

Snapshots of Success: Westchester, New York

“Every two minutes a woman is sexually assaulted somewhere in America”

“More than one million women are stalked each year”

“Nearly one out of three murdered women die at the hands of an intimate partner”

“America is responding”

Narrator: In 1994, Congress passed the Violence Against Women Act to address the problems of domestic violence, sexual assault, and stalking. This landmark legislation created new federal crimes and provided resources to help states, tribes, and local communities focus on victim safety and defender accountability. These resources have made a real difference in Westchester County. The probation department is taking a nontraditional view of probation by focusing on victim safety. Westchester County, New York, unique in the diversity of its elegant suburbs and densely populated cities, and unique in its handling of domestic violence probationers.

Rocco A. Pozzi, Commissioner, Department of Probation, Westchester County, New York: The Probation Against Violence (PAV), which we call the PAV unit, was an attempt to take probation into a new dimension. Traditionally, probation has concerned itself with providing services to those who are placed under our control, the probationer, the batterer. The philosophy of the PAV unit is to make the victim our primary customer.

Jerry Rauso, Probation Officer, Probation Against Violence Unit: The Probation Against Violence Unit is comprised of a pre-sentence investigator, a probation officer who interviews and helps fill out a victim impact statement from the victim, and several supervision officers. What is unique is we work together as a team because different officers are getting different information from different parties exclusively sometimes, and they're brought back together and like pieces of a puzzle, they sort of fit together, so you get the bigger picture of what's going on.

Barbara Delmerico, Pre-Sentence Investigator, Probation Against Violence Unit: We want to make sure that the victim is safe, that the victim has the resources in the community to get help to have probation. They're monitoring what the probationer does, his whereabouts, as well as her safety, and that of her children, and those services that she may need to continue on alone.

Daniella Usurin, Victim Resource Coordinator, Probation Against Violence Unit: We do look at the safety of the victim as the core of the sentencing information and the supervision of the defendant. A lot of the victims have come through the whole law enforcement process without being outreached by anyone. Many times, I will hear you're the first person that's actually explaining to me what is going on. I thought that everything was over with. Nobody ever called me; nobody gave me any information.

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Survivor I: It was difficult because you do feel alone. But once, of course the probation department got involved, like I said, it there was just a whole support system behind me. I mean, I can call him up at any time to ask him anything. If he didn't know the question, he would find out.

Joseph F. Lhotan, Probation Officer, Probation Against Violence Unit: The victim probably gives us more information about the probationer than anybody else, including the probationer. Often, they've been married, or they've lived together or at least been intimate for years. And they can tell us a lot of the habits that we may not have known otherwise. The more context we can have, the bigger broader picture we can paint of the person. And the more we feel that we have a grasp on the situation.

Barbara Delmerico, Pre-Sentence Investigator, Probation Against Violence Unit: When the Defendant comes to see me, he's entering the threshold of our department, and by coming to me I set the tone for close scrutiny that we give him in terms of the monitoring in the community.

Joseph F. Lhotan, Probation Officer, Probation Against Violence Unit: Barbara provides pre-sentence investigation reports to the court, and she will conduct interviews with the probationers, sometimes several times going back to verify information. She will sometimes go to the probationer's houses and even the place of incidents to get a better feel of the actual crime that the individual was convicted of. She will also verify a lot of the information such as the psychiatric history, the drug and alcohol involvement, and just an overall feel of whether this guy or probationer is going to be compliant or whether he's still in denial and what sort of phase he's in, whether he's willing to accept responsibility, he expresses remorse or not, and she helps out so that when we get the report and we get the probationer under our supervision, we have a good idea from Barbara's interviews where we're heading, what sort of path we're going to be going down. You did the PSI on, so we're going to go out on them today. We just wanted to know if there's anything we need to know about any weapons in the house, dogs or something that you came upon.

Barbara Delmerico, Pre-Sentence Investigator, Probation Against Violence Unit: Okay. He does have a pistol permit, although there's no guns registered permits. The victim has never seen any weapons. Okay. So be careful when anyway on that.

Joseph F. Lhotan, Probation Officer, Probation Against Violence Unit: Okay, great. These are probably the most volatile cases that you can have on probation. So, they're very explosive cases, they're very emotional cases. Somebody you may speak to one day, a probationer could be doing really well, and something can make them snap, and you really need to stay on top of that, or it can be very tragic. We are constantly taking away confiscating weapons from probationer's homes, be it firearms, knives, whatever. We have a whole cache of things we've taken, often they're terrorizing their victims, so these are all things we run into consistently. There's definitely a high danger level.

Narrator: The path unit supervision of the offender is supported by the Domestic Violence Court. Regular compliance reviews are scheduled to ensure probationers stay on track.

Honorable Daniel D. Angiolillo, Westchester County Domestic Violence Court, 9th Judicial District: In Westchester, we're very fortunate to have now a specialized court, specialized court that addresses domestic violence cases. When a Defendant is on probation from the domestic violence

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court, that Defendant is required to report to court. We refer to that as a compliance date, and they have to come to court every two months, three months, sometimes shorter, depending on the particular facts of that case. On that date, the probation officer will either present a written report to the Court or actually will come to court, will be in court to give me an oral report in court as to how the Defendant is doing on probation, and it's not just reporting to the probation officer. The Defendant in most cases will be in a batterers' intervention program, some type of domestic violence classes, and they'll give me a report as to how the Defendant is progressing there. Or sometimes there may be a condition of probation that would include alcohol treatment program or some type of substance abuse treatment program. I will receive an overview from the probation officer in any recommendation on that compliance date, as to how that probation officer feels the Defendant is doing, if they have any changes on the conditions of probation.

Joseph F. Lhotan, Probation Officer, Probation Against Violence Unit: (speaking to Survivor I): Hi, how are you doing? Okay. Good, good, good, everything. Okay.

Nancy M. Lick, Chief of Research, Planning & Development, Westchester Department of Probation: We feel we have made a difference. We feel we have saved lives. We have demonstrated, particularly that probation's work with victim is different than anybody else's. And I think this is a critical aspect of what we're doing. We're not stepping on the toes of other victims' advocates or victim service deliverers. Our job is focused in on the ongoing safety of the victim. We don't just talk about safety plans. We can help implement the safety plan and be part of it.

Rocco A. Pozzi, Commissioner, Department of Probation, Westchester County, New York: The philosophy of the unit. If we're going to make an error, we're going to make an error on the side of the victim. We're going to make sure that the battery is not going to be put in a position to hurt again. And we're going to do that. And whether it's done through intervention, through the educational programs that we're putting the batterers through, through the intensive supervision that they're going through. And if we have to, we'll re-incarcerate if we need to, to make sure that that victim has a sense of safety.

“This program is dedicated to the survivors and victims of domestic violence, sexual assault and stalking whose courage, strength, and commitment to these issues have inspired and informed us all”

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