

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

Shifting The Focus From Domestic Violence Registries To Domestic Violence Prevention

The New York State Coalition Against Domestic Violence is a statewide membership organization of domestic violence programs that are on the ground, day in day out, answering hotlines, safety planning, providing emergency shelter, and advocating for survivors of domestic violence. Our policy positions are made in collaboration with an advisory committee of these local programs, legal service providers, and survivors. We also work closely with several national organizations including the National Network to End Domestic Violence, the Intimate Partner Violence Prevention Council, and other state domestic violence coalitions.

Our concerns about domestic violence offender registries are not unique, and they mirror those of our partners across the country. We have relayed these concerns to the New York State Legislature for several years and have made numerous attempts at productive dialogue regarding domestic violence prevention.

THE UNINTENDED CONSEQUENCES OF DOMESTIC VIOLENCE OFFENDER REGISTRIES

We are concerned that domestic violence offender registries create a false sense of security to those they are meant to protect. Relying on a registry to determine if a potential partner will be abusive is dangerous because of the inaccuracies inherent in such a tool – namely that a registry will significantly underrepresent the number of people who are abusive. Only a small percentage of domestic violence offenders ever have contact with the criminal justice system. Even fewer face arrest, and of those that are arrested, far fewer are actually convicted. There are countless examples of this – we read stories every week about domestic violence homicides where no previous history of domestic violence was documented by authorities. For example, of the 75 family related homicides in New York City in 2010, 77% of those perpetrators had no known prior police contact, and 96% of these cases had no current order of protectionⁱ.

An offender registry will also likely create a chilling effect on the reporting of crimes to authorities, and can lead to escalated danger of retaliatory violence. A 2015 study by the National Domestic Violence Hotline revealed that more than half of the survivors that reached out to the police said they would not call the police again because doing so only made things worse.ⁱⁱ Offenders already blame victims and retaliate when the police are called. This danger will be intensified when they blame the victim for exposing the abuse to the community, and the victim's likelihood to call the police will be further reduced.

Victims of domestic violence that reach out for help from law enforcement are arrested at an alarming rate. According to the National Domestic Violence Hotline study, 1 in 4 survivors reported being arrested or threatened with arrest after reporting an incident to the police. Because of this, a domestic violence offender registry will likely contain a disproportionate number of wrongly convicted victims that were arrested after calling for help.

Domestic violence registries not only expose the identity of perpetrators, they expose the identity of victims, by the very nature of the relationship (i.e. spouse or ex-spouse). Exposing the identity of victims is dangerous and can further isolate them when friends or family pressure them to leave, or blame them for entering into or staying in the relationship. Leaving an abuser can put a victim and their children at heightened risk, and is often more dangerous than staying. One study found that victims who leave abusers are at a 75 percent greater risk of being killed by the abuser than those who stayⁱⁱⁱ. Because of this great risk, leaving should be done thoughtfully, and with a well-constructed safety plan.

SHIFTING TO PRIMARY PREVENTION

Over the past three decades, NYSCADV has worked with multiple criminal justice agencies on local, statewide, and national levels to strengthen offender accountability in all aspects of the criminal justice system response to domestic violence. These initiatives include policy, training, and resource development projects including training for police officers on the nature and dynamics of domestic violence, accurate completion of Domestic Incident

Reports, appropriate charging decisions and thorough investigations, enforcement of violations of orders of protection, town and village magistrate training, evidence-based prosecution, and integrating offender accountability mechanisms in probation and parole supervision practices.

It is clear that providing supportive services to victims of domestic violence and holding offenders accountable are essential components of a community's response to domestic violence. However, the reliance on criminal justice strategies and support services for survivors alone has not reduced the rates of domestic violence in the United States. In order to stem the tide of domestic violence, we must shift to investing in evidence based primary prevention strategies that stop domestic violence before it starts.

A domestic violence registry is a reaction and response to abuse and violence. It cannot prevent domestic violence that has already occurred. Additionally, while there is no data that we are aware of regarding the effectiveness of domestic violence offender registries, the evidence regarding public sex offender registries shows that they actually increase the likelihood that a perpetrator will re-offend.^{iv, v}

In 2002, NYSCADV began working with the Centers for Disease Control and Prevention to participate in a national prevention project, called DELTA, which supports efforts to design, implement and evaluate strategies that stop intimate partner violence from occurring in the first place. NYSCADV was a participant from the project's inception in 2002 until 2013. Today, we continue the work of primary prevention across the State of New York and serve as a member of the Intimate Partner Violence Prevention Council, supported by the CDCP, and comprised of state domestic violence coalitions, funders, and national domestic violence organizations.

Primary prevention goes beyond raising awareness of domestic violence and works to promote the behaviors we want to see adopted in communities across our state. This is a relatively new concept for many working to end domestic violence, whose main focus has been responding to victim needs. However, it is clear that we must increasingly focus our efforts on stopping potential perpetrators before they commit their first act. This includes promoting social change through activities, programs, and policies that change the attitudes, behaviors and social norms that allow domestic violence to thrive.

For additional resources and primary prevention strategies, NYSCADV's Prevention Project Toolkit is available on our website: <http://www.nyscadv.org/nyscadv-prevention-project-tool-kit>. This toolkit contains exercises, activities, primers, information and resources designed to help individuals and groups think about what would prevent domestic violence from happening in their communities. Tools and resources are chosen carefully, based on lessons learned from the New York State DELTA Project and successes from local domestic violence programs throughout the state and around the nation. Tools and techniques promoted in the toolkit support groups and individuals to go through their own process of discovery and decision-making to determine the role they wish to play in changing their communities. Specific resources include: Engaging Men, Preventing Teen Dating Violence, Dismantling Oppression, and Community Organizing.

Now is precisely the time for the State of New York to affirm a collective commitment to ending domestic violence. We continue to urge the New York State Legislature and the Governor to invest in primary prevention so that we can end domestic violence once and for all.

*It is also worth noting that there are currently tools in place for accessing information on individuals who have been convicted of crimes and are (or have been) incarcerated in New York State prisons or county jails. These include the New York State Department of Corrections and Community Supervision inmate lookup database and VINELink – an online portal that provides custody status and criminal case information for current and recently released offenders.

REFERENCES

ⁱ NYC Mayor's Office to Combat Domestic Violence. *Domestic Violence Annual Fact Sheet 2010*. Retrieved on March 31, 2016 from http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2010.pdf

ⁱⁱ National Domestic Violence Hotline, *Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses*. Washington, DC (2015). <http://www.thehotline.org/resources/law-enforcement-responses>. The sample likely under-represents a number of individuals (e.g., those with sexual assault experiences, disabilities and those from specific racial/ethnic groups). Further, these results do not represent all victims, or all victim interactions with police.

ⁱⁱⁱ Hart, B. "Assessing Whether Batterers Will Kill You", PCADV. 1990

^{iv} Prescott, JJ; Rockoff, J; (2011) *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* The Journal of Law & Economics, v54(1) p161-206

^v Agan, A; (2011) *Sex Offender Registries: Fear Without Function?* The Journal of Law & Economics. V54(1); p207-239