



NEW YORK STATE SENATOR
Susan Serino

Serino Bill Strengthens Law to Protect Domestic Violence Victims

SUE SERINO June 1, 2015

| ISSUE: **CRIME, COURTS, JUDGES OR JUDICIAL**



SERINO BILL STRENGTHENS LAW TO PROTECT DOMESTIC VIOLENCE VICTIMS

ALBANY—Senator Sue Serino (R, C, I—Hyde Park) today announced the passage of her bill that would strengthen protections for victims of domestic violence by increasing access to the judges needed to arraign offenders.

“The sad fact is that too many victims of domestic violence never seek help simply because they don’t trust our system,” said Senator Serino. “This bill will not only increase court efficiency, but it sends the message to victims that their safety matters, and that we are

doing everything in our power to make sure that our system works in the way it's intended to—by protecting victims and punishing offenders.”

Under the current law, a justice from a town where a misdemeanor offense occurs is required to be called first for arraignments. However, if a justice is unavailable, police are limited to the use of a justice from a neighboring municipality. While traditionally informal agreements with other justices are utilized to ensure that constant availability of a member of the judiciary, the use of such a system has proven unreliable and has too often resulted in court inefficiencies that leave victims vulnerable.

The issue was first brought to the attention of the Legislature by a 2010 report issued by the Dutchess County Legislative Citizens' Advisory Committee on Domestic Violence.

“Following a tragic domestic-violence-related homicide, I requested that the Legislature’s Citizens' Advisory Committee on Domestic Violence undertake a systemic review of domestic violence services and procedures. With action at the state level, we are taking major steps to ensure that victims in Dutchess County have timely access to justice and their abusers face accountability before a judge. I applaud Senator Serino for introducing this legislation in order to ensure the safety of victims is prioritized and the constitutional guarantees of our judicial system are upheld,” said Chairman of the Dutchess County Legislature Rob Rolison.

The Committee’s lengthy system-wide review noted the issue and the resultant victim vulnerability very clearly, saying:

“Victims have reported that they are no longer willing to call for police assistance because it has been their experience that even when the offender is arrested, the local judge does not appear for an arraignment but will order the police to issue an appearance ticket to the offender directing him to come to court on a date in the future. The result: no Order of Protection and the offender returns to the residence angrier than he was when he was arrested by the police a few short hours earlier.”

The issue went on to make headlines in 2012 when the Poughkeepsie Journal launched an investigation into the failure of local justices to respond to police requests for arraignments in their piece, *Absent Justices Facing Heat*, which highlighted the need for the creation of an adequate backup system.

Serino's bill, S. 4337, would do just that by authorizing the Chief Administrator of the Courts to create a formal emergency plan with a system of backup judges available from anywhere in the county for use when a town justice is unavailable for arraignments. The bill aims to close the gap in the current law and ensure that justice is served efficiently and effectively.

Leah Feldman, a member of the Citizens' Advisory Committee on Domestic Violence and **Director of Family Services Domestic Violence Services** reiterated the bill's significance, saying, "The pre-trial period, after an offender is arrested, is known to be the most dangerous time for a victim of domestic violence. It is crucial during this time that the criminal justice system provides protections to increase victim safety such as orders of protection and/or pre-trial detention of the offender. None of these protections can be issued without availability of a magistrate."

"The fact that this problem continues to persist is a disgrace," said Senator Serino. "It's a disgrace to the system, an insult to the victims and a danger to the community. I thank the advocates and our local leaders who have remained committed to finding a solution and committed to justice."

####