

NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Spring 2009

IN THIS ISSUE

From the Executive Director.....	Cover
Domestic Violence and Crime Victim Compensation	Cover
Did You Know.....	Cover
Domestic Violence and Traumatic Brain Injury.....	Page 2
Q&A About Domestic Violence and Crime Victim Compensation.....	Page 3
Legislative Update	Page 4
New Materials!.....	Page 4
NYS Department of Labor Displaced Homemaker Program	Page 4

Domestic Violence and Crime Victim Compensation

Domestic violence crimes profoundly affect the lives of victims. The effects often result in financial hardship, whether it be costs associated with counseling to help victims deal with the aftermath of the crime, medical expenses which result from the treatment of injuries suffered, or costs related to moving when a victim needs to relocate because of the abuse. The experience not only has physical and emotional ramifications, but it has financial ramifications as well.

In New York State, financial assistance is available for innocent victims of crime, including domestic violence and sexual assault crimes. The New York State Crime Victims Board (CVB) provides compensation to victims of crime and their families for crime-related costs under many circumstances. Domestic violence victims may be able to get compensated for things like the cost to replace or repair personal property, loss of earnings or support, and medical expenses.

To learn more, see page 3 for Q&A on domestic violence and crime victim compensation in New York State.

Did you know...

Over 1 million New Yorkers were exposed to OPDV's *Coaching Boys Into Men* public awareness campaign.

Post campaign surveys indicate that individuals who saw the campaign were more likely than those who had not seen it to feel they can make a difference on the issue, and to have actually spoken to boys about violence against women and girls.



The campaign was originally developed for the Family Violence Prevention Fund with the Ad Council and was expanded and customized for New York State. Post campaign surveys prepared and conducted by the Ad Council.

From the Executive Director



We are pleased to present this issue of the OPDV Bulletin, which includes useful information such as a Q&A with Tina Stanford, Chairwoman of the NYS Crime Victims Board (CVB), and an article on Traumatic Brain Injury and Domestic Violence by OPDV's Sue Parry.

This issue of the Bulletin follows two public awareness efforts that are very relevant to the domestic violence field. April was Sexual Assault Awareness Month, and April 26 – May 1 was National Crime Victims Week. Sexual assault is integrally linked to the issue of domestic violence. We know that it is much more common for a person to be sexually assaulted by someone they know, frequently an intimate partner, than by a stranger. In addition, both sexual assault and domestic violence victims make up a significant percentage of crime victims overall, and as our Q&A makes clear, CVB compensation can be an essential lifeline for those who have incurred financial costs related to their victimization. It is critical that those of us working with victims recognize the overlap and, especially in these times of limited resources, work together.

Recently, domestic violence has been in the media with a frequency we have not seen in some time due to several high profile cases. Some stories have pursued possible links between domestic violence and the economy. While financial stress may exacerbate already abusive situations, and can further challenge a victim's access to safety, economic hardship does not cause domestic violence. Domestic violence occurs all too regularly, whether the media reports it or not. The recent media coverage provides us with an opportunity to bring an educated awareness to this very important issue, and we applaud those who have done so in their communities. The more everyone can identify the problem, the more support we have for ending it.

Amy Barasch
Executive Director

Domestic Violence and Traumatic Brain Injury

Sue Parry, Ph.D., is the Coordinator of Special Projects at the NYS Office for the Prevention of Domestic Violence and is a nationally recognized expert on Domestic Violence and Traumatic Brain Injury.

Traumatic brain injury (TBI) – an injury caused by an external physical force – is an often ignored outcome of severe physical violence by intimate partners who target the head, face, and neck. A recent study of women with facial injuries found that women assaulted by an intimate partner tended to have breaks in the cheekbones or bones around the eye, while those assaulted by someone other than a partner more often had jaw fractures.¹ In other words, batterers are likely to hit in areas of the head most likely to result in a TBI – and this research found a higher incidence of TBI in women assaulted by a partner.

TBIs can be caused by a foreign object (such as a bullet) piercing the skull and damaging parts of the brain that lie along its path, or by blows that don't fracture the skull, but cause both localized and widespread damage. Cutting off oxygen (e.g., by strangulation) also injures the brain. Mild TBI can occur without the loss of consciousness or severe trauma that would lead to medical intervention, so a victim of domestic violence may have a mild TBI without knowing it, and may not realize a TBI is causing some of her difficulties.

TBI can lead to impairments, ranging from mild to severe, in thinking, emotions, behavior, and physical functioning. Abused women most often report headaches, severe fatigue, memory loss, depression, and difficulty communicating. Victims may have difficulty concentrating, making decisions, and taking initiative, and may or may not realize that they are having these problems. They may be irritable and extremely fatigued. More severe injuries can also lead to seizures, paralysis, and other serious physical problems.

Physical assault can lead to repeated TBIs, which make it harder to recover from earlier ones and increase the risk of death. One study of women in shelter found that over 90% had been hit in the head or severely shaken by their partners, most more than once. Those who had been hit or shaken most often had the most severe and frequent problems.² TBI itself can make it harder for a victim of domestic violence to defend herself, make and remember safety plans, leave her abusive partner, live on her own, or adapt to spending time in shelter.

Resources

OPDV has added a new section to our website <http://opdv.state.ny.us/professionals/tbi/index.html>, which contains information for both brain injury and domestic violence service providers. More information is also available on the Brain Injury Association of NYS website, <http://bianys.org>, or through their Family Help Line at 800- 228-8201.

WORKING AROUND A TBI

The following strategies can help service providers work with a victim of domestic violence – or other individual – who has difficulties with attention, concentration, information processing, memory, and executive functioning.

- Minimize distractions – phone calls, interruptions, bright lights, etc.
- Meet with her alone, unless she wants someone else there, and keep meetings short with breaks built in.
- Work on one task at a time; stick to the topic at hand.
- Repeat, repeat, repeat.
- If safety allows, write down important information, such as court dates, contact numbers, and directions.
- Develop checklists and help her prioritize.
- Help her fill out forms and make phone calls.
- If she thinks she is functioning better than she is, provide respectful feedback on problem areas that affect her safety. Point out possible consequences of decisions.
- Break safety plans and tasks down into small, sequential steps, and allow extra time for her to complete them.
- Be realistic about how much – or how little – she can do in a given day, due to ongoing depression or fatigue.
- Review safety plans often to help compensate for problems with memory, initiative, and follow-through.
- Find out what she needs to manage her life and incorporate it in safety planning, including benefits, support and rehabilitation services, assistive devices (voice recorders, timers, etc.), service animals, and transportation.

NOTE: If an abused woman thinks her partner has suffered a TBI, she might want to try to get an evaluation for him, but she should also be helped to plan for safety. Individuals who have a TBI sometimes become aggressive, but TBI does not cause or excuse the targeted pattern of coercive control usually seen in domestic violence.

1 Arosarena, O.A. et al. (2009) Maxillofacial injuries and violence against women, *Archives of Facial Plastic Surgery*, 11(1), 48-52.

2 Jackson, H., et al. (2002). Traumatic Brain Injury: A Hidden Consequence for Battered Women. *Professional Psychology: Research and Practice*, 33, 1, 39-45.

Q&A About Domestic Violence and Crime Victim Compensation



This Q&A was conducted with Tina M. Stanford, Esq. (pictured left), Chairwoman of the NYS Crime Victims Board (CVB).

Q: What is the role of CVB?

A: It is the mission of the Crime Victims Board (CVB) to provide compensation to innocent victims of crime in a timely, efficient, and compassionate manner; to fund direct services to crime victims via a network of community-based programs; and to advocate for the rights and benefits of all innocent victims of crime.

Q: Who is eligible for CVB compensation?

A: Some people who might be eligible for CVB compensation include:

- Innocent victims of crime
- Certain relatives and dependents, including surviving spouse, child, parent, sibling, stepsibling, stepparent, or person primarily dependent on the victim for support
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Certain trafficking victims

CVB is a payer of last resort, meaning that all other sources of compensation must be exhausted before CVB can pay for "out-of-pocket" crime-related losses. For instance, benefits must first be obtained from sources like workers' compensation, health, auto or home owner's insurance, and disability, before CVB can pay for losses associated with the crime. For a **complete list of eligibility considerations:** www.cvb.state.ny.us/HelpforCrimeVictims/HelpFAQ.aspx

Q: How can CVB help victims of domestic violence?

A: The CVB offers compensation related to: personal injury, death, and loss of essential personal property. Some of the specific expenses CVB may cover include:

- Medical and counseling expenses
- Loss or damage of essential personal property (up to \$500, including \$100 for cash)
- Burial/funeral expenses (up to \$6000)
- Lost wages or lost support (up to \$30,000)
- Transportation (related to court or medical appointments)
- Moving expenses (up to \$2,500)

For a **complete list of expenses** that may be covered: www.cvb.state.ny.us/HelpforCrimeVictims/HelpFAQ.aspx

Q: What documentation does a victim need to get help from CVB?

A: An application must be filed. You can get an application from CVB directly, from the CVB website (www.cvb.state.ny.us/HelpforCrimeVictims/Application.aspx), or contact us to find a local victim assistance program near you. You may also get an application from any police station, precinct house, or hospital emergency room.

Other paperwork required includes photocopies of:

- Police reports
- Insurance cards
- Legal guardianship papers
- Itemized medical bills
- Orders of Protection
- Letters from District Attorney

For a **complete list of required paperwork**, visit: www.cvb.state.ny.us/HelpforCrimeVictims/HelpFAQ.aspx Even if you do not have all the necessary documentation, send your application in right away. You can send the other documents later.

Q: If someone thinks they might be eligible for CVB compensation, what should they do?

A: Contact the CVB Victim Assistance Program

CVB's Victim Assistance Program (VAP) delivers direct services to victims of crime, including referrals to resources, particularly other CVB-funded victim assistance programs and the established network of crime victim service providers, compensation claims assistance, information, advocacy, and follow-up contact.

The VAP can assist in obtaining monetary emergency awards from CVB for eligible claimants, who do not yet have an active claim with the CVB. Emergency awards may be given for burial expenses, loss of earnings, medical expenses, etc. to claimants who show that they will suffer undue financial hardship if they do not receive immediate assistance.

Compensation claim applications that are incomplete (and therefore cannot be processed by CVB) and were submitted by victims who were not assisted by another CVB-funded victim advocacy program are referred to the VAP. The CVB VAP will contact the victim to obtain missing information and resubmit the claim.

To contact the CVB VAP:

- Albany office: 518-485-9104
- Brooklyn office: 718-923-4366
- Buffalo office: 716-847-7996

- or -

Contact Local Victim Assistance Programs

There are about 200 CVB-funded Victim Assistance Programs throughout the State. CVB-funded victim services are accessible in every county in NYS. To find the program near you: www.cvb.state.ny.us/HelpforCrimeVictims/LocateaProgram.aspx

Legislative/Legal Update



Campus Legislation

On April 7, 2009, Governor Paterson signed into law [legislation](#) that requires all New York State colleges to address domestic

violence and stalking. The new law requires a comprehensive response, similar to measures that must be taken to combat sexual assault, including, providing incoming students with information on prevention, laws and penalties, and the college's response to any incidents or offenses, including assistance for victims. In order to develop recommendations

for improvement, the bill also requires a review of the following: campus security policies, the education of school personnel, and the reporting of incidents during investigations.

Supreme Court Firearms Decision

In 1996, Congress extended the federal Gun Control Act which prohibits the possession of a firearm by a felon to apply to individuals previously convicted of a misdemeanor crime of domestic violence [18 U. S. C. §922(g)(9)]. On February 24, 2009, in [United States v. Hayes](#), the US Supreme Court ruled on how to interpret "a misdemeanor crime of domestic violence." Mr. Hayes had challenged that his previous conviction in West Virginia

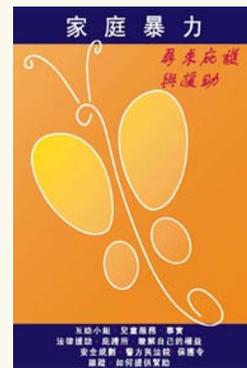
did not meet this definition because the state's battery law did not specifically designate a domestic relationship between the offender and victim as an element of the offense. The Supreme Court disagreed and found that a state's misdemeanor crime of domestic violence must have the use or attempted use of physical force, or the threatened use of a deadly weapon, as an element of the crime and the crime must be committed by a person who has a specified domestic relationship with the victim. A state's law is not required to designate the domestic relationship as an element of the crime in order for the prohibitions under the federal Gun Control Act to apply.

New Materials!

OPDV now has many of its materials available in a wider variety of languages! For the first time, our popular victim guide, *Finding Safety and Support*, is available in **five languages**: English, Spanish, Chinese, Russian, and Arabic. Public awareness materials, including posters and brochures, are also available in multiple languages, including English, Spanish, Haitian-Creole, French, Chinese, and Russian.

OPDV has also developed a series of

Information Guides available on a variety of topics. Information Guides are short documents focused on particular subject areas. Guides have been developed on: Domestic Violence and Child Safety Planning, Stalking, Domestic Violence and Traumatic Brain Injury (TBI), Teen Dating Violence, Domestic Violence and the Workplace, Intimate Partner Sexual Assault, and Domestic Violence and Identity Theft. Keep checking our website for Information Guides on other topics that are currently being developed.



To order or download OPDV materials, visit www.opdv.state.ny.us/publications/index.html.

NYS Department of Labor Displaced Homemaker Program

Given the current economic climate, employment and job readiness resources become more important than ever. The NYS Department of Labor (DOL) has many programs designed to help New Yorkers find and maintain employment. One of these programs is the Displaced Homemaker Program.

The goal of the program is to help long-term homemakers develop and implement sound vocational plans leading to employment, which will allow them to become economically independent. The needs of these individuals can be extensive. Beside the problems associated with

economic loss – child care, transportation, housing, and lack of basic necessities – the disruption of family life may result in emotional, medical, and legal difficulties.

Crisis intervention, counseling, and referral to relevant community service agencies are often critical preliminary needs of program participants. Individuals can then move on to various structured job readiness programs, which teach skills such as resume writing and job seeking strategies. Individual counseling and placement services, including assessment and resume preparation, are provided to participants before, during, after, or in lieu of structured job preparation programs. Job preparation components include job readiness, self

development, and job clubs.

For more information and a list of Displaced Homemaker Centers by county, visit www.labor.state.ny.us/workforcenypartners/dhpcenters.shtm.

DOL also has other programs and resources designed to help all New Yorkers find and maintain employment, including: One-Stop Career Centers (www.labor.state.ny.us/workforcenypartners/osview.asp) and CareerZone (www.nycareerzone.org/). For more information on DOL resources, visit www.labor.state.ny.us/careerservices/CareerServicesIndex.shtm.

NYS Office for the Prevention of Domestic Violence www.opdv.state.ny.us

Please send any comments or content ideas to: opdvbulletin@opdv.state.ny.us

If you would like to subscribe to the OPDV Bulletin, visit www.opdv.state.ny.us/public_awareness/bulletins/subscribe.html

Permission to copy, use, and distribute content from The OPDV Bulletin is granted for personal, private, and educational purposes, except that reproducing materials for profit or any commercial use is strictly forbidden without specific permission from OPDV. Any reproduction or distribution of this material must expressly credit OPDV in a prominent manner, such as, "From the NYS Office for the Prevention of Domestic Violence, OPDV Bulletin, Spring 2009". This statement does not pertain to material from other sources.