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Stopping the Cycle; When Domestic-Violence Victims Won't Help, Law-Enforcement Officers Should Carry On

The fact that Juan Carlos Cruz could have been in prison instead of on a Marion County roadway on Oct. 14 shows the importance of prosecuting domestic batterers as early as possible, even if their victims don't cooperate.

Cruz, 20, was accused of rape, kidnapping, felonious assault and abduction in Delaware County in July 2003. His girlfriend told police that Cruz had beaten her with a tire iron while she was pregnant with twins, abducted her from a friend's apartment and raped her in a car.

As is too often the case, the woman recanted her story. Later, she disappeared. Charges against Cruz were dropped the day before his trial was to begin in August, and he was set free.

On Oct. 14, Marion County Deputy Sheriff Brandy Lyn Winfield was killed in his cruiser after he stopped to help a motorist. Cruz stands accused of the slaying.

The earlier case against Cruz may not have been strong enough to prosecute without the victim's help, and he hasn't been convicted of Winfield's murder, so one can't point to this case as a failure. But the circumstances are ones that most prosecutors have faced or will.

Since a 1995 Ohio law encouraged law-enforcement agencies to pursue domestic-violence cases even if victims don't cooperate, those who work with battered women have urged more such "victimless prosecutions."

They've seen too many cases in which a batterer abuses the same person, over and over, the violence escalating until the victim is killed or, sometimes, kills the tormentor. Someone who would attack a defenseless woman repeatedly is likely to commit another type of violent crime.

Victims' reasons for recanting are easy to understand. Many depend on their abusers for food and shelter. Others are simply too afraid to defy the people who long have controlled them.

For this reason, victims' advocates say the responsibility for bringing batterers to justice should lie with the criminal-justice system, not with the victims.

Prosecutors vary in their enthusiasm for victimless prosecution. Winning a conviction is harder without a victim's testimony, and many prosecutors understandably want to concentrate their efforts on the most-winnable cases.

Experience has shown, though, that investigators and prosecutors can make reluctant-victim cases stronger by approaching them aggressively: for example, by gathering evidence as if in a murder case, where one never has the victim's help.

Because of the degree of violence and its history in the relationship, police and prosecutors have the experience to know which batterers are the most dangerous and most worth pursuing.

In San Diego and Nashville, Tenn., where police and prosecutors have embraced victimless prosecution, conviction rates for domestic violence have risen dramatically. More important, domestic homicides, the fruit of unchecked chronic battering, have plummeted.

In Ohio, the picture is mixed. Advocates continue to push for more victimless prosecutions, but they acknowledge many police departments and prosecutors' offices don't have enough manpower to send people for training and spend the extra time at crime scenes needed to gather enough evidence.

The approach is used more often in larger cities, where police and prosecutors have greater resources, but no one is keeping close track of how many domestic-violence cases are pursued without victims' help.

Aggressive pursuit of cases can spare many victims from traumatic trials by triggering guilty pleas.

Some experts advocate approaching every case with the assumption that the victim will back out. That way, cooperation, if it occurs, is a bonus.

Severe, chronic domestic violence is a crime against society as well as an outrage against its victims. Going the extra mile to protect today's victims could protect others as well.

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