IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT CHARLESTON

THE WEST VIRGINIA COALITION AGAINST DOMESTIC VIOLENCE, INC., Plaintiff,)	
v.)	Civil Action No: 2:19-cv-00434
PATRICK J. MORRISEY, in his official capacity as Attorney General for the State of West Virginia, Defendant.)	
Defendant.)	

- 1. I am the Executive Director of
- Virginia Coalition Against Domestic Violence (WVCADV). I have worked at Program C since 2012, and have been its Executive Director since 2017. As Executive Director of Program C, I oversee all aspects of our shelter, maintain our program and facility licenses and compliance, write and oversee our grant funding, develop programming, manage staff, develop and conduct our training programs, and provide technical assistance to other stakeholders on domestic violence, sexual violence, and human trafficking, among other duties. This declaration is based on my personal knowledge, and if called as a witness, I could competently testify to the matters set forth herein.
- 2. Program C is a non-profit, community-based agency that operates a 16-bed shelter and three outreach offices in West Virginia. Our program provides victims of domestic violence, sexual violence, stalking, and human trafficking a variety of services including comprehensive

case management, safety planning, emergency shelter, individual counseling, support groups, legal advocacy, assistance obtaining domestic violence protection and personal safety orders, accompaniment to court hearings and medical appointments, and help accessing housing, employment, and other services.

- 3. Program C owns its shelter building and maintains and controls the adjacent parking lot, which is mainly used by shelter residents. Shelter staff regularly shovels snow from this parking lot, and tells people to leave the parking lot if they are not permitted to be there.
- 4. As reflected by our vision statement, Program C was founded on the belief that every person has the right to be safe, empowered, and free from violence and the fear of violence. Program C's mission is to protect victims, prevent violence and empower survivors of domestic violence, sexual assault, stalking, and human trafficking. We do this by providing victims and survivors the resources necessary to effectively cope with the personal, social, emotional, and legal ramifications of victimization. A true and correct copy of Program C's vision, mission statement, strategic goals, and diversity values statement are attached as Exhibit 1.
- 5. Firearms pose a particular danger to the safety of domestic-violence victims and the programs that shelter and serve them. I have witnessed victims be deterred from seeking services at Program C because of firearm-related threats that their abusers have made to them and to our staff. In a recent example, a client's abuser threatened to shoot up our outreach offices if he was not told where his victim was. He often drove by the outreach office, which was terrifying to his victim because she knew that he kept a firearm in his glove compartment. In another recent example, an abuser who was in jail for pulling a gun on his victim during a domestic violence assault plotted with his cellmate to get friends to harass his victim. The friends did this by leaving threatening notes and bullets on her porch, and on one occasion by texting the victim that when

she left Program C's outreach office, he was going to "light [her] up"—meaning, shoot her. In response, our staff had to hustle her out the back door to conceal her exit. To this day, neither victim has returned to our offices for services, out of fear for their personal safety and out of a desire not to endanger Program C's staff.

- 6. To protect the safety of our clients and staff, Program C does not permit clients to bring weapons of any kind (including firearms) onto shelter property. Every incoming shelter resident is given a shelter participant handbook during intake that explains that residents have a right to a weapon-free environment and have the responsibility not to bring weapons onto shelter property. A true and correct copy of an excerpt of Program C's Shelter Participant Handbook is attached as Exhibit 2.
- 7. At intake, our staff also ask every incoming shelter resident whether they have a weapon—of any kind—with them, in their belongings, or in their car. This is a basic safety precaution we take in order to protect our shelter's residents and staff. We do the same thing for other contraband like prescription medications: we ask about these to make sure they are properly stored under lock and key.
- 8. Around once or twice a year, our staff learn that a client has a weapon on shelter property. Sometimes, that weapon is a firearm; other times it is a knife. Shelter staff recently came to suspect that a resident had a knife in the shelter. They asked her about the weapon, and she confirmed that she had an eight to ten inch serrated hunting knife in her purse, at which point they told her to take it off property and give it to a friend.
- 9. The Parking Lot Amendments have left Program C unsure of whether we can follow-up about a gun in a resident's car the way we can about knives, pepper spray, and prescriptions. When our staff has had to deal with residents potentially having firearms in the past,

they could ask questions to find out whether there was really a gun in someone's car, and then could ask them to immediately take it off property, just as they could for a knife. But if this were to happen again tomorrow, it is not clear whether our staff could do either of these things without risking liability, even though Program C wants to take these steps in order to keep our shelter safe.

- 10. Program C staff, volunteers, and interns are also prohibited from bringing weapons of any kind onto Program C property. This policy is set forth in our Policy and Procedure Manual; excerpts of the current Policy and Procedure Manual are attached as Exhibit 3. The policy manual explains that firearms and weapons are prohibited on Program C property, and that staff who possess a firearm or other weapon on Program C property can face discipline up to and including termination of employment.
- 11. Program C's shelter and the outreach offices have signs on their outsides that read "No firearms or weapons allowed on this property." At the shelter, one of these signs faces the shelter parking area, so that people parking in our lot know that firearms are prohibited there.
- 12. It is common for victims of domestic violence to want to arm themselves based on an imagined belief that this will help them protect themselves. In reality though, allowing firearms anywhere on Program C property creates a serious safety risk for all of our residents and staff. Unfortunately, I have never heard of a victim successfully defending themselves with a firearm. It is much more likely that an abuser will take the firearm from the victim and use it to hurt them or others nearby. This is especially true for weapons kept in a victim's car, which abusers often have the keys to because they are shared property. Keeping firearms off our property is one of the ways we protect our shelter from violence by abusers. It also protects the children who live at our shelter as well, by keeping them from finding an unsecured gun by accident in a parent's car.

- 13. Many victims of domestic violence have never felt safe in their lives, and their behavior in response to trauma and stress can be erratic and unpredictable. Living in a communal environment is stressful, and altercations between residents—or between residents and staff—are a fact of life. If a weapon is readily accessible, a minor incident can escalate into a serious danger in a heartbeat. To mitigate the risk of lethal violence, Program C does not allow firearms or weapons on its property, because it only takes one time for something horrible to happen, and it would be a disservice to the population that Program C serves if the organization did not do everything in its power to prevent that.
- 14. In addition, the presence of firearms would prevent Program C from creating the safe environment that we promise clients as part of our mission. Whether it's providing a safe place to live temporarily, or just an environment where clients feel secure enough to receive counseling, the core of Program C's mission is to provide a safe space for victims. Creating a safe space allows victims to open up to our trained staff and tell us what they really need from us. If we cannot provide a place where our clients feel both physically and emotionally secure, it is all but impossible for our program to provide them effective services. Navigating the difficulties of providing services during the current pandemic has highlighted the importance of having a physical safe space where clients do not have to worry about their abuser having access to them.
- 15. The Parking Lot Amendments interfere with Program C's ability to create a safe space for victims of domestic violence. It is not safe to have clients who have been affected by gun violence in an environment where firearms may be present. The change in the law means that Program C's staff must choose between doing their jobs safely and effectively, or putting our clients and staff in danger to avoid potential liability.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2021.

Executive Director, Program C

Vision Statement:

is founded on the vision and belief that every person has the right to be safe, empowered, and free from violence and the fear of violence. Central to this belief, seeks to eliminate domestic violence, sexual assault, stalking, dating violence and human trafficking. Additionally, the agency aims to reduce related social problems, such as child abuse, substance abuse, sexism, racism, and other forms of oppression.

Mission Statement:

mission is to protect victims, prevent violence and empower survivors of domestic violence, sexual assault, stalking, dating violence, and human trafficking. We accomplish this by providing victims and survivors the resources necessary to effectively cope with the personal, social, emotional and legal ramifications of victimization.

Strategic Goals:

- **CLIENT OUTCOMES:** Deliver quality crisis, advocacy services to ensure the safety of our clients and to help them achieve improved social emotional wellbeing.
- **EDUCATION & AWARENESS:** Educate the community about the incidence and causes of domestic violence and sexual assault, and increase awareness of the critical importance of the services we provide.
- **SUSTAINABILITY:** Increase and diversify financial, community support to sustain our mission.
- **STRATEGIC PARTNERSHIPS**: Continue to build relationships with public and private organizations to achieve greater impact.
- **ORGANIZATION CAPACITY:** Develop and strengthen the organization's capacity to fulfill our mission goals.

Diversity Value Statement

is committed to eliminating racism, homophobia, transphobia, sexism, ableism and all other forms of oppression. We understand that this is a limitless process, which requires ongoing openness, diligence and work. We believe that any form of oppression enables domestic violence, sexual assault, stalking, dating violence and human trafficking, and therefore efforts to end these victimizations must include an anti-oppression agenda.

SHELTER PARTICIPANT RIGHTS AND RESPONSIBILITIES HANDBOOK

Welcome to

shelter!

Our shelter exists to ensure your safety, provide support and services that promote healing and independence, and offer opportunities to establish healthy relationships. Your experience matters; we want your voice to be heard. As you read through this handbook, please do not hesitate to ask questions or make comments. We strive to offer every opportunity possible for you to make informed decisions and recognize your strengths.

mission is to protect victims, prevent violence, and empower survivors of domestic violence, sexual assault, stalking, dating violence, and human trafficking. We accomplish this by providing victims and survivors the resources necessary to effectively cope with the personal, social, emotional, and legal ramifications of victimization.

SHELTER PARTICIPANT RIGHTS AND RESPONSIBILITIES HANDBOOK While you are here, you are part of a community. We recognize the challenges that come with communal living; there is limited privacy and lots of strangers.

The following **rights and responsibilities** have been implemented to benefit all community members:

You have a right to be safe from verbal, physical, emotional, financial, spiritual, sexual, and mental violence.

You have a responsibility to refrain from threats, acts, or words of racism, homophobia, transphobia, ableism, sexism, bullying, intimidation, coercion, control, or harm to another participant or staff member.

You have a right to a reasonable amount of privacy.

You have a responsibility to respect the boundaries of other shelter participants and staff.

You have a right to confidentiality; staff will never release your information without your expressed, written consent, nor will staff

SHELTER PARTICIPANT RIGHTS AND RESPONSIBILITIES HANDBOOK discuss case management or other private details about a participant to another participant.

are federally mandated reporters, and are required by law to report child abuse, elder abuse, and the abuse of incapacitated adults that may be disclosed or witnessed.

Note about mandated reporting: All staff of

You have a responsibility to not reveal the location of the shelter or the identity of its participants; if a participant wishes to meet with family or friends, they must do so at a neutral location off shelter premises and away from the parking area.

You have the right to a drug, alcohol, and weapon-free environment.

You have a responsibility to keep all over the counter and prescription medications locked in the provided lockers and to not bring illicit substances, alcohol, and/or weapons (including: knives, firearms, swords, etc) onto shelter property (including parking lot).

You have the right to dignity and respect.

SHELTER PARTICIPANT RIGHTS AND RESPONSIBILITIES HANDBOOK

You have the responsibility to treat all members of the community and staff with dignity and respect.

You have the right to a clean and hygienic living environment.

You have the responsibility to complete assigned chores, clean up messes you make, and keep your bedroom clean and orderly.

You have the right to access nutritionally adequate food; provides meat, dairy, fresh fruits and vegetables, nuts, seeds, grains, snacks, etc. to all participants.

You have the responsibility to eat only food that provides or that you have bought yourself and to refrain from eating food other participants buy for themselves.

You have the right to participate fully in the creation of your case management goals and objectives during your stay at

You have the responsibility to work towards goals and objectives set with the case manager, utilizing the supports and resources available to you.

SHELTER PARTICIPANT RIGHTS AND RESPONSIBILITIES HANDBOOK

You have the right to request accommodations to ensure your ability to participate in all aspects of and its programs.

You have the responsibility to inform staff of any accommodations you may require.

You have the right to be informed of your human, civil, and legal rights, and to speak up if/when you feel those rights have been violated.

You have the responsibility to respect the human, civil, and legal rights of other shelter participants and staff.

You have the right to file a grievance if issues arise between staff, individuals, or families living at

You have the responsibility to inform staff if you feel that any staff member has breached policy, confidentiality, or has treated you unfairly.

Program Policies

Employee, Volunteer and Intern Policy and Procedure Manual

THIS MANUAL AND THE POLICIES CONTAINED HEREIN WERE LAST REVIEWED AND UPDATED February 2020 January 2019

EXECUTIVE DIRECTOR

PRESIDENT, BOARD OF DIRECTORS

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Drug and Alcohol Use Prohibited: No employee of shall unlawfully manufacture, distribute, dispense, possess or use a substance deemed an illegal drug or controlled dangerous substance under the laws of any state or the United States of America. No employee shall use alcohol within the workplace or use it outside of the workplace in any manner affecting the workplace, and no employee shall misuse a legal drug (i.e., in violation of its prescription or other applicable medical directions) in the workplace or outside the workplace in a manner affecting the workplace.

Any employee who violates that prohibition shall be deemed guilty of conduct detrimental to and shall be subject to appropriate disciplinary action, including, but not limited to termination. Compliance with the policy is a condition of employment by

POSSESSION OF FIREARMS AND WEAPONS

Firearms and weapons are prohibited on property.

CONFLICT RESOLUTION

Whenever a number of people work together, personal problems or differences will occasionally arise. Normally, these concerns can be resolved informally within each department. The first step toward a solution to a problem is a frank and early discussion with your immediate supervisor. You and your supervisor may also call upon the Executive Director for counsel and assistance.

wishes to resolve differences of opinion, disputes, or controversies concerning any aspect of services or the application of its policies or procedures and employment practices. The Executive Director shall be informed of situations that may become detrimental to good personnel relations.

Personnel with complaints or concerns are encouraged to communicate these verbally or in writing to their supervisors. The supervisor will endeavor to address the concerns or complaints.

If the issue cannot be resolved, the supervisor or person complaining notifies the Executive Director, or the President of the Board of Directors, stating the problem or action alleged and the date the supervisor was notified.

Allegations include but are not exclusive to discrimination, harassment, retaliation, internal theft, violence, unsafe acts, and all other forms of workplace wrongdoing.

No employee will be subjected to any type of retaliation or reprisal for filing a grievance and such grievances will be kept confidential to the extent practicable and otherwise consistent with policies.

RULES OF CONDUCT

In the interest of safety for all concerned, the following rules of conduct apply to all employees, volunteers and interns. Commission of any of the following offenses will result in discipline up to and including termination of employment. The following list is included for illustration only, and is not intended to be an exclusive statement of the grounds for discipline or discharge.

- 1. Possession of firearms or other weapons on premises
- 2. Possession of, or being under the influence of alcohol, drugs or other mind-altering substances while on premises, or in business
- 3. Falsification of the employee's activity record, including completing that of another employee or allowing another employee to complete one's own activity record
- 4. Failure to comply with safety standards
- 5. Fighting or other disorderly conduct on premises
- 6. Theft, stealing, or unauthorized use of funds, equipment, or property
- Insubordination, including failure to comply with a supervisor's direction and work assignments
- 8. Dishonestly, including falsification of employment application or other documents
- 9. Gambling on premises
- 10. Deliberate or intentional breach of confidentiality rules

Progressive Disciplinary Action

generally follows a progressive discipline policy when the nature of the infraction is not so serious as to require termination and the employee can reasonably be expected to improve satisfactorily as a result of the lesser discipline. However, reserves the right to take any action it deems prudent under the circumstances, in its sole judgement.

Progressive disciplinary actions may include, but are not limited to, any of the following four steps: (1) verbal counseling sessions; (2) letter of written; (3) suspension with or without pay, job reassignment, or final warning; and (4) termination of employment. There may be circumstances when one or more steps are bypassed. Certain types of employee problems may be serious enough or as problematic as to justify either a suspension, or, in extreme situations, termination of employment without going through the usual progressive discipline steps.

If an employee disagrees with the disciplinary action, the employee may take the necessary steps to appeal the supervisor's decision as outline in the Grievance Procedure section.

LEAVE POLICIES

JURY DUTY

In order for someone to be sheltered in our facility they must fall within the following criteria:

- 1. The client must report that they are a victim of domestic violence, sexual assault, stalking or human trafficking and perceive an immediate threat of harm or danger and/or
- 2. They are seeking services for their children with the same criteria

Policy Regarding Exit Interviews with Clients

will request the exit interviews be completed with all

adult clients who leave the shelter.

The shelter advocate will offer to complete a shelter exit interview form with adult clients who leave shelter. The completion of Exit Interview will be optional for the client, but all clients are to be encouraged to complete one.

If the client reports something significant — either positive or negative, this information should be shared immediately with the Shelter Manager and/or Executive Director.

<u>© Exit interview forms that are completed will be reviewed by the Shelter Manager and/or Executive Director to improve services to victims served in the shelter.</u>

Policy Regarding Follow-Up with Clients

<u>adheres to the following procedure in regard to follow-up</u> with clients who have stopped seeking services:

does not formally follow-up with clients who leave services for fear of jeopardizing client safety.

recognizes there may be friends or family members who may request staff contact the client for continued fear for the client. Again, the staff will not follow-up with the client but will encourage the family member or friend to contact the local law enforcement if they feel their concern rises to that level.

will encourage family and friends to have the victim again if they feel the client is in need of further services.

Policy Regarding Victims' Rights:

<u>Victims have the right to make their own decisions, to retain the responsibility of their children, and to be free from violent behavior.</u>

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These basis rights, along with the right to confidentiality, and the following shelter requirements will be posted inside the shelter. Additionally, all clients, as part of their intake paperwork into shelter, will sign and acknowledging that they have read and understand these rights and responsibilities:

No alcohol/drugs/weapons: For the safety of all community members, and to stay compliant with family protection service board regulations is an alcohol/drugs/weapon free community.

Mutual Respect: This is for people who have experienced interpersonal violence. The overall goal for the shelter is to create a safe space that promotes healing, empowerment, and independence. To create that safe space, residents must practice mutual respect and compromise.

© Confidentiality: Staff will never release your information without your expressed, written consent. In order to keep everyone safe, all residents are asked to protect the location of the shelter and the identity of residents. If you need to meet with friends and family, please meet at a location outside of the shelter or parking area.

Answering the front door: A 24 hours intercom and monitoring system managed by staff ensures the safety of everyone in shelter. In the event that staff are unable to answer the door, please do not answer the door for anyone.

Telephone: There is a telephone available downstairs in the laundry room and upstairs in the resident work space. In order to protect confidentiality, we will not confirm your residency, but we will leave a note on your door letting you know you have a message.

Household responsibilities: In order to keep the community functioning at its best, all residents participate in shared chores. A chore chart can be found on the refrigerator, and lists weekly and daily chores for residents.

2 Food: utilizes a standard grocery list, and stocks the kitchen with those items weekly. Food that is available to anyone is labeled Residents are encouraged to save their money and food stamps for future use. If food is purchases by resident, it must be clearly labeled with initials and date. Please store all food in the kitchen.

☑ Tobacco products: All tobacco or tobacco products must be utilized outside of the shelter. There is a designated area on the back porch.

Policy Regarding the Acknowledgement of Donors

In accordance with federal guidelines relating to status, donors donating \$250 in cash will receive a written acknowledgement from

501(c)(3)

All donors making a cash donation to the agency will receive a written acknowledgement of their donation.

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