

SENATE JUDICIARY COMMITTEE
“The Increased Importance of the Violence Against Women Act
in a Time of Economic Crisis”
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INTRODUCTION

My name is Lolita Ulloa, and I am the Managing Attorney for the Victim Services Division, of the Hennepin County Attorney's Office in Minneapolis, Minnesota. I supervise victim services and witness staff. They are advocates and case managers that ensure that we provide support, information, and referrals for witnesses and victims on charged cases. We also work to ensure that victim's rights are being protected. I also oversee the Domestic Abuse Service Center (DASC, or the Center) at the Hennepin County Attorney's Office, which is a one-stop center for victims of domestic violence. Although our county makes up approximately one quarter of Minnesota's population, this office helps victims obtain 50% of all of the restraining orders in our state. Hennepin County is made up of Minneapolis and 47 surrounding suburbs. Our office serves 1.1 million people.

I want to thank the members of the Judiciary Committee for inviting me here. I am truly honored to assist in providing you information as you review the continued and critical importance of the Violence Against Women Act in these difficult economic times. I especially want to thank Senator Amy Klobuchar for her continued unwavering support, work, and focus on these issues both as Hennepin County Attorney and now as a senator. As County Attorney, Senator Klobuchar always supported victims of domestic violence in her management of the Domestic Abuse Service Center, and she strengthened the work of the County Attorney's Office in the prosecution of domestic violence cases. She clearly understands the unique and tragic issues that face victims of domestic abuse. Emphasizing intervention with earlier services is incredibly important to our office.

The Domestic Abuse Service Center was created in 1994 under the current County Attorney Mike Freeman. His vision led to a one-stop service center for victims of domestic violence that has now been replicated nationally – through the Family Justice Centers – as well as internationally. The Center allows victims to access criminal and civil processes, Orders for Protection, advocacy services, economic assistance workers, child protection staff, probation and other services. The goal of the Center is simple: To be a place where victims can access services, in a safe and inviting environment, and hold abusers accountable. County Attorney Mike Freeman's initiative recognized that services to victims must be provided in a collaborative manner.

This collaboration is even more important in times of economic crisis. Those of us who work on domestic violence issues know very well that one of the main reasons women do not leave abusive situations is because they are financially dependent on their abuser. This reality is only exacerbated during an economic downturn. Suddenly, women who need to leave abusive homes may face additional struggles because they have also lost their jobs, because they had to sell their cars, or because they have health care only through their abuser. I look forward to spending the rest of my testimony talking about how the two sides of the Violence Against Women Act (VAWA) – assistance with criminal prosecutions on one hand, and holistic services for victims and their families on the other – can and should work together to comprehensively address the problem of domestic violence.

THE DIFFERENCE VAWA HAS MADE

I have been a public service lawyer for 25 years. I have been involved in providing intervention services in domestic violence for the majority of my legal profession. I know what the climate was *before* VAWA was enacted in 1994, and I know what the climate is now in the 16 years *since* VAWA was enacted. When Congress passed VAWA, there was finally federal recognition that crimes of domestic violence, sexual assault and stalking would not be tolerated any longer. As a result, there has been a shift in how violence against women is addressed in the criminal justice offices, and also in how it is viewed in the community. Funding criminal justice offices remains, I believe, a critical need – especially when criminal justice offices forge partnerships with community battered women's programs and social services. These forced collaborations are absolutely necessary if we all working towards the same goal.

I have seen this in my own personal experience. The Center has received VAWA funding in the past. VAWA strengthened the work of the Center by providing the funding to hire staff from law enforcement, prosecution, corrections and culturally-specific groups to work out of the same office. VAWA funding allowed us to hire sheriff's deputies to increase service of Orders for Protection, which we recognize is one of the first critical steps to intervention in a home with where there is violence.

Originally, service of Orders for Protection had been delayed – sometimes for over four days – because of a lack of resources to find and then serve an order on the abuser. This delayed the relief that was sought by the victim. Many times the urgency and fear came as a result of an assault of the victim or her children or both. Decreasing this time to

within 24 hours of the Ex Parte Order being issued was critical to the victim's safety, and we did that. I am happy to say that our sheriff's office continues to make this service a priority and the delay before VAWA is no longer a problem.

VAWA funding allowed us to expand our prosecution team to review Gone on Arrival cases (when the perpetrator has left the scene) for possible charging. Now, a prosecutor reviews those reports, whereas before those reports were generally filed in drawers and nothing more was done to contact the victim or to find the abuser. Additionally, charging at the misdemeanor level allowed us to intervene at one of the most critical points for effective intervention: *before* there is another criminal case. VAWA funding also allowed us to partner with culturally-specific battered women's programs to provide services. It is especially critical for underserved communities to have an advocacy staff that looks like them and speaks their language.

We recently had a woman at the Center who wanted an Order for Protection against her husband. He had beaten her with a belt and belt buckle with her 4-month-old child present. She had terrible bruises all over her body. She dismissed the Order for Protection days later. The husband and wife are originally from an African country, and she felt pressure from her community and her cultural values. Nevertheless, the case has been criminally charged and she will receive advocacy services from an advocate from her country. We expect this will be helpful in understanding the process and hearing the explanation in her own language. This support is critical to the victim's view of how the crime fits outside of her culture, and how the criminal justice system works here.

Another way that VAWA has impacted the issue of domestic abuse is by offering trainings, where the focus was to discuss varied approaches states were using in their prosecution, probation, law enforcement and advocacy work. Sharing best practices and protocols have resulted in these trainings being models that we have all used in our work. One particular area has been legislation specifically related to strangulation, along with medical identification of this injury, documentation by law enforcement of this injury and assault, and a better understanding by victims of what this means and how it can impact their future medical health.

Much emphasis has been placed on the quality of police report writing. Over the years, after VAWA trainings, I have seen police reports that provide better, more detailed information and observations. Interviews of the victim and the abuser and the witnesses

are now routinely performed separately, though this was not always the case. Also, mutual arrests are not commonplace anymore because responding police officers are making assessments about who is the primary aggressor when they are called to the scene of a crime, which is also part of the ongoing message from VAWA trainings.

Training for probation departments results in their use of lethality screening tools as they work with offenders. This is critical in order to protect the victim and the community. In our county, we have a Domestic Violence Court which was created in 2000. This Court uses many of the best practices and protocols that were presented at VAWA trainings that were attended by many judges in our county. Creating a forum where different professionals can learn and have a dialogue about successes and obstacles is necessary to develop practices that can be successful in your own jurisdiction.

One area where I believe trainings were most valuable was the emphasis on providing culturally-competent services to victims from diverse communities. Understanding community-specific hardships, language barriers, religious values, and cultural assimilation plays an important role in effective intervention. Identifying this area as a critical need and an area that is important to services for battered women was a huge step that clearly demonstrates that the creators of VAWA understood the many dynamics of domestic violence.

THE WORK THAT STILL NEEDS TO BE DONE

VAWA provided an opportunity to provide services, good, great services to underserved communities by forging nontraditional partnerships: law enforcement with advocates, child protection with prosecutors. This collaborative approach is working. Agencies working together, triaging cases, and inviting different perspectives and expertise are critical to assisting victims and the criminal justice system as well as the advocacy community.

Although I believe that VAWA has been incredibly successful in impacting the way we work on domestic violence cases nationally, there are some areas that I believe need more emphasis. I recently spoke with Liz Richards, the Director of Programming for the Minnesota Coalition of Battered Women, and we discussed the following issues that continue to impact victims who are trying to leave abusive situations, particularly during economic downturns.

In many states – and even in Minnesota, which has long been a leader on all sorts of domestic violence issues – child support is not addressed in an Order for Protection hearing even though it is supposed to be. The absence of financial support while the victim is trying to leave her abuser and make plans to care for herself and her children is dangerous. I believe funding should be made available to district courts to work with community agencies in order to provide training and education for lawyers and advocates about the importance of addressing child support issues at the same time Orders for Protection are being entered, and to set up related procedures and protocols. We must work to ensure that at least on an emergency basis, we ensure the financial stability that will allow victims to plan for and focus on their safety.

One recent example demonstrates the special needs that domestic violence victims have in relation to child support orders. A woman recently came into the DASC to obtain an Order for Protection because the father of her children had pushed, grabbed and kicked her. We talked to her about going to a shelter because she was being evicted already. She had a job and was also starting school, and her abuser had been providing child care. It turned out that there wasn't a shelter opening. The next day the advocate received a call from the victim indicating that she wanted to drop the Order for Protection because she didn't have any money to pay for child care and needed the abuser to watch the kids. The victim wanted to continue school, and she needed to work to be able to do that. Additionally, she had no telephone, so the advocate could not call her back to talk things over. The abuser has a long criminal record and is not working. He already had a child support order. Financial independence, simply put, can make the difference in whether a woman stays or leaves.

Another way that financial dependence can manifest itself in domestic violence cases relates to medical care. We have identified some long term issues such as medical complications that can follow the victim for the rest of their life. We need to ensure that there is collaboration between the medical professionals who see the victim in an emergency situation and the long-term medical providers who care for the victim outside the emergency room. Generally victims receive good emergency medical treatment, but follow-up services are necessary. Ensuring that victims have access to long-term medical care and that different medical providers talk to each other is critical. Identifying this issue as a community, even when the victim may not, is important for longer term safety and success for that victim. Funding for training in this area would be helpful.

Recently, the Minnesota Battered Women's Coalition hosted a "Camp Sheila" for Battered Women – named for the late Sheila Wellstone, who along with her husband, former Senator Paul Wellstone, was a devoted champion in the fight against domestic violence. At this camp, battered women were asked how long their divorces had been going on. Most replied that they had cases that were still in progress, even 7-14 years after initially filing for divorce. In many of these cases there was abuse of the mother and the kids. The abuser used the court system to manipulate and threaten the victim again and again. The threat of losing the custody of their children was ever-present in their custody cases. Imagine being forced to co-parent with someone who had beaten and terrorized you. In addition, many of these women have no economic resources for legal representation; they have exhausted their finances, and the finances of family and friends. This is another area where additional services and a collaborative approach are necessary – they are all part of ensuring that a woman can actually leave her abuser. I believe that criminal justice centers can and should lead the way in addressing these issues holistically so that all of a victim's needs can be met and she can actually leave her abuser.

VAWA funding has produced excellent, longstanding collaborations which have allowed all partners in the criminal justice system to work together to address the tragedy of domestic violence. The forum that was required by grants – although adversarial – was frequently critical in ensuring that real dialogue occurred and outcomes were evaluated. The work around police enforcement of Orders for Protection, expanded prosecution teams, and the formation of partnerships with community battered women's programs is still in existence today. Additionally, the efforts to ensure that stalking is considered a separate crime, as well as strangulation, have clearly been a success.

The huge impact of VAWA will never be fully captured because the success is marked by individual victims who have found a way out and those voices may never be heard. The cycle has been broken. They are safe and that is the most important part of their lives. It is what we all hope and work towards every day. This has been reached in a great part by the funding opportunities that VAWA has offered many jurisdictions and programs to enhance current services, and create new services for victims.

Thank you for your invitation. I look forward to working with all of you to end violence against women and continuing to implement the promise of VAWA.