

# VICTIM ADVOCACY & EMPOWERMENT

California Family Justice Initiative

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# NECESSITAMOS SOÑAR!

We must dream!

## I. THE MEANING OF VICTIM ADVOCACY

- We must have the humility to keep asking, "How can we improve?"
- What can we learn from survivors, victims & our colleagues to create *truly* victim-centered programs?
- How can we stay accountable to survivors?

## TEACH US HOW TO

1. Engage in ON-GOING SAFETY PLANNING, including self-care
2. Collect EVIDENCE of batterer's abuse, coercion, nonpayment child support, etc.
3. Speak to the COURT & batterer
4. Write to officials (see [www.mincava.mn.edu](http://www.mincava.mn.edu))
5. Give legislative/hearing testimony
6. Be LEADERS in community groups

## “WHAT IS YOUR DREAM?” PROJECT IF VICTIM SAYS “NURSE” THEN:

1. G.E.D. (Urban League & Comm. Colleges free classes, then \$95 fee for exam)
2. Child Care
3. Transportation
4. Books, Supplies
5. Study
6. Mentor
7. Follow-Up
8. Ask for help when need it . . .

## ECONOMIC EMPOWERMENT

- ⦿ requires bold & sustained action to advance survivor’s opportunities and rights
- ⦿ and to ensure that women can participate and be heard.
- ⦿ Includes:
  1. What is your dream?
  2. Education
  3. Job training/procurement & retention
  4. \_\_\_\_\_
  5. \_\_\_\_\_
  6. \_\_\_\_\_

Trained volunteers/  
staff contact victims  
at 1, 3, 6, 12 & 18  
mo. for follow-up →

Ask:

1. *Is it safe 4 U to talk?*
2. *Are you afraid?*
3. *How can we help?*

## **TICKLER FILE** **FOR PERIODIC** **CHECK-INS WITH** **VICTIMS**



## **II. ACCOUNTABILITY TO SURVIVORS**

High-Risk  
Survivors  
Often  
Need More  
Help

Screen for  
mental  
health  
issues

Warn  
about  
substance  
abuse

Increases Victim  
Safety!

**A. OUTREACH & WELCOME TO HIGH-RISK SURVIVORS INCLUDING**

1. Criminal Record
2. Differently Able
3. Elderly
4. Gang-Involved
5. LGBT
6. Mental Illness
7. Mentally Impaired [Theresa Lewis + Brandy Holmes]
8. Sex Worker
9. Substance Abuse
10. Undocumented

**WE BECOME ACCOUNTABLE WHEN WE:**

1. *Welcome* survivors
2. Do comprehensive intake
3. LISTEN
4. Create HOLISTIC responses
5. Teach victims how to collect evidence
6. Share power
7. On-going SAFETY PLANS



## B. SAFETY PLAN =



- ⊙ ACTION PLAN FOR HOW TO STAY ALIVE
- ⊙ AT HOME, WORK, SCHOOL, COURT
- ⊙ CHANGE LOCKS
- ⊙ AVOID WEAPONS
- ⊙ PROTECTIVE ORDER TIPS
- ⊙ PACK KEY DOCS & CLOTHES

*\*SAFETY PLAN WITH EVERY VICTIM CONTACT!*

[www.abanet.org/domviol](http://www.abanet.org/domviol) = free safety plans

## C. STALKING KIT TO VICTIM WITH:

1. SAFETY PLAN;
2. Calendar;
3. Cell phone to access 911;
4. Disposable camera;
5. Micro-cassette recorder;
6. Steno pad with pen;
7. Flashlight; +
8. Depending on case . . .

## STALKING KITS

- ◉ State of Hawaii, in conjunction with private business, is issuing "stalking kits," including a cell phone from Verizon that can access 911.
- ◉ In Pittsburg, PA, the Greater Alle-Kiski Area Board of Realtors is helping collect items for the Stalking kits.
- ◉ RADIO SHACK in several communities is providing stalking kits.
- ◉ Who in your community can?

## 6 THINGS TO SAY TO A VICTIM

1. I am afraid for your safety.
2. I am afraid for your children's safety.
3. It will only get worse.
4. We are here for you when you are ready.
5. *You don't deserve to be abused.*
6. How can I help?

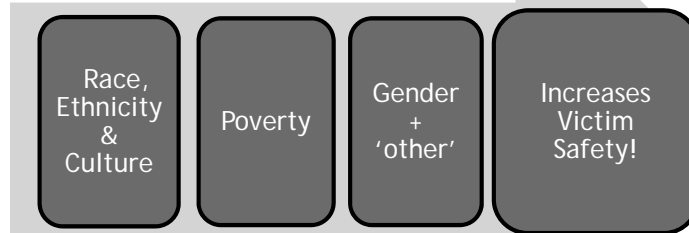
## \*SAFETY PLAN DISTRIBUTION

- ◉ Charlotte, S.C. Bar : water & electric company mailed to every customer
- ◉ Kroger Supermarkets put them throughout stores & with paychecks
- ◉ Sun Trust Banks put them next to deposit slips, in bathrooms & with paychecks
- ◉ David Chapel Missionary Baptist Church put in all bathrooms & Pastor Parker's sermons
- ◉ [www.abanet.org/domviol](http://www.abanet.org/domviol) for free safety plans

## D. CHILD SUPPORT ENFORCEMENT

- ◉ Lack of money = #1 reason victims return to abuser
- ◉ HHS: *\$107 billion* owed  
(Calf. \$19B, Az. \$1.7B )  
[http://www.acf.hhs.gov/programs/cse/pubs/2010/reports/preliminary\\_report\\_fy2009/](http://www.acf.hhs.gov/programs/cse/pubs/2010/reports/preliminary_report_fy2009/)
- ◉ Decrease child poverty 47% if paid

## ACCOUNTABILITY TO SURVIVORS → MUST ADDRESS:



## E. PROJECT OPTIONS, TRAVIS COUNTY, TX.

- ◉ Any victim dropping protective order must attend 2 Classes:
  1. Criminal Justice Options
  2. Community Resources: \$\$ + Safety Planning
- ◉ Taught by trained volunteers
- ◉ Duress &/or lack of knowledge about options cause dropping case
- ◉ MUST discuss w victim & be clear she can return

### III. CIVIL & CRIMINAL IPV CASES IMPROVED WITH EVIDENCE

A. *Giles v. Calf.* (128 S.Ct. 2678 (2008)).

- ⊙ if state wants to admit victim's past statements, must prove def's motive for murder was to silence victim.
- ⊙ **PROBLEM** after *Giles*: Δs not only INCENTIVIZED to make victims unavailable, but now REWARDED for doing so . . . because LOSS of victim statements usually fatal to case.
- ⊙ *We must teach victims to collect evidence because \_\_\_\_\_.*

### A. COLLECT EVIDENCE OF ALL SEPARATION VIOLENCE & WITNESS TAMPERING

- ⊙ CUSTODY BLACKMAIL
- ⊙ CHILD SUPPORT THREATS
- ⊙ PROTRACTED LITIGATION
- ⊙ STALKING, THREATS, ASSAULTS
- ⊙ IMMIGRATION THREATS

## **B. COURT WATCHES = SYSTEM ACCOUNTABILITY**

- ◉ Volunteers document victim treatment in the courts for civil, criminal & child support proceedings.
- ◉ For Materials and information contact
- ◉ **BWJP 1-800-903-0111** or
- ◉ **[www.bwjp.org](http://www.bwjp.org)**

## **C. WHAT WORKS? CIVIL LEGAL AID**

- ◉ *Access to legal aid lowers domestic abuse: “The only public service that reduces domestic abuse in the long term is women's access to legal aid, the research of two economists indicates.”*

◉ [www.upi.com](http://www.upi.com) Jan. 8, 2003

...

Economics professors looked at rates of domestic abuse in every U.S. county & controlled for income, race & education, and found that in predicting long-term rates of domestic violence, **the only public service variable that mattered is access to legal services.**

**PROF. FARMER REPORTED:**

- ◎ "Legal services provide real, tangible, long-run economic help: an attorney, a chance to maintain custody of the children, potential child support and alimony."
- ◎ "But although legal aid is the most effective intervention, its expense **makes it the least accessible of the public services.**"

## HOW INCREASE ACCESS?

- ◎ FJC's (of course) +
- ◎ LAW SCHOOL DOMESTIC VIOLENCE CLINICS & PRO BONO ATTYS (Get your school involved)
- ◎ For further info see ABA Commission on Domestic Violence book & web site:  
[www.abanet.org/domviol](http://www.abanet.org/domviol)
- ◎ + substantial support for community legal services.

## INNOVATIVE LEGAL AID FOR VICTIMS:

- ◎ [www.noahproject.org](http://www.noahproject.org) Abilene, TX
- ◎ Medical & Bar Associations pay for domestic violence lawyer
- ◎ Helps with civil & criminal cases
- ◎ Office above Emergency Room at hospital
- ◎ Hours 2 - 10 p.m.

## MEDICAL-LEGAL PARTNERSHIPS

- ◉ Dr. Barry Zuckerman started, now > 200
- ◉ Pro bono attys & advocates at health clinic or FJC
- ◉ Docs screen for legal problems, then refer to MLP
- ◉ MLP attys give advice, refer or take cases
- ◉ Dr letters to landlords, utility companies, SSI

Megan Sandel, et al. , Medical-Legal Partnerships: Transforming Primary Care By Addressing the Legal Needs of Vulnerable Populations, 29 HEALTH AFFAIRS 1697 (Sept. 2010).

## IV. DOMESTIC VIOLENCE & HUMAN RIGHTS

### U. N. Declaration of Human Rights (DHR) '48

- ◉ Preamble: “recognition of the inherent **dignity** & of the equal & inalienable rights of all members of the human family. . .”
- ◉ IPV and trafficking are a violation of victim’s most basic human rights.
- ◉ TALK HUMAN RIGHTS to survivors & LOCALLY.

**A. ARTICLE VI OF THE U.S. CONSTITUTION, THE *SUPREMACY CLAUSE*, SAYS ALL LAWS AND TREATIES MADE BY THE FEDERAL GOVERNMENT SHALL BE THE "SUPREME LAW OF THE LAND."**

- U.N. Declaration on Human Rights Article 3. Everyone has the right to **life, liberty and security of person.**

**TALKING HUMAN RIGHTS**

- ◉ Survivors & their children are fascinated that *int'l human rights treaties* can impact their cases.
- ◉ But *only* if we educate & speak human rights.
- ◉ Atty. Fatuma has brokered peaceful families in her Kenyan village by teaching human rights doctrine of DIGNITY.

## IV. WE SHARE POWER WHEN:

- ▣ Advocates and Survivors are at the table
- ▣ Decision-making is joint
- ▣ We Allow Criticism and Respect, Anger and Frustration
- ▣ We Don't Retaliate Against Survivors and Critics

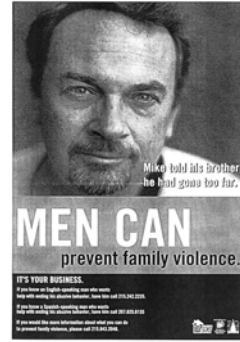
## WE GATHER CRUCIAL INFORMATION THROUGH:

- ▣ • Focus Groups
- ▣ • Exit Interviews
- ▣ • Forums
- ▣ • Dialogue Sessions
- ▣ • Cross-Trainings

**“MEN CAN”  
BILLBOARD  
CAMPAIGN**

**\*FREE**

**\*NOT COPYRIGHTED**



**[www.instituteforsafefamilies.org](http://www.instituteforsafefamilies.org)**

**RESOURCES**

- ◎ American Bar Association’s  
Commission on Domestic Violence:  
[www.abanet.org/domviol](http://www.abanet.org/domviol)
- ◎ Battered Women’s Justice Project: 1 of  
Nat’l Resource Centers on legal issues:  
[www.bwjp.org](http://www.bwjp.org) or 1-800-903-0111
- ◎ National Council of Juvenile & Family  
Court Judges 1-800-52-PEACE  
[www.ncjfcj.org](http://www.ncjfcj.org)
- ◎ [www.mincava.umn.edu/bibs.bibkids.html](http://www.mincava.umn.edu/bibs.bibkids.html)  
invaluable database

THANK YOU FOR  
BEING PART OF THE  
SOLUTION!

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