

City of Cambridge

MASSACHUSETTS

In City Council

4/4

1994

Accepting All
Committee Reports & Study Claims

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

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City of Cambridge

The Civil and Human Rights Committee held a public hearing and speakout on domestic violence and the creation of a domestic violence free zone in the City of Cambridge. The hearing was held on Tuesday, March 8, 1994 in the Sullivan Chamber and commenced at 7:10 p.m. Present at the meeting were: Councillor Katherine Triantafillou, Chair of the Committee, Councillor Kathleen L. Born, Councillor Jonathan S. Myers, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., Mayor Kenneth E. Reeves and City Clerk D. Margaret Drury.

Councillor Triantafillou called the hearing to order and explained its purpose. She introduced Judge Arthur Sherman of the Middlesex District Court, Thomas Reilly, Middlesex County District Attorney, Jill Herold, Assistant City Manager for Human Services, Dr. Melvin Chalfin, Commissioner of Health and Hospitals, Nancy Ryan, Executive Director of Women's Commission, Police Commissioner Perry Anderson and School Committee Member Henrietta Davis, and thanked them for their attendance.

Councillor Triantafillou read City Council Order No. 29 of March 7, 1994, in which the City Council declared March 8, 1994 as International Women's Day and designated the City of Cambridge as a domestic violence free zone.

Councillor Triantafillou then opened the hearing to public testimony.

Sarah Buel, Bunting Institute, Radcliffe, outlined her experience in the field of domestic violence, a total of seventeen years of working with battered women, abused children and women in prison. She is currently at the Bunting Institute, teaching and writing a book on the subject. Domestic violence is the number one cause of injury to women in this country. Women are in nine times more danger in their homes than on the street.

She stated that we now know what works. San Diego decreased domestic violence by 62% by having a very close police/prosecutorial relationship. In 70% of cases they can go forward without testimony of the victim.

One key factor is training of police, prosecutors and judges. Using SWAT vans to serve restraining orders has been helpful in Houston. Quincy and Somerville, Massachusetts have successful techniques because of strong leadership in the domestic violence police units.

Ms. Buel stated that family violence is preventable. Kansas City and Newport News studies have found that in family violence homicides, the police have been there at least once before.

Ms. Buel noted that family violence work is about crime prevention and safety. It is in homes where children learn that violence is acceptable. More babies are born with birth defects from women having been battered during pregnancy than all other diseases for which they are immunized. The fiscal effects of domestic violence are appalling.

Ms. Buel also said that treating domestic violence more seriously reduces police injuries, and pointed to the example of Duluth.

Councillor Sullivan thanked Ms. Buel for very effective training he received from her as a young district attorney.

Ms. Buel listed several recommendations for police departments:

1. Establishment of a domestic violence unit headed by an experienced, competent and committed officer.
2. Written policies and protocols so that officers have a clear idea of what they are expected to do. In Chelsea Polaroid donated free cameras to assist in the collection and preservation of evidence. An investigation checklist (see Attachment A) is very useful.
3. Participation by commanders and line officers in family violence round table discussions involving all segments of the community dealing with domestic violence.

Dolores Aguirro, Cambridge, Outreach Coordinator for Transition House, described a scenario of what should happen to a woman who suffers domestic violence and seeks assistance in a Cambridge which has fully implemented a violence free zone. She stressed that these services are logical and necessary to keep women alive.

Danielle Pedelaborde, Cambridge, staff member of Dating Violence Intervention Project, which grew out of Transition House, described the Dating Violence Project. The project members meet with young people, deliver a curriculum to students in the classroom, run young victim and perpetrator groups, and have a strong emphasis on peer empowerment through training and a theatre troupe. She noted that there are special issues for young people involved in violence. For example, mediation, which

is widely used at the High School for dispute resolution, is the absolute wrong approach for this kind of violence. There have been a lot of formal studies of teen dating violence. The High School is like an iceberg, only the tip of the problem has been seen. Ms. Pedelaborde said that she is proud to live in Cambridge where there are programs and efforts to combat domestic violence and dating violence, but that there is still far to go. She would like to see their curriculum instituted as a matter of course in the health curriculum, more funds for their activities, more intervention services for young perpetrators and more teacher training. It should start before high school level. Kids have to be held accountable for their behavior in the schools.

Middlesex District Attorney Thomas Reilly discussed a conference on community-based justice and youth violence which he attended that day, and noted the importance of the community-based approach to the problem of domestic violence. Many encouraging things are going on in the DA's office, but the DA's office needs help from all segments of the community. One big step is the community roundtable which is getting started and will bring together all the different segments of the community fighting domestic violence. He hopes the political leadership of the City will join this effort.

Dr. Melvin Chalfin, Commissioner of Health and Hospitals and Linda McAnirn, Head Nurse for Emergency Services, the Cambridge Hospital, described the programs at the Cambridge Hospital. Dr. Chalfin described the activities of the Health Policy Board, which enumerated violence prevention as its number one health priority policy this year. He also described the efforts of the Health of the City Task Force in this area. All these efforts look at the issue in terms of prevention.

Linda McAnirn, said that having worked over fifteen years in emergency rooms, she has found very few women who come to the emergency room and actually state that they have been beaten. Staff also tended not to probe further even when they thought there could be violence. The staff started a task force in domestic violence. The task force included all kinds of staff, physicians, security and ambulance workers. They all met and talked and decided on policies. The focus was to promote a heightened awareness of all involved. Statistically one in four, and perhaps one in two, women are being beaten. All must be involved in trying to fix this. It's important to not be afraid to ask someone if you think they are being beaten.

Councillor Triantafillou asked if the hospital was available for women who had been beaten in an emergency situation where they had no place to stay and Ms. McAmien stated that any woman who came with children to the emergency room

would not be turned out.

Judge Arthur Sherman, First Justice, Middlessex District Court, Cambridge Division, said that the problem of domestic violence cannot be treated strictly as a local problem. State funds are needed. Domestic violence is being emphasized in judicial training. There are some technical evidentiary issues regarding the right to immunity when the parties are married and reconciled that cannot be just swept aside. If there is no witness, there is no case. Judge Sherman stated that he believes 90% of domestic violence comes from alcohol or substance abuse. This year all of the grant funding for substance abuse is gone. He said that he believes efforts must be directed first to the State House for funds for these programs. Judge Sherman also said that for any youth who comes before the court and alleges abuse, he appoints a guardian ad litem to afford them protection from violence in the home. Councillor Triantafillou stated that she hoped that Judge Sherman's court will be open to cooperation with local efforts as they progress. Judge Sherman agreed that the court would cooperate.

Judith Lennet, Chief Counsel, Cambridge and Somerville Legal Services (CASLS), noted that domestic violence deeply permeates the work of legal service, so much so that CASLS has a universal screening in domestic violence for women who seek services from the office. Advocates and women have gotten very good at getting women short term assistance - restraining orders through Chapter 209A. But batterers have also gotten very good at using the legal system. Retaliation has increased tremendously. Batterers get contradictory 209A orders and even more commonly, file custody actions in retaliation, and also attempt to use Chapter 51A complaints of child abuse in retaliation.

Ms. Lennet recommended more advocates, not just lawyers, and also coordination of that advocacy. More training for judges and court personnel is still needed, along with funding for that training. The Probate Court is still a frightening place for battered women. There needs to be more thought about the ramifications of reliance on the legal system on the psychosocial aspects of the issue. CASLS has begun to reach out to teenagers to address issues of family violence. Ms. Lennet agreed with Judge Sherman that much work must be directed to state legislature.

Attorney Lennett stated that as a community we must address the violence in our culture and that more attention must be turned to the batterers to ending their violence, so that it is not a situation where the individual woman is protected, but the batterer goes on to batter other women.

Helena G. Rees, Public Affairs Director, Cambridge Chamber of Commerce, stated that the Chamber supports the idea of Cambridge as a domestic-free zone. She would be interested in filing legislation to enable youths to be able to file Chapter 209A actions.

Judge Sydney Hanlon, Judge, Dorchester District Court and Chair of the District Court Committee to look at domestic violence issues, said that she was a prosecutor for fifteen years before she became a judge three and a half years ago. The volume of violence against women and children is horrifying. Dorchester District Court issued 2300 restraining orders last year. All courts together in the system issue approximately 1000 per week. She has found domestic violence roundtables very useful in her court. All local players are invited. The meetings happen about once a month, and involve court personnel, victim-witness employees from district attorney's office, mental health workers, the medical community, advocates, including law students, and police. Judge Hanlon said that the District Court standards have been updated to address changes in the law and to provide comprehensive requirements for what should happen at every stage. She noted that the bail standards do not presently allow the issue of dangerousness to be addressed in setting bail; the law that would have changed this was found unconstitutional by the Supreme Judicial Court. Judge Hanlon described upcoming training through the District Court on the law and recommended practices. She also stated that studies show that children are as affected by seeing their mothers battered as by being battered themselves.

In response to a request by Councillor Triantafillou, Judge Hanlon further described the roundtable meetings at the Dorchester District Court. The roundtable together worked in the problem of a safe place to wait at the court, when police officers are summoned to court. A city-wide effort to have such a roundtable would be an effective tool in reducing domestic violence.

Silvia Savedra Keber, Co-Chair, Cambridge Latino Commission, noted how important follow-up is in this issue. Ms. Savedra Keber also discussed the issue of violence in relation to immigrants. The language and cultural diversity among battered women must be considered in trying to develop a domestic violence free zone, and especially in the creation of a roundtable. It is also important to start by identifying what services are available in Cambridge and what services are lacking. Ms. Savedra Keber noted that in the Latino culture, domestic violence is often hidden, and it has been helpful that priests are beginning to address the issue more openly.

Elizabeth Dillon, Domestic Violence Coordinator for the Cambridge Police

Department and Sergeant Thomas Keveney, Domestic Violence Unit, Cambridge Police Department spoke next. Ms. Dillon stated that Cambridge is one of two police departments in the state offering these services and having such a unit. There has been a 17% increase in domestic violence since last year. the Police Department is currently interviewing applicants for a Domestic Violence Detective position. The domestic violence unit is creating a new policy for police response and looking at other models throughout the country. The unit is working closely with the Women's Commission. Ms. Dillon noted that cities such as San Diego have had success even though there was not significant additional funding available.

Sergeant Thomas Kaveney said that he took over the domestic violence unit in October 1993. He found that the reports on domestic violence incidents needed improvement and recommended training to improve reporting. The focus has been on treating domestic violence as a crime-preserving evidence, taking photographs, etc. The Police Commissioner and the District Attorney have been very supportive.

Ms. Dillon said that the domestic violence unit consists of two persons, but that any of the 15 detectives investigate domestic violence crimes. Her position is grant funded by the Massachusetts Committee on Criminal Justice. Her function is to follow up on contact with the victim. She gets a copy of the police report where domestic violence is involved and follows up to find emergency shelter where necessary and other services for the victim. She is also doing public speaking and education. Ms. Dillon stated that right now the greatest need for the Police Department is training, with a comprehensive written policy so that police officers know exactly what has to be done.

Councillor Sullivan asked Sergeant Kaveney whether Polaroid provides Cambridge with free cameras. Sergeant Kaveney said that Polaroid did lend the Police Department a camera for a time. Councillor Sullivan suggested that Cambridge request that Polaroid provide cameras as they did to Chelsea.

Councillor Toomey asked whether the increase in domestic violence crime reflected an increase in reporting. Elizabeth Dillon stated that some could be attributed to the fact that more women are calling the Police Department and that more women feel comfortable in calling. It also probably reflects statistics that domestic violence increases as women attempt to leave, and more women are trying to leave. Ms. Dillon also noted that domestic violence also has an impact on the gay and lesbian community and that their needs must be addressed.

Councillor Toomey asked about calls regarding repeat offenders. Ms. Dillon stated that she did not have statistics on this, but there did not appear to be significant repeats, perhaps because Cambridge responds very seriously and utilizes arrest, which tends to reduce repeat offenses.

Bill Redkin, Botec Analysis Corp., Cambridge, stated that his firm does work with law enforcement agencies and is working on security plans for women. They have assembled a group of security professionals and women's advocates to develop these plans.

Councillor Born stated that this has been an informative evening. She noted that there has been a deserved emphasis on court, but that many instances of domestic violence do not go to court. There have to be efforts to help closeted victims. She grew up in a household with two parents who were alcoholics and had an abusive relationship. She called the police on two or three occasions because she was afraid her parents would hurt each other. The police did not intervene and never made a follow up call. Two or three times she called the Fire Department because there were fires from the abuse. Again, there was never a follow-up call. She missed school often without excuses and there were no responses. Neither the hospitals nor the religious committees were helpful. Domestic violence should be addressed in the schools through an awareness program at very early ages. Kids need to know that there is help available for them. She asked whether a child in a similar situation in Cambridge would get help.

Henrietta Davis, Member of the Cambridge School Committee, described the violence prevention efforts in the Cambridge Schools. She said that a group including herself, a number of School Department personnel, Nancy Ryan and Councillor Triantafillou have been meeting to develop policies and a long-term plan to train principals and teachers.

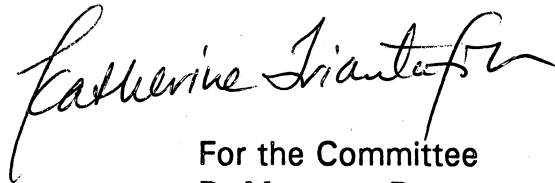
Councillor Sullivan said that domestic violence is not only a crime; it is a crime against self esteem. Court can be a very traumatic experience for a battered women. It can take a long time for a woman to testify. It is important to use every possible exception to the hearsay rule to assist a victim who cannot bring herself to testify. Councillor Sullivan also described recent amendments which have improved the domestic violence law. He stated that the most important element is the support for victims of domestic violence and spoke in support of a domestic violence free zone in Cambridge.

Sara Pennet, works in Cambridge, stated that she was a battered woman for years, but only contacted the police twice. She described the fear and shame that a battered woman feels that can make it very difficult to get out. The shelters are extremely important for women, as is getting support from the Police Department. Kids have to be taught at a very young age that violence in the home is not acceptable and that they can go to a teacher to talk about it.

Nancy Ryan, Executive Director, Women's Commission, stated that it was very moving to have support in the struggle against domestic violence from so many City Councillors, and so many City departments and advocates.

Councillor Triantafillou stated that she expected that the Committee will meet again and that there will be several recommendations from the Committee on the issue. She noted the importance of communication among the different groups dealing with the issue of domestic violence.

The hearing was adjourned at 10 p.m.

A handwritten signature in cursive script, appearing to read "Catherine Triantafillou".

For the Committee
D. Margaret Drury
City Clerk

FAMILY VIOLENCE INVESTIGATION CHECKLIST

Agency _____

Crime Case Number _____

I. VICTIM

- _____ Described the victim's location upon arrival.
- _____ Administered first aid to the victim.
- _____ Noted time dispatched, arrived and when victim spoke.
- _____ Recorded any spontaneous statements made by the victim.
- _____ Described the victim's emotional condition.
- _____ Described the victim's physical condition, incl. HT & WT
- _____ Documented the victim's injuries in detail (SIZE, LOCATION AND COLORATION) & if medical treatment sought.
- _____ Noted victim's relationship with suspect.
- _____ Recorded history of abuse.
- _____ Noted any restraining/court orders.
- _____ Gave victim notice of rights and services information card
- _____ Recorded any temporary address/ phone of victim.

II. SUSPECT

- _____ Described the suspect's location upon arrival.
- _____ Administered first aid to the suspect.
- _____ Recorded any spontaneous statements made by the suspect.
- _____ Described the suspect's emotional condition.
- _____ Described the suspect's physical condition, incl. HT & WT.
- _____ Described the suspect's injuries in detail.
- _____ Documented evidence of substance/chemical abuse by suspect.
- _____ Following Miranda asked suspect if wanted to make a statement, knew of restraining order and/or understood order.

III. WITNESSES

- _____ Interviewed the reporting party.
- _____ Identified all witnesses and interviewed them separately.
- _____ Recorded all witnesses' addresses and phone numbers.
- _____ Listed names and ages of all children present.
- _____ Interviewed the children.
- _____ Recorded names and addresses of emergency personnel.
- _____ Identified treating physician and hospital.
- _____ Recorded the "911" # _____ and incident # _____

IV. EVIDENCE

- _____ Photographed the crime scene.
- _____ Took "full body" photograph of suspect.
- _____ PHOTOGRAPHED THE VICTIM'S INJURIES.
- _____ Photographed the suspect's injuries.
- _____ Impounded & took into evidence all weapons used.
- _____ Impounded weapons for safekeeping.
- _____ Took into evidence any objects thrown or used in incident.
- _____ Attached related reports, photos and evidence tags.

REPORTING OFFICER _____

APPROVED BY _____

REPORT DATE & TIME _____

S. 138

Committe Report #1

A comm. was received from D. MARGaret
Drury transmitting report from Councillor
Triantafillou Chair of the Civil Rights
Committee for a public hearing held
3/8/94 re: deomestic violence.

In City Council April 4, 1994

*Report Accepted
on Roll Call 9-0-0.
Placed on file*