

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

**Guide to Assisting Teen
Victims of
Dating Violence in
Suffolk County**

Includes:

*“Sexting” in New York and
Legal Consequences*

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Dear Suffolk County Resident,

In Suffolk County, we are deeply committed to the safety of all of our residents. Research demonstrates that teenagers are far too frequently the victims of dating violence, including physical, verbal, psychological and sexual abuse. Additionally, cyber stalking, sexting and other technologically driven behaviors can put teens at greater risk for victimization. I am pleased to provide this guide which will assist teen victims, offer critical prevention material and help schools and parents keep teenagers in Suffolk County safe.

Thank you for taking the time to learn from this guide which was carefully put together by the Legal Systems subcommittee of my Task Force to Prevent Family Violence.

Sincerely,

Steve Bellone, County Executive

Contents

What is Teen Dating Violence?.....	5
Prevalence of Teen Dating Violence.....	6
Consequences of Dating Violence.....	8
What is “Sexting?”	9
What are the Consequences of “Sexting?”	9-10
“Sexting” and Internet Safety Prevention Programs	10
What Schools Can Do To Prevent Teen Dating Violence	11-16
HANDOUT: Six Things Teens Want You to Know About Relationships	17
Teen Relationship Abuse and Prevention Resources.....	18
Obtaining an Order of Protection in Suffolk County	19-23
Teen Relationship Abuse and Prevention Resources	18

What is Teen Dating Violence?

According to the Centers for Disease Control and Prevention (CDC), “teen dating violence is defined as the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. It can occur in person or electronically and might occur between a current or former dating partner. Several different words are used to describe teen dating violence including, relationship or dating abuse, intimate partner violence, relationship violence, domestic abuse and domestic violence.”¹

As with all forms of domestic violence, teen dating violence is based on power and control in which one partner works to gain and maintain complete power and control over the other partner.

Below are some examples of the forms of teen dating violence:

Physical Abuse: hitting, kicking, punching, pulling hair, strangulation, spitting on/at, physically restraining the other party, hitting with objects, use of weapons, smacking, pushing, breaking or throwing objects at the other party, punching walls or other objects.

Verbal Abuse: Cursing, berating, name calling, threatening violence, patronizing language, speaking for the other party during group conversations.

Emotional/Psychological Abuse: Accusing other party of cheating or doing things he/she are not doing, lying, twisting facts around, telling other party he/she is crazy, telling other party they are imagining the abusive behavior or causing it, isolation from friends/family, ruining other party’s reputation.

Sexual Abuse: Unwanted touching, forced sexual contact, rape, coercion to have sex, and “sexting.”

Stalking/Cyber Stalking: Demanding texts/calls are answered immediately, excessive calls and texts to check on partner’s whereabouts, using social media to track partner’s whereabouts, demanding to look through cell phone, demanding passwords to cell phones and social media accounts, showing up everywhere the other party is.

Prevalence of Teen Dating Violence

Nationally

Every year, about 1 in 10 American teenagers experiences physical violence at the hands of a boyfriend or girlfriend, and many others are sexually and emotionally abused.²

New York

One National Institute of Justice funded study³ examined the prevalence of dating violence among 5,647 teens (51.8 percent female, 74.6 percent Caucasian) from 10 middle schools and high schools (representing grades 7-12) throughout New York, New Jersey and Pennsylvania. Findings indicated that within the past year:

- 18.0 percent of respondents reported experiencing cyber dating abuse (e.g., "my partner used my social networking account without permission" or "my partner sent texts/emails to engage in sexual acts I did not want").
- 20.7 percent experienced physical dating violence (e.g., reporting that a partner "pushed" or "kicked" the respondent).
- 32.6 percent experienced psychological dating abuse (e.g., "my partner threatened to hurt me" or "my partner would not let me do things with other people").
- 9.0 percent experienced sexual coercion (e.g., "my partner pressured me to have sex when [he or she] knew I didn't want to").

The study also specifically examined dating violence rates among teens who had dated within the past year (66 percent of total teens; n = 3,745). The following percentages of dating teens reported experiencing forms of abuse:

- Cyber dating abuse: 26.3 percent
- Physical dating violence: 29.9 percent
- Psychological dating abuse: 47.2 percent
- Sexual coercion: 13.0 percent

Orders of Protection issued to teens by age in Suffolk County:

A search was conducted of the Orders of Protection database based on the number of orders issued against individuals ranging in age from fourteen to nineteen years old. From 2012 to 2015, there were 5, 275 orders of protection issued against individuals for family offenses or criminal incidences, which include teen dating violence.

The Orders of Protection were issued out of the various courts throughout Suffolk County. The majority of the Orders of Protection issued were from the below courts:

1 st District Court:	3207
Family Court:	922
Supreme Court:	553

Results by year are as follows:

<u>Year</u>	<u>Age</u>	<u>#of Orders Issued</u>
<u>2012</u>		
	14	24
	15	43
	16	217
	17	312
	18	474
	19	449
TOTAL		1,519

<u>Year</u>	<u>Age</u>	<u># of Orders Issued</u>
<u>2013</u>		
	14	30
	15	36
	16	188
	17	300
	18	357
	19	387
TOTAL		1,298

<u>Year</u>	<u>Age</u>	<u>#of Orders Issued</u>
<u>2014</u>		
	14	38
	15	31
	16	204
	17	298
	18	359
	19	371
TOTAL		1,301

<u>Year</u>	<u>Age</u>	<u>#of Orders Issued</u>
<u>2015</u>		
	14	15
	15	35
	16	191
	17	275
	18	320
	19	321
TOTAL		1,157

The Short and Long Term Consequences of Teen Dating Violence

Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the United States, more than car accidents, muggings, and rapes combined and remains to be one of the most chronically underreported crimes. National statistics indicate that 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner within their lifetime.

Intimate Partner Violence in adulthood and Teen Dating Violence “share many common qualities including exposure to physical, sexual, and psychological abuse. However, the significant differences in psychological, physical, and intellectual development between adolescents and adults make comparisons between Intimate Partner Violence (IPV) in adulthood and Teen Dating Violence (TDV) problematic. Because of their developmental stage, a typical adolescent may be less capable of utilizing positive relationship skills and more likely to use anger, physical aggression, and emotional abuse in conflicts. Disparities between adolescent and adult relationships extend beyond developmental differences. Unlike adults, adolescents rarely cohabit, share finances, or co-parent. The traditional power dynamic, related to reliance and control, which is often present in adult domestic violence, is less present in teen relationships. Qualitative research studies have examined the ways in which teens conceptualize relationships and the reasons they choose to remain in relationships. Teens discuss the ways in which material and sexual benefits encourage remaining in a relationship despite the presence of TDV but indicate peer pressure and the social environment are more likely to drive their decisions about relationships. Dating violence can inflict long-lasting pain, putting survivors at increased risk of substance abuse, depression, poor academic performance, suicidal ideation, and future violence.”⁴

A 2012 study indicates that “TDV victimization experienced during adolescence was related to adverse health outcomes in young adulthood. Five years after victimization, female victims reported increased heavy episodic drinking, depressive symptomatology, suicidal ideation, smoking, and adult IPV victimization, whereas male victims reported increased antisocial behaviors, suicidal ideation, marijuana use, and adult IPV victimization, compared with individuals reporting no victimization . . .”⁵

What is “Sexting?”

“Sexting” is a combination of the words “sex” and “text messaging.” It is the act of sending sexually explicit images or messages to and from computers and cell phones. Among consenting adults it may be considered a form of flirtation. However, it also may be used as a means to harass, control and humiliate.

Actual or even the threat of disseminating sexually explicit images or messages becomes a powerful tool in perpetuating abuse against the person who believed he or she was sending a private communication. An abusive recipient may disclose or threaten to disclose the sexually explicit images or messages to the sender’s classmates, friends, family, employers or even total strangers. This is one of many ways for a person to exercise power and control over another person.

What are The Consequences of Sexting?

Many teens fail to realize the far-reaching and long-lasting effects of “sexting.” Once an image or message has been transmitted by cell phone or computer it may remain in cyberspace forever, accessible by anyone. There is no limit to the number of times an image or message may be copied, distributed and shared by others, even when the original intention was for the image or message to be viewed by only one recipient. The image or message may be posted to social media outlets to gain an even larger audience. In addition, there may be significant legal consequences for engaging in this behavior.

Under New York law, it is a crime to persuade someone younger than 17 to engage in the making of a sexual performance, or to produce, direct or promote a sexual performance featuring someone who is less than 17 (called use of a child in a sexual performance (263.05) and promoting an obscene sexual performance by a child (PL 263.10)). It is a crime to possess a nude or sexual image of someone younger than 16 (PL 263.11). It is a crime in New York to use a computer network or telephone messaging system to send sexually explicit images or messages to a child younger than 17. For example, a teen who sends a photo of his or her genitals to another teen who is less than 17 could be convicted under this law. Sharing obscene material with a child is punished more severely if the sender asks the child to engage in sexual activity (PL 235.20, 235.21, 235.22).

Under New York Law, a child over the age of 7 may be prosecuted in family court as a juvenile delinquent for criminal conduct related to “sexting.” For the Family Court to have jurisdiction, the offender must have committed the offense before his or her 16th birthday and the prosecution must commence before the offender’s 18th birthday. Family Court Act 301.1 and 301.2.

Punishment

When a teenager has been charged with an offense arising from or related to disseminating obscene or nude images (or cyberbullying), the court may, instead of continuing the criminal prosecution, order the teen to participate in an education program. Both the person who sent the image and the person who received it must be younger than 20 and they cannot be more than five years apart in age. The education program focuses on the consequences (both legal and non-legal) of sharing suggestive or abusive materials by computer or online (Penal Law 60.37; Social Services Law 458-1). Depending upon the circumstances, sexting may also be a federal crime.

The sentencing guidelines in the family and criminal courts differ dramatically, and there are multiple variables considered in each jurisdiction before sentencing. Both courts may consider sentencing options that include probation and/or restrictive placement. In New York, a child who is adjudicated in family court for criminal conduct related to “sexting” will not be subject to sex offender registration laws in New York.

A simple but valuable cautionary instruction would be, “Don’t send any image or message you wouldn’t want to see on the front page of The New York Times.”

Sexting and Internet Safety Prevention Programs in Suffolk County

Crime Victim Center (Parents for Megan’s Law)

(631) 689-2672

Teen Sexting Prevention & Cyber Safety (Dedicated Program)

Teen Dating Violence Programs where Sexting is Discussed

- Brighter Tomorrows (631) 395-3116/(631) 395-1800
- Crime Victims Center (631) 689-2672/(631) 332-9234
- Long Island Against Domestic Violence (631) 666-7181/(631) 666-8833
- The Retreat (631) 329-4398/(631) 329-2200
- VIBS Family Violence and Rape Crisis Center (631) 360-3730/(631) 360-3606

What Schools Can Do To Prevent Teen Dating Violence

Know the Warning Signs⁶

- Teen shows concern or fear about upsetting or angering a dating partner
- Teen excuses partner's behavior or apologizes for partner
- Teen spends much of his or her time with the dating partner and little time with others
- Teen receives an excessive number of calls, e-mails, or texts from dating partner
- Teen has unexplained or suspicious "gifts," such as clothes or cash
- Teen has sudden changes in his or her interests and/or grades, or reduced interest in typical activities
- Teen shows signs of distress, including use of substances
- Teen's identity or social status seems to be dependent on having a boyfriend or a girlfriend
- Teen shows evidence of conduct problems in school or poor academic performance
- Teen has unexplained bruises, marks, or injuries, or explanations for the injuries are questionable
- Teen has several wounds in various stages of healing

Warning signs that a teen may be aggressive in a dating relationship:

- Teen has the tendency to lose his/her temper quickly
- Teen has unpredictable mood
- Teen does not seem to be able to tolerate difficult feelings (e.g., anger, frustration, jealousy)
- Teen assigns blame to people close to him/her when in difficult situations
- Teen appears possessive or overprotective of dating partner or has a tendency to become jealous, demanding, or insecure in the relationship
- Teen shows physically confrontational behavior or verbally abusive language toward dating partner

Reporting Challenges⁷

Teens rarely report dating violence to adults and even fewer cases are reported to law enforcement agencies, which makes it difficult for researchers and helpers to know how common dating violence is in teenage populations. Estimates are that as few as 1 in 11 cases of teen dating violence are reported to adults. Lack of reporting also means that teens may not get the help they need when they are involved in a difficult and frightening situation. There are several factors that contribute to teens' reluctance to report dating violence. If a teen believes that relationship violence is normal, she or he may not perceive the violence as being something to report to others. For instance, many teens see slapping or hitting as common and normal behaviors in a relationship. This highlights how necessary it is to educate teens about dating violence and to define it as harmful.

Even when a teen understands that dating violence is harmful, the teen may not believe that seeking help from adults is an effective solution. Some teens fear adults will not believe their report or are afraid of disapproval or public embarrassment. This may be particularly true if disclosure of dating

violence might lead to discovery of the teen's sexual activity or other behaviors that the teen wants to keep from adults. Providing a safe environment is an important step to increase the likelihood that teens will report dating violence to adults.

Teens are also concerned that police may not take their reports of dating violence seriously and are therefore unlikely to report to law enforcement. Another reason teens are unlikely to report dating violence is because they fear that the violence in their relationship will escalate after the report. Because it is illegal for a teen and an adult to have an intimate relationship, reporting violence about this type of relationship can be difficult. A teen may be aware that the violence within their relationship qualifies as child abuse or that sexual acts qualify as statutory rape in the state in which the teen lives.

These reasons may lead to underreporting because teens may fear they will lose the relationship. The teen may want the violence to end but not the relationship. Teens who belong to cultural groups who have suffered discrimination based on race, economic class, or sexual orientation may grow to distrust people outside their social groups. This can deter reporting and help seeking in these groups. Teens who are gay or lesbian face the potential threat of premature outings. For instance, perpetrators may threaten to expose the victim's sexual orientation to peers, family, and community to gain control of the victim and keep the individual from disclosing the violence.

In certain cultures, considerations about how the entire family may be perceived by others may be an important consideration in reporting the violence, and may result in decreased likelihood of reporting the incident outside of the family. This may be especially true in cases of sexual abuse within a dating relationship, as a girl's virginity is often linked directly to family honor in these cultures. Immigrants may not report violence for fear of being deported, even if they are in the United States legally. Being unfamiliar with community resources is another reporting deterrent for recent immigrants.

When it comes to witnessing dating violence between peers, teens find it unacceptable to tell an adult about what they have witnessed. Educating teens about what to do in such situations is crucial to reduce the acceptance of teen dating violence.

What Can We Do? School Based Prevention and Intervention⁸

Prevention and intervention efforts are an important part of combating teen dating violence. School-based strategies that work to reduce the rates of teen dating violence have been heavily researched in recent years. The research has shown that targeting individuals before they begin dating or at the start of their dating career can produce long-term, positive effects, which means that these strategies may be most effective when used before puberty. All interventions and prevention efforts should be tailored to the specific target audience, as it appears there are differences in teens' experiences depending on age, race or ethnicity, and gender.

Strategies that help teens develop positive coping skills appear to be very useful both for preventing teen dating violence and for intervening with at-risk youth. Strategies that change the acceptability

of violence as a way to solve problems may help to make violence within teen relationships less likely. Thus, prevention and intervention efforts aimed at teens should target at least two things: beliefs and attitudes toward dating violence and social skills used within relationships.

Teens' Beliefs and Attitudes

Several strategies have been used to change teen attitudes associated with dating violence. As mentioned earlier, it is common for teens to believe that violence in a relationship is “normal” or that a partner who shows controlling behaviors or is aggressive is expressing care and love. The following are suggested strategies to change harmful attitudes and beliefs:

- Educate teens on signs of healthy and unhealthy relationships.
- Provide education about the consequences of violence, including the emotional, psychological, physical, and legal consequences for both the aggressor and the victim.
- Talk with teens about how gender role stereotypes can influence abusive behaviors.

Positive Relationship Skills

Teens are in the process of learning how to interact within the context of intimate relationships. Many are experiencing new situations or confusing emotions and may not yet know how to deal with them. Because of this, strategies that promote healthy ways of handling emotions and interacting with others are particularly important at this age. The following are strategies that tend to reduce teen dating violence:

- Teach teens how to cope with challenging emotions like anger, jealousy, and rejection.
- Provide information on effective communication strategies.
- Teach teens to set boundaries in relationships.
- Educate teens on verbal and nonverbal cues that communicate a partner is not ready to have sex.

It is encouraging that teens recognize that communication problems exist within their relationships and are interested in learning nonviolent conflict-resolution skills.

Action Items for Adults Concerned About Teens⁹

In addition to the school-based interventions that focus on teens, it is important to note that prevention and intervention strategies are more effective if they include multiple stakeholders, including parents, educators, and the community. This helps to ensure that the environment in which the teen lives is not tolerant of dating violence and that multiple influences on dating behavior are addressed to promote healthy relationships. Those stakeholders should:

- Understand the issues related to teen dating violence and learn how to recognize behaviors that are associated with teen dating violence.
- Talk about teen dating violence with children and teens before they begin dating. Teens will not typically volunteer information about dating violence, but if they are asked about it they tend to disclose. In these conversations:
 - Define teen dating violence.
 - Explain how to recognize violent, controlling, and concerning behaviors.
 - Encourage teens to report dating violence. Many teens find it unacceptable to report on relationships between two other teens, and may be reluctant to do so.
 - Encourage teens to stand up for their peers if they witness problems and give them other resources for helping their peers.
 - Encourage schools and communities to educate teens, parents, and teachers about teen dating violence and to participate in prevention efforts.
 - Help teens learn to deal with challenging emotions such as anger, jealousy, and rejection.
 - Model the behavior you would like to see teens adopt.
 - Promote a sense of community.

What to do if you learn a teen has been the victim of teen dating violence

- Perhaps one of the most important things that a parent, educator, or community member can do when dating violence is disclosed is to listen to the teen and to communicate that you believe him or her.
- Understand that the teen may not feel comfortable talking about the situation with you. If that is the case, find another trusted adult with whom the teen is comfortable speaking.

- It is important to recognize that the teen may provide details about a particular incident that may be uncomfortable for you to hear. Try to take a nonjudgmental stance and focus your attention on working to resolve the issue at hand.
- Contact local agencies that specialize in relationship violence (see page 17) or law enforcement, if necessary. If someone has threatened to hurt the teen or himself or herself, has a weapon, or has hurt animals or pets, these are indicators that the situation is serious and that law enforcement should be involved.
- Allow the teen as much decision-making power as is reasonable. Your job is to keep the teen safe, but providing the teen a sense of control over the situation is also good.
- If the teen decides to end the abusive relationship, be supportive, and work with a trained professional to create a safety plan to follow after the breakup. Make sure that parents, teachers, and friends are aware of the safety plan as well.
- If a teen has been victimized through electronic communication, suggested interventions include changing the teen's phone number or changing cell phone carriers, deleting social networking site profiles, blocking instant messaging sites, and changing screen names.

What to do if you learn a teen has been abusive in a relationship

Talk to the teen and acknowledge that you have noticed abusive behaviors. This can be a teachable moment, so be sure to describe the specific behaviors you believe are inappropriate.

- If you are not the teen's parent, alert the parent(s) to the problematic behavior.
- Use community resources to get the teen help. These can include mental health resources, school-based resources, and help from the larger community.
- Support the teen as he or she learns to behave in a more respectful and appropriate manner to others.
- You may have to make the difficult decision to call law enforcement. If the teen has threatened to hurt his or her partner or himself or herself, has a weapon, or has hurt animals or pets, these are indicators that the situation is serious and that law enforcement should be involved.

Action Items for Teen Friends

Teens are more likely to go to their friends for help with a violent relationship. If friends believe violence is acceptable, they may accidentally encourage this violent behavior. It is important to understand that if a friend is disclosing information on dating violence, this can be difficult information to share. It is also important that all teens work to prevent dating violence from occurring in the first place.

How to prevent dating violence:

- Expect respect from others and show them respect as well.
- Ask for or create school or community groups to address teen dating violence.
- Ask your school administrators to contact one of the agencies listed on page 9 to provide Teen Dating Violence Prevention Programs in your school.
- Educate people (including peers) about teen dating violence.

What to do if a friend tells you he or she is the victim of dating violence

- Listen attentively.
- Believe what your friend is telling you.
- Encourage your friend to report the violence to an adult.
- Seek out advice in helping your friend from organizations that deal with teen dating violence.
- Be prepared to tell an adult whom you trust about the violence.

HANDOUT: Six Things Teens Want You to Know About Relationships:

1. Space is Healthy. Healthy relationships . . .

- Include plenty of time for you to hang out with other friends and family.
- Feel safe and comfortable, and let you “be yourself.”
- Honor boundaries and privacy, and involve fair, balanced decision-making.
- Favor *asking* over *telling*, requests over demands, “*Would you?*” over “*You must!*”

2. Words Leave Bruises Too. Relationship abuse is not just physical and can include:

- Put-downs and insults, and threats to hurt you or themselves.
- Extreme jealousy and possessiveness, online stalking, harassing texts.
- Manipulation and isolation, cutting you off from friends and family.
- Pressure to have sex, do drugs or do other things you don’t want to do (**LIKE SEXTING**).

3. Know What’s Going On. Signs of abuse in both men and women can include:

- Feeling afraid or like you are “walking on eggshells” trying to avoid an outburst.
- Your partner treating you as if they’re your parent, making rules or ordering you around.
- Feeling blamed or judged; feeling humiliated and like you have to make excuses.
- Your partner being overprotective and claiming it is because he or she loves you.

4. It’ll Happen Again. Abusive relationships often follow a destructive cycle:

- A “blow up” occurs when an abuser exerts control physically, emotionally or sexually.
- The abuser then apologizes, often blaming the victim or begging forgiveness.
- “*You made me so angry. . . take me back . . . I love you . . . It’ll never happen again.*”
- But it does happen again and often gets worse.
- This cycle, along with fear and embarrassment, can make it hard to reach out for help.

5. Quit Being Quiet. Talking can be the first step away from abuse and toward change:

- Talk to a counselor, doctor or someone you trust.
- Ask a friend “How’s it going?” and really listen. Support your friend by saying, “Thank you for telling me,” “This is not your fault,” and “I’m here for you if you need to talk.”
- Avoid judging, blaming or scolding.

6. Have Their Back. Support friends and family:

- Speak out if you witness abuse. Call 911 if in danger.
- Educate friends about unhealthy relationships and the many free and confidential resources available for help.

Special Thanks to the Retreat Teen Leadership Project for creating this handout.

Teen Relationship Abuse, Prevention, and Other Resources:

Guidance Counselors, Social Workers, and School Psychologists can be a good place to start to help you assess a situation and see if further support is needed. In addition, the following agencies provide services including hotline services, assessments, counseling, safety planning, legal advocacy, education and/or shelter.

- **Brighter Tomorrows:**
 - Hotline: 631-395-1800 Website: www.brightertomorrowgli.org
 - Offices in Shirley
- **Crime Victims Center**
 - Hotline: 631-332-9234 Website: www.thecrimevictimscenter.org
 - Offices in Ronkonkoma and Patchogue
- **L. I. Against Domestic Violence:**
 - Hotline: 631-666-8833 Website: www.liadv.org
 - Offices in Central Islip
- **Long Island Gay and Lesbian Youth (LIGALY)**
 - Phone – 631-665-2300 Website – www.lgbtnetwork.org
 - Offices in Sag Harbor and Bay Shore
- **Suffolk County Office of Women’s Services/Youth Bureau**
 - Helpline: (631) 853-8222
 - Website: www.suffolkcountyny.gov/Departments/CountyExecutive/WomensServices.aspx
- **The Retreat, Domestic Violence Services:**
 - Hotline: 631-329-2200 Website: www.theretreatinc.org
 - Offices in East Hampton, Southampton and Riverhead
- **Sepa Mujer** (631) 650-2307 (Not 24 Hours)
- **Victims Information Bureau of Suffolk (VIBS):**
 - Hotline: 631-360-3606 Website: www.vibs.org
 - Offices in Islandia

National Teen Dating Violence Hotline--Love Is Respect: Hotline: 1-866-331-9474
Text Chat: “LOVEIS” to 22522 www.loveisrespect.org

National Teen Crisis Text Line: Text Chat: “GO” to 741-741 Website: www.crisistextline.org

Sexual Assault Nurse Examiner (SANE) Centers provide the services of registered nurses who have advanced education in the sensitive treatment and clinical preparation during forensic examination of sexual assault victims. Contact VIBS at the above number for further information on SANE Centers and their Emergency Room Companion Program.

Planned Parenthood: Reproductive health services available confidentially to teens. www.plannedparenthood.org
631-361-7526. 70 Maple Avenue, Smithtown, NY 11787.

Police: Call 911 if you experience, witness or are threatened with physical or sexual violence.

A Victim of Domestic Violence May Obtain an Order of Protection in Suffolk County from Criminal Court and Family Court:

There are two types of orders of protection: a Family Court Order of Protection and a Criminal Court Order of Protection:

1. Criminal Court order of protection

- A criminal court order of protection provides protection for alleged victims of crime and/or witnesses to crime where a criminal charge has been filed by police against a defendant.

2. Family Court order of protection

- An alleged victim does not need a police report or a criminal charge to obtain an order of protection in Family Court.
- This is a civil order that provides protection for the alleged victim from someone who commits a family offense against the alleged victim AND who is someone to whom the alleged victim is/was married, someone to whom the alleged victim is related by blood or marriage, someone with whom the alleged victim has a child in common, or someone with whom the alleged victim has/had an intimate relationship. In determining whether a relationship is/was intimate, the court may consider factors which include, but are not limited to: the nature and type of relationship regardless of whether the relationship is/was sexual in nature; the frequency of interaction between the person; and the duration of the relationship.

An alleged victim of a family offense can go to Family Court in Central Islip or Riverhead to apply for an order of protection. The family offenses are listed on pages 21 and 22. There is no cost to file for an order of protection.

- In Family Court, the person who requests the order of protection is called “the petitioner.” The person against whom the order is requested is called “the respondent.”

What information is needed for Family Court?

- The names, addresses, contact information and dates of birth of the parties.
- A description of the facts.
- The approximate dates the acts were committed.

What additional information may be helpful?

- Police reports or domestic violence incident reports and witnesses, if any.
- Does the respondent possess a weapon? If yes, what type?
 - This is important because the court may require that the respondent surrender any and all handguns, pistols, revolvers, rifles, shotguns, and other firearms owned or possessed.

It would be helpful to know or have the respondent's:

- Photograph
- Full Name and Date of Birth
- Address
- Home Phone Number
- Cell Phone and Work Number
- Vehicle Make, Type, Year, Plate, Color
- Employer Name and Address
- Race, Ethnicity
- Height, Weight, Hair, Eye Color
- Tattoos/Other Distinguishing Features

How long is a permanent order of protection?

- In Family Court, a final order of protection may last one to five years, depending on the facts of your specific case.

What does “refrain from” mean in an order of protection?

- “Refrain from” means that the respondent must not do certain acts or behaviors.

What does “stay away” mean in an order of protection?

- A “stay away” condition may direct the respondent to stay away from the petitioner and/or the petitioner’s home, school and/or place of employment. It may order the respondent to stay away from the child/children of one or both parties.

When does the order take effect?

- As soon as the respondent has been served with the order.

When does an order of protection get served on the respondent?

- A deputy from the Sheriff’s office will serve the order as soon as possible, day or night. The deputy will attempt to serve the order of protection at the respondent’s home or place of business, or any valid address provided by the petitioner. The sheriff will continue to make attempts to serve the order of protection, but if the respondent avoids being served the order cannot be enforced.

If the judge issues a “stay away” and the respondent and petitioner live in the same place, how soon must the respondent leave?

- As soon as the respondent has been served with the order. The respondent will be permitted to retrieve personal belongings, with the aid of the Sheriff or Police, and may be escorted from the home.

What if there is no “stay away” provision?

- The respondent may continue to be with the petitioner. If the parties have been living together they may continue to do so.

What if the respondent disobeys the order of protection?

- If the respondent violates the order of protection, the police must be contacted by calling 911. If it is determined by the police that the order of protection was violated there will be an arrest. If there is an arrest for a violation of the Family Court order of protection, the respondent will be charged with Criminal Contempt, a crime. In addition, the victim may be issued an order of protection by the criminal court judge. The District Attorney’s office can provide copies of the criminal court order of protection.
- If the respondent violates a Family Court order of protection, the victim may also file a violation petition in Family Court. The violation petition and a summons must be served upon the respondent, or the court may issue a warrant for the respondent’s arrest. The Family Court will hold a hearing to determine whether the respondent disobeyed the order of protection and to determine what action should be taken against the respondent. The Probation Department may be asked to investigate and make a recommendation to the court. The judge may order a period of incarceration for up to 6 months, or a change in the conditions in the order of protection (such as an extension of the order for

longer than the initial time period). The respondent may be ordered to pay the petitioner's attorney fees for the violation case.

Will an order of protection guarantee a person's safety?

An order of protection **cannot guarantee safety** and it is important that the victim of domestic violence consistently contact police if the order is violated and have a safety plan. If the respondent violates (does not obey) the order, here are some things that can happen to help keep victims safer:

- If there is a determination that the respondent has violated the Family Court order, the respondent can go to jail .
- The respondent can be charged with a more serious crime such as criminal contempt and could be prosecuted by the DA.
- The respondent can have weapons taken away.
- A more restrictive and/or longer lasting order may be issued.

Suffolk County Agencies that provide these services with Hotline contact numbers are:
(Hablamos Español):

- Brighter Tomorrows (631) 395-3116/(631) 395-1800
- Crime Victims Center (Centro De Victimas De Crimen) (631) 689-2672/(631) 332-9234
- L.I. Against Domestic Violence (631) 666-7181/(631) 666-8833
- The Retreat (631) 329-4398/(631) 329-2200
- Sepa Mujer (631) 650-2307 (Not 24 Hours)
- VIBS Family Violence and Rape Crisis Center (631) 360-3730/(631) 360-3606
- Suffolk County Police Domestic Violence and Elder Abuse (631) 854-7520
- **In Case of Emergency DIAL 911**

If the domestic violence victim is unrepresented:

For legal forms, information, legal research and legal referral resources he or she should contact:

Nassau Suffolk Law Services: (631) 232-2400
The Law Library Resource Program for the Public (LLRP): (631) 853-6064

The *Crime Victims Center* provides free U VISA application assistance for eligible victims of violent crime: (631) 689-2672

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Domestic Violence Victims Need to be Encouraged to Have a Safety Plan in place which would include packing a bag (which can be easily accessed and transported) with the following:

- Essentials for themselves and their children, including clothing and any medications
- Copies of any court orders granting custody, visitation, protection or support
- Birth certificates, school records and immunizations, medical records, address books, social security cards, driver's license, marriage license or divorce papers, insurance information
- Social services and/or Medicaid documentation if applicable
- Passports or green cards
- Important phone numbers to contact in an emergency
- House and car keys, and vehicle registration and insurance
- Money, bankbooks, checkbooks, credit cards, financial records

If any one or a combination of the following family offenses were committed, a victim of domestic violence may be eligible for an order of protection (temporary/permanent). The following summaries of the family offenses will assist you in providing valuable information to an individual that you believe may be a victim of domestic violence.

The FAMILY OFFENSES are:

Disorderly Conduct- intentionally causing public inconvenience, annoyance or alarm.

Harassment 1st Degree- intentionally and repeatedly harassing another person by following in or about a public place or by engaging in a course of conduct by repeatedly committing acts that place such person in reasonable fear of physical injury.

Harassment 2nd Degree- intentionally striking, shoving, kicking or subjecting another person to physical contact or threatening to do same or follows someone around in a public place.

Assault 2nd Degree- intentionally causing serious physical injury to another person or a third person or intentionally causing physical injury with a deadly weapon or dangerous instrument.

Assault 3rd Degree- intentionally or recklessly causing physical injury to another person.

Criminal Mischief- recklessly and/or intentionally damaging the property of another exceeding the amount of two hundred and fifty dollars or preventing a person from communicating a request for emergency assistance.

Sexual Abuse 2nd Degree- subjecting another person to sexual contact when such other person is incapable to consent by some factor other than being less than 17 years old.

Sexual Abuse 3rd Degree- subjecting another person to sexual contact when such other person is incapable to consent by reason of being less than 17 years old and such other person is more than 14 years old and the defendant was less than 5 years older than such other person.

Menacing 2nd Degree- intentionally placing or attempting to place another person in reasonable fear of physical injury or death by displaying a deadly weapon or dangerous instrument. Repeatedly following a person or engaging in a course of conduct or repeatedly committing acts over a period of time intentionally placing or attempting to place another person in reasonable fear of physical injury or death. Violating a duly served order of protection.

Menacing 3rd Degree- intentionally placing or attempting to place another person in fear of death, imminent serious physical injury or physical injury.

Reckless Endangerment- Recklessly engaging in conduct which creates a substantial risk of serious physical injury or a grave risk of death to another person.

Stalking- occurs when anyone repeatedly causes you to fear for your safety. It requires a pattern of repeated acts, for no legitimate purpose, and they do not have to be criminal offenses. It is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business and the respondent was previously clearly informed to cease that conduct.

Attempted Assault- attempting to cause physical injury to another person.

Sexual Misconduct- engaging in sexual intercourse or oral sexual contact with another person without such person's consent.

Forcible Touching- intentionally and for no legitimate purpose, forcibly touching the sexual or other intimate parts of another person.

Strangulation 1st Degree – when someone commits the crime of criminal obstruction of breathing or blood circulation and causes serious physical injury.

Strangulation 2nd Degree - when someone commits the crime of criminal obstruction of breathing or blood circulation and causes stupor, loss of consciousness for any period of time, or any other physical injury or impairment.

Criminal Obstruction of Breathing or Blood Circulation - when, with intent to impede the normal breathing or circulation of the blood of another person, he or she: applies pressure on the throat or neck of such person; or blocks the nose or mouth of such person.

Identity Theft 1st Degree- when someone uses another person's personal identification information, such as credit card number or social security number, to obtain something of value and that something is worth more than two thousand dollars, or uses another person's personal information to cause financial loss to that person of more than two thousand dollars.

Identity Theft 2nd Degree- when someone uses another person's personal identification information, such as credit card number or social security number, to obtain something of value and that something is worth more than five hundred dollars, or uses another person's personal information to cause financial loss to that person of more than five hundred dollars.

Identity Theft 3rd Degree- when someone uses another person's personal identification information, such as a credit card number or social security number, to obtain something of value.

Grand Larceny 3rd Degree- when a person steals property and when the property exceeds three thousand dollars or is obtained by extortion or instilling fear in the victim.

Grand Larceny 4th Degree- when a person steals property and the property exceeds one thousand dollars or is an official document, secret scientific material, a credit card, a firearm, a vehicle, an item of religious significance, an item obtained through extortion or is any item taken from another person

Coercion 2nd Degree- When someone compels another person to engage in activity that they do not wish to engage in out of fear that the first person will cause physical injury, damage property, or make them commit a criminal act.

¹ U.S. Centers for Disease Control and Prevention. Injury Prevention & Control : Division of Violence Prevention, Teen Dating Violence. Available online at http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html. Last visited August 16, 2015.

² U.S. Department of Education, Homeroom. Available online at: <http://www.ed.gov/blog/2014/04/teen-dating-violence-and-sexual-assault-in-schools-resources-and-a-call-to-action/>. Last visited August 18, 2015.

³ National Institute of Justice, Prevalence of Teen Dating Violence. Available online at: <http://www.nij.gov/topics/crime/intimate-partner-violence/teen-dating-violence/pages/prevalence.aspx> Last visited November 24, 2015.

⁴ Cutter-Wilson, E., Richmond, T. Understanding Teen Dating Violence: Practical screening and intervention strategies for pediatric and adolescent healthcare providers. *Curr Opin Pediatr*. 2011 Aug; 23(4): 379–383.

⁵ Exner-Cortens, D., Eckenrode, J. and Rothman, E.. Longitudinal Associations Between Teen Dating Violence Victimization and Adverse Health Outcomes (2012). *American Academy of Pediatrics*, Available online at <http://pediatrics.aappublications.org/content/pediatrics/early/2012/12/05/peds.2012-1029.full.pdf>

⁶ Payne, K., Ward, T., Miller, A., Vasquez, K. Teen Dating Violence: A Resource and Prevention Tool Kit. Alverno College Research Center for Women and Girls Available online at: <https://www.alverno.edu/media/alvernocollege/rcwg/pdfs/TeenDatingToolkit.pdf>. Last visited November 19, 2015.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.