



**NYSCASA** | Working for a World Without Violence.

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## **MEMORANDUM OF CONCERN: PPGG Budget Bill Part B**

### **New York State Should Take More Time to Evaluate Expanded Mission for OPDV**

#### **Legislature Must Ensure Critical Domestic and Sexual Violence Services are Not Impacted During Proposed Transition**

In the FY'21-'22 Executive Budget, Governor Cuomo proposed modifying the statutory authority of the New York State Office for the Prevention of Domestic Violence (OPDV) to enable it to become a “unified hub of policy and state-of-the-art programming,”<sup>1</sup> not only for domestic violence-related issues, but for the “multitude of issues that fall under gender-based violence.”<sup>2</sup>

This proposal could result in significant changes to the provision of domestic violence (DV) and sexual assault (SA) services in New York State. For example:

- Many state agencies currently have a role in addressing issues that fall under the umbrella of gender-based violence, including OCFS, OTDA, DOH, OVS and DCJS. For the most part, this proposal does not shift staffing or financial resources from these state agencies to OPDV. It therefore remains unclear how OPDV will become the center point of policy and programming on these issues while the other agencies simultaneously continue with their work.
- Without additional details regarding operationalization, it is difficult for domestic and sexual violence advocates to evaluate how OPDV intends to elevate gender-based issues as well as potential impacts on the implementation of advocacy services across the state.
- The Governor’s proposal wavers between having OPDV operate as an “advocacy” organization and as a funder providing grants to SA and DV not-for-profit advocacy organizations. DV and SA advocates

<sup>1</sup> Governor Andrew M. Cuomo, 2021 State of the State Briefing Book, pg. 240.

<sup>2</sup> Ibid, pg. 240.

have asked New York State to clarify the long-term goal and mission for OPDV and how this role will be sufficiently different than the federally designated advocacy roles of the New York State Coalition Against Sexual Assault (NYSCASA), Seven Dancers Coalition (SDC), and the New York State Coalition Against Domestic Violence (NYSCADV).

For many years, NYSCADV, NYSCASA and DV/SA advocates have urged New York State to reduce the administrative burdens placed on service providers. We have asked for better coordination among state agencies and urged New York State to assess the possibility of consolidating state administration of federal funding so grant cycles and reporting requirements can be more uniform and less onerous. We support efforts to achieve these objectives. However, it is critical that NYSCASA, SDC, and NYSCADV have a seat at the table when these discussions occur in order to elevate the perspectives of advocates.

State representatives have informed DV and SA advocates that some aspects of the transition will take years to refine and operationalize. Therefore, many details about the transition are yet to be developed. The expansive authority this proposal provides to OPDV, however, will become effective soon after the legislation is signed into law. To the advocacy community, this seems like the cart before the horse.

We are therefore asking the Legislature to consider whether these decisions need to be made now, when there is no apparent urgency other than the unrelated and abbreviated State Budget approval process. Instead, we ask the Legislature to create a process whereby elected officials, state agency representatives, and SA and DV advocates can engage in a thoughtful process that can enhance efficient and effective government operations while reducing the possibility of disrupting critical advocacy services.

Further, a pressing priority for domestic and sexual violence advocates is ensuring the continuity of services for victims during the worst public health emergency in our state and country in over 100 years. Because this proposal has the potential for significant change impacting multiple state government agencies, any disruption of advocacy services could impact thousands of survivors of domestic and sexual violence across our state. This concern represents another reason for the Legislature to consider removing this proposal from the State Budget so we can collectively and collaboratively continue to refine this proposal throughout the remainder of the legislative session.

If, on the other hand, the Legislature is interested in pursuing the Governor's proposal as part of the State Budget process, DV and SA advocates have several recommendations for revisions to the proposal including:

- Ensure sexual assault receives an equitable amount of attention, focus, and resources as domestic violence — and start by listing “sexual assault” first in the newly named office (e.g., Office to End Sexual and Domestic Violence);
- Remove the definition for domestic violence, which does not align with current definitions for domestic violence in statute. This could cause confusion and unintended consequences for advocates;
- Remove the definition for gender-based violence, which advocates have not had an opportunity to collaborate on;
- Remove the authority for OPDV to act as an agent of the state to administer state and federal funds. There is no current plan for OPDV to take on this role at this time. If the Governor wishes OPDV to administer state or federal funds in the future, the statute can be updated at that time;
- Add clarifying language to specify ways in which OPDV will work in collaboration with the federally designated statewide DV, SA, and tribal coalitions (NYSCADV, NYSCASA, and SDC) to strengthen government and advocacy partnerships;
- Restore the requirement for OPDV to develop and regularly review a model policy for counties; and,
- Restore the requirement for OPDV to prepare an annual report on the state agency rules and regulations that impact survivors, and make recommendations for improvement.

NYSCASA, SDC, and NYSCADV have incorporated the above recommendations, as well as additional input, as redline revisions to the Governor's proposal. These comments are enclosed as a separate document and are presented to the Legislature for its consideration.

**ABOUT NYSCADV:**

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

**For more information: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465**

**ABOUT NYSCASA:**

NYSCASA is the statewide nonprofit coalition of community-based rape crisis programs approved by the NYS Department of Health to provide free, confidential services. Since 1987, NYSCASA has worked to end all forms of sexual violence and to advocate for the effective response to all people affected by sexual assault. We provide training, technical assistance, consultation, and resources to various stakeholders; and we work to improve public policy and systems that impact sexual violence intervention and prevention.

**For more information: Selena Bennett-Chambers, Public Policy Director, 518.482.4222 x302**

**ABOUT SDC:**

Seven Dancers Coalition, recognized by the U.S. Department of Justice, Office on Violence Against Women, is a partnership of Native American professionals from across New York State that work with youth, elders, and community members to reinforce traditional knowledge and teachings to build healthy relationships. The SDC's experienced staff develop and implement holistic programming that centers on ending domestic violence, sex trafficking, stalking, teen dating violence and sexual assault throughout Haudenosaunee Country.

**For more information: Amie Barnes, Executive Director, 518.358.2916**

March 3, 2021