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THE AVAILABILITY OF DOMESTIC VIOLENCE SERVICES FOR LATINAS IN NEW YORK STATE: PHASE II INVESTIGATION

Jenny Rivera

I. INTRODUCTION

A. Service Availability Investigation

Over the past two decades, public examination of intimate partner violence\(^2\) and its impact on women and society have led to

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My appreciation and gratitude to the women survivors who participated in my research by telling me their experiences. My appreciation also goes to the New York State Spanish Domestic Violence Hotline staff for their continued support of my research. Many thanks to Professor Maria Arias for her comments and work with battered Latinas, and to Sandra Munoz and Pavita Krishnawamy who provided vital research assistance. Special thanks to Raquel Gabriel without whose extensive research and data collection this report could not have been completed.

\(^{2}\) I use “intimate partner violence” rather than “domestic violence” because the former is a more accurate description of the violence against women perpetrated by current or former intimate partners. For a fuller discussion of this choice of descriptor, see Jenny Rivera, Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials, 14 B.C. THIRD WORLD L.J. 231, 232 n.5 (1994); Jenny Rivera, Puerto Rico’s Domestic Violence Prevention and Intervention Law and the United States Violence Against Women Act of 1994: the Limitations of Legislative Responses, 5 COLUM. J. GENDER & L. 78, 79 n.8 (1995) [hereinafter Rivera, Puerto Rico’s Domestic Violence Prevention]; Jenny Rivera, The Violence Against Women Act and the Construction of Multiple Consciousness in the Civil Rights and Feminist Movements, 4 J.L. & POL’Y 463, 465 n.6 (1996) [hereinafter Rivera, Violence Against Women Act]. However, because the term “domestic violence” continues to be used generally to describe this category of violence, for purposes of clarity, “domestic violence” will be used in this document where appropriate. Otherwise, it is used interchangeably with “intimate partner violence.”
legislative and advocacy initiatives addressing this violence and its attendant consequences. In New York State, these initiatives include state and local legislations mandating social services and legal protection for intimate partner violence survivors, often supported by federal funds. While many advocates have complained that these efforts are insufficient or underfunded, advocates for Latina survivors in New York have charged that various public interventions, especially the social service provisions, are inadequate to meet the needs of Latina survivors. These advocates claim that the scarcity of bilingual service providers, coupled with the lack of culturally appropriate services, result in an overall failed state system for Latinas.

In order to critically explore these claims of inadequacy, the New York State Spanish Domestic Violence Hotline Advisory Committee\(^3\) instituted an investigation in 1997 into the availability of existing domestic violence services for Latinas in New York State. The initial phase of the investigation resulted in a published report on the State's service provision entitled *Preliminary Report: Availability of Domestic Violence Services for Latinas in New York State* ("Phase I Report").\(^4\) The Report concluded that Latinas did not receive sufficient bilingual and bicultural services, and that Latina-run providers were overburdened in their efforts to provide such services.\(^5\)

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\(^3\) Jenny Rivera, *Preliminary Report: Availability of Domestic Violence Services For Latina Survivors In New York State*, 16 BUFF. PUB. INT. L.J. 1, 4 (1997-1998) (citing NEW YORK STATE SPANISH DOMESTIC VIOLENCE HOTLINE FINAL REPORT 1 (Feb. 1997)). "The New York State Spanish Domestic Violence Hotline ("Hotline") is a 24 hour, toll-free, multi-service provider established in 1985. The Hotline provides Spanish-speaking domestic violence survivors and other New York State domestic violence service providers with a variety of services, including domestic violence counseling, crisis intervention, counseling referrals, and shelter, police, medical and court advocacy." The Advisory Committee, which no longer exists, was composed of Latina advocates for survivors and Latino provider representatives from throughout New York State.

\(^4\) *Id.* at 1.

\(^5\) *Id.* at 27-28.
In 2000, as the Phase I Report primary investigator and author, I initiated the second phase of the investigation into New York State’s service provision for Latina intimate partner violence survivors. The results of this second phase, completed with the assistance of the City University of New York School of Law Battered Women’s Clinic and the New York State Spanish Domestic Violence Hotline, are presented in this Phase II Report. The second report updates information about the status of the service provision for Latinas, presents the results of a new provider survey on the employment status and experiences of the battered women these providers serve, and, to the extent feasible, considers the impact of recent local legislation on Latina survivors and of federal intervention on state services.

B. Focus and Timing of the Phase II Report

Dramatic changes that transpired at the national and state levels dictate the focus and timing of this report. First, there is greater visibility and understanding of intimate partner violence nationally. As a result, there is an increased awareness of the effects of intimate partner violence and the actualization of preventive and remedial responses. Second, New York State’s

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6 The Phase I Report was written under the auspices of the Hotline. The Phase II Report was completed with the assistance of the Hotline, but it is not a Hotline report as is the case with the Phase I Report. However, both reports solely reflect my recommendations and conclusions as the primary investigator and author. The statements made therein are attributable solely to me, except where otherwise stated in the Reports.

7 Maria Arias, Assistant Professor of Law and clinical instructor, and Sandra Munoz, a clinic student and a third year law student of the City University of New York School of Law Battered Women’s Clinic, provided assistance in the development of the provider survey. Ms. Munoz also provided vital research assistance. The New York State Spanish Domestic Violence Hotline staff provided assistance in the development and distribution of the survey.

8 See infra Part VII.A.

9 See infra Part VII.B.

10 See infra Recommendations and Conclusions.
demographics have changed as revealed by the Census 2000. The Latino population has increased dramatically throughout the State. Third, New York State's laws have expanded the legal remedies available to survivors and their families and enhanced state-based criminalization efforts. For example, New York recently renewed its mandatory arrest law, which was originally scheduled to take effect in July 2001. Fourth, legislation at the local level with national and state political efforts, have considered or responded to the employment status of and workplace problems faced by survivors of intimate partner violence. These efforts are driven in part by the growing recognition that survivors are often hampered in their attempts to achieve financial stability and secure economic independence by the actions of batterers and employers. Fifth, Congress recently reauthorized the Violence Against Women Act ("VAWA"). In the four years since the Phase I Report, the VAWA appropriated millions of dollars in federal funds to state-based intimate partner violence programs and projects. New York State received and appropriated over 52

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11 See, e.g., C.P.L. §§ 140.10, 530.11; Family Court Act § 812.
12 See C.P.L. § 140.10.
13 WOMEN'S BUREAU, U.S. DEP'T OF LABOR, LEAFLET NO. 96-3, FACTS ON WORKING WOMEN, DOMESTIC VIOLENCE: A WORKPLACE ISSUE 1 (1996) (citing two studies indicating that the harassment of battered women at the workplace resulted in missed work days. One of the studies also indicated additional workplace difficulties as a result of domestic abuse, lateness, difficulty with job performance, loss of job, and reprimands for problems associated with domestic violence).
Domestic Violence Services for Latinas

millions of dollars in federal funds to intimate partner violence programs and other projects to educate law enforcement and legal professionals about intimate partner violence. Early evaluation reports indicated that the VAWA had helped to reduce violence against women.\(^{15}\)

All of these factors suggest a need to reconsider the demands for and adequacy of the State's services. To the extent possible, the Phase II Report considers whether New York State's services meet the language and cultural needs of Latina survivors, and whether the State has complied with the VAWA mandate to develop programs for underserved, racial, ethnic and linguistic communities.\(^{16}\)

With the increased interest in and study of the effects of intimate partner violence on survivors' ability to work and their experiences in the workplace, the author also deemed it appropriate to consider in this report the impact of intimate partner violence on Latinas' employment.\(^{17}\) If there are any discernible significant


\(^{16}\) See, e.g., 42 U.S.C. § 10402(1)(2) (2000) (award of federal grants on states' plans addresses the needs of "populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation").

\(^{17}\) As described in Part III.B, there is scant information on the impact of intimate partner violence on Latinas' employment history. The continued lack of information about Latinas' experiences and the scarcity of ethnic and culturally specific studies on Latinas and other women of color have significantly hampered the efforts of advocates in their attempts to address the needs of Latina survivors and of the Latino community. See National Latino Symposium On La Violencia Domestica: An Emerging Dialogue Among Latinas 1, at 3 (1997).

Summarizing findings from the 1997 Latino Domestic Violence Symposium attended by a cross-section of Latina and Latino anti-domestic violence advocates, the National Latino Alliance for the Elimination of Domestic Violence ("Alliance"), the national coordinating body for the Latino anti-domestic violence community concluded in 1999:

...[T]he Latino community has not received sufficient attention in domestic violence research. Research questions often do not reflect the needs of the community and research
differences in Latinas' employment experiences as described by providers, they are discussed in this Phase II Report.

C. Phase II Report Structure

In contrast to the Phase I Report that presented results in the context of the State's regulatory service provision requirements, the Phase II Report focuses on changes based on the survey responses and available data. For background purposes, Part II summarizes the Phase I Report findings and conclusions. Part III presents statistics on intimate partner violence, including those on the impact that violence has on the employment experiences of women survivors. Part IV discusses the State's Latino demographics. Part V describes New York State legislation and regulations on intimate partner violence not discussed in the Phase I Report, and also includes two recently enacted New York City local laws. Parts VI and VII, respectively, describe the methodology employed in this Phase II study and the responses to the provider surveys. Part VIII summarizes the author's interviews with survivors, advocates and providers. Part IX sets forth recommendations and conclusions based on the Phase II survey results and research.
II. PHASE I REPORT: FINDINGS

The Phase I Report considered existing information about services, statistical information gathered from census data, state and local reports, and relied on two information-gathering tools specifically designed for the study.\textsuperscript{18} The author of the Phase I Report mailed a twenty-five question service-provider survey to all New York State service providers listed in the State's 1996-97 directory. The author also held telephone interviews with providers, advocates, and survivors.\textsuperscript{19}

The Phase I Report found that in the two years prior to the report's publication, both New York State's and New York City's English and Spanish language hotlines handled over 30,000 calls.\textsuperscript{20} Despite the demand for domestic violence services by Latinas, the majority of New York State's providers had inadequate staff and resources to address their needs. The State depended on a small number of Latina/o providers to deliver appropriate services to Latina survivors.\textsuperscript{21} As the report further stated, these providers had limited resources and were apparently overburdened by the growing demand for services.

[T]he majority of bilingual and bicultural services are provided to Latinas by Latina or Latina/o domestic violence providers and community-based social service organizations . . .

Notwithstanding the important work of these providers, they are individually, and as a group, unable to address the shelter and nonresidential service needs of all Latina survivors and their families in New York State. Thus, significant numbers of Latinas seek and receive services from non-Latino providers . . .

\textsuperscript{18} Rivera, supra note 3, at 12.
\textsuperscript{19} Id. at 12-17 (describing the survey and telephone interviews).
\textsuperscript{20} Id. at 5, n.12.
\textsuperscript{21} Id. at 13.
[Of those non-Latino providers who responded to the survey], approximately 24% (11 providers) . . . did not have bilingual staff. . . [and] had no or a very small number of Latinas in their programs. . .

. . . 48% (22 providers) of the respondents indicated that they had some bilingual staff. Another 4% (2 providers) stated that they did not have bilingual staff for the domestic violence work but had access to the bilingual staff within the agency. Another 15% (7 providers) indicated that they relied on bilingual volunteers because they did not have bilingual staff.22

The impact on service provision due to the shortage of staff and services was dramatic. The Latino providers serviced over 1,000 Latinas annually. Meanwhile, the Latina Spanish-language Hotline provided services to another 5,000 women.23 The non-Latino providers had incredible service demands. These providers had a monthly bilingual staff-to-client ratio ranging from a high of 2 to 3 bilingual staff for every 5 to 6 Latinas to a low of 1 for every 25 Latinas.24

The report concluded that the providers were not responding to the high-growth demand. As a consequence, the State's service provision was quantitatively inadequate to satisfy the need. At the time of the Phase I Report, New York State had only one Latina-run bilingual/bicultural domestic violence service provider, even though the Latino population constituted 13 percent of the State's population.25 This was not only quantitatively but also qualitatively insufficient.

22 Id. at 13-15 (footnotes excluded).
23 Id. at 13-14 & n.47.
24 Id. at 15, n.48.
25 Id. at 19-20 (the Violence Intervention Program was the only such provider in the entire state).
[C]ounties with significant numbers and concentrations of Latinos, do not have adequate services available to Latina survivors. Few counties have significant numbers of Latinos and Latinas with programs with bilingual staff. The service providers with bilingual staff are generally the Latino community or Latina-run organizations, or providers in counties with significantly large Latino populations. The difficulty in providing services is often addressed by using translators or, in multi-program providers, by bilingual staff of other non-domestic violence projects within the agency. In addition, even when bilingual staff are part of the program, there may be insufficient coverage due to the insufficient number or availability of staff to provide 24-hour coverage. 26

While Latinas shared the same predominant obstacle of gaining access to services that all other survivors faced, namely the underfunding of services, the report cited other problems with the existing service system that impacted mostly Latina survivors.

The overwhelming problem Latina survivors face in securing domestic violence services is the same as that all other survivors face: insufficient services. There are certain practices which, combined with underfunding, have particular adverse impact on Latinas...

Unlike their non-Latina, English speaking counterparts, Spanish-monolingual and Spanish-dominant Latinas do not have equal access to the limited domestic violence resources available. Accompanying the general shortage of services, is a

26 Id. at 19.
concomitant shortage of bilingual/bicultural services.

State reports suggest, and domestic violence services provider information concludes, that monolingual Spanish-speaking Latinas and Spanish-dominant Latinas have been expressly, or in practice, denied access to programs based on "special language needs." 27

The Report also identified certain qualitative difficulties faced by Latinas that resulted from the lack of available services and failure of the state and local policies to address their circumstances and needs. One apparent problem was the continuing prevalence of racism and xenophobia. "Latinas . . . experience isolation resulting from the transfer to an unknown and distant location. In some Upstate regions, Latinas' feelings of alienation and separation are exacerbated by community responses that are racist, xenophobic or anti-immigrant in character." 28

The Phase I Report concluded that Latinas generally face different obstacles compared to other survivors. However, even when faced with obstacles similar to other survivors, they are differently positioned. 29 That Report recommended that such differences be considered in the development of legal and political strategies.

III. INTIMATE PARTNER VIOLENCE STATISTICS

A. General Statistics

Approximately 30 percent of female homicide victims are killed by intimate partners. 30 While the total number of homicides

27 Id. at 17-18, 23 (footnotes omitted).
28 Id. at 17.
29 Id. at 27.
and rates of intimate partner violence have decreased, women continue to be the targets of violence at the hands of their former or current intimate partners at alarming rates. In 1998, women were victims of approximately 876,000 violent crimes. The rate of women experiencing intimate partner violence was five times that of men.\(^3\) Moreover, between 1993 and 1998, 50 percent of female intimate partner violence victims were physically injured as a result of an attack by a current or former intimate partner.\(^3\)

The calls to New York State's domestic violence hotlines reflect similar numbers of women victims of intimate partner violence. The New York State English-language Hotline received 20,933 and 21,775 calls from January to December 2000 and January to December 2001, respectively.\(^3\) This is a dramatic increase from the 8,000 total calls reported in the Phase I Report for the English-language Hotline for the 1994 to 1995 contract year.\(^3\) Data from the Spanish Domestic Violence Hotline and the Violence Intervention Program's ("VIP") Hotline reveal a large number of calls from Latinas to these hotline numbers.

According to the last three years of statistics for these hotlines, there has been a significant demand for services. For example, from October 1997 to September 1998, the Hotline received 2,457 calls, consisting of 1,762 in Spanish, 644 in English and 51 "other"; 5,178 calls from 1998 to 1999, 62 percent in Spanish, 28 percent in English, and 13 percent "other"; and 4,489 calls from 2000 to 2001, 74 percent in Spanish, and 16 percent "other."\(^3\) These numbers indicate an increase since the 2,500 calls in 1994 that were reported in the Phase I Report.\(^3\)

\(31\) Id. at 2.
\(32\) Id. at 6.
\(33\) NEW YORK STATE ENGLISH DOMESTIC VIOLENCE HOTLINE, ANNUAL REPORT 1 (2000); NEW YORK STATE ENGLISH DOMESTIC VIOLENCE HOTLINE, ANNUAL REPORT 1 (2001).
\(34\) Rivera, supra note 3, at 5.
\(35\) NEW YORK STATE SPANISH DOMESTIC VIOLENCE HOTLINE (2000-2001), statistics for 2000-2001 indicates "N/A" for the English speaking category. Also, the 1999-2000 statistics include only calls for the second and third quarters, indicating a total of 2,496 calls, with 83% and
The VIP Hotline experienced a similar increase in calls from the 425 Spanish language calls it received in 1996, which was also reported in the Phase I Report.\(^{37}\) In 2000, the VIP Hotline received 844 total first time calls\(^{38}\) out of 4919 total calls,\(^{39}\) and in 2001, that number had almost doubled to 1404 first time calls out of 8335 total calls. For the months of January, February, and March of 2002, the VIP Hotline received 131 out of 677 total calls, 111 of 680, and 139 of 700, respectively.\(^{40}\)

**B. Workplace and Employment Statistics**

There is limited data on the impact of intimate partner violence on women in the workplace. However, the existing data incontrovertibly establishes that women are more likely than men to experience a higher rate of violence at the workplace from their intimate partners. The United States Department of Labor Women’s Bureau’s Facts on Working Women Domestic Violence: A Workplace Issue states that, “women [at work] are . . . more likely than men to be attacked by an intimate . . . During the period [of] 1987-1992, five percent of the women victimized at work were attacked by a husband, ex-husband, boyfriend, or ex-boyfriend. . . ."\(^{41}\) The report also states that from 1992 to 1994, 17 percent of the alleged attackers involved in the homicide of women at work were their current or former husbands or boyfriends.\(^{42}\) The

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17% for the second quarter being Spanish-speaking and "Other," respectively, and 76% and 24% for the third quarter, respectively.\(^{36}\) Rivera, *supra* note 3, at 5.\(^{37}\) *Id.* at 6.\(^ {38}\) VIP separates its calls into two categories: first time calls and ongoing calls. The latter represents calls on existing cases.\(^{39}\) The year 2000 statistics are approximately 1200 calls short due to administrative errors. Since the VIP Hotline receives approximately 200 more calls per month than that reflected by the statistics in the text, and approximately 20% of those calls are first time calls, the total for first time calls is approximately 240 more calls, or 1084.\(^{40}\) Notes on file with the author.\(^{41}\) WOMEN’S BUREAU, *supra* note 13 (endnote omitted).\(^{42}\) *Id.*
reported numbers are higher for African-American women and Latinas, 28 percent and 20 percent, respectively.43

In addition to the physical and emotional injuries suffered by women at the workplace, violence also takes a tremendous toll on their employment. Some studies have found that 20 to 52 percent of battered working women lost their jobs.44 Based on an Oklahoma State study, the Department of Labor Women’s Bureau has listed lateness, missing work, poor job performance, and reprimands for problems associated with abuse as additional consequences for employed battered women.45

Other studies indicate that batterers often discourage and seek to prevent victims from working.46 Several studies showed that between 35 and 56 percent of the employed battered women were harassed by their batterers.47 One study of 824 respondents concluded that intimate partner violence "may depress [the]
women’s socioeconomic and occupational status attainment over time, but does not influence employment status at any given moment.\textsuperscript{48} The New York State’s Commission on Domestic Violence Fatalities October 1997 report stated that domestic violence adversely affects survivors in the workplace and their ability to gain and maintain employment.

It has been estimated that 74\% of employed battered women are harassed by abusers, either in person or over the telephone, while they are at work. The abuse causes 56\% of the victims to be late for work at least five times a month, 28\% to leave early at least five days a month, 54\% to miss at least three full days of work a month, and as many as 20\% to lose their jobs . . . In fact, it is estimated that domestic violence costs employers between three and five billion dollars a year.\textsuperscript{49}

IV. LATINO DEMOGRAPHICS

According to the Census 2000, there are 35.3 million Latinos residing in the United States,\textsuperscript{50} constituting 12.5 percent of


\textsuperscript{50}Politicians and advocates have challenged the accuracy of the Census 2000 count of Latinos and African-Americans and claim a dramatic undercount of these populations. There have been court challenges to the Census 2000 methodology, demanding a methodological change to reflect higher
the 281.4 million total United States residents. This reflects a dramatic increase in the Latino population of 57.9 percent compared to the Census 1990.

The Census 2000 shows that there was an increase in the Latino population in New York State. According to the most recent census figures, there are 2,867,583 Latinos in New York State or 15.1 percent of the State’s population, which indicates an increase compared to the 2,214,026 Latinos, or 12.3 percent in the Census 1990. The numbers reveal that New York experienced an increase of almost 3 percent over its previous proportion of the total state population, and that the State’s Latino population exceeded the 12.5 percent national figure in the Census 2000 by almost 3 percent. At the state level, New York’s Latino population grew by more than 25 percent since 1990, with a 50 percent increase in Albany and its surrounding areas.

The Latino population of 2,160,554 constitutes 27 percent of New York City’s population, which makes it home to the largest concentration of the State's Latino population. The borough of

percentages of these groups. See, e.g., City of Los Angeles v. United States Dep’t of Commerce, 307 F.3d 859 (9th Cir. 2002) (lawsuit seeking to compel Secretary of Commerce to adopt statistically adjusted population data as the official Census 2000 for redistricting purposes).

BUREAU OF THE CENSUS, U.S. DEP’T OF COMMERCE, THE HISPANIC POPULATION, CENSUS 2000 BRIEF 1 (2001). The Census count referred to herein excludes the Commonwealth of Puerto Rico and the U.S. Island Areas, unless otherwise indicated. According to the Census Brief, there are 3.8 million Latinos in Puerto Rico. While the Census Bureau uses both “Hispanic” and “Latino” to refer to the Latino population in the United States, the author uses “Latino” throughout the herein report. See id. at n.4 (Census Brief notes that in the Brief, “‘Hispanic’ and ‘Latino’ may be used interchangeably to reflect the new terminology in the standards issued by the Office of Management and Budget in 1997 that are to be implemented by January 1, 2003.”).

Id. at 2.


Queens in New York City experienced the largest increase, 46 percent, with the Latino population totaling 556,605, approximately 25 percent of the borough's total population. In addition, the Bronx, historically the borough with the largest Latino population, experienced a 45 percent increase to 644,705 people, raising the borough Latino population to 48 percent of the borough's total population. Latinos in Manhattan now constitute 27 percent of the borough's population, for a total of 417,816 Latinos, an 8 percent increase. Brooklyn had a 6 percent increase, rising to 20 percent of the borough's total population with 487,878 Latinos.

Even Staten Island, a borough with a historically small population of Latinos, has 53,550 Latinos, a 77 percent increase, constituting 12 percent of the total borough population according to the Census 2000 figures.55 Puerto Ricans are the largest defined Latino subgroup in New York City, making up 9.9 percent, or 789,172, of the City's total population.56


55 Id. (note specifically the website).

The Census 2000 questionnaire listed the following categories for identification in response to the question “Is this person Spanish/Hispanic/Latino?: Mexican, Mexican Am., Chicano, Puerto Rican, Cuban, Other Spanish/Hispanic/Latino. For the “other” group, the
Domestic Violence Services for Latinas

Puerto Ricans constitute by far the largest Latino subgroup in New York State, counted at 1,050,293, or 5.5 percent of the State’s population. They also constitute the second largest Latino subgroup nationally, counted at 9.6 percent of the total national Latino population. However, New York State still has the highest concentration of Puerto Ricans nationally. The Bronx and Kings counties of New York City are home to the two largest Puerto Rican populations in the United States, with 319,000 and 213,000, respectively.

V. LEGISLATIVE AND REGULATORY MANDATES

Federal, state, and local legislations, and regulations create a web of legal mandates and funding streams for services for intimate partner violence survivors.

A. Federal

At the federal level, the Family Violence Prevention and Services Act ("FVPSA") establishes a federal system to fund state-based shelters and social service programs for “victims of family violence and their dependents..." The VAWA funds the programs under the FVPSA. From the fiscal year 1995 to 1999, New York State received a total of $15,017,434 under the

questionnaire provided space to write in a particular group. See supra note 51, Fig. 1.

57 Id.
58 BUREAU OF THE CENSUS, supra note 51, at 2. While the second largest Census category nationally is “All Other Hispanic” at 17.3% of the total Latino population, Puerto Ricans were 9.6%, the second largest defined subgroup within the Latino population.

The other Census 2000 Latino subgroups proportionate distribution within the Latino population is: Mexican, 58.5%; Central American, 4.8%; South American, 3.8%; Cuban, 3.5%; Dominican 2.2%; and Spaniard 0.3%.

59 Id. at 5.
61 Id.
VAWA/FVPSA funding scheme, with a larger grant for each subsequent year.62

The VAWA also provides additional funding for intimate partner violence programs and services through a variety of legislative grant initiatives, including the STOP Grants Program, Domestic Violence Civil Legal Assistance Grants, Violence Against Women Grants Office Technical Assistance Program, Family Violence Prevention and Services Grants to State Domestic Violence Coalitions, and Grant for a National Domestic Violence Hotline. These initiatives provide significant federal grants to programs that benefit survivors. For example, the five-year VAWA grants allotted a total of $654,884,231 for fiscal years 1995 to 1999 to the STOP Grants, Grants to Encourage Arrest Policies, and Rural Domestic Violence and Child Abuse Enforcement.63 New York State received $36,896,952 of that total during those five years.64

The VAWA specifically requires that participating states and programs address the needs of ethnic and linguistic minorities.65 Law enforcement and prosecution grants are available for the purposes of "developing or improving delivery of victim services to racial, cultural, ethnic and language minorities ... ."66 States must include in their grant applications ethnic and language backgrounds of the populations being served.67 Further,

62 NATIONAL RESOURCE COUNCIL ON DOMESTIC VIOLENCE, FIVE YEAR SUMMARY OF FUNDS TO THE STATES UNDER FVPSA (1999).
63 NATIONAL RESOURCE COUNCIL ON DOMESTIC VIOLENCE, FIVE YEAR SUMMARY OF GRANTS UNDER VAWA I ADMINISTERED BY VAWGO (1999).
64 Id.
65 For a comprehensive discussion of VAWA and its provisions, see Rivera, Violence Against Women Act, supra note 2; Rivera, Puerto Rico's Domestic Violence Prevention, supra note 2.
67 Id. § 3796gg-1.
the VAWA data collection provisions focus on the underserved needs.\(^6\)

**B. State**

New York State provides residential and non-residential services to “victims of domestic violence” in accordance with New York State's Domestic Violence Prevention Act (“Act”)\(^6\) and the State’s Department of Social Services’ regulations. The Act establishes “a funding mechanism for domestic violence programs.”\(^7\) The regulations set forth the requirements applicable to residential and non-residential providers and require that residential programs provide for non-English speaking populations.\(^7\) The programs recruit "staff who are representative

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\(^6\) *Id.* § 13961. VAWA includes racial, ethnic and language minorities within its definition of underserved populations. 42 U.S.C. § 10402(a)(2)(C) (2000).

\(^6\) N.Y. SOC. SERV. LAW, Art. 6-A (McKinney 1994 & Supp. 2002). The Act and the Department of Social Services regulations which detail the standards applicable to providers are discussed comprehensively in the Phase I Report at 8-12.


\(^7\) See 18 NYCRR § 452.9(a)(1) (2000) which states:

Each program must either be available to victims and their minor children who have special needs, including but not limited to physically handicapped, hearing impaired and non-English speaking victims, or have a plan to refer such persons to any available appropriate programs, including residential programs for victims of domestic violence.

This requirement also appeals to domestic violence shelters and programs (§§ 453.1, 452.2(e)(1), (e)(2)), safe home networks and safe homes (§ 454.2), and to domestic violence sponsoring agencies and safe dwellings (§ 455.1).
of the cultural and ethnic composition"\textsuperscript{72} of the communities they serve.\textsuperscript{73}

\textbf{C. New York City}

New York City has also established certain legal protection for women survivors.\textsuperscript{74} New York City's governing body, the City Council, passed Local Law 1\textsuperscript{75} in December 2000, which amended New York City's Human Rights Law\textsuperscript{76} to include a new section prohibiting employers from discriminating against "victim[s] of domestic violence."\textsuperscript{77} This new section of the Human Rights Law states:

\begin{quote}
It shall be an unlawful discriminatory practice for an employer, or an agent thereof, to refuse to hire or employ or to bar or to discharge from employment,
\end{quote}

\textsuperscript{72}18 NYCRR § 452.9(b)(1) (2002).
\textsuperscript{73}Programs must develop a plan to recruit paid and volunteer staff who are representatives of the cultural values and ethnic composition of the community being served. This includes the recruitment of bilingual staff when the program is located in an area serving a significant non-English speaking population. Such bilingual staff must speak the language of the community being served. \textit{Id.}
\textsuperscript{74}There are two recently introduced bills that also establish protection for domestic violence victims. One is a Local Law that prohibits housing discrimination against victims of domestic violence, sex offenses, or stalking, and which requires reasonable accommodations in employment needs of such victims. Int. 0107-2002. Another is a Local Law that requires domestic violence victims to receive emergency shelter and/or related services without an eligibility requirement of providing documentary evidence of the domestic violence. Int. 0120-2002. Neither bill is discussed in this report since it has not been passed. However, the existence of these bills is further proof of New York City's ongoing use of its local authority to provide protection to the survivors.
\textsuperscript{76}N.Y.C. ADMIN. CODE §§ 8-102, 107 (2001).
\textsuperscript{77}\textit{Id.} § 107.2.
Domestic Violence Services for Latinas

or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because of the actual or perceived status of said individual as a victim of domestic violence.\textsuperscript{78}

It also defines "victim of domestic violence" as:

A person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.\textsuperscript{79}

Under this section, “acts or threats of violence” include, but are not limited to, “acts which would constitute violations of the penal law.”\textsuperscript{80}

In its legislative findings and intent, the Council stated that “it is in the best interests of the City of New York to protect the economic viability of victims of domestic violence and to support their efforts to gain independence from their abusers.”\textsuperscript{81} To that end, the Council enacted the law “in order to enable victims of domestic violence to speak with their employers without fear of reprisal, about a domestic violence incident or about possible steps

\textsuperscript{78} Id. § 107.1(b).
\textsuperscript{79} Id.
\textsuperscript{80} Id. § 107.1(a).
\textsuperscript{81} N.Y.C. CHARTER \& ADMIN. CODE, supra note 75, § 8-107.1 (legislative findings and intent are found at section 1).
that will enhance their ability to perform their job without causing undue hardship to the employer."\textsuperscript{82}

The local law No. 73 passed by the Council also added a new chapter to New York City's Administrative Code, providing victims of gender-motivated violence a civil cause of action for injuries incurred due, in part, to gender-based animus.\textsuperscript{83} This legislation provides:

\textit{[E]xcept as otherwise provided by law, any person claiming to be injured by an individual who commits a crime of violence motivated by gender as defined in section 8-903 of this chapter, shall have a cause of action against such individual in any court of competent jurisdiction for any or all of the following relief: compensatory and punitive damages injunctive and declaratory relief attorneys' fees and costs; such other relief as a court may deem appropriate.}\textsuperscript{84}

A "crime of violence" is:

An act or series of acts that would constitute a misdemeanor or felony against the person as defined in state or federal law or that would constitute a misdemeanor or felony against property as defined in state or federal law if the conduct presents a serious risk of physical injury to another, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction.\textsuperscript{85}

\textsuperscript{82} Id.
\textsuperscript{83} N.Y.C. ADMIN. CODE § 8-901 (2001).
\textsuperscript{84} Id. § 8-904.
\textsuperscript{85} Id. § 8-903a.
A “crime of violence motivated by gender” is “a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim’s gender.” The Council’s emphasis on gender-motivated actions is clear from the legislative history as well as the text itself. In addition to its gender animus prerequisite for a claim for relief, the law specifically excludes “random acts of violence” that cannot be proved to be gender-specific. It states that:

[N]othing in this chapter entitles a person to a cause of action for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by preponderance of the evidence, to be motivated by gender as defined in Section 8-903.

The law contains a seven year limitations period from which to commence an action and adopts a “[c]onviction of a crime arising out of the same transaction, occurrence or event giving rise to a cause of action under this chapter,” as “conclusive proof of the underlying facts of that crime for purposes of” the action. However, the claimant must establish that the crime is gender motivated by a preponderance of evidence.

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86 Id. § 8-903b.
87 Id.
88 Id. § 8-905. The law provides for tolling of the limitations period in cases where:

Due to injury or disability resulting from an act or acts giving rise to a cause of action under this chapter, or due to infancy as defined in the civil procedure law and rules, a person entitled to commence an action under this chapter is unable to do so at the time such cause of action accrues, then the time within which the action must be commenced shall be extended to seven years after the inability to commence the action ceases. Id. § 8-905a.

89 Id. § 8-906.
90 Id.
The City Council sought to provide a civil remedy in response to the United States Supreme Court’s decision in *United States v. Morrison* in May 2000 that the VAWA civil cause of action was unconstitutional. Acting on the Supreme Court’s statement that there was “no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims,” the Council enacted a law to provide such relief to its citizens.

VI. PHASE II STUDY METHODOLOGY

Phase II relied on a methodology similar to the one employed in the Phase I study. In preparing the Phase II report, the investigator and author reviewed existing data and reports on intimate partner violence in New York State and nationally, including the Department of Justice statistics, the New York State hotline statistics, and research on the impact of intimate partner violence on the workplace and battered women. The author also reviewed the most recent available census data.

The author sent New York State domestic violence providers two surveys. Survey I consisted of 26 questions about service provision that were similar to those contained in the 1997 survey. Survey II consisted of 14 questions about the survivors' employment status and experiences. A discussion of the responses to the surveys is contained in Part VII.

In order to obtain experiential data, the author also conducted several interviews with the survivors, providers, and the New York State Domestic Violence Hotline Executive Director. While the survivor interviews were conducted in person, the

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92 N.Y.C. ADMIN. CODE § 8-902 (2001) (quoting untitled Supreme Court decision). The language cited by the City Council in its legislative findings and intent is set forth in *Morrison*, 529 U.S. at 618 (footnote excluded).
93 A list of providers who sent the survey is attached as an Appendix.
94 The surveys are attached as an Appendix.
providers and Executive Director were interviewed in person and by telephone. Interviews are reported anonymously in Part VIII of this report, unless provided otherwise with each party’s consent.

VII. SURVEY RESULTS

The Phase II surveys were sent to 112 domestic violence providers in New York State. Fifty-one providers responded. Fifty answered Survey I with a response rate of approximately 45 percent, which is similar to the one in the Phase I survey process. Although only 27 providers, who made up a 24 percent return rate, returned Survey II, their responses provided valuable information about Latinas' employment status.

A. Survey I: Service Provision

The Survey I responses revealed a statistically significant change in the provision of Spanish-language services and the utilization of Spanish-speaking bilingual staff since the publication of the Phase I Report. According to the Phase I Report in 1997, "the majority of bilingual and bicultural services are provided to Latinas by Latina or Latina/o domestic violence providers and community-based social service organizations." That Report also found that of the survey respondents, 48 percent indicated that they had some bilingual staff and 24 percent had none.

In Phase II, approximately 60 percent (31 providers) of providers in Survey I said that they provided services in Spanish, compared to 31.3 percent (16 providers) who responded that they did not provide services in Spanish. There was also an increase in bilingual staff. Of the respondents, 59 percent (30 providers) indicated that they had bilingual staff, compared to 37 percent (19

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95 Rivera, supra note 3, at 13 (Phase I survey had a 45% response rate).
96 See infra Part VII.B for a comprehensive discussion of the Employment Survey of Phase II.
97 See Rivera, supra note 3, at 13.
98 Id. at 29, App.: Fig. 1 Survey Respondents.
providers) who had none. Thus, there was a 14 percent increase in the number of providers who now stated that they had bilingual staff, this is an increase of eight providers over the number previously reported in the 1997 survey.99 However, the percentage of providers indicating that they did not have bilingual staff was 14 percent higher than the 1997 rate.100 In real numbers, there was an increase of eight providers who did not have any bilingual staff. Moreover, 14.5 percent of the respondents (7 providers) indicated that their bilingual staff were volunteers. Fifty percent (24 providers) indicated that their staff did not have volunteers.

Forty-seven percent (24 providers) also stated that they had English/Spanish bicultural staff, while 45 percent (23 providers) answered that they did not have such staff. A small percentage of the respondents (2 percent) indicated that those were volunteers (1 to 2 providers), while 39.5 percent (19 providers) indicated that they were not volunteers.

Legal services also appeared to be limited. Only 37.5 percent (18 providers) indicated that they provided legal services, compared to 54 percent (26 providers) who answered that they provided no such services.101 The services in Spanish were even more rare. Only 29.1 percent (14 providers) indicated that they provided legal services in Spanish, and 16.6 percent (8 providers) specifically answered that they did not. Thus, very few respondents answered the question, and of those who did, only a small number provided legal services, and even a smaller number in Spanish.

B. Survey II: Employment

The Survey II responses concerned the employment status and experience of the women served by the providers. Slightly

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99 The 1997 Report found that 22 providers responded that they had some bilingual staff and that 11 had none. Id. at 14.
100 Id.
101 Two additional providers indicated that they provide such services through referrals and one other provider indicated that it does so in conjunction with legal aid.
over half of the providers or 27 respondents (52 percent) responding to Survey I also answered to this survey, while 24 providers (47 percent) did not return it. The majority of providers were able to provide useful data in response to this survey. However, four stated that either they did not collect the necessary data to answer the survey, or that the numbers were too small to provide a sufficient answer. Another four providers indicated that the questions did not apply to them.

Of the Survey II respondents, the majority were providers with a large client base. There were twelve providers who served over 100 employed women. Of this group, the number of women who had jobs when they entered the provider's program included one provider with 10 percent of the total women served, two in the range of 15 to 25 percent, four in the range of 20 to 45 percent, and six in the range of 50 to 70 percent. Only two providers indicated the 70 percent range. It appears that on average 40 to 50 percent of the women being served by these providers were employed battered women.

Six providers in this group indicated that of those battered women that were employed at the time they entered the program, the majority maintained their jobs. However, three providers indicated that 20 to 30 percent maintained their jobs and another two providers indicated that only 5 percent maintained them.

With the exception of one provider whose base comprised of 100 percent Latinas with a 100 percent sustained employment rate, most providers in this category had a lower rate of job retention for their Latinas than the employed battered women in their programs. One provider in this category indicated that 10 percent of the women entering its program were employed Latinas. Only 10 percent of them maintained their jobs. Another four providers in this category indicated that 5 percent of the women entering their programs were employed Latinas; only zero to four percent of them maintained their jobs. Two providers in this category indicated that 1 to 2 percent of women entering their programs were employed Latinas. Only 1 to 2 percent of these women maintained their jobs. Three providers did not have any
Latinas in this category and one did not answer the Latina-specific questions.

Survey showed one provider in the 91 to 100 employed women-served group. This provider indicated that 35 percent of the women that entered its program were employed. Only 20 percent of these women maintained their jobs. Of the five percent Latinas, only one percent maintained their jobs. Survey showed two providers in the 71 to 80 women-served group. They indicated that 20 to 25 percent of the women were employed and most, up to 50 percent, maintained their jobs. One provider consisting of 50 percent Latinas reported that most of them maintained their jobs. The other provider had very few Latinas.

Survey results showed that there were two providers in the 41 to 50 women-served range. One of the providers had ten employed women. This provider indicated that 5 percent of employed women maintained their jobs. Only 2 percent of these women were Latinas. The other provider indicated that 25 percent of its women were employed and only half of them maintained their jobs. Latinas were a small minority in this program. There were no providers in the 31 to 40 women-served group. One provider in the 21 to 30 women-served group indicated that more than half of its women were employed and more than half of those women maintained their jobs. There were no Latinas in this program. The 11 to 20 women-served group had 10 to 20 percent employed women, with most maintaining their jobs. This provider had only 5 percent Latinas, with only 2 to 3 percent maintaining their jobs.

Five providers in the smallest provider group served up to ten employed women. Four of the providers in this group answered that most or all of the women maintained their jobs. One indicated having approximately two out of six Latinas, with one to three of them maintaining their jobs. Another provider did not have any Latinas in the program. Three said that the questions did not apply or did not answer the Latina-specific questions.

Questions 13 and 14 of Survey II provided reasons that battered women and employers gave for why survivors lost their
jobs or suffered an adverse job consequence. The questions sought to elicit a narrative description of the work experiences of employed battered women. The battered women’s reasons were: absenteeism due to sickness, lack of childcare, lack of transportation, harassment by abuser, employer’s refusal to give time off for legal or court appointments, abuser’s failure to keep promise to provide childcare, domestic abuse, layoffs, having the abuser as a co-worker at the same company. Meanwhile, the employers’ reasons were: absenteeism, too much time off from work, inability to work overtime or flexible hours, poor job performance, harassment from abuser, threats and danger to other staff members, and layoffs.

VIII. INTERVIEWS

The interviews fell into three separate categories: New York City-based survivors, Latina providers, and the VIP Director for Education and Outreach for Statewide Services.102

A. Survivors

Phase I interviews with survivors consisted of individual interviews with the women by the report author. Phase II involved a 90-minute interview session conducted in a large focus group with eleven women, the report author, and, for the first half of the session, two VIP counselors.103 All of the women resided in New York City at the time of the interview. The group was an

102 The Hotline has a state-wide perspective based on its interactions with providers throughout the State and the Hotline calls from survivors and providers from both upstate and downstate regions. Thus, the Hotline has a unique vantage point from which to comment on service availability, linguistic, and cultural issues.

103 The author informed all participants that everything stated during the interview was for the purpose of preparing this report. All statements included in the report would be presented anonymously, unless the women provided their consent to disclose their names. None of the women consented to the disclosure. The author informed all of the participants of
orientation group organized and operated by VIP. Two VIP counselors only participated in the first half of the session. The remainder of the interview session was conducted between the women and report author. The session was conducted bilingually in English and Spanish. The women and author repeated everything stated during the session in both languages for the group.

As evident from the findings in the Phase I Report, a significant problem for Latinas was finding residential space and bilingual services. Likewise, the women in the Phase II interviews also described the difficulty of finding shelters and bilingual services. Their experiences confirmed that neither were there enough spaces and beds, nor could the programs handle the demands of the women. One woman described the difficulty of finding shelter, despite her desperate need for placement after a near fatal beating. When she walked into the hospital and requested assistance from a counselor, it took approximately 15 calls to find her a bed. The process was frustrating because her story had to be told over and over again. With each attempt, the counselor was given a contact number to call. The women revealed that those who did not find beds had to sleep on chairs overnight at the Emergency Assistance Unit, the city office where homeless people seek emergency services.

Concerned with the sufficiency of one program, a woman described how she became disillusioned with it after five months. This large well-known program did not provide her food nor public assistance. It only provided her 10 dollars a week for food and a residence with laundry facilities. As a result, she considered returning to the batterer because it was financially better for the family.

The women stated that the major problem with this service system was its failure to provide them with accessible public

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104 All comments and statements made in Spanish during the interviews are translated into English by the author.
Domestic Violence Services for Latinas

assistance and skills development programs. Several described personally having, or hearing of, cases closing without explanations, or with “made-up” excuses. Cases were closed once women found jobs, thereby placing their families in even more dire financial circumstances.

Another significant obstacle was the lack of childcare. According to several women, while the government emphasized and demanded that they become employed, employment was impossible due to the unavailability of childcare. Several women mentioned a long waiting list for childcare. In addition, the minimum hourly wage of $5.75 was insufficient for them to support a family and at the same time stay independent from their batterers.

The women also described the tremendous demand for documentation and verification of their status and of the battering. In addition to the difficulty of securing documentation because of the batterer’s control over their lives, they also described how the documentation requirements implied the authority’s distrust of their stories.

Distrust and fear of both the system and service providers were the recurrent themes in many of the women’s comments. One consequence was that they become reluctant to be fully candid with the service providers. The underlying fear appeared to be that their children could be taken away from them.¹⁰⁵ Thus, they hesitated to inform doctors and service providers of their situations because they were afraid that doctors would think of them as suicidal or unfit. This was further exacerbated by the fact that they did not find bilingual/bicultural services at some hospitals.

The women were also afraid that the domestic violence programs would throw them out. According to them, the programs

¹⁰⁵ According to Sandra Camacho, Associate Director of the Violence Intervention Program, this fear reflects the experience of many women who have had their children taken away in the Latino community. For example, East Harlem has the highest rate of children being removed from their homes. Interview with Sandra Camacho, Associate Director of the Violence Intervention Program, New York City, N.Y. (Mar. 26, 2002).
seemed more interested in their medications and mental health status than in keeping their families together. Thus, they were afraid that their children could be taken away from them. These fears were not any different when dealing with non-providers. For example, they did not want to inform landlords about the domestic abuse out of fear of being evicted.

They described their difficulty with the legal system on many levels. One was the requirement that they had to confront their batterers in court. They discussed how difficult it was to face the batterers. One woman stated that as a victim "you'll accept anything so as not to face him." They also described how batterers received lenient sentences, and that they feared retaliation upon the batterers' release from prison. One woman said, "[i]t is not just to allow them to continue to harm us once they get out." Another described how she had to leave home when her batterer returned home after being released from prison and refused to leave.

Further, they described their inability to get legal representation, especially when the batterers were already represented by Legal Aid, which could not represent them due to the conflict of interest. They needed an agency or a group of lawyers to represent them. In any event, they noted that it was easy for the batterers to find others to stalk or threaten them and to get to them through their children. The women's impressions and experiences can be summed up by one woman's statement about their struggle: "We look for help, but we don't see the help."

B. Providers

The interviews with service providers were conducted both in person and by telephone. The author interviewed providers

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106 Author's focus group/interview with survivors, New York City, N.Y. (Mar. 26, 2002) (Interview notes on file with the author).

107 Id.

108 Id.

109 Of the four interviews conducted, two were in person.
from New York City, Erie County, and Monroe County. The interviews reflected a range of experiences throughout the State.

The predominant theme in all of the interviews was the providers' sense that Latina survivors were not receiving services, both because of insufficient funding of services and the lack of bilingual/bicultural services. Additionally, the Latina providers felt ineffective within the domestic violence movement because they were not in a position of leadership.

Each of the interviewees noted the role that race, ethnicity, national origin, and language play in the provision of services to Latinas in New York State. Some interviewees indicated that the racist system in which they worked stereotypes Latinas and Latinos and contributes to their frustration of working within a domestic violence movement dominated by whites. Most notably, they stressed that Latina survivors were conscious of and reacted to racism. They believed that the system and the people who were part of it looked down on them. As a result, they avoided the system altogether.

One interviewee stated that there was “silence” about the system, which fails to evaluate its own weaknesses and harshness. She noted that the system was not humane, but instead rather harsh and highly bureaucratic. In her opinion, the system undermined and destabilized the goals of those professionals and advocates involved in humanitarian work. She also found it frustrating that the services provided had a "Band-Aid attitude" without any accountability throughout the system. Although this same interviewee confirmed an increased demand for personal information and documentation from the women, she stated that frustration and consternation stemmed from not understanding the system itself.

According to several interviewees, one of the major obstacles in assisting Latina survivors was the shortage of

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110 All of the interviewees were informed that their statements and comments would be anonymous unless they consented to disclosure. Where appropriate and where consent was provided, I have provided the interviewee's affiliation.
affordable housing. One interviewee noted that part of the problem was that there was no plan to provide housing services. She stated that the government permitted the shelters to address the problem, yet it was not capable of handling long-term problems and needs. The women received housing wherever it was available without being provided an opportunity to check out the safety of the neighborhood beforehand. Their fear of some neighborhoods eventually contributed to the delay in residential placement. Moreover, they needed help making the transition into a new environment.

Another interviewee who worked with undocumented women stated that these women had difficulty finding residential placement, so they returned to the batterers until the next violent incident. The same story was repeated by two other interviewees who discussed the shortage of housing in their part of the state. They pointed out that housing was expensive and this made it even harder for those women who could not afford the rent. Moving them out of the shelter into an apartment was a Herculean task. The housing situation affected not only efforts to seek housing once the woman left the batterer, but also her decision to leave. Since many of these women lived in overcrowded conditions, they hesitated to call for services because they were afraid that they would be reported. Thus, some women would rather stay than endanger the lives of others in the same household. To the extent that these housing issues were not being documented, one interviewee recommended establishing a call-in complaint number. She stated that there was no coalition for battered women's housing.

Another major obstacle for Latinas was gaining access to the existing services and agencies. All of the interviewees stated that there were not enough bilingual/bicultural staff members offered by service providers and agencies. One interviewee described the prevalence of the problem by stating that more court translators were needed because there were not enough Spanish-speaking lawyers. Although there was a shortage of court translators, the few available were not present when needed. In
addition, it was difficult working with the Department of Social Services because there was a shortage of Spanish-speaking staff. Essentially, the system "looks down on [the women]." In some circumstances, the women were arrested because the police officers did not speak Spanish and often sided with the batterers. They were either arrested or taken to the county’s mental health clinic because the police believed the batterers’ words over theirs and assumed that they were crazy. Because court documents were in English, the children were usually the ones who translated court documents from English to Spanish for them, even when the court instructed them not to discuss the case with anyone else. Another interviewee stated that there were not enough bilingual staff members at the agencies.

Some interviewees recounted the continuing lack of services available to Latinas, even though an increasing number of clients are Latinas themselves. One interviewee stated:

More resources should go into the Latino community. The Latino coordinator has numerous tasks and it is unrealistic to believe that she can do all of this. They provide the services that are the best available at that moment, but there can be more done to provide better services. There should be a guidebook to explain how to deal with undocumented women and first generation populations.

Another interviewee stated that, "providers do not feel any pressure even though the world around them is becoming bilingual." Some interviewees who worked with a large undocumented population stated that undocumented women had more problems accessing the system than other women groups. This was the case

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111 Interview notes on file with the author.
112 Id.
113 Id.
for several reasons. First, there was the language barrier. Second, the women were left poor and had difficulty getting money from the men because their batterers often worked in cash-paying jobs as landscapers or laborers and did not admit to earning any money. Third, if the women had children born in the United States, the Department of Social Services deterred them from seeking benefits and assistance by telling them that they would be reported to the Immigration and Naturalization Service (“INS”) if they applied for food stamps or other services.

The interviewees did not consider Latina employment under the current system. One interviewee described that many programs did not accommodate single-working women because the focus was mainly on those with children. Providers did not want to risk negotiating nor accommodating the working women because the abusers knew where the women worked.

Work placement was difficult because of the limited number of jobs available mostly in the hi-tech industry. The focus on domestic violence in the workplace still fails to address Latinas’ needs and thereby leaving them to deal with the problems on their own. Another interviewee stated that the women she worked with were unemployed or had part-time jobs. In some cases, the batterers did not allow them to work. However, the women were usually unemployed because they did not speak English, have a car, or a driver's license.

The interviewees believed that Latinas face discrimination. One stated that there were only five transitional shelters and none had bilingual staff members. They turned people away by saying that they did not have any bilingual staff. Two Latinas who worked in a predominantly white community stated that the people living there often stereotyped Latinos. Latinas are treated differently than white women by the court system, which looks down upon them for not speaking English. Some typical statements made to Latina survivors in this country were: "How come you are living in this country a long time and still do not speak the language?" or "How
come you do not speak English?" These interviewees noted that Latinas are paid less and do not get the jobs they want because of their national origin. They are not believed and have to lie in order to gain access to services.

Further, Latinas have to provide more proof than other groups of women. The documentation required of Latinas is "a lot more" than that required of a white woman. For example, the English as a Second Language classes are offered at inconvenient times without any childcare being provided. There is also the risk of children being removed from their homes once the school administrators learn about the domestic violence. Administrators try to remove the children from the school (if it is an older child) or put them in a special program for "problem children." The teachers also blame violence on the Latino culture, saying "that is common for Latino people" to act violently.

These obstacles are formidable and place tremendous demands on those individuals who work with Latinas in comparison to working with white women. A Latino/a worker has a more difficult job than his or her counterpart who works with a white woman. As one interviewee stated, the advocacy issue is so overwhelming that counselors do not have time to counsel.

One interviewee also described how Latina advocate struggle within the domestic violence movement on behalf of both Latina survivors and advocates to gain an equal voice. The predominantly white coalitions fail to recognize the leadership and voice of women of color. As a result, African-Americans and Latinas eventually band together and leave these domestic violence coalitions or groups. This also leaves Latinas without a voice at the local or state level.

114 Id.
115 Id.
C. VIP Director for Education and Outreach
   Statewide Services

The Hotline Director identified several concerns and recurring problems that affected the Hotline services and service provisions for Latinas. There was the scarcity of bilingual and bicultural translation services throughout the legal and social service systems. From the Hotline's perspective, the burden to provide certain services falls on the Hotline staff members who do not have sufficient resources to meet the demands. The inadequate services have impacts beyond the confines of any particular county or region because they drain the Hotline's limited resources. This causes an imbalance in the services acquired statewide. Providers also rely on the Hotline for translation services and do not develop a strategic plan to address the needs of the women and the community. Consequently, the providers fail to develop the best mechanism for service provision.

In addition, reliance on one Hotline service like translation reduces the utilization for other services provided by the Hotline that also include referrals. In other words, the providers rely on the Hotline for translation and do not take advantage of other services that are specifically designed to serve the Latino community and survivors. This reduces the services available to Latinas statewide and distills the needs of Latina survivors to one central issue, linguistic needs.

The Director described certain examples to illustrate the problems associated with providers perceiving the Hotline as a translation service and the impact it had on the Hotline’s resources in responding to providers’ demands for Spanish-language translation. One example illustrated the problems faced by the Hotline due to the shortage of staff and the reliance on the Hotline for translation services. The Director described the circumstances in Westchester County, where it does not have Spanish-speaking police officers on duty from midnight to eight in the morning. Whenever they need translation on a domestic violence call, the officers rely on the children or batterers to translate. These are
Domestic Violence Services for Latinas

unacceptable choices from the Hotline's perspective. Moreover, the police do not understand the complexity of the problems faced by the women, as indicated by the police telling counselors in certain cases that "these people should speak English."

In order to ensure translation services in these cases, the Westchester County Office for Women and the police department requested a year ago that the Hotline be available to translate during these hours. While the Hotline agreed to provide translation services, it did so with the understanding that, unless it was a crisis, the Hotline would give first priority to the victim's crisis intervention over the police officer's request for translation. Even though this arrangement has provided some translation for the County, it continues to be a problem because there is no continuity of translation services. It does not establish the County's responsibility to provide services for Latinas. This is particularly important since the County is trying to respond to domestic violence with as much effort as some units in other precincts.\footnote{One such precinct is the Yonkers police precinct, which has the largest number of domestic violence incidents.}

This use of the Hotline's translation services is a statewide practice and is not isolated to Westchester County. This occurs one to two times a month. The shelters upstate do not hire bilingual staff because they can simply use the Spanish hotline as their translator.

This is also related to the rejection of Latina survivors based on the Spanish monolingualism. The Director noted that the residential programs continue to reject Latinas who are monolingual in Spanish because the programs do not have bilingual staff. The providers may alternatively take the women in for only a short period. For example, the Director estimated that a provider in Suffolk County has rejected Latina women because of their monolingualism at least three to four times each year.

The reasons that Latinas are rejected by shelters are not limited to the language barrier alone. Many shelters do not accept undocumented women because they are not reimbursed. When they appear to accept them at first, they eventually tell the women...
that there is no space available once they learn that they are undocumented. This occurs frequently according to the Director.

Even when these women are taken in by the shelters, they are not eligible for public assistance or other programs, including housing. The shelters prefer not to accept these women because they are harder to serve, in addition to the difficulty of acquiring proper resources for them. The Director noted that serving undocumented women requires more work because shelter personnel lack adequate training and do not know how to access the system. For example, the VAWA provides some access, yet many of the shelter personnel do not have VAWA training.

The result of the shortage of bilingual staff is the shelters' inability to develop culturally competent programs. This leaves many women in the programs feeling isolated and complicates the providers’ efforts to secure a safe environment. Thus, service providers need to develop appropriate plans that are sensitive to their culture. The providers need to determine the critical people in these women's lives such as extended family members in the situation of Latinas. In the Director's experience, many of the programs only work with women, which reflects in her opinion a narrow feminist view of how best to serve women while excluding the participation of men. The Director thought that there is tension in such an approach because it fails to account for the family and cultural ties, especially the extended family ties of Latinas.

In addition, culturally competent training is very important for both domestic violence and non-domestic violence social service providers because they have domestic violence victims in their client base. Many of these organizations, however, cannot afford or are unwilling to pay for nor prioritize the training. Even when the victims request training, they cannot meet that demand.

The Director also identified the failure to include Latinas in the development of the State’s domestic violence outreach campaigns. The State should include in the programs those who are experts in various domestic violence and social service areas. The Director repeated the demand of Latina advocates that the Hotline and Latino/a providers should have equal representation in
the policy development process as other communities. Latina advocates can help formulate better policy by contributing an in-depth analysis on the development of Latina services and specific programs and tools. One specific area where there will be an immediate impact is the educational materials on domestic violence services developed specifically for the Latino community. A mere translation of the materials into English is inappropriate and insufficient. Another area of significant impact is the role that men have in domestic violence programs. Latina advocates consider them to be role models for Latinos and for teen programs to promote non-violent behavior.

The Hotline's experience with the employment of Latinas is that Latina survivors are not employed or employable. There are women who pass through the system without an education and therefore have limited employment options. It is uncertain if Latinas even know about the recent New York legislation that protects employed survivors, or if they are willing to break their silence about the domestic violence in their own lives to take advantage of this legislation.

However, the Director stated that there are women who are professionals or those who have the financial resources to deal with domestic violence in their lives differently. As a result, we may not have an accurate picture of the employment status of Latina survivors because professional women are not included in the traditional data collection.

In sum, the Director's impression is that we are still dealing with the same problems and issues even though there have been some improvements.

IX. RECOMMENDATIONS AND CONCLUSIONS

The results of the Phase II investigation indicate that Latinas do not receive adequate intimate partner violence services. Monolingual Spanish-speaking Latinas are most adversely affected by the lack of bilingual/bicultural services, and undocumented women are the ones least likely to receive services. As specifically
illustrated in the Phase II study, Latinas have more difficulty gaining access to services compared to other women. Shelters continue to refuse services to women who do not speak English, and at times Latinas are refused services because they are immigrants.

In the Phase I Report, I made several recommendations to address the shortage and inadequacy of services. Those recommendations are still valid in today’s environment. In light of this second report’s findings that bilingual/bicultural services are still insufficient to meet the demands of Latinas in New York State, the Phase I Report’s recommendations are readopted.

The remaining acute problem has been that the providers are unable to meet the high demand for bilingual/bicultural services. This report indicates that services continue to be inadequate even though the size of the Latino community in New York State has increased over the years. The providers therefore must increase their bilingual/bicultural staff and institutionalize the use of culturally appropriate materials. Services, ideally, should be available through them; and if that is not feasible, then they must work directly with the Latina providers and advocates to provide these services. This approach, however, should only be temporary.

The providers, instead, should focus on increasing bilingual/bicultural services within their programs in the long run. This is critical for those upstate programs that rely extensively on the Hotline. The problem appears that Latinas are not receiving sufficient services when the officials of these upstate shelters make or have made personnel and service provision decisions based on the availability of the Hotline’s translation services. As a result, Latinas do not receive the kind of services that they need because (1) the providers fail to provide adequate bilingual/bicultural staff, and (2) the Hotline is unable to meet statewide demands for translation and other existing services partly due to the shortage of bilingual/bicultural staff.

Probably more women, including immigrants and monolingual non-English speakers, would have received comprehensive services from the providers had the providers
Domestic Violence Services for Latinas themselves receive training and information on the most recent services available to all women survivors. Further, it is absolutely important that the providers have more information and resources so that they do not feel overburdened or ill-prepared to serve women with particular linguistic or cultural service needs.

The State has an important role in helping to facilitate these changes because it has a real interest in individuals who reside within its jurisdiction. Over the past decade, statistics has shown consistent population growth of Latinas in the State of New York. As described in this report, the Census 2000 reveals dramatic demographic changes in New York State, which requires the State to reassess and, wherever necessary, to redeploy its resources.

The Latino community’s population growth outpaces that of other communities in the State. Not surprisingly, many have labeled Latinos as the “new emerging majority.” This fact is fundamentally important to the development of any political or legal strategy if it is to respond to the needs of Latina survivors. Therefore, these demographic changes should figure prominently in New York State’s plans to address intimate partner violence.

In sum, positive changes can occur only when there are genuine efforts shown by the providers, advocates, and the State of New York. There must be an immediate increase in services and the development of new programs to serve Latinas’ particular needs. The failure to act now will only lead to another report that reveals similar findings and conclusions, and provides the same recommendations in the Phase I and II Reports. Latina survivors have waited long enough for fair treatment. Now is the time to act.
APPENDIX

SURVEY I RESPONDENTS

Allen Women's Resource Center
Alternative for Battered Women, Inc.
Barrier Free Living Inc.
Catholic Charities of Montgomery
Child and Family Services at Haven House
Circulo de la Hispanidad, Inc.
Comlinks' Domestic Violence Intervention Program
Family & Youth Services Division - Victim Services Program
Community Services for the Developmentally Disabled, Inc. –
Family Violence Program
Coney Island Hospital Victims of Violence Program
Cortland YWCA Aid to Victims of Violence Program
Crime Victims Treatment Center St. Luke's – Roosevelt Hospital
Domestic Violence Advocacy Program
Domestic Violence Program of Herkimer County
Domestic Violence Project of Warren and Washington Counties
Equinox, Inc.
Family & Children's Services of Niagara, Inc. Passage Program
Family & Community Services Safe Haven
Domestic Violence Program
Family Counseling Service of the Finger Lakes/D. V.
Family Violence Project Family Counseling
Center of Fulton County
Grace Smith House
Jewish Board of Family and Children's Services/Genesis
Lewis County Opportunities, Inc.
Mental Health Association of Westchester
My Sisters' Place
A New Hope Center
The Family Violence Project Family Counseling
Center of Fulton County
The New York City Gay & Lesbian Anti-Violence Project
The Northern Westchester Shelter
The Retreat
Orange County Safe Homes Project
Safe Against Violence Delaware Opportunities, Inc.
Safe Horizon Emergency Shelter for Survivors of Domestic Violence
Safe Horizon/Staten Island Fam. Ct. Program
Safe Passage
Salvation Army Domestic Violence/Rape Crisis Program
Sanctuary For Families
Seafield Center Seafield Services/Inpatient & Outpatient Services To Aid Families (SAF)
Steps to End Family Violence
Stop Domestic Violence
Suffolk County Coalition Against Domestic Violence
Tomkins County Task Force For Battered Women
Vera House, Inc.
Ulster County Crime Victims Assistance Program
Victims of Violence Liberty Resources Inc.
Victim Resource Center
Violence Intervention Program
Women Healing Women
Women Safe Queens Women’s Network
YWCA of Genessee County Domestic Violence Program
YWCA of Schenectady, Services to Women and Families

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SURVEY SAMPLES

Jenny Rivera
Professor of Law
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Fax (718) 340-4275

Survey Research Project I: Service Provision

Name of Organization/Program ____________________________
Address ________________________
Telephone______________________
Fax ____________________________
E-mail _________________________

1. What services do you provide? Check all that apply.
   - Direct Service (Residential)
   - Direct service (Non-Residential, Counseling)
   - Hotline
   - Advocacy
   - Legal
   - Housing
   - Immigration
   - Other

2. Do you provide services in Spanish? ______
3. What types of services?

- Residential
- Non-Residential (Counseling)
- Hotline
- Advocacy
- Legal
- Housing
- Immigration
- Other

4. How many intake/cases do you handle monthly?  
   Annually? _____

5. For hotline providers, how many telephone calls do you handle Monthly? ______  Annually? ______

6. How many Latinas do you serve Monthly? ______  
   Annually? ______

7. Do you have Spanish/English bilingual staff? _____

8. How many? _____

9. What positions do they hold?

10. Are they volunteers? _____

11. How many? _____

12. Do you have Latina bi-cultural staff (English & Spanish)? _____

13. What positions do they hold? _________________
14. Are they volunteers? _____

15. How many? _____

16. What kind of bi-cultural services (English & Spanish) do you have, if any? ____________________________

17. Describe your intake procedure. ____________________________

18. What type of intake process do you have for non-English speakers? ____________________________

☐ Interview

☐ Evaluation

☐ Social

☐ Legal

19. Do you provide legal services? _____

20. What kind? ____________

21. If yes, do you provide these in Spanish? _____

22. If you do not provide legal services, are they otherwise available to you? _____

23. From where? _____

24. Do you utilize other service providers or other organizations/programs for specific services? _____

25. Which providers? _____
26. What services do they provide? 

Please name two other domestic violence providers in your county.

1. 

2. 

Would you like a copy of the report? ☐ Yes ☐ No

If you have any questions, please call Jenny Rivera (718) 340-4304 or Sandra Munoz (718) 340-4300. Please mail this survey by December 11, 2000 to Jenny Rivera at CUNY School of Law, 65-21 Main Street, Flushing, NY 11367 or fax to her at (718) 340-4275.

Thank you for your assistance with this project.
**Survey Research Project II: Employment**

Name of Organization/Program ____________________________

Address ____________________________________________

____________________________________________________________________

Telephone ____________________________________________

Fax ...........................................................................

E-mail ........................................................................

1. How many, if any, of the women you serve have jobs when they enter your program?

2. How many, if any, maintain those jobs?

3. Of those who have jobs, how many are Latinas?

4. Of those who maintain those jobs, how many are Latinas?

5. How many are Latinas who do not speak English?

6. Do you provide job placement, or other assistance in finding work for those in your program?
7. If so, please describe the services that you provide.

8. What is your job placement rate?

9. How many women have jobs as a result of your assistance?

10. How many women, of those who have jobs or are working, lost their jobs while they were in your program?

11. How many suffer an adverse job incident while in your program?

12. Describe the types of incidences they experience.

13. Please indicate any reason the women provide for losing their jobs or suffering an adverse job incident.

14. Please indicate any reason employers provide for the employees losing their jobs.

Would you like a copy of the report?  □ Yes  □ No

If you have any questions, please call Jenny Rivera (718) 340-4304 or Sandra Munoz (718) 340-4300. Please mail this survey by December 11, 2000 to Jenny Rivera at CUNY School of Law, 65-21 Main Street, Flushing, NY 11367 or fax to her at (718) 340-4275.

Thank you for your assistance with this project.