

## MEMORANDUM OF SUPPORT

### STRENGTHEN REPEAT OFFENDER ACCOUNTABILITY BY ENABLING PROSECUTORS TO ACCESS PRIOR ORDERS OF PROTECTION

A.3422 Rosenthal L./ S.404 Biaggi

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation which would enable prosecutors to access Orders of Protection issued in sealed domestic violence cases, allowing repeat violators to be charged with criminal contempt. This legislation is critical in holding repeat violators accountable for their actions while strengthening protections for past and current victims.

Domestic violence is a significant societal problem affecting nearly one in four women, one in seven men, and even higher rates for transgender and nonbinary individuals. According to the 2005 Report of the Re-Entry Policy Council<sup>1</sup>, approximately two-thirds of people released from prison in the US are re-arrested within three years of their release. Just over half return to prison for a new offense or a violation of their terms of release. In addition, it is well known that domestic abusers who violate orders of protection tend to do so repeatedly. It is therefore critical to protect victims from those who re-offend.

To best hold re-offenders accountable, prosecutors need access to a broad range of tools, including access to previous orders of protection an offender has violated. Having such access permits prosecutors to charge re-offenders with criminal contempt. However, currently, only law enforcement officials can petition a court to access such records. This bill would amend Sections 160.50 and 160.55 of the Criminal Procedure Law to permit prosecutors, in addition to law enforcement agencies, to obtain this critical information.

New York State must uphold its commitment to hold repeat offenders accountable by allowing prosecutors to access past orders of protection so they can charge re-offenders, when appropriate, with criminal contempt.

#### **ABOUT NYSCADV:**

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

**For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465**

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1. Re-Entry Policy Council. (2005) *Report of the Re-entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. [New York: Council of State Governments] [Web.] Retrieved from the Library of Congress, <http://lccn.loc.gov/2005276835>.