

# NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Winter 2014

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For more information on stalking, visit [www.opdv.ny.gov/professionals/criminal\\_justice/stalking.html](http://www.opdv.ny.gov/professionals/criminal_justice/stalking.html)



Teen Dating Violence Awareness and Prevention Month

For more information on Teen Dating Violence, visit [respectlove.opdv.ny.gov](http://respectlove.opdv.ny.gov)

## Stalking Through Social Media

Social media have become one of the most popular modes of personal and professional communication. While advances in technology have made platforms like Facebook and Twitter readily available from almost any internet capable device, there are cases in which this 24/7 easy access serves as a convenient tool for abusers to track and further victimize their current and former intimate partners. Since information is the best protection, it is important for everyone to know the privacy risks and limitations of social media, while also understanding how to benefit from the resources and supports that it can provide. Simply disconnecting from all social media is neither a helpful nor a realistic solution. With careful preparation and awareness, social media can be a helpful tool in safety planning.

To learn more about stalking through social media, see the Q&A on page 3.

## Did you know...

Of the 1,200 teens under 19 years of age who filed for a civil Order of Protection for dating violence in 2009 and 2010 in New York State, abuse alleged by petitioners included harassment (83.7%), aggravated harassment (50.9%), and assault (52.3%).

This statistic is taken from the 2012 New York State Domestic Violence Dashboard, available at the end of July at: <http://www.opdv.ny.gov/statistics/nydata/2012/index.html>

## From the Executive Director



Happy 2014 from OPDV! We hope you had a wonderful holiday season.

In this issue, we acknowledge two important events: January is Stalking Awareness Month and February is Teen Dating Violence Awareness and Prevention Month. We encourage you to access [our website](#) for stalking information, and remind you to friend our youth-focused dating abuse and healthy relationships website, [Respect Love, Love Respect](#), to find information you can use in your awareness raising activities.

This issue's Q&A, "Stalking through Social Media," with Kaofeng Lee, Erica Olsen, and Stephen Montagna of the National Network to End Domestic Violence, examines how abusers may victimize their partners through social media. Lee, Olsen, and Montagna discuss important safety considerations that every social media user can employ to enhance safety, and they provide various response options that victims may pursue after the abuse has occurred. Our feature article, *Incarcerated Victims*, by Jaya Vasandani and Jesenia Santana, focuses on working with incarcerated women who are also victims of domestic violence so that their safety is not further compromised by the orders and conditions of their incarceration. We think you will find both of these pieces highly informative and helpful.

We wish you all the best in your continued commitment to domestic violence prevention, and we look forward to our continued partnership in the upcoming year.

*Gwen Wright*

Gwen Wright  
Executive Director

# Incarcerated Victims

*This article was co-written by Jaya Vasandani, Associate Director of the Women in Prison Project Correctional Association of New York, and Jesenia Santana, Advocacy Services & Senior Policy Advisor at STEPS to End Family Violence.*

## Women's Pathways Into Crime

Most women's pathways into the criminal justice system are linked to their histories of violence and trauma. In a report titled [Pathways to, Conditions and Consequences of Incarceration for Women](#)<sup>1</sup>, Dr. Rasheeda Manjoo highlights the strong correlation of violence against women as a central component of women's incarceration globally. This holds true in New York. For example, the NYS Department of Corrections and Community Supervision found that 67% of women incarcerated for killing an individual close to them in 2005 had been abused by the victim of their crime.<sup>2</sup> Additionally, a 1999 study of women at NY's Bedford Hills Correctional Facility found that more than 90% of the women surveyed had suffered physical or sexual violence in their lifetimes, more than 80% had been seriously physically or sexually abused as children and 75% had been severely abused by intimate partners during adulthood.<sup>3</sup> While there is little doubt that incarcerated women have experienced domestic violence, incest, sexual assault and rape, there is a lack of focus on and response to these issues within the criminal justice system.

## What does this mean for victims of domestic violence?

Survivors of domestic violence are frequently charged with a variety of crimes that are a result of self-defense, coercion, violence/threats of violence and coping. These crimes include assault or homicide against the abuser, crimes which the abuser forces the survivor to participate in, like being a getaway driver to a robbery or engaging in sex work, and economic crimes like shoplifting, because an abuser is controlling the survivor's finances.

Instead of going to prison, survivors convicted of crimes that result from abuse could serve their sentences in alternative to incarceration (ATI) programs that are trauma-informed and suited to their specific needs. ATIs are far more effective than prison in allowing survivors to heal from abuse, stay connected to families, and contribute positively to the community. STEPS to End Family Violence<sup>4</sup> is one such program.

## Solution-oriented resources and services

Through three unique projects at STEPS, survivors charged with crimes related to their abuse can access resources and services, participate in counseling, and serve their sentence in the community. In STEPS' programs, survivors can begin to heal from trauma while addressing the collateral issues associated with involvement in the criminal justice system. STEPS uses a harm reduction and relational theory approach, provides a safe space for survivors to engage in individual and group counseling, supports and advocates for survivors in criminal, housing and family court, and works to increase survivors' safety, support their economic independence and strengthen their relationships with their children and families. ATIs are also less costly than prison. It costs upwards of \$55,000 to incarcerate one adult per year in New York and only \$11,000 for an ATI program.

Although ATI programs like STEPS have been proven to reduce recidivism, NY's mandatory sentencing laws present an obstacle - judges are often unable to use these alternative sanctions. Instead, they may be required to dispense long prison sentences even if they believe that a lower sentence or diversion to an ATI program is the most appropriate way for a survivor-defendant to serve her sentence.

## Conclusion

The Correctional Association of New York and STEPS to End Family Violence are part of a coalition of over 120 women's groups, domestic violence groups, criminal justice organizations and crime victims groups promoting legislative proposals aimed at addressing these problems. [We are always looking for allies in our work to restore humanity and justice to the way our state treats survivors caught in the criminal justice system.](#)

## Jenna's Law DV Exception

New York has taken steps toward recognizing that mitigated sentencing should exist for survivor-defendants convicted of crimes directly related to abuse, but these efforts have fallen far short of the change that is needed. While the Sentencing Reform Act of 1998, known as [Jenna's Law](#), established a sentencing exception for DV survivors, the exception has not achieved its goal to provide more compassionate sentencing for survivor-defendants. The law did not sufficiently lower sentences and still mandates prison penalties, prohibiting judges from sentencing survivor-defendants to ATIs. The exception also excludes survivors convicted of crimes that occur as a result of an abuser's violence but which were not committed against the abuser. In addition, the law has been woefully underused. In 2007, the NYS Sentencing Commission found that only one person was serving a sentence under the statute: a male survivor who was sentenced to more time than the minimum allowed under the general statute and who was denied parole twice. In 2009, the Commission found that no one was serving a sentence under the exception.

1. U.N. General Assembly. Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, in accordance with General Assembly resolution 65/187. Pathways to, conditions and consequences of incarceration for women. Sixty-eighth session of the General Assembly, 21 August 2013. <http://www.ohchr.org/Documents/Issues/Women/A-68-340.pdf>.

2. State of New York, Department of Correctional Services, "Female homicide commitments: 1986 vs. 2005" (July 2007).

3. Browne, Miller and Maguin, "Prevalence and Severity of Lifetime Physical and Sexual Victimization Among Incarcerated Women," International Journal of Law & Psychiatry 22(3-4) (1999).

4. STEPS is the only ATI in the country specifically designed for survivor-defendants. STEPS' Hidden Victims Project and the STARS Program (2 prostitution diversion projects connected with the Human Trafficking Intervention Courts in Queens and Midtown Community court) provide alternatives to incarceration for individuals charged with prostitution-related crimes.

## Q&A: Stalking Through Social Media



*This Q&A was conducted with Kaofeng Lee, Erica Olsen, and Stephen Montagna of the National Network to End Domestic Violence.*

### **Q: What is social media?**

**A:** Social media is user-generated content that promotes engagement, sharing, and collaboration. It includes a wide range of websites and applications that can be accessible from computers, smart phones, and tablets.

Facebook, Twitter, and Instagram are three of the most popular social media platforms, although there are many more. Programs working with survivors should discuss all types of social media used by survivors and their children in order to address privacy and safety concerns. This may include shopping site profiles, online gaming, school/university forums, community specific networks, online dating, or topic-specific platforms (e.g., parenting, sexual orientation, disabilities, hobbies, etc.).

### **Q: How do abusers misuse social media?**

**A:** Abusers misuse social media to harass, manipulate, and threaten. Abusers often send harassing messages or post offensive images – even explicit images of the victim that may or may not have been taken with consent (sometimes referred to as “revenge porn”).

Abusers also impersonate victims on social media in order to cause harm by sending inappropriate messages or creating fake dating profiles. Many high-profile cases of impersonation have resulted in physical or sexual assault.

Abusers also misuse social media

to stalk and monitor the victim’s activity, which is why understanding privacy controls and security settings is important.

### **Q: How can survivors safely use social media?**

**A:** Social media usually involves sharing personal information. Users should look at privacy options and take note of what will always be public and what they have more control over. Some sites have rules against using fake names while others allow them. Many sites encourage users to share their location as well. Survivors should only share information that they are comfortable with.

Personal information can also be shared accidentally by the survivor or purposefully by others. Community groups may share photos or information about the survivor on their websites without consent or notice. Encourage survivors to talk to their friends, family, and others about their privacy preferences.

Location can also be accidentally shared through social media. Survivors should use caution if uploading photos from their cell phone. If the geo-tagging feature is on, the GPS coordinates of where that photo was taken may also be uploaded. Location sharing should also be turned off within social media platforms.

Despite privacy risks, survivors can use social media safely and should be empowered with education about increasing privacy online. Removing oneself from social media is simply not a helpful or realistic solution. Survivors can also find resources and support online, including information about service providers, job listings, and forums for survivors to communicate—breaking the isolation they may feel.

### **Q: What can a survivor do if an abuser is misusing online spaces?**

**A:** It depends on what the survivor wants to happen. One important

step is documenting all contact and harassment. The survivor can take screenshots or photographs of the activity. A few platforms, like Snapchat, will tell the sender if the recipient takes a screenshot, so it might be safer to take a picture of the screen since notification may escalate abusive behavior. The survivor can also save all messages. It may be tempting to hit delete to make them disappear, but original messages will be important for evidence.

If the survivor wants to pursue charges, talk with police as soon as possible. They may need to contact the social media sites for additional information, and time is critical to get the documentation they need.

Survivors can also look to the Terms of Service of the sites. If the abuser has violated the terms, the site may remove the abusive content. However, if content is removed, it may be harder or impossible for law enforcement to gather it later on, so documenting it beforehand is important.

Encourage survivors to meet with a local domestic violence program to discuss safety planning. There are many ways to strategically use technology to maintain safety, including searching the victim’s name online to see what information is available to the abuser.

### **Q: How can I help support survivors to be safe online?**

**A:** You can help by educating:

- survivors on privacy settings and account security.
- community members and agencies (schools, churches, employers) about prioritizing privacy when posting online.
- agencies working with survivors about technology misuse and evidence collection.

Learn more at:

[www.nnedv.org/safetynetdocs](http://www.nnedv.org/safetynetdocs)

Follow our blog at:

[www.techsafety.org](http://www.techsafety.org)

## Legislative Update

On November 13, Governor Cuomo signed into law a bill that prohibits victims of domestic violence from being held legally responsible for violation of an order of protection under which they are the protected party (Chapter 480). The law takes effect immediately and applies to all orders of protection currently in effect.

This prohibition will be explicitly stated on all New York State order of protection forms: "This order of protection will remain in effect even if the protected party has, or consents to have, contact or communication with the party against whom the order is issued. This order of protection can only

be modified or terminated by the court. The protected party cannot be held to violate this order nor be arrested for violating this order."

[http://www.assembly.state.ny.us/leg/?default\\_fld=&bn=A06547&term=&Text=Y](http://www.assembly.state.ny.us/leg/?default_fld=&bn=A06547&term=&Text=Y)

On December 18, the Governor signed into law Chapter 526, which addresses financial/economic abuse by recognizing certain crimes of identity theft, larceny and coercion as ways that abusers threaten and hold power over victims. The law adds these crimes to the list of family offenses, allowing victims to seek relief and an order of protection in Family Court, as well as criminal court. As family offenses, they will now be subject to mandatory arrest and the order of protection

will be added to the statewide order of protection registry.

The law also adds a new condition that can be included in orders of protection, requiring the abuser to return specified "identification documents," such as a passport, immigration documents, birth certificate, benefits/insurance cards, etc., to the protected party.

[http://www.assembly.state.ny.us/leg/?default\\_fld=%0D%0A&bn=a7400&term=&Text=Y](http://www.assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=a7400&term=&Text=Y)

## OPDV Welcomes New General Counsel



Hi! I'm Ellen Schell, OPDV's new General Counsel.

I came to OPDV after about ten years with The

Legal Project, an Albany-area not-for-profit legal services organization. At The Legal Project, I served as legal consultant on a national grant providing technical assistance to attorneys representing military-related survivors of intimate partner violence, as well as working on policy matters important to survivors. I was also a prosecutor in Essex County, NY, for two and a half years.

I am extremely passionate about using our legal system to help victims and survivors, and about working with advocates, law enforcement, and civil legal assistance providers to make that happen.

I have the honor of supervising some exciting OPDV initiatives – law enforcement training, home visiting program, high risk response team, and the statewide fatality review -- as well as working on OPDV's legislative agenda and being available as a legal resource to OPDV and to victims and service providers who call OPDV seeking legal information.

I am thrilled to be part of this wonderful team at OPDV, and to be working with Gwen Wright. Working at OPDV is the



### IN LOVING MEMORY

The domestic violence community mourns the November 27, 2013 passing of Sister Mary Nerney, founder of STEPS to End Family Violence in NYC.

A teacher, mentor, and friend to many, Sister Nerney was described as "a fierce advocate, and a champion to countless women" and was "the first to bring attention to the plight of incarcerated women who had survived lifetimes of violence and trauma." In addition to her pioneering work with STEPS, Sister Mary founded Greenhope Services for Women and the Incarcerated Mothers Program, was a founding member of the Coalition for Women Prisoners at the Correctional Association of NY, co-chair of the Coalition's Violence Against Women Committee, a founding member of the East Harlem Human Services Consortium, and an active member of the Harlem Community and Academic Partnership. She will continue to inspire all who strive to end the violence in our world, our communities, and in our homes.

opportunity of a lifetime, and I sincerely hope that I will be able to use everything I've learned in the past to help create cutting-edge programs, policies, and laws to assist survivors.

## Governor Cuomo Appoints New Director of Office of Victim Services

Governor Andrew M. Cuomo recently appointed Elizabeth Cronin as director of the state Office of Victim Services (OVS).

Ms. Cronin served as the director of the Office of Legal Affairs for the U.S. Court of Appeals for the Second Circuit. She was responsible for the operation of the Office of Staff Counsel and Staff Attorneys' Office for more than 13 years, overseeing the legal work produced by both offices and the day-to-day administration of the Office of Legal Affairs. Ms. Cronin

worked with judges to establish a unique program to handle a burgeoning number of immigration case filings, which successfully cleared a backlog of more than 5,000 immigration appeals.

Prior to her experience with the U.S. Court of Appeals, Ms. Cronin served as an adjunct professor at Pace University and has extensive experience as a practicing attorney, including serving 13 and 1/2 years in the Westchester District Attorney's Office as an assistant district attorney and later being promoted to deputy bureau chief. She is a published author on subjects ranging

from immigration law and domestic violence to evidence and the Vienna Convention. Ms. Cronin received her bachelor's degree from Fairfield University and her law degree from Pace University School of Law.

The Office of Victim Services ([www.ovs.ny.gov](http://www.ovs.ny.gov)) provides a safety net for innocent crime victims who have no other place to turn for help, providing direct compensation for counseling, advocacy services and medical care, for example, at no cost to taxpayers. The agency's operations are funded by fines, fees and surcharges paid by certain offenders after conviction in state or federal court.

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

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## Finding Safety & Support: The Video!

OPDV recently completed a set of videos and corresponding public service announcements. "Finding Safety & Support: The Video" is produced in three short segments and is comprised of a combination of dramatization and portrayed testimonials. The topics, "Identifying Abuse," "Planning for Safety" and "Getting Involved," along with the theme, "Don't Do Nothing," are designed to raise awareness of the signs of domestic violence and provide ideas, suggestions and model behaviors so individuals can broach the subject with a friend or a loved one who may be abused in an intimate relationship, and let them know that help is available. Musician Natalie Merchant is featured in the PSAs. All pieces can be viewed here: [www.YouTube.com/NYSdomesticviolence](http://www.YouTube.com/NYSdomesticviolence). A User's Guide is in development, so stay tuned to our website for notification of when it is available. For those without access to YouTube, please note that the three videos and two PSAs will be on our website in the early part of 2014. You can also contact us for a DVD copy by sending a request to [opdvpublicinfo@opdv.ny.gov](mailto:opdvpublicinfo@opdv.ny.gov)

Materials were unveiled at a press conference/screening. See the press release here: [http://www.opdv.ny.gov/public\\_awareness/press/opdv\\_releases/oct23-2013.html](http://www.opdv.ny.gov/public_awareness/press/opdv_releases/oct23-2013.html)



Musician Natalie Merchant is committed to fighting domestic violence. She stars in the new public service announcements.



Ms. Merchant spoke at a press conference at The Linda on October 23, announcing the videos and PSAs.



An actress plays "Keisha," in "Keisha's Story," the portrayed testimonial in the first video, "Identifying Abuse."

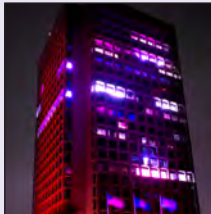
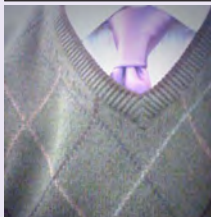


A scene from the second video, "Planning for Safety." The NYS Media Services Center produced all materials.

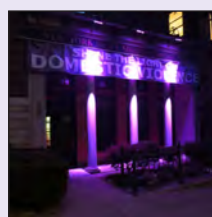


A scene from the third video, "Getting Involved," which shows how anyone, including co-workers, can take a stand.

## PURPLE NEW YORK 2013



This was the sixth year of New York State's "Shine the Light on Domestic Violence" campaign. We are thrilled that so many people have made turning the state purple a part of their annual tradition in October. This year, once again, Niagara Falls, Times Square, the Mid-Hudson and Peace Bridges, city halls and county court houses turned purple. Some creative ideas included a park with 603 purple flags representing clients served during the previous year, a "Paint the Post Purple" competition on a military installation, parades of dogs wearing purple, and a purple scavenger hunt.



OPDV works to provide online resources for participants, including downloadable brochures, posters, and wallet cards. We also offer suggestions for how to go purple and provide customizable items such as a sample press release. Are there any resources you would like to see us develop? Please let us know at [opdvpurple@opdv.ny.gov](mailto:opdvpurple@opdv.ny.gov).

"Shine the Light" recognizes that a coordinated voice is a strong voice, magnifying individual efforts with the power of collaboration. We look forward to seeing you next year!

