



*Community Solutions*

**A COLLABORATIVE,  
INTERSECTIONAL APPROACH TO  
GENDER BASED VIOLENCE**

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CREATING OPPORTUNITIES.

CHANGING LIVES.



# LEARNING OBJECTIVES

1. IDENTIFY THE COMMON TYPES OF GENDER BASED VIOLENCE
2. BETTER UNDERSTAND SERVICES, PROTECTIONS, RIGHTS, AND LEGAL REMEDIES FOR GVB SURVIVORS
3. BETTER UNDERSTAND THE ROLE OF ADVOCATES AND REFERRAL PROCESS



# ORGANIZATIONAL OVERVIEW

COMMUNITY SOLUTIONS IS A COMPREHENSIVE NON-PROFIT HUMAN SERVICES AGENCY SERVING SANTA CLARA AND SAN BENITO COUNTIES.

SINCE 1973, WE HAVE RESPONDED TO THE GROWING AND CHANGING NEEDS OF OUR COMMUNITY, SERVING THOUSANDS PEOPLE, FROM YOUNG CHILDREN TO OLDER ADULTS EACH YEAR.



# OUR MISSION

TO CREATE OPPORTUNITIES FOR POSITIVE CHANGE BY PROMOTING AND SUPPORTING THE FULL POTENTIAL OF INDIVIDUALS, THE STRENGTHS OF FAMILIES, AND THE WELL BEING OF THE COMMUNITY.



# SERVICES PROVIDED

WE PROVIDE A COMPREHENSIVE SPECTRUM OF TRAUMA-INFORMED **PREVENTION, INTERVENTION, TREATMENT, AND RESIDENTIAL SERVICES** TO HELP CHILDREN, FAMILIES AND INDIVIDUALS OVERCOME CHALLENGES POSED BY:

- MENTAL HEALTH ISSUES
- SUBSTANCE ABUSE
- TRAUMA
- SEVERE FAMILY DYSFUNCTION
- GANG INFLUENCE
- SEXUAL ASSAULT
- DOMESTIC VIOLENCE
- HUMAN TRAFFICKING



GENDER BASED VIOLENCE

# AN INTERSECTIONAL APPROACH



# AN INTERSECTIONAL APPROACH TO GBV



# INTIMATE PARTNER ABUSE STATISTICS

Approximately 2 – 4 million women are physically assaulted by their partner per year in the US (not counting verbal/mental abuse)

Attacks by male partners are #1 cause of injury to women between the ages of 15-44 (US Surgeon General)

1 of 3 women will be a victim of violence by husband or boyfriend at some point in her life (American Medical Association)



# STATISTICS

- Nearly 1 in 4 adult women and approximately 1 in 7 adult men report having experienced severe physical violence from an intimate partner in their lifetime.
- 10% of women and 2% of men report having been stalked by an intimate partner.
- IPV alone affects more than 12 million people each year.



# WHAT IS INTIMATE PARTNER ABUSE?

## DEFINITION:

A PATTERN OF ABUSIVE BEHAVIORS EXERTED BY ONE INDIVIDUAL IN ORDER TO CONTROL OR EXERCISE POWER OVER HIS/HER PARTNER IN THE CONTEXT OF AN INTIMATE RELATIONSHIP.

## TACTICS:

- PHYSICAL
- EMOTIONAL
- PSYCHOLOGICAL
- VERBAL
- SEXUAL
- FINANCIAL
- ISOLATION

# ***EXAMPLES OF ABUSIVE BEHAVIOR***

- ***PHYSICAL ABUSE:*** HITTING, BEATING, STRANGLING, PUSHING, SHOIVING, SLAPPING, KICKING, PULLING HAIR, PINCHING, BITING, BEING HELD AGAINST YOUR WILL, HAVING OBJECTS THROWN AT YOU
  
- ***SEXUAL ABUSE:*** ANY TYPE OF FORCED SEXUAL ACTIVITY, FROM RAPE TO UNWELCOME TOUCHING



# ***EXAMPLES OF ABUSIVE BEHAVIOR***

- ***EMOTIONAL ABUSE:*** NAME CALLING, INSULTING YOU, DEGRADING REMARKS, HUMILIATING YOU IN ANY WAY, MAKING YOU FEEL GUILTY, PLAYING HEAD GAMES, CRAZY-MAKING
- ***ISOLATION:*** HOLDING YOU AGAINST YOUR WILL OR PREVENTING YOU FROM LEAVING, NOT LETTING YOU CONTACT FRIENDS OR FAMILY, NOT ALLOWING ACCESS TO THE TELEPHONE OR VEHICLE



# ***EXAMPLES OF ABUSIVE BEHAVIOR***

- ***THREATS/INTIMIDATION:*** THREATENING TO HURT YOU, THE CHILDREN, YOUR FAMILY OR PETS, DAMAGING YOUR PROPERTY WHEN THEY'RE ANGRY (THROWING OBJECTS, PUNCHING WALLS, KICKING DOORS)
- ***USING CHILDREN:*** THREATENING TO TAKE THE CHILDREN AWAY, MAKING ACCUSATIONS OF BEING A BAD OR UNFIT PARENT, THREATENING TO HARM CHILDREN IF YOU DON'T AGREE, USING THE CHILD'S FEELINGS AS A WAY OF CONTROL, MAKING A CHILD TAKE SIDES IN AN ARGUMENT



*It's like living in a war zone.*



*I'm always walking on egg shells.*

*He's two different people. I feel like I'm living with Dr. Jekyll and Mr. Hide*



*He messes with my mind sometimes.*



*I feel like he's never happy with anything I do.*



*I set him off somehow, but I don't know what I'm doing wrong.*



# ***WHY DON'T VICTIMS JUST LEAVE?***

THERE ARE PLENTY OF REASONS WHY SOMEONE WOULD NOT LEAVE AN ABUSIVE RELATIONSHIP. SOME OF THEM INCLUDE

- FEAR
- BELIEVE THE ABUSE IS NORMAL
- LOVE
- CONCERN FOR THE CHILDREN
- LACK OF FINANCIAL RESOURCES



# ***WHY DON'T PEOPLE JUST LEAVE?***

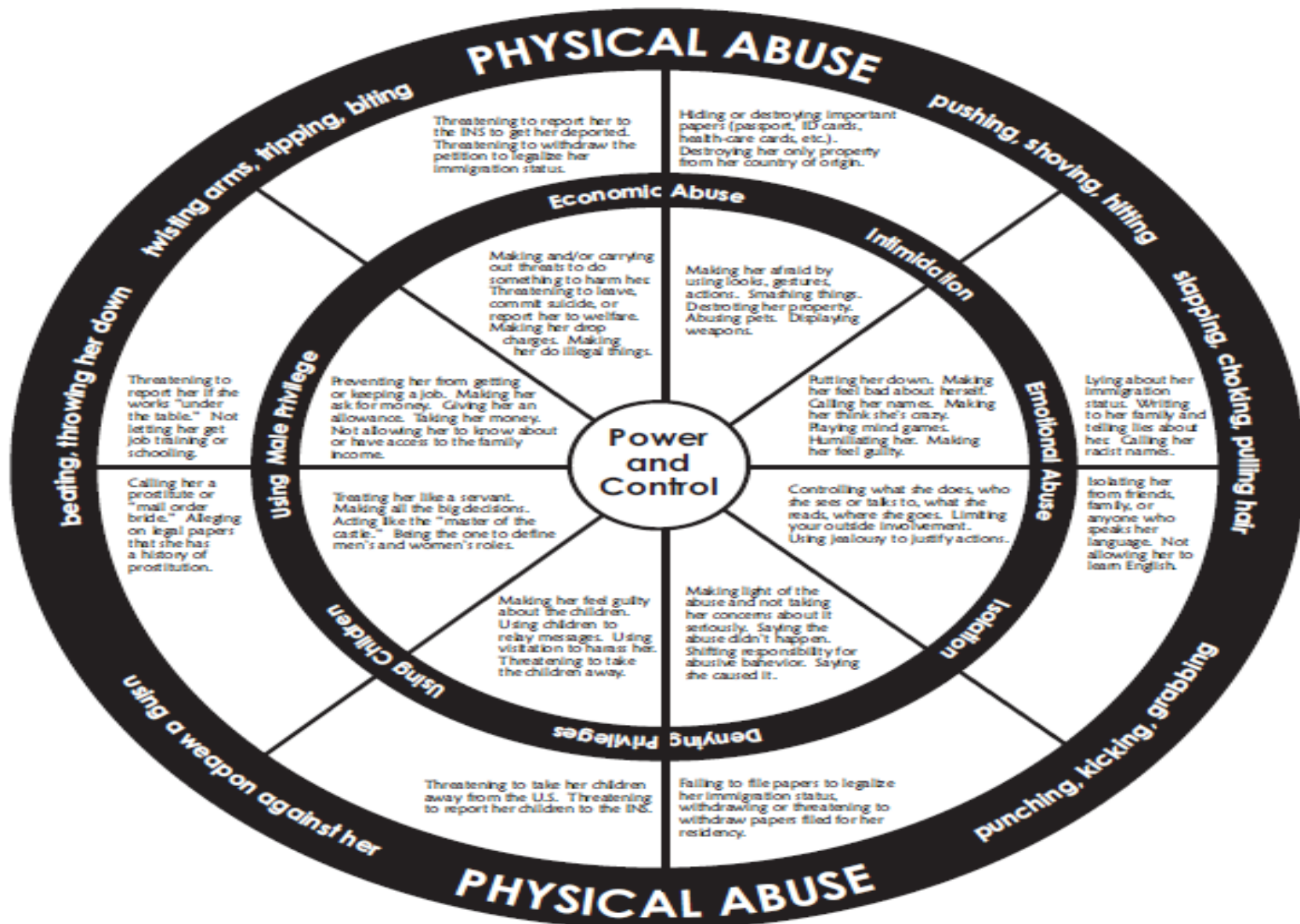
- PRESSURE FROM FAMILY AND FRIENDS
- EMBARRASSMENT OR SHAME
- NO SUPPORT NETWORK
- LANGUAGE BARRIERS
- CULTURAL/RELIGIOUS REASONS
- FEAR OF BEING OUTED
- PHYSICAL LIMITATIONS



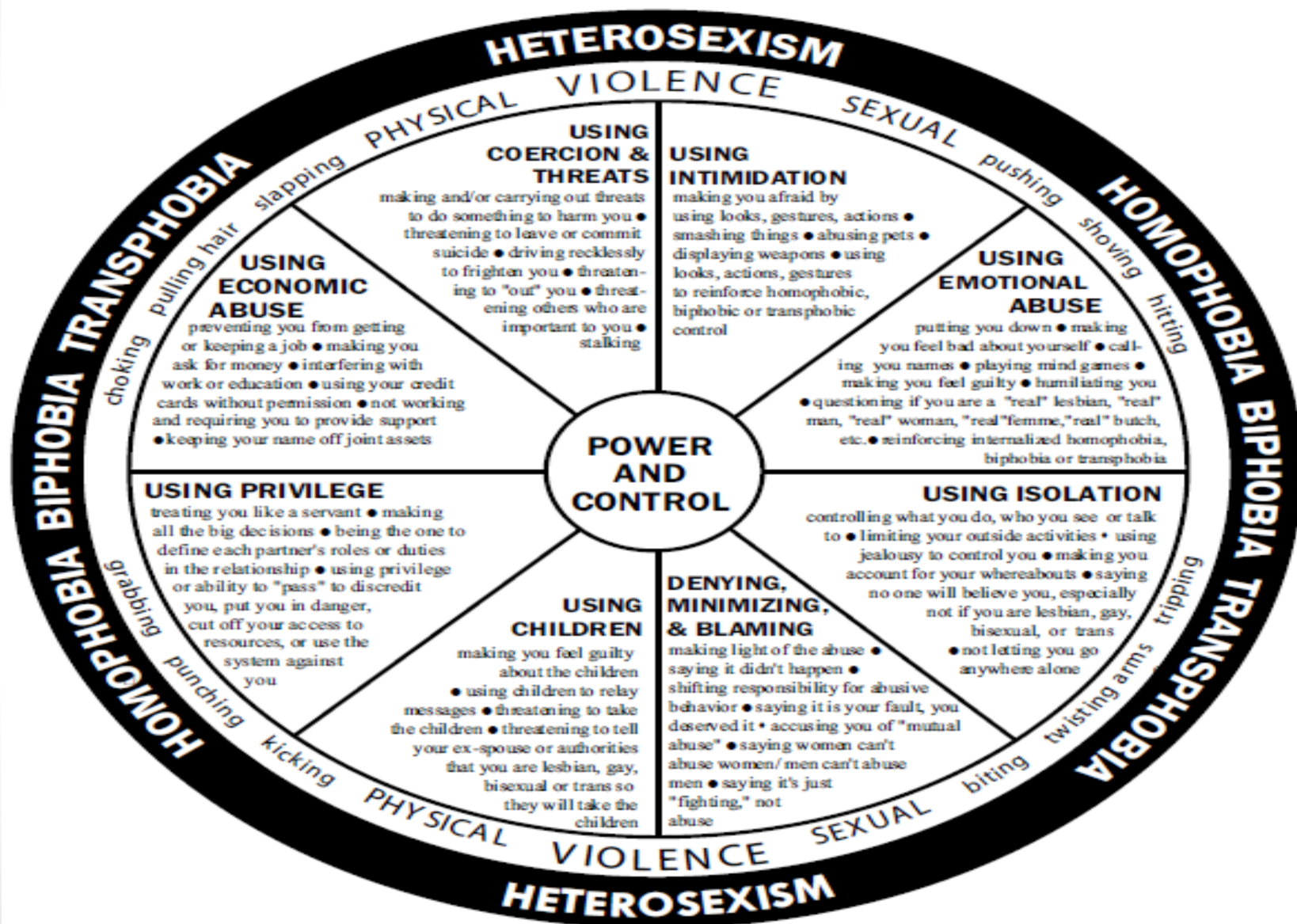




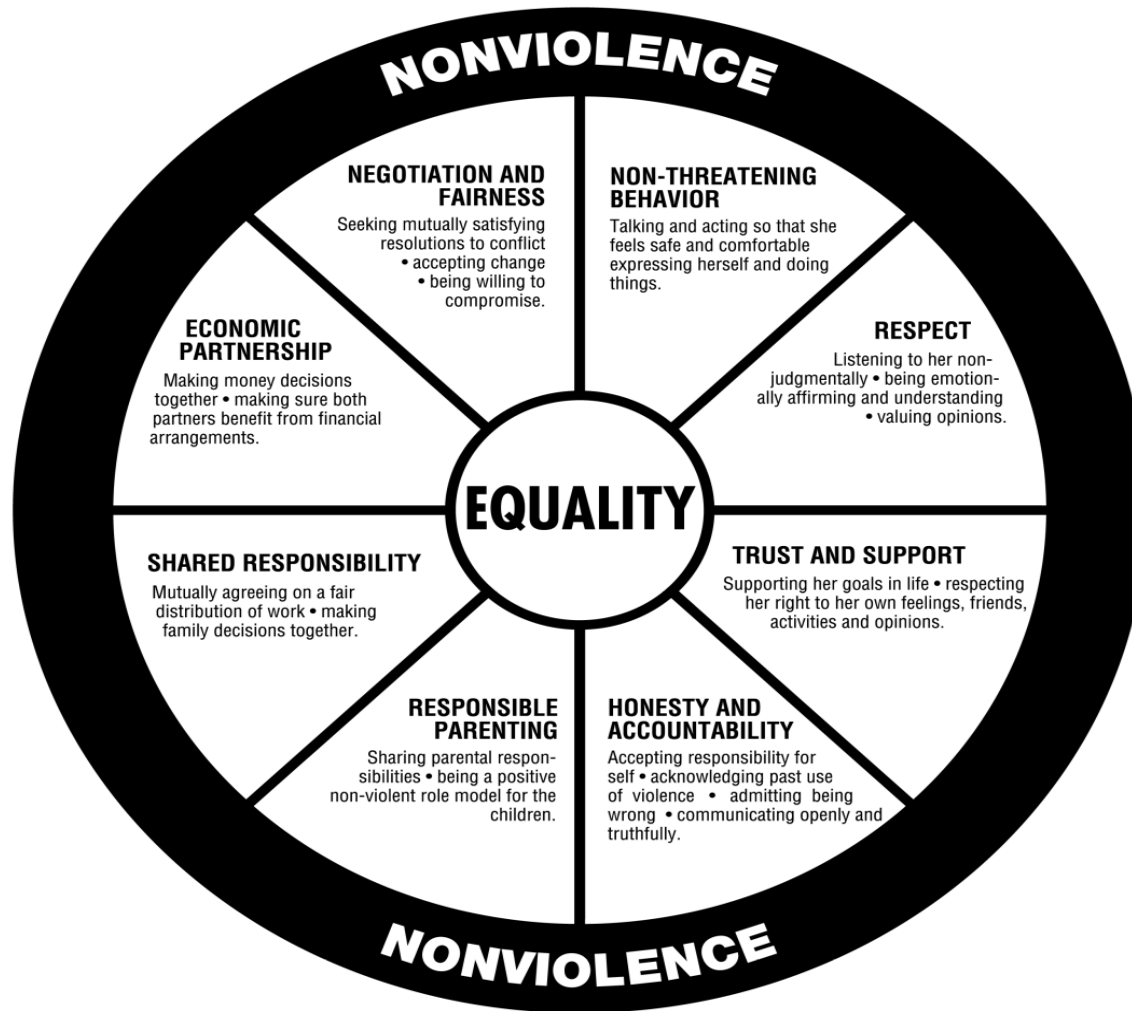
# IMMIGRANT POWER AND CONTROL WHEEL



# Gay, Lesbian, Bisexual and Trans Power and Control Wheel



# WHAT MAKES A HEALTHY RELATIONSHIP?





# *HOW CAN I OFFER SUPPORT?*

- REMIND THEM THAT THEY DO NOT DESERVE TO BE ABUSED AND THE ABUSE IS NOT THEIR FAULT.
- BE AVAILABLE TO LISTEN IF SOMEONE ASKS FOR HELP. REMEMBER THAT IT MAY BE DIFFICULT FOR THEM TO SHARE THEIR EXPERIENCE.
- ENCOURAGE THE PERSON TO CONTACT A DOMESTIC VIOLENCE AGENCY, WHERE THEY CAN RECEIVE FREE, CONFIDENTIAL AND JUDGEMENT FREE HELP.



# ***HOW CAN SOMEONE STAY SAFE?***

SOMETIMES PEOPLE DECIDE TO STAY WITH THEIR ABUSIVE PARTNER. SOME STEPS THAT PEOPLE CAN TAKE TO STAY SAFE INCLUDE...

- DEVELOP A SAFETY PLAN
- BE PREPARED TO DIAL 911 AND TEACH YOUR CHILDREN HOW TO AS WELL.



# SEXUAL ASSAULT

Every **2** minutes, another American is sexually assaulted.

Each year, there are about **237,868** victims of sexual assault.





# SEXUAL ASSAULT

## TOUCHING

- Rape
- Child Molestation; Lewd and Lascivious Acts
- Sodomy
- Forced Oral Sex
- Incest
- Unlawful Sex
- Marital Rape
- Inappropriate touching/groping

## NON-TOUCHING

- Sexual Harassment
  - Catcalling
  - Unwelcome sexual advances
  - Offensive jokes
- Voyeurism/peeper
- Flashers/exhibitionists
- Obscene phone calls
- Forced exposure to pornographic materials



# DEFINITION OF SEXUAL ASSAULT

- SEXUAL ASSAULT IS ANY TYPE OF SEXUAL ACTIVITY (TOUCHING OR NON-TOUCHING) THAT A PERSON DOES NOT AGREE (I.E., GIVE CONSENT) TO.
  - SUCH AS INAPPROPRIATE TOUCHING, FORCED EXPOSURE TO PORNOGRAPHY, VOYEURISM, STALKING, SEXUAL HARASSMENT
- RAPE IS WHEN A PERSON COMMITS AN ACT OF SEXUAL PENETRATION WHEN THE ACT IS ACCOMPLISHED AGAINST THE VICTIM'S WILL BY MEANS OF FORCE, VIOLENCE, DURESS, MENACE, OR FEAR OF IMMEDIATE AND UNLAWFUL BODILY INJURY ON THE VICTIM OR ANOTHER PERSON



# MARITAL RAPE

- A KIND OF ACQUAINTANCE RAPE BY THE MOST INTIMATE OF ACQUAINTANCES – THE SPOUSE
  - ROUGHLY 40% OF IPV SURVIVORS DISCLOSE SEXUAL ABUSE BY THEIR PARTNERS
- HISTORICALLY, NOT CONSIDERED A CRIME; NOW A CRIME IN ALL 50 STATES



# MARITAL RAPE

- MOST LIKELY TO ENCOUNTER THIS TYPE OF RAPE WHEN THE SURVIVOR IS IN THE PROCESS OF LEAVING THE ABUSIVE RELATIONSHIP
- MAY BE RELUCTANT TO REPORT
- MORE LIKELY TO BE RAPED MULTIPLE TIMES AND SUFFER LONG-LASTING PHYSICAL AND PSYCHOLOGICAL INJURIES



# FAMILY STATISTICS

- HOMES WITH ONLY ONE BIOLOGICAL PARENT → CHILDREN WERE AT 2X THE RISK OF SEXUAL ASSAULT
- CHILDREN LIVING WITHOUT BOTH BIOLOGICAL PARENTS → WERE AT 3X THE RISK OF SEXUAL VICTIMIZATION
- PRESENCE OF A STEPFATHER IN THE HOME **DOUBLED** THE RISK OF SEXUAL VICTIMIZATION FOR GIRLS.



# LOCAL STATISTICS-

ON AVERAGE, COMMUNITY SOLUTIONS PROVIDED THE FOLLOWING SERVICES:

## SOUTH SANTA CLARA COUNTY

- 171 SEXUAL ASSAULT VICTIMS SERVED
- 19 SARTs ATTENDED BY CS ADVOCATE
- 13 AMACs
- 94 WERE UNDER THE AGE OF 17

## SAN BENITO COUNTY

- 66 SEXUAL ASSAULT VICTIMS SERVED
- 9 SARTs ATTENDED BY CS ADVOCATE
- 10 AMACs
- 29 WERE UNDER THE AGE OF 17



# IMPACT OF SEXUAL ASSAULT

## EMOTIONAL IMPACT

- GUILT & SELF BLAME
- SHOCK & DISBELIEF
- LACK OF CONTROL
- FEAR
- HUMILIATION
- BRANDED SYNDROME
- ANGER

## PHYSICAL IMPACT

- SORENESS
- MUSCLE TENSION
- HEADACHES
- STOMACH PAINS
- NAUSEA
- LOSS OF APPETITE
- SLEEP DISTURBANCES
- DEVELOP EATING DISORDERS

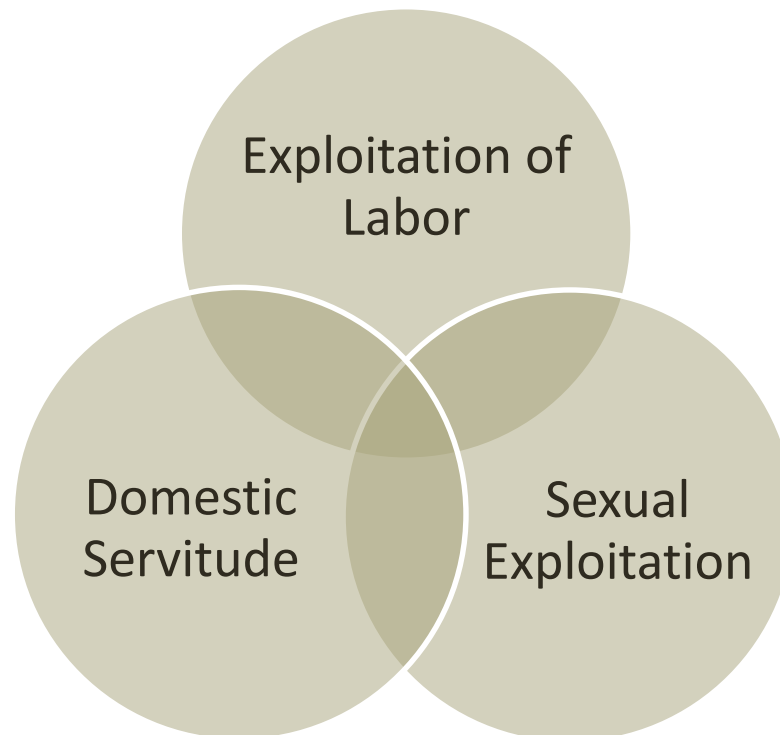


# BARRIERS TO REPORTING

- ① DISTRUST/DISCONNECT FROM AUTHORITIES, GOVERNMENT, AND/OR INSTITUTIONS
- ② LIMITS TO ACCESSING SERVICES
- ③ INTERNALIZATION OF BLAME (WHICH ALSO HAS CULTURAL IMPLICATIONS), SEXUAL VIOLENCE TOLERATED AS SOCIO-NORM
- ④ CONSCIOUS SELF-SACRIFICING FOR WHAT IS PERCEIVED AS GREATER GOOD
- ⑤ BELIEVABILITY AND LACK OF SOCIAL CREDIBILITY



# HUMAN TRAFFICKING





# HUMAN TRAFFICKING REVIEW

## Sexual Exploitation

- Recruiting, harboring transporting, providing, or obtaining a person for commercial sexual acts including by force, fraud, or coercion.
- When the person induced to commit such acts is less than 18 years of age, it is not necessary to show force, fraud, or coercion.

## Labor Exploitation

- Recruiting, harboring transporting, providing, or obtaining a person by force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

# A-M-P MODEL

## Action

- Recruiting
- Harboring
- Transporting
- Providing
- Obtaining or attempt to

## Means

(Force, Fraud, Coercion)

- Causing or threatening severe harm
- Physical restraints
- Debt bondage
- Abuse of legal process
- Withholding documents

## Purpose

- Commercial sexual acts
- Labor or services



# REALITIES OF TRAFFICKING

- TRAFFICKING VICTIMS DON'T HAVE TO BE BORN ABROAD
- TRAVEL, TRANSPORTATION, OR MOVEMENT ACROSS A STATE OR NATIONAL BORDER IS NOT NECESSARY
- HUMAN TRAFFICKING ISN'T ONLY CROSSING A BORDER. HUMAN TRAFFICKING INVOLVES COMMERCIAL SEXUAL ACTS OR LABOR, INDUCED BY FORCE, FRAUD, OR COERCION FOR THE PURPOSES OF INVOLUNTARY SERVITUDE OR SLAVERY
- PHYSICAL RESTRAINTS ARE NOT NECESSARY; CONTROL CAN BE PSYCHOLOGICAL, LIKE THREATS TO HARM THE PERSON OR THEIR FAMILY, OR DEPORTATION THREATS
- EVEN IF A VICTIM CONSENTED PRIOR TO ABUSE OR WAS PAID, IT CAN STILL BE TRAFFICKING



# SMUGGLING VS. HUMAN TRAFFICKING

## SMUGGLING

A CRIME AGAINST A COUNTRY'S  
BORDERS  
ILLEGAL BORDER CROSSING  
OFTEN TRANSPORTATION ONLY  
CAN BE A GATEWAY TO  
TRAFFICKING

## HUMAN TRAFFICKING

A CRIME AGAINST A PERSON  
INVOLVES FORCED LABOR, OR  
COMMERCIAL SEX ACTS  
TRANSPORTATION CAN BE AN  
ELEMENT, BUT IS NOT  
REQUIRED  
SMUGGLING DEBT CAN BE USED  
AS A MEANS OF INITIAL  
CONTROL



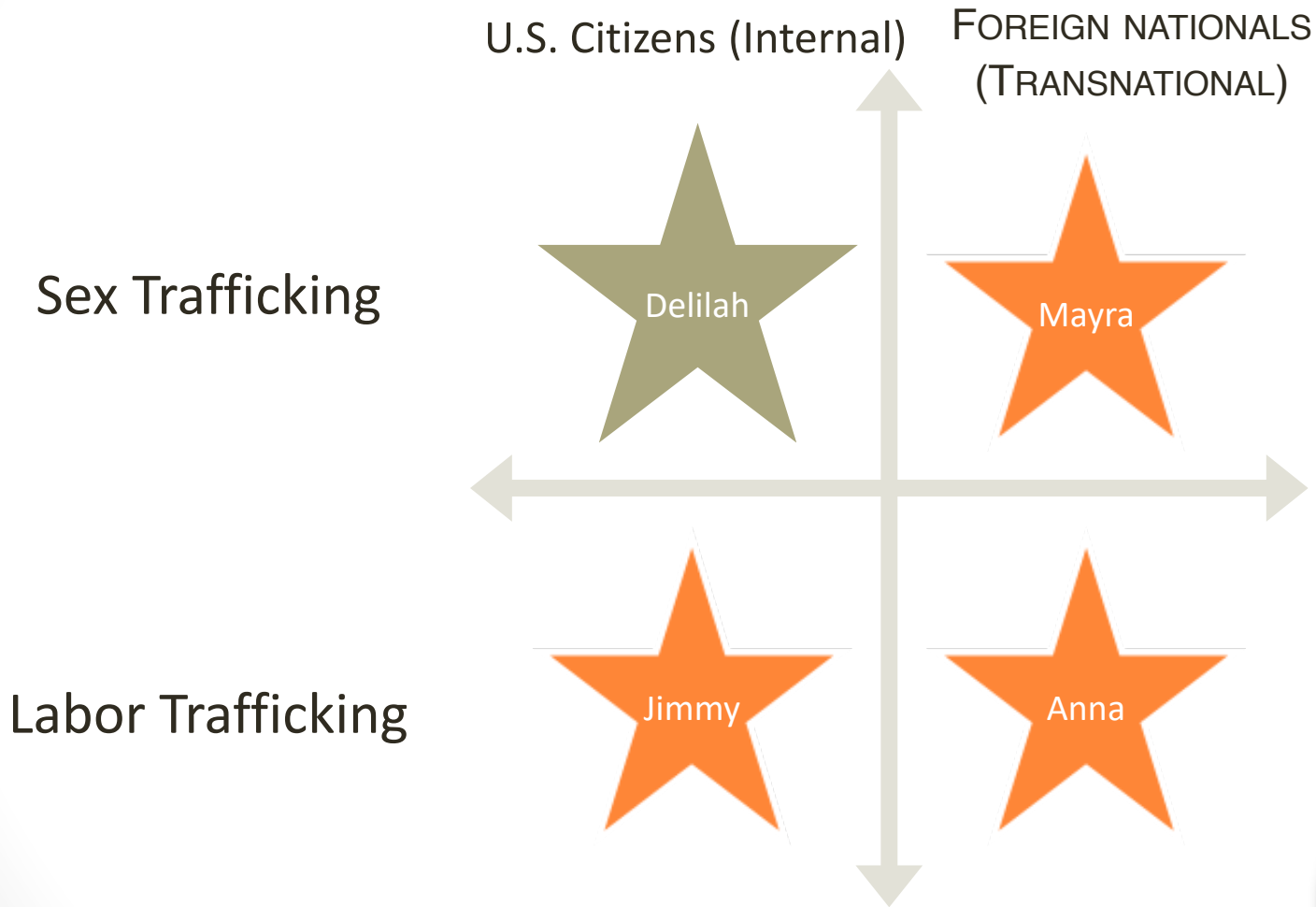
# TRAFFICKING VENUES

Sex Trafficking	Labor Trafficking
Domestic Pimp Control	Hospitality Services (Restaurants, Hotels)
Massage Parlors, Spas	Factory Work
Residential Brothels & Escort Delivery Services	Construction, Landscaping
Exotic Dancing, Stripping, Pornography	Domestic Servitude
Intimate Partner/Familial Trafficking	Peddling/Begging
Hostess Clubs, Cantina Bars	Agriculture, Forestry, Fishing Industries
On-line Exploitation, Craigslist, Facebook, etc.	Small Businesses

Information Obtained by Polaris  
Project [www.PolarisProject.org](http://www.PolarisProject.org)



# TRAFFICKING POPULATIONS



VICTIM RIGHTS & LEGAL REMEDIES

# LEVERAGING SYSTEMS TO INCREASE VICTIM SAFETY



# VICTIMS OF CRIME RIGHTS

ALL MARSY'S LAW PROVISIONS APPLY WHERE APPLICABLE

## § 679.08 – NOTIFICATION OF VICTIMS' RIGHTS (VICTIM'S RIGHTS CARD)

- (A) (1) WHENEVER THERE HAS BEEN A CRIME COMMITTED AGAINST A VICTIM, THE LAW ENFORCEMENT OFFICER ASSIGNED TO THE CASE MAY PROVIDE THE VICTIM OF THE CRIME WITH A "VICTIM'S RIGHTS CARD," AS SPECIFIED IN SUBDIVISION (B).
- MARSY'S LAW SIGNIFICANTLY EXPANDS THE RIGHTS OF VICTIMS IN CALIFORNIA. UNDER MARSY'S LAW, THE CALIFORNIA CONSTITUTION ARTICLE I, § 28, SECTION (B) NOW PROVIDES VICTIMS WITH THE FOLLOWING ENUMERATED RIGHTS:
  - TO BE TREATED WITH FAIRNESS AND RESPECT FOR HIS OR HER PRIVACY AND DIGNITY, AND TO BE FREE FROM INTIMIDATION, HARASSMENT, AND ABUSE, THROUGHOUT THE CRIMINAL OR JUVENILE JUSTICE PROCESS.
  - TO BE REASONABLY PROTECTED FROM THE DEFENDANT AND PERSONS ACTING ON BEHALF OF THE DEFENDANT.
  - TO HAVE THE SAFETY OF THE VICTIM AND THE VICTIM'S FAMILY CONSIDERED IN FIXING THE AMOUNT OF BAIL AND RELEASE CONDITIONS FOR THE DEFENDANT.
  - TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION OR RECORDS TO THE DEFENDANT, THE DEFENDANT'S ATTORNEY, OR ANY OTHER PERSON ACTING ON BEHALF OF THE DEFENDANT, WHICH COULD BE USED TO LOCATE OR HARASS THE VICTIM OR THE VICTIM'S FAMILY OR WHICH DISCLOSE CONFIDENTIAL COMMUNICATIONS MADE IN THE COURSE OF MEDICAL OR COUNSELING TREATMENT, OR WHICH ARE OTHERWISE PRIVILEGED OR CONFIDENTIAL BY LAW.





# MARSY'S LAW, CONTINUED

- TO REFUSE AN INTERVIEW, DEPOSITION, OR DISCOVERY REQUEST BY THE DEFENDANT, THE DEFENDANT'S ATTORNEY, OR ANY OTHER PERSON ACTING ON BEHALF OF THE DEFENDANT, AND TO SET REASONABLE CONDITIONS ON THE CONDUCT OF ANY SUCH INTERVIEW TO WHICH THE VICTIM CONSENTS.
- TO REASONABLE NOTICE OF AND TO REASONABLY CONFER WITH THE PROSECUTING AGENCY, **UPON REQUEST**, REGARDING, THE ARREST OF THE DEFENDANT IF KNOWN BY THE PROSECUTOR, THE CHARGES FILED, THE DETERMINATION WHETHER TO EXTRADITE THE DEFENDANT, AND, **UPON REQUEST**, TO BE NOTIFIED OF AND INFORMED BEFORE ANY PRETRIAL DISPOSITION OF THE CASE.
- TO REASONABLE NOTICE OF ALL PUBLIC PROCEEDINGS, INCLUDING DELINQUENCY PROCEEDINGS, **UPON REQUEST**, AT WHICH THE DEFENDANT AND THE PROSECUTOR ARE ENTITLED TO BE PRESENT AND OF ALL PAROLE OR OTHER POST-CONVICTION RELEASE PROCEEDINGS, AND TO BE PRESENT AT ALL SUCH PROCEEDINGS.
- TO BE HEARD, **UPON REQUEST**, AT ANY PROCEEDING, INCLUDING ANY DELINQUENCY PROCEEDING, INVOLVING A POST-ARREST RELEASE DECISION, PLEA, SENTENCING, POST-CONVICTION RELEASE DECISION, OR ANY PROCEEDING IN WHICH A RIGHT OF THE VICTIM IS AT ISSUE.
- TO A SPEEDY TRIAL AND A PROMPT AND FINAL CONCLUSION OF THE CASE AND ANY RELATED POST-JUDGMENT PROCEEDINGS.
- TO PROVIDE INFORMATION TO A PROBATION DEPARTMENT OFFICIAL CONDUCTING A PRE-SENTENCE INVESTIGATION CONCERNING THE IMPACT OF THE OFFENSE ON THE VICTIM AND THE VICTIM'S FAMILY AND ANY SENTENCING RECOMMENDATIONS BEFORE THE SENTENCING OF THE DEFENDANT



# MARSY'S LAW CONTINUED

- TO RECEIVE, **UPON REQUEST**, THE PRE-SENTENCE REPORT WHEN AVAILABLE TO THE DEFENDANT, EXCEPT FOR THOSE PORTIONS MADE CONFIDENTIAL BY LAW.
- TO BE INFORMED, **UPON REQUEST**, OF THE CONVICTION, SENTENCE, PLACE AND TIME OF INCARCERATION, OR OTHER DISPOSITION OF THE DEFENDANT, THE SCHEDULED RELEASE DATE OF THE DEFENDANT, AND THE RELEASE OF OR THE ESCAPE BY THE DEFENDANT FROM CUSTODY.
- TO RESTITUTION.
  - IT IS THE UNEQUIVOCAL INTENTION OF THE PEOPLE OF THE STATE OF CALIFORNIA THAT ALL PERSONS WHO SUFFER LOSSES AS A RESULT OF CRIMINAL ACTIVITY SHALL HAVE THE RIGHT TO SEEK AND SECURE RESTITUTION FROM THE PERSONS CONVICTED OF THE CRIMES CAUSING THE LOSSES THEY SUFFER.
  - RESTITUTION SHALL BE ORDERED FROM THE CONVICTED WRONGDOER IN EVERY CASE, REGARDLESS OF THE SENTENCE OR DISPOSITION IMPOSED, IN WHICH A CRIME VICTIM SUFFERS A LOSS.
  - ALL MONETARY PAYMENTS, MONIES, AND PROPERTY COLLECTED FROM ANY PERSON WHO HAS BEEN ORDERED TO MAKE RESTITUTION SHALL BE FIRST APPLIED TO PAY THE AMOUNTS ORDERED AS RESTITUTION TO THE VICTIM.
- TO THE PROMPT RETURN OF PROPERTY WHEN NO LONGER NEEDED AS EVIDENCE.
- TO BE INFORMED OF ALL PAROLE PROCEDURES, TO PARTICIPATE IN THE PAROLE PROCESS, TO PROVIDE INFORMATION TO THE PAROLE AUTHORITY TO BE CONSIDERED BEFORE THE PAROLE OF THE OFFENDER, AND TO BE NOTIFIED, **UPON REQUEST**, OF THE PAROLE OR OTHER RELEASE OF THE OFFENDER.
- TO HAVE THE SAFETY OF THE VICTIM, THE VICTIM'S FAMILY, AND THE GENERAL PUBLIC CONSIDERED BEFORE ANY PAROLE OR OTHER POST-JUDGMENT RELEASE DECISION IS MADE.
- TO BE INFORMED OF THE RIGHTS ENUMERATED IN PARAGRAPHS (1) THROUGH (16).



# IPV SURVIVOR RIGHTS

- CALIFORNIA PENAL CODE § 679.05 – RIGHT TO HAVE DOMESTIC VIOLENCE OR ABUSE COUNSELORS PRESENT AT INTERVIEWS WITH LAW ENFORCEMENT AUTHORITIES; NOTICE
- (A) A VICTIM OF DOMESTIC VIOLENCE OR ABUSE, AS DEFINED IN SECTION 6203 OR 6211 OF THE FAMILY CODE, OR SECTION 13700 OF THIS CODE, HAS THE RIGHT TO HAVE A DOMESTIC VIOLENCE COUNSELOR AND A SUPPORT PERSON OF THE VICTIM'S CHOOSING PRESENT AT ANY INTERVIEW BY LAW ENFORCEMENT AUTHORITIES, DISTRICT ATTORNEYS, OR DEFENSE ATTORNEYS. HOWEVER, THE SUPPORT PERSON MAY BE EXCLUDED FROM AN INTERVIEW BY LAW ENFORCEMENT OR THE DISTRICT ATTORNEY IF THE LAW ENFORCEMENT AUTHORITY OR THE DISTRICT ATTORNEY DETERMINES THAT THE PRESENCE OF THAT INDIVIDUAL WOULD BE DETRIMENTAL TO THE PURPOSE OF THE INTERVIEW. AS USED IN THIS SECTION, "DOMESTIC VIOLENCE COUNSELOR" IS DEFINED IN SECTION 1037.1 OF THE EVIDENCE CODE. PRIOR TO BEING PRESENT AT ANY INTERVIEW CONDUCTED BY LAW ENFORCEMENT AUTHORITIES, PROSECUTORS, OR DEFENSE ATTORNEYS, A DOMESTIC VIOLENCE ADVOCATE SHALL ADVISE THE VICTIM OF ANY APPLICABLE LIMITATIONS ON THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN THE VICTIM AND THE DOMESTIC VIOLENCE ADVOCATE.



# PROTECTIONS/SUPPORT FOR IPV SURVIVORS, CONTINUED

## FAMILY CODE SECTION 6303

- SUPPORT DURING COURT HEARINGS
- (A) IT IS THE FUNCTION OF A SUPPORT PERSON TO PROVIDE MORAL AND EMOTIONAL SUPPORT FOR A PERSON WHO ALLEGES TO BE A VICTIM OF DOMESTIC VIOLENCE. THE PERSON WHO ALLEGES TO BE A VICTIM OF DOMESTIC VIOLENCE MAY SELECT ANY INDIVIDUAL TO ACT AS A SUPPORT PERSON. NO CERTIFICATION, TRAINING, OR OTHER SPECIAL QUALIFICATION IS REQUIRED FOR AN INDIVIDUAL TO ACT AS A SUPPORT PERSON. THE SUPPORT PERSON SHALL ASSIST THE PERSON IN FEELING MORE CONFIDENT THAT THE PERSON WILL NOT BE INJURED OR THREATENED BY THE OTHER PARTY DURING THE PROCEEDINGS WHERE THE PERSON AND THE OTHER PARTY MUST BE PRESENT IN CLOSE PROXIMITY. THE SUPPORT PERSON IS NOT PRESENT AS A LEGAL ADVISER AND SHALL NOT GIVE LEGAL ADVICE.
- (B) A SUPPORT PERSON SHALL BE PERMITTED TO ACCOMPANY EITHER PARTY TO ANY PROCEEDING TO OBTAIN A PROTECTIVE ORDER, AS DEFINED IN SECTION 6218. **WHERE THE PARTY IS NOT REPRESENTED BY AN ATTORNEY, THE SUPPORT PERSON MAY SIT WITH THE PARTY AT THE TABLE THAT IS GENERALLY RESERVED FOR THE PARTY AND THE PARTY'S ATTORNEY.**



# LOCAL PROTECTIONS/SUPPORT FOR IPV SURVIVORS

- DVPO – A CIVIL ORDER THAT PROTECTS VICTIM FROM AN INTIMATE PARTNER OR FAMILY MEMBER
- GOOD CAUSE REPORT – DA CHILD ABDUCTION UNIT
- CALIFORNIA EVIDENCE CODE SECTION 1037-1037.8
  - DV COUNSELOR-VICTIM PRIVILEGE
- SEEK FINANCIAL ASSISTANCE FROM CALVCB



# IMMIGRATION REMEDIES FOR IPV SURVIVORS

- ROLE OF ADVOCATE IS TO CONNECT SURVIVORS TO ATTORNEYS TO IDENTIFY IMMIGRATION OPTIONS, INCLUDING:
  - VAWA SELF-PETITIONS FOR IPV SURVIVORS AND THEIR CHILDREN – IPV SURVIVOR MUST BE LEGALLY MARRIED TO LPR OR USC
  - UVISA – IPV SURVIVOR NOT MARRIED TO ABUSER, OR ABUSER IS NOT LPR OR USC
  - ASYLUM – IPV SURVIVORS SUFFERED PERSECUTION IN THEIR HOME COUNTRY BASED ON RACE, RELIGION, NATIONALITY, MEMBERSHIP IN A PARTICULAR SOCIAL GROUP, POLITICAL OPINION
  - TVISA – WHEN IPV SURVIVOR IS A VICTIM OF A “SEVERE FORM OF HUMAN TRAFFICKING”



# IMMIGRATION REMEDIES BENEFITS

- VAWA – MAY LEAD TO LEGAL PERMANENT RESIDENCE (ABILITY TO WORK AND BECOME USC)
- UVISA – TEMPORARY FOUR YEAR VISA
  - CAN INCLUDE DERIVATIVES
  - INCLUDES WORK PERMIT WHEN AVAILABLE
  - AFTER HAVING UVISA FOR THREE YEARS, CAN APPLY TO ADJUST TO LPR (AND THEN USC AFTER 5 YEARS)
- TVISA
  - CAN INCLUDE DERIVATIVES
  - INCLUDES WORK PERMIT WHEN AVAILABLE
  - AFTER HAVING UVISA FOR THREE YEARS, CAN APPLY TO ADJUST TO LPR (AND THEN USC AFTER 5 YEARS)



# SEXUAL ASSAULT SURVIVOR'S RIGHTS

## YOUR RIGHTS as a Survivor of Sexual Assault

You have the right to get answers, the right to information, and the right to know. This card explains your rights, options, and helpful resources available to you under California Law (Penal Code 680.2).

### You Decide

It's your choice to:

- Get a physical exam
- Be part of a criminal case, or
- Report the assault

**No matter what you choose,  
you keep your rights.**

A law enforcement officer or medical provider must provide you with a card that clearly spells out your rights.

- **PENAL CODE #679.04** GIVE VICTIMS OF SA OR SPOUSAL RAPE THE RIGHT TO HAVE AN ADVOCATE PRESENT AT ANY EVIDENTIARY MEDICAL, PHYSICAL EXAM, INTERVIEW BY LAW ENFORCEMENT, OR DISTRICT ATTORNEYS
- **PENAL CODE #264.2** REQUIRES LAW ENFORCEMENT OFFICERS TO IMMEDIATELY NOTIFY LOCAL RAPE CRISIS CENTERS WHEN VICTIM TRANSPORTED TO HOSPITAL FOR ANY MEDICAL EVIDENTIARY OR PHYSICAL EXAM





# SA SURVIVOR RIGHTS CONTINUED

- SEEK AN EMERGENCY PROTECTIVE ORDER
- SEEK A CIVIL PROTECTION ORDER
- REQUEST SEX OFFENDER REGISTRY INFORMATION
- SEEK FINANCIAL ASSISTANCE FROM CALVCB
- HAVE A CONFIDENTIAL SA COUNSELOR AND A SUPPORT PERSON OF VICTIM'S CHOICE DURING EXAM OR INTERVIEW
- REQUEST IN WRITING AND RECEIVE FREE COPY OF INITIAL CRIME REPORT
- ASK THE STATUS AND RESULTS OF TESTING OF ALL EVIDENCE RELATED TO ASSAULT
- ANONYMOUS SART EXAM



# IMMIGRATION REMEDIES FOR SA SURVIVORS

- ROLE OF ADVOCATE IS TO CONNECT SURVIVORS TO ATTORNEYS TO IDENTIFY IMMIGRATION OPTIONS, INCLUDING:
  - VAWA SELF-PETITIONS FOR SA SURVIVORS AND THEIR CHILDREN – SA SURVIVOR MUST BE LEGALLY MARRIED TO LPR OR USC
  - UVISA – SEXUAL ASSAULT SURVIVORS ARE ELIGIBLE FOR UVISA
  - ASYLUM – SA SURVIVORS SUFFERED PERSECUTION IN THEIR HOME COUNTRY BASED ON RACE, RELIGION, NATIONALITY, MEMBERSHIP IN A PARTICULAR SOCIAL GROUP, POLITICAL OPINION
  - TVISA – WHEN SA SURVIVOR IS A VICTIM OF A “SEVERE FORM OF HUMAN TRAFFICKING”



# PROTECTIONS/SUPPORT FOR HT SURVIVORS

- CALIFORNIA EVIDENCE CODE SECTION 1038.2
  - HT COUNSELOR-VICTIM PRIVILEGE
- HT SERVICES PROVIDED BY CALOES FUNDED AGENCIES:
- SEEK FINANCIAL ASSISTANCE FROM CALVCB



# WHY TALK TO CLIENTS ABOUT TRAFFICKING?

VICTIMS OF LABOR TRAFFICKING ARE ENTITLED TO CERTAIN BENEFITS. THE PURPOSE OF ESTABLISHING WHETHER OR NOT CLIENT IS A LABOR TRAFFICKING VICTIM IS TO DETERMINE HER/HIS RIGHTS AND CONNECT THEM TO:

- STATE/FEDERAL SOCIAL SERVICE BENEFITS
- IMMIGRATION RELIEF (U VISA, T VISA, CONTINUED PRESENCE) CIVIL RESTITUTION (WAGE THEFT, COMPENSATION FOR DAMAGES)
- PROTECTION
- MEDICAL ASSISTANCE
- RESOURCES



# WHY TALK TO CLIENTS ABOUT HT?

Seldom will a client/potential client identify as a trafficking victim. It is imperative that advocates remain aware of the possibility that their client may have been trafficked. Advocates should talk to their clients about human trafficking when they perceive that victimization includes elements of:

- \* **Force**
- \* **Fraud**
- \* **Coercion**



ADVOCACY AND SUPPORT

# INCREASING SUPPORT AND SYSTEMS ACCESS



# SOLUTIONS TO VIOLENCE

- WE PROVIDE EMPOWERMENT-BASED SERVICES TO STRENGTHEN AND SUPPORT SURVIVORS OF INTIMATE PARTNER ABUSE, SEXUAL ASSAULT, AND HUMAN TRAFFICKING CRIMES.
- WE ALSO PROVIDE PREVENTION AND EDUCATION SERVICES FOR GROUPS, SCHOOLS, AND THE COMMUNITY AROUND THE TOPICS OF INTIMATE PARTNER ABUSE, SEXUAL ASSAULT, AND HUMAN TRAFFICKING.



# The Role of DV/SA Advocates





# SUPPORT FOR IPV, SA, HT AND WORKPLACE CRIMES SURVIVORS



# CRISIS INTERVENTION

- 24/7 CONFIDENTIAL CRISIS LINE **877.363.7238**  
**877.END.SADV**
- IN-PERSON RESPONSE TO THE POLICE DEPARTMENT, HOSPITAL, SCHOOL, SAFE LOCATION FOR IPV, SA, HT
- ACCOMPANIMENT TO A SART EXAM
  - ADULT
    - JANE DOE
  - PEDIATRIC
- HT OPERATIONS – INDIVIDUAL AND MULTIVICITM



# PEER COUNSELING

- CONFIDENTIAL
- COPING STRATEGIES
- SAFETY PLANNING
- GOAL PLANNING
- SAFE SPACE TO DISCUSS FEELINGS
- NORMALIZING EMOTIONS/BEHAVIORS



# ACCOMPANIMENT

- INTERVIEWS WITH LAW ENFORCEMENT, DISTRICT ATTORNEY, OR VICTIM WITNESS.
- COURT DATES ASSOCIATED WITH THEIR CASE.
- SOCIAL SERVICES



# ADVOCACY

- VICTIM WITNESS
- SOCIAL SERVICES
- IMMIGRATION
- CRIMINAL JUSTICE SUPPO
- RESTRAINING ORDER SUPPORT



# RESOURCES & REFERRALS

- FAMILY JUSTICE CENTER (FJC)
  - IMMIGRATION
  - FAMILY LAW
  - LAW ENFORCEMENT DETECTIVES
  - VICTIM WITNESS
  - DISTRICT ATTORNEY
  - PROBATION
- HOUSING & SHELTER
- MENTAL HEALTH
- CLOTHING & FOOD



# HOUSING

- FASTEST GROWING NUMBER OF HOMELESSNESS ARE VICTIMS OF DV – WOMEN AND CHILDREN
- ONLY 62 IPV SPECIFIC BEDS IN THE COUNTY FOR SURVIVORS OF IPV FLEEING ABUSIVE RELATIONSHIPS/SITUATIONS
- THREE HT SPECIFIC BEDS FOR HT SURVIVORS DISPLACED BY TRAFFICKING (COMMUNITY SOLUTIONS)
- 41 HOUSING SLOTS FOR SURVIVORS IDENTIFIED THE COORDINATED ASSESSMENT PROCESS (COMMUNITY SOLUTIONS)
- 20 HOUSING SLOTS FUNDED THROUGH THE STATE - (COMMUNITY SOLUTIONS)



# HOUSING

- SANTA CLARA COUNTY HAS A COORDINATED ASSESSMENT PROCESS TO MATCH PEOPLE EXPERIENCING HOMELESSNESS TO COMMUNITY RESOURCES, INCLUDING REFERRALS TO PERMANENT, RAPID RE-HOUSING, SHELTER, AND TRANSITIONAL HOUSING SERVICES.
  - THE VULNERABILITY INDEX-SERVICE PRIORITIZATION DECISION ASSESSMENT TOOL OR VI-SPDAT CONSIDERS THE HOUSEHOLD'S SITUATION AND IDENTIFIES THE BEST TYPE OF HOUSING INTERVENTION TO ADDRESS THEIR SITUATION.
- A CONFIDENTIAL QUEUE FOR SURVIVORS OF IPV, SA, HT
  - DEVELOPED BY DVAC AND COC, IS USED TO REFER SURVIVORS TO THE APPROPRIATE DVAC AGENCY TO FILL HOUSING SLOTS. THE CONFIDENTIAL QUEUE CAN ONLY BE ACCESSED BY DVAC AGENCIES AND IS NOT CONNECTED TO HMIS.
- COC VNST (VICTIM NEEDS SCREENING TOOL FOR COC PROVIDERS) IS USED BY EANS TO IDENTIFY VICTIMS OF DA, SA AND HT AND OFFER CONNECTION TO IPV ORGANIZATIONS FOR CONFIDENTIAL SERVICES





**SERVICE PHILOSOPHY:**

**VICTIM-CENTERED  
TRAUMA-INFORMED  
EMPOWERMENT-BASED**

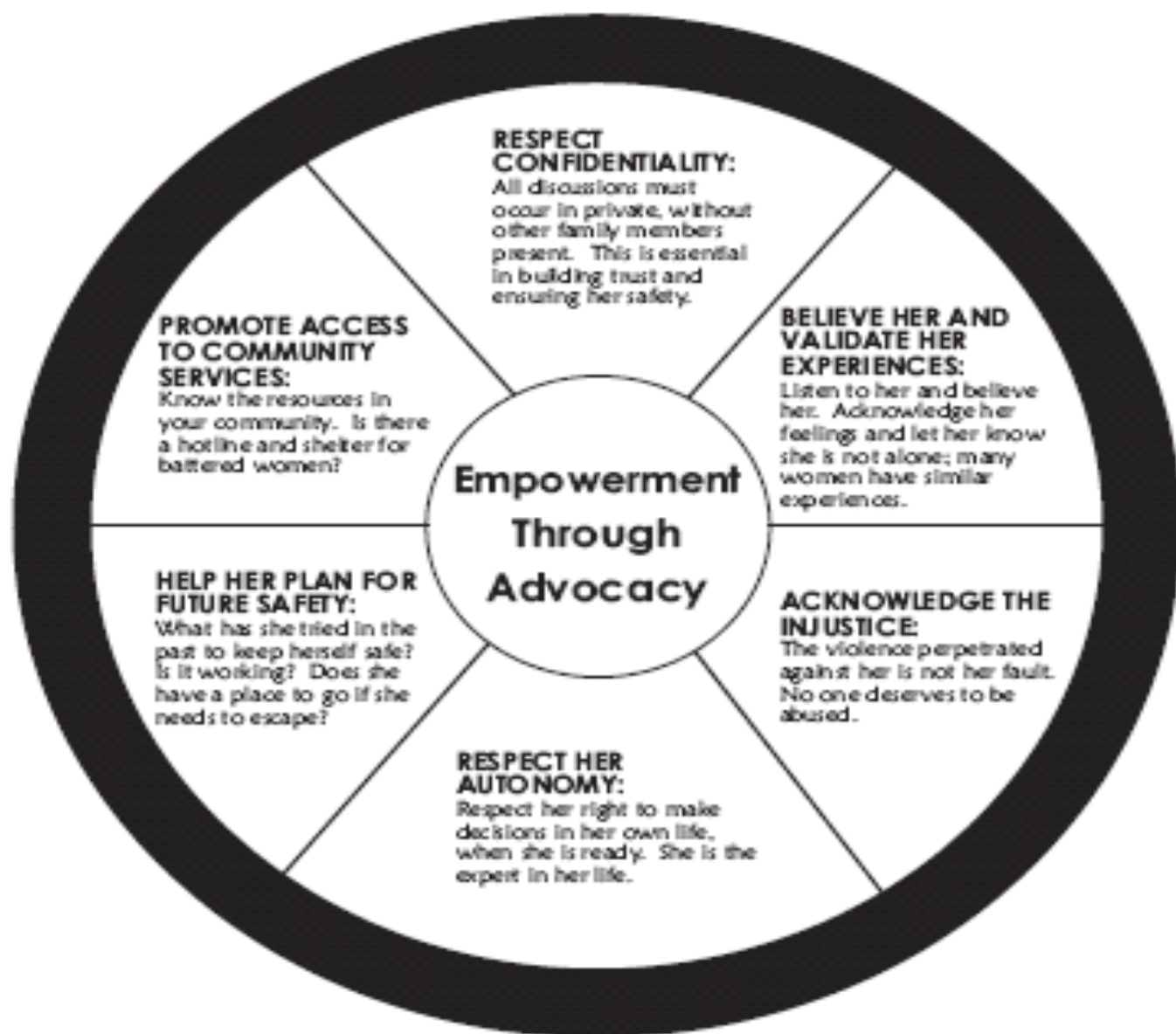


# WHAT DO ALL THESE TERMS MEAN??!

- **TRAUMA-INFORMED CARE** IS AN APPROACH TO ENGAGING PEOPLE WITH HISTORIES OF TRAUMA THAT RECOGNIZES THE PRESENCE OF TRAUMA SYMPTOMS AND ACKNOWLEDGES THE ROLE THAT TRAUMA HAS PLAYED IN THEIR LIVES. - *NATIONAL CENTER FOR TRAUMA INFORMED CARE (NCTIC, WWW.SAMSHA.GOV/NCTIC, 2013)*
- **VICTIM-CENTERED** –THE PROVISION OF CULTURALLY APPROPRIATE AND IMMEDIATELY AVAILABLE SERVICES BASED ON THE UNIQUE NEEDS AND CIRCUMSTANCES OF VICTIMS AND SURVIVORS. SERVICES ARE SPECIFIC, CLIENT-FOCUSED AND DRIVEN BY THE INDIVIDUALS IMPACTED BY THE ABUSE/ASSAULT/EXPLOITATION. – *WASHINGTON COALITION OF SEXUAL ASSAULT PROGRAMS*
- AN **EMPOWERMENT –BASED** PHILOSOPHY MEANS THAT WE BELIEVE THAT SURVIVORS OF ABUSE/EXPLOITATION ARE COMPETENT AND SHOULD HAVE THE FREEDOM TO BE INDEPENDENT.
- OUR CLIENTS HAVE JUST COME FROM A SITUATION WHERE THEY WERE CONTROLLED. IT IS NOT OUR JOB TO REPLACE ONE FORM OF CONTROL WITH ANOTHER. IT IS NOT OUR JOB TO TEACH THEM OR MANAGE THEM.
- EMPOWERMENT MEANS FOCUSING ON CLIENTS’ STRENGTHS AND BELIEVING THAT THEY CAN MAKE A DIFFERENCE. EMPOWERMENT MEANS NEVER JUDGING CLIENTS’ DECISIONS AND NEVER MAKING THEM FEEL LIKE THEY NEED TO HIDE THINGS FROM US – INCLUDING CONTACT WITH THEIR ABUSERS OR SUBSTANCE ABUSE.

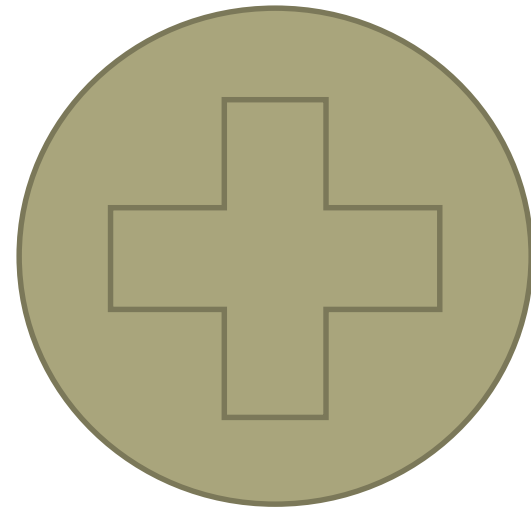
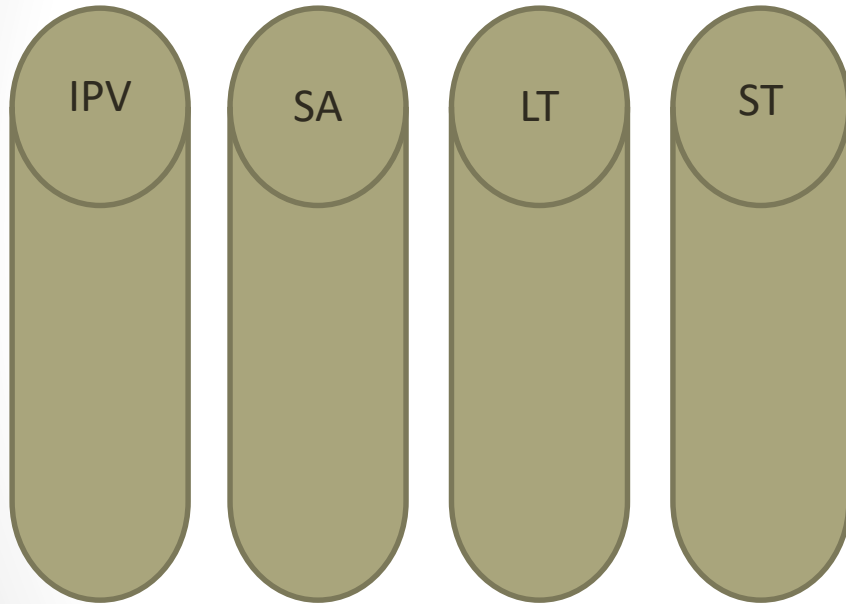


# ADVOCACY EMPOWERMENT WHEEL



# SHIFTING THE PARADIGM

## From Silos to Intersections



# WHY SCREEN FOR INTERSECTIONS?

- ENSURE THAT PROVIDERS ADDRESS DIFFERENT FORMS AND INTERSECTIONS OF VIOLENCE AND TRAUMA
- ENSURE THAT SURVIVORS CAN EXPLORE ALL POSSIBLE PROTECTIONS, LEGAL REMEDIES, AND SOCIAL BENEFITS AVAILABLE TO THEM
- CONNECT SURVIVORS TO OTHER SERVICES AND PROGRAMS BASED ON THE SURVIVOR'S INDIVIDUAL NEEDS AND ELIGIBILITY (E.G. HOUSING, VOCATIONAL TRAINING PROGRAMS, SA ADVOCATES)
- CONNECT SURVIVORS TO LEGAL SERVICE PROVIDERS BASED ON SURVIVOR'S INDIVIDUAL SITUATION (E.G. IMMIGRATION, FAMILY LAW, EMPLOYMENT LAW, HOUSING, SOCIAL SERVICE BENEFITS)



# VICTIM NEEDS SCREENING TOOL

- SOUTH BAY COALITION TO END HUMAN TRAFFICKING SPENT TWO YEARS DEVELOPING A TOOL THAT IDENTIFIES POTENTIAL IPV/SA/HT
- TOOL WAS LAUNCHED WITH A TRAINING IN 2016
- CS COLLECTED 97 SURVEYS FROM JUNE 2018 TO FEBRUARY 2019
- AACI, CS, AND YWCA COMMITTED TO COMPLETING THE TOOL WITH OPEN CLIENTS OVER 18 YEARS OLD



# DID THE SCREENING TOOL RESULT IN A REFERRAL?

Internal Referral		External Referral	
DV Advocate	12%	DV Agency	4%
SA Advocate	9%	SA Agency	4%
HT Advocate	5%	Legal Services	5%



# SERVICE PROVIDERS

Service Provider Crisis Line	Services Provided	Area / Language
<b>AACI</b> (408) 975-2739	DV Shelter, support services for survivors of DV or HT, Legal Advocacy	Santa Clara County Languages: Chinese, Khmer, Lao, Mien, Spanish, Tagalog, Thai, and Vietnamese
<b>Community Solutions</b> (877) 363-7238	DV Shelter, support services for survivors of DV, HT, or SA, legal advocacy	Santa Clara and San Benito County – Santa Clara County service area includes: Morgan Hill, San Martin, Gilroy Languages: Spanish, Punjabi, Hindi, and Portuguese
<b>Maitri</b> (888) 862-4874	Transitional housing, support services for survivors of DV, legal advocacy	Santa Clara County Languages: Bengali, Gujarati, Hindi, Malayalam, Marathi, Marwari, Punjabi, Sindhi, Tamil, Telugu, and Urdu
<b>Next Door Solutions</b> (408) 279-2962	DV Shelter, support services for survivors of DV, legal advocacy	Santa Clara County: Languages: Spanish
<b>YWCA Silicon Valley</b> (800) 572-2782	DV Shelter, support services for survivors of DV, HT, or SA, therapy/counseling, legal advocacy	Santa Clara County Languages: Spanish



# REFERRALS, WARM HANDOFFS, AND IN-PERSON RESPONSE

## INTIMATE PARTNER ABUSE

- AACI
- COMMUNITY SOLUTIONS
- MAITRI
- NEXT DOOR
- YWCA

## SEXUAL ASSAULT

- COMMUNITY SOLUTIONS
- YWCA



# RAPE CRISIS CENTERS IN SANTA CLARA COUNTY



Creating Opportunities • Changing Lives

eliminating racism  
empowering women

**ywca**

silicon valley

**24 HOUR  
CONFIDENTIAL  
DV/SA/HT CRISIS LINE**

877-363-7238

877-END-SADV

***MAIN ADDRESS***

*9015 MURRAY AVE*

*GILROY CA 95020*

*408-779-2113*

**24 HOUR  
CONFIDENTIAL RAPE  
CRISIS LINE**

(408) 287-3000

(650) 493-7273

***MAIN ADDRESS***

*375 S. THIRD STREET*

*SAN JOSE, CA 95112*

*(408) 295-4011*



# REFERRAL PROCESS HT

THE *POINT AGENCY* SYSTEM IS ACTIVATED FOR ONE OF THREE PURPOSES:

- (1) TO ENSURE A ONE-HOUR ADVOCATE IN-PERSON RESPONSE FOLLOWING THE IDENTIFICATION OF A POTENTIAL VICTIM(S) BY A GOVERNMENTAL OR COMMUNITY BASED ORGANIZATION;
- (2) WHEN A POTENTIAL HUMAN TRAFFICKING VICTIM IS IN IMMEDIATE NEED OF SHELTER, FOOD, TRANSPORTATION, OR ACCOMPANIMENT; OR
- (3) WHEN A GOVERNMENTAL OR COMMUNITY BASED ORGANIZATION HAS IDENTIFIED A POTENTIAL HUMAN TRAFFICKING VICTIM AND SAID VICTIM HAS AGREED TO NON-URGENT ADVOCACY/CASE MANAGEMENT SERVICES.



# REFERRAL FORM

- USED WHEN CLIENT IS OPEN TO RECEIVING SERVICES, BUT IS NOT IN CRISIS
- [HTPOINTPERSONREFERRAL@COMMUNITYSOLUTIONS.ORG](mailto:HTPOINTPERSONREFERRAL@COMMUNITYSOLUTIONS.ORG)

South Bay Coalition to End Human Trafficking  
POINT PERSON REFERRAL FORM



CLIENT INFORMATION		REFERRED BY:	
NAME: _____		NAME: _____	
LANGUAGE: _____	DOB: _____	ORGANIZATION: _____	
ETHNICITY: _____	AGE: _____	PHONE NUMBER: _____	
PHONE: _____	GENDER: _____	REFERRAL DATE: _____	
CITY: _____	TYPE OF CASE: <input type="checkbox"/> LABOR <input type="checkbox"/> SEX <input type="checkbox"/> CSEC		
<b>CURRENT NEEDS:</b>			
<input type="checkbox"/> Shelter	<input type="checkbox"/> Accompaniment	<input type="checkbox"/> Medical	<input type="checkbox"/> Resources/Referrals
<input type="checkbox"/> Food	<input type="checkbox"/> Transportation	<input type="checkbox"/> Dental	<input type="checkbox"/> SSA Benefits
<input type="checkbox"/> Clothing	<input type="checkbox"/> Immigration Representation	<input type="checkbox"/> Counseling	<input type="checkbox"/> Victim Witness
<input type="checkbox"/> Advocacy			
Additional Comments: _____			

POINT PERSON NOTES:

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ASSIGNED TO:



# CONTACT INFORMATION

**COMMUNITY SOLUTIONS - HEADQUARTERS**  
9015 MURRAY AVENUE, #100  
GILROY, CA 95020

[WWW.COMMUNITYSOLUTIONS.ORG](http://WWW.COMMUNITYSOLUTIONS.ORG)

## 24-HOUR CRISIS LINES

- SEXUAL ASSAULT & DOMESTIC VIOLENCE:  
1.877.END.SADV (1.877.363.7238)
  
- YOUTH & FAMILY: 1.408.683.4118

