

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE



FINDINGS AND RECOMMENDATIONS

JULY 1998



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ROSE M. HECK
Chairperson



New Jersey State Legislature
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ON DOMESTIC VIOLENCE
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July 16, 1998

The Honorable Jack Collins
Speaker of the New Jersey General Assembly

Dear Speaker Collins:

The Assembly Task Force on Domestic Violence, created by Assembly Resolution 144 of 1996 - 1997 and reconvened in 1998 by Assembly Resolution 1, respectfully submits its final report in compliance with the provisions of its enabling legislation.

A handwritten signature in cursive script, reading "Rose M. Heck", written over a horizontal line.

Assemblywoman Rose Heck
Chairwoman

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE

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Introduction

Assembly Resolution No. 144 of 1997, sponsored by Assemblywoman Rose Heck and Assembly Speaker Jack Collins, created the Assembly Task Force on Domestic Violence. The Task Force was reconvened during the 1998-1999 Legislative Session by Assembly Resolution No. 1 of 1998. The resolution called upon the Assembly Task Force to review the effectiveness of current domestic violence programs and laws and make recommendations to the General Assembly.

As required by its enabling Resolution, the Assembly Task Force on Domestic Violence consists of 14 members appointed by the Assembly Speaker: six members of the Assembly and eight public members with expertise in the field of domestic violence. In carrying out its mission, the Task Force held four public hearings in late 1997 and in 1998, taking testimony from law enforcement officers, prosecutors, members of the public, attorneys, authorities in the field of family violence, and the medical community. The Task Force also met privately with members of the Judiciary and other officials.

The following findings and recommendations are based on the information gathered by the Assembly Task Force from witnesses' testimony and suggestions by experts in the field.

The following findings and recommendations are organized into four subject areas:

- I. Law Enforcement**
- II. The Courts**
- III. Innovative Programs**
- IV. Miscellaneous**

Executive Summary

I. LAW ENFORCEMENT

1. Require the fingerprinting of batterers arrested for disorderly persons domestic violence offenses as is the case with other disorderly persons offenses (i.e. shoplifting and prostitution).
 2. Clarify N.J.S.A. 2C:25-20 to provide more detail about the nature of domestic violence training received by law enforcement officers since ambiguity exists regarding the scope of such training.
 3. Urge the Division of Criminal Justice to undertake intensive efforts in ensuring that local law enforcement officers promptly receive information concerning new statutes and amendments so they can effectively handle domestic violence complaints.
 4. Amend N.J.S.A. 2C:25-21 to allow weapons seized from domestic violence crime sites to be stored with local law enforcement agencies, rather than the county prosecutor's, office to alleviate administrative problems.
 5. Amend N.J.S.A. 2C:25-21 concerning seizure of weapons to clearly provide that defendants who are subject to domestic violence restraining orders must forfeit all firearms for the duration of the restraining order.
 6. Expand the current system of firearms identification to enhance law enforcement's ability to identify persons who are barred under the Domestic Violence Act from possessing weapons.
 7. Implement a system to measure the effectiveness of domestic violence training programs to which Federal and State funds are channeled.
 8. Establish domestic violence volunteer groups (crisis intervention teams) within every police station to encourage the proper filing of complaints and provide assistance to the victims that would otherwise not be available.
 9. Improve training for police officers to increase sensitivity towards victims of domestic violence.
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II. THE COURTS

10. In responding to the concern that part-time municipal prosecutors and judges lack resources to properly handle domestic violence complaints, two alternatives exist:
(a) Remove all prosecutions of criminal code domestic violence cases from municipal court; or (b) Strengthen the resources (including intensive training) of municipal prosecutors and judges to allow the effective handling of such complaints.
11. Require comprehensive domestic violence training for Superior Court judges every year, instead of every two years.
12. Improve judicial training to help counteract the apparent view of many judges that victims of domestic violence are exaggerating their complaints or are responsible for their own problems.
13. Emphasize in training programs for judges that under the New Jersey Supreme Court's recent ruling, acts claimed by a plaintiff to be domestic violence must be evaluated in light of previous incidents of violence by the defendant.
14. Require that family court judges' handling of domestic violence cases bear significant weight during the Supreme Court's judicial review process.
15. Call upon the Supreme Court to strengthen their judicial oversight and disciplinary procedures.
16. Encourage efforts to monitor judicial behavior, such as Bergen County's "Court Watch" program, which originate outside the court system.
17. Expand Superior Court, Family Part working hours to include evenings and weekends in order to handle domestic violence cases.
18. Improve court calendaring and the physical set-up of waiting areas to be sensitive to the needs of victims, especially children (i.e. child care waiting areas).
19. Urge the Chief Justice and the Attorney General to ensure that domestic violence working groups are operational and meet regularly in all twenty-one counties of the State.
20. Compile detailed statistics concerning domestic violence case dispositions by requiring the filing of a tally of DV cases in municipal court, broken down by type and disposition, on a supplemental statistical reporting form (similar to the forms used in municipal courts for disposition tracking of drunk driving charges).
21. Include DV restraining order violations in the form used by the State Police in reporting statistics concerning arrests.

22. Assure that the central registry now being implemented in the family courts include the capability of processing Criminal Code disorderly persons proceedings in all municipal courts, family court and Superior Court criminal part remand courts, and out-of-State orders.
23. Impose uniform sanctions on batterers who fail to participate in court-ordered programs in civil and criminal cases.
24. In criminal cases, impose sanctions such as swift reinstatement of prosecutions which were held pending program completion, or revocation of probation and re-sentencing the offender to incarceration.
25. Order mandatory counseling for all persons found to have committed an act of domestic violence. Expand the use of programs similar to that used in Salem County, where all defendants subject to final restraining orders must attend the Domestic Violence Intervention Program.
26. Expand the distribution of educational materials about domestic violence and the court system.
27. When a victim requests that domestic violence restraining order or criminal charges be dropped, require that the defendant attend a one-time educational / informational session and recommend that the victim separately attend such a session.
28. In any such case where the defendant has been ordered to domestic violence counseling, provide that restraining orders not be dropped until the defendant has completed the court-ordered program.
29. Amend the domestic violence statutes to clearly provide that the court has discretion to refuse to grant a victim's request for dismissal of a complaint if the court finds that the request for dismissal was made under duress.
30. Sensitize the judiciary to the high correlation between domestic violence against a partner and child abuse. Judges should also understand that a child's exposure to either parent's abuse is a form of child abuse.
31. Require judges in matrimonial cases involving issues of child custody and visitation to carefully weigh any involvement of the parties in domestic violence.
32. Provide that the court identify appropriately trained professionals to perform risk assessments concerning visitation in cases involving children.

33. Expand the statutory presumption set out in N.J.S.A. 2C:25-29b.(11), that the best interests of the child are served by an award of custody to the non-abusive parent, to include final hearings in domestic violence cases and to include all other matters in family court, such as custody and visitation disputes.
 34. Establish a presumption that the best interests of the child are served by an award of custody to the victim's family in those tragic cases where a parent is killed or incapacitated by the other parent.
 35. Request that the Supreme Court adjust the Child Support Guidelines to distinguish between victims of domestic violence and other child support recipients with regard to application of shared parenting and visitation.
 36. Enforce the current prohibition against mediation in municipal court domestic violence cases, and bar mediation of divorce actions in family court in any case where a finding of domestic violence was made.
 37. Urge the Chief Justice to solicit judges specifically for the family court; appointment to family court should be seen as a privilege to which only the most capable and dedicated individuals can devote themselves.
 38. Consider providing family court judges with incentive bonuses, additional stipends, and/or bonuses based on length of service to encourage and reward the difficult, specialized work of this court.
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III. INNOVATIVE PROGRAMS

39. Implement more aggressive prosecution policies towards domestic violence batterers in all counties.
40. Request that the New Jersey Supreme Court initiate pilot programs that permit jurisdiction of all disorderly persons domestic violence complaints to be in the Superior Court, Family Part or in the Superior Court, Criminal Part remand court. The programs should be designed to provide adequate resources for pre-trial monitoring of bail conditions; expeditious scheduling of cases for prosecution; prosecution by the county prosecutor's office; and hearings to enforce the monitoring of judicially established conditions and sanctions, including probation violations.
41. Implement a study and comparison of the effectiveness of aggressive, pro-prosecution programs in contrast to prosecution strategies in municipal courts. This study would facilitate an appropriate State-wide policy determination on the appropriate venue for effective prosecution and enforcement of domestic violence laws at the disorderly persons level.
42. Promote "victimless prosecution" in the courtroom to avoid intimidation of the victim by the batterer.
43. Implement "zero tolerance" programs modeled after the programs in effect in Quincy, Massachusetts, and San Diego, California, to assure that domestic violence offenders are given stiffer and more stringent penalties.
44. Expand the Domestic Violence Hearing Officer Program for proceedings concerning victims' request for temporary restraining orders since these hearing officers have the necessary time and training to assist family court judges and solicit additional information from victims.
45. Expand domestic violence crisis teams to include all municipalities in the State.
46. Call upon the New Jersey Supreme Court to actively encourage attorneys to do pro bono work in domestic violence cases.
47. Ensure that the victim services provided under the New Jersey Victims of Crime Act by the county Offices of Victim-Witness Advocacy be provided to all domestic violence victims, regardless of whether the charges are disorderly persons or indictable offenses and regardless of whether the charges are heard in criminal, family, or municipal court.
48. Create a Domestic Violence Fund, if necessary, to support representation of indigent domestic violence victims. Study the viability of earmarking certain penalty amounts for this purpose.

- 49.** Establish a network of law schools to expand legal assistance services statewide, thereby replicating the model Pro Bono Program at Rutgers-Camden Law School.
 - 50.** Investigate the feasibility of allowing domestic violence victims' coverage under insurance policies for damages caused by their spouses' violent acts.
 - 51.** Enact "good faith" immunity for individuals who file domestic violence complaints similar to the immunity currently provided to law enforcement officers and persons who report domestic violence incidents.
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IV. MISCELLANEOUS

- 52.** Ensure that information about domestic violence services is made available to male victims of domestic violence, and that existing domestic violence support groups are made sensitive to the special needs of male victims.
 - 53.** Encourage domestic violence service programs to coordinate services with State and local Offices on Aging/ Senior Services. Study the feasibility of funding innovative programs with Federal monies to implement traditional services within the homes of abused elderly, address alternative living arrangements, and counseling for elderly batterers.
 - 54.** Implement counseling programs in all twenty-one counties for children who are victims of domestic violence.
 - 55.** Add domestic violence education to the school curriculum on the junior high school and high school level.
 - 56.** Require the State Auditor to conduct an audit of the process by which Federal funds are distributed by the State to service providers.
 - 57.** Grants should be streamlined and given a consistent fiscal year so that monies can be better utilized by service providers.
 - 58.** Improve the coordination of fiscal and calendar year deadlines between the federal/State government and grant recipients to alleviate the problematic time lag in the grant award process.
 - 59.** Place all federal funds for domestic violence victims' services under the auspices of the Department of Human Services for distribution.
 - 60.** Investigate the possibility of imposing penalties on abusers in civil matters as an additional funding source for victims' shelters and other services, subject to abusers' economic and monetary circumstances.
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I. Law Enforcement

"I brought a copy of 2C:25 with me, the law, and I want to read just one sentence from it. 'Law enforcement agencies shall establish domestic violence crisis teams or train individual officers in methods of dealing with domestic violence.' And there is a wide range of opinion on what that means."

**Testimony of
Chief David Lyon, Plainsboro
Police Department,
March 6, 1998**

New Jersey's Stringent Domestic Violence Laws Need Further Clarification to Make them Even More Effective.

Findings:

◆ Federal law prohibits the possession of firearms by persons convicted of a qualifying domestic violence misdemeanor offense (in New Jersey, a disorderly persons offense). Currently, however, people arrested for such an offense are not fingerprinted. Therefore, it is difficult to conduct

thorough background checks when these offenders attempt to obtain firearms licenses.

◆ New Jersey has a mandatory arrest provision which allows police to arrest the batterer in many situations. Police have the right to seize weapons from the premises of the batterer if there is reason to believe the victim is at risk.

◆ Existing statutes require that weapons seized by police during domestic violence incidents must be delivered to the county prosecutor's office. Many of these offices, however, simply do not have the space to store the large quantity of seized weapons.

◆ Some local law enforcement officials are unsure as to the statutory requirement for domestic violence training for police officers, set out in N.J.S.A.2C:25-20. The statute provides that the Division of Criminal Justice must develop a training course for police and that all police officers must attend biannual in-service training.

◆ Current law provides for biannual specialized training for police, prosecutors, and prosecutors' investigators, to encourage appropriate handling of domestic violence incidents. Some ambiguity exists as to whether "biannual" means twice a year or every other year.

Recommendations:

1. **Require the fingerprinting of batterers arrested for disorderly persons domestic violence offenses.**

The Task Force notes that fingerprinting of those committing other disorderly persons offenses -- shoplifting and prostitution, for example -- is already required under current law. New Jersey must send the message that the grave problem of domestic violence will be treated no less seriously than these offenses.

◆ State Bureau Identification (SBI) numbers are a guaranteed method of identifying criminals nationwide. This technology is crucial in ensuring that gun permits are revoked from domestic violence offenders and that their criminal history is publicly reported.

2. **Clarify N.J.S.A.2C:25-20 to provide more detail about the nature of domestic violence training received by law enforcement officers:**

(1) Annual domestic violence training, of at least four hours per year, should be required of all police officers; (2) Law enforcement agencies should ensure that all police officers receive this training and should ensure that domestic violence crisis teams be established or made available to police departments in every municipality in the State.

3. **Urge the Division of Criminal Justice to make intensive efforts to assure that local law enforcement officers promptly receive information concerning new statutes and changes to existing statutes.**

4. Amend N.J.S.A.2C:25-21 to allow weapons seized from domestic violence crime sites to be stored with local law enforcement agencies, rather than the county prosecutor's office.

Procedures for Weapons Seizures Should be Clarified in Light of Federal Law.

Findings:

◆ Under 18 U.S.C. Sec. 922 (g) (8), a federal statute enacted in 1994, persons subject to domestic violence restraining orders are barred from possessing weapons. However, the language of the New Jersey Prevention of Domestic Violence Act (enacted in 1991) provides that weapons seized from domestic violence offenders must be returned to their owners unless the prosecutor petitions the court to obtain title to the seized weapons on grounds that the owner is unfit or poses a threat to the public or the victim. This represents a conflict between State and federal law.

Recommendations:

5. The Legislature should review N.J.S.A.2C:25-21 concerning seizure of weapons to clearly provide that defendants who are subject to domestic violence restraining orders must forfeit all firearms for the duration of the restraining order. This would bring the State statute into compliance with federal law.

"We have to break that cycle of violence...If a son sees his father beating his mother up his whole life, he thinks that's normal. If a woman sees her mom getting beat up for 20 years, she thinks that's normal."

Testimony of Detective David Sabo, New Brunswick Police Department, March 6, 1998

"Sometimes we'll go to the same house four and five times. The woman is beat up...we make the criminal complaint, we make the criminal arrest, but you can tell this woman is so terrified that she's not going to sign a TRO."

Testimony of Detective David Sabo, New Brunswick Police Department, March 6, 1998

Improvements Should be Made to the Data System Which Identifies Individuals Who are Barred from Possessing Weapons.

Findings:

◆ Although the domestic violence statutes authorize law enforcement officers to confiscate abusers' firearms identification cards pending a court hearing on permanent

revocation of the abuser's permission to possess a weapon, no central mechanism or State-wide database exists to quickly identify those persons who are barred from owning weapons. Thus, an abuser whose weapons have been confiscated can use a counterfeit identification card to buy new weapons at a gun shop.

"Every day another woman is murdered, and only we can stop this by strengthening our commitment to finally implement the wonderful domestic violence law that we have. It's about time that we took the strength of that law and we walked our talk."

**Testimony of
Joan Pennington, Esq.,
Senior Attorney,
Mercer County
Women's Law Project,
March 6, 1998**

Recommendations:

6. The State should review the viability of revamping the current system of firearms identification. The computerized criminal history system maintained by the State Police should be expanded to include domestic violence arrests and convictions. Such an upgrade would enhance the ability to identify persons who are barred under the Domestic Violence Act from possessing weapons.

Oversight Is Necessary to Ensure Proper Disbursement of Funds for Domestic Violence Training.

Findings:

♦ The Task Force received credible testimony concerning inadequate training and apathetic attitudes towards domestic violence victims on the part of a particular law enforcement community. Yet, this same department had been awarded a "COPS" ("Community Oriented Policing Services") grant by the United States Department of Justice for a specified domestic violence officer training program.

Recommendations:

7. A system should be implemented to measure the effectiveness of domestic violence training programs to which Federal and State funds are channeled.

"I believe that law enforcement is providing a better response as time goes by. I know that I've been spending more time training law enforcement officers."

**Testimony of
Debra Cannella,
Assistant Prosecutor,
Essex County,
March 6, 1998**

Some Police Officers View Domestic Violence Complaints as Less Serious Than Other Offenses.

Findings:

♦ A Task Force visit to family court in the Northern part of the State revealed an apparent reluctance of police to assist victims in filing complaints. Some police officers view the lengthy process of filing the necessary paperwork for a domestic violence complaint as simply an extra cost for police salaries and overtime.

♦ In some cases, police officers in certain municipalities actually tell victims who try to file for emergency restraining orders on evenings and weekends that: "We can't do anything about it to help you here. You have to go into family court on Monday morning when it opens up." This is a violation of the domestic violence statutes, which clearly provide that victims have the right to file for a restraining order in municipal court in the evenings, on weekends and other times when the family court is closed.

Recommendations:

8. Establish domestic violence volunteer groups (crisis intervention teams) within every police station to encourage the proper filing of complaints.

♦ Place specially trained workers within the police station who focus on defusing the crisis and helping to gather information necessary to prepare the domestic violence complaint. Such an approach would make victims feel less intimidated by a police station environment. At the same time, it would reduce fiscal constraints on existing police staff.

9. Improve training for police officers; inadequately trained police officers can be insensitive to victims. Such insensitivity can endanger victims' safety when it results in law enforcement officers steering victims away from municipal court and discouraging victims from filing complaints.

"I've gotten my officers to do detailed reports more... I mean, write everything you can... because when it comes time in court, the guy's going to be dressed up in a nice suit, his hair is going to be cut, he's going to be clean shaven, and he's nothing like he was that night when he beat his wife up."

**Testimony of
Detective David Sabo,
New Brunswick
Police Department,
March 6, 1998**

II. The Courts

The Drawbacks of Hearing Domestic Violence Complaints in the Municipal Court System.

Findings:

♦ The Task Force received testimony indicating that part-time municipal prosecutors and judges lack the time and resources to properly handle criminal cases involving domestic violence complaints.

10. The Task Force strongly believes that two basic alternatives exist:

♦ Remove all prosecution of Criminal Code domestic violence cases from municipal court; this would require more Superior Court resources, since this would significantly increase the caseload of family court judges. (The Criminal Code jurisdiction of family court judges is now limited to violations of domestic violence restraining orders.)

♦ or
♦ Strengthen the resources of municipal prosecutors and judges so they receive specialized and intensive training in domestic violence; the Administrative

Office of the Courts should ensure that the proper procedures for these cases are rigorously implemented.

"The municipal court looks at it as not a domestic violence complaint, but as a simple assault, as harassment, as whatever it is under the Criminal Code...I'm just not sure that it gets its due in municipal court for that reason."

Testimony of
Deputy Chief James Murphy,
Washington Township
Police Department, Gloucester
County,
March 20, 1998

Domestic Violence Training for Judges.

Findings:

♦ Family court judges experience tremendous pressure in deciding domestic violence cases. The atmosphere is emotionally charged and stressful; the cases are difficult, there are few independent witnesses, and tough calls must be made with respect to the protection of life, property, and

children. Last year, 110 judges tried 64,000 domestic violence cases. Because of high rates of turnover by judges leaving family court, each year some 30% of family court judges have no previous experience with these types of cases; they are newly appointed to the bench or newly placed into family court.

♦ Judges of the Superior Court are trained by the Judicial College, which takes place annually for three days in November. Domestic violence courses are mandated to be offered only every other year, pursuant to statute. Every judge must attend, and the curriculum consists of twenty to twenty-five courses. In the 1996 session, only one course was dedicated solely to domestic violence issues, with three other courses only peripherally related to domestic violence issues.

♦ In addition, judges newly appointed to the bench must attend an orientation seminar that lasts for ten days. Only one half-day is dedicated to domestic violence.

♦ The law enforcement community, prosecutors' offices, and the Administrative Office of the Courts staff have acknowledged that the domestic violence training mandated by the Legislature is not being fully implemented.

♦ There are many judges who believe that in order for an act to be considered one of domestic violence, it needs to fit into a "pattern" of violence. Thus, an individual incident of violence will not be considered sufficient by some judges to issue a restraining order and the victim will be left without

recourse. This is contrary to the intent of The Prevention of Domestic Violence Act and must be clarified.

♦ Judges sometimes act rudely and insensitively towards victims during domestic violence proceedings.

♦ Sufficient education and training could prevent judges from making future rulings improperly interpreting Peranio v. Peranio, 280 N.J.Super. 47 (App. Div. 1995) and Corrente v. Corrente, 281 N.J. Super. 243 (App. Div. 1995). The Task Force heard credible testimony that these decisions are interpreted by some judges to deny restraining orders unless there is evidence of visible injury. Such interpretations show a misunderstanding of the intent behind The Prevention of Domestic Violence Act. In Peranio and Corrente, the courts held that verbal threats and other menacing behavior by the defendants did not constitute sufficient grounds for restraining orders under the circumstances. However, the reality is that mental and emotional abuse are serious matters. They are often precursors to physical violence.

♦ The New Jersey Supreme Court, in Cesare v. Cesare (A-127-97, decided June 3, 1998), clarified that the court must review the parties' history of violence in evaluating a particular act claimed by a plaintiff to be domestic violence. The Supreme Court also ruled that one sufficiently egregious act could constitute domestic violence. "Because a particular history can greatly affect the context of a domestic violence dispute, trial courts must weigh the entire relationship between the parties and must specifically set forth their findings of fact in that regard. . . Trial courts can consider evidence of a defendant's prior abusive acts regardless of whether those acts

have been the subject of a domestic violence adjudication," the Court held.

Ideally, all judges should exhibit the sensitivity, respect for victims, and knowledge of the law demonstrated by this family court judge in a 1995 published opinion:

"The Act protects victims from physical harm. Yet, physical safety is not all that the Legislature intended to protect. Recognizing that domestic violence occurs in a relationship where one party asserts power and control over the other, the victim is also protected from mental or emotional harm. Fear of the defendant is the center of the cycle of power and control existing in domestic violence situations. Restraining orders have the effect of empowering the victim to stand up to the defendant."

Cartagno v. Cartagno, 288 N.J. Super. 424, 436 (Ch.1995).

Recommendations:

11. Require comprehensive domestic violence training for

Superior Court judges every year, instead of every two years.

12. Judicial training must be improved. The Administrative Office of the Courts must require judges to complete mandatory, on-going training in all aspects of domestic violence, including the psychological aspects. As part of this training, judges should have the opportunity to meet with survivors of domestic violence who volunteer to speak about their experiences as victims and as plaintiffs in domestic violence court actions. This aspect of training would help to counteract the apparent view of many judges that victims of domestic violence are either exaggerating their complaints or are responsible for their own problems, or both. Judges must be thoroughly trained in the subjects required by N.J.S.A. 2C:25-20:

"The impact of domestic violence on society, the dynamics of domestic violence, the statutory and case law concerning domestic violence, the necessary elements of a protection order, policies and procedures as promulgated or ordered by the Attorney General or the Supreme Court, and the use of available community resources, support services, available sanctions and treatment options."

13. Emphasize in training programs for judges that under the New Jersey Supreme Court's ruling in Cesare v. Cesare, (A-127-97, decided June 3, 1998), acts claimed by a plaintiff to be domestic violence must be evaluated in light of previous incidents of violence by the defendant. The Court stated:

"Not only may one sufficiently egregious action constitute domestic violence under the Prevention of Domestic Violence Act, even with no history of abuse between the parties, but a court may also determine that an ambiguous incident qualifies as prohibited conduct, based on a finding of violence in the parties' past."

"We train our judges at the very end of the day in domestic violence, one time, when most of them have left. That does not work."

Testimony of Janice Miller, Esq.,
Member, Monmouth County
Domestic Violence Working Group,
and State Domestic Violence
Working Group,
March 6, 1998

Judicial Evaluation

Findings:

- ♦ The New Jersey Supreme Court supervises evaluations of Superior Court judges, which take place during the second and sixth years of the judges' terms. The information from the judicial review is shared with the Governor for re-appointment process purposes. Judges receive tenure after seven years on the bench; after tenure is reached, the review process is minimal.
- ♦ Complaints by domestic violence victims and victims' advocates concerning judicial conduct are handled by the Supreme Court's Advisory Committee on Judicial Conduct. Many

victims' advocates believe that the Advisory Committee does not properly fulfill its mandate, in that the committee often does not respond to complaints in a prompt or substantive manner.

"There's a bias against victims of domestic violence because these judges do not know who they are. They do not know that this shaking, nervous person in front of them could be their daughter, their sister, their mother... They don't know that because they're not trained."

Testimony of
Joan Pennington, Esq.,
Senior Attorney, Mercer County
Women's Law Project,
March 6, 1998

Recommendations:

14. The method in which family court judges handle domestic violence cases should bear significant weight during the Supreme Court's judicial review process. The Court should place special emphasis on family court judges' substantive knowledge of the law, courtroom demeanor, and fairness in domestic violence cases. The Governor as well as the Senate Judiciary Committee should take responsibility for assuring the integrity of the tenure process.
15. Oversight of judges must be improved. The New Jersey Supreme Court should act more vigorously in appropriate cases involving judges who abuse their powers of office: to remove judges from the bench in appropriate cases,

or to at least prevent judges from serving in family court if they are unsuitable for such service. However, the Supreme Court rarely issues such sanctions.

16. The Supreme Court's ultimate authority over judges can be supplemented by efforts which originate outside the court system. For example, some counties, such as Bergen, have organized "Court Watch" programs, staffed by volunteers, which monitor judicial behavior. Although such programs have no direct authority over judges, they are nonetheless effective tools in raising public awareness. The Task Force recommends the implementation of similar programs.

"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."

Testimony of
Anne Mullan, Esq.,
Supervising Attorney,
Rutgers Pro Bono
Domestic Violence Project at
Rutgers Law School Camden,
March 20, 1998

"The Judiciary has the responsibility of training their own judges, and they're not doing it. What they are doing is piecemeal, ineffective, and the results are minimal. I do not say that all judges are bad or that they're uncaring. I say that they're not treating victims of domestic violence the way they should be treated under the law. And there is no excuse for it."

Testimony of
Joan Pennington, Esq.,
Senior Attorney,
Mercer County
Women's Law Project,
March 6, 1998

Improve Family Courtroom Conditions and Court Procedures to Further Protect Victims.

Findings:

♦ Many victims find it difficult to file complaints and to follow through simply because of practical problems --they work during the day (when family court is open) or they live far from the county courthouse and find transportation difficult.

♦ Victims attempting to file initial domestic violence complaints are often forced to wait for hours in the courthouse, sometimes with their abusers nearby. The Task Force also received testimony about other victims who return to court as scheduled for hearings on permanent restraining orders and wait for many more hours only to be told by a clerk that their cases have been canceled.

♦ County domestic violence working groups, consisting of family court judges, domestic violence program staff, and law enforcement personnel, are effective tools in enhancing communication and improving procedures in the courts, law enforcement community and social service agencies. However, these working groups are not operational in every county.

Recommendations:

17. Expand Superior Court, Family Part working hours to include evenings and weekends to hear domestic violence cases.
18. Court calendars and the physical set-up of waiting areas should be sensitive to the needs of victims, and especially children (i.e. child care waiting areas). Schedule cases so domestic violence hearings might be completed by noon and others set between one and four p.m.; provide victims with a separate waiting area away from their abusers.
19. The Chief Justice and the Attorney General should ensure that domestic violence working groups are operational and meet regularly in all twenty-one counties of the State.

"One of the great difficulties is that in almost all cases, the judges will say, 'I'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

reference...to the trial judge's credibility determinations."

Testimony of
Anne Mullan, Esq.,
Supervising Attorney,
Rutgers Pro Bono
Domestic Violence
Project at Rutgers Law
School
Camden,
March 20, 1998

Compile Detailed Statistics Concerning Case Dispositions in Municipal Court.

Findings:

- ◆ The State Police maintain records concerning the number of domestic violence arrests. The number of arrests for the most recent three year period:

1994: 25,363

1995: 29,061

1996: 28,039

After arrest, however, statistical information is lacking.

- ◆ Approximately 90% of domestic violence complaints are ultimately disposed of in municipal court (exclusive of domestic violence restraining order violations), but records are not available from the municipal courts. Because of this, there is no mechanism to obtain a record of the disposition of these charges.

- ◆ The Task Force heard credible testimony that very few domestic violence complaints are terminated with a trial or guilty plea. Rather, the vast majority are dismissed. Some of the dismissals contain conditions; many are unconditional dismissals.

- ◆ Conviction disposition rates and sentences imposed provide essential information to determine the impact of mandatory arrest on batterers. Specifically, the policy goals of holding offenders accountable to protect victims' safety and reduce recidivism cannot be measured without basic

information regarding the number of convictions and the number of those defendants who are sentenced to jail or to work release, or ordered to participate in community service, batterers' counseling, drug and alcohol counseling and other programs.

- ◆ When statistics on disposition rates are not maintained, a valuable mechanism of accountability for the courts, prosecutors, and judges is lost. If routine dismissals of domestic violence complaints occur, this serious problem is rendered invisible.

Recommendations:

20. Require filing of a tally of domestic violence cases broken down by type and disposition in municipal court on a supplemental statistical reporting form. Similar supplemental reporting forms have been used in the municipal courts for disposition tracking of drunk driving charges. The reports would be filed monthly. Eventually the existing computer programs would be programmed to generate the required reports.

21. Include domestic violence restraining order violations in the required State Police reporting form so that the entire range of domestic violence arrests is documented. Not including the number of restraining order violations in the base calculation results in incomplete data concerning domestic violence arrests, offenders, and offenses.

Improve the Capabilities of The Current Computer System in the Family Court.

Findings:

- ◆ The computer system used in family court is currently being expanded. The Family Automated Case Tracking System ("FACTS"), once fully implemented, will process vital domestic violence information more quickly statewide by linking the civil, criminal, family, and municipal courts, probation, and law enforcement databases.

- ◆ However, domestic violence offenders who move from municipality to municipality may be treated as "first offenders" under the current system, which does not completely coordinate case dispositions among the various municipal courts. In addition, while domestic violence orders from other states are fully enforceable in New Jersey, there is no efficient method of quickly ascertaining the validity of an out-of-State order.

Recommendations:

22. The central registry now being implemented in the family courts should also include the capability of processing Criminal Code disorderly persons proceedings in all municipal courts; family court; Superior Court, criminal part remand courts; and out-of-State orders.

Enforcement of Ancillary Services by the Courts Must Be Encouraged.

Findings:

◆ According to testimony received by the Task Force, California implements a system where convicted batterers plead to a felony conviction for a year, and can attend a state-operated counseling program. After completing one year of therapy, the conviction is reduced to a misdemeanor and the abuser must pay a fine that covers the cost of the program.

◆ Court orders mandating batterers' participation in appropriate counseling programs or treatment services must be enforced in both criminal and civil cases. An order for an offender's program participation is meaningless if there is no monitoring or accountability for the offender's non-compliance.

◆ Mandatory counseling programs for abusers are sometimes an effective tool in breaking the cycle of violence but judges are reluctant to order it for several reasons: ordering counseling has not been the standard practice in many counties; judges are not always aware that batterers' programs exist; statutory authority for the judge to order an abuser to undergo counseling may be unclear.

"I tried a domestic [violence] tort case once, and I went into the judge's chambers after my client who was a victim of domestic violence, testified and [heard] the judge say, 'If that was my wife, I would smack her, too.' That is the attitude of many judges."

**Testimony of
Janice Miller, Esq.,
Member, Monmouth
County Domestic
Violence
Working Group, and
State Domestic
Violence Working
Group,
March 6, 1998**

Recommendations:

23. Uniform sanctions must be imposed for batterers who fail to participate in court-ordered programs in civil and criminal cases.

24. In criminal cases, these sanctions can include swift reinstatement of prosecutions which were held pending program completion or revocation of probation and re-sentencing the offender to incarceration.

25. Mandatory counseling should be ordered for all persons found to have committed an act of domestic violence.

◆ The Task Force particularly endorses the approach in Salem County, where all defendants subject to final restraining orders are ordered by the court to attend the Domestic Violence Intervention Program. The DVIP, which was developed in conjunction with the family court, educates participants about why domestic violence occurs and about the different types of abuse. Information is also given to participants regarding the Prevention of Domestic Violence Act and sources for appropriate counseling services.

26. Expand the distribution of educational materials about domestic violence and the court system. All victims, throughout the State, should receive copies of informational materials similar to that distributed in Essex County. An educational video for viewing by victims is being considered by the courts as well; such efforts are commendable.

Victims Should Be Given the Tools to Fully Understand the Consequences Of Dismissing a Restraining Order.

Findings:

♦ Many domestic violence cases are dismissed at the request of the victim, yet victims may be coerced or threatened to drop charges and complaints.

♦ As a tool for addressing this problem, the Task Force notes procedures implemented in the State of California require each party to separately attend a brief, mandatory, half-hour educational session before the court will allow dismissals.

Recommendations:

27. Require that the abuser attend a one-time educational /informational session when a victim requests that a domestic violence restraining order or criminal charges be dropped. The court would recommend that the victim attend; if both the victim and abuser attend the session, they would attend separately. The session would offer information concerning the dynamics of domestic violence.

28. The court should not unconditionally dismiss a restraining order in which the defendant has been ordered to

domestic violence counseling until the defendant has completed the counseling program.

29. The domestic violence statutes should be amended to clarify that the court has discretion to refuse to grant a victim's request for dismissal of a complaint if the court finds that the request for dismissal was made under duress.

"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 [visitation]."

**Testimony of
Nicole Solvibile,
Student Volunteer,
Rutgers Pro Bono
Domestic Violence Project
at Rutgers Camden
Law School,
March 20, 1998**

Court Decisions Concerning Divorce and Child Custody Must Take Domestic Violence into Account.

Findings:

♦ Up to 75% of all domestic violence assaults reported are inflicted after couples separate; and 73% of battered women seek emergency medical care after a separation.

♦ The statutory presumption in N.J.S.A.2C:25-29b.(11), that "the best interests of the child are served by an award of custody to the non-abusive parent," is not given full weight by the courts in final domestic violence hearings and divorce actions.

♦ As a related issue, the Task Force was informed of at least one tragic custody case where one parent killed the other parent, and the court ordered custody of the child with the *killer's* family, rather than the victim's family.

♦ Risk assessors evaluate parents who commit domestic violence in order to determine the risk to the children of unsupervised visitation with an abusive parent. The evaluation is performed on behalf of the family court. However, no credentials other than attending a day long seminar are required for the personnel who perform risk assessments.

◆ Some municipal courts refer domestic violence Criminal Code cases to dispute resolution. In addition, divorce cases in family court where some parties have a previous history of domestic violence are inappropriately sent to mediation.

Recommendations:

30. The judiciary must be sensitized to the high correlation between domestic violence against a partner and child abuse. Judges should also understand that the witnessing by a child of the abuse of one of the child's parents is a form of child abuse.

31. When household members are involved in domestic violence, the judge must weigh this factor carefully in making custody and visitation decisions.

32. The court should identify appropriately trained professionals to perform risk assessments and establish standard professional requirements for risk assessors to prevent unqualified personnel from making conclusive reports which result in awarding visitation rights to an abusive parent.

33. At minimum, the Legislature should expand the statutory presumption set out in N.J.S.A.2C:25-29b.(11), that the best interests of the child are served by an award of custody to the non-abusive parent, to include final hearings in domestic violence cases and to include all other matters in family court, such as custody and visitation disputes.

34. In those tragic cases where a parent is killed or incapacitated by the other parent, a presumption

should be made that the best interests of the child are also served by an award of custody to the victim's family.

35. The Supreme Court should adjust the Child Support Guidelines to distinguish between victims of domestic violence and other child support recipients with regard to application of shared parenting and visitation. The potential harassment of the victim by the batterer is not taken into consideration under the present guidelines.

36. Enforce the current prohibition against mediation in municipal court domestic violence cases. In family court, no mediation of divorce actions should be ordered in cases where a finding of domestic violence was made against one of the parties.

Compensation for Family Court Judges.

Findings:

◆ Currently there are no special incentives in place that reward family court judges for years of dedicated service despite the stress and emotional turmoil of the courtroom.

◆ According to testimony presented to the Task Force by an Ocean County family court judge, there has been a 30% turnover rate in family court -- the highest rate of all the divisions. This exodus may be due in large part to the high level of stress involved in family court matters. Family court judges are called upon in almost every

case to make critical decisions involving emotionally charged issues that significantly impact the lives of all family members. Their decisions in domestic violence cases can be life-or-death matters. Judges are often expected to do this work with little formal training or background in human psychology or social issues.

Recommendations:

37. The Chief Justice should solicit judges specifically for the family court; appointment to family court should be seen as a privilege to which only the most capable and dedicated individuals can devote themselves.

38. The Legislature should consider providing family court judges with incentive bonuses, additional stipends, and/or bonuses based on length of service to encourage and reward the difficult work in this court.

III. Innovative Programs

"Domestic violence is a crime. I don't care if it's one time that someone has been brutally battered, the first time in a 15-year relationship, or if it's many times. It's a criminal act. If someone hits a stranger on the street, beats them up, kicks them, punches them, breaks their arm, stabs them, that's a crime. The person is arrested -- the perpetrator -- and prosecuted. Is it different when it's family members?"

**Testimony of
Janice Miller, Esq.,
Member, Monmouth
County Domestic Violence
Working Group,
March 6, 1998**

Domestic Violence Offenses Must Be Aggressively Prosecuted.

Findings:

♦ Municipal courts hear the majority of domestic violence complaints, yet prosecutions in municipal court are often not aggressive enough. Too many charges are dropped or plea-bargained down to lesser offenses and the sanctions given to offenders are weak. Several counties have implemented "pro-prosecution" strategies to hold abusers accountable at the Superior Court level, in the Family Division and/or the Criminal Division.

♦ When prosecutors use pro-prosecution strategies, the victim's statement is not relied on as the sole evidence in the case. Other evidence is carefully gathered: photographs of the victim's injuries; medical records documenting those injuries; tape recordings of victims' 911 phone calls; torn clothing; photographs of the crime scene. Pro-prosecution strategies take responsibility for intervention away from the victim and place responsibility on the criminal justice system where it belongs. When these strategies are used, it is much more difficult for abusers to threaten or coerce victims into dropping charges, since it is the

prosecution's decision to move forward with the case, taking the burden off the victim.

♦ Sound pro-prosecution policies must always include provisions that the victim's safety is paramount and that a prosecution should not proceed, if in doing so, the victim will be at greater risk.

"I had a woman shot five times, and she didn't want to go forward. Five times -- she's hanging laundry on a rooftop, she got shot five times, doesn't want to proceed. I'm like, sorry, you're going forward. And this isn't a rare case."

**Testimony from
Debra Cannella,
Assistant Prosecutor,
Essex County
March 6, 1998**

"In front of the batterer, they may not want to say, 'Lock him up, I want to prosecute him.' They don't have to. We took the burden away from them, and I think that some of them are secretly happy that maybe somebody's going to do something about this."

**Testimony of
Debra Cannella,
Assistant Prosecutor,
Essex County
March 6, 1998**

Recommendations:

39. More aggressive prosecution policies are needed. Pro-prosecution policies must be expanded to all counties. In San Diego, California, domestic violence homicides have dropped over 60% as a direct result of that city's program.

40. The New Jersey Supreme Court should initiate pilot programs that permit jurisdiction of all disorderly persons domestic violence complaints to be in the Superior Court, Family Part or in the Superior Court, Criminal Part remand court. The programs should be designed to provide:

- ◇ Adequate resources for pre-trial monitoring of bail conditions;
- ◇ Expeditious scheduling of cases for prosecution pursuant to speedy trial guidelines;
- ◇ Prosecution by the county prosecutor's office (or full-time designee);
- ◇ Hearings to enforce pre-and post-conviction monitoring of judicially established conditions and/or sanctions, specifically including probation violations.

41. The effectiveness of these prosecution programs should be studied and compared to the effectiveness of prosecution in municipal courts. This study would facilitate an appropriate State-wide policy determination on the appropriate venue for effective prosecution and enforcement of domestic violence laws at the disorderly persons level.

42. Promote "victimless prosecution" in domestic violence cases, whereby prosecution of cases does not depend on the victim's decision to move forward with the case.

43. Implement a zero tolerance program modeled after the programs in effect in Quincy, Mass., and San Diego, Calif. (See attached Appendix II, "Family Violence: State-of-the-Art Court Programs," National Council of Juvenile and Family Court Judges.) The zero tolerance program assures that domestic violence offenders are given stiffer and more stringent penalties. Due to a more rigorous application of the law, successful prosecutions have increased. In San Diego, domestic violence-related homicides dropped sixty-one percent within two years of initiating the program and the homicide rate has remained at these low levels in subsequent years. In Quincy, Mass., thirty-three percent of all restraining order violators are incarcerated with the remainder subject to tough probationary sentences.

Hearing Officer Programs Should Be Expanded Throughout the Family Court.

Findings:

◆ In 1996, the New Jersey Supreme Court created a domestic violence hearing officer program which has received praise from victims' advocates and family court judges alike. Hearing officers conduct ex parte hearings concerning temporary restraining orders (TROs), outside the formality of a courtroom setting. The program is gradually being expanded Statewide.

◆ Hearing officers are not judges themselves but are experienced attorneys or domestic violence workers. They have authority to issue preliminary restraining orders which then must be signed by a judge to become effective. The hearing officer has more time to extract important evidence from those victims who are reluctant to speak. Oftentimes, victims do not understand the importance of telling a judge about past incidents of violence; unfortunately, judges who are not told about past incidents are less likely to issue a needed restraining order.

◆ A hearing officer can invest more time in each domestic violence case, using careful and patient questioning of a reluctant victim to elicit information. This is particularly important because of the recent trend by some judges (in some counties) to deny a request for a restraining order if the basis for the request is harassment by the abuser. The trend was prompted by several recent Appellate Division decisions that appeared to limit the plaintiff's ability to prove harassment as grounds for a restraining order. However, the Task Force was told by a hearing officer that many domestic violence complaints which appear to be "just" about harassment actually involved other incidents of assault and other serious physical abuse in the recent past. This type of careful questioning establishes clearer grounds for the granting of a restraining order.

Recommendations:

44. Expand the Domestic Violence Hearing Officer Program so that victims who are reluctant to provide crucial information in courtroom settings can be carefully questioned by a hearing officer who has more time to dedicate to the case.

Domestic Violence Crisis Teams Are Important Tools in Attacking Domestic Violence.

Findings:

◆ Domestic violence crisis teams -- also known as crisis intervention teams -- are essential in helping victims through the system. Pursuant to N.J.S.A.2C:25-20, law enforcement agencies are required to "either establish domestic crisis teams or train individual officers in methods of dealing with domestic violence." The teams may include social workers, clergy or other persons trained in counseling, crisis intervention or the treatment of domestic violence. Many municipalities do not have these teams.

Recommendations:

45. Domestic violence crisis teams should be expanded to all municipalities in the State.

“We have a second class system of justice in this country, and women are that second class. If they do not have money, they cannot protect their children, they cannot get out of divorce, they depend on pro bono representation of attorneys, if it’s available.”

**Testimony of
Joan Pennington, Esq.,
Senior Attorney,
Mercer County
Women’s Law Project,
March 6, 1998**

Encourage More Legal Assistance and Support Services for Victims of Domestic Violence.

Findings:

♦ Victims of domestic violence need assistance in going through the courtroom process and need legal representation, especially when their abuser is represented by counsel. Yet, victims are often unable to afford attorneys.

♦ Programs such as the Pro Bono Domestic Violence Project at Rutgers-Camden Law School, which involve volunteer law students accompanying domestic violence victims to court, serve a very real need.

♦ The mission statement of the Rutgers Pro Bono Domestic Violence Project emphasizes serving the poor and under represented populations within the surrounding county; it also promotes law students’ active involvement in community service. Student volunteers assist victims of domestic violence in filing of complaints and obtaining Temporary Restraining Orders.

Recommendations:

46. The New Jersey Supreme Court should actively encourage attorneys to do pro bono work in domestic violence cases.

47. The victim services provided under the New Jersey Victims of Crime Act by the county Offices of Victim-Witness Advocacy must be provided to all domestic violence victims, regardless of whether the charges are disorderly persons offenses or indictable offenses and regardless of whether the charges are heard in criminal, family, or municipal court.

48. Encourage pro-bono representation for the many victims who are in dire need of that service. Create a Domestic Violence Fund, if necessary, to support representation of indigent domestic violence victims. Study the viability of earmarking penalty amounts for this purpose.

49. Establish a network of law schools to expand legal assistance services statewide, thereby replicating the model Pro Bono Program at Rutgers.

IV. Miscellaneous

Insurance Compensation for Claims Associated with Domestic Violence Should Not Be Prohibited.

Findings:

◆ Although New Jersey law permits a victim of domestic violence to sue a spouse for compensation for physical and emotional abuse, the courts have held that the defendant's homeowners' insurance cannot be used to pay claims in these cases. (*See Merrimack Mutual Fire Ins. Co. v. Coppola*, 299 N.J.Super. 219 (App. Div., 1997).) The inability to use insurance coverage as a way to obtain compensation represents an injustice to victims, who lose a means of compensation for their injuries.

Recommendations:

50. The Legislature should investigate the feasibility of allowing domestic violence victims' coverage under insurance policies for damages caused by their spouses' violent acts.

Women May be Reluctant to Report Domestic Violence Because of the Potential of Being Held Civilly Liable for Defamation.

Findings:

◆ N.J.S.A.2C:25-22 provides immunity from civil liability for law enforcement officers, domestic violence crisis team members and persons who report possible incidents of domestic violence in good faith. However, there is no such immunity for a victim who alleges domestic violence.

◆ A person who files a domestic violence complaint but later reconciles with the abuser may potentially be liable in a defamation suit filed by that abuser.

Recommendations:

51. Enact "good faith" immunity for individuals who file domestic violence complaints similar to the immunity currently provided to law enforcement officers and persons who report domestic violence incidents.

"This problem is not going to go away. It is only going to get worse. The estimates are that one in fourteen elderly persons is going to be abused in their lifetime.

This is a frightening statistic. This means, if I look around at you and include myself, one of us is certain to be abused in the next years."

**Testimony of
Eda Saperstein,
Program Coordinator,
Adult Protective
Services Training
Program,
School of Social Work,
Rutgers University
December 5, 1997**

Men and the Elderly Are Underserved by Domestic Violence Programs.

Findings:

- ◆ Of the 85,000 domestic violence cases reported annually by the State Police, twenty percent represent male victims. Federal and state funding for domestic violence is not oriented towards male victims, who may feel too embarrassed and stigmatized by their situation to ask for help.
- ◆ Only two to five percent of elderly abuse is reported. Older women historically have not sought services due to a perceived stigma; they may be reluctant to enter shelters because of a concern for lack of privacy, handicap access, and experienced personnel to deal with their special needs.
- ◆ In 1995, 2,125 women (of all ages) were housed in victims' shelters as a result of abuse; however, less than one percent were over the age of 55. The judiciary and law enforcement are often reluctant to remove an older abuser from the home due to mistaken beliefs that violence among the elderly is not a serious problem.

Recommendations:

52. Information about domestic violence services should be made available to male victims. Existing domestic violence support groups need to be sensitive to the special needs of male domestic violence victims.

53. Domestic violence service programs should be encouraged to coordinate services with State and local Offices on Aging/Senior Services. Study the feasibility of funding innovative programs with federal monies to implement traditional services within the homes of abused elderly, address alternative living arrangements, and counseling for elderly batterers.

"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 populations as well, both the adult and child."

**Testimony of
Dr. Martin Finkel,
The Violence
Institute of
New Jersey at UMDNJ,
March 20, 1998**

Domestic Violence Has a Devastating Effect on Children.

Findings:

- ◆ Sixty to seventy percent of the juveniles housed in the Camden County Youth Detention Center came from violent homes. This statistic supports the conclusion that there is a relationship between childhood exposure to domestic violence and criminal behavior later in life.
- ◆ The most common characteristic among batterers is that they witnessed domestic violence as children.
- ◆ According to testimony the Task Force received, every county in the State does not have a counseling program for children who have witnessed or experienced domestic violence.

Recommendations:

54. Implement counseling programs for children who are victims of domestic violence in all twenty-one counties. Such an effort can help reverse the alarming trend of adolescent violence in our society.
55. Add domestic violence education to the school curriculum. Students at the junior high school and high school level can benefit enormously from appropriate programs that teach the dynamics of family and dating violence and non-violent problem-solving. These programs should be as comprehensive as DARE (Drug

Abuse Resistance Education) programs. Efforts to coordinate the presentation of both programs should be encouraged.

"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...I think there is an opportunity there to prevent future acts of domestic violence by reaching out to the children."

Testimony of
Anne Mullan, Esq.,
Supervising Attorney,
Rutgers Pro Bono
Domestic Violence Project at
Rutgers Camden Law School,
March 20, 1998

Eliminate Federal and State Grant Processing Delays to Maximize Efficient Use of Funds.

Findings:

♦ Because of inadequate funding and processing delays, domestic violence service providers - which rely on federal funds distributed by the State - are holding their programs together with shoe-string budgets. Currently, the

State receives federal funds destined to be distributed among service providers in October; the Department of Law and Public Safety distributes grant applications in November; the applications are not processed until May, some seven months after the State receives the funds. Because the federal fiscal year ends September 30, the service providers only have until September 30 to spend the funds that they received in May or June. This process wreaks havoc with providers' budgeting process and ultimately hurts victims.

Recommendations:

56. The State Auditor should conduct an audit of the process by which Federal funds are distributed by the State to service providers.

57. The grants should be streamlined and given a consistent fiscal year, so that monies can be better utilized.

58. Better coordinate the fiscal and calendar year deadlines between the federal/State government and grant recipients to alleviate the problematic time lag in the grant awarding process.

59. Consideration should be given to placing all federal funds for domestic violence victims' services under the auspices of the Department of Human Services for distribution.

60. As an additional monetary source, investigate the possibility of imposing penalties on abusers in civil matters, subject to abusers' economic and monetary circumstances. Penalties would benefit victims' shelters and other victim services.

"National experts agree that the best way to eliminate domestic violence is through a coordinated community response. This means that everyone who encounters a victim and/or perpetrator from hotline workers to police, prosecutors, judges, counselors, health care workers, and others need to work together and have the same primary goal. And that primary goal must be safety for the victim and accountability for the batterer."

Testimony of
Barbara Price,
Executive Director,
New Jersey Coalition for
Battered Women,
December 5, 1997

Appendix I

The need to increase judicial training and heighten judges' sensitivity towards victims of domestic violence is apparent to those who work in the domestic violence field but the public at large may not be aware of the extent of the problem.

Of course, this is not to say that all judges are alike; the vast majority of them work hard to uphold the law and to treat victims with fairness and compassion. However, there is a substantial minority of members within the judiciary who seem to view domestic violence as a minor problem, and who look at domestic violence cases in their courtrooms as annoying interruptions to the "real" work of the courts.

The following are actual statements made by judges of the Superior Court in this State. Names of the judges and the vicinages where they are located have been withheld.

- C (Statement to an attorney at an in-chambers conference in a domestic violence case involving a distraught, weeping victim.) **"If that was my wife, I'd smack her around, too."**
- C (Statement in court to the parties, where the victim had alleged brutal physical abuse.) **"I'm sending you to therapeutic mediation. You two should be able to work it out."**
- C (Statement in court to the parties and their attorneys, after the victim described being dragged downstairs by her hair, and having the defendant repeatedly bang her head into a cement sidewalk.) **"No one would ever do that to another person, so I find that the plaintiff is not credible."**
- C (Statement in court to a defendant.) **"I'm sure you didn't intend to hurt her."**

Appendix II

The Task Force recommends that New Jersey implement “zero tolerance” programs in all counties. Programs such as the following, in effect in San Diego, Calif. and Quincy, Mass., have effectively reduced domestic violence homicide rates in those cities.

The material in this Appendix is taken from a publication by the National Council of Juvenile & Family Court Judges: “Family Violence: State-of-the-Art Court Programs”.