

VIEWPOINTS

CRIMINAL JUSTICE

Progress made on domestic violence



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Groundbreaking initiative is making a difference

By AGNES CHAPPELL

When I began hearing domestic violence cases in Birmingham Municipal Court in 2007, I quickly learned there was a huge backlog of cases.

It was typical for cases to be continued for years because either defendants or victims did not appear in court. Subpoenas went unserved and victims routinely were not notified of hearings. There was a high recidivism rate, stacks of outstanding warrants and an overall lack of coordination to prosecute cases effectively.

The following true stories illustrate the systemic problems the court

faced and the progress being made.

In 2002, a Birmingham man beat his girlfriend until she passed out. The defendant was placed on probation, but did not comply with any terms and conditions of his probation — not difficult to do since there was no follow-up. Three separate charges were filed against the defendant in 2004 and 2005: allegedly stabbing the victim in her leg; punching the victim in her left eye so hard that her eye was swollen and bruised; and striking the victim in the head with hedge clippers.

Finally in 2007, the defendant was brought to court to answer to all of these charges. He was found guilty and sentenced to 180 days on each case, but he prolonged his freedom

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by appealing to the state. After he failed to appear at the appeal hearing, the case was returned to municipal court. In 2009, the defendant was ordered to serve his sentences.

But that isn't all of the story. While the perpetrator's appeal was pending, his victim struck back, stabbing him in the abdomen. She was convicted of assault and served time in jail. Had the system served the victim effectively beginning in 2002, she may not have resorted to such potentially deadly measures.

Fast forward to a 2009 case following the implementation of a groundbreaking initiative in our community, "Voices Against Violence."

In December 2008, a man grabbed his girlfriend by the neck, strangled her and kicked her in her lower body. Birmingham police charged him with domestic violence assault third-degree. The victim's advocate worked with the victim to inform her of the process, notify her of court dates, help her plan for her safety and find needed community resources.

The victim responded to her

subpoena and gave testimony at the trial in February that resulted in the conviction of the defendant. He was sentenced to 180 days in jail suspended with two years probation. He must comply with all court orders, including completing the Project Safe program (domestic violence intervention program), reporting monthly to a probation officer and leaving the victim unharmed and unthreatened.

This quick court and law enforcement response resulting in a conviction is the result of two years of training and collaboration among the police, court, city and community.

Voices Against Violence, an initiative of The Women's Fund of Greater Birmingham, is funded by Giving Circle and led by female attorneys in our community. Now in its third year of making grants, area lawyers and friends of The Women's Fund have invested a total of \$236,000 to reduce the incidence of domestic violence assaults in our community.

As part of the Voices Against Violence initiative, The Women's Fund made a grant to the Alabama Coalition Against Domestic Violence to provide training to court and law enforcement, funded a YWCA court advocate and purchased digital cameras for the Birmingham Police Department. The ACADV used these funds

GETTING HELP

▶ If you or someone you know is being abused, call the domestic violence hotline at 1-800-650-6522.

▶ To learn more about domestic violence visit www.thewomensfundbham.org, www.ywcabham.org and www.acadv.org.

as the local match to attract federal money for two purposes: a shared information system prototype so local courts could look up perpetrators' previous convictions on domestic violence charges and seed money for warrants and subpoenas to be served in Operation Hit Back.

The momentum has continued to build with new partners coming on board.

The Alabama Civil Justice Foundation funded a compliance officer and second YWCA court advocate. The city of Birmingham signaled its commitment to ending domestic violence by hiring a special prosecutor. The Birmingham Police Department serves domestic violence warrants quickly. Police officers are always present in court to serve as witnesses. Their reports are more thorough, and evidence often includes digital pictures of injuries. As a result of the collaborative, coordi-

nated effort, we are trying more cases and convicting more perpetrators.

There are 800 reports of domestic violence in Birmingham each month resulting in about 250 domestic violence cases before the court. Because of our city's high rate of domestic violence and the long-lasting effect on victims, their children and our community, it is imperative the city hold perpetrators of domestic violence accountable.

I am committed to establishing an effective judicial response to domestic violence. I can say the judicial process now works in most instances to protect victims and to hold perpetrators accountable. Our goal is to intervene swiftly and effectively when the crime is at the misdemeanor level with the goal to prevent domestic violence homicides.

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