

WRITTEN TESTIMONY OF PEG J. DIERKERS, EXECUTIVE DIRECTOR

PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

BEFORE THE
COMMITTEE ON THE BUDGET
UNITED STATES SENATE

JUNE 8, 2015

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My name is Peg Dierkers, and I am the executive director of the Pennsylvania Coalition Against Domestic Violence (PCADV). In 2008, I became PCADV's second executive director, succeeding founding director, Susan Kelly-Dreiss. I have devoted my career to leading organizations through strategic management of their operations and broadening constituency support in order to identify new ways to create positive change. My background includes successes in directing advocacy, fundraising and major operations for community-based nonprofits, government institutions and national healthcare businesses. I currently serve on the Victim Services Advisory Committee (VSAC) with the purpose of advising the Pennsylvania Commission on Crime and Delinquency (PCCD) on the needs and perspectives of survivors and victims of domestic violence so that they may be considered in the development of services, policies and legislation, and funding priorities.

Before I begin my testimony today, I would like to extend my gratitude to Chairman Enzi, Ranking Member Sanders, and Senator Toomey for conducting this hearing and for inviting me to represent the interests of our 60 Pennsylvania domestic violence centers and the thousands of victims and children they serve every day. I would like to thank Senator Toomey for working so closely with PCADV and other stakeholders on his bill to ensure additional support for victims of domestic violence from the Crime Victims Fund. At this time, I would also like to recognize the hard-working and dedicated advocates who have joined me today in the audience.

PCADV is a private, non-profit organization that provides services and advocacy on behalf of victims of domestic violence and their minor children. PCADV was established in 1976 and is the oldest statewide domestic violence coalition in the nation. In PCADV's nearly 40 years of operation, it has grown to a membership of 60 domestic violence centers that provide services to every county in Pennsylvania. Our member centers provide a range of holistic services, including emergency hotlines, shelters, counseling programs, safe home networks, legal and medical advocacy, and transitional housing for victims of abuse and their children. During the last fiscal year, our centers helped 85,643 Pennsylvanians—including over 7,000 children.

Domestic violence is a serious and widespread public health crisis in the United States. Domestic violence is pervasive in our society; it has no economic, ethnic or social boundaries. The numbers are shocking. One in four women in the United States—approximately 42.4 million—have experienced physical violence,

rape, or stalking by an intimate partner; and one in seven men have experienced the same violence at some point in their lifetime.¹

The free and confidential services PCADV's network provides are powerful and lifesaving. However, every year Pennsylvania families and communities are still shattered by the ultimate cost of domestic violence. In 2014, there were 141 domestic violence fatalities in Pennsylvania. Ninety-seven of those deaths were victims, including four children; and 44 were perpetrators. Each loss of life is a heartbreaking reminder of the need for increased awareness and funding for domestic violence services.

BACKGROUND

The Victims of Crime Act (VOCA) of 1984 established the Crime Victims Fund. The Crime Victims Fund, which is generated by fines paid by federal criminals and receives no taxpayer dollars, offers a vital funding source for victims seeking help to heal from the emotional and physical challenges resulting from crimes committed against them. VOCA funds provide a key thread in a victim's safety net—with no fiscal burden on taxpayers.

In Pennsylvania, VOCA funds may be used for a wide range of critical services, including: crisis counseling, emergency legal advocacy, shelter and transitional housing, emergency financial assistance, and emergency hotline response. In 2014, the need for additional VOCA dollars was dire as PCADV's network of domestic violence centers struggled to appropriately staff their agencies to meet demand for services.

In Pennsylvania, for example, one of our comprehensive domestic violence service providers in Philadelphia, Women Against Abuse, Inc., used VOCA funds to fund two court advocates who are stationed in court to assist victims with legal options counseling, safety planning and referrals, as well as an attorney who is also stationed daily in family court to provide immediate representation in the most complicated protection order cases. At full capacity and with expanded use, this program would include an additional fast-track attorney to represent clients, an advocate in the court filing unit to triage cases, as well as expanded capacity for a custody attorney. Last year, Women Against Abuse turned away 189 eligible

¹ Centers for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey: 2010 Summary Report* (2010) available at http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf#page=47

custody cases due to a lack of staff capacity. Women Against Abuse has been operating the program at the lowest possible capacity due to inadequate funding.

In Lancaster County, the Domestic Violence Legal Clinic was able to partially fund a non-attorney legal advocate to assist victims acting pro se in filling out extensive paperwork, filing for Protection From Abuse orders, and even offering emotional support to victims as they navigate a confusing and overburdened legal system. In Lancaster County, legal advocacy staff continue to be stretched to capacity and must work with other agencies to maximize services to victims.

The Crime Victims Fund plays an integral role in assisting victims of domestic violence. I would like to share two client success stories made possible by VOCA funds. Berks Women in Crisis' Civil Legal Representation program successfully assisted a client in obtaining a long-term PFA against the client's abusive ex-boyfriend who was also the father of her young daughter. The client reported that the defendant was stalking her and threatening to kill her, telling her that she "was his forever, and if not, she was going to die." She also reported that when they were living together, he had strangled her on several occasions – almost to the point of unconsciousness. She was very afraid of the defendant. At the first scheduled hearing, the defendant refused to agree to the entry of an order so a second hearing date was set. Less than two hours before the second scheduled hearing time, the defendant posted a message on Facebook disparaging and threatening the client. She contacted her local police department and they sent an officer to meet her at the courthouse for her statement. Under cross-examination at the PFA hearing, the defendant quite proudly and defiantly admitted he was the author of the Facebook message in question. He testified at great length and in great explanatory detail that yes, he wrote the post directed to the client because that was "how he was feeling at the time" and that he was simply exercising his "right to freedom of speech." The court found in favor of the client and entered a final PFA order with a supervised custody provision.

Another story illustrating the way VOCA funds can be used to impact the lives of victims comes from Philadelphia and Women Against Abuse. Women Against Abuse represented "Kendra" in a custody case against her child's father. "Kendra" already had a protection-only order in place against "Mike" for a long history of abuse. "Kendra" and her ex-boyfriend (and the father of her child), "Mike", started arguing during a visit with the child, and "Mike" put her in a chokehold and wrestled her to the ground with one arm—all

while holding their 3-month old child. Once “Mike” got her on the floor, he started to bang her head on the floor, and bit her head. “Kendra” was able to get up and run into the bedroom to call 911. “Mike” ran after her and punched her in the face.

The police arrived on the scene of this assault, and arrested “Mike”. “Kendra” was shortly thereafter connected with Women Against Abuse, where an attorney was able to assist in modifying her protection order to include no-contact, and importantly to file an expedited custody order, to grant her immediate primary custody of her baby. Women Against Abuse was able to represent “Kendra” in her ongoing custody case to ensure that she and her child are safe from her abusive partner moving forward. Women Against Abuse was eventually able to take on the full custody case and ultimately secure supervised visitation for the child.

PCADV, and the domestic violence centers we represent, are grateful that, during the 2015 fiscal year, the federal government released an unprecedented and desperately needed \$2.36 billion from the Crime Victims Fund to be used to rebuild the lives of victims. PCADV thanks Senator Toomey for fighting to have this year’s budget resolution include a provision that provides an estimated \$2.5 billion in funds to victims of domestic violence, sexual assault, child abuse and other crimes nationwide.

EMERGING ISSUES AND UNMET NEEDS

In Pennsylvania, emerging issues are becoming apparent, and unmet needs continue to demand consideration. Pennsylvania’s General Assembly signed Act 105 into law last legislative session, bringing the issue of human trafficking to a new level as advocates and stakeholders seek to build capacity to respond to the needs of victims. There is a great need in Pennsylvania to create a model of service and train law enforcement and victim service providers to help victims of human trafficking as our communities try to understand the complex and unique needs of this population. There also are challenges to providing services to male victims of crime—especially in cases of domestic violence and sexual assault— that call for additional money for staffing as our advocates seek to reach men and overcome the social stigma and barriers faced by male victims.

Last state fiscal year, in Pennsylvania alone, our 60 domestic violence centers reported 6,152 unmet requests for shelter due to increased public awareness to the issue of domestic violence and inadequate resources to serve these individuals. Although our advocates do not always know what happens to victims

who are turned away, our centers report that 60 percent of them are forced to return to their abuser; 32 percent become homeless; and 8 percent are forced to live in their cars.² These numbers provide the realistic answer to the too-common question, “Why doesn’t she just leave?” Releasing additional VOCA funds can do so much to ensure there will be an adequately funded service provider available to help every time a victim of crime has the courage to seek help.

Every year, domestic violence programs in the United States participate in a one-day National Census of Domestic Violence Services and the results are staggering. Across our nation, there were 67,646 victims served in one day. Hotline workers answered 20,845 calls—offering a lifeline for victims in danger. This is an average of 15 hotline calls answered every minute. Importantly, that same day nationwide there were 10,871 unmet requests for services and 56 percent of those unmet requests were for safe housing.³

In one day in Pennsylvania, our network of 60 centers helped 2,498 victims; this number included 713 children. Of the services provided in that one day, 80 percent of the victims were provided with emergency shelter and 80 percent were provided with legal advocacy. Local and state hotlines answered 744 calls, an average of 31 calls per hour. However, in that same day in Pennsylvania, there were 252 unmet requests for services, which could not be provided because programs did not have the necessary resources. Of the unmet requests, 184 were for housing. Safe and affordable housing is crucial for victims of domestic violence and their children to escape abusers and live a life free from violence. The top reason reported for our centers being unable to provide these services was due to reduced government funding.⁴ I have attached the summary for the national census and summary for Pennsylvania’s census to my testimony.

When there is an unmet need in a community, expansion of existing agencies should be considered before any decision is made about starting a new agency. This is an efficient strategy that will reduce overhead in communities while investing in agencies with a proven track record of success. VOCA funding awards

² National Network to End Domestic Violence, *Domestic Violence Counts: Pennsylvania Summary* (2013) available at http://nnedv.org/downloads/Census/DVCounts2013/State_Summaries/DVCounts13_StateSummary_PA.pdf

³ National Network to End Domestic Violence, *2014 Domestic Violence Counts: National Summary* (2014) available at http://nnedv.org/downloads/Census/DVCounts2014/DVCounts14_NatlSummary_Color.pdf

⁴ National Network to End Domestic Violence, *2014 Domestic Violence Counts: Pennsylvania Summary* (2014) available at <http://nnedv.org/downloads/Census/DVCounts2014/PA.pdf>

should also support the service providing the broadest possible scope for victims. This is especially relevant in cases where only certain agencies can ensure confidentiality and sole allegiance to a victim. Furthermore, it is desirable that an agency be able to provide services regardless of whether a victim chooses to involve the criminal justice system. These preferences empower and protect victims, while honoring them as experts on the safest way to support them in their journey to becoming a survivor.

PCADV recognizes the national need for a designated tribal funding stream to help ensure access to services for all victims living in fear. Establishing tribal funding in VOCA would follow suit with funds already allocated in the Violence Against Women Act and Family Violence Prevention and Services Act. Although Pennsylvania is not home to tribal nations, PCADV supports funding for tribes in light of our work to overcome oppression for all people.

PLANNING FOR FUNDS IN PENNSYLVANIA

PCCD administers these funds to county VOCA funding committees that make awards to local domestic violence centers, rape crisis centers, child advocacy centers and other agencies that serve victims of crime. With 67 counties in the commonwealth experiencing a spectrum of service availability, a county-focused service system permits consistent standards to be met while still incorporating flexibility tailored to the needs of each community.

Pennsylvania must be able to sustain core services in all parts of the commonwealth. VSAC has been working diligently to ensure that VOCA funds allocated to Pennsylvania will be used effectively and efficiently. Strategies that support an efficient and effective delivery system include resource sharing, such as shared staff, technology, and administrative functions. Some core service providers struggle to keep their doors open as they weave together more than 30 federal, state and local funding streams and supplemented staff with 265,526 volunteer hours to serve more than 85,000 victims annually.

PCADV supports efforts to reduce barriers created by tying dollars to arbitrary requirements. For example, the current 20 percent match requirement for VOCA award recipients is not in statute, but is imposed by the Office for Victims of Crime as an administrative rule. Maintaining this 20 percent match requirement could have a crippling impact on an organization's ability to utilize the influx of VOCA dollars coming to their state. Although Pennsylvania recipients have the benefit of PCCD's automatically matching VOCA funds with state domestic violence and rape crisis dollars, this is not a benefit enjoyed by sister coalitions across the

nation. Ultimately, this administrative standard could prohibit otherwise eligible agencies from being awarded the funds to serve victims in need.

CONCLUSION

PCADV urges Congress to pass Senator Toomey's Fairness for Crime Victims Act (S.1495), which requires the Department of Justice to disburse from the Crime Victims Fund the average of the past 3 years' intake. With an ample balance in the Crime Victims Fund, now is the time to create a stable and sustainable funding formula to release additional money for the purpose Congress intended and for which it has been collected.

This concludes my testimony. I would like to again thank Chairman Enzi, Ranking Member Sanders, Senator Toomey, members of this committee, and staff for the opportunity to provide a glimpse into the powerful work domestic violence centers can do with VOCA funds. We look forward to the opportunity to provide further input to the committee on this issue in the future.

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Domestic Violence Counts National Summary

On September 10, 2014, 1,697 out of 1,916 (89%) identified domestic violence programs in the United States participated in the 2014 National Census of Domestic Violence Services. The following figures represent the information provided by these 1,697 participating programs about services provided during the 24-hour survey period.

67,646 Victims Served in One Day

36,608 domestic violence victims found refuge in emergency shelters or transitional housing provided by local domestic violence programs.

31,038 adults and children received non-residential assistance and services, including counseling, legal advocacy, and children’s support groups.

This chart shows the percentage of programs that provided the following services on the Census Day.

Services Provided by Local Programs:	Sept. 10
Individual Support or Advocacy	98%
Children’s Support or Advocacy	85%
Emergency Shelter	79%
Transportation	55%
Court Advocacy/Legal Accompaniment	53%
Prevention or Education Programs	53%

20,845 Hotline Calls Answered

Domestic violence hotlines are a lifeline for victims in danger, providing support, information, safety planning, and resources. In the 24-hour survey period, local and state hotline staff answered 20,845 calls and the National Domestic Violence Hotline staff answered 1,283 calls, averaging more than 15 hotline calls every minute.

23,506 Attended Prevention and Education Trainings

On the survey day, 23,506 individuals in communities across the United States and territories attended 1,157 training sessions provided by local domestic violence programs, gaining much-needed information on domestic violence prevention and early intervention.

10,871 Unmet Requests for Services in One Day, of which 56% (6,126) were for Housing

Victims made more than 10,000 requests for services—including emergency shelter, housing, transportation, childcare, legal representation, and more—that could not be provided because programs did not have the resources to provide these services. The most frequently requested non-residential services that could not be provided were housing advocacy, legal representation, and financial assistance.

Cause of Unmet Requests for Help

- 28% reported reduced government funding.
- 18% reported not enough staff.
- 18% reported cuts from private funding sources.
- 14% reported reduced individual donations.

Across the United States, 1,392 staff positions were eliminated in the past year. Most of these positions (76%) were direct service providers, such as shelter staff or legal advocates. This means that there were fewer advocates to answer calls for help or provide needed services.

“Housing is a constant need for domestic violence survivors. We get calls and walk-ins almost every day from women, most with children, who are fleeing abusive situations and are in desperate need of housing. We always have a waiting list.”

—Utah Advocate



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Domestic Violence Counts Pennsylvania Summary

On September 10, 2014, 60 out of 60 (100%) identified local domestic violence programs in Pennsylvania participated in the 2014 National Census of Domestic Violence Services. The following figures represent the information reported by the 60 participating programs about services provided during the 24-hour survey period.

2,498 Victims Served in One Day

1,373 domestic violence victims (713 children and 660 adults) found refuge in emergency shelters or transitional housing provided by local domestic violence programs.

1,125 adults and children received non-residential assistance and services, including counseling, legal advocacy, and children’s support groups.

This chart shows the percentage of programs that provided the following services on the Census Day.

Services Provided by Local Programs:	Sept. 10
Individual Support or Advocacy	100%
Children’s Support or Advocacy	90%
Emergency Shelter	80%
Court/Legal Accompaniment/Advocacy	80%
Group Support or Advocacy	52%
Advocacy Related to Housing Office/Landlord	43%
Transportation	38%
Legal Representation by an Attorney	28%

744 Hotline Calls Answered

Domestic violence hotlines are a lifeline for victims in danger, providing support, information, safety planning, and resources. In the 24-hour survey period, local and state hotlines answered 744 calls, averaging 31 hotline calls every hour.

1,941 Educated in Prevention and Education Trainings

On the survey day, 1,941 individuals in communities across Pennsylvania attended 62 training sessions provided by local domestic violence programs, gaining much-needed information on domestic violence prevention and early intervention.

252 Unmet Requests for Services in One Day, of Which 73% (184) Were for Housing

Victims made more than 250 requests for services, including emergency shelter, transitional housing, and non-residential services, which could not be provided because programs did not have the resources to provide these services. The most frequently-needed service that couldn’t be provided was housing, followed by legal representation

Cause of Unmet Requests for Help

- 27% reported reduced government funding.
- 17% reported cuts from private funding sources.
- 15% reported not enough staff.
- 10% reported reduced individual donations.

Across Pennsylvania, 46 staff positions were eliminated in the past year; most of these positions were direct services (75%), such as shelter or legal advocates, so there were fewer advocates to answer calls for help. Thirty-seven individual services at local programs were reduced or eliminated in the past year.

“On Wednesday, September 10, 2014, a current client called the center wanting to talk about a recent violation of her PFA and to let an advocate know that there was going to be a court hearing regarding the violation later that afternoon. She requested that she would like an advocate to be there to support her at the hearing. An advocate was available to attend the hearing. At the hearing, the client met with an Assistant DA and our attorney was also available to meet this client as she was the attorney who represented her at the original PFA hearing. The defendant pled guilty and was sentenced to jail time. The client felt relieved that she did not have to testify and that her PFA was extended.”

— Advocate

