

Advisory Committee on Sexual and Domestic Violence

Chesterfield Public Library – Chester Location

Meeting Rooms A & B
11800 Centre Street
Chester, VA 23831

Wednesday, March 15, 2023

10:30 a.m. – 12:30 p.m.

Welcome, Introductions, and Remarks

Teresa Berry, Committee Chairperson

Approval of December 7, 2022 Meeting Minutes

2023 General Assembly Session

Areas of Committee Focus for 2023

Teresa Berry

State Agency Funding Updates

- Virginia Department of Criminal Justice Services
- Virginia Department of Health
- Virginia Department of Housing and Community Development
- Virginia Department of Social Services

Past Business

- Language Access Workgroup Recommendations
- Sexual and Domestic Violence Prevention Funding
- Virginia Sexual and Domestic Violence Program Professional Standards Committee
- Proposed Sexual and Domestic Violence Agency Needs Assessment Survey

New Business

Other Member Announcements

Public Comment

2023 Meeting Dates: **June 14, 2023**, 10:30 a.m. – 12:30 p.m. (virtual meeting)
September 20, 2023, 10:30 a.m. – 12:30 p.m. (in-person meeting)
December 13, 2023, 10:30 a.m. – 12:30 p.m. (virtual meeting)

Advisory Committee on Sexual and Domestic Violence

Virtual Meeting

(In accordance with approved policy)

Wednesday, December 7, 2022

10:30 a.m. – 12:30 p.m.

Draft Minutes

Members Present:

Maria Altonen, Kathy Anderson, Teresa Berry, Sanu Dieng, Marva Dunn, Autumn Edmond, Nancy Fowler, Kate Hanger, Claudia Lopez-Muniz, Unique Phillips, Mary Sharpe, Kristina Vadas, Kristi VanAudenrove, Toni Zollicoffer

Members Absent:

Elvira De la Cruz, Barbara Favola, Kristen Howard, Kike Oliver, House of Delegates Representative (vacant position)

Guests:

Jae De La Mora, Gleibys Gonzalez, Eileen Longenecker, Andi Martin, Tomiko Tamashiro Pardo, Courtenay Schwartz, Anya Shaffer, Amber Stanwix, Susheela Varky, Jonathan Yglesias

Welcome, Introductions, and Remarks

Teresa Berry called the meeting to order at 10:34 a.m. Committee members and meeting guests introduced themselves during roll call. A quorum was present.

Approval of September 14, 2022 Meeting Minutes

Kristina Vadas made a motion to approve the minutes from September 14, 2022, as submitted. Autumn Edmond seconded the motion. The motion passed. Toni Zollicoffer abstained.

State Agency Funding Updates

- Virginia Department of Criminal Justice Services – Kristina Vadas reported the following:
 - A. DCJS Funding
 - a. The Criminal Justice Services Board meets on December 8. They will vote on grant awards for CY 2023 Sexual Assault Services Program (SASP) applications, as well as applications for the new forensic nursing grant through the Virginia Sexual and Domestic Violence Victim Fund.
 - b. DCJS anticipates a new funding opportunity for SASP one-time expenses for SFY 2024.
 - c. VOCA-funded programs were notified of 10% reduction in federal funding (with exception of Court Appointed Special Advocates grantees) in SFY 2024. Additional instructions will be provided to grantees.

- B. DCJS Sexual Assault Forensic Services Program
 - a. There are now three new locations around the state for sexual assault forensic exams: 1) Augusta Health, Lexington exam site; 2) Valley Urgent Care, Harrisonburg, VA; and 3) Riverside Tappahannock VCU Health System, serving pediatrics.
 - b. The DCJS Sexual Assault Forensic Services Program, in partnership with the International Association of Forensic Nurses, will be offering a clinical skills lab for Virginia sexual assault forensic nurses on March 4-5 at Valley Urgent Care in Harrisonburg, VA.
 - C. Grant Monitoring Update: Haymanot Cummings left the agency. Hiring approval is pending. All grant-related inquiries for the NOVA region should be forwarded to Amia Barrows, Grant Monitoring Supervisor.
- Virginia Department of Health – Maria Altonen had no updates.
 - Virginia Department of Housing and Community Development – on behalf of Kike Oliver, Kristina Vadas reported the following:
 - A. DHCD received 50 applications for the Housing Trust Fund, a Homeless Reduction grant. Applications are under review. The application supports projects that provide for Rapid Re-Housing, Permanent Supportive Housing, and innovative projects for special populations.
 - B. Communities are preparing for the 2023 Point-In-Time Count, which will be held on Wednesday, January 25, 2023, with the alternate date of Thursday, January 26, 2023.
 - C. DHCD continues to support communities in their response to the COVID-19 pandemic.
 - Virginia Department of Social Services – Nancy Fowler reported the following:
 - A. VDSS Grant Programs
 - a. Domestic Violence Prevention and Services Grant: started July 1, 2022; grants may be renewed through FY 2025; total awards add up to just under \$8 million.
 - b. Domestic Violence Services for Underserved Populations Grant currently funds eight non-sexual/domestic violence organizations. These grants were renewed for FY 2023. VDSS will add one renewal next year. Awards add up to approximately \$550,000.
 - c. Sexual and Domestic Violence Primary Prevention Grant is a new VDSS grant with total available funds of \$2.6 million. Additional information will be provided later in the meeting under “Past Business.”
 - d. American Rescue Plan Act (ARPA) Domestic and Sexual Violence Grant has not opened yet; approximately \$5.4 million is available.
 - e. ARPA Vaccine Testing, Access to Mobile Health Grant: the Request for Applications is being developed now; there is \$8.3 million available.
 - B. VDSS contracts with the Virginia Sexual and Domestic Violence Action Alliance for data collection and training/technical assistance services. Additional support added this year to conduct a needs assessment related to the distribution of ARPA funding.
 - C. VDSS also administers two direct appropriations: 1) The Laurel Center, \$1.25 million, and 2) Eastern Shore Coalition Against Domestic Violence, \$114, 000.
 - D. VDSS has three open positions for contract administrators:
 - a. Domestic and sexual violence data collection position (closed)

- b. Domestic Violence Underserved Populations Grant Administrator (opening soon)
- c. Sexual and Domestic Violence Prevention Fund Administrator (opening soon)

Past Business

- Language Access Workgroup

Jonathan Yglesias introduced guests Jae De La Mora, Tomiko Tamashiro Pardo, and Courtenay Schwartz. These individuals met with the Workgroup over the past three months. Courtenay provided a written report that details the Workgroup's activities, findings and recommendations. Courtenay also summarized the report.

The four findings of the Workgroup are:

1. A broad, formal study by the Crime Commission which would explore language access issues.
2. Creating a story bank from directly impacted people with limited English proficiency (LEP) about their experiences requesting and obtaining protective orders.
3. Addressing language access challenges at the local level and encouraging communities to utilize a collaborative community model.
4. Increasing utilization of I-CAN! Virginia, an online forms completion system for protective orders.

Tomiko and Jae work in the field as an advocate and interpreter, respectively. They shared their experiences with failures of language access needs in the criminal justice system. Some of the common issues they described were: law enforcement using victims' children, friends, and sometimes the abusive person to interpret; law enforcement officers trying to "wing it" with their own limited knowledge of a language; jokes by officers about culture; one to three hour wait for a face-to-face interpreter when meeting with magistrates; law enforcement giving trespass orders instead of protective orders; not using interpreters at the preliminary protective order stage or meetings to prepare for court; advocates or other providers trying to be helpful but overselling their language skills; no oversight for interpreters; poor audio quality using phone-based language lines.

The Workgroup's report and an I-CAN! Fact Sheet will be emailed by Kristina Vadas to members and guests. The Committee will discuss this topic at the next meeting to determine next steps.

Eileen Longenecker informed the Committee that although she cannot speak to law enforcement, prosecutor, or victim/witness issues, or to specific complaints, the Office of Executive Secretary (OES) of the Supreme Court will try to address issues brought to their attention. OES currently has eight interpreter positions advertised for hire. See the OES Foreign Language Services webpage for additional information, certification requirements, and complaint forms available in Korean, Spanish, and Vietnamese.

Eileen will ask the magistrate director to whom concerns should be brought and will report back. She can also relay concerns to the appropriate person and help arrange meetings with those in her office.

- Sexual and Domestic Violence Prevention Funding

Nancy Fowler reported that VDSS posted a Request for Proposals (RFP) for this funding, and they received 28 applications. The total amount requested was near \$5 million; however, VDSS only has \$2.5 million to award.

- Virginia Sexual and Domestic Violence Program Professional Standards Committee
Kristina Vadas stated that there is no update at this time. DCJS staff are prepared to make accreditation recommendations for approximately 20 agencies, but due to issues with appointments to the Professional Standards Committees, this is on hold for now.
- Proposed Sexual and Domestic Violence Agency Needs Assessment Survey
Kristina Vadas reported that Kristen Howard has not received any additional feedback from members on the last draft of the survey. Jonathan Yglesias will reach out to Kristen Howard to share previous VSDVAA surveys (and results) as to not duplicate efforts. Nancy Fowler and Kristi VanAudenhove noted they provided feedback in person at the last meeting. No one on the Committee anticipates providing additional feedback.

New Business

- Nancy Fowler informed the Committee that, as a result of Southside Center for Violence Prevention closing its doors, there is a gap in services in their previous service area. VDSS, DCJS and VSDVAA have begun discussing what can be done to fill the gap for crisis services. Kristina Vadas added that there are other service gaps in Virginia, in addition to the ones in this area, and this group is discussing these gaps too. Toni Zollicoffer noted the current way agencies are structured is not sustainable, and we need to find more ways to collaborate and prepare for the future.

Other Member Announcements

- Jonathan Yglesias provided this link to a new firearms resource: <https://vsdvalliance.org/wp-content/uploads/2022/12/Firearm-Toolkit-Jan-2023-FINAL.pdf> . Training on this will be offered in 2023.
- Kristi VanAudenhove reported that the Action Alliance will have its Hope Reception on Friday, 12/9, at their new office. They will be honoring three individuals, including Committee member Toni Zollicoffer.

Public Comment

- Eileen Longenecker reported that the Office of the Executive Secretary is in the process of having protective order information translated into Korean, Spanish, and Vietnamese. This will be on their website within the next 1-3 months.

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Closing

Meeting was adjourned at 12:26 p.m.



Language Access and Protective Orders Working Group: Preliminary Findings and Recommendations

Why we are here:

At the June meeting of this Committee, a group of you raised concerns about LEP survivors facing language access barriers in the process of obtaining protective orders. The Advisory Committee moved to investigate the issues and options and asked the Action Alliance to form and facilitate a working group to identify the challenges and explore possible solutions.

An overview of the applicable law:

Regarding federal law, Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 prohibit discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. The Department of Justice has interpreted these statutes to mean that state courts which receive federal funds must provide meaningful access for Limited English Proficiency (LEP) individuals. See guidance here: <https://www.justice.gov/file/1250731/download>. While the DOJ guidance is not very specific about when and how such interpretation services should be provided, it does say courts should develop language access plans which would set forth when and how interpretation would be provided. However, as far as we have determined, few, if any, Virginia courts have done this.

Regarding state law, Virginia code entitles defendants to the use of interpreters in criminal cases. It also entitles victims and witnesses in criminal cases to interpreters, *unless* a court determines that they don't need them. This caveat provides judges power to deny interpreters to victims and witnesses, undermining this right under state law (though, again, criminal defendants are still entitled to an interpreter). In the civil context, judges may – but are not required to – appoint interpreters to parties and witnesses. Thus, there is not a right to an interpreter in civil proceedings in Virginia. See Va. Code § 19.2-164 for criminal proceedings and Va. Code § 8.01-384.1:1 for civil proceedings. However, the issue of equal access to civil protective orders, particularly for LEP victims of intimate partner violence, sexual assault, and stalking, is a public safety concern that requires attention at the state and local levels.

An overview of the work of our working group:

We have met once a month for the past 4 months (for a total of 4 meetings) for 1.5 hours per meeting.

During the **first meeting**, we relayed stories about language access issues victims have faced in requesting and obtaining protective orders and began to identify the general language access challenges facing jurisdictions throughout Virginia.

During our **second meeting**, we identified the need for a language access survey to be distributed to local jurisdictions and then strategized what the survey would include.

Before the **third meeting**, we crafted an extensive survey with questions about language access practices and policies for advocates to administer to court personnel (including magistrates, General District Court (GDC) clerks, and Court Services Unit intake workers) and law enforcement personnel to guide advocates in their conversations with those in their localities who have a role in issuing and/or enforcing protective orders. During the third meeting, we discussed the survey.

Before the **fourth meeting**, advocates used the survey to have discussions about language access practices and policies with court personnel and law enforcement and then recorded their findings. During the fourth meeting, we discussed survey findings. We learned in the survey responses that court personnel are reluctant to talk about language access issues or are not aware of their jurisdictions' policies (both formal and informal) with respect to language access. Moreover, we learned that magistrates and Court Services Units often use inappropriate translation methods (such as Language Lines or family members). Some jurisdictions, specifically Henrico and Chesterfield, appear to be addressing language access effectively. Lastly, during our fourth meeting, we brainstormed recommendations and solutions to increasing access to protective orders for people with LEP.

Recommendations for addressing language access issues in Virginia protective order proceedings:

While we are lacking hard data, we do have enough information to be very concerned about people with LEP not receiving consistent or effective support in obtaining protective orders.

We have **four specific recommendations** for the Advisory Committee:

1. We recommend a broad, formal study by the Crime Commission which would explore language access issues. This study would target people and systems throughout the state that have a role in the issuance and enforcement of protective orders. This may include magistrates, Court Services Unit intake workers, clerks of General District Courts, law enforcement personnel, victim witness and community based domestic violence advocates, and prosecutors and judges. We recommend learning what policies jurisdictions have in place to address language access for people with LEP in accessing protective orders and how they communicate those policies. Specifically, this study would gather such information as whether each jurisdiction has a list of qualified translators/interpreters, the average length of time it takes to access an interpreter and complete a petition in each locality, and whether petitioners successfully access interpreters in completing paperwork and during their hearings. We recommend that the Crime Commission conduct this study with results sent to the Advisory Committee by the end of 2023.

2. We also recommend creating a story bank from directly impacted people with LEP about their experiences requesting and obtaining protective orders. We heard many powerful stories from advocates and victims on this issue. We believe that sharing these stories with professionals and the public would be an effective means of inspiring change and improvement on the issue of language access in the process of obtaining protective orders. These stories would help to educate interested parties on the barriers faced by victims with LEP and could also demonstrate ways communities have addressed these barriers.
3. Through our exploration of this issue, we identified the importance of addressing language access challenges at the local level and the importance of communities utilizing a collaborative community model, such as Coordinated Community Response Teams (CCRs) and Sexual Assault Response Teams (SARTs). As such, we recommend strengthening access practices throughout local CCRs and SARTs. Additionally, we recommend connecting to victim witness programs to receive added support in these efforts. We recommend training for providers, which could include creating a toolkit for CCRs. These collaborations could be done by Improving Criminal Justice Response (ICJR) Partners (such as the Department of Criminal Justice Services (DCJS), the Action Alliance, the Victim Witness Network, Virginia Poverty Law Center, and the Office of the Attorney General). We also recommend adding language access information in all of our work with CCR's, Lethality Assessment Program (LAP) teams, SARTs and any other multi-disciplinary team that meets to address access to safety for victims of sexual and intimate partner violence.
4. Finally, we recommend utilizing I-CAN! Virginia as a means of submitting online petitions for final protective orders, particularly for Spanish speaking individuals. This would involve the Department of Juvenile Justice (DJJ), which operates the Courts Services Unit program, working with the Office of the Executive Secretary of the Supreme Court of Virginia (OES) to finalize this effort. Ideally, this work would be completed no later than the end of 2023. Please see the I-CAN! Virginia fact sheet for additional information.

I-CAN! VIRGINIA

Virginia's Online Forms Completion Program for Protective Orders



Frequently Asked Questions

1. What is I-CAN! Virginia?

I-CAN! Virginia is a free online program that helps a person complete the forms necessary to ask the court for a protective order.

2. How does I-CAN! Virginia work?

The person is asked questions about his or her situation. The person's answers are added to the correct court forms that can then be printed and taken to the appropriate court for filing.

3. How do I access *I-CAN! Virginia* and are there any technology restrictions?

I-CAN! Virginia is available on Virginia's Judicial System Web site at: <http://www.courts.state.va.us/> From either the Online Services or the Programs page, you can click on "Assistance with Protective Orders (I-CAN!)," which will take you to *I-CAN! Virginia*. Or you may go directly to: <http://www.ican.courts.state.va.us>.

4. How long does it take to complete *I-CAN! Virginia*?

It takes approximately 30 minutes to answer the questions and print out the forms needed to ask for a protective order.

5. If I complete the forms online to ask for a protective order, does this mean that I have filed for a protective order with the court?

No. *I-CAN! Virginia* helps you complete and print the forms necessary to file for the protective order. You **must** bring these forms to the appropriate court so that the forms can be filed with the court. Forms completed through *I-CAN! Virginia* are not automatically or electronically sent to the court.

6. Once completed, where do I take the forms?

Once you print the forms from *I-CAN! Virginia*, you should look at the top of the form (Petition). If the form says juvenile and domestic relations district court, you should take the forms to the Court Services Unit of the court named on the forms. If the form says general district court, you should take the forms to the clerk's office of the general district court.

7. If I don't answer all the questions or print out the forms, can I return later to *I-CAN! Virginia* to finish?

Yes. When you begin using *I-CAN! Virginia*, a personal identification number (PIN) is given to you. It is helpful to print your PIN or write it down and keep it in a safe place. If you do not answer all the questions or print out the forms, you can exit *I-CAN! Virginia* and return to it later using your PIN.

8. Is there anything that I can do before starting *I-CAN! Virginia* that will assist me in using this program?

Yes. You can gather information about the person from whom you are seeking protection and the events that caused you to ask for a protective order. You must give the person's name and address in order to ask for a protective order. Other information you will be asked to give includes the person's date of birth, social security number, phone number and any other identifying information. This additional information will help to have the person served with a copy of the order, which is required to make the order effective.

9. Is there any other information that would help me understand the court process for protective orders?

Yes, there is an information sheet, "What You Need to Know About Protective Orders," at: http://www.courts.state.va.us/forms/district/info_sheet_protective_order_stalking.pdf

10. Will *I-CAN! Virginia* give me legal advice for my protective order case?

No. *I-CAN! Virginia* will not give you legal advice. I-CAN Virginia only helps you complete the forms necessary to ask the court for a protective order. You may hire an attorney to give you legal advice.

For legal help, you can call:

Legal Aid Hotline: 866-LEGALAID (866-534-5243)

Virginia State Bar Lawyer Referral Service: 800-552-7977

Virginia Poverty Law Center (Family and Sexual Violence): 800-868-8752

11. What should I do if I have a disability and need assistance with *I-CAN! Virginia* or another community resource?

For information on services and assistance for adults with a disability, go to:

Virginia Easy Access at: <http://www.easyaccess.virginia.gov/> (disability specific resources/information) or

2-1-1 Virginia at: <https://211.getcare.com/211provider/consumer/index211.do> (general resources/information)