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

Praxis International - Institutional Analysis Technical Assistance

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



Praxis International Webinar September 8, 2017

Webinar details

Accessibility

- Closed Captions are displayed at bottom of screen. Due to limitations of real-time captioning, mistakes are possible.
- Use Q&A box for questions/comments at any time.

Logistics

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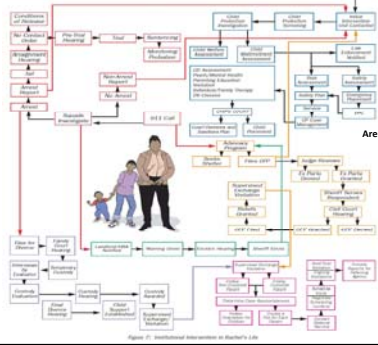
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Safety and Accountability Audits of Criminal Legal System Responses to Domestic Violence

With Rhonda Martinson, Praxis Technical Assistance Partner

This project is supported by Grant #2015-TA-AK-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



Do our interventions have unintended harmful impacts?

Are we sending messages of help & accountability?

Is "every door an open door" to someone seeking safety?

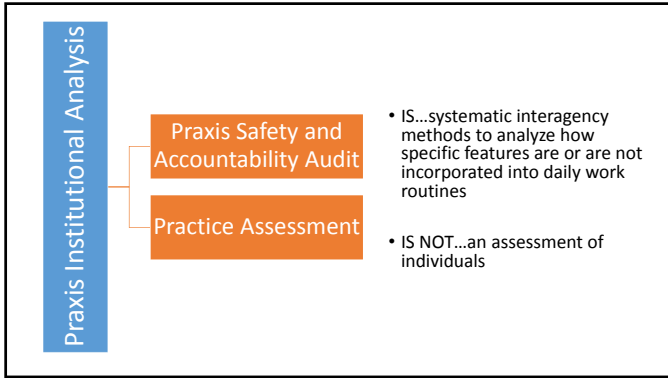
Who seeks or gets drawn into community systems? Who avoids them...and why?

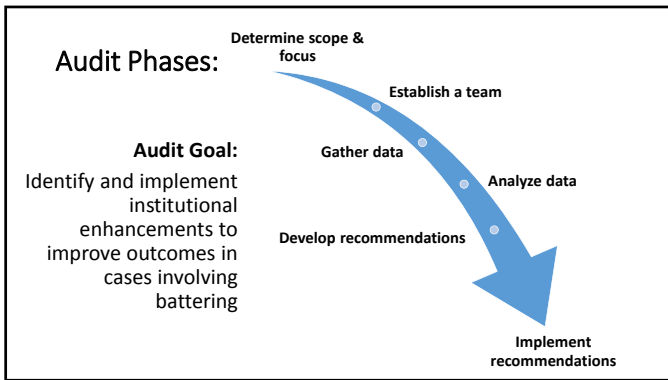
Are we all on the same page?

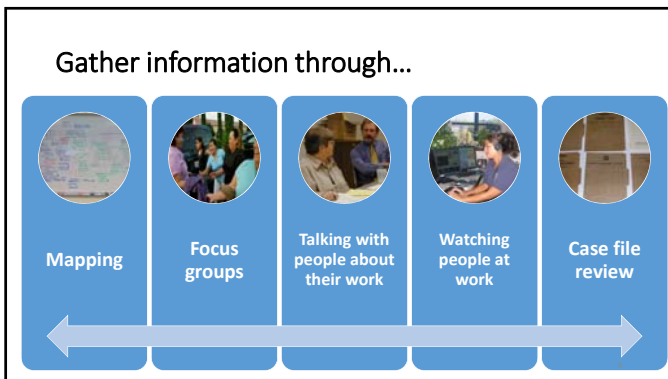
Will our actions make it better or worse for victims?

Tools of Constructive Engagement for Institutional Reform: Institutional Analysis

Safety & Accountability Audit	Practice Assessment	Blueprint for Safety	Distinctive Applications
<ul style="list-style-type: none"> Broad, open analysis and discovery regarding the criminal & civil legal system's response to violence against women 	<ul style="list-style-type: none"> Focused analysis on checklists of best practices Praxis guides: <ul style="list-style-type: none"> 911 Patrol Investigations Charging Child protective services 	<ul style="list-style-type: none"> Comprehensive assessment of criminal legal system's response to battering that results in adoption of model policies 	<ul style="list-style-type: none"> Broad, open analysis in settings such as foster care, human service organizations,







Audits Highlighted

Audit A

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

http://praxisinternational.org/wp-content/uploads/2015/12/Audit2_Report7-16-07.pdf

Audit B

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

http://praxisinternational.org/wp-content/uploads/2015/12/Safety_Audit_Report_2005_Law_Enforcement_Dispatch-1.pdf

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.

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Who does the work of an audit?

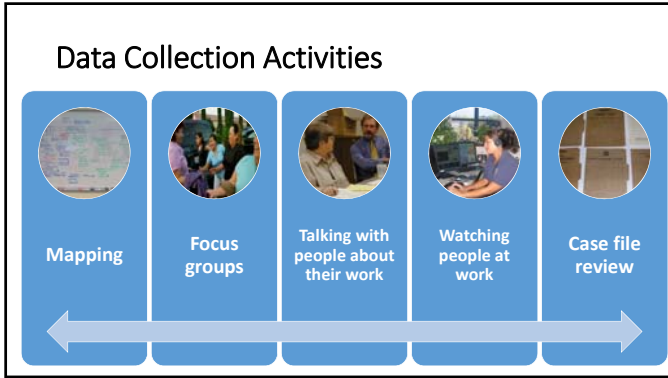
- Coordinator
- Community-based victim advocate(s)
- Representative(s) of discipline(s) being analyzed
- Representatives of key disciplines closely linked to focus of analysis

Who does the work of an audit?

Role	Audit A	Audit B
Coordinator	Community member	Staff from local DV/SA Advocacy program
Advocacy program	<ul style="list-style-type: none"> • Executive Director • Housing Advocate • DV/SA Advocate • Medical-based DV/SA Advocate 	<ul style="list-style-type: none"> • Director • Outreach Program Manager • Court Advocate • Child Welfare Advocate
Discipline being analyzed	<ul style="list-style-type: none"> • DART Victim Services Coordinator • Jailer, Sheriff's Dept • District Attorney's Office: Deputy District Attorney, Victim/Witness Coordinator 	<ul style="list-style-type: none"> • Officer, Police Dept A • Officer, Police Dept B
Linked discipline(s)	<ul style="list-style-type: none"> • Patrol Deputy, Sheriff's Dept • Patrol Officer, Police Dept • Probation Officer 	<ul style="list-style-type: none"> • Deputy District Attorney • Parole & Probation Officers • Courts-Civil Supervisor

Gathering Information

Or data collection activities



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

A blue rectangular box containing a circular image of a map and the word "Mapping" centered below it.

Interviews & Observations

or...talking with and watching practitioners

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

A blue rectangular box containing a circular image of two people talking. Below the image, the text "Talking with people about their work" is centered, and "Observing people at work" is centered below that.

Interviews

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

Focus Groups

Data collection activity



Focus Groups-Community Consultation

Audit A

- 2 focus groups with 7 total participants

Audit B

- Individual interviews: 14 women, 1 man

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



Case File Review

Audit A

- 34 prosecution files
- 10 probation case files
- Law enforcement DV policies and protocols
- Probation forms
- Bond sheets
- Victim notification forms

Audit B

- 15-20 police reports from 7 agencies
- 50 recordings of 911 calls

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Debriefing, data analysis, and recommendations

Audit A: Findings & Recommendations

Example gap	Example evidence	Example recommendation
Pretrial release conditions do not consistently account for potential risk to victims of battering	There is no formal pretrial 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 pretrial release conditions in domestic violence-related crimes that best accounts for protection of victims of battering and the public.
Victims' voices and visibility are inconsistently incorporated into prosecution and Justice Sanctions responses.	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 pretrial release.

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Audit B: Findings & Recommendations

Example gap	Example evidence	Example recommendation
Dual/Female Arrests: 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?	In six of the 17 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.
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?	Of the 92 police reports reviewed for this audit, six documented information raising concerns about sexually assaultive, abusive, humiliating or degrading behavior.	Develop a protocol for interviewing, investigation, 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.

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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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