

COUNTY TRIES TO BREAK CYCLE OF DOMESTIC VIOLENCE EARLY PIONEERING JUSTICE SYSTEM GIVES SPECIAL ATTENTION TO JUVENILES WHO BATTER

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The young man -- he's about 16 -- appears before a juvenile court judge for pulling his girlfriend out of a car.

By her hair. Through the sunroof.

Almost anywhere else in the country, his crime would be classified as a simple assault. There were no major injuries, and in fact, his girlfriend's fear almost kept her from testifying.

But in Santa Clara County, the criminal-justice system calls his crime something else: domestic violence. And even among youth, that crime gets special attention here.

Santa Clara County is the first in the nation with a juvenile court dedicated to domestic- and family-violence cases. The court, which has been operating since April, was established in hopes of stopping these young people from becoming batterers as adults. Research about domestic violence shows it's a learned behavior, and that most batterers admit to growing up in homes where they witnessed violence between their parents. Judges, attorneys and probation officers here share the hope that the behavior can be un-learned -- if caught early enough.

"When I heard about it, my first thought was, 'What a stroke of genius,' " said Jerome Brock, one of two judges in the adult domestic-violence court. "I'm dealing with adults, trying to break that cycle, and it's a lot more difficult when they're 30, 40 or 50."

Because the court is so new, it's impossible to tell whether these young offenders will continue to batter in adulthood. A longstanding tenet of the juvenile justice system -- in which youths' cases are sealed when they complete juvenile probation -- could make it nearly impossible to determine whether batterers arrested as adults were arrested or convicted of domestic violence-related crimes as minors.

Those involved with the juvenile domestic-violence court here are looking for ways -- and the money and personnel it will take -- to track young batterers into adulthood.

Juvenile offenders who appear in Superior Court Judge Eugene Hyman's domestic-violence court often are not charged with domestic violence -- because the law requires that a couple live together or have a child in common. Far more often, they are charged with assault.

Since the court began in April, Hyman has seen more than 100 family- and domestic-violence cases. The family-violence cases arise when a young person has beaten up or threatened his or her parents or siblings -- rather than a girlfriend or partner.

In juvenile court, the goal always is rehabilitation as opposed to punishment. And unlike adult court -- where prosecutors and defense attorneys are clearly on different sides -- in Hyman's court, there's often a feeling that everyone is working together to get the young offenders the help they need.

Making progress

Earlier this week, Deputy District Attorney Carol Jones, who handles the juvenile domestic-violence cases, gave accolades in court to three youths who had come in for reviews and were making progress.

"Are you proud of yourself so far?" Jones asked a young man who had received a positive report from the probation department. The boy nodded. "Yeah. You're doing a great job, you should be proud of yourself."

While other jurisdictions around the nation have set up courts aimed at stopping youth violence, particularly involving gangs, Santa Clara County's program is the only one aimed at early intervention in domestic violence, a more pervasive crime that reaches all income, ethnic and age groups.

In recent years in California, more adults have been arrested on felony domestic-violence charges than for murder, rape, robbery and assault with a deadly weapon combined. In Santa Clara County alone last year, there were nearly 5,000 domestic violence-related arrests.

For the past several years, the county's protocol for dealing with adults who commit domestic violence has been held up as a model throughout the state and the nation. It's among a handful of counties in California with specialized adult domestic-violence courts.

Santa Clara County's law-enforcement protocol now includes juveniles in its "shall arrest" policy where domestic violence is concerned. What that means is, if police arrive at a scene where they suspect there's domestic violence, someone is going to jail.

"Frankly, this is the smartest thing we've done," said Superior Court Judge Len Edwards, who presides over the county's juvenile-dependency court. "In order to have a successful prosecution where the offender 'gets it' and ultimately changes his behavior, you have to have good police work, good judicial work, good probation work and good follow-up on the law-enforcement side. We're getting more and more sophisticated in this county."

Right now, many of the young people who are convicted of any domestic violence-related crime can remain on juvenile probation until they are 21.

If they re-offend after they turn 18, but while still on probation, the adult branch of the District Attorney's office will report it to the juvenile branch. But once they are off probation, their records essentially are sealed and they begin as adults with a clean slate. To keep tabs on youthful batterers, and determine if the lessons they learned in the juvenile system stay them into adulthood, the county's criminal-justice system will need to hire additional people for that task.

Once minors are arrested in this county, the intervention process springs into action.

Although there is no law requiring it -- like there is for adult batterers -- Hyman orders all young people who come through his court for domestic-violence offenses to complete 26 weeks of batterers-intervention classes. The class becomes a condition of their probation.

Deputy probation officer Karen Berlin oversees nearly all of the county's juvenile domestic-violence cases. Batterers who are sentenced to the California Youth Authority or the county's youth ranches are excepted because they don't qualify for probation.

Serious cases

Berlin said her department dedicated an officer to juvenile domestic violence in 1997, two years before the court began. Her cases range from simple spitting, shoving and threats, to more serious cases of strangulation, assault with a bat and stabbing with a screwdriver.

Berlin has about 35 active cases of juvenile domestic violence. But that means she must deal with 35 clients, 35 victims, and often, both sets of parents. All youths on her caseload require "maximum level supervision." This includes home visits, office visits, and generally, a requirement that offenders appear in court at least once a month to report their progress.

Berlin said the county's goal is to create what's known as a "coordinated community response" to domestic violence.

"That's what changes a batterer's behavior," Berlin said. "It's everyone -- police, judges, probation, the community -- giving the perpetrator the same message so he knows that there's no way out for him. That we, as a community, won't tolerate domestic violence."

Hyman, who spent more than a year in the adult domestic-violence court, said when he started the juvenile court last year, he thought there would be more differences between juvenile and adult cases.

He was surprised.

"People have tried to differentiate teen violence from adult violence, but now that I've had some of the young survivors in front of me, I've seen that they are exactly like adult victims," Hyman said. "The recantation, the denial. You're seeing 16-year-old women acting the same as 30-year-old victims."