
Public Hearing

before

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE

*“Testimony on the federal VAWA, VOCA laws;
compliance with federal mandates; implementation of a statewide
computer network; and assessment of domestic violence training in each county”*

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

DATE: January 23, 1998
10:00 a.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblywoman Rose Marie Heck, Chairperson
Richard D. Pompelio, Esq., Vice-Chairperson
Assemblyman Nicholas Asselta
Assemblyman Neil M. Cohen
Assemblywoman Arline M. Friscia
Lori L. Schaffer
Debra K. Donnelly, Esq.
Jacquelyn E. Marich
Mary K. White, Esq.



ALSO PRESENT:

Miriam Bavati
Office of Legislative Services
Task Force Aide

Jeremy Hirsch
Assembly Majority
Task Force Aide

Hearing Recorded and Transcribed by
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ASSEMBLYWOMAN ROSE MARIE HECK (Chairperson):

I am very pleased that we do have a good amount of Task Force members here today, and we're very pleased to be able to have David Anderson here, as well. And Deb, of course, from the AG's Office. I'm not so certain-- Carol Murphy will not be here and Ellen Crowley. Kevin O'Toole is a possibility, but we can begin.

And I do want to announce formally that our next meeting will be on February 20, but it will not be a public hearing at that point. We will have the members of the Task Force and the advisors coming together for a caucus to review the transcripts as presented and move toward prioritization of our goals. I think that's very important for us to do. It will be an all-day session. We'll stay through lunch. We'll begin at 10:00 and stay until about 2:30, after which you will have the March and April meeting dates set in stone.

I will begin by inviting Debra Stone, the Assistant Attorney General, Deputy Director, Division of Criminal Justice, to address us.

Oh, Jessica Oppenheim will also -- another Deputy Attorney General -- be here.

DEBRA L. STONE: Good morning. Thank you, Assemblywoman.

What we passed out for you today was a small packet of material, which broke down all of the Federal funding programs that we do for victims -- the VOCA Funding Program and VAWA, in particular. And also, we gave you a chart of central registries in other states, where they are -- as you can see, we're not very far behind anybody else. I think as I told you last time, there is-- It's a very difficult process to make a central registry simply because, as we became computerized in this state, the judiciary, the municipal court, the

family court, criminal court, and the criminal justice system with State Police all evolved different computerized systems with different software.

The challenge of creating a central registry, since we have domestic violence incidents that occur in family court, in municipal court, and in criminal court, is to make all of the systems interact with each other. So that if someone is convicted of a criminal offense, you would know also if there was an outstanding restraining order, if he had prior DTs for the same type of conduct -- all of that information would be in the registry. It would also be helpful, of course, for police officers who answer domestic violence calls to know that there is a temporary or permanent restraining order in the system. That allows them to know that, one, the person shouldn't be having guns, and that the person shouldn't be at that address, and that they can make an arrest.

If you have specific questions, Jessica and I are here to answer them for you.

ASSEMBLYWOMAN HECK: We will, I'm sure. I want you to reference the letter of -- presented by Judge Serpentelli on October 24 to the Honorable Deborah Poritz, our Chief Justice.

MS. STONE: Yes.

ASSEMBLYWOMAN HECK: And within that-- I'm sure you have the letter because you're part of the working group, as am I. I don't mean that you have it today.

MS. STONE: Right. I don't.

ASSEMBLYWOMAN HECK: But one of the third points that he makes, and I read as follows: "That the computer enhancement needed to establish linkages of case types within and among our automated information

systems to support this integrated approach we move to the front burner by ISD, and this would also allow judges hearing family matters to have a complete history before disposing of the case.” So all of that is part of the goal.

MS. STONE: That’s correct.

ASSEMBLYWOMAN HECK: And I know that the concerns we registered at the last hearing was the fact that everything seems to be moving very slowly. I know that we’re going to get a report on that, I think, a little bit later from David Anderson.

MS. STONE: Yes.

ASSEMBLYWOMAN HECK: It’s the feeling of this Task Force that some time frame or deadline be put in place because too much time -- in my opinion -- has elapsed. But I’m going to open this up to-- It’s of major importance. We’ve all known that. And coordinating all of the various divisions, departments, etc., is vital but not insurmountable. And I agree with Judge Serpentelli that it must be put on the front burner and all of our efforts directed to making certain that this is a fait accompli.

I’m going to ask the members of the Task Force if they have any questions for Debra or Jessica. None?

Assemblyman Asselta.

ASSEMBLYMAN ASSELTA: Good morning, and thank you, Ms. Chairwoman, for allowing me to serve on this Task Force.

Real quick, what can be done to expedite the grant process and make it a little more efficient?

MS. STONE: Well, we have tried to do that. We have and it-- With the VAWA Grants, we have an advisory council. It’s mandated by

Federal statute. The advisory council met several times. As you may understand, we're trying to organize something like a Task Force. It's difficult to get everyone together for large-scale meetings, and there are a number of different organizations represented on that advisory council. Once that was done -- I think we had four meetings -- we prepared a draft document for the Attorney General. We also asked the Coalition for Battered Women -- submitted a draft document of how they thought the grant should be parceled out. Division on Women sent in a draft document. All those documents were forwarded to the Attorney General. He then met with other cabinet officers and a decision was made. And that money is starting to go out now.

JESSICA OPPENHEIM: If I can just add a couple of things. The State Office of Victim-Witness Advocacy oversees basically two pots of money -- VOCA and VAWA. They're not the same thing, as you're probably aware. The Victims of Crime Act is one pot of money. It's handled one way. And VAWA is another.

Deb's just addressed for you how the VAWA money is distributed to the various agencies and county organizations and local organizations that need that money. The other pot of money that we distribute is VOCA money. Historically, where there have been delays -- and there have been some small delays in getting that money out -- it's involved a lot of different groups. For example, one ongoing problem that we had at one time was getting the service providers to report back to us, as they were required to do, so that we could close out those grant periods and award the money.

We've been working very hard, and I think we've made a lot of progress in bringing those service providers up to speed in understanding how

they need to report back. We've been giving them a lot of hands-on assistance through the State Office of Victim-Witness Advocacy. As you probably know, the Section Chief of that group is Gail Fail (phonetic spelling). And she and her people have been working very hard with the county victim-witness offices, with local service providers, with the private sector to educate them on how one has to go through these reporting requirements. And they're not our requirements; unfortunately, they're Federal requirements. And it's important for us to meet those. If we don't meet those and the service providers don't assist us in meeting those, we have problems.

So, over the past few years, we've made a lot of progress in improving those processes. And I think you'll find over the next couple of years that these delays are going to go away. We are really not going to be faced with these kinds of problems.

MS. STONE: Another thing that we've done to try and smooth the way for getting these grants out is we used to funnel the money to some of the provider groups through the county prosecutors' offices. The problem with that was some of the prosecutors' offices were not reporting in a timely fashion to us. And if you don't close out the prior grant year, you're not going to get the next set of grant money for the forthcoming year. That had been a consistent problem.

What we have done now is close off that money going to the prosecutors. It's going directly to the provider groups from the Office of Victim-Witness Advocacy. The county prosecutors will continue to receive funding for their victim-witness offices, but money that would have been funneled through their office to the provider groups are going directly to the

provider groups now, cutting out a middle step and, we think, making the process more efficient.

MS. OPPENHEIM: And just so you know it, this time we are completely in compliance with all the Federal regulations, and I see no reason why we won't continue to be.

ASSEMBLYMAN ASSELTA: So just to follow up on that, the administrative cost of approximately 5 percent of the grant, do you feel comfortable with that percentage? And if that percentage was increased, would that help facilitate the funding process?

MS. STONE: It's set by statute, yes. The Fed's set that.

ASSEMBLYMAN ASSELTA: Right.

MS. STONE: We have no control over that. We've been able to, with that administrative cost, hire additional people to process the grant money more quickly.

MS. OPPENHEIM: We'd always like to be able to hire more.

MS. STONE: But, unfortunately, that's beyond our control.

ASSEMBLYMAN ASSELTA: Right. But do you see that having a value to it, as far as taking money away from the program and putting it in administrative to help facilitate the process, to have a positive end result?

MS. STONE: I think the money they've allotted for administration, at the current time, is sufficient for us to run the program efficiently now with the changes we've made in it.

MS. OPPENHEIM: It's a good balance.

ASSEMBLYMAN ASSELTA: Thank you.

ASSEMBLYWOMAN HECK: Jackie Marich.

MS. MARICH: My concern is primarily the present lateness of the VOCA and Victim-Witness Loan. If you make your announcements on April 30, that's like playing financial roulette in many of our programs. In the past, when that great program was given to providers through the prosecutor's office, there was an assurance of at least 10 percent of that money to rape crisis, to child abuse, and to domestic violence. And now you've opened that plan to everyone -- all victim providers.

MS. STONE: It's required. You're talking about VOCA money, and that's required by Federal law. That has to be available for all victims groups.

MS. MARICH: With no more 10 percent set asides?

MS. STONE: No, we have not made an attempt at set asides. But, of course, we look at the rape care providers and the domestic violence and child abuse providers. Those are predominantly the grant applications that we get.

MS. MARICH: Okay.

MS. STONE: We get very little from other victims groups. So as a practical matter, it really is not going to make a difference.

MS. MARICH: Okay. But you need to know with the lateness of that that many of us who last got our applications from the prosecutor's office are now well into that grant period and holding people over with imaginary money.

MS. STONE: Are you talking about VAWA money now, Jackie?

MS. MARICH: No. I'm talking about VOCA.

MS. STONE: VOCA money is on time. The VAWA money did get out slightly late, but we had an extension for all that grant money to go through. So you will have the full time for spending the VAWA money.

MS. OPPENHEIM: For '97 VAWA--

MS. MARICH: We should have had that money October 1.

MS. STONE: We had an extension granted, we understand that, and you will have the full amount and the full period to spend--

MS. MARICH: But after the fact, and we don't know if we'll be a grantee. So we're still left paying someone with imaginary money in the hopes that we will receive that money that in the past we were somewhat guaranteed through the prosecutor's office. That becomes a real burden for domestic violence programs. It's a burden for me because it pays completely for a legal advocate. For smaller programs -- and there are many because Women Aware is an older program -- that's fiscal suicide to hold somebody over hoping you get a grant that you may or may not get. That becomes a real problem in victim service.

MS. STONE: Well, the problem is we have to comply with Federal regulations which require us to consider all victims groups. We can't just say, "Federal government, we're only going to consider domestic violence and we're only going to consider rape crisis." There are other victims groups out there, and this money is supposed to be--

MS. MARICH: And is that the reason for the delay?

MS. STONE: On VOCA, no. On VOCA it's supposed to be earmarked for all victims groups. All victims of violent crime.

MS. OPPENHEIM: I do understand your concern, Jackie--

MS. MARICH: I understood that the original--

MS. OPPENHEIM: --but we are trying. The VOCA notice of availability funds is going to be in the very next *Register*. We're going to move that process along immediately. The VAWA money-- We know there was a slight delay. We really wanted to collaborate at a lot of different levels. As you know, we were collaborating on our advisory council, and that collaboration went up to higher levels, as well. That can be a time-consuming process, but I think the implementation plan that's gone out on that is a really good one, and I'm pretty excited about it. And now, to get those competitive bids out, that process is in place. We're in the process of doing that right now, and hopefully, we're not going to have this delay again.

MS. MARICH: VAWA is neither here nor there when we're talking about VOCA--

MS. OPPENHEIM: I know. I understand.

MS. MARICH: --and victim-witness money, which is desperately needed--

MS. OPPENHEIM: I know.

MS. MARICH: --and it's tied up.

ASSEMBLYWOMAN HECK: Is there some way to better organize the timing of this so that organizations do not hold employees in place for which they will not be reimbursed? I think it's very difficult to run an organization without knowing how many dollars you have to spend within your budget. Perhaps, and this is only a suggestion-- Because I'm hearing this not for the first time. It is a problem that has existed in the past, as well as currently. Perhaps a look at the whole system should be reviewed, and the

amount of advisory councils, etc., and the process through which it goes be streamlined so that moneys can be better utilized. I know it's a difficult thing, but if you do it right and get that blueprint in place, you won't be going through this year after year after year.

MS. STONE: We have--

ASSEMBLYWOMAN HECK: I think it's important to look at.

MS. STONE: Yes. We are concerned about that, Assemblywoman Heck, and we have done that. And we are intending to make the process more streamlined this year than last year. And last year's was more streamlined than the year before.

ASSEMBLYWOMAN HECK: Yes.

MS. STONE: It's an ongoing process. We try and make it better every year.

ASSEMBLYWOMAN HECK: Streamlining applications, putting reports together for a variety of programs that are so diverse is very confusing to advocates who do not have State facilities and State employees at their command. This is something I'm conveying to you, because as you were talking, Jackie, I remember other conversations, that one application provide -- is written one way. The report requirements are specific to that application. And there's another application which report does not even coincide, you know, remotely with the others. You're having people spending a lot of time with their paperwork. Not that there shouldn't be paperwork and follow-up, but is there not a way that we can address all of these and make them more or less uniform?

MS. STONE: Well, no, because the requirements are those of the Federal government -- not us. We don't put those requirements on, but we do provide technical assistance.

MS. OPPENHEIM: In fact, there's a technical assistance training program today at the Justice Complex through our State Office of Victim-Witness Advocacy. So a number of the service providers are there right now.

ASSEMBLYWOMAN HECK: Is it possible or have you in the past contacted the Federal government or our representatives to request such a conformity?

MS. STONE: In other words, you want to make VAWA the same as VOCA in terms of filling out the forms?

ASSEMBLYWOMAN HECK: I'm not saying the same, but I think that certain pieces should be-- I was told about reporting being so complicated. Do you find that, or is this an isolated instance?

MS. MARICH: My only problem with the reporting in the past has been when it was for something that was concrete, and it was spent in the first quarter of the year. I'm expected to make a report on that same money I spent in February four times a year, and if I don't, you know, you get threatening letters, and that's bizarre. I mean, that's--

MS. OPPENHEIM: We're required to do that for compliance purposes. I mean, we have to submit all this stuff to the Federal government.

MS. MARICH: I suggest you just make a copy of it, instead of--

ASSEMBLYWOMAN HECK: But is it not--

MS. OPPENHEIM: We certainly can if the service providers would like to send us a letter. I mean, we certainly-- We're always in contact, you know. Anyone can call Gail Fail or myself or Debbie at anytime. If you have some suggestions for doing that, we would be happy to pass them on to the Federal government and see if they would be willing to consider them.

MS. MARICH: I'm sure someone's at that meeting this morning to talk about that.

ASSEMBLYWOMAN HECK: Oh, that's good.

MS. OPPENHEIM: I know we've seen each other at the technical assistance program, so we do give a great deal of technical assistance.

ASSEMBLYWOMAN HECK: And if you would allow the legislators to know this, we in our own districts can contact our representatives at the State level to ask their help. Because this may be a minor glitch and that can be corrected--

MS. STONE: I'm sure your efforts--

ASSEMBLYWOMAN HECK: --and help you, as well as the providers.

MS. STONE: I'm sure your efforts would be very successful, and we welcome any assistance you can provide.

ASSEMBLYWOMAN HECK: Well, we appreciate that.

MS. MARICH: If I may, it's more than just the reporting. I think we're getting confused between VAWA and VOCA. In VOCA, the reporting is not that horrendous. It's sometimes ridiculous, but not that horrendous. And I think, in VAWA, the problem becomes why do service providers have to report and sometimes extensively, when the police and law enforcement and

the judiciary, and the AOC do not have the same reporting requirements. That's been a concern.

MS. STONE: They do have the same reporting requirements.

MS. OPPENHEIM: They do. In fact, whenever we use our own DAGs, as people who are monitoring or running a program, they have to do time sheets, they have to provide the same kind of-- And they get in trouble when they don't, just the way-- They get the same kind of letters and phone calls that a service provider does. We had to do that.

MS. MARICH: Having worked with police agencies for applying for VAWA money, it seems to be considerably different.

MS. OPPENHEIM: Well, I'll check into that, Jackie, because I know that certainly for our people--

MS. MARICH: The requirements are the same.

MS. OPPENHEIM: --they have the same requirements.

MS. MARICH: Now, the other thing with VAWA, if I may, I sit on that Committee--

MS. STONE: Yes.

MS. MARICH: --and when I got the report of where the money is going, I'm quite surprised. I distinctly remember us being almost unanimous in wanting to see, No. 1, judicial training, No. 2, a court watch, both for domestic violence and sexual assault. And now they appear no where. I also remember us saying we did not feel that the State Police grant had come in, in a timely manner, nor was it to be looked at positively. And also, the AOC Court Entry Project was something the committee, generally speaking, not unanimously, but certainly the majority, was not interested in it.

MS. STONE: There was a split on that right down the middle, because I kept very accurate notes of who voted on what. As to the judicial training at that point, the judicial was not being asked for by the AOC. They did not request money for that at that time.

MS. MARICH: No. I think the reason we were interested in this because that it has been disappointing in what the AOC has done in training the judiciary. We're looking for a new, innovative way to do it.

MS. STONE: I understand that, Jackie, but I can't train the judiciary. I'm a separate branch of government. We're precluded from doing that. We can only train law enforcement. And we can't force another branch of government to adopt a training program that we want.

ASSEMBLYWOMAN HECK: Jackie, perhaps you can ask David Anderson about that.

MS. STONE: But what happened, Jackie, was we took the suggestions made by the committee, we took suggestions we made, we took suggestions from Barbara Price, from the Coalition of Battered Women, we took it from the Division on Women and -- there was one other agency -- Human Services. All of those documents went up to the Attorney General. The Attorney General then met with cabinet-level officials, and a determination was made as to a final plan.

MS. MARICH: Now, I know that the Feds require we have this planning committee, but it--

MS. STONE: But it's advisory only.

MS. OPPENHEIM: Wait, if I can just-- Just for a second-- Just for a minute, the final rules under VAWA say that we're required to consult

with the service providers, and that's what the advisory council is. That's why it's set up. And on that council, we have service providers. We're also required to consult with law enforcement, so there are members of law enforcement on it as well. But as was repeatedly really explained to this council -- and as Deb has just explained again -- this is a consultation situation. And when you look at the final rules for VAWA, the level of that input is not stated. In fact, they specifically did not adopt anything in the final rules saying, you must include this amount of input from service providers. Our advisory council met a number of times. We took all of that information in, but that was not the final decision and was never intended to be the final decision, and I think we tried to make that very clear. The ultimate implementation plan--

MS. MARICH: Well, it's very frustrating to spend time doing something like that and know that you're discounted at the end.

MS. OPPENHEIM: But that's not what happened--

MS. STONE: It's not discounted. All of it is considered.

MS. OPPENHEIM: --at all, Jackie. If you look through that implementation plan, you'll see a lot of your work there. It went up through our collaborative efforts and a lot of other people's collaborative efforts, too. And we're not done yet. As you know, we just got another 3.8 appropriation for the coming year. We're going to reconstitute the council. We want everybody back at the table, and we'll see what we can do with that money this time. So nothing's over, but I think we came up with a number of really good programs that are going to be implemented under this money. But you do

have to understand we operate under certain constraints. There's just so much that even we can do.

MS. MARICH: It was very much an exercise in frustration to see that report come after all that work that people put into those recommendations.

MS. OPPENHEIM: I'm sorry you feel that way, because we certainly always are happy to see everybody at the table and want to continue at that process.

MS. MARICH: Certainly, I've been here long enough to be here in 1982, and there was always this spirit of cooperation between law enforcement and the courts and service providers to do the best we could on behalf of victims--

MS. OPPENHEIM: I agree.

MS. MARICH: --and that spirit seems to be gone, and decisions are made with very little input from the--

MS. OPPENHEIM: I hope that's not the case, Jackie.

MS. STONE: No. No. I don't think that's true. I think there was a disagreement as to, I know, the computerization. From a law enforcement and judicial standpoint, we felt that to protect victims information had to be input into the system immediately, which is why we had the Courtroom Entry Project funded. Because without that -- I think, Dave Lyon (phonetic spelling), the Chief of Police from the Chief's Association, gave a very graphic demonstration of what happens when you don't get that information. He talked about a specific instance where a person in his town he knew had a weapon, had a restraining order answered against him in

another town, and he was notified of this in a timely fashion. The guy took his gun and went and killed the woman. He didn't want to see that happen again and neither did we. And that was our thinking behind funding the judiciary's proposal for the rapid entry into the courtroom.

MS. MARICH: And do we know how long that will be?

MS. STONE: All of the information that I have from Director Ciancia is that the projects dealing with the Violence Against Women Act, including the central registry and this act, are priorities, and they've been moved to the top.

ASSEMBLYWOMAN HECK: Once that computer system is in place, then the dollars won't have to continue to go there.

MS. STONE: Correct. Correct. The initial start-up cost is the problem, because you got to do a lot of software.

ASSEMBLYWOMAN HECK: That's being done through David?

MS. STONE: David. Yes.

ASSEMBLYWOMAN HECK: So, Jackie, we should direct that to David Anderson.

Any other questions for Debbie?

Yes, Lori.

MS. SCHAFFER: I wanted to ask you to clarify the statement you made about reporting requirements and about how providers reporting in perhaps a less than timely manner affected the delay in putting the funds out to the provider community. Could you clarify that for me?

MS. STONE: Yes. According to the prosecutors-- This was all being funneled through the prosecutors at the time. The prosecutors were

telling us that they weren't getting timely reports from the provider groups. So what was happening is information had to funnel from the provider group to the prosecutor's office to us to the Federal government. There were too many steps. And if the provider groups were not getting sufficient technical assistance from the prosecutor's office or from wherever this stuff got delayed. That's what we were talking about. And that's what we're trying to eliminate both by cutting out the middleman, which would be the county prosecutors, and also by providing technical assistance for the provider groups so that-- We know this stuff is a thicket. I mean, I went to law school, and it drives me crazy. It's difficult, no question about it, and Federal regulations are worst than most. That's why we have the technical assistance programs and why we're doing that today.

MS. SCHAFFER: How does that affect the fact that you put out a grant award recently, for example, that we have to, if we're service providers, get to by February 18? You're going to notify people by April 30. Money probably, realistically won't be out until June, and the funding cycle is supposed to end on September 30. How does that affect the fact that you are -- seem to be constantly many months behind the process in putting the money out there, so we're facing what Jackie described.

MS. OPPENHEIM: You're talking about two different ends-- I'm sorry, you're talking about two different ends of the process. We have to get the reporting in, because in order to close out that fiscal year, we need all the reports in. And we're not permitted to award additional grant money until those previous years are closed out. That's what slows that part of it down.

Now on our end, if we're a little delayed in getting out the competitive grant proposals, the notice of availability of funds, that's a different end of the process. What we've done, for example, on VAWA is we've just gotten an additional year extension from the Federal government. So, even though we are a couple of months, about three months, behind it's not going to affect the period of time that each service provider has to spend the money.

MS. MARICH: You're going to extend that?

MS. OPPENHEIM: Excuse me, Jackie.

MS. MARICH: You're going to extend the time that we can spend the money beyond the 30th?

MS. STONE: We got a one-year extension on VAWA.

MS. OPPENHEIM: We got a time adjustment from the Federal government already.

MS. MARICH: On which?

MS. STONE: VAWA.

MS. OPPENHEIM: VAWA.

MS. MARICH: We're talking about VOCA.

MS. OPPENHEIM: We haven't gotten that yet, but her question was why--

MS. MARICH: And you're not a little late, you're seven months late.

MS. SCHAFFER: And this is not the first time that this has happened. Every year we sit in the same position.

MS. STONE: Correct. And what the delay has been is, we couldn't award that year's money because the prior year's hadn't been closed out because we didn't get the information in. That was one of the reasons why we cut the prosecutors out of the process, is the information was not coming quickly enough for us to close out the prior years and then start the award process for the future years.

MS. SCHAFFER: But all of that money did not come through the prosecutor's office.

MS. STONE: Correct.

MS. SCHAFFER: So what about the other pieces?

MS. STONE: It doesn't matter. You have to close out the entire year to be in compliance with the Federal regulations. So if there's one piece missing -- even if it's one county, one agency -- that stops the whole thing.

MS. SCHAFFER: So do you have a specific plan in place to ensure that you're able to work in a time frame that is more consistent with being able to effectively serve victims, which obviously is the point of this money?

MS. STONE: That's what we're trying to do now. That was the purpose of doing the thing directly through Victim-Witness and through the technical assistance portion that we're doing today to try and get things from everybody in time to close it out in a timely fashion so that we can get the new money out as quickly as possible.

MS. SCHAFFER: And so you're saying that if you don't have all of the information, you can't even activate your planning group and have

everything ready to go. So it's such that when you've received that last report, you would be able to put the information out--

MS. STONE: We can start-- We can do some internal planning, but we can't put out the *Register* asking for implementation plans. We can't do that.

MS. SCHAFFER: Could I ask one more question--

ASSEMBLYWOMAN HECK: Please, do.

MS. SCHAFFER: --please, about the advisory committee, and this is about VAWA.

How can-- I understand, of course, that the Attorney General has final authority for making these decisions, but it seems a bit unusual to me that you would receive such significant input from a lot of people who serve victims, spend probably more time and energy serving victims than on the law enforcement side you do. And, yet, none of that was taken into account.

MS. STONE: That's not true.

MS. SCHAFFER: Okay.

MS. STONE: That's not true at all. The implementation plan does take into account-- The significant difference of opinion was over the judicial training and over the funding of the Rapid Courtroom Entry Project. Those were the two areas where there was -- Jackie's nodding -- significant difference. With the judicial training, we don't have the authority to go and order the judiciary to do a certain type of training. It's unconstitutional for one thing. And the other thing, which there was a split almost down the middle in the advisory council on the Rapid Courtroom Entry, all of that information was funneled to the Attorney General and to the cabinet-level

officers he was consulting with. And a decision was made that, yes, that is an important way to protect victims and, yes, we are going to fund that at least for this year.

MS. OPPENHEIM: There were a number of other projects that everyone agreed with, that everyone was very enthusiastic about that are being funded. For example, the Division on Women is going to be setting up a domestic violence death review board. And that was something that we were asked about that we--

ASSEMBLYWOMAN HECK: A domestic violence death review board?

MS. STONE: The way the trial death review board works--

ASSEMBLYWOMAN HECK: Yes, I know.

MS. STONE: You're familiar with that, I know. This would be for domestic violence. To look at domestic violence cases and try and figure out what is it that triggers deaths.

ASSEMBLYWOMAN HECK: Through the Division on Women?

MS. STONE: Yes.

MS. OPPENHEIM: That's right. So there have been any number of projects that you know were discussed at length at these meetings that everyone agreed on and that are in the plan.

ASSEMBLYWOMAN HECK: Can I respectfully ask because--

MS. STONE: Sure.

ASSEMBLYWOMAN HECK: --you just kind of surprise me because I know the Division on Women is not exactly well funded, from my point of view.

MS. STONE: That's what they're getting the money for.

ASSEMBLYWOMAN HECK: Are they going to have new staffers?

MS. OPPENHEIM: That's what this is, money to do this.

MS. STONE: They're getting the money.

ASSEMBLYWOMAN HECK: They're expanding the Division on Women. Is that what you're telling me?

MS. OPPENHEIM: What we're giving them is money out of the VAWA funding. They'll set it up however they want. They'll give us an implementation plan, and if that includes additional staffers that's certainly their choice.

ASSEMBLYWOMAN HECK: Oh. All right. I'm not going to take our time doing that because I'll talk to Linda Bowker about this later. I had no idea of that, and I think we should-- We in the Legislature at least should know something about that. But thanks for letting us know. This is a very good-- See all the things we're learning.

MS. DONNELLY: Madam Chairwoman.

ASSEMBLYWOMAN HECK: Yes.

MS. DONNELLY: If I could just go back to the VOCA for one minute, because I'm very concerned about this year in particular. We're already well into the grant period, and there was an assurance when the prosecutors was doing this that we had the money. That we would be able to fund these programs that are very needed and very basic and most of the service providers that are being provided. I'm also surprised to hear that this was all hung on the service providers by the prosecutors' offices because if you

had asked us, it's the prosecutors' offices that were very late with things, not us. However, now that the decision's made, I think you need to understand--

MS. OPPENHEIM: This should help everyone. Yes.

MS. DONNELLY: Excuse me.

MS. OPPENHEIM: This should help everyone then.

MS. DONNELLY: Well, I hope. I think you need to understand that at least for this first grant period and, I think, forever and ever, Amen, the kinds of funding that this has provided in most of the programs is very nonexciting, noninnovative, you know, programming that doesn't really translate well in the competitive grant situation. Do we know for this year coming anyway, since it was money that we could rely on-- And in our county, we would-- I believe that the victim-witness coordinator was in a very good position to see where this money needed to go, as opposed to someone in Trenton who doesn't really know the needs of Bergen County or any particular county, in particular, that this funding went to a variety of providers -- not just domestic violence, not just sexual assault -- but victims of crime. And it was money that we could rely on for basic services. Like in my program, it funds legal assistance, legal advocate.

I know that the trend with the VAWA grants has been that the new, the diversity, the innovative, the very needed, not unneeded, programs -- but only the very innovative stuff looks really nice on paper. "Oh, we're going to do these new things, and we're going to serve this previously underserved population." But we're losing the guarantees that we had to basic services that are offered to everyone. So what is going to be done to address this?

MS. STONE: Okay. In the first place, VAWA has a different criteria than VOCA.

MS. DONNELLY: I'm talking about VOCA.

MS. STONE: I understand that. But you mentioned VAWA having only new and innovative programs. Well, that's one of the things they look for is new and innovative programs for VAWA.

VOCA is basic victims services, and we recognize that. We recognize that you're not going to get innovative-- I mean, you may, but you are more likely going to get the basic service funding requests. We recognize that. We're also getting input from the country coordinators on the programs in their county that they have been funding in the past and what they think is needed.

MS. DONNELLY: So you'll be taking--

MS. STONE: We are taking that into-- Yes.

MS. DONNELLY: And will there be-- I think there's a technical assistance meeting as we're sitting here. I had to send one of my staff people to it. But at least this first year we're funding those positions, you know, with our fingers crossed that we're going to get them refunded through this grant period, and after that. Is there any assurance here that we're going to get this money?

MS. STONE: Well, we're talking about \$1.5 million to \$2 million. And, yes, I'd say it's a pretty good bet that you're going to get the money.

MS. DONNELLY: That we've always had.

MS. STONE: That you've always had.

MS. DONNELLY: And then some.

MS. STONE: And perhaps a little more.

MS. DONNELLY: Okay. Well, I think you need to understand that we don't mind competing for funds, but there are only certain organizations out there with expertise doing work that really should be in the running for this.

MS. STONE: We recognize that, and we do take that into consideration when we look at the competitive grants. It's not that we're looking at this in a vacuum. We do understand. And we understand the constraints that you're under, as a nonprofit agency.

MS. OPPENHEIM: We do.

MS. DONNELLY: Actually, I'm government.

MS. STONE: Oh, you're government. I'm sorry.

MS. DONNELLY: Okay, thank you.

MS. STONE: Okay. Now I really understand the constraints you're under.

MS. DONNELLY: I have the worst of all worlds.

ASSEMBLYWOMAN HECK: Any questions?

Oh, yes, Jackie Marich.

MS. MARICH: I have one more, and that regards the suggestion that there be a DV sexual assault counselor in county prosecutors' offices that will not replace legal advocates that exists in the court already.

MS. OPPENHEIM: Not at all.

MS. STONE: No, it's a totally separate program.

MS. MARICH: And how much of that money is going to be available to the programs who are going to have to do the 40 hours of training for those new people?

MS. OPPENHEIM: That money was set up to fund a person. I don't remember a request for training. I know--

MS. MARICH: It says here that they'll get the training such as the 40 hours provided by this Battered Womens Program.

MS. OPPENHEIM: I don't remember. I don't remember what part of the implementation plan has to look like. I know, for example, I believe that your organization may be one of the recipients of some of the funding with an eye toward setting up some training for CRTs. So I imagine that there will be funding available. It was a fair amount of money set aside for that. I don't remember, and I don't have it with me.

MS. STONE: We can get that for you, though.

ASSEMBLYWOMAN HECK: Could you do your best to get the information to us so that we can study it before our meeting of the 20th?

MS. STONE: Sure.

ASSEMBLYWOMAN HECK: Because I'm pleased that you've brought all this information, but there was no time for us to really review.

MS. STONE: Unfortunately, when we got notification of the hearing, we put it together as quickly as possible.

ASSEMBLYWOMAN HECK: No, I appreciate it. But again, that's one of the reasons why we're going to have a caucus is to review material that's been given to us, and hopefully, any other material that we request today will be given to us--

MS. STONE: Absolutely.

ASSEMBLYWOMAN HECK: --at least two weeks before our next meeting. Because it is very important for us to be as fully aware as we can be at that time as to the direction we're taking. And some of the questions are being answered. But at times, communication gets a little blurred between VAWA, VOCA, timeliness, reporting, application, who's putting the material together, who's responsible for training, who's responsible for the ultimate decision, which you have just advised us that the advisory council is just that -- advisory but with no teeth it seems.

So we in the Legislature are learning that the first time-- And, Arline, we didn't realize that. We thought they were in partnership. And partnership means equal voice. But again, it's something we have to look at as well. I think that what you're doing and what you've given us so far is fine, it's good, and it gives us a way of answering our own questions because each of us comes from a different field, a different part of government, a different part of the domestic violence advocacy -- where some of them are professional, others are advocates such as ourselves.

I do think that the Task Force is an important part of our communication system, because part of our problem is communication and knowing what our parameters are at various levels and where the difficulties are in putting applications together and reporting forms together. And, indeed, the changes that we can make if given enough input, we're all on the same wavelength, and we can convey through the people, the providers, their concerns, and we can put into effect your problems of statutory confines. And then we, as legislators, can also look at it from another standpoint, again, to try

to make changes to make it easier for you to put the programs in place and the applications in place and for the providers to reap as much as they need to perform effectively in their fields.

So, I think, we're already seeing some positives coming out of this in the form of communication. And I appreciate the fact that you're gathering this material, and I know you have other things to do. But I think that we at this level and on this Task Force do have an equal voice, and we do have people from prosecutors' offices as well. And we will be able to come up with some blueprints for you with your input.

MS. STONE: We appreciate it.

ASSEMBLYWOMAN HECK: Thank you very much.

Any other questions for Deb and Jessica?

Jackie.

MS. MARICH: I'm a pain in the butt, but--

MS. STONE: Never, Jackie.

MS. MARICH: Is it legislatively required that you combine VOCA and Victim-Witness moneys?

MS. STONE: Is it legislatively-- No, it was done for -- actually to make it more efficient to combine the two and send them out together.

MS. MARICH: But just from our point of view--

MS. STONE: Because it takes more staff time and more administrative time to separate them out like that.

MS. MARICH: Just from the point of view of the provider, that is difficult for us in that it makes money available, yet we don't know which pot it will be funded out of, so that we don't know, do we need 25 percent

match for all of this money or do we need it for half this money. It's very confusing. So it really limits your ability to ask for what you really like to have because you may not be able to come up with the match if you decide to give it to us out of one pot rather than the other. So that's the problem.

MS. STONE: Usually what determines what we give it out as is what you're asking for. Because as you know--

MS. MARICH: But there is not guarantee. I mean, it's clear the way the grant is written you'll decide that.

MS. STONE: No. But VOCA is restricted on what it can be spent on. Victim-Witness is a little broader, that money, so what we try to do is things that can't fit into VOCA we will try and fund out of Victim-Witness. But, as you well know, the Victim-Witness pot is very small. We don't collect as much as we would like to. And we do the best we can to get it out as quickly as we can and to fund whatever we can out of the appropriate pot of money.

MS. MARICH: Okay. I was just curious.

MS. STONE: Sure.

ASSEMBLYWOMAN HECK: Lori.

MS. SCHAFFER: I wanted to ask you a questions about things that you are going to fund through VAWA. One has to do with setting up services and a hot line for law enforcement personnel and their families. I'm just curious about the thinking behind the need for that, and do you not think that that will create a sense of separateness within those families and individuals, and why would you think they would not be appropriate for the regular service provider system that was already set up in each county?

MS. STONE: There are a number of reasons for that. One, there is a sense of separateness already with law enforcement families. They have a whole different set of problems and constraints on them. If you're a victim of domestic violence, your husband's not a cop, you press assault charges, for example, against him. He's convicted, can never own a gun again. Doesn't really effect John Smith on the street. However, if you're John Cop on the street and you can't own a gun and you can possess a gun and you can't use a gun, the likelihood is you will lose your job. A woman has a lot more to think about if she's the spouse of someone in law enforcement than she does if she's not. Law enforcement has traditionally also had a fairly high rate of domestic violence nationwide. It's very scary. That was what we were looking to focus on, was to clean our own house, too. And with that high rate, we wanted to do some innovative programs to both help the families and get these abusers, if they are not capable of being helped, off the force.

MS. SCHAFFER: I understand that there are separate considerations. It happens to be that my husband is a police officer so--

MS. STONE: Then you know.

MS. SCHAFFER: --I'm extremely familiar with what you're talking about.

MS. STONE: Right.

MS. SCHAFFER: However, as also a provider of domestic violence services, I wonder if the net effect of this will not be to continue the impressions that some law enforcement officers have that when they perpetrate domestic violence, they are not held to the same system of justice that others are. And I'm not sure that I understand what you're saying in the terms of

your thinking, but I'm not sure that that will be the net effect. It seemed to me in my own small Salem County that when officers have had to go through the court system, when they've had to go through our Alternatives to Violence Program, and they've had to deal with things as every other perpetrator of violence has that has had a very significant impact on whether or not they are doing the same kinds of behaviors over and over.

MS. STONE: Right. We're not advocating treating them differently in that sense. But what you're saying is they have a whole set of problems that are different--

MS. SCHAFFER: And I understand.

MS. STONE: --and you are obviously well aware of that. And that was the reason behind the separate hot line and for getting some kind of treatment program into the departments themselves

MS. SCHAFFER: Okay. I think probably we just have a different perspective about that, so I'll leave it--

MS. STONE: That could be-- And this is an innovative program. We don't know if it's going to work yet. But you have to try different programs and see if they work. If it works, it's terrific. If it's not, we learn from our mistakes, and we go on and we try something else.

MS. SCHAFFER: You also have allocated \$50,000 to produce brochures. And just to comment, I'm sure the other service providers on the group will agree with me that we all already produce county-based brochures that we give out to police departments, as many as they want and as they will distribute. So it may be possible that this might not have been needed and,

perhaps, a more extensive dialogue with providers about what already exists in communities might allow this money to be diverted elsewhere.

MS. STONE: We did. I mean, that was one of the topics that we did discuss at the advisory group. It was determined that there was a need for it. The \$50,000, as you know as well as I do, when you're doing these things it's guesswork how much you're going to need to produce the documents in question. Obviously, if it takes less, then we have allocated that money and can be reallocated for other purposes.

MS. OPPENHEIM: But I should say, the State Office of Victim-Witness Advocacy produces a lot of materials, and it was based on their expertise that we came up with the figure. I don't recall--

MS. SCHAFFER: And so do local county-based programs--

MS. MARICH: As well, as the Division on Women.

MS. SCHAFFER: --as well as the Division on Women, thank you, Jackie. And we distribute those.

ASSEMBLYWOMAN HECK: Lori, perhaps some of your concerns about the law enforcement piece and the brochures can also be just put in the report from you so that we can disseminate it among our members and look at it when we have our meeting.

MS. SCHAFFER: Thank you.

ASSEMBLYWOMAN HECK: I think it's important enough to review.

Any other questions?

Mary.

MS. WHITE: I don't really have a question, just a comment or observation.

ASSEMBLYWOMAN HECK: Yes.

MS. WHITE: From our experience in Gloucester County, particularly since the Federal law requires with a conviction for a misdemeanor offense of domestic violence that an individual will lose their license to carry a gun permanently pretty much and without any exception for work-related fire arm possession-- Victims know this, and it may create a real -- and what I think we're seeing -- reluctance to disclose to law enforcement, which means we can't even start to help them. And in that regard, if we don't know that they're experiencing abuse, most of the rest of what we're doing in law enforcement, at least -- not shelter agencies and confidential assistance -- can't start to happen. And so for that reason, if no other reason, I'm really glad. I don't know that I realized that the State is going to begin an experiment with working with some of the specific issues that spouses of police officers may face if they're experiencing domestic violence. They know, and folks are real quick learners, about what's going to affect their income and their ability to take care of their children.

MS. STONE: Right.

MS. WHITE: Thanks.

MS. STONE: And Mary--

MS. WHITE: I know I'm not testifying.

ASSEMBLYWOMAN HECK: No. It's a very delicate subject.

MS. STONE: --put it very well. That was the thinking behind going forward with this.

ASSEMBLYWOMAN HECK: Yes.

MS. STONE: As I think as I mentioned, we are concerned about that, because the victims have an additional burden, if you will, in that it can remove their source of income.

ASSEMBLYWOMAN HECK: Well, then, Debbie, if you could, give us-- I know this, again, is kind of a test program. If you can give us just a little synopsis of what you're trying to do with the program or what the plan is for the program, just for our edification. I think--

MS. STONE: We can send you the whole written protocol on it.

ASSEMBLYWOMAN HECK: Oh, good.

MS. STONE: We'll do that.

ASSEMBLYWOMAN HECK: Okay. I'd appreciate that.

MS. STONE: It's probably easier than my going through it now.

ASSEMBLYWOMAN HECK: I think all of us should have it.

Don't you think, members? Yes, okay.

MS. STONE: We'll provide you with enough copies for everybody.

ASSEMBLYWOMAN HECK: Thank you, because that's another piece of information that is new.

MS. STONE: Correct.

ASSEMBLYWOMAN HECK: And we appreciate it.

MS. STONE: Okay.

ASSEMBLYWOMAN HECK: Anyone else? (no response)

Okay. Thank you very much again for all of your input and your help, as always.

MS. STONE: Thank you so much, and we appreciate your input for us. It's always a learning experience on both sides.

ASSEMBLYWOMAN HECK: For all of us.

MS. STONE: Thank you.

MS. OPPENHEIM: Thank you.

ASSEMBLYWOMAN HECK: I'm just checking to see who's coming with you, David.

DAVID ANDERSON: I'd be glad to introduce us.

ASSEMBLYWOMAN HECK: Oh, good. All right. Because Jim O'Brien is not here at present. He's probably at the other meeting.

David Anderson is the Director of the Office of Public Affairs, Administrative Office of the Courts. And I think he has Lisa Mollica with him--

MR. ANDERSON: That's correct.

ASSEMBLYWOMAN HECK: --the AOC Family Systems Project Manager.

MR. ANDERSON: What you'll find today is-- I'm used to testifying before legislative committees, but mostly the judiciary and the budget committees. And you'll find I know a little about a lot of things, and if you want mind-numbing detail, I brought Lisa along for that. So she can talk about the computer in a lot more detail than I can. I want to talk to you about some commitments I want to make to this group that you need to hear. I had the pleasure, I guess, of reading the transcript from the last hearing and thought it was appropriate for me to be here rather than anybody else.

But I wanted to start by publicly thanking the Chair of this Task Force for something that occurred in this past legislative session that has never happened to the judiciary before. As a cosponsor to a supplemental budget appropriation with now Senator Kavanaugh, Senators Gormley and Bryant, the judiciary was given a supplemental appropriation. Three million dollars of that appropriation is to be used for personnel, for Family Division, and for probation staffing. And of that, 85 positions we are designating specifically for domestic violence staffing, from hearing officers to monitors of TROs, desperately needed in every county. And I want to express gratitude to the entire judiciary, to the sponsor, to the Chair, because it is the first time since the passage of domestic violence legislation that there's been an appropriation associated with anything that the judiciary has absorbed. And I think it is a bright sign for us to deliver judicial services.

ASSEMBLYWOMAN HECK: Just as a comment. I think being part of the-- Having the Legislature be part of the working group has made that fact better known to all of us, and Judge Serpentelli, when he comments and says, "Well, you know, you never give us the people to help us," made a big difference.

MR. ANDERSON: It was very helpful. I can imagine the discussions in the caucus at a time when *Abbott v. Burke* is being cited, but--

ASSEMBLYWOMAN HECK: But I do believe, and, you know, subsequent to these -- to our work here today-- And this is all new. You know, we want to make sure that all of the counties' needs are addressed.

MR. ANDERSON: No question.

ASSEMBLYWOMAN HECK: And all of us have-- We have representatives from almost every county here -- I mean, a good cross section of the needs of our counties. So we would like to help move that along and --

MR. ANDERSON: It's a great first step for us.

ASSEMBLYWOMAN HECK: --look at it. And the training aspect of the people who are going to be involved is a major concern.

MR. ANDERSON: No question about it. I wanted to start with the computer part first--

ASSEMBLYWOMAN HECK: Oh, good.

MR. ANDERSON: --because to me that's the easier part to respond to.

ASSEMBLYWOMAN HECK: All right.

MR. ANDERSON: Because, obviously, there's some concern about the training part.

ASSEMBLYWOMAN HECK: I think that's important.

MR. ANDERSON: I want to commit to you that we're going to deliver an integrated domestic central registry by November of 1998. To me, that is the single most monumental improvement in court automation that I can remember. And the reason that I call it that is that the Chair of this Task Force and I, for three consecutive legislative sessions, sat before committees trying to get an appropriation to fund a central registry. And it was pretty lonely at those tables for a long period of time. We were unsuccessful. The bill moved out of one committee but died in another, not because there wasn't interest, but it is an expensive event. And it is complicated because the

judiciary and law enforcement, both State and local, developed their own systems over time, and they don't talk to each other in large measure.

So the system that needs to be implemented now -- and thank God for VAWA '96 -- provides the first funding that will allow us to do that. A grant was awarded back in May of '97. We began some internal work acquiring staff, assigning staff, and finding the best staff we can. In November of '97, we started the billable work. We expect in the next two months to actually begin the programming for certain aspects of the integration. That programming will go on, starting in about two months, into the various areas, whether it's the criminal aspect or tie into civil, taking our family system, which Lisa is responsible for the total oversight of, getting the locals all communicating with our system. That's a massive programming job. And I need to tell this Task Force that it is complicated by one major event that's affecting all of automation in public employment -- well, maybe, in private, too -- and that is the unavailability of staff because of the year 2000 problem.

I say unavailability because the private sector is absorbing computer experts to handle the year 2000 situation at salaries much higher than we can even hire people or acquire consultants. There is almost more work than there is capable people to do the work. We have five people--

ASSEMBLYWOMAN HECK: David, maybe we can have the Federal government put a draft into place so we can get some help with that.
(laughter)

MR. ANDERSON: And hope-- Delay the year 2000 from occurring. I wonder if the Chair is willing to, like at budget time, hold the clock and see if we can delay the year 2000.

But I want to tell you, we have five people permanently assigned to this project right now. We intend to go to nine, assuming we can hire the staff, and use outside consultants as well. We intend, when push comes to shove, to deliver this product by November, assuming we can keep our staff level. We can't afford to lose anybody now to the year 2000 outside the system. And we are working diligently to do that.

If there is a need to go into mind-numbing detail about where we are in the project, Lisa can answer those questions.

What I would like to do, and when you said that you weren't going to have a public hearing at your next session, I wonder if you could build in your schedule enough time-- We would like to invite the Task Force over to the Justice Complex and see the process in operation. Come and see the work that's being done, come see the screens, come see the programmers, come see the work actually being done so you have a sense of the project.

ASSEMBLYWOMAN HECK: If you can provide a meeting room for us over there, so we wouldn't have to run back and forth.

MR. ANDERSON: I'll tell you what, I'll provide a meeting room for you that day.

ASSEMBLYWOMAN HECK: Okay.

MR. ANDERSON: I would have to rely on the OLS people to arrange for whatever-- If you're going to have it recorded. I don't know if--

ASSEMBLYWOMAN HECK: No, we're not recording the caucus.

MR. ANDERSON: Then I will get a room for you, if you're willing to do that. If the Chair wants, I'll communicate separately with you, and we can work that out if you wish.

ASSEMBLYWOMAN HECK: No. I think it would be a good idea, but we don't want to run back and forth.

MR. ANDERSON: That would be fine. We would love to have you come--

ASSEMBLYWOMAN HECK: I think that would be a wonderful part of the morning.

MR. ANDERSON: Because it will, I think-- When you see the enormity of the task and what our current family system already provides -- which I would argue to you, is a baseline, just a baseline and nothing compared to what this joint effort will provide -- I think you will see that there is real headway being made. I know that there is disappointment that we can't deliver this product tomorrow. I'd love to do that, but you and I sat at those tables six years ago and wanted it delivered then.

ASSEMBLYWOMAN HECK: I know.

MR. ANDERSON: November of 1998 is like the sun coming over the horizon on this issue. We have gotten what I think is tremendous cooperation from the Attorney General's Office on this issue. Our staff people are working as best they can with the users of the systems. And I think when November '98 comes that it will be a new day when it comes to the communication and the recordation of domestic violence issues as it relates to family court.

I'm willing to take questions now on that, but I go into the training issue next and, then, take it all on at the end, if you wish.

ASSEMBLYWOMAN HECK: No. We'll do the computers first.

MR. ANDERSON: Okay.

ASSEMBLYWOMAN HECK: Everyone in agreement to that?
We'll do the computer part first, and then we'll go into training later.

Yes, it's fine. Just continue on with the computer, please.

MR. ANDERSON: Okay, training. Oh, you want me to go on--
I'm done with the computers.

ASSEMBLYWOMAN HECK: You're done with the computers.

MR. ANDERSON: I'm done with the computers.

ASSEMBLYWOMAN HECK: We're going to do that in depth,
then, when we go over there.

MR. ANDERSON: If there are in-depth, detailed questions--

ASSEMBLYWOMAN HECK: Any questions about the
computers?

MR. ANDERSON: --that's the place to ask because there will be
two--

ASSEMBLYWOMAN HECK: Jackie.

MR. ANDERSON: Oh, okay. Go ahead.

MS. MARICH: I just have one mind-numbing detail, just for my
own sense of reality I need. Exactly how much money has gone into the
central registry since that project began, not just the 1.2 million from the
original VAWA grant, but from all sources?

MR. ANDERSON: That's it.

MS. MARICH: Just that 1.2.

MR. ANDERSON: That's it. That's it. Any other money that's
come from grants have gone into criminal case management, family, general,
or other systems. We've never had money designated for this subject. That's

why our previous request for legislation was so important. We never had any money for it.

ASSEMBLYWOMAN HECK: A point was raised here. Will the municipal courts also access this information?

MR. ANDERSON: This is a statewide integrated system.

ASSEMBLYWOMAN HECK: So, in other words, all the courts will have access through their computers. I think that's very good for the TRO systems.

MR. ANDERSON: You're allowed to say yes. Yes.

ASSEMBLYWOMAN HECK: Right. That's wonderful. Thank you. Now we're going in--

Any other questions on the computer?

Debbie.

MS. DONNELLY: I think I do.

MR. ANDERSON: If you give people long enough, they'll come up with a question. (laughter)

MS. DONNELLY: I just got a chance to look at one of the grant reports on the computer registry, and it does say here that as of January 13 that you had drafted a document to secure contractor services for the grant. Have they been secured? I wasn't quite clear.

MR. ANDERSON: They have not.

MS. DONNELLY: The year 2000 problem? You can't get them.

MR. ANDERSON: It is. It is a problem, yes, and we're pursuing it on a daily basis. We have recruitments out. We have all sorts of things going on. Yes.

MS. DONNELLY: Okay, thanks.

MR. ANDERSON: Okay.

ASSEMBLYWOMAN HECK: I think we're fine.

MR. ANDERSON: Training. I was surprised to hear your comment that you have disappointment with regard to training.

MS. MARICH: Disappointment. That's a mild word. I'm outraged.

MR. ANDERSON: Well, and I certainly want to pursue it. When the legislation passed that mandated domestic violence training, it was clear that a comprehensive program was to be established and reviewed biennially, every two years. And, in fact, we did that.

I'll go back to 1996 as my base year to start talking about what our domestic violence training program is like. We train judges at three different levels. Annually, we have a Judicial College which takes place on the Monday, Tuesday, and Wednesday immediately preceding Thanksgiving. We close down the courts. Every judge attends, and there is a curriculum of some 20 to 25 courses the judges take. In the 1996 curriculum, there were four courses specifically on domestic violence-related issues.

ASSEMBLYWOMAN HECK: In what year?

MR. ANDERSON: I'm talking about November of 1996.

ASSEMBLYWOMAN HECK: Okay.

MR. ANDERSON: It included elder abuse, spousal and partner abuse, child abuse, and a general subject which we entitled Practices in the Family Law -- how to conduct hearings that -- say, practice program for judges, how to run a courtroom, so to speak, in these type issues. That program--

Every judge must attend the Judicial College. Family judges attend family programs. Criminal judges attend domestic violence programs when they are newly assigned.

Then, we have a new judges program. Every year we get about 20 to 25 new judges appointed as older judges retire. We have a new judges program as a 10-day program. In those 10 days, we take all the case types -- civil, criminal and family, equity -- and we devote time to training all the new judges. One-half of one day is spent specifically on domestic violence issues alone. At the municipal court level, we have two sessions a year. One for new judges and a regular session in October. And every year domestic violence is a mandatory topic on their agenda.

And finally, each division of the court, Civil, Criminal, and Family, holds a retreat, usually in the spring, where they bring together judges and staff at some central local, and there are aspects of training every year involving domestic violence. There may be a two-hour seminar, four-hour work study, but there is always a discussion about domestic violence. If a complaint about training is what judges take away from it and how they act in the courtroom, that's different than whether the judiciary offers programs and works hard to train its judges. We are absolutely committed to the training program of judges in all phases of the courts. In Family Division alone, there's 11 or 12 case types. In the Civil Division, there's 6 or 7 case types. In the Criminal Division, daily the Legislature changes the law on some aspect of the criminal laws, and we have to train judges and keep current on those.

So our training component is one of the key aspects of the judiciary. It's headed by an assistant director. He has a staff. There is a

Supreme Court Committee on Training made up of judges and mental health and outside lawyers. They develop a curriculum. They use outside experts in the training. I'd be glad to even give you a copy of our college agenda from '96 and '97 so you can see that I'm not making this up. It's impossible to make up.

The fact is that a major commitment is made to education. I heard a comment made before that, during the discussion of a grant, judicial education wasn't raised as a No. 1 priority. Somebody may have indicated we didn't need money for it. It's an unfortunate phrase. The fact is that I've never walked away from the offer of any money for any program. And believe me, if there's money available for judicial education, I'd be the first one in line to get it.

ASSEMBLYWOMAN HECK: David, that came out of the working group where one of your staffers said that we didn't need the money in AOC, and you were kind of shocked when I mentioned it.

MR. ANDERSON: Yes. No more than I would be. In context, though--

ASSEMBLYWOMAN HECK: And actually, there's a little question about whether we should be training every year and are we training every year.

MR. ANDERSON: Well, I would argue we are training every year.

ASSEMBLYWOMAN HECK: Oh.

MR. ANDERSON: Whether it's comprehensive training as contained in the legislation, I would argue no.

ASSEMBLYWOMAN HECK: That's right.

MR. ANDERSON: We do that every other year.

ASSEMBLYWOMAN HECK: Right.

MR. ANDERSON: But--

ASSEMBLYWOMAN HECK: Something that we, as legislators, want to look at and address again to be more specific.

MR. ANDERSON: And, in fact, if you do revisit that, I hope you do look at funding. Because it will-- Differently--

ASSEMBLYWOMAN HECK: David, in my estimation, because I've spoken to a couple of people, and I just very briefly touch on training--

MR. ANDERSON: Sure.

ASSEMBLYWOMAN HECK: --you know, in passing, in conversation, and I would venture to guess that the initial training time allotted when it first began was better than it is now. That because of the numerous subjects that you're trying to put into that one day, domestic violence is being shortchanged. And that the last time around, maybe a half hour was given to it, and I was concerned about that. But again I just want to bring that to your attention. I think that we should have a dialogue on what kind of training is needed. This is not within your purview, but I have gotten a lot of input as to whether or not some of the family court judges have a feel or an empathy for victims who come into their courts.

One case in particular in Camden -- and I won't relay that here because it was kind of shocking to me-- We saw those shocking times in Bergen County through the court watch, and that's why we feel that the court watch is so important. I know that in Camden one TRO was not issued because the judge said, "If you were being that abused, you would not have

waited until this time to come before us, so we're not issuing a temporary restraining order." These are the kinds of things we experienced in Bergen County that led us to put in very strong legislation. And if indeed the legislation is not being implemented according to the intent of our legislation, then we in the Legislature must do something about that. It's not your problem.

MR. ANDERSON: Oh, I--

ASSEMBLYWOMAN HECK: But it is ours, because I believe it's incumbent upon us as legislators to follow up on whether or not the intent of our laws are being followed ergo this Task Force. Because it has been brought to my attention by the law enforcement community, by prosecutors' offices, by your office, by many, many providers that some of the bills that we passed are not being interpreted properly and that we should be more specific in the wording of our legislation so that judges, in their infinite wisdom, do not rewrite the law as they're putting it into effect. Just a comment.

MR. ANDERSON: I appreciate the comment. I couldn't be a stronger supporter of clearer written bills. Absolutely.

ASSEMBLYWOMAN HECK: Okay. You told me that, David.

MR. ANDERSON: Miriam, next to you, will take care of that.
(laughter)

MS. BAVATI (Committee Aide): No problem.

MR. ANDERSON: Regarding-- Going back at legislation. Legislation that suggests training or increased training certainly wouldn't be a problem for us. We have no problem with anything that helps give direction

to what legislative intent is with regard to a subject. But, until your supplemental on Monday--

ASSEMBLYWOMAN HECK: I know.

MR. ANDERSON: --the mandates that are received haven't been funded. We've done the best we can in that regard. And by a strict following of the comprehensive biennial training, we've met the intent. Now, do we need to go beyond that? Absolutely, would I like to have longer training, more training, to shut the courts down for a longer period of time. But let me give you a little statistic you need to hear. There are 60,000 domestic violence complaints that come to court in a year. That's more than twice as many as new divorces in a year, okay.

ASSEMBLYWOMAN HECK: And that's frightening.

MR. ANDERSON: It is frightening.

ASSEMBLYWOMAN HECK: Because it's not all of them.

MR. ANDERSON: There are 225 working days in a court a year. If we shut the courts down for a training, we have to dispose of 267 cases a day just to keep up with what's coming in the next day. Every day we shut down, that's 267 victims that have to wait a little bit longer. So we need to balance that training. We use weekends now. We use the retreats. We use the holiday.

I see skepticism on the right.

The fact is there has to be a balance somewhere. And I would appreciate any kind of help in how to get there.

ASSEMBLYWOMAN HECK: David, one other thing. How many open judge seats do we have now?

MR. ANDERSON: As of today, there are 20.

ASSEMBLYWOMAN HECK: Okay. Because at the beginning, when I went to check on this a few months ago, we had 33.

MR. ANDERSON: That's correct.

ASSEMBLYWOMAN HECK: And I did move--

MR. ANDERSON: The Governor worked very hard.

ASSEMBLYWOMAN HECK: I did move--

MR. ANDERSON: The Governor worked very hard.

ASSEMBLYWOMAN HECK: --when speaking to the Chief Justice that these seats must be filled.

MR. ANDERSON: Yes. I, you know--

ASSEMBLYWOMAN HECK: Because you're losing 20 to 25 a year on retirement anyway.

MR. ANDERSON: Absolutely.

ASSEMBLYWOMAN HECK: And you're never catching up.

MR. ANDERSON: We don't appoint them, though. I can tell you, I would fill the vacancies tomorrow. If the Legislature and the Governor would move the nominations-- And the Governor has been wonderful, I will say this.

ASSEMBLYWOMAN HECK: Yes, I know that she's moving.

MR. ANDERSON: She's worked very hard at filling the vacancies and looking for--

ASSEMBLYWOMAN HECK: And the Governor has been very supportive.

MR. ANDERSON: Very.

ASSEMBLYWOMAN HECK: I've spoken with the Governor on this and the Chief Justice.

And, Arline, you wanted to-- A point of clarification.

ASSEMBLYWOMAN FRISCIA: David, I'm Arline Friscia from Woodbridge Township.

I spend a great deal of my trouble with Domestic Violence Task Force Teams. I go to their meetings every month, and I hear horror stories that just make me shudder, and I'm listening to you describing your training programs. Having come from the background that I do, I have done quite a bit of training, and I find it very difficult to accept 30 minutes of class time as training. I have heard from Domestic Violence Team members how wonderful the municipal court judges are, as far as domestic violence cases are concerned, and how horrible the family court system is throughout this State. They probably could name three judges who should be sitting on the bench in the State of New Jersey in domestic violence cases. This is a sad commentary. And that's why I think we have to look very, very long and hard at our so-called training program.

Whatever we're doing for the municipal court judges is working, and whatever we're doing for the superior court judges is not working, because they feel that they are above the law. I mean, I have known judges to still issue in-house restraining orders. It's still going on. It may not be part of the written record, but it's there, and that's why the battering continues. So, I think, we have to look at sensitivity training for these -- mostly gentlemen, because whatever is going on right now just isn't sticking. And I hear horror story after horror story from people who go to court with the domestic violence

victims. Victims are afraid to go to court -- back to the judges who abuse them on top of the abuse they've gotten from their batterer. And this trend must stop. And I don't know how we do it -- and I'm very happy we have this Task Force -- but that is the one constant I hear at every meeting of domestic violence.

ASSEMBLYWOMAN HECK: May I interject because we have been looking at this problem and communicating it to the powers that be. And one of the saving graces that, I believe, will be put into place is the fact that not just sensitivity training, but the appointment of judges who realize that being in family court is not a punishment, but an honor to be serving in family court is one of those bases. I think that we're moving in that direction. That the process by which our judges are now being put into contention to be appointed is a major change, that the stature of the family court judge is important. And the rotation system that was put into effect -- if a judge is doing a good job in family court and wants to remain in family court that that is now being looked at as being allowed. I think we're moving in that direction and, I think, part of the work that we're doing and have done and the input from providers and prosecutors' offices have helped us to convey that information to the proper people. And now it's being addressed.

So I don't think David is insensitive to that fact. But there were things put into place, as far as the rotation system that even a judge-- And I was told by retired judges, even a judge who begged to stay in that court, because they did have a feel for it, were not allowed to stay. That has changed in the most recent past because of communication. That's one of the--

And what you have just said is absolutely factual. And that's one of the reasons for the Task Force. And I think that our communication among ourselves is kind of airing some of the feelings that we have that we're not being heard. And I think the public forum -- Richard, you'll agree.

MR. POMPELIO: Yes.

ASSEMBLYWOMAN HECK: Public forum is making that possible, because nothing is done in dark corners. It's done in the light of day. And that brings us to making the changes such as we did with the \$5 million going into family court and the needs and the hearing judges and hearing officers, etc. But again, I appreciate your input.

MR. ANDERSON: Can I just say one thing. My silence in reaction to your condemnation doesn't mean that I agree with you. I respect that you've heard the anecdotal stories or maybe horror stories, but I would say to you that the judges who serve in this state have taken an oath to support and uphold the law. And, if in their rotation they have had a learning curve or something that is perceived as an insensitivity, we need to address that -- absolutely need to address that. But a broad-based condemnation is something, first, I can't respond to but I think an unfair overstatement that needs to be thought about before you make that.

ASSEMBLYWOMAN HECK: Well, we're not going to go into a debate, but she was factual in what she said. But part of that, too, is the number of cases that they do hear. It adds to that problem.

MR. ANDERSON: It is an ungodly number.

ASSEMBLYWOMAN HECK: Because, again, that's why we need more judges.

MR. ANDERSON: That's right.

ASSEMBLYWOMAN HECK: And again, on the working group, when we talk to a number of those people who have been so wonderful in their input-- And on Tuesday, we have a subcommittee--

MR. ANDERSON: Right.

ASSEMBLYWOMAN HECK: --hearing on the training of judges, as well. And I was invited to be part of that, and I'm very pleased. That makes a difference in how much workload they have and how it just continues and it doesn't go on. We do need more judges, and we do provide for that. And the hearing officers, I think and I believe-- And we're going to count on all of the providers to let us know how that's working out. The addition of hearing officers, I think, will add to the lessening of the load and the expeditious handling of these cases. Because that has been a terrible burden on victims--

MR. ANDERSON: No question.

ASSEMBLYWOMAN HECK: --where their cases accumulate -- two and three and four charges against the same person and not one hearing held to rectify that. And then the combination and the kind of bartering -- the plea bargaining down to one case, when it should have been each one, all of that has come into place, and that's why this Task Force is so important, and the work that we're doing in communicating our objections and the work with the Legislature and the providers is so important.

You can continue now that I've interrupted you.

MR. ANDERSON: Well, that's okay. I wanted to close on the subject of some testimony that was given at the last session. And after I picked myself up off the floor, I thought I'd correct the testimony. There was a

discussion here -- someone raised the issue of who oversees judges. There was a concern about judicial performance, and the question was asked, "Does the judiciary have a judicial performance program?"

The fact is, we have the national model of the judicial performance program. Other states come to New Jersey to examine our program and take it back. It's a very detailed program that evaluates judges' scholarship, demeanor, bias, speed at handling cases, courtroom control. It's done during the second year of their term and the sixth year of their term. It's shared with the Governor as part of the reappointment process. The judges receive mentors during the time so that they can address issues as they come up. They're videotaped. Recently, the state of Hawaii came here to address our system. The people from New York have come here and taken the system back. I was disappointed that that was not made clear at the last session.

Justice Handler had devised this system back in 1982. It's been in effect since then. It's been used for hundreds of judges during the reappointment process. I can tell you that Senator Gormley and Senator O'Connor, as the Chair and the Senior Minority member of the Judiciary Committee, depend on the results. I hope that clears up any question that you had about that.

ASSEMBLYWOMAN HECK: No. I appreciate that.

Assemblyman Asselta.

ASSEMBLYMAN ASSELTA: Just real quick, I just want to touch on the reconfirmation process. And listening to Assemblywoman Friscia's testimony there, during that reconfirmation process, has testimony come out about some of these abuses by judges, and at that point, is it addressed?

MR. ANDERSON: I've been doing judicial reappointments for, let's see, the last year of Governor Kean's term -- so nine years. I have, at the time of the reappointment hearing, never heard a litigant come in and complain specifically about the way he or she was treated in a domestic violence matter. Child support -- different thing -- we can line them up and sell tickets. We have an Advisory Committee on Judicial Conduct that handles complaints by litigants with regard to judicial conduct, and it may be that those issues are resolved either to or not to the litigants' satisfaction long before the reappointment comes up, rather when the issue occurs. Where there is a courtroom bias and insensitivity act, maybe just a disagreement with the way the judge talked or decided.

Now, lots of times, people use the Senate Judiciary Committee reappointment process as a means to appeal their case. I couldn't win over in the court -- let me try and win with Senator Gormley. That happens sometimes, but for the most part complaints about judicial demeanor are handled by the Advisory Committee on Judicial Conduct and are decided long before the reappointment. And the Governor's Office has access to the results of those complaints when they make their decisions to reappoint. So, if there are a series of complaints against a particular judge, as to bias or comportment, the Governor knows that and can use that in her decision making as to whether to reappoint that judge.

And, in fact, you all recall there's a judge at Gloucester County that had a problem upon reappointment, based on large part on litigant complaints. The organized groups, that happen to be child support issues

more than not, but the ACJC complaints and performance evaluation had a lot to do with that reappointment break in service.

ASSEMBLYWOMAN HECK: Before you spoke about the itinerary for the--

MR. ANDERSON: Judicial College.

ASSEMBLYWOMAN HECK: Yes. Now, we started in '94 or '95?

MR. ANDERSON: I think '95, so that we-- The law passed in '95-- We made the first comprehensive training in '96. I can tell you that I recall the first real comprehensive training where we really went at it with four programs in '96.

ASSEMBLYWOMAN HECK: Could you give me the training program since its inception -- the itinerary?

MR. ANDERSON: Yes. Yes.

ASSEMBLYWOMAN HECK: So that-- When I say me, I mean all of us.

MR. ANDERSON: Be pleased to.

ASSEMBLYWOMAN HECK: So we can review it.

MR. ANDERSON: Please do.

ASSEMBLYWOMAN HECK: And is it possible to track not who, but how many people, how many judges from which counties avail themselves of courses?

MR. ANDERSON: I believe I probably can.

ASSEMBLYWOMAN HECK: Without naming them.

MR. ANDERSON: Sure.

ASSEMBLYWOMAN HECK: Because we're not on a witch hunt here.

MR. ANDERSON: No, I understand.

ASSEMBLYWOMAN HECK: I think it would be--

MR. ANDERSON: I would be glad to do that. The same people who plan and present training for municipal court judges, plan and present training for superior court judges.

ASSEMBLYWOMAN HECK: Okay.

MR. ANDERSON: That's important to know.

ASSEMBLYWOMAN HECK: Yes, well, I do know that.

MR. ANDERSON: Okay.

ASSEMBLYWOMAN HECK: But again, I'd like to see it.

MR. ANDERSON: Absolutely.

ASSEMBLYWOMAN HECK: I'd like to see it.

MR. ANDERSON: I have no problem with that.

ASSEMBLYWOMAN HECK: At the superior court level and the municipal court level.

MR. ANDERSON: No problem.

ASSEMBLYWOMAN HECK: Because I do know and I agree that the municipal court judges are getting very high marks, from what I hear, on their performance. I think they would like some recognition of the good job that they're doing.

MR. ANDERSON: Well, actually, if you give it -- great. But I wonder how much weight it carries when we come out and we tell them what a great job they're doing. It's us telling them that.

ASSEMBLYWOMAN HECK: Are there any questions?

Yes, Jackie.

MS. MARICH: I need to make a comment about why there aren't litigants protesting about the behavior of judges at the review board. And that's because, if you're knowledgeable about the dynamics of domestic violence, after they've been found not credible by a judge when they've gone there begging for protection and they've been disrespected to boot, they have no inclination whatsoever to go before that review board. And we have written copious letters and have never even had a response.

MR. ANDERSON: Who did you write to? I've never seen them, and I'm responsible for--

MS. MARICH: We've written to the Chief Justice. We've written to the review board. We've tried to have some impact on the reappointment of judges.

MR. ANDERSON: If you would send your letter to me, I can guarantee you a response.

MS. MARICH: I will send them directly to you.

MR. ANDERSON: I'm the person responsible for constituent relations, and I'd be glad to respond--

MS. MARICH: They'll come directly to you.

MR. ANDERSON: --and check out your concerns. I'd appreciate it.

MS. MARICH: And there's a larger question--

ASSEMBLYWOMAN HECK: May I respectfully suggest that you copy Senator Gormley and Senator O'Connor.

MS. MARICH: There's a larger question. And that is, if Assemblywoman Friscia's experience and mine in Middlesex County is unique, as you suggested, and isn't what happens throughout the state, what do we do about those judges? And is there a responsibility in the AOC to come into Middlesex County anonymously to witness what's happening there?

MR. ANDERSON: Well, when we receive complaints about the conduct of judges, we investigate them.

MS. MARICH: I have complained to Nancy Kessler until I am blue. We have written letters to the Chief Justice--

MR. ANDERSON: Well, you've complained to the wrong person.

MS. MARICH: Well, no one has told me differently.

MR. ANDERSON: Well, I can assure you that if you want to communicate with me, I'll be glad to follow up for you.

MS. MARICH: And if we find that it's an attitudinal problem, as opposed to a training problem, what then?

MR. ANDERSON: If our system finds it's an attitudinal problem, we'll deal with the attitude.

ASSEMBLYWOMAN HECK: We found in certain counties, certain responses, not only on the judicial level, but in the law enforcement area in certain counties, which has been rectified over the past five years, to a large degree, I don't mean totally. And in Bergen County, we've seen some changes, but we still have some judges that we get petrified if we know that they're going before certain judges. We feel as if we have to take out the heavy guns to make sure that that person is protected not only from the perpetrator, but from the system that they're entering.

The other piece is that we've had trouble in certain counties with prosecutors' offices and the way the victims are treated on that level. We've also had problems with the information that goes to the victim, as to their rights and their needs. And through contact with Ms. Kessler and you, and several other people at different levels, we were able to help a victim in Hudson County, as you well know--

MR. ANDERSON: I remember that.

ASSEMBLYWOMAN HECK: --whose case was going to be plea bargained away, as -- you know, well, the man will be on probation for six months after he slit her throat and battered her with a baseball bat. And Richard, fortunately, was our overseer in that in making sure that this woman was properly represented -- in her early twenties-- And the gentleman, after all of us communicating and getting things done, was convicted and is serving 20 years. And if there had not been communication, this man would have been out there doing the same thing to someone else within months.

So all of the communication is so vital, because each of us brings to the table some other piece of expertise and can make things better. And all of that, believe it or not, was precipitated by a reporter from *Channel 9 News*. Without her reaching out, this would have all been swept under the rug, so to speak. But again, the person involved with that in the prosecutors' office is no longer there, fortunately. And it was done very quietly, a resignation, and that was it. So there are things that happen within the system, and it's done very well by a group of people.

MR. POMPELIO: Dave, we're going to get copies of the agendas from the training--

MR. ANDERSON: I'll get you the curriculum from the Judicial College, yes.

MR. POMPELIO: Does it also set forth who the instructors were?

MR. ANDERSON: Yes.

MR. POMPELIO: I'm curious in terms of victim-related subjects like domestic violence. What types of instructors are there? Are there other judges, lawyers?

MR. ANDERSON: Sometimes they're judges. Sometimes they're professionals, whether they're psychologists or psychiatrists. I'm not sure who's involved. I'm not sure who--

MR. POMPELIO: Yes.

MR. ANDERSON: --and I will get them for you so you can see for yourselves. I know that the Supreme Court Committee on Judicial Education and Training has a wide array of membership, which includes lawyers and judges and others. And they select the curriculum, and they work with outside people to develop the content. But I'll be glad to share that with you. And again, if the Task Force has substantive recommendations to make with regard to the kinds of training, we have a vehicle-- You can communicate with the Administrative Director of the Courts, and we would make that available to the people who plan these programs. And since you're going to be on one of the planning committees, there's an access there.

MR. POMPELIO: I just see that the judges in situations like this ought to hear from victims. And I don't mean make it a complaining session, but I recall a couple of years ago Jim O'Brien and I--

MR. ANDERSON: Yes, you did.

MR. POMPELIO: --taught the one on victim rights. And what was interesting is primarily those criminal law judges, who at the times were extremely sensitive to victims rights, were the ones who sat there and-- I kind of had a feeling, and so did Jim, that we were preaching to the choir.

And I don't know how often that happens, but one of the things I strongly believe that judges in domestic violence matters have their own particular perspective or definition as to what is domestic violence. I mean, you hear one judge will find domestic violence in one situation, and you hear comments such as, "What does the guy have to do, physically murder the woman in order for the judge to find domestic violence?" I've heard that from victims throughout the State of New Jersey, who come to us after being so disgusted with certain prosecutors' offices and then judges, and I believe for anyone to have the perspective of the impact of the act upon a victim, they have to hear it from the victim. Because I've never been a victim of domestic violence. I don't know. I can only accept what I hear, but it's a lot more meaningful to me if I have a victim telling me what it was like when her husband assaulted her versus I have another lawyer telling me about the case he had on domestic violence. So I think it would be very important.

The other point I would like to make -- and maybe it's a little bit aside on this -- I think many lawyers are afraid to criticize judges. I get calls from a lot of lawyers throughout the state about the way victims are treated in a certain courtroom. And I don't know, they think maybe I have some kind of direct pipeline to someone. I don't know. And I'll constantly say, well, you have avenues, here's what you can do. And they seem to be afraid to do it. Or I'll hear from victims, "What good is it going to do?" This is more of a

comment. I know it's very difficult for you to address it, but that is a common problem that people are either afraid, needing lawyers to say something, because they're going to have to appear before that judge or many victims feel what's the use.

MR. ANDERSON: I can tell you that the court disciplines judges. The court disciplines lawyers, you know. We all but advertise that we're available to do this. We guarantee confidentiality on the filing of the complaint. We have a very professional staff that does the investigation. And I've seen judges have to get lawyers to represent themselves in the process. It happens. But if it's not brought to the committee's attention, we're not going to hear it.

MR. POMPELIO: I understand. And I'm passing on to you--

MR. ANDERSON: I appreciate that.

MR. POMPELIO: --from my side of the table what I hear out there.

MR. ANDERSON: It's a hard thing for me to advertise.

ASSEMBLYWOMAN HECK: Yes.

MR. POMPELIO: Thanks, Dave.

MR. ANDERSON: I'm getting a million complaints a year in the judiciary, not complaints about conduct. I've actually filed complaints for processing. We don't have to advertise it. I don't know that I want to advertise this, too. But, if it comes, we'll deal with it. Absolutely.

MR. POMPELIO: Thanks, Dave.

MR. ANDERSON: Yes.

ASSEMBLYWOMAN HECK: Questions?

Deb.

MS. DONNELLY: Am I hearing that you would address -- tell victims to address their complaints to Trenton directly and not deal with it locally?

MR. ANDERSON: Well, of course, we would like to see complaints dealt with at the lowest level, but by the time-- First of all, let's face it, by the time somebody's come to court, they've had some kind of interaction in their lives they couldn't solve themselves. They've come to court and something's happened there. And they need to get either an appeal -- because they didn't like the judge's decision -- or they were mistreated, they feel they were mistreated, or the system was too slow, or whatever. It would be best to resolve those locally, and I would hope that 95 percent of them can be resolved through the assignment judge, the presiding judge, and the trial court administrator. Where they can't be, where this is an issue that they feel--

You know, I get letters. People are corrupt. They use the word corrupt. Corrupt is an easy word. What it means is I didn't win my case, because the judge didn't believe my side. I don't think they really believe somebody is taking bribes. We don't have people taking bribes. But having said that, when it comes to me in that level, we investigate it. It doesn't come to me. It goes to Pat Monohan (phonetic spelling), the head of the Advisory Committee on Judicial Conduct.

The kind of complaints I get are the system's too slow, somebody didn't answer my letter-- Judge discipline, judge complaints go to the Advisory Committee on Judicial Conduct. System complaints -- you don't have the capacity to do this, you don't have enough judges to do that -- they come to

me. I would like to see all complaints resolved at the local level. That's where it's best resolved. But if it can't be, then we'll go to the State level. That's what we're here for.

MS. DONNELLY: Well, I think, for most of us, there's been a lot of frustration at the local level. But in talking about judicial performance, I didn't hear you say anything when someone has the tenure. What is done then?

MR. ANDERSON: Still ongoing. There's still ongoing performance evaluations. They are, usually, when the judge moves to a different division, rather than after a long period of time-- Remember that judges get tenure after the seventh year, so--

MS. DONNELLY: Excuse me. When is the review done? Is it done--

MR. ANDERSON: It's in the sixth year.

MS. DONNELLY: Okay, so after seven, when is it done?

MR. ANDERSON: After seven years, the evaluation process is more of an educational tool. This is really all education. We don't-- This isn't a report card system per se. This is an educational process to make the judge a better judge. So after tenure, I can tell you there is a decrease in the amount of attention paid to the evaluation process.

MS. DONNELLY: Okay, well, yes, that's what I'm getting at.

MR. ANDERSON: I understand.

MS. DONNELLY: Because I think a lot of the judges that seem to be problematic now-- And I know there are some very fine judges, and I will say that right on the record. I think there are some very fine judges. And

domestic violence is a difficult, difficult area to make a decision in without a doubt, which is why I think training is so important. I think a lot of the judges that are problematic are lifetime people who weren't around when the law-- I mean, the law has changed. Let's face it. The law has changed, and I'm not sure that the attitudes have changed. That's one of my concerns.

Also, when you talked about training, I guess what we would also like to know is how much of it is mandatory. I heard of the four different programs. I think the baby judges college that you talked about, if a judge isn't slated for family court necessarily, will they get the domestic violence piece?

MR. ANDERSON: They must attend that program, yes.

MS. DONNELLY: And-- But then thereafter, I guess I'd be interested, when you do submit, how much of it is actually mandatory, how much of it is elective.

MR. ANDERSON: Sure.

MS. DONNELLY: Because I think, as Mr. Pompelio was saying, it's-- You're often getting the same people and not the ones you really need to hear from.

MR. ANDERSON: Sure.

MS. DONNELLY: I also wanted to mention to you that it's not just the superior court. I just saw an Appellate Division opinion that there were a couple of things in there that were troubling to me. But one of the statements that was made in that opinion -- it reversed a restraining order on a harassment that was given by a judge in Bergen County. So the judge from Bergen County, I think, did the right thing. And in that decision-- Now, these are three judges, right, and they're high up there, so they're in the system a

long time probably. They said that, well, the fact that this woman kept returning to her abuser -- didn't exactly say it that way -- the fact that she kept going back is evidence that she didn't fear him. And I think that we have learned that it's that kind of thing is really evidence of nothing. You have to look at a lot of factors as to why someone keeps going back. But that statement was there, and it just came out of me that these people need some education.

So that's why, I think, we're so concerned about this. That there needs to be education and there needs to be sensitivity and there needs to be maybe a changing of some of the mind sets, because let's face it, the law has changed, it's evolved, it's a different time now, and we really need to look at safety first and educate ourselves about some of the reasons it may appear that a victim is staying for one reason or another, but that's really not the case. And anyway, that's my piece on this.

I think we really need to hear more about what's mandated. I think it's great that you're going to get more staff, because then maybe it wouldn't be such a burden if we had to close down the courts on a day-- Or maybe we would have other people cover the courts while those people-- And they could go in shifts. Because it's really important to understand the dynamics here. And what they see in the courtroom is very different maybe from-- Maybe a little more skeptical about what they see in front of them with an understanding of what the dynamics are.

ASSEMBLYWOMAN HECK: Any other questions? (no response)

I'm going to access the Task Force, and if we have other questions -- and I know I do -- I'm going to give them to you in written form--

MR. ANDERSON: Please.

ASSEMBLYWOMAN HECK: --so that you can gather the information and give it to us--

MR. ANDERSON: Absolutely.

ASSEMBLYWOMAN HECK: --before we have that next caucus.

MR. ANDERSON: Absolutely.

ASSEMBLYWOMAN HECK: And it will probably relate to, you know, after we get the information on the training. It will also relate to the restraining orders and the follow up and whether or not -- what the procedures are and who's monitoring them, if there's ever a checkmate, if it's working in different counties-- I think that's important.

Mary, I'm going to count on you a little bit from the prosecutor's office to help us on that one.

MR. ANDERSON: You put your questions in writing, I'll answer them before you have your next caucus.

ASSEMBLYWOMAN HECK: Yes, so that we can--

MR. ANDERSON: Since you're going to be in our building.

ASSEMBLYWOMAN HECK: Then I can disseminate it.

Jackie, Debbie, all of you, I'd like input from all of you. So that we can get some questions answered, and then that will probably lead to more discussion on that particular day. But I think it's important for us to-- Because we've got a lot on our plate right now, and I appreciate that. But I think we've opened some windows by way of the last two hearings that we've

had. And now we'll just assess what we've done thus far and review again. As I said, we'll prioritize and move in that direction because we do have time constraints as to offering some information to the Legislature. I think this is important.

But thank you very much for being here.

Are there any other people-- I don't think-- Jim was probably at your other hearing -- Jim O'Brien -- so we'll invite him to come back to another hearing. Anyone else who would like to address us at this time? (no response)
Hearing no one, this meeting is adjourned.

(HEARING CONCLUDED)