

Statement of
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NYS Coalition Against Domestic Violence
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Albany, New York

Good morning and thank you for inviting me to the New York State Coalition Against Domestic Violence's Legislative Awareness Day. NYSCADV has supported many of my office's legislative initiatives and I would like to tell you how grateful I am for your continued support. I would also like to take a moment and congratulate the Governor, Legislature, advocates and violent crime survivors for passing one of the greatest crime-fighting tools of this century, All Crimes DNA Collection. Its passage illustrates that powerful things can happen when those with similar interests come together and speak with a united voice. After taking part in Monday's All-Crimes DNA bill signing with Governor Cuomo, Majority Leader Skelos and Speaker Silver. I have never been more confident that our elected officials here in Albany have the leadership and the will to take on the next critical criminal justice issue: domestic violence.

Over just the last few months, my Office has seen cases involving a 19-year-old woman choked to death by the father of her child and a 25-year-old woman stabbed to death by her boyfriend. We believe that the tragic deaths of these young women—both of whom had been in abusive relationships—could have been prevented.

The prevalence of domestic violence is not just a criminal justice crisis. It is a national public health crisis that affects all neighborhoods and communities, and threatens our most vulnerable family members, particularly women and children. Last year, NYPD responded to nearly 258,000 domestic violence incidents - that's more than 700 incidents each day. And too often, we see these incidences turn deadly. There were 92 family-related homicides in New York City last year, an increase from 77 family-related deaths in 2010.

Those statistics tell just a part of the story because domestic violence offenses are consistently some of the most underreported crimes. The conservative estimate is that only one-quarter to one-half of domestic violence is ever reported to the police.

So, as a prosecutor, why am I here today? There is one very simple step lawmakers can take, today, to better break this deadly cycle of domestic violence in New York State. We must remedy the flaws in existing state law that allow a misdemeanor repeat domestic abuser to be treated the same way on his first offense as he is on his hundredth. And it's the same crime as jumping the subway turnstile. That is not justice for victims.

Alarming, this is not an insignificant number of cases. From 2007 to 2011, in New York County alone, 685 individuals were convicted of two or more domestic violence offenses. That is at least 685 victims in Manhattan who were repeatedly attacked by someone close to them. Prosecutors should have the ability to make more serious crimes committed by serial domestic violence offenders, to break this cycle.

This is why I have been a strong proponent of legislation that would create an E felony for repeatedly engaging in domestic violence. Last year, this legislation passed the Assembly and had strong support in the Senate. It is my fervent hope that the legislature will follow its example set with DNA, by reaching consensus on the basic message for domestic violence recidivist; that if you commit a domestic violence crime a second time, you will be treated twice as seriously by the court. The drafting of and support for this bill has truly been a bipartisan effort, and the reasons for this are clear. This proposal is simple and straightforward. If an offender is convicted of two or more qualifying offenses against a member of the same family or household within the immediately preceding five years, the offender can be charged with an E felony.

This felony charge for repeat offenders will do several things to break the cycle of abuse. First, it sends a message to abusers and victims that the criminal justice system does not tolerate recurring acts of domestic violence. Second, families would be better protected from continued violence, because felony orders of protection last almost twice as long as those available in misdemeanor case. Under this felony charge, perpetrators of domestic violence would at a minimum be eligible for probation supervision for five years. In more serious cases, judges would have the discretion to sentence repeat abusers to time in state prison. Finally, when incarceration is necessary and appropriate, these felony offenders would have much better access to re-entry and rehabilitative programs. Judges would also have the discretion to require offenders to participate in proven treatment programs.

I know that all of you are working on innovative ways to prevent domestic violence, empower victims through comprehensive services, and educate the next generation so that we can end this insidious crime. I applaud you for your efforts, and look forward to working together to get the job done. We must, however, as we move forward, continue to ask ourselves two things, does it make our communities safer and is it fair. If the answer is yes to both then we can truly move forward in accordance with your eloquently chosen theme, "With Liberty and Justice for All."