



NATIONAL CENTER
on Domestic and Sexual Violence
training • consulting • advocacy

7800 Shoal Creek, Ste 120-N • Austin, Texas 78757 • tel: 512.407.9020

NOTES FROM THE EXECUTIVE DIRECTOR

Debby Tucker

July 15, 2005



Court Removes Remedy for Battered Women with *Gonzales* Decision

Last month, with its 7-2 decision in *Town of Castle Rock, Colorado v. Jessica Gonzales*, the Supreme Court of the United States ruled that police are not required to enforce restraining orders, even if state law mandates that they do so. This is an extremely dangerous decision for victims of domestic violence and their children, as Jessica Gonzales knows all too well. The outcome of this decision, in which the National Center on Domestic and Sexual Violence among others filed an *amicus* brief, is that police departments are not constitutionally liable for refusing to enforce civil restraining orders. In the test case law enforcement's abdication of their duties resulted in the tragic death of three children whom the court had explicitly ordered the police to protect.

The plaintiff in this case, Gonzales, did exactly what she should. As soon as her estranged husband absconded with their three daughters — in violation of a court's restraining order — she called the Castle Rock, CO, police. She called six times over an eight-hour period — including numerous calls after she had reached her husband on his cell phone and confirmed that he had the children.

She repeatedly begged the police to enforce the restraining order and retrieve her daughters, citing the father's extremely violent and unstable history — to no avail. Over and over again, she was told to call back. At 3:20 a.m., the father appeared at the police station, where he opened fire on officers and was shot and killed. The dead bodies of the three girls, ages 7, 9 and 10, were found in the back of his pickup.

For years, advocates have been saying that protective order violations are an indicator of increased danger, have been urging law enforcement to take them seriously and have made some inroads. The Court's opinion undermines these efforts and leaves victims with one less option for holding law enforcement accountable for enforcing the law.

Justice Antonin Scalia wrote the Court's opinion. **Justices David H. Souter** and **Stephen G. Breyer** wrote a concurring opinion, with **Justices John Paul Stevens** and **Ruth Bader Ginsburg** dissenting. **Ulester Douglas, Men Stopping Violence**, Decatur, GA, and I issued a statement saying the "decision put children of victims of domestic violence in grave danger..." On July 4, the *Los Angeles Times* published a commentary by **Sarah M. Buel, JD**, *Emeritus Director* of the National Center and clinical professor at the **University of Texas School of Law**, saying the decision "betrayed battered women."

↪ For the Court's opinion and news accounts, the statement Ulester and I issued, Sarah's commentary and the *amicus* brief, visit http://www.ncdsv.org/publications_castlerock.html.

Training Partnerships in Action

Our collaborations with the **National Sheriffs' Association** (NSA) and the **National Center for Rural Law Enforcement** (NCRLE), funded by the **Office on Violence Against Women** (OVW), are in high

This e-newsletter is supported entirely with private funding. If you didn't receive it directly and would like to, please e-mail your request to cwalsh@ncdsv.org.

gear. **Juliet Walters**, our Training Director and **Vickie Smith**, our Deputy Director, will present the advocacy portions of the curriculum for these upcoming trainings:

- ✂ *Domestic Violence Training for Rural Communication Professionals (Dispatchers/Call Takers)*
August 24-25, 2005 in Yreka, CA November 9-10, 2005 in Canandaigua, NY
- ✂ *Rural Law Enforcement Training – Domestic Violence: Intervention and Investigation*
October 19-20, 2005 in Edgefield, SC

Juliet worked with NCRLE's **Mira Frosolono** and **Dr. Cheryl May**, OVW's **Amy Loder**, and the other trainers this spring to revise the *Rural Sexual Assault Management* curriculum. It was successfully unveiled June 6-7, 2005 in Asheville, NC, with one participant commenting:

"Very informative & good ideas to implement at both department(s) & community levels. ..."

Last month, Juliet and Vickie worked with NSA's **Christine Galbraith**, Amy, and the other trainers to revise the *Rural Law Enforcement Training* curriculum, which debuts this fall. The *Rural Sexual Assault Investigators* curriculum is also scheduled for revision. This fall, Juliet will work with the NCRLE staff and the other trainers to update the curriculum, which should be ready in 2006.

➔ For more information about these trainings, visit http://www.ncdsv.org/ncd_ongoingtrain.html.

Avon Foundation and the National Center Team Up

This summer, we're working on an exciting new \$100,000 project with the **Avon Foundation**. We are developing a CD-ROM to educate people about domestic violence so they feel comfortable speaking to someone who they suspect might be a victim. The CD is scheduled to be released this fall. In May, **Christina Walsh**, our Communications Director, **Randy Hines**, our contract webmaster, and I went to New York City to meet with the Foundation's **Kathleen Walas**, **Carol Kurzig**, **Mary Quinn**, **Denise Yap** and their colleagues. Our Librarian, **Nancy Flanakin**, is also working on the project. **Marinda McRoy** and the experts at **VideoPlus** in Dallas will be producing the CD with Avon Foundation funding.

On a related note: **Salma Hayek**, the Avon Foundation's spokesperson for their Speak Out Against Domestic Violence campaign, will testify in support of the Violence Against Women Act (see related story on page 4) at the U.S. Senate hearing later this month.

As part of this year's "Let's Talk Beauty Tour," the Avon Foundation is collecting postcards with people's signatures in support of reauthorizing the Violence Against Women Act. They plan to deliver thousands of signed postcards in mailbags to Congress. The beauty tour promotes new products, provides makeovers, distributes sample products and invites people to sign the postcards.

➔ For more information about the tour and the schedule, visit <http://shop.avon.com/avonshop/default.asp?department=events>

"Trial Run" Slated for October 6-7, 2005

Only a few slots remain for the National Center's *Trial Run: Expert Witnesses in Domestic Violence Cases*, October 6-7, 2005 in Austin, TX. This 1½-day training is for domestic violence service providers and professionals with advanced degrees who are interested in being considered as expert witnesses in court cases involving domestic violence. **Vickie Smith**, **Toby Myers**, **Edd, LCSW, LPC, CGP**, our Board Vice-Chair, and **Sarah M. Buel, JD**, are working closely to create an informative and experiential training. Registration is \$75 and limited to 50 participants. The registration deadline is September 14,

2005. We are grateful to our co-sponsors: The University of Texas at Austin School of Social Work, Institute on Domestic Violence and Sexual Assault; The University of Texas at Austin School of Law; and SafePlace of Austin.

↳ For more information and registration details, visit http://www.ncdsv.org/expertwitness_dv.html.

This training has been coordinated with the *Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference*, October 7-9, 2005 in Austin, TX.

↳ For more information and registration details, visit <http://www.utexas.edu/ssw/ceu/trapped/>.

Military/Civilian CCR Demonstration Project in High Gear



In May, 60 individuals (20 from three communities) attended the training, *Coordinating the Military and Civilian Response to Domestic Violence* in Hopkinsville, KY, as part of the Military/Civilian Coordinated Community Response to Domestic Violence Demonstration Project. The participants represented a cross section of organizations and agencies from Fort Campbell, Christian County, KY and Montgomery County, TN.

Col. Larry Ruggley, Fort Campbell Garrison Commander, on behalf of **Major General Thomas R. Turner, Fort Campbell Installation Commander**, opened the training by thanking everyone for attending and their commitment to the project. **Lt. Col. Jim Jackson, Family Violence Policy Office, U.S. Department of Defense (DoD)**, presented the project's context as part of the DoD and the **U.S. Department of Justice (DOJ)** joint effort addressing the military's response to domestic violence. The training team included: **Rhonda Martinson, Battered Women's Justice Project (BWJP)**, Minneapolis, MN; **Graham Barnes, Domestic Abuse Intervention Project (DAIP)**, Duluth, MN; **Juliet Walters**; and me. The three local coordinators presented information about their programs: **Helen Kinton, Sanctuary**, Hopkinsville; **Patricia Mock, Legal Aid Society of Middle Tennessee and the Cumberland**, Clarksville, TN; and **Louie Sumner, Fort Campbell Family Advocacy Program**.

Several staffers helped compile a comprehensive training manual, including: the National Center's **Juliet, Jenny Brown, Nancy Flanakin and Robert Galindo**; Rhonda and **Connie Sponsler-Garcia** from BWJP; and Graham from DAIP.

We're fortunate that retired **Judge Peter Macdonald**, a former member of the Defense Task Force on Domestic Violence, has joined the project to work with the magistrate's court and in supporting all the criminal justice aspects.

The next step is to create four mapping teams to address specific issues (see below). The first round of mapping should be completed before Fort Campbell's anticipated deployment in September. We are striving to finish the second mapping phase with new teams and topics by November.

- | | |
|--|---|
| ① Protective Order Application Process | ③ Misdemeanor Level Criminal Cases |
| ② Protective Order Violations | ④ Misdemeanor Case Disposition and Monitoring |

BWJP is subcontracting with the National Center to assist in implementing this project, which is funded by DoD and the **Office on Violence Against Women** of DOJ.

Violence Against Women Act Introduced



Vickie Smith and I attended a Congressional breakfast on June 15, 2005 to celebrate the introduction of the Violence Against Women Act (VAWA) in the U.S. Senate (S 1197) and House of Representatives (HR 2876). The bills reauthorize the landmark legislation that was first passed in 1994. VAWA will expire in September if Congress does not reauthorize it. Listed below are the primary sponsors of the legislation; additional co-sponsors sign on daily.

Senate Sponsors

Joseph Biden (D-DE)
Orrin Hatch (R-UT)
Arlen Specter (R-PA)

Chief House Co-sponsors

Mark Green (R-WI)
John Conyers, Jr. (D-MI)

These bills add new components that enhance services for victims of sexual assault and improve programs addressing health, prevention and other essential issues. They would enhance the civil and criminal justice response; improve services and outreach to victims; provide resources for sexual assault victims through rape crisis centers and state coalitions; help children and youth who experience or witness violence; address the needs of victims from communities of color; aid immigrant and tribal victims; and support prevention, health, housing and economic security programs designed to stop violence and help victims.

→ For copies of S 1197 and HR 2876, advocacy and outreach tools and news coverage, visit http://www.ncdsv.org/publications_vawa.html.



“Standing in the Light”

At the 10th anniversary celebration of the **National Network to End Domestic Violence (NNEDV)** on June 14 in Washington, DC, I received their *Standing in the Light of Justice Award*. It was such an honor to receive this award from an organization so near and dear to my heart. My long-time friend and former NNEDV Board Chair, **Colleen Coble**, Executive Director of the **Missouri Coalition Against Domestic Violence** presented the award. It is inscribed with “for your leadership in forming NNEDV, for all the women and children who are safe because of your work and for inspiring us each and every day” and will proudly be on display in my office. The event, with more than 300 guests, was sponsored by: **Allstate Foundation; Altria Group, Inc.; Mary Kay Ashe Charitable Foundation; Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, LLC; and Time Warner Foundation.** **Vickie Smith**, also a founding NNEDV Board member, was on hand for the festivities and served on the event’s Host Committee.

Check it Out

The July/August 2005 issue of *Mother Jones* is a special report on domestic violence. I am quoted in two articles related to the military and domestic violence: “Base Crimes: The Military has a Domestic Violence Problem,” which appears in the magazine and “The Pentagon v. Abuse: An Interview with Deborah Tucker,” which is a supplemental article available on their website.

→ Visit <http://www.motherjones.com/news/featurex/2005/07/haven.html>.



Stay cool this summer!