STATE OF MISSOURI DOMESTIC VIOLENCE TASK FORCE
PRESIDED OVER BY ATTORNEY GENERAL CHRIS KOSTER

HEARING

SEPTEMBER 7, 2010
IT IS HEREBY STIPULATED AND AGREED, by the Task Force that this hearing may be taken in shorthand by Karen Lynn, a Certified Court Reporter, and Notary Public and afterwards transcribed into typewriting.

ATTORNEY GENERAL KOSTER: Good morning, everybody. I'd like to thank everybody for being here and I appreciate everyone's commitment of better addressing discourage (sic) of domestic violence in our state.

For ten years I served as prosecuting attorney in Cass County in western Missouri. Anyone who has served as a prosecuting attorney for any length of time, even a week or just a day, knows the devastating impact that domestic violence has on individuals, children, families and even communities. Many of the cases I dealt with stay with me even now. Nearly all involved acute physical violence, several ended in homicide.

When I was running for attorney general, I promised Colleen Coble, the executive director of the Missouri Coalition Against Domestic Violence, that I would bring together entities in our state's system for dealing with domestic violence, police, sheriffs, prosecutors, the courts, victim advocates, probation and parole, to take a comprehensive look at our laws and practices with an eye towards making our system work better.

It has been 30 years since Missouri set up it's brain work for domestic violence laws. Thirty
24 years ago, then Attorney General John Ashcroft held a
23 similar state-wide forum to examine this problem.
22 Well, the general assembly has passed numerous laws
21 relating to domestic violence since that time, and
20 many of them have been very good changes. They've
19 occurred piecemeal.
18 For example, when we get to our next
17 meeting in Columbia on September 20th, we'll focus on
16 the training of law enforcement officers in our state
15 as a critical issue for review. Since we announced
14 the creation of the Domestic Violence Task Force,
13 ideas for the improvements have already started
12 flowing in. Some ideas have arisen that can be
11 addressed with simple legislative fixes.
10 For example, because of the way the law is
9 written in Missouri, domestic violence shelters must
8 register with the Secretary of State, a process that
7 includes providing a physical address to state
6 government. And, yet, most shelters go to substantial
5 length to shield their physical address from public
4 view, say for letting local law enforcement know where
3 the shelter is located.
2 Because of the inconsistency between state
1 laws and local practices, an abuser can find his
0 victim's safe haven using a combination of
1 Google Earth and the government's own website. I
0 think we can fix that.
1 Another problem, and a reason that we look
0 at the issue comprehensively, is there are different
- definitions of the word domestic violence throughout
- the state statute. We should work to fix that, too.
- My hope is that we can identity these
- issues and far more complex issues as well and provide
- the general assembly, the courts and local law
- enforcement with a series of concrete, well-documented
- recommendations for their consideration by the end of
- this calendar year.
- I am grateful to the members of this
- legislature who are here today. You are critical to
- the process and I both appreciate and look forward to
- your comments and ideas on this important issue. We
- have three meetings currently scheduled. Today's
-
Missouri.

Representative Jeff Roorda, who will be joining us later, has represented Jefferson County since 2005 and is a 17-year veteran of law enforcement.

And Representative Schupp was elected to the House in 2008 and serves part of St. Louis County.

I welcome all of you. I thank you for your participation.

And to begin the day, I would ask Colleen to start things off.

TESTIMONY

BY COLLEEN COBLE:

MS. COBLE: Good morning. I'd like to start first with gratitude. I wish to thank the Attorney General and all of you for joining together to make certain that we in Missouri are doing all that we can through the structure of our laws, through our work together and through the services in our communities to address domestic violence.

Chris will note, I have to say, it does mark a certain stage in one's life when you are asked to be the historian. So I will try to address 30 years worth of incredible advocacy and effort and team work in the State of Missouri, and there are materials in your binder that have a chronology of every law that was passed over the years. So in studying that in detail, you can see what, indeed, has been an evolution of law.

I've been fortunate to be advocate for woman who are victims of sexual and domestic violence since 1983 and have worked in the legislative arena since 1989.

Probably the most salient feature of law about domestic violence is that it is so very recent. The violence itself is ancient. It was upheld by law, it was part of law, but that is no more. The very first domestic violence law was passed in 1980, the Adults Abuse Remedies Law is what it was known as. And a great deal of leadership for that passage came from the work here in St. Louis, legal services of St. Louis, with the advocates who are operating, what was at that point, just a handful of domestic violence programs in this state. That was a profound change in how law began to address domestic violence. It established orders of protection. For the first time a battered woman could go to court for emergency protection when she was in danger and her children were in danger in her home.

And then something happened after that law was passed in 1980, that has fortunately lessened in frequency, but when that law was passed, it was immediately challenged. It was viewed at the time as something that should not happen; that an individual could be barred by court order from their own home, in this instance, respondents to orders of protection, who a judge had identified, had committed acts of violence and posed a threat to their family. It took two years for the law to be upheld by the Missouri Supreme Court, and it was determined at that point in law that the State has compelling interest in immediate protection of victims of domestic violence.

Subsequently, probably the most amended part of Missouri statutes has indeed been the section of the law in Chapter 455 that addressed orders of protection, that defines domestic violence in all of its various components, that establishes how law enforcement are to respond, that sets up the practices and procedures for circuit clerks, as well as the parameters and authority of judges in addressing domestic violence.

There are also provisions in there that provide confidentiality rights for the advocates who work in domestic violence programs with victims, as well as important structures for their establishment.

...
The Capital was the importance to follow the rules of three: Have no more than three points, be able to say it in three minutes, and Lord have mercy, do not give a legislature more than three pages of information.

Trying to stick to that, there have been three main reasons for changes to the laws in Missouri. The first has been the experience of survivors, what is going on in their lives, what do they need to be safe, what hasn't happened well, if at all, and what they're needing, as well as the advocates that work with them identifying we don't have this in place, we need to change this, we need to enhance that.

And the second and probably the most profound reason that has led to the evolution of laws is the unrelenting determination of abusers to find a hole in every single statute, to manipulate the system, to find the one action that can be committed that the law doesn't cover and to be able to do it as soon as August 28th rolls around every year when the law goes into effect. That has been a primary driver of the changes in laws.

When we passed the first stalking -- let me get to the third point.

The third point has been the identification by our partners not only in the day-to-day advocacy, the 24-hour realm of shelter and related services but law enforcement responses, circuit clerks, prosecutors, judges, probation and parole, school teachers, healthcare professionals, child protection services.

When you talk about domestic violence and all of the people who touch an individual family, we're talking about every aspect of our community. So when the means are identified by those who help and who respond, that's been a driver of our changes in statutes.

I mentioned the stalking laws that were passed in the mid '90s. That wasn't news to battered woman. That's just what you would expect to happen when you left the abuser. He followed you, he called you, he harassed you at work, left threatening notes on your car. The law recognized what woman had been enduring and living with for many, many years, and we passed those stalking laws that became a reason to get an order of protection.

As our families changed over the years, we changed who could get an order of protection. The very first law in 1980 said married couples. Over time that has been broadened to be those who have a child in common, whether they've ever lived together or not, and now, to the extent where we recognize the rates of violence amongst dating couples are astounding, they are also covered. There's been those evolutionary changes where we have recognized what is going on in the lives of woman and children, what offenders are doing and we've changed the laws to do that.

It's also been a practice in Missouri.
There have been changes in the Federal law that Missouri has to comply with. You can't charge for orders of protection or service of orders or service of warrants and maintain your funding from the Department of Justice. An order of protection is good across state lines now because of Federal legislation, and that's a big deal for a boarder state like Missouri. There are areas where the new communications devices and materials that are -- cyberstalking, a bill just a couple years ago that really expanded aggravated stalking and has given law enforcement tremendous new tools to address domestic violence via stalking as it continues.

So my expectation is that we will continue to honor the experiences of victims of violence so they can make that transition to being survivors of violence; that we will make sure we are consistent in law; that we will find ways that we can work together better on the community level; and that we will insure that the State's resources are well used. As we who are safe -- we who are safe have the privilege of helping those who aren't.

ATTORNEY GENERAL KOSTER: Thank you. A couple of housekeeping issues, Joan, on the spreadsheet that encompass the written responses on

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without a victim's complaint and without willingness changed in 1989, and arrest rates went up and violence went down.

There were also changes that made a huge difference. No filing fees for obtaining an order of protection. And I remember when I was working at the shelter, and nobody was making any money then, or now I might add, and we kind of had a round-robin rotation for who was going to go to the bank and get the money to help somebody file for an order of protection. It was at least 60 bucks; it went up to almost 100. In 1999, we recognized that in an emergency, that shouldn't be a barrier to your safety.

There were greater provisions that detailed just how law enforcement was to respond; that they were supposed to identify the primary physical aggressor; that they were to identify the history of violence between the parties. And a statement of law that says the reason for the laws being was to protect victims from ongoing violence. And it changed the nature of law enforcement response and the partnerships that were growing at the community level between survivors, the advocacy community, law enforcement, prosecutors. Prosecutors had different kind of reports as a result of that law that they could use to prosecute and judges had the information that they needed to make decisions to hold batterers accountable.

There were changes again driven by "we missed this" and batterers were taking advantage of it. So we keep tightening up and enhancing domestic violence laws over the years. There was another profound leap ahead in 1999 to 2000, when there was a House interim committee on domestic violence. For the first time we created a separate crime of domestic assault. There had been some earlier provisions and statutes that said you could be a prior persistent domestic violence offender, but that meant somebody had to crawl around in the records room at the courthouse to find out what the relationships were because we didn't identify it. At that point, we had the separate crimes of domestic assault, which have made a dramatic difference and profound tool for prosecutors.

Time is running short. I could go through every year. I was talking with Senator Wright-Jones earlier today. Some of the things that were hardest to get passed in law were the most minimal, and some of the things that had the biggest effect went right through.

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strengths and weaknesses, were copies of these given to the panel members?

MS. GUMMELS: No.

ATTORNEY GENERAL KOSTER: I have found this document very helpful, so if there is a way I could ask you to -- I don't know -- if I could ask you to make ten, 15 copies of this document, I think -- this is a sort of a legislative spreadsheet, the kind of thing you get out of legislative research. We surveyed probably ten different advocacy organizations asking them to provide three strengths of the current systems, three weaknesses and suggestions for improvement. Joan has put them in sort of a leg update, which I think you'll find helpful to review.

Second housekeeping matter, Jeff Roorda was not here when he was introduced. You were introduced, but Jeff, who is a member of the House, and 17-year member of the law enforcement community south of St. Louis.

The other person I neglected to introduce is to my right, Judge Joe Dandurand, who as the Deputy Attorney General has spent -- importantly, I think, spent 20 years on the bench in the 17th Judicial Circuit just south of Kansas City and has extensive personal experience as a jurist working with these
MS. COBLE: One of the easiest things would be to give judges more authority over the contents and provisions in orders of protections. Other states -- most other states have what is commonly known as a catch-all provision so a judge can customize an order. We can't think in the legislative arena of every possible contingency that would be going on in someone's lives. To give judge's that authority would be important. To be able to have those laws, the orders exist longer in time so that someone who is in a chronically violent situation doesn't have to keep coming back to the Court to have orders issued. Right now they last for one year. An emerging issue that is reaching crisis proportions is that teenagers can't get orders of protection. Child orders set up so that it protects the child from an adult, but the reality of 15, 16, and 17 year old who are in dating relationships where the violence is severe is growing, and we don't have a tool to address that.

I think there are provisions in what is arrestable for a violation of an order of protection that could be strengthened and enhanced. Also I think that there's some problems with child orders, and it goes back into the history of when they were first passed. In the early '90s, most children weren't subject to orders of the court by the time they were two or three. With the rates of divorce that go on now, it's not uncommon for children to be subject to a court order, but child orders of protection statutes, say, can't issue one for a child who is the subject of a previous court order. It almost nullifies it for almost half of those that are coming to court to seek that relief. I also think there's strengthening that can be done through training and teaching. There is a provision in law that allows judges to hold compliance hearings for those who are subject to orders of protection, much like you would do in a drug court. I want you back here next Thursday. I want you to show me that you've paid what you, that you've done this, that you've enrolled in a batterer intervention program. Those can be highly effective, but I don't know that they're used to -- as great of an extent in the State of Missouri as they could. There are a few more things, but I think I'll stop there. Those are some highlights.

ATTORNEY GENERAL KOSTER: For those who have noticed, there is a court reporter with us, and there will be court reporter at all of the meetings. A lot of times good ideas get offered and because of the speed with which the day goes, they evaporate. And so just as we did at the Link conference on the environmental issues, I find that having a court reporter is helpful. It's obviously a public document and will be up on the web when it's turned into us.

Questions from the panel? Senator Bray.

SENATOR BRAY: Colleen, a subject dear to my heart and yours is the issue of weapons in domestic violence situations. I know there's a Federal law. Is there anything that's going on that disadvantages Missouri in light of Federal provisions due to the fact that we allow weapons to remain in a violent home?
SENATOR WRIGHT-JONES: One other question.

ATTORNEY GENERAL KOSTER: Other questions?

REP. ROORDA: Thank you, Colleen for your testimony.

ATTORNEY GENERAL KOSTER: Thank you, Colleen for your testimony.

SENATOR BRAY: Thank you, Colleen for your testimony.

ATTORNEY GENERAL KOSTER: Representative Roorda.

REPRESENTATIVE ROORDA: Thank you, General.

Representative Roorda.

ATTORNEY GENERAL KOSTER: Representative Roorda.

REPRESENTATIVE ROORDA: Thank you, General.

Good morning. First of all, good seeing you. I haven't seen you for a while.

As it relates to dating violence of the teenagers, I had a family friend's granddaughter call me about her best friend that was pretty well beaten up in a relationship, didn't know where to turn, what to do. I said call the police, file a report. I guess that's what a teenager can do. With the parent involved, what happens exactly right now with that, if there's a teenager that -- who has been impacted by this?

A. Two years ago the law was changed that a 17 year old can get an adult order. That's made a big difference in this community. It has to be against another adult. So you're still at the situation that if you are a minor, your parents can take you to the courthouse and get a child order of protection as long as the person who's harming you is a grownup, is an adult. That's the problem, you can't get one against your 16-year-old boyfriend.

SENATOR WRIGHT-JONES: All right. Thank you.

ATTORNEY GENERAL KOSTER: Representative Roorda.

REPRESENTATIVE ROORDA: Thank you, General.

Good morning. First of all, good seeing you. I haven't seen you for a while.

When I left local law enforcement, and I was a supervisor when I left, supervisor for the last six years in my police role and I had a simple rule when it came to responding to domestic violence, if we come, you go, and that was essentially the law. You know, you had to take a report the first time. You had to make an arrest the second time. There was still a lot of systemic problems in law enforcement with an officer trying to find a way to dump these calls and calling it a peace disturbance instead of domestic violence or reclassifying it in some way to avoid having to write a report or having to make an arrest, which I always thought was incredibly solute because you inevitably returned and returned a -- having been out of law enforcement for a while, I'm wondering if that's still a problem that you see, and do you have any recommendations for how we, as lawmakers, might successfully address the issue?

MS. COBLE: I think the issue of training might help because you are quite accurate. The problem is the inconsistent application of the law around the state. So that in some communities you have incredible responses that are so meaningful to women who are experiencing violence and to have the...
that's reflected in the makeup of the legislature, they're exposure to the topic and their understanding of it. Certainly some are faster learners than others, but it's all in all been very positive. One thing that I do think speaks to some of the societal changes that have yet to occur are the number of individuals serving in the legislature, serving in state government, serving at the community level of positions of authority who still have the conversations off to the side that say, you know, this happened to my mom when I was growing up. You know, I've had to go to court to get any daughter a protection. You know, my best friend in college didn't make it to grad school. There's still some elements there where you can't have that -- where shame or embarrassment or fear gets in the way. But you can't have that many men and women gathered in big marble building in five months out of the year and not have an enormous collection of people who know firsthand what domestic violence is.

ATTORNEY GENERAL KOSTER: Okay. Thank you very much. Colleen is a very -- Representative Kelly, sorry I didn't see your hand.

REPRESENTATIVE KELLY: Thank you. How do you deal with the potential conflict between custody orders issued by the domestic court and the possibility of a child order of protection changing custody? You have a very huge possibility of conflict between two courts.

MS. COBLE: What I do know is that courts are already addressing changes in visitation and a few case law names I know, Zuhlke v. Zuhlke did change, so that judges can change visitation arrangements under a child order.

I would imagine that it would be easier in certain unified courts, in family courts or in domestic violence courts -- and there's very few of those in the state -- that they would have more of an ability to address the family through the subsequent orders that are issued. But, again, I would think I would have to defer to the judges and court personnel and people with experience, like yourself, of how that could be worked in practice.

MR. DANDURAND: One of the issue -- my name is Joe Dandurand. One of the issues that, I think, would help with that is the judicial education that you spoke of. One things we did in our circuit to help for localizing things was to make an automatic transfer of the case that was filed for child protection to the court to the judge who was the presiding judge over the domestic case. So it automatically went to that judge so you couldn't get inconsistent judgment, you'd have the same judge looking at it with the same pair of eyes. To try to -- when people move, those are concerns, but it took care of a large portion of the practical problem.

MS. COBLE: Within that circuit.

REPRESENTATIVE KELLY: In my experience, you are very likely to get the original order issued in that circuit, and that's a huge issue. The other piece of that is how do you deal with the inappropriate use of child orders for purposes of change of custody because that comes out a lot?

MS. COBLE: I know that it does, and I know that was the subject of a Missouri Supreme Court Bar Association study in the early '90s, and they found it was driven by family law attorneys, and the answer to that was judicial education and judges saying no.

REPRESENTATIVE KELLY: Well, the third part of that question is as much for the panel. Conceivable that we should consider some recommendation to the bar or to the Supreme Court about the ethics of domestic violence automatically applying when filing a divorce also for orders of protection. There's no such thing as a pleasant
BY MR. ROBERT MCCULLOCH:

MR. MCCULLOCH: Thank you, Mr. Attorney General and panel members for having me.

First I have to update that. We've -- 65 police departments, that's ancient history. We're behind that now. Some have come on-line.

And also, the good part is, I'm happy to say we have six people now in the domestic violence unit. That's good in the sense that we have more people, more eyes on it. It's bad in we have the business to justify putting another person into it. I do -- I think it's a terrific idea to have this panel to look at this issue, to examine it and to see what we can do to improve it. You know the law and all the legislatures certainly know that and all the law enforcement people up there know the law is an evolving thing.

As Colleen mentioned, dean, that's a nice way of saying you're an old guy, too, you've been around a long time.

But I can recall as a -- almost freshly out of law school in 1978 when I started in the county prosecutor's office. I got to work a Saturday morning in the warrant office to handle the intake from Friday night, and the one case -- and I'm sure there were several that day -- but the one that still stands out in my mind was a case of domestic violence. And when the case came in, one of the rare situations in which the victim came along with the police officer and she had been beaten pretty severely. She had been treated at the hospital, and she was in the hospital most of the night and in our office in the morning. And in 1978, the policy of the prosecutor's office was you automatically take those cases under advisement regardless of the severity of the injuries involved, because invariably the victim will come back and say, you know, I've thought about it and I don't want to prosecute. So the policy was take it under advisement, come back or call me Monday, and tell me what you want to do.

In this particular case, this young lady -- and as I said, she was beaten pretty well. She said well, can I have at least enough time to get my stuff out of the house -- if he's going to get out of jail, he's coming back to the house. I said, you know, this is really stupid. So we did issue the charge, filed the charge, at least held him in jail on Monday morning when there was a bond hearing. And the reaction to that was -- there were are several reactions to it.

One, first thing Monday morning, I was called in the prosecutor's office and asked why I was violating his policy.

Second, I went up for the bond hearing and the star witness was the defendant to reduce the bond was, indeed, our victim who said, it was all a big mistake, don't do. And so these things make a very lasting impression on you.

I'm very happy to say that within about six months we had a new prosecutor in the office -- it wasn't me -- but a new prosecutor in the office and immediately dropped that policy. Said we'd look at cases, if they ought to be issued, issue them, and if it helps to protect the victim, whether it's a domestic violence situation or not, then file the case and we'll worry about it later, as long as there's a basis for filing that case. So we developed that.

As the years went by, Colleen did a terrific job laying out the different steps that took place over the years and how those things were addressed. I don't have any difficulty telling you that the early years it would come up and we'd say what kind of case is that, it's a domestic case, all right, fine, no big deal, go on to something else. So
a domestic case and an assault case were different things. Even though there was no domestic assault then, it was assault, assault, assault, but if it was a domestic case, it wasn't that big of a deal.

Unfortunately -- although fortunately, I should say, a lot of the procedure, the process, the approach to domestic violence cases has changed. One thing that has remained consistent is that we know within 48, 72 hours our victim will contact us and will wish to drop the prosecution, does not want to pursue it. In most cases, they've had contact with the abuser, you know, they've made up. He's promised it will never happen again, he won't do this, look, how are you going to support the kids, if I go to jail, you can't support the kids, what are you going to do? So the lesser of two evils there is I don't want to pursue this thing. And it puts us in a bind, of course, because most times we had no way to prosecute the case without the cooperation, without the assistance, without the testimony of the victim.

Again, the law evolved a great deal and we evolved with it. Part of that is when I did take over some years later as the prosecutor, we established the domestic violence team. I don't have training for every prosecutor in my office in the area of domestic violence because these six people handle all the domestic cases that come in, so they get the training.

It doesn't make sense to me to train somebody in domestic violence who's not going to handle one, and I think -- it's going to be sort of thoughts flying out here after hearing Colleen talk that that's part of it. Not every police officer needs training in domestic violence, but the ones that are going to be handling those cases absolutely have to have it, and I think that's a much better approach to it.

But one change to the system we developed was to add a page basically to a police report that involved a domestic violence case. What that did was it required the officer -- and I'm going to preface this with a little caution -- that with 65 to 70 police departments some are much better than others and much better at following the procedure and accepting the training and the direction that goes along with that. But what it did is it required the officer to detail what went on at the scene.

Prior to that, we would get a report that said, when I arrived, the victim was screaming hysterically, which, of course, is accurate, 100% accurate, but there's nothing I can do with that. When the victim chooses not to cooperate down the line, I can't make her cooperate with the spousal immunity -- which I'll talk about in just a few minutes, too -- but when the officer writes down when I arrived, she was screaming hysterically, saying he beat me, he hit me with a stick, whatever it was the guy did, write down what she had to say, I can use those as an excited utterance, I can use that as exceptions to the hearsay rule. There's actually something there, there's some substance there, and it works very well. When that -- that activity, when those comments, when those statements are documented, they're in there.

You know, I can't use when the guy comes up and says -- the report says, well, the defendant said he didn't hit her with a bat. Okay. Maybe I can use that, maybe I can't. But when he comes up and says, you know, the guy grabbed the chair from the table and started pounding her with it and boy, did she deserve it, and it's a little more graphic than that, those are statements that you can use.

But in the past, they tended to be very general statements, the defendant said he hit her but it wasn't that big of a deal or whatever it happened to be. So we try to get them to write down as close to what was said as they could recall and that makes a big difference on it.

We have never had -- and although, we've debated it many times, a no-drop policy, where every case gets issued and we will not drop that case under any circumstances because I think it's a bad idea. It's a bad idea because many times it puts the victim in much greater danger to say you're not -- we're going to proceed with this thing no matter what. We will look at each case as it comes through, and as it progresses and as our victim cooperates or doesn't cooperate, decide what we need to do in the situation, what we're going to do in that situation. And there are times when it's run the entire gamut from the victim coming in and saying exactly what occurred that night and being very, very cooperative in the situation, all the way up to the point where the victim will come in and say I don't know what you're talking about, it didn't happen, the police made it up.

To tell you the truth, I don't have the slightest problem -- I can't encourage a victim to come in and say that, wouldn't do that. I want them to come in and tell. But a victim coming in, when I can tell in the photographs of this terrible beating, and her to say the guy sitting over there, who has a
Representative Kelly, it is a very difficult situation when an abuse case comes in, and one of the things we look for is that -- is there a history. We have situations -- that's one of the most difficult decisions we have to make. And that is a case in which this couple has been married for 20 years and now there's a divorce filing. In the meantime, they've raised three kids who are now all teenagers, there's never, ever been any kind of an incident or history or anything, anywhere until the divorce is filed and now all of the sudden he's abusing me and sexually abusing the children. You know, those are very, very difficult cases because many times it true, and sometimes it isn't true, and we have to be able to draw that distinction. I wish there was a perfect, infallible, scientific method for doing that, but unfortunately there isn't and that's where the training and the experience comes in to work on those cases very much.

Over the years, we have experienced certainly an increase. Is there an increase in the domestic violence, I'm sure there is, but, certainly, there's an increase in the reporting, and that's generally a good thing. I will go back to the late 70s, early '80s. When we started filing these cases we knew the guy was going to go get out on bond and there were no orders of protections then, there wasn't much we could do about it except say you need to get whatever it is you need out of that house and move. And to tell the victim they have to move out of their own house is a horrible thing to do, but there was nothing we could do to prevent the defendant, once he came out of jail -- particularly if the charges were dropped or never filed, there's nothing we could do to tell him he couldn't go back to his house. Now, on a bond, a judge could do that sometimes, but, again, this is just a domestic case, it's his house, I'm not going to kick him out of his house. Those attitudes changed over the years. They developed -- they evolved along with the law as we went along.

There are still clearly some issues. We have to do that. No question that the more difficult the economic times are -- we see an increase in domestic violence, the alcohol use, drug abuse, drug use -- you know, whether one goes with the other or is exaggerated or aggrivated by the other, that's up to the social scientists to come up and tell you about that. Telling you from a practical matter, yes, when economic times are bad, we see more guys getting drunk and beating up their wives and girlfriends, and there are serious issues just in the process and in the procedure that is involved.

One, is that -- you're an adult in the State of Missouri when you're 17. And when you're 17, we get involved. So if you're 17 years old and you beat up your 16-year-old girlfriend, that comes to me, that comes to my office. But if you're 16 years old and you beat up your 17-year-old girlfriend, I may never have to know about it. We have nothing to do with juvenile prosecution in the state of Missouri. I know it is counted as a model for the country, but, you know, a system where the prosecutor doesn't know about an assault such as that where you may be able to...
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| So that, again, has evolved somewhat, not as far as it should have, but has evolved to the point where at least now we have access to the reports. We can approach the judge and say, judge, this is a case that we think you should send to the adult court, and here's why we think it should come to the adult court and here's what we purpose doing in the adult court. Now, the disposition, necessarily, because that's to a great extent up to the defendant, but at least we will file the charge and these services are available. It may involve some jail time, it may not, but at least there's services in the adult system that are not available in the juvenile system. ATTORNEY GENERAL KOSTER: I have a question, and I'd like to get your response, get Judge Dandurand's response, former Judge Kelly's response and perhaps Colleen's as well. Like you, I have thought through the issues of a no-drop policy and pressure points that the prosecutor's office can place on victims to, you know, continue in the system and help prosecutors do their jobs better. The elimination of the spousal privilege continue in the system and help prosecutors do their jobs better. The elimination of the spousal privilege is very problematic. Even for the most aggressive prosecutor, it's just a very problematic issue. So here's the question: Is it possible to conceive, Chris, or Joe, or anybody, is it possible to conceive of a limited waiver of spousal privilege only if a jurisdiction has a domestic violence court in place and that the domestic violence court would not -- there would be almost -- it would weigh towards the civil side, so that if a victim has signed a complaint on the night in question, basically put her signature on a piece of paper, that if she doesn't go forward to testify that probably stems any opportunities the prosecutor has in the straight-ahead criminal system, but if there was some -- that signature that night and other evidence that was taken that night could sweep them into some type of a court supervision system that is quasi-criminal, less than criminal but does place them in some type of a monitored position for six months or so? Does anybody have any thoughts? Is that still too aggressive? REPRESENTATIVE KELLY: That's the trouble. I did these dockets for seven years. I know every judge that does these things is troubled by the same thing. The problem you've got is not only are you forcing her to testify against him, but you're forcing her to testify against him in a civil proceeding, and that's a bigger -- you say quasi-criminal, but it's either criminal or civil, and these are civil. And if she doesn't, then what, do you actually prosecute her for perjury, and then does that mean changing the victim into the perp? And that's a really difficult -- maybe Joe has a better perception of that. Now with the non-married couple, I think you have a much, much different dynamic going on. And one of the things about this, in the civil order of protection what you could do is eliminate the automatic dismissal. Right now, petitioner moves for a dismissal, I have to dismiss, I don't have any choice at all. Maybe you want dismissal after a hearing. And I'm just thinking out loud here. I don't know how to get necessarily from here to there. But in the non-married request for a dismissal by the petitioner and if the court thought it was necessary, perhaps the court could have a further hearing. One thing that would do is extend the time that the temporary order runs and, frankly, from the point of view of being a judge, I can't get to it for ten days. That is good because that's ten days of space. And in the real, but informal world of being there, I love those ten days to two weeks of space. MR. MCCULLOCH: The civil world is pretty much out of my bailiwick, but I do understand that part of the problem there. If you're going to compel someone to cooperate, if you will, doing it in a civil setting, I think -- because the end result in the civil disposition or in the criminal disposition isn't going to make any difference to this guy, whether it's civil or criminal, if he's intent on going back after her. At least in the civil -- I'm sorry -- in the criminal system, there are greater sanctions that can be imposed. There's a greater threat that can be imposed. If I can back up a little bit, the reason for the spousal immunity, why I'd like to see it if not abandoned at least modified somewhat, is that we refuse to just drop a case if -- unless I should say, the victim shows up, sits down, meets with one of my domestic violence prosecutors and with the investigator on the case, with the victim service people and goes through the entire process, here's what we expect, here's why you shouldn't be doing this, why is it you want to do this, and we take it as far down the line as we can possibly do that. It is not uncommon -- in fact, it's probably more common than uncommon, that when the victim -- this is why we compel them to come to the office and not do this on the phone -- it is very common, it happens more often.
than not, that either the perpetrator or someone
related to him brings her to the office.

Now in that situation, it is not -- I think
in most situations in which we see the spousal
immunity invoked, it's a threat of intimidation
against our victim. It is putting her in a box,
saying that's fine, it's either the direct
intimidation, you go in there and tell them you're not
testifying because of the spousal immunity or I'm
going to the pound you again, or they're in the
situation of look, honey, all you have to do is not
testify. I'm sorry. I will never do this again.

You're going to put me in jail. If I go to jail, who
is going to support the kids, who's going to make the
house payment, you can't do that. All you have to do
is go in and say I'm not testifying. That's the
situation we find more often than not.

Now, that's the assessment we have to make
when we say the spousal immunity goes away, to say
look we expect your cooperation. We do that in other
situations and other -- there's no scientific formula
to it. I wish there was. We take that and we have to
make an assessment, we have to make a threat
assessment on every one of these cases, and I can
almost guarantee we're going to see her again,

hopefully alive, if we don't pursue it. We may see
her again if we do pursue it, but at least we have a
chance at that point.

ATTORNEY GENERAL KOSTER: So does your
office require her to sign a written statement to
release -- to Nolle prosecute the case.

Mr. MCCULLOCH: Basically, yes, an
affidavit, you know, of non-prosecution after we're
satisfied this is her decision. We will not talk --
just this week, this past week we had a lady show up
with another lady, and find who is this, she brought
me out here, and all my people know you press that and
find out who they are. Well, it was the defendant's
sister. You know, fine. Then why don't you come back
sometime. Because even taking her in at that point
and sitting down by herself and talking with her,
she's going to walk right back out and get in the car
with the defendant's sister and go home, so it doesn't
do us any good there.

ATTORNEY GENERAL KOSTER: I think a lot of
prosecutor's offices do that, perhaps not all, and for
that reason I want to bookmark that idea in the
record.

Did you want to say something?

MS. COBLE: You've done a great job of
describing the double bind. And there's a
long-standing position and opposition within the
advocacy community of undoing the spousal privilege
because of safety.

MR. MCCULLOCH: Right.

MS. COBLE: We're talking about a dynamic
that's unlike any other crime. You know, we don't
have systems that insure her safety. She may want
desperately for the violence to stop, but the way to
get there can pose greater risks at the same time for
herself and her children and her extended family
members.

Probably, my personal difficulty with it,
is the entire force of the state, a raid in unison
from the police to the prosecutors to the judiciary
can't stop him, and we're trying to make her do it,
and that philosophically and practically and daily,
there's a problem. How come we can't do a better job
of stopping him so that the entire system doesn't
pivot on her taking what is often a calculated risk on
her own life?

MR. MCCULLOCH: I wish I could argue with
you. It's not that every case depends on that
particular fact. In some cases, even where it
doesn't -- and I'm not sure that we would adopt -- I'm

It's heartbreaking, but that's -- it came
from a different county initially, and so we're
working on all the background, whether there were
issues there that perhaps in that situation -- I don't
know. It may have nothing to do with anything. It
may have been the very first. I doubt it. It may
have been the first incident, but we want to avoid
getting to that point. And if we want to avoid
getting to that point by somehow not allowing -- and I
just look at it from the other side, Colleen, not
allowing the defendant to use that intimidation to
prevent her from doing what she really wants to do.
And I can tell you over the years, more than once, I
sat down and said, that's fine, I'm going to give you
a subpoena, and you show up and testify and the first thing I'm going to ask you is you don't want to
be here, do you? No, I don't. Why are you here?
Because you made me come in.
Well, you know -- you also have to be
careful in the cases when you pick that. A lot of
these guys aren't bright enough to figure out what's
going on.

DEPUTY ATTORNEY GENERAL DANDURAND: I know
time is really short so I don't want to repeat too
many things. I have lots of things I could go on
about.

We're here looking for ideas and I think
one of the things that Representative Kelly said is
something we really ought to take a look at, and that
is to give the judge the authority to not dismiss just
because the victim comes in and says I want to
dismiss. I've never thought about that. New ideas
talk -- thinking that through is something we need to
put some thought into.

MR. MCCULLOCH: I agree, and having the
flexibility.

DEPUTY ATTORNEY GENERAL DANDURAND: Come
back in 90 days and we'll look at this again or we'll
leave this case on file, that's a good thought.

MR. MCCULLOCH: Even the flexibility of the
judge to put in various conditions on there, along
with taking out the marriage, anybody, any domestic
case, any case in which there's an ex-parte order
because of abuse or stalking and allow that
flexibility to put it in there.

ATTORNEY GENERAL KOSTER: So during that
90-day interim in a community where there's a domestic
violence court, would there be some type of
supervision or counseling that you -- you do have
supervision to some degree over that defendant (sic)
during pendency of that 90 days, and if she still
doesn't want to testify in 90, release him.

DEPUTY ATTORNEY GENERAL DANDURAND: I think
a couple different things we're talking about. In the
DV courts, where there's a criminal charge filed or
the ex-parte situation in the domestic violence court,
the prosecutor doesn't have to dismiss it because the
victors wants you to do so. That's -- but in the
order of protection case, where there wouldn't be any
supervision but the case would still be left open and
the ex-parte order could remain in effect just because
the judge said so and not because the victim said I
want to dismiss this, it's not a difficult fix.

They're two different things. The DV cases the --

REPRESENTATIVE KELLY: Here's what happens,
the petitioner files the order, either says that I
want you to dismiss or just doesn't show up, doesn't
show up a lot. So what I would do is look, and if she
alleged he slapped me, doesn't show up, I say, okay,
fine, dismissed.

She alleges my jaw was wired shut and my
spleen is ruptured, what I would do, even though she
doesn't show up, is continue and continue again until
I was right up against the Supreme Court threat, you
know, you have to dismiss these cases, nobody is
showing up.

Yeah. So, theoretically, you'd have some
kind of services, but if people just aren't showing
up, it's a great difficulty with this whole thing.

ATTORNEY GENERAL KOSTER: Senator
Wright-Jones.

SENIOR WRIGHT-JONES: And you may not be
And I tell you, a lot of those agencies are in this room here today, and I consider them such important partners in our work. In St. Louis and in our community, we have a strong and supportive family violence council and, of course, our work with the Missouri Coalition and St. Louis End Violence Against Women Initiative is just ongoing and so important and strong for us, especially for law enforcement.

At the St. Louis Police Department, we do have a secret weapon that I'm going to share with you, and that's our Domestic Violence Intervention Partnership. It's a collaboration between the police department and advocates. Actually, some members of your DVIP group are here with us this morning. Again, its Domestic Violence Intervention Partnership, DVIP. This started as a program of the Family Violence Council through the Coordinated Community Response Project back in 1997, and it started as an important need, and it has evolved over the years to just being a critical part of law enforcement response to victims. We have a memorandum of understanding between our department and Legal Advocates For Abused Women, which is the organization that provides the advocates that work in our office at police headquarters. So they work hand in hand with us, they respond with detectives to cases when they can, when they're available. They interact with detectives on case work on the crimes that they're investigating, and also they follow up when officers -- we have a directive that moves officers to contact DVIP around the clock, 24 hours to follow up with victims. It has been from the very start and continues today to be a very effective and important part of our responses, as I mentioned earlier.

Some of the advantages of this collaboration are very simple. It really insures that victims are getting the required victim right's information that they need, they're getting safety planning and guidance, and sometimes they're just getting a sympathetic ear and shoulder to lean on during a very dramatic and frightening situation they're involved in.

It's important -- an important liaison to us, to the police department, because we know that victims now are getting that help and it frees the officers up to do police work, not to do advocacy work. We go out and prepare the police reports that we mentioned earlier, we go out and search for the perpetrator, we go out and arrest the perpetrator,
we're applying warrants to present to Mr. McCulloch's office and prosecuting attorney's offices. So that's what we're doing with the assurance and comfort that the victims also are connected through the advocacy help. It's just a great resource. The advocates help us, not only victims, but they help us with their experience, and actually we go to them sometimes for guidance, what do you think about this or what -- what -- give us an answer on what you think is a better way to handle a particular situation that maybe a victim is in that might not be directly associated with law enforcement but still needs some attention. They're also a great grant partner. We're involved in two grants with their collaboration, and thank you again for that, that partnership.

So when it comes to training, we've mentioned training a couple times. Training is so important for law enforcement, and the advocates come and we get a 40-hour block of training in our police academy for the new recruits that come out specifically on domestic violence. And the advocates come in and talk to the recruits and tell them what they have to offer and what they offer victims. It gives them a better understanding. So when I'm contacting them, I know the level of service they're going to get.

Last year -- I think it was last year, maybe it was earlier -- no, it was last year. We went through a four-hour training course that was presented by Catherine Vannier that's here with us from the Missouri Office on Prosecution Services. She actually had the opportunity to train most of the police department and it was a domestic violence -- we'll call it a refresher course. We went over laws and procedures and expectations and the advocates were part of that, the circuit attorney's office was part of that, and Kathy Toldnol (phonetic) from our victim services unit at our circuit attorney's office was a very important part of that. And what came out of that was some of the highest comments from participants, from officers, saying how meaningful and how important it was, and that's why we expanded it to the entire department. So training is critical to our response.

The advocates also help us seek out additional training, outside training maybe through the coalition or through other areas that offer training, so it's good there.

As far as the police department response,

calling the police department response,

calling the police department response,

calling the police department response,
Missouri.

Questions? Represent Jill Schupp.

REPRESENTATIVE SCHUPP: Thank you, General Koster.

Good morning lieutenant.

LIEUTENANT HARPER: Good morning.

REPRESENTATIVE SCHUPP: I have a question for you -- first of all, I think the advocacy groups are wonderful and I think it's great that you put them into place and you're working on that community wide. I'm hopeful that those kinds of opportunities are being broadened state wide, and I'm curious at some point to hear how they expand beyond the St. Louis area.

But my real question gets back to just an idea of how you measure the success and what you look at. Do we know that this is -- do we eventually get these women away from staying in a domestic violence situation? Are we able to do that, and if we are, how do we expand on those strengths that these advocacy groups are offering? Thank you.

LIEUTENANT HARPER: Sure. For follow up, when it comes to success, we measure it by calls for service. I mean, when victims don't have to call the police back, when they don't have to call 911, because they've been educated on safety planning and on what's available to them, order of protection orders, ideas and strategies on what they can do to more empower themselves not to be victims. And I don't know that anyone has ever blamed the victim for being a victim, and we don't have a good book that teaches you how to be a good victim. And so advocacy, we think, and we feel -- and it's not anything new, I call it a secret weapon but I don't think it's anything new in law enforcement or across the state or the country, but is a one positive re-enforcement to victims that will hopefully help end the violence. The measurement -- I think the simple measurement is they call the police again and they don't have to keep coming back and going over the same recidivism issues, and I think that's one of our better measurements.

ATTORNEY GENERAL KOSTER: Senator Bray and then Representative Jones.

REPRESENTATIVE BRAY: Lieutenant, thank you for coming today.

LIEUTENANT HARPER: Thank you.

REPRESENTATIVE BRAY: Do you have any ideas that might help the legislature get the provision passed that would enable the police officers to remove the weapons from a domestic violence scene? Like the weapons from a domestic violence scene? Like what if a weapon but I don't think it's anything new in law, it's Federal law, but you know -- the gun rights advocates have sort of dominated the discussions in Jefferson City, even though there are times when the weapons have been turned against the perpetrator, so you would think they may not want to be in that situation as well.

But do you have any ideas how to get the support necessary in getting that done?

LIEUTENANT HARPER: Well, practically speaking, if a weapon is used in a crime, we're going to try and recover that weapon at the scene.

REPRESENTATIVE BRAY: What if it's not used, it's just -- if it's available?

LIEUTENANT HARPER: If it's locked in a cabinet and for the law to be that a perpetrator that perpetrates a domestic violence crime by law has all of his or her weapons removed, I don't think anybody in law enforcement would object to that.

Applying it to a particular crime, that is not a responsibility that we have because it would be hard for us to apply a weapon that's unloaded, that's locked in the closet, to a particular assault or violation of an order of protection. What about all the knives in the kitchen drawer and what about if there's some other type of weaponry or contraband, how far do we take that? I think anything that can strengthen the safety of victims and officers and perpetrators would help law enforcement if we had a law that we could apply for that.

But then once we have a law, it has to be applied across the board. We couldn't be selective on we're going to take the weapons away from him because he called me a name, but we're not going to take it away from him because he owns a tavern.

I would suggest that be well thought out. I'm not downsizing that, I'm just saying it needs some thought process to it.

REPRESENTATIVE BRAY: It's just even though the conversation hasn't taken place because of the domination of the guns, taking anybody's guns away, you just don't know if it's Missouri. That's the supreme law.

LIEUTENANT HARPER: Absolutely.

SENATOR BRAY: It would be really thoughtful, I think, for law enforcement to help even in a thoughtful conversation to take place.

LIEUTENANT HARPER: It would be helpful.

Yes, it would.

DEPUTY ATTORNEY GENERAL DANDURAND:
Representative Jones.
Representative Jones: Thank you.
I want to commend you on the success of your program with community partnerships that you have in the domestic violence community.
My question is: Have you replicated this training in other police departments in Missouri or have you been contacted to replicate this model in other places?

LIEUTENANT HARPER: This model is replicated in other departments in St. Louis -- I mean, in Missouri. We have an awful lot of work that we're doing in St. Louis. It's hard for us to go outside of our confines to share the good news. We're counting on our Missouri Coalition and all of your partners to say -- I believe the Dove Program in Kansas City and Springfield and some of our major cities.

Of course, in our smaller communities, their resources are very thin. So in order to have them in-house with law enforcement and go on a 911 call is impracticable or may be impossible. We just have the resources available to us with, not only DVIP, but with so many other agencies. You mentioned Safe Connections and Alive and a lot of the -- a lot of the organizations that we work with in St. Louis.

I think it would be great. Anybody is welcome to come and see how we operate. I know St. Louis County has a comparable program, and along with some of the Sheriffs and municipalities. The answer would be yes. I do think it would be good business to share what goes on. I'm not saying -- it's a very tight knit. We have our issues -- we have our discussions on how things are working and what we find effective.

REPRESENTATIVE JONES: Again, congratulations.

REPRESENTATIVE ROORDA: Lieutenant, it's heartening to hear the city is taking this issue seriously, establishing a division, not letting those domestic violence calls pend on the dispatcher screens. I started my police career in 1986 as a police dispatcher in St. Louis City, and those --

LIEUTENANT HARPER: You know then.

REPRESENTATIVE HARPER: Those calls would sit and sit, wasn't taken as seriously back then, and arrests in those situations were exceedingly rare. So it's good see that the one of the largest police departments in the city has taken some leaps forward.

I'm a little concerned, though, when you say your benchmark is calls for service. We know the two biggest problem with this issue is underreporting and under prosecution. I guess it's alarming when we hear Prosecutor McCulloch talk about when there's the fact that oodles and oodles of ex-partes and orders of protection that are issued that he doesn't know about, and in those orders, you know, there's allegations of criminal domestic assault that the prosecutors and the police don't know about, and here we hear that you use calls for service as a benchmark. I would sure like to see some other statistical measurements that take into account that there are other things that happen in these situations. The victims stop calling the police because they're frustrated by some step in the process where their plea for help wasn't answered; you provided them with this investigation about seeking orders of protection and now they're going to courts directly and instead of calling the police and those cases are not being prosecuted criminally or not even being brought to the attention of the criminal justice system.

And perhaps maybe -- you know we do this with tracking narcotics, instead of basically just on arrests, we also use emergency room reports. A lot of these victims end up in emergency rooms. There's lots of other ways that we can count this. This isn't criticism. This is the way you counted. I know there is a lot of way police departments measure their success. I'd love it if we could see some other ways to measure this and to benchmark our success or failures. Because I don't think saying women aren't picking up the phone or aren't getting on the phone, tells the whole story.

And this isn't, again, a criticism of your department, and it sounds like you're doing a great job. Thank you.

LIEUTENANT HARPER: And thank you. It's taken well from me. I was very well intended in my response that it's -- it is maybe a confusing benchmark to say -- I'm focused more on recidivism. It is still happening, and one way we know that is by follow-up contact with the advocates. It's part of their -- to call the victim back. Sometimes when officers call or detectives call back -- and you'll know this from your experience -- we get a negative response, hey, stop calling me. When an advocate calls, I'm just checking up, how you doing, do you need anything, we feel that's a measurement of success.

REPRESENTATIVE ROORDA: And there's some
LIEUTENANT HARPER: Absolutely. With us being in-house, we can share that. If it doesn’t breach any confidentiality issue, we can share that. Where the advocate will say, hey, would you try and get in touch with the victim, she’s trying to reach out to you, so there is some follow up there. REPRESENTATIVE ROORDA: That communication is very, very important. ATTORNEY GENERAL KOSTER: Senator Wright-Jones, REPRESENTATIVE JONES: General, let me ask you: Is our domestic violence commission active? REPRESENTATIVE JONES: General, let me ask you: Is our domestic violence commission active? ATTORNEY GENERAL KOSTER: Colleen, there is no gubernatorial task force on domestic violence? REPRESENTATIVE MCNEIL: Thank you Lieutenant Harper. I do want to say that I’m very pleased that you are partnering with the advocates in the community. I know they really have their pulse on what’s happening to our victims of domestic violence. My question goes back to the use of weapons. I was wondering if you have any sense of the percent of cases where you do see a weapon exposed or, you know, some kind of threat of a firearm in the situation? LIEUTENANT HARPER: Uh-huh. REPRESENTATIVE MCNEIL: Do you have any kind of statistics like that? LIEUTENANT HARPER: It’s not in all of our cases. Naturally weapons aren’t used in all of our domestic violence cases. There are cases -- again, I mentioned and Mr. McCulloch mentioned the case recently, the very high profile case in where one of our area hospitals where were a victim was stabbed. We’re also working with a case right now where a victim was stabbed here and she wasn’t able to tell us a story. She wrote a 15-page narrative in her hospital bed. So knives are very dangerous and other instruments. We’ve seen ball bats used as assault weapons. So when we talk about guns, guns are available out there. In law enforcement, sometimes we see the criminals and the elements way overpower us with guns. We have our weaponry and we’re good at it.
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<td>1 the community. He worked as an arson investigator,</td>
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<td>2 that repeatedly throughout the year.</td>
<td>2 ATF, with the St. Louis County Police Bomb</td>
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<td>3 On the other hand, they have guns, and they</td>
<td>3 and Arson Unit. He also carried a second job as an</td>
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<td>4 don't practice as much as we do, and they're not as</td>
<td>4 electrician.</td>
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<td>5 governed and selective, so we are also cautious about</td>
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<td>6 weapons.</td>
<td>6 marriage for both of us. We had no children together.</td>
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<td>7 I'm not trying to go around your question</td>
<td>7 Following our wedding, he began almost immediately</td>
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<td>8 showing signs of controlling and obsessive behavior.</td>
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<td>9 preponderance of cases where a firearm was used in</td>
<td>9 It worsened with time. I was unable to do anything</td>
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<td>10 domestic violence. Many of our cases are physical</td>
<td>10 without his knowledge and approval. He questioned my</td>
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<td>11 violence or domestic assault first, domestic assault</td>
<td>11 every move. He had investigators follow me for over</td>
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<td>12 second that we see in our unit.</td>
<td>12 one year. He called repeatedly and would go through</td>
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<td>13 REPRESENTATIVE MCNEIL: I was trying to get</td>
<td>13 the trash, my phone records and my car. He took my</td>
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<td>14 an idea of, in removing firearms from the homes of</td>
<td>14 phone away.</td>
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<td>15 domestic violence perpetrators, you know, if you had</td>
<td>15 I found out that he was lying, and that he</td>
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<td>16 any statistics on what's happening -- what we're</td>
<td>16 was not a Marine in the Armed Forces, as he previously</td>
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<td>17 talking about here, what percentage?</td>
<td>17 claimed, nor was he a prisoner of war. I was lead to</td>
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<td>18 LIEUTENANT HARPER: Sure. It would be</td>
<td>18 believe he was a police officer. He did carry a</td>
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<td>19 unfair for me to give you a percentage or a number.</td>
<td>19 badge, but he was, in fact, a civilian that worked for</td>
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<td>20 It's a low percentage. I could get that information,</td>
<td>20 the police department. His stories were quite</td>
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<td>21 at least from our department, and see how many guns</td>
<td>21 elaborate.</td>
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<td>22 were used in a particular assault, domestic assaults.</td>
<td>22 Domestic violence is not limited to</td>
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<td>23 I think if there were parameters -- if there was some</td>
<td>23 physical abuse. He never physically harmed me. His</td>
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<td>24 prior use of a weapon in a crime, especially in a</td>
<td>24 pets took the physical abuse when he was angry. For</td>
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<td>25 domestic violence crime that could move that forward.</td>
<td>25 me, it was emotional abuse, mind games and threats</td>
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<td>3 demonstrated, and so that there could be -- maybe</td>
<td>3 department, I felt unsafe talking to anyone in regard</td>
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<td>4 important parameters that could be looked at.</td>
<td>4 to my concerns. I was desperate. I just knew that I</td>
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<td>5 REPRESENTATIVE MCNEIL: Thank you.</td>
<td>5 needed to get out and that I needed to do it</td>
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<td>6 ATTORNEY GENERAL KOSTER: Thank you very</td>
<td>6 carefully. I was finding out the truth, that my</td>
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<td>7 much for your service and testimony this morning.</td>
<td>7 husband was not the person he claimed to be.</td>
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<td>8 I think I would like to ask Carol Cromer to</td>
<td>8 After finding out about his multiple</td>
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<td>9 come forward next.</td>
<td>9 affairs, I temporarily moved into my daughter's home.</td>
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<td>10 In reviewing domestic violence laws, we</td>
<td>10 His behavior became more threatening. He began</td>
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<td>11 should all be guided by one common goal, that is</td>
<td>11 stalking me. I told him I wanted a divorce and</td>
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<td>12 protect its victims who struggle to survive and it</td>
<td>12 stopped answering his calls. His behavior escalated.</td>
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<td>13 pervades every aspect of their lives every single day.</td>
<td>13 I filed for an order of protection. Four</td>
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<td>14 Carol Cromer is such a survivor with a powerful and</td>
<td>14 days later he became a danger to my children. At</td>
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<td>15 very personal story to share. We appreciate your</td>
<td>15 approximately 3:00 a.m., my daughter's car caught fire</td>
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<td>16 willingness to come forward and talk with us about the</td>
<td>16 in front of her apartment. It was a total loss. The</td>
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<td>17 traumatic events you've experienced in your life. Her</td>
<td>17 origin was undetermined, possibly electrical. This</td>
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<td>18 story is a reminder that too many times the violence</td>
<td>18 occurred in my husband's district and area of</td>
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<td>19 only ends when someone dies.</td>
<td>19 expertise. His department was informed of our</td>
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<td>20 TESTIMONY</td>
<td>20 concerns. Later that morning, my husband showed up at</td>
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<td>21 BY CAROL CROMER:</td>
<td>21 my work and dropped off an envelope that said rethink</td>
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<td>22 MS. CROMER: Thank you. My name is Carol</td>
<td>22 this.</td>
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<td>23 Cromer and I am from St. Charles, Missouri.</td>
<td>23 I called the police to make a report. It</td>
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<td>24 When I first met my husband, he appeared as</td>
<td>24 had been six days since filing for the order of</td>
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<td>25 very kind, charming and a well-respected man within</td>
<td>25 protection but m my his had still not yet been served.</td>
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| 1 The police officer made contact with him in the parking lot and proceeded to serve him. Exactly two weeks later, again, at approximately 3:00 a.m., my son's car exploded and burned in his driveway, along with my daughter's second car, which was also in the driveway at the time. My son was asleep in the house and did not hear here the explosion. The fire was so hot it had moved to the house, and if not for the quick response of the neighbor and the local fire department, this could have easily became a fatal consequence. Once, again, this occurred in my husband's district and area of expertise. I begged that they keep the information -- I'm sorry. His police department was again contacted with our concerns. Later that morning, I contacted internal affairs. I begged that they keep the information we discussed confidential. They talked to him about what was going on. He explained that he had nothing to do with it. They did bring in an independent investigator to review the two fires. Both undetermined, possibly electrical, with nothing more they could do. Over the next three weeks, he continuously began showing up in the parking lot at my work. I contacted internal affairs two more times. I made at least six reports of the violation of the ex-parte. I was unable to get the actual order of protection because every time the hearing was scheduled, he used the system to have it continued. He knew the system better than most. Getting the full order of protection actually took over one year to accomplish. One evening I went to the gym after work. As I walked to my car to leave, I saw my husband sitting in his car watching me. I quickly jumped into my car and drove to the nearest police department. A report was made. My husband denied being there. Later I received a startling phone call blaming me for all the events that had previously happened to my son and daughter. I took my phone to the police and made another report. Later that same evening, I was informed by my husband's son -- I'm sorry -- I contacted my husband's son and explained my concerns of his increasingly strange behavior. Later that same evening, I was informed by my husband's son and by friends of my husband in the police department that his intentions that night was to kill me and then to kill himself. He had meticulously laid out instructions for his son as well as clothing for the funeral. A couple of days later mail began showing up at several of my family members' homes describing why he had to do what he did, and at this time, they were all to blame. Imagine how my children must have felt reading those letters after knowing what his intentions have been? He was admitted that night to a hospital psychiatric unit. He was evaluated for one week, given medication and released. Throughout the next couple of months things were fairly quiet. We were beginning to hope that maybe he had moved on, as we were so desperately trying to. October was coming up quickly and it was going to be a busy month. I was in the process of the fun of helping one daughter plan her wedding and looking forward to the birth of my other daughter's third child, too, do around the same time. The fun was overshadowed by occasional, unexplained hang up phone calls that would come in through the night. Nevertheless, I was determined to make this a beautiful event.
<p>| 1 desperate. He knew just what to do. We need some kind of proof he is lying I was am told by the police. I was finally able to get that proof. My girlfriend's husband actually came to my office and sat at the window all day waiting just to get him on videotape, and he did. Another report was made, and, once again, he lied about his whereabouts, but this time I had the proof. Two days later, my daughter woke up to a threatening note that had been left on the windshield of her car. I think you can imagine with her upcoming wedding only weeks away the fear she experienced as she read the note. I did not get my invitation, it read, but I'll be there. It will be a blast. Again, a police report was made. Three days later the St. Charles Police Department arrested him on charges of stalking with a bond set at $1,000, a misdemeanor. He was out on bail within hours. Now, we are more afraid than any other. One and a half weeks later around 1:00, my daughter had been having false labor contractions and had moved to the couch trying to get comfortable. She had finally managed to fall asleep when she awoke to an explosion and fireball outside her window on the back deck. A pipe bomb had gone off setting the deck |</p>
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<td>and back of the house on fire. My two grandchildren, ages two and 14 months, were asleep only feet away. Once again, the serious nature of these incidences could have had a more fatal outcome for my children and grandchildren. Later that day, during the investigation at my daughter's house, I received a call that my home was on fire. The losses were now reaching hundreds of thousands of dollars. He was totally out of control. He was brought in for questioning. When he arrived, he had a gun in his car. Due to the fact that I was still not able to get the full order of protection, no violation had been made. He requested a lawyer and no further questioning was allowed. He was, however, taken in for the second time to the psychiatric unit for evaluation. He was held three days, given a new prescription of medication, and, once again, released. Both fires were determined arson, but I'm told there was no way to prove this to be the work of my husband at the time. The fact that he drives around with accelerants in his car is just part of his job and proving anything would be difficult. Circumstantial evidence is all we have. I'm told a picture of him in the act would help.</td>
<td>was cancelled. The rehearsal and wedding itself was seriously becoming more and more jeopardized. People were scared. We could not put anyone else at risk. Once again, a cloud of sadness took over what should have been a very happy and momentous occasion. Due to the extreme measures of precaution taken by the St. Charles and St. Peters Police Department, we were able to keep the rehearsal and wedding on as scheduled. To them, we are extremely thankful. Two days later, and just one day before my daughter's wedding, my husband was arrested for the third time by the St. Charles Police Department, this time on charge of theft, a felony. During the investigation of the fire at my home, they uncovered some of the things I previously reported stolen out of my car. This time a $200,000 cash-only bond was set. Something had finally been done to give us a chance, even if only temporarily, to being victimized by this individual. My husband was unable to post bond this time. The wedding turned out to be a beautiful celebration; although, the thought still lingered as to how much time we had until he would be back on the street again. He was held for one year during which a third mental evaluation was done. Our divorce became finalized. Fortunately, I was referred to the Safe At Home Program for help in protecting my personal information. I changed and protected information on my name, my home and my car. I left my job of 20 years and all the benefits I had accrued to make life safer in the future. I started over with nothing. It was difficult, but it gave me a chance once again. My ex continued to try and get his bond reduced. My family and I pleaded at each and every hearing. I thank God for those judges who listened intently and gave careful consideration on each issue. Prior to trial, my ex had the chance to plead out. The time he had awaited trial became time served. He was released. A supervised probation was set. I was afraid once again. The terrifying letters of revenge and the heartless attacks on my family remained fresh in my mind. My ex-husband did not move on with his life. His behavior over the next year included countless attempts to take our previously settled divorce back to court. If it had not been for all the help the Safe At Home Program had provided at that time, I am sure that I would not be here today to speak to you.</td>
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<td>Three car fires, two house fires, a threatening note, a written letter of his attempt kill me and myself and there is nothing we can do. We do not know how much longer we can remain safe. We are just thankful we are all okay. We soon realized that we all had to leave our jobs and our children had to leave their schools. We feared what was yet to come. The stress my daughter was put under also put her unborn baby at risk and arrangements had to be made to take the child early. With protection prearranged at the hospital and the other children placed in undisclosed locations until the baby could be delivered, we managed to get this accomplished. The pain I felt watching my children be separated from their children in order to keep them safe during this time was gut wrenching. The next day, after the birth of my newest grandchild, and just one and a half weeks to my other daughter's wedding, by husband was once again arrested for the second time by the St. Charles Police Department. This time for aggravated stalking. A $10,000 bond was set. He posted bail on his credit card, and, again, was out within hours. We now had to take careful consideration in events leading up to the wedding. The bridal shower was totally out of control.</td>
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24 cooperation concerned me. His past behavior told us for questioning with his lawyer that very day. His contact with my ex-husband, and he agreed to come in.

22 Five weeks ago, the investigator made it sounded more like attempted murder.

20 looking at possible assault charges; although, to me, between the car and my ex-husband. We were now investigation and found there was, in fact, a link to be next. They followed through with an urgency in an investigation and found there was, in fact, a link between the car and my ex-husband. We were now looking at possible assault charges; although, to me, it sounded more like attempted murder.

22 Five weeks ago, the investigator made contact with my ex-husband, and he agreed to come in for questioning with his lawyer that very day. His cooperation concerned me. His past behavior told us that it could be dangerous if we didn't stay hidden for now. My ex-husband never showed up.

23 of a potentially fatal outcome.

18 incapable of changing their behavior. They do not value their own lives. Therefore, expecting them to comply with rules and suddenly value someone else’s life is incomprehensible and ignores the possibility of a potentially fatal outcome.

21 Hazelwood, Maryland Heights, Creve Coeur, Ellisville departments which included St. Louis County, St. Charles County and St. Peters. I am truly grateful to the St. Charles Police Department and the St. Charles prosecuting department for their expertise, hard work, determination and support in this matter. They truly understood the serious danger associated with these individuals and took every precaution as they worked diligently to try and seek justice in a limited court system.

6 I have come to realize that not all law enforcement have been as educated in this area and do not fully understand the potential dangers involved when handling these vicious attacks and life-threatening matters. I have experienced the need for better laws which draw the consequences to better protect those being victimized in the future.

13 I feel orders of protection especially need serious review. Each time my husband was arrested and released, the violence got worse. Allowing him to repeatedly bond out did not stop his destructive behavior. It only allowed him to continue down a much more destructive path. These individuals are incapable of changing their behavior. They do not value their own lives. Therefore, expecting them to comply with rules and suddenly value someone else’s life is incomprehensible and ignores the possibility of a potentially fatal outcome.

24 I come before you today because I made it. Just four short weeks ago, I would have had to say no to telling my story. The concerns for my family’s safety were far too important to put them at risk. However, I will never forget what my family and I had to go through in an attempt to try and get justice in this matter. My family and dear friends were my support. Whenever I wanted to quit out of fear for their safety, they unselfishly reminded me of all the other children that have been displaced in protective shelters because of someone threatening in their lives.

11 There are so many others living just like me out there right now who cannot come forward to tell their story out of fear of what might happen, not just to them, but more, importantly, to their children. No one deserves to live like this. Children especially do not deserve to live like this.

16 During my time spent in shelters, I was able to meet the faces of real people and real children who are still currently waiting for help. Some have been murdered. Others are still waiting, hoping they get the chance to someday tell their story. Please help me to look into these children’s eyes and reassure them that help is on the way. That one day they, too, will be able to stop running and hiding, and that they will be able to go back to their
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| homes, their friends, their schools and their jobs. That they will be able to lay down in their beds at night feeling safe and protected, and that they will no longer have to be victimized and feel threatened in their own homes. Thank you for this opportunity. ATTORNEY GENERAL KOSTER: Thank you, Carol, for sharing such a powerful and personal story. The materials that were handed out to the panel members indicate that the story you told is a story that some 50,000 woman in the state of Missouri in 2009 reached out for help for along some lines, not all as traumatic as yours, but all of them in desperate need for help. 25,000 of those, half of the 50,000, were in situations serious enough to seek overnight shelter. Only 40% of those were assisted with overnight shelter because the shelters were full. Questions for Carol. Representative Roorda. REPRESENTATIVE ROORDA: Carol, thank you so much for your bravery. It sounds like you were married to a coward, and your bravery is inspiring to all of us. I'm embarrassed to be a law enforcement officer in a state where this sort of torment and violence would be allowed to proceed. Let me ask you: I'm the ranking member of the crime committee in the House and criminal law committee that would like to hear legislation that would address domestic violence. If we would put together a bill as a result of this panel, would you be willing to come and share your story with the entire crime committee in Jefferson City? MS. CROMER: I absolutely would. REPRESENTATIVE ROORDA: I look forward to working with you and working with the other members of the panel to move something forward. There's a lot of good ideas we're going to hear as an outcome of today's task force. I would like to see some of those put in action. MS. CROMER: Thank you for doing what you are to try and help us. It's a serious situation. REPRESENTATIVE ROORDA: It is. Thank you. ATTORNEY GENERAL KOSTER: Thank you very much for your testimony. Next I would ask Ellen Reed to come forward. Ellen Reed has a master's in public policies and administration and is the executive director of Lydia's House, which has provided transitional house to since survivors of domestic violence since 1995. She also serves as the chair of the advocacy committee of the anti-violence advisory project of ALIVE, Alternatives to Living in Violent Environments, serving the lesbian, gay, bisexual and transgender victims and survivors of violence within the St. Louis metropolitan area. It is one of the very few areas of state law that does cover the LBGT community and we appreciate your willingness to come and share your professional experience. TESTIMONY BY ELLEN REED: MS. REED: Thank you so much for having me. As you indicated, I do wear multiple hats. I do want to just say quickly, my day job, my paying job, is as the executive director of Lydia's House, which provides transitional housing to battered and abused women and their children, and we are the largest in the state and we are one of very few such programs. So we are very well informed of the needs of woman in Carol's situation. Powerful explanation of the reality of this work. In my volunteer life, I do chair this committee for the Anti-Violence Advocacy Project which is now situated under ALIVE, which is another critical domestic violence advocacy program in the St. Louis area. Ricky and Sherrie have lived together for nearly three years, but it is dangerous. Sherrie has always been controlling and sometimes she is down right abusive towards Ricky, especially around money. Ricky has to live on an allowance because Sherrie insists she is better at handling money. For the past year and a half, Sherrie has gotten violent with greater frequency and greater force. In fact, just last week, Sherrie nailed Ricky in the ribs with a golf club, but Ricky didn't go to the emergency room. Ricky didn't go to the doctor to check for fractured ribs, and, certainly, Ricky will not call the police. Ricky worries that reaching out for help will expose her as a lesbian. She is a woman living with another woman who is violent. Ricky is the larger of the two woman and she is considered to be more "butch" than other woman, and she believes that because of these visible qualities, she will not be believed as being the victim in the situation. But Ricky has not come out to anybody. She's not come out to her family, and she's not come out to her church family because she's afraid. Only her closest friends know she is a lesbian. Ricky
control somebody else's access to those resources.
1 The reality is that in same sex or same gender or
2 non-gender-conforming relationships, domestic violence
3 or intimate-partner violence occurs in about the same
4 frequency as it does in mixed-gender, mixed-sex
5 relationships.
6 The reality is that it can be as fatal as
7 in any other type of relationship, and the reality is
8 that it is painful. It's physically painful. It's
9 emotionally painful. It's destructive, and it's very
10 dangerous.
11 Another reality is that children are likely
12 to be involved, especially, when two woman are in the
13 relationship. We can't ignore the reality that
14 children in those relationships are also witnessing or
15 being impacted by domestic violence.
16 Another reality is the impact of domestic
17 violence or intimate-partner violence on same-sex,
18 same-gender-relationship victims is that it disrupts
19 the ability of the victim to thrive and to be a
20 successful, contributing member of the community.
21 The reality is that the economic impact is
22 immense due to the lost time and productivity in the
23 workplace. But unlike mixed-gender relationships,
24 same-sex or same-gender relationships bring an
25 entirely different level of barriers and
26 complications. It is much easier to control those who
27 are invisible or those who are abused by the broader
28 culture. Simple exposure for many couples is a daily
29 threat that underscores or drives home the control
30 that one person can take over another. It is also
31 much easier to exert power and control when there's
32 limited access to help and resources, such as law
33 enforcement and the court system. When one person is
34 afraid that by accessing help and resources it may
35 greatly endanger her or him, it limits the access and
36 it increases the ability of one person to control or
37 abuse or be violent against somebody else.
38 If a larger culture denies the value of a
39 relationship, the couple often lives in complete
40 isolation from the support network found in healthy
41 communities and in healthy relationships.
42 So quickly, a few recommendations coming
43 from the LGBT community would be, No. 1, remove all
44 legally sanctioned discrimination against same-sex,
45 same-gender and increase protections as a highly
46 endangered group of people who do suffer from physical
47 assaults and other types of discrimination, including
48 sexual orientation gender identity as a protected
as the executive director of a domestic violence program, there, so I have interacted with many levels, from extremely rural half-time departments to the very professional St. Louis City Police Department and it is as varied as there are departments as there are people. Attitudes can be anything from a St. Louis City Police Department that has an LGBT liaison on staff to departments who are as abusive to somebody trying to report as is the abuser, and we certainly have got the documentation of those.

ATTORNEY GENERAL KOSTER: Very good. For the record, the Attorney General's office has an LGBT liaison and has since January of 2009.

MS. REED: Yes.

ATTORNEY GENERAL KOSTER: Questions for Ellen.

Thank you very much. I hope you take us up on your invitation.

MS. REED: Certainly. Thank you very much.

ATTORNEY GENERAL KOSTER: Our next speaker is Tara Boyer, who is unit supervisor for the Missouri Board of Probation and Parole, District 17 in St. Charles, and with the Department of Corrections she is also the chair of probation's ongoing institutional advocacy on behalf of LGBT citizens in our DV programs to provide both individual and institutional advocacy on behalf of LGBT citizens throughout the state. Another recommendation is to insure hotlines are available throughout the state so that victims can report anonymously, which is a critical component of safety of any victim of violence. Support anti-violence projects as the data collectors for LGBT intimate-partner violence and hate crimes. This is a critical component. The National Coalition of Anti-Violence Project puts together -- they hold the national statistics but there isn't funding in Missouri to get -- to have those people in place to get those statistics to that national coalition. And, finally, to hold open a seat on the Attorney General's task force on domestic violence for an LGBT advocate associated with an anti-violence program.

ATTORNEY GENERAL KOSTER: Let me -- on the last point, let me extend the invitation to you right now. You are welcome to sit here with us on the panel when we -- pull up a chair and sit with us right know if you like, and you are welcome to join us in Kansas City later this month.

MS. REED: Thank you very much.

ATTORNEY GENERAL KOSTER: Do you interface with law enforcement on a regular basis with respect to LGBT issues and domestic violence, and, if so, how do you find that interaction, are you pleased with it, are you frustrated with or something in between?

MS. REED: Personally, I have been in and out on doing work with law enforcement. Currently with my day job, my paying job, being executive director of Lydia's House, I am not doing that piece of it. ALIVE will be taking that piece on, but I have many years experience of having done so in various -- I'm actually from the Hannibal/Quincy area and worked...
because we end up with the victims calling and they
don't generally understand what we are capable of
doing, as do a lot of folks. We are kind of the half
law enforcement, half social work, half victim
advocate. We have a very strange place in the
criminal justice system.

We get phone from victims that start off,
whatever you do, don't tell him I called, and that
makes things very difficult because as a probation and
parole officer, we are only able to write violations
if we have some sort of proof. Now, what I tell my
officers all the time is you get creative. If they're
saying he's using drugs, you bring him in for a drug
test, and then we get working with programming. And I
have told them before, I see your name was ran. And
they're like what for. I don't know. I just got your
name was ran. What happened at 2:00 in the morning.
And you try to get them to start talking. And you
work with a client and you keep an eye on them and you
look for what changes are occurring in their
personality throughout the time that you're
supervising.

However, domestic violence perpetrators are
also some of the quote, unquote, kind of slickest,
kind of the most manipulative, and they have a
tendency to show very well to probation and parole,
and that's the difficulty that we run into. What I
tell people, my officers, is it means you have to work
a little bit harder and have to try and keep plugging
through.

I'm not sure how familiar everyone is with
probation and parole. All clients that are placed on
supervision have to abide by ten set conditions, and I
did bring -- if anyone is familiar with this, this is
our rules that we have that govern probation and --
probation and parole. It's the booklet that we give
to clients when they're placed on supervision and that
go through our intake program, so I did bring copies
for everyone. It's also available on our website, the
Department of Corrections website, along with some
other really great information if you ever wanted to
know anything about probation and parole.

These conditions include laws, which means
they have to obey all the laws that they're currently
set for, travel -- we'll go over these briefly --
residency, employment, associates, drugs, weapons,
reporting directives, supervision strategies and
payment of intervention fees. Additionally, we have
the catch-all special conditions that are conditions
that are specifically set by judges or the parole
board when a client is released on probation or set on
parole. This is where supervision gets tailored
specifically to the events, and this is where a judge
or a parole board can make a recommendation for a
batterers' intervention program, a no-contact
restriction, where they're not able to contact the
victim, or what we do see often is no unlawful-contact
restrictions, which indicates that the victim has,
through the process, indicated they want to continue
to have contact with the perpetrator, but what we're
saying is if the police are called, if we get any
reports, then we have something that we can act on.
So it kind of gives the victim that autonomy at that
point. And also residency restrictions, you cannot
live with the person or you can live with this person.

When a client violates supervision, the
violation is documented in a violation report or a
notice of citation, depending on the type of
violation. Any law violation, drug violation, weapons
violation or special conditions has to be documented
in a violation report. Those are our mandatory
violations and they have to be written up if we find
out about them. At that point in time, the officer
and client create an action plan, and we can work with
the client to address behaviors, such as placing them
in drug or alcohol treatment, or we can increase
batterers' intervention program, or place them on
electronic monitoring or transdermal alcohol
monitoring or GPS monitoring. We have a lot of things
we can use to work with your clients if we believe
that's in their best interest. However, if it is a
serious safety issue, we can go to the courts and ask
for revocation at that point, in which case the judge
then makes the determination.

As previously indicated, the probation and
parole department has convened a state-wide domestic
violence task force. It actually began in late 2008.
The board of probation and parole at the urging of
some officers that had gone to a coordinated community
response training in Duluth, Minnesota formed this
task force to examine how we as a department address
domestic violence. Due to some internal changes that
we were having within our department, there was a
moratorium placed on all committee work and we did not
officially meet until April of 2010.

The purpose of the committee is to develop
a systematic and unified response to domestic violence
by the probation and parole staff. Presently
probation and parole falls into six geographic
regions. We have a representative -- at least one
We are still doing our work now, so I can't really make any actual recommendations. We're kind of where you guys are with collecting our data and making our recommendations to our higher-ups. But what we have identified as our goals is improving our relationships with our community partners, training for all partners, ourselves included, because we have found out that we, as probation and parole officers, need to step up our game with knowing what's going on with domestic violence.

And while it's different maybe for police officers or prosecutors where you can kind of funnel the case into this is a domestic violence case, give it to a domestic violence detective or give it to a prosecutor, what we find is that anyone can be on supervision for any number of offenses and be a perpetrator or a victim, so we want to have all our offices with at least basic knowledge regarding domestic violence.

We're also looking at potentially standardizing practices and conditions for domestic violence supervision, whereas a person on supervision in St. Louis will have the same set of standards for completing that supervision as someone in, you know, a small town like New London, Missouri. Okay. Where a big problem that we run into is lack of resources between those two areas. Because you can only make recommendations and judges will only add special conditions if they are able to actually do them. We can't recommend batterers' intervention programs for a client if there's no batterers' intervention programs in the area.

And also standardizing the institutional response to domestic violence. We do find out that domestic violence does not stop merely because a client is incarcerated. We do have people that abuse from the jails and people that abuse from the prisons, and trying to look at what we can do as a community and a state to stop those things from happening.

Through our work, we've identified a need to increase our collaboration with community partners. In some regions of the state we are very proficient at this. We have lots of areas that have domestic violence courts, that have domestic violence case loads, and then we have others that don't even -- don't even have shelters in their area or speak to their prosecutors and we need to add to that collaboration. Especially with budgetary constraints right now, duplication of efforts is something we need to kind of streamline a little bit better and really getting to the point where you -- if you're doing this, just fill me in on what's going on, and we can all come to the table and discuss this client.

We have identified the following partners as beneficial to community supervision, victim service providers, including shelters, prosecutors, batterers' intervention programs and law enforcement. And it can be anyone. You can have a contact at your emergency room and if that person is helpful in identifying domestic violence cases, then grab them in your community.

Within probation and parole we're addressing -- like I said, we're addressing the need to increase officers' knowledge on domestic violence issues. This is being addressed at new officer training. That was something that 12 years ago, when I started as a probation officer, we didn't talk about domestic violence.

Within our department, the task force has also looked at the duplication of efforts is something we need to deal with. But also we're running into the LGBT community and officers not knowing how to, you know, address things within that community. Immigration and cultural issues with domestic violence, and we've had officers throughout the state come up with all of these issues. So, again, I'm going to reiterate what everyone else has said, training, training, training, and, unfortunately, training is not free.

While examining the areas of concern within our department, the task force has also looked at the needs of the state and identified the following areas...
for improvement.

As I indicated, one of the -- one of the things that research indicates that does help working with batterers is the use of batterers' intervention programs. If they are approved batterers' intervention programs, which there's no set criteria other than what the coalition has set forth, which works really well, and St. Louis has set forth its own criteria. But it has to be a program that's actually the correct length of time, addressing the correct issues and holds them accountable. However, we have identified through our task force huge areas of the state that have no batterers' intervention programs, which then means the probation officer is looking at them going don't do it again or go to this anger management program, which has been proven to not be effective when working with batterers. So we tie our hands and aren't able to really do effective interventions in that area.

Additionally, we have issues with inconsistencies with prosecution throughout the state where we have some communities that -- and I believe someone eluded to earlier -- there are arrests for peace disturbance or some communities have no domestic violence in their area, even those demographically it looks like they should have some based on other communities. So educating prosecutors and police departments on what we need for effective prosecution and what we need for effective violations is very important.

We need -- my officers can write a violation report if I have a police report that says I came to the house, I observed marks, I observed, you know, the phone ripped from the wall or we have actually things we can say, you know what, we have evidence no matter what the victim says at that point. Same thing police officers run into.

A lot of cases are also being funneled to other municipal charges which don't have any state intervention, no probation or parole officer assigned or being charged as misdemeanor charges. Domestic violence and violation of ex-parte are some of the only misdemeanor charges that we as state probation and parole still supervise because they are important misdemeanor charges, but we lessen the amount of interventions that we can do when they're a misdemeanor case. We can't use any of the programs that are offered through the Department of Corrections, such as a 120-day additional treatment for improvement.

center, 120-day Shock Program, and we are limited to -- we can't use things like our community release center, where what we need to do more than anything is just get him out of the house to buy her some time, because those are reserved for felony convictions and parolees. It limits what we do.

And Can we also have inconsistencies -- putting everybody at the table for a state-wide committee, we end up stabbing a case, that would have been charged as this in our community or that would have been charged as this, and there's real inconsistencies based upon where someone is regionally or what resources are available, so just looking, examining that.

And, additionally, we had -- all community partnerships would again benefit from increased training, training on what we all do. Because especially, like I said, with probation and parole.

We're kind of misunderstood quite often, what probation and parole does, what a law enforcement officer does on the scene, what do victim advocates do, what is the difference between a victim advocate at a shelter, victim advocate at a prosecutor's officer. So just bringing everyone to the table for -- like I said, this came from a coordinated community response training -- bringing everyone to the table for that coordinated community response. Because perpetrators are really good at what they do, and we need to make sure we're really good at what we do as well.

Thank you very much and I really appreciate the opportunity to be here today.

ATTORNEY GENERAL KOSTER: Tara, thank you for a very good presentation. You had mentioned that you thought anger management was statistically ineffective, if there was one program that you thought through your direct experience in this would say I would want to place a certain defendant in this treatment program or in this course of supervision, can you identify one that you antidotally think works?

MS. BOYER: Basically a batterers' intervention program based on the Duluth model, and the Duluth model uses the same criteria that's set forth by the Missouri Coalition as well as the St. Louis batterers' intervention program standards. And what it specifically does is it teaches -- it's anger management -- when you're teaching those kind of things, it's too easy, you know, to share the blame and I need to express my feelings, where the Duluth model goes with power and control. You abuse because
it gets you what you want. You abuse because it's all
about you at this point in time, and working through
the power and control wheel.

And the standards are also set that it has
to be a certain length of time. In your community we
do a 26-week program followed by once a month
follow-up, kind of like an after-care program for six
months. So they're in a program for a very extended
period of time and all of the providers that I know
also allow the client to come back at any point in
time free of charge.

So I would look for a batterers' intervention program following the Duluth model.

MS. COBLE: What do you do or has it been
discussed with your colleagues for those who are the
in the batterers' intervention program and re-offend
and, yet, you don't have the option that you would
have with other repeat offenders? What is done there?

MS. BOYER: And that's one of those things
that there's -- it depends on what we kind of get. If we
have a new offense and the offense is charged
upon -- I don't want to use the word good but if we
have a really good police report where we can do it
and we can do it -- we have to look at safety concerns
primarily and is there anything else that we can do
with this client in the community.

My biggest issue when we run into a client
who re-offsends is the fact that mainly all of these
charges are misdemeanor charges, so this client is
never going to go to the Department of Corrections.
This client is probably not going to do anymore than
three months to a year in a county jail or we can have
him under supervision for two years -- in our area,
al of our misdemeanors are two-year probation -- or
we can attempt intervention and monitor him or we go
do three months in county jail and then have nobody.

So it's very difficult. My officers have
to staff -- I believe this is through the state at
this point in time. We have to staff recommendations
for revocation with their supervisor. When they come
to me and say this is what I want, and we look at it,
and the primary -- our primary service is public
safety, and if we believe it's a public safety
violation, then we'll recommend revocation. But, like
I said, there has to be a charge or there has to be a
really good police report to prove it, because
otherwise all we're doing is kind of ticking him off
half the time. Because a lot of times it's exactly
what Carol talked about, you'll get that bond and then
they'll be out and still be doing their thing while

we're trying to keep them safe.

But one thing that's really going well is
now that we do charge intervention fees for
supervision, we now have the capability of placing
someone on electronic monitoring at no cost to the
client. So that makes it a lot easier, because then
we are able to circumvent that issue and we're like
get on a phone, we'll throw you on. And we're now
also able to offer electronic monitoring where we can
kind of place them on lockdown a little bit more, and
in instances where -- because it is more expensive, where
necessary, GPS monitoring, and we can put exclusionary
zones around things like the victims home, and I have
heard some officers that have used that with domestic
violence offenders.

ATTORNEY GENERAL KOSTER: Representative Kelly.

REPRESENTATIVE KELLY: I want to follow up
on what both the General and Colleen asked. What
we're looking for here is those little gems of
testimony which can result in changes in the law.
Maybe you don't want to answer this now but and think
about it, what specific increases in power could we
give to your officers and/or sentences in court that
would make it easier for you to pop them back or put
doing for battered -- I said it is worth about as much
as he puts into it. But it is the most effective
intervention that we have available at this point in
time.

And I think it also goes back to quality of
programming and that's why it kind of bothered me that
we don't have any set standards. We have set
standards where it comes to sex offending treatment
and when it comes to substance abuse treatment, we
have credentialing agencies, but we don't have that
when we go to batterers' intervention programs. We
basically -- unless you have like St. Louis does where
it has an independent agency or you have the coalition
that kind of does their audit, we have -- kind of have
people hang a shingle out and call it a batterers'
intervention program until we find something different
and somebody goes wait. We were -- it was one thing
when we got it all together, hey, have you heard about
this program; yeah, I like that guy, feel free to use
him, and we kind of did that as a networking thing.

So, no, batterers' intervention programs
are by no means the magic fix, but they -- I think
they offer -- they offer a better understanding of the
process of -- a client who goes through substance
abuse treatment may need to go through it a couple
times. A client who, you know, goes through sex
defender treatment is not being cured, they're
learning how to control their behavior so there
hopelessly aren't any other victims.

With regard to the magic -- additional
powers, I'd really like to ponder that and maybe get
back in a written statement for it and kind of pass it
around, pass it up the chain to what else we could
use.

ATTORNEY GENERAL KOSTER: Senator
Wright-Jones.

SENATOR WRIGHT-JONES: You mentioned in
your comments two things for sure that you found
frustrating with the Department of Corrections in
terms of resources that you could use to help your
program be a little more viable. Would you go through
those again?

MS. BOYER: I believe what I said was --
and let me make sure I'm right -- when we're dealing
with misdemeanor cases, that misdemeanor cases are not
eligible for all of our programming is that what
you're referring to?

SENATOR WRIGHT-JONES: Yeah.

MS. BOYER: Misdemeanor cases are not
eligible for institution placement and institutional

treatment center and they're not eligible for Shock
Incarceration Program. That's because those are
through the Department of Corrections for felony
cases, and a misdemeanor case, if it's revoked, will
go to county jail.

So judges that place clients in Shock time
to indigent defense attorneys who work with us to kind of do -- work
with this client understanding that I've got this two
years to kind of get something changed and I want to
be able to either try to change his behavior or be
able to revoke this client and send him to the
Department of Corrections, that's, again, really
working with our judges. We have a designated
prosecutor in St. Charles County which is very helpful
as well.

SENATOR WRIGHT-JONES: Is that something
you would need? Would you need this roadblock out
of the way or is it because of the way the laws are
written there's really nothing we can do about it?

MS. BOYER: This is my limited
understanding of how the laws are passed and what goes
on with all of that.

I believe those are reserved for the
Department of Corrections for felony cases because
they're through the Department of Corrections, and

county jails -- maybe being able more to institute
something for more Shock jail time that's available
for misdemeanor offenses might be helpful. So
something where we're able to -- if we need to, if we
can't revoke a client, we just need to put him away
for a little bit for the victim's safe, that might be
a good thing.

SENATOR WRIGHT-JONES: Now, my
understanding is that you as probation and parole are
dealing with inmates that are coming out of the
Department of Corrections system; is that correct?

MS. BOYER: We deal with both. We're a
dual system. We deal with probationers who are placed
directly from the court that are placed on probation,
and we deal with parolees that are released from the
Department of Corrections after serving sentence.

ATTORNEY GENERAL KOSTER: Judge Dandurand.

DEPUTY ATTORNEY GENERAL DANDURAND: With
regard to the things you don't have available to you
for misdemeanors, that would be a huge hurdle to climb
and it's mostly because those programs are available
for felony probationers only and they are chocked full
of felony probationers now. I mean, the room for
applying that to misdemeanors would require something
very, very -- what is available now and the solution
is if there's concern, if the concern is that it's
such that someone should be in the Department of
Corrections for 120 days, it shouldn't be a
misdemeanor.

ATTORNEY GENERAL KOSTER: Representative
Roorda.

REPRESENTATIVE ROORDA: Thank you.

Tara, I'm going to put you on the spot, and
this question is little more broad than just domestic
violence, but because of my law enforcement background
I still talk to probation officers on the street. And
I increasingly hear, not just from POs, but also from
cops that are frustrated with the system, that
revocations for new violations, associations, failing
a urine tests, that those are becoming increasingly
rare, it's more and more difficult to violate somebody
in our current system.

And I want to know, A, is that true from
your perspective, and, if so, is it a funding issue,
is it our overcrowded prisons, is it a case load
problem for probation? Because it's particularly
frightening to hear in this context that we have
abusive people who are a danger to the folks that they
live with, they could be removed, but aren't because
we've got a system that makes it difficult then to

But if it's to the point that the client is

But if a client -- all I can speak to is my
offices and offices I've work in and what I've been
told through working with other officers. If a client
does pose a significant risk, we will recommend
revocation. Are there problems with the budgets and
are there overcrowding in prisons, definitely. And do
we need more room so that's not an issue, definitely.
Because, you know, it does cost a lot less to
supervise someone on probation than it does to house
them in prison. What I tell my officers is we need to
reserve prison bed space for clients that need to be
in prison. Lots of time offenders --

REPRESENTATIVE ROORDA: And public safety,
significant risk standards, are incredibly subjective.

MS. BOYER: It is. That's why all
revocation recommendations have to be staffed. My
officers come to my office all the time, and I want to
revoke this person. I say, okay, what did they do,
what have you done and what are we hoping to
accomplish, those are kind of what I ask them. And if
they said this person is on for a domestic violence
offense, they re-assaulted the victim, he's already in
a batterers' intervention program, I say, okay, let's
write it up.

But if it's to the point that the client is

There is if there's concern, if the concern is that it's
such that someone should be in the Department of
Corrections for 120 days, it shouldn't be a
misdemeanor.

As follow up on the discussion of felony
versus misdemeanor level, one of things I think anyone
who has actively prosecuted or been involved in law
enforcement or management of corrections would agree
upon -- I hope they would agree upon with respect to
domestic violence offenders, is that by and large they
are master manipulators, and so much so it's almost
second nature in their relationships with their
victims that it spills over in their relationships
with their probation officers and other members of the
ATTORNEY GENERAL KOSTER: The next panel is on the topic of orders of protections, their uses and shortcomings. The Missouri Victim Assistance Network is a state-wide coalition of service providers with the goal of improving treatment of crime victims. Peggy Tyson serves as its president and also is the director of Plymouth Clinical Services as a crime victims advocacy center.

Dwight Scroggins is a prosecuting attorney, and long time colleague of mine from Buchanan County, and has made the trip from St. Joseph's today to speak as legislative chairperson for the Missouri Victims Assistance Network.

To both of you, welcome, and thank you for making the long trip. Peggy, the floor is yours.

MS. TYSON: Thank you very much

General Koster and distinguished panelists for allowing us this opportunity to give testimony to the panel and task force.

As you mentioned, we are a nonprofit organization whose mission is to promote the fair treatment for victims of crime. Our goals are very much right in line with the Domestic Violence Task Force, to create a community of concerned citizens, agencies and organization which shall work to assist in the exchange of information and ideas relevant to the field, encourage the sharing and utilization of resources, and identify and address issues of concerns in the field.

We also want to develop and present educational materials for public and professional information. We want to provide cooperation on policies and programs which effect victims and our network members. We want to increase the efficiency of both the members, law enforcement personnel, other members of the criminal justice system and the interested public in responding to victims of crime.

And, finally, we want to encourage and support the development and continuation of victim services throughout the state.

We've been in existence since 1983. In various capacities we strive to achieve these goals and we're very thankful that we're here.

I'm now going turn over the mic to my legislative chairperson, Dwight Scroggins.

TESTIMONY

BY DWIGHT SCROGGINS:

MS. SCROGGINS: Good morning to members of the panel. We do, all of us, appreciate your time and making the effort. General Koster, we appreciate your

MS. BOYER: That's one thing that the task force is examining. We are looking at -- potentially looking at maybe a specialized -- and this is very much in its infancy. I haven't gotten this off of my desk or anybody else's desk -- at looking at potentially treating domestic violence offenders the way we do treat sex offenders or the way we do have -- okay, if you're going to take probation and parole, you're going to then have these additional restrictions that are on you because you're on a domestic violence probation, and that encompasses the misdemeanor cases as well and really kind of holds them to a degree of accountability because there are people's lives involved.

ATTORNEY GENERAL KOSTER: Tara, thank you very much. A lot of us have worked in law enforcement and you guys have some of the most challenging and difficult jobs in all of state government. And you're appreciated by Missouri legislature, but your presentation today was very impressive. I want to thank you for services.

MS. BOYER: Thank you.

ATTORNEY GENERAL KOSTER: Scheduling issue, I want to look at our faithful court reporter, (Thereupon, a short recess was taken.)
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<td>don't have any. So you have a layperson trying to do</td>
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<td>survive, they have to be able to pay the rent, get the</td>
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<td>all the different remedies there.</td>
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1. expedited system by which to get child support collected in domestically violent situations, to those jurisdictions where it becomes one more child support case and get looked at six or eight months down the road. And even in a case that is very simple and the offender is working and very easy to do a wage withholding and force the child support, it just doesn't get done in this particular fashion.

2. So when I say hold the system accountable, let's hold the system accountable for all -- for meeting the needs before we complain about the crime victims themselves who aren't cooperating in the way we would like for them to cooperate. Let's first fix the system. Once we fix the system, I think we'd be amazed how many of our crime victims -- domestic violence crime victims don't need fixing regardless of the dynamics of domestic violence. If we could give them what they need, they can do it on their own with our assistance, especially prosecutors.

3. We also know that orders of protection -- violations of orders of protection are very predictable looking at the criminal history of the offender. So a child protection -- I say child -- adult/child, they're interchangeable, you understand. But if the offender has prior criminal history, he will violate the order of protection. I mean, we know that. The research bears that out. So why should we take a one-size-fits-all approach when we know -- we can identify up front as opposed to identify after the fact, well, he's done five years worth of violations as in Carol's instance earlier. So there are some tools out there that we need to use to help us acknowledge some of those things.

4. Statistics -- there were a couple questions asked earlier about evaluations. If there is an area in my mind, at least, that is probably the worst handled area in all of the world of domestic violence, it's we don't keep any meaningful statistics. And I'll give you an example. Like, on the child support, there isn't any place that you go to find out how many orders of child support were entered last year, how many were collected, how many were requested, how much were eligible for request and weren't requested and why they weren't requested. You can go through all the remedies in the adult protection orders and go through all the possible remedies of those and you will find that we collect virtually no data on any of it. In those jurisdictions where domestic violence cases go to municipal courts, we collect even less than we do if they go through the state court level.

5. Now, I believe OSKA (sic) is trying to implement some procedures to start collecting some of the information that comes through the adult circuit court, but understand that our consistency in reporting on that is at least as bad, if not worse, than it was on the big thing that dealt with driving while intoxicated offenses. You can take driving while intoxicated and put in violation orders of protection or domestic violence and spread them around and you have repeat, repeat, repeat offenders that are never none from one court to another court because there's no central reporting system. So that's another one of those things we really need look at.

6. ATTORNEY GENERAL KOSTER: What do you think are the ramifications to taking domestic violence arrests and forcing them all into the state court system and completely out of the municipal court system? I want to bookmark this idea as well.

7. MR. SCROGGINS: I think you will have a lot of the same discussions we have had on the DWI issue.

8. The numbers -- in some jurisdictions, that's completely doable, and in metropolitan areas that deal with numbers -- you know, I'm from St. Joseph, Buchanan County, so we're kind of somewhere -- we like to think metropolitan, but we're probably closer to rural. So in our jurisdiction, all domestic violence complaints have gone to state courts for ten years. In the metropolitan areas, their numbers are overwhelming. Most of you-all are from around this area. I just don't know -- Bob would have been the person to ask about that because Bob can give the more practical approach.

9. The one thing I would throw out there, though, is we can distinguish between domestic violence offenders. We can distinguish between them up front. Like, we -- I hate to keep drawing this analogy, we know if we had a drunk driver that's .13 and above, we know that's a repeat drunk driver, whether they have five convictions or not. There are -- those are the same criteria by which violators, domestic violators can be recognized, and criminal history is one of these, whether or not there's a prior incident. You could come up with your own litany of ones. And so certain ones of those -- like what the DWI law tried to do is to get offenders that we know research-wise fit into a certain category sent to state court. Second offenders, high BA, same criteria. Those are things that are out there and can be identified and be used in dealing with domestic violence offenders, and channeling the ones that have
all of the earmarks of something that's going to be
more significant channeling those to state court and a
lot of the municipal courts handle some of the others
that the larger metropolitan areas just can't handle
in state court because of the sheer numbers. But
that's a small-town boy talking about big-town things.
I just don't know the pragmatic effect of that around
here.
I mentioned this earlier, but I want to
re-emphasize it, we hear a lot of complaints and a lot
of frustration voiced by prosecutors and judges about
this, file the order of protection, dismiss the order
of protection, file the order of protection, or I file
a charge, I want to dismiss the charge, all of those
types of things. Again, one of the best predictors of
victim cooperation is how long you take it to get
through your system, but it's the one question I would
challenge you to ask anybody in this field, whether
they're advocates, whether their prosecutors, whether
they're law enforcement, ask them what their time
frames are in their jurisdictions. If it's judges ask
them on adult protection orders, ask them the length
time it takes to get through their system. None of
them will be able to answer that question for you.
So, again, my thing is simply before we
start complaining about the victims and how
frustrating they are and they file this and -- before
we do that, let's, again, keep our emphasis on the
system itself.

MS. COBLE: I say Amen.

MR. SCROGGINS: And we can mandate the
tracking of those time frames legislatively by order,
but the Supreme Court could probably do something with
that tomorrow. We mandate keeping time on how long it
takes to get a non-descript civil case through the
court system but we don't have any time standards for
these. Those are things that are very fixable.

ATTORNEY GENERAL KOSTER: Representative
Kelly.

REPRESENTATIVE KELLY: Thank you.
Dwight, I did them all for seven years.

There's time standards. I could tell you how my
domestic docket was going at any given time and I
think everybody that does it can tell you.

MR. SCROGGINS: Understand you were dealing
with the very small number of those that you're
dealing with at the state level.

REPRESENTATIVE KELLY: Not in Boone. I did
100% of them in Boone. I had two dozen a week.

MR. SCROGGINS: I think in those mid-level
 counties like ours, I think that's true, Boone, Clay,
Cass, all those, but when you get to the larger areas
they can't, because all of these cases that are spread
out to the municipalities, and when you get to the
lower, to the more rural counties, they don't make any
effort.

OSKA has just now recently started tracking
some of these numbers. And my point is not -- you
know, my guess would be, you're interested, you're
here, you were probably more attentive to that. I can
guarantee you there are judges in other jurisdictions
who aren't and weren't -- and the point simply being
that's something we need to look at. You need to
track those numbers because that will help us to
assist victims to be able to cooperate. Because if it
takes a long time, they don't have the wherewithal to
survive over that period of time and continue to
cooperate with it. And a lot of times it is the fact
that if it takes six or eight months to get to the
case, by that point in time, if they have disengaged
from the offender, why in the world would they want to
come back and participate with us and get reengaged
with an offender that is finally leaving them alone
for this first time in a significant period of time. If I'm

speaking too quickly, I'm sorry. Four or five more
things I want to throw out. The enforcement remedies,
the things that the orders of protection allow for
that are enforced differently in every single
jurisdiction by every single judge, I don't have the
answers to these things. But it would be simple
enough when a court hears an order of protection, for
example, to -- to make a determination as to whether
or not this is a case that would legally be eligible
for a request of child support and then whether or not
the request for child support was made, and if the
request for child support was made and was not
granted, make a specific finding of fact as to why it
was not granted to give us some basis to go forward to
legitimately -- real evaluation mechanisms to look at
what it is that we might be able to better do, you
know. If it's how paternity was established, you
know, if the person -- if the guy signing on the birth
certificate, is that adequate for a child support
issue, address those issues and make them more
uniform.

There's no recourse for victims, crime
victims in general in this state. We have a wonderful
constitutional amendment to Missouri constitution that
allows for crime victims. We have some wonderful
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| enabling legislation that the legislature passed years ago. There's absolutely zero recourse in this state if you violate crime victims' rights. There's no recourse for it. So if it's a prosecutor, if it's a judge, whoever it might be, there's no recourse, and that is something that probably takes a little more than passing a law or making some procedural type of remedy, but is it something that ultimately in this state we have to get back to, and it probably would have to be constitutional level. We have to get back to allowing some type of recourse in instances where victim's rights are violated. We have it for defendants. We have to figure a way to do that for crime victims. I put in the handout -- I think I put in there -- chilling effect on reporting orders of domestic violence. There was earlier discussion and it's much more involved than we can get into here, but when should we make crime victims, domestic violence victims, do something and when should we not. One of the big considerations on that is if a crime victim -- domestic violence victim involves themselves in the criminal justice system and it's a system that once involved they cannot disengage, they can be made to come to court, they can be made to do all of these 
| other types of things, you have to consider what the ramification of that might possibly be when that victim is re-abused again. Whether or not they will -- the chilling effect that it will have on them not engaging themselves again in a system in which they virtually have little or no say. When you talk about no-drop policies, things of that nature, that's just -- a major consideration, and there are a lot of other considerations that have chilling effect on the use of orders of protection. How often -- in our jurisdiction, and I assume in all jurisdictions, that police are called to the house, a woman is being abused, they arrest the guy, they run the woman from municipal court with a warrant outstanding and she gets arrested, too. What's the effect of that next time around? It's not going to happen. Non-English speaking has become a big issue. It's become a big issue in my jurisdiction. I know there are some resources that are available to address some of that within the city. When you get to smaller jurisdictions, there are no resources, and it's ever increasing. And the issue of illegals -- and those are just three off the top of my head. But the issue of 
| should violate. And then in some instances, and hopefully this would not be among the enlightened judiciary, but in some instances they get punished. They were abided by this, well, they denied visitation or they denied what the previous civil court -- so I don't know the answer to that. I just know it's a huge problem out in the real world, and some type of -- some type of coordination and cooperation needs to be established -- needs to be mandated, honestly. Because if you don't mandate it, it will happen in jurisdictions that are already good on this stuff and won't happen in jurisdictions that aren't. So mandate away. ATTORNEY GENERAL KOSTER: Dwight, I want to thank you for a great presentation and thinking through a lot of very complicated issues. Questions? Senator Bray. Senator Bray: Not so much a question, but maybe stating the obvious. But what Prosecutor Scroggins is talking about in terms of what came to the forefront of my mind is a challenge as you go through this process and have your hearings, has come up -- to quickly get in some sort of a format things that can be done easily to help, things that can done | illegals, if you are illegal, you're not going to call law enforcement and not get involved in the process because you're illegal. So what happens is they become fair game, a target for more abuse than someone else in similar circumstance might have to survive. And the last thing, and this has been mentioned before, but the lack of coordination/cooperation between where the civil courts fit into this process and where the criminal courts fit into this process. If there's a civil court, family court that has entered a visitation order and you're ordered to communicate with each other over issues of visitation and that just becomes a tool that is used by the abuser to be able to communicate with this former abuse victim, you get involved in that whole process. The level of danger increases, you perhaps have a violation of an order of protection so you have a criminal charge filed now against that former -- or that abuser, and that one of the conditions is no contact. So you now have a victim in a place where they have a criminal court order that says no contact and you have a civil court order that says you must communicate, and you have a layperson stuck in the middle trying to make the decision or determination as to which court order they |
by prosecutors. Things that can happen that are not
as complex as going through the legislative process.
ATTORNEY GENERAL KOSTER: I agree and
that's our intent. Frankly, it's one of the reasons
why I find bringing the court reporter to these types
of events is well worth the money because the ideas
just spill out in these things.
SENATOR BRAY: And whoever is responsible
for fixing the system, maybe that's just the system
itself getting it in order and not necessarily the
legislators, so I think that's going to be your
challenge for an immediate effect.
MR. SCROGGINS: And I think those within
the system bear the primary responsibility that,
generally speaking, top to bottom the laws in the
state of Missouri in large thanks to Colleen, not
solely but almost solely, but they are really
progressive. The legislature here has done an awful
lot of good things.
I'm old and so I've been around and saw it
before and now I see it as it is and it's a remarkable
improvements. So the legislature, I think, has always
been very supportive in these areas. And, obviously,
by your presence, I know you'll continue to be
supportive.

ATTORNEY GENERAL KOSTER:
Representative Jones.
REPRESENTATIVE JONES: Quick question: You
mentioned that there are cases where there's a civil
order, maybe for child support or visitation, and a
criminal order to cease contact. Which ones takes
precedence, and have you seen cases where there are
two orders and what do you do when that circumstance
presents itself?
MR. SCROGGINS: There are many cases where
that presents itself. There is no answer as to which
takes precedence. It is absolutely strictly the
judges involved and how they deal with it. In our
jurisdiction, it's kind of an ongoing concern. The
civil court judges are concerned that the criminal
court judges are ordering things that effect their
jurisdiction.
The best one -- and I think this
Joe Dandurand had said earlier -- we have a local rule
in our jurisdiction that says if there's an
existing -- if there's an existing civil order on
the case that involves the same parties, that the
ex-parte order may go to a different judge, the full
hearing then goes to that judge so that the judge with
the civil order that issued the -- usually the earlier
civil order then has an opportunity to get in the
criminal order at that same time.
So I suppose right now, in my mind, that's
the best thing you can do is hope that the judges in
any particular jurisdiction are coordinating those
things, but we know the reality is in many
jurisdiction some are too big, others, for whatever
reason, that's not being done.
ATTORNEY GENERAL KOSTER: Representative
Schupp.
REPRESENTATIVE SCHUPP: Thank you.
I want to say I appreciate your report.
I've learned so much listening to you, and I think
what surprised me most hearing from you was that we
are able to distinguish among domestic violence
offenders up front and we are able to do that, and,
yet, we don't have in place a consistent reporting,
the ability to report consistently or we don't utilize
the ability. I believe we have to put information out
through the mules or some other system in order that
everybody has access to that same information. So
it's good to learn what you've told us here today,
it's important, and I think it's going to helpful
going forward. I think this task force will be
charged, in my mind, with utilizing those very tools
to get us communicating and talking with each other.
I think your report to us, what it did for
me was just sort of brought home this horrific
experience that Carol Cromer has lived through, that I
think many other women are living through, that maybe
could have been stopped or prevented so early on. And
for these years, five years, I believe, she spent
living this horrific ordeal, and the communication and
things and tools we know about that do exist could
have been put into place.
I'm curious where you think we went wrong?
Why wasn't there intervention made when there were all
these reports? She was a victim willing to step
forward and say help me. Why is it that you think she
didn't get the help that she needed earlier on?
MR. SCROGGINS: You mean the lady, Carol --
I'm sorry I don't remember your last name. I just
remember Carol. I tell you, honestly, that's
impossible without knowing the details of what was
going on.
You know, one of the things that obviously
doesn't sound like was done that should have or could
have been done was any type of risk assessment.
Again, using some of these criteria, we know if
weapons are involved, we know of threats of death,
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<td>threats of suicide. Colleen could probably give you -- could probably give you a list of 50 things; I could give you a list of 15, but we know we can objectively look at those issues and make a determination as to the level of risk assessment. We also know that the length of time in the relationship, you know, the longer the time of the relationship, the more likelihood of an increased level of violence; therefore, the greater -- the greater the increase and the danger to the victim when the victim is trying to leave the relationship. Most victims of domestic violence are dissolved, most relationships are dissolved with very little violence after the initial violence because they get out of the relationship early on. The ones that become more increasingly violent are the ones that are longer-term relationships. So you can look at -- those are types of objective criteria by which you could make a determination, this is a unique situation. And certainly, you know, two cars in the same family burning by electrical -- that's inconceivable. I mean, all of us sat here and thought, you know, that's just stupid, nobody makes that connection -- or makes that connection and then feels unable to do something about it. So I don't know enough about the particulars of hers to comment on it intelligently. REPRESENTATIVE SCHUPP: I do appreciate all the information you brought with you. ATTORNEY GENERAL KOSTER: Colleen. MS. COBLE: I'm very grateful for so many of the different things you said today, for your long work -- not that you're old or anything. But just as a measure of lack of evaluation or doing any assessment of data, which usually sounds very dry to people, but really can illuminate some key elements of what we can be doing. The Director of Highway Patrol Statistical Analysis Center has been working with us for the last year, and the only resource brought to bear on that incredible treasure trove of data of criminal arrests, demographics, the histories, all identified by -- for domestic violence is a grad student. He gets one grad student a semester, and it is 20-plus years of data that eliminates so many different things, risk for recidivism, case disposition by county. Some don't necessarily want all that information by county. But we have information in our state that we're not taking advantage of that could really enhance what everybody is directed to do in their jobs throughout the system. So I'm with you on the data collection and analysis. 1 one of those oversight things that could fairly easily be fixed. ATTORNEY GENERAL KOSTER: Thank you very much for an excellent presentation Dwight and for making a drive across the state. MR. SCROGGINS: Fly. ATTORNEY GENERAL KOSTER: Okay. Our last presenter before the public comment period is Judge Michael Burton, a man who is highly respected in this community, and a lot of people who care about these issues are aware of Judge Burton's work. He is the administrative judge of the family court of St. Louis County. He was appointed as an associate circuit judge in 1999 and circuit judge in the year 2004. He currently chairs the Domestic and Family Violence Council in St. Louis -- St. Louis County. He's an adjunct professor both at Washington University School of Law since 1997 and Saint Louis University School of Law since 1992. I ask your forgiveness for running late on a prominent jurist, but thank you for remaining with us, and the floor is yours. JUDGE BURTON: Thank you. Good afternoon. I can't wait to tell my wife that the attorney general called me a prominent jurist.</td>
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<td>MR. SCROGGINS: One other thing -- I jotted more notes down here that I brought than when I came. Somebody mentioned the juvenile offenders early on. We don't have any system by which juvenile offenders are known then when they become adult offenders. So I don't know all of the intricacies of how that would work, but law enforcement is able to get access to -- under certain circumstances, to things that obviously the public shouldn't have and juvenile records are one of those things. But I have no way -- when I have an 18-year-old domestic violence offender, I have no way of knowing that person started at 14, and was adjudicated two or three times in juvenile court and just now turned -- that's one of the predictors of the level of violence and the frequency of violence. It's one of those things to which I have now have access. The last thing on child protection orders, it's not even a ground on which relief can be granted on a child protection for the child to be in the home where domestic violence has been perpetuated. We know lots of things about the problems that children in domestically violent homes have, but the CPO, the child protection order, doesn't even have that as being a ground upon which relief can be granted under a child protection order. Clearly something -- just</td>
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<td>I want to thank you Mr. Attorney General, this panel, and for giving me the six hours to talk about the problems that we have in some of our statutes. I want to talk to you about a situation that happened to me sometime last year. I was very fortunate to have the opportunity to speak with other judges about the issue of domestic violence at several national conferences. And we broke up into small groups of about 20 and the judges all went around the circle talking about all the different services and statues that address domestic violence, and it sort of went like this: The New York and California judges were really bragging about everything they had and all the money they had for funding, and it kind of got around, and I was the last one in the circle. And I said we don't have that opportunity or we don't have that service, and it's kind of where we got to that point where we'd just kind of go around the circle and it would end with, okay, Missouri, what do you got? And I would just look at them in somewhat dismay -- it was sort of comical to a certain degree -- but at the end, it really wasn't. I can so really remember one of the things we were discussing were firearms and how we address</td>
<td>I, respondent, you've got an order that says for a year you're supposed to stay away from a petitioner. We know if we monitor these orders of protection and we bring people back for compliance dockets, as we are statutorily allowed, people are going to be very concerned about whether or not there's going to be consequences if they don't follow the orders of protection. And we as judges -- even though we definitely have busy dockets and there's no question that we have a lot of business here in St. Louis County -- we can do it. We can provide -- even if you mandate it, we can provide regular compliance dockets. We could provide regular compliance dockets not only in matters involving criminal court where -- let's face it, right now because of funding, probation officers are very limited, as we heard earlier on. We know that in this county, in St. Louis County, we judges could insure someone is participating in a batterers' intervention program. And whether or not batterers' intervention programs are effective, the bottom line isn't whether someone is going to get out of a batterers' intervention program treated or whether they're going to come out of the program and be much less likely to re-offend, what we know is in</td>
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<td>limited, but we don't have the ability for a judge to do what is necessary to protect these petitioners. And it's not like we're not trusted, because if you look at some of the other statutes, for example, the conditions of probation, conditions of probation -- I'll read to you what says: Conditions of probation say that the conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. Further, 559.021 says the court may order such conditions as the court believes will serve to compensate the victim and any dependent of the victim or society. And it talks about such conditions that can be imposed, but it says shall not be limited to, and then it gives you a laundry list of the conditions. When we look at our dissolution statutes, our family statues, domestic law, when we talk about custody, relocation or visitation, it makes it very clear that we judges have that ability to protect the children and protect whoever else is involved. It says, for example, for the relocation statutes, the Court may order any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the interest of the child.</td>
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<td>We don't have that in our statues, and, in fact, what we're stuck with is something that basically says this is it, you can't do anything else. What is it we can't order? I'll tell you right now there's some huge holes here. Let's talk about firearms. If, in fact, we find that a respondent has committed a horrible act of abuse, we can't do anything about the guy's firearms, even if we hear from the petitioner there's firearms in the house. Now, of course, the police can take certain measures, prosecutors' offices can take certain measures, but we as judges cannot. Even know though if I issue an order of protection that says you have to stay away from this person, the bottom line is the Federal statutes are triggered and that there's Federal statutes that make it very clear that any felon or any respondent in a current order of protection can't possess guns, it's a Federal statute. I can't do anything about it. Even though I can order someone who has a concealed-carry endorsement to hand in their license, I still can't do anything about the guns. It's unbelievable. And, in fact, to show you how horrible it -- and this was something that was so dramatic when I was at this conference -- there's only three states in this country right now that don't allow a judge to do anything about guns after one issues an order of protection, and right now my understanding is Georgia and South Carolina are seriously looking at these statutes right now for some change. What else can't we do? Right now I can't tell someone that you have to stay a particular distance from the petitioner. What I can tell them -- and keep in mind I'm reading usually to someone with an eighth grade education -- I say to them this: As far as contact is concerned, respondent shall not use, attempt to use or threaten to use physical force against petitioner that would reasonably be expected to cause bodily injury and shall not stalk, abuse, threaten to abuse, molest or disturb the peace of the petitioner wherever the petitioner may be. I challenge you to tell me what that means. I can tell you every time I get this quizzical look sometimes from people when they're in my courtroom saying, okay, yeah, judge I'll follow that one. And they walk out, and the question isn't so much if they're going to violate the order, it's whether they're going to do it this afternoon or this evening. I can't say to someone something in English, to say don't go within 100 yards from this petitioner, don't go to this person's place of employment, don't go to this person's school, stay away from the children of the petitioner, stay away from the pets. I can't do any of that because I'm limited by the statute that really strings us very tightly to what is in that listing. Another concern I've got -- and this one is somewhat controversial, and that gets into issues of dismissal. Right now, according to the law, a petitioner can come back to court even after a full order of protection has been issued to -- move to dismiss her order. I say move to dismiss but it's really dismissed because what will happen is the petitioner can come to the adult abuse office in our courtroom and leave with a dismissal and that's the end of the situation. Now I completely understand and value the autonomy that victim's have, and there's no question in my mind that we when we start talking about victim's, if anyone is best in figuring out and gagging the danger they have by being in this relationship, if anyone is in danger of realizing if this order of protection is still going on, he's going to continue, he's going to get worse. I understand that completely. But what I'm saying that I would like to be...</td>
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And the problem is that if a petitioner comes in and dismisses the case, I can't do that. What I can do is have advocates speak with the victims and say, you know what, we can modify this. I understand how horrible your situation is because he's out of the house or because he can't have the contact with the kids the way he wants. You can modify that, but I'm going to keep this one term that says you're going to participate in the batterers' intervention program, and that's something that could make a huge difference.

Same argument goes with extensions of order of protections. Right now, according to statutes, the only one that can extend an order of protection is the respondent. We judges that might see that someone hasn't, in fact, fully complied with a batterer's intervention program -- because I don't know about any of the other conditions of this order itself. I don't know whether or not he's contacting the victim. I don't know whether or not he's having communication with the victim. But what I do know is whether he's complying with the batterers' intervention program, and failure to participate in that batterers' intervention program is something I should be able to make sure happened.

For a child order of protection, when a parent comes forward, the respondent, if they're younger than 18, you cannot get an order of protection against that individual. Because of our statutes -- specifically because of your limited access that we provide to petitioners, the national study done by Break the Cycle, which is the main teen domestic violence group in the country, has given 15 states an F. A report was given on every state. Fifteen states were given an F, and guess where Missouri proudly fell, right in, right in the F category. Only three states got As. These people are hard graders, but we got an F, and it was primarily because of the limited access that we give petitioners.

Anyway, sorry I went on a by rampage there. I can't urge you enough just as far as, you know, protecting and doing what I know everyone is concerned about doing, and that's protecting petitioners in our state from repeated offenses, from, you know, the horrible horrors of domestic violence. To give judges the ability to address what we see is necessary with each case we need to be able to tailor our orders to the specific facts instead of just turning to some laws that just don't go far enough.
ATTORNEY GENERAL KOSTER: Judge, I've had the pleasure and, indeed, the honor of listening to you speak on this topic a number of times, and you are as articulate as anyone who I hear speak on this issue, and so as a fellow government worker, you're not just someone out there doing a great job, you're someone out there who I really think is trying to make the world a better place. And a lot of people know your name and a lot more who don't know your name owe you a lot of thanks.

Questions for Judge Burton.

MS. COBLE: I know, Judge, from our other conversations that you have an even more extensive list of corrections to the orders of protection and Chapter 455 that would make your job easier and some of them are glitches. Would you be willing to share that with them?

JUDGE BURTON: Hopefully, it's in my handout but I think -- I think it's there.

MS. COBLE: My embarrassment for not reading it. Thank you, Judge, for handing in that information for the record.

ATTORNEY GENERAL KOSTER: Senator Bray.

Senator Bray: One quick detail on the weapons, the firearms issue and the Federal law, do you speak on this topic a number of times, and you are as articulate as anyone who I hear speak on this issue, and so as a fellow government worker, you're not just someone out there doing a great job, you're someone out there who I really think is trying to make the world a better place. And a lot of people know your name and a lot more who don't know your name owe you a lot of thanks.

In looking through your notes, I see that you are talking about the creation of a fatality review board and that being problematic. Would you want to speak to that for just a minute?

JUDGE BURTON: Well, I do know there's been some legislation that have authorized groups to get a commission in the state to allow for something similar to what I was talking about there. But many states have state-mandated fatality review boards by which different groups from the community regularly get together and study a couple of cases each month, let's say, and try to figure out just exactly what happened, why did this particular individual die because of domestic violence, where were the failures of communication, where were the gaping holes. And usually what they try to do is try to set up a timeline to look at everything that they know of after a pretty significant amount of investigation and talking to all the family members and friends of the victims and whoever is available from the respondent side to figure out exactly what happened. And then the group gets to try to figure out what the causes were, and then to take it to the next steps to try and see whether or not legislation is needed or whether or not there just needs to be better ways of monitoring the situation.

REPRESENTATIVE MCNEIL: What different organizations are you referring to when you talk about the different organizations?

JUDGE BURTON: A lot. It certainly would start with police departments, prosecutors' offices, the courts, probation office -- almost anyone that was here today that has experience in addressing most of these issues. Of course, victim advocate groups, groups, victim -- witness -- victim -- from the prosecutors' offices, the different offices that are involved that would have the wherewithal to really know what should have been done and what, in fact, wasn't.
REP. MCNEIL: So kind of like --

Maybe something put together by the governor or
whatever, somebody to look at it on an ongoing basis
these kind of cases?

JUDGE BURTON: Correct.

REP. MCNEIL: Okay. Thank you.

ATTORNEY GENERAL KOSTER: Judge, thank you very much.

That brings the formal portion of this panel discussion today in St. Louis to a close. The discussion leaves me today no doubt at all that this is going to be a productive endeavor as we go across the state. I promise it will be very substantive.

There’s no doubt that the record has dozens and dozens of good ideas and ideas that will be explored as we go through.

I’m going to have to excuse myself at this point to go to a different meeting, and I’ve asked Judge Dandurand, who is the Deputy Attorney General, to take in public comment. Of course, the public comment will be taken into the record, and I’ll review it myself when we get back to Jefferson City.

But I want to thank the panelists, thank you to the Judge and other people who came -- from all over the state to testify this morning, and I think it was a very productive endeavor and it gives me lot of optimism as we go forward to Columbia. Thank you.

ATTORNEY GENERAL DANDURAND: We’ve asked that the public comment portion, when you come up to speak and address the panel, be limited to three minutes, if you could. We’re going to try to keep track of that as we are well over an hour behind. At this point, we’ve only had two folks that have signed up, and if that’s the case that there’s only two of you that want to do that, you have a little more.

The first whose name is on the list is Katie Weslyn.

MS. WESLYN: Good afternoon I guess it is now, instead of morning.

I’m the managing attorney of that’s an agency here in town, Legal Advocates For Abused Woman. I’ve been there since -- for 1966, and in that time have overseen about 3,000 orders of protection. I think I’m probably the only attorney in the state of Missouri whose entire practice is devoted to that. So since I only have a few minutes here, you can expect my treatise in your e-mail boxes on some things.

But just a couple of things I’d like to touch on. You know, this morning we’ve heard a lot about the enforcement of orders and how that works,

but getting the order itself is a challenge many times. I will tell you as I listened to Ms. Cromer speak today, if I went into court with her trying to get an order of protection, I can think about 85% of the judges I would be in front of and would hear the story about the cars and say we’re not here about property damage, tell me what he did to you. That’s something they will say under the laws we have. If they heard what had happened to her children, they would say to you that’s not about, you tell your children to come in and get an order of protection.

So that is something that as I look at legislative changes -- you know, judicial training is a wonderful thing and we’ve been working on it, but it’s not always kicking in, and maybe we need to mandate a few more things and not wait for the discretion and training to kick in.

Two concrete things I can think about as far as our laws goes. The order of protection process, we have a provision in Chapter 455 which says if there’s a pending order of child custody, then the order of protection won’t address that. When you talk about why people are dismissing orders of protections, it’s because their children are at risk. It would be really nice if that pending order provision was changed to say at least that there was actually an order already entered. Because what will happen is I’ll go to the courtroom and the abuser will come in and say I’m filing with my lawyer my petition for divorce today, and at that point, the judge will say, okay, everything is off the table, now there’s something pending. There’s no court date coming, this could be months down the road, but because that little piece of the statute says pending order, they’re going to take the easy way and not address any of these issues.

Well, you wonder why they’re going to dismiss, well, that might be one of the reasons. They won’t get any child support, they won’t get any economic relief and their children aren’t going to have a custody order. If they send them to school and dad goes to pick them up, there’s no way to stop him. So please take a look at that as you look at.

Please also look at the part of the statute that talks about mutual orders of protections. We already changed the law a while back that says if one person files for an order of protection, the other person can’t just come to that hearing and say I want one to. They used to do that and they used to get it.

Well, now the law says if they both file a petition
for orders of protections -- they both have to have
the petition on file, but if they do both have a
petition on file, a judge can issue an order against
both people. I would like a little more pressure put
on our judges to do some fact finding and decide who
is actually causing the problem because this is
another easy way out, they say let's keep everybody
away from each other. When you treat a victim of
domestic violence in a courtroom as though they are no
different than an abuser, then you're not showing that
this state has a policy of protecting them, and why
would they come to court and ask for help if that's
the way they are going to be treated. Those are two
crude things.

I would also suggest -- because
Judge Burton already talked about what's going on
around the country. I do training with the American
Bar Association Commission on Domestic Violence and
they have done a very good job of making statutory
summaries. So if you do the abanet.org website and
type in against domestic violence, you can look at all
their charts and they will show you state-by-state
comparisons so you can see where Missouri is in
comparison to some of those things. Because a lot of
the things Missouri says that can't do are being done
in plenty of other places.

So I will wrap it up right now because I
know we're short on time. Thank you for the chance to
speak to you. I hope you'll take the time to listen
to some other civil practitioners because actually
getting the order of protection is a key part of this
as well and we have a lot of tell you.

DEPUTY ATTORNEY GENERAL DANDURAND: Sue.
MS. DERSCH: My name is Sue Dersch, and I
work with the Aware Program here at Barnes-Jewish
Hospital. So welcome to the campus, and I'm the only
one who didn't have to drive to be here today.

I actually hadn't planned on making a
comment this morning but then as I was listening this
morning, I really thought that something from our
experience here was important to share, and what
brought me to want to talk about this was just hearing
the conversation and testimony about misdemeanors and
felonies.

So Barnes-Jewish Hospital is a Level 1
trauma center, and it is one of only two Level 1
trauma centers in the greater St. Louis area, the only
one in the City of St. Louis. The Aware Program is
Barnes-Jewish Hospital's domestic violence program,
and we've been here since 1994. And for pretty much
all of those years, probably about 95% and upwards of
the patients who come into our emergency room with an
injury from domestic violence, the injuries that they
have will meet the criteria for that crime to be
charged as a misdemeanor and not a felony.

So what I've seen over these 15 years is
that almost a one-to-one correlation is if the
injuries do not require the patient to be admitted or
to have a surgical treatment to them or were not
caused by a knife or another weapon, then that will
almost one-to-one result in the charge -- the assault
that was committed against them to cause those
injuries being charged as a misdemeanor. There's some
exceptions, though. Someone who has a laceration on
their hand caused by knife, that gets stitched up,
they get sent home, but because it was caused by a
knife, it can be charged as by a felony.

So on any given day of the week here,
there's a domestic violence victim that comes into our
emergency room with injuries. And like I said, 95%
and upward of those crimes are all going be charged as
a misdemeanor, because it feels like to me the
misdemeanor category is really, really, really big. And so what it takes to bump something up to a
felony, it takes a lot, and maybe it should. I'm not
here to say it shouldn't. I'm just here to kind of
say that most of the injuries that domestic violence victims get, you know, end up being misdemeanor
crimes.

And it's really difficult sometimes for the
victim to accept that when if this assault was
committed by somebody who climbed in her window to
assault her, that climbing in the window gets the
felony of breaking and entering. But the assault that
didn't leave a broken bone or didn't involve a weapon
ends up as a misdemeanor. So it does feel sometimes
like the scale maybe needs some adjustment. I'm not
here to necessarily provide any thoughts about how to
adjust it but to kind of put that out there.

DEPUTY ATTORNEY GENERAL DANDURAND: Sue,
while you're here, my perception is -- I could almost
do it off the top of my head -- the definitions for an
assault to be a felony -- but because we're making a
record, if you happen to have it, you know the
potential law the --- subtracted part of the body -- I
don't know if Jason has anything.

I bet Catherine.

MR. LAMB: I'm going to ask
Catherine Vannier. I bet she can rattle it off the
top of her head.
MS. VANNIER: Protracted or prolonged loss of a substantial bodily function. That's not all of the language but that's basically.

MR. LAMB: And, of course, I'd like to make a comment on that, too. I'm very encouraged with medical partners, I want to make a point here. It's important for law enforcement and prosecutors to partner with their medical personnel because you can make a felony on a strangulation case, but sometimes the investigation has to be there and proof of strangulation through endoscopic and other medical examination to be very helpful and to make that all important, almost fatal incident, become a felony charge.

DEPUTY ATTORNEY GENERAL DANDURAND: Nobody else signed up. Is there anybody up at the last minute who would like to address the body at the last moment?

MS. QUARRELS: I didn't know I had this opportunity so I'm really going to take just a second. My name is Olivia Quarrels. I'm a psychotherapist for children of domestic abuse. I love what the judge had to say because we don't hear that enough, that women, the victims, are held accountable at every single level, starting with why didn't you leave, why did you stay, did you not think of your children, and it just drives home where responsibility is being placed, which I think is totally inappropriate.

The other thing that's deep in on my heart having dealt with the children, children by nature of being young, by nature of being discounted, are overlooked. We're looking at repeat behavioral situations going on. So many of the adults that I have, the adult perpetrators that I have counseled, that's exactly where their situation started. We've got to look at the children. If we want to make a change, yes, address all this with the woman, address all this with the adults involved, but the children keep getting overlooked.

The lady that told her story, we see this so many times, and if it's not a shooting, a stabbing, a strangulation, if it's not physical, it's almost discounted because he didn't really do anything to you. We see the psychological effects with the women with extended family members, who quite often have to remove themselves, and I am so glad for Ms. Cromer having family that stuck by her. We don't see that a lot, and I can't condemn it because of self-preservation. Not everyone is able to quit their jobs, move from their homes, replace burned cars and all of that, but repeatedly we're seeing more and more violence towards women. Women who are putting themselves in the place of a buffer between the perpetrator and the children. We have women who keep five and six year old in diapers so the abuser is still seeing them as helpless and innocent and the abuse goes more towards the female.

What does this do to children? We're having to teach them basic life skills that they should know at one, two and three years old, and some of them are already in schools and not knowing what to do. So the schools are labeling them. We're having to deal with that. The mothers are being labeled as poor mothers because how could you have your children not prepared for life.

We've got to stop judging. We've got to step up, whatever is it that we've been doing, it is not working. I am so glad to see this task force. It is not working. For it to be at 600 abuse cases this year, compared to 1,100 the total number of last year, I don't know where the other numbers are because every place that I'm connected with, it's more numbers. So I'm not sure what's going on with the number count. We know that could not be completely accurate. I implore you that the information that came in from today, the information from your other two sites, I implore you, make some changes, take the children into consideration. By all means, that's your future, and we're steadily losing them. We're losing them terribly.

Thank you so much.

DEPUTY ATTORNEY GENERAL DANDURAND: On behalf of the Attorney General, I want to express my appreciation to the legislation, Colleen and Jason and especially all of you who came and expressed your interest. We appreciate your thanks.

We're adjourned.
CERTIFICATE OF REPORTER

I, KAREN LYNN, MO CCR, IL CSR, Notary Public within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Notary Public within and for The State of Illinois
CCR #893(G), CSR #084-00284