

NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Winter 2009

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February 2-6 is Teen Dating Violence Awareness & Prevention Week! To download this animated web banner and other resources, go to www.opdv.state.ny.us and click on the awareness ribbon.

Financial Issues and Domestic Violence

Economic abuse is a means of control used against many victims of domestic violence by their partners. Tactics of economic abuse include: the abuser taking complete control of the couple's money, making a victim account for every penny spent, discontinuing the payment of bills (such as the mortgage or utilities) without the victim's knowledge, defaulting on loans in the victim's name, and identity theft.

Financial self-sufficiency is a critical factor in a victim's ability to escape abuse and maintain independence for themselves and their children. This becomes even more important, and more difficult, in the current economic climate. In New York State, there are resources available on topics such as budgeting, credit card usage, and identity theft, to help victims navigate this process.

To learn more, see page 3 for Questions and Answers on financial issues and domestic violence in New York State.

Did you know...

In 2007, 43% of women killed in New York State were killed by their intimate partner.

This information comes from the NYS Division of Criminal Justice Services (DCJS) report, "Domestic Violence Homicide in New York State, 2007," released in December 2008. The full report is available at: www.criminaljustice.state.ny.us/pio/domesticomicidereport_120808.pdf.

From the Executive Director



Happy New Year! We are pleased to present this issue of the OPDV Bulletin, which includes useful information such as a Q&A with Mindy Bockstein of the NYS Consumer Protection Board and an article by Dr. Janel Leone of Syracuse University that addresses one of the more complex issues in domestic violence research today.

The publication of this issue coincides with the beginning of Teen Dating Violence Awareness and Prevention Week. Join us in promoting an awareness of this issue in your work. OPDV has a newly-created web banner that will be distributed through the NYS school system and other places teens go for information. There is also new information on our website. Please use these resources in your own efforts – they're available for download from our website, including a poster that can be personalized to your organization.

I also want to thank our 'Partners in Purple,' who helped us shine the light on domestic violence this past October by turning structures, such as buildings and store fronts purple in recognition of Domestic Violence Awareness Month. Others helped by putting information on their websites and hosting awareness days. Go to our website to see the pictures, and start thinking about what your community can turn purple next October!

As we begin a new year, I want to commend the Governor for proposing a clear-headed budget that recognizes domestic violence programs as essential to public health and safety. In these challenging fiscal times, I look forward to finding new and creative ways to collaborate with you and share resources. Together, our work is stronger, our message is clearer, and our goal of making New York State safer continues to be realized.

Amy Barasch
Executive Director

An Analysis of Gender and Intimate Partner Violence Research

Janel M. Leone, Ph.D., Syracuse University

One of the more controversial issues related to intimate partner violence concerns victim and perpetrator gender. Most research indicates that between 90-95% of intimate partner violence is perpetrated by men against female partners, but other studies find that women and men are equally likely to use physical violence. Both statements are supported with empirical research, yet they are contradictory and have led to on-going debates among both researchers and service providers. To resolve this so-called "gender debate" we need to recognize (1) that more than one type of intimate partner violence exists, (2) that different violence types are fueled by different motivations, and (3) that research findings differ dramatically depending on *how* the data were collected and *who* is included in the study's sample.

Different Types of Violence

Researchers who rely on population-based samples of couples or individuals (e.g., large national samples, community samples) likely tap into physical violence between couples that is more situationally-based. This violence likely erupts from specific incidents of conflict, such as a disagreement that results in one or both partners using physical force to make a point or express frustration. We refer to this as "situational couple violence"¹. On average, it tends to involve lower levels of violence (e.g., pushing, shoving) that generally does not escalate in severity and is relatively infrequent. Men and women are equally likely to report using this type of violence against an intimate partner, yet it is important to note that women are more likely to be injured.

In contrast, studies using agency-based samples of intimate partner violence victims (e.g., domestic violence shelters, hospitals) likely tap into a much different type of violence – what we refer to as "intimate terrorism"¹. In these cases, physical violence tends to be frequent and generally escalates into more severe violence (e.g., punching, kicking, beating up) that can cause injury and even death. About 95% of intimate terrorism in heterosexual relationships is perpetrated by men against women, and is largely rooted in traditional sex-role attitudes. Unlike situational violence that tends to result more from conflict, intimate terrorists are motivated by a desire to *control* their partner and the relationship. Coercive control tactics might include isolating her from friends/family, controlling the household money, threatening to harm or take away her children, and/or calling her names. This is what most of us envision when we hear the terms "domestic violence" or "battering". Nearly 1,300 women are killed each year in the U.S. by a current or former partner², and it is likely the result of intimate terrorism. Intimate terrorism victims actively resist the violence and control, and may resort to physical violence to defend themselves or their children. This "violent resistance"¹ or fighting back usually decreases over time as it can cause the intimate terrorist to resort to more severe violence to maintain control.

Implications

Understanding and recognizing these different violence types is critical for both researchers and service providers. As researchers we must acknowledge that our sampling methods are probably tapping into *either* situational couple violence *or* intimate terrorism/violent resistance. An intimate terrorism victim is unlikely to respond to a general survey about violence for fear of revenge by the abuser. Similarly, most situational couple violence victims do not experience a level of fear and/or injury that would require emergency medical or shelter services. Thus, when we cite statistics about "domestic violence" we need to be clear about the type of violence to which we are referring. We also need to consider our language; using terms like "battering" to discuss situational couple violence might be misleading and misrepresentative. It should be noted that while studies have distinguished between violence types among heterosexual couples, we need to more fully understand these differences among lesbian and gay couples.

Different violence types also likely require different interventions. Intimate terrorism leads to increased depression, posttraumatic stress, suicidal behavior, injuries, poorer general health, and economic deprivation compared to situational couple violence.³ Intimate terrorism victims also report more fear of the abusive partner and are in more imminent danger that necessitates more immediate protection and services. Police officers, judges, counselors and other service providers can more effectively help victims and hold dangerous perpetrators accountable if they can determine the type of violence experienced or perpetrated by a particular client.

1 Johnson, M.P. (2008). *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence*. Lebanon, NH: Northeastern University Press.

2 Bureau of Justice Statistics, Intimate Partner Violence in the U.S., December 2007. <http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm>

3 Leone, J.M., Johnson, M.P., & Cohan, C.L. (2007). Victim help seeking: Differences between intimate terrorism and situational couple violence. *Family Relations*, 56, 427-439.

Q&A About Financial Issues and Domestic Violence

This Q&A was conducted with Mindy A. Bockstein (pictured right), Chairperson and Executive Director of the NYS Consumer Protection Board (CPB). Prior to her appointment, Ms. Bockstein served as the Director of Policy Research and the Crime Victim Advocate in the Office of the State Attorney General.



Q: Victims of domestic violence, like everyone, are struggling in the current economic climate. What issues are you seeing surface or become more critical due to the economic downturn?

A: During these difficult economic times, credit is often more difficult to establish, making independence even more challenging to achieve. Victims need access to credit to free themselves from abuse, but also need to protect their credit history from their abusers. Abusers can destroy a victim's financial well-being and credit by obtaining and using the victim's personal information as a means of control.

Additionally, be on the lookout for credit counseling and debt management scams; questionable credit and loan opportunities; and work at home and online job search scams, as the CPB has seen a rise in these complaints and concerns. For more information and a "Fiscal Crisis Watch List," visit: www.nysconsumer.gov/pressreleases/2008/oct032008.htm.

Q: The current mortgage crisis may threaten housing, which is critically important to victims of domestic violence. What can people experiencing problems do and where can they get help?

A: NYS Agencies are working together to help homeowners who are having trouble paying their mortgages through a coalition known as HALT (Halt Abusive Lending Transactions) which can be accessed at: www.banking.state.ny.us/cshalt.htm.

The CPB, a member of this Task Force, has many resources available for consumers who are impacted by the current mortgage crisis, and even facing foreclosure, which can be accessed at: www.consumer.state.ny.us/home_improvement_initiative.htm. Additional links to resources include, but are not limited to:

- [NeighborWorks America](#)
- [NYS Division of Housing and Community Renewal](#)
- [NYS Banking Department](#)
- [Press Release Announcing HALT Task Force Expanded Efforts to Address Subprime Lending Crisis](#)
- [Proposed Legislation to Address Subprime Mortgage Crisis](#)

Q: Domestic violence victims often have difficulty with their credit due to economic abuse. How can people learn about their credit history and deal with credit problems?

A: Victims of domestic violence should check their credit reports carefully to be sure they are not being further abused by their partner. Consumers are entitled to receive a free credit report once a year from each of the three major credit reporting agencies: Equifax, Experian, and TransUnion. Reports can be accessed at www.annualcreditreport.com, or by calling toll-free 1-877-322-8228. Once consumers review their credit reports, they can pursue corrections of any inaccuracies by contacting the credit reporting agency and the lenders or other businesses referenced in the report.

Consumers can learn the basics about what credit is; how to choose a credit card; credit card management skills; how to avoid harmful credit practices; and

can obtain information about accessing their credit reports on our website: www.consumer.state.ny.us/consumer_credit_information.htm.

Q: Some victims of domestic violence have their identities stolen, often by their partners. What can they do?

A: A victim is usually in the best position to know if her/his personal information has been compromised. Anyone who becomes a victim of identity theft should take immediate steps to mitigate potential harm, such as filing a report with a law enforcement agency, placing a security freeze or fraud alert on their credit report, and contacting all issuers of their credit cards, banks, and other financial institutions to which the abuser may have or can gain access. A police report may result in a police investigation of the abuser, so the victim should decide if this is a safe choice. For more information, see "Identity Theft and Domestic Violence," compiled jointly by the CPB and OPDV: www.consumer.state.ny.us/pdf/dv_id_theft_brochure_2008.pdf or www.opdv.state.ny.us/publications/materials-list.html#infoguides. Also, in 2009, the CPB introduced its new Identity Theft Mitigation Program in accordance with laws signed by Governor Paterson in September 2008.

For more information, visit CPB's website at www.nysconsumer.gov or call CPB's toll free hotline at 1-800-697-1220.

LEGISLATIVE UPDATE

Based on a new law that went into effect on July 21, 2008, victims who are or have been in an intimate relationship can now seek an order of protection in Family Court. Previously, only individuals who are/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. In a family offense case before Onondaga County Family Court Judge Michael Hanuszarek, a respondent challenged the petition for an order of protection because the alleged acts took place prior to the new law. On November 10, 2008, Judge Hanuszarek ruled that the new law can be applied

retrospectively. [In re K.V. 867 NYS2d 670] After a review of relevant case law, and determining that the legislative intent of the new law was remedial in nature, Judge Hanuszarek concluded: "Therefore, such an amended statute may be applied retroactively to conduct which occurred prior to July 21, 2008. This Court finds that the amendment to [FCA] Section 812 may be construed as operating prospectively based upon past events."

The Office of Court Administration estimates that, since going into effect, the new law has resulted in 2,200 applications for "intimate relationship-type" orders of protection in the state's Family Courts. [NY Law Journal 11/19/08]

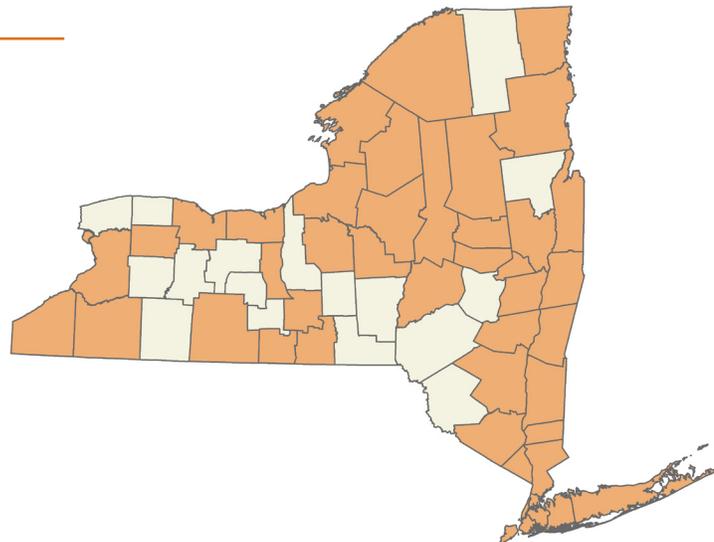


The Alfred E. Smith Building in Albany was illuminated purple in October for Domestic Violence Awareness Month. Visit www.opdv.state.ny.us/public_awareness/shine_the_light.html to see more photos. Think about how you can join us in October 2009!

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 December 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



EXCITING NEW PROJECT LAUNCHED BY OPDV, OCFS and OTDA!

In New York State, the agency that establishes the regulations for residential and non-residential domestic violence programs is the Office for Children and Family Services (OCFS). Programs must be in compliance with the regulations to be licensed or approved by OCFS, and to receive funding from them.

On July 15, 2008, a workgroup of state agency representatives [OPDV, OCFS, and the Office of Temporary and Disability Assistance (OTDA)], domestic violence advocates, and local social services district representatives was convened in response

to requests from the domestic violence community to reassess the domestic violence regulations. The group was formed to review the existing regulations, examine concerns or challenges with the regulations, and make recommendations for changes or updates to the regulations.

The workgroup has met twice since it was convened. Sub-committees have been formed to focus on specific regulatory areas, such as confidentiality and documentation/record-keeping. The sub-committees are chaired by local domestic violence service providers or local departments of social

services representatives; the state personnel serve only as a resource to assist the sub-committees with information gathering and logistical support.

Going forward, each subcommittee will meet to develop a work plan, which will be discussed by the full workgroup at its next meeting. The next meeting of the full workgroup will be held February 5th in Albany.

For more information on this project, visit: www.opdv.state.ny.us/aboutopdv/specproj.html.

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

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