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Outing Jane Doe

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When a woman takes her children and what she can carry and leaves home for the safety of a domestic violence shelter, she is at that moment at the mercy of others. Perhaps she knows a restraining order will not stop her partner. It's a desperate step. A last resort. When she arrives, she is told one important thing: that no one will know she is there.

But with new government guidelines handed down from a federal agency, someone will know. That someone is the government – and anyone else who can hack into their system.

These new guidelines from the U.S. Department of Housing and Urban Development (HUD) came from a 2001 direction from Congress, intended to get a better grasp on the nature and extent of the nation's homeless, so that the government may better serve their needs and make better use of scant federal dollars.

HUD has now directed each region or shelter consortium to create Home Management Information Systems, or HMIS. These are databases full of information on those who utilize homeless assistance programs. But HUD left out one thing: how to go about doing it.

Staff at local domestic violence shelters recognize the need for the data and understand why families in flight are among the numbers HUD would like to collect. They don't, however, understand the way HUD wants to go about collecting the information, requesting it be client specific – something they feel puts their clients at risk.

Domestic violence worry about cyber stalkers who might purchase software off the Internet to hack the database or pray upon the vulnerability of a nonprofit that cannot afford fancy protective software.

They fear that no firewall can fully protect, and that if someone really wants to know, they will find a way to hack the system or pay someone who does.

Oct. 1 was the deadline for compliance. It also marked the beginning of Domestic Abuse Awareness Month.

Suzanne Dubus, director of Newburyport's Women's Crisis Center, says, the issue is creating a "groundswell of unhappiness" in the domestic violence awareness community.

The abuse numbers locally give them good reason for concern. The small town of Amesbury, for example, has seen nearly one fatal domestic incident a year since 1999 (see related story).

Domestic violence workers want to refer someone to a shelter without having to worry if they are setting someone up for a breach of confidentiality.

“To work in this system, you have to believe this system has integrity and is credible and you have to believe everyone is on the same page about wanting to empower women,” says Dubus. “It can be very demoralizing for an advocate who is working their tail off to get someone in a safe place. If a victim is reading the newspaper and they see there are issues, it could be one other reason to actually keep them where they are and kind of take away the confidence they have in the system. It may prevent any movement whatsoever.”

The Women’s Crisis Center mainly offers community-based services, such as counseling and legal aid, but it also has a safe home for one or two families who stay for two weeks as a “respite,” giving them a chance to figure out what their next move will be.

“It’s not easy,” says Dubus. “The shelters are full. It might get a lot easier if battered women stop going to them though. It’s a lesser of two evils. There’s that great quote from Plato: ‘What is honored in a country will be cultivated there.’ We live in a country that so frequently talks about women and children and the importance of keeping them healthy and safe, but have rules from the administration that jeopardize this.”

Invaluable anonymity

Though many shelters already collect some data and report it to those government agencies who request it in vague, collective numbers, they read these guidelines to mean they must collect each victim’s name, Social Security number, date of birth, race, ethnicity, last permanent address and other identifying details.

HAWC Director Candace Waldron says so far her organization has not complied, but merely has gone about gathering the same information they always have for their records, which doesn’t even include a victim’s last name. It’s all information required by her organization’s funders and it cannot be traced to an individual.

“We collect no Social Security numbers, we keep no last names. We keep no files,” she says.

About 85 women and children a year pass through the doors of HAWC’s shelter. Another estimated 2,600 are helped by their other services, such as counselors, legal advocates and support groups.

Waldron estimates the organization’s annual funding from HUD is \$100,000. Her organization is holding off on how they will proceed.

“I think there has to be some compromise to keep women safe,” she says. “Data should never take precedence over human life. That’s absurd. We’re not saying we don’t want to participate in that endeavor. We just want to do it in a way that protects confidentiality and is uniform across the country.”

For more than 30 years, privacy has been the paramount issue that shelters want to protect and have protected, says Layla D’Emilia-Shepherd, senior policy analyst at Jane Doe, Inc. in Boston, the Massachusetts Coalition Against Sexual Assault and Domestic Abuse.

“Batterers are very smart, they do whatever they can to get the information, and that’s our point,” D’Emilia-Shepherd says. “We don’t want to make it easier for them.”

Perpetrators of domestic violence use any available resources to locate their victim, she says. Disclosure of the type of information HMIS Standards is requesting, such as immigration information, where the victim slept the night before and their program entry date, places the victim at risk for further battering and stalking.

“When you are living on the street and need a place to stay, you are going to comply with what’s asked of you,” says Waldron. “They come seeking safety. They come because they have no other option. For battered women, it’s a last resort. You aren’t going to be aware of some tracking system.”

Which is why those who work for victims of domestic violence might feel even worse, putting the victims right into a place that could do them more harm.

“I think it’s more of an issue for us in the field. It’s hard for me to imagine a battered woman is thinking about this because of her need to find safety. She might, however, regret not knowing,” says Waldron. “We could all be morally and legally liable if something happens.”

Last Friday, following pressure from advocacy groups, HUD came down with a clarification, that names and Social Security numbers, all personal identifying information, could be kept secret by individual shelters.

But domestic violence providers say HUD doesn’t comprehend the level of risk involved and that even a date of birth – something still expected for their records – is identifying.

“We are happy that HUD is happy to accommodate victim safety,” says Cindy Southworth of the National Network to End Domestic Violence. “But their clarification shows that they are still missing the mark. It really comes down to the promise to victims that we make when they come to our doors that we will tell no one that they are there or that they’ve been there.”

On Oct. 5, Jane Doe Inc. submitted a legal opinion to HUD, letting them know what they think of the agency’s change of heart from July 2003 when domestic violence shelters were not required to participate in HMIS Standards, to suddenly sending a final notice this past July that these shelters need to comply and must do so by Oct. 1.

The Women's Crisis Center in Newburyport is a member organization of Jane Doe Inc. and therefore learns about each twist and turn of the struggle from the Boston coalition.

Programs receiving McKinney-Vento funds, which come from HUD, are obligated to collect this information as a condition of funding, says the coalition. However, the HMIS Standards also require organizations to follow local, state and national confidentiality laws – something D'Emilia-Shepherd says is impossible to do at the same time.

This collection of client level data presents a conflict between a Federal Regulation and Massachusetts law for domestic violence service providers, since under Mass law, communication between a domestic violence counselor and victim is confidential.

HUD spokesman Brian Sullivan says the laws in Massachusetts and Pennsylvania, states with strong confidentiality provisions who have fought this, will ultimately prevail.

“If local domestic violence shelters believe state law prohibits them from reporting this data, then we simply ask they get a ruling from the appropriate state entity,” he says.

But again, the domestic violence advocates don't want to seek permission to jeopardize the confidentiality of their clients.

D'Emilia-Shepherd says she has even heard HUD request clients sign a waiver to release their information.

“You're asking someone in crisis, who is trying to get away from their batterer, who is scared for their life to give up their confidentiality,” she says. “For what? For data? For research?”

HUD has pointed to certain states where they say the HMIS system is working, but D'Emilia-Shepherd says she doesn't want to risk any lives to find out.

“Does someone have to die for us to learn how this system works?” she asks.

One domestic violence shelter in Chicago reported losing its HUD funding as a result of the director's refusal to comply. But from his Washington D.C. office, Sullivan says HUD will not pull funds for non-compliance.

“We never said pay or play,” he insists.

Still, HUD hopes that many of the shelters and homeless assistance providers in Essex County will participate, simply because Congress directed his agency to undertake this endeavor, says Sullivan, so that unduplicated counts of homelessness can be determined at the national and local level.

The way the homeless are counted today is not satisfactory, says Sullivan, and does not reflect a community's true need for HUD funding. Rather, communities conduct “head counts” of their homeless population when seeking HUD funding. These one-day, “point-in-time snapshots” tend

to over-represent certain homeless people, while under-representing others. The conventional tracking methods are also vulnerable to seasonal fluctuations in homeless service use.

“If Essex County knew for example, that the lion share of their homeless population were families, then when they submit a funding request from HUD they would identify family based as their priority and the money would go where it is needed.” he says.

Going mainstream

Geri Door, president and CEO of the Newburyport-based organization Turning Point, doesn't think the new guidelines spell the end of safety for shelters. The 30-year social services veteran says she has some experience with reporting data and it hasn't been detrimental.

“We're always concerned about giving information out. But the people who have taken it have used it wisely or been diligent,” Door says.

Her organization runs the Main Stream Housing program, funded by HUD and the Division of Family Services. The program helps women who are completing a two-and-a-half-year cycle – who have been living in a shelter, are reuniting with their children, dealing with a history of substance abuse and integrating into one of the organization's 10 apartments.

“I think if it's a federal guideline or ruling that is coming down, we have to look at it,” says Dorr. “I appreciate what is happening at the federal government and know there are so many dollars coming down, so we have to work together and figure out the way to package it so that everyone is protected.”

But Jeanne Settupane, coordinator of the Division of Family Services in Newburyport, a division of Turning Point, says she's as worked up over this as many other advocates.

“This is a great way for batterers to be able to track down their partners and their children,” Settupane says. “It's disturbing.”

Her program, which also runs a shelter in Amesbury, has been collecting information from those who come into the program. It's kept for their records only and not shared with anyone. She is angry that the precious details of these people's lives, so carefully held close for years, will now be aired for the government.

“We have not, to date, entered this information into a sharing data base,” she says. “The intent was to share resources to have an accurate count, but there are better ways to do it than this. There are safer ways to do it than this. I would like to think they are not knowing how dangerous it can be.”

Since the women in the Main Streams program are housed in apartments, they aren't even as hidden away as at a shelter, she says.

“This is a small town. Something that would go unnoticed in a big city would stand in a town like Newburyport. I’ve been told it really doesn’t take a rocket scientist to get this information,” Settignano says.

Whether the staff will comply will be up to the agency and to its board of directors, she says.

Turning Point is part of the Peabody-based North Shore H.O.M.E. Consortium. Settignano was hoping HUD’s guidelines would be discussed this week at the consortium’s monthly meeting, but Kevin Hurley, the consortium director, said it was not on the agenda.

Hurley is responsible for creating an HMIS, compatible with the federal system that will include the newly requested data. Those who are members of his consortium will be expected to send their collected data to his consortium.

“I do understand that there is a lot of concern and I’m not sure how convinced I should be from the management system providers that it’s going to be perfectly secure,” he says. “This is just too crucial to be anything other than incredibly careful about it.”

From his office in Peabody City Hall, Hurley says he’s not convinced the data will provide useful information about the homeless. He is, however, quite sure of the need for confidentiality.

“From this office, we will only need to see and only want to see aggregate numbers or even any encoded information from anyone else. I can’t imagine wanting to see anyone’s name. We’re looking to have an arm’s length participation in this process,” he says. “We’ll put the information in and we will not be looking for information we do not need to see.”

Hurley praised HUD for its response to confidentiality concerns when it agreed last week to exclude client names and Social Security numbers from its list of required information.

“HUD says you need to report to us the total numbers. HUD does change its mind from time to time, but that’s pretty much the clear message,” he said.

Whether the message is clear, there are many who don’t like it.

“I find it ironic that during Domestic Violence Awareness Month HUD would come out with a way for stalkers to find their victims,” says National Network’s Southworth. “That’s not the kind of awareness we’re trying to promote.”

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