

SANTA CRUZ COUNTY DOMESTIC VIOLENCE COMMISSION

MINUTES

DOMINICAN HOSPITAL
Conference Room #1
1555 Soquel Drive
Santa Cruz, California

WEDNESDAY, JUNE 9, 2004, 5:30 P.M.

COMMISSIONERS PRESENT:

Bob Lee, Chair
Dixie Mitchell - Clow
Linda Starn
Don Allegri
Linda Byrum
Francesca Raphael

Kim Austin
Michelle Finch
Charles Molnar
Alan Hiromura
Mary Simoni
Steve Robbins

COMMISSIONERS EXCUSED:

Gillian Greensite
Donna Lind
Mark Tracy
Joann Allen

Heidi Simonson
Lynn Harrison
Amy Christie

OTHERS PRESENT:

Jennifer Pike - SCDAO

Dr. Terry Lapid

1. Call to Order.

Chair Lee called the meeting to order at 5:40 p.m.

2. Introduction of Members.

Commissioners and guests introduced themselves.

A. Guest Speaker

Dr. Terry Lapid, Emergency Room Doctor for Dominican Hospital, addressed the Commission about suggestions for improving ER formalities during domestic violence and violent crime emergencies. Dr. Lapid stated that the gathering of evidence is quite laborious so Dominican is seeking a way to make the process easier on victims, as well as, the doctors. Rape victims require private areas for interviews and examinations due to the nature of the

crime and the length of time required for processing. Dr. Lapin suggested that once a victim is cleared medically they could be moved to another area for interviewing. Chair Lee suggested using the SART room, as most of those cases do not have critical injuries. The key to keeping room availability is to have nurses move the victims to the SART room as timely as possible. Kim Austin stated that Watsonville Police Department has a "soft room" for victims who do not require emergency attention. Chair Lee pointed out that Watsonville has only one police agency where Santa Cruz has several. He then suggested using paging system to call victims while they are being interviewed. It is important that law enforcement interview victims quickly or they might jeopardize the case.

Dr. Lapin also stated how frustrating it is for the doctors when they receive subpoenas. 1.) There is not enough case information listed on the subpoena, which creates a problem identifying the patient; and 2.) Each doctor gives a statement to the attending police officer but must do it again in court. Linda Byrum stated that one problem is that officers do not ask victims appropriate questions, which creates a lack of information in court. Chair Lee indicated that the DAO could draft special subpoenas for hospitals with the patient's names on them.

3. *Consideration and Approval of Minutes of May 13, 2004.*

The Minutes of May 13, 2004 could not be approved due to a lack of quorum.

4. *Additions and deletions to Agenda.*

No additions or deletions made to the Agenda.

5. *Oral Communications from the Community.*

No communications from the community were made.

6. *D.V. Commission Annual Report.*

Linda Starn stated that 1,000 copies of the first Annual D.V. Commission Report was available for distribution to the community. She met with other team members today to discuss tactics for completing the next report earlier in the year. She also stated that the cost of the Report to the Community for 2004 would cost approximately the same as 2003, a sum of \$2,225.00. However, the 2003 Report to the Community received support from a Packard Grant leaving funding for the Report and issue in 2004. Chair Lee commended those who worked on the report for their excellent work product. Suggestions for next year's report included changing the title to D.V. Annual Report of the Community, incorporating DAO and Superior Court statistics plus comments from victims including Linda Byrum.

A. Press Release

Discussions were held with regard to marketing the annual report for community awareness. Suggestions included holding a press conference at the District Attorney's Office and putting out press releases in the newspapers. Suggested topics for the press conference included reporting statistics and children affected by domestic violence. It was determined that a separate meeting should be held to finalize the ideas and coordinate the

press conference.

B. Post on Website

It was announced that the D.V. Commission Annual Report is posted on the website.

7. *D.V. Commission Membership Update.*

Chair Lee addressed the vacancy issues in the Commission. Changes need to occur to increase Commissioner attendance. Francine Nickel's position has been vacant for some time. Pursuant to the By-laws, HRA has a seat on the Commission and they are able to fill that vacancy with whom they select and an appointment by the Board of Supervisors. Don Allegri is currently filling that position until other arrangements are made.

8. *D.V Commission By-Laws.*

Discussions began with regard to the functions of the Commission and compliance with its By-laws. Linda Byrum expressed her concern with how victims are generally treated. She stated that after her experience she discovered that the Victims Services Advisory Board was disbanded yet it was still listed on the Victim Assistance Program thru the DA web site. The phone number listed does not take any more messages. Linda then stated how the Victims Witness Program (VWP), through their revenue recovery unit, cut off the crime related compensation she had been receiving. This was in response to her filing a civil suit to protect the statute of limitations to allow time to pursue a personal injury lawsuit against her batterer. Further, she stated that she has yet to receive a judgment awarding damages. Her case still has not been heard by the judicial system. The Revenue Recovery Unit filed a lien against a possible judgment while simultaneously cutting off her benefits. This possibility was never explained to Linda. Her understanding was that in receiving the Victims/Witness compensation, if she pursued a personal injury suit they would want to know, as well as, if she was awarded a settlement so that they could be paid from those funds.

Linda also raised the issue of being doubly victimized by the system and feels that she is not alone. She has learned through experience and research that if a victim is to receive any reimbursement for out of pocket medical costs, loss of wages, and reimbursement to the VWP, victims must pursue a civil personal injury suit. To date the local courts have not supported any prior criminal or financial restitution against a serial batterer. If a civil personal injury suit were filed, the crime compensation needed for medical bills would be lost. As a victim/witness, an individual may spend a lot of money and emotional resources to collect from the revenue recovery unit through a civil personal injury suit. Linda stated that at least ten legal opinions have told her it is highly unlikely recovery would occur. Victims then are left with the responsibility of the tremendous financial and emotional risks to collect, for the state and counties, reimbursement of crime compensation from the batterer himself. She then asked the question, where is victim support and awareness?

Franchesca Raphael raised the question as to whether the Commission could

lobby to change laws affecting victims. Chair Lee stated that since this issue seems to be beyond the Commission's duties, he suggested they research to find how other Commission's handle these situations. David Rabow advised that they might have to find the law that supports why money is not allotted to victims and then go back to the beginning before it can be changed.

9. *Court Update.*

No update to report at this time.

10. *Schedule of Future Meetings of Commission.*

This topic has been moved to the next Commission meeting on June 9.

11. *Announcement from Commissioners.*

12. *Adjournment.*

DISTRIBUTION

Bob Lee - Chair
Don Allegri
Joann Allen
Melissa Berrenge
Larry Biggam
Linda Byrum
Amy Christy
Lynn Harrison
Alan Hiromura
Charles Molnar
Dee O'Brien

Celia Organista
Francesca Raphael
Mary Simoni
Heidi Simonson
Linda Starn
Mark Tracy
Donna Lind
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Gillian Greensite
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Dixie Mitchell-Clow

Note:

This meeting will be held in a wheelchair accessible facility. If you need interpreter services contact Jeanne Rodriguez at 454-2546 at least three working days in advance of the meeting. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

Traducciones del inglés al español y del español son disponibles. Por favor hagan arreglos con anticipación con Celia Organista en Defensa de Mujeres por telefono al numero (831) 722-4532.