Understanding Victims Services in California

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Presentation Overview

- 2012 Victims Services Study
- 2013 Statewide Victims Poll
- The Future of Victims Rights and Services
- Q& A; Discussion

Violence Against Women:

DV, Sexual Assault, and Stalking as a public health crisis in the United States (2011 U.S. Dept of Justice)

- 32.9 % of women in CA have experienced rape, physical violence, and/or stalking by an intimate partner.
- Nearly 1 in 4 women (24%) in the US have experienced ***severe*** physical violence by an intimate partner; *e.g.*, hit with a fist/something hard, beaten, slammed against something.
- Nearly 1 in 5 US women has been raped in her life.
- 1 in 6 women has experienced stalking victimization in which she felt very fearful or believed that she or someone close to her would be harmed or killed.

VAW (cont):

- Across all forms of VAW, the vast majority of victims know their perpetrator.
- A woman's risk of being killed by an intimate partner increases six-fold when attempting to leave.
- Health costs associated with DV exceed $5.8 billion annually in the U.S.
- 84% of CA DV programs reported a higher demand for services in 2010, while 88% reported a decrease in funding.

Shifting Criminal Justice Policy

- Historical roots of accepting/condoning VAW.
- DV only identified as criminal conduct (with law enforcement required to arrest) in 1986.
  - Prior to this change, DV arrests accounted for approx. 5% of CA assault arrests;
  - By 2004, PC 273.5 accounted for 45% of assault arrests.
- There are now over 150,000 domestic violence calls to California law enforcement annually.

Result: VWACs have become the first point of access for many VAW victims

- This increasing identification of VAW by the CJS has quickly made these centers a major provider to VAW victims.
- The breadth of the VWAC mandate as defined by the Penal Code, and as influenced by Marsy's Law since 2008, make VWACs particularly well-situated to respond to the immediate needs of victims in crisis.
- VWACs often gateway to connecting with necessary medical, legal, mental health, and other resources.

In 2013, still so much we don't know.

- "*Our understanding of these forms of violence has grown substantially over the years, however, timely, ongoing, comparable national and state-level data are lacking.*" – DOJ, 2011
- This lack of research is particularly true in the area of the ever-increasing role of the criminal justice system in responding to victims.

Study Background

Needs assessment of VWACs focused on 9 questions:

(1) Numbers of VAW victims served by VWACs for the past 3-5 years;

(2) Demographics of VAW victims served by VWACs;

(3) Types and Numbers of services provided to VAW victims by VWACs;

(4) Identification of VWAC prevention-related services provided to VAW victims;

(5) Marsy's Rights information and procedures provided to VAW victims; (CONT)

Study Background (cont.)

Needs assessment of VWACs focused on 9 questions:

(6) Collaborations and referrals between VWACs and rape crisis centers and women's shelters;

(7) Descriptions of "best practices" with VAW victims used by VWACs;

(8) Description of the current Organizational Capacity of CCVAA (representing the statewide network of VWACs) to adequately meet the gaps in services to VAW victims;

(9) Identification of other resources (potential funding sources) necessary to build the capacity of CCVAA to meet the needs of VAW victims served by VWACs.

The Chief Justice Earl Warren Institute on Law and Social Policy

- Multidisciplinary, collaborative venture to produce research, research-based policy prescriptions, and curricular innovation on the most challenging issues facing California and the Nation.
  - Criminal & Juvenile Justice
  - Education
  - Immigration
  - Health, Economic and Family Security
- Connecting the world of research with the world of civic action and policy debate so that each informs the other.

Study Methods

- **Electronic Surveys**
  - 100% participation; 59 VWAC responses in total.
- **Follow-up Interviews** (either via telephone or in-person)
- **Focus Groups**
  - to facilitate cross-county conversations.
- **Site Visits** (9 counties)
  - chosen to represent a wide range of urban, rural, small, large, DA-based, Probation-based, community-based, etc.
- **Interviews with Experts**
- **Literature Review**

VWACs: History & Common Mandate

- VWACs arose in 1983 in an effort by the Legislature to "reduce the trauma and insensitive treatment" that victims and witnesses experience in the CJS *through the funding of local comprehensive centers.* (Penal Code § 13835)
- Common Legal Mandate:
  - Penal Code §§ 13835.5 & 13835.4
  - Marsy's Law (2008 CA Constitutional Amendment), California Constitution, Article I, Section 28(b)

Required Services (PC 13835.5)

- Crisis Intervention
- Emergency Assistance
- Resource and Referral Counseling
- Direct Counseling on problems resulting from the crime
- Assistance with Victim Compensation Program Claims
- *Assistance with Property Return*
- *Orientation to the Criminal Justice System*
- *Presentations to and Training of CJS agencies*
- *Monitoring Court Cases*
- *Notification to friends, relatives, and employers upon victim request*
- *Assistance in obtaining restitution*

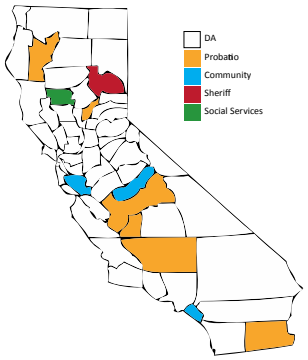
The Complicated Role of Marsy's Law

- As of 2008, these mandated VWAC services overlap w/ the rights enumerated in Marsy's Law.
  - Property Return,
  - Orientation to the Criminal Justice System,
  - Court Escort,
  - Notification Rights,
  - Assistance in obtaining restitution
- Constitution does not specify who ensures these 17 rights and delivers these services.

Optional Services (PC 13835.5)

- Employer Intervention
- Creditor Intervention
- Child care
- Notification to witnesses of any change in court calendar
- Funeral arrangements
- Crime prevention information
- Witness protection, including arranging for law enforcement protection or relocating witnesses in new residences
- Assistance in obtaining temporary restraining orders
- Transportation
- Provision of waiting area during court proceedings separate from defendants

VWAC Models of Service Delivery



Confidentiality Rules: Not Universally Clear

- VWAC advocates considered part of the "prosecution team" by US Supreme Court (*Brady v. Maryland*, 1963).
  - Required/expected to assist prosecutors in complying with their obligations involving discovery and evidence that must be disclosed.
- Unclear the applicability of this beyond DA-based advocates.

Activities to be Carried Out by Center

Shall carry out all of the following in connection with all services (PC 13834):

- TRANSLATION.
- FOLLOW-UP.
- FIELD VISITS WHENEVER NECESSARY.
- SERVICES TO ALL VICTIMS.
- VOLUNTEERS PARTICIPATION in VWACs.

Quantitative v. Qualitative Findings

Disparities

- Tremendous cultural, social, and geographic diversity of California (mirroring that of US).
- Common mandate v. VWAC size disparity:
  - Alpine (population 1100): sees 2 to 5 sexual assault victims in an entire year;
  - Los Angeles (population 10,441,080): 2010 LAPD received 48,042 DV-related calls; reported 20,467 DVs for prosecution, 789 rapes.

Urban v. rural? Large v. small? How many languages are spoken? How many partner organizations? Nature of relationship to criminal justice stakeholders? ….

Justice by geography?

"The perceived and actual inequity of service delivery to VAW victims is directly related to staffing in each county. A victim from a poverty-stricken and high crime area may have an experience with VWAC service-delivery that is decidedly different than a victim from an affluent area or low-crime county."

- Disparities among counties.
- Disparities within the same counties.
- Alternate sets of rights and protections?

Inadequate resources promote inequity & prevent *depth of service*

- In the majority of counties, VWACs lack adequate financial support to carry out the minimum rights and services mandated by law.
  - Funding has plateaued or diminished while costs and need for services has "sky-rocketed."
- "We're hanging on by a thread."
  - Not uncommon to hear advocates had "well over 100 cases open at a given time."

What do we have? Triage.

- Many advocates and directors reported a state of "triage" that does not allow for a rich case assessment or client follow-up.
- Los Angeles Example:
  - Over 10 yr period, 16 out of 42 locations closed; 6 sites facing closure consolidated with other centers.

VAW impacted disproportionately

- VAW cited as the most challenging, resource-intensive case type to serve: particularly DV.
- Sheer number of DV victims often cited "greatest challenge" – "triple everything else"
  - Previous CAL EMA stats indicated DV 30-40% of cases served;
  - does not comport with findings that DV represents 60% or more of caseloads.
- There is a limit to 'doing more with less'
  - Some programs unable to serve misdemeanor DV cases
- Nothing can substitute for face-to-face victim contact and continuity of care.

Importance of Depth of Service and Continuity of Care

Consistent themes from all programs:

- Nothing can substitute for face-to-face contact and continuity of care – both described as "irreplaceable."
- The closer in proximity the system can intervene, the greater correlation with CJS participation and cooperation.

Lost Opportunities for Prevention

- Crisis intervention and other support services necessary for safety prevent repeat victimization and repeat offending.
  - "The strongest predictor of future criminal behavior is prior experience as a crime victim" – SF DA's office 2013
  - Promoting CJS participation and cooperation.
- Orientation to CJS and other unique aspects of victim assistance allow for the 3 basic needs of victims in the aftermath of crime:
  - To feel safe, to express their emotions, and to know "what comes next."

Soft Spot in a Hard World

- VWACs are the vital link between the hard edges of the criminal justice system and the compassionate and complex response required by many VAW victims.
- Meeting Victims Where They Are:
  - Advocates able to meet victims & families where they are in a way that other CJS stakeholders are not; recognizing they are not a monolithic group.
- Biggest Bang for the Buck in Prevention:
  - Building victims *own capacity* for making choices, retaining safety, and collaborating with the civil and criminal justice systems.

Making ends meet

- Frequently the only way VWACs made ends meet was through supplemental local support from the Board of Supervisors and/or the DA's office.
  - W/ some noting as much as 65% or more of their program is funded by County General funds.
- Volunteers required by PC 13835.4, yet many programs noted difficulty in recruiting and retaining volunteers at a level that could fill gaps in services.

"I love my job."

- Advocates feel penalized not rewarded for their tremendous dedication.
- Doing more with less means staff spend less time on what is often their greatest strength/contribution, & more time on paperwork/administrative matters:
  - *"if it's not recorded, it didn't happen."*
- Choosing between giving the bare minimum to many, versus the impactful depth of contact to VAW victim who needs it most.

Impact on Advocates

- VWACs bearing burden of demonstrating tremendous resilience and resourcefulness in the face of cuts.
- Vicarious Trauma & Compassion Fatigue
  - Gradual burnout arising from repeated exposure to human suffering w/out ability for distance or self-care; risk particularly high working with DV.

"There is often a 'toughen up, buck up' culture in the criminal justice system."

Promoting the role of VWACs

- VWACs and advocates lack support and recognition commensurate with the vital and incomparable role they play within the CJS.
- Increased role of the criminal justice system in responding to VAW →
  - Criminal justice system partners,
  - Community partners, and
  - Public at large need to understand the role of government-based victim services.

Statewide Polling

(Californians for Safety and Justice – 2013)

- 1 in 5 acknowledge having been a victim of crime in the last 5 years. (2 in 3 of these acknowledge having been victims of multiple crimes.)
- 4 of 5 services available to crime victims tested – including assistance with accessing victims' compensation and navigating the criminal justice process – were unknown to the majority of victims.
- Of those who had used the services, nearly half found them difficult to access.

Who's doing what? The importance of a coordinated community response

- Government-based victims services and community-based programs *complementary* if done correctly.
- Multi-agency response across systems is complicated.
  - Many feel the need for clarification of the advocacy roles of the various partners in their jurisdiction.
  - Some called for a statewide comprehensive service plan to assist in delineating the roles and responsibilities of victim response.

Coordinated Community Response

SOFT HANDOFF

- VWAC Strength: Navigating the criminal justice system.
- Community Partner Strength: Longer-term empowerment/ support services.
- Inevitably these will be overlapping roles: Understanding, communication, leadership are all crucial.

FAMILY JUSTICE CENTERS

- Seen as "One-stop-shops."
- FJC Alliance lists 13 "operational" and 16 "developing" FJCs in CA.
- Great deal of success achieved through regional efforts to co-locate services.
- However, not all FJCs created equal – cannot be seen as a one size fits all solution.

Resource and Referral "Tool kit"

- Resource and referral counseling
- Direct counseling
- "Empathetic Listening" and its uniqueness in the Criminal Justice System

Challenges in the Field

- VWAC frustration in being able to keep up with the referral/resource options in their communities.
  - Outside services also experiencing cuts.
  - Advocates recounted not learning shelters or other resources closing until repeated unsuccessful attempts to refer or utilize services on behalf of victims.
- Not enough options for diverse populations/communities; lack of multi-lingual advocates.

Need for Legal Services Referrals

- Civil Legal Aid often cited as "Greatest Gap."

"It's easy for us to say, 'get out, you don't have to live this way. Here are the ways we can help. But that's not their reality. It's not that simple. Many victims have been long-isolated from career, friends, family…divorce may be culturally frowned upon…they may not have a social security number to secure employment."

- Restraining orders, custody, divorce, housing, debtor/creditor, employment…the list goes on.

"Lost in the wind?" The Need for IMMIGRATION-RELATED REFERRALS

"We are getting U-visa requests in the hundreds. I am absolutely overwhelmed."

- Some counties have no assistance, while others have greatly improved their relationship with law enforcement and other CJS stakeholders they need to work with to serve immigrant VAW victims.
- Gathering the necessary paperwork can be timely and costly; advocates not always comfortable handling necessary documents →
  - 'Practicing law without a license' concerns.

Paving the Road to Self Sufficiency

"A 30-day emergency shelter is just a time-out. And then what? They are right back where they were because they have no options. We need to give them the intensive services they require. We need to confront the alcohol and drug dependency needs, [provide] services for their children, [and] transitional programming that right now just does not exist. The beds are most often occupied by a 30-day emergency need. Until we build in a longer treatment phase, we will keep having this revolving door."

ORANGE COUNTY

Personal Empowerment Program

- Ten week program for victims providing an array of practical skills and ongoing emotional support
- Classes offered in Spanish and English

Making Rights a Reality…
Other necessary resources

- Mental Health Referrals
- Safe at Home Program
- Victim Compensation Program Assistance
- Court Escort
- VINE Notification Program enrollment
- Transportation
- Childcare
- Interpreters

Importance of Stalking

- Missed opportunity for prevention:
  - Prevalence of stalking 76% for intimate partner femicide victims and 85% for attempted intimate partner femicide victims;
  - Stalking even more accurate red flag for intimate partner homicide than intimate partner assault.
- Cited Challenges:
  - Lack of Education and Awareness;
  - Difficult to Prove;
  - Data reporting requirements creating confusion.

Data Reporting Challenges

"If you could change one thing about VWACs across the state, what would it be?"

"We would all use the same data collection system; we'd all be trained properly in it, and we'd all actually be using it the same way."

Impact of Marsy's Law

- Very little research done to date; more is needed.
- Range of qualitative responses regarding the impact and enforcement of Marsy's Law in VAW study and 2012 Summit.
- Many Perceived Areas of improvement noted, including:
  - Right to be heard in court and at bail review hearings; Communication with prosecutors; requesting copies of post-sentencing reports; Victim Impact Statements.
- Although many cited these constitutional protections as a positive impact, many also felt an additional burden to the already heavy caseloads experienced by VWACs.

Children: "the silent victims"

- CJS not designed to respond to the needs of the children exposed to violence.
  - *"Time and time again I see the impact on children. We are tasked with helping the 'primary victim,' but too many of their children get lost in the shuffle."*
  - *"Every time we turn a victim away, we are just increasing their risk of future victimization. This is true for the direct victim, and for their kids – now and as these kids grow up."*

Conclusion: Victims Services are essential to statewide public safety

- Maximizing VWAC potential requires adequate funding and increased awareness of the importance of system-based victims' services.
- Making the enumerated rights and services a reality is necessary to restore dignity to victims and their families in the aftermath of crime, and for PREVENTION.

Bridging the Gap

- Continued work with Californians for Safety and Justice (www.safeandjust.org) to expand on the diversity of victims' voices to give legislators a more complete picture of who victims are and what they need.
- U.S. Department of Justice-funded project working with California Victims Compensation Program to identify gaps in services in order to development new strategies for reaching underserved victims.


JUSTICE ISN'T SERVED
UNTIL CRIME VICTIMS ARE