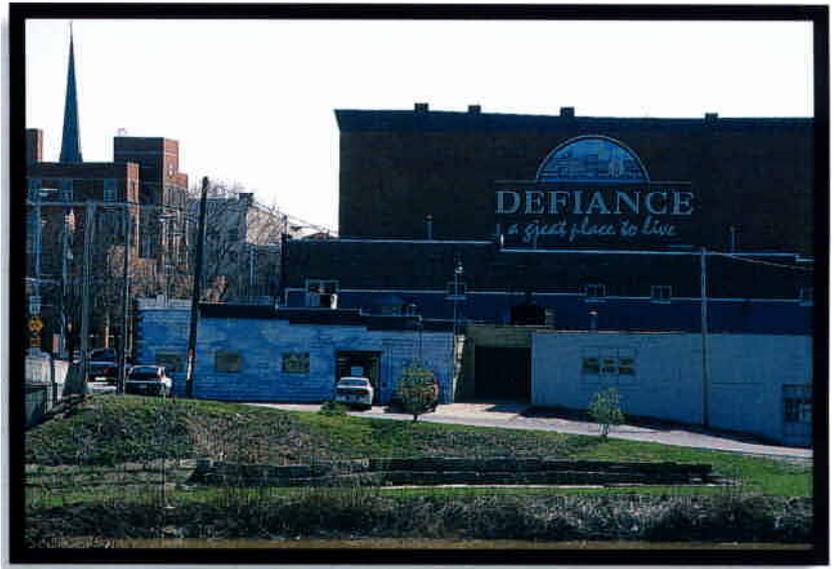


# Defiant

Times have changed in the rural Ohio town with the rebellious name. Thanks to one advocate's relentless efforts to unite police, judges, attorneys, and medical and social services workers, victims are getting help and abusers are finally getting the message: 'You're going to jail.'



by **Eric Kleiman** /  
photos by **Greg Horvath**

Four of the individuals most responsible for the Protocol's success are (L to R) Municipal Court Judge John Rohrs, Defiance County Sheriff David Westrick, attorney Pam Weaner of Legal Services of Northwest Ohio, and nurse Karen Weaver of Defiance Hospital.

**Y**ou'd think the memories of the booze and the beatings would fade with a decade's passing, but Defiance County Police Captain Doug Engel might never shake the recollections of the bedlam that greeted him every time he answered the dispatcher's call for units to respond to a domestic disturbance at *that* house. He was a patrolman then on the Defiance County Police force, keeping the peace in this vast county of 410 square miles in rural northwest Ohio.

No parcel of land in Defiance, he learned, needed the peace kept more than the one on which the "Family From Hell" resided.

Engel remembers receiving dozens of dispatches to report to his least favorite address during a yearlong stretch in 1992 and 1993. He and his friends on the force visited so often that one day the devilish nickname just sort of slipped out, even though "Husband from Hell" might have been a better fit. Engel figures officers must have been called out to that house 40 times in an effort to make sure that "domestic disturbance" did not morph into a small-town tragedy. It wouldn't be the first time.

"The last five or six murders here in Defiance County have all been domestic violence situations; it has really heightened awareness of a serious problem," Defiance Municipal Judge John Rohrs relates. "Law enforcement will tell you that domestic violence is the most dangerous call they answer."

Engel will second that. Each time he pulled up to that dreaded house, he would find himself within earshot of the high-decibel hostility even before his cruiser had rolled to a stop. With a familiar mixture of dread and resignation, he would enter the house and carry out his dangerous, yet ultimately futile chore. The

*A small Ohio town stands up against domestic violence*



door opened and there they all stood. The belligerent husband, drunk beyond reason. The wife, hysterical and hurt. The children: invisible, petrified. Engel would step into the cauldron and try to calm everyone down before leading the husband away in cuffs. Another catastrophe averted. At least for now. The problem, of course, was that the monster never stayed cuffed for long.

"The Family From Hell, I think, was what finally pushed us over the edge," says Engel's boss, Defiance County Sheriff

David Westrick, upon reflection. "We knew when we went out on a domestic call like that, it was going to be a no-win situation. We just thought of it as the down side of our job. You did what you had to do to get them separated, because you knew it would be dismissed anyhow. It felt like a long-term problem to which there would never be a good solution."

Family violence defies rational explanation. For those fortunate to be raised in safe and supportive homes, few impulses are

**"Now we can say, 'This is the State of Ohio vs. him, not you vs. him.'" —County Prosecutor Jeff Strausbaugh**



Pam Weaner (right), a managing attorney at Legal Services of Northwest Ohio, went to University of Michigan Law School so she could offer more than mere band-aid solutions to victims. Her partnership with the Defiance County Sheriff's Office and Captain Doug Engel has helped triple the number of domestic violence arrests in Defiance County, while deterring countless others from lashing out for fear of certain arrest and prosecution.



**"I think the publicity . . . has heightened the community's awareness that domestic violence is a serious crime that we're serious about addressing."** —Judge Joseph Schmenk

harder to understand than the urge to physically harm a loved one. Equally difficult to grasp is why an adult would continue to endure such abuse—even risking a son or daughter's safety—when escape seems so patently necessary, even achievable. But spend some time talking to women like victim advocates Cheryl Robbins and Jenny Hoeffel of Defiance, and you suddenly awaken to the complexities of broken, violent homes. Most abusers, you learn, were long ago abused themselves, and often so were their victims. With wilted self-worth, children to feed, and a mortal fear of the consequences of any failed attempt to flee, running away can seem just as frightening as a fresh set of bruises.

Legal services attorney Pam Weaner knows about this cycle of domestic violence all too well and has worked for more than two decades to try to stop it. She has counseled, comforted, and helped hundreds of battered women muster the courage (and file the legal paperwork) to start over. Yet Weaner never even met the Family from Hell, so how can it be that this small-town lawyer is responsible for the memorable day when the clamor coming from that house—and others like it across Defiance—suddenly and peacefully stopped?

### COMING TOGETHER

The answer begins at a table fraught with

tension. It's January 1993 and advocates have gathered in a small conference room at Defiance Hospital for the first of what will be many meetings on domestic violence convened by Weaner. On one side of the table sit the police officers and court officials, on the other, victim advocates from legal and social services. "It was like your fifth- or sixth-grade dance," Captain Engel recalls, "where all the boys sit on one side, and the girls sit on the other."

It was a minor miracle that the meeting ever came together at all, given the formidable egos and icy histories involved. Yet Weaner had managed to convene around that tense table a diverse group of professionals who all had an important stake in the domestic violence debate. There were county and city police officers, municipal and common-pleas judges, local and county prosecutors, legal aid representatives, medical professionals, shelter workers, and victim advocates.

In a sense, Weaner's entire career until now had been one intense prep course for her coalition-building crusade to deter domestic violence in a place like Defiance. Getting serious about abuse in the home became a statewide priority for Ohio in the early 1990s, which was the perfect opening for Weaner. She had just moved to the area after spending most of her professional life figuring out ways to make the violence stop. She arrived armed with a master's degree in sociology and a résumé replete with conferences, essays, and *continued on page 36*

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workshop presentations on domestic violence. She had spent several years in the early 1980s grappling with her own feelings of powerlessness as she watched women—feeling trapped by circumstances and a system not doing enough to help them—stay with their abusers, who lashed out with impunity.

Determined to provide more than mere band-aid solutions, Weaner enrolled in law school in 1988 and graduated three years later with a *juris doctorate* from University of Michigan, one of America's premier law schools. During her third year in Ann Arbor, Mich., when recruiters from major firms came calling with their outrageous salaries and obscene signing bonuses, Weaner stayed home and read a book. "I refused to walk into Room 200, where all the big-bucks recruiters were interviewing," Weaner recalls. "I only applied for one job. Fortunately, I got it."

Joseph Tafelski, executive director of Advocates for Basic Legal Equality (ABLE), was delighted to get her. Working as a legal services staff attorney in the City of Defiance (population 18,000) wasn't quite the glamour gig her law-school peers were coveting, but getting the chance to help the less fortunate receive justice was exactly why Weaner wanted a law degree in the first place. In 1999, after eight years at ABLE, she was named managing attorney in the Defiance office of ABLE's affiliate organization, Legal Services of Northwest Ohio (LSNO), run by executive director Kevin Mulder.

Weaner has handled all types of civil cases for ABLE and LSNO, but helping domestic violence victims and cracking down on offenders proudly remains her calling card. She is cognizant of the reactive role that legal services has traditionally played in its handling of domestic violence cases, with attorneys getting involved after the abuse has already begun. In this paradigm, the victim typically gets help securing a restraining order, a divorce, and/or custody of the kids. This is important work, and Weaner still does plenty of it. But at this stage in her career, she's determined to steer the boat out ahead of the storm.

One thing Weaner learned from her advocacy in the 1980s is that placing the onus on the abused to stand up to the abuser is a recipe for recidivism. So she set out to find a way to put the fear of God in would-be abusers long before the downward spiral could drag victims to rock bottom.

The only way to truly stamp out domestic violence on a community-wide scale, she decided, was to get everyone involved in fighting it, decrying it, and enforcing tough laws against it. Weaner's pleasant demeanor made her ideally suited for the task, because, as the town's name would suggest, Defiance is home to some very strong-willed people.

That first meeting opened with many of them publicly airing their grievances. The advocates felt they were being marginalized by the police, and that the cops and courts were not treating domestic violence with the life-threatening seriousness it warrants. The prosecutors were irked by law enforcement's frequent failure to conduct a proper investigation in domestic abuse cases—a big problem if the prosecutor hopes to prosecute since "the



**Defiance Municipal Judge John Rohrs has implemented a no-bond policy for domestic offenders who appear before him, meaning those arrested on a Friday or holiday get a few days behind bars to think about what they've done until an arraignment can be scheduled.**

victim almost always recants," Weaner says. "We've never once had a cooperative witness in a felony case." And police officers were tired of risking life and limb to subdue and apprehend violent spouses that the justice system planned to plop back at the scene of the crime, sometimes in a matter of hours, due to an ambivalent victim or an unenforceable protection order.

But after that initial round of finger-pointing and heated exchanges, something remarkable happened. All the different groups—for perhaps the first time ever—actually shut up and began to *listen* to each other. When they did, group members realized two things: 1) They shared a strong commitment to halting domestic violence, and 2) the groups could accomplish far more together than they ever could apart.

It wasn't long before some unlikely friendships began to blossom. When Sheriff West-

rick—a lovable curmudgeon forever ready with a hysterical, homespun yarn—first laid eyes on Weaner, he sized her up as "a liberal, Berkeley social worker-type trying to tell us what to do." Now, his admiration and affection for her is apparent. In fact, the Sheriff has practically had to re-evaluate his entire opinion of lawyers since prosecutors and legal aid lawyers cooperated so well with law enforcement in creating the Defiance County Domestic Violence Task Force in 1993. Jokes Westrick: "I believe all lawyers are required to take a year of Arrogance in law school. I am not sure if it's the first, second, or third year, but I know there is a semester called Arrogance 101."

Despite the playful antagonism, the Sheriff has warmed to the positive role that a proactive prosecutor can play in keeping Defiance safe. He tips his hat to attorneys like Defiance City Prosecutor David Land and Defiance County Prosecutor Jeff Strausbaugh, who've worked closely with police since 1993 to ensure they collect enough good evidence to sustain a conviction in the very likely event that the victim will recant to protect the abuser.

"Now the officers are filing the charges—not the victims—and that helps us drastically," Land says. "When we talk to victims now, we tell them that this is a state case, they are witnesses, and we'd like to have their input, but we'll handle it as we deem appropriate."

Adds Strausbaugh, "Now we can say, 'This is the State of Ohio vs. him, not you vs. him.' We tell the victim, 'We are not trying to screw up your life or make things even more difficult than they already are, but we have to do something to try to control this kind of behavior in the future.'"

Defiance Chief of Police Norm Walker puts it even more bluntly: "The state is going to protect you whether you want it or not."

## PROPER PROTOCOL

The core mission of the Task Force, chaired by Defiance College criminology professor Don Kneuve, was to unite a broad cross-section of community players to brainstorm the details of a uniform Defiance County Protocol for handling domestic violence incidents. Enacted and consistently enforced since October 1993, the Protocol outlines what's expected of law enforcement, judges, prosecutors, hospitals, and shelter workers when they're confronted with signs of domestic abuse.

The backbone of the Protocol is a policy

known as “preferred arrest,” which means that the arrest of the primary aggressor in a domestic incident is the favored course of action if the officer has reasonable grounds to believe that domestic violence or a violation of a protection order has occurred.

The preferred arrest policy is undoubtedly why Captain Engel and the rest of his Defiance police pals haven’t heard from a certain 40-time repeat offender in almost a decade. Not long after the Protocol’s implementation, the Defiance dispatcher made her last call for a unit to respond to a disturbance at *that* house. Engel took the call again that day, though this time he rolled up in his cruiser feeling much better about how it would all turn out. He conducted a thorough investigation, identified the intoxicated patriarch as the primary aggressor, and took the Husband From Hell to jail, where this time, he stayed for a while. There would be no “Get Out of Jail Free” card delivered a day later by the repentant wife.

“The first time we went out there after the Protocol was the last time we were ever there—and we didn’t shoot anybody or anything,” Sheriff Westrick gleefully reports.

In the year after the Protocol’s implementation, police filed charges in 77 percent of domestic violence cases they investigated, up from just 33 percent the year before. In 2001, Defiance prosecutors brought 155 domestic violence cases in municipal court and secured 115 convictions, compared to 42 charges and 16 convictions the year before the Protocol’s

implementation.

Two years after Defiance successfully enacted its Protocol, the state legislature directed all of Ohio’s 88 counties to develop their own local protocols for handling domestic violence cases. Most counties convened their leaders and composed a local strategy, but implementation and consistent enforcement of other county protocols has been erratic, at best, according to victim advocates. Weaner helps Defiance avoid complacency by holding at least three Task Force meetings every year, updating members on changes in the law, and conducting ongoing training sessions for law enforcement personnel.

Once these well-trained officers make an arrest, convictions are often foregone conclusions, thanks to the ample evidence compiled by the arresting officer. With help from Prof. Knueve, Weaner helps train officers to record a victim’s statement, take photographs of the victim as well as the crime scene, conduct complete interviews with everyone at the scene, obtain police reports and 911 phone transcripts, and when possible, secure a hospitalized victim’s signature on a medical release form to assist officers in the timely completion of their investigation.

Before the Protocol, prosecutors had to subpoena any medical records they wished to use as evidence. But thanks largely to nurse Karen Weaver of Defiance Hospital, one of the Task Force leaders, victims may now sign a records release form on the day of their admittance in order to minimize the possibility of cold feet once their pain subsides.

“The Protocol really helps the police do their job,” says Court of Common Pleas Judge Joseph Schmenk, who tries every felony domestic violence case in Defiance County. “They’re a lot more professional in their approach and tend to be much more thorough now. The Protocol’s existence causes cops on the street to take domestic violence more seriously than they once did. And I think the publicity it

has received has heightened the community’s awareness that domestic violence is a serious crime that we’re serious about addressing.”

It has also had a chilling effect on the one group that Weaner most hoped to rattle:



Donna Rohrs (right) is one of hundreds of domestic violence survivors who turned to LSNO’s Pam Weaner to escape an abusive relationship. Weaner helped Rohrs secure a protective order, file for divorce, find a decent job, and start a new life.

would-be abusers. After more than 20 years as an advocate for victims—almost half of them spent in Defiance—Weaner has finally found a way to help her clients before they hurt.

Sheriff Westrick tells a harrowing anecdote to illustrate this point. “A guy is holding his wife hostage with a shotgun,” he says. “He had drunk a case of some cheap, rotgut beer. We finally convinced him to let go of his wife, and 45 minutes after that, we talked him out of his house. One of the things he said to us—drunk off his butt—he said, ‘I don’t want to be arrested for domestic violence.’ He didn’t care what else we got him for, but he didn’t want to be arrested for that. Drunk as he could be, he knew we had a Protocol and he talked about it.”

Jenny Hoefel, director of the Defiance Women & Family Rape Crisis Center, agrees that word has gotten out—not just locally, but in surrounding counties as well—that the Defiance Protocol has teeth.

“If you commit domestic violence in Defiance County,” she says, “you know what’s going to happen. It’s ‘Boom, boom, boom. You’re arrested.’ It has almost become a running joke: If you want to commit violence, you had better drive to another county, because we won’t be having it here.” ■



The Defiance police dispatcher grew accustomed to directing Capt. Doug Engel (rear) to the house inhabited by the “Family From Hell.” According to Defiance County Sheriff David Westrick (right), the 40 calls to *that* house a decade ago helped unite the police behind the Defiance County Domestic Violence Protocol.