

# NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

## OPDV Bulletin/Fall 2008

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Join us in turning New York State purple! For more information on this and other Domestic Violence Awareness Month activities, go to: [www.opdv.state.ny.us](http://www.opdv.state.ny.us) and click on the purple banner.

### Human Trafficking

Trafficking is a crime that can intersect with domestic violence. Many domestic violence advocates have encountered trafficking victims in their practice and often find that there are similarities between the victims of both crimes, including isolation from support systems and reluctance to self-identify. In 2007, the NYS Anti-Human Trafficking Law was enacted to assist trafficking victims and penalize traffickers. An Interagency Task Force on Human Trafficking was created to assist in the implementation of the new law, including educating the law enforcement, advocacy, and legal communities. The Task Force, co-chaired by the NYS Office of Temporary and Disability Assistance (OTDA) and the NYS Division of Criminal Justice Services (DCJS) released its first report in August 2008: [www.otda.state.ny.us/main/bria/documents/Human-Trafficking-Report.pdf](http://www.otda.state.ny.us/main/bria/documents/Human-Trafficking-Report.pdf)

See page 3 for Questions & Answers on Human Trafficking in NYS.

### Did you know...

In 2007, NYS courts issued a total of 205,799 orders of protection.

This number includes initial temporary orders of protection and final orders of protection that were issued in Family, Criminal, County/Supreme Criminal, Supreme Civil and Town and Village courts. It does not include interim orders of protection that are extended or orders of protection that were not filed with the New York State Family Protection Registry.

### WELCOME!



It is our great pleasure to welcome you to the inaugural edition of the new electronic OPDV Bulletin. For many years OPDV produced a popular print Bulletin: we hope you find this format even more helpful, and as full of practical information about resources, best practices, and updates in the field as ever.

This edition of the OPDV Bulletin marks an exciting milestone in New York State's response to domestic violence: the 25th anniversary of the NYS Office for the Prevention of Domestic Violence (OPDV). We are the only state in the union that has such an office dedicated to domestic violence, and we are proud of the tremendous progress that has been made over these past 25 years. We look forward to continuing our work with you to bring about even more positive change.

We are also publishing now to reaffirm NYS's recognition of October as Domestic Violence Awareness Month, and we invite you to join us in promoting awareness and prevention work this month, and every month. OPDV has updated its website with a new look, and new information for providers – please use it as a resource as you plan your future activities.

We hope you enjoy this and future issues of the OPDV Bulletin; it will be published quarterly. Share it with anyone you think would find it useful. OPDV welcomes your feedback on how to make this resource most helpful for you. Together we can make our state safer for all New Yorkers.

Governor David A. Paterson  
Amy Barasch, OPDV Executive Director

## Domestic Violence and the Workplace

Domestic violence is not something that affects people only in their homes. It follows them into other areas of their lives, including the workplace. A 2005 national telephone survey found that 21% of adults employed full time were victims of domestic violence<sup>1</sup>.

Domestic violence can show itself in many different ways in the workplace. It can make succeeding at work extremely difficult for someone being abused, and might ultimately result in them having to stop working. There are also employees who commit domestic violence while at work, at a cost to employers through the misuse of time and resources. The impact on an organization can include lost productivity; health care costs; absenteeism; and employee turn over. It can compromise the safety of victims and their co-workers, sometimes with fatal results.

There are ways employers can help. Employers can implement domestic violence and the workplace policies that include provisions such as: training for staff; help identifying the best use of attendance and leave benefits, such as sick time and personal leave; help creating workplace safety plans; and the provision of information and referrals for services, such as the local domestic violence program. Employers can also hold abusive employees accountable through these policies.

### Executive Order 19

To address the impact of domestic violence on the New York State workforce, former Governor Eliot Spitzer signed Executive Order 19 in October of 2007. This Order required all New York State Agencies and designated Authorities to formulate and issue domestic violence and the workplace policies.

### The NYS Domestic Violence and the Workplace Initiative

Executive Order 19 directed the NYS Office for the Prevention of Domestic Violence (OPDV) to update the Model Domestic Violence and the Workplace Policy it created in 2000. OPDV updated the policy in collaboration with union representation, and distributed it with implementation guidelines to all State Agencies. OPDV reviewed and approved all Agency policies and provided technical assistance and training throughout the process.

### Implementation and Staff Support

The policies require that all Agencies designate staff liaisons to oversee policy implementation and support personnel for employed victims. Support might include information on how to get help from their local domestic violence program; information about the NYS Employee Assistance Program (EAP); a workplace safety plan; and/or assistance with the best use of time and attendance benefits. Policies also require that if an employee is found to have used State time to commit domestic violence, the Agency will hold that employee accountable.

### Training

All liaisons and support personnel received domestic violence training conducted by OPDV. In addition, since training for all New York State employees was strongly encouraged under Executive Order 19, several train-the-trainer sessions were conducted so that Agencies could go on to train the rest of their staff. OPDV also trained EAP representatives in preparation for this initiative. To date, approximately 885 people have been trained as part of this initiative, and training is ongoing.

### Reporting

Under this initiative, Agencies will report any domestic violence incidents that take place at their Agency; the number of employees who report being a victim of domestic violence; the number of referrals to domestic violence programs given; and the number of employees who request domestic violence information for themselves or someone else. All data will be aggregate and will not contain any identifying information. The information will be compiled by OPDV in an annual report to the Governor.

For more information, visit: [www.opdv.state.ny.us/professionals/workplace/index.html](http://www.opdv.state.ny.us/professionals/workplace/index.html)

<sup>1</sup> Corporate Alliance to End Partner Violence. 2005 National Telephone Survey. Internet on-line. Available from: [http://www.caepv.org/getinfo/facts\\_stats.php?pactsec=3](http://www.caepv.org/getinfo/facts_stats.php?pactsec=3).



## Questions & Answers About Human Trafficking in NYS

*This Q&A was conducted with OTDA Human Trafficking Program Coordinator Christa Stewart (CS) and DCJS Deputy Commissioner and Special Counsel Mary Kavaney (MK).*

### **Q: What is human trafficking?**

**A:** CS: Human trafficking is modern day slavery. Under NYS law, trafficking is the act of forced labor or sexual servitude under specific means for the benefit of the perpetrator. Ways traffickers may control victims include restricting their movements and psychological manipulation, including threats to hurt family members or expose the victim to law enforcement. Trafficking happens domestically as well as internationally.

*MK:* Methods used to exploit victims that might constitute trafficking under NYS law include: the use of force, withholding the victim's identification documents, making someone pay off a debt by engaging in prostitution, or giving someone drugs to get them into (or keep them in) prostitution.

### **Q: Can you explain the NYS anti-human trafficking law?**

**A:** *MK:* The law addresses human trafficking in three critical ways: with new Penal Law crimes that specifically target the methods used by traffickers to exploit their victims; with mechanisms to facilitate the delivery of social services to trafficking victims; and with the creation of an Interagency Task Force to coordinate implementation of the new laws, collect data on the extent of trafficking, and assess the State's efforts in fighting trafficking and protecting victims.

### **Q: How does the NYS trafficking law differ from the federal trafficking law?**

**A:** *MK:* The NYS law applies to both U.S. citizens and foreign-born individuals, while the federal law applies only to foreign-born individuals. Both laws prohibit sex and labor trafficking using force, fraud, or coercion, but the NYS law has broader application for other means used by traffickers and does not require movement of the victim, as is required under federal law. For example, the first person indicted under the NYS law was a Queens, NY man accused of forcing a 16 year old NYC girl to perform sexual acts for his financial benefit by intimidating and threatening to murder her.

### **Q: How has the NYS law changed how traffickers are penalized?**

**A:** *MK:* The law provides for significant sentences of imprisonment for offenders convicted of sex or labor trafficking. Sex trafficking is a class B felony with a maximum sentence of 25 years imprisonment. Labor trafficking is a class D felony with a maximum sentence of seven years in prison. In addition, the lowest level patronizing a prostitute offense was increased from a class B misdemeanor to a class A misdemeanor.

### **Q: What services are available to trafficking victims in New York? How are they accessed?**

**A:** CS: The NYS anti-trafficking statute provides services for those who would normally be able to access government assistance, as well as victims of trafficking who would be otherwise ineligible. People who are confirmed to be trafficking victims by New York State will be assisted under the NYS Response to Human Traf-

ficking Program (RHTP). This program consists of six regional agencies that are encouraged to develop relationships with other providers in their area so that services such as shelter, legal services, psychological support, and medical care can be offered. The Social Services Law also provides for victims of trafficking who are otherwise eligible to receive social services to be referred to the Local District Social Services (LDSS).

### **Q: What is the process for providers seeking reimbursement for services they provided?**

**A:** CS: RHTP providers prepare claims for their costs and for the costs of the other providers that they work with and are reimbursed after submitting vouchers and supporting documentation to OTDA's Bureau of Refugee and Immigrant Assistance (BRIA), up to the maximum allowance per client. Non-RHTP providers are encouraged to develop agreements with the RHTP provider in their area so that they can receive reimbursement for providing services to trafficking victims. For a list of RHTP providers, visit: [www.otda.state.ny.us/main/bria/documents/Trafficking%20-%20Case%20Managers.pdf](http://www.otda.state.ny.us/main/bria/documents/Trafficking%20-%20Case%20Managers.pdf)

For more information on human trafficking, the NYS response, and/or training on trafficking, visit: <http://www.otda.state.ny.us/main/bria/trafficking.htm> <http://www.criminaljustice.state.ny.us/pio/humantrafficking/humantrafficking.htm>




## LEGISLATIVE UPDATE

Beginning on July 21, 2008, a new law now allows more victims to seek an order of protection in Family Court by including those who are or have been in an intimate relationship, regardless of whether they have lived with the abuser or whether the relationship is of a sexual nature. This includes LGBT and dating relationships (including teens). Mandatory arrest provisions now apply in cases involving these relationships. Previously, only individuals who are or have been married, share a child in common, or are related by blood or marriage were eligible for an order of protection in Family Court.

A new law relevant to custody and visitation decisions was signed on September 4, 2008. When a parent makes a good faith allegation that a child is the victim of abuse, neglect or the effects of domestic violence, this allegation, or any actions taken to protect or seek treatment for the child, cannot be held against the parent. The law also requires the court to consider any allegations of abuse when determining visitation, and prohibits granting custody to a parent who presents a substantial risk of harm to the child.

For additional legislation that has been signed into law, visit: [www.opdv.state.ny.us/law/summ\\_year/sum08.html](http://www.opdv.state.ny.us/law/summ_year/sum08.html)

**IT'S NEW...**

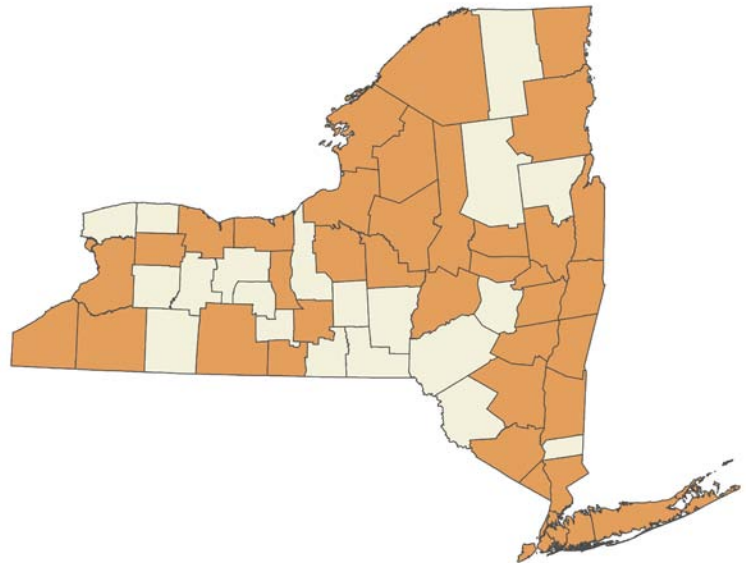


**OPDV has a new website! Check it out at: [www.opdv.state.ny.us](http://www.opdv.state.ny.us)**

## OPDV AROUND THE STATE

This map shows the New York State counties (shaded orange) in which OPDV staff have conducted trainings and presentations from January through September 2008. These include trainings for: CPS/child welfare, law enforcement, health care, substance abuse, and local departments of social services. The map shows only the counties where the trainings took place, but often people from other counties attend OPDV trainings.

To see this map in more detail and/or for more information on OPDV's trainings, visit: [www.opdv.state.ny.us/aboutopdv/aroundstate.html](http://www.opdv.state.ny.us/aboutopdv/aroundstate.html)



## NEW TOOL AVAILABLE!

Recently, the NYS Office of Temporary and Disability Assistance (OTDA) launched a new service called myBenefits. This on-line tool allows New Yorkers to find out if they may qualify for work support benefits and other programs from any com-



puter with internet access. People can find out if they might qualify for Food Stamps, the Earned Income Tax Credit and other tax credits, and school lunch programs without making a trip to their local department of social services. Screening for eligibility for other OTDA programs will be added over time.

In mid-2009, myBenefits will be expanded to allow people to apply for Food Stamps on-line. On-line application is currently being piloted in several upstate counties, and will include 11 counties by the fall. Pilot

counties are Dutchess, Ulster, Orange, Oneida, Jefferson, Tompkins, Onondaga, Erie, Suffolk, Westchester and Chautauqua. Following the pilot period, on-line application will be expanded to all upstate counties. For more information on myBenefits, visit: [www.myBenefits.ny.gov](http://www.myBenefits.ny.gov)

New York City is developing its own on-line application system, so this service will soon be available state-wide. For information on that system, visit: [www.nyc.gov/accessnyc](http://www.nyc.gov/accessnyc)

NYS Office for the Prevention of Domestic Violence [www.opdv.state.ny.us](http://www.opdv.state.ny.us)  
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