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Keeping Watch Over Justice/Program Aims to Protect Abuse Victims, But Some Fear It Will Disrupt Courts

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When prostitution cases go to trial, a person sits in the courtroom to make sure justice is being served.

The same is true with graffiti, nuisance-homes and animal-cruelty cases.

But until now, Richmond's 1,700 domestic-violence victims each year have had no resident allies in court.

On Sept. 25, volunteers will be trained for a court-watch program, a resident-led effort to keep an eye on judges, attorneys, defendants and victims. So far, 18 women have signed up. The day will include a primer on the domestic-violence court process, a mock trial and a free lunch.

Richmond's typical domestic-abuse victim is a young black woman in her 20s. She is usually attacked by her boyfriend, but prosecutors also see "a healthy number of husbands" committing the violence, said Deputy Commonwealth's Attorney Diane Abato.

In about half of the incidents, children are present during the assault.

A court-watch program is particularly important for domestic-abuse victims, who often feel lonely, ashamed and isolated, Abato said. "Domestic violence happens in secret, and what protects the bad guy is that secrecy."

Court-watch programs are not always popular, however, with judges and defense attorneys. The perception is that the court watchers are "out to get" them, program organizers said.

“We knew at the beginning that not everybody would be happy with the idea. We ‘re not there to intimidate judges,” said Richmond police Lt. John Hall. “We think everybody will come on board eventually. This sends a powerful message to defendants, their attorneys and judges that someone is watching on the victim’s behalf.”

Abato prosecutes many of the city’s abuse cases and is heading the court-watch program.

“People don’t believe in domestic violence.” she said. “They think it’s a family matter. It’s not.”

The domestic-violence court-watch volunteers will sit in on hearings and trials wearing a large red button that reads, “Safe at Home.” After court, they will fill out a questionnaire. Among the questions are, “Do I think justice was served?”

The forms will be collected and charted to find trends in how abuse cases are handled in Richmond courts.

Susan Carson, a registered nurse and forensic nurse examiner at VCU Medical Center, sees victims just after the abuse happens. In some cases, that’s an hour after; in others, it’s days later.

“Lots of people ‘trip and fall’ or ‘walk into doors,’” she said. “We have to tell them their story doesn’t match their injuries.”

That denial means they might also be reluctant to testify at trial, which makes Abato’s job more difficult.

“These folks are different than our run-of-the-mill victims because they know and often love the defendant,” Abato said. “Sometimes you love people who do bad things to you.”

For example, Abato gave the following account:

A woman was recently hit in the face with a hot iron by her husband, leaving her nose broken and bleeding.

At the Richmond Circuit Court trial, authorities presented medical records, the 911 tape of her saying he had just hit her with the iron and a written statement to police detailing the incident.

When he testified, her husband said she walked into the iron and hurt herself.

Because of fear of retaliation, the victim didn’t argue against his testimony.

The judge subsequently dropped the abuse charge against him.

“Like most victims, she minimized and downplayed what happened,” said Abato, who hopes the court-watch volunteers will give victims a boost of confidence and let them know they can truthfully explain what happened to them.

Local defense attorney Steven Benjamin is one lawyer who is skeptical of court-watch programs.

Benjamin said the public should participate in criminal proceedings because “it’s educational and furthers community trust and respect for the criminal-justice system.”

He said he doesn’t criticize Abato and her team’s effort to increase resident involvement.

“My concern is when a court-watch program is really an advocacy group in disguise,” Benjamin said. “Sometimes, a group calls itself a court-watch program when in reality, their presence in the courtroom is designed to compel a particular result.”

He objected to the buttons the court-watch participants will wear.

“First Amendment rights are significantly modified at the courtroom door,” he said. “If any citizen or officer of the court feels that the result in any particular case is not appropriate, the way to remedy that is not with a cheerleading section within the court. The courtroom is a place for neutrality.”

Anne Miller has signed up for court watch. She has worked for the past year-and-a-half as a rape-crisis and domestic-abuse volunteer, often comforting victims at the hospital.

“I’m with them as they’re going through this traumatic experience, but I never get to see the court end of it,” she said. “Now, I’ll get to provide more reinforcement to see them follow through with the trial.”

David Maddox of the Virginia Community Policing Institute said he hopes the program will make judges “a little bit more responsible” when they know residents are sitting in.

“We need to make sure these victims don’t go to court and get revictimized,” he said. “They’re getting beat up at home and they’re getting beat up by the legal system.”

You can help the program: Richmond’s new domestic-violence court-watch runs from 9 a.m. to 2:30 p.m. Sept. 25 at the John Marshall Courts Building, 400 N. 9th St. Sign up: The deadline to participate is Sept. 19. Call (804) 628-0623.

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