



**Office for the
Prevention of
Domestic Violence**

KATHY HOCHUL
Governor

KELLI OWENS
Executive Director

SHANNON A. CANTIELLO
Deputy Director

M E M O R A N D U M

To: Karen Persichilli Keogh, Secretary to the Governor
Elizabeth Fine, Counsel to the Governor

From: Kelli Owens, Executive Director

Subject: OPDV Government Transparency Initiative Response

Date: October 20, 2021

OPDV's Review of Agency Transparency

OPDV's executive staff engaged in a review of our agency's efforts at public outreach, social media, mandatory reporting, FOIL responses, and other issues as outlined in the 09-2002021 memo.

Background:

OPDV is a small agency, however we have a robust public presence that we have worked hard to broaden and strengthen as well as a crucial mission. Below is information regarding OPDV's current transparency efforts as well as how we intend to build upon these efforts in the future.

"Making additional information available to the public on your website, or through the use of social and/or other media, while upholding the State's commitment to language access:"

- OPDV has a robust presence online, through our website and various social media platforms. These platforms are used to engage people with events and campaigns regarding gender-based violence, and to increase public knowledge and awareness about these issues.
- OPDV recently completed an overhaul of our website so it is in line with other ny.gov sites, is streamlined and accessible, and can be kept up to date by OPDV staff, rather than by ITS.
- OPDV continues to work hard to comply with language access requirements. The 2020 creation of a text/chat feature survivors and others can use to gain access to assistance through the NYS Domestic and Sexual Violence Hotline has been a challenge, as real-time translation of texts and chats has not been readily available. We have recently engaged with a vendor who is able to provide that service, and that is projected to be available by the end of October. While there are still challenges with rolling this service out smoothly, this will be a large improvement in public access to text and chat for those whose primary languages are other than English.
- The Hotline is required to have 24/7 availability of Spanish-speaking staff for callers whose primary language is Spanish.

“Ensuring timely preparation of legally mandated reporting and identify ways to make useful information available to the public”:

- OPDV recently released our first public report on the findings of the New York State Domestic Violence Fatality Review Team. This report provides the public with an overview of the purposes and methods of fatality review, and shows the trends, strengths and challenges identified by the team that can be used to enhance the overall response to domestic violence in New York State. The statute creating the fatality review initiative requires that the team issue such reports “periodically.” There is no statutory time frame for reporting, other than that.
- OPDV is committed to working with Chamber and other stakeholders to plan and issue additional reports when more data is collected. We will reassess the appropriateness of a new report approximately every 20 reviews.
- OPDV regularly engages in identifying effective ways to make useful information available to the public. We create and distribute publications on certain issues, use our website and social media, and create public events and presentations about important issues, including about learning gained from fatality review, information relevant to specific populations and professions, and training of state agency personnel who interact with the public, and may, therefore, interact with survivors in the course of their work, so they will be more able to identify and appropriately assist survivors they encounter.

“Ensuring use of the Project Sunlight database in accordance with the Public Integrity Reform Act of 2011”:

- As discussed above, OPDV rarely has meetings subject to the requirements of Project Sunlight, but when we have had such meetings, we have complied, and we will continue to do so going forward. In the context of procurements, OPDV complies with all advertising of upcoming offerings and also, appropriately advertises bid results and successful applicants on our website and in the NYS Contract Reporter. Additionally, as new procurements are issued, we apprise staff of their responsibilities to maintain the integrity of the procurement by adhering to “blackout period” guidelines and appropriate channels of communication.

“Improving response time for all Freedom of Information Law requests, including by tracking monthly backlogs of outstanding requests and new requests, and by proactively posting frequently requested information or completed requests online”:

- OPDV generally does not have a backlog in FOIL requests. Most requests are addressed within two or three days of receipt. In cases where requests cannot be addressed quickly, it is primarily due to the breadth of the request and the necessary work to compile corresponding information. Despite a **very** notable increase in requests since the advent of OpenFOIL, we have managed to respond to the vast majority of requests in a timely manner.
- One reason OPDV is able to respond to FOILS so quickly is that most of the requests received by OPDV are for records we do not maintain. Many requests relate to police, court, Order of Protection, ACS/CPS and other such records in domestic violence cases. The information on OPDV’s website regarding FOIL issues explains that OPDV does not maintain these certain types of records and that requests need to be sent to the entity which created or is mandated to retain those records.

“Complying fully with Executive Order 8.95 “Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement” regarding Open Data NY”:

- OPDV does not have many of its own data points. Other than data regarding the New York State Domestic and Sexual Violence Hotline, which we publish on our website, we collect data relating to domestic violence that is created, and maintained, by other agencies. We compile and publish those data as the “Domestic Violence Dashboard” on our website.

“Posting documents required for meetings open to the public at the same time the agenda is posted, to the extent practicable”:

- OPDV only rarely holds meetings that are “open meetings” under the law. However, when we recently did public hearings on the subject of accountability for those who harm their intimate partners, all information regarding the hearings and how to submit testimony was posted on our website and distributed widely. A final report will be issued by the end of 2020.
- To the extent we are able, we are continuing the use of virtual platforms for meetings, trainings, and other presentations in order to enhance the ability of more people to attend and/or participate.

“Reducing or eliminating the costs associated with providing data or records”:

- This is not an issue, as all of our data or records are either publicly available on the OPDV website or are produced electronically at no cost to those requesting them.

“Updating records retention policies, including ensuring the timely transfer of pertinent records to the State Archives”:

- Although we have few records that are required or recommended to be transferred to the State Archives, OPDV will implement a plan to work with the State Archives and create a schedule to do such transfers more regularly and thoughtfully.

“Increasing participation of agency personnel in community events and town meetings and providing new avenues for public participation in government decision-making”:

- OPDV has, within the past couple of years, greatly increased our communications with New York State’s victim service providers. We have embraced the role of facilitating communication among these providers, between OPDV and the providers, and with and among the multiple State agencies which provide funding and oversight of these programs. This began out of necessity at the beginning of the COVID-19 pandemic, as weekly conference calls/virtual meetings with domestic violence providers as they navigated the pandemic landscape in providing services while also attempting to protect the health of their organizations, their staff, and the survivors they serve. Those meetings have now moved to a monthly schedule. As OPDV began to administer the Enough is Enough funding, sexual assault and other victim services programs have been included in the meetings. Relevant State agency staff also attend, are invited to provide updates regarding the work they are doing at regional and statewide provider and community coalition meetings and are available to answer questions from providers. We have had numerous communications from providers, and even from other State agencies, to the effect that these meetings are very helpful and useful to all involved. We will be continuing these, along with other, more specialized, meetings as necessary.
- OPDV has bi-weekly conference calls/meetings with the New York State Coalition Against Domestic Violence and the New York State Coalition Against Sexual Assault to discuss issues they identify and potential policy responses to those issues.
- As OPDV has onboarded administration of the Enough is Enough (EiE) grant program and corresponding work on the law, OPDV staff have increased regular state communication with grantees and stakeholders. This includes quarterly statewide grantee calls, quarterly individual 1on1 calls with grantees, and frequent emails with grantees to provide support with a practice

of responding to all requests within a matter of days. This also includes regular attendance by OPDV staff at the Campus Working Group advocacy coalition, where OPDV provides updates on state EIE efforts and obtains feedback. Finally, this includes new initiatives by OPDV to outreach to key leadership at SUNY, CUNY, and CICU and present in the coming months on EIE to college staff and on areas for improvement in implementation of the law. Finally, in the new year this will include engaging in a series of direct listening sessions with student survivors of sexual assault, which OPDV will use to inform it and the State's work on the issue moving forward.

- OPDV is committed to ensuring that the service delivery system in New York is centered on the needs of survivors. As such, OPDV has begun to hold Survivor Listening Sessions. Survivors of domestic violence are uniquely positioned to comment on the quality and effectiveness of services in their communities. OPDV is dedicated to providing a platform for survivors to share their stories of success and obstacles with the systems they encountered while trying to establish safety and autonomy from their abusive partners. These sessions, which will continue indefinitely with a goal of four participating partnerships per year, are designed to amplify the voices of survivors, allowing their lived experiences with systems to inform future programming and policy.