

## NEWS FROM STEPS

This has been a year of successes. Our Awards Party in April was a financial success, but especially it gave us an opportunity to honor Dr. Julie Blackman, Social Psychologist, and author of *Intimate Violence* (Columbia University Press, 1989) and Leslie Crary and Sara Bennett of the Legal Aid Society Criminal Appeals Bureau, both of whom helped us win appeals.

Support from The Montgomery Trust, Manufacturers Hanover Trust, The Public Welfare Foundation, New York Community Trust, Joint Foundation Support, New York State Legislature and many contributions from our individual supporters will keep us afloat until our next fiscal year beginning July 1.

Financial support is not the only help we have had. Volunteers have helped in the courts, coordinating appointments, preparing our newsletter, translations, and other kinds of help for those occasions that arise on short notice. We have had a good response to our request for a bail fund, have posted bail for two women. We often wish we could enlarge our bail fund. We are getting calls for information and help from all over the United States and out of the country as well. Women are referred to us for help by lawyers, Victims Services Agency, and from chaplains, corrections officers in the jails, and women's organizations. We have had some good publicity in our local newspapers, and this too, produced calls for help. Many people need supportive services, and information.

From January to May, 1990, we have worked with 28 women during their court cases, one of whom was acquitted, 5 of whose cases were dismissed, three of whom were given probation, two were sentenced, and 15 are awaiting trial. We are entering appeals for two women. We have also provided follow-up services to over 30 women and their families during this time.

Sr. Mary, Sr. Andrea, Sol Rosa and Rita Madera have done numerous workshops around the city doing outreach and educating the public, as well as within jails and prisons. They distribute literature about battered women and what resources are possible.

Our support group for domestic violence defendants continues on Wednesday evenings. We have started a children's group on Mondays combining play therapy and activities. The children are beginning to deal with some of the violence that they have seen and experienced. While the children are in their group the mothers are involved in their support group and parenting session. We try to establish a warm supportive atmosphere for both Monday and Wednesday groups, so we offer light refreshment, which helps build trust.

We are distressed by the number of women who are surprised to learn that they are entitled to safety in their own homes. We are trying to find ways to educate women to expect safety, if not honor, in their lives. We were interested in the program Oprah Winfrey presented on June 8. Her guests and the studio audience was made up of survivors of women who had been killed by their husbands. All the guests and members of the studio audience agreed: GET OUT THE FIRST TIME HE BEATS YOU. HE WILL NOT STOP, NO MATTER HOW "SORRY" HE IS AFTERWARDS. In a year, a month, a week or a day, he will beat you again, more cruelly. It's true, there are not enough shelters, many families will not take you back, but get out. Go to a friend, and stay away, get a divorce, change the lock, do not take him back. Until social change, including attitudes and policies, the batterer does not have the incentive to own up to his responsibility not to beat you.

## COURT APPEARANCE - II

When we reflect on Elizabeth's case (in a previous issue) we were confronted with the fact that her story is an exception. Most of the women have already been indicted by the Grand Jury when their cases come to the attention of STEPS.

Our follow-up is of Vickie, who was indicted by the Grand Jury for the murder of her husband. She was charged with murder in the second degree, manslaughter in the first degree as well as reckless endangerment. Vickie is returned to Rikers Island to await the up-coming trial. At her Court appearance bail was set at \$10,000 which is still out of her reach and ability to pay. However, thanks to our reader/supporters, plus several family members, we are able to provide bail.

As STEPS begins to advocate for Vickie we become aware of the degree of battering that was a part of her life. We then begin to make arrangements to have her evaluated by a psychologist who is involved in studies and issues related to battered women. Vickie's attorney is on the 18B panel and has agreed to use the resources of STEPS and the NYU Law School Clinic in planning her trial. Vickie's attorney petitions the court to have the evaluation done as part of preparation for trial. The court agrees to this and the law clinic, the psychologist and STEPS all assist the attorney with information on Battered Women's Defense.

As Vickie awaits trial and her attorney prepares her case she receives counselling at STEPS and participates in the weekly support group. Light refreshments are offered, which helps make the atmosphere relaxed. This provides opportunity to learn more about her history in order to help her to deal with her present feelings and her problems around battering. Attending the group sessions she listens as other women speak of their histories of abuse and their court experiences, and is helped to restore her self-confidence. It is within this safe and relaxed atmosphere that Vickie will begin to share some of her pain and sorrow and to receive support from her peers.

At each court date we meet her outside the courtroom before her case is called. We speak to her lawyer to get his opinion on what to expect and in what ways we can help.

She enters the courtroom with her lawyer. The pre-trial hearing takes several days then the jury selection begins. STEPS counselors sit in the courtroom

at each court appearance to be available if there is need to offer support or encouragement. When possible we arrange for some of our volunteers and members of our Advisory Board to join us in court watching. We encourage family members and friends of the woman on trial to sit in support, also.

The issues of abuse begin to be developed as jurors are chosen. This *voir dire* develops the framework for the defense of battered women.

Once the jurors are selected, the trial begins. The judge reads the charges and the Assistant District Attorney (ADA) makes her opening statement, followed by the defense lawyer. The prosecutor (ADA) calls her first witness. She asks her questions and the defense lawyer gets to cross examine. After all the prosecution witnesses are heard and cross examined, the defense begins his case to prove this woman should not be convicted.

If things go as scheduled, the case proceeds in a normal way, after the prosecution presents its case, the defendant's lawyer calls his witnesses who present their evidence and are cross examined by the prosecutor. Vickie sits with her lawyer before the judge, reliving her cruel and ugly experience. During lunch breaks and other interruptions STEPS counselors and Vickie go out for lunch or walk in the hallway while the lawyer makes plans for the next session.

Unfortunately, when we describe this scene we have not mentioned some of the obstacles that spontaneously occur. Sometimes Vickie goes to court and finds that her case has been postponed. Maybe her lawyer, or the District Attorney has a conflicting court appearance. She may sit all day in the courtroom waiting for her case to be called only to find that it isn't called, and she may or may not get an explanation.

When all the witnesses have been heard both lawyers sum up the case. The judge instructs the jurors about the law. The jurors go out and deliberate. This is where things get really rough. Client and family members start to feel tense and nervous. There is nothing they can do but wait until the jury reaches its verdict.

continued

## Getting the "Inside" Story Out.

Thea Dubow

Bedford Hills Correctional Facility is New York State's only maximum security prison for women. It sits in the posh rolling hills of upper Westchester County. I arrived there shackled and handcuffed between two other women.

Upon arrival, we were driven to a building which became known to us as The State Shop. There we each got a number. That number was to be ours from that day until we were paroled. With our number, we received a bathrobe and slippers and were told to strip and put on our new state garments. We were lined up in our robes and slippers, sent into the shower and were handed Quell lotion and told to put it on all the hairy places on our bodies. After our shower we were given white shirts, and posed for pictures. We were called by our numbers to receive our new green state clothing, and to send our personal clothing home.

About six hours after we arrived we were sent, with our state wardrobe and a few personal belongings to the reception housing unit and were assigned cells for the reception period of our incarceration. After putting my and the state's things away, I made my bed. I went into a large community room where women from the unit were sitting on couches and talking. The women who had been there before asked "what are you here for?" My answer was "I was convicted of manslaughter for the death of my husband". These women knew that he had done something terrible to me. How did the women at Bedford know that my husband had done something awful to me when no one on the outside seemed to know that?

In 1985 there was a survey on domestic violence conducted at the prison. Following are the results of that survey and the reason why the women at Bedford Hills Correctional Facility know what I had gone through.

Of the 540 inmates at the time, 320 women responded, of whom 195 indicated they were incarcerated for conviction on counts of murder, manslaughter, assault and robbery. 211 women who replied that their crimes were violent, 83% reported this act to be their first violent crime. Questions about domestic abuse produced the following results:

- 106 women were victims of physical abuse
- 97 women were victims of sexual abuse
- 139 women were victims of emotional abuse.

It is important to note that some women were victimized in multiple ways. Therefore the numbers do not correspond. Of the women who reported they suffered abuse, 30% were victims of one form of abuse, 14% reported two forms of abuse, and 16% responded to

all three forms of abuse that were listed. Of the 320 respondents, only 13 indicated they had received Family Court Intervention. 21 received orders of protection, 18 had been in battered women's shelters, and four had received advocacy from domestic violence programs. Clearly these women were both under-served and inadequately assisted.

Society has a responsibility and the ability to help incarcerated battered women. There is a need for battered women's advocates to go into prisons and organize battered women's support groups as well as classes to disseminate information about the abuse, to educate and inform the general prison population. Agencies that provide services to battered women need to reach out and contact those advocates who are already doing the work in prisons to receive training about the unique set of circumstances which exist in prison.

Incarcerated battered women need advocates to assist them in appealing their sentences and in applying for and processing clemencies when their appeals have been exhausted.

When women leave prison, frequently they are unaware of services available in the communities to which they are paroled and have little or no support. In New York State, women leaving prison are given a \$40 check, some polyester clothes to wear out, a rain coat, and the few personal items that they weren't allowed to keep when entering. Women leaving prison are given nothing else, not even a quarter to call a cab or directions to get to where they have been paroled. Remember, Prisons are usually in rural settings, far away from banks, phones, and transportation. The results of the survey found that of the 320 respondents, 236 or 74% reported having children, indicating a need to help women coming out of prison reunite with their children. There are many issues that need to be dealt with after their long separation. Liaisons are needed between the women awaiting parole and organizations that provide services in a specific community.

Women who are paroled from prison or transferred to a work release facility need jobs and supportive services. The Battered Women's Movement recognizes that no one knows more about abuse than a battered woman. And no one knows more about how the system fails battered women than those who are incarcerated. Formerly battered incarcerated women need to be employed by programs servicing battered women and their children.

continued

## COURT APPEARANCE - II

During deliberation sometimes the jurors ask the judge to explain the meaning of the law or re-read testimony from the trial to them. After considering the evidence presented by the prosecutor and defense attorneys, the jurors make a decision based on these facts whether the woman is guilty or not guilty of the charges against her. If guilty this decision can be later appealed. If not guilty she is free to leave the courtroom. The bail money and all court records are returned to her.

There are times when the woman is convicted of lesser charges and a date is set up for sentencing.

Note: For a number of cases recently the woman has been acquitted. The jury listened to her history of abuse, for others they have been convicted of the less serious charges such as criminally negligent homicide instead of murder or manslaughter.

In our next issue we will discuss plea bargaining which *sometimes* works well for our clients.

### IMPORTANT NUMBERS DOMESTIC VIOLENCE HOTLINES

#### NEW YORK:

In English: 1-800-942 6906

In Spanish: 1-800-942-6908

National:

1-800-333-SAFE

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and a lot of help from our friends

## STEPS TO END FAMILY VIOLENCE

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### TAKING STEPS

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Board President Jon Pehnerberg  
Executive Director Julius Cromwell

This Newsletter is provided free to you, but we need contributions to our work. Won't you please help - or give us information about grants we could receive.

Send questions or information, or support our work with contributions (money orders or checks) payable to Edwin Gould Services/STEPS to:

104 East 107 St., New York, NY 10029  
212-876-0367

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Apple Computer donated typesetting.

## Getting the "Inside" Story Out.

Thea Dubow

In much the same way that domestic violence programs give trainings to attempt to sensitize police personnel, they need to give trainings to sensitize correctional and parole personnel. Prisons are environments where power and control are given to the staff of the institution. Personnel need to understand the dynamics of abuse and to be aware of how easy it would be for them to replicate the abusive behavior of a batterer. This also holds true for parole and probation staff. Even though women have been released from prison, they can have their freedom dangled before their eyes, thus inhibiting them from becoming empowered.

Lobbying in state legislatures needs to be done to change laws that effect battered women who fight back. Laws not only pertaining to women involved in the judicial system, but also those which keep women in the correctional system for protecting their right to survive, must be changed. Incarcerated women need help in the clemency process. Battered women's advocates could be invaluable in this area. Letters of support for clemency need to be obtained from state legislators, local politicians and concerned citizens. Your contacts and your ability to exert pressure on the governor of your state could make the difference for a woman in prison.

-reprinted from NCADV Newsletter 1989, with permission of the author with minor editing by STEPS.

*The author is currently employed by a battered women's program and as an advocate. We congratulate her, and the agency that had the vision to hire her. The author was one of 12 women who testified at a Hearing on Domestic Violence at Bedford Hills Prison in September, 1985. A report of this hearing was published in 1987.*

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