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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON PUBLIC SAFETY

- - -

Room 696, City Hall
Philadelphia, Pennsylvania
December 17, 2002
1:15 p.m.

- - -

BILL 020613 - resolution authorizing the City
Council's Committees on Public Safety and Public
Health & Human Services to hold joint hearings to
investigate the unmet needs of domestic violence...

- - -

PRESENT:

COUNCILMAN ANGEL L. ORTIZ, Chair
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK RIZZO
COUNCILWOMAN DONNA REED-MILLER

- - -

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2 COUNCILMAN ORTIZ: This is the Committee
3 on Public Safety on Resolution 020613.

4 The Council people who are on the
5 Committee, please come up to the hearing room on the
6 sixth floor. We're about to begin.

7 Will you please read the resolution.

8 THE CLERK: Authorizing the City
9 Council's Committees on Public Safety and Public
10 Health and Human Services to hold joint hearings to
11 investigate the unmet needs of domestic violence
12 victims in Philadelphia, the current response of
13 Philadelphia agencies to domestic violence, and the
14 full range of options to enhance that response
15 through the implementation of a coordinated
16 community response, and further authorizing the
17 Committee to issue subpoenas and such other process
18 as may be appropriate to compel the attendance of
19 witnesses and the production of documents in
20 furtherance of the investigation to the full extent
21 authorized by Section 2-401 of the Home Rule
22 Charter.

23 COUNCILMAN ORTIZ: Thank you.

24 This is not one of those issues that
25 this Council takes up that deals with contracts or

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2 deals with the distribution of monies to special
3 interests across the city. There are very few
4 people that give political contributions in order to
5 further the public policy issues that we will be
6 discussing here today.

7 In essence is, how do we respond to
8 abuse and to the abuse that families and women
9 suffering in our city and across the society every
10 day? And how do we as a government organize
11 ourselves to be able to structure a process and
12 institutionalize systems that are able to
13 sensitively take care of the problems that these
14 acts of violence occur and bring about?

15 So this is not an issue in which if
16 you're interested in it, you can make the Inquirer
17 in terms of a list of contributors that give to your
18 campaign and so on. It's an issue about human
19 beings and human rights and the rights of people to
20 be able to have a city government and a court system
21 that answers to their needs.

22 And we have quite an impressive list of
23 individuals to testify. And I would call at this
24 time, because of the pressing appointments that they
25 have, the President Judge Massiah-Jackson and the

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2 Honorable Judge Field.

3 JUDGE FIELD: Excuse me. Could I
4 possibly have one of our books for our presiding
5 councilman? I think they gave one to Councilman
6 Rizzo, but you didn't get one.

7 COUNCILMAN ORTIZ: I didn't get one
8 here.

9 Thank you. Please identify yourselves
10 for the record. Thank you for coming.

11 JUDGE JACKSON: Good afternoon,
12 Mr. Chairman, Councilman Ortiz. Good afternoon,
13 Councilman Rizzo. My name is Frederica
14 Massiah-Jackson. I'm the President Judge of our
15 Court of Common Pleas in Philadelphia. And our
16 Court of Common Pleas has three divisions.

17 COUNCILMAN ORTIZ: Put the microphone
18 closer to you.

19 JUDGE JACKSON: Our Court of Common
20 Pleas has three divisions. We have the Family Court
21 division, the Trial division and the Orphans Court
22 division.

23 And with me today we have Administrative
24 Judge Myrna Field, who was appointed by the Supreme
25 Court earlier this year, 2000, February of 2000, to

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2 be the administrative judge of the Family Court
3 division. I'm also joined by our supervising judge
4 of Domestic Relations, Judge Idee Fox.

5 Our domestic violence courts are located
6 in the branch of our Domestic Relations of Family
7 Court division, and that's why Judge Field and Judge
8 Fox will be making presentations today.

9 The First Judicial District recognizes
10 that domestic violence and a domestic violence court
11 can institutionalize procedures to promote victim
12 safety, to ensure accountability and to enhance
13 decision-making.

14 Our First Judicial District works with
15 several agencies and advocacy groups, many of whom
16 are going to be testifying today, to strengthen the
17 community's response to domestic violence. We know
18 this is a serious problem in Philadelphia and in
19 Pennsylvania.

20 The Philadelphia Family Court's domestic
21 violence court has been presented as a model for
22 other jurisdictions, and you'll hear more about that
23 from Administrative Judge Field and Supervising
24 Judge Fox. Other cities call and visit us as they
25 plan and create their own courts.

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2 In the letter that Chairman Ortiz sent
3 to me, you asked, "What additional resources do we
4 need," and I'll simply say that we have prepared a
5 very comprehensive book for you, for Councilwoman
6 Marian Tasco and for the members of the two
7 Committees. And in that book, I believe at Tab B --
8 no. It might be Tab A -- we have our wish list,
9 Councilman Ortiz, for --

10 COUNCILMAN ORTIZ: We all do that.

11 JUDGE JACKSON: A wish list for
12 additional staff, additional equipment and
13 additional resources. And certainly when I come
14 back to see you in February and the entire City
15 Council relating to our FJD budget, I'll remind you
16 of this day.

17 COUNCILMAN ORTIZ: I will hope that we
18 can begin putting what the wish list is on the
19 record and what is needed. Because having had
20 practiced in Family Court at one point in my
21 lifetime, and my wife practiced at a very intensive
22 few years in Family Court in that division
23 representing children and women, I am very much
24 aware of the trauma and the psychological, not only
25 physical violence, that occurs and the danger that

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2 many individuals have if they dare even to come
3 before and try to bring in a case before the Court.

4 So I would like you to take me through
5 the process that takes place in the court, and also
6 what is the current numbers of the case load that is
7 presently before the judges, and the staffing that
8 is available and how this process works vis-a-vis
9 the clients that are brutalized in many ways.

10 JUDGE JACKSON: I'm going to introduce
11 you at this point to Administrative Judge Myrna
12 Field, and she'll address those concerns.

13 COUNCILMAN ORTIZ: Your Honor.

14 JUDGE FIELD: Good afternoon. I am
15 privileged --

16 COUNCILMAN ORTIZ: You're going to have
17 to -- because we don't have a very nice room here in
18 terms of acoustics.

19 JUDGE FIELD: Well, that's all the
20 courtrooms, but we're not complaining about those.
21 That's all of them.

22 COUNCILMAN ORTIZ: You see, Judge, you
23 didn't wait until I finished the sentence. I said
24 we don't have a nice room in terms of acoustics, but
25 otherwise, it's a very pleasant experience that you

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2 have provided for us.

3 So you're going to have to have the
4 microphone closer to you. Our systems are not the
5 ones they use in the United Nations.

6 JUDGE FIELD: Okay. Good afternoon.
7 I'm privileged to have an opportunity to discuss
8 domestic violence with you.

9 You asked a series of questions. The
10 questions are answered in the book. What I'm going
11 to do is give you the answers, a little bit of
12 history and the answers to your questions about
13 present numbers, and then I'm going to ask Judge Fox
14 to walk you through the procedure. And I'll also
15 address what we would love to have, finances
16 permitting. Judge Fox will walk you through the
17 procedure, and there is a section in our book that
18 has all of the forms.

19 So to understand where we are now, you
20 need to understand the absolutely explosive growth
21 of domestic violence. We always say every area of
22 the court is exploding, but this area really has
23 exploded.

24 The Protection From Abuse Act was
25 originally enacted in 1976, but it was not until

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2 1989 that Family Court initiated a specialized unit
3 staffed by five court employees to assist
4 unrepresented victims of domestic violence.
5 Unrepresented victims of domestic violence must be
6 99 percent of the people that we see.

7 COUNCILMAN ORTIZ: How many? 99?

8 JUDGE FIELD: About 99 percent. Is that
9 fair? Unrepresented, 95 to 99. Basically, they're
10 all unrepresented. And they are overwhelmingly
11 female, although they are frequently men, but there
12 are many more females.

13 Okay. To complete petitions and
14 initiate the court proceeding, it started out as the
15 Abuse Assistance Unit and opened up in March of 1990
16 at 1600 Walnut. Women Against Abuse trained our
17 original staff. At that time -- and this is
18 important -- we had only one judge presiding over
19 civil cases heard three days a week and contempt of
20 those orders heard two days a week. So we did the
21 whole job in 1990 in five judge days.

22 In '89, as we opened, 2,000 petitions
23 were filed. As soon as people became more aware of
24 our program and by the end of 1990, we're up to 7900
25 petitions. And we already had problems trying to

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2 handle the significant increase.

3 In 1991, the Pennsylvania Supreme Court
4 was about to close down the unit. A media campaign
5 by many of the people in this room assisted in a
6 reversal of that decision.

7 Funding has always been a problem
8 because the Commonwealth has never -- has only
9 funded abuse for the first year. Other than that,
10 we have always had to fund it through the court
11 budget.

12 The University of Pennsylvania Law
13 School's public service program volunteers students
14 from other areas, and of course, the advocacy
15 groups, most of whom are represented here today,
16 have consistently assisted the victims to come in
17 and to file.

18 In calendar year '99, we were up to 87
19 petitions -- 8700 petitions, an 800 increase over
20 the year before. We also at that point had to put
21 on a second judge.

22 COUNCILMAN ORTIZ: Judge, you got to
23 talk to the microphone.

24 JUDGE FIELD: I'm sorry. A second judge
25 for two days a week. So at that point, we were

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2 devoting seven judge days weekly to this area.

3 In 1992, we got additional
4 responsibilities, because we had to prepare lists
5 and docket. In 1992, we still used what I know you
6 remember, the old-time docket books --

7 COUNCILMAN ORTIZ: Yes.

8 JUDGE FIELD: -- that you could break
9 your back getting them down from the shelves. Well,
10 we still used those in 1992, so we hand-prepared our
11 court lists and, of course, we hand-entered our
12 dockets. And that required us to hire one more
13 person. So at that point, we're up to six.

14 In 1993, Community Legal Service
15 threatened to sue because they felt that our
16 services were inadequate for unrepresented victims
17 of domestic violence, and that was based on our
18 staff. Administrative Judge Esther Sylvester, who
19 was then the administrative judge, initiated a
20 domestic violence counsel. And as a result of her
21 efforts, three additional clerical employees were
22 inaugurated into this portion of the Domestic
23 Relations Court.

24 By the end of 1994, we had over 13,000
25 petitions.

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2 In 1994, the Protection From Abuse Act
3 was amended and it then included stalking.
4 Immediately we found an increase in our petitions.
5 An additional courtroom was opened and two judges,
6 ten judge days weekly, were devoted to Protection
7 From Abuse cases.

8 When the parents' computer system was
9 modified to include domestic violence in May of
10 1995, we were able to computerize the domestic
11 violence division. This, of course, meant that
12 there were new cases. And at that point, we also
13 were able to handle the cases heard in the Municipal
14 Court.

15 You may or may not be aware of the fact
16 that in non-traditional hours, after 5 o'clock,
17 weekends and holidays, persons seeking an emergency
18 Protection From Abuse Act order go to the basement
19 of the Criminal Justice Building. There they are
20 heard by a non-Family Court employee. They are
21 heard by a master.

22 If the master determines an emergency
23 order is appropriate, it is issued at that time,
24 although it is not docketed.

25 COUNCILMAN ORTIZ: If this happens and

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2 there's an altercation during the weekend --

3 JUDGE FIELD: Right. The most common
4 time, as a matter of fact.

5 COUNCILMAN ORTIZ: And the police are
6 trained to tell her where to go or take her to the
7 basement of the Judicial Center?

8 JUDGE FIELD: They will not take her.
9 They will send her.

10 COUNCILMAN ORTIZ: They will send her?

11 JUDGE FIELD: They will send her.

12 COUNCILMAN ORTIZ: But many times women
13 are afraid to go down there by themselves.

14 JUDGE FIELD: No question. And it tends
15 to happen late at night on Saturday. At the very
16 least, it's dark. They may need public
17 transportation, which tends to be less available in
18 the midnight hours. And they also have children.
19 They have to take their children with them in many
20 cases.

21 COUNCILMAN ORTIZ: Right. So many women
22 perhaps don't go. They may be abused. They may be
23 in a violent activity, and the police, they call the
24 police and then the police tells them, Well, go
25 down, take a taxi and go down to the Judicial Center

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2 and they don't --

3 JUDGE FIELD: Yes. The police will not
4 transport them, but they will come and stop the
5 altercation and give them advice.

6 COUNCILMAN ORTIZ: And they will tell
7 them where to go?

8 JUDGE FIELD: Where to go.

9 But the second hurdle, assuming they get
10 there, the second hurdle is that they have to
11 convince the master on duty, who is not a Family
12 Court employee, if this becomes a Municipal Court
13 function, after hours and during the weekends and
14 holidays, they have to convince that person that
15 their plight is worthy of an emergency order. And
16 if so, they will get it. We will docket it for
17 them, but not until the next business day.

18 COUNCILMAN ORTIZ: And what is the
19 training that this individual they go before?

20 JUDGE FIELD: Well, you will find as you
21 go through our answers that we do not know what that
22 training is because we have no jurisdiction over
23 this non-First Judicial Court employee.

24 COUNCILMAN ORTIZ: And if you had
25 jurisdiction over this court employee, what would

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2 you require of them?

3 JUDGE FIELD: Same training that we give
4 to all of our Domestic Violence Unit intake workers.
5 Exactly the same training. And we're very lucky in
6 that many of the advocacy groups in this room, at
7 least two of them, Congreso and Women Against Abuse,
8 are active on an almost daily basis in our court and
9 have done some training for us, and also pick up if
10 there's a language problem, which is very helpful.

11 COUNCILMAN ORTIZ: Do you have any
12 information or data in terms of cases that go before
13 this arbitrator and are not --

14 JUDGE FIELD: Yes. Judge Fox tells me
15 she can answer.

16 JUDGE FOX: We don't.

17 COUNCILMAN ORTIZ: To the microphone,
18 and identify yourself for the record, please.

19 JUDGE FOX: I'm Judge Idee Fox. I'm the
20 supervising judge of Domestic Relations.

21 We do not have access to the statistics
22 as to the number of individuals who go to the CJC on
23 the weekends or in the evenings and ask for a
24 petition and are turned away, or ask for an
25 emergency order and are turned away. These are not

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2 statistics that are maintained by the group who
3 carry out this function, and we do not have access
4 to those statistics.

5 COUNCILMAN ORTIZ: So we should get that
6 in order to get a very clear picture of the actual
7 incidents of domestic violence that do occur.

8 JUDGE FIELD: Oh, I can tell you the
9 actual -- I can tell you that. I can tell you that
10 as of this moment, we have already processed --

11 COUNCILMAN ORTIZ: No, but those are the
12 ones that get to you.

13 JUDGE FIELD: Well, the police would
14 know how many they respond to.

15 COUNCILMAN ORTIZ: But what about if
16 they don't file?

17 JUDGE FIELD: If they don't file, we're
18 never going to find out.

19 COUNCILMAN ORTIZ: That's what I'm
20 saying. If they go before this --

21 JUDGE FIELD: The master will take what
22 he deems to be an emergency, but then we treat it as
23 if it was filed in front of us come the first
24 business day.

25 COUNCILMAN ORTIZ: So we don't know how

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2 many he doesn't treat?

3 JUDGE FIELD: No, we do not.

4 COUNCILMAN ORTIZ: That he rejects
5 because he doesn't have --

6 JUDGE FIELD: No, we do not know that.

7 COUNCILMAN ORTIZ: And that's, I think,
8 a number that can be essential for us to get a true
9 picture of what the real incidences are.

10 JUDGE FIELD: Let me bring another
11 number to your attention that I think is astounding.

12 I have an article here from yesterday's
13 Inquirer. You may or may not have seen it.

14 COUNCILMAN ORTIZ: I haven't seen it. I
15 read the Daily News.

16 Mark McDonald is here.

17 JUDGE FIELD: The number that's
18 astounding to me is in the whole state of New Jersey
19 last year, 49,000 petitions were filed. In the
20 whole City of Philadelphia this year, we will
21 probably file 15,000. That's 15,000 cases of
22 violence. And we do not know, of course, who got
23 turned away and who could not get down there.

24 COUNCILMAN ORTIZ: 15,000 that you
25 actually get to --

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2 JUDGE FIELD: We've docketed over 14,000
3 as of the 9th of December. And if tradition
4 holds -- because I've done this work, I have
5 physically sat as the abuse judge really for a
6 considerable period of time. If tradition holds,
7 the holiday season for a lot of people is not going
8 to be very festive, that our numbers will go up at
9 that time.

10 COUNCILMAN ORTIZ: Judge, what happens
11 to a family that comes before the Court?

12 JUDGE FIELD: What happens to the
13 family?

14 COUNCILMAN ORTIZ: Yes.

15 JUDGE FIELD: Well, the family, if
16 you're taking about a family, they're already ripped
17 apart by the time they get there.

18 COUNCILMAN ORTIZ: Right.

19 JUDGE FIELD: They are going to,
20 assuming that -- well, the first step is, they have
21 to serve the other side. And that's a horrendous
22 task, just made a little bit easier by a very recent
23 modification in the law.

24 Typically what happens is, you call your
25 home or you call where you know the other side is.

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2 And may I say for this, unfairly, that most of the
3 time it's the woman calling a husband, not all the
4 time, but most of the time.

5 She calls. He answers. She calls the
6 police and she says, Help me, I know he's at 295
7 whatever.

8 They get there. They see the curtains
9 move. They ring the bell. They may even call up
10 and hear his voice, but they will not break the door
11 down. They have no jurisdiction to do it, and will
12 not break the door down.

13 So everything fades. And she repeats
14 this many times. And on the tenth day, she comes
15 back to court and she says, I have not been able to
16 serve my husband. At that point, she discusses why
17 not. At that point, we can authorize mail service.
18 We can speed the whole thing up. And she's able to
19 come back and eventually get a permanent order,
20 which is good for 18 months.

21 COUNCILMAN ORTIZ: But she is sent back
22 to the house where the husband is still in?

23 JUDGE FIELD: Maybe. Maybe. Oh, on the
24 order, we can evict the husband, we can put in a
25 temporary child support order, write in there -- she

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2 has to file for child support. We can put temporary
3 child custody, temporary child support order in that
4 original order, as long as we accomplish service.
5 In fairness constitutionally, we have got to serve
6 the other side one way or another. They don't have
7 to read the papers, but we have to give them the
8 opportunity to read them.

9 Okay. I'm going to move on to our wish
10 list, because I think I've impressed you with our
11 numbers, and I will hand out copies of yesterday's
12 Inquirer article, which focused on New Jersey, but
13 made the point that many of Pennsylvania problems
14 are exactly the same. And I see my friend
15 Ms. Frasier Clemens read it yesterday.

16 COUNCILMAN ORTIZ: I think Councilwoman
17 Miller has a question.

18 COUNCILWOMAN MILLER: Hi. Good
19 afternoon.

20 JUDGE FIELD: Certainly. How are you?

21 COUNCILWOMAN MILLER: Hi. I'd like to
22 know how many emergency orders are issued on the
23 weekends?

24 JUDGE FIELD: On what?

25 COUNCILWOMAN MILLER: On the weekends.

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2 JUDGE FIELD: I cannot give you that
3 number because we docket them. See, we pick them up
4 and we docket them as if they came in when we were
5 in business, when we were open on traditional hours.
6 So we cannot answer that question.

7 Now, I could, if you wish, start doing
8 it on Monday and just ask the person -- I know it
9 takes somebody a whole day Monday to do it. I know
10 that. And I know that the night court; that is,
11 whoever goes in there from 5:00 in the evening till
12 9:00 in the morning, works a half a day every day
13 picking up that work.

14 So I know the time it takes. But I
15 could get you those numbers. We can start counting
16 them -- probably count yesterday's, count Monday's.

17 COUNCILWOMAN MILLER: Because the data
18 collection is under your control, correct?

19 JUDGE FOX: No. Well, there's two
20 different levels of data collection, and I think the
21 easier way to explain is just to walk you through
22 it.

23 We're really restricted by what the
24 statute allows us to do and what the Rules of Civil
25 Procedural allow us to do. After business hours and

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2 on weekends, the Protection From Abuse, the
3 emergency matters, are handled by what's referred to
4 statewide as the Minor Judiciary. In Philadelphia,
5 that would be Municipal Court.

6 Municipal Court contracts out those
7 services, and they have masters. I remember when I
8 was an attorney and sometimes served as a bail
9 commissioner down at the Roundhouse, at that time
10 the bail commissioners did this, and little by
11 little expanded based on the numbers. The system
12 has been changed over the years based on the
13 numbers.

14 So what's happened now is, a family
15 comes in with an emergency procedure. And you
16 asked, Councilman, we have to hope that the police
17 officers provide their information.

18 COUNCILMAN ORTIZ: Right. Hope.

19 JUDGE FOX: We have to hope that they
20 do, because that's not something we can control, but
21 what we do have available, those services, that
22 they're there at the CJC. One of the reasons
23 they're there is, that's a central location. It's
24 open 24 hours a day and it is secure. And that's
25 the most important thing, is that it is secure

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2 there. It is always secure there.

3 But a woman goes down there -- and I use
4 that gender just for the purposes of explanation. A
5 woman goes down there and explains to the people who
6 are working there what happened, and she completes a
7 petition based on whether or not there's the
8 possibility of an order being issued.

9 The Minor Judiciary does not accept a
10 pleading as we would from 9:00 to 5:00 in Common
11 Pleas Court. The Minor Judiciary accepts the
12 petition and issues --

13 COUNCILMAN ORTIZ: Is there staff there
14 that advises them as to how to prepare the petition?

15 JUDGE FOX: Yes, there is, and assists
16 them in how to prepare the petition. And
17 periodically we do reach out to that. I hope you
18 don't think it's a closed door. We periodically,
19 when we find out there's been a breakdown in
20 communications between how they view these emergency
21 orders and how we view them, we've set up in the
22 last two years through Judge Presenza training
23 programs with the masters down there to explain how
24 the judges in Family Court view these emergency
25 orders, these ex parte orders.

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2 And it should be understood that this is
3 an emergency order that travels into the next
4 business day. Because the person comes down there,
5 if they receive an emergency order, they receive
6 that order, and the next working day it is
7 transported to Domestic Relations on 11th street
8 where it is docketed into our system and the packet
9 forwarded to the Common Pleas Court judge, who
10 reviews it, and if he or she believes it warrants
11 the action of the master, will sign off on it,
12 sometimes expand it, sometimes reduce it.

13 COUNCILMAN ORTIZ: But if a woman comes
14 in and she's beaten and she shows signs of having
15 been beaten and --

16 JUDGE FOX: They're going to grant an
17 order.

18 COUNCILMAN ORTIZ: -- and she puts the
19 order and the petition in, and then she, as Judge
20 Field said, she has to serve that.

21 JUDGE FOX: She has to serve --

22 COUNCILMAN ORTIZ: She has to serve it.

23 JUDGE FOX: With the assistance of the
24 police department. The police department --

25 COUNCILMAN ORTIZ: Does the master on

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2 that weekend --

3 JUDGE FOX: Explain how --

4 COUNCILMAN ORTIZ: -- does he call or
5 she call the police department and say, I have a
6 woman here who has been beaten, she has to go back
7 to her home to serve this order?

8 JUDGE FOX: No. They explain to go to
9 the police district in her neighborhood or to
10 contact the police in that neighborhood to meet them
11 to serve the order.

12 COUNCILMAN ORTIZ: Do we know, again --
13 and I know that this is just for the record -- do we
14 know during this, because it is a weekend, and a
15 woman who will actually go to the police department
16 and --

17 JUDGE FOX: The way we can judge it,
18 from our perspective, is how many women come into
19 court on the return date. Because it's not just
20 receiving an order. You receive a temporary ex
21 parte order and you're given a hearing date.

22 The way we judge it is when the
23 individual comes back into court and says, I did not
24 make service and why, and explains to the judge why
25 they weren't able to make service.

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2 COUNCILMAN ORTIZ: So let's say the
3 woman goes to the master, she gets the petition, she
4 gets the order and she does everything that you're
5 talking about. She goes to the police district
6 directly from the master's office. A police then
7 accompanies her home, serves the order and then
8 removes the husband from the house?

9 JUDGE FOX: If there's an eviction, yes,
10 they should.

11 COUNCILMAN ORTIZ: Does the master order
12 the eviction?

13 JUDGE FOX: Yes, he can. He or she can.

14 COUNCILMAN ORTIZ: He can?

15 JUDGE FOX: Yes. They're authorized to
16 order an eviction, and they often do. And
17 oftentimes if the judge then reads it on Monday
18 morning, say -- for example, if I'm the signing
19 judge that day and I read the petition, and if the
20 master failed to grant an eviction and now I read
21 the facts and believe an eviction was warranted, I
22 have the right to now evict that person even though
23 the order wasn't originally entered that way.

24 COUNCILMAN ORTIZ: So if it is not
25 served, if the husband went to the bar by the time

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2 and he's not there, the police are not going to stay
3 around waiting for him to come back. She has to
4 stay there with this guy who had just beaten her.

5 JUDGE FIELD: Well, chances are she's
6 not going to stay there, and that's where it's so
7 important that these shelters be supported, because
8 that's where she's going to have to go with the
9 children.

10 COUNCILMAN ORTIZ: Yes, Councilman
11 Rizzo.

12 COUNCILMAN RIZZO: Thank you. Thank you
13 for that.

14 So I understand, it's not a given that
15 the eviction will be part of the process; is that
16 right? That's not an automatic?

17 JUDGE FOX: It's not a given that an
18 eviction will be granted.

19 COUNCILMAN RIZZO: Now, if the
20 complainant asks for the eviction, is that good
21 enough?

22 JUDGE FOX: If she --

23 COUNCILMAN RIZZO: If the wife --

24 JUDGE FOX: If she alleges facts that
25 would warrant an eviction.

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2 COUNCILMAN RIZZO: She just simply says,
3 I don't want this man in this house.

4 JUDGE FOX: No, not under the Act. It
5 would require that acts have been committed that
6 would place her in danger and --

7 COUNCILMAN RIZZO: Well, if she comes in
8 bruised, is that --

9 JUDGE FOX: See, now you're changing the
10 facts on me. I mean, clearly -- I mean, that's
11 why -- it's a system that is geared to pro se
12 litigants. And by "pro se," I mean unrepresented
13 litigants. It's a system that has developed around
14 unrepresented litigants. So that the people who are
15 accepting those emergency petitions are assisting
16 people in preparing it. They oftentimes --
17 sometimes they take photographs of the individual
18 and they attach that to the petition, so you see the
19 photograph of the person, so you see the injury.

20 So it's not just a matter she says, Hi,
21 I want to throw him out, but, by the way, no one saw
22 your injuries. People are looking at her and
23 saying, I notice you have a black eye. How did you
24 get that black eye?

25 COUNCILMAN RIZZO: So what I'm hearing,

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2 and I don't mean to misinterpret this, is that if a
3 person comes, goes through the process, is
4 physically injured, could I assume that most likely
5 there would be an eviction?

6 JUDGE FOX: You can assume that if they
7 are living together, there should be an eviction.

8 COUNCILMAN RIZZO: Well, then there
9 should be. That's why I'm heading you back to the
10 process where if the person says that I'm, A,
11 frightened that I'm going to be beaten again, I have
12 a black eye, that there shouldn't require any
13 lobbying there to --

14 JUDGE FOX: No.

15 COUNCILMAN RIZZO: -- get that eviction?

16 JUDGE FOX: No. You're right. There
17 shouldn't be any lobbying to get that eviction.
18 Because it's an ex parte order based on the reading
19 of the petition.

20 COUNCILMAN RIZZO: Fine. Thank you,
21 Mr. Chairman.

22 COUNCILMAN ORTIZ: Thank you, Mr. Rizzo.

23 Do the shelters, do the agencies that
24 take in women or men, although I believe men are
25 usually the abusers and not the abusee, but are the

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2 shelters represented during the weekends in this
3 court? Are there people from these agencies that
4 could determine that this lady or this woman or this
5 family or child should not go back home because they
6 would face imminent danger for their safety and so
7 on and then take them to a shelter?

8 JUDGE FIELD: I think if you're talking
9 about the weekend, you have to realize that the
10 First Judicial District does not control the
11 weekend.

12 COUNCILMAN ORTIZ: No. I understand
13 that. I'm just asking whether there is a system --
14 because what we're trying to see is what, if
15 anything, we need to change, if at all, in terms of
16 the system and whether we should recommend that
17 women shelter groups be at the courts during the
18 weekends so that they can maybe take action of that
19 sort or maybe you would recommend that, that would
20 be the case.

21 JUDGE FIELD: I think that they are more
22 likely than not to get their information in a
23 booklet, a copy of which is enclosed in here, and
24 also from the police. I think that they are
25 really -- the only person that can guarantee on site

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2 that they will know something about what's happening
3 on the weekend, because I can't tell you that
4 volunteer groups are consistent in their
5 representation in the CJC over the weekends. I
6 think a lot of it depends on who gets lucky and gets
7 there when the right people are present.

8 But the largest problem here, and the
9 worst of the problems, is the service problem,
10 because fully 50 percent of the cases will not have
11 service at the right time.

12 COUNCILMAN ORTIZ: And what happens?

13 JUDGE FIELD: And they just get
14 continuances. And we have to string it out until we
15 can get -- and I said they just amended the law, so
16 there will be mail service and it will be a whole
17 lot easier to get service. It's very hard to serve.

18 COUNCILMAN ORTIZ: So that puts a woman
19 in very, very dangerous --

20 JUDGE FIELD: Absolutely.

21 COUNCILMAN ORTIZ: -- situations. If
22 service cannot be confirmed or is not done and then
23 there's a continuation --

24 JUDGE FOX: Councilman --

25 COUNCILMAN ORTIZ: And I know about

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2 continuances.

3 JUDGE FOX: Councilman, I just want to
4 clarify that even though the case may be continued
5 for lack of service, the temporary order remains in
6 effect. So that temporary order, whether it be a
7 stay away order or an eviction, it remains in effect
8 until the case comes back to court. So it's not
9 like, Well, you didn't make service and the case is
10 dismissed.

11 JUDGE FIELD: But the problem is that he
12 still doesn't know. And we keep saying "he,"
13 because it is more likely than not it's going to be
14 he. He still doesn't know.

15 COUNCILMAN ORTIZ: I accept culpability
16 for the male gender.

17 JUDGE FIELD: No. You don't have to.
18 But he still doesn't know and he still can say, I
19 didn't know, and walk in the house, start taking out
20 the assets, obviously refuse to do anything for the
21 children financially on the theory that he knew
22 nothing.

23 JUDGE FOX: If I could just finish up
24 Judge Field's response. We would be hardpressed to
25 say that the need for advocacy groups or shelters or

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2 community groups participating and being involved at
3 the emergency site or any site in the courts is not
4 something we would encourage and hope for. The more
5 educated the public, the more assistance that can be
6 provided pro se litigants, the more easier it will
7 be for us for these cases to flow through the
8 system. And that's why we don't want for a moment
9 to think we discourage that. We encourage it, and
10 any assistance we can give to any organization in
11 trying to walk them through the system and
12 understanding the system, we would volunteer.

13 COUNCILMAN ORTIZ: But you have a case
14 load of close to 16,000 a year. And you have how
15 many judges at the present time?

16 JUDGE FIELD: We have two judges sitting
17 full time on this.

18 COUNCILMAN ORTIZ: Two judges?

19 JUDGE FIELD: And an additional judge
20 sitting contempt part time, criminal contempt.

21 COUNCILMAN ORTIZ: That's a case load
22 of --

23 JUDGE FIELD: And the numbers are
24 astounding. I mean, you can look at 60 cases a day.

25 JUDGE FOX: We've tried very hard at one

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2 time -- when Judge Field said "domestic violence,"
3 they had 60 to 100 cases a day. We've tried to
4 break that number down to no more than 40 a day by
5 scheduling according to the number.

6 Now, that may seem a very difficult
7 number, except if you look at the numbers that we
8 presented to you, half of the cases, close to half
9 of the cases that are before the judges, the parties
10 don't appear. And the cases --

11 COUNCILMAN ORTIZ: Even the complainant?

12 JUDGE FOX: The complainant does not
13 appear in close to half of the number of cases on
14 any given day.

15 JUDGE FIELD: But you need to realize,
16 and I really don't want to be sarcastic, but great
17 many of these women go back to the situation they
18 came from for a lot of reasons that, frankly, are
19 none of the Court's business. I mean, would I live
20 with that man? Of course not. But some women don't
21 see an out. And he is still providing financial
22 support, and that's a habit she's lived with for a
23 long time. And, unfortunately, she will go back,
24 they will make up. They will go back.

25 A lot of people can't get here because

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2 they have young children, it's impossible, and a lot
3 of people resolve their domestic difficulties before
4 the first court day.

5 COUNCILMAN ORTIZ: So what you are
6 saying to me is that daily half of the complainants
7 don't show up, which means that -- and we have no
8 case workers that can follow into this woman's home,
9 we have no way of the Court sending somebody and
10 say, Well, there's a life in danger here? There is
11 no way of us being able to communicate with this
12 person?

13 JUDGE FOX: And we are required, if the
14 person is not there, we are required to dismiss the
15 action for lack of prosecution and vacate the
16 temporary order.

17 COUNCILMAN ORTIZ: So when they don't
18 show up then, you're telling me that half of these
19 actions are dismissed. Are they dismissed --

20 JUDGE FOX: They're dismissed for lack
21 of prosecution.

22 COUNCILMAN ORTIZ: -- immediately, or do
23 you give them another chance and try to inform
24 them --

25 JUDGE FOX: No, no.

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2 COUNCILMAN ORTIZ: -- notify them, they
3 didn't show?

4 JUDGE FOX: No. They're dismissed, but
5 then what should be made clear is if it's dismissed
6 for lack of prosecution. If the next day she comes
7 back into the unit and wants to refile, no one
8 interferes with her ability to refile. She can
9 refile and file again and get another court date,
10 which is not unusual. But it's dismissed for lack
11 of prosecution, and the parties do refile after
12 they've been dismissed.

13 COUNCILMAN ORTIZ: Do we have numbers on
14 that of women that have not appeared and --

15 JUDGE FOX: In your packet --

16 COUNCILMAN ORTIZ: -- that have come
17 back and refiled?

18 JUDGE FOX: We don't have numbers on the
19 refiling. We do not keep numbers on the refiled
20 petitions. But you see -- the petitions, as the ex
21 parte petitions come in, they're walked over that
22 judge. When Judge Field says there are two judges,
23 there are 11 judges assigned to Domestic Relations.
24 On any given day, there are two judges hearing just
25 Domestic Relation civil cases. And then on Tuesdays

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2 and Thursdays, there's a Domestic Relation judge
3 hearing the criminal contempt cases.

4 COUNCILMAN ORTIZ: So you have two and
5 two --

6 JUDGE FOX: Two judges.

7 JUDGE FIELD: Two and a half.

8 COUNCILMAN ORTIZ: Two and a half.

9 JUDGE FOX: Two judges five days a week
10 hearing a civil protection lists and --

11 COUNCILMAN ORTIZ: And the contempt?

12 JUDGE FOX: And one judge two days a
13 week hearing a criminal contempt list.

14 COUNCILMAN ORTIZ: And the criminal
15 contempt is, I guess, those individuals that have
16 violated --

17 JUDGE FOX: That the district attorney
18 has prosecuted.

19 COUNCILMAN ORTIZ: What's the case load
20 in that area?

21 JUDGE FOX: The filings for the year
22 2002, new cases listed in the year 2002, were 1,020.
23 There were over 2,000 cases listed, but the new
24 cases were approximately 1,020.

25 COUNCILMAN ORTIZ: And you have results

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2 of the action, what the adjudication has been?

3 JUDGE FOX: No. Those statistics we do
4 not keep.

5 COUNCILMAN ORTIZ: You can't keep? You
6 don't have it?

7 JUDGE FOX: We do not maintain those
8 types of statistics.

9 COUNCILMAN ORTIZ: So, Judge, how do
10 we -- because that, to me, is -- the fact that 50
11 percent doesn't show up is something that we need to
12 look at and see what, if anything, can be done.

13 What are the resources that are needed
14 for us to be able to have and make the system as
15 effective as we can? Because I think what this does
16 is save lives, if anything. I mean, we have people
17 who have died at the hands of their husbands along
18 these lines.

19 JUDGE FIELD: There are none of us,
20 including myself, that have ever sat in that court
21 that have not, unfortunately, nothing else we could
22 have done, but we are aware of a murder which came
23 out -- homicides which came out of that court. No
24 one who sits there has ever. It's the single worst
25 part of my experience in 11 years as a judge, sir.

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2 COUNCILMAN ORTIZ: Do the police come in
3 and testify?

4 JUDGE FIELD: No.

5 COUNCILMAN ORTIZ: No?

6 JUDGE FIELD: In the criminal cases.
7 Just criminal. Not normally.

8 COUNCILMAN ORTIZ: In the criminal
9 contempt?

10 JUDGE FOX: If they come in to testify
11 in the petitions, it's because somebody subpoenaed
12 that witness. In the court criminal cases, they're
13 subpoenaed by the district attorney's office.

14 COUNCILMAN ORTIZ: And do they show up?

15 JUDGE FOX: We have not -- I have not
16 noticed any problems with the police not showing up
17 as far as the criminal subpoenas go.

18 COUNCILMAN ORTIZ: So they dutifully
19 come forward?

20 JUDGE FOX: One of the difficulties that
21 we have -- and you asked Judge Field about how we
22 can improve services. These are families, and
23 whether or not domestic violence has separated them
24 or made them not live together or evicted somebody,
25 oftentimes they have children together. Oftentimes

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2 these are families in needs of services, whether it
3 be treatment for alcoholism, for drug addiction,
4 people don't have a job. These are families that
5 are in need of help.

6 We are a civil court that can enter an
7 order. One of the problems we've had is a
8 coordination of services citywide so that we can
9 refer families for help. Oftentimes you'll see
10 people will come in and say, Well, I don't really
11 want him evicted. I'd like him to stay, but I'd
12 like him to get help. How much help we can offer
13 them, we're just -- we're a court. So we can try to
14 provide referral services, but how much information
15 we have is really based on sometimes the ingenuity
16 of that judge in obtaining that information.

17 So we'd like more communication between
18 all of the groups in this room and throughout the
19 city so these resources will be known to the judges,
20 to the system, so we can always refer these families
21 for help, because these are clearly families in
22 need.

23 COUNCILMAN ORTIZ: Well, one of the
24 results of this hearing is that we get Carol in and
25 the other groups that are here to have a meeting

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2 with you and Judge Field and Judge Massiah-Jackson
3 and so on and see how we can begin putting a process
4 that can begin really putting services, preventive
5 services and other types of assistance to both the
6 husband and the wife and the family so we can begin
7 to proceed and bring down the case load that we have
8 presently in the city.

9 JUDGE FOX: I would like to point out to
10 you there's also another group that tends to -- when
11 you talk about men and women, we have an increase in
12 the number of senior citizens who have been abused
13 by their adult children. And oftentimes the adult
14 children have mental health and drug and alcohol
15 problems, and the parents are very hardpressed.
16 They're elderly parents who are trying to still have
17 this closeness with their child, but at the same
18 time, they are subject to threats and abuse.

19 These are very, very difficult cases
20 that are oftentimes neglected, because sometimes we
21 look at domestic violence as a man/woman thing and
22 we might sometimes overlook the number of senior
23 citizens.

24 We see an increase of those cases over
25 the last two years, and these are adult children

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2 with senior citizen parents.

3 COUNCILMAN ORTIZ: Do we have any gay or
4 lesbian couples that have -- and do we have a way of
5 maybe -- because that's obviously part, and nobody
6 talks about that.

7 JUDGE FIELD: Oh, no. I've done those
8 cases, but we don't count them. But you know when
9 you have them in front of you.

10 JUDGE FOX: We don't keep separate
11 statistics about the demographics of the parties
12 filing petitions, whether they be man, female or
13 sexual preference.

14 JUDGE FIELD: The statute talks about
15 people living in the same household, and that covers
16 it.

17 COUNCILMAN ORTIZ: Right. I'll talk to
18 some of the --

19 COUNCILWOMAN MILLER: Councilman, I'd
20 just --

21 COUNCILMAN ORTIZ: Yes. Councilwoman.

22 COUNCILWOMAN MILLER: -- like to get
23 some clarity on one issue.

24 You had said that Philadelphia has
25 16,000 cases that have been filed this year.

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2 JUDGE FIELD: 15. We expect to hit
3 15,000 by the end of the year. We're at 14
4 something now.

5 COUNCILWOMAN MILLER: Okay. 14,000 by
6 December 9th?

7 JUDGE FIELD: Right. That's accurate.

8 COUNCILWOMAN MILLER: New Jersey had
9 49,000 for the entire state. A comparable city in
10 New Jersey, do you know any numbers on the number of
11 people that have filed and --

12 JUDGE FIELD: Well, they mention Camden,
13 Camden County. I'm going to give it. They had
14 3700. That's the only thing that's in this article.

15 COUNCILWOMAN MILLER: I was actually
16 just wondering how many judges and whatnot they had
17 handling --

18 JUDGE FOX: The ratio of judges per
19 case?

20 COUNCILWOMAN MILLER: Right.

21 JUDGE FOX: That, we don't know.

22 COUNCILWOMAN MILLER: So is there
23 anybody in any state, if you've done that type of
24 research, that has the ideal? I mean, who has
25 handled this well --

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2 JUDGE FOX: Well --

3 COUNCILWOMAN MILLER: -- across the
4 country? Nobody?

5 JUDGE FOX: Well, if you look at the
6 packet, we were --

7 COUNCILWOMAN MILLER: I haven't had a
8 chance to -- the first time I laid eyes on the
9 packet is when I walked in the room. So I have not
10 had a chance to read it.

11 JUDGE FOX: If you look at --

12 COUNCILWOMAN MILLER: I understand that,
13 but people don't know that. People think that we've
14 seen this and read it and whatnot, and that's not
15 true.

16 JUDGE FOX: If you look at what's been
17 designated under Tab I, there's a creating a
18 Domestic Relations court, a violence court, in your
19 booklet. And Philadelphia was one of the best
20 practices. So primarily because it was a designated
21 court, it had a unit that handled the submission of
22 the handling of the petitions.

23 And we like to brag about that, but if
24 you ask us are we in need of improvement, yes, we
25 are. We are. For us to say we're not wouldn't be

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2 fair to the citizens.

3 So, yes, we're in need of improvement.

4 It's a very difficult court. And I have to tell
5 you, when you ask about a model, one of the
6 difficulties with the model is, is the number of pro
7 se litigants. It's much different in Philadelphia
8 County than it is in Pittsburgh, where you have a
9 number of smaller subdivisions.

10 Primarily when we go to judicial
11 conferences statewide and we talk about the number
12 of pro se litigants in domestic violence cases,
13 which is up to 90 to 95, then we talk about custody
14 cases where they're as high as 80 to 85 percent,
15 other judges can't believe it. Because it's just a
16 very different type of atmosphere in the courtroom.

17 We are very much trying to elicit
18 testimony from people who are trying to communicate
19 very emotional issues.

20 COUNCILWOMAN MILLER: Well, I think this
21 is an important issue, and to move one step further,
22 I think that we have to figure out how to protect
23 people once they get the protection order to prevent
24 these murders and other people being injured.

25 JUDGE FIELD: Remember, it's just what

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2 the article says. It's only a piece of paper. It's
3 like anything else that originates in a court.
4 There are those who will respect it and those who
5 will not stop.

6 COUNCILMAN ORTIZ: Can the police, in
7 your judgment, can the police, their role, can they
8 enlarge, improve? How do you see law enforcement
9 really? Once you give an order, how do you see that
10 order being implemented and done?

11 JUDGE FIELD: The Commissioner will be
12 here, and I think that it would be fair to give him
13 that chance. But if you look at --

14 COUNCILMAN ORTIZ: But I'd like to hear
15 from the judges.

16 JUDGE FIELD: Well, if you look in here,
17 you'll see one thing they can do is, every single
18 police station has a contact person for domestic
19 violence, which is a very new step. I think there's
20 been, since I did it, which is probably about eight
21 years ago, there has been an enormous public
22 awareness, police awareness of the problem.

23 I think the police are much more
24 sensitive to these issues than they were when I was
25 doing it about eight years ago. I think really

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2 anybody in the field would say that, that there is
3 more interest and more sensitivity to the needs in
4 this area.

5 COUNCILMAN ORTIZ: So in terms of
6 resources, once again, could you clarify and state
7 what is it that you need to be able to perform the
8 judge of the domestic violence court --

9 JUDGE FIELD: Well, we were very
10 conservative in our list. We didn't ask for more
11 judges, which would be, of course, helpful, and more
12 clerical staff, which would be more helpful.

13 COUNCILMAN ORTIZ: Well, you should ask
14 for more judges, ask for what --

15 JUDGE FIELD: We asked for a faster
16 computer. Our computer system is about ten years
17 old. Those of you in the area know that
18 ten-year-old computers are prehistoric.

19 We asked for additional --

20 COUNCILMAN ORTIZ: You should see ours.

21 JUDGE FIELD: We asked for additional
22 staff. We asked for the ability to have audiovisual
23 technology, because right now, I am ashamed to tell
24 you, but it's true, that the people who come to be
25 interviewed scream through a window until they get

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2 behind there, for a lot of reasons, and we wanted
3 audiovisual techniques so that we could interview
4 more easily and more comfortably and also
5 remembering the privacy needs.

6 We would like to have more printed
7 material in more languages to explain to people
8 exactly what their rights are and what they can do
9 and also where they can seek help outside of the
10 courts.

11 COUNCILMAN ORTIZ: Are your
12 statistics -- you said you don't do the
13 demographics, but are your statistics by race? You
14 don't have that?

15 JUDGE FIELD: No, no. We do not do
16 that.

17 COUNCILMAN ORTIZ: Can you do that?
18 Legally can that be done? Can we see how many cases
19 of abuse are coming from the Cambodian or Latino or
20 African-American communities and so on?

21 JUDGE FIELD: But you raise a very
22 interesting issue --

23 COUNCILMAN ORTIZ: Because I know that
24 in our community, a lot of cases are not reported.
25 And those that are then face other types of problems

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2 that are cultural in framework and has to change.

3 JUDGE FIELD: There are cultural
4 implications. There are cultures in which this kind
5 of behavior is the appropriate behavior. And we
6 have an education need to tell people that it cannot
7 be done.

8 I just point to one case I had because
9 it involved the Moroccan community, which I don't
10 think is a huge number of people in Philadelphia.
11 But apparently -- and wherever these people came
12 from, this was what you did, this was the way that
13 people took care of things in their household. And
14 that's an education function. We have to tell
15 people that in society we cannot do it.

16 COUNCILMAN ORTIZ: But how can we
17 structure a program for that community if we have no
18 sense of how many of them come in or how to do it?

19 JUDGE FOX: I don't think it matters in
20 the numbers. I think it's clear that domestic
21 violence affects every community in the City of
22 Philadelphia. That's been our experience. I don't
23 think you can define a group that comes in or that's
24 more one group than another group.

25 So I think the services require across

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2 the city in every community.

3 COUNCILMAN ORTIZ: Are there
4 bilingual -- how many bilingual personnel do you
5 have?

6 JUDGE FIELD: In that office? I don't
7 know. There are two in there, but also we have
8 Congreso, who is represented here today. I'm sure
9 they'll tell you who comes to us with a bilingual
10 counselor. I think they're here three days a week,
11 and Women Against Abuse are here two days a week.
12 And they -- they're all volunteers.

13 COUNCILMAN ORTIZ: But Congreso is
14 Spanish. How many bilingual staffing -- because we
15 have --

16 JUDGE FIELD: Staff, two.

17 COUNCILMAN ORTIZ: We have an ever
18 growing Asian community, and the Asian community is
19 much more diverse than just Chinese.

20 JUDGE FIELD: Let me tell you what we
21 have done, because we have the problem all through
22 the court system of languages that are not
23 frequently used, so we don't have -- we only have
24 really on staff Spanish interpreters in the court
25 system.

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2 We have a telephone system where you
3 call a telephone number. It's a very modest rate,
4 something like a dollar and a half a minute. The
5 list is like 75 languages long.

6 Now, we can call that number, we get a
7 translator in whatever exotic language. It's an
8 amazing list. And with the use of the speaker
9 phone, we can at least advise people of their rights
10 and what is going on in the courtroom. For a
11 full-scale hearing, there's no question we have to
12 have an interpreter, in what might take us a few
13 days to get that interpreter in the Philadelphia
14 community. But for an immediate court information
15 service, we can do it 24 hours a day on a frankly
16 toll-free telephone number at very modest cost.

17 COUNCILMAN ORTIZ: Because we have a
18 large Mong community in this city.

19 JUDGE FIELD: I'd love to give you the
20 language list, like 75 languages long. They service
21 everybody, and they do it while you wait. It's very
22 fast. It's just an amazing system.

23 Actually, we have found that our call
24 for exotic languages has not been as much as we
25 thought, and that may be because we are not

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2 educating that community as to the rights that they
3 have.

4 COUNCILMAN ORTIZ: People may not know
5 about it, or if they do, it's -- I mean, when I call
6 up an office and I get a phone message and it said
7 if you want to continue in English, press 2. If you
8 want to continue in Spanish, press 1. If you want
9 to continue in Vietnamese -- I mean, you sort of
10 hang up almost immediately, because by the time you
11 get to 4, you're just like confused.

12 So I would imagine that a lot of folks
13 that come from different cultures are not used to
14 this type of technology and can't access it.

15 So our duty then is to see how we can
16 make those communities and our services more
17 accessible to them in whatever way is needed, and
18 sometimes, as Judge Fox said, we have to be very
19 creative as to how we do certain things.

20 Anything else, Judge?

21 JUDGE FIELD: Well, I have a very
22 creative system that I don't know a whole lot about
23 that crossed my desk, but I think it's a marvelous
24 thing. It's called the Sentinel System. And for
25 the cost of \$7 a day, you rent this system. It

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2 works like electronic monitoring. I don't have a
3 share in this business. I don't even know anything
4 much about it.

5 But you put a button in the house, a
6 button -- he has to wear a button, she wears a
7 button. You set your distance. If he comes within
8 X number of feet of the wife -- and we've been
9 saying the wife all along because that's the normal
10 ordinary scenario --

11 COUNCILMAN ORTIZ: Sort of like a ankle
12 bracelet?

13 JUDGE FIELD: The satellite reads it and
14 it can go directly into the police. I think it's an
15 extraordinarily simple, easy system.

16 COUNCILMAN ORTIZ: Is that used anywhere
17 in the country?

18 JUDGE FIELD: I'm sure he tells you
19 where he's using it, yes. But if there was
20 interest, I could contact them.

21 COUNCILMAN ORTIZ: I would like to --
22 let's see it and see if there are any constitutional
23 provisions that may be --

24 JUDGE FIELD: Exactly the same as
25 anything else that's monitoring. It keeps somebody

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2 away from the house. They know they're going to
3 spring an alarm. And it's a cheap and easy 24-hour
4 solution, as opposed to posting a police officer,
5 because --

6 COUNCILMAN ORTIZ: But he has to wear
7 it, right?

8 JUDGE FIELD: Well, if he doesn't wear
9 it, of course -- it's the same thing like the order.
10 It's a piece of paper. You respect it or you don't.

11 COUNCILMAN ORTIZ: It's not like the
12 ankle that is very difficult to take off?

13 JUDGE FIELD: Well, I never ordered it
14 because I really never had the finances to consider
15 the system. And one button --

16 COUNCILMAN ORTIZ: Maybe we should look
17 into it.

18 JUDGE FIELD: But I was amazed. I had
19 done the math once. For like \$50,000, you got an
20 extraordinary number of days at \$7 a day. And we
21 would never be able to do our 14,000 cases. I
22 understand that. But we certainly could isolate the
23 500 worst and use a system like that. It's cheaper
24 than a police officer outside the front door, which
25 is your alternative.

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2 COUNCILMAN ORTIZ: I have no problem
3 recommending that we do something like that. And I
4 see Terry looking at this and Carol. That might be
5 something that we might be able to begin looking in
6 and making available. If \$50,000 is it, we're
7 spending -- that's one consultant or one law firm
8 that we don't give a contract to, and maybe we can
9 use in-house lawyers or something like that. But
10 \$50,000 is not a lot of money to spend for one --
11 even if it saves one woman.

12 JUDGE FIELD: It's a modest number. You
13 price it by the day, and it's a modest number of
14 days. But as I said, we could probably handle our
15 worst cases like this.

16 Obviously, staff morale, this is a very
17 difficult job from inside. It's not very pleasant
18 for the participants, of course, and not for the
19 plaintiff, but it's equally difficult for our staff.

20 COUNCILMAN ORTIZ: It is the most
21 emotionally draining legal practice there is in the
22 system. I remember Lydia, my wife, she would come
23 home just devastated by some of the cases. And you
24 need a certain emotional strength to be able to
25 practice law and do these cases. And I don't know

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2 how many attorneys we have and how long they last in
3 this practice, because it is such an emotional drain
4 on the individual.

5 So you can imagine if it's an emotional
6 drain on the attorney representing, we can imagine
7 the pain and suffering that goes through the
8 individuals that they represent.

9 Judge, the staff and I will go through
10 this. This is what we were asking for, and you have
11 answered that Interrogatory that we sent to you in
12 a --

13 JUDGE FIELD: I want to point to you
14 just where the specific answers, which tab is the --
15 we're not going to go over the answers, but i want
16 to make sure you know they're all there. They're
17 all at C. All of your answers are at C.

18 COUNCILMAN ORTIZ: We really appreciate
19 it. If anything comes up that we may need further
20 clarification, we will be in touch with you.

21 I really appreciate this booklet that
22 you have given us. I think it's probably one of the
23 most complete answers that we've ever gotten from
24 the courts, because usually what we get is that, We
25 can't give you the statistics, we don't have the

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2 resources, we're not technologically there and so
3 on.

4 But I see that it takes a certain type
5 of leadership to be able to accomplish a certain
6 type of job. So I thank you, Your Honors, Field,
7 Fox and Massiah. I'm glad that you guys are in the
8 leadership. Thank you very much.

9 JUDGE FIELD: Thank you very much and
10 thank you for the opportunity to address you on
11 this.

12 COUNCILMAN ORTIZ: Thank you.

13 Carol Tracy and Cynthia Figueroa.

14 I get Cynthia, then I get Roberta Hacker
15 and Lisa Yoder, Neydary Zambrano.

16 Ms. Tracy, please identify yourself for
17 the record.

18 CAROL TRACY: My name is Carol Tracy and
19 I'm the executive director of the Women's Law
20 Project in Philadelphia. Councilman Ortiz, we
21 deeply appreciate the Public Safety Committee and
22 the Health and Human Services Committee holding
23 these hearings today.

24 The Women's Law Project is a public
25 interest law center devoted to improving the legal,

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2 social and health status of women. Our work
3 involves high-impact litigation, public policy
4 development, advocacy and public education.

5 We're pleased that the Committee is
6 having these hearings. The Committee laid similar
7 groundwork for efforts to improve the Philadelphia
8 Police Department's response to sexual assault when
9 it held a series of hearings over the past two
10 years. As a result of these hearings, we've
11 developed a good working relationship with the
12 police department leadership and the Special Victims
13 division.

14 Over the last three years, we have
15 accomplished a significant amount, including the
16 reopening and review of thousands of mishandled sex
17 crime cases, the improvement of the Department's
18 crime coding system, supervision of investigations
19 and decision-making and the soon-to-be-realized
20 relocation of the Special Victims division to a more
21 hospitable location.

22 Much remains to be done in that area,
23 including development of a protocol for responding
24 to sexual assaults complaints and a comprehensive
25 training program for the division, all of which will

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2 be facilitated by the Division's upcoming move.

3 Philadelphia once led the nation in the
4 development and provision of meaningful legal
5 remedies and housing and emergency shelter options
6 for victims of domestic violence. Over the last ten
7 years, however, Philadelphia has fallen behind many
8 other major urban areas in its response to domestic
9 violence victims and their children.

10 The United States Department of Justice
11 Violence Against Women office recommends that the
12 appropriate response to domestic violence is the
13 establishment of a coordinated community response.
14 That represents an effort to coordinate the
15 responses of the police, medical professionals and
16 institutions, health and human service providers,
17 the criminal justice system and advocates in cases
18 involving violence against women.

19 With a coordinated community response,
20 procedures are implemented to enable interagency
21 cooperation and a uniform responses. However,
22 unlike many other major urban areas, like Chicago,
23 Boston, San Francisco and San Diego, Philadelphia
24 has not begun efforts to establish such a response.

25 Although Philadelphia is now lagging

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2 behind some other cities, we also have the benefit
3 of learning from the experiences of those who have
4 already moved towards a coordinated community
5 response. And my testimony has a summary of several
6 cities at the end of it.

7 As the four Philadelphia providers will
8 tell you today, the need for domestic violence
9 services far exceeds their capacity to serve. While
10 they and their clients interact with the City's
11 police, courts and housing, Health and Human
12 Services offices seeking needed help and protection
13 from domestic violence, no one has a complete or
14 accurate picture of the prevalence of domestic
15 violence or of the services available.

16 There is no central locus in government
17 charged with responding to domestic violence, nor do
18 the City's agencies have an understanding of the
19 capacity of and services provided by the domestic
20 violence agencies.

21 This leads to inefficient use of scarce
22 resources as the counselor, police officer, judicial
23 officer or health care providers scramble to locate
24 the assistance and service needed by an individual
25 he or she is attempting to help.

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2 A recent case tragically underscores the
3 need for coordination. Jennifer Foster reported
4 that her 16-year-old daughter, Nikea Goldsby, had
5 been raped by her father. The report, as we
6 understand it, came through the Department of Human
7 Services and was sent to the Child Abuse Unit of the
8 Special Victims division.

9 Because of serious understaffing there,
10 which is now in the process of being corrected, it
11 took more than two weeks to assign this to an
12 investigator. In the meantime, Jennifer Foster and
13 her daughter had obtained a Protection From Abuse
14 order and called police repeatedly for help within
15 days. Although police came to the house in response
16 to the calls, nothing significant was done to
17 protect the mother and daughter. The day they were
18 to be interviewed by the Child Abuse Unit, they were
19 found murdered. This case represents the worst
20 possible failure in the system.

21 We do not know much else about this
22 family. They could also have been involved with
23 numerous other social service and school systems
24 that also failed them.

25 Let me also say at the outset that

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2 domestic violence is complicated. It's about
3 relationships. There is no quick answer or one
4 clear response that is appropriate. That is why all
5 the agencies and disciplines that are involved in
6 domestic violence must be at the table.

7 The four domestic violence agencies that
8 are here today, Women Against Abuse, Women in
9 Transition, Lutheran Settlement House Women's
10 Program and Congreso, are the experts. They
11 understand the complexity and danger associated with
12 domestic violence.

13 There is always the temptation when
14 policy-makers focus on domestic violence to have
15 knee jerk responses, such as mandating Protection
16 From Abuse orders or mandating arrests.

17 Responses that are not carefully planned
18 with the full involvement of the person who knows
19 the full range of issues facing victims can actually
20 put women and children in greater danger. It is
21 critical as we move forward to have the expertise of
22 the domestic violence advocates guiding the efforts
23 to improve and expand services.

24 There's several areas that I'd like to
25 highlight involving the police, the courts and human

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2 services and housing systems, and I will try to
3 highlight my comments, and you have in the testimony
4 more in-depth responses.

5 We've had a good working relationship
6 with Police Commissioner Johnson, and he has made a
7 clear commitment to continue to working with us on
8 domestic violence and on the ongoing issues related
9 to sex crimes. And the police have reached out to
10 us on two significant issues. One was changing
11 their 9-1-1 response, which I assume when they
12 testify, they will discuss with you to improve and
13 give a higher priority to domestic violence, and
14 their 9-1-1 operators also asked to get more
15 training in domestic violence, which Women in
16 Transition was able to accomplish.

17 The second big effort is, the police
18 department is part of a nationally funded project by
19 the National Center for Victims of Crime on Stalking
20 and Domestic Violence. And it began as a small
21 project, a pilot project, in the Northeast, and they
22 are in the process of expanding it citywide, and
23 they've asked for assistance from the domestic
24 violence community in doing that.

25 One of the interesting things out of the

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2 pilot study that was pretty startling even to us, it
3 showed that the 15th Police District alone had 700
4 domestic violence calls a year, that the entire
5 Northeast division probably has 20,000 domestic
6 violence calls. That's just the Northeast division.

7 COUNCILMAN ORTIZ: 20,000 calls?

8 CAROL TRACY: That's what their report
9 told us. See, we don't know. And one of the real
10 issues that's important for us is just to find out
11 how many domestic violence calls come through 9-1-1,
12 how many are responded to, what the followup is with
13 the victim assistance officers.

14 COUNCILMAN ORTIZ: They got 20,000
15 calls --

16 CAROL TRACY: In one division.

17 COUNCILMAN ORTIZ: In one division. And
18 how do they respond to those 20,000 calls?

19 CAROL TRACY: Well, I think they'll
20 probably be better able to answer that than I, but
21 with the 9-1-1 call, it's a high priority now and
22 the police -- it's a higher priority than it used to
23 be.

24 Domestic violence, until last year, was
25 included in something called domestic disturbance.

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2 That included everything from a dog bite to domestic
3 violence. They've isolated domestic violence and
4 given it a higher priority, so it should get very
5 high response time.

6 The police come. Depending on what is
7 going on, they may or may not make an arrest. It
8 may or may not be appropriate to make an arrest.

9 They are supposed to give information to
10 the caller about how to get a protection order.
11 They may need to transport them to the hospital.
12 There are a whole range of issues that the police
13 should be responding to.

14 The police have a new protocol that they
15 put in place last year. Unfortunately, they did
16 that without the input of the domestic violence
17 community.

18 Now, in an early meeting with
19 Commissioner Johnson, we asked to have that
20 directive reopened and to get input from the rest of
21 us, and we are in the process of doing that, because
22 we don't think that they probably have enough
23 information or enough clarity about what to do when
24 they respond to the call.

25 Each district -- and I think that Judge

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2 Field mentioned that each police district has victim
3 assistance officers and domestic abuse detectives.

4 One of the problems that we have as a community is
5 we don't know each other. And it's been -- the
6 communication between the domestic violence
7 advocates and the police is not what it should be.

8 Through the stalking project and other
9 projects, we have been able to get additional
10 information and are in the process of setting up
11 some meetings. I think the leadership of the police
12 department is committed to improving its response to
13 domestic violence. There are 6,000 patrol officers,
14 and you know the complexity that is involved in
15 getting everyone on board.

16 The coding of domestic violence also
17 needs some improvement. We worked closely with the
18 police department to improve their coding, which was
19 part of the crisis and the scandal in the Sex Crimes
20 Unit. However, all the crimes that should be
21 cross-coded as domestic violence currently are not.
22 So it's an area that additionally needs improvement,
23 as does their training. For something that is as
24 severe as domestic violence, something that is as
25 lethal as domestic violence, two- or three-hour

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2 cadet training is simply not sufficient, and that is
3 primarily what domestic violence training is now.
4 So they need to improve that.

5 And we need to be able to set up a
6 system with them where we have information going
7 back and forth, including complaints about bad
8 service. For example, if a call comes into my
9 office where the police haven't responded
10 appropriately and I call the victim assistance
11 officer, I have had nothing but good experiences
12 doing that. But, you know, I'm the director of the
13 Women's Law Project. It's not clear to me that that
14 is true for the women who are calling themselves.
15 Part of the problem is, we don't know. We simply
16 don't know.

17 COUNCILMAN ORTIZ: The police department
18 has this new system, the Comstat system --

19 CAROL TRACY: Right.

20 COUNCILMAN ORTIZ: -- that sort of
21 tracks how many cars are stolen and how many houses
22 are broken into in a neighborhood, and then they
23 assign and they're able to catalogue and track. And
24 they don't have anything along the lines in which
25 they can track how many cases come in and what's

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2 been the followup on those cases?

3 CAROL TRACY: I think they could.

4 COUNCILMAN ORTIZ: They could, but they
5 don't have it.

6 CAROL TRACY: What I've been told, I
7 think, April a year ago, the police devoted an
8 entire Comstat day to domestic violence. We tried
9 to involve ourselves in it, but we're not invited.

10 So I think that they have the internal
11 capacity to do that, and I think the mapping of
12 domestic violence is very important. And I think
13 it's also critical to look at the households where
14 there is repeated violence. And there's a fair
15 amount of scholarship that talks about that being a
16 really effective tool, just looking at the repeat
17 houses.

18 The 9-1-1 -- Inspector Small, who is in
19 charge of 9-1-1 or emergency room operations,
20 indicated that they thought there was a possibility
21 of being able to put up hot addresses so that there
22 would be even faster response time, or if the police
23 are going back to the same address repeatedly, it
24 means the danger is most likely escalating. That
25 isn't in place now, but as he said, they have the

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2 capacity to do that.

3 The police department's extraordinary
4 invitation to us to review cases is something that
5 we'd like to -- to review sexual assault cases is
6 something we'd like to explore with them in the
7 domestic violence cases. That review, as we have
8 reported to you in the past, has really been going
9 very well. And the last time we reviewed in May, we
10 saw a marked improvement in the way the police are
11 keeping track of their files. We're not only
12 looking at the unfounded cases, but we're looking at
13 a random sample of open cases.

14 So we think that this would have a
15 review of domestic violence cases, but the advocacy
16 community would have the potential to be very
17 beneficial.

18 I'd also just like to make some comments
19 about Family Court. You heard a great deal about
20 it. Family Court, as you heard, is the form in
21 which profound and life-altering decisions are made.
22 Tens of thousands of families come to the Domestic
23 Relations division each year to resolve personal and
24 intimate family matters involving divorce, child
25 support, child custody and domestic violence.

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2 Thousands more are summoned to its juvenile branch
3 where child abuse and neglect and juvenile justice
4 cases are heard.

5 This court will render decisions about
6 where and with whom children will live and when and
7 under what circumstances parents can see their
8 children. This court has the awesome responsibility
9 of issuing orders to protect families from violence
10 and stalking, and it has what is considered the
11 civil equivalent of the death penalty, the power to
12 terminate parental rights. And like other courts,
13 it can order the arrest and imprisonment of those
14 who disregard its order.

15 Despite the magnitude of its decisions,
16 it is the court that has the least resources. And I
17 think the court officials who were just here were
18 very modest in their requests. They need
19 considerably more.

20 There are several serious problems that
21 I'd like to draw your attention to. The first is
22 that the Domestic Relations branch, which is located
23 at 34 South 11th, was closed to the public for many
24 years. In response to a resolution by the
25 Philadelphia Bar Association to open the court to

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2 the public as required by federal and state
3 constitutions, the court agreed to do that, but this
4 goal has been achieved only in small part.

5 Only people who know to identify
6 themselves as observers are permitted limited access
7 to the courtrooms. The general public simply cannot
8 walk into the court and expect to visit a courtroom.

9 Councilman Ortiz, if you wanted to go in
10 to hear a domestic violence proceeding, unless you
11 went up and identified yourself as observer, you
12 would not be allowed in that courtroom. If you had
13 a relative or a friend who was looking for support,
14 you would not be allowed to go into that courtroom.

15 Frightened litigants in need of support
16 persons or persons sometimes to care for their
17 children while they were in the courtroom are denied
18 this assistance. The court has taken no steps to
19 address the space and security limitations that
20 prevent it from opening completely to the public as
21 required by the Constitution.

22 And as you'll notice on this floor,
23 there's a significant amount of First Judicial
24 District court funds being expended to make fancy
25 courtrooms here, and yet not one dime of that has

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2 been diverted to 34 South 11th to make sure that
3 that court is open and that it is safe.

4 The vast majority of people using this
5 court don't have lawyers. Judge Field and Judge Fox
6 explained that.

7 The court does not have the resources to
8 provide them with written material or sufficient
9 personnel to help them understand the law, the
10 procedures and how to navigate such a complex
11 process. So most of those 16,000 people who are
12 coming there are on their own, with the exception of
13 the help that is provided by the domestic violence
14 agencies who are there. They're not on the payroll
15 of court. The court doesn't pay them a penny to do
16 what they are doing.

17 There are no social services offered to
18 these families in the Domestic Relations division.
19 Unlike the Dependency division at 1801 Vine, which
20 is mandated to provide services for families in
21 which child abuse and neglect are present, no such
22 mandate or availability of resources --

23 COUNCILMAN ORTIZ: That's the area that
24 I was surprised, because when I asked, they give the
25 order and, in essence, tell the person, Well, go

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2 back and serve it. But without trying to provide
3 the other services, they don't have the resources to
4 be able to get those services ordered, to mandate
5 the services.

6 CAROL TRACY: And I think that's part of
7 the reason for these hearings, because there has to
8 be much better coordination of these services. The
9 court can't provide behavioral health services out
10 of its own budget or out of its own mandate, but
11 Health and Human Services could be in those
12 courtrooms helping people. Many more resources
13 could be co-located there, because we have people --

14 COUNCILMAN ORTIZ: And at the site of
15 these sessions where the masters are located, that
16 there's presently no social service agencies present
17 at that --

18 CAROL TRACY: There's nothing there.

19 COUNCILMAN ORTIZ: There's nothing down
20 there.

21 CAROL TRACY: The only reason to keep it
22 at the CJC is that there's at least some security
23 there. 34 South 11th would probably be disastrous.
24 You have to go down an alley to get into that
25 courtroom.

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2 COUNCILMAN ORTIZ: Yeah, I know that.

3 CAROL TRACY: So at the moment -- but
4 the issue that they were talking about, and I'm not
5 sure they made really clear, is they have to -- they
6 have consultants who are doing the clerical work
7 associated with the order, so they can't get into
8 the court's computer system. So everything has to
9 come back over to Family Court the next day.

10 If they had just staff, their own staff
11 that's over in Municipal Court on the emergency
12 orders, then it would be processed immediately.
13 Things get done twice. They do them by hand or in
14 whatever way they do them when the emergency orders
15 are processed and then they have to be reinput into
16 their computer system.

17 COUNCILMAN ORTIZ: But, I mean, if a
18 woman comes in very frightened and very insecure,
19 there is no way of really reassuring that person in
20 terms of that you have entered a system that will
21 make you safe. I mean, I don't think the person
22 gets that feeling once you enter into the system.

23 CAROL TRACY: And you asked a critical
24 question, and it's a question that certainly as
25 we've been reviewing the statistics about why do

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2 half of the petitioners not show up. Now, it's much
3 too simplistic and it's probably not accurate to
4 say, Well, they decided to go back to their abusers.
5 There are many complex reasons that they haven't
6 come back.

7 The fact that someone went to the effort
8 to go down there in the middle of the night or on
9 the weekend to get an emergency order suggests that
10 there was some significant urgency associated with
11 why they were there. Why they don't follow
12 through -- now, it may well be their choice not to
13 follow through. It may be that they're in greater
14 danger by following through, but we don't have a
15 clue why they don't follow through, and I don't
16 think it's particularly healthy to speculate about
17 it, particularly the speculation of she has chosen
18 to go back.

19 I'd also just like to make a few
20 comments -- although any time you would like to
21 stand in the doorway of 34 South 11th or anyone else
22 on Council who would at 8:45 to 9:15 just to
23 experience what people are going through, it's a
24 worthwhile thing to do, because it's really -- it's
25 unbelievable.

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2 People have to show their papers when
3 they come in. People get turned away. You're not
4 allowed in the courtroom. You have to stand
5 outside. In some ways, words are inadequate to
6 convey the experiences of those who are in that
7 court, including the judges. They have long lists.
8 They rarely have lawyers in the courtroom. They
9 don't have lawyers to present arguments or to offer
10 witnesses. The pro se litigants, unless they have
11 been assisted by Women Against Abuse or Congreso,
12 have very little information about how to present
13 their cases. Sometimes they just present the wrong
14 thing. Sometimes the judges are unbelievably rude
15 to them, to the petitioners and to the respondents.
16 The hearings are very short.

17 It's not an area in which justice as we
18 know it and particularly as lawyers who practice in
19 other courtrooms, it is not the kind of justice that
20 we think is appropriate.

21 COUNCILMAN ORTIZ: Well, when you have a
22 case load as big as the case loads are, they try and
23 speed it up.

24 CAROL TRACY: Yes. Right.

25 In the area of Health and Human

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2 Services' response to domestic violence, the Women's
3 Law Project has just completed a major study for
4 community behavioral health on the needs of pregnant
5 and parenting women suffering from substance use
6 disorders. In the course of that study, where we
7 met with consumers, health and social service
8 agencies, case workers and outreach workers, we
9 found, an a massive literature review substantiated,
10 that violence is endemic in the lives of women who
11 are in Philadelphia's health and social services
12 systems, as well as the criminal justice system.

13 Case worker after case worker described
14 going into homes to provide services to children
15 where it was obvious that domestic violence existed.
16 Some case workers would provide a hotline number,
17 others were frustrated there were not enough
18 domestic violence services to accommodate their
19 clients. Many blame the mother for letting the
20 abuser hurt her and her children. Most just turn a
21 blind eye to the abuse because they didn't know what
22 to do or believe that nothing could be done.

23 Determining what can be done can be
24 particularly challenging, especially if the woman is
25 not yet seeking services. Extricating one's self

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2 and one's children from domestic violence is both
3 complex and dangerous. It frequently requires
4 multi-systems coordinated response. Unfortunately,
5 a fragmented social, health and law enforcement
6 system which we currently have cannot accommodate
7 most of these families.

8 In the area of housing, you will hear
9 Philadelphia has only one domestic violence shelter.
10 As a result of the limited shelter beds --

11 COUNCILMAN ORTIZ: One?

12 CAROL TRACY: Yes. You'll hear much
13 more about that from Cynthia shortly.

14 Domestic violence victims and their
15 families often must fall back on the City's homeless
16 shelter system.

17 COUNCILMAN ORTIZ: We have 15,000 cases
18 that come forward. We have one shelter?

19 CAROL TRACY: Yes. And we have --

20 COUNCILMAN ORTIZ: So even if we wanted
21 to, even if the judge wanted to, there would be no
22 place to send women that are needed?

23 CAROL TRACY: Well, and shelter is just
24 one response, and I will defer that to the next
25 panel to describe in more detail to you.

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2 But we have been told -- what I wanted
3 to point out to you is that we've been told that
4 when a battered woman goes into the Office of
5 Emergency -- OESS, that she has to provide a PFA.
6 Now, that can be a very dangerous thing to do.

7 COUNCILMAN ORTIZ: Put that --

8 CAROL TRACY: Protection From Abuse
9 petition.

10 COUNCILMAN ORTIZ: Say it, for the
11 record.

12 CAROL TRACY: That can be quite
13 dangerous. Only victims of abuse themselves can
14 decide what remedies are safe to pursue. Obtaining
15 a protection order may result in greater violence
16 than just leaving. So the city has no business in
17 making that determination for a victim. Even the
18 Commonwealth's Department of Public Welfare does not
19 require that, or any other piece of paper, for that
20 matter.

21 COUNCILMAN ORTIZ: And if she doesn't
22 produce it or she refuses?

23 CAROL TRACY: Well, we hope you will
24 hear that, because we have not been able to get the
25 clarity that we would like to on that issue when

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2 we've made phone calls.

3 COUNCILMAN ORTIZ: I don't think they're
4 here.

5 CAROL TRACY: When they come to testify,
6 I would like to be proven wrong on that, but it's
7 not what we have had.

8 COUNCILMAN ORTIZ: Do we have them on
9 the witness list? Tomorrow, okay.

10 CAROL TRACY: Tomorrow, yeah.

11 And in closing, I just want to say all
12 of the speakers invited to present testimony today
13 and tomorrow represent organizations and arms of
14 city government that respond to or interact with
15 domestic violence victims in some way.

16 Through the testimony they present, we
17 hope to gain not only an assessment of the need, but
18 also an inventory of existing services that are
19 currently available for domestic violence victims in
20 Philadelphia and the policies and procedures that
21 govern their availability.

22 Only by knowing what the need is and
23 what services are currently provided can we begin
24 the process of identifying the gaps and move towards
25 building the coordinated response to domestic

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2 violence to which we all aspire.

3 COUNCILMAN ORTIZ: They said 15,000, the
4 judges said 15,000. I know that this would be more
5 or less anecdotal and unscientific, but if actually
6 15,000 actually make it to be able to file a
7 petition, what are the real numbers that we may have
8 out there that potentially are out there in terms of
9 that?

10 CAROL TRACY: Well, if one police
11 district gets -- one division, the Northeast
12 division, gets 20,000 --

13 COUNCILMAN ORTIZ:

14 CAROL TRACY: -- and I think we have
15 some national statistics that they'll be able to
16 discuss. Councilman Ortiz, it is endemic. It is a
17 public health crisis. It is a criminal justice
18 crisis.

19 COUNCILMAN ORTIZ: But it's not a
20 crisis --

21 CAROL TRACY: And it's too marginal.
22 Just in --

23 COUNCILMAN ORTIZ: It's not a crisis
24 that gets a lot of attention.

25 CAROL TRACY: In today's paper there was

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2 yet another story of a woman crossing the street
3 with her child and her abuser shot the child first.
4 The bullet hit the child in the hip. The mother
5 fell on top of the child, huddled -- put her hands
6 over her head. He stood there with the gun pointed
7 at her head, shot her three times. The rest of the
8 gun didn't fire. By some miracle, she only got
9 fragments. She and the child left the hospital.
10 And a passerby went after him and he was arrested.

11 This is someone walking across the
12 street. This happens day in and day out in
13 Philadelphia and in cities and communities
14 throughout the nation. And we as a community have
15 not taken this seriously enough. We have
16 marginalized it. We have blamed the victim. And we
17 are just too far behind the times in dealing with
18 this crisis. And that's why we appreciate so much
19 your willingness to have these hearings to bring
20 people together.

21 COUNCILMAN ORTIZ: We don't see it as a
22 crisis. That's the whole point.

23 CAROL TRACY: We see it as a crisis.

24 COUNCILMAN ORTIZ: I know, but I don't
25 think the rest of the system sees it as a public

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2 health crisis.

3 CAROL TRACY: That's correct. That is
4 correct.

5 COUNCILMAN ORTIZ: It is. And we see it
6 as such.

7 Thank you.

8 CAROL TRACY: Thank you.

9 COUNCILMAN ORTIZ: Don't go away.

10 CAROL TRACY: I won't. I'll be over
11 here.

12 COUNCILMAN ORTIZ: Cynthia.

13 CYNTHIA FIGUEROA: Thank you, Councilman
14 Ortiz.

15 Again, my name is Cynthia Figueroa and
16 I'm the executive director of Women Against Abuse,
17 and I do want to state that we are the largest
18 provider in Pennsylvania and we are operate the only
19 battered women's shelter in Philadelphia.

20 COUNCILMAN ORTIZ: I mean, that to me
21 is -- because I kept asking the judge what, if
22 anything, can the judge do and the court to send
23 somebody -- first, that they're not present in the
24 courtroom, and, second, that we actually don't have
25 the facility, that we only have one, and if they go

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2 to a shelter, which is more or less structured along
3 the lines to service homeless citizens, not women
4 who have been or families who have been abused. So
5 they don't even -- that shelter doesn't have the
6 services to provide to a family, a woman with her
7 child that goes into it.

8 They're not homeless. They have a home.
9 They just can't go to that home. And there are no
10 services to be able to treat her and advise her and
11 give her the right guidance as to how to proceed.

12 Go ahead, Ms. Figueroa.

13 CYNTHIA FIGUEROA: With me are
14 representatives from four other organizations in
15 Philadelphia that also provide services to battered
16 women, Roberta Hacker, the executive director of
17 Women in Transition and Lisa Yoder from Lutheran
18 Settlement House, Neydary Zambrano from Congreso de
19 Latinos Unidos, Latina Domestic Violence Program.

20 These four organizations represent the
21 only programs in the City of Philadelphia that are
22 actually certified by the Pennsylvania Coalition of
23 Domestic Violence to provide services.

24 COUNCILMAN ORTIZ: We get 20,000 calls
25 from one district; we have four organizations that

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2 are certified?

3 CYNTHIA FIGUEROA: That is correct.

4 I want to begin briefly by describing
5 what the reality is in Philadelphia as well as we
6 know it, and just giving you a brief overview of the
7 resources --

8 COUNCILMAN ORTIZ: It's surprising that
9 so few women actually die with so few services.

10 CYNTHIA FIGUEROA: I don't think it's
11 that so many women actually die. It's how many
12 women are actually classified in a domestic
13 violence-related homicide.

14 COUNCILMAN ORTIZ: That might be true.

15 CYNTHIA FIGUEROA: I want to follow that
16 by discussing specifically our services and share
17 some of the obstacles that are faced.

18 At nationally it is estimated that 1.5
19 million are raped or physically assaulted by an
20 intimate partner in the United States. In 2001 in
21 Pennsylvania, 75 domestic violence incidents that
22 occurred resulted in 110 deaths. The truth is, as
23 you've asked here, Councilman, is that certain --
24 there is no exact number of how many people in
25 Philadelphia are affected by domestic violence.

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2 Those statistics quote that one in every four women
3 experience some kind of violence and that there is
4 statistics that show that 35 percent of adolescents
5 are in abusive dating relationships. As we
6 providers know, we are just reaching the tip of the
7 iceberg.

8 I want to paint you a very quick picture
9 of what we have as far as resources for the numbers
10 that are presented. As Judge Field reported, we
11 have about 50,000 orders of protection -- 15,000,
12 I'm sorry, that are filed annually. There are four
13 service providers. Collectively last year we, as
14 four agencies, served 18,000 people experiencing
15 domestic violence in Philadelphia.

16 COUNCILMAN ORTIZ: You saw three a day?

17 CYNTHIA FIGUEROA: Well, equally
18 alarming is the limited staff and financial
19 resources that the domestic violence community has
20 to serve women and children. As the fifth largest
21 city in the nation, we have some of the most limited
22 resources in the nation.

23 The four domestic violence agencies
24 collectively have a total of 104 full-time staff
25 that are devoted specifically to direct service.

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2 There are only two major funders at a state level
3 that provide domestic violence funding specifically
4 for domestic violence programs. This is the
5 Pennsylvania Coalition Against Domestic Violence and
6 the Pennsylvania Commission on Crime and
7 Delinquency.

8 Our combined allocations from these two
9 funders is \$2.9 million per year for all four
10 agencies. That does not reflect our entire budgets,
11 but gives you an idea of what the state is
12 providing.

13 Women Against Abuse, along with the
14 other providers, rely heavily on funding from
15 private organizations and other city systems.
16 Currently Women Against Abuse is the only domestic
17 violent provider that receives funding from the
18 Department of Human Services, which is a rarity in
19 the state and in the nation.

20 COUNCILMAN ORTIZ: Is that funding on
21 top of the 2.9?

22 CYNTHIA FIGUEROA: Yes.

23 COUNCILMAN ORTIZ: It is?

24 CYNTHIA FIGUEROA: Yes, but that's
25 specific just to Women Against Abuse.

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2 COUNCILMAN ORTIZ: To your organization?

3 CYNTHIA FIGUEROA: Yes.

4 COUNCILMAN ORTIZ: And by how much does
5 that increase your budget?

6 CYNTHIA FIGUEROA: Women Against Abuse's
7 operating budget is 3.2 million. We have 78 staff,
8 but that's, again, not all direct service, and
9 that's all three sites, transitional housing, legal
10 services, et cetera.

11 As organizations, we nominally cover
12 Philadelphia. We are all centrally located in
13 Philadelphia. Congreso is in the lower North
14 Philadelphia neighborhood; Lutheran Settlement House
15 is in the Frankford section; Women in Transition is
16 located in Center City; Women Against Abuse Legal
17 Center is located in Center City; our shelter is in
18 a confidential location, as well as our transitional
19 housing.

20 COUNCILMAN ORTIZ: Are there any
21 organizations in Southwest Philadelphia?

22 CYNTHIA FIGUEROA: No.

23 COUNCILMAN ORTIZ: West Philly?

24 CYNTHIA FIGUEROA: No.

25 COUNCILMAN ORTIZ: That means they don't

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2 have a problem with --

3 CYNTHIA FIGUEROA: Nothing in the
4 Northeast as well. We mentioned there was pilot
5 project that was done. This will give you an idea
6 of the lack of communication between the police
7 department and the domestic violence communities.

8 A pilot project for stalking initiative
9 was done in the 15th District. There is no domestic
10 violence service provider.

11 COUNCILMAN ORTIZ: So we have a problem
12 that in one district we have 20,000 calls, which may
13 or may not be followed up on by the police. We have
14 four agencies that deal directly with this problem,
15 and they're all located really within a mile radius
16 of each other, less than a mile radius of each
17 other, and none in the far Northeast, none in West
18 Philly or Northwest or Chestnut Hill. Because the
19 rich also suffer from abuse. And none across in
20 other areas of the city. What happens in those
21 areas?

22 CYNTHIA FIGUEROA: What happens is,
23 we --

24 COUNCILMAN ORTIZ: Obviously, you get
25 calls from each of these areas.

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2 CYNTHIA FIGUEROA: I think all of us can
3 speak to this separately, but what happens is that
4 we're providing services all over Philadelphia
5 County. And what you'll see as we continue to talk
6 about numbers is, we're incredibly stretched thin
7 and, unfortunately, not only are we pulled to do
8 direct service, but then we're put in a position of
9 having to do systems advocacy for systems that are
10 not appropriately dealing with victims of domestic
11 violence.

12 COUNCILMAN ORTIZ: The availability and
13 proximity are two very key aspects of women coming
14 forward. If they have to travel distances, it puts
15 a very different outlook on the situation, and many
16 perhaps do not come.

17 CYNTHIA FIGUEROA: It's a tremendous
18 burden, especially for women -- as we know, domestic
19 violence, one of the processes by which women are
20 controlled is isolation, and a lot of these women
21 never learn the public transportation system, can't
22 get to our facilities, it's a risk for them to flee
23 even to leave their homes.

24 COUNCILMAN ORTIZ: And are the city
25 social service agencies -- well, that will be

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2 tomorrow, but are they set up to be able to -- do
3 they have the systems within their own structures to
4 be able to intervene in these cases where you can't
5 and so on?

6 CYNTHIA FIGUEROA: The quick answer to
7 that is no. I think that there is strong staff in
8 all of the human services fields that work very well
9 to meet the needs of battered women, but more often
10 than not, unfortunately, women's needs are not being
11 met, women and children.

12 COUNCILMAN ORTIZ: Continue. Go ahead.

13 CYNTHIA FIGUEROA: Okay. As we have
14 heard today, we don't have an idea of how many calls
15 to the police department come in or how many of the
16 reports are actually coded as 48 as domestic
17 violence, and we're hoping that these hearings will
18 be able to produce those numbers for us.

19 We also know that the largest growing
20 population, the juvenile justice system, is females,
21 the majority of which report a history of family
22 violence, yet there is extremely limited resources
23 to provide services to adolescents, and there is
24 zero to limited resources for adolescents fleeing
25 domestic violence situations.

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2 Again, just to reiterate, there's only
3 one shelter in the City of Philadelphia, at which
4 our capacity is constantly full.

5 COUNCILMAN ORTIZ: When you say there's
6 limited funding, do you have any type of --

7 CYNTHIA FIGUEROA: I can speak for Women
8 Against Abuse, and my colleagues would have to
9 answer, but we do not receive any funding that's
10 particularly just for adolescents. We meet the
11 needs of adolescents through what we're already
12 receiving in support.

13 These organizations here are to provide
14 a wide range of services together. We provide
15 individual counseling, both in person and over the
16 phone. We provide group counseling, shelter, a
17 limited number of transitional housing.

18 Everybody will provide you a little bit
19 more information about the services that they
20 provide. We fulfill only a portion of the need in
21 Philadelphia, and we are confident that by telling
22 you what we need and what we face, you can begin to
23 understand and assist us in our efforts.

24 Particularly, Women Against Abuse was
25 founded in 1975 and opened the first shelter in

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2 Philadelphia in 1977. The Legal Center was founded
3 in 1979, and we opened Sojourner House, our
4 transitional housing program, in 1987.

5 Women Against Abuse provides assistance
6 to just over 11,000 people a year. Three service
7 areas include, as mentioned, the shelter for
8 battered women, transitional housing program and the
9 Legal Center.

10 As you will hear throughout these
11 hearings, Women Against Abuse is only able to reach
12 a small percentage. Our shelter only holds 55 women
13 and children and our transitional housing program
14 only consists of 12 units.

15 COUNCILMAN ORTIZ: The capacity is 55?

16 CYNTHIA FIGUEROA: That is correct. It
17 gets worse.

18 Women Against Abuse constantly has to
19 turn women and children away from shelter, because
20 we're operating at full capacity. Furthermore,
21 their tremendous needs and funding requirements,
22 women are only allowed to remain at the shelter of a
23 term from 30 to 45 days at max. Given the severe
24 housing shortage in Philadelphia, this is far from
25 enough time to secure permanent housing.

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2 One common question that we get asked
3 about domestic violence is why women stay.
4 Philosophically many people in this room have heard
5 me respond to this question, and often, as I
6 mentioned, instead of providing direct service,
7 we're in the business of justifying or sensitizing
8 systems and society why it's so difficult for women
9 to leave. Leaving is not always the answer.

10 Why women should be blamed for abuse is
11 still something that we face every day.
12 Unfortunately, housing is an enormous obstacle for
13 battered women attempting to leave and stay away
14 from their abusive partner. This is becoming
15 repetitive, but, again, there is only one shelter.

16 Just to paint a bigger picture on a
17 national level, the lack of shelter for -- the lack
18 of shelter for battered women is a nationwide
19 problem. New York, with a population of 8 million
20 people, has only 15,000 beds available in the
21 shelter for battered women. That far exceeds the
22 capacity. Every day in New York an average of ten
23 beds open up. However, the citywide hotline
24 receives 600 calls a day during the week.

25 Los Angeles has a similar problem in

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2 Ventura County. 500 women were turned away from two
3 domestic violence shelters in 2001.

4 COUNCILMAN ORTIZ: And we have no idea
5 how many calls we receive a day?

6 CYNTHIA FIGUEROA: We receive
7 approximately about 600 a week.

8 COUNCILMAN ORTIZ: Your agency?

9 CYNTHIA FIGUEROA: Our line, yes.

10 COUNCILMAN ORTIZ: But we don't know how
11 many the police receive a day?

12 CYNTHIA FIGUEROA: That's correct.

13 In Chicago, there are 211 shelter beds
14 out of a population of 2.9, and there are rarely
15 openings. To give you a comparison, while I point
16 out that other cities suffer severe shortages for
17 domestic violence, the situation is actually worse
18 in Philadelphia than in other major cities.

19 Chicago has approximately one domestic
20 violence shelter bed for every 13,744 residents, and
21 New York has approximately one domestic violence
22 shelter bed for every 533 residents. However,
23 Philadelphia has one shelter bed for every 23,076
24 residents.

25 COUNCILMAN ORTIZ: Do you know how many

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2 contracts we have per lawyer in the City of
3 Philadelphia that they get from the city? I bet you
4 it's lower than 23,000.

5 CYNTHIA FIGUEROA: I'm sure you're
6 correct.

7 Additionally, our lack of resources have
8 meant that Women Against Abuse has had to operate as
9 a triage system where the victims suffering the most
10 severe abuse are the victims that receive services.
11 Abuse tends to become more severe at times, so only
12 by offering full services to victims suffering
13 abuse, we tend to ignore victims attempting to get
14 help early on in the relationship. A triage system,
15 essentially, forces women to wait until the abuse is
16 a matter of life and death.

17 An additional systems frustration that
18 we have as domestic violence advocate is the police
19 response to 9-1-1 and violations from Protection
20 From Abuse orders.

21 The police does not always respond in a
22 timely fashion, and when they do respond, there is
23 concerns regarding followup or their response when
24 they arrive. This is not to say that we haven't had
25 positive experiences with the police and that they

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2 have provided excellent services to some of our
3 clients. Unfortunately, several bad experiences
4 combined with many different experiences have left
5 us wondering how seriously the Department has chosen
6 to face domestic violence.

7 We've had several cases where victims
8 have called us in desperation because they've called
9 the police, for the police never to respond. We
10 should not and cannot have the capacity to be
11 screeners for 9-1-1 calls. This puts victims in
12 more danger and discourages them from calling the
13 police a second time.

14 Most recently, I myself personally
15 received a call from a community legal services
16 lawyer. She had a client on the phone who had a
17 Protection From Abuse order. The abuser showed up
18 at her door and was pounding on her door. The
19 client called 9-1-1, as instructed, and a half hour
20 passed. She called again.

21 The lawyer called me to ask if there was
22 any shelter space available. We were at capacity.
23 I asked my staff to make arrangements to move
24 families and double up. We created the space and
25 instructed the client, once there was a safe and

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2 available passage, for her to leave.

3 She left 20 minutes later. The police
4 never arrived. She's still in our shelter.

5 Women Against Abuse and our providers,
6 unfortunately, spend much of our time and staff
7 energy advocating with systems on behalf of battered
8 women and not enough time and resources related to
9 intervention and prevention.

10 While part of our role is to do advocacy
11 on behalf of the victims, the advocacy should not be
12 for fundamental services. These gaps in systems and
13 lack of sensitivity have left us reacting to
14 domestic violence rather than preventing.

15 The support to end domestic violence has
16 to come from the top and has to be supported by
17 local city administrators. The women and children
18 who experience domestic violence every day need our
19 help and our support from the city.

20 Thank you very much for your time and
21 concern, and a special thanks to the Public Safety
22 Committee.

23 COUNCILMAN ORTIZ: You know, sometimes
24 you think you know certain things and you actually
25 don't. And what this is -- this is good, because

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2 even those of us who are sensitive to these issues,
3 our ignorance is immense. And I didn't know that
4 the recourse available to abused women in this city,
5 the primary one, because you don't have enough room
6 in one house, is the shelter system, which is
7 totally inadequate and, if anything, I think it
8 exacerbates the problem. Because as we talked with
9 the Special Victims Unit, it seems to heap abuse on
10 the abuse, and they're not prepared to handle.

11 I don't know whether they're really
12 prepared to handle homeless folk, much less a
13 problem of family relationships that has gotten to
14 such a dysfunctional level that it's abusive. And a
15 city this large, we don't have the resources or the
16 staffing and we don't have the systems set up to be
17 able to go forward with this is --

18 CYNTHIA FIGUEROA: I just want to add
19 about the Office of Emergency Shelter Services, it's
20 not only that it is an issue that a homeless shelter
21 is not an appropriate placement for a family fleeing
22 domestic violence, but also there's a safety factor
23 that needs to be considered for the other residents
24 of a homeless shelter, including the staff. And
25 that one of the reasons domestic violence shelters

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2 are so specific is that there's a confidential
3 location and that there are safety measures in
4 place.

5 COUNCILMAN ORTIZ: But if the problem is
6 as big -- I'm sorry. You know, maybe it's part our
7 fault because we don't -- we're not putting our
8 attention as to where it should be as a government,
9 and hopefully we can begin to change that, and
10 individuals such as Councilman Cohen and myself who
11 are here. I didn't know it was this bad and huge.
12 And if I didn't know, you can imagine what some of
13 my colleagues don't know.

14 CYNTHIA FIGUEROA: And I would just like
15 to say for the record that as providers, we often
16 get dumped on or beat up quite a bit about why
17 aren't we doing more, and I would say that we are
18 doing the absolute very most that we can possibly do
19 with the really minimal, minimal services and
20 resources that we've been provided to by the state
21 and the city.

22 COUNCILMAN ORTIZ: But as a government,
23 we spend so much money on so many things.

24 Go ahead. Continue.

25 ROBERTA HACKER: Given all this

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2 information, I've pretty much rewritten, so I'm not
3 sure I'm going to be speaking directly to what I've
4 written.

5 My name is Roberta --

6 COUNCILMAN ORTIZ: Just add. Don't be
7 repetitive and don't give us what your agency does,
8 because we know what your agency does. And we'll
9 put all of the testimonies on the record.

10 What we want to do is really present a
11 very true picture of what the situation is in the
12 City of Philadelphia and the dysfunctional systems
13 that we have operating within the City of
14 Philadelphia, and then get into some of the
15 suggestions, recommendations as to how to change
16 these things and what is needed in terms of
17 resources and other things.

18 Obviously one of the things we need is
19 more housing that we can begin putting women and
20 families into shelters that are appropriate with the
21 social services. As Carol said, we have to begin
22 locating services within a place in which they all
23 can communicate with each other.

24 We've been trying to do that now for two
25 years with the Special Victims Unit, and we have not

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2 accomplished -- we have a place, but we have not
3 accomplished yet the job of getting everybody and
4 all the departments within it. But we will. I
5 think during the next few months that will be done.

6 So I don't want to hear -- just tell me
7 what has your experience been and where do we go
8 from here, in your estimation, where do we as a
9 political and legislative body can begin to do to
10 change, one, the consciousness of this Council and
11 then put that consciousness into the budget and into
12 the legislative area.

13 ROBERTA HACKER: As I said, Councilman,
14 I'm Roberta Hacker. I'm the executive director of
15 Women in Transition.

16 Let me address that, then. I will skip
17 the overview of my agency. And I guess you've asked
18 the right person, because I'm pretty much a straight
19 shooter, so I'll lay it out for you.

20 One of the things I want to have on
21 record is that Women in Transition has just
22 celebrated our 30th anniversary. We are the only
23 agency in the city that has a contract with the
24 coordinating office on drug and alcohol abuse. We
25 were the first agency to be contracted in 1985 to

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2 provide some screening services for women with
3 substance abuse issues.

4 Our focus and, perhaps, our greatest
5 niche in the city is on the issues that overlap
6 domestic violence and substance abuse. However, the
7 other area that is of primary importance is taking
8 the leap to link domestic violence not only to
9 substance abuse, but to child abuse as well. And
10 that is pretty much a lot of the work that we've
11 been doing.

12 But before we go there, I want to let
13 you know something else. You were talking about
14 some of the areas in the city where we provide
15 services, and Cynthia laid out where we are located.
16 However, I want to tell you something that's so
17 fascinating. Our clients, we serve in person about
18 500 clients a year, 500 women a year. We answer
19 about 3,000 hotline calls.

20 Those hotline calls primarily come from
21 two zip codes in the city. They are 19144, which is
22 Germantown, and the other is 19143, which is
23 Kingsessing.

24 Those women come into our agency every
25 day for services and counseling. So while we may

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2 start out at the beginning of the year with 500
3 women that have come in for one-time service,
4 because that's primarily what we do, we wind up
5 providing a lot of crisis intervention services.

6 Last night we had a graduation of women
7 that went through about two years' worth of
8 counseling and support groups. We graduated four
9 women at that time. So there are four women that
10 really made incredible changes in their lives. So I
11 want to give you that positive piece, that these are
12 women that came to us before they had to go to the
13 police for help, before they had to go into the
14 shelter. And so we were able to provide early
15 intervention that cut off a lot of crisis work for
16 them. But there are countless others that are still
17 in a very serious and difficult crisis situation.

18 I also want to say that the --

19 COUNCILMAN ORTIZ: But that number is a
20 very small minority.

21 ROBERTA HACKER: It's a teeny number,
22 teeny. I mean, how much are we talking about, the
23 number of protection orders? I think that's just
24 the tip of the iceberg, and everybody pretty much
25 would agree.

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2 COUNCILMAN ORTIZ: We're talking 15,000
3 orders that go to court or go through the system.
4 We're talking about four that actually availed
5 themselves of preventive services.

6 ROBERTA HACKER: Well, that's four that
7 went through two years' worth of counseling to make
8 incredible monumental changes in their lives.

9 I want to focus on two areas that come
10 to my attention and it pretty much has been the work
11 of Women in Transition; that is, the 24-hour hotline
12 services and volunteer training and the issue of
13 linking domestic violence to substance abuse, child
14 abuse and promoting collaborative partnerships.

15 The first is the 24-hour hotline and
16 volunteer training. That's pretty much the service
17 that we first provided when we started over 30 years
18 ago, and we pretty much honed in on making that an
19 effective service.

20 The four domestic violence programs
21 collaborate after hours on operating our hotline.
22 So we collaborate them together so we can assure
23 that there's always coverage. But one of the issues
24 that's unique to us in Philadelphia is that almost
25 every other major city in the country has an 800,

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2 one number, where people can call for help. If we
3 were able to do that and have the support and
4 endorsement and funding from the City of
5 Philadelphia to operate a single 800 hotline for
6 battered women, that would relieve a tremendous
7 amount of stress --

8 COUNCILMAN ORTIZ: How many cities have
9 that?

10 ROBERTA HACKER: New York City, Chicago,
11 LA, I think.

12 CAROL TRACY: Big cities like
13 Philadelphia. Some of the major cities have it.

14 COUNCILMAN COHEN: What would be the
15 approximate cost?

16 ROBERTA HACKER: \$900,000 to start.

17 COUNCILMAN ORTIZ: And to be staffed
18 with --

19 ROBERTA HACKER: All four of us staff a
20 hotline. So all four of us have about one hotline
21 counselor dedicated to our hotline. And that means
22 that we can basically have one person on a line at a
23 time for about a call that may range from 15 to 20
24 minutes.

25 COUNCILMAN ORTIZ: So of the top ten

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2 largest cities in the country, probably most of them
3 have this?

4 ROBERTA HACKER: Yes, or something like
5 that. But that's an issue.

6 The other issue that comes back to haunt
7 us is is that the more work that we do in the
8 community --

9 COUNCILMAN ORTIZ: Has it been proposed
10 over the years?

11 ROBERTA HACKER: We have talked about
12 this for a long time. I mentioned it to Mayor
13 Street during his transition.

14 COUNCILMAN ORTIZ: We'll make it happen.

15 ROBERTA HACKER: That would be
16 wonderful.

17 COUNCILMAN ORTIZ: We'll make it happen.

18 ROBERTA HACKER: I mean, the issue that
19 we get is that as we do outreach to the communities;
20 for example, when we do training at hospitals, then
21 when they try to reach us via our hotline, they
22 experience busy signals.

23 So, I mean -- and it's a very difficult
24 situation for us and it's a difficult situation for
25 women.

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2 COUNCILMAN ORTIZ: I think the managing
3 director should make a commitment to get this done,
4 and we will request of her to do that.

5 ROBERTA HACKER: Okay. I'd like to
6 skip, then, to the next issue. That's on record
7 now, right? That's done. Okay.

8 The other is --

9 COUNCILMAN ORTIZ: That's what these
10 hearings are for.

11 ROBERTA HACKER: Yes. I'm not going to
12 hold my breath, though. All right?

13 COUNCILMAN ORTIZ: No. I'm telling you,
14 it took us two years to get the Special Victims
15 Center done and so on, but I can promise you, this
16 will get done.

17 ROBERTA HACKER: Thank you.

18 The other --

19 COUNCILMAN ORTIZ: I'm not going
20 anywhere, and he's not going anywhere. We'll get it
21 done.

22 ROBERTA HACKER: The other matter you
23 heard talked about today, and you'll continue to
24 hear about it, is some type of coordinated community
25 response to domestic violence in Philadelphia.

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2 We've worked on this. I personally have been
3 working on this issue for close to 16 years.

4 When I first came to this position at
5 Women in Transition, nobody talked to anybody. We
6 all were isolated and alone. We had been struggling
7 for a number of years to develop the concept of a
8 coordinated community service. We would like to see
9 the City of Philadelphia absolutely endorse and
10 support and promote the ability for the domestic
11 violence programs to work in concert with the other
12 systems in this city so that we can figure out how
13 we can most effectively and efficiently serve
14 battered women and their children. And that is not
15 that much of a difficult thing to do, nor is it that
16 costly.

17 The other area I want to talk about is
18 the work that we've been doing with the Philadelphia
19 Women's Death Review team. I have included in your
20 material a little color map, and this map shows
21 deaths of women between 15 and 60 years of age
22 between 1997 and 2000. And each red dot on this map
23 indicates a woman who has been killed and where we
24 know that domestic violence has been in her life,
25 and it does include --

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2 COUNCILMAN ORTIZ: How many dots do you
3 have?

4 ROBERTA HACKER: 94, over 1997 to 2000.
5 Everybody has that.

6 COUNCILMAN ORTIZ: In a five-year
7 period, that '94 to --

8 ROBERTA HACKER: '97 to 2000.

9 CAROL TRACY: Three years.

10 COUNCILMAN ORTIZ: Three years.

11 ROBERTA HACKER: Yes. And that's the
12 result of the team being able to identify
13 afterwards, after the fact, that there was domestic
14 violence in the lives of these women. So they may
15 not have all been domestic violence homicides per
16 se, but the violence in the lives of women in
17 Philadelphia.

18 COUNCILMAN ORTIZ: It's safer flying
19 over Iraq. No plane has been shot down yet, but
20 it's a much safer to fly over Iraq than to be living
21 here in Philadelphia. It's a safer job, to fly an
22 F-16 over a war area and not get killed, than in
23 Philadelphia where in a three-year period we got 97
24 women dead.

25 Go ahead.

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2 ROBERTA HACKER: Yes. And their
3 children, by the way.

4 And when we were speaking about homeless
5 shelters, I recall a domestic homicide about two
6 years ago that occurred on Christmas day right in
7 front of the Eliza Shirley Shelter. A batterer came
8 and brutally stabbed his partner to death on the
9 street on Christmas day. And these things happen,
10 as Carol has said, every day.

11 So I would look to this Council for
12 continued support, if not increased support, for the
13 continuation of the Death Review team. It's a
14 collaboration between Women in Transition,
15 Philadelphia Health Management Corporation, the
16 Department of Health and the district attorney's
17 office. And we review -- and we're the only review
18 team of this type in the country that looks at the
19 full spectrum of violence in the lives of women.

20 Thank you.

21 ANA LISA YODER: Good afternoon. My
22 name is Ana Lisa Yoder and I'm the program director
23 of the Bilingual Domestic Violence Project of the
24 Lutheran Settlement House. And Lutheran Settlement
25 House is a large social service organization located

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2 in the lower eastern part of North Philadelphia.

3 I'm going to talk just a little bit
4 about our services briefly.

5 COUNCILMAN ORTIZ: I know your services.
6 I adopted my little princess through that, one of
7 the services.

8 ANA LISA YODER: Wonderful. So --

9 COUNCILMAN ORTIZ: That will be put in
10 the record.

11 ANA LISA YODER: Great.

12 COUNCILMAN ORTIZ: Tell me what --
13 because we have other folks that are going to be
14 testifying, and I want to get and paint the picture
15 that we're talking about here.

16 ANA LISA YODER: What I'd like to start
17 with actually, then, is talking about a client who
18 came to our services, because I think it highlights
19 some of the issues and needs within the systems in
20 Philadelphia.

21 Because we're part of a larger social
22 service agency, clients connect to our program in a
23 lot of different ways, and so they're able to access
24 a variety of resources. So to illustrate this, I'd
25 like to talk about a client who came to us through

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2 the Lutheran Settlement House's community education
3 program. And I've changed the name of the client in
4 order to protect her confidentiality.

5 I'll call her Lisette. And she started
6 attending GED classes at Lutheran Settlement House
7 and was living with an abusive partner who locked
8 her in the house when he left in the morning for
9 work. She had to sneak out of a small basement
10 window in order to attend her classes, and carefully
11 return home before her husband returned from work.

12 When she told her GED teacher about her
13 situation, they connected her with a counselor from
14 the Bilingual Domestic Violence Project, who
15 provided support, resources and information.

16 Through our services, she received
17 support of counseling in a non-judgmental atmosphere
18 that allowed her to begin assessing her situation,
19 eventually leading her to consider leaving her
20 abusive relationship.

21 She was terrified to call the police,
22 but when she finally did one day after he attempted
23 to choke her, the responding officer told her
24 husband to take a walk and cool off, and not seeing
25 any visible wounds, allowed him to stay in the

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2 house.

3 After this incident, the physical abuse
4 intensified. With the support of her counselors,
5 she was able to make plans to --

6 COUNCILMAN ORTIZ: He did not direct her
7 to go to court?

8 ANA LISA YODER: I'm sorry?

9 COUNCILMAN ORTIZ: He did not direct her
10 to go get a petition?

11 ANA LISA YODER: I believe they did,
12 yes, but nothing else beyond that was done. And she
13 actually was not in a space where she was able to --
14 was ready to get a PFA. She felt like it would make
15 it more dangerous for her.

16 So after this incident, the physical
17 abuse intensified. With the support of her
18 counselor, she was able to make plans to safely
19 leave her abusive relationship and was able to get
20 her GED, get a job so that she could support herself
21 independently.

22 Each woman's story is unique, yet
23 Lisette's story highlights some common themes in the
24 lives of battered women, including lack of resources
25 and insufficient responses by the systems that could

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2 be helping.

3 There are a myriad of other stories of
4 women who never reach a domestic violence agency and
5 who, for a variety of reasons, are unable to escape
6 from abusive relationships.

7 The systems in Philadelphia with which
8 victims of domestic violence come into contact all
9 play an important role in the lives of battered
10 women. They are in a unique position to connect
11 them with community-based resources and let them
12 know about available options.

13 COUNCILMAN ORTIZ: Did she ever enter
14 the city social service system, DHS and so forth?

15 ANA LISA YODER: No, not DHS. She was
16 involved with our services. That was the only
17 service she was getting at the time.

18 COUNCILMAN ORTIZ: Do you retain her or
19 do you usually refer women to DHS?

20 ANA LISA YODER: We would if there are
21 any cases related to -- like if there are children
22 in the home and there would be children who are in
23 danger, then we are mandated to report to DHS. So
24 in that case, we would. In this case, that was not
25 the case, so we did not refer her to DHS.

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2 COUNCILMAN ORTIZ: So there have to be
3 children in the home for you to refer it to DHS?

4 ANA LISA YODER: Right. That's right.
5 Well, DHS would deal with the cases where there is
6 neglect and abuse ongoing, and so those are the
7 cases that we would report to DHS.

8 But we did see her ongoing in individual
9 counseling for a while until she was finally able to
10 leave her relationship.

11 So I'd like to really focus on one of
12 the systems that plays an extremely important role
13 in the lives of the women that we see, and I'm
14 talking about the Philadelphia Police Department and
15 particularly the units known as the Domestic Abuse
16 Response teams or the DOM units.

17 These units were created in order to
18 provide specially trained detectives who could focus
19 specifically on cases of domestic violence. And I
20 want to be clear as I begin these remarks that as
21 domestic violence agencies, we're not here to
22 criticize the work of individual officers. And, in
23 fact, as we go about our work of crisis counseling
24 and legal advocacy, we're often assisted and
25 supported by officers who are carrying out their

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2 duties in an admirable fashion.

3 Rather, these comments have to do with
4 the structure of the DOM units as they currently
5 exist and some systemic problems that, in our
6 experience, make it difficult for DOM detectives to
7 perform the job they were originally assigned to do.

8 I will first highlight some problems in
9 the context of a specific project for which both
10 Lutheran and the Philadelphia Police Department
11 received funding. I will then discuss how a lack of
12 clear stricture and priorities for the units likely
13 create confusion throughout the city and why it is
14 crucial that the Department consider improvement in
15 service provision to victims that could potentially
16 occur if the DOM units were more thoughtfully
17 structured and the detectives better trained.

18 In addition to our relationship with
19 officers in the court and in crisis situations for
20 women who call our hotlines, Lutheran's bilingual
21 domestic violence project, along with the Women
22 Organized Against Rape and Congreso, participate in
23 a special project with DOM detectives in the 24th,
24 25th and 26th Police Districts. This project known
25 as the STOP Project was designed to provide a

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2 special coordinated multi-disciplinary response to
3 Latino victims of domestic violence and sexual
4 assaults in these districts, which traditionally
5 have been underserved.

6 All four agencies receive funding from
7 the Pennsylvania Commission on Crime and
8 Delinquency.

9 As a part of this project, a bilingual
10 and bicultural advocate from our agency is assigned
11 in Courtroom 906, and strives to work closely with
12 the DOM unit in the East division. This advocate is
13 available to offer counseling and legal advocacy
14 services to victims of domestic violence in
15 Courtroom 906 where preliminary hearings are held in
16 cases of domestic violence.

17 COUNCILMAN ORTIZ: But this only is a
18 service provided to all or to individuals that live
19 only in the area of Lutheran and Congreso?

20 ANA LISA YODER: We provide services to
21 women all over the city, actually, but this specific
22 project is really targeted towards women who live in
23 the 24th, 25th and 26th Districts.

24 COUNCILMAN ORTIZ: Councilman Cohen.

25 COUNCILMAN COHEN: Have you or any of

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2 the other speakers here today ever convened a
3 meeting of the women in government? When we started
4 to talk about domestic violence in my first term
5 running back in 1968, I understood there were very
6 few women in government, but Estelle Richman is in
7 charge of the police department. You know, she's
8 over the commissioner. Joyce Wilkerson is the
9 mayor's chief of staff. Alba Martinez is head of
10 the Health Department. There are other women that
11 are at top levels in the government.

12 Has there ever been the thought of
13 convening a meeting of women in government? Because
14 I'm -- it's outrageous that the small cost of an 800
15 line or proper shelter activities or other support
16 services are so rare today while literally hundreds
17 of millions of dollars are appearing in campaign
18 funding, appearing in spending for stadiums for rich
19 people to turn from millionaires into billionaires.
20 And for people at this stage and women who have
21 reached the level that women apparently have reached
22 at least by positions not to be effective to bring
23 about major changes is an appalling thought.

24 So I wonder what can we do to help
25 utilize the fact that there is a vast difference in

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2 status of the role of women in government now than
3 there was when I first entered Council back in 1968,
4 yet I find the same tone of indifference seems to
5 exist, that this is only a small little problem,
6 when I think it's a real major problem. It tells us
7 about the quality of life in Philadelphia. It tells
8 us about how government cares or doesn't care about
9 people.

10 Carol, could I interrupt to ask you? I
11 know you've been working in this area for a long
12 time. What's your assessment?

13 CAROL TRACY: We have asked Estelle
14 Richman, and she has promised us that she would put
15 together a domestic violence task force to
16 coordinate all of these issues. It hasn't happened
17 yet, and I don't know if she's coming tomorrow to
18 testify or not. I think the commitment is there,
19 and I don't think that it's actually happened yet.

20 Alba Martinez is a person who is
21 actually uniquely qualified to work with us, because
22 she once, when she was a CLS lawyer, represented
23 battered women. And the issues that Roberta was
24 talking about, the connection between child welfare
25 and domestic violence, is quite apparent. Both

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2 co-existent homes.

3 It is our hope and our anticipation that
4 when this task force is established, that she will
5 be a key player in it.

6 We have talked to Joyce Wilkerson about
7 these hearings. She helped facilitate moving along,
8 I think, the approval of the testimony.

9 We have not convened a meeting of senior
10 women in government, and in some respects, I have to
11 say it is a little disappointing that senior women
12 in government have not convened themselves to really
13 address this issue head on. But I think we are
14 positioning ourselves now to make that happen. Your
15 help, of course, is appreciated.

16 COUNCILMAN COHEN: Well, we would hope
17 so, because I just feel, and I know Councilman Ortiz
18 feels the same way, and there are a number of us in
19 Council, we just wonder how long will people
20 continue to be quiet in the face of the huge
21 expenditures for public relations contracts in all
22 kinds of fields and the abatements we give to
23 developers to earn profits. I'm not attacking them.
24 I'm just saying there seems to be a disproportionate
25 use of common resources.

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2 And you have the power, as I look around
3 this room, I think you have an enormous amount of
4 power if you began insisting and not being so polite
5 and not being so -- well, I don't know what word to
6 use. I just think you've got to make demands on
7 government, because government's responsibility is
8 owed to you. I think it's just terrible that in
9 2002, almost 2003, we're talking about whether we
10 can achieve money for an 800 line, when lives are at
11 stake and when the quality of life in Philadelphia
12 is so much at stake.

13 CAROL TRACY: And thank you for those
14 comments, because I think we agree with you.

15 I also think that particularly the
16 providers have been so overwhelmed and overburdened
17 by service needs, that it's taken a little bit of
18 time to get us to this point so say enough. We
19 really are in the place of, I hope, demanding more.

20 We found, of course, working through
21 this Committee one of the most useful vehicles to
22 get information on the table to bring people here.
23 They know that you control their purse strings.

24 COUNCILMAN ORTIZ: But they're willing
25 to come. I did invite the police commissioner for

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2 today and --

3 CAROL TRACY: We don't see him yet, do
4 we?

5 COUNCILMAN ORTIZ: I hope that the
6 police commissioner has had some emergency and
7 hopefully that emergency will be over by tomorrow
8 afternoon and he might -- he will be here.

9 CAROL TRACY: Yes.

10 COUNCILMAN COHEN: Excuse me for that
11 comment --

12 COUNCILMAN ORTIZ: And the managing
13 director.

14 COUNCILMAN COHEN: -- but I sit here, I
15 see the wonderful talent in front of us at this
16 hearing. I know you're all very concerned. I know
17 it's a major problem, because it's been in part of
18 my council life for many, many years, and yet if --
19 I think you've got to look at government as a major
20 corporation, same kind of corporation that's
21 interested only in money, because the emphasis in
22 government today still is -- we hope it begins to
23 change -- is still in the direction of, Let's take
24 care of economic developers, and gradually it will
25 trickle down somehow or other to other services.

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2 I think we've got to fight back for the
3 fact that the main responsibility of government is
4 to deal with these human problems. And they're very
5 severe human problems, and you've got the resources
6 to do it. And if you decide on any kind of militant
7 action, I think you can be sure that at least two
8 Council members will be present. I expect there may
9 well be many more than that. Because it's
10 outrageous that Philadelphia should be at the bottom
11 line for things like campaign financing, on things
12 like human services in which -- with the kind of
13 people we have in Philadelphia, the issue, the first
14 issue, ought to be responsibilities of government
15 toward the people in the city, the people who live
16 in the city, the people who have human problems.
17 And you're a wonderful group that can do that.

18 I'm being advised that Commissioner
19 Martinez and some others are going to give closing
20 remarks. But I'm really not interested in closing
21 remarks. I'm interested in action. I think
22 Philadelphia ought to be the number -- with the
23 talent of women in government that we have, the
24 level of that development that's occurred in
25 Philadelphia, I think we ought to be number one in

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2 the nation of providing human services. And I'd
3 like to see movements take place in the community.
4 And you're the community in this area. I'd like to
5 see those movements take place which demand that
6 Philadelphia ought to be the model city that
7 develops the programs to put an end to this kind of
8 saving pennies at the cost of human lives, because
9 that's what I see. And any woman saved from a life
10 of domestic violence is a tremendous attribute to
11 society, to avoid that waste of human life.

12 COUNCILMAN ORTIZ: Like I said, a couple
13 of cuts in consulting contracts will do the job.

14 COUNCILMAN COHEN: Or if you can get one
15 contributor in the Sunday Inquirer, which carried a
16 list of the hundred major finance contributors to
17 the mayor's last election campaign, if you get any
18 one of those contributors just to make that
19 contribution aimed at services to the community, it
20 would probably be ten time the budget we're talking
21 about totally for human services.

22 ANA LISA YODER: I guess I just want
23 to --

24 COUNCILMAN COHEN: Excuse me,
25 Councilman.

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2 COUNCILMAN ORTIZ: No. Sir, you can go
3 ahead and speak the truth.

4 ANA LISA YODER: I think -- I just want
5 to sort of reiterate what Cynthia said before and
6 also what Carol mentioned, and, that is, that I
7 think these agencies -- we have been as agencies
8 really doing a lot of systems advocacy work --

9 COUNCILMAN ORTIZ: But I think what
10 David is talking about is that the problem -- and I
11 have to admit, you know, when Carol and Terry and
12 other folks --

13 COUNCILMAN COHEN: Carol has been
14 working all these years.

15 COUNCILMAN ORTIZ: -- started talking to
16 me about it, it really was shocking. And then when
17 the information starts coming in front of you -- and
18 when you have the leadership of the court system
19 sitting on that witness stand and they put forward
20 the numbers that they put forward, the enormity of
21 it then comes into view in such a realistic way.
22 And then the responses that we have are so
23 inadequate and really don't even begin to cover the
24 tip of the iceberg.

25 And when we have a problem -- and I

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2 didn't know about an 800 line, I mean a \$900,000
3 investment. We talk about having services available
4 in the court system.

5 We have one shelter for a problem that
6 needs many more, and we send people and women and
7 families to a homeless shelter when they don't need
8 a homeless shelter; they need a certain home that
9 has social services and counseling and therapy so
10 that they can begin to put their lives in line.

11 And if this was just three or four
12 individuals, then you would say -- but when you get
13 in one district, you begin to get 20,000 calls in
14 just one district alone in the area of Philadelphia
15 and you then have four social service agencies that
16 service the problem, when none in West Philadelphia,
17 Southwest or the Northwest of the city, then you
18 have a crises. And it's the duty of government to
19 respond to a crises. And we don't have a government
20 that views this as a crisis. We don't have an
21 administration that sees this as crisis. And it is.
22 It's a budget of crisis, as much a crisis as if we
23 had -- you know, because we react with much more
24 passion and intensity when business people come here
25 and complain about a hundred beggars out in the

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2 street. And it seems that we mobilize legislative
3 resources and a huge amount of passion to then deal
4 with the problem of a hundred beggars. We don't
5 deal with the issue of why those beggars are there,
6 but we deal with the issue of getting rid of them
7 immediately.

8 But we get 15,000 women going to court,
9 domestic court, and it seems that we don't have the
10 same sort of passion and urgency. And urgency is
11 the word that I think is definitive of what we
12 should be doing as a legislative body and as an
13 administration. And I believe every government
14 official has to come and be here and speak their
15 peace as to how we're going to change the system.
16 That's why Sylvester Johnson, the commissioner, will
17 be here tomorrow.

18 ANA LISA YODER: I'm going to just
19 continue. I was talking about the domestic violence
20 units, the DOM units in the police district. I'm
21 going to skip some pieces here to move along, but
22 the main point that I'd like to make is just that
23 the DOM detectives are potentially in a good
24 position to be a part of a coordinated community
25 response to domestic violence among the police,

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2 victims service agencies in the district attorney's
3 office, but they don't appear to operate according
4 to any cohesive internal structure or directive.

5 Unlike the Special Victims Unit, the DOM
6 abuse response teams are decentralized and they're
7 broken down into nine divisions throughout the city.
8 Our experience with the DOM detectives is that many
9 of them spend the bulk of their time attempting to
10 obtain victim statements. Although it is important
11 to get accurate information from victims, it should
12 not be the detectives' sole focus. They should have
13 enough time to connect women with important
14 resources, participate in case review and to
15 routinely do more in-depth investigations.

16 COUNCILMAN ORTIZ: Well, they're not
17 trained for that.

18 ANA LISA YODER: That's part of the
19 issue.

20 COUNCILMAN ORTIZ: They're not trained
21 for that.

22 ANA LISA YODER: That's one of the
23 things I definitely want to highlight.

24 And I think some of the detectives do
25 see their role more comprehensively than others.

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2 We've had women from some divisions who have
3 reported to us that the detectives have actually
4 assisted them in obtaining a restraining order, and
5 then we've actually heard other women say that
6 they've not even been offered the most basic
7 information about the services that are available to
8 victims. So it really varies. Our experience is
9 that it -- women's experiences with the detectives
10 vary from division to division.

11 And we are in --

12 COUNCILMAN ORTIZ: I think the
13 detectives and the average police person, if they're
14 trained for it, I think they'll perform the service.
15 I think what happens in many instances is that
16 you're overwhelmed with the situation. You don't
17 know what it is that you're supposed to do, because
18 you've been trained to catch thieves and robbers and
19 drug dealers and so on, and you have a family in
20 turmoil. And it is very difficult for people to
21 understand how to deal with that problem.

22 ANA LISA YODER: And part of the problem
23 is that we are actually unclear about how much
24 training the DOM unit detectives get related to
25 domestic violence specifically. And, of course, as

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2 you said, due to the nature of the cases seen by DOM
3 detectives, it's imperative that they receive
4 intensive training regarding the nature of domestic
5 violence. Without that training, there's no
6 guarantee that detectives are going to respond to
7 victims with sensitivity and understanding of the
8 issues faced by the women who are being abused.

9 One of the issues that we see repeatedly
10 is that many of the victims are reluctant to testify
11 against their abusers for a variety of reasons, the
12 most crucial being fear of further abuse and
13 retaliation towards themselves or family members.

14 Without an understanding of the many
15 barriers that women face when deciding whether to
16 prosecute, detectives are not equipped to deal with
17 the reasons why a woman may change her mind after
18 initially saying she would like to prosecute.

19 We have experienced varying degrees of
20 understanding of this issue when dealing with DOM
21 detectives, making it unclear whether they're
22 receiving adequate or uniform and ongoing training.

23 The DOM units were created with the
24 intention to train officers to be more sensitized to
25 and have a more in-depth understanding of the issues

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2 facing victims of domestic violence. The response
3 of a detective can affect a victim's willingness to
4 contact the police department in the future if she's
5 in danger.

6 The DOM detectives have a very important
7 role in connecting women to important community
8 resources, assisting them through the legal process
9 and providing information about legal options.

10 Once again, I want to reiterate that we
11 have a great deal of respect for the Philadelphia
12 police officers and for the role of the police
13 department in general. The specific request that
14 we're bringing for City Council consideration and
15 action is to prioritize the creation of a uniform
16 centralized response to domestic violence by the
17 police department and the infrastructure to support
18 an ongoing partnership with community-based domestic
19 violence organizations.

20 Thank you for your attention.

21 COUNCILMAN ORTIZ: Thank you.

22 Neydary Zambrano.

23 I founded the agency, so you don't have
24 to tell me about it.

25 NEYDARY ZAMBRANO: Okay. My name is

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2 Neydary Zambrano and I'm the Women's Wellness
3 Department manager of Congreso de Latinos Unidos.
4 Basically I supervise the Latina Domestic Violence
5 Program.

6 Basically our expertise is working with
7 the Latino community in the Northeast Philadelphia,
8 and that's why some of the issues that I'm bringing
9 today are issues that affect the immigrant
10 community, not only with Latinos, but also other
11 immigrant communities, as well as the domestic
12 violence victims in general.

13 Domestic violence is a very traumatic
14 experience and is really -- it becomes harder when
15 you have to share it with people from outside. That
16 becomes especially tricky for Latinos, who are
17 taught that they do not air their dirty laundry
18 outside the home.

19 The fear or shame can further be
20 exacerbated by the threat of deportation, fear and
21 distrust of authorities and linguistic and cultural
22 obstacles that they confront.

23 Language is one of the primary obstacles
24 that immigrant victims of violence encounter when
25 they request adequate response from police and other

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2 city agencies. Latinos total 128,000 in
3 Philadelphia, according to the last census. And
4 based on the census of 2000, five percent of
5 Philadelphia have limited English proficiency; that
6 is, 60,707 people living in Philadelphia over five
7 years old say that they speak English not well or
8 not at all.

9 COUNCILMAN ORTIZ: Actually, it's much
10 greater than that. The numbers are much -- the
11 census is wrong, but go ahead. Don't worry about
12 it.

13 NEYDARY ZAMBRANO: Yes. And that's
14 something that I wanted to add, that these numbers
15 are probably an underestimation of the reality.

16 COUNCILMAN ORTIZ: I know some
17 politicians that don't speak English very proficient
18 either, so it's all right.

19 NEYDARY ZAMBRANO: Okay. So having to
20 divulge a private matter to a police officer is not
21 only frightening and intimidating, but could also
22 lead to traumatic consequences.

23 The lack of bilingual officers or
24 interpreting system that will allow the officers to
25 accurately community with everyone at the crime

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2 scene leads to confusion, revictimization and
3 sometimes false arrest.

4 In the Latino community, as in many
5 immigrant communities, the male of the home is the
6 one who generally works outside the home. This
7 makes him either, if not bilingual, more comfortable
8 to speak the language.

9 In many occasions when police officers
10 arrive at a domestic violence scene, they only
11 interview the abuser or what is --

12 COUNCILMAN ORTIZ: By the way, that
13 thing about in terms of Latino, it was, but it's
14 changing, but the relationship and the aspect of who
15 is dominant and who is -- still remains the same,
16 even if the woman is the one that works outside the
17 home in our culture. So it's really a problem that
18 really has not changed very much, even if the woman
19 is the one that is actually earning the money in the
20 home and so on.

21 NEYDARY ZAMBRANO: Well, as I was
22 saying, when officers arrive at a domestic violence
23 scene, they only interview the abuser, or what is
24 worse, ask the abuser or the children to translate
25 for the victims. Unfortunately, rather than seeking

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2 the assistance of a bilingual officer on an AT&T
3 line, police officers often simply arrest both
4 parties. This response deters victims from seeking
5 assistance in the future.

6 In one of our cases about a month and a
7 half ago, we had one woman said that said to us that
8 they arrested her and the police officer actually
9 told her that she would only leave jail when she
10 learned to communicate in English. I know there
11 are --

12 COUNCILMAN ORTIZ: I'd like to find out
13 who said that.

14 NEYDARY ZAMBRANO: In another of our
15 cases about a month ago, one of our counselors
16 called 9-1-1 together with one of the victims and
17 requested a Spanish-speaking patrol officer to
18 accompany the victim to serve a Protection From
19 Abuse order and get the daughter -- or the victim
20 that was with her partner. The victim and the
21 abuser didn't speak any English.

22 The counselor and the victim waited for
23 three hours in the car, and when the officer came,
24 he did not speak Spanish. Fortunately, he was very,
25 very -- he really was very helpful.

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2 COUNCILMAN ORTIZ: That was recent?

3 NEYDARY ZAMBRANO: Yes. That was last
4 month.

5 He was very helpful and he called on the
6 radio for a Spanish-speaking officer, and in less
7 than five minutes two patrols came that had
8 Spanish-speaking officers. This made us think and
9 wonder why the victim's initial request could not
10 have been fulfilled more quickly. As you can see,
11 language can be a decisive factor for victims.

12 Another issue is understanding the
13 culture of different communities is also critical to
14 crafting an appropriate culturally competent
15 response to domestic violence on the part of the
16 police. Because of their experiences in other
17 communities where violation of human rights such as
18 disappearance, torture and death are common at the
19 hands of the police, a lot of American people look
20 at the police as a source of fear rather than
21 protection. Many officers lack the cultural
22 sensitivity to recognize that certain communities'
23 perception will influence the behavior of members of
24 that community. These officers make wrong
25 conclusions and can leave women vulnerable to

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2 further violence.

3 One of the issues that has been brought
4 a lot to our counselors is that if they don't look
5 at the officer directly in the eye or if they not
6 state directly what happened, it will lead the
7 police officers to feel that the women are lying.
8 And that's not the reality. That's part of a
9 cultural norm that some communities have.

10 So like the fear of being misunderstood,
11 women may be reluctant to seek the police assistance
12 despite the fact that it could be crucial to their
13 safety.

14 Victims may also be hesitant to call the
15 police or reveal information at a crime scene
16 because of the perception that police as an
17 authority figure has in that they are closely
18 related with the Immigration and Naturalization
19 Services. In immigrant communities, police are also
20 seen as an arm of the INS, so undocumented victims
21 may be afraid to call the police for fear of
22 deportation. Actually, that fear of deportation is
23 a common control mechanism that the abuser usually
24 used to keep the women under the abusive situation.

25 And women sometimes --

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2 COUNCILMAN ORTIZ: And with the current
3 atmosphere that we have, that only is making it
4 worse.

5 NEYDARY ZAMBRANO: Women sometimes are
6 more afraid of being deported than the abuse itself
7 continuing. After all, in many instances, returning
8 to a politically and economically unstable region
9 may appear to pose far greater danger than ensuring
10 violence from an intimate partner. Women should not
11 have to make such a choice.

12 Unfortunately, for some victims, this
13 fear of deportation is well-founded. The assessment
14 that the police officers must make at the time of a
15 violent incident can have a profound impact on a
16 victim who may be defending herself. As stated in
17 the police department response regarding immigrants,
18 the police can respond -- can report an undocumented
19 immigrant to the INS when the person is suspected of
20 engaging in a criminal activity.

21 Women certainly have reasons to fear the
22 police if they are undocumented. An arrest for
23 domestic violence may lead to deportation of an
24 undocumented battered woman.

25 Women are discouraged from calling the

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2 police because of fear of being deported themselves
3 or deporting their partner who may be the only
4 source of income in the family.

5 COUNCILMAN ORTIZ: You know, I
6 introduced a resolution here in City Council that
7 got passed, in essence, that asked our police
8 department not to become an arm of the INS and not
9 to inquire and report individuals based on their
10 immigration status.

11 If that is happening, I would really
12 like to find out if that is really going on, because
13 we are not supposed to be part of the John Ashford
14 right wing hooping of people of the George Bush
15 administration anti-immigrant type of politics, not
16 in this city. We're still democrats and hopefully
17 progressive. But that should not be happening
18 within the police department.

19 NEYDARY ZAMBRANO: I would like to
20 highlight here that it is also a perception of the
21 immigrant community and also we have had clients who
22 are really concerned about calling the police
23 because of fear of deportation. And based on these
24 documents that the police department responds
25 regarding immigrants, they can actually report a

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2 victim to the -- well, not a victim; a person who is
3 suspected of engaging in criminal activity to the
4 INS. So this is something that is there and --

5 COUNCILMAN ORTIZ: But we have to
6 educate our police, and our police then have to
7 educate the citizens of Philadelphia. And we have
8 to put a message out that they will not act as the
9 enforcers of unjust laws that are passed in
10 Washington.

11 NEYDARY ZAMBRANO: Even immigrant women
12 who are here legally and are permanent residents can
13 be vulnerable to deportation if they're convicted of
14 an assault on their batterers. This jeopardizes the
15 safety of the women and their children, not only
16 because they may go back to a devastating situation
17 that they fled from in the first place, but that
18 will get much worse if the abuser decides to follow
19 them.

20 In order to ensure the right of all
21 victims of domestic violence to live free from
22 violence, the Latina Domestic Violence Program and
23 the other DV programs respectfully request the
24 following: That the police officers at the scene of
25 the crime, whenever possible, speak the language of

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2 the victim and particularly at the VAO and DOM
3 units. If there is not that possibility of having a
4 police officer, then that a language line would be
5 used to translate; that all police are trained in
6 culturally sensitivity. Such training will enable
7 police officers to be better aware of the cultural
8 economics and potential fears that a victim may have
9 and so that the officers may be better equipped with
10 the skills necessary to get information they need to
11 make a determination of the situation.

12 And, finally, that all the officers are
13 fully trained on the policies pertaining to
14 immigrants and subsequently their responsibility in
15 carefully assessing the situation so that victims of
16 abuse are not wrongly arrested and charged with
17 assault, even when they are acting in self-defense;
18 hence, facing deportation.

19 COUNCILMAN ORTIZ: Thank you. Thank you
20 very much.

21 Family Violence Unit, Chris Mallios and
22 Elizabeth Jobes.

23 CHRIS MALLIOS: Good morning,
24 Councilman.

25 COUNCILMAN ORTIZ: Good morning.

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2 CHRIS MALLIOS: My name is Christopher
3 Mallios and I am an assistant district attorney.
4 I'm the chief of the Family Violence and Sexual
5 Assault Unit.

6 COUNCILMAN ORTIZ: I got the letter from
7 Lynn.

8 CHRIS MALLIOS: Very well.

9 This is Liz Jobes. She's also an
10 assistant district attorney, and she is the
11 assistant chief of our unit.

12 I want to talk to you a little bit about
13 our office's response to domestic violent in
14 Philadelphia. And at the outset, I would like to
15 say that our office and our unit is unique in
16 Philadelphia, in that we treat domestic violence,
17 child abuse and sexual assault as all part of the
18 same problem. It's all part of violence against
19 women, violence against children and violence within
20 the home. And we are the only agency, the only
21 government agency in Philadelphia, that handles all
22 of these cases in one integrated department.

23 Our unit is staffed by prosecutors.
24 There are 16 assistant district attorneys in our
25 unit. We have four detectives in our unit. And all

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2 of the detective and attorneys in our unit have been
3 specifically chosen for our unit, not only because
4 of their excellence as prosecutors and as police
5 officers or detectives, but because we see in them a
6 sensitivity to this issue and willingness to work on
7 these types of cases. No one ends up in our unit by
8 accident.

9 COUNCILMAN ORTIZ: I know the previous
10 director was quite a sensitive person, right?

11 CHRIS MALLIOS: That's exactly right.
12 And we learned a lot from her, and we are trying to
13 continue the good work that she was doing.

14 COUNCILMAN ORTIZ: She established
15 certain parameters in terms of how those cases were
16 to be handled.

17 CHRIS MALLIOS: That's exactly right.
18 And I was her assistant chief for a year and a half,
19 and we're still carrying out many of those same
20 parameters.

21 Our detectives, two of them are veterans
22 of the Special Victims Unit of the Philadelphia
23 Police Department. One of them is an experienced
24 counselor and one of them is a national expert in
25 domestic violence, who is Anna Rodriguez and is here

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2 today.

3 COUNCILMAN ORTIZ: You've been sitting.
4 You've heard some of the testimony. And I would
5 like to find out from you how it is and where can we
6 begin trying to structure systems that handle some
7 of the problems that we've heard today. Because not
8 all problems, obviously, are resolved by the DA.
9 And we would like to hear, one, how you go about
10 doing it, what is the process of it and your
11 recommendations.

12 CHRIS MALLIOS: Okay. Well, first of
13 all, we realize, as you said, that the criminal
14 justice system alone cannot stop domestic violence
15 and cannot end the violence in the lives of victims.

16 However, what we can do is be there and
17 be a constant for when that victim and when that
18 survivor of domestic violence does want to go to
19 court, to give them an attorney and give them a
20 voice to go into court and be a passionate advocate
21 on their behalf. And that's what we're doing every
22 day.

23 One of the things that you asked in the
24 letter to the district attorney are statistics about
25 the numbers of domestic violence cases, and,

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2 unfortunately, our office does not keep those types
3 of statistics. I know the court system does and I
4 know the police department does. I can tell you
5 that, roughly, we have about 125 new criminal
6 prosecutions of domestic violence every week. And I
7 did the math. It works out to about 6400 cases a
8 year. That's felonies and misdemeanors. That's
9 cases that are being prosecuted in Family Court for
10 violations of Protection From Abuse order, as well
11 as cases in the Criminal Justice Center for
12 misdemeanor trials and felony prosecutions.

13 COUNCILMAN ORTIZ: Is it because of the
14 police designation, that they don't designate crimes
15 along the same lines? You don't keep those
16 statistics?

17 CHRIS MALLIOS: I don't --

18 COUNCILMAN ORTIZ: Because it really
19 would be very helpful to get a clear picture if your
20 office maintained the number, and it would be good
21 to see of those cases that are prosecuted, because
22 it would give us a clearer view as to how they're
23 handled and whether the courts treat male abusers or
24 abusers of women as they would treat, let's say, a
25 drug dealer that comes in and then they try to put

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2 them away for life and so on, to see whether the
3 punishment befits the crime as such.

4 CHRIS MALLIOS: Frankly, it's a question
5 of resource allocation, and we do not have the
6 resources to have a unit of people simply keeping
7 track of the numbers of these types of cases.

8 COUNCILMAN ORTIZ: But isn't it simple?
9 I mean, through a computer, you classify it, you
10 punch it in and then you have results. I mean,
11 whether it was dismissed, whether there was a plea
12 agreement, whether the person was found guilty and
13 what was the punishment, you know, was it probation.
14 Do we have a series of judges, for instance, that
15 treat women abuse in a much lighter manner than if
16 it was aggravated assault out in the street?

17 CHRIS MALLIOS: Well, you know, any time
18 there's a domestic case that goes to court, there
19 are issues that we have to deal with in these cases
20 that would not be in the normal case. For example,
21 if someone is walking down the street and gets
22 robbed or attacked by a stranger, no one is going to
23 go into court and say that that witness is lying
24 against that stranger because they have a previous
25 sexual relationship with that person. But when

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2 someone has been in a relationship with someone,
3 there are all these other issues, and defense
4 attorneys attempt to exploit these issues in trial.
5 And that's why we have specially trained prosecutors
6 who attempt to overcome these defenses that are
7 built that these types of cases.

8 You're right, it might help in terms of
9 the systemic approach to the problem to have these
10 numbers for you, but as I said, we don't have them.
11 Maybe we need to ask City Council for money to have
12 a unit to keep track of these statistics. But we
13 don't have that right now.

14 COUNCILMAN ORTIZ: But that would
15 give -- because I think it would give weapons to
16 people like Carol Tracy, it would give weapons to
17 organizations like Women Against Abuse and so on
18 down the line to -- you know, right now judges, for
19 right or wrong, some judges get attacked because of
20 the lenient with drug dealers and they let them out,
21 and your office goes crazy ranting and so on and you
22 hold press conferences about -- I know that Lisa
23 Rowel got really crucified through the press.

24 I think the same should happen to a
25 judge that let's a woman abuser out with two weeks'

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2 probation, or whatever it is, or 45 hours of
3 community service. And it would be good to have
4 some detail as to what happens to these individuals
5 that don't get to the point where they kill the
6 woman, but they assault her and do bodily damage and
7 maybe -- because if 15,000 go through domestic court
8 and then -- I don't know what Judge Field said, but,
9 actually, like a thousand of them or a few over a
10 thousand go through a criminal contempt proceeding.

11 And that's criminal contempt. That is
12 not aggravated assault or aggravated sexual assault
13 and so on down the line, because -- and we really --
14 I think it would be helpful to us to help you get
15 some more money from administration to do this type
16 of prosecution if we had the statistics available
17 that you could make the case and you could say,
18 Listen, we have so many aggravated sexual assault
19 cases coming in, but we're not able to prosecute
20 them all at that level because we don't have the
21 resources.

22 And, really, I think it would give a
23 hammer to the advocates of women's issues if they're
24 able to have those numbers to put in front of
25 politicians when they go up for reelection or

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2 election in their activities. Well, what have you
3 done to provide funds for putting these type of
4 individuals away? Because they really are scum. I
5 mean, really, a person who hits a woman is really
6 bad.

7 I mean, I know that George Bush has
8 overused the word "evil" and "evil doer," but these
9 guys are really evil doers. And I think I just
10 would like to see those numbers and those
11 statistics, because I think it would provide us with
12 a tool to help you.

13 CHRIS MALLIOS: I appreciate your
14 passion on this issue, but the numbers are not
15 available. As I said, the police department has
16 numbers, the court system has numbers, and,
17 remember, that although there were representatives
18 here from Family Court today, the vast majority of
19 family abuse and family violence cases are in the
20 criminal court and not in the Family Court.

21 COUNCILMAN ORTIZ: Right. And that's
22 where we need your help, to give us those areas and
23 those issues so really we can proceed on them.

24 So go ahead.

25 CHRIS MALLIOS: Okay. We have been

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2 partnering with many of the organizations that are
3 here today and other organizations, both formally
4 and informally. We've participated in trainings at
5 many of the victim advocacy organizations, and those
6 organizations have come to the district attorney's
7 office and helped train our attorneys and our victim
8 witness coordinators and our detectives.

9 We have -- I brought a list with me and
10 I could go through the organizations where we
11 participated in training. Women Against Abuse, the
12 University of Pennsylvania, the Nursing School of
13 the University of Pennsylvania, the Philadelphia
14 Police Department, the Philadelphia Probation
15 Department, which serves a vital role in helping to
16 prevent domestic violence. The National Liberty
17 Museum, the Department of Human Services, Women in
18 Transition, Temple Law School, the Weed and Seed
19 Program, the Support Center for Child Advocates.

20 We've helped train the Municipal Court
21 judges. We've done trainings at Episcopal Hospital,
22 at the Center for Gay and Lesbian Civil Rights, Men
23 against Sexual Violence, Women Organized Against
24 Rape, Philadelphia Children's Alliance. And we
25 could go on and on and on. We sit at meetings, some

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2 are monthly, some are bimonthly, where we discuss
3 these issues and we bring everyone to the table.

4 We make speakers available. We never
5 turn down an opportunity or a request from either a
6 community organization, an employer. Anyone that
7 wants to enlighten their people about these issues,
8 we will send people out, and frequently the
9 attorneys will go after hours on their own time,
10 because it's an important issue and it's part of our
11 job in the community to help raise awareness. And
12 that's one of the reasons that we are so glad that
13 City Council and this Committee is holding these
14 hearings, because it is raising awareness of this
15 issue.

16 You also requested some internal
17 memoranda that we used to help train our staff, and,
18 unfortunately, we can't make that available. We are
19 a government agency, but we're also a litigation law
20 firm for the City of Philadelphia. And our concern
21 is that some of those documents and some of those
22 materials, if used by defense attorneys, could be
23 used against domestic violence victims. Because you
24 have to remember, Councilman, sometimes we can go
25 into court and we can work things out, but for the

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2 most part, we're dealing with very adversarial
3 litigation.

4 COUNCILMAN ORTIZ: And it's the way it
5 should be, because -- you know, I'm an attorney on
6 the defense side.

7 CHRIS MALLIOS: I know that.

8 COUNCILMAN ORTIZ: And that's the way it
9 should be. But there are some individuals that
10 really -- and I mean training manuals or training
11 material, you don't think the trial attorneys in
12 this city have those manuals?

13 CHRIS MALLIOS: Well, you know, there
14 are a lot of defense attorneys who are representing
15 people in domestic violence cases that don't
16 understand domestic violence. They don't understand
17 the cycle of violence. They don't understand the
18 responses, the government response, the counseling
19 response. And sometimes that gives us a tactical
20 advantage, that they don't know that, because if we
21 can go into court and we can educate a judge or a
22 jury about the dynamics of this relationship and the
23 dynamics of what was happening in the case, then we
24 have a leg up and we have a tool that we can use to
25 help a victim of domestic violence in court. And

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2 that's what we do. That's our job.

3 Now, with that said, should any agency
4 or any -- whether it's a victim advocacy
5 organization or a government agency ask us to come
6 to the table and help us develop training protocols
7 and memoranda and other materials to help either law
8 enforcement or any other agency, we would be happy
9 to do that. We would be happy to bring what we have
10 and sit at the table and work in a cohesive way.
11 But we just can't give you our internal memoranda.
12 It's just work product.

13 COUNCILMAN ORTIZ: So tell me -- you
14 don't have the numbers, but you said that usually --
15 you put the number 6,000 out there?

16 CHRIS MALLIOS: Well, as I said, I'm
17 estimating approximately 125 new criminal cases a
18 week, so 52 times that is about 6400 cases.

19 COUNCILMAN ORTIZ: 6400 cases.

20 CHRIS MALLIOS: And we have divided the
21 felony prosecution -- my unit handles the felony
22 prosecution of domestic violence cases, and
23 specially trained attorneys in our Municipal Court
24 unit handle the misdemeanor cases.

25 COUNCILMAN ORTIZ: And how many you

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2 estimate in the felony prosecutions?

3 CHRIS MALLIOS: I don't have that number
4 for you. Again, I think either the court or the
5 police could give you that information.

6 COUNCILMAN ORTIZ: Can you try to give
7 me your estimate? I'll get from them, but I'd like
8 to hear what your estimate would be.

9 CHRIS MALLIOS: I can't give it to you,
10 because I don't know and I didn't crunch any numbers
11 on that issue before coming here, and I don't want
12 to be irresponsible by making some numbers up.

13 COUNCILMAN ORTIZ: If you look at it,
14 can you let me know later on?

15 CHRIS MALLIOS: I'd be happy to do that.

16 COUNCILMAN ORTIZ: Take a week and let
17 me know.

18 CHRIS MALLIOS: Sure. Again, it would
19 be an estimate.

20 And I also wanted to point out that the
21 people we serve, the victims that come to court that
22 we advocate for, are an incredibly diverse group of
23 people, socioeconomically diverse, racially diverse,
24 ethnically diverse, members of all sexual
25 orientations, transgendered individuals. And we do

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2 our best to make sure that everyone gets a fair
3 shake in the court system.

4 In addition, we do have people in our
5 office who speak a wide variety of languages. And
6 whenever -- the first thing that we do is, when we
7 have someone who speaks a language that is not one
8 of the common languages, such as Spanish or Chinese,
9 we call our human resources department and find out
10 who speaks different foreign languages. And if
11 there's no one else available in our office, we
12 either go to the police department or we will use
13 the AT&T translation service, which is a valuable
14 resource for us. Of course, in court, the court
15 provides a verbatim transcription.

16 So if you have any other questions, I'd
17 be happy to answer them, but, essentially, what
18 we're doing every day is going to court and fighting
19 for victims of domestic violence.

20 As supervisors, Liz and I receive phone
21 calls frequently from people in the different victim
22 advocacy organizations that want us to take another
23 look at cases, and we're always happy to do that.
24 Sometimes cases are not what they first seem, and
25 we're always happy and glad when something like that

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2 is brought to our attention, and when possible, we
3 specially assign those cases to attorneys, we bring
4 the victims in, we bring sometimes the accused in,
5 and we'll sit down with their attorney and we'll
6 just -- and we'll try and get the best possible and
7 the fairest result.

8 We don't keep statistics on convictions,
9 because we don't want to be pushing just for a
10 conviction, because a conviction is not the
11 appropriate result in every case.

12 COUNCILMAN ORTIZ: No. We agree. We
13 agree. We'd just like to get a total clear picture
14 of the situation.

15 CHRIS MALLIOS: And I can understand why
16 someone in your position would want that.
17 Unfortunately, I have to come here today saying that
18 I don't have the information to give you.

19 COUNCILMAN ORTIZ: Thank you.

20 CHRIS MALLIOS: You're welcome.

21 COUNCILMAN ORTIZ: We'll be calling you
22 back to talk. This is not the end of what we're
23 doing. This is a process.

24 CHRIS MALLIOS: Okay.

25 COUNCILMAN ORTIZ: Thank you very much.

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2 CHRIS MALLIOS: You're welcome.

3 COUNCILMAN ORTIZ: Ourania

4 Papademetriou, Stephanie Gonzalez and Stacey. I saw
5 Stacey here.

6 Hi.

7 OURANIA PAPADEMETRIOU: I'm going to
8 start by correcting your pronunciation of my name,
9 Councilman.

10 COUNCILMAN ORTIZ: Right. I correct
11 people when they mispronounce my name. I'm sorry.
12 Go ahead.

13 OURANIA PAPADEMETRIOU: I'm sure.

14 COUNCILMAN ORTIZ: Identify yourself for
15 the record, please, and spell your name for the
16 stenographer.

17 OURANIA PAPADEMETRIOU: Yes. Thank you,
18 Councilman. My name is Ourania Papademetriou.

19 COUNCILMAN ORTIZ: It's misspelled.

20 OURANIA PAPADEMETRIOU: I think it may
21 be misspelled. I think in my official comments my
22 name is spelled, but I will spell it for the record.

23 O-U-R-A-N-I-A, P-A-P-A-D-E-M-E-T-R-I-O-U.

24 COUNCILMAN ORTIZ: I mispronounced it
25 because it's misspelled on my sheet.

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2 OURANIA PAPADEMETRIOU: I'm quite used
3 to that, as I'm sure you are, Councilman, to have
4 our names mispronounced and misspelled.

5 COUNCILMAN ORTIZ: My daughter is named
6 Pilar, and in school they don't pronounce it
7 correctly. They say Pilar, and she doesn't answer.
8 And she's gotten into trouble with teachers and she
9 said, Well, you didn't call me. My name is Pilar.
10 She's a very self-asserting young woman.

11 Go ahead.

12 OURANIA PAPADEMETRIOU: Thank you,
13 Councilman.

14 Again, my name is Ourania Papadmetriou.
15 I am the director of the Women Against Abuse Legal
16 Center here in Philadelphia.

17 Women Against Abuse Legal Center is the
18 first legal clinic in the country for domestic
19 violence victims and has provided free legal
20 assistance to more than 150,000 victims during its
21 25-year history.

22 While experts agree that domestic
23 violence cuts across all racial, economic, age and
24 religious lines, it is often low income individuals
25 with the fewest options and resources who rely most

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2 heavily on the Women Against Abuse Legal Center for
3 assistance.

4 Amid the alarming statistics surrounding
5 domestic violence is the encouraging evidence that
6 legal protection is the most effective deterrent
7 available today to halt domestic violence.

8 In 1976, the Pennsylvania Legislature
9 provided a framework for relief with the Protection
10 From Abuse Act. Under this Act, the primary relief
11 for -- I'm sorry. The primary vehicle for relief is
12 a Protection From Abuse order.

13 A Protection From Abuse order can
14 provide a variety of remedies that are useful in
15 preventing further abuse, such as eviction,
16 temporary custody and support, and the removal of
17 weapons.

18 It is clear from our experience that at
19 the Legal Center that the ultimate effectiveness of
20 a PFA in actually protecting a victim of domestic
21 violence from further attacks is directly related to
22 how specific and comprehensive is the relief granted
23 by the court.

24 Furthermore, the ultimate efficiency of
25 legal protection afforded abuse victims also

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2 requires a coordinated community response through
3 competent legal representation, specific and
4 comprehensive judicial relief and, very importantly,
5 an aggressive police response to allegations of
6 abuse and violations of existing Protection From
7 Abuse orders.

8 The importance of police involvement
9 cannot be overemphasized, because out in the streets
10 it is the police that put the teeth into a
11 Protection From Abuse order.

12 In Philadelphia, 15,000 individuals
13 annually file petitions in order to obtain
14 Protection From Abuse orders. The overwhelming
15 majority of these individuals, over 80 percent, are
16 unrepresented in their Protection From Abuse action.

17 COUNCILMAN ORTIZ: Actually, it's
18 higher, according to the judge, but...

19 OURANIA PAPADEMETRIOU: I think.

20 Women Against Abuse Legal Center tries
21 to provide either legal representation or legal
22 advocacy services to each of these individuals and
23 operates programs in nearly all the civil, criminal
24 and juvenile courtrooms in Philadelphia where
25 domestic violence cases are heard.

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2 Our staff and volunteers talk
3 confidentially to the victims of domestic violence
4 present in court. Our staff explains the court
5 process and provides legal options counseling,
6 in-court advocacy, resources and referral
7 information, safety planning information and other
8 supportive services to each victim that we are able
9 to assist.

10 Women Against Abuse currently employs
11 four attorneys at the Legal Center. One attorney,
12 just one attorney, works primarily on the legal
13 representation in Protection From Abuse matters.
14 Another specializes in representation for clients
15 with disabilities, and the third attorney works
16 principally on custody and support cases where there
17 are domestic violence issues.

18 I am the Legal Center director. I am
19 also an attorney, and I'm responsible for the
20 overall management and supervision of the Legal
21 Center and its staff, which is comprised of ten
22 civil and criminal court advocates assigned to the
23 courtrooms where domestic violence cases are heard,
24 a self-defense project coordinator, an intake
25 paralegal and a litigation assistant.

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2 A Protection From Abuse order is
3 designed to stop a person from abusing, stalking,
4 harassing and threatening a family member, household
5 member, intimate partner or minor child. The
6 primary purpose is to prevent future physical and
7 sexual abuse.

8 In order to obtain a PFA, a victim of
9 domestic violence must first file a petition with
10 the court. In this petition the petitioner needs to
11 describe both the most recent incident of abuse and
12 any past abuse.

13 The petitioner will also need to detail
14 the relief sought, such as the stopping of abuse,
15 stalking, harassment, no contact, eviction, an order
16 for temporary custody and support, and a request
17 that the sheriff seize any and all weapons.

18 It is important to note that here in
19 Philadelphia there is only one sheriff assigned to
20 confiscate all weapons that are ordered to be seized
21 under each and every Protection From Abuse order
22 granted.

23 In Philadelphia, during normal business
24 hours, a person seeking to obtain a PFA files his or
25 her petition free of charge --

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2 COUNCILMAN ORTIZ: That, I didn't know,
3 one sheriff.

4 OURANIA PAPADEMETRIOU: One sheriff,
5 yes, Councilman. He's right down the hall from our
6 office. We share office space. One sheriff.

7 One files a petition free of charge at
8 the Family Court Domestic Violence Unit at 34 South
9 11th Street, Room 242. This wait for filing a
10 protection order is invariably long and difficult.
11 Court personnel assists victims in filing initial
12 petitions for protection. No further assistance or
13 forms are available if a victim later needs to
14 modify or extend an existing Protection From Abuse
15 order or to file based on a violation. In that
16 case, a victim is forced to obtain these forms from
17 the Legal Center or from Philadelphia legal
18 assistants.

19 The vast majority of these victims get
20 no help whatsoever, rendering their PFA less
21 effective and less of a deterrent to future
22 violence.

23 During the hours that court is closed;
24 that is, from the close of business at the end of
25 each day to the beginning of the next business day,

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2 on weekends and on holidays, a petitioner must file
3 his or her petition at the emergency filing site at
4 the Criminal Justice Center, where there is a
5 domestic violence master present to review the
6 petitions filed.

7 It is our experience that too often
8 victims are refused the right to file petitions at
9 both sites. No one should be turned away when
10 seeking protection.

11 A further problem occurs when filings
12 are accepted at the emergency filing site, but
13 little or no relief is granted. It is up to a judge
14 of the Court of Common Pleas after reviewing the
15 allegations in the petition to determine whether any
16 temporary relief is granted.

17 After filing, the petitioner must serve
18 the petition and notice of date of hearing on the
19 respondent prior to the hearing date. For safety
20 reasons, the Legal Center encourages victims to have
21 police officers assist them in serving these
22 documents. In Philadelphia, the Philadelphia Police
23 Department requires that the petitioner be present
24 during service.

25 All hearings in Philadelphia are held in

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2 one of the two designated abuse courtrooms on the
3 second floor of Family Court. The court typically
4 schedules hearings for 9:00 a.m. and 1:00 p.m.
5 lists. There is one waiting room for each of these
6 two courtrooms, so all parties, victims and abusers
7 alike, sit together in one space, increasing the
8 likelihood of intimidation, fear and threats of
9 violence.

10 Often family members, friends and others
11 accompanying the petitioner to court for
12 encouragement and support are not allowed by the
13 court personnel to enter the room.

14 COUNCILMAN ORTIZ: We've heard that.

15 OURANIA PAPADEMETRIOU: When it is time
16 to enter the courtroom, the petitioners are on their
17 own to present their case and address the judge with
18 their concerns and requests for relief.

19 Over 80 percent of all petitioners enter
20 the courtroom without attorney representation,
21 relying on the judge to fashion for them the
22 protection they need to stop and prevent further
23 abuse.

24 Generally, there are 45 to 60 cases per
25 day per courtroom, and these are listed before each

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2 of the two judges. While hearing these cases, the
3 two judges must also review all petitions that were
4 filed at the two filing sites, at the domestic
5 violence unit and at the emergency filing site.

6 All Protection From Abuse orders can be
7 enforced through contempt proceedings if they are
8 violated. Since violations of Protection From Abuse
9 orders can result in criminal sanctions, the
10 existence of a PFA can serve as a significant
11 deterrence to future violence.

12 The strength of the PFA as a tool to do
13 this depends largely upon the responsiveness of the
14 criminal justice system to the victims' report of
15 contempt.

16 The police may arrest the batterer
17 without a warrant if there is probable cause to
18 believe that a violation of the order has occurred.
19 They do not need to be present to witness the act
20 constituting the violation.

21 When there is an arrest, the case is
22 tried by the assistant district attorney at the
23 Criminal Justice Center.

24 Problems occur when the responding
25 officer does not want to press charges when the

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2 victim calls them alleging a violation. If this
3 occurs, the victim can then call the police district
4 and ask for the domestic violence detective to
5 discuss the violation. However, it is our
6 experience that it is very difficult to make contact
7 with that detective. Police district phones are
8 often busy or go unanswered, until the victim gives
9 up and ceases to follow through on the violation of
10 the order. The victim, thereby, becomes more
11 victimized and less protected and less safe.

12 Abusers are more empowered to abuse and
13 less persuaded to stop if police do not take
14 seriously a victim's call for help where there is a
15 violation of an existing protection order.

16 Although the victim can file a private
17 criminal complaint or a civil contempt petition,
18 there is just one advocate from the Women Against
19 Abuse Legal Center to provide this assistance, and
20 these remedies are far less effective than an actual
21 arrest by the police where there has been a
22 violation.

23 Amid the alarming statistics surrounding
24 domestic violence is the encouraging evidence that
25 legal protection joined with the coordinated

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2 community and police response and specific and
3 comprehensive relief from our courts is the most
4 effective deterrent available today to stop domestic
5 violence.

6 COUNCILMAN ORTIZ: Thank you.

7 OURANIA PAPADEMETRIOU: Thank you,
8 Councilman.

9 COUNCILMAN ORTIZ: Stephanie Gonzalez.
10 (Short recess for stenographer.)

11 COUNCILMAN ORTIZ: Councilman Cohen.

12 COUNCILMAN COHEN: There once was a
13 saying, We're not going to take it anymore. When am
14 I going to get an explanation here that is going to
15 correspond to that?

16 I think it's outrageous the report that
17 the young woman just gave us about the lack of legal
18 services. It would seem to me that a person who is
19 suffering from domestic abuse would at least be able
20 to present her case, would be very fearful as to
21 what she might say, would certainly need sound legal
22 advice from get-go, probably would often need legal
23 advice to even continue to proceed.

24 Putting the burden on the person herself
25 or himself, whatever the case may be, just

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2 discourages and lowers the number of people that are
3 willing to undertake this added burden, because
4 people suffering from domestic violence, in my
5 experience over the years, are usually very fearful.
6 That's why they've subjected -- why they've been
7 subjected to this condition and permitted it to
8 continue. And it takes an awful lot of courage for
9 a person under those circumstances to be ready to
10 proceed, to become a human being again with full
11 rights.

12 So that the need for lawyers available
13 at all times to consult with, to encourage, to let
14 them know what their rights are under the law and
15 how they may be helped, somebody that can measly be
16 checked with, I just think part of the demand of any
17 society has to be for full availability of legal
18 services, and they shouldn't be given by city
19 administration grudgingly. I think it should be a
20 very top priority.

21 And I'm sorry I didn't hear the whole
22 statement, but I have it and I will read it, but
23 from the part I heard, it seems to me that that's
24 got to be a very basic demand. Without that, I
25 don't see how you can have any kind of a really

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2 effective program.

3 It seems to me that by the process of
4 elimination, probably you're not seeing the worst
5 cases that really exist in Philadelphia. Because
6 people that don't get that kind of support are so
7 less likely to try to correct the condition. They
8 continue to live under it or they do terrible things
9 to themselves.

10 OURANIA PAPADEMETRIOU: Thank you,
11 Councilman, for those thoughts. It's not just
12 having the attorneys available, and certainly we n
13 need more attorneys available, it's also having
14 services in the courtroom, advocates in the
15 courtroom, advocates at all the filing sites to help
16 people wherever they enter the court system to have
17 representation, knowledge, legal options available
18 to them.

19 COUNCILMAN COHEN: Well, I would like to
20 suggest that -- the budget for next year is being
21 put together now. The administration will
22 undoubtedly tell you it's already too late. But
23 it's not. The mayor makes his delivery to City
24 Council late in January. It's the only meeting of
25 City Council that will take place in the month of

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2 January. I think it's January 28th.

3 COUNCILMAN ORTIZ: 28th.

4 COUNCILMAN COHEN: Is that the date?

5 COUNCILMAN ORTIZ: Yes.

6 COUNCILMAN COHEN: It's on a Tuesday.

7 So you have little more than a month. But I would
8 like to suggest that one of the tasks you might
9 undertake is to develop for Councilman Ortiz and for
10 these two committees and other Council members -- I
11 had to go down to meet with Councilwoman Miller.
12 That's what took me away from the meeting. She has
13 told me she's very supportive of what the committees
14 are doing, because she had worked in the field of
15 domestic violence before she became a councilwoman.
16 She's going to be fully supportive. I believe she
17 was here earlier at the hearing, and she's going to
18 try to make it tomorrow.

19 But I think we'll have a lot of support
20 in City Council. If you can come up with a budget
21 that you would recommend, we can't promise to get
22 all of it to you, but don't stint on the budget.
23 Tell us what you really think would be needed in the
24 Philadelphia situation, and then give us a chance to
25 get at it.

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2 I would like it, if it were possible,
3 with the Chairman's permission to suggest if you
4 could get that kind of a budget, all of you working
5 together, say, within the next week or ten days. It
6 doesn't have to be a perfect one, but a good one.
7 We would like to begin raising the issue now. And
8 we'd like to begin raising it so that City Council,
9 instead of just reacting to the mayor's proposal,
10 present to the mayor's office what we think the
11 budget ought to include on the service.

12 Perhaps, Mr. Chairman, we could even
13 issue a temporary report from this Committee's
14 hearing --

15 COUNCILMAN ORTIZ: We will do that.

16 COUNCILMAN COHEN: -- to advance the
17 fight on the budget.

18 Why don't we start now. It seems to me
19 the situation is intolerable, and the sooner we
20 correct it, do it, and don't worry about being
21 polite or not polite.

22 You know, we have free speech in
23 America, and no matter who tries and how hard they
24 try, they're not going to succeed in taking away
25 that right, but if you don't use the right -- you

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2 know the old saying, If you don't use it, you lose
3 it.

4 So begin using all of your programs, and
5 we will try to assist you. You'll attract
6 attention, and I think when the people of
7 Philadelphia really get aware of this problem, I
8 think they're going to respond, because so many
9 families in the heterosexual society and in the
10 homosexual society, and I wouldn't be surprised in
11 the transgender society, in every society, there are
12 these kinds of problems. They occur within families
13 where there are marriages, they occur where there
14 are no marriages. They occur between all sorts of
15 people.

16 This is just an overwhelming problem and
17 it's a disgrace that human beings aren't given the
18 support to get rid of this kind of a disease that
19 really exists in our society.

20 Thank you, Mr. Chairman.

21 COUNCILMAN ORTIZ: Let me add something
22 to what Councilman Cohen is saying.

23 Women in this city make up over 53
24 percent of the electoral.

25 COUNCILMAN COHEN: And you elected the

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2 governor, incidentally.

3 COUNCILMAN ORTIZ: 53 percent of the
4 electoral.

5 We have testifying here today probably
6 some of the most energetic, dynamic, intellectual
7 women from across the city.

8 Every City Council person is up for
9 reelection in May and so is the mayor. Two years
10 ago the stadiums and the teams were the priority of
11 politicians in this city. Why don't we make it that
12 priority of women and children should be the
13 priority, that people that want to get elected to
14 Council and to the mayor's office, that that's the
15 priority that they have to look after.

16 We got an opportunity to influence that,
17 and I think if you follow what David is saying, in
18 this year, this is an opportunity to do a lot of
19 that. And budgets should be reflective of the needs
20 of our communities.

21 So, Stephanie, you're from Legal
22 Services and now you're from the Public Law Center?

23 STEPHANIE GONZALEZ FERRANDEZ: No;
24 Philadelphia Legal Assistance.

25 COUNCILMAN ORTIZ: Philadelphia Legal

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2 Assistance. Don't describe -- just give me -- we'll
3 put this as such as --

4 Stacey, you have a book?

5 STACEY SOBEL: I have a book. Don't
6 worry, I'll be shorter than the book.

7 STEPHANIE GONZALEZ FERRANDEZ: And I'm
8 not planning on reading from mine either. Don't
9 worry.

10 COUNCILMAN ORTIZ: I asked Judge Field
11 and Fox about the gay and lesbian community, and
12 they said, yeah, but they just don't do the
13 demographics, and maybe you can give us some of
14 that.

15 But Stephanie Gonzalez.

16 STEPHANIE GONZALEZ FERRANDEZ.
17 Ferrandez. I got two in there, Gonzalez Ferrandez,
18 F-E-R-R-A-N-D-E-Z.

19 Councilman, thank you for inviting me
20 here today and thank you for everyone for listening
21 to this testimony. I had planned to read from
22 something, but I'm not going to now.

23 COUNCILMAN ORTIZ: We'll make it part of
24 the record. It will be fully in the record.

25 STEPHANIE GONZALEZ FERRANDEZ: After

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2 listening to all of my colleagues speak today, I
3 want to touch on a few issues briefly.

4 I think to take up for just a moment the
5 appalling lack of legal services available for poor
6 women in this city, I think we can illustrate that
7 today, because I want you to know, Councilman, that
8 every attorney, with the exception of one, who
9 represents poor or battered women in this city in
10 their Protection From Abuse cases, in their custody
11 cases, in their child support cases is in this room.
12 In fact, they're right back there. There's Melissa,
13 who is brand new; Molly; Erica; Maureen; Susan;
14 myself; Leigh and one woman who is out sick today.
15 We're it. So what I bring --

16 COUNCILMAN ORTIZ: There's Terry and --

17 STEPHANIE GONZALEZ FERRANDEZ: I'm
18 talking about the lawyers that actually go to court,
19 over to Family Court.

20 And so what I'm going to describe is
21 what it's like for a battered woman who goes to
22 Family Court and what she's going to encounter,
23 because the Court already gave their statistics,
24 15,000 protection orders, petitions for protection
25 are filed each year. That does not include the

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2 custody petition and the child support petition that
3 most of those women also need to file and for which
4 they need representation and assistance.

5 There are four main issues I want to
6 touch upon at Family Court, and I was not here for
7 the beginning, so I don't know if the first was
8 touched upon.

9 But the first is the court facilities
10 and security.

11 COUNCILMAN ORTIZ: We heard they're
12 horrific.

13 STEPHANIE GONZALEZ FERRANDEZ: I want to
14 relate some personal experiences.

15 I've been a legal advocate at Family
16 Court for 13 years now, for five years as a
17 paralegal and now eight years as an attorney. The
18 bottom line is that Family Court is not safe. I
19 don't think I can adequately describe the scene that
20 you will find there. If you go to Family Court
21 yourself one morning and you walk in the door at 34
22 South 11th Street, you'll be greeted by a team of
23 officials, some sheriffs, some are a private
24 security company and metal detectors. But once you
25 get past all that, the woman has to go upstairs on

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2 her own to the second floor courtroom to the third
3 floor hearing officers, and there she doesn't know
4 what she's going to find.

5 Any one of the attorneys sitting here
6 who has been to Family Court can tell you, and sat
7 there for hours and hours waiting for the cases to
8 be called, can tell you that they have seen numerous
9 times a man curse at a woman, walk by and yell at
10 her, tell her, You better drop this or you're going
11 to regret it.

12 I can relate a personal experience. One
13 morning I was representing a woman who I'm going to
14 call Joanne. We were there for a custody
15 proceeding. She had been severely beaten by her
16 husband. She had her protection order, but we were
17 just waiting around. We had been there for more
18 than an hour and she got up to go to the restroom.

19 Maybe 15 minutes passed and she didn't
20 come back, and I started to be concerned. So I
21 walked out into the main lobby area in front of the
22 elevators by the restrooms, and there I found her
23 husband screaming at her. He was a very large man.
24 Screaming at her, waving a piece of paper at her.
25 At first I didn't know what was going on, so as I

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2 that attorney walking over just that minute, both I
3 and my client would have been hit that day.

4 Fortunately, the man calmed down. Well,
5 strode off, I should say, went back to the
6 courtroom, and my client and I, we collected
7 ourselves a little bit, we went back to the
8 courtroom. Fortunately, that day we won the custody
9 proceeding and I got my client's children back.

10 But I wouldn't want -- the important
11 point of this is, we never saw a sheriff that day.

12 Now, I'm giving you a scenario that
13 happened outside the courtrooms. And in the
14 courtroom lobbies is where you will find the most
15 sheriffs. In other parts of the building where
16 many, many proceedings that battered women are
17 involved in, custody proceedings, child support
18 proceedings, you will find no sheriffs regularly
19 assigned. There are just not enough sheriffs.

20 I could tell you another story, but I
21 won't.

22 COUNCILMAN COHEN: There are two
23 buildings, aren't there, at that location? Aren't
24 there two buildings at 34 South 11th Street?

25 STEPHANIE GONZALEZ FERRANDEZ: It's

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2 actually one giant building. And you don't realize
3 it, because it has various address. It's very
4 confusing. It's confusing for me as an attorney
5 there, much less any of the litigants. But you go
6 in different doors, but it's actually all connected
7 through upstairs corridors. So it's really kind of
8 one joint building which is located between 11th and
9 12th Street and between Chestnut and halfway between
10 Market.

11 So as an attorney there, and I'm sure my
12 colleagues could tell you, you have to learn which
13 exits to use, because sometimes you have to -- it's
14 sometimes convenient that there's so many exits.
15 You need to go out a different one if you know the
16 batterer is waiting out there for you and your
17 client at the main entrance.

18 So there's several areas. There's
19 several main lobbies. And for the most part, only
20 the courtrooms where the judges are on the second
21 floor have regular security.

22 COUNCILMAN COHEN: Is the sheriff
23 scheduled to testify?

24 COUNCILMAN ORTIZ: Tomorrow.

25 COUNCILMAN COHEN: So we'll be able to

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2 get from him the assignments of sheriffs.

3 STEPHANIE GONZALEZ FERRANDEZ: That
4 would be a great help.

5 COUNCILMAN COHEN: I know they're very
6 much understaffed.

7 STEPHANIE GONZALEZ FERRANDEZ: They are.
8 And I should add to my testimony, the sheriffs that
9 are there are very helpful.

10 COUNCILMAN COHEN: Are very helpful?

11 STEPHANIE GONZALEZ FERRANDEZ: Yes. And
12 when you can find one, they are generally very
13 helpful. It is more an issue of abundance.

14 COUNCILMAN ORTIZ: Availability.

15 STEPHANIE GONZALEZ FERRANDEZ: Yes,
16 absolutely.

17 Also in talking about the -- going to my
18 next point, the physical plan of Family Court.
19 Family Court is simply just too small. When you
20 talk about a lot of these security issues, a lot of
21 these problems arise because the women and their
22 batterers are sitting next to each other, much like
23 my colleague here and I are sitting next to each
24 other, just this close. In a child support
25 conference where a battered woman -- maybe she has

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2 her protection order. Now she needs to get her
3 child support to make sure that she can provide for
4 herself and her children, she has to sit just like
5 this, next to her batterer. There's a hearing
6 official in front of her, and proceed to defend
7 herself and to ask for child support.

8 And you can imagine asking for money is
9 one of the most heated times in any relationship,
10 even a good marriage, much less in a domestic
11 violence situation.

12 I did a training at Villanova Law School
13 a few weeks ago with a public defender who was a
14 former hearing official, a child support hearing
15 official, and I believe she said in 1997. She said
16 that her hearings were so volatile, that she
17 couldn't take it and she went back to being a public
18 defender to deal with the criminals rather than to
19 be a child support conference officer.

20 That's just an illustration. We need
21 waiting rooms where parties, plaintiffs and
22 defendants, can sit in separate sides. We need
23 facilities where the children can wait and not
24 observe all this, because you have to understand,
25 most of the time children are watching all of this.

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2 COUNCILMAN ORTIZ: I think we went
3 through the same problem with trying to do the
4 co-location aspects of the Special Victims Unit in
5 which the rape victim had to go by the rapist or be
6 present as they were being interviewed, and same
7 thing. If it happens with children, it's something
8 that should be fixed.

9 STEPHANIE GONZALEZ FERRANDEZ: I should
10 add, there is actually a lovely nursery at Family
11 Court, but, unfortunately, it's quite small and not
12 always staffed. And that's the reason -- children,
13 who, of course, are required to be present during
14 custody proceedings often to testify.

15 COUNCILMAN ORTIZ: I visited that
16 nursery.

17 STEPHANIE GONZALEZ FERRANDEZ: I'm glad.

18 Moving on to my next point, it talks
19 about visitation facilities generally. Often when
20 there's been a case of family violence, after the
21 protection order or during the protection order
22 proceeding, there is a need for a secure visitation
23 and exchange location. We don't have that in
24 Philadelphia.

25 A battered woman, she may have her

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2 protection order, but the judge may still order her
3 to go to a particular place or wait alone at her
4 home while her batterer comes to the home to pick up
5 the children for the weekend. We become a city of
6 exchange locations, because there is no city
7 exchange location or a community exchange location.
8 We exchange our children at McDonald's, at Chuck E.
9 Cheese is a common one. I have a client who meets
10 her batterer every Friday afternoon at the Starbucks
11 Cafe near her house to exchange the child.

12 Now, you laugh, Councilman, because it's
13 unbelievable. It's not coffee anymore. Starbucks
14 is where you exchange the children. But that's
15 preferable, because the only other alternative that
16 we have in which we regularly use is the police
17 station. That is not a place to take children for
18 visitation to exchange them.

19 The same woman that was exchanging her
20 children at Starbucks Cafe, I represented her last
21 month in a proceeding. Unfortunately, her batterer
22 became very angry with her at the Starbucks one day
23 and threw the child into the car, sped off, tires
24 spinning, threatened to kill her. We realize, well,
25 the Starbucks just isn't working out anymore,

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2 because, unfortunately, the police never came to the
3 Starbucks.

4 COUNCILMAN ORTIZ: It's not the
5 caffeine.

6 STEPHANIE GONZALEZ FERRANDEZ: I don't
7 think they had any coffee that day.

8 So what we worked out, we were in court.
9 We must have been there more than an hour, myself,
10 her, her batterer and his lawyer, trying to figure
11 out where we were going to pick up this 7-year-old
12 little boy. The judge at the end -- it must have
13 been an hour -- was very exasperated and said, I
14 give up, we're going to the police station, that's
15 all I've got. So that's where our visitation takes
16 place, our exchanges take place.

17 We need secure exchange locations.
18 Other jurisdictions have them. They need to be
19 community-based.

20 At the same time, we need -- I don't
21 know, Councilman, if you've ever had the pleasure of
22 going to the 1801 Vine Street court nursery on a
23 Sunday.

24 COUNCILMAN ORTIZ: Yes.

25 STEPHANIE GONZALEZ FERRANDEZ: Okay.

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2 For those of you who have not, I'll briefly
3 describe, it's not the most family friendly and
4 hospitable place. But if there's needs to be --

5 COUNCILMAN ORTIZ: I began my career at
6 Legal Services, like many of us here.

7 STEPHANIE GONZALEZ FERRANDEZ: The
8 facilities there, as I say, are less than family
9 friendly. Supervised visitation for parents who may
10 be a danger to their children are conducted at 1801
11 Vine Street in three two-hour sessions on Sundays.
12 Although the court has attempted, and I have to
13 commend them for this, to arrange for activities and
14 structured activities for the children while they're
15 at the facility, for the most part, it's a large
16 room, there's no monitoring, there's no visitation
17 which is meaningful there.

18 This is particularly -- this is a
19 problem for any child who has to go there and any
20 party or any parent, but it's particularly egregious
21 for battered women. Because, again, I want you to
22 know that the supervised visitation facility is not
23 safe.

24 I can tell you my colleague -- well, a
25 case in my office not too long ago, we were

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2 representing a woman, again severely beaten by her
3 husband. There were criminal charges pending, but
4 he was released on bail and was allowed to visit
5 with his daughter, who was 6 years old, at the court
6 supervised nursery every Sunday. The little girl
7 would cry. She didn't really want to go, but we
8 couldn't figure out exactly what was going on. We
9 knew nothing was happening to her. The sheriffs,
10 again, are there. A couple are stationed by to
11 observe the proceedings. But we didn't know what
12 was going on.

13 One day the little girl went to
14 visitation. She came out crying hysterically to her
15 mother and she showed her mother her jacket. It was
16 in the winter. This is a low-income family. It's
17 the child's only coat.

18 The father of this child had been trying
19 to make the mother drop, as we speak informally,
20 drop the criminal charges and her restraining order
21 and to come back home with him. He had taken in a
22 magic marker and written in the lining of the
23 child's coat a message to the mother, a very large
24 message, telling her, not so overtly, but,
25 essentially, threatening her that she had better

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2 drop this case. And this had all happened during
3 the supervised visitation with the child, in plain
4 view of the sheriffs and others. And we were able
5 to take the jacket as evidence back to Family Court
6 to curtail those visits, but that tells you about
7 the level of supervision that's going on during a
8 visit, that someone can take a child's jacket and
9 mark it.

10 Again, other jurisdictions, they have
11 therapeutic visitation for children who have
12 witnessed battering and trauma. That is much more
13 appropriate than what we have here in Philadelphia.

14 I want to talk about another point,
15 language access. From Congreso we heard earlier
16 about the problems that language minorities deal
17 with when they're calling the police for assistance,
18 so I won't discuss that aspect, but what I do want
19 to talk about is the problems that they deal with at
20 Family Court.

21 The Court reported that 15,000 petitions
22 are filed every year. What they failed to mention
23 is that if you do not speak English, they will not
24 help you file those petitions. Only if you speak
25 Spanish. The court has one full-time interpreter on

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2 duty in the building. There's one at the Domestic
3 Relations branch and there's one at 1801 Vine
4 Street, the juvenile branch. And this Spanish
5 interpreter, they're both great fellows. They're
6 there every day, but they are predominantly needed
7 for judicial proceedings.

8 There are also fortunately, thanks to
9 Congreso, there's a legal advocate in the Abuse
10 Assistance Unit who can help Spanish speakers.
11 However, if you don't speak Spanish -- and I give
12 this as an example that happened to me yesterday --
13 you will not get assistance unless you can bring
14 your own translator and file a petition for
15 Protection From Abuse. I even handed a copy of my
16 testimony to Judge Fox on her way out and I said,
17 Read the language access part, because this is an
18 egregious area.

19 COUNCILMAN ORTIZ: I will call her up.

20 STEPHANIE GONZALEZ FERRANDEZ: Well, I'm
21 hoping when I return to my office, I'll have a phone
22 call that this particular lady I'm about to tell you
23 about has a remedy.

24 I'm representing a Moroccan woman. She
25 only speaks French. We were at the court yesterday

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2 for her custody case.

3 COUNCILMAN ORTIZ: Somebody mentioned
4 that. We heard testimony about that case today.

5 STEPHANIE GONZALEZ FERRANDEZ: Really?

6 COUNCILMAN ORTIZ: Yes.

7 STEPHANIE GONZALEZ FERRANDEZ: Okay. I
8 was there yesterday morning with her for her custody
9 proceeding. Unfortunately, the court had forgotten
10 to order the interpreter, so there was no custody
11 proceeding. I don't speak French, but my client
12 speaks enough English that after the proceeding, she
13 had began to tell me -- and I knew this was a
14 domestic violence case -- but she began to tell me
15 that her husband had again threatened her over the
16 weekend. He had threatened to kill her and she was
17 very fearful.

18 Knowing the quickest way to solve this,
19 I said, Well, come on, let's walk over to the Abuse
20 Assistance Unit, let's just start your protection
21 order. That's quicker than what I can do.

22 We walked over there and first we walked
23 to the window. And I don't know if you've ever been
24 there, but you have to shout through a small hole in
25 the glass. And so there I was -- I hope someone may

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2 have described this, but her perhaps not.

3 Yes. My colleague will discuss that,
4 but, anyway, as I was screaming through the glass, I
5 was asking how long the wait would be, because my
6 client is the mother of a 3-year-old baby and she
7 only has certain number of hours of child care.

8 They said, Well, it's going to be four
9 or five hours.

10 And I said, Well, she can't wait that
11 long, could I have the paperwork so she can go ahead
12 and fill it out and we'll just leave it?

13 No. She --

14 And we'll take it back home and then
15 she'll bring it in tomorrow morning.

16 No. She has to fill it out here.

17 Okay. Fine. So we leave. She has to
18 go pick up her baby. And, actually, she was going
19 to try to access some other services in the city.

20 Her plan was to go back today to sit.
21 She would have the four or five hours that she
22 needed to sit and wait to file the protection order.
23 And then I realized, wait a minute, how is she going
24 to do this? She only speaks French.

25 So I called. I called myself the Abuse

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2 Assistance Unit. I'm going to belabor the bit about
3 language and interpreters a little bit more.

4 In proceedings there are often not
5 interpreters. Now, I have not witnessed a
6 proceeding in front of a judge where there's not an
7 interpreter present. It may have to be continued
8 several times to get somewhat other than a
9 non-Spanish speaker available, but they'll find an
10 interpreter. However, there are many proceedings in
11 which battered women participate, as I told you
12 about the custody and the child support.

13 We have had numerous women come to our
14 office, including Spanish speakers, on days when the
15 Spanish interpreter was busy, who have participated
16 in child support proceedings, again, side by side
17 with their batterer, where they do not speak
18 English. They were called into the support
19 conference and the support officer used the husband
20 to translate for her. Now, you can imagine --

21 COUNCILMAN ORTIZ: No.

22 STEPHANIE GONZALEZ FERRANDEZ: Excuse
23 me.

24 COUNCILMAN ORTIZ: No.

25 STEPHANIE GONZALEZ FERRANDEZ: I have an

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2 example in January of this year with a Vietnamese
3 women, in February of this year with a Chinese
4 woman, and we've had numerous Spanish speakers
5 report this.

6 COUNCILMAN ORTIZ: Having the rapist
7 interview the -- no.

8 STEPHANIE GONZALEZ FERRANDEZ: I mean,
9 you can imagine any child support proceeding. And
10 the first question is always, Ma'am, do you still
11 want to proceed with seeking child support? You can
12 imagine what some of the gentlemen respond.

13 COUNCILMAN ORTIZ: That's was in a court
14 proceeding?

15 STEPHANIE GONZALEZ FERRANDEZ: Yes. Of
16 course, I can't draw on the record for
17 confidentiality, but perhaps I could give you
18 details. And they were both this year. And my
19 colleague, who represented both of these women, is,
20 unfortunately, out sick today.

21 COUNCILMAN ORTIZ: I'd call the judge.

22 STEPHANIE GONZALEZ FERRANDEZ: I should
23 say -- well, hopefully, the judge is reading this.

24 I should say that in one of the cases my
25 colleague did get in and intervene when she realized

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2 they had started the proceedings early. The
3 conference officers eventually convinced that
4 perhaps the husband was not the appropriate
5 translator, but the support conference officer's
6 response was to call in the parties' teenage son who
7 was in the lobby, having accompanied his mother to
8 court, for him to come in and translate between his
9 mother and his father about his own child support.
10 So that's the level that we're dealing with.

11 My last comment, my last area, I'm only
12 going to address briefly. This is about, which
13 we've already talked about a lot today, the need for
14 coordination. We've talked about the need for
15 social services for other agencies to coordinate
16 with Family Court during proceedings.

17 As a lawyer, I can talk about this both
18 in terms of the needs for evidence during
19 proceedings and in terms of the need for services
20 after proceedings.

21 If you're a battered woman and you need
22 to prove your case, whether it's a protection order
23 or a custody case, let's say you did make a police
24 report. You need to get a copy of the police
25 report. You need to subpoena the officer to come

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2 and testify. You have to pay money to get copies of
3 the reports. You have to fill out a form. You have
4 to wait for the report to get back to you. To
5 subpoena a police officer, frankly, is even more
6 complicated. And if you want to know the truth, I
7 can't even tell you how to do it right now because
8 my secretary does that. But it's a long and
9 difficult process, and there's a fee involved.

10 If you need records, perhaps, from the
11 Department of Human Services, which might document
12 some past abuse on the part of your batterer, again,
13 you have to issue a subpoena. It's a very difficult
14 process.

15 We need police officers sitting in the
16 courtrooms to provide the information that's readily
17 available in their own computers. We need the
18 Department of Human Services to be available. These
19 are evidentiary matters. But we also need social
20 services available on the remedy end. Family Court
21 judges do not have access to resources.

22 My colleague, who is sitting with us
23 today, had a case where one of the judges was
24 involved in a custody case and knew that the father
25 in this case was a violent fellow, and she thought

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2 that angry management classes would be appropriate.
3 That's something that we have here in Philadelphia,
4 but she didn't know where to refer him. She didn't
5 have a specific place. So all she did was write in
6 her order, Defendant to have angry management
7 classes, to attend angry management classes.

8 Well, you can imagine, the father didn't
9 know where to go either and wasn't particularly
10 interested in finding them, so he never did. And
11 today, unfortunately, this woman still suffers
12 harassment from the gentleman involved.

13 If we had social workers and others
14 sitting and available in Family Court to provide
15 resource, information, referrals for angry
16 management, substance abuse treatment and all the
17 other things that can crop up in the life of a
18 family, and particularly in families which are
19 experiencing violence, then we would go a lot
20 further to remedy the situation in which our women
21 and children find themselves.

22 I think -- I could go on and on.

23 COUNCILMAN ORTIZ: I know.

24 STEPHANIE GONZALEZ FERRANDEZ: I've
25 represented almost -- and I won't -- almost in my

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2 career, in my short attorney career, I personally
3 represented almost 200 women in a variety of cases,
4 and the stories are endless. And all the stories
5 I've given you today, with the exception of the
6 first one, have happened within the past year.

7 We've come a long way. In 1994, I was
8 the only attorney in the city representing battered
9 women in all areas of family law, and today we have
10 eight. We've come quite a long way, but I hope with
11 the help of City Council, we'll continue to go
12 further.

13 COUNCILMAN ORTIZ: We haven't gone far
14 enough. Thank you.

15 Stacey. Again, don't read me the book.

16 STACEY SOBEL: Good afternoon,
17 Mr. Chairman, Councilman Cohen.

18 One of the reasons why the material I
19 gave you was so thick was because many people don't
20 know much about domestic violence issues and
21 same-sex relationships or for transgender people.
22 I'm not going to go over a lot of that, but that's
23 really more for the education of yourselves and your
24 colleagues who, unfortunately, aren't here to be
25 with us today, but we felt that it was important

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2 information to get out. It might answer some of
3 your questions.

4 COUNCILMAN ORTIZ: It will be on the
5 record, so that anyone will be able to read it.

6 STACEY SOBEL: So I will summarize from
7 this other stuff, and I'm going to hit on some of
8 those points.

9 I want to thank you for the opportunity
10 to speak today regarding domestic violence issues
11 related to the City of Philadelphia's courts, your
12 departments and agencies. My name is Stacey Sobel.
13 I am the executive director at the Center For
14 Lesbian and Gay Civil Rights. We are a non-profit
15 organization that advocates a quality for lesbian,
16 gay, bisexual and transgender Pennsylvanians through
17 direct legal services, education and policy reform,
18 and we're based here in Philadelphia.

19 When the Center was founded six years
20 ago, we never imagined the impact that domestic
21 violence cases would have on our organization.
22 However, it soon became clear that same-sex couples
23 faced domestic violence at the same rates as
24 heterosexual couples. The need to assist same-sex
25 victims of domestic violence became so pressing,

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2 that the Center founded our Anti-Violence Project in
3 2001 to specifically handle these types of cases in
4 the LGBT community, as well as other violence
5 issues.

6 It is common knowledge, and some of my
7 colleagues have spoken about this today, that
8 domestic abuse victims will not seek the assistance
9 of law enforcement or other governmental resources
10 out of fear of retaliation by their abuser, the lack
11 of knowledge of the judicial system or the fear that
12 people will just not believe them.

13 The decision to attempt to access these
14 services can be fraught with tremendous anxiety,
15 especially for same-sex victims of domestic
16 violence.

17 Many of Philadelphia's same-sex abuse
18 victims do not even know that Pennsylvania's
19 Protection From Abuse Act actually covers same-sex
20 relationships, that Philadelphia's Fair Practices
21 Ordinance forbids anti-LGBT discrimination, or that
22 limited social services are available to them.

23 Those who do know that the courts are
24 open to them must consider taking the enormous risk
25 of repeatedly coming out or revealing the nature of

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2 their relationship with abusers to police, social
3 service providers, legal service providers, court
4 staff and possibly employers or landlords if their
5 abuser violates a Protection From Abuse order and
6 appears at the victim's home or place of employment.

7 For many LGBT people, the prospect of
8 having to endure so much exposure simply carries too
9 many perceived risks, including the risk of being
10 humiliated and rejected by police, attorneys and
11 court staff at a particularly vulnerable moment, the
12 risk of being evicted or the risk of being fired.

13 COUNCILMAN ORTIZ: Are there any
14 recorded cases in which those things have happened?

15 STACEY SOBEL: Absolutely.

16 COUNCILMAN ORTIZ: And I think those
17 fears we understand, so that -- I'm interested in
18 the areas in which those things have actually come
19 about and been imposed on the individuals that
20 you're supposed to defend.

21 STACEY SOBEL: Sure. I was just about
22 to get to that. I can give you a couple of
23 examples. Just to let you know, approximately 10
24 percent of our cases that we handle overall are
25 domestic violence cases. And while the police

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2 sometimes respond appropriately to reports of
3 same-sex domestic violence, in many other cases they
4 do not.

5 I'd like to give you an example of a man
6 who was severely beaten by his partner. The police
7 were called, and when they arrived to the scene,
8 they harassed the victim for crying. And instead of
9 bringing the victim to the hospital for medical
10 treatment, the police officers brought him back to
11 his abuser.

12 The police have also failed to intervene
13 in other cases that we've had, calling them fair
14 fights between the two partners, or arresting both
15 parties without regard for the circumstances.

16 In other cases, the police will always
17 arrest the bigger person or the one who looks more
18 masculine, even if the evidence indicates that the
19 other person is the domestic violence victim.

20 We've also seen the police refuse
21 assistance to a transgender person even though they
22 had a Protection From Abuse order. The police
23 officers told her that they would not assist her
24 because she was a man, and they laughed at her and
25 they left.

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2 COUNCILMAN ORTIZ: Did that happen
3 recently?

4 STACEY SOBEL: Within the last year.

5 When an LGBT person either finds the
6 ability to report their case or actually access the
7 judicial system, they are faced with additional
8 hurdles. And I want to actually talk a little bit
9 about the environment of Family Court, which I
10 consider to be itself a barrier to assistance.

11 To say it's cold and unfriendly to
12 victims is putting it simply. I was thinking that
13 some of my colleagues might have gone into some more
14 detail, but I feel that I have to go into some
15 discussion about the window with the little hole
16 that's about this big, and the fact that there's so
17 little privacy in Family Court. And I think that
18 this disproportionately impacts the Center's
19 clients.

20 When most people come to this window to
21 have their case heard by a court representative,
22 they're doing so in a room full of dozens of people.
23 While this can be embarrassing for anyone, it is
24 even more difficult for LGBT people who must
25 announce their sexual orientation or gender identity

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2 in front of numerous strangers who may not approve
3 of their relationship.

4 The frequent comments people make in the
5 room regarding the person at the window's case make
6 this situation even more difficult. If you go to
7 this room on a typical day, there will be a number
8 of people waiting in line at the window and then
9 there's people sitting in chairs. And as each
10 person approaches the window and tells their story
11 to the court staffer, everyone else in the room
12 starts making comments, Oh, he did that, you should
13 do this, they should do that and they're --

14 COUNCILMAN ORTIZ: They do that through
15 this hole?

16 STACEY SOBEL: -- critiquing.

17 No. One person is at the hole talking
18 to the staff and then they've got, just like I'm
19 here right now -- everyone is nodding -- a room full
20 of critics, if you want to call it, who are telling
21 them, do this, do that, you didn't do that, you
22 didn't do that, call Women Against Abuse, call Women
23 in Transition, all these different things. And then
24 all the sudden, because this hole is about this big,
25 you're forced to shout, because -- well, first of

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2 all, you can't hear hardly anything they're saying
3 to you. So you're yelling there with your now 20 or
4 30 best friends sitting next to you and you're
5 screaming, It's not a man; it's a woman. It's not
6 my husband, or, I am gay, it's not that way.

7 What happens is, this is even made worse
8 because the court staff will always use or assume
9 that any woman who approaches the window --

10 COUNCILMAN ORTIZ: Like those
11 restaurants up in Navaho with the bullet-proof --

12 STACEY SOBEL: Exactly.

13 COUNCILMAN ORTIZ: -- and a hole in it?
14 It is demeaning to go order food in one of those
15 places. I can imagine...

16 STACEY SOBEL: So you can imagine how
17 demeaning -- I cannot underestimate the difficulties
18 it is for someone to have the inner strength to walk
19 into that building in the first place.

20 COUNCILMAN ORTIZ: We got to change
21 that.

22 STACEY SOBEL: And just to walk into
23 that building and ask for help, usually those people
24 have been victims of abuse for months and years.
25 And then to go into that room and face that type of

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2 embarrassment is difficult enough. To couple that
3 with the fact that you are a lesbian, gay, bisexual
4 or transgender and that you've just announced that
5 to everyone who is sitting there is that much more
6 humiliating, demoralizing. And then you become
7 fearful for your own safety or judgment, because you
8 have no idea who is sitting in that room and how
9 they might feel that you are there because you're
10 involved in a same-sex relationship.

11 COUNCILMAN ORTIZ: Oh, my God. We
12 should have John Ashford visit that place.

13 STACEY SOBEL: Well, it gets better,
14 because after you yell through the hole that you're
15 gay or lesbian or something, then you have to sit
16 down right in those rows with those other people,
17 and they stare at you, until your number is called
18 and perhaps you get to speak to somebody else.

19 Same-sex victims -- and I have to also
20 say something here. Almost every single person here
21 has talked about women, and as a woman, as someone
22 who is very responsive to --

23 COUNCILMAN ORTIZ: I asked the judge the
24 question. Go ahead.

25 STACEY SOBEL: -- to domestic violence

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2 needs in our society, they are overwhelming women
3 who are coming through, but for the men that have to
4 go up to that window and say, I am battered, or, I
5 am a batterer and sit there in a room full of women,
6 or I've been battered by a male person, is a very
7 hard thing to do, or for a transgender person to get
8 up there in a room full of women is even that much
9 more difficult than a lesbian to do.

10 Same-sex victims are often very confused
11 about how the Family Court system works and even if
12 it applies to their relationships at all. For
13 example, if you go into this room, you'll see a very
14 large handwritten sign in the room that states that
15 victims who are not spouses or relatives must be in
16 a sexual relationship with the abuser. Well, first
17 of all, that's not a correct interpretation of the
18 law.

19 A person who is being abused by a former
20 partner may file a complaint. Additionally, no
21 sexual relationships is necessary. The couple may
22 have dated, but not have been sexually intimate.

23 It's also not clear to our clients what
24 is meant by a sexual relationship or if LGBT
25 relationships are even covered, because unlike

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2 marriage, the state's laws don't even recognize
3 same-sex relationships.

4 Even more disturbing is the fact that
5 personnel sometimes state that they cannot help the
6 victims because they're in a same-sex relationship
7 and they turn them away. This is especially true of
8 victims who seek emergency orders at night or on the
9 weekends. I know we've discussed that a little bit.
10 And the staff often tells our clients to go file a
11 private criminal complaint, which is a process which
12 can take months to be resolved and provides no
13 temporary protection while the process drags on.

14 When complaints are accepted in Family
15 Court, our clients' problems are often the same as
16 many of the others who have testified here, but I
17 would say that they are magnified.

18 Some of the judges encourage
19 cross-complaints against our clients, even in cases
20 where it's not appropriate. Judges also sometimes
21 look at the more masculine partner as the aggressive
22 and the more feminine one as the victim, even when
23 the evidence indicates otherwise.

24 These problems only compound the
25 violence and fear that many victims face and make

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2 them less likely to access the judicial system in
3 the future.

4 When it comes to the other city
5 departments and most non-profit organizations that
6 work within the city and provide services for
7 domestic violence victims, they do not have
8 materials or programs to address the needs of the
9 LGBT community. For example, there is not one bed
10 in the entire city shelter system that is available
11 for a gay man or a transgender domestic violence
12 victim.

13 Also, people might be hesitant to seek
14 the services of organizations that will assist LGBT
15 people because, for example, the word "woman" is
16 part of that organization's name. And even though
17 they're welcoming, they just feel that those
18 services are not intended for them.

19 On behalf of the Center For Lesbian and
20 Gay Civil Rights and our clients, I respectfully
21 request that the Committees on Public Safety and
22 Health and Human Services review the City's courts,
23 their departments and agencies to ensure they are
24 meeting the needs of all domestic violence victims
25 regardless of their sexual orientation or gender

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2 identify. It is the City's obligation to assist its
3 most vulnerable people. The city has taken steps to
4 improve services to domestic violence victims, but
5 more needs to be done.

6 Thank you.

7 COUNCILMAN ORTIZ: God, this gets more
8 complicated as we go along.

9 STACEY SOBEL: I don't know if you have
10 any questions.

11 COUNCILMAN ORTIZ: No. It's a problem.
12 It's something that we have to attend to, and we
13 will.

14 STACEY SOBEL: Thank you.

15 COUNCILMAN ORTIZ: We will.

16 Thank you. This Committee stands in
17 recess until tomorrow, December 18th, the year of
18 our Lord, 2002, at 1:00 p.m.

19 (Hearing adjourned at 5:15 p.m.)

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CERTIFICATE

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MICHELE L. MURPHY

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RPR-Notary Public

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I HEREBY CERTIFY that the proceedings,
evidence and objections are contained fully and
accurately in the stenographic notes taken by me
upon the foregoing matter on December 17, 2002,
and that this is a true and correct transcript of
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