

Reducing Family Violence: The Role of the Family Violence Council

By Judge Leonard P. Edwards

Reducing family violence is an important social goal. Family violence takes many forms and affects all members of the family. Both wives and children are frequently physically and sexually abused and subjected to emotional abuse and neglect, while other relatives and household members, particularly elders,¹ are also at risk of being victims of such conduct. Violence within the family cuts across all lines, including race, class, age, sex, handicaps, sexual orientation and socioeconomic status.² Family violence results in numerous social ills. Most important, it threatens the stability of the family and imprints upon all members of the family, especially children, that violent behavior is acceptable.

Violence in the home strikes at the heart of our society. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood. . . . To tolerate family violence is to allow the seeds of violence to be sown into the next generation.³

Domestic violence occurs with alarming frequency in the United States. While it is estimated that one-third to one-half of all women in this country will be in a violent relationship during their lifetime,⁴ and the Federal Bureau of Investigation reports that a woman is beaten by her husband or boyfriend every twelve seconds, the FBI also concludes that domestic violence "is under-reported by a factor greater than ten to one."⁵

Of the 1.5 million reported cases of child abuse and neglect each year,⁶ and the estimated

1.8 million women beaten in their homes each year,⁷ studies indicate that there is a co-occurrence of approximately 810,000 families with both spousal and child abuse.⁸ Pregnancy appears to be a particularly hazardous time for women:⁹ 30% of all pregnant women are battered.¹⁰ These women are two times more likely to miscarry and four times more likely to have low birthweight babies than the norm.¹¹ Shockingly, more babies are born with birth defects as a result of the mother's being battered than a combination of all diseases and illnesses for which we now immunize pregnant women.¹²

Children who witness abuse are dramatically affected. They are more likely to attempt suicide, to abuse drugs and alcohol, to run away from home, to engage in teenage prostitution and other delinquent behavior, and to commit sexual assault crimes.¹³ Sixty-three percent of all males between 11 and 20 who are doing time for homicide in America killed their mother's batterer.¹⁴ In Oregon 68% of the delinquent youth in treatment programs had witnessed their mother's abuse and/or had been abused themselves. Within this group 30% had committed arson, 63% assault, 7% rape, 7% murder, 90% were abusing alcohol and 89% abusing drugs.¹⁵

Other household members suffer from family violence. Approximately one million incidents of elder abuse occur annually in the United States.¹⁶ Partners in gay male and lesbian relationships also suffer from violence within the home.¹⁷

Violent behavior in the family is illegal conduct in all states, but the legal proscription has not reduced, much less ended, this behavior. There

are several explanations for this failure to reduce the incidence of family violence. First, our society, and in particular our legal system, has been ambivalent about intervention after family violence has occurred. On the one hand the behavior is illegal, but on the other, it involves people with continuing ties who the next day may have a seemingly satisfactory relationship. Intervention becomes more difficult when the victim is reluctant to pursue the matter. Decision-makers in the justice system often conclude that family violence is not "real" criminal behavior, but that it is a family matter in which no action is necessary.

Second, the complex justice system has not been refined to deal with the special problems presented by family violence cases. These problems can occur at many junctures. Law enforcement may not have effective arrest or restraining order enforcement policies; district attorney's offices may not have the most efficient system for screening and prosecuting cases; and the courts may not have an effective system for issuing protective orders, for supporting victims as their cases move through the court system, for identifying family violence in other legal proceedings, or for monitoring offenders after judgment has been rendered. In addition, probation services and batterer's and other victim's programs may be ineffective in ensuring that the victim receives necessary support and that the batterer receives an effective program which will address the battering behavior. All of the persons and agencies which are supposed to carry out the goals of the legal system may in fact have such inadequate resources and training and insufficient expertise in family violence cases that they are unsuccessful in effectively completing their tasks.

Third, legal intervention on behalf of abused wives and children is a recent phenomenon. Until the late nineteenth century, wives and children possessed no legal status or rights under the law and lacked any legal remedy against family abuse. It was not until 1988 that all 50 states had enacted laws to provide civil and criminal remedies for victims of family violence.¹⁸

In spite of these barriers the reduction of family violence is now generally accepted as a critical societal goal. The strategy for change must be carefully planned, as an effective

response to family violence cannot be accomplished piecemeal. No one agency or office can expect that internal changes will result in improvement in the entire justice system. There are too many agencies, courts and persons, and too many interactions, as family violence cases are detected, investigated, prosecuted and monitored. A failure in any part of the system will limit the success of the entire justice system.

What is needed is a systems approach, a strategy which includes all parts of the justice system. The plan presented in this article identifies the family violence council as the mechanism which can provide the framework in which the community and justice system response to family violence can be most effectively improved.

Two things are clear: first, over time, domestic violence will increase in both frequency and severity unless there is serious intervention¹⁹ and, second, a coordinated response from the justice system is an effective mechanism to decrease substantially the incidence of that violence.²⁰

This article addresses how a community can organize in order to reduce the incidence of family violence. It describes a process by which a community can provide a comprehensive response to domestic violence which addresses prevention, public education, intervention, and corrections including treatment and rehabilitation.

The article is divided into five sections. In the first section it will discuss what the purpose of a family violence council is and how the goals of the council can be identified.

In the second section the article will focus upon the creation of a family violence council. The discussion will include the framework for such a council, legislation which might be helpful to facilitate its creation, selection of council members, political considerations and a step-by-step methodology.

The third section addresses how the council will operate. This section includes discussions of meetings, committees, sub-committees and workplans.

The fourth section examines what can be accomplished by a family violence council, and includes references to model programs which operate in the United States. The fifth and final

section discusses the problems of maintaining a council over time. Interspersed throughout the article are references to exhibits which describe how a family violence council in Santa Clara County, California was created and is currently operating.

I. Purpose of a Family Violence Council

The starting point for a family violence council is agreement among community leaders that a coordinated response to family violence is necessary. Given the incidence of family violence throughout the United States and its impact upon children and families, it should not be difficult to persuade those leaders that such a response is necessary. Reaching agreement on the purpose of a family violence council is an effective means of focusing everyone on the community goals regarding family violence.

The purpose must be broad and comprehensive and address the concerns of the community in which the council will sit. While communities will differ over the details of the purpose, the following is offered as a useful example:

The general purpose of the Council shall be as follows:

- (a) To effectuate coordination between agencies, departments and the courts with victims of domestic violence and abuse;
- (b) to promote effective prevention, intervention and treatment techniques which will be developed based upon research and data collection; and
- (c) to improve the response to domestic violence and abuse so as to reduce incidents thereof.²¹

The purpose clause of the council will assist the members as they identify specific goals for the council to accomplish. It will also educate the community on the reason for the creation and operation of the council.

In addition to a general purpose statement, it is useful to have more specific goals or duties of the council enumerated to assist the operations of the council. In Santa Clara County the Board of Supervisors adopted the following duties for the Council:

- (a) Examine ways in which agencies, departments and the courts in Santa Clara County respond to domestic violence and abuse in order to improve that response.
- (b) Improve the cooperation and coordination among all the participants in the justice system who deal with domestic violence and abuse.
- (c) Make recommendations to the Board of Supervisors, agencies, departments, the courts and others regarding improving the response to domestic violence and abuse.
- (d) Examine and review legislation that relates to domestic violence and abuse and recommend appropriate action to the Board of Supervisors' Legislative Committee.
- (e) Encourage and promote public education regarding domestic violence and abuse.
- (f) Address the recommendations of the report *Family Violence: Improving Court Practice*, written by the National Council of Juvenile and Family Court Judges.
- (g) Make recommendations regarding the implementation of the Judicial Council Gender Bias Task Force Report recommendations relating to domestic violence and abuse.
- (h) Make recommendations regarding the implementation of the Auditor General's report on the administration of the State's Domestic Violence Diversion programs.
- (i) Form task forces or committees to assist in planning, policy, goal and priority recommendations, and such other functions as the Council deems necessary.
- (j) Respond to related matters referred to the Council by the Board of Supervisors.
- (k) Subject to the approval of the County Executive, request from county departments, information, services, facilities, and other assistance for the purpose of furthering the objectives of the Council.²²

The description of duties will also clarify the jurisdiction of the council. In some communities other commissions or councils may be involved in work closely related to the work of the family

violence council. For example, in Santa Clara County there has been a Child Abuse Coordinating Council in existence for years. In order to avoid conflicts between the two Councils the Board of Supervisors adopted the following language as a part of the Ordinance creating the Council:

The Council shall ensure that its activities do not conflict with those of other boards, commissions, and councils in Santa Clara County. It shall endeavor to cooperate and coordinate with any other bodies with overlapping jurisdiction.²³

II. Creating a Council

How a family violence council is created will have a great impact upon its later success within the community. The planning process must be carefully considered, so that the council begins on a solid foundation with support from the leaders within the community.

There is no fixed process for the creation of the council. Past methods include a state legislature passing legislation enabling the creation of councils in various communities within the state; a local Board of Supervisors or Commissioners approving an ordinance creating a council; and a governor or mayor providing the leadership role. The Attorney General or District Attorney are also possible leaders for the beginnings of a family violence council, as are judges. Community groups can also provide the leadership for such a council.²⁴

There should be general agreement among the creators of the council as to its purpose, membership, and mode of operation. While the leaders in the community may be able to agree on these issues, it may be preferable to form a task force to examine whether a council should be created and to make suggestions to the political body under which the council will serve regarding its purpose, membership and operations.

In Santa Clara County, a Task Force headed by the Presiding Judge of the Juvenile Court and the Chairperson of the Board of Supervisors preceded the creation of the Family Violence Council. It included many of the people who would normally be considered for a family violence council. After several meetings and extended

discussions, the Task Force delivered a report to the Board of Supervisors recommending the creation of a council and suggesting the purposes, membership and operations that the council should have, most of which were adopted.²⁵

In San Diego County a Deputy City Attorney joined with community leaders in the creation of a Task Force on Domestic Violence. After two years of work and substantial accomplishments, the Task Force issued its final report and recommended the creation of a Domestic Violence Council. That Council was created in late 1991 by the Mayor of San Diego.

The group which starts the process should include leaders and key persons from all of the agencies, departments and groups which are a part of the system dealing with family violence. This includes law enforcement, prosecution, defense, probation, the courts (civil and criminal), court staff, corrections, social services, medical experts (including, perhaps, the coroner), counseling services for batterers and victims, community domestic violence groups, shelters, victim representatives, other relevant governmental agencies such as the Commission on Status of Women, as well as persons with special expertise in such areas as elder abuse, gay and lesbian abuse, research and data collection. Obviously, if leaders of these groups become members of the council, it is likely that their organizations will be ready to respond to suggested changes. Conversely, if the leader does not agree to participate or is not contacted at all, there is a possibility that the organization will not respond to the suggestions for change made by the council. Petty jealousies or similar motivations may lead some who are not a part of the council to hinder its success.

There is strong political appeal to the issues surrounding the creation of a family violence council. Reducing family violence is an attractive political goal which few community leaders will reject. However, given the demands on their time enlisting their personal participation may be difficult. Nevertheless, it is important to persuade them to become members of the council and participate in council meetings. Change can occur more quickly if community leaders are a part of the council.

The most difficult leaders to persuade to join the council may be the judges. Some may be reluctant to participate in a council which bears so directly upon the work of the court. Others may believe that there is at least the appearance of a conflict of interest.

Nevertheless, the absence of the courts will be a great loss to the family violence council. Judges have a unique perspective on the ways in which the court operates; they also control the court structure, including how parties have access to judicial intervention. Changes within the court system need both judicial understanding and input.

In addition, judges play a major role in deterring and controlling domestic violence. The courts are society's means of holding people accountable for criminal behavior and for providing protective orders for victims. As the U. S. Attorney General's Task Force on Family Violence indicated,

Judges are the ultimate legal authority in the criminal justice system. If they fail to handle family violence cases with the appropriate judicial concern, the crime is trivialized and the victim receives no real protection or justice. Using the yardstick of the court to measure conduct, the attacker will perceive the crime as an insignificant offense. Consequently, he has no incentive to modify his behavior and continues to abuse with impunity. The investment in law enforcement services, shelter support and other victim assistance is wasted if the judiciary is not firm and supportive. . . .²⁶

Moreover, the courts have been identified as a major part of the problem in society's efforts to respond effectively to family violence.

The whole area of family violence has long been a troublesome one for the courts. Frankly, we have not handled these cases well.²⁷

Judges have been frequently identified as a group within the legal system needing training in domestic violence issues.²⁸

It is important that there be judges serving on the council representing all parts of the court system which deal with domestic violence:

juvenile, family, criminal, and civil. Not only will judicial participation facilitate a better understanding of how the system works and what is needed to improve its operation, but it will increase the judges' understanding about the dynamics of family violence. The council judges can then serve as an important link in educating their fellow judges about this area. Our experience in Santa Clara County is that the judges serving on the Council and its committees have learned a great deal about the different ways domestic violence cases are processed through the court system and have made significant administrative changes based on that knowledge.

At the time the council is officially created, its members will be selected by the body or person creating the council. One danger is that too many persons may ask to be on the council. In Santa Clara County, the interest was so great that the Board of Supervisors (elected county officials) had to expand the size of the Council to include more members, and still there were many disappointed applicants.²⁹

III. How the Council Operates

The Family Violence Council should have regular, public meetings at which interested persons are given an opportunity to address the council. The agenda at council meetings may include presentations by council members or others about family violence, organizational matters and anything that serves the council and its purposes.

It is important to select a chairperson for the council who commands respect in the community and has a significant role in the operation of the legal system. Several councils have selected the district attorney to fill this role.³⁰ In others, a juvenile or family court judge has provided the leadership and convened the council.³¹ In one community a regional organization spearheaded the efforts to coordinate a response to domestic violence.³²

Working committees can be an effective way to identify the goals for the council. By including non-members on each committee, the number of individuals who have an opportunity to work to achieve the council's goals can be expanded. These committees may include community

education, medical, court systems, research, police/victim relations, legislation, and others. Membership should be composed of council members who have both an interest in and some relationship to the subject matter of the committee, as well as any other persons with an interest in the work of the committee. In Santa Clara County, the committees have as many non-Council as Council members.

The committees should meet separately from the council, develop goals and bring them back to the council for approval and advice on implementation. The committees may also receive referrals from the council which they can study and return to the council with recommendations.

One means of ensuring that the council has identifiable goals is to develop a workplan for each year of operation. The Santa Clara County Board of Supervisors added the following provision to the document creating the council:

The Council shall report to the Board of Supervisors on its progress each year and shall indicate what it proposes to accomplish for the following year. Should the Council conclude that there is no further work for the Council, it shall report to the Board and request that the Council be disbanded.³³

Consequently, the initial work of the Council and its committees was to write a workplan for the first year. Each committee proposed goals for its area, which were collected and put together into a general workplan by the workplan committee.

The first year workplan includes the following goals: better coordination between the different parts of the court system; better relationships between law enforcement and victims; drafting, monitoring and lobbying new legislation; data collection and research;³⁴ and community education about family violence. Within these broad headings more detailed tasks are outlined.³⁵

After the workplan was approved by the Council, the tasks were assigned back to the committees for implementation. Each committee created a separate sub-committee for each goal. At the end of a year, the progress toward all of the goals will be documented and a report prepared for the Board of Supervisors, which will include suggestions the work of the Council for the next year.

IV. What Can Be Done?

A family violence council can accomplish a great deal through its operation. At the very least, if the principal persons in the legal system are present, communication and coordination should be improved within it. The council may facilitate the beginning of uniform data collection, standardized forms and reports, and the development of protocols and procedures approved by all participants in the justice system. The Santa Clara County workplan shows the range of the possible goals, though there may be many more, depending upon the needs of the particular community. A review of the policy recommendations in the book, *Family Violence: Improving Court Practice*, offers additional goals for the council to address.

The accomplishments of the San Diego County Task Force on Domestic Violence give an indication of what is possible for a community to do when a coordinated response to family violence is initiated.³⁶ After two years of work, the major accomplishments of the Task Force included substantial changes in all aspects of the legal system. A summary of these changes is found in Appendix D.

On some issues the council may need outside assistance. For example, the council may agree that a standardized program for batterers should be identified and adopted, but be unsure what the most effective program would be. The prosecutor or probation department may wonder if there is a better way to administer their offices, in order to give family violence cases the attention and expertise they need.

Technical assistance is available for this type of inquiry. A project at the National Council of Juvenile and Family Court Judges has identified model programs in all parts of the legal system from all over the United States. The forthcoming publication, *Family Violence: State of the Art Practices*,³⁷ describes model programs which a panel of experts selected as the best of their kind. Areas examined include criminal prosecution, civil protection orders, state court programs, comprehensive programs, offender treatment and accountability, coordinating councils, policy and legislation. These programs can provide the information for improvements within other

communities. The Family Violence Council can become the vehicle to identify the need and assist in the changes.

Additional technical assistance is available concerning model legislation for dealing with family violence. The National Council of Juvenile and Family Court Judges is conducting a three-year project to develop model state laws to deal with family violence. Sponsored by the Conrad N. Hilton Foundation, this project will provide jurisdictions throughout the United States with important information on the most effective statutory structure for dealing with family violence.³⁸

V. Maintaining A Family Violence Council

Is the family violence council destined to be short lived? Will the council accomplish its goals in a few years and then lose its members and its resolve? I think not. Family violence is too pervasive in our society to be solved in a few years. The experience in Santa Clara County has been a sharp increase in the number of reported cases. Apparently, knowledge that people are concerned about the problem and that something may be done has encouraged victims to come forward in greater numbers.

Other communities have found that the creation of an effective system of prevention, education, intervention and correction/treatment creates lasting commitments from their leaders. No one seems prepared to suggest that domestic violence has ended or that the problem does not need our continued attention. Once the community has made a commitment through its leaders, the reduction of domestic violence is likely to become an enduring aspect of the community's public policy.

The cost of council operations should not hinder its continued operation. A council can function at minimal cost. In Santa Clara County the Council uses a government center for its meetings. So long as the time selected for meetings does not conflict with other meetings, there is no expense for the room.

The other potential operating expenses include staff to send out meeting notices, take minutes, and receive correspondence on behalf of the council. It is recommended that staff be

hired for those services, but a less costly approach is to ask council members to contribute these services. If those responsibilities are rotated and thereby shared, the impact on any one council member's agency will be minimal.

There are changes that the council may recommend that will involve more significant costs. For example, the council may recommend that more staff be hired to upgrade the quality of service provided in a particular agency. The expenses related to such recommendations, however, would be borne by that agency if it decided to follow the council's recommendations.

Conclusion

Family violence is endemic in our population. Women and children are the usual, though not the exclusive, victims. Batterers utilize violence because it gives them power and control over others. But violence is a learned behavior. The learning process can be reversed. The steps necessary to assist victims to come forward and ask for help, to inform batterers that their behavior is unacceptable, and to monitor batterers so that they make changes in their behavior are complex. In order to deal effectively with the problem of family violence, a comprehensive change in the entire system which detects, investigates, prosecutes, and monitors family violence cases will be necessary. That change can be best accomplished through the workings of a family violence council.

Acknowledgments

The author is a Judge of the Santa Clara County Superior Court and a member of the Board of Trustees of the National Council of Juvenile and Family Court Judges. The author wishes to thank Deputy District Attorney Joyce Allegro, Candace Heisler, J.D., Supervising District Attorney Sarah Buel, and Meredith Hofford for their assistance in writing this article.

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Notes

¹"The Role of the Criminal Justice System in Elder Abuse Cases" by Candace J. Heisler, J.D., *Journal of Elder Abuse & Neglect*, Volume 3(1), 1991.

²Schechter, S., *Women and Male Violence* (1982): "An Integrated Response to Family Violence: Effective Intervention by Criminal and Civil Justice Systems," by Sarah Buel. Harvard Law School, May 22, 1990.

³Attorney General's Task Force on Family Violence, Washington, D.C., 1984.

⁴L. Walker, *The Battered Woman* (1979), at 19-20.

⁵Woods, *Litigation on Behalf of Battered Women*, 7 Women's Rts. L. Rep. 39, 41 n. 18 (1981).

⁶U.S. Department of Health and Human Services. Study findings: Study of National Incidence and Prevalence of Child Abuse and Neglect (Contract 105-85-1702). Washington, D.C.: National Center on Child Abuse and Neglect, 1988.

⁷Straus, M., Gelles, R. and Steinmetz, S., *Behind Closed Doors: Violence in the American Family*. New York: Doubleday/Anchor, 1980.

⁸Roy, M., *Children in the Crossfire*. Deerfield Beach, Florida: Health Communications, Inc., 1988.

And see *Children of Battered Women* by Peter G. Jaffe, David A. Wolfe and Susan Kaye Wilson, Sage Publications, Newbury Park, 1990.

⁹R. Gelles, "Violence and Pregnancy: A Note on the Extent of the Problem and Needed Services," *The Family Coordinator* 81-86 (Jan. 1985). For additional information on the battering of pregnant women, see also: B. Rounseville and M. Weissman, "Battered Women: A Medical Problem Requiring Detection," 8 *International Journal of Psychiatry in Medicine* 191-202 (1977-78); A. Flitcraft, *Battered Women: An Emergency Room Epidemiology with a Description of a Clinical Syndrome and Critique of Therapeutics*, (1977) (doctoral thesis, Yale U. School of Medicine, at Sterling Medical Library), as cited in A. Laird, *Children Who Witness Their Mothers Being Beaten: The Need for Child Protective Services Policies and Intervention* 14 (1989) (master's thesis, MIT Dept. of Urban Studies and Planning).

The references in footnotes 10 through 14 were cited in "An Integrated Response to Family Violence: Effective Intervention by Criminal and Civil Justice Systems" by Sarah Buel, *op. cit.* footnote 2.

¹⁰B. Rounseville and M. Weissman, "Battered Women: A Medical Problem Requiring Detection," 8 *International J. of Psychiatry in Medicine* 191-202 (1977-78); see generally A. Flitcraft, *Battered Women: An Emergency Room Epidemiology with a Description of a Clinical Syndrome and Critique of Therapeutics*, *op. cit.* footnote 9.

¹¹C. Whitehead, Speech at "Within Our Reach: Second Annual Baby Love Conference," October 12, 1989, Office of Health Resources Development, Raleigh, North Carolina.

L. Chiles, Keynote speech to Southern Legislator's Conference on Children and Youth, Nov. 9, 1989, Tampa, Fla.; and L. Chiles, *Death Before Life: The Tragedy of Infant Mortality*, Report of the National Commission to Prevent Infant Mortality, at 16 (August 1988).

¹²*Ibid.*

¹³Commonwealth of Massachusetts, Department of Youth Services, *Delinquent Youth and Family Violence: A Study of Abuse and Neglect in the Homes of Serious Juvenile Offenders*, at 17-18 (1985).

And see *Children of Battered Women*, *op. cit.* footnote 8.

¹⁴H. Ackerman, *The War Against Women: Overcoming Female Abuse 2* (Hazelden Foundation, 1985).

¹⁵P. Rhoades and S. Parker, *The Connections Between Youth Problems and Violence in the Home*, Oregon Coalition Against Domestic and Family Violence (1981), cited in the Department of Youth Services study (1985), *op. cit.* footnote 13.

¹⁶Claude Pepper, Chairman, Subcommittee on Health and Long-Term Care, U.S. House Select Committee on Aging; Pillemer, K. and Finkelhor, D. (1986), "The Prevalence of Elder Abuse: A Random Sample Survey," Durham, N.H., Family Violence Research Program, University of New Hampshire, estimate the rate of elder abuse, excluding fiduciary abuse, to be 3.2%. (Sources cited in Heisler, *op. cit.* footnote 1 at p. 26.)

¹⁷S. Schechter, *Women and Male Violence* (1982); "Confronting Lesbian Battering," *Gay Community News*, May 22-28, 1988, p. 5., column 1.

¹⁸"Significant Interventions: Coordinated Strategies to Deter Family Violence" by Meredith Hofford and Richard J. Gable, in *Families in Court*, National Council of Juvenile and Family Court Judges, Reno, Nevada, 1989, at p. 91.

¹⁹Walker, Thyfault and Browne, *Beyond the Juror's Ken: Battered Women*, 7 Vt. L. Rev. 1, 3 (1982).

²⁰"An Integrated Response to Family Violence: Effective Intervention By Criminal and Civil Justice Systems" by Sarah Buel, *op. cit.* footnote 2, at pp.43-6.

²¹Santa Clara County Ordinance No. NS-300-475, Section A18-300 (reproduced in Appendix B).

The San Diego County Task Force on Domestic Violence adopted the following Statement of Purpose:

The purpose of the San Diego County Task Force on Domestic Violence is to reduce and prevent domestic violence in San Diego by enhancing the response of primary service providers. Our goals are to: (1) provide a working forum for interaction and information exchange among agencies dealing with victims and

perpetrators of domestic violence; (2) identify and analyze the components of current responses to domestic violence and make recommendations to policy-makers regarding appropriate changes; (3) serve as a conduit to local news media for statistics and information compiled by task force participants; (4) through a legislation subcommittee, pursue legislation recommended by task force participants; (5) work toward the establishment of a coordinated, integrated system-wide response to domestic violence.

Final Report, San Diego County Task Force on Domestic Violence, City Attorney's Office, San Diego, California, 1991.

²²*Ibid.*, at Section A18-303.

²³*Ibid.*, at Section A18-305.

²⁴*Family Violence: Improving Court Practice*. National Council of Juvenile and Family Court Judges, Reno, Nevada, 1990, at p. 15, hereinafter cited as *Family Violence: Improving Court Practice*.

²⁵A copy of the final report of the Task Force appears in Appendix A.

²⁶*Final Report, United States Attorney General's Task Force of Family Violence, Washington, D.C. (1984)* at p. 41.

²⁷*Family Violence: Improving Court Practice, op. cit.* footnote 24, in Preface by Judge Stephen B. Herrell.

²⁸*Family Violence: Improving Court Practice, op. cit.* footnote 24, at p. 16.

"Stop Family Violence Now: Steps Towards a Community Free of Family Violence" by the Human Services Roundtable, Seattle, Washington, September, 1990, at p. 17.

"A Report of the Citizen's Advisory Council of the Norfolk Juvenile and Domestic Relations District Court on Domestic Violence," Norfolk, Virginia, 1990, at page 6.

"From Harassment to Homicide: A Report on the Response to Domestic Violence in Multnomah County" by Laurie Hubbard, City of Portland Bureau of Community Development, Portland, 1991, at pages 50-51, 53.

Chapter Six, "Mandatory Training," *Final Report, Senate Task Force on Family Relations Court, November, 1990, State Senate, Sacramento, at pp. 32-36.*

Section 68553, California Government Code, West Annotated, St. Paul, MN, 1992.

Rule 1200, California Rules of Court, West Annotated, St. Paul, MN, 1992.

Section 25.3, California Standards of Judicial Administration, West Annotated, St. Paul, 1992.

"Achieving Equal Justice for Women and Men in the Courts," Judicial Council of California, San Francisco, March, 1990, at Tab 9, pp. 25-26 and Tab 6, "Achieving Equal Justice for Victims of Domestic Violence" at pages 63-68.

²⁹See Appendix B, Section A18-301 for the Council membership.

³⁰In Los Angeles County, the first chair of the Domestic Violence Council was the District Attorney, John Van de Kamp. In Santa Clara County, the first chair was District Attorney George Kennedy.

³¹In Multnomah County, Oregon, for example, Judge Stephen Herrell convened a family violence council. *Family Violence: Improving Court Practice, op. cit.* footnote 24, at page 7 and see footnote 20 at p. 52 of that same book.

In the court system, juvenile and family court judges may be more accustomed to provide such leadership than judges from other divisions due to the nature of their judicial responsibilities. See "Deprived Children, A Judicial Response," NCJFCJ, Reno, Nevada, 1986, at pp. 10-12 and Rule 24, Appendix to California Rules of Court, Standards of Judicial Administration Recommended by the Judicial Council, West's California Juvenile Laws and Court Rules, 1991.

³²In King County, Washington, the Human Services Roundtable, a local organization of elected and appointed officials working on human services issues, identified domestic violence as a problem needing an effective regional response. The Roundtable developed a mission, a vision and an approach to reduce and prevent domestic violence in the area. A work group met and developed a regional model for the integration and delivery of domestic violence services. The accomplishments to date have been impressive.

See "Stop Family Violence Now: Steps Toward a Community Free of Family Violence," Human Services Roundtable, Seattle, Washington, 1990.

³³See Appendix B, Section A18-306.

³⁴The importance of data collection and research cannot be over-emphasized. A system cannot evaluate its operation without collecting data. It cannot measure success without some idea of the effectiveness of certain procedures or responses. For example, in San Francisco County data were collected on the effectiveness of restraining orders. The one-year follow-up interviews of those who were granted restraining orders indicated that violence was reduced or eliminated in over 70% of the cases.

³⁵See Appendix C for a copy of the workplan.

³⁶*Final Report, San Diego County Task Force on Domestic Violence, op. cit.* footnote 21.

³⁷*Family Violence: State of the Art Practice*, National Council of Juvenile and Family Court Judges, Reno, 1992.

³⁸For further information and technical assistance contact Meredith Hofford, Project Director, National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, Nevada 89507.

APPENDIX A

TRANSMITTAL MEMORANDUM BOARDS AND COMMISSIONS

DATE: FEBRUARY 20, 1991
TO: BOARD OF SUPERVISORS
FROM: DOMESTIC VIOLENCE TASK FORCE
SUBJECT: RECOMMENDATIONS REGARDING THE CREATION OF A DOMESTIC
VIOLENCE COUNCIL

A. *RECOMMENDED ACTION*

If approved in concept, refer matter to County Counsel for preparation of an enabling ordinance for the creation of a Santa Clara County Domestic Violence Council.

B. *FISCAL IMPLICATIONS*

Staff costs and materials: approximately \$650.00 per month (administrative costs not included). The costs are absorbed by the Clerk of the Board's budget and result in no new expenses to the County.

C. *REASONS FOR RECOMMENDATION*

To effectuate coordination between agencies, departments and the courts with victims of domestic violence and abuse; to promote effective prevention, intervention and treatment techniques which will be developed based upon research and data collection; to improve the response to domestic violence and abuse so as to reduce incidents.

D. *BACKGROUND*

The Domestic Violence Task Force was created in November 1990, and was charged with determining whether the creation of a Domestic Violence Council would be advisable. The Task Force and its subcommittees collected data and heard from numerous persons involved in the detection, investigation, prosecution, sentencing and treatment of domestic violence. At its January 25, 1991 meeting the Task Force unanimously voted to recommend the creation of a Domestic Violence Council and adoption of the attached Constitution.

E. *CONSEQUENCES OF NEGATIVE ACTION*

The goals as stated in the By-Laws will be difficult, if not impossible, to attain without the creation of a Council. The Board of Supervisors will miss an opportunity to make a positive public declaration of its commitment to reduce domestic violence in Santa Clara County.

F. *SUPPORTING MATERIAL ATTACHED*

Proposed By-Laws for the Santa Clara County Domestic Violence Council.

G. *STEPS FOLLOWING APPROVAL*

- a. Send original transmittal, with notification of Board action affixed, to Documents Librarian, Clerk of the Board.
- b. Send copy of transmittal, with notification of Board action affixed, to Deputy Clerk of the Board, Domestic Violence Task Force.
- c. Send copy of transmittal, with notification of Board action affixed, to Co-Chairperson Susanne Wilson, District Attorney George Kennedy, and Judge Leonard Edwards, Superior Court.

**PROPOSED BY-LAWS OF THE SANTA CLARA COUNTY
DOMESTIC VIOLENCE COUNCIL**

PURPOSE: The general purpose is

- (a) to effectuate coordination between agencies, departments and the courts with victims of domestic violence and abuse;
- (b) to promote effective prevention, intervention and treatment techniques which will be developed based upon research and data collection; and
- (c) to improve the response to domestic violence and abuse so as to reduce incidents thereof.

MEMBERSHIP:

The membership of the council shall consist of twenty-two (22) members nominated in the following manner and subject to appointment by the Board of Supervisors:

- (a) A minimum of one (1) representative from each of the following activity areas: law enforcement, the District Attorney's Office, the court system (including Municipal and Superior Courts), battered women's shelters, batterers' treatment programs, pre-trial release services, the Bar Association, the Public Defender's Office, Legal Aid, Social Services Agency, Probation, research specialization, Commission on the Status of Women, the State Legislature, elder abuse, the gay and lesbian community.

Representatives should be at the policy making level of their respective organizations.

- (b) Five (5) members from the public at large.

Each member shall have a term of three (3) years; however, eleven (11) of the initial members shall serve for two (2) years to establish staggered terms. The terms of the members shall be determined by drawing lots.

The Council shall report to the Board of Supervisors on its progress each year and shall indicate what it proposes to accomplish for the following year. Should the Council conclude that there is no further work for the Council, it shall report to the Board and request that the Council be disbanded.

The District Attorney of Santa Clara County shall serve as the Chairperson of the Council. The Vice Chairperson and other officers shall be elected by the Council at its first meeting.

POWERS AND DUTIES:

The following shall be duties of the Council:

- (a) Examine ways in which agencies, departments and the courts in Santa Clara County respond to domestic violence and abuse in order to improve that response.
- (b) Improve the cooperation and coordination among all participants in the justice system who deal with domestic violence and abuse.
- (c) Make recommendations to the Board of Supervisors, agencies, departments, the courts and others regarding improving the response to domestic violence and abuse.
- (d) Examine and review legislation that relates to domestic violence and abuse and recommend appropriate action to the Board of Supervisors' Legislative Committee.
- (e) Encourage and promote public education regarding domestic violence and abuse.
- (f) Address the recommendations of the report "Family Violence: Improving Court Practice," written by the National Council of Juvenile and Family Court Judges.
- (g) Make recommendations regarding the implementation of the Judicial Council Gender Bias task Force Report recommendations relating to domestic violence and abuse.

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- (h) Make recommendations regarding the implementation of the Auditor General's report on the administration of the State's Domestic Violence Diversion programs.
- (i) Form task forces or committees to assist in planning, policy, goal and priority recommendations, and such other functions as the Council deems necessary.
- (j) Respond to related matters referred to the Council by the Board of Supervisors.
- (k) Subject to the approval of the County Executive, to request any county department, information, services, facilities and other assistance for the purpose of furthering the objectives of the Council.

MEETINGS:

Meetings of the Council will be scheduled not less than monthly, and shall be open to the public.

STAFF ASSISTANCE:

The Clerk of the Board shall be ex officio secretary of the Council and shall provide secretarial assistance to the Council.

RELATIONSHIP TO OTHER BOARDS AND COMMISSIONS:

The Council shall ensure that its activities do not conflict with those of other boards, commissions and councils in Santa Clara county. It shall endeavor to cooperate and coordinate with any other bodies with overlapping jurisdiction.

APPENDIX B

ORDINANCE NO. NS-300-475

AN ORDINANCE TO ADD CHAPTER XVI (COMMENCING WITH SECTION A18-300) TO DIVISION A 18 OF TITLE A OF THE SANTA CLARA COUNTY ORDINANCE CODE RELATING TO THE ESTABLISHMENT OF A DOMESTIC VIOLENCE COUNCIL

SUMMARY

This ordinance creates a Domestic Violence Council which shall examine issues relating to domestic violence and make recommendations in regard to administrative and legislation issues relating to domestic violence.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:
SECTION 1: Chapter XVI is added to Division A18 of Title A of the Santa Clara County Ordinance Code to read as follows:

CHAPTER XVI, Domestic Violence Council

Section A18-300. Establishment and Purpose

There is hereby established a Domestic Violence Council. The general purpose of the Council shall be as follows:

- (a) to effectuate coordination between agencies, departments and the courts with victims of domestic violence and abuse;
- (b) to promote effective prevention, intervention and treatment techniques which will be developed based upon research and data collection; and
- (c) to improve the response to domestic violence and abuse so as to reduce incidents thereof.

Section A18-301. Membership

The membership of the Council shall consist of twenty-nine (29) members appointed by the Board of Supervisors. Members shall be representative of the following:

- (a) Three representatives shall be from battered women's shelters;
- (b) One representative shall be from each of the following activity areas: Police Chiefs Association, San Jose Police Department, Sheriff's Office, District Attorney's Office, Municipal Court, Superior Court, Family Court (Superior Court), batterers' treatment program, Pretrial Release Services, the Bar Association, the Public Defender's Office, Legal Aid, Criminal Defense Bar, Family Law Bar, Social Services Agency, Probation, research specialization, Commission on the Status of Women, the State Legislature, elder abuse, the gay and lesbian community. Representatives should be at the policy-making level of their respective organizations.
- (c) Five representatives of the public at large. The terms of office of each member shall be three years; provided, the members first appointed shall classify themselves by lot in accordance with Section 506 of the County Charter.

Section A18-302. Secretary

The Clerk of the Board of Supervisors shall be ex officio secretary of the Council and shall be responsible for providing secretarial assistance to the Council.

Section A18-303. Meetings

Meetings of the Council will be scheduled not less than monthly, and shall be open to the public.

Section A18-303. Duties

The following shall be the duties of the Council:

- (a) Examine ways in which agencies, departments and the courts in Santa Clara County respond to domestic violence and abuse in order to improve that response.
- (b) Improve the cooperation and coordination among all the participants in the justice system who deal with domestic violence and abuse.
- (c) Make recommendations to the Board of Supervisors, agencies, departments, the courts and others regarding improving the response to domestic violence and abuse.
- (d) Examine and review legislation that relates to domestic violence and abuse and recommend appropriate action to the Board of Supervisors' Legislative Committee.
- (e) Encourage and promote public education regarding domestic violence and abuse.
- (f) Address the recommendations of the report "Family Violence: Improving Court Practice," written by the National Council of Juvenile and Family Court Judges.
- (g) Make recommendations regarding the implementation of the Judicial Council Gender Bias Task Force Report recommendations relating to domestic violence and abuse.
- (h) Make recommendations regarding the implementation of the Auditor General's report on the administration of the State's Domestic Violence Diversion programs.
- (i) Form task forces of committees to assist in planning, policy, goal and priority recommendations, and such other functions as the Council deems necessary.
- (j) Respond to related matters referred to the Council by the Board of Supervisors.
- (k) Subject to the approval of the County Executive, to request county department, information, services, facilities and other assistance for the purpose of furthering the objectives of the Council.

Section A18-305. Relationship to Other Boards and Commissions

The Council shall ensure that its activities do not conflict with those of other boards, commissions and councils in Santa Clara County. It shall endeavor to cooperate and coordinate with any other bodies with overlapping jurisdiction.

Section A18-306. Annual Report

The Council shall report to the Board of Supervisors on its progress each year and shall indicate what it proposes to accomplish for the following year. Should the Council conclude that there is no further work for the Council, it shall report to the Board and request that the Council be disbanded.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on April 23, 1991.

APPENDIX C

1991 - ONE-YEAR WORKPLAN DOMESTIC VIOLENCE COUNCIL SANTA CLARA COUNTY

A. *COURT SYSTEMS COMMITTEE:*

1. Report on ways in which the court system can better coordinate its dealings with domestic violence issues.
2. Report on the services available for all members of families which have been exposed to violence and recommend what additional services are needed.
3. Report: Are respondents/defendants getting to court and receiving adequate representation in all legal settings?
4. Research Topics:
 - a. What is the most effective form of restraining orders and court orders?
 - b. Does court intervention help?
 - c. Can listing of arrests and prior incidents be included in probation reports?
5. Plan and provide education and training for all persons in the court system. The training should include emphasis on the following:
 - a. Mutual restraining orders/due process.
 - b. Family violence dynamics.
6. Report on suitability and eligibility of persons for domestic violence diversion programs.
7. Report: From Family Court Services to the Council on the issue of mandatory mediation in domestic violence cases.
8. Report and recommendations on how can victims be notified when an alleged batterer is released from custody.

B. *COMMUNITY EDUCATION COMMITTEE:*

1. To provide education to community groups and to the community at large on violence within the family and in the home. Specific target groups shall include the following:
 - (a) Jails, juvenile facilities, children's shelters.
 - (b) School system.
 - (c) Ethnic/cultural communities.
 - (d) Gay/Lesbian communities.
 - (e) Professional communities.
2. Public hearings throughout Santa Clara County.
3. Standardize batterer treatment programs.
4. Maintain and update a Domestic Violence Resource Directory including domestic violence and substance abuse programs approved by the justice system.

C. *DATE COMMITTEE:*

1. Standardize domestic violence data collection in Santa Clara County.
 - (a) Recommend that all police agencies in Santa Clara County collect and report data on domestic violence in the same manner, e.g., victim profiles, police intervention standards, arrests and dispositions.

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- (b) Collect statistics from Next Door, Mid Peninsula and La Isla Pacifica.
- (c) Collect District Attorney statistics - countywide.
 - (i) Determine prosecution requests and results (rejection rates and other dispositions).
- (d) Court statistics - results of prosecutions including sentencing, violations of probation and successful completions of probation.

D. LEGISLATION COMMITTEE:

1. Review pending legislation and determine which bills are high priority. Bring them to council for approval and recommended action.
2. Review the *Family Violence: Improving Court Practices* report and the *Gender Bias* report and make recommendations for legislation.

E. POLICE/VICTIM RELATIONS COMMITTEE:

1. Collect and standardize:
 - (a) Police policies and procedures relating to domestic violence from each agency and academy.
 - (b) TRO forms from all over county-include identification of batterer on form.
 - (c) List of services and training available to police from community agencies including victim witness support groups.

F. GOAL:

To provide technical assistance to any member who wishes to seek grant funding for a domestic violence project.

G. COORDINATE PILOT PROJECT FROM UNIVERSITY OF SANTA CLARA LAW SCHOOL:

1. The University of Santa Clara is willing to set up a pilot program which would involve volunteer law students assisting victims of domestic violence. Law students can help victims process temporary restraining orders, accompany victims to court and assist wherever they are needed.

APPENDIX D

SAN DIEGO COUNTY TASK FORCE ON DOMESTIC VIOLENCE Major Accomplishments

1. Created and implemented a complete domestic violence protocol for all law enforcement agencies in San Diego County.
2. Planned and facilitated multiple trainings for Family Court judges and staff on domestic violence.
3. Instituted a monthly victim orientation session co-sponsored by the District Attorney and City Attorney.
4. Prepared curriculum for training therapists on treatment and intervention issues related to domestic violence.
5. Presented testimony at the California Judicial Council Gender Bias Hearings.
6. Conducted a 90-day pilot project within the San Diego Police Department which utilized specialized reporting forms for all felony and misdemeanor domestic violence cases.
7. Drafted and circulated a county-wide protocol for hospitals and physicians who treat domestic violence victims.
8. Advocated successfully for creation of a specialized Domestic Violence Unit (six prosecutors) in the District Attorney's Office.
9. Prepared and implemented Standards for Treatment Providers for all programs providing services to court-ordered batterers.
10. Published an initial directory of all domestic violence related services in San Diego County.
11. Produced thirty-second public service announcements on audio and video cassette for use on area TV and radio stations.
12. Advocated successfully for funding for the City Attorney's Domestic Violence Unit (seven prosecutors).
13. Produced an Interim Report in August 1990.
14. Advocated successfully for the creation of a Domestic Violence Unit within the San Diego County Probation Department.
15. Conducted domestic violence trainings for Kaiser, Grossmont, and Sharp Hospital emergency room personnel.
16. Successfully lobbied the California Medical Association to adopt our reporting form as a model form for the California Physicians Manual.
17. Advocated successfully for creation of a Domestic Violence Coordinating Sergeant position with the San Diego Police Department.
18. Instituted a Police Conduct Reporting Form for use in the restraining order clinics to monitor potential misconduct by law enforcement officers regarding state mandates in domestic violence cases.
19. Assisted in creation of the Family Violence Project at Children's Hospital to create a national model for intervention in cases involving both child abuse and domestic violence.
20. Reduced the 1990 domestic violence homicide rate by 61% for the city of San Diego.

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21. Utilized a Spousal Rape Working Group to address the handling of spousal rape cases within the criminal justice system.
22. Utilized an Abuse in the Church Working Group to begin a dialogue with local churches on effective intervention strategies for batterers within the religious community.
23. Surveyed 125 domestic violence cases in Family Court to evaluate the overlap between Family Court, Criminal Court, and Juvenile Court.
24. Conducted trainings for over 200 San Diego County probation officers.
25. Produced a professional domestic violence training video for all San Diego County law enforcement agencies.