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Aggravated Domestic Violence Fact Sheet

Stop the Cycle of Abuse

All too often, cases of domestic violence are part of a sustained pattern of abuse. According to the New York City Mayor's Office to Combat Domestic Violence, 38% of battered women will be victimized again within six months. From 2005 to 2010, in New York County alone, there were 679 individuals convicted of 2 or more domestic violence offenses. Of those 679 defendants, 234 - or 34% - had at least one case with a felony-level assault charge.

Troublingly, what starts out as a low-level offense can quickly escalate into a deadly crime; 66% of domestic violence victims who have been killed had prior incidences of abuse that were never reported to the police. In one of the more distressing fact patterns, an abuser who beats a woman while she is pregnant is 3 times more likely to try to kill her.

I propose a felony-level charge for offenders who repeatedly engage in domestic violence offenses. A felony charge recognizes the seriousness of the crime and holds repeat offenders responsible for the harm they inflict on their families and the community.

How a Felony Charge Can Help

Current penalties for repeat domestic abusers do not adequately reflect the seriousness of these crimes, often allowing the abusers to return to the families that they terrorize after serving little to no jail time. Accordingly, New York needs to implement a new E felony charge for when an abuser commits 2 or more domestic violence offenses in the immediately preceding 5 years. With this felony charge, perpetrators of domestic violence will at the very least be under control of the courts through probation for five years, and families will have a longer-term order of protection against their abuser.

Real Families. Real Lives.

The following examples from my office demonstrate how current penalties fail to provide domestic violence victims with the comprehensive protection from abusers that they deserve.

- * A defendant has more than 100 prior convictions, many of which stemmed from assaults against various girlfriends and almost all of which were misdemeanors. The defendant was sentenced to 9 months in jail two years ago, only to be released early and arrested within weeks for domestic violence. He has since repeatedly cycled through the system and was recently indicted for a felony.
- * Shortly after pleading guilty to assaulting his spouse in front of their children, a defendant returned to his victim's apartment and hit her in the face. Only \$500 cash bail was set when defendant was arrested again.
- * After a long misdemeanor domestic violence history, involving multiple assaults and violations of orders of protection, a defendant chased his girlfriend down the street with a machete, biting and clawing at her in front of her three-year-old child.
- * A domestic violence abuser was arrested after badly beating his pregnant ex-girlfriend. He continued to call his ex-girlfriend, threatening her from jail. He was re-arrested, and pleaded guilty to both cases.