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FAMILY VIOLENCE IN THE UNITED STATES AND ABROAD

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I am going to talk to you, obviously, about guns and family violence from my perspective, which is as a practitioner in the field.

I am now starting my twenty-third year around the corner in the office of the District Attorney, and eighteen of those years have been devoted to working on crimes of violence against women and children in our specialized units that we have. We have the sex crimes prosecution unit, a domestic violence unit, and a child abuse unit. We have more than thirty-five assistant district attorneys who work only on those crimes, which speaks very sadly to the volume of cases that we see.

But four or five times a day, almost every day of the week, I have the opportunity to sit at my desk across the table from women who are coming in to report their victimization. I'm kind of surprised but pleased to see how the Mr. Wetzel's research so incredibly supports, when I kept seeing Karen nodding her head throughout his talks, exactly what my experiences have been as a practitioner.

It's clear to me from the things that women say, day in and day out, and especially for the last five years, that the most pervasive fear that women have for themselves in this city and for their children is gun violence. Their concerns are the incredible proliferation of guns in this country and in this city, the fact that guns are in the hands of younger and younger criminals.

I wrote my remarks for this report before reading yesterday's paper. I don't know how many of you saw the results yesterday of the survey which was undertaken by the City Council revealing that nearly forty percent of the youths in this city between the ages of twelve and twenty-one admit to having carried a gun at some point in their lives, the concern that metal detectors in our schools regularly expose children between the ages of ten and fourteen entering schools with loaded weapons.

I will tell you, and I'm sure if any of you have ever been on the other side of a gun during a rape or a robbery by a child, most people will tell you—the distinguishing feature between adults committing crimes with guns and children is that the kids have absolutely no idea of the value of

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human life. Don't try and bargain with them. Don't say, "Well, let me keep my pictures of my children but take the rest of my wallet." They would just as soon shoot you as argue and have the conversation, which is one of the most disturbing facts.

And I think women are concerned in far more unity than men around the country about assault weapons and the absolutely inexcusable presence of assault weapons which are responsible for such devastation when used in a criminal act.

In minority communities, the fear is appropriately heightened because the likelihood of victimization is so much greater. The murder rate for African Americans in this country is about six times that of whites. Black youths fifteen to nineteen are fifty percent more likely to be victims of murder than white youths, and shooting is the leading cause of homicidal death among black teens in this country.

The report for 1992, the last year that I had one, is that 2500 school-aged children were killed by firearms in that year in this country.

One arm of the gun and violence issue that is often overlooked that we see a lot of in prosecutors' offices is violence in the workplace. In this city, like many others, murder is the leading cause of death for people at work. It is not industrial accidents, it is not transportation accidents or fires or falls, as it is in many cities and communities, it is not illness or stress-related conditions.

Forty-five percent of fatal on the job injuries, *The New York Times* reported in February, are homicides, and it is the leading cause of occupational death in states as far ranging as Connecticut and California, Michigan and Alabama. In New York City, when men are the victims of workplace killings, they are almost always caused by guns. The two highest risk categories for gun violence murder in the workplace are taxi drivers and store owners. Rarely a week goes by when cases like those are not reported in the news.

Nationally, homicide is the leading cause of death for women on the job. Many are victims of robbery and/or sexual assault by strangers with guns. But more than twenty percent of those killings, of women killed in the workplace, are a result of family or marital problems. Women who have left home and separated from their husbands, women who have moved to shelters, still remain very easy targets. When the husband can't find them or the estranged lover can't find them anyplace else, generally he still knows where she works. He can then wait for her or go to the workplace and kill her there, or almost always in these cases after a series of escalating attacks of violence.

Interestingly enough, in support of what Mr. Wetzels says, in this country something like eighty percent of domestic violence deaths, in

eighty percent of those cases, police have been called to intervene to the home. As you see what's gone on—what went on in Los Angeles in the Simpson case—at least five times to intervene at lower, nonlethal events before what ultimately escalates to a killing. So, of course, when these workplace shootings occur, when the domestic partner is going to the workplace to find and often shoot the intended victim, there are many others often killed in the cross-fire and in the getting at that individual.

I serve as chair of the New York Women's Agenda Domestic Violence Committee. We have been unable to get some of these concerns about family violence taken seriously by corporate executives when we have tried to get in and educate corporations about the problems of family violence and how they are not left at home but in the workplace. Sadly, one of the only ways we have found to get a response at an executive level in most corporations is to emphasize the cost of the violence; not the human, not the jeopardy, not the human emotion of the situation, but to explain what the cost factor is going to be to the business. Lost work time, for example, to women who have been injured or whose children have been injured is one significant measure of it. Legal expenses has become another.

In 1991, the cost to employers for murder in the workplace because of lawsuits brought against them for negligence was \$4.2 billion based on their vulnerability. The New York Times just had a page A1 story about this recently. Some of you recall two years ago on 57th Street on the west side a young woman who was a Gap employee, twenty-two-year-old college graduate was shot in the mouth in the workplace after being stabbed with a screwdriver which didn't kill her so the gun was taken out, and that assailant was caught and convicted and her parents are now suing the Gap for their negligence.

By the way, medical costs due to firearm injuries in the United States exceed more than \$1 billion a year, not including things like ambulance services and after-injury physical therapy. That's just the hospital treatment for firearm injuries. The estimated cost of treating one injury is \$15,000 to \$20,000 a patient, and it reaches \$150,000 a patient if intensive care is required.

On to sexual violence and abuse. Eighty women are raped in this country every hour, according to reported figures, and in cities like this, that computes to about 3,000 incidents of reported rape a year for a crime that is still calculated to be very underreported.

Our greatest fear seems to be of sexual assault, sexual assault as a society, seems to be stranger rape, attacks by assailants who are not known to the victim. In fact, those of us who work in this business know that less than twenty percent of rapes occur between people who are not

known to each other; that is far less likely. The rapist who doesn't know you, coming through the window is far less likely to happen than being raped by someone who the victim knows.

This category of so-called acquaintance rape is not just date rape, that's often reported now by the media and the women's magazines, but it includes every category of acquaintanceship. Therefore a substantial amount of it is marital rape, incest, abuse of both adults and victims through dates, casual acquaintances, and then the whole category of professional rapes, rapes that are perpetrated by dentists, doctors, lawyers, teachers, clergy, people who have a professional care-taking relationship with the victim. The acquaintance rape category is far easier for law enforcement to investigate and solve. We know who the offender is, the victim knows who the offender is. We just have to find him and lock him up.

But these are the cases that remain much, much harder for the victim, the survivor of the crime, in the criminal justice system because of the public attitudes about this crime, the people who ultimately serve on juries. These are the cases where the defense still blames the victim for some aspect of the crime that makes it a victim-precipitated case: it happened because of something she did to encourage or allow the attack to occur.

Stranger rape cases, interestingly enough and the reason I wrote the book, do extraordinarily well in the criminal justice system in this day and age. The conviction rate for those cases is quite high and victims are treated quite well in the criminal justice system even, I may add, by defense attorneys because they don't have to challenge the occurrence of the attack, the credibility of the victim, they just have to challenge the identification.

Acquaintance rape cases, the overwhelming number of cases that go to trial don't do nearly as well because the victim is not believed and her credibility is the entire basis of the attack by defense attorneys, leads right into the whole field of family violence because one of the major problems, I think as both speakers have said, is the societal perceptions. This area of victimization, family or domestic violence, is viewed as a private problem, it is viewed as a family problem, not as a crime; and for those of us who have worked in this field for a long time, changing that perception has been the most difficult aspect of the work.

You've heard the statistics about domestic violence. They are staggering. The American Medical Association, a rather conservative organization, says that every fifteen seconds in this country a woman is injured by a family member. Each year more than a million women seek medical treatment for injuries inflicted by husbands or domestic partners;

last year more than thirty percent of all women who were murder victims were slain by their husbands or boyfriends.

The New York Times reported in April of this year that last year 2.9 million children in this country were victims of abuse, physical and/or sexual, that half of these children were under the age of one.

We in law enforcement know, I think, something that probably has taken longer to come to public attention, that most women and children who are victims of domestic violence are taken to the emergency room, are actually taken to the health care professional, if they survive the attack, by the offender. And the reason the offender does that is if the victim survives the shooting or the beating or the stabbing, he, the assailant, can control the story that is given to the health care professional so that the problem is not identified. Think of something like the Lisa Steinberg case in New York. When she survived the beatings but was in a coma, it was her father who eventually took her to St. Vincent Hospital and did what is done in most of these cases: try to convince the health care professionals that what happened was an accident, "My wife's head is split open because she fell down the stairs, not because I hit her with a frying pan."

And that is why we have come to recognize that abuse is identified in fewer than one in twenty cases that enters the medical community, and as a result, the AMA is finally acknowledging that the medical response rarely addresses the cause of the problem, family violence, because it is not identified at the hospital level. And so we have only undertaken this year in this city to implement protocols in all the city hospitals to train emergency room personnel to separate the victim and the person who brings her into the hospital to try and identify and better explore what brings her there. I can assure you that there's not a private hospital yet in the city that is doing that.

There's a fundamental relationship between family dysfunction and substance abuse. An enormous proportion of domestic assaults by guns, knives or battering occur when the assailant has ingested drugs or alcohol. Alcohol is present in more than half of all domestic violence incidents. The most common pattern is drinking by both the offender and the victim when the incident occurs in the home actually.

We have to remember, and I think Karen said this, that family violence obviously encompasses an enormous range of violent conduct, not just spousal attacks. Child abuse, sexual and physical, there was a story in The New York Times in May, a front-page story, an eighteen-month-old boy found in a plastic bag outside his Brooklyn apartment, eighteen-month-old did I say, dead of manslaughter, multiple blunt injuries to his head, signs of rib fractures in various stages of healing that indicated past

abuse. The next day his mother was arrested. Four of her five children had been born while she was addicted to cocaine. Her sister had repeatedly called the Bureau of Child Welfare for intervention. The sister said they were supposed to come regularly but they just never came.

So we have parents killing children, we have children, like Lyle and Eric Menendez, shooting their parents to death, we have strangers caught in cross-fire. Rarely is there just a single victim involved. You have the front-page story a couple months ago of the man who shot his ex-girlfriend and then killed her three children and her parents, set fire to the bodies and went to Yankee Stadium, when there were still baseball games to be played, and watched the game.

A year and a half ago I participated in a conference in England on street violence, and that's why I was interested in this as an international forum. There were four Americans present, the others were drug experts and the other twenty-five participants were Europeans and English. The biggest problem that the English had in terms of youth violence was soccer hooliganism, as they call it there, violent behavior at sporting events, and joyriding, and the contrast, listening to all the Europeans speak and to the Americans, was absolutely staggering.

My presentation ended with the story, the last news story that I had about gun violence in New York when I got on the plane, which was a case in the Bronx in which a thirteen-year-old boy shot and killed the five-year-old girl who lived next door to him because she had dissed him by stepping on his shadow. The Europeans disbelieved that that was the kind of thing that was reported regularly, I mean, not as an unusual story in this country.

It's interesting, Karen's comments about keeping the family courts gun-free. Those of you who are students here, if you ever walk around 100 Centre Street, you see several times throughout the day a uniformed court officer peering behind and underneath those pathetic little trees that are planted in front of the criminal courthouse. What he is looking for are guns. You know, we have metal detectors to get—because of the guns that are brought to that courthouse every day, and the idiots who show up for their court appearances charged with—you know, awaiting trial on murder and armed robbery and rape and other cases, literally come to the criminal courthouse packing and get inside and reach the metal detectors and realize they can't go to court to be heard on their cases with their guns.

So they walk outside and drop their guns behind the bushes in front of 100 Centre Street, probably one of the best places to get a gun if you need one in a hurry. I mean, it's quite sad.

So my colleagues and I, in this end of the business, watch this escalation of gun use and gun-related violence with disbelief that we have been powerless to stop it, with despair in its effect, and with concern that many of the kids and all of the drug dealers in this city, I can assure you, are armed with much better equipment than our police department is.

To me guns, gun use, and the volume of guns that are available are the greatest problem facing us in terms of crime today.

