
Public Hearing

before

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE

“Testimony on domestic violence training requirements, how the courts could be more supportive, the role of Hearing Officers in family court, and Domestic Violence Crisis Teams and working groups”

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: March 6, 1998
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Rose Marie Heck, Chairperson
Richard D. Pompelio, Vice-Chairperson
Assemblyman Nicholas Asselta
Assemblyman Kevin J. O’Toole
Assemblyman Neil M. Cohen
Assemblywoman Arline M. Friscia
Debra K. Donnelly
Mary K. White
Ellen Crowley
Elaine Meyerson
Francis X. Eib



ALSO PRESENT:

Miriam Bavati
Office of Legislative Services
Task Force Aide

Jeremy Hirsch
Assembly Majority
Task Force Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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ASSEMBLYWOMAN ROSE MARIE HECK (Chairwoman):

We're very, very pleased at the hearings that we've been holding and gathering much information that we believe will have a positive effect on the issue of domestic violence. And we're very privileged to have some really wonderful people here to testify today, and I must thank you for taking the time away from your regular work and your families to be here with us today. But know that everything you're doing is of importance to victims, and we will be working in a very proactive way to improve the lives of victims, and you will be part of that journey.

I'm going to ask Debra Cannella to come up first, the Assistant Prosecutor, Director of Domestic Violence Unit of the Essex County Prosecutor's Office.

DEBRA CANNELLA, ESQ.: Good morning.

ASSEMBLYWOMAN HECK: Good morning.

If you would just press that button -- when it turns red-- The one in front of you -- that will be your microphone. Press it until it turns red. Thank you.

Actually, you're going to give us an overview of what's happening in your county and what you feel are the positives and what you feel the needs are in your county.

MS. CANNELLA: Well, with respect to what's going on in Essex County, there's a lot of domestic violence going on. I'm sure you are all familiar with the State Police statistics. The good news is that, I believe, that law enforcement is providing a better response, as time goes by. I know that I've been spending more and more of my time training law enforcement

officers. There are certain responsibilities I have to train recruits. Beyond that, I've managed to get myself invited to different municipalities to conduct in-service training, and a list of police departments that have asked me to come and share my knowledge and my experience with them is growing. So that's good news. And I think that we're getting more compliance from police officers. I know that my beeper's been going off a lot more. Every time I do a training I give out my pager number, and I seem to be getting more popular as time goes by.

In the last few weeks, I've recently trained the Newark Police Department. I've never done that before. They finally invited me. I've been after them for three years. They finally invited me, and the training occurred on February 3. Since then, I've been getting an awful lot of calls from the Newark detectives. And the good thing is that they're in the field. This isn't after the fact. They're calling me from the field, "What do we do, what do you think, what's your advice?" And I'm really proud that I have gotten this response, and I'm able to share with them and guide them. Because after the paperwork is completed and the file comes to my desk days later or maybe a week later, it's kind of hard to fix things. I'd just as soon be there on the front lines with them. I can't be at every scene in a domestic violence. There's far too many for that. But to be contacted when they do have a question is very good for me, it's very good for the victims, and I think it's good for the system, too, because I can guide them in the right direction.

And I can tell you, too, that I've seen a noticeable change in the attitude of police officers. I believe that they're understanding more and more about what a victim of domestic violence is going through. And part of that,

I would like to thank the Division of Criminal Justice, because they're given us such wonderful training materials, more specifically, the *Dynamics of Domestic Violence*, which gets into the psychology of domestic violence. And I've taken that module -- the training module -- and I've shared that with many, many police officers. And I think that it gives the officers an opportunity to see what goes on inside the head of a domestic violence victim -- even to see what the batterer is thinking about. Because if the batterer was able to fool the police officers, it's not a good thing.

So that training module, I think, is very, very important because it shows the police officers an aspect of domestic violence that before there was a mystery. They always thought it was the same old story -- why does she stay, why does she let him beat her? You know, that's not the question, as you all know. Why does he do it? What's going on here? And I think that's one of the strongest tools I have in addition to the very strong laws that the Legislature has given us. But that one particular module has really, really given us an opportunity to give the police officers a feel for what's going on out there.

And it helped me, too, because fortunately for me, I've never been battered. And unless you've been there, it's really hard to understand what's going on. And I know that by reading that module and by thinking about it and by training and by talking to victims, I'm better able to understand and empathize what they're going through. Because I, too, was guilty of the same thoughts, "Well, why do you take this from this man? Get up and leave. What is the problem here?" After being exposed to this module and talking to victims-- I talk to victims all day long. They call up. They come in for

interviews. I'm just learning more and more and more, and I think it's a positive thing for all of us.

ASSEMBLYWOMAN HECK: Do you have volunteers in Essex to help you and help the victims -- move them through the system? We're trying to find out who does and who does not and whether we need to move more proactively in that direction, as well.

MS. CANNELLA: With respect to volunteers, are you referring to crisis intervention teams?

ASSEMBLYWOMAN HECK: Yes.

MS. CANNELLA: To my knowledge, there is only one in Essex County. I believe they're in Millburn. There's a grassroots one. There was a grassroots organization, and they're doing very well. In fact, I may be meeting them soon. I spoke to my Millburn officers. I have two liaison officers in Millburn that are tremendous. I spoke to them a couple of weeks ago, and they said that I might want to come down and meet the volunteers -- just introduce myself to them and see what they're doing.

It's hard to say, I don't have a great grasp on the passage of time. Everything sort of flows together, but I think they've been around-- I'd like to say maybe a year. It could be give-or-take a few months. But they're the only one we have in Essex County. I could see a need for improvement in that area. We could use more.

ASSEMBLYWOMAN HECK: Kevin, do you want to--

ASSEMBLYMAN O'TOOLE: Just a brief comment. I know firsthand some of the wonderful work that the Assistant Prosecutor Panel has done in Essex County. I will tell you with the new Prosecutor, Patricia Hurt,

she's made a commitment to all of us in Essex that she is going to focus on domestic violence and the victims of domestic violence. And I offered to the Chair, at the last meeting, that we may have an opportunity in the future to go up and tour, perhaps, Essex County with the Assistant Prosecutor, here, and with the Prosecutor Patricia Hurt and look firsthand at some of the problems and some of the improvements that are taking effect in Essex County.

I appreciate Debra coming down here and certainly offering a little insight. And Essex County, as Assemblyman Cohen knows, as well, is a county that has a lot of problems, a lot of -- especially in the urban areas and in suburban areas, the violence that befalls those domestic victims. It's probably a model we can all learn from, and I ask the Chairwoman if we can go up to Essex County some time in the very near future.

ASSEMBLYWOMAN HECK: We will. We will go there. We will do it informally, Kevin, so that we can have a field trip, so to speak, rather than a hearing per se, and everyone is welcome to come. We'll set a date--

ASSEMBLYMAN O'TOOLE: Terrific. Yes.

ASSEMBLYWOMAN HECK: --and then we'll just do it.
Elaine.

MS. MEYERSON: Hi. I don't know-- Are you aware that last-- It was last year or '96 or '97 that the Newark Police Department received \$249,000 -- I believe that's the amount -- Federal Cops Grant to develop domestic violence training programs. Do you know anything about that or the impact of that?

MS. CANNELLA: Not really because Newark has trained themselves. They have their own academy. They train their own recruits.

They're sort of -- I hate to say an entity unto themselves -- but they're so large that they sort of have to be. So I'm not privy to any money that they've received.

I can tell you this, though. I have been in contact with Director Santiago, and as a result of our conversations, I was invited to do the training on February 3. Director Santiago reorganized the way domestic violence is treated in the Newark Police Department. And as a result of his recent reorganization, there were a large number of detectives that were doing domestic violence either for the first time or the first time in a long time. So what they did was, they were astute enough to ask me to come and train them. Because they realized that all of a sudden on short notice, these detectives were going to be handling massive amounts of domestic violence, and they needed to be trained immediately. So they called me in, and I tried to tell them everything I know in a one-day session.

The important thing is that I created a bridge with the Newark Police Department. And by introducing myself to these detectives and by spending the day with them, they found out that I am very approachable. I told them there are no dumb questions. It's only dumb not to ask a question. And now they feel comfortable -- that's what I was referring to with my pager going off all the time. In fact, I'm surprised it's not going off now.

Yesterday morning I couldn't get out of the house. Two Newark detectives called me, and they had about four cases to go over, and I'm trying to get dressed and get out of the house because I was late for work, and I could not get out of the house. They were just-- But what are you going to do? I'm happy. This is what I wanted.

MS. MEYERSON: That's great news, and they got you for free.
So I guess--

MS. CANNELLA: Absolutely. (laughter)

MS. MEYERSON: We'd like to find out what they did with the 249,000 that they got for training.

MS. CANNELLA: You would have to ask them because I don't even teach at their academy. When I say that I train recruits, I go to the Essex County Police Academy, and that's everybody, except Newark.

MS. MEYERSON: Oh, good, we're glad to hear.

MS. CANNELLA: So you would have to ask Director Santiago about that.

ASSEMBLYWOMAN HECK: By the way, I was remiss in introducing the two new members of our Task Force.

This is Elaine Meyerson, who is the Director of Shelter Our Sisters in Bergen County. And, of course, Police Chief Frank Eib who's been a help to us even when we put the bills together in 1994 -- that package of bills. So I'm very pleased to have you both on the Task Force.

Any other-- Yes, Mary.

MS. WHITE: The first thing I want to do is express my admiration to Debbie for giving that beeper number out to so many people, and I also express-- I hope she gets some backup, one or more people, so that she can rotate with that, because that a--

ASSEMBLYWOMAN HECK: Mary, would you just tell her what your work is so that she knows.

MS. WHITE: We've met each other.

ASSEMBLYWOMAN HECK: Oh, you know each other.

MS. WHITE: Yes. I'm also -- just for the record -- I'm an Assistant Prosecutor in Gloucester County. So Ms. Cannella and I do very similar work, but very different in a lot of ways because she's working in such a populated county. And I think a lot of her comments have already just illustrated some of those differences, and I really want to express my appreciation for what she's doing with that beeper and my personal hope that she get some help with that as a backup.

But beyond that, I would like if Ms. Cannella could address for us what she may see happening in Essex County courts, possibly the municipal courts, if she's able to make those observations at this point with regard to the prosecution of domestic violence offenses -- particularly those that are good cases. Those that are cases that were mandatory arrest cases. Those that are cases with evidence, in addition to the victim's testimony.

MS. CANNELLA: Well, my response to those questions would be that first of all, I don't presume to take the position -- and I could tell you exactly what's happening in the municipal courts, because I have my hands full with almost 2000 indictable matters that come across my desk, and I have enough to do with respect to keeping an eye on what's happening in superior court. So I am not an expert, but I can share some observations with you. I know that there's a lot of room for improvement with respect to the municipal prosecutions, because the Division of Criminal Justice is trying to set up a training program.

There was a pilot program -- I believe it was a year ago in Union County -- and it was a success. So I was contacted, along with my

counterparts, I believe, in Warren and Morris County, and were told -- were given a binder this thick (indicating), and we're just waiting for approval right now from the Attorney General. And we were told to take this training packet and train municipal prosecutors. So that tells me that there's a problem there. Because if they're doing an excellent job, then why do they need the training. So I'm just waiting to do that, and I'm trying to pull together-- I already have a list of people who are going to help me train the municipal prosecutors.

With respect to some of the things I could tell you about some of the municipal prosecutions, when I see a case that is special, there's just not quite enough, for whatever reason, whether it's extended injury or whatever -- there's just not quite enough for a grand jury, but yet, I'm not comfortable sending it out of my purview to the municipal court. What we do is, we send it to our remand court where our assistant prosecutors personally prosecute these cases. The site is within the building; although there's a municipal court judge staffing it. Right now, I believe it's Judge Frasca. It is a municipal court, but we do have two assistant prosecutors. They're not domestic violence assistant prosecutors, but they are on our staff; and they personally prosecute these cases, and I'm able to have more control over those cases.

So in those cases where there's a lot of evidence, but yet, for whatever reason, I don't think it's appropriate to go to grand jury, I do send them to the remand court. And I do consult with our assistant prosecutors. In fact, I told one of them that if I can't get a plea on a particular case that was bothering me -- because I do get emotionally involved some times. You can't help it. I warned this woman, you know-- I said, if this defendant doesn't plead out, this case is coming your way, and you're taking it to trial, and I'll

help you out, and I have all this evidence for you. So the case isn't even on her desk yet, and I already told her it's coming, because I don't think that this batterer is ready to admit what he did and have the punishment and rehabilitation that we think he needs.

So that's about all I could really say with respect to municipal court. I can tell you, though, that I don't have any hard facts for you and I don't have any real proof, but based on what I've gathered, which resulted in the need for this training, I strongly suspect that in the municipal courts we might not have enough aggressive prosecutions. I suspect that we might have victims coming in and saying they want to drop and the prosecutor agreeing to it and the judge agreeing to it and that defendant walking out of the court.

In fact, I had a conversation with our presiding family judge last Friday, Judge Zampino. He indicated to me that he was addressing the issue of municipal judges and different things that were not right in the system. In fact, he showed me -- I don't know if it was a training session or just an informational session, but he met with them, I believe, last Friday night, and he showed me the agenda. So I looked at the agenda, and I agreed that there were problem areas he was going to address, and then I started telling him how I thought that the judges should be a little more aggressive. Even if they just take a step of having the two parties, if they're reunited, have them go to counseling and come back with the certificate of successful completion or full-blown batterers, if it's that bad, if it's there, third time back, whatever. Do something. If there's going to be a dismissal because there's not enough evidence and a lack of cooperation from the victim -- is a reality that you can't ignore -- at least make them go get counseling before you dismiss it. So I was

sort of leaning on him, so to speak, to push him in that direction. So he was very receptive.

And he indicated that he's very close to our new Prosecutor, Prosecutor Hurt. And he indicated also, as you've heard this morning, that she's very, very committed to the area of family law, domestic violence in particular. And he said they will be setting up a meeting soon. So I shared with him what I'm going to be doing with the municipal prosecutors -- pushing these prosecutions. So I think that it's all sort of dovetailing, and we're all trying to move in the same direction at the same time, which I think is a very positive thing.

ASSEMBLYMAN O'TOOLE: Chairwoman, just-- I'm sorry. I'm sorry.

MS. WHITE: I had three, I think, fairly limited follow-up questions. One would be, what is your sense of where the majority of domestic violence crimes or offenses eventually are heard or venued? Is your sense that the majority are heard in municipal court?

MS. CANNELLA: I'd say, yes, probably. Because, as a prosecutor, you know a lot of cases come to us because they're technically indictable. Say there's a knife produced. Nobody was cut. Nobody was injured. But because that weapon was there, it's a mandatory arrest, and the defendant may have poked at the victim, waved it around in maybe either a terroristic threat or aggravated assault, depending on how much he did to cause or attempt to cause the injury or to merely threaten with the weapon. In a case like that, it will come to us, as you know.

Our office is sort of reluctant to screen out domestic violence cases before they get to me, and I encourage that. I don't want them screening anything out. I tell them, don't screen anything out if you can avoid it, unless it's obviously a simple assault on its face -- try to send it to me, because I give it the in-depth analysis. I try to take statements. I try to speak to the victim. So I try to encourage those borderline cases to come to me for our review. Many times we can't go to grand jury with a case like that.

MS. WHITE: And many of the cases don't even come to you, even though they're solid, mandatory arrest cases with a visible injury, they stay -- they're filed as disorderlies--

MS. CANNELLA: Yes.

MS. WHITE: --and they stay in municipal courts.

MS. CANNELLA: Yes. I can tell you this. Well, again, I don't profess to memorize all the uniform crime-reporting statistics. One did stick in my mind. I'm not sure if it was last year or the year before. There were about 7000-so-many hundred cases of domestic violence in Essex County. And I know I got about 2000 of them. So that means there's about 5000 of them floating around the municipalities. So definitely the majority of domestic violence is happening in the municipal courts. And, then, when it comes to the indictable level, I'm sending a lot back because I have to. I can't go to the grand jury on every case just because it's technically an indictable case. There's many other considerations that I'm sure you're very well aware of as an assistant prosecutor.

MS. WHITE: It would be fair to say that one of the primary considerations is whether it likely will be able to prove it before a jury of 12 people.

MS. CANNELLA: That's a very strong consideration. There's other things we look at, too. Strength of the case is always, always important. You have to have -- try to at least have a decent case. You don't want the jurors to laugh at you, and you don't want to empower the batterer that this woman is going forward and they're not believing her. That's the last thing you want. So you want to win the case. You want to have at least a shot at winning the case. Other things we look at is the safety of the victim. We don't want to get a victim killed. You know, I've seen too many horror stories. So I'm always scared about the safety of the victim, and I try to keep that victim safe. And sometimes if prosecuting is going to get her killed, that scares me -- scares me a lot. That's something.

The other thing that jumps to my mind that's really important is the extent of the injury. The injury is so bad, we're going to grand jury. If we could prove our case, we can get to that level, we're going forward. If it's so bad that I can't walk away, even if that victim is begging and pleading, "I love him, the father of my child, the emotional, the financial, the religious," whatever, if it's that bad-- I mean, I had a woman shot five times, and she didn't want to go forward. Five times -- she's hanging laundry on a rooftop, she got shot five times, doesn't want to proceed. I'm like, sorry, you're going forward. And this isn't a rare case.

I had a woman go out the window. She landed-- She didn't want to proceed. You went out the window to get away from him? I can't even tell

you more details about these cases, because there's so many of them that after I've had-- The three years I've been the Director of Domestic Violence, I've had almost 6000 cases I've viewed -- 6000. So after a while, there's sort of the same-fact patterns. There's only so many variations.

MS. WHITE: Isn't it fair to say a lot of times what you're really saying to a victim when you're saying, I'm sorry, we're going forward -- sorry, we're going forward, not so much, sorry, you're going forward, but we're going forward.

MS. CANNELLA: Oh, absolutely.

MS. WHITE: We have enough evidence. We can do this even if you are reluctant, you minimize it. Some times, and, hopefully, the better our investigation techniques get, even if you don't show up, we can do this.

MS. CANNELLA: Exactly.

MS. WHITE: That's my last question. How is the area of developing -- I'll call them pro-prosecution investigation techniques-- Getting those pictures, getting their statements, documenting what the children are saying, and so forth -- how is that developing in that sense?

MS. CANNELLA: I see steady improvement on the part of the police officers -- steady improvement. And part of the reason is the training, and I'm not taking credit for that. I'm going to give the credit to the Division of Criminal Justice. They've been doing these intensive domestic violence training sessions. They did one-- They're like weeklong sessions. They did one last summer. I believe it was in Sea Girt or somewhere down the shore. I sent a staff member.

I went to the one-- I wasn't able to go for the whole week because my schedule was just such that I just could not justify getting away. I do it every day. I'm not the one that needs to learn. In fact, I know what needs to be done. But I did stop up there for one day in December. They had it at the Morris County Police Academy. It was tremendous, and all the police officers were sitting there taking notes, and they're bringing that information back because they're the training officers. They're the liaison officers, and they're bringing it back to the troops. And the troops are getting better.

In fact, I had a case from West Orange. I read the case over the weekend, and I was really, really excited. The woman was not hurt very seriously, which was an excellent thing, but the rage exhibited by this defendant took me aback. And I was so proud of the West Orange Police Department, because what they did was, they took such a detailed statement from this woman that there was no wiggle room for her. She called me, I'd say at least four or five times begging me to drop the charges, "An innocent man is in jail. Don't you care? An innocent man is in jail." So I didn't know what to make of this woman or the case. So finally this p-jacket came along, and I read the file over the weekend. I was shocked. What innocent man? She gave this detailed statement because the police encouraged her to do so. She didn't do it because she wanted to, they encouraged her.

The police report was detailed, detailed, detailed. He tore her place up. During his rage, the coffee table went through the window. He took a can of paint and dumped it throughout the apartment. He smashed the garbage pail into little pieces. How do you smash a garbage pail into little pieces? But he did it. His rage was so explosive. But I got a feel for this by

reading that police report. Then, they took photographs of her bruises. He hit her on the head with a chair. She wasn't seriously injured, but she had a bruise. They took a picture of that. They took a picture of that scene. Not only did they describe in excruciating detail, but they took photographs. I'm going forward. His record wasn't that bad. I've seen a lot worse, but his explosive rage caught my attention, and I'm going to do everything I can to get this person into Batterers, with or without her cooperation. And we're probably going to prosecute this one again.

I can't really go to the grand jury. I just don't have enough of a case in terms of what happened. It wasn't that bad what happened, but something happened. So what I'm going to do is, that's the guy I referred to earlier -- that I warned that assistant prosecutor -- he's going to be offered a plea. If he doesn't admit his guilt and go into Batterers, we're going forward with this prosecution. We're going to the mat, with or without him.

ASSEMBLYWOMAN HECK: Kevin, and then Neil, and then Richard.

ASSEMBLYMAN O'TOOLE: I know we have a number of speakers here, Chairwoman. I just want to make a couple of--

ASSEMBLYWOMAN HECK: I think this is such a great witness here.

ASSEMBLYMAN O'TOOLE: And we can, like I said--

ASSEMBLYWOMAN HECK: And how enthusiastic.

ASSEMBLYMAN O'TOOLE: She's terrific.

ASSEMBLYWOMAN HECK: She's a marvelous proponent for victims here.

ASSEMBLYMAN O'TOOLE: Like I said, this is slice of Essex County.

ASSEMBLYWOMAN HECK: We'll take her back to Bergen. That's it.

ASSEMBLYMAN O'TOOLE: You can see it in living color, Chairlady.

Just a point that you made, Debra. You talked about-- There seems to be a greater sensitivity, and I guess that's some of the training that the Criminal Justice undertook, as far as all the police officers. That's wonderful. But I think you pointed out what Judge Zampino -- what he's doing is now going to take it under his own wing and try to get some of the municipal judges together and embark on this training or sensitivity education.

I think part of the problem we're talking about, Chairlady, and one of the focuses of your Committee here is that we need uniformity throughout the state, so not just that we share the problem or educate or reeducate or sensitize in Essex, but all throughout all counties here in New Jersey. And that's kind of the problem. And I know that there's problems with some of the superior court judges. And I know personally one in Bergen County that has absolutely no sensitivity, and you're aware of it as well, Chair, of some of the problems.

ASSEMBLYWOMAN HECK: What a surprise.

ASSEMBLYMAN O'TOOLE: Yes, what a surprise. Bergen County of all places, and that's the problem. You have these terrified victims coming in, and they just are met with either an ignorant or an insensitive municipal judge or a superior court judge sometimes, and that just makes their

trauma 10 times worse than having just to go to court and face their aggressor or face their -- the defender -- just terrorized emotionally or physically or whatnot. So that's some of the problem I'm looking at is putting uniformity in terms of the training education for not only the police officers, but municipal judges and superior court judges, as well.

MS. CANNELLA: Well, that's certainly a problem to be addressed, and I'm not going to beat up the judges. But I can tell you one thing. You mentioned Ellen Crowley before. I want to tell you how I met Ellen.

One day Ellen called me up. She didn't know me, and I didn't know her. She called me up, and she was in a rage. I asked her, "Who are you?" and "What is your problem?" She was so enraged because someone that she was treating -- a domestic violence victim -- came to her in such a terrible state. The woman had been raped, and she was in enough of a mess as a result of the rape. She went to court for her restraining order, and the judge gave a restraining order to the rapist. Wow. Ellen called me up, and she was fit to be tied. And I tried to calm her down and explain to her: I am an advocate. I am an assistant prosecutor. I don't have any jurisdiction over any judges. You're complaining to the wrong person -- you're like preaching to the choir. What do you want me to do? She was going on and on and on. What can I tell you? That's something you need to address with other authorities.

You know, everybody in the system-- No one in the system is perfect. We have police officers that are probably in that same category, so I don't want to beat up on any judges. We have tremendous judges, and we have ones that are kind of mediocre. But I really think that it's a matter of

education. Maybe they need to spend some time with a victim of domestic violence.

Last year, I was invited to speak before the Essex County Bar Association, and they pulled together a bunch of lawyers and doctors. And they had me come in and speak, and I spoke with this woman. Her name is Lisa Corabin (phonetic spelling). She's with the Family Violence Project, and she was on the panel with me. I spoke, yadda-yadda, same old, same old. She got up, and she was talking about this victim and telling this horrendous story about some domestic violence victim who was pregnant and was stabbed repeatedly in her pregnant stomach. And then, she got pregnant again, and the batterer threw hot, scalding water on her pregnant stomach. I was horrified, but I was moved even more when, at the end of her presentation, she said, "That victim was me." Wow. She blew everybody away. Everybody was just listening, but when we found out that she was this person and she was able to be a survivor, she blew us all away. All the doctors, all the lawyers, everybody on the panel -- we were all blown away.

Maybe they need to have some training and need to listen to some survivors, because I know that it has a tremendous affect on me. I can do all the training and I can talk to cops and I can talk to judges, but the victims are really the ones that make the difference. But maybe if, in speaking with the powers that be, perhaps the judges could be exposed to some of these victims, and maybe if they can get their attention, they could have the tremendous impact that these victims have had on me.

ASSEMBLYWOMAN HECK: That's a very good suggestion that perhaps part of the training that we offer the judges should include some victims coming forward--

MS. CANNELLA: Absolutely.

ASSEMBLYWOMAN HECK: --to address them.

MS. CANNELLA: In addition to telling them, "Don't be so quick to dismiss." I know everybody has a big caseload, and move the cases, and numbers, and this and that, and account for your bench time and the AOC wants to know numbers, and all. They need-- Even if they just have to put it off six months, let the people get to counseling. They used to do that in the Newark municipal court all the time. When we had our-- I shouldn't call it the municipal court, it was the Newark Remand. We used to have two remands -- Newark and everybody else -- before we consolidated at the county level. In the Newark Remand Court, our assistant prosecutor told me that was the standard fare. Nobody got a dismissal on domestic violence without getting counseling. At least we're trying. That's the message that I want you to bring home to the judges, because the judges aren't going to listen to me. Who am I? I'm some little assistant prosecutor.

ASSEMBLYWOMAN HECK: This is an important point.

Neil.

ASSEMBLYMAN COHEN: Yes. Thanks, Madam Chair.

The matters that you handle are criminal matters, correct?

MS. CANNELLA: Yes.

ASSEMBLYMAN COHEN: So the large bulk of matters in superior court deal with temporary restraining orders and restraining orders, which are noncriminal?

MS. CANNELLA: Correct. Except when they get violated, then we enter the picture.

ASSEMBLYMAN COHEN: Right. I mean, it's interesting because at family law I do a lot. I've represented both sides. Any matrimonial -- I've represented husbands and wives, predominantly wives, for whatever reason. In each of those cases, for instance, there was sensitivity training concerning judges. They see victims every day. You don't need to set up a seminar and have a string of victims coming in. When the judge is there, he's hearing 20, 30, 40 cases in a day. They're hearing the matters.

ASSEMBLYWOMAN HECK: Just as a point of clarification when I say that, I think that part of the sensitivity training out of the courtroom scene is important to impress upon them not as the judge and the victim, but as two people in a room developing a sensitivity is what we're looking at, Neil. Sometimes we see judges who become so routine business that they don't realize that there is pain in front of them and fear.

ASSEMBLYMAN COHEN: I think--

ASSEMBLYWOMAN HECK: That's what I'm talking about -- not that they're not exposed to victims.

ASSEMBLYMAN COHEN: Yes. We have--

ASSEMBLYWOMAN HECK: But it's a different level of exposure.

ASSEMBLYMAN COHEN: And we had discussed that earlier. Essex County has a fine, quality family law judiciary. Judge Zampino -- I was happy to testify when he came up for tenure -- is a wonderful, bright, practical, knowledgeable jurist. And Essex has always had a good family law judiciary.

And each of these cases is unique. It is unique in terms of the length of the relationship between two individuals. It is unique in the other unknown criteria within the family. There's a lot of pressure that's on one who has been battered. And it's a very difficult balance, because you can't treat any of these matters in a uniform fashion -- spouses who have had either emotional or physical battering for 20 years and those who are, unfortunately, learning what the process is.

My difficulty or question deals with your statement about pursuing certain matters even though the victim chooses not to pursue, and there's many reasons why a victim will choose not to pursue. And I'm just wondering -- I know it's difficult and I know there's no uniform criteria -- but I've seen situations where forcing someone to pursue that which they do not want to and that which they would try-- We've had situations where the people will go to their minister or some other member of the clergy to try to resolve in a more spiritual fashion some problems. Certain things may have been a blow-up incident because there was an extremely bad day at work, and it's one incident in 15 years of marriage. Those problems are unique to the victim. That person has to live with their decision, not a governmental bureaucrat or a legislator or a prosecutor or an investigator or a municipal court judge.

I'm just wondering, how many of these situations arise, and what's the feeling of the victim when there's a decision to pursue on the criminal side, since matters that are withdrawn on the restraining order never get to the prosecutor? It's only when there's been a violation or the victim decides I'm going to file a restraining order and I'm going to file a criminal complaint. Otherwise, those matters don't get to the prosecutor. What's been the history in terms of victims who do not wish to pursue something because they would like to resolve it either within the family unit or through some other-- What happens by someone forcing a criminal prosecution that has other consequences within a family unit?

MS. CANNELLA: You know what, I'm not sure if I'm really qualified to answer that, because we don't do a lot of intensive follow-up as to what happens afterwards. But I can tell you this. I would like to answer your questions in a roundabout manner, if it's okay.

First of all, with respect to our duty, we have to protect not only this victim, but society in general. If she's smart enough to get away from this loser because he's battering her and has been battering her, he's going to go on to batter someone else. So society has an interest in getting this guy punished and rehabilitated or one of the above, depending on the situation. Not everybody needs to be punished. Everybody needs to be rehabilitated, though, if they're putting their hands on another person and they're engaging in a pattern of domination and control -- that is domestic violence.

With respect to some of these victims, you asked, "Well, what do they think if we go without their cooperation?" I think some of them are secretly jumping for joy. Okay.

ASSEMBLYMAN COHEN: You think they're secretly--

MS. CANNELLA: Yes.

ASSEMBLYMAN COHEN: I don't understand.

MS. CANNELLA: Yes. This is the deal. This is why we have mandatory arrest and all these laws with so many strong teeth in them.

ASSEMBLYMAN COHEN: I know. I helped write the first one--

MS. CANNELLA: Exactly.

ASSEMBLYMAN COHEN: --on ex parte so--

MS. CANNELLA: Exactly. What I'm trying to say is that these victims -- they may not want to-- In front of the batterer, they may not want to say, "Lock him up, I want to prosecute him." They don't have to. We took the burden away from them, and I think that some of them are secretly happy that maybe somebody's going to do something about this. Now, if they open their mouth and say, "Oh, yes, prosecute him and take him to jail," then, they get another beating when he gets out on bail. They're going to have to deal with this guy again. If they have a child with him, they're never going to get rid of this person. You are stuck with this person practically forever when you have a child with them.

I truly believe -- and I can't document it, I don't do surveys, I don't do exit polls -- but I can tell you that I believe that some of them are secretly relieved that maybe somebody is going to stop the violence. Because I believe they all, obviously, want the violence to stop, and to bar intervention can make things better. If it can go forward without them having to admit this, because then they're going to have to face him and have more abuse -- "This is your fault."

I had a woman that got beat up on the way to counseling. He's punching her in the arm. "I'm going to counseling because of you." He's punching her in the arm. I can't say that every victim is happy, and I don't want to ruin anyone's life, but we have to intervene. This is too much of a serious problem and too many people are getting hurt, including the children.

ASSEMBLYWOMAN HECK: Including the children.

MS. CANNELLA: You all know about that post-traumatic stress syndrome. I heard about it on the news a few weeks ago. There's all kinds of surveys -- 43 percent of the time, according to the State Police, children are present. And they're seeing this, and all kinds of bad things are happening. We have to intervene. You know, I mean, we just have to.

Now, let me just tell you something else. I have a lot of war stories because of those 6000 cases. This one woman was beaten to a pulp. Okay, her name-- Let's call her Diane. Beaten -- not seriously injured, but pounded -- bruises everywhere. When Newark Police responded, they sent out Unit 50 to photograph. Unit 50 doesn't go out on every scene. They go out, like, on homicides and when it's really bad. Blood all over every wall. They're looking for the dead body. She was raped with a gun. I mean, it didn't get much worse than this -- really serious case. She didn't want to proceed. Her sister made a fuss, "You have to proceed." We talked her into proceeding, sat with her, took a statement, she went to grand jury, she buried this guy at grand jury.

By the time the trial came around three or four months later, she's in love with him again. She's in the back of the courtroom hugging and kissing him as the jurors are filing by. I could hardly restrain myself. I was in the gallery, like, chomping at the bit. I couldn't believe. We had this evidence.

She's hugging and kissing this guy. They're in love again. We were going forward. What this guy did to her with the gun and the blood everywhere and he traumatized her-- We were going forward. We put her on the stand. We confronted her with the statement. We confronted her with the grand jury transcript. She minimized, "Well, it may have happened, but I hit him first."

Well, I wanted to die. I sat in the gallery just pulling my hair out. He ended up getting convicted of only a simple assault and a criminal restraint. The vote -- we found out later -- one of the jurors ran into one of the investigators on the subway of all places and volunteered all this information. Found out the vote in the jury room was 11 to 1 for acquittal. This one guy held out. The jurors' position -- and this is another thing you guys could do -- you got to work on educating the public, not only the victims, but like everybody else because like they're the jurors that we have to deal with.

The jurors took the position -- 11 of them -- that if she doesn't care, then why should we. Look at them, she's hugging and kissing this guy, lovey-dovey in front of us. Why should we care if she doesn't care. This one guy didn't want to hear it. He goes, "Guess what, we're not leaving this room until we convict him of something." That's how we got the conviction for simple assault and third-degree criminal restraint. The judge let him go. He had one prior conviction. We could have sent him to State Prison. The judge said, "No, if I send him to State Prison, when he gets out, he may kill her. I want to put him on probation. We want it to die." Fine, he goes on probation.

Couple months later -- they're in Union County now -- he stabs her with a fishing knife in her leg. Her sister called me, the sister who is real aggressive. She calls me up, "What are you going to do about it?"

What am I going to do? I got a Union County cop up to Essex so fast. We revoked his probation and sent him to State Prison before she could change her mind. So now he's in State Prison. And sure enough, she dropped the charges with the knife and the leg incident. But now he's in State Prison. This is what we're up against.

Now, with respect to what we can do, this is like totally out of left field, but it occurred to me in the course of your discussion -- what could we do? One of the things you could do, and I don't know if it's within your power, but somebody better do something to give these victims attorneys at the restraining orders. Oftentimes the guy is the one with the money, and the guy is the one who comes in with the fancy lawyer, and the woman is like totally intimidated. Do you know how many women tell me, "I can't afford a lawyer. They want \$5000. He has all the money."

In Morris County, they give them lawyers. I think it's Jersey Battered Women's Shelter. They have a program. Well, like, we need to get lawyers to these women. Because when they go to family court for the restraining orders, they're really outgunned, and they don't really have a chance. How are they going to cross-examine their batter? Come on.

And with respect to the victims in the municipal court thing and judges, I love our judges in Essex County, okay. Let that be very clear. They're not the ones that need to be with the victims. I'm thinking of the municipal court judges. They have contact with victims? Sure, in the middle

of the night when they're woken up to get their restraining order and when the woman comes in and says she wants to drop. You don't want them exposed to them in the courtroom. You want these judges exposed to the victims after they've healed -- after they've become survivors. They almost never have their act together during the incident or while they're trying to get their restraining order or while their divorce is pending or whether they're prosecuted. It takes time. It takes people -- takes a therapist to help them heal and pull themselves together -- the counseling groups, the batterers groups.

Once they're strong, then you have a Lisa Corabin, who can come out and speak publicly. You can't have some quivering victim try to tell the judge what's wrong. That's not what we're talking about. We're talking about an integrated, strong survivor who can tell a judge what happened. That's why you need to get the municipal judges in a setting, away from the courtroom, where they're not worried about moving the cases, it's getting late, their docket's piling up -- get them away from it with a strong victim. Okay. And that's what I had to add.

ASSEMBLYWOMAN HECK: Thank you.

Richard.

MR. POMPELIO: Yes.

I'm Richard Pompelio, and I have the New Jersey Crime Victim's Law Center in which we represent victims in the criminal justice system free of charge. And as you're sitting here, I keep writing down lawyers, lawyers, lawyers. And you finally said it, thank you. So I can say your perception is-- Your exuberance is matched by your perception. That is the problem, that whenever there's a problem for a victim in the court system, it's an adversary

system. And unless that person has an advocate, they're are at a substantial disadvantage.

You indicated that you spoke to this group of lawyers and doctors -- and since I'm a lawyer, I guess I have a little bit more freedom in saying what I can say about attorneys. But attorneys charge fees. And most of those attorneys that you talked to that night didn't get fees from the victim, they got fees from the accused batterer. So, unfortunately, most attorneys have the perspective of defending the batterer, as opposed to advocating for the victim. And I can't begin to tell you the number of tactics I've tried to get volunteers. But I'm going to ask you if you might do something with us.

We have a pro bono program at Seton Hall Law for victims' rights. We get law students to donate their time and strongly support it. I've talked to the victim witness coordinator, Pam McCauley (phonetic spelling), in Essex, about getting something going. And, perhaps, you and your prosecutor and Judge Zampino and I and Dean Riccio could put something together so that we have a domestic violence program in the law school, or if we can get some volunteers, which we will, would your office be able to assist us in giving them some training? And they, in turn, would assist your office as volunteers.

MS. CANNELLA: I suggest you direct that to Prosecutor Hurt. If we can do it, I'm sure that we will do it. The only thing I'm a teeny, teeny bit concerned about, so I tend to get a little paranoid, is that if we're instrumental in training the lawyers who get the restraining order for the victim, and then he violates it, and then we prosecute him for that restraining order, you know, there might be a little problem there. But I don't think that

would be a barrier to what you're doing. It's been done in Morris County and I think Bergen, too. I'm not sure. I think Bergen has that, too.

It needs to be done. And however it's done, whether it's done through the Prosecutor's Office, through the program, whatever, we got to do it, and we got to do it very soon. So I suggest you contact Prosecutor Hurt, and she'll like make our Appellate Section check out our rules and regs. We just have to watch with the conflict. We don't want to get sued or slammed in the press or anything. If we could do it, I'm sure we will, because we really need to do that.

Let me tell you something else. You mentioned that doctor and lawyer thing. I wasn't there for the lawyers before the Bar Association. It was their function. I was there because of the doctors. Our goal that night was to get to the doctors, because when the doctors see the victims in the Emergency Room, they need to take better notes -- like legible notes, so like we can read their handwriting -- and put down the excited utterances and describe the injury, so we can use those notes to prosecute that batterer. That's why I was there that night. I didn't really care about the lawyers, because half of them were civil lawyers and you know -- but it was the doctors we were focusing on.

We're trying to do the shotgun approach and hit everything we can from all angles, because there's so much that needs to be done. We're making progress, but the more we do, the more we find out there's more that needs to be done, as I'm sure you all know.

ASSEMBLYWOMAN HECK: That's why we're holding these hearings.

MR. POMPELIO: I want to get back to that a moment, because I don't want to let go of it, frankly. The law schools are in Newark, and if these people are going to get that kind of training, they're going to get it in Newark. We can talk all we want in this Task Force about educating judges and sensitizing judges. I don't think it's going to make a whole lot of difference until we get them earlier, and that is, when they're young lawyers or before they pass the Bar.

My wife just graduated law school, so I know a lot of recent graduates. And I've talked to a lot of them in law school, and frankly, they focus on all of those courses that will make them money when they get out of law school -- nothing wrong with that. But if they don't have that mind-set when they get out of law school, they're certainly not going to learn it from the firms they're working for. I think if we're going to inject some kind of understanding about what this violence is all about and as attorneys what our role is in the justice system other than defending people accused and making money off of it--

I so strongly believe we have to get the law students and make them understand it. And that's why I don't want to talk about Morris County or another county or a volunteer group. I get a lot of calls from your Office about representing victims who have gotten hurt in the justice system and there's no advocate for them. And we find out that there's no advocate other than us to step in and help them. If there's any way possible that we can take these law students and educate them to understand what the domestic violence system is about, I think it would be immeasurable in terms of its benefit for the future.

MS. CANNELLA: I agree. I have to tell you something. A law student came to me two days ago. Unfortunately, she was representing the defendant, and I really didn't want to hear about it. But she came down from court. She was with one of those clinics -- I'm not sure if it was Rutgers or Seton Hall. But she came down, and the defendant is in jail, and she's up in the remand court representing this person, and she wants to know about the four cases I sent to family court. So we do have these lawyers, they're just on the wrong side.

Same with the pro bono lawyers. Now, I know everybody needs an attorney, especially if we intend to send them to jail. We have a bunch of pro bono attorneys in Essex County who are representing the defendants in family court for the violations of the restraining order. So the victims call me up, and they say, "Can you represent me? My final hearing is next week." And I have to refuse them. I cannot-- I'm just not allowed to do this. Then, they get really mad when they find out that when he violates the order, he gets a free lawyer. It really annoys them. So we have some law students representing defendants in criminal court, and we have pro bono attorneys representing the defendants in family court for violations or restraining orders. So I see a problem here. And you know what? Again, to get off the beaten path -- that's what I do, I'm all over the place -- I have to tell you another story.

I had dinner with a woman. I didn't even know that she had been a victim of domestic violence. She's just some woman whose daughter is in first grade with my daughter. So we're at dinner and we're talking, and all of a sudden the topic turned to domestic violence, and she just spilled her guts all

over the table. And she told me a story that really moved me, and this is the kind of thing we have to like think about and try to get out to the public and the judges.

She was in the Morris County Courthouse trying to get her final restraining order. She was in fear for her safety, because her husband was like a maniac. So she was afraid that he was going to attack her right in the courthouse. So the Sheriff's Officer stood by her and kept her at his side. The Sheriff's Officer was called away. He got on his radio, and they told him he had to go somewhere else, and he didn't want her to be harmed. So he hid her in a broom closet. So here's the woman in a broom closet. Now, the batterer is walking the halls. She sees his feet going by and hears him pacing up and down the hallway. And she's thinking, "Wait a minute, what is wrong with this picture? I am the victim. I've been abused. I've been battered" -- everything. "And I'm in the broom closet?"

It really struck me. I put down my fork -- not much keeps me from eating, okay -- put down my fork, and I thought how ironic she's in the broom closet. Little things like that can get your attention. I just wanted to share that with you. I wanted that on the record.

ASSEMBLYWOMAN HECK: I appreciate that.

MS. CANNELLA: But you're right about the lawyers. They need lawyers badly.

ASSEMBLYWOMAN HECK: Assemblyman Cohen.

ASSEMBLYMAN COHEN: Yes.

You have under the court rules Seton Hall and Rutgers in their clinical programs can represent litigants. They do it in divorce cases, pursuant

to court rule. So I believe at Seton Hall there's already a family -- it's either Rutgers or at Seton Hall, I'm not sure. There's already a family clinic there where law students -- because I did that when I was in law school in the District of Columbia, and I had five jury trials before I left law school. Under the court rules, I think in the program, they represent them in divorces. So we have that already. If there's a criminal charge as a result of domestic abuse, the prosecutor is representing the abused person either in superior court or municipal court -- so there's an advocate there. Law students can be used.

Now, under the new program that was being developed by Nancy Kessler is the-- I think, the person is a hearing officer. Temporary restraining order is now a matter of course. TROs are granted. And on the other side, it's essentially what comes down at the time of the final restraint hearing. I'd be curious-- I mean, I haven't seen it. I'm sure there's a couple of things, but it's the civil side, so you might not know as to whether statistics are kept as to how many times there are findings of no abuse or no violation of statute, which would prohibit a final restraining order from being entered. In most cases, with or without an advocate, restraining orders are granted, because judges are reluctant to deny. Unless it's like somebody made a telephone call and a restraining order at the end is it based upon "harassment" or annoyance or alarm, except in those situations-- For instance, a husband may come home, take the license plate off of the car because there's a dispute as to who should pay for the car insurance and who's-- And there's been domestic violence charges for that. That's "technically harassment."

But, other than in those situations, I haven't seen or heard of many situations where the final restraining order has not been granted, unless

the person withdraws it, obviously. But if it goes to a full hearing before a judge, in most of the cases, restraining orders are going to be granted -- just for edification.

MR. POMPELIO: I would like to respond. Well, maybe if I can address several points you made.

First of all, the clinics that they have are family law clinics. They teach them how to prepare divorce complaints and interrogatories and things like that, so when they get out of law school, they can go to the hundreds and hundreds of family law firms in the State of New Jersey and be family lawyers. They do not come out of law school -- and don't anybody kid themselves -- with any kind of concept of advocating the rights of these people who are victims. The fact of the matter is, the accused has a lawyer in the court. The victim does not have a lawyer in the court. And to say that most of the time the judge calls it right, even though the person doesn't have an advocate, I think is pretty much an inaccurate statement.

One of the things as lawyers that we've learned is, unless you're in the courtroom with an advocate, you are at a substantial disadvantage. And the woman, who's usually the victim, is at a substantial disadvantage. The concept of victims' rights is something that I argue all the time, and one of the most difficult things is getting the courts -- and many times getting the prosecutors -- to understand it's a concept of violence.

Last week I had to argue on behalf of the family of a murder victim. She was chased around the house by her husband with a gun, and he shot her several times, and they had to pull her seven-year-old son off of her bleeding, dead body. The defendant's family immediately took the

seven-year-old and the two-year-old. The victim's family had nowhere to go, no money to go, and obviously they couldn't hire a lawyer, so that's how we got involved. And one of the most difficult things in court last week was arguing on behalf of this family, because the husband's family took the children. The husband's family is financially substantial. They hired a very big and expensive law firm -- was making the judge understand that this was not a custody case. Over and over I said, "This is a case of violence." This is the case of the rights of two little victims of crime. This is a case where there was domestic violence in this house. I remember what I said, "The violence didn't just mushroom up this day or hit the house like a tornado, it was building and building."

And I found that one of the most difficult things to argue before a judge who's well respected was the concept of violence. Frankly, I've had to learn it being a victim of crime and representing so many victims of violence. It's like a switch that goes on in your head, and honest to God, you can't understand it. If you've been in this system and you're making money as a defense lawyer or many times when you get on the bench-- I think we've got to get these kids -- we've got to get them as early as we can. And we got to make them understand what this is all about. And I think once you have the understanding, then you're going to get young lawyers who will volunteer.

I have offered unbelievable types of proposals to groups of attorneys to the point where I'll say, "If you'll represent this domestic violence victim for nothing, I promise you, I'll get you a paying client in 30 days." That's the kind of craziness I've had to go through, and it is so hard. What's the response? Well, I get appointed to do a drunk-driving case, that's my pro

bono work. This is the right time, I think-- I know in Seton Hall -- I'm not really familiar with the Rutgers dean, but I know that there's a strong desire for volunteerism, for pro bono work, and I think it's the perfect time.

I'm sorry, I'm standing on a soapbox a little bit about it, but--

ASSEMBLYWOMAN HECK: No, it's worth it.

MR. POMPELIO: --if there's anything we can do.

I mean, I'm so impressed with your exuberance, truly I am. And if there's a way that in Newark, where the law schools are, that this can be passed on so some of these people who get out of law school have a desire to do something more than simply make money as a lawyer, I think the contribution to the justice system will be magnificent.

ASSEMBLYWOMAN HECK: Debbie Donnelly, she's the Director of Alternatives to Domestic Violence in Bergen.

MS. DONNELLY: Thanks for coming down here, Debra. I want to say that first, and your exuberance is truly infectious, and I hope that everybody caught something today.

I just wanted to say that I understand there is a program in Camden that was funded out of the Rutgers Law School Camden that was funded with VAWA money -- Violence Against Women Act money -- that is piloting some kind of a representation for victims with law students. And it amazes me that with all the lawyers, for one thing, in Newark and then two law schools, that you're here crying for lawyers.

We have them in Bergen County. I just want to say that. We looked for money for lawyers-- In fact, I got started in this field as someone the county was looking for to help represent people involved in domestic

violence matters. There was just no money out there. There was no way to fund it. But we did find with IOLTA, which Jersey Battered Women's Services is doing, and who knows where IOLTA funds are going after the Supreme Court -- has not made that decision yet, I don't believe, on that case -- but with that money, which we started as sort of seed money, and we've been adding to it with some other pots of money because we only have a part-time -- enough to pay somebody part-time.

You have to coordinate. We use it to pay a coordinator who's out there who helps recruit attorneys who come, and there are plenty of them. And I don't have to promise them anything for some reason. But they do come forward, and we're having a training in three weeks, an update, a training, and a social for our lawyers so that we can help them keep abreast of the field and the developments in the field. So there's plenty of people who are willing to do this work, and you have a captive audience.

ASSEMBLYWOMAN HECK: Not statewide, though, Debbie.

MS. DONNELLY: In my county, I'm talking about. But I also want to make clear that if this project was funded with VAWA money in Camden with the idea of it being replicated, is it being replicated? Maybe we need to have them come here, Rose, and talk to us about what they're doing down there.

ASSEMBLYWOMAN HECK: Okay. All right. We will.

MS. DONNELLY: So that we can have that accessible to you in Newark, in Essex County.

ASSEMBLYWOMAN HECK: And just to add to what you said before about survivors and strong survivors. Quite a few of the female

attorneys that I have met over the years, since 1991, in holding hearings throughout the state, eventually I find out that they are survivors of domestic violence and become attorneys to represent other battered women because of the experiences that they have had. And I marvel at the courage of these women -- I'm sure you know them -- who have taken their children and left their husbands. Some of them have gone into an anonymous situation to escape and retrain and reeducate themselves and are attorneys with new names and new backgrounds just to escape a very vicious batterer.

I am very pleased that you were able to come today and testify before us. I think it is that we're getting a lot of sides here, Neil, and it's important for us to hear all sides to learn more about what we can do even in what we consider small ways, and that's, disseminating information as we speak, and also of the story.

I again thank you very much for appearing.

MS. CANNELLA: Before I leave--

ASSEMBLYWOMAN HECK: Yes.

MS. CANNELLA: --could I just say one more thing? I'd like to follow up on something--

ASSEMBLYWOMAN HECK: Certainly.

MS. CANNELLA: --that was said about the restraining orders and the final ones being denied. They do get denied. The judges are kind of scared to deny them sometimes. Because if something happens and she ends up dead, they're going to be Judge Duckman of the week, but it does happen. And the reason I know-- I don't have statistics for you -- maybe Judge Zampino could help you out with that or the AOC or somebody -- but I can tell you it

happens. Do you know how I know it happens? Because the victims come crying to me, either the judge didn't believe them or they just couldn't spit it out.

One woman didn't know that she was supposed to tell about the whole history of DV. She thought she was supposed to just tell about the day that she got her restraining order -- how he yelled at her that day and put his finger in the face. I go, "Wait a minute, ma'am, did you tell them about the 20 years of domination and control and isolation and verbal abuse?" She goes, "I didn't know I was allowed to." She didn't have a lawyer. She didn't know what to tell the judge. So the little poultry things she gave the judge weren't enough. So they do get denied -- make no mistake.

Let me tell you something else. A lot of these women get strong-armed into -- and I know that it's a strong term, but it's true. They get strong-armed into consent orders. You drop the restraining order and it goes into the FM, and there's this consent order that means squat. And some of the lawyers just don't know. I've had battles with the lawyers going, "Do you understand what you just did to your client?" "Well, it's an order." Sure, it's an order that means nothing, because there's no mandatory arrest on a consent order. It's a 29-9-A, fourth-degree, like we're going to indict these all the time. You want a 29-9-B-FV -- that's a mandatory arrest and has some teeth in it. And these lawyers are willy-nilly giving up the restraining orders, because he doesn't want to admit that he did anything wrong, like one of the fourteen crimes, and he doesn't want to go in front of the judge and get found guilty that he did this in the context of the restraining order. So they talked the

victim into the dismissal, because she'll have her FM. Big problem and it's really, really annoying.

ASSEMBLYMAN COHEN: Let me just comment on that for a minute. When that's generally done -- that's generally done where counsel is on both sides. That is never done, because it can't be done.

MS. CANNELLA: Absolutely.

ASSEMBLYMAN COHEN: If you want to enter into a consent on a restraining order on a final, you have to set forth a-- You have to plead no longer--

MS. CANNELLA: Exactly.

ASSEMBLYMAN COHEN: --even though that's not what the law says or how AOC made its own interpretation of our law. That's said there needs to be a factual basis if you're going to admit. But when the parties are working out -- No. 1, this may have been one incident, but there's 20 years of marriage that has to end, but one incident that, let's say, recently occurred, what the attorneys will do with the consent of both litigants is that someone's going to file a matrimonial matter or a matrimonial matter has been filed, and the parties work it out to avoid the ex parte arrests, which is part of my law, and other implications. But it's generally worked out with consent of counsel and placed on the record--

MS. CANNELLA: But what I'm saying is that--

ASSEMBLYMAN COHEN: --with the court. So it may not work out in certain circumstances where the parties have consented voluntarily without coercion, without any kind of duress. I just wanted to indicate that a blanket prohibition on that is not healthy.

MS. CANNELLA: Oh, no, I'm not saying it should be prohibited. What I'm saying is that many times the victims don't have a clue what they just entered into and neither do the attorneys, because I've had conversations with these matrimonial attorneys. Because sometimes-- Say a gun was taken, so I'm in the middle of this divorce because of the gun, okay. So I'm talking to the lawyers, and I'm trying to like work out something so like nobody ends up dead, and the lawyers tell me, "Oh, yes, we don't need the restraining order. We have this consent order." And I go, "Do you know what that means?" And they don't know. They don't understand the difference between an FV and an FM. They don't understand it. They may be taking away needed protection for this victim. If the lawyer doesn't know, the victim doesn't know either. So you're counting on their lawyer.

I'm just saying-- I'm not saying it's a bad thing to have the consent order in all cases, and I don't think they should be prohibited. Don't do that. Do not do that. What I'm saying is that we need more education. We're back to training. The lawyers need to know what's up, and the victims need to know, because they're entering these things willy-nilly. Then it's starting up again. They're calling me. They're going "Well, I want him arrested." "Well, you can't have him arrested, ma'am, you gave away your restraining order." "Well, I don't want him to have the guns back." "Well, ma'am, if you kept the restraining order, we would have had the Federal law, the final, they can't have the guns. What do you want me to do now? You gave away all--" You know what I'm saying?

ASSEMBLYWOMAN HECK: They have to be aware of all of it.

MS. CANNELLA: It's a knowledge. It's an informed consent. Not that anyone is being tricked. It's just a training, educational thing.

ASSEMBLYWOMAN HECK: Mary.

MS. WHITE: Picking up on what Debbie's indicating, we saw a lot of those consent orders in Gloucester County where it was pretty clear from the feedback we got later that people didn't really understand what they were doing, sometimes including the attorneys. One of the things that's really helped in our county -- and I think that both judges who routinely sit in family court in our county began to do this about a year and a half ago or so -- is they are disclosing very clearly and making sure on the record that everybody understands, including the victim, that the consent order and the conversion to an FM means it's an entirely different kind of order, and they're really explaining in gory detail. You know, this means there is no mandatory arrest. This means that the enforcement mechanisms of the police really know -- and that you have a dangerous situation, potentially, because the order is filed there. That's gone. That whole infrastructure is gone, and the judges are explaining that.

And we do have advocates, and I believe most of the counties in the state are able to have their shelter agency, advocacy agency somehow present in the courtroom during restraining order hearings. And they'll then be available to talk to the victim to rethink about what they just learned about, and we really have seen a reduction in that problem. So there is a way that's fairly practical. It's anecdotal, but I've seen that.

And another just brief comment for the record. I think that when there are single incidences -- one of the fourteen crimes or offenses clearly that

fits within the Domestic Violence Act, but that's not battering necessarily and probably isn't the beginning of battering, unless it's a brand-new relationship, of course, and then it may very well be. If you have a 20-year relationship and some offense occurs, it's serious, but it's not necessarily the whole -- the real difficult problem that we're all here to deal with. And I say that not so much to discount one incident after 20 years of marriage, but to say that's not the dynamic that we're trying to deal with and trying to overcome with pro-prosecution investigation and policy with mandatory arrest and with a lot of the other things that we're talking about today and in other sessions. That's not necessarily a pattern of domination and control. It's not necessarily battering.

ASSEMBLYMAN COHEN: Madam Chair, could you just make a note, because I know it's--

ASSEMBLYWOMAN HECK: I'm going to have to move on pretty soon.

ASSEMBLYMAN COHEN: Yes, at some point. It's not a question.

Debbie, thank you.

ASSEMBLYWOMAN HECK: You are so interesting. You have been up here over an hour. And I thought, gee, only one person from the prosecutor office is coming.

ASSEMBLYMAN COHEN: It's not a question--

ASSEMBLYWOMAN HECK: You're good.

ASSEMBLYMAN COHEN: It's not a question or a statement, but as we were going along we were told to -- if you have suggestions--

ASSEMBLYWOMAN HECK: Oh, absolutely.

ASSEMBLYMAN COHEN: --at some point in time. One, whether or not we consider -- although I don't think we can do it at the superior court level but -- closed hearings, the criminal side of battering cases, assault cases, whatever, in the municipal court. Because in many instances where you have a spouse who has charged someone, that's been downgraded or it's been remanded back or the person says, "I'm not going to go forward with the restraining order, but I do want to press this criminally in municipal court"--

ASSEMBLYWOMAN HECK: One of the--

ASSEMBLYMAN COHEN: --generally, you come from that town.

ASSEMBLYWOMAN HECK: One of the points that was made, just to remind you, but you weren't there at the other hearing.

ASSEMBLYMAN COHEN: I was trying to make a living as a lawyer.

ASSEMBLYWOMAN HECK: No. No. I know that. No. No. I'm not being critical.

ASSEMBLYMAN COHEN: The secretaries need to get paid.

ASSEMBLYWOMAN HECK: Assemblyman, I'm not being critical. What I'm saying is, one of the members had said that we should be looking at cases where the victim does not have to be present.

ASSEMBLYMAN COHEN: I don't know--

ASSEMBLYWOMAN HECK: No. I'm seriously looking at that. I think we should look at all of the things.

ASSEMBLYMAN COHEN: How do you cross-examine--

ASSEMBLYWOMAN HECK: We're not going to argue it now.
We're going to do that-- This is a hearing.

But again all of these points are important.

ASSEMBLYMAN COHEN: Right.

ASSEMBLYWOMAN HECK: And you're saying--

ASSEMBLYMAN COHEN: The only reason--

ASSEMBLYWOMAN HECK: --what the other person said is very important.

ASSEMBLYMAN COHEN: If counsel for the Task Force could just make a note, because women who have been battered or have filed municipal court charges as a result of that activity, you go into your own hometown municipal court.

ASSEMBLYWOMAN HECK: Yes.

ASSEMBLYMAN COHEN: Now, we can transfer 6000 cases to 50 different municipal courts.

ASSEMBLYWOMAN HECK: It's a good point.

ASSEMBLYMAN COHEN: But since your neighbors, people who work in the court staff--

ASSEMBLYWOMAN HECK: It's a good point.

ASSEMBLYMAN COHEN: --municipal court, superior court, anybody could be there. But in municipal court in front of a lot of people explaining what's happened in your life--

ASSEMBLYWOMAN HECK: Agreed.

ASSEMBLYMAN COHEN: Because when you pursue that assault charge in municipal court, you can go with the Rule 55 back to things that

have happened in the past. You don't want that spread in front of your neighbors, teachers of your children--

ASSEMBLYWOMAN HECK: That's right.

ASSEMBLYMAN COHEN: --anybody else who may be there for a parking ticket or a failure to license their dog. Maybe in municipal court those matters can be closed hearing, not opened to the public, which may give victims more of the ability to pursue a matter in municipal court, if they so wish. But it's your own hometown and that kind of word can spread.

The other thing is whether or not we should, since it's now done in a discretionary fashion, permit -- because there's another side to this whole thing, and that is, whether or not the marriage relationship is salvageable at some point. In many cases -- and I do a lot of these -- and incident has happened-- You're in on a TRO. It's granted. Seven days later you got a final. Seven to ten days you have a final order. The other person can bring a 48-hour notice to have it heard -- modify the TRO. Sometimes it's not a lot of time for somebody to make a decision. What we've used where the wife has said to me and said to the court, "Look, I don't know if I want to go forward on the final. I've got 15 years of a marriage that I've invested a lot of time with the children. I can't make this decision in 10 days. Don't make me do it"-- A lot of courts have been sensitive to that and, since there is no prejudice except keeping a spouse out of the house a little bit longer, will extend the TRO and reschedule a final to give the person a chance.

MS. CANNELLA: We do those all the time in Essex and amend the TROs.

ASSEMBLYMAN COHEN: I had a situation where the husband-- I had the wife-- Husband -- the problem was an alcohol-drug problem. A good provider, a good person, no criminal record, no nothing, but this had, obviously, impacted on his life. And the judge allowed us over a three-, four-month period of time to continue extending the TRO. That's not mandated in the statute. It's discretionary. The court can say, "Look, I want to move my numbers. AOC is complaining, this is going to show up as a case that hasn't been resolved in six months, they're going to ask me how come you have a temporary restraining order that's not been brought to resolution in six months." Now, AOC may not be saying that. Someone may be thinking that you got to deal with these numbers. So maybe if we also include something discretionary within a statute that deals with permitting the extension of the TRO, based on good cause or based on some other kind of a showing without--

MS. CANNELLA: Would that be with consent on both sides? That would be consent on both sides, I take it?

ASSEMBLYMAN COHEN: No. You could do it one or two ways. You could make it consent or you can make an application. So the party -- the wife could say, "Fine, I want to make the decision. I'm going to ask this be extended." Now, the other person has a right to say, "No, I want it heard."

MS. CANNELLA: That's what I'm saying. We don't want to defend it dragging it on forever.

ASSEMBLYMAN COHEN: Everybody has a right to open access to the court. So if someone wants an extension and someone wants to argue

against it, then that's a decision for the judge. But it should be a vehicle available for both sides.

ASSEMBLYWOMAN HECK: Okay. Very good.

Any other questions? (no response)

We may visit you again.

MS. CANNELLA: I'm available. I'm really honored that I was even called down here today, and I want you to know that.

ASSEMBLYWOMAN HECK: No. Thank you very much -- very, very pleased, and you've added a lot to our data and our thought process.

MS. CANNELLA: Thank you. I'm available to the Task Force and, basically, to anyone who wants my advice or help in this area.

MS. WHITE: We want your beeper number. (laughter)

MS. CANNELLA: You guys could have my home number -- forget the beeper number.

ASSEMBLYWOMAN HECK: Okay. Thank you very much.

MS. CANNELLA: Thank you.

ASSEMBLYWOMAN HECK: Appreciate it.

We have Sergeant Pat Reilly. Sergeant Pat Reilly will be a new advisor to us. But he is here today from the State Police Domestic Violence. He's an advisor, again, and he's part of the Task Force. So we're very pleased to have the Sergeant with us today and in the future.

Sergeant.

SERGEANT PATRICK J. REILLY: Thank you very much.
Good morning.

It's my understanding that the Task Force wanted some insights as to what actually is going on in training--

ASSEMBLYWOMAN HECK: Yes.

SERGEANT REILLY: --concerning law enforcement and domestic violence. So what I'd like to do is quickly go through-- I'm certainly not going to be a follow-up act to Assistant Prosecutor Cannella.

ASSEMBLYWOMAN HECK: It's a different phase now--

SERGEANT REILLY: She's a-- And we've spoken at--

ASSEMBLYWOMAN HECK: --of information.

SERGEANT REILLY: --length before. She is a live wire. So -- but that's a very directed person, and she does an excellent job.

What I'd like to talk a little bit about this morning for you is give you an overview as to what goes on prior to my Division assignment. I was down at our academy for about three and a half years in which we did recruit training. We had four State Police classes that average 21 weeks per class, and we had five municipal classes which are municipalities throughout the state. It's not just a singular jurisdiction. So I think between the nine classes that I was directly involved with, we trained probably close to 750 new officers.

That training entailed the basic foundation in criminal law, search and seizure, and criminal investigation, each kind of building on the previous so as to give that recruit the foundation to understand the process. The domestic violence was covered in criminal law particularly in the enumerated crimes in search and seizure, as to what they can and can't do. A lot of discussion comes up during search and seizure because of the what-if areas.

So we try to give them a foundation in that area and intertwine domestic violence incidents. What then occurs after they get the foundation in the criminal law and the search and seizure, we begin to now give them some education in the area of actual criminal investigation, how these areas, previously studied, plug in now to what's going to happen out there when they respond to a scene. So they kind of all intermingle throughout where domestic violence is a strong thread and goes on throughout the 15-week training or the 21-week training.

We also involve role players for a one-day crisis intervention training day in which we bring in outside personnel to act in situations such as domestic violence, such as a hostage situation involving family members -- had just an argument. And this is now the type of training that's going to -- where we can focus and look at their judgment based on the education that they've received up to now and, hopefully, see the natural progression in that they're understanding what's occurring in front of them and making the proper judgments based on the previous education. So that's kind of the goal.

Domestic violence training is stressed in officer safety issues, as well as self-defense type of programs, in that these situations are going to occur. You're going to be in close quarters. It's necessary for our troopers and our police officers to have a sense of security, knowing that when they enter a dwelling that they're equipped, whether it is with some type of mechanism that's going to assist them, such as OC spray, pepper mace, a baton, or proficient in weapon handling, if it ultimately arrives at that type of situation, which we hope it never does. But all of these different areas that we train in send a message that domestic violence investigations are probably the toughest

calls to go to. It's reverberated throughout the training in that the incidents of injuries that are going to occur, the highest are in these situations, because it's an uncontrolled scenario that we're going into. It's not something that we created. We are now going in-- We have to give them the tools through education and through awareness as to what they have to be looking for, for their initial safety and then for the victim's safety.

We tend to press a lot in the area of -- or at least during my tenure and it's continuing, as Colonel Williams is very oriented in this fashion as well, in the pro-prosecution. And that is, pushing our recruits and making them aware that the sensitivity nature that's necessary in dealing with victims, in their interviewing techniques, trying to help them understand the situation that they've just walked into cold, and doing it in such a manner that's going to benefit the victim and, eventually, the criminal justice system. Because we're trying to show them that through this type of intervention of being the first responder on the scene, that they need to befriend and make sure that the victim is aware of who is on her side.

ASSEMBLYWOMAN HECK: Did you find that through the training you had more cases being brought by the State Police? You know, charges being brought?

SERGEANT REILLY: In looking--

ASSEMBLYWOMAN HECK: In the rural areas in particular. When we first started our hearings back in the early '90s, we had received some information that things were not going well in the rural areas as far as cases were concerned--

SERGEANT REILLY: Correct.

ASSEMBLYWOMAN HECK: --because of the training and the new laws. Have you seen an increase?

SERGEANT REILLY: Absolutely. There's been an upswing in, I think, basically because of the education and because of the new mandates that come out of legislation. The troopers know and are taught exactly what mandates arrest and where discretion comes in. And discretion, we're trying to minimize that as well. We stress every chance we get in every training we do -- we stress to err on the side of the victim in that you can't go wrong.

A lot of people are worried because New Jersey being a very litigious state -- that's probably the second or third question that comes out -- "Am I going to be sued?" Well, probably. There's a high probably in New Jersey that you will be sued, but are they going to recoup anything from you? I doubt it, because you're acting under -- I call it the big umbrella -- the good faith umbrella. As long as they are aware that they are acting on the benefit of the victim, then they're not going to have any problems. And we see that. We see that they are doing that. At least that's the response that we're getting.

The last six months or so I've been actively involved now with the domestic violence world and trying to get the Division pointed with the support of our currents. And they are very supportive, and they want us to move forward. I don't think that a lot of people realize that we're just not on the highways, you know, tracking down all those speeders.

ASSEMBLYWOMAN HECK: And you're also on the Internet.

SERGEANT REILLY: We're also on the Internet, as well--

ASSEMBLYWOMAN HECK: That's right.

SERGEANT REILLY: --à la Sergeant Garrity. But we have 74 municipalities that we are the sole policing agency for, and those 74 municipalities, I think the statistics show, make up almost 28 percent of the state's area. So it's a big domain that we're involved in that is not heavily populated because people haven't moved there yet. But they are moving there.

ASSEMBLYWOMAN HECK: They are moving there.

SERGEANT REILLY: And what we're doing in response to some of the areas of training, particularly borne out of this Task Force having come here several times and observed to see what new is going on -- was that there seemed to be a big gap in training -- first-line training. There seems to be a lot of advanced training out there, but our guys can't get to it because of schedule conflicts, and there's a long line. So in response to that, we've developed a domestic violence first-responder training program, in which it's a two-day course. So far, I'm trying to keep it two days.

What we're trying to accomplish, and we did in the first training session, we brought 35 troopers in from three different counties, Burlington, Mercer, and Hunterdon. We're trying to regionalize it, because we are a quasi-military organization. So if today I'm at West Trenton and I'm told tomorrow I'm in Sussex, tomorrow I'm in Sussex. So I pack my bags and I go. So when operationally feasible, we have to move elsewhere. So the problem lies in trying to put a face on the different people who are involved in the counties that are directly involved in domestic violence. And because of the nature of our organization and our business of being moved around that can cause some bumps in the road.

So what we're trying to do through this training is we brought in service providers to speak to the troopers in the morning the first day talking about cycles of violence, talking about what their organizations offer, where they can contact them, how they can contact them, who is able to contact them. So basically giving them the insight as to what their programs offer. We subsequently brought in municipal judges from the areas that our troopers deal with, as well as the prosecutor's offices personnel to talk to them as well. Again, trying to get everybody on the same page, trying to get everybody moving forward, and giving our troopers, instead of just a voice on the other end of the phone, hopefully, it's someone that they've met now, and someone that they can deal with a little better.

We have been fortunate or at least the first course which took place a week or so ago, the reviews were very good on both sides of the participants as well as the presenters. We're probably going to-- I don't think that's the final product based on some input by other people, so we're probably going to tweak it a little bit more to gear it in such a way that it's going to be beneficial for everyone and particularly, ultimately, the victims.

ASSEMBLYWOMAN HECK: Sergeant, I'm very pleased that you're going to be part of this Task Force. I think you are a welcome addition. I want to ask--

Does anyone have a question for the Sergeant?

Police Chief Eib.

CHIEF EIB: Good morning, Sergeant.

SERGEANT REILLY: Good morning, Chief.

CHIEF EIB: Sergeant, I was wondering if you could address the issue of in-service training of the State Police and to inform us of how that is accomplished and how your program of in-service training works?

SERGEANT REILLY: As you know, and I'm not sure the Task Force may be aware, we have mandated training annually. Twice a year we need to qualify with our weapons -- a day and a night shoot. We also incorporate a one-day, full-classroom training in which we try to cover any new aspects in law enforcement, any trends. This year's in-service is dealing with-- We have ethics being taught down there in the law enforcement field. There is a domestic violence course being presented from our Internal Affairs Bureau in outlining what needs to be done if they respond to when a law enforcement officer is involved and what mandates are attached to that -- so that there are no questions down the road and it was handled properly. So that's being put forth. There's officer safety issues that are put out annually every year.

The one-day training, as I said, takes place at Sea Girt. Everyone gravitates towards that during the five-week period. Additionally, as information comes, at least through my desk, I have sent out division-wide informational packets to the members so that they -- I guess, what they call is a read and initial, where you are mandated to read it. And there could be discussions at roll call based on questions, or at least they're given numbers to contact if the members-- And I've received a lot of calls as to what this means.

What we also did, which I failed to bring a copy of today for the Task Force, and I will get that to you, is-- One of the other functions that we do is we provide a search and seizure review magazine that goes out throughout all law enforcement in New Jersey. This past publication was solely

dedicated to domestic violence laws and the new TRO. Assistant Prosecutor Hook also authored an article in there for us. That's been received well throughout the state, where at least I'm guessing, because they're asking for more copies -- so that's always a good sign.

In the future, because it is a search and seizure magazine, I've kind of been able to slip in there and say, "Well, how about we just have a domestic violence corner that gives them an update on things that are going on in the state." And so far, that's been met with open arms. So we'll have an avenue there to cover anything in domestic violence that's occurring that they need to know immediately.

ASSEMBLYWOMAN HECK: Assemblyman Cohen.

ASSEMBLYMAN COHEN: Yes, I'm just curious. I've represented some women in matters where the spouse or the boyfriend is a police officer. There have been situations where a weapon has not been used or in situations where weapons have been present, that is, the weapon -- the service revolver. It's been part of matrimonials and it's been part of nondissolution cases, where when the order is entered -- let's say the final restraining order or the final restraining order becomes under the jurisdiction of the divorce judgment -- the officer is not permitted to have a service revolver, which is obviously a part of his normal job. They then transfer the officer into an administrative position.

The interesting glitch in the whole system is, obviously, you've worked out the child support or alimony, equitable distribution, you've valued the pension, you've entered qualified domestic relations order, which is the distribution of the pension, which is also based upon future worth -- present

value of future worth. So you work out a case where at age 65 my client, the woman, will be receiving 40 percent of this pension. But the husband, cop, loses his job because he can't have the weapon and they don't want to keep him on administrative for the next 20 years. He has to leave which causes reductions in child support, alimony, pension value, everything.

I don't know if we provide some kind of protection so that the officer who's now in administrative can be dismissed simply because of -- because that runs counterproductive to supporting the whole family unit. You can't give him back the weapon because, whether it was or wasn't used, it's part of the restraining order. It causes a whole bunch of problems.

Now, in your experience and what you've heard, have officers ultimately lost their jobs because of the restraining order? Are they kicked down to a different position at a lower salary? Because your client comes back -- there's a practical matter -- and says, "Look, I haven't had any contact with this guy in 10 years. If I keep the restraining order, I'm losing child support, I'm losing alimony, I'm losing all the assets, because he's now in administrative and is going to lose his job because the restraining order continues to exist." Does that happen in the State Police or have you heard about that?

SERGEANT REILLY: I have not heard that directly. There are-- There have been troopers--

ASSEMBLYMAN COHEN: But officers get restrained?

SERGEANT REILLY: --involved in domestic violence.

ASSEMBLYMAN COHEN: Right.

SERGEANT REILLY: And as a result, they enter into a couple of different areas based on what-- Just to give you a quick-- We'll step back a

second to give you a background. If a trooper is involved in a domestic violence incident and now the prosecutor's office comes in, his weapon is now returned to State Police -- his service weapon.

ASSEMBLYMAN COHEN: Right.

SERGEANT REILLY: If he has other weapons, that stays with the prosecutor's office.

ASSEMBLYMAN COHEN: Right.

SERGEANT REILLY: Now, what happens is our Internal Affairs conducts an investigation, a preliminary investigation, as to what the situation was and to make a recommendation as to what type of work status he should be placed on, whether completely off duty, a limited duty, or a limited duty with a weapon only on duty. And that recommendation goes through all our administrators, as well as the colonels, who then sends it over to the Police Operations Bureau of Criminal Justice, who makes the final determination. We only make a recommendation. They'll make the determination based on case facts as to what the status of that trooper will be.

If, in fact, there is some heinous crime attached to it, well, obviously, this trooper is going to be suspended without pay.

ASSEMBLYMAN COHEN: Yes, but I'm talking about in a nonheinous matter.

SERGEANT REILLY: None that I know of.

ASSEMBLYMAN COHEN: It could be harassment, at least a restraining order, and the weapon is still taken. It's still taken away and the person is placed in administrative. Let me ask--

SERGEANT REILLY: Once that-- If that restraining order is in place and that restraining order is limiting that trooper's ability to perform what he's hired to perform as a full-time law enforcement officer--

ASSEMBLYMAN COHEN: Right.

SERGEANT REILLY: --then that goes into a different area. Then they're going to have-- And to my knowledge, I don't know if that's happened. I can certainly find out in talking to our Internal Affairs people, but to my knowledge, I don't know.

ASSEMBLYWOMAN HECK: Thank you.

Important point.

CHIEF EIB: Rose.

ASSEMBLYWOMAN HECK: Yes, Chief.

CHIEF EIB: I just wanted to make a comment in reference to the question that was raised of the law enforcement officers involved in domestic disputes and having a restraining order issued against them. I think it's important that the point that was brought up as far as the financial problems that occur as a result of that, I think that in administration of a law enforcement agency, I think, our primary concern is the crime that was committed by a police officer who is held to a higher standard and is, in himself, very much aware of what the laws are and involve not only domestic violence, but any criminal law. He has received extensive training and knows that he is held to a higher standard.

And I believe that our primary concern, and I'm sure the State Police concern, is the safety of the family that this individual is involved with, and secondary would be the financial concern. But I believe that if there is an

incident of domestic violence committed by a police officer with his family, my concern would be the safety of the family and that police officer having a badge and a gun being issued to him after he commits a crime. So I believe that's the primary importance that we're concerned with -- are the criminal crimes that are committed by police officers that should be held to a higher standard.

SERGEANT REILLY: And that's why this--

ASSEMBLYMAN COHEN: The only reason I raised that was because that comes from the spouse. That comes from the wife. The wife is raising the issue, "What do I do?" It's not anybody is trying to condone it. They're saying, "Well, what do I do now?" My view is then they sign a letter that says, "I'm not telling you to withdraw your restraining order." My advice as the attorney is to keep your restraining order as it is, whether you have any problems or not. But it's the wife who's raising the question, "If the person loses their job, I now have no child support, I now have no alimony, what do I do?" It's a legitimate question. It's not coming from the counsel for the husband. It's coming from the wife themselves.

It's a glitch. I don't know exactly how it gets resolved, except I would hope no one is going to dismiss or fire the officer because now they can't carry a weapon. I would prefer if they're not carrying a weapon that they be placed in a continued administrative job as an officer, because the wife still needs to survive.

ASSEMBLYWOMAN HECK: I don't think you can guarantee someone who's committed such an act a job.

ASSEMBLYMAN COHEN: It's not-- So that you understand, it's not an act with a weapon I was raising. If you have telephonic harassment--

ASSEMBLYWOMAN HECK: Pain is pain, Assemblyman.

ASSEMBLYMAN COHEN: --and you go to the harasser's residence, and it's an officer, you get a restraining order, their gun is taken away. And all I'm saying is -- I'm talking from the battered person's side -- that there are other consequences in the system that no one anticipates. I just want that brought to your attention.

ASSEMBLYWOMAN HECK: No, I appreciate that.

Debbie, you said you wanted to--

MS. DONNELLY: Okay. I just wanted to thank you first of all, Sergeant Reilly, for coming. I wanted to ask you how the training that the State Police are now getting on domestic violence compares to the police training on domestic violence that's mandated by the Division of Criminal Justice for all police?

SERGEANT REILLY: The training we're getting right now or in concert with the training that Division in Criminal Justice is?

MS. DONNELLY: I guess I'm just wondering how does it compare? Whatever is being done--

ASSEMBLYWOMAN HECK: Overall.

MS. DONNELLY: --for the State Police overall as it compares to the Criminal Justice?

SERGEANT REILLY: Is always 100 percent in line with what Criminal Justice is mandating. So if their module this year is interviewing of child victims, that's what we're presenting. So we are making sure that we are

in line with what they are directing us to be trained in that particular area for domestic violence.

MS. DONNELLY: Okay, and are they utilizing the AG's SOP on domestic violence? Is that what the State Police also use?

SERGEANT REILLY: We have our own that exceeds the minimum standards set by the Attorney General's Office. Again, as the Chief said, we need to be held to a higher standard, and our SOP, which is now under revision to incorporate some new concepts, as well as police officer-involved investigations, to mandate protocols in that area, is a little more encompassing than the minimum that the AG recommends. Because, again, we want to be held to a higher standard.

MS. DONNELLY: Okay, and I have one other question. You mentioned troopers being rotated to different jurisdictions -- or maybe you didn't mention it--

SERGEANT REILLY: Yes.

MS. DONNELLY: But I wanted to ask you, how often do troopers rotate from one jurisdiction to another?

SERGEANT REILLY: What usually occurs upon graduating the academy, they're sent to a-- It's usually north, south, or central -- A, B, and C. We try to keep it simple. The Troops A, B, and C have different types of stations within those domains. So you may have a station that's particularly traffic oriented. You may have a station that's general police area, meaning that they have townships that they control, or you may have a combination.

So once they graduate from the academy, probably the first three years or so, they're bounced around every six-to-eight months to different

stations within that -- whether it's south, north, or central. They stay in one particular area, but they're bounced around in order to give them better awareness as to the different functions in policing.

MS. DONNELLY: And does that like subside after a number of years, or do they continue to be moved around?

SERGEANT REILLY: No. It will subside. What happens is, they may find a niche that they like certain types of police work and maybe those avenues are open to them, and they're able to apply to maybe stay at a certain station. And sometimes they-- After three or four years, they may stay at a certain station for several years.

MS. DONNELLY: So they're bounced around within, say Region A, to the different sections within that region?

SERGEANT REILLY: Right.

MS. DONNELLY: Okay, the reason I'm asking is because as a service provider and there are many throughout the state -- 222 of us -- you get connected. You learn about the resources in a particular area, and then you're going somewhere else. Is there some way to ensure that when they do move to say within another county within that region, that they are educated and reeducated about what's available in that county?

SERGEANT REILLY: Part of the training program that I've developed will be to now go kind of in a three-county forum throughout the state. We put together a two-year training program that's going to-- Every year that station or that trooper should get some type of training as to what's going on in domestic violence from this two-day. If they are in Belmar Station in January of '99, and in December of '99 they're in Bridgeton, which is a

different locality, they'll pick up training there as well. So it will be-- The avenues will be open for them to get to this training, and that's one of the things that we're trying to do is to make sure that each of these trainings involve all the service providers, all the municipal area judges, the prosecutors so that familiarity can occur and that relationships and communication is going to occur.

MS. DONNELLY: Well, thank you very much. I'm really happy that there's an extensive training now being offered, because it's really important.

Thanks.

ASSEMBLYWOMAN HECK: Elaine.

MS. MEYERSON: I just want to piggyback on that. It's required that the police officers inform the victims of the local services and usually have with them a palm card or some information with them in the cars. So does each facility of yours -- station -- have the local materials? And also, what about the Turnpike stations, or do you have the State hot line number? I know there was a large brochure you were given -- small statewide brochure -- is there any that you need? Or what do you have?

SERGEANT REILLY: Well, anytime you ask a police officer if they need anything, I hope you brought a lunch. (laughter) We are, I guess through my effort in being involved with this, getting more and more information out to each station. And one of the things that I'm in the process of doing is, doing a county-by-county kind of recapitulation of what's available, so that a brochure is going to be handed to every victim when they go out. And we'll give them State numbers. We'll give them State Police numbers.

Just to continue on that, we're in the process now of formalizing a partnership with Bell Tel, and they are offering to give us 911-capable phones for victims. So we're in the process now of trying to identify which stations have the most need initially, and every station will be getting them in the future at no cost. It's all as per Bell Tel is offering this program. So it will be 911 given to victims of domestic violence or other victims that may show the need, and they'll have that until they don't want it. That will be a service that we will be providing through Bell Tel.

MS. MEYERSON: Okay. Great. And I've heard you've been working with the coalition, and each shelter or program in that county should have either brochures or palm cards to give you -- hopefully, free of charge--

SERGEANT REILLY: Yes.

MS. MEYERSON: --for distribution.

SERGEANT REILLY: Thank you.

ASSEMBLYWOMAN HECK: I want to thank you again, Sergeant, and you will be with us, so we can access you a lot more frequently. Thank you very much.

SERGEANT REILLY: Thank you.

ASSEMBLYWOMAN HECK: I'm going to ask Janice Miller to come forward. She's a nationally recognized, award-winning attorney specializing in domestic violence rights.

And then I'm going to ask Officer Sabo and Chief David Lyon to come up.

Janice Miller, please.

Oh, there you are.

JANICE MILLER, ESQ.: Yes, I'm here.

ASSEMBLYWOMAN HECK: Okay.

MS. MILLER: Good afternoon. It's really an honor to appear here, and I see so many familiar faces and so many wonderful people working in the field of advocacy of domestic violence. I'm honored to be here and be a part of it.

I am an attorney in private practice in Monmouth County. I am on the State Domestic Violence Working Group and the Monmouth County Domestic Violence Working Group. I had a little bit of a hand in writing the law and the amendments to the law. I have testified before on various issues.

I am a survivor of domestic violence. I left an abusive relationship 30 years ago with my four children, who were then four, five, seven, and eight. My husband went to work, and I got in the car with very bad brakes and packed as much as we could in the car and left and never went back. I was 25 years old. I had no high school education, and I decided never to go back. I am one of the lucky ones. I really believe that I am here today because of my background, and I have been given the gift of what my experience was so I could be here today. So I'm speaking on behalf of all of women -- all the victims of domestic violence who cannot be here today and who have no voice because they are of their fear.

I'm going to speak today about the court system and their response to domestic violence. And this is based upon my experience and my conversations with many attorneys who work in the system and court personnel who work in the system. I am not going to be politically correct

today in any way, shape, or form, and I'm usually not anyway, but I certainly am not -- I'm not going to try to protect judges today. I'm not here for that.

Judges must have ongoing training -- mandatory training. I don't mean just -- as we call them, the baby judges, the new judges -- baby judge training in September where we train our judges at the very end of the day in domestic violence, one time, when most of them have left. That does not work. Every judge who sits on the bench should have ongoing training. I heard the term in-service training. Judges serve us. They are public servants, and they must be trained because they make these decisions, and they are not always making good decisions. The attitude in the courthouse, in the courtroom, other than the advocates, in regard to victims of domestic violence is abhorrent. It makes me sick. It makes me sick.

When I am trying a dissolution case and that dissolution case has to be interrupted because there are a group of women who need temporary restraining orders, I hear comments that make my blood boil and make me very, very sad that we still have this attitude. I hear it from the judges, and I hear it from the court personnel, and I hear it from other lawyers because they can't continue to stand up there and do their thing. And that is not an attitude that we want to convey. The victim comes in. I have heard judges berate victims for being there. Judges that we call good judges.

I tried a domestic tort case once, and I went into the judge's chambers after my client, who was a victim of domestic violence, testified and had the judge say, "If that was my wife, I would smack her, too." That is the attitude of many judges. I heard someone say, I think it was Assemblyman Cohen, how wonderful the bench was. I hear this all the time. And, yes,

people are human beings -- judges. And they may be wonderful family people, but I hear comments all the time about victims of domestic violence. So I'm not so impressed, and I want to tell you that these judges are public servants. We pay them -- the citizens of the State of New Jersey, battered women, victims -- we pay the judges. They are there to serve us.

I also want to talk about the training. The training has to be far more comprehensive. Again it has to be mandatory. It has to involve the dynamics of domestic violence, not only the law. It has to also involve the impact of domestic violence on society. The economic impact on society.

I'm just going to read some statistics. You've heard these before, and maybe I am kind of preaching to the choir, but I really don't know all of you, so I may not be preaching to the choir.

Just economically, each year over 4000 women die as a result of domestic violence. By the way, over 95 percent of the victims of domestic violence reported are women.

Domestic violence costs Americans \$7 billion per year in health care.

Three to four million women are battered each year by their present or former intimate male partners.

Over 52 percent of female homicide victims are killed by their present or former intimate male partners.

A woman is battered every 15 seconds.

A woman is more likely to be assaulted or injured by her male partner than by any other type of assailant.

Battering is the single, major cause of injury to women, more common than auto accidents, rapes, and muggings combined -- economic.

Over one-third of women seen in hospital emergency rooms are victims of domestic violence -- money.

Twenty-one percent of America's homeless are women escaping violent relationships for whom no shelter space is available -- homeless women and their children -- money.

Almost 50 percent of abused women are battered during pregnancy -- money to care for this. For many, the violence began with the pregnancy.

And I'm going to come back to this again, but I want to tell you one out of every four women who attempt suicide is a victim of battering.

Children are present or involved in over two-thirds of domestic violence incidents.

In 70 percent of child abuse situations, the mother is also being abused.

Boys who witness domestic violence are more likely to batter their partners as adults than boys raised in nonviolent homes.

Children from violent homes have higher rates of alcohol and/or drug abuse and juvenile delinquency.

Self-medication, "I don't want to see this anymore, let me have a drink, let me take drugs" -- money out of our pockets.

Children from violent homes are physically abused or seriously neglected at a rate of 15 times higher than that of the general population.

Where do we get the money to take care of them from our pockets?

Thousands of abused women seek escape from the fear and pain of physical battering and psychological abuse by numbing out on alcohol, drugs, and prescription tranquilizers. That costs us money for rehabilitation, for hospitalization, for detoxing.

And this statistic that I'm going to read now absolutely-- It continues to blow my mind. I would say-- I would estimate it's a lot worse today. Between 1959 and 1975, 58,000 American soldiers were killed in Vietnam. During that same period, 51,000 American women were killed by their male partners. I think it's worse today.

The attitude of judges and court personnel from my experience in regard to victim of domestic violence is one of contempt and in regard to domestic violence in general. The attitude is that it's a bother. Why is that attitude out there? What can we do to change that attitude? With the impact that domestic violence has on society, we must change that attitude, and we must get protection and respect for victims of domestic violence.

We have so much respect for judges. We have so much respect to people that we hold in this high esteem. How about victims of domestic violence who have been through so much? They have been raped. They have been beaten. They have gone through verbal abuse. They have been denigrated. We should have a great deal of respect for them because they have done a lot of work and paved the way for us and they've taken all the brunt of it.

When an economic issue is presented to the court, that attitude is not there. Or in a criminal case, the criminal judge doesn't say, "Oh, damn, here I've got another criminal case," or "Another one of these criminal cases" -- you don't hear that in the courtroom. Domestic violence is a crime. I don't care if it's one time that someone has been brutally battered, the first time in a 15-year relationship, or if it's many times. It's a criminal act. If someone hits a stranger on the street, beats them up, kicks them, punches them, breaks their arm, stabs them, that's a crime. The person is arrested -- the perpetrator -- and prosecuted. Is it different when it's family members? I don't think it's any different. I don't view it any differently. Why are we viewing it differently?

The attitude of the judges and of the court personnel leaks down to everyone. I've seen when prosecutors are prosecuting contempts of the domestic violence order in a courtroom. I hear so many comments about how "this is such a small thing," and "I have to hear contempts today." I'm talking about judges. And it makes the prosecutors feel as if their job isn't important, and "Let's plead this away, let's get rid of this."

Chief Eib, I really appreciated your comment. It is about what is going on here, the criminal act that we're concerned about. Judges are there to uphold the law and to implement the law. And they have to understand what domestic violence is so they can do it more effectively.

I want to call your attention to the case-- A woman whose name was, I believe her first name was, if I'm pronouncing it correctly, Akina Wilson. Akina Wilson was the girlfriend of Tito Wooten who was a New York Giants

player -- football player. Now, Mr. Wooten had three arrests for domestic violence.

The first one he was in college in Louisiana, and he assaulted his wife, Brenda, and that occurred in 1994. The police witnessed him punching his wife in the face. She did not press charges, and the police did not press charges. He was expelled from Northeastern Louisiana University. His second arrest was in Hackensack, New Jersey. He was arrested. The woman and her family got a restraining order. The woman chose not to testify against him and her father recently told the *New York Times* that she didn't testify against him because she was afraid and the family was afraid. And they asked her not to testify against him, and she did not. The police filed charges. The hearing was in the Hackensack Municipal Court and the charges were dismissed. No counseling was ordered.

1997 December 7 Tito Wooten choked and beat Akina Wilson, who was pregnant with his child. When the police arrived at the scene, Ms. Wilson was bloodied. Wooten had punched her in the face, pushed her to the floor, and choked her. Temporary restraining order was issued. Police did not file charges; although, they are mandated under the law to do that if they see that an act of domestic violence was committed. It's very obvious. The police said that she was scratched. There was blood on her nose, and it was obvious she had been beaten. That was in the police report from my understanding from reading the paper.

Wilson did sign a criminal complaint. At the final hearing on December 17, 1998 (*sic*), the attorney for Wooten spoke. The attorney for Wooten -- the perpetrator -- spoke on behalf of Akina Wilson. Wooten was

sitting next to her. The attorney for the perpetrator spoke on behalf of the victim. The attorney advised the court that Akina Wilson wanted to drop the charges. The prosecutor had a very, very brief conversation with Wilson. There was not a domestic violence advocate in the court. “The judge did not question the irregularity of this,” and I’m reading from the newspaper, “Did not refer Wilson for counseling or to an advocate prior to dropping the charges, did not adjourn the hearing.” The prosecutor agreed to the dismissal. The judge dismissed the TRO.

And I quote from the *New York Times*, February 27, from the sports page. The judge said to the parties, “Be careful not to cause any similar conduct,” and to Wooten before he left the courtroom, “Have a good game.” It’s disgusting, disrespectful, and dangerous. This is not unusual. We hold athletes up in our society, but we don’t hold in high esteem victims of domestic violence.

When I was a victim of domestic violence, I was so ashamed. I was not held in high esteem by anyone. My doctor chose to believe my husband that I fell down the stairs, and that’s how I got a concussion and cuts and bruises. The police didn’t want to hear from me. My family did not want to take me in. They were ashamed, and they said “Go back, what did you do wrong?” Now, I would like to say that today everything is changed, but it has not. It has not. My grandmother did take me in. She was about four-foot-eleven, and she was not happy, but she did. And I was there for two months. I was one of the lucky ones, and I believe that I was lucky because I had to be here today and out in the world speaking on behalf of all the women, all the victims of domestic violence who cannot speak.

I want you to look at your newspaper every day, and you will see almost every day that a woman in New Jersey is killed by their intimate partners. The numbers are rising. Every day another women is murdered, and only we can stop this by strengthening our commitment to finally implement the wonderful domestic violence law that we have. It's about time that we took the strength of that law and we walked our talk. It's nice to see it on paper. It's a lovely law. It's a very lovely law, but let's get out there and do it. I am so pleased that the police are here today and that they are doing such a great job. I am sure that the police officers here today will take care of that. I know that they will, and the prosecutors that are here today. But I am so impressed with the progress that the police have made, and I'm very proud to be here with them today.

I think the State of New Jersey -- this Task Force -- and the people who are supposed to be implementing the law and making the laws have got to stand up and be strong. I think we've been very weak-hearted, and I think it's time to stop being weak-hearted and to start being strong-hearted. We are the advocates. I consider myself an advocate. We don't make the changes. We scream, we yell, we get out there, we fight, we're on committees, we're helping victims of domestic violence. But it is you and it is the judges and it is the police officers that implement the law. I want all of you -- and there are no judges here today -- to be strong-hearted and implement this law and not worry about a New York Giants player or a basketball player. These people are paid huge amounts of money, and I believe I have some statistics in regard to that. But there are so many athletes who are abusive to their intimate

partners. Why do we put up with this? Why are they still being paid these great salaries when they're not people that we want our children to look up to?

And I'm only looking at domestic violence. I'm not looking at all the other problems. Often people in power believe they're stepping on judges' toes when they say something to judges. Why can't judges be held accountable when they don't do the right thing? I just don't understand. Maybe I'm just thick, but I don't understand. I'm held accountable. Why can't judges be held accountable when they don't do the right thing in a courtroom in regard to domestic violence? Why can't judges be called on the carpet when they do not respect the victims of domestic violence and uphold the law? Why can't we get bad judges, judges who do not respect victims of domestic violence and judges who do not uphold the law and who try to manipulate the law and the case law that's coming down? Why can't we get them out of the domestic violence? They shouldn't be there. Victims should not have to be abused twice. It happens all the time.

We are, although we have a wonderful law, I believe that New Jersey is behind other states in regard to the implementation. We can no longer be--

ASSEMBLYWOMAN HECK: Would you clarify that, because we've been told otherwise, Janice?

MS. MILLER: Well, I think, first of all, we don't have a monitoring system for domestic violence orders. I believe that we do not have on our computers-- We don't have a-- The word has escaped me. But I know that we are supposed to have a system where all domestic violence orders are to be in the computer. My understanding is it has not been.

ASSEMBLYWOMAN HECK: Well, we went on a field trip a short time ago. And we visited AOC and the registry is being implemented. We were told it would be complete by October 1998.

MS. MILLER: Okay.

ASSEMBLYWOMAN HECK: So that's in progress. It's not that the law is not be implemented. It is. Your reference to the Hasbrouck Heights incident chose a problem that exists in the celebrities area in particular. Because knowing all of the people involved, because that's my hometown -- my adopted hometown. I was born and raised in Hoboken. And I know that this particular judge prided himself on being very tough on DV cases.

MS. MILLER: What happened here?

ASSEMBLYWOMAN HECK: This is what I'm saying to you. So even though he prided himself on that, and the same thing with the detective who should have proceeded with the case beyond that-- There were three people -- the check and balance was not there -- including the prosecutor who was at fault. So all of this has to be taken into account that mistakes are still being made even though the training is there. Even though--

MS. MILLER: Training for who, though? For the municipal court judges and for the judges? I don't believe that there's--

ASSEMBLYWOMAN HECK: Well, I'm talking about the police officer--

MS. MILLER: Oh, great -- police officers.

ASSEMBLYWOMAN HECK: --who knows exactly what the law is.

MS. MILLER: Yes.

ASSEMBLYWOMAN HECK: I know he was disciplined. But by the same token, that didn't stop it from going from the police officer to the prosecutor to the judge. That was unacceptable to any of us.

MS. MILLER: And how about the judge? What is going to happen to him?

ASSEMBLYWOMAN HECK: I believe that goes to the -- either the AG's Office or I think there is something proceeding, as we speak, in that area.

MS. MILLER: There has to be. I mean, I don't know what will happen. I don't know if we'll ever hear what happens.

ASSEMBLYWOMAN HECK: I mean, I don't want to discuss what I really don't know.

MS. MILLER: No.

ASSEMBLYWOMAN HECK: But I do know it's there, and it's being reviewed. I mean, a complaint has been issued.

MS. MILLER: Okay.

ASSEMBLYWOMAN HECK: So the wheels are in motion.

MS. MILLER: But then we have to know what happens to the judge.

ASSEMBLYWOMAN HECK: Oh, absolutely.

MS. MILLER: Because that is holding that judge accountable.

ASSEMBLYWOMAN HECK: Absolutely.

MS. MILLER: And the final thing with Akina Wilson is, two days after that hearing, she committed suicide.

ASSEMBLYWOMAN HECK: Not two days.

MS. MILLER: I believe it was two days later.

ASSEMBLYWOMAN HECK: Two days?

MS. MILLER: The newspaper said two days.

MS. MEYERSON: Two or three weeks.

MS. MILLER: Two or three weeks?

MS. MEYERSON: I have it right here, Janice.

MS. MILLER: The newspaper said two days.

And the family said that somehow that there were a lot of problems there, and there was a lot of violence there.

ASSEMBLYWOMAN HECK: I'm sure.

MS. MILLER: So she is yet another statistic.

ASSEMBLYWOMAN HECK: She was a classic case of what we heard earlier, where the women said, "Well, I hit him first" kind of situation. So I mean, there is much to be done.

MS. MILLER: Right.

ASSEMBLYWOMAN HECK: And much is being done. And what we did in 1994 was very important.

MS. MILLER: Very important.

ASSEMBLYWOMAN HECK: What you did 30 years ago was important. I use your story oftentimes about the applesauce and the pork chop. That made a tremendous impression on me that you were concerned not just for your daughters that they would be getting a message, but for your sons that they might become abusers when they're older. I think you are just a very courageous woman at a time when many did not have that type of courage. You're a homebody who chose to save her children, and I think that's

an impetus that most battered women have is when they feel their children are in danger. That they will move and that they will suffer a lot unto themselves.

And sometimes when I hear them saying, “Well, after 20 years, there was the one incident”-- Well, people have hidden their pain--

MS. MILLER: Absolutely.

ASSEMBLYWOMAN HECK: --for decades and will not even make reference to them when it does become a matter in the public arena. They will not tell you that they’ve suffered demeaning processes and builds up to this incident now that has been exposed. But behind closed doors, there are things happening emotionally, mentally, and physically. The degradation involved is a step-by-step process until there is no one left.

We have seen and heard of women starving to death, because their husbands would not allow them to eat. And families leaving those women alone because they were in fear of being killed by this perpetrator. He never laid a hand on this woman, but he had such power and control that she was at death’s door in the case of malnutrition. But he never laid a hand on her. He never used a weapon. He used a weapon -- his power over her was unbelievable, and it’s not unusual.

But I do agree that we must hold people accountable and absolutely must expose those areas of weakness. Even when examples have to be made, we have to make them.

MS. MILLER: Absolutely. And in regard to training of lawyers that was brought up by Prosecutor Cannella, who was a wonderful, wonderful speaker, and an example for all attorneys, I just wanted to say, there’s no reason-- And I would like this group certainly to make a recommendation that

that be part of the skills and methods course that we all have to take as new, young attorneys before we get the -- at least when I was coming out of law school -- before we got notice that we passed the Bar. And during that, we have to talk to attorneys about consent orders. Taking a matter out of the FV, dismissing the domestic violence order, and entering into a consent order in the FM or the FD situation where both parties agree that the perpetrator is not going to hit or assault or do whatever.

I mean, that is one of the worst things that attorneys do. I mean, I'm sorry, and I beg to differ with you, Assemblyman Cohen--

ASSEMBLYMAN COHEN: Don't confuse statements in discussion as particular positions. If all we're going to do is discuss in this room what our own particular position is, then we're not going to have a full discussion on all the areas of it.

MS. MILLER: Well, this is not only my position. It's the position of advocates. It's the position of people who have seen the results of consent orders in the FM area when they've been taken out of the FV area. This is not just my-- I'm not here to present my position only. I am here to present the position of the advocates from my own experience.

ASSEMBLYMAN COHEN: Let me just ask you something, through the Chair, if I may. In this Wooten situation where she -- for whatever reason -- chose to withdraw the last matter which was before-- I think you said, was it a municipal court judge?

MS. MILLER: Municipal court.

ASSEMBLYMAN COHEN: So it wouldn't have been-- The restraining order would have been the criminal charge?

MS. MILLER: Criminal charge.

ASSEMBLYMAN COHEN: All right.

MS. MILLER: That the prosecutor agreed to dismiss also. Go ahead.

ASSEMBLYMAN COHEN: When she was pursuing the criminal charge, and she chose to withdraw the criminal charge, I don't know what happened. Maybe she didn't seek restraining orders, or if she did, I don't know, but--

MS. MILLER: My understanding is that she had a temporary restraining order.

ASSEMBLYMAN COHEN: Okay. And I'm assuming that she withdrew that also.

MS. MILLER: I assume so.

ASSEMBLYMAN COHEN: When she withdrew the assault charge for whatever reason or motivation it may have been, whether it would have been out of fear or whether it would have been out of economic loss or whether it would have been whatever pieces of the relationship, or shards, are still there -- whatever reason because it's usually unstated -- and she withdrew it, are you suggesting that there should be a process or a procedure in New Jersey in municipal court -- we'll just take that for the moment, spousal -- related municipal court charges -- that if there is a mutual dismissal or a decision by the woman to withdraw that that should not be withdrawn or it should be conditioned upon counseling or something before the court allows it to be dismissed.

MS. MILLER: I think-- Yes. My suggestion is that if the court, if the judges are aware of the dynamics of domestic violence it would only make sense for that to happen. In other words, in a place they can adjourn that dismissal hearing for a week or two weeks to give the woman an opportunity to speak to someone who knows the dynamics of domestic violence -- a counselor or an advocate -- that can counsel her in that regard. Why is she withdrawing this? Is it because she's afraid? Is it because she's been forced to do this? Has she been threatened? Has there been yet another act of domestic violence? Is that why she's withdrawing? We as attorneys have to admit that it's highly unusual for the attorney for the defendant to present the position of the victim in a municipal courtroom.

ASSEMBLYMAN COHEN: I mean, I don't know. I wasn't there. You weren't there. I don't know if you got the whole court transcript.

MS. MILLER: No. I did not. I just read about it this morning.

ASSEMBLYMAN COHEN: Counsel may not have been speaking to her. He may have been just placing what the terms of the settlement were on the record.

MS. MILLER: I--

ASSEMBLYMAN COHEN: That's happened before where the parties have--

MS. MILLER: But she was not represented by counsel.

ASSEMBLYMAN COHEN: Well, she's a victim. She's represented by the municipal prosecutor.

MS. MILLER: But she-- Right. But she was not privately represented by counsel. I don't even know--

ASSEMBLYMAN COHEN: You can't be privately represented by counsel in the municipal court under prosecution.

MS. MILLER: She-- The prosecutor did not bring the complaint, the victim brought the complaint.

ASSEMBLYMAN COHEN: Yes, and the prosecutor can--

MS. MILLER: I'm not--

ASSEMBLYMAN COHEN: In any event, my question was, there was this suggestion that because of the dismissal by the court which was at the request of Mrs. Wooten--

MS. MILLER: Ms. Wilson.

ASSEMBLYMAN COHEN: My only question is this. Since we're trying to look at all possible alternatives--

MS. MILLER: Right.

ASSEMBLYMAN COHEN: --are you suggesting that in a municipal court prosecution of a spousal-related disorderly person or petty disorderly person offense, that before the person requests or as a condition of the person requesting, that is, the wife -- the women -- a dismissal-- That as a condition of that dismissal she's requesting, something should be imposed in terms of--

MS. MILLER: Prior to the dismissal, yes, that she should speak to an advocate. And I believe that the domestic violence procedures manual mandates that anyway. My understanding, and I don't have it in front of me, but I see--

ASSEMBLYWOMAN HECK: Mary White wants to add.

MS. MILLER: Mary probably knows.

ASSEMBLYMAN COHEN: But that's not required by statute.

MS. MILLER: I don't know that it's required by--

ASSEMBLYMAN COHEN: No.

MS. MILLER: I don't have the--

ASSEMBLYMAN COHEN: Or court ruling.

MS. MILLER: The domestic procedures manual which all judges get, prosecutors get -- I have a copy of it -- I believe states that the judge is mandated to refer the victim, prior to a dismissal, to an advocate.

And, Mary, you can--

I mean, I'm sorry.

ASSEMBLYWOMAN HECK: No.

MS. WHITE: I would address my comments to the Chair on this. The spirit of the administrative procedural manual and the actual content deals-- The content deals with the civil restraining order hearing and the referral to an advocate before a decision is made by a victim to request a dismissal of a civil restraining order, which is a civil action, which is captioned *Smith v. Smith*. A criminal matter is captioned *State of New Jersey v. Defendant*. And I just need to say this as clearly as I can.

The decision to withdraw or dismiss really properly should be considered a decision being made by the State of New Jersey through the prosecutor and not by the victim. We have an obligation as prosecutors to really speak with the victim and learn what their concerns are.

Just for part of the record of everything we're talking about when we talk about this very serious and important issue for enforcement, there really are, basically, two kinds of criminal cases we can be dealing with. One

may depend almost or entirely on the victim's testimony, and it is not the policy of any prosecutor's office in this state or any reputable prosecutor's office throughout the nation or the Attorney General statement with regard to this issue that victims under their circumstances be forced to testify. That is wrong. There is also, and it depends on coordination and police work and reinforcement to the police as they do this work -- there is very much a possibility of presenting cases showing the defendant's accountability and what he or she has done wrong by gathering evidence independent of the victim. And that's a very real possibility.

It sounds as though the case that you folks are talking about -- and I'm in a completely different newspaper market, I guess. I'm from South Jersey, so this situation was not covered, and I don't always read the sports pages. Just incidentally, it sounds like it should not have just been covered in the sports pages.

ASSEMBLYWOMAN HECK: It wasn't. It's the *New York Times* that covered it.

MS. MILLER: No. It was the *New York Times* sports-- It was the sports pages.

MS. WHITE: Oh, we do get--

ASSEMBLYWOMAN HECK: And they did an investigative report, I believe.

MS. WHITE: Yes. Which is a separate, sad comment, I think, about--

MS. DONNELLY: Well, actually, we thought maybe-- I talked to the two reporters, and they thought maybe it would be read by some men if it was on the sports page.

MS. WHITE: There you go. Well, that's good.

MS. MILLER: Yes.

MS. WHITE: I just want to indicate as clearly as I can that the decision is to go forward with the case that is clearly corroborated is very dangerous to put that decision in the hands of a victim. Although we really need victim input, because if it's going to make it less safe rather than more safe or some times neutral -- we don't have crystal balls -- we need to know that and why and what another safety plan might be around that. But other than that, putting the decision in the hands of victims, particularly in cases that we should be investigating, well, really puts it, as far as we know, mostly in the hands of the batterer because of the power and control relationship.

In any event, to go back to the--

ASSEMBLYWOMAN HECK: But, Mary, don't you recognize as we were talking before that a celebrity--

MS. WHITE: Oh, absolutely.

ASSEMBLYWOMAN HECK: --has an entirely different status--

MS. WHITE: Absolutely.

ASSEMBLYWOMAN HECK: --when it comes to-- Now you're looking at--

MS. WHITE: It shouldn't, but--

ASSEMBLYWOMAN HECK: Yes. But the judge, the prosecutor, the police officer all forgot what they were supposed to do because it was this

man? I mean, it wasn't just one of them. There should of been a check and balance there somewhere. But as soon as it was someone who was famous, so to speak, we have a problem--

MS. WHITE: And the problem--

ASSEMBLYWOMAN HECK: --that everybody loses.

MS. MILLER: Not even counseling for Wooten--

ASSEMBLYWOMAN HECK: Yes.

MS. MILLER: --even though he was known-- It's been reported over and over--

ASSEMBLYWOMAN HECK: That's right.

MS. MILLER: --that he is a very violent man at least when it comes to women he's in relationships with.

ASSEMBLYWOMAN HECK: I think in looking at this -- I think that this is perfect that you brought it before us today, Janice, because it is something that we have to stress and point out. It's a very important issue today. Because we're not holding certain people of position to the same standards as Mr. or Mrs. Average Citizen. This is not right. Somewhere within our work we should make a statement about that.

Go ahead.

MS. WHITE: The problem with that case started in the beginning, and I'm not sure what the motivation in the beginning was, but it sounds as though the police response--

ASSEMBLYWOMAN HECK: I feel even worse--

MS. WHITE: Right.

ASSEMBLYWOMAN HECK: --because I'm a former mayor of that community, and I'm shocked -- shocked.

MS. WHITE: And I'm sorry for that.

ASSEMBLYWOMAN HECK: No. No.

MS. WHITE: Just to get very technical--

ASSEMBLYWOMAN HECK: Not for you to be sorry. I am shocked because I know the caliber of the people involved, and they all went blank--

MS. WHITE: Yes.

ASSEMBLYWOMAN HECK: --because this was a different type of personality.

MS. WHITE: No pictures, no statements -- so even if that municipal prosecutor wanted to go forward, I'm getting the sense that there may not have been photos. There may not have been statements by the victim, and it's possible the only way to go forward -- I don't know the case at all -- might have been to do is, well, I think we're all saying we really don't want to go in this direction, which would have been to force the victim to talk about it. So as best we tighten up the response from beginning to end, the less at risk we are that a celebrity status or some other important status will interfere with what we need to do -- the more that is just very routine and automatic for the police response to include photos of injuries, statements of neighbors and excited utterances by children, statements made to medical care providers, etc.

ASSEMBLYWOMAN HECK: This was a hotel situation, not a husband and wife situation either. But none of what you said should be excluded, but what I'm saying is there has got to be a better way.

MS. MILLER: There has to be a better way, and we have to hold people accountable. I mean, I think that's the key. And there has to be a better understanding of the dynamics of domestic violence by judges who are dismissing domestic violence complaints. So I'm saying we must have more training--

ASSEMBLYWOMAN HECK: Absolutely.

MS. MILLER: --and it has to be ongoing, in-service training all the time. And for attorneys also, because attorneys soon become judges -- some of us. We absolutely have to have it, because I think a lot of attorneys really don't know the dynamics of domestic violence, and we get so busy in our lives trying to make money, as we all know, to make a living, and to do what we are supposed to do for our clients.

ASSEMBLYWOMAN HECK: Well, we learned at our last hearings about the judge who had a in-house restraining order. He sent the man back into the house and she ended up dead. This is an instance where she kills herself, but she's dead nonetheless. It's a circumstance that built up to the death of another individual.

MS. MILLER: Another woman. Yes.

ASSEMBLYWOMAN HECK: Let's not forget the children who are being killed there, too.

MS. MILLER: Well, I also-- Right. The children who are being killed, and that's happened in New Jersey over and over again, also.

ASSEMBLYWOMAN HECK: Absolutely.

MS. MILLER: And the impact of domestic violence on children is incredible. Look at juvenile delinquency, alcohol, drug abuse, and just society in general. I mean, we really have to look at the violence in society in general, and it starts at home.

ASSEMBLYWOMAN HECK: Absolutely.

MS. MILLER: So it's our job to change that.

ASSEMBLYMAN COHEN: And hopefully, that maybe we can include it in some kind of core curriculum. So men and boys understand that they should not be touching women in any kind of fashion.

ASSEMBLYWOMAN HECK: And women not touching men in that 5 percent.

MS. MILLER: Yes.

ASSEMBLYMAN COHEN: Well, the main problem is, and I've dealt with it for 18 years, you may know and not know, but whether it's consented to or not most attorneys who are worth anything, even if they are representing the husband and the case is over-- I do. I tell them to keep their hands away from, stay away from or else there's going to be other problems that are going to come up for them in the future. But until young boys and men understand to keep their hands off of women under all circumstances, my--

When I tell a male client, I say, "If there's a problem, if they're screaming, leave the house. Get out of the house to protect yourself and to protect your wife. Take a drive, walk down and stay at a neighbor's house, just get out of the situation that is volatile right then and there before somebody

gets hurt.” In many instances, they’ll leave. They’ll take that advice. They’ll say, “I had a problem. I left the house. I took a walk. Came back in two hours. Everything was fine, and we’ll deal with it.” But until folks know how to deal with their anger, which is not something that they learn just at the age of 22 when they get married or which is something that is involving in them because they’re in grammar school, how they perceive their own parents or grandparents. There are a lot of things that are involved as to how that anger occurs.

MS. MILLER: And that brings up the issue of counseling and how judges really need to know that they have got to send perpetrators--

ASSEMBLYWOMAN HECK: That time-out piece.

MS. MILLER: --for counseling, but then the counseling has to be monitored by the court. Often people are referred to counseling and they never go. I have a case right now where that’s happened. And very often the court looks at domestic violence as if it’s just a simple argument. And we have a woman in Monmouth County, Michele Paterson (phonetic spelling), who was killed, and the comment was that there was just another family argument. Her husband killed her, and her boyfriend-- They were estranged for quite awhile.

Thank you for the good work of this Task Force.

ASSEMBLYWOMAN HECK: Janice, thank you so much, as always. And, again--

MS. MILLER: My pleasure.

ASSEMBLYWOMAN HECK: --I appreciate your being here and doing the work that you do.

MS. MILLER: Thank you. I think Elaine did have a question.

ASSEMBLYWOMAN HECK: Elaine.

MS. MEYERSON: I just don't want to leave the issue we brought up a few times -- this is my first time on this Task Force -- of municipal judges. And I myself was in a court the other day for another matter, but witnessed charges being dropped, the plaintiff happened to have been the husband, but I am still appalled. The judge said, "Do you agree, do you agree? Okay, fine. Good luck to you." Never said, "The two of you should be careful, should go for counseling." I know that our law only deals with restraining civil orders in superior court. But it is this training -- is there legislation that can require municipal judges -- maybe others do suggest counseling. They're not required on that level, but we really need to do something. I was just so shocked that he didn't say anything -- good luck to you.

There was another one. There was a couple-- I suspect that they had been husband and wife before who had charges that were dropped, and just said, "Good-bye, have a nice day."

ASSEMBLYWOMAN HECK: Ellen, did you want to say--

MS. CROWLEY: Just as a comment, men in general and batterers in particular are not consumers of counseling. And they usually go to counseling only when they're in crisis. There are only, to my knowledge, two counties in New Jersey that have mandated batterer's counseling. Essex County is not one of which I'm a resident. I believe it's Morris and Union counties, I believe. I don't know if Bergen has mandatory--

MS. DONNELLY: It's not admissible anyway.

MS. CROWLEY: It's really up to the individual judges to decide whether or not someone's going to be mandated to counseling, but they have the authority to do that in every case and they don't.

ASSEMBLYWOMAN HECK: Excuse me. It's something we should review when we're putting our report together.

MS. MILLER: And counseling is ordered at the discretion of the judges. And so if we have more training for judges and they understand the dynamics of domestic violence, there will be more referrals to counseling and to counselors who know what the dynamics of domestic violence are. Not every counselor knows what this is -- the power and control issues in domestic violence.

Thank you again.

ASSEMBLYWOMAN HECK: Thank you, Janice.

MS. MILLER: Yes.

ASSEMBLYWOMAN HECK: Appreciate that.

My apologies to all those wonderful people here -- we will hear your testimony because it is being -- we will have a transcript of this very important-- And I know some of you might have to be elsewhere, but I appreciate the fact that you're here and staying.

Officer David Sabo from the New Brunswick Police Department, who is a domestic violence trainer.

DETECTIVE DAVID SABO JR.: Good afternoon. Thank you very much for your time today. I feel very privileged being here to come and talk about domestic violence.

We've talked a lot about prosecutors and judges and things like that, but the basic thing comes back to the police officer. He's the first one there. He's the one -- he or she -- that goes on the call and where everything gets started.

Just let me start with a little bit of my background. I've been a police officer almost 20 years. I was in patrol for 6 years and traffic for 8 years. So while you're in traffic, you don't do too much domestic violence or anything like that. About 4 years ago, I was transferred to Planning and Training Division where I handled background checks for new applicants. At that time -- I stayed in the Division -- and is when all the new laws came out, and now every police department had to have a domestic violence officer. So my Lieutenant was given that authority, and authority was passed down to me. So my first thing was to learn a little bit about domestic violence because I hadn't been on the street. It takes a while, but I want to let you know that in the 4 years things have changed a lot for victims.

I would like to go a little bit on the training that we go through. I think it's real important -- and I've talked to Chief Eib -- that it's standardized. Because I think in the long run that's where it starts. If you can start it at the initial contact with the victim, it makes the court easier and it makes the judge's job easier. I have a lesson plan, and I thought it was very important to get a lesson plan when I was put in the Department and our Department feels the same way. Because I wanted it to be something that I could go to and train -- we have to train twice a year -- and it would be a constant training. Teaching the same thing over and over again. So a guy

might do domestic violence today and not do one again for a month. So he might forget how to do things. So it's very important to do in-service training.

In the in-service training for a police officer, when this first law came out -- domestic violence -- it's easy to see a domestic violence husband and wife, boyfriend and girlfriend. But under the domestic violence laws, there is a lot of other categories, which when the law first came out, it threw police officers for a loop. You now had dating. You had -- if the woman was pregnant. If it was a frat house where they lived together. It took you some times 10 minutes just to figure out if you had a valid victim and a valid suspect for domestic violence because of the certain criteria.

So the training became very important to me. And when I first started the training, it was tough. A police officer would say, "Well, geez, is it this? Is it that? Is it this? Is it that?" And over time, in the last two or three years, they've become more comfortable with it. I have a beeper that I -- that anytime they need me, they call me, and I do get calls. I'd rather them call me and -- if they have a question on it, because then it gets solved right at the scene instead of waiting until the next day and say, "Well, geez, you should have done this -- you should have done that." So training to me is very important.

In New Brunswick, we're a little unique because we receive two grants. We receive the Federal grant under -- for \$165,000 for violence against women, and we receive the State grant. We've put that money to good use. I am a full-time, domestic violence officer, and I have a female, bilingual civilian coordinator, which has helped me an awful lot. In New Brunswick, we're a fairly big city in size, not in mileage, but the county seating --

everything is there, so during the day we have a lot of people there. We have a lot of Mexican, Puerto Rican, Spanish, so she helps me out immensely.

And what our main purpose is, is the victim. And I think that's important to get across in training to the police officers is the victim is No. 1. What we do is, every morning we get the reports from the day before, and we physically call up the victims. We find out why they didn't get a TRO, were they explained their rights, and things like that. And what we go after that is, we have them come in if they have to. We have taken them to court, not as an advocate, but as support there. In the last month, I've taken two victims to Somerset Court, which is not even our county, because they were in fear of their life, and they asked us to go. So we've had a good rapport with the victims. As a matter of fact, our reputation in New Brunswick with helping victims has gotten so good, I'm getting people who are not even in New Brunswick that are calling me. But we still help them, because we're here to help victims, whether they're in Somerset, Franklin, South River, wherever. We'll help them.

It all goes back to training. When I first was a police officer, you go to a husband and wife, they have an argument, you talk to the wife, "No, I don't want to sign a complaint." You say to the husband, "Well, is there any place you can stay tonight?" Take him over to the mother's or friend's house, and that was it. Times have changed and they should change. My thing with the law, too, is I wish when a woman refuses a TRO, then we as a police officer can get one. What I mean by that is sometimes we'll go to the same house four and five times. The woman is beat up. Okay, we make the criminal complaint,

we make the criminal arrest, but you can tell this woman is so terrified that she's not going to sign a TRO.

And as a matter of fact, one of our judges gave one of our officers a TRO. It was a female that stabbed her husband, and he didn't want to sign a complaint, and the judge gave the TRO. It was dropped the next day because it's a civilian complaint and the victim has to sign it. But I wish at times we could do that. I know we can't, but it also brings us to the point that it's not always a husband and wife. You get involved in gay relationships and colleges. So the police officer's job at the scene is very important -- how he detects it and deters it. If we can stop some of these cases, if the victims feel comfortable with the police officer, that maybe on the harassment call the first time, we can give her help and she can get help. It doesn't end up to be the aggravated assault, the killing, the death, and the mutilating, and things like that. We should try to stop it earlier. In New Brunswick, I think we've done that.

We're also trying to get computerized. We've talked about being computerized. I know there's a case in Camden where they're doing on-line for all TRO's in the whole state, so you can tell if there is a TRO out for anybody. In Brunswick, we're trying to do it locally for us -- that our dispatchers can go right into the computer and find out if there is a temporary or final restraining order on a defendant. Right now, we have to go through a hand file which we might have 5000 TROs in there. And a lot of the time, they are not up to date, because the county doesn't bring it up to date for us.

What I've done-- I've also brought a copy of our in-house training, and I've made enough copies for everybody. Chief Eib just asked me to bring

it just to show what we do in New Brunswick. I think over the years and the training our officers are more compassionate. In New Brunswick, sometimes we have eight officers on the job. You go out on a domestic violence call, you're looking at a two- to three-hour call. When it first came out, it's a lot of paperwork, this and that, then she's going to drop it anyway. Now we've gotten to the point from the training and the guys going out to the scenes -- that they're more compassionate and they do it. We take pictures if we need to.

Through the grant, I'm getting a video camera. I have a 35mm camera coming. I got overhead projectors. We have a trailer. In the trailer, we bring the victim in. We have a film that was developed by the New Jersey State Bar Association on what it is to go to an FTO hearing. We bring the woman in, she looks at the thing, and there's a paper to fill out. Because most victims don't realize, it's almost like a divorce what you're going through. You're getting child custody, you're going over monetary, and when they go to court and all of a sudden when the judge says, "Well, is there any monetary you need?" She's like, "Oh, what do you mean?" So we try to get them prepared for court, even if we have to take them.

In Middlesex County, Women Aware, we have gotten a great relationship with them, and I think that's very important. I think it's important to get a good relationship with your advocates, with your other police departments, with your county court system, because you help each other. I can call Middlesex County on a problem, and they'll help me. I've got a great rapport with Barbara Stolte, who is the Middlesex County Prosecutor for domestic violence, and we help each other. She'll get somebody to go up

there -- that something happened in New Brunswick -- she'll send her down to me and we'll take care of it. And it has helped us a lot. I think the rapport has been very good. And I think that's very important.

In Middlesex County, ADT, which is the alarm company, gave us alarms that, through Women Aware, if the person fits the right quota or whatever they need for it -- I'm using the wrong word -- she can get an alarm, and that's carried around. That if the suspect does come back, she hits the alarm, and the police are automatically sent to the area. Now if she comes to the front door, and she says, "Officer, everything is all right, nothing's-- It's all right," we will still go in. Because we don't want her to be under duress, and they are told that when they get the alarm that the police officers will go in. If we have to, we'll break the door down to make sure that everything is all right in there.

What's nice about doing a lesson plan like this is it's very easy to update. Laws change, different things come about and what I do is I just update it on the computer and then I'm set. I explain to the officers the 14 laws that can be violated, the relationships, what to do, what help we can get them. We work, like I said, with Women Aware, and they help us a lot. In our trailer, we have toys for the kids. A lot of times, the woman they-- "I can't come down, I have my kids with me." Nobody to watch the kids. Bring the children down -- I have toys for them to play with. I have a VCR. They can watch TV, movies, and it gives the mother a little feeling that at least somebody is here trying to help her, and her kids will be taken care of while we're doing that.

So I really think it's very important that we do standardized training for the State level and the county level and -- so that everything is on the same board there.

That's about what I have. Does anybody have any questions?

ASSEMBLYWOMAN HECK: Chief Eib.

CHIEF EIB: Detective Sabo, first I'd like to say to the members of the Task Force, and the Chair, that I'm very proud to have Detective Sabo here today.

DETECTIVE SABO: Thank you, Chief.

CHIEF EIB: I've been on the Domestic Violence Working Group Committee in New Brunswick for a long time, and I recall, when we first started, the complaints that were registered against the police officers from New Brunswick. However, I believe that that Police Department and Detective Sabo have done an outstanding job in really turning that situation around. And I believe they are one of the leaders in our county of 25 municipalities, and he does an outstanding job. And I'm proud to have him here today to testify to this Task Force.

Detective Sabo, in Middlesex County we have 25 municipalities.

DETECTIVE SABO: Yes, sir.

CHIEF EIB: And I know that periodically we have representatives that meet with the Prosecutor's Office to discuss domestic violence issues.

DETECTIVE SABO: Yes, sir.

CHIEF EIB: You talk about the coordination of police training -- for in-service training of police officers on domestic violence. Could you just tell the Task Force what the problem is now and how there is no

communication or coordination at all in reference to the in-service training that's conducted in our County for law enforcement on domestic violence?

DETECTIVE SABO: Yes, sir. Again, we're mandated to do two trainings. So what the two trainings consist of is what each department does. I don't think there is a standard doing it. Some guys will go into their training -- a training to them is, has anything changed from last year. Okay, so all right, they've added this to the law or this is changed. So, okay, guys, this is your update on domestic violence.

When I do my training, I go over my lesson plan twice a year. I know it's repetitive, but I want them to know exactly what it is. We've talked about getting sued and things like that. It's a dual purpose. No. 1 is to protect the officer himself. But if the officer under the law does it in good faith, he's protected, but police officers in general are -- they still don't believe that. That's one of the questions after, well, what is in good faith? They feel like they're always going to be sued.

But I think we've changed it in our county, especially that the officers that we have doing domestic violence are very concerned about the victim, and I think it's starting to go -- rub off onto our officers. You can tell by the cost. The Chief is right. When I first became a domestic violence officer, I didn't know what to do. The only thing I used to do was-- I used to get calls from Women Aware. "Well, your officer didn't do this," or "Your officer didn't do that," or "Why didn't they do this?" And I'm like, okay, let me go get my report and I'll see why, because you get a story that happened 24 hours later, and I get it, and we talk. And I can say, since that happened, we have gotten very few calls.

We work very hand in hand. Our grant was with Women Aware. And what they are doing also is-- We receive -- \$12,000 of the grant is for training 75 of our officers in a 30-hour course of domestic violence. And the 75 officers that are going to be done are patrol officers, because that's the front line and that's the ones that go out.

We also have our own response team which is taught through the grant, too, by Women Aware, and they do an excellent program. And I think it is very important that everybody keeps the line of communication open from police department to police department. And what the Chief was talking about was our daily -- our monthly domestic violence officers meetings, which is run by the Prosecutor's Office. And in the booklet I gave you, toward the back, is different changes that the prosecutor brings out or things that they see a problem with. And what's nice about-- Like I have a good relationship with Barbara Stolte; if she has a problem with New Brunswick or something, she'll call me. Or she'll say, "You know, Dave--"

And we've gotten into this, where they're trying to -- in Middlesex County -- prosecute without the victim. They're really trying that. And we've talked about it -- the officer that goes there, if he can do a detailed report, a good report, get a signed statement from the victim, even if she changes her mind a month down the line, she's going to have to testify to that signed statement that she did. And it helps the prosecutor out. So what I'm saying is, by having this standardized training at the bottom -- what I mean by the bottom is the initial patrol officer -- it helps all the way up. It makes the prosecutor's job easier. It helps Women Aware easier, or other advocates,

because you're explaining to the women their rights. And I think it's very important.

And you're right, we do abuse women -- 95 percent of the cases are women. But more and more, we're getting males coming and saying that they've been abused. I don't know if it's a macho thing -- they don't want to feel like they're getting beat up -- but I think to protect themselves also.

I also get involved in elderly abuse. Elderly abuse is a form of domestic violence. What we have in Middlesex County is a form. So if our officers go to a scene and there is an elderly person who -- the house is dirty, there's no food in the refrigerator, and they start talking to the woman, "Yes, I give my son \$500 a week for food and cleaning the house" -- well, where's this money going to? -- they will fill out a form, and within 24 hours a caseworker will go out and see that woman. I mean, if we feel it's life threatening, we will handle it at that point.

So there are a lot of things being done. I go out and talk to seniors. I go out and talk to schools. I enjoy talking to them because I really believe in domestic violence. I mean, we have to do something. It ruins lives. We have to break that cycle of violence. And it's true, we've heard about it before. If a son sees his father beating his mother up his whole life, he thinks that's normal. If a woman sees her mom getting beat up for 20 years, she thinks that's normal. So when her husband starts beating her up, that's the way it is. I've had neighbors where the first thing is, "Well, what am I going to do? I don't work. What am I going to do -- move to an apartment? Where am I going to get my food? My husband--" They're so brainwashed that they can't do anything, that they're afraid to. At a point, it gets too late.

And hopefully, by training the officers early and getting them at the harassment calls, because there is-- Besides assault, there are 13 other crimes there. There are 13 other crimes. Some of them aren't as serious as others, but they can build and get to that serious crime, and it can be too late. It only takes one time to kill somebody. So if we can get them early, get some counseling in on them-- Women Aware has safe houses for women. We've dealt with them where they don't even tell us where they are. I don't even know where they are, because they are confidential, so nobody can get there.

I think it's very important what this Task Force does with training, standardize it. Because I've sat down with Chief Eib, and his lesson plan of training could be different than mine. Not that we're not doing everything that we're supposed to, but there are other things that you can add in. Like in New Brunswick, we have hospitals. If a victim from Bayonne comes into the hospital and they call Bayonne and they say, "I can't send an officer there," we're mandated to take that report. So I have to let my officers know. So in my training, I have to let them know that. Wherein another city where there's not a hospital, they won't have to let them know that.

We have Rutgers University—The State University in New Brunswick. We get a lot of dating. It could be confusing. What is a date? How long is it dating? It was never stipulated in the law, so my officers say to me, "Well, the girl says they're going out." What's going out? To you it could be a month, to me it could be six months, so they have to do a little bit more investigating. But I've always told the officers if you're going to err, err on the side of the victim. Because we can always go back and do it, but I'd rather be more safe, that we protected the victims. That's the main job from the

prosecutor to the police officer to the judges is to protect the victim. Not that that piece of paper is not going to stop somebody from doing something, but it makes it harder. And the officers know then that if they see this guy around there, even without her there, that he's breaking that TRO, and they can make an arrest.

It's hard, and I understand with the prosecutors and the judges, because I'll get a complaint today and before I can even log it into the computer by tomorrow, it's dismissed. And it's really sad. We had 35 dismissals last month, I mean, in a 30-day period, which is awful sad. I'm talking assaults and things like that, where it's hard. It really is. And I think if we can make it, as police officers, comfortable for the victims, they will feel free to come up and will talk to us. I think it would make everybody's job easier.

I know we have a unique situation in Brunswick because we have the grant money, and I tell you it's helped us out immensely with the victims. They are shocked that we call them back the next day. It's like they're not a statistic anymore. Somebody actually called back. And I would say 75 percent to 80 percent of the times you're going to hear, "Everything's fine. Everything is fine." What we also do is, if we see we have a place that is three or four calls, we go out to that house. And why is three and four things happening? And you still don't have a TRO, or you keep dropping them? And people are shocked. You would be surprised that some times they're just not informed. And I think getting an informed police officer out there will let them know right away.

And you're right, there is certain things we have to do, and I'm not saying police officers don't do them all the time. There's mandatory arrest for certain things. I've gotten my officers to do detailed reports more. If there is no sign of physical violence, write that down on the report. I mean, write everything you can, like what was brought up before -- pictures of furniture -- write that down, things like that. Because, sure, when it comes time in court, the guy's going to be dressed up in a nice suit, his hair is going to be cut, he's going to be clean shaven, and he's nothing like he was that night when he beat his wife up. So it's important to get the detailed information on that, and I think in Middlesex County, we've come a long way to do that.

ASSEMBLYWOMAN HECK: Do you have any questions?

Debbie, Elaine.

Yes.

MS. MEYERSON: You talk about that you do training each year?

DETECTIVE SABO: It's mandated, yes, to police officers -- in-service.

MS. MEYERSON: Instead of them going out?

DETECTIVE SABO: I'm sorry.

MS. MEYERSON: Like to the police and fire academy.

DETECTIVE SABO: Yes. We're mandated to do two in-service, which means in-services we train. What I do is I go -- and I know it was brought up about that Sea Girt Academy. It was called a top gun for domestic violence. I went to that. It was an excellent week, because what they did is they combined prosecutors, police officers, detectives together. You got a different-- The prosecutor saw what it was to go out on a call, because what

we did was, we did actual play things. So the prosecutors had to carry the guns. The prosecutors had to be the police officers. They went out on a call, and they saw danger and what goes on. And as police officers, we could ask them, "Okay, here's the scene now, what are you looking for as a prosecutor for us to get as evidence?" It was excellent. It really was. It was a week and it was an extensive training. But no, can we send everybody there? No.

MS. MEYERSON: No. So while concern would be the inconsistency of the training for, then, each police--

DETECTIVE SABO: Right.

MS. MEYERSON: --department--

DETECTIVE SABO: Right.

MS. MEYERSON: --and what kind of curriculum that they use.

DETECTIVE SABO: We're lucky we have that grant to do the 75 officers. Otherwise, it's-- The mandation is for two in-service trainings. So what I'll do is, if there's anything that comes up, I'll go, or the domestic violence officers from the other towns will go, and we bring it back to the department.

MS. MEYERSON: But how do they impart that information? Is the question.

DETECTIVE SABO: How do I impart--

MS. MEYERSON: No, we have faith that you do it right.

DETECTIVE SABO: No, I understood what you're saying.

MS. MEYERSON: Our question for us to explore is, how does everyone else impart that information?

DETECTIVE SABO: I can't speak for everybody else, but that's why I think the Chief and myself agree that we should standardize it. I don't know if you have to standardize it where you have the same lesson plan for everybody but--

What I like about this, too, is if, like the State Police -- they could be transferred tomorrow to a different one. If they decided to pull me out and put me back on patrol, I can give this (indicating material) to anybody, and they could teach you because it's here. This was made up from the Attorney General's guidelines from the Department of Public Safety (*sic*), from our prosecutor. Everything was taken that's the law.

ASSEMBLYWOMAN HECK: When you say this was made up?

DETECTIVE SABO: I made this up.

ASSEMBLYWOMAN HECK: Okay.

DETECTIVE SABO: This is from New Brunswick. This was made up for domestic violence.

ASSEMBLYWOMAN HECK: And you took all of--

DETECTIVE SABO: Yes.

ASSEMBLYWOMAN HECK: --the important pieces.

DETECTIVE SABO: Yes, ma'am. What I try to do is do it in English. Some of the domestic violence information that you get back is there's flowcharts. If you have this, this or this, this, this, and this, it's confusing. So what I try to do is in-- Mostly what I'm talking about is the relationships. If you have a 16-year-old girl and a 14-year-old boy, are they in a dating relationship? It spells it out a little bit easier so that when they go out on a scene it's easier to do. But basically, everything else is out of the law --

exactly. Everything from this is out of the law. It's just that I put it into a little teaching. I was sent methods of instruction, and this is my project, and it worked out great because the Middlesex County Prosecutor has borrowed this to train other departments in Middlesex County--

ASSEMBLYWOMAN HECK: Oh, wonderful.

DETECTIVE SABO: --for it. So she's used that a couple of times.

ASSEMBLYWOMAN HECK: Good.

Any other questions? (no response)

Thank you very much.

DETECTIVE SABO: Thank you very much.

ASSEMBLYWOMAN HECK: You're very enlightening.

DETECTIVE SABO: Do you want me to leave these? (indicating papers)

ASSEMBLYWOMAN HECK: We're going to ask that you leave a copy -- oh, you have a copy, even better.

DETECTIVE SABO: Thank you very much.

ASSEMBLYWOMAN HECK: We have Chief Dave Lyon from the Plainsboro Police Department, Police Chiefs Association representative.

CHIEF DAVID LYON: Good morning.

ASSEMBLYWOMAN HECK: Good morning. Good afternoon.

CHIEF LYON: It's a pleasure to be here. Or good afternoon, you're right. (laughter)

ASSEMBLYWOMAN HECK: Sorry about that.

CHIEF LYON: That's okay.

It's a pleasure to be here today. I view myself as an understudy of sorts. I see Chief Eib sitting up there, and after seven years as our representative in the New Jersey State Association Chiefs of Police, he asked to step on to other things, and I was certainly a willing participant in getting involved in a variety of committees in the State. I represent the State Chiefs Association with the Governor's Council on Domestic Violence, the Working Group -- the Statewide Working Group, and I sit on one subcommittee, the Pro-prosecution Task Force. So that is the 20 years of law enforcement experience -- some experience I have as a former command officer in developing training outlines and implementing those Attorney General guidelines with respect to domestic violence -- have me here today, I assume.

What I'm here to talk about today is crisis intervention teams. And, frankly, it dovetails very well with Detective Sabo comments on his area of responsibility -- that being the training that he offers. I have some notes here that I was going to work from, but I'm going to sort of toss them out briefly, and I'll try to be as brief as possible, because that's one of the confusing things that I'd like to bring up to you.

I brought a copy of 2C:25 with me, the law, and I want to read just one sentence from it. "Law enforcement agencies shall establish domestic crisis teams or train individual officers in methods of dealing with domestic violence." And there is a wide range of opinion on what that means. Plainsboro Township, two years ago, developed a crisis team. It was developed between the Police Department and coordinated through Women Aware of New Brunswick.

We comply, I presume, with that aspect of the law because we have a crisis team. Certainly the City of New Brunswick, with Detective Sabo, complies because of the skill and expertise -- the degree at which he trains his officers. He complies with that particular aspect that says we either have the crisis team or you have trained police personnel. In speaking with assistant prosecutors, in speaking with other police professionals, it's clear we do not understand what the intent of the law was. Was it basically to have officers trained at the very basic level and does that constitute compliance with the law? Or should you have a level of training to the degree as outlined by Detective Sabo, who has been fortunate to obtain grant funds for trailers and equipment and training exercises?

In speaking with assistant prosecutors from Middlesex County -- and I happen to be a Middlesex County community -- the feeling was that you either would have a crisis team or you would have specially trained. Although the law doesn't say that, I guess we are assuming what your intent as the Legislature was to have specially trained people to provide more of a follow-up service in terms of domestic violence -- more of an involved service, not just that basic response where arrests would be made where appropriate or TROs obtained where appropriate.

Based on his comments earlier, I felt it important to sort of throw out the notes and address that issue with you quickly because there is a lot of confusion, I think, in the law enforcement community and the prosecutor's offices as to what degree you expect the crisis team to work from or trained police professionals -- training police officers out there.

Plainsboro initiated its crisis team in 1996. We mirror in many, many ways the training that's offered in South River through Chief Eib's department or the City of New Brunswick. We provide it biannually and we have a lieutenant who is in charge of that training, and she is also a liaison to our crisis intervention team.

One of the problems that I think was very, very difficult in establishing this team was the cost associated with it. We were able to acquire \$3500 of the Governor's Advisory Council on Drug and Alcohol Abuse money through our local alliance to provide this 40 hours of training, in addition to some fieldwork training, and that was coordinated through Women Aware. I think if you can do anything to ensure that the funds are available for other communities which want to become involved with crisis team efforts that would be very, very helpful. As I understand in Middlesex, there are some other opportunities coming around now where those costs could be borne by other parties, but it was certainly an issue in our community two years ago, and it may to some degree remain an issue today.

Middlesex has been rather proactive-- Chief Eib's Middlesex County, Detective Sabo's Middlesex County, and I sit in Middlesex County. Middlesex County has been progressive in the area of crisis intervention -- the teams, the volunteers that make up those teams. Of our 25 communities, I believe, we have somewhere in the area of 14 that are currently working throughout their individual communities.

Another problem I see is, once you bring these people on, there's a heck of a lot of legwork that goes on within the law enforcement agencies to begin to develop this. The amount of work that the police officer or liaison

does to coordinate the recruitment process, to select the volunteers who will participate, and conduct the necessary inquiries on their backgrounds is a very involved process. There are two issues that become problematic, I think, once you get to a point where you've brought them on.

You certainly want to keep them active. And that's not to say-- Ultimately, the goal here is to eliminate domestic violence. But they need to respond to the calls for service in each and every instance so that their skills, the knowledge that they've obtained through the training, and their skill level in terms of dealing with this victim-counselor relationship -- their skills remain significant and to the degree that certainly Women Aware and other organizations who train them expect them to perform at.

That's where, I think, from a policy standpoint many of us in law enforcement are beginning to run into some issues, more particularly, do we mandate that a crisis team member respond each and every call for domestic violence even if the victim has not requested it?

When our officers from Plainsboro respond, we have a brochure, and I can share that with you. I only brought one, unfortunately, but it is a tri-fold, and it contains a lot of information on the front and back. And we present that to them, and it provides our service. It's a 24-hour service. It provides trained counselors. It offers crisis intervention. It provides assistance in securing emergency safe shelter for victims and their children. Information regarding their legal rights. Referrals to legal advocates and hot line numbers, and we list a variety of numbers on this form.

After we provide that, in its present policy for many, many agencies, the ultimate decision to utilize the service obviously rests with the

victim. Many of us have experienced not necessarily an interest in utilizing this service for obvious reasons. I think when people have been victimized, they're not necessarily interested at least with the police. That's been our experience. They're not necessarily interested in bringing yet others into that experience whom they don't know and are frightened and scared -- not necessarily unwilling, but unfamiliar with the process.

So we have recently considered changing our policy approach to the utilization of the crisis response team, or crisis intervention team, in that we may call them up each and every time. We have on-call members, usually two. We may call them up each and every time we have a domestic violence incident. They would respond to headquarters and would either offer to speak to the victim at our headquarters or, if the victim is still home, contact the victim at home. That's a tough decision for me to make, I'll be perfectly honest with you from a policy standpoint, because we want to be there to be helpful. We don't want to press people who are not necessarily inclined to want the service, but it's something that we're struggling with right now, which certainly gets to the other issue. It's certainly a general commentary, I think, on volunteerism and how difficult it is to get these people together and utilize that.

Similar circumstances have happened with rescue squads and fire companies and volunteer organizations like that, where there is a decline to a significant degree in their membership. It's very, very important where that exists-- We've been fortunate in Plainsboro to attract a significant number of participants for our program. But once you get them on and have an interest, you need to motivate them and they need to feel wanted. They need to feel

like they're contributing to the program. And that's, I think, statewide one of the things that are being experienced where these crisis intervention teams exist is that particular problem -- where they're brought on in Middlesex County.

I know there's been some problems where they've been developed, they've come on line, and they faded away. They've reached a point of nonexistence, because they were not able to perform the task that they believed -- not because of any problem with the police department necessarily, but because of the policy -- the individual officer is not being the problem -- but the policies that-- We coined the phrase discretionary. Do you require the counselors or mandate the counselors to come in and perform that service with a victim who is not necessarily willing?

I think in terms of Plainsboro's approach, we have not yet crossed the line on what exactly we're going to do with that from a policy standpoint on mandating them to come in. But it's something that we're being challenged with right now, because we do not want to lose the value of what these volunteers provide, which has been a follow-up service, frankly, that we as police officers can't provide. I don't have a specialized unit, like Detective Sabo in New Brunswick. Our officers tend to be reactionary in many, many ways. They go from call to call doing an excellent job in handling each call, but they can't provide the follow-up service that I think many of you are inclined to believe is necessary to provide the degree of service that we should be providing.

It gets to one other point that I'd like to make. Getting people involved, getting volunteers involved has been difficult in many communities,

from what I understand. One approach that we're taking in Plainsboro, right now there are discussions underway for us to regionalize our effort with a community that doesn't have a response team right now. It's a community that borders our community. They don't have a response team. They have a low incidence of domestic violence, which is very good. The problem being, though, they don't have a crisis response team, and it would be very unlikely that they could get volunteers for a program where you're not going to be utilized very, very much. That's been my experience with the volunteer issue.

So we are now working with them. We're working with Women Aware to develop a protocol where we -- our volunteers can provide that service to this neighboring community. I think the regionalized effort provides a lot of benefits. It enables us to provide our service, not only to the Plainsboro residents, but neighboring communities if that's possible. Their skill level, the skill level of our volunteers remains high. They feel a value to our organization and Women Aware and the issue in general, because they're able to go out with more frequency and provide a greater level of benefit.

I think I'd stop at that point, unless there are--

ASSEMBLYWOMAN HECK: I think you're--

CHIEF LYON: Beyond advocating the use of the crisis intervention teams, I don't know what else I can do more.

ASSEMBLYWOMAN HECK: No. I think you've made an important point in looking at 2C:25 and look at the variety of opinions and the fact that you're asking what constitutes compliance. So we will be looking at that. That's an important point. It's not a small issue. I think it's vital.

We have also discussed the fact that every county has a working group, which it has been a volunteer approach. But I think that this Task Force thus far feels that we're going to have to look at mandating the working groups for the various counties, because they're not doing-- Many have them and they're working well. Some of them have them on paper, never meet. So just having a name on a piece of paper isn't worth anything, so we will be looking at all of those issues as we move ahead. And this is another important issue that we will absolutely address.

Any other questions for the Chief? (no response)

Chief, I want to thank you for your patience and your input.

CHIEF LYON: Thank you.

ASSEMBLYWOMAN HECK: Thank you.

Sharon Metro-Pertes, Director of Residential Services and hot lines at Womanspace Shelter in Mercer County.

And is Joan Pennington still here? (affirmative response) Joan, very good.

S H A R O N M E T R O - P E R T E S: Hello. Good afternoon.

ASSEMBLYWOMAN HECK: Would you just state your name, so I know the correct--

MS. METRO-PERTES: Yes. My name is Sharon Metro-Pertes.

ASSEMBLYWOMAN HECK: Oh, thank you.

MS. METRO-PERTES: I am the Director of Residential Service for Womanspace. Womanspace is the lead domestic violence agency in Mercer County. Celebrating our 20th year of services, Womanspace has been responding to the complex needs of battered women in a number of different

settings. We operate a local hot line for Mercer County victims and respond to over 2700 calls per year. We also operate the Statewide Domestic Violence Hot Line which offers referrals to domestic violence programs throughout the state. This hot line responds to over 5300 calls per year.

Our short-term emergency shelter houses approximately 300 women and children per year who are in need of protection. Beyond the short-term shelter, a 12-month transitional housing program assists five families per year in building and maintaining self-sufficiency. The counseling and support program offers individual and group counseling, a variety of community education seminars, and a speaking and training component for other professionals and community groups.

Womanspace also has staff located at family court to assist victims in preparing for final and restraining order hearings. A volunteer group of attorneys provide one-time consultations for clients through our legal clinic. Our newest initiatives include joint projects with several agencies in the community.

First, we are working to better serve the Latino community. Second, we are running violence prevention groups for targeted teens, siblings, and parents in the public schools with Prevention Education and Anchor House. Third, we recently began training for the first domestic violence response team in Mercer County. We are working along with the East Windsor Police Department in this project and welcome the opportunity to train both police officers and civilians to better meet the needs of victims in crisis.

As you can see from this brief summary of our services, Womanspace provides a full array of services to meet a multitude of needs battered women face each day. I am here today to talk specifically about the shelter experience. I've worked at Womanspace for 14 years, and it has taken me almost this long to fully understand the impact of abuse on victims.

At 22-years-old when I began my work here, I believed that women entered shelter and left their days of being a victim behind them. I believed them when they said they were finished with the relationship and would no longer take the abuse. I later learned that this is all she could say. She said it for my benefit, so I wouldn't think poorly of her. I believed her because I thought that was being supportive. Silently, my congratulatory statements only confirmed to her that if she went back, there was something wrong with her.

Everywhere the victim turns, people want her to leave the situation -- just leave. It doesn't sound like it's hard. It's too painful for us to hear her stories, too painful for us to try and understand, too painful for us to sit by powerless like she is. We think we help when we tell her what to do and pressure her to take action instead of helping her to grow strong and take action herself when she is ready.

Many battered women are very isolated, and by the time they come to shelter most of the resources have been exhausted. In shelter, we help her rebuild. We do this first by listening to her, not judging her, and helping her understand the conflict she is living. We offer her another perspective of her situation. It is imperative that we understand her whole world is filled with people that don't. Family and friends say they're tired of helping her when she

won't help herself. Protective Services says, "Leave or we'll take your kids, because you're endangering their safety." Welfare says, "Show me a police report or a restraining order to verify your story," or simply ask "Why did you move in with him?" Police officers and the courts look to hold the victim to the highest degree of accountability for the situation, when the abuser most often is not held accountable at all.

Ultimately, the victim is blamed for her own abuse. Her experience in the system tells her this over and over again when the police don't respond quickly enough, when the temporary restraining order is denied, when the abuser impresses the judge with his calm manner. These are all examples of cracks in the system big enough for victims to fall through.

What battered women do best is cope with things they cannot control. So they cope with a system that hasn't quite developed enough to hold the abuser accountable for the abusive behavior. The system doesn't yet recognize the abuse as the problem, and the victim hears it, internalizes it, and blames herself.

These statements are not meant as criticism of the named organizations, but offer as an illustration of how much further we as a society need to grow in our understanding and support of victims of domestic violence. As we work with these organizations on a daily basis with our clients, there is an increasing awareness from a number of professionals that are truly trying to understand, but progress is slow.

Shelter is not a fix-all. Each woman enters with her own immediate need. Some need just to escape the abuse for a night or two. Some need it for protection because their lives were threatened. And some need it

because they want to start over again. Some just don't know. They just knew they had to get out. We have learned that shelter provides the necessary respite for victims so that they can regroup. It is possible to resolve the immediate crisis, but the overall problem stays the same.

The shelter is a four- to six-week program. While we are able to provide safe and protective housing, this short-term setting cannot address the entire scope of the problem. The shelter is goal-focused and assists clients in making necessary connections in the community regarding housing, the legal process, and other social service needs. She can be less isolated if she's connected to several agencies in the community that can support her. Understanding is critical to these supports being done official. A coordinated community response needs to support the victim while holding the abuser accountable for the abuse.

While in shelter, we educate and inform clients about domestic violence and reinforce that the abuse is not her fault. She didn't ask for it to be this way, and if she had the choice, she'd make it different. Mostly we let her speak so she can hear herself -- probably for the first time. As she begins to hear her words, she can feel freer to discuss her situation honestly with staff and, most importantly, develop a more realistic perspective of her situation. Once this process has started, it can gain momentum, and the journey to a violence-free existence can begin. We encourage women to continue counseling after they leave shelter.

Another area of focus in shelter is alternate living arrangements for those that choose not to return to the home from which they came. Although difficult, we try to separate the housing issue and the relationship issue for our

clients. Not all women have adequate income to live independently. They leave our shelter and go to transitional housing programs -- hotels paid for by the Board of Social Services -- or move in with family and friends. Each of these options extends the state of homelessness. There's a high correlation between homelessness and domestic violence, and the perpetual of both issues compound the situation even more.

We estimate that approximately 35 percent of women that come through our shelter return to the abuser or the apartment from which they came -- either directly from shelter or shortly after exiting the program. There are numerous reasons women return to the person that has abused them. Some of these reasons are lack of affordable housing, wanting to pursue the relationship, financial needs because the children need their father, and because they are afraid not to return due to repeated threats of increased violence.

Shelter plays an important role in offering immediate, emergency housing to victims of domestic violence. It is a setting where victims can gain information and insight into their situation in an understanding and accepting environment. It is through this understanding and acceptance that victims can begin to make choices for themselves based on what they want, not others.

We welcome residents back each time, as it shows they're moving through the process and gaining something from being with us. There are no penalties for returning. We don't get fed up. We don't hold her responsible for what has happened. We accept her and understand that this is part of the cycle. The parts of many different systems that are put in place to help and protect victims often expect the victim to hold the abuser accountable. With

continual training and growing understanding, more people will see that this is society's responsibility, not the victim's.

ASSEMBLYWOMAN HECK: Very thorough statement.

Any questions for Sharon? (no response)

Sharon, thank you very much.

MS. METRO-PERTES: Thank you.

ASSEMBLYWOMAN HECK: May we have a copy of that, Sharon? We'll return it to you.

MS. METRO-PERTES: All right. Thank you.

ASSEMBLYWOMAN HECK: Joan Pennington. I think you're our final witness.

Joan Pennington is an attorney specializing in women's law and is the Director of the National Center of Protective Parents.

H. JOAN PENNINGTON, ESQ.: And now the Senior Attorney with the Women's Law Project in Mercer County.

ASSEMBLYWOMAN HECK: Oh, how wonderful.

MS. PENNINGTON: Okay, I'm here today because I've lived the history of domestic violence in the State of New Jersey and elsewhere in this country. Thirty years ago, just as Janice Miller, I finally left an abusive relationship. It took the loss of the sight of one eye before I did that. I was legally blind from birth, but the loss of one eye was very important to me; but I also had six children and no way to support them. Three times I left and three times I was told by the local welfare agency that they weren't going to support me and my children -- to go back to my husband. He was a

construction worker and made a lot of money, and they weren't going to support us.

So the third time I refused to go back. I went to the judge who had found my husband guilty of abusing me, and I told him what was happening, that I couldn't get financial help to get away. And I told him that we weren't going back this time. My six children and I would sit on the steps of the courthouse before we would do this again. The judge picked up the phone, and he called the county welfare office. He said, "Monday morning you go in and you will get the application to apply for welfare," which I did. Six months later I finally got my first welfare check. Only from the support of friends were we able to make it through that. Okay.

When my youngest child was in the fourth grade, I went to college. I had only had a high school education, and I went to see if I could take a couple courses, and they convinced me to go full-time, and I did. And for the next eight years I went through college and law school. I started at our local community college and then went to State College and then went to Rutgers Camden Law School. During that, I had a lot of problems in law school. I had to go into the hospital for emergency eye surgery because of the damage that was done to the eye many years ago by my abuser. And I was told it was a fifty-fifty chance that I might lose that eye. And as it turned out, I was lucky. I regained enough sight that now I'm only visually impaired. I'm not legally blind anymore.

When I finished law school, I had a stroke while I was studying for the Bar the first time, and that held me up for a year. And finally, I took it and couldn't finish reading all the material because of my eyesight, so I failed

it. And I took it again six months later. You can only take it two times a year. And this time I asked for extra time and it was granted, and I passed the Bar.

The first job I got was with Legal Aid here in Trenton. This job was offered under a grant that Legal Aid here in Trenton had gotten from the Geraldine R. Dodge Foundation to represent victims of domestic violence in court. So that was my first job, and I worked there for six years representing victims of violence and mentoring them and helping them and encouraging them to go back to school, if they had the means and the ability to do that. From there, I went to the National Center of Women and Family Law in New York and commuted for three years. During that time, I trained Legal Services attorneys all across the country on domestic violence and other family law matters.

I also wrote an amicus brief in a case in Arkansas. Arkansas was the last state in the nation to get a domestic violence statute passed. The first time it was passed, and it was challenged on constitutional grounds specific to the Arkansas constitution, and the statute was found to be unconstitutional. So they had to go back to the Legislature and do it again. During the research that I did for that amicus brief in support of Arkansas getting their domestic violence statute, I had cause to investigate and read and review all the other domestic violence statutes in the country.

Arkansas eventually got its statute, and now every state is covered. But it also gave me the knowledge that the New Jersey statute is by far the toughest domestic violence statute in the country, and I know this personally. That experience in New York also gave me a view of domestic violence generally on a national level and compare it to New Jersey. I, of course, started

out in my naiveté believing that some of the things that were happening were just indicative of Mercer County. And I came to find out that compared to what was going on elsewhere, that we had really a good-working county and our judges were pretty much as good or better than a lot of others. So this was a facing of reality. I've been involved in some way, in some part, in every part of the amendments that have been made to the original statute.

I first started to work at Legal Aid in 1983 right after the original statute was passed. We had to educate the judges because the judges didn't know anything about it. We had to educate them by what we argued in court. I remember at one point we were having problems at the courthouse, and I had been talking to Dave Thomas (phonetic spelling), who's head of the batterer's program at Family Growth under Catholic Charities, and with counselors and executives from Womanspace, our battered woman's program, we were all talking about the problems we were having. So the three of us asked if we could have an appointment with the judge who made most of the domestic violence decisions and heard most of the cases at that time.

We went down, and of all the concerns we had, we boiled it down to five major concerns. And we went in there, and surprisingly, shockingly enough, he agreed to all five of our concerns, and he agreed to do what we had recommended that they do. And one of them was, way back in the old days, the swearing in of both parties on the same Bible, and we had asked if they would stop doing that because the abuser would take that opportunity to touch, to signal, to make the victim know, "Hey, I'm here, don't forget it." And so that practice was stopped, and that's the only one I remember of the five specific concerns.

But we made a change and the law changed. And even when I was working in New York, I had been sitting on committees. I was still part of the Working Group, here in Mercer County, and when the latest package of amendments were passed, I was here, and I was prepared to testify. As it turned out, I didn't have to. There were plenty others here and it passed.

But then I had started a program that was training lawyers to better handle custody cases in court where abuse of one of the parties or the children was involved. We got a State grant, and we had two trainings where we brought experts from all over the country. We trained these attorneys. They had to be licensed in New Jersey and have malpractice insurance, and other than that, the training was free. In return for their contracting with us, to do three pro bono cases within two years after the training was completed. At one time, we had 117 pro bono slots for custody cases involving abuse. Those were used up very quickly, and then, we never got any more funding after that -- the new administration came in -- our grant proposals were denied. So we didn't do that anymore, but we were still advocating--

We used to get calls and letters from all over the State from women who were so-- They just could not believe that we had a law that said this, yet they went into court and nobody seemed to know that this law existed. They would come to us with concerns. Bill Bradley's office would send us letters from clients that they didn't know what to do with. They sent one to the coalition, the coalition sent it to me. And then I wrote a scathing letter to the AOC and to Judge Wilentz about, why is this happening in New Jersey? You could see this happening maybe 20 years ago, but why today? Why was it? And then I would cite, for this incident that happened in this

case, it should have been covered under, and I would cite the law. Then I would say another thing this woman had talked about in her letter, and I would cite that law.

And I called these my rage letters, because they wouldn't come on a daily basis, but when they did come, they were so egregious I had to do something. And the only thing I knew how to do was to say, "You better train your judges." And I have never stopped saying that.

And that's why I'm here today. The bottom line, the person that signs an order, a court order, is a judge. These judges come from upper middle-class, insulated, privileged homes. In most cases, they don't know what goes on in the real ordinary world until they come to court. Some of them want to do the right thing. Some of them don't know what the right thing is. They don't believe victims of domestic violence. They do not. And why don't they believe them? Because when these two parties go to court, the abuser is very calm, very laid back, usually always sitting back in his chair like this (indicating). And she's a nervous wreck, twisting her hands, maybe crying -- although she's been warned not to cry because it's not going to help, it's going to hurt. Okay.

Judges see women as either overemotional and unstable or as arrogant and wanting and angry, or they see them as cold with no effect. All of these demeanors turn a judge off. The victim says to me, "What do they want me to do, I'll do it? What do they want me to be, I'll be it?" And do you know what the answer to that is? It doesn't matter what they do. There is a bias against victims of domestic violence. And there's a bias against victims of domestic violence because these judges do not know who they are. They do

not know that this shaking, nervous person in front of them could be their daughter, their sister, their mother. But why don't they know that? They don't know that because they're not trained.

The training -- the baby judges, they give them in September -- is one thing. Then there is the judicial training which is held every November for the three days prior to Thanksgiving -- that Monday, Tuesday, and Wednesday. All the courtrooms are closed, they are away at judicial training. I think it was two, maybe three years ago, it was the first time the domestic violence training was mandatory. And you know what happened that year -- this was inside gossip, I do not document it -- those judges freaked out. They were so ticked off that they were being ordered to go to domestic violence training. Okay. This is the opposition we're meeting with.

When the statute was originally passed, you remember, it was passed with no appropriation. Judges and court personnel were expected to take on all this additional work, and it turned out to be a heck of a sight more than they ever suspected with no extra money for hiring new people or for training them or what -- everything else.

The domestic violence statute in this state has been met with hostility since the day it was implemented. And that hostility has not gone away. And a lot of that hostility is because of the unknown. They do not know. They haven't got the slightest clue when an abuser is using control in a piece of litigation in a courtroom. That abuser can do all kinds of things that to me, as soon it's said or as soon as his attorney suggests something, bells and red lights go off in my head. I said, "Oh, that rat, he's really putting the screws to her." The judge doesn't have a clue -- doesn't understand a thing about

what's going on here, and I'm thinking any-- No, I won't say it. Any normal person should see what's going on in this courtroom, and they don't. They do not know the dynamics of abuse. How can they learn anything in a half of day of mandated domestic violence training?

I have been working in this field and studying. I had done training myself, and every time you train you understand you have to go over it and educate yourself in it again. I have been in correspondence with people all over the country. I have lectured at conferences and seminars and workshops all over the country, and the people have talked to me. And the more I learn, the more I realize I don't learn. I'm even a victim, and there's a lot that I still don't understand. There's the whole cultural aspect. Okay. There was the dating violence that's now been addressed. And then there was the same-sex problems that have now been addressed by the statute. This is a wonderful statute. Absolutely wonderful. But the judges are not enforcing it.

Now, we have very good judges, generally, here in Mercer County -- now that one's not there anymore. And I'm still cleaning up the mess in my practice that that judge left by the bizarre decisions and the things that he said and did and caused for victims of domestic violence. Now today, I have started last February -- we're only a year old -- a low-cost legal representation clinic -- it's not a clinic, it's a law office -- for women who are in that gap of financial ability. They are not eligible for Legal Services because they are above the income guidelines. And they certainly cannot afford to pay those unconscionable high fees and retainers that the private Bar is charging.

These people are the ones that have been out there hanging in limbo. Now, our fees range \$35 an hour for a woman who is earning under

\$15,000 a year. Between \$15,000 and \$30,000, it's \$75 an hour. And these all include lower retainers -- very low retainers as well. And the third level is, if they're making between 30,000 and 40,000, it's \$100 an hour. Okay. So we started this low-cost program.

Now, we've been operating it for a year, and what this is showing us is who has been denied access to the courts because they could not have paid for it. And now that they have the ability to do this, they're able to do it. Guess who? Ninety-five percent of the women that I've represented over the last year have been victims or former victims of domestic violence who could not get a divorce, who could not fight a visitation case, who could not bring a postjudgment motion to enforce what was granted in a divorce, alimony, property, a lot of important issues.

We have aside from Caucasian women, we have African-American women, we have women from India, from Bangladesh, from Korea. These are the people who have been denied access to the courts because they don't have money. We have a second-class system of justice in this country, and women are that second class. If they do not have money, they cannot protect their children, they cannot get out of a divorce, they depend on the pro bono representation of attorneys, if it's available. Now there's a lot of money right now at this minute since the VAWA money came out. There's a lot of money around for domestic violence programs and for implementing ways to help victims of domestic violence in court.

We applied for some of that VAWA money for our program. Could not touch it because we do divorce and custody. We do not do just domestic violence. Okay. So when a woman goes into court and she has

representation to get a restraining order, and immediately -- because this is the real world -- immediately, the abuser files for custody or divorce and custody to retaliate. And she's left swinging in the wind because nobody will represent her in that divorce or in that custody or in that contested visitation case because she doesn't have any money.

This program that I just started last year has been crying out for creation ever since I was a Legal Aid lawyer. I had people down at the courts saying, "Joan, why don't you open a clinic for women who earn less money?" And I heard that, and I haven't stopped hearing it. And now I'm the only attorney, so we can't go beyond Mercer County. We don't have the ability. Besides, I'm half blind and can't drive and couldn't leave if I wanted to. But in Mercer County, women are getting legal representation, and they're getting my 15 years of experience in that representation. And they should be getting that representation all over this state and all over this country. But there's not money out there for it. And the reason our program is existing is because I just retired and I'm getting social security and now I don't need that much to live on.

So representation is needed for victims of a domestic violence. Judicial training is the most important thing I can say. It's the most important problem all over the country. I understand the separation of powers that the Legislature cannot command what the Judiciary does in most cases. The Judiciary has the responsibility of training their own judges, and they're not doing it. What they are doing is piecemeal, ineffective, and the results are minimal. I do not say that all judges are bad or that they're uncaring. I say

that they're not treating victims of domestic violence the way they should be treated under the law. And there is no excuse for it.

I guess that's all I have to say.

ASSEMBLYWOMAN HECK: Are there any questions for Joan? Chief.

CHIEF EIB: I don't have a question. I just have a statement.

Joan Pennington, correct?

MS. PENNINGTON: Yes.

CHIEF EIB: As I sit here and listen to your testimony and that of Janice Miller, it rekindles my experience of 30 some years as a police officer and the horrors that I witnessed. And I say to you, as a member of this Task Force, which I'm glad to be, God bless you and your six children for what you do for the victims of domestic violence. I think that your testimony is admirable, and I'm very pleased to sit here and listen to you and Janice Miller talk about your experiences. And I think that we all, and myself personally, am glad to hear what you do for victims of domestic violence. As I reach the end of my career as a police officer, it's comforting to know that there are many people like yourself and Janice Miller that are out there doing the work that has to be done for victims of domestic violence. So I personally say, God bless you, and thank you.

MS. PENNINGTON: Thank you.

ASSEMBLYWOMAN HECK: Thank you, Joan, very, very much for taking the time and for the example your life is giving to other victims.

MS. PENNINGTON: Thank you.

ASSEMBLYWOMAN HECK: Anyone else wish to speak or ask questions? (no response)

Well, we're going to close this meeting, and we'll be back at the next meeting.

Thank you very much.

(MEETING CONCLUDED)