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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Public Hearing Re Domestic Violence Issues,
House Bills 192, 194 and 195

* * * * *

Stenographic report of hearing held
in Room 140, Majority Caucus Room,
Main Capitol Building, Harrisburg, PA

Thursday,
April 18, 1991
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Kevin Blaum, Subcommittee Chairman on Crime
and Corrections
Hon. Karen Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Frank Dermody Hon. Christopher McNally
Hon. David W. Heckler Hon. Robert D. Reber
Hon. David J. Mayernik Hon. Michael R. Veon

Also Present:

Hon. Louise Bishop
Larry Jack, Executive Director, Philadelphia Delegation
David Krantz, Executive Director
Galina Milahov, Research Analyst
Ken Suter, Republican Counsel
Katherine Manucci, Committee Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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APPENDIX

1 CHAIRMAN CALTAGIRONE: I'd like to open
2 the hearing dealing with domestic violence issues
3 dealing with House Bill 192, 194 and 195, prime sponsor
4 my good friend from Philadelphia County, Representative
5 Bishop.

6 REPRESENTATIVE BISHOP: Thank you, Mr.
7 Chairman, and let me say good morning.

8 Mr. Chairman, Mr. Vice Chairman, and
9 members of the committee, I am extremely pleased to
10 have all of you present this morning to hear testimony
11 from our witnesses and for you to consider the merits
12 of the bills which are here for your consideration.

13 My fellow members, there is a need for
14 domestic abuse legislation. Last year the number of
15 women abused by their husbands was greater than the
16 number of people who married. And an estimated 800,000
17 families in Pennsylvania experience domestic abuse
18 annually. Another fact is that more than half of all
19 homeless women are on the streets because they are
20 fleeing domestic violence, and in 70 percent of child
21 abuse cases the mother is also being abused.

22 Our major charge as legislators is to
23 protect the health, the safety, the welfare of each
24 citizen in our Commonwealth, and as either luck or good
25 fortune would have it, we have been entrusted by the

1 people to offer and deliberate proposals which would
2 help to correct whatever existing deficiencies exist in
3 the law. And House Bill 192 expands the definition of
4 simple assault to protect victims who share a residence
5 with a perpetrator. It also allows a judge or issuing
6 authority to deny bail if demonstration is made that
7 the defendant possesses or demonstrates a threat or
8 danger to the victim. I am introducing this proposal
9 because many of my constituents have been or are
10 victims of domestic violence.

11 Another proposal I'm making is House Bill
12 194, which seeks to extend the scope of understanding
13 of law enforcement officers who have not had the
14 opportunity to receive professional study on how to
15 respond to domestic violence complaints. I offer these
16 proposals because I sincerely believe that all law
17 enforcement officials would be able to benefit from the
18 model established by the Attorney General's Family
19 Violence Task Force.

20 I offer HB 195 as a vehicle which can add
21 an extra degree of protection to any plaintiff who
22 seeks to have a restraining order for her or him from
23 an immediate and direct threat of physical violence.
24 Under the current law, the serving authority is not
25 encouraged nor required to serve the order in a speedy

1 manner. This proposal would require the restraining
2 order to be delivered to the appropriate party within
3 24 hours of issuance. However, it does not say that it
4 becomes invalid if it is not delivered within 24 hours.

5 I sincerely hope that the information
6 presented and the testimony of our witnesses and our
7 experts in the field will encourage this committee to
8 vote with every confidence, to move this very necessary
9 and essential information on to the House floor so that
10 the full membership will have a similar opportunity to
11 discuss the potential value for all of our constituents
12 in the Commonwealth of Pennsylvania.

13 Thank you.

14 CHAIRMAN CALTAGIRONE: Thank you,
15 Representative Bishop.

16 Are there any questions from any of the
17 members or staff?

18 (No response.)

19 CHAIRMAN CALTAGIRONE: Thank you very
20 much.

21 REPRESENTATIVE BISHOP: Thank you.

22 CHAIRMAN CALTAGIRONE: We'll next move to
23 testifant Chief William M. Hose, from the city of York,
24 who will present testimony.

25 CHIEF HOSE: Did you wish me to read my

1 statement?

2 CHAIRMAN CALTAGIRONE: Yes, please.

3 CHIEF HOSE: Okay.

4 It's my opinion that the improperly
5 handled domestic violence case of today becomes the
6 homicide investigation of tomorrow or next week. In
7 approximately 70 percent of the nation's homicides, the
8 victim knew the assailant, and many were domestic
9 violence related cases.

10 A well-designed protocol or procedure for
11 responding to domestic violence incidents is
12 imperative. Just as important is the training of
13 police officers so that they know how to make an
14 appropriate response to such incidents. There are many
15 aspects and stages to domestic violence investigations,
16 and if the police fail to appropriately respond at the
17 initial stage, there is no way that the criminal
18 justice system can appropriately address the matter.

19 First and foremost to be considered is
20 the victim. For too long the police and others have
21 not faced the reality that physical abuse of one's mate
22 is a crime and that arrest is the best means of
23 breaking the cycle of violence. If the police fail to
24 do their duty, the system fails.

25 The York City Police Department began to

1 draft a protocol in 1984. This undertaking was a
2 result of the department's recognition of the
3 escalation of domestic violence complaints, coupled
4 with our extremely good relationship with Access York,
5 our shelter for battered women and children, as well as
6 our local victims' assistance center.

7 Our initial protocol was developed in
8 cooperation and conjunction with the aforementioned
9 agencies. We realized at that particular time that if
10 an officer did not witness the actual assault, he or
11 she could not make an arrest without first obtaining a
12 warrant. However, in those cases which an aggravated
13 assault wasn't committed, our officers began issuing
14 citations for harassment and referring the victim to
15 the Access shelter. We also advised them of their
16 right to obtain a Protection From Abuse order against
17 their assailant.

18 The procedure was initially met with some
19 resistance and reluctance on the part of the officers.
20 In our first year, we only arrested approximately 50
21 percent of the batterers when called to these
22 incidents. We tracked these cases by putting a "D"
23 suffix on all of the complaint reports. The "D"
24 naturally being for "domestic." In 1986, our track
25 record began to improve somewhat. We received 583

1 complaints and issued 403 citations for harassment, and
2 44 other charges were brought, along with 8 simple
3 assaults, 1 recklessly endangering, and 32 warrants
4 were obtained. The following year was the year that
5 changes were made to Section 2711 of the Crimes Code,
6 and we re-emphasized the importance of making an arrest
7 when responding to domestic incidents. We again
8 rewrote our protocol.

9 All shift supervisors and commanders were
10 to review each domestic complaint that came in, and if
11 an arrest was not made, they queried the officers as to
12 why he or she did not make an arrest.

13 In our city, I believe we were somewhat
14 fortunate in that we had begun making summary arrests
15 for harassment as early as 1984, thus making the
16 transition to enforcing the amendments to Section 2711
17 of the Pennsylvania Crimes Code very smooth. And
18 that's not to say that our policy was immediately and
19 readily accepted, but through close monitoring we were
20 eventually able to convince our officers that the
21 decision to arrest those responsible for domestic
22 violence rather than to separate or mediate was not
23 only the best choice, it was the only choice.

24 I believe that the adoption of our
25 protocol made a tremendous difference in the number of

1 arrests as well as officer safety because there was a
2 certainty on how they were going to respond and the
3 public, at least those who were victimized, became more
4 confident in the police and their ability to intercede
5 on their behalf.

6 I also believe officer morale increased
7 somewhat because the officers had a policy to fall back
8 on telling both the victim and the batterer that they
9 had no choice but to make an arrest because it was
10 departmental policy.

11 Some of the benefits to a good protocol
12 are:

13 1. A reduction not only in repeat calls
14 but all calls on domestic violence. Once batterers get
15 the message that we mean business, the incidents
16 decrease.

17 2. Officers are taken off the hook by
18 telling both the victim and abuser that they have no
19 choice but to make an arrest or face possible
20 disciplinary action for failing to follow departmental
21 policy.

22 3. It provides a uniformed and
23 efficacious method of dealing with such incidents.

24 4. It lessens chances of civil
25 litigation for failure to protect or properly respond.

1 5. It increases officer safety because
2 they have a known course of action.

3 6. And last but not least, it will
4 ultimately protect victims from serious injury or
5 death.

6 It is very important to note that in our
7 protocol the victim does not have the final say on
8 whether the abuser is arrested or not. Often the
9 victim is terrorized or traumatized to the point that
10 they are unable to make rational decisions. We have
11 had many such instances in our community, and I
12 received a very nice letter from one of the victims
13 approximately three weeks after she had been assaulted
14 by her husband. In that letter she stated her
15 gratitude for the officer who had responded and made an
16 arrest against her wishes at the time. She informed me
17 in her letter that it actually took her several weeks
18 to gather herself and realize that the officer had
19 acted appropriately. In another incident which did not
20 occur in the city but in York County, a Pennsylvania
21 State Trooper arrested an assailant and the victim was
22 very recalcitrant, refused to testify at the subsequent
23 trial. Fortunately, the assailant was convicted in
24 spite of the victim's unwillingness to testify against
25 him. And this merely underscores our philosophy of

1 arrest.

2 Our protocol was again revised and
3 patterned after the model protocol in the Attorney
4 General's Family Violence Task Force manual, which was
5 issued in January of 1989. I had the privilege of
6 serving on that task force.

7 As a result of our protocol, we have a
8 much more uniformed method of handling our domestic
9 violence cases. I would like to just give you some
10 statistics on going back to the year 1988. We had 591
11 domestic assaults, and arrests were made in 428, or 72
12 percent of those cases. In 1989, the number of
13 domestic assaults was reduced to 519, a decrease of 12
14 percent from '88. There were arrests made in 391, or
15 75 percent of these cases. An increase of 3 percent of
16 the arrests. And finally, in 1990 there were 433
17 domestic assaults, which is a decrease of an additional
18 17 percent from '89, and a decrease of nearly 27
19 percent from 1988. There were arrests made in 342 of
20 these cases, or 79 percent of all responses.

21 So as you can see over the three-year
22 period, our domestic assault reports decreased by
23 nearly 27 percent, and the percentage of cases
24 resulting in arrests continue to increase to a high of
25 79 percent in 1990. I underscore that in those cases

1 where arrests were not made, the officer has to justify
2 it to his or her supervisor, and having failed to do so
3 is subject to disciplinary action. The point being
4 that we want to show them that we are extremely serious
5 about our policy.

6 It is our position that the abuser must
7 be held accountable by proper use of our criminal
8 justice system. The justice system provides
9 alternatives not otherwise available to police officers
10 and victims. Incarceration and/or counseling for the
11 abuser are but a few of those options. Furthermore,
12 victims often need shelter and counseling. Such
13 provisions should be made a part of your protocol.

14 We cannot lose focus on the rights of the
15 victims simply because we have made an arrest in a
16 particular instance. Oftentimes the victims were quite
17 traumatized as a result of the ordeal that they have
18 gone through and are incapable of a clear thought
19 process or weighing out their options, and that is why
20 it's important for the police to follow up a day or
21 several days later. It's also important for them to
22 work very closely with any shelter that they may have
23 in their particular community.

24 We do advise victims in writing of their
25 rights and we have a form that's attached to the

1 statement. We recently received a grant, a Federal
2 grant that we applied for so that we can even work more
3 closely with our shelter. We have a FAX machine and
4 they have a FAX machine and we exchange information.
5 And we are also increasing our training as a result of
6 funds that we received. It was a small grant of only
7 \$10,000, but we are also translating our forms into
8 Spanish because our Hispanic population has grown to
9 about 10 percent of our community.

10 I reviewed the proposed legislation and
11 just would like to comment that I agree that domestic
12 violence training should be part of in-service training
13 required of law enforcement people, and that's House
14 Bill 194.

15 House Bill 192 I think is the one that
16 addresses the bail issue, and I strongly agree with
17 that because sometimes the batterer has not really
18 calmed down and I think that these instances need to be
19 addressed, and especially if it's a repeat situation,
20 and I don't think that we need to let this continue.
21 We'll never break this cycle.

22 CHAIRMAN CALTAGIRONE: Very good, Chief.

23 Questions from the committee?

24 Yes.

25 BY REPRESENTATIVE DERMODY: (Of Chief Hose)

1 Q. Chief, I have a question on House Bill
2 192. The first section amends or changes the simple
3 assault, and Section 3 creates a simple assault where a
4 victim shares a residence with the perpetrator. Has
5 there been a problem where if the injuries are
6 significant enough to charge a simple assault without
7 this subsection? It's House Bill 192.

8 A. Okay. We haven't really had that many
9 problems. I've heard other stories from other
10 departments, but I have no firsthand knowledge. Our
11 department hasn't really encountered too many
12 difficulties. We've been pretty fortunate because even
13 our court system has been very cooperative.

14 Q. So that the simple assault section, just
15 charging simple assault when there's injuries that
16 equate to bodily injury would be sufficient for your
17 force, your police department to make an arrest under
18 those circumstances, even with people who are sharing a
19 residence?

20 A. Absolutely, we could still make it.

21 Q. Right. Does increasing it from a
22 Misdemeanor II to an M-I?

23 A. Well, I think it should be treated more
24 seriously than it is.

25 Q. By the courts? All right.

1 A. I think so.

2 Q. Thanks, Chief.

3 CHAIRMAN CALTAGIRONE: I have just one
4 question.

5 BY CHAIRMAN CALTAGIRONE: (Of Chief Hose)

6 Q. In your opinion, since you've dealt with
7 this issue over the years as Chief, and probably as an
8 officer before that, would it bother you very much if
9 there was an amendment to House Bill 195 that the
10 proceedings would be closed so as not to allow for a
11 situation where somebody can use it to their advantage
12 publicly as a means of extracting some type of quid pro
13 quo in a situation, as in a divorce, let's say?
14 Somebody cries abuse, and of course that's open to the
15 public and the press. I'm not saying that the order
16 itself shouldn't be relayed to the police department or
17 the appropriate officials, just that those proceedings
18 themselves be closed so that somebody wouldn't take
19 unfair advantage of that type of situation to use that?

20 A. I don't have any problem with that being
21 a closed proceeding, and in some cases that may be
22 appropriate.

23 Q. Okay. I just wondered what your feelings
24 would be on that, because it wouldn't in any way impact
25 whatsoever on the jurisdiction of the police in

1 maintaining their position in this situation.

2 A. No.

3 CHAIRMAN CALTAGIRONE: Representative
4 Reber.

5 REPRESENTATIVE REBER: Thank you, Mr.
6 Chairman.

7 BY REPRESENTATIVE REBER: (Of Chief Hose)

8 Q. Sir, in the testimony you present on page
9 5, you talk about the assault cases, delineated the
10 '88, '89, and '90 experiences and the numbers that were
11 involved. Do you have any idea how many of the '88 and
12 '89 domestic assaults were resulting ultimately in a
13 divorce between the parties involved?

14 A. No, I couldn't tell you because we don't
15 follow up to that extent.

16 Q. When you use the word "domestic
17 assaults," can I assume that at the time of those
18 assaults the victim and the defendant were husband and
19 wife in all cases?

20 A. Not in all cases, no.

21 Q. What percentage would you suggest or
22 could you offer to us would be husband and wife
23 scenarios?

24 A. I, frankly, couldn't give you a
25 percentage. Had I known that that was going to be--

1 Q. Okay, that's all right. I understand.

2 A. I'm sorry.

3 Q. That's all right.

4 Moving back to the question that
5 Representative Dermody was pursuing relative to House
6 Bill 192 on the simple assault grading aspects and the
7 enhanced grading aspect under subparagraph 3, making it
8 a misdemeanor of the first degree where the victim
9 shares a residence with the perpetrator. If you look
10 at the language in that bill, you will see the current
11 law in subsection B(1), "A fight or scuffle entered
12 into by mutual consent in which case there's a
13 misdemeanor of the third degree," okay? Now, and I am
14 not being facetious when I say this, but I want to
15 follow this line of thinking and see, you know, what
16 your thoughts are on it.

17 Obviously, where people share a residence
18 there is the potential for some form of intervention in
19 the form of a violent action possibly taking place more
20 so than would be between two other individuals who are
21 not in that type of proximity. And obviously, there's
22 a mutual consent, if you will, in the sharing of the
23 residence and a meeting of the minds to that extent.
24 My feeling is this: Do you feel that the enhancement
25 to a misdemeanor of the first degree should exist in

1 that kind of situation where just by the arrangement
2 and the societal pressures and what have you to take
3 place enhances that amount?

4 Now, I'm not suggesting in the cases
5 where we're talking about an aggravated assault type
6 scenario. I'm concerned about the heated argument that
7 you might get into and there might be a simple touching
8 or a pushing as someone becomes frustrated and one
9 spouse pushes the other spouse and moves away, and
10 because of the fact that you're involved in a heated
11 domestic case at the time, there then is a filing, and
12 under the technical language of the statute as being
13 proposed, you're getting into a potential misdemeanor
14 of the first degree as opposed to some lesser degree
15 and some lesser touching that I think is the real
16 intent behind the statute. And it's to that kind of
17 concern that, you know, I will share or I would like to
18 have shared some of your thoughts as to whether there
19 is a risk where you have a potential for a lot more
20 activity to take place along these lines that we may
21 not be taking the penalty higher than really we should
22 be, or alternatively maybe making it a grading
23 situation so as to, you know, like we give a dog a
24 bite, you know, maybe in this case the shoving is a
25 misdemeanor of the third degree, the second time the

1 shoving takes place or the shoving becomes more
2 physical then it's elevated to a higher degree. Your
3 thoughts on that?

4 A. Well, I think that that would be
5 appropriate, but we all know how the violence escalates
6 if it's not dealt with appropriately, and sometimes I
7 think that if there were more clout, so to speak, that
8 you were holding over the batterer's head, that the
9 second incident may not occur. You may stop it.

10 Q. I guess my concern is this: I walk over
11 and tap you on the shoulder. Conceivably, that could
12 be a simple assault. Karen and I right here are
13 husband and wife. I do the exact same thing to her,
14 it's a first-degree misdemeanor potential. I do it to
15 you, it's a third-degree misdemeanor potential. It's
16 that kind of development that tends to allow the
17 criminal justice system to be used for purposes in the
18 civil domestic area, and that's the reason I'm raising
19 that question and wondering about your thoughts on it.
20 I have no argument with where it can lead to and it
21 should stop before it starts. I'm just wondering if we
22 have to and should consider to strike some kind of
23 balance when we are enhancing the criminal penalty side
24 of it?

25 A. Well, I think, to answer your question, I

1 do think that the court can make a determination on the
2 amount of actual injury that's been inflicted. I guess
3 that's going to vary from county to county because, for
4 instance, in our county, the mere shoving or something
5 like that wouldn't even constitute simple assault. It
6 would never pass. It would have to be harassment at
7 that point, and that would be the charge, the
8 appropriate charge.

9 Q. See, normally what happens is they would
10 be charging harassment, simple assault, aggravated
11 assault, the whole plethora of potentials, and then it
12 just depends how it gets muted out in the preliminary
13 hearing stage, whether then it becomes eligible for an
14 ARD consideration or a plea, or ultimately is
15 determined by the Commonwealth Court.

16 REPRESENTATIVE REBER: Okay. I think I
17 got some input.

18 Thank you, Mr. Chairman.

19 CHIEF HOSE: Sure.

20 CHAIRMAN CALTAGIRONE: Thank you.

21 You have questions, Galina?

22 MS. MILAHOV: Yes.

23 BY MS. MILAHOV: (Of Chief Hose)

24 Q. Chief Hose, back to page 5 where you
25 discuss the statistics of your record of arrests and

1 the number of calls that you receive, I was wondering
2 if you feel that there is a direct relationship between
3 the decreasing number of domestic violence incidents
4 reported and the fact that the police have demonstrated
5 the fact that they will deal very strongly with these
6 incidents?

7 A. Well, there's definitely a strong
8 indicator, and in fact some of the officers have voiced
9 that they don't get some of the repeat calls that they
10 used to get. You may go to John Jones' house three or
11 four times a month, and we're finding that that is not
12 happening anymore because now John Jones knows that
13 he's going to be arrested or he's in a -- we have
14 groups, men's groups, and thank God for our shelter and
15 all the support that we get, because there's now been
16 some leverage held over him, so he's not as likely to
17 be a repeater, and we're addressing those problems.
18 And I believe that that's a strong indicator there,
19 that that is the case.

20 Q. I was also wondering, do you have a
21 component of therapy or counseling for the people that
22 have been charged with battering? Is there any kind of
23 program that would help these people or that is
24 attempting to help them?

25 A. We do have support groups. Now, that's

1 not a part of law enforcement per se, but that's what's
2 happened when they go before the judge. He may not
3 impose a jail sentence on them. He may tell them,
4 you're on probation and you have to complete 12 weeks
5 or whatever he may give them, and yes, we do have
6 groups like that. We're fortunate. I understand some
7 cities don't have that. That's too bad.

8 Q. Thank you.

9 CHAIRMAN CALTAGIRONE: Yes, Ken.

10 BY MR. SUTER: (Of Chief Hose)

11 Q. What sort of training have you developed
12 for your officers to respond to domestic violence
13 situations?

14 A. Well, we actually have some videos. We
15 also work with Access, and we have them come in, the
16 women from the shelter, the volunteers as well as the
17 director, and our department has had in-service
18 training. We have -- each officer averages about a
19 hundred hours a year, and we incorporate this type of
20 training with our own in-service training. That's
21 outside of what's been mandated now by the State.
22 We've been doing that for years. But each time we have
23 a session like that, we have the people from Access
24 come in and we interchange thoughts and ideas. And we
25 don't always see eye-to-eye 100 percent, but it's

1 worked pretty effectively, and we've gotten the point
2 across to our officers that we need to deal with this
3 problem in the appropriate fashion, and that is that
4 it's a criminal act. And through that in-service
5 training and the cooperation with our shelter we've
6 been able to get that point across, so.

7 Most officers, and in fact all of them in
8 our department, I think, have now had at least some
9 training in this regard, and those that come in new are
10 assigned to a field training officer who has had the
11 training, and as they get called to these instances
12 they're shown how to appropriately respond.

13 CHAIRMAN CALTAGIRONE: Thank you, Chief.

14 CHIEF HOSE: May I be excused?

15 CHAIRMAN CALTAGIRONE: Certainly, sir.

16 CHIEF HOSE: Thank you.

17 CHAIRMAN CALTAGIRONE: The next
18 testifants will be Jane Stuehling, Law Enforcement
19 Trainer, and Judy Yupcavage from the Pennsylvania
20 Coalition Against Domestic Violence.

21 MS. YUPCAVAGE: Good morning, Chairman
22 Caltagirone, members of the committee, Representative
23 Bishop. I am Judith Yupcavage, Public Education
24 Specialist with the Pennsylvania Coalition Against
25 Domestic Violence. I'm here today with Jane Stuehling,

1 our Law Enforcement Trainer, and we're here first to
2 offer support and to commend Representative Bishop for
3 her legislative initiatives on behalf of victims of
4 domestic violence. I'd also like to commend Chief Hose
5 for his outstanding leadership in police response to
6 domestic violence in Pennsylvania.

7 We're also here to speak with you today
8 about some of the work that's being done in
9 Pennsylvania to address domestic violence, to talk
10 about the scope of domestic violence, about the work to
11 enhance the criminal justice response to victims, and
12 really about what more is needed to coordinate this
13 response so that we can work together to end the
14 violence, to save lives, and to really make
15 Pennsylvania safer for all of our families.

16 We've had a lot of opportunities through
17 the years to work with the House Judiciary Committee,
18 and I think many of you know the work of the Coalition.
19 I would just briefly let you know that we're a
20 statewide network of 57 programs. Last year, these
21 networks provided services, it was counseling, support,
22 advocacy, to more than 74,000 victims in Pennsylvania.
23 That number actually represents less than 10 percent of
24 the actual number of victims in this State. Research
25 shows those that there are probably more than 800,000

1 women who are victims of domestic violence in
2 Pennsylvania.

3 I talk mostly about women because
4 national studies show that 95 percent of all violence
5 is perpetrated by men against women. In Pennsylvania,
6 more than 99 percent of our services are directed to
7 women. Those are the victims who seek our services.
8 So while we speak about victims, they could be male or
9 female, but for the most part they are mostly women.

10 Some new information that had come out
11 recently from the Senate Judiciary Committee in doing
12 research is that women really are in 10 times more
13 danger of being assaulted in their own home than they
14 are on the streets. I mean, that just speaks of
15 terrible anguish and loss to victims who are
16 experiencing such victimization. And the one place on
17 earth where you think you'd be safe is in your own
18 home, and that's not happening in this country. Our
19 homes are not safe. And we in Pennsylvania have worked
20 very hard through the years to develop strong laws.
21 We've worked with many members of this committee right
22 here to develop strong laws to provide protections to
23 victims.

24 What's happening is that while we have
25 strong laws, we don't necessarily have the enforcement

1 and the training to go along with these laws. And
2 that's pretty much why we're here today, to talk mostly
3 about Representative Bishop's House Bill 194, to talk
4 about the need for training, for law enforcement,
5 consistent uniform policies.

6 Training is something that we take very
7 seriously in the Coalition. We have always attempted
8 to fill in the gaps for training to police on domestic
9 violence by looking to provide funding and projects and
10 develop resource materials for police. Several years
11 ago our staff sent out more than 100 letters and
12 proposals to foundations in search of money to provide
13 police training. We got less than \$5,000 in response.
14 You cannot train 1,200 police departments in
15 Pennsylvania. Pennsylvania has the largest number of
16 police departments in the country. It's impossible to
17 do that training with so little money.

18 We were more fortunate this past year.
19 We received grants from PCCD as well as the Department
20 of Justice, and that is how we're able to have Jane on
21 our staff as police trainer. And we're developing
22 resource materials and a training manual which has been
23 provided to you today, copies have been provided to you
24 today. But that funding runs out in September, and
25 then what happens? Then we have to begin again writing

1 the hundred letters and the proposals looking for
2 money. Because training saves lives.

3 We have heard from many experts that
4 domestic violence homicides are the most preventable
5 homicides. Where else do you get so many clues? Where
6 else have police been called so many times? If only
7 there were adequate training in helping police to know
8 when to respond, to know what signals to look for.
9 Domestic violence kills so many women.

10 We had the grim task this past year of
11 tallying up the numbers. We had the opportunity to
12 contract with a clipping service, just to keep track of
13 what's happening in Pennsylvania in every large city,
14 in every small county, and we contracted with a
15 clipping service, and we were truthfully flooded with
16 clippings of serious acts of domestic violence that
17 were occurring all across the State, and they were
18 being perpetrated by individuals from all classes, all
19 races, all ages, all economic status. There is no
20 consistent one identifying marker to identify a
21 batterer or a victim.

22 I brought today just the file that we've
23 collected on the homicides in Pennsylvania. These are
24 just the homicides and related information. More than
25 100 women and children this last year lost their life,

1 and yet we hear from experts that they didn't have to
2 lose their lives, that these were preventable, that
3 victims don't have to die. If only there is adequate
4 training and adequate services and a coordinated system
5 to take care of victims when they need help, to give
6 police the tools to respond to arrests, to know what
7 methods to do. That's what we need in Pennsylvania.

8 We have been working with the House
9 Select Committee that has been drafting some wonderful
10 model legislation that would mandate adoption of the
11 Attorney General's Police Protocol that would require
12 written reports of all police and that would mandate
13 the training, and we are 100-percent supportive of all
14 of these initiatives.

15 A lot of you are probably asking why you
16 need specialized training for police on this matter,
17 and I think that I'd like to allow Jane, who is doing
18 this training, to talk about what it is, has been our
19 experience with the training, and really what some of
20 the experts say why you need specialized training in
21 this field.

22 Jane.

23 MS. STUEHLING: Good morning.

24 When we were putting together the
25 testimony for today, the question why train on this

1 particular issue when there are so many issues that
2 police confront when they're working on the field came
3 on the forefront, and we found a fairly concise
4 response to that in a book called, "Domestic Violence,
5 The Criminal Justice Response," that clarified some of
6 our positions. The authors are Buzawa and Buzawa, who
7 are two of the researchers in the forefront of this
8 work right now, and they are saying, and I think it's
9 probably clear if I read it than try to paraphrase
10 this, that police, and clearly this is true in
11 Pennsylvania, are gifted with the discretion to decide
12 appropriate action and to determine whether or not an
13 arrest would be made in a domestic violence call.
14 Therefore, they need a working knowledge of the causes
15 of domestic violence, the intervention strategies, the
16 legal requirements for their actions, and the policies
17 adopted by their own departments. Without that kind of
18 training, police will be plagued with the non-uniform
19 and substandard response characteristic of the past.

20 Even if statutory goals of more police
21 intervention in domestic violence cases are not shared
22 with the particular department's leadership, training
23 and conformity with an act of domestic violence
24 legislation reduces the possibility of lawsuits and
25 limits departmental liability for particularly

1 negligent conduct by individual officers. And I can
2 tell you today as a result of our trainings that that
3 is definitely an interest of police in Pennsylvania.

4 Third, if the department is in a
5 jurisdiction that has adopted a new procedural or
6 substantive grounds for making arrests, training is
7 essential to communicate the existence and rationale of
8 such requirements. Both elements are essential given
9 the capability of rank and file officers to subvert
10 legislative intent if so motivated.

11 Many States now statutorily mandate or
12 encourage the development and implementation of police
13 domestic violence training programs for all recruits
14 and often for administrators.

15 Ed Stubbing has been working with us in
16 our police training project this year. He is a former
17 police officer from New York State and has testified in
18 front of this body in the House Select Committee
19 hearings. He works with the Victim Services Agency
20 now, and as part of his testimony in the Select
21 Committee hearings, Ed pointed out that more and more
22 law enforcement officers and departments are being
23 found liable for failure to protect, denial of equal
24 protection, and lack of specialized training in
25 domestic violence cases. And in fact one of the cases

1 that is cited most often is Dudash v. the City of
2 Allentown, and that is something that we talk about a
3 great deal when we're conducting trainings in
4 Pennsylvania, and that case was founded on the
5 principle that there was not adequate training for that
6 police department to respond in the way that they
7 should have in that case.

8 One of the first cases was in 1984 when
9 Tracy Thurman sued the city of Torrington, Connecticut,
10 on the grounds that because she was married to the
11 person who assaulted her, the police did not arrest him
12 when they should have. Because of this, she was denied
13 equal protection of the Fourteenth Amendment. She did
14 win her case and won a judgment against the city in the
15 amount of \$2.1 million. Two years ago, Ms. Thurman's
16 attorney advised the Victim Services Agency that he was
17 co-counsel in 30 other such cases around the country.

18 Mr. Stubbing goes on to suggest that a
19 bill to mandate training on domestic violence for law
20 enforcement will help to reduce departmental and
21 individual liability.

22 Frank Carrington is an attorney who is
23 the primary speaker in a film entitled "Damned if You
24 Don't" that we use often in our training efforts to
25 talk about liability, and he clearly presents a

1 re-enactment of many of the cases that have been found
2 on failure to protect and lack of training and says in
3 the film, "These cases show the absolute need for
4 training and supervision." In each case where
5 liability was found it might have been avoided had the
6 officers been trained in the area of failure to protect
7 or prevent a crime. In none of the cases did the
8 officers themselves injure the victims. Indeed, there
9 is no evidence whatsoever that they desired that the
10 victims be hurt. Nonetheless, liability was found
11 because the victims were placed in positions of danger
12 that the officer should have anticipated. Training
13 will be of major importance in helping officers to
14 understand and anticipate such situations.

15 Two years ago, in an effort to assist
16 police in responding appropriately to domestic violence
17 calls in Pennsylvania, the Family Violence Task Force,
18 under the direction of then Attorney General Zimmerman,
19 developed the model protocol that we've talked about
20 earlier today. Our Executive Director from PCADV
21 served as vice chair of that task force, and we are
22 surprised at this point that although that protocol is
23 being used as a model throughout the country, that it's
24 not yet mandated for adoption by police departments in
25 Pennsylvania. The current Attorney General, Ernest

1 Preate, has hailed the protocol and acknowledged the
2 need for uniform training policies and strategy saying,
3 "Since its release in January of 1989, the protocol has
4 been recognized both in Pennsylvania and the nation as
5 one of the best policies developed to date. The
6 primary value of the protocol, however, is its adoption
7 and implementation by each of the over 1,200 police
8 departments in PA. Effective training is essential to
9 achieving this goal."

10 We believe that police in Pennsylvania
11 would welcome legislation such as that as being talked
12 about today. Our experience has shown that there are
13 many dedicated police officers in the State who are
14 eager for upgraded information, guidelines, and
15 training to better handle the vast numbers of domestic
16 violence calls which flood their emergency lines and
17 require their response every day.

18 At this time, we have two police training
19 grants that Judy talked about, and that's how I'm able
20 to work for the Coalition as part of the police
21 training team in putting together "Confronting Domestic
22 Violence: Effective Police Response," which is the
23 title of our training and also the title of the manual
24 that you have in front of you. The last time that the
25 Coalition was able to offer training to law enforcement

1 officers under any grant moneys was in 1987 through
2 1988, and that was specifically to talk about probable
3 cause determination and the arrest authority under the
4 Criminal Statute 2711. Since that time there have been
5 significant changes to the Protection From Abuse Act,
6 and we expect that legislation will continue to be
7 introduced and amended to better address this crime of
8 violence.

9 In addition, there are more and more
10 research efforts underway to study the police role in
11 these cases in areas as varied as the effect of arrest
12 in domestic violence calls, how to enhance officer
13 safety, and the current trends in law enforcement
14 liability cases, and I think I'd like to take just a
15 minute to tell you some of the information that we talk
16 about in the training that is most well-received by the
17 police, and that is around officer safety.

18 The FBI conducted a study using the last
19 10 years of data from 1979 to 1988 to look at the
20 number of police officers killed, in what kinds of
21 cases those deaths occurred, and to start to get some
22 more information on how to better protect law
23 enforcement officers. What they found was that 841
24 police officers were killed during that 10 years, and
25 that 69 of those deaths were related to domestic

1 violence, and that number is actually a little bit low
2 because they did not include any of the deaths that
3 occurred as a result of ambush or any kind of crime
4 that was not directly an assault related to domestic
5 violence. When we talk about this at the training, the
6 police are very surprised because they think that
7 domestic violence calls are the most dangerous calls
8 that they have to respond to, and we support that. We
9 think they are. We also know that these numbers are
10 low because police take extra care in responding to
11 these calls, and it's that perception of danger that
12 helps to protect them.

13 The thing that they don't know, however,
14 is something that's come out of this study, and that is
15 that 74 percent of those officers that were killed were
16 killed before they ever entered the home. Police
17 officers talk with us about knowing that the most
18 dangerous places in the home are the kitchen and the
19 bedroom, but they don't know that they need to be
20 especially careful in their approach to the home and in
21 leading up to entry. That kind of information is new
22 information and it's information that dramatically
23 changes how police respond to domestic violence cases.

24 Much of what I've talked about is
25 included in our training manual, and we present that

1 during our 7 1/2 hour training that we're conducting
2 this year. We will be presenting 17 seminars
3 throughout the State, and we will train trainers from
4 both law enforcement and from domestic violence
5 programs to help continue this project after our
6 funding and in September. To date, 5 seminars have
7 been held to train over 300 participants. The training
8 curriculum contains standard components reflecting
9 those materials in the manual, however we do revise the
10 curriculum to talk about specific issues in a county.
11 For example, if we're training in Tioga and Bradford
12 Counties, as we did last week, we need to pay attention
13 to the vast geographical distances that police must
14 take into consideration in responding to domestic
15 calls. Their response is very different to the police
16 response in Philadelphia where there may be five or six
17 calls within the same section of the city. Police
18 departments vary in terms of size, in terms of whether
19 or not they have full-time or part-time staff, what the
20 local procedures are, what kinds of communications
21 system they have set up, and we try very hard to make
22 these trainings specific to help police become familiar
23 with those particular issues relevant to their local
24 area.

25 Evaluations from the trainings have been

1 very positive. Specifically, officers report that
2 information on liability, officer safety, and local
3 services are very helpful to them. The opportunity for
4 a refresher course on relevant law is a highlight of
5 the training day, as is the manual.

6 Some of the evaluation comments include:

7 "Training of this kind should be expanded
8 to line officers and offered on a regular basis."

9 "This training made me aware of things
10 that I had forgotten."

11 "I feel that any ongoing training is a
12 plus for law enforcement."

13 "After leaving this class, I feel that I
14 will make some changes in my department."

15 And, "More training needs to be done to
16 educate all officers."

17 We ask a series of questions in our
18 evaluation process for the training, and one of those
19 is, "Specifically, do you see the need for ongoing
20 training of law enforcement about effective domestic
21 violence response?" If they answer "yes," we ask them
22 what particular issues should be addressed? The
23 majority of responses for the five trainings that have
24 been held so far are a resounding "yes." In fact, 100
25 percent of the evaluations from Lancaster and Luzerne

1 Counties called for ongoing training. And in Berks
2 County, and Tioga and Bradford, which had a joint
3 training, the numbers were 83 and 89 percent
4 respectively.

5 While officers like the comprehensive
6 training and many suggested replicating the same
7 training in the future, others ranked the substantive
8 law, investigation and approach information, officer
9 safety, and liability as those priority issues. And
10 they're certainly the issues that police need to know
11 in responding to these cases.

12 Like those participants of the training,
13 we also believe that these trainings have been a
14 success not only because the information shared during
15 the day is up to date and comprehensive, but because
16 they have created an opportunity to identify problems
17 with local procedure and sometimes have initiated, and
18 more often enhanced, relationships between police and
19 local domestic violence programs. The trainings have
20 also acted as a catalyst to form domestic violence task
21 forces in some communities.

22 I think that I'm running out of time.
23 Judy's watch just signaled me. I included in the
24 testimony examples from three of the trainings that had
25 specific outcomes from our training that we presented

1 in those counties, and they include things like forming
2 a domestic violence task force, developing an indirect
3 criminal contempt procedure that is consistent
4 throughout the county and is written down and then is
5 distributed. It's not always clear what procedure
6 police should follow. Some district attorneys have
7 taken the initiative to support countywide protocol,
8 and this training is then an opportunity to teach
9 police that protocol that has been adopted.

10 CHAIRMAN CALTAGIRONE: Thank you.

11 MS. STUEHLING: While the set of
12 trainings has been thus far well-received, it's
13 sometimes difficult for police to participate because
14 of limited resources, lack of departmental support, or
15 conflicting training priorities. By adding domestic
16 violence to the mandatory training curriculum, police
17 would have the authority to address this issue as part
18 of their required duties, not as a special interest
19 elective.

20 We believe that police may be the
21 gatekeepers on this issue, and therefore they need help
22 to determine their actions so that they can help them
23 to project the outcome of this particular domestic
24 violence case. It is only logical and fitting that the
25 amount of training that police receive on domestic

1 violence should adequately prepare them for the
2 extraordinary amount of time, energy, and effort
3 required of them as they respond on a day-to-day basis
4 on this issue. Therefore, we respectfully urge your
5 support of Representative Bishop's legislation, and
6 thank you for your attention.

7 CHAIRMAN CALTAGIRONE: Thank you.
8 Questions?

9 MS. MILAHOV: Mr. Chairman, I have a
10 question.

11 CHAIRMAN CALTAGIRONE: Yes, Galina.

12 MS. MILAHOV: Could you discuss how long
13 you have had this training program? Has it been just
14 since you've got the grant?

15 MS. YUPCAVAGE: We've been doing various
16 trainings since PCADV was established back in the late
17 1970's. We do it periodically as the funding permits.
18 This new grant began in last May, so we've been doing
19 it almost a year.

20 MS. STUEHLING: Let me add one piece to
21 that, and that is that we also work very hard to give
22 the legal advocates in the local domestic violence
23 programs information so that they can work with their
24 local police departments and offer trainings like Bill
25 Hose talked about, Chief Hose talked about earlier in

1 this testimony. Those are not as comprehensive and
2 they may not have all the information, but part of my
3 job is to work as a liaison with those advocates so
4 that they can continue this relationship with the
5 police.

6 MS. MILAHOV: Another part of my question
7 is, I understand because of personnel and materials and
8 everything that it takes money for PCADV to initiate
9 the programming and work with the training. However, a
10 consideration that will be brought up when this bill
11 comes to the floor is how much is it going to cost
12 police departments? And I'm wondering, can shelters
13 such as Access in York City get grant money for
14 training? How expensive and how amenable will police
15 departments be for this sort of insertion in their
16 mandatory training systems?

17 MS. YUPCAVAGE: I think our programs
18 would love to work with police. It's in the best
19 interests of victims, of police, of our domestic
20 violence programs to work together. Unfortunately,
21 just as police are limited in their resources, we are
22 too. I don't know about getting grants. As I said, we
23 write hundreds of grants trying to bring in money to do
24 this training. We believe it's absolutely a necessity.
25 Other people that do the funding probably don't, and

1 that's why we're having difficulty getting some
2 funding. We would try our best. We've always tried to
3 pursue funding sources to do this training, and I'm not
4 sure what options we would have with this legislation.
5 I would hope that the State would recognize the need
6 and put some money in for a curriculum development and
7 training.

8 MS. STUEHLING: In our Lancaster
9 training, I have this included in the testimony, we
10 trained specifically the law enforcement chiefs in
11 Lancaster County and the policymakers, and one of the
12 pieces of that training was on time and resource
13 management. Because the chiefs feel that this issue
14 takes an inordinate amount of time for their staffs,
15 part of our work was then to talk with them about
16 getting a better assessment of how much time was being
17 spent. It's not as great, some of the studies that
18 have been done show that the time spent is not as great
19 as perhaps the perception is.

20 The other point that I'd like to raise is
21 the issue of liability that I talked about. When we
22 have settlements like we did in the Thurman case, which
23 was \$2.1 million, there's an incredible outlay of money
24 for failure to train, and I think that the expense of
25 providing training and the support that police would

1 have to then put some of their resources toward this
2 issue by having it be part of the mandated curriculum
3 would help to avoid those large settlements.

4 MS. MILAHOV: One last question, please.
5 Could you tell us a little bit more about
6 how policemen have reacted to your training system?

7 MS. STUEHLING: I'd be happy to.

8 As I said, the evaluations have been very
9 positive. We're getting better as we go along. We've
10 revised our curriculum to better meet the needs of the
11 officers the more we do the trainings. They seem to be
12 eager for the kind of information that we present.
13 Now, they may not be as eager for the information on
14 domestic violence and some of the information about why
15 violence occurs. We use that as a framework for
16 starting the training because we feel it's very
17 important for them to have a better understanding of
18 the issue before we talk about specific response
19 strategies.

20 The officers, though, are very interested
21 in approach information that helps to enhance their
22 safety. They want information on how to better conduct
23 investigations to determine who is the primary
24 aggressor, if there might be some question about that.
25 We're able to give them information on how to

1 interview, ways to protect women and children, how to
2 make referrals.

3 But I think most importantly is that
4 there has been a real change in police consciousness
5 over the last 10 years, moving from mediation as a
6 response to domestic violence and helping to have some
7 conciliation happen after an incident to being more
8 firm in labeling this a crime and taking action where
9 action is required. And that moves police out of the
10 social services role, and I think they're very happy to
11 do that. So part of our training is to reinforce that
12 their job is not to get involved in any kind of
13 counseling or mediating the situation but simply to
14 fulfill their duties as a law enforcement officer, and
15 then we're able to give them the information to do a
16 referral so that that kind of work can be done by those
17 people in local domestic violence programs.

18 I did get a card that I have written in
19 the testimony. A chief from Armstrong County wrote to
20 me after the last training, and that training was about
21 three weeks ago, and he wrote me this thank you note
22 that's in the testimony and I phoned him the other
23 night, of course he was working the midnight to 8:00
24 shift so we talked late at night. He specifically said
25 that he had an incident happen about four days after

1 the training and that there was a weapon involved in
2 that case and that he changed his approach to that case
3 and made a different kind of referral as a result of
4 the training. He believes that there was not an injury
5 at that particular domestic violence call as a result
6 of the training, and he believes that he would have
7 been injured as well as the victim. I think that's a
8 very strong endorsement to the training.

9 MS. MILAHOV: Thank you.

10 REPRESENTATIVE DERMODY: I just have one
11 quick question.

12 I spent about five years prosecuting, and
13 several of them were domestic violence cases. I had a
14 high level of frustration, as I found most of my police
15 officers, I'm from Allegheny County. That frustration
16 came from after the arrests were made, most of those
17 cases never got to trial. Some of them were very
18 serious, that is the victim was seriously injured, but
19 when it came time to try to prosecute the case, to try
20 to get them to testify, there was that refusal.
21 Frustration rises and you have a situation where police
22 officers tend not to make arrests, that type of thing.

23 When you talk about liability awards that
24 have been made, you discussed throughout the country, I
25 take it most of those involved cases where arrests were

1 not made by police officers on response to the domestic
2 violence case at the scene?

3 MS. STUEHLING: The cases that seem to be
4 coming up more and more are not necessarily failure to
5 arrest or false arrest but failure to protect, which
6 may mean that there was not an arrest taken place at
7 the incident. It also may be that they did not respond
8 quickly enough. But some of the cases are also around
9 failure to train, and that is the Dudash case in
10 particular where the police officers escorted a woman
11 back to her home and stood at the side while she opened
12 the door and the abuser was inside with a weapon and
13 shot her. Police in that case where at least the
14 outcome of the case, as I understand it, is the police
15 should have had more training information on how to
16 better approach the house to protect themselves and the
17 victim. That's my understanding of these recent
18 liability cases.

19 REPRESENTATIVE DERMODY: Thanks.

20 CHAIRMAN CALTAGIRONE: Go ahead. I have
21 a couple. If you want to finish what you were saying.

22 MS. STUEHLING: I just wanted to respond
23 some to the frustration that you brought up.

24 REPRESENTATIVE DERMODY: It gets
25 frustrating.

1 MS. STUEHLING: It's frustrating for
2 advocates, and believe me, we talk about that a great
3 deal at the police trainings. They are not necessarily
4 happy with all the answers that we can give or the lack
5 of answers that we can give about the reconciliation
6 issue and the resistance to testifying.

7 REPRESENTATIVE DERMODY: I'm sure.

8 MS. STUEHLING: But we do find that the
9 training gives us an opportunity to work with the
10 prosecutor's office and the police department to come
11 up with some strategies to support victims through that
12 process that might encourage for her to testify, if
13 that's something that needs to be done. But it also
14 helps, as Chief Hose talked about, to provide a more
15 thorough investigation so that there might be a
16 prosecution without her testimony so that the police
17 are able to take that on or find others in the area who
18 might have witnessed the incident and prosecute the
19 case on that basis. So it's an opportunity to at least
20 address that issue that is very frustrating for all of
21 us who work on domestic violence.

22 CHAIRMAN CALTAGIRONE: You had mentioned
23 about the matching grant program. Can you explain your
24 budget to us now? You know we're in the beginning of
25 the throes of our budget deliberations at the present

1 time. Where do you get your money to operate, how much
2 is it, and what do you do with it? It's for a very
3 good reason because I want to come to a point then.

4 MS. YUPCAVAGE: That's fine.

5 The Coalition is a network of 57
6 programs. The Coalition itself is established in
7 Harrisburg is the administrator of a State contract
8 through the Department of Public Welfare. We, in turn,
9 contract with the 57 programs to subcontractors
10 throughout the State. Our programs get funding, I
11 believe it's up to 47 percent of the funding comes from
12 State and Federal moneys that comes to the Department
13 of Public Welfare to PCADV to the programs. The other
14 money is raised by the programs in their own community.
15 It's through United Way, it's through different
16 foundations, it's through bake sales, raffles, dances.
17 Whatever way they can raise the money, the money is
18 raised. The money basically goes to direct services to
19 providing shelter. We sheltered more than 18,000 women
20 and children last year. The unfortunate downside of
21 that is that probably more than 9,000 also had to be
22 turned away because there's not enough shelters in
23 Pennsylvania, there's not enough beds in the shelters
24 that we have existing in this State, and so we put most
25 of our money into direct service to providing that

1 initial protection, to providing the advocacy for the
2 victims, to counseling for the women, for the children,
3 providing transportation to wherever the women need to
4 go to get them to shelter. That's basically what our
5 funding is used for.

6 CHAIRMAN CALTAGIRONE: How much is the
7 total funding, roughly?

8 MS. YUPCAVAGE: It's, I believe it's \$8
9 million.

10 CHAIRMAN CALTAGIRONE: All right. The
11 reason why, I've been a strong supporter over the years
12 of the different groups, and particularly the Women in
13 Crisis for the shelters and what not, and as a matter
14 of fact, every time I have ended a campaign what
15 residue I would have I would donate to them, and
16 there's other things that I have done over the years to
17 assist them. But one of the points that I am making
18 now is this: I think you have a strong argument for a
19 line item in the budget for some continuing funding,
20 and especially for the training area with some various
21 police departments. I'm not sure at this time whether
22 or not the Department of Justice or the Attorney
23 General's Office would be either/or the appropriate
24 vehicle. What I was wondering if that, and we're going
25 to have to bite the bullet on the taxes and budget and

1 everything else that we're going to be dealing with
2 over the next month and a half, if a specific line item
3 was added to the budget, increase your funding with the
4 possibilities of allowing that to be a matching type
5 grant with local communities, would that encourage more
6 departments to develop the training that you're looking
7 for?

8 MS. YUPCAVAGE: It sounds like a very
9 positive approach.

10 CHAIRMAN CALTAGIRONE: Would the counties
11 respond, do you think? They're probably in just as
12 much financial difficulty as the State and maybe even
13 the Federal government, but when you start a program,
14 if you just give them a blank check, this is one of the
15 things that I think a lot of the members of the General
16 Assembly are very reluctant to do. If there's some
17 commitment financially from the local communities to
18 let's say access that type of funding with a match, a
19 50-percent match, let's say, then they're making a
20 commitment, a bona fide commitment of wanting to do
21 something with their dollars. Maybe some real thought
22 should be given to putting a line item in the budget to
23 expand the training statewide so that more of the
24 departments can access that. I don't know if you've
25 thought about that and if Louise would be interested in

1 possibly developing some support from those of us in
2 the House to maybe look at that.

3 MS. YUPCAVAGE: It's been our experience
4 that there is strong community support. We've heard
5 many human services, administrators, county
6 commissioners say that no one can do the work that
7 these domestic violence programs do, and they do it
8 with so little money. I mean, we stretch nickels and
9 dimes into dollars. I mean, we really do try to make
10 very good use of the money. We get strong community
11 support. That has always been the basis and the
12 cornerstone of our programs, really, if, you know, we
13 tend not to fund a program if they can't get that base
14 from the community, that support, and so I think it's a
15 wonderful opportunity to get the community involved in
16 training. I don't know how people can afford not, you
17 know, how you can afford not to when you're talking
18 about lives that you can save. It's in the best
19 interest of everyone in that community to protect the
20 citizens there.

21 MS. STUEHLING: Let me just give a
22 concrete example. We talked about there being so many
23 police departments in this State in particular. We
24 have a training scheduled in Montgomery County for the
25 week after next. There are 57 police departments in

1 Montgomery County alone, and if we would train each
2 department and each shift, so there would be three
3 shifts a day, that would be a full-time job for someone
4 in the domestic violence program alone. So it really
5 needs to be something that happens in a coordinated
6 manner so that we can get resources to the local
7 program and train other people to carry on this
8 training function because it really can't be a
9 one-woman job.

10 CHAIRMAN CALTAGIRONE: I would hope that
11 you would follow through maybe and get with Louise to
12 maybe work out some type of a reasonable amount of
13 money that we can initiate. I don't know what the
14 reaction of the General Assembly is going to be, I can
15 only speak for myself, but I certainly could support
16 something like that and we may be able to get enough
17 members to consider that and put it in the budget this
18 year.

19 MS. YUPCAVAGE: That would be wonderful.
20 We would support that and we would hope the committee
21 would support that, too, and work with leadership on
22 getting it through.

23 CHAIRMAN CALTAGIRONE: Sure.

24 Any other questions?

25 MR. SUTER: You can't provide us with a

1 figure at this time of what you think that number would
2 be as far as what that necessary funding for--

3 MS. YUPCAVAGE: Not at this time, but
4 we--

5 MS. KELLY-DREISS: We had suggested to
6 the House Select Committee a figure of \$150,000.

7 MS. YUPCAVAGE: That's okay. This is
8 Susan Kelly-Dreiss, our Executive Director.

9 MS. KELLY-DREISS: We had suggested to
10 the House Select Committee a figure of \$150,000. That
11 was last year when we identified that there was really
12 a need for a statewide police training project.

13 CHAIRMAN CALTAGIRONE: Could you repeat
14 that amount?

15 MS. KELLY-DREISS: It was \$150,000. That
16 was just for one police trainer.

17 CHAIRMAN CALTAGIRONE: Oh, okay. Okay.

18 MS. KELLY-DREISS: That was a statewide
19 police trainer such as Jane. What we could do is look
20 at that and go from there.

21 MR. SUTER: So gradually that person
22 would hit every area of the State?

23 MS. KELLY-DREISS: Right.

24 MS. YUPCAVAGE: And train trainers within
25 that community to do the actual training, to work with

1 the police departments and the domestic violence
2 programs to train the trainers.

3 CHAIRMAN CALTAGIRONE: You'd like to
4 remain as the umbrella group to provide those trainers
5 to the departments?

6 MS. YUPCAVAGE: I think we probably have
7 the expertise in this State. We've developed the
8 resource materials.

9 CHAIRMAN CALTAGIRONE: All right. I just
10 did a rough calculation and it looks like about \$7.6
11 million maybe for the entire State to provide the
12 proper type of training people that you would need to
13 disburse to the counties. In the scheme of things
14 right now that doesn't look like a terribly large
15 amount of money, and if I certainly would be requested
16 to vote for taxes, which I'm going to be, I can
17 certainly let my voice be known that as a condition of
18 that I'd like to see that money be set aside to do
19 exactly this type of thing.

20 Thank you.

21 MS. YUPCAVAGE: Great. We would be very
22 grateful.

23 CHAIRMAN CALTAGIRONE: Thank you.

24 MS. YUPCAVAGE: Thank you for your time.

25 CHAIRMAN CALTAGIRONE: The next testifant

1 will be Frederick D. Engle, Legislative Assistant to
2 the Pennsylvania State Lodge of the Fraternal Order of
3 Police. And Fred, do you want to introduce your guest?

4 MR. ENGLE: Yes, sir. Thank you very
5 much.

6 I have with me today Captain Peter
7 Brooks, who is the Commanding Officer of the Harrisburg
8 Bureau of Police Uniform Patrol Division, which is the
9 group of officers that are assigned to handling these
10 types of cases on a routine basis.

11 Chairman Caltagirone, Representatives,
12 and other honored members of this committee, my name is
13 Frederick D. Engle, and I am here as a member of the
14 Legislative Committee of the Pennsylvania State Lodge
15 of the Fraternal Order of Police representing more than
16 30,000 professional law enforcement officers throughout
17 the Commonwealth. I am here today to address House
18 Bills 192, 194 and 195 as they affect the criminal
19 justice system and the police officers who are charged
20 with the duty of enforcing the law. As we all know,
21 the problem of domestic violence has been with us for a
22 long time, although only recently has public attention
23 been focused upon it. Additionally, the problem
24 continues from generation to generation, and abused
25 children grow to become abusive mates or parents or the

1 victims of such people

2 Legislation to prevent domestic violence,
3 such as the Protection From Abuse Act, has provided new
4 tools to combat the problem, but experience has sadly
5 shown that most of the available remedies are
6 symptomatic and do not address the core of the problem.
7 Additional training such as contemplated by House Bill
8 194, and prompt service of protection orders to police
9 departments as provided in House Bill 195 will also
10 help to combat the symptoms of domestic violence. But
11 in Harrisburg last year the overwhelming majority of
12 all domestic violence cases were dismissed, most often
13 because of the victim's refusal to testify or even to
14 appear. As a result, police time is ineffectively
15 utilized and some repeat victims gain reputations of
16 crying wolf and failing to follow through.

17 In dealing with another societal problem
18 - alcohol abuse - the legislature has combined
19 enforcement, punishment, and treatment measures to get
20 the drunk driver off the road and keep him off. A
21 similar strategy may be worth considering in domestic
22 violence cases. While counseling can only be made
23 available for victims of abuse, it could be mandated
24 for the perpetrators of the abuse either as a condition
25 of bail or as part of a sentence on conviction. Every

1 county has a mental health office which could provide
2 treatment and provide the courts with assurance of the
3 abuser's compliance with the terms of the court's
4 order.

5 Please do not accept my testimony as
6 opposition to any measure aimed at strengthening
7 enforcement in cases of domestic violence or the
8 protection of its victims, but the police officer is
9 the one who must handle the day-to-day practical
10 enforcement of the law. The frustration of answering
11 repeated calls to the same residence because the victim
12 wants and legitimately needs immediate protection but
13 refuses to follow through with the prosecution takes a
14 heavy toll on those of us who must witness the results
15 of domestic violence firsthand. Something desperately
16 needs to be done to break the vicious cycle of repeated
17 offenses.

18 It is not practical to assume that the
19 victims of domestic violence are suddenly going to
20 alter their personalities and stand up against their
21 abusers. Whether we understand it or not, victims
22 frequently do love their abuser. I do not say they
23 love the abuse. Likewise, the abusers often love their
24 victims. It is the cycle of aberrant behavior which
25 must be broken.

1 A victim who loves his or her abuser is
2 less likely to cooperate with putting that person in
3 jail than to cooperate with a mandatory treatment
4 program aimed at preventing further abusive conduct.
5 Any legislation seeking to deter domestic violence must
6 focus on securing the cooperation of the victim. For
7 without that cooperation, law enforcement cannot be
8 effective. We need a tool that works.

9 Placing the perpetrator in counseling may
10 even encourage the victim to seek the counseling that
11 is already available but too infrequently utilized and
12 lead to greater independence for the victim and less
13 tolerance for repeated abusive behavior. The victim
14 might then be more likely to prosecute in the event of
15 a recurrence.

16 Again, I would like to emphasize that
17 neither I nor the Fraternal Order of Police oppose
18 strong measures to curb domestic violence, but without
19 the cooperation of the victims of abuse, the system
20 just doesn't work. My idea may not be the best
21 solution, but I do believe that whatever means we
22 develop we must look to obtain the victim's cooperation
23 if we hope to cure this disease of our society.

24 Thank you for your attention.

25 CHAIRMAN CALTAGIRONE: Thank you.

1 Did you want to make a statement?

2 CAPTAIN BROOKS: One of the problems as I
3 see as a Commander of uniformed police officers who
4 routinely respond to domestic violence cases is the
5 tremendous gap that exists between the time of arrest
6 and the initiation of a preliminary hearing. And
7 during that gap those very conditions that prompted the
8 domestic violence still exist at the time of a
9 preliminary hearing. There is current court decisions,
10 for example, that would allow police officers to remove
11 the victim from a preliminary hearing. A police
12 officer who has made a domestic violence case can use
13 that same basis under which he made the arrest, present
14 that at a preliminary hearing, and bind the case over
15 for court. That is the dilemma that we see in
16 Pennsylvania. From the time of the arrest to the time
17 of the preliminary hearing, the amount of cases that
18 are being disposed of, dismissed, is shocking. As a
19 result of that, domestic violence will continue,
20 continue, and continue.

21 Some of the things that we are very
22 concerned about would be some of the mandates that the
23 issuing authority already has involving conditions of
24 bail. Corporal Engle mentioned something about perhaps
25 some type of mandatory counseling for the abusers. The

1 interesting thing about domestic violence is we don't
2 know anything about abusers. Very few studies are done
3 on why people commit cases of domestic violence. So as
4 a result, if we are ever going to do anything about
5 domestic violence in Pennsylvania, we must look very
6 strongly from the time that act occurs until that first
7 stage of the criminal justice system. These victims of
8 domestic violence at the very least are entitled to due
9 process of law, and I can assure this committee that
10 certainly is not happening.

11 CHAIRMAN CALTAGIRONE: In your experience
12 as a police officer in handling these particular
13 situations, in the last 10 to 15 years, has substance
14 abuse become more of a problem in many of these cases,
15 either drugs or alcohol or a combination?

16 CAPTAIN BROOKS: We find in most of these
17 cases it is either drugs or alcohol. Virtually in a
18 majority of the cases.

19 CHAIRMAN CALTAGIRONE: And it's on the
20 increase.

21 CAPTAIN BROOKS: And that's symptomatic.
22 It's not the cause, it's the symptom.

23 CHAIRMAN CALTAGIRONE: Frank.

24 REPRESENTATIVE DERMODY: Captain, you say
25 the delay between the time of the arrest and the time

1 of the incident and the hearing is causing problems,
2 cases are being dismissed in that period?

3 CAPTAIN BROOKS: Yes, sir. What I meant
4 by that is those factors, and primarily what I'm
5 talking about, sir, is the intimidation. If the
6 issuing authority certainly doesn't set some conditions
7 prior to a preliminary hearing to keep the abuser away,
8 then the abuser is certainly being encouraged to
9 continue the very actions that had him arrested in the
10 first place.

11 REPRESENTATIVE DERMODY: Do you have any
12 idea what the length of time is from the date of arrest
13 to the date of the hearing and just the normal cases
14 that go through? And this is in Dauphin County, right?

15 CAPTAIN BROOKS: Yes. We're very
16 fortunate. We will routinely get those cases before an
17 issuing authority within 10 days.

18 REPRESENTATIVE DERMODY: If you go to an
19 issuing authority and request that issuing authority,
20 if you're setting bail at the time of arrest before the
21 district justice in the early morning, whenever it took
22 place, are requests made that the person not be allowed
23 to have contact between at least the date of the
24 offense and the date of the hearing?

25 CAPTAIN BROOKS: The interesting thing

1 about the current Domestic Violence Act, that is
2 certainly the responsibility of the issuing authority
3 right now. He can do that.

4 REPRESENTATIVE DERMODY: That's exactly
5 right.

6 CAPTAIN BROOKS: He can do that.

7 REPRESENTATIVE DERMODY: Do you ask that?
8 Is it done? Are your officers instructed to do that?

9 CAPTAIN BROOKS: If they're not, after
10 today they will be, sir.

11 REPRESENTATIVE DERMODY: All right,
12 because the district justices can do that right now.

13 CAPTAIN BROOKS: Yes, sir, that's
14 correct. But they don't.

15 REPRESENTATIVE DERMODY: Okay. Well, at
16 least make the request to do that.

17 CHAIRMAN CALTAGIRONE: Okay.
18 Galia?

19 MS. MILAHOV: No questions.

20 CHAIRMAN CALTAGIRONE: Thank you,
21 Captain. Thank you, Fred.

22 The next testifant will be Susan Hughes,
23 a domestic violence victim.

24 REPRESENTATIVE BISHOP: She didn't come.

25 CHAIRMAN CALTAGIRONE: Is there any other

1 testimony to be given?

2 MS. YUPCAVAGE: Could I? I had forgot to
3 mention one thing.

4 CHAIRMAN CALTAGIRONE: Certainly.

5 MS. YUPCAVAGE: That one thing we might
6 recommend is the expansion of House Bill 194 to perhaps
7 include State Police as well as the minor judiciary, if
8 at all possible. Right now it's limited to municipal
9 police.

10 CHAIRMAN CALTAGIRONE: It will be so
11 noted. So noted.

12 MS. YUPCAVAGE: Okay.

13 CHAIRMAN CALTAGIRONE: Thank you, and
14 we'll adjourn the hearing for today. Thank you,
15 everybody, for participating.

16 (Whereupon, the proceedings were
17 concluded at 11:30 a.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney
ANN-MARIE P. SWEENEY

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