

NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Summer 2010

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SHOW YOUR DRIVE TO END DOMESTIC VIOLENCE!

OPDV and the Department of Motor Vehicles offer a "Peace at Home" license plate. A portion of the proceeds goes to promote awareness of domestic violence: www.nydmv.state.ny.us/cause.htm



Domestic Violence and Animal Abuse

Perpetrators of domestic violence use many tactics to control and intimidate their victims, including physical, sexual, economic, and psychological abuse. Another tactic some abusers use is threatening and/or abusing pets. Abusers may physically abuse pets, withhold food, water, shelter, or veterinary care from them, or take pets away from the home and abandon them.

For many people, pets are a beloved member of the family. They are also vulnerable and dependent on people to provide them with the care they need to be safe and healthy. For domestic violence victims whose partners abuse their pets, fear for the safety of their animals may be a major factor in their decision to leave the relationship or seek help. Just as abusers threaten victims with harming things they care about, threatening to hurt or kill pets is another way that abusers manipulate and control victims.

It is important to know that there are programs to help domestic violence victims' pets. Domestic violence programs often partner with local animal shelters or rescue organizations to provide services to abused pets. These programs can often house pets in a secure location while victims are in shelter and may provide services such as emergency veterinary care and placement for animals victims can no longer keep.

See the Q&A on domestic violence and animal abuse on page 3.

Did you know...

In October 2009, more than 120 organizations throughout NYS participated in OPDV's *Shine the Light on Domestic Violence* effort during Domestic Violence Awareness Month. Help turn New York State purple in October 2010! [Find out how.](#)



Albany Law School

From the Executive Director



As we celebrate Independence Day, we might take time to reflect on some of the barriers to independence faced by victims of domestic violence. In this issue of the OPDV Bulletin, we discuss how a lack of facility with the English language can be a barrier to safety for some victims. In addition to the resources mentioned in the article, OPDV's victim guide is available in five languages: <http://opdv.state.ny.us/publications/materialslist-order.html>.

Recently we were proud to stand with Verizon to announce their first ever domestic violence entrepreneurship scholarship. For some survivors, creating their own business can give them real economic freedom. Get an application by sending an email to: hopelinesmallbiz@verizonwireless.com. An easy way to receive our updates and other news like this is by becoming a fan of our [page on Facebook](#).

And it's never too early to be planning for October, Domestic Violence Awareness Month. We hope many of you will join us again in our effort to Turn the State Purple in honor of the victims and survivors for whom we work. We will be sending out packets of information to previous partners; if you want to join in to the ever expanding list of participants get ideas [here](#). This effort costs almost nothing, and yet has the potential to reach millions. As always, we thank you for your hard work during hard times, and invite you to let us know how we can support you.

Amy Barasch
Executive Director

Language Access for Limited English Proficient (LEP) Victims of Domestic Violence

Michael Mulé, Staff Attorney, Hon. Michael Telesca Center for Justice, Empire Justice Center

Title VI of the Civil Rights Act of 1964 (Title VI) requires domestic violence programs and agencies that receive federal financial assistance to ensure limited English proficient (LEP) victims of domestic violence are provided meaningful access to programs and services. To comply with these requirements, agencies should have appropriate policies and procedures in place and provide necessary language assistance services.

Challenges

In addition to the usual obstacles that confront victims of domestic violence, the most daunting of these barriers for LEP victims is often their inability to speak or read English proficiently.¹ Limited English proficient (LEP) refers to individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.² For some victims, the abuser is their only connection to the English-speaking world.³ LEP victims face additional obstacles when they are unable to communicate with law enforcement, court staff, or receive information about domestic violence service providers.⁴

Legal Protections

Title VI prohibits recipients of federal assistance from discriminating based on national origin by, among other things, failing to provide LEP individuals meaningful access to programs and services.⁵ Meaningful access is language assistance that results in accurate and effective communication at no cost to the LEP individual.⁶ Language assistance services include interpretation, oral language services, and translation, written language services, in the language of each frequently-encountered LEP group eligible to be served or likely to be affected.⁷

The obligation to provide language assistance services applies to all law enforcement agencies, state courts, domestic violence programs and shelter providers that receive federal financial assistance.⁸ To ensure compliance with Title VI, recipients of federal assistance should develop a written language access plan which describes how and when it provides language assistance services to LEP individuals.⁹

Tips and Tools for Providers

Domestic violence providers should assess the languages commonly spoken in the community and develop appropriate protocols and resources.¹⁰ One way to ensure compliance with Title VI is to develop a language access plan that describes how to identify and assess the language needs of the LEP communities, how the program will communicate with LEP individuals, the range of language assistance options available and how they will be provided, how and when to translate written materials, a budget plan to implement language assistance services, how staff will be trained on these procedures, and a system to monitor these services to address changing needs. The Washington State Coalition Against Domestic Violence developed a model protocol that can be found at http://www.wscadv.org/docs/protocol_LEP_victims.pdf.

Providers should work with community-based organizations serving LEP communities to share resources and target outreach.¹¹ Language assistance services can be provided through a combination of students, community members, and academics as well as in person and telephone interpreters and professional translators.¹² Children should never be used as interpreters or to translate documents.¹³ Interpreter services should only be provided by individuals who are competent and understand that any breach in confidentiality may put an LEP client in danger.

Domestic violence service providers need to develop policies and procedures to address the linguistic barriers confronting LEP victims and ensure they are provided meaningful access to other programs that receive federal assistance. As the Department of Justice recently explained, providing language services for LEP individuals "is not a fly-by-night measure, but an essential component of what it takes to do business and meet civil rights requirements."¹⁴

Many of the resources referenced in this article and other materials can be found on the author's website, the Language Access Resource Center, http://onlineresources.wnyc.net/pb/orcdocs/LARC_Resources/LEPTopics/DV/DV.htm.

1 Carolyn Ham, Reducing Language Barriers to Combating Domestic Violence: The Requirements of Title VI, Battered Women's Justice Project, <http://data.ipharos.com/bwjp/documents/REDUCING%20LANGUAGE%20BARRIERS%20TO%20COMBATING%20DOMESTIC%20VIOLENCE.pdf>.

2 U.S. Dept. of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 65 Fed. Reg. 50,124 (August 16, 2000), <http://www.usdoj.gov/crt/cr/Pubs/guidfr.pdf>.

3 Violence Against Women Office, Toolkit To End Violence Against Women, Chapter 5: Additional Justice System Responses, October 2001, 6, <http://toolkit.ncjrs.gov/files/fullchapter5.pdf>.

4 See Note 1, U.S. Dept. of Justice, Letter to State Court Administrators, December 1, 2003, http://www.justice.gov/crt/cr/courtsletter_generic.php.

5 2000 DOJ Guidance at 50,124.

6 2000 DOJ Guidance at 50,123.

7 U.S. Dept. of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455, 41,463 (June 18, 2002) <http://www.usdoj.gov/crt/cr/lep/DOJFnLEPFRJun182002.pdf>.

8 2002 DOJ LEP Guidance at 41,466-41,472.

9 2002 DOJ LEP Guidance at 41,464-65.

10 U.S. Department of Justice, Civil Rights Division, Chapter 4: Tips and Tools Specific to Domestic Violence Service Providers and Specialists, September 21, 2004, 38, http://www.lep.gov/resources/FinalTipsandToolsDocument_9_21_04.pdf.

11 You can find groups in New York by using this map, <http://www.olda.state.ny.us/main/bria/programs/map.htm>.

12 Tips and Tools, 39.

13 Asian & Pacific Islander Institute on Domestic Violence. Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence Victims, August 2009, 7, http://www.apaiaf.org/images/stories/Documents/publications_database/dv_InterpretationResourceGuide-APIIDV-2010.pdf.

14 Acting Assistant Attorney General Loretta King, April 20, 2009, http://www.lep.gov/Kingremarks4_20_09.pdf.

Q&A About Domestic Violence and Animal Abuse



This Q&A was conducted with Brad Shear (pictured left), Executive Director, Mohawk & Hudson River Humane Society.

Q: Can you discuss the link between domestic violence and animal abuse?

A: Perpetrators of domestic violence want to have power and control over their victims. Those actions are expressed in many different ways, but one way to control a partner is to threaten or do harm to whatever the victim cares about. In some cases the perpetrator will threaten or harm a child and if there is a pet in the house, the pet may be used by a perpetrator as a way to control their victim. If there is abuse in a home and pets are present it is more likely than not that the pets are also being abused. The central motivators are power and control. If abusing pets gets them closer to their end, they will abuse pets. Abusers will often tell victims that if the victim tries to leave, the abuser will kill or in some way harm their pet. Victims may be hesitant to seek help like going to a shelter because they don't have arrangements for their pets and aren't aware of cooperative programs between animal shelters and domestic violence programs. The result is victims often staying with abusers to save their pet's life.

Q: What are some ways in which this abuse may occur?

A: People abuse pets in many ways; sometimes by withholding, food, water, medical care, or shelter. Often animals are physically harmed in the same way that human victims are: they are hit, kicked, stabbed, and shot. After being injured, the abuser will often prevent the animal from receiving veterinary care, or use the provision of care as a bargain-

ing chip to gain control over human victims. An abuser may negotiate care of the animal in exchange for cooperation from the victim.

Q: Are there legal remedies to address pet abuse in the context of domestic violence?

A: Animal cruelty is illegal in every State. New York and 43 other States have felony level cruelty laws to address the most heinous cases. New York's felony law is commonly known as Buster's Law, named for a cat that was set on fire by a man who was ultimately convicted of only a misdemeanor. In many cases, victims are reluctant to pursue animal cruelty or any other charges against their abusers, they just want to get away.

New York State allows victims of domestic violence to include their pets in orders of protection. If the abuser is restricted from contacting the victim and children, he also can be ordered to stay away from pets. This recent change to our State law prevents abusers from using pets as a tool to continue controlling their victims. For more information: http://www.opdv.state.ny.us/law/summ_year_sum06.html

Q: Are there services available to assist domestic violence victims' pets?

A: The Mohawk and Hudson River Humane Society will hold the pets of domestic violence victims in a secret and secure location for as long as they are in one of the domestic violence shelters we work with, Equinox in Albany County and Unity House in Rensselaer County. Victims of domestic violence first contact one of the shelters and are asked about pets during the intake process. If they have pets they would like to bring with them, there is an additional intake process that

informs the victims about the program for animals while gathering information about their pets' needs. There are several similar programs around the state. A list of similar programs around the country can be found here: http://www.hsus.org/hsus_field/first_strike_the_connection_between_animal_cruelty_and_human_violence/. The list is by no means comprehensive so we recommend that individuals call their local [domestic violence program](#) and [animal shelter](#) to find out if they have an active program. Unfortunately there is currently no such program for New York City residents, but many shelters upstate have established partnerships to provide these services.

For more information on the link between domestic violence and animal abuse:

OPDV's new Information Guide: "Animal Cruelty and Domestic Violence": <http://opdv.state.ny.us/whatis-dv/dvanimalcrity.html>

American Humane Association: <http://americanhumane.org/>

Humane Society of the United States, First Strike Program: http://www.hsus.org/hsus_field/first_strike_the_connection_between_animal_cruelty_and_human_violence/animal_cruelty_and_family_violence_making_the_connection/animal_crueltydomestic_violence_fact_sheet.html

American Society for the Prevention of Cruelty to Animals (ASPCA): <http://www.aspc.org/fight-animal-cruelty/domestic-violence-and-animal-cruelty.html>



Legislative Update

The Governor has signed into law two bills that amend New York State's election law. The first bill amends a 1996 law that permitted victims of domestic violence to vote by special absentee ballot. This allowed victims to vote without having to go to a neighborhood polling place, where an abuser could easily find them. The new 2010 amendment expands the original requirement that a victim must have left the original residence due to

threats of physical harm, to now include threats of emotional harm. The new law also expands eligibility by adopting a variation on New York's definition of family or household member, including intimate partners. Chapter 38 www.assembly.state.ny.us/leg/?default_fld=&bn=A03910%09%09&Text=Y

The second bill allows a domestic violence victim to apply to the Supreme Court in the county where she lives, for a court order requiring the

County Board of Elections to keep her registration information separate and not available to the public. This prevents a stalker or abuser from obtaining her residential address. Victims of a family offense or violent felony, where the act resulted in emotional or physical injury, or the substantial risk of emotional or physical harm, are eligible, if they meet the definition of family/household member. Chapter 73 www.assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=s5945%09%09&Text=Y

New Healthy Families Training

Last month, the Child Welfare Unit of OPDV delivered the first of nine one-day trainings scheduled for 2010 on domestic violence to the Healthy Families New York (HFNY) Home Visitors Program. HFNY, funded by New York State Office of Children and Family Services, is part of a national initiative geared to meet the needs of at-risk expectant parents and new families. Home visitors work closely with families who voluntarily have requested assistance that may last until



the child is in kindergarten or Head Start and promote healthy parent-child bonds and nurturing parenting, maximize the health and development of the child, and assist parents to become self-sufficient. As valuable as the program is, when domestic violence is a risk factor even the best efforts of home visitors may be hindered. Knowing this underscores the importance of education on domestic violence.

The curriculum which was approved in March 2010 covers topics on understanding domestic violence and barriers to reaching out to community resources for help, identifying the risks posed to children by abusive fathers and exploring ways to engage abusive fathers in positive parenting, recognizing domestic violence in families and evaluating options for their safety, examining the nature of vicarious trauma and ways to increase self care, and analyzing skills and strategies to enhance home visitors' safety.

New Domestic Violence Data Available

The Division of Criminal Justice Services (DCJS) collects information on victims of domestic violence reported through the Uniform Crime Reporting (UCR) program. Victim counts are collected for the following offenses: aggravated assault, simple assault, sex offenses, and violation of protective orders. For the first time, this domestic violence victim information, as well as comparable data from New York City, is now available on DCJS's website, broken out by police jurisdiction.

While DCJS has collected this data since 1979, domestic violence reporting procedures were modified in 2008 to improve the quality of the data in an effort to inform policy decisions in this important area. Data prior to 2009 is not available. A summary of the modification made in 2008 can be found at: www.criminaljustice.state.ny.us/crimnet/ojsa/crimreporting/domesticviolence.htm

To access this data, visit: <http://www.criminaljustice.state.ny.us/crimnet/ojsa/domesticviolence/index.htm>

Verizon Domestic Violence Entrepreneurship Grant Program

On June 9, OPDV Executive Director Amy Barasch joined with Verizon Wireless and Verizon Foundation to hold a press conference at Equinox Community Services of Albany announcing the new Verizon Domestic Violence Entrepreneurship Grant Program in New York State. Ms. Barasch approached Verizon with the idea of grants for domestic violence survivors and the company has put the plan into action.

The program will provide grants of \$500 to \$2,500 to domestic violence survivors to help them develop small businesses. Applicants will be required to submit a business plan, and be enrolled in, or have completed an entrepreneurship assistance program.

To learn more: www.opdv.state.ny.us/public_awareness/press/opdv_releases/jun9-10.html



Domestic violence survivor, Damaris Mills, speaks at the press conference as OPDV's Amy Barasch and Verizon's John O'Malley look on. See more photos at www.Facebook.com/NYSdomesticviolence.

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

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