

# The Advocate

Renewal House, Fall 2016

## OVW's Enhanced Family Courts Bring Back Mediation, Endangering Women and Children

National Domestic Violence Law Bulletin, July 2016

If you wait long enough, every bad idea comes back, often clothed differently. This time it is DV mediation, the way police were originally trained to handle all DV incidents in the 1970s. Now mediation is back, but this time supposedly for the “sake of the children.” Since 2013, the Office on Violence Against Women has funded four Family Court Enhancement Projects in Chicago, Delaware, Minneapolis and Portland. As a Chicago judge explained to the *Chicago Sun Times*, “For many years, there was an assumption that DV cases involved two people—the perpetrator and the victim. There is a whole other aspect to this family—the little ones.”

Officials and advocates, he explained, came to the conclusion that courts were “selling the kids short” by not specifically addressing these kinds of issues. These issues, apparently, no longer included an old one called “**victim safety**” because these courts have brought back mediation, even after they have determined that there is clearly a predominant aggressor. Apparently all the long years of research that shows mediation does not do anything but empower abusers in these situations, further entrapping victims and children is yesterday’s news and no longer to be considered.

Safety now takes a back seat again because these courts focus on keeping the criminal abuser in the babies’ lives. Apparently, the huge overlap between DV and child abuse is no longer a concern either. A judge reassures that he and his colleagues are trained to identify factors whether or not someone poses a serious threat to the safety of a child, “things like guns, weapons or drugs....” Apparently, as long as an abuser is sober and does not have easy access to weapons, that is all that is necessary for the family enhancement.

**In other words, we are back to the old belief that just because a father beats up the mother of his children, that has little bearing on his being a loving, nurturing model father for his children.** For this reason, the Enhanced Family Courts have child relief “expeditors” who work with the victim and batterer to come up with a plan for visitation. As the expeditor from Cook County explained, “They (the victim and batterer) walk out of this court house, and they have an order of protection, but they are still parents, and they need to argue out the details.”

As has been evidenced by long experience, letting abusers and their victims “figure out the details” will not only continue to subject the adult victim to continued abuse and subjugation, **but will ensure that the next generation is**

**scarred for the rest of their lives, too.**

Advocates supporting these courts argue that many DV victims want their attackers to remain in their children’s lives. The research is also clear that this is so. This is also why victims typically do not call police or seek protective orders after the first few incidents: for the sake of their children. It is also true, however, what then brings them to finally call police and file for orders is they come to realize that **the abuser is not using access to benefit his children, just himself and his ability to exercise control over his victims.**

Most victims do not want to believe that someone they loved once, much less the father of their child, represents a threat. Some victims cannot afford to recognize the danger they and their children face because they know they face homelessness and poverty if they leave their abuser. The largest study of women almost murdered by their abusive male partners found that the majority did not believe they were in danger before they were almost killed. One would hope that the Office of Violence Against Women, advocates, judges, prosecutors and child protective workers would be more realistic.

## Go Purple: Shine the Light on Domestic Violence!

“Shine the Light on Domestic Violence” is a campaign that connects communities across New York by turning the State purple during October, Domestic Violence Awareness Month.

This is the ninth year of the campaign and it has grown every year! From skyscrapers to bridges and storefronts to shopping centers, purple lights illuminate the nights of October.

This year, the national **Wear Purple Day is October 20th**, but you can wear purple any day during the month. Or all month long! And please tell people why ending domestic violence is important to you.

Please join us in any way you can. Tell us (Renewal House) what you’re doing by posting on our Facebook page.

**You could be helping to save a life. Don’t do nothing!**

October is Domestic Violence Awareness Month in New York State and across the nation.

Renewal House will have a table of information for the public to view and/or take during the month of October at the Department of Social Services and at the County Court House.

## Annual Dinner—October 12th, with silent auction

We invite the community to join us on **Wednesday, October 12th** at the Gran-View Restaurant in Ogdensburg for our annual recognition dinner.

Cocktails will begin at 5:30 p.m. with dinner served at 6:30 p.m.

Our program, entitled **Serving Victims, Building Trust, Restoring Hope**, will immediately follow.

The cost is \$50 per plate and the entree choices are:

Prime Rib

Roasted Stuffed Boneless Breast of Chicken

Broiled Seafood Platter (shrimp, sea scallops and haddock)

Vegetarian (grilled confit portabella mushroom or a pasta dish)

Please let us know your dinner choice when you reserve your seat.

Guest speakers are:

**Judie Trimboli**, a Senior Investigator with the NYS Police, assigned to the newly formed Campus Sexual Assault Victims Unit for Troop B. This unit was formed at the direction of Governor Andrew Cuomo to help combat sexual violence on college campuses.

**Michelle Carroll**, the Campus Coordinator with the NYS Coalition Against Sexual Assault (NYSCASA). She works with students, advocates, and college administrators from across the state

on collegiate anti-sexual assault issues. She also manages NYSCASA’s New York State Campus Consent Coalition program.

**Please RSVP by October 7th.**

If you are interested in **reserving a table of 8**, please call Ilene at 315-379-9845.

A **silent auction** will be taking place throughout the evening.

If you would like to donate an item or items for the **silent auction**, please call Ilene or Shari.

All money collected will go directly to assisting victims of domestic violence and sexual assault in St. Lawrence County.

## Speak Out! October 19th at SUNY Potsdam

Each year, Renewal House partners with SUNY Potsdam to provide a time for students to hear directly from a

survivor: a time when a survivor speaks out as a “voice” for victims. This year they will hear from an incest survivor.

The event will be held in Kellas Hall, Room 102 from 5—6:15pm.

## Hunter’s Widow Bash!

On Saturday, October 15th, the Elks Club in Ogdensburg is hosting a Hunter’s Widow Bash starting at 3pm. Admission is \$5.

There will be vendors, a silent auction, 50/50 raffle and drink specials.

Proceeds will support Renewal House and Safe & Sound with Amaya.

Dress in your CAMO or BLAZE ORANGE!

**Yoga Fundraiser for Renewal House**

On Saturday, November 19th, the Trillium Center for Yoga and Health, LLC, located at 25 Market Street in Potsdam,

will host yoga classes with live music accompaniment to benefit victims/survivors who seek services at Renewal House.

For more information, please visit [www.trilliumyogacenter.com](http://www.trilliumyogacenter.com) or contact Shannon Miller at [shannon@trilliumyogacenter.com](mailto:shannon@trilliumyogacenter.com).

**Amazon Smile**

When you shop at AmazonSmile, Amazon will donate 0.5% of the purchase price to St. Lawrence Valley Renewal House for Victims of Family Violence, Inc.

<http://smile.amazon.com/ch/16-1182249> and support us every time you shop.

Remember this through the holidays!!

**Donate NOW**

Justgive.org offers a free online donation function to enable our donors to give online.

You can make a donation to Renewal House by visiting our website at [slvrenewalhouse.org](http://slvrenewalhouse.org).

Bookmark the link

**Wish List**

Personal care items—shampoo, conditioner, toothpaste, toothbrush, soap, and deodorant

General supplies—cleaning products, laundry detergent, toilet paper, paper towels, tissues, light bulbs, batteries, trash bags, etc.

Bath and Kitchen towels, bedding (twin), pillows and crib bedding

Kitchen items

Non-perishable foods for pantry

Adult and children’s underwear (new), socks, sweatshirts, sweatpants, pj’s, etc.

Winter items such as hats, mittens, and boots

Gift certificates or gift cards for phone, gas, grocery stores, etc.

Disposable diapers and wipes

**Adopt a Family Program**

The Adopt a Family Program began in 2003 and has been a tremendous success each year because of such a generous community we live in.

This is how it works. Each donating family or organization is matched with a family who receives services from Renewal House. We share with you the families ‘wish list’ of

items. You will know the gender, age, and clothing size of each family member. Plus any other wishes they may have, such as toys, etc. You certainly may purchase all of the items on the list, but know that you don’t have to. Once you have completed shopping, we ask that you do not wrap the children’s gifts, so that the parent can wrap the gifts for

their children. Please remember to include wrapping paper and tape.

The deadline to drop the gifts off at Renewal House is December 9th.

If you are interested in adopting a family during the holiday season, please call our office at 315-379-9845.

**The New York State Domestic Incident Report: Revised**

The Domestic Incident Report (DIR) must be completed by all NYS police officers responding to a domestic incident. Upon completion, all DIRs outside NYC are sent to the NYS Division of Criminal Justice Services (DCJS) for inclusion in the Domestic Incident Report Repository (DIRR), to be used by dispatchers, police, DAs, and community supervision agencies for cross-jurisdictional information, officer safety, investigations, prosecutions, and

supervision. The NYS Office of Victim Services (OVS) also uses the DIR for victim compensation cases, and civil legal services attorneys use them to support their clients’ needs.

The DCJS Office of Public Safety consulted with OPDV, the NYS Office of Information Technology Services (ITS), and a working group including OVS, the NYS Dept. of Corrections and Community Supervision, NYS Police, NYPD,

local prosecutors, law enforcement, probation, civil legal service attorneys and advocates, to develop a new DIR form, which was rolled out statewide in April 2016.

The new form provides more accurate, accessible information about DV cases and ongoing patterns of abuse, and aims to enhance victim safety and offender accountability.

**Services Offered at Renewal House**

**Renewal House** provides a variety of services for victims of domestic violence and sexual assault in St. Lawrence County.

All services are free and confidential. Services include:

**24-hour Crisis Hotline:** Staff and volunteers are available 24 hours a day by calling **379-9845**.

Regular office hours are 8 am - 5 pm, Monday through Friday. If it is not an emergency and you would like **to leave a message, call 379-9878**. We will get back to you as soon as possible.

**Individual Counseling/Emotional Support:** Short-term individual counseling in a non-judgmental atmosphere that acknowledges a person’s ability and right to make choices. Help is available to consider options and plan for safety. Home visits are provided if needed.

**Campus Advocacy**

Our Campus Advocate provides direct service, trainings, and presentations for all colleges in St. Lawrence County. We are currently at four colleges that are generously sharing their space with us:

Clarkson University, Tuesdays, 8:30—4:30pm, Education Resource Center (ERC),

**Support Group:** A facilitated self-help group for victims and survivors of domestic violence providing mutual support and understanding from others who have been abused and who share something in common. It has helped many victims feel less isolated, get useful information, and develop a safety plan. Transportation is provided if needed.

**Children’s Program:** Recreational/Support group to help children understand what abuse is and to give them a chance to talk about their feelings. Children are reassured that the abuse is not their fault. Individual counseling is also provided.

**Safe Housing:** 24-hour intake for emergency, temporary shelter for domestic violence victims.

**Advocacy:** Assistance in obtaining orders of protection,

Student Health and Counseling Center (SHAC), Suite 1300

SUNY Potsdam, Wednesdays, 9—5pm, Van Housen Ext, Room 390

SUNY Canton, Thursdays, 9—5pm, Payson Hall, Room 207

pressing criminal charges, and working with law enforcement. We also help in obtaining emergency assistance from Department of Social Services, Office of Victim Services and other community programs.

**Sexual Assault Nurse Examiners:** Specially trained medical professionals providing compassionate, knowledgeable assistance to a victim of a sexual assault.

**Community Education and Outreach:** Presentations are available for any public or private group, school, business, or agency.

*Renewal House prohibits the discrimination or harassment of any person based on race, sexual orientation, gender, gender identity or expression, religion and national origin.*

St. Lawrence University, Fridays, 9—5pm, Bewkes Science Hall, Room 323

SUNY College of Environmental Science and Forestry. Although we do not have a dedicated space, we are currently providing training to all students, staff and faculty. All services are available when requested.

**BOARD OF DIRECTORS**

Alan Mulkin, *President*

Stephanie Gilbert, *Vice-President*

Natasha Hill, *Secretary*

Mary Coakley, *Treasurer*

Lee Scaggs

Marnie Salisbury

Kimberley Trombley

Ann Petroccione

JoAnn Rogers

Maryna Smith

**Executive Director**

Ilene Burke

**Program Director**

Shari Fawcett

**STAFF**

Kelly Forsyth

Valarie Dana

Alison Wells

Angelica Soto

Kaylean Contento

Megan LaSala

Katrina Gearhart

**Sexual Assault Nurse Examiners (SANE)**

**Coordinator**

Darlene Lynch

Emmy Stevenson

Kelly LeCuyer

**Volunteers/Interns**

# Community Support

## Donor Appreciation Report

*Thank you for your support!*

Allen, Tracy	Glover, Patricia	Patterson, Kayla
Alpha Phi Omega—Clarkson University	Green, Janet	Phillips-Leblanc, Shelley
Alzo, Michael	Greene, Ann	Plimpton, Sandra
Baker, Alyssa	Harloe, Margaret	Pomainville, Lily
Baltus, Ruth	Harvey, Nikki	Potocar, Trish
Barthelmess, Erika	Hedgeland, Mark	Potsdam Central School
Beamis, Tammy	Heuvelton AMVETS	Potsdam Elk Lodge #2074
Beekman, Pete and Barbara	Heuvelton AMVETS Ladies Auxiliary	Rabideau, Jennifer
Besaw, Kurt	Hill, Natasha and Mark	Raymond, Lois
Bigelow, Dora A.	Hill, Kenneth and Teresa	Rivezzi, Rose
Blackmon, Rebecca	House Jr., Charles	Robert, Susan
Bleu, Darlene	Hundley, Joan	Rosenbarker, Sharon
Bos, Maegan	Hutchinson, Helen	Santamont, Brooke
Bowden, Mary	James, Michele	SeaComm Federal Credit Union
Brownell, Janet	Jenne, Tina	Scruggs, Dr. Carl
Canton Area Zonta Club	Jenne and Carr Insurance Agency	Seymour, Donna
Catholic Charities of the Dioceses of Ogdensburg	Jennings, Michelle	Shelly, Joey
Community Bank, Black River	Jones, Verena	Short, Samantha
Community Bank, Boonville	Jones, Mr. and Mrs. Dennis	St. Lawrence County Masonic Charities
Community Bank, Canton	Jones, Larry and Judy	St. Lawrence Federal Credit Union
Community Bank, Heuvelton	Jones, Eugene and Mary	Staples, Brian
Community Bank, Ogdensburg	Kuenzler, Julie	Street, Sally
Community Bank, Potsdam	Larsen, Joan and Ronald	SUNY Canton College Association, Inc.
Crowe, Michael and Kathleen	Larue, Larry and Linda	SUNY Potsdam Harry Potter Alliance
Dailey, Luke	Leavitt, Carolyn	SUNY Potsdam
Danko, Morgan	Lidback, Judith	Thacker, Debora and Robert
Davis' Country Cabins	Liholt, Joyce	The Mattesons
Day, Ronald and Shelia	Lowes, Ogdensburg	Todd, Kirk and Patricia
Degroat, Judith	McCarty, Linda	Tosti, Jody
Deon, Marsha	McIntosh, Ron	Trithart, David
Derouchie, Daniel	McIntosh, Marion	United Methodist Women, Ogdensburg
Drake, Sheri	McIntosh, Mary	Upham, Joan and Jack
Dunn, Margaret	Meade, Ashley	Voisin, Erin
Family Dollar, Canton	Mielke, Chuck and Wendylee	Wallace, Judy and Jim
Fassinger, Joanne	Mondragon, Cecilia	Ward, Alan
Flack, Debbie	Mulkin, Alan and Kate	Watson, Brian
Fryinger, Char	Nicandri, Lois	Whalen, Michele
Funkhouser, Sandra	North Country Agency	White, Carolyn
Furgal, Pat	North Country Savings Bank	Young, Tom and Suella
Gagnon, Patrick and Patricia	Northside Community Church	Zonta Club of Ogdensburg
Galaini, Alexis	NY State Nurses Association	
Gardner, Shirley	O'Neil, Karen	
Girgis, Helana	Opdyke, Carol	
	Patenaude, Joann	

Renewal House recognizes the businesses, organizations, and community members who generously support the adults and children who seek services at Renewal House by donating money, items, or time. The names listed on this report are from donations received since our last newsletter.

## Colleges recognize some sexual assaults, ignore most dating violence

By Jessica Klein, National Domestic Violence Law Bulletin

Sexual assault on college campuses across the U.S. has been a hot topic for some time now, gaining momentum as an important issue especially within what feels like the past year. Schools have felt the pressure to enforce Title IX, survivors and advocates have spoken up (like the Columbia student who carried around the mattress on which she was raped from class to class), and the media has been paying attention. In early June, a survivor who was assaulted while unconscious by a Stanford freshman had her statement regarding the assault published online, where it was seen by millions.

The perpetrator in this case, a “star swimmer” at Stanford, Brock Turner, received a six-month jail sentence, probation, and a spot on the sex offenders’ registry. Considering the heinous acts he committed and the fact that the maximum prison sentence for them was 14 years, that is not much of a sentence, but the judge figured Turner’s age, his “remorse,” and the fact that he had no previous criminal record justified the minimal sentence. This is the same kind of “logic” we see with DV on college campuses, although general dating violence receives much less attention.

Though DV has often been lumped together with sexual assault in terms of college disciplinary rules, it is the latter that gets much more press. In searching the news for mentions of DV on campus, you are often led to stories about student athletes...because these stories affect the teams these athletes

are on, it seems, more so than because of their impact on the victims and society at large. The articles discuss these instances to shed light on the current college sports season, not so much to highlight the problem of dating violence amongst students. If anything, a resounding question that pops up across these articles, is: *Are these kids really dangerous to others, or did they just make a single, childish mistake?*

For example, Mississippi State admitted a freshman, Jeffery Simmons, who prior to starting college hit a woman multiple times while she was lying on the ground. The act was caught on video, and the county ended up charging Simmons with simple assault (no DV attached). His admission to the school, and the football team, meant that he would have to sit out one game during the season. I mean, he was just a kid, after all—not even in college! Maybe he will never do it again.

Moving over to Illinois basketball, guard Kendrick Nunn physically attacked a woman, pleaded guilty to a misdemeanor battery charge, and had to do community service, enter a batterers’ program, and write an apology letter to his victim. Will Illinois let him back on the team? He cannot be that dangerous if all he really had to do to repent is a bunch of community service (and pen an “I’m sorry for attacking you” note). Meanwhile, another member of the Illinois college basketball team was charged with DV battery, then brought right back onto the team as soon as the charges were dropped (literally one day after).

At least the attention paid towards DV in college sports is mounting. Last May, the Southeastern Conference decided it would not take any transfer students who had to leave their previous schools because they committed DV and/or sexual assault. That’s 2015 we are talking about. Statistics all the way

back from 2007 put 21% of college women in abusive relationships, with 32% of college women reporting violence by a past partner. If you fast forward to 2012, other statistics put about one third of college women in abusive relationships (past or present), while 43% reported experiencing some kind of abusive behaviors in their relationships, whether they’d been physical or psychological.

From that same group of stats comes another highly concerning one. Of the college students surveyed, 57% of them said it was “difficult to identify dating abuse.” Perhaps this accounts for the relative silence when it comes to campus DV. A lot of it goes on behind closed doors. Most sexual assault surely does, as well, but it is easier to intervene when a Brock Turner sexually assaults a clearly unconscious woman behind a dumpster than it is when a victim is assaulted within an abusive dating relationship.

Not only is it apparently difficult for fellow students to identify dating violence, it is also a struggle for college faculty and staff, especially if they find it easier and better for the school’s reputation to ignore it. There have been multiple reports of young women telling deans, program coordinators, etc. about their abusive partners (who are also their peers), only to be told that it is an issue they have to resolve on their own. A strong sentiment seems to be that DV at college is a student/student problem, not an administrative one. Survivors have been told to transfer to a different school if they do not feel safe at the ones they attend with their abusers. They have been told that couples get in fights, and they will get past it. They have learned that their health and safety is not a priority time and time again.

This harkens back to an era in the U.S. when there were no laws regarding DV. Instead, it was considered a husband's right to abuse his wife because it was a family matter, and there was no place for the law to step in. This begs the question: Are college campuses stuck in the 19th century when it comes to DV?

Maybe not quite, but they certainly do not seem like they have made it to the 21st.

### DV and the Law

by Andrew Klein, National Domestic Violence Law Bulletin, July 2016

DV risk instruments are useful gimmicks.

Massachusetts was the second state to create civil DV protection orders back in 1978. I was a young probation officer back then, completing graduate school. I decided to do my dissertation profiling the abusers brought to court for DV. At the time, no one really knew who these men were. According to their own testimony, they were great guys who had just lost it, blown their corks, or were otherwise provoked by their wives or girlfriends. They all assured the judge that they would never do it again. Because the orders were civil, not criminal, it never occurred to judges back then to look up the alleged abusers' criminal histories.

After my court amassed 500 or so orders, having access to their criminal histories, I did. It was a laborious process back then because nothing was computerized. What I found, of course, is no surprise now. There was nothing civil about these "civil" abusers. The vast majority were no strangers to the court's criminal calendars, averaging 13 sets of criminal complaints from drunk driving to attempted murder. So much for what some still claim that DV is mostly "situational" abuse.

Their DV was part and parcel of their overall criminal behavior.

I then followed these abusers for a year to see who violated the orders or were arrested for new DV after the orders expired or were dropped. Although I did not know it at the time, this was the first attempt to calibrate risk for re-abuse based on actuarial data. What I found has since been found in a hundred subsequent studies involving abusers in many different contexts. Those with the greatest number of prior criminal complaints for anything, not just prior DV, and those who were younger were the most likely to re-abuse. Admittedly, relying on court records to determine re-abuse greatly underestimated real re-abuse because victims do not always report order violations and police do not always arrest for DV.

The good news was that if the victim brought a 50-year-old or older abuser to court who had no criminal history, she was not very likely to be re-abused (at least as measured by new court involvement). The bad news was very few abusers were that old and had no criminal record. Most fell into the high risk category: under 50 with prior multiple arrests. Worse, while half re-abused within a year, subsequently I found almost two-thirds re-abused if you tracked them over the next decade.

That is why I cannot get too excited about all of the fuss over risk instruments to determine re-abuse, injury, order violations, danger, or lethality. The challenge is not determining risk for abusers, at least those who come to the attention of the police or courts. Barring intervention, their victims are at risk for re-abuse (unless, of course, the abusers move on to their next victims). The real challenge is stopping the abusers from

re-abusing. The challenge is getting police, prosecutors, judges, probation and parole officers, as well as physicians, in emergency rooms, child protective workers, the media and counselors to take DV seriously.

Correctly calibrated risk instruments are really just gimmicks to get responders to take DV as seriously as they should. A lot of police use lethality risk instruments to determine whether or not they should advise victims to seek assistance. Research suggests that these law enforcement lethality assessment programs work to reduce re-abuse. However, they work not because of what victims do after police advise them they are in danger or because the local DV agency services have magic wands to make them safe: These programs work because they reveal the abusers' danger to police and prosecutors who then are more likely to arrest, charge and prosecute the abusers. Judges are more likely to jail them.

The first large evaluation of law enforcement lethality assessment was completed for several law enforcement agencies in Oklahoma. It found that the program got more victims to connect with DV services. More importantly, it found that their abusers were more likely to be "unavailable" to re-abuse them. Jail does that for abusers: It makes them unavailable to re-abuse. Their unavailability makes it more likely that their victims will be able to access services and get their lives in order and extricate themselves from their abusers. Not vice versa.

Victim services are wonderful and necessary, but alone they cannot keep victims safe. **If victims were in control, they would not be victims.**

## Florida High Court Holds Judge Somewhat Accountable for Jailing DV Victim

National Domestic Violence Law Bulletin, July 2016

A Seminole County, Florida judge, Jerri Collins, was ordered to attend anger management and DV classes after she was caught on camera screaming at a DV victim in court. Worse, she then sent the woman to jail for not appearing at her alleged abuser's trial.

The judge had bargained with a judicial conduct commission for only a reprimand, but the high court went further.

The matter became a public issue when the video of the judge's actions went viral on the Web. During a contempt of court hearing in July, the woman told Collins she had been having anxiety for months after she was attacked by the father of her child. The judge mocked her, retorting "You think you're going to have anxiety now? You haven't even seen anxiety!" The woman had previously told a victim advocate that she could not face testifying at a trial and just wanted to move on with her life. Subsequently, she did not show up at her alleged abuser's trial.

The Florida Judicial Qualifications Commission recommended a public reprimand against Collins, but the Supreme Court held that judges should be held to a higher standard. According to a former judge, the Florida High Court has recently upgraded punishments for judges who misbehave. The same judge said that Collins's punishment should serve as a warning to other judges.

The message would have been clearer if Collins had been removed from the bench. While

untrained judges may have some excuse for being ignorant about DV, they have no excuse violating a person's constitutional rights, no matter how angry they may be.

After Collins jailed the victim without a hearing, another judge released the victim and a third cleared her record.

## New York Attorney General Gets Store to Help DV Victimized Employee

National Domestic Violence Law Bulletin, April 2016

A New York manager at Bon-Ton sent an employee home when she revealed that her estranged husband had threatened her life the day before. Later she was told she could not return until she got a protective order against him. At the time, there was a warrant for the husband's arrest.

The employee contacted the Attorney General's hotline. After investigating, the AG got the store to settle without admitting wrongdoing. The store paid the employee for the missed work and put together a safety plan for its employees, allowing the employee in question to park closer to the store, have access to a safe room and cell phone should her husband come to the store.

Experts on workplace discrimination hailed the settlement as an important step in protecting DV victims. New York City law prevents employers from firing or otherwise punishing employees on the basis of their having experienced DV. New York State does not have a similar law.

The victim explained the importance of the City Law and its enforcement by the Attorney General's Office. She had been counting on the job to take her

mind off her fear and get back to normal. Instead, by forcing her to miss work, the store elevated her emotional distress, adding fear of loss of income to fear of her husband.

Being sent home re-victimized her all over again.

Advocates said all companies should have a policy in place to help DV victim employees and not leave it to lower level managers making ad hoc, often wrong, decisions. Sending a threatened employee home adds to her danger, not to mention emotional distress and insecurity.

Experts point out that most state laws do not require employers to allow all victims to return to work, especially if it endangers others, but in such instances, the employer should seek alternatives to assist the victim.

## Massachusetts Certifying Agency Replaces Batterer Program With Nicer Name

National Domestic Violence Law Bulletin, June 2016

Massachusetts, one of the first states to require certification of batterer intervention programs for court mandated defendants in 1991, has just eliminated its certified "Batterer Intervention Programs." In its place, the certifying agency, the state department of public health, has established "Intimate Partner Education Programs." The changes were recommended by a large commission of advocates from Jane Doe, the state DV coalition, and what were referred to as "experts in the field."

The word "batterer" has been eliminated as result of concerns expressed by "multi-disciplinary teams in related fields." The term is thought to be too "punitive" and "stigmatizing" and, the commission asserted, would discourage self-



referred abusers from the program who had not necessarily physically assaulted their partner, but wanted help in other abusive behaviors within their intimate relationships.

Advocates apparently agreed to the change because of their commitment to a broader definition of DV now popular as “coercive control,” not just physical assaults. The newly named program is still 40 weeks. The standards still require partner contacts. Groups are still segregated by gender. The new program standards also strengthens procedures for victim confidentiality, includes new risk instrumentation and adds a substance abuse curriculum, as well as establishing new standards from program staff and requirements for culturally and linguistically appropriate services.

The original pioneers of batterer programs are probably shaking their collective heads. Batterer programs were begun in the last century founded on the belief that those who engaged in DV were real criminals and deserved to be considered as such. Battering, it was held, was not a disease or an addiction like drug addiction, or a symptom of mental illness. It was criminal offending that required society’s absolute, collective condemnation so that both the batterer and the victim understood that the behavior was intolerable.

When the first DV court in Quincy, Massachusetts invited one of the early batterer programs (EMERGE) to become a court mandated program for convicted abusers in the 1980s, EMERGE staff expressed delight. They realized that before, the men who volunteered for their program, then operating

as a diversion program by the district attorney to keep these cases out of court, were using the program more often than not to manipulate their intimate partners and the courts. They referred to their clients’ “three-week miracle cures.” This is how long the abusers stayed in the program: just long enough to keep their partners from leaving them and for the prosecutor to drop the case against them.

**How many bruises, broken bones, and terrified children will it take for the overseers of the new, improved batterer—er, excuse me, “Intimate Partner Education Programs” to realize their tremendous step backwards?**

### **New York DV Victims Given Unlimited Health Insurance Enrollment Time**

National Domestic Violence Law Bulletin, June 2016

Most people have to wait until set periods to enroll in Obamacare. Now DV victims or spouses who have been abandoned can enroll any time thanks to a new policy by New York Governor Cuomo. Said the governor, such victims should not have to wait to be covered. Under the new policy, all insurers operating on the exchange will be required to offer enrollment to these victims as of April 15, with no time limitations on when the DV or abandonment occurred. *Source: Daily News, New York, New York*

### **Wrongly Imprisoned for Years, Cherelle Baldwin Finally Free**

National Domestic Violence Law Bulletin, May 2016

In 2013, Cherelle Baldwin, 24, was charged with murdering Jeffrey Brown. The jury deadlocked and the case is now being re-tried three years later. The retrial has prompted 38 DV organizations to

call for state prosecutor, John Smriga, to drop the charges. They argue the Bridgeport, Connecticut case exemplifies how the U.S. disproportionately imprisons black women who defend themselves from DV. Said a spokesperson to the *CT Post*: “We are outraged by how aggressively Cherelle, a survivor of domestic violence, is being prosecuted, and question the state’s reasoning in pursuing a retrial after her first resulted in a mistrial.” The prosecutor refused to even speak to the group’s concerns.

Even more inexcusable: Baldwin was held behind bars on \$1 million bail in the interim, almost three years.

In the incident, Baldwin admits hitting her ex-boyfriend Jeffrey Brown with her car but denies she intended to kill him. Brown had broken into her home that evening, dragged her by the hair out of her bed where she was sleeping with her young son, and strangled her with a belt. She pretended to pass out and then fled to her car. He chased her and got into the car and continued to strangle her. She managed to pull into a neighbor’s driveway and Brown got out of the car, walking around it. She hit the gas and ran into him, pinning him to a concrete wall and killing him. Responders found the belt at the scene. Brown had previously been convicted of DV against Cherelle Baldwin. However, in 2013, Connecticut prosecutors had reduced charges of interfering with an emergency call, criminal mischief, and disorderly conduct to breach of the peace and the judge had imposed a conditional discharge.

Connecticut police and prosecutors have a miserable record of protecting victims of DV, including an extraordinarily high

arrest rate of victims in dual arrests and low conviction rate of abusers. Only a couple other states routinely reduce domestic violence assault charges to disorderly conduct or breach of the peace as does Connecticut most of the time. The state is also among the last to maintain a statutory diversion program for DV offenders. Given the state's unwillingness or inability to protect victims, many must defend themselves and their children as best they can. Add bias against black women and, as the advocates argue, the result is gross injustice.

Fortunately, the second jury finally freed Baldwin in April of this year.

According to Dr. Evan Stark, an expert defense witness, after receiving the not guilty verdict, Cherelle broke down and fell on the floor in tears of joy. Her attorney, Miles Garrety, also did a wonderful job on possibly his last case, using every argument in the book including that someone as afraid of being killed as she was does not retreat, is paralyzed with fear, and just wants the threat to end—and apparently the argument was enough. There was lots of scientific evidence too including an ER doctor from Yale explaining how her claims of being strangled with the belt were credible even though there were no marks. Nevertheless, as Dr. Stark concludes, the main reason she was acquitted was because she was so “patently innocent.”

Although Stark adds: “But I would say that given the horrible abuse Cherelle suffered, the expert testimony helped the jury bring the law in line with justice. (Connecticut apparently has a very narrow legal definition of self-defense.) That, after all, is an important function of the jury system.... Anyway, one for us and

for Cherelle who will now be able to finish school and get back to her career in health, have access to her own car, her son and the other things in her life that he had taken over...with less fear.”

### **Texas Child Protective Workers Trained to Stop Blaming Victimized Mothers for Child Abuse**

National Domestic Violence Law Bulletin, April 2016

More than a thousand child protective caseworkers were provided DV training in San Antonio, Texas in February to make sure they do not re-victimize DV victims. They are being trained that when a mother is being abused, the focus is not to hold both parents responsible for the harms visited on the children, but rather help the victim protect herself so that she can better protect her children.

Source: *News4SA, San Antonio, Texas*

### **Police Chief Fired for Failing to Respond to 911 DV Call from Officer's Wife**

Monticello, Utah Police Chief Kent Adair, was fired after his officers ignored a DV 911 call from the home of a fellow officer. Last December, the estranged wife of Sergeant Cole Young reported to police that her husband, an officer, had attacked someone in a DV related incident and was driving drunk. The dispatcher asked three different officers to respond but they all refused. The dispatcher finally called the police chief himself, who laughed as evidenced by the tape and said he would do something the next day. When the wife realized the police were not going to intervene, she and a terrified friend hid out in the mountains. Finally the county Sheriff's Office investigated 10 hours later and

arrested Young for aggravated burglary and assault. The City Council then voted to fire Adair, 5 to 0. Sergeant Young, the first cousin of the Mayor, was also fired. Several others in the police and Sheriff's offices were disciplined, including an officer who was caught on tape saying that Young's wife was “mad and pissy.”  
Source: *Raw Story, Utah*

### **'Failure to Protect' Laws Punish Victims of Domestic Violence**

by Adam Banner, February 3, 2015

As a criminal defense attorney, some of the most horrific stories I see involve the abuse or neglect of children. When a child is starved, hurt, caged, or even beaten to death, we all scream out for justice. We want to make sure those who abuse children pay, and we as a society often push for the punishment of those who turn a blind eye to their children's suffering as well. But at what cost, and in what circumstances, should these people be punished?

In Oklahoma, a state with some of the highest child abuse rates in the nation, enabling child abuse is a felony that carries the same penalties as active child abuse. In a lot of ways, this makes sense. After all, as parents, we are programmed to protect our children. A parent who doesn't intervene when someone harms her child, or who fails to leave her child's abuser, fails in that regard. However, legislation that penalizes child abuse and “permitting child abuse” equally often fails to consider that the person who “allows” the abuse of a child is, in most cases, often the victim of domestic violence herself.

There's an interesting dichotomy we criminal defense lawyers see when handling domestic violence cases. I can tell you from experience that when violence occurs between a man and a

woman, the man will almost always be seen as most culpable, even when there is mutual combat—just ask suspended University of Oklahoma Sooners running back Joe Mizon. The young man was charged with a misdemeanor for “acts resulting in gross injury” after he punched a young woman who first uttered a racial epithet, pushed him, and slapped him. Amelia Molitor, the female, was not charged, even though she committed assault and battery against Mizon prior to being knocked out by a single punch.

In deciding to charge Mizon with a misdemeanor, Cleveland County District Attorney Greg Mashburn said, “In this particular case, I felt like this statute more fit what happened because now we don’t have to talk about who the initial aggressor was. Was there gross injury? And there was. And was that against public morals? And I believe that anytime you punch a girl with that much force, even when she had hit you first, that it would be against public morals.” Bottom line: you just don’t hit a girl.

But if you throw a child into the mix, the law holds both genders equally culpable, even if one commits abuse and another fails to intervene. Like I said, I get it; it makes sense. What doesn’t make sense is that, in many cases, mothers who fail to protect their children from abuse get even longer prison sentences than the men who abused both the mother and the child.

In 2006, Robert Braxton, Jr., pled guilty to abusing his girlfriend’s three-month-old daughter by breaking her ribs and femur. He was sentenced to two years in prison. The infant’s mother, Tondalo Hall, was found guilty of failing to protect her daughter and given a sentence of 30 years in

prison. Even though there was no evidence that Hall ever hurt her daughter, and even though there was significant evidence that Hall was abused by Braxton and feared him, her sentence was 15 times greater than his.

In a similar case, 21-year-old Arlena Lindley was sentenced to 45 years in prison after her boyfriend, Alonzo Turner, beat her three-year-old son to death. The mother’s lengthy sentence came despite a witness’s testimony that she had seen Turner threaten to kill Lindley if she intervened. The witness said that, despite the threat, Lindley grabbed her son and ran outside, but Turner dragged them back in and locked the door behind him.

Interestingly, Oklahoma’s child endangerment laws make exceptions for intervening in a situation if one feels it might result in his or her own personal harm: *...it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the physical or sexual abuse or deny permission for the child to be in the vehicle with an intoxicated person would result in substantial bodily harm to the person or the child? (21 O.S. §852.1)* But is this exception used in practice?

Some judges are now considering the circumstances of a domestic abuse victim’s failure, or inability, to protect her child. Victoria Phanhtarath pled guilty to enabling child abuse in the death of her three-year-old daughter at the hands of Phanhtarath’s abusive boyfriend, Freddy Mendez. Oklahoma County Judge Kenneth Watson accepted the agreed plea and sentenced the young mother to life in prison, requiring that she serve at least 35 years. However, when Judge Watson heard her testimony at Mendez’s trial, he was shocked, and he modified her sentence,

allowing her release after two years. I’ve practiced in front of Judge Watson on many occasions, and I think he made the right call.

Regardless, the issue is difficult to process. If a person has never been in an abusive relationship, it is all too easy to take the moral high road and guess at his or her reaction to a certain circumstance. But it is impossible to fully understand the fear, the manipulation, and the intimidation under which a victim of domestic violence operates.

A person may fear that the violence which would follow an attempt to leave or intervene would be far worse than any violence she or her children would endure by staying in the relationship...and honestly, that is fear with merit. Statistics show that three out of four women killed in intimate partner homicides are killed while attempting to leave their abuser or shortly after they leave the relationship.

In other words, women are at a 75 percent greater risk of being killed if they leave than if they stay.

Do mothers have a duty to protect their children? Absolutely. If parents sit idly by and permit the abuse of their children, should they face legal consequences? Certainly. But if a person is also the victim of violence and intimidation, the law gives an affirmative defense—a defense which is largely ignored by the courts in “failure to protect” cases.

Should this defense be utilized in more states? I think so.

True justice is not measured by what we think we would do in a similar situation; it is measured by the law and how the law applies to certain facts. It is time to stop using the law to blame the victims, and instead find solutions that truly protect our nation’s children from violence and abuse.

# Serving Victims, Building Trust, Restoring Hope

Renewal House  
3 Chapel Street  
Canton, NY 13617  
315-379-9845

renewalhouse@verizon.net  
www.slvrenewalhouse.org

## Renewal House funding sources:

NYS Office of Victim Services

NYS Office of Children and Family Services

NYS Department of Criminal Justice Services

NYS Coalition Against Sexual Assault

NYS Department of Health

St. Lawrence County Department of  
Social Services

Legislative Award - Senator Ritchie

Legal Aid Society of Northeastern New York

United Way of Northern New York

FEMA

Stewarts Holiday Fund

Donations and Fundraising

## Fall 2016 Newsletter

I have enclosed my tax-deductible donation in support of the programs  
and services offered at RENEWAL HOUSE.

\$250 \_\_\_\_\_ \$100 \_\_\_\_\_

\$75 \_\_\_\_\_ \$50 \_\_\_\_\_ Other Amount \_\_\_\_\_

I give permission for my name to be listed on the donor  
appreciation report in the next newsletter.

I do **NOT** want my donation to be recognized.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Please make checks payable to RENEWAL HOUSE and mail to:

3 Chapel Street, Canton, NY 13617.

*Your support is greatly appreciated!*

Visit our website at [www.slvrenewalhouse.org](http://www.slvrenewalhouse.org) to donate by Credit Card.