dr. Jackie Berman, NYC Department for the Aging and Patricia Brownell, Associate Professor Emerita of Social Service, Fordham University.

Some key findings include:

1. 76 out of every 1,000 older New Yorkers are victims of elder abuse in a one year period.
2. 260,000 NY state residents are EA victims that go unreported, with approximately 170,000 or 65% women. This is a dramatic gap between incidence and reporting to law enforcement or social services.

3. 9%, 120,000, older adults in NYC are EA victims that go unreported – approximately 80,000 or 65% are women.

Strengthening the reauthorization language in VAWA would raise national awareness of the hidden crisis of elder abuse. It is often noted that public awareness, policy and programmatic funding are where domestic violence was 20-30 years ago. It is our understanding that currently, VAWA authorizes only \$10 million nationally for EA victims and appropriates only \$4 million which is for mostly for training, with only a fraction available for services.

Clearly, we all need to walk this road together to bring EA into the light. Given the demographics of our city and nationally, with the dramatic increase in the older adult population, there is a compelling argument for developing a stronger foundation of policy and services to protect older women experiencing EA.

To this end, we recommend the following language be included in Resolution 1064: See attached resolution with suggested language -

1. **Wherever Resolution 1064 refers to women and domestic violence, “women of all ages” should be inserted -** *In the United Nations, in 2010*, General Recommendation 27 was passed by the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) experts and the General Assembly **to add older women** as a special category within CEDAW, **including the right to live a life free of violence**. As NYC has been declared an “age friendly city” under a UN initiative of world class cities, it is a logical next step to include elder abuse in the Resolution 1064 and when advocating for VAWA and victims of domestic violence of all ages.
2. **Include reference to the landmark 2011 NYS study on the prevalence of elder abuse in Resolution 1046** – Please see the reference mentioned previously.
3. **Add language to be more inclusive** – Where appropriate, add “women of all ages” in Resolution 1064. Please see attached resolution with recommendations.
4. **Add language to provide a more inclusive definition of intimate partner violence** – In order to include older women who are elder abuse victims, the definition of “intimate partner violence” should include mother/adult child, wife/spouse, partner or other family member. A substantial amount of elder abuse is perpetrated by family members.

CSCS thanks the Committee on Women’s Issues for the opportunity to testify on this critical issue. We look forward to working with City Council, elder abuse providers and advocates, the domestic violence community and other stakeholders to ensure that women of all ages are free from violence throughout their lifetime.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Zenab Eyega

Address: 2417 3rd Ave, Suite 205

I represent: South Yetu Center for African Women

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Feb 27, 2012

(PLEASE PRINT)

Name: ATTIA NAWAZ

Address: 2831 Brighton 4th Street, Brooklyn, NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Jugba Sanji

Address: 272 Sumpter St. BK, NY 11233

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARGUERITE D CORDICE

Address: 13870 ELDER AVE

I represent: FLUSHING HOLISTIC Legal Advocacy Center of Queens

Address: SLA/G

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/10

(PLEASE PRINT)

Name: Karina Aibar-Jacobs

Address: 519 West 189th St NY NY 10030

I represent: Dominican Women's Development Center

Address: (DWDC)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MB

Address: MERCEDES MATEAS

I represent: CONNECT

Address: 3 W 29th St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Mary Harland

Address: NY City Alliance Agst Sexual

I represent: 32 Broadway 1101 Hseat

Address: New York City 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Sharene Roig

Address: 2

I represent: CONNECT

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1004

in favor in opposition

Date: 02/27/2012

(PLEASE PRINT)

Name: BITTA MOSTOFI

Address: 50 COURT ST, BROOKLYN, NY 11201

I represent: SAFE HORIZON

Address: 2 Lafayette

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BESMI SENGUPTA

Address: 484 STATE ST. UNIT 2

I represent: SAKHI FOR SOUTH ASIAN WOMAN

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wanda Lucibello

Address: KCDAO - 15th fl. 350 Jay

I represent: Brooklyn DA Charles Joe Hynes

Address: 350 JAY ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Chai Jindasurat

Address: 240 W 35th St. Suite 200

I represent: New York City Gay & Lesbian Anti-Violence

Address: 240 W 35th St. suite 200 Project

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Anna Capobene

Address: 100 Broadway 10th Fl

I represent: NY City Bar

Address: 42 W. 44th St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: ROSITA STROMBERG

Address: 357 E 54th St NY NY 10040

I represent: Dominican Women's Dev. Center

Address: 333 E 145th

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/11

(PLEASE PRINT)

Name: YINGHUA YUE

Address: 100 Convent Avenue, New York NY 10031

I represent: NYBA

Address: 33 E 145th

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: 2/27/2012

(PLEASE PRINT)

Name: Emma Hansea

Address: 110 Wall St. 14th Floor

I represent: Sanctuary for Families

Address: 110 Wall St 4th Floor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Lin Kim

Address: 156-32 77th Street, Howard Beach, NY 11414

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: SILDA PATERM

Address: 395 HUDSON ST, NY

I represent: LEGAL MOMENTUM

Address: 395 HUDSON, NY

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Bobbie Jackson / Pat Brownell

Address: Council of Dr. Centers Service

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: 2/27/12

(PLEASE PRINT)

Name: Brian Dworkin / NANCIE SCHURR

Address: _____

I represent: LEGAL SERVICES NEW YORK CITY

Address: 40 WORTH ST, 6th FLOOR NY, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1064

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Daniel M. Donovan Jr. Staten Island DA

Address: 130 Stuyvesant Place

I represent: Richmond County District Attorney's Office

Address: _____

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