

# DOMESTIC VIOLENCE BASICS: WHAT YOU NEED TO KNOW

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# INTERACTION

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- 1 in 4 women
- 1 in 9 men
- Picture in your mind, what does a victim look like
- Can you picture how a victim will react?
- Impact on children, family court, generational
- Kids issues in school and beyond



# SEVEN

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- It takes at least 7 attempts before victims leave their abuser
- <https://safespaceworkplace.com/2017/03/15/take-seven-times-leave-abusive-relationship/>

# DANGER FACTORS FOR INTIMATE PARTNER HOMICIDE

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- Jealousy
- Substance Abuse (drugs and/or alcohol)
- Possession of a Firearm
- Depression/Suicidal Ideation of Abuser
- Materially Motivated (Wealth/Lifestyle Retention)
- Fear of Loss of Image/Assets/Status due to Divorce)
- Prior History of Violence
- Less Fear of Legal Consequences
- Desperation
- Family History of Domestic Violence Exposure in Childhood

## TIMELINE OF “PROGRESS”

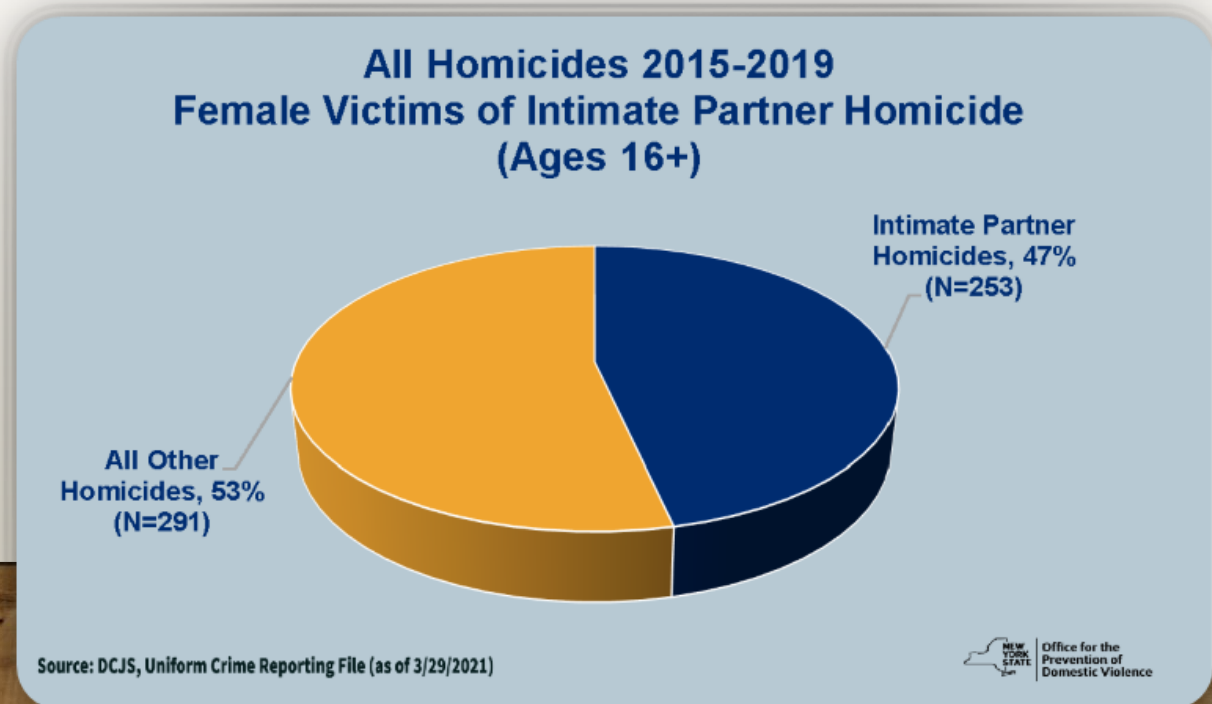
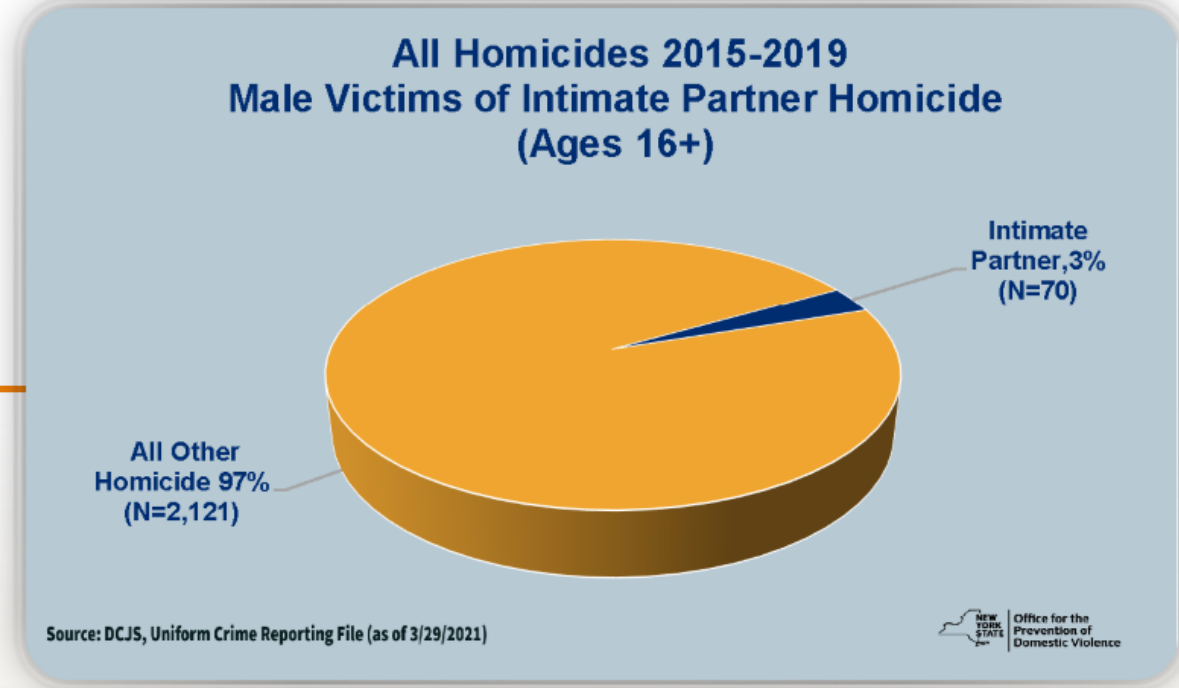
- **Early 1500s-** Rule of Thumb law states that a husband is allowed to beat his wife with a switch no wider than the width of his thumb
- **1886-** North Carolina courts declared that a criminal indictment cannot be brought against a husband unless the battery is so great as to result in permanent injury, endanger their life or is malicious beyond all reasonable bounds
- **1824-** Mississippi’s Supreme Court allows a husband to administer “moderate chastisement in case of emergencies”
- **1886-** North Carolina courts declared that a criminal indictment cannot be brought against a husband unless the battery is so great as to result in permanent injury, endanger their life or is malicious beyond all reasonable bounds
- **1911-** First Family Court is created – the thought becomes that it is better to solve family problems in a setting of discussion and reconciliation
- **1962-** New York cases of domestic violence are transferred from criminal court to civil court

## TIMELINE OF “PROGRESS” CONTINUED

- **1966-** In New York, beatings as cruel and inhumane treatment become grounds for divorce...but only if one can prove that a sufficient number of beatings have occurred
- **1970s-** In Chicago married women who leave their husbands due to battering are denied welfare because of their husband's salaries
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- **1979-** Only 14 states in the US have provided funds for women's shelters
- **1990-** For the first-time judges are required to consider any history of spousal abuse before determining child custody or visitation rights
- **1992-** The Surgeon General ranks abuse by husbands to be the leading cause of injuries to women ages 15-44

# GENDER OF VICTIMS AND OFFENDERS:

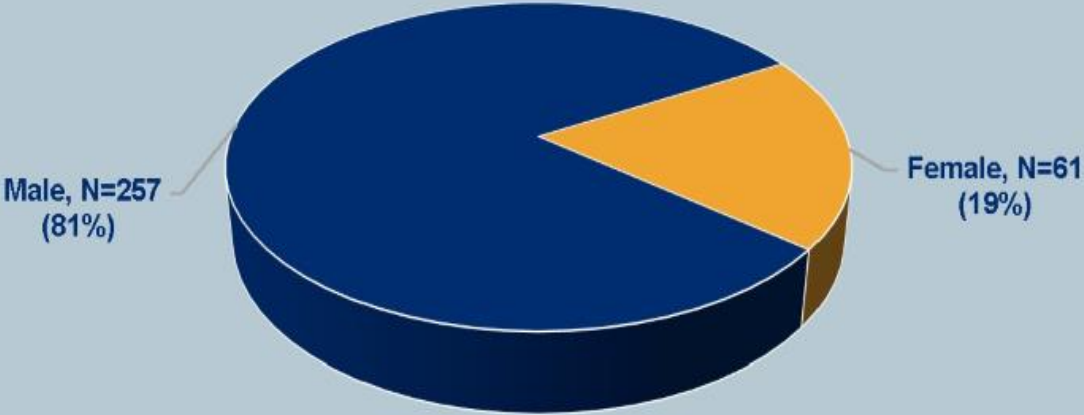
- The NYS Division of Criminal Justice Services (DCJS) publishes annual domestic homicide reports that provide comprehensive statewide information about domestic and intimate partner homicide in New York State, from which the information compiled is taken



# INTIMATE PARTNER HOMICIDE VICTIMS BY GENDER

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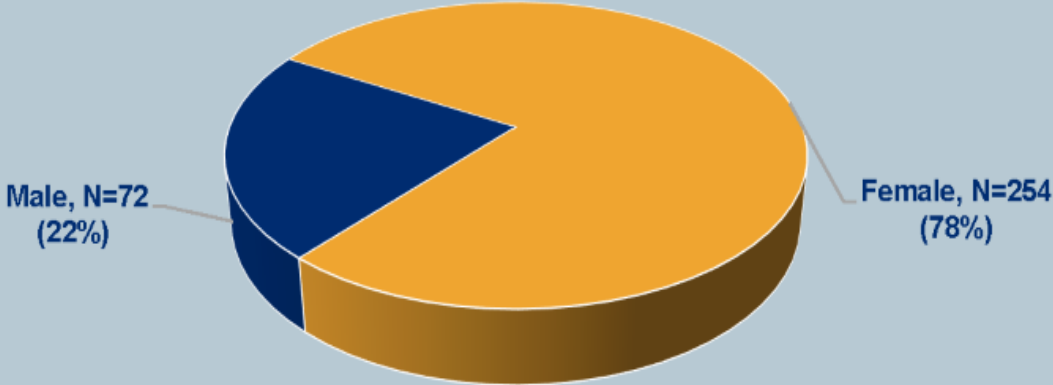
Intimate Partner Homicides 2015-2019  
Gender of Offenders (N=318)



Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)



Intimate Partner Homicides 2015-2019  
Gender of Victims (N=326)



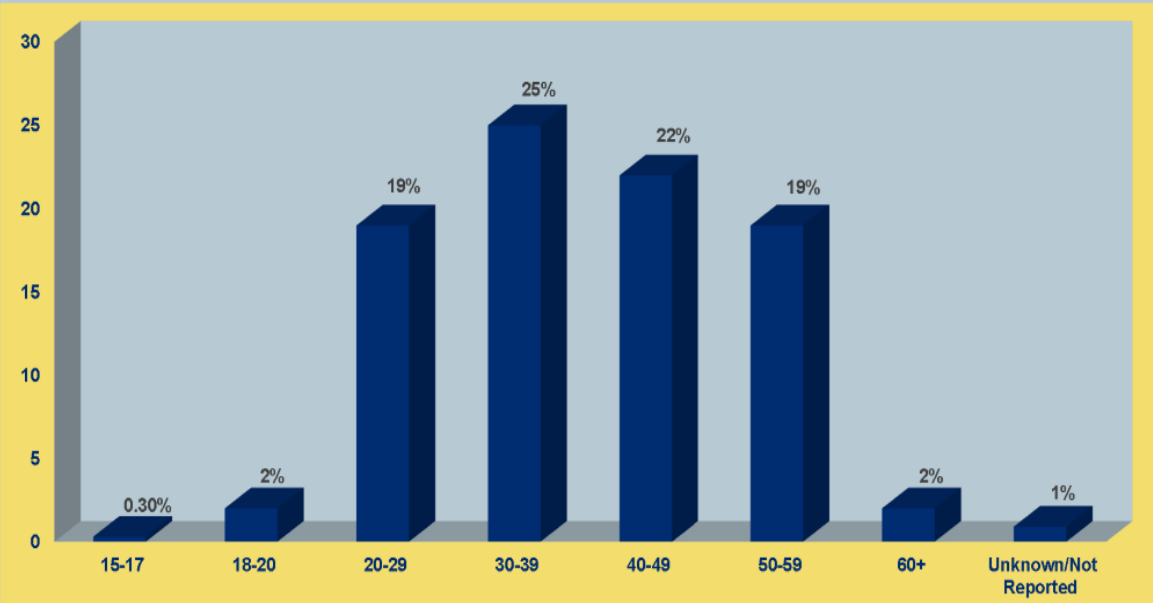
Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)





# AGE OF VICTIMS AND OFFENDERS

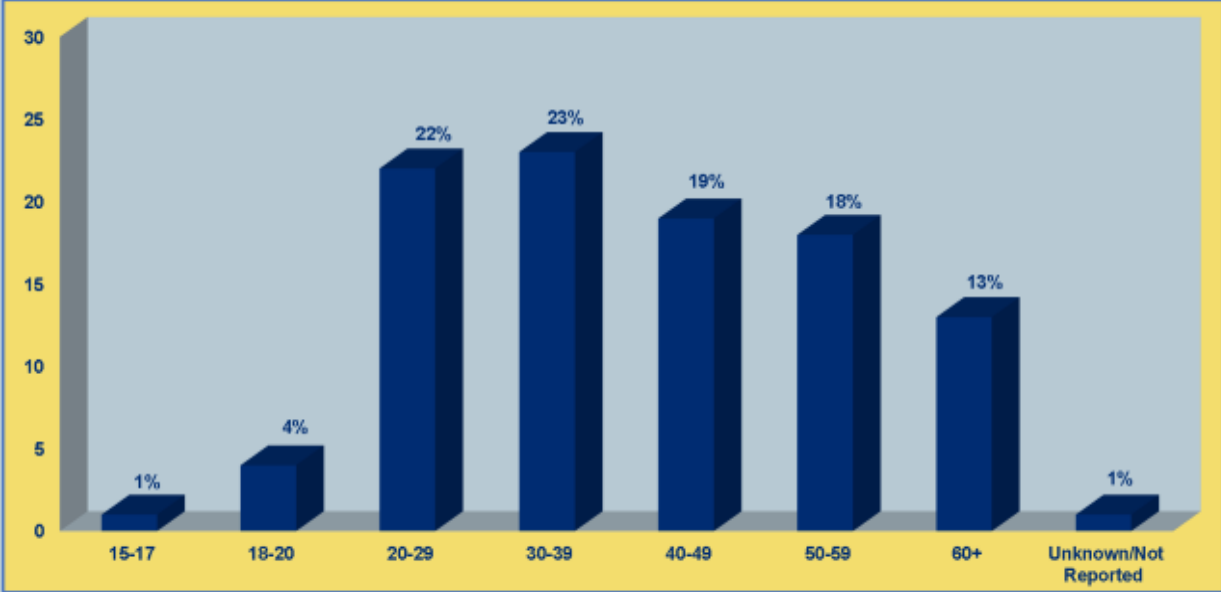
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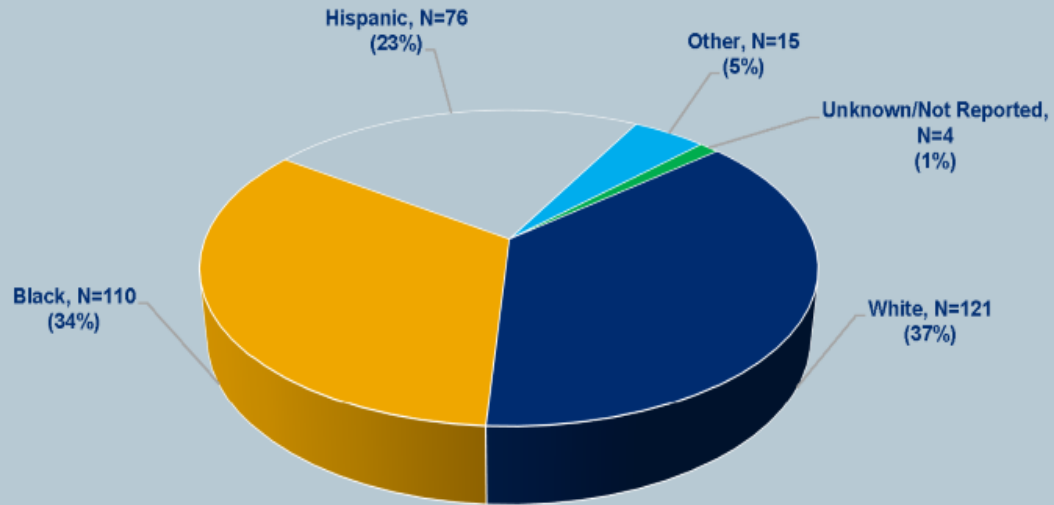


Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)



# RACE/ETHNICITY OF VICTIMS AND OFFENDERS

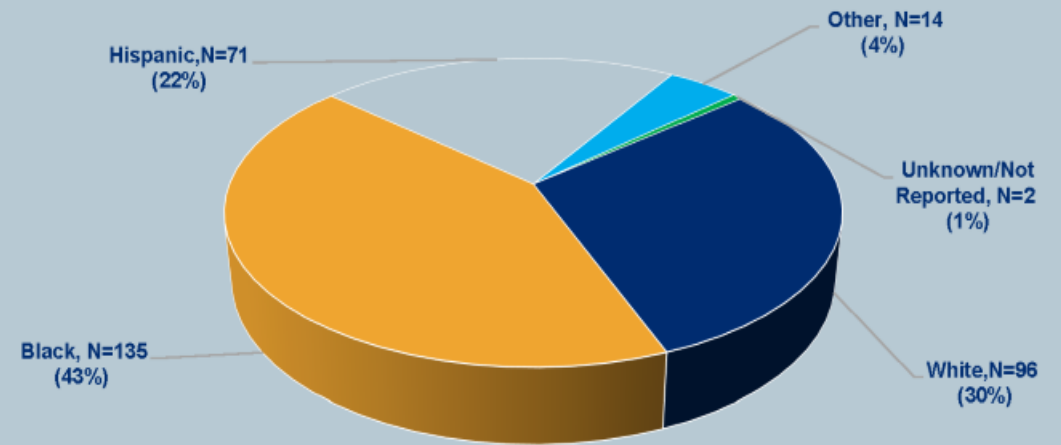
Intimate Partner Homicides 2015-2019  
Race/Ethnicity of Victims (N=236)



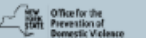
Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)



Intimate Partner Homicides 2015-2019  
Race/Ethnicity of Offenders (N=318)

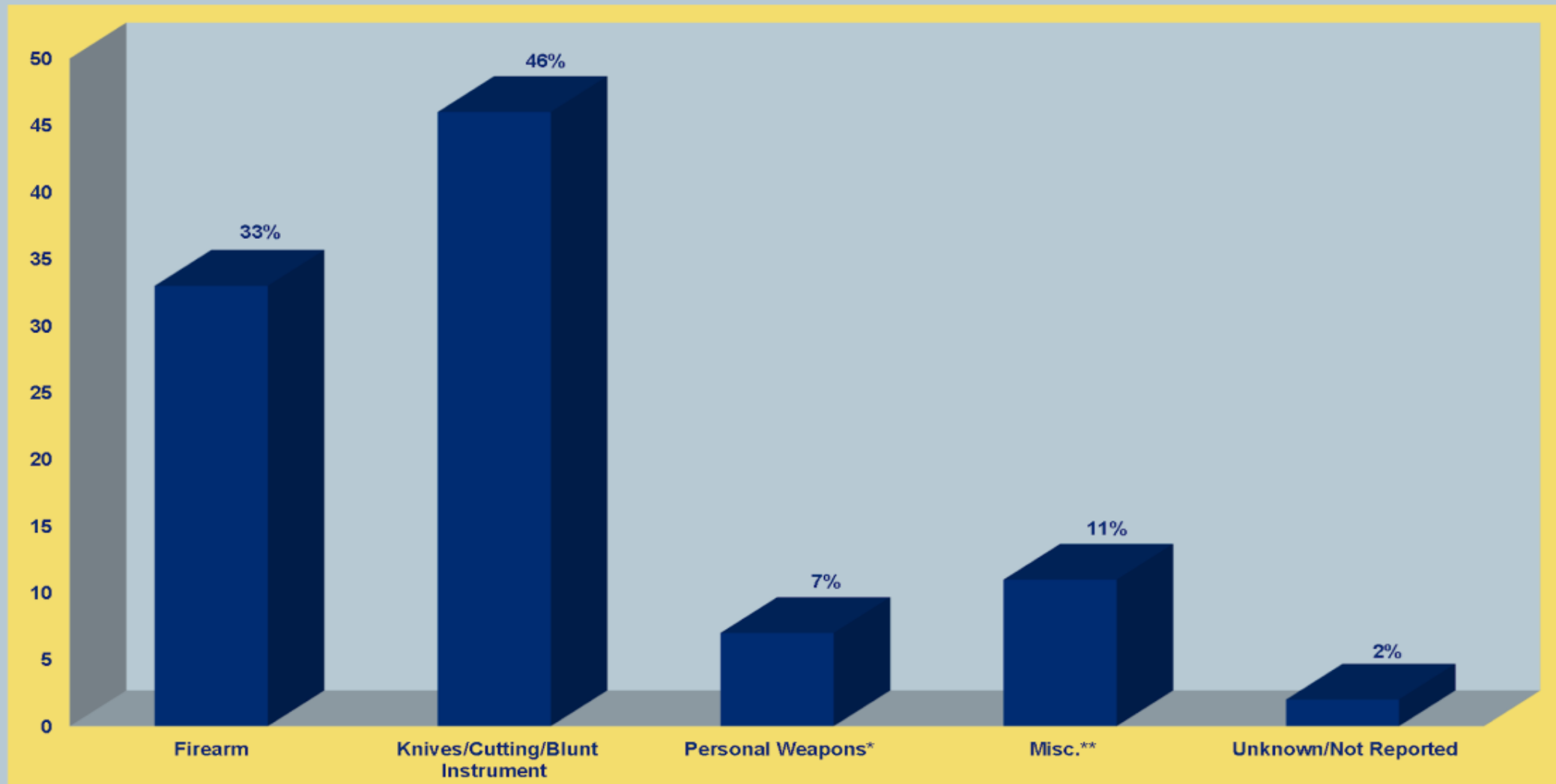


Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)



# WEAPON USAGE

Intimate Partner Homicides 2015-2019 (N=326)  
Weapon Used



\*Personal weapons include hands, fists, etc.

\*\* Misc. weapons include: poison, fire, narcotics, strangulation, asphyxiation, motor vehicle, mixed weapons and other

Source: DCJS, Uniform Crime Reporting File (as of 3/29/2021)

# NYW DOMESTIC FATALITY REVIEW TEAM

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- The NYS Domestic Fatality Review Team was established through legislation signed by Gov. Cuomo on 10/25/2012
- The team's mission is to conduct detailed reviews of Domestic Violence Deaths and Mere Deaths in a multidisciplinary, confidential and culturally sensitive manner. They take the information learned to develop comprehensive recommendations for improved system response to domestic violence, with the goal of enhancing safety for victims and accountability for offenders.
- Team Members include Law Enforcement, Domestic Violence and a Crime Victim Programs, Legal Services, Sexual Assault Services and Healthcare Provider. The team reviews case records and conducts interviews with family members and offenders who are willing to provide information.

# PRIOR SYSTEMS CONTACT OF THE 25 CASES THE TEAM HAS REVIEWED:

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- 23 had contact with law enforcement
- 21 had contact with the Dist. Atty.'s office
- 20 had contact with the courts
- 16 had contact with the mental health system
- 10 had contact with probation
- 7 had contact with the domestic violence program

# STRENGTHS IDENTIFIED IN CASES REVIEWED

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- EFFORTS OF RESPONDERS
  - Judge's thoughtful consideration of modifications of orders of protection
  - Police officers using an unmarked car when a victim feared the police being seen at her residence
  - Prosecutors regularly using jail calls to add charges in cases where offenders were contacting their victims in violation of orders of protection
- COLLABORATION
  - Cross training & Intensive team approaches to domestic violence cases
  - Co-location of advocates in Dist. Atty.'s offices, police departments, social services departments and courts
- WILLINGNESS TO LEARN
  - Local responders willing to share to prevent similar outcomes in future cases

# CHALLENGES IDENTIFIED IN THE 25 CASES REVIEWED

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- Court Access

- Victims not receiving a same day order of protection in Family Court.
- Responders not using local criminal courts to issue or modify Family Court orders of protection when Family Court is not in session. -CPL 530.12 3-A, 3-B-local criminal court judges can issue or modify Family Court orders of protection when Family Court is not in session

- Offender Accountability

- Charging-either not charging at all or charging with violations rather than misdemeanor or felony charges
- Conditional Discharges-multiple ACDs or conditional discharges prior to the homicides
- Mandatory Arrest/DIRs-in several of the cases police responded to many DV incidents prior to the homicide but there were few arrests even one mandatory arrest law would have applied.

# CHALLENGES IDENTIFIED IN THE 25 CASES CONTINUED

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- Informal Systems

- Workplace-offenders contacting/showing up at the workplace and coworkers being concerned about the victims but not knowing how to help
- Family And Friends-aware of the violence but did not know how to respond
- Trauma-many victims and offenders experienced early trauma in their lives.
- Mental Health-lack of information when an individual enters the mental health system



# WHAT THE FATALITY REVIEW IS TEACHING US ABOUT IMPROVING STATE AND LOCAL RESPONSE

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- Need for survivor center domestic violence services
- Need for continued and enhanced training for professionals who respond to domestic violence
- Importance of strong collaboration
- Importance of awareness and information for victims and the public
- Need for more improved information sharing

# RED FLAGS IDENTIFIED

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- 22 had a history of domestic violence
- 17 involves access to firearms
- 16 revealed separation or attempts to separate
- 16 included non-fatal strangulation
- 15 involved substance abuse
- 15 included threats of suicide/suicidal ideation
- 14 offenders had a criminal history in addition to DV
- 14 showed evidence of escalating violence
- 14 included the victim expressing fear
- 14 involved the offender breaking through doors/windows
- 12 revealed threats to kill

# STEPSTAKEN

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- Order of protection training for Town and Village Judges
- Training for office of Court administration personnel regarding firearms and orders of protection
- Partnership between OPDV and the NYS Department of Health to address nonfatal strangulation
- Inclusion of lethality indicator questions on the NYS DIR form

# THE WORK AHEAD

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- Examining how the ongoing Covid-19 pandemic affects safety for victims
- Examining ways for NYS to more proactively assure safe access to courts for victims of DV
- Examining how to work more effectively with private employers to increase awareness
- Examining ways to continue to improve law enforcement understanding
- Examining the role of the community in creating and implementing accountability measures

# RESOURCES

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- POLICE EMERGENCIES: 911
- POISON CONTROL HOTLINE
  - 1-800-888-7655 or 716-878-7654
- CRISIS SERVICES
  - 716-834-3131
  - Help with personal/family problems, elder abuse, sexual assault & domestic violence issues, 24-hour access to safe shelter for victims and their children, out-patient domestic violence counseling & support groups
- HAVEN HOUSE
  - 716-884-6000
  - Crisis telephone counseling for victims of domestic violence, 24-hour access to safe shelter for victims and their children, out-patient domestic violence counseling & support groups

# RESOURCES CONTINUED

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- FAMILY JUSTICE CENTER
  - <https://fjcsafe.org/>
  - 716-558-7233; [safe@fjcsafe.org](mailto:safe@fjcsafe.org)
- FAMILY HELP CENTER (support)
  - 716-892-2172
- ERIE COUNTY SHERIFF'S OFFICE  
DOMESTIC VIOLENCE PREVENTION  
PROGRAM
  - 716-858-7999
- Other Services: Counseling, etc.
  - <https://www4.erie.gov/sheriff/domestic-violence-unit-phone-numbers-and-resources>
- National Domestic Violence Hotline
  - 1-800-799-7233
  - Or Text: START to 88788

# RESOURCES CONTINUED

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- Hamburg:

Domestic Violence Advocate/Director

Jennifer Kosmowski

Town Of Hamburg

6100 South Park Ave.

Hamburg, NY 14075

*(open during normal business hours, if you need immediate help call 911)*

Contact:

DV Office:

- [jkosmowski@townofhamburgny.gov](mailto:jkosmowski@townofhamburgny.gov)

- Phone: 716-926-0057

- Fax: 716-926-0059

- More important information:

<https://www.townofhamburgny.gov/domestic-violence/>

# DOMESTIC VIOLENCE SURVIVOR, SUSAN STILL

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- Susan Still is an American women's rights activist and keynote speaker on domestic violence. After suffering years of extreme abuse from her husband, blues guitarist Ulnor Lee Still, she was awarded custody of her sons, and her husband was jailed for 36 years, the longest sentence ever imposed for non-lethal violence.
- See her story here: <https://www.youtube.com/watch?v=H9j9oRYxgVWA>