



### Report on the Status of the DVCC Court Watch Program

The Domestic Violence Coordinating Council of Greater Omaha (DVCC) Court Watch Program began in October of 2001 with the hiring of Director Tracy Grinstead-Everly, JD. The first volunteer monitor training was held in February, 2002, and monitors entered the courtrooms in March, 2002. Since that time, over 90 monitors have been trained in quarterly training sessions. Presenters at the trainings have included attorneys from the Domestic Violence Prosecution Unit (DVPU), YWCA victim advocates and batterer intervention specialists, the director of the Latina Resource Center, and attorneys from Nebraska Legal Services (NLS) and the private bar, in addition to DVCC staff members.

Since the program began monitoring court proceedings, monitors have devoted over 1,000 hours of their time in district and county court courtrooms, and produced in excess of 2,800 observation forms from various proceedings. In 2003 alone, over 450 hours of work were donated by our monitors, producing in excess of 1,170 observation forms.

The DVCC Court Watch Program routinely monitors misdemeanor and felony arraignments, trials, sentencing, and probation revocation hearings, as well as civil protection order hearings. Additionally, our monitors observe and report on other proceedings involving domestic violence, at which our presence has been requested. Requests for monitor presence were made by domestic violence victims, victim advocates, prosecutors, victims' attorneys, probation officers, and other court and criminal justice personnel.

Several area employers have allowed employees to leave work to monitor, without loss of pay. These

employers include First National Bank of Omaha, Holthaus Law Office, Children's Hospital, Bergan Mercy Medical Center, Lozier Corporation, Kutak Rock LLP, Community Alliance, Creighton University, Brodkey Cuddigan & Peebles LLP, Offutt Air Force Base, and Union Pacific Railroad. Their generous cooperation evidences their dedication to our community and contributes to the diversity and varied perspectives of the DVCC Court Watch monitor base.

In addition to monitors, the DVCC Court Watch Program utilized student interns from Metro Community College, College of Saint Mary's, and the University of Nebraska (UNO). Course credit was granted for these internships. Creighton University and Metro Community College incorporated components of the Court Watch Program into course curriculums.

The DVCC Court Watch Committee is comprised of representatives from the offices of the Douglas County Attorney, the Douglas County Public Defender, Nebraska State Probation, the United States Attorney, victim service providers, academia, local businesses, the private bar and survivors. Issues addressed by the committee in 2003 included the collection and comparison of protection order statistics by judge, concerns about a few judges' questionable comments in particular cases, when and how to release judges' names in reports, and the expansion of distribution of the DVCC Court Watch Reports. Issues identified for 2004 include the practice of defense counsel choosing judges before whom to present early pleas.

DVCC Court Watch Quarterly Reports are distributed to judges, bailiffs, DVCC members, Court Watch Committee members, monitors, advocates statewide, probation officers, prosecutors, local and state elected officials, other court watch programs, law enforcement, local colleges and universities, and other interested persons upon request.

### 2003 Domestic Violence Related Homicides

**Christine Crockett, 39**  
Shot by Steve Nesbitt, Jr.  
Died March 25, 2003

**Adelina Canteraro, 21**  
Strangled by Albino Ornelas-Perez  
Died May 26, 2003

**Donald Keith Campbell, 38**  
Stabbed by Annette Stevens  
Died August 15, 2003

**Theresa Hill, 25**  
Strangled by John Dixon  
Died October 2, 2003

**Destiny Davis, 20**  
Shot - felony arrest warrant issued for William C. Floyd, Jr.  
Died October 7, 2003

**Tina Williams, 41**  
Stabbed by Wesley Williams  
Died November 3, 2003

<b>In This Issue.....</b>	
Report on Status of Court Watch	1
DV Homicides	1
Law Enforcement Stats	2
Law Enforcement Demographics	3-5
Prosecution Stats	6-7
Sentencings	8
BIP Orders	8
DV Probation Stats	9
BIP Program Statistics	9
Protection Orders	10
Monitor Observations	11
Chronic DV Offender	12
DV Legislative Update	13
Monitor Information	13



The Omaha Police Department (OPD) has had a specialized Domestic Violence Investigation Squad (DVIS) since 1998. In 2003, one more officer was added. There are currently five investigating officers, one sergeant, one lieutenant (also overseeing the sexual assault and child abuse units), and support staff. DVIS officers investigate all domestic violence cases in the city of Omaha, which totaled nearly 5000 in 2003. DVIS officers help determine whether there is sufficient evidence to prosecute, and also request warrants when appropriate.

The Douglas County Sheriff's office also has a domestic violence unit, comprised of one officer and a supervising sergeant. Their authority includes all of Douglas County, though they ordinarily defer jurisdiction to police departments in Omaha, Ralston, Bennington, Elkhorn, and Valley when crimes occur within city limits. All Douglas County agencies have implemented domestic violence protocols and participate in a coordinated community

response, including case reviews held by the Sarpy County Community Response Team (CRT) and the DVCC Law Enforcement Committee.

The total number of law enforcement service calls to 911 for 2003 was lower than in 2002 (328,593 versus 345,429), but the number of domestic violence emergency calls to 911 was slightly higher (10,420 in 2003, compared to 10,053 in 2002). Likewise, the number of service calls to the Douglas County Sheriff was lower in 2003 than 2002 (42,588 versus 45,907) but the number of DV service calls was higher in 2003 than 2002 (606, compared to 503).

Additional statistics for the Douglas County Sheriff Domestic Violence Unit have not been available in the past, but will be starting in January, 2004.

**Related Statistics:**

- ◆ OPD protocol on DV cases requires officers to contact the YWCA on DV calls. The YWCA reports 1,109 calls from OPD in 2003.
- ◆ In the last quarter of 2003, 202 certified letters were sent to people by OPD revoking gun registrations. Of those 202, 151 were based on protection order issuances and 26 were due to domestic violence convictions. If these individuals are caught with firearms in their possession they will be arrested.

The number of domestic violence cases assigned to the OPD - DVIS officers has grown from 3,237 in 1997 to 5,204 in 2003 with no increase in DVIS staff.

**DV Calls for Service to Sheriff**

	Total Calls For Service	DV Calls for Service
1st qtr.	9,762	118
2nd qtr.	11,144	154
3rd qtr.	11,484	144
4th qtr.	10,198	190
Annual	42,588	606

Data Source: Douglas County Sheriff 2003

**Protection Order Service**

	Received	Personally Served	% Served*
1st qtr.	780	672	91%
2nd qtr.	969	817	92%
3rd qtr.	1,027	875	93%
4th qtr.	807	651	91%
Annual	3,583	2279	92%

Data Source: Douglas County Sheriff 2003

\*According to the Douglas County Sheriff Department: "percentage served" refers to all protection orders returned to the Court, including: 1) personally served on Respondents; 2) unable to locate Respondent; and 3) time for service expired.

**DV 911 Calls as per Operator**

	Total 911 Calls	DV 911 Calls
1st qtr.	74,388	2,180
2nd qtr.	88,793	2,784
3rd qtr.	88,492	2,856
4th qtr.	76,920	2,600
Annual	328,593	10,420

Data Source: 911 Emergency Communications 2003

**OPD Domestic Violence Investigation Squad**

	DV Cases Assigned (Misd.)	On Scene Arrests (Misdemeanors)	On Scene Arrests (Misdemeanors)	Felonies Assigned	On Scene Arrests (Felony)	On Scene Arrests (Felony)	Warrants Sought (Misdemeanor)	Warrants Sought (Felony)	Insufficient for Prosecution	Unit Clearance Rate
1st qtr.	1,176	285	24%	79	31	37%	461	18	445	79%
2nd qtr.	1,300	338	26%	60	15	26%	475	16	478	76%
3rd qtr.	1,310	335	26%	94	24	25%	594	30	423	80%
4th qtr.	1,118	262	23%	67	14	21%	612	14	400	94%
Annual	4,904	1,220	25%	300	84	27%	2142	78	1,746	82%

Data Source: Omaha Police Department 2003

"Insufficient for prosecution" is determined by both DVIS and Douglas County Attorneys. "Unit Clearance Rate" reflects all cases disposed of by arrest, warrant request or closure.

# OPD Domestic Violence Demographic Statistics 2003

2003 Incident Statistics	All Incidents	Incidents resulting in Custodial Arrest	Incidents Resulting in Arrest / Citation
<b>Total Incidents</b>	4,911	1,787	1,798
<b>Total Victims</b>	5,000	1,822	0
<b>Victims Involved in Multiple Incidents</b>	801	203	0
<b>Incidents with Multiple Victims</b>	89	35	0
<b>Total Suspects</b>	4,916	1,800	0
<b>Incidents with No Suspects</b>	125	39	0
<b>Incidents with Multiple Suspects</b>	130	52	0
<b>Suspects Involved in Multiple Incidents</b>	762	199	0
<b>Suspects Assaulting Multiple Victims in Same Incident</b>	3	3	0

Data Source: Omaha Police Department 2003

According to statistical data gathered by the Bureau of Justice Statistics and the Federal Bureau of Investigation (FBI), and reported by the US Department of Justice (DOJ), in their Violence by Intimates publication, about half of the incidents of intimate partner violence experienced by women in the United States are reported to the police. DOJ national victim interviews indicate that about 1 in 5 of all incidents reported to the police resulted in an arrest at the scene. This national on-scene arrest rate is consistent with that of the Omaha Police Department (OPD) in

2003. DOJ reports that one in three female victims of intimate violence who did not report their crime to police said that they had considered the crime a 'private or personal matter.'

"Series victimizations," in which the victim is involved in numerous incidents similar in nature, is reported by the National Crime Victimization Survey as occurring with 11.5% of female and 9.8% of male domestic violence victims nationally. Omaha police report that approximately 25% of domestic violence victims are involved in multiple incidents.

**"A small number of people are still committing a large number of the intimate violence crimes."**

## Racial Demographics, Self Reported

	United States	Nebraska	Douglas County,
<b>White</b>	75.1%	89.6%	81%
<b>White, not of Hispanic/Latino Origin</b>	69.1%	87.3%	78.2%
<b>Black / African American</b>	12.3%	4.0%	11.5%
<b>American Indian/Alaska Native</b>	0.9%	0.9%	0.6%
<b>Asian</b>	3.6%	1.3%	1.7%
<b>Native Hawaiian / Other Pacific Islander</b>	0.1%	0.0%	0.1%
<b>Hispanic / Latino</b>	12.5%	5.5%	6.7%
<b>Other</b>	5.5%	2.8%	3.4%
<b>Two or more races</b>	2.4%	1.4%	1.8%



# Domestic Violence Suspect Demographic Statistics 2003

## SUSPECT Race / Ethnicity Statistics from OPD All Incidents and Resulting in Arrest

Race / Ethnicity	All Incidents				Resulted in Arrest			
	Total	Total %	Female%	Male%	Total	Total %	Female%	Male %
White	2,198	44.7%	8.7%	36.1%	766	42.6%	6.5%	36.1%
Black	2,297	46.7%	7.9%	38.8%	876	48.7%	7.4%	41.3%
Hispanic	231	4.7%	0.3%	4.4%	100	5.6%	0.3%	5.3%
American Indian/ Alaskan Native	56	1.2%	0.3%	0.9%	28	1.6%	0.3%	1.3%
Asian/Pacific Isl.	14	0.3%	0.1%	0.2%	6	0.3%	0.1%	0.2%
Other	4	0.1%	0.1%	0.1%	2	0.1%	0.0%	0.1%
Unknown	116	2.4%	0.6%	1.4%	22	1.2%	0.7%	0.5%
<b>Total</b>	<b>4,916</b>	<b>100%</b>	<b>18.0%</b>	<b>81.9%</b>	<b>1,800</b>	<b>100%</b>	<b>15.3%</b>	<b>84.8%</b>

Suspects involved in all intimate partner violence incidents were 44.71% white / Caucasian, 46.7% black / African American, and 4.7% Hispanic / Latino. Suspects involved in incidents resulting in arrest were 42.6% white / Caucasian, 48.7% black / African American, and 5.6% Hispanic / Latino.

Of the total number of intimate partner violence crimes reported, approximately 37% resulted in the arrest of the suspect. Omaha Police report that nearly

15% of the suspects arrested were female.

Age was inversely varied. While 26.6% of the population of Douglas County is under the age of 18, only 1.3% of all suspects were in that age group. Suspects between the ages of 18 to 45 comprised 89% of all suspects arrested. Likewise, though 11.0% of the Douglas County population is over the age of 65, only 0.6% of all suspects were age 61 or older.

The Department of Justice (DOJ) reports that nationally about half of the female victims of violence by an intimate were injured and among those female victims injured, 1 in 10 sought treatment at a medical care facility for physical injury. Of the 51% injured, injuries varied with bruises, black eyes, cuts, chipped teeth (41%), gun/stab wounds (0.5%) rape, sexual assault (6%), and broken bones, knocked unconscious (4%).

## SUSPECT Age Statistics from OPD All Incidents and Resulting in Arrest

AGE	All Incidents				Resulted in Arrest			
	Total	Total %	Female%	Male%	Total	Total %	Female%	Male %
0-17	63	1.3%	0.5%	0.8%	14	0.8%	0.2%	0.6%
18-25	1,332	27.1%	4.6%	22.4%	535	29.7%	4.7%	24.9%
26-35	1,595	32.4%	5.5%	26.9%	605	33.6%	4.6%	29.1%
36-45	1,211	24.7%	4.4%	20.2%	461	25.6%	4.1%	21.5%
46-60	408	8.3%	0.9%	7.4%	152	8.4%	1.1%	7.3%
61+	30	0.6%	0.1%	0.6%	11	0.6%	0.0%	0.6%
Unknown	276	5.6%	1.9%	3.5%	22	1.2%	0.4%	0.8%
<b>Total</b>	<b>4,916</b>	<b>100%</b>	<b>17.9%</b>	<b>81.8%</b>	<b>1,800</b>	<b>99.9%</b>	<b>15.1%</b>	<b>84.8%</b>

Data Source: Omaha Police Department, 2003

# Douglas County Prosecution 2003

DVPU Misdemeanor Charging Statistics						
	Crime Reports Reviewed	Cases Charged	Cases Declined	Warrants Issued	Warrants Declined	% Reports Charges Filed / Warrants Issued
1st qtr.	581	248	54	186	93	75%
2nd qtr.	638	279	79	174	106	71%
3rd qtr.	623	306	57	204	56	81%
4th qtr.	603	257	26	275	49	88%
Annual	2,445	1,090	216	839	304	79%

Reasons Charges Declined by DVPU							
	Total	Insufficient Evidence	%	Mutual Fights	%	Other	%
1st qtr.	54	35	65%	15	28%	4	7%
2nd qtr.	79	46	59%	31	39%	4	5%
3rd qtr.	57	31	48%	18	19%	8	16%
4th qtr.	26	19	73%	4	15%	3	12%
Annual	216	131	61%	68	31%	19	9%

DVPU Misdemeanor Cases Closed/Conviction Rate (County Court)					
	Cases Closed	Dismissals	Guilty Verdicts	Guilty Pleas	Conviction Rate
1st qtr.	475	154	5	312	67%
2nd qtr.	434	139	7	290	68%
3rd qtr.	601	136	10	448	76%
4th qtr.	457	127	10	320	72%
Annual	1,967	556	32	1,370	71%

DVPU Misdemeanor Rationale for Dismissal						
	Insufficient Evidence - Victim Failed to Appear	Speedy Trial Violation	Other Plea Agreement	Court Granted Motion to Discharge	Other	Total
1st qtr.	97	19	33	1	4	154
2nd qtr.	93	13	29	3	1	139
3rd qtr.	108	9	14	5	0	136
4th qtr.	95	10	18	4	0	127
Annual	393	51	94	13	5	556

The Douglas County Attorney Domestic Violence Prosecution Unit (DVPU) formed as unit in 1998. Prior to this time, the City of Omaha Prosecutor' Office handled all misdemeanor cases of domestic violence within city limits and the Douglas County Attorney's handled all felonies within the county and all misdemeanors outside city limits. In 1998, officials from the City and County entered into an agreement authorizing the Douglas County Attorneys to prosecute all misdemeanor and felony domestic violence cases in the county.

In 2003, the DVPU was comprised of four prosecuting attorneys, two liaisons, and a supervising at-



torney. The DVPU attorneys review domestic violence police reports and make charging decisions on reports from all law enforcement agencies within Douglas County including Omaha Police, Douglas County Sheriff, Bennington, Elkhorn, Ralston, Valley, and Waterloo.

DVPU attorneys reviewed 2,445 cases and filed charges or caused warrants to be issued in 79% of the cases. DVPU cases reviewed are down 12% and the number of cases filed have decreased 45% since 2002.

Data Source: Douglas County Attorney 2003 \* Total pleas may exceed 100% when including

**DVPU Misdemeanor Guilty Pleas (County Court)**

	Total Guilty Pleas	Pleas to Charges Filed	Pleas to Other / Amended Charges	Pleas at Arraignment	Pleas Before Trial -after Arraignment	Pleas on Trial Date
<b>1st qtr.</b>	312	174	143	157	106	49
<b>2nd qtr.</b>	290	111	184	109	123	58
<b>3rd qtr.</b>	448	199	259	218	153	77
<b>4th qtr.</b>	320	160	170	142	94	84
<b>Annual</b>	1,370	644	756	596	476	268

<b>Prosecution Statistics</b>	<b>2002</b>	<b>2003</b>
Domestic Violence Related Homicides	8	6
DV Police Reports Reviewed	2,771	2,445
Misdemeanor DV Cases Filed	1,969	1,090
Misdemeanor DV Cases Declined	291	216
Misdemeanor DV Warrants Issued	781	839
Misdemeanor DV Warrants Declined	405	304
Felony DV Cases Filed	102	99
Felony DV Cases Declined	38	21
Felony DV Warrants Issued	40	20
Felony DV Warrants Declined	6	1
Misdemeanor Cases Dismissed- Total	574	556
Misdemeanor Guilty Pleas—Total	1,268	1,370
Misdemeanor DV Trials Held	58	59
Misdemeanor Guilty Verdicts	41	32

Data Source: Douglas County Attorney 2003



**Reminder:**  
 DVCC Court Watch Monitors are identified only by the red clipboards they carry. DVCC monitors do not wear badges.

**Naming Judges in Reports**

Since the DVCC Court Watch Program began issuing reports in early 2003, with 2002 data, judges have been identified only by a randomly selected number, known only to the judge and the DVCC Court Watch Director. This was done to allow judges an opportunity to review the data and compare their statistics with those of other judges. Names of judges have not been published to date because the Court Watch Advisory Committee wants to ensure that statistics and data are not taken out of context. The goal of the DVCC Court Watch Program is to improve the administration of justice and to create a more informed and involved public. Identifying judges by name is consistent with this goal. The Court Watch Advisory Committee has determined that judges will be identified by name when more information is available. The anticipated timeframe is January 2005.

Douglas County Court Judges:

- Honorable Edna Atkins**
- Honorable Lawrence E. Barrett**
- Honorable Joseph P. Caniglia**
- Honorable Samuel V. Cooper**
- Honorable Marcena M. Hendrix**
- Honorable John E. Huber**
- Honorable Darryl R. Lowe**
- Honorable Jeffrey Marcuzzo**
- Honorable Thomas G. McQuade**
- Honorable Jane Hendrick Prochaska**
- Honorable Stephen M. Swartz**
- Honorable Lyn V. White**

Douglas County District Court Judges:

- Honorable W. Mark Ashford**
- Honorable Peter Bataillon**
- Honorable Robert V. Burkhard**
- Honorable J. Michael Coffey**
- Honorable J. Russell Derr**
- Honorable Sandra L. Dougherty**
- Honorable James T. Gleason**
- Honorable John D. Hartigan, Jr**
- Honorable Patricia A. Lamberty**
- Honorable Gerald E. Moran**
- Honorable J. Patrick Mullen**
- Honorable Thomas A. Otepka**
- Honorable Gary B. Randall**
- Honorable Gregory M. Schatz**
- Honorable Richard J. Spethman**
- Honorable Joseph S. Troia**

# Douglas County Sentencings - Misdemeanor DV Cases 2003

Monthly Sentencings in Misdemeanor DV Cases									
	Jail	Probation	Fine/Jail	Jail / Probation	Fine	Fine/ Probation	Fine/ Probation/ Jail	Restitution	Total
1st qtr.	185	41	8	28	29	23	3	0	317
2nd qtr.	174	38	3	21	28	30	1	0	295
3rd qtr.	289	51	13	14	52	37	1	0	457
4th qtr.	199	49	7	22	34	15	4	0	330
Annual	847	179	31	85	143	105	9	0	1399

Data Source: Douglas County Attorney 2003

Number of DV Misdemeanor Cases Ordering Probation And Containing Orders to BIP (County Court)						
Judge*	1st qtr.	2nd qtr.	3rd qtr.	4th qtr.	Annual	Percent Ordered
1	2 / 11	1 / 17	6 / 22	2 / 10	11 / 60	18%
2	4 / 13	4 / 9	1 / 4	8 / 13	17 / 39	44%
3	5 / 7	2 / 8	7 / 11	2 / 4	16 / 30	53%
4	2 / 2	6 / 9	8 / 12	2 / 6	18 / 29	62%
5	9 / 13	0 / 1	0 / 1	1 / 5	10 / 20	50%
6	6 / 14	2 / 7	1 / 4	5 / 5	14 / 30	47%
7	4 / 6	5 / 6	2 / 4	7 / 9	18 / 25	72%
8	5 / 6	8 / 11	1 / 2	5 / 7	19 / 26	73%
9	8 / 17	9 / 12	6 / 9	5 / 5	28 / 43	65%
10	0 / 3	3 / 5	5 / 11	6 / 14	14 / 33	42%
11	5 / 10	9 / 18	5 / 8	6 / 9	16 / 45	36%
12	1 / 1	0 / 0	1 / 1	1 / 2	3 / 4	75%
Total	52 / 103	49 / 103	43 / 89	50 / 89	185 / 384	48%

Data Source: Nebraska State Probation 2003

\* Judges have been informed of their number, assigned in random order, and remains the same from one report to the next.

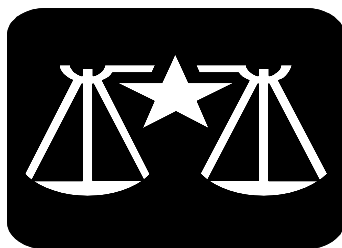
## Batterer's Intervention Programs (BIP) Accredited by DVCC and NE State Probation, 4th District

<b>Catholic Charities</b> <b>554-0520</b>	<b>Spence Counseling</b> <b>597-2327</b>
-services for males only	-services for males only
-services for Spanish speakers	-services for juveniles 15-18
<b>Family Service</b> <b>552-7400</b>	<b>YWCA</b> <b>345-6555</b>
-services for males only	-services for males and females
-primarily Cass and Sarpy Co.	-services for gays/lesbians
<b>Life Skills of Nebraska</b> <b>348-1440</b>	-services for adolescents
-services for males and females	-four locations

**Douglas County Batterer  
Intervention Program  
Accreditation Standards  
are available on the  
DVCC website at  
[www.dvccomaha.org](http://www.dvccomaha.org),  
under the BIP link.**

All accredited programs have sliding fee scales, male and female co-facilitators and sessions last a minimum of 24 weeks.

# Batterer's Intervention Programs -Douglas County 2003



## Douglas County Domestic Violence Probation Unit Statistics

**2003**

<b>DV Offenders on Probation</b>	6,452
<b>DV PSI's Ordered</b>	73
<b>DV Cases Added to Caseload</b>	399
<b>Revocation Requests:</b>	
PO Violation	16
No Contact Order Violation	3
Repeat DV Act	47
Intervention Order Violation	71
Other	146
<b>Firearms Searches</b>	77
<b>Field Visits</b>	601
<b>Arrests Without Warrant</b>	15
<b>Arrests With Warrant</b>	42
<b>Victim Specialist Contacts:</b>	
PSI Interview	24
Welfare Interview	426
Office Visit	9
Court Appearance	12
Assist with PO	2
Field Visits/Welfare	45
Collateral Contacts	70

Data Source: NE State Probation, 4th District 2003

## BIP Probation Statistics

Evidenced in the chart on the opposite page, judges vary significantly whether or not they include completion of a batterer intervention program as a condition of probation in domestic violence cases. In 2003, one judge ordered batterer intervention in only 18% of the domestic violence cases they heard, while another judge ordered BIP in 75% of the cases. In total, as a condition of probation, BIP was ordered in 48% of all DV cases.

In September 2003, the National Institute of Justice released a report discussing two evaluations that challenged the effectiveness of batterer intervention programs. While researchers made inconclusive findings, both studies noted that batterer intervention programs did not seem to change batterer's attitudes toward violence against their partners. However, the researchers did find differences in re-offending. They found that offenders ordered to attend the 26-week BIP programs (compared to 8 week programs or no program at all) had significantly fewer criminal assault cases filed against them in the 12 months following completion a program.

As noted in previous DVCC Court Watch Reports, the majority of experts still agree that ordering completion of a batterer intervention program, particularly a BIP that follows the 'Duluth model,' as do all five accredited Douglas County programs, provide the best chance of reducing further incidences of violence that result in criminal justice system intervention.

## Batterer Intervention Program (BIP) 2003 Statistics

<b>YWCA</b>	<b>2003</b>
Offenders Enrolled* - male/female (females include incarcerated & day reporting)	438 / 381
Offenders Completed-male/female	43 / 42
Offenders Terminated - male/female	45 / 2
<b>Catholic Charities</b>	<b>2003</b>
Offenders Enrolled* - male/female	89 / 0
Offenders Completed - male/female	11 / 0
Offenders Terminated - male/female	14 / 0
<b>Life Skills of Nebraska</b>	<b>2003</b>
Offenders Enrolled* - male/female	305 / 0
Offenders Completed - male/female	36 / 0
Offenders Terminated - male/female	12 / 0
<b>Spence Counseling</b>	<b>2003</b>
Offenders Enrolled* - male/female	91 / 0
Offenders Completed - male/female	10 / 0
Offenders Terminated - male/female	5 / 0
<b>Family Service (Douglas County stats only)</b>	<b>2003</b>
Offenders Enrolled* -male/female	29 / 0
Offenders Completed - male/female	3 / 0
Offenders Terminated - male/female	5 / 0

Data Source: Agencies Self-Reporting to DVCC

\* "Enrolled" includes new enrollees and duplication of offenders who continued from one month to the next.

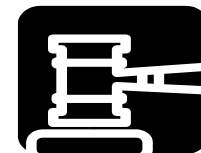
# Protection Orders in the District Court of Douglas County 2003



**THUMBS UP** to the District Court Judges who included the return of medication, clothes for the victim and children and legal documents belonging to the victim under “other relief” granted on the protection orders.

Judge	Petitions				Hearings								
	Signed ExParte	Show Cause	Denied	% Denied or Show Cause	Total Petitions	Total Hearings	Pet. Request Dismissal	No Shows	Resp.App. Pet. Did Not Appear	Judge Dis-missed	Total Dismissals	Stay in Effect After Hrg.	% Stayed After Hearing
1	149	73	1	33%	223	96	7	7	4	41	59	37	39%
2	212	5	5	5%	222	82	22	2	7	22	53	29	35%
3	141	47	68	45%	256	84	7	9	4	27	47	37	44%
4	147	41	10	26%	198	99	31	3	10	17	61	38	38%
5	126	15	23	23%	164	81	19	0	1	35	55	26	32%
6	224	40	38	26%	302	88	21	5	13	27	66	22	25%
7	191	36	5	18%	232	91	16	1	5	37	59	32	35%

**THUMBS UP** to the two Douglas County District Court Judges who, recognizing the common correlation between animal abuse and domestic violence, have included pets on protection orders.



8	245	5	10	6%	260	104	38	9	9	23	79	25	24%
9	245	15	1	6%	261	58	12	1	3	8	24	34	59%
10	188	7	2	5%	197	101	27	3	13	10	53	48	48%
11	213	36	17	20%	266	74	18	9	7	21	55	19	26%
12	156	18	5	13%	179	104	23	2	8	28	61	43	41%
13	76	26	32	43%	134	97	23	6	14	26	69	28	29%
14	228	31	7	3%	266	115	12	5	11	38	66	49	43%
15	107	12	20	23%	139	65	10	3	5	27	45	20	31%
16	157	21	8	16%	186	63	15	1	1	23	40	23	37%
Acting	3	0	0	0%	3	1	0	0	1	0	1	0	0%
<b>Totals</b>	<b>2,808</b>	<b>428</b>	<b>252</b>	<b>19%</b>	<b>3,488</b>	<b>1,403</b>	<b>301</b>	<b>66</b>	<b>116</b>	<b>410</b>	<b>893</b>	<b>510</b>	<b>36%</b>

In 2003, Douglas County District Court Judges signed a total of 2,808 protection orders where parties were intimate partners. How Judges (except the acting judge, who heard only 3 cases) handled protection order cases varied widely in many areas, three areas of particular note.

First, if each of the 16 District

Court Judges had heard an equal number of protection orders, they each would have reviewed 218 in 2003. However, Judge 6 heard 302, while Judge 13 heard only 134.

Second, an average of 19% of all protection orders in 2003 were denied or issued a show cause order. Individual judges varied this process

ranging from 3% of cases reviewed (Judge 14) to 45% of total cases (Judge 3).

Third, protection orders stayed in effect after hearing an average of 36% of the time. Judges varied significantly in ruling on permanent protection from 24% of the time (Judge 8) to 59% of the time (Judge 9).

Data Source: Clerk of the District Court of Douglas County (daily district court journals) 2003

**The following comments were recorded by DVCC Court Watch Monitors while present in County and District Courts during the fourth quarter of 2003.**

**Their presence and observations are vital to maintaining the integrity of our criminal justice system's response to domestic violence and promoting judicial accountability.**

Defendant admitted he put his knee on the victim's neck and punched her in the face with his fists. He also told the Court he didn't want to hurt her. Defense counsel stated that the Defendant was "seeing a counselor for his anger," and the judge ordered him to continue his counseling, but did order him to a batterer intervention program.

The Defendant was charged with harassment and disorderly conduct for phone calls to his estranged wife. The judge found the Defendant not guilty, and admonished the prosecutor for filing charges when the strongest language used was the Defendant calling the victim "pathetic." The judge stated that he called fellow judge "pathetic" several times a day.

The Defendant pled no contest to assault and battery for punching the victim in the face. A witness reported to police that this was not the Defendant's first time hitting the victim, but rather a 'daily occurrence.'

The prosecutor argued for one year probation, a no contact order and a bat-

terer's intervention program. The judge ordered one year probation and suggested that the Defendant "think about attending a batterer intervention program."

Respondent argued in his protection order hearing that he had a constitutional right to keep his guns. The judge explained that he could not possess them as long as the protection order was in place.

At the protection order hearing, Petitioner testified that Respondent hit her with a telephone, continuously drove by her house, and called her "too many times to count." After testimony, the judge asked if she really feared the Respondent or if he was simply "unpleasant to be around."

When the court watch monitor appeared at the courtroom for a scheduled protection order hearing, the bailiff asked if she was an 'interested party.' Monitor replied that she was observing the proceeding. The bailiff turned and went into chambers and thereafter directed the attorneys into chamber. The parties then went into the hall, returned to chambers, and then left. No hearing was held in open court. The parties did not address the court.

The Defendant was charged with harassment based on obscene and threatening phone calls. After the prosecutor read aloud some of the threats, the judge repeated them, and then told the Defendant "if that were my daughter you were talking to, you wouldn't have even made it to court."

The judge asked in every arraignment whether the victim was present and

gave all who were an opportunity to be heard on bond.

The Defendant was charged with assault and battery for striking his wife in the mouth. The victim testified that this was an isolated incident in their 14 year marriage and that she loved her husband. The Defendant apologized and said he loves his family and is going to church. The judge asked the Defendant whether he is raising his four boys not to hit women when they grow up, and noted that they are "good people." He sentenced the Defendant to time served, six months probation and an appropriate decision making class.

At a sentencing for manslaughter in which the Defendant had a long history of domestic violence against the victim, the judge said "why she (the victim) kept going back is one of the mysteries of life."

The judge said "there are a lot of ways to hurt someone without hitting them."

The judge raised his voice, turned to the group of defendants in the jury box and declared that he is disgusted by the repeated stories of people hurting others they claim to love, that domestic violence is unacceptable, and that he does not want to hear any more excuses for that type of behavior.



## ***Mission of DVCC Court Watch***

*To make the Douglas County justice system more effective and responsive in handling cases of domestic violence and to create a more informed and involved public.*

# Chronic DV Offender Chronology

## Chronic Domestic Violence Offender Chronology

**OFTEN, domestic violence offenders engage in repetitive patterns of criminal behavior. Each DVCC Court Watch Quarterly Report looks at an actual Douglas County offender chronology to demonstrate this point.**

This domestic violence offenders had criminal cases prior to 1998 that are not included here. From 1998 to present, this chronic offender has had three (3) protection orders granted against him and eleven (11) domestic violence cases filed against him, resulting in seven (7) convictions, including three (3) felonies. All domestic violence cases involved the same victim, his wife. Defendant has two (2) additional felony convictions in Douglas County, Nebraska which were not domestic violence related.

### Protection Order Case No. 1 (2-25-98)

Victim A obtained a domestic abuse protection order against offender from District Court Judge A. Judge ordered dismissal after Pet. request 1-8-99.

**Protection Order Case No. 2 (6-12-98)** Victim A obtained a domestic abuse protection order against offender on behalf of her children, from District Court Judge B. Judge ordered dismissal after Pet. request on 1-8-99.

**Protection Order Case No. 3 (11-5-01)** Victim A obtained a domestic abuse protection order against offender from District Court Judge C. The order remained in place for one year.

### Criminal Case No. 1 (7-21-98) Violation of Protection Order

No facts were available due to the age of the case. Violation of protection order is punishable by up to six months in jail, a \$500 fine or both. The of-

fender was sentenced to a fine and six months in jail.

### Criminal Case No. 2 (9-22-98) Violation of Protection Order, Assault in the Third Degree, Disorderly Conduct, Damage to Property, Trespassing

No facts were available due to the age of the case. The case was dismissed.

### Criminal Case No. 3 (1-19-99) Violation of Protection Order

No facts were available due to the age of the case. The case was dismissed.

### Criminal Case No. 4 (1-19-99) Destruction to Property

No facts were available due to the age of the case. The case was dismissed.

### Criminal Case No. 5 (2-15-02) Violation of Protection Order

Victim A reported that offender drove by her home and asked her children to get in his car. The girls ran home and reported to their mother. A warrant was issued. Offender was sentenced to 90 days in jail.

### Criminal Case No. 6 (2-15-02) Violation of Protection Order

Victim A reported that as she was leaving her residence, offender approached her. When she went inside her house, offender kicked in the door, causing her to fall, but not be injured. A warrant was issued. Offender was sentenced to 4 months in jail and one year probation.

### Criminal Case No. 7 (2-15-02) Violation of Protection Order

Victim advised OPD DVIS that offender had been calling her all morning. Offender was arrested on this charge and two outstanding warrants for cases 5 and 6 above. Offender was sentenced to 6 months in jail and one year probation.

### Criminal Case No. 8 (2-15-02)

### Destruction to Property

Victim A reported that two windows at her residence had been broken out and she believed offender had committed the crime. This case was dismissed in exchange for offender pleading guilty in cases 5, 6 and 7 above.

### Criminal Case No. 9 (8-19-02) Felony Violation of Protection Order

Victim A reported that offender called her and threatened her. Offender was arrested but the case was dismissed (there were no witnesses or recordings).

### Criminal Case No. 10 (1-21-03) Felony Violation of Protection Order

Victim A reported that offender drove by her residence and threatened to damage the camper in her driveway. The offender then began to hit the camper with a stick. The camper showed no signs of damage and a felony warrant was issued. Felony violation of protection order is punishable by five years in prison, a \$10,000 fine or both. Offender was sentenced to 12 to 18 months in prison by District Court Judge D.

### Criminal Case No. 11 (1-21-03) Felony Violation of Protection Order, Terroristic Threats

Victim A reported that she was awakened by the offender beating on her window. She stated that when she looked out the window the offender was holding a gun. She told him she was calling the police and he drove away. A felony warrant was issued. Terroristic threats is punishable by up to five years in prison, a \$10,000 fine or both. Offender was sentenced to 20 to 48 months in prison on each count by District Court Judge D.

**NOTE:** Victim filed for divorce from offender in 1998, but dismissed the case. She filed again in 2002, and a decree of dissolution was entered by District Court Judge E on 12-16-02.

Data Source: Douglas County Attorney's Office, Liaisons

## Domestic Violence Legislation Update

On January 7, 2004, NE State Senator Ray Mossey introduced LB850 as his priority bill for the 2004 session.

The bill was based on proposed legislation drafted by members of the DVCC Legislative Committee, supported by Attorney General Jon Bruning, in conjunction with advocates, law enforcement, prosecutors, probation officers, and other officials across Nebraska.

On April 13, LB850 was amended into LB613 and on the last day of the legislative session, LB613 passed with 48 aye votes, no nay votes and one abstention (Senator Folley).

LB613 addresses many domestic violence issues, including the following:

- ◆ Providing for confidential communications between domestic violence / sexual assault victims and their advocates;
- ◆ Creating a crime of domestic violence assault;
- ◆ Including dating relationships in domestic violence;
- ◆ Enhancing penalties for subsequent convictions of domestic violence assault;

- ◆ Clarifying when a law enforcement officer may arrest without a warrant, and defining the term “predominant aggressor;”
- ◆ Allowing law enforcement to seize weapons under certain circumstances;
- ◆ Requiring presentence investigations for domestic violence crimes;
- ◆ Requiring the court to consider the safety of the victim and their family at sentencing;
- ◆ Allowing the court to consider ordering BIP in addition to any other penalties;
- ◆ Requiring law enforcement, prosecutors, and probation to implement written DV policies;
- ◆ Recognizing sexual abuse as a form of domestic violence; and
- ◆ Allowing interception of communications in domestic violence cases.

LB613 will be in effect July 15, 2004. LB943, introduced and prioritized by Senator Patrick Bourne, went into effect April 15 making the act of strangulation a felony.

## Court Watch Report Purpose:

*To educate and inform the Douglas County justice system to recognize areas that effectuate change to increase victim safety and offender accountability.*



**Joan L. Skogstrom, JD**  
DVCC Executive Director

**Tracy Grinstead-Everly, JD**  
DVCC Court Watch Director

**Dianne Seeman Lozier, JD**  
**Larry Raful, JD**  
DVCC Court Watch Advisory  
Committee Co-Chairs

DVCC  
8990 West Dodge Road, Suite 205  
Omaha, NE 68114  
Phone: 402.398.9928  
Fax: 402.398.0375  
Email: dvcc@dvccomaha.org

## DVCC Court Watch Monitor Information



### Monitor Requirements:

Prior to Court Watch program acceptance volunteer monitors must:

- ◆ Pass criminal and personal reference checks;
- ◆ Have no pending Douglas County/District court cases;
- ◆ Obtain criminal justice and domestic violence training from local professionals; and
- ◆ Contract to monitor a minimum of one half day session per month.

### Monitor Demographics:

DVCC Court Watch Monitors represent Douglas County’s diverse community. The monitors are men and women between the ages of 19 and 79, from diverse ethnic and religious backgrounds and various educational levels and professions.

### Observations:

- ◆ Monitor observations are the core of the program, as they capture data not available in court records. Monitors are encouraged to use their unique and fresh perspectives to record how justice system officials deal with victims, offenders, and other professionals within the system.

- ◆ During 2003, monitors observed over 98 separate domestic violence proceedings per month in both district and county courts.
- ◆ During 2003, monitors devoted a monthly average of over 38 hours of observation inside district and county courtrooms.

2004 Court Watch Monitor trainings are scheduled for:

**January, April, July, October**

2004 Court Watch Monitor in-service education sessions scheduled for:

**February, April, October**

Visit [www.dvccomaha.org](http://www.dvccomaha.org)  
for more information

**Court Watch Program**  
**Domestic Violence Coordinating Council**  
8990 West Dodge Road, Suite 205  
Omaha, NE 68114



**There's NO Excuse**  
**For Domestic Violence**

Please Help us conserve limited resources. Contact the DVCC if you do not wish to receive this report.

**DVCC Members  
and Mission**

The Domestic Violence Coordinating Council of Greater Omaha (DVCC) is a 501(c)(3) nonprofit organization incorporated in 1997 and comprised of multidisciplinary community leaders.

The DVCC mission is to: Pull domestic violence out of the shadows, Unite the community against it, and Stop the violence.

The DVCC includes representatives from law enforcement, the justice system, education, clergy, healthcare, business, victim and offender service providers, abuse survivors, and state and local elected officials.

This Report is the work product of the DVCC and does not reflect the personal opinion of any individual. Direct questions, comments and requests to copy to: Joan L. Skogstrom, JD, or Tracy Grinstead-Everly, JD at (402) 398-9928 or [dvcc@dvccomaha.org](mailto:dvcc@dvccomaha.org)

Reproduction is permitted with prior permission and proper credit to the DVCC. All Court Watch Reports are posted on the DVCC website:

**[www.dvccomaha.org](http://www.dvccomaha.org)**

