

To: Members of the Joint Legislative Council--Special Committee on Criminal Justice
Funding Strategies

From: Patti Seger, Executive Director of the Wisconsin Coalition Against Domestic Violence

Thank you chairpersons Taylor and Turner and members of the committee. My name is Patti Seger, and I am the executive director of the Wisconsin Coalition Against Domestic Violence (WCADV). WCADV is the statewide organization that represents local domestic violence victim advocacy organizations and survivors. We have over 60 member programs that serve all of Wisconsin's 72 counties. I am grateful for the opportunity to appear before you today to discuss the relationship between domestic violence victims and criminal justice funding.

I also want to thank John Keckhaver for his remarks on behalf our sister coalition, the Wisconsin Coalition Against Sexual Assault. WCADV and WCASA often work hand in hand. Both organizations are products of the anti-violence against women movement and share the same basic philosophical orientation. Because sexual violence often occurs in intimate or familial relationships, our issues are closely interrelated. In many instances, WCADV and WCASA provide assistance to the same local agencies. WCADV fully supports efforts to fund the crucial work of sexual assault service providers.

Investment in victim services aids the efficacy and efficiency of the criminal justice system.

I commend this committee for undertaking a comprehensive examination of funding for the criminal justice system. I know you have already heard from many stakeholders, and I thank you for including victim services as a key component of your study. While the orientation and goals of local domestic violence victim service providers are not absolutely identical to those of the criminal justice system, most often, local victim advocacy agencies are natural allies and partners with law enforcement and criminal justice systems.

Community Coordinated Response Teams (CCRs)

Community Coordinated Response teams, or CCRs, represent one key example of how local domestic violence victim service providers improve the law enforcement and criminal justice systems. CCRs are often established and maintained by local victim advocates. The mantra of CCRs is that the community is responsible for addressing domestic violence. To that end, CCRs bring together key players in community systems, especially law enforcement, prosecutors and judicial officials, to develop strategies and procedures in the response to sexual assault and/or domestic violence. These projects emphasize cross-system collaboration and communication. In Wisconsin, more than sixty counties have formally organized commissions or task forces that meet regularly to coordinate efforts and to address issues unique to each community.

Assisting Prosecutions

Victim advocates also play crucial roles supporting the efficient prosecution of abusers. We know only a fraction of individuals who are physically assaulted in their home, report the crime to police.



Most often, victims do not report because of privacy concerns, fears of reprisal and desire to protect their partners. Even when victims do report, they may be unwilling to assist in the prosecution. Research has shown that victim advocacy and coordinated systems response allay victims' concerns and improve their willingness to participate in prosecutions.¹

Therefore, investment in victim services aids the efficacy and efficiency of the criminal justice response to domestic violence. In 2008, there were 29,769 domestic abuse incidents reported to law enforcement in Wisconsin. In some communities, domestic violence accounts for approximately one-third of all police calls and criminal charges issued. Considering the amount of resources devoted to responding to domestic violence, it is critical that victims receive the support they need to bravely see their abusers brought to justice.

When victims are isolated from support and resources, they are less likely to report abuse, show up for meetings with prosecutors or appear to testify in court, and victims are at greater risk for repeat abuse. About half of domestic violence homicide victims are killed during or after they had taken steps to leave the relationship, like seeking law enforcement protection, and we find that most often these murder victims had not accessed support from advocates or other community resources. Funding victim services not only improves the functioning of the criminal justice system; it also promotes the goals of that system by increasing long-term safety and decreasing the risk of escalating abuse.

Funding for Domestic Violence Victim Services

I know the Attorney General and representatives from the Department of Justice (DOJ) have already briefed you on funding streams for victim assistance under the DOJ's Office of Crime Victim Services, so I will not repeat what they have said. I will only note that the roles played by local domestic violence service providers complement and support the work of victim/witness coordinators in district attorneys' offices, who are funded in part through DOJ. The victim/witness coordinators' job of assisting victims through the criminal justice process is made easier when coordinators can rely on strong local domestic violence victim service providers to offer shelter, support groups, more in-depth counseling and legal advocacy for restraining order petitions or family law issues.

The state supports local domestic violence victim service providers through domestic abuse grants.² Agencies that receive grants provide shelter facilities, advocacy and counseling for victims, a 24-hour telephone service and community education. Approximately 75 organizations, counties³ and tribes receive grants from DCF. For the last two biennia, the grants have been funded with approximately \$7,150,800 in GPR and \$773,200 in revenue from domestic abuse surcharges (imposed on individuals convicted of domestic violence crimes) per year. These funds are augmented with federal dollars provided under the Family Violence Prevention and Services Act (FVPSA). For many programs, state domestic abuse grants are their core funding—the money that pays for the utility bills and rent, keeps the shelter doors open and gives victims

¹ Harrell, A., J. Castro, L. Newmark, and C. Visher. "Final Report on the Evaluation of the Judicial Oversight Demonstration: Executive Summary." Final report for National Institute of Justice, grant number 99-WT-VX-K005. Washington, DC: U.S. Department of Justice, National Institute of Justice, and The Urban Institute, June 2007, NCJ 219386, available online at <http://www.urban.org/publications/405114.html>.

² See Wis. Stat. § 49.165.

³ Barron and Sawyer counties' domestic abuse programs are based in the county government.

life-saving protection. Programs, of course, look for other funding sources, including grant funding, private donations, money from the United Way and support from local government.

As tough economic times have hit our country in recent years, domestic violence service providers have seen these other sources of revenue dry up, all while they are experiencing an increased demand for their assistance. I have provided members with a one page handout that shows the increased demand reported by organizations around the state. It also discusses some of the funding cuts these programs have simultaneously endured. I will highlight just a few examples.

- From January to May of 2010, the Community Referral Agency in Burnett and Polk counties provided almost as many shelter nights (1,843) as it did in all of 2009 (1,910), requiring a waiting list. 67 additional victims in received legal advocacy, a 134% increase.
- In 2009, Domestic Abuse Intervention Services in Madison provided shelter at rates approximately 75% higher than the previous record year, which was 2008.
- Last year, Women & Children's Horizons in Racine offered 2,000 more hours of counseling (20%). Culturally specific services rose 57%. Funding for some programs like batterers' intervention was completely cut.
- The Sojourner Family Peace Center in Milwaukee has had 200% increases in requests for legal advocacy.
- PADA in Jefferson County sustained \$23,000 in cuts from county government and foundation giving. At the same time, it had an 81% increase in crisis hotline calls and a 75% increase in new cases.

These statistics and the others I have provided indicate that victims in Wisconsin have fewer resources for escape, and in many cases, the local domestic violence shelter or program is the only place they can turn. Programs are already stretched to the limit, especially after this most recent wave of cuts. Only one program in Wisconsin compensates staff at rates comparable other social service agencies. Indeed, domestic violence victim service providers operate on shoestring budgets. The public money invested in these programs goes directly to offering life-saving services to those in the most need. Last year, over 40,000 women, children and men received domestic violence victim assistance in our state. On one day alone, programs served over 1900 individuals, but still 273 victims' requests for help went unmet because of funding shortfalls.

As I have tried to emphasize, funding victim programs improves the criminal justice response to domestic violence. Without victim services, prosecutors are forced to dismiss charges for lack of witnesses, wasting time and money, and the availability advocates, resources and shelter for victims improves criminal justice outcomes. If one of the main goals of the criminal justice system is victim safety, then empowering the victim to safely leave an abusive home will certainly be more cost-effective than incarcerating the abuser for as long as possible.

Victims depend on a well-funded criminal justice system.

While I have spent a good deal of time discussing funding for victim services, I also want to point out that victims depend on stable and adequate funding to criminal justice systems as a whole. I will discuss two key areas.

Prosecutors and Public Defenders

When prosecutors are overworked and understaffed, domestic and sexual violence cases are the most likely to be dropped or pled down, leaving victims at risk. As I mentioned, domestic violence charges represent a significant amount of the total charges handled by district attorneys' offices. These cases require large amounts of time and expertise. WCADV and others have invested time and money in training prosecutors on successfully obtaining appropriate resolutions in domestic violence cases. This training goes for naught if prosecutors cannot devote time to their cases or leave the profession all together.

Victims also have an interest in adequate funding for public defenders. Defendants have a right to competent counsel, and when counsel is not available, it results in frustrating delays and appeals. The "assembly line justice" that District Attorney Collins referred to at your last meeting serves neither victims nor defendants.

The Courts

Likewise, victims depend on an adequately funded court system. Bloated dockets mean victims must wait longer to have their abusers held accountable. This can increase their safety concerns or may mean that they stop cooperating with the prosecution. When judges struggle to clear their cases, they have less time to craft appropriate sentences, work with advocates in venues like CCRS and receive needed training on issues related to sexual and domestic violence.

I also want to mention that many victims have language and interpretation needs. Victims who are immigrants or have limited-English proficiency are at increased risk for abuse because they tend to be socially isolated and less able to access community resources. Therefore, it is imperative that these victims be offered competent and timely interpretation services when they seek protection and justice from our courts. I consider this a basic human right.

Prevention

Before concluding, I want to briefly discuss two topics that I believe are relevant to this committee's task, but which it may not otherwise consider.

First, I want to acknowledge how troubling it is that domestic violence and sexual assault are so prevalent in our communities. One in four women is domestically abused and one in six women is sexual assaulted at some point in her life. Because domestic and sexual violence are so common, the criminal justice system is heavily burdened with responding to these horrible crimes.

Victim advocates in Wisconsin have begun efforts to prevent violence before it ever starts. In the field, we call this strategy "primary prevention." Primary prevention involves community-based work to promote healthy relationships founded upon respect, autonomy and non-violence. Wisconsin receives a DELTA grant from the Centers for Disease Control and Prevention to do primary prevention work in Wisconsin. The Wisconsin DELTA project funds and provides technical assistance to four communities who are implementing and evaluating primary prevention programs. The project has also guided the creation of a statewide plan for the primary prevention of domestic violence developed by a multidisciplinary team. I call these programs to your attention because, as we talk about how to fund all the criminal justice needs in our state, I believe it is important to include proactive prevention efforts in the discussion.

Victims as defendants and convicts.

Additionally, I would like to state that victims of domestic and sexual violence enter the criminal justice system not only as victims and witnesses, but also as criminal defendants. Sometimes, victims are arrested and charged for acts of self-defense or retaliation. When victims are inappropriately arrested for acts of self-defense, they are victimized twice, once by the abuser and once by the criminal justice system. Moreover, they become less likely to call on the criminal justice system for protection in the future. Therefore, their abusers can continue the violence with impunity, and the possibility of relationships turning deadly increases. In recent years, this troubling dynamic has been most noticeable with respect to African American victims of abuse.

Other times, victims' criminal behavior may not be directly related to the abuse, but can be an indirect effect, such as using drugs as a coping mechanism. I mention this not to excuse or justify the illegal actions of domestic violence victims. However, studies show the majority of women in prison have a history of being battered or raped, and interventions must address these sources of trauma in order to change anti-social behaviors. One domestic abuse program in Milwaukee does reentry work with females. Another program in Fond du Lac has a history of doing transformative advocacy for women in Taycheedah Correction Facility. I believe victim advocates and state policymakers should look for ways to increase the availability of interventions that are informed by the domestic and sexual abuse suffered by women who enter the criminal justice system.

Conclusion

Before closing, I would like to share information from the 2009 *Wisconsin Domestic Violence Homicide Report*, which will be released on Thursday (and we will provide committee members with copies after release). Consistent with recent trends, 2009 was a ten-year record for domestic violence homicides. This is as long as WCADV has published the annual report. Sixty-seven people in Wisconsin lost their lives to domestic violence. Although we do not have conclusive research to point to the causes of the increase, two inter-related and mutually reinforcing factors appear to be at play. First, victims are staying in abusive relationships longer because of a lack of independent financial means, and abusers who are unemployed or laid off have more opportunity to exercise control over their partners. Second, resources for law enforcement and prosecutors, especially specialized responses for domestic violence, have diminished. Historically, domestic violence homicides have decreased starting in the early-nineties when the Violence Against Women Act was passed and the response to domestic violence improved. I am deeply concerned that the latest increases in domestic violence killings are more than a statistical anomaly and are evidence of an erosion of the progress we have made to reduce and end domestic violence. That is why the work of this committee is so vital; funding choices have life and death consequences. As you continue your process, I ask that you prioritize the safety and support of those who are most vulnerable.

Thank you for the opportunity to share this information. John, Tony and I would be happy to answer questions.