MISSOURI ATTORNEY GENERAL'S TASK FORCE ON DOMESTIC VIOLENCE KANSAS CITY

TRANSCRIPT OF HEARING

SEPTEMBER 27, 2010

1 MISSOURI ATTORNEY GENERAL'S
2 TASK FORCE ON DOMESTIC VIOLENCE
3 KANSAS CITY
4
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5
6 9:30 a.m.
September 27, 2010
7
University of Missouri - Kansas City
8 500 East 52nd Street, Courtroom
9 Kansas City, MO 64110
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13 TASK FORCE PANEL:
14
15 Missouri Attorney General Chris Koster, Chair
16 Jason Lamb, Missouri Office of Prosecution Services
17 Senator Jolie Justus
18 Representative Jeff Grisamore
19 Representative Chris Kelly
20 Deputy Attorney General Joe Dandurand
21 Colleen Coble, Missouri Coalition Against Domestic
22 and Sexual Violence
23 Representative Shalonn "Kiki" Curls
24 Representative Jason Kander
25 Representative Stacey Newman

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1 TASK FORCE HEARING
2 (Starting time of the Hearing: 9:43
3 a.m.)
4 ATTORNEY GENERAL KOSTER: Good morning,
5 everybody. Is this on? Can you hear out there? I
6 want to thank everybody for being here. Sorry, I'm
7 a couple minutes late coming in from Jefferson
8 City. This is the third in our series of meetings
9 and I appreciate everyone's commitment to this
10 issue to better addressing the scourge of domestic
11 violence in our State.
12 For ten years, I served as Prosecuting
13 Attorney of Cass County. Anyone who has served as
14 a Prosecutor for any length of time, even a week or
15 a day, knows the devastating impact that domestic
16 violence can have on individuals, children,
17 families, and even communities.
18 Many of the cases that I dealt with
19 personally stay with me, even now. Nearly all of
20 them involved acute physical violence and many of
21 them ended in homicide.
22 When I was running for Attorney General,
23 I promised Colleen Coble, who is seated two to my
24 right, and the Executive Director of the Missouri
25 Coalition Against Domestic Violence, that I would

1 bring together entities involved in our State's
2 system for dealing with domestic violence, police,
3 sheriffs, Prosecutors, the courts, victim
4 advocates, and probation and parole, to take a
5 comprehensive look at our State laws with an eye
6 toward making our State's system work better than
7 it does today.
8 It has been 30 years in this State since
9 Missouri has set up its current framework for
10 domestic violence prosecution advocacy and support.
11 30 years ago, then Attorney General John Ashcroft
12 held a similar set of statewide forums to address
13 this problem. While the General Assembly has
14 passed numerous laws in the succeeding decades that
15 have addressed these issues, and many of them have
16 been very positive changes, these changes have
17 occurred piecemeal and have not been coordinated
18 together.
19 The goal of this series of meetings is
20 to, again, make a comprehensive review of the laws
21 and practices of this State, to identify areas
22 where statutes or local practices fall short of
23 protecting victims and preventing violence in the
24 home. Personally, I think all of us at this table
25 and in this room want to learn more and help

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1 highlight the best practices in the court system
2 and in law enforcement that they may be replicated
3 all across this State.
4 Thus far, we've had two extremely
5 productive and enlightening meetings in both St.
6 Louis and Kansas City over the last two weeks.
7 Many good ideas have been raised. Some appear to
8 be relatively easy to adopt. Others, it will take
9 more time or money.
10 My hope is that we will continue today
11 to identify the critical issues and provide the
12 General - that we can provide the General Assembly,
13 the courts, and law enforcement with a series of
14 concrete and well documented recommendations for
15 their consideration by the end of this year.
16 I'm grateful to the members of the
17 legislature who are here today with us. You are
18 crucial to this process. I both appreciate and
19 look forward to your comments and ideas in the days
20 and weeks to come.
21 Today is the last scheduled meeting, but
22 if we need more time, we will continue this
23 process. I'm committed to investing as much time
24 and effort as is necessary to develop a very high
25 quality document to provide the State in the coming

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1 weeks. Our goal is to develop a comprehensive
2 report with meaningful and very detailed
3 recommendations on how we can improve our State's
4 handling of defendant abusers, their victims, and
5 the subject of domestic violence as a whole.
6 I want to introduce the individuals at
7 the table with me, in no particular order. Colleen
8 Coble, two to my right, is the CEO of the Missouri
9 Coalition Against Domestic and Sexual Violence.
10 She will also be our first presenter here this
11 morning. She's a well known advocate on behalf of
12 domestic violence victims and survivors, both at
13 the Capitol and all over the State of Missouri.
14 Jason Lamb is the Executive Director -
15 is Jason here? Here you are. Jason Lamb is the
16 Executive Director of the Missouri Office of
17 Prosecution Services and a former elected
18 Prosecutor of Audrain County from 2003 to 2009.
19 My former colleague in the Missouri
20 Senate, Senator Jolie Justus, one to my left, was
21 elected to the Missouri Senate in 2006 and
22 represents much of the Kansas City and Grandview
23 area. She is also a practicing attorney at Shook,
24 Hardy & Bacon, and a long time advocate for
25 children and victims of crime.

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1 Representative Kiki Curls was elected to
2 the House, two to my left, was elected to the House
3 in 2006 and serves our area very well and very
4 passionately and is part of the representation from
5 the Jackson County area. Representative - Jeff is
6 not here.
7 Representative Jason Kander was elected
8 to the Missouri House in 2008, is a very talented
9 young State Representative who is serving Jackson
10 County extraordinarily well. He is also a
11 practicing attorney in this area.
12 Representative Chris Kelly, three to my
13 right, has been with us at every single meeting,
14 and represents the southern part of Boone County,
15 including most of Columbia. He was elected to the
16 Missouri House for six terms, from 1982 until 1984
17 and most recently elected again in 2008. He has
18 previously served as Boone County Associate Circuit
19 Court Judge and has a great deal of first hand
20 experience in this area.
21 And Representative Stacey Newman was
22 elected to the House in a special election in 2009,
23 serves part of Richmond Heights and Clayton,
24 Missouri, from the St. Louis area.
25 And to my immediate right is Deputy

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1 Attorney General Joe Dandurand, who was twenty
2 years on the Circuit Bench as Presiding Judge of
3 the 17th Judicial Circuit, just south of here in
4 Harrisonville, as well as in Warrensburg, those two
5 counties together. And most recently, prior to
6 taking on his role as Deputy Attorney General, was
7 on the Missouri Court of Appeals, Western District.
8 Do I have everybody? I think I got
9 everybody. So let's begin. We have a very full
10 schedule, and it looks like we are starting with
11 The Lethality Project; is that right?
12 So let's begin with The Lethality
13 Project, Usefulness of Data Driven Responses. The
14 first presenters are Susan Miller, who is Chief
15 Executive Officer of the Rose Brooks Center. You
16 were a topic of conversation with Sherry
17 Forsee(ph), who is a big fan of yours. I spoke
18 with her on Saturday about your presentation today.
19 And Robin Winner who is the Executive Director of
20 Synergy Services. The floor belongs to the two of
21 you. Susan, would you like to begin.
22 MS. MILLER: Well, we really thank you
23 for your interest in this project. It has been
24 life saving. It's changed the way that we do our
25 business in Kansas City. But what we wanted to

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1 share with you first is that the only way that this
2 project could exist is in a coordinated community
3 response. So we wanted to talk to you just a
4 moment about what that looks like here in Kansas
5 City.
6 We have a very strong coalition with six
7 domestic violence programs that exist
8 geographically across the metro area, two in Kansas
9 and four in Missouri, and this coalition has
10 actually existed for twenty years. We meet
11 monthly. We have a coordinated hotline that we
12 actually rotate between the shelters everyday. We
13 know every day of the week, every moment, when
14 there's open bed space between the six shelters,
15 and so I think that in order for this program to
16 exist, we really need to have that kind of
17 coordinated system within its domestic violence
18 shelters.
19 MS. WINNER: Thank you. Again, I want
20 add to Susan thanks for (inaudible) issue, and I
21 want to add to the comment and take it even a step
22 further. In addition to the domestic violence
23 agencies working coordinated collaboratively, we
24 have really established a metro wide community
25 response team that includes law enforcement and a

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1 judicial system and health care because we have a
2 medically based intervention program across the
3 metro, children's division - I mean it really is a
4 comprehensive community response team. And the
5 Safe Family Coalition reflects that, which is the
6 Jackson County coordinated response. It includes
7 33 different agencies and programs and in addition,
8 there are community response teams and there's
9 multiple responses in the community.
10 With the Safe Family Coalition, what is
11 really instrumental in applying to begin the
12 lethality of that program in the metro. It was
13 developed in the State of Maryland by the Maryland
14 Coalition Against Domestic Violence and the
15 Maryland State Police. The Safe Family Coalition
16 obtained funding to be able to do - there's really
17 no minimal funding - but they were able to
18 replicate that program here with law enforcement.
19 So we obtained them by three of the
20 domestic violence agencies, Rose Brooks Center,
21 Synergy Services and Hope House, covering a good
22 portion of the metro area on the Missouri side.
23 And we also are working with the Kansas City Police
24 Department, the Raytown Police Department, and the
25 Grandview Police Department under these programs.

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1 And what it is, it was based on research
2 done by Jacqueline Campbell, who was on the staff
3 at Johns Hopkins in Maryland, and developed a
4 documented assessment tool for how to determine
5 when domestic violence will become lethal. And
6 it's been researched and it's been truly documented
7 to be accurate in terms of predicting lethality.
8 And what has been found over time is
9 that, in many cases - I think each year there's
10 about 1,500 deaths from domestic violence, and in
11 those cases, at least 50 percent have been visited
12 by law enforcement prior to the lethal
13 circumstance. But only four percent of that
14 population has never actually (inaudible) domestic
15 violence.
16 So the goal of this program is how do we
17 intervene before the circumstance becomes so
18 deadly. And what they developed is a effective
19 tool that when police go out to a domestic violence
20 call, they ask some very basic questions and fill
21 out the assessment tool, and it then allows them to
22 determine whether that has potential for being a
23 lethal and deadly consequence.
24 If they find that there is high
25 lethality, then what they have done is that they

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1 immediately will call one of our hotlines,
2 basically based on their location, and then hand
3 their phone to the victim for them to actually
4 speak with our providers and it can - we have
5 trained people who are going to encourage that
6 victim to take advantage of the services - you
7 either come in the shelter or come into out patient
8 services.
9 And it has been proven that if people do
10 go and obtain services, that the danger of
11 lethality is reduced significantly. And it's a way
12 of getting people who normally would never have
13 seen in our program, to begin to benefit from those
14 programs. And (inaudible) we knew that it was a
15 serious problem (inaudible). So I'm going to let
16 Susan take back over and tell you about our
17 experiences.
18 MS. MILLER: Well, it was really amazing.
19 When Maryland came and trained us about how to do
20 this lethality assessment project and they trained
21 our advocates and thenalso the police department,
22 their estimation of how many people would be
23 affected, how many women would be screened, they
24 told us it would be between two and four women or
25 victim a week. The police department has been

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1 screening seven a day - seven a day. So our
2 shelters have been receiving between five and six
3 calls a day related to this problem, so it is
4 incredible.
5 And there were four other sites that
6 were also chosen by Maryland as pilot sites to do
7 this lethality assessment project and Kansas City,
8 actually, almost doubled those of all the other
9 sites combined. There was Indiana, Savannah,
10 Georgia, Oregon, and I can't think of the other
11 one.
12 So I think it really speaks to the
13 issues that are going on in Kansas City, and I also
14 think it speaks to the quality of services that we
15 provide here. I think that the police departments
16 are very dedicated to making this work.
17 The only way that a woman would feel
18 comfortable in being able to come to our services
19 or make that call is how well the police officer
20 intervenes at the scene, how comfortable he feels.
21 I mean, if you can imagine where you've
22 just been kicked, punched, hurt, choked, whatever,
23 and the police arrive and you didn't even call the
24 police - maybe you did or didn't, and you're
25 scared, you're in pain, he goes through the

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1 questions, he heightens your sense of knowledge -
2 oh, my gosh, it changes the way you look at
3 yourself. I could be in danger. And then, "Here's
4 the phone, talk to somebody, here's someone that
5 can help you." And so, it happens so quickly.
6 It's just very traumatic.
7 And so to think that our advocates and
8 the police can work together to get these victims
9 to be able to talk with our advocates and then
10 access services is amazing. The numbers really
11 speak for themselves - and I know it's statistics -
12 but it's women's lives that are part of these
13 numbers.
14 Since LAP was introduced here in Kansas
15 City, the police screened 2,694 women. The average
16 is seven calls a day, and 70 percent of those were
17 assessed at high danger, which is 1,889 women. 76
18 percent of these women were screened by the police,
19 spoke to an advocate. The rest, we did safety
20 planning with the police officer at the scene.
21 951 of these victims spoke to a
22 counselor. 519 went directly into services, which
23 is, again, amazing, because for most of us when we
24 have that kind of stress, we're not going to make a
25 decision right then and there. Do I go to a

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1 shelter? Do I - can I remember an appointment?
2 What am I going to do? Where am I going to go?
3 He's in jail, how long is he going to be in jail?
4 How safe am I? And so to access those services I
5 think really speaks again to the coordinated
6 response here in Kansas City.
7 The thing that's most alarming, though,
8 is we have done some analysis of the information
9 that these women have given us and if you'll look
10 at the screening questions, you can see what they
11 are on the side of the paper. This is what's most
12 alarming is 76 percent of the women that we
13 screened said that he tried to choke her, 54
14 percent reported that the abuser had a gun or could
15 get one easily, and 59 percent reported that the
16 abuser threatened to kill her or her children. And
17 what was more astounding is how many of these women
18 actually answered, "yes," to ever single one of
19 these questions.
20 So it is frightening and amazing that we
21 have been able to intervene, we have been able to
22 reach these women who otherwise would not have been
23 able to access our services or didn't know about
24 our services. And what's been most effective is
25 that those that don't come into shelter

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1 immediately, we're able to access the next day.
2 And that really increases our likelihood of getting
3 her involved, because then she can think a little
4 bit more clearly, rather than at the scene, right
5 then and there.
6 The impact that it's had on Kansas City
7 is, again, it's allowed us to reach victims who
8 otherwise would not have been able to reach out to
9 us. And so we've actually made a difference. They
10 say 60 percent will not be re-assaulted if we can
11 provide them with services.
12 It also has strengthened our
13 relationship with the police, which was strong
14 already, but now we are a united front. We are
15 changing the way that she views her situation.
16 It's changed the way they're viewing the situation.
17 If they've had to repeat going to the same scene
18 over and over again, now they have a better
19 understanding.
20 She's afraid she's going to be killed.
21 He sits there with a gun or weapon, sitting on the
22 counter and she knows he can use it. And so he has
23 a better understanding, and therefore, with those
24 two things, we've been able to engage her into
25 services.

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1 The other thing that has happened to us
2 is that it has re-energized our staff at the
3 shelter, because we knew we were saving lives, but
4 now we really know. I mean, it's right there. We
5 are there at the scene with the officer. And so it
6 has a huge impact on the way that our advocates are
7 viewing the services that we are providing.
8 On the other side, it's also been
9 challenging because it has stretched the resources
10 that we already have. Our shelter is overcrowded.
11 Rose Brooks Center, we have 75 beds; we've been
12 running at 90 beds since June of last year, because
13 when a woman says she needs shelter, we want to be
14 able to provide it for her, whether or not we have
15 space or not. So it's really impacted our
16 resources, stretched our resources. And the other
17 thing that has happened is it creates a sense of
18 urgency with our staff. And so for them, they're
19 feeling, "How can we help her if we can't provide
20 safety?"
21 And so it is something that we, as a
22 collaboration here in Jackson County and in the
23 State really needed to address. Because what do we
24 do when she says, "I need to have shelter," and
25 there's no space? You know, one of the advocates

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1 that I spoke with last week said the worst thing
2 that she heard was not so much the situation, but
3 when she said, "Maybe if you'll call back tomorrow,
4 we'll have space. I can try and talk with you over
5 the phone with a safety plan." And she said,
6 "Well, what if I'm not going to be here tomorrow to
7 make that call?" So this is what we're talking
8 about. It's really life and death situations.
9 The other thing that I thought was
10 interesting is before we met, I think it was last
11 week, there was an article, maybe you read about
12 it, that Missouri was number seven in the country
13 where men killed women, and those were - a
14 predominant number of those were killed with
15 weapons, with guns, and so my hope would be that
16 that would be something that you would consider
17 here today is to look at having the rule that the
18 police officer can confiscate the weapon when
19 they're at the scene, because our women are telling
20 us, "They have a gun. They will kill me." And so
21 I think that it's important for us to consider that
22 as an option. And we have some ideas about
23 resources for domestic violence and I can-
24 MS. WINNER: I just want to add that the
25 challenge that all of us had agreed to take women

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1 who have been assessed to be at high lethality, in
2 high danger, into shelter, in services, whether
3 we're full or not. So now, I think we're all
4 running at well over 100 percent capacity. You
5 know, we're using one of play rooms we converted
6 into a sleeping place, which then makes it
7 difficult because there's no place for kids to
8 play.
9 There no funds that came with this
10 program for anyone, so the police are doing it out
11 of their commitment and concern and we're taking
12 people in and stretching, you know, without any
13 additional funds. And it's not just in terms of
14 the LAP program, but it's across the whole State of
15 Missouri, the intensity of need. And I think we
16 all know that during high economic challenging
17 times, there can be an increase in - it's kind of
18 like the perfect storm, you know. The needs become
19 greater, the resources become less and we're all
20 stretching to try to serve as many people as we can
21 in what we now know is not only a discretion, but
22 these people will be killed if we don't do
23 something about it. So while my board at Synergy
24 will say we can't stretch that dollar any further,
25 we're running out of answers, we have to. I mean

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1 there's no alternative for that.
2 So one of the things that we'd like to
3 just kind of give you some thoughts about, is
4 obviously resources are crucial for us to be able
5 to continue to do this and to do this with
6 practice.
7 One of the challenges has been the tax
8 credits, some tax credits are under some question
9 within the State. I testified at another tax
10 credit hearing a couple of weeks ago and the key is
11 that we are asking people to donate to us when, you
12 know, their resources are limited, as well, so the
13 intention of being able to use resources obtained
14 from tax relief is really crucial. You know, it
15 may not be 50 percent of our budget, but it's been
16 difficult, the most difficult part of our budget to
17 raise, and such a tool is just essential for us to
18 be able to sustain even one we're currently doing.
19 The other things that I wanted to bring
20 forward is the ordinance that provides a surcharge
21 on criminal cases in the State of Missouri. Right
22 now, it's $2 a case. It's a voluntary surcharge
23 that each jurisdiction decides whether they're
24 going to charge or not and it has never been raised
25 since it was initially introduced. So one of the

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1 tools that could possibly help raise some
2 additional resources and spread it out across the
3 community without it being a major challenge for
4 anyone would be to increase that surcharge from $2
5 to $4. And Representative Paul LeVota did
6 introduce that in House Bill 1791, but I don't
7 think it's really going anywhere, so that would be
8 just a huge asset for us to have an additional
9 resource.
10 It's voluntary, but one of the first
11 things I did when I came to Synergy was (inaudible)
12 educational process. But, you know, it does - each
13 county and city jurisdiction decide if they will
14 have that or not, but your assistance in giving
15 them that opportunity would be a major benefit for
16 (inaudible), so we invite you to try to help us do
17 that, as well.
18 So I think that kind of sums up, you
19 know - we're very happy to answer any questions and
20 you know, we want to make sure that we're
21 representing the entire team here today, so Hope
22 House and all of those under the Family Violence
23 Coalition.
24 ATTORNEY GENERAL KOSTER: A couple of
25 notes for the legislators who are here. We do have

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1 a Court Reporter here and all of the transcripts
2 from the meetings that we've held around the State
3 are available at the office for your review and for
4 your summaries, but I wanted to point out the Court
5 Reporter in the room.
6 A couple of just structural questions.
7 The Lethality Project is run out of Rose Brooks?
8 MS. MILLER: No. The Lethality
9 Assessment Project is run through the police
10 departments, which is the three, Grandview, Lee's
11 Summit, and Kansas City, and then the domestic
12 violence programs that are tied to that who are
13 responding to the police when they're at the scene
14 is Synergy, Hope House, and Rose Brooks.
15 ATTORNEY GENERAL KOSTER: And the funding
16 for the individuals who are on the other end of the
17 telephone line when they do the lethality
18 assessment, where's that funding coming from? Are
19 any of the departments carved out pieces of their
20 budget for this?
21 MS. MILLER: No.
22 MS. WINNER: There's no funding.
23 MS. MILLER: No. It's whatever funding
24 we had to do our work previously. So there's been
25 no additional funding whatsoever to anybody in

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1 order to do this. The only funding that came to
2 Jackson County was funding from Maryland to the
3 technical supporters to train our police department
4 and shelters, but that was it.
5 ATTORNEY GENERAL KOSTER: How many people
6 have been trained to receive these telephone calls
7 or-
8 MS. MILLER: The advocates at the
9 shelters so 25, maybe. 25, they said they'd need
10 coverage-
11 ATTORNEY GENERAL KOSTER: 25 individuals
12 have been trained?
13 MS. MILLER: At least.
14 MS. WINNER: Probably.
15 MS. MILLER: More than that and then with
16 the police officers, we trained all of the patrol
17 officers.
18 ATTORNEY GENERAL KOSTER: And at any
19 given hour of the day, how many people are
20 available to take telephone calls, two or three or
21 five? How many in at a short burst, how many are
22 ready to address the issue?
23 MS. WINNER: Each of the police
24 jurisdictions - so like we're all through, spread
25 out geographically. So if it's Kansas City Police

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1 that are calling north of the river, they'll
2 probably call Synergy. If it's south of the river,
3 they'll probably call Rose Brooks. If they're in
4 Independence or Lee's Summit, they'll probably call
5 Hope House.
6 We always have hotline operators on
7 duty. We also have our coordinated hotline, which
8 is shared between all the different shelters. So
9 there should be no reason - and they do have a
10 backup numbers as well. So we answer those calls
11 24 hours a day. We share those with Rose Brooks
12 and (inaudible) and, you know, we're all full, and
13 even the programs that are not actually doing the
14 LAP program, we're also taking additional overflow.
15 I mean there's no funds, we are just rushing to
16 accommodate them.
17 ATTORNEY GENERAL KOSTER: And once the
18 lethality assessment is completed, what is done
19 with that information? I assume that there's a
20 hard report or sheet of paper that's prepared.
21 What happens to that sheet of paper after an
22 assessment has been completed and the determination
23 is positive?
24 MS. MILLER: There's two things that
25 happen. The police documentation goes to the

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1 official agency so that they have that, and we have
2 an advocate there, so she sees the information and
3 then the information gets faxed to the agency, the
4 domestic violence agency, so they have all that
5 information so when she calls back or we can make
6 those follow up calls the next day, we have the
7 answers to her screening questions.
8 ATTORNEY GENERAL KOSTER: Judge
9 Dandurand?
10 JUDGE DANDURAND: I am confused about the
11 surcharge they're talking about. I don't know what
12 a surcharge is, but is it a filing fee that is
13 assessed after a county adopts an ordinance that
14 would be applied when you file for any civil
15 relief? Is it a criminal court cost to be passed
16 at the end of the criminal case? I'm assuming it's
17 not a criminal court cost or a criminal part of
18 probation. My guess is, it's part of the filing
19 fee.
20 MS. WINNER: It's part of the court fee.
21 JUDGE DANDURAND: Is it a filing fee?
22 MS. WINNER: It's part of the filing fee
23 in the amount $2 per case for each criminal case is
24 charged currently and what we're suggesting is -
25 and that's voluntarily passed by each jurisdiction.

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1 JUDGE DANDURAND: Okay, so it is a cost
2 that is assessed in a criminal case against the
3 defendant?
4 MS. WINNER: Right. And so we would just
5 ask that that be increased.
6 MS. COBLE: And the ordinance violations,
7 is it a municipal ordinance or a county ordinance
8 violation?
9 JUDGE DANDURAND: So a municipality would
10 pass their own?
11 MS. WINNER: Right. They have to agree
12 to it.
13 JUDGE DANDURAND: So it, generally, would
14 then be a municipality because there are not very
15 many county ordinance prosecutions under this-
16 MS. WINNER: (Inaudible.)
17 JUDGE DANDURAND: Not many counties, so
18 not very many counties have county prosecutions of
19 county ordinances. They're State - it doesn't
20 apply to State prosecution cases, I'm assuming, so
21 it's just counties?
22 MS. WINNER: That's correct.
23 JUDGE DANDURAND: Those counties that
24 have ordinances that pass criminal laws?
25 MS. WINNER: I mean, I know that the

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1 counties in this area all have that fee, so, I
2 mean, (inaudible) even some of the smaller
3 counties, I think they've all passed it, so-
4 JUDGE DANDURAND: I'm sorry, I'm still
5 confused, because most counties don't have county
6 prosecutions. Like, for instance, Cass County does
7 have county ordinances where they can file county
8 charges. Johnson County, which is, of course,
9 right next to here from the east, does not, and I
10 would not think Johnson was in the minority, but
11 I'm just trying to find out where it is.
12 MS. WINNER: As far as I'm aware, I know
13 Platte, Clay, and Ray have all passed that and
14 Jackson County. So that's as far as I go.
15 ATTORNEY GENERAL KOSTER: Representative
16 Newman?
17 REPRESENTATIVE NEWMAN: Thank you very
18 much for being here this morning. I just have a
19 couple of questions. First of all, on your handout
20 here, your statistics, what is your criteria for
21 determining if a victim is in high danger?
22 MS. MILLER: That's through the screening
23 questions that right on your sheet right here, the
24 eleven questions. If she answers yes to any of
25 those and a combination of those, that's what

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1 determine whether or not she's a high lethality.
2 REPRESENTATIVE NEWMAN: So yes to any of
3 these questions?
4 MS. MILLER: Yes, or a combination
5 thereof, depending on the, if she answers, I think,
6 yes to the top three, she automatically is
7 determined as high lethality.
8 REPRESENTATIVE NEWMAN: Okay. And
9 secondly, since she did reference and we know that
10 there is no authorization for law enforcement to
11 remove a firearm in an incident, what happens then
12 if they answered that there is a weapon, you know,
13 a firearm in the house, is there any attempt to
14 immediately remove the victim from that situation
15 or is that a viewpoint?
16 MS. MILLER: She has a choice of what she
17 does at that point in time. I mean, the thought
18 would be that these questions don't get asked until
19 the perpetrator has been removed, so he's been
20 taken off and then she's there with the officer.
21 REPRESENTATIVE NEWMAN: And I do
22 understand that, you know, obviously you do not
23 have enough beds and shelter space for women, but
24 is there any extra attempt to encourage them
25 strongly to leave the site?

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1 MS. WINNER: I mean, that really is the
2 underlying benefit we talked about earlier. And
3 then we are willing to take people whether we have
4 beds or not, (inaudible). But what happens is
5 historically law enforcement would go and they -
6 but would not have done an assessment. They would
7 (inaudible) and the option would be she would
8 choose to go into a shelter and to do anything.
9 Now, because it's a concerted response
10 for law enforcement to ask these questions and they
11 say to her, "I want you to know that it has been
12 proven through research that you're in high danger.
13 You know, this is not something that's just a
14 casual thing. You know, over and over again, it's
15 been show that if this happens to you, you are
16 really in serious danger. And what I'm going to do
17 is call a shelter and let you speak with a trained
18 advocate who can help you figure out what resources
19 are available for you."
20 So they call on their police phone and
21 then they hand it to her and we have our trained
22 staff who will go through the process with helping
23 her figure out what are her options. So now, she
24 knows that there are people there to help her.
25 She's not isolated which is often one of the major

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1 consequences of domestic violence is that people do
2 become isolated and that, you know, our staff will
3 say, you know, "We really encourage you to come
4 into the shelter and a police officer will help you
5 figure out how to do that." And if they say, "I
6 don't want to come in the shelter," well, "We also
7 have outpatient counselors who would like to meet
8 with you and help you - you know, let's make a time
9 for an appointment." And then they'll do our
10 safety plan process with her, so that, you know,
11 "Do you have a place a go, do you have resources"?
12 You know, they'll go through the whole safety plan,
13 so that suddenly she has a whole sense of the court
14 system, which prior to that program, she wouldn't
15 have necessarily had.
16 And that's really the benefit and we
17 know that if we can get her into service, the
18 danger goes down significantly. So that's really
19 it.
20 REPRESENTATIVE NEWMAN: Great. And you
21 also mentioned that this is a relatively new
22 project. How long has it been in existence here in
23 the city?
24 MS. MILLER: We've been there since
25 June of last year, so it's been a little over a

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1 year.
2 REPRESENTATIVE NEWMAN: Thank you very
3 much.
4 ATTORNEY GENERAL KOSTER: Representative
5 Kelly?
6 REPRESENTATIVE KELLY: I think what
7 you're doing is so important because empirical
8 evidence matters. I think the language we use is
9 important, too. I've taken to using the term,
10 domestic terrorism, rather than domestic violence,
11 because I want to put it in context with 9-11. I
12 am in no way minimizing 9-11, certainly terrifying
13 for the people there and for the country.
14 I contend that the woman the judge sees
15 in court, who he put a gun in her mouth and held
16 the gun in her mouth while he drinks a quart of
17 tequila, it's terrorism. The terror that she feels
18 has got to be at least as great as anybody in any
19 other situation can feel. And I think it's really
20 important - I don't expect a national response
21 equivalent to 9-11. I would be delighted if our
22 national response was one-tenth of one percent.
23 You know, police departments all over
24 America have helicopters and armored cars and vests
25 and all kinds of stuff and we don't have any place

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1 for you women to sleep. So I just want to try to
2 get - and five times more women have died of
3 domestic terrorism than died in 9-11. So if we're
4 thinking of magnitude, actual factual magnitude of
5 the problem, that's why I think your research is so
6 important and worthwhile, because it does put it in
7 some kind of empirical context, both in terms of
8 the affect on the individual, the victim, and the
9 affect on society. Because she has - guess what,
10 after she spends two hours with a gun in her mouth
11 with a guy holding a bottle of tequila, she
12 probably won't go to the work the next day, and
13 that matters.
14 So it's just one of - the other thing
15 is, I've talked with friends of mine on both sides
16 of the aisle and I think there are a lot of things
17 that the legislature is not bipartisan about. One
18 of the things, I think, though, at least at our
19 House is bipartisan about, is that your tax credit
20 is not in any danger. I think we can fairly say
21 that.
22 MS. WINNER: Thank you.
23 ATTORNEY GENERAL KOSTER: Representative
24 Jeff Grisamore has come into the room. Jeff, we've
25 got a seat up here for you, if you would like to

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1 join us, but you have a question?
2 REPRESENTATIVE GRISAMORE: Speaking of
3 something, I do have a question. I was looking
4 over the statistics and I don't see something I
5 recall in appropriations hearings and maybe the
6 witnesses are calling to address this. There was a
7 number presented statewide of the number of women
8 that are turned away at domestic violence shelters
9 yearly. It was an astounding number and I'm
10 wondering if we could get a refresher on that.
11 MS. COBLE: About 15,000.
12 REPRESENTATIVE GRISAMORE: 15,000.
13 MS. MILLER: And I can tell you from our
14 experience earlier, we had 2,726 women and children
15 turned away so far this year. And that's just one
16 shelter.
17 MS. WINNER: And what we have done is we
18 do a collective set of statistics for the whole
19 metro area. So those on the Missouri and Kansas
20 side, and while we stretch not to turn anyone away
21 who is high lethality, people - and we're now doing
22 an assessment on our own, as well as with law
23 enforcement, but it's certainly almost 50 percent.
24 I mean it's huge numbers of people.
25 ATTORNEY GENERAL KOSTER: Representative

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1 Curls?
2 REPRESENTATIVE CURLS: Thank you. Thank
3 you for being here. What's the average length of
4 stay at your facilities?
5 MS. WINNER: With all of us together, it
6 used to be that you had sort of a set amount of
7 time. Part of the best practice in determining,
8 there really isn't a correct amount of time. It
9 really is individual, so we all are willing to and
10 encourage women and children to stay as long as
11 they need to stay, so we don't have - I think the
12 average is around 35 days across the programs.
13 Some people stay 60 days; some people come for
14 three days. It just depends on, you know, our
15 protocol collectively said there isn't an X amount
16 of time.
17 REPRESENTATIVE CURLS: Well, it's clear
18 you guys are doing great things, but I was also
19 wondering about whether you have any statistics on
20 what percent of women leave your services and then
21 go back to the abusive home? Kind of hard to say?
22 MS. WINNER: I think they're allowed to
23 go back there, and the question is really then when
24 (inaudible).
25 REPRESENTATIVE CURLS: -resources-

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1 MS. WINNER: But why does it - and it
2 takes a little time sometimes for a person to show
3 they've changed their life. Often the most
4 educated people you would think would understand
5 the danger, but that's not so.
6 Part of our commitment is to really
7 create an environment that creates self
8 determination on the part of the victim and help
9 her figure out the alternatives for herself as
10 well.
11 MS. MILLER: And I really want to
12 reiterate what Robin said and that is what we can
13 concentrate on, and the timing doesn't matter.
14 It's not how much she does or doesn't do. She's
15 not the person who is doing the violent act, and so
16 I think that for us to really focus a lot of our
17 resources on keeping the batterer accountable.
18 There's so many ways that he abuses her,
19 whether it may be economic, physical, mental,
20 insurance for her children, all things that would
21 make her have to go back. So there's just so many
22 reasons for that to happen, so we have to take all
23 those things into consideration.
24 REPRESENTATIVE CURLS: I think the basis
25 of my question was to try and figure out how much

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1 you need in additional resources to see that the
2 women don't feel that they have to go back as well.
3 So with that, my last questions for you guys and
4 then for Colleen on a statewide basis, about how
5 much do you feel you would need to be able to build
6 occupancy so that you guys wouldn't be over
7 capacity maybe for your centers, and Colleen can
8 give us the numbers - for the state -
9 appropriations right now, so.
10 MS. COBLE: We're at 4 - this is the
11 general - we're at 4.75 million right now. That
12 translates to about $41,000 per program, per
13 shelter program. To run 24/7 for a year, you need
14 a budget - it's frightening. I mean, we would need
15 another 20 to 35 million dollars in the State for
16 this deal.
17 MS. MILLER: And I think with this
18 shelter also is that we really provide a full
19 continuum of services and so it's not only a
20 shelter, it's not only emergency response.
21 Transitional housing is critical so that she has a
22 length of time period for her to heal. Outreach
23 therapy services is very important for her so that
24 she if she doesn't want to come to the shelter, she
25 has options.

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1 And then also having individuals in the
2 court setting to be there and respond to her needs
3 when, you know, her abuser is there and he's got
4 charges for an Order of Protection, so it's very
5 hard to (inaudible) and one in three, one in four
6 women (inaudible) sometime in their life. And then
7 when you see the kind of violence that we're seeing
8 here, it is really frightening and that has totally
9 increased with the economic situation.
10 REPRESENTATIVE CURLS: Thank you.
11 ATTORNEY GENERAL KOSTER: Colleen, how
12 does your entity interact, if at all, with the
13 Missouri Housing Development Commission and why
14 can't MHDC tax credit dollars be used to construct
15 low income, you know, the housing for shelters, and
16 why doesn't - and Chris, you're kind of-
17 MS. COBLE: In the past there have been
18 many shelters around the State. Their expansion in
19 the 90's was financed through that program, but
20 there's been some different areas of focus in the
21 use of those program dollars, the credits. But
22 that would be a tremendous difference because the
23 problem we've got right now is the physical space
24 and the need to-
25 ATTORNEY GENERAL KOSTER: Well, somebody

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1 has to pay, somebody has to the cash flow work and
2 so there has to be a stream of payment that comes
3 in. Are these - are any shelters - because the
4 occupants are so temporary, but there are always
5 occupants, it's just they have different names
6 every day.
7 Is there any type of Section 8 style
8 program that could fund those bonds, fund those
9 rents to make the project workable, even though the
10 names change but the occupancy levels remain the
11 same? I'm waiting for Chris Kelly to come up with
12 it.
13 MR. KELLY: You know, if you're thinking
14 about - you move from thinking about the social
15 nature of the problem to move to the economic
16 question of the MHDC, how do you have any return on
17 investment? And that's exactly where you were
18 going, I think.
19 ATTORNEY GENERAL KOSTER: Right. We need
20 federal dollars that aren't tied to an individual
21 name, but are tied to an occupancy rate.
22 MR. KELLY: Well, you need some kind of
23 dollars to make the - return the investment of the
24 investor back. And you also need a residual real
25 estate value in the property, so that the owner has

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1 something when the twenty years are up. And what
2 do you do with the shelter after twenty years? You
3 know, it's different than a senior citizen housing
4 complex. So I think it's a cool idea, but I think
5 there's some market issues.
6 ATTORNEY GENERAL KOSTER: Representative
7 Grisamore.
8 REPRESENTATIVE GRISAMORE: General, I
9 want to chime in briefly on it. I just met with a
10 developer that interfaces with MHDC 811 and 202,
11 Section 8, and low income tax credits. And
12 already, they're doing a lot of housing that an ROI
13 for the investors for seniors, for folks with
14 disabilities. I think it makes perfect sense to
15 pursue more of that type of housing for at risk
16 women and children, and I think you're really onto
17 something, because the problem in a lot of that
18 funding at the state and federal level now is
19 there's too many dollars chasing too few viable
20 projects because of lack of providers that are
21 pursuing that type of housing. So I think the
22 funding is there to pursue that type of strategy.
23 ATTORNEY GENERAL KOSTER: Very good. If
24 it's okay with the panel, I will go to our next
25 speaker. Our next presenter has a limited time

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1 with us.
2 MS. WINNER: Thank you so much.
3 ATTORNEY GENERAL KOSTER: Susan and
4 Robin, thank you very much for an excellent
5 presentation on a great program that you're
6 operating.
7 REPRESENTATIVE KELLY: General, we should
8 put this on our list of things to check further
9 into though. The points that Jeff makes, I think
10 are real worthwhile. How do we - is there some-
11
12 ATTORNEY GENERAL KOSTER: Very good.
13 MS. MILLER: Thank you.
14 MS. WINNER: Thank you.
15 ATTORNEY GENERAL KOSTER: Thank you. Our
16 next presenters are offering personal perspectives
17 on the issue of domestic violence. We would like
18 to ask Maria Speer to come forward, and Kendall
19 Seal, as well. Maria, welcome, and thank you for
20 taking time out of your schedule to talk with us
21 about a difficult situation, and we welcome you.
22 MS. SPEER: Thank you so much.
23 ATTORNEY GENERAL KOSTER: We'd like you
24 to use the microphone.
25 MS. SPEER: My name is Maria Speer. I

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1 live in Independence, Missouri, and I'm going to
2 tell my story. The first time I met Michael was at
3 a concert (inaudible) - I don't know if I can do
4 this, but I'll try.
5 We went to purchase a T-shirt and we saw
6 Michael with his friend. At this point, we never
7 spoke. I went to the restroom and out of nowhere,
8 he appeared at my side. He then asked me my name
9 and I told him that it was Maria.
10 About a week later, I was at work and I
11 got a call. Somehow he had found me at my job. I
12 assumed that my friend had told him that I worked
13 at The Kansas City Star. For about a week, he
14 would call at least two times a day, asking me out,
15 so finally I agreed to dinner. He was very polite
16 and treated me very much like a lady. He would
17 actually buy me anything that I might mention.
18 Very moody. He was very cunning and manipulative,
19 as well.
20 We dated for about three months and he
21 told me that he had a house in Oak Grove. He began
22 to tell me that we should move in together and he
23 would sell his home. I was very hesitant, but he
24 was very insistent. I told him not to sell his
25 home, we would have to see how things worked out.

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1 So he moved in and one month later, I
2 began to find out all sorts of lies. I found out
3 that he was just leasing the home and he had three
4 children and had been abusive to his ex-wife. So I
5 called the woman, his ex-wife, to find out more
6 details about Michael.
7 While in my home, he began to look
8 through of my personal belongings, my paperwork, my
9 computer files. He even excuse me - he even
10 changed the administrator log on my computer to
11 himself. I confronted him on these things and he
12 began to deny these things, so I told him I thought
13 it would be best if he left and this relationship
14 would not work. He told me no. He said he was not
15 going to leave.
16 So at this point, I went to the police
17 to find out what my options were. The police told
18 me I could get an Order of Protection against him,
19 so I filed one. Next, we went to court and he
20 showed up with an attorney. As he passed me, he
21 told me that I would be sorry that I did this. At
22 this point, I was very scared because, to me, he
23 was a very evil person.
24 He kept calling me and texting me and
25 threatening me, so I dropped the Order of

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1 Protection. He tried calling me and meeting me in
2 places, anything he could do to get in touch with
3 me. I had always been on my guard.
4 When he came to my home, I told him to
5 get all of his personal belongings and anything
6 that he had in my house and please leave. He
7 refused and I called the police. They arrived at
8 my home and made him get everything out of my home.
9 The police stayed there until he had all of his
10 things and was out of sight.
11 At this point, the behavior accelerated.
12 I could not concentrate on my job. He terrorized
13 me at my job through emails and text messages.
14 Michael proceeded to call my work several times a
15 day, leaving hateful messages.
16 I called the police to my home because
17 Michael had been harassing me. The police officer
18 was in my home when I received a call from Michael.
19 He began to threaten me, so I handed the police
20 officer the phone. They were able to trace it and
21 found him at the Quik Trip, where they served him
22 with the second Order of Protection.
23 This did not stop him. This did not
24 Michael and he kept violating and terrorizing me.
25 He chased me on I-70 with his semi-truck. He would

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1 stop in front of my house and sit there. He would
2 show up at my job and also would call my children
3 and show up and their home. Michael had broken
4 into my home on different occasions.
5 He went so far as to go to my mother's
6 grave. He then called me and told me that he had
7 left a rosary and $2,000 on her grave and I could
8 come pick it up. I did not. I didn't go because I
9 felt this was a trick to try and get me out there
10 alone to hurt me or worse.
11 The last time Michael showed up at my
12 job, he chased me to my vehicle, where I had to
13 lock myself inside. The security guard had to make
14 Michael leave the property. I went directly to the
15 Kansas City Police Department and filed a
16 complaint. I was very scared to go home that
17 night, so I called the police and had them check my
18 home before I entered it.
19 Michael would always tell me that if he
20 could not have me, that no one else would. When
21 the police were there, they told me I needed to
22 change my phone number, but I knew this would make
23 Michael very mad as the phone was his life line.
24 Against my better judgment, I changed my number
25 anyway in hoping that this would work. Michael was

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very angry when he found out I changed my number so he called all of my family and friends and unfortunately no one answered, making Michael more angry. My friend advised me to go to the Hope House and get advice on what to do in this situation.

The next day was Friday, September 10th, 2005. I called the police so that they could check my home, because I felt someone was in there. I asked the police was there anything I could do to protect myself besides what I had done. They told me no, there wasn't anything else I could do, nor was there anything they could do unless he physically hurt me.

The evening of September the 11th of 2005, I went to talk to one of the women that I had met at Hope House. When I returned home around 11 p.m., my daughter, Megan, was not home yet.

I went into my bedroom and my telephone rang. I answered the phone and there was no one there. I continued to talk to my cousin, who I was talking to on my cell phone and getting ready for bed. I heard a bang on the door and thought it was Megan. I thought to myself she had forgotten her key. The bang quickly moved from the back door -

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excuse me, quickly moved to the back door and at that moment, I knew it wasn't her.

I dropped the phone and began to run towards the front door. Michael busted through the back door and began to chase me. I ran across the street to the neighbor's house and busted through their front door and Michael was right behind me.

I did not know at this time that he had a gun. He held the gun to my neighbor's head and told me to come out of the house. I said, "Okay," and began to come out, because I did not want anyone else to get hurt. He took me back across the street and told me to get into my car. I told him, "No," and tried to talk him calmly. I tried to tell him my daughter wasn't home yet and I needed to stay.

I then turned to walk into my house and that was when he shot me in the leg. I could not believe this was happening. It was like a dream. I reached down to feel my leg and it started to bleed. I realized that Michael was serious, so I got into my car.

At this point, my thoughts were racing through my head. I was trying to think of what was my next move or what it was going to be. Michael

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continued to stare, not saying a word, and just pointing the gun to my head. I threw my car into park several times. He told me I'd better stop or he was going to shoot me.

I knew I had to think quickly as Michael's patience began to wear off and he began to drive faster. At this point, he was going about 70 miles per hour. We were almost to 40 Highway and I knew that I had to do something, so I grabbed the door handle. Michael hit me in the side of head with the butt of the gun. I threw open the door and was still able to jump from the car, barely being able to see. My body slid down - my body slid several feet down the pavement when I came to a stop. I was able to stand up to my feet and run to a nearby house. They called the police, but by that time, the police were already on their way. I heard my car crash nearby and thought to myself Michael is going to find me and kill me.

The police arrived several seconds after the helicopters, police dogs, but Michael still managed to escape. I was terrified by this point that Michael would come back to my house and go after my daughter.

The ambulance had to take me to the

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hospital and immediately locked the premises down. I was rushed to the Emergency Room. There, they found out that I had not only been shot in the leg, but in the back, as well. They determined I had been shot with a 25 caliber hand gun. I was rushed to surgery to locate the second bullet. They found it lodged in my right iliac crest in my pelvis area. The bullet was surrounded by many blood vessels, so the doctor said. Because I might bleed to death, they did not remove it, so the bullet is still there.

The next few days were very blurry and frightening. Knowing that Michael was still out there, I felt it was only a matter of time before he would finish what he started.

On September 15th, Michael was put on the TIPS hotline. Hours after that, they found him in a motel in Kansas City. The Kansas City Police Department negotiators would now take over. He was at a standoff for twelve hours. During this time, the Kansas City Police Department came to my home and asked me if I would make a tape. They wanted me to tell Michael I was alive and that I knew he did not mean to hurt me. I was very reluctant to do this, but I complied.

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1 The next morning, I turned on my TV and
2 saw his face on the news, that Michael had shot
3 himself. For me, this moment was very humbling and
4 I felt at peace.
5 The way my story ended was a lesson to
6 me. As for lots of women, their stories do not end
7 as well as mine did. My hopes are to try and tell
8 women to be more cautious and look for the red
9 flags. If they seem to be too good, then they
10 usually are. I'm here today by the grace of God.
11 I never gave up. For me, it ended just as it
12 should. I felt Michael would have terrorized me
13 and my family.
14 ATTORNEY GENERAL KOSTER: Thank you very
15 much, Maria, for sharing your story. The problem
16 is that the story, as extraordinary and as unique
17 as it is, it's not extraordinary and unique.
18 That's why we're here.
19 But I appreciate - because in each of
20 cities, we've had someone who came forward and sort
21 of grounded the day in a personal experience that
22 reminds us of the 25,000 women who reach out for
23 overnight shelter and that 15,000 of those 25,000
24 were turned away, and how serious the problem is,
25 the epidemic is around the State. Does anyone have

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1 any questions for Maria?
2 ATTORNEY GENERAL KOSTER: Thank you,
3 Maria.
4 MS. SPEER: Could I just say one more-
5 ATTORNEY GENERAL KOSTER: Absolutely.
6 MS. SPEER: I was listening to you guys
7 earlier and almost everything that you touched on,
8 I could give you my views of it, I'm sure, whereas,
9 you know, why women stay. People think that we
10 stay because - my family - it was down to - when I
11 was in this situation, it was like being in a ball
12 by myself. I don't know how to explain it. It's
13 just like I was all alone. My family thought, "Why
14 don't you leave, Mom?" My friends, you know, "Oh,
15 you're stupid, Maria." And all kind of things.
16 But people don't really know what's going on and
17 why.
18 He was, you know, threatening to kill my
19 family and my children and God knows I would never
20 let that happen and, you know, the only thing that
21 actually - when I jumped from the car, I was
22 thinking about my children. They mean the most to
23 me and I would never let the fact (inaudible) and
24 I'm sure it's not - but, you know, I mean it's like
25 I have - I just - I think about the women, if

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1 there's anything I can do.
2 I think that's my calling. I would help
3 if there's anything I can do or say. There's just
4 so many things. I thank you guys very much.
5 JUDGE DANDURAND: Maria, I have one
6 question for you. One of the things that troubled
7 me throughout my career, and I did a lot of
8 domestic relations divorce as a lawyer before I
9 went on the bench. One of the things that
10 concerned me about the Orders of Protection was, I
11 wondered how much counseling the woman got about
12 what that means before they went in there, and I
13 wonder if you have any thoughts about, first of
14 all, whether you received any and whether or not it
15 helped. I worried when I talked to my clients and
16 I explained to them that what you're going to get
17 is a piece of paper that doesn't stop anything. It
18 doesn't stop a fist, it doesn't stop a bullet, and
19 know that when you're going in. Don't let your
20 guard down because you think somehow now, you have
21 some people looking over your shoulders.
22 And I know that the Clerks don't have
23 time to give counseling about what an Order of
24 Protection means and nobody is required to do that
25 and I wonder if, first of all, have you ever

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1 received any of that before you went in or if you
2 know what I'm talking about, a worry that I always
3 had for those women, because I would tell and not
4 everybody did, but you know, "I'm looking at a
5 piece of paper and now I'm safe," let your guard
6 down.
7 MS. SPEER: I do have a view on that, no,
8 you're not, you're not. For me, just for me
9 personally, that piece of paper meant nothing.
10 Absolutely. He did not take it serious. It did
11 not stop him from doing anything.
12 When he came to my job, I truly felt
13 that day - he had the gun. He would have shot me
14 in the parking lot, had my friend not been out
15 there with me or the security guard came out. And
16 then trying to get me to my mother's grave site,
17 which is very morbid to me, you know.
18 And actually my daughter and her
19 boyfriend were going out there and I stopped them
20 and I just know that at that date, that I think
21 that he probably would have, but no, that Order of
22 Protection, to me, it means nothing. You have to
23 do your own. You have to do your own.
24 I had to be on my guard all the time and
25 I may be a little bit more strong willed than most

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1 people, but, you know, I just - I think that women
2 just need to be more cautious and they need to
3 really look - there's so many things now that I
4 know. There's so many things to look for, you
5 know, to-
6 JUDGE DANDURAND: And I - even in
7 addition to that, just a little bit more, in really
8 talking to my clients about it and even when I was
9 issuing them that they were Order in courts that be
10 very aware that this may, in fact, accelerate or
11 exacerbate this bad actor's emotional situation.
12 It's just - you know, I'm not trying to
13 discourage - I wasn't trying to discourage anybody.
14 I just wanted them to be fully aware and informed
15 and I concerned myself with the idea that that may
16 not be well enough communicated so that adequate
17 precautions are taken. You know, I'd say, if you
18 want to make them really mad, this would make them
19 really mad, and just be aware that it might. Not
20 that you shouldn't do it, because you need to, but
21 be aware of the same.
22 MS. SPEER: Yes, absolutely.
23 ATTORNEY GENERAL KOSTER: Representative
24 Kelly.
25 REPRESENTATIVE KELLY: Thank you. Is

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1 there any way to get young girls to listen to
2 people like you, because I know in Columbia, the
3 shelter people have gone to the high school and
4 I've gone to the high school and you get a lot of
5 eye rolling and whatever, you know. And it's a
6 whole lot easier for a nineteen year old to walk
7 out of this than it is for a 37 year old with two
8 kids and no job.
9 MS. SPEER: Absolutely.
10 REPRESENTATIVE KELLY: And yet, they will
11 not listen about this. They keep going back to
12 those boys. I mean you hear it in parking lot,
13 "Hey, bitch, come here." The first time she hears
14 that, she needs to walk away and never go back.
15 MS. COBLE: He needs to watch his mouth.
16 REPRESENTATIVE KELLY: That's true. But
17 just think, yeah. But how do you communicate that
18 to them in ways that they understand?
19 MS. SPEER: Well, I don't know. I wish
20 my daughter would come down here and speak on it,
21 but, you know, she was fifteen when this happened
22 and was with me in the house the whole time and I
23 am sure - although now that she's 21, she doesn't
24 say it to me, but I am sure it had a definite
25 effect on her and she is very strong willed like

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1 her mama, and so I'm not really worried about her,
2 you know, but I think that yeah, yeah, I would love
3 to speak with those girls and talk to them.
4 I don't know, but there's got to be way,
5 because like you said, there's too many men out
6 there now that that's their name for us is the B
7 word and that's not right. That's not right at
8 all.
9 ATTORNEY GENERAL KOSTER: Representative
10 Kander?
11 REPRESENTATIVE KANDER: You said that you
12 discovered that with his ex-wife, he had had a
13 history of domestic violence as well. Had he had a
14 prior civil Protective Order there, as well? Do
15 you know? What sort of-
16 MS. SPEER: I - you know, I just - it was
17 that we had talked on short because I wanted to
18 find out about him after he - a different time,
19 started to come out and I need to find out. She
20 said that basically he was doing, you know, he
21 would terrorize her, as well. So I don't think she
22 ever got an Order of Protection, but she got
23 divorced.
24 ATTORNEY GENERAL KOSTER: Colleen, go
25 ahead.

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1 MS. COBLE: I think one of the dilemmas
2 is reaching that point of balance about knowing
3 that an Order of Protection doesn't stop bullets,
4 but also recognizing that it can mean a great deal
5 if everyone in the community makes it mean
6 something, so that every violation results in an
7 arrest, that every judge will hear full
8 consequences of that, so that you know just as you
9 do with a DWI, there's a line, you cross it,
10 there's a severe consequence, it is without a doubt
11 going to happen. And that then leads into the
12 behavior change that can change things in the high
13 school parking lot.
14 But at the same time, we have to demand
15 that those Orders are respected, that they're given
16 great weight, even as we do the types of lethality
17 assessment projects that are getting them out of
18 the dangerous situations in the meantime, with the
19 threat of what is real that you experienced and
20 also the way that we can improve things for other
21 women.
22 MS. SPEER: Thanks.
23 ATTORNEY GENERAL KOSTER: Very good,
24 Maria. Thank you very much for coming.
25 MS. SPEER: Thank you very much.

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1 ATTORNEY GENERAL KOSTER: The second
2 presenter on this panel is Kendall Seal with Legal
3 Services of Southern Missouri. Kendall, welcome.
4 The floor is yours.
5 MR. SEAL: Good morning. First, I'd like
6 to thank Maria for having the courage to come and
7 share with you all her story. As Attorney General
8 Koster said, it's the story of so many across our
9 State.
10 I practice domestic violence and family
11 law legal services in southern Missouri. There, I
12 work with adult and child victims of domestic
13 violence, sexual assault, stalking, and human
14 trafficking, and then covering southwest and south
15 central Missouri. The services that my region
16 offers women, men, and children in these situations
17 differ greatly across the region.
18 My primary work is with adult and child
19 Orders of Protection and safety planning. My
20 office focuses on the lethality assessments. I was
21 delighted today to hear that conversation occurring
22 with regard to first responders public benefits and
23 the access to those public benefits is another key
24 component for victims, as well as privacy and
25 safety concerns.

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1 Most recently, my office participated in
2 the New Directions in Fatality Review Conference.
3 This is a significant advancement in the state of
4 Missouri. Some 40 states have fatality reviews at
5 different levels. Missouri is one of the ten
6 states that does not have any kind of review.
7 My office is also interested in tackling
8 teen dating violence. These issues are not
9 discussed very much at the local level. They're
10 not discussed very much at the statewide level, and
11 yet, as previously indicated, it's in some ways,
12 the initial red flags are occurring among teenagers
13 in their dating life.
14 I think it's important for you to
15 understand a snapshot of my history for you to
16 understand me. I grew up on a farm in the
17 southeastern part of the State. The closest big
18 city had 139 people. My parents are teachers,
19 small business owners and farmers. Life in rural
20 Missouri is kind of like that - a few people
21 wearing many hats. And so it is with me. I'm an
22 attorney and a man. I'm gay, and I'm a survivor of
23 domestic violence.
24 Today I would like to discuss the
25 concerns of the lesbian, gay, bisexual, and

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1 transgender community as it pertains to domestic
2 violence. This community is no stranger to
3 authenticity or political conversation. So today,
4 as I share with you about domestic violence in
5 Missouri, I will highlight the difficult journey of
6 LGBT victims.
7 I will focus my comments on three areas.
8 The changing definition of family or household
9 member in Chapter 455, specifically; enhancing the
10 scope of coercion and stalking beyond physical
11 harm, and re-examining child Orders of Protection.
12 First, changing the definition of family
13 and household member. Missouri courts are looking
14 for ways to reduce the numbers of Orders of
15 Protection. In Roberts v. McGuire, the Missouri
16 Court of Appeals for the Southern District limited
17 step-parents from violating Orders of Protection
18 against one another. Many domestic violence and
19 family law attorneys discussed how this decision
20 was brought about in more of a concern for judicial
21 economy and efficiency.
22 The on the ground reality is that the
23 language in the decision reduces access by
24 increasing - by reducing the access to justice for
25 LGBT people as well. It chips away at Missourians'

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1 right to be safe. Notably the dicta on page 4 of
2 that decision paints a vivid picture of where
3 judges are coming from on this topic of who has a
4 right to be safe. And I quote, "When we read the
5 entire definitional clause so as to give effect to
6 all the words used, we can conclude that it only
7 applies to a man and a woman, who are the
8 biological or adoptive parents of a child." The
9 Court then confirmed that in Missouri, a marriage
10 can exist only between a man and a woman.
11 The Court did not assess the portion of
12 that same statute that includes an adult who is or
13 has been in a continuing social relationship of a
14 romantic or intimate nature with the victim, and
15 this is significant, and this is the language that
16 is used to protect single sex individuals and same
17 sex victims.
18 Yesterday's dicta can become tomorrow's
19 law and possibly an unintended consequence of
20 Missouri marriage amendment. Other states have had
21 this issue with their marriage amendments and their
22 domestic violence laws. Notably the Ohio Supreme
23 Court weighed in on the issue in State of Ohio v.
24 Carswell. Their appellate courts came to different
25 conclusions on whether their domestic violence laws

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1 cover same sex couples.
2 The Supreme Court there ruled six to one
3 that despite their broad reaching, even more far
4 reaching than Missouri, marriage amendments, that
5 their domestic violence laws could, in fact, apply
6 to gay and lesbian Ohioans.
7 The Court did not toss out safety for
8 gay and lesbian Ohioans and I feel as if this Task
9 Force should consider when reviewing all the
10 definitions of family, that they consider gay and
11 lesbian lives in that definition of family and
12 household member, maybe even more directly, because
13 since the initial domestic violence law Chapter 455
14 came about, there have been significant social
15 changes in the area of gay and lesbian equality and
16 in Missouri State sanctioned bias.
17 The second portion that I'd like to
18 address is enhancing the scope of coercion and-
19 ATTORNEY GENERAL KOSTER: A question,
20 question. Did the Southern District case involve a
21 gay couple?
22 MR. SEAL: No. The Southern District
23 case involved step-parents and the Court went into
24 greater detail in the decision to try to clarify
25 family and household member.

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1 ATTORNEY GENERAL KOSTER: Colleen, do you
2 know the case?
3 MS. COBLE: It's an open door into
4 changing and limiting the definition.
5 MR. SEAL: The forum they also provided
6 for Orders of Protection changed shortly about a
7 month after and it added step-parent and incest
8 relationship bias, and if those boxes are checked,
9 they can trigger-
10 ATTORNEY GENERAL KOSTER: Is it your
11 belief that the Southern District intended a
12 message to the gay community when it was drafting
13 that? Is that what-
14 MR. SEALS: It is my understanding, the
15 way that many of the Courts that I was talking
16 with, that there was a concern about the volume of
17 Orders of Protection and judicial economy and in an
18 effort to try to reduce the volume of Orders of
19 Protection, they introduced this language to the
20 family and household member.
21 ATTORNEY GENERAL KOSTER: And is this the
22 one that was passed in 91 that you worked on that
23 opened that Chapter up? Do you remember this?
24 MS. COBLE: Yes.
25 ATTORNEY GENERAL KOSTER: Colleen and I

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1 worked together on that. I was just a young pup in
2 short pants.
3 MS. COBLE: Well, I was younger too.
4 ATTORNEY GENERAL KOSTER: But my
5 recollection is that the most conservative members
6 of the Senate knew exactly what that clause meant.
7 MS. COBLE: Yes.
8 ATTORNEY GENERAL KOSTER: And signed off
9 on it.
10 MS. COBLE: Yes.
11 ATTORNEY GENERAL KOSTER: It was a very
12 interesting debate. They knew that that clause was
13 opening protection to the gay community and let it
14 go through very willingly back in 91 is my
15 recollection. Go ahead.
16 MR. SEAL: The second issue is enhancing
17 the scope of coercion and stalking beyond physical
18 harm. We've heard today from a survivor who
19 discussed the level of coercion in her
20 relationship, the red flag, the indicators of
21 control that were in existence.
22 The definition of coercion in the Adult
23 Abuse Order of Protection, Chapter 455, is fairly
24 narrow and fairly general. It does not, in my
25 opinion, cover the full range of coercive

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1 approaches that would be beneficial to victims of
2 domestic violence.
3 I'd like to invite the community to look
4 at Dr. Evan Stark and his discussion of coercive
5 control, how men entrap women in personal life.
6 "Like hostages, victims of coercive control are
7 frequently deprived of money, food, access to
8 communication or transportation and other survival
9 resources." This coercive control is used between
10 gay and lesbian community in context, typically
11 around outing. You'll be outed to your employer,
12 you can be outed to your landlord, you can threaten
13 child custody, and unfortunately, again, in
14 Missouri, you can be discriminated against on the
15 basis of sexual orientation or identity when it
16 comes to employment, when it comes to housing and
17 child custody (inaudible).
18 Next, I think the definition of stalking
19 needs to be re-examined. Stalking is one of those
20 categories where the Child Orders of Protection may
21 occur between a third party and victim not
22 necessarily people who are in a relationship. The
23 definition, again, I think really is maybe too
24 broad in some ways and too specific in others. It
25 gives examples of peering into a window and yet

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1 today, it would be a proliferation of GPS tracking
2 devices and cell phones in cars with social
3 networking online.
4 More recently in my practice, I've come
5 across the shipping of animals with devices, as
6 well as toys to track individuals. This is
7 significant. Many of the cases do have the
8 component of stalking and I feel like that language
9 needs to be updated. Technology is outpacing the
10 law by leaps and bounds and in this particular
11 area, it's outpacing an individual's right to be
12 safe.
13 Re-examining Child Orders of Protection.
14 Child custody and safety from violence go hand in
15 hand. Same sex couples with children are
16 particularly vulnerable. The Child Order of
17 Protection Statute is not working very well, to be
18 candid. Rarely are Child Orders granted. Rarely
19 are guardian ad litems appointed. Rarely
20 (inaudible) Child Order of Protection cases.
21 Many attorneys and judges view these
22 Orders as ways to get a cheap custody case. Some
23 fiercely believe that the offending parent needs to
24 have contact with the children immediately
25 preceding the hearing, despite a track record of

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1 violence directed at both the child and the parent.
2 I refer to this Task Force to examine
3 the current for Child Orders of Protection in a way
4 that protects victims and protects your children
5 and be mindful that LGBT parents in other
6 communities face additional biases and hardships
7 when they enter the court system. Many of these
8 victims do not have the resources to wage a full on
9 child custody battle. But sometimes they will fund
10 an aggressor or will fund an offender and many
11 times, they are cast in the light of the chaotic,
12 crazy victim and in many cases, lose custody of
13 those children.
14 ATTORNEY GENERAL KOSTER: Questions?
15 MS. COBLE: Do you have some ideas in
16 terms of language on elements of broadening
17 coercion to perhaps mirror some other language in
18 other chapters that have that included?
19 MR. SEAL: Certainly. I think a good
20 example within the Child Order of Protection talks
21 about emotional abuse. We are reading this
22 language as substantial emotional abuse, but yet,
23 there's no parameters of what that could mean in
24 terms of economic control, or, you know, there's
25 this manipulation on constitutional rights that one

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1 has, you know, the right to engage in or either
2 abstain from it.
3 It may sound very basic, but I don't
4 think many members of the legal profession have an
5 understanding of how that coercive control actually
6 happens.
7 The stalking one, as well, for
8 evidentiary purposes, is more challenging to tell
9 that story. And if there's anything the Task Force
10 could do to make that a process, I think, a little
11 easier, I think would be helpful in those cases.
12 ATTORNEY GENERAL KOSTER: One of the
13 issues that we discussed perhaps in the, probably a
14 week ago was the issue of maintaining privacy if
15 there is abuse within a gay couple, and that
16 attempting - receiving the Order of Protection is a
17 de facto outing even if the couple wants to - one
18 individual wants to maintain privacy vis a vis his
19 employer or anything else.
20 Are there ideas that anyone has with
21 regard to trying to accomplish both goals,
22 protection of the victim, but also maintaining
23 privacy if that's the choice that the individual
24 wants to make?
25 REPRESENTATIVE KELLY: Well, one of the

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1 things you can do is an Order sometimes is keep the
2 address or the current living arrangements of the
3 respondent concealed. Could you - now, I'm just
4 thinking out loud here. Could you keep other
5 information in the Order or in the hearing
6 concealed? And I think you've got an awful hard
7 time doing that; don't you? I don't-
8 JUDGE DANDURAND: You can't, not unless
9 other changes are made, but the logic is-
10 REPRESENTATIVE KELLY: That's what I
11 mean, could you by statute? And I think it's
12 really hard to get there, because you're
13 effectively closing the court.
14 ATTORNEY GENERAL KOSTER: Just to
15 hypothesize a difficult situation, what if you had
16 a military couple living off base in a domestic
17 situation, who is caught between-
18 REPRESENTATIVE KELLY: One of them is
19 gay.
20 ATTORNEY GENERAL KOSTER: I'm going to
21 assume it's - hypothesize a gay relationship. One
22 of them is in the military. And you're caught-
23 REPRESENTATIVE KELLY: Yeah, yeah. It's
24 a real good example.
25 ATTORNEY GENERAL KOSTER: And you're

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1 caught between conflicting policies.
2 REPRESENTATIVE KELLY: It's a real good
3 example. Could you keep it-
4 MS. COBLE: At least some of the
5 reporting has changed in that the ex parte
6 information is no longer publicly accessible on
7 Case.net, so that only the information goes out
8 over that public link to the courts when there's
9 full Order issued at the hearing, so that provides
10 some measure, but not in all situations.
11 MR. SEAL: Well, we had some problems,
12 too, with regard to (inaudible) once you enter -
13 you know, calling law enforcement is an added
14 routine. You're taking certain levels of risk and
15 I think for a gay and lesbian couple in Missouri,
16 to call your Sheriff, call the local police officer
17 and say, "Hey, I'm gay. I'm a victim." I don't
18 know that you would be believed.
19 MR. LAMB: Let me interject. I think
20 that we have to look at the kinds of policy, of
21 public policy, of what it should be. You know, the
22 whole idea of getting an Order of Protection and
23 making it theoretically easy for someone without
24 means and without an attorney to apply for it, the
25 whole purpose is to keep that person safe, yet the

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1 process itself, including the publicity of it or
2 the making it public, is actually counterproductive
3 to that result and doesn't make them safe because
4 as you have astutely pointed out, in these types of
5 relationships, the threat or the hammer hold over
6 is the actual outing of someone. And if that, in
7 itself, defeats the purpose, perhaps that can be
8 examined as a way to look at when a court might
9 have discretion to close a file or to seal it if it
10 endangers the safety of the applicant.
11 MR. SEAL: Some of these cases, too, are
12 incredibly violent I think, and even with, I think,
13 our best coverage of these cases really doesn't
14 tell the story, because you'll read in the Kansas
15 City Star sometimes where it will be - it will just
16 say they're roommates. In other words, you know it
17 was a roommate disagreement. And some of them are
18 roommate disagreements and others are gay couples
19 and their stories never get told and the threat of
20 outing these are a severe practice to the economic
21 situation, but because to their families, to their
22 reputation, and I think that is a very intense
23 situation for the victim, but also it's a weapon
24 for the batterer.
25 ATTORNEY GENERAL KOSTER: Judge, could a

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1 file be sealed for good cause?
2 JUDGE DANDURAND: The courts don't have
3 the discretion to not grant it by law. The court
4 can't say, "Well, I think this is best, so I'm
5 going close the file." We don't have the authority
6 to do that.
7 REPRESENTATIVE KELLY: And the other part
8 of this is one of the things the Southern District
9 was articulating is the abuse of the Order of
10 Protection, which is absolutely true. Every judge
11 in the State of Missouri understands that there are
12 too many Orders of Protection issued. And they're
13 often issued for inappropriate reasons.
14 MR. SEAL: I think that's right. I
15 think, you know, just like any system, there are
16 sometimes claims to (inaudible) coercive control
17 component when sufficiently addressed in the
18 definition, will reveal aspects of these
19 relationships before they have to get to the level,
20 before they have to get to that level. I think
21 sometimes we draw that line, you know, present fear
22 of physical harm, she has to have a broken bone,
23 she has to have a bruised something.
24 I'm not going to say that you shouldn't
25 be able to prove your case, but to say that the

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1 definition should be sufficient to allow you to
2 tell that story, and I think like right now, that
3 definition, while it's a positive one because it
4 addresses - I feel it could be - the parameters
5 could be a little tighter to give some boundaries.
6 ATTORNEY GENERAL KOSTER: Another
7 question for Judge Dandurand. If at the end of the
8 ex parte statute, a single line was inserted that
9 said, "An Order under this Section may be closed
10 for good cause." What are the public policy down
11 sides to closing the file so that the only people
12 who knew about it were the petitioner and the
13 respondent and law enforcement?
14 JUDGE DANDURAND: You know, I think Chris
15 or Jolie could jump in on this too, but if it just
16 said "for good cause," that would not survive a
17 challenge. If it said something like "for the
18 safety or potential harm that may come to the
19 victim," something that had to do with the personal
20 safety of anybody involved in the issuance of the
21 Order, be it the child or the parent, it would have
22 a better chance of passing muster in, and certainly
23 a better chance of surviving attack in the courts
24 on privacy and the press' right to have access to
25 open courts. So if it just said "for good cause,"

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1 I can think that would fail.
2 MR. SEAL: There's also I think the
3 issue, the best interest of the children in these
4 cases and what best protects these with regard to
5 the privacy because sometimes children,
6 unfortunately, fall through the cracks and their
7 stories are never shared in a meaningful way.
8 In a lot of these cases, especially with
9 poverty, poverty law contact - it's amazing, from
10 my perspective in rural Missouri, what's acceptable
11 in some ways in an urban setting with all the
12 resources versus what's acceptable in an out state
13 Missouri county.
14 JUDGE DANDURAND: Judge Kelly brought
15 this up too. You know, we go so far as to make
16 certain that every single paternity case is filed
17 with a closed file for a lot of times no good
18 reason whatsoever and certainly not because there
19 may be some danger to anybody involved, just
20 because they make paternity cases closed files so
21 that maybe the children are not found out about and
22 things like that. Which, to me, it would seem like
23 if we can close those files, we ought to be able to
24 do something with legislation that would prove to
25 be in the best interest of children or the victims.

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1 REPRESENTATIVE KELLY: Yeah, but safety
2 doesn't do it, because all Orders are for safety.
3 That includes 100 percent of the Orders, I think,
4 anyway.
5 ATTORNEY GENERAL KOSTER: This is a
6 really good point.
7 REPRESENTATIVE JUSTUS: It seems to me
8 that the underlying issue is that with LGBT
9 couples, there's a heightened problem because of
10 the outing, but if we didn't have the underlying
11 discriminatory policies in this State and in this
12 country, we wouldn't have this issue.
13 Number one, you couldn't get fired in
14 the State just because you're gay or perceived to
15 be gay. You wouldn't get thrown out of the
16 military. I mean then, obviously, we wouldn't have
17 this problem to the same extent.
18 The only other community that I can
19 think of that has an issue, would be, as we talked
20 about and you mentioned, the undocumented
21 community, where, you know, there's a fear of even
22 coming forward because you're going to be outed and
23 then all the consequences that come after.
24 So two things pop into my head. First
25 of all, as communities, we need to continue to work

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1 within our own communities to educate on these
2 issues. And I think we've got groups, obviously,
3 in Kansas City, the Kansas City Anti Violence
4 Project, we've got folks here today from them and
5 across the State who are educating within the
6 community about the need to speak out.
7 I think what I'm hearing from you is
8 because we have this - not necessarily, you know,
9 in a box to check to seal the records, but what I'm
10 hearing is when we are taking into account any
11 changes to definitions of family, to remember that
12 there are people out there right now who can't
13 define their family in the same way and who might
14 be lost and, you know, fall through the cracks if
15 we don't do that.
16 And then also, there are other tweaks we
17 could make in the coercion and other things to take
18 into account these extra factors until we remove
19 the outside problem which is the discrimination
20 against LGBT people.
21 UNKNOWN MALE: That's correct.
22 ATTORNEY GENERAL KOSTER: Kendall, thank
23 you very much for your presentation and for a
24 number of very good ideas. With the indulgence of
25 the panel, I would like to jump over our break

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1 because the Jackson County Prosecuting Attorney is
2 here in the room and if it's okay if-
3 MR. KANATZER: If you need to take a
4 break, that's fine.
5 ATTORNEY GENERAL KOSTER: Does anybody
6 need to take a break? We'll take a five minute
7 break.
8 (WHEREIN, a recess was taken.)
9 ATTORNEY GENERAL KOSTER: We are pleased
10 and honored to have Jackson County Prosecuting
11 Attorney, Jim Kanatzar, with us this morning. Jim,
12 welcome.
13 MR. KANATZAR: Good morning. Thank you
14 for having me.
15 ATTORNEY GENERAL KOSTER: The floor is
16 yours.
17 MR. KANATZAR: I can't tell you how much
18 I appreciate the fact that you are doing this and I
19 can't tell you how much I appreciate the fact that
20 you have asked me to come and give my thoughts on
21 what is a very, very important issue, not just in
22 the State of Missouri, but around the country and I
23 applaud your efforts on convening this Task Force.
24 Domestic violence is an issue that
25 became very important to me very early in my career

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1 as a Prosecutor. I was an Assistant Prosecuting
2 Attorney with less than a year on the job when I
3 was approached by then Prosecuting Attorney Claire
4 McCaskill to volunteer to be on her newly formed
5 Domestic Violence Unit in the Jackson County
6 Prosecutor's Office, and I was glad to do that.
7 Although at the time, it wasn't the
8 first place I would have chosen in the office to
9 go, after having done my tour of duty there, for
10 lack of a better word, I have no regrets whatsoever
11 about it. It was an excellent experience and I
12 learned very early in that process and I tell all
13 my new attorneys as now, to go to Domestic Violence
14 Unit for the first time that.
15 Once you've been in the Domestic
16 Violence Unit and once you've prosecuted domestic
17 violence cases, every case after that looks
18 relatively simple. That's just how challenging
19 these cases are to Prosecutors, challenging for
20 many reasons.
21 I'll give you an example. One of the
22 first jobs that I was given in the Domestic
23 Violence Unit was to handle our preliminary hearing
24 docket. And we had a preliminary hearing docket
25 once a week and I would go to this docket and I

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1 would have anywhere from 30 to 40 cases on this
2 docket, so 30 to 40 victims in domestic violence
3 crammed into a small courtroom with a defendant,
4 the defendant's family, other people who had to
5 come to see if the victim was really going to show
6 up and testify.
7 And often times, by the time the
8 preliminary hearing rolled around, the victim was
9 no longer cooperative. The arrest had been made
10 months ago, the situation that arose at that time
11 that ended up with us filing charges, had now
12 dissipated and would often, unfortunately in these
13 cases, the cycle of violence was starting to
14 continue again and the victim was becoming
15 uncooperative and wanting to return into the
16 relationship.
17 So often times, as the Prosecutor at the
18 preliminary hearing docket, you stood alone and you
19 had a victim who did not want to cooperate with
20 you. You had a defendant who was obviously adverse
21 to you. You had a judge, and depending on who that
22 judge was at the time, may or may not have agreed
23 with our office's policy then and now, that we do
24 not dismiss domestic violence cases just because
25 the victim was no longer cooperative.

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1 So you were often faced with the
2 undaunting task of putting your victim and only
3 witness on the stand, only to have to impeach them
4 with the prior consistent statement that they gave
5 to the police, with a judge who may or may not be
6 sympathetic to that situation and is wondering why
7 you're wasting his or her time with a case of an
8 uncooperative victim. It makes for a very, very
9 challenging three hours in the morning trying to
10 get that done, but very rewarding and very
11 necessary for this reason.
12 By the time a domestic violence case had
13 reached the state level and kind of cycled its way
14 out of repeat offenses at the City level, you are
15 really dealing with, as many of you, I'm sure, know
16 by now, a terrible cycle of violence that often
17 ends in serious injury or death, and at some point
18 when you have this history of this cycle, I
19 believed then and I believe now, as did now Senator
20 McCaskill, that it's our responsibility as
21 Prosecutors and law enforcement to step in and do
22 everything that we can to break that cycle of
23 violence, even if we do not have a cooperative
24 witness or cooperative victim to accomplish that
25 prosecution.

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1 With that said, those cases are
2 challenging also when you get past the preliminary
3 hearing stage. Your challenge is going when you've
4 got a jury - and I'm going to talk about this later
5 on in my presentation, who may not be sympathetic
6 to the victim, who also sees domestic violence,
7 some of the social mores, that this is a family
8 problem and not a problem for the police or the
9 courts to be getting involved in. You're up
10 against a lot of societal perceptions with a jury
11 that don't always go well for the prosecution and
12 for convicting a defendant of domestic violence.
13 In speaking with the MOP staff and also
14 the General Prosecutor's staff, I wanted to make
15 sure that I addressed the questions that you wanted
16 addressed by my presentation and they were helpful
17 in giving me some of the background of where you
18 guys have gone from here and some of the
19 information that's been presented to you and the
20 questions that you have. So I prepared a statement
21 that I think addresses those questions. I'll read
22 through that and then I'll be happy to answer any
23 of your questions, if that's agreeable.
24 First of all, how we prosecute domestic
25 violence cases in Jackson County, Missouri. When

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1 the police respond to a domestic violence assault,
2 they will always contact a detective within the
3 Domestic Violence Unit to determine if the case can
4 be worked up at a City or a State level charge.
5 When a case is worked at the State
6 level, the officers will arrest the abuser and a 24
7 hour hold begins. Officers at the scene will take
8 photos of the victims injuries, any damage to the
9 inside of the house, broken pictures, lamps, phone
10 cords, holes in the wall, et cetera, and any
11 weapons that may be collected at the scene. If the
12 victim is injured, obviously an ambulance will be
13 called and the victim is taken to the hospital,
14 which also may require follow up investigation with
15 medical personnel.
16 When the 24 hour begins, the domestic
17 violence detective assigned to the case will first
18 make contact with victim to take a formal
19 statement. The detective will also take additional
20 injury photos at that time. If the victim went to
21 the hospital, the detective will get medical
22 records. The victim will be talked to by
23 detectives about how to get an Order of Protection.
24 The detective will also talk to any witnesses that
25 were present when the assault took place and take a

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1 statement from them. The detective will talk to
2 the suspect in an effort to take a statement and
3 will also document any injuries to the defendant.
4 Our office then reviews the case file
5 for charging. The majority of our cases are
6 handled on an in custody basis. This means these
7 are not what we call anytime warrants, where the
8 police will work up a case, present it to us for
9 our review at our leisure. Because these are
10 obviously very dangerous cases that need attention
11 and we need to keep the defendant in custody if we
12 can. We have 24 hours under Missouri law to do
13 that, which creates challenges to get all of those
14 things that I've just discussed done and my
15 attorney on the job and reviewing that case within
16 a 24 hour period.
17 We have a Domestic Violence Unit that
18 has pager duty. Every attorney on the Unit with
19 even the Trial Team Leader, takes their turn, a
20 week at a time, as being on pager duty and they're
21 on page duty to the police departments across
22 Jackson County, 24 hours a day, seven days a week.
23 We make every effort to charge our cases
24 in custody, obviously due to the dangerousness of
25 releasing the suspects pending further

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1 investigation. When we charge our cases, we look
2 for corroboration of the victim's statement,
3 injuries, witnesses, medical records, violations of
4 Order of Protection that may be in place,
5 corroborating witnesses, caller ID's, voice mail
6 messages, anything that we can help corroborate a
7 victim who we know may not be cooperative within
8 the following months.
9 When we do file a case, we request
10 higher bonds than regular assault cases, due to the
11 level of dangerousness of DV offenders. We also
12 ask that the bond be designated as a no contact
13 with the victim Order in every case that we file,
14 and we're very lucky, at least in Jackson County,
15 getting most of our judges to issue a No Contact
16 Order as a condition to bond.
17 Once our case is charged, we have a
18 victim advocate, one in eastern Jackson County, one
19 in Kansas City, who contacts the victim to let the
20 victim know the about the charges, the bond, to see
21 if the victim needs referrals to shelters or to
22 counseling and get the victim's thoughts on what
23 the victim wants to happen in this case.
24 All of our cases end up on the domestic
25 violence docket, which is under criminal

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1 assignment. We send out a letters to the victims,
2 asking them to come to court because bond is
3 typically addressed at that time and let them know
4 where our plea offers are.
5 After the docket stage, our cases get
6 assigned to an attorney for trial and that attorney
7 and advocate will notify a victim of any plea
8 offers, court dates, trial settings, et cetera,
9 through the process. We review a lot of cases in
10 the Domestic Violence Unit and when we charge a
11 case, it is our intention to see the case through
12 final disposition, trial or guilty plea. Dismissal
13 of the case is a last resort and we have a policy
14 of not dismissing due to uncooperative victims.
15 We will go forward with a case even
16 though a victim is being uncooperative because we
17 are mindful of the defendant's control and
18 intimidation over a victim. Again, the cycle of
19 violence at this point needs to be broken even if
20 the victim is not cooperative.
21 Our statistics for the last year and a
22 half, just to give you a kind of a concept of the
23 numbers that we're dealing with in Jackson County,
24 in 2009, we filed 176 domestic violence cases. We
25 went to trial on 15 of those. The number of cases

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1 that were pled had total charges - we pled 291
2 cases. That's 291 separate defendants in 2009 for
3 a total of 370 charges.
4 A breakdown of charges are as follows
5 for 2009: misdemeanors, 114; Class D felonies, 29;
6 Class C felonies, the bulk and bread and butter of
7 our domestic violence prosecutions, 169; Class A
8 and B felonies, the more serious domestic violence
9 assaults, 58.
10 For 2010, we are really on par for the
11 number that we filed in 2009. So far, we've filed
12 137 cases; we've had 7 trials. The number of cases
13 or separate defendants that have pled this year are
14 159; 213 total charges pled. Right now, the
15 charges for 2010 are 73 misdemeanors, 17 D
16 felonies, 94 C felonies, and 29 A/B felonies.
17 I'd like to talk to you a little bit now
18 about how we interact with these seventeen
19 municipalities that are in my jurisdiction in
20 determining whether cases go to City or State.
21 ATTORNEY GENERAL KOSTER: Representative
22 Kelly?
23 REPRESENTATIVE KELLY: No dismissal?
24 MR. KANATZAR: I'm sorry?
25 REPRESENTATIVE KELLY: No dismissals in

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1 those two years? You didn't dismiss-
2 MR. KANATZAR: Oh, yeah, there's
3 dismissed cases.
4 REPRESENTATIVE KELLY: Did you say how
5 many dismissals?
6 MR. KANATZAR: No, I didn't. I didn't.
7 We had charged - I can get you that information,
8 but out of the number of cases that we had charged,
9 we pled 291, 307 total charges. So yeah, I don't
10 mean to give you the impression that we don't ever
11 dismiss cases, but we do.
12 We have a policy in place with the
13 police department and the City Prosecutor's Office,
14 so that when officers on the scene call a detective
15 in the Domestic Violence Unit, they will be told
16 whether a case will go to the City or to the State.
17 For assault, the case will go to State level when
18 the defendant has four or more priors at the City
19 level, the victim has broken bones or stitches, the
20 victim is pregnant and the child is compromised,
21 the victim has been strangled or loses
22 consciousness or a weapon is involved.
23 For violations of Order of Protection
24 cases, they will come to the State when there is
25 threat to the victim's life, the defendant has four

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1 or more priors at the City level. We generally
2 take full Orders of Protection cases on if we think
3 the situation could escalate to violence even if
4 there hasn't been any prior contact at the City
5 level.
6 The city here in Kansas City does not
7 have an ex parte ordinance, which requires us
8 really to take all ex parte violations at the State
9 level, which is a burden, but a necessary one,
10 because a lot of times, those cases can escalate
11 quickly into violent situations and causing serious
12 injury or death sometimes.
13 ATTORNEY GENERAL KOSTER: Jim, can I ask
14 you a quick question? Also, I'm interested in the
15 Judge's opinions. What are the ramifications, off
16 the top of my head, again, of requiring certain
17 domestic violence crimes to be automatically
18 brought to the State and to take them out of the
19 municipal realm, the way we started to do with the
20 other - just what are the ups and downs of that?
21 JUDGE DANDURAND: You know, that might be
22 better answered by Jim, but.
23 MR. KANATZAR: I definitely have an
24 opinion, but I'd like to hear yours.
25 JUDGE DANDURAND: Well, certainly it

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1 would pass muster. I don't have any doubt that if
2 the legislature decided that domestic violence
3 cases have been really charged with - taken from
4 the jurisdiction of municipal courts, they should
5 be charged, as they're doing with certain levels of
6 DWI's with the State. You're not suggesting every
7 single time, every single one, I'm assuming? I
8 know you have the option but-
9 ATTORNEY GENERAL KOSTER: Well-
10 JUDGE DANDURAND: A certain level is a
11 State case-
12 ATTORNEY GENERAL KOSTER: From my
13 perspective, from my days as a Prosecutor, the
14 concern always was that DWI's were disappearing at
15 the municipal level. And a similar concern would
16 be that domestic violence is disappearing at the
17 municipal level, perhaps. I don't know the answer.
18 REPRESENTATIVE KELLY: That's reporting
19 that doesn't happen.
20 ATTORNEY GENERAL KOSTER: Reporting. It
21 doesn't get on you all's.
22 REPRESENTATIVE KELLY: Well, right. But
23 that's - you can empirically discover that, yeah,
24 because, by polling of the municipalities. I don't
25 have any sense of it because they all came to me or

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1 to one of us, the Associates at Boone, because
2 Columbia doesn't have any domestic violence
3 misdemeanor prosecutions. They all come to State.
4 ATTORNEY GENERAL KOSTER: Jim, what's
5 your opinion?
6 MR. KANATZAR: Well, fifteen years ago
7 when then Prosecutor McCaskill had the foresight to
8 start a Domestic Violence Unit in her Office, you
9 would not have heard the numbers that I just gave
10 you about the number of cases that were filed on a
11 State level, that happened. Most of them were
12 handled at the City level and it was her opinion,
13 and I agreed at the time, that many of those cases
14 deserved to be at the State level. Now, you see
15 fifteen or so years later, the number of cases that
16 were prosecuted and handled.
17 MS. COBLE: Could I interrupt, if you
18 don't mind?
19 MR. KANATZAR: Sure.
20 MS. COBLE: Isn't it true, and I do
21 recall when those decisions were made, and it was
22 because of the total lack of prosecution of any
23 domestic violence cases at the State level and that
24 the municipal approach was put into place in
25 Jackson County.

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1 MR. KANATZAR: Well, you're going back
2 further than I - I wasn't involved in the criminal
3 justice system at the time.
4 MS. COBLE: It was before when Claire was
5 elected to that position, but my question, and I
6 know that there's an entire system set up that
7 continues to function and it gets people into court
8 when they otherwise wouldn't, but hasn't this
9 approach - if resources were an obstacle, would
10 this approach be seen as the best practice that
11 someone got four municipal level domestic violence
12 charges when in most any other community, those
13 would have been of a felony level because they
14 would have gone into State Courts? Is this the
15 best practice? I understand it's put into place
16 because of lack of resources, but.
17 MR. KANATZAR: You know, it's an
18 interesting question and I don't think I can answer
19 that and I think Representative Kelly was spot on.
20 I think what we need to do is have some sort of
21 empirical data to see how many cases there are at
22 the City level, where there are one or two arrests
23 or convictions and then nothing else happens after
24 that.
25 And if that's a significant number, then

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1 I would say that the process that we have now -
2 again, it's also, the biggest issue is resources,
3 like you pointed out. They may work for - we're at
4 a level where we're doing the best we can. My
5 guess is there are probably more cases at the State
6 level that we could take and have a bigger impact
7 on, before they reach that criteria.
8 MS. COBLE: And if you look at the
9 lethality assessment questions, those aren't a
10 parallel construction to the process that's set in
11 place here for broken bones, stitches-
12 MR. KANATZAR: Correct.
13 MS. COBLE: -this. There's no parallel
14 there to what we know within the larger Jackson
15 County community is going on to address those most
16 lethal cases that seemingly wouldn't meet this
17 standard.
18 MR. KANATZAR: Right. But what I wanted
19 to make clear though, and please don't misconstrue
20 me, I think our City Courts, our City Prosecutors
21 do a wonderful job handling the domestic violence
22 with the cases that they have and I don't mean to
23 give you the impression that, you know, if there's
24 a serious injury and there hasn't been four priors
25 at the City level, that we're not taking the case.

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1 We are taking the case. But those things are
2 things that are looked at not in conjunction with
3 one another or on top of one another, but
4 separately as factors as to why we take the case.
5 And we work very well with the City
6 Prosecutor's Office. Often times, they will take
7 cases to us that the police departments had decided
8 to go to the city with, they think was more
9 appropriate for the State to take a look at.
10 But the biggest issue, the biggest
11 question, not just in domestic violence, that's
12 going to come up in this area - DWI which would be
13 seen as - at some point, given the lack of
14 resources that you have at the county level, and
15 again, my budget has been cut three years in a row
16 and it's going to be cut again this year.
17 You know, I have four attorneys or five
18 attorneys that handle all domestic violence cases
19 across this county, and you've heard the numbers
20 that we're dealing with. And at some point when
21 you overload a system to a point where we're not
22 doing - we're being as effective as we can with the
23 resources that we have to address the serious
24 cases. And I can tell you is that I can, given the
25 resources that we do have, the limited resources

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1 that we do have, and the fact that those resources
2 are going to continue to decline, I think the
3 numbers that we dealing with in the system that we
4 have in place is the most effective way to deal
5 with the problem at both the City and the State
6 level.
7 ATTORNEY GENERAL KOSTER: You have a
8 unique situation, however. Half of the City
9 Prosecutor's Office is staff and is a fairly
10 substantive organization. Outside of Jackson
11 County, every City Prosecutor is a part-time
12 attorney who is at a Wednesday night docket with 90
13 files in his bucket and they're just boom, boom.
14 MR. KANATZAR: Keep in mind, I'm not
15 unfamiliar with that. You have a lot of rural
16 areas in Jackson County and a lot of small
17 municipalities in Jackson County in addition to
18 Kansas City. So that's not a problem that we're
19 not familiar with.
20 It's not a problem that, you know, often
21 times, cities that don't have resources that say a
22 Kansas City or an Independence or a Raytown has,
23 that we have to, you know, take a case that
24 normally we wouldn't take if it happened in those
25 jurisdictions.

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1 ATTORNEY GENERAL KOSTER: The question is
2 are those cases being appropriately handled or are
3 really taking this quite seriously and are those
4 dispositions getting to MULES(ph)? You know, are
5 the police officers who are stopping these folks
6 and everything - there's still a three part, an A,
7 B, or C when you're stopped and it means it will
8 give a level of danger on the MULES computer. Do
9 they have that corresponding designation put on
10 their file, so the police knows when he's walking
11 up to a car that's been stopped where the person
12 has had dangerous charges attached to him before?
13 MR. KANATZAR: And I know you have Chief
14 Piccinini after me who can speak more definitively
15 on that issue than I can, because I just don't have
16 an expertise as to what gets reported to MULES or
17 not because I'm not a reporting agency, but I do
18 know that it's extremely important to Prosecutors
19 across the State to have that information when
20 we're reviewing a case just for the reasons we've
21 talked about, is this the case and where are we in
22 the cycle of violence? Are we in the early stages,
23 are we four incidents down the road or is this
24 something that the State needs to step in and start
25 getting involved in, even if maybe this is not a

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1 terribly egregious case. If the Prosecutors across
2 the State don't have that information in front of
3 them, they can't make that assessment.
4 ATTORNEY GENERAL KOSTER: Sorry, I
5 interrupted you with my question.
6 MR. KANATZAR: That's okay. Feel free to
7 do that. That's what I'm here for. On some
8 occasions where a case has gone to the City instead
9 of my offices and the officers at the time who were
10 doing the investigation didn't know the extent of a
11 victim's injuries at the time, will be contacted by
12 the police or City Prosecutors and asked to take
13 the case to State filing.
14 This creates a problem though, I don't
15 know how you address it, but a smart defense
16 attorney will run in and if a case has been filed
17 in the city, will run in a plead that case very
18 quickly in City Court, which would bar us then from
19 prosecuting the same offense at the State level, so
20 it's something that we try to look for, but
21 sometimes that problem occurs in that type pf
22 situation.
23 In some cases that are sent to the
24 State, we will send - if it initiates at the State,
25 we will send that to the City if it meets our

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1 guidelines or it's something that we can't take on
2 a case by case basis going forward because of the
3 resource limitations that I spoke about earlier.
4 But we will send them back to the City so the
5 defendant is held accountable at some level.
6 Our interactions with domestic violence
7 shelters and how we work with them. Our office
8 works with those domestic violence shelters in
9 Kansas City and eastern Jackson County by referring
10 victims to shelters for services, including
11 counseling, a place to live and other services.
12 Shelters will often call us to determine charges if
13 charges have been filed in particular cases and if
14 there's a court date.
15 On occasion, shelter representatives
16 have come to our court to observe how court is run.
17 They also provide very needed and necessary support
18 of the victims that, you know, on my staff, I would
19 have two victim advocates and we would be in a
20 world of hurt if we didn't have these shelters
21 across Jackson County to assist us with advocacy to
22 the victim.
23 If a victim has a hearing for her Order
24 of Protection, a shelter representative often time
25 will bring the victim to our office so that we can

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1 discuss charges with them. Our victim advocate
2 will leave messages with the shelter for victims
3 that we know they are staying when they contact us.
4 We serve on the State Family Coalition for
5 Shelters, as well.
6 The issue of uncooperative victims. I
7 wish I had a great answer for this question, but my
8 office and I'm sure other Prosecutor's offices
9 across the State, do the best they can which is one
10 of the most challenging, if not the most
11 challenging aspect of how to prosecute these cases.
12 The fact of the matter is that victims
13 are frequently uncooperative in our cases. It's
14 more often that a victim is uncooperative, than
15 cooperative. Our advocates try to determine what
16 the issue is for the victim being uncooperative and
17 if there is anything that we can do to help the
18 victim by giving the victim a referral to housing
19 services or to shelters.
20 If a victim is recanting, you can have
21 an advocate set up a meeting with a victim so that
22 they can come in and write out a statement. But
23 make sure the victim understands though that this
24 case will not be dismissed simply because of a
25 statement that's been given as to the facts of the

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1 current surrounding case.
2 Many of our trial cases involve victims
3 who are uncooperative and recant their statements.
4 We will still subpoena them for trial as we do any
5 other witness that may be uncooperative in a case.
6 Victim intimidation and what can be
7 done. I can tell you what we do in Jackson County.
8 It's a huge problem in all domestic violence cases.
9 In order to try to minimize victim intimidation, we
10 always ask for no contact bonds, as I alluded to
11 earlier. We also encourage our victims to get
12 Orders of Protection and help walk them through
13 that system with our advocates.
14 When a victim starts to recant her
15 statement, we always order up recorded phone calls
16 from the county jail where the defendants are in
17 custody so that we can review the substance of
18 those phone conversations. We frequently find the
19 defendants telling the victim what to do, with the
20 intent on filing charges with the victim tampering.
21 When in court, our victim advocate sits
22 with the victim to make sure the defendant is not
23 attempting to talk to the victim. Our advocate is
24 also very mindful of the defendant's family members
25 that may be present in the courtroom. We

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1 frequently ask Sheriffs to walk our victims to
2 their cars when leaving the courtroom and when the
3 family is present or when the defendant is out of
4 custody.
5 One of the problems that I hope is
6 unique to Jackson County, but I doubt it is, is the
7 jail population problem that we deal with here at
8 the county level in our county jail and keeping
9 domestic violence inmates incarcerated pending
10 trials. Jail population plays a huge role in the
11 court's decision, unfortunately, of whether or not
12 to release the defendant on bond or otherwise.
13 They do do a pretty good job of trying to give
14 those defendants priority, but again, I'm dealing
15 with a jail that has a capacity of 835, and I've
16 gone on the record saying many times that this
17 county deserves a jail that a capacity of 1,200
18 inmates.
19 So a domestic violence defendant, though
20 they're given priority, they are also given on a
21 priority list with other violent offenders and at
22 times, they are released on bond.
23 And also, the court will look at whether
24 or not a victim is cooperative on a case in
25 addition to the victim's injuries in determining

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1 whether or not to release a defendant on bond.
2 I've had many domestic violence cases where the
3 victim has come into court and asked the court to
4 release the defendant on bond. This obviously
5 creates problems and we counter that by showing the
6 court photos of the injuries and telling the court
7 the seriousness of the injuries. But often times,
8 because the victim asks for the defendant's
9 release, the defendant will be released from
10 custody.
11 Once the defendant is released from
12 custody, our case always gets much worse from an
13 evidentiary standpoint. We often receive
14 recantations or the victim will suddenly disappear.
15 The victims often have moved and the victim's phone
16 is disconnected. At that point, we are left with
17 offering a disposition that's not appropriate to
18 the charge advanced, but is appropriate to a
19 dismissal.
20 When a defendant remains in custody and
21 victim recants, we know that it is often at the
22 urging of the defendant. We will Federal Court up
23 jail visitation records to show the frequency of
24 the victim's visits. We will also order up jail
25 phone calls. The problem with this is that we have

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1 to know the number that is being called from the
2 jail, which often times, we don't know. It would
3 be much easier if the jail could record phone calls
4 according to the inmate, but instead it is tracked
5 based on the number that is used to call. If we
6 don't know the number, we can't listen to the
7 calls, and often times, the defendants will utilize
8 a three-way call from the jail and if we don't know
9 the first number that was called prior to linking
10 the victim into the call, we can't get the
11 recording.
12 We're doing all this in an attempt to
13 add a charge of witness intimidation or witness
14 tampering, in the hopes that that will solve the
15 problem, and sometimes it does and sometimes it
16 doesn't.
17 What works and what apparently doesn't
18 work with domestic violence prosecution. One of
19 the biggest challenges in prosecuting domestic
20 violence cases is societal perception of domestic
21 violence, and I don't know what we do about that,
22 other than trying to educate the public as best we
23 can, and I do think legislation has a role.
24 Jurors, after cases, have told me things
25 such as, you know, the victim a drug addict and

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1 they couldn't believe them and couldn't trust what
2 they were saying. They ask, sometimes, you know,
3 after a not guilty verdict, "What did the victim do
4 to provoke this attack?" by jurors. This astounds
5 me. But unfortunately-
6 REPRESENTATIVE KELLY: Can I ask a
7 question about that
8 ATTORNEY GENERAL KOSTER: Sure, go ahead.
9 REPRESENTATIVE KELLY: To what extent is
10 the legal attractiveness of the victim a factor or
11 a problem? You know, the world sometimes thinks
12 that all the victims are Snow White here. It
13 doesn't matter. It wouldn't matter how bad she is,
14 she still doesn't deserve to get beat up by this
15 guy. But her legal status, her condition or
16 behavior can be - I mean I saw it be a real factor
17 sometimes.
18 MR. KANATZAR: It's a huge factor.
19 You're absolutely right. You're dealing often with
20 cases where you have one witness's word against the
21 defendants, and the case rises and falls on that
22 victim. And if they mental issues, if they have
23 prior convictions of their own, if they have an
24 arrest record, then they don't present well to the
25 jury.

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1 You're looking at a jury who's being
2 told, you know, the standard of proof is beyond a
3 reasonable doubt and they need to assess the
4 credibility of that witness and every witness
5 they're instructed by the court in determining
6 whether or not the State has reached its burden.
7 It's a huge factor. We do the best we can, but I'm
8 not going to lie to you. It's a huge factor and a
9 huge problem.
10 The societal norms that I'm referring to
11 don't help either. A lot of times, I've been told
12 after not guilty verdicts that, "This is a family
13 problem and I don't want to interfere in a family
14 problem and you shouldn't be interfering in a
15 family problem," despite when we're dealing with
16 serious injuries in these cases. But there is a
17 societal norm out there in some people's mind that
18 this is a family issue and a family matter and not
19 a matter for the courts. We need to change that
20 perception for people.
21 I think legislation has a role in that,
22 as well as other things. I'll never forget an - to
23 be quite frank, it's not just jurors. I don't want
24 to put all of the weight on this issue on jurors.
25 It's judges, too. Many of our cases are tried to a

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1 judge and not to a jury. I remember one case that
2 I tried, in particular, it was a defendant had
3 picked up a large rock and beat his girlfriend in
4 the middle of the street. We had three witness
5 around, but none of them saw anything, so it was my
6 victim's word against his.
7 She had an arrest record, she did not
8 present well to this judge, and was intoxicated at
9 the time of the assault, which, of course, is no
10 defense, but I'm just telling you the factors that
11 were there, and this judge acquitted the defendant.
12 So, you know, we have a system of
13 justice, it's the best system in the world, and the
14 burden in criminal cases is the highest burden in
15 this country and it should be that way. But that's
16 a challenge in domestic violence cases when you're
17 dealing with one witness's word against another and
18 credibility issues.
19 What legislative changes need to be made
20 to the current domestic violence laws to enhance
21 victim's safety and strengthen prosecutions? One
22 of the areas that I mentioned previously is this
23 72 hour rule for investigating domestic violence
24 cases. This would be a very good thing. This
25 would give a detective more time to thoroughly

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1 investigate a case, especially one where the victim
2 went the hospital for treatment or admitted or
3 maybe incapacitated. It would give victims time to
4 get away from their abusers, that they need to find
5 a place to live or get into a shelter.
6 The other thing and I know you've heard
7 testimony about is seizing firearms that are
8 present in the home. Although this obviously
9 creates 4th Amendment issues, I think it's an
10 excellent idea. As part of our guilty pleas, any
11 misdemeanor or felony case involving domestic
12 violence, we always make it a condition of
13 probation that the defendant not own or possess any
14 firearms. It only makes sense.
15 Regarding child victims, on the occasion
16 that our victim is not an adult, we have found the
17 best course of action is to charge the case as a
18 Class C felony, endangering the welfare of a child.
19 The elements are just easier to make than going
20 through domestic violence charges and it's the same
21 level as domestic, same level, C felony is domestic
22 assault in the second degree.
23 I know you've also bantered around the
24 question of whether or not Missouri should abolish
25 the spousal privilege in domestic violence cases.

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1 This actually has not presented a large problem in
2 Jackson County because most of our victim and
3 defendants are not married. However, in the area
4 of domestic violence, as I pointed out earlier, any
5 problem at any level can be significant where the
6 odds are stacked against the prosecution. So if
7 you're asking my opinion, yes, Missouri should
8 abolish the spousal privilege in domestic violence
9 cases.
10 Spousal privilege is another way for
11 domestic violence abusers to manipulate a victim
12 into not cooperating with the State. We know that
13 once the spousal privilege is asserted by a victim,
14 our case is essentially over. In cases where the
15 victim and defendant are married, and there are no
16 other witnesses, and the victim begins to show
17 signs she may be uncooperative, we often times will
18 start offering a better deal than we think the case
19 is worth, so we don't wind up with spousal
20 privilege being invoked and having to dismiss our
21 case.
22 Another problem that comes up in the
23 defense bar is in many instances, a victim will be
24 referred to another attorney for representation by
25 the defendant's attorney. Once that happens,

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1 spousal privilege often times is asserted. Our
2 case, again, is over at that point. In order to
3 prevent that from occurring, we will offer a better
4 deal up front in order to get an offender on
5 probation rather than being forced to dismiss the
6 case.
7 Legislation in enforcing Stay Away
8 Orders in all domestic violence cases. Legislation
9 that would enforce Stay Away Orders in domestic
10 violence cases is desirable and, I think, needed,
11 especially legislation that provides for an
12 additional charge or penalty.
13 In Jackson County, we encourage all of
14 our victims to get an Order or Protection, but
15 often times, victims believe that the no contact
16 petition or bond is sufficient. We try to explain
17 to them that if the defendant violates the bond
18 condition, it is not a separate charge, but if the
19 defendant violates an Order of Protection while out
20 on bond, the defendant is looking at additional
21 charges.
22 Often, victims don't want to have to
23 come back to court or to the courthouse to file
24 paperwork and then go to court on a later date for
25 hearings. It's inconvenient for them. We try to

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1 stress to them how important it is that they go
2 through that process. We try to help them with it.
3 But having a statute to allow for a No
4 Contact Order violation would help to provide
5 additional consequences to the defendant if he
6 violated petitions of his pre-trial release. This
7 will also help us on any future cases in obtaining
8 higher bonds, as the court will see that the
9 defendant has picked up charges for violating the
10 conditions of his prior release.
11 What are the pros and cons of a domestic
12 violence fatality review concept. In theory, this
13 sounds like a good concept, developing legislation
14 that allows for the improvement of a system's
15 responses on domestic violence cases, and I'm in
16 favor of it, but the difficulty is knowing which
17 systems will be involved. My belief is that it
18 would be - would have to include police
19 departments, our office, and the shelters.
20 The biggest different I see with
21 domestic violence versus a homicide or child review
22 committee or fatality review board is that we will
23 in many cases have heard the victim in prior
24 instances that the victim doesn't want to prosecute
25 or that the victim wants the defendant released

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1 from custody. So it will be harder to pinpoint how
2 one of these systems could have been more effective
3 or done something differently.
4 One of the new things that police
5 departments have started doing in Jackson County
6 that I applaud is the lethality screenings on the
7 scene following a domestic violence assault. This
8 screening is conducted by a uniformed officer and
9 the victim is asked about ten questions regarding
10 whether or not the defendant has ever strangled the
11 victim before, whether or not the defendant has
12 tried to kill the victim before, if the defendant
13 is jealous, if the defendant is employed, and other
14 questions.
15 Positive answers to at least half of the
16 questions triggers the officer to let the victim
17 know that the victim has a potential lethal
18 situation and to refer the victim to a hotline
19 counselor in the vicinity.
20 I'll be happy to answer any other
21 questions that you have on this very important
22 issue.
23 ATTORNEY GENERAL KOSTER: Jason?
24 MR. LAMB: Jim, one observation I would
25 make on a municipal issue. Obviously the resources

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1 issues you touched on is of paramount importance
2 and prohibits you from maybe doing things you would
3 like to do as a Prosecutor for the State with their
4 office.
5 One observation I might make, and I'd
6 kind of be interested in anyone's feedback, is that
7 in Missouri, municipal prior DWI's count towards
8 enhancing it to a State crime, but the same thing
9 does not exist for domestic assaults. So a
10 municipal conviction for domestic assault does not
11 allow you to lay or use that prior and then charge
12 it as a Class D felony, third defense. Am I
13 correct?
14 MR. KANATZAR: That's true. And that's
15 in effect what we're trying to do by our policy.
16 If we have a defendant and the police know that he
17 has had, you know, numerous arrests at the City
18 level or four prior convictions at the State level,
19 they know that we're going to take that case. So
20 in effect, that's what we're trying to do. So I
21 think that would be a positive legislative program.
22 ATTORNEY GENERAL KOSTER: Representative
23 Newman?
24 REPRESENTATIVE NEWMAN: Jim, thank you
25 very much for your report. I've been speaking with

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1 an attorney in St. Louis County who was formerly
2 with the Prosecutor's office, and he remarked about
3 something I found kind of disturbing and he said,
4 do you have any knowledge or are you aware that in
5 your county, are rookies generally assigned to
6 Domestic Violence Units? Do you have any knowledge
7 or aware of-
8 MR. KANATZAR: In the Prosecutor's
9 offices? Well, I was one, and I thought I did a
10 pretty good job. I understand your question and
11 it's a good one. I don't mean to make light of it,
12 but in the public sector, a lot times we have
13 attorneys that don't have a lot of experience.
14 Now, I need you to understand, any time
15 that my office has a homicide or a very, very
16 serious assault, that case is not given to someone
17 who's never tried a homicide case before or never
18 tried a serious assault case before, even if
19 they're not in the Domestic Violence Unit. Again,
20 it's a question of resources. We do the best we
21 can with what we have.
22 I have a lot of young attorneys with
23 less than five years' experience that I have
24 absolutely no qualms or reservations about
25 assigning them domestic violence cases. And

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1 they'll do a great job. Part of that is training.
2 We do the best we can to train those attorneys and
3 they don't go to trial alone so I don't see it as a
4 problem in my office, but it's a legitimate
5 question and again, it's just a question of
6 resources. We do the best we can with what we
7 have.
8 REPRESENTATIVE NEWMAN: I also have one
9 more question, if I could. Also, you had mentioned
10 your recommendations in terms of allowing firearm
11 seizure at incidents and that's the legislation
12 I've personally been advocating since 2003, even
13 before I was elected, but what do you find in terms
14 of your studies in the cases that you've had this
15 past year? What was the percentage would you
16 think, or would you know, that firearms are present
17 or at least part of the prosecution?
18 MR. KANATZAR: That's a good question. I
19 wish I had some definite data for you on that and
20 maybe I can try and get that for the Task Force at
21 a later date, but just off the top of my head,
22 given my experience, I'd say it would probably be
23 roughly a third or maybe a little less of all
24 cases. A firearm that may - whether it's utilized,
25 or discharged, or just present in the home at the

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1 time, I'd say roughly a third.
2 REPRESENTATIVE NEWMAN: And do you have
3 knowledge or would you have knowledge if the
4 abusers are - do they have conceal and carry
5 permits? Is that something that you would-
6 MR. KANATZAR: You know I don't have any
7 idea, but that's a very good question. That's
8 probably something we should look into. I know
9 that right now when we are presented with an
10 investigation, that information is usually not
11 given to us.
12 But I will tell you, in general, my
13 experience is that most offenders do not have
14 conceal and carry permits. It's a rare occasion,
15 in general.
16 REPRESENTATIVE NEWMAN: Thank you.
17 ATTORNEY GENERAL KOSTER: Representative
18 Kander?
19 REPRESENTATIVE KANDER: Thanks for being
20 here. Kind of a related question to what Jason was
21 asking about with municipal priors, a lot of those
22 end up being sort of their only interaction with
23 the domestic violence system is through civil
24 Protection Orders, and obviously there would be
25 difficulty in criminalizing the violation of a

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1 civil Protection Order because it's a civil order,
2 but my question, I guess, is more about, you know,
3 obviously there can when an Order is violated,
4 there can be a criminal contempt motion; right?
5 And then to ask you about - I think by the
6 Prosecutor's office, because the civil contempt
7 motion would be brought by the victim.
8 MR. KANATZAR: Yes.
9 REPRESENTATIVE KANDER: Going back to
10 sort of what I stated ideas, what do you think
11 about the idea in terms of their qualifying prior
12 charge, putting in the possibility of sustaining
13 criminal contempt motions, kind of like with prior
14 felonies or even his idea of prior municipal
15 convictions, so that - I guess my question is would
16 that incentivize and is it necessary to incentivize
17 Prosecutors to bring more contempt motions more
18 often to sort of, to create shock jail time for
19 violating the civil Protection Orders?
20 MR. KANATZAR: Well, we usually don't
21 mess around with contempt and just file a violation
22 of the Order of Protection under the criminal code.
23 But where I thought you were going with this was if
24 there had been a history of maybe civil contempt on
25 those Orders, that did rise to a level of

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1 prosecution for whatever reason, kind of again to
2 City Court priors, using those as enhancements,
3 that would make an automatic felony for an ex
4 parte-
5 REPRESENTATIVE KANDER: (Inaudible.)
6 MR. KANATZAR: Right, as opposed to a
7 misdemeanor, I think. I'd like to hear Judge Sill-
8 Rogers' input on that. You're going to hear from
9 her today, but she deals with those violations that
10 don't necessarily rise to the criminal level on the
11 civil contempt side.
12 But I think that would be a very
13 worthwhile endeavor to see about using that to
14 enhance violations of Orders of Protections that
15 might be a misdemeanor to a felony.
16 REPRESENTATIVE KANDER: It just seems to
17 me that in the little bit of time that I did some
18 of this stuff on the pro bono side that, they talk
19 to each other, somebody gets an Order and somebody
20 says to them (inaudible), it just seems like we
21 need to lump that in the system. Prior to that
22 piece of paper, you know, that's where we're at.
23 (Inaudible.) Maybe that's the way to do it.
24 Anyway, thanks.
25 ATTORNEY GENERAL KOSTER: Representative

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1 Grisamore.
2 REPRESENTATIVE GRISAMORE: Jim, in terms
3 of statutory changes, are you aware of any
4 statutory precedents or case law out there they
5 could separate out, you know, the credibility of
6 the witness from clear evidence in an investigation
7 that there has been physical harm or abuse
8 perpetrated on the victim? Is there anything out
9 there that would address that?
10 MR. KANATZAR: I think that would be very
11 difficult because Missouri has long standing case
12 law that prevents Prosecutors from introducing
13 evidence that would be uncharged criminal conduct
14 or prior bad acts, unless you can show that it's
15 part of the motive of the current charge.
16 And it's not unusual that we'll try to
17 do that in domestic violence cases where the
18 defendant says, "I never hit this victim and I
19 never have," and you have, you know, a series of
20 arrest records where that, you know, there's been
21 reports of abuse.
22 So there is a - there is that hard line
23 rule and there are some exceptions. I don't think
24 that's something that needs to be addressed from a
25 legislative standpoint, because I think it's about

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1 as good as it can get under the law that we have in
2 the Constitution, and I think that the judge talked
3 on that, as well.
4 I wish it were otherwise. I wish there
5 was legislation that could help us that way. I
6 just think with the case law, the way it is right
7 now, it would be very tough to make the change from
8 that status quo.
9 ATTORNEY GENERAL KOSTER: Apart from
10 priors, what about if a defense team is attacking
11 the credibility of the victim? Is there any
12 parameters where that could be deemed inadmissible
13 versus the relevance of the case that's before
14 them, that's there clear abuse in the
15 investigation, clear evidence?
16 MR. KANATZAR: It's a great question and
17 it's one we grapple with in court. I tried a
18 murder case just a few weeks ago and this very
19 issue came up. Missouri Supreme Court rule only
20 requires Prosecutors to disclose prior convictions,
21 actual convictions at the state and federal level
22 of any witnesses for the state, including victims.
23 Now, some judges take the position, and
24 there's a valid legal argument for this - I don't
25 mean to cast any aspersions on anyone, but some

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1 judges take the position that anything that's
2 possibly impeachment of a witness, including arrest
3 records, falls under Brady and must be disclosed
4 and can be used in court.
5 What usually happens is we have an en
6 camera review of the arrest records by the judge
7 and then the judge will determine whether or not
8 the arrest records of the victim should be used or
9 are proper to use, given the facts of the case, the
10 charges of the case and type of arrest that were
11 involved with the witness; in this case, it would
12 the victim. So whether or not those can be used in
13 court to impeach the witness on the stand.
14 My position has always been that arrest
15 records are not impeachable material. Sometimes I
16 win on that argument, sometimes I don't. Again,
17 I'd be interested on the judge's opinion on that.
18 That's something that we grapple with in court, not
19 just in domestic violence cases, but in all
20 criminal cases.
21 MS. COBLE: Just again for it to be on
22 the record in Kansas City again, in opposition to
23 the notion of opening spousal privilege in Missouri
24 law based just on the basic notion up until we can
25 insure a victim's safety, we have to be able to

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1 trust her best judgement that it's a risk for her
2 to testify and that protection exists in the law to
3 do that for women who are married to their abusers.
4 And there has been testimony at each of these
5 hearings from Prosecutors about the issue with
6 spousal privilege, and I understand your position,
7 but I also understand that each one of those
8 gentlemen has acknowledged that there is nothing
9 that a Prosecutor can do to insure a victim's
10 safety.
11 MR. KANATZAR: You're right, and it's a
12 very valid point and I agree. It's a tough call,
13 it really is. But when you are trying to get that
14 conviction and get that guy or that defendant in
15 jail and that's standing in your way, you're very,
16 very concerned for the safety of the victim, as
17 well, for the same reason.
18 But you're right, and I tell people this
19 all this time, that Orders of Protection are our
20 front line defense in domestic violence, but they
21 are not going to prevent injury and death in every
22 case. It's not because we can't be there to
23 protect the victims of domestic violence all the
24 time. And you're absolutely right, your point is
25 well taken.

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1 ATTORNEY GENERAL KOSTER: Thank you for
2 your presentation and for you commitment to this
3 issue. We're a little bit behind schedule and I'd
4 to ask Chief - is it Piccinini?
5 CHIEF PICCININI: Yes.
6 ATTORNEY GENERAL KOSTER: Am I
7 pronouncing that correctly?
8 CHIEF PICCININI: Yes, you are.
9 ATTORNEY GENERAL KOSTER: I wanted to
10 make sure that you're able to get back to work
11 before too much longer. You've been here a while
12 and I appreciate your indulgence. So Prosecutor
13 Kanatzar, thank you very for your work and-
14 MR. KANATZAR: Thank you for having me.
15 ATTORNEY GENERAL KOSTER: We're about 30
16 minutes behind. What I'd like to do is roll until
17 about 12:30 and then take a half hour lunch break
18 and start back up on time at 1:00.
19 So if Chief Joe Piccinini could come
20 forward, who is the Police Chief of the Lee's
21 Summit Police Department. He's speaking with us
22 about law enforcement safety concerns when
23 addressing these types of call outs. Chief,
24 welcome. Thank you for your time this morning.
25 CHIEF PICCININI: Thank you and thank you

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1 for having me. I appreciate the opportunity.
2 Regarding entries into MULES, unfortunately not all
3 police departments have the resources to enter City
4 or misdemeanor violations into MULES and so the
5 answer to your question, unfortunately, is
6 sometimes.
7 ATTORNEY GENERAL KOSTER: And how do you
8 feel about the potential that above a certain
9 level, domestic violence related charges would
10 automatically go to county prosecution?
11 CHIEF PICCININI: I'm in favor of it. If
12 you're talking about similar to the DWI, the
13 second, third, fourth offense, it goes up to the
14 State level, we would be in favor of that, yes,
15 sir.
16 I've been in law enforcement for 27
17 years and a Police Chief for three years. We've
18 come a long way in this area. We've made some very
19 good, positive strides. I recall in 1983, how
20 myself, as a rookie, would handle those calls 100
21 percent different than it is in 2010, so we've come
22 a long way and I think we've made some positive
23 strides that I think - I'm sure that we've saved
24 many lives along the way, so we have done some very
25 good things throughout the history of this state.

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1 I also noted, looking at the agenda, it
2 appears that I'm the only law enforcement person
3 here, so I would imagine that you all probably have
4 some questions. I have prepared remarks. I'll go
5 through my prepared remarks and then field your
6 questions afterward.
7 I would also say that Erica Talbot(ph)
8 is one of our domestic violence protectors. She
9 investigates those crimes every day. That's her
10 full time assignment. I brought her along as well,
11 so if you have any particular questions, she'd be
12 happy to address you as well.
13 In December of 2008, I expressed my
14 interest to Hope House about obtaining additional
15 tools and information for our officers to assist
16 victims of domestic assault for future violence.
17 Hope House introduced the lethality assessment
18 protocol. This program was created by the Maryland
19 Network Against Domestic Violence. This program is
20 an intervention process. It is a lethality
21 screening tool. It provides direction for officers
22 to initiate appropriates actions based on the
23 results of this screening process. I understand
24 you have heard about this process and you're going
25 to hear about this process, as well.

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1 In the interest of time, I'm going to
2 skip on to some other topics. If the victim's
3 lethality assessment responses to questions
4 indicates that they are in high danger, the officer
5 initiates a protocol referral by telling the victim
6 that they are in high danger and in situations
7 similar to the victim's, people have been killed or
8 seriously injured.
9 The officer makes a phone call to the
10 domestic violence hotline and advises them of the
11 victim's situation. The victim will stay on the
12 hotline and will be given information for their
13 safety. If the victim refuses to speak with the
14 hotline, the officer will still make contact with
15 the hotline and give information for the victim,
16 for the victim's safety.
17 In January of 2009, the Lee's Summit
18 Police Department signed a letter of commitment to
19 Jackson County Safe Family Coalition to sign on to
20 the project of the lethality assessment protocol
21 with Hope House. The City of Lee's Summit is very
22 fortunate for a number of different reasons. One
23 of the things that I feel really fortunate about is
24 the crime rate, our violent crime rate, and our
25 homicide rate.

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1 Since 2008, we have had three homicides
2 and unfortunately, all three of those homicides
3 were domestic violence related. From June 1, 2009,
4 to June 30th, 2010, the Department took
5 approximately 700 domestic violence reports. These
6 reports involve assault, sexual assault,
7 harassment, property damage, burglaries, and
8 stealings. Of those 700 reports taken, patrol
9 officers collected 244 lethality assessments on
10 domestic assault reports. Of the 244 assessments
11 taken, 171 victims screened in a high danger.
12 That's approximately 70 percent of the victims,
13 almost three-fourths reports of high danger.
14 Of the 171 high danger victims, 85 of
15 those victims answered yes to the question, "Do
16 they have a gun or can they have easy access to a
17 weapon?" Fifty percent of the victims stated the
18 suspect had access to a firearm and if you combine
19 the high - if you combine those that screened at
20 high with the rest of them, Prosecutor Kanatzar was
21 pretty accurate in his third.
22 After conducting the last fourteen
23 months of the lethality assessment, it was brought
24 to our attention, the risk our high danger victims
25 were placed in due to the suspect either owning or

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1 having access to a firearm. Since we started the
2 lethality assessment, we believe the number of high
3 danger victims obtain an Ex Parte Order of
4 Protections, especially the victims that answered
5 yes to, "Did the abuser have a firearm or easy
6 access to a firearm?"
7 As you all are aware, firearms pose a
8 particular threat to the victims of domestic
9 violence. Studies reveal that the presence of
10 firearms significantly increases the lethality of
11 domestic violence incidents and it is not just
12 limited to homicides. A recent survey of female
13 domestic violence shelter residents based out of
14 Los Angeles, California, reported that the incident
15 partner had used the firearm against the victim,
16 usually threatening to shoot or kill the victim.
17 For the most part, our detective unit
18 relies on federal law, which prohibits subjects
19 with Protective Orders from purchasing or
20 possessing firearms and ammunition. In order to
21 prosecute a person in the State of Missouri with a
22 violation of an Order of Protection by being in
23 possession of a firearm, the case has to be
24 reviewed in Federal Court by an Assistant United
25 State's Attorney. If the Assistant United State's

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1 Attorney does not file any charges, the case will
2 be closed.
3 I wanted to add something there, just
4 didn't know what it would be. Other states have
5 addressed this gap in the law by enacting laws that
6 prohibit suspects with Protective Orders from
7 purchasing or possessing firearms and ammunition.
8 The State of Missouri is - I know, I've seen some
9 legislation that they're looking at taking steps in
10 that regard.
11 Domestic violence investigations involve
12 multiple court venues, and these are a lot less of
13 a problem for our detectives, because that's what
14 they do for a living. As an example, if you take a
15 municipal violation, the victim and a detective
16 will go to municipal court for a domestic violence
17 case. The victim will then go to State court for
18 an Order of Protection and then once the Order of
19 Protection is in effect, if the person under the
20 Order is caught with a firearm, then the victim has
21 got to go to Federal Court for that portion of the
22 violation. Again, probably not the best course of
23 action for all involved.
24 Combining all parts of the investigation
25 and presenting it to one court to one judge and

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1 again, one jury allows for whatever people to see
2 the entire investigation and all of its parts. One
3 combined investigation allows the victim to only
4 testify in one trial and give the judge in that
5 trial the opportunity to really see the entire
6 case, with all the violent details.
7 I'll give you an example. November 1st
8 of 2007, a domestic assault occurred in Lee's
9 Summit. Order of Protection was granted.
10 Respondent was later found to be in possession of a
11 firearm in the cab of his pickup truck when he
12 contacted the victim at a local gas station.
13 Detective reviewed the violation with
14 the State Prosecutor but was denied, did not have
15 any statute that covered being in possession of a
16 firearm with an Order of Protection. Therefore, it
17 was referred to Federal Court. The Federal Court
18 case was reviewed by the Assistant United State's
19 Attorney, but they didn't feel the case rose to
20 their level and so no charges were filed in that
21 particular example. Excuse me a second.
22 There are currently 27 states that have
23 state laws that meet or exceed the federal law
24 prohibits subject to certain domestic violence
25 Protection Orders from purchasing or possessing

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1 firearms or ammunition. And what I would say here
2 is a narrow law that would say if you are under an
3 Order of Protection the State law prohibits you
4 from being in possession of a firearm or ammunition
5 and if you're caught while under the Order in
6 possession of that weapon, a State law will come
7 into the effect that you could be charged by the
8 State Prosecutor, some chose to put forth those
9 charges.
10 I know that other legislation has talked
11 about officers taking guns out of homes and holding
12 guns for periods of time until a time period, was
13 released and that's not what I'm referring to when
14 I'm referring to that gap in the legislation.
15 We can talk about what that means to law
16 enforcement, but in a nutshell, we're going to have
17 a large quantity of firearms coming in to our
18 police department that would probably require more
19 personnel to hold it, put it into Property, keep
20 track of the time period where the property needs
21 to be released, re-contact the person that owns the
22 property and release that property back to the-
23 MS. COBLE: Actually the State of Texas
24 has done a really good job of studying that and
25 having protocols for departments at all levels in

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1 terms of size and resources and they've actually
2 come up with some structures that have shown that
3 it doesn't have the drain on resources in
4 departments as initially thought before you had
5 that law in place, and Texas has had the law in
6 place now since, I think, 95.
7 CHIEF PICCININI: And I don't disagree
8 with that at all. We have over the years - when I
9 began my presentation, I mentioned that we had
10 changed the way we do business when it comes to
11 domestic violence, and quite frankly, for the
12 better. But that went from sometimes a fifteen or
13 twenty minute call for service for a police officer
14 to now a couple hours call for service for a police
15 officer. So yes, without a doubt, we can change
16 and we can make it work. That concludes my formal
17 presentation.
18 ATTORNEY GENERAL KOSTER: One of the
19 presenters in Columbia from the, either the Cole
20 County Sheriff's Department or the Columbia Police
21 Department, I can't recall right now, talked about
22 detectives going out to visit with victims and
23 getting statements from the victims within a very
24 short window of time, so that there wasn't a two
25 week delay before a detective paid a visit to the

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1 victim and that that, it was thought, made a
2 considerable difference in how she felt that she
3 was being supported and surrounded by friendly law
4 enforcement family.
5 What are your thoughts on that and what
6 do you think is practical as the best course of
7 conduct for the departments around the State?
8 CHIEF PICCININI: I think that's an
9 excellent idea, and we are able to do it, but I
10 kind of ran through my prepared statements here.
11 One thing I didn't touch on was the fact that we
12 have 132 smart police officers. Again, because we
13 have obtained a grant, we have two full time
14 domestic violence detectives. So we do have that
15 luxury with those detectives.
16 Obviously, that's their full time
17 assignment, so that we do have the luxury where
18 they can do that and getting that statement quickly
19 is paramount to the investigation and we are able
20 to do that.
21 ATTORNEY GENERAL KOSTER: Your sense as
22 to how many domestic violence calls in Lee's
23 Summit, itself, receives per month?
24 CHIEF PICCININI: We receive about 700 a
25 year. I'm not very good at math, but that's

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1 usually how many calls we get every year.
2 ATTORNEY GENERAL KOSTER: I don't want
3 to-
4 MR. LAMB: About that grant funding, how
5 difficult would it be for your department to
6 provide that high level of service for those
7 investigations?
8 CHIEF PICCININI: We lost the grant
9 funding about for one year and I talked with my
10 boss and his boss, who's our Mayor, and City
11 Council and our City Manager, and we felt that this
12 issue was important enough to continue with the two
13 detectives. So the grant paid for the two
14 detectives the City would, and we were able to move
15 forward. Again, we're fortunate in Lee's Summit to
16 have the resources to do that when many other
17 cities and counties aren't.
18 ATTORNEY GENERAL KOSTER: Representative
19 Grisamore?
20 REPRESENTATIVE GRISAMORE: Chief, do the
21 CIT teams ever have any interface with domestic
22 violence calls?
23 CHIEF PICCININI: Yes, they do, and I
24 don't know what you all know about CIT. It stands
25 for Critical Incident Team. Those are officers who

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1 received specialized training to go to people who
2 are suffering from mental health issues. Again, we
3 have about a third of our officers on our police
4 department who are trained to go to people with
5 mental health issues, and so when that comes up,
6 those officers do respond to the scene, as well as
7 our two detectives who are assigned to investigate
8 domestic violence and who have been through the
9 mental health training.
10 ATTORNEY GENERAL KOSTER: Representative
11 Newman?
12 REPRESENTATIVE NEWMAN: Chief, thank you
13 very much. You are definitely correct. We do not
14 have any current statutes in terms of authorizing a
15 removal of a firearm at the scene regardless of
16 Protective Orders or not.
17 What is your standard of practice in the
18 absence of that? Do you have a policy or instruct
19 your officers to go ahead and do that if they're
20 evident?
21 CHIEF PICCININI: We do it in cases where
22 we feel there is a general public safety issue. We
23 are granted that right if we, in our opinion, we
24 think this is a dramatic or emergency situation
25 that's going to affect the public safety, we will

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1 remove the firearm in that instance. We have done
2 that on occasion.
3 It usually requires a few phones to a
4 few people up the chain, but if an officer at the
5 scene feels like this is a situation that that
6 weapon needs to be removed, then we look at it as a
7 public safety issue and we will remove the weapon.
8 ATTORNEY GENERAL KOSTER: There's a 48
9 hour every three year requirement to maintain post
10 certification. Is that correct?
11 CHIEF PICCININI: Yes, sir.
12 ATTORNEY GENERAL KOSTER: How would you -
13 about the issues that have been discussed requiring
14 mandatory training during the original post
15 certification, that there's no ongoing training
16 requirement. If a recommendation came out of this
17 working group that recommended perhaps for
18 Prosecutors and judges to receive training along
19 side law enforcement on an ongoing basis on a
20 continuing ed program of the nature of two to four
21 hours every three years, what would you're feeling
22 on the topic be?
23 CHIEF PICCININI: The short answer is
24 yes. The long answer is going to be resources.
25 Quite frankly, the 48 hours every three years is

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1 not a drain on our resources and I think we could
2 easily add two to four hours.
3 ATTORNEY GENERAL KOSTER: Okay, but I
4 think that the recommendation would perhaps be that
5 it would be inside of 48 hours, not additional
6 hours. Of the 48 hours, perhaps, two every three
7 years would be maintaining current practices,
8 customary practices on domestic violence law
9 enforcement issues.
10 CHIEF PICCININI: Definitely in favor of
11 it.
12 ATTORNEY GENERAL KOSTER: But we're also,
13 I'll let you know that we're sensitive to the
14 notion that law enforcement gets a lot training put
15 on them when there are other aspects of the
16 criminal justice system that escape that kind of
17 weight on their shoulders.
18 CHIEF PICCININI: I appreciate that
19 you're understanding that and I appreciate that
20 inside of that 48 hours.
21 ATTORNEY GENERAL KOSTER: Very good.
22 Okay, it's 12:30 and what I would like to do if
23 it's okay is to break for 30 minutes. For the
24 Committee and for the people who are testifying,
25 there is lunch, I believe upstairs, and we will see

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1 everyone back here about 1:00.
2 (WHEREIN, a lunch recess was taken from
3 12:32 p.m. until 1:08 p.m.)
4 ATTORNEY GENERAL KOSTER: Welcome back
5 from the lunch break everyone. And we'll start in
6 with the topic of Usefulness of Fatality Reviews,
7 and our guest to start off this afternoon is the
8 Honorable Christine Sill-Rogers. Welcome. Thank
9 you very much for coming up. Christine is with the
10 Jackson County Circuit Court, Kansas City State
11 Families Coalition. The floor is yours. Thank you
12 for joining us.
13 JUDGE SILL-ROGERS: Thank you for having
14 me. I was appointed by Mel Carnahan on September
15 7th of 1993. For the last seventeen years, I have
16 handled a domestic violence docket in Jackson
17 County, Missouri.
18 The legislature created Family Court in
19 the fall of 1993, which just was coincidentally in
20 line with the time of my appointment. So when I
21 was appointed, I was told by a man with a very long
22 and sad face that I was going to be assigned to
23 Family Court, would I be able to bear up under the
24 burden of that for a couple of years.
25 The statute says that a judge could be

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1 serving for a period of four years and could stay
2 further terms by agreement. It also says that if
3 you're burned out, you should be able to leave.
4 And I haven't burnt out yet, but I am flickering.
5 In the last seventeen years, I have
6 probably handled between 30 and 50,000 petitions
7 for Orders of Protection. I came to the
8 legislature in 1995 or 1996 when Angel Hart was
9 murdered by her mother's boyfriend here in Jackson
10 County and then they dumped her little body in
11 Arizona and it took several years for the
12 commission of that crime to come to light.
13 Angel died for a number of reasons, one
14 of which was she didn't have a lawyer at the
15 hearing. An aunt had filed a petition for a Child
16 Order of Protection. Under that statute, the aunt
17 had no standing and the child had no guardian ad
18 litem and the matter ended up dismissed and within
19 a few weeks of that, Angel died because she could
20 not recite the ABC's well enough for the boyfriend
21 and he did exactly what she described to the police
22 officer, the Division of Family Service workers,
23 social workers. He would dunk her when she got a
24 letter wrong and he drowned her.
25 So in 95 or 96, I came to the

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1 legislature and I am the person who drafted the
2 statute that requires a judge to appoint a guardian
3 ad litem for a child whenever the judge enters an
4 Ex Parte Order for the child. That was not met
5 with enthusiasm from the judiciary, and sort of
6 understandably, because guardian ad litems cost
7 money and my response to the judges was, "If you
8 can't find one lawyer in your county to represent a
9 poor child so that she's not drowned in the bathtub
10 for saying her ABC's, why did you go to law
11 school?" You know, there are needs that we must
12 meet. So that's a little bit of my background.
13 I just finished a domestic violence
14 docket. I had 90 cases on my docket this morning.
15 And so, first of all, the answer to the question is
16 are we doing a good enough job, the answer is no,
17 we're not.
18 Missouri was in the bottom ten states in
19 the nation to pass a domestic violence remedy, and
20 we did that in 1981. And a week before last on the
21 news, I saw - and so you know it must be true
22 because I saw it on the news, Missouri ranked
23 seventh in the nation in domestic violence murders,
24 and we are missing marks. We are missing marks
25 throughout the system.

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1 If we had one huge unmet need, it would
2 be training. Everybody needs training. The last
3 time that I am aware - Joe, correct me if I'm
4 wrong. The last time I'm aware that we did a
5 statewide substantial domestic violence training
6 for judges was when I was a new judge and Ann
7 Covington was the Chief Justice of the Missouri
8 Supreme Court. And I don't think we've had a
9 multiple day training since that time.
10 And here's my life as a little DV judge.
11 I came to work this morning. There were probably
12 more than 100 people lined up to come into my door.
13 I have two Sheriffs to check people in so that they
14 don't kill each other and they don't kill me until
15 at least I get in the door.
16 People make cracks about the dockets,
17 you know, they call it the Jerry Springer court.
18 But if you're a judge and you walk out and you look
19 at that sea of people, besides the riff-raff that
20 is there, you are bearing the weight of the
21 responsibility of is there a dead woman in the room
22 today? Is action going to be taken that preserves
23 life? There have been a ton of bad decisions made
24 throughout the State on behalf of domestic violence
25 victims. I'm sure I've made some of them.

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1 My topic that I'm supposed to be
2 addressing you on is the Domestic Violence Fatality
3 Review Board, and I think we couldn't wait another
4 second to get something like that up and running in
5 this state. I am a member of the State Family
6 Coalition in Jackson County, and we intend to put
7 forward our own pilot project to set up such a
8 fatality review board for our community.
9 What we want from the legislature is for
10 you to create a law that authorizes communities
11 throughout the State to create such boards if they
12 choose to, and we want to make it permissive, not
13 mandatory, because we know we are broke. And we
14 know if the words "mandatory" are uttered, this
15 will fail. We don't want it to cost money, so
16 we'll do it for nothing. We have an army of people
17 that will do this for nothing.
18 Our coalition has been in effect for ten
19 years and we haven't come to the government for a
20 dime. All the money that we've raised, which has
21 been well over a million dollars, we've put back
22 into the community in attempting to provide better
23 services in this community.
24 One of the things that we've provided is
25 unbelievable training, national experts on just

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1 every single topic that you can list on the issues
2 of domestic violence, but we cannot get legal
3 people to come, and it would be free. We can't get
4 judges to come. We can't get lawyers to come.
5 Judges need mandatory training. All
6 lawyers need mandatory training. You've probably
7 heard of the Tina Porter - Darrell - I think his
8 name is Darrell or Daniel Porter, the man who
9 executed his two little children in the woods, who
10 made the national news, and not in a good way,
11 several years ago. They had been into court in a
12 domestic violence matter.
13 They were separated, they had two
14 gorgeous little kids. He had contacted her and
15 said, "My vehicle is broken down, would you come
16 trade cars with me," or something. So she went to
17 help him out. He had already cut the phone lines
18 in the house and, you know, made sure that no
19 neighbors would be around to help her, and he had
20 her bind herself in their living room while he held
21 a gun over her head and said, "I'm going to kill
22 you and then I'm going to commit suicide," which,
23 of course, he never did.
24 She didn't call out to the police
25 department for help. She finally talked him down

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1 and she drove him to the hospital and it was the
2 hospital who called the police and called the
3 hotline to get help for her.
4 So here's the story of him, this man who
5 was out free to murder two beautiful little
6 children. He had committed this assault on his
7 wife with a weapon. I don't think he spent twenty
8 minutes in jail. His bond was almost nothing. She
9 filed a petition for an Order of Protection. They
10 go before a judge and both parties have lawyers,
11 but the children didn't have a lawyer. And so they
12 agree that he had consented to the Order. I don't
13 even know if the judge had to open the file,
14 because when he consented, you're not taking
15 evidence. And so I don't even know if the judge
16 knows what the file says.
17 And so what happens is they're talking
18 about these little kids and the lawyer - I spoke to
19 the lawyer who represented the mother, afterwards,
20 and said, "How in the world did it happen that
21 joint legal and physical custody occurred in a case
22 like this?" And she said, "Well, Tina said he had
23 never done anything to the children before." And I
24 said, "What do you mean he had never done anything
25 to the children before? He held their mother at

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1 gunpoint. He disabled the house to make it
2 impossible for anybody to call for help. He held a
3 gun to her head and said he was going to her and
4 then he said he was going to kill himself. He had
5 an arsenal of weapons in the home."
6 She didn't know what she did. A few
7 months went by and something in the house needed to
8 be fixed and she dismissed her Order. And then one
9 Saturday morning, he came and picked these little
10 beautiful kids up at 8:00 in the morning and took
11 them to McDonald's for their Happy Meal and then
12 said, "Daddy's got a special surprise for you
13 today." And he did this because she was divorcing
14 him. He did this because they were separated.
15 He marched those beautiful little kids
16 into the woods. He blindfolded them. He had them
17 lie down on blankets that he brought for them or
18 towels that he brought for them. He took his two
19 favorite guns out and he simultaneously blew their
20 brains out. And the only reason we know that he
21 did it and we ever found them is because he was
22 incarcerated for kidnaping the children and there
23 was a place he was going to be moved to in the jail
24 that didn't suit his fancy and that's how we ever
25 got to the statement that he gave.

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1 But way back in the beginning, we didn't
2 take the bond as seriously as we could have. We
3 didn't take the protection of the children as
4 seriously as we could have. What I would have
5 done, and I'm not a perfect judge, but what I would
6 have done is said, "I won't take this case on a
7 consent." I will never take a case in my courtroom
8 without looking at the file, because you just - it
9 should curl your teeth to think that lawyers will
10 agree to. And let it be said that if every
11 horrible thing that is set forth in your Order or
12 Petition is not the truth, that's why God made
13 judges and that's why God made hearings. You
14 should have a hearing. There should have been a
15 hearing that day. The results would have been -
16 could have been completely different.
17 In Jackson County, we have access to one
18 or two really excellent batterer intervention
19 programs. If I'd had that case, if I gave him any
20 time at all with the children, it would have been
21 supervised, and I would have made him go to a
22 batterer's program, and I would have set the case
23 for a review and if he wasn't participating, he
24 wouldn't get any time with his kids. Because you
25 can always put a living child back.

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1 JUDGE DANDURAND: Can I interrupt you and
2 ask you about this? This came up in St. Louis. I
3 never even thought of it. I didn't do very many of
4 those, but never thought of it, the concept of
5 setting a full Order of Protection case for review.
6 How often do you do that?
7 JUDGE SILL-ROGERS: Every time I have
8 horrible violence and there are children.
9 JUDGE DANDURAND: So like 30 days or
10 depending on just-
11 JUDGE SILL-ROGERS: Oh, how long do I set
12 it out for review?
13 JUDGE DANDURAND: Yes.
14 JUDGE SILL-ROGERS: I set it out for
15 about two months.
16 JUDGE DANDURAND: This is interesting.
17 JUDGE SILL-ROGERS: Two or three months.
18 So I do want to say that the reason that I want the
19 Domestic Violence Fatality Review Board is because
20 that is the tool that we need in this State to
21 teach other how to do things better.
22 We don't want to punish anybody. We
23 want everything to be confidential. We don't want
24 somebody who participates on the - you know, we
25 need an oath of silence and participants once the

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1 death has occurred as we look back to what we could
2 have done to save a life.
3 We want that to be the teaching tool,
4 that information, to change future behavior, not to
5 punish people that were in the system in the past.
6 There are so many cool things going on in other
7 parts of the country and I want them here.
8 ATTORNEY GENERAL KOSTER: Judge, may I
9 ask a question?
10 JUDGE SILL-ROGERS: Yes.
11 ATTORNEY GENERAL KOSTER: Your testimony
12 is reminiscent both in how articulate it is and
13 passionate about Judge Daniels' testimony in
14 Columbia a week ago.
15 Is there a best practices document that
16 exists for this type of case-
17 JUDGE SILL-ROGERS: No, none.
18 ATTORNEY GENERAL KOSTER: -and would you
19 be willing within the next 45 days to coordinate
20 with our staff, probably mainly coordinate with
21 Judge Daniels, and put together what I would
22 imagine to be a five to twelve page memorandum that
23 would be published alongside this report and would
24 exist as a best practices memorandum of suggestion?
25 JUDGE SILL-ROGERS: Yes, I will.

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1 ATTORNEY GENERAL KOSTER: Okay.
2 MS. COBLE: And they actually are
3 creating the first domestic violence bench book
4 right now.
5 JUDGE SILL-ROGERS: Cool.
6 ATTORNEY GENERAL KOSTER: But that's
7 different than - I mean the bench book is-
8 JUDGE DANDURAND: It's bigger.
9 ATTORNEY GENERAL KOSTER: I'm more
10 interest in - you know, both you and Judge Daniels
11 have very specific ideas in terms of - well, the
12 early intervention and constant attention is a make
13 or break element of the success of these cases.
14 JUDGE SILL-ROGERS: And if we don't get
15 training, it will all be for naught. I mean, we
16 need training everywhere. Psychologists have
17 testified in my courtroom before in horrible child
18 abuse cases that the father's domestic violence was
19 not relevant.
20 And the example I had on that is I had
21 these two beautiful little boys. I got them in a
22 motion to modify custody in a dissolution. But how
23 their case started is, their mom and dad were
24 divorced, the dad got custody of the kids. He was
25 a horrible alcoholic. And he was losing and

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1 getting in in another place where they lived and
2 the landlord came, knocked on the door to show the
3 apartment to the new tenant because he was getting
4 evicted. And the little boys, they were like eight
5 and ten at the time, opened the door and let the
6 landlady in. And when the dad woke up and the
7 folks left, he - they were sitting on the couch
8 together. This man is huge. He should play
9 football and take his rage out on other adults who
10 are going to give some back.
11 He lifted the couch up with them on the
12 couch, smashed it against the wall, separated the
13 little boys, gave them both concussions, head-
14 butted them, blood coming out of their faces,
15 telling them, "How would you like to die today?
16 You're going to die today." Took feces from the
17 dog off the floor and rubbed it in their faces.
18 The little boys when they got separated,
19 each boy thought the other boy was dead. And one
20 of the kids, he was - the dad was all ticked at his
21 current girlfriend. And that was the most recent
22 horrible violence that the little boys had
23 observed. They observed their father nearly bite
24 his girlfriend's chin off. And when I asking the
25 therapist questions during the time when they were

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1 - everybody dropped the ball in this case.
2 The lawyer who represented the mother
3 came into my chambers and said, "This case is
4 settled." I said, "Great, what's the agreement?"
5 She said, "Joint legal and joint physical custody."
6 I said, "It's not settled." I have to hear it
7 then. And because of the felony that he pled
8 guilty to, I couldn't have entered that order
9 anyway. So, another training issue.
10 Somebody who works for a living
11 representing abused women hadn't looked at that
12 statute. And so the therapist is on the stand and
13 he says, you know, "Blah, blah, blah, yeah, he's a
14 great guy." I said, "Well, didn't he drop out of
15 therapy as soon as I entered the Child Support
16 Order three months ago? Nobody has seen him, he's
17 never paid a dime." "Well, yeah." And I said,
18 "What about the domestic violence between him and
19 the girlfriend?" And he said, "Well, you know,
20 when he drinks, he acts a fool." And I said, "No,
21 he doesn't. He acts a felon." And he said, "No,
22 no. I said fool." I said, "I heard what you said,
23 but you didn't hear what I said. He acts a felon.
24 You can't bite people's faces off."
25 I mean it's just, and that's a

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1 therapist, who, you know, is regularly hired by the
2 Children's Division to work with fathers who have
3 issues and try to - obviously a man who has never
4 been trained domestic violence. He might be a
5 fabulous therapist some day, but not for those kids
6 that day. So therapists need training too.
7 There's a lot of - the domestic violence
8 docket is every societal problem merged and packed
9 into one hour or two hours of content in the middle
10 of the courtroom. There's a lot of elder abuse.
11 There are a lot of adult children who are drug
12 abusers who just beat the snot out of their, you
13 know, 87 year old mother. Okay, so I get a case
14 like that, and of course, I'm going to hear it, and
15 of course, if it's a credible case, I'm going to
16 issue an Order for the elderly person. How are you
17 really going to enforce that Order? Well, that's a
18 heck of a question.
19 I once had a blind, elderly person who
20 filed against their adult, drug abusing son, and
21 she didn't come to court. Well, how would you like
22 to live with that? So I called the police
23 department and I said, "Hey, here's my name, here's
24 what I do for living. I'm not saying it's a 9-1-1,
25 but could you just drive by and see if this Grandma

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1 is dead under her couch?" Because I worry about
2 that. "No, we can't be doing that. How do you
3 know she's in danger now?" Well, my problem is I
4 don't know whether she's in danger.
5 I went to a fabulous national program
6 last summer with the State Family Coalition in
7 Jackson Hole, Wyoming, which was the ten year
8 anniversary of the culmination of the Green Book
9 Project, because our Coalition's focus is the
10 exposure of children to domestic violence. And in
11 New Haven, Connecticut, whenever officers go to
12 somebody's house for a domestic violence call and
13 there are children, they have a police officer who
14 comes back within 24 hours to the house with a
15 child therapist and they sit down and they talk to
16 the mom and they say, "Here are all the resources
17 in this community. We will help you do any of
18 these. And your children may need to talk to
19 somebody about what they saw, and here's a
20 therapist who is willing to see you for nothing."
21 So, you know, they reach out to families. They
22 encourage people to participate in the system.
23 So that's my overview. I know I'm
24 wandering all over the place, but I just did 90 of
25 these cases. The elder abuse should be heard in

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1 the Probate Court. It won't cost you a dime more
2 to move that remedy to where it belongs. If you
3 have elder abuse, where the lawyers are that
4 provide services to the elderly are in the Probate
5 Court.
6 They shouldn't be in the middle of
7 domestic violence court where families are knocking
8 each other's blocks off or shooting their children
9 in the back of the head. You know, some old lady
10 who's 87 with a walker, shouldn't be sitting in the
11 middle of that sea of people, because where's the
12 dignity in that. So that remedy should scoot right
13 on over into the Probate Court.
14 You just give it a new number and leave
15 that remedy in effect. It's not going to cost the
16 state ten cents more, because it's just going to be
17 heard in a place where all the resources that might
18 protect that person sit.
19 SENATOR JUSTUS: Judge, would that take
20 legislative action?
21 JUDGE SILL-ROGERS: Yes, it would. But
22 it wouldn't be very hard. I think the same thing
23 should be done for children. You've probably
24 already noticed, but if a judge enters an Order of
25 Protection for an adult and there are children in

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1 the family, then you have jurisdiction over
2 custody, visitation, and child support unless there
3 is already in place an Order of Custody or one is
4 pending.
5 The same is true for a petition for an
6 Order of Protection for a child. That remedy is
7 one of, in my opinion, the most abused remedy in
8 our State and it should be the most sacredly
9 protected remedy. Only a few people can file. The
10 Juvenile Officer can file. The legal parent can
11 file, a legal guardian can file, or the Juvenile
12 Officer can file, or the guardian ad litem for the
13 child. Well, unless you entered an Order, there is
14 no guardian ad litem, in general.
15 What happens is, unmarried parents, and
16 that is the fastest growing family unit in the
17 world, not just in Missouri, in the world, use the
18 Child Order of Protection to try to get a Custody
19 Order because they're poor and they don't hire
20 lawyers and so what they do is they just take turns
21 kidnaping the child.
22 If that were an Order that you had to
23 seek in a Juvenile Division, rather than you just
24 walk into the regular courthouse and file it, I
25 think that would have a chilling effect on false

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1 petitions. And the law which I wrote and which you
2 passed, requires every judge to enter an Order
3 appointing a guardian ad litem if I enter an Ex
4 Parte for the child. Because based on a reading of
5 the petition, the child must have been physically,
6 sexually, emotionally abused or stalked.
7 So I think that if you took that out of
8 the Domestic Violence Code and you scooted that
9 over to the Juvenile Division, it would have a
10 chilling effect on false reports and, once again,
11 all of the people that provide services to keep
12 that child alive are over there. They're not in
13 the Domestic Violence Court.
14 And so, you know, you put the judge in
15 the position of becoming the Children's Division.
16 I don't have a social worker who follows those
17 children. And I - I can't tell you the name of the
18 case, but I'm aware of one of my buddies in
19 Independence who hears these cases who did the
20 right thing, he entered an Order of Protection for
21 the child, he placed the child out of mom's custody
22 because her boyfriend was whaling on the kid, put
23 the kid with dad, and so what does dad do? He has
24 the kid for about a month, he goes, "You know, four
25 year olds aren't that much fun." He gives the kid

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1 back. The kid is dead, murdered by the boyfriend.
2 And nobody follows up on those kids.
3 And if I were - and it's hard for the
4 Children's Division. If I approached the
5 Children's Division and I'd say, "Would you support
6 me in this change in the law?" they'd go, "God,
7 you're just trying to make us work." It's not that
8 they're not good people. They're hard working
9 people, but why should those people have to come to
10 a different part of the county, sit through a whole
11 domestic violence docket, to come in to try to
12 offer services for the family. All the services
13 are somewhere else. So put the statute where the
14 services are, I beg of you.
15 Item number two, my next tip is, in some
16 states Orders of Protection are renewable forever.
17 In the State of Kentucky, where Jerry Bowles works,
18 one of the coolest judges on the planet Earth -
19 he's an international expert on domestic violence.
20 In their state, you get an Order of Protection for
21 three years and it's renewable for as long as you
22 need it.
23 So what happens in our State is, you get
24 an Order of Protection and now you can have
25 protection for three years in a row and then

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1 something else has to happen before you're entitled
2 to protection.
3 Okay, well I've got one for you. I had
4 a family in my division on a Thursday afternoon. I
5 entered an Order of Protection for her. This is a
6 reported case. It's State versus Van Sickey(ph).
7 I entered the appropriate Custody Order. I
8 appointed a guardian ad litem to represent the
9 children and I set it over for a hearing to
10 determine what would be a safe contact schedule for
11 the kids with their dad. He had choked nearly to
12 death their mother in the hallway of the school.
13 This was like the twenty-third gazillionth time he
14 had done something of that nature.
15 So I entered the Order and when I was
16 announcing what I was going to do, the dad looked
17 at me and he said, "You don't understand. I get
18 the boy." And I said, "No, you don't understand.
19 I'm the judge and I want you to have as much time
20 with your children as is safe and I'm appointing a
21 guardian for the children and I'm going to do it.
22 We'll be back here before the holiday." This was
23 before we had decent batterer intervention
24 services. It was about 94.
25 And so the next day, he went to her

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1 workplace - she was a Clerk for the Federal Court.
2 He went to her workplace. He stabbed her seven
3 times in the head and chest. And the last blow, he
4 took the knife and whacked it all the way through
5 her ear. She lived. He tried to run over her with
6 his car, but his truck wouldn't fit in the parking
7 space, and so before he left, he kicked her a few
8 times and said, "Are you dead yet, bitch?" and he
9 left. He did this in broad daylight. Federal
10 judges witnessed this. Clerks that were coming to
11 court witnessed this. Okay, this was less than 24
12 hours since I had entered my Order.
13 The first judge that reviewed the file
14 set what I thought was a reasonable bond. He
15 couldn't make it. They kept him. Over the
16 weekend, a lawyer came in and said, "You know, this
17 guy's got a job and he's never been in trouble
18 before." They let me out, let him out over the
19 weekend.
20 The Prosecutor had a cow, and asked for
21 a bond review hearing. They had a bond review
22 hearing. They took Georgia out of the hospital to
23 the bond hearing where she - well, for the rest of
24 her life, had to hold her face on one side when she
25 talked because of all those nerves, you know, wiped

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1 out that side, and said exactly what I told you.
2 "He stabbed me seven times in the head and chest.
3 He tried to run over me with his truck. He said,
4 Are you dead yet, bitch?' and when I didn't
5 answer, he left. And if you let him out, he is
6 going to kill me."
7 And so they let him out, and not at that
8 hearing. It ended up going to - the judge is
9 deceased who handled the case. He let me out. She
10 stopped cooperating with the Prosecutors. It's the
11 first case in the State, I think, where they
12 actually prosecuted a DV assault without a live
13 victim. They used her testimony from the bond
14 review hearing, because he had the chance to cross
15 examine her there.
16 After Missouri found him guilty, he let
17 him out. While they were waiting for the Pre-
18 Sentence Report to come back, they let him out.
19 Oh, I forgot to tell you. When she didn't show up,
20 she wrote a letter to the trial judge that said,
21 "Dear Judge so and so, it was that Judge Sill-
22 Rogers, it's all her fault. She should have done
23 as she was told. She should have given him my
24 boy." And in case you're wondering what happened
25 to her, he had her.

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1 And if you were that woman who had just
2 gotten an Order of Protection and less than 24
3 hours later, you were stabbed in the head and
4 chest, and the dude is already out on the street,
5 and he's never in until the jury finally makes a
6 decision, and it's a miracle that he showed up for
7 sentencing. He thought he beat the case. And why
8 wouldn't he? And I'm sure she thought he beat the
9 case.
10 After it was over, after he went to
11 prison, I'm the Judge who did her divorce. They
12 had two children. I gave her sole legal and sole
13 physical custody. I did not require those children
14 to go see their father. They can do that in the
15 future if they choose to, but I was not going to
16 make that woman transport those children to some
17 prison to see the guy that did that to the family,
18 not just to her, to the family.
19 So if you'll just be kind enough to give
20 us a Domestic Violence Fatality Review Board, so
21 that we could learn something and do better, I
22 would appreciate it.
23 Oh, there is one other thing I want to
24 tell you. With regard to the length of the Order,
25 if you don't change it so you can renew it every

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1 three years, how about somebody like her? I
2 entered an Order of Protection for her. It's long
3 gone. He's going to get out here in about three
4 years. Now, should a woman like that ever have to
5 - why would he ever have a right to go to her home
6 or have contact with her? Why couldn't she get an
7 Order for life? I don't understand why we couldn't
8 offer that to a victim like that.
9 Let me see if there's anything else. I
10 don't like the definition that says that you have
11 to fear physical harm to get a stalking order. I
12 think that the emotional abuse is just as severe as
13 being in fear of physical harm, and I don't know
14 how that language got changed.
15 I know there's frustration in abuse of
16 these - of this remedy, and there is abuse. But
17 let us not forget that out there in that sea of
18 people, there are dead people. Some of them are
19 little kids. Thanks. Anything else from you guys?
20 ATTORNEY GENERAL KOSTER: Representative
21 Grisamore?
22 REPRESENTATIVE GRISAMORE: Judge, thank
23 you for your testimony, very powerful and moving.
24 Hopefully you can be on that review board we'll
25 hopefully be able to set up. In terms of the

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1 question of training, you mentioned the experts -
2 that not a lot of buy-in, in participation with
3 judges and attorneys.
4 JUDGE SILL-ROGERS: It has to mandatory
5 for judges or it's not going to happen, because we
6 have brought in the best national experts on every
7 topic under the sun, and I cannot get them to come.
8 It has to be mandatory.
9 REPRESENTATIVE GRISAMORE: Would we have
10 the latitude statutorily to make that mandatory for
11 judges and attorneys?
12 JUDGE SILL-ROGERS: I don't know, ask
13 Joe.
14 JUDGE DANDURAND: Yes.
15 JUDGE SILL-ROGERS: He's higher up in pay
16 grade than me.
17 JUDGE DANDURAND: Yes, you can do that
18 and I think - I haven't said much about these
19 things because it's really not been my place, but
20 in this group at this table, we're very fortunate
21 to have the support of in regards to judiciary, the
22 funding.
23 I served for almost fifteen years on
24 judicial education, planning for programs that
25 judges go to every year for their continuing

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1 education. We have a week a year that they get to
2 go to. They go through 35 hours of training in
3 that week and it is grueling. And Judge Sill-
4 Rogers is right, I don't know in the fifteen years
5 I was there that we ever had a domestic violence
6 training as a part of it. But if you put it in
7 there every third year for two years, it's not
8 going to be - it's not going to be what-
9 JUDGE SILL-ROGERS: It's not life
10 changing. It's not behavior changing. It's not
11 enough.
12 JUDGE DANDURAND: Right. I mean, it
13 needs to be - I mean everybody here knows it needs
14 to be at least a full week long for the intensive
15 end, and it shouldn't just be for those hearing ex
16 partes. Those that do criminal cases, those that
17 hear domestic cases, those that hear divorce, but
18 funding is an issue. And as you all know who are
19 very supportive of us, the judicial budget in the
20 State of Missouri, a third branch of the
21 government, is one percent of the State's budget
22 and shrinking every year, and the education budget
23 gets whacked year after year after year, because
24 the State's got problems.
25 So it can be mandated. You can make the

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1 judges get that kind of training. We have other
2 mandatory training that we have to receive and it's
3 recommended and then if it's mandated, then maybe
4 you can go the other way to find a source of funds.
5 JUDGE SILL-ROGERS: We have mandated
6 family court training for family court judges. We
7 have to certify every year how many hours of family
8 law CLE we participated in.
9 ATTORNEY GENERAL KOSTER: What Supreme
10 Court Judge oversees domestic violence?
11 JUDGE SILL-ROGERS: Patty Breckenridge?
12 JUDGE DANDURAND: Education. She's-
13 JUDGE SILL-ROGERS: Oh, okay.
14 JUDGE DANDURAND: She's the Supreme Court
15 Education Liaison, Education Committee Liaison,
16 Judge Breckenridge is.
17 ATTORNEY GENERAL KOSTER: Judge, what's
18 your opinion on the Division of Civil Protection
19 Orders and criminal prosecution - the criminal
20 element of the case the judge oversees? What are
21 the pros and cons of combining that under one
22 judicial umbrella?
23 JUDGE SILL-ROGERS: In some parts of the
24 country, they've done that, and we could do that
25 here with a pilot project. I don't know if you

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1 could start it throughout the State. It's a very
2 tough assignment, I think, to combine the two, but
3 it is done successfully in other parts of the
4 State. I know they do it in Florida.
5 I've met a really cool judge from
6 Florida in 95 when I went to a national training
7 on domestic violence and she was setting something
8 up down there.
9 ATTORNEY GENERAL KOSTER: Does any of the
10 benefit of the division of duties inure to anyone
11 except the defendant? Doesn't the defendant get
12 all the benefit of the splitting judges like that?
13 JUDGE SILL-ROGERS: That's probably true.
14 ATTORNEY GENERAL KOSTER: So you agree
15 that no one except the defendant benefits from our
16 current situation?
17 JUDGE SILL-ROGERS: Yes, in every
18 respect. I have a friend in the Prosecutor's
19 Office who is a domestic violence advocate for the
20 Jackson County Prosecutor's Office and I told her I
21 was coming today and I said, "If you have any
22 thoughts on how you think things go from your side
23 of the world, would you put them in writing for
24 me?" and she did. I'm not giving you her name,
25 because she didn't give me permission to do so, but

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1 I am going to give you that so that you can use it
2 if you choose to.
3 ATTORNEY GENERAL KOSTER: Great.
4 Colleen?
5 MS. COBLE: I just have a couple of
6 questions. I remember one of the first trainings
7 that you presented to your colleagues in-
8 JUDGE SILL-ROGERS: Back in-
9 MS. COBLE: -and how it was not well
10 received. And I believe your line was, "Why should
11 we care which door this family walked in when they
12 need our help?"
13 JUDGE SILL-ROGERS: Correct.
14 MS. COBLE: And it continues some fifteen
15 years later that it's very, very difficult for
16 women to get child custody addressed through Orders
17 of Protection when the court's already agreed that
18 they're in a very dangerous situation.
19 JUDGE SILL-ROGERS: Which is outrageous.
20 And it's a sign that the judge doesn't get it.
21 When I did the training, the statewide training for
22 judges which was in about 93 or 94, I told them
23 what I - and I was fairly inexperienced judge at
24 the time, but I told them that the defendant had
25 all the power in the room and in the case, and that

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1 I thought if we were really going to create safety,
2 that somebody else had to take the power and let
3 them use it in court, and so that you took control
4 over everything.
5 You leave nothing left for them to have
6 to negotiate or discuss, because if you do, that's
7 how they weedle back in. I had a case this morning
8 where the people are in the middle of divorce and
9 they both came in with lawyers and they agreed,
10 which I let them do, now he can have contact with
11 her by email or texting just to discuss children's
12 issues.
13 And so I opened the file. I looked in
14 the case file and I said, "Well, I'll be darned.
15 Look what it says right here." He was sending her
16 texts threatening, you know, to do whatever, blow
17 her brains out and then he was standing outside of
18 the house. "So have you discussed how things are
19 going to work differently now. How will you
20 monitor that? How will things be different?"
21 ATTORNEY GENERAL KOSTER: May I ask you a
22 candid question, if you're willing to step out on
23 this limb. How do you perceive the physical danger
24 that personally have running this docket, relative
25 to other judges on the Sixteenth Circuit?

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1 JUDGE SILL-ROGERS: I think it's a
2 fricking miracle that I'm alive. That's how I
3 perceive it. Vincent King, when Georgia and
4 Vincent were going through their thing and I found
5 out that the judge had lowered the bond and let him
6 out, I thought, "Well, it's probably not
7 appropriate for me to go talk to him."
8 So I went and talked to another judge
9 and I said, "Hey, here's this deal. Here are all
10 the things that happened. Here is what I said to
11 the guy. Here's what he said to me and here's what
12 he did. I'm actually afraid of this guy. I'm
13 afraid if he Googles me - I guess you probably
14 couldn't Google - but I'm afraid if he finds me, to
15 show her how much power he has, he will kill me."
16 And my buddy judge said, "Oh, my God. Let's go
17 talk to the dude. Let's go talk to the man."
18 So we went and talked to the man, the
19 judge, and he said, "Oh, Chris. If you're ever
20 afraid or if you're ever worried, you just need to
21 come and talk to me." He said, "Here's how we're
22 going to handle it. We're going to set up a new
23 bond hearing and you're going to testify regarding
24 your fears." I said, "Really. No, I'm not." So
25 yeah, I am afraid.

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1 ATTORNEY GENERAL KOSTER: Does your
2 Bailiff walk you to your car?
3 JUDGE SILL-ROGERS: No. When I first
4 started this docket, the whole courthouse was open.
5 Anybody could walk in at any time, including in any
6 of our chambers, and Vincent King taught me to lock
7 my doors and so I locked down my whole division on
8 that day. And I have two Sheriff's on my floor who
9 check everybody in and divide the petitioners and
10 the respondents and put them in place before I'm
11 there. But sometimes two people would not be
12 enough.
13 There have been fights in the courtroom.
14 I have never been the target. But just for an
15 example of how, just dumb luck and unfocused a
16 court can be on safety, this past Monday morning,
17 every single elevator in my building was down.
18 I'm on Floor 7M. I had to walk up
19 fifteen flights of stairs to get to my division,
20 and so did every domestic violence petitioner and
21 every domestic violence respondent. So there they
22 were in the bowels of the building, alone,
23 unsupervised. There's no monitors. There's no
24 Sheriffs. Walking from the ground floor up to my
25 division to have their hearing. I had a cow.

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1 Why someone did not close that building
2 until we had at least one operating elevator, I
3 don't know. I got there - the docket starts at
4 8:30. It takes almost an hour to call the docket
5 to see who's there and who's not. If somebody
6 comes and we don't have service, we give her a new
7 Ex Parte and we get her out of there - or him, if
8 he's the one that filed - just so that we can get
9 the crowd down to a manageable size. But they all
10 sit in the room and we can all see where everybody
11 is and what they're doing.
12 So I mean, is that not - does that not
13 flabbergast you? I cannot believe they did not
14 close that building until we had at least one
15 operating elevator. I mean, I've been working out
16 with a trainer, I walk four miles every morning, I
17 made it up the fifteen flights, but I'm sure there
18 are people that didn't. I imagine there were
19 victims that couldn't make it up the fifteen
20 flights and I wouldn't want to be in the stairwell
21 with the guy that did whatever.
22 S yeah, I'm scared every day, it's the
23 truth. I have an unlisted phone number; you know
24 how hard that's going to be to find. And you know,
25 if you can - well, you know, you can just Google

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1 me, and come on over to the cul-de-sac, if you
2 wanted to.
3 ATTORNEY GENERAL KOSTER: The near attack
4 on Governor Nixon, of course, has generated a
5 number of discussions in Jefferson City.
6 JUDGE SILL-ROGERS: Unbelievable,
7 unbelievable.
8 ATTORNEY GENERAL KOSTER: Representative
9 Newman?
10 REPRESENTATIVE NEWMAN: Thank you very
11 much, Judge, for your testimony and your support of
12 this. A quick question. You're talking about the
13 fatality statewide review board. Do you have an
14 idea what that could cost?
15 JUDGE SILL-ROGERS: Well, we're going to
16 do it for nothing in Jackson County.
17 REPRESENTATIVE NEWMAN: But to make it
18 statewide.
19 JUDGE SILL-ROGERS: I don't know. Well,
20 first of all, we don't want it to cost anything,
21 because we want it to be permissive and we don't
22 want to ask the State for any money, because we
23 know if we do, we're not going to get it. And my
24 feeling is, we'll start up our pilot project, we'll
25 do our best, we'll get private funding from

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1 foundations and I think you should give that
2 opportunity to the rest of the State.
3 And, you know, if we're ever flush with
4 money and if there's a way to improve it, we could
5 come back down the road and ask for help. But
6 we're not asking for money. We just want - we
7 want, under color of law, to engage in this
8 activity so that we can all learn something and
9 change our behavior.
10 REPRESENTATIVE NEWMAN: Judge, in your
11 recommendation about moving the Child Orders to the
12 juvenile courts, do you also think there would be
13 benefit in that framework of them being able to
14 address getting Orders against teens to address the
15 teen violence, because then they would be within
16 the juvenile court structure where the services
17 are, where they can have authority over the
18 juveniles?
19 JUDGE SILL-ROGERS: Yes. And another
20 important thing that could happen is, the Juvenile
21 Court, only - under our current statutes, only has
22 authority over parents and custodians of children.
23 And just about the number one killer and abuser of
24 children is the boyfriend, because he's jealous of
25 your other kids, or he's jealous of your last guy

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1 or your third guy before that. And then they take
2 it out on these little kids and they abuse them and
3 they kill them.
4 But the Juvenile Court doesn't have the
5 authority to file any petitions against him, and so
6 they could support the mother by filing a petition
7 to protect the children, but they don't. And
8 they're not encouraged, really, because they live
9 in a different building, in a different legal
10 system, where all the resources are located.
11 In order for the Juvenile Officer to
12 come someplace else, to ask another judge, to sit
13 in a mass of people - and it disturbs me that the
14 Child Orders of Protection should be heard in the
15 middle of the domestic violence docket. That's not
16 where they belong.
17 And, you know, if we took elder abuse
18 and put it where it belonged and if we took child
19 abuse and put it where it belonged, it would shrink
20 the docket to a more humane size, which would
21 promote safety. Just the size of the crowd is
22 threatening to everybody in the room.
23 ATTORNEY GENERAL KOSTER: When you want
24 to come work for the Attorney General's office, you
25 just let me know.

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1 JUDGE SILL-ROGERS: I am ready, but I
2 must live in Kansas City, so you let me know, and
3 I'm on board.
4 ATTORNEY GENERAL KOSTER: You and I can
5 do some bargaining.
6 JUDGE SILL-ROGERS: I don't mind coming
7 down, I don't mind coming down, but I must live in
8 Kansas City.
9 ATTORNEY GENERAL KOSTER: Representative
10 Grisamore, did you want to ask a question?
11 REPRESENTATIVE GRISAMORE: A quick follow
12 up, Judge. You mentioned some best practice models
13 in Connecticut, Florida, and Kentucky, here. Are
14 there some other states we can look to, as well?
15 JUDGE SILL-ROGERS: I'm sure there are
16 and I'll get them for you.
17 REPRESENTATIVE GRISAMORE: That would be
18 great.
19 ATTORNEY GENERAL KOSTER: Very good.
20 Thank you very much, Judge. It was outstanding.
21 And so we'll do two things. Joan Gummels will get
22 in touch with you about drafting a memorandum along
23 with Judge Daniels. We'll send you assistance,
24 clerical assistance, Court Reporter assistance,
25 whatever you need to do the drafting, and then we'd

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1 like to show you a copy of the document before it's
2 released publicly.
3 JUDGE SILL-ROGERS: Okay, great. Thank
4 you so much for coming. I really appreciate it.
5 Oh, these were the comments from the - the
6 unabridged, unedited comments from the-
7 ATTORNEY GENERAL KOSTER: Please give a
8 round of applause to Judge Rogers.
9 Okay, the next presenter is here to talk
10 about an issue that has arisen a couple of times
11 already and that is the responsibilities, and
12 perhaps not responsibilities but also opportunities
13 available to the county clerks around the state.
14 Kelly Elliott worked with Judge
15 Dandurand and myself for many years in the 17th
16 Judicial Circuit, which is Cass County. Kelly is
17 the Circuit Clerk of Cass County and, welcome, and
18 the floor is yours.
19 MS. ELLIOTT: Thank you. I just want to
20 start off by saying the role of the clerk - instead
21 of the responsibility of the clerk, I think it's
22 more the role of the clerk. As a circuit clerk, I
23 have twenty employees and we all participate on a
24 daily basis with adult abuse, so I do have an
25 assigned clerk and I believe it's that way

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1 throughout the State even in much smaller courts.
2 I'd start off with telling you about a
3 situation that happened a week ago today. Walked
4 in on Monday morning, I already had yelling going
5 on in the hallway. We had four people there, at
6 one time, all wanting to file against each other,
7 and they were all in the same hallway.
8 Well, as you gentlemen know, we have a
9 very secure facility and so we - and we were lucky.
10 We're the lucky clerks in this State, compared to
11 many others. We had deputies there. We were able
12 to find rooms to put everybody in and proceed with
13 the filing.
14 It doesn't happen that way across the
15 State. The clerks are generally sitting across
16 from the person as close as I am - closer than I am
17 to you. And then somebody's children get ripped
18 out of their hands by the perpetrator while they're
19 standing in front of you. And we are lucky to have
20 that, but we need to think about court clerks and
21 their role and responsibility of protecting those
22 people even while they're there filing.
23 I guess I would then move on to the
24 victim coming into the office. And the clerk will
25 talk to them, find out what the situation is and

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1 then proceed to helping them fill out the petition.
2 A concern there always comes with, are we
3 practicing law? There's a fine line between
4 whether the clerk is practicing law or providing
5 assistance.
6 Then we turn to education. It's
7 something that I work on daily. I work with
8 OSCA(ph), trying to educate clerks so that that
9 fine line doesn't get crossed, but we do assist the
10 victims.
11 The role of the clerk then turns in to
12 the file and getting the file to the judge. These
13 things are a priority and they're a priority in all
14 courts. You know, we need to get them to a judge,
15 get them reviewed, and get the information into our
16 GALIA(ph) system so that they go into MULES, so
17 that that person is immediately - that it's out
18 there in law enforcement, telling them that that
19 case has been filed against them.
20 Then we deal with the surface issues,
21 and that's probably one of the hardest things for a
22 clerk, to look at that victim and say, "If you
23 don't have an address, I don't know how to I'm
24 going to protect you." That's very difficult. It
25 can go into the MULES system, but that's only going

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1 to help if the officer stops that person or finds
2 that person, because without an address, service is
3 impossible.
4 JUDGE DANDURAND: How long is the Order
5 good for without service, the Ex Parte Order?
6 MS. ELLIOTT: Ten days or until the date
7 of the hearing, try to be on the docket within ten
8 days.
9 JUDGE DANDURAND: So if they don't find
10 him within ten days, they might as well not have
11 been there?
12 MS. ELLIOTT: That's correct. That's
13 correct. And that person becomes frustrated and
14 we, as clerks, become frustrated because we can't
15 help them.
16 The clerk's role then continues on until
17 we get to the date of the hearing. And, you know,
18 as many of you know, it sometimes takes four or
19 five times before that person actually will - the
20 victim will actually come to court. A lot of
21 times, they dismiss them before going to court, or
22 they just - they know the system and they don't
23 show up. And sometimes they come to, before us,
24 and want to dismiss their case and they actually
25 have the perpetrator there with them.

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1 Another issue, the Judge was talking
2 about elder abuse. That's been a recent case where
3 our Judge actually asked me to pull the grandmother
4 aside and get her away from her perpetrator who had
5 brought her in to dismiss the case and asked her if
6 that's really what she wanted to do. And that's
7 difficult. I mean for me, it was okay, but to ask
8 some of my staff to be in that position is a
9 difficult task.
10 I really do think that education of not
11 only clerks and judges - I hate to say that, but
12 also law enforcement. It's very important. We
13 have a lot of victims that come in or a lot of
14 couples that come in and that, you know, the law
15 enforcement has told them to file and they meet
16 none of the criteria. And then you, again, as the
17 clerk, are having to tell them that, or the judge
18 will not sign the Order, will set it for hearing,
19 and it's still the clerk that has to deliver the
20 message.
21 That's why I think occasionally, you
22 were published here, that as clerks we think the
23 adult abuse docket is the most abused docket,
24 because of those people that are coming in, and if
25 there was any way that the domestic violence docket

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1 could be separated from the neighbors fighting
2 side, I would like to see that happen.
3 Probably a thing that I thought about
4 throughout this, it's the best practices even for
5 clerks and clerks' staff, because we do have a lot
6 of ideas that I think we could put on paper and use
7 throughout the State. I'd like to see more of that
8 happen.
9 Another little bit of information, a
10 stat that I pulled out was, of the Ex Parte Orders
11 that are issued, only about three to four percent
12 of them in our county actually become full Orders
13 of Protection. That's a rough number.
14 ATTORNEY GENERAL KOSTER: What's the
15 number again?
16 MS. ELLIOTT: Between three to four
17 percent are actually signed in as full Orders.
18 Another thing that the clerk - in our office, we
19 team very closely with victim advocates, not only
20 with the Prosecutor's Office, but our shelter
21 provider and law enforcement, and that helps to
22 keep all of us on the same page. We occasionally
23 need to discuss things that we could do different.
24 I can't tell you that happens throughout the State.
25 I know it happens in my county.

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1 Everything that, as a clerk, that we
2 become involved in on the criminal side is making
3 sure that the victim's information is, you know,
4 kept confidential and making sure that it's not out
5 there, you know, in the file, if the file is
6 viewed, that that information is removed. That's
7 always a time consuming item, but that's one of our
8 duties to make sure that victims' information is
9 kept confidential. And we're occasionally called
10 upon to testify about the adult abuse file if a
11 criminal action is filed.
12 That's really about all the notes I have
13 unless you have questions for me. And I do have -
14 I want to go back on something that was discussed
15 this morning. Statute 488.445 is what allows for
16 the $2 to be collected on all civil cases for
17 domestic violence, if your County Commission adopts
18 that.
19 JUDGE DANDURAND: Right, and it's not a
20 charge to the defendant, it's a filing fee-
21 MS. ELLIOTT: On a civil case.
22 MR. DANDURAND -on all civil cases, if
23 the county ordinance is adopted or municipal - or
24 municipal ordinance. See, my problem is
25 municipality - there's something I'm not

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1 understanding.
2 MS. COBLE: There's four different
3 statutes. There's one that's a mandatory $5 fee
4 that all communities have, that is - it started out
5 with the dissolution filing fee at $10.
6 MS. ELLIOTT: Correct.
7 MS. COBLE: Then it was dropped down, so
8 then there's separate - there's one mandated for
9 all of the civil filing fees. Then there are
10 separate provisions for an additional fee to be
11 done at the vote of the governing body in the
12 county.
13 Then there are two other options that
14 local governing bodies have; one at the municipal
15 level with the $2 ordinance violation fee or at the
16 county level. So there's four separate fee systems
17 that are in place.
18 MS. ELLIOTT: That can be adopted.
19 ATTORNEY GENERAL KOSTER: Representative
20 Kander?
21 REPRESENTATIVE KANDER: You've been
22 talking about MULES and other information about the
23 system. When it comes to Protection Orders that do
24 concern children and it has to be in a petition and
25 that sort of thing, is that a local - my

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1 understanding is that it varies by county, but it
2 is practiced in your county that that does make it
3 into MULES, that level of detail, or what does it
4 look like in MULES when it's entered by you?
5 MS. ELLIOTT: Our staff would enter it as
6 the Ex Parte Order of Protection is entered, and it
7 would give parties in MULES. It would not detail
8 out-
9 REPRESENTATIVE KANDER: It would save the
10 details-
11 MS. ELLIOTT: -details if the judge would
12 have - one that would deal with custody and
13 visitation.
14 REPRESENTATIVE KANDER: If there were in
15 - if that were a required in the statute. Right
16 now, the statute just requires that - would be the
17 parties. Would that be doable?
18 MS. ELLIOTT: Well, yes, because it could
19 be entered into the docket text and that text would
20 transfer to MULES on that particular docket.
21 REPRESENTATIVE KANDER: So that if
22 somebody in law enforcement pulled it up in MULES,
23 they'd be able to see, "Oh, yeah, he's got the kids
24 right now and according to this, he's not supposed
25 to."

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1 MS. ELLIOTT: Correct.
2 REPRESENTATIVE KANDER: Okay. Thank you.
3 MS. ELLIOTT: And we also provide hard
4 copy and immediately to law enforcement so that
5 they do have that spelled out.
6 MS. COBLE: But the reality being that
7 they don't have the hard copy yet.
8 REPRESENTATIVE KANDER: Correct.
9 MS. COBLE: That the failure to return
10 the children to the parent who is to have custody
11 is an arrestable offense under the statutes, but
12 often that information is not what is contained in
13 a way in which they can most easily access it, or
14 gain access to it through the MULES system. But
15 this - so that there's a growing reliance on the
16 electronic transmission of information except for
17 some of those most key components that are in the
18 works.
19 MS. ELLIOTT: And it is very-
20 ATTORNEY GENERAL KOSTER: Other questions
21 for Kelly?
22 MS. COBLE: I would just first, thank
23 you, and I apologize for not being here at the
24 start of your testimony. I know that the clerks
25 play an incredibly pivotal role in every community

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1 around the state for getting Orders of Protection,
2 and you bear the burden a lot, in many, many
3 different ways, for helping women get to a place of
4 safety.
5 One of the dynamics I think that can be
6 really frustrating for you and your colleagues is
7 that - and it leads to the stat of only three to
8 four Ex Parte's going all the way through to being
9 granted as full Orders, is that just getting an Ex
10 Parte works. For many, many women, they don't
11 necessarily have to go to the next step. That that
12 first element of the system responding and paying
13 attention and recognizing that there's violence
14 going on is enough to change the behavior of a lot
15 of those who use abuse and violence.
16 So even though it seems an awkward
17 statistic, in many instances, that step alone can
18 make the difference in saving someone's life. We
19 often don't talk in those terms.
20 MS. ELLIOTT: Right. I never had anybody
21 point that out to me, that filing-
22 MS. COBLE: It can end it there for a lot
23 of people when it's never been - if you're from a
24 family where nobody has ever faced a criminal
25 charge, they've never been involved in the system,

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1 they have a position in the community, that's
2 enough right there.
3 And so just that much can be a success,
4 but we often see it as non-compliant victims, not
5 willing to follow through, a drain on the system,
6 misuse of our resources, when, in actuality, it can
7 be the end, that is all completed just by that one
8 action.
9 JUDGE DANDURAND: Well, part of the
10 problem with that statistic, though, is that it's
11 three to four percent, because a lot of times, it
12 hasn't even accomplished that. There's been no
13 service within ten days and that's a big of pile on
14 our time.
15 JUDGE SILL-ROGERS: But you can continue
16 it. A judge could continue it.
17 JUDGE DANDURAND: Right. Because-
18 JUDGE SILL-ROGERS: You know, you could
19 read the file before you dismiss it and you could
20 see what the allegations are and if they scare the
21 life out of you, you could continue it.
22 JUDGE DANDURAND: Right.
23 ATTORNEY GENERAL KOSTER: Any other
24 questions? Thank you very much, Kelly. It's great
25 to see you again.

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1 MS. ELLIOTT: Good to see you.
2 ATTORNEY GENERAL KOSTER: Okay, our next
3 presenter is Kim Case from the Missouri Victim
4 Assistance Network to talk with us about our
5 coordinating services to reduce violence. Kim,
6 welcome. Thank you for joining us today.
7 MS. CASE: Thank you for having me.
8 Hello. I'm with MOVA, the Missouri Victim
9 Assistance Network and we actually serve as a net
10 for a lot of victims across the State where
11 services are not available. We work together with
12 agencies that we meet the needs of those victims
13 and we try to serve where there are no services
14 available.
15 I heard a great saying once, and that
16 is, in the struggle between the rock and the
17 stream, the stream always wins, not by wisdom and
18 not by strength, but just simply by perseverance.
19 And that is what is what has happened with this
20 movement over the last 25 or 30 years. So thank
21 you for taking the time to re-address our statutes
22 and look at the services that we have.
23 Everyone that has spoken today has
24 touched on elements that are very, very important.
25 I'd like to address the real issues that I see

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1 happening in the areas where there is a lack or
2 miseducation or lack of understanding.
3 Family violence is destroying our
4 future. It's shutting down the - across the state,
5 and it's stifling the voices of the men and women
6 who are the victims of this blunt violence.
7 I was asked today to speak about
8 coordinating our efforts to reduce violence, and
9 reducing violence means shutting it down, lowering
10 the numbers, stopping the frequency, and we, say,
11 "Wow, that is a really big issue. How do we do
12 that?" We've talked about the courts and how they
13 can respond. We've talked about law enforcement
14 and how they can respond and the training that
15 needs to take place. And I'm in agreement, that I
16 believe some mandated training would be beneficial
17 for consistency across the State.
18 One of the things that MOVA does is we
19 answer an 800 line where victims of all crimes can
20 call in when they feel their rights have been
21 violated, and what we often hear is the lack of
22 response either by law enforcement or by the courts
23 or a lack of understanding of those rights.
24 The Missouri Sheriffs Association
25 partnered with us to provide advocacy services

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1 across the State and they've made a commitment to
2 bring on an advocate to their staff, so that
3 Sheriffs who lack the ability or the funding or the
4 necessary skills to start the unit, will have
5 access to services. MOPS has done the same, we're
6 the statewide advocate, and I think that's where
7 I'd like to focus the next part of discussion, is
8 in advocacy services.
9 Prosecutor Kanatzar talked very
10 eloquently about the two advocates that he had and
11 the necessity for him in supporting those victims
12 and empowering them. And actually, an advocate is
13 why I'm here today.
14 As the victim of a very violent crime in
15 Cass County, the advocate at the time, Sara
16 Grable(ph), taught me how to maneuver the system
17 that was very unfamiliar, gave me the strength to
18 empower me and to educate me about what my rights
19 were in the State, and, as I went through three
20 different jurisdictions which had very different
21 levels of service, I have been educated and treated
22 very well in Cass County, so that I could
23 persevere. And I've dedicated my life to advocacy
24 services, because I feel like you forget that this
25 is a human rights issue. It's a health crisis.

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1 And we deserve to look at this not as how can we
2 get the woman to understand that she needs to get
3 out, but we need to empower her for her life to
4 realize that she has value and that she can live
5 outside the violent environment.
6 I believe our children are witnessing
7 this violence and they're perpetuating it now in
8 their relationships. And we touched on this
9 briefly earlier, the issue of healthy teen
10 relationships really needs to be addressed through
11 education programs in our State and in our schools.
12 Texting and the internet and emails have
13 made it much more easy for them to be stalked and
14 coerced. I know, having two teenage daughters
15 myself, that I see that communication happening
16 very frequently, and I'd like to place focus on
17 that.
18 I believe you had mentioned earlier
19 about early intervention and constant contact, and
20 that's where advocates can fill in. They can step
21 in law enforcement, at the scene, and they can
22 follow the victim through the system and make sure
23 that they're hooked into a court-based advocate.
24 I recognize that more than 50 counties
25 in the State do not have advocates in their

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1 prosecuting attorney's offices and more than 60
2 counties in Missouri don't have shelters. I
3 believe those victims maybe don't have the
4 information that there is a shelter in a
5 neighboring county or understand how to get that
6 relief if they need it, so I would love to see an
7 advocate at each Prosecutor's office or at least in
8 each Circuit and perhaps funded through our State
9 system, rather than them having to do a competitive
10 bid process for the funds that could actually be
11 going to some of our shelters and enhancing the bed
12 space there. I believe if we had advocates based
13 where they should be, like many states do, that
14 would be a very easy fix to that constant contact
15 and that early intervention.
16 Batterer accountability is very
17 important, but I believe that some of those issues
18 that happen with the Orders of Protection across
19 the State, that a lot of victims don't have that
20 access 24 hours. And it's unfortunate that in the
21 more rural counties, whether it's lack of training
22 or just lack of availability of response, they
23 aren't able to apply for those 24 hours, so that
24 issue needs to be looked at, as well as the issue
25 of the 24 hour hold.

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1 A lot of counties are not holding these
2 offenders or these aggressors during that time,
3 which doesn't allow a victim the time to get safe
4 and also puts extra strain and toil on our law
5 enforcement officers, as they're having to respond
6 back out to the scene. Their budgets are short and
7 their manpower is low and they are being stressed
8 as they respond a second time because these
9 offenders have been let go.
10 We spoke earlier of the more than 15,000
11 turned away. I'm wondering if that number includes
12 a lot of the rural victims that perhaps didn't know
13 there were services available, so they didn't try
14 to access them, and if that number includes the
15 children that have witnessed the violence and have
16 been shoved off to their rooms while their parents
17 are fighting. They didn't have a chance to reach
18 out for services.
19 I'd like to also note the more than 700
20 law enforcement agencies in the State and less than
21 five percent have advocate services. There's no
22 one to interfere in that crisis time. So it's just
23 the officers who support them in that endeavor and
24 I believe that that is something the Sheriffs
25 Association is looking seriously at and I'd like to

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1 see the Police Chiefs Association take a look at
2 that, as well.
3 The Chief that spoke earlier uses
4 advocates and special investigators and I see that
5 that's a very successful way to, again, empower
6 that victim right from the beginning, so they
7 understand that we are serving them in a very
8 cohesive way, because not every case gets filed,
9 but most people that make a - make a call or in
10 that emergency situation, if they meet with law
11 enforcement, they are engaged in the system,
12 whether they made it through the court system or
13 not.
14 I spoke about the need for education and
15 I think judicial training and the courtroom system
16 training is important, also an understanding of
17 what recourse might be when victims' rights are
18 violated. It's imperative that victims have
19 balanced scales as they go through the justice
20 system and we need to take a look at exactly what's
21 going on when those rights are violated.
22 I think that's all that I have. Does
23 anyone have any questions?
24 ATTORNEY GENERAL KOSTER: Representative
25 Grisamore?

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1 REPRESENTATIVE GRISAMORE: You mentioned
2 the 60 counties that don't have shelters. How many
3 Prosecutor's offices did you say don't have
4 advocates?
5 MS. CASE: More than 50, and I received
6 those numbers from the Department of Health and
7 Safety. That's based on their funding programs,
8 the programs that they fund, so that's not an exact
9 number.
10 MR. LAMB: And I can add that. It would
11 be ideal, in my opinion, to have a victim advocate
12 in every Prosecutor's office, in addition to
13 community based victim advocate shelters. They
14 play very important roles in the system, and both
15 needed roles. And for Representative Grisamore,
16 she's exactly right.
17 Some Prosecutor's offices are lucky
18 enough to be able to talk their county commissions
19 into giving them some funds. Some aren't. Some
20 have to go through competitive bids, but there is
21 no dedicated funding source for victim advocacy
22 from the State of Missouri for Prosecutor's
23 offices.
24 MS. CASE: And I might add to that, often
25 times, once the system is set in place and there is

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1 a dedicated person writing those grants, if they
2 leave for some reason or the Prosecutor changes,
3 then that grant is kind of dropped and left and a
4 lot of times, they lose funding simply for quality
5 of application, which is very sad, or because of
6 missed deadlines. And it's really a tragedy to
7 think of the number of victims that are not being
8 served because of those fallacies.
9 MR. LAMB: And I might point out that,
10 also, as you know, there is, of course, a victim's
11 right statute and amendment which requires
12 Prosecutors to offer services, which they should.
13 Of course, no funding to go with that. So another
14 unfunded entity.
15 ATTORNEY GENERAL KOSTER: Kim, thank you
16 very much. We appreciate your time this afternoon.
17 It was a great presentation. The next topic comes
18 to us from Mary Weir, who is a contract attorney
19 with Hope House in Kansas City. She offers us A
20 Practitioner's Perspective on Orders of Protection.
21 Mary, welcome. Thank you.
22 MS. WEIR: Thank you. In addition to
23 being a contract attorney, I'm also a founding
24 member of the Jackson County Safe Families
25 Coalition, so I'm involved with The Lethality

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1 Assessment Project, development of that that we
2 had, and also now, I'm on the fatality review board
3 that we're working - and I'm sure you heard about
4 earlier today.
5 I wanted to speak about being a
6 practitioner and some of the things I see and some
7 of the things that I think could better help not
8 only those of us who represent victims of domestic
9 violence, but also, as many of you are probably
10 aware, a lot people who are seeking Orders of
11 Protection are representing themselves.
12 And one of the statutes that we have,
13 455.032, it specifically allows for prior evidence
14 of abuse to be brought up in the Order of
15 Protection hearing. It's a very short statute.
16 It's real specific, right to the point. But what
17 it doesn't allow and what I see often raised, is an
18 individual obtains the Ex Parte Order of Protection
19 and then there's - the order for the full Order of
20 Protection has to be set within fifteen days. So
21 they're issued the Ex Parte Order, and hopefully
22 that Ex Parte Order is served on the individual who
23 is alleged to have battered within that time frame.
24 Now, if that person goes and violates
25 that Ex Parte Order of Protection, I think that's

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1 very relevant. And it's relevant because one of
2 the things that - we recently had individuals-
3 ATTORNEY GENERAL KOSTER: Can you back
4 way-
5 MS. WEIR: -to do training on the
6 fatality review board and some of the things that
7 we'll be looking for in that. And one of the
8 things that we'll be looking at, one of the markers
9 is the response to social authority, both covert
10 and overt.
11 The willingness - including the
12 willingness of an individual to violate a valid
13 Court Order. And the willingness to violate a
14 valid Court Prder, an Ex Parte Order that has been
15 served on you, increases the dangerousness. And
16 what I see in court a lot is a victim comes in,
17 they're standing in court, and they're saying, "But
18 he violated the Order." And the respondent may
19 have an attorney with him, who then says, "That's
20 not relevant, that shouldn't come in." I'm
21 generally able to get around that and - I'm a
22 seasoned attorney. I'm generally able to get it
23 in.
24 That woman sitting there who knows he
25 been at her door, knowing he's been served, she's

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1 not able to get that in, and that's wrong. That
2 should be changed. And it could be changed with
3 one sentence, evidence of a violation of a current
4 Ex Parte Order should be admissible in an Order of
5 Protection proceeding.
6 You know, I just think that seems to me
7 common sense, and I think its imperative that the
8 judicial officer be able to have that evidence in
9 front of them when they're making a decision as to
10 whether an Order of Protection is needed.
11 I also wanted to speak to Section
12 455.040, which deals with the service of the Orders
13 of Protection. The Ex Parte Order obviously is
14 served on the individual and the Ex Parte Order is
15 to give the respondent notice that he is to appear.
16 The Ex Parte Order also provides, and at
17 least it does in our area and I hope it is
18 throughout the State, that failure to appear - so
19 you've got personal service on the respondent and
20 the Ex Parte Order says, "Failure to appear may
21 result in a full Order of Protection being issued
22 against you which restrains you from this, that and
23 the other."
24 The 455.040.2 states that, "The court
25 shall cause a copy of any full Order of Protection

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1 to be served upon or mailed by certified mail to
2 the respondent at the respondent's last known
3 address, and that failure to serve or mail a copy
4 of the full Order of Protection to the respondent
5 shall not affect the validity or enforceability of
6 a full Order of Protection." And the problem that
7 I know that we're having throughout the State is
8 that it does affect the enforceability.
9 And the case that I know a lot of our
10 Prosecutors rely on is State versus Gentry, which
11 is a 1996 case that went up to the Missouri Supreme
12 Court. I think it's pretty fact specific, State
13 versus Gentry, and I think if we strike through the
14 language somehow in 455.040 to somehow give the
15 Prosecutors cover or work with our Prosecutors in
16 this State to see what is it that they'd be
17 comfortable with, because a case 25 years ago that
18 was very fact specific and had a lot of trickery
19 and a lot of, you know, "They told me the Order of
20 Protection was dismissed," this, that, and the
21 other, I think it's worth taking another shot at,
22 because we have too many cases that are not getting
23 - here in Jackson County, we're lucky that our
24 municipalities are filing violations of Orders of
25 Protection, but a lot these really should be State

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1 cases, but our State Prosecutors aren't willing to
2 take them up, and I understand.
3 You've got a case, but it is almost 25
4 years old, and, again, I think it's fact specific.
5 And so I think if we strengthen 455.040 somehow and
6 working with the Prosecutors as to what they'd feel
7 comfortable with, that we could get better
8 enforcement of these Orders of Protection, because
9 they're being violated too often and too
10 frequently.
11 And then, I want to talk to something I
12 don't know if you can do anything about, but the
13 removal of the Orders of Protection from Case.net
14 that occurred the last year - it's the removal of
15 previous Orders that were filed. Either they
16 weren't granted, and that could be for many
17 reasons. We used to be able to go on "Petitioner
18 didn't show up," whatever. Or we could go on and
19 see a full Order was granted and then the
20 petitioner went in and dismissed it.
21 I think this is important for a lot of
22 reasons. In counseling - I've been doing this for
23 ten years. I've counseled a lot of victims of
24 domestic violence, and one of the things that's
25 been helpful is to be able to go on Case.net, and,

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1 "Look, you're not the first victim here," you know.
2 And to be able to go and pull an Order of
3 Protection and to say, "Look, a full Order of
4 Protection was granted against this woman by a
5 judge and this is what he did to - this is one of
6 the allegations that was sustained by that judge."
7 I think that kind of stuff is important.
8 I also do work as a guardian ad litem,
9 so I've been appointed in a lot of these Child
10 Order of Protection cases to represent the children
11 and it has been invaluable - or it was invaluable
12 to be able to go on and pull prior Orders. Now, I
13 don't even know if they ever existed, because as a
14 lay person, we're not privy to them anymore because
15 they've been pulled.
16 But I've been able to contact former
17 victims who have filed and said, "What's the deal,
18 here? What happened with the children?" you know,
19 what's going on. That kind of information, when
20 you're trying to protect children is really
21 important to have and it's not on there anymore and
22 I know I'm not the only guardian ad litem out there
23 because it's something I know a lot of us have
24 talked about who think that's really been a
25 hindrance. It's a problem for us to be able to

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1 access that kind of information. So if there's
2 anything that you could do about that, I think it
3 would be real important.
4 MS. COBLE: One thing I do know is that
5 they had talked about having a system that would be
6 accessible by all members of the Bar, and yet to
7 have that system programmed and in place is like
8 four years ahead in the OSCA plan.
9 JUDGE DANDURAND: There are obviously
10 lots of competing concerns and reasons for why they
11 would pull up a Case.net and that would be a very,
12 very difficult thing, I would assume, to get put
13 back in once it was removed because of all of the
14 concerns that were raised about those who convinced
15 folks that were charged to remove them.
16 And a lot of them have to do with, you
17 know, if you take for a moment the Ex Parte Orders
18 in abuse cases not involving children, that were
19 issued because somebody unwittingly advised them to
20 go get one or helped them get some position in a
21 domestic relations case and then that's on Case.net
22 forever for any future employer to look at. I mean
23 there are lots of things, lots of reasons, and
24 because it was on there as it was for a long time
25 and later removed, when you said, well, any help

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1 that you could get to get that back on, I'm not a
2 legislator, but that would be a tough sell. It
3 honestly would be a tough sell.
4 MS. WEIR: And I understand that. I
5 understand the competing arguments, such as that,
6 and I guess when I look at it, I guess the
7 difference is weighting the protection of the women
8 and, or the men and the children. It certainly is
9 when we're investigating because a lot of thought -
10 I mean in my experience, I have often heard that
11 people just got out and they file these to get an
12 upper hand in a divorce, and that's really not my
13 experience.
14 And probably I do about 500 a year, and
15 over ten years, my experience is most of these
16 people minimize. I'm like, "Why wouldn't you put
17 that in the petition?" It's more minimizing the
18 abuse or, "I'm not trying to keep him from the
19 children," when you're going, "You really should,"
20 because of the dangerousness.
21 You know, I had a case this morning
22 where the - I'm the guardian ad litem. He hit her
23 while she's holding the seven month old child, and
24 he also wound up hitting the child, and, of course,
25 she's saying that, you know, "Well, I want him to

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1 be around the child. I don't want a Child Order of
2 Protection." She's also pregnant with his child
3 now, and she - her response is, "You know, I know
4 he didn't mean to hit the child." "But he meant to
5 hit you, right, while you were holding the seven
6 month old child." And, you know, so, I mean, it's-
7 JUDGE DANDURAND: -point that maybe it's
8 been indicated that it bears further investigation
9 - there was no distinction made between Ex Partes
10 that were issued for Child Orders of Protection or
11 just regular Ex Partes. And, you know if they put
12 these things in there about what's happened to the
13 children, maybe something more can be looked into
14 as a distinction. I just know it's a tough - it
15 would be tough-
16 MS. WEIR: I understand that. That's why
17 I put it last, but. That's all I have.
18 ATTORNEY GENERAL KOSTER: Any other
19 questions for Mary?
20 MS. COBLE: I have one real quick. And
21 this is the last hearing, so I'll beg your
22 indulgence. I know that we haven't really been
23 looking at family law in the main scope of what the
24 Task Force has been charged with looking at, but I
25 know that through your years, you've had a lot of

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1 experience with what I would estimate as being one
2 of the main concerns of women who are battered and
3 that is the loss of their children through a system
4 that often doesn't recognize that the violence
5 against the children isn't their fault. So I don't
6 know if you - that is an open door as a question.
7 MS. WEIR: Well, I - you know, one of the
8 things I think is interesting regarding our
9 statutes in the State of Missouri is that the 455
10 Chapter presumes that children should go to the
11 non-offending parent, but 452, which is our family
12 law statute, that's a big difference.
13 I mean, we recognize in the Order of
14 Protection that clearly the non-offending parent -
15 and I think most of the research is going to show
16 that also, that they're different, so it's a big
17 discrepancy. And certainly in other states, some
18 states that surprise me, Oklahoma, Louisiana, are
19 ahead of us with presumptions that are in their
20 Order of Protection statute is also in their child
21 custody statutes.
22 ATTORNEY GENERAL KOSTER: Jason Lamb?
23 MR. LAMB: Ms. Weir, thank you for your
24 time. And I might follow up on what Colleen said.
25 I think it's interesting that in Missouri, one of

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1 the ways - you can commit the crime of endangering
2 the welfare of a child in several different ways,
3 one of which, rightly so, is by concocting or
4 manufacturing methamphetamine in the presence of a
5 child. Yet we - part of the ways in which a child
6 is endangered in Missouri is if they recklessly
7 creates a substantial risk to the health, body, or
8 life of the child.
9 The health can include anything beyond
10 on physical health. It can include their mental
11 health and mental well being. And yet we don't
12 recognize that the first they act of committing act
13 of domestic violence against the other parent, in
14 the presence of the child, is, in fact, endangering
15 the welfare of a child under the statutes. That is
16 a gap that does not exist in our criminal code.
17 MS. WEIR: I mean, I think that in
18 Jackson County, with what we've been doing with the
19 Safe Family Coalition, you know, we had failure to
20 protect issues where, you know, children were being
21 picked up if she didn't leave the abusive
22 relationship. And the issues of witnessing
23 domestic violence are real. We know they're real.
24 We know that the research is out there on the
25 impact of children's developmental stages. It's

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1 not just physical threats to children. We also
2 know children are resilient, so they don't all act
3 the same or respond the same to domestic violence.
4 But I think we've come a long way here
5 in with, through our work with the Safe Families
6 Coalition to get our protective services, our
7 juvenile court, on board to do more focus on
8 holding the batterer accountable and how do we do
9 that, and not just saying, "She won't protect the
10 child, so we're going to pick the children up,
11 because she's failing to protect." When on the
12 other hand, the batterer is out there skating
13 around and nobody is holding him accountable.
14 We've got, you know, I mean, everything
15 is not consistent and it's hard to get everything
16 consistent. But you guys are here and I think
17 that's important. I don't know if I addressed what
18 you wanted me to, but.
19 MS. COBLE: Well, then the growing issue
20 of failure to protect, of putting battered mothers
21 in the double line of facing danger because of
22 their attempts to separate from their abuser, so
23 that the danger level goes up for them, but then if
24 they don't leave, then the State will come in and
25 take their children and the one person in the

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1 equation who nobody is dealing with is the only one
2 who's in charge of meting out violence.
3 ATTORNEY GENERAL KOSTER: I don't see any
4 other questions. Mary, thank you very much-
5 MS. WEIR: Thank you.
6 ATTORNEY GENERAL KOSTER: -for the work
7 that you do as well as for your testimony here
8 today.
9 That concludes the third of our hearings
10 which I think have been very, very productive. We
11 had the first one in St. Louis about two and a
12 half, three weeks ago. We had the second one in
13 Columbia last Monday, and then this one in Kansas
14 City.
15 I think that there are literally
16 hundreds of ideas, certainly more than a hundred
17 ideas of merit that we're going to be looking at.
18 And our pledge is that in conjunction with Colleen
19 Coble and the judges that were here, Judge Sill-
20 Rogers, Judge Daniels and some other people who are
21 highly interested in this, that we will have a
22 report that is produced and out to everyone,
23 available online by December 1st, which gives my
24 former colleagues time to turn it into reality.
25 But there are a lot of - I was very,

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1 very impressed with the depth and the substance of
2 these meetings, and with the number of real quality
3 ideas, not all of them requiring money. Some of
4 them do require money. Some of them require
5 legislative action; issues regarding training,
6 issues regarding fatality review boards, issues
7 related to where these cases begin. Do they begin
8 in the municipal courts or whether we mandate that
9 some or all of them, some significant portion of
10 them, to be brought up to the Circuit Courts so
11 that we make sure that there is uniformity and they
12 get into the State MULES system so that the police
13 officers around the State know what they're dealing
14 with when they pull one of these individuals over.
15 Whether or not there are return dates on bonds,
16 which we talked about in Columbia.
17 But then there are other things that may
18 not cost a lot of money, early intervention. The
19 types of things that Judge Sill-Rogers and Judge
20 Daniels have implemented here in Kansas City and
21 Columbia is really more involved with the
22 reorganization of a local Circuit by the presiding
23 judge in those Circuits and can be accomplished, I
24 think, without an influx of money.
25 But what I think we're going to see is a

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1 successful document. Colleen, I would imagine that
2 you feel the same way that I do, that this has been
3 much more fruitful than I had imagined. I had high
4 expectations for it, but I didn't realize how much
5 we could pull together and to the people who
6 testified today, and then to the others who are not
7 here today, but who testified around the State, I
8 was very impressed with their passion and their
9 commitment and their sincerity to this issue, to
10 this epidemic.
11 And that is what our goal - the
12 legislators who were here - Chris Kelly has left,
13 but Chris Kelly was at every single hearing. The
14 State Representative from Columbia was at every
15 single hearing and contributed mightily at each of
16 our stops, as was Representative Newman. Yes,
17 thank you, I apologize.
18 To go back to the legislature and really
19 describe this as more than just a local criminal
20 justice issue, that this is an epidemic of violence
21 that exists in our society and that the legislature
22 has an opportunity or responsibility to take it on.
23 Colleen, do you want to make any final comments?
24 MS. COBLE: I would just say thank you,
25 to you for your leadership in this and to the

1 legislators who serve and to Jason, and also, just
2 to take a moment to acknowledge those who are
3 sitting in the audience who do the really, really
4 hard work every single day, and to give voice to
5 the reality that is their days.
6 There are many other systems that used
7 to be in place that assisted the women and children
8 that they work with every day, and they aren't in
9 place anymore, and the work is harder, the numbers
10 are larger, the problems in the families are more
11 severe, so I want to acknowledge their hard work
12 and thank them, but also to let them know that we
13 don't want to let you down. And I know you'll be a
14 big part of the work to make the laws better, as
15 you were to get the very first ones in place.
16 So for that, I do thank you and
17 acknowledge their work on a daily basis.
18 ATTORNEY GENERAL KOSTER: Anyone else?
19 Thank you everyone.
20 (WHEREIN, the Hearing was concluded at
21 2:37 p.m.)
22
23
24
25

1 CERTIFICATE OF REPORTER
2 STATE OF MISSOURI) ss:
3 COUNTY OF CLAY)
4 I, JANET H. WIMER, Certified Court
5 Reporter, the officer before whom the foregoing
6 hearing was taken, do hereby certify that the
7 testimony in said hearing was taken by me to the
8 best of my ability and thereafter reduced to
9 typewriting under my direction; that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to the action in which this hearing was
12 taken, and further, that I am not a relative or
13 employee of any attorney or counsel employed by the
14 parties thereto, nor financially or otherwise
15 interested in the outcome of the action.
16
17 _____
18 Notary Public in and for
19 the State of Missouri
20
21
22
23
24
25

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