

2020 NYSCADV VIRTUAL LEGISLATIVE DAY OF ACTION (VLDA) TOOLKIT

Questions and Answers

Preparing for legislative meetings ahead of time can help you feel confident and relaxed. One of the best methods to prepare is to identify questions you may be asked in advance, then practice potential answers.

We've identified a few potential questions here, and have provided a guide for answering each one. Don't try to memorize these responses verbatim. Rather, use them as a guide to formulate your own answers.

Q1: Typically when we meet each year, you identify the priority legislation that you'd like me to focus on during the current legislative session. Which bills are you supporting this year?

A1: We were very lucky last year that more domestic violence-related legislation was signed into law last year than in any prior year. This included the DV Survivors Justice Act, the Right to Call 911 bill, important workplace protections for DV victims, and a modified DV victims notice enabling victims to more easily understand the resources available to them.

We recognize that, if a legislative session is scheduled later this year, it is very likely the topics to be addressed will focus on the State's COVID-19 response. That is entirely appropriate, and we would support the Legislature's efforts. If there is an interest in focusing on other issues, we would urge the Legislature to support:

- a. **A7775 Weinstein/S2248B Sanders:** Protects as confidential conversations between DV advocates and victims. Similar protections currently are provided to rape crisis counselors and victims of sexual assault. This legislation extends these protections to DV advocates to ensure that DV victims can access DV services with their privacy intact and without the fear that they can be tracked by their abusers.
- b. **A5621 Weinstein/S4686 Biaggi:** Recognizes the due process rights of DV survivors by enabling parents and their attorneys to obtain copies of court-ordered child custody evaluations and the underlying information supporting the evaluation.
- c. **A4466 Zebrowski/S4345 Martinez:** Ends cyber sextortion in which perpetrators threaten victims with the release of their intimate images unless they comply with the perpetrator's demands. Under current State law, there is no avenue for holding accountable those who commit cyber sextortion.

Q2: This year's State Budget included a \$5 million pilot program for domestic violence. Can you explain the intended purpose for that pilot?

A2: Last year, the Governor established a Task Force on Domestic Violence. Many DV advocates participated on the Task Force, as did representatives from multiple state agencies (OCFS, OTDA, OVS, DCJS and OPDV). The Task Force concluded that the manner in which DV programs are funded in NY had to change. The Governor proposed this pilot study to identify a better means for funding DV services in the State. While we don't know how many programs will be included in the pilot, or how the \$5 million will specifically be used, we are optimistic that this pilot is the first step to modernizing the State's outdated funding model.

Q3: This year's State Budget modified some of the criminal justice reforms that were implemented on January 1st. Some were concerned that the initial reforms could cause additional harm to DV survivors. Do the latest reforms address any concerns you may have had?

A3: Last year, the Legislature made enormous strides in correcting years of social inequity and injustice in New York's criminal justice system by restricting the use of cash bail, which disproportionately impacted individuals of color and poor people. And it led to individuals languishing in jail on minor offenses before they were convicted of any crime. Unfortunately, this latest round of reforms expanded the list of crimes for which judges may set cash bail. Instead of expanding the use of bail, we'd rather see New York State enhance safety planning supports for DV survivors, so when offenders return to their community, whenever that happens, DV survivors can remain safe. We also think the Legislature should give judges the discretion to consider an individual's risk to another when setting pre-trial conditions.

I'd be happy to schedule another time for us to discuss the criminal justice reforms, if you were interested...

Q4: I've seen media reports suggesting the incidence of domestic violence is increasing during the Pandemic. Is that what you're finding?

A4: The Governor announced that calls to the state's DV hotline have increased 30% in April compared to last year, and calls increased 18% from February to March 2020. State police also report DV incident calls were up 15% in March compared to last year.

We know from past natural disasters like Hurricane Katrina and Superstorm Sandy that incidence of domestic violence increases in times of crisis. I am certain that, as time goes by, we will discover more evidence that the demand for DV has increased. It may be difficult to tell right now though, because DV survivors may be reluctant to leave their homes now to enter emergency shelter. In addition, due to the current NY on PAUSE restrictions, DV survivors may be in very close proximity to their abusers for much of the day, making it very difficult to reach out for help.

Instead of trying to characterize what we're seeing, our agency is laser focused on being responsive to DV survivors, as they reach out for assistance and support. For example, our shelter is open, and we have implemented new social distancing protocols to minimize risk of exposure. We've also transitioned our services to remote technologies. We want every DV survivor out there to know they can still turn to us for help. We are here for them.