

Transcript of Proceedings

STATE OF CONNECTICUT

BEFORE THE CONNECTICUT STATE ADVISORY COMMITTEE
OF THE UNITED STATES SENT RICHARD ROBERTSON

PUBLIC HEARING ON DOMESTIC VIOLENCE

V II

House of Representatives
State House
Hartford, Connecticut

September 26, 1997

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STATE OF CONNECTICUT

DEPARTMENT OF ADULT PROBATION

643 Maple Avenue
Hartford, Connecticut
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GEORGE C. GRIFFIN
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September 22, 1977

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Eugene Bogan, Regional Attorney
United States Commission on Civil Rights
Northeastern Regional Office
26 Federal Plaza, Room 1639
New York, New York 10007

Dear Mr. Bogan:

In response to the questionnaire received on September 21, there is not much done differently with individuals placed on probation for the type of crime in which you are interested than there is with other probationers in the actual supervision phase.

In situations, however, where the court has imposed special conditions of probation, such as the probationer not returning to that particular address, or perhaps not indulging in alcohol, or seeking treatment for alcohol or drug abuse problems; these conditions, of course, are followed to the letter and any violations are immediately reported to the court. Since many of these people also are unemployed, and this contributes to their general attitude, a definite effort is made to find employment for those in that situation.

Also, during this coming academic year, our training school is emphasizing family counseling, and most of our staff will receive at least some training, either orientation-type or advanced, in that particular phase of our job.

No. 2. - This agency operates on a caseload management by objective system in the supervision of probationers. Cases in which physical violence is involved are considered high-risk cases and, therefore, receive a maximum amount of probation supervision. In such instances where the victim and the accused are related, either through marriage or common law relationships, there would be extensive contact with both victim and probationer. In situations where the relationship was one flimsy in character, the victim probably would not be in the picture too much, unless the probationer made attempts to contact her after being placed on probation. If that were the case, we would definitely step into that situation and take some preventive measures. In such high-risk

cases, probation contacts under our new system will be on a weekly basis.

No. 3. - Recommendations in our presentence investigations are the result of the information gathered in the course of the investigation. They are objective, and the officers are specifically trained to keep them that way. The average time given for the presentence report is four weeks and sometimes longer if the defendant comes from out of state and correspondence is necessary or psychiatric information needs to be obtained. We have never had any trouble getting an extension of time if necessary.

The major factors looked for in sentencing recommendations are always the defendant's past criminal record, the length of time between his last offense and the current one, his employment situation, and his general situation in the community at large.

I don't believe that there is any way of measuring how much time is spent supervising persons who are placed on probation for this particular offense as compared to other offenses. Probation Officers here have caseloads that average out at 120 per officer, and they really have to make an attempt to provide adequate service to those on probation who really need it. This is difficult at best, and I'm sure that we fall far short of providing what anyone could call intensive supervision in most cases.

The caseload management by objective system, however, does give the Probation Officer the opportunity to separate out from his general caseload those people who would benefit the most from his efforts, and this is where he will spend his time from now on. I'm sure that a large number of the cases in which you are interested would fall in that category once we have a chance to evaluate the data.

No. 4. - It is not at all uncommon for our Probation Officers to recommend probation supervision in their presentence reports. This agency employs only college-trained personnel and that, plus the training provided at our training academy, which averages out to about 10,000 man-hours per year, gives us fully-qualified counselors in the probation system in Connecticut. In the event, however, that an individual presents a particular type of problem with which we do not feel comfortable, and which we feel can best be dealt with by private agencies or specific treatment facilities, we have contractual agreements with many of them in the state and are

able to send clients on a referral basis to them. For example, we have a contract with the UConn Medical Center for psychiatric services. We have contracts with almost every drug treatment facility in the state, residential and nonresidential, so I believe we are fairly well equipped to deal with almost any problem which an individual case could present.

No. 5. - One of the major problems in cases of this kind is the excessive use of alcohol on the part of the perpetrators. I also believe that unemployment is a factor since people that are unemployed lose their respect and their dignity. It often-times is the man's bad feelings about himself that he is taking out on his spouse when these situations occur. I believe that housing problems enter into it, and in general most of the sociological factors which account for the high crime rate at both the juvenile and adult level.

In suburban situations, again, I think alcohol is a problem, but probably more than that the tensions and stresses of trying to cope in a competitive type of society like ours. It is certainly strange that people who live together have difficulty relating to one another, and many times I believe these problems could be averted if the parties could simply sit down and talk. Unfortunately, this usually does not happen until too late in the game or until some third party intervention occurs. These people, however, are reluctant to seek help before something happens.

Once these people come to the attention of the probation department, not much can happen unless the Probation Officer can obtain their trust and confidence, and even then communication is often difficult because this is not a subject with which people feel comfortable. It is very apt to happen again, and the information is very difficult to obtain when it does happen a second time. Witnesses are reluctant to come forward, they are reluctant to come to testify at probation violation hearings and usually will not do so unless they have the utmost confidence in the officer handling the case. In other words, if the general situation surrounding the parties cannot be improved, the prognosis for most of these cases on an individual basis is poor.

No. 6. - I believe that one method to deal with people on probation for this offense is through the group therapy concept, and also by bringing into play other agencies such as AA, Marriage Encounter, etc. As we proceed with contractual agreements with other agencies, we should keep these cases in mind and, therefore, we should seek more funds from the General Assembly for contractual agreements.

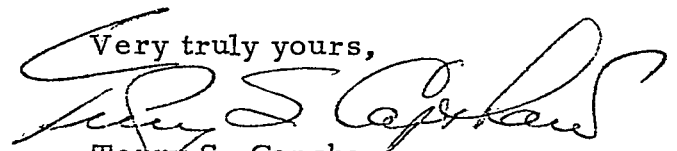
September 22, 1977

In Connecticut, the courts really need a Forensic Service similar to what they have in Chicago and Boston. We have the beginning of that with a travelling diagnostic service in Hartford County now operated by the State Department of Mental Health with Federal funds. These Federal funds will expire at the end of this fiscal year, and I believe it is extremely important for the state to not only pick up the present funding for the single unit which is operational at this time, but to expand this service to at least the three major population areas of the state, if not statewide. This provides diagnostic services for the courts and also does the 5440 examinations in the county. Through this type of service you find that there are a great many more disturbed people in the probation caseload than what one would guess, and through this recommendation steps can be taken to deal with this problem.

An examination of this situation in the probation system could result in perhaps a specialized caseload of these probationers with the heavy involvement in group work, and a concentrated effort on the part of the supervising officers to provide more intensive probation supervision than they are able to with the large caseloads they have at the present time.

Lastly, I would say that the courts should take a stricter posture in these cases since I am relatively certain that the cases that come before the court are certainly not the only ones committed by the perpetrators. I feel that these things go on and on, and the women only complain when they are really hurt badly, or that many of them are diverted by the police officer when called to the scene if there is a complaint. In situations which become chronic, there certainly should be incarceration involved once the cases do come to court.

Very truly yours,



Terry S. Capshaw
Director

TSC:t

Permanent Commission

The problem of wife abuse cuts across every socio-economic group. It is an old problem and a serious one, the magnitude of which has only begun to surface.

Police have been reluctant to become involved in family disputes. Often, the battered woman has been reluctant to press charges fearing that her husband would be released quickly only to return home even angrier and ready to inflict more physical pain. The children suffer too.

Spousal Abuse Law to Provide Ex-Parte Restraining Order

The growing problem of family abuse was widely discussed in the last session of the Connecticut legislature as public hearings were held for testimony on bill number 958 recommended by the Permanent Commission on the Status of Women. After having been boxed, petitioned out for public hearing and amended twice, the bill passed and was signed by the Governor. As of October 1, 1977, Connecticut courts will be able to grant ex-parte restraining orders in cases of spousal abuse. The efforts of the Connecticut Task Force on Abused Women, Litchfield Legal Services, and the courageous testimony of many battered women provided a major thrust toward enactment of this important legislation.

Under the new law, specific procedures will be adopted so that spouses who have been battered or threatened with "willful infliction of physical pain or injury" may apply to the superior court for relief. Applications may be made if the pain or injury involves either spouses, or their children. After a restraining order is issued to the adverse party, a hearing on the matter will be scheduled.

The PCSW also supported an appropriation of \$75,000 for a pilot project to establish shelters for battered women in Connecticut. This important legislation did pass and as a result some of the many battered women in Connecticut will find a temporary refuge from physical and psychological pain.

The Commission is now considering a legislative recommendation to establish permanent shelters for these women. Clearly, the necessity for emergency housing and counseling will remain as long as the problem is with us and the problem is not going to disappear. UNTIL many Attitudes about women & their roles in our Society are dealt with & changed.

Beth Rawles, Chn.
Permanent Commission
on the Status of Women

STATE OF CONNECTICUT

PUBLIC HEARING before the Connecticut State
Advisory Committee of the United States Civil Rights
Commission, held in the House of Representatives Hall,
State House, Hartford, Connecticut, on September 26, 1977,
afternoon session commencing at 2:45 p.m., ON DOMESTIC
VIOLENCE.

SITTING:

John Rose, Jr., Chairperson
Gloria Busch
Judy Holmes
Doris Rolden
Matthew J. Forstadt
Stephen Rabinovitz

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PROCEEDINGSAFTERNOON SESSION

(2:40 p.m.)

CHAIRMAN ROSE: Are we ready to go? The next panel related to the court system, and I understand that there is a representative here from the office of the Prosecutor in Hartford and a representative from the Public Defender's office. Why don't we start with the Prosecutor's office. Please identify yourself for the record.

MR. AARONSON: My name is Irving Aaronson. I am Assistant Prosecutor of the G-14 here in Hartford.

CHAIRMAN ROSE: I am assuming that you do not have a prepared statement.

MR. AARONSON: That's correct. In fact, I wasn't informed until this morning.

CHAIRMAN ROSE: Why don't we proceed on the notion that we will direct questions to you, and since we intend to treat both you and the Public Defender's Office at the same time, let me ask John Barry, who is the Chief Public Defender in Hartford, whether he has a prepared statement.

MR. BARRY: John, I'd be happy to go along with the format you just described and answer questions as you please.

1 CHAIRMAN ROSE: All right. Let's do that, then.
2 I believe that I am assigned primary responsibility
3 along with Stephen Rabinovitz with respect to this
4 section, anyway. With respect to prosecutor's office,
5 what are the approximate number of assault cases,
6 domestic assault cases, handled by your office a month,
7 would you estimate?

8 MR. AARONSON: The approximate number a month?

9 CHAIRMAN ROSE: Talking about assault cases,
10 generally, then we get to the battered women.

11 MR. AARONSON: Including assault 1 and 2?
12 I would say we would probably handle assault 1 and 2's,
13 assault 3's probably two to three hundred a month.

14 CHAIRMAN ROSE: And this is out of a case load
15 of about how many, would you say?

16 MR. AARONSON: From 85 to 150 cases a day, you
17 take it from there.

18 CHAIRMAN ROSE: Would you tell us a little bit
19 about the court system setup in Hartford or in
20 Connecticut, generally?

21 MR. AARONSON: Well, the Court of Common Pleas
22 is set up with 19 geographical areas, with anywhere
23 from one to, hopefully, four judges in Hartford, but at
24 least one judge assigned to each geographic area. The
25 jurisdiction, both civil and criminal -- with regard to

1 the criminal jurisdiction, we have handled all
2 arraignments, which is the initial presentment of all
3 cases, anything from Class A felony down to Class C
4 misdemeanor. However, with regard to jurisdiction,
5 we will handle in key jurisdiction only those matters
6 in Class D felony and below. Class D felonies -- with
7 regard to Class D felony, our jurisdiction is limited
8 to a maximum sentence of one year in prison and/or
9 \$1,000.00, whereas a Class D felony handled in Superior
10 Court, the maximum sentence would be five years.

11 CHAIRMAN ROSE: As you know, this Committee is
12 concerned with the problems of battered women at this
13 point as the court systems relate to them. I am
14 wondering if you have a statistic, or whether as a
15 matter of course, the prosecutor's office keeps
16 statistics on the incidents of battered women or
17 domestic related complaints?

18 MR. AARONSON: Not as such.

19 CHAIRMAN ROSE: You have an idea of the number
20 of those cases that appear in the court in a month, a
21 week, whatever time plan?

22 MR. AARONSON: No, but the gentleman next to
23 me said he might be able to help out.

24 CHAIRMAN ROSE: Who's that? Mr. Patti, would
25 you identify yourself for the record?

1 MR. RAFALA: I am Mr. Rafala, Administrative
2 Supervisor for the Family Relations Division. In
3 reference to your last question, Chairman Rose, these
4 statistics may be somewhat -- these cases are directly
5 related to the cases that the prosecutor saw fit to
6 refer to family relations. First, if I may just describe
7 the overall function of family relations, perhaps it
8 would give you a better insight as to what we do as
9 far as the court is concerned. We have two types of
10 cases. The first type is the woman who comes in the
11 office and registers a complaint. Normally, those are
12 of an inadequate support, some degree of physical abuse,
13 at least not to her knowledge, does it warrant an arrest
14 at this time. She has been physically abused by her
15 husband or mentally, and these kinds of cases we are
16 limited as to what we can do. What we do is record
17 the complaint made by the woman in cases of some abuse,
18 and then we set up an appointment usually in three
19 weeks to have both parties come in and talk to us. The
20 frustrating thing is, of course, if the man does not
21 wish to appear, there is no law that says he must
22 appear, because no arrest has been made; it's a simple
23 complaint sort of thing. Our second vehicle of
24 referrals are, of course, courts. These are cases
25 where an arrest has been made. A police report is, in

1 fact, in the file describing the nature of the
2 complaint and the abuse. If the prosecutor sees fit
3 at this point that it's not a serious nature, however,
4 the people would benefit by talking to us, then in
5 these cases, they are referred to our office. We
6 generally give them a three week continuance time at
7 which time we notify both parties to be present.
8 Assuming they both appear -- and generally they all
9 appeal when there is an arrest involved -- we ascertain
10 a police report on their complaint as to what
11 precipitated this type of quarrel, then we try to find
12 the underline reasons: Is this a one shot deal, does
13 it happen continuously, and so on. Based on that, we
14 make our recommendations to the prosecutor for his
15 discretion. Whether it's complied to is entirely up
16 to the court.

17 With statistics of cases referred to the courts,
18 I am going to give you a state picture. Total cases
19 referred to the courts in the fiscal year '76, '77,
20 were 5,733 cases.

21 CHAIRMAN ROSE: What do you say -- you mean
22 referred by the court to you?

23 MR. RAFALA: Of the 19 geographical areas.

24 CHAIRMAN ROSE: That number again was --

25 MR. RAFALA: This doesn't mean that they are

1 all physical abuse cases. This can stem from a breach
2 of peace, disorderly conduct, threatening, and that
3 nature. They are not all necessarily battered or
4 physically abused complaints. We had 8,412 cases
5 referred from court action, but only 5,733 actually
6 went to final disposition. The others were resolved
7 administratively.

8 Our biggest problem, and I am sure our prosecutor
9 will agree, because it will all relate to this, is that
10 the complaint has been registered, but when it comes
11 down to the final hundred yards, the woman eventually
12 backs off, therefore, tying the hands of the courts
13 regarding a recommendation --

14 CHAIRMAN ROSE: I'd like to -- because we are
15 in some kind of structure -- I'd like to go back to
16 the prosecutor at this point, because we have dealt in
17 the -- we have gotten to the point where we have dealt
18 with the police officers. I am assuming now, if we
19 had a test case, we would go back to Mr. Aaronson.

20 MR. AARONSON: As was stated, these are cases
21 which are referred to the Family Relations office.
22 Now, sometimes cases are not referred to them because
23 of the seriousness, and it also has to be considered
24 that the family service officer will not take referrals
25 of boyfriend- girlfriend or living together. They have

1 to be married for the family relations to take this
2 case, so there are a lot of cases which lie outside
3 the jurisdiction, if you will, of the family relations
4 office.

5 CHAIRMAN ROSE: What's the relationship or the
6 responsibility of the prosecutor's office with respect
7 to the warrant seeking situation? Let's assume, we
8 have a woman who claims to have been battered. If she
9 comes to the prosecutor's office, what happens?

10 MR. AARONSON: She doesn't come to the
11 prosecutor's office. She registers a complaint with
12 the police. They, in turn, get an affidavit which they
13 bring up to the prosecutor's office. He, in turn, will
14 read the affidavit, and if he feels there is probable
15 cause, will then sign it. It is then taken to a judge
16 who also reviews it. He also makes the determination
17 whether he feels it's probable cause for the arrest,
18 and if he feels so inclined that there is probable
19 cause, he will then sign it. It then comes back to our
20 office where the actual warrant and information is
21 made out and is served upon the individual.

22 CHAIRMAN ROSE: Assuming that an arrest is made,
23 what follows? What do you do then?

24 MR. AARONSON: Well, the arrest is made, and
25 generally, within the next day, it is presented upon

1 arraignment in the court. If it is a matter that we
2 feel can just be disposed of through referrals to the
3 family relations office, we will send it down.

4 Generally, an application is made for the public
5 defender's office. What they do with it, I let John
6 speak, but, generally, the public defender is
7 appointed at that time or, if they wish their own
8 counsel, they are given a continuance to get their
9 own attorney, and the matter is generally continued
10 at that point until some future time either for
11 investigation by the public defender or by his own
12 counsel, if he chooses.

13 CHAIRMAN ROSE: What criteria do you use for
14 sending a case to the family relations office?

15 MR. AARONSON: Generally, the severity of the
16 situation. If it's a fairly minor situation, we feel
17 can best be disposed of, it isn't worthwhile taking
18 up the court's time, a technical assault rather than
19 an assault three, in other words, there was a laying
20 on of hands, but really, no injuries inflicted or
21 anything like that, then those would be the kind of
22 cases we'd refer to them. More serious injuries we
23 retain jurisdiction, but we would not refer it. We
24 would keep it ourselves.

25 CHAIRMAN ROSE: If the offender, the alleged

1 offender, is known to the prosecutor's office, does
2 that affect the decision to send the case to the family
3 relations office, if he has been convicted or presented
4 for the same kind of thing?

5 MR. AARONSON: I wouldn't want to say in all
6 cases, but, generally speaking, I would say that would
7 have a bearing.

8 CHAIRMAN ROSE: Would you say that in your
9 experience, and I think you've been a prosecutor two
10 or three years --

11 MR. AARONSON: Not quite. Two years.

12 CHAIRMAN ROSE: Okay. Would you say that it's
13 a common thing in the Court of Common Pleas in Hartford
14 to get complaints from women who claimed to have been
15 battered, physically assaulted ?

16 MR. AARONSON: Common, yes.

17 CHAIRMAN ROSE: In a typical prosecutorial day
18 with a case load of 150, would you estimate a percentage
19 of those --

20 MR. AARONSON: No. It would vary. Some days
21 you may have none, some days may be loaded with them.
22 They average out over a period of time.

23 CHAIRMAN ROSE: The prosecutor makes an initial
24 determination with respect to probable cause, which
25 means that one has to decide that an offense has been

1 committed and that person alleged to commit that
2 offense did commit it. What criteria does the
3 prosecutor's office use with respect to a battered
4 woman's situation to determine probable cause?

5 MR. AARONSON: I don't think we relate it to
6 the statutes. As I said, it could be technical assault
7 three. It wouldn't necessarily be a battered woman.

8 CHAIRMAN ROSE: Is any consideration given to
9 the spouse or marital relationship as between parties?

10 MR. AARONSON: Not necessarily. Was there an
11 assault or wasn't there? This is what you are dealing
12 with. You are dealing now, as I understand your
13 question, you are dealing now solely with obtaining a
14 warrant.

15 CHAIRMAN ROSE: That's right.

16 MR. AARONSON: So what we are dealing with is
17 probable cause, was there or wasn't there an assault?

18 CHAIRMAN ROSE: What is your experience in
19 prosecuting these kinds of cases? What happens? Do
20 they go to trial regularly?

21 MR. AARONSON: My experience with it is very
22 bad primarily because the complainant will not
23 prosecute almost regardless of the seriousness of the
24 injury that was received by the victim. They will not
25 prosecute.

A. P. P.

1 CHAIRMAN ROSE: Now, the law, as I am sure I
2 don't have to tell you, provides that the immunity as
3 between husband and wife can be waived. A wife can be
4 compelled to testify against her husband if she is, in
5 fact the victim of an assault?

6 MR. AARONSON: Very true.

7 CHAIRMAN ROSE: Does the State regularly or
8 irregularly employ that statute to protect women
9 against themselves if they don't testify voluntarily?

10 MR. AARONSON: The problem with that is, you
11 are then dealing with a very reluctant witness, who
12 is liable to get on the stand and say almost anything,
13 and the case can blow up in your face. What we have
14 found -- generally, what we do is, we read the riot
15 act to them, and tell them next time we are going to
16 charge them with filing a false complaint.

17 CHAIRMAN ROSE: Are you in favor -- and a police
18 officer who testified a while ago said -- are you afraid
19 of imposing sanctions on women, men who make complaints
20 in domestic violence and don't follow through?

21 MR. AARONSON: Depends upon the statute. You
22 are asking me a general question.

23 CHAIRMAN ROSE: I asked the question because I
24 gather the problem is prevalent that very often the
25 complaining victim or witness will not proceed through

1 with the conclusion of the case.

2 MR. AARONSON: We have to sanction, I suppose,
3 and charge them with filing a false complaint, so that
4 the sanction is there. They have not been used very
5 often, but the sanction is there as far as that's
6 concerned.

7 CHAIRMAN ROSE: What percentage of battered
8 women cases where husbands or boyfriends or whatever
9 charged go to trial in your experience?

10 MR. AARONSON: Very few.

11 CHAIRMAN ROSE: You say it's fewer than the
12 normal number of cases that go to trial ?

13 MR. AARONSON: Yes, because either they drop
14 it, because they will not be prosecuted or the
15 defendant will plead out.

16 CHAIRMAN ROSE: What, in your experience, is
17 the number or percentage of cases that go to trial
18 across the board?

19 MR. AARONSON: Percentage of trials across the
20 board that go to trial? You are including court and
21 jury?

22 CHAIRMAN ROSE: Yes.

23 MR. AARONSON: I was going to say five, the
24 judge and public defender say less, two. I'd compromise
25 somewhere, three and a half percent.

1 CHAIRMAN ROSE: Are you saying something less
2 than two and a half, three percent of battered women
3 cases the defendants go to trial?

4 MR. AARONSON: I would say so, yes. I think if
5 you have one percent, you are going to have a lot.

6 CHAIRMAN ROSE: The concept of plea bargaining
7 is obviously very much in the news all the time. What
8 is the --

9 MR. AARONSON: We prefer the term plea
10 negotiation.

11 CHAIRMAN ROSE: Plea negotiation is a very
12 commonly used, often misunderstood kind of phrase.
13 What's the prosecutor's officer's position or policy,
14 if you have one, with respect to plea bargaining in
15 battered women type of cases?

16 MR. AARONSON: There is no policy as such. We
17 try to handle every case on its own merits. This is
18 true of battered women or any kind of case. We
19 generally try to handle each case on its own merits
20 depending on the record of the individual involved,
21 the seriousness of the injury received and all the
22 other circumstances surrounding the incident.

23 CHAIRMAN ROSE: You have no written or un-
24 written policies with respect to plea bargaining in
25 any kind of cases, for instance, with respect to

1 Class A felony?

2 MR. AARONSON: We don't handle Class A felonies.
3 Dealing with those is to have them bound out.

4 CHAIRMAN ROSE: You don't negotiate them as a
5 matter of course?

6 MR. AARONSON: We can't. It's not in our
7 jurisdiction. We can have a hearing of probable cause
8 or waive the hearing and bind it over. That's as far
9 as our negotiations go.

10 CHAIRMAN ROSE: You have jurisdiction over
11 Class C felonies?

12 MR. AARONSON: No, we do not. Start with D on
13 down.

14 CHAIRMAN ROSE: D felonies up to 5 years in
15 prison?

16 MR. AARONSON: Our jurisdiction is limited to
17 one year.

18 CHAIRMAN ROSE: But the statute provides for
19 a D felony you can go to jail for 5 years.

20 MR. AARONSON: If it's out of Superior Court,
21 the maximum sentence of the Court of Common Pleas is
22 one year.

23 CHAIRMAN ROSE: Class D for a penalty of up to
24 5 years. Does the prosecutor's office have a policy for
25 plea bargaining in those cases?

1 MR. AARONSON: Again, it depends on the record
2 of the individual, the circumstances involved in the
3 case, what kind of a case it is and generally just
4 the facts in the case and the record of the individual.

5 CHAIRMAN ROSE: In the course of plea bargaining
6 or plea negotiation or at any time during the
7 prosecutorial process, is the victim contacted short
8 of the time she must be subpoenaed to go into trial?

9 MR. AARONSON: Generally speaking, no.

10 CHAIRMAN ROSE: And we have in Connecticut some
11 rehabilitation statutes which, for the record, suggests
12 -- and please correct me, if I am misinterpreting it
13 -- provides that a person who is not arrested for a
14 very serious felony, who has no previous contact with
15 the court, has never been treated as an accelerated
16 rehabilitation prospect before can apply to the court,
17 make a motion, and if the court deems that he or she
18 is appropriate, may be put on an accelerated re-
19 habilitation, which means his case is put in a state
20 of suspense for a period. If he is not arrested for
21 that time, his case can be and will be dismissed. Is
22 that a fair characterization?

23 MR. AARONSON: Yes.

24 CHAIRMAN ROSE: In your experience with
25 domestic assault cases, would you say that that statute

1 is employed by attorneys or by defendants often?

2 MR. AARONSON: Very rarely.

3 CHAIRMAN ROSE: Very rarely?

4 MR. AARONSON: Very rarely.

5 CHAIRMAN ROSE: And on the strength of what-
6 ever I know about criminal justice, it seems that
7 would be a very appropriate statute, where a husband
8 has never been arrested before, has a good job and a
9 reputation in the community, which is a common thing
10 of men who abuse their wives, why?

11 MR. AARONSON: That situation will probably
12 be referred to the Family Relations Office. They would
13 make an investigation, they would work out the problems
14 one way or another.

15 CHAIRMAN ROSE: Let's assume a case, real assault,
16 a woman is actually damaged, and there is physical
17 evidence of the assault, a man with a good reputation,
18 the case is referred to the Family Relations Office,
19 notwithstanding the fact that there is actual physical
20 abuse?

21 MR. AARONSON: I don't know if the injuries are
22 as serious as you indicate, but assuming for the sake
23 of discussion that it were, I would think it would not
24 be nolle.

25 CHAIRMAN ROSE: Well, I am not sure how serious.

1 Let's assume a black eye, which by the time the case
2 comes to trial will have cleared up and gone away,
3 unless it's preserved by photographs or something.
4 Might a case like that be nollied notwithstanding the
5 woman had a physical injury or the woman says we are
6 reconciled, I don't want to prosecute?

7 MR. AARONSON: Assuming that the matter is
8 referred to the Family Relations Office, and they did
9 their proper job as they usually do, and this is their
10 recommendation, I think probably the prosecutor will
11 go along with the recommendation, because they did
12 make an investigation into the circumstances surrounding
13 the incident, the family circumstances, and so forth,
14 and if they felt reasonably certain it would not happen
15 again, it probably would be nolle.

16 CHAIRMAN ROSE: In your experience, does the
17 prosecutor's office generally follow recommendation of
18 the Family Relations Office?

19 MR. AARONSON: Yes.

20 CHAIRMAN ROSE: Let me ask you, whether you
21 have an opinion as to -- are you satisfied with the
22 way that the court system is presently dealing with
23 the problem of battered women?

24 MR. AARONSON: I think the court system is
25 dealing with the problem of battered women the only

1 way it can. Without a victim to testify, there's
2 nothing a court can do.

3 CHAIRMAN ROSE: Would you say that that is the
4 specific, single most pressing problem in the area of
5 cases like that?

6 MR. AARONSON: I wouldn't say it's the only
7 problem, but it's the single most pressing problem
8 we prosecutors have, yes.

9 CHAIRMAN ROSE: The legislature has passed a
10 statute very recently which allows spouses in
11 situations where there is a claim of battering or
12 whatever to go to the Superior Court and apply for a
13 restraining order. In any way does that affect, as far
14 as you are concerned, the Courts of Common Pleas or
15 the operations of the prosecutor's office?

16 MR. AARONSON: I can't say it's had any affect
17 as yet.

18 CHAIRMAN ROSE: The statute won't be effective
19 until October 1. Let me ask you whether the prosecutor's
20 office and the Court of Common Pleas is taking a
21 position to that statute or is going to issue state-
22 ments?

23 MR. AARONSON: That is basically what I meant,
24 we have taken no position or have had any dealings
25 with it or made any decisions as to how we would deal

1 with it or if we are going to deal with it, I don't
2 know.

3 CHAIRMAN ROSE: Let me ask you some house-
4 keeping questions.

5 MR. AARONSON: That would really be the realm
6 of Mr. Shea's authority. He would be a better person
7 to answer that.

8 CHAIRMAN ROSE: Are there administrative
9 prosecutors as well as jumping into the courtroom
10 prosecutors?

11 MR. AARONSON: Well, basically, I would say
12 probably Mr. Shea and Mr. Smith handle most of the
13 administrative details. However, we all do take a
14 rotation, what we call the presentment call, the court
15 for disposition, the court trials, youthful offenders,
16 jury trials. We all take turns on a rotating basis.

17 CHAIRMAN ROSE: Go back just briefly to the
18 battered women situation. What protection do women
19 have while they wait for the prosecuting process to
20 take place? Suppose a man gets arrested one day. If
21 he pleads not guilty, I assume that you decide not to
22 refer the case to Family Relations, how long is it
23 going to be if he elects jury trial from the day of
24 his arrest to the actual day of trial?

25 MR. AARONSON: Well, the difficult part about

1 that answer is how long is it going to take before it
2 gets to the jury. Between the date of arrest and the
3 date of claim for the jury, it would probably be any-
4 where from two to maybe four weeks. It could be
5 arraigned, and then the matter continued for a few
6 weeks for investigation by his counsel, come back and
7 plead not guilty and put it on the jury list, or it
8 could be another two weeks before that actually takes
9 place. However, how long it will be before it is
10 reached for trial by jury, that could be a couple of
11 months anyway, if not longer, after he's plead.

12 CHAIRMAN ROSE: In the typical situation, let's
13 assume a Class C felony.

14 MR. AARONSON: Class D and down.

15 CHAIRMAN ROSE: Excuse me, I am assuming that
16 most of the people either make bond or are confined
17 for a minimal period before a judge decides the offense
18 -- the time between points one and final file is long
19 enough, so he will be out on bond -- most people with
20 Class D felonies are on the streets before trial time?

21 MR. AARONSON: Probably. I guess so, yes.

22 CHAIRMAN ROSE: And would you say that, in your
23 experience, that is more so or less so with respect to
24 husband and wife situations?

25 MR. AARONSON: Well, the husband and wife

1 situation -- I'd rather refer this to assault cases,
2 because, as I say, there are a lot of cases, there
3 are a boyfriend-girlfriend, common law situation, you
4 have probably as many of those as husband and wife, I
5 would think that probably the defendant out on the
6 street would probably be higher than most of the other
7 cases, particularly dealing with Class D felonies,
8 because, generally speaking, you are dealing with
9 assault three, and that is not treated as seriously,
10 generally, in setting bond as, for example, a Class D
11 felony would be considered.

12 CHAIRMAN ROSE: Is it also safe to say that in
13 most of these cases, there is a continuing relation-
14 ship between the parties?

15 MR. AARONSON: Yes.

16 CHAIRMAN ROSE: That being the case, what
17 protection do women have while they wait for the
18 prosecuting process to take place, in your opinion?

19 MR. AARONSON: Depends on how much protection
20 they want. A lot of times I wonder how much they do
21 want, but there is a provision in setting bond whereby
22 the judge -- Judge Ramsey can probably amplify on this
23 more -- there is a provision setting bond whereby the
24 judge can set provisions upon the bond, and one of the
25 conditions could very easily be that you stay away

1 from the individual, the victim of the assault. This
2 can be done a lot easier in a situation where you have
3 a boyfriend-girlfriend and common law situation than
4 the actual husband and wife situation, because they
5 are legally married. How can you tell the husband to
6 stay away from the wife. So that this does present a
7 problem, but there is that method of that procedure
8 trying to provide some protection.

9 CHAIRMAN ROSE: You regularly deal with
10 complaining witnesses in battered wives, battered
11 spouses, battered women situations, is that safe to
12 say? They come to your office, they tell you they
13 don't want to prosecute?

14 MR. AARONSON: Yes.

15 CHAIRMAN ROSE: Has your office had occasion
16 to refer these women to agencies, family relations,
17 any other agencies?

18 MR. AARONSON: Well, if they are husband and
19 wife, we go to family relations. Other than that, no,
20 on the social agencies, no.

21 CHAIRMAN ROSE: Are you aware of the fact there
22 are shelters for women in the Hartford County area
23 which provide services for battered women?

24 MR. AARONSON: I think this is getting out of
25 the realm of our authority. We may be able to make a

1 suggestion, but we cannot actually make a direct
2 referral as we can to the family relations office.
3 Now, they can go voluntarily on their own, but we
4 cannot, in fact, order the victims to do something
5 like this. She is not really within our jurisdiction
6 except as a witness.

7 CHAIRMAN ROSE: I appreciate that.

8 MS. BUSCH: In some cases, women testified this
9 morning that many of them are sort of discouraged from
10 pursuing warrant or pursuing -- following through in
11 the prosecution of the spouse or whatever, because they
12 are referred to certain other agencies or because there
13 is a feeling that perhaps they are going to get to the
14 last minute and then decide not to follow through on
15 the complaint. Is this a policy of your office --
16 I don't want to use the word refuse, but discourage
17 women from prosecuting or from following through on
18 the warrants that they have issued?

19 MR. AARONSON: Quite the contrary. We are
20 always arguing with them to pursue the matter and to
21 prosecute the matter, because we try to tell them
22 that it's their face, their bodies and their lives that
23 are at stake, not ours, and we can't do anything to
24 help them. They aren't going to help themselves, and
25 I might add parenthetically that before I was a

1 prosecutor, I was also the coroner for Hartford.
2 County, and I've seen a lot of homicides which related
3 from battered wife situations, because when they start
4 losing their tempers and start going at one another,
5 it can easily go beyond assault one and go to a
6 homicide. So I know what's involved. We do not in
7 any way discourage them from prosecuting, quite the
8 contrary.

9 MS. BUSCH: Following up on the fact that a
10 large number of homicides result or begin or at least
11 contributed to the problem of domestic violence, what
12 do you feel needs to be done, since you stated that
13 approximately two to three percent -- there is
14 approximately a two to three percent prosecution rate
15 in these type of cases --

16 MR. AARONSON: No, I didn't. I said approximately
17 two to three percent overall prosecution that goes to
18 trial.

19 MS. BUSCH: Thank you for correcting me.

20 MR. AARONSON: And I said less than one percent
21 of the battered wife assaults, domestic assault
22 situations, less than one percent, go to trial.

23 MS. BUSCH: That makes my question even more
24 important. What do you suggest be done, since you know
25 you have this wife battering case or you have this

1 domestic violence case that ultimately ends up in
2 homicide? What do you recommend be done so that a higher
3 prosecution rate can be carried through, hopefully
4 reducing some of the domestic violence which ultimately
5 leads to homicide?

6 MR. AARONSON: Have the victim follow through.

7 MS. BUSCH: In that case, would you recommend
8 some sort of sanction? Earlier you mentioned that.
9 What kind of sanction would you recommend be placed
10 against the victim to be sure they follow through on
11 some of these cases?

12 MR. AARONSON: You start talking about placing
13 sanctions on the victim for not following through, and
14 you are liable to end up with even less complaints than
15 you have now, because they are going to be afraid of
16 sanctions against them. I think what you want to do
17 is encourage them to come forward with their complaints
18 and encourage them to follow through with their
19 complaints, not discourage them by placing sanctions
20 against them, because it's going to have a negative
21 affect. People are going to be afraid to come forward
22 because they are afraid sanctions are going to be
23 placed on them and nothing is going to happen to the
24 other individual, so encourage them to prosecute in
25 order to stop this problem, but you do not place

1 sanctions.

2 MS. BUSCH: I guess what I am asking is how do
3 you encourage that? What do you recommend?

4 MR. AARONSON: I am a prosecutor, not a social
5 worker. That is a problem, I think, for a social
6 psychologist to deal with and could probably give you
7 a better answer. Just the same, as more and more rape
8 cases are being dealt with today because you finally
9 convinced the women that they should come forward and
10 testify and encourage them. You have your rape crisis
11 centers. May be you need a battered woman center where
12 a woman can get the support she needs. This is not
13 something we can do as such, except to try and en-
14 courage them that, if they don't do it, which is what
15 we have been doing, they are going to go back and the
16 same thing can happen all over again. I can cite a
17 recent case in which that thing happened, and I'll
18 briefly give you the facts on it, if you want. It's a
19 husband and wife situation, there were fairly serious
20 injuries. The gentleman was fined. When the case was
21 disposed of by the fine, he needed some time to pay the
22 fine. The next day we had that same man back in court
23 on a new arrest, because he beat up his wife, because
24 she had him arrested and he was fined for it. She did
25 not prosecute the second time. She wanted to drop the

1 charges. This is the kind of problem we run into all
2 the time. This is the kind of situation -- I don't
3 know why you are laughing, lady, I don't think it's
4 funny. If a woman is going to be beat up, and the
5 second time won't prosecute, how are we going to get
6 the person who --

7 MS. BUSCH: To follow up on that, earlier you
8 mentioned there were shelters. Would you be willing
9 to at least let women know these facilities do exist?
10 Say you get a battered woman. You know there is a
11 shelter in the Hartford area. You can call phone
12 number X, Y, Z. Are you willing to, or do you feel
13 that it's the responsibility or within your juris-
14 diction to say that this service exists?

15 MR. AARONSON: Well, we'll be glad to cooperate
16 just as we have done in the mental health situations.
17 There are certain resources which the public defender's
18 office has used for some time which they recently
19 contacted us and wanted us to know if we could make
20 referrals or suggest people go to them, and we have
21 worked out an arrangement with them, whereby we can
22 make suggestions to people, and we'll be glad to
23 cooperate in any way we possibly can.

24 MS. BUSCH: How many female prosecutors are
25 there in Hartford?

1 MR. AARONSON: Hartford, none.

2 MS. BUSCH: What about the whole state?

3 MR. AARONSON: I couldn't tell you. There are
4 some, because we recently went to a prosecutors meeting,
5 a seminar, at which there were a few. There aren't
6 many, there are a few.

7 CHAIRMAN ROSE: Do you know more than one? I
8 know there is a woman in Waterbury. Another one
9 besides her?

10 MR. AARONSON: I don't know.

11 CHAIRMAN ROSE: She is the only one I know of.
12 There is one in Stamford. Okay, two. We've got a
13 problem with Mr. Rafala's schedule, and we've already
14 begun with him, but I'd like to bounce back and forth.
15 John Barry, Chief Public Defender, could you tell us
16 the structure of your office, how many public defenders
17 there are, what the charge is with respect to clients?

18 MR. BARRY: Well, first of all, I'd like to go
19 back to the jurisdiction of the Court of Common Pleas.
20 The State is divided into 19 geographic areas, Hartford
21 is the 14th geographic area, and our court covers just
22 the City of Hartford. I also wanted to perhaps
23 explain the distinction between the three assault
24 charges.

25 We have been talking about Assault 1, 2 and 3,

1 and maybe just briefly I can tell you exactly what the
2 difference is.

3 Assault 1 is a serious assault where serious
4 physical injury is inflicted upon a person. That is
5 the most serious.

6 Second degree, where some instrument is used
7 against the individual, but no serious physical injury
8 is inflicted upon the person. That would be assault
9 in the second degree.

10 Then, assault in the third degree, would be a
11 simple assault, where there is a punching, a slapping,
12 a bruising, where no weapon is used.

13 CHAIRMAN ROSE: What about breach of peace?

14 MR. BARRY: Breach of peace could also cover
15 assault in the third degree. Most of these cases that
16 I have dealt with, they are prosecuted as an assault
17 rather than breach of peace. It would be a less serious
18 offense, but there's a section of the breach of peace
19 which relates to the assault as well. In Hartford we
20 have six public defenders, and we accept cases of people
21 who cannot afford counsel of their own. Last year,
22 we disposed of approximately 5,000 to 6,000 cases, just
23 in the geographic area of Hartford alone. We have
24 supporting staff as well, investigative staff,
25 secretarial staff, social worker staff.

1 CHAIRMAN ROSE: Do you have any notion of how
2 many of the cases that you have disposed of in the last
3 year or how many cases you have in a typical week are
4 non-stranger assault cases? That's how one of the
5 police officers described it.

6 MR. BARRY: I went through our records of last
7 month, August of '77, and tried to find the number of
8 cases we handled involving either a husband assaulting
9 his wife or boyfriend assaulting his girlfriend, and
10 I came up with fifteen cases that we handled last
11 month out of our office in Hartford in the Court of
12 Common Pleas. That is not a great number, but those
13 are cases that are disposed of by plea or some sort of
14 disposition on the case. So I would estimate that
15 over an annual period, we probably, in our office,
16 would handle some 200, 250 assault cases of the type
17 you described that we are dealing with here today.

18 CHAIRMAN ROSE: We are also talking about
19 cases that private attorneys might handle.

20 MR. BARRY: There would be additional cases
21 handled by private attorneys. There are also cases,
22 where the individual charged is not represented at all,
23 and there are matters referred to the Family Relations
24 Office without counsel, with no lawyer being present
25 in the case, and of course, that would increase the

1 total. So I can only speak about cases which we were
2 assigned to represent the individual charged with the
3 assault.

4 MS. HOLMES: You used the word serious with
5 relation to assaults. Can you define it?

6 MR. BARRY: Serious physical injury would be
7 an injury which -- for instance, damage to an eye or
8 to an organ of the body. That's how it would be defined.

9 CHAIRMAN ROSE: The first question, interestingly
10 enough, we had for you: Would you describe the pro-
11 cedures in your office in cases involving battered
12 women? Now, other than the fact that she is not apt
13 to be the defendant -- I am not sure what your relation-
14 ship is to the battered woman victim.

15 MR. BARRY: That's right, because what we do,
16 we represent the batterer, the accused, the defendant,
17 the man in the case. So we would not really be
18 directly involved with the woman.

19 CHAIRMAN ROSE: Is there anything unique about
20 these cases as against the typical assault case or a
21 minor robbery or purse snatching case? Those are run
22 of the mill Common Pleas Court, lower criminal juris-
23 diction court cases. Would you say these are special
24 or they are typical, these battered women cases?

25 MR. BARRY: They are common, I believe. I think

1 one of the typical things about this type of case is
2 what the prosecutor's office refers to as lack of
3 prosecution by the individual. As a matter of fact,
4 of the 15 cases that I described that we handled last
5 month, 8 of them were nolle or dismissed, one of the
6 individuals received a suspended sentence and
7 probation, three of them received a fine, three of them
8 were bound over to Superior Court, and eight of them
9 received nolle or dismissal for whatever reason, lack
10 of evidence or failure of a witness to come to court.

11 CHAIRMAN ROSE: Is it customary in the course
12 of interviewing -- let's assume it's a husband in the
13 battered woman situation -- the defendant to inquire
14 into his relationship with the victim?

15 MR. BARRY: Yes, I would say so. What we
16 essentially try to do in our office in a marital
17 situation, at least, is try to get the case referred
18 to the Family Relations Office for counselling. Since
19 we represent the man, we feel that's the best we can
20 do for him at that particular time, because the Family
21 Relations Office can resolve the matter. They often
22 come back with the recommendation that it be nolle.
23 That's what we look for. We try to get that recommen-
24 dation. We try to get it nolle or dismissed.

25 MS. HOLMES: Whose responsibility is it to

1 notify the woman that the case is coming up?

2 MR. BARRY: That is the responsibility of the
3 prosecutor's office. They will send a subpoena to the
4 witness just as they would for any witness in a case.
5 They are notified by subpoena.

6 CHAIRMAN ROSE: I know your time schedule is
7 terrible. Let's assume that a case is referred to the
8 Family Relations Office from the prosecutor's office
9 or from the court, however it winds up happening,
10 either on the strength of the suggestion of the
11 prosecutor or the defendant himself, what happens?

12 MR. BARRY: As I stated earlier, these cases
13 referred by the prosecutor, we have both parties
14 present in our office, at which time we try to
15 ascertain the nature of the problem and try to dig
16 deeper by inquiring as to whether this is a one shot
17 offense or if this is a continuous thing which has
18 been prevalent throughout the marriage. We try to
19 resolve their problems by either counselling them or
20 by referring them to other agencies such as mental
21 health or family services or whatever. If we feel that
22 the altercation was not that severe, then perhaps with
23 a little bit of counselling and understanding they
24 may be able to resolve their problem and save the
25 marriage and the family structure.

1 CHAIRMAN ROSE: You consider it a legitimate
2 and important rationale for the family relations office
3 to save the marriage between two people?

4 MR. RAFALA: If at all possible, it is our
5 primary action to save families. Again, depending
6 on the circumstances, we are not going to actually
7 go and advocate that a woman stay with her husband if
8 she is constantly being abused.

9 Getting back into my original statistic, this
10 is state-wide, of course, of the 5,733 cases that
11 were referred to the family relations office, 3700
12 ended up in nolle. The nolles would be where the
13 wife refused to testify or where there is a first
14 offender and the situation was resolved, and we
15 extracted from the parties involved that this would
16 not happen again. In the same token, we feel
17 probation is a very important tool. In the abuse of
18 a wife, we feel, that if the man is given a suspended
19 sentence with a probation over his head, so that if
20 he ever puts his hands on his wife again, this will be
21 put in effect.

22 CHAIRMAN ROSE: Assuming she complains.

23 MR. RAFALA: Well, she will only take the
24 complaint to the family service office, and it will
25 only take a bit of administrative work to get it back

1 into the court, so when the prosecutor alluded to the
2 recommendations made by the family relations, all these
3 facts were taken into consideration.

4 CHAIRMAN ROSE: Do you have statistics in your
5 office on repeat situations, where a woman or a man
6 have both been in your office and referred more than
7 once? Does your office take a position in court with
8 respect to repeat situations?

9 MR. RAFALA: We feel you are entitled to one
10 break, and if you are a consistent person, we so advise
11 the prosecutor that this has been our case before, and
12 we haven't been able to resolve that particular problem
13 and for them to take whatever steps necessary to
14 resolve it at that level.

15 CHAIRMAN ROSE: In a situation where the family
16 relations office says we have had them before, we
17 don't want them this time, are those cases typically
18 prosecuted to the conclusion or plea bargained out?

19 MR. AARONSON: We would not refer it. We would
20 keep it.

21 CHAIRMAN ROSE: How many people work in the
22 family relations office throughout the state?

23 MR. RAFALA: 51 officers and 47 clerical
24 assistants, including administrative.

25 CHAIRMAN ROSE: And how many are in Hartford

A D . P

1 specifically?

2 MR. RAFALA: There are eight family relations
3 officers and eight clerical assistants.

4 CHAIRMAN ROSE: What is the training?

5 MR. RAFALA: We have an orientation period.
6 We send them for two weeks of orientation, and most of
7 our training is working with experienced officers on
8 perhaps a month basis and giving them and exposing
9 them to all types of situations in court. It's a whole
10 program working out, so he can get fully exposed to
11 problems that confront us on a day to day basis.

12 CHAIRMAN ROSE: Can you tell us whether your
13 training program is written down some place or if you
14 have a manual?

15 MR. RAFALA: Yes, we have a manual.

16 CHAIRMAN ROSE: Can we have access to that?

17 MR. RAFALA: I can make it available.

18 CHAIRMAN ROSE: With respect to the Hartford
19 situation, are there any women family relations
20 officers?

21 MR. RAFALA: Not in Hartford.

22 CHAIRMAN ROSE: In the State, generally?

23 MR. RAFALA: Yes, we do.

24 MS. BUSCH: One of the several women testified
25 that when they were referred to family relations that

1 the officer seeing them refused to see them alone,
2 but wanted both the husband and wife there, saying
3 they could better solve the problem. Is it a policy
4 of your department to demand or require that both the
5 wife and the husband or the battered woman and the
6 batterer be present when they are referred to you?

7 MR. RAFALA: Yes, it is. It takes one person
8 to start the complaint. If the woman comes in and
9 makes the complaint, as I said earlier, we record this
10 complaint, then we send for the spouse. We want all
11 persons concerned to know exactly what's transpiring
12 here, and we find it most effective to have both people
13 confront each other to resolve the problem and get the
14 full view exactly what is going on.

15 To interview one person one time and then to
16 have another interview with another person a second
17 time, we are not getting all the facts. We find it
18 better to have them both there and both lay it out for
19 us and see what exactly is going on.

20 MS. BUSCH: What is the normal time allowed
21 for an interview?

22 MR. RAFALA: On an interview, anywhere from
23 15 minutes to 30 minutes. That's just for the one
24 person interview. Another hearing would take about
25 an hour, sometimes more, depending on the circumstances.

1 There is no set, fixed time. We are not watching the
2 clock when we are talking to people.

3 MS.BUSCH: How often -- say a couple is referred
4 to you because the male has been battering the female
5 -- approximately how many interviews will you have with
6 him or counselling sessions, I don't know what you call
7 them, over a period of two or three months or how
8 long?

9 MR. RAFALA: As many hearings as we feel
10 necessary to resolve the problems.

11 CHAIRMAN ROSE: Let me ask Mr. Patti a question.
12 With respect to Hartford specifically, what's the case
13 load?

14 MR. PATTI: Three hundred nineteen cases
15 effective June of 1976 up to July of 1977.

16 CHAIRMAN ROSE: There are eight family relations
17 officers?

18 MR. PATTI: In G-14 in Hartford.

19 CHAIRMAN ROSE: How many assigned to court?

20 MR. PATTI: Two assigned to court, one goes
21 into criminal court, and we have one officer sent out
22 on contempt citations, on civil matters.

23 CHAIRMAN ROSE: What's the typical case load?

24 MR. PATTI: Maybe six or seven cases.

25 CHAIRMAN ROSE: You'll not have any more than

1 that?

2 MR. PATTI: I would like to mention this --
3 I didn't hear it from anyone on the panel this after-
4 noon -- one of the biggest problems we have been having
5 -- also these cases are referred from the prosecutor's
6 office to our office where there is physical abuse,
7 not serious, but -- there is drinking involved, and
8 no one mentioned this.

9 CHAIRMAN ROSE: We heard a great deal about it
10 today, however.

11 MR. PATTI: Well, these cases referred to the
12 family relations division, there is drinking involved
13 many times. Now, I've been -- well, I was appointed
14 by Judge Rubinal fifteen years ago to work with
15 alcoholics here in Hartford, but what a tremendous job
16 the family service division -- I am taking credit for
17 this, because I give three hours of my time every
18 Monday night to help these people out, who have a
19 drinking problem, and no one mentioned this this after-
20 noon. I am quite surprised, because a lot of these
21 arrests stemming from domestic problems are referred
22 from our office, and there is drinking involved.

23 MS. BUSCH: I am quite familiar with the --

24 MR. PATTI: I think I've seen you down there on
25 many occasions.

1 MS. BUSCH: I am familiar with the fact that
2 there's a lot of alcohol involved and these men beat
3 their wives and go back again and again, and part of
4 their probation is that they show up for honor court.
5 What happens if they don't follow up on honor court
6 and stay sober and don't beat their wives constantly?

7 MR. PATTI: The case is continued for approxi-
8 mately six weeks. He has to come Monday night, and he
9 has to sign the book. I am down there. If he signs the
10 book, when his case comes up for disposition, and he
11 makes every effort to cooperate -- we also ask him to
12 attend AA meetings, they have approximately three or
13 four meetings a night in which these people could
14 go, either a spouse or a husband who has a serious
15 drinking problem, go to Alcoholics Anonymous.

16 CHAIRMAN ROSE: Is it also policy at the initial
17 interview that the two of them are sat down together?

18 MR. PATTI: That's right.

19 CHAIRMAN ROSE: There is no individual inter-
20 viewing policy?

21 MR. PATTI: When we interview a couple, we
22 prefer them to come into the office to discuss their
23 marital problems.

24 MS. HOLMES: You mentioned that some cases are
25 not serious. When do you consider domestic violence a

1 crime?

2 MR. PATTI: Would you repeat that again?

3 MS. HOLMES: Mr. Patti mentioned that some
4 cases are not serious. When do you consider domestic
5 violence a crime?

6 MR. RAFALA: On referral from court, the
7 determination of the seriousness of the charges rests
8 upon the prosecutor's desk.

9 MS. HOLMES: Isn't third degree assault a
10 crime?

11 MR. RAFALA: Yes.

12 CHAIRMAN ROSE: Let me go back. We have
13 questions you have to answer for the report we are
14 going to write. What are the qualifications required
15 to become a domestic relations officer, but typically
16 in your office, what are the qualifications?

17 MR. PATTI: The qualifications in the last
18 seven, eight years -- our family relations officers
19 have been college graduates. Also, we have some
20 family relations officers that have been attending
21 alcoholic programs throughout the state.

22 CHAIRMAN ROSE: You have in service training
23 for the people who work in the family relations
24 office?

25 MR. PATTI: Yes.

1 CHAIRMAN ROSE: With respect to the problem,
2 generally, do you consider the domestic violence
3 problem to be a major situation in Hartford?

4 MR. PATTI: Like I said to you before, I recall
5 when we started these programs down at the courts, in
6 1961 and '62, and also domestic problems, we used to
7 have over the weekend approximately 170 arrests from
8 Friday night to Monday morning. Now, I think it's
9 broke down to maybe 15 or 20 arrests.

10 MS. ROLDEN: I'd like to know, first, I under-
11 stand that in Hartford you have eight family officers?

12 MR. PATTI: Eight assistant family relations
13 officers.

14 MS. ROLDEN: Are these persons certified state
15 employees or do they have to take tests or what?

16 MR. RAFALA: No. They are judicially appointed
17 but only when the qualifications are set forth on the
18 requirements of becoming a family relations officer.

19 MS. ROLDEN: Who recommends these persons?

20 MR. RAFALA: It is advertised in local papers
21 when a vacancy does arise, and then resumes are sub-
22 mitted and interviews are held and the judges are
23 asked to make a selection from those applicants that
24 have applied for the position.

25 CHAIRMAN ROSE: What's a typical work week for

1 a family relations officer?

2 MR. RAFALA: Nine to five, five days a week.

3 MS. ROLDEN: I'd like to know how many Hispanic
4 officers or black officers you have in the state or in
5 Hartford?

6 MR. RAFALA: Off the top of my head, about six
7 blacks and seven or eight Spanish people.

8 MS. ROLDEN: In the state and in Hartford?

9 MR. RAFALA: We have two in Hartford and one
10 black.

11 MS. ROLDEN: Are you using the resources of
12 either court interpreters, Spanish interpreters, or
13 resources of your own office aside from clerks?

14 MR. RAFALA: Yes. We have officers who are
15 bilingual when we do have such a case. When one is
16 required, we generally have our own officers in there.

17 CHAIRMAN ROSE: Is it a custom of the family
18 relations office to interview children in the event
19 of a domestic relations dispute or assault?

20 MR. RAFALA: We don't.

21 MS. BUSCH: What documentations of battered
22 women or domestic violence do you have?

23 MR. RAFALA: Aside from a referral sheet and
24 copy of the police report? That's documentation. Our
25 case is generally started on the complaint we made at

1 which time we then analyze the police report and have
2 both parties in the office. Then we go on further.

3 CHAIRMAN ROSE: Do you have a feeling for, and
4 I think the report indicates there are estimates made
5 and attributed to you, you tell me if they are accurate,
6 that you apparently agree that many of the victims in
7 this case refuse to prosecute. Is that safe to say?

8 MR. RAFALA: We find that to be very true.

9 CHAIRMAN ROSE: Do you have a feeling, in your
10 own experience, the basis why these women refuse to
11 prosecute these cases, and we are talking of something
12 like fifteen hundred, I believe you indicated to one
13 of the staff people who interviewed you, and a great
14 many of them nollod or otherwise disposed of without
15 there being criminal penalties imposed.

16 MR. RAFALA: Well, I really can't answer that
17 one other than to say that my opinion, I feel perhaps
18 they are afraid in some cases, if they are to pursue
19 it, they may be subject to further reprisals. That
20 may be a reason for not complaining, or I would like
21 to think that the reason is they have resolved the
22 problem. I would like to think that, but I know it's
23 not so.

24 CHAIRMAN ROSE: Are you satisfied that there
25 are agencies enough or places to go for women who are

1 battered women, so that they can, in fact, try to
2 resolve their problems?

3 MR. RAFALA: Our offices are all equipped with
4 the booklet of where to go for help in Hartford, and
5 we find, when we are unable to reach the individual,
6 we certainly will make the recommendation that they
7 attend other services.

8 CHAIRMAN ROSE: Have you ever recommended to a
9 woman a shelter?

10 MR. RAFALA: Yes, if we feel there is a need
11 for it, definitely.

12 CHAIRMAN ROSE: Do you ever recommend to a man
13 that he go to a shelter?

14 MR. RAFALA: We have had cases where men get
15 battered, but --

16 CHAIRMAN ROSE: Let's take a situation where a
17 woman gets battered. Do you think it would be
18 appropriate for the man to leave the house?

19 MR. RAFALA: In cases where there has been
20 physical abuse, we strongly recommend the man leave
21 the house, because, obviously, it's much more easy for
22 him to leave than for her to leave, pack up the children
23 and leave. We like for the man to leave the house and,
24 at such time as we are able to get into the trouble,
25 and make some recommendation that they will accept.

A. D. P.

1 They may be able to go home to continue the marriage.

2 CHAIRMAN ROSE: Any further questions?

3 MS. BUSCH: What would you recommend to improve
4 the procedures as they are now, so that more women
5 will follow through on prosecuting or at least follow
6 through on their warrants as well as less battery
7 going on?

8 MR. RAFALA: I don't think -- I would like to
9 see some legislation passed in a situation where an
10 arrest has not been made, where a woman does feel there
11 is a qualified reason for her being in our office, and
12 we set up a hearing for that man to appear, that there
13 be some thing that would compell the man to appear and
14 failure to appear, perhaps at that point, an affidavit
15 would be signed by the complainant which would then
16 be referred to the prosecutor's office for some
17 appropriate action.

18 CHAIRMAN ROSE: I'd like that question to go
19 throughout the table. Mr. Aaronson, Barry, with
20 respect to improving the system from your vantage
21 point, what do you think can be done? One of the
22 things specifically, do you think it would be a good
23 idea for the legislature to make restraining action
24 against spouses applicable not only with Superior
25 Courts, but the Court of Common Pleas?

1 MR. AARONSON: What do you mean by restraining
2 action?

3 CHAIRMAN ROSE: The statute provides that a
4 woman, wife or husband, may go into court and ask for
5 a restraining order on the strength of an affidavit,
6 leave from the court for a battering situation,
7 basically. Do you think it would have been a good
8 idea for the Court of Common Pleas to also have that
9 jurisdiction?

10 MR. AARONSON: I think that pertains primarily
11 to the civil side of domestic relations and not to the
12 criminal aspect. I don't see any reason why it
13 shouldn't apply to the criminal aspect. Perhaps that
14 might be a way of doing it. However, there's got to
15 be some kind of resolution to that matter. That's why
16 I visualize it being applied more as a civil domestic
17 relation situation, because there would be resolution
18 in the ultimate divorce probably, but where is the
19 ultimate resolution going to be on the criminal side
20 without the prosecution, and you come back to the same
21 problem, and the basic problem is having the victim
22 testify and follow it through, and no way are you going
23 to legislate that without, as I said, having some kind
24 of negative aspect and that is making the victim more
25 afraid to come forward and to follow through than she

1 is now. I don't think you can legislate that. I think
2 that's a matter of education and health and support just
3 like in the rape situations.

4 MR. BARRY: I think that most of the cases of
5 battered women come before the Court of Common Pleas
6 and not before the Superior Court. So that to answer
7 your question, if that is going to be an effective tool,
8 I think it should be applicable also to the Court of
9 Common Pleas.

10 CHAIRMAN ROSE: At some point, we may ask the
11 two Judges to comment on this. We are going to be one
12 court system. I am not sure what that means, so that
13 you are going to be consumed by the Superior Court. Do
14 you think that will be better, because at that point we
15 are one system and because your court sees many, many
16 more cases than Superior Court?

17 MR. BARRY: With that particular piece of
18 legislature, you are referring to, I think so. I think
19 that could be an important tool. I have seen cases
20 where my clients have beaten up their wives and returned
21 again to do the same thing. It does happen, so this
22 might be an effective tool to dissuade the man from
23 performing the act again.

24 CHAIRMAN ROSE: What does the prosecutor's office
25 do in addition to standing up in court and arguing for

1 a defendant in either referring him to agencies, or
2 do you think that's appropriate or what?

3 MR. BARRY: Sometimes in court the wife or
4 girlfriend will come up to me or one of the public
5 defenders, because many times the wife will come forth
6 and I can think of one particular instance where a
7 woman was in the courtroom and her husband had been
8 charged with beating her, and she was in utter fear of
9 him, and she asked me what she should do, and I pointed
10 out to her I was representing him. I did not feel that
11 I should get into giving advice to her, but I did ask
12 her if she could go and live with her sister, she was
13 afraid to go home, and I asked her to go live with
14 her sister which she did. The client did get out on
15 bond, and at the next court appearance, when the woman
16 was there, he also came up to her and proceeded to
17 antagonize her. I hesitate to use any stronger
18 language than that, but I asked him to leave the court-
19 room and leave her alone. She was very much afraid. He
20 came back and proceeded to bother her again. I used
21 stronger language to him to stay away from her, and
22 he ultimately asked that I withdraw as his attorney,
23 which was done. He said he wished to represent himself,
24 which he did. He went to trial, and he was found guilty,
25 but this does occur, and I've often seen women in court

1 with battered eyes, battered faces, and I just have
2 to swallow it and say my obligation is to the defendant,
3 not to the woman.

4 CHAIRMAN ROSE: Would you describe briefly the
5 plea bargaining process?

6 MR. BARRY: Well, the plea bargaining process
7 not only occurs in the battered woman type of cause,
8 but in all criminal cases for the most part at some
9 point during the handling of the case.

10 CHAIRMAN ROSE: Let's assume an assault, the
11 male against his wife. The case does not go to family
12 relations.

13 MR. BARRY: It would depend on the person's
14 record, the willingness of the woman to come to court
15 and testify. We could probably, if he had no prior
16 record, work out a probation for the man or a fine or
17 a conditional discharge.

18 CHAIRMAN ROSE: Have you had occasion to use
19 the accelerated rehabilitation statute in cases of this
20 kind?

21 MR. BARRY: I think cases of this kind are not
22 really handled with the accelerated rehabilitation
23 statute. Most of them are referred to the family
24 relations office if there is no prior record, and
25 accelerated rehabilitation is reserved for other types

1 of matters. I don't recall in my experience this being
2 used very often in this type of case.

3 MS. ROLDEN: Mr. Barry, are you also with the
4 public defender's office?

5 MR. AARONSON: No, I am Prosecutor.

6 MS. ROLDEN: You had in your testimony mentioned
7 something about women seeking protection, and you had
8 made a comment as to whether some women really were
9 serious about their seeking protection. I would like
10 to know whether, if her request is seriously considered
11 or taken, just what protection is made available to
12 her?

13 MR. AARONSON: I don't recall saying anything
14 about a woman seriously seeking protection or anything
15 like that. However, I did, in response, I believe, to
16 a question from Mr. Rose, talk about the possibility
17 of providing protection for the woman, and I indicated
18 there was a procedure of setting bond to provide as
19 a condition of the bond that the man stay away from
20 the woman. However, I also indicated this is a rather
21 difficult thing in a legitimate husband and wife
22 situation, because how are you going to tell the
23 husband to stay away from the wife, particularly if
24 he is working and supporting her, so that presents a
25 problem in that sense. If it is common law or boyfriend

1 - girlfriend situations, it is an easier condition to
2 impose on the bond, but other than that, there really
3 is nothing much that we can do in the way of providing
4 protection for her, except, as Mr. Barry suggests in
5 his instance, going to a sister's or something like
6 that.

7 Also, as indicated before, it is actually easier
8 more often for the man to move out than the woman, so
9 that may be a very impractical suggestion to the
10 victim. We are dealing with the victim. Mr. Barry
11 is dealing with the accused. He can suggest the accused
12 move out, but that's up to him. We can't tell him what
13 to do. He runs his own office, has his own obligations
14 to his own clients just as we do to the state, and
15 through the state, to the victim.

16 CHAIRMAN ROSE: Would you say that as a general
17 rule, that the fact that it takes probably as long as
18 several months for a case to go from the initial arrest
19 to entire trial is a factor in favor of the defendant
20 in a battered wife situation as opposed to being a
21 detriment?

22 MR. AARONSON: I would say, generally, it does
23 not work in his favor for this reason, that very,
24 very few, as I indicated, probably less than one
25 percent of the battered wife assault cases, actually

1 go to trial. Generally, they are disposed of long
2 before that, because, number one, I think the victim
3 does not wish to testify, and this will come about
4 within a matter of a month or six weeks, something
5 like that, or he will plead out within that period of
6 time.

7 CHAIRMAN ROSE: That minimum amount of time,
8 that operates in his favor?

9 MR. AARONSON: No more than it does in any
10 other defendant's favor.

11 FROM THE FLOOR: He can beat her up again.
12 That's in his favor.

13 MR. AARONSON: I realize that, and I indicated
14 an exact case where that happened where he was fined
15 for beating her up and beat her up again that night
16 and was arrested.

17 FROM THE FLOOR: What kind of protection is
18 that?

19 CHAIRMAN ROSE: If you have questions you want
20 to address, please just put them in writing, and we
21 will take them up.

22 MR. FORSTADT: In that case where there was an
23 arrest and a fine, the next day he was back and
24 arrested for the same offense and the wife refused to
25 prosecute, did you ask the wife why she refused?

1 MR. AARONSON: Yes.

2 MR. FORSTADT: What were the reasons?

3 MR. AARONSON: Because they separated. He came
4 back a number of times since then to see the children,
5 and he did not bother her in any way. They had gotten
6 along very well, and she was sure it was not going to
7 happen again, because they were separated. As a
8 matter of fact, while they were sitting in court
9 waiting for the case to be called, he was tired, and
10 he was lying on the bench in court with his head in
11 her lap.

12 MR. FORSTADT: Do you have any feelings as to
13 whether or not the fear of reprisal is one of the
14 reasons for refusal to prosecute?

15 MR. AARONSON: They are afraid it's going to
16 happen to them again if they prosecute it ?

17 MR. FORSTADT: Yes, sir.

18 MR. AARONSON: I can't say that's the reason,
19 because nine and a half time out of ten, they say they
20 are not going to prosecute, because they are sure it's
21 not going to happen again.

22 MS. BUSCH: When it does happen again -- they
23 are sure it's not going to happen again -- but it does
24 happen again. What position does a prosecutor take at
25 that time?

1 MR. AARONSON: We would definitely prosecute.
2 In that instance, we would invoke that statute Mr. Rose
3 talked about before, and in fact, make her testify,
4 even though she would be an unwilling witness.

5 CHAIRMAN ROSE: Any other questions?

6 MS. BUSCH: If you could change the system to
7 make it better, what would you do? I'd like to hear
8 from you and Mr. Barry?

9 MR. AARONSON: What I said was to get the
10 victim to testify and to follow through. The system is
11 fine, the system is there, and it will work for the
12 protection of the woman or the victim, be it man or
13 woman. The system is there, can work, does work, will
14 work, if all the components -- one of the vital
15 components is the victim, and if all the components
16 work, cooperate, the system will work, but without
17 that component of the victim cooperating, there is
18 nothing the system can do.

19 MS. BUSCH: I guess I asked this question
20 before, but I don't know if I received an answer.
21 You stated the system is fine as long as all the
22 components are working, and one of the missing
23 components, at least some of the women testified to,
24 and that is the women really have no real protection
25 from the time she swears out a warrant until the

1 batterer goes to trial, and I think Mr. Barry referred
2 to the fact that he knew he beat her up and left and
3 beat her up again, the fact that he came to court, he
4 had the nerve to antagonize her in the courtroom. What
5 kind of recommendations do you have for giving the
6 protection needed by the women, so they won't be
7 afraid, and you have alluded to the fact that you are
8 afraid of reprisal, what would you offer or suggest as
9 far as providing some kind of protection for the women
10 during this interim period?

11 MR. AARONSON: I really don't know the answer
12 to that. It may take some legislation. It does not
13 exist as far as I know now. There is certainly
14 nothing the court can do at this point except through
15 setting a bond and imposing conditions in a bond, but
16 that is not, by any means, a perfect solution because
17 of the particular husband-wife situation. The kind of
18 legislation that would be needed -- I don't know, unless
19 there were some legislation which in that kind of
20 situation would allow the judge to order the husband
21 out of the house or the batterer, because I suppose it
22 is possible -- the judge reminded me of a situation
23 where a woman is constantly battering her husband --
24 order the batterer out of the house. Legislation of
25 that effect might provide some protection for her, but

1 this is not a perfect society, and we cannot provide
2 -- legislation of the court cannot provide all the
3 answers. I think one of the best protections, and I
4 am going to go back to the same thing again, one of
5 the best protections a battered wife can have is a
6 few convictions, and if we have a few convictions with
7 a few jail sentences imposed, I think this would
8 provide as much protection as could be provided; but
9 we need the victims.

10 At this point, I'd like to know if there are
11 any more questions. I have to leave. I have an
12 appointment at five, and I have to leave.

13 MS. WEBSTER: Before you came here, you were
14 familiar with the type of investigations that family
15 relations offices do, am I right?

16 MR. AARONSON: You mean before I came to this
17 meeting? Yes, I worked with them.

18 MS. WEBSTER: And you are satisfied with the
19 kind of half hour, fifteen minutes investigation and
20 counselling? Do you feel when you get a statement
21 back from them that this is an adequate analysis of
22 the severity of the problem?

23 MR. AARONSON: I believe the family relations
24 officer said that the interview may take 15 minutes to
25 a half hour, but he also indicated that if he thought

1 it's necessary, it may go on for an hour or more. Yes,
2 I feel they do an adequate job.

3 MS. WEBSTER: Do you receive a written report?

4 MR. AARONSON: No. They come into court, and
5 they tell us what the recommendation is.

6 MS. WEBSTER: Is this a written recommendation?

7 MR. AARONSON: Not really. There may be a note
8 in the file, so that when we call the case, we don't
9 know what the recommendation is, but other than that,
10 no written as such.

11 CHAIRMAN ROSE: Do you have a feeling that if
12 the family relations officer wrote you a letter in the
13 file that you would feel better about this disposition
14 or less better or whatever? Would that be an improve-
15 ment in the system?

16 MR. AARONSON: No. The only thing it would do,
17 if anything, the only thing it would do is give the
18 prosecutor more support in case anybody criticized.
19 He would have the letter in the file to back him up.
20 Other than that, I don't think it would improve the
21 operation.

22 MS. DUNN: You said, generally, the complainant
23 was not not always informed of that process. In the
24 case of nolle, is the complainant informed?

25 MR. AARONSON: Generally, the nolles are done

1 -- I think John will back this up -- I think generally
2 nolles are entered only after an investigation by the
3 family relations office, and it's not necessary for
4 the complainant to be there then, because the
5 complainant has been part of this investigation.

6 MS. DUNN: Generally, in half the cases, is a
7 nolle ever entered without the knowledge of the
8 complainant before she comes into court?

9 MR. AARONSON: I would say yes, it probably has
10 happened. I don't think I could say it's never
11 happened, but I don't think it's generally the rule.
12 It probably has happened.

13 MS. DUNN: In some cases?

14 MR. AARONSON: It has happened. I couldn't give
15 you a figure. I say it probably has happened.

16 MS. DUNN: The analysis of the police files we
17 did in the month of March, there are fifteen felonies.
18 Of those, fourteen presumably did not receive any
19 direct court action, there was either a nolle, a dis-
20 missal, I think there was one fined. Is this typical
21 of the kind of action on felonies? This would be for
22 second and third and first degree assaults.

23 MR. AARONSON: We wouldn't handle them, and the
24 reason why they are nolles is probably because, and
25 I'm just guessing, that if you are talking about an

1 assault one and two, probably, they are nolle because
2 they are probably mailed off to Superior Court, because
3 the defendant had other matters pending in Superior
4 Court. We would not have disposed of them by nolle
5 other than that reason.

6 MS. DUNN: One was bound over to Superior Court,
7 fourteen were not, on three of the fourteen, we don't
8 have precise information, on one of them it was clear
9 there was no court action. Is this typical? Do you
10 have any idea why it happened?

11 MR. AARONSON: I have no idea.

12 MS. DUNN: It was also interesting that the
13 one category where there was a significantly low amount
14 of nolle was breaches of peace. Do you think that this
15 is a case that the court or police or criminal justice
16 takes a different attitude if it's an act that occurred
17 in a public place?

18 MR. AARONSON: The judges said there are more
19 witnesses in a public place. You say one of the
20 lowest percentages of nolle was breach of peace?
21 Probably, because for one thing, it covers a multitude
22 of sins. For example, you were talking about public
23 place, and the Connecticut Lunch is probably one of
24 the most public places, we have the greatest number of
25 arrests out --

1 MS. DUNN: We are still only looking at arrests
2 involving people who have had an argument in a bar
3 which resulted in a \$25.00 fine, a slapping in a home
4 resulted in a nolle.

5 MR. AARONSON: Well, without looking at the
6 facts, I wouldn't be able to tell you why.

7 MS. DUNN: If we wrote you about them, perhaps
8 you could give us an idea as to why it happens, or --

9 MR. AARONSON: Well, yes. I'll be glad to
10 cooperate with you, but I couldn't guess at any one.

11 MS. BUSCH: Some police officers testified this
12 morning that part of the reason why many of the cases
13 do not get prosecuted is the fact that again the woman
14 dropped the cases, and the question was asked what
15 happens if a police officer goes to a home answering a
16 domestic squabble and actually witnesses the man
17 battering the woman, and the woman was reluctant to
18 testify, would they pursue it? Their statement was the
19 prosecutor most likely would not want to pursue that,
20 because just on your word alone, the fact that the
21 police did witness it, was not enough, that they would
22 also need the testimony of the victim. Is that a fact?

23 MR. AARONSON: Judge Ramsey said he want to
24 answer that.

25 JUDGE RAMSEY: I could give you a concrete

1 case. We had a case brought to court one time where
2 the woman had been beaten up by her boyfriend. She was
3 living with him. A policeman was called. When the
4 police got there, she was bleeding from the mouth and
5 the nose and her clothes were partially torn, and the
6 man fought the police, and they arrested him. When the
7 case came to trial, the woman had gone away. We couldn't
8 find her. We had subpoenas out all over. We put out
9 a capias, which is an arrest warrant, to make her
10 testify, so we finally had to prosecute the case for
11 the assault on the police. We won that case, the man
12 went to jail and we had to drop the case where the
13 woman's assault was concerned, because she was un-
14 available.

15 MS. BUSCH: Even though the police officer
16 witnessed the battering?

17 JUDGE RAMSEY: He did not see her being beaten.

18 MS. BUSCH: The question I asked was if the
19 police officer witnesses the woman being beaten, and
20 she is reluctant to testify, is it a fact that the
21 prosecutor discourages prosecuting those cases if the
22 woman is reluctant to testify just on the testimony
23 of the police officer?

24 JUDGE RAMSEY: I know when I prosecuted, we
25 didn't do that. We tried to push it any way we could.

1 MR. AARONSON: You can't prosecute without a
2 victim except in the case of a homicide, but you have
3 to have the victim testify as to what actually
4 occurred, then you have collaborating testimony from
5 the police officers.

6 MS. BUSCH: So, it is a fact, you would not
7 want to prosecute --

8 MR. AARONSON: We would love to, but without
9 the victim, we can't.

10 MS. BUSCH: You would not consider it feasible?

11 MR. AARONSON: The case would probably not hold
12 up. With your permission, I would like to be excused.

13 MS. ROLDEN: You represent the defendant?

14 MR. BARRY: Yes.

15 CHAIRMAN ROSE: We have inconvenienced two
16 people. Are there any further questions of
17 Mr. Aaronson?

18 MS. WEBSTER: It was stated your office has
19 responsibility for collecting support payments as well
20 as issues around abuse. Do you see that as a conflict
21 of interest?

22 MR. PATTI: No. We take care of our responsibilities.
23 We do our job thoroughly.

24 MS. WEBSTER: Now, in the interviews that you
25 had, a number of women this morning discussed the fact

1 that they requested from the family relations officers
2 to be seen separately, because they were frightened of
3 their husbands response to their telling of the
4 situation that happened to them. A number of women
5 said that it would be a wonderful change in procedure
6 for them, for their own mental health and safety, if
7 they could be seen separately. Now, you say you give
8 these people as much time as necessary. It doesn't
9 seem to be terribly difficult to separate these into
10 two sessions instead of one. It seems you might get
11 a clearer version of the story if you were able to see
12 people separately.

13 MR. PATTI: Our policy has been when it's a
14 domestic problem referred from the courts that we
15 interview both parties at the same time to get the
16 complete and true information concerning the arrest.

17 MS. DUNN: I'd like to pursue the amount of
18 time you spend with a couple. It's fifteen minutes to
19 an hour, Mr. Rafala said. What is the amount of time,
20 how many times do you see, on an average, a couple?
21 Once, twice?

22 MR. PATTI: Regarding a court case, we see both
23 parties, speak to the both of them, for an hour or a
24 little better than an hour. If there is a possibility
25 these cases are going to be referred to a different

1 agency for consultation, we ask that the case be
2 continued. We ask the prosecutor's permission to
3 continue the case, so we can work with both parties
4 and refer to any agency for rehabilitation or
5 consultation. Then, they are referred back to us and
6 sent to court for disposition.

7 MS. DUNN: At the end, you reach an agreement
8 on a nolle if you are going to reach that?

9 MR. PATTI: I don't recommend a nolle to none
10 of my clients. It's up to the court to decide. I can
11 recommend a nolle when I write the case up, then it's
12 up to the prosecutor to recommend the nolle to the
13 judge.

14 MS. DUNN: At what point?

15 MR. PATTI: I recommend a nolle -- if a man has
16 no prior record, if he hasn't been in court for many
17 years, I do anything possible our office does to keep
18 families together.

19 MS. DUNN: This was after how many interviews
20 with the couple?

21 MR. PATTI: There is a possibility we can
22 dispose of the case in one interview, there is a
23 possibility we can have them come back on two or three
24 occasions.

25 MR. RABINOVITZ: This is after having joint

1 interviews?

2 MR. PATTI: Yes.

3 MR. RABINOVITZ: You said it's your policy not
4 to have separate interviews first?

5 MR. PATTI: For the years we have been there,
6 we've also had the spouse and the husband in the office.

7 MR. RABINOVITZ: Do you think you could
8 experiment?

9 MR. RAFALA: I've been with the system since
10 1963, and I have never had an altercation where a
11 woman feared to be with her husband in the same room.
12 If we find or see that there is a problem -- we have
13 had them in separate rooms, but at the same time in
14 the same building. We have never had any altercation
15 in our office which directly related to a domestic
16 problem. We've always managed to keep our cools and to
17 keep the people in our office reasonably assured that
18 no harm would come to them. So, experience alone tells
19 us that there has never been, or very seldom been,
20 any altercation of two people getting together in our
21 office and fighting.

22 MR. RABINOVITZ: As part of the family relations
23 division, your job is trying to appraise the situation,
24 getting the truth from each party. When you are talking
25 to somebody, who's frightened for her safety, do you

1 think more information might come out of it if the
2 interview was held first?

3 MR. RAFALA: In cases where the wife would like
4 to speak to us -- of course, she is the one that
5 usually starts the initial complaint anyway, so she is
6 there by herself, and we speak to her for about a half
7 hour or whatever it takes to get her feelings out.

8 MR. RABINOVITZ: Another matter that disturbs
9 me listening to everybody talking is: It came out that
10 you generally do not interview or speak with the
11 children. I can understand a child one or two or
12 three years old or so, but is there anything illegal
13 about speaking with the children, you know, separately?

14 MR. RAFALA: No. Depending on their age, of
15 course, there is nothing legal, we do it if it's
16 necessary. We do.

17 MR. RABINOVITZ: We are talking about battered
18 women.

19 MR. RAFALA: We don't encourage it. If it's
20 important to the case to get collaborating statements,
21 we have in some cases done that.

22 MR. RABINOVITZ: Family relations deals not
23 just with battered women, but with children. I believe
24 we had one of our witnesses here testify that she was
25 the daughter of a battered woman. Now, in trying to

1 make your full appraisal, should a situation be nолled,
2 etcetera, etcetera -- I just feel this is important,
3 I would think -- would it not be important in a family
4 domestic situation to appraise the total picture,
5 getting first answers and questions from the battered
6 woman, having a session with the children to see if,
7 in fact, they have been affected by the situation, and
8 if this has happened in the past because the gentleman
9 to your right -- I just forgot your name -- you said
10 you generally recommend a nolle for a first offense.
11 Everyone deserves another chance.

12 MR. RAFALA: In response to your question: First
13 of all, bear in mind that the only cases we get are
14 slight domestic. We do not get battered women cases.
15 That is left up to the prosecutor's office. We get the
16 cases we feel and the prosecutor feels we can help, and
17 these are third degree assaults, disorderly conduct,
18 breach of peace sort of thing. We don't get into in
19 depth study of battered women. They are not referred to
20 our office. We are dealing with third degree or dis-
21 orderly or breaches of peace and nothing serious.

22 CHAIRMAN ROSE: Can we move on? We've got other
23 witnesses who have been waiting a long time.

24 MS. DUNN: I guess I should address it to the
25 judges. I am still interested in our statistics of the
month of March.

1 CHAIRMAN ROSE: I'd rather you didn't do that
2 yet.

3 MS. ROLDEN: Mr. Barry, you represent the
4 defendant, and in those cases they have been men, is
5 that so?

6 MR. BARRY: I would say most cases.

7 MS. ROLDEN: Am I to understand that you have
8 also represented women who have been defendants and
9 because they have been accused by a husband for having
10 battered or beaten their husbands?

11 MR. BARRY: Or being accused by their boyfriends.
12 Yes, that's correct.

13 MS. ROLDEN: Can you give us an insight on why
14 these women were driven to beat up their men?

15 MR. BARRY: I might just point out that in
16 August of '77, I gave you some statistics of the
17 number of battered women cases in our office. We also
18 represented five battered men cases in August, and
19 every one of those cases are being nolleed, which would
20 indicate that their boyfriends or husbands in those
21 particular cases did not wish to press charges. So it
22 didn't seem to be a peculiarity of the woman that he
23 does not wish to press charges in these cases; the
24 men also wished not to press charges against the women.
25 Your question more specifically was --

1 MS. ROLDEN: Why they beat up their men?

2 MR. BARRY: Probably for some of the reasons
3 that men beat up the women. If there's an alcoholic
4 problem where the man might be under the influence of
5 alcohol and then take out his frustrations against his
6 wife, perhaps he is out of work, he may have other
7 problems, and they cause him to batter his wife. A
8 woman might be in a similar position under the influence
9 of alcohol. She may batter her husband, boyfriend or
10 husband. So I think perhaps some of the same reasons.
11 They would apply to either side.

12 CHAIRMAN ROSE: Mr. Barry, thank you for all the
13 time you have given us today, and we apologize for
14 keeping you as long as we have kept you. At this point,
15 if everyone is ready, and I hope we are, I would like
16 to turn to the judges, and what I would like to do is
17 examine each of them with respect to their own back-
18 ground.

19 (Whereupon, a brief recess was taken.)

20 CHAIRMAN ROSE: Can we get started again?
21 Judge Corrigan, I think we were with you. Could you
22 tell us, please -- first, identify yourself for the
23 record and tell us your background and experience,
24 please?

25 JUDGE CORRIGAN: Judge Thomas Corrigan. I live

1 in Hartford, and I have practiced law in Hartford
2 nearly twenty years before being appointed to the
3 Circuit Court Bench, which is the lowest trial court in
4 the State of Connecticut, and then on the Common Pleas
5 bench for the last nine years.

6 CHAIRMAN ROSE: Do you sit on both civil and
7 criminal cases?

8 JUDGE CORRIGAN: Both civil and criminal, the
9 civil jurisdiction being up to \$15,000 and the criminal
10 jurisdiction penalties up to a year in jail.

11 CHAIRMAN ROSE: Have you had occasion to sit in
12 the Hartford G-14 Criminal Court?

13 JUDGE CORRIGAN: Except for this past winter,
14 I sat there for four winters, four periods of three to
15 four months.

16 CHAIRMAN ROSE: In your experience of a private
17 attorney before going to the bench, did you do any
18 criminal defense work?

19 JUDGE CORRIGAN: I would guess my practice was
20 about 15 percent criminal defense work.

21 CHAIRMAN ROSE: Did you do any divorce court?

22 JUDGE CORRIGAN: I'd say about ten percent of
23 the practice was divorce work.

24 CHAIRMAN ROSE: It involves the relations
25 between spouses one sort of another or a possibility

1 that they might come together in domestic conflicts, is
2 that safe to say?

3 JUDGE CORRIGAN: I would guess that the matters
4 -- criminal would be less than perhaps two percent of
5 the married people or domestic situations.

6 CHAIRMAN ROSE: Did you, in your experience as
7 a private attorney, ever represent a woman who
8 represented herself to be battered?

9 JUDGE CORRIGAN: Battered in the sense of being
10 abused? I don't recall any actually having lasting
11 wounds.

12 CHAIRMAN ROSE: In situations, where a woman
13 might have had her husband arrested either as a result
14 of physical assault or verbal assault, did you represent
15 any women whose husbands have been arrested in divorce
16 cases or criminal work?

17 JUDGE CORRIGAN: At that point and still is
18 perhaps a difficulty in getting people who were
19 emotionally unbalanced, husbands who may be emotionally
20 unbalanced, into the criminal area of arrest, to get
21 them mentally examined, to take them out of society
22 and out of the home. This process had to be done with
23 some degree of delicacy, because the men in the two
24 cases I am referring to, were emotionally unbalanced
25 and threatening with dangerous instruments, guns or

1 knives. There was an effort to alert the police, but
2 they may be called in the next threat, if the dangerous
3 instrument was to be discovered.

4 CHAIRMAN ROSE: Do you have an opinion as to
5 the adequacy of existing Connecticut laws to protect
6 battered women?

7 JUDGE CORRIGAN: I don't believe that -- of
8 course, I've been here while you interrogated the
9 family relations officers and the public defender and
10 prosecutor, and I don't believe that the court system,
11 the criminal court system, is adequate to give her the
12 support of services she needs. We only get those that
13 are reported, perhaps from the hospital or the ones
14 who would have complaints and, as I heard someone
15 indicate, those that are serious, of course, never go
16 to the family relations office. I think Mr. Rafala
17 indicated he got the breach of peace or disorderly
18 conduct. Assault one or two or more violent crimes
19 went to the court system as criminal offense and not
20 for supportive services, but for retribution.

21 CHAIRMAN ROSE: Before I go any further with
22 those questions, I'd like to have Judge Ramsey
23 introduce himself and put a few questions to him and
24 then go back and forth.

25 JUDGE RAMSEY: I am Judge William Ramsey. I live

1 in New Haven. I practiced Law for approximately twenty
2 years in New Haven, and I was appointed as a Prosecutor
3 for about three and a half months, then I was appointed
4 to the Bench as a Judge in January of this year. Since
5 then, my first assignment was Hartford for January,
6 February, and March; April, May and June, I was in
7 Bridgeport; and July and August Hartford; September,
8 October, November, Hartford. So, I've been here quite
9 a while now.

10 CHAIRMAN ROSE: Have you been assigned to the
11 pit, as we know it, in Hartford?

12 JUDGE RAMSEY: My first three months, January,
13 February, and March, were all in the pit, and one
14 month in July in the pit. I am in the pit now.

15 CHAIRMAN ROSE: It's, I suppose, appropriate to
16 identify that court?

17 JUDGE RAMSEY: Pit, as it's called, is the
18 Court of First Impression. When a person is first
19 arrested, he is brought in there for arraignment, for
20 the setting of bail and the disposition of pleas. I'd
21 say it's the court of first impression for a criminal
22 defendant.

23 CHAIRMAN ROSE: Do you have an opinion as to
24 the adequacy of the criminal law to punish the batterer,
25 be it male or female?

1 JUDGE RAMSEY: I think our laws adequately punish
2 them, but, as you've heard, unless you can present
3 evidence against the batterer by the batteree, you
4 can't go forward. Again, it's the same problem as
5 Mr. Harrington tried to point out, that women will not
6 come forward and testify. The basic reason being that
7 one, they need the support of the men, and, two, they
8 are afraid of them and some instances they come in and
9 tell us they love him.

10 CHAIRMAN ROSE: Does the court have a role in
11 that area at all? I mean, does the court ever get in
12 a situation where you interview a victim in a criminal
13 case prior to the case being thrown out? Let's assume
14 an assault three in the Court of Common Pleas. It's
15 gone two, or three, or four months to the point of
16 jury trial. The woman comes in and says I don't want
17 to prosecute, and the prosecutor comes in and says my
18 client won't testify.

19 JUDGE RAMSEY: Interviews in an office and
20 talking privately. We don't do that, of course, but
21 I have had places where the prosecutor said I was
22 prepared to go through with a case, it's on the docket,
23 now my victim refuses to prosecute. I'll ask is she in
24 court and I'll bring her forward and interrogate her.
25 I say do you wish to prosecute, and they usually tell

1 you they've made up. They don't tell you that they
2 are afraid, they say they are happy and love each
3 other. That's about it for interrogations we are
4 allowed to conduct. This is in open court.

5 CHAIRMAN ROSE: Have you had experience in that
6 area, Judge Corrigan?

7 JUDGE CORRIGAN: You do have what appears to be
8 question and answer periods in court, and this may
9 occur, not only where there is a failure of the witness
10 to want to prosecute, but also in setting of bonds where
11 there is a request to lower a bond or increase a bond
12 or where there is an objection to the referral to the
13 family relations office or in a case of request for
14 mental examination under the statute.

15 CHAIRMAN ROSE: In your experience, have you
16 ever had a victim, a woman, in a wife battering
17 situation object to the reference to the family
18 relations department?

19 JUDGE CORRIGAN: I can't specifically remember
20 one, but I do unconsciously or consciously remember
21 vaguely something happening along this line. I don't
22 remember the specifics of it, but you do have both
23 parties meeting with the family relations office, so
24 one thing you do ask both, the accused and the victim,
25 is whether or not they wish the matter referred to.

1 the political winner, and the legislature are political
2 winners, and the appointment comes from the governor
3 with confirmation by the legislature, I would guess
4 it's political in that sense.

5 CHAIRMAN ROSE: We have had a lot of contro-
6 versy in this country, and there's been some with the
7 panel today, with respect to uniformity sentencing. I
8 was wondering in a typical wife battering situation,
9 a man with no previous record is alleged to have beaten
10 his wife, pleads guilty before your court, what is a
11 typical sentence?

12 JUDGE CORRIGAN: It often depends on how
13 seriously it was done, whether it was done with a
14 dangerous weapon or with hands or fists, but my standard
15 -- of course, I can't speak for anyone else in the
16 system -- but if the degree of injury is severe, I
17 believe incarceration is warranted. Where there is less
18 a degree of injury and the aspects are such that you
19 wish to hang some time over the assaulter's head for
20 at least a period of probation, he is going to think
21 twice about going into the same action, I give him
22 time with suspension and probation.

23 CHAIRMAN ROSE: Judge Ramsey?

24 JUDGE RAMSEY: I feel strongly about this
25 entire subject we are talking about today, and if I get

1 a case where it's guilty plea and the woman is battered,
2 and she's got scars, maybe permanent scars, and some
3 injuries, I'll usually give incarceration whether it's
4 a first time or not. As Judge Corrigan said, I'll
5 suspend a portion of that sentence, so he'll have time
6 left hanging over his head and put him on probation, so
7 if he touches her or commits any crime during that
8 period, he can be violated by the probation department
9 and made to serve the remaining time of his sentence.

10 CHAIRMAN ROSE: You prefer a system if there
11 was a conviction for a specific crime as opposed to the
12 judge having the discretion?

13 JUDGE RAMSEY: I think that would be putting it
14 on a computer basis. Everyone is entitled to have his
15 case tried separately. I don't think it would suffice.

16 CHAIRMAN ROSE: Judge Corrigan?

17 JUDGE CORRIGAN: I would have to agree with
18 Judge Ramsey. I think the question applies to the
19 question of mandatory minimum sentences, and I think
20 the sentencing applies there that there is always an
21 attempt to avoid the charge that would carry a
22 mandatory minimum sentence. Each case should be viewed
23 separately.

24 CHAIRMAN ROSE: Does the system, the judicial
25 system or the social system, provide an alternative

1 that you can give to the defendant, the possibility of
2 going to acquire help somewhere or require him to go
3 to that? Are there agencies? Can you do it?

4 JUDGE CORRIGAN: The sentencing process now is
5 very flexible. In fact, the probation officers prefer
6 that the judge find out what is the best help. Of
7 course, if it's a felony or a serious misdemeanor, the
8 information will be contained in that report, so that
9 you can sentence with the suspension of part or all of
10 the sentence with a provision and condition being he
11 either receive inpatient or outpatient help in a
12 specific institution.

13 CHAIRMAN ROSE: Do you feel that there are
14 places, agencies, to which you can send a batterer,
15 a husband who has beaten his wife?

16 JUDGE CORRIGAN: If this is caused by alcohol,
17 or if its caused by a mental derangement, certainly,
18 if you can determine that is so. In other cases, of
19 course, it's just a matter of keeping the assaulter
20 away from the victim for a period of time and with a
21 period of time perhaps hanging over his head, so he
22 does stay on good terms or stays away.

23 CHAIRMAN ROSE: Would you care to respond to
24 that, Judge Ramsey?

25 JUDGE RAMSEY: I basically agree with that.

1 CHAIRMAN ROSE: Where would you send a non-
2 alcoholic -- a parent who is not emotionally disturbed,
3 at least as he appears to the court, working class
4 man who earns enough money to hire a private attorney
5 if you have him a thirty day suspended sentence and
6 probation?

7 JUDGE RAMSEY: In this instance, there is no
8 reason beyond his control that caused him to do this,
9 he did this intentionally, in that case, he would be
10 treated as any person who committed an intentional
11 crime. As I said before, if the woman was beaten up
12 enough, not that there is any limit or any amount of
13 beating she must receive, but if he has been beaten
14 and battered, then he should go to jail, and he would
15 go to the new jail here in Hartford, with possibly
16 some probation time.

17 CHAIRMAN ROSE: Have you had occasion to send
18 people to counsellors of any kind other than family
19 relations, in your experience?

20 JUDGE RAMSEY: Well, if it's an alcoholic thing,
21 we send him to various alcoholic abuse centers, many
22 halfway houses in all of our towns, bigger towns, I've
23 done that. We have help for mental problems, too. Then
24 we also have a new thing called psychological evaluation
25 which is: You have a right to -- when a man is brought

1 in and he has not made bail, we set a bail for him,
2 and he does not make bail, and if his behavior is such,
3 so that it looks like he's not totally in control of
4 his faculties, then we can order a psychological
5 evaluation. We have to set the bail high enough, so he
6 can't make the bail, so we can have this done.

7 CHAIRMAN ROSE: I've got a bunch more, but I'm
8 going to turn it to my Committee at this point.

9 MS. HOLMES: Judge Ramsey, in regard to
10 sentencing patterns, are recommendations taken from
11 family relations?

12 JUDGE RAMSEY: Let's say that family relations
13 comes in -- in a case of this type it's been referred
14 to them previously, and they usually stand up with the
15 defendant, and they'll give you the benefit of their
16 expertise and what their findings have been. They will
17 first have talked to the prosecutor, and he'll give the
18 benefit of his feelings, but I don't have to take that.
19 Sometimes I accept it, sometimes I don't.

20 MS. HOLMES: Two gentlemen from family services
21 testified that they don't get first degree assault
22 cases; is that correct?

23 JUDGE RAMSEY: Yes, it's a Class A felony, and
24 that belongs in Superior Court. It only comes to our
25 court as a Court of First Impression, and they are

1 arraigned there, and they either have a right to have
2 a hearing in probable cause, to see whether or not the
3 case should go across to Superior Court as a Class A
4 felony or whether it should be reduced to something
5 lesser or discharged entirely. So we never have a
6 Class A felony in our court except to find out if there
7 is probable cause. Now, they also have the option of
8 waiving the hearing of probable cause and going directly
9 to Superior Court, but at no time does our court sit
10 on a Class A felony.

11 MR. RABINOVITZ: When a person is put on
12 probation, is he required to report or is there any
13 checking up to see if he is, in fact, not breaking his
14 probation?

15 JUDGE CORRIGAN: Yes. All people must report
16 and that reporting is done at the discretion of the
17 probation officer, but not less than once every month.

18 MR. RABINOVITZ: Thank you.

19 CHAIRMAN ROSE: With respect to the new statute
20 on accelerated rehabilitation, does the judicial system
21 or do either of you as a matter of personal policy have
22 an opinion with respect to if you will apply that
23 statute?

24 JUDGE RAMSEY: I can't recall every having had
25 an accelerated rehabilitation case brought to me in the

1 case of a wife battering. I've had them on other
2 matters, but I don't have any set policy on this. One
3 of the criterion as to whether or not you take a person
4 as an accelerated rehabilitation person, is he likely
5 to do this again, and if I can't say I know, because I
6 don't, but if a person beats his wife severely, it's
7 likely to happen again. It's likely I will not accept
8 him.

9 CHAIRMAN ROSE: The procedure, as I understand
10 it, is that the victim is notified?

11 JUDGE RAMSEY: Must be notified, and by a
12 registered letter or certified letter and return
13 receipt requested and signed, shown to the judge in the
14 court by the counsel for the defendant, and he is told
15 specifically what date the hearing is going to be held
16 on, and if she has had the letter, say at least a week
17 before, and she doesn't show and makes no response, it's
18 generally assumed that we know she knows, and it's
19 assumed that she doesn't wish to come forward. But in
20 those cases, as I said, I don't think I'd ever allow
21 that to be done in my court, because there is such a
22 great temptation for the defendant to coerce her into
23 saying she does not wish to testify against him. It
24 kind of puts her in peril if he is going to come after
25 her and make her say something she doesn't want to say.

A. R. P.

1 I've never had one offered to me.

2 JUDGE CORRIGAN: It doesn't make either logic
3 or sense to use accelerated rehabilitation in a
4 domestic situation. The full idea of the matter being
5 in court, that is, there's been a complaint, when it
6 is referred to the family relations officer, he has
7 attempted to resolve the matter. Where he is success-
8 ful in getting the parties together and resuming their
9 marriage or separating, as the case may be, and the
10 victim does not wish to then further prosecute, the
11 hold on the assaulter would then be by virtue of nolle.
12 Within the proper period, he then comes to court, and
13 that case can be reopened, and even though it isn't re-
14 opened as such, the court is aware that he has been
15 before the court before on a nolle. The accelerated
16 rehabilitation does not have to fit into that category.
17 It doesn't make logical sense.

18 CHAIRMAN ROSE: Could you tell us what percentage
19 of the cases involving battered women or domestic
20 disputes are transferred to the family relations
21 division by you as a general rule?

22 JUDGE CORRIGAN: You are speaking to me? How
23 many that come before the court?

24 CHAIRMAN ROSE: Is it done as a matter of
25 course that they go to family relations, or is there

1 some criteria for sending them or not sending them?

2 Do you refer all of them?

3 JUDGE CORRIGAN: As a practical matter, you
4 have to remember that the judge is not really free to
5 asking questions when the accused is first presented
6 before the court. His primary duty is to alert the
7 accused of all his constitutional rights, which is the
8 right to remain silent and, of course, the initiation
9 -- and at that point, you really don't much else than
10 the fact that he is charged with a crime, and it may
11 be assault three, but you don't know that the victim
12 is a member of his household. So, at that point in
13 time, you are telling him he has a right to an attorney
14 and a right to bail and a right to remain silent, and
15 unless somebody like the prosecutor or the public
16 defender or defense counsel or the family relations
17 officer says he would like this matter referred to
18 family relations, and you normally then ask the other
19 person, the family relations officer, whether he has
20 conferred, or if it's the public defender or defense
21 counsel, whether the prosecutor has any objection, and
22 you may ask does this arise from a domestic situation.
23 So you are not making a judgment at that time, unlike
24 some of the questions to the family relations officer
25 that he is not going to do his duty. If it's a serious

A. D. P.

1 battering, he should investigate and then refer back
2 to a criminal activity or procedure.

3 If it's something that warrants something less,
4 then he should make the decision to see whether
5 reconciliation is the answer or separation or some-
6 thing to prevent the matter from happening again.

7 CHAIRMAN ROSE: It's safe to say that the point
8 at which a judge might refer a case to the family
9 relations for investigation, he has precious little
10 information about the facts of the case, about what
11 actually happened?

12 JUDGE CORRIGAN: I would say that's so. You
13 have really no facts, except for the three situations
14 that I've mentioned before the time of presentment or
15 the time of referral. About the only time that you
16 really start inquiring is when there is a request for
17 increasing or lowering bond or a request for a mental
18 examination, or an objection to a referral to the
19 family relations.

20 CHAIRMAN ROSE: Let me ask both of you -- we'll
21 start with Judge Ramsey -- whether you think there is
22 anything more you'd like to know?

23 JUDGE RAMSEY: Most of the referrals to the
24 family relations office are made to the bench by the
25 prosecutor, and this is after he has already talked

A. D. C.

1 to the family relations officer. He has also talked
2 to the defense counsel. Then I usually ask him to
3 give me some of the allegations in every case. If it's
4 just a setting of bail, first you must know what the
5 person is charged with, even though the docket sheet
6 will show the charges. Assault three, that can cover
7 a number of assaults, not always a battered wife.

8 Then, you inquire how badly was she beaten,
9 when did it occur, was this a common occurrence, are
10 there children in the family, and you ask him questions
11 and you decide then whether or not you should refer it.

12 The main purpose is what's best for the woman
13 and children. You try to think of that.

14 CHAIRMAN ROSE: I'll address this to each of
15 you. Do you feel that the family relations office
16 would suggest -- is the office concerned with keeping
17 families together? Do you consider that to be a
18 legitimate role of the criminal court?

19 JUDGE RAMSEY: I think it is. I think it should
20 be. It's a goal, it's a part of the oath that every
21 lawyer takes when he is admitted to the bar. In any
22 divorce action he is involved in, he is going to do his
23 best to affect a reconciliation. As you know, the
24 divorce statutes have built-in provisions with regard
25 to affect reconciliation if possible, because it's

A. D. C.

1 believed, and I think rightly so in our State, that
2 the family life is the best institution for a state.

3 JUDGE CORRIGAN: I would have to agree with
4 Judge Ramsey. It's built into our law to affect
5 reconciliation, if at all possible.

6 CHAIRMAN ROSE: To what extent would you say
7 you rely on the recommendations of the family service
8 office in disputes of domestic problems?

9 JUDGE CORRIGAN: As Judge Ramsey said before,
10 at that point the family relations officer is in court
11 on the record and indicates that the wife and husband
12 are here, and they have resolved their differences and
13 explains the matter that brought them to the court and
14 what he has done to affect reconciliation. Then you
15 ask both parties whether or not these things have
16 been resolved. At this point, as Judge Ramsey indicates,
17 you find out at that point just how serious the
18 original complaint was and whether or not it's the
19 first occasion in court and whether you want to then
20 accept the nolle rather than having it go through to
21 sentence.

22 CHAIRMAN ROSE: But you say you accept it in
23 more cases than not?

24 JUDGE CORRIGAN: In most cases, because you are
25 relying on their supportive services to the court, and

1 unlike the general public, we have -- I certainly have
2 confidence in the recommendations of the family
3 relations office.

4 CHAIRMAN ROSE: Do you have an opinion on the
5 strength of having heard the testimony of the family
6 relations officers -- and I apologize to you for
7 having to sit here -- do you have an opinion as to
8 whether in your opinion the joint interview between
9 the husband and wife and family relations officer was
10 a good idea or bad idea, or do you think there might
11 be something set for the separate interviews of the
12 parties?

13 JUDGE RAMSEY: A long time ago, I was on the
14 Board of Directors of the family service corporation
15 of New Haven. That's a red feather organization, and
16 they did that, they did a great deal of family counsel-
17 ling, and they still do. They had a pattern whereby
18 they bring in one party and then they take the other
19 party, and they bring them both together. I can't
20 help but think that's the best solution. I think
21 talking to each one alone, they can speak better when
22 they don't have a person with them, in this case,
23 husband or wife talking to each one, then you know
24 where the danger points are, then bring them together
25 and, hopefully, a good case worker can handle this.

A. D. Ramsey

1 They have some good men in family service. I know we
2 have good people in state service, and as Mr. Patti
3 said, they are dedicated to trying to put families
4 back together, and it's my experience they do all they
5 can.

6 JUDGE CORRIGAN: My only experience along this
7 line would have been in practice rather than on the
8 bench, but this practice, I often found it difficult
9 for a married person who has come to obtain a divorce,
10 and, of course, I pre-date the present dissolution
11 law, the general grounds when I was practicing was in-
12 tolerable cruelty, and you had to point out to the
13 person wanting the divorce that they could make some
14 selections of grounds; but the general ground was
15 intolerable cruelty, and to indicate just what it was,
16 and, of course, this is the battered victim by and
17 large, and it was always amazing to me that the
18 continued grounds were other than the real grounds,
19 and it often took a considerable amount of time to
20 talk to your client to find out just what the problem
21 was. Sometimes the problem would be something that
22 could be possibly corrected, something less than a
23 ground for a divorce.

24 CHAIRMAN ROSE: Would you be in favor of a
25 separate interview as opposed to the joint interview?

1 Would you be in favor of the separate interview of the
2 victim and the assailant?

3 JUDGE CORRIGAN: I had set down in family
4 relations in an attempt to get supportive orders, and
5 I found when both parties were together, each one
6 wanted to speak. So, in order to first get an idea of
7 what the problem was, speaking to parties separately
8 at least gave you what each side was before you brought
9 them together and said this is what she says about
10 you and this is what he says about you, and I think
11 this is probably a logical sequence. But as I said,
12 I don't have that type of experience.

13 CHAIRMAN ROSE: Well, the family relations
14 recommendations to the court, are they bolstered by
15 something more than just a recommendation? Do they
16 give the basis for it when they report to the court in
17 your experience?

18 JUDGE CORRIGAN: Yes, they put it on the record.
19 I'll ask them if they don't. We talk to them, and if
20 they wish to reconcile, we recommend a nolle. By and
21 large, the family relations officer is going to have
22 to place on the record what the offense was and how
23 the reconciliation is going to take place, but I think
24 you'll find that most of the ones that are referred
25 are, as Mr. Rafala says, not the serious battering.

1 Those will continue in the criminal process.

2 MR. RABINOVITZ: Before hearing the testimony
3 of Mr. Rafala of family relations division, did you
4 realize that they have what sounds like a strict,
5 adhered to policy against having separate interviews
6 of the parties involved, against having separate
7 interviews with both parties involved? In other words,
8 re-phrasing it, were you aware of the fact that the
9 family relations had a policy whereby it appeared that
10 they were strictly adhering to only having joint
11 interviews without, you might say, plaintiff and
12 defendant?

13 JUDGE CORRIGAN: It must be a new innovation,
14 because when I was in practice, it was always the fact
15 that the one accused was first interviewed, and the
16 victim was called down at a separate date, and both
17 were called down, and if their attorneys were there too,
18 and I assume this is still their policy in way of doing
19 it. Any other way it would seem to lack logic.

20 JUDGE RAMSEY: I recall, many, many times in
21 New Haven, depending which side you had, if it was a
22 woman who instituted the action, it was the man, we'd
23 go down first and then the husband would be called
24 down some other date. Then we'd get a notice telling
25 us to come down together. It's always been that way.

1 MR. RABINOVITZ: One more question. I am also
2 familiar with the good work the Red Feather organization
3 has done with family relations, per say, and I am
4 concurring with you in having success in separate inter-
5 views. As a judge, when you refer a battered woman
6 situation to the family service relations or any
7 domestic problem, is it in your power, per say, to
8 simply recommend to the family relations division that
9 separate interviews be held first?

10 JUDGE RAMSEY: I've never done that yet, because,
11 as Judge Corrigan said, as I have said, it's my under-
12 standing that they hold hearings with each person
13 individually than collectively together, and these
14 people are professional, and I would assume they
15 would do what they feel their experience dictates to
16 them is the best way to handle it. So I wouldn't feel
17 I had the right to tell them to hold separate inter-
18 views first, because I do believe they hold them
19 separately and together. I didn't get that impression
20 from Mr. Rafala today that they only hold hearings
21 together.

22 MR. RABINOVITZ: My impression was that it was
23 pretty heavily discouraged to have any separate
24 interviews at all, because of policy, and there could
25 be reasons for that; but as judges who do send people

1 to the family relations division to analyze a situation,
2 you are relying on them that they have the proper
3 analysis of the problem, and now that you -- well,
4 it's my impression, and I'd be interested to hear
5 from the rest of the Committee members that Mr. Rafala
6 and his associate, they do not encourage separate
7 interview with battered women, battered people, but
8 have it joint.

9 MS. BUSCH: We were told today that it's not
10 called plea bargaining any more, it's called plea
11 negotiating.

12 JUDGE RAMSEY: I just learned that today, too.

13 MS. BUSCH: To what extent to judges participate
14 or your opinion is requested in the plea negotiating
15 process?

16 JUDGE RAMSEY: Well, we have what we call pre-
17 trial hearings and pre-trial hearings -- you must bear
18 in mind, we have too few judges, too few court
19 personnel and too few courts. If every person who
20 was ever arrested decided to try their case out all
21 the way, we'd come to a grinding, screaming halt.
22 Therefore, to cut down the case load, you have to have
23 some cases disposed of and to that end, the prosecution
24 notifies the lawyer for the defendant when to bring
25 himself and his client to court, and the prosecutor

1 and the defense counsel sits down with their clients
2 waiting out in the hall, and they go over the weak
3 points and strong points of each case, and if the
4 defense has a better case than the prosecutor thought
5 he had, he can induce the prosecutor by using common
6 sense to reduce the charge to a lesser charge in this
7 instance. Then the defense counsel will recommend to
8 his client, possibly, that he plead guilty. Now, after
9 these are done, after these hearings are conducted,
10 these are all cases that are already picked for jury
11 trial, and bearing in mind that jury trial is slower
12 than any other kind of trial and requires the use of
13 citizens, and it's a long, hard process, at that point,
14 the prosecutor and lawyer for the defense, if they
15 can agree and a sentence agreed upon is reasonable,
16 that may be the end of it at that point. But if it's a
17 sentence that might not sit well with the judge, then
18 they come into the judge's chambers and tell him what
19 they've arrived at. At that point, he can accept or
20 reject the results.

21 MS. BUSCH: Assuming that we plea negotiate
22 probation for the batterer, let's say this man has
23 battered his wife and for some reason or the other,
24 it's negotiated --

25 JUDGE RAMSEY: A breach of peace rather than an

1 assault three.

2 MS. BUSCH: Does the probation officer check
3 with the wife, is there any communication with the
4 battered wife in this process?

5 JUDGE RAMSEY: You say you have a case where
6 there has been some plea negotiations, and the
7 defendant is present with his counsel and his wife is
8 present?

9 CHAIRMAN ROSE: I think it's at a point --
10 is it customary in your experience for the probation
11 officer to contact the victim?

12 JUDGE RAMSEY: Yes, indeed. In a typical case
13 -- we had a report which was done by a probation
14 officer on a man. They interviewed the victim of this
15 man's crime, each victim. What did they feel, what
16 did they want to be done? This man had committed a
17 multitude of crimes. One person said she wanted to
18 see him helped, another person wanted him in jail,
19 another victim is one of our big banks, and they said
20 you know our policy, don't even ask us. They wanted
21 him to go to jail, too, whether it's a battered wife
22 or whether it's a corporate victim or a private victim.

23 MS. HOLMES: How would a woman obtain a
24 restraining order under the new system?

25 JUDGE CORRIGAN: I am not familiar with the

1 restraining order that you are referring to, because
2 I believe it's only for the jurisdiction of the
3 Superior Court under the dissolutions, but we do have
4 similar mechanisms as was pointed out previously by
5 the past panel. Sometimes the request is made at
6 the setting of bond that the assaulter remain away
7 from the victim during the pendency of the case or face
8 a heavier bond.

9 MS. HOLMES: Do you think it would be useful if
10 it were in the jurisdiction of your court?

11 JUDGE CORRIGAN: Well, we have in any criminal
12 case by virtue of what was indicated before, the
13 probationary period. It amounts to the same thing.
14 What you are doing is, you are imposing a sentence --
15 on breach of peace, you are imposing a sentence of
16 six months, and if you are going to suspend the whole
17 period, say execution suspended with a period of
18 probation for two years, and a condition of that
19 probation is that you stay away from the victim, who-
20 ever the victim is, and any violation of this means
21 that the effective sentence that has been suspended,
22 six months, can be imposed by just a showing in court
23 that that condition has been violated. The answer to
24 the same thing is a restraining order.

25 CHAIRMAN ROSE: The distinction between the new

1 statute and the suggestion Judge Corrigan described is
2 that you can get a restraining order in Superior Court
3 without any kind of offense being committed. Does the
4 Court of Common Pleas, so far as you are concerned,
5 have any manner of jurisdiction like that?

6 JUDGE CORRIGAN: No. About the only family
7 matters would be support.

8 MR. FORSTADT: Rather than focusing on the end
9 of the procedure, in the beginning, in your experience
10 have you ever been asked to set bond with a condition
11 of that bond being that the accused not see his wife
12 and stay away from the marital home?

13 JUDGE CORRIGAN: I do this on my own sometimes.
14 It doesn't necessarily have to be a spouse or a member
15 of the household. It could be anyone. If you feel
16 there is a present danger of the assaulter continuing
17 his work, then, of course, you have to set a very high
18 bond; but if he is going to be requesting a bond, and
19 the bail commissioner and prosecution is going along
20 with it, there has to be some assurance to the court
21 that he is making a present promise.

22 MR. FORSTADT: This is perhaps unfair, but in
23 those situations where you set those conditions, do
24 you know whether the instances where the victim choses
25 to prosecute is higher than those instances where the

1 accused sees the victim on a daily basis?

2 JUDGE CORRIGAN: There have been more serious
3 cases. Because where you are referring a matter to
4 family services, you are normally referring it without
5 bond. Of course, these are serious cases where you
6 are setting a bond with the condition that they stay
7 away from the victim.

8 MS. BREWER: When a man assaults a woman, let's
9 say seriously, how important is it to you, in deter-
10 mining that sentence, the relationship between those
11 two people, given two cases of serious assault; one
12 where there is a relationship such as a marriage or
13 living together or another one where there is not that
14 relationship?

15 JUDGE RAMSEY: I would say that when we look at
16 the statute, the statute says that you shall not, and
17 I think I would do the same, whether it's a girlfriend
18 or a wife.

19 MS. BREWER: Or a stranger?

20 JUDGE RAMSEY: If either of them have been
21 assaulted by a man and there has been injury and she
22 was hurt, I would sentence these men across the board
23 possibly the same, yes.

24 MS. BREWER: Do you consider yourself atypical
25 in that respect?

1 JUDGE RAMSEY: No, I don't think so.

2 JUDGE CORRIGAN: I have to disagree with Judge
3 Ramsey. Where the assault is on a complete stranger,
4 I am going to be more severe.. Where the assault is on
5 somebody with a relationship, you have to take into
6 consideration the relationship and the fact that
7 passions do arise. I just thought of one in Hartford
8 where the man was being tried for shooting or the
9 woman was being tried for shooting her husband. Now,
10 the circumstances were such that she first was attacked
11 with a knife and then shot, but at this point in time,
12 and it was a hearing of probable cause, it was obvious
13 that the party had some kind of a violent relationship
14 that they were now attempting to cure and after his
15 release from the hospital had been undergoing counsel-
16 ling, so both parties didn't want to press it even
17 after the hearing of probable cause. The prosecution,
18 it just seemed to me, if this were a complete stranger
19 with somebody shot other than defending themselves, it
20 would be just a case of defense that you would have to
21 continue. In this particular case, the prosecution
22 ended with a nolle.

23 JUDGE RAMSEY: May I respond a little bit to
24 this? When you have a case where a man assaults say a
25 complete stranger, a woman if you will, her rights are

1 going to be protected because she is going to testify
2 against him. She has no inhibitions against him, and
3 her rights are going to be protected just like mine or
4 yours or anybody else's. But what I believe in is up-
5 grading the list of wives and girlfriends, because the
6 cases you hear in court -- sometimes this is a boyfriend
7 - girlfriend situation -- in other words, I don't
8 think they are minimizing it in any way, I believe in
9 the past it's been minimized sometimes, and I think
10 these women should be accorded the same rights that a
11 strange woman gets when she is struck out in the streets.
12 I think they should be treated all the same. I would
13 be giving the same penalty to a wife or girlfriend as
14 to a stranger.

15 CHAIRMAN ROSE: Three more questions, then I
16 think we are going to let the Judges go. Two of these
17 are from the floor, as I understand it. Let me put them
18 first to Judge Corrigan, because I think the remarks
19 came from you. There's been much reference to some
20 men who beat women because of alcoholism or they are
21 mentally ill. What about in cases where the man is
22 not mentally ill?

23 JUDGE CORRIGAN: Again, with the availability
24 of public defenders, there is normally an assurance
25 that the party appearing before you is represented by

1 counsel, and if not, you do go through a series of
2 questions with him as to the seriousness of the
3 charges against him and the need for counsel, his lack
4 of expertise before the court, and by virtue of this
5 questioning, you certainly start to recognize that he
6 has an emotional unbalance or emotional arrangement.

7 CHAIRMAN ROSE: If you saw a man who had been
8 before the court on four or five -- two or three
9 previous occasions with respect to the same kind of
10 charge, wife beating, would that raise a red flag to
11 you that perhaps it might be appropriate to examine
12 this person for his psychological balance?

13 JUDGE CORRIGAN: Unfortunately, we wouldn't
14 normally get that information prior to sentencing. You
15 have to remember that, as I indicated at the beginning,
16 the court system is not adaptable to identifying all
17 battered women. In fact, we identify very few, and
18 the process we follow is long and tedious, and until
19 sentencing, we really don't know too much about the
20 assaulter. This includes the fact of his arrest and
21 his past record. It's at that point that we'd have to
22 make the decision as to what to do with them, whether
23 this warrants probation with condition or warrants
24 sentencing, but I don't think it answers your first
25 question, because somebody along the line is going to

1 recognize that he is got a mental problem. The court,
2 if he refuses a lawyer, his own lawyer, he is going to
3 disclose it to the prosecutor who together will appeal
4 to the court to have a mental examination performed
5 under the provisions of the statute.

6 CHAIRMAN ROSE: The next question; Does that
7 mean beating wives or beating girlfriends is a major
8 problem? Why do men beat women, in your opinion?

9 JUDGE CORRIGAN: It's kind of a philosophical
10 question, but I would guess the nature of the physique,
11 more women are smaller than men, so that the stature
12 of men is, and I would guess most men strike out to
13 hit on the victim whether they be women or others, is
14 a show of that very strength.

15 JUDGE RAMSEY: I would agree with that. I think
16 it's a matter of size, strength, might.

17 CHAIRMAN ROSE: I've got one last question, then
18 I gather there is one more. Your court is going to
19 merge into the Superior Court come 1978 at some point.
20 Do you have an opinion as to how that merger is going
21 to affect, a, what you do generally, and, b, with
22 respect to the kind of cases you are handling now, will
23 you have more discretion, less discretion, what's
24 going to happen with the merger?

25 JUDGE CORRIGAN: I would guess the whole idea

1 of the merger is to create efficiency. I don't think
2 the structure itself will change a great deal. We will
3 still have the Satellite Courtroom and Central Court-
4 house, such as the County Building.

5 CHAIRMAN ROSE: Since we are going to have more
6 Superior Court Judges, does that mean we will have a
7 better -- because more judges will have more juris-
8 diction over the kind of things that now only divorce
9 court judges have, we are talking about increasing
10 judges 55 or 60, is that going to make it better for
11 the family relations side or worse?

12 JUDGE CORRIGAN: Much of the change, as far as
13 family matters is concerned, I don't think there will
14 be any.

15 JUDGE RAMSEY: I agree with that. The same
16 factors will be present always. There will just be
17 different victims. It might move business faster which
18 is a more efficient operation, and you might have
19 more men to devote to more cases possibly of this
20 type.

21 CHAIRMAN ROSE: One more question from the
22 staff, then we will tell the judges how much we
23 appreciated their coming.

24 MS. DUNN: Judge Ramsey and Judge Corrigan,
25 I'd like your observations on the data we obtained

1 from the Hartford Police Department Prosecutor's files
2 of the 64 arrests in domestic situations between men
3 and women who have relationships. There were 15 felony
4 charges. Of those, one was bound over to the Superior
5 Court. There is no indication in the others that
6 there was a jail sentence. We are sure in eleven of
7 them there was no jail sentences. Of the total number
8 of arrests of the 64, there were only three jail
9 sentences, the longest was six months. It was called,
10 as such, a child abuse case where the son had his arm
11 broken, I believe. In fact, those three actual jail
12 sentences were classified as assault 3's. How do you
13 explain the lack of correlation between the actual
14 charge and the severity of the sentence received? Do
15 you think that the factor of child abuse in one case
16 may have influenced the sentence actually received?

17 JUDGE RAMSEY: What's your question, please?
18 When did this happen, you say?

19 MS. DUNN: We looked at what happened to police
20 complaints in one month. During the month of March,
21 there were 64 arrests in domestic cases. Of those 64
22 arrests, 15 were felonies.

23 JUDGE RAMSEY: These went to Superior Court?

24 MS. DUNN: Only one was bound over.

25 JUDGE RAMSEY: Only one was bound over?

1 MS. DUNN: Right. Seven were nollled, one was
2 dismissed, one was given a fine. It was unclear what
3 happened to three. Two received suspended sentences.
4 Is this a typical pattern out of 15 felonies of
5 domestic cases?

6 JUDGE RAMSEY: I don't know.

7 MS. DUNN: Does it surprise you?

8 JUDGE RAMSEY: No. I don't keep records.

9 MS. DUNN: Does it surprise you that there
10 were three sentences which happened to have been
11 classed, the charges were third degree assault? Why
12 is there no correlation between the actual charge and
13 the severity of the sentence? I would just assume that
14 the actual jail sentences would come with the more
15 serious charges.

16 JUDGE RAMSEY: That's very true, but without
17 nothing more, I can't respond.

18 MS. DUNN: Is it surprising? Is it worth our
19 inquiry?

20 JUDGE RAMSEY: I think you should if you feel
21 you want to learn more about it, do that. Do you
22 realize we see 150 cases in a day? We do this day in
23 and day out in the pit.

24 MS. DUNN: There may be no answer at all to
25 this. Judge Corrigan, do you have any thoughts on this?

1 JUDGE CORRIGAN: Like Judge Ramsey has indicated,
2 I can't say whether it's typical or untypical or a
3 atypical, and it's not unusual for sentencing for an
4 assault three -- I've given sentences for assault 3 --
5 sometimes you disagree with -- perhaps there has been
6 plea negotiations, and by virtue of having the accused
7 plead guilty to an offense for which the prosecutor
8 thinks the sentence warrants no more than six months,
9 he has the charge reduced from an assault two to an
10 assault three, and a judge agrees with him because
11 instead of giving six months, he gives three months,
12 whereas, if it were still in assault two, he might
13 give a suspended sentence.

14 CHAIRMAN ROSE: Thank you very much. I want to
15 thank you very much for your patience and cooperation
16 today. We appreciated, and we will be back with you,
17 at which point we will come up with a public report.
18 Our next panel is welfare and hospitals. It's been
19 suggested we take the hospital witnesses first. Is that
20 appropriate so far as you are concerned? Dr. Stent,
21 you want to start?

22 DR. STENT: I do have a prepared statement, and
23 I'll read it, and if there are questions, I'll be
24 more than happy to try and answer them.

25 During the past twelve months, awareness of

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1 and sensitivity to the problems of so-called battered
2 women have been increased in both the public eye and
3 in service organizations such as hospital emergency
4 departments. These women are another group of people
5 who represent a mixture of medical, social, legal and
6 situational needs and we recognize to some extent how
7 we can function to help in meeting these needs. They
8 join the victims of child abuse, rape, alcoholism, and
9 others in that regard.

10 In our institution, since January 1977, we have
11 encouraged our emergency department staff to be on the
12 look-out for battered women and when able to suggest
13 to the woman that help other than medical might be of
14 benefit. If the woman recognizes and admits the
15 problem and wishes further help, she is referred to a
16 social worker in the emergency department who carries
17 on with interviewing and counselling.

18 At present, the only definitive record of how
19 many women have been encountered in this situation,
20 therefore, is the number seeking counselling from this
21 social worker. Her review revealed only fifteen
22 actual contacts made to her in the first 7 months. In
23 conversation with our emergency department staff
24 members recently, this number seemed inordinately
25 small and they felt that rather than two per month,

1 the number they actually encounter may be 12 to 15 per
2 month.

3 We do not actually document on our medical
4 record as suspicion of "battered woman" and therefore
5 record reviews show only injuries without further
6 categorization.

7 When the woman is referred to social services,
8 during the usual work day, she is seen immediately by
9 the social worker, the situation reviewed and referral
10 made to battered women support services, legal/social
11 services, emergency shelter or Salvation Army. If she
12 wishes none of these services, she is encouraged to
13 continue contact with the social worker in person or
14 by telephone.

15 If the case is identified "after hours", a note
16 is sent to the social worker, the woman encouraged to
17 contact her and appointments made for interviewing. The
18 social worker contacts them if they have not called in
19 a few days. Without regard to outcome, this process
20 requires several crucial steps:

- 21 1. The emergency department staff be continually
22 alert to the potential existence of the
23 problem and they approach it with proper
24 sensitivity.
- 25 2. The women be motivated to seek help.

3. The help be readily available and appropriate.

In recommending changes, the following seem needed:

1. Emergency department staff be continually reminded of the responsibility to identify the problem in a suitable manner.
2. The public be repeatedly encouraged to have women, who identify the problem themselves, seek help from proper sources without fear of reprisal.
3. More emergency shelters be established for these women who are afraid to remain in their homes and that these shelters be properly staffed.
4. A Crisis Line for telephoning for help or information be established such as the CARE LINE for abused children.

At present, the resources do not exist in most hospital emergency department to do much more than recognize needs in addition to medical or surgical ones and encourage the patient to seek further help. To even accomplish this in a consistent manner will be a challenge. As has been true in the other types of problems I mentioned, more community-based help is needed.

1 MS. BUSCH: We will hear all the statements,
2 then we will ask questions.

3 DR. WETSTONE: I am Howard Wetstone, Director
4 of Ambulatory Services at Hartford Hospital. We see
5 some 80,000 people a year. I would estimate that some
6 10 to 15,000 in one way or another involve the extremely
7 complex and difficult issues of alcohol, drugs, mental
8 illness, the battered children, battered adults,
9 sexually assaulted adults, and a subset, that is to a
10 number of organizations, women's organizations, some of
11 the special and unique problems of the battered women,
12 although they may overlap some of the other categories,
13 they are also obviously special.

14 The background is that any acute general hospital
15 to which there are a few exceptions, about 25 percent
16 of all the patients in the hospital are involved with
17 alcohol as a serious problem and about two percent of
18 the orthopedic patients are, and all sorts of battered
19 people in the inpatient services that would not be
20 readily detectable as their major need. We decided to
21 take a look in the emergency room for a thirty day
22 period in January of this year and found 18 cases in
23 a retrospective study, and if you wish later, we can
24 go into details of cases.

25 During that same time, we were aware of one very

1 serious case in the hospital. It was also clear to us
2 that some of the cases that we found would not have
3 been detectible at the time in the emergency room and
4 were detectible only because we did an emergency file
5 search and found that perhaps four visits ago that
6 woman indicated she was a battered woman, but not had
7 done so in subsequent visits.

8 As Doctor Stent's circumstances, the emergency
9 room and hospital have limited resources to deal with
10 the enormity of these social mental health problems
11 and ought perhaps to be in a better position to have
12 a high index of suspicion and report it to the
13 appropriate agencies.

14 I use the analogy of the battered child which,
15 what the state did fairly simple, was to hold people
16 immune if they reported their suspicions to permit the
17 maintenance of an index if suspicion lies of one sort
18 or another and to encourage reporting the facts that
19 require reporting when that suspicion existed with the
20 understanding that investigations would be fair. They
21 would be conducted by trained people in the area and
22 interrelationships between the patient and the in-
23 vestigation would not embarrass the patient or the
24 accused assaulter if it turns out nothing happened at
25 all.

A D L P

1 We feel that we can do a better job of increasing
2 the sensitivity of our own people to this, but
3 considerable needs to be done outside the institution,
4 and I'll be happy later to answer questions if I can.

5 DR. PARTON: I am Doctor Charles Parton from
6 Mount Sinai Hospital, and I won't really expand much on
7 what either Phil or Howard have said. Again, we always
8 initiated our awareness activity at the suggestion and
9 really with the presentation of the problem.

10 This really is another form of some of the social
11 abuses that occur, and we became very familiar with the
12 battered child problems and were amazed, once we started
13 to look to find the frequency these turned up, and I am
14 sure the same thing exists with a battered human being,
15 and I certainly deal with the battered woman; but also
16 we have cases of battered men. The approach we have
17 taken in the emergency room is, while the hospital has
18 a social responsibility, it is not necessarily a social
19 agency.

20 Our responsibility is aside from the identification
21 and treatment of injuries that may occur to develop an
22 awareness and identification of individuals who may have
23 been battered and then to provide them with resource
24 material in a sense of persons to whom they may call or
25 speak or places where they may go.

1 I fully believe this is true. I do not think
2 that I, and I can't speak for my hospital, but I do
3 not think that I would consider the mandatory reporting
4 was something I would want to accept or promote at this
5 time without considerable thought.

6 I think the mandatory reporting of the child
7 is a little different than an adult. Where one may be
8 involved with the rights of an individual for exposure
9 of information, that is privileged. I certainly do
10 believe that it is necessary for us to provide any
11 woman or man who falls into this -- I'll stop saying
12 woman or man -- provide these persons with information
13 that there are people who can help, and there are
14 resources, and we will help to get them in any way,
15 shape or design.

16 MS. BUSCH: Thank you.

17 DR. FLITCRAFT: I'd like to talk for a moment
18 about emergency rooms and the changing utilization and
19 especially the limitations that we meet in the
20 emergency room.

21 Though it may be slightly younger and more
22 mobile than the general population, the population of
23 patients who use the emergency room tends to be
24 demographically similar to the population in the
25 immediate vicinity of the medical facility. But this

1 population may bring demands with it to the emergency
2 room that the professional staff is unprepared to meet.
3 Increasingly, the emergency room is characterized by
4 two apparently contradictory developments.

5 One the one hand, as emergency care becomes
6 increasingly specialized, the professional focus
7 continues to be placed on the severely injured,
8 community disasters and on acute primary care, i.e.,
9 care rendered patients with evidence of acute pathology
10 of psychophysiologic change. From this standpoint, the
11 emergency room physician is concerned with the medical
12 history of the patient primarily insofar as it might
13 effect the patient's response to the immediate treat-
14 ment for trauma or acute pathology. Even in the case
15 of rape victims, the recommended medical history
16 focuses on gynecological data and on facts relating to
17 allergy, immunization and so forth.

18 On the other hand, however, evidence suggests
19 that those who live in the vicinity of the medical
20 facility, and particularly the urban poor, increasingly
21 see the emergency room facility as a substitute for
22 vanishing primary care. As many as 60 percent of the
23 patients who utilize the facility may do so for
24 problems staff classify as minor medical, minor trauma
25 or abdominal injuries.

1 Those who define the changing utilization
2 patterns of the urban poor as evidence of their
3 inappropriate demands typically seek to resolve the
4 conflict by more efficient triage and organization.
5 From the standpoint of the user population, meanwhile,
6 the professional's exclusive concerns with acute care
7 translate into the oft-noted insensitivity of the
8 urban emergency room physician.

9 The proposed research grows from this conflict
10 although it makes no pretense to resolve it. The
11 battered woman typically presents at the emergency
12 room with trauma which, while serious, is not always
13 acute. Nor, though accidents remain the major cause
14 of death before age 39, is she suffering from an
15 accident in the usual sense even when she does present
16 with acute trauma. And yet, the battered woman is
17 clearly in the midst of an emergency, as serious in its
18 physical toll and extent as most community disasters.
19 Her emergency, however, is recognizable only after her
20 trauma is linked historically through the medical
21 record to a string of similar incidents which, taken
22 together, comprise the battering syndrome. Perhaps as
23 many as one quarter of the women who come to the
24 emergency room are there as a result of battering and
25 the percent of those who come to the emergency room

1 with minor medical problem, minor trauma or abdominal
2 injuries is probably far greater. Thus, behind the vague
3 medical complaint that the emergency physician
4 typically ascribes to inappropriate demand is one of
5 the most important requests for help in our society.
6 How many of the remainder of those whose complaints
7 appear minor could be shown to have presented with
8 other serious social problems we cannot say. But
9 clearly, it is precisely the definition of the client
10 population that is at issue.

11 This work grew initially from interviews
12 conducted by Stark and Flitcraft (co-project directors
13 for this proposal) in the first American shelter for
14 battered women in St. Paul, Minnesota. It reflects
15 an ongoing integration of personnel from the Yale
16 School of Medicine, the Institution for Social and
17 Policy Studies of Yale University and the Yale Trauma
18 Program, a division of the Department of Surgery of
19 Yale-New Haven Hospital. From the start the research
20 included both a medical and sociological conception of
21 battering and was designed to provide a data base for
22 the analysis of battering both as a clinical entity
23 and as a social phenomenon.

24 Using a complete review of the medical records
25 of all women treated for injuries in the emergency

1 room during a one month period of time, we found that
2 physician reports on a single incident were an
3 unreliable means of identifying battered women. The
4 perceived incidence of battering based on a single
5 incident reports was only 2.8% but the actual prevalence
6 of battering, based upon the entire medical record
7 approached 25 percent of all women treated for
8 injuries during this month. We found that 10 percent
9 of this population had a documented history of
10 battering and an additional 15 percent evidenced a
11 trauma history that strongly suggested battering as an
12 etiology of their repeated injuries. We estimate that
13 this emergency service alone may treat as many as
14 1000 battered women each year.

15 Just as battered children can be described
16 clinically by the pattern of their injuries, the
17 battered women in our population revealed a unique
18 body map of injuries which showed a predominance of
19 trauma to the face, breasts, chest and abdomen. This
20 stands in marked contrast to the body map of accidental
21 injury which involves primarily injury to the
22 extremities.

23 Domestic assault appears to escalate during
24 pregnancy. The frequency of trauma during pregnancy
25 was 3-6 times higher for battered women than non-

1 battered women. When this finding is taken in
2 conjunction with the pattern of injury which includes
3 abdominal trauma, it appears to contribute to our
4 finding that the rate of miscarriage among battered
5 women is 5 times greater than that of non-battered
6 women. Domestic assault does reach the children,
7 however. Ten percent of the battered women in this
8 sample told medical personnel they were concerned for
9 the safety of their children.

10 Prior to the onset of battering, the records
11 of abused women appear to be indistinguishable from
12 those of their non-battered counterparts. But
13 subsequent to battering we found their psycho-social
14 profiles to be sharply distinct.

15 28 percent of battered women tried to commit
16 suicide at least once. 24 percent became addicted to
17 alcohol or drugs. Many (37 percent) sought aid in the
18 psychiatric emergency room while 28 percent turned
19 to the local community mental health center. Never-
20 theless, 15 percent were eventually committed to the
21 state mental hospital. In each case, these figures
22 are dramatically and significantly higher than those
23 figures which describe non-battered women.

24 To understand this pattern, we turned to
25 physicians' treatment programs. Battered women were

1 less likely to receive follow-up treatment for their
2 injuries. Still, they were given tranquilizers or
3 pain medications four times as frequently as non-
4 battered women. In medical clinic, the battered
5 women complained of frequent headaches, abdominal pain
6 or chest pain and consequently one in four were labeled
7 as hypochondriacs and treated with more tranquilizers,
8 pain medications or sleeping pills.

9 Current patterns of treatment and aid do not
10 appear to contribute to the resolution of battering.
11 Of all women judged to be at risk for battering in
12 this sample, only 8 percent appeared to have resolved
13 the situation. The remaining 92 percent of battered
14 women appeared to be at risk for battering during the
15 month of investigation.

16 The impact of battering itself and ineffective
17 programs of intervention create a continual and
18 preventable need for medical services. While battered
19 women represent 25 percent of the sample, their injuries
20 account for nearly 50 percent of all trauma episodes
21 reported by this population, for they are injured three
22 times more frequently than non-battered women. In this
23 caseload, battered women accounted for:

24 75 percent of all alcohol abusers

25 58 percent of all drug abusers

67 percent of all suicide attempts

53 percent of all visits to the psychiatric
emergency room

53 percent of all visits to the medical,
emergency room

62 percent of all users of the local mental
health center

61 percent of all commitments to the state
mental hospital

75 percent of all concerns about child abuse

50 percent of all rape victims

The pattern and frequency of injury, associated problems and medical resource utilization patterns of battered women constitute the syndrome of battering. While the pilot study indicates that the syndrome may take particular forms according to socio-economic status the general constellation of trauma and severe psycho-social problems is found to be independent of economic or racial characteristics.

MS. BUSCH: Would both of you respond to what Dr. Flitcraft said?

DOCTOR STENT: I wish we had the background and data to analyze the cases. I don't know how to respond except to echo on much of what she said, both in the introductory remarks, the nature and characteristics

1 of the problems, as well as the obvious situations that
2 things are being done with regard to battered women,
3 but the allocation resources in the right places do
4 not seem -- I did not follow all the percentages that
5 she quoted, but certainly the data are very impressive
6 and I am sure if we pushed our analysis further, we
7 would be in support of the comments she made.

8 DOCTOR WETSTONE: I am impressed with this run
9 through. I heard it once before on television. It
10 would be nice if she shared this with other people in
11 the hospital group, because it could be very useful to
12 us. I think the part about allocation is the most
13 important thing in this whole issue. We could sit
14 higher legitimately with other serious and intent
15 groups and talk about all of the other categories of
16 social, economic, emotional problems which not only
17 come to emergency rooms. We must not be misled by
18 those figures. The private physician's office sees as
19 many or more as would appear in the emergency room,
20 because so many of the patients are not seriously
21 injured and may, therefore, not feel it necessary to
22 enter the emergency arena. I need not recite for you
23 the litany of all the other situations we are in. In
24 each one of them, we could argue we are in an epidemic
25 situation, and we are in a period of time when our

1 State wishes to control the expenditures that can be
2 made in the area of health. So the resource allocation
3 process will not become easier, it will become more
4 difficult with each passing year. The governor's office,
5 the commission on hospitals and health care, the HSA's
6 and other controlling agencies are going to declare a
7 moratorium on any further money spent on areas they
8 are not now being spent in. That's why I think this
9 is extremely important to discuss the issues and point
10 out that any one procedure group is going to be
11 confronted with all the committees on all the issues,
12 and it's going to have it's back against the wall on
13 what to do next. Therefore, I think it's reasonable
14 to suggest that if people feel intently about any
15 particular issue, they will have to pursue it vigorously.

16 MS. BUSCH: I will say that the information
17 from Doctor Flitercraft will be in this report, so you
18 will have access to it.

19 CHAIRMAN ROSE: Assuming the validity of all the
20 -- assumed that all of this is transferable to Hartford
21 and various hospitals in Hartford, and we've speculated
22 today with respect to other people's money, if you had
23 the money, what would you do to change the delivery of
24 services in the emergency rooms in your respective
25 hospital?

1 DOCTOR WETSTONE: The patient population of
2 Hartford may be different. In Hartford Hospital, the
3 emergency population is 60 percent of the patients do
4 not live in the City of Hartford. In the admitted
5 patient, about 25 percent reside in Hartford. That
6 alone may suggest there may be some difference. I
7 don't know if that means a difference in battered
8 women, but certainly the economic level of patients
9 that come in.

10 The second thing, it's on the line -- I am
11 answering your question -- is to me, at least, there
12 is no such thing as an inappropriate visit to an
13 emergency room, that is a patient perceives a problem.
14 Wouldn't it be nice if your neighborhood had a family
15 doctor in it, but it doesn't. Therefore, in that
16 contact at that point in time, it may well be
17 appropriate. I think the answer lies in two things.
18 One, the report of the primary care task force. There
19 are ways the legislature and other agencies could
20 implement to see to it there are more primary care
21 settings scattered about in our urban and rural
22 situations that would certainly offer a calmer setting
23 for dealing with this. Secondly, if money is available,
24 then one can obtain the most precious thing of all,
25 people, and begin to deal with the problem. I suspect

1 whatever number there are, and I heard the judges
2 talking, you will need more, because you will be
3 solving more problems.

4 CHAIRMAN ROSE: What will you do and try to do
5 in New Haven with respect to the statistics you have
6 shown in your emergency room?

7 DOCTOR FLITCRAFT: In our emergency room, there
8 is a rape crises team that's been functioning for years
9 and the situation there is providing somewhat of a
10 model, we hope, or may provide somewhat of a model. It
11 used to be when a woman came in with a complaint that
12 she had been raped that she went through the regular
13 channels, waiting around, was seen by an intern or a
14 residence or whatever and that was the end of it. With
15 the advent of the rape crisis team, however, a rape
16 crisis team member is called immediately to the
17 emergency room. Of the rape crisis team, members or
18 nurses or social workers who, through volunteer time
19 cover the emergency room 24 hours a day, they, there-
20 fore, function as an advocate from the moment a woman
21 steps into the emergency room with the complaint of
22 rape, and the woman may meet with the rape crisis
23 team member before she ever sees a doctor, and the
24 whole process of medical examination would go on then.
25 I think this is one model for how emergency rooms can

1 operate for battered women, putting a woman through
2 the system of medical examination and so forth is
3 simply inadequate.

4 I've seen no basis for making the decisions and
5 the changes that are necessary, and it loses valuable
6 time in the confidentiality of the patient where one
7 may have the only opportunity to talk privately with a
8 woman in an abusive situation.

9 A patient who can meet with a social worker,
10 plot out a strategy, who can follow through to the
11 police department swearing out complaints, getting
12 protection while she gathers up her belongings and her
13 children.

14 CHAIRMAN ROSE: What are the qualifications of
15 a patient advocate, a doctor, lawyer, social worker?

16 DOCTOR FLITCRAFT: I think it's a rare quality
17 in a person. I don't know that one gets it necessarily
18 through degrees. Many women who have been in abusive
19 relationships fought their way through the social
20 services for many years sometimes and such women know
21 the reasons.

22 (Whereupon, a brief recess was taken.)

23 CHAIRMAN ROSE: Are there any questions remaining
24 to the hospital personnel?

25 MS. HOLMES: In earlier interviews, Doctor

1 Wetstone, in earlier interviews with the staff at
2 Hartford Hospital, they told us that Hartford Hospital
3 is a teaching hospital and because of that, it is very
4 difficult to implement an ongoing program in the
5 emergency rooms because the staff continually changes.
6 Is there any possibility of putting a permanent staff
7 so that people could be trained to recognize cases of
8 battered women?

9 DOCTOR WETSTONE: Yes, it is a teaching hospital,
10 and the amount of care given in the emergency room is
11 given by interns and residents. Therefore, we certainly
12 could not, if we are feeling, we couldn't plead failure
13 on the grounds that the personnel turns over. In fact,
14 for rape, we have a program, and it involves personnel
15 that don't turn over. There are 12 full-time physicians.

16 I think the problem is the woman who steps
17 forward and say I was raped, is identified. The woman
18 who is battered, in my opinion, is not generally
19 indicating this, and our retrospective study showed
20 us that. It showed us women where there was no clue
21 at all in the record. That could be the fault of the
22 person interviewed. I am sure you can encounter a
23 nurse or physician that, in any setting, can invent
24 their own policy. I think the difficulty lies in the
25 individual patients and how much they care to tell you

1 in any given setting. I think on our side, we could
2 always be more sensitive to try to learn more about
3 the patients.

4 In some instances, they could become resentful
5 of further probing, and since it is true, the number
6 one item is to deal with the medical problem. They
7 present us with a cut on their face, and even if one
8 pursued at least one superficial question as to how
9 this happened. Now, the request then is to develop
10 the sensitivity to know how to pursue that when the
11 patient does not wish to go further. I think it's a
12 very difficult problem, and I am sure we feel in many
13 cases.

14 MR. FORSTADT: Assuming that sensitivity could
15 be developed, would you be in favor of a confidential
16 report?

17 DOCTOR WETSTONE: I am sure my colleagues would
18 agree with me, I would, on the grounds that it is the
19 role of the health care provider, it's the physician
20 in private office or the hospital or whoever it is,
21 to be the advocate of the patient, and I think on the
22 very same grounds that we will not allow blood to be
23 drawn from a patient without a signature no matter
24 what our personal opinions may be about it. For the
25 same reason, we will not allow the police to be present

1 when we get the medical history in a rape case, al-
2 though we cannot interfere questioning the patient.

3 By the same token, if the patient we believe
4 has been abused by another party, we would like to --
5 I would like to be able to report that confidentially,
6 with or without the patient's consent, to what would
7 have to be a good agency that knew how to handle it.

8 I think we developed such a system with the
9 abused child. Now, I know the cases where we thought
10 we had an abused child and, in fact, we absolutely did
11 not, but no harm was done to the family in that
12 situation. It would have to be that kind of air tight,
13 fail-safe situation. I personally favor it. I can see
14 legitimately many people, lawyers, physicians, would be
15 concerned about it, because it is an adult, not a
16 child.

17 DOCTOR STENT: My initial reaction is not in
18 favor of mandatory reporting. I just have a feeling
19 that we haven't got to a point of reporting sufficiently
20 in the agency and in the systems that we have in place
21 as limited as they are. I have a residual problem with
22 presuming to report on an adult without their prior
23 knowledge and consent and, as I said, my initial
24 reaction is not a mandatory reporting.

25 MS. BUSCH: I think Doctor Stent said that you

1 did not have any special way of identifying or any
2 special way of keeping reports on battered women. Did
3 I understand you correctly to say that?

4 DOCTOR STENT: They are not identified as such
5 on the medical report.

6 MS. BUSCH: What about you, Doctor Wetstone?

7 DOCTOR WETSTONE: It would not so be identified.

8 MS. BUSCH: Do you see a need for some kind of
9 identification based on what Doctor Flitcraft has said
10 reporting the whole trauma of battered women or any
11 need for a special kind of reporting procedure or
12 documenting procedure, whatever you want to call it?

13 DOCTOR STENT: I think, as I said, one of the
14 recommendations in our group has been that we, in this
15 case -- I don't think that has a lot to do with the
16 issue -- I think it's raising the level of awareness
17 to people there are the time as to the issues that
18 are important in this particular day, whether they
19 are full-time or part-time or residents or not, and
20 I think our problem is continually raising the
21 consciousness of the people working there, and there
22 are a lot -- this involves a whole lot of people other
23 than training house officers. I think we've got a
24 long way to go in just encouraging our people to be
25 aware of and to take that one extra step, that extra

1 ten minutes, that extra fifteen minutes, to push to
2 reporting our own internal systems. Now, that doesn't
3 require a new report or document or anything else. It
4 requires a telephone call, jotting in a log and that's
5 all and contacts getting made.

6 MS. BUSCH: So I gather you do have some
7 intentions of starting, or should I rather than assume
8 should I ask: Do you have training for your staff in
9 recognizing the problem of battered women? We'll start
10 with that part first.

11 DOCTOR STENT: No formal training program, no.
12 These are a series of information exchanges that go on
13 at periodic, weekly meetings. That information is
14 brought to the staff from any agencies, whether it's
15 a social agency or in-house medical agency, and there
16 is no training involved in this as such. It's information
17 exchanged on a weekly basis.

18 MS. BUSCH: Just one last question. Do you
19 have any intentions of starting, or do you think in the
20 future you will start some kind of a little more
21 formalized training program for those people who are
22 stable members of the emergency room or whatever?

23 DOCTOR STENT: Rather than putting it in the
24 form of training programs, I think in my institution,
25 I think what I would prefer to see is more marketing

1 of the idea, more marketing of the need and the
2 training. Definitive help to the patient should be in
3 the social and other agencies. I think our problem is
4 marketing the idea to the people that are on the line,
5 so that those people that can render the definitive
6 help at least can identify the patient and get involved
7 with them.

8 CHAIRMAN ROSE: Thank you. We appreciate your
9 coming and taking this valuable time and giving us
10 more insight. The Welfare Department. Do either of
11 you have a prepared statement?

12 MS. FLEMING: Yes, I have a prepared statement.
13 This is a description of the circumstances under which
14 battered women can or cannot receive public assistance.

15 In connecticut, each of the 169 towns
16 administers a General Assistance Program as mandated
17 by State Statute and is reimbursed 90 percent for
18 financial and medical assistance by the State. The
19 State administers the federally reimbursed programs
20 of AFDC and Title 19 (Medicaid) and also administers
21 State funded supplement to SSI (Supplemental Security
22 Income) and the CAMAD Program (Connecticut Assistance
23 and Medical Aid Program for the Disabled.) These
24 programs have various financial and resource limits
25 which an applicant must meet in order to qualify, and

1 "battered women" are not treated as a special category
2 and, therefore, would have to meet the eligibility
3 requirements of these various programs in order to
4 receive assistance.

5 The Hartford Department of Social Services
6 administers the General Assistance Program for the
7 City of Hartford.

8 For General Assistance Programs the following
9 are some of the basic requirements:

10 A means test (i.e., income must be below a State
11 of Connecticut budgetarily prescribed limit), all
12 liquid assets and resources must be applied towards
13 needs; legally liable relatives must be contacted;
14 liens on real property; and work registration for
15 employable individuals. Similar requirements are made
16 for various State programs. A brief description of
17 these programs is included as an attachment to this
18 report. Invariably an applicant for State assistance
19 must first apply to the town while a decision on the
20 State application is pending.

21 Battered women can receive assistance if they
22 meet the criterium of the program for which they have
23 applied. They cannot receive public assistance if
24 they do not qualify on the basis of need or other
25 requirements or refuse to follow through on any of the

1 various requirements. This might occur if a woman
2 refuses to follow up on obtaining support from a spouse
3 through the Family Relations Court. In other
4 situations, a woman might refuse to utilize assets at
5 her disposal or decide against having a lien applied
6 against her property.

7 Recommendations for improving procedure:

8 The most obvious need for improvement in
9 procedures would be having all programs, financial and
10 medical, administered by one agency. This would require
11 a State takeover of General Assistance. In the present
12 system, the "battered woman" literally becomes a victim
13 of a second battering -- a bureaucratic shifting
14 between state and local programs, and sometimes
15 between one local program and another.

16 Secondly, there is a need for a privately
17 administered discretionary fund, to deal with those
18 situations where public funds or the woman's own
19 resources are not available.

20 Third, emergency shelter should be available
21 throughout the State so that victims of batterings do
22 not have to flee from rural and suburban areas to
23 Hartford or other major cities to utilize this type
24 of emergency resource. Similarly, legal services and
25 other resources or provision for them, should be

1 available through the State and not concentrated in
2 urban centers.

3 I hope this information has been helpful to the
4 Connecticut Advisory Committee.

5 MR. ELY: I don't have a prepared statement,
6 a prepared written statement, but I would like to
7 talk a bit about what the Department of Social Services
8 has to offer in terms of services to the battered
9 woman and also to share with you what I consider to
10 be some of the recommendations that I think would be
11 important to improve services.

12 First, Miss Fleming is absolutely correct. The
13 State Department of Social Services administers the
14 traditional program. The two programs I think that
15 would have a good effect would be the AFDC, Aid to
16 Families with Dependent Children and the medical
17 programs.

18 However, the AFDC program is limited to women
19 where there has been a loss of a bread winner through
20 death, divorce, desertion, legal separation, out of
21 wedlock parenthood. Also, in Connecticut, we are able
22 to give an AFDC to intact families where husband and
23 wife are together if the husband or wife happens to
24 be incapacitated or if the husband happens to be
25 unemployed. Those are the categories that relate to

1 loss of a bread winner.

2 Secondly, there must be financial need. We
3 determine income and assets. There is an asset
4 determination of \$250.00. A woman must respond down
5 to \$250.00 before she is eligible, and also it depends
6 on the size of the family. We do not have programs
7 unless people are aged, blind, or disabled. We do not
8 have programs for any family type situation except
9 where children are present.

10 If a woman applies for assistance in our
11 program, it takes us from a minimum of a few days up
12 to five days to determine eligibility, so if she left
13 her home because of being battered, it would fall on
14 the general assistance agencies to offer the emergency
15 kind of assistance that's necessary and that depends
16 strictly on meeting eligibility requirements.

17 We do also have reliable laws where we support
18 in the absence of the father of the children and have
19 the right and the responsibility to bring those cases
20 into court in the pursuit of resources.

21 The second program has to do with the medical
22 program. We have medical programs where people who
23 have enough income take care for basic living needs,
24 but not enough for basic medical needs. You must be
25 aged, blind or disabled in order to get on the program.

1 The one provision of the Medicaid program is
2 we can give services to medically needy children under
3 the age of 21 regardless of whether there is a parallel
4 system of loss of bread winner. Otherwise, the same
5 categorical program references pertain although the
6 income changed.

7 We do administer the food stamp program and that
8 has some bearing to people who are not eligible for
9 welfare. As far as the services of my agency are
10 concerned, the social work services, the target group
11 that we give services to, are those people that receive
12 the money payments. Any person on AFDC would be
13 eligible for and could receive social work service
14 because of some problem. In that sense, we do get
15 involved in certain situations where husbands are
16 coming back to see wives, trying to reunite or where
17 there is protection needed, because they are coming
18 back and the wife does not want them. Usually, our
19 service is related to case work support services in
20 regard to helping her, make up her mind as to what
21 she is going to do. They are valuable services. They
22 are not authoritative services. In other words, the
23 mother must require the services or she must be
24 referred to us by a third party. The last program we
25 have in the Department of Social Services is Title 20

Services Program for other than welfare eligible cases.

At the current time, there is a request for proposals out in the Connecticut community for in excess of \$8,000.00 in order to expand programs to certain sectors of the population that needs services.

One of those services is crisis intervention. It should be known, however, that shelter programs for abused women, the federal regulations specifically rule out federal participation for sheltered programs for abused women. That is not allowed by federal regulations.

I want to call your attention to two laws. One, which is effective now, which gives the State Department of Social Workers \$75,000.00 in order to establish shelter programs for battered women. The task force on abused women, which you heard testimony from this morning. I sit as a member of that task force. They got it through the legislature. I have asked the task force on abused women, and they gave me an Advisory Committee of 11 women, and together we wrote a proposal and the proposal has gone out in the Connecticut community. The deadline for its run was, I believe, a week ago Friday. We received over a hundred sixty thousand dollars. We have to make hard decisions as to who we will be funding.

The second program, which I think has far more

1 reaching significance for giving services to battered
2 women has to do with the fact that the last legislature
3 passed a protective services law for the elderly. That
4 law goes into effect January 1st. It has protection
5 both criminal and civil for those reporters that report
6 "in good faith", and it also provides program costs in
7 order that we can administer that program and go into
8 the community and provide protective services for all
9 adults over the age of 60 who are abused, abandoned or
10 plighted in any way. I feel that's a landmark kind of
11 legislation, and as has happened in the child abuse
12 legislation, every year it has been amended.

13 I feel that's the beginning of bringing under
14 the roof a number of other target groups or services,
15 because one of the problems in the community today is
16 personal silence, not simply battered women, but we
17 need protective services for the mentally ill, retarded,
18 as well as for battered women and battered men.

19 I think that law, if it's handled right in the
20 legislature, and if the agency administering the
21 program service, the necessary resources in order to
22 implement that law that that can be the piece of
23 legislation that will be able to be used in order to
24 put together a good protective service program for
25 adults in Connecticut.

1 The North Carolina Law has one of the best laws
2 on it. My recommendation, then, for increased services
3 would be first, to expand the law in protective services
4 to the elderly to include battered women.

5 Secondly, to fund the shelter program for
6 battered women that we have. By the way, the LEAA folks
7 are interested in putting some demonstration money, in
8 some states, in order that they may be able to expand
9 the federal money. In LEAA, we are very interested in
10 that. We have had preliminary discussions, we are
11 going to try to get some of that money. It certainly
12 would be of help, in my opinion, to take out of the
13 regulations the prohibitive language. If we got a
14 75 percent federal match on the \$75,000.00 that we
15 have now, we could quadruple the money, we have
16 available for shelter programs. I think that's very
17 important.

18 Third, recommendation would be that I believe
19 that welfare reform is before Congress, and it changes
20 day by day, depending upon who you are listening to,
21 and I think there ought to be financial participation.
22 You must recognize that 90 percent of the reimburse-
23 ment in the cities and towns of Connecticut is not
24 federally reimbursed one percent. I would certainly
25 recommend financial participation be available in order

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1 to get emergency money as fast and appropriately as we
2 can.

3 Finally, I guess I think that certain welfare
4 reforms on a national level should be supported. I
5 think it's appropriate that the flat grant go to
6 families that are intact, that do not require the loss
7 of a bread winner, that they give assistance to single
8 individuals. There is no one cause, as everyone I think
9 knows. Certainly, one of the great causes of family
10 stress and family crisis is because of battery and lack
11 of adequate resources and a host of other projects
12 which are most important to be recognized. Thank you
13 very much.

14 MS. BUSCH: (Inaudible.) Several women have
15 testified about deeds of some property or the name on
16 a bank account to which she has no access, has much
17 difficulty in being eligible or declared illegible
18 for any kind of assistance. Is that a fact?

19 MS. FLEMING: As I testified before, general
20 assistance would require a lien on the property. This
21 can be either voluntarily done or not, but it would be
22 required. Someone of the City of Hartford and the
23 Social Service Department testified repeatedly to the
24 State Legislature Human Services Committee that the
25 lien requirement would be removed. We feel it's a very

1 unfair law, and it does place people in a very
2 precarious position when they are definitely in need,
3 so that I would feel that would certainly be a
4 recommendation in terms of the battered women.

5 MS. BUSCH: So it is true that at this point
6 a woman whose name might be on the deed of a house of
7 a husband or might be on the deed of a house with her
8 husband would not be eligible for services, unless she,
9 in turn, took a lien on the property or signed --
10 what would she have to do in order to become eligible?

11 I know you said she'd have to place a lien, the
12 lien would be placed by the agency which she is
13 applying for assistance, either the general assistance
14 agency or state department of social services.

15 MS. FLEMING: Could I make one statement in that
16 regard? While the individual may not be found eligible
17 for assistance, we still do give service to the
18 individual to interpret this to her and try to get
19 other resources for her in the community, if she does
20 not apply for general assistance.

21 MR. ELY: We are governed by statutes. If a
22 mother is living in her own home and owns the home, then
23 we would not lien the whole property. We would lien
24 the principal part of the amount that she pays and not
25 the interest part, but it is necessary to take into

1 consideration that asset.

2 MS. BUSCH: What happens to a woman who may
3 have been living with or depending on a man who is
4 other than her husband and she applies for services to
5 you?

6 MR. ELY: She is eligible.

7 MS. BUSCH: She would be eligible?

8 MR. ELY: If the man that she is living with
9 happens to be the father of her children, it's different.

10 CHAIRMAN ROSE: It's our information that the
11 general assistance program in the cities throughout the
12 State -- I am not sure how many cities there are that
13 have the problem -- it might be easier to get general
14 assistance in Hartford than it might be in a town north,
15 south, east or west of Hartford.. That being the case,
16 we'll assume for the moment it is the case, is there
17 any arrangement at the state level to expedite recovery
18 of assistance via the State, or is it still always
19 going to be a problem where a woman might have to wait
20 45 days? What goes on? I understand there are states
21 like California that may have the capacity to make an
22 interim termination at the state level, the person is
23 eligible for AFDC.

24 MR. ELY: California happens to be state super-
25 vised. New York City, for example, can indicate on

1 their authorization or its form relief because they
2 administer both things. In Connecticut, by Statute,
3 the Department of Social Services only administers
4 categorical programs. General Assistance is helping
5 people immediately and in an emergency. It is through
6 that, certain towns because of a variety of reasons
7 are not as able as some of the other towns to provide
8 assistance in the same manner, and this is a problem
9 for battered women.

10 CHAIRMAN ROSE: We had a state-wide program,
11 and general assistance was obviously the interim kind
12 of thing I would think would be improved.

13 MR. ELY: It would be eliminated, because we
14 would be responsible for the total program.

15 CHAIRMAN ROSE: But it would still, at that
16 point, not be as I understand it -- there is in
17 California the power of the worker to make a preliminary
18 determination that she is going to allow on the
19 strength of what she sees --

20 MR. ELY: They do that in New York, because
21 they add general assistance plus the federally funded
22 programs.

23 CHAIRMAN ROSE: We can't accept that until --

24 MR. ELY: Yes, there is a law which spells out
25 minimum mandatory standards of assistance so all towns

1 administer the programs uniformly. We also have just
2 developed a manual with the towns and cities, so that
3 we hope that would go a ways toward making more uniform
4 the assistance.

5 MS. BUSCH: What happens in the case of a
6 battered woman who leaves home and she gets some kind
7 of public assistance, and you go after recovery, and
8 the man says I am not going to pay. She had no reason
9 to leave home. She has a home, let her come back and
10 I'll take care of her. What do you do in cases like
11 that?

12 MR. ELY: We prosecute or we can prosecute
13 depending on what his income is, the contribution he
14 is supposed to make.

15 MS. BUSCH: Do you keep any records or do your
16 case workers keep records of the number of women who
17 seek assistance because they are battered?

18 MR. ELY: No, we don't have any system now which
19 identifies the incident, nor is it on our application
20 form, by the way.

21 MS. BUSCH: Are there any written rules and
22 guidelines for women receiving assistance -- me, as a
23 person who knows nothing about a public assistance
24 system, could read to see the steps I had to go through
25 in order to be eligible?

1 MR. ELY: Yes. The State Department of Social
2 Services has pamphlets on AFDC in Spanish and English
3 and Title 19.

4 MS. FLEMING: We also have pamphlets in the
5 City of Hartford describing the situation to persons
6 who are eligible, which I mentioned was attached to
7 my testimony.

8 MS. BUSCH: Are case workers trained or made
9 aware or given any kind of information on working with
10 women who are battered any differently from, say, any
11 other case load they might have?

12 MS. FLEMING: In our department, we have an on-
13 going training for all staff, and included in that
14 service, training would be working with the battered
15 woman, with the abused child, so it is covered in the
16 service training.

17 MR. ELY: We have trained people on our staff
18 and also case supervisors that supervise the workers.
19 There are many different kinds of problem interventions
20 that we have given training on. I didn't tell you
21 whether that was included in the last go around, but
22 I am almost sure that it was.

23 MS. FLEMING: I would like, if I could, to refer
24 back to some of the testimony that was given regarding
25 the battered women that have alcoholic problems, and

1 I think that our statistics in the department -- we
2 have become involved with counselling for alcoholic
3 women in general assistance case loads, and it has
4 become quite obvious to us that there is an extremely
5 high percentage of women alcoholics who are coming
6 through as battered women. So I think that is some-
7 thing -- something we have found to be true in our
8 department also. If I could go back to Mr. Rose's
9 reference to testimony earlier today regarding the
10 ease of receiving assistance in some towns, such as
11 Hartford, we follow the general assistance manual as
12 mandated by the State Department of Social Services,
13 and if a person is eligible for assistance, they will
14 receive assistance.

15 MR. ELY: Hartford has a very fine program.
16 I am not saying that because you are sitting here, but
17 that's what I think.

18 CHAIRMAN ROSE: Thank you very much. I think
19 we have no further questions at this point. That
20 concludes the formal testimony taken of the hearing.
21 We have several reports we are going to have read into
22 the record, including the young lady at your left,
23 Mrs. Emerson, Director of the Women's Center of Greater
24 Danbury.

25 MS. EMERSON: I want to thank you for including

1 me at this late hour. We arrived late to testify. Our
2 statistics are gathered from the Housatonic Valley
3 Region from Redding, Ridgefield, Bethel, Brookfield,
4 Danbury, Newton, New Fairfield, New Milford, Bridge-
5 water and Kent.

6 If something like Erin Pizzey's book, *Scream*
7 *Quietly*, or the neighbors will hear, were to be written
8 about the above mentioned towns it would probably be
9 titled: *Go and Scream All You Want*, because no one
10 will hear you anyway, and besides, no one will believe
11 you if you tell because we're nice people and nice
12 people don't do this sort of thing.

13 Whenever we mention the subject of wife beating
14 in the city of Danbury, people listen politely and
15 usually make some comment such as: "Well, of course,
16 Danbury is one of the largest growing cities in the
17 United States, and one must expect such things as rape,
18 wife-beating, mugging, drugs, etc., to occur." But
19 when I quote statistics and cases in the other rural
20 to semi-rural communities, with their eighty to one
21 hundred thousand dollar homes, with their manicured
22 lawns, three car garages and all the other
23 accoutrements. I somehow get the feeling that no one
24 believes me. And this is precisely what this testimony
25 is all about.

1 There is a reason for my being here, before this
2 committee, alone, unaccompanied by any of the battered
3 women with whom we have had contact through the
4 Women's Center. That reason is fear. Not only fear on
5 the part of the battered women in terms of their own
6 safety, but more outstanding, is the fear that their
7 husbands may be identified.

8 We are all aware that the battered woman and
9 her abuser have been stereotypically thought to be
10 poor or working-class inner city dwellers. We are all
11 aware that this is not the reality. But just how
12 unaware of the magnitude of wife beating in the middle
13 to upper income, scenic, idyllic small towns near
14 Danbury was the shocker to me and to my co-workers at
15 the Women's Center. When the Center first opened in
16 September of 1975, and until the end of May of this
17 year, a total of eight cases of wife battering had
18 come to our attention. Not very many. But what struck
19 me was that six out of eight of those women who phoned
20 were married to professional men. Men who were well
21 known in their community and well thought of. None of
22 those six women would identify themselves, nor the
23 towns in which they were living.

24 In the spring of this year, the Center joined
25 the Connecticut Task Force on Abused Women. Through

1 the cooperation of INFO-LINE, ten area chiefs of police,
2 a variety of social service agencies and the news
3 media, we began actively publicizing and gathering
4 data on the subject of battered women. Two months
5 later, by the end of July, our figures revealed twenty
6 six cases. All twenty six were Caucasian and between
7 the ages of 21 and 44. Twenty two of the abusers were
8 husbands, three were boyfriends, and one was a common-
9 law husband. Ten of these males had a drinking prob-
10 lem, twelve did not, and there was no information on
11 the remaining four. Help sought by the women included
12 legal and financial assistance, police protection,
13 counselling, and shelter services. Most did not wish
14 to leave home, nor were they prepared to file for
15 separation or divorce. The prevailing feeling seemed
16 to be trying to work things out, hoping against hope
17 that the beating would stop.

18 In some cases the women were beaten because they
19 refused to engage in specific sexual activities such
20 as fellatio and oral/anal sex. After a beating they
21 complied. Some of the women expressed concern for
22 their children. They seemed resigned to be abused
23 themselves until he lays a hand on the kids -- then
24 I'll really do something about it. Whose who attempted
25 to retaliate in self-defense were more severely beaten.

1 Some beatings occurred during pregnancy. One young
2 woman, married only three weeks, was beaten regularly
3 and was told by her husband that he would continue to
4 beat her until she could prove herself to be a real
5 woman by producing a son. When she called the Center,
6 she said, I have married a violent stranger. This
7 husband had a police record - armed robbery in another
8 state; Sale of controlled drugs locally. He turned
9 informer, was a "friend" of the police from Redding to
10 Kent. Wife finally received help from Judge Moriarity,
11 Family Relations, Litchfield. Husband presently
12 mental patient at Fairfield Hills State Hospital.

13 Women who sought help from their clergymen were
14 told they mustn't break their marriage vows by seeking
15 divorce; that they had promised to love, honor and
16 obey; that keeping her husband happy was her main
17 function and that unhappy husbands have a way of
18 internalizing their anger just so long, and then they
19 have to take it out on somebody. She asked: Am I
20 a function or am I a human being? Where beatings
21 occurred on a regular basis, daily, weekly, monthly,
22 it had become a way of life.

23 All but two of these women are married to
24 professional men. They are wives of lawyers, wives
25 of doctors, wives of policemen, wives of corporation

1 executives, wives of ministers, and one is the wife of
2 a marriage counselor. Some of these couples are new
3 to the area, usually relocated because of the husband's
4 job. Some women attribute the violence to job related
5 pressures. A woman stated: This creeping disease
6 called upward mobility, it's killing us. He's so
7 concerned about his image, his status; we've just
8 bought this house we can't afford. We are horribly
9 in debt. I know he's worried about money. He says he
10 wants nice things for me and the children. I don't
11 know anything anymore. The day we moved into this
12 house he beat me up in front of the moving men. No
13 one tried to stop him. I remember thinking to myself
14 that I must have done something to deserve this, other-
15 wise one of the movers-would have helped me. I guess
16 they didn't want to get involved. Sometimes I think
17 he's more interested in making an impression on his
18 boss and his cocktail party friends. I still love
19 him, when he's not drinking he's so decent. Each time
20 he beats me up, I tell myself it will be the last time
21 that it just could never happen again. But it does.
22 He has alienated our son. I'm afraid the boy will
23 strike his father in defense of me. The boy is
24 confused. He hit me twice recently. His father
25 witnessed this and then beat the boy for having hit me.

1 We have everything in the world. I keep telling
2 myself to count my blessings. Things could be worse.
3 I think of this when I remember the time my husband
4 broke a chair over my head and then pushed me down
5 the cellar stairs. I had to have medical attention.
6 I told the doctor that I fell down the stairs. My
7 husband said I was lucky; that some husbands knock
8 their wives teeth out and break their jaws. I must
9 be doing something wrong. Then sometimes I say to
10 myself, My God, no one deserves this nightmare.

11 In addition to the above twenty six cases,
12 Police Chief Adams, New Milford, reported to us a
13 total of forty two cases of battering for the months
14 of June, July and August. These had not been reported
15 to us during the two month data gathering period. On
16 Friday, September 23, State Trooper Frank Barberi,
17 Redding, called the Women's Center for help on what
18 can be done since there is a limit to how long the
19 abuser can be held. He reported that in the town of
20 Redding there are six families that he knows of where
21 wife beating is a regular ongoing occurrence.

22 The Women's Center's total figures on battered
23 women from June 1st, 1977 to September 26, 1977 are
24 seventy seven. These figures reflect the efforts of
25 Info-Line, area police, referrals from other agencies

1 and from the battered women themselves who reported
2 directly to the Women's Center.

3 A question often asked is, why cannot these
4 women pick themselves up and leave? The answers are
5 many and they are complex. It may be for economic
6 reasons, religious reasons, fear of retribution, i.e.,
7 threats of murder and/or mutilation by the abuser.

8 When the women do contact the Center (rarely in
9 person), we try to impress upon them the fact that
10 their attempt to reach out for help is a positive and
11 healthy step; that it is not a sign of weakness, nor
12 is it a mark of betrayal to their husbands; that it
13 is a statement to themselves that they are worthy and
14 they are recognizing that they deserve better. We
15 encourage them to take responsibility for their own
16 lives and the lives of their children. We repeatedly
17 emphasize the code of confidentiality at the Women's
18 Center. We assure them that their identity will be
19 protected; however, should they opt to seek outside
20 help, we point out that they are going to have to take
21 certain risks in terms of revealing the identity of
22 the husband.

23 We have already stated that violence towards
24 women is not limited to any socio-economic or
25 educational strata of our society. Neither are feelings

1 of outrage, the entrapment, the depression that
2 gains control of the victim and immobilizes and
3 debilitates; nor is the feeling of impotence limited
4 to any group or individual. We urge women to seek
5 professional counseling, offering names of reliable,
6 trustful and discreet therapists in the community. We
7 advise them of the restraining order recently signed
8 by the governor and which will become effective
9 October 1st of this year. Presently, we are attempting
10 to put together a support group comprised of the
11 battered women themselves and led by a trained
12 facilitator for the purpose of enabling these women
13 to ventilate their hurt, their anger, their frustrations;
14 and to examine and evaluate their priorities and needs
15 together.

16 In conclusion, we are seeking a solution to
17 these assaults on women and all victims of household
18 violence. We urge that the abusive partner be compelled
19 to seek professional help, thus enabling him to gain
20 insight into his abusive behavior. We do not believe
21 that any man, any human being, could possibly want to
22 live the rest of his life committing such repugnant
23 acts. The abuser needs help also.

24 We urge that municipal and state police be
25 trained in Family Crises Intervention. We ask that

1 acts of domestic violence no longer be regarded as
2 family quarrels. We demand that legislators and law
3 enforcement agencies declare such violence as
4 Felonious Assaults.

5 We demand that victims of household violence be
6 fully guaranteed immediate safety and enforced
7 protection from their abusers via the restraining
8 orders, shelters and such therapeutic services as
9 medical care, counseling, financial and legal assistance.

10 We recognize that it is virtually impossible
11 for women, who have been so demoralized, to make
12 rational decisions about the direction and priorities
13 of their lives unless these decisions can be arrived
14 at from a position of strength.

15 CHAIRMAN ROSE: Thank you very much. Lisa
16 Leghorn is up there thinking she is next. You couldn't
17 be wronger. We have two more statements that need to
18 be read into the record. We might make a concession
19 I understand. First, is a letter from Terry Capshaw,
20 who is the head of the Department of Adult Probation.
21 He could not be here. We submitted to him certain
22 questions, and we have his response dated September
23 22, 1977, for the record.

24 STATEMENT OF TERRY S. CAPSHAW:

25 Dear Mr. Bogan: In response to the question-

1 naire received on September 21, there is not much done
2 differently with individuals placed on probation for
3 the type of crime in which you are interested than
4 there is with other probationers in the actual super-
5 vision phase.

6 In situations, however, where the court has
7 imposed special conditions of probation, such as the
8 probationer not returning to that particular address,
9 or perhaps not indulging in alcohol, or seeking
10 treatment for alcohol or drug abuse problems; these
11 conditions, of course, are followed to the letter and
12 any violations are immediately reported to the court.
13 Since many of these people also are unemployed, and
14 this contributes to their general attitude, a definite
15 effort is made to find employment for those in that
16 situation.

17 Also, during this coming academic year, our
18 training school is emphasizing family counseling, and
19 most of our staff will receive at least some training,
20 either orientation-type or advanced, in that particular
21 phase of our job.

22 No. 2. - This agency operates on a caseload
23 management by objective system in the supervision of
24 probationers. Cases in which physical violence is
25 involved are considered high-risk cases and, therefore,

1 receive a maximum amount of probation supervision. In
2 such instances where the victim and the accused are
3 related, either through marriage or common law relation-
4 ships, there would be extensive contact with both
5 victim and probationer. In situations where the
6 relationship was one flimsy in character, the victim
7 probably would not be in the picture too much, unless
8 the probationer made attempts to contact her after
9 being placed on probation. If that were the case,
10 we would definitely step into that situation and take
11 some preventive measures. In such high-risk cases,
12 probation contacts under our new system will be on a
13 weekly basis.

14 No. 3 - Recommendations in our presentence
15 investigations are the result of the information
16 gathered in the course of the investigation. They are
17 objective, and the officers are specifically trained
18 to keep them that way. The average time given for the
19 presentence report is four weeks and sometimes longer
20 if the defendant comes from out of state and
21 correspondence is necessary or psychiatric information
22 needs to be obtained. We have never had any trouble
23 getting an extension of time if necessary.

24 The major factors looked for in sentencing
25 recommendations are always the defendant's past

1 criminal record, the length of time between his last
2 offense and the current one, his employment situation,
3 and his general situation in the community at large.

4 I don't believe that there is any way of
5 measuring how much time is spent supervising persons
6 who are placed on probation for this particular
7 offense as compared to other offenses. Probation
8 Officers here have caseloads that average out at 120
9 per officer, and they really have to make an attempt
10 to provide adequate service to those on probation who
11 really need it. This is difficult at best, and I'm
12 sure that we fall far short of providing what anyone
13 could call intensive supervision in most cases.

14 The caseload management by objective system,
15 however, does give the Probation Officer the opportunity
16 to separate out from his general caseload those people
17 who would benefit the most from his efforts, and this
18 is where he will spend his time from now on. I'm sure
19 that a large number of the cases in which you are
20 interested would fall in that category once we have
21 a chance to evaluate the data.

22 No. 4 - It is not at all uncommon for our
23 Probation Officers to recommend probation supervision
24 in their presentence reports. This agency employs
25 only college-trained personnel and that, plus the

1 training provided at our training academy, which
2 averages out to about 10,000 man-hours per year, gives
3 us fully-qualified counselors in the probation system
4 in Connecticut. In the event, however, that an
5 individual presents a particular type of problem with
6 which we do not feel comfortable, and which we feel
7 can best be dealt with by private agencies or specific
8 treatment facilities, we have contractual agreements
9 with many of them in the state and are able to send
10 clients on a referral basis to them. For example, we
11 have a contract with the UConn Medical Center for
12 psychiatric services. We have contracts with almost
13 every drug treatment facility in the state, residential
14 and non-residential, so I believe we are fairly well
15 equipped to deal with almost any problem which an
16 individual case could present.

17 No. 5 - One of the major problems in cases of
18 this kind is the excessive use of alcohol on the part
19 of the perpetrators. I also believe that unemployment
20 is a factor since people that are unemployed lose
21 their respect and their dignity. It often times is the
22 man's bad feelings about himself that he is taking out
23 on his spouse when these situations occur. I believe
24 that housing problems enter into it, and in general
25 most of the sociological factors which account for the

1 high crime rate at both the juvenile and adult level.

2 In suburban situations, again, I think alcohol
3 is a problem, but probably more than that the tensions
4 and stresses of trying to cope in a competitive type
5 of society like ours. It is certainly strange that
6 people who live together have difficulty relating to
7 one another, and many times I believe these problems
8 could be averted if the parties could simply sit down
9 and talk. Unfortunately, this usually does not happen
10 until too late in the game or until some third party
11 intervention occurs. These people, however, are
12 reluctant to seek help before something happens.

13 Once these people come to the attention of the
14 probation department, not much can happen unless the
15 Probation Officer can obtain their trust and confidence,
16 and even then communication is often difficult because
17 this is not a subject with which people feel comfortable.
18 It is very apt to happen again, and the information is
19 very difficult to obtain when it does happen a second
20 time. Witnesses are reluctant to come forward, they
21 are reluctant to come to testify at probation violation
22 hearings and usually will not do so unless they have
23 the utmost confidence in the officer handling the case.
24 In other words, if the general situation surrounding
25 the parties cannot be improved, the prognosis for

1 most of these cases on an individual basis is poor.

2 No. 6 - I believe that one method to deal
3 with people on probation for this offense is through
4 the group therapy concept, and also by bringing into
5 play other agencies such as AA, Marriage Encounter,
6 etc. As we proceed with contractual agreements with
7 other agencies, we should keep these cases in mind
8 and, therefore, we should seek more funds from the
9 General Assembly for contractual agreements.

10 In Connecticut, the courts really need a
11 Forensic Service similar to what they have in Chicago
12 and Boston. We have the beginning of that with a
13 travelling diagnostic service in Hartford County now
14 operated by the State Department of Mental Health with
15 federal funds. These federal funds will expire at the
16 end of this fiscal year, and I believe it is extremely
17 important for the state to not only pick up the
18 present funding for the single unit which is operational
19 at this time, but to expand this service to at least
20 the three major population areas of the state, if not
21 statewide. This provides diagnostic services for the
22 courts and also does the 5440 examinations in the
23 county. Through this type of service you find that
24 there are a great many more disturbed people in the
25 probation caseload than what one would guess, and

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1 through this recommendation steps can be taken to deal
2 with this problem.

3 An examination of this situation in the
4 probation system could result in perhaps a specialized
5 caseload of these probationers with the heavy involve-
6 ment in group work, and a concentrated effort on the
7 part of the supervising officers to provide more
8 intensive probation supervision than they are able to
9 with the large caseloads they have at the present time.

10 Lastly, I would say that the courts should take
11 a stricter posture in these cases since I am relatively
12 certain that the cases that come before the court are
13 certainly not the only ones committed by the
14 perpetrators. I feel that these things go on and on,
15 and the women only complain when they are really hurt
16 badly, or that many of them are diverted by the police
17 officer when called to the scene if there is a complaint.
18 In situations which become chronic, there certainly
19 should be incarceration involved once the cases do
20 come to court.

21 Very truly yours, Terry S. Capshaw, Director.

22 CHAIRMAN ROSE: The second and last is a state-
23 ment from the Permanent Commission on the status of
24 women, two pages, signed by Beth Rawles, Chairman of
25 the Commission, and that will also be entered into the

1 record.

2 STATEMENT OF BETH RAWLES

3 The problem of wife abuse cuts across every
4 socio-economic group. It is an old problem and a
5 serious one, the magnitude of which has only begun to
6 surface.

7 Police have been reluctant to become involved
8 in family disputes. Often, the battered woman has
9 been reluctant to press charges fearing that her
10 husband would be released quickly only to return home
11 even angrier and ready to inflict more physical pain.
12 The children suffer too.

13 SPOUSAL ABUSE LAW TO PROVIDE EX-PARTE RESTRAINING ORDER

14 The growing problem of family abuse was widely
15 discussed in the last session of the Connecticut legis-
16 lature as public hearings were held for testimony on
17 bill number 958 recommended by the Permanent Commission
18 on the Status of Women. After having been boxed,
19 petitioned out for public hearing and amended twice,
20 the bill passed and was signed by the Governor. As of
21 October 1, 1977, Connecticut courts will be able to
22 grant ex-parte restraining orders in cases of spousal
23 abuse. The efforts of the Connecticut Task Force on
24 Abused Women, Litchfield Legal Services, and the
25 courageous testimony of many battered women provided

1 a major thrust toward enactment of this important
2 legislation.

3 Under the new law, specific procedures will be
4 adopted so that spouses who have been battered or
5 threatened with "willful infliction of physical pain
6 or injury" may apply to the superior court for relief.
7 Applications may be made if the pain or injury involves
8 either spouses, or their children. After a restraining
9 order is issued to the adverse party, a hearing on the
10 matter will be scheduled.

11 The PCSW also supported an appropriation of
12 \$75,000 for a pilot project to establish shelters for
13 battered women in Connecticut. This important legis-
14 lation did pass and as a result some of the many
15 battered women in Connecticut will find a temporary
16 refuge from physical and psychological pain.

17 The Commission is now considering a legislative
18 recommendation to establish permanent shelters for
19 these women. Clearly, the necessity for emergency
20 housing and counseling will remain as long as the
21 problem is with us and the problem is not going to
22 disappear until many attitudes about women and their
23 roles in our society are dealt with and changed.

24 CHAIRMAN ROSE: That having been done, we'll
25 turn to Lisa Leghorn, Transition House of Boston.

1 MS. LISA LEGHORN: I wanted to try to make
2 this brief, because if you all are feeling like I
3 am feeling, you are not up for a long rap. I was
4 trying to think of what I could cut out, and I am
5 going to cut out summary type stuff, and I do feel
6 there are a lot of issues that were not adequately
7 addressed and lots of questions raised and holes left
8 that I want to try to fill. So, I'll try to be brief.

9 I guess my biggest concern is the question
10 that I heard throughout everybody's testimony, which
11 was why does the battering go on, and I really believe
12 that our analysis of the cause of the battering is
13 going to lead to whatever solutions we are going to
14 try to apply.

15 For a reason, we have to look critically at
16 the nature of the problem, at different analysis, as
17 to why it goes on and look at solutions, not only
18 short term solutions, but long term solutions that are
19 going to eradicate the problems forever. So the first
20 thing I wanted to address was the issue of alcohol
21 use and abuse.

22 There haven't been a lot of studies done in
23 relation to alcoholic abuse on the part of the husband
24 and battering, but there was a study in New York by
25 which a group of specially trained police officers

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1 went into the home in a precinct in Harlem, and only
2 26 percent of the cases was alcohol even observed to
3 be used and that included a beer can on the table.
4 That confirms our experience at Transition House, and
5 my experience w-orking with women in general that
6 alcohol abuse is not an overwhelming reason for the
7 problem and in those cases where men repeatedly do
8 dring to excess before they batter their wives or
9 girlfriends, that the alcohol is not the reason for
10 the abuse, that the alcohol is simply an excuse to
11 allow them to do it and get away without feeling too
12 guilty about it.

13 This was brought up very clearly in one of
14 Strauss' studies in which he cited the case of a
15 marriage counselor who was interviewing a man and a
16 woman with a long history of abuse, and the man said,
17 you know, I can't help it. I drink and I lose control,
18 and the marriage counselor asked him, well, if you
19 lose control, then why don't you stab her? Stab her.
20 I would never think of doing such a thing. Strauss
21 pointed out there was an underlying norm that it was
22 okay to beat her, but not to stab her, and although he
23 was very, very drunk at the time, he acted according
24 to that underlying social norm. There is another myth
25 which is that the problem of battering has to do with

1 unemployment recession. Generally, when we are going
2 through bad economic times, they are going through a
3 lot of pressure.

4 First of all, that's a historical, and it has
5 nothing to do with cross historical. The problem has
6 gone on in good times as well as bad. It has gone
7 on in society where the economic problems for men
8 are better than they are right now. It also doesn't
9 take into account that in this country women earn
10 56 percent of what men earn, that women are the last
11 hired and first fired.

12 So you think if anybody is going to be hard hit
13 and affected by recession, it would be women, but why
14 don't women beat up men all the time?

15 Another theory posed is it has to do with men's
16 insecurity, and again, I would ask why don't insecure
17 women beat up insecure men, and the reason I'm focusing
18 these issues specifically is because it was raised this
19 afternoon. There was a distinction made between
20 battering that was done intentionally and battering un-
21 intentionally. In other words, battering where the
22 perpetrator has some control over his behavior and
23 cases he did not, and the point is, I believe it's
24 always intentional, that the man always has control
25 over his behavior, that the battering is within his

1 control.

2 So the fact that women don't do it is not
3 because women don't suffer from alcoholism, unemploy-
4 ment problems, insecurity, mental instability, etc..
5 There is another one thing I often wanted to briefly
6 touch on was the whole issue of battered husbands,
7 which I have a hard time not laughing about, because,
8 first of all, the instances of it is minor as compared
9 to women, and I think what's going on is, first of all,
10 when a woman does strike out at her husband, it's in
11 self-defense. In other words, he has already
12 perpetrated the violence and she is defending herself,
13 or if the violence has gone on continuously, than the
14 woman might take it into her own hands and strike
15 back, take a weapon or something because it's the only
16 way she can end the abuse.

17 The other thing, I think that's going on, is
18 that a husband is going to be much more likely to
19 report an abuse on the part of his wife, because he is
20 not as ashamed as she is, that there is, I believe, a
21 generalized hostility towards women which, I think, is
22 pretty well reflected on some of the attitudes we
23 heard this afternoon.

24 We like to automatically jump to the conclusion
25 that the woman is the root of the problem. You know,

1 the woman doesn't prosecute, she provoked it, how do
2 we know she doesn't really like it? I think that
3 husbands often play on those attitudes and use calling
4 the police or going to court as another actual
5 mechanism for getting back at her. The husbands are
6 going to be more likely to do that than a woman who
7 is living under the kind of a terrorization that we
8 heard described this morning.

9 I think the fact that the husband has that sort
10 of a social backing, he is not economically dependend
11 on her, he has the backing of society in which he earns
12 a great deal more money than she does, has more access
13 to credits, etc., etc., so he is not going to be as
14 terrified as to ramifications of reporting any violence
15 against him.

16 CHAIRMAN ROSE: Suppose he is financially
17 dependent upon her and beats her? I am trying to get
18 clear what you consider to be the root cause. Is it
19 your suggestion that the root cause is a societal
20 norm, something we have grown up in to such an extent
21 that this is your wife, a chattel, all the way back to
22 that?

23 MS. LEGHORN: I am going to get to that. That's
24 the fun part at the end. Another thing I just wanted
25 to briefly touch on was the thing that was referred to

1 by a few people, the attitude that might is right,
2 that men batter women because they are bigger than
3 them.

4 First of all, there are also women who are
5 bigger than husbands. There are women who are bigger
6 than men, and I don't think it has anything to do with
7 size, but it has to do, I am quite sure, with power
8 in our society.

9 Another issue is the relation of woman abuse
10 to child abuse. I don't want to go into that much
11 detail, but yes, it has incredible devastating effects
12 on the children, and it's going to traumatize them
13 for most of their lives. But I wouldn't want us to
14 jump to a conclusion. We can't say that children --
15 first of all, children who grow up in a battering
16 situation are automatically, if it's a man going to
17 batter or a woman falling into a battering situation,
18 many children are going to be that determined not to
19 get into a situation, a trap, like their mothers did,
20 and I also think there's a lot of women who grew up in
21 families where there was no physical violence at all,
22 who get into violent marital situations because of that,
23 because they never would have believed it was possible.

24 Then, we get to the theory of women's masochism
25 the theory that women enjoy the abuse, they bring it

1 upon themselves. This breaks down into two parts that
2 I won't go into.

3 The first one is the assumption that she
4 enjoys the abuse. I think it was pretty clear from
5 the women we heard that women have tried over and
6 over again to get out, end the abuse, but they met
7 up with a lack of response and the attitudes of these
8 agencies that are supposed to be there to help them.

9 First of all, the overwhelming attitudes on the
10 part of a lot of social agencies, that is no matter
11 what the cost, they have to save the family. I want
12 to question that assumption, that our priority is on
13 saving families instead of lives. These agencies are
14 over-concerned with the rights of the male, and one
15 brief example of this was concerning welfare, that they
16 don't give a lot of thought towards the problem of
17 confidentiality of her address, that if she is able to
18 get away from him, they are going to pressure her to
19 get the man's address, so they can try to get money
20 out of him and not really understanding the fact that
21 that could get her into a lot of trouble.

22 We have cases of women who stayed at Transition
23 houses, sent them across the country, but they were
24 traced there even though our address is confidential,
25 where the welfare in that state would not consider them

1 for eligibility unless they contacted the husband. One
2 thing we are able to do in our shelter has been to put
3 a lot of pressure on welfare and work with them in
4 terms of helping them to see the possible ramifications
5 of lack of respect for the confidentiality of a woman's
6 address.

7 Another example of this is an overwhelming
8 concern that I see on the part of a lot of social
9 workers and hospital workers and what not, who have
10 a huge concern for the rights of the male, and they
11 are concerned with his rights to see his kids, but
12 again, they place priority on that right of the man
13 over her right to physical safety.

14 Briefly, I wanted to touch on some hospital
15 stuff we found in Boston. 70 percent of the assault
16 victims received in emergency at Boston City Hospital
17 are women who have been attacked in the home. That's
18 70 percent. And a significant number of these women
19 are suburban women, they are not inter-city women.
20 I think that's significance as a way of illuminating
21 of where suburban women go for help. They tend not to
22 go to their family doctors or to the closest hospital
23 because they are afraid that they would be recognized
24 and known, so they will go maybe 30, 40 miles away to
25 the closest big city hospital, where they won't be

1 recognized.

2 In terms of police response, there was a study
3 done in the Kansas City Police Department that found
4 in 85 percent of the cases of domestic homicide, the
5 police have been called at least once before the
6 actual murder took place, and in 50 percent of the
7 cases, the police had been called five times or more
8 before the actual murder took place.

9 Now, this shows an obvious lack of effectiveness
10 on the part of police response. I think police
11 officers are more thoroughly socialized in their role
12 as men, as dominant males, and in believing in the
13 justification of violence as a means of resolving
14 conflicts.

15 I also think it's really important to stress
16 that marital violence or any kind of violence between
17 women and men involved in a primary relationship
18 escalates once a man beats a woman and knows he can
19 get away with it, that he will tend to use that
20 violence again. That a third to a half of all the
21 homicides in this country are between killing a spouse,
22 and I think it's also interesting to note that 50
23 percent of all police killed in the line of duty are
24 killed when they responded to domestic violence
25 complaints. That's one of the reasons why police are

1 reluctant to enter into domestic violence complaints.

2 Whose neck are we trying to save? Are we
3 trying to save the policeman's neck? There should be
4 more serious thought given to police training and
5 intervention of domestic problems. As to court
6 response, there is a family court judge in Boston who
7 was quoted as saying -- a woman had brought her
8 husband to court for divorce, the husband had implied
9 that she had been going around with another man, and
10 there had been a long history of physical abuse, and
11 the judge said, you know, you can't go around beating
12 up your wife, but if I were you, I would have done
13 exactly the same thing. So we are dealing with judges
14 and police and prosecutors who are also battering their
15 wives and who are also just as thoroughly socialized
16 in the notion of rights toward women as property. Why
17 women don't prosecute. First of all, in my experience,
18 that's not true, and we have a very strong program in
19 Transition House where we accompany women every time
20 they have to go to court.

21 What we have found is that no matter how hard
22 we push every step of the legal process, women are
23 openly and quite strongly discouraged from filing a
24 complaint, and there is incredible emphasis put on the
25 diversion. So it's not true that women don't follow

1 through with the court process.

2 Also, there is a discrepancy of women who call
3 the cops and the number of cases that are finally
4 prosecuted, so I think that's an outreach from women
5 for help. As far as the insensitivity of a lot of
6 court personnel and criminal justice personnel in
7 general toward wives that don't prosecute, the only
8 thing I can think of is that perhaps, as men, they
9 have never lived in a situation where for year after
10 year after year they were living with 24 hour terror
11 and don't understand to what an extent that creeps
12 through you, to what extent that affects every trace
13 you make, every step that you take.

14 Perhaps because the criminal justice personnel,
15 the system behind them and not knowing what it is to
16 be a terrified woman in front of a group of very often
17 hostile men. I was also struck by the fact that all
18 along the line it's up to everybody else but the
19 woman to use their discretion to decide what is best
20 in these kinds of cases, that there are a lot of other
21 different terms used, some with discretion as to what
22 is a serious crime.

23 There was a phrase used laying on the hands,
24 a distinction between laying on the hands and a serious
25 assault. Someone said well, passion does arise, and

1 we have to take that into account. I think all these
2 attitudes reflect a very, very serious lack of respect
3 for women and for consideration for their physical
4 and emotional integrity.

5 The other thing, briefly, that I wanted to say,
6 is that I think that a lot of serious cases of woman
7 abuse do go to the Court of Common Pleas, that they
8 don't go to more serious -- they are not treated
9 seriously. People say we don't see the serious ones;
10 I think they see a lot of serious ones, but perhaps
11 weren't asking the kinds of questions that would bring
12 it out.

13 In terms of the law, the law wasn't gone into
14 in much depth today, and I only want to mention that
15 I think a huge problem is the whole way that the law
16 is structured, that the police are not allowed to
17 arrest for misdemeanor unless they witnessed the crime,
18 and they are very, very seldom going to witness the
19 crime and that legislative action has to address them.

20 CHAIRMAN ROSE: That's not completely true.
21 In Connecticut, there was a reference made to the
22 speedy information arrest. If an officer gets a
23 complaint from a person who he reasonably believes to
24 be a credible person, he may make an arrest for a
25 misdemeanor on the strength of that representation

1 without getting a warrant. Again, he has to be in a
2 position of believing that the woman in a battered
3 situation is someone he finds to be credible.(Inaudible)

4 MS. LEGHORN: You are lucky in Connecticut
5 because we don't have that in Massachusetts. In terms
6 of the civil orders that are available to women, they
7 were mentioned very briefly today, and I believe that
8 you also have temporary orders that we do in Massa-
9 chusetts. You have temporary custody orders, temporary
10 restraining orders and temporary orders to vacate the
11 marital home.

12 In many cases, the reason these orders are not
13 effective is because there is not significant court
14 back-up. It is just a piece of paper that doesn't
15 mean much. Even when a woman is waiting for an
16 emergency temporary order, where is she going to go
17 in the meantime while she is waiting for the order to
18 come through? The problem with legal aid and lawyers,
19 private lawyers tend to be too expensive for most
20 women. Even women who are married to very upper class
21 men are very lucky if they escape with much money at
22 all or even a car to get away in. The legal aid system
23 is tremendously overcrowded and overburdened at this
24 time. In Massachusetts, in Boston, over the summer all
25 the public legal aid services were on intact for four

months they are so overburdened.

I noticed also some funny stuff going on in terms of how different parts of the criminal justice system related to each other, that people kept referring to the fact that this was not their jurisdiction, or they didn't understand how the rest of the system worked.

On the other hand, they referred to each other as professional persons, so I trust his discretion. It's my belief that, as a professional person who is any aspect of the criminal justice system, that they have a responsibility to be aware, at least minimally, of the jurisdiction and the nature of the different aspects of the criminal justice system, and it's hard for me to believe as a person who has never gone to law school and has never even done any formal legal work, from what I understand this afternoon, I have a better understanding of how it all fits together than they do. In fact, I think that was a way not to deal with certain issues that were raised.

The police like to blame the courts, the courts blame the women, and it's the same thing in the case of rape that as long as we continue to blame the victim, we are not going to get anywhere. There are a lot of reasons why she wouldn't testify, prosecute, and again

1 I want to emphasize the terror -- maybe people could
2 understand it better if they could imagine living with
3 their rapist or the person that mugged them until the
4 case comes up in court.

5 Police and prosecutors and judges discretion
6 was based on several principles which I would like to
7 question.

8 One is that the family -- and that is "it is
9 the best institution for the state," and I think that's
10 interesting in light of the most recent study that
11 shows that half the married women in this country have
12 been physically abused at some time by their husbands,
13 so it's clearly not the best institution for women in
14 its present form.

15 What they are saying when they are saying it's
16 the best institution for the state is they are intent
17 on protecting the family, keeping a family intact which
18 means protecting the male privilege in the home, that
19 any criminal justice system is constructed to sustain
20 the power of those people who have the power and that
21 in this case, in this society, men have the power.

22 I believe that every aspect of the criminal
23 justice system reflects that fact and that's why a lot
24 of women have a hard time getting any action out of the
25 criminal justice system.

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1 Another statement was made that, if everyone
2 followed all the cases through to an end, this system
3 would come to a grinding halt. It was said that this
4 is a good system, that the system works, it's just that
5 women don't use it.

6 Clearly, if women use it, it would come to a
7 grinding halt. The other problem with the whole
8 masochism theory is that it implies that women have
9 options, that they continuously and consciously choose
10 those options which are most harmful to them, and I
11 want to point out that in this country women are
12 socially, politically and as a group, we earn 56 percent
13 of what men earn. We are the last hired, the first
14 fired, and it's very difficult for us to get credit,
15 and women who choose to stay home are not paid at all,
16 so they are economically dependent on this person.

17 Women in this country as a group are responsible
18 for 24 hour child care. Now, this is not to say that
19 some women, as individuals, may be if they have access
20 to more money or whatever or more time, so they can
21 do other types of things; but as a whole, our society
22 has given responsibility of child care towards women
23 yet has not subsidized that in terms of money or any-
24 thing of that sort. In addition, 90 percent of the
25 child support payments in this country are discontinued

1 before the child is self-supporting, so if a woman
2 chooses to leave or has to leave the marital situation,
3 she obviously can't depend on child support. Yet, she
4 doesn't have the economic means to support herself
5 and her children.

6 The last thing I want to point out is that only
7 two percent of the politicians in this country are
8 women, so that, as a group, we don't even have that
9 kind of political control.

10 Another myth is that the problem is just that
11 of a few sick men. The latest study shows there are
12 twenty eight million battered wives in this country.
13 That's not a few men who are doing that, but what I
14 want to question is, who is sick? I don't think it's
15 just the man that's sick. I think every time the
16 police arrive on the scene and joke with the husband
17 and say well, who pays the rent here anyhow; and any-
18 time a family court judge says well, if I were you, I'd
19 have done the same thing; and every time a social
20 service worker or hospital worker says whatever we do,
21 we have to keep the family intact, it reflects a system
22 which is sick.

23 Now, we get to the fun part, which is why do
24 men do it and during specific incidents, what provokes
25 the violence. It can be anything from a house that

1 hasn't been swept up well enough to a steak that was
2 overdone or underdone or a woman who doesn't wear her
3 hair the way her husband would like her to.

4 The point is that he is defining her behavior,
5 he is controlling and defining how she should behave,
6 what she should do and produce at what moment. When
7 she oversteps those definitions that he has created,
8 then she is considered to have provoked him.

9 The men have created and defined those
10 conditions of her work and behavior. In hospital cases
11 of women I have talked to, the battering did not start
12 until he perceived that she was so economically or
13 emotionally dependent on him that she would not be
14 able to leave. This is particularly true in the case
15 of pregnancy. Once a woman is pregnant, it's going to
16 be much harder for her to get a job and support her-
17 self and the coming kid, and I think that's partly
18 why there are such a disproportioned number of
19 pregnant women who are battered.

20 The other fact is that a disproportioned number
21 of women are battered in the stomach, and I think that
22 has something to do with jealousy, she wouldn't be
23 able to put as much energy and devotion to the husband.

24 What I am trying to say is I believe battering
25 goes on because society has given men and the family

1 arbitrary authority. Our society has given men power
2 with virtually no checks and balances, and it is
3 completely ridiculous to think that anybody can be
4 given that power and not abuse that power, that men
5 can get away with it, because our system condones it,
6 it condones it openly with such catch phrases as the
7 man is king of the castle. They do it through their
8 lack of response, that in general our whole system
9 sustains an institutionalized powerlessness for women,
10 so when we are talking about addressing the problem,
11 erraticating the problem, I feel like -- first of all,
12 we can't see all the instances that provoke the
13 violence. If we are going to believe that alcoholism
14 is the root of the problem, we are going to put a lot
15 of time and money on alcoholic centers for men, but we
16 are not going to try to give women real answers and
17 real power and control over their lives.

18 CHAIRMAN ROSE: Say black men, who have far less
19 power than white men in this country, should they be
20 more involved in wife battering cases or less in-
21 volved?

22 MS. LEGHORN: On the basis of my analysis, it
23 could work either way, because you could either say that
24 black men, therefore, because they are black men and
25 they have less power in this society, they are going

1 to feel more powerless, and they are going to need to
2 exercise that power over women; but in my experience,
3 I don't think that happens. I haven't seen it more
4 prevalent among minority groups, and that's in my
5 experience from the analysis we have done from the
6 women who come through the house. We are going to have
7 to create two kinds of solutions.

8 On one hand, we are going to have to create
9 short term solutions which are geared toward providing
10 real options for women, so in the immediate crisis they
11 can get out and get the kind of support they need.
12 There is a multitude of things we can do. I think the
13 shelter movement is a very important one, not because
14 the woman has the need to get away immediately, she is
15 not able to get on welfare until she is legally separated
16 from him, and most important, she has to go some place
17 where she can get 24 hours support, where she is told
18 by her presence that her experience was not an isolated
19 one, that she is not crazy, she did not provoke it,
20 that this is a social problem, and certainly the
21 presence of that many women, this acts like a support
22 group. Shelters tend to be more effective for battered
23 women than isolated housing type situations. We find
24 that women have huge needs which are constantly being
25 expressed in housing situations where they are with one

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1 family, and they have to lead their own lives, and it's
2 hard for the woman to get the support that she needs.

3 Then, a very crucial aspect of the whole shelter
4 movement, of the support movement, is that the kind of
5 support advocacies, counselling that's going on is
6 perfect. It's done usually between women who have
7 been in similar kinds of situations, and what it does
8 is it does not put a woman in a situation where she
9 feels like me and them.

10 Usually, by the time a woman has come to a
11 shelter, she has been to a variety of counselling
12 agencies, she has called the police a number of times,
13 she might have tried the legal system, and she has
14 faced impediments, and by talking with other women in
15 similar situations, that isolation is broken, and she
16 connects with other people.

17 Other things we are doing at Transition House
18 is to design and distribute information cards which
19 inform a woman of what her legal options are, how she
20 can get on welfare, and names and numbers of places
21 that she can call for support. Another part of this is
22 24 hour hot line, which we offer at Transition House
23 as a number of shelters do around the country. Even if
24 there is not a shelter in the immediate vicinity, a
25 women can be referred to at least someone she can talk

1 to. We also designed a legal handbook on the rights
2 of battered women. It's an 80 page booklet which is
3 being distributed to all the social health agencies
4 in Massachusetts that see women who have been battered,
5 so they can be of great help.

6 We have to do work on legislation that will
7 have two functions, one that would open up monies to
8 provide all these services that are so greatly needed,
9 but also another which would address what I referred to
10 before, which is the whole problem of misdemeanor,
11 felony and leaving the whole process up to police and
12 judge and prosecuor's discretion.

13 We have to begin to work on solutions which
14 will immediately give women more money, so that they
15 have that option and control over their lives and that
16 they can support themselves and their children. This
17 is going to range from everything from welfare reform
18 to things such as displaced homemakers acts, separate
19 social security deductions for homemakers and wages
20 for housework to pay women for doing work they do for
21 free now. There has to be a massive re-education
22 effort in terms of training people who work in those
23 agencies. Those are the kind of short term solutions
24 that we can work on now, but I think that in the long
25 term, what we've got to do is work on solutions which


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1 are going to lead to empowering women socially,
2 politically and economically. This is going to mean
3 women are going to have equal money, they are going to
4 earn equal money for the work that they do, they are
5 going to be paid for all the work they do, where the
6 society as a whole takes responsibility for all the
7 work that it is, until now, defined as woman's work,
8 but not paid women for -- child care and housework.
9 That there will be alternatives to the present family
10 structure which will allow for flexibility in terms
11 of child care and women can be economically independent,
12 that there would be a changing ideology reflected in
13 the media that addresses both the stigma attached to
14 woman who make choices to be other than wives and
15 mothers, but will also reinforce positive role images
16 for women that we work toward a system where women
17 have equal control politically, that men have. I want
18 to end briefly by saying that when we look at the
19 problem of wife abuse cross culturally, what I have
20 seen, anyway, is that in societies where women have
21 more economic, political and social power and control
22 over their lives, the incidents of all forms of
23 violence against women tend to be much less than in
24 those societies where women are publicly and privately
25 considered and treated as chattel. There is a great

1 deal of all kinds of violence against women, and in
2 case we are despairing and feeling like this change is
3 going to take centuries to come about, I want to bring
4 up one example, which is that of China, because before
5 1949 it was considered irresponsible for a husband
6 not to beat his wife every single night, because that
7 was the way he enforced his power in the family and
8 kept her in line and control. Then, in 1949, when
9 there were a lot of social changes going on and women
10 as a group were organizing on a theory grass roots
11 level into women's associations, women started to
12 question men, and they started to have public hearings,
13 and every time a woman was battered by her husband,
14 she would go to this association and they would hold
15 the hearing in the village square for anyone who
16 wanted to come. If he said he was sorry, he would
17 reform his ways, fine, go home and don't do it again;
18 but if he said what do you mean, I have this right,
19 and you are not going to take this right away from
20 me, all the women in the village would beat him up.
21 Wife abuse has ended in 30 years. There has never,
22 that I have heard of, been one single incident of
23 wife abuse that goes on, and I am not saying that
24 women should go around and beat up men who beat up
25 women, but when society as a whole makes a commitment

CERTIFICATE

I, Annette Vachon, do hereby certify that the foregoing record, Pages 1 through 193, is a complete, accurate and true transcription of my stenographic notes taken in the aforementioned matter to the best of my skill and ability.



Annette Vachon
Certified Shorthand Reporter

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1 toward empowering women socially, economically and
2 politically, that's when the battering of women will
3 stop.

4 CHAIRMAN ROSE: Thank you very much. That is
5 that. I want to thank all of you for all that you
6 have done today. I want to especially thank the
7 court reporter for her patience and all of her time
8 she put in today. I want to thank all of you who
9 stayed with us the entire day. I know you can't
10 imagine how tired we must be, because you know how
11 tired you are. Thank you very much. Thank you to the
12 staff and the committee. Let's go home.

13 (Whereupon, at 7:55 p.m., the hearing was
14 adjourned.)
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