

REMARKS OF

COMMISSIONER CECILE NOEL
MAYOR'S OFFICE TO END DOMESTIC AND GENDER-BASED VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON WOMEN AND GENDER EQUITY

on

"Oversight: Barriers to Accessing Survivor Services in New York City

February 22, 2022

Good morning Chair Cabán and Members of the Committee on Women and Gender Equity. I am Cecile Noel, Commissioner of the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV). I am joined by First Deputy Commissioner/General Counsel Elizabeth Dank. Thank you for the opportunity to speak with you about access to services for survivors of domestic and gender-based violence (DV/GBV) in New York City.

ENDGBV partners with numerous City agencies and over 100 non-profit providers and community stakeholders to implement innovative initiatives, including the NYC Family Justice Centers, directly manages a contract portfolio of prevention and intervention programming, builds capacity for agency staff and community members to identify and respond to DV/GBV through outreach and training, and develops policies and best practices to strengthen the City's approaches to these issues. We collaborate with City agencies and community stakeholders to reduce barriers and ensure access to inclusive services for survivors of DV/GBV, including intimate partner and family violence, sexual violence, stalking, human trafficking and other forms of GBV.

Services for Survivors

NYC has a vast network of community-based services and agency programming for survivors of domestic and gender-based violence. In addition to the services operated by ENDGBV, and I will discuss some of those in a moment, we work collaboratively with our sister agencies on the implementation of their DV/GBV programs, such as the Department of Social Services/Human Resource Administration in relation to the domestic violence shelters and housing programs for survivors; and the Mayor's Office of Criminal Justice/Office of Crime Victim Supports in relation to the Domestic Violence Hotline, supervised visitation, and programming for people who cause harm. This close collaboration is key to support ENDGBV in its mission to coordinate the City's response to domestic and gender-based violence across City agencies.

NYC Family Justice Centers

The New York City Family Justice Centers (FJCs) use a unique model that places government agencies and nonprofit partners side-by-side to support survivors and their children in one location through multi-disciplinary services and resources. The FJCs are located in each borough and deliver services through over 40 nonprofit partners. ENDGBV staff oversee the FJC operations and have an administrative team onsite at each FJC. Services include civil legal, criminal legal advocacy, case management, mental health counseling, onsite childcare and therapeutic children's services, housing and economic assistance, practical

supports, and additional supportive programming.

FJC services are free and confidential, and all are welcome regardless of language spoken, income, gender identity, or immigration status. Interpretation services are available onsite at every FJC, and all locations are wheelchair accessible FJC services are grounded in trauma informed, client centered principles. Clients are presented with accurate information about all possible service options and are empowered to make their own choices regarding which services they would like to receive. Even though the FJCs are co-located with criminal legal agency partners, engaging with the criminal legal system is completely optional and up to the client. The FJCs have onsite partnerships with community-based organizations that specialize in working with survivors who have been impacted by the criminal legal system based on their survivorship, which is often referred as criminalized survivors. Those providers (Rising Ground/STEPS to End Family Violence and Women’s Prison Association) offer case management, advocacy and supportive services to criminalized survivors seeking services through the FJCs. In addition to efforts to ensure survivors know they do not need to engage with the criminal legal system to access services, ENDGBV works with our onsite and offsite partners to hold criminal legal systems accountable to survivors who are engaged with that system and identify and address ways to improve that engagement. In 2021, services at the Family Justice Centers were provided through over 42,000 client visits, which included over 9,000 new clients.

NYC Hope

In 2018, ENDGBV launched the NYC Hope website provides educational materials and comprehensive information on services available to survivors. The NYC Hope resource directory includes information about nonprofit service providers based in communities that work with survivors in all five boroughs. In 2021, the NYC Hope website has had 50,100 “visits” - an average of 137 per day, and 18,200 “new visitors” – an average of 50 per day.

Prevention

ENDGBV is dedicated to implementing and enhancing prevention efforts with young people. Through ENDGBV’s Early Relationship Abuse Prevention Program (Early RAPP), the City’s contracted providers – Day One, Rising Ground’s STEPS to End Family Violence, and Urban Resource Institute – conducted workshops and trainings for young people providing 2,583 workshops to 20,157 youth across 102 Department of Education (DOE) middle schools in 36 different City Council Districts.

We are also committed to expanding our prevention efforts and were excited to launch a new initiative last year focused on elementary-aged youth, through a partnership with the

Mayor's Fund and supported by the Jerome A. Chazen Fund to Address Domestic Violence. The *ABCs of Healthy Relationships* project includes student toolkits and guides for adults working with or caring for children in grades K-5 to help them build foundational skills to develop healthy relationships, first with their friends, and later with their intimate partners. The *ABCs* materials are available online through ENDGBV's website and DOE's Parent University portal.

Training

ENDGBV also has a Training Team that provides tailored trainings on topics across the spectrum of DV/GBV to City agencies and service providers. The trainings are designed to support organizations in effectively identifying and responding to clients experiencing DV/GBV and the team works with organizations to review and enhance current policies and protocols. A foundational goal of the training program is to expand survivor's access to services at the FJCs and in communities.

Program Development

ENDGBV's programs are data-informed and based on best practices and promising models in the field of DV/GBV. We work closely with nonprofit providers, community stakeholders, local and national experts, government agencies, consultants, academic institutions and other private partners to research, design and develop new and innovative programs to respond to DV/GBV in NYC. We regularly implement robust evaluations to study the implementation and outcomes of our programs and use the information to refine and enhance service delivery.

ENDGBV regularly facilitates working groups and convenings with diverse stakeholders on topics related to programming for people who cause harm, criminalized survivors, housing, immigration legal services, healthcare responses to DV/GBV, responses to strangulation in intimate partner violence, and human trafficking. We use the discussions and analysis in these workgroups to inform best practices, policy development and program implementation, as well as create a learning community to enhance coordinated and consistent approaches to DV/GBV.

ENDGBV also facilitates the VOICES committee, which is a survivor-led group that works to inform policies and programs at ENDGBV and the FJCs, raise awareness about ENDGBV and DV/GBV in the community, while building a network and developing their own leadership skills. The VOICES committee provides ongoing feedback to ENDGBV to ensure our work is accountable to survivors and informed by their voices and experiences.

In 2021, ENDGBV also launched an Advisory Council to provide feedback and guidance on the development and implementation of ENDGBV's programs, policies, and/or campaigns, as well as ways to strengthen the City's approach to domestic and gender-based violence.

Impact of COVID-19 Pandemic

COVID-19 put into sharp focus the vulnerabilities that many people in our city face every day, especially domestic and gender-based violence survivors, and highlighted the barriers and challenges that we know keep people from seeking help and finding safety. During the COVID-19 pandemic, our top priority has been to ensure continuity of services, access to resources and unwavering support to survivors. The FJCs and nonprofit service providers utilized creative engagement approaches that were developed with the survivor and grounded in safety and minimizing risk. We were encouraged to see that new clients were able to identify available resources and reach out safely for assistance. ENDGBV continued to conduct FJC client satisfaction surveys during the pandemic and those surveys revealed that 94% (394 of the 417) of respondents would recommend the FJCs to others. And, in June 2020, to address the increase in emergency needs for survivors due to the huge economic impact of COVID, ENDGBV launched the City's first financial relief program for survivors. Incorporating best practices from other successful flexible funding models across the country and building upon existing City investments for domestic and gender-based violence survivors, the program provided 377 clients with grants that averaged \$1,243.37. The program disbursed a total of \$468,750.00.

Now that we are beginning to move past the immediate impact of COVID-19, we will begin to explore the longer-term impacts of the pandemic on survivors and will be continuing to process and analyze. We know that switching to remote operations has inspired ENDGBV and our providers to think creatively and innovatively about how to reach survivors and deliver services in new ways; we already know that there are some great lessons learned from this experience that will enhance some of the ways in which we provide services.

We recognize that it is essential to continue to integrate new methods of service delivery, and as we do so, it will be critical to enhance survivor access to mobile devices and the internet. ENDGBV, in partnership with the Mayor's Fund to Advance New York City, has developed new public/private partnerships to support survivors and minimize the digital divide many have experienced. Through a new initiative with T-mobile, ENDGBV is distributing 1,000 mobile devices to survivors seeking services through the FJCs and through our nonprofit service providers. In addition to receiving a free mobile device, survivors also have the option to access discounted mobile plans through T-mobile.

We look forward to continuing to collaborate with the Council, our sister agencies, and most importantly, our community partners, who have gone to extraordinary lengths to support survivors during the pandemic.

Thank you for the opportunity to appear here today. I welcome any questions that you may have.

February 21st, 2022

NYSCASA Testimony Statement in Support of FAVC

NYC Council Committee on Women and Gender Equity

Good afternoon Council, I'm glad to be here today to speak with all of you. My name is Max Micallef and I'm the Public Policy Director with the New York State Coalition Against Sexual Assault, abbreviated NYSCASA. I am here today to stress the dire need for the passage of the Fair Access to Victims Compensation Bill.

Victims of sexual violence are not only experiencing the trauma induced by the stated type of violence, but are navigating this persisting trauma while maneuvering through law enforcement agencies. These agencies almost always lack the proper training, competency speaking and likewise, in engaging with victims of sexual violence. It is rape crisis programs and certified domestic violence centers who are equipped to process these events, with the emphasis and specialization in putting the voices and needs of victims first; culturally aware, trauma-informed care. These victims predominately of marginalized identities who already experience socioeconomic discrimination.

By allowing violence centers to submit claims to the Office of Victims Services in replace of a police report, if decided by the individual victim, those who have experienced rape and sexual assault are advocated for with the basic human dignity they are owed. The passage of this bill would allow documentation, including but not limited to medical and mental health professional reporting to be recognized as legitimate material in OVS claims as well.

New York City is known for being an epicenter for all the people. This includes those with experiences that have historically been neglected and invalidated, and therefore have produced deadly outcomes. It has been time that New York State pass a piece of legislation like the Fair Access to Victims Compensation Bill. I urge you to pass the Council resolution urging Governor Hochul and the New York State Legislature to make this compensation bill the law.

Thank you.

Adhikaar for Human Rights and Social Justice
Testimony submitted to Committee on Women and Gender Equity
Preliminary Budget Hearing for FY23
February 22, 2022

Good afternoon, my name is Narbada Chhetri and I am the Director of Organizing and Program at Adhikaar. Adhikaar is the only immigrant women-led worker and community center serving and organizing the Nepali-speaking community on workers rights, immigrants rights, access to healthcare and language justice. We are often referred to as our community's 911 and 311 line, serving more than 10,000 Nepali-speaking people a year. Our community is one of the newer immigrant communities and according to Asian American Federation's 'Profile of New York City's Nepal[i] Americans' report, the fastest growing Asian ethnic group. Most of our members work in the informal sector as nail salon workers, domestic workers, taxi drivers, and restaurant workers and the large majority are women, mothers, and sole breadwinners for their families. They mostly live in Jackson Heights, Woodside, East Elmhurst, Elmhurst, Corona, Maspeth, Sunnyside, Ridgewood, Jamaica and Flatbush.

Our members become familiar with Adhikaar through our workforce development trainings, English for Empowerment classes, or stop by our community center to obtain support for their workers' rights, immigration, or health issues. Through these programs and services, we build trust and create pathways for our members to become leaders and advance systemic change. Our efforts in advancing the rights of trafficking survivors through our Beyond Survival campaign is a testament to the power of this work. Survivor members and staff have identified gaps in services and programs—such as the need for culturally competent and timely in-language legal and social services support—and collectively push for advocacy changes informed by their lived experiences. The story of Suhanna, an Adhikaar member leader and trafficking survivor, helps illustrate the impact of these efforts.

In 2006, 17-year-old Suhana moved from her home in India to New York City to work for an employer. She left behind her family, friends and everything she knew for an exciting opportunity to live with and work for a privileged Indian family in the United States. The couple offered Suhana a verbal employment contract promising her a home and fair wages, in exchange for "light cooking, light cleaning, and staffing the occasional house party." None of this materialized. Suhana's passport was seized and for the next three years worked more than 16 hours a day, was regularly denied food, and was forced to sleep on her employers' living-room floor, even though they had vacant bedrooms. She received \$120 in total payment. Unable to go on living in this situation, Suhana fled the apartment in 2010. She then learned of Adhikaar and came seeking support and community.

At first Suhana was scared to publicly share her story and detail the violence she endured because of the stigma associated with labor trafficking. However, with support from her Adhikaar family and a desire to ensure that others would not endure a similar fate, she went public. That courageous act has empowered other members to publicly share and demand accountability.

Today, 12 years later, Suhana is one of the leaders of our Beyond Survival campaign. The campaign focuses on building leadership and empowering Nepali-speaking trafficking survivors to become agents of change and bring their stories and voices into anti-trafficking policy debates. Through this work, Suhana became a worker council member of NDWA for 2 years and an anti-trafficking fellow. She helped develop a Labor Trafficking 101 curriculum and regularly trains other survivor members through a peer to peer network that centers on trauma-informed care, KYR, leadership, and the power of storytelling. Suhana and other survivor members were part of the Intro 339 campaign, a historic city council legislation that provides human rights protections to domestic workers at the workplace. Together, we are creating space for our survivor members to engage in anti-trafficking strategy and movement work that responds to the needs and demands of those directly impacted.

None of this work is possible without our language justice and immigration case support. At Adhikaar we see the challenges that our members face in accessing information and services (housing, legal, mental health) due to language and cultural barriers. To address these challenges, we engage in a number of programs to expand access to in-language resources. For example, we are working with the Mayor's Office for Immigrant Affairs to test alternative models of language access to city resources including a referral system and terminology guideback for Nepali language to be used by city agencies to inform better language practices citywide. Within Adhikaar, we create in-language, culturally appropriate resources and trainings for our members across all of our program areas—from workers rights to immigration justice, civic engagement, and healthcare access.

We also offer culturally competent case support to our at-risk members, particularly at the intersection of immigration and workers rights. In the last year, our team accompanied 168 members on cases related to labor trafficking, immigration bonds, ICE case support, general immigration, fraud, wage-theft, and other related issues. For example, one of our domestic worker members won \$30,000 in a settlement and a trafficking survivor member obtained her green card. Most recently, we rescued a trafficking survivor member from her employer and provided her with trauma-informed and culturally competent rehabilitation support, including shelter, case management support, and peer support. Suhana and our survivor member leaders were essential to these efforts.

This is a brief summary of our work in advancing the rights of trafficking survivors. Our members are living proof that Adhikaar's theory of change—one that flows from service to organizing and advocacy—can build the power of community. To ensure we meet the demands of our growing membership, I hope the city council will continue to fund organizations like Adhikaar.

Thank you for your time and consideration.



New York City Anti-Violence Project

116 Nassau Street, 3rd Floor
New York, NY 10038
212.714.1184 voice | 212.714.2627 fax
212.714.1141 24-hour hotline

Good afternoon, Committee Chair Caban,

Thank you for the opportunity to testify. My name is Alethia, my pronouns are Her/She like the chocolate bar. I am a community member, and a member of the TGNC Leadership Academy of the New York City Anti-Violence Project (AVP), an organization that empowers LGBTQ and HIV-affected communities with the goal to end all forms of violence. I am a survivor; I don't know what specific form of survival I would identify with because I've been through them all.

I want to acknowledge that 2021 was the deadliest year for violence against trans, gender non-conforming, and non-binary community members. I am here today to speak about the barriers to services and resources for survivors, in the hopes of you doing something to address it— Finally.

Many LGBTQ survivors, especially the ones of color, do not report violence or seek support from law enforcement. When they do, they often face dismissive or negative attitudes, or more violence including homophobia and transphobia.

I'm a survivor of sexual abuse ever since I was about 7 years old. When I came out about it at 13, it created a legal case, which in turn was extensive especially for someone who was young and having to navigate the legal system. I was under the impression that I had to tell my story under the terms of healing my pain, but I see that my story (and stories of other survivors) is not taken seriously, because the system is still flawed.

Most resources and services for survivors are tied to law enforcement or policing. As someone who holds intersectional marginalized and stigmatized identities, my truth is often dismissed and not taken seriously. We as survivors often repress harmful events, and when we do remember and feel empowered to report more harm, our collective experiences are seen as lies.

That's why I support resolution 153 to remove the barrier of law enforcement so more survivors can access funds.

Survivors need housing, reliable financial support, and culturally competent social services and organizations that also hire us to create safety within our communities.

Thank you,

Alethia Ramos

Alethia Ramos
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Good afternoon, Committee Chair Caban,

My name is Bravo Corazon, and I am a community member of the New York City Anti-Violence Project (AVP). I am a survivor of violence.

I am here to talk about barriers to services and resources for survivors. As a trans person it is hard getting services. As trans, gender non-conforming, and nonbinary survivors getting services is a traumatic event - over and over again.

Oftentimes, services are gear towards cis heterosexual women and women with children. To get these services we often face significant transphobia from service providers who are not properly trained or are openly hostile towards trans people. Trans, gender non-conforming and non-binary survivors are extremely vulnerable and the least likely to get the services we need.

To add to this, getting gender affirming identification is difficult and some of these services pay specific attention to ID, requiring trans, gender-nonconforming and non-binary community members to misgender themselves in order to get services, and due to their gender, are left out of funding for services because they do not have children or do not identify as cis. To get services we must endure systemic abuse.

Getting funds to organizations and departments that provide support to survivors will allow the training and follow-through needed to support LGBTQ survivors properly. It will also give these institutions options to help outside of law enforcement. Police aren't what's needed in this matter, funding is.

Survivors need safety. To get this we need direct opportunities for funding that are easy, appropriate, and diverse.

Thank you,

Bravo Corazon

Bravo Corazon

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Good afternoon, Committee Chair Caban,

My name is Jasmine Bowden, and I am a community member of the New York City Anti-Violence Project (AVP). I am a survivor of violence.

I am here to talk about barriers to services and resources for survivors. Violence against trans, gender-non-conforming, and non-binary people in NYC is up and 2021 is the highest it's been in decades.

The relationship we've had with the police has been volatile since before Stonewall. We in the LGBTQ community have never had a good relationship with the police because of transphobia, homophobia, and racism. So, a lot of LGBTQ survivors do not report violence directly to the police. On top of that, if they are detained by police, they experience violence in custody and from predators when they get out of incarceration.

The resources we need as survivors are not available to us because often, we are asked to go to the police first. Many LGBTQ survivors are fearful of law enforcement and therefore miss out on services.

That's why I support resolution 153 to remove this barrier so more survivors can access funds.

Everyone's aware of the NYPD VICE 18-million-dollar budget. Some of this money must be diverted to organizations who provide services to survivors of violence. Many sex workers are survivor and don't receive the services, care, and resources they deserve.

Survivors suffer financial instability which makes them more unsafe. Solutions and more financial support are needed.

Housing is also a major priority that can stop violence especially for sex workers.

LGBTQ survivors deserve more safe ways to report violence and get support through organizations like AVP. Hopefully you'll champion the opportunity to get survivors support without the barriers we currently face.

Thank you and have a nice day,

Jasmine Bowden

Jasmine Bowden
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Good afternoon City Council Committee on Women and Gender Equity and Committee Chair Caban,

My name is LoriKim Alexander, and I am a community organizer at the New York City Anti-Violence Project (AVP) working on issues around hate violence prevention and education. I am also a survivor of multiple forms of violence – incidents of hate violence for being Black, being a lesbian, and being assigned female at birth; sexual violence; intimate partner violence; and multiple instances of police violence, the last of which left me with permanent physical damage that will never heal.

I am providing this written testimony as a supplement to my verbal testimony on 2/22/2022 speaking about barriers to services and resources for survivors. I am being vulnerable in this space so you can understand the gravity of the situation survivors face in NYC & across the US.

As you may know by now, 2021 was the deadliest year for violence against trans, gender non-conforming, and non-binary community members. LGBTQ survivors are routinely exposed to violence and Black, Indigenous, and other LGBTQ People of the Global Majority, us racialized people, are even more likely to experience violence from all fronts.

Black folks assigned female at birth are most likely to experience sexual and other hate violence in their lifetimes. Black and Latinx women & femmes of trans experience who answered surveys experience all forms of violence at a rate of over 50%.

In general, trans and gender expansive folks have reported being sexually assaulted in police custody, harassed, or dismissed by police when reporting violence or being assaulted by police in general contact not associated with being in custody. These numbers more than double when it comes to Black trans and gender expansive people.

LGBTQ survivors are rightfully less likely to report the violence they experience to the police. They are reporting to community organizations like AVP and are getting services, but more and direct funding is needed for survivors to get their basic needs met.

Trans and Queer survivors from youth to adults experience high rates of homelessness and housing instability, again the number rises when relating to Black survivors. Many LGBTQ survivors live below the poverty line, Trans and gender expansive survivors routinely are reported as having incomes of lower than the general numbers for low-income households. Again, this number increases when speaking of Black survivors.

We need more solutions for survivors that don't put us further in harm's way, like resolution 153, but also streamlined access to long-term housing. Proper and appropriate survivor-focused emergency housing. Direct funds to survivors and organizations who support survivors. Also,

proper compliance and reworking of processes to conform with ADA guidelines and equitable access to services, information, and opportunities for survivors with all forms of disabilities. Direct funding can also support LGBTQ survivors who are often left out of tech information and hardware offerings that can bridge the digital divide that is widening since the pandemic.

We saw this divide in real time during the hearing as one of our community members was skipped from testifying on our AVP panel because she was using someone else's laptop and wifi. We also saw that closed captioning was not available during the hearing. And lastly, we saw that law enforcement was heavily seen during the hearing as well as in the testimony of The City and ENDGBV. That testimony was a testament to how there is way too much reliance on law enforcement to address violence, which leaves many if not most survivors out. There is no comprehensive way of getting survivors what they need, outside of contact with law enforcement, which is not accessible for survivors I work with.

Thank you for your time and consideration,
LoriKim Alexander

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TESTIMONY OF:

**Meghan Downes, Associate Director of Social Work
Family Defense Practice**

BROOKLYN DEFENDER SERVICES

Presented before the

**New York City Council
Committee on Women and Gender Equity**

Oversight Hearing on Barriers to Accessing Survivor Services in New York City

My name is Meghan Downes and I am the Associate Director of Social Work in the Family Defense Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. Many of the people we serve have experienced a history of violence, exploitation and abuse that has directly or indirectly led to their involvement in the legal system. We thank the Committee and Chair Cabán for the opportunity to testify today about the barriers survivors face in accessing services in New York City.

For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. We represent approximately 25,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. We also provide a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

Nearly all of the people we represent have experienced or witnessed violence at home, in their neighborhoods and communities, or at the hands of the state. For many, experiences of violence and exploitation are a direct cause of court involvement. Instead of receiving services, many victims of domestic violence (DV), intimate partner violence (IPV), and other gender-based violence (GBV)—particularly Black and brown women and girls—are punished for their

survival and response to trauma.¹ As public defenders, we see this firsthand when victims of violence face the removal of their children, are charged for self-defense or self-medication, are denied legal entry to the country when facing abuse, are charged with crimes committed under coercion or as a result of trafficking, and more. We are also witness to a system that attempts to draw a binary line between victims and perpetrators, abusive partners and complaining witnesses, often failing to acknowledge the complex histories of people charged with doing harm.

The pipeline of victims into the criminal legal, family court, and immigration systems has had a chilling effect on people experiencing DV. We know that many New Yorkers, particularly Black and brown women, do not always seek services when experiencing violence due to fear of becoming entangled in the legal system themselves, or of causing system involvement for their families.

Barriers to Seeking Services

In our 25 years of practice, BDS has identified numerous barriers people face in accessing victim services in New York City. For many of the people we serve, the first time they have disclosed that they are a victim of gender-based violence is when they have become enmeshed in the legal system. Many of the people we serve indicate they have not previously reported their experiences of gender-based violence because they fear they will not be believed. Others have attempted to involve law enforcement but were not believed or were asked to prove they had been harmed and were retraumatized by the process. This is particularly true for people living with substance use disorders or mental illness. **The people we serve report feeling most safe discussing experiences of gender-based violence in programs with a harm reduction model, where they feel they can openly and confidentially share information with peers and providers without fear of NYPD or other system involvement.**

- **Parents seeking services are subject to surveillance and the removal of their children**

BDS' Family Defense Practice (FDP) has been representing parents and other caregivers in child abuse and neglect cases in Family Court since 2007. For many people we serve, experiencing DV was a direct entry point into the family court system. Most of the people we represent are people of color living in poverty, raising their children in homeless shelters or public housing,

¹ Malika Saada Saar, The sexual abuse to prison pipeline: The girls' story, Center for Poverty and Inequality, Georgetown University Law Center, 2019, Available online at <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls-Story.pdf>.

and in highly policed neighborhoods, making them vulnerable to government surveillance. New York's Administration for Children's Services (ACS) is the city agency that investigates, surveilles, and can remove a child from their home.

When a parent seeks help from a DV advocate, counselor, or law enforcement, their disclosure may trigger a mandated report to the Statewide Central Register of Child Abuse and Maltreatment (SCR) and an investigation by ACS. Most of the parents we serve are fearful that seeking support in response to DV may lead to a knock on their door from a child welfare worker. While the law in New York states that a child cannot be removed from their home because their parent is experiencing domestic violence, ACS frequently uses allegations of DV to closely monitor and surveil families for long periods of time.

Once in court, families often face prolonged separation and years of supervision by ACS. The fear of this intervention has been shown to prevent people from seeking care.² Unfortunately, that fear is warranted. Parents who are victims of DV are more likely to have their child removed and placed into the foster system during their case.³

To address this pipeline of victims into the family court system, BDS has specialized services to work with parents through two city Council funded initiatives. First, DOVE funding supports a social worker in our Family Defense Practice and enabled us to develop a specialization to provide supportive case management and crisis intervention services for victims of DV with family regulation system involvement. This has also allowed us to build relationships with other grantees in support of DV victims who are being investigated by ACS. Concurrently, we have been able to educate other service providers, specifically mandated reporters, on the human impact of reporting suspected abuse or neglect and the rights parents have at each step in the process.

Funded by the City Council Family and Guardianship Support initiative, our Right to Family Advocacy Project provides advocacy to parents during the initial stages of an ACS investigation with the goal of avoiding court filings that have a harsh impact on families. Our team of attorneys and social workers works closely with victims to safety plan, access emergency services, find temporary housing and childcare arrangements, refute false allegations, and help inform parents of their rights at early stages of an ACS investigation. Without our support, most parents under ACS investigation would undergo these frightening investigations without an advocate.

² Ellen Devoe and Erica Smith, Don't take my kids: Barriers to service delivery for battered mothers and their young children, 2008, *Journal of Emotional Abuse*, Available online at https://www.tandfonline.com/doi/abs/10.1300/J135v03n03_06.

³ Carrie Lippy, et al., The impact of mandatory reporting laws on survivors of intimate partner violence: Intersectionality, help-seeking and the need for change, 2020, *Journal of Family Violence*, Available online at <https://link.springer.com/article/10.1007/s10896-019-00103-w#ref-CR13>.

Parents experiencing DV should not have to be worried about losing custody of their children or being subject to long and invasive investigations and court proceedings. Access to emergency and long-term supportive services should not come with the risk of family surveillance or separation.

- **Victims of violence fear police and legal system involvement**

The majority of cases of domestic or intimate partner violence are never reported to law enforcement.⁴ Nationally, less than half of DV and IPV victims reported an offense to police and only one-quarter of victims of rape or sexual assault reported an offense.⁵ There are many reasons people choose not to go to the police when experiencing violence, including fear they will not be believed, fear of arrest, fear of losing their children and fear their partner will be arrested or harmed.

When people who have experienced violence do report harm, they risk arrest and prosecution. Women are the fastest growing population in the U.S prison system. Studies show that most incarcerated women have experienced some form of abuse or trauma in their life.⁶ Oftentimes, it is this experience that has led them, either directly or indirectly, to become involved in the criminal legal system. Police officers are often unable or unwilling to investigate an incident, leading to the arrest of the victim or both parties. This is particularly true for LGBTQ+ people who experience IPV.⁷

- **Victims fear negative immigration consequences and deportation**

For immigrant New Yorkers, fear of system involvement leading to negative immigration consequences and deportation is a barrier to accessing services. Victims fear that if police respond to an incident their information may be shared with ICE. Abusive partners may also threaten to call ICE on their partners, weaponizing the system to evoke fear of deportation and family separation.⁸

⁴ Rachel E. Morgan, Ph.D., and Barbara A. Oudekerk, Ph.D, Criminal Victimization, 2018, Bureau of Justice Statistics, September 2019, NCJ 253043, available at: <https://www.bjs.gov/content/pub/pdf/cv18.pdf>

⁵ *Id.*

⁶ Elizabeth Swavala, Kristine Riley and Ram Subramanian, Overlooked: Women and jails in an era of reform, *Vera Institute*, 2016, Available online at <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>.

⁷ David Hirschel and Philip McCormack, Same-sex couples and the police: A 10-year study of arrest and dual arrest rates in responding to incidents of intimate partner violence, *Violence Against Women*, 2020, Available online at <https://doi.org/10.1177/1077801220920378>.

⁸ Adriana Carranca, She was forced to marry in Bangladesh. In Brooklyn, she made her escape, 2019, *New York Times*, Available online at <https://www.nytimes.com/2019/04/12/nyregion/muslim-abuse-womens-shelter.html>.

Under the Trump administration, federal policy changes limited the ability of migrants escaping DV in their country of origin to seek asylum in the United States. The policies were overturned in June 2021,⁹ restoring more pathways to asylum and citizenship for DV victims, however the chilling impact of this legislation—and other anti-immigrant policies—cannot be understated or undone quickly. People who are victims of trafficking, victims of crimes, and those who are already lawful permanent residents continue to express concerns to our staff about seeking assistance. This confusion and fear deterred many of the people we represent and their families from obtaining important services that would have provided much needed stability, particularly during the COVID-19 pandemic. Even after being advised that seeking assistance would not impact a pending immigration case, people we serve still report being too fearful of negative consequences to access assistance.

Barriers to Victim Services

When people experiencing violence do seek services, they often face barriers to appropriate interventions and support to meet their needs.

- **Domestic violence and abusive partner interventions are one-size-fits-all**

While gender-based violence interventions should restore agency to victims, court mandated programs are often prescriptive and disempower victims in making decisions about their families. Most programs focus on separating people who have been harmed from abusive partners, without the acknowledgement that victims may not be ready to or want to end the relationship with the person doing harm. Orders of protection often prevent partners from engaging in couples counseling, working toward reunification, or making amends.

Abusive partner intervention programs routinely fail to address the history of trauma faced by people who are accused of doing harm. Often, this trauma contributes to violence in the home. These programs also rarely address issues of poverty, housing instability, or financial stress that exacerbate conflict. Supporting people by addressing their complex histories and trauma must be a central part of any DV programming that also serves to resolve criminal and family court cases.

- **New Yorkers experiencing homelessness are shut out of the shelter system**

⁹ Katie Benner and Miriam Jordan, U.S. ends policy limiting asylum for gang and domestic violence survivors, 2021, *New York Times*, <https://www.nytimes.com/2021/06/16/us/politics/asylum-domestic-abuse-gang-violence.html>.

New Yorkers experiencing homelessness are both deterred from entering shelter and prematurely kicked out of shelter because of DHS' domestic violence screening and reporting policies. DHS' No Violence Again (NoVA) DV screening process flags shelter applicants with any history of DV and precludes families or couples with a history of DV from being placed together in shelter. DHS uses the same NoVA screening standard liberally and often without regard for a family's current circumstances. This means families or couples with a history of a domestic incident reports (police reports made in response to domestic incidents) who choose to stay together, who may have engaged in services to address the underlying DV or conflict in the relationship or have been ordered to stay together by a Family Court are almost routinely denied shelter as a family. DHS' NoVA policy effectively bars victims of DV entering shelter from making informed decisions about their families and who they choose to live with. This has long-term repercussions on a persons' housing stability; families who are separated in shelter are not eligible for their proper voucher size and are therefore less able to secure permanent housing.

Similarly, DHS screening and reporting policies label individuals as victims of DV who would not identify themselves as such. Once labeled as a victim of DV, individuals are subject to permanent restrictions on their shelter eligibility and household composition. DHS creates a permanent incident report of any alleged DV incident that occurs in shelter. These reports are frequently based merely on hearsay notes from shelter staff and consist entirely of allegations of raised voices or verbal arguments. The resident often has no knowledge that a report has been made and has no opportunity to contest its content. The report then becomes a permanent record of DV history and will prevent the family from living together if they try to reenter shelter in the future.

DHS screening and reporting policies should prioritize the preferences and choices of DV victims. New Yorkers experiencing homelessness should not have to face compulsory family separation based on a past history or mere allegation of DV if they choose to enter shelter.

- **Orders of protection have devastating collateral consequences**

Every day, New Yorkers are kicked out of their homes and rendered homeless without advanced notice and minimal due process because of temporary orders of protection (TOPs) issued by criminal court judges. These orders, issued as a matter of course in virtually every case involving a witness, require the person charged to stay away from the witness' home and place of business. Those subjected to a TOP are often left homeless and thus at a heightened risk of re-arrest. The practice impacts certain already marginalized people at a disproportionate rate: victims of gender-based violence, teenagers and young people that get into altercations with parents, and LGBTQ+ people.



While well-intentioned, the one-size-fits-all nature of these orders is often problematic. TOPs are issued shortly after arrest when judges have little information about cases, and thus are forced to rely almost entirely on the unverified representations of law enforcement. Unlike in many other states, there is no statutory due process to protect the liberty interests of people subject to TOPs.

To remedy this, we ask the City Council to support and urge the State Legislature to pass the Promoting Pre-Trial (PromPT) Stability Act S.2832b (Ramos)/A.4558b (Quart), which gives charged parties the right to a hearing to determine whether a full TOP is necessary and appropriate during the pendency of a criminal proceeding. This would codify a recent decision by the First Department, *Crawford v. Ally*, which held that such hearings are necessary to comport with due process after Shamika Crawford, a Black mother and victim of intimate partner violence from the Bronx, was arrested after her partner weaponized the system against her.

- **Language access and cultural competency**

Both victims of violence and people who have caused harm struggle to find free, culturally competent services in their preferred language. In Brooklyn, there is a lack of programs in Bengali, Uzbek, Mandarin and Creole even though these are languages frequently spoken in Brooklyn. This has a devastating impact for people who are mandated by the court to complete programs to resolve their cases or have their children returned.

Conclusion

BDS looks forward to working with the Council, this Committee and our community partners to address these gaps in service provision, specifically for victims with criminal legal, family court, or immigration system involvement. We thank this Committee and Chair Caban for the opportunity to testify today. If you have any additional questions, please reach out to Kathleen McKenna, Senior Policy Social Worker at kmckenna@bds.org.



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**Center for Family Representation (CFR)
Submitted Testimony for Committee on Women and Gender Equity**

Hearing Date: February 22, 2022

Oversight: Barriers to Accessing Survivor Services in New York City

Center for Family Representation (CFR) is grateful for the opportunity to submit testimony to the Committee on Women and Gender Equity. We thank Chair Cabán and the Committee for providing the opportunity to focus on this important issue.

Overview of CFR

CFR is the county-wide assigned indigent defense provider for parents who are facing ACS prosecutions in Family Court Act (FCA) Article 10 proceedings in Queens and New York counties. Since our founding in 2002, we have represented more than 12,000 parents with more than 25,000 children. We represent parents on their original neglect or abuse case and on any related matters like custody, guardianship, visitation and termination of parental rights cases. Our goals are always to prevent a foster placement, or when one is unavoidable, to shorten the time children spend away from their family and to prevent re-entry into placement after reunification.

CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every parent is assigned an attorney and a social work staff member beginning at intake, which is generally the first day a parent is summoned to court, and these teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being prosecuted by the family regulation system,¹ losing their children to the foster system and safely reunifying their families. In 2015, the New York State Bar Association gave CFR its Award for Promoting Standards of Excellence in Mandated Representation, noting that CFR “exemplifies and

¹ Throughout this testimony, CFR will refer to the “child welfare” system as the “family regulation” system to recognize that the system “is designed to regulate and punish Black and other marginalized people.” Dorothy Roberts, *Abolishing Policing also Means Abolishing Family Regulation*, IMPRINT (June 16, 2020, 5:26 AM) [hereinafter Roberts, *Abolishing*], <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480> [<https://perma.cc/3VAJ-H8WP>].

defines the highest professional practice standards, is a recognized innovator in parent representation and is a tireless advocate for legislative and policy reform.” The federal Administration for Children, Youth and Families specifically cited CFR in the addendum to its January 2017 Memorandum on High Quality Legal Representation, issued to all fifty states.

To better guarantee family stability, CFR launched our Home for Good program in 2015 to help families with collateral challenges that are the result of or exacerbate their ACS and family court cases. With the support of City Council, Home for Good serves clients in the areas of housing, immigration, public benefits, and concurrent criminal matters. DoVE funding from City Council is also critical in helping us maintain our model and allows us to provide social work support to survivors of domestic violence. Additionally in 2019, CFR created its Community Advocacy Project, with City Council support, to prevent family separation and court prosecutions by representing parents during an investigation by the Administration for Children’s Services (ACS) and to increase employment opportunities by representing parents in hearings to amend their records in the State Central Register of Child Abuse and Maltreatment (SCR). In 2019, CFR also expanded the scope of its work by launching its Youth Defense Practice, representing young people in Manhattan and Queens criminal and family courts, with the goal of avoiding youth incarceration.

Our Work with Survivors of Domestic Violence

Each year, about 20% of CFR’s clients identify as survivors of domestic violence and about 30% of our clients face neglect allegations specifically related to domestic violence. Thanks in large part to the DoVE funding we receive from City Council; CFR is able to assign a social worker to support every survivor of domestic violence we represent. When ACS files a neglect petition against a survivor of domestic violence, usually a mother, it often alleges that these survivors neglected their children by failing to protect them from the domestic violence perpetrated against them, or for other collateral issues related to domestic violence like mental health, substance abuse, or other poverty related allegations. CFR’s interdisciplinary legal and social work teams engage in case management and advocacy to help survivors safely keep their children at home or reunify their families as quickly as possible. CFR teams advocate against ACS service plans that are often inappropriate, duplicative, or unnecessary. Instead, we assist survivors of domestic violence by identifying appropriate resources, make referrals to services that are better attuned to our client's history and ethnicity, and, if necessary, help them find low cost or sliding scale payment programs, and assist clients in developing safety plans, including finding alternative living arrangements. CFR social work staff assist clients in navigating often complicated and burdensome systems, and aid survivors in securing emergency

shelters and NYCHA safety transfers. Social workers remain in contact with our client's service providers and ensure that family defense attorneys have progress reports from the programs to advocate for increased family time or the return of the child during court proceedings.

As we write in detail below, survivors of domestic violence are often put in fragile positions. When the resources they rely on, like public assistance, housing, or counseling services, are not working or are inaccessible they become even more vulnerable. CFR teams work to ensure our clients have continuous access to services and resources. CFR staff also represent clients at administrative proceedings directed toward securing or preserving public benefits and safe housing. Additionally, CFR makes efforts to educate at-risk survivors by providing "Know Your Rights" trainings at community agencies as well as presentations on the collateral consequences of child welfare, immigration, and criminal involvement. Finally, many perpetrators of domestic violence use anonymous calls to the SCR to harass their partners. CFR's Community Advocacy Project, funded through City Council's Right to Family Advocacy Project, allows CFR to represent survivors at administrative hearings to amend and seal their SCR records in order to preserve the survivor's economic opportunities and allow them greater financial stability to live independently from their perpetrators.

COVID-19 Trends

Despite widespread fear of large increases in domestic violence during the COVID-19 pandemic, recent findings by the National Bureau of Economic Research showed that pandemic-related shutdowns were actually linked to a decrease in domestic violence assaults, particularly simple and aggravated assaults.² Additionally, the Bureau reported that there were no significant increases in domestic violence pre-shutdown.

However, the COVID-19 pandemic also led to the closures of various service providers and increased difficulties in accessing resources nationwide. A 2020 study conducted in Chicago showed that the stay-at-home order was linked to a significant decline in reports of domestic violence within the Black community, along with a decrease in resource availability.³ The National Domestic Violence Hotline

² Andre Claudio, *Domestic Violence Declined during Covid-19 Lockdowns*, Route Fifty, November 18, 2021, available at <https://www.route-fifty.com/public-safety/2021/11/domestic-violence-declined-during-covid-19-lockdowns/186943/>.

³ Louisa Baidoo, BA; Tanya L. Zakrison, MD, MPH; Gillian Feldmeth, BS; et al., *Domestic Violence Reporting and Resources During the 2020 COVID-19 Stay-at-Home Order in Chicago, Illinois*, JAMA Network Open (Vol. 4, Issue 9), September 2, 2021, available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783683>.

reported that public health restrictions created barriers for survivors who needed connection and resources. CFR observed a similar reduction in available services during the pandemic. Many of our clients' services were interrupted after the initial shutdown and it took a significant amount of time for those services to resume. Throughout the pandemic, CFR remained open. Our staff ensured that survivors were reconnected to services and resources as quickly as possible by providing new referrals for virtual services, assisting clients in obtaining necessary technology, and offering assistance in applying for public benefits.

Barriers for Survivors of Domestic Violence

Survivors of domestic violence are often reluctant to disclose their situations or seek assistance out of fear, shame, and lack of adequate support. The low-income Black and Latine⁴ survivors CFR serves grapple with the added fear that they will be reported to ACS and their children will be removed if they seek help from the police, mental health providers, or domestic violence support groups. All of these purported "supports" are mandated reporters, required to report suspicions of child neglect. However, while many mandated reporters believe they are reporting the perpetrator of domestic violence, once ACS becomes involved, they will often assert allegations not only against the perpetrator of domestic violence, but against the survivor as well. In most instances, by the time CFR meets the survivor, ACS has already been called and a neglect case has been filed against the survivor alleging that they failed to protect the child from the domestic violence, or for other collateral issues related to domestic violence like lack of adequate housing, mental health, substance abuse, or other poverty related allegations. Instead of supporting survivors of domestic violence, mandated reporters and ACS often add additional strain on survivors and their children. In court, survivors experience increased trauma and fear, and no longer have control over the details of their personal lives that are exposed. ACS frequently fails to connect survivors with appropriate services and resources quickly, and instead blames them for the domestic violence they endured and treats them with suspicion for the duration of the case. Of course, unnecessary removals of children from the survivor parent also lead to further harm and trauma for survivors and their children.

In addition to ACS caseworkers failing to make referrals for CFR's clients, survivors regularly experience barriers when trying to access resources intended to keep them safe. Housing insecurity is especially challenging for survivors of domestic violence and continues to be one of the greatest

⁴ We use the term "Latine" through our testimony as a non-gendered term that is more accessible and pronounceable in the Spanish-language. For more information about the use of this term, please see Andrea Merodeadora, *Latino, Latinx, Latine: The Grammatical Gender Neutral in Spanish*, available at <https://puentera.medium.com/latino-latinx-latine-a3b19e0dbc1c>.

barriers CFR's clients experience. For survivors with ACS involvement, lack of suitable living arrangements can lead to a removal of the child, prevent a parent from having more regular and frequent unsupervised and overnight visitation with their child, and delay reunification of the survivor and their child. Survivors of domestic violence struggle to move out of their current residence, which ACS often deems unsafe, to safer housing at a domestic violence shelter or a new apartment for various reasons. Survivors may lack the financial stability and resources, such as housing vouchers, to obtain new and safe housing. If their only housing option is a domestic violence shelter, the burden is placed on survivors to call a domestic violence hotline daily to explore if there is space at the shelters for them. More often than not, CFR's clients must call day after day, as there is no immediate availability. If ACS has removed our client's child, efforts to identify a shelter placement are even more complicated, as it can be more difficult to secure a bed if the survivor does not have her children in her custody. Not only are single women's shelters less available, but they tend to be less comfortable and private than family shelters, where a family will typically have their own private room. Limited emergency housing availability and the inability to satisfy the criteria to enter the shelter system often force survivors to remain in an unsafe home, making it more likely that ACS will become involved or in cases where ACS is already involved and a child has been removed, making it more difficult to accomplish reunification.

For those survivors residing in NYCHA or Section 8 housing, who have often waited years to obtain that housing, a domestic violence incident can be devastating as it may require them to give up their stable apartment. Leaving for a domestic violence shelter will lead to the loss of the NYCHA or Section 8 housing, as a survivor would have to leave that apartment and prove they have nowhere to reside to enter the shelter system. Alternatively, our clients who reside in NYCHA are frequently encouraged to apply for a safety transfer, but this process can often take several months as NYCHA waits for an apartment in a different complex to become available. Even then, there is likely to be another waiting period so NYCHA can repair and renovate the new unit to ensure it is habitable. CFR staff attempts to assist survivors with their NYCHA safety transfers and in locating emergency shelters or alternative safety living arrangements, but lack of resources remains a challenging issue. As survivors wait to find alternative living arrangements, ACS will sometimes file a neglect case or remove a child based upon the survivor's "unsafe" living environment.

CFR's clients have also experienced challenges with identifying domestic violence counseling services to support survivor's healing from the trauma they have endured. During the pandemic, CFR social work staff has searched for available services for survivors, but we have found long waitlists of up to 4 months before a client is assigned a therapist due to staff shortages and lack of availability.

Time is of the essence when it comes to ensuring survivors feel safe and are getting the immediate support they need. Survivors may lose interest in seeking the help intended to support them when there is a lack of timely access and availability of services. Additionally, when ACS is involved, any delay in services can lead to prolonged separation of a family or extended surveillance.

The overall lack of urgency to address survivor's needs that our clients have experienced, particularly during COVID-19, has not only exacerbated their mental and emotional trauma, but it has affected the progress they can make in their neglect cases as well. If our clients are unable to access resources and services timely due to no fault of their own, their chances of having a neglect petition filed against them for failing to provide adequate guardianship and supervision increases and survivors are more likely to lose their children to an ACS removal. ACS and family courts infer that because the survivor has not been able to stop their abuser from causing harm, engaged in appropriate services, left the home and obtained safe housing, that they are incapable of caring for their child and keeping that child safe. This same inability to access services and safe housing also prevents survivors from safely reunifying with their children quickly following a removal of a child. Survivors need immediate interventions and support to ensure family integrity.

CFR's social work staff has and continues to work diligently to offer concrete support to survivors who are forced to face the reality of an unsafe situation and to best assist survivors with navigating through available resources within NYC. But without immediate service availability, it has been a challenging road for survivors. We hope that City Council will continue to support survivors of domestic violence by directing financial support to survivors to allow them to better access safe housing and services, as well as by supporting the programs, like CFR, that serve them.

Conclusion

We are grateful for the invaluable opportunity to share our thoughts about this important issue and to hear from other stakeholders in the area. Thank you for your commitment to ensuring that survivors of domestic violence can access the supports and services they need to thrive, and which allow them to remain safely with their children and families. We look forward to being a part of this ongoing conversation. If you have any questions, please do not hesitate to reach out to CFR's Litigation Supervisor of Policy & Government Affairs, Jennifer Feinberg, at jfeinberg@cfrny.org or 646-276-6385.

New York City Council, Committee on Women and Gender Equity**Oversight-Barriers to Accessing Survivor Services in New York City**

February 22, 2022

My name is Jayne Bigelsen, and I am the Vice President of Advocacy at Covenant House New York (CHNY), where we serve runaway and homeless youth (RHY) ages 16 to 24. I would like to thank the New York City Council Committee on Women and Gender Equity, especially Chair Cabán and Council Member Althea Stevens for the opportunity to testify today.

CHNY is the nation's largest, non-profit adolescent care agency serving homeless, runaway and trafficked youth. During this past year, CHNY served over 1,600 young people in our programs. On a nightly basis, we provide shelter to approximately 200 young people, including, LGBTQ youth and pregnant women and mothers with their children as well as survivors of human trafficking/commercial sexual exploitation. Our youth are primarily people of color and over a third of our youth have spent time in the foster care system. Many of our youth have experienced abuse or neglect at the hands of parents or other caregivers, and a disproportionately high percentage of our youth struggle with the pervasive impacts of trauma, mental health issues, and substance abuse. We provide young people with food, shelter, clothing, medical care, mental health and substance abuse services, legal services, high school equivalency classes and other educational and job-training programs, as well as a safe house and specialized services for survivors of human trafficking/commercial sexual exploitation. All of these services help young people overcome the trauma of abuse, homelessness and exploitation and move toward stability.

Human Trafficking among Homeless Youth During Covid-19

As we know too well, global and national crises shine a spotlight on the inequalities that exist in our society with the most vulnerable among us often faring the worst. At CHNY, the most vulnerable among us are exactly who we serve: young people experiencing homelessness and human trafficking, financial support, adequate vocational or educational skills and little-to-no safety net before they reach our doors. Our survivors of trafficking have been especially hard hit by the pandemic with mental health symptoms exacerbated in an already traumatized population. Some of our survivors described how the social isolation and lockdowns reminded them of being trapped with their trafficker, especially for the few who needed to quarantine in a hotel room. Many of our survivors lost employment in the early days of the pandemic. Fortunately, our talented workforce development and mental health teams were able to quickly pivot to find employment for our youth in industries less affected by the pandemic and seamlessly transitioned to providing teletherapy and socially distanced support groups. They also ensured that mental health support was available to our young people 24/7. **But all of these additional services came at an increased cost.**

Mental Health Care

One of the greatest needs for survivors is mental health care. Surviving the experience of human trafficking can lead to PTSD, anxiety, depression and many other mental health issues. CHNY is fortunate to have 12 social workers on staff and to have contracted with a part-time psychiatrist who is dedicated to serving young adults who have experienced complex trauma. However, no program serving survivors in New York City can afford a full-time psychiatrist. The waitlist for psychiatric appointments for survivors across the city can be long, thereby leading to unnecessary delays in care and recovery. Additionally, there are currently no specifically dedicated youth or survivor mental health beds in New York City. Our mental health staff is adept at dealing with myriad mental health concerns including, anxiety, depression, PTSD, bipolar disorder, among many other disorders. However, in recent years we have seen an increase in young people experiencing homelessness and trafficking with schizophrenia, psychosis and active suicidality. Young people with these conditions often need

more mental health support than we can provide. In these cases, we will advocate to hospitalize the young person in order to ensure their safety. However, frequently the hospital will only keep the youth for 24 hours before returning them to our care. The young person is then bounced back and forth between RHY/anti-trafficking service providers and hospitals and does not receive the intensive 24/7 mental health care that it is essential to their recovery. **We continue to request that the city dedicate funding for mental health beds for young people experiencing homelessness and human trafficking.**

Vocational and Educational Programming

Survivors, like all New Yorkers, require living wage jobs and permanent housing. After all they have endured, survivors of this brutal crime should never again have to face homelessness or exploitation. Paid educational and vocational training opportunities allow survivors to save money while learning valuable skills. If New York City is truly committed to helping survivors find lives and careers free from violence and exploitation, it must invest in paid internship and training programs and new avenues for affordable housing. It happens all too often; survivors leave programming ready for a new life only to later find that economic or other crises, including job losses from the current pandemic, have led them to a place of instability yet again. This instability is shattering for people in the process of putting lives back together. **The City should offer emergency grants and rental assistance for survivors.**

Cost of Living Increases for RHY/Human Services Staff

New York State has cut human services local aid by 5% annually since 2012. Department of Youth and Community Development (DYCD) funded RHY provider contracts continue to fall short of covering the true cost of running RHY programs. This leads to low and stagnant wages which causes staff turnover rates in parts of the nonprofit sector that are over 40%. High turnover rates are detrimental to our young people experiencing homelessness and human trafficking as it is extremely important that they develop rapport with the adult staff who act as mentors and guides. Frequent staff changes of social workers and case managers can disrupt that rapport and make it more difficult for youth experiencing homelessness and trafficking to leave exploitation and poverty behind. **We are therefore asking for a 3% increase**

on contracts and rates for the next five years and an additional 7% general contract increase for all current DYCD funded RHY contracts.

Undocumented Survivors

Survivors of trafficking who do not have legal US immigration status face additional roadblocks in their quest for safety and stability. Undocumented survivors are not able to apply for federal financial aid or obtain legal employment, thereby leaving them easy prey for new predators. Two of the young people in CHNY's safe house, who are also a part of our paid survivor leadership program, are undocumented. Please see more on one of the survivors' story and advocacy here

<https://www.amny.com/news/senator-gillibrand-and-attorney-general-james-boost-bill-to-protect-sex-trafficking-victims/>

Although they both have excellent pro bono lawyers, it is heartbreaking to watch how the lengthy delays in their immigration cases have left them unable to move forward with their educational and career goals. These survivor leaders are both fierce advocates who are ready to use their traumatic experiences to help others, and they want to be in college furthering these goals. **CUNY schools should welcome undocumented survivors with scholarships, loan repayment programs and paid vocational programs.**

Transitional and Long-Term Housing for Survivors with Appropriate Wrap Around Care

One of the most significant gaps in services for survivors of human trafficking in NYC is the need for additional housing with accompanying holistic services. It is extraordinarily difficult to leave a trafficker or other exploiter when there is nowhere safe to go. It is only when a survivor is in safe place where they can stay for a significant length of time that he, she or they can have a chance to heal and reclaim their bodies, lives and futures.

Additionally, survivors need extensive wrap around services that are grounded in-trauma- informed care, including medical care, mental health care, extensive case

management, legal services, and vocational and educational programming so that they can move beyond their trafficking experiences to lead independent, healthy lives. Fortunately, CHNY offers all of these services, including a safe house where female identified survivors can marshal their tremendous resiliency and strength that allowed them to survive their trafficking experiences to thrive in a life free from exploitation. However, the financial costs of operating a safe house are exorbitant, and CHNY is currently receiving little funding from the City or State to meet these needs and continue operating our anti-trafficking programming. **We are therefore asking the city for \$75,000 from the Anti Human Trafficking Initiative and \$550,000 from the Victims of the Sex Trade Initiative.**

Crime Victims Assistance

It is important to note that in addition to trafficking, many of the youth at Covenant House are survivors of other crimes, including intimate partner violence. Survivors have a multitude of expenses due to these traumatic experiences, and the violence and crimes they have been subject to often impede their ability to obtain financial stability and permanent housing. Survivors must be able to access any available funds to help them in their recovery.

Exploiters and abusers rob their victims of many things, including safety and security and the ability to be in charge and in control of one's own life. Survivors need to reclaim control over their lives in order to heal. Choosing if and when to involve law enforcement is a central piece of that control. Requirements that survivors report their experiences to law enforcement in order to receive services and compensation leaves them again denied of their autonomy and ability to make choices that work for them. **CHNY therefore joins the NYC Council in calling for the NYS legislature to pass A.8619A/S.7573 which removes the mandatory law enforcement reporting requirement for accessing crime victims' compensation.**

I again thank you for the opportunity to testify today.

Jayne Bigelsen

VP of Advocacy, Covenant House New York. jbigelsen@covenanthouse.org

New York City Council, Committee on Women and Gender Equity
Oversight-Barriers to Accessing Survivor Services in New York City

February 22, 2022

I would like to start by speaking about my personal experience as a human trafficking survivor. I was 10 years old when I was first trafficked, and this cycle of abuse and suffering ended when I decided to run away to Covenant House at the age of 19 in early September of 2020. By that time, I was already living in the United States for 4 years and also finished high school here and attended some college. I am now both a resident in one of Covenant House's programs as well as an intern in their survivor leadership program where I am learning to use my voice and experience to help others.

(Resources for schools)

When I first moved here at the age of 16, I was excited to go to High School where I received counseling until my senior year. The counselor who used to listen to me always told me that "wherever we discuss today it will stay here" so little by little I was opening up about the abuse and harassment I was receiving at that time. However, they kept in contact with my abuser behind my back and would tell them what we discussed that day, even though they swore there was complete privacy on the matter. There wasn't any confidentiality at all and that exposed me to more danger. Later on I was not allowed by my abusers to start my treatment for depression because I was already in "therapy" at school. The breaching of confidentiality is way more common than we think. It happened to the rest of my high school friends who went to counseling. This wouldn't have happened if there were programs that allow students of all grade levels, especially survivors of crime, to find the support they and their families need independent of the school system, whether it's free psychiatric help or resources and connecting them to organizations who can help them with more complex situations like legal matters, healthcare, scholarships or housing.

(Services for undocumented immigrants and undocumented students)

As an immigrant myself with an immigration case in process, I think the city does not do enough for us. We are one of the most vulnerable communities to human trafficking, whether it's labor trafficking or sex trafficking. At the end of the day, we all want to feed our families. But how can we if we are being underpaid and overworked and our sisters and brothers are desperate for money to pay for college? Universities and colleges should have funding and scholarships for young immigrants and survivors who want to further their studies. I have a personal experience when in 2019 I first enrolled in college, and I tried to find out about any scholarships or government aid to pay for my studies since I couldn't apply for financial aid due to my immigration status. The college I applied to did not aid me on my search or help when I explained to them that I was currently homeless and with no sources of income to pay my debt. All I heard from them was a letter telling me that my debt will be sent to collections. I'm still not able to clear it since I'm not able to legally work without resorting to off the book jobs.

When I first started attending college I was lucky to have a job under the table where I worked from 7:00PM to 10:00 AM as a security guard in a private company. The pay was below the minimum wage, and I was not allowed to rest or eat during work hours as it was considered a "distraction" but I was ready to give my blood, sweat and tears to earn money to pay for my career and better my future. Unfortunately COVID happened, and I lost my job I had to stop going to school and not long after that I found myself homeless as well. Now even though I'm doing better than before and I am at Covenant House receiving services, I still struggle with the consequences of a broken system who I felt like wasn't interested in helping me or any young immigrant. I think college should do better at supporting homeless students and survivors as well as students who are struggling with paying debts, especially during these hard times.

People like me should have a chance to live a better life and not find ourselves forced to resort to methods that will put us and our families at many great risks. Having the city's support is crucial and our voices should be heard as well.



TESTIMONY OF LISA ALEXANDER, SUPERVISING ATTORNEY AT DAY ONE
NEW YORK CITY COUNCIL, COMMITTEE ON WOMEN AND GENDER EQUITY,
REMOTE HEARING ON BARRIERS TO ACCESSING SURVIVOR SERVICES
Held on February 22, 2022

Thank you, Council Members, for holding this virtual hearing on the important topic of barriers to accessing survivor services in New York City. We would like to congratulate the new members on your positions, and to thank Chairperson Tiffany Cabán for creating a space for survivors, advocacy groups, and others to discuss this important topic.

Day One is the only nonprofit in New York that commits its full resources to addressing intimate partner abuse among youth ages 24 and under. Through a combination of educational, social, and legal services we educate and assist more than 25,000 young people annually.

Like survivors of violence as a whole, the young people we work with face a myriad obstacles in accessing services. These challenges have only become more pronounced during the COVID-19 crisis. We have highlighted some of the most commonly reported and observed challenges that young survivors face.

1. Many existing services are not designed with young people in mind.

The vast majority of domestic violence-focused nonprofits do not routinely work with people under the age of 20 unless they are the children of an adult survivor. Many of our teenage service seekers, and even some who are in their early 20s, tell us they did not know they could seek protective orders, file police reports, or talk to lawyers or counselors until they found Day One. While Day One conducts Early Relationship Abuse Prevention and Relationship Abuse Prevention programs in middle and high schools, we are not located in every school. Sex education in New York City is severely lacking and fails to adequately address dating abuse and resources.

Working with younger clients often involves building a lot of trust, especially if they have previously been dismissed by adults when seeking information or assistance. This trust-building can take more time and energy than working with an older population does. Some young people do not have their own phone and/or email account and instead share it with another family member, making it more difficult to reach them. For youth who still live with their parents or guardians, accessing services virtually may be difficult or even unsafe. For instance, if a young person in an abusive LGBTQ relationship is not out to their family they may not feel comfortable, or be safe, if they call a domestic violence agency or hotline.

Certain issues are more prevalent among youth, including tech-facilitated abuse and Title IX cases. Identifying and providing assistance for these matters requires experience and expertise.

Additionally, many services---including the civil legal system---have hours of operation that force young people to choose between missing school or keeping an appointment or court appearance. While schools are supposed to accommodate young people who are seeking protection from violence, students do sometimes receive pushback. If they are already struggling educationally then continuously missing class can have a detrimental impact on them.

2. Nonprofits as a whole are underfunded and routinely face budget cuts.

As the recent proposed OVS legal services budget cuts demonstrate, nonprofit organizations are always at risk of a reduced or an eliminated funding stream---even during times of crisis. Most organizations already operate with tight margins and any reduction in funds inevitably means a reduction in services. Nonprofits provide the vast majority of services to IPV survivors, including but not limited to shelter, housing advocacy, financial literacy courses, case

management, and legal and social services. The need for free or low-cost services significantly outpaces their availability.

3. Age restrictions hinder or prevent young people from independently accessing public assistance.

For young adults, accessing financial assistance on their own can be difficult or impossible depending upon their living situations. If a young person is under the age of 22 and resides with their parents, then they must be a part of their parent's SNAP case. This can be problematic if their parents are not willing to support them. For instance, Day One's legal team worked with one parenting teen who resided with her parent. Her parent was upset that she had gotten pregnant and provided limited SNAP support to her and her young child. In fact, her parent often asked *her* for money to put towards household expenses.

According to HRA, if a young person wants to apply for cash assistance:

There are differences in policy based on your age: If you are 18 through 20 years of age, you may apply on your own but the income and resources of your parents will need to be documented and will be used in determining your eligibility for CA until you reach the age of 21. In general, if you are under the age of 18 and living with your parents, they must apply on your behalf. As a condition for eligibility for federally-funded Cash Assistance, unmarried minor parents/pregnant minors under 18 years of age who live with and provide care for a dependent child, must reside with a parent, legal guardian, an adult relative or live in an adult supervised setting.¹

¹ https://www1.nyc.gov/assets/hra/downloads/pdf/services/cash_assistance/youth_faq.pdf, last accessed Feb. 24, 2022.

These restrictions create significant hurdles to young people who may need to leave their parents' homes to hide from an abusive partner and do not have other family or friends with whom they can stay free of charge. Their parents may not know about, or may not be supportive of, their relationship and their decision to seek services and may not provide them with financial support. Their parents also may not be aware that they can apply for public assistance and ask that their dependents be included in their case.

4. Shelter space is limited and is restricted based on a person's age.

Shelter space for New York City survivors of domestic violence is limited; Day One's staff have assisted clients in calling New York City's domestic violence hotline multiple days in a row in order to locate an available space. During COVID-19, too many people were forced to quarantine with abusive partners because they had no safe place to go.

Space for single women without children is even more limited than space for women with children. Single male-identifying survivors are often directed to PATH. Transgender survivors may not feel comfortable, or be safe, in certain shelter settings. Survivors with pets can seek assistance with Urban Resource Institute but the number of pet-friendly spaces is still very small. Not all shelters are accessible to people with physical, mental, or cognitive disabilities. For example, one of our clients was finally able to get into a domestic violence shelter only to find that it was on top of a steep hill. Due to a physical disability she was unable to push her child's stroller up the hill to get into the shelter and had to leave; she was put back on a waitlist.

Most people under the age of 18 cannot independently access a domestic violence shelter. These determinations are made with consideration of the facts and how close the person is to their 18th birthday, but in Day One's experience

most young people under age 18 have not been permitted into a domestic violence shelter on their own. While they may be able to enter homeless shelters, homeless shelters are not confidential and are far more accessible to an abusive partner.

5. The criminal legal system may not be a viable option for young people, which currently precludes them from seeking OVS victim compensation funds.

Depending on their age and the nature of the crime, a young survivor may be required to have a parent or guardian accompany them when making a police report. This can present a problem for a number of reasons. Young people may not tell their parents or guardians that they are in a relationship or that they are sexually active, and their caregivers may react negatively upon finding out. If a young survivor identifies as LGBTQ they may be forced to out themselves to a parent in order to file a report. Young survivors may also be ridiculed or have their harm minimized by the police. We have handled cases where a client's report was not taken because the survivor was deemed to be "too young" or not in a "serious relationship." Other types of bias, such as racial, gender, disability, and socioeconomic, overlay with age-related bias and have a chilling effect on young people's trust in the criminal legal system.

Young survivors may also not want to have their abusive partner arrested. Doing so could lead to being ostracized by their classmates and peers, harassed on social media, or otherwise create unwanted attention.

Currently survivors are unable to apply for OVS funds without a police report or criminal case. Day One is glad to see that this committee supports

A.8619A/S.7573, and we hope the proposed changes will enable more of our clients to access critically needed financial resources.

6. The civil legal system is often unaware of how to handle cases of dating abuse involving minors.

Family Court is a challenging place for a survivor of any age. As this committee is well aware, particularly in light of recent reports about bias² and access to justice issues,³ litigants must surmount a number of hurdles in order to obtain civil relief.

For minors, they must overcome the typical obstacles as well as ones unique to their age.

Guardians ad litem (GALs) are people, often attorneys, who a judge can assign to someone to “protect their rights and interests for a single case.”⁴ They are typically assigned to minors or people deemed incapacitated. GALs can help coordinate services, and may give the judge a recommendation of what should happen in a case.

GALs are *not* automatically required to be assigned to anyone under the age of 18. Jurists are supposed to consider several factors, including the young person’s age, their ability to understand information and give directives, and whether their parents or guardians are involved. However, on several recent occasions Day One attorneys represented a young person in an order of protection case in which the jurist assigned a GAL without any inquiry. Our clients

² <https://www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf>, last accessed on Feb. 24, 2022

³ https://s3.amazonaws.com/documents.nycbar.org/files/Final_Family_Court_Report_22.2.4.pdf, last accessed on Feb. 24, 2022.

⁴ [https://nycourts.gov/CourtHelp/Guardianship/GAL.shtml#:~:text=A%20Guardian%20Ad%20Litem%20\(GAL,involving%20children%20or%20incapacitated%20persons](https://nycourts.gov/CourtHelp/Guardianship/GAL.shtml#:~:text=A%20Guardian%20Ad%20Litem%20(GAL,involving%20children%20or%20incapacitated%20persons), last accessed on Feb. 24, 2022.

were uncomfortable having to disclose deeply personal and traumatic information to yet another individual, and also felt like their autonomy was being curtailed.

Unfortunately, many jurists also do not understand certain types of violence that are particularly prevalent among the young people we serve. As of 2013, 40% of teens and young adults aged 14-24 have experienced technologically abusive dating behavior.⁵ As of 2015, 11% of teens who have dated reported that a current or past partner has contacted them through the internet or on the phone to send physical threats.⁶ Young people (particularly young women) ages 15-29 are more likely to be victims of nonconsensual nude image sharing (revenge porn) than other age groups.⁷ It is thus deeply disturbing that so many people within the criminal and civil justice systems lack a basic understanding of how these crimes are committed and the serious psychological and emotional harm they inflict.

We regularly need to explain how popular social media platforms, such as Facebook and TikTok, operate; we sometimes even need to explain what they are. Too many jurists think a survivor can simply block an abuser's social media account, or just delete their own account, to end the abuse.

We also regularly encounter law enforcement and jurists who blame survivors of nonconsensual pornography. We have had to argue with judges who've told clients things like "why did you send him those photos if you didn't want anyone to see them?" and "he didn't force you to send him naked images, did he?"

Survivors understandably can become incredibly demoralized by such lack of

⁵ Tompson, T., Benz, J., & Agiesta, J. (2013). The Digital Abuse Study: Experiences of Teens and Young Adults . AP-NORC Center for Public Affairs Research.

⁶ Pew Research Center. (2015). Teens, Technology and Romantic Relationships. Retrieved from <https://www.pewresearch.org/internet/2015/10/01/teens-technology-and-romantic-relationships/>

⁷ 0 Data and Society. (2016). Nonconsensual Image Sharing [PDF file]. Retrieved from https://datasociety.net/pubs/oh/Nonconsensual_Image_Sharing_2016.pdf



understanding and either decide to discontinue their legal proceedings or refrain from seeking help for future incidents.

Thank you for allowing us to speak to these concerns. We would be happy to further discuss the issue of barriers to survivors seeking services with you, particularly from a youth-focussed lens, and discuss potential remedies to these challenges. Thank you for prioritizing gender-based violence and for your continued support of young survivors and Day One.



NYC Committee on Women & Gender Equity
Oversight: Barriers to Accessing Survivor Services in New York City
NYC Council Member Tiffany Cabán, Chair

Re. Digital Violence as a barrier for survivors in accessing services

February 22, 2022,

Dear Chair Cabán and committee members

My name is Francesca Rossi and I am a Licensed Clinical Social Worker in the state of New York. I run Thriving Through - which is a therapeutic practice specializing in working with those who have experienced intimate partner violence and digital violence. Digital Violence is the umbrella term for understanding abuse through technology. It is any form of violence and harm that occurs online and through tech. Digital violence is also known as technology facilitated abuse or cyber abuse.

Digital violence is gender based and racialized violence.

We need to address the mental health needs of those who have been abused through technology. The mental health impact of being abused online and through technology can have devastating effects on a person's global functioning. The impact of digital violence leaks into every aspect of a person's life - especially mental health

Digital violence is associated with an increase in depression, anxiety, post traumatic stress disorder and suicide ideation. Technology is in of itself triggering and can reactivate a survivor's trauma.

All victim service providers in NYC should be addressing the mental health and trauma impact of technology facilitated abuse. Within sexual assault, stalking, trafficking, and intimate partner violence, abusers often misuse

technology as a way to control, monitor, and harass their victim. 97 percent of victim service providers reported their clients experienced harassment, monitoring, and threats by abusers through technology.

Digital violence runs adjacent to other forms of harm - it is not isolated online. Its common within intimate partner violence, human trafficking, educational systems, gaming, and all forms of social media.

Victims of digital abuse are 2x as likely to be physically abused and 5x as likely to be sexually coerced.

Nearly 1 in 5 Americans said they had experienced severe forms of online harassment. But digital violence is gender based and racialized violence.

Cis and trans black, brown, indigenous, and asian women, are more likely to experience sustained digital violence, along with members of the LGBTQIA+ community. We see this in the overrepresentation in commercial sexual exploitation, human trafficking, tech facilitated stalking, nonconsensual photography, cyber sexual abuse, child sexual abuse material, and educational abuse. All of this has gone up exponentially since Covid - 19.

78% of online child sexual exploitation victims are girls.

I understand that we heard testimony today from a man who was being victimized through image based abuse and possibly sextortion - but image based abuse and cyber sexual abuse is gendered.

1 in 12 Americans have experienced non consensual photography, also known as revenge porn - which is a term we no longer use to reduce stigma. Cis and trans women are more often victims, while cis men are mainly perpetrators. Members of the LGBTQIA+ community are 7x more likely to experience image based abuse. Class status also impacts your risk.

For those who have suffered online violence, connecting through digital methods can re activate trauma symptoms and destabilize a person. The constellation of symptoms triggered from technology can become a barrier to treatment, especially as most engagement is now web based. Being

trauma informed in our digital communication methods is a form of prevention when working with all survivors of violence.

We have to understand that safety looks, feels and sounds different to those who have been victimized through technology. We need to promote tech equity and tech safety in each system of care that serves survivors of violence.

Tech equity includes ensuring survivors have access to devices, phones, laptops, wifi / internet. Safety and accessibility are measured by economics. All because a survivor has a device or phone does not mean their access to the internet is safe.

Technology is continuously being used to exploit and harm people, especially those who are most vulnerable

NYC programs designed for survivors of violence need to be trauma informed with their use of technology and trained in how to screen, address and treat digital violence.

Please contact me if you want to connect more on this topic.

Thank you, and sincerely,

Francesca Rossi

Francesca Rossi, LCSW 02/22/22

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Thriving Through Life
Thriving Through Trauma
Thriving Through Happiness

NYC Committee on Women & Gender Equity
Oversight: Barriers to Accessing Survivor Services in New York City
NYC Council Member Tiffany Cabán, Chair

Re. Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573

February 22, 2022,

Dear Chair Cabán and committee members

My name is Francesca Rossi and I am a Licensed Clinical Social Worker in the state of New York. I run Thriving Through - which is a therapeutic practice specializing in working with those who have experienced intimate partner violence and digital violence. Digital Violence is the umbrella term for understanding abuse through technology. It is any form of violence and harm that occurs online and through tech. Digital violence is also known as technology facilitated abuse or cyber abuse.

As a therapist who works with survivors of IPV and digital abuse, many of my clients are involved in multiple legal processes to try to access safety. This includes engagement with the criminal, civil and family court systems, all which require navigating police. Interacting with police is dangerous - the darker your skin tone increases the risk to your life. Its paradoxical - that survivors of violence are forced to interact with systems that put their life at risk - all to achieve the goal of staying alive.

I am in support of Senate Bill S 7573. We need to remove mandatory law enforcement reporting as the contingency for survivors accessing services. Police involvement is a direct barrier in accessing victim compensation funds.

Mental Health Impact

Lets first root ourselves in the understanding that survivors of violence are faced with coercive decision making. No one “chooses” the abuse that precipitates them reporting to the police.

But an incident report from your local precinct has become the qualifier to determining the presence of abuse. Any time my clients interface with law enforcement, they re-experience their trauma symptoms. To clarify - police engagement causes traumatic re-experiencing. This is individual to each survivor's lived experience - but can include flashbacks, panic attacks, hypervigilance, and overwhelming distress.

When survivors do report their abuse to the police, they are often sharing details of the scariest event in their life.

Interaction with law enforcement following a traumatic event can compound the trauma, as the conditions of reporting are scary, especially for communities that have been directly harmed by the police.

Reporting incidents of violence to law enforcement creates ripe conditions for gaslighting through the invasive questioning, perpetual second guessing and victim blaming phrasing used by officers.

Sometimes survivors are unable to recall exact details of what they are reporting on due to the traumatic impact interfering with memory recall and cognitive processing.

A survivor's own police report can be weaponized against them - including for when they are applying for victim compensation. Survivors can be penalized through denial of funds if they request compensation for an item that was not included in their original report to the police. Why are we withholding compensation funds as punishment when a survivor is unable to remember every detail of the worst moments of their life?

Common emotions survivors feel while moving through the justice system include powerlessness, helplessness, extreme distress and constant confusion. These are compounded when you have to prove your experience of digital abuse.

Survivors of stalking and digital violence are usually cognizant that their experiences online or through technology make them quote, “sound crazy” when explaining to police. The experience of tech facilitated abuse, is in of itself, a deterrent for survivors to report, as they fear they will be perceived mentally unstable and that will be used against them.

Provisions of Senate Bill S7573

“Section 1 amends the definition of “crime” to clarify that a crime maybe committed, regardless of whether any “suspect” was arrested or convicted - or whether the victim/survivor interacted with law enforcement”

This amendment is essential, as the American Legal System measures harm to victims by the definition of the crime. Survivors of intimate partner violence have been experiencing harms that words cannot describe - let alone laws to qualify it. Law enforcement is unable to make the determination when crimes of interpersonal violence are being committed. They should not be included when determining a person’s need for compensation services.

When it comes to digital violence, for example cyber stalking, non consensual photography, and sextortion, law enforcement is still not equipped to address these crimes.

In 2019, NY State passed senate bill S1719C, establishing the crime of unlawful dissemination or publication of an intimate image, also known as Revenge Porn law. In spite of NYC and NY State making non consensual photography illegal - local police are unfamiliar with the laws and how to recognize violence perpetrated through technology. It doesn’t matter if something is illegal if the police don’t know about how to recognize the crime and enforce the law.

So many incidences of digital abuse go “undocumented” bc survivors dont know how to talk about it, let alone report it to the police.

“Section 3 of this bill clarifies that the investigation and determination of claims must be made regardless of whether a “suspect” has been arrested or charged”

For survivors of digital violence, locating the abuser or “suspect” is illogical within the interlocking power systems of Big Tech and the Justice System. Substantiating the crime and finding the perpetrator is the job of the police - yet it usually falls on the survivor. Police place survivors in the position to “prove” who is committing their abuse.

And survivors often know who’s doing it - they have their name and know how police could locate them - but connecting that person to the identity of who is facilitating the abuse through technology can be impossible.

Technology provides anonymizing mechanisms that can make it more difficult to identify the persons perpetrating violence. Combining this are overseas servers and tech companies’ gatekeeping of ip addresses and other valuable information the police could use.

Arrests occurring for cyber crimes are far and few between given the prevalence of cyber abuse. Cyber crime charges can take years - with police pursuant contingent upon the victims race and class.

Cis and trans black, brown, indigenous, and asian women, are more likely to experience sustained online violence, along with LGBTQIA+ folk. Yet they are not the demographics of victims who’s abusers are arrested for cyber crimes. All because something is illegal, does not mean that police have the ability, capacity or care to do anything about it.

Tech abuse often crosses state and country borders, further complicating how survivors report to the police. And the officers always want to pass the buck on locating the suspect - pushing survivors to make multiple reports of their abuse: - to the other state, to the fbi, to cybercrimes - most of which are futile for finding the abuser.

“Section 4 provides alternatives to the law enforcement reporting requirement by allowing for certain evidence to be provided to show that a qualifying crime has occurred. Such alternatives include: (i) a written statement from a victim services provider; (ii) a statement provided by a witness to the qualifying crime; (iii) a self-attesting statement from the victim that a crime was committed against them; (iv) a temporary or permanent order of protection; (v) a statement from a licensed medical provider; (vi) a video, audio or photographic recording or the commission of the qualifying crime”

Survivors of digital violence are typically making dozens to hundreds of reports to online platforms where the abuse is taking place.

These may include reports of harassment, stalking, sexual abuse, death threats and image based abuse - along with take down requests to pornography sites and internet search engines. These should be allowed to be included as alternatives for police reporting when determining victim compensation.

Survivors are typically making these reports before they realize what is happening to them is a crime

Conclusion

There is nothing easy about applying for victim compensation services. It is arduous, overwhelming, and bureaucratic. The process is inaccessible for most survivors, and it places the person in a precarious emotional space by asking them to defend their need for a few hundred dollars to use towards safety and stability, while they are trying to heal from a traumatic event.

Removing the need to have police legitimize that abuse took place through defining it as a “crime”, is essential to moving forward with ensuring victim compensation is available to all survivors of violence.

We need to stop promoting policing as a way for survivors to access services. Forced police involvement for victim compensation is a path to victim incarceration.

I call on the New York State legislature to pass, and the Governor to sign senate bill S.7573,

Law enforcement should not be involved in the process of victim compensation. Period.

Thank you, and sincerely,

Francesca Rossi

Francesca Rossi, LCSW 02/22/22

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Testimony of Arab-American Family Support Center Before the New York City Council Committee on Women & Gender Equity

Tuesday, February 22nd, 2022

I would like to begin by thanking the Committee Chair, Councilmember Tiffany Caban; the Committee on Women & Gender Equity; and the entire New York City Council for holding this crucial oversight hearing on barriers to accessing survivor services in New York City. My name is Salma Mohamed, and I am the Partnership & Capacity Building Specialist at **the Arab-American Family Support Center (AAFSC)**. I am a survivor of gender-based violence and a Muslim, Arab-American daughter of Egyptian immigrants. I am honored to testify today on behalf of marginalized immigrant and refugee families throughout New York City.

At the **Arab-American Family Support Center**, we promote well-being, prevent violence, prepare families to learn, work, and succeed, and communicate the experiences and needs of the people we serve. Understanding that our services are more essential than ever, we have expanded our reach across programs and launched new initiatives to meet the heightened need for domestic violence case management support, mental health services, academic enrichment for youth, cash assistance, access to health insurance and food security, and much more.

We welcome all those who are in need, but with **27** years of experience, we have developed a research-driven, community-focused, culturally responsive, and linguistically-competent approach to serving New York's growing Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities—communities that have been historically underrepresented and underserved. Our staff is representative of our client base, we speak 36 languages, including Arabic, Bangla, Russian, Spanish, and Urdu, and we take a trauma-informed and intersectional approach to all our work, enabling us to serve populations that mainstream providers are largely unable to effectively reach.

AAFSC provides services out of all five boroughs. In addition to providing support out of 13 physical locations, including the Mayor's Office to End Domestic and Gender-Based Violence, Family Justice Centers in each borough, we offer in-home case management in every neighborhood of New York City.

In 2021, **AAFSC** served 10,000 people. With gender-based violence occurrence and severity on the rise, we saw a 40% increase in demand for our domestic violence services and, subsequently, our **Anti-Violence Program** provided case management, crisis intervention, court accompaniments, and safety plan assistance to **1,862** survivors.

When we saw high-risk cases of domestic violence double, we responded swiftly and nimbly, training case managers to respond to increased homicidal and suicidal risk, and we launched a **Domestic Violence Helpline**, which provides remote and immediate access to on-call, culturally and linguistically competent crisis intervention services with expanded hours. Our team also provided over **\$550,000** in emergency financial assistance through our limited general operating funds. Most of these funds supported survivors to cover the costs associated with finding safe shelter. We will not stop there.

Since **1994**, we have dedicated ourselves to centering the lived, intersectional experiences of the communities that we serve in all our work to ensure we are adequately addressing the issues our communities face.

In our work providing direct services and as members of a Collective with partners Sakhi for South Asian Women, Sauti Yetu Center for African Women and Families, Violence Intervention Program, WomanKind, and the Korean American Family Service Center, we understand the following are barriers survivors face in accessing services:

- (1) Fear of retaliation by the partner; fear of deportation or incarceration

- (2) Community isolation, discrimination, and trauma
- (3) Lack of financial resources
- (4) Limited availability of linguistically accessible mental health services and restorative justice approaches for those who wish for a non-systems approach to healing
- (5) Housing costs, limited availability of vouchers and other affordable safe housing programs

These issues have historically hit minority women, girls, transgender, and gender non-conforming individuals in severe and distinct ways. The pandemic has further exacerbated these challenges. AMEMSA survivors must navigate the intersection of gender, racial, and class discrimination when trying to access services. For example, many of our clients must navigate language hurdles, racism, xenophobia, and wage gaps, all of which reinforce traditional barriers and create new ones.

Few scientific studies examine domestic violence among immigrant and AMEMSA populations in the U.S. but what we do know is troubling.

As we have seen, and as a qualitative study called Arab American Perspectives on Intimate Partner Violence in Dearborn, Michigan noted, complex patriarchal family dynamics and community normalization/ victim-blaming often hamper a survivor's ability to access services.

A recent report from the Mayor's Office to End Domestic and Gender-Based Violence demonstrated, from 2010 – 2019, foreign-born clients visited the Family Justice Centers (FJCs) more frequently on average, were more likely to report living in a shelter (36.5% vs. 10.9%), less likely to report open family court and criminal court cases in their initial contact with the FJC, and less likely to report that the police had been called in response to domestic violence in their initial intake at the FJC.

We have supported countless immigrant and AMEMSA women who are hesitant to pursue help for a variety of reasons, including widespread fear of incarceration, deportation, family separation, and family or community retaliation.

Unique challenges require unique solutions.

Most providers are not equipped to identify and tackle matters like forced marriage, virginity exams, in-law abuse, gender expectations in our communities, and other forms of deeply rooted, culturally specific, and honor-based forms of gender-based violence. In this way, **AAFSC's** culturally and linguistically competent support fills an urgent service gap. Our **Anti-Violence Program**, and those of our partner agencies, address these barriers by adopting a culturally responsive outreach approach and working individually with survivors to build trust and tailor service plans to their unique needs.

AAFSC leverages our trusted position to support survivors in navigating feelings of fear, guilt, and shame that can prevent AMEMSA survivors from reporting violence and build their capacity to process their experiences, find safety, learn about legal remedies, and/or explore carefully tailored non-system tools (i.e. healing practices). Through our services, we protect survivors and challenge harmful attitudes, break cycles of violence, and ensure that all community members can live safe, healthy lives.

To address these barriers, **AAFSC**, along with our aforementioned partners, request that the City ensure that all legislation addresses the unique and multi-layered challenges minority women face and prioritize community-based organizations for funding for Citywide Initiatives that support survivors of domestic and gender-based violence. Specifically, we request the City:

- Enhance funding to culturally and linguistically competent CBOs through the DOVE Initiative, Immigrant Survivors of Domestic Violence Initiative, and others.
- Create and improve economic and housing security for survivors of color, inclusive of immigrant communities. Allocate city funding to provide public benefits for all income-eligible New Yorkers, regardless of immigration status. Continue allocating emergency funds to communities who did not receive other forms of pandemic related government aid.
- Address the mental health needs of survivors whose conditions have been exacerbated over the pandemic. We urge City Council to devote further resources to mental health initiatives through a culturally aware and trauma-informed lens.
- Fund community education programs that work to empower young women, girls, transgender, and gender non-conforming immigrants and teach healthy ways to express masculinity and overcome conflict, like our **AYWA** and **MENar** programs.
- Advocate for and fund culturally responsive initiatives that use disaggregated data to highlight culturally specific needs without reinforcing problematic narratives.
- Commit to supporting immigrant and refugee survivors with culturally and linguistically competent services. The **Arab-American Family Support Center** works to conduct regular cultural competency trainings with our city and community partners, but with your support, we can amplify our impact and empower immigrant and refugee survivors across all five boroughs.

Thank you once again for this opportunity to testify. As always, the **Arab-American Family Support Center** stands ready to work with you in ensuring that all New Yorkers have access to the services they need to lead safe and fulfilling lives.



Testimony: Amy Barasch, Executive Director

Hearing: Oversight – Barriers to Accessing Survivor Services in New York City

Host: New York City Council Committee on Women and Gender Equity

Date: February 22, 2022

Thank you Chair Cabán and the Committee on Women and Gender Equity for the opportunity to submit testimony on this critical matter. For 29 years, Her Justice has stood with women living in poverty in New York City. These past two years – unlike any others – disproportionately impacted women like our clients and shuttered some of the vital remedies that are typically offered through the courts and the civil justice system. **It became clearer than ever that legal services, and the access to justice and the essentials of life that they offer are a critical part of the safety net on which our clients and women like them rely.** In response to barriers facing our clients, Her Justice has redoubled our efforts to meet our clients’ urgent needs – providing more information to clients who were confused and fearful; providing more training to volunteer lawyers; and focusing on our policy work to use this moment to envision a better system “post-COVID.” We are deeply grateful for the City Council’s continued support for the work that we do. We look forward to partnering once again with the Council and the Committee as it shapes its agenda to ensure that our civil justice systems work for all New Yorkers and advance economic justice and safety for women living in poverty.

Organizational Background

At Her Justice, we have been so grateful for the City Council’s continued support of survivors in New York City, particularly through the DoVE Initiative. In 2021, Her Justice provided a range of legal help to more than 5,800 women and their children in our practice areas of family, matrimonial and immigration law, which are described below. A full 100% of our clients are women living in poverty, 90% are women of color and 80% are survivors of domestic violence. Our clients live in all five boroughs of New York City. Almost 80% of our clients are foreign-born, almost half need interpreters in court, and most are mothers. Through our pro bono first model, Her Justice pairs thousands of well-trained and resourced pro bono attorneys with women who have urgent legal needs. This approach has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. By ensuring that more women have lawyers by their side in a system historically designed to have poor people navigate it alone, we ensure their voices and concerns are heard and we begin to break down systemic barriers to access to justice.

Our legal services are essential services, and every Her Justice client has an urgent legal need. Whether it’s Mary,* who lost her job due to COVID-19, while her husband, who remains



employed, has stopped paying the child support he owes; or Grace,* who needs a divorce in order to avoid responsibility for the increasing debt her husband is racking up in her name; or Natalia* a survivor of human trafficking seeking the right to work so that she can support herself and her children free from abuse – **Her Justice stands with women when they need it the most.**

We serve women living in poverty because, even in the best of times, the cards are stacked against them. **We know that women, particularly women of color, have been uniquely burdened by the economic impact of COVID-19, and the fallout is expected to last.** The United Nations predicts that millions of women and girls around the world will be pushed into poverty as a result of COVID-19. And women and girls around the world faced a “horrifying global **surge in domestic violence,**” in the words of António Guterres, UN chief, in April 2020, linked to lockdowns imposed by governments responding to the COVID-19 pandemic. And amidst all this uncertainty and strain, the legal needs of our clients remained as urgent as ever.

Women living in poverty, particularly Black and Brown women, are forced to rely on a civil justice system that has been historically and systematically under-resourced. Women spend immeasurable hours, days and years moving through the Family Courts to access basic freedoms – personal autonomy, financial independence, and safety from abuse. While the system was originally imagined as one without lawyers, over time the process has become only more complicated and those who are unrepresented often come up short. The assumption that litigants did not need lawyers was part of a system that made decisions on behalf of low-income people; with a lawyer our clients can be part of the debate about their own future. From our years of experience representing women in the civil justice system, we know that the burden too often falls on women like our clients. Similarly, our immigrant clients suffer from inadequate numbers of government staff to review their valid applications. While processing has improved slightly, the reality remains that due to historically under-funded systems, clients can wait 5 to 7 years before they get a decision about their status, being forced to live in the shadows that entire time.

Advocating for policy reform in the civil justice system is a key component of any effort to lift women and their children out of poverty. As a trusted, long-standing organization, Her Justice seeks to elevate the issue of civil justice reform and advance economic justice for women and their children. Since our founding, we have been engaged in policy work, alone and in partnership with peer organizations and coalitions. In 2019, recognizing the need to take a more coordinated and strategic approach to our policy work, Her Justice invested in a policy strategic planning process resulting in the launch of a [Comprehensive Policy Platform](#) in January 2020. The principle of our policy work is that it is informed by the lived experience of our clients – women living in poverty, whose livelihood and well-being are often determined by the civil justice system. That civil justice system is often invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential for our clients and all who depend on it.



Meeting the Needs of Domestic Violence Survivors: Essential Family Court Legal Services Beyond Orders of Protection

Many of our clients must pass through the New York City Family Courts to get legal relief that is critical to their safety and well-being; for example, orders of protection, financial support from partners, or visitation schedules. At the start of the pandemic, the Family Courts closed; they have been slow to resume operations – creating confusion and uncertainty for litigants – and are now facing a huge backlog of cases. In the New York City Family Courts in general, matters filed before the pandemic are proceeding on an ad hoc basis, completely dependent on the type of case, the magistrate, and the presence of lawyers. For survivors of domestic violence, this uncertainty allows abusive partners who owe child support to withhold payments without immediate accountability through the courts. As the courts navigate the challenges of providing remote access and modernizing processes such as filing papers, litigants experience extreme delays and constant roadblocks. Her Justice continues to provide clients with legal information and representation, and to mentor our pro bono attorneys virtually and send regular communications about access to the courts as the situation evolves.

Child support. Child support is critical for custodial mothers, especially those living in poverty. Many single mothers rely on child support to secure the basic necessities for their families. The vast majority of victims of partner violence suffer from economic abuse, making safe and fair child support awards essential to survivors' ability to seek safety and maintain independence. Thus, the child support system plays a critical role in determining economic justice for single mothers and children living in poverty.

Child support is a key priority for Her Justice in our direct services for individual clients and in our policy reform efforts. We believe that the fairness and efficiency of the child support system should be improved to ensure that children receive the most support parents can afford. In 2017, we set out on a two-year court watching project in which 89 volunteers observed 797 child support case appearances in the New York City Family Courts to get a better understanding of what happens when parents do not have lawyers, and how the system ensures fair processes and outcomes for all. That project culminated in our March 2021 original Policy Report: [*Towards Justice for Parents in Child Support Courts*](#). Fortunately, we were able to observe court proceedings before in-person appearances were made impossible by the COVID-19 pandemic. Now, as the courts are faced with re-imagining how to provide access to justice post-pandemic shutdown, we are engaged in advocacy around various solutions, including a State legislative proposal to create “a straightforward process for straightforward cases.” The legislation would create a pilot program for parents who want to agree on child support in an administrative conference and who do not need a court to determine the income available to support children. In addition to providing a fair and expedited process for families, the conference process would reduce the volume of families seeking child support in the Family Courts and create some efficiency in the system when this is needed most. We believe this pilot would benefit families in New York City where there are typically more than 60,000 filings for



child support each year. Her Justice was proud to see this proposal included in the People's Budget of 2022 of the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus. Her Justice is committed to elevating the experiences of our clients through both direct services for child support matters and advocacy to improve the system our clients navigate.

Divorce. Going through a formal legal process in divorce is especially important for women who are typically the lesser-earning spouse. Unfortunately, the barriers to and risks from divorce increase exponentially for women who are victims of domestic violence. The New York Supreme Courts have resumed divorce proceedings on a largely virtual basis, which can benefit some litigants, but poses a challenge for those with limited access to technology, especially those who are proceeding pro se. Our clients continue to need legal assistance around divorce issues. These cases represent two-thirds of our practice, and we continue to meet the need for information and advice about these issues through our legal helpline each week. For the 396 clients we have with ongoing matrimonial cases, Her Justice lawyers and the pro bono attorneys that provide representation continue to stabilize the cases and work with clients to prepare for litigation – including organizing financial documentation related to marital assets and debt – and assist them with the challenge of making their case in a virtual world.

Consumer debt advocacy. As the Council knows, domestic violence takes many forms beyond physical abuse. Many of our clients experience financial abuse – the control by one intimate partner of the other's access to economic resources, which diminishes the victim's capacity to support themselves and forces them to depend financially on the abuser. In general, consumer debt and low credit scores trap women in poverty. These financial barriers may impose particular challenges if the debt arose from partner abuse, such as the withholding of assets, identity theft, and coerced debt. Debt and damaged credit as a result of financial abuse make it even more difficult for victims to leave the relationship – with a low credit score, women cannot rent an apartment, get a job or buy a house or car.

Like all those living in poverty, victims of domestic violence find themselves in an even more precarious economic situation at this time. Her Justice runs a consumer debt advocacy program to enhance the services we offer our clients. For victims of domestic violence, we provide safety planning around issues stemming from financial abuse – the control by one partner of the other's access to economic resources. We advise clients on how to obtain, review, and request security freezes on credit reports; how to report fraudulent activity to the FTC and other appropriate agencies and to write dispute letters to the reporting agencies, and advocacy letters to creditors; and to remove abusers as authorized users on accounts. As a complement to our work with individual clients, Her Justice has advocated for protections against enforcement of money judgments and debt collection in this fragile financial time; it is a cruel irony that debt collection cases are moving forward as before, while the financial support that could be available in Family Court is endlessly delayed. We stand in coalition with other advocates calling for reforms to ensure that laws and policies recognize the reality of economic abuse, including coerced debt, for survivors of intimate partner violence.



Access to children. We know that for domestic violence victims with children, co-parenting a child in common with the abuser can be a dangerous time as it allows contact with the abuser. The public health crisis has presented new challenges for separated parents sharing time with children. The Family Court is plagued by a backlog in custody/visitation cases, as these were not deemed “essential” cases for which new petitions were allowed in the early stages of the pandemic. It remains to be seen how efficiently and effectively the courts will handle new custody matters and the backlog of cases, along with the operations of virtual court appearances for some cases. And we know from our clients’ experiences that even modest delays in getting help from the courts to resolve high-stakes custody disputes can put victims at risk of further abuse.

We believe that the cracks in the legal system that have been exposed during this public health crisis point to opportunities for reform to give more individuals greater access to essential legal services. We know that legal information plays a critical role in empowering survivors to make decisions about when and whether to engage with the legal system, and that organizations like Her Justice will continue to meet this need. We also know that there is an opportunity for the court system to consider how the civil justice system can better respond to the individual experience of domestic violence by providing a greater menu of options for dispute resolution that take safety into account. And we know that, given the extreme financial hardship for many people living in poverty during this crisis, there is an **opportunity to acknowledge that domestic violence compounds other barriers to stability and security for many New Yorkers.**

Meeting the Needs of Domestic Violence Survivors: Safety and Stability through Essential Immigration Legal Relief

Our immigrant clients – all of whom are survivors of gender-based violence – are met with particular challenges during this time. Many of our immigrant clients work in homes – as home health aides and caregivers – and were unable to continue their work when the pandemic began. Our clients faced acute financial strain due to unemployment and lack of relief from federal stimulus benefits.

Barriers to needed legal relief. We provide information, advice and full representation to clients seeking immigration relief through referrals to our program each week. For the 720 clients we have with ongoing immigration matters, Her Justice lawyers and the pro bono attorneys that provide representation stabilize cases and work with clients to prepare applications. However, the pandemic continues to impact the lives of our staff and clients -- especially those with children because regular school and childcare routines have been disrupted. Clients juggling work and childcare often have trouble devoting time and attention to their legal matters, even if those legal matters are critical to their well-being. The technology gap (lack of access to computer and internet) makes it difficult for clients to provide needed documentation and information to their attorneys. The preparation of an immigration application, which used to take one to three hours of in-person meeting time with a client in the office, now takes twice as much time when done remotely. And while we have seen an increase in cases processed under the new federal administration, the backlog



of overdue cases still burdens the system. Her Justice continues to advocate for reform to the immigration system so that the greatest number of immigrant women can obtain and preserve the best possible status, through a process that prioritizes their safety and dignity. We have been active in collaborating towards for policy changes that prioritize and recognize the needs of survivors of gender-based violence.

Policy reform for immigrants in New York. During the last several years, we have dedicated significant time and effort to advocating against undue and unfair immigration enforcement actions, including preventing U.S. Immigration and Customs Enforcement (ICE) from making arrests in the courts, which have had a chilling effect on our clients' willingness to seek help. Last year, we were thrilled to witness the passing of the New York State Protect Our Courts Act, which marked significant progress towards the decriminalization of our immigrant communities and making justice accessible to all. It is a key policy position of Her Justice that laws and policies providing relief to survivors of gender-based violence should not require survivors to cooperate with or seek safety from law enforcement to prove their experience of abuse, since survivors seek safety in many ways. In undertaking these efforts, we lift up the need for fair treatment of immigrant New Yorkers and the power of meaningful access to justice and benefits to change lives. **Her Justice will continue to strengthen our services and advocacy on behalf of immigrant women living in New York City who are more vulnerable now than ever.**

Lifting up Survivors Living in Poverty

As New Yorkers, we are committed to lifting our community up. When women are lifted, their children and communities rise with them. **We thank the City Council for the support for the essential legal services that we provide to women living in poverty in New York City and partnership on policy reform to benefit all New Yorkers.** We look forward to continuing to work together to remove barriers to gender equity and access to justice for survivors of intimate partner and gender-based violence.

Respectfully,

Amy Barasch, Esq.
Executive Director, Her Justice
abarasch@herjustice.org

**Name changed to protect client privacy.*



Who: Tiffany Cabán, Chair and Members: James F. Gennaro, Jennifer Gutiérrez, Kristin Richardson Jordan, Kevin C. Riley and Althea V. Stevens

What: Committee on Women and Gender Equity

When: Tuesday, February 22, 2022 at 1:00pm

Thank you, Chair Tiffany Cabán, and members of the Committee on Women and Gender Equity, and the NYC Council for giving us the opportunity to testify today.

KAFSC provides effective services to Asian Americans primarily immigrant survivors and their children who are affected by Gender-Based Violence, Domestic Violence, Sexual Assault, and Child Abuse for the past 33 years. All our programs and services are offered in a culturally and linguistically appropriate setting which operates year-round and our bilingual hotline and emergency shelter are in operation 24-hours a day, 7 days a week. 98% of our clients are immigrants, 98% are women, and 100% of our staff members are immigrants themselves or children of immigrant parents. Over 95% of our clients' first language is not English and come from low-income backgrounds.

KAFSC is proud to be an on-site partner at the Queens Family Justice Center and we have worked with QFJC as an on-site and off-site partner for more than 10 years. We are also grateful for the partnership with Safe Horizon, Mayor's Office to End GBV and Commissioner Noel. Our Executive Director, Jeehae Fischer, is also an appointed member of the Mayor's Domestic Violence Fatality Review Committee.

In 2021 alone, KAFSC responded to a total of 5,069 calls related to gender-based violence, domestic violence, sexual assault, child abuse, or trafficking cases. In 2021, 27 women and 4 children benefited from safe housing, on-site therapy, assistance in accessing public benefits, monthly legal clinics, one-on-one legal counseling, advocacy in court, medical services, emergency cash, free transportation, and translation services. Sixteen families (16 women and 11 children) were served through our Transitional Housing Program with rent and child care subsidies. 100% of them obtained/sustained employment and reported feelings of heightened safety upon their exit. 205 job-seeking women receive job-training classes through our Economic Empowerment Program. A total of 60 high-school students in our two youth programs (Youth Community Project Team and Project GOAL) were trained as community advocates in Asian immigrant youth community.

Our culturally sensitive and linguistically appropriate crisis intervention and counseling services support more than 2,500 individuals annually. Our culturally sensitive and linguistically appropriate crisis intervention and counseling services support more than 2,500 individuals annually. 90% of our DV/SA clients are Asian immigrants, 95% are women, and 98% have limited English proficiency. 98% of our clients live under the poverty line. Many of our survivors are undocumented, uninsured, and now unemployed.

Our frontline essential workers met the increased need and provided in-person crisis intervention, counseling, case management, and other supportive services - all in a culturally and linguistically appropriate setting. Thank you for this opportunity to testify, we look forward to working with all of you to establish an effective system for all our immigrants and immigrant survivors.

Testimony by The Legal Aid Society before the New York City Council Committee on Women and Gender Equity's Hearing on Access to Resources for Victims/Survivors

Given by Laura A. Russell, Esq.
Director, Family/Domestic Violence Unit
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February 22, 2022

Interest and Expertise of the Legal Aid Society

The Legal Aid Society is the oldest and largest provider of legal assistance to low income families and individuals in the United States. The Society's Civil Practice operates 14 neighborhood offices and City-wide units to assist residents of all five boroughs, providing comprehensive legal assistance in housing, public assistance, immigration, family law and other civil areas of primary concern to low income New Yorkers. The Society's City-wide Family Law Practice includes a Domestic Violence Project that provides legal representation regarding custody, orders of protection, child support, divorce, and economic justice for survivors of intimate partner violence. Our Domestic Violence Project staff often works in close collaboration with other areas of the Society's Civil Practice to holistically address the myriad of legal issues survivors of intimate partner violence face, in particular access to housing, public assistance, health care and immigration remedies. The Legal Aid Society's Domestic Violence Immigration Project staff specializes in providing legal representation to non-citizen survivors of intimate partner violence and human trafficking before the U.S. Citizenship and Immigration Services (USCIS) and removal defense for non-citizens survivors before the immigration court. Our Homeless Rights' Unit represents clients and families in the DHS shelter system.

The Legal Aid Society is grateful for the opportunity to testify before the Committee on Women and Gender Equity regarding access to resources for victims/survivors in New York City. Our clients are among the most marginalized New Yorkers. Meaningful access to cash assistance, stable housing, health care, lawful immigration status, divorce, custody and orders of protection are each critical components on a survivor's road to self-determination and an independent life, free of violence. Unfortunately, survivors of intimate partner violence and human trafficking face longstanding hurdles when attempting to access the resources they require to stabilize their lives. We would like to highlight a few of these barriers for the Committee today.

Local Multi-Lingual Media Campaigns are Necessary to Counteract the Damage Done by the Trump Administration's Harmful Policies against Non-Citizen Survivors:

New York City is still reeling from the damage done by four years of the Trump Administration's harmful immigration policies which cast a much wider net for who was considered a priority for deportation. Despite NYC's Executive Order 41, it had a profound impact on immigrant survivors of domestic violence, human trafficking, and sexual assault who feared that they could face deportation if they contacted the police. It pushed survivors back into the shadows and left many vulnerable to further abuse and exploitation. ICE enforcement actions in NYC courts led many

survivors to avoid seeking protection orders or child support and in other instances dropping civil or criminal cases because of fear of deportation. Lastly the Trump Administration's policies aimed at penalizing low-income immigrant communities accessing public benefits had a significant chilling effect on survivors who instead struggled with food and housing insecurity for fear of being deported. We know that the COVID-19 pandemic exacerbated rates of intimate partner violence and human trafficking worldwide as survivors were forced to isolate with their abusers or traffickers and had incredible difficulty accessing services. There is much work ahead to help undo these setbacks.

We urge to council to provide the City with funding to engage in a multi-lingual media campaign to reassure vulnerable immigrant survivors that New York City remains a sanctuary city and that they can seek help from the police and access our courts and city agencies without fear of deportation.

The Lack of Meaningful Access to the Court System Continues to be a Deterrent to Marginalized Communities

The Court System, specifically the Family Court, has become increasingly difficult to access for litigants from marginalized communities. Prior to COVID-19, one could walk into Family Court and receive assistance in filing a petition. Clerks had access to multiple languages. Once COVID-19 began, the Family Courts closed down for anyone who could not file a petition on-line, in English. The signage stating the closure was only in English, and limited information was available to litigants. Cases eventually were able to be filed, but many of these cases were not give court dates, and the filing was an email, not actually receiving a docket number or court date.

The Courts are still attempting to handle the backlog from this time, but the movement of cases has been extremely slow. Matters are adjourned until 2023, assigned counsel is not available, and interpreters continue to be unable to be found. Recently, a multitude of judges were transferred out of family court, leaving over 5,000 cases without a judge. Many survivors simply give up, rather than attempt to wait years for an order of support or custody.

The Family Court, one of our most under resourced courts, also has one of the highest populations of low income litigants. These clients wait years for custody orders, or support orders. Though they may receive temporary orders sooner, the final orders take so long that many litigants give up. The one avenue for litigants who are not comfortable filing a police report, has all but become impossible to navigate.

We understand the City has limited ability to fix the crisis in Family Court, but we would urge the City to take these barriers, and time frames, into consideration. When applying for OVS funding, recognize the time it takes to obtain orders, sometime three to four years. Litigants should be allowed to apply after a court case has concluded.

Some Local Law Enforcement Agencies are More Restrictive about Issuing U Certifications to Survivors Than Required Under Federal Law:

It is in New York City's best interest to create as many avenues as possible for undocumented survivors of intimate partner violence to obtain lawful status and eventually citizenship. One great way to do this is by issuing law enforcement certifications to as many survivors as permitted under federal law. In New York City, the Administration for Children's Services, Family Courts, the NYPD, the five borough District Attorney Offices and others each have embraced this notion in some way by creating a process for requesting U certifications for those survivors whose abuse has led them to interact with these agencies. But some NYS/ NYC law enforcement agencies unnecessarily restrict their issuance of U certifications based on parameters that are simply not required under federal law and despite the knowledge that a survivor cannot apply for U status without the signed certification. Their approach to certification issuance prioritizes the prosecution over the survivor. For example, most of the District Attorney offices will not generally provide a U certification to a survivor witness while a criminal case is pending, preventing them from seeking this important immigration remedy until the criminal case has concluded which can take many months or even years. Holding the issuance of the law enforcement certification over a survivor until the conclusion of a prosecution is not required by federal law. It also strips the survivor of their agency in deciding whether it is actually in their best interest to continue with the case either due to safety considerations such as a fear of retaliation or concerns that their non-citizen partner or co-parent can face the dual punishment of deportation after arrest/incarceration for a domestic violence crime.

The NYPD similarly restricts its U certification program unnecessarily by generally refusing to certify for those survivors whose police reports have led to an arrest of the alleged abuser, choosing instead to defer to the respective DA office handling the prosecution to make the certification decision. Since most of the DA offices will not issue the law enforcement certification until the criminal case is complete, this significantly delays a survivor's ability to apply for U status which in turn can negatively impact their ability to achieve independence and safety. Cooperation with law enforcement under the federal U program to net a prosecution is simply not required under federal law governing U certification issuance. The federal regulations clearly state that a victim can be helpful in an investigation *or* prosecution.

The NYPD also routinely runs background checks on individuals seeking U certifications which is not required under federal law as the U.S. government runs its own background checks on anyone seeking U nonimmigrant status. The NYPD has refused to provide certifications for many survivors who have an arrest history which is particularly problematic because (1) an arrest history and even a conviction history is not a bar to obtaining U nonimmigrant status; (2) survivors often have arrests that are connected to their very victimization; and (3) survivors who are BIPOC and/or LGBTQI often have criminal legal system interactions that are directly connected to discriminatory policing practices in our city.

We would encourage local law enforcement agencies to rethink these U certification gatekeeping policies in order to more fully embrace the promise that the federal U program offers for as many vulnerable New Yorkers as possible. Having a pending U application puts clients on a path to receiving life changing work authorization, an immigration status, and reunification with family

members. , It also gives us as their immigration lawyers a tool to prevent their deportation from the United States and separation from their biological and chosen families, their communities, support networks and other essential services that are often non-existent in their countries of origin.

Undocumented Survivors with Pending U and T Applications Still Lack Access to Cash Assistance While Their Immigration Applications are Pending:

Undocumented survivors of domestic violence and human trafficking with pending U and T applications cannot access cash assistance programs offered by New York State. A pending U or T application only makes the survivor eligible for a subsidized health plan. While access to health care and mental health supports is laudable and so critical for many survivors, not having access to cash assistance early on in survivors' separations from their abusers is detrimental and counterproductive to their attempted road to self-sufficiency. In New York State, a U applicant can only access cash assistance once USCIS has granted them deferred action which currently takes about five years to be granted. Similarly, human trafficking survivors cannot access cash assistance until their T application is granted which currently takes a year and half to upwards of three years.

Economic abuse and exploitation are a significant component of the broad system of tactics used by abusers and traffickers to gain power and maintain control over survivors and limit their options. It is well established that economic dependence is a critical obstacle for survivors who are attempting to leave an abusive relationship or exploitative situation. For those who do escape, they frequently end up living in poverty or becoming homeless. Lack of access to cash assistance is often the direct cause leading survivors back to unsafe situations or relationships and needs to be rectified. It diminishes a survivor's quality of life leading to greater financial instability and lack of self-sufficiency. This is why it is so critical that undocumented survivors of domestic violence and trafficking have access to cash assistance as soon as they apply for U or T status. We strongly urge the council to support an expansion of NYS eligibility for cash assistance to these incredibly vulnerable survivors who face to greatest obstacles to safety and self-sufficiency.

In the interim, we urge the Council to pass the Resolution introduced by Council Members Narcisse and Cabán calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds. This an important step in expanding meaningful access to a larger number of survivors, specifically BIPOC and LGBTQ+ survivors, who have been disproportionately unrepresented in accessing/receiving this important financial support due to the rigidity of the current eligibility requirements. This also would temporarily fill an important gap in lack of access to cash assistance.

DSS Should Allow Survivors Their Own Agency and Not Separate Families

We frequently see families who DSS refuses to allow to apply for or live in shelter together because its subagencies HRA and DHS suspect there is domestic violence in the household. These forced separations can occur as a surprise to the person the agency is seeking to protect, in violation of a basic principle of DV services: that the survivor must be empowered to be autonomous and that

they are the best person to determine when is the right time to seek services or make a break. To impose this decision on someone at a time when they may not be ready is more than just counter-productive; it can put them in greater danger.

When a family applies for shelter at the PATH or Adult Family intake centers, DHS and the HRA NoVA DV screening office review the case record and decide whether to permit the adults in the household to apply together. DHS and NoVA may refuse to place a family in shelter together even when the Family Court or other entity involved with the family has determined that they should be placed together, and even when the adults in the family require the support of one another to complete their activities of daily living. As a result, these vulnerable families are left without access to shelter together indefinitely. While we appreciate that agency staff undertake these inquiries out of a concern for the clients' safety and well-being, the results of the current practice are that families are placed at greater risk of harm.

Domestic violence advocates overwhelmingly emphasize that the question of if and when to leave an abuser should be left to the survivor, citing both the right of self-determination, as well as the practical consideration that separations enforced by advocates or agencies often result in the survivor returning to the abuser. Survivor empowerment been a central tenet of the anti-domestic violence movement since its inception. This approach emphasizes creating an environment in which the survivor is empowered to make decisions about how to live their life, including the decision to return to an abuser.

Because abusive relationships are often characterized by the abusive partner taking away the survivor's right to autonomy, working to create a space in which survivors have agency over their own lives is critical to effectively supporting their ability to reach positive long-term outcomes. In fact, research shows that when survivors feel in control of their own efforts to seek help and services, they report greater satisfaction with police, the court system, and victim services; are more likely to report instances of abuse in the future; have better mental health outcomes; and experience less severe PTSD.

Advocates also warn that survivors know best what is safe for them, and must weigh many complex factors in deciding whether and when to leave their batterer. Because the risk of violence is typically highest when a survivor of domestic violence attempts to leave their batterer, interventions to enforce separation when the survivor is not ready can be counter-productive and can actually put the survivor in more danger. Most people experiencing domestic violence try to leave their abuser, but leaving a continuing situation at the wrong time may make matters worse. The increased risk prompted by leaving can also be triggered by poorly planned or executed interventions by advocates or agencies. If the survivor has not made the decision to leave on their own and is not equipped with adequate resources or a safety plan, strategies to enforce separation may be worse than doing nothing.

We have seen cases where DHS staff referred clients to NoVA if one partner indicates a history of DV, even when the client reports that the DV event occurred with a different person than the partner with whom they are currently applying. This situation has caused survivors of DV who, following counseling, are reliant on a current, supportive partner to be denied shelter with that person because they had previously been assaulted by another person. They have also failed to

consider whether the Family Court or other involved agencies and parties have assessed whether the adults should be separated. OTDA hearing officers are not permitted to overturn NoVA findings even if they are unsubstantiated or erroneous. Thus there is no meaningful review process available to unrepresented families who have been separated by NoVA.

Many families seeking shelter from DHS include individuals with disabilities who rely on other household members to complete their activities of daily living. DHS' own data shows that 53% of families with children it serves, and 77% of adult families, include someone with a disability. In many instances we have seen, the dependence of the family member with a disability on the other caregiver in the household is so great that the individual with a disability would not be able to survive on their own in adult shelter if separated from the rest of the family. As a result, when NoVA determines that a family cannot be placed together, many leave the shelter system so that they can remain together rather than be separated, and often resort to dangerous and unmonitored living arrangements. While DHS has announced changes that are designed to address these issues, we continue to meet people who have been inappropriately turned away.

If DHS placed the families, services could be offered to the family in a controlled and monitored environment. As noted above, many families separated by NoVA are unwilling or unable to separate, and leave the shelter system in order to remain together. They sleep in cars, in public spaces, or in other dangerous and unstable situations, beyond the reach of City services. If they remained in shelter, however, they would be readily accessible to social workers and other City-contracted staff, who could offer them assistance in resolving the many issues that caused them to seek the City's help. The extensively monitored shelter environment would be a far more appropriate setting in which to serve these families. Turning away the abuser and survivor together at the same time, citing DV as the reason, will increase the risk to survivor precisely when there is no support system around the person to help them manage their abuser's reaction, which often, at minimum, includes blaming that person for their new circumstances.

We thank you for the opportunity to testify.



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**TESTIMONY OF GABRIELA SANDOVAL REQUENA
NEW DESTINY HOUSING SENIOR POLICY ANALYST
TO THE NEW YORK CITY COUNCIL COMMITTEE ON WOMEN AND GENDER EQUITY**

February 22, 2022

Thank you, Chairperson Cabán and members of the City Council Women and Gender Equity Committee for the opportunity to submit written testimony at this hearing.

Founded in 1994, New Destiny is a nonprofit committed to ending the cycle of violence for low-income families and individuals experiencing homelessness and domestic violence. We build and manage supportive, affordable housing and through our rapid rehousing program, HousingLink, we connect survivors of domestic violence with safe, permanent housing in New York City.

New Destiny is also a co-convener of the [Family Homelessness Coalition \(FHC\)](#), a broad group of organizations and New Yorkers with lived experience dedicated to tackling homelessness among families in our city.

We commend the Council for focusing this first oversight hearing of the year on examining the barriers to accessing survivor services in New York City. New Destiny would like to take this opportunity to underscore an important hurdle domestic violence victims in the five boroughs face every single day: barriers to housing.

DOMESTIC VIOLENCE AND FAMILY HOMELESSNESS

According to the most recent federal data, more than 1 in 4 Americans experiencing family homelessness in shelter are in New York City,¹ where the number one driver of family homelessness is domestic violence. In 2020, more than 9,400 individuals entered the Human Resources Administration (HRA) domestic violence system and 95 percent of them were families with children.² Similarly, thousands of other families who entered the Department of Homeless Services (DHS) shelter system identified domestic violence as the primary reason for their homelessness.³

With so few housing resources available, once in shelter, victims are far more likely to exit HRA domestic violence emergency shelter for another shelter rather than to a permanent home. The Department of Social Services' 2020 Annual Report on Exits from NYC Domestic Violence Shelters shows that 53 percent of the 2,341 families with children that left domestic violence emergency shelter were transferred to other shelters upon reaching the state-mandated time limit.⁴ **That is more than 1 in 2 families with minors that left shelter for shelter.**

¹ The U.S. Department of Housing and Urban Development, The 2021 Annual Homeless Assessment Report (AHAR) to Congress, page 29

² NYC Department of Social Services, 2020 Annual Report on Exits from NYC Domestic Violence Shelters, page 3

³ Office of the New York City Comptroller Scott Stringer, Housing Survivors: How New York City Can Increase Housing Stability for Survivors of Domestic Violence, October 2019, page 4

⁴ Ibid

Family homelessness is a gender and racial equity issue as single mothers of color are overwhelmingly impacted. In the DHS system, 94 percent of families with children are headed by Black or Latinx New Yorkers, and 9 of 10 households are headed by women.⁵

There is a critical need, as well as a significant opportunity, for the city to take much needed steps to expand access to housing and address this cycle of trauma for survivors: the city should open the door to homeless set-aside units and city-funded supportive housing to domestic violence victims and their families. These are both administrative modifications that do not require additional funding or legislation and will immediately increase access to affordable housing resources to victims of domestic violence and their families.

REMOVING BARRIERS TO HOUSING FOR DOMESTIC VIOLENCE VICTIMS

Expand Access to Homeless Set-Asides: The Department of Housing Preservation and Development (HPD) requires developers who receive certain capital subsidy to set aside at least 15 percent of their units for homeless individuals and families. These units are commonly referred to as homeless set-asides. While this program creates over 2,000 homeless set-aside units annually, none of them are made available to households in HRA domestic violence shelters, youth shelters, or any other population served in a specialized, non-DHS shelter. Currently, only individuals and families in the DHS shelter system can access these units. This clear inequity based on classification is highly inefficient since it leaves many apartments unnecessarily vacant for extended periods of time.

Open Supportive Housing to Homeless Domestic Violence Survivors: Similarly, domestic violence survivors and their families are excluded from city-funded supportive housing, despite comprising the largest share of New Yorkers in DHS and HRA shelters. The city should make victims of domestic violence an additional priority population, as the state does, and amend the eligibility requirement for homeless families by removing the chronicity condition. The chronicity requirement is two-fold: first, families must experience homelessness for at least one year, which is a significant barrier for domestic violence survivors who are often moved from one shelter system to another; and second, they must have a diagnosed disability, something domestic violence survivors rarely divulge for fear of losing custody of their children to their abuser. As demand for supportive housing in New York continues to outstrip supply, the city must open its supportive housing initiative to the domestic violence victims and their families, who are among the most vulnerable.

New Destiny urges the Council to advocate to the Adams administration to make these changes.

We invite you to read our [2022 NYC Policy Priorities](#) to learn more.

Thank you for the opportunity to submit written testimony. I welcome any questions you may have and look forward to working together.

Gabriela Sandoval Requena

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⁵ Kang, Sheena, "What the F is a Feminist Housing Plan?" Citizens Housing & Planning Council, page 62

**NORTHERN MANHATTAN
IMPROVEMENT CORPORATION
(NMIC)**

TESTIMONY

Regarding

Barriers to Accessing Survivor Services in NYC

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
Committee on Women and Gender Equity

February 22, 2022

PRESENTED BY:

Maria Lizardo, LMSW
Executive Director

NORTHERN MANHATTAN IMPROVEMENT CORPORATION (NMIC)

My name is Maria Lizardo, and I am the Executive Director of Northern Manhattan Improvement Corporation (hereafter, “NMIC”). On behalf of NMIC, we thank you for providing us with the opportunity to present our testimony on the limitations and dangers that barriers to accessing survivor services in NYC pose for residents who have experienced intimate partner violence. Enhancing the accessibility and usability of survivor services in New York City is crucial to protect lives and support New York survivors in breaking cycles of violence, poverty, and generational trauma.

NMIC is a community-based settlement house that since 1979 has supported underserved immigrant neighborhoods in New York with several strategies to help low-income residents achieve positive change. At least 14,000 residents of Upper Manhattan and adjacent Bronx neighborhoods are impacted by our Housing, Immigration, Finance/Benefits, Education/Career, Health, and Holistic Services.

We design programs to respond to community needs as they are expressed, and, due to disproportionately high rates of domestic abuse in our neighborhoods paired with the lack of bilingual services for survivors, we launched the Domestic Violence Project in 1998 to begin providing direct survivor services. NMIC’s Domestic Violence Project, which we refer to as DVP, has served over 2,000 unique survivors since 2005 with a wide range of crisis intervention and case management services. The vast majority of the survivors we work with are immigrants, and thus face an additional slew of systemic barriers to accessing the proper legal and social services necessary to maintain safety, seek justice, and reach independent economic stability. Our clients often express that prior to finding NMIC they felt lost attempting to secure community support. DVP’s goal is to provide survivors with holistic access to a wide range of both legal and non-legal services that are long-term, community based, client centered, and trauma-informed. In order to provide comprehensive support addressing complex interconnected needs in a system unfamiliar to our clients, DVP is staffed by bilingual and bicultural social workers and counselors, as well as attorneys and paralegals.

In FY21, DVP counselors provided 2,140 services to 265 unique survivors, and hosted 31 peer support group sessions that about 70 survivors attend. The services we provided included 1,200 individual counseling sessions that were offered to all participants at intake, and as often as

they needed. During these counseling sessions, our staff worked with survivors to conduct 334 risk assessments and safety plans to ensure clients were not under an immediate threat, and that they would be prepared if an immediate threat occurred. Critically, our staff educated clients on available resources, such as shelters and emergency relief opportunities, and helped them take advantage of them. We maintained a WhatsApp broadcast list with over 300 survivors and sent 235 messages this past year to remove barriers to information about relief programs. For example, this year paralegals are helping survivors apply for Section 8 Housing, ERAP, Excluded Workers Fund, and more. Afterward, we help survivors consider their legal options to seek justice in criminal and family court. This is typically the first-time survivors are presented with this information in a manner that is linguistically matched and explained without excessive jargon. We provide accompaniment to court, police, shelters, or hospitals in order to help survivors feel empowered to tell their story, as well as to ensure that their abuse is properly addressed and recorded by various systems. Survivors at NMIC may receive civil legal representation and counsel from DVP attorneys to assist with orders of protection, custody/visitation issues, divorce/separation, and other family law matters.

NMIC is a unique organization because our staff screens survivors for additional needs and program eligibility and refers them to our wide range of other onsite programs, such as our eviction prevention and immigration legal services, mental health unit, benefits access assistance, food pantry, free tax prep, English classes, workforce trainings, and more. In fact, 61% of DVP clients are currently accessing other non-DVP services which further demonstrates the fact that the impact of abuse can have far-reaching consequences in more than one area of life, and therefore, survivors deserve barrier-free support to fully address their needs.

Survivors of Domestic Violence face significant barriers in accessing legal, social, and other support services in New York City. Immigrant survivors in particular face multiple barriers not sufficiently addressed by existing systems and resources.

Language barriers and lack of culturally inclusive services among social programs, benefits offices, and law enforcement prevent survivors from making that first vital contact or from being properly heard. Survivors who are cast out of their homes, or left as the sole provider for a family,

struggle to secure affordable housing and emergency funding, and risk turning to the shelter system. Those lacking immigration status do not normally qualify for individual benefits, and those with children can forgo applying for benefits out of fear of immigration consequences. A survivor may choose to remain in a dangerous home with their abuser, rather than lose their partner's salary and face homelessness. Fear of deportation also hinders survivors from taking safety measures, including calling the police or obtaining emergency care at hospitals. Another familiar scenario is that of a survivor choosing not to report domestic violence, fearing the system will blame the victim and take their children away.

Due to the limited free attorney services available to low-income New Yorkers for Family Court representation, survivors struggle to file petitions or to even receive proper legal advice for vital proceedings such as Orders of Protection and Custody. Moreover, the NY Family Courts' COVID-19 transition to remote filings and hearings has compounded the difficulty in accessing information and resources for those seeking to file *pro se*. Those who could previously show up and speak to Court staff at a window or help kiosk must now rely upon online instructions or call their Court's understaffed general line for information. Survivors lacking a computer or facing other tech limitations therefore face an even greater hinderance to being heard in Court. Those living with their abuser face safety risks of trying to prepare an application or appear in Court from home. During 2020 and 2021, child support cases were not being scheduled and were put on hold for months by the Courts. Scheduling has since resumed but cases are taking 4-5 months before the survivor's first appearance, posing economic hardships and impossible tradeoffs for survivors.

These barriers have immediate and sometimes dangerous consequences for our community members. A survivor of intimate partner violence who is delayed or unable to obtain an Order of Protection against a partner may feel fearful in attempting to leave their abuser and remain in an

unsafe household. The single parent in desperate need of financial assistance may be forced into the shelter system because they were unable to apply for child support they were entitled to. Survivors living in mixed status households are often threatened with deportation by their U.S. Citizen partner. If unable to obtain proper legal advice, many undocumented survivors can erroneously assume they will be arrested by ICE and separated from their children if they go to the police or pursue legal relief. Many savvy abusers will preemptively file for Orders of Protection or Custody Petitions against a survivor to exert power and control. This leaves the survivor at an extreme disadvantage, having to defend his or herself in Court before even attempting to pursue the relief they need. The aforementioned barriers to access the legal system can dramatically heighten the challenges and risks facing survivors in our community.

Marisol, a participant of our DVP, was referred last Spring to NMIC by a former client and survivor who was worried about her friend. Originally from Mexico, Marisol was only 24 years old and had two young children. She was extremely fearful of her abusive partner who had been physically, sexually, emotionally, and financially abusive towards her. She was immediately assigned a counselor who provided counseling, safety planning, and crisis intervention as the abuse began to escalate. Her counselor advocated for her to be placed into shelter, translated all information on the shelter process, and provided emotional support. Marisol had previously called the NYPD, but later found that the full severity of the incident was not conveyed in the officer's Domestic Incident Report. NMIC's Coordinating Domestic Violence Attorney connected her with NYPD's Special Victim's Unit and she was then able to report on the record the full extent of the sexual abuse she suffered. Marisol's abusive partner was arrested and is being prosecuted. NMIC's Coordinating DV Attorney is also representing her in Custody proceedings in Family Court for her two minor children.

She continues to receive holistic services weekly with her counselor for trauma informed counseling and case management. Additionally, she was referred to NMIC's benefits team to assist her in applying for Public Assistance and SNAP, as her former case was in her abuser's name. Marisol and her two children have received emergency grants, toys during the holidays, and other concrete resources as she heals and plans for her future. NMIC is now in the process of helping her renew her passport and obtain an ITIN so she can file taxes for the first time. In the coming months she will be provided with an immigration consultation to explore possible relief under the Violence Against Women Act. Finally, Marisol has received psychotherapy through NMIC's Wellness Program, a partnership with Clinical Psychology Program at Columbia University Teacher's College. NMIC recognizes that leaving an abusive relationship requires overcoming several barriers that require a holistic response to safety, healing, justice and independence. Marisol is on her way to achieving these.

Intimate partner violence is almost never limited to a single incident and has far reaching consequences on a survivor's emotional and financial health, as well as their family members. Social service agencies and the funding structures supporting them must recognize the need for holistic and long-term resources in order to serve and provide a way forward for survivors in our community.

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Testimony of Maureen Curtis,
Vice President, Criminal Justice Programs
Safe Horizon

Committee on Women and Gender Equity
Hon. Tiffany Cabán, Chair

Safe Horizon's Testimony on Barriers to Accessing Survivor Services in
NYC

2.22.2022

Good afternoon and thank you for the opportunity to provide testimony before the Committee on Women and Gender Equity. My name is Maureen Curtis, and I am Vice President of Criminal Justice Programs at Safe Horizon, the nation's largest non-profit victim services organization. For more than 40 years, Safe Horizon has offered hope, healing, and comfort to New Yorkers impacted by violence and abuse, and we help 250,000 New Yorkers each year. Our client-centered, trauma-informed approach takes into account the impact of racism, and we strive to uphold the dignity and humanity of everyone who walks through our doors.

We are grateful to Chair Cabán for holding this hearing today, and we welcome you to your new role as Chair of the Committee on Women and Gender Equity. This committee is especially important to Safe Horizon and to our community of anti-violence and victim services organizations as the Committee on Women and Gender Equity focuses on domestic and gender-based violence and the myriad issues facing the clients we serve. We look forward to partnering with you in the months and years ahead.

Safe Horizon has always been an organization that recognizes and helps survivors to heal from many types of violence - intimate partner violence, family violence, sexual violence, and other interconnected forms of violence and harm.

While violence and abuse occur across socio-economic lines, the impact falls particularly heavily on low-income communities of color. The lack of adequate financial resources, limited access to safe, affordable housing, and generations of justified mistrust of law enforcement and the criminal justice system can leave survivors with few paths to safety. A true public safety strategy must include investments in under-resourced communities, including a dramatic increase in affordable housing and economic opportunities.

Survivors of intimate partner violence, family violence, sexual violence, gender-based violence, and all other forms of violence face so many barriers when seeking safety, healing, and help in our great City. We know that this conversation will continue beyond this hearing. Here are some of the barriers we hear about from survivors.

Pressure on survivors:

The burden of proof or explanation more often than not falls on survivors. Society still asks “why did they stay” or “why did they make that choice?” We collectively put too much pressure on survivors to make the right decision right now, even though survivors are navigating complex situations and often competing demands. Our government systems expect survivors to sacrifice, possibly give up everything, to access short-term solutions. Survivors are forced to make trade-offs: I can go into shelter to find safety, but I will have to leave the community I know and need, and lose the childcare my mother provides so I can go to work, and maybe have to drop that job or that class so I can make the court appointments I have to attend to get that Order of Protection, and so forth.

Limited options:

Too often, the systems we rely on to respond to violence offer a one-size fits all approach to survivors. These limited options force survivors into boxes that may not be a good fit. For example,

many survivors call 911 because it is the only number they have to call when they need immediate help, but a criminal justice response is not what every survivor wants or needs right now.

Survivors of violence and abuse understand their safety better than anybody. And safety, healing, and justice may look different for every survivor. Rather than a one-size-fits-all approach to public safety, survivors need the city to invest in a range of safe, viable options so they can make their own decisions and navigate their path forward. For example, survivors may define the words “accountability” and “justice” differently. For some, it includes an expectation of the criminal justice system to arrest, prosecute, and incarcerate the person who caused harm. For others, it includes a restorative justice process where the person responsible for the violence or abuse takes full ownership of their actions and commits to repairing the harm. A survivor-centered approach to public safety will create options for accountability and healing that match more closely with what survivors want.

We have staff and programs in every borough, in every community across New York City, including at every police precinct, every Family Justice Center, and every Child Advocacy Center. Throughout our history, we have found value in partnering with law enforcement. Through those partnerships, we have worked with police officers and prosecutors to keep victims safe and hold those who cause harm accountable. We have advocated for policy and practice changes to make these systems more responsive to our clients. And we have prided ourselves on bringing greater respect, compassion, and self-determination to survivors involved in the criminal justice process through our client-centered approach to advocacy. Because of our partnership with the NYPD, Safe Horizon was able to engage and support nearly 40,000 victims of crime last year alone through our precinct-based Crime Victim Assistance Program (CVAP).

We also support increased investments into proven programs that more effectively address the underlying issues that lead to violence, and alternative to incarceration programs that foster true accountability for those who commit harm, healing for those impacted by violence, and reduced recidivism. We need crisis-response systems that honor and prioritize power-sharing, de-escalation, and community. We need systems that emphasize peer response and that include folks with lived experience in their design and implementation. And we need systems and responses that are trauma-informed.

Not every survivor of violence or abuse calls the police. Not every survivor who calls the police believes the criminal justice system will adequately address their safety. In order to allow for true accountability and reduced risk of further violence, our City should increase investments into community-based responses to violence, including restorative justice programs across the five boroughs. These programs bring together survivors, people who have caused harm, community members, and specialized providers to emphasize accountability and a commitment to repairing harm. Survivors often call our programs seeking supportive programs for those who do harm, and even people who have caused harm call our programs seeking help. Too few of these programs exist. Restorative justice programming focused on intimate partner violence may not be a safe or viable option for every survivor, and in fact we anticipate that’s the case for many survivors. We would never force a survivor to participate in a process or program that feels unsafe, dangerous, or traumatizing. However, our City should research how we can safely and intentionally offer these types of programs for those survivors who want this option.

Issues with City Services:

City agencies and the providers who contract with them must be fully accountable to survivors. That includes acknowledging when we have implemented policies that have caused hardship, racial harm, and traumatization. In order to repair that harm, city agencies and contracted service providers must commit in good faith to centering a racial equity framework in the pursuit of public safety.

The systems our City has created to provide services and aid must not cause further trauma and violence to the survivors seeking safety and help. PATH, HRA offices, police precincts, and the other government locations survivors are directed must provide compassionate care. This is far beyond customer service. Trauma training is the minimum our City should demand of government employees. Additionally, our systems, government agencies, and even some providers can be paternalistic, thinking that they know what's best for a survivor.

Economic Justice:

Our clients are especially vulnerable to an economic downturn. During this pandemic, undocumented survivors, runaway and homeless youth, and Black and brown survivors lost what little they had – employment, housing, childcare, etc. They continue to struggle in ways that others can't imagine. Our City must commit to rebuilding in a way that centers the needs of our city's most vulnerable. Our clients worry about housing, about putting food on the table, about childcare, about transportation, and about all of the basic necessities many of us take for granted. And these worries can even prevent survivors from reaching out for help.

Economic stability and independence are foundational to safety. So many survivors don't have the choice to leave their abusive partner, even if they want to, due to economic reasons rooted in systemic sexism and racism. Survivors need low-barrier meaningful workforce development and educational opportunities that take into account different individual needs.

And too often the survivors and young people that come to our programs for help need small amounts of money for immediate needs – clothing for a job interview, a bus ticket to a safe location, a phone bill to help stay connected to social supports. These small expenses are often the one thing standing in the way of safety. Survivors need access to a fund driven by abundance, not scarcity, that offers low-barrier direct microgrants that prioritizes choice, flexibility, and timeliness.

Crime Victim Compensation:

In the aftermath of a crime, survivors and their families often turn to victim compensation funding, which provides financial compensation for survivors to regain stability by covering costs like hospital bills, mental health counseling, or replacing locks. However, in New York State, in order to be eligible for such funding, survivors must report their harm to law enforcement or the courts. Victims and survivors may choose not to report the crime to law enforcement for a variety of reasons, including fear of retaliation, mistrust in law enforcement, the age and/or other demographics of a victim/survivor, or the dynamics of an intimate relationship. Survivors who do not file police reports and are ineligible for compensation are unable to secure the basic support they need to recover or face lifelong debilitating debt when they do. We believe that all survivors deserve access to healing and justice, not just those that report their experience to the police.

We must reduce barriers to healing for New Yorkers across the state, particularly those who may distrust or fear the police. This includes LGBTQ+ New Yorkers, immigrants, and those from Black and Brown communities, communities that have long had strained and fractured relationships with the police. Safe Horizon is a proud steering committee member of the Fair Access to Victim Compensation campaign and strongly supports A.8619A/S.7573. This bill would expand eligibility for victims and survivors by removing arbitrary time restraints on reporting and filing requirements and expanding the type of evidence, outside of a police report, that victims and survivors may use to show that a qualified crime occurred. This bill not only clarifies and refines current law but provides greater access of funds to many overlooked victims of violence, including domestic violence survivors, LGBTQ+ survivors, immigrant survivors, gun violence survivors, and survivors of police violence. We are grateful to Council Member Narcisse for introducing this resolution. We urge the New York State Legislature to advance and pass A.8619A/S.7573 as soon as possible.

Procurement and contracting:

The City of New York contracts with nonprofits to deliver the essential services so many New Yorkers rely on – for food, for safety, for shelter, etc. Indeed, non-profits employ nearly 18% of the total workforce in NYC. However, the City too often asks our community of nonprofits to do more with less and to accept the bare minimum. This means that many - too many - nonprofit human services workers, the majority of whom are women and people of color, are barely surviving on the wages paid by underfunded City contracts. Because many survivors come into victim services work to help other survivors, City funding for the nonprofit victim services sector is an economic justice issue for survivors. To live up to our shared values of equity, equality, and supporting communities, the City must commit to fully funding the Cost-of-Living Adjustment (COLA), the Indirect Cost Rate Initiative (ICR), and other fair and just investments to our sector and to fully funding city contracts at appropriate levels to allow non-profits to offer competitive living wage salaries. Pay equity is a racial justice issue, a gender justice issue, and an economic justice issue.

And as many organizations and coalitions have been raising the alarm about, City agencies take a long time to pay providers for our services. Organizations must take out loans to cover the essential services our City relies on us to provide. Some organizations can do this, but others, especially small providers, risk going under when payments are delayed by months or even years.

All of these procurement and contracting issues disproportionately harm smaller organizations, which are often rooted in community. Our governments tend to fund programs through a scarcity lens, forcing organizations to compete with one another over limited pots of funding. Our community of anti-violence and victim services organizations would benefit, and survivors would benefit, if we invested in organizations of all sizes.

Access to shelter:

Across the State, but particularly in New York City, the emergency domestic violence shelter system was configured for families. Most rooms are designed to hold a family of two, three, or more. Single adults seeking safety in a domestic violence shelter, then, face significant obstacles in obtaining this needed program.

Currently, the New York State Office for Children and Family Services (OCFS) reimburses non-profit domestic violence emergency shelter providers with a per-person, per-night rate. This reimbursement rate is intended to cover all costs associated with operating the shelter, including rent, utilities, staffing, insurance, and other programmatic costs. Any reduction in this reimbursement severely impacts a provider's ability to cover the operating costs of the shelter. This gives domestic violence shelter providers a major financial disincentive to downsize rooms intended for families to house smaller families, including single adult individuals who are victims of domestic violence, human trafficking, and sexual assault.

This is why we strongly support state legislation, A.1847/S.843, which would require New York State to preserve the full reimbursement rate for providers who "downsize" a room configured for a family of two to accommodate a single adult individual. By removing the financial barrier for domestic violence shelter providers to house single adults, the bill will give greater access to the domestic violence shelter system to single adult victims of domestic violence, sexual abuse, and trafficking who otherwise face considerable obstacles to accessing the shelter system.

At Safe Horizon, our 24-hour domestic violence hotline receives requests from individuals seeking shelter, and we often need to inform them that emergency shelter options for single adults are extremely limited. Each year, the biggest category of individuals seeking domestic violence shelter are single adults with no children. In 2020, about 49% of our hotline callers seeking shelter placement were single adults with no children, but we were only able to link 31% of these callers to shelter. By comparison, 27% of our hotline callers were from families of two (typically a mother and one child), and we were able to link 74% of these callers to shelter. And these numbers only refer to callers being linked to a provider for that organization's own assessment, not callers actually being accepted into shelter. By giving shelter providers greater financial flexibility to downsize a room meant for two people to accommodate a single adult, organizations will have increased capacity to shelter single adults fleeing violence and abuse.

Similarly, shelter placements are difficult to secure for large families with many children.

Access to affordable, permanent housing:

So many victims and survivors of all forms of violence call our Hotlines and turn to **all** our programs for housing assistance every day. And the housing options we can offer remain too few or too difficult to access. For too many survivors of domestic violence and other forms of violence and abuse, safe, stable, affordable housing remains out of reach. The inability to access housing forces survivors to choose between homelessness and remaining in an abusive or violent household. We know that domestic violence is a leading driver of homelessness. Additionally, we know that homelessness is traumatic, and cycling in and out of homelessness is retraumatizing. Temporary emergency shelter will always serve a purpose for survivors, but our city and our state need to do everything we can to connect New Yorkers at risk of homelessness or who are currently experiencing homelessness to permanent housing.

We must build more affordable housing and more supportive housing units quickly. We must create and invest in low-barrier, accessible financial supports for New Yorkers that aren't delayed

by bureaucracy and burdensome requirements. Homelessness is traumatic, and we should be mitigating the trauma our fellow New Yorkers experience when faced with homelessness.

Accessibility:

The lack of language access is one of the most significant barriers facing survivors when seeking help, including in courts. This includes survivors who are deaf or hard-of-hearing. Survivors deserve access to high quality interpreter services. Additionally, the City's Public Service Announcements, including PSAs about domestic violence, often have limited reach because they are offered in a limited number of languages, so outreach only goes so far. Lastly, not all services are accessible or easily accessible to survivors with limited mobility.

Conclusion:

"Safe Horizon envisions a society **free of violence and abuse**. We will lead the way by empowering victims and survivors to find safety, support, connection, and hope." This is Safe Horizon's vision statement; it is what we aspire towards and what guides our work. *We must* believe that we can create that society free of violence and abuse. It will be challenging but it is possible. And we will build that future alongside survivors and the countless dedicated advocates doing the work every day to end violence in all its forms.

This is only the beginning. These are only initial steps in building a better, safer, more just future for all of us. We should take advantage of this moment and take every course of action that we can, both short-term and long-term, to reduce harm in our communities - harm caused by intimate partners and caregivers, harm caused by neighbors and strangers, and harm caused by law enforcement. We can build a society free of violence and abuse.

Thank you for the opportunity to testify today.

**Testimony before the New York City Council Committee Women and Gender Equity
Council Member Tiffany Cabán, Chair
February 22, 2022
Andrea Bowen, Associate Director, Government Affairs**

My name is Andrea Bowen. My pronouns are she/her/hers, and I am Associate Director of Government Affairs for the Sex Workers Project of the Urban Justice Center, advising and advocating on public policy and government affairs in New York City and State. I'm also a transgender woman, and I'm testifying in solidarity with Black, Latinx, Indigenous, and other transgender people of color who are survivors of violence

The Sex Workers Project of the Urban Justice Center, which I will refer to as SWP henceforth in this testimony, in collaboration with and guided by impacted communities, offers legal advocacy to survivors of human trafficking and people who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. We are a national organization that defends the human rights of sex workers by destigmatizing and decriminalizing people in the sex trades through free legal services, education, research, and policy advocacy. We aim to create a sexually liberated world where all workers have the autonomy and power to fully enjoy their human rights.

First, we thank Council Member Narcisse for her resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, to "expand eligibility for victims and survivors of crime to access victim compensation fund." As the resolution makes clear, it is vital that a survivor have increased time to file a claim with the State Office of Victim Services from one to seven years, and that such eligibility be opened so that such funds are able to be utilized by populations most likely to be survivors of violence, such as many Black, Indigenous, People of Color (BIPOC), members of the LGBTQI+ community, working class

people, disabled people, and immigrants. At SWP, it is not uncommon for our clients, who come from all of the marginalized communities mentioned in the resolution, to have incredibly complex legal matters, and be wary of legal authorities, even when those authorities seek to provide some form of material support to a survivor. It is totally reasonable to be suspicious, or wary, of receiving support from government systems that have so frequently harmed marginalized communities, to say nothing of structural barriers—language, time needed to engage in bureaucratic processes, and more—that make it challenging to access resources. Thus, we enthusiastically support this resolution.

As to the broader subject of today's discussion: while the connection might not be obvious to all, SWP feels it vital to ensure that the dismantling of NYPD's Vice Unit be part of a discussion about survivor services. SWP presents two mutually-reinforcing arguments today:

- that the Vice Enforcement Division, which has recently re-branded with Human Trafficking in its name, should be disbanded. Even if Vice has reduced its prostitution-related arrests and is claiming to refocus on trafficking, it maintains officers who are violent and coercive toward trafficking survivors. It is both intuitive, and borne by evidence of Vice's practices, that that it is a struggle for the institution to pivot from brutal treatment of sex workers to gentle treatment of traumatized people. That pivot is *not* happening, and Vice's ongoing practices indicate that it is not worth the City's investment.
- Vice has been flat-funded for the last several fiscal years, at \$18.2 million, exclusive of overtime. That funding would be better directed toward truly trauma-informed services for survivors, and not what Vice is currently doing, which is not trauma-informed care, but is rather boundary crossing and coercive. Vice's

funding should be redistributed to organizations that truly serve and are guided by the sex work and trafficking survivor community.

Vice, despite its rebranding efforts, has a terrible history of supporting trafficking survivors. This is an important point to make both part of and in distinction from Vice's history committing acts of violence (even in one instance, running its own trafficking ring) against sex workers, trafficked or not.¹ SWP performs legal work for trafficking survivors, and engages in advocacy with other organizations that support trafficking survivors. A recollection of Vice's past and present work show that it is not an appropriate government entity for support of trafficking.

- First, it is worthwhile to discuss the culture of terror and overuse of force within Vice. SWP had a transgender Latina client in 2018 who told our attorneys that Vice tried to knock down her door with what we assume was a battering ram. This client said that an undercover cop came into her house and gave her no warning that Vice officers, using SWAT team style tactics, were about to threaten to enter her home by force. A short while after, some vice officers who had a battering ram started using it against her door. The undercover cop who was there opened up the door for the police. She was arrested. Because the undercover cop was already there and opened the door, the use of the battering ram seems like an overuse of force just to terrify her.
- This following event occurred circa the 1990s, but damaged a client's life years later, and—especially considered in the context of the December 2020 ProPublica expose of

¹ This will be mentioned in several testimonies, but is also detailed at length in Kaplan and Sapien, "NYPD Cops Cash In on Sex Trade Arrests With Little Evidence, While Black and Brown New Yorkers Pay the Price," ProPublica, December 7, 2020. <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

Vice's activities—is indicative of the harm embedded within Vice's institutional practices. Client A was being trafficked and was coerced to work and perform commercial sex in a bar in Queens owned by her trafficker. The trafficker was also selling drugs. An undercover vice officer pretending to be a transgender woman approached Client A with money in hand, asking her to purchase drugs from the trafficker on the officer's behalf. The client refused multiple times, but the cop pled with her until she agreed. Minutes later, the bar was raided by numerous police officers, and Client A was arrested and detained in the same cell with her trafficker. Client A received a drug trafficking conviction that resulted in the denial of her immigration case years later.

- In the last four years, approximately, service providers to trafficking survivors have voiced concern with Vice acting in a manner that was coercive, harassing, not trauma-informed, and fundamentally in denial of survivors' human right to self-determination. I have spoken with providers who have told of trafficking survivors who were brought to service provision by what is now known as Vice. In one particular instance, a client ultimately told the provider that they didn't want to collaborate with Vice. Vice contacted the service provider to ask about the client, and in line with the client's wishes, the provider explained to Vice that the client did not want to work with the police. Nevertheless, Vice officers found the client in several locations that they knew she was likely to go to. This was a violation of the trafficking survivor's explicitly stated boundaries, and denial of the human right to self-determination. If you've been continuously hounded by your trafficker, being hounded again by Vice when you have explicitly said you do not want their offers of help, could re-traumatize a survivor.

- This last summer, a provider told me the story of a certified trafficking survivor who had completed the process of vacating her prior prostitution convictions that occurred while she was being trafficked. She was sleeping outside when she was woken up by Vice. Vice held her for several hours, took her medications away, called her a “whore,” and—was understandably quite shaken by the event.

As so many of the testimonies today are laying out, Vice has a history of violent activity toward those it arrests for prostitution, but my point is that even if we focus on Vice’s activity around trafficking, and even very *recent* activity toward trafficking survivors, the question is called: is this newly rebranded “Anti-Trafficking Vice” Unit even professionally competent to work with trafficking survivors? And the answer is a strong no.

Vice drains \$18.2m from the City’s Expense Budget, independent of overtime. With this money, flat-funded over the last several fiscal years, it has, in addition to the harms previously mentioned:

- targeted unlicensed massage workers, whose treatment at the hands of Vice was described in detail by my colleague Shan Huang at Womankind, in a hearing last September 27 on “Reducing the Responsibilities of the NYPD”;
- engaged in false arrests that cost the City more than \$1m in settlements;
- and disproportionately arrested people of color.

While the City spends upward of \$18.2m on Vice activities, it spends a mere \$4.4m on nonprofits via the Supports for Persons Involved In the Sex Trade initiative—which is a good start, but is not nearly sufficient to community need. We call upon the City to completely eliminate Vice, and following from the direction of sex workers, reinvest the funding in

community-directed needs that empower sex workers, and avoid the savior mentality that some, like the Vice Division, employ when working with survivors.

Thank you so much for your attention to these issues, holding these hearings, and constantly being in conversation with marginalized communities to address long-standing, and ongoing, injustice.

For more information, contact Andrea Bowen, abowen@urbanjustice.org, 917-765-3014, or Mariah Grant, mgrant@urbanjustice.org

**Testimony on behalf of Turning Point for Women and Families
For the New York City Council Committee for Women & Gender Equity
February 22, 2022**

Good afternoon. My name is Tasnia Ahamed and I am the Domestic Violence Program Director at Turning Point for Women and Families. Thank you for the opportunity to testify this afternoon.

Turning Point for Women and Families was founded in 2004 and is the first nonprofit to directly address domestic violence in New York City's Muslim community. In fiscal year 2021, we provided services to over 900 women and girls through individual counseling, support groups, leadership workshops, ESOL and citizenship classes, referrals to needed resources, advocacy and so much more. While we have made great strides by supporting survivors of domestic violence, young women, and elders in the Muslim community, survivors still face many barriers to accessing services effectively.

For survivors, one of the biggest obstacles to accessing services is the language barrier. Without the ability to communicate or understand English, many immigrant survivors are unable to receive the help they need. While interpretation services are limited, they are needed by a wide range of agencies/offices such as legal offices, court rooms, police precincts, social service agencies, hospitals, and more. Even when interpretation tools are available, they are often through third party providers who do not provide accurate interpretation as reported by survivors. Lack of widespread, accurate interpretation services creates a barrier for survivors to seek support and is often the reason why a survivor does not file a police report, request an order of protection, or even apply for benefits to which they are entitled. The City needs to provide language access that is easily accessible, widely available, and accurate in order to effectively meet the needs of Muslim survivors.

Another barrier for survivors is the lack of safe access to technology. Many survivors do not have a personal computer and secure internet, independent of their perpetrator. Both are necessary to disseminate information and also communicate with service providers safely. While the pandemic inspired City and Federal programs that offer discounted internet service, these programs are only available for a limited time. Since the start of the pandemic in 2020, the majority of our services have taken place virtually. Like many providers citywide, these services will continue to be provided in a hybrid fashion: both in-person and virtually. We urge the City Council to develop programming that offers free laptops and discounted internet service rates for low income survivors so they may continue accessing essential services.

Finally, finding safe and affordable child care is yet another obstacle domestic violence survivors face daily. Daycare services with extended hours should be implemented to accommodate low-income, single parents who work non-traditional hours, as many survivors of domestic violence often do. The majority of daycare facilities are only open until 5pm or 6pm. Parents who work non-traditional hours are forced to seek private childcare services which they cannot afford. Without safe, affordable, and flexible childcare facilities, many survivors are forced to decline offers of employment. Daycare facilities with extended hours would give them an opportunity to work more efficiently while also making sure their children are taken care of.

We urge each of you in the Committee on Women and Gender Equity to meet the needs of survivors of domestic violence by addressing these barriers. With your support, attention and advocacy, we can help survivors build a safe future, free from violence.

Thank you.



City Council Testimony

Survivors Barriers to Accessing Services

Teal Inzunza, LMSW

February 22, 2022

Overview

Good afternoon, Council Chairs and members of both committees. My name is Teal Inzunza, and I am the Program Director of the Economic Empowerment Program at the Urban Resource Institute and I also co-chair a citywide taskforce called the Domestic Violence and Economic Justice Taskforce, which is made up of advocates from around NYC. I am thankful for the opportunity to come before you and share our what we have seen as issues for domestic violence survivors when accessing services.

For those of you who are not aware, URI has been in operation for 40 years and is now the largest domestic violence shelter provider in the country. We currently offer close to 1200 beds to victims of domestic violence on any given evening and will be increasing tier II capacity in the future. As you have heard we have been and remain committed to developing and delivering innovative client centered and trauma informed services to victims of domestic violence and other vulnerable populations to include perpetrators of abuse.

The Urban Resource Institute operates programming with the understanding that domestic violence can happen to anyone and that the impacted is compounded by systemic racism and poverty. According to Coalition for the Homeless' 2021 State of the Homeless Report there were about 61,000 people who went through the NYC shelter system in 2020, which included over 14,000 families, that totaled over 21,000 children, with 88% of those families being Black or Latino. Additionally, in a study done by UCLA which was released in 2019, it showed that LGBTQIA+ individuals are 21% more likely to experience poverty than cis heterosexual individuals. All this research culminates to show, what URI has known for 40 years: that women of color are disproportionately impacted by poverty and domestic violence. As an organization we understand that due to systemic racism and misogyny that women of color are more likely to experience homelessness as a result of intimate partner violence, which can result in negative impacts throughout a survivor's life.

The need for services for domestic and intimate partner violence survivors has only increased throughout the COVID-19 pandemic. Programs that are meant to serve clients are overwhelmed with the amount of need without enough staff to support the amount of people seeking support. Survivors face barriers when trying to access a variety of different services from shelter to public benefits, to housing programs, to economic empowerment programs. These barriers put survivors at risk and leave them in a dangerous position.

Shelter Access

Domestic and intimate partner violence is the most common reason for an individual or family to enter shelter in NYC. There are not enough beds to accommodate every survivor who needs one and the City's number beds for individuals without children is shockingly low and does not meet the need for how many people are in need of a bed. Access to DV shelter for LGBTQ individuals has been historically

difficult and continues to be. Due to the lack of beds available, survivors often have to wait in order to be placed in shelter and waiting can be dangerous for a survivor.

For survivors who enter the DV shelter system by going through a DHS intake shelter and get assessed by NOVA, that process is often long and traumatic. DHS intake shelters are often known to abusers and are easy for an abusive partner to find the survivor while they are there. This process almost never moves quickly, and these shelters are poorly run and survivors often experience additional harassment by workers, in particular the security guards.

Secondly, many survivors will not leave an abusive partner unless they are able to take their pet with them.....

Public Benefits Access

In a recent national study done by the Center for Survivor Agency and Justice, found that during COVID survivors in New York experienced heightened issues accessing public benefits at a higher rate than other states. Survivors often apply for public benefits, are given a vague denial letter and then have to wait a long amount of time for a fair hearing. This process is slow and opaque leaving a survivor without necessary benefits like SNAP for weeks at a time meaning that a family or individual could go hungry.

Secondly, many workers at the Human Resource Administration (HRA) are not knowledgeable about the impacts of domestic violence. They lack the understanding of what survivors have been through and do not respond in ways that are helpful. Survivors often have to leave important documents, such as birth certificates & social security cards, when fleeing an abuser and this could be another barrier to accessing public benefits. Additionally, if a survivor has an active PA case with their abuser it becomes very difficult to separate the case and poses a safety risk to the survivor.

Housing Program Access

While we are grateful for the different housing programs that are offered throughout the city for survivors, there are many issues that occur when survivors try to access these programs. Firstly, the housing program system is obscure, hard to understand, and impossible for survivors to navigate on their own. The program eligibility requirements are often limiting for example, most programs require for a survivor to be in shelter and have an active public benefits case in order to qualify. This means that clients must enter shelter in order to receive care. These programs are often only available to documented survivors, leaving no options for those who are undocumented. Additionally, these programs are often time limited with little support while they are receiving assistance so that by the time the program ends, survivors often end up homeless again. As advocates, we know that survivors often experience violence again once they are housed and being able to receive a timely housing safety transfer from HRA is nearly impossible.

In a study done by the Domestic Violence and Consumer Law Working Group in NYC, they found that even with a voucher, most survivors still struggled to find housing due to their credit, which is often damaged by the abuser as a tactic of abuse. While survivors may be able to be granted a voucher, they may often not be able to access or utilize the voucher because of their credit. Additionally, survivors have very little time to look for housing, there are not enough affordable apartment available for the need, and they often experience landlord discrimination.

The newly rolled out Emergency Housing Voucher Program that allows survivors non-time limited Section 8 vouchers is a great start to ensuring that survivors have access to permanent long-term housing. We are encouraged to see that survivors who haven't entered shelter, but are living in community, are able to access these vouchers through the Mayor's Office to End Gender Based and Domestic Violence. While we are excited to see these advancements, the process to obtaining a voucher is confusing, convoluted and impossible to navigate. Clients & advocates have to navigate through several different platforms, often submitting documents more than once and we have found a lot of difficulty with the application process. Also, we would encourage the City to create more vouchers because the need outweighs the amount that was given for DV survivors.

Economic Empowerment Access

In a recent study released by Free From (2021), it showed that over 96% of respondents in the study reported experiencing some type of economic abuse. On average, the survivors in the study experienced \$1280 stolen from them by from their abusers each month, over \$1000 in restricted spending each month, incurring over \$15,000 in coerced or fraudulent debt in their names each year, and losing out on over \$23,000 in income every year. This shows the need for additional funding for economic empowerment programs to serve survivors. Currently there are a few small programs throughout the city, but they are not able to keep up with the need that is present.

In the same study done by Free From (2021), it showed that on average survivors need around \$700 of non-restricted, easy to access funds to stay safe at the present moment. We would assert that flexible direct cash payments to survivors would help divert survivors from the shelter system, provide them with much needed emergency support, and protect them from harm.

Conclusion

Once again thank you for the opportunity to come before you today about the barriers that survivors face when accessing services in NYC. We appreciate the opportunity to share with City Council the difficulties that survivors experience on a daily basis and remain committed to working with and advocating for survivors.



Violence Intervention Program

P.O. Box 1161 Triborough Station, New York NY 10035 | Tel. 212.410.9080 | Fax 646.975.4554 | www.vipmujeres.org

**City Council of the City of New York
Committee on Women and Gender Equity
Testimony Submitted by: Margarita Guzman, Executive Director
Tuesday, February 22, 2022, 1:00pm**

My name is Margarita Guzman and I am the Executive Director of the Violence Intervention Program. Founded in East Harlem in 1984 by Black and Latina grassroots activists, Violence Intervention Program is New York City's only culturally specific organization working with Latinx survivors to address domestic and sexual violence. VIP operates a live-operated 24/7 hotline, an emergency domestic violence shelter, a transitional housing program, three community-based social service programs and a robust community engagement program that includes community organizing and outreach. In addition, VIP provides specialized and innovative economic justice, sexual violence, and child and adolescent programs. Each year, VIP serves approximately 1,500 survivors plus their children, directly impacting nearly 4,000 individuals. The vast majority of our clients are low income, single mothers of color, approximately 75% of whom earn less than \$15,000 a year. VIP is located within low-income, Latinx communities in Queens, Harlem and the Bronx, ensuring our services are accessible and convenient to our target populations.

I trust that my sister organizations and other survivors at this hearing will testify to the numerous obstacles to services that survivors must navigate daily. Therefore, I will focus my testimony on the underpinning challenges that face the Latinx and immigrant survivor community in New York City, and that is poverty and inequity of solutions for long-term economic security for immigrant women and their children, especially when overcoming domestic and sexual violence.

In New York City, the wealth gap is greater than the state or even national gaps. The poverty rate here for all women and girls is 17.9%. However, Black and Latina women and girls are more likely to live in neighborhoods with high levels of concentrated poverty, where rates can exceed 40%. They also earn 25% less than White women and 50% less than White men. When that intersects with the devastating impact of domestic violence and sexual assault on survivors' employment and economic well-being, it presents the kind of life-changing disaster that often leads to homelessness and further entrenches intergenerational cycles of both poverty and abuse. Latinx and immigrant victims are especially vulnerable to economic destabilization after violence; limited English proficiency, or lack of employment authorization often means dependency on an abusive partner for basic necessities. Immigrant victims have little or no recourse to the safety net that might mitigate the severity of these harms. Without economic stability, nearly all other interventions and supports become ineffective and the healing process is stalled while survivors struggle to secure basic needs.

There are many excellent workforce development projects in New York City and there are many trauma-informed financial education programs for survivors. However, there are very few that address economic security for immigrants who cannot participate in traditional workforce options, due to lack of employment authorization documents or other factors. This population is central to VIP's mission, so our Economic Justice Program started working with immigrant survivors to explore options and support paths towards security. The options that grew from that exploration centered on small business development, but not in the traditional entrepreneurial context. Because of long histories of financial abuse and exploitation by partners, family members, *coyotes* and employers, the need for a different economic framework became evident.

For the past few years, VIP has invested our efforts in engaging Solidarity Economy principles to create alternatives to common capitalist practices that offer little or no sustainable strategies for impoverished survivors to shift their economic standing and often harm laborers from these communities. VIP promotes practices such as solidarity, mutualism, and cooperation by applying principles of intersectional equity, social welfare over profit and grassroots level change instead of hierarchical focuses. These values support our goals of healing and liberation on individual and systemic levels. For survivors of trauma such as domestic and sexual violence who often experience severe alienation and isolation due to the abuse, and who have suffered multiple forms of systemic oppression, this strategy promotes collective healing and empowerment with tangible, meaningful outcomes that serve their economic goals.

As with most innovative partnerships, these collaborations are largely unfunded and therefore limited in their ability to impact the survivor communities they could otherwise uplift. The ask I have of this Committee is to invest in these promising practices by increasing resources at the intersection of solidarity economy practices and gender justice. Consider funding partnerships that will bridge worker's justice and worker cooperative initiatives with domestic and sexual violence service providers.

Our Economic Justice Program's ArteSanando initiative provides a culturally affirming, strengths-based approach that helps survivors build small businesses that honor their skills and cultural traditions related to food, art, crafts and traditional clothing. ArteSanando reframes the narrative that poor women are poor because they are incapable of managing money or because they don't have skills to succeed. In fact, immigrants account for a combined \$1.3 trillion in economic activity in the US each year, and 90% of all immigrant entrepreneurs are Latinx. ArteSanando captures this entrepreneurial spirit while breaking down the barriers of isolation

and alienation so common for survivors of domestic and sexual violence, so that they can re-connect with their communities, build sustainable incomes, and live free of violence.

To be sure, this is not the silver bullet solution to end poverty among all immigrant survivors.

Not everyone wants to start a business or be a worker-owner in a cooperative business.

However, it is a dignified option available to undocumented immigrant survivors when virtually no other options exist. And these survivors deserve the opportunity to build economic security for themselves and their children as much as their citizen counterparts.

Thank you for your leadership and for considering the very real economic barriers that exist for immigrant survivors in New York City. VIP remains available to collaborate with you on ideas for potential projects that explore this intersection more meaningfully for all immigrants in our sanctuary city. Thank you for providing me with this opportunity to testify. I am happy to answer any questions you may have, and I can be reached at mguzman@vipmujeres.org, or 347.514.9655.



We All Really Matter (W.A.R.M.)
8 West 126th St., 3rd Fl
New York, NY 10027

February 21, 2022

To whom it may concern:

On the morning of Sunday, December 5, 2021 I received a call from Captain Anthony J. Mascia of the 41 Precinct. He was calling me with a case that he was sacrificing his own day off in order to attend to: a mother and her 6 young children in crisis. Despite his attempts all week, he had been unsuccessful in finding a service provider that was able to find shelter for this mother and her children. CO Mascia eventually reached out to Chief Hoch of the Domestic Violence Unit for assistance, and was given my personal cell phone number. Once I received CO Mascia's call, I was so compelled by the sincere concern in his voice to leave my own bed on a Sunday morning, and have him meet me at our offices.

CO Mascia had some of his officers, PO Jorge Rodriguez and PO Martinez, pick up the victim and her family and bring them to our office as well. Once the family had arrived, I was able to find the family shelter and provide them with emergency care packages and much needed winter clothing and shoes for the whole family. We have been working for and with this client since this fateful Sunday, and are happy to share that she is now in a safe and supportive environment as she receives our ongoing services.

Sincerely,

Stephanie McGraw, Founder and CEO of WARM
weallreallymatter@gmail.com



Women's Community Justice Association

Contact: Leah Faria Leah@wcja.org womenscja.org

Testimony by Leah Faria

Community Organizer, Women's Community Justice Association

New York City Council Committee on Women and Gender Equity

Oversight - Barriers to Accessing Survivor Services in New York City Testimony

February 22, 2022

My name is Leah Faria and I am a Community Organizer with the Women's Community Justice Association, an advocacy group led by justice-impacted women and family members in New York. WCJA is leading the #BEYONDrosies campaign which has three goals:

1. Close the Rose M. Singer Center on Rikers Island before the city's planned 2027 deadline.
2. Decarcerate the population to under 100; and
3. Secure a humane, centrally-located standalone facility—a Women's Center for Justice—for the small remaining population at either Lincoln or Bayview correctional facilities in Manhattan.

Many women and gender-expansive people at Rosie's end up there because they have suffered from abuse and trauma. An estimated 77 percent are domestic violence survivors. I am one of them. When I was sent to Rosie's I was in a bad situation that was difficult to leave, and the dehumanizing treatment at Rose M. Singer only made things worse.

The mothers, sisters and daughters at Rosie's are the hearts of New York's families and communities but have been treated as an afterthought. This small population of under 250, who make up only 4% of the Rikers' population, is scheduled to be among the last groups to leave under the city's plan to shut down the jail complex by 2027. On October 13th, 2021, Governor Kathy Hochul and the city started transferring people from Rosie's to state prison in Westchester to address the humanitarian crisis at Rikers. Four months later they are being sent back to Rikers without any progress for their safety or wellbeing.

Keeping Rosie's open for five more years is bad enough, but what is more upsetting is that women and gender-expansive people would be relocated to a place that is potentially even worse. The borough-based jail plan would place them in a Kew Gardens facility where they would share spaces and staff with the male population.

Best practices recommend full sight and sound separation from men to reduce retraumatization, but the entrance, medical site and recreation areas would be shared at Kew Gardens. In addition, there is no dedicated staff for the women and gender-expansive people, threatening to replicate conditions that made Rosie's among the 12 worst jails in the nation for sexual assault, according to the Department of Justice.

Many at Rosie's would be located even further from their families the Kew Gardens facility. A major goal of the borough-based jail plan was to keep people closer to their communities, and that will be the case for most men, but not for women. Manhattan is where the greatest number of women at Rosie's are charged, and families who reside there will face long commutes and multiple public transportation transfers to visit their loved ones.

WCJA

Women's Community Justice Association

Contact: Leah Faria Leah@wcja.org womenscja.org

Women & gender-expansive people need a more readily accessible, centrally located facility that is separate from men. When the City Council passed the borough-based jail plan in 2019, it included a Points of Agreement to study the feasibility of a standalone, more centrally located facility.

Former New York Chief Judge Jonathan Lippman, Chair of the Rikers Commission, and the Mayor's Social Justice Commission recommended using a closed correctional site—either Lincoln in Harlem, or Bayview in Chelsea—for this purpose. The state can transfer one of these sites to the city and create a new model of justice and safety that sets the stage for closing the rest of Rikers.

WJCA is calling for Lincoln or Bayview to be transformed into a Women's Center for Justice that focuses on gender-responsive services, family unification and community safety. Using a "Reentry at Entry" approach, successful reintegration would be the goal from Day One. This would be a place that breaks the cycle of incarceration and puts women, gender-expansive people, and children on a pathway to wellness and success.

As members of the New York City Council, we urge you to ask Mayor Eric Adams and Governor Kathy Hochul to secure Lincoln or Bayview for a Women's Center for Justice. We hope you will join the #BEYONDrosies campaign to begin this process of healing survivors, repairing families, and enhancing public safety.



**New York City Council's Committee on Women and Gender Equity
Oversight - Barriers to Accessing Survivor Services in New York City**

To: New York City Council's Committee on Women and Gender Equity

From: Taykina Chowdhury, Associate Director of Helpline and Residential Programs, Womankind

Date: February 22, 2022

Dear Councilmembers,

Thank you for this opportunity to submit written testimony to the New York City Council's Committee on Women and Gender Equity on behalf of Womankind and the survivors we have the privilege of serving. My name is Taykina Chowdhury, Associate Director of Helpline and Residential Programs at Womankind. We are here today as a culturally-humble, gender-based violence organization, with over four decades of experience, to provide insight on the barriers our communities face while accessing survivor services and victim compensation funds. I will do this by highlighting our work through our community-based programming and sharing the various barriers victims and survivors encounter, especially in the communities we serve.

Womankind uses the multidimensionality of our Asian heritage to work alongside survivors of gender-based violence as they build a path to healing. We are working tirelessly to create a future where we Rise Above Violence and our communities can innovate towards collective well-being, restoration, and social justice. We provide innovative culturally relevant and linguistically accessible services to survivors across the lifespan in 18+ Asian languages as well as Spanish. Our services include trauma-informed counseling, safe and confidential emergency housing, 24/7 helpline, family law and immigration legal services, economic empowerment workshops, mentoring programs for youth, creative arts therapy, wellness activities, and support groups.

Rooted in the community, we understand the complexity of navigating trauma and crises. Many of the survivors we serve face legal, institutional, and social barriers to accessing services such as: limited English proficiency, lack of knowledge of one's rights, a pending legal status, lack of financial independence, dearth of culturally and linguistically relevant mainstream services, and discriminatory attitudes. During COVID-19, these barriers have been further heightened as Asian and survivor communities are disproportionately impacted by the economic downturn and rise in anti-Asian violence.

Specifically, accessing services and crime victims' compensation is tied to reporting cases to law enforcement. Survivors, especially immigrant low-income Asian survivors, are less likely to report cases to formal sources and instead rely upon their respective community for support. Womankind has cultivated long-time trust with diverse survivor communities across NYC and has been a safe haven. Early 2021, in order to comprehensively understand the barriers to accessing these funds, we conducted an organization-wide survey of Womankind Advocates. Our findings show that many survivors are



unable to or choose not to seek solutions through the criminal legal system; many are hesitant and fearful of involvement with the police; and there is often a cultural and linguistic disconnect. In some cases, survivors' interactions with the police lead to greater harm associated with criminalization and revictimization. In addition, the process to file a claim has been difficult to understand and lengthy for our clients. Our Advocates have had to take additional time to make sure that survivors understand what the compensation process is while working alongside them to assemble the long list of required documents. Unfortunately, this underreporting further invisibilizes Asian survivors, who exist at the nexus of multiple marginalizations – thus exacerbating existing barriers. Survivors need this critical compensation support to cover costs of loss wages or loss of support, medical and dental needs, mental health counselling, as well as travel expenses.

In some cases, even after the many barriers to accessing services and support are somewhat overcome, there are additional challenges. During the pandemic, one of our clients had difficulty filing the paperwork as they direly needed financial support to cover the cost of counseling. Womankind's OVS Specialist had to work collaboratively with them to gather all of the many documents needed. Unfortunately, due to the pandemic they were not given any updates from OVS for a while and had to re-send the paperwork. In the meantime, Womankind further supported them by providing emergency funding so that they would be able to cover rent and groceries as well as access to our special healing program. After months of anxiety, their claim was finally accepted and they were able to continue accessing crucial services needed for their healing. Stories like this are not isolated incidents - but rather the norm.

In addition to working directly with survivors to file these claims, we've also created special OVS victims' compensation fund posters in Womankind's core languages, such as Chinese, Japanese, Korean, Bengali, and Spanish, and have them posted in our various community and residential offices. This way, information needed to access these funds is readily available.

We call on the New York City Council's Committee on Women and Gender Equity to support Womankind and the survivors we serve by increasing equitable access to vital services and expanding eligibility for victims and survivors of crime to access victim compensation funds. We also believe in deepening investment in community-based organizations that serve as the entry point of access and ongoing culturally and linguistically accessible support for many in our communities. These steps would go a long way in promoting healing, preserving safety, and ensuring that survivors are provided much-needed support as they navigate increasingly challenging circumstances. Thank you.

Respectfully,
Taykina Chowdhury
Associate Director of Helpline and Residential Programs
Womankind

Oversight: Barriers to Accessing Survivor Services in New York City

Hi, my name is Gina Tron and I found a lot of barriers trying to access survivor services when I was raped in 2010. Much of that lies with the NYPD's SVD as they neglected to inform me that I could have a victim's advocate present in the room while I was being interviewed by them. I feel that an overhaul in that department, which many advocates and victim-survivors have been fighting for lately, would be helpful. They need to make it clear to survivors what their rights are; it seems like even now they hesitate to inform people of their rights, perhaps to their own benefit.

Two other victim-survivors and I have been working on a bill that would ensure that any and all individuals who report a sexual assault at a New York City hospital are dutifully informed about all their rights and all the services they are legally entitled to. That way, they know their rights before talking to the police; While some of these rights are told to victims in some form, it's currently not in any easy to digest way. Just giving a survivor a stack of papers with information on it isn't enough. The information should be easily processable and accessible for anyone and everyone. This is an update to [Int 0753-2018](#), which was introduced in 2018. Our version was introduced late last year.

We would like it to be required for sexual assault survivors have some of their most vital rights recited to them verbally: a human being telling them how they can get assistance while talking to law enforcement and the district attorney's office, and what their rights are regarding their rape kit. We are also looking into creating something eye-catching that will lay out all of a victim-survivor's rights and options for the care they are entitled to in a simple and accessible way. Ideally, it would be great for this information to be in a form that can be easily carried around and distributed.

Because of the lack of transparency given by police regarding victims' rights, we feel that this bill could help make it easier to break down some of these barriers to services and rights.

Thank you so much!

From: Leslie McFadden <lesmcfadden@gmail.com>
Sent: Thursday, February 24, 2022 10:06 PM
To: Testimony
Subject: [EXTERNAL] Written testimony for Oversight: Barriers to Accessing Survivor Services in New York City

Dear Councilmembers,

I'm submitting testimony for the Committee on Women & Gender Equity's hearing on Barriers to Accessing Survivor Services in New York City.

I have specific ideas about how NYC can effectively mitigate existing barriers to accessing survivor services. My own experience highlights more than a few opportunities.

I was drugged and raped by a colleague in Brooklyn on Oct. 20, 2015. I woke up in the ER, where I had been involuntarily taken to by the NYPD. After realizing what had happened to me, I immediately filed a police report and was assigned to a special victims detective. This detective took my statement, insisted I make a controlled phone call to the perpetrator, and then tricked me into signing a form that he told me would put my case on hold.

It didn't.

It was in fact a case closure form, which I wouldn't get a copy of until 2020—a full 5 years too late. In fact, the NYPD refused to give me a copy of this form until I threatened to file an internal affairs complaint.

I would later learn that he closed the case the *very next day* after he interviewed me—without ever interviewing any witnesses or doing anything at all to obtain evidence for my case.

Because of that case closure form, when I applied for victims compensation for the clothing the police confiscated on Oct 21, 2015 as evidence, I was denied. Worst of all, the form letter stated they didn't have sufficient evidence a crime had occurred. As you can imagine, that language was devastating to me.

- **Victims can't get the services they need if they're pressured to close their own cases.** The NYPD SVU needs oversight by an independent agency to ensure they are handling and investigating cases appropriately.
- **If victims sign any forms, they must be given a copy of them on the spot.** This holds the NYPD accountable and gives victims a copy of what they signed.
- **Victims must be told their cases can be reopened at any time.** This is a disclosure that should be stated verbally by the assigned officer or detective, and on the form itself.

- **Compensation for any financial losses must be separate from case status.** The status of the case should have nothing to do with whether you should be compensated. Otherwise, the NYPD holds the power to deny victims access to compensation, which further harms them.
- **The form letter for compensation decisions needs to be updated (if they haven't already).** It should remove any language that suggests a crime didn't occur—that is traumatizing language.

These changes are reasonable and necessary. They're not too much to ask.

Sincerely,

Leslie McFadden, *rape and NYPD survivor*

lesmcfadden@gmail.com

February 22, 2022

Testimony to the New York City Council

Dear New York City Council, Committee on Women and Gender Equity,

My name is Polina Ostrenkova and I am a survivor of sex and labor trafficking. Currently, I live in a safe house run by Covenant House New York and receive services that help victims of human trafficking to recover from physical and mental trauma and get access to daily needs and urgent care. However, I face significant barriers regarding immigration status and opportunity to enroll to universities. I thank the Committee for the opportunity to testify, explaining what barriers survivors face and what needs to be improved to prevent recurring trafficking.

I left my home and family due to extreme tension about the differences my family and I believed were the best ways for me to achieve my goals. I couldn't accept what my family insisted I should do with my life. My opinions never mattered. I ran away from home because I wanted freedom, which resulted in exploitation.

In the summer of 2019, I was arrested and faced numbers of criminal charges. The aftermath created a huge issue with obtaining immigration status and continuing a normal, successful life. Considering it the best option, I pled to a misdemeanor charge alongside three years of probation, which delayed getting an immigration status and developing my career. I either want to study social work or law in order to advocate for people, but now everything feels unachievable.

Survivors of human trafficking face severe barriers that hold them off from safe and independent lives in the U.S. These barriers include difficulties with obtaining legal documents, including work permits, and citizenship, access to public services, food, clothes, basic needs, child support and stable housing. They may have a hard time understanding (language barriers, mental disorders, physical traumas), and they may fear being misunderstood and misconstrued. The help of professional workers is required, to know how to approach a vulnerable and traumatized person without making more harm and refer to specialists if needed. I urge people to be trained on subject of human trafficking and best approaches for survivors. Undocumented people are strongly afraid of Immigration and Customs Enforcement (ICE) and police officers, facing a fear of deportation. Victims of human trafficking do not have knowledge of where to seek and how to ask for help. Some of them do not know about the existence of these services or have no opportunities to reach out.

I am grateful for the implementation of services that support victims of human trafficking. I consider that the improvement of these services will grant survivors a start towards life free from stress and anxieties and will give faith and motivation for creating independent life after being forced and controlled by exploiters.

Polina Ostrenkova

I write this testimony as a Black woman, as a sexual violence and community violence survivor, and as an organizer living in Brooklyn. As I have supported, both professionally and personally, multiple other survivors of violence, I tire from how many times that survivors and their advocates articulate what they need over and over again. What is more tiring is how rarely the government moves ahead with our asks. Rather, City government circles back and asks the same question, disinterested in any answers that are not more police training, law enforcement units and prosecution offices. Black women and other women of color die due to domestic violence at higher [rates](#) than other populations due to government's stubbornness to meeting the basic needs survivors call out to support their safety, such as housing, emergency funds, childcare, healing supports and healthcare. Instead they offer us more of the same, cops, district attorneys, criminalization and cages, and dare us to complain. Carceral feminists tell us to be grateful for all that they have done for us, how much the police have "changed." They do not understand that if we are not White, well-to-do, straight, cis and able bodied, those changes begin to look very slight. A slight of (public relations) hand.

Rather than offering trauma-porn and sensational anecdotes, I will simply share excerpts of City government's previous recommendations than continue to go unimplemented. There is no need to recreate the wheel.

From 2016's [New York City Council's Young Women's Initiative](#) Report and Recommendations (pg. 86-87, 89):

6. ***“With the guidance of survivors of violence, expand, improve and rebrand Family Justice Centers (FJCs) in New York City.***

The Administration should make the following reforms to the operation of the FJCs:

- *Extend FJCs to 24-hour full-service centers, with increased funding to partnering organizations to ensure ability to staff and operate programming.*
- *Expand locations to community-based venues that are completely unaffiliated with the criminal legal system and accessible to community members ...*

7. ***Develop and fund alternative reception centers for young women who may be experiencing violence. See similar recommendation from Health Working Group.***

There are several community-based service providers that operate programs that young women can access to meet their needs and increase safety from violence. Funding low-threshold, harm reduction-focused, trauma-informed, survivor-centered facilities should be expanded. Such facilities would serve to both prevent and address violence, and should operate free of judgment or presumptions about young women's needs, should be designed by and for young women and center the expertise of young women in determining their needs. They should feature the following:

- *A dedicated space for homeless youth to rest, shower and store their belongings;*
- *Services that demonstrate an ability to accommodate the needs of individuals in mental health crisis and active drug use;*
- *Services that operate on a social resiliency model, offering peer counseling, open and*

transparent conflict resolution founded on principles of restorative justice, training on de-escalation and building skills with economic potential;

- Services that are available in a range of languages;*
- Childcare for individuals with children who are seeking services;*
- Access to an open kitchen;*
- Counseling on health and reproductive health care services;*
- Access to artistic outlets;*
- Stipends for young people participating in programs;*
- A linked digital platform to facilitate learning about and accessing the center. ..*

9. Reduce criminalization of survivors of violence by:

- Working with District Attorneys to sponsor frequent warrant forgiveness events to clear up summons warrants without fear of arrest.*
- Establishing a task force within six months, to report out within a year of establishment, to review mandatory arrest policies in the context of responses to domestic violence.”*

Domestic violence is the leading driver of homeless shelter entry. Invest in low-cost housing and flexible funding to support survivors find safety and economic stability.¹ [From 2019 Comptroller Report](#), Housing Survivors: how New York City Can Increase Housing Stability for Survivors of Domestic Violence” (pg. 31-33):

***Number 2 “Create a Survivor Housing Stability Fund:** The City should develop a dedicated fund similar to the District Alliance for Safe Housing’s Survivor Resilience Fund, which would be more flexible than the limited options for financial assistance currently available to survivors of domestic violence at risk of losing their housing. Survivors should be able to access the fund through referrals from trusted organizations in their communities and regardless of immigration status and income, in recognition of the fact that survivors are often subject to economic abuse and may not have immediate access to financial resources. Survivors could use the funds to cover expenses such as moving costs, medical bills, phone costs, children’s needs, or transportation, and to implement a safety plan, among other needs impacting their ability to stay stably housed...*

***Number 5 Build more affordable housing for households with very low incomes and increase set-aside for New Yorkers experiencing homelessness:** The Comptroller’s Office has previously raised serious concerns about the City’s current housing plan—namely, that it does not direct resources to the households with the greatest need.⁸⁹ If New York City is to truly invest in solutions to reduce homelessness, including for those impacted by domestic violence, new construction units should be targeted to households with extremely and very low incomes, and the City must increase the number of units*

¹ <https://comptroller.nyc.gov/reports/housing-survivors/>

dedicated and set aside for people experiencing homelessness, both among new construction and preservation units...

Number 7 Ensure every domestic violence shelter has dedicated housing specialists:
Providers of domestic violence shelter are required, per State regulations, to make assistance in obtaining housing available to residents.⁹² However, domestic violence shelters are not mandated to have dedicated staff to support survivors with the challenging processes of navigating applications for housing assistance or identifying qualifying apartments. The City should evaluate how many shelters have housing specialists now and what additional funding would be needed to ensure all residents have access to expert guidance in identifying and securing safe, permanent housing. All housing specialists should be trained in how to appropriately address and direct cases of source of income discrimination.”

Lastly, the government can stop creating barriers for survivors by stopping to prosecute and INCARCERATE survivors like [Tracy McCarter](#), and the clients at Steps to End Family Violence’s Criminalized Survivor Program. Healing will not happen [at Rikers Island, Bedford Hills or Taconic Correctional facilities](#). City Council must hold prosecutor offices accountable and require them to report each year how many criminalized survivors cases they have declined to prosecute. If they do not have a mechanism for monitoring and reporting this, they must develop it. We deserve that transparency.

POVERTY IS NOT NEGLECT

BY JOYCE MCMILLAN



Kelly Grace Price ● Creator, Close Rosie's ● New York, NY 10033 ● E-Mail: gorgeous212@gmail.com Web: <http://www.CloseRosies.org>

February 22, 2022

To: NYC Council, Committee on Women & Gender Equity

Committee: [Tiffany Cabán](#) (Chair); the Public Advocate (Mr. Williams); Council Members: Brewer; Rivera; Ampry-Sameuls; [Kristin Richardson Jordan](#); [Kevin Riley](#); [Althea Stevens](#); [James F. Gennaro](#); [Jennifer Gutiérrez](#) and; Council Speaker Adams

cc: Committee Staff; Madhuri Shukla; Chloe Rivera, Mayor's Office; Dana Kaplan, MOCJ.

Via email

RE: Access to Survivor Services in NYC

Good Afternoon: I am Kelly Grace Price of Close Rosie's. Thank you NYC Council Chair Caban; Council members and; staffers for being here to listen to this amazing group of survivor advocates; thank you Council Members Guterrez and Riley for staying on this zoom. I'm sad to hear about Council Member Caban's beloved Coltrane--my prayers are with them. To the Commissioner of the Mayor's office to End Gender Based Violence, Ms. Noel and to other council members of this committee that did not stay to listen to us: you know this is a pretty poor showing for the first hearing of this women-led council. I'm not going to brow-beat you but please do better.

Today I would like to discuss the following seven points all relating to the same theme: ***What are some of the most important issues facing women who encounter the criminal legal system and how can the City Council seize this moment to improve services and responses to us in the wake of the #MeToo movement?***

I. Many survivors are denied access to Family Justice Centers

II. City Council must develop a robust data reporting mechanism for sexual violence data

III. NYPD SVU must receive autonomy in budget and report directly to the Council & to the Mayor.

IV. Services for incarcerated and formerly caged women, girls & LGBTQ+ community.

V. NYPD Vice Squad:

VI. Law enforcement databases label survivors as 'fabricators'

VII. Mandatory Arrests

I. Family Justice Center services are denied to many--we are literally banned from centers: we need better data to evaluate the FJC's real

efficacy. There is a cherry-picked class of survivors in this town and the borough DAs and NYPD are still the gatekeepers to this privileged status. It's the dirty secret that law enforcement horse-trades survivors' rights to squeeze abusers for intel on other unrelated investigations. Confidential Informants and the Law Enforcement community literally are not held accountable for IPV crimes and their victims are more often than not turned away from the fancy FJCs. Look at the accounts of Tatanya Gudin, Valentina Valeva, myself and others that have been documented in the press already.

Personally I was denied services by Safe Horizon, Harlem Hospital and eventually found my way to CVTC--but they only offer counseling services for up to two years max and it took that long to get my charges dropped. They tried to transition me to the 9/11 survivor's program because I am a survivor but Zadroga decided they could not take me because my trauma associated with my abuse and trafficking extended beyond their scope [to address my 9/11 trauma(s)].

When the FJCs were created c 2013-2014 I tried to get services there but was told that bc I have a civil rights lawsuit aimed at the DANY that I was not allowed to even step foot in the Manhattan FJC or I would be arrested for trespassing. I was even blocked on twitter by the NYPD and the Mayor's office against Gender Based Violence for complaining about my treatment: I had to sue in federal court to be unblocked and I prevailed in that particular Section 1983 action.¹

1. There is nary any shred of reporting about case closure rates of sex crimes vs arrests--anywhere. NYC has a chance to be a national leader here. Philly and Chicago DA's offices purport to share this data--there are place holders on their respective data websites but there is nary any data. No other metropolitan Police department

¹ <https://www.nydailynews.com/new-york/ny-metro-twitter-block-20180823-story.html>

or DA's office publishes detailed stats such as is requested by the Council's proposed Intro 1488. We don't even have accurate reporting currently between city agencies.

A. We need real data re SVU case complaints results--We don't have data on case closures and results from NYPD and Borough DAs--so we have no idea how many of us are being denied justice because our abusers are informants or law enforcement nor do we have a base-line to gauge the number of complaints actually being made to the NYPD.

Council Member Caban: please may I urge you to look at Intro 1488 and revise it to mandata data from borough DA's on case -closure rates; NYC could be the first in the country to provide this data. I've turned in a separate analysis of nationwide reporting of SVU case-closures that was included in the October 18, 2021² bi-committee hearing held by this committee and the Public Safety Committee. I recommend the Council mandate reporting from borough DAs to include the number of SVU complaints dropped against confidential informants and/or law enforcement perpetrators and also how many survivors were arrested on cross complaints/mandatory arrests.³

B. n.b. I heard Council Member Caban ask if anyone tracked SVU crimes allegedly committed by NYPD officers themselves: there was data tracked up until c 2014--its on NYC open data and it is a report that elucidates SVU crimes reported BY CITY AGENCY--⁴ This data point begins in 2006 and then disappears from the Open Data c 2014 but someone, at some point, was keeping track of svu crimes allegedly committed by NYPD personnel themselves. In that time period only 110 SVU crimes were reported as committed by NYPD:

2

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5159209&GUID=41B1A982-9EBB-4F12-9EDC-A182F8AA2B76&Options=&Search=>

³ Direct link to the testimony I presented at the October 18, 2021 Public Safety/Gender Issues Committee hearing:

<https://docs.google.com/document/d/1kG6jhgDFCmILtOOZdxYL35WF68uLxXFT/edit?usp=sharing&oid=112843583168535968399&rtpof=true&sd=true> and recommended

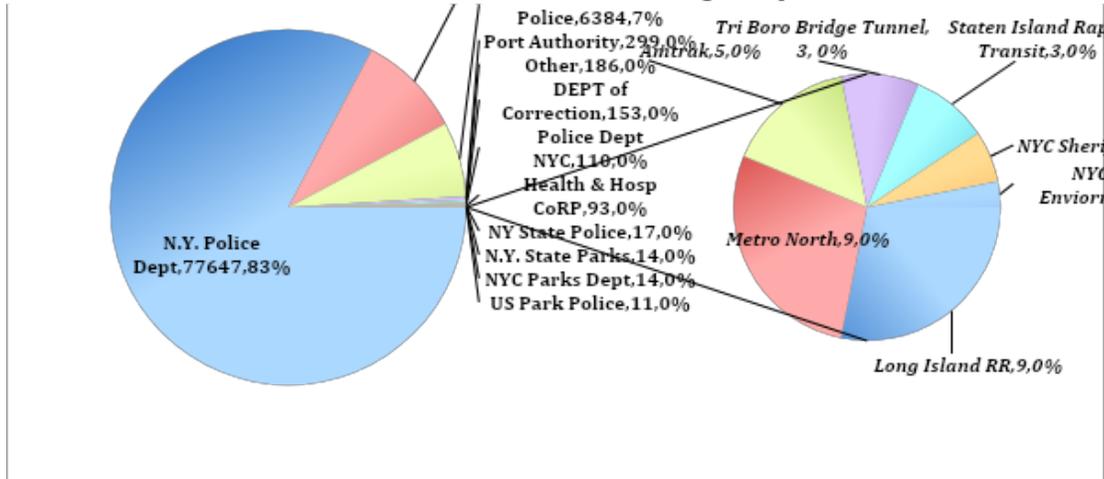
And link to hearing page click on "hearing testimony" to download public comments including mine:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5159209&GUID=41B1A982-9EBB-4F12-9EDC-A182F8AA2B76&Options=&Search=>

⁴ The data provided on this NYC Open Data report includes a "Jurisdiction Description" ("JURIS_DISC") and corollary NYC Agency numeric code ("KY_CD") representing which NYC agency reported the sexual assault data to NYPD. Note that between 2006 and 2014 two separate codes were used for the NYPD: "104" for rapes and sexual assaults reported by the community to the NYPD and also, stunningly, "69" for crimes committed inter-agency allegedly by NYPD employees. After 2014 this "Jurisdiction Description" and Key Code for the jurisdiction disappears from this report:

<https://data.cityofnewyork.us/Public-Safety/Rape-Data/u7ds-4335>

**NYC Agency Sex Assault/Abuse/Harassment Reporting to NYPI
Jurisdictional Agency:**



NYC AGENCY	Total Reported to NYPD
N.Y. Police Dept./Public	77647
NY Housing Police	8856
NYC Transit Police	6384
Port Authority	299
Other	186
DEPT of Correction	153
Police Dept. NYC	110
Health & Hosp Corps	93
NY State Police	17
N.Y. State Parks	14
NYC Parks Dept.	14
US Park Police	11
Long Island RR	9
Metro North	9
Amtrak	5
Tri Boro Bridge Tunnel	3
Staten Island Rapid Transit	3
NYC Sheriff's Dept.	2
NYC Dept. of Environment	1
TOTAL	93816

***This issue of NYC Agencies NOT doing a great job at investigating inter-agency complaints of sexual assault needs to be flagged for this new committee: There are a total of 71 NYC

Agencies and according to NYC Open Data of those only 20 reported complaints of criminal sex abuse/sexual harassment to the NYPD from 2006 to 2018. As per each Agency's independent Charter code each is responsible for investigating inter-agency crimes. The Charter⁵ requires all criminal conduct to be reported to the NYPD but there appears to be nary any oversight structure established in any capacity within NYC government to enforce this reporting. We know from news report that there have been harrowing cases of sexual assault within the FDNY for example, but they are among the agencies that has reported ZERO instances of sex abuse, assault et al to the NYPD.

This is especially worrisome when data reveals that agencies reporting data are under-cutting the sex abuse crimes that they are reporting! The NYC Department of Correction is a good example of this:



	% DOC Sex Abuse Reported to NYPD	DOC Sex Abuse Reported to NYPD	Total DOC Sex Abuse Complaints
2013	38%	5	13
2014	89%	8	9
2015	23%	16	70
2016	12%	41	347
2017	8%	32	415
2018	8%	36	434
Total	11%	138	1288

II. City Council must develop a robust data reporting mechanism for sexual violence data.

The number of unique FJC encounters reported was 42k from last year according to Commissioner Noel---but not 42k individual people. The number represents 42k service encounters. However, we have no idea of how many individuals were served. An individual may have dozens or hundreds of yearly service encounters with the FJCs. It would be great to get a clearer picture of who is being served and what services are being offered other than just 'referrals for public assistance!'"

⁵ NYC Charter linked June 6, 2019: <https://www.amlegal.com/codes/client/new-york-city-ny/>

The NYPD reports only SVU cases OPENED now– not complaints MADE so it is impossible to assess the efficacy of the various Borough FJC's reach without knowing how many individual 61 reports et al were actually filed at the borough precincts.

A. ref: the mandated reporting available by the NYPD SVU:

<https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page>

1. Complaint and Staffing Statistics for the Special Victims Division: Complaints only consist of "**CASES OPENED**" ref: "NEW YORK POLICE DEPARTMENT - SPECIAL VICTIMS DIVISION CASES OPENED BETWEEN JANUARY 1, 2020 AND DECEMBER 31, 2020"
 - Is this a new distinction?
 - What about the number of complaints *received*?
 - Is there a difference between these two categories (received and opened complaints)?
 - In other words is SVU refusing to take reports from people trying to file complaints of sexual violence We heard at the October 18, 2021 hearing from dozens of survivors that this is absolutely true.
2. Special Victims Case Management System
 - Under Administrative Code section 14-178, the department conducts quarterly audits of the case management system to ensure the security of such a system.
 - These audits reveal almost a 50 % viewing of SVU case files by non-SVU NYPD units.
 - What do you think accounts for this??? Why are non SVU cops all over the very sensitive case files of sexual abuse and assault survivors? Isn't this just an open invitation to predator cops?

B. Compare what is available on NYC Open Data about sex crime statistics and nothing published is consistent with data provided by NYC Office to end GBV, the SVU data or the FBI's available data. None of this data correlates. The keystone to addressing services must be built on a clear picture based on real, reliable data. This should be a Council priority. The last council failed to respond legislatively to the METOO movement--don't let me be able to stand here and say this to you, again, in four years, please. **Who is responsible of reporting sex crime data annually to the Bureau of Justice Statistics? Can we see these reports? Who keeps this data here in NYC? NYPDSVU and Borough DAs have traditionally criminalized behavior that is symptomatic of trauma and re-victimize survivors, by filing cross-complaints against us and entangling us with the criminal legal system. Borough DA SCU's, MOCJ and the NYPD's SVU don't accurately track or report data on sexual violence resulting in an ebbing of trust in Law Enforcement Agencies and authority. We need a robust and**

transparent data accountability mechanism developed in the City Council as NYPD, Mayor’s Office vs. Gender Based Violence and FBI reporting that is grossly flawed and insufficient. If we cannot see the problem we cannot fix it. Here is a brief snapshot of these three data channels regarding sexual violence in NYC:

1. **NYPD RAPE DATA: NYPD Open Data Portal by Complaint Type**⁶

- No data on founded/unfounded/substantiated: data is only for “valid felony” complaints.⁷
- Scant Data is available. What is available is inconsistent and obfuscated. No data provided by the community board by NYPD.
- NYPD quarterly Data shows 52 complaints of RAPE 1 in Q1 for Manhattan only in 2019: no indication of breakdown DV, Family-related, or Stranger rape.

Q1 NYPD OPEN DATA PORTAL SUMMARY		2019
Borough	"*Valid" Rapes	
Bronx		72
Brooklyn		99
Manhattan		51
Queens		54
Staten Island		10
Total		286
Rikers/City Jails	TBD	

- This data seems to indicate a potential 100% increase in rapes in 2018 in Manhattan/citywide in view of MOEGBV data (see below “Table 6” that reveals only~99 complaints of Domestic Violence Rape *for the ENTIRE year of 2018 in Manhattan. This represents a potential 100 % increase in Rape complaints in Manhattan.*
- Citywide increase of rapes from 679 city-wide DV Rapes 2018 according to MOEGBV v NYPD Q1 total (including stranger rapes) in 2019 of 287.
- NYPD rape data only provides data on [NY Penal Code § 130.35: Rape in the First Degree](#)-
- Data is not tracked year-to-year for comparison
- [Historical NYPD Rape and Sex-based Crime Data](#): 2006-2016

2. **FBI DATA:**

- FBI DATA reveals NYPD determines that ~20% of all rape complaints are “Unfounded” or evidence proved that the rape did not happen as opposed to the next largest US Metropolitan area, Los Angeles, that reported a 1.3-3% rate of “unfounded” rape complaints.

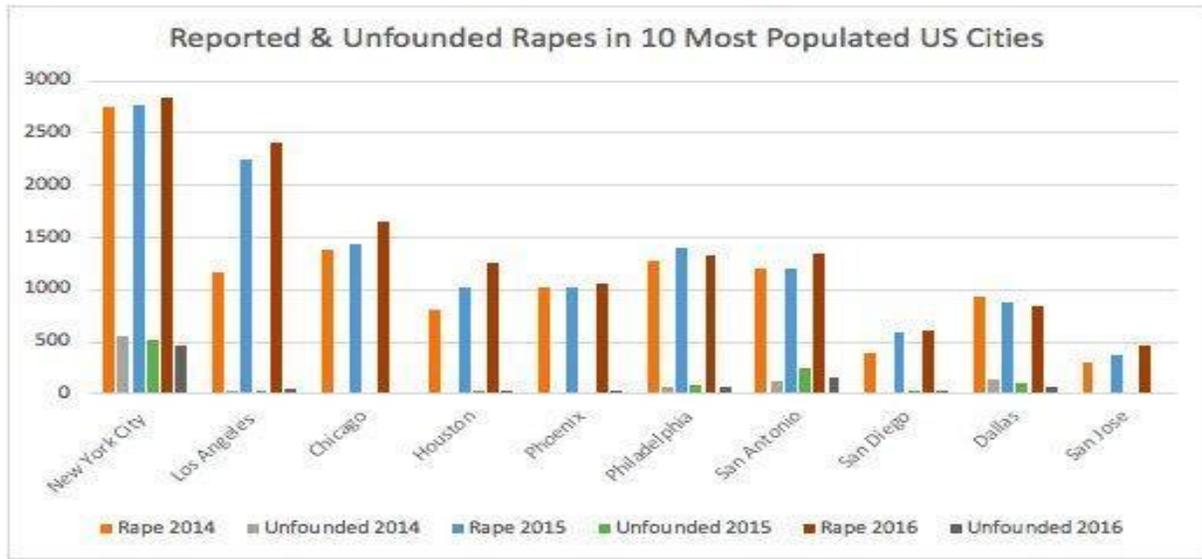
8

⁶ [NYPD Top Crime Data by Complaint Type: Open Data Portal: https://data.cityofnewyork.us/Public-Safety/Rape-Data/u7ds-4335.](https://data.cityofnewyork.us/Public-Safety/Rape-Data/u7ds-4335)

⁷ “[This dataset](#) includes all valid felony, misdemeanor, and violation crimes reported to the New York City Police Department (NYPD) for all complete quarters so far this year...” [Kate Pastor](#) created Feb 7, 2017 updated May 17, 2019.

⁸ “Staffing is far from the only problem. In New York City, according to FBI data, nearly 19 percent of the 2,767 total reported rapes were considered unfounded, defined by the FBI as “false” or “baseless.” Research shows only 2 to 10 percent of reported rapes are actually false. Some boroughs have an especially high percentage: 27 percent of rapes reported in Queens were deemed unfounded in 2015. [“Is The NYPD’s Special Victims Division Prematurely Closing Sexual Assault Cases?”](#) Meg O’Connor: [The Appeal](#); December 17, 2018.

Graph 1⁹ FBI Data 2014-2016 Reported & Unfounded Rapes In 10 Most Populated US Cities



FBI Data 2017 Reported & Unfounded Rapes NYPD

Rape		Robbery	
Actual	Unfounded	Actual	Unfounded
2375	286	13995	143
Assault*		Burglary	
Actual	Unfounded	Actual	Unfounded
29771	127	11104	148

FBI Data 2018 Reported

Case Closings for 2018 Rape Complaints	BRONX	BROOKLYN	MANHATTAN	QUEENS	STATEN ISLAND	Total
OPEN	40	46	16	16	6	124
ARREST	140	225	108	194	28	695
C-4 INVESTIGATIVE LEADS EXHAUSTED	63	79	130	68	6	346
COMPLAINANT NOT PARTICIPATING AT THIS TIME	99	150	127	79	28	483
OTHER	44	46	24	30	7	151
All	386	546	405	387	75	1799
B-6 UNFOUNDED	25	32	38	64	7	166

3. MAYOR’S OFFICE TO END GENDER-BASED VIOLENCE DATA:

§ The Mayor’s office to combat Gender Based Violence under-reported DV rapes by Manhattan Community Board in the Open Data Portal by ~24.999% for the year 2018 (still waiting on 2019 data).

⁹ Ibid.

§ **Stranger-rapes are not accounted for** in any NYC Mayor’s Office to Combat Gender-Based Violence Snapshots, Annual Reporting or on the 2017 MOEGBV NYC Open Data Portal.

§ The 2018 Intimate Partner Violence Related Snapshot published by the Mayor’s Office to End Gender Based Violence reveals, “In 2018, there were 2 family-related rapes, comprising 20% of the neighborhood’s domestic violence rapes.” **This would represent a total of TEN domestic-violence rapes in Community Board four in 2018. However, the data posted on NYC’s Open Data Portal lists only NINE domestic-violence rapes in Community Board four in 2018.** Following, ONE DV rape in CB4 has “disappeared.” These inconsistencies are ubiquitous throughout the Mayor’s Office to end Gender Based Violence DV Rape by Community Board reporting.

§ **The biggest discrepancy seems to be in Community Board Twelve / CB12** as the MOEGBV 2018 Community Board Snapshot reported: “In 2018 there were 9 family-related rapes comprising 39% of the neighborhood’s domestic-violence related rapes.” This would represent a total of 23 (n=23) Domestic-Violence related rapes in CB12 in calendar year 2018. However, the NYC Open Data Portal (below Table 1) details ONLY SEVEN domestic-violence related rapes in CB12 in 2018. So a total of 14 rapes have been wiped clean from the MOEGBV Snapshot reporting for 2018 for CB12/Manhattan.

We haven’t accurate sexual violence data in NYC and no way to fairly disseminate it to advocates and policy makers.

Source: [Mayor’s Office to End Gender-based Violence](#)—purportedly two presentations of the SAME 2018 data for DV and IPV rapes by Community Board Districts reveals discrepancies in numbers for reported DV rapes per Community Board District:

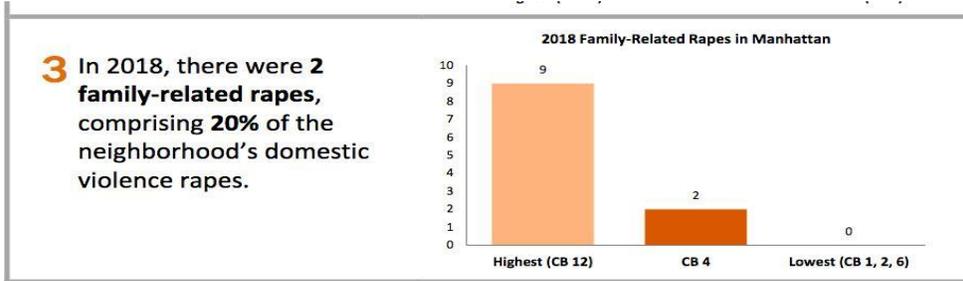
- i. [NYC Open Data Portal 2017 Intimate Partner Violence Related Snapshots: New York City Community Board Districts \(n.b. report is NAMED 2017 data but the 2018 data below\) lives at this link on the NYC Open Data Portal as well](#)):

(Table 1):

Com...	Com...	IPV_DIR	IPV_Fel_Assault	DV_Fel_Assault	IPV_Rape	DV_Rape	↓
Manhattan	11	3,214	157	244	9		18
Manhattan	4	1,193	56	71	6		9
Manhattan	7	1,333	47	66	6		8
Manhattan	3	1,837	63	118	6		8
Manhattan	9	1,474	57	93	3		8
Manhattan	12	1,994	80	146	7		7
Manhattan	10	2,897	128	197	2		5
Manhattan	6	727	28	37	3		4
Manhattan	8	889	29	43	3		3
Manhattan	5	822	37	41	2		2
Manhattan	2	470	12	16	2		2
Manhattan	1	496	5	8	1		1

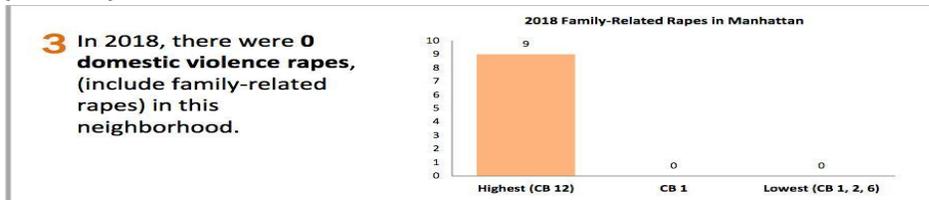
ii. [2018 Family-Related Violence Snapshots by NYC Community-Board Districts](#)

(Table 2)



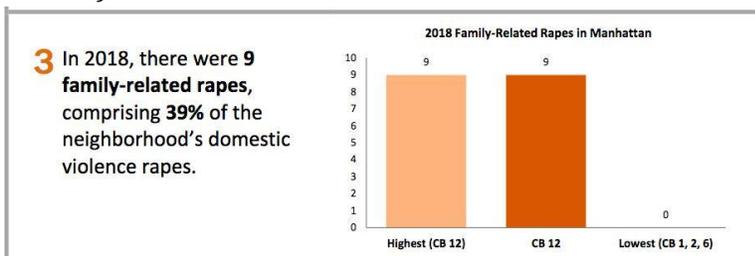
- For example, the 2017 Intimate Partner Violence Related Snapshot (Table 2 excerpted above from page 40,) published by the Mayor’s Office to End Gender Based Violence lists reveals “In 2018, there were 2 family-related rapes, comprising 20% of the neighborhood’s domestic violence rapes.” This would represent a total of TEN domestic-violence rapes in Community Board four in 2018. However, the data posted on NYC’s Open Data Portal lists only NINE domestic-violence rapes in Community Board four in 2018. Following, ONE DV rape in CB4 has “disappeared.” These inconsistencies are ubiquitous throughout the Mayor’s Office to end Gender Based Violence DV Rape by Community Board reporting.

(Table 3)



- Community Board One / CB1: snapshot from MOPGBV Snapshot (Table 3 above excerpted from page 37) reports ZERO Domestic-Violence related rapes in this neighborhood in 2018. The NYC Open Data portal reports ONE DV rape and ONE IPV rape.

(Table 4)



- (Table 4)** The biggest discrepancy seems to be in Community Board Twelve / CB12 (above Table 4 excerpted from page 48) as the MOEGBV 2018 Community Board Snapshot

reported: “In 2018 there were 9 family-related rapes comprising 39% of the neighborhood’s domestic-violence related rapes.” This would represent a total of 23 (n=23)

Domestic-Violence related rapes in CB12 in calendar year 2018. However, the NYC Open Data Portal (above Table 1) details ONLY SEVEN domestic-violence related rapes in CB12 in 2018.

(Table 6) Comparison Table of MOCGBV OPEN DATA Portal 2018 DV Rape Data vs. MOCGBV CB 2018 Snapshot Data:

Borough	Comm_District	IPV_DIR	IPV_Fel_Assault	DV_Fel_Assault	IPV_Rape	MOCGBV CB Open Data Portal DV_Rape	MOCGBV CB SNAPSHOT Portal CB DV Rapes
Manhattan	11	3,214	157	244	9	18	16
Manhattan	4	1,193	56	71	6	9	10
Manhattan	7	1,333	47	66	6	8	6.8
Manhattan	3	1,837	63	118	6	8	17.64
Manhattan	9	1,474	57	93	3	8	7.1
Manhattan	12	1,994	80	146	7	7	23
Manhattan	10	2,897	128	197	2	5	13
Manhattan	6	727	28	37	3	4	0
Manhattan	8	889	29	43	3	3	1
Manhattan	5	822	37	41	2	2	5
Manhattan	2	470	12	16	2	2	0
Manhattan	1	496	5	8	1	1	0
Manhattan	MNJIA	14	0	0	0	0	0
Totals						75	99.54

- **The Mayor’s office to combat Gender Based Violence under-reported DV rapes by Manhattan Community Board in the Open Data Portal by ~24.999% for the year 2018.**
- Stranger-rapes are not accounted for in any NYC Mayor’s Office to Combat Gender-Based Violence Snapshots, Annual Reporting or on the 2017 MOEGBV NYC Open Data Portal.

III. NYPD SVU must receive autonomy in Budget and Report directly to the Council & to the Mayor.

Since the SECOND DOI report in 2018 on the NYPD SVU we have seen FOUR new SVU Chiefs and not an iota of enhanced data transparency; an ebbing of the flow of survivors clinging to service organizations for justice and; nary a boost confidence that lasting structural change to this NYPD division has gelled. During the pandemic sexual assault, domestic violence and trafficking have dramatically increased yet the OCME has radically slowed the number of Rape Kits being processed:

NYC OCME Department of Forensic Biology: Sexual Assault Kits (SAKs) Data 2019				
	Jan. 1 - Mar. 1	Apr. 1 -Jun. 30	Jul. 1 – Sept. 30	Oct. 1 – Dec. 21
# of SAKs received this quarter	323	365	353	381
# of SAKs received and processed this quarter*	174	231	200	214
# of SAKs received this quarter that were not processed	149	134	153	167
SAKs in-progress**	122	106	138	138
# of total SAKs*** completed this quarter	321	363	341	333

*Processed means the SAKs have been completed and a report was generated.
 **SAKs in process have been assigned but have not yet been completed.
 ***Total SAKs refers to all kits completed (includes those received in previous quarters but completed in current quarter)

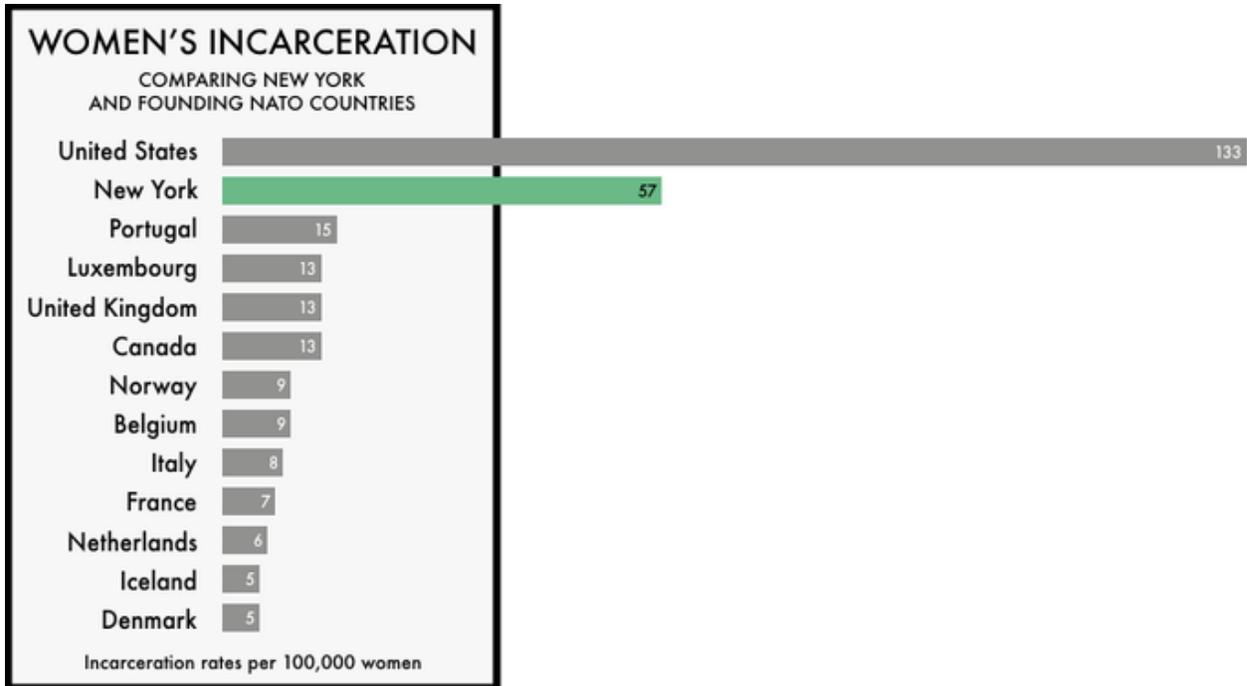
NYC OCME Department of Forensic Biology: Sexual Assault Kits (SAKs) Data 2020				
	Jan. 1 - Mar. 1	Apr. 1 -Jun. 30	Jul. 1 – Sept. 30	
# of SAKs received this quarter	93	215	352	
# of SAKs received and processed this quarter*	19	71	142	
# of SAKs received this quarter that were not processed	74	144	210	
SAKs in-progress**	66	119	175	
# of total SAKs*** completed this quarter	84	141	278	

*Processed means the SAKs have been completed and a report was generated.
 **SAKs in process have been assigned but have not yet been completed.

The number one thing we can do to increase access to victims services is give the NYPD SVU a separate agency status—separate but parallel to the NYPD with its own budget and its own answerability to the Mayor and the City Council to investigate not only complaints of sexual assault, abuse and harassment by the public but also by members of the dozens of City Agencies and Departments where sexual predators have been protected for decades by the City’s Failure to establish a process(es) for these complaints to be properly investigated and reported.

IV. Services for incarcerated and formerly incarcerated women, girls & LGBTQ+ community.

- A. NYC cages more women and girls per capita than any other city in the world: we are responsible for caging SEVEN PERCENT of the world’s caged women:



Source: <https://prisonpolicy.org/global/women/2018.html>

The US cages 30% of the world's total # of women/girls behind bars.
 + New York State cages 43% of the US's total # of women/girls behind bars.
 = New York State cages ~13% of the world's total # of women behind bars.¹⁰
 + NEW YORK CITY IS RESPONSIBLE FOR CAGING ~7% OF ALL WOMEN/GIRLS IN CAGES WORLDWIDE ...according to this 2006 [NYS DOCCS](#) report that details that NYC is responsible for sending ~55% of all women/girls in NY State to Prison in NYS¹¹:

Table 1. Socio-Demographic Characteristics of Inmates Undercustody

	2005 (N=62,732)				2006 (N=63,304)			
	Men	%	Women	%	Men	%	Women	%
Population (Dec.31)	59,930	96%	2,802	4%	60,445	95%	2,859	5%
Region								
New York City	33,316	56%	1,367	49%	32,576	54%	1,311	46%
Suburban NYC	6,564	11%	298	11%	6,744	11%	305	11%
Upstate Urban	11,318	19%	577	21%	12,366	20%	646	23%
Upstate Other	8,691	15%	554	20%	8,658	14%	591	21%
Missing	41	0%	6	0%	101	0%	6	0%
Age (Average)	36		37		36		37	

¹⁰ "The true scale of U.S. over-incarceration becomes even more apparent when we look to our closest allies, the fellow founding countries of the North American Treaty Organization (NATO). States like New York may look reasonable when compared to other states, or the U.S. in general, but they continue to lock women up at rates that are *at least double the rates* of our closest international allies." :

<https://www.prisonpolicy.org/global/women/2018.html>

¹¹ https://doccs.ny.gov/system/files/documents/2019/09/Female_Offenders_2005-2006.pdf

- + Only 22% of us caged are actually convicted or plea--so 78% of us walk free after our detention but the service providers for criminalized survivors only cater to those in re-entry or those who take a plea and enter a ATI program.

There are zero services that cater to the 78% of us who are released with a subway card and a property slip from our City jails.

- B. **BOROUGH BASED JAIL PLAN FOR WOMEN, GIRLS & LGBTQI+:** Need to add that the plan to only build one jail for women is unconstitutional, against title IX and also shortsighted. We need hubs in every borough for criminalized survivors anyway--I want to urge the council to re-examine this aspect of the borough based jail plan when mapping out community needs for survivor services. We can't just have all services in one hub in Queens or in Manhattan. We need the jails and the services in ALL FIVE BOROUGHES FOR WOMEN. I have submitted long testimonials in the past regarding the Title IX and XIV Amendment violations of the current plan at numerous City Council and Design Commission hearings over the past few years and am happy to provide these again.
- C. **PEOPLE UNLAWFULLY TRANSFERRED TO BEDFORD:** Please make note of the Class Action filing by Tananie Aboushi¹² on behalf of women detained on Rikers who were unlawfully transferred to Bedford Hills: please take a minute to read it. There are tens of dozens of descriptions of barriers to access to services documented in this filing that women are experiencing who have been transferred to Bedford.

IV. VICE SQUAD: I wish to uplift what Joyce McMillan said during her 2/22/22 oral testimony to the committee ref MONEY\$ reaching survivors and not going to salaries of service providers (although they do deserve to be paid more too!!!)

Also what Dania Darwish said about survivors falling through the cracks of a broken criminal justice system.

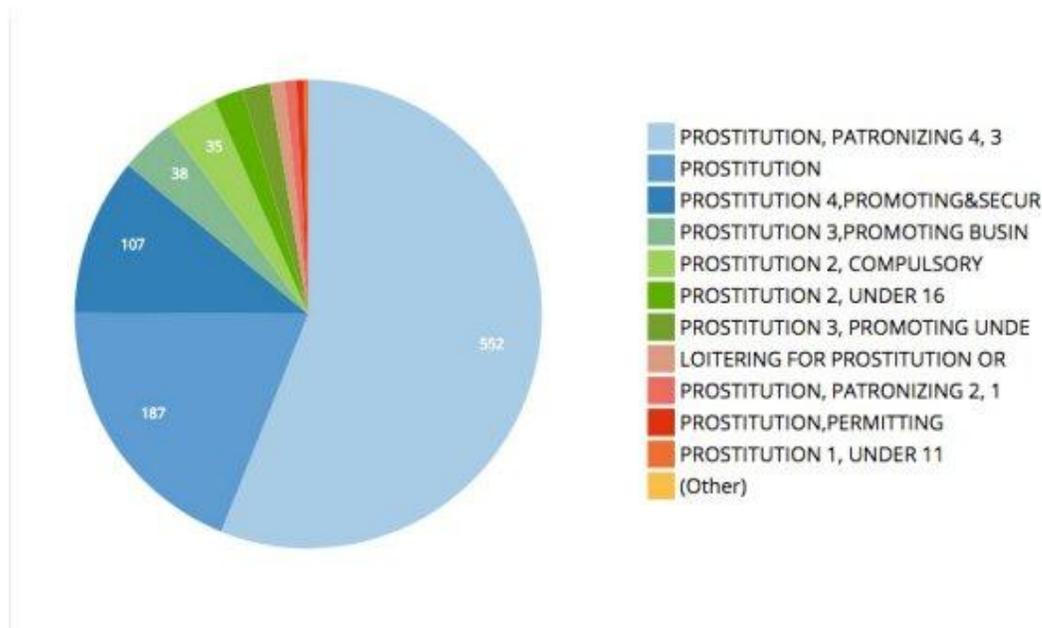
Most importantly ref VICE I wish to lift up everything Mr Trujillo said about Vice (although I do personally like Chief Klein a lot and personally the Vice Squad has been responsive to me when I report pimps and pimp-run brothels.) Mr. Trujillo is correct about how many pimps have actually been busted by VICE over the past 18 years--the number is in the low 100s. You will be shocked. Vice does not have the data to back its expenditures--so what are they doing with those cases? They are horse-trading them with

¹²

https://docs.google.com/document/d/1gBifwUyw0xPbcFOiUPRZoEEgODQIh6tB_9kokzy6bSI/edit?usp=sharing

the pimps: squeezing intel from them on other, un-related investigations in exchange for leniency in their coercion/pimping/trafficking enterprises. Between 2006 and 2019 there were less than 1000 prostitution-and trafficking related arrests made by vice and fewer than 100 busts of sex traffickers.¹³ The lack of pimp busts by VICE speaks for itself:

Total Number of NYPD Arrests for Prostitution Related Offenses 2006-May 2019:



VI. Law Enforcement Databases label survivors as ‘fabricators’ creating barriers to services and criminal legal system responses:

For a few years NYPD and borough DAs ran a software algorithm that alleged to be able to discern who was a ‘true’ survivor of sexual violence and who was ‘fabricating’ SVU crimes. The offshoot? Survivors have had these unfortunate status classifications written into our NYPD COBALT and Domain Alert Awareness System database records--no one is talking about this and how it affects our ability to have positive criminal legal system interactions.¹⁴

¹³ data derived from NYPD Complaint Data History: NYC Open Data Portal:
<https://data.cityofnewyork.us/Public-Safety/NYPD-Complaint-Data-Historic/qgea-i56i>

¹⁴

<https://www.nydailynews.com/new-york/manhattan/ny-metro-vance-contract-conflict-weinstein-20180604-story.html>

<https://www.nydailynews.com/new-york/manhattan/firm-linked-cy-vance-big-contract-manhattan-da-office-article-1.3340073>

Precincts - Manhattan\05th Precinct\FIO Alerts

Show NYSID Listing (6 NYSIDs, No subfolders) Listing for this Folder in Excel
 DANY Cases by NYSID selected

Folder	NYSID	Def Last	Def First	Alias	PublicNote	Contact(s)	Alert Start
Precincts - Manhattan\05th Precinct\FIO Alerts	04513906M	DAVIS	OSBORNE		This defendant has committed multiple violent crimes in the confines of the 5th Pct, including Robbery/Grand Larceny/Assault/CPCS, and he is a known recidivist shoplifter on Canal Street. (July 2014)	RobertsK	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	045951M				Defendant is known to commit property crimes	RobertsK	2010-06-28
Precincts - Manhattan\05th Precinct\FIO Alerts	052618M					RobertsK	2010-05-20
Precincts - Manhattan\05th Precinct\FIO Alerts	062623M					RobertsK	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	08299874R	NUNEZ	ELBE		This defendant is known to be arrested for AL violations for drinking in public. However he is very violent and has multiple violent crimes against police officers, particularly in and around the 5th Pct. (July 2014)	RobertsK	2011-11-30
Precincts - Manhattan\05th Precinct\FIO Alerts	08444155P	ZHU	WOLUN		This defendant has committed numerous property-related crimes and is a larceny recidivist. Please check with ICE Deportation Officer Brian Figuerido at (212) 264-4105. (July 2014)	RobertsK	2010-05-20

Top 25 Targets



Since there is /was zero oversight about the intersection of tech and SVU I hope this committee will start to probe the implications for things like how being falsely marked as a "fabricator" of SVU crimes in the law enforcement databases follows us through life and has ramifications for every future NYPD/DA interaction [ask Jane Manning at her Justice about this—she knows of clients demarcated as such as well]. These algorithms inform which cases are taken and who gets services but there is ZERO oversight over who is demarcated as a 'survivor' vs a 'fabricator' and gets the golden ticket to the FJCs and who is shut out.

The tech tool/algorithm was created under the stewardship of Linda Fairstein when she worked at K2 Intelligence's "Sexual Misconduct Working Group" as a consultant for the MDAO/NYPD (c 2010-2017) to build-out a "sexual violence" module for Palantir, the tool the NYPD/Borough DA's used to determine who was a 'true' survivor of sexual violence and whom was a 'fabricator.'" There are literally thousands of survivors of sexual violence like me who were cast aside by the borough DA's offices and the NYPD and erroneously

labeled as "fabricators" because of this technology tool that was the brain child of Linda Fairstein working under Mr. Kroll. I even managed to get a retired NYPD Lieutenant to write me an affidavit about this practice for my SDNY lawsuit.

You can chart the rise of the #MeToo movement in NYC directly against the implementation of this technology "tool" into the workflow of the NYC Borough DA's offices/NYPD's SVU. Fairstein's involvement with k2 ended when it was discovered that the tool was fed faulty/erroneous data of true survivors wrongly labeled as fabricators to model what the behavior of a false-complainer of sexual violence looks like but there is yet to be a public reckoning regarding who is labeled a fabricator, how long this lingers in the NYPD Domain Alert Awareness System and other systems.

K2's "Sexual Misconduct Working Group" has since been dis-banded and the tool has allegedly been removed from NYPD workflows with the creation of COBALT and the NYPD's dropping of Palantir; but there is still a public reckoning awaiting the thousands of survivors denied services and justice because of Mr. Kroll, Ms. Fairstein, K2 & Palantir for their role in demarcating thousands of survivors of domestic abuse, intimate partner violence, rape, sexual abuse, assault, harassment as 'fabricators.' Also, the tool was likely used in other jurisdictions outside of NYC who purchased the Palantir "gotham" product it was attached to in part.

The Center for Court Innovation produced a report that describes in detail how the NYPD and Borough DA's offices do still use facets of the Domain Alert Awareness System and other database to track sex workers and other "Community Crime Drivers:

"Bureau-Based Project teams (BBPs) consist of approximately three to six dedicated prosecutors from the trial division. These ADAs become experts on a select crime concern or hot spot, identify offenders believed to be the crime drivers in a particular geographic location (the location does not have to encompass an entire "area"), and devise a plan to target, prosecute, and eventually incapacitate these individuals through incarceration or supervision (i.e., parole or probation). DANY primarily formed BBPs to address violent crime, but developed additional teams to address other issues, including scammers, *prostitution*, and larceny-related crimes. BBPs also require prosecutors to work closely with NYPD specialized units (i.e. gangs, narcotics, and/ or grand larceny units). BBPs are not permanent fixtures. DANY may dismantle a team once successful prosecutions substantially decrease the targeted criminal behavior-if the crime issue re-emerges at a later date, DANY creates a new BBP team. In the fall of 2014, DANY had 13 operational BBPs."¹⁵

- As a final n.b. Sex workers are demarcated in the NYPD databases as such and those databases (COBALT, Domain Alert Awareness System et al) are linked to Clearview

¹⁵ https://www.courtinnovation.org/sites/default/files/documents/IDPM_Research_Report_FINAL.PDF

and cops are given unfettered access to use Clearview for personal purposes¹⁶ enabling predatory cops to have easy access to tech to mark their targets. Also this tech is licensed to Banker Bro and Real Estate bros--and there is zero oversight over this. Whomever has access to Clearview and Cobalt/Palantir/Domain Alert Awareness System can literally take a photo of our faces and find out:

- Where we live (many building security cameras post their live feeds on Instagram and other social media platforms which is culled-into Clearview)
- Where we work
- Any public or secret social media/dating site accounts
- Our friends
- Our political activities
- Where we spend our money
- Anything about our background.

As an example, as someone who has been trafficked all of my old sex worker posts have been swept up into Clearview: so every NYPD officer with access to Clearview (and they ALL HAVE ACCESS¹⁷) at bars and restaurants who scans my face with his cellphone sees immediately that I have been a sex worker and has access to personal, private photos from a decade ago. Same goes for anyone with access to this tech: Real Estate, Banks, Security Firms at shopping malls et al... Cops constantly ridicule me because of my status as a formerly-trafficked person. In 2017 a Sargeant responding to a complaint that my landlord had illegally changed the locks on my building sneered at me: “your super said you took off your clothes and ran down the street yelling but I know you wouldn’t take off your clothes without getting money for it...Kelly.” Why would this NYPD Sargeant say this to me unless there was something in my NYPD database records about my former status as a trafficked sex worker? These arbitrary, un-supervised tech tools already integrated in our law enforcement workflows are a great hindrance to access to services for survivors that I hope this committee will focus on. I look forward to continuing this dialogue.

IV. Mandatory Arrest: I hate to open a can of worms at the end of a 18-page testimonial but often the first time survivors encounter the criminal legal system is when

¹⁶ **Making Facial Recognition Easier Might Make Stalking Easier Too;** BITCH MEDIA: [Rachel Charlene Lewis](https://www.bitchmedia.org/article/very-online/clearview-ai-facial-recognition-stalking-sexism); January 31, 2020
<https://www.bitchmedia.org/article/very-online/clearview-ai-facial-recognition-stalking-sexism>

¹⁷ “[NYPD] officers continued to sign up for Clearview through its free trial program, which gives people an unlimited amount of searches for at least 30 days, unless the company extends it. The emails also reveal that the NYPD tested Clearview on one of its own officers — a use of the software that Clearview has explicitly encouraged in the past, [asking users to search for their friends.](#)”

BUZZFEED NEWS: The NYPD Has Misled The Public About Its Use Of Facial Recognition Tool Clearview AI: The NYPD has said that it never had a relationship with the facial recognition company, “formally or informally.” These documents say otherwise;” [Caroline Haskins](https://www.buzzfeednews.com/article/carolinehaskins1/nypd-has-misled-public-about-clearview-ai-use); April 6, 2021; linked February 24, 2022:
<https://www.buzzfeednews.com/article/carolinehaskins1/nypd-has-misled-public-about-clearview-ai-use>

cuffs are slapped on their wrists because of the State's ridiculous Mandatory Arrest laws. At this point it is almost impossible to receive "survivor services" that are controlled by the borough DA's and FJC. These Mandatory Arrest laws have to be revised to not sweep-up survivors into police and DOC custody. This is an opportunity for services: not arrests.

Thank you for considering my testimony.

Kelly Grace Price
www.CloseRosies.org
Fort George, Manhattan
February 22, 2022

**NEW YORK CITY COUNCIL COMMITTEE ON WOMEN & GENDER EQUITY
2022 PUBLIC HEARING
FEBRUARY 22, 2022**

**TESTIMONY FROM THE DOMESTIC VIOLENCE AND CONSUMER LAW
WORKING GROUP**

As co-chairs of the New York City Domestic Violence and Consumer Law Working Group, we are honored to submit written testimony to the Committee on Women & Gender Equity on the topic of “[Oversight: Barriers to Accessing Survivor Services in New York City.](#)” Established and supported by Fordham Law School’s Feerick Center for Social Justice, the Working Group brings together legal and social services advocates to holistically address the intersection of domestic violence and consumer debt in connection with economic abuse, consumer debt, and credit reporting issues. We cross-train domestic violence and consumer law advocates to provide trauma-informed services focused on survivor safety, build referral networks for consumer and tax assistance, engage in legislative and government agency advocacy, and run DV-CLARO clinics to provide brief consumer law services to survivors in shelters. In 2018, three member organizations of the Working Group produced a report that examined how economic abuse and consumer debt threaten survivors’ safety and self-sufficiency – especially regarding housing security – and noted significant civil legal services gaps for New York City survivors. The report, titled *DENIED: How Economic Abuse Perpetuates Homelessness for Domestic Violence Survivors*, is appended to this written testimony. The urgent needs of our clients and this justice gap have only increased over the past several years and during the COVID-19 pandemic.

Problem Statement

Economic abuse involves “behavior or tactics that control a person’s ability to acquire, use, and maintain economic resources.”¹ It includes interfering with a survivor’s ability to go to work or school; prohibiting a survivor’s access to their bank account or money from their own paycheck; committing tax or public benefits fraud using the survivor’s stolen identity; or leaving the survivor with coerced debt – which is either debt that an abuser takes out in a victim’s name without their knowledge or consent, or debt that the abuser pressures, threatens, or manipulates a victim into taking out in their own name.² Economic abuse occurs not only within intimate partner violence, but also in other abusive relationships of trust such as between a child and their parent or guardian, or an elderly or disabled person and their caretaker. It can cause financial devastation and traumatize survivors years after they leave the abusive relationship.

In a nationwide study, 99% of survivors experience economic abuse as part of domestic violence, and 52% of DV survivors experience coerced or fraudulent debt, and 46% report credit

¹ Adams, Sullivan, Bybee, Greeson, Development of the Scale of Economic Abuse, 14(5) Violence Against Women Journal 563 (2008).

² See Angela Littwin, Coerced Debt: The Role of Consumer Credit in Domestic Violence, California Law Review 951-1026 (2012); see also Texas Coalition on Coerced Debt, Coerced Debt Toolkit 5 (accessed 1/6/2022) <https://static1.squarespace.com/static/5b58f65a96d455e767cf70d4/t/5db9b935e23d740b8a63a3e1/1572452676432/CD+Toolkit+PDF+version.pdf>.

damage.³ In New York City, more than one in three survivors who seek domestic violence-related legal services also have a consumer debt issue.⁴ Economic abuse and the resulting credit damage significantly interfere with survivors' ability to obtain housing, credit, financial stability, and in some cases employment. In fact, the number one reason why survivors do not leave abusive relationships is because they cannot afford to leave or to stay safe after leaving.⁵

The number of consumer legal services providers in New York City is severely limited – according to the most recent data publicly available from the New York State Unified Court System, only 4% of consumer debt defendants with consumer credit transaction cases in New York City Civil Court were represented by counsel in 2018. And there are even fewer legal services attorneys who are cross-trained to provide consumer, tax, and bankruptcy law services that are trauma-informed, and that consider survivors' special safety needs and other points of intersection with the legal system. During the pandemic, legal and social services have been stretched thinner than ever in our efforts to meet rising demands with limited resources. Historically marginalized and excluded populations are impacted the hardest by poverty, housing and public benefits injustices, and coerced debt. These survivors face a dearth of the specialized resources and services they need to address numerous social barriers including language, race, immigration status, disability, gender, sexuality, age, and work status.

We call on New York City to expand the consumer legal services and remedies available to domestic violence survivors of economic abuse. We recommend that New York City government and policymakers support the following reforms at the state level:

- Expand funding for consumer, tax, and bankruptcy legal services for survivors of domestic violence and elder abuse.
- Expand funding and create standards in residential and non-residential domestic violence programs to ensure staff are trained on issues of economic abuse and that clients are appropriately screened for economic abuse and provided appropriate legal and other services.
- Create and fund unrestricted cash assistance programs for survivors.⁶
- Define “Coerced Debt” and “Economic Abuse” in the Social Services Law, Family Court Act, Penal Code, and General Business Law.
- Enact legislation to create a coerced debt defense in consumer credit actions and to prohibit collection against survivors who experience coerced debt or economic abuse.
- Enact legislation prohibiting landlords from using credit reports to evaluate prospective tenants.

³ See Amy Durren, Kirkley Doyle, and Sonya Passi, *Making Safety Affordable: Intimate Partner Violence is an Asset Building Issue*, 11 (accessed 1/23/2022) <https://www.freefrom.org/wp-content/uploads/2021/06/Making-Safety-Affordable.pdf>.

⁴ *Denied! How Economic Abuse Perpetuates Homelessness for Domestic Violence Survivors* (“Denied! Report”) (accessed January 24, 2022) https://www.fordham.edu/download/downloads/id/11883/denied_how_economic_abuse_perpetuates_homelessness_for_domestic_violence_survivors.pdf.

⁵ *Id.* at 3.

⁶ For survivor-led, survivor-focused programs, see FreeFrom, *Trust Survivors: Building an Effective and Inclusive Cash Assistance Program* (accessed January 24, 2022) <https://www.freefrom.org/wp-content/uploads/2021/06/TrustSurvivorsReport.pdf>

The following steps can also be taken to expand survivors' access to justice in New York City.⁷

- Create an interagency New York City Task Force on Economic Abuse.
- Staff tax, and consumer, and bankruptcy experts at the Family Justice Centers and community centers and provide additional funding for these legal services.
- Fund interdisciplinary training for domestic violence, consumer debt, and tax advocates.
- Ensure that the NYPD takes identity theft police reports when requested and task the New York City Task Force on Economic Abuse on addressing barriers to the filing of identity theft police reports as its first mandate.
- Train the judiciary, 18B panel, NYPD, HRA, and other city agencies or entities on coerced debt and economic abuse.
- Require domestic violence and elder abuse funding grantees to collect and report information about consumer debt, coerced debt, and economic abuse during intake, and provide training to help grantees collect this data and make referrals for assistance.
- Create solidarity economies in New York as pathways out of poverty for survivors.

A more complete list of recommendations can be found in the *Denied!* Report.

These solutions must center survivors, particularly those most marginalized. To that end, we must strive towards anti-racism and solidarity with the most marginalized communities including people with disabilities, youth, elderly individuals, immigrants, sex workers, and LGBTQ people. Any work addressing barriers to survivor services must reject patronizing, victim-blaming narratives, which put the onus on the individual morality or responsibility of survivors. Finally, services must be survivor- and advocate-directed so that services are accessible and attentive to survivors' needs.

Thank you for your consideration of and your attention to the critically important issues examined during today's hearing. The New York City Domestic Violence and Consumer Law Working Group is available to serve as a resource to the Committee and its staff.

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⁷ For additional data on economic abuse in New York City and policy recommendations, see the *Denied! Report*, https://www.fordham.edu/download/downloads/id/11883/denied_how_economic_abuse_perpetuates_homelessness_for_domestic_violence_survivors.pdf.

DENIED!

HOW ECONOMIC ABUSE PERPETUATES HOMELESSNESS FOR DOMESTIC VIOLENCE SURVIVORS

September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society



FORDHAM UNIVERSITY
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DENIED!

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September 2018

CAMBA Legal Services, Inc.
Fordham Law School Feerick Center for Social Justice
The Legal Aid Society

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ABOUT THE ORGANIZATIONS

THE DOMESTIC VIOLENCE AND CONSUMER LAW WORKING GROUP

In 2006, Fordham Law School's Feerick Center for Social Justice (the "Feerick Center") launched its Domestic Violence and Consumer Law Project (the "Working Group") at the request of social services organizations serving domestic violence survivors. The Center began by examining the unique financial issues frequently faced by domestic violence survivors, including economic abuse, inadequate financial literacy, accumulation of consumer debt, and identity theft, with a view towards helping expand service providers' capacity to address these concerns. A 2007 survey conducted by the Center of seventeen domestic violence social and legal services providers in New York City revealed a growing recognition by practitioners that domestic violence survivors were presenting urgent, unmet, and often complicated economic and consumer debt-related issues. Respondents also indicated that, on the whole, service provider organizations often did not have either the expertise or the resources to help clients address these issues.

Since then, the Feerick Center and the Working Group have developed resources aimed at building domestic violence agencies' service capacity to address consumer issues. The Center has organized numerous training programs, which have collectively attracted well over 500 attendees from over 70 service providers. In addition to resource development and training, the Working Group engages in fact finding and advocacy efforts. Working Group members operate and participate in the DV CLARO Project, which provides limited-scope consultations to domestic violence survivors in shelter on consumer debt, credit reporting, and related issues.¹

1 DV CLARO replicated and adapted the CLARO (Civil Legal Advice and Resource Office) Program, which operates under the auspices of the New York State Unified Court System's Office of Justice Initiatives and its Access to Justice Program. The CLARO Programs provide limited-scope legal assistance to consumers through court-based, weekly clinics that are staffed by volunteer attorneys and supervised and supported by consumer law experts, legal services programs, and law schools. See generally CLARO: Civil Legal Advice and Resource Office, <http://www.claronyc.org/claronyc/default.html> (last visited Aug. 30, 2018).

The Working Group is currently chaired by and composed of advocates from a variety of non-profit organizations, including both consumer legal services providers and domestic violence service providers.²

CAMBA LEGAL SERVICES

CAMBA Legal Services, Inc. ("CLS") is the legal services arm of CAMBA, a community-based non-profit agency located in Brooklyn that provides services connecting people with opportunities to enhance their quality of life.

A critical component of CAMBA's 160+ programs, CLS provides free legal services in the areas of housing law, consumer law, immigration law, foreclosure prevention, domestic violence, and public benefits, serving over 4,500 low-income New Yorkers each year. Through zealous representation and expert legal assistance, CLS works to protect the rights of vulnerable New Yorkers and promote access to justice in the civil legal system and beyond.

In particular, CLS' Consumer Law Project serves clients facing a broad range of consumer law issues, including representing them in debt collection proceedings, assisting with outstanding student loans, combating inaccurate credit reporting, and fighting debt collection abuse. The Consumer Law Project also focuses on serving the unique needs of domestic violence survivors, working together with other organizations to provide consumer legal assistance to survivors in a comprehensive effort to help them achieve financial stability and self-sufficiency.

FORDHAM LAW SCHOOL FEERICK CENTER FOR SOCIAL JUSTICE

The Feerick Center for Social Justice promotes the rights of and addresses the problems facing marginalized and low-income New Yorkers through the creation of strategies to reform policies, educate, and provide assistance to right wrongs.

2 Currently, the organizational members of the Working Group are: Brooklyn Volunteer Lawyers Project, CAMBA Legal Services, Inc., The Financial Clinic, Fordham Law School's Feerick Center for Social Justice, Her Justice, The Legal Aid Society, Manhattan Legal Services, Mobilization for Justice, New York City Anti-Violence Project, New York Legal Assistance Group, Northern Manhattan Improvement Corporation, Safe Horizon, Sanctuary for Families, Urban Justice Center, and Urban Resource Institute.

Highly regarded for its efficacy and dedication to combating inequities, the Feerick Center works with wide-ranging networks to rally partners in the legal community and beyond to respond to the challenges of those in need.

Fordham Law faculty and students involved at the Center collaborate with the city's nonprofit, legal services, and public sectors to create long-term innovative solutions critical to real change.

THE LEGAL AID SOCIETY

The Legal Aid Society is the largest legal services provider for low-income families and individuals in the United States, handling roughly 300,000 individual cases and legal matters for low-income New Yorkers each year. In addition to individual assistance, The Legal Aid Society represents

clients in law reform litigation, advocacy, and neighborhood initiatives, and provides extensive backup support and technical assistance for community organizations. The Society's law reform work benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. Through a network of sixteen neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society's Civil Practice provides direct legal assistance to low-income New Yorkers, helping them to obtain or maintain the basic necessities of life – housing, healthcare, food, public benefits, safety, employment, and means of self-sufficiency. The Legal Aid Society's Civil Practice includes both a Family/Domestic Violence Project and a Consumer Law Project.

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EXECUTIVE SUMMARY

New York City faces a crisis of domestic violence.³ In 2016, 11.6 percent of major crimes reported in the City were related to domestic violence, up from 4.8 percent in 2007.⁴ In 2017, the New York Police Department took 108,821 intimate partner domestic incident reports, up from 91,617 in 2016.⁵ Nationwide, an estimated one in four women and one in seven men have experienced some form of intimate partner violence.⁶

But the harm of domestic violence extends far beyond physical trauma and sexual assault. Domestic violence is characterized by “coercive control,” or a pattern of behavior by which abusers exert pervasive control over their victims’ lives. This includes emotional abuse, verbal abuse, and the subject of this report – economic abuse.

Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors.⁷ Abusers perpetrate economic violence in many ways, by stealing the victim’s identity and accruing debt; coercing the victim into spending money or taking out credit; blocking the victim’s access to accounts; providing a fixed allowance; interfering with employment; refusing to pay for necessities like rent or utilities; and more. Abusers often have complete control of the family’s finances, with victims having limited

or no access to joint accounts, tax return filings, or even their own earnings.⁸

These acts of abuse often damage survivors’ credit, resulting in far-reaching, devastating consequences that can be difficult, if not impossible, for them to undo. Over and over again, survivors who have experienced economic abuse are denied access and opportunities – like housing, credit, utilities, and banking – as a result of credit damaged by their abuser. In a tight housing market like New York City, where credit screening is a standard part of the rental application process, damaged credit can be a nearly insurmountable barrier for survivors trying to move into their own homes and become self-sufficient. As a result of economic abuse, fleeing survivors may think themselves finally free – only to discover they have a poor credit history and a high debt load, through no fault of their own. Damaged credit can be a matter of life or death: denied housing and with nowhere else to go, many survivors may be forced to return to their abuser, putting their lives and the lives of their children at risk. Other survivors and their children end up in substandard apartments or crammed into overcrowded units with other families because they are unable to secure safe and stable housing.

The financial consequences of abuse directly impact the ability of survivors to rebuild stable lives separate from their abusers. This area is understudied: although significant research has been done on the prevalence of economic abuse, no data appear to exist on the impact of this abuse on survivors’ ability to rebuild their lives after fleeing their abusive homes.

As a Working Group,⁹ we undertook a pair of data collection projects to better understand the extent of survivor need and organizational capacity in this area. First, we analyzed case files at The Legal Aid Society to capture the prevalence of consumer debt issues among domestic violence survivors.

3 This report focuses on intimate partner violence, though economic abuse manifests in many different iterations of intra-familial violence. Additionally, our data collection sources elicited information about survivors of both intimate partner and familial violence. See *infra* note 26 (further discussing intimate partner violence and familial violence in the context of economic abuse).

4 NYC CRIMINAL JUSTICE & NYC MAYOR’S OFFICE TO COMBAT DOMESTIC VIOLENCE, NYC DOMESTIC VIOLENCE TASK FORCE: 2017 GOALS AND RECOMMENDATIONS 2 (Nov. 2016), <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/domestic-violence-task-force-2017-recommendations.pdf>.

5 NYC Mayor’s Office to Combat Domestic Violence, *Mayor’s Office to Combat Domestic Violence: 2017 Annual Fact Sheet*, <http://www1.nyc.gov/assets/ocdv/downloads/pdf/ocdv-fact-sheet-2017.pdf>.

6 Centers for Disease Control and Prevention, *National Data on Intimate Partner Violence, Sexual Violence, and Stalking 1* (2014), <https://www.cdc.gov/violenceprevention/pdf/nisvs-fact-sheet-2014.pdf> (published in 2014 based on 2011 data).

7 Adrienne E. Adams et al., *Development of the Scale of Economic Abuse*, 14 VIOLENCE AGAINST WOMEN 563, 580 (2008) (“an astounding 99% of the women [surveyed in the study] were subjected to some form of economic abuse at some point during their relationships”), <http://doi.org/10.1177/1077801208315529>; Judy L. Postmus et al., *Understanding Economic Abuse in the Lives of Survivors*, 27 J. INTERPERSONAL VIOLENCE 411, 419 (2012) (“Of the 120 individuals who participated in the study, 94.2% experienced some form of economic abuse in their current relationship or, if no longer with the abusive partner, within the last year of their relationship.”).

8 NAT’L NETWORK TO END DOMESTIC VIOLENCE, ABOUT FINANCIAL ABUSE, <https://nnedv.org/content/about-financial-abuse> (last visited Aug. 30, 2018); NAT’L NETWORK TO END DOMESTIC VIOLENCE, ABOUT ABUSE: FINANCIAL ABUSE (June 1, 2017), <https://www.womenslaw.org/about-abuse/forms-abuse/financial-abuse/all> (last visited Aug. 30, 2018).

9 Fordham Law School’s Feerick Center for Social Justice convened the Domestic Violence and Consumer Law Working Group (the “Working Group”) in 2007. The Working Group engages in fact finding, policy research, advocacy, training, and convening. The Working Group also runs the DV CLARO Program, which provides limited-scope legal assistance and referrals to domestic violence survivors on consumer debt issues. Diane Johnston and Divya Subrahmanyam are the current co-chairs of the Working Group.

Second, we surveyed staff at domestic violence shelters on their perception of clients' experiences.

Our study confirmed our collective experiences: economic abuse frequently results in damaged credit, posing a significant barrier to survivor stability and independence. There is an urgent need for policy reforms and enhanced and expanded civil legal services in this area as well as additional fact finding and research.

KEY FINDINGS

- Over one in three survivors receiving legal services relating to domestic violence also have a consumer debt legal issue.
- Domestic violence survivors face challenges in securing permanent housing, with most staff reporting that over two-thirds of their residents require an extension past the shelters' maximum length of stay.
- Poor credit is a frequent barrier to permanent housing. Survivors in shelter "often" or "very often" face challenges securing housing based on their credit history, according to 86 percent of staff respondents.
- As a result of poor credit, survivors may be unable to use a housing voucher: over half of staff respondents reported that, of the residents denied housing on the basis of their credit, 40 percent or more were recipients of a housing subsidy.
- While many shelter staff receive training on general topics relating to consumer debt and credit, this training does not equip them with practical strategies to advocate for clients. 57 percent of staff said they had been trained in how to pull a credit report, but only 25 percent had been trained in how to do so safely. Only 30 percent of respondents said they learned how to screen clients, and a full 32 percent of respondents said they received no training in this area.

KEY POLICY RECOMMENDATIONS

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.
- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.
- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.¹⁰
- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients' consumer debt issues, including their impact on access to housing.
- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.
- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. § 1681c-2.
- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.

¹⁰ Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.

-
- In the City’s continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence,¹¹ the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor’s ability to access this vital protection.
 - New York State legislators should pass legislation barring credit checks for employment statewide.
 - New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.¹²
 - Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.
 - The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018,¹³ should examine and prioritize policy and practice related to the consumer issues of domestic violence survivors, including problems with filing and receiving identity theft police reports.
 - All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

11 See *infra* Part II.E.

12 The Home Stability Support proposal presents a promising approach to expanding affordable housing for low-income residents in New York State. See HOME STABILITY SUPPORT, <http://www.homestabilitysupport.com/about-the-plan/> (last visited Aug. 30, 2018) (providing information on the proposal).

13 Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.

INTRODUCTION

The Domestic Violence and Consumer Law Working Group engages in training, advocacy, fact finding, and administering the DV CLARO Project¹⁴ – all of which seek to enhance the capacity of New York City service providers to address the consequences of economic abuse for domestic violence survivors. While service providers and experts increasingly recognize that domestic abuse frequently involves economic abuse in all of its forms, we do not yet have a body of research on the impact of economic abuse on survivors. Practitioners, however, see the collateral consequences of financial abuse on survivors’ lives – including damaged credit and debt collection – and the barriers they create to accessing safe, permanent housing. Moreover, the widespread problems associated with credit reporting and debt collection are compounded and more complex for domestic violence survivors. Domestic violence survivors experience significantly higher rates of homelessness than other sectors of the population and the impact of damaged credit on accessing stable, safe housing can be devastating and long-lasting.

To begin to better document the relationship between damaged credit and homelessness, in this report the Working Group presents and analyzes the results of two data collection efforts – a case sampling and a survey of domestic violence shelter staff – which together suggest that a significant

percentage of domestic violence survivors – over one in three – have consumer debt issues and that there is an urgent need for expanded legal services, among other resources, to meet the consumer law needs of survivors.

STRUCTURE OF THE REPORT

In Part I, we describe our study and findings in more detail. We then use these results as an entry point into this complex issue, analyzing them and placing them in context.

In Part II, we investigate the relationship between domestic violence and homelessness; the nature of financial abuse; and the way it destabilizes survivors and exacerbates existing unfairness in the debt collection and credit providing industries. As a result of these dynamics, domestic violence survivors have unique and hard-to-address issues with debt and credit that create barriers to their search for stable housing and financial self-sufficiency.

Part III surveys the landscape of service providers and demonstrates the lack of providers with dual expertise in both domestic violence and consumer law.

In Part IV, we provide detailed policy recommendations to address the urgent needs identified in this report, in order to better support domestic violence survivors and maximize the City’s resources.

Finally, Part V explains our methodology and discusses the interpretive challenges posed by our data.

¹⁴ The DV CLARO Project brings consumer legal services into partner domestic violence shelters, providing one-on-one legal consultations for residents. See *infra* Part III.C.

I. FINDINGS

A. THE CO-OCCURRENCE OF DOMESTIC VIOLENCE AND CONSUMER DEBT: THE LEGAL AID SOCIETY CLIENT SAMPLE

To estimate the proportion of domestic violence survivors in New York City who are experiencing a consumer law need, we analyzed a sample of 300 clients being served by The Legal Aid Society’s Family Law and Domestic Violence Project, which provides legal representation to hundreds of domestic violence survivors each year on a range of family law matters as well as immigration and economic justice issues. For an explanation of our sampling method and a discussion of potential sources of error, please see Part V.A.

We found that:

- Over one in three survivors – 110 out of 300 – receiving legal services related to domestic violence had been sued at least once in New York City Civil Court for a consumer debt.¹⁵
- Of those clients, one in six – 53 total – had a consumer judgment against them.

These figures do not account for the many survivors with debts that have not yet proceeded to litigation, but that still may appear on the credit report or result in collection activity.

B. THE IMPACT OF ECONOMIC ABUSE ON SURVIVORS’ HOUSING SEARCH: A SURVEY

The Working Group also developed a 24-question online survey, directed to staff of domestic violence shelters throughout New York City, and collected responses between April 2016 and March 2017. The link was distributed via e-mail to shelter managers and domestic violence listservs, and we allowed multiple employees from the same organization and/or shelter to respond. We received 44 distinct responses, from staff working in at least 22 different shelters. For details about the survey design, see Part V.B; for the entire text of the survey, see Appendix A.

The survey responses show that poor credit and consumer debt issues are significant barriers for domestic violence

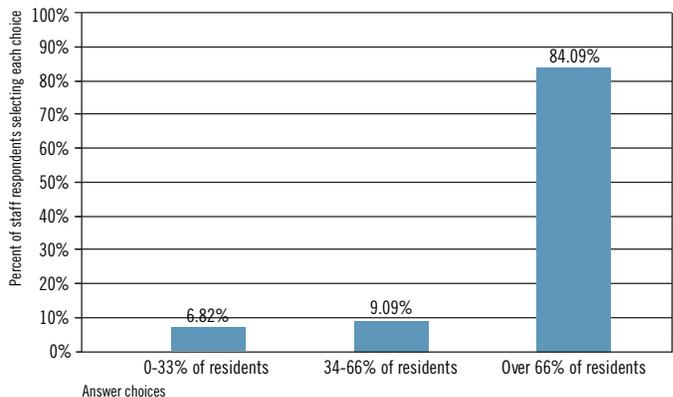
survivors and suggest that providers lack the training and resources to connect these survivors with critical debt- and credit-related services.

1. Staff accounts of the challenges faced by shelter residents

Domestic violence survivors face significant challenges in securing permanent housing and exiting shelter.

- The majority of respondents – 82 percent – said that over two-thirds of residents stay in the shelter for the maximum length of stay permitted.
- Even more respondents – 84 percent – said that the same proportion of residents require a stay extension.

FIGURE 1
Question 5: What percentage of residents requires a stay extension?



A negative credit history is a frequent barrier to permanent housing. Survivors also face a range of other obstacles to exiting shelter.

- A total of 86 percent of respondents said that residents “often” or “very often” face challenges in securing housing based on their credit history. No respondents reported that clients “never” or “rarely” deal with that obstacle.
- Over half of staff respondents said that at least one in three residents they worked with had a housing application rejected on the basis of their credit history.
- By contrast, only 37 percent of respondents said that residents “often” or “very often” face challenges in securing housing due to past involvement in housing court, which we expected would be a more significant barrier.

15 For our study, we applied the designation “consumer debt case” to all cases filed by banks or other financial institutions, debt buyers, medical providers, educational institutions, and utility providers.

FIGURE 2

Question 7: How often do residents face the following barriers to accessing housing?*

	Never		Rarely		Sometimes		Often		Very Often		Total
Credit history/judgments	0.00%	0	0.00%	0	13.64%	6	29.55%	13	56.82%	25	44
Discrimination (based on race/ethnicity, receipt of public benefits, household composition, etc.)	4.65%	2	20.93%	9	11.63%	5	23.26%	10	39.53%	17	43
Immigration status	6.82%	3	4.55%	2	27.27%	12	40.91%	18	20.45%	9	44
Landlords' lack of willingness to accept housing subsidies	0.00%	0	2.38%	1	11.90%	5	19.05%	8	66.67%	28	42
Language barrier	9.30%	4	20.93%	9	27.91%	12	23.26%	10	18.60%	8	43
Past involvement in housing court	0.00%	0	23.26%	10	39.53%	17	16.28%	7	20.93%	9	43
Unaffordable housing market	0.00%	0	0.00%	0	4.65%	2	13.95%	6	81.40%	35	43

*Indicating percentage and number of respondents for each choice

- Shelter residents “very often” face challenges securing housing because the housing market is unaffordable, according to 81 percent of respondents.
- Landlord rejections are not the only housing barrier created by poor credit: 59 percent of respondents said clients “often” or “very often” declined to even *apply* for mainstream housing options because of their negative credit history.

Survivors’ negative credit history undermines the effectiveness of housing subsidies.

- About 55 percent of staff reported that over 40 percent of residents whose rental applications were rejected on the basis of poor credit had already received a housing program voucher.

Economic abuse is a common cause of clients’ poor credit.

- Although a survivor’s poor credit is not always related to their experiences with trauma, a total of 84 percent of respondents said that for some (64 percent), most (20 percent), or nearly all (7 percent) of their clients with negative credit history, that history is the result of domestic violence.
- One respondent reported that while a client was incarcerated, the client’s partner used her social security number to take out loans.
- Another respondent said that a “client’s ex-husband used her social security” so that “now she cannot move out due to ruined credit.”

FIGURE 3

Question 11: Of residents denied housing based on their credit, approximately what percentage had previously been approved for subsidies? Please estimate.

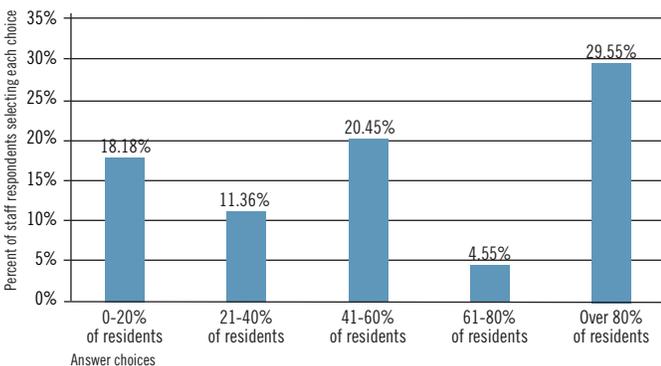
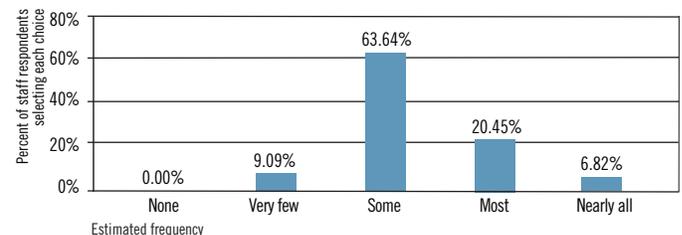


FIGURE 4

Question 14: Approximately how many residents have negative credit history due to domestic violence?

For example, residents who were victims of intimate partner identity theft, have coerced debt (debt the resident took on because the abuser forced, threatened, or otherwise coerced the survivor into doing so), or otherwise have debt related to financial abuse.



Negative credit history diminishes survivors’ access to other necessities outside of housing.

- Staff respondents reported that as a result of bad credit, survivors “sometimes,” “often,” or “very often” have difficulty obtaining:
 - Student loans (61 percent of respondents)
 - A bank account (64 percent of respondents)
 - Utilities (59 percent of respondents)
 - Other necessary credit accounts (76 percent of respondents)

Unfortunately, survivors may not discover their negative credit histories until their lives have been materially impacted.

- 57 percent of staff reported that clients “often” or “very often” first discover their negative credit history when they are rejected for housing.
- Another 33 percent of staff reported that this is true for their clients “sometimes.”

2. Staff capacity and access to resources

Although nearly all shelters offer some type of financial or credit-related services, few proactively screen for consumer debt issues.

- Only 25 percent of staff respondents said their shelter conducts individual debt or credit-related screening.
- 89 percent said they make credit-related referrals, 57 percent of staff said their shelter provides financial education, and 48 percent of staff said their shelter provides financial counseling.

FIGURE 5
Question 15: What consumer debt or credit-related services does your shelter provide? Please check all that apply.

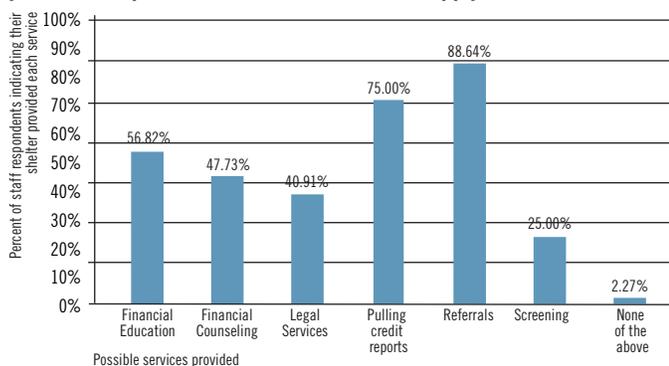


FIGURE 6



Most staff training on consumer debt and related issues is general rather than equipping staff with specific advocacy strategies.

- The most common training topics reported by staff were how to pull credit reports (57 percent), understanding economic abuse (48 percent), and when to make a referral (52 percent).
- Only 30 percent of respondents said they learned how to screen clients for consumer debt and credit issues.¹⁶
- 30 percent of respondents said they received no training on consumer debt and credit issues.

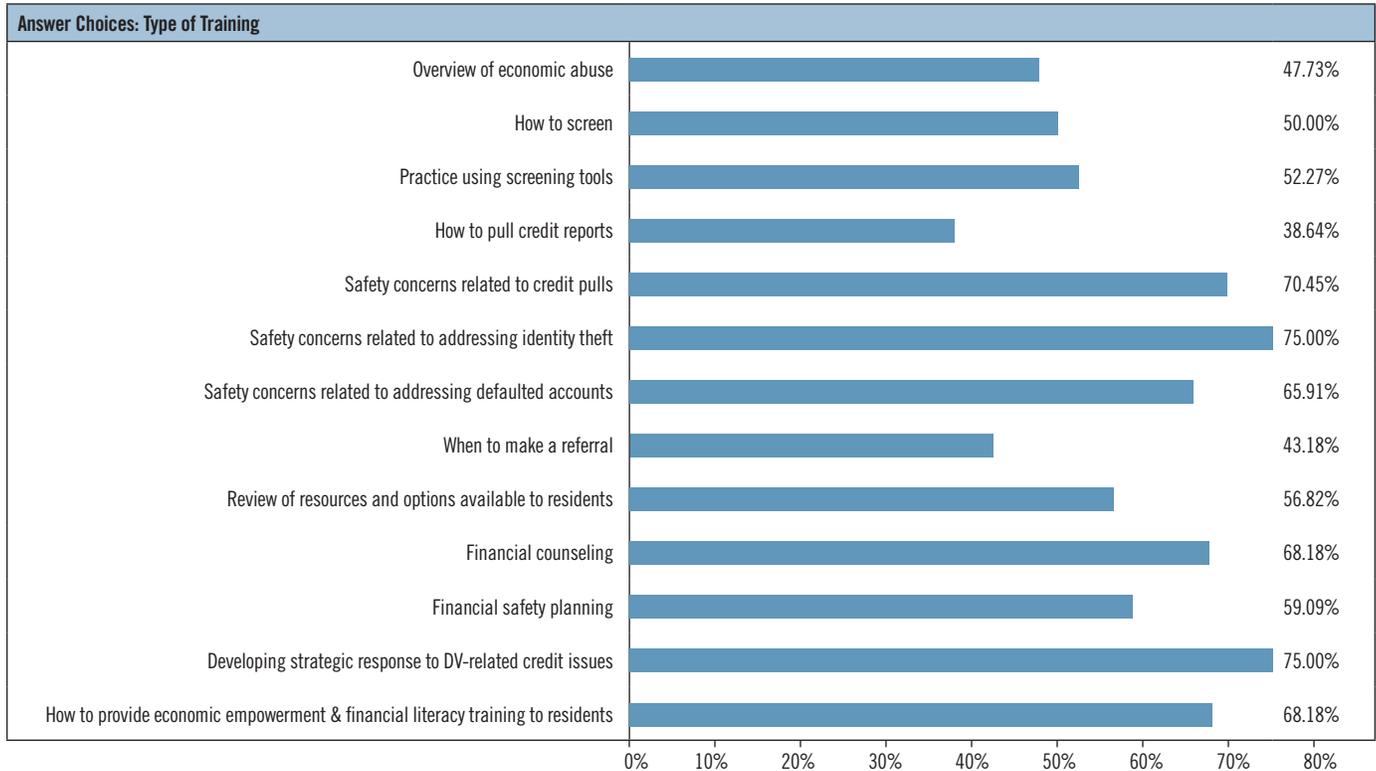
Staff overwhelmingly report that they would like more training in this area.

- 75 percent said they wanted to learn more about safety concerns relating to identity theft; the same percentage wanted help developing a strategic response to DV-related credit issues.
- Over half of respondents also wanted additional training on the resources and options available to residents.

16 Depending on the domestic violence survivor’s individual case, pulling a credit report can pose safety concerns. For example, some abusers access credit reports in order to ascertain the survivor’s physical location if he or she has relocated or review the report for a new place of employment. Doing so, of course, is illegal and violates the Fair Credit Reporting Act. 15 U.S.C. § 1681b(3) (Westlaw through Pub. L. No.115-140). The Domestic Violence and Consumer Law Working group has engaged in some advocacy with the Consumer Financial Protection Bureau related to these safety concerns. See *infra* Part II.F (discussing safety concerns surrounding credit reports).

FIGURE 7

Question 18: What training would most help you or your staff members in addressing residents' consumer issues? Please select all that apply.



Increased access to expert assistance in this area would be beneficial.

Nearly 40 percent of shelter staff respondents are unable to access expert legal consumer/credit assistance for their residents. The actual number is likely higher, since the respondents whom we reached with the survey through listservs are those most connected to the available resources. This is especially true since the majority of respondents were shelter directors/supervisors.¹⁷

66 percent of respondents said they wanted to be able to access legal services. Similar proportions reported wanting access to financial education, financial counseling, and economic empowerment and financial literacy training. One staff member shared her client's positive experience with DV CLARO, the limited-scope, shelter-based legal assistance and

referral project administered by the Working Group. Her account demonstrates the impact services in this area can have. Her client had fled from her abusive husband but when she began looking for an apartment, she found out that she was \$20,000 in debt due to the acts of her abuser. With the help of DV CLARO, the situation was resolved. The client is now working and was able to purchase her home.

Staff highlighted a lack of expertise and resources and the difficulty of obtaining credit reports for survivors as major obstacles.

The survey posed several open-ended questions, such as what limitations the shelters face in dealing with residents' consumer debt and credit needs. Ten respondents independently pointed to a lack of expertise, training, and resources, confirming our impressions. Eight respondents said that many clients have difficulty obtaining their credit reports, hindering their capacity to start the process. Others said that staff members lacked the time or availability

¹⁷ See *infra* Part V.B.

to help residents with these issues on top of their other responsibilities and demands. A few also pointed to a problem rooted in a common misconception: that their clients need money to improve their credit. In fact, consumer legal advocacy can be very effective in removing credit-related barriers to housing and employment.

Based on their experiences, respondents shared their recommendations to improve their ability to advocate for survivors in shelter.

When asked what supports would be most helpful in addressing the limitations faced by shelters to tackle residents' consumer debt and credit reporting needs, 20 respondents made suggestions along the same lines: increased access to legal services and financial counseling, whether through on-site services, online or phone referrals, or workshops. Six others hoped for additional training and supports for themselves. Others had suggestions for improving the quality of the consumer services available, including coordination

with mental health services; improving supervisors' understanding of clients' mindsets and limitations; and enhancing language and cultural competency.

Staff respondents also suggested various policy changes that would improve consumer/credit assistance for residents of domestic violence shelters, including:

- Not holding survivors liable for unpaid rent accrued after they fled the home;
- Exempting survivors from credit screening as they seek new housing;
- Clearing abuse-related credit accounts from survivors' credit history (similar sentiments were expressed by seven respondents);
- Eliminating the requirement of a police report to deal with abuse-related fraud and identity theft; and
- Increasing access to financial and consumer services, especially on-site services.

II. DISCUSSION

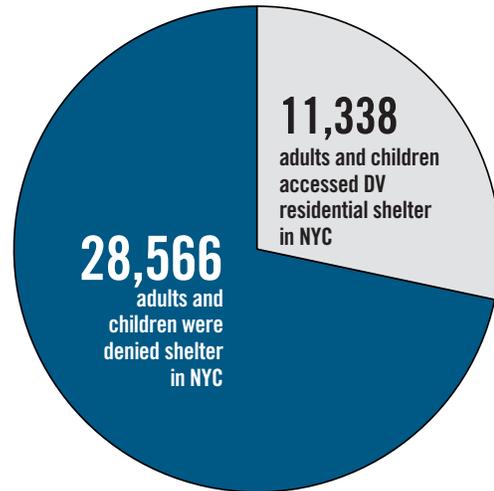
A. THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND HOMELESSNESS

Domestic violence is a leading cause of homelessness among women and women-headed households,¹⁸ with more than one in four families in New York City shelters becoming homeless because of domestic violence.¹⁹ Academic studies, too, have found that domestic or sexual violence was the immediate cause of homelessness for between 22 and 57 percent of homeless women.²⁰

The ability to secure financial essentials – like a job, housing, and insurance – is a key determinant of a survivor’s ability to escape domestic violence.²¹ In studies, domestic violence survivors who were forced to return to their abusers report that they were driven primarily by financial instability, including a lack of housing or the inability to obtain employment.²²

Though New York City provides its residents the guarantee of a right to shelter, it struggles to keep up with the demand, even for domestic violence survivors. In 2016, state-licensed domestic violence residential programs reportedly provided emergency shelter to roughly 5,500 adults and nearly 6,000 children, but were forced to deny emergency shelter to well over double that number.²³ Families that are unable to access the domestic violence shelter system frequently end up in the City’s family shelter system, which often does not provide domestic violence-specific services.

FIGURE 8



Source: N.Y. State Office for the Prevention of Domestic Violence

Even in domestic violence shelters, emergency stays are limited to 180 days, and in 2016, only 310 adults and 449 children were able to enter transitional housing for domestic violence survivors.²⁴ Survivors in shelter who are unable to secure permanent housing within the set six months have limited options: they may move into general population shelters, seek options from the non-traditional housing market, double up with friends or family, or return to their abusers. Rental assistance voucher programs are frequently available to those seeking permanent housing once they have been in a domestic violence shelter for 90 days, and in recent years, the City has introduced new rental subsidies and redoubled its efforts to help families and individuals transition from shelter to permanent, affordable housing. Still, these subsidies seldom fully meet the high rent costs in New York City, and the notoriously tight rental market²⁵ allows landlords greater selectivity in accepting tenants. Landlords often reject survivors attempting to leave shelters for various flawed reasons, including their imperfect credit, the focus of this report.

18 NATIONAL ALLIANCE TO END HOMELESSNESS, DOMESTIC VIOLENCE, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/domestic-violence/> (last visited Aug. 30, 2018) (reporting that “[r]esearch from a study in New York City indicates that one in five families experienced domestic violence in the five years before entering shelter[;] [a]mong families that reported domestic violence in the prior five years, 88 percent reported that it contributed to their homelessness “a lot”).

19 Mireya Navarro, *Domestic Violence Drives Up Shelter Population as Housing Options Are Scarce*, N.Y. TIMES, Nov. 10, 2014, <https://www.nytimes.com/2014/11/11/nyregion/domestic-violence-drives-up-new-york-shelter-population-as-housing-options-are-scarce.html>; Coalition for the Homeless, *Family Homelessness in NYC: City and State Must Meet Unprecedented Scale of Crisis with Proven Solutions 2* (Jan. 2017), http://www.coalitionforthehomeless.org/wp-content/uploads/2017/01/Family-Homelessness-1-2017_FINAL.pdf.

20 Leah A. Plunkett & Erika A. Sussman, *Consumer Rights Screening Tool for Advocates and Lawyers*, 45 CLEARINGHOUSE REV. 488, 489 (2012).

21 See generally Deborah K. Anderson & Daniel G. Saunders, *Leaving an Abusive Partner: An Empirical Review of Predictors, the Process of Leaving, and Psychological Well-Being*, 4 TRAUMA, VIOLENCE, & ABUSE 163, 185-186 (2003).

22 Dana Harrington Connor, *Financial Freedom: Women, Money and Domestic Abuse*, 20 WM. & MARY J. WOMEN & L. 339, 340 (2014).

23 N.Y. State Office for the Prevention of Domestic Violence, *New York State Domestic Violence Dashboard 4* (Oct. 2017), <http://www.opdv.ny.gov/statistics/nydata/2016/2016-dv-dashboard.pdf>.

24 *Id.*

25 In 2014, the vacancy rate in New York City for low-rent units was just 1.8 percent. Coalition for the Homeless, *supra* note 19, at 5.

B. FINANCIAL ABUSE AND DOMESTIC VIOLENCE

For many survivors the ability to secure financial essentials is compromised by a history of financial abuse, which often leaves them with significant debt burdens and poor credit histories.²⁶ Economic abuse is extremely common, with estimates ranging from 78 to as high as 99 percent of survivors impacted.²⁷ This abuse can take many forms, including blocking access to joint accounts, earnings, and financial information, such as tax filings; controlling the families' finances and disbursing a fixed allowance; taking out credit cards in a survivor's name or forcing him or her to take out credit; and interfering with employment.²⁸ Even after a survivor leaves, abusive ex-partners can continue causing harm by refusing to make payments as required in divorce judgments or using personal information to incur new, unauthorized debt.

Domestic violence victims are at a particularly high risk for becoming victims of identity theft, most frequently perpetrated by their abusers.²⁹ Current and former intimate partners often have access to their partner's personal identifying information, including all of the information required to fraudulently authorize a transaction or open a new line of credit – prior addresses, date of birth, social security number, driver's license number, passport number, checks, bank account numbers, familiarity with the partner's signature, and knowledge of the answers to security questions.³⁰ Abusers may also open a business in the victim's name and amass debts related to the business, file false

employment documents to increase business tax deductions, or use the children's personal information to open accounts.³¹

Abusers also often create coerced debt, a term coined by scholar Angela Littwin to encompass “all non-consensual, credit-related transactions that occur in a violent relationship.”³² Coercion has long been considered a key element of domestic violence, but in recent years, there has been increasing recognition of abusers using coercion to force victims to obtain credit, or using credit as a means of coercion.³³ Coerced debt involves abusers using violence or threats of violence to force survivors to use their credit for the abuser's benefit. Most often, the abuser physically takes the survivor's credit card, forces the survivor to open credit accounts, or forces the survivor to use existing accounts to make purchases for the abuser.

Our study found that about a third of survivors being served by The Legal Aid Society had a consumer debt action filed against them, with many more likely to have other credit or debt issues not yet in litigation.³⁴ Academic studies, too, have found that economic coercion is extremely common in abusive relationships, with multiple studies obtaining results similar to our own:

- A. In a survey of 103 female residents at domestic violence centers in a Midwestern state, 39 percent of respondents reported that her abuser had fraudulently obtained credit under her name to obtain a house, car, and/or credit card; 51 percent said the abuser had deliberately damaged her credit by obstructing bill-paying; and 59 percent described fraudulent unauthorized use of credit by the abuser, such as running up credit cards or phone bills in the victim's name.³⁵
- B. In another study, 457 female survivors of intimate partner violence were surveyed on the types of abuse they had endured. 37.8 percent said the abuser had built up

26 Intimate partner violence is one of the most-studied forms of domestic violence, and so in this report we chose to focus on economic abuse that occurs in that context. However, economic abuse can and frequently does occur in an array of other kinds of abusive intimate relationships that are also characterized by coercion and control. In fact, in our work, we have observed that these kinds of intra-familial abuses are becoming more prevalent: we see economic abuse committed by parents against children, by children against their elder parents, by in-laws against their children's spouses, and by one sibling against another. We hope that our focus on intimate partner economic abuse serves as a lens on this important issue in the present, but that future work expands research and services in this area to help survivors of all kinds of economic abuse.

27 Adams et al., *supra* note 7, at 580; Postmus et al., *supra* note 7, at 419.

28 NAT'L NETWORK TO END DOMESTIC VIOLENCE, ABOUT FINANCIAL ABUSE, *supra* note 8; NAT'L NETWORK TO END DOMESTIC VIOLENCE, ABOUT ABUSE: FINANCIAL ABUSE, *supra* note 8.

29 See Paula Pierce, Office for Victims of Crime Training and Technical Assistance Center, *Identity Theft 4* (2012), http://www.ncdsv.org/images/OVCTTAC_IdentityTheftResourcePaper_2012.pdf.

30 *Id.* at 4-6.

31 NAT'L NETWORK TO END DOMESTIC VIOLENCE, ABOUT ABUSE: FINANCIAL ABUSE, *supra* note 8.

32 Angela Littwin, *Coerced Debt: The Role of Consumer Credit in Domestic Violence*, 100 CALIF. L. R. 951, 954 (2012).

33 See, e.g., NAT'L COALITION AGAINST DOMESTIC VIOLENCE, ECONOMIC ABUSE FACT SHEET, http://www.uncfsp.org/projects/userfiles/File/DCE-STOP_NOW/NCADV_Economic_Abuse_Fact_Sheet.pdf.

34 See *supra* Part I.A.

35 Adams et al., *supra* note 7, at 576.

debt under her name, 70.6 percent said the abuser had kept financial information from her, and 55.2 percent said the abuser paid bills late or did not pay them at all.³⁶

- C. Analyzing a sample of 258 bankruptcy filers, researchers found that survivors of physical and sexual violence made up a disproportionately high percentage of the sample: 17.8 percent.³⁷

These actions have devastating consequences for survivors. They may be sued in New York City's Civil and Supreme Courts; because most lack representation or even proper notice of the lawsuit, these cases often result in judgments that allow creditors to garnish survivors' wages or freeze their bank accounts, depriving them of funds vital to establish a life free from abuse. Even without a lawsuit, these debts pile up on survivors' credit reports, lowering their credit scores³⁸ and hindering their ability to secure safe, stable housing, as well as access to necessities like utilities, insurance and future credit.

Unfortunately, as our survey responses show, many survivors do not discover identity theft until long after the relationship has ended, or at critical moments when they are suddenly negatively impacted by the identity theft.³⁹ Working Group members have seen this manifest in various ways. For example, false wage information might make a victim appear ineligible for Medicaid. Or a survivor may finally start a new job, only to find their wages immediately garnished based on a judgment they did not know existed. A poor credit history or rental history, even if directly related to the abuse, can result in an apartment denial. Even when a survivor is accepted for an apartment, a past due utility bill they thought their abuser was paying can keep them from initiating service unless they make a down payment they often cannot afford.

A poor credit score can also bar survivors from being approved for a credit card or car loan, forcing them to turn to subprime lenders charging exorbitant interest rates.⁴⁰ A study about how domestic violence survivors participate in the economy found a strong statistical correlation between abuse and participation in what the author calls the "institutionalized informal economy," including payday lenders and pawn shops.⁴¹ Survivors, the author suggested, "may be especially vulnerable to the predatory practices of the institutionalized informal economy."⁴²

In addition to debts created during the relationship, survivors who had limited or no access to funds before fleeing may incur debt as they struggle to exit their abusive relationship safely. For survivors who were denied access to household finances during the relationship and leave without any money of their own, even the cost of a bus ticket can be prohibitively expensive. After fleeing, these survivors may rely on credit to meet their necessities as they try to find steady employment, often a daunting task when survivors must simultaneously request time off for court appearances, explain spotty work histories, and potentially face credit checks by prospective employers.

C. BROADER ISSUES WITH CREDIT SCORING

The consequences of financial abuse are exacerbated by issues with credit scores in general.

Credit reports are often riddled with errors; a 2012 Federal Trade Commission study reported that about one in four consumers identified errors on their credit reports that might affect their credit scores.⁴³ Indeed, after ongoing issues meeting the legal requirements for accuracy in reporting judgments and tax liens, the three major credit

36 Amanda Mathisen Stylianou et al., *Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?*, 28 J. INTERPERSONAL VIOLENCE 3186, 3196 (2013).

37 Littwin, *supra* note 32, at 963.

38 *Id.* at 958, 1001 (explaining that the 55 domestic violence advocates whom the author interviewed "overwhelmingly reported damage to their clients' credit scores").

39 App. A, Question 12 (asking "[h]ow do residents typically discover that they have judgments or negative credit histories?"; 24 percent reported that residents sometimes or often discovered this from frozen bank accounts, 62 percent reported that residents sometimes or often discover this after being rejected for housing, and 17 percent reported that residents sometimes or often discover this from wage garnishment). *See also id.*, Question 14 (when asked "[a]pproximately how many residents have negative credit history due to domestic violence?"; 64 percent of respondents said some, 20 percent said most, and 7 percent said nearly all).

40 U. S. Dep't of Housing and Urb. Dev., *Subprime Lending and Alternative Financial Service Providers: A Literature Review and Empirical Analysis*, II-38 (Feb. 2006), <https://www.huduser.gov/Publications/pdf/sublending.pdf>.

41 Loretta Pyles, *Economic Well-Being and Intimate Partner Violence: New Findings about the Informal Economy*, 33 J. SOCIOLOGY & SOC. WELFARE 101, 112-13 (Sept. 2006).

42 *Id.* at 120. Fortunately, payday lending is illegal in New York State. N.Y. Gen. Oblig. L. § 5-501.

43 A 2012 study by the Federal Trade Commission found that about one in four consumers identified errors on their credit reports that might affect their credit scores. Fed. Trade Comm'n, *Report to Congress Under Section 310 of the Fair and Accurate Credit Transactions Act of 2003* i (Dec. 2012), <https://www.ftc.gov/sites/default/files/documents/reports/section-319-fair-and-accurate-credit-transactions-act-2003-fifth-interim-federal-trade-commission/130211factareport.pdf>.

FIGURE 9



reporting bureaus ceased including these line items on their reports in July 2017.⁴⁴ Despite this change, errors persist. Our experiences suggest survivors of domestic violence encounter even more incorrect and fraudulent information on their reports than the general population, especially given the problem of coerced debt.

Credit scores also reflect deeply embedded social inequality. They are associated closely with income and racial disparities, and numerous studies over the past two decades have consistently found that African-American and Latino communities tend to have lower credit scores than white and Asian-American communities.⁴⁵

44 AnnaMaria Andriotis, *Credit Reports to Exclude Certain Negative Information, Boosting FICO Scores*, WALL ST. J., Mar. 12, 2017, <https://www.wsj.com/articles/credit-reports-to-exclude-certain-negative-information-boosting-fico-scores-1489338002>.

45 See, e.g., NYC Comptroller Scott M. Stringer, *Making Rent Count: How NYC Tenants Can Lift Credit Scores and Save Money* 32 (Oct. 2017), <https://comptroller.nyc.gov/wp-content/uploads/documents/Rent-and-Credit-Report.pdf> (citing a 2007 Federal Reserve Board report that maintained that, according to their model, the mean credit score of African-American consumers was approximately half of white, non-Latino consumers); Nat'l Consumer L. Ctr., *Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination* 1, 5-7 (May 2016), https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf; Consumer Financial Protection Bureau, *Analysis of Differences between Consumer- and Creditor-Purchased Credit Scores* 36 (Sept. 2012), https://files.consumerfinance.gov/f/201209_Analysis_Differences_Consumer_Credit.pdf (finding that the median FICO credit score for consumers living in majority minority areas was in the 34th percentile, while consumers living in low-minority areas had median FICO scores in the 52nd percentile).

Here in New York City, the Office of the Comptroller recently reported that in communities where the average credit score is below 630, the populations were more than 90 percent African-American and Latino, with an average annual income of \$34,500.⁴⁶ In communities with mean credit scores of 700 or above, the average income was \$52,500 and the populations were more than 60 percent white.⁴⁷

These differences reflect existing disparities in income, access to affordable credit, and access to economic opportunities. As a result, for many domestic violence survivors who experience marginalization along multiple axes – such as those who are also low-income or people of color – their credit scores may be even less reflective of their true “creditworthiness.”

D. THE ABUSIVE CONSUMER DEBT COLLECTION INDUSTRY

Survivors dealing with debt related to domestic violence are also vulnerable to the generally abusive and deceptive practices pervading the debt collection industry that have allowed creditors to obtain default judgments against consumers for fraudulent or unsubstantiated debts.

In New York and elsewhere, debt collectors have a history of intentionally failing to serve process.⁴⁸ They thereby obtain high rates of default judgments and streamline the path to enforcement without ever notifying the consumer of the lawsuit. The effects are particularly pernicious for communities of color: an investigation by ProPublica found that even controlling for income, the rate of judgments in debt collection lawsuits was twice as high in mostly black communities as compared to white ones.⁴⁹ This practice became so common and so egregious in New

46 NYC Comptroller Scott M. Stringer, *Making Rent Count*, *supra* note 45, at 5, 31.

47 *Id.* at 31.

48 See The Legal Aid Soc'y et al., *Debt Deception: How Debt Buyers Abuse the Legal System to Prey on Lower-Income New Yorkers* 6 (May 2010), <http://mobilizationforjustice.org/wp-content/uploads/reports/DEBT-DECEPTION.pdf>.

49 ProPublica, *The Color of Debt: How Collection Suits Squeeze Black Neighborhoods* (Oct. 8, 2015), <https://www.propublica.org/article/debt-collection-lawsuits-squeeze-black-neighborhoods> (“ProPublica’s analysis found that majority black neighborhoods were hit twice as hard by the court judgments as majority white neighborhoods, even when adjusting for differences in income.”).

York State that it has been the subject of new regulations,⁵⁰ numerous court directives,⁵¹ criminal actions by the state attorney general,⁵² and a recently settled federal class action case.⁵³

Creditors often file these lawsuits despite a lack of documentation or proof of the accounts they seek to collect. Debt buyers purchase debts from original creditors for pennies on the dollar, without the underlying documentation or original account information, without guarantees as to accuracy, and under contracts that limit the buyer's right to obtain additional information about the debt.⁵⁴ Instead, debt buyers attempt to rely on questionable evidence, such as affidavits that may have been manufactured for litigation, to prevail in these cases and obtain judgments.⁵⁵ They are often unable to substantiate their claims when pressed.⁵⁶

Many original creditors perpetrate equally deceptive practices. Chase, for example, has a history of taking procedural shortcuts, keeping faulty records, destroying documents

helpful to consumers, including proofs of customer payments, and suing consumers for inaccurate amounts and/or for debts they did not owe.⁵⁷ It ceased filing debt collection claims in 2011.⁵⁸ Citibank, N.A., too, was accused by the Consumer Financial Protection Bureau of overstating the annual percentage rate (APR) on accounts it sold to debt buyers, resulting in inflated balances, and failing to provide debt buyers with account documentation corresponding to sold accounts.⁵⁹

Debt buyers frequently report these unsubstantiated debts to the Credit Reporting Agencies ("CRAs"). For survivors, both disputing reported debts and defending a consumer debt lawsuit can be particularly challenging. Survivors often move several times before establishing a safe, permanent home, making proper notice of a lawsuit and service of process even more unlikely than for other litigants. Even when they have notice, survivors risk re-traumatization by the court process. They may be hesitant to appear in court if the abuser is a joint debtor who may also appear in the case, or if the survivor is being sued in a borough from which he or she fled abuse. They may also struggle substantively because they lack access to financial records that could help them verify or disprove account information and important facts.

E. POOR CREDIT AS A BARRIER TO HOUSING AND OTHER NECESSITIES

Our survey confirmed that as a result of negative credit histories and the lack of resources to help improve them, many domestic violence survivors, including those with housing subsidies, face challenges in qualifying for housing that is appropriate, safe, and affordable.⁶⁰

Despite the problems with credit reports, landlords and their agents routinely run credit checks on potential tenants to determine whether they will offer a lease, or even whether

50 See N.Y. State Dept of Fin. Services, 23 N.Y.C.R.R. 1 (2017) (Debt Collection by Third-Party Debt Collectors and Debt Buyers), <http://www.dfs.ny.gov/legal/regulations/adoptions/dfs23t.pdf>.

51 See N.Y. State Unified Court System, *RULES – Consumer Credit Reform: New Consumer Credit Rules and Resources*, <https://www.nycourts.gov/rules/ccr/> (last visited Aug. 30, 2018).

52 See, e.g., Press Release, N.Y. State Office of the Attorney General, The Attorney General's Enforcement Actions (Apr. 14, 2009), <https://ag.ny.gov/debt-settlement/attorney-generals-enforcement-actions> ("announc[ing] criminal charges against Long Island-based American Legal Process ("ALP") and its CEO and President William Singler for a fraudulent business scheme in which the company allegedly failed to provide proper legal notification to thousands of New Yorkers facing debt-related lawsuits, causing them unknowingly to default and have costly judgments entered against them without the chance to respond or defend themselves").

53 *Sykes v. Mel S. Harris & Associates LLC*, 780 F.3d 70 (2d Cir. 2015).

54 David C. Vladeck, *Debt's Dilemmas: ACCI's Annual Colston Warne Lecture*, 47 J. CONSUMER AFFAIRS 358, 360-61 (2013). A 2013 study by the Federal Trade Commission found that fewer than 50 percent of the debt buyers studied received the name of the original creditor, fewer than 40 percent had information on the account's finance charges and fees, and only 35 percent knew the date of the alleged default. Mary Spector, *Where the FCRA Meets the FDCPA: The Impact of Unfair Collection Practices on the Credit Report*, 20 GEO. J. ON POVERTY L. & POL'Y 479, 493 (2013) (citing Fed. Trade Comm'n, *The Structure and Practices of the Debt Buying Industry* 44-49 (2013), <https://www.ftc.gov/sites/default/files/documents/reports/structure-and-practices-debt-buying-industry/debtbuyingreport.pdf>).

55 Spector, *supra* note 54, at 493.

56 Robert Martin, District Council 37 Municipal Employees Legal Services, *Where's The Proof? When Debt Buyers are Asked to Substantiate Their Claims in Collection Lawsuits Against NYC Employees and Retirees, They Don't* 3 (Dec. 2009), https://www.dc37.net/wp-content/uploads/benefits/health/pdf/MELS_proof.pdf (finding that debt buyers were unable to substantiate their claims in 94.5 percent of cases reviewed).

57 Jeff Horwitz, *JPM Chase Quietly Halts Suits Over Consumer Debts*, AM. BANKER (Jan. 24, 2012).

58 *Id.* (detailing investigation of Chase by the federal Office of the Comptroller of the Currency).

59 The CFPB and Citibank entered into a consent order detailing these allegations. Consent Order, In re Citibank, N.A. (2013-CFPB-2003, Feb. 23, 2016), https://files.consumerfinance.gov/f/201602_cfpb_consent-order-citibank-na.pdf.

60 See App. A, Questions 7-11.

they will allow the individual to fill out an application.⁶¹ Because housing programs typically do not cover the entirety of market rent for a family-sized apartment, even a survivor with a voucher must get past such a check in order to get an apartment. A landlord's screening process typically includes ordering a traditional report from the big three CRAs (Experian, Equifax, and TransUnion) and often also includes ordering a report from a Tenant Screening Bureau ("TSB").

Tenant screening reports, which tell the landlord if the potential tenant has ever been sued in housing court, are even more problematic, because they provide incomplete, out of date, and frequently inaccurate information. Typically, a tenant screening report only shows that a case was filed and rarely includes additional details. Thus, even if the tenant was sued after fleeing the apartment for safety reasons or for legally withholding rent for necessary repairs, was improperly sued for a meritless holdover or nonpayment claim, or otherwise ultimately prevailed in the case, these reports can damage the applicant's chances of getting into a new apartment. In a class action case against one of the country's major TSBs, one judge opined that the TSB had "seized upon the ready and cheap availability of electronic records to create and market a product that can be, and probably is, used to victimize blameless individuals. The problem is compounded by the fact that the information available to defendants . . . is sketchy in the best of cases and inaccurate and incomplete in the worst."⁶²

Under the Fair Credit Reporting Act, CRAs, including TSBs, must provide a free copy of its report on a consumer who experiences an adverse action due to their report.⁶³ However, while landlords are required to notify applicants that they use a tenant screening report,⁶⁴ they often do not disclose to applicants the reason for rejection. Other landlords may screen applicants before even offering them an application, and so do

not ever provide an adverse action notice. Additionally, with nearly 650 TSBs in the United States providing reports,⁶⁵ with information that may be different or incorrect, it is nearly impossible for consumers to ensure the accuracy of the report used by every landlord to whom they apply.

Poor credit is often a barrier to even government-subsidized housing, though recent federal and state efforts attempt to mitigate this. Recognizing that access to safe housing is critical for ensuring a survivor's continued safety after leaving, the Violence Against Women Reauthorization Act of 2013 ("VAWA 2013") expanded housing protections for survivors of domestic violence. In 2016, the United States Department of Housing and Urban Development ("HUD") issued final regulations implementing these protections that clarify that covered housing programs cannot deny applicants or terminate tenant assistance for poor credit, rental, or eviction history directly related to domestic violence (the "Final Rule").⁶⁶ The Final Rule further details various ways for survivors to prove they have experienced abuse, including by submitting a statement from a third-party service provider or a self-certification form. While limited to specific types of housing programs, such regulations help to open housing options for domestic violence survivors who are struggling to mitigate the credit consequences of financial abuse. A number of federally-subsidized housing programs in New York City are still implementing the Final Rule, and as they do, it is critical that they implement proof requirements that are not unduly burdensome and restrictive.

Poor credit, as our survey showed, is also a barrier to other necessities.⁶⁷ Although pre-employment credit checks are for

61 See, e.g., Jim Rendon, *You Say You're a Dream Renter? Prove It.*, N.Y. TIMES, July 15, 2011, <http://www.nytimes.com/2011/07/17/realestate/prospective-renters-have-much-to-prove-to-landlords.html>.

62 *White v. First American Registry, Inc.*, No. 04 Civ. 161, 2007 U.S. Dist. LEXIS 18401, **3-4 (S.D.N.Y. Mar. 7, 2007).

63 Fair Credit Reporting Act, 15 U.S.C. § 1681m(a) (Westlaw through Pub. L. No. 115-140).

64 20 N.Y.C. Admin. Code § 20-808 (Tenant Screening Report Disclosure).

65 THE N.Y. STATE BAR ASS'N, *THE USE OF TENANT SCREENING REPORTS AND TENANT BLACKLISTING* 7 (2015) (on file with authors).

66 24 C.F.R. § 5.2005(b)(1) (2018), WL 83 CFR 17316; see also 81 Fed. Reg. 80,724, 80,729 (Nov. 16, 2016) (to be codified at 24 C.F.R. Part 5) ("HUD interprets VAWA to prohibit covered housing providers from denying admission to, denying assistance under, terminating a tenant from participation in, or evicting a tenant from housing as a result of factors directly resulting from the domestic violence, dating violence, sexual assault, or stalking. Where an individual faces adverse economic factors, such as a poor credit or rental history, that result from being a victim of domestic violence, dating violence, sexual assault, or stalking, the individual cannot be denied assistance under a HUD program if the individual otherwise qualifies for the program.")

67 See App. A, Question 13 ("How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit?"; respondents reported that residents sometimes, often, and very often had difficulty accessing student loans (61 percent), bank accounts (64 percent), and employment (62 percent)).

the most part illegal in New York City, certain employers may run them for certain specified jobs, and they remain legal throughout the rest of New York State.⁶⁸ A negative credit history can also result in the denial of credit – whether for utility service, a credit card, a private student loan, a car, or furniture – or it can be the reason an applicant is only offered a high, unaffordable interest rate. As the Office of the Comptroller observed:

*“From housing to finance, an individual’s credit score can be the deciding factor between being denied a loan or securing a good rate, or between having a rental application rejected or put at the top of the pile. In short, a low credit score condemns an individual to worse loan terms, pricier credit cards and insurance policies, and higher utility bills.”*⁶⁹

F. CONSUMER LAW NEEDS OF SURVIVORS

Because of the complexity of financial abuse, the consequences can be difficult for survivors to remedy on their own. In theory, the law should treat coerced debt and intimate partner identity theft no differently from other types of credit fraud and identity theft. Yet while advocates can often help address intimate partner identity theft under the existing legal framework, the legal status of coerced debt is more complicated. The concept is frequently rejected by creditors, courts and police officers, who often subscribe to the outdated and misguided idea that a couple is one

financial unit with the right to use each other’s information to obtain debt and credit.⁷⁰ This is not true: the use of personal information to open credit in someone’s name without their knowledge or permission – even by a legal spouse – is identity theft. Many survivors who are victims of intimate partner identity theft fail to assert the defense because they do not understand that this is a crime. Legal advice and representation is therefore especially critical for survivors of domestic violence to defeat a consumer debt action.

Beyond litigation, financial abuse can damage survivors’ credit and pose continuing risks to their safety.⁷¹ These ramifications are time-consuming and difficult for consumers to remedy on their own.⁷² In particular, for victims of financial abuse, “rehabilitating a credit report is a complex undertaking that requires intensive individual advocacy.”⁷³

Even the initial step of obtaining credit reports can be daunting and dangerous for survivors. Consumers must provide personal information to prove their identity to a CRA. For safety reasons, survivors often keep their current address confidential, and survivors residing in domestic violence shelters are not permitted to disclose these confidential locations. If they must reveal it to the CRA, the address will then appear on the credit report. A savvy abuser can then illegally access that report and track the survivor down. Additionally, having experienced tremendous instability in the aftermath of leaving an abusive relationship, many survivors are unable to recall all of their addresses, or have moved to a different address than is associated with their credit file, which makes pulling their credit reports difficult and sometimes impossible. They may also struggle

68 N.Y.C., N.Y., The Fair Chance Act, Local Law No. 63 (2015); *see also* NYC COMMISSION ON HUMAN RIGHTS, CREDIT CHECK LAW: FREQUENTLY ASKED QUESTIONS, <https://www1.nyc.gov/site/cchr/media/credit-check-law-frequently-asked-questions.page> (last visited Aug. 30, 2018).

69 Press Release, NYC Comptroller Scott M. Stringer, *Comptroller Stringer Proposal Would Allow Residents to Add Rent Data to Credit Histories and Boost Scores for Hundreds of Thousands of New Yorkers* (Oct. 23, 2017), <https://comptroller.nyc.gov/newsroom/press-releases/comptroller-stringer-proposal-would-allow-residents-to-add-rent-data-to-credit-histories-and-boost-scores-for-hundreds-of-thousands-of-new-yorkers/>.

70 *See* Littwin, *Coerced Debt*, *supra* note 32, at 954. In the experience of Working Group members, intimate partner identity theft and coerced debt have not yet been widely accepted by creditors, courts, and police officers. This misconception is sometimes applied in the context of intra-familial economic abuse. Angela Littwin, *Escaping Battered Credit: A Proposal for Repairing Credit Reports Damaged by Domestic Violence*, 161 U. PENN. L. REV. 363, 392 (Jan. 2013).

71 *See, e.g.*, ELECTRONIC PRIVACY INFORMATION CENTER, IDENTITY THEFT AND DOMESTIC ABUSE, https://epic.org/privacy/dv/identity_theft.html (last visited Aug. 30, 2018) (observing that, for example, an abuser can use a survivor’s credit report to track her addresses and attempts to obtain credit, and use this information for surveillance, stalking, or harassment).

72 According to a 2016 survey of identity theft victims conducted by the Identity Theft Resource Center, 61.1 percent of identity theft victims estimated they spent over 40 hours clearing up their identity theft case. Identity Theft Resource Ctr., *Identity Theft: The Aftermath* 38 (2016), https://www.idtheftcenter.org/images/page-docs/AftermathFinal_2016.pdf.

73 Littwin, *Coerced Debt*, *supra* note 32, at 1003.

to answer the identification questions posed by CRAs in issuing such reports,⁷⁴ because details were withheld by the abuser, or because the questions may concern accounts the survivor does not know exist. Perversely, many of these issues mean that an abuser may be able to order a survivor's credit report and use it to keep tabs on his or her whereabouts and activities.⁷⁵

Addressing identity theft can be a maddening process that often fails to provide a lasting resolution. Despite federal law providing that CRAs must block accounts resulting from identity theft from individual credit reports,⁷⁶ CRAs often simply ignore disputes. If they do respond, the dispute process is lengthy, mostly automated, and often requires persistent and voluminous documentation, including police reports or affidavits.⁷⁷ Police reports in particular are often impossible for survivors to obtain: many New York City police precincts refuse to take police reports for identity theft victims, especially when the survivor does not have the account documentation or a copy of his or her credit report. As a further challenge for survivors, marital status is often used, illegally, as a basis to deny police reports when the perpetrator was a spouse.

74 In order to access a credit report online, users must answer a series of security questions about their history, including past accounts, past residences, and more.

75 The Domestic Violence and Consumer Law Working Group has raised these and other policy concerns with the federal Consumer Financial Protection Bureau.

76 15 U.S.C. § 1681c-2 (Westlaw through Pub. L. No. 115-140).

77 Littwin, *Escaping Battered Credit*, *supra* note 70, at 384-89.

Multiple letters and complaints to CRAs are typically required, and sometimes even litigation.⁷⁸ Creditors, too, may be unsympathetic and lack procedures for dealing with domestic violence related debt: in one study, researchers called the customer service numbers of 20 major credit card companies and found that none could identify any such policy.⁷⁹

As a result, the accepted best practice is for survivors to pull and review their credit reports as soon as possible after leaving an abusive relationship. With the help of an advocate, they can then begin disputing inaccurate or fraudulent accounts and removing errors from their credit reports, which is typically a lengthy process. A survivor's credit could thereby improve significantly by the time they are actively seeking permanent housing. In practice, because of the myriad issues survivors face when they enter the shelter system and the limited resources and training of most shelter staff, this step is often taken only once the survivor has started applying for housing and has been denied. Delayed screening and action on consumer issues for survivors further prolong the survivor's ability to secure safe, affordable, permanent housing.

78 *Id.* at 384 n.133 (citing "*Konter v. CSC Credit Servs., Inc.*, 606 F. Supp. 2d 960, 965 (W.D. Wis. 2009) (describing how the plaintiff and his lawyer filed five dispute letters before his twin sister's information was removed from his credit report); *Saenz v. TransUnion, L.L.C.*, 621 F. Supp. 2d 1074, 1078-79 (D. Or. 2007) (noting that the plaintiff filed two disputes and a lawsuit before false information was corrected)"); *see also* CHI CHI WU & ELIZABETH DE ARMOND, NAT'L CONSUMER LAW CENTER, *FAIR CREDIT REPORTING* § 4.5.1.1 at 156 (7th ed. 2010) ("Consumers often are forced to file multiple disputes, then file litigation, before their credit reports are corrected.").

79 Christine Kim, *Credit Cards: Weapons for Domestic Violence*, 22 DUKE J. GENDER L. & POL'Y 281, 294 (2015).

III. CAPACITY AND LEGAL SERVICES GAPS

Despite the impact of financial abuse on credit and the impact of poor credit on survivors' housing search, our survey reveals a significant gap in services in this area persists, preventing many survivors from connecting with the resources they critically need to exit shelter and become financially self-sufficient.⁸⁰ While many providers specialize in domestic violence or in economic empowerment or in consumer law, few have the resources to proactively screen, build the expertise necessary to make targeted referrals, or achieve a final positive outcome for survivors with negative credit histories.

Over the last several years, New York City has demonstrated a commitment to reducing and preventing domestic violence and to supporting survivors. On the ground, the City funds 47 emergency shelters for domestic violence survivors, plus seven transitional shelters with apartment-style units. Many other organizations also provide non-residential services to domestic violence survivors.⁸¹ In 2001, the City chartered the Mayor's Office to Combat Domestic Violence ("OCDV"), which is charged with "coordinating the delivery of Citywide domestic violence services and formulating policies and programs related to the prevention of domestic violence and raising awareness about domestic violence."⁸² In particular, OCDV operates the New York City Family Justice Centers ("FJCs"), which provide social services, advocate training, civil legal services, and criminal justice assistance for survivors, all in one location in each of the five boroughs. In 2016, OCDV expanded the legal services available at FJCs by bringing in housing lawyers to provide assistance onsite. The FJCs have previously partnered with local experts to provide training on New York's financial family offenses and other consumer issues. At the time of publication, OCDV and the Working Group have begun a new initiative to integrate consumer law trainings into the regularly offered advanced core training series in all five boroughs.

A. FEASIBILITY OF ECONOMIC ADVOCACY BY DOMESTIC VIOLENCE SERVICE PROVIDERS

The City's FJCs host economic empowerment specialists,⁸³ as do a number of domestic violence service providers. Depending on the organization, these specialists assist clients with a range of financial issues, including budgeting, applying for and managing public benefits, job training, financial literacy education, obtaining and reviewing credit reports, non-litigation advocacy related to credit reporting, and/or negotiation with creditors and debt collectors. Economic empowerment specialists are key to helping clients identify, understand, and address the consequences of financial abuse. Even across the most robust programs, there is little uniformity in training or resource building. Advocates have reported frustration with the financial literacy resources currently available to them that miss the mark on what their client populations need – often focusing too much on budgeting and saving when their clients are unable to even make ends meet.

Our survey showed that other advocates – like case managers, housing specialists, and social workers – also provide some level of assistance relating to financial, debt and credit issues. Many report that they pull credit reports, but were not asked how frequently they did so, and the majority said they provide referrals.⁸⁴ However, as our survey made clear, many domestic violence service providers and advocates lack expertise in debt and credit-related issues and are not able to rigorously screen clients to ascertain their consumer legal needs. Among domestic violence attorneys, funding is specifically intended for family and/or immigration law matters, and thus these programs are generally restricted from taking consumer cases even if they have the proper knowledge and training.

Nevertheless, even without dedicated government funding, some domestic violence shelter providers have increased their capacity to address the wide-ranging collateral damage

80 See App. A, Questions 19, 20 (asking about respondents' ability to access expert legal consumer/credit assistance for shelter residents and the types of assistance they would like to be able to access).

81 According to the New York City Mayor's Office to Combat Domestic Violence, 230 organizations report that they provide domestic violence related services in New York City. See Mayor's Office to Combat Domestic Violence, *Mayor's Office to Combat Domestic Violence Resource Directory*, NYC OPENDATA (Dec. 27, 2017), <https://data.cityofnewyork.us/Social-Services/Mayor-s-Office-to-Combat-Domestic-Violence-Resourc/2fws-68t6> (updated Jan. 10, 2018).

82 NYC Charter, § 19 (office to combat domestic violence), http://www.nyc.gov/html/records/pdf/section%201133_citycharter.pdf.

83 Depending on the agency or site, these advocates may hold the title of Financial Empowerment Specialist, Economic Empowerment Specialist, Financial Coach, or Financial Counselor.

84 See App. A., Question 15 (57 percent of respondents reported that their shelter provided financial education; 48 percent of respondents reported that their shelter provided financial counseling; and 75 percent of respondents reported that their shelter pulled credit reports for residents).

residents experience as a result of economic abuse and in some cases have made it a priority. The Domestic Violence Economic Justice (“DVEJ”) Task Force and its Financial Development Subcommittee developed a financial safety planning screening tool, based on best practices, with technical assistance from The Financial Clinic, which they distributed among their group of residential and non-residential domestic violence service providers. The extent to which shelter providers are able to incorporate these resources into practice varies depending on the size and sophistication of the nonprofit organization. Only larger providers tend to be able to fundraise for dedicated, trained staff to focus in this area. However, even these staff members are often overwhelmed with large caseloads.

Moreover, multiple challenges exist in fully integrating economic abuse issues into shelter practice – from screening and case management through counseling, advocacy, and aftercare. First, during the initial shelter period, many clients are recovering from severe trauma. Second, the work with shelter residents is often crisis-driven, making it a challenge for both staff and residents to focus on medium- and longer-term issues such as consumer debt, identity theft, and credit reporting. Finally, the imperative to find housing and exit shelter places great pressure on staff, often at the expense of other social and legal service needs.

Among shelter operators, awareness of the prevalence and devastating impact of economic abuse has also grown. Despite this progress, best practices in this area have not been broadly adopted and integrated into shelter practice and capacity to do so is limited by multiple constraints, including expertise and staffing resources.

B. THE CAPACITY OF CONSUMER LEGAL ADVOCATES

While economic empowerment specialists and case managers play a critical role for domestic violence survivors, they are non-legal advocates and by their very nature they cannot help clients resolve all their debt and credit issues, particularly the most complex ones involving intimate partner identity theft and coerced debt. Ideally, legal services attorneys pick up these cases where the work of a financial

specialist ends. Most frequently, attorney advocates will represent survivors in current debt collection litigation, or in actions to vacate a prior default judgment that has caused a bank restraint or wage garnishment.

Attorneys can also analyze a survivor’s student loan situation and help the client discharge the loan, obtain an affordable payment plan, or prevent the interception of much needed tax refunds. When necessary, attorneys represent survivors in bankruptcy proceedings, ensuring that they are successful in obtaining the fresh financial start they need without jeopardizing their safety. For survivors who have experienced intimate partner identity theft, an attorney can help to dispute the accounts with both the creditors and the CRAs, file reports with the Federal Trade Commission or other law enforcement entities, and analyze the facts for potential affirmative claims against the CRAs if they do not properly respond to the dispute. For extreme cases, attorneys may be able to help survivors to change their social security numbers to prevent future identity theft.

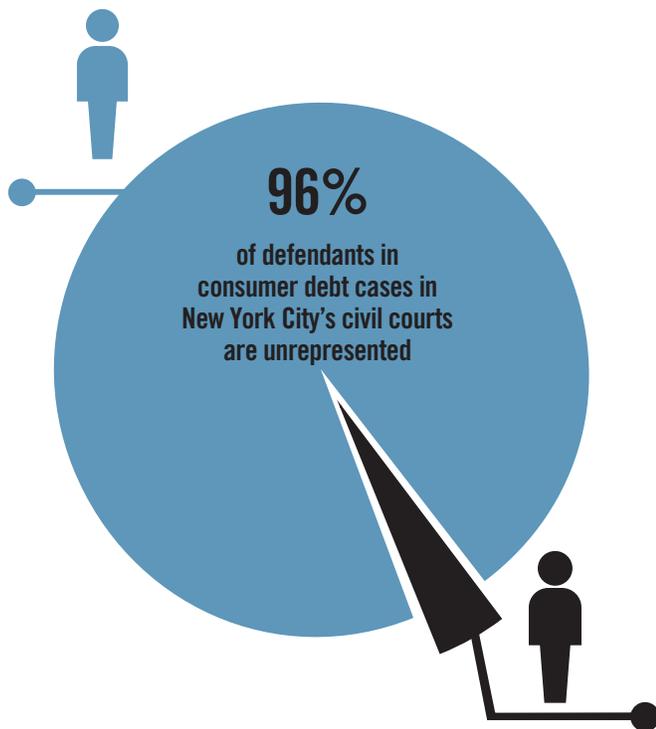
Unfortunately, while the advocacy needs of survivors in this area are significant, the free services to meet these needs remain extremely limited. Our survey found that about 40 percent of respondents could not access expert legal consumer/credit assistance for their residents.⁸⁵ According to another survey of domestic violence service providers, conducted by the Office of the Manhattan Borough President, Sakhi for South Asian Women, the Cornell University ILR School, and The Worker Institute, over 50 percent of respondents said they were unable to help clients address longer-term economic impacts of abuse, including inability to open a bank account, filing for bankruptcy, or paying student loans.⁸⁶

The consumer practice area is chronically and severely under-resourced in New York City and across the state. As a result, the vast majority of defendants are unrepresented in consumer credit actions. While civil legal services funding

85 See App. A, Question 19.

86 Office of the Manhattan Borough President Scott M. Stringer, *Economic Abuse: The Untold Cost of Domestic Violence* 1 (Oct. 2012), http://www.ncdsv.org/images/OMBPetition_EconomicAbuseUntoldCostofDV_10-2012.pdf.

FIGURE 10



overall has increased with the advent of state funding through the judiciary,⁸⁷ an estimated nine in ten New York defendants remain unrepresented in these lawsuits.⁸⁸ Data from the New York City Civil Court show that attorneys filed an answer in only 2 percent of consumer cases in 2010, 3 percent of cases from 2011 to 2015, and 4 percent of cases in 2016 and 2017.⁸⁹ This small gain, during a time of expanded civil legal services, means tens of thousands of New York City residents remain unrepresented in these actions.⁹⁰ Well under twenty-five legal services attorneys

routinely file notices to appear on behalf of defendants in New York City Civil Court consumer credit actions⁹¹ – although in 2017, 75,633 such actions were filed.⁹² Based on the existing number of supervising and senior consumer law staff attorneys and the exceedingly small number of attorneys practicing in this area, capacity in New York City in the consumer law practice area could easily double, triple, or even quadruple.

Consumer attorneys are few and far between, and frequently lack the time and resources to tackle novel cases involving economic abuse in addition to their ordinary legal services caseloads. Many consumer advocates do not receive training on best practices for working with domestic violence survivors or the law surrounding coerced debt and intimate partner identity theft.

Outside the Working Group members, few organizations accept for full representation the cases that lie at the intersection of domestic violence and consumer debt. Without dedicated training, advocates may be unable to assert appropriate defenses or domestic violence-specific legal arguments or take the appropriate first steps that preserve the client's legal rights while also ensuring their safety. As a result of the lack of training and resources, most of New

87 See Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York 1 (Nov. 2017), <https://www.nycourts.gov/accessjusticecommission/PDF/2017-ATJ-Commission-Report.pdf> (describing the increase in civil legal services in New York State, including \$100 million in 2016, which resulted in “the percentage of legal needs of low-income New Yorkers being met [increasing] significantly from 20% in 2010 to 37% in 2016”).

88 “Data suggests that the number of unrepresented litigants statewide remains unacceptably high, with the percentages in particular case types, such as child support and consumer debt, near or above 90%.” *Id.* at 27.

89 Data provided by the New York City Civil Court to the New York City Bar Association Civil Court Committee (on file with authors).

90 *Id.* In each of the five boroughs, there is a consumer debt limited-scope representation program that provides representation for an individual court appearance only in certain consumer credit actions.

91 Currently, only five citywide legal services programs routinely provide full representation to defendants in consumer credit actions: CAMBA Legal Services, Inc. (three full-time attorneys); Mobilization for Justice, Inc. (three full-time attorneys); The Legal Aid Society (two full-time attorneys); New York Legal Assistance Group (five full-time attorneys and one part-time attorney); and the Community Development Project at the Urban Justice Center (three full-time attorneys). Bronx Legal Services (with two full-time attorneys) and Manhattan Legal Services (with one full-time attorney) provide full-scope representation in their respective boroughs. Brooklyn Volunteer Lawyers Project and Queens Volunteer Lawyers' Project have staff attorneys who occasionally provide full representation to defendants in consumer credit actions (the former primarily in Supreme Court); however these staff members are primarily focused on providing limited-scope assistance. Likewise, Brooklyn Legal Services and Queens Legal Services devote the equivalent of part of one staff attorney's time to representing defendants in consumer credit actions; at Brooklyn Legal Services, one staff attorney devotes half of his time to student loan cases filed in Civil and Supreme Court and at Queens Legal Services three staff attorneys periodically handle a small number of Civil Court consumer credit actions but generally work on other types of cases, such as foreclosure. Brooklyn Volunteer Lawyers Project and New York Legal Assistance Group provide limited-scope representation to low-income consumers through the Volunteer Lawyer for the Day Program. Legal programs sponsored by unions limit their services to union members and retired union members. With the number of filings of consumer credit actions in New York City Civil Court in 2017 at over 75,000, the capacity of the legal services community to provide consumer debt defense is strikingly limited.

92 Data provided by the New York City Civil Court (on file with authors).

York City’s domestic violence survivors remain unable to obtain the assistance they need to deal with their consumer debt issues, holding them back from attaining financial independence and stability.

The Working Group and its member organizations have attempted to fill this gap, but continue to lack the capacity to comprehensively serve survivors with debt and credit legal needs.

C. DV CLARO PROJECT: A PROMISING MODEL

Since 2010, the Working Group has administered and supported the DV CLARO Project,⁹³ which is a promising model for providing training and operating shelter-based legal advice clinics for domestic violence survivors with consumer debt issues. Attorneys provide training to staff members at domestic violence shelters on spotting consumer debt issues, safely pulling credit reports for survivors, and making appropriate referrals. Once trained, staff screen residents for consumer debt issues and assist them with safely obtaining a copy of their credit report before scheduling them for the DV CLARO Project clinic. Consumer and domestic violence advocates staffing the clinic then meet with survivors at the shelter and provide legal advice and other assistance, such as disputing items on a credit report, creating identity theft reports, sending verification demand letters to debt collectors, preparing an answer to a consumer debt lawsuit, or reviewing the survivor’s student loans for a possible defense to repayment or discharge option. Survivors are typically considered for full representation when they are experiencing active debt collection, require bankruptcy consultation, have credit report issues, are in the midst of an active Civil or Supreme Court consumer debt collection case, or have a default judgment against them. DV CLARO volunteer advocates often add these residents to their own case lists or refer to other providers when full representation is needed.

Since December 2013, the Project has operated monthly clinic sessions at only one shelter: Sarah Burke House, a Sanctuary For Families domestic violence Tier II shelter⁹⁴ in

the Bronx. Though it is by nature a limited-scope program, the former Manhattan Borough President has called DV CLARO a “best practice” strategy for dealing with the fallout of economic abuse in a domestic violence context.⁹⁵ By identifying those survivors who need consumer legal assistance and connecting them with attorneys trained in both consumer law and domestic violence, DV CLARO enables survivors to repair their lives and secure economic independence while maintaining their personal safety. The shelter-based nature of the program ensures that residents are connected with services early on, so that they can begin improving their credit well before they become eligible for a housing voucher after 90 days in the shelter. The location also fosters client participation and close communication between attorneys and shelter staff.

The Project has recently begun a pilot partnership with a second shelter provider and is evaluating whether we have the resources to implement this expansion permanently. However, establishing a DV CLARO program with a new shelter requires significant commitment from the shelter, as shelter partners are expected to screen and refer clients, schedule and confirm appointments, provide private space for attorneys to hold confidential meetings with residents, and perform any necessary follow up. Because few attorneys possess the dual expertise in consumer law and domestic violence required to assist in DV CLARO, volunteer attorney training and recruitment remains a challenge as well.

Starting out as a pilot with just one shelter has allowed the Working Group to ensure the program’s needs did not exceed our capacity and has enabled us to tweak the program as needed. In general, pilots are a useful way of evaluating cost, scope, feasibility, and success of new programs, which is especially important when expanding into an area of need where almost no services currently exist.

Unfortunately, resource and capacity limitations have made it difficult to assess outcomes and expand the DV CLARO Project into more domestic violence shelters, to reach more survivors. We have learned, both from DV CLARO and from our own work as advocates, that debt and credit

93 See *supra* note 1.

94 Tier II shelters are apartment-style transitional shelters for families that provide ongoing support and services to residents.

95 Office of the Manhattan Borough President Scott M. Stringer, *Economic Abuse: The Untold Cost of Domestic Violence*, *supra* note 86, at 13.

services should be an integral part of the services that all domestic violence survivors receive. Referral and advocacy is much simpler where screening is standard practice and advocates have a clear plan of action for clients with need. This screening, however, requires substantial time and

expertise on the part of shelter staff, as does following up with clinic participants.

Significant capacity must be developed over time in both the consumer and domestic violence sectors to provide the integrated services the Working Group envisions, but such expansion will have a dramatic impact on survivors' ability to access housing and other opportunities.

IV. CONCLUSION AND RECOMMENDATIONS

Economic abuse is extremely prevalent and has long-lasting, devastating consequences for domestic violence survivors. Increasingly, service providers and experts acknowledge this form of domestic abuse; however, research and data collection has lagged. This report describes two data collection efforts undertaken by the Domestic Violence and Consumer Law Working Group to begin to document this phenomenon. An analysis of two case samples from The Legal Aid Society and survey responses from 44 domestic violence shelter service providers working at 22 different shelters show that domestic violence survivors have serious unmet consumer legal services needs and suggest that this service gap contributes to housing instability and difficulty in securing safe, stable housing – an essential component in establishing self-sufficiency and freedom from abuse.

Below are our recommendations for policy makers and funders in New York City and New York State.

- New York State and City government agencies should expand legal services for domestic violence survivors related to economic abuse and consumer law, including by dedicating funding for training and staffing needs to increase the capacity of shelter-based models like DV CLARO.
- New York State and City government agencies should provide resources to expand training of social and legal services providers serving domestic violence survivors, including at Family Justice Centers, on consumer debt, credit reporting, and related issues.
- New York City government agencies that fund domestic violence social services programs and residential shelters should require and ensure that grantees include consumer debt and related issues in their initial client screening.⁹⁶
- New York City government agencies that serve domestic violence survivors should collect, track, and analyze data regarding clients' consumer debt issues, including their impact on access to housing.
- The New York City Police Department should implement policies and procedures, including training, that ensure that victims of identity theft are issued police reports, to which they are entitled under New York law.
- New York State and City should develop and enact an alternative mechanism and procedures for identity theft victims, including domestic violence survivors, to obtain identity theft reports within the meaning of 15 U.S.C. 1681c-2.
- New York courts and family lawyers should encourage the inclusion of the financial family offenses of identity theft, coercion, and larceny, and their corresponding remedies in litigation of orders of protection. Judges and court personnel should receive training on economic abuse and the available financial offenses, and the Family Justice Centers should continue to provide this training to advocates and other interested parties.
- In the City's continuing efforts to comply with recent federal regulations mandating that survivors are not denied subsidized housing based solely on poor credit or rental histories related to domestic violence,⁹⁷ the City should prioritize developing policies and procedures that are not unduly burdensome and restrictive and that facilitate a survivor's ability to access this vital protection.
- New York State legislators should pass legislation barring credit checks for employment statewide.
- New York State should develop and invest in more substantial housing subsidies that would make it possible for survivors of domestic violence, and other low-income New Yorkers, to leave the shelter system and move into permanent housing.⁹⁸
- Additional data collection and research that furthers our understanding of the issues in this complicated area should be conducted, including examination of elder and

⁹⁶ Intake interviews, needs assessments, and screening instruments should be evaluated for opportunities to integrate and elicit consumer-related information.

⁹⁷ See *supra* Part II.E.

⁹⁸ See *supra* note 12 (noting that the Home Stability Support proposal presents a promising approach to expanding affordable housing for low-income residents in New York State). See HOME STABILITY SUPPORT, <http://www.homestabilitysupport.com/about-the-plan/> (last visited Aug. 30, 2018) (providing information on the proposal).

intra-familial economic abuse, and issues related to other forms of debt, like utilities, medical debt, and tax liability.

- The The New York City Domestic Violence Task Force Housing / Economic Justice Subcommittee, which was convened in April 2018, should examine and prioritize policy and practice related to the consumer issues of

domestic violence survivors, including problems with filing and receiving identity theft police reports.⁹⁹

- All recommended training should be culturally competent and address best practices for working with the diverse New York City survivor population.

⁹⁹ Two members of the Domestic Violence and Consumer Law Working Group currently sit on this subcommittee. The Working Group appreciates the opportunity to have some of its members participate in this important subcommittee.

V. METHODOLOGY AND INTERPRETIVE CHALLENGES

A. DESIGN OF CLIENT SAMPLE ANALYSIS

To build our client sample, we first ran a query for all of The Legal Aid Society's active cases as of December 2015 that were assigned a domestic violence funding code. The majority of these matters are contested divorce, uncontested divorce, and immigration cases, but they also include child support, custody, visitation, post-divorce judgment enforcement, and family offense cases. Next, we removed all duplicate cases and common names to prevent errors in the analysis. We then randomly selected 200 client names and searched them in the New York State Unified Court System's eCourts Civil Court database as well as through Westlaw's judgment and lien search of New York State. To compare this sample to another snapshot in time, we ran the same query and followed the same process again in January 2018, that time omitting any cases that had remained active since December 2015 so as to avoid any potential overlap of clients.

We included in our count of consumer debt cases all Civil Court cases filed by a bank, financial institution, debt buyer, medical or healthcare facility, utility provider, a landlord or housing development (if coded as a Civil Court case and not a case in the Housing Part), or educational institution. We did not include cases filed by insurance companies, individual plaintiffs, or other entities unidentifiable as belonging to one of the aforementioned categories.

We recognize that the file pull has room for inaccuracies. Both databases search by name only, so there is the possibility that a consumer case or judgment associated with a given name could pertain to another person by that name and not The Legal Aid Society's client. Second, the fact that both domestic violence survivors and low-income individuals move more frequently than other individuals means our search may be under-inclusive: clients who have moved to New York from other states may have cases or judgments in those jurisdictions that we did not discover. Further, because the eCourts search was limited to Civil Court, any cases filed in Supreme Court were omitted.

Finally, the file pull is likely also an undercount since it would not match names that were misspelled in a pleading, a common error. Still, we believe that the case pull provides a suggestive representation of the percentage of domestic violence survivors who struggle with consumer debt issues.

B. SURVEY DESIGN

This survey was directed to residential domestic violence providers throughout New York City and was open for responses between April 2016 and March 2017.¹⁰⁰ It was anonymous and did not seek a random sample. To solicit responses, we provided the 24-question survey link to every shelter manager and sent multiple e-mail reminders and requests to various list-servs containing shelter providers. We did not offer any incentives for participation and specifically allowed multiple employees from the same organization and/or shelter to respond. We also presented at a meeting of domestic violence residential providers convened by the New York City Human Resources Administration, which forwarded the survey to the same providers. Our goal with this survey was not to find out how many survivors actually had consumer law needs, but to determine shelter staff's perception of that need and their capacity to meet it.

We received 44 responses, from at least 22 different shelters.¹⁰¹ About 60 percent were directors or supervisors, while about 40 percent worked directly with clients, including case managers, housing specialists, and economic self-sufficiency specialists. Three in four respondents said they worked at only one shelter, while the remaining quarter worked at multiple shelters.

In reporting our results, we rounded to the nearest whole percent. For exact figures, see Appendix A.

¹⁰⁰ In developing the survey, we sought review and comment from several expert agencies and practitioners. In particular, the New York City Mayor's Office to Combat Domestic Violence and two policy experts provided feedback and suggestions for improvements on the survey design. The authors and Working Group members thank all those who provided helpful advice and suggestions.

¹⁰¹ Because some respondents only identified the broader organization they worked at, we could not determine which shelter they worked at and omitted them from the total shelter count, but included their responses in the overall analysis.

APPENDIX A – SURVEY QUESTIONS AND ANSWERS

APPENDIX I: THE SURVEY

DV & Consumer Working Group Survey

Barriers to Housing: Domestic Violence and Consumer Credit¹⁰²

1. *What organization and/or shelter(s) do you work at?
2. *Do you work at one shelter or multiple shelters?
 - One shelter
 - Multiple shelters
3. *What is your title? (Note: If you work at multiple shelters or for an organization that operates multiple shelters, please generalize from your experiences to answer each question.)
 - Shelter Director
 - Director of Housing Placements / Case Management
 - Housing Specialist
 - Economic Self-Sufficiency Specialist
 - Other, please specify _____
4. *What percentage of residents stay in your shelter for the maximum length of stay permitted?
 - 0-33%
 - 34-66%
 - Over 66%
5. *What percentage of residents requires a stay extension?
 - 0-33%
 - 34-66%
 - Over 66%
6. *Please describe the housing placement services that your shelter(s) provides.

102 An asterisk (*) at the beginning of a question indicates that an answer to that question was required. If no answer choices appear after a question, the question was open-ended. Finally, the text of the questions and answers are copied directly from the original survey; any errors present here were present in the original.

7. *How often do residents face the following barriers to accessing housing?

	Never	Rarely	Sometimes	Often	Very Often
Credit history/judgments	<input type="radio"/>				
Discrimination (based on race/ ethnicity, receipt of public benefits, household composition, etc.)	<input type="radio"/>				
Immigration status	<input type="radio"/>				
Landlords' lack of willingness to accept housing subsidies	<input type="radio"/>				
Language barrier	<input type="radio"/>				
Past involvement in housing court	<input type="radio"/>				
Unaffordable housing market	<input type="radio"/>				

Other (please specify) _____

8. *How often do residents face challenges in securing housing based on their credit history?

- Never
- Rarely
- Sometimes
- Often
- Very often
- Not sure

9. *How often do residents NOT apply for mainstream housing options because of their credit history?

- Never
- Rarely
- Sometimes
- Often
- Very often
- Not sure

10. *Approximately what percentage of residents has had a housing application rejected based on their credit history in the last year? Please estimate.

- 0-20%
- 21-40%
- 41-60%
- 61-80%
- Over 80%
- Not sure

11. *Of residents denied housing based on their credit, approximately what percentage had previously been approved for subsidies? Please estimate.

- 0-20%
- 21-40%
- 41-60%
- 61-80%
- Over 80%
- Not sure

12. *How do residents typically discover that they have judgments or negative credit histories?

	Never	Rarely	Sometimes	Often	Very Often
Bank account frozen	<input type="radio"/>				
Pulled credit report (with or without service provider)	<input type="radio"/>				
Received notice of lawsuit	<input type="radio"/>				
Received notice of lawsuit	<input type="radio"/>				
Rejected for housing	<input type="radio"/>				
Wage garnishment	<input type="radio"/>				

Other (please specify): _____

13. *How frequently have residents had difficulty accessing the following other non-housing necessities because of bad credit? Please estimate.

	Never	Rarely	Sometimes	Often	Very Often
To other necessary credit accounts	<input type="radio"/>				
To student loans	<input type="radio"/>				
Bank account	<input type="radio"/>				
Employment	<input type="radio"/>				
Utilities	<input type="radio"/>				

Other (please specify) _____

14. *Approximately how many residents have negative credit history due to domestic violence? For example, residents who were victims of intimate partner identity theft, have coerced debt (debt the resident took on because the abuser forced, threatened, or otherwise coerced the survivor into doing so), or otherwise have debt related to financial abuse.
- None
 - Very few
 - Some
 - Most
 - Nearly all
15. *What consumer debt or credit-related services does your shelter provide? Please check all that apply.
- Financial Education
 - Financial Counseling
 - Legal Services
 - Pulling credit reports
 - Referrals
 - Screening
 - None of the above
 - Other (please specify)_____
16. *Do you or your staff members receive training on consumer debt and credit issues?
- Yes
 - No
17. *What training on consumer debt and credit issues do you or your staff members receive, if any? Please select all that apply.
- We do not receive any training on consumer debt or credit issues
 - Overview of economic abuse
 - How to screen
 - Practice using screening tools
 - How to pull credit reports
 - Safety concerns related to credit pulls
 - When to make a referral
 - Review of resources and options available to residents
 - Financial counseling
 - Financial safety planning
 - Developing strategic response to DV-related credit issues
 - How to provide economic empowerment & financial literacy training to residents
 - Other (please specify)_____

18. *What training would most help you or your staff members in addressing residents' consumer issues? Please select all that apply.
- Overview of economic abuse
 - How to screen
 - Practice using screening tools
 - How to pull credit reports
 - Safety concerns related to credit pulls
 - Safety concerns related to addressing identity theft
 - Safety concerns related to addressing defaulted accounts
 - When to make a referral
 - Review of resources and options available to residents
 - Financial counseling
 - Financial safety planning
 - Developing strategic response to DV-related credit issues
 - How to provide economic empowerment & financial literacy to residents
 - Other (please specify)_____
19. *Are you able to access expert legal consumer/credit assistance for your residents?
- Yes
 - No
20. *If you are not able to access expert legal consumer/credit assistance for your residents, what kinds of assistance would you like to be able to access? Please select all that apply.
- Legal services
 - Financial education
 - Financial counseling
 - Financial safety planning
 - Economic empowerment and financial literacy training
 - Other (please specify)_____
21. What limitations does your shelter face in addressing the residents' consumer debt and credit reporting needs?
22. What supports would be most useful in addressing these limitations?
23. What policy recommendations do you have for improving consumer/credit assistance for residents of domestic violence shelters, if any?
24. If possible, please describe a case on which you have worked involving credit as a barrier to housing. Alternatively, if you would prefer to tell the story over the phone, or if you have a client who is willing to speak with us directly, please provide your contact information and we will be in touch.

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