

Questions for the record for Cindy Dyer
From Senate Judiciary Committee Chairman Charles Grassley

1. Over a decade has elapsed since you first headed the Office on Violence Against Women in 2007. We've seen a drop in the crime rate since that time as well as widespread recognition that domestic violence is a serious crime, and not a private family matter.
 - a. How is the U.S. experience with domestic violence different from, or similar to, the countries in which Vital Voices operates? What trends have you seen across the globe?

The experience of domestic violence victims and the actions of abusers are surprisingly similar in all of the countries in which Vital Voices works; however, the legal and social response to domestic violence varies greatly by country.

In all of the countries that I have had the privilege of working, abusers operate in a similar fashion. Abusers in every country utilize all forms of violence – physical, emotional, financial, and sexual – to attempt to obtain power and control over their victims. Abusers also utilize similar intimidation techniques – remorse, promises, harassment, threats, stalking, bribery, etc. - to try to prevent their victims from leaving the relationship. Furthermore, I have observed that victims respond to this violence and intimidation in similar ways regardless of the country in which they reside. All victims want the violence to stop, but many victims, especially those with children, want to keep their family intact and do not want the involvement of the criminal justice system. Regardless of their country of residence, victims often love their abuser, do not want their children to suffer the indignity of an incarcerated parent, require the financial support of the abuser, and/or feel pressure to make their relationship work due to a variety of religious, cultural, social, and financial reasons. Other victims absolutely want and/or need to utilize the criminal and civil justice system to obtain protection for themselves and accountability for their abuser.

While I have observed the actions and motives of abusers and victims to be remarkably similar in every country, the legal and social response to domestic violence varies greatly by country. One of the greatest problems that I encounter is that the majority of countries in which I work do not provide meaningful assistance to address domestic violence until the violence becomes extreme. These countries do not provide opportunities for early intervention in the form of services, legal assistance, or a criminal justice response until the violence reaches an egregious level. Fortunately, some countries, including the United States, do provide meaningful opportunities to address violence the first time it occurs, and these interventions can prevent violence from re-occurring or worsening.

One of the trends that I have observed is the creative use of Protective Orders (POs). The United States led the development of POs, which typically prevents abusers from approaching the victim's home, work, school, etc. Some jurisdictions are now using GPS tracking devices that

ensure that abusers are not violating the order. Additionally, POs allow a judge to place additional requirements and/or constraints on the abuser. Common additional constraints include prohibiting violence, threats of violence, and the communication of threats of violence through third parties. Common additional requirements include attending counseling and paying child support. POs have the ability to fundamentally change the balance of power in the relationship. Historically, POs have only been granted when the couple is no longer living together. However, some innovative jurisdictions are allowing POs to be granted even when the victim wants to continue living with the abuser. These victims absolutely want the violence and threats to stop, but they do not want to physically separate from their abuser.

A second innovative trend that I have observed in the UK is the recognition of Coercive Control as a type of violence. Coercive control is a pattern of behavior that abusers employ to dominate their partners. Coercive control describes an ongoing and multipronged strategy, with tactics that include manipulation, humiliation, isolation, financial abuse, stalking, but not necessarily physical or sexual abuse. In 2015, England and Wales expanded the definition of domestic abuse to include “coercive and controlling behavior in an intimate or family relationship,” making it a criminal offense carrying a maximum sentence of five years. This new law allows the criminal justice system to intervene in a relationship even before physical violence is used.

A third innovative trend that I have observed was developed in Brazil in response to concerns about the rights of victims. In a criminal proceeding, the defendant is represented by counsel whose sole function is to represent the rights of the accused. The prosecutor represents the government and the citizens of their jurisdiction. In most of the countries in which Vital Voices works, and in the United States, victims of crime are not represented by an attorney during the criminal trial even though what is in the victim’s best interest might not be what is in the government’s best interest. Brazil has addressed this oversight by requiring that all domestic violence victims be represented by an attorney. The victim can hire her own attorney or one will be appointed to her. The result is that in Brazil, there are three attorneys present at every domestic violence trial: a defense attorney representing the accused, a prosecutor representing the government, and an attorney representing the victim. Similarly, the US military is now providing attorneys to represent victims in sexual assault cases.

2. You mentioned Family Justice Centers as an example of an innovative solution for domestic violence survivors.
 - a. Can you tell us more about how Family Justice Centers have evolved and why they’re effective? How do we best measure the effectiveness of these and other innovative programs?

The first Family Justice Center (FJC) opened on October 10, 2002 in San Diego, California. The concept of the FJC was developed by Casey Gwinn, who was the City Attorney in San Diego, in response to the needs of victims. Domestic violence victims need to access many services which are offered by a variety of different agencies. Victims frequently travel all over town, and spend

many hours waiting in line, to access police, prosecutors, financial assistance, housing, counseling, etc. Accessing all of these different agencies, often with children in tow, is difficult at best and impossible at worst. The premise of the FJC is simple: victims of domestic violence have an easier time receiving needed services if they only have to go one place to get all the necessary help. To address this problem, FJCs provide comprehensive services for survivors of domestic violence all under one roof. FJCs commonly offer on-site access to key city agencies; community, social and civil legal service providers; and police and District Attorney's Offices to make it easier for survivors to get help.

Evaluating the effectiveness of FJCs and other innovative programs must incorporate both quantitative and qualitative data collection and analysis. No one indicator can adequately capture the effectiveness of a DV intervention. Simultaneously measuring the increase in several factors provides the most accurate evaluation of a particular intervention. Specifically, I recommend measuring the increase in the following categories: victim safety, offender accountability, usage of services, reporting of violence, and awareness of services for DV victims. Additional information can be found here:

<https://www.familyjusticecenter.org/resources/library/family-justice-centers-and-co-located-models/evaluation-outcome-fjcs/>

- b. Are there innovative programs that have been shown to be especially effective in rural areas, and if so, which ones?

One of the biggest challenges for rural victims of domestic and sexual violence is simply accessing services. Many rural communities do not have the comprehensive services that are available in larger cities. For example, the proliferation of Sexual Assault Nurse Examiner (SANE) programs throughout the country represents an important advancement in the quality of care provided to victims of sexual assault. However, SANE programs have not expanded in rural areas as they have in or near metropolitan areas. To address this, some rural areas have implemented Regional Mobile SANE projects which use on-call SANEs to serve multiple hospitals. Another innovative program which has been implemented in extremely rural communities outside the United States involves training local midwives to provide basic sexual assault examinations. Many communities around the world lack regular and reliable access to trained doctors or nurses. In these communities, local midwives are being trained to treat victims of sexual assault and collect evidence which can be used to hold defendants accountable. Additionally, the organization Physicians for Human Rights is piloting an app in Africa that serves as a standard tool for practitioners to complete a rape kit. More information about that program can be found here: <http://physiciansforhumanrights.org/medicapt/>