



'We need to do more': Legislators seek to add or improve domestic violence laws

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NEW YORK STATE
DOMESTIC VIOLENCE DASHBOARD PROJECT
2011 DATA

Introduction From the Executive Director

This is the 5th Annual New York State Domestic Violence Dashboard which contains data from 2007 through 2011. After five years of collecting data from a broad range of agencies, some trends are becoming clear – many of which will confirm what providers are seeing in the field, and others may surprise you. We also continue to add information each year as more and more agencies include screening for domestic violence into their regular practice.

Overall, most numbers have gone up. They have gone up because more individuals are seeking services, but they also seem to reflect a disturbing increase in the prevalence of domestic violence. As always, the data does not provide the answers, but leads us to ask questions. For example, more civil orders of protection issued means more people sought the court's assistance, but it could also mean more people needed that assistance – or both. One important number has gone down between 2010 and 2011, shelter denials, which means more people seeking emergency shelter were able to access shelter when needed.

This year, we have three additions to our data points. First, the Division of Corrections and Community Supervision can now tell us what percentage of individuals released to parole, after serving time in a State facility, have a history of domestic violence. The parole unit identifies domestic violence as an issue and, using a broad range of factors, screens all parolees for domestic violence (whether they are incarcerated for domestic violence or not) and utilizes this knowledge to craft a supervision plan for that individual. Second, we have added domestic incident data this year. And last, we are reporting the number of strangulation charges, to acknowledge the importance of the new strangulation law and how broadly it is being used.

Two important changes in the state could have affected the data reflected in this year's Dashboard. One is New York State's passage of Marriage Equality. Same sex married couples can now be included in court papers, so this may contribute to some of the changes we see in order of protection data. The other is the launching of the Domestic Incident Report (DIR) repository this year, which for the first time, enabled us to include DIR data.

The source agency for data referenced in each statement is indicated at the end of the sentence; published source material is footnoted. Statistics cited represent data for the 2011 calendar year and are statewide, unless otherwise indicated. The 2007 Dashboard offered a full explanation of each system from which this data was taken, including an explanation of terminology. Since then, we have only explained data points that are new this year.

Thank you for reviewing the Fifth Anniversary Dashboard; it reflects a commitment across agencies to screen for domestic violence, and share that information with all of you. OPDV staff work diligently to compile and present it in a way we hope will be of use. We encourage you to read it together with the [2011 NYS Domestic Violence Annual Report](#), which contains a broader summary of the work of our state agencies, as well as a few other community stakeholder organizations. Data is only part of the story, but it is an important part.



Gwen J. Wright
Acting Executive Director, NYS Office for the Prevention of Domestic Violence

2012

New York State Office for the Prevention of Domestic Violence

The push for legislation to establish tougher domestic violence laws and provide support for survivors has been going on for decades, but state Sen. John DeFrancisco, R-Syracuse, says one major event of the 20th century led to a greater emphasis on domestic violence issues.

"The biggest change is when O.J. Simpson was accused of killing his ex-wife," he said. "When that incident took place, everybody was jumping to make these offenses more criminal."

In 1994 — the same year Simpson was accused of murdering Nicole Brown Simpson — Congress passed the Violence Against Women Act. The legislation, which is still on the books today, helped establish programs to assist domestic violence survivors and provides grants to help fund

these programs.

U.S. Rep. Dan Maffei, D-DeWitt, who supported the reauthorization of VAWA earlier this year, said the law is an example of how the government can do its part to help domestic violence survivors.

"One of the places where the federal government can be of help is making sure that you have centers that have the resources to help survivors of domestic violence," he said. "VAWA did that."

VAWA has evolved since it was first passed in 1994. The latest reauthorization passed in February extends services to gays and lesbians, immigrants and Native Americans. The act provides hundreds of millions of dollars in funding to centers and programs across the country.

Along with VAWA, there are several state laws and proposed bills to help toughen the penalties for domestic violence crimes and provide support for victims.

DeFrancisco said one of the key actions was expanding orders of protection. He said this made it easier to get such orders and have "true enforcement" of the orders by law enforcement officers.

But there have been other state laws passed, especially in the last two decades. One of the most recent measures signed into law was the Domestic Violence Omnibus bill. The legislation was passed by the state Assembly and Senate in 2012 and signed into law by Gov. Andrew Cuomo in October. The package includes a new felony crime, aggravated family offense, for those who are convicted of misdemeanor level crimes and have previous convictions for domestic violence within the past five years, according to the state Office for the Prevention of Domestic Violence. Another crime was created under second-degree aggravated harassment for those who harass, threaten or injure a family member.

Other provisions in the omnibus bill include the creation of a new state-level domestic violence fatality review team within the state Office for the Prevention of Domestic Violence. This review team would bring local and state professionals together to review select intimate partner homicides.

State Sen. Michael Nozzolio, R-Fayette, believes New York has strong domestic violence laws, but believes more can be done.

"New York has extremely extensive spousal abuse and domestic violence statutes," he said. "We have a number of laws that I believe are very useful and protective. But we need to do more."

One bill Nozzolio is pushing for as chairman of the Senate Codes committee is known as Brittany's Law. The legislation, S1850A, would create a violent felony offender registry in New York.

The bill is named for Brittany Passalacqua of Geneva. Brittany and her mother, Helen Buchel, were killed in November 2009 by a man with a violent past who served prison time for assaulting his infant daughter. According to media reports, the two were killed after a domestic dispute between the man and Buchel.

"Often times, people travel from one area of the state to the other. If they have a record of violence, that violence should be cataloged," Nozzolio said, touting the importance of Brittany's Law. "People should know who's entering their home and entering their lives."

There are other proposed measures in the state Legislature dealing with domestic violence.

A bill introduced by state Sen. Catharine Young would allow the use of closed-circuit television for the testimony of domestic violence victims. The Senate passed the measure, S2205, on March 6 by a 62-0 vote.

Another piece of legislation, S4091, would establish tougher penalties for certain charges related to domestic violence crimes, especially those who have been previously convicted of such crimes. The bill would also require domestic violence offenders to pay a surcharge of \$250 that will be used to fund the state Office for the Prevention of Domestic Violence.

Statistics show why legislators like Nozzolio feel more needs to be done. According to the latest data available from the state Office for the Prevention of Domestic Violence, there were 30,096 intimate partner assaults in New York state in 2011 — a 4 percent increase from the previous year's totals. In 80 percent of cases, women were the victims.

Intimate partner homicides also increased in 2011. There were 89 intimate partner homicides reported that year — a 20 percent increase from 2010, according to state Office for the Prevention of Domestic Violence.

"All areas of physical abuse need to be continually focused on," Nozzolio said. "We are trying very hard to establish zero tolerance for violence in New York. ... We are seeing an unfortunate increase in violence (in the state). More statutory protections are necessary."

Online

Read this story on auburnpub.com to review a 2011 report from the New York State Office for the Prevention of Domestic Violence. The report includes data on orders of protection, domestic violence crimes and more.