

CONTRA COSTA TIMES

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Domestic abuse laws neglected

By Nathaniel Hoffman
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SAN FRANCISCO - Domestic violence laws in California are not being enforced, despite more than 186,000 abuse calls and 169 related killings in the state last year, the Attorney General's Office announced Tuesday.

A two-year study found that, in some counties, up to half the restraining orders issued never were served, courts lack a coordinated effort to keep guns away from batterers, and most batterers sentenced to treatment programs do not complete them.

Attorney General Bill Lockyer and members of the task force that wrote the report presented detailed results and recommendations at a news conference.

"If there are no consequences in the criminal justice system, why would a victim go back to the system?" asked Casey Gwinn, chairman of the Task Force on Local Criminal Justice Response to Domestic Violence.

In response to what Lockyer's office called a failure to enforce domestic violence laws, the attorney general called for a redoubled effort, including new legislation.

The data gathered by task force members and the questions they have been asking have led to dramatic changes in enforcement of spousal battery laws.

The report found that at least 17 counties were not issuing restraining orders as required when sentencing batterers to probation or not entering the orders on a statewide database for enforcement.

Gwinn said that as soon as judges and police and prosecutors realize that laws are not being enforced they take steps to fix the problem.

"We've seen incredible spikes in the filing of these orders," he said.

Another problem is that when the orders are issued, courts are not applying a state law that bars the restrained person from having a gun.

In May 2004, 20.3 percent of the criminal restraining orders issued in Alameda County lacked prohibition of firearm possession, the report shows.

"I didn't know it was a problem," Alameda County district attorney Tom Orloff said after the news conference. "It wasn't getting checked off all the time, and sometimes when it was, it wasn't getting inputted."

He made a few calls and by October 2004, only 3.8 percent of the orders lacked a firearm bar.

Orloff shouldered some of the blame himself and said the system was coming around slowly.

"There's a lot of inertia in our system," he said.

One of the ways the report recommends breaking the inertia is a "one-stop shop" model pioneered in San Diego and now being promoted across the country by Gwinn and the U.S. Department of Justice.

"I have gotten much more enthusiastic about and more involved in the whole idea of the family justice center," Orloff said.

Alameda County will open a family justice center next month on 29th Street and Telegraph Avenue in Oakland. It will house police officers, district attorneys, women's groups and domestic violence support groups, probation officers and others who help victims of spousal abuse and their families, Orloff said.

Contra Costa County has a program called Zero Tolerance for Domestic Violence that coordinates a domestic violence court on Fridays, expedited entry of restraining orders into the state database, legal aid and other services for victims.

The court and court-mandated intervention programs have helped reduce the repeat offenses, said District Attorney Bob Kochly by phone Tuesday.

"It's that constant supervision by the court that makes them understand that someone is watching them," he said.

Statewide, many batterers sentenced to a year of group therapy are not tracked, and the bulk of them quit early, the study revealed.

Contra Costa County's probation department tries to follow up whenever the providers report a no-show, said former domestic violence unit supervisor Mary Wierenga, who testified before the task force in 2004.

"I'm not saying we've got it ached, but I think we're taking a serious look at it," Wierenga said Tuesday afternoon of the county's domestic violence enforcement.

Lockyer said that only a few years ago, victims of all kinds of abuse were largely ignored.

"There's a cultural and systemic transformation taking place," he said at the news conference.

Karen Cooper, president of the newly formed California Partnership to End Domestic Violence, agreed there have been dramatic improvements during the past 20 years.

"It's not moving forward as fast as we'd like it to," she said.

The report's statistics square with the stories victims have been telling for years.

"Now we can couple these stories with the very hard factual information in this report."

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FINDINGS

What the Task Force on Local Criminal Justice Response to Domestic Violence found:

- Forty-five California counties never serve 20 percent to 50 percent of family court restraining orders.
- Two-thirds of domestic violence victims report that batterers use guns to threaten them, yet few of the counties reviewed enforce restraining-order firearm prohibitions.
- Only 11 percent of batterers completed intervention programs in the one county that actually tracks them.
- Two-thirds of health practitioners surveyed said law enforcement was too slow to respond to suspected domestic violence reports.

-- Source: State Task Force on Local Criminal Justice Response to Domestic Violence.