

STEPS TO END FAMILY VIOLENCE

"I didn't want him to die. I just wanted to stop the violence."

"No matter how much time I get, I still love him, and always will."

"The other times were good. I just never knew when he would change, and be abusive."

For many years, while directing a half-way house for women released from prison and as an alternative to prison, I worked with battered women. I know that prison is not the answer. A half-way house seemed a better alternative. However, the abuse they experienced was not usually considered when these battered women went to trial. I felt this needed to change. Then in late 1985 I was involved with the Hearing on Domestic Violence, held for the first time ever in a prison. I was asked to be the "outside" person who on that day responded to the 12 brave women who testified about the abuse they had experienced. A group of us continued to work with the 12 women in the

preparation of a report which gave recommendations for change within the criminal justice system. From this experience, and from my prior personal experience, STEPS To End Family Violence was born.

Our ultimate goal is to work on prevention of family violence. Such programs will be developed by the women from their experience. To begin, we have developed a Court Intervention Program. We work with battered women who are now facing the criminal justice system as defendants. We provide support groups, individual counseling, reports to the court, and referrals to particular services as needed for the women and their families. We accompany each woman to court each time she appears so she is never alone in this scary and vulnerable time. It isn't over when it's over and so we continue our services after disposition of the case for as long as the woman determines she wishes to be involved. During the past eighteen

months of STEPS To End Family Violence existence we have had much success. Many women have not been indicted, or have received probation, or have received a minimum sentence. This is not typical of the treatment of women within our criminal justice system.

Battered women defendants find discrimination when they are arrested for killing or assaulting their abuser. Usually they had experienced physical and psychological abuse for a long time before they fought back. Sometimes it is preceded by the belief that "this time it was different. I could tell he really meant it when he said he was going to kill me."

The abuse women experienced is now used against them to prove that they "intended to kill." Her eagerness to tell her story so that the district attorney and the police will understand why she did what she did is also used against her. After telling her story several times, a videotape is

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made. Because of the trauma of the recent incident, she doesn't always realize that only some questions are being asked of her and she is only giving some the details at the time of the videotaped statement. She is rarely asked the reasons why. Then at her trial this statement is used against her. When she gives additional details and describes the abuse in her own testimony, she is accused of making it up because what she is saying is not the exact same as what was in the videotape.

When the opposite happens, and the woman gives complete details and answers more completely than what she is asked, such videotaped statements are at times not allowed into evidence at her trial.

What Is Needed:

Educating lawyers about battered women's self-defense, and what is the best strategy for trial, or a plea bargain is a difficult task. In New York City we have the wonderful fortune of the NYU Law School's Clinic: Battered Women's Criminal Defense Back-up Center. This great program supervises third year law students who

work in teams of two directly with the lawyer, creating a knowledgeable team for the defense that has not been available to date, particularly for poor women. We also have a slowly growing group of lawyers who understand the issues about the defense of battered women, and are willing to assist others.

The media with some education has been helpful. However, we see this as an ongoing educational task. A few individuals, according to the media, tend to be newsworthy. For the most part these women are white and middle class. For poor women, especially Black and Hispanic women, we have at times, begged the media to do their story to no avail. We have a long way to go to bring change in this area!

We need to educate us all to understand the questions that need to be addressed - such as - "why is battering not criminalized?" "why aren't we discussing the problems abusers have instead of blaming the victim?" "why does this man continue to pursue and threaten?" instead of "why didn't she leave?"

Several coalition efforts have evolved in the past few years around particular individuals or issues. These

groups which have involved most of the battered women's shelters, counseling groups and interested individuals have made a significant difference. Education about battered women defendants is occurring within the battered women's movement; women going through the court process have a support system; working together has enabled us in New York to speak with a unified voice that has strengthened each of us in our individual work on behalf of battered women. This is a model all can use!

Available free from the STEPS office:

1. Report on Domestic Violence and Criminal Justice System, published 6/87
2. Domestic Violence and Child Abuse, published 11/88
3. Taking STEPS Newsletter, published periodically.

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