

Family violence is a complex social phenomenon. Unfortunately, there is a scarcity of information on the connections between domestic violence and criminal justice. STEPS plans to research, analyze and develop programs bringing together those who are working in these two areas. We have implemented a Court Intervention Program for battered women who fight back. With this, the second issue of our newsletter, we are sharing this information, and will continue on a regular basis.

PRISON HEARINGS UPDATE

In our first issue we told you of the hearing held at Bedford Hills Correctional Facility in September, 1985. We anticipated then that a report would be published soon. The good news is that this report has indeed been published and is available to people concerned with incarcerated women and criminal justice. The report was released at a press conference on June 9, 1987 and has been received with both enthusiasm and widespread publicity on the AP wire, and was picked by, among others, the *New York Times*, *The New York Daily News*, *Noticias del Mundo*, the *Middletown Record*, *The Amsterdam News*, *Jet Magazine*, *The Criminal Justice Newsletter*, the NY State Coalition Against Domestic Violence, and the NYC Commission on the Status of Women, as well as criminal justice and battered women's newsletters in many states. If you have seen mention of this report in your local press, we'd really like to see a copy of it.

Support which enabled us to finance the publication of this report came from New York Telephone Company, Community Service Society, and Manufacturers Hanover Trust Company. Of course, the report could not have been undertaken at all without the cooperation of Superintendent Elaine Lord, the NYS Division for Women, the Governor's Commission on Domestic Violence, the NYS Coalition Against Domestic Violence, the women who were willing to testify, Prisoners Legal Services of New York, STEPS to End Family Violence, and the Women's Network.

If you want a free copy of "Battered Women and Criminal Justice," write to Sr. Mary Nerney, STEPS to End Family Violence, 104 East 107 St., New York, NY 10029.

COURT INTERVENTION PROGRAM

STEPS has a multi-faceted program to address the linkages between the domestic violence and the criminal justice fields. One of these aspects concerns what happens when women with no prior record are arrested for domestic violence related offenses. STEPS begins its work as soon after the arrest as possible, to avoid unnecessary incarceration, and to avoid the abrupt, traumatic separation of mother from children. Quick action to have the mother released pending court disposition also prevents the potential loss of an apartment, and forestalls the children's placement in the child welfare system. When necessary, the woman may be helped to find a safe home away from the scene of violence.

Counselors complete extensive assessments in order to prepare comprehensive reports, for the Court's use, on behalf of the women charged with a crime. These reports present the life situation of the defendant, reasons why an alternative to incarceration is appropriate in each instance, and outlines the services that will be offered to eliminate the potential of renewed violence.

STEPS offers individual and group counseling both in jail and in the community; parenting skills training; educational materials on family violence and its effects; training in alternatives to violence; referrals to preventive and service programs; and self-help and support groups. It offers an advocate in the court who is able to work with the judges and attorneys.

Out of this court intervention activity, documentation is being developed which will indicate what earlier interventions might have been possible to avoid the family violence, and how effective alternative sanctions are in addressing this serious societal issue.

ONE WOMAN'S STORY

By Luz Santana

The crisp, fresh air greeted me at the exit gatehouse of Bedford Hills Correctional Facility, that Thursday morning of January 29, 1987. With my purse, box, and trenchcoat in hand, I took fearful, pausing steps to freedom after spending 10 years, 2 months and 21 days of my life in prison.

I had been serving a sentence of 15 years to life for the death of my stepfather, who had been a brutal abuser of my family for over 12 long, tormented years. The Precinct, the hospital and the courts in my old neighborhood had been cognizant of the viciousness that my stepfather had exerted on our household . . . and yet these factors weighed against me in the trial court. I was tried and convicted for intentional and premeditated murder.

On Christmas Eve, December 24, 1986, after years of appealing to diverse jurisdictions, Honorable Governor Mario Cuomo commuted my sentence from 15 years to life, to 10 years (time served) with 5 years of parole.

I am in the free world now, every morning I rise, dress, and walk New York City, seeking a good job so that I may become independent and self-reliant once again. This and also so as not to be caught up in a violation of the parole stipulations of "seeking and obtaining gainful employment."

As I go through my daily travels, I find pleasure in everything around me. The sounds of children's laughter, street musicians, owners with their pets, and yes! even traffic, as I walk the City streets, are testimony to my being alive. The days of just "existing" for the hope of tomorrow are now behind me. . . . And I thank God, each and every day, for this.

I have been out for two months now. I fill "temporary jobs" which provide enough income for me to survive. Being what I consider a more fortunate ex-offender, I have a good family home to return to after the day's events. Many people, the good citizens that I met while still incarcerated who befriended me, reach out and help me in my readjustment period. I can call these friends to hear me out when I feel confusion, and I can turn to them to support me with job applications and furthering of my educational goals. In those instances where I approach jobs on my own—stigma overrides opportunity, but I still go on. Many dreams were dreamt in a 4' by 8' prison cell . . . to pursue the reform of social consciousness, and to heighten the awareness and education of all people. If I were to meet, even at a minimum, all the dreams which evolved and magnified behind those cold, bare walls . . . my passage on this planet and my life will not have been an empty, useless, void.

April 7, 1987

Since Luz wrote this article, she has moved into her own apartment, and is now a Social Worker/Advocate with the Osborne Association's Assigned Counsel Alternatives Advocacy Project. She is developing and implementing plans which allow alternatives to prison for clients in the Bronx Court System.

MANY THANKS FUN AND FUNDRAISING

On August 24, 1987, Tina Turner gave a concert in Madison Square Garden. Since she had been a battered woman herself, we decided to share in this concert event and bought 160 tickets to use as a fundraiser. We sold some tickets, raffled some off, and used some in combination with a festive party for people who gave larger amounts. The event was delightful. The evening was clear, our party was on an outdoor terrace, the food and drinks were elegant. Sr. Mary's mother not only came, but brought cookies and cake to share. All enjoyed chatting with Mother Hale, Theresa Merritt, Mary Gay Taylor and others who came. And the concert was a delightful one. The audience was responsive and must have warmed the heart of Tina Turner.

We owe thanks to Cathy Mansfield for organizing the event, to friends at Edwin Gould Services for Children who sold and bought tickets, and especially to many friends who sold tickets, and subscribed themselves to the party and concert. A very special thanks to Westwood One Radio Networks, who underwrote the event, and guaranteed our success.

BATTERED WOMEN'S CRIMINAL DEFENSE BACKUP CENTER

The Criminal Law Clinic of New York University Law School has given us an exciting complement to our Court Intervention Program. This Clinic assists lawyers who represent battered women accused of killing or assaulting their partners. As part of its third-year program, the clinic offers a range of services, including informal consultation, pleadings banks, assistance with experts, and faculty-supervised law students to help with all aspects of trial preparation. This wonderful program is supervised by Holly Maguigan and Rich Finkelstein.

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RECENT COURT VICTORY

"I hope this helps other women," Karen Straw said after her acquittal on September 30, 1987.

She was accused of murdering her husband, Tony Straw, who had been abusing her for most of the years of her marriage. She had obtained orders of protection, she had left him, but he didn't stay away from her. He appeared at the motel she fled to, not once but several times. Finally, on December 18, 1986, after he raped her in front of her children, beat her again, and threatened her with a knife, she fought back to stop him. She did not intend to kill him; in fact did not believe she had killed him. When the police arrived, found him dead and arrested her, an ordeal began for her which lasted until September 30, when a jury acquitted her.

"If I'd had help before, this never would have happened," Karen Straw said after the verdict was delivered. She had turned to the police, to Family Court and to the district attorney's office for help, for protection for herself and her children, after repeated beatings by her husband.

If not for feminist supporters who got her publicity and connected her with lawyer Michael Dowd, "I'd have been in jail right now," she said.

A poor woman, she did not have the financial resources to mount a strong defense. Her attorney agreed to represent her without a fee, but many other costs had to be covered. The defense committee raised the needed funds, and Karen began her trial on September 8, 1987. The prosecuting attorney tried to picture her as a careless, dangerous woman, but the facts could not be concealed. She had a record of appealing for help, she had left him, she tried to find safety.

The fear that keeps many abused women in homes with abusing husbands was illustrated by Karen Straw's experience. She had obtained orders of protection, she had him arrested and he was released on bail, even more dangerous to her. She left him and went on welfare, but he found her, and continued abusing her. When she finally fought back, she, not he, was accused of crime. She, not he, was arrested and prosecuted. His previous attacks on her were not "crimes" in the eyes of the law and the district attorney who was quite willing to find her guilty—because she defended herself after much abuse.

Her wish to help other women is still only a wish. What can women do who are abused? Will the police protect them? Will the courts? We can hope, but experience testifies to the failures. The system all but ignores the women who ask for help. More than two million women are attacked each year by husbands or lovers. Civil and criminal legal services available to poor people are overwhelmed. Cases are generally given low priority, until the woman fights back. Then, it is she who is blamed.

STEPS to End Family Violence is trying to support the women who fight back. With the help of law students, a panel of *pro bono* lawyers, counseling and support groups, we are trying to intercede on behalf of the women who fight back. The task is enormous. It will require more than intervention in one case and another. It will require a universal social change which accords women the same rights as men, financial resources and society's support. It means we will have to try to teach children the kind of skills that enable them to disagree without brutality. That's a tall order!

BATTERED WIFE ACQUITTED

Moon Sook Kim, of Laurel, Maryland, came from her native Korea with her husband Hung Jin Kim ten years ago. During her thirty year marriage he had beaten her, sometimes severely. Her children testified that they frequently had to intervene to stop the beatings. On May 27, 1986, he knocked her onto the bed, burned her with a cigarette and began choking her. She saw a gun on the table and reached for it. Thinking he was trying to kill her, she shot him to death. She was acquitted of murder in March 1987.



TAKING STEPS

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This newsletter is provided free to you. However, contributions toward our work are greatly appreciated.

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IMPORTANT NUMBERS

New York

Domestic Violence Hotline

In English 1-800-942-6906
In Spanish 1-800-942-6908

National

Domestic Violence Hotline

1-800-333-SAFE

INCARCERATED MOTHERS SURVEY

The Incarcerated Mothers Program, another Edwin Gould program concerned with women and prison, recently did an informal survey of the relationship between abuse and women's imprisonment. One hundred percent of those surveyed had been beaten by their husbands or paramours. Fifty-five percent had been raped, and 95% had been abused as youngsters.

STEPS TO END FAMILY VIOLENCE

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Sam Roberts of The New York Times reported on November 2, 1987, the following testimonies from women who participated in a speakout at Bedford Hills Prison at the end of Domestic Violence Awareness Month, October 30, 1987:

¶Begi Ahnetovic, a 27-year-old Yugoslav immigrant, who is serving up to 12 years for fatally shooting her husband after he dangled her from the fifth-floor window of their Bronx apartment. She pleaded guilty to manslaughter because she feared a life sentence for murder and possible retaliation against her family by her husband's relatives. She hasn't seen her two young sons, who are living with her late husband's brother, since last Christmas.

¶Karen Ely, a 40-year-old teacher from Albany who was convicted of murder after her husband was killed by a man who the prosecution said she had hired. She expressed relief that her 8-year-old son, whom she last saw five

The victims seek more protections from the courts, not a license to kill.

years ago from the back of a police car, doesn't remember the abuse he also suffered from her husband. However, she added tearfully, "I'm told he doesn't remember me either."

¶Thea (She preferred not to give her last name), a 35-year-old Yonkers woman with a master's degree in early childhood education, who was sentenced in 1984

to up to 10 years after pleading guilty to manslaughter for shooting her husband. Unlike Ms. Straw, said Thea, who is now in a work-release program, "I didn't have the benefit of a government and judicial system that has been sensitized somewhat."

¶Virginia, a 34-year-old school crossing guard from Wantagh, L.I., who is serving up to 25 years for manslaughter. "If the public awareness was there earlier," she said, "you probably wouldn't have had a lot of these girls in here."

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