

## **Fighting For a Voice**

### **Creating Reform in Chemung County, NY**

**Created by:** Michelle Erhard

**Category:** OPVD Model Policy: Criminal Justice, Legal, and Judicial for NYS counties

**Region:** Chemung County, New York, USA

**Target:** City Council, Local and State Legislators

**Website:** [fightingforavoice.com](http://fightingforavoice.com)

**Description/History:** Domestic violence/abuse cases are brought- and victims and offenders are identified-in both our criminal and civil justice systems. However, a victim's first contact with law enforcement or the courts rarely happens after the first, or even the second, domestic incident. Historically, our legal system has become involved only after the pattern of abuse is well established, the level of physical injury has become serious, or the violence has spread beyond the intimate relationship or family.

**Petition:** We are the residents of Chemung County, New York; representing families of men and women who have been victims of Domestic Abuse. {OPDV} The cost to the victim of being involved with the criminal justice and legal system-in money, time, lost work, lost privacy, and retaliatory acts by the abuser-are daunting. Quite frequently, over time or simultaneously, a victim will be involved in a family offense proceeding, a civil contempt matter, custody, support, and visitation proceedings, a matrimonial action, and a criminal proceedings in multiple courts. This fragmentation, coupled with differing standards of proof, rules of procedure, and an extraordinary diversity of recordkeeping practices, exhausts resources and often demoralizes and inadvertently endangers victims and their children. As well as, using large amounts of taxpayers' money to finance the courts, court appointed attorneys, law guardians and judges. Early intervention and a coordinated response to domestic abuse provides the best path to protecting victims and their children, preventing the escalation of a pattern of abuse, reducing the rate of domestic homicide and felony crimes, and where possible, maintaining family stability. Not only should our legal and public safety institutions, such as police, probation departments, courts and prosecutor's offices, take affirmative action to accomplish these objectives, but also the individuals who work within any state or local government agencies should be retrained on the dynamics of domestic abuse and how to handle an occurring situation and where to report it. Under the integrated model, integrated court system, one judge handles criminal domestic violence cases and related family issues, such as custody, visitation, civil protection orders and matrimonial actions. By streamlining and centralizing court processes, integrated courts eliminate contradictory orders and improve victim safety. They also hold offenders to a higher level of accountability by concentrating responsibility for defendant oversight in the hands of a single judge. In addition, victims gain a greater voice in their cases and are better able to address critical family issues—such as economic dependence—that impede their ability to prosecute their abusers and, ultimately, to achieve independence.