



NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

1998 Spring Meeting

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11:00

CONCLUDING JOINT SESSION

WITH DOMESTIC VIOLENCE SUMMIT

Washington Court Hotel

525 New Jersey Avenue, NW

Washington, D.C.

PROCEEDINGS

GENERAL RENO: Thank you very much, Jim. And my thanks to you all.

Bob Butterworth would not let me come to Washington without making sure we had a partnership, but I just want to tell you how impressed I have been in the five years I've been Attorney General with the public service, the public spirit, the good government that is emerging from Attorneys General's offices all across this country.

You represent your state with such distinction. You represent the best in public service. And it's been great fun. There are times when we make a mistake and everybody gets upset and we work it out, but most of it has been the Attorney General coming up with a great idea, whether it is something as far-sweeping and

magnificent as tobacco or a minor issue or an issue with respect to the environment. You really do represent what lawyers should be all about. I have been a beneficiary of it, thank you.

I want to talk to you today about our partnership and how each of us can leave Washington while I go back to the Department of Justice with a renewed commitment, a stronger voice, a more eloquent voice and a more effective voice to deal with the issue of domestic violence.

The partnerships we have formed are nothing new. You have been with us every step of the way. Just four years ago you joined together with us to secure passage of President Clinton's Crime Bill and the Violence Against Women Act, which was passed in 1994. Forty-one attorneys general signed letters of support to help secure passage of this legislation, and I think that speaks volumes for the partnership.

We've come a long way with the grants that have been described, with the working relationships that exist between state and local prosecutors and U.S. attorneys.

Yes, we've come a long way since 20 years ago when I became the State Attorney in Miami. The medical examiner, a man who had been in office for some 20 years at the time said, "Janet, why don't you come over and look and see who's been murdered in Dade County for the last 20 years and try to figure out how you can focus your resources."

Forty percent of the people killed in that county in the prior 20 years were related to domestic violence, husband and wife, ex-spouse, boyfriend and girlfriend.

We applied for an LEAA Grant, got it and created what came to be called by the grantors one of the modern programs of the country. That program is still in effect and has even been taken over by the county.

But at the time, it was so frustrating. Courts didn't pay any attention to domestic violence. They'd say, "Janet, one of your prosecutors is pushing a domestic case down in my

court. Just tell them to back off." Police officers wouldn't want to get involved in domestics. "It's just a domestic."

Times have changed. It's a change because of influences such as yours. It's a change because more people are sensitive to the issue. We have made real progress, but I think we have more to do.

What are we doing? You are each taking special action in your state. Those who chaired the Subcommittee on Violence Against Women are taking positive action.

Jim Doyle's office, as I understand it, recently put out a flip chart on the model for domestic violence policies and procedures for law enforcement and prosecutors throughout the state.

I can remember calling the Justice Department as a prosecutor saying, "What are the best programs? What are the model programs?" And they gave me two telephone numbers and the names of some people. And one said, "Oh, she's not here anymore." "Well, can you tell me about your domestic violence program?" "Well, we just send it to court. Next." There wasn't much more priority.

And it made me realize that we can do so much if we collect the best and most current information possible and work together to get it disseminated across the country.

Mr. Baker in Georgia introduced legislation to strengthen the state's domestic violence laws. How can we make sure that we all work together to make sure that the laws in Congress and the laws in the state legislatures reflect the needs of police officers and prosecutors, and, most of all, victims on the streets of America.

I'd like to work with you. If you feel there is legislation needed in Congress to improve the U.S. Attorney's efforts to assist state and local law enforcement, let's work together to fashion that.

Jan Graham initiated a workplace program called Safe Home to heighten public awareness of the problem and let people go where they might go for help. Let's find the best programs that are working across the states and let's make sure that everybody has the benefit of that.

I'm sure the list could go on and on, and we have seen results from those efforts. On Monday, Secretary Shalala and I will be formally briefed on domestic violence statistics so that we can get a better sense of where we're going. That's been one of the frustrating factors, to look at UCR reports and not be able to gain information as to whether our policies, our processes and our efforts are working.

And in some instances, you look at an aggravated assault rape in one state where they're reporting domestic violence assaults on a regular basis, and it's high, and in other states, similar populations, similar demography, it's low, and you can almost see within the UCR some of the discrepancies.

I think it is very important that we work together to get the best statistics possible to inform our future efforts and to show what is successful and what is not successful.

I understand that the new statistics coming out will show that in some major categories we are beginning to turn the corner on domestic violence. Let's find out where and find out by state to see what program is producing this, what effort is making a difference.

But just because numbers begin to drop, you know better than anybody else you can't claim victory. I will always remember as a homicide/rape came down in Dade County in 1983, I felt so good about it and I thought, hot ziggedy, we're on our way, and then people started talking to me about this strange substance that was cocaine but it wasn't really cocaine, and it was violence-inciting and compulsively-addictive and just hits you like that (snapping fingers). And I got to know about crack real quick in 1985.

It is so important that we take these figures and formulate better plans of action, share our best practices and move ahead.

Let me use the occasion of these grim statistics really as a rallying point then, a rallying point to see what we can do to be more effective. Right now, with the Violence Against Women Act, we have the authority in interstate cases to bring federal prosecutions. We try to work with the local prosecutor to ensure that it's done in the best interests of the state and of the community and of the victim.

We need to forge stronger working relationships at the state level and at the local level to make sure that we get those cases that you think should be prosecuted in federal court, that we get them in a way that they can be prosecuted, because, perhaps some of you have seen those cases come in, they are all over the waterfront in quality and preparation.

If we work with the state for 4D agencies in developing the best package and the checklist for a package of those cases that you want handled in federal court, I think we can make a significant difference.

But one of the areas where I think we need to work together to be far more effective than we have is in the area of the full faith and credit provision of the Violence Against Women Act. It requires the courts in one state or trial to recognize and enforce protective orders issued by courts of another state or trial. This provides critical protection for women

who have fled abusive homes to put distance between themselves and their attacker.

Now, I've spent most of my professional life as a prosecutor 350 miles down a peninsula where the nearest state was about 350 miles away, and so I am not as familiar as, say, Kentucky is with the situation you have. Kentucky is surrounded by seven states, and I think some of the law enforcement logistics in that situation, particularly the enforcement of protective orders, can be very significant.

Prior to the Act, a victim trying to escape an abuser would have to file a new protection order in the new jurisdiction. When she came to town she'd called the police and say, "I want this order enforced." The police would tell her, "Sorry, you've got to start all over again."

In many cases, this would be waiting for another violent episode or abuse before she could obtain an order in the new jurisdiction or before the police would make an arrest.

Sometimes, and you all have probably heard it, the court would notify the batterer of a new filing, and then the batterer would learn of her whereabouts, a very dangerous situation for the victim.

One challenge in implementing full faith and credit involves custody provisions for protective orders. This is a very difficult problem, and it is critical to the safety of children, an issue that is very dear to us all.

When victims are forced across the jurisdictional lines to escape abuse, often they do so without the certainty that legal custody of their children that follow them. Some victims encounter problems obtaining custody in the new jurisdiction. Other victims are forced to flee knowing that a previously awarded custody or visitation schedule will be disrupted.

Victims in this situation are put to a difficult choice: Move to safety, knowing that they may not be in compliance with custody/visitation awards or remain in the home state where custody and visitation can continue, but where the victim and the child run the risk of further abuse.

We have made the implementation of the full faith and credit provision a priority. We held the first national training conference in Albuquerque last fall. States, tribes and territories sent teams composed of a judge, a prosecutor, a law enforcement official, an advocate and a court administrator.

Many of your offices were represented, and I am very grateful for that. You can play such a significant role as we implement this provision of the Act, not only in your state, but in developing regional contacts with your neighboring states.

We are providing funding to the Pennsylvania Coalition against Domestic Violence Battered Women's Justice Project for a resource clearinghouse. The clearinghouse has been providing valuable technical assistance and information about how states are handling the implementation of the Act. The phone number at the clearinghouse, if you don't have it, is 1/800-903-0111, Extension 2; 1/800-903-0111, Extension 2. The implementation of this provision, the benefits of this provision are going to be most effective when we work together. I ask you -- Chris Melton asked you the other day, she said, "You're always asking us what we can do for you. I ask you to let me know how we can improve our communication, what suggestions you have, what problems you see in what we are doing with respect to full faith and credit."

We must work together to undertake certain steps, though. First to ensure complete, accurate and uniform statewide forms for protective orders could vastly simplify the process. Look at your state's protective orders and make sure that they are both uniform throughout your state and that the orders make it clear to the parties that the orders are entitled to full faith and credit throughout the country.

I also urge you, if you've not done so, to develop computerized protection order files. Twenty-two states already have such registries, and 14 additional states are in the process of developing such registries.

Such states as Kentucky are linking their existing order registries with the protection order file that is part of the National Crime Information Center, a nationwide database of criminal justice information which serves over 79,000 local, state and federal law enforcement and criminal justice users. The FBI has been working to get these registries up and running nationally since last summer.

Other states, such as Idaho and Oklahoma, are putting information concerning protection orders directly into NCIC. This will help to verify the validity of the orders thus enhancing the victim's safety. Indeed the system will only work to the extent states participate in it.

Make sure your law enforcement leaders are properly trained and educated in the application of the Act. There is so much that we can do if we work together, and I would appreciate any suggestions you have.

I'd like to know how we can improve, if we can improve our grant process to try to work closely with the states as they come up with the uniform plan. We'd like to know if there are steps in the process that are frustrating to you, to your state agency involved in this effort.

Where do we go from here? One of the points that I would like to suggest to you that we focus on in the next year is the whole issue of intervention, intervention in the lives of

children who have been a witness to domestic violence.

This morning I spoke to children's advocates and relied heavily on a study done that shows clearly the children who have been victims of violence or the observers of violence have a much better chance of ending up in the criminal justice system as a violent offender. The child who watches his father beat his mother comes to accept violence as a way of life.

But think about what we do too often. The police make the arrest, the woman goes to the prosecutor's office, she may be referred to counseling or for medical care, he may get into treatment. Who does anything with the children? The children may spend a night or weeks in a shelter. The children who see the trauma carry on in their mind every day thereafter. We can do so much if we start intervening now in this cycle of violence in the minds of these child and interrupt it.

And I would appreciate any suggestions you have on programs that are working in your state that provide for effective intervention and counseling for children who are victims of domestic violence, victims in the sense of having watched it appear before their eyes.

The second issue that I'd like to suggest to you-- I have a dream. I've watched Washington, D.C., school teachers learn dispute resolution, learn the art of communication.

I've watched the Justice Department in the last three years undertake what I call appropriate dispute resolution and expand our efforts at resolving litigation without contemplating trial on a far greater scope than we've ever had before.

I now watch children in the Washington, D.C., public schools resolving their conflicts without knives and guns and fists through peer mediation.

When I went to law school, I had Roger Fisher for civil procedure. He became a great guru teaching negotiation, but we never heard about negotiation. I think all of us as attorneys general can take the lead in making sure that the skill of dispute resolution, of problem-solving and the communication that goes with it, can be spread across this nation; that every teacher can learn that skill, and, in turn, teach every student that skill; that so much can be done with community police officers who are on the streets now addressing the issue.

I started a program in Miami that involved a community-friendly police officer, a public health nurse and a youth counselor in an area with a high crime rate, we brought the crime rate down. We got rid of the graffiti. We got the vacant lot cleaned up. We got the public housing project moving in a positive direction.

And then when I came home a year and a half later at Christmas time, I went down to the project. It had been battered horribly by Hurricane Andrew, and, when I left, it was in

shatters. They had pulled it physically together, they had pulled themselves together, but the one remaining, recurring problem that they couldn't get their hands around was the problem of family violence, the mother who couldn't cope with the 18-year-old son, the incidence of family violence, domestic violence.

Just think of what we can do if we teach teachers how to resolve disputes, teach police officers how to resolve disputes, teach young people how to resolve disputes. You know what the young people are telling me? "Well, not only do I use it at school, Ms. Reno, and I'm learning to use it on the streets, I'm doing some good work at home, too."

Some people say it may be a dream, but I think, based on what I have seen, not just here, but what lawyers are doing around this country, we can make a difference if we approach domestic violence from the point of view of how will we teach these people to resolve their conflicts without causing such tragedies and trauma along the way.

And that leads to the next point. So much of the criminal justice system is impersonal to people. They go to the courthouse. It just seems like a morass. They don't understand what's going on. Their name is called. The judge doesn't remember that they were there the week before. They feel like a number.

This week I went to a conference on community justice. It was perhaps one of the most exciting conferences I have been to in some time.

Last year we had about 300 to 350 people there. There were 800 people there this year. There were county commissioners and police chiefs and state correctional officials and private citizens and business people who were committed to the concept of community justice.

I look forward to working with the attorneys general to implement this concept across the country so that we get back to a situation where the judge knows what's going on, knows the full picture, where the litigants and the judge and the community are involved in problem-solving and in conveying peace as opposed to ascribing blame and innocence and putting dollar figures on what's a greater problem.

Finally, again and again I have seen in this country a problem that existed when I left Miami. We developed the best domestic violence programs possible, and then we find that the problem is caused by drug or alcohol abuse. And then you turn around and watch what's available in terms of treatment for a person who has been the batterer and been the batterer because of a drug and alcohol problem.

When I first became the State Attorney people said, "Treatment doesn't work." I doubt that there is a person in this room who would say that now. I suspect that everybody has had a family member, a friend, a neighbor, a fellow employee who has been the beneficiary of

treatment.

But all that we do in domestic violence will not work unless we ensure that the treatment programs that are dealing with these cases have caseloads that will permit real treatment to be provided. We have seen this concept work through the expansion of drug courts. We have seen people begin to experiment with a combination of drugs and domestic violence courts. We can do so much if we work together, if we're bold, and if we're not afraid to dream.

I feel very confident, based on my experience with you all, that I'm not dreaming and that from this group of very distinguished and involved public servants will continue to come, as you've already shown on so many examples, a belief in a good government, a belief that we can serve the people and be effective and give them confidence in government.

Thank you very much.

(Applause.)

(Whereupon, at 11:28 o'clock, a.m., the public portion of the meeting was concluded.)