

Task Force Meeting

of

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE

Testimony from representatives of innovative State, local, and county-level programs which have made progress in addressing the domestic violence problem in New Jersey@

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

DATE: March 20, 1998
10:00 a.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblywoman Rose Marie Heck, Chairperson
Richard D. Pompelio, Vice-Chairperson
Assemblywoman Carol J. Murphy
Assemblyman Kevin J. O'Toole
Assemblyman Neil M. Cohen
Lori L. Schaffer
Debra K. Donnelly
Jacquelyn E. Marich
Mary K. White
Ellen Crowley
Francis X. Eib



ALSO PRESENT:

Assemblywoman Nilda Cruz-Perez
District 5

Miriam Bavati <i>Office of Legislative Services</i> <i>Task Force Aide</i>	Debra K. Smarth <i>Assembly Majority</i> <i>Task Force Aides</i>
Tasha M. Kersey	

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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ASSEMBLYWOMAN ROSE MARIE HECK (Chairperson):

Good morning, we are very pleased to welcome you to our Task Force hearings. We've been quite productive. This is our fourth hearing, and I would like to welcome you and thank you for all participating.

We are going to take a roll call today. I'll ask Miriam Bavati, our OLS staff, to do that.

MS. BAVATI (Committee Aide): Assemblyman Cohen?

ASSEMBLYMAN COHEN: Here.

MS. BAVATI: Assemblywoman Friscia is not here.

Assemblywoman Murphy?

ASSEMBLYWOMAN MURPHY: Yes.

MS. BAVATI: Assemblyman O'Toole?

ASSEMBLYMAN O'TOOLE: Here.

MS. BAVATI: Ellen Crowley?

MS. CROWLEY: Here.

MS. BAVATI: Chief Eib?

CHIEF EIB: Here.

MS. BAVATI: Debra Donnelly?

MS. DONNELLY: Here.

MS. BAVATI: Jackie Marich?

MS. MARICH: Here.

MS. BAVATI: Elaine Meyerson is not here.

Rich Pompelio?

MR. POMPELIO: Here.

MS. BAVATI: Lori Schaffer?

MS. SCHAFFER: Here.

MS. BAVATI: Mary White?

MS. WHITE: Here.

ASSEMBLYWOMAN HECK: Thank you very much. Our first person to testify is Jim Janci, the Assistant Prosecutor from the Warren County Prosecutor's Office.

J A M E S J. J A N C I: Good morning.

ASSEMBLYWOMAN HECK: Welcome.

MR. JANCI: Thank you. I'd like to thank the Task Force members for the opportunity to address this body in the hope that we can stem the--

ASSEMBLYWOMAN HECK: Just press that button in front of you so it turns red. (referring to PA microphone)

MR. JANCI: Now I'm on the air?

ASSEMBLYWOMAN HECK: Yes, you are.

MR. JANCI: Thank you.

I'd like to thank the Task Force for the opportunity to address you on a real problem that we have out in society today. The story you are about to hear is true.

It worked at breakfast. (referring to tape recorder)

This is a 911 tape from a case in Warren County. Listen carefully, you will hear shots.

(witness plays tape) AShots were fired at my house, 455 Route 67 West, Washington. I have a restraining order. Get in here now. Hurry, he=s shooting at the house.@ (end tape)

Pro-prosecution works if you train people to preserve evidence such as a 911 tape, if you train officers to take Polaroid pictures, to take taped statements, to corroborate what is in the statements, and gather excited utterances. This is Dale. (phonetic spelling; referring to voice on tape) She allowed me to use this tape. We use it in our trainings.

What we do in Warren County-- If you look in your packet, you have a list of domestic violence filings statewide from 1993 up until 1997, and you will see, for example, in Warren County how the filings increased from -94 to -95 to 1040, and then they are dropping off. We dropped 6 percent. Part of the reason why I think we dropped 6 percent is because we have a full-time unit there. I=m in charge of it. We trained all the officers, we trained municipal prosecutors, we trained police to sign the complaint.

What we have to do, when a case first comes in, is to let the victim choose how they want to proceed. Let it be their choice. Do you want to testify? Don=t you want to testify? Because the dynamics of the whole situation, and I know Chief Eib knows this, is that when it comes time to the trial, he or she may not want to testify, but if we train our officers to sign the complaint, we can prosecute the case without the victim just by playing the tape, just by showing the photos. That way you take the victim out of the loop, you become the lightening rod, and you hopefully get a successful result.

The key is accountability and consequences for a person's actions. What we do in Warren is we screen every single case. Most of the matters that we handle are in the family part court. We do all the weapons cases, all the contempt cases, but a lot of cases are downgraded to the municipal court. What happens in municipal court a lot of times, if it's a private citizen complaint, they are just dismissed. What we encourage is a graduated system whereby the police sign the complaint, they prosecute the matter at the municipal court level. We in the superior court level handle the weapons cases, the forfeitures, the contempts, but sometimes in the transition you lose consistency.

If you look what they did in Sussex County, filings went down 7 percent. What they did in Sussex County was to take everything -- everything -- in the superior court level. They handled everything. Simple assaults, all in the family part court. They put all their resources in there, and you see they had a dramatic decrease in domestic violence filings.

I think what the committee (*sic*) should do, and the person that will testify after me, Deputy Chief Murphy, is to recommend one or two things happen. Either you designate a municipal court in the county to do domestic violence full-time with an advocate, with trained personnel or you have it all done at the superior court level so you have consistency in prosecution. You have to educate the court and the jury and sometimes the police on the dynamics of domestic violence.

What do we need to fight the fight? As I said, we need a full-time victim-witness coordinator. We have one in our county. You need at least a

full-time, if not part-time, one at the municipal court level to assist the victims.

We have to discourage a dismissal policy. When I first started, the prosecutor here established a unit. He said, ~~All~~anci, it's either plea or trial.[@] Now, that's pie in the sky sometimes because every case is different. At least we screen them, and what we try to do is, if we have a case that is on the cusp, on the edge, we just don't dismiss it. I asked the judge to adjourn it, and a lot of people don't like this concept because they say there is no accountability.

Sometimes when you've got a case that's right in the middle-- And I'm the one that sits in the chair and presents the evidence. And I know what the law is, and I know what my burden of proof is, and my colleagues who have prosecuted cases know, if I have a case that is close to the best, rather than trying it and losing it-- Sometimes you have to try it and lose it, it depends upon the severity of the injuries; but if it's a situation where the domestic violence cycle is just starting and you want to make an impact, I would ask the court to adjourn that case in contemplation of dismissal with this caveat: Put those people into intensive counseling, 26-weeks anger management, and if they complete that program, then come back to court and say, ~~All~~right, your honor, we will dismiss the complaint.[@] I do that very rarely, but it's one of the options that we have.

I believe that a mandatory arrest, plus court-ordered counseling, will diminish the instances of domestic violence. I also believe that if we train police officers, as we are doing on a statewide level, as we are doing in a municipal court level-- We have a grant that was sent down-- I'm training prosecutors in Warren County the end of this month. I've been active in the

statewide training, as Mary White has, as Deputy Chief Murphy. If we continue to do that, we will stem the tide in domestic violence.

We also have to train dispatchers to understand the dynamics. I had another tape that I was going to bring with me, but time is precious. A four-year-old girl called 911 and said, *AMommy fell down the stairs,*@ and stayed on the line. Her mother got to the phone in mid consciousness and said, *AIt's okay, I just fell down the stairs. I was putting up Christmas decorations.*@ This little girl, by the time the medical people came in 20 minutes, had described what she had seen, that she just didn't fall down the stairs, she had a little help.

So if we train dispatchers to gather that evidence, as I played a brief snippet of this tape for you, we can play these types of things in court, and the victim doesn't have to testify. This, ladies and gentlemen, is an excited utterance and it's admissible.

The other thing we need to do is we need to train our municipal prosecutors, as I said we are doing. A lot of these people are part-time, they are in private practice, they're coming in and out. They are all under the county prosecutor's offices. I see some smiles because maybe there were some municipal prosecutors here who run from court to court. We're mandated to train, to understand the dynamics, not to have a dismissal policy, to use some of the tools that I am showing you in the committee today, to use some of the creative sentencing to make sure that we break the cycle of violence. What you need is a full-time unit.

In Warren County, the highest increase in crime was juveniles and domestic violence. They are tied hand in hand. What a child witnesses or what a child sees has a dramatic impact on how they develop. There is a great deal of focus in this state on juvenile justice and assisting them. One of the factors in juvenile delinquency is that those children are either abused or witnessed abuse. Many people in our adult prisons were abused or witnessed abuse. If you are going to fight crime in this state, it has to start in the home, and it has to start by prosecuting domestic violence. It's going to take coordination, cooperation, and compensation. It's going to have to take money to do it.

The last thing that I want to comment on is I went, through the Attorney General, to a Violence Against Women Act, full faith and credit, where you have out-of-state restraining orders. There needs to be a central registry for all those orders. Example, an order from Pennsylvania, or an order from New York. When a victim who temporarily resides in this state, maybe visiting, has that order in her purse and the batterer is bothering her, she will take that order to a local police, and the first thing they are going to say, ~~A~~Cops train in jurisdictions, not my area, not my territory.[@] But what they don't know is that there is a Federal law that makes that restraining order, from no matter where you get it, even Puerto Rico, viable in this state.

We need funding to have a central registry on all those orders so that the police department can take that order, plug it into a computer, and say, ~~A~~Yes, it's valid in New York,[@]and the municipal judge has to know that it's also valid in New Jersey for the protection of the victim.

I know I've thrown a lot of concepts and ideas to you, but I want to end by telling you that there was a happy ending to this story. Dale, who you heard, is alive. The three or four boys -- four boys -- who were in the back bedroom barricaded in when the shooter tried to break down the door are alive. They are all doing well. She broke the cycle of violence. I saw her the other day -- I stopped for coffee -- she was in a Laundromat doing well. He went to prison and he hasn't bothered her since. But when he came up for parole, she wrote me a letter and said, AI don't want him in jail. He has a problem and he needs help.[@] Even after all of that she's still willing to go to bat for him. That's how difficult these cases are.

So if we work together-- We need resources. That's what you have to do. I've given you some ideas on how it may work. The statistics speak for themselves. You look in counties that have these types of programs, the stats go down. That's not to mean we still don't need help, we do. Either you have to do it at an organized basis in the municipal level where things aren't dismissed and thrown away-- because if you keep dismissing and dismissing and dismissing, there is no accountability, those people are going to come back, the violence is going to escalate, and somebody is going to die. Or you put it into the superior court level that handles all of it and fund it, have the trained personnel, have the detectives, have the victim-witness personnel there to do that. Domestic violence is a crime and we need to address it.

Any questions?

ASSEMBLYWOMAN HECK: Members, would you like to ask this gentleman questions -- Mr. Janci?

Assemblyman O=Toole.

ASSEMBLYMAN O=TOOLE: I appreciate your testimony. It=s somewhat-- You bring it real-life terms when you sit there and talk about the excited utterances by the victim and whatnot. You=ve really brought home some of the concerns and the realism of domestic violence. I=m just trying to follow as to the flow of these filings in the different counties.

We have some counties that have a 10 percent reduction, like Cape May, and Morris has 9 percent. You have some counties that have an increase, like 9 percent in Passaic and others. I just don=t quite understand, by you having some of these programs, which are well intended, how they will in fact lead to a decrease in filings as opposed to a decrease in activities?

MR. JANCI: Well, maybe if the word gets out and some of the decisions are published that the public will know that domestic violence is going to get taken seriously, and hopefully through public prosecution, the public will become aware. These filings are just for restraining orders. Maybe I should make that clear, restraining orders. To answer your question, I believe that maybe some of the decrease may be due to the fact that some of the cases have come out and really are fine-tuning what harassment is.

ASSEMBLYMAN O=TOOLE: And the second question I have is with regard to the issue as to whether we centralize it in the superior court level, the level we have, or whether we have municipal court handle all of these complaints so there is some continuity. My feeling is that we should have it

at superior court level. There is more resources, there is-- You can plugin, I assume, with other agencies at the State level more readily as opposed to at the municipal level. Do you have any feeling one way or another as to whether we are better suited having a municipal judge in one town hear all these in one county or superior court division?

MR. JANCI: I feel at the superior court level you would be best served to do that. It's a full-time judge. You have-- In our county, we have a full-time family part unit that does these things, you have the victim-witness coordinators, you have the training. But bear in mind, if you do that, all the stuff that was taken off of my desk and going to municipal is going to be back on my desk again. My desk is going to go from here up to here. (indicating) I do juveniles and domestic violence. If that happens, you probably have to split my unit.

ASSEMBLYMAN O=TOOLE: That's a good point.

MR. JANCI: So I'll need another assistant prosecutor, I will need another detective. But, again, if you do it centrally-- Look in Sussex. While the filings went down, also we feel, and the people who did it feel, that because they were pro-prosecution that that was a direct correlation to the reduction in restraining orders. I feel in Warren that because of the things that we've done in some small way knock the filings back a little bit.

Does that answer your question?

ASSEMBLYMAN O=TOOLE: Yes, thank you very much.

ASSEMBLYWOMAN HECK: Assemblyman Cohen.

ASSEMBLYMAN COHEN: Thank you.

The doctrine that you gave the committee represent civil filings only?

MR. JANCI: Yes, it doesn't represent criminal filings.

ASSEMBLYMAN COHEN: So that's only when someone goes in and files for a temporary restraining order.

MR. JANCI: Correct.

ASSEMBLYMAN COHEN: It seems that in 13 out of 20 counties, there has been a decrease in filings for domestic violence -- or temporary restraining orders, which can mean one of many things: one, all the series of laws that have been done over the years by the Legislature; two, people's behavior being more appropriate; three, a myriad of other reasons which are related to the family or the individuals. So it seems that if 13 to 21 counties are going to drop in the filings that doesn't necessarily mean that there is a drop in domestic violence.

MR. JANCI: True.

ASSEMBLYMAN COHEN: But there is-- For most people, they know they can go somewhere to file a paper over the last 10 or 15 years. So it appears to be a drop and a no-percentage increase statewide in 1996 to 1997.

How many criminal filings do you have in your county? Because the document we have only deals with civil. It gives me--

MR. JANCI: I knew you were going to ask me that.

ASSEMBLYMAN COHEN: --no information concerning criminal.

MR. JANCI: Now, understand, in the family part, all I handle are contempts and weapon cases where people violate the restraining order.

ASSEMBLYMAN COHEN: Which is what we're concerned about, because we are also concerned about the other piece: what happens, how many people, what the situation is, whether it's a large amount of people who are being prosecuted criminally for violations of restraining orders, or what. I want to know if there is or whether we are creating a problem if we create too much bureaucracy.

MR. JANCI: I don't think so. I think if-- Just because restraining order filings are going down doesn't necessarily mean that there aren't other criminal charges that could have been brought along with this.

ASSEMBLYMAN COHEN: Every domestic violence under the statute is potentially a criminal case--

MR. JANCI: Correct.

ASSEMBLYMAN COHEN: --whether it's harassment, whether it's telephone harassment, whether it's slicing a tire, whether it's doing anything for harassment. It's technically, whether it's a petty DP, DP, or an indictable offense. But I'm curious, how many criminal contempts?

MR. JANCI: I had 145 last year.

ASSEMBLYMAN COHEN: One hundred forty-five prosecutions or complaints?

MR. JANCI: Prosecutions. Whenever a complaint comes in for contempt, if it doesn't involve a serious breach where there is weapons and that sort of thing -- just the violations of the restraining order -- I had 145. We

prosecuted every one of those cases, and either it was a guilty plea or a hearing, a finding of guilty or a dismissal. A majority of our people do plead guilty to contempts, unless of course, I don't have the evidence, unless it falls under the situations where the parties reconciled and they just forgot to go to the courthouse and get the restraining order dismissed.

ASSEMBLYMAN COHEN: And how does the 145 fair in terms of prosecutions? I know ultimately there may be other dispositions of the case. When the 145 for 1997-- Is that-- Give me statistics on -96 and -95.

MR. JANCI: On the average, I have anywhere between 100-- My highest number of contempts was 145. I average anywhere from 100 a year. Now, weapons cases, I've gone from 80 up to 140. Last year I had 92. That's where guns are taken out of the house, and you have to do something with those guns.

All of this takes time: all of this takes court time, all of this takes man power to process all of this stuff. But the serious indictable offenses are handled by a violent crime unit or a trial unit. But if you consolidated resources into the family part where you can take those cases to a jury, that might be a way of cost savings.

ASSEMBLYMAN COHEN: One hundred forty-five to take the contempt--

MR. JANCI: One hundred forty-five--

ASSEMBLYMAN COHEN: --for jury trial?

MR. JANCI: No, no, no. Family part. DP, DP contempts.

ASSEMBLYMAN COHEN: A superior court judge can do that anyway, right?

MR. JANCI: That's right.

ASSEMBLYMAN COHEN: And in most cases where the prosecutor is involved or it's a contempt, depending upon how serious or not, it's generally handled at a family part. It can be handled even as part of the divorces.

MR. JANCI: Right. What happens a lot of times-- Maybe I'm not making myself clear. If we have a restraining order and we have an indictable offense, an initial simple assault, most county prosecutor's offices will downgrade the simple to municipal and send the other stuff to family part, whether that's weapon forfeiture petitions or violation of a restraining order. What happens is when you go to municipal court -- simple assault -- if it's a private citizen, it's dismissed. The restraining order, the next couple of days, is dismissed.

ASSEMBLYMAN COHEN: Well, it's dismissed not because there is no factual basis for it, it's dismissed because the parties may be trying to work something out.

MR. JANCI: True. The true victim of domestic violence is under that power and control wheel. There are a lot of people that try to use the system to get one leg up on the divorce. I'm going to be honest with you, there are some, but most of the cases that we have when you have a real victim, like Dale-- If you consolidated everything in the superior court, whether as a

domestic violence contempt where you want to get a restraining order or a criminal violation, you better serve the victim.

You better have trained people. Understand, by taking all this stuff in from municipal court, you are relieving the burden of the municipal court to do the traffic tickets and the drunk driving, but you're increasing the burden on a guy like me who is doing the work of maybe 21.

ASSEMBLYMAN COHEN: You've got a good Freeholder Board, I'm sure they will help you out.

Of the 145, did they represent nonindictable matters?

MR. JANCI: Nonindictable matters, yes. I don't have the statistics on the indictable crimes that went to -- although violent crime was down. In recent months, it seems that in Warren County we have had some homicides, we've had some stabbings that grew out of domestic situations.

ASSEMBLYMAN COHEN: The 145 were then essentially the criminal prosecution--

MR. JANCI: For violating a restraining order.

ASSEMBLYMAN COHEN: --of disorderly persons offenses.

MR. JANCI: Correct.

ASSEMBLYMAN COHEN: Okay. Now, you don't know how many domestic violence criminal matters were indicted?

MR. JANCI: No.

ASSEMBLYMAN COHEN: The Task Force needs to know whether or not there is 6000 cases, whether there is a decline of filings or an increase in filings, where those filings -- a majority of them -- are. I would like

to know, and maybe the Task Force staff can try to get some information on a county-by-county basis, whether we have it under Uniform Reporting as to how many matters which have been indicted involving violations of domestic violence.

MR. JANCI: Indictables. Indictable offenses you are talking about. That would go to--

ASSEMBLYMAN COHEN: I have a client-- We are doing one right now, and it's in the county prosecutor's office, indicted, and there is-- Every act of a contempt becomes-- For instance, another assault becomes an assault and a contempt to the original order.

MR. JANCI: Breaking down the door--

ASSEMBLYMAN COHEN: Another action is a contempt in an assault of the original order, so the indictment has 14 counts. But I would like to know whether or not how many criminal prosecutors--

ASSEMBLYWOMAN HECK: We can ask AOC if they have a record of those. If they don't, we'll ask staff to get it county by county.

ASSEMBLYMAN COHEN: Thank you.

ASSEMBLYWOMAN HECK: You're welcome. It's important. Mary White, Assistant Prosecutor in Gloucester.

MS. WHITE: Thank you.

Just a brief comment in response to the questions about the statistics. I'm one of a number of members of the Advisory Council Task Force -- the Advisory Council on Domestic Violence task force on criminal justice issues. We have just recently learned that the AOC does have the statistics on

how many cases are indicted and then remanded. What I don't believe this Task Force will be able to find out now, and I think maybe it's an issue for the Task Force to address, is the disposition of charges that are remanded to municipal court. The great majority of cases are remanded, and the venue is there. We all have anecdotal stories or ideas, I think, about what happens in municipal court, but the numbers are not available, and we've learned that in the meetings that we have had, we, the Advisory Council subcommittee on criminal justice.

But I had a couple of questions for Assistant Prosecutor Janci. Jim is aware, to a large degree, of some of the work being done in other jurisdictions which have implemented pro-prosecution policies and where there is one court that handles those complaints such as Quincy, Massachusetts, and San Diego, California.

Jim, I wonder if you could share with the Task Force what you may know about drops in lethality in those jurisdictions or what kinds of measures and results they have been able to obtain.

MR. JANCI: In Quincy and in places like San Diego, there was a dramatic decrease in homicides. I have that stuff on my credenza at home. There was a dramatic decrease in homicides.

MS. WHITE: If you could get that information for the Task Force.

MR. JANCI: Sure.

MS. WHITE: Another question, I hope I can make myself understood on this one. I don't know if the Task Force is aware that there are

Domestic Violence Working Groups in most of the counties in different stages of activity or not. I wonder if you could address the ability of kind of working with the Domestic Violence Working Group and the benefits about a more centralized prosecution, the different helping agencies that work within those groups, etc.

MR. JANCI: I Cochair the Working Group with Judge Stritehoff, and we have everybody in the system there, and we have come up with a--

ASSEMBLYWOMAN HECK: Yours is an active Working Group?

MR. JANCI: Yes it is. We meet four times a year. We have various subcommittees. We just sit there to make sure, are there any problems in the system? Are there any gaps? Any things we need to address? One of the things we addressed was uniformity for accountability with people going to anger management and going to decide (*sic*). That if they don't, they are brought back into court and the judge says, ~~A~~Either you go to the decide program or you go to jail. The prosecutor gave you a break in lieu of jail to go to this program and either you go there or you don't.~~@~~

We find that these Working Groups do work because we have fine-tuned the system. Everybody is working, everybody is working together. To answer Mary's comment: Where you put resources together, you get the trained people to do it all the way down the line, there is a decrease. What you have to avoid is compartmentalizing everything. What happens, I said it before, you do this in municipal and you lose continuity. You have to organize everything in the superior court level. It takes people to do that.

And don't stop what has been started because if you do--

ASSEMBLYWOMAN HECK: When you say don't stop what has been started, what are you making reference to?

MR. JANCI: What has been started is statewide training, statewide awareness, coordinated pro-prosecution policies from throughout the state that the county prosecutors are one by one signing up on -- Laura Hook from Union, Mary from Gloucester, Debbie Factor in Morris, myself in Warren, Bruce Lackaruba (phonetic spelling) who did it in Sussex -- but that program was stopped, and a transition came in and you see the results.

Now, this is just restraining order filings, but I also happen to believe that if you continue to do this, maybe there will be a decrease in criminal actions and you can save someone=s life.

ASSEMBLYWOMAN HECK: Very good thoughts.

Any other questions?

Mary.

MS. WHITE: Just a brief comment for the record. In Gloucester County, we certainly have a pro-prosecution policy with regard to the indictables that we are reviewing and the restraining order violations. We were bringing up a particularly mandatory arrest, but we were bringing up most underlying disorderly person=s offenses to be tried in the family court pursuant to the court rule. But we were also -- as was true in Sussex-- We were required to stop in the beginning of 1996 because of what I understood to be @resource issues@ in the family court.

I don't want to testify. I'm a member of the Task Force, but I just wanted to make that clear. I think it was a valuable experience, and I think it was a valuable process when we were able to bring everything up.

ASSEMBLYWOMAN HECK: Good.

MR. JANCI: Madam Chair.

ASSEMBLYWOMAN HECK: Yes.

MR. JANCI: If I could just make one other point. If you look at the statute and how it was designed and how it was set up, every paragraph of that creates an obligation for people. It creates an obligation for law enforcement, it creates an obligation for the prosecutor's office, it creates an obligation for the courts, and it creates an obligation for the victim. Victims have a part in every part of this process thanks to the good work of one of your committee members. But it takes resources, it takes money to do that.

Now that we have to take in guns, now that we have to file a petition within 45 days, we've got to do something with these weapons. We just can't take people's property without giving it back to them, but we also have to make sure that if we are going to give them back that they are the right people to give them to. Or maybe we shouldn't give those guns back.

You have to go through-- I have a checklist of things that you have to do: If the charges are dropped; if the restraining order is dismissed; does the person have a prior criminal history; is the person a certain person not to have; does the person have any alcohol or drug problems. Even if all those are met, I still ask the court to make a finding that the domestic violence situation no longer exists. I ask the court to order mental health evaluations.

I ask the court to order people to go to decide programs. All of this takes time. Now, just because domestic violence restraining orders are going down should not be viewed by this committee as, well, you don't need any money. They are going down because when we are vigilant, we are more aware, but that doesn't mean that-- We mean what we say, but that doesn't mean that if we prosecute people under the mandates of the statute-- We've got to train, we've got to prosecute, we've got to take weapons. That creates an additional burden on every law enforcement department, every prosecutor's office in this state, evidence vaults, man power, and court time.

ASSEMBLYWOMAN HECK: Mr. Janci, we had someone testify at our last hearing that there are slipups and in Hasbrouck Heights, in particular, where the judge and the prosecutor and the police department each made an error even though that law exists and the statute exists. One of the things we are looking at is to make sure that there are no slipups. If we know about the Wooten case, that there was one there, I'm sure there are more in other areas.

But I think one of the things that we've also learned through our Task Force hearings is the importance of the Working Group as it exists and as it doesn't exist in many of the counties. Informally, this Task Force has agreed that it is possible for us to suggest that Working Groups are made mandatory because they are not in existence in every county, and we see the failings of that lack of a Working Group or just the name of a Working Group. Yours is productive. The ones that you made reference to are productive, but there are many which are in name only or nonexistent. So I consider what

you've testified to in reference to the Working Group as a very important piece of the puzzle today.

MR. JANCI: Thank you.

With regard to weapons, we are having a symposium next week with the Attorney General, who wants uniformity on how these guns are handed back and how they are taken in to insure, once we have them, they are in safekeeping. It's not going to prevent somebody from going out and getting a knife, but at least with the weapons that we have, we are not going to give it back to somebody that may be inappropriate. All that takes time, all that takes resources, and that's why we are coming up with some uniform standards that will be mandated by this statute.

This statute did a lot more than just allow people 24 hours a day to get a restraining order. It also mandated prosecutor's offices to do a lot of things with weapons, a lot of things with contempts, mandatory 30 days in for a second violation--

ASSEMBLYWOMAN HECK: I do want to tell you that--

MR. JANCI: I know, I can go on for hours.

ASSEMBLYWOMAN HECK: No, I'm not rushing you. I'm telling you that we know what that bill does because many of the people here were advisors to me on that particular bill. Again, some of the members here -- I mean, most of the members here voted on that bill in upgrading, in 1994, the bill that Neil put together way back in 1991.

Right, Neil?

ASSEMBLYMAN COHEN: Yes.

ASSEMBLYWOMAN HECK: The original bills. But, again, I think your implementation is to be commended--

MR. JANCI: Thank you.

ASSEMBLYWOMAN HECK: --and Mary's is to be commended. But there are instances where the judge and/or the prosecutor has neglected to look at the background of a perpetrator -- of a batterer and allow that person to have an RO dropped because the woman decides, well, we are back together, we don't need this; then, a month or two later the woman has committed suicide.

The point being that you're saying that we can save lives if we follow through in a way that is commensurate with the intent of the law. But what we've been seeing and hearing over the past four hearings is that some people are interpreting the law in different ways, and there are certain areas that we must improve upon and tighten up the intent of the law so that the intent is followed.

MR. JANCI: May I comment on that please? (no response) The only person that I lost in Warren County was Deb Smith. Deb Smith stood next to me-- I was in there for other matters. It was a typical domestic violence day -- restraining orders where the prosecutors don't get involved in because it's civil in nature. She stood there with the baby carriage, with two black eyes, and asked the judge to dismiss the restraining order. The judge didn't know what to do. He took a recess. He called me in chambers.

I don't want to dismiss this. @ I said, @ Then don't. @ What do you suggest? @ Make a finding of fact that her request is under duress and adjourn

the matter. Put the people into counseling, and don't dismiss this restraining order.[@] He called. The interpretation was made that she wants it dismissed, and she talked to the people from dark (*sic*), dismiss it.

Put a sentence in the law that says that the court has discretion on dismissal of restraining orders, not to grant a dismissal if the court feels that the request is under duress. You can see the whole dynamic.

Two days later she was found in a trunk of a car, and the car was parked in Morris County ready to be crushed. Now, maybe the dismissal of that order wouldn't have saved her life, but I really believe that if -- I don't want to Monday morning quarterback anybody -- that order was in effect that maybe the batterer would have thought twice about going after her. The fact that it was dismissed in his presence and he won and he became empowered-- Just a suggestion.

That's why keeping that in that weapons section of whatever relief the court deems appropriate-- There is a lot of balancing with the person's right to keep and bear arms. We have to balance that verses the public health, safety, and welfare, and I can go on for hours about that.

ASSEMBLYWOMAN HECK: Mary.

MS. WHITE: Jim, if you could address, in the example you just gave, of what role the criminal justice process, with the State of New Jersey being the plaintiff as compared to the victim in that case, might have been able to do. I don't know if there were charges filed in that case.

MR. JANCI: There were, she had two black eyes.

MS. WHITE: Were there bad conditions in her past? Do you recall?

MR. JANCI: I don't.

MS. WHITE: But if, for whatever reason, that case had been processed in that way, and that would have been by the emergent judge, in effect, the victim can't ask at that early stage for such a complaint to be dismissed. Maybe you could explain the benefits of where the State is the plaintiff as compared to the victim.

MR. JANCI: If the State is the plaintiff and signs the criminal-- If the police officer signs the simple assault complaint or aggravated assault complaint, even if the person goes in and dismisses the restraining order, what I do, and I instruct other people in the trial unit -- and if it comes across my desk, even if the restraining order is dismissed -- I ask as a condition of bail on the criminal charges that there be no contact until the charges are resolved or request to the court that if circumstances warrant, even if the restraining order is dismissed, they order an appropriate mental health or psychiatry evaluation.

If we become the lightening rod and say, ALook, I understand you want it dismissed, but my primary concern is your safety. We want consequences for persons actions.[@] In a criminal complaint, we can ask, as a condition of bail, no contact, and even if the restraining order is dismissed, we still have some control over it. We don't want to put the victim at risk, but we're looking for accountability. If the person says, ALook, what do you want me to do?[@] AWell, if you feel you are guilty, plead guilty. If you feel you're not

guilty, we're going to try anyway,@and when it comes time for sentencing, we'll look at the person's prior record and--

I understand the dynamics. You don't want to throw the person in jail, and when he gets out of jail, he's going to be madder than a wet hen and go after her. We're going to stand up and say, AJudge, this is the State saying this, not the victim, the State: >You plead guilty to this charge, we're going to recommend 30 days in county jail with the understanding that if you enter and complete anger management, we'll give you day-to-day credit. So the ball is in your court.@@

You give the batterer an option. You take the power away from him and let him know that you are going to be accountable for your actions. If you complete your counseling and there are no further problems, you have nothing to worry about. Even if the restraining order is dismissed, maybe the parties can work it out and get back together. Every case is different, but every case is like a stick of dynamite, you never what's going to happen. That's why I'm getting a little gray. (laughter)

MS. WHITE: I don't want to suggest that Jim's suggestion regarding what a family court judge should look at before dismissing an order is not really important. For example, many times that plaintiff in a civil matter would appear for the first time before family court judge seeking a restraining order. Many times the criminal justice system has not been involved, maybe there was no 911 call and no investigation that we can use to make the batterer-- (remainder of comment indiscernible) If there isn't, there is still a large role for the family court as well.

I just wanted to make clear that it's not an either/or choice, and I didn't want to suggest that by my question.

ASSEMBLYWOMAN HECK: Is that it, Mary?

MS. WHITE: Yes.

ASSEMBLYWOMAN HECK: Neil.

ASSEMBLYMAN COHEN: Just briefly. I had a radio interview, so I apologize for missing a portion of your testimony.

On the weapons issue, there has been some-- You referenced before the balancing issue concerning that issue. The way the statute is currently done-- I think it's an unfortunate statute that I wrote in '91. You can have a situation-- And the strangest thing about this area is that everybody has a story or a history, and if you've done any of this stuff for a while, all of us have lost clients and clients who are friends despite warning.

MR. JANCI: True.

ASSEMBLYMAN COHEN: And on the weapons issue, there has been some matters where, let's say, the 19- or 20-year-old is residing in someone's house -- the parent's house -- and they go out and they harass -- telephone calls and stuff -- their girlfriend. The girlfriend files a TRO, the sheriff's department comes to where the kid is living in his parent's house and will serve a TRO -- not arrest, but will serve a TRO because there is no violence -- and then take all the weapons in the house, none of which belong to the 20-year-old. They may be antiques, collectibles. They may even be in a vault in the house that doesn't belong to the 20-year-old, and those weapons are seized and subject to possible destruction, meltdown, and everything else. Minimally

though, someone having to pay legal fees to say those are my collectibles from 1920, 1930, they are worth \$180,000, and I haven't shot them at all.

Is there anything in the statute that we originally did that needs any kind of adjustment to allow for those situations which--

MR. JANCI: I don't think so. I've interpreted that when in doubt, take it out, because if the person has access--

ASSEMBLYMAN COHEN: That I understand. I'm talking about after the taking out has already been done.

MR. JANCI: Well, there is due process and there is a hearing. There is a right for them to go to court. But to specifically-- I've had cases like that where we have asked the municipal court judge or the judge -- who has absolute immunity, AJudge, under these conditions, it's clear that the party resides with a parent who is not a party to the domestic violence act, but by virtue of the fact that they live there, the guns have to be taken out. Would you allow the owner of the weapon with an affidavit indicating that I will put trigger locks on all these, keep them in a locked safe, or take them out and store them at a licensed dealer until the restraining order matter is resolved-- From time to time that does happen.

ASSEMBLYMAN COHEN: The problem with that is that once the restraining order is entered, it's forever until it's dissolved.

MR. JANCI: Well, you can go back--

ASSEMBLYMAN COHEN: So whatever limitation exists-- Let's say whatever limitation exists at the end of the restraining order that doesn't

end that gun issue inside because you're still not supposed to have access to guns while there is a permanent restraining order.

MR. JANCI: Upon seeing--

ASSEMBLYMAN COHEN: So that lasts until everybody passes away in the estate and transfers the collectibles.

MR. JANCI: I know, but--

ASSEMBLYMAN COHEN: I'm just looking to see whether--

ASSEMBLYWOMAN HECK: Or the 20-year-old moves.

ASSEMBLYMAN COHEN: Right, or gets a job.

MR. JANCI: I am on the side of caution upon seeing and learning that weapons are on the premises. Law enforcement is entitled to remove those guns for safekeeping.

ASSEMBLYMAN COHEN: And I don't disagree with that, and that's in the law we wrote. What I'm saying is that there are situations evolving where one-- Let's say the act was telephone harassment. Telephone harassment: you're not taking care of the kids this, this, this, and this. Restraining order. Everything is taken out even though the weapon had nothing to do with the act, it wasn't remote.

What I'm trying to find out is whether or not the statute -- whether there needs to be any flexibility in terms of judicial discretion. So that for any situations that there is a glitch, they're resolvable.

MR. JANCI: I don't think so because--

ASSEMBLYMAN COHEN: You don't have to answer now, I'm just asking you to think about it.

MR. JANCI: I will think about that. I think if there is a good faith provision in there, that if the officers don't take a certain weapon and it's discovered-- But the statute is clear that it's where the act of domestic violence occurs. Until we sort out who actually owns those guns-- Even if the guy says, ~~A~~Hey, these are mine. This is my pistol purchase permit, and I have a locked gun case, and this kid won't have the key and won't have the access.~~@~~

I've had situations like that where we've brought all that back to the municipal court, and they said, ~~A~~Fine, leave them where they are under lock and key and have him sign an affidavit.~~@~~ I think the law allows that flexibility. Well, we're having this symposium Tuesday with the Attorney General's Office, and we are going to discuss all of these issues.

ASSEMBLYMAN COHEN: Great, thank you very much.

Thank you, Madam Chair.

ASSEMBLYWOMAN HECK: Yes, Jackie Marich.

MS. MARICH: I just have one question, and either you know or perhaps Mary knows. I know the VAWA money, not this present go-around, but the last one, put a lot of money into pro-prosecution and training for municipal prosecutors. Are you familiar with that? Has that happened? Has it made a difference?

MR. JANCI: Yes, it has. It has-- I think it came through Union County. I think a grant went from the Attorney General's Office to-- I'm involved in that now. We were mandated by the State to have municipal prosecutor training by March of this year, and those programs are in place. We have done it informally on our own. We have municipal prosecutors come

in on a monthly basis to talk about different issues. We supervise them -- the county prosecutor supervises them. We had a specific AP who brought in the municipal people, and I've gone in and done commercial spots, AHey, fellas, this is what you ought to do.©

Yes, the training does help, and the other thing that the VAWA money is designed to do is to get this uniform system for filing of domestic violence orders.

MS. MARICH: And do you think that equalizes the municipal court and the superior court in terms of being able to handle these cases?

MR. JANCI: No, because sometimes the left hand doesn't know what the right hand is doing. Either you have to do it-- You got to do it one way or the other. Either you do it all at the municipal level with trained people or you do it at the superior court level.

MS. MARICH: Do you have a preference for one or the other from your experience?

MR. JANCI: From my experience it's probably best to keep it up at the superior court level where everything is uniform. That will help the municipal-- That will take the burden off the municipal prosecutors, so they can be designed to do the drunk driving and the speeding.

We have mandates on that that there is no dismissals, no plea bargains on drunk driving. Maybe we ought to think about doing that for domestic violence.

MS. MARICH: Thank you.

MR. JANCI: Where circumstances warrant.

ASSEMBLYWOMAN HECK: Any other questions? (no response)

Can we ask AOC or the prosecutors, Miriam, if indeed in those particular counties the municipal prosecutors have been trained?

MR. JANCI: Another suggestion would be to check with the Association of County Prosecutors to find out what their respective counties are doing. Whether they have an individualized unit where everybody is doing everything else, or whether they are letting the municipals do it. I only know of one county that did it all.

ASSEMBLYMAN COHEN: Just one question -- maybe I didn't hear it because I was talking to one of my colleagues -- on criminal prosecution and conviction of an indictable offense. To lose driver's licenses are on civil. I thought maybe I heard--

MR. JANCI: No, no, no. I was talking about in the municipal court level. There are mandates not to plea bargain DWIs, and my comment was that if we consolidated everything in the superior court level that would free up the municipal prosecutor to do what the municipal courts were designed, where motor vehicles, DWI, neighborhood type, family type disputes-- However, if circumstances warrant that the municipal prosecutor -- they should be on the team if they are going to do the simple assaults, and that's the only complaint that they should be mandated, like with DWI, not to dismiss, unless circumstances are warranted.

If you could mandate municipal prosecutors, even if it's a private citizen complaint and it's a domestic violence case, to do that that would be a big help. That would decrease a lot of dismissals.

ASSEMBLYMAN COHEN: The problem with mandating one way or the other is that sometimes that can be more destructive. Everything in life is not black and white.

MR. JANCI: I know.

ASSEMBLYMAN COHEN: Despite how many bills we pass concerning mandating in certain matters and taking away discretion from judges so that everything is a cookie cutter, someone has to make a decision, and that's why I believe there should always be some discretion for those situations that warrant it. I would think that -- let's assume, and it's happened in many cases. It happens a lot where people resolve their dispute--

MR. JANCI: That's true.

ASSEMBLYMAN COHEN: --and they don't get divorced and they go to counseling. Everybody has had these matters. That's the way it is in life. But not being allowed to dismiss a municipal court disorderly person's offense can be more destructive of that relationship than not. That, in fact, may send it over the edge, or more importantly, when the situation does arise again where the woman is reluctant because she couldn't get it resolved before and it had to go through, it may make her more reluctant to file those charges in municipal court or criminal court, and then there can be a disastrous end.

So everything isn't so black and white for anybody who's done family law and criminal law.

MR. JANCI: I know.

ASSEMBLYMAN COHEN: Because you see the world's life in your files. They are actual people. They're not hypotheticals. And you can say, I'm not going to go file this simple assault as part of the restraining order or otherwise.[@] You can go in and file a simple assault without going to get a restraining order.

MR. JANCI: That's correct.

ASSEMBLYMAN COHEN: A woman who is assaulted or struck or whatever, she can go and file in municipal court--

ASSEMBLYWOMAN HECK: You have to forgive me, I've lost your question.

ASSEMBLYMAN COHEN: It's more quasi question-statement.

ASSEMBLYWOMAN HECK: Oh.

ASSEMBLYMAN COHEN: My problem is making anything so mandatory that you may do more damage to the woman who really needs the help at some point but is reluctant to do something because we've mandated no negotiations, no bargaining, no dismissals, no nothing.

MR. JANCI: I started out by saying that when I first started the unit, they said plea or trial. I said, unless circumstances warrant it. What happens a lot of times in private citizen complaints you want it dismissed, you're dismissed. Maybe before that happens that the municipal prosecutor be mandated, or nicely suggested, to do certain things to see if whether you can prove a case without the victim, to see whether or not prior to dismissal you can be a little creative and put it on the inactive list, so the statistics are nice,

and mandate some counseling. Prior to dismissal, certain things are done to insure that it doesn't happen again, there is some remediation, there is some accountability or consequences.

I understand a lot of times for the sake of the kids and for the sake of everything-- That's why this whole dynamic is so mindboggling because every case is like a stick of dynamite. If you just say, okay dismiss, dismiss, dismiss, on one hand, you're empowering the batterer to keep doing what they are doing. If you give the municipal prosecutor, through a mandate or through a strong suggestion, the ability to stand up and say, *Wait a minute, I got a gut that says this is wrong. Yes, I want to go home and clear my calendar before you dismiss. Is this okay, is that okay, is this okay, are you sure?*@

ASSEMBLYWOMAN HECK: I think, Mr. Janci, the options that you've talked about are important also in the area where we've heard I shouldn't say formal complaints, but situations where judges are less than sensitive in these cases. That it is difficult, as AOC said, to teach sensitivity or compassion. There are those judges who are just cut and dry. I think the options you're giving about counseling, etc., are important before cases are dismissed. I think that's something we're going to look at very seriously. I think it's an important point that you've made here today.

MR. JANCI: Thank you. Most of the judges are aware of this dynamic and--

ASSEMBLYWOMAN HECK: They may be aware, but they're not using--

MR. JANCI: But, see, it's up to the prosecutor sometimes to stand up and say--

ASSEMBLYWOMAN HECK: We can't teach sensitivity to prosecutors either, Mr. Janci. If we can't do the judges, we certainly can't do the prosecutors.

ASSEMBLYMAN COHEN: Well, we promise we won't criminalize that one. (laughter)

MR. JANCI: I just like to dot my *I*'s and cross my *T*'s, that's all.

ASSEMBLYWOMAN HECK: No, I appreciate that. I think you've given a wonderful presentation. We thank you very much. Good testimony.

MR. JANCI: Thank you.

ASSEMBLYWOMAN HECK: Thank you.

We now have Jim Murphy, the Deputy Chief of Washington Township Police Department, and then Anne Mullen, who is the Supervisor of Domestic Violence Project at Rutgers.

D E P U T Y C H I E F J A M E S M U R P H Y: Good morning, Madam Chairperson and members of the committee (*sic*). Forgive me, I've never done anything like this before, so I will do the best I can. I only ask of you that you stop me if I make a complete fool of myself.

ASSEMBLYMAN COHEN: We ask the same thing. (laughter)

DEPUTY CHIEF MURPHY: Deal.

Essentially there are hundreds of things that I'd love to talk about relative to domestic violence, but I think the thing that I wanted to do here

this morning is to kind of tell you a story about Washington Township, the way we've handled it, and my experience with domestic violence through my 20 years as a police officer.

I heard some things that really struck some cords as Jim Janci was testifying and some of the things that some of you had said. The end nature of my story is going to get to what I consider the transient part-time nature of municipal court, its somewhat of an inability to deal with domestic violence.

ASSEMBLYWOMAN HECK: Chief, before you go on, because there are so many Washington Townships--

DEPUTY CHIEF MURPHY: Gloucester County. My apologies.

ASSEMBLYWOMAN HECK: Thank you very much.

DEPUTY CHIEF MURPHY: So let me tell you a little bit about Washington Township and that experience. Washington Township is a municipality of, I would say, upper middle-class value. It is about 48,000 in population. We have a police department of 76 sworn officers and 12 special class II officers, which is a reasonable size department for the State of New Jersey.

When I began in police work in 1978, there was no Act for the Prevention of Domestic Violence. The way we handled them was either to convince one or the other to leave the residence or find some way to charge, generally the man, put him in jail overnight a 24-hour commitment until he calmed down or sobered up, and then went and got him and dealt with it the next day.

In 1982, I believe, the original Act was passed, and many people thought it was a terrible headache for the police. It was a godsend. It was a tool to use to deal with these situations. It has been refined a number of times since then. I believe it was around 1990 or 1991 that Gloucester County mandated that all cases -- literally all cases, and I won't say without exception -- go before the family court judge.

Mary, if I get my dates wrong please correct me.

MS. WHITE: It's good.

DEPUTY CHIEF MURPHY: But it was about that time. Things worked very well. We worked our cases, we presented our evidence, the prosecutor's office had the resources to do follow-up investigations, tracking, etc., and the case was presented and everything was fine. Around 1996 that was changed, and most everything, except for expressly indictable offenses, were remanded back to municipal court.

One thing that I just want to kind of clarify, when we talk about disorderly person's offenses relative to domestic violence, the municipal court looks at it not as a domestic violence complaint, but as a simple assault, as harassment, as whatever it is actually under the Criminal Code. It is, in fact, a disorderly person's offense but is part of a bigger offense, that being domestic violence. I'm just not sure that it gets its due in municipal court for that reason.

So, anyway, in 1996, when this all took place, Mary White from the prosecutor's office, myself, the Chiefs of the Woodbury and West Deptford police departments, as well as some folks from People Against Spouse Abuse,

an advocacy group in Gloucester County, got together and applied for and received a Federal cops grant to put together some divert teams and to devote some resources to domestic violence.

In Washington Township we did the following. We devoted one detective specifically to work on domestic violence cases. His responsibilities include getting a report on every DV case that is reported. He reviews it for content, completeness, and for good police work. When he finds deficiencies, he either returns it or does additional follow-up investigation himself. He takes the case and the evidence and reviews it all and because -- I mention the part-time nature of municipal court. He synopsizes the case for the municipal prosecutor, and he gives a written statement to the prosecutor each week that says this case has good photographs, physical evidence, etc., etc., etc, this one does not. This is what happened in this case, this one looks like a real good one to prosecute. We have gone to that effort.

We have 22 Polaroid cameras on the street at all times now. We are thoroughly prepared to gather evidence in domestic violence cases from a victimless prosecution standpoint. We have devoted a great deal of time to training. As the statute mandates, at least twice a year we sit down in our scheduled training days and deal with domestic violence issues, the law, the changes, the procedures, etc. Religiously, twice a year and we include, for instance, when we get cameras, when we get some kind of updates, and so forth, and our briefings and special training sessions sometimes held by the county, we upgrade in those areas, also.

I only bring that up to tell you that this is not a department that does not train well, does not put resources into their basic officers who are out there doing the investigations. They have all been well trained in the idea of victimless prosecution and the evidence gathering in areas of victimless prosecution. We have a divert team. We feel that as impartial individuals, sometimes we walk into a house and the two parties who are inside there know who's guilty and who is not. And I'm sure the Chief will agree with this.

We often isolate the defendant or the -- excuse me -- the victim by not immediately recognizing who is, in fact, the guilty party in this case, and we later isolate the defendant by, in fact, identifying that. So sometimes, when we get back to the station, we don't have the best of rapport with either of the individuals. Some of the things that we wanted to do is make sure that there was an advocate there that every victim could speak to and make quality choices, without necessarily feeling as if the police were either badgering them or didn't care, that there was another voice there to be heard from and that they could make good choices.

We have a court liaison officer. Every week in court every officer who has a case deals between the court liaison officer, and he stands right there with the prosecutor to make sure that the case goes through the process that it should, that we've recommended for, as much as the prosecutor and the judge will allow that. Okay, enough about Washington Township.

Last year we had 87 defendants. One other thing that we did do that the detective who was in charge of cases -- we instituted some municipal court tracking, and although, by admission, we did it badly, we did track some

things. We tracked the total number of complaints. We tracked the number of individuals who appeared before the municipal court. We tracked guilty pleas, all of the dispositions. What we found was that 87 people appeared in municipal court last year. Of those 87, there were 15 either findings or pleas of guilty. That leaves 72 that were found either not guilty-- The vast majority--

Forgive me, I just made some quick notes. (witness pauses)

Twenty-three of those 72 -- some were dismissed for lack of appearance, and so forth -- lack of appearance by the victim -- when we didn't have a victimless prosecution case. Twenty-three were holds pending dismissal, almost a third. Eight of them were reduced to municipal ordinance of breaching the peace. That was sort of an evolutionary stage. When we complained about the numbers that were just being put on hold with intent to dismiss, the court sort of came up with this new strategy. When I looked through the records, as you get into October, November, December, that is what you see, fewer holds with intent to dismiss and more reduction to municipal ordinance.

As a police officer, I have always taught subordinates, and I've always been taught myself, that keeping score is not what we do. Our job is to go out and enforce the law, deal with statute, and adequately protect the public. But there are two reasons why I have a problem with the way this particular situation is going. One is we're putting great effort into training officers to be vigilant in their investigations. If we do not come up with satisfactory results, it is going to be more difficult for us to have them maintain

that vigilance. This whole process generally starts with the police. If the police do not do a good job in what they do, generally no other step in the chain of the domestic violence process will even be reached.

The other reason is because we are not identifying offenders, and this is my greatest problem at this point. Municipal court is very good at what it does. It tries to resolve disputes, and it tries to impose penalties on disorderly or petty disorderly, fairly minor violations. Even in cases of drunk driving, DWI, the court is vigilant in identifying offenders, be it a first, second, third offender and has some discretion in sentencing and those sort of issues, but the offenders are identified, and repeat offenders are easily identified. None of that exist with regard to domestic violence. Of the 87 people that appeared in Washington Township Municipal Court last year, with all of the resources that we put forth in order to try to make the situation better, only 15 of them can be identified as having been found guilty of something or plead guilty to something, and we have no way to know that was relative to domestic violence.

A couple of my problems are, one-- We actually had one case, by the way, where a person was making their third appearance as a first offender. They had already gotten two 60-day holds with intent to dismiss. The case was dismissed, and in their third appearance, finally the court said, ~~We~~ We do recognize you. You're not going to get that opportunity this time. ~~It's~~ not the court's fault. They were dealing with something that was fairly new to them. They were working the bugs out. But to me that is a horrific occurrence.

We're not identifying first offenders. We are-- Essentially that's my biggest problem. We are just not getting any kind of identity. Not only can that happen with intramunicipal court, but intermunicipal court. A person--

The Assemblyman, Mr. Cohen, mentioned in your questioning of Mr. Janci about some resolution of disputes between husbands and wives and how maybe sometimes mandatory sentencing can be adverse to that relationship, and I absolutely agree with you. But because of the Domestic Violence Act itself includes the dating relationship and the relationship during which two individuals have had a child together but do not live together -- are not husband and wife -- and don't have that kind of relationship, I think, from my perspective, our thinking has to be much broader. An individual today can have relationships in many municipalities and, in fact, be a defendant in five different municipalities in New Jersey and never ever be tagged as a first offender in domestic violence issues. I think that's tragic. I think it's a problem, and although I'm not here to try to tell you or maybe even to suggest exactly how you should approach it, I do think that it's something that desperately and quickly needs to be dealt with.

I wholeheartedly agree with Jim Janci. I come from a department and a county where we had the experience of doing this whole process through family court. It worked well, everything worked well. We went back to municipal court, and just since that period of time, we were on our second judge and our second prosecutor. Municipal court is an honorable court, and I don't sit here to try to trash it. That is not my intention at all. I have

nothing bad to say about municipal court. They do try to resolve things, and they do try to impose penalty, but it's kind of like a houseboat. It floats and you can live on it, but it's not a good house and it's not a good boat. It's not the place for domestic violence.

Domestic violence to me, even though it involves offenses that are disorderly in nature and disorderly by legal description, are of a higher nature, so to speak, because they involve domestic violence itself and because we know that they can lead to more severe things. (witness pause)

Forgive me, I made some notes.

In response to some of the things that were talked about earlier, there are some ideas that can be put into effect. As you are all aware, when it comes to narcotics enforcement, counties have task forces where they draw from municipal departments to put together resources -- human resources -- in order to deal with a problem. It's conceivable that we could do something like that even on a smaller scale for domestic violence. If we had to put it back into the family court, we could, in fact, ask municipal departments for a period of six months or whatever, lend us an individual who is capable of doing this. Gloucester County has, I believe, 22 or 24 municipalities.

MS. WHITE: Twenty-four.

DEPUTY CHIEF MURPHY: Twenty-four municipalities. So if we had three, it would be every four years you'd have to send someone up there for six months. These are the kinds of innovative things that may be workable. Yet, let this whole process go forward and back into a more

satisfactory arena. I talked about the fact that in DWI we are very diligent in identifying offenders, where in domestic violence we are terrible at it.

I think one of the most prevalent, or most dramatic, evidences of our failures with domestic violence issues -- and I don't label the whole thing a failure, but in this regard-- We talked a lot about weapons this morning. One of the things that we haven't addressed is firearms ID cards. We, as police officers, go out and confiscate weapons, and we ask the defendant for his firearms ID card. Why? So he can't go out that night and buy another one or the next day and, in fact, commit another crime with that. If he says to us, AI lost it. I can't find it. I don't know where it is,@ other than noting that in an offense report, there is little we can do about it. We don't have a place that we could call and say, AJohn Jones was arrested last night. The municipal court or whatever court has issued a suspension on his firearms ID privileges.@

Even if we did do that, there is no way for a gun shop to know it. So we need some sort of a system in place that would allow for that transaction not to occur. Even if an individual does not turn over to the police their firearms ID card, that gun shops or whatever dealers are out there have some requirement to call a database that will tell them either that individual is suspended or not, much like we do a driver's license.

The Chairwoman made a very astute observation, I thought, when you talked about judges -- I think if I quote you -- Aneglected to look at the background of the offenders in some cases.@ Quite frankly, we are not tracking any background for them to look at it in many, many cases. They are at a great disadvantage. I think that trying to overhaul the municipal court to such

a degree that it would be capable of dealing with this particular problem will require just so much time, so much money, and retraining each time a new judge or new prosecutor is appointed. It's a transient position.

I think it's far more effective and efficient to dedicate the resources, dedicate the time, the money, whatever it has to be to do it in family court. It doesn't mean building more buildings. If we had to, we could do what industry does and put on a night shift. There must be an insomniac judge out there somewhere who wants to work at night.

ASSEMBLYMAN COHEN: No insomniac attorneys, though.
(laughter)

DEPUTY CHIEF MURPHY: Well, in defense, they are working evenings in municipal courts many times anyway. So it's not a tremendous hardship. Frankly, there are a lot of attorneys in New Jersey who may be looking for a venue that's new and fresh and some way to make a better living.

ASSEMBLYMAN COHEN: No, don't say get paid because we're not supposed to.

DEPUTY CHIEF MURPHY: I didn't use those two words. I'll say new opportunity. How's that?

It doesn't mean that we have to build courtrooms, it doesn't mean that we have to have new facilities. It's just a matter of using what we have a little more often. There are other advantages to assisting superior court judges during evening hours. Bail can be set, search warrants can be approved. There are many benefits of having this occur.

As I said when I sat down, there are about 100 things that I would love to talk about, but I know you folks have other things that you want to do.

ASSEMBLYWOMAN HECK: If after you leave here and you have questions posed to you and you think of something, just put it in writing-

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DEPUTY CHIEF MURPHY: I will do that.

ASSEMBLYWOMAN HECK: --and send it to us.

DEPUTY CHIEF MURPHY: Thank you.

ASSEMBLYWOMAN HECK: Because all of this is important in our deliberation before we put our report together.

DEPUTY CHIEF MURPHY: Thank you very much.

ASSEMBLYWOMAN HECK: You're welcome.

DEPUTY CHIEF MURPHY: Essentially that is the statement portion of my presentation.

ASSEMBLYWOMAN HECK: I see that Chief Eib has a question or a comment.

CHIEF EIB: Good morning.

DEPUTY CHIEF MURPHY: Good morning, sir.

CHIEF EIB: Good to see you.

DEPUTY CHIEF MURPHY: And to see you, also.

CHIEF EIB: I have a two-part question that I would like to ask you.

DEPUTY CHIEF MURPHY: Okay.

CHIEF EIB: One, I think you brought up some very good points identifying abusers in domestic violence cases, especially in light of the fact-- I know being in administration that we must sit and review applicants for firearms ID cards.

DEPUTY CHIEF MURPHY: Yes, sir.

CHIEF EIB: The very mobile society that we live in you may have a number of residents in your community that have been involved in domestic violence cases that really are not tracked well, and there are no resources to see if he was involved in other communities in domestic violence cases. I think that would be important to know, especially if you are the person who has to sign that ID card and issue him a firearms. Would you agree?

DEPUTY CHIEF MURPHY: Absolutely, sir.

CHIEF EIB: Do you feel-- I'd like to get-- Part one of the question is, do you feel that it would be important to have law enforcement agencies fingerprint disorderly persons criminals on domestic violence cases so that there would be a more permanent record -- even though that person might be acquitted in municipal court? But if you had multiple domestic violence incidents involving violence with that individual and had to review an application for firearms ID card, don't you think it would be an improvement to be able to have those fingerprint resources to rely on? At least to look at those cases that he was involved in? That's question one.

Question two is the criminal cases involving domestic violence. I don't know what the statistics are in your community or your county, but let me give you an example of Middlesex County. Our assistant prosecutor who

handles the indictable offenses, criminal offenses, for domestic violence indicates that over 90 percent of those cases are dismissed because the victim wants to drop the charges at the time it comes up for prosecution. In meeting with the magistrates in Middlesex County, they do not have statistics on record, but they have indicated that they felt that the criminal domestic violence cases in municipal court over 90 percent of them are dismissed because the victim does not want to pursue the case.

I would like to hear your comments on what impact you feel those criminal dismissals have on victims and on law enforcement.

DEPUTY CHIEF MURPHY: Thank you. First of all, to your first question, the fingerprinting aspect of this, I think it would be absolutely, essentially valuable for this reason: We fingerprint shoplifters because we know they tend to give false names and because they go from community to community.

My next statement, I think, kind of impacts both facets or both parts of your question. Domestic violence is, again, not a husband and wife crime because there are relationships that go on all over the place: there are people who have had children with multiple mothers; there are people that the dating relationship maybe going on in numerous places at once. It would be very easy for someone to take on the identity of their brother, particularly if the victim is not entirely cooperative. It is conceivable that that could misidentify someone. So I always believe that fingerprinting is unobtrusive, yet effective, in making sure that we have proper identification. We're not

asking anybody for something that's a hardship on them, and it is an absolute identifier, and I think it is essential in those cases.

If I understand your second question correctly, the assertion is that 90 percent of those cases are dismissed because it's the victim's wishes and what victim impact does that have. I say this a little bit tongue in cheek, but I think that sometimes, maybe even a drunk-driving comparison, sometimes by not following through as the State verses, instead of the victim verses, we create more victims.

If we allow John Jones to go free because Mary Smith declined to be a part of a prosecution, then what next? Under the dating relationship and under they having lived together or having had a child together, inclusions of domestic violence, what other victims potentially are down the road? Mary Smith is no longer going to date John Jones, but there is going to be someone else who is going to be in a relationship with him at some time, and I believe that that person is at risk. That may seem far fetched, but I don't think there is a harm in victimless prosecution and in, in fact, making sure that offenders are identified. If that answers your question, sir.

CHIEF EIB: Yes.

MR. POMPELIO: I have a question.

ASSEMBLYWOMAN HECK: Vice-Chairman Pompelio, and then you, Neil.

MR. POMPELIO: In those cases where you hold with intent to dismiss -- the court does it -- what is it, a 60-day waiting period or something like that?

DEPUTY CHIEF MURPHY: Forgive me, because I don't attend court every week, but I just kind of read the recap -- the monthly recaps. There have been 60 day, 90 day, 120 day. In reading through 1997 statistics, it would appear that the court was trying to feel its way through this whole problem. Generally, it was a 60 day. It increased a little bit to 90 day, and then it goes up and down, I assume depending on the circumstances or what has been presented to the court.

MR. POMPELIO: What does the court do, say, if there are no other complaints filed, I'll dismiss?

DEPUTY CHIEF MURPHY: Within that period of time, yes.

MR. POMPELIO: Does the court require any kind of counseling or any kind of input back from the victim and/or the defendant during that period?

DEPUTY CHIEF MURPHY: None that I am aware of, sir. The only thing that the court wants to know if, within that period, there is a new charge filed.

MR. POMPELIO: Because I'll tell you, I'm a municipal prosecutor in a relatively small town, but whenever we have a situation where the victim wants to dismiss it, I have an understanding with the judge: We hold it open for six months, and we require counseling or some kind of input back, so -- even if it's monthly letters from the victim just to say how things are so that at the end of the six months the court has something to look at.

DEPUTY CHIEF MURPHY: I can certainly ask and see if any of that is in place, sir. I cannot testify to it today, but if you would like me to, I would certainly find out and get word to you back in writing.

MR. POMPELIO: Yes, I'd appreciate that. I know how busy municipal prosecutors can be and if it's a night court wanting to clear their calendar and get out of there by midnight. My observation over the years has been that these domestic violence complaints are really at the bottom of the importance list for municipal prosecutors.

DEPUTY CHIEF MURPHY: And at the top of the let's make a deal list.

MR. POMPELIO: Yes, if you have a couple of drunk drivings -- you know that is going to be a long trial -- they will take priority. The DV cases don't. I see it as important for the municipal prosecutor and the judge to have some kind of understanding with the police that DV cases will be given the importance and that no cases will be dismissed. I see the cops a lot of times in a really difficult position. That is, a policeman will be saying to me, "I don't want to dismiss this case, but she's begging me to dismiss it." You go through it all the time.

And I see when a judge will take a strong position in situations and say, "Well, even if you want it dismissed, there are going to be certain requirements before I let you do it." Making it a six-month waiting period instead of 60 days, I think that helps. But also requiring, like I said, counseling or something coming back for the record so that these people have to work a little bit that six months, that might be helpful.

DEPUTY CHIEF MURPHY: Just to respond. Just the idea that you represent that in your community, and I'm telling you what is going on in my community, may well demonstrate the diversity or what's going on in municipal court. One other thing that I think you will probably agree with me on is that if there is one thing municipal courts hate, it's a trial. How often in municipal court do you actually have a trial? Municipal court may go on for four hours, the first three hours of it is guilty pleas, dismissals, and plea bargains. Of a docket of maybe 100 people, if there are three trials, that's a lot.

MR. POMPELIO: That's really an important comment for people to understand. That is that municipal courts are not conducive the way they are structured to having trials, because you know, by 10:30, 11:00, they haven't gotten to their first trial at night.

DEPUTY CHIEF MURPHY: Ours begin at around 8:30 in the morning, and if there is a trial, it is still going on at 3:00 in the afternoon, just because of the volume of people in and out. I guess what I'm trying to say is because of its inexperience, maybe even inability -- and I'm not sure I should make that assertion -- I don't think it's the conducive atmosphere for DV complaints.

MR. POMPELIO: Just one other point. When cases are put on this hold with intent to dismiss, is any testimony taken from the victim and the defendant before the judge will do this? For example--

DEPUTY CHIEF MURPHY: I can't answer that, sir. All I know is what I've read here, and I would be lying to you if I tried to answer it.

MR. POMPELIO: Okay. I'm thinking in terms of your concern that it may not be the first offense for this person charged. What we'll do is have the parties take an oath and put it on record as to whether it is the first offense, has the defendant been charged in any other municipality or county. It seems, once you make them swear under oath, they are a little bit hesitant to lie to the next court, maybe or maybe not.

DEPUTY CHIEF MURPHY: It would seem, sir, that you're a little bit ahead of us. (laughter)

MR. POMPELIO: Maybe it's our judge.

Thank you.

ASSEMBLYWOMAN HECK: Neil.

ASSEMBLYMAN COHEN: Thank you, Madam Chair.

Very good presentation.

DEPUTY CHIEF MURPHY: Thank you, sir.

ASSEMBLYMAN COHEN: When you speak about domestic violence complaints, we are talking about those matters which are charged criminally in municipal court. You're not talking about those which are civil restraints sought in superior court.

DEPUTY CHIEF MURPHY: No, I'm talking about -- and forgive me-- But as a police officer, generally we separate DP and PDP from what we consider criminal. But, yes, they are statutory offenses.

ASSEMBLYMAN COHEN: Probably what we do need-- The issue concerning of sending them to some counseling, or if it's not counseling, simply a letter from whoever the battered person was as to what the status of

everything is, is a good idea. You could treat those situations where there is dismissals, and as you know, there is a lot here in the record as to the complainant, that it's voluntarily down to any kind of coercion, duress, etc., etc., and advise that if there is problem, you can always come back and file. But you could do it like you used to do motions to suspend proceedings and first-offender or drug cases or like you do in juvenile cases, where you have an adjourn with that disposition, and if everything goes well for 30 days, 60 days, 90 days, a year or more, the matter can be then dismissed.

So those are alternatives, I think, that could be used. Your court is using it now. I'm sure your municipal court is not exercising jurisdictional with that which they do not have. So I'm assuming it can be done as you're doing in municipal court, which I think is a real good idea.

MR. POMPELIO: We've been doing it for several years.

ASSEMBLYMAN COHEN: And you can deal it with it that way without calling it PTI or something.

DEPUTY CHIEF MURPHY: If I could just add one thing to that. As long as, at some point, during that process it is identified that this individual went through that and--

ASSEMBLYMAN COHEN: Let's take that as the next step.

DEPUTY CHIEF MURPHY: Okay.

ASSEMBLYMAN COHEN: We did the automatic tracking system a few years ago in terms of municipal court motor vehicle violations.

DEPUTY CHIEF MURPHY: Yes.

ASSEMBLYMAN COHEN: We charged, I think, a buck or something like that as part of the system. There is no reason-- All this is in terms of a registry in data input. Municipal court can find out from Trenton whether somebody has pending violations in Sayreville or in Cape May for any motor vehicle violation. That can be found in two seconds. Most of the municipal courts under the ATS system, the night you pay, they input all the information into the computer system.

DEPUTY CHIEF MURPHY: Yes, I agree.

ASSEMBLYMAN COHEN: There is no reason, without going into a new elaborate process -- the same thing is being done with a database -- that is similar to what we have now for motor vehicle violations and charging \$1 or \$2 for that so that it pays for itself. You could always designate, I mean, the offense by a code. It doesn't necessarily take a Legislature to impose that.

If you charge under 2C:12 whatever you can internally, make a uniform designation as to whether it is a simple assault, stranger to stranger, or neighbor to neighbor, or whether it's a simple assault that involves husband and wife relationship. It doesn't create a new whole system. That can be done by computer designation to make it easier.

The other thing is that there is one area that I would like to raise that happened in a situation that I have.

ASSEMBLYWOMAN HECK: Neil, the registry-- The field trip that we took over to AOC--

ASSEMBLYMAN COHEN: Right.

ASSEMBLYWOMAN HECK: --that should be in effect by October of 1998.

ASSEMBLYMAN COHEN: We ought to come up with some kind of fee for it.

ASSEMBLYWOMAN HECK: Fee?

ASSEMBLYMAN COHEN: Yes. Not a tax, because you guys are good at fees. (laughter)

ASSEMBLYWOMAN HECK: And you guys are at taxes. (laughter)

ASSEMBLYMAN COHEN: We've been reformed because there is redemption.

DEPUTY CHIEF MURPHY: May I leave now? (laughter)

ASSEMBLYMAN COHEN: Here's the one issue on the situation where you have pending dismissal. We had a situation where, representing the wife, there was an assault and there was pictures. We had pictures taken, not the police. We had to take them. When it got to municipal court, they sent it over to the early dispute resolution. You know what that is. Each county has set up programs with each municipality and has designated a citizen, or citizens, to sit in a committee.

What I would like -- and we're going through this process of making notes as to what any new statute should be. Those situations under no circumstances should be referred under the early dispute resolution at all. We were livid that that would happen.

But I thank you for your presentation. It was excellent.

DEPUTY CHIEF MURPHY: May I respond to just one thing, sir? I completely agree with almost everything you've said and maybe I misunderstand some of it slightly. But I don't want to leave anybody here with a false impression that I'm keeping the county scalps here or something. But I think it's imperative -- absolutely imperative -- that we not continue on the course of hold with intent to dismiss if it does not permanently identify the individual. I would much rather see us go on a course that finds an individual guilty based on -- assuming they are found guilty. If there is a case there to be heard, if there is in fact direct or circumstantial evidence to make a case--

As a police officer, I'm telling you that we are gathering a type of evidence that can make good cases. If that can be accomplished I would urge this committee to do whatever it has to do to make sure that the courts go forward and find people guilty. If, at that point, you want to mandate counseling, you want to reduce penalties, that's all okay with me. Help these people however you can. I have no problem with that, but please, let's find a way to be sure that they are properly identified for the record and for the future. I'm not trying to disagree with you, sir, I just want to be sure--

ASSEMBLYMAN COHEN: That's okay, join the crowd. It's a large pool, so you're welcome. (laughter)

ASSEMBLYWOMAN HECK: Mary.

MS. WHITE: I think my question was partly addressed, but we've been talking about fingerprinting and identifying offenders. There was some mention of the conditional discharge program for drug offenses and some passing references to PTI. I think Jim knows, and most of the members of the

committee know, if you get PTI or you get a conditional dismissal, you don't get that again, you get that once. It can be very structured and safe, and it may be one shot at diversion, but I think--

DEPUTY CHIEF MURPHY: That's fine, yes.

MS. WHITE: --the problem that Jim has been addressing is that there is one shot at diversion in the multiple municipalities with different victims and no real record of that, and that's a problem.

DEPUTY CHIEF MURPHY: That a person could be a first offender an unlimited number of times.

ASSEMBLYWOMAN HECK: But as they are putting the registry together, we can be specific in our request that that be inputted.

DEPUTY CHIEF MURPHY: And if it can, that would be--

ASSEMBLYWOMAN HECK: We have the ability to ask them to do certain things because the registry is being put together as we speak.

MS. WHITE: I think I have one additional question.

Jim, if you could address what your thoughts might be if there were implemented, either statewide or as a model, a formal structured diversionary program that might or might not require a defendant to admit his or her guilt before going into it, whether you think that would be good, bad, or not certain? One-shot deal.

DEPUTY CHIEF MURPHY: I think it would be good because I think it would be good for some people who may not believe that it would be good for them. You will get some people into a diversionary program who may go into it kicking and screaming and come out of it saying, I realized

something. The thing about any diversionary program for whatever the problem that it's trying to divert is that they are not 100 percent successful. We cannot expect them to be.

If we put people into batterers programs, or whatever, 100 percent of them are not going to come out cured. However, mandating it may put people into it who gain perspective and get help that they would not otherwise have attained anywhere. So I think mandating it doesn't hurt anything. It may take up some space, but essentially I hope that's what you are looking for. I hope I understood the question.

MS. WHITE: Yes, thanks.

ASSEMBLYWOMAN HECK: No other questions. Thank you very much.

DEPUTY CHIEF MURPHY: Thank you very much for the opportunity.

ASSEMBLYWOMAN HECK: And you'll put those other suggestions in writing and, some of the questions that Richard posed to you, some of the information.

DEPUTY CHIEF MURPHY: I will do that. Thank you very much.

ASSEMBLYWOMAN HECK: Thank you very much.

Anne Mullen, the Supervisor of Domestic Violence Project at Rutgers Camden Law School.

A N N E M. M U L L E N: Good morning. As you said I'm Anne Mullen. I'm the supervising attorney for the Rutgers Pro Bono Domestic Violence

Project at Rutgers Law School in Camden, New Jersey. I have brought with me here today Nicole Solvibile, who is a third-year law student who has been involved with the Domestic Violence Project for the past two years and works often with victims, and also as a student who has gone through our training, I thought it might be helpful for you to also hear from her today.

I had provided, earlier this week, some written materials describing our program, but I understand that you had just received them this morning, so I thought it would be helpful for me to begin with a description of our projects and then raise a couple of points.

The Rutgers Domestic Violence Project was started about four years ago, and initially it started as a project. It's funded through outside grants -- outside of the University -- and it initially started as a project which put trained law students in the Domestic Violence Unit at Camden County Courthouse from Monday through Thursday, both during the morning and in the afternoon. The students are in the courthouse to meet with victims who have come in to file complaints for restraining orders. They, of course, initially get a temporary restraining order and then will come back to get the final restraining order.

The students provide assistance in terms of emotional support and also provide information to victims about what the process is like, what they should be thinking about, what they should be doing to help prepare them for the final restraining order hearing, and also what types of services are available to them outside of the legal process in terms of shelters and counseling and others services.

The students are also-- One of the other tasks of the students is to kind of look through the cases and be aware of what types of cases might require that the victim had the assistance of an attorney. One of our primary goals is to provide representation to victims at final restraining order hearings when the defendant is going to be represented by an attorney. And that is the other part of that Project. We have a list of attorneys from Camden County who volunteer to represent victims of domestic violence at the final restraining order hearing. We have students in the courthouse to flag those cases, to initially meet with the victim, and they will then, hopefully, also be available to work when we do determine that a case should have attorney representation -- they are also then, hopefully, available to assist the attorney.

We have first- and second-year students who assist the attorney in preparing for the case, can be present at the client interview, go to court, accompany the attorney to court. Then, we also have received permission from the New Jersey Supreme Court to have third-year law students actually provide representation to victims of domestic violence at final restraining order hearings. Third-year students will do that either under the supervision of one of our Project attorneys or under my supervision. We have had a number of third-year students over the past couple of years provide representation to victims of domestic violence at final restraining order hearings.

That's kind of a brief summary of our Project and one of the things-- I have been working with the Domestic Violence Project for the past year and a half. I have actually taught at the Law School for four years. For the past three years, I have been a clinical attorney at the Law School. I'm a

clinical educator, and that's the role that I play with the Domestic Violence Project. I supervise students representing victims. I've also gotten involved in the training that we do and try to implement the training.

I have also taken advantage of my position with Rutgers University C the State University to develop working relationships with other domestic violence agencies, both in the county and throughout the state, to kind of maximize what we can do and to provide assistance in other areas. For example, we have worked with the Coalition for Battered Women by providing some research assistant on work that they are doing -- having some students do some research for them.

So I really see that we have a unique opportunity. We have some great resources in terms of our students who are energetic and enthusiastic and very committed, and I see that we have a real opportunity to train them. A number of our students will find themselves practicing family law when they go out after graduating, and it's a real opportunity for us to give them some training with regard to domestic violence because so often domestic violence is present in the family law cases that come along down the road.

With your permission, I understand that you wanted to hear about the Project because it is innovative, at least in the State of New Jersey, but I also was hoping I could have an opportunity to raise with you some of the gaps that I have seen in the past year and a half working with the Domestic Violence Project. I feel we have had a unique opportunity that others often don't have because we are stationed in -- we have students stationed in the

Domestic Violence Unit at the Camden County Courthouse. We have a real presence at the courthouse.

I have also had an opportunity to develop working relationships with some of the judges in Camden County, with court personnel, and with other agencies throughout the county and, as I said, also throughout the state.

One of the biggest gaps I see -- and it=s a point I think that=s already been raised this morning by the previous speakers -- is a need for counseling for victims, batterers, and children.

My experience is based on Camden County, and in Camden County, we have one women=s shelter in Camden County, which has beds for about 23 people, and there is often a waiting list, which is a significant problem. We also have only one nonresidential counseling center, which is funded mostly through the YWCA and operates on a very tight shoestring budget. Their counselors are employed only on a part-time basis, and currently there are only two weekly meetings for victims, one on Monday and one on Wednesday night. So that=s the services that are available to victims in Camden County in terms of counseling.

They also had done batterers counseling. As far as I know, it was really the only batterers counseling program in Camden County to which the court would refer batterers, either when a restraining order was entered or when a criminal complaint had been filed. That program had no funding, so in October they had to stop taking cases. So currently-- My understanding is currently there is no program to which batterers can be referred.

The third group is children. I really have come to see that this is oftentimes a silent victim of domestic violence. When I talk about domestic violence I talk about-- A lot of advocates use the term battered women and obviously that is an appropriate term, but I tend to use the term domestic violence because I see there being more than one victim. Children are very often involved or witness to domestic violence. My experience, at least in our county, is no attention is being payed to the children. There are no, as far as I understand -- there are no counseling programs for children in Camden County who have witnessed or been victims of domestic violence.

I really think that in terms of-- We have an incredible law in New Jersey to address the problem of domestic violence once a victim reaches out. I think that our Project provides great assistance to victims once they have actually gotten to court. What I would like to see us do ideally as a state is start looking at domestic violence in terms of what can we be doing to prevent domestic violence, and I think there are a lot of different things to look at. In terms of the children, I think there is an opportunity there to prevent future acts of domestic violence by reaching out to the children.

ASSEMBLYWOMAN HECK: Just as a point of information and something you might wish to address -- Debbie Donnelly had to leave at noon-- But in Bergen County, they are in the third year of their pilot program, which was funded by the State, where they do have counseling for the batterer, the victim, and the family, plus other unique pieces to that program.

One of the things that I intend to do, and I have asked Debbie to do, is to have some kind of a field trip there for those people interested. But

in the meantime, because you are so actively involved through Rutgers, I don't think there would be a problem if you approach them. Perhaps you and some students would like to view what they have done so far. They have a computer database that they have been putting together, etc. So it might be worth your while from even an educational standpoint to take a trip there.

MS. MULLEN: Yes, thank you. I appreciate you letting me know about that. I'm sure that one of the things that program recognizes is the difference that can be made when you reach out to children.

Just to give you one example, last year, one of the other things that our students have done on occasion is go to local high schools or to groups and done educational programs on domestic violence. Last year we had a group of students, and actually Nicole was one of them, go out to the Camden County Youth Detention Center, in Camden County, which houses juveniles. The educational director there had told me that on an ongoing basis anywhere between 60 percent to 70 percent of the juveniles there came from violent homes. I think that's a real clear indication of what effect domestic violence has on children. They go on to commit other crimes because of the impact that domestic violence has.

The other factor that I think is important to consider is that when you look at batterers in terms of what are the common characteristics among batterers, the most common characteristic is that they witnessed domestic violence as they were growing up. So I think, if we want to look at it in terms of breaking the cycle of violence and also having an impact on future crime in

our society, it's important to consider the children and the impact that domestic violence has on the children.

Many of the other gaps I have seen through my work -- and I understand that this issue has been addressed previously so I won't spend too much time on it -- is a problem in terms of judicial training. I see people laughing. I know you have heard about this. The comments to the Act make clear that the legislative intent of the prevention of Domestic Violence Act was that judges presiding over domestic violence cases would have training, not just in the legal aspects of domestic violence, but also in terms of the psychosocial aspects of domestic violence.

My understanding, and this is based on what I've heard from judges, is that that piece has not happened, that they have been provided with training on the law of domestic violence but nothing really beyond that. Actually, I'm optimistic that that piece might develop because I have a good working relationship with the judge who has just recently been appointed chair of the Judicial Education and Training on Domestic Violence. Every chance I get I kind of talk to him about how important that is. But I think judges sometimes are resistant to that.

Just to give you a couple of examples of what I've seen happen in just the past several months that I think could have been prevented if there had been the judicial training that was envisioned and intended by the Legislature. One case, in which we had students representing a victim, the judge stated that there was testimony about several previous acts of domestic violence, and then one particular act that was even more significant than the

prior acts, which had led to the filing of a complaint for a restraining order, had also led to the filing of criminal charges. After hearing testimony, the judge had stated that he didn't believe the victim's testimony about the prior acts because she had not told her family members about the prior acts. He said that she came from a close family and family members talk to each other about things. If it really happened, she would have told her family members about it. We've actually filed an appellate brief on that one because most people realize that there is that film of secrecy around domestic violence, and the fact that the judge used her failure to confide in her family members about the prior acts and used that to discredit her testimony I think was a real problem.

We also had a recent case that students had been involved in, in which a victim had testified to a marital rape that had occurred a couple of years prior. A different judge had discredited the victim's testimony about that because she did not report it when it had happened.

We had another case with another judge -- these are all different judges, but they are all hearing DV cases -- where the judge had ordered the husband and wife, the mother and father, to mediation on visitation even though there was a final restraining order in place. Now, that's a case where the judge wasn't even aware of the law because the law was really-- The Domestic Violence Act is really clear on that. The victim had to incur attorney's fees and expenses to get that order set aside because the judge was acting contrary to the Domestic Violence Act, which prohibits mediation on visitation when there is a restraining order in place.

We've had another judge who, on a regular basis, would not order psychological counseling for batterers, even when it was available, even when the victim requested it because he stated he couldn't do that, he didn't have the authority to do that. Again, it is very clear in the Act that judges do, in fact, have the authority to order a batterer to counseling. That's another, I think, significant problem.

Those are just a couple of the gaps or problems that I was hoping -- that I wanted to raise here, and I think it might be helpful for you, at this point, to hear from Nicole Solvibile with regard to her experience with the Project as a student and also interaction with victims, because she has had a lot of interaction with victims.

ASSEMBLYMAN COHEN: Madam Chair, can I just ask one question?

ASSEMBLYWOMAN HECK: Certainly.

ASSEMBLYMAN COHEN: We have three law schools in New Jersey: Rutgers Camden, Seton Hall, and Rutgers Newark. What is the cost to run that program so that those who have been battered have representation at a final restraining order?

MS. MULLEN: I can tell you that our program is funded in large part through a grant we have received for the past two years from the Violence Against Women Act through their discretionary grant program. That grant-- We get about \$43,000, \$44,000. I'm actually employed on a part-time basis for the Domestic Violence Project. I also have another position at the Law School that I do, but that grant helps to fund my position, helps to fund the

position of an administrator who oversees the Project, and helps to fund a piece of the salaries for a couple of assistants that we have. That's a year-to-year grant, though, and realistically, if we're not refunded through that grant, I'm not sure what's going to happen to the Project.

We have recently, though, just received a grant. The Rutgers University -- the main University -- has given our campus a grant to develop an inner-disciplinary domestic violence project, so we are starting to interact and develop projects with our school of social worker, school of nursing, and our business school.

ASSEMBLYMAN COHEN: My question is in terms of whether or not it went from \$43,000 -- and I'm sure you'll need probably a little bit more money -- to provide a grant to grant on a yearly basis to all of our three law centers, to have a program where they can provide representation if the person economically qualifies. Questions have been raised at an earlier junction in these hearings that there is inadequate -- not on a regular basis, but inadequate representation or the need to be able to speak to someone who will be representing their interest at the time of a final restraining order since temporaries are routinely granted.

Perhaps we can come up with something as part of a package of bills that would provide dollars available to our law schools, and then in turn, we need to consider which counties they might be able to handle under this. Seton Hall and Rutgers are in the same county. As part of that, there should be an income eligibility somewhat similar to the public defender's office because the service provided, at least for purposes of some representation,

independent of the judge or from their neighbor or their friend, as to what they should be doing at a final hearing. There seems to be a diminutiveness amount of money and that perhaps we--

ASSEMBLYWOMAN HECK: It's something we should pursue, there is no doubt about it.

ASSEMBLYMAN COHEN: --have more than sufficient funds we should look at.

MS. MULLEN: If I could just add, because you mention the word income eligibility, and I don't know what the guidelines are for the public defender's office, but I'm kind of taking a guess that they're not that dissimilar from the guidelines for Legal Services, maybe they are. We have-- Our Legal Services, Camden Regional Legal Services, will provide representation. What we try to do is fill the gap between those--

ASSEMBLYMAN COHEN: Will provide representation at a final hearing?

MS. MULLEN: In some cases, yes, if the victim is income eligible, at least in our county.

ASSEMBLYMAN COHEN: Maybe our staff could check that out with all the Legal Services that are situated in each county and find out whether or not, to what extent they do represent or have the ability because I know they are so inundated--

MS. MULLEN: Yes.

ASSEMBLYMAN COHEN: --and the funding from the Feds-- We pay money from our trust funds. The interest as accumulated in our trust funds, as an attorney, goes to IOLTA--

MS. MULLEN: Right.

ASSEMBLYMAN COHEN: --so that there is money available for certain types of programs. I think we need to find out where the gaps are.

MS. MULLEN: Yes.

ASSEMBLYMAN COHEN: Maybe there are less gaps than we think, or there are more gaps than we think.

ASSEMBLYWOMAN HECK: Or maybe more communication, more education as to whether it already exists.

ASSEMBLYMAN COHEN: I'll be curious to know, because I know Legal Services now barely does divorces because there are so many, they just don't have the resources on a county-to-county basis.

MS. MULLEN: And the other thing is that basically, if I get a phone call from someone looking for legal representation, I ask her, "Do you work?" Because I know, if she works, she is not going to qualify for Legal Services even if she is making minimum wage. There is such a huge gap. My understanding from attorneys is, with regard to the retainer fee -- that they require to represent a victim at final restraining order -- can run anywhere from \$750 to \$1500.

ASSEMBLYMAN COHEN: Right.

MS. MULLEN: There is such a huge gap of victims who don't qualify for Legal Services, even if Legal Services would represent them if they

were income eligible, and victims who have \$750, \$1000 sitting in the bank that they can just use to put down a retainer fee. We really try to fill that gap of victims who are working so they-- They have some income so they're not going to qualify for Legal Services, but they don't have the financial resources.

ASSEMBLYWOMAN HECK: Perhaps we can work that out on a sliding scale basis.

MS. MULLEN: Yes.

ASSEMBLYWOMAN HECK: But we'll look at those.

MS. MULLEN: Thank you.

N I C O L E S O L V I B I L E: I want to thank--

ASSEMBLYMAN COHEN: Excuse me, Madam Chair. I have to go to family court. (laughter)

MS. SOLVIBILE: I want to thank you for the opportunity for allowing me to speak today. I can safely say that my work with the Domestic Violence Project has been the most rewarding and satisfying volunteer effort I have ever participated in. I always wanted to be involved in family law, and what I'm doing with the Domestic Violence Project I only could dream about doing three years ago before I attended Rutgers, so I am very thankful for the opportunity.

I have been a volunteer with the Domestic Violence Project since my first year at law school. I have also had the opportunity to work in the courthouse, but I have to say that in a sense, it's tainted my views of the system, because now I fully understand why so many victims say to me that they fear the system more than they even fear their perpetrators. Often I have

seen the judges, in many cases like Professor Mullen just spoke of, where they truly do use discretionary powers in interpreting the law, to the disadvantage of victims in cases often. Some of these judges don't believe that domestic violence still occurs between a man and a wife. They often don't believe in the credibility of the witnesses, and they, in turn, deny them restraining orders that so many of them need.

I also see that working at the courthouse often the staff has to balance their need to expedite the system. They have a heavy docket and they're not there. They are employees of the court, so they are not there too often give victims the kind of assistance that they really need, and I think that's where we fill a very needed gap at the courthouse because our students aren't there necessarily to expedite the complaint. They are there to help victims prepare for court and prepare their complaint, and I think that is something that is essential.

I see so often where we can spend the time not only helping them fill out their complaint, but we often sit in hallways with them before their hearing. We can give them a little information about what is going to happen in there. We often will sit with them in the back of the courtroom, and then we will even follow them out and ask them if they have questions and tell them what is going to happen for the final restraining orders.

Now, these are all things that the people in the Domestic Violence Unit of the courthouse can't do, because they are employees of the court, and won't do, because there is simply not the time to spend with individual victims. So I really think our students are invaluable in the courthouse, and I just wish

that every student -- would almost be a mandate for them come and do this. But not everyone-- You have to, I think, have a certain sensitivity to domestic violence and a desire to be there. I think the students that come forth to partake in our training are those students that have that sensitivity and really help the Project.

I would like to tell you just one or two kinds of anecdotal stories of victims that I have worked closely with and give you kind of an overall perspective. I can tell you about my first victim that I assisted in court. She was sitting, waiting to be heard for a final restraining order, and I was trying to give her some insight and ask her if she had any last minute questions. Well, she had to sit for the whole entire day. She was supposed to be scheduled at 1:00. It was almost 3:30 in the afternoon, and she still hadn't been called.

Her perpetrator was sitting right across the hall from her in the family court. In Camden County there is one floor, and they are doing things to adjust that. They are trying to move victims and defendants on separate floors, but it's very chaotic there, and there is not necessarily the logistics play problem. But her perpetrator was visibly shaky. He seemed like he was on some kind of something or other, and he was very agitated to be there, and he was twitching. The whole time I was sitting there I was thinking, well, if he portrays himself like this in front of the judge, there is no way she is not going to get her restraining order. He is visibly not right.

So I spent more time just talking to her and trying to comfort her for what she was about to have to face in court. Needless to say, she got to

court and didn't get the restraining order because throughout her testimony she threw in something about how he had violated the restraining order in the past seven days. She was trying to add to her case. Now, she had not talked to me about this in the hallway, but the judge ended up finding that if she was truly a victim, she would have called in that violation in the past seven days. Her perpetrator acted the same way in the courtroom. He even spoke rudely of the judge, spoke out of turn to the judge, and he got permission to go back in his house, and the restraining order was denied.

The victim was visibly shaken. She started hysterically crying, and I immediately went to her aid and tried to comfort her and give her a little insight. If a new incident occurred, she can certainly come back to court and just give her a little more preparation for the next time. Well, she could do nothing but tell me of how the system had failed her and there wasn't going to be a next time because she probably won't be around next week.

I do have a second story where there is another victim who I just spoke with, as a matter of fact, yesterday, and she has been involved in the court system for a very long time. She did end up getting a divorce and she did get a restraining order. The problem is her ex-husband is trying to use the system now to further power and to exert his power and control over her. He keeps filing motions. He wants unsupervised visitation. He says that he has gone through a supervised visitation program and he should now have full access to his kids. He does all of these things, and she neither has the money nor the energy, at this point, to keep fighting him.

She is really at a loss because, like we were just talking about income eligibility, she has gone through three attorneys. She can no longer afford to hire an attorney. Attorneys have, she said to me, failed her in a lot of respects. Her restraining order has failed her in a lot of respects. She actually happens to be one of the women that Professor Mullen told you about was sent to mediation for visitation. So you can understand that she doesn't have very good feelings about our system and what it's done for her.

She is now at the point where he has filed another motion, and she needs help to answer that motion. She can't go to Legal Services because she does have a part-time job. She can't afford another attorney. The sad part is the attorney that's representing him through all this was their corporate attorney when they used to have a small business together. So she entrusted his attorney -- who is now his attorney, because for a long time he was kind of a family friend, and he in turn used that against her in many respects as well.

The last story I just want to tell you a little bit about is, at one point-- I was volunteering in the court last summer, and someone who is supposed to be a risk assessor for the court came over to me and said, "Do you mind reading over this assessment?" Now, I'm not really trained to do that, but I was curious because I've heard a lot about the risk assessment process. So I agreed to just read it over, and not only was there not one complete sentence and a plethora of grammatical and spelling errors, but the thing that agitated me the most was that the person that the risk assessor was doing the assessment of was a perpetrator, and he was assessing whether he should have unsupervised visitation.

In this assessment, he admitted to doing some pretty horrific things to the family pet, and the end result was the risk assessor actually said this man should have unsupervised visitation. This is what judges read and pretty much stamp, and they just look at the bottom line, whether they should have supervised or unsupervised. They have met with this risk assessor, so why not? That was really disturbing to me, and I think not only along with improving the need--

ASSEMBLYWOMAN HECK: Just for edification--

Maybe Richard, you can answer this. What criteria is there for risk assessor?

Jackie.

MS. MARICH: There is a training done by the AOC. It's pretty much a daylong training, but it can be anybody the court appoints, a probation officer or clerk. There is no real background.

ASSEMBLYWOMAN HECK: There's no background.

MS. MARICH: No, and it varies across the state dramatically. Some people have psychologists doing it, some people have social workers doing it. In Middlesex County, we have a probation officer.

ASSEMBLYWOMAN HECK: Lori.

MS. SCHAFFER: I just wanted to add that in Salem County they don't do risk assessments, so even within the realm, there are unqualified people doing them, and in some places, they don't get done at all.

MS. MARICH: Madam Chair.

ASSEMBLYWOMAN HECK: Yes.

MS. MARICH: In Middlesex County, where there were 4200 filings sought, there was only one risk assessment done in 1996. In 1997 there were none.

ASSEMBLYWOMAN HECK: I think that's something we should address when we are putting our report together.

Mary.

MS. WHITE: I think, and there may be people on the Task Force that know more about this than I do, the State Working Group has a subcommittee, I think Dr. Linda Jeffers (phonetic spelling) is involved in it, and they are looking at the issue of qualifications for people doing risk assessments, what a risk assessment means, what follow-up evaluations may need to be done, and what they should be called, and who should be qualified to do those. I think the general consensus that the Working Group, from the answers that we've gotten here, is there is really no definition of who can do them.

The only document I'm aware of that talks about the risk assessment is included -- I think it's in appendix to the AOC guidelines for domestic violence responses. It is an information gathering sheet, and it is very comprehensive. There is no requirement, for example, just in the area of psychological difficulties or issues. It's basically self-reporting. It could be followed up on. I don't know what resources are used. I don't think there is any regulations in effect that require to hear a yes or no, get releases, and get the reports. If you hear a yes for prior criminal incidences, get the police incident reports -- here is no requirement of that. That's primarily--

ASSEMBLYWOMAN HECK: I consider that a major problem, especially when you're thinking in terms of the well-being of children.

MS. WHITE: Yes.

MS. CROWLEY: I'd like to comment.

ASSEMBLYWOMAN HECK: Yes.

MS. CROWLEY: In Essex County, one of my patients was a young woman who had a child that was a product of rape. The boyfriend left and joined the military and about three years later suddenly appeared and wanted visitation. They went to court, and she was very much against it. They had a risk assessor, who was a probation person in the courts, with supervised visits. The child was visibly hysterical going to see this person that she did not know. The risk assessment was given to the judge in which the woman said that she couldn't really assess the appropriateness because it was in a court system and that this child should be placed with a relative. The judge wanted this child to have visitations with this boy's mother. The woman was just hysterical, and she had to comply. So it was not a good situation.

ASSEMBLYWOMAN HECK: It's frightening.

MS. MULLEN: If I could add, even just one more story from Camden County, just within the past month where the therapist who had done the risk assessment included in her report that the children were terrified of the father because he had committed acts of violence in the home, had threatened to kill the mother. They believed those threats. He laughed when they talked to him about it. Her conclusion was, yes, they are terrified of him, but they

need to start getting used to him, and she ended up recommending unsupervised visitation. The children are just hysterical about it.

It's just, I think as several of you--

ASSEMBLYWOMAN HECK: Well, you all know, in Bergen County, we have the case where two children were murdered by their father--

MS. MULLEN: Yes.

ASSEMBLYWOMAN HECK: --given visitation rights, and the mother was to bear the pain so she should suffer and lost her two children because of the ineffectiveness of allowing someone of that type to even be alone with a child or even visit the child under supervision.

I think this is a major piece that we should be looking at, and we haven't really addressed yet until today, so we appreciate the young ladies bringing that up. It's a very important gap, so to speak.

MS. MULLEN: Yes, the need for those performing the risk assessments to be trained in domestic violence, and that hasn't happened.

ASSEMBLYWOMAN HECK: Jackie.

MS. MARICH: Besides training the risk assessors, judges need trainings on the effects on children because they are the ones who determine whether the woman may have a risk assessment or whether that's a capricious and arbitrary request.

ASSEMBLYWOMAN HECK: Well, maybe that's part of the psychosocial piece that should be emphasized and be put in writing so that there is not an interpretation of what that means in the training, but something that they will be held accountable for.

MS. CROWLEY: I'd like to make another comment.

ASSEMBLYWOMAN HECK: Yes.

MS. CROWLEY: Just to address the issue of batterers and batterers programs in your county. I belong to the committee with the New Jersey Coalition of Battered Women, and, at present, we are looking at the different batterers programs through the state to try to standardize them because they are very variable. One of the problems is that we cannot, and do not, want to use victims= money to fund these services. Yet, we realize that even if the woman leaves him, he will find another woman, and he needs some type of intervention.

I inherited, recently, a batterer from California, and I like their system. If a man is found to be a batterer, he does a 30-day stay in jail. He then pleads to a felony conviction for a year, and he can go to a batterers program that is State run. And if he completes the year in a batterers group, they will give him a statement that he=s completed it, and then the felony conviction would be reduced to a misdemeanor, and he also has to pay a fine which--

ASSEMBLYWOMAN HECK: Covers the costs.

MS. CROWLEY: Yes, covers the costs. But we don't have that in New Jersey; maybe sometime we will.

ASSEMBLYWOMAN HECK: Could be part of the report.

Richard.

MR. POMPELIO: Just a couple of questions. Do you take the opportunity to appeal those decisions, and would you believe the judge has made an error in an interpretation of the law?

MS. MULLEN: We try. Actually we just had-- I filed an appellate brief just last month with regard to one case. One of the great difficulties is that in almost all cases, the judges will say, ~~All~~ve evaluated the credibility of the parties, and my determination is that the defendant is more credible than the witness.[@] In those cases, the Appellate Division is going to give great deference -- always gives great deference -- to the trial judge's credibility determinations.

So, at times, it is really difficult to appeal because of how the decision is phrased, but what we will look for, is there some other basis for appeal? Can we-- Is there some basis on which we can attack even that credibility determination? For example, in the one particular case that the judge had discredited her testimony because she hadn't confided in her family members about it. So we just said that one of our arguments was that that credibility determination was flawed because that's not the reality of domestic violence.

MR. POMPELIO: So part of your program is to pursue appellate issues?

MS. MULLEN: It's not really a part of our Project--

MR. POMPELIO: Well, I think it's so absolutely critical what you're doing.

MS. MULLEN: That was one case that we walked out of there and we just hid. There is no way we can't try to do something about this because it was just kind of outrageous from our perspective.

MR. POMPELIO: I'll tell you one of the things that's so important is when trial judges know you are going to appeal them on these victims= issues. When push comes to shove, sometimes they will do the right thing. I've learned that from experience. I think if they know that you will appeal them, I think you will find you have a lot of clout. It's one of those things, as lawyers, we have to learn by experience.

MS. MULLEN: Yes--

MR. POMPELIO: I'm sorry.

MS. MULLEN: I was just going to say part of the problem for us is because of our budget. When we decided to take this appeal, we had no money to do it, and we couldn't get the fees waived. We actually got a private donation from one of our deans to cover the \$900 cost for the transcript that the transcriber wanted up front and to cover the court fees. I would like to see us do more appellate work, but we need to have a budget to do that.

MR. POMPELIO: I understand those problems.

Also on the appellate -- the appellate aspect, do you ever take any of amicus positions?

MS. MULLEN: We haven't yet, but that's something--

MR. POMPELIO: It's something you might wish to consider for many reasons, one of which is I think it gives your program credibility with the higher courts that you would go so far. I know there was a recent Appellate

Division case which we didn't take a position on, but it really hurt victims of domestic violence in which the Appellate Division decided that a victim of domestic violence can't sue her spouse and recover under the home owner's insurance. It's precluded by the intentional exclusion saying that domestic violence has such a strong social policy that the perpetrator should not be entitled to use his home owner's insurance, and that if the victim wants to gain financial advantage, she can do it by way of getting more out of equitable distribution.

Now, all of us here know how absolutely foolish that decision is because there is going to be no equitable distribution. These people are going to have no money and, whereas, at least the victim previously might have gotten some money for her injuries. Now, this pro insurance appellate panel has ruled that out, and the case is not being appealed. So we got the law in New Jersey that if a husband is upset with the wife and decides to throw the dinner against the wall and the dish smashes on the wall and comes down and cuts her face all up, whereas, in a nondomestic violence situation the home owner's insurance could cover. If I was a guest over there, it would be home owner's coverage, but because it's domestic violence, the Appellate Division says there shouldn't be any coverage. So you figure that one out.

Those are the issues that I wish I had been aware of it earlier. We might have filed an amicus position. I only say that out loud because there are a lot of issues out there that are so critical to the area of domestic violence that we don't even know that's happening.

ASSEMBLYWOMAN HECK: Well, maybe we should review that.

MR. POMPELIO: Yes. I don't remember the name of the case.

ASSEMBLYWOMAN HECK: I don't mean the case.

MR. POMPELIO: I know that.

ASSEMBLYWOMAN HECK: I mean the situation.

MR. POMPELIO: Yes.

MS. SOLVIBILE: I would just like to add that's one other gap that I think we see because our Project is funded pretty much just to help women get these restraining orders. Often with domestic violence, there are so many ancillary issues that once you start talking to them -- if they have children, they have custody issues, they have visitation issues, equitable distribution issues, and we can only help them to a certain point, and then we have to refer them somewhere. And if we can't refer them to Legal Services and they can't afford an attorney, they are left, per se, in the courthouses with perpetrators that nine out of ten times do come with representation because they are the ones with the money.

ASSEMBLYWOMAN HECK: If you have, you know, your wish list and something we should look at and follow through on, just send it to us so we can review it as we are putting our report together. Not everything will be implemented immediately, but I'm certain that there will be a lot of changes coming directly from the reports that we are putting together.

MS. MULLEN: Thank you.

ASSEMBLYWOMAN CRUZ-PEREZ: Can I ask them a question?

ASSEMBLYWOMAN HECK: Nilda.

ASSEMBLYWOMAN CRUZ-PEREZ: Can you tell me your caseload in terms of victims -- how many you're able to help? Give me the numbers in Camden City alone of domestic violence cases. Would you happen to have some numbers?

MS. MULLEN: For Camden City or Camden County?

ASSEMBLYWOMAN CRUZ-PEREZ: Camden County, but most of the cases come from Camden City.

MS. MULLEN: I'm going to let Nicole answer that in terms of how many victims they help at the courthouse because I think she is more familiar with that.

MS. SOLVIBILE: On any given day-- As we explained, we have an a.m. and p.m. shift, so to speak, and I would say we usually have three volunteers on each shift, and that's Monday through Thursday. I would say on any given day we can usually help anywhere from maybe two to three people on each shift. That doesn't necessarily mean we are helping all the way to the final restraining order, it may just be at the temporary restraining order. So in a given week, I'd say we at least speak to approximately 30 to 35 victims in the courthouse, but then we do go on, and Professor Mullen can tell you more about the numbers we help in terms of getting representation at the final restraining order hearings.

ASSEMBLYWOMAN CRUZ-PEREZ: How do you get your clients, through the chair?

MS. SOLVIBILE: How do we get our clients? It's our students that flag victims in the courthouse.

ASSEMBLYWOMAN HECK: They are there.

ASSEMBLYWOMAN CRUZ-PEREZ: They go to the courthouse

ASSEMBLYWOMAN HECK: Yes, they do.

ASSEMBLYWOMAN CRUZ-PEREZ: They don't happen to go to the courthouse.

ASSEMBLYWOMAN HECK: No, no, they do go.

ASSEMBLYWOMAN CRUZ-PEREZ: The ones that they help.

ASSEMBLYWOMAN HECK: You are there looking every Monday through Thursday.

MS. SOLVIBILE: Yes, ma'am.

ASSEMBLYWOMAN HECK: That's your routine.

ASSEMBLYWOMAN CRUZ-PEREZ: No, no. I'm not talking about the students. I'm talking about the victims -- the ones that go to a courthouse get the help from them.

I'm driving to something that's completely--

ASSEMBLYWOMAN HECK: Okay.

MS. SOLVIBILE: Right, if they don't initiate a move, so to speak, by going to the courthouse, they might not hear about our Project.

ASSEMBLYWOMAN HECK: Yes.

MS. SOLVIBILE: But we have been making some outreach with SOLICE and DOVE, which are the women shelters, and we've been trying to-- Just this past semester we started having students go to the women shelters and give a presentation like we did at the detention center--

ASSEMBLYWOMAN HECK: Oh, good.

MS. SOLVIBILE: --so we can do an outreach to the victims at SOLICE and DOVE who often get to the shelters, but they haven't even stepped foot in the legal process yet. So we do try to help them at that level. We find, I think, that that is even more effective because we're working on a different timetable. When we help victims in the court, they're already at the court filing for the temporary order, and usually seven days later is the final order.

So we have seven days in which to -- if we decide to give them representation -- find an attorney, to have an attorney meet with them to go over their history, and prepare for court. If we are having students do it, that can be even more difficult because of students' time schedules and the fact that they are not always comfortable going to court. In a seven day timetable, that can be difficult, but we feel that when we approach them at SOLICE, they haven't gotten to the courthouse yet, so we kind of can develop our own timetable with them and let them know what the process will be before the time starts running.

MS. MULLEN: In terms of how many victims we've provided attorney representation to-- The first year that the Project was in existence I think we provided representation in 17 cases. Last year we increased that to

about 50. That's a rough estimate, but we have been able to significantly increase that.

ASSEMBLYWOMAN HECK: Are there any other questions before we break for lunch?

Jackie.

MS. MARICH: Just information primarily for the panel that the New Jersey Coalition for Battered Women now has an attorney whose job it will be to take some of these appeals. She is already involved with several cases.

ASSEMBLYWOMAN HECK: Any other questions? (no response)

Thank you very much.

MS. MULLEN: Assemblyman Cohen had initially asked about information on the financial aspect of it. I'm really not the best person to talk about that because we have an administrator who's involved with that. With your permission I would like to-- I can send something to you.

ASSEMBLYWOMAN HECK: Oh, yes, absolutely.

MS. MULLEN: Our money comes from all different places--

ASSEMBLYWOMAN HECK: When you said \$43,000, it may not be \$43,000, it may be more.

MS. MULLEN: It's more because we have other funding.

ASSEMBLYWOMAN HECK: Well, please send us that information.

MS. MULLEN: I would be happy to do that, and I thank you very much for the opportunity to come and speak with you today.

ASSEMBLYWOMAN HECK: Thank you both for coming.

MS. SOLVIBILE: Thank you.

ASSEMBLYWOMAN HECK: And extend our congratulations to the other students. I think this is a marvelous program, and you and Rutgers should be commended.

MS. MULLEN: Thank you.

ASSEMBLYWOMAN HECK: Thank you very much.

We are going to break till about 1:30 and then come back.

If anyone wants to join us for lunch it's in the back.

(RECESS)

AFTER RECESS:

ASSEMBLYWOMAN HECK: We're going to reconvene the hearing.

Mary White will be back.

Lori is here.

Of course, you're being taped, as you know, because we will have transcripts of your testimony.

Diane, we are not using your last name, we're told, for protective reasons. You're the Co-Chair of the Essex County Crisis Response Team.

DIANE: And my Co-Coordinator, Gail.

ASSEMBLYWOMAN HECK: And Gail.

Thank you for coming.

GAIL: Thank you for having us.

ASSEMBLYWOMAN HECK: It's been very interesting, hasn't it?

GAIL: It certainly has. It's been a little disheartening, if you want to know the truth.

ASSEMBLYWOMAN HECK: Disheartening?

GAIL: Yes.

ASSEMBLYWOMAN HECK: In what way?

GAIL: Especially the stories that we heard about after the women are strong enough to come and say that they have been victims of abuse and--

ASSEMBLYWOMAN HECK: Yes, we know that's been happening, and that's one of the reasons why we are revisiting the laws as they exist and also the fact that we feel that there is more to be done. There are certain refinements that we have to put in place. This is not happening throughout the entire state, but it is happening. So we have to be very careful about how the lawyers interpret it and how the training of the judges and the law enforcement community and the prosecutors, etc.-- What kind of an effect they are having. Have they been successful?

That is why this Task Force has been convened, to make things better. I understand disheartening, but things are much better now than they were 10 years, so be heartened.

If you can begin with Gail. I don't know who will be going first, Diane or Gail?

GAIL: Gail.

ASSEMBLYWOMAN HECK: Would you just push that until it turns red (referring to PA microphone), and then you will be on the mike. Put your finger up and down.

GAIL: I'm just going to give you a brief overview of the genesis of the Millburn-Short Hills Crisis Intervention Team. Millburn-Short Hills is a community of about 20,000 people. The creation of the team began in 1994 when a township resident requested that the public safety committee recognize the problem of domestic violence in the community. Mary McNett (phonetic spelling), the public safety committee representative, presented a report to the township committee urging the formation of a volunteer group to assist victims of domestic violence.

The township committee asked the township clerk to research the possibility of forming such a group. Our township clerk, Ms. Rogers, was referred to Ms. Nancy Conner, who is the director of Social Services in Hillsborough Township. Hillsborough, Bound Brook, and Bridgewater had formed a cooperative to address domestic violence. So the Millburn Police Chief Paul Bogashousen (phonetic spelling), police lieutenants Labroday and Miller, and Ms. Rogers, the town clerk, met with Ms. Conner in offices from the co-op to discuss how domestic violence was handled in their respective communities.

Ms. Rogers then contacted Chris Here, from the Resource Center for Women and Their Families in Somerset County, regarding training for our team. Her findings were reported back to the township committee. The committee developed an ordinance to allow the formation of an all-volunteer crisis intervention team. The team would be under the township umbrella of protection and confidentiality. Upon advice of the insurance company, the township committee mandated that all CIT participants have a background check, including fingerprinting, and participate in a 40-hour training program presented by a certified domestic violence instructor.

An article was placed in the local newspaper stating the possible formation of a team and asking persons interested to come to a meeting at Town Hall. The meeting was well attended. There was subsequent meetings, and approximately 22 people wound up in the final cut. The group was comprised of 2 men, 18 women, and the 2 male police lieutenants. Two members volunteered to be coordinators. Applications and fingerprinting were completed, photo IDs were taken.

The cost of training the volunteers was about \$2500 and was provided through a grant from the Junior League of the Oranges and Short Hills. Chris Here began the training with the volunteers in April of 1996. Forty hours of training were completed in June of 1996. Training was in Basking Ridge on Saturday mornings from 9:00 a.m. to 1:00 p.m. with one all-day session.

The intense training included, among other topics, a history of the battered women's movement and domestic violence programs, communications

skills, empowerment techniques, and legal issues. Chris, an excellent, patient instructor, utilized guest speakers, videos, and role playing. Instruction concluded with an examination, and upon receiving a passing grade, volunteers were awarded a certification acknowledging participation in CIT training.

Our organization has been in operation since October 1, 1996. We are presently comprised of 18 volunteers who work 12-hour shifts, 7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m., every day, seven days a week, 52 weeks a year. Every team member has a pager supplied by the township. The coordinators develop a monthly schedule which is sent to each team member and to our police department. Both the pager number and home phone numbers appear on the schedule. If the volunteer on call should not respond, for any reason, the police contact one of the volunteers -- one of the coordinators, sorry.

Crisis intervention team services are available to all victims of domestic violence who reside, work, visit, or shop in Millburn, Short Hills. When a team member receives a call, she usually meets the victim -- I=m going to use she for she or he because we have had male victims. She usually meets the victim at the police station. Occasionally we will go to the victim=s home if there are small children or illnesses involved.

In these situations when we do go to a home, an officer remains in the home with the domestic violence volunteer. The team member is briefed by the officer who is in charge of the call. The volunteer provides the victim with a packet of information on domestic violence that includes rights, laws, support services, etc. She asks the victim if she would like to tell what

happened and what prompted the call to the police, and she explains that everything said is strictly confidential. The volunteer provides the victim with options, explains the domestic violence laws, inquires after her safety, and tries to empower the victim.

Volunteers are introduced on a first name basis only, maintaining their anonymity, and meet with the victim only this one time. We explain we are available for this one crisis meeting only, and we give them organizations, such as the Safe House Family Service and other organizations, that they may call for continuing help and support. The team members fill out a CIT response form with a client that is kept in our confidential files. Our team is affiliated with the Essex County Safe House and its director, Patty Boff, who is a source of support and information for victims and our team members as well.

We have a meeting once a month from September through June. Minutes are recorded, guest speakers invited, ideas brainstormed, DV laws are discussed, and cases reviewed. We are very fortunate to have the complete support of the township committee, Mayor Becker, Town Administrator Tim Gordon, and Chief of Police Paul Bogashousen.

We have presently met with approximately 72 victims, and to the best of our knowledge we are the only crisis intervention team in Essex County. Our concerns now, which Diane will speak about, concern on continuing education for our volunteers and funding and training for new volunteers.

DIANE: I took the liberty of contacting Patty Boff, who is the director of one of two shelters in Essex County. Patty was very pleased that we had been invited today to appear before the committee (*sic*). I said to her, **A**You know more about this issue than most of us put together. The committee is looking for recommendations.**@** Her first recommendation has been repeated time and time again by each presenter today: Please, please, please educate the judges. Please provide a safe place for victims when they appear in court.

Patty has personally been in a position where a bailiff has been called to separate an abuser and a victim. She personally has been present when a judge has read the address of the Safe House out loud in court. She has personally been involved in a situation where a judge has refused, or been less than willing, to listen to reasons to prevent the abuser from having visitation rights. Patty said to share with you that she personally feels very strongly that no visitation rights should be permitted until after the court business is out of the way and resolved, because the first thing an abuser does when he sees his kids is to say, **A**And where are you and mommy staying?**@** If the child is old enough, they will tell daddy where they are staying. You can take the word *safe* out of the word *safe house*, it is no longer safe. That impacts not only on this victim, but on every other woman who is seeking shelter from a batterer.

The other issue is education, education, education, education, junior high school level. Patty was recently a guest speaker at a suburban community in Essex County junior high school. She was told at that time that there was a young lady involved in an abusive relationship. We are talking

about middle school, which is seventh through eighth grade. Girls have to know that nobody may touch their person without their permission, and they don't, not in this society the way it stands today.

One of the things that we have tried to do as a very small crisis intervention team is to raise money. We have these blue pins (indicating), which signify domestic violence awareness, which we sell. The township has been very kind, and we have a line item in our township so that if you wish to acknowledge somebody's birthday or happy occasion, you may make a donation. It goes right into our account.

We have stickers that peel off that a resident of our community ran off at his printing press free of charge to our crisis intervention team that we slap up in restrooms all over the county. We have palm cards which are very small. They are no larger than a business card. And many times women are afraid or apprehensive about taking home this packet of information which we make available to them, but in this palm card, on one side is our 1-800 number for the state and on the other side is the telephone number of the Safe House, which is available to them 24 hours a day, every single day.

Domestic violence, as you know, knows no boundaries. It makes no difference what color you are, what race you are, what your economic status is. We broke all statistical records because, in our tiny little community of 20,000 people, our very first client was a male. We have had approximately 15 male clients. We have had a homosexual couple. We have had a mother and father. We have had elderly people. We have had a high school student. We really have run the gamut in a very, very tiny community.

The other issue that Gail and I would like to make is that this program will not succeed unless your community has the 101 percent support of your police chief. Paul Bogashousen is an exceptional individual. He supports this program. He is the chief of police in our community, and because he supports it, it becomes a domino effect, and all of the people that are members of our police department are terrific. I don't think there is a better word to use. They are nonjudgmental, they greet the clients without threat, they explain our services, they make that telephone call, they have given us a room, a locked file cabinet that only Gail and I have access to, toys for children to play with, box of hankies, coffee, soda -- you need that. We are guests in their home, and every time we go into the police station, we are cognizant of that fact. Without their support, we would not be in existence.

ASSEMBLYWOMAN HECK: Do you have any questions for the members of this team?

Assemblywoman Murphy.

ASSEMBLYWOMAN MURPHY: Thank you very much.

The Junior League supported this. Was this through their SPAC, State Public Affairs Committee? Was that an initiative of theirs?

DIANE: I'm sorry, I didn't hear the beginning question.

ASSEMBLYWOMAN MURPHY: You said that the Junior League had given you some start-up money.

DIANE: Yes.

ASSEMBLYWOMAN MURPHY: Was that through their SPAC, State Public Affairs Committee, or was it just the local Junior League?

GAIL: It was just the local Junior League.

ASSEMBLYWOMAN MURPHY: Have you written anything for Junior League publication at all about the success of this? Have they done anything?

DIANE: It was reported by Lynn Rogers, the town clerk, and Chief Bogashousen at a public meeting.

ASSEMBLYWOMAN MURPHY: The reason I'm asking is the Junior League's State and Public Affairs Committee, which is a state arm of their being involved legislatively and all, had taken an interest in domestic violence a couple of years ago and had put money into the Silent Witness Program, which Assemblywoman Heck and I chaired here in the State of New Jersey in time with the Silent Witness March, which we held here.

But I just wondered if this would not be a commitment that the State Public Affairs Committee would take through the Junior Leagues of the state which would enlarge the scope of the program and allow other towns or counties-- My county, Morris County, does have a program very similar to yours, not exactly so, but they do have a crisis team made up of men and women who work because they are very concerned, as are you.

But I wondered if the Junior League Magazine or the State of New Jersey or the State Public Affairs Committee were to take an interest, and if they would indeed put seed money in any community that they want to, and yours could become a model program that could be replicated throughout the state with that same kind of seed money development. Because you're right, it's got to come from the grass roots and people caring.

GAIL: When our team was originally-- When the beginnings began in 1994, Lynn Rogers wrote to every municipality in Essex County saying, ~~A~~This is what we want to do. We want to start a domestic violence crisis intervention team. Are you interested in researching this with us and participating?~~@~~ Most did not respond at all. Of those who responded, they were all negative.

We know now that there is one forming in West Orange and Maplewood, which are two adjacent towns, and we've been kind of helping with them. So I think the initial awareness has to come from the town. I think once the towns realize that this is their responsibility-- I think that there should be funding out there from various charitable organizations. We are going to be training some new volunteers because we need more people, and we're going to the United Fund in our town -- keep your fingers crossed, we are hoping we are going to get that grant. It's on their table right now. But this would be wonderful if-- I don't know anything about the statewide Junior League, but that would be wonderful.

ASSEMBLYWOMAN MURPHY: If you would be willing to write up something similar to the kinds of things you said here today--

GAIL: I have copies of this (indicating).

ASSEMBLYWOMAN MURPHY: If I may have your permission, I would be delighted to send it to the State Public Affairs Committee of the Junior Leagues of the State of New Jersey and suggest that they look at this -- because of their interest in domestic violence -- look at this as a program they

could become involved in and funding. And may I give them your names as references?

GAIL: Sure.

ASSEMBLYWOMAN MURPHY: Thank you very much.

Thank you, madam Chair.

ASSEMBLYWOMAN HECK: You're welcome.

Chief Eib.

CHIEF EIB: Good afternoon. I had a question on your response to victims of domestic violence. Is there criteria that the police department has that they use for calling out a volunteer, or did they call you on all domestic violence calls?

DIANE: Our protocol is that they call us on all domestic violence calls. Our protocol is that once our services are explained, should the victim choose not to speak with us that they sign off while we are there. If a victim chooses to speak with us and returns a week later or two weeks later, those same services continue to be made available to the victim. There is no limit on that.

CHIEF EIB: The other question that I had is that you testify that there is a form that you fill out.

GAIL: It's called a crisis response form. When we are called in, as I said, the officer introduces us using our first name, and then we use the room. We brought forms with us so you can take a look at them. We fill it out, we explain to the victim exactly what we are doing, that that form will be

held confidential, that all information that is shared in this room will be held confidential.

There is an exception to that rule. I happen to have been involved in such a case that involved weapons. I went out, and when I came back I said to the commanding officer, APlease give me an opportunity to share with the victim that I have to break confidentiality and tell you about this.@ They gave me that opportunity, and I went back in and I said, ATThis is what I have to do because--@ She was okay with that because I was up front with her.

After that form is completed, the response person, the team member, will then fill it out with her or his first name and last name. Down at the bottom the officer's name goes with his badge number and is put in a mail slot that Gail and I only have the key to in the locked file cabinet drawer.

CHIEF EIB: Okay, so you don't fill out any of the restraining order forms or anything like that?

GAIL: No.

CHIEF EIB: Okay.

ASSEMBLYWOMAN HECK: Any other questions?

Jackie Marich.

MS. MARICH: Just mainly for information. In Middlesex County, we have 18 crisis teams out of 25 municipalities, and we have one at Rutgers University.

DIANE: That's great.

MS. MARICH: And because we have such large numbers -- there are about 217 people involved -- we have a coalition of crisis teams that

provide some of that ongoing education reasonably priced that we wouldn't be able to do otherwise and we--

GAIL: I'm sorry. Would you come up to Essex County to train some of our volunteers? We are looking for trainers.

MS. MARICH: We haven't yet, but we do have a grant at the moment that will take us to four different locations throughout the state. It will be about a six-hour conference, and we will invite people from teams and people who are interested in teams to see the models that we use in Middlesex County to talk about the history of teams, to encourage people to go back to their police departments and their municipal governments and ask for teams to be created because they do a great service to the victim community.

GAIL: But do you provide the training for the teams?

MS. MARICH: Yes, we bring the training in, and each team is assessed a small amount of money, and they can send as many people as they would like.

GAIL: They have to come down to Middlesex though.

MS. MARICH: That's in Middlesex, but we are going to invite everyone to join the Middlesex coalition so that we can create a state coalition.

DIANE: Are we on your mailing list, and if not how do we get there?

MS. MARICH: No, you're on our mailing list.

DIANE: Okay, thank you.

ASSEMBLYWOMAN HECK: Any other questions?

DIANE: If I can just say something, Madam Chairwoman, with permission. I would like to address something that was brought up earlier this morning. One of the gentlemen questioned the number of TROs that are dropped and also someone addressed the issue of educating judges. I respect the fact that in this state our courts are overflowing with all kinds of cases, not just domestic violence cases. But unfortunately, or fortunately, if not the judge, then who else?

Women are terrified, and it's a very, very, difficult concept for people to understand. And without prejudice it's an almost impossible concept for men to understand. That is the biggest reason why they do not follow through. All any man has to say to any woman is ~~A~~You'll never see those kids again.~~@~~ She won't do a thing. He can threaten her life and that's okay, but if the children are involved, she will not do a thing.

We are a little town, but I have to tell you that my personal experience has been that women are scared to death to go through this process. I've been in the room when the judge has been on the phone, and this woman was crying hysterically over the telephone because she realized that serving the abuser with a TRO was going to mean that he knew that she initiated it. Her fear was for her daughter who is no longer living in her house, but he knew her address. Judges have to be apprised of these facts. They have to understand where these people are coming from.

ASSEMBLYWOMAN HECK: Are you talking at municipal court and family court--

DIANE: Yes.

ASSEMBLYWOMAN HECK: --judges? Both? Not just specific.
In general you are talking about.

DIANE: Right.

A gentleman inside made a comment during lunch that the judges mean well, but their plates are overflowing. We all agree with that, but there is nobody else out there but the judge. So if not him, then who?

ASSEMBLYWOMAN HECK: I think Essex County -- Mary, maybe you can expand on this -- has a hearing officer now, one. That's the one, right?

MS. WHITE: Yes.

ASSEMBLYWOMAN HECK: Thus far. Would you just give Diane an overview of what's happening right now in Newark?

MS. WHITE: I'd be happy to, but I would first have to say I wish I knew a little more.

ASSEMBLYWOMAN HECK: No, just--

MS. WHITE: A little overview. As I understand the hearing officer project, the hearing officer is an attorney appointed by the court to act as the emergent judge for the emergency restraining order because that's that person's area of speciality and expertise and training. All of the range of rights and the range of reliefs that are available, both on an emergent basis and on a final basis, are really given their full day of court, so to speak.

Explain to the victim-- Input back from the victim about whether that's something the victim is seeking is able to be obtained a little better in this way, because rather than an emergent municipal court judge who may or

may not have the opportunity to have specialized training in the area or the emergency superior court judge who may have -- be running a trial at the moment and have two attorneys make the emergency bail applications or some such thing -- this person can devote his or her full attention to emergency restraining order applications. I believe the restraining order process for the final hearing if it's-- I believe that's not done by the hearing officer, that's done by a judge. So this person's responsibility is dealing with the emergency orders, and we have a lot of optimism that that will help in some ways with the fear and the sense that there is less than full access to the courts by victims with emergency orders.

ASSEMBLYWOMAN HECK: And the other piece I'd like to tell you that we are-- Kevin O'Toole, who is from Essex County, and I will be visiting Essex County, and we've opened it up to anyone on the Task Force who would like to go with us. Our Aide will be setting a date where we could view and experience what the hearing officer's duties are and how that whole system works. So I'm sure there would be opportunities, Diane and Gail, if you are interested to seek out the hearing officer and ask her routine and just meet with her and discuss it because she used to be with--

Go ahead.

MS. WHITE: With the AOC, and she is really skilled in this area. Something I failed--

ASSEMBLYWOMAN HECK: She used to train the judges.

GAIL: What is her name?

MS. WHITE: Nancy Kessler.

What I failed to mention when I just made that kind of abstract comment, I think, practically speaking, one of the things you're talking about is a concern for the immediate contact of an offender with the children and whether that would be appropriate, and there is available, or should be by law, a risk assessment process, a process to deal with those issues, and a lot of times-- Although, it's available to all victims, especially in the emergency hearing.

Because a training officer can devote his or her attention -- and Essex County's case it would be her attention -- to just making sure that this is explained on a person-to-person basis. This is a right that you have. This is where that right may be exercised. Is this something that you wish to apply for that will open up the courthouse doors to start working on that great field that you're talking about in that one specific area?

DIANE: What a lot of victims do not realize is that if you live in one community and work in another community or-- We have the Short Hills Mall in our community and the Hilton Hotel. We've already responded to victims who have been at the mall shopping and accosted by a boyfriend, and they were victims of sexual assault, and the boyfriend's reply to our police department was *We don't live in this town, we don't even live at this county.* So there is an education process there that the victims need to understand that they are protected under the law no matter -- even if they don't live in that town. That law follows them wherever they go to protect them. So that's another education process, I think, that should continue: media, print, newspapers, the school newspapers.

I wish you good luck.

ASSEMBLYWOMAN HECK: We're very optimistic. We have made a lot of changes over the years.

DIANE: You have good reason to be proud.

ASSEMBLYWOMAN HECK: And we are very pleased at the accomplishments of many of the members here and our advisors because they have done outstanding work. You will now be joining that group because you are giving input to the overall picture. The more information we have and the more we can find out about the weaknesses in certain areas-- Because remember certain areas of the state have strengths, but they also have weaknesses, and what we are trying to do is share our information north, east, south, and west so that we make a system better and whole and that we're using the same program throughout the entire state. I think it's important to look at all the disciplines that you see here with the prosecutors and the advocates and the law enforcement community, our police chief, etc. It's really amazing how many people there are who are doing positive work.

I saw that Dr. Finkel and -- who is the other Doctor? -- Dr. Schleifer here are from the violence community, and they, too, are part of this whole picture. It's the first time that they will be appearing before us as well. And we've heard some information that impacts children, that's very important to the overall protection system that we're looking at.

But I thank you very much.

DIANE: Thank you.

GAIL: Thank you.

ASSEMBLYWOMAN HECK: Well, it's good to see you, Dr. Finkel.

M A R T I N A. F I N K E L, D.O.: Good afternoon, it's always a pleasure.

ASSEMBLYWOMAN HECK: Dr. Schleifer, it's a first time meeting you, and I'm very pleased to see both of you here, and I anticipate your testimony.

S T E V E N S C H L E I F E R, M.D.: Thank you, it's a pleasure to be here.

I have some materials that I would like to distribute, but first let me perhaps give an overview of the Violence Institute of New Jersey at UMDNJ. It's really a very exciting undertaking that both Dr. Finkel and I and a great number of other people at the University, including Ellen Crowley, have been involved with over the last two and a half years. It's a tremendous opportunity to share with you what that's all about and hopefully an initiative that will lead to tremendous progress with respect to understanding violence in the State of New Jersey, as well as on a national level; developing an accumulation of data, a clearinghouse for information; and for serving as a liaison among the different individuals both within the University and within the general community as we try to understand violence better; and the opportunity to bring progress that may occur in one part of the state and one program to another part of the state with respect to the issue of violence.

Let me just give you an overview of how the Violence Institute got started and what it really is all about and to emphasize, first of all, that the

Violence Institute is focused on understanding and intervening with the entire array of violent behavior. It is not specifically oriented towards domestic violence, *per se*, although a considerable amount of our efforts have tremendous and immediate relevance issues of domestic violence.

About two and a half years ago, the President of UMDNJ, Dr. Stanley Bergen, as well as the President of the foundation of UMDNJ, Mr. Jim Elward, got together in evaluating what was an increasing level of interest from a variety of sources in terms of what's happening in the area of violence. What they set out to do was identify that there were at least 40 programs within the various schools of UMDNJ, the various clinical programs associated with our hospitals, our community mental health centers, as well as our various medical schools, dental school, nursing schools, that were related in some way to addressing the problem of violence from the one extreme of working at a very grassroots community level to the other extreme of working at the laboratory bench and trying to understand whether there were specific biochemical factors, for example, specific neurological mechanisms, that might be involved in the processes associated with violent behavior.

These groups were operating often in a vacuum, that we didn't really appreciate how much was going on both throughout the University and in other fields that related to our own particular area of interest. A series of conferences were convened at which point it became clear that if we began to work together and began to bring research expertise together with the interest and developing clinical programs -- with existing clinical programs -- with

educational programs, that we might be able to transcend and do a tremendous amount with respect to understanding and attacking the problem of violence.

That led to the establishment of a committee that was charged by the President of the University to try to figure out how we could best attack the problem of violence, taking the existing programs, many of which were funded by outside sources, by Federal grants, by State support -- bringing those programs together so that we could develop additional programs, collaborative programs.

The way we set about doing that was by creating a series of working groups; in fact, there were seven that related to different kinds of violence from elder abuse to child abuse to domestic violence to issues concerned with the biological underpinnings of violence. Those working groups brought together individuals from within the University, again from basic scientists who are just working in their laboratory to individuals working out in various communities. We began to work together to try to figure out how we could extend the knowledge base, extend our ability to intervene.

What the working groups have been able to do over the last two years has been to develop a series of conferences, and I am going to distribute some material summarizing those. We've been able to develop some collaborative projects that have actually been funded by research organizations, both Federal, statewide, and other, that go beyond the ability of a single individual programming itself.

About a year ago, we began to talk with the Department of Justice in Washington about having the Department of Justice develop a unique

infrastructure to bring the kinds of things that we had started to do in our collaborative work into a more formal organization. The idea of developing the Violence Institute of New Jersey-- And there was tremendous interest down in Washington with this, but it was a unique kind of proposal, because what we were asking them to do was not to fund a particular interventional program, which they are very comfortable and familiar with, but to pool their resources from the different entities within the Department of Justice to support a structure that would allow us-- And the structure, I don't mean a building. I mean a mechanism for bringing, for example, research expertise to programs so that we can take a program that was working in one part of the state that had tremendous success, but be able to look at what, in fact, allowed it to succeed, bringing our scientific understanding of how to conduct surveys, how to conduct research -- bring that throughout our various programs and, ultimately, beyond the University itself.

How to develop educational curriculum, how to develop a database of all violence-related activities, which I know that many of the judges really wanted to have. There was no real central compendium of what kinds of services existed, where they might be, how to get in touch with individuals. This was part of the idea, then, of developing that database.

As we began to think this through, we got a level of support from the Federal government with the request that we come back and tell them more in about six months or so, which we have done. In the interim, the State of New Jersey has seen fit to begin to support that undertaking by committing \$750,000 in the UMDNJ budget for this fiscal year toward developing the

Violence Institute, which is what we have been working on over the last four to six months.

We are in the process now of coming close to designating our first executive director. We are bringing people in the program to help in developing research protocols for those programs that do not have that. We've developed some support for programs to take existing and successful programs in one part of the state and begin to implement them in other parts of the state. To address the question of, are there differences between what will work in an inner-city urban setting, like Newark or Camden? Will the same kind of principles and the same kinds of programs work in a suburban area or in a rural area? We have the capacity by our statewide network of programs and schools to address those kinds of questions. We can find out what it is that allows a program to succeed in one particular place and in one particular way.

Now, this is a long-term undertaking, but the benefits are also quite immediate because some of the programs -- and Dr. Finkel can speak to one of them that he is initiating as an example -- are programs that we are starting immediately. We've really only been in business, so to speak, for about four or five months, but we have already established 13 seed programs of unique concepts that individuals within the University have had, often research oriented, as well as developing some of these geographically oriented programs -- taking programs one part of the state and developing it in another.

Another aspect of what we've been able to do is take two programs that appear to be complementary and bring them together. For example, there

is a program in Middlesex County that has received a fair amount of attention, a problem-solving intervention, that Dr. John Clabby has been associated with. Another program that Dr. Clabby has been associated with, namely a mentoring program. Both of them work out of the schools. They have different approaches.

One of the things that we are doing, under the auspices of the Violence Institute, is to have those two programs try their hand at working together in seeing whether the combined effects of those two programs are greater than the sum of the whole and, in fact, whether if we add two kinds of interventions, we can have an effect that's much greater than anyone of them alone.

So I will stop at this point. What I'd like to do though is distribute two things to you. One of them is a summary of some of the programs that have come together and formed the basis for the Violence Institute of New Jersey and then also some materials that list, among other things, the mission of the Institute, a list of some of the programs that we've already undertaken, and some additional description of our working groups, for example.

I'm very, very pleased to be here and be able to tell you about this program and happy to answer any questions you may have about it. So thank you.

ASSEMBLYWOMAN HECK: Does anyone have a question for the Doctor?

Jackie? (no response)

Mary?

MS. WHITE: I'm okay.

ASSEMBLYWOMAN HECK: What I'd like to ask you, Doctor, is, have you, in the course of putting this together, looked at existing programs throughout the state that began as in the volunteer sector, or are you just looking at academics?

DR. SCHLEIFER: This is not just academics. This was started by looking at the programs that are already a part of UMDNJ. That's what those 40 programs are all about. That's more than enough for use to start with in terms of digesting that. What we are now moving toward though is beginning to collaborate with other programs, and that's been a natural process because many of these programs already are collaborative. These are not new programs that we are creating de novo. They are programs -- and Ellen Crowley can speak to her own experience -- that have been linked and have traditional links to other community programs, the law enforcement agencies, what have you.

What we hope the Institute will be able to do is help those programs work even more effectively in collaborating with the community. What we can do is, for example, provide a resource to help make the connection to another part of the state and to identify a link with a community group that may be at the other end of the state that the initial program may have had no idea about. That's a very labor intensive kind of work, identifying what's out there, identifying the key personnel, in bringing everyone together.

We've started by doing it within the University itself, and we've learned a lot from it. We learned that we may all sit in the same University,

but Dr. Finkel is someone I hardly knew at all. He sits in Camden, and I sit up in Newark.

ASSEMBLYWOMAN HECK: That was your loss, Doctor.

DR. SCHLEIFER: It certainly was, but I'm trying to make it up as quickly as I can.

He sits in Camden, I sit in Newark. Our areas of common interest would not have surfaced at all had we not had the Institute itself to help bring us together.

ASSEMBLYWOMAN HECK: I'm looking forward to looking at your mission statement and peruse the 40 different areas which you're looking at. I might, and this Task Force might, at a future date have questions that we will send you and ask of you to respond in written form.

DR. SCHLEIFER: Be pleased to do so.

ASSEMBLYWOMAN HECK: Thank you.

DR. FINKEL: If I can just comment on-- Give you a little bit of an example of-- At our Center for Children Support, we are conducting research funded by the National Institute of Mental Health. That research is actually the first research in this country that has been funded by them to look at the issue whether certain mental health treatment approaches to abused children actually work. The standard basically has been, does it feel good? Do you feel good when you leave the therapists office? Well, that's not enough.

Community-based organizations should fill a very, very important need. In fact, most of these issues were brought to us by communities. Their grassroot efforts really got most of these issues, you know, society responding

to domestic violence and child abuse, and they are very important players in this field. However, they are unlikely to do the kind of research that=s necessary to say whether or not our approaches actually work. So that=s one example.

Another example that the Violence Institute has been able to help our program meet a need. For example, if you=re a child victim of sexual abuse within the southern region of New Jersey. For mental health services, if you are geographically within the counties of Burlington, Camden, and Gloucester, you are likely to be able, geographically, to have access to the specialized therapeutic services that we provide. But if you are child who experiences same form of victimization and you live in Salem or Cumberland or Cape May or Atlantic County, you don=t have access to that same therapeutic network. And so, through the Violence Institute and the funding, we have been able to send, as just a beginning, a child psychologist from our Center to four additional counties to provide services one day a week in each one of those counties, at no cost to the Division of Youth and Family Services or to anybody, as an outreach effort.

They could use probably in each one of those counties a full-time person, but those communities don=t have the resources, don=t have the psychologists that have the expertise, and this is a kind of work that requires a high level of expertise and specialization which is not -- as you know because of our need of regionalization of certain kinds of services. So that is just one example.

Dr. Deblenger, who directs this research for us, is also beginning to collaborate with other colleagues in the University environment, which the Institute has facilitated.

DR. SCHLEIFER: If I could add a totally different kind of example of the kinds of things that the Institute can do. By the way, there is no other institute of this sort or center of this sort, so far as we are aware, in the country. There are research institutes that are arranged toward violence, but those are generally strictly related to formal research programs and often are not in the kind of health sciences university that is unique to New Jersey where we have the capacity to also work in clinical settings and where we work in community settings to the extent that we do here. So this really gives us a unique opportunity to go from the basic sciences, as I mentioned, way out to the community -- a long stretch in most university settings.

But I'll give you another example, if you would. We have within the University, we have a research group that has discovered that, for example, the neurological mechanisms that underlie violent behavior perhaps in all animals isn't really a single mechanism, but there are really two very different kinds of violent behavior that are driven by different parts of the brain that are controlled by different neurochemicals and that they relate to two kinds of violent behavior that you can demonstrate in animals and probably as people as well if you think about it.

One type of behavior is what's called -- and this is Dr. Alan Siegel at the New Jersey Medical School, it's his laboratory -- what he calls defensive rage. That's the kind of violence if somebody enters your territory or someone

attacks you or someone gives you a push or someone looks at you the wrong way. It's the instantaneous defensive response that unfortunately leads to so many events -- violent events.

There is another kind of violent behavior that you can describe in animals, and that is, the kind of predatory behavior where there is a planned aggression, that where there is much thought and planning -- and if you think about the animal kingdom and how many animals get their dinner, that's exactly how they go about doing that. Well, there are equivalents to that in human behavior as well.

But those two types of violence, both of which have their terrible consequences, seem to be totally different with respect to how the brain controls them, and they are also, therefore, different with respect to when we add chemicals to our brain. I'll give you an example, namely alcohol. You add alcohol to the brain -- and Dr. Siegel has shown this in animals -- you increase the defensive rage kind of behavior. Animals become -- their fuse becomes much shorter, but you also decrease the kinds of planned, calculated behavior. The animals get much less efficient in doing that.

Now, if we translate that kind of observation, which obviously somebody sitting in a laboratory working with animals could never do without being able to collaborate in this fashion, we are now beginning to ask the question in different groups of individuals with high risk of violent behavior are there differences between who are the people that primarily get involved in this -- let's call it defensive rage -- kind of impulsive behavior, and who are those that get involved more in this kind of planned kind of aggression?

If we assume that all violence is the same, that violence is violence, as most of us, I think, would do to start, we'll be making a big mistake in terms of the kinds of interventions that might make sense. I'm not simply talking about ultimately whether certain medications might be useful -- obviously a very controversial kind of issue -- but even if we make the decision to have a program to intervene with respect to violence, we better understand more about the different kinds of violence that may exist out there.

If we do that perhaps, ultimately, the effectiveness of programs will be increased, because we can say, AOkay, for this kind of person with this kind of violent behavior we need to think about a totally different approach than this other person with a very different kind of behavior. Now, that is just scratching the surface with respect to our understanding of how different kinds of violence occurs. I think it's also an excellent example of the kinds of things that we can do in health sciences university under the brick of the Violence Institute.

MR. POMPELIO: I have a question.

ASSEMBLYWOMAN HECK: Richard Pompelio.

MR. POMPELIO: Are you being called upon by defense attorneys to come up with these wonderful rage defenses?

DR. SCHLEIFER: It's a great question, and you're not the first to have asked that question. I had the opportunity, I guess about a year ago, to present to all the county prosecutors, and they were very concerned. They're concerned even not simply with respect to this particular observation, which I think is ultimately very far removed from questions of ethics and law, but it

has more to do with questions of understanding and what kinds of interventions, if we decide to try to help people, might be useful ones.

But it has to do with the concept that underlies the Institute, which is that you can think about violence as an epidemic and you can apply some of the techniques that we have applied to other epidemics to understanding how it happens, to understanding its sources, and figuring out how to intervene. That gets people very worried, because when you start using the language of medicine, it sounds as if you are condoning the behavior, and that doesn't have to hold by any means.

All we are talking about here is using the technology of science to understand more effectively. The justification for what you're doing-- We have this throughout medicine: how do we make decisions at the end of life, assist in suicide? Those kinds of issues. There are a host of medical problems that relate to those kinds of questions, but ultimately what you do in those circumstances is a decision for the society to make. All we can do is provide the information to help society make a better decision.

MR. POMPELIO: Yes, I appreciate what you just said. I've seen enough, unfortunately, seen enough murder cases or death penalty cases where to put someone on the stand to try and explain the active aggression of killing, to reduce it to something from purposeful and knowing murder to something which could put in a category, for example, of passion provocation. But I've also seen in death penalty cases where someone will come up with some kind of rationalization why this person murdered five individuals.

My concern is that the expert with the Violence Institute as a part of his credentials makes him much more credible, perhaps, than the guy they bring in from Nashville, Tennessee, and I'm wondering if anybody in your organization has been called upon to testify.

DR. SCHLEIFER: Not to the best of my knowledge. Certainly not in relation to the Violence Institute of New Jersey, per se.

MR. POMPELIO: You understand where I'm coming from on this?

DR. SCHLEIFER: Absolutely, and I would share your concern. The intent is certainly not to use this as a mechanism for undermining what needs to be done in terms of societal values.

MR. POMPELIO: Not your intent, but being a lawyer, I know what lawyers' intents usually are.

Thank you.

ASSEMBLYWOMAN HECK: Dr. Finkel.

DR. FINKEL: Thank you.

I have a few comments on the inner face of domestic violence and children. Obviously that inner section is a very serious one, and although domestic violence and child abuse have been really on the radar screen for the last 20 years, we are only recognizing the serious impact of domestic violence on children who are witnesses to such.

Witnessing physical and verbal aggression affects both the functioning and development of children. When children witness violence, overhear denigrating verbal assaults, see the physical effects of battering

indirectly, or observing bruises and/or lacerations or become the unintended victim, there is a significant short- and long-term cost to the child. The emotional and behavioral outcomes will vary depending, obviously, upon the child's age, sex, developmental stage, and coping abilities.

Mothers living in an environment permeated by extreme stress and fear may also have difficulty with attachment to their infants and be unavailable emotionally to meet their nurturing and caretaking challenges. Externalizing behaviors, which have incorporated the use of aggression in interpersonal relationships, are common in latency-age children as they attempt to control a seemingly controlling world.

Adolescents may escape as runaways or practice the dysfunctional communication patterns that they have observed and learned. While in school, children escape from immediate exposure to violence in the home; although, distraction and inattentiveness impairs their ability to learn and the potential for academic success.

No matter how you look at the issue of domestic violence, children, as well as their caretakers, require the same societal commitment that we have legislated to protect children from abuse. Progress in addressing the issue of domestic violence will only occur when all disciplines work collaboratively to address this issue through education, prevention, and the sculpting of a clear and unambiguous message that battering, whether physical or emotional, is unacceptable and there are consequences to those who perpetrate this abuse.

When we recognize that children are in imminent danger, we wouldn't tell them to fend for themselves. We must now muster the resolve to provide victims of domestic violence the same level of protection we afford other vulnerable populations as well, both the adult and child, and children who witness abuse require and deserve access to treatment services to reverse the serious emotional consequences that are result of being a victim of the abuse of power.

As a pediatrician, I have provided the (indiscernible) sketch only in part to say that physicians are no longer naive or should no longer be naive about yet another form of violence within the home. However, the only way that we in medicine can realize the full potential of the children that we care for is when we partner with you in addressing the issue of domestic violence. And I don't think that the pediatric and family practice community have done enough in partnering with domestic violence people.

So what I can bring to you as a committee (*sic*) is a commitment to ask our New Jersey Task Force on Child Abuse and Neglect to make a concerted effort to bring domestic violence into our committees to help us understand the needs, their language and work together so that we can address all components of the issue of violence that occurs within families. It is not an easy task in terms of finding solutions, and I'm not going to promise you solutions, but I think historically what I have seen is that too frequently, because people in child abuse are so focused on the needs of the child-- People in domestic violence are many times so focused on the issue of the battered

woman or battered man that we sometimes lose the perspective of what the big picture is, and we need to work together.

And so I would welcome and as I see Barbara Price is here today and we welcome her and members of her coalition to participate in the Task Force. And programs-- We have to increase that dialogue.

ASSEMBLYWOMAN HECK: Any questions?

Jackie Marich.

MS. MARICH: Just a comment. The Advisory Council on Domestic Violence has worked in the past with the Child Abuse Prevention Program, but we have established a report on the effects on children of domestic violence. It's quite lengthy. It will be published, it will be out within a couple of weeks. I'm sure you will receive a copy of that, it's quite extensive.

We have not, not seen the needs for children, especially people who operate programs. At least one-half to two-thirds of our population in the battered women shelters are children every year. So we've long known what their problems are, and it's nice to know that some of the medical field will now stand beside us to tell the rest of the community what these children suffer while they are in these homes.

DR. FINKEL: Yes, I mean it just marvels-- I'm just amazed that for children who we know are victims of abuse that we sometimes make as if there is no impact on the abuse on that child, and we think that all we had to do is really protect the child. That doesn't go far enough in the area of dealing with issues of abused children. In the same way, you can't just simply make -- while the mom is protected, she is no longer being battered and figure that

there was no impact directly on that person emotionally or the children who witness it.

Again, all of this requires recognition and more resources so that these children get assessments as well regarding the emotional impact and have access to therapeutic services and not in a willy-nilly fashion.

ASSEMBLYWOMAN HECK: I'm going to ask Lori, and then Barbara to ask.

MS. SCHAFFER: Thank you, Madam Chair. I wanted to make a couple of points. One to reinforce as a program provider what Jackie said about the fact that we have for years recognized the needs that children have. Unfortunately, the way we have been funded, the resources that we have been able to divert to children has really been very small, and that's a problem that, I guess, those who give us money in some way will need to address.

In my particular small county, we've been able to serve 30 to 60 children per year--

ASSEMBLYWOMAN HECK: Tell them which county.

MS. SCHAFFER: Salem.

--depending on availability of counselors to do that, and beyond that we do an education program for fourth- and fifth-grade kids. So we really see that need, and we see a lot of positive results just from those two small pieces we've been able to do.

Additionally, in the southern part of the state, we have been waging a battle with DYFS workers to educate them about the -- just exactly what you said. I would like to be able to copy this (indicating) and give it to

every worker in the southern region, and probably the entire state, so that they would understand the connection. We are going to do a training for 300 DYFS workers in the southern part of the state, in Hammonton, and I think that's a first step for us. That's a separate effort than what your Institute is doing, and maybe that's another indication that it will be great for those of you involved in your effort to intersect with those of us who are already working in those areas, to talk about what we've done and what we can do together.

Thank you.

DR. FINKEL: You know it just amazes me. Yesterday I sort of went on the Internet and just started clicking on domestic violence. The amount of research now that's being conducted and the amount of -- it's just phenomenal. It's great. Yet we still make as it's not the kind of problem that really -- we don't give it the kind of priority that we need to.

Now, we have a long track record of ignoring proprieties as a society, okay. We did it in child abuse, we've done it-- If you think we are far behind in domestic violence, look how far we are in terms of elder abuse.

ASSEMBLYWOMAN HECK: I will point out what Deb Smarth said to me. Look at all the media attention that we are getting. None. This is a major problem, and we need communication to the public at large, but the media is not taking us very seriously yet.

DR. FINKEL: The problem is that when you're a victim, no matter what form of abuse you are a victim of, it's a very stigmatizing and sometimes shameful kind of thing. We, as a society, just don't want to believe

that it happens in our community. Look how long it's taken for us to get people to acknowledge that child abuse exists.

DR. SCHLEIFER: Let me add to that. One of the interesting things that's occurring out of the Violence Institute is that we are beginning to do something that Dr. Finkel has been doing for ages now, that is, educating our own physicians and our own faculty about how violence is an important theme within the University. It's not simply the University taking its programs and developing them further, but it would be silly to say that the vast majority of activity within our University is oriented towards violence.

Until the Violence Institute got started, most people in our University probably didn't give two thoughts about violence, except if they were worried if they happened to find themselves in a neighborhood where they didn't feel safe. What we are beginning to do with this Institute is show people within the University that, in fact, violence is a part of all of human behavior that cannot be ignored. And if you are studying any kind of human behavior, if you are in an emergency room looking at the consequences of trauma, don't think of it simply as an event that has occurred to a particular portion of the bottom, but you've got to recognize that violence itself has to be thought of as this epidemic and as a kind of behavior that can never be ignored even if your particular area of interest may seem pretty far removed.

It's been remarkable how many people have begun to recognize that some of the things that they are interested in either should have been thinking about violence and haven't up until now or maybe actually do have some relevance to violence and they never thought about it because no one

raised their consciences. So what you're trying to do here on this Task Force we are trying to do within our little community in part through the Violence Institute.

The fact that finally people like Dr. Finkel are not going to be alone as physicians who have an interest in violence, if that alone is the contribution that the Violence Institute will make in terms of educating-- Remember now, we educate so many of the future physicians and dentists and nurses in the State of New Jersey. Those folks are not going to get out of medical school or dental school now without learning something about violence, and that's also what we are trying to do.

ASSEMBLYWOMAN HECK: Well, that's important.

Barbara.

MS. PRICE: I refute the opportunity to ask a couple of questions. It's very hard to sit back there and not--

ASSEMBLYWOMAN HECK: She's an advisor.

MS. PRICE: I'm only an advisor, so I'm not allowed to even sit up here.

DR. FINKEL: I've been in that position.

MS. PRICE: And I appreciate your comments, Marty. We've been working together for a number of years.

Marty did a workshop for us at a conference we did years ago on the difficult custody case. He and I just spent almost a year living together on the blue-ribbon panel for DYFS. I have to say that you shouldn't feel bad that the media is not paying a whole lot of attention. They didn't pay a whole lot

of attention to the issues that we were looking at either, except to find out what we were going to say about child abuse--

ASSEMBLYWOMAN HECK: I meant as a whole.

MS. PRICE: I know. They haven't really given a lot of attention to the blue-ribbon panel recommendations either. Also, the report that is coming out from the Advisory Council is -- pretty much of it is incorporated in the blue-ribbon panel report in its recommendations on domestic violence.

If you don't mind, I would like to prevail for a moment, and please feel free if you don't feel that you can answer these questions fully. But I was looking over some of the biological mechanisms in violence in your book, and I guess some of the question I have-- One of the things it says in here that you're going to -- clinical measures for the dimensions of violence will be developed -- and pilot studies -- to determine whether the measures can distinguish behavioral biological or genetic phytology factors. And that you are going to cross-reference that to people who are violent and psychological measures and studies that have been done.

I guess one of things that I wanted to ask about that approach was there is a new book that has just come out issued by the CDC National Research Institute on a lot of the research that's been done around domestic violence. Some of the problems that they found with the research -- and I'm talking more of the not biological nature. Some of the problems that they found was that when the research was done, you're really comparing apples and oranges because people weren't using the same definitions of violence. We constantly fight this battle in the domestic violence community with some of

the early research that was done and the people who continue to go back to that. Even Murray Strauss has come out and said that his stuff is getting interpreted wrong, that wasn't what he meant, and that wasn't how the research was done. He's constantly justifying it to prove that there is no violence against women, that women are just as violent as men, etc., etc.

So I guess I'm wondering how you are going to perceive looking at those biological results and comparing it to research that, at this point, is in question in some cases and where it certainly has not got uniform definitions or information or has been done in the same manner.

DR. FINKEL: Barbara, I think you're highlighting what is a problem not only in research on violence, it's a problem in any kind of research -- even research in physics. Folks don't necessarily agree on what their definitions are of what they are really looking at, but certainly, in anything that touches on the social sciences, so many of our measures are designed for a particular population that we are looking at and to address a particular question. So this is a fundamental problem that occurs in any kind of research. The key really is for the researcher, for the scientist to understand what the limitations of any particular measure are in any particular definition. Where we have fallen down -- which is I think what you're really speaking to and I have great concerns because it gets back to the question of what people in a court of law might do with the information -- is how we publicize results, how we try to reign in the enthusiasm of people hearing about one particular study that may be of tremendous significance, but everyone wants to be out there and run with it and turn the whole world around in terms of how

programs should develop. Our job is as much to try and define for people hearing about what we're doing what the limits are in interpreting that information.

What's needed -- and this gets back to another function of the Institute, the clearinghouse function so to speak, the idea of being able to bring together all of those studies and have somebody who will not just talk about one particular study, Study A, but have the expertise to say, Okay, this is the range of studies. We have brought them all together. These are the gaps, these are the places where one study confirms another study. This is where they appear to contradict each other, but they may not because they are measuring apples and oranges.[@]

It's an enormous challenge, and I share your concern about any observation being distorted, particularly because of the excitement about it.

MS. PRICE: One of the problems we've seen, and certainly this bears out in the court of law, is that while-- Just for instance -- and I'm not saying that this is the case but-- For instance, you may find the same reactions in brain chemicals in men who are being aggressive towards their wives and in their reaction to try and defend themselves. But if he is six foot four and she is five foot two, and he weighs over 250 pounds and she only weighs 100 pounds, if he pushes her, there is going to be a very different result than if she pushes him.

So that is part of it. That's part of what happened with Murray Strauss's work. Women were just as aggressive because maybe she threw a towel at him, but he punched her with his fist. They were both aggressive,

perhaps, but the results were very different, and that isn't what was looked at. The other issue is -- and we've been this route because we have done amicus briefs on cases where women have been tried for killing their abuser is that the test for reasonable self-defense is what a reasonable man would respond -- how a reasonable man would respond. A reasonable woman frequently, because of the differentiations in size, in volume, and power, may choose to respond in a different way than a reasonable man would because their same approach wouldn't get the same results. We've been that route, and that's how that gets interpreted.

I'm also glad to hear that you are providing training to people in your own community because part of the problem in doing research is, if the people who are actually interacting with victims -- the person on the front line in the emergency department, when that victim walks through the door, doesn't know how to interview a victim, doesn't know to separate her from her abuser who is standing there saying, *AShe fell down the steps, and I'll take care of her. Just tell me what to do,*@ and she never gets to tell you what happened by herself without any fear, then you're again not going to get good research results because you are not even going to have identified the victim to begin with. So I am glad to see you're going to be doing some of that training.

DR. SCHLEIFER: You know, I think that domestic violence is a disease, just like child abuse is a disease. If you are a doctor, you have to understand the dynamics of victimization just like you have to understand how diseases unfold. These skills are not intuitive, and so, giving student doctors and residents the language of how to communicate, how to be suspicious, how

to ask questions and then having them educated as to the framework in which to put that information will then get a different response.

I want to be careful that the question here is -- not really underlying, but unasked question is not whether there should be research or there shouldn't be research. I mean there should be research. There is a long tradition of distorting information to whoever's benefit it might be. That's in every single arena. So I think research is important. It has to--

ASSEMBLYWOMAN HECK: I think everyone believes that research is important Dr. Finkel. But the point is over the years they have seen so many disparities and that research is only done to prove the opposite of what has happened. What you and I and what everyone here is concerned about is the victim, be it a man, woman, or child. We are concerned about the victim and moving to saving that person more pain and what has been said, revictimizing the victim, so many times.

One of the questions I'd like to ask you is what came up before and the fact of risk assessments as far as children's visitation to a parent who has a restraining order against them and who should -- what the criteria is, and we found out there is no criteria on the person making that risk assessment. So children are put in harm's way through the courts because someone who is not quite -- it might be a probation officer, let's say, is doing a risk assessment on a child who might be visiting a parent who is very physically abusive to a parent, puts the child in danger.

I would like to ask you to consider and perhaps put this in writing to us later on -- because we are trying to ascertain what criteria we should use

or who we should use in the courts to make an evaluation on whether or not a child, one, can visit that parent with or without supervision or, two should not be allowed any visitation. This to us is very important because we see that children are being dragged kicking and screaming to stay with a parent who is abusive. We have seen that in many cases where the person is a professional who has lots of money and who can get the best attorney they can get and the other parent, because of the situation, is left with no money to hire an attorney to not only save herself, but save -- herself or himself -- but save the child or children from further pain. It seems to be happening more and more often, and we're concerned about protecting the child because they are the littlest victims.

DR. FINKEL: Let me just first say that as a way of disclaimer, I am not an expert in domestic violence. I'm not going to--

ASSEMBLYWOMAN HECK: But you are in children.

DR. FINKEL: Well, I have made this--

ASSEMBLYWOMAN HECK: More so than a probation officer, Dr. Finkel.

DR. FINKEL: I agree with what you have to say. What I'm going to suggest is that maybe Barbara and I can talk and work on something that can resolved (*sic*) in crafting some recommendations. I think that-- I understand that the courts -- family courts in particular -- are going on to some kind of reorganization and that they may be open to some kind of reeducation. So if we can provide tools that are acceptable and get them educated -- and all of us educated, DYFS workers as well -- we need to do that.

So, Barbara, we will connect after this meeting and do that.

MS. PRICE: Rose, I have to say that on the blue-ribbon panel, Marty and I were probably the most outspoken people about having qualified people making assessments in any area, whether it was child abuse -- certainly child sexual abuse. I would include in that the assessments for children who are witnesses of domestic violence and certainly anyone who is doing an assessment or giving expert testimony about domestic violence. But we made a lot of comments about that and endless discussions about that area--

ASSEMBLYWOMAN HECK: We have the opportunity now to make a change, Barbara, so through this particular Task Force-- As we have said before, we have seen the threat between domestic violence and child abuse, and we recognize that something has to be done, and we are reviewing all of those laws. We have an opportunity not only to make recommendations to the courts, but to put together new laws that we will make sure that those things happen.

Lori.

MS. SCHAFFER: I just wanted to suggest that perhaps as we are considering the training that is so badly needed by judges that, perhaps, a recommendation that might come from this group is some minimal level of training for DYFS workers, whether they are new to the system or already involved in providing those services.

ASSEMBLYWOMAN HECK: That's fine.

Any other questions for these two gentlemen? (no response)

I am so pleased that you took the time to come and testify at the Task Force hearing. It's very important, and we'll make sure that you get copies of our reports, and if there is anything more that you think of after you leave here, we are open to all suggestions.

DR. FINKEL: Thank you.

We all share a passion to help our most vulnerable citizens, and this is all part of an important process.

ASSEMBLYWOMAN HECK: Absolutely.

DR. FINKEL: All of us are frustrated by our inability to move forward at the rate that we would love to.

Thank you.

ASSEMBLYWOMAN HECK: Thank you very much.

One other thing I wanted to mention to the Task Force is that we have a meeting on the 24th of April, you know that. I have asked Tasha and I am asking Miriam Bavati to ask that all the transcripts of our hearings be put together, together with the suggestions that we made, which were not transcribed, at the AOC, the Administrative Office of the Courts, when we reviewed the registry and the court education, etc. That all that be put together, and we try to have everything to us a week before, and then we come together on the 24th and have a roundtable discussion on the finalization of that report. Put together the rough draft. Meet one more time to look at the rough draft, and then put a date together with the Speaker to make a formal and public presentation.

Is that agreeable? (affirmative responses)

I know that the people making the transcriptions have pain because they have so many things they are transcribing. But, again, because we have a short time frame by our resolution to put all of this together, we have to insist that we get it completed because this is a major happening, and I think it's also important because it kind of ties in with the blue-ribbon panel report.

Thank you very much, this meeting is adjourned.

(MEETING CONCLUDED)