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THINKING OUTSIDE THE BOX: NEW CHALLENGES AND NEW APPROACHES TO DOMESTIC VIOLENCE

KEYNOTE ADDRESS†

MARK WYNN*

Well good morning. And as I said earlier, I'm not from around these parts. So, this is English, it really is. I swear it's sort of a work in progress for us in the South. We've been sort of messing with this language for a lot of years now, anyway. Thank you all. And I want to thank St. John's University and all you fine folks, professors, for having me here today.

I wished I had about a day or two, I really do. I've got so much I want to say about this issue. But let me say this to the young future lawyers here. And I know there's a few here. If you want it to work in a Civil Rights Movement, you've come to the right place. And take this from a white, Southern male. Take it from someone who, when I grew up had my own bathroom, the public, it said whites only. Yeah, yeah. I had my own water fountain. Some of you saw these images. I lived in these images, so I understand what privilege is. And even growing up poor I understand what privilege is. And I think this issue of violence against women is probably the biggest, if not as big, a civil rights issue as we've ever dealt with in this country.

† Mark Wynn, Keynote Address at the St. John's University Thinking Outside the Box: New Challenges and New Approaches to Domestic Violence Symposium (Mar. 20, 2009).

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And I think if you wanted to be someone who worked in righting those wrongs, you've come to the right place. And certainly our crime victims need you desperately. And just on the side here, if you don't believe me, let me read you this. I just got this. I was in Iowa about a week ago. And I was there training police officers and judges and prosecutors around the issues of dual arrest and the problem we're having around the country and all these other issues. And one of the prosecutors handed me this. This is the actual application for Protective Order in the State of Iowa.

And they have good folks in Iowa. They really are, you know, they did us a big favor in this last election. But, I don't want to get political too much.

This is a list that the victim has to sign in order to petition the court for a Protective Order. And one of the conditions is, this is what it says, that on signing this petition I understand that I could be arrested and jailed for aiding and abetting the defendant's violation of the Protective Order. Did you—you got that?

Is that—does that make sense to you? In other words, only 15% of domestic violence victims nationwide request Protective Orders. Only 15%. Now we've got this woman who walks in this country courthouse in Iowa to get a Protective Order. And she knows that she can get arrested if he goes back home again because once the order's in place, he goes back home, the Sheriff arrives on the scene and the offender takes this Deputy off to the side and says, "[W]ait a minute, if you're going to take me to jail, you'd better arrest her because she said to come home, it was all right now."

So, in fact, the State of Iowa is encouraging arrest of crime victims. So we've got a lot of work to do. I mean it's, you know, I heard—by the way let me say this too, I'm honored to be in this group today. I feel like a Band-Aid salesman in a room full of cardiologists.

I mean I . . . And you know I'm not with NASA. Hell, you got that figured out already. But we've got to continue this push. When I look at the law, and I've trained police officers in every state now, and about eight other countries, the domestic violence criminal statute to me is an organism. It's not a criminal code because it changes every single year, every state changes it. And

there's young lawyers out there, young advocates, young social workers, young police officers out there pushing for change. It doesn't happen overnight. It's more of a, you know, the general pressure, relentlessly applied, sort of formula, you know.

And I've worked in government most of my life so have all my family members. I come—I'm the third of four generations of police officers. We can't find real work for some reason. I don't know what the problem is.

Irish family, you know what I'm talking about. We have a few horse thieves in my family.

But anyway, so we've got this troop that we need reinforcements. We need you to come out with us because these laws have to be changed. One example, and by the way, we're doing this now in Tennessee and man are we up against a buzz saw. Taking guns away from offenders. It's just—what is wrong with us? 253,000,000 guns in this country, did y'all know that? 253,000,000, almost a gun for every—that's almost like when you're born they give you a hand gun as a birth gift. Just like . . . you know, it's unbelievable.

The Federal Code says you can't have a gun if you're under a Protective Order. Federal Code says if you're ever convicted of a domestic violence case, you can never have a gun for the rest of your life. But yet I travel the country and I hear about these judges say, well, you know, it's deer season, let the man have his gun back.

And now we're trying to push these State legislatures into taking the Federal Code and redefine it and plug it into their criminal statutes in their states. New Jersey certainly has done it. Pennsylvania worked ten years to do this. They finally got it done. California got it done. And now Iowa, now, believe it or not, this very state that I was talking about is now considering it because of the *Wiesenberger v. Warren County* case. And real quick let me tell you about *Wiesenberger*. Landmark, landmark law enforcement.

Ms. Wiesenberger goes in to the Warren County Courthouse to get a Protective Order. The judge issues the order, the ex parte process happens, bump, bump, order's in place for a year. The judge orders surrender of the weapons. He surrenders the weapons, about halfway through the life of the order, he goes to his lawyer and he says you know what, deer season's coming up I

think I need to go hunting. And his lawyer says well come on, I'll go with you, let's go down to the courthouse and talk to the judge. Sounds like Mayberry.

And that's an insult to Mayberry. So the judge out of purview of the petitioner, which is a due process violation, gentlemen that sound right to you, I'm not a lawyer but hell that sounds like a due process violation to me, says well yeah, give him his guns back, scratches it off the provision, orders the Sheriff to give him his guns back. They give him his guns back. Well she finds out about it and sues the Warren County government basically and they got to court, Iowa Supreme Court, in their wisdom, and they're smart judges, obviously. They said to this judge who violated the Federal Code, I've got the cite, you can Google it, they said what the hell were you thinking? Well the word hell wasn't actually written into the . . .

But when I read things I turn it into hillbilly language so that's what it, you know, that's the way it jumped off the page at me. It's like what are you thinking? What, are you crazy? You can't do this. No state, no municipal—no county judge can override the Federal Code. This is landmark. I mean to me this is as big a case for law enforcement in a lot of ways was *Garner v. Tennessee*, you know, those cases where we stopped doing things in law enforcement that were dangerous, obviously, deadly force was dangerous. But this is deadly force for the victim.

So anyway, we've got a lot of work to do. And by the way, you know, I could talk up here all day long about numbers. Boy, we've come a long way. You've got to—you really have to stop and look back behind us before you can move forward. And we've come so far, so, so far, but still every 18 months we'll lose as many people to domestic violence as we lost to 9/11, not far from here. Three or four women a day, every day. Now look, obviously other countries, it's amazing. I was just in Beijing. And I train for the American Bar Association. I was on the Commission several years, the Domestic Violence Commission.

And they sent me to Georgia, I don't mean Rainy Night Georgia, I mean Georgia, you know, the other Georgia. And I was just in—my wife and I were just in China training judges and prosecutors and police officers. And they've got an initiative there in seven cities to issue Protective Orders to domestic violence victims. And it's pretty interesting because I got the first

time—chance to interact with Chinese police officers.

Some of their professors from their law—from their police college were there and I asked them what are your numbers? What are your domestic violence homicide numbers in China? Now you—the classroom got cameras in it. Okay. And they looked at me with that look. And they looked at each other but they wouldn't tell me how many murders they've had in China in a year. And I started to—you know, I had to be careful. I started to say, well that's just disgraceful, you know. But I thought about it.

In 1985 I was in a classroom, command staff meeting with the Chicago Police Department. I've been training police officers for that long. And I was doing a training for IACP which is the International Association of Chiefs of Police and VSA, which is—the name of it's changed, it was your New York program. It's Safe Horizons now.

And I asked these police chiefs in Chicago, I said how many domestic murders have you had here in Chicago, Cook County. They knew and they looked—it was almost the same expression. They knew. They looked at me and they looked at each other and they looked back and said we don't have those numbers.

So I mean here we are. I mean it's the same story all over again. Different faces, different languages but the same crime. And I, literally, I talk to police officers who police—I'm talking about country cops in Western Australia who—in Perth, and north of there, all along that Western coast where if you answer a domestic violence call, hell, nobody lives in a house. I mean you answer a call under a tree.

And I've trained police officers in St. Petersburg, in Moscow where, you know, you hear their police instructor say we still believe in provocation. I'm at a class in St. Petersburg and the policy psychologist said well, you know, we believe in provocation here in Russia. And I said what's that mean? But if the woman, you know, presents herself in a provocative manner she deserves what she gets.

And again I caught myself; I don't want to be a bad guest. I started to say well that's the damndest thing I've ever heard in my life. But you know what? We still think that was in our country. Today. All over this country, it's still the same way. We hear it all the time. I mean look what happened in the Kobe

Bryant case. Look brother, let me tell you something, I know one of the prosecutors, Ann Munch. Do some of you know Ann Munch? One of the best sex assault prosecutors in the country was on that team that prosecuted him.

Yet the media and the public scared this woman right out of the courthouse. Right. Well she was provocative. She went up to his room. Look they had him—they had evidence. They had blood. They had semen and vaginal tearing. They had all kind of deception in interviews. They had the case yet the local media and the national media put her face on all their publications and she got 100 death threats. Two men went to jail for threatening her life. This woman was on the run. She was under a witness protection program basically. She walked in the prosecutor's office and said I've had enough of this. I've had enough. Everybody's blaming me. Right? I just reported this crime.

So even in our country today we will have these things go on. So we've got a lot, a lot, a lot of work to do. You know, and not only that I want you to think about this, about the impact than you're going to have in your career as a lawyer. Sometimes, you know, we get caught up in, you know, I'm not breaking even, I'm spinning my wheels. I'm not, you know, police officers talk about this a lot. And it's kind of like policing is that way, in some ways. It's kind of like slamming on the brake and slamming on the accelerator all at the same time. So you make a lot of noise but you're not getting anywhere. You know?

And I know you may feel that way if you're a practitioner now or you soon will be but I told this story to many advocates. My wife is an advocate and a therapist. That's one of the reasons I married her. I need a lot of therapy.

It's not the only reason. I love her very much and—I do, actually. She's the best thing that ever happened to me.

But we talk about this and it's about self-care. And I want you to think about this because this is tough work. It's not easy work. This is about keeping people alive folks. I mean you can call it whatever you like. It's about homicide reduction. It's about keeping people alive day in and day out. And it wears on you. And you find yourself thinking, you know, I can't do this work anymore. And what I do isn't making a difference. And I've told this story many times and I, to me, it's personal because it's sort of a Southern angle. This story about this reporter who

interviewed Gorbachev and asked him who inspired him to bring down the Soviet Union. Some of you heard the story, I know.

And Gorbachev tells the reporter, Lec Walesa, you know, the Polish dockworker in Poland, with Great Solidarity brought down the Communist Party of Poland. Well they interviewed him and they said who inspired you to do this in Poland? Risk your lives for this Poland. He said well, he said Dr. King inspired me. Now I'm a good son of the South.

I remember very well where I was when Dr. King was shot in Memphis; very well, I was there when the President was shot. I was living in Dallas in November, 1963, so I lived through all those years. And I think about that now. I think about those images of him at that church the night before he was shot, there to protect the rights of garbage workers. By the way, a little history here, he went down there and he was told not to go. They said they're going to kill you. Well he, hell, everywhere he went he was told that. But he was there because the city was forcing the black garbage workers to sit inside the hopper in the garbage collector to eat their lunch. They wouldn't let them sit inside the truck when it rained. So they were treated like half people, you know.

So Dr. King was there and he told—he gave this speech. You've seen it, you know, when they all look over, you know, the horizon and we'll be a better country. And I think we are today. But he was killed protecting people he didn't know. And he was asked before he was killed who inspired him. Who was your big inspiration? He said Rosa Parks. So when you think of it that way, here's one little dressmaker in Montgomery who said I'll be damned if I'm sitting on the back of the bus, actually brought down the Soviet Union. So you never know, you know, really what, you know, impact you have on this world when you work with one victim. And by the way you're going to work one case at a time, one victim at a time. Like Emily, like your case, where are you? You don't—with your case we were talking about earlier. That's what it's about. It's about one case at a time.

But let me tell you some of the impacts real quickly. I don't want to spend a lot of time on numbers. But there's a doctor down in Houston, down in your state, Sarah, Bruce Perry. I'm not sure whether you've heard this man speak. If you ever get a chance to hear him speak, it's just unbelievable. He's a

neurologist and a child psychologist down in Baylor. They're doing lifelong impact studies. Now there's been 100 impact studies on children to date, in the US and Canada.

I know Dr. Jaffee up in London and Jeff Elson over in Minnesota; people have just studied this at length about the impact on children. But Dr. Perry's study, they believe now, that 90% of our children, 90% of our children, exposed to domestic violence are exhibiting PTSD, 90%. That's hardly—they're saying lifelong learning disabilities. They're seeing all kinds of footprint problems, I'm talking about later on in life, not from the ten and eleven and twelve-year-old child but from the eight-month and nine-month old baby.

I'm talking about—by the way, police officers have seen this since the beginning. And I've been in many homes as a police officer where you go in, you separate both the parties, and there's a child laying in the crib and not a peep, not a word, not a cry, not a whimper, nothing, quiet, almost—and you walk over and you think oh my god this child's dead and just laying there. Because they know if they make any noise they pay the price for it.

So we've seen this so many times. But what a, what a task ahead of us to stop this crime from continuing to be the next crime and the next crime—and which I think it probably is.

Now by the way, recent study, here's another one to think about, recent study from the National Institute of Justice, where the largest national survey on stalking to date, guess what the numbers are of stalking? This is just out in January. 3,500,000 victims stalked every year in this country. Hell—by the way, there's violent crimes every year, DOJ believes that we have about 5,300,000 violent crimes every year in the country.

Now that should give you a perspective, 3,500,000 stalking, how often do your states, do your prosecutors step up in the courtroom and say we're charging this person with stalking today. They're not doing it folks. I'm telling you. I'm talking to prosecutors. I've been training for the DA's College for 17 years. They're not doing it yet. And part of it is the police are bringing them garbage. Garbage in, garbage out. That's part of the problem.

The other problem is that we're still not thinking—Deborah, where are you, we're talking about that—I'm sorry, that course of

conduct mentality. We've got to look at the context. It's like this, she calls the police and says help, help, get the police out here. There's flowers on my doorstep. Well, you know, if you're not trained you might say well congratulations. I wish someone would send me flowers.

That's not the right question. The question is, what does that mean to you? And she says well what it means to me is he said the day the flowers arrives was the last day I'd live. It changes everything. This is what we've got—we've got to change that mentality and understand that this is, you know—we're letting all these crimes walk right away from us. And by the way, if you let people commit crimes, they commit more. Come on. We know that for sure.

By the way, it's kind of like—there's an old saying in the South, a thief won't steal a hot stove. And I believe that, you know? And when we let people walk out of courthouses without accountability. Let me give you one quick example.

We've got a DV court in Nashville now. It took us a lot of years to get there. And one of our judges, Gale Robinson, is a good friend of mine. He was a defense lawyer for years and a damn fine one, elected to judge—elected State Judge now. But he—the man gets it, he understands that not enforcing Protective Orders is dangerous. DOJ's told us that this is one of the top indicators for future murder, violation of Protective Orders. I mean we know that now, right?

So before I retired, and I supervised a unit of thirty-nine people who invested 22,000 domestics a year. That sounds like a lot for some. But if you're in Chicago they answer a quarter of a million DV calls a year. That's their number. Anyway, so we brought this guy in because he violated the Protective Order. And in the DV docket it's preliminary day, so all your first time offenders were there. So the judge said bring him up to the front of the room.

Now let me just say how we feel about this. We don't ignore violations of Protective Orders. This is an immediate response. This is like a crime. It is a crime in progress. It's like a bank robbery. So we immediately tracked him down, brought him in. The judge said what did he do? He said, we said well Your Honor; he called his girlfriend 27 times under your order. And he was told not to by the Sheriff.

And the judge said did they serve you? And he says yeah. And that's not proper courtroom etiquette, at least for the South anyway. And the judge said, well, Sir, then if you were served, then your learning curve must have flattened out on you a little bit. He said I'm going to put a little spring back in that today. I'm going to give you ten days to serve for every phone call you made this morning. Yeah, see now, he's got his pencil out.

He's adding it up. And the judge says let me cipher that for you brother. That's 270 days. Get him out of my courtroom. And as they're walking him out of the courtroom, by the way, he turned—the jail door is right off—it's a courtroom like this but the jail is sort of right off the courtroom. They get him to the jail door and they've got him all hooked up and he turns around and says something about the judge's mother. Yeah, y'all know this guy, right? He didn't know the judge's mother. He said bring him back here one more time. He said let's just make that 300 days. Anything else to say to the court today, Sir? And he, you know, he lost his voice, you know, right there in the courtroom.

But let me tell you whose voice was not lost that day, it was the judge's voice 'cause here's what this judge understands. That victims are waiting for the call from us in the criminal justice system that it's all right. The law's going to keep its promise. You come to us for assistance and we're going to help you. And we're going to enforce this order and we're going to hold these offenders accountable. And by the way, not only that, our judge also understand that every time one of our officers, one of our deputies stands on somebody's doorstep to enforce the law, and they can't say no, they have to go, they chose that life. They understand what it's about. I did.

Every time you step on somebody's doorstep, you're risking your life for somebody you don't even know. Somebody you might want to hang out with. Somebody you wouldn't invite over for dinner. But you'd give your life to them. And if you want to get a police officer killed, this is—I can't put it any simpler than this, don't hold offenders accountable. That'll get a police officer killed.

By the way, not only police officers, advocates, right, prosecutors, you all know what's happening around the country in our courthouses, it's turning into one of the most dangerous places in the country. That's where they're shooting—they're

bringing their guns to shoot up the courthouse, they're killing the victims, all over the country. In courthouses all over the United States, they know the victim's going to be there. They've got a subpoena in hand.

So they get their gun ready. They put their body armor on. They drive to the courthouse like in Tyler, Texas, where he lost custody of his ten-year old son. He—this guy wasn't on the radar screen at the police department, drive to the courthouse with his assault rifle. His assault rifle that Congress lowered the assault rifle that was banned on last year. Killed his wife, shot his 22-year-old son, killed an armed citizen on the courthouse square. When—three police officers and they shot him in a running gun battle outside of Tyler. He had his body armor on and gun—I mean this guy was ready for a fight over custody.

Because this was about property. This was his property. This is one of the things that we spend a lot of time with officers today talking about this. You'll hear it in their voice when you talk to the offender, when the offender talks about I'm going to get custody.

She talked about I'm worried about safety. It's possession over safety. This is somebody who's telling you I own these folks. Or when they tell you as a police officer, well you know what, she wanted to go see her mother so I didn't want her to so I set her down and talked to her. What does that mean? Well I just set her down. Who are you talking about? Well my wife. What makes you think you can physically sit somebody down and talk to them.

Well you know what—who makes them think that, right? You know where this problem started, right? By the way let me ask you, I don't mean to turn this into a classroom but what gives somebody that idea that they could do something like that? That they can physically sit someone down, another adult. Where did they get the idea that this person is their property? Where did that come from? What do you think? Who told them that? Daddy did. Right. Who told daddy? Granddaddy did. Who told Granddaddy? That's right. Great-granddaddy did.

And by the way, this is what we now are beginning to see in law enforcement because the laws in every state now are not only pro-arrest, they are directive. You'll go to the scene. You'll separate the parties. You'll make out the report. You'll check

the safety issues. All those things mean now we're standing right in the face of about 400 or 500 or 600 years of legacy. And the offender's saying wait a minute. Daddy said this was right. Great-granddaddy said this was right.

So I don't even know you and you're telling me it's wrong. And then we have a fight on our hands. So police officers are killed across the country every year. I've lost three friends, gunned down by domestic violence offenders in my career. And I've lost more friends in law enforcement than that. But killed answering domestic violence calls. And by the way, interestingly enough, all three of these men were killed at separation. All of—we've talked about this for years, right? The victim leaves and they're killed, 75% are killed when they're trying to leave or they've gotten out. So are police officers killed around the country.

And this is what, by the way, we finally, in my hometown, finally, finally, finally, after years of just looking at this issue like it was—well, by the way, we just ignored it. I'm going to be honest with you folks. We ignored it in law enforcement. And that's not just true for Nashville or Dallas or Houston or St. Louis, all across this country, we absolutely ignored it. And only because of the women's movement am I standing here today. I—it's a fact.

A lot people say well, you know, it's the strong leadership in government, come on give me a break. This is about the women's movement who said stop slaughtering us. Stop doing this to us. And by the way, not only that, you took us into courtrooms all over this country and you sued us, like the Tracy Thurmond case. Ask Burton Weinstein about that case. And all over the country now lawsuit after lawsuit after lawsuit, where police departments have said enough is enough.

We're going to start doing it right. Halleluiah. Right? And thanks to litigation. Now a lot of police chiefs don't like to hear me say this but I say it to them too. Don't let liability run you, you run liability. Start doing it right. Include your prosecutor, include your advocate. Get people involved in what you're doing as a police department. It's called transparency.

And let me tell you what to me, it means this much, I think it's so important for law enforcement to do this. Our police department in Nashville, now we're an old country department, 1,300 officers, not that big. But because of the work we've done,

when we arrest one of our own for domestic violence, and the numbers are high in law enforcement, they were from 25% to 40%, higher than the general public by the way, as a matter of fact.

When we arrest one of our own in law enforcement, we put their picture on our website along with a description of what they were charged with. So the public can see that if you're going to come to my house to arrest my family members, we're going to do the same to you when they come to the police's house. Now this is a true test I think of the way it should be. This is the answer I think. We've got to let the public know we mean business about this crime and we're going to hold our own accountable just like we do anybody else.

And by the way, they've learned the hard way in Washington State. Police chief murdered his wife up there in Tacoma, killed himself and found out that he had abused his wife for years and city government knew it. But they just enabled him basically. Well the family members sued the city of Tacoma for \$75,000,000. They were successful. They negotiated. They got it down, pretty reasonable, to \$13,000,000. And they paid it. They never went to court. So here we go again now. By the way now Washington State has a law that says every agency in the State of Washington must have a policy on file for officer involved domestic violence. Now that's happening around the country. That's a trend.

But let me back up a little bit because I want to tell you about my own county. Just a little bit more. We realized we had a problem when we were adding up to 25 to 30 murders every year, domestic murders every year. Now that's a lot for one county, I admit. But if you look at the homicide numbers around the country it's not unusual to see a state like Vermont or North Dakota or Montana all of their murders are domestic related when you look at their homicides over a year, sometimes.

But there were some of us in the agency who said we can change the way we're operating so we—a group of us went to our bosses and said give us the opportunity to change our system and our police chief said why. And we said because we can prevent some of these murders. They said oh no, you can't do that, that's changing the system. That's against the 30-year rule. Y'all ever heard that?

Hell, I didn't know. What do you mean? And the chief said well we've been doing it 30 years this way, we're just going to keep doing it 30 more. And my father was a police officer and a judge. So I'm not—I was schooled in the art of navigating through the courthouse. And it's an art form. You all know what I'm talking about right? You have to really step lightly some times. So we had to be careful.

So the chief said—finally the right chief—we had to wait and wait, and finally the right chief arrived and the right mayor arrived who's now our governor. And we said give us the opportunity to bring you the evidence. So we went out and we surveyed the victims. And the victims of domestic violence are the experts. You don't need to go to the courthouse, to the schools, to the hospitals, just ask the crime victims for god's sake. They're standing right in front of you, right? And we asked them, how do you like the police performance? And let me tell you what some of our crime victims said to us.

This was hard. This was hard to listen to 'cause I'm very, very, very, very, very, very, very proud of law enforcement and I heard this from the mouths of victims. And they said well, here's what your officer said to me. If I come back in here one more time, everybody's going to jail. And I—at first I wanted to know, who said that? And then I caught myself and I thought no wait a minute, that's not the question. The question's not who said it, the question's why would they say it?

Why would somebody—by the way, get this now, young women and young men, with a college degree, so they're smart. I mean they're—so they know what they're going to make—they know how much money they're going to make when they get law enforcement, I mean, hell you don't—you don't make any money in policing but you get to drive fast. You can get free coffee every once in a while.

I mean but you're not there for the money. So why would somebody who cares so much about people say something like this to a crime victim? And part of it was added too, the rest of it was leadership. We weren't leading our officers correctly. We just—there was no voice from the top saying violence against women is not right. Not only domestic violence, look we got to—this is another thing, we're making a mistake folks.

When we talk about this issue, we talk about domestic

violence; we've got to step back from this. There's a broader field here. We're talking about sex assault. You talked about it Emily. We're talking about human trafficking. It's happening all over this country and women are the targets of trafficking. We're talking about stalking. We're talking about officer involved domestic violence. We've got to step back and look at the broader field here. And we are now, by the way.

But we looked at our officers and we thought could you imagine as a police officer going into a bank—get this. You've got a bank that's been robbed about five times in one year, right? Going into the bank and saying where's the branch manager? Sir, let me talk to you a minute I want—about this bank robbery problem you've got. Look. If I come back here one more time . . .

I'm taking you and all your clerks into custody. It would—you'd be, you'd be driving a UPS truck in about a day. We would never do that. But why is it, why is it, why is it that we have this crime where we turn not to the offender but to the victim? So we had to get—we had a lot of work to do. And it's an ongoing process. We're not the cat's meow by no means. But we had to get back in the classroom and say let's talk about this issue.

Why are we doing this? Well, something as simple as this. Prosecutors, you know this, you've done this, right? You put her on the stand. You walk over to the stand and you hand her a police report, right? Domestic police report. And you say Ma'am would you please review the narrative of that police report and tell me is that what that officer reported that night. And she reads it and she says I never said that. That—I never said that. He—he's making this up. Well hell we don't ride around falsifying reports all day.

We—what's going on here? Who is she afraid of? Is she afraid of the state? No. Is she afraid of the police officer? No. Who is she, why is she perjuring herself? Why is she breaking the law right in front of you? Why do you think? Because he's sitting right there ten feet from her. This is called staying alive. And we didn't train our police officers to understand this nor our judges.

In the past our judge would say, "Well obviously Ma'am, you're in contempt of court, you're lying under oath." Hell yes she's lying under oath and so would I if you know what you said was going to get you killed when you stepped out of the courthouse

about five minutes later.

Now we're training officers to understand that. Now they understand. You've got to take the burden off the shoulders of the victim. That was one of the biggest mistakes we made. I thought—we got some victims who told us they got the right officer, got the wrong prosecutor. Oh let me—well look. I love prosecutors. I've got a lot of friends who are prosecutors. So I'm not anti-prosecutor, okay?

But here's what some of our victims said. They got in line at the courtroom, and they're standing—you all know what docket day is, right? It's a madhouse, folks. She—'cause it's so scary. Courthouses are so scary, scary—scary to police officers. And you've got a gun on right? She stands in line to talk to the prosecutor before the judge comes in. And she finally gets there after about an hour wait.

And the prosecutor says he—you—prosecutors, god bless you, you unravel all your paperwork and show people what you're doing, right? So you unroll your printout, right, of all your cases for that day, right? Well okay hold on, okay, there you go. Ms. Smith, I got—oh yeah, by the way, I've got—I talked to the public defender about your case and we've decided to send your husband to anger management training, treatment, excuse me, anger management treatment.

And yet—and by the way she's saying what? You're going to send him to six weeks of anger management treatment? Why don't you just paint a big target on my chest? And she turns and walks out of the courthouse. But—by the way, anger is an emotion, not a behavior. You don't need treatment for domestic violence.

And let me just tell you this, here's what we saw as police officers. And we're dealing with the biggest—this was incredibly stupid thing to do to victims, right? About six months later here we are, we're back at the scene again, right? We're knocking on the door, police department. And we separate the parties and there he is, now he's been trained by this anger management course, see. He's been educated by the tax dollars, the tax dollars. Okay Mr. Smith, so what's your story? And Mr. Smith says officer you may not understand this but my wife and I we're in what we call the tension building phase.

And you—well Dr. Who? I mean it's not—so what we were—by

the way, what we were doing here, messing around with this the wrong way obviously, we thought we could fix it. Why don't we just send bank robbers to anger management and car thieves—come on. This was wrong and we made that mistake. We fixed that. We stopped doing that. But we also had some victims say I got the right prosecutor, got the right police officer, got the wrong judge. And this still goes on folks, believe me.

And here's what some of our judges were saying. They'd say well little lady, it gets worse by the way. What'd you say to your husband to make him hit you? Don't you know how to be a good Southern wife? You going to make him a nice big meal, it'll all work out in the end, right? And that's when you want to go in the courtroom and say judge, then why is your brain so small?

But I don't like jail food. That's the fastest way, you know, the jail food. Anyway. So we had a problem across the board. By the way, not only that, but the clergy, the clergy, the clergy—good lord, you know what the clergy was telling the domestic violence victims? You know what the priests, the rabbis, and the ministers were telling them? By the way, to give you a flavor of this, there are 400 churches in my county alone. I live in the Barbecue Bible Belt. So you can't swing a dead cat without hitting a deacon in Nashville, Tennessee.

So I mean we got the religion folk. But they were telling the crime victims go home and pray to be more subservient. I—look, prayer, okay, yeah, we—yeah, that's okay. Subservience, this is crazy. I mean it was almost like telling somebody well your house is on fire but don't call the fire department just yet. Right? Maybe we can negotiate with the fire. Come on. This was crazy. So we had a problem. So we took all this back to our boss and he said enough. Enough. Enough.

And they gave us what we wanted a Domestic Violence Division. We took our homicide rate from 25 to 30 down to 5 last year. Now. That's with the police. That's with the prosecutors. That's with everybody sharing responsibility. And I want to see zero. But it's work in progress. And, you know, we got a lot of kick-back from our officers.

Some of our officers, we had to retrain. We talked about it this morning. I mentioned that whole thing about power and control, about how we, now, we've re-looked at this. I mean how do we train this as a police officer? And that took us a while because

we had a lot of victim blaming. You know, it—come on it goes on. Why does she stay? Why—you know. That's the age-old question that's been going on for years. And you have to be ready to answer those questions.

But one of the things that I heard a lot of officers say well she, you know, she says she loves him. And have you ever heard this one? And it's like you're at the emergency room and an arm's broken, and after the doctor sets the arm and you say, Ms. Smith I'm with the Sheriff's Department and I need to know who did this to you. And she says why do you want to know? Well, I'm with the Sheriff's Department we want to find him and lock him up. And she says well I don't want him to go to jail. Well why? And she says well because I love him.

And this is when a lot—this is a human thing I suppose for a lot of people. They hear this and they think to themselves, damn. Are you telling me he broke your arm and you love him? How could you love somebody like this? And we might even say it. Ma'am I just don't understand this. I mean this is just crazy. I mean this man broke—and I think this is where we all have to stop, step back, take a deep breath and think about life.

Is love complicated? Is it? Is New York love complicated?

Yeah. It is. It is. And so is Texas love and Tennessee love, right? It's all the same. And China love, it's all the same. So if it were against the law to pick the wrong person as a mate, some of y'all'd be on supervised probation in here today.

But don't—you know what I mean? Don't raise your hands I don't want to know your business. But this is the thing. This is one of the things that we just couldn't—it was like I just can't get over this. We finally said look, you expect, you've got to expect it. That's why today when I talk to really top prosecutors, they say, you know, I really, I appreciate reluctance. I can take reluctance and turn it into something in the courtroom. I can take her not cooperating with the police and turn it into something in the courtroom.

Now in the past we took reluctance and we dismissed cases and kicked it out the front door of the courthouse. As a matter of fact, age-old tradition in law enforcement. You go in, you say, they—this is how they used to do this. Ms. Smith do you want to prosecute your husband today? And sometimes they said yes. And about a month later we're calling the docket, right?

The judge is not in the courtroom yet, and we look in the front of the courtroom, it looks like a Norman Rockwell painting in the courtroom, right? And you way well hello Bill, let's go—that's the prosecutor's side, how about you moving right over there. He says go ahead, tell him, tell him. She says, yeah, we kissed and we made up. They—she didn't kiss and make up with anybody. He told her what was going to happen that day. Right? He's in control of that prosecution. I mean this is—it's the biggest scam in criminal justice history. He's in control of it.

So here's what we should have done as police officers. Go to the scene, we should have said Sir, would you like to prosecute yourself today? Come on, that's what we were doing. So finally we got that straightened out in our jurisdiction. We don't do that anymore. And many states don't allow it to happen. So that's the—that's my city and I'm very, very proud of my hometown. We've got a lot of work to do yet.

But let me also give you another angle and I don't want to spend too much time on this but I want to give you another view of this crime. There are survivors in here today. I can feel you. You know, you get that radar, you know. So I know you're here. And I'm a survivor.

And it actually, in—and I've been doing this work for 30 years now, it just seems . . . like it was yesterday when I took my badge. But 30 years I've been doing this work all around the country and I'm not discouraged. I am not discouraged. It's a life's work and this is what I've decided to do with my life and it's worked out real well for me.

But I remember in 1959 when I first saw domestic violence, my mother was a—by the way my wife has a domestic violence program in Nashville; she runs a full-service program for victims. And she's about to take over at transitional housing program named after my mother, Mary Parrish.

But I remember standing with my mother; my step-father was the offender. I used to stand behind her. I was the youngest of five and I remember. I grew up in the Republic of Texas where Sarah comes from. It's not a state it's a republic. And they're not Americans. They're Texans. They're not Americans.

And the Dallas police, the ones that I dealt with most often, I stood behind my mother's leg when I was five and six, and you know how kids are when you're—your child holds onto your leg

'cause they're afraid. And I'd stand there and I'd hold her leg and she would talk to the Dallas County Sheriffs. And I could feel her body shaking. And I know now what she was worried about. She was worried that they were going to lock her up. She was worried that they wouldn't believe her.

And she was making excuses for him. And he was inside. And he sent her out to represent him. They're so—they're so good at this. And she would say it's, you know, look, I'm sorry, we'll keep it down. We won't make any more noise. And the police in those years, weren't, I mean, come on, this is Texas. I mean, I'm not—I'm a Southerner, so I've got a little, little latitude here. They would say to her, we don't want white trash in our community. And you—we don't know who you are. Best thing for you to do is just keep moving. Just get out. Don't look back.

Now my step-father was a crop duster. And we'd follow the cotton crop around Texas. And so we ran. We were chased by the police from town to town. Now, you know, you think well how dare you say something like that to a citizen. This was 1959 folks. You didn't tell a police officer in the South anything in 1959. First of all to be a police officer in the South, in the last 50's, early 60's, through the 70's, you had to be white, over six foot tall, male. And they were looking for people whose knuckles drug the ground just a little bit. A sixth grade education, fast track to police chief.

Things have changed obviously. And by the way if you don't believe me how big these people were, for those of you who were here, two days after they had Oswald at the Dallas Police Department, they're bringing him in through the basement, he shot Motor Officer Thibodaux, when they tried to arrest him near the plaza there where he shot the president. He's handcuffed to a Dallas detective.

Some of y'all have seen this footage. And they bring him through the basement of the Dallas Police Department. Jack Ruby just happened to be walking by, right. Kills him in the basement of the Dallas Police Department. Well that footage that shows the detective, he's handcuffed to Oswald, shows this big detective jerking back, he's about eight foot tall. That's who used to come to my house. That kind of police officer, right? So that's what I remember. That was my image of law enforcement.

But the other thing about my step-father was he was a

professional drunk. That's not a clinical term but he just—look alcoholism, there's a lot of drug and alcohol abuse in these crimes. It's not the reason for it. But he used to lay in bed and urinate and defecate on himself. He rolled his cigarettes. I used to watch him. He rolled his cigarettes. And he'd like it up and his hand would fall onto the mattress and he would set the mattress on fire. We were always putting out fires. This was how—I can smell all this today.

And he stayed drunk for weeks on end. And living with an alcoholic, some of you have, it's a horrible disease. Horrible disease. But he used to say I'm okay when I'm sober. And I always wanted to say would you like a second opinion on that. But you don't as a child; you keep your mouth shut.

And then he was—I watched him fight the police. This is another one. He loved to hit police officers. I really never lived in a house, folks, that wasn't covered in somebody's blood, mine, my brother's, my mother's, a police officer's, certainly his.

And, you know, the way the police dealt with people back in those days, there was no tasers, there was no training in defensive tactics. They hit people with a night stick in the head. That was it. And they killed people all over this country with night sticks, never mind guns. But they hit him with these sticks and it didn't impact him. He would stand there and grit his teeth and his fists and say that's not good enough.

And these police officers would look at their sticks like uh-oh, and the race was on. He would rip their uniforms and I remember, I remember when I saw the Rodney King film, and I thought what are you doing? Put the handcuffs on the man. What's wrong with you? I just—just handcuff him. What are you beating him for, right?

But I've seen much worse in my home folks. Believe me. I've watched him beat this man into unconsciousness and beat him down, drag him away and he never—they never charged him with anything with our family. There was no such thing as domestic violence in those years. So they didn't charge anybody. Well. He came back home a week or two later and told us to do something and we did exactly what he told us to do because you want to stay alive. So you keep your mouth shut and you do exactly what you're told to do. And we did.

But the thing he did the best was abuse my mother. And I

watched him beat her so many times. He'd knocked most of her teeth out, broke an arm, nose, ribs. And I should—she was pregnant twice. He beat her and she had a miscarriage twice. I should have a brother and a sister I don't have today. And I watched him push her out of a car one night, downtown Dallas, and I watched her body flail down the highway from our car as it was moving. We took her to the hospital and she just very nearly died. And she made it. Several weeks later she was rolled out of the hospital, a crippled woman.

And to make a long story short, my brother and I decided the criminal justice system was not going to work for us so we were going to work for ourselves. And we decided to kill him. So I was seven, my brother was twelve, and we plotted murder.

And I've told this story many times and please forgive me if you've heard it before. But we didn't have a gun. If we'd have had a gun it would have all been over with. So we decided to stab him to death. And we talked about it and we talked about it. And we thought well when he goes to sleep we'll sneak into his bedroom, at seven and twelve. By the way my brother was a career police officer too. So two future cops plotting a murder.

So we talked about it. And I said to my brother look, we've seen the police hit him with these sticks and it won't hurt him. Let's don't stab him it will just piss him off. You got to be practical when you're killing people, right? So we had a bottle of Borges [phonetic] Bug Spray under the kitchen sink, as most poor people do. Some of you grew up poor; you know what I'm talking about.

And we snuck into his bedroom and we took his Mad, Borges Bug Spray—he drank that old Mad Dog, you know, that Mogen David. We took his Mad Dog off the nightstand, emptied it out, filled it up full of poisonous bug spray, put it back in his nightstand and waited for him to wake up. He comes in the living room. He's got this bottle of bug spray. And this man—I watched this man drink rubbing alcohol and shoe polish. So this is who we're talking about. So now he's got this bottle of bug spray. His taste buds are obviously gone. He drank every drop of it. Never spits it out. Never gets sick. Never rolls over on his back like the commercial, you know, like the cartoon bug, right?

And I turned to my brother and I said when's he going to die. And he says I don't know. And I said well if he's not going to die

I'm going outside to play. I mean this . . . let's hurry it up, you know. Let's get on with it, right? And I think about—and I'm with you, I think it's funny too.

But let me tell you what I—would have happened if this man had died. The Dallas police would have come to our home. We'd have absolutely positively confessed to a first degree, cold blooded murder. And, you know, I—have this be your case. And I think what would have happened to us. After all these years we still hear people striking out in defense still going to jail for it. Well I'll tell you what would have happened to me and my brother. In Dallas, Texas in 1962, there was no sophisticated criminal justice system. There was no sophisticated juvenile justice system. So they would have taken us and put us in a cell with young adults. We would have been beaten, more likely raped.

And I wouldn't be here in New York, folks. I'd be in Huntsville, Texas. That's—Sarah you know where that it. That's where the main prison is in Texas. I would have been a predator instead of a police officer. I think it would have been different for me.

But, you know, for the grace of god and a strong mother, we made it out alive. And we did. And after years of—ten years of long abuse we managed to escape in the middle of the night. It's really interesting when you're on the run and you have to get in your car and leave all your clothes, all your friends, everything behind, like a fugitive. It's a moment.

Well anyway. So we made it out and he looked for us, gave up and died years later in the hospital in Texas of TB. He was an 8,000-year old man. Only the good die young. But anyway . . . we—when I grew up, I said this is it. I'm going to be a cop. I mean I—this is what I want to do. I want to stop these people, you know?

So they hired me in Nashville. That—well, you know, I was amazed. Okay—how stupid—I can't believe they hired me. Can you believe that? It really was a bizarre moment. But I thought, I've got—I've managed to get in. I snuck in. You know, I'm in the academy, a year-long training program. And there I am a couple of hundred years of law enforcement experience; I'm thinking they know how to deal with this.

But here's what they told me. Well, you know, domestic violence, he-she, it's a he said/she said. How do you know? You

know, how do you—so we encourage you just to be real careful on domestic violence calls. We really don't encourage arrests. And I—at that moment as a student I could have raised my hand and said excuse me; let me tell you what it's really all about. But I was smart enough to know you don't . . . so I kept my mouth shut. They gave me my badge after a year. They put me out on the street. And then I continued to see tradition in play.

Let me tell you what I saw. I was a young officer. One of the first calls I answered I had a senior training officer with me. And you love your training officers. They keep you alive, right? And I had a couple of bullets in my pocket. I didn't have all my bullets yet, you know, they don't give you all your bullets until you're ready. And I'm standing at the door and this was my moment. I'm going to answer a domestic violence call, so I knock on the door. And the door opened and there stood this woman who looked just like my mother.

It was one of those, damn, sort of out of body moments, you know. And I said Ma'am are you—and before I could say all right. She says, in this low voice, it's all right. He's asleep. You can leave now. And I thought, good lord I've heard my mother say that 1,000 times. And I thought, they're still saying it after all these years.

And I said—and before I could say no, no, no. Wait. We're going to come in. We're going to make sure you're okay. It hit me. Tradition. They stood out—his name's Karl. White-haired, Irish cop, cigar in his mouth. And I loved him. This man knew nothing about domestic violence. Nothing. Zero. And he looked at me and he said let's go. They don't want us here. Time to check back into service to answer a real call, he said.

And I thought to myself, wait a minute. Wait. Don't do this. Don't, don't. You were a POW for ten years. What are you doing? Are you turning away? And I, and this was a crossroads in my life, and I turned to him out of respect and I said, and by the way, here was my choice. Make the law keep its promise like it never did for me or join a club. Hell anybody can join a club. I, you know, you can join any kind of club you want to. Right? The Good Old Boy's Club we call it down South. I'm not sure what y'all call it up here.

Right? Same thing? So I turned to him out of respect and I said I tell you what Karl, why don't you just have a seat in the

patrol car. I'll be with you in just a minute. He said okay. He sat in the car and I crossed that threshold and I never stopped until my department caught up with me. And they did in a big way.

But along the way I have to tell you, as a man, and I don't want any medals for this, but as a man I was tested by people. I'm talking about other men. And they—I'm going to give you some of the dialog. You know what it's like. I mean you know this dialog. You've heard it before.

But let me tell you what they used to say to me. I'd walk into our police headquarters. And that'd be—the old traditional cop there, the captain, the assistant chief and they'd say come here sergeant, let me talk to you. And I prepared myself for this 'cause I knew what was about to happen. And they'd say yeah, we hear you're out here talking about violence against women and you're—and you joined this coalition and betrayed an officer. What was that all about?

Well it's an important issue captain. I think it's—we need to do more on it. And they'd say, well look, that's really nice that you've taken on this issue but what you need to do is think about your career. I said, beg your pardon? There's no future in this son. Son. Really. Well, why is that captain? Well because domestic violence is nothing but a bunch of bullshit.

Excuse me for my police language folks. And I'd say really. What is it? And they'd say well let me—and then they'd say—and I'd bait them a little bit myself and say well what—can you tell me what it is? Yeah. Well don't you know? You'll learn as you go along. As you age and you get some experience under your belt, you'll know, you'll figure it out that these women . . . these women, they want you to go out and kiss everybody's ass.

That's what they'd say to me. They want you to go out and hug everybody. They want you to be a social worker. They really just—and by the way, they don't—and you'll learn as you grow older as a man, women don't know what they want anyway. That's what they used to say to me.

That this is not a real crime. We've got more important things to do but we'll be politically correct and we'll punch the ticket. That's what they'd say. Now I'm standing here listening to this, with years of experience as a survivor and I'm thinking arguing with a fool makes two. You know? What do you say to somebody

like this? So you—there's some people, folks, look, I don't want to seem hopeless, but some people you just can't change. But soon they'll be retired.

So you know that's what a pension program's about, right? So I'd salute and say thank you very much for your opinion sir and I'd walk away. And it really, honest to God, didn't bother me all that much until I was standing in the middle of the street one night with a young friend of mine, not much older than me.

He had a wife at home a six month old daughter, just starting his life, stepped out of a patrol car on a domestic violence call and the offender shot him with a rifle and killed him. And he was dead before he hit the ground. And I can see him right now. His name was Billy Bolton. His mother was a sergeant. His father was a major in our department. And we buried him. We fired the salute, folded the flag.

And I listened to the eulogy of this young police officer. And our chaplain said he gave his full measure of devotion. No greater honor than lending your life for a fellow citizen. And I heard that in this ear but I also heard in the other ear that this crime was a non-crime that was bullshit. And I kept hearing both. And I thought how dishonorable. How unbelievably dishonorable to say that this crime which takes so many lives and now it's taken one of ours, one of our police officers, how could you think that way about this crime?

How stupid could you be? How cold-hearted could you be to think this crime's nothing where this man gave his life for domestic violence? By the way, his father, his mother, his daughter, his wife will forever be proud of the sacrifice. They'll never once say he really should have been doing something else.

And then Lynn Hicks, shots fired, call—Len responded to a call by the way of a man who had raped his girlfriend. We tracked this guy down and locked him up for brutally raping his girlfriend. But one of our judges decided to give him a weekend furlough. After all he did was rape a woman, come on. I mean what's the big deal. But, you know, we'll just have 75 women raped every hour in the United States. What's the problem?

So he finds her and he executes her. He kills her. Len, plain-clothes detective, shots fired call; Len gets there just like that. The offender sneaks up on Len and shoots him point blank in the face and kills him. Young wife at home, family man, good guy,

good man. And we buried him. And again I heard all the wonderful things about him and boy did he deserve all the accolades. But also I heard that well, you know, this is not a real crime. Right?

And then Paul Scurry, last man I'll talk about and I'm almost done. Paul Scurry, 26-year veteran. Vietnam decorated combat veteran, unbelievable police officer. He was a training officer. All he did was train police officers. And we put a word out one night, we're looking for a guy who violated an order and Paul found him. And his partner and Paul stepped into this little foyer.

This guy had crawled in the crawlspace above Paul's head and he fired one bullet and right through his neck and it sliced his carotid artery. Hey, we got there. I was on the SWAT team fifteen years in Nashville. This was a hostage type situation. We got there and we got Paul out. We physically picked him but he was floating in his own blood. And we went back in to arrest this fellow and he didn't want to go to jail so we didn't take him. And he didn't go to trial either. That was his choice. He's no longer with us if you get my meaning. But, anyway . . .

And I heard Paul's—at Paul's services, his grandchildren, he was a grandfather, they came up and they talked about how they loved him and what he meant to them. And it just broke your heart over and over and over again. But, again I heard those voices saying, you know, this is not a real crime and that we—this is not important basically.

So when I travel and I train today folks, I have an opportunity to talk to a lot of police chiefs and politicians and people who work in our profession. This profession belongs to us. Right? It's our job to make it better. But I still hear people say this. You know, the Sheriff's met. The Chief, the Chief's met. The Prosecutor, the Prosecutor's met. The Probation, Probation's met. Child Protective, Child Protective's met. Adult Protective.

We can't get the ministers to come to train; the judges refuse to come to training. We can't get them to sit down at coalition meetings. And all I hear here are excuses. They're hollow excuses. And by the way, every time we say we can't do more I think we dishonor the memory of the people who've given their lives for victims of domestic violence.

So I think when you go back to your work or when you move

towards your new job, I want you to think about the price that's been paid. I don't want you to think about what you can do. And I hope, as this meeting today is labeled, I hope that you think out of the box. And let's fix it. Look, we can do anything in this country.

Look at what just happened in Washington. Right? I mean we're on our way. We have got to fix the system because victims are dying all around us. And I think if we think about doing a little more and sitting down with our other partners in the criminal justice system and saying let's fix it today, what you'll be able to say at the end of your career, and please believe me, there's no greater honor in public life, than to be able to say, in my career I saved a life. It is the greatest honor in public service.

Thank you.