

DOMESTIC VIOLENCE REPORT™

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Redefining Safety: Do You Have a Safety Plan If a Victim Says “No” to Shelter?

by Kelly Dunne and
Marta Chadwick, Esq.

On March 26, 2002, William Cotter broke into the marital home and shot and killed his wife Dorothy, while their 12-year-old daughter hid upstairs under her bed, before turning the gun on himself. He did this despite a protective order prohibiting him from going to the home. Cotter knew Dorothy was scheduled to go to court the next day to extend her order.

As Dorothy's attorney and advocate, we knew this case was potentially lethal. We knew that Cotter had taken Dorothy hostage in the past, had strangled her with a telephone wire, and had threatened to kill her if she ever left him. Of the 25 factors used to determine danger in domestic violence cases, 19 were present. Unfortunately, other components of the system did not have the benefit of this information. At this time, danger assessments were not regularly done throughout the system, and we had no formal mechanism in place to communicate about high risk cases. Cotter had been before the court only five days before the homicide for violating the protective order. The court released him on a low cash bail because they had no idea the danger this man posed to his wife.

What could we have done differently? Dorothy had an experienced attorney and advocate working tirelessly on her behalf, the police were trained in domestic violence and

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GPS Monitoring Systems for Batterers: Exploring a New Paradigm of Offender Accountability and Victim/Survivor Safety

by Diane L. Rosenfeld, Esq. (with Kirstin Scheffler)¹

On September 18, 2006, John Woodring broke into a battered women's shelter in Jacksonville County, North Carolina in pursuit of his estranged wife, Bonnie Woodring, and shot her to death in the kitchen. Her 13-year-old son was staying in the shelter with her, but was not in the kitchen at the time. Bonnie had obtained an emergency order of protection against John a week before he killed her. The court hearing on the full order of protection was scheduled for the next day.

In court documents, she testified that she had been trying to leave the abusive relationship; that her husband had been convicted of previous domestic violence assaults against previous wives; that he had “attempted to choke” her when she tried to leave him; that he stalks her at work and “keeps tabs on me 24/7”; that she was in fear for herself and her child; that he choked her son; that he is intimidating; and that he threatened to kill her. The day she received the ex parte order, John attacked her so violently she needed to be hospitalized. Although the order of protection contained precise information about John's schedule and place of employment, law enforcement never arrested him, even after the retribution assault that landed her in the hospital that day.

Three months before her murder, Judge Danny E. Davis, the same judge who issued the order of protection in September, *denied* Bonnie's petition for an order of protection for “failing to prove the grounds for relief.” In that petition, Bonnie described her year and a half relationship with her husband as “rocky, riddled with jealous rages, intimidation, pushing me down, threatening to kill me if I ever left him.” Additionally, he had been physically abusive and intimidating to her children. Subsequent investigation after the murder revealed that he had a secret on-line identity in which he used and participated in on-line pornography and had several adulterous relationships. He also had a 15-year criminal arrest history of domestic violence involving two ex-wives.

Everything is wrong with this picture. How did we fail Bonnie Woodring? What, if anything, could we have done to prevent this tragedy? How can we, as a society, make the justice system take seriously the lethal threat of domestic violence, and how can we offer meaningful protection to women who suffer this abuse? Why did Bonnie need to flee and seek refuge in a shelter outside of her home in an attempt to save herself and her son from her husband's abuse? Why does home cease to be a shelter for a battered

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aware of the case, and we had a court and prosecutor who understood domestic violence and took it seriously. We soon realized that even with all these things in place, we had a system that was built upon the assumption that victims at the highest risk for a lethal attack will escape to shelter. On four previous attempts to leave Cotter, Dorothy had been in shelter. She made the decision that this time she was not leaving her home.

Creation of Response Team

After much analysis of events leading up to Dorothy's murder, we created the Greater Newburyport Domestic Violence High Risk Case Response Team.¹ We asked ourselves these questions: Can we

its end of the bargain? Why do we expect the *victim* to leave? Society must align responsibility with criminal behavior and place restrictions on their liberties, not the victims' liberties.²

Criminal justice intervention often signals a dangerous time for victims; commonly after arraignment, perpetrators are released on low bail with limited restrictions, leaving victims in a vulnerable position. At this point, victims have one of two options, seek shelter or hope a protective order and safety planning with a domestic violence advocate is enough. This response is not adequate protection in high risk domestic violence cases. Doesn't the system have a responsibility to provide an enhanced response when lethality factors and behavior patterns indicate high levels of risk?

component of the system regularly assesses domestic violence cases for risk factors. Once we know the danger of the case, then what?

Communication and Coordination. Danger assessments provide a common language across disciplines to discuss cases and serve as the backdrop to share and gather information. We don't rely heavily on one particular tool, but use recognized lethality indicators to help us look beyond an individual incident and at the history and pattern of behaviors. We exchange information and coordinate efforts to provide appropriate interventions.

Interventions. Interventions are based on the premise we will contain and monitor the offender whenever possible, and provide access to high-quality, comprehensive victim services. Coordination of these efforts provides a consistent message to the victim and helps establish trust. Within these principles, an individual plan is developed, giving the victim the options beyond shelter.

Tools to Monitor Offenders. When a court determines the offender poses a danger to a particular victim or the community,⁴ a defendant is often held prior to trial in jail, or they are released with a Global Positioning System technology (GPS) monitoring device to track their whereabouts and further ensure the offender does not contact the victim, or violate the order of protection. Of the 35 cases we have monitored, three have been on GPS as a condition of pre-trial release and four have been placed on GPS as terms of post release probation.⁵ Sixteen offenders have been incarcerated on some type of pre-trial detainment.

With the recent passage of new legislation in Massachusetts, we will continue to request GPS as part of the disposition in cases involving protective order violations. The court can assess the case to determine if the offender is a danger to the victim and decide if an offender should have continuous monitoring after being released from jail. GPS should not take the place of jail, but rather be used as an additional tool to enhance the system's ability to continue to monitor and contain an offender's behavior in high risk cases.

Use of GPS technology is one of many strategies the Team is utilizing to contain and monitor high risk offenders. Other techniques include having police conduct

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as a community identify high risk cases earlier, and if so, can we provide interventions that interrupt the cycle of escalating violence that are not predicated on the victim "escaping" to shelter? Through this new initiative, we are working collaboratively to identify and bridge the gaps of a battered woman's safety. We are piloting on the ground the ideas that animated the recent legislation authorizing GPS technology to monitor repeat domestic violence offenders, using dangerousness assessments to identify high risk cases, and employing new methods of offender containment.

The system was not equipped to protect a high risk victim who chose not to leave her life, job and support system behind and live in hiding. We realized that while each individual component of the system worked, the lack of coordination and communication of our efforts created gaps in the system, ultimately compromising Dorothy's safety.

Do we have a responsibility to provide a "safety plan" for victims who don't enter shelter? The shelter system was created to save the lives of battered women at a time when the criminal justice system did not, or would not, hold offenders accountable. Is it time we re-examine this idea and require the system to hold up

Interventions need to be responsive to the real life situations of battered women like Dorothy. We need a real way to identify, contain and monitor high risk offenders if we are serious about providing new options to victims.

Getting it Right

We created a multi-disciplinary team approach to assess cases and provide interventions that would allow victims to stay in their home and community based on the following principles:

Identification of High Risk Cases at the Earliest Point. We assess cases based on the research of Dr. Jacquelyn Campbell³ that helps to identify risk factors and gather important information. Victim advocates, responding officers and probation officers conduct assessments. Every

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frequent "safety checks"⁶ at high risk residences. We also identify (red flag) cases throughout the system. Each department and agency is aware of cases we are monitoring. If there is a call or activity on the case, the level of response is comparable to the level of risk.⁷ Victims receive increased contact by law enforcement, victim services and probation. Cases on pre-trial and post-release probation receive enhanced supervision.⁸

Beyond the Criminal Justice System

Avoiding the shelter system does not necessarily make it easier for victims. The lives of battered women are complex. The success of this model depends heavily on strong, well funded domestic violence agencies that work in concert with a criminal justice response. The challenges for victims continue long after the criminal justice intervention has ended. To truly affect change, comprehensive community based services need to include lawyers to address the long term issues of divorce, custody and support; financial independence programs that help victims address their short and long-term financial issues; child therapists that can mitigate the effects of the violence and help the family heal; and ongoing support and counseling for victims.

More than ten years after the passage of the first Violence Against Women Act, many communities still suffer with a fractured and uncoordinated community response. It is time for a reexamination of the current system. New and innovative approaches are needed to increase options available to victims. We realize this model will not address the needs of all victims of domestic violence in every community; however it provides a framework for unifying the fragmented work of groups that are individually strong, but could be collectively stronger. Coordinating different groups to adhere to a consistent, effective collaborative response without exception or interruption is an immense challenge. By working together on the most dangerous cases, trust is built among disciplines, communication and roles are clear, goals are concrete.

Victims deal with the system in its totality. Although much attention has been paid to developing teams of allied professionals, success rates of developing unification across agencies and sectors have been abysmally low. An examination of

Table 1: Greater Newburyport Domestic Violence High Risk Case Response Team Year One Findings (n=22)

Victim Study

- 100% of the cases involved a male perpetrator and a female victim
- 55% of the victims were living with their perpetrators at the time the team accepted the case
- 59% had minor children living in the home at the time the team accepted the case
- 45% had a reported strangulation history on the Risk Assessment
- 68% of victims received follow up services from Jeanne Geiger Crisis Center
- 0% of victims reported any re-assaults
- One victim utilized domestic violence shelter for safety reasons

Perpetrator Study

- 86% had criminal justice involvement
- 100% were disposed of through a plea bargain
- 80% received committed time
- 13% received probation and certified batterer's intervention
- 7% was continued without a finding
- 53% were detained prior to trial
- 5% involved felony charges (Domestic Assault and Battery on a pregnant woman)
- 10% perpetrators were classified as sex offenders

For more information on the response team, please contact Kelly Dunne, Associate Director, Jeanne Geiger Crisis Center, Inc. at KDunne@jeannegeiger-crisiscenter.org or Mardi Chadwick, Esq. at MChadwick@jeannegeigercrisiscenter.org; or visit our website at www.jeannegeigercrisiscenter.org.

the entire system can help highlight gaps in your community and challenge you to create new models to increase options and strengthen the safety net.

Endnotes

¹ Partners of the Greater Newburyport Domestic Violence High Risk Case Response Team include the Jeanne Geiger Crisis Center, officers from the Amesbury, Newbury, Newburyport and Salisbury Police Departments, the Newburyport Probation Department and members from Caritas Holy Family Hospital and Anna Jaques Hospital.

² Diane Rosenfeld, "Why Doesn't He Leave?: Restoring Liberty and Equality to Battered Women," *Directions in Sexual Harassment Law*, eds Catharine MacKinnon and Reva Siegel (Yale University Press, 2003).

³ Based on the research of Dr Jacquelyn Campbell, PhD, RN, FAAN and the Dangerousness Assessment Tool ©2004 Johns Hopkins University, School of Nursing.

⁴ M.G.L. c. 276 § 58A.

⁵ When an offender is on GPS, they are given certain areas in which they are allowed to be This is considered "inclusion" zones. They are also given certain areas in which they are not allowed

to enter, called "exclusion" zones. It is important that the probation officer meet with the victim to gather all the necessary information in order to set up these zones.

⁶ Some cases require police only drive by at random times throughout the day to check on the residence In other cases police will actually speak with the victim during these checks to ensure compliance with orders and assess for safety.

⁷ In one particular case, the SWAT Team responded after the police received a 911 call from the home This was appropriate given the level of danger the defendant posed to the victim, based on his past behavior and the danger assessment.

⁸ Involvement in these cases from their entry in the system allows us to request specific terms and conditions for the offenders upon release, allowing longer and more direct probation supervision.

Kelly Dunne is the Associate Director at the Jeanne Geiger Crisis Center, Inc. in Newburyport, MA. Marta Chadwick, Esq. is the Director of Client Services at the Jeanne Geiger Crisis Center, Inc. Kelly and Marta worked with Dorothy when she was a client at the Center. The Jeanne Geiger Crisis Center, Inc. provides community based services for victims of domestic violence and their children. ■