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Safety and Accountability Audits of Criminal Legal System Responses to Domestic Violence?
Friday, September 8, 2017

Safety and Accountability Audits of Criminal Legal System Responses to Domestic Violence

Praxis International Webinar September 8, 2017

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Safety and Accountability Audits of Criminal Legal System Responses to Domestic Violence

With Rhonda Martinson, Praxis Technical Assistance Partner

This project is supported by Grant #2015-TA-AX-K056 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed here are those of the presenter(s) and do not necessarily reflect the views of the U.S. Department of Justice.

The Work of a Coordinated Community Response

Are we sending messages of help & accountability?

Is “every door we open does” to someone seeking safety?

Are we all on the same page?

Who seeks or gets drawn into community systems?

Will our actions make it better or worse for victims?

Tools of Constructive Engagement for Institutional Reform: Institutional Analysis

- Safety & Accountability Audit
  - Broad, open analysis and discovery regarding the criminal & civil legal systems response to violence against women

- Practice Assessment
  - Focused analysis on checklists of best

- Blueprint for Safety
  - Comprehensive assessment of criminal and civil legal system response to battered that results in adoption of model policies

- Distinctive Applications
  - Broad, open analysis in settings such as foster care, human service organizations,
Praxis Safety and Accountability Audit
Practice Assessment

- IS...systematic interagency methods to analyze how specific features are or are not incorporated into daily work routines
- IS NOT...an assessment of individuals

Audit Phases:

Audit Goal:
Identify and implement institutional enhancements to improve outcomes in cases involving battering

- Determine scope & focus
- Establish a team
- Gather data
- Analyze data
- Develop recommendations
- Implement recommendations

Gather information through...

- Mapping
- Focus groups
- Talking with people about their work
- Watching people at work
- Case file review
# Audits Highlighted

**Audit A**
- 2007
- LaCrosse, WI
- Pop: 114,000
- 480 sq mi
- Audit team training
- 2nd audit building upon previous audit

**Audit B**
- 2005
- Jackson County, OR
- Pop: 203,000
- 2,802 sq mi
- Audit refresher course
- 2nd audit building upon previous audit


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## Determining Scope and Focus

**Scope**
- Case processing step(s)
  - Court hearings
  - Screening
  - Patrol response
  - Case management
  - Probation

**Focus**
- Who
  - All offenders on probation
  - LEP victims
  - Newly immigrated victims

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## Determining Scope and Focus

**Audit A**
- How do post-arrest and prosecution responses to domestic violence in La Crosse County enhance or diminish victim safety and batterer accountability?

**Audit B**
- Examining the dispatch and law enforcement response to the following aspects of domestic violence: dual arrests or arrests of women, sexual assault, stalking, strangulation, child witnesses, and when involved parties are from underserved populations such as communities of color, individuals with immigration status, non-English speakers, individuals in gay or lesbian relationships, etc.
Who does the work of an audit?

• Coordinator
• Community-based victim advocate(s)
• Representative(s) of discipline(s) being analyzed
• Representatives of key disciplines closely linked to focus of analysis

<table>
<thead>
<tr>
<th>Role</th>
<th>Audit A</th>
<th>Audit B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinator</td>
<td>Community member</td>
<td>Staff from local DV/SA Advocacy program</td>
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<tr>
<td>Advocacy program</td>
<td>• Executive Director</td>
<td>• Executive Director</td>
</tr>
<tr>
<td></td>
<td>• Housing Advocate</td>
<td>• Housing Advocate</td>
</tr>
<tr>
<td></td>
<td>• DV/SA Advocate</td>
<td>• DV/SA Advocate</td>
</tr>
<tr>
<td></td>
<td>• Medical-based DV/SA Advocate</td>
<td>• Medical-based DV/SA Advocate</td>
</tr>
<tr>
<td>Discipline being</td>
<td>• DART Victim Services Coordinator</td>
<td>• Officer, Police Dept A</td>
</tr>
<tr>
<td>analyzed</td>
<td>• Jailer, Sheriff’s Dept</td>
<td>• Officer, Police Dept B</td>
</tr>
<tr>
<td></td>
<td>• District Attorney’s Office: Deputy District Attorney, Victim/Witness Coordinator</td>
<td>• Deputy District Attorney</td>
</tr>
<tr>
<td>Linked discipline(s)</td>
<td>• Patrol Deputy, Sheriff’s Dept</td>
<td>• Deputy District Attorney</td>
</tr>
<tr>
<td></td>
<td>• Patrol Officer, Police Dept</td>
<td>• Parole &amp; Probation Officers</td>
</tr>
<tr>
<td></td>
<td>• Probation Officer</td>
<td>• Courts-Civil Supervisor</td>
</tr>
</tbody>
</table>
Data Collection Activities

- Mapping
- Focus groups
- Talking with people about their work
- Watching people at work
- Case file review

Mapping

- Understand steps in official response
- Use expertise of team members
- Identify questions that need to be answered
- Reference throughout the audit
- Focus on the system you are auditing
- Determine the institutionally authorized steps and sub-steps
- Look for linkages to other agencies

Interviews & Observations

or...talking with and watching practitioners

- Big Picture
- Work Practice
- Text-Based
- Community Consultation
- Group Interviews (or focus groups)
Interviews

<table>
<thead>
<tr>
<th>Activity</th>
<th>Audit A</th>
<th>Audit B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviews</td>
<td>46 Individual interviews: officers, jailers, DAs, public defenders, VW coordinators, advocates, clerks of court, bond evaluators, and supervisors</td>
<td>17 Individual interviews: a judge, law enforcement officers, jail staff, a release assistance officer, a clerk of court, prosecutor, a probation officer, a batterer’s program provider, court officer, a defense attorney, victim services providers.</td>
</tr>
<tr>
<td>Observations</td>
<td>87 Observations: jail intake/booking, courtrooms and hearings, pre-trial release assessment</td>
<td>20 Observations: police, probation, arraignments and sentencing hearings</td>
</tr>
</tbody>
</table>

Focus Groups

Data collection activity

- 2 focus groups with 7 total participants

Focus Groups-Community Consultation

<table>
<thead>
<tr>
<th>Audit A</th>
<th>Audit B</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Individual interviews: 14 women, 1 man</td>
<td>• 2 focus groups with 7 total participants</td>
</tr>
</tbody>
</table>
Case File Review

• Text as an actor in case processing
• Finding it
• Accessing it
• Analyzing it
  • Text-based interview
  • Analyze the forms
  • Analyze the files
  • Code and read

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Case File Review

<table>
<thead>
<tr>
<th>Audit A</th>
<th>Audit B</th>
</tr>
</thead>
<tbody>
<tr>
<td>34 prosecution files</td>
<td>15-20 police reports from 7 agencies</td>
</tr>
<tr>
<td>10 probation case files</td>
<td>50 recordings of 911 calls</td>
</tr>
<tr>
<td>Law enforcement DV policies and protocols</td>
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<tr>
<td>Probation forms</td>
<td></td>
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<tr>
<td>Bond sheets</td>
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<tr>
<td>Victim notification forms</td>
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Debriefing, data analysis, and recommendations
Audit A: Findings & Recommendations

<table>
<thead>
<tr>
<th>Premise/actor</th>
<th>Example Evidence</th>
<th>Example Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premarital release conditions do not consistently account for potential risk to victims of battering</td>
<td>There is no formal premarital release assessment being conducted by any one person, department or agency that fully accounts for the dangerousness of an offender or the nature of battering as a pattern crime. Establish a consistent and standardized process for determining premarital release conditions in domestic violence-related crimes that best accounts for protection of victims of battering and the public.</td>
<td></td>
</tr>
<tr>
<td>Victims' voices and visibility are inconsistently incorporated into prosecution and Justice Sanctions responses.</td>
<td>No contact orders routinely imposed do not account for victim input. Explore establishing a dedicated docket or venue for victims who request to lift the no-contact condition of premarital release.</td>
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</tbody>
</table>

Audit B: Findings & Recommendations

<table>
<thead>
<tr>
<th>Premise/actor</th>
<th>Example Evidence</th>
<th>Example Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dual/Female Arrest: What does it mean to document the history of domestic violence or the history of the parties' relationship, and how does it impact self-defense and predominant aggressor decisions?</td>
<td>In six of the 12 reports (involving arrested females), the existence of history was implied or mentioned without further articulation. Given increased practitioner contact with repeat offenders and battered women staying in relationships with batterers, and given the importance of domestic violence history in making difficult decisions such as probable cause, self-defense, and predominant aggressor, it is recommended that the importance of and documentation of history be institutionalized.</td>
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<tr>
<td>Sexual Assault: Should we routinely ask domestic violence victims about sexual abuse, or is this embarrassing and intrusive? Should we become aware of red flags to guide further inquiry? If so, who should perform that inquiry?</td>
<td>Of the 52 police reports reviewed for this audit, six documented information raising concerns about sexually assaultive, abusive, humiliating or degrading behavior. Develop a protocol for interviewing, investigating, referral and safety planning for sexual assault within an intimate partner relationship and for when the offender turns out to be a registered sex offender.</td>
<td></td>
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</tbody>
</table>

Tips for Implementation

- Build in designated time to implement audit recommendations
- Assign a person to coordinate implementation of audit recommendations
- Create recommendations that facilitate implementation
- Be sure audit team includes leadership that can support and are accountable for implementation
- Seek funds for staff, training, and material development
Questions?
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