



The Michigan D V O C A T E

In This Issue

VOCA IOI	2
Call for Info - Sharing Evaluation Data	6
Report on VOCA Agencies	6
Reluctance to Testify.....	7
VOCA Grantees Making a Difference	10
• Making Allies of Elected Officials	
• Working with Immigrant Victims	
Council of Advocates ..	13
Walter's Words of Wisdom	14
DV and Substance Abuse	16
Web Resources	17
Nonprofit Lobbying	18
VOCA Calendar	20

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Governor Granholm Announces Commission Appointments

We are very pleased and excited that Governor Jennifer M. Granholm has recently announced the appointments of Joe Sheeran and Jan Praefke to the Crime Victim Services Commission.

These outstanding individuals have a long history of commitment to victims' rights and proven experience in providing quality services for the public. Please join us in welcoming our newest Commission members!

The full text of the Governor's press release is reprinted below.

November 20, 2003

LANSING – Governor Jennifer M. Granholm today announced the appointments of two individuals to the Crime Victim Services Commission. The Commission is responsible for the oversight of monies the state receives in victim assistance competitive grant awards and is established to collect data, investigate claims, review appeals, provide public awareness, and monitor, evaluate and coordinate local programs.

It also has the authority to disburse available federal Victim of Crime Act (VOCA) funds.

Janet Praefke, of Lapeer, is a victim and witness advocate for the Genesee County Prosecutor's Office. Praefke is appointed to represent community-based victim advocates for a term expiring September 27, 2006. She succeeds Reverend Dr. Laura Foster whose term has expired.

Joseph Sheeran, of Essexville, is the Bay County Prosecuting Attorney. Sheeran is appointed to represent county prosecuting attorneys for a term expiring September 27, 2006. He succeeds William Forsyth whose term has expired. Sheeran is also designated to serve as chairperson of the Crime Victims Services Commission at the pleasure of the Governor.

Both appointments require advice and consent of the Senate. ▀

Michigan Department
of Community Health



Michigan Crime Victim
Services Commission

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VOCA 101 or “Hey! Where did all the money go?”

A Primer for Engaging Discussion and Action for Undiminished Funding Resources

by Mike Fullwood

Participants at the December 2003 meeting of the VOCA Council of Advocates discussed their concern that collection of federal criminal fines and forfeitures by the U.S. Department of Justice was not keeping pace with current funding needs for VOCA supported services. In fact, it was suggested that if collections do not increase or if additional funding sources are not tapped, federal support for victim assistance could be cut in half as early as FY 2006. The CVSC was asked to recommend measures that would assist service providers in organizing an effective local voice to lobby on behalf of undiminished collection and appropriation of VOCA funds.

CVSC representatives explained that an in-depth “how to” instruction regarding local political organization and formal lobbying efforts was not an area in which the Commission was appropriately resourced to assist the participants. However, the CVSC offered to provide reliable data and policy-based program statements that might be useful to local agencies that wished to engage in local or expanded educational and lobbying efforts for promoting consistent

and effective levels of VOCA funding. You may also find the articles in this edition of *The Michigan Advocate* penned by Gloria Wood of the Underground Railroad, Inc. in Saginaw and Erin Skene of the Michigan Nonprofit Association to be of interest. Both are related to educating your elected representatives.

The National Association of VOCA Assistance Administrators and the National Association of Crime Victim Compensation Boards are currently engaged in an effort to identify and promote options for enhancing VOCA collections and increasing state

funding. CVSC representatives expressed their belief that local service agencies acting through similar representative organizations, or jointly with their local service structure, could be very effective in expanding awareness and appreciation among policy-makers. Our local VOCA partners can best demonstrate the valuable role their programs play in their

communities. To that end, the participants at the Council of Advocates meeting specifically requested that a “VOCA 101” summary be created to assist them in these efforts.

...the participants at the Council of Advocates meeting specifically requested that a “VOCA 101” summary be created.

Continued on page 3

VOCA Background *ready...*

The federal Victims of Crime Act of 1984 (VOCA) ushered in a new era in crime victim assistance in America. In response to findings and recommendations issued by the President's Task Force on Victims of Crime and the Attorney General's Task Force on Violent Crime, VOCA established the first significant national program in support of crime victim services. Under VOCA, federal funding is available to every state to support crime victim assistance and compensation programs. VOCA provided funding by establishing the Crime Victims Fund; this fund is supported by the collection of criminal fines and forfeitures in federal courts.

Under VOCA, a minimum of forty percent of each state grant (ten percent to each of the four victim populations listed here) must be allocated to programs supporting services to victims of domestic violence, child abuse, sexual assault, and underserved victims of crime. In Michigan, the purpose is to increase and enhance victim assistance in local communities and neighborhoods. Agencies eligible to receive grant funding are public or private non-profit agencies that provide, or plan to provide, effective direct services to crime victims. Eligible applicants must meet the twenty percent cash or in-kind match requirement (five percent for Native American tribal programs), use volunteers, promote community efforts to aid crime victims, help victims apply for compensation benefits, provide services at no charge to victims and maintain confidentiality of client-counselor and research information.

Allowable services under the grant generally include services that immediately respond to health and safety issues, that help victims with understanding the dynamics of victimization, that assist victims participating in the criminal justice system, and services that support victims in managing practical problems created by the victimization.

VOCA permitted a professionalization and institutionalization of crime victim services that was previously unheard of. Those of you providing services in Michigan can attest to the high levels of skills and training required to perform crime victim services today at a standard that is acceptable to your agency and supported within your community.

It is our hope that this article will provide all of us with some ammunition to help bring your VOCA project to the attention of those who will wish to assist you in pressing for undiminished federal funding support.

VOCA Funding History *set...*

The table below provides a summary history of VOCA collections and funding distributions since inception. It can be seen that there is a consistent relationship between federal collections and the dollars granted for victim assistance in Michigan.

The table reflects the statutory cap placed on the Crime Victims Fund from 1986 through 1993. In 1994, the statutory cap was lifted and until 2000 amounts were determined entirely by statutory formula. In 2000, Congress acted to preserve a portion of some very large collections into the Crime Victims Fund for future allocation. This limitation by appropriation process has continued into the present time. While it is not the purpose of this article to debate the Congressional wisdom of limiting appropriation of VOCA funds, given the recent reduction in collections it may be said that the decision to preserve the victim assistance windfall was a sound one.

VOCA Collections and State Grants					
Grant Year	Total U.S. Collections	Spending Limits	Compensation Amounts	Victim Assistance	MI Grant Amounts
1986	68,312,956	100,000,000	23,477,000	41,252,000	1,465,000
1987	62,506,345	110,000,000	28,149,000	30,754,000	1,050,535
1988	77,446,383	110,000,000	38,600,000	34,618,000	1,193,784
1989	93,559,362	110,000,000	44,647,429	43,721,125	1,455,000
1990	133,540,076	125,000,000	46,527,000	64,418,500	2,239,000
1991	146,226,664	125,000,000	48,527,000	65,674,500	2,257,000
1992	127,968,462	150,000,000	56,718,000	62,734,000	2,096,000
1993	221,608,913	150,000,000	68,496,000	68,611,000	2,299,000
1994	144,733,739	NA	60,610,000	65,463,000	2,176,000
1995	185,909,720	NA	64,662,000	79,760,450	2,681,000
1996	233,907,256	NA	83,843,000	130,425,338	4,483,000
1997	528,941,562	NA	74,242,000	397,059,000	13,739,000
1998	362,891,434	NA	67,428,000	275,670,800	9,352,000
1999	324,038,486	NA	66,966,000	238,136,000	8,089,000
2000	985,185,354	500,000,000	81,374,000	370,167,000	12,770,000
2001	776,954,858	537,500,000	90,677,000	360,864,000	12,386,000
2002	544,437,014	550,000,000	93,957,000	383,027,323	12,885,000
2003	519,466,480	600,000,000	164,933,000	353,027,299	11,695,000
2004	361,341,967	625,000,000	186,162,466	355,994,145	11,796,000

Continued on page 4

VOCA 101 *continued from page 3...*

What is the “reserve” and why is it in danger? Without going into great detail, the federal court system imposed large “super-fines” on several large multinational corporations as part of criminal case settlements in 1999 and 2000. This resulted in a windfall of dollars into the Crime Victims Fund and a subsequent reaction by Congress to place limitations on amounts that would be available to the Department of Justice for grants. Over these two years a \$724 million “reserve” of unspent VOCA funds was created. However, as can be seen above, from 2002 through 2004, spending limits have now exceeded fund revenues by about \$350 million, or about half of the original “reserve.” At current rates, the “reserve” will be expended by FY 2006.

How is each year’s federal fund collection divided up? Let’s look below at a FY 2000 and 2001 example borrowed from the National Association of Crime Victim Compensation Boards’ website (www.nacvcb.org). As can be seen, the Crime Victims Fund provides resources for Children’s Justice Act programs at OVC and HHS; the U.S. Attorney and FBI budgets also receive support. It is known that other federal departments with victim-related activities are seeking support from the fund. Nonetheless, it can be seen that the largest distribution of annual fund allocation still goes to state victim compensation and assistance programs.

VOCA Service Implications *go!*

The Michigan Crime Victim Services Commission has determined that there is an obvious and direct link between funding levels and the quantity and quality of services available in the statewide network of crime victim resources. Depending upon the type of victimization, VOCA funding represents anywhere between fifty and one hundred percent of the statewide public funds available to local agencies to meet the needs of victims of crime in their communities. The implications of large rollbacks in federal VOCA funding include a severe statewide reduction in the local community resources available to meet these service needs.

What is “service”? There is a huge difference between prompt, appropriate, in-person client contact and in creating client waiting lists. There is a huge difference between providing a safe location where victims can go to have their needs addressed by trained and compassionate staff and in asking victims to try looking in the yellow pages for help. Exaggeration? Those of you who have been in service provision long enough to remember “back when” know that it is not an exaggeration; it is a very real and very bleak reality that could await a large number of crime victims if nothing is done to reverse the reduction in Crime Victim Fund collections. It is estimated that if collections keep declining and if the reserve is fully expended by FY 2006,

Distribution of Crime Victims Fund (in millions of dollars)

	FY 2000	FY 2001
Total Available	500.0	537.5
Children's Justice Act	10.0	22.8
U.S. Attorney's Office	14.4	14.7
FBI	0	7.4
Int'l/Dom. Terrorism	10.1*	21.1**
OVC Fed/Training	14.0	17.8
Compensation	81.4	90.7
Assistance	370.2	360.9

*OVC used \$10.1 million to increase reserve to current \$46 million total.

** Amount OVC chooses as available from Reserve of \$46 million for international/domestic grants and compensation.

Continued on page 5

VOCA 101 *continued from page 4...*

Michigan communities would lose sixty percent of their victim service capacity within three years. And actually, the aggregate loss would probably be greater because of the “spin-off losses” that would be generated; such as the potential inability of local task forces to meet shared goals or in greater difficulties for community response teams in implementing planned commitments.

Let’s put a “face” on your VOCA statistical reporting. After all, we have always wondered what purpose those numbers might serve! During the period 10/01/1995 – 09/30/1996, VOCA-funded staff served a total of about 31,000 individual crime victims in Michigan. These victims received about 110,000 services. As you can see by the VOCA Collections Table, the state received federal grant funding of about \$2.7 million in 1995 and about \$4.5 million in 1996. A review of state accounting records from 1996 tells us that the CVSC awarded about \$3.0 million in grants and that about two-thirds of those funds were from the 1995 grant. In contrast, during the period 10/01/2002 – 09/30/2003 VOCA funded staff served a total of about 133,000 individual crime victims. These victims received about 340,000 services. The state received federal grant funding of about \$11.7 million in 2003. Grants awarded during the period were about \$11.0 million. What do these numbers tell us? What does this mean for crime victims?

While none of this is an exact science, it does provide some worthwhile indicators. It tells us that it costs about 85 federal dollars, give or take, to fully serve a victim of crime. It tells us it costs about 30 federal dollars, give or take, to provide a specific victim with a specific suite of services. This is not \$85 each time you see the victim and this is not \$30 every time you provide the service. Due to the way VOCA statistics are collected (non-duplicated counts) we know that this is the TOTAL COST to serve that client from intake to exit! If your community can find a better service bargain than VOCA, please go out and buy it!

Okay, back to the hard stuff. Let’s take a look at that victim’s face in a hypothetical community. The community currently receives a total of \$200,000 in VOCA project funding and those dollars support a full time counselor, 3 advocates and the coordination of numerous community volunteers. The

project serves 2,200 crime victims a year and provides about 6,600 services. Due to fifty percent (or more) reduction in collections of federal criminal fines, the state must reduce its commitment to this community’s project by a like amount. What happens? As shown by the numbers above, at least 1,100 victims will not be receiving services and at least 3,300 services will not be provided to those who are most needful of them. Well, who will miss a few services? Who indeed? Is this a program for sexual assault victims? “Well, I suppose advocates and counselors would have been nice.” Are these 1,100 people victims of domestic violence who could previously depend upon a trained advocate to assist them with preparing

and filing a personal protection order? “Maybe they’ll not become frustrated with the system and will understand the process well enough to successfully have a valid order on file.” Could these 1,100 victims possibly be small children who have been subjected to the ultimate ugliness of child abuse? “Hmmm, that’s really bad, we really could have used someone to coordinate services and

criminal justice system needs for them”. What is the real-life value of that \$85 when you use it to purchase the opportunity to help a rape victim, or a battered woman trying to finally escape from her abuser, or an innocent child who has been rescued from hell? Of course, its value is inestimable.

Do your own math. What would reductions mean for your program and your community? Talk to your colleagues. Talk to your community leaders. Talk to your elected state and local policymakers. Talk to your U.S. Senators, your Congressmen and Congresswomen. Tell them what it is that you do, why it is so essential, and how economical and socially beneficial your program is. Tell them that federal criminal fines support the program and tax dollars have never been used, but if that’s what it takes, then perhaps tax dollars should be considered. Tell them that crime victims have critical unmet needs even without funding reductions. Tell them about the 1,100 victims who will be without a helping hand at the moment in their life when they most truly need it. Tell them that you need help telling Congress that it must find a way to support and preserve consistent, effective and undiminished levels of funding for crime victim services under VOCA. ▀

Mike Fullwood is the Director of the Crime Victim Services Commission, Michigan Department of Community Health.

Let’s put a “face” on your VOCA statistical reporting. After all, we have always wondered what purpose those numbers might serve!

Call for Info—Sharing: Evaluation Data Collection Strategies & Database Resources

For the last several years, VOCA Grantees throughout Michigan have been asked to self-evaluate their VOCA-supported services by developing evaluation goals, outcomes, and measures. Then, agency staff members must create data collection strategies, and analyze and report the results of their self-evaluation efforts. In order to help in these tasks, the CVSC has sponsored the popular program evaluation trainings series for VOCA grantees in each year since 2000—trainings led by Dr. Cris Sullivan of Michigan State University.

In a relatively short period, agencies have implemented sound processes for evaluating their VOCA activities. We think such good work should be shared so that others may learn and adapt such successful strategies to their own program activities.

Has your agency...

- Crafted methods that generate lots of good data?
- Designed innovative tools for targeted data collection?
- Created computer databases that help collect, analyze and/or report your data?
- Developed strong reporting strategies?
- Fashioned program improvements based upon your evaluation results?
- Created efficient budgeting processes to streamline evaluation processes?

If so, your colleagues in the victim services profession want to know about your good work! If you care to share, please contact Molly Smeltzer at (517) 324-8353 or msmeltze@mphi.org. We'll create a repository of program evaluation information available to all VOCA grantees and publish the best ideas right here in future editions of *The Michigan Advocate*. Although we can't pledge to publish every single idea we receive, we will promise that each VOCA grantee who requests feedback on their program evaluation strategies will get a response from us. Tell us about your success stories and we'll tell Michigan! We look forward to hearing from you. ▀

Report on VOCA-Funded Agencies in Michigan Released

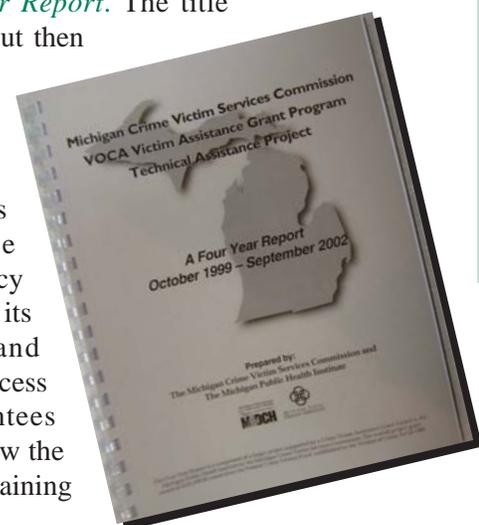
Test your knowledge about Michigan's VOCA Grantees from 1999 through 2002!

True or False?

- ✧ Almost three quarters of all VOCA Grantees are private nonprofit organizations
- ✧ More than seventy-five percent have programs serving domestic violence victims
- ✧ Over half have programs serving child and adult sexual assault victims
- ✧ Over half have a pool of twenty or more volunteers
- ✧ Nearly half serve victims in rural or mostly rural areas
- ✧ Ninety percent or more provide assistance in filing crime victim compensation claims, information and referral, follow up contact, criminal justice support and advocacy, personal advocacy and in-person crisis counseling
- ✧ Less than ten percent have programs geared toward serving hate crime victims

If you answered "true" to all of these questions, you've most likely read the recent publication, *The Michigan Crime Victim Services Commission Technical Assistance Project—A Four Year Report*. The title may be a mouthful, but then again this Report is full of information!

If you have ever wondered how the Crime Victim Services Commission—the VOCA funding agency in Michigan—created its grant compliance and needs assessment process (and how well Grantees have done with it); how the program evaluation training



Continued on page 7

Report on VOCA-Funded Agencies

continued from page 6...

series for VOCA Grantees was developed; why an annual VOCA Council of Advocates Meeting was established; what kinds of customer-driven improvements have been made in grant processing; project reporting, training and communications; or the reasons for creating the publication you are reading right now, this Report has the answers and explanations.

If you haven't had an opportunity to review this comprehensive document, chances are very good that your agency already has a copy on hand, as two copies were recently mailed to all Michigan VOCA Grantees. If you can't locate your agency's copy, please contact Tammy Soule at (517) 324-8368 or tsoule@mphi.org. However, supplies are limited! We invite you to check it out and provide your own feedback about the Report. ▼

Battered Victims and Their Reluctance to Testify

by D. Thomas Nelson

It is a phenomenon that can sometimes put advocates and prosecutors at odds and ultimately result in a failure to best serve the interests of victims. When a victim of domestic violence is reluctant—or refuses—to testify against her abuser in court, it is commonly the result of one or many perceptions she has about her safety, her children's safety, her view of the relationship, her socio-economic situation and other related factors.

Acknowledging Differing Roles

As a starting point, victim advocates and prosecutors must understand that, while their roles are different, they can each contribute to the best outcome possible for a battered victim. It is enormously helpful when prosecutors acknowledge that the role of the advocate is to help survivors with safety planning, help them understand the cycle of violence and present them with options that can ultimately empower them to regain control over their lives. Advocates, too, should acknowledge that although prosecutors do care about the impact of a prosecution upon the survivor, their primary responsibility as public officials is to hold abusers accountable by obtaining convictions and ensuring that fair penalties are imposed.

Understandably, these differing roles can create difficult situations, especially when a survivor does not wish to cooperate in the criminal prosecution. However, acknowledging that the roles of both advocate and prosecutor are equally important can be the starting point for problem-solving in these very challenging cases. Advocates and prosecutors who understand and anticipate these challenges are typically better able to address them when they occur.

Reasons for Reluctance

At the outset, it is essential that all who have a role in addressing domestic violence understand that there are very logical reasons why domestic violence victims often behave differently than victims of other categories of violent crime. In other types of criminal prosecutions, victims are typically quite willing to cooperate with prosecutors. Prosecutors should not approach domestic violence cases with the same expectations.

Seasoned advocates and enlightened prosecutors understand that while some battered women seem prepared to

“As a starting point, victim advocates and prosecutors must understand that, while their roles are different, they can each contribute to the best outcome possible for a battered victim.”

Continued on page 8

Battered Victims and Their Reluctance to Testify

continued from page 7...

participate in a case, others believe that, regardless of precautions taken, the court cannot protect them from the ramifications of a criminal prosecution against the batterer. As a result, a victim that initially contacted law enforcement merely to have the batterer removed during an episode of violence, not to have him arrested, may later attempt to sabotage or obstruct a prosecution.

There are many factors that can influence a victim's decision to cooperate in a prosecution for a domestic violence offense. Often, there are multiple issues at work simultaneously. These may include, but are not limited to, the following:

- ◆ A fear of retaliation by the abuser
- ◆ Perceived threats to the victim's survival and belief that the abuser is willing and able to carry out these threats
- ◆ A fear of harm to the survivor's children or concern for their welfare
- ◆ A belief that there is no escape from the abuser
- ◆ An unwillingness to face the assailant again in the courtroom
- ◆ A fear of economic loss, a lack of employment skills and/or alternative housing
- ◆ A fear of emotional abandonment
- ◆ Feelings of shame or guilt that the survivor's own behavior caused the abuse
- ◆ The survivor's wish to put the events behind her
- ◆ The survivor's feelings of denial, ambivalence, withdrawal, and emotional swings which are result of severe trauma
- ◆ Posttraumatic stress disorder and/or depression
- ◆ The abuser may be living with the survivor or have other access such as via a child visitation order
- ◆ The survivor's previous efforts to leave the abuser and/or cooperate with authorities may have resulted in further violence from the abuser
- ◆ The abuser may be using coercion through affection and/or threats
- ◆ The abuser may engage in intimidation if the abuser is financially dependent on the survivor
- ◆ The survivor's family and other persons in her support system may fear retaliation from the abuser, the abuser's family or other associates
- ◆ The survivor's inability to afford legal assistance in a divorce, custody proceeding or protection order
- ◆ A fear of losing custody of the children
- ◆ The belief that the abuser is remorseful and will change
- ◆ Religious or cultural constraints
- ◆ The social stigma that can result from the abuser's criminal conviction

Once it is understood that these factors can and often do have a fundamental impact on a survivor's physical and emotional well-being, a survivor's aversion to testifying in open court is quite logical. However, even logical reasons for the reluctance to cooperate can manifest themselves in coping behavior that appears irrational to those who have not been educated about the dynamics of abuse. A battered victim may frustrate prosecution efforts by affirming the abuser's denial or minimization of the abuse. The survivor may pledge her love for the abuser and make supportive statements about him. She may fail to appear at hearings or even flee the jurisdiction with her children. She might acquiesce to unfair property settlements or support provisions and possibly agree to unsafe provisions for child custody. Advocates and prosecutors must understand and be prepared for this behavior.

Working with the Reluctant Survivor

Many survivors who are initially reluctant to participate in prosecutions may become less reticent if appropriate action is taken to care for their safety and emotional well-being during the process. A chief strategy is to ensure that victims have access to victim advocacy services. The emotional support, education about their role in the court process, and court accompaniment provided by trained victim advocates is essential. Jurisdictions that provide victim advocacy services to domestic violence victims report a dramatic decrease in victim reluctance to testify.

It is important that prosecutors handling domestic violence cases establish early contact with the survivor. If the prosecutor

Continued on page 9

Battered Victims and Their Reluctance to Testify

continued from page 8...

does not make meaningful contact early, she or he is risking that the abuser, his family or his lawyer may reach her first. Their influence or coercion may dissuade the victim from participating in the prosecution and create even larger hurdles for the prosecuting attorney.

Just as vital, when prosecutors begin working with a victim of domestic violence, they must establish a trusting relationship. Early in the process, contact should emphasize building trust rather than purely delving for evidentiary information. Active listening is the key to this process. A trusting relationship is more likely to lead to a full disclosure of the facts.

When the Survivor Opt's Out

In Michigan, prosecutors have exclusive authority to decide whether to prosecute a case if the survivor is absent from the proceedings. Again, careful consideration must be given to the safety and best interests of the victim in each case. Consultation with a victim advocate should be the rule in such situations. If a decision is made to move forward with the case, prosecutors potentially have several evidentiary tools to establish guilt, such as:

- ◆ Statements the survivor made during medical treatment
- ◆ Medical records and photographs of injuries
- ◆ Police records
- ◆ Expert witness testimony on the dynamics of domestic violence
- ◆ Prior testimony of the survivor, if any
- ◆ Audio-taped statements, if any
- ◆ Certain exceptions to hearsay evidence

It is still possible, though sometimes more difficult, to obtain a conviction without the testimony of the survivor. At the same time, all court personnel should understand the dynamics of domestic violence, including a victim's reluctance to testify in court. Training for judges, prosecutors and law enforcement personnel is of critical importance simply because the behavior of domestic violence victims can often differ markedly from victims of other types of violent crime. The court can issue personal protection orders and be mindful in preventing the abuser from employing the legal system to perpetrate further abuse and coercion.

Finally, when it comes to domestic violence cases, prosecutors should consider altering their perspective about what

constitutes a successful outcome. When a survivor has chosen not to testify, it may be best to take the long view. A conviction may not have been obtained, but perhaps the prosecutor has established the beginnings of a relationship that will ultimately help the battered victim. The survivor may have begun to understand how the criminal justice system works and their role in the process. She may have been exposed to critical information through a victim advocate, and provided with choices for which she was previously unaware. If a survivor is not punished for failing to cooperate, she may feel less suspicious or hostile towards the prosecutor and the prosecutorial process in general. In short, it may be a victory that a victim has learned she does not deserve to be abused and that the justice system is there to help when she is ready to avail herself of it. ▽

Thomas Nelson is a Senior Research Associate for the Crime Victim Services Technical Assistance Project at the Michigan Public Health Institute's Center for Collaborative Research in Health Outcomes and Policy.

Sources: The Michigan Judicial Institute's Domestic Violence Benchmark, available at <http://courts.michigan.gov/mji/resources/dvbook/dvbook.htm>

The Family Independence Agency Domestic Violence Survivors Legal Handbook, available at http://www.michigan.gov/fia/0,1607,7-124-5460_7261--,00.html

The JEC (officially named the Rozier E. Sanchez Judicial Education Center of New Mexico) Domestic Violence Benchmark, available at http://jec.unm.edu/resources/benchbooks/dv/ch_10.htm#1041

The Will County (IL) State's Attorney Case Management Procedures for Domestic Violence, available at <http://www.willcountyllinois.com/statesatty/protocols.htm#6>

The Pace Law School Women's Justice Center: The Domestic Violence Interview: A Prosecutor's Guide, available at http://www.law.pace.edu/bwjc/art_index.html#interview

The Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice and Minnesota Center Against Violence & Abuse within the School of Social Work at the University of Minnesota, available at <http://www.vaw.umn.edu/documents/bwjp/prosecutev/prosecutev.html#id2634832>

Making Allies of Your Elected Officials

■ by Gloria Wood

Underground Railroad, Inc. (URR) has been active in Saginaw County for 27 years serving victims of domestic violence, sexual assault and stalking. Citizens, agency personnel and local government officials know us and support the work we do. Maintaining strong relationships within our community helps to continually improve services for the survivors we reach.

In 2003, we decided to make it a priority to cultivate stronger relationships with federal and state officials—the people who write the laws that affect the victims we serve and ultimately control the funding for URR programs. Asking them to support our positions on key legislation was, to us, lobbying in the best sense of the word.

Recently, our Congressional district had been altered through redistricting. As a result, the two members of the U. S. Congressional delegation that represent our service area were both new to Saginaw County, and so we decided to create an opportunity to introduce ourselves. We knew Congress was working on several pieces of legislation that had a direct bearing on our work, including Victims of Crime Act funding (VOCA) and the Violence Against Women Act (VAWA). Specifically, any decision not to lift the cap on VOCA funding would likely have meant budget cuts for vital URR services. For example, VOCA supports the URR's Court Services Program. In addition, the Violence Against Women Act was facing a tough fight for appropriations—as it has every year since its passage. VAWA funds URR's Civil Legal Assistance Program.

Then there was TANF (Temporary Assistance for Needy Families). TANF is a federal welfare block grant program that subsidizes many of our services. TANF monies support our shelter, crisis hotline and transitional housing. With TANF funding threatened, we began to be concerned about the overall impact of the recession on URR programs and services. Naturally, we felt it important to speak for the Underground Railroad and survivors of domestic violence.

Our goal in reaching out to our elected officials was twofold. First, we wanted to establish relationships with our Representatives so we could initiate a dialogue on critical issues involving crime victims. Second, we wanted to maintain our access to our Congresspersons so that we can express our views about the impact of their votes on local survivors and our organization's ability to serve them.

Our first step was to prepare an information packet for each Congressperson that included URR program and financial information, our latest newsletter and fact sheets about VOCA and VAWA. Once URR CEO Valerie Hoffman and I outlined the points for discussion, we felt we were ready for the next step—a meeting with our Representatives.

Both of our members of Congress expressed an interest in meeting with us. We were successful in scheduling a visit to our organization with one of our two Congresspersons. As is sometimes the case, one was unable to come due to unrelated circumstances. Although we were disappointed he was unable to attend, our outreach still had a positive impact with his office, and we continue to be in contact with his staff.

The other Representative did visit us in September of last year. Valerie and I met with him and his legislative aide for over an hour. Our discussion focused on public policy and federal financial support. We initially thought we might have to educate them on the issues, but he and his aide knew them well. We were pleased to find the Congressperson very knowledgeable about domestic violence and very supportive of the positions we are taking on behalf of the thousands of survivors we reach every year. In fact, he was one of the co-sponsors of the bill to lift the cap for VOCA funding. Sitting around a table in Valerie's office, I soon felt confident that they would remember who we were and what we did whenever we chose to call the Congressional office in Washington.

Since our initial contact, our CEO and I have maintained solid relationships with staff members of both our local Congressional offices. We are glad to be able to “put a face to a name,” and it is reassuring that they are on familiar terms with us. Moreover, we have recently invited one of our U.S. Senators to visit us and intend to invite the other to meet with us as well! In short, we have made significant strides toward building strong relationships with our federal elected officials. Still, we feel we have just begun. ▀

Gloria Woods is the Program Director at the Underground Railroad, Inc. in Saginaw, Michigan.

Working with Immigrant Victims

■ by Margo Cummins

Prior to becoming a victim advocate, I had no real exposure to the many issues facing those who have recently immigrated to the United States. At S.A.F.E. Place, a domestic violence shelter and advocacy organization in Battle Creek, we have learned that the issues facing immigrants who also happen to be survivors of family violence can be very complex.

Certain facts of the following account have been altered to protect the identity of the survivor, but the story illustrates some of the unexpected complexities involved in serving immigrant victims.

One day, a local minister brought a young Indonesian woman to our shelter. She had come to his church and asked for sanctuary. The survivor of this domestic violence situation had been lured to the United States through the Internet. Almost immediately upon arriving in America, her hopes and dreams were dashed as the relationship rapidly spiraled downward into a pattern of abusive and extremely controlling behavior by her unmarried partner.

We accompanied local law enforcement to her home to obtain what few possessions she had. We found that her assailant had forced her to sign numerous “contracts” for her “expenses” and had “fined” her for being “disobedient and disrespectful.” In a few short months, her abuser convinced her that she owed him a debt of almost \$500,000. In the instances when she was not financially penalized, he had forced her to spend cold nights sitting on a chair in the garage.

Although we were able to obtain these bizarre documents, we were concerned that the survivor’s unique situation might not be remedied if the matter did not receive special attention. To that end, we asked a local detective to further pursue the case. During his investigation, he discovered that the abuser had perpetrated against a second immigrant victim.

When the detective and I interviewed the survivors, both kept repeating that they had no money to pursue the matter. At first, this was puzzling, but we discovered that the survivors thought they would have to pay for the prosecution of the case against the abuser. They believed that this was the standard practice in their country of origin, but we later discovered this was not a correct assumption. This is another important point—a noncitizen survivor’s assumptions about the legal processes can be inaccurate, and as a result, can

contribute to her anxiety. Once we cleared that cultural hurdle, the survivors were eager to cooperate. Later, we encountered another barrier. In their country, date rape was not an acknowledged phenomenon, much less a crime. Although one of the victims understood that “something bad” had been done to her, she did not understand that the “something” was rape.

At that time, we began learning about U and T visas. These visas were created by the Victims of Trafficking and Violence Prevention Act, enacted in October 2000. U visas are available to noncitizens that have suffered substantial physical or mental abuse resulting from criminal activity *and* have been helpful or are likely to be helpful with the investigation or prosecution of the crime. U visas provide eligible immigrants with authorized stay in the United States and employment authorization. Currently, U visas are not available because the U.S. Department of Homeland Security (DHS) is working on the regulations for them. However, the DHS has made an interim form of relief available. This relief allows eligible immigrants to receive something called deferred action, which includes authorization for employment. T visas allow victims of severe forms of “trafficking in persons” to remain in the United States and assist federal authorities in the investigation and prosecution of these cases. Trafficking in persons often involves situations where people are trapped in modern-day slavery situations.

In short, the U.S. Immigration and Naturalization Service (INS) is prepared for situations like this one, but we had to access the system in order to help these survivors. That access involved acquiring the services of a lawyer. Thankfully, the survivors were able to network with members of their church congregation, which has a considerable international culture, to find an immigration attorney.

We at S.A.F.E. Place provided transportation to the survivors so that they could meet with their attorney. We also did as much of the legwork as possible in order to help keep attorney fees down. Since the survivors’ English was not very good, we also assisted in the immigration process by keeping their attorney apprised of the events in the criminal case as well as helping to explain the legal process to the survivors.

At this point in time, several immigration attorneys have now accessed our services in obtaining police reports, records and

Continued on page 12

Immigrant Victims continued from page 11...

statements. Our local batterer's treatment program conducted a multiphase personality inventory, which was necessary to prove to the Immigration Office that one survivor had psychological issues resulting from the domestic abuse. In another instance, our U.S. Congressional office graciously helped us hunt down paper trails. Our local Legal Services office also assisted us in accessing various services for the survivors.

Since this initial introduction to immigration issues, we have discovered that the first step is to assure victims that they will not be immediately deported. The threat of deportation is sometimes a weapon assailants use to keep survivors under their control. As an advocate, keeping good records of your observations is essential. One should document the victimization, why the survivors are in fear of their assailant, and what promises the assailant made that were later broken. At some point, an immigration attorney will likely need a statement from the advocate. In one case, I spoke with the victim once by telephone and once in court. Through those brief contacts I was able to craft an affidavit of my observations and the crucial portions of the survivor's account that made me believe she was victim. That affidavit was submitted as part her immigration application.

The obstacles facing immigrant victims can appear daunting. However, through the diligence of a victim service professional and timely assistance from other local resources, solutions can be found. Advocates working with immigrant victims should reach out for help wherever they can find it. Although the challenges can be many in these cases, it is tremendously rewarding to be able to make a difference for noncitizen survivors of domestic violence. ▽

Margo Cummins is a Family Advocate at S.A.F.E. Place in Battle Creek, Michigan.

Office for Victims of Crime (OVC) On-Line Victim Resources

Office for Victims of Crime (OVC)
<http://www.ojp.usdoj.gov/ovc/welcome.html>

OVC Resource Center
<http://www.ojp.usdoj.gov/ovc/ovcres>

OVC Training and Technical Assistance Center
(OVC TTAC)
www.ovcttac.org

National Criminal Justice Reference Service
www.ncjrs.org

Putting Victims First

OVC shares your mission and has a wide range of resources to help you accomplish it. Visit the National Criminal Justice Reference Service online at www.ncjrs.org to register for services or call the OVC Resource Center at 1-800-851-3420 (TTY 1-877-712-9279) to find out more.

The Michigan Advocate is on the web!

We're excited to inform you that *The Michigan Advocate* has moved to an electronic version. All publications are now exclusively on the web. You will receive an email notification after each edition is posted. If you are not currently on our distribution list and want to receive future publications, please send your email address to smurgitt@mphi.org. All Michigan VOCA grantees will automatically receive the electronic version and do not need to provide email addresses.

For copies of *The Michigan Advocate* newsletter and archived editions visit:

CVSC's SIGMAWEB site at
<http://sigmaweb.mdch.state.mi.us>

(*The Michigan Advocate* is listed on the **Public Forms & Information** page)

— *OR* —

MPHI's Center for Collaborative Research in Health Outcomes
& Policy website at

www.crhop.net

(*The Michigan Advocate* is listed on the **Publications** page)

Sixth Annual VOCA Council of Advocates Held

■ by Shari Murgittroyd

Each year the Crime Victim Services Commission (CVSC) and the Michigan Public Health Institute (MPHI) host the Council of Advocates meeting—a day-long roundtable

discussion involving a number of victim advocates from VOCA-funded agencies in Michigan and staff from the CVSC and MPHI. The primary purpose for the meeting is to provide a venue for valuable feedback to the CVSC and MPHI from VOCA grantees. Throughout each annual meeting, participants discuss a wide range of issues affecting crime victims and the challenges faced by victim services agencies. The Council of Advocates serves other purposes too, like providing opportunities to address prospective changes in VOCA grant administration as well as networking between VOCA-supported organizations.

This year's meeting was held on December 3, 2003 at the Kellogg Hotel & Conference Center in East Lansing. Representatives of VOCA-funded agencies traveled from many reaches of the state, including Detroit, Mt. Clemens, Flint, Saginaw, Battle Creek, and Traverse City. Not only are Council members from diverse geographic locations, but they also represent agencies with programs assisting a range of victim populations, such as sexual assault, domestic violence, child abuse, hospital-based services, and victims working with prosecuting attorneys.

As in past years, the meeting began with opening remarks from CVSC Director, Michael J. Fullwood and Program Specialist, Leslie O'Reilly, followed by an in-depth question and answer period. Council members were invited, in advance of the meeting, to submit questions to be addressed by the CVSC. The Q&A session offers an opportunity for frank discussion on some very challenging topics. This

year, participants queried the CVSC about the state of VOCA funding at the federal level, the possibility for funding forensic interviewer positions, VOCA training priorities, the VOCA grant amendment process, and other matters of concern to victim service professionals.

The afternoon session contained productive dialogue involving the VOCA online application and reporting processes, grant compliance reviews and needs assessments, prospective articles for this newsletter, the VOCA Four Year Report, and future program evaluation training for VOCA grantees. Comments and feedback were carefully recorded throughout the day and have afforded rich data that will help guide the CVSC's priorities and VOCA grant administration in Michigan.

By design, all VOCA-funded agencies receive a copy of the Council of Advocates Meeting Summary to help keep advocates and administrators apprised of current issues. If you wish to receive an additional complimentary copy of the Meeting Summary from the Sixth Annual Council of Advocates, please contact Shari Murgittroyd at (517) 324-7349 or smurgitt@mphi.org. ▽

Shari Murgittroyd is a Project Leader for the Crime Victim Services Commission Technical Assistance Project at the Michigan Public Health Institute's Center for Collaborative Research in Health Outcomes and Policy in Okemos, MI.

Technical Update



WWW.Walter's Words of Wisdom Navigating Michigan VOCA Online Resources

■ by Walter Pelowski

In each issue of The Michigan Advocate, Walter Pelowski of Agate Software, Inc. discusses the ins and outs of using the VOCA online application and reporting systems.

Here are a couple of questions I've heard lately:

Q. Why did I receive my grant award proceeds late? What are the Crime Victim Services Commission and Agate Software doing to fix this problem and make sure it doesn't happen again?

A. Typically, automated systems are great in that they reduce the time it takes to complete a task while also reducing the number of errors during the process. When those systems fail however, automated systems quickly turn from asset to liability. The Crime Victim Services Commission (CVSC) has been electronically sending payment requests to the State's accounting system for years now. This automated transfer has resulted in the CVSC being able to accurately budget for future grant requests as well as allowing the State to almost instantaneously cut checks to grantees upon being sent the required data. Although this process has had a small number of hiccups in the past, these have been resolved relatively quickly and without causing a major inconvenience to grantees. Nevertheless, the State's accounting system was altered a few months ago, and the corresponding changes that were made to the automated transfer resulted in a failure to disburse your funding on schedule. Without getting too far into the mind-numbing specifics, I would like to give a little explanation as to why this occurred and what has been done to avoid the problem in the future.

First, the MDCH contracts office initiated a change in document processing requirements without prior notification to CVSC. It was decided that a previously required internal

contract document would no longer be required. The intentions were good; it was thought this change would lessen the burden of internal contract processing requirements. However, the decision to remove the document needed to be accompanied by a corresponding change in the VOCA online system in order for payments to be successfully processed. There was no lead-time to make this change.

Also, the documentation for the document transfer to the State's accounting system was not current. The actual transfer procedure was developed years ago by an old coworker with knowledge of the State's financial system. Without being privy to that information, changes to the transfer process have been daunting for me. The nature of the transfer requires matching a long string of numbers and letters to fields in the State's database.

Finally, we have no direct access to the State's financial system and as a result changes to any procedure necessitate someone from my office visiting the server room during working hours.

Okay. So, now we know why it happened. What has been done to make certain it doesn't happen again? First and foremost let me assure you that the director of the CVSC, Mike Fullwood, has always been and continues to be supremely committed to the timely disbursement of grant awards. When that doesn't happen, you're displeased, he's displeased and consequently, we're displeased. In short, here's what's been done.

- ◆ The MDCH has instituted a new working group of contracting agencies to better communicate internal process revisions.

Continued on page 15

Technical Update

WWW.Walter's Words of Wisdom

continued from page 14...

- ◆ We are now coordinating more closely with the CVSC to ensure that primary Agate support staff travel schedules are communicated and take into account the need for system revisions.
- ◆ We have since met with knowledgeable State accounting officials about how this automated transfer should behave and have been given current documentation detailing the fields necessary in such a transfer. Any future changes to the data necessary for the transfer can be made much more easily by referencing that documentation.
- ◆ The CVSC has invested in a new database server. The installation of this new server should allow us to have better access. Having remote access will mean that we no longer have to travel to the State's server room to make what would otherwise be a quick update.

Once again, I sincerely apologize for any inconvenience that the delay may have caused you. We will continue to work with the CVSC to make any changes to our process that are necessary to ensure that you receive your funding in a timely manner.

Another question we've heard lately involves Internet browser compatibility.

Q. I've heard that you've spoken with many people (though not me) about needing a 4.0+ Internet browser—either Netscape or Internet Explorer. Frankly, I've never quite understood why this is. Can you elaborate?

A. The Internet browser is the software program that allows you to access the World Wide Web. By simply changing or updating that software, the World Wide Web (those www addresses) could possibly look different to you. The VOCA online processes were developed for Netscape or Internet Explorer versions 4.0 and above. This was done so that people with older browsers would still be in compliance. However, with all of the updates that have been made to browsers in the past 4 or 5 years, I suggest that you install the latest and

greatest browser available. (This will help to eliminate some security vulnerabilities with 4.0 browsers and make sure that all new JavaScript and DHTML functionality works as intended.)

Currently, Internet Explorer, which has the lion's share of the browser market and is, in my opinion, the best (for various reasons that I will not go into), is at version 6.0. Netscape is currently at version 7.1. If you don't have the latest version of your browser (check by clicking "Help" then "About Internet Explorer" or "About Netscape") then you should upgrade by following the hyperlink available at the bottom of the CVSC online grant system website. Upgrading will improve your viewing of all websites that you access using your Internet browser.

Sometimes people ask me if these requirements include America Online (AOL). The answer is both yes and no. It depends on how you think about AOL. I think of AOL as merely an Internet service provider (ISP) that brings the Internet into your home or office. However, AOL also has its own Internet browser that it tries to use each time you dial-in to the Internet. The browser that AOL uses to access web content (depending on the version of AOL being used) is based upon either the Internet Explorer or Netscape browser technology. However, it doesn't always operate in the same way as Internet Explorer or Netscape and often displays content differently too.

So what are the alternatives for an AOL user? Well, dial into the Internet using AOL as you would normally. Then, minimize or close (if it will let you without logging you off) your AOL browser. You should then be able to open up Internet Explorer to do your normal web browsing. Don't be confused by AOL's fancy packaging. They're simply an ISP like many others. You don't have to use their software to browse the web.

So, download the latest and browse the web in style! If you have any other questions about this sort of stuff, as always, you can call or email our helpdesk. ▀

Walter Pelowski is the primary designer of the CVSC online grants system developed by Agate Software.

Domestic Violence and Substance Abuse

by Molly Smeltzer



In 1985, the National Institute of Mental Health (NIMH) and the National Organization for Victim Assistance (NOVA) convened a colloquium to address the relationship between substance abuse, mental health, and victimization. Since that time, practitioners and researchers have worked to better understand the relationship between domestic violence and substance abuse. Although a link between the two has been established through research, the nature of the relationship remains unclear with no single perspective seeming to provide a complete explanation.

Alcohol and drug abuse affect a significant proportion of our communities. It is estimated that at least 4.5 million women in the U.S. are alcohol abusers or alcoholics, 3.1 million regularly use illicit drugs, and 3.5 million misuse prescription drugs. Another study estimated that half of all female alcoholics have been victims of domestic violence, meaning victim service professionals are very likely to be asked to provide assistance to a survivor with a substance abuse problem.

According to a 1999 report from the New York State Office for the Prevention of Domestic Violence, these victims are more likely to receive prescriptions for and become dependent upon tranquilizers, sedatives, stimulants and painkillers. Such medications are likely provided as a result of being abused. A 2001 study, *Alcohol Problems and Violence Against Women, Report of Summary Findings* (NCJRS Document No. 188267) showed that a significant percentage of women in outpatient treatment for substance abuse reported incidents of physical and/or psychological abuse in the preceding year. This report also demonstrated that many women in a domestic violence shelter could be classified as possibly having or having alcohol (48.6%) or drug problems (33.5%).

Survivors of domestic violence who abuse substances have to overcome many barriers when seeking help for these problems. The stigma attached to domestic violence and substance abuse can detrimentally affect the access to

services, and women needing assistance are often blamed for their problems by the uninformed. Substance use or abuse by survivors is sometimes viewed as the reason for the violence they endure and are not always taken seriously by professionals who are not familiar with victimization issues. Unfortunately, survivors with substance abuse issues may find themselves excluded from needed services. Women dependent on alcohol or other drugs may be placed in the position of either beginning their withdrawal outside of a substance abuse treatment facility or continuing to use such substances knowing that domestic violence services may be terminated if their use is discovered.

Substance abuse treatment programs do not always screen new clients for domestic violence. Typically, survivors in treatment are not given information regarding the impact of their participation on their safety, nor provided assistance in safety planning. Survivors who remain with their partners during treatment may face attempts by their abusers to undermine their efforts at recovery. Survivors may choose to use substances with their abusers in an attempt to increase their safety, even if it derails their sobriety and leads to the termination of substance abuse treatment services.

In addition to survivors who abuse substances themselves are survivors whose partners use or abuse alcohol or other drugs. Although there is no research to support the notion that alcohol abuse leads to domestic violence, this belief is pervasive. Since current substance abuse treatment approaches often involve the family in counseling sessions, it is important for providers to screen male clients for abusive behavior to ensure that the safety of the women in treatment is not compromised.

Recommendations from the Research

Although many questions remain about the relationship between domestic violence and substance abuse, many researchers and practitioners have made recommendations on how to improve services to women trying to cope with both issues.

The stigma attached to domestic violence and substance abuse can detrimentally affect the access to services...

continued on page 17

Domestic Violence and Substance Abuse

continued from page 16...

It is important that treatment and victim service professionals reject the belief that these issues need to be treated separately. Since it is unclear if one problem precedes the other, it is important to treat both simultaneously. This can be done through increased collaboration between treatment and victim service professionals, and can include case management services to make sure clients are able to access additional community resources as needed.

Training and education for both treatment and victim service staff is needed in the complementary fields, which could facilitate future collaborative efforts. It is important that professionals in each field know of appropriate referrals so that victims can address the emotional, physical, and other issues that arise from domestic violence and substance abuse. ▀

Molly Smeltzer, M.S.Ed., serves as a Research Associate for the Crime Victim Services Technical Assistance Project at the Michigan Public Health Institute's Center for Collaborative Research in Health Outcomes and Policy.

Sources: Seymour, A. & Rynearson, E.K. (2002). Substance Abuse and Victimization. In A. Seymour et. al. (Eds.), National Victim Assistance Academy Textbook. Washington, D.C: Office for Victims of Crime.

Bennett, L.W. (1998). Substance Abuse and Woman Abuse by Male Partners. National Electronic Network on Violence Against Women.

New York State Office for the Prevention of Domestic Violence (1999). Adult Domestic Violence: The Alcohol/Other Drug Connection Trainer's Manual. New York: New York State Addiction Technology Transfer Center.

Downs, W. R. (2001). Alcohol Problems and Violence Against Women, Report of Summary Findings (NCJRS Document No. 188267). Unpublished Report.

Web Resources

**Office for Victims of Crime
National Crime Victims' Rights Week**
www.ojp.gov/ovc

This site provides resources to help victim advocates plan and implement victims' rights activities in their area.

**2004 National Crime Victims' Rights Week
Resource Guide**
www.ojp.gov/ovc/ncvrw

This resource guide for the 2004 NCVRW provides statistical overviews and resources, a detailed list of landmarks in victims' rights and services, information on working with the media, camera-ready artwork, and sample speeches.

National Clearinghouse on Child Abuse and Neglect
www.calib.com/nccanch/database

This site is a national resource for professionals seeking information on the prevention, identification and treatment of child abuse and neglect.

**Court Appointed Special Advocate Association
Volunteer Management**
www.casenet.org/program-management/volunteer-manage

This site provides a wealth of information for any agency responsible for recruiting, supervising, and evaluating volunteers.

**Institute on Domestic Violence in the
African American Community,
University of Minnesota, School of Social Work**
www.dvinstitute.org

This site allows access to the Institute's biannual newsletter, "Assembling the Pieces: An African American Perspective on Community and Family Violence," and offers a host of information related to violence in the African American Community.

National Criminal Justice Reference Service
www.ojp.usdoj.gov/ovc/ovcres

The OVC Crime Resource Center is an information clearinghouse for victim issues. Email AskOVC@ojp.usdoj.gov to reach information specialists who will answer questions relating to victims' issues.

Violence Against Women Office
www.ojp.usdoj.gov/vawo

This official US Department of Justice website for the Violence Against Women Office presents information on interventions to stop violence against women.

Nonprofit Lobbying—What You Need to Know.

by Erin Skene

“Charitable efforts cannot substitute for public policies that offer real opportunities and dignity.”

American Catholic Bishops, 1988.

Without nonprofit lobbying there would be no one to represent the interests of those the nonprofit community serves or the resources that the sector protects. Citing this need, nonprofit lobbying is not only a democratic tradition but it is an essential part of a nonprofit’s work. Unfortunately, there are many myths regarding nonprofit lobbying, especially with regard to 501(c)(3) organizations’ involvement in public policy. However most of these myths are false. Not only can charities lobby, but the rules and regulations are also not cumbersome. In this article we will dispel some of the common myths on this topic while addressing some frequently asked questions.

Can 501(c)(3) nonprofits lobby?

Yes. In fact, in a recent report, Michigan legislators stated that nonprofits are effective advocates and that legislators would like more interaction with nonprofits (according to Dr. Deborah Sturtevant, Michigan Nonprofit Research Program). Also, by issuing rules and regulations on charity lobbying, Congress and the IRS have verified that lobbying is legal. However, many of the IRS explanations of how much a charity can lobby only apply to organizations that have “elected” by filing the IRS form 5768 (Expenditure Text). The form is simple to complete and it only needs to be filed once. If you do not “elect” by filing this form, your organization is automatically held by the Insubstantial Part Test. Under the Insubstantial Part Test a nonprofit must prove that their lobbying activities do not constitute a substantial part of an organization’s total activities and expenditures. This law is

very vague, and the Michigan Nonprofit Association (MNA) is of the opinion that it cannot be strictly interpreted or enforced.

What is lobbying?

According to the IRS, lobbying is an attempt to influence legislation through direct contact with public officials at the local, state, and federal levels (direct lobbying) or indirectly with public officials at the local, state, and federal levels (grassroots lobbying).

Specifically, direct lobbying is communication referring to a specific piece of legislation and expressing a position on it. This statement is made via phone, fax, email, mail or in-person to any government employee who may aid the production of such legislation. Grassroots lobbying reflects a view towards specific legislation and is an effort to encourage the public to engage in lobbying. This does not include communications with your members, unless you ask them to contact members of the public asking for lobbying action. In doing this, there is a call to action, where the address, telephone number, etc., is provided as a means for the public to contact the policymaker. According to the IRS, general education is not considered lobbying, as long as you do not reference a legislative action it is not considered lobbying. Only communication on specific legislation is considered lobbying.

According to the Secretary of State, lobbying is defined as any direct contact with a lobbyable public official, whether face to face, by telephone, letter, electronic media or any other means, the

purpose of which is to influence the official’s legislative or administrative actions. Under the Michigan Lobbying Act, only state-level public officials are lobbyable and you can obtain a list of these officials from the Secretary of State at www.michigan.gov/sos. Please note that contact regarding an administrative action is not considered lobbying by the IRS.

What are the limits on lobbying?

Under the Expenditure Test, if an organization has filed the IRS Form 5768, an organization’s lobbying activity is measured based on the amount of money spent. For example, a nonprofit with an operating budget of \$500,000 may spend up to 20 percent on lobbying, and a nonprofit with an operating budget of \$1 million may spend up to 20 percent of the first \$500,000, plus 15 percent of the next \$500,000. See the chart on the next page for the lobbying expenditure ceilings. Also under the Expenditure Test, nonprofits are allowed to devote 25 percent of their lobbying expenditures to grassroots lobbying. For example, a nonprofit with a budget of \$500,000 is allowed to spend up to \$100,000 on lobbying activities, of which \$25,000 can be spent on grassroots lobbying. Under the Expenditure Test, lobbying expenses are reported on the IRS Form 990 Schedule A.

Under the Michigan Lobbying Act, there is merely a threshold for registration. Meaning, your organization must register with the state as a lobbyist if you make

continued on page 19

Nonprofit Lobbying—What You Need to Know.

continued from page 18...

Lobbying Ceilings under the Federal 1976 Lobby Law

Exempt-Purpose Expenditures	Total Lobbying Expenditures	Amount of Total Allowable for Grassroots Lobbying
Up to \$500,000	20% of exempt-purpose expenditures	25 percent
\$500,000-\$1 million	\$100,000 + 15% of excess over \$500,000	\$25,000 + 3.75% of excess over \$500,000
\$1 million-\$1.5 million	\$175,000 + 10% of excess over \$1 million	\$43,750 + 2.5% of excess over \$1 million
\$1.5 million – \$17 million	\$225,000 + 5% of excess over \$1.5 million	\$56,250 + 1.25% of excess over \$1.5 million
Over \$17 million	\$1 million	\$250,000

Source: *Charity Lobbying in the Public Interest*

expenditures in excess of \$500 to lobby a single public official, or in excess of \$1,950 to lobby any number of public officials, during any 12 month period. This includes paying someone to lobby for you. Individuals or groups must register as a lobbyist agent if compensated or reimbursed more than \$500 during any 12-month period for lobbying public officials. Once registered as a lobbyist or lobbyist agent, an individual or nonprofit must file the state financial report summaries twice a year. Please note that there are also additional reporting requirements for financial transactions between lobbyable officials and lobbyists/lobbyist agents, travel and lodging for these officials, and gifts to lobbyable officials. For more information visit the Bureau of Elections portion of the Secretary of State Web site at www.michigan.gov/sos.

Are there special rules during an election year?

Although charities are allowed and encouraged to lobby, 501(c)(3) organizations are prohibited from intervening in any political campaign on behalf of or in opposition to any candidate for public office. Nonprofits can, however, be involved and lobby for or against ballot initiatives. For more information on the Michigan rules for

ballot initiatives, visit the Bureau of Election's portion of the Secretary of State Web site. The following are suggestions from the Alliance for Justice regarding election-year advocacy:

- ◆ Do not endorse candidates for public office.
- ◆ Do not make contributions to political parties or individual candidates.
- ◆ If registering people to vote, do so with the intention of educating people on the importance of voting, not to encourage voting for or against a candidate.
- ◆ As a representative of a nonprofit, you cannot participate in political campaigns.
- ◆ Candidate forums and voter guides must include candidates from all parties and must not rate the candidates.

Nonpartisanship is a key element of 501(c)(3) organizations' tax status. If a nonprofit engages in partisan activity, the organization may risk losing its tax-exempt status.

Although 501(c)(3) organizations are prohibited from political campaigning,

501(c)(4) organizations are not. According to the IRS, 501(c)(3) nonprofits may create 501(c)(4) nonprofits that are allowed unlimited lobbying activities and campaigning as a secondary activity.

501(c)(4) nonprofits are still tax-exempt from most federal taxes, but donations made to the nonprofit are not tax deductible. Also, if a 501(c)(4) wishes to make contributions to a political campaign, it may create a political action committee (PAC). For example, the National Organization for Women (NOW) has a 501(c)(3) organization, a 501(c)(4) and a PAC.

Remember that persons acting as individuals—and not as representatives of their organizations—can legally work on campaigns, endorse candidates and even run for political office. ▼

Erin Skene is Director of the Michigan Public Policy Initiative, a program of the Michigan Nonprofit Association

SPECIAL NOTE: Individuals employed by non-profit organizations receiving federal funds may be subject to Hatch Act restrictions depending upon federal funding statutes. Please consult an attorney.

Where can I get more information?

The following is a list of resources on both the rules and regulations for lobbying as well as best practices for lobbying efforts:

The Michigan Nonprofit Association www.mnaonline.org

Charity Lobbying in the Public Interest www.clpi.org

Alliance for Justice www.afj.org

Internal Revenue Service www.irs.gov

Michigan Secretary of State www.michigan.gov/sos

Upcoming Events & Trainings

National Crime Victims' Rights Week

April 18-24, 2004

Contact OVC at 1-800-627-6872

Resource Guide available at www.ojp.usdoj.gov/ovc

PAAM Training on Crime Victim Compensation & Michigan Crime Victim Notification Network*

April 30, 2004

Mackinac City

June 10, 2004

Cadillac

September 23, 2004

East Lansing

Hotel, Registration & Meals may be supported by approved VOCA travel funds.

Registration Deadline: 2 weeks prior to training

For more information contact (517) 334-6060

Terri Young, ext. 815 or Roberta Haney-Jones, ext. 807

VOCA Program Evaluation Training*

Program Evaluation for VOCA Grantees

June 4, 2004

Mackinaw City, Michigan

For more information contact Molly Smeltzer at (517) 324-8353

PAAM Annual Victim Rights Training Conference*

July 14-16, 2004

Lansing, Michigan

Hotel, Registration & Meals may be supported by approved VOCA travel funds.

Registration Deadline: 2 weeks prior to training

For more information contact (517) 334-6060

Terri Young, ext. 815 or Roberta Haney-Jones, ext. 807

MCADSV Conference*

Women of Color Institute

Focus on Survivors: Choice, Voice, & Visibility

June 12-13, 2004

Midland, Michigan

For more information call (517) 347-7000

www.mcadsv.org/Trainings/trainings.html

MCADSV Conference*

Professional Development Institute

Empowerment for All: Promoting Survivor-Centered

Advocacy & Services

June 14-15, 2004

Midland, Michigan

For more information call (517) 347-7000

www.mcadsv.org/Trainings/trainings.html

2004 Michigan Victim Assistance Academy*

June 13-18, 2004

Michigan State University - Detroit College of Law Building
East Lansing, Michigan

Registration fee: \$30.00

Scholarships available for Undergraduate & Graduate Tuition

Registration Deadline: May 1, 2004

For more information contact MVAA

at 1-800-892-9051 or (517) 355-9648

Fax: (517) 432-9727

www.cj.msu.edu/~outreach/mvaa

Advanced Michigan Victim Assistance Academy*

Sexual Assault Nurse Examiner (SANE)/

Sexual Assault Resource Team (SART)

Registration fee: \$20.00

The same training will be offered in three locations

For more information contact Bridget Scott

at 1-800-892-9051 or (517) 355-9648 or Bridget.Scott@ssc.msu.edu

Fax: (517) 432-9727

Registration and workshop agenda are available on MVAA website:

www.cj.msu.edu/~outreach/mvaa

May 7, 2004 (Friday)

Hagerty Conference Center

Great Lakes Campus

Northwestern Michigan College

Traverse City, MI 49686

May 13, 2004 (Thursday)

Macomb Community College

South Campus Student Community Center

14500 E. 12 Mile Road

Warren, MI 48088-3896

May 20, 2004 (Thursday)

Burnham Brook

200 W. Michigan Avenue

Battle Creek, MI 49017

NOVA 30th Annual North American Victim Assistance Conference

August 22-27, 2004

Sacramento, California

www.trynova.org

***VOCA grantees may utilize approved travel funds to attend training**

VOCA Grant Website: <http://sigmaweb.mdch.state.mi.us>

Michigan Department
of Community Health



Jennifer M. Granholm, Governor
Janet Olszewski, Director

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