

# **Promising Practices**

## **Improving the Criminal Justice System's Response to Violence Against Women**

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**STOP VIOLENCE AGAINST WOMEN GRANTS  
TECHNICAL ASSISTANCE PROJECT**

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The goal of the **STOP Violence Against Women Grants Technical Assistance Project** is to strengthen the criminal justice system response to victims of sexual assault, domestic violence, and stalking. The project is a collaboration of the **Battered Women's Justice Project** and the **National Resource Center on Domestic Violence**, a project of the **Pennsylvania Coalition Against Domestic Violence**.

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# Executive Summary

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In 1994, Congress passed the landmark Violence Against Women Act (VAWA) to enhance the ability of States, Territories, and Native American Tribes to respond to domestic violence, stalking, and sexual assault. To help communities reduce gaps in their response, the VAWA creates Federal laws and establishes several grant programs. One such program is the STOP (Services \* Training \* Officers \* Prosecutors) Violence Against Women formula grant program, which is administered by the Office of Justice Programs' Violence Against Women Grants Office (VAWGO) in the U.S. Department of Justice. The STOP grants "assist States, Indian tribal governments, and units of local governments to develop and strengthen effective law enforcement and prosecution strategies to combat violence against women, and to develop and strengthen victim services in cases involving violent crimes against women."

VAWGO, in cooperation with the STOP Technical Assistance Project, launched a Promising Practices Initiative to identify and develop information on innovative practices in the criminal justice system response to violence against women. Together, these practices offer comprehensive strategies to enhance victim safety and offender accountability and prevent future violence.

*Promising Practices: Improving the Criminal Justice System Response to Violence Against Women* is designed to help jurisdictions adapt and tailor approaches to their unique needs and circumstances. Thirty-two practices address a range of issues and problems communities may face as they develop coordinated responses to violence against women. While not every practice will be suited to the needs of every locality, practitioners can benefit from thinking about whether the practices presented in the manual offer new ideas or techniques that could improve their response to domestic violence, sexual assault, or stalking.

Multiple program examples illustrate each practice, emphasizing variations in practice application in different locations and with different populations. The programs highlighted in the manual were identified through a national survey of practitioners; consultation with local, State, and national experts in the field; and correspondence with program staff. While the practices described in this manual have not been evaluated empirically, the anecdotal information from the jurisdictions in which they are being used indicates that they show promise in enhancing the community response to violence against women.

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# Acknowledgements

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The STOP T.A. Project would like to thank a host of individuals and organizations who offered their time and expertise to the Promising Practices Initiative and the development of the manual. The insights offered by expert panel members were key to the development of the practice areas and their content. Special working groups on stalking and sexual assault enabled us to address issues that otherwise can easily be overlooked. Hundreds of people submitted recommendations of extraordinary programs that have already begun to implement promising approaches to address violence against women.

STOP T.A. Project partners and their staff reviewed parts of the manual and offered us important direction in the development of the initiative. They include Rhonda Martinson, Loretta Frederick, and Stephanie Avalon of the Battered Women's Justice Project, Criminal Justice Center, and Mark Zaccarelli of the Battered Women's Justice Project, Civil Access Center. Kathleen Waits, University of Tulsa College of Law, contributed to the chapter on courts. We very much appreciate the expertise that Debby Tucker and Sarah Buel offered us in the development of the manual. And we are indebted to Barbara Hart both for the vision she offered us throughout the implementation of the initiative and for her careful and invaluable editing of the manual.

The manual could not have been produced without the contributions of our interns, temporary staff, and volunteers: Bryan Palma, Kimberly Sikora, Nisha Anand, and Meredith Brennan. We thank P.R. Solutions for its skillful editing and layout of the manual.

We want to thank the U.S. Department of Justice for its guidance and funding of this effort. Attorney General Reno's public and unwavering commitment to ending violence against women is unique in the history of this country and is responsible for bringing this issue to the attention of criminal justice professionals on the local as well as national level. We want to thank Assistant Attorney General Laurie Robinson, Deputy Assistant Attorney General Noel Brennan, and Bonnie Campbell, Violence Against Women Office Director, for their support and participation in our expert panel meetings. The concept of developing a Promising Practices Initiative grew out of discussions with the Violence Against Women Grants Office (VAWGO). We continually look to VAWGO staff for guidance that they offer with unstinting support and wisdom. Very special thanks to Kathy Schwartz, Catherine Pierce, and Stephanie Condon.

Finally and ultimately, we acknowledge the survivors, activists, and leaders in the criminal justice system whose work is represented throughout the manual and whose innovative and, sometimes, risk-taking efforts make our streets and homes safer for women and their children.

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# How this Manual was Developed

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**Initial Expert Recommendations.** In January 1997, the STOP T.A. Project hosted three two-day Expert Panel Meetings on domestic violence, sexual assault and stalking. These meetings brought together criminal justice practitioners, victim service providers, and other nationally recognized experts in these fields. The panelists identified and made priorities among potential practices. They began developing outline practice descriptions and identifying program examples.

**Questionnaire.** A questionnaire sent to policy makers and practitioners across the country in the Spring and Summer of 1997 helped gather further practices and program example suggestions. More than 500 responses were received.

**In-depth Practice Information.** Staff interviewed a number of practitioners to gain in-depth practice information and gather more program examples of these practices. To organize practices from the hundreds of received recommendations, staff created a descriptive grid.

**Program Examples.** An extensive listing featured recommended program examples. Staff completed an analysis of those programs by crime/location to determine areas where further information was necessary.

**Sharing Gathered Information.** Informal technical assistance related to the Promising Practice Initiative was provided to service providers and national associations. Staff attended and participated in meetings and conferences both to gain and share information.

**Needs of Women who are Stalked.** Advocates from community-based victim service programs and State and national advocacy organizations who attended the Stalking Expert Panel Meeting continued to explore the justice system response to stalking. Through conference calls and a June 1997 meeting, this group discussed how the manual can assist communities in serving stalking victims.

**Expert Panel on Serving Women from Underserved and Diverse Populations.** Input was sought from service providers who work with underserved and diverse communities. A July 1997 meeting brought together women who represent and/or serve a variety of communities to discuss how to best speak to these issues in the manual.

**Initial Practice Development and Review Meeting.** Initial practice development took place in August and September 1997. A meeting held in September reviewed practice development and solicited input on further development efforts. Participants from earlier meetings attended, with a few exceptions.

**Development of Internet Publications.** The first written products of the Promising Practices Initiative were disseminated between February and July 1998:

- Assessing Justice System Response to Violence Against Women: A Tool for Law Enforcement, Prosecution, and Courts;*
- Assessing the Justice System Response to Violence Against Women: A Tool for Community-Based Victim Service Providers;* and
- Assessing the Justice System Response to Violence Against Women: A Tool for Communities to Develop Coordinated Responses.*

**Manual Development.** Writing and editing practice descriptions and manual chapters occurred October 1997 through August 1998.

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The input provided by the expert panelists was invaluable to the development of the Promising Practices Initiative and this manual. However, the points of view and opinions expressed in the manual are those of the STOP T.A. Project and do not necessarily represent the points of view or opinions of the expert panelists.

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# Introduction

THE INTRODUCTION CONTAINS THE FOLLOWING SECTIONS:

- THE VIOLENCE AGAINST WOMEN ACT
- THE PROMISING PRACTICES INITIATIVE
- AUDIENCE
- FEATURES OF THE MANUAL
- OVERVIEW: VICTIM INTERACTION WITH THE CRIMINAL JUSTICE SYSTEM
- FOUNDATION
  - A. UNDERSTANDING OF VIOLENCE AGAINST WOMEN
  - B. VICTIM-CENTERED APPROACH
  - C. SERIOUSNESS OF CRIMES
  - D. OFFENDERS ACCOUNTABILITY
  - E. ADVOCACY
  - F. UNDERSERVED POPULATIONS
  - G. ORGANIZATIONAL AND COMMUNITY CAPACITY

# Introduction

"There is no place like home" conjures up images of warm, comfortable family scenes. Yet, for many women in the United States, home is a place of intimidation, fear, and violence.<sup>1</sup> On average each year from 1992 to 1996, there were more than 960,000 violent victimizations of women by current or former spouses or boyfriends.<sup>2</sup> About half of all battered women report some type of injury.<sup>3</sup> In 1994, hospitals recorded over 200,000 visits to emergency rooms by women who were injured by intimates.<sup>4</sup> The violence is not just debilitating; it can be deadly. From 1976 through 1996, 30 percent of all female murder victims were killed by intimates.<sup>5</sup>

Even if a woman is free of physical or sexual abuse in an intimate relationship, she faces the risk of being sexually assaulted by a friend, acquaintance, or stranger. Approximately 500,000 women are estimated to be the victims of some form of rape or sexual assault each year.<sup>6</sup> Friends or acquaintances of victims commit more than half of these crimes; another quarter of these crimes are perpetrated by intimate partners.<sup>7</sup> Strangers are responsible for about 1 in 5 rapes or sexual assaults.<sup>8</sup> Sexual assault is acknowledged to be the most under-reported violent crime on which national statistics are kept.

Stalking is another violent crime that plagues many women. Only recently have the justice system and the public recognized stalking as a distinct and serious crime. Beyond highly publicized cases involving celebrities and political leaders, there is still little understanding of stalking and few people are aware that it affects "ordinary" people. In contrast to highly publicized cases, the majority of stalkers know their victims. Stalking often occurs within the context of domestic violence, particularly when victims try to leave their batterers. It is estimated that one out of every twelve American women, or 8.2 million women, has been stalked sometime during her life.<sup>9</sup>

Perpetrators of domestic violence, sexual assault, and stalking commit these crimes against women of all ages, races, cultures, and social backgrounds. Perpetrators may also strike out and victimize children, other family members, or anyone who supports the victim. The experience of being victimized can have devastating consequences for survivors (e.g., long-term physical and emotional problems and financial costs). For example, expenses from the physical trauma, broken or stolen property, and lost pay cost battered women nearly \$150 million a year.<sup>10</sup> The impact of these crimes also extends indirectly to families and friends, the work place, and all of our communities. For example, businesses lose revenue in the form of wages, sick leave, and absenteeism resulting from violence against women.

Over the last two decades, dramatic changes have occurred in the public's response to violence against women. Prior to the mid-1980s, the failure of the justice system to take these crimes seriously reinforced the escalating, recurring, and often lethal nature of domestic violence and stalking. The law, and those responsible for upholding it reflected society's tolerance of intimate violence, its prejudices against victims of violence against women, and its ignorance of the complexities of the issues implicit in these crimes.

In the mid-1970s, the battered women's and anti-rape movements demanded additional legal protections and a full range of services for victims. By the late 1970s, a limited number of jurisdictions had initiated legal reforms. Some States passed new civil and criminal laws giving greater protection to victims and enforcing penalties against perpetrators. Criminal justice agencies, some funded under the Law Enforcement Assistance Agency (LEAA) Family Violence Program, trained personnel, developed innovative policies, and modified jobs to comply with the new laws.

As research began to document the relationship between violence at home and violence in our society, the criminal justice system looked for effective ways to respond. Ongoing advocacy by advocates for battered women and sexual assault victims helped communities understand that an effective response required systematic and coordinated change, involving both justice agencies and community providers.

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While an increasing number of jurisdictions have undertaken initiatives in recent years to respond to sexual assault and domestic violence, the efforts have been sporadic. Laws protecting victims and holding offenders accountable vary and limited numbers of criminal justice personnel are trained to enforce the law. Only some communities have embraced a coordinated response to reduce violence against women with clear strategies for intervention.

**The Violence Against Women Act.** In 1994, Congress passed and President Clinton signed the landmark Violence Against Women Act (VAWA) to enhance the ability of States, Territories, and Native American Tribes (hereinafter "States") to respond to domestic violence, stalking, and sexual assault. The legislation was designed to help communities reduce gaps in their response, with a commitment of Federal dollars and support. The VAWA creates Federal laws, expands existing programs, and establishes several grant programs.

One such program is the STOP (Services, Training, Officers, and Prosecutors) program, which is designated as a formula grant eligible to all States. The STOP program is administered by the Office of Justice Programs' (OJP) Violence Against Women Grants Office (VAWGO), U.S. Department of Justice. The STOP grants "assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violence against women, and to develop and strengthen victim services in cases involving violent crimes against women."

The VAWA outlines seven specific areas that can be funded with STOP dollars. At least 25 percent of the funds must be allocated to each of three categories: victim services, law enforcement, and prosecution.

Understanding the importance of building a coordinated community response, the Act mandates that each State develops a plan to implement the STOP program. The VAWA recognizes the key role community-based advocates must continue to play in developing effective strategies to stop violence against women. The VAWA stipulates that each State must "consult and coordinate with nonprofit, nongovernmental victim service programs, including sexual assault and domestic violence victim services programs."

**The Promising Practices Initiative.** In 1997, VAWGO, in cooperation with the STOP Violence Against Women Grants Technical Assistance Project (STOP T.A. Project), launched an initiative to identify and develop information on "promising practices" in the criminal justice system response to violence against women. Promising practices are strategies that serve to help protect battered, sexually assaulted, and stalked women, hold offenders accountable for their crimes, and prevent future violence. Together, these practices offer coordinated, comprehensive, and specialized responses to violence against women.

The Promising Practices Initiative is intended to help communities:

- assess their current coordinated response to domestic violence, sexual assault, and stalking;
- identify systemic problems or gaps in service delivery to victims;
- develop and implement strategies to resolve problems and improve response; and
- evaluate the effectiveness of changes in response, based on victim safety and offender accountability.

Expert panels were convened to identify key issues and practices; a national survey of hundreds of practitioners was conducted; names and descriptions of more than 500 programs were submitted; and numerous program interviews were conducted to learn more about State and local innovative strategies.

The first written products of the Promising Practices Initiative were disseminated from February to June 1998. The three documents listed below were developed for the Violence Against Women Resources Website on the VAWGO Homepage (<http://www.ojp.usdoj.gov/vawgo/>). (To access these documents, click on Violence Against Women Resources. Then click on Promising Practices.)

- Assessing the Justice System's Response to Violence Against Women: A Tool for Law Enforcement, Prosecution, and Courts;*

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- Assessing the Justice System's Response to Violence Against Women: A Tool for Community-Based Victim Service Providers; and*
  - Assessing the Justice System's Response to Violence Against Women: A Tool for Communities to Develop Coordinated Responses.*

These documents, which are replicated in the Appendix of the manual, include:

- checklists describing law enforcement, prosecution, and court response to violence against women;
- information on the civil justice system response to domestic violence, including a brief description of 16 law school domestic violence clinics; and
- profiles of 54 programs that demonstrate innovative practices undertaken by the criminal justice system agencies, victim service programs, and coordinated community teams.

**Audience.** This manual was developed for use by local criminal justice system agencies, victim service programs, and community partners funded through the STOP grant program of the VAWA. Other communities may also benefit from the information presented in the manual.

**Features of the Manual.** *Chapter 1, Safety Planning, and Chapter 2, Victim Rights and Notification,* offer practices that all criminal justice system agencies and victim service programs can apply in their work to end violence against women. *Chapter 3, Law Enforcement, Chapter 4, Prosecution, Chapter 5, Victim Services, and Chapter 6, Courts,* highlight discipline specific, victim-centered practices responding to violence against women. *Chapter 7, Coordinated Response,* presents strategies to improve response through increased coordination and collaboration among agencies.

Practice descriptions:

- identify why the practice is important;
- suggest an action plan to put the practice in place in the community;
- include references to programs that have incorporated elements of the practice into their work, emphasizing variations in practice application in different locations and with different populations;
- provide tips for handling common issues and concerns; and
- offer a list of measures of success to assess the effectiveness of the practice.

Endnotes are located at the end of each chapter.

*Appendix A, Training,* provides information on broad issues to address in agency and multidisciplinary trainings. Readers can review *Appendix B, Criminal Justice System Assessment Tools,* for assistance in identifying gaps in their current response. *Appendix C, Program Profiles,* offers in-depth summaries of selected programs. Programs chosen for this section incorporate many of the practice elements in the design of their programs; they are referenced throughout the manual. *Appendix D* offers a listing of *Program Contact Information* for programs referenced in the manual. (There may be multiple agencies mentioned in a program example. However, only the main program highlighted is typically listed in Appendix D. Some examples also refer readers to the program profiles in Appendix C.) *Appendix E* includes a listing of *Publication and Resource Contact Information* for publications and national organizations referenced in the manual. *Appendix F, Tools for Practitioners,* includes materials cited throughout the manual.

To maximize the usefulness of the information provided, it is advisable that the relevant appendices and chapter endnotes accompany manual practices or chapters that are copied and distributed to practitioners. At a minimum, essential appendices include Appendix D, E, and materials in Appendix F that were cited in the copied sections.

Practices address a range of basic and complex problems facing communities. Not every practice will be suited to the unique needs of your community. Similarly, your locality may already be implementing many of the practices offered in the manual. If so, it may be helpful to review your current practices and

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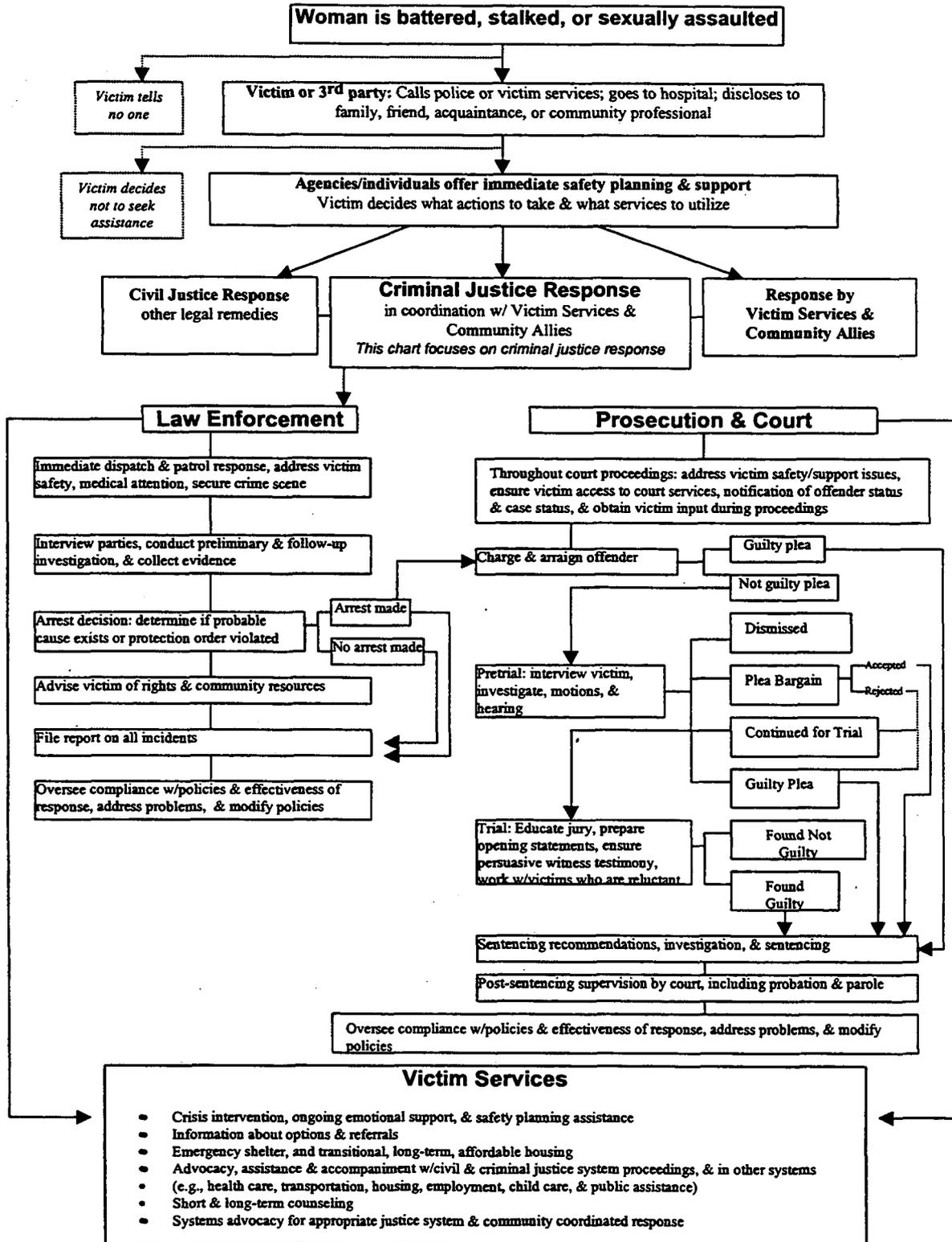
assess for success, as well as learn about innovative strategies undertaken by agency peers. The STOP T.A. Project can provide technical assistance to STOP grantees and subgrantees interested in adopting practices.

Please let the STOP T.A. Project know if the manual was useful to your agency and ways that we can improve it. A *comment form* has been included for this purpose at the end of the manual. Also, please send us any information or materials about programs or policies you consider a “promising practice.” We will use this information in future publications and share it with practitioners around the country to help strengthen their response to violence against women.

Where possible, terms common to all agencies working with victims and offenders of violence against women are used throughout the manual. Where programs are described, the language used is that defined by the agency coordinating the program. In many instances, terms are used interchangeably.<sup>11</sup> Some terms designate a broad group of individuals or agencies.<sup>12</sup> See endnotes for further explanation of terms.

## OVERVIEW OF THE VICTIM'S INTERACTION WITH THE CRIMINAL JUSTICE SYSTEM

The chart provides an overview of how a domestic violence, sexual assault, or stalking case moves through the *criminal justice system*. All interventions must address victim-identified needs, with the primary goal to protect, restore, and support the victim. (Also see Appendix B, *Criminal Justice System Assessment Tools*.)



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## FOUNDATION

This section provides an overview of the essential attitudes, beliefs, and activities that must underlie an effective response to battered, sexually assaulted, and stalked women. The following principles form the foundation of this manual and run through virtually every aspect of the presented practices.

### A. ENSURE THAT AN UNDERSTANDING OF VIOLENCE AGAINST WOMEN INFORMS AND GROUNDS INTERVENTIONS.

The criminal justice system can do little to stop violence against women if agency executives and staff are not aware of the problems posed by domestic violence, sexual assault, and stalking. Everyone involved in systematic response – from police dispatchers to judges to parole officers – must understand the complexity of these crimes and know how to intervene effectively.

The spectrum of violence against women can include physical, sexual, and emotional abuse, terroristic threats, false imprisonment, hostage-taking, and economic coercion. Consider the following broad definitions:

**Domestic violence:** any abusive and coercive behavior used to control an intimate partner and/or other family members. An episode of domestic violence often includes multiple actions. The batterer may employ a discernible pattern of manipulative and violent tactics. The victim is forced to change her behavior in response to the threats or abuse of the batterer.<sup>13</sup>

**Sexual assault:** any non-consensual sexual act that is forced upon an intimate partner, other family member, friend, acquaintance, or stranger. Sexual assault includes rape or attempted rape (vaginal, anal, or oral penetration), fondling, exposure, voyeurism, and sexual harassment. Sexual assault can occur as a single incident or in multiple episodes and is often accompanied by physical and emotional abuse.

**Stalking:** a pattern of harassing or threatening behavior used to cause an individual to fear for her safety, or the safety of her family, friends, or other associates (e.g., co-workers). Victims may be former intimate partners, family members, friends, acquaintances, or strangers. Stalking may be accompanied by physical, sexual, and emotional abuse.

Each jurisdiction should examine its State statutes for the legal definitions of criminal behavior. Not all forms of violence against women constitute crimes. For instance, a batterer may use rulemaking, intimidation, or children (e.g., threaten to take the children away or discontinue support payments) to control the victim. The justice system response must take into account the full extent of violent and controlling tactics used by offenders and the cumulative impact of these tactics on victims. Such proactive intervention can prevent the otherwise certain revictimization of women and children.

Justice personnel and advocates can develop shared beliefs about appropriate responses to violence against women that guide policies and interventions. The beliefs listed below were generated from the *Expert Panels on Domestic Violence, Sexual Assault, and Stalking*.

1. Violence against women is a serious crime that requires attention from the justice system and the community.
2. No form of violence against women will be tolerated. Myths that overtly and covertly support violence against women should be dispelled and replaced with facts about these crimes.
3. Victim safety and welfare is the paramount goal of justice system intervention.
4. Early intervention in cases of violence against women, coupled with meaningful penalties and sanctions for offenders, can save lives, prevent further violence, and promote victim recovery.
5. Responding to battered, sexually assaulted, and stalked women from underserved populations requires multicultural services and multilingual capacity.

6. Batterers, sex offenders, and stalkers employ violence to achieve and maintain control of their victims.
7. Victims are not responsible for their perpetrators' violent and controlling acts, nor do they have the power to change their perpetrators' attitudes or behaviors.
8. Victims are in the best position to judge the danger posed to them and to make decisions about their safety.

## B. PROMOTE A VICTIM-CENTERED APPROACH TO SERVICES AND PROGRAMS.

**Make victim safety the top priority.** The primary goal of any intervention is safety for the victim and her family. Victim safety should define the roles of the police officer, prosecutor, victim-witness specialist, court administrator, judge, and probation officer.

Victims need assistance in seeking safety and obtaining access to a wide array of services and supports. In individual cases, justice system personnel and victim service providers should offer immediate protection, monitor victim safety on an ongoing basis, and adjust their interventions to address the changing safety needs of the victim. On a systemic level, every jurisdiction should routinely evaluate its capacity to offer victim protection and assistance. Justice system agencies must collaborate with victim service programs, community agencies, and civic organizations to ensure that they offer victims appropriate resources.

**Recognize the obstacles to leaving an abusive situation or seeking help.** In some instances, a victim of domestic violence remains in an abusive relationship. She may stay out of fear, because she and her children are financially dependent upon the batterer, because she has no support system, because she thinks no one will believe her, or because she is hopeful that the batterer will change.<sup>14</sup> Experience demonstrates that battered women and their families face a particularly high risk of danger when they try to leave an abusive relationship. Many battered women who are killed by their partners are killed *after* they have left or separated.<sup>15</sup> Among victims of violence committed by an intimate, the victimization rate of women who are separated is about three times higher than that of divorced women and about 25 times higher than that of married women.<sup>16</sup>

Similarly, stalking and sexual assault victims may face the risk of increased violence or harassment when they seek help. For example, a stalker or a sex offender may be enraged that his victim reports his actions to the police and threaten her and her family with injury or death if she does not drop her criminal complaint. In addition, sexual assault victims, and in some instances stalking victims, may not seek assistance for reasons such as:

- they fear further traumatization;
- they think no one will believe them or really be able to help them;
- they are ashamed of what other may think of them; or
- they don't want to embarrass or cause trouble for their families.

Justice system policies and guidelines should be guided by an understanding of the reasons why victims may stay in abusive situations, the danger women and families face when they try to leave abusive relationships, and the multiple obstacles victims may face in seeking help. In the case of domestic violence, justice system personnel must realize that leaving is a process - most battered women leave and return several times before permanently separating from the batterer.<sup>17</sup> When a battered woman is ready to leave, it must be done in a way that does not further jeopardize her safety.<sup>18</sup>

**Respect the integrity and autonomy of each victim.** Victims have a right to make their own choices. An informed victim is able to assess her offender's lethality and plan for her safety and well-being. Victims know far more about themselves and their abusers than justice system personnel and service providers do.

The justice system is but one tool available to women who have survived or who are dealing with violence. Consequently, justice system personnel and advocates should:

- 
- listen to the woman's self-defined priorities;
  - ask thoughtful questions about her situation;
  - help her evaluate the offender's dangerousness;
  - respect her right to exercise authority over her own life;
  - provide information about her options and community resources;
  - explain the expected consequences of choosing one option over another; and
  - help her implement her personal goals (as opposed to those of the prosecutor, police officer, or advocate).

**Protect victim confidentiality.** Those working on violence against women cases become involved in particularly private and personal areas of people's lives. Justice system and community service providers must be aware of the confidential nature of victim records (e.g., address and phone numbers) and communications between victims and community-based victim advocates.

Abusers often gain access to victims living in undisclosed locations by obtaining personal information through various organizations, mail lists, data banks, or government agencies. Agencies that maintain victim records must develop clear policies to protect victim privacy, provide training for all personnel, and ensure strict compliance with policies. Victim information should not be released to any third party without the permission of the victim.

Victims need guidance and information about how to keep personal information away from their abusers. Victims should know who within each agency or system has access to their files (e.g., the police, the victim-witness specialist, the prosecutor, and the judge). They should be able to find out what information is recorded in the file and obtain copies of related reports. Victims should be informed when their conversations or other information will not be treated confidentially.

Practitioners should become familiar with State statutes that protect the relationship and communications between victims and community-based advocates. Victims, their advocates, and attorneys should not list identifying information on court documents and should request waivers as needed in pleadings. Victim service programs should adamantly protect victim information and contest attempts to obtain any victim records (e.g., subpoena by a defense attorney).

If victim information is gathered for analysis, policies must ensure that data collection methods do not require any identifying information and cannot be traced back to victims.

**Regard survivor feedback as critical to an improved justice system response.** Survivors of violence are in the best position to design services and interventions that assure the welfare of other women experiencing these crimes. Survivors' voices must help guide the design, implementation, and evaluation phases of all justice system interventions and victim services.

Justice system personnel and victim service program staff must reserve leadership and decision making roles for survivors on advisory bodies (e.g., community task forces, organizational boards, committees, discussions that evaluate response to victims, or resident councils in housing programs). Local victim service programs can help identify survivors who are willing to speak out about their victimization and their justice system experiences, and to act as advocates for other victims. Survivors should also be encouraged to apply for staff positions in both the justice system and victim service programs.

Justice system personnel and victim service program staff should be open to survivor feedback and criticism. Issues such as culture, class, language, age, and ability can be barriers to full participation by victims. Practitioners should listen to victims who challenge systemic prejudices and stereotypes, and use their input to eliminate barriers to participation.

### C. ADDRESS ALL VIOLENCE AGAINST WOMEN CRIMES SERIOUSLY AND FAIRLY.

The nature of the particular injury or offense initially reported in violence against women cases may mask the potential harm to the victim if no intervention or an ineffective intervention occurs. All levels

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of crimes committed should be taken seriously. Equal emphasis should be placed on misdemeanor and felony offenses, with special attention placed on the cumulative effect of a series of misdemeanors or felonies.

In the field of domestic violence, justice personnel have approached early and meaningful intervention in misdemeanor and felony cases as a step toward homicide prevention. In sexual assault and stalking crimes, cases involving acquaintances and intimate partners should be pursued as vigorously as stranger cases. The same standards should be applied in setting bail and sentencing offenders.

Chronic offenders, including those who repeatedly violate protection orders, must be tightly controlled with a comprehensive set of restrictions, regardless of the level of prior crimes. Repeated offenses involving violence against women should be treated like those crimes subject to habitual offender statutes (e.g., traffic, drug, and drunk driving offenses).

#### D. HOLD OFFENDERS ACCOUNTABLE FOR THEIR CRIMES.

The criminal justice system should establish policies that make clear that violence against women will not be tolerated. Penalties should be designed to motivate offenders to stop their violent and abusive behavior. Without appropriate intervention, perpetrators often escalate the frequency and severity of their violence.

The criminal justice system must not expect a victim to take actions to change the offender's behavior (e.g., just leave the situation or go to couples counseling). Neither should a victim be expected to subordinate her needs to the offender's interests (e.g., refrain from reporting the crime because of the negative impact it could have on his career). These expectations are not only unfair, they can place the victim in further danger and have emotionally harmful effects. Instead, criminal justice system personnel and victim service providers must treat the offender as solely responsible for changing his behavior.

Courts should impose a combination of offender sanctions to decrease the likelihood of recidivism. Victim input regarding safety should be sought when making decisions about sanctions (e.g., impact statements should be considered during sentencing). Sanctions may include: incarceration, restitution, community service, fines, restricted access to the victim and children, and completion of a batterer intervention or sex offender treatment program. Consistent consequences must be imposed for failure to follow through with court mandates, or for continued abusive behavior.

#### E. UNDERSTAND AND SUPPORT THE CONCEPT OF ADVOCACY.

**Individual and systems advocacy.** Advocacy represents a proactive philosophy of working with individual victims and institutions to ensure that:

- victims receive appropriate services based on their articulated needs; and
- community and governmental bodies are responsive to individual needs and establish policies that condemn violence against women.

Advocates help ensure that interventions focus on promoting victim safety and well-being and offender accountability. They help give victims access to a full range of services to address their individual needs. On a systemic level, advocates encourage justice system and community agencies to work together to reduce fragmentation of services and improve the effectiveness of response. They challenge practices that could harm victims and work to institutionalize change that supports victim autonomy.

**Recognize and support community-based advocacy programs as primary victim service providers.** Victim advocacy is provided through nonprofit, nongovernmental organizations whose primary purpose is to support battered, stalked, and/or sexually assaulted women.<sup>19</sup> An effective response to violence against women requires the full participation of community-based victim service programs. To support victims involved in the criminal or civil justice systems, advocates can provide:

- information about legal proceedings, options, and community resources;
- assistance with ongoing safety planning;
- accompaniment throughout justice proceedings;
- help obtaining protection orders;
- attorney referrals;
- direct representation in civil matters; and
- coordination and advocacy with justice system personnel.

Community-based victim service programs also provide victims with a range of non-legal advocacy services to help them gain control of their lives, including:

- 24-hour crisis intervention;
- information about violence against women and related issues;
- referrals and assistance in using community resources;
- emergency, transitional, and long-term housing;
- emergent and non-emergent medical accompaniment;
- ongoing individual and group peer counseling, support, and education;
- access to long-term individual counseling;
- job training and development;
- coordination and advocacy with community service providers; and
- support and assistance for the families and friends of victims (e.g., children who experience or witness violence, or the non-abusive partners of sexual assault victims).

Community-based victim service programs are accountable solely to survivors of violence against women. In contrast, justice victim-witness specialists have primary responsibility for obtaining information to build a prosecutor's case or to assist police officers with an investigation, and for assisting the victim in obtaining compensation.

In order for victims to receive the best services possible, collaboration must exist between the justice system and community-based victim service programs. For justice system personnel, this entails:

- recognizing advocates' expertise in supporting victims and the confidentiality they can offer;
- referring victims to victim service programs;
- working with advocates to design coordinated interventions that maximize victim safety and encourage participation in the justice system; and
- supporting the work of victim service programs to obtain adequate resources for victims.

#### F. REMOVE BARRIERS FACING UNDERSERVED POPULATIONS.

Justice system and community service agencies must strive to meet the needs of all women. Women from traditionally underserved populations face a variety of barriers that prevent them from using the criminal justice system to stop violence in their lives.<sup>20</sup> For example, barriers can include a lack of awareness that violence against women is a crime; lack of sufficient or appropriate services available in the community; and lack of cultural competency of professionals assisting victims. In addition, laws may be ineffective in fully protecting victims or discouraging victims from seeking help (e.g., immigration laws may trap battered immigrant women in abusive relationships).

At a minimum, all women should have access to:

- language and culturally appropriate information about the existence of and their right to use services;
- mechanisms that allow them to seek services (e.g., a phone, transportation, or child care);
- services provided in the language and cultural context with which they are most comfortable; and

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- assistance from staff with whom they can identify and who are knowledgeable about the unique issues victims may face in overcoming violence.

Providing all victims of violence against women with the full range of language and culturally appropriate services is a difficult, but attainable, goal. While some offenders may use their cultural beliefs and norms as excuses for their behavior, domestic violence, sexual assault, and stalking are criminal acts.

Professionals must work with members of communities of color and other underserved populations to identify community-specific problems in response to violence against women, and to explore solutions. Based upon community input, the justice system and victim service programs should make changes to eliminate the barriers that deny victims from underserved populations access to appropriate services.

#### G. BUILD ORGANIZATIONAL AND COMMUNITY CAPACITY.

Victims of violence against women are increasingly turning to the justice system and community-based victim service programs for assistance. Stopping domestic violence, sexual assault, and stalking is a formidable task that requires:

- leadership;
- commitment to coordination within and among agencies;
- policies governing response to violence against women;
- training for all personnel;
- financial and personnel resources; and
- public awareness and zero tolerance of violence against women.

**Leadership.** Community-based victim service programs must play a central role in efforts to eliminate violence against women in the jurisdictions they serve. To facilitate systemic change, advocates should:

- guide justice system and community agencies in ensuring that every intervention is grounded in an understanding of the experiences of victims and holds offenders accountable for their behavior;
- encourage communications, coordination, problem solving, and collaboration among the justice system, community agencies, and citizens to improve response; and
- involve the justice system, community agencies, survivors, and women from underserved populations in developing an appropriate vision of a future free of violence against women and a plan to move toward that vision.

In order to accomplish these tasks, victim service programs require adequate resources, leadership development opportunities, and technical assistance from within the advocacy movement, and support from the justice system and the community.

Practitioners repeatedly cite the leadership of top decision makers as a primary ingredient in developing a proactive justice stance to reduce violence against women. Those policy makers who publicly endorse a swift and unambiguous response ultimately advance the welfare of victims and their community. Just as frequently, practitioners point to key, on-line service providers as the real force behind efforts to reduce violence against women. They serve as role models for carrying out policies, ensuring each intervention benefits victims, and building relationships among agencies. (See *Appendix C, Program Profiles.*)

Leaders from communities of color and other traditionally underserved populations, business, education, civic organizations, and the media must also be sought out and involved in efforts to stop violence against women. Community leaders often play critical roles in critiquing and strengthening justice system response to violence against women in populations they represent.

**Commitment to coordination.** Justice system personnel, advocates, and community service providers must unite forces to promote political, legal, and social change to stop violence against women.

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Many communities have proven that significant improvement in response to violence against women is possible if individuals and agencies are willing to work together. (See Appendix C, Program Profiles.)

“If we are to end violence against women, we must profoundly transform the relationship between men and women in this culture. We must engage all justice and human service systems in ending this domestic terrorism.” — *Jeremy Travis, Director, National Institute of Justice, July, 1995*

Coordination takes many forms, since communities are at different levels when they embark on these efforts. While some coordination may be highly structured, formal, and involve representatives from all relevant agencies, others may be more informal and involve fewer representatives. Involved agencies must determine how to share the responsibilities and expenses of developing and sustaining coordinated efforts.

Local victim service programs play a central role in ensuring that all coordinating efforts maintain their focus on victim-identified needs. However, the time and effort required to maintain this role places a burden on many already under-funded programs. Community and justice system agencies must be willing to support victim service programs’ involvement and leadership in collaborative efforts.

**Policies governing response to violence against women.** Policies lay a foundation for consistent agency response to violence against women. Justice system and community agencies should collaboratively develop policies, protocols, and interagency agreements that address:

- the safety and support needs articulated by victims (rather than what is easy for agencies to provide);
- each organization’s responsibilities in responding to these cases; and
- the organization’s role in collaboration.

Policies should mandate violence against women trainings for all agency staff. It is vital that agencies take the time to explain to staff why specific policies are important and provide step-by-step guidance on policy implementation.

During policy development, consideration should be given to how policies will be monitored and how personnel will be held accountable for compliance (e.g., how to reward those who have effectively implemented policy and sanction those who do not follow policy). Even where policies are implemented, they may yield unintended and possibly harmful results contrary to the overall agency goals. Policies should be routinely reviewed to assess their effectiveness and to identify areas needing revision or where extra personnel training may be useful.

**Training.** Training should prepare personnel to carry out agency policies and to work collaboratively with other sectors to protect victims and hold offenders accountable. (See Appendix A, Training.)

Agency training should increase participant knowledge of:

- the nature, extent and causes of violence against women;
- staff roles and responsibilities in responding to these crimes, and interacting with victims in safe, supportive, and nonjudgmental ways;
- relevant laws and agency policies and protocols; and
- steps required to implement agency policies and protocols.

Multidisciplinary training can supplement agency training by:

- building staff and volunteer capacity to work as part of a team;
- increasing understanding of the expertise of each agency; and
- clarifying agency roles and responsibilities in coordination and collaboration efforts.

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**Financial and personnel resources.** Community-based victim service programs require adequate staff and resources to:

- comprehensively serve victims requesting services;
- provide advocacy within the legal system;
- reach out to victims from underserved communities;
- advocate for change to improve the response to violence against women; and
- play a central role in coordinating efforts.

Many victim service programs depend on volunteers to perform essential organizational functions (e.g., direct victim service delivery). Victim service programs must be supported to expand paid positions to perform essential functions and to properly manage and supervise agency volunteers.

Justice system agencies should allocate well-trained and dedicated staff and sufficient agency resources to violence against women cases. Jurisdictions across the country have demonstrated that sufficient staff, training, and resources can facilitate an effective justice response (e.g., decrease in the rate of domestic homicides and offender recidivism, and increase in the number of cases being reported, investigated, and successfully prosecuted). (See Appendix C, *Program Profiles*.)

Staff positions and resources should be developed to address the unique problems and needs of victims in the community. Agencies should explore the benefits of creating specialized positions or units to handle these cases; designating personnel to participate in multidisciplinary efforts; and sharing resources across jurisdictions, particularly in rural and remote regions.

Justice system agencies should consult with local victim service programs to ensure that their decisions on resource allocations are based on the best interests of victims. They can also fund victim service programs to train justice personnel, expand the support victims receive through justice proceedings, or provide outreach to underserved populations of victims.

**Public awareness and zero tolerance of violence against women.** No matter how effective the justice system becomes in protecting victims, violence against women will persist unless entire communities challenge the deeply rooted societal misconceptions that support violence (Contact your local domestic violence and sexual assault program or State coalition for myth/fact sheets about these crimes.) Some communities have adopted a norm of zero tolerance for violent behavior that is reflected in policies carried out by all sectors. Jurisdictions should support education and public awareness initiatives that complement direct responses to individual victims of violence against women. Such initiatives send the message that:

- violence against women will not be tolerated and can be prevented;
- justice system and community resources are available to assist victims and to penalize and treat offenders; and
- all citizens have a responsibility to do their part to end violence against women.

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## CHAPTER ENDNOTES

1 While victims and offenders of domestic violence, sexual assault, and stalking are both men and women, the vast majority of victims are female and offenders are male (see Ronet Bachman and Linda Saltzman, *Violence Against Women: Estimates from the Redesigned Survey*, Bureau of Justice Statistics Special Report, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C. (August, 1995); *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, or Girlfriends*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C. (March 1998); and Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," *National Institute of Justice Centers for Disease Control and Prevention Research Brief*, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 2 (April 1998)) For this reason, as well as for consistency in style, this manual refers to victims as women and offenders as men.

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2 *Violence by Intimates*, *supra* at note 1.

3 *Ibid.*

4 *Ibid.* Also, the term "intimates" refers to current or former spouses or boyfriends.

5 *Ibid.*

6 Ronet Bachman and Linda Saltzman, *supra* at note 1.

7 *Ibid.*

8 *Ibid.*

9 Patricia Tjaden and Nancy Thoennes, *supra* at note 1, 3.

10 *Violence by Intimates*, *supra* at note 1.

11 For instance: a "practice" is also referred to as a "strategy," "approach," "plan," "intervention," "response," or "action;" a "victim" is also referred to as "survivor," and "battered, sexually assault, or stalked woman;" "domestic violence" is also referred to as "battering," "family violence," "partner violence," or "spouse abuse;" "sexual assault" is also referred to as "rape" or "sexual abuse;" an "offender" is also referred to as "assailant," "defendant," "perpetrator," "batterer," "rapist," and "stalker;" a "law enforcement agency" is also referred to as "police department" or "sheriff's office;" a "prosecutor" is also referred to as a "district or State attorney;" a "victim service program, agency, or organization" is also referred to as "community-based advocacy program," "advocacy program," "domestic violence and/or sexual assault program," "battered women's program," and "sexual assault or rape crisis center;" and a "batterer intervention service or sex offender treatment program" is also referred to as an offender treatment program or services" or an "offender education program."

12 For example, "criminal justice system personnel" refers to a range of agency staff, from police departments, prosecution offices, the courts, correction facilities, and probation and parole offices; and "underserved or under-represented populations" refer to a diverse range of community members (see endnote 20 for further explanation of these populations) that may not have access to appropriate, adequate, or competent services.

13 Drawn from Mary Ann Dutton, "The Dynamics of Domestic Violence: Understanding the Response from Battered Women," *FL. BJ*, 68(9) (January 24, 1994).

14 Barbara Hart, *Why She Stays, When She Leaves*, Pennsylvania Coalition Against Domestic Violence, Harrisburg, PA, 9-10 (1990).

15 N. Casanave and M. Zahn, *Women, Murder, and Male Domination: Police Reports of Domestic Homicide in Chicago and Philadelphia*. Paper prepared for presentation at the Annual Meeting of the American Society of Criminology, Atlanta, GA (1986); A. Browne and K.R. Williams, *Gender-Specific Effects on Patterns of Homicide Perpetration*, Paper presented at the American Psychological Association, New York, NY (1987); and A. Browne and K.R. Williams, "Exploring the Effect of Resource Availability on the Likelihood of Female-Perpetrated Homicides," *Law and Society Review*, 23 (1989). Sources cited in Hart, *supra* at note 14, 10.

16 Bachman and Saltzman, *supra* at note 1.

17 Hart, *supra* at note 14, 10.

18 *Ibid.*

19 The VAWA defines victim service programs as "private nonprofit, nongovernmental organizations that assist domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, such as nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process."

20 For the purposes of the STOP Grants, "underserved" populations is defined as: "racial, cultural, ethnic, and language minorities, and the disabled." *Federal Register* (April 18, 1995). However, States and communities may also identify other groups for this designation, including rural, low-income, immigrant and refugee, lesbian, bi-sexual, transgendered, older, younger, homeless women; persons eligible or formerly eligible for welfare; prostitutes; women in the military; and women from religious communities.



# 1. Victim Safety Planning

# 1. Victim Safety Planning

It is the responsibility of justice personnel and victim service providers to facilitate victim safety planning, utilize available safety planning tools, and conduct risk and lethality assessments. After addressing immediate safety concerns, criminal justice personnel should refer victims to appropriate advocacy programs for help in securing their future safety and that of their families. The following practice addresses how safety planning may be integrated throughout and beyond the criminal justice process.

## ACTION PLAN AT A GLANCE

- 1. Assess current safety planning, support, and referral services.**
- 2. Integrate safety planning, support, and referral services into every contact with victims.**
- 3. Develop tools to assist in safety planning.**
- 4. Identify community partners who can provide safety planning and referral services.**
- 5. Conduct and utilize offender lethality and risk assessments.**
- 6. Adopt law enforcement-initiated strategies to increase victim safety and well-being.**
- 7. Adopt prosecutor-initiated strategies to increase victim safety and well-being.**
- 8. Work to end violence against women through community education.**
- 9. Participate in local task forces to end violence against women.**

## WHY THIS PRACTICE IS IMPORTANT

Because the criminal justice system is often the first contact for victims of violence against women, police, prosecutors, and courts are uniquely situated to help victims with safety planning and provide support and referrals to community resources. In domestic violence cases, criminal justice personnel often come into contact with victims shortly after they have left their abusers - a very dangerous time. Each agency in the criminal justice system, as well as victim service providers, can help victims think through their safety issues and develop a plan to enhance safety and alleviate fear. Successive contacts with other agencies and organizations can build on the initial plan and modify it as needed.

Each agency contact should emphasize the benefits of victims making contact with the local community-based domestic violence program, sexual assault program, or stalking support group. By familiarizing themselves with the kinds of community-based resources available to victims, criminal justice personnel can make referrals to connect victims with these programs. Advocates from these organizations can provide safety planning assistance from a different perspective and address other victim needs, such as relocation and referrals to support groups. When an advocate has an ongoing relationship with a victim, communication between the victim and law enforcement or prosecution can improve and agencies can provide more and better protection.

Batterers, stalkers, and men who sexually assault family members, friends, or acquaintances often intentionally isolate victims. They threaten serious bodily injury for disclosure of the violence. They may tell victims that involving third parties will place these helpers in jeopardy. Thus, women may be reluctant to ask those close to them for help. Family and friends who want to help may not know how to assist

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without further endangering victims. Some fear for their own safety. Many may be aware that a victim is troubled, but not realize that her partner is assaulting or terrorizing her.

Police and other professionals in the criminal justice system can offer life-preserving information to victims, their families, and friends about strategic planning for safety. Every contact with victims should promote their active participation in self-protection activities.

Criminal justice staff can greatly mitigate these issues, facilitate victim participation in the criminal process, and increase victim satisfaction with criminal justice system agencies by expressing concern for victim safety and post-assault emotional needs.

Law enforcement officers frequently encounter victims soon after an assault. At this stage of a case, victims are frightened, confused, angry, and often in danger of further victimization. Even when the responding officer arrests the offender, the offender may re-appear at the victim's home within a short period. For this reason, it is important that officers begin the process of safety planning when they arrive at the scene, and ensure that by the time they leave they have, at a minimum, provided the victim with a safety plan to carry her through the next few days. Officers also should serve as a link between the victim and the community-based victim service organization(s). Officers might suggest that victims consider inviting family members or friends to help implement a safety plan.

For different reasons, victims are sometimes reluctant to participate in prosecution. A victim may have had negative encounters with the system, or may believe that even the fully exercised powers of the criminal justice system cannot prevent the offender from re-victimizing her. Prosecutors should listen to the victim's fears and concerns and discuss them with her. Whether or not the prosecutor ultimately proceeds with the case, conducting risk assessments based on information supplied by the victim and by others can help prosecutors make decisions around bail/bond, conditions of release, and sentencing recommendations.

The goals of victim safety and well-being should form the foundation of the work done by criminal justice professionals responding to violence against women. With a focus on safety planning and victim involvement at every phase, police and prosecutors are more likely to garner the victim's trust. This, in turn, can increase the likelihood that the victim will participate in the court process in the future, even if not immediately.

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## ACTION PLAN

### I. ASSESS CURRENT SAFETY PLANNING, SUPPORT, AND REFERRAL SERVICES.

**Consider whether services fully address the full range of victim safety needs.** (Also see Chapter 5, *Victim Services, Practice 1.*) Safety concerns include a victim's:

- physical safety for herself and her family and friends;
- health problems and fear of injury or permanent damage; and
- ability to take steps to become self-sufficient and independent of the abuser, where the woman is a victim of domestic violence.

**Do not discount the need to conduct safety planning with domestic violence victims who continue to live with their offenders.** Educate personnel that leaving an abusive relationship does not necessarily increase victim safety, nor may the victim have decided to end the relationship when she comes into contact with the criminal justice system. If staff present leaving the relationship as the only option, they risk alienating victims who stay and discouraging them from participating in the criminal justice process. Train staff to respect victims' wishes and help them develop safety strategies for day-to-day life with an offender.

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**Greater Hartford Legal Assistance**, with the support of the **Legal Advocacy Project**, a collaborative project of Greater Hartford Legal Assistance and the **Connecticut Coalition Against Domestic Violence**, developed an advocacy and safety planning approach that is defined by the risks and decisions of each particular victim. The approach acknowledges the limited options available to many victims and does not focus exclusively on safety strategies to help the victim leave when the victim decides to stay with the offender. The safety planning initiative included conducting an in-depth analysis of the safety planning being employed in the legal system and in domestic violence programs and a significant amount of training for staff in Connecticut's 18 domestic violence projects and certain court staff.

**Educate personnel that sexual assault victims may need help with safety planning.** Sexual assault victims may have safety planning needs similar to those of victims of domestic violence and stalking. For example, they may need assistance in securing safe temporary shelter, especially if the victim knows her perpetrator. Sexual assault victims may be stalked by their perpetrators and need to consider their security at home, at work, or when out in public.

Detectives in the **San Diego (California) Police Department's Sex Crimes Unit** treat acquaintance sexual assaults as serial sexual assaults because perpetrators often commit multiple offenses before victims report the assaults, and because they are likely to re-offend. Detectives are trained to refrain from judging cases based on the victim's behavior or irrelevant circumstances surrounding the crime, and to respond professionally to all victims. (See *Law Enforcement Program Profiles*.)

The emotional distress caused by sexual assault can put victims at risk for suicide or self-inflicted harm; they may require support and assistance in coping with the trauma in a safe and healthy way. Law enforcement agencies and prosecution offices can work collaboratively with sexual assault advocacy programs and mental health agencies to develop procedures to respond to the emotional trauma caused by the assault and prevent self-inflicted injury.

Victims often fear contracting a sexually transmitted disease (STD) or HIV/AIDS from their perpetrators, or becoming pregnant. In these cases, they require information about and immediate access to medical testing and treatment.

## 2. INTEGRATE SAFETY PLANNING, SUPPORT, AND REFERRAL SERVICES INTO EVERY CONTACT WITH VICTIMS.

**Elicit input from advocates and survivors in developing safety planning materials offered by criminal justice staff.** Advocates have a wealth of knowledge. They can offer professional tips on plan development. Seek input from victims about what they consider to be critical elements of a safety plan.

**Safety plans should incorporate strategies for a variety of circumstances.** The plan should address victim safety at home, while driving, when being followed, at work, when with family and friends, in public places, and during an assault. The plan should be crafted to enhance the victim's mental and physical health. In domestic violence cases, safety needs also arise when leaving a batterer. If a victim is thinking about leaving the residence she shares with her assailant, she should be encouraged to plan in advance. For instance, a victim can:

- gather and hide items she will need later, such as keys and important documents (e.g., protection orders, birth certificates, driver's licenses, social security cards, school and medical records, check-books, work permits, green cards, insurance papers, lease/mortgage payments, ownership papers, passports, marriage licenses, and address books);
- set aside money in a savings account; and
- develop an escape plan for herself and her family from multiple sites (e.g., home, school, or work).

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Additionally, if the victim has a protection order, she should:

- choose a safe place to keep the order;
- give the order to police departments in the communities in which she works, lives and frequently visits, giving them a description of the abuser, identifying the places he usually frequents, and identifying the abuser's ownership or use of a firearm;
- file the order with jurisdictions she frequently visits;
- keep the phone number of the local domestic violence program handy to get answers to questions about the order and how to enforce it;
- tell her friends, employer, religious counselor, and family about the protection order;
- keep instructions on how to get another copy of the order if the offender destroys it;
- compile instructions on how to file a private criminal complaint with the local prosecutor's office; attach to the order a copy of the Violence Against Women Act provision on full faith and credit (see *Appendix F for the language of the provision*); and
- compile instructions on how to file a complaint against the police department if they do not help during or after an incident.

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The *Personalized Safety Plan* developed by the **San Diego (California) City Attorney's Office** is intended to help victims shield themselves against further physical and emotional trauma. The tool helps victims plan ahead to protect themselves in a variety of situations: during a violent incident, when preparing to leave the residence shared with the offender, in the victim's own home, while at work, or when in public. The plan includes a list of items to take when leaving and important phone numbers.

### 3. DEVELOP TOOLS TO ASSIST IN SAFETY PLANNING.

**Domestic violence safety planning forms.** Your local advocacy organization or State coalition on violence against women may already have developed a safety plan relevant to your community. If not, there are many models available which can be adapted for your use. For example, both the **National Resource Center on Domestic Violence** and the **National Domestic Violence Hotline** offer model safety plans.

*A sample eight-page safety plan and a shorter safety planning brochure are included in Appendix F of the manual.* The brochure is small enough to be tucked into the victim's purse, yet still offers a substantive checklist of important suggestions. The eight-page plan requires a more comprehensive gathering of information and takes more time to complete.

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The **Domestic Violence Unit** of the **Dallas (Texas) District Attorney's Office** developed a safety plan brochure and printed it in English and Spanish. Both versions were widely disseminated. In order to reach victims who do not have pending criminal cases, the District Attorney's Office made the safety plans available to other community agencies.

**Stalking safety plan brochures.** By using a stalking safety planning brochure in conjunction with log sheets to document the date, time, and behavior of the stalker, advocates can teach the victim to collect evidence to assist with the apprehension of the perpetrator. Documenting the frequency and severity of incidents may also help the victim realize how dangerous the situation has become.

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The **Shelter for Abused Women in Winchester (Virginia)** loans "stalking defense kits" to high-risk stalking victims as part of its **Victim Assistance Project on Stalking**. The kits contain safety plans and materials that provide education on the common behaviors of stalkers and what perpetrators hope to gain from stalking their victims. They also contain instructions for gathering and keeping evi-

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dence, evidence collection bags with a space to write the date of the incident, narrative forms for writing descriptions of incidents, a stalking incident report, a disposable camera and a cassette recorder, alarms, and a cell phone. (See *Victim Service Program Profiles*.)

The **Benton County Women's Shelter of Pea Ridge (Arkansas)** has designed a safety plan for stalking victims that includes suggestions for increasing victim safety while being stalked. The brochure has been very popular with stalking victims who had not previously found materials directly pertaining to them. Assisting in evidence collection makes victims better witnesses at trial and victims report feeling empowered when they help reach a successful outcome.

A stalking brochure developed by the **San Diego Police Department's Domestic Violence Unit (California)** includes information for victims about keeping a log of stalking-related events and information about protection orders. The brochure lists safety tips such as "show photographs of suspect to neighbors" and "use alternate routes" to help victims develop safety strategies.

**Sexual assault safety planning brochures.** Personnel can provide written materials, offering guidance with safety planning to victims who live with their perpetrators, know their offenders but do not live with them, or do not know their assailants. For example, practical guidance can be offered to those who continue to have an ongoing relationship with their perpetrators, such as, "if a fight starts, try to stay out of the bedroom, as many victims report being sexually assaulted there."

Safety planning brochures should include information explaining common reactions to sexual assault that victims may experience (e.g., shock, disbelief, anxiety, anger, sleep and eating pattern disturbances, flashbacks, difficulty with concentration, shame, self-blame, social withdrawal, and depression) and how to obtain assistance to deal with these reactions. The safety planning brochure should also identify organizations where victims can obtain treatment and testing for STDs, HIV/AIDS, or pregnancy.

Some sexual assault victims report the use of weapons, objects, and torture. Safety planning brochures can suggest how to document this through photos, witness statements, and medical exams. Police and victim advocates can explain to victims that even if they do not wish to pursue a criminal or civil case now, the immediate collection of evidence preserves their legal options later or for an extended period of time.

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The **Cache County Attorney's Office (Utah)** has developed a web site that includes information about support resources for common, but disruptive reactions to sexual assault, including nightmares, flashbacks, and fear of crowds. (See *Prosecution Program Profiles*.)

**Standing Together Against Rape in Anchorage (Alaska)** operates a toll-free, statewide 24-hour crisis line that sexual assault survivors can call for reasons ranging from coping with depression and thoughts of suicide, to concerns about stalking and harassment by the perpetrator. Ongoing support groups are offered to address victims' physical and emotional safety issues. (See *Victim Services Program Profiles*.)

**Provide training and instructional materials to effectively implement the safety plans.** Tools like safety plans and brochures are most useful when used in conjunction with other support to the victim. Simply handing the victim materials is inadequate. To maximize these tools, personnel should be trained to give individualized attention to the victim's safety needs during each interaction. This includes eliciting information about her resources, history, earlier experiences in safety planning, and future plans.

Draft checklists to help staff provide referral, support, and safety planning services for victims. Law enforcement and prosecution staff typically uses checklists to ensure that all relevant evidence is collected. These checklists can be expanded to include issues of safety planning. Checklists are useful to volunteers and new staff involved in violence against women cases. (See Chapter 3, *Law Enforcement, Practice 7*.)

*When Will They Ever Learn? Educating to End Domestic Violence: A Law School Report*, produced by the **American Bar Association's Commission on Domestic Violence**, offers safety planning tips for legal professionals regarding their contact with domestic violence victims, including:

- do not leave phone messages with other family members, an answering machine, or voice-mail unless the victim indicates that this is safe;
- if questioned by other family members, do not explain who you are or why you are calling, unless the victim indicates that this is safe;
- always ask the victim if it is safe to talk and whether police should be contacted (develop a system of coded messages to signal danger or the batterer's presence);
- keep the victim's whereabouts confidential, except with her permission;
- send mail to the victim only when she indicates it is safe;
- inform victims of legal developments in advance (e.g., a hearing is approaching), so that she can take extra safety precautions;
- if the victim does not respond to attempts to contact her, make extensive, but confidential, efforts to confirm her safety;
- provide assistance to victims in getting help from advocacy programs; and
- take precautions to support and protect the victim during court proceedings (e.g., take measures so that the victim is not left alone with the batterer, position yourself between the batterer and the victim in the courtroom; do not permit the batterer to speak to the victim; make sure the victim is safe when entering and exiting the courthouse; and make sure the batterer's family does not harass the victim.)

The publication also includes information about safety measures at home and work.

**Training must emphasize that victims cannot control their perpetrators.** Safety planning can help victims assess the level of danger they face and try to anticipate the perpetrator's future behavior based on earlier experiences. For instance, when a batterer has an increasing substance abuse problem, the victim can be encouraged to consider the impact of the substance abuse on escalating violence. However, it would be inappropriate to suggest that she can persuade the perpetrator to stop drinking or using other drugs.

#### 4. IDENTIFY COMMUNITY PARTNERS WHO CAN PROVIDE SAFETY PLANNING AND REFERRAL SERVICES.

It is helpful for victims to feel widespread community support and understand how each player can help. For example, many judges now refuse to dismiss any domestic violence case (civil or criminal) until a community-based advocate has walked the victim through the safety planning process. (See Chapter 5, *Victim Services*, and Chapter 4, *Coordinated Community Response, Practice 2*.)

Shock, fear, and other emotions are common victim responses to violence. At the scene of the incident, victims may respond best to concrete questions and suggestions. They may be more receptive to in-depth and complex planning later. Criminal justice personnel should be aware of a range of emotions a victim may experience immediately following an incident, so as not to misinterpret those emotions as a lack of concern for her safety. Training can help personnel understand the immediate and long-term effects of domestic violence, sexual assault, and stalking and how these effects can influence victim response.

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The **East Boston Neighborhood Health Center (Massachusetts)** has trained its staff to identify violence against women crime victims and report incidents to specific staff. For example, the janitors and clerical workers are asked to contact the nurse supervisor if they witness dangerous behavior on the premises. By teaching all staff that they are important links in keeping victims safe, the center reports an increased awareness among non-medical staff about violence against women crimes and improved collaboration with local services in planning for safety.

In **Hillsborough County (Florida)**, the **Sexual Abuse Intervention Network (SAIN)** is comprised of prosecutors, law enforcement officers, public defenders, judges, child protective service workers, treatment providers, and school personnel to coordinate all agencies working with juvenile sex offenders. This focus on coordinated interventions serves to afford victims better protection and increase the possibility for rehabilitation of these offenders.

In **Beaumont (Texas)**, the designated **domestic violence prosecutor** meets for an hour every Tuesday with shelter advocates and three officers from the **Beaumont Police Department's Domestic Violence Unit**. They discuss their most difficult cases, including careful safety planning for those victims they deem most at risk. Additionally, the prosecutor is working closely with the local junior league to actively engage the clergy in training and more effective interventions with domestic violence victims.

## 5. CONDUCT AND UTILIZE OFFENDER LETHALITY AND RISK ASSESSMENTS.

While predicting human behavior is not a science, some predictions are possible. In criminal behavior, a large body of evidence supports the premise that offenses will continue without intervention, and that certain types of crimes, such as domestic violence, may increase in frequency and severity over time. Offenders who commit sexual assault are often apprehended because they are consistent in the way that they commit crimes. Domestic violence offenders tend to behave more violently when they think they have been or are about to be challenged (e.g., when a victim leaves home or seeks help from an outside source).

Knowing that victims may face further violence, it is important to examine offenders' past behavior and to assess whether the violence is likely to escalate. A lethality assessment includes a review of the offender's criminal and civil records as well as victim input, including her description of factors that may indicate the risk of escalating violence (e.g., increased use of drugs or threats of homicide or suicide). Viewed together, information from various sources can help victims in safety planning and in devising interventions to reduce the offender's potential for more serious injury or homicide. (See the following page for factors to consider when assessing lethality.)

However, risk and lethality assessments do not always yield an accurate or full picture of the dangerousness posed by a particular offender. Victims and the professionals working with them cannot possibly gather all information necessary to make a complete assessment of the risk. Since risk factors can change over time (and especially during the criminal justice process), assessments should be reviewed and revised on an ongoing basis.

For a discussion of the value and limitations of risk and lethality assessments, see "Lethality and Dangerousness Assessments" by Barbara J. Hart, Esq., and Edward W. Gondolf, Ph.D., which appeared in the June 1994 issue of *Violence Update*.

## ASSESSING BATTERER LETHALITY

Utilize the indicators described below in making an assessment of the batterer's potential to kill. However, it is critical to keep in mind that an assessment is never fool-proof. The presence of these factors may or may not reveal actual potential for homicide; rather they should be seen as guidelines for safety planning with battered women and their families. The likelihood of a homicide is greater when these factors are present. The greater the number of indicators that the batterer demonstrates or the greater the intensity of indicators, the greater the likelihood of a life-threatening attack.

(See Action Plan 5 of this practice for information on conducting and utilizing lethality and risk assessments, based on the experience of the victim and the offender's criminal and civil histories).

The batterer (check those that apply):

- has threatened to kill the victim, children, and/or relatives
- has fantasies of killing the victim, children, and/or relatives (has a plan)
- has threatened suicide
- has fantasies of suicide (has a plan)
- has seriously injured the victim or other family members in prior abusive incidents
- has killed or injured pets
- has access to or owns a weapon(s)
- has threatened to use a weapon(s) on the victim, other family members, or himself
- has used a weapon(s) in prior abusive incidents
- believes he is entitled to the victim, her services, obedience, and/or loyalty, no matter what
- idolizes or is obsessed with the victim
- heavily depends on the victim to organize/sustain his life
- has isolated himself from rest of the community
- (if the victim has decided to end the relationship) feels betrayed
- believes he is about to lose or has lost the victim
- can't envision life without the victim
- (if the victim has left) feels distraught and/or great despair
- (if the victim has left) feels rage
- is depressed
- sees little hope for moving beyond depression
- has access to the victim and other family members
- has a history of battering and police have been called to prior abusive incidents
- has increased the frequency, intensity, or/and severity of violence, without regard to the legal or social consequences
- has taken or threaten to take hostages

**Drawn from Barbara Hart, "Assessing Whether Batterers Will Kill," *Confronting Domestic Violence: Effective Police Response*, Pennsylvania Coalition Against Domestic Violence, 1990 (see Appendix F). Also see Appendix F for *Domestic Violence Homicide Risk Factors/Lethality Risk Assessment* forms, Seattle Police Department's Domestic Violence Unit.**

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**Assess future behavior.** This assessment should be based on knowledge of the offender's criminal and civil histories and the experience of the victim. It should incorporate data about:

- incidents to which police officers responded, whether they resulted in arrest or not;
- charges;
- convictions;
- probation;
- compliance with court orders;
- jail time served;
- protective and restraining orders;
- divorce and child custody decisions; and
- outcomes of child or adult protective services investigations.

In addition to the above data, police officers and prosecutors must be trained to elicit from victims a complete picture of the offender's past behavior that may not appear in any official record. In domestic violence cases, no one has observed the behavior of the offender more closely than the victim. The victim:

- can often describe with precision changes in the amount of alcohol or other substances used by the abuser, increased threats of violence, threats of suicide and homicide, pet abuse, possession or threatened use of weapons, and other behavioral changes;
- may also know an offender's military or martial arts training; and
- may be able to shed light on civil, criminal, or medical history that is not easily discoverable, (e.g. history of mental illness and involuntary commitment to psychiatric facilities).

If the victim is not specifically asked for this kind of information, she may not offer it, and the offender profile may underestimate the perpetrator's potential for increased violence. (See *Chapter 3, Law Enforcement, Practice 3,4,5, and 8; and Chapter 4, Prosecution, Practice 3, 4, and 5.*)

The **Seattle Police Department and City Attorney's Office (Washington)** created a Domestic Violence Lethality-Risk Assessment and Homicide Risk Factor checklist (*Appendix F*). The assessment includes 15 indicators and asks the reader to score their response.

Additionally, computer software has been developed to track victims and offenders, extract case and 911 details, and summarize services provided. Such software allows users to retrieve information in various ways – such as by police beats, dates, and addresses. While this tool may be useful for information pertaining to a particular victim, it must be used only with her prior knowledge and consent and then maintained and disclosed in ways that respect her privacy. The software has been developed to identify households where domestic violence may escalate.

## 6. ADOPT LAW ENFORCEMENT-INITIATED STRATEGIES TO INCREASE VICTIM SAFETY AND WELL-BEING.

**Use officer discretion to consistently arrest offenders upon finding probable cause.** Arrest can enhance victim safety planning by removing the offender from the residence for a period of time and simultaneously providing support and referral services to the victim. During this period, preliminary safety planning with the victim and referrals to community-based victim service programs can take place.

All 50 States and the District of Columbia have enacted arrest statutes that allow law enforcement officers to make arrests for misdemeanor domestic assaults that did not take place in the presence of an officer, upon a finding of probable cause. These statutes provide officers with considerable discretion, allowing officers to decide if there is probable cause to make an arrest and to assess the seriousness of the assault. Law enforcement should be trained to look for evidence that points to probable cause and

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make an arrest, even if the incident did not cause a visible physical injury or caused only minor physical injuries to the victim. Arresting offenders and providing support to victims sends the message that any level of domestic violence will not be tolerated by the community. Arrest may help to prevent future, more serious incidents. (See *Chapter 3, Law Enforcement, Practice 5.*)

**Send a strong message to suspected or potential offenders even when no probable cause has been found.** If the responding officer does not find sufficient evidence to find probable cause for an arrest, steps can still be taken to deter future violence. For example, the officer should fill out and file an incident report and warn the suspected abuser of the consequences of committing an act of domestic violence. These warnings may prevent future violence, and officers can use the intervention as an opportunity to refer the non-abusing party to community-based victim services so she can begin planning for her safety in consultation with advocates. (See *Chapter 3, Law Enforcement, Practice 7.*)

Officers in the **Appleton Police Department (Wisconsin)** take the opportunity presented in non-probable cause cases to use their presence to reduce the likelihood of future domestic violence incidents. For example, even in verbal abuse incidents, officers complete reports, warn suspected abusers of the consequences of committing domestic violence, speak to the non-abusing party about safety options, and make referrals to community resources. Officers often return to the scene of incidents to talk to the parties about next steps. The abusive party is told that he may end up being arrested if he does not take steps to curb his abusive behavior. Officers emphasize that the abusing party has no right to try to use power and control to manipulate the other party. The non-abusing party is again told about options, provided with referrals, and assisted with safety planning. (See *Law Enforcement Program Profiles.*)

**Provide a link to community-based victim service programs.** Victims may not be aware of community-based victim service programs and the services they offer. Departments should make a standard operating procedure of providing referral information to relevant programs. Responding officers should make arrangements to transport victims to safe locations, especially in rural areas or those lacking public transportation. Some victim service programs utilize on-call staff or volunteers who respond when called by law enforcement. (See *Chapter 3, Law Enforcement, Practice 1 and 3.*)

The **Women's Center of Marquette**, which serves two rural and remote counties in **Michigan's** Upper Peninsula, utilizes teams of on-call advocates to respond to victims of sexual assault and domestic violence when they are paged by law enforcement officers. The advocates will meet the victim at her home, at the police station or medical facility, or at the scene of the incident if the police provide protection. (See *Victim Service Program Profiles.*)

The **Duluth Police Department (Minnesota)** notifies the **Women's Coalition** immediately after a domestic violence arrest is made. Coalition advocates quickly make contact with the victim, providing an information packet about arrest procedures and women's support groups. (See *Law Enforcement Program Profiles.*)

The **Kankakee (Illinois) Police Department** permits advocates from **Kankakee County Center Against Sexual Assault (KC-CASA)** to review every sexual assault case report, if they wish. This practice enables advocates to make contact with victims who have not sought KC-CASA's help. (See *Law Enforcement Program Profiles.*)

When **Ann Arbor (Michigan) Police Department** officers make a domestic violence arrest, the responding officer calls **Domestic Violence Project, Inc./SAFE House**, which in turn provides immediate, in-person services to the victim. (See *Law Enforcement Program Profiles.*)

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**Conduct thorough background investigations to provide information to prosecutors arguing for higher bail.** Crimes for which offenders are arrested may not, in and of themselves, be enough to justify high bail. Conducting investigations into the background of defendants may provide information to justify higher bail and a no contact order in a domestic violence, acquaintance or family sexual assault, or stalking case.<sup>1</sup> (See Chapter 3, *Law Enforcement, Practice 4 and 8.*)

**Continually re-assess offenders' lethality.** Like safety plans in general, lethality assessments should be updated based on information available through the criminal and civil justice systems, new victim experience, and new offender conduct. Where updated assessment reveals increased potential for lethality, law enforcement and prosecution may increase the resources committed to a particular case. For example, some police departments will order patrol officers to drive by a particular victim's house more frequently, issue specially-programmed mobile phones, or offer police protection to and from the courthouse. (See Chapter 3, *Law Enforcement, Practice 8.*)

**Establish mechanisms to ensure heightened response to victims of repeat offenders and high-risk cases.** Departmental policy can require law enforcement to respond and investigate more intensely after a certain number of calls to a particular address. Procedures should be established that make officers who are responding to an incident aware that they will be dealing with a repeat offender.

The **Virginia Beach Police Department's (Virginia) Repeat Offender Program Enforcement (R.O.P.E.)** initiative requires that the names and addresses of offenders who have been arrested at least four times are entered into a data base. Relevant offender information is displayed on squad car terminals when officers are traveling to a R.O.P.E. offender's last known address. Investigations of domestic violence incidents involving R.O.P.E. offenders are treated like homicide cases (e.g., detectives from the domestic violence unit are called and forensic evidence is collected. (See *Law Enforcement Program Profiles.*)

A component of the **Domestic Violence Enhanced Response Team (DVERT)** program requires the **Colorado Springs (Colorado) Police Department** to place a "hazard alert" on the addresses of offenders who have been identified as posing a lethality risk, and the addresses of their victims. When a patrol officer arrives at a DVERT-identified address, a DVERT "primary team," composed of a detective, a deputy district attorney, and a victim advocate, goes into action to assist the patrol officer with investigation and victim support. When special issues are involved, such as child witnesses, older persons, military personnel, or animal abuse, experts in these areas are called upon for assistance. (See *Law Enforcement Program Profiles.*)

**Direct law enforcement officers to confiscate weapons that could be used against the victim.** Firearms and other weapons pose an incredibly lethal danger to victims and can be removed by police at the time of arrest or as a condition of a protective order or bail. Officers should exercise their authority to provide maximum protection to victims. (See Chapter 3, *Law Enforcement, Practice 5 and 8.*)

The **California** Penal Code Section 12028.5 authorizes peace officers at the scene of a domestic violence incident involving a threat to human life or a physical assault "to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search..."

The *Model Protocol for Police Response to Domestic Violence*, developed by the **Pennsylvania Attorney General's Task Force**, requires officers who arrest for the commission of a crime to confiscate all weapons used or threatened to be used in the commission of the crime. These weapons should be held as evidence for prosecution. It further states that, "If the officer arrests for violation of a protection from abuse order, the officer is required... to confiscate all weapons used or threatened to be used in the violation, and to deliver such weapons to the office of the sheriff."

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7. ADOPT PROSECUTOR-INITIATED STRATEGIES TO INCREASE VICTIM SAFETY AND WELL-BEING.

**Use lethality assessments in charging, sentencing, and release decisions.** Providing the court with evidence that the current violent incident is part of a pattern of escalating violence will allow the court to craft more appropriate bail/bond conditions, sentences, and conditions of release. For example, if a lethality assessment of a particular offender indicates that his use of alcohol has increased dramatically, the magistrate presiding over his bail/bond hearing can order the offender to cease drinking, seek specified treatment, and submit to regular blood-alcohol testing. Victim input can also inform probation and parole decisions about the specific conditions to which offenders must adhere after release (e.g., the victim can inform them of whether the offender has threatened to injure or kill her after release).

**Request high bail or extra-high bail in felony cases, repeat offenses, or where otherwise appropriate.** In offering the judge or magistrate good reasons to order bail or bond higher than usual, prosecutors can provide case-specific justifications by citing the level and type of violence and the offender's criminal record. Federal courts and some States allow the judge to consider public safety. All judges may consider the probability that the offender will return for trial. In those jurisdictions where the only consideration is the likelihood that the defendant will not appear for trial, the prosecutor will need to fashion more creative arguments, such as that the defendant will flee the jurisdiction.

The **Honolulu (Hawaii) Prosecuting Attorney's Office** suggests asking for higher bail in serious cases, arguing that it affords the victim more time to evaluate her situation and plan for safety before the defendant is able to get out of jail.

In 1997, the **Connecticut** Legislature passed a statute (P.A. 97-53, "An Act Concerning Release by a Bail Commissioner") allowing the bail commissioner to impose non-financial conditions of release on sex offenders when setting bail. This includes: ordering compliance with specified restrictions on travel, association, or place of abode; avoidance of all contact with the victim or witnesses; and abstention from specified activities including use or possession of a dangerous weapon or alcoholic beverages.

In **Georgia**, a State statute mandates an increase of the bail schedule in domestic violence cases (*GA. CODE ANN. §17-6-1(f)(2)*).

**Request a no-contact order at the arraignment or preliminary hearing.** Often the victim is unaware of the arraignment or preliminary hearing, or is unable to attend due to work or offender intimidation. Requesting no-contact orders is an underutilized safety measure in sexual assault cases. In domestic violence and stalking cases, no-contact orders also enhance victim safety. Any violations of orders may be used strategically to develop a record of domestic violence and/or stalking-related crimes and to form the basis of an argument for bail revocation and pre-trial incarceration. (See *Chapter 4, Prosecution, Practice 4*.)

After soliciting input from the victim, the **Franklin County (Vermont) State's Attorney's Office** asks the court to impose conditions of release on the perpetrator that provide the victim and her children maximum protection. The State's Attorney will request revocation of bail in cases where the conditions of release are not adequately protecting the victim. (See *Prosecution Program Profiles*.)

**File pre-trial motions.** In sexual assault cases, there are a number of pre-trial motions prosecutors can enter to address the victim's anxiety about participating in the criminal justice process. These include protective motions to prevent harassment in and out of the courtroom, protect victim privacy, and exclude evidence about the complainant's prior sexual history.

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**Maintain long-term contact with victims.** Even defendants who have been successfully prosecuted and sanctioned may continue to harass, threaten, stalk, or assault their victims. Staff should contact high-risk victims at regular intervals to assess their safety needs and the risks posed by their offenders. The office may wish to create data bases to organize and streamline the prosecution process. Staff can also use the contact as an opportunity to inquire about other victim needs, such as those related to counseling, finances, or trauma in children. Staff should encourage victims to contact the prosecutor's office to report perceived threats to their safety, whether or not they amount to violations of conditions of release, probation, or parole. Establish mechanisms to locate victims who have moved or changed their telephone numbers.

The **Targeted Abuser Call (TAC) Team** of the **Cook County (Illinois) State's Attorney's Office** flags individuals that they believe are at a high risk of future violence; these victims are contacted by the victim-witness specialist within days of the abuse to evaluate the victim's situation and to offer services. If a violation of probation or protection order has occurred, prosecutors are notified. If other services are needed, referrals are made. When appropriate, a civil attorney is contacted. (See *Prosecution Program Profiles.*)

The **Norfolk County (Massachusetts) District Attorney's Office victim-witness staff** makes ongoing safety planning a priority by routinely contacting victims of domestic violence (with their permission). Through their contacts with victims, the office learned of criminal behavior that would otherwise have gone unreported, and were able to better address victim safety needs, incorporate the new crimes into ongoing prosecutions, or initiate new actions against offenders.

**Develop multidisciplinary units to address a variety of victim safety and justice needs.** Teams of professionals consisting of prosecutors and staff with expertise in other disciplines will increase the chance that victims' unique needs will be met. Civil attorneys, victim-witness specialists, medical and psychological professionals, community-based victim advocates, and prosecution-based investigators are a few of the professionals who can meet the safety and restorative requirements of victims. (See *Chapter 4, Prosecution, Practice 2*)

The **Family Violence and Sexual Assault Unit** of the **Philadelphia (Pennsylvania) District Attorney's Office** houses a county detective and a city police officer. They provide post-arrest investigation, gather evidence, and locate witnesses. They also respond to complaints of witness intimidation and violation of no-contact orders. This coordination with law enforcement advances the priority the unit places on early intervention through an emphasis on misdemeanor offenses. (See *Prosecution Program Profiles.*)

The **Office of the Los Angeles (California) City Attorney** works closely with community-based advocates and employs a number of staff victim-witness specialists. City-funded victim-witness specialists focus on providing case information and referrals to community resources, rather than working on claims for restitution, which are handled by a separate victim-witness program. This frees victim-witness specialists to focus on providing necessary information to victims, offering support, giving referrals to community-based programs and other government offices, and acting as liaison between the victim and the prosecutor. This division of responsibilities increases the likelihood that a victim will consult with a community-based advocate to plan for her safety needs. (See *Prosecution Program Profiles.*)

## 8. WORK TO END VIOLENCE AGAINST WOMEN THROUGH COMMUNITY EDUCATION.

**Utilize a variety of media opportunities.** Increased reporting of crimes against women often results from high visibility public awareness campaigns. Increased reporting can lead the community to take

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action to make victim safety a priority. To reach out to all women, make community education materials available in a wide variety of languages and formats. Posters, brochures, public service announcements, and public speaking engagements can serve as vehicles for publicizing the message of "zero tolerance" of violence against women. Television and radio ads are crucial for victims who do not speak English or who cannot read. (See Chapter 7, *Coordinated Community Response*, Practice 5.)

Domestic violence materials should always clearly display the number for the **National Domestic Violence Hotline**, as well as State and local hotlines and resources.

In 1993, a group of police, prosecutors and court administrators, among others, in **King County (Washington)** developed a public education campaign designed to "increase the number and type of groups involved in preventing domestic violence, including family members, friends, co-workers, and neighbors of victims and perpetrators." Strategies included preparing materials for the public, creating radio and television public service announcements, and producing a video.

The **San Diego (California) Police Department's Sex Crimes Unit** established a speakers bureau to educate different groups within the city about sexual assault. A review of their case records indicated that the majority of the sexual assault victims were in their mid- to late-teens. As a result, the speaker's bureau is focusing its efforts on high school presentations. (See *Law Enforcement Program Profiles*.)

In **Bloomington (Indiana)**, the **Sex Crimes Unit** of the **Prosecuting Attorney's Office** underwrote the cost of billboards that displayed messages calling for an end to sexual assault, such as "Against Her Will Is Against the Law."

## 9. PARTICIPATE IN LOCAL TASK FORCES TO END VIOLENCE AGAINST WOMEN.

Across the country, domestic violence and sexual assault coordinating efforts have proven to be effective mechanisms for reforms and promoting safety for women. Committees can require member agencies to develop safety tools appropriate for victims they encounter. Task forces often undertake public education campaigns that can direct victims to resources. Multidisciplinary participation on task forces can strengthen or build relationships among agencies and lead to a reduction in the number of victims who fall through gaps in the system's response. (See Chapter 7, *Coordinated Community Response*.)

The director of the **Domestic Violence Unit** in the **Dallas (Texas) District Attorney's Office** secured a Federal grant to start a **Rapid Response Team** with the **University of Texas Southwest Medical Center, Dallas Police Department**, area shelters, and other advocacy agencies. The director hired three caseworkers, who are on call 24-hours a day to respond at the crime scene of domestic violence and stalking incidents. In addition, they have established a computerized network system to link the prosecutor's office, the **Children's Advocacy Center**, emergency rooms at select hospitals, area police departments, shelters, rape crisis centers, and the constable's offices. By being linked to the same system, shelters can: look up the defendant's bond; determine whether the defendant has met bail and scheduled court dates; and obtain other relevant information 24-hours a day. The prosecutor's office can create security codes to keep confidential certain victim and trial information. Participation of all sectors in the **Dallas Domestic Violence Task Force** gives everyone an opportunity to review and assess the program and make modifications as necessary.

The **San Diego (California) Task Force on Domestic Violence** produced a directory of all victim services in the community and a 30-second public service announcement for radio and television.

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## MEASURES OF SUCCESS

Victim safety planning can:

- increase victim safety during and beyond the criminal justice process;
- enhance victim emotional well-being;
- increase victim satisfaction with the criminal justice process;
- increase community collaboration on victim safety initiatives; and
- strengthen violence against women community efforts.

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## CHAPTER ENDNOTES

1 *Violence Against Women - A Workshop for Prosecutors: The Prosecution of Domestic Violence and Stalking Cases*, American Prosecutors Research Institute, Alexandria, VA, 69 (1997).



## 2. Victim Rights and Notification

# 2. Victim Rights and Notification

## ACTION PLAN AT A GLANCE

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1. **Inform victims of their rights and justice system remedies.**
2. **Instruct law enforcement officers on their victim notification responsibilities.**
3. **Instruct prosecutors and court personnel on their victim notification responsibilities.**
4. **Identify the office responsible for victim notification of offender custody and release status.**
5. **Encourage coordination between victim-witness staff and community-based advocates.**

## WHY THIS PRACTICE IS IMPORTANT

Over the last two decades, the emergence of a movement of victims' rights has challenged criminal justice system professionals to rethink the roles of victims in criminal proceedings. The victim is now recognized as a person whose own interests and rights must be addressed by the criminal justice system, rather than being viewed solely as a witness who can help further the goals of prosecution. The criminal justice system must:

- promote the safety and accountability interests of victims;
- investigate cases vigorously;
- apprehend and aggressively prosecute offenders in a timely fashion;
- keep victims informed at each stage of justice proceedings;
- support victims as they seek to regain control over their lives, including issuing and enforcing restitution awards and protective conditions on offender release or in sentencing; and
- give victims the opportunity to express a preference for what they would like to see happen throughout criminal proceedings.<sup>1</sup>

As mandated by State or Federal law, victims' rights provide services and restitution to victims of violence against women. These rights address and attempt to reduce the potential for violence, intimidation, and trauma to victims when they are involved with the justice system.

Law enforcement officers, judges, magistrates, other court personnel, prosecutors, probation and parole officers have the responsibility, as prescribed by State law, to inform victims of their rights and of offender custody and release information. Some States and jurisdictions have developed victim-witness assistance programs (usually in prosecution offices) to oversee coordination of victim notification throughout criminal proceedings. Agency policies and training should instruct personnel about their responsibilities in informing victims of crime of their rights.

Community-based victim advocates can coordinate with criminal justice system personnel to ensure that victims understand their legal rights and human service options, provide them with assistance and advocacy, and monitor justice system compliance with Federal and State victims' rights laws.

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## ACTION PLAN

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### I. INFORM VICTIMS OF THEIR RIGHTS AND JUSTICE SYSTEM REMEDIES.

Every year, hundreds of new Federal and State laws are introduced to expand legal protections afforded to crime victims. Many States have passed amendments that guarantee crime victims the rights to be present, to be heard, and to be informed throughout the criminal justice system.

Some laws are specific to crimes of violence against women. For example, anti-stalking laws were passed in every State in the early to mid-1990s, establishing stalking as a criminal offense, providing victims with legal remedies, and providing criminal justice officials with the authority and tools to arrest, prosecute, and sentence stalkers.

The *Illinois Rights of Crime Victim and Witnesses Act* states that crime victims have the right to:

- be treated with fairness and respect for their dignity and privacy through the criminal justice process;
- notification of court proceedings;
- communicate with the prosecution;
- make a statement to the court at sentencing;
- information about the conviction, sentence, imprisonment, and release of the accused;
- timely disposition of the case following the arrest of the accused;
- be reasonably protected from the accused through the criminal justice process;
- be present at the trial and court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;
- have present at court proceedings, subject to rules of evidence, an advocate or support person; and
- restitution.

The Act also defines the specific responsibilities of law enforcement officers, prosecutors, judges, and corrections officers in providing crime victims with information about their rights.<sup>2</sup>

According to *Looking Back Moving Forward: A Guidebook for Communities Responding to Sexual Assault*, developed by the **National Victim Center**, most States have enacted laws prohibiting public disclosure and publication of sexual assault victims' identities and permitting closed courtrooms at the discretion of the trial judge.

Some State laws are making crime victim's compensation more available to victims of violence against women (e.g., by removing the 72-hour reporting requirement or not mandating cooperation with prosecutors).

### 2. INSTRUCT LAW ENFORCEMENT OFFICERS ON THEIR VICTIM NOTIFICATION RESPONSIBILITIES.

**Provide both verbal and written information to victims.** A police officer may be the first person to inform a victim of violence against women that there are legal and community resources available to assist her. Written material should be readily available in English and in the predominant non-English languages of the jurisdiction. Written notice is particularly important at the time of initial police response because a victim may be in crisis and not be able to recall the specifics of such detailed information given verbally.<sup>3</sup> (See *Chapter 3, Law Enforcement, Practice 3, 4, 5, 6, and 8.*)

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Written notice of victim rights must not include the addresses of shelters or other confidential programs, unless the location is public knowledge.

Sec. 204 of the *Model Code on Domestic and Family Violence*, produced by the **National Council of Juvenile and Family Court Judges**, recommends that law enforcement officers give written notice to battered women about their rights, the services available to them through the justice system, and community resources. It directs officers to assist victims in addressing safety issues (e.g., emergency protection orders and shelter) and obtaining medical treatment, and to provide victims with a copy of the incident report at no cost. It also instructs officers to explain how to obtain a civil protection order and seek reimbursement for losses suffered as a result of the abuse.

According to the *Police Response to Crimes of Sexual Assault* training manual, developed by the **Pennsylvania Coalition Against Rape**, officers should notify the victim of the arrest of the suspect no more than 24 hours after the preliminary arraignment. If there is an escape, officers should notify the victim immediately.

Factors that led to the development of a victim assistance program in the **Lockhart (Texas) Police Department** include: the small size of the community (population 12,000); the primary police responsibility to respond to victims and potential victims; the lack of resources within the rest of the criminal justice system to provide adequate victim assistance; and the support of police leadership.

### 3. INSTRUCT PROSECUTORS AND COURT PERSONNEL ON THEIR VICTIM NOTIFICATION RESPONSIBILITIES.

Victims of violence against women expect to participate in decisions concerning their cases and provide input about outcomes that address their interests. Prosecutors, however, may view their primary obligation as representing the interest of society in the State's cases. This perspective has historically condoned practices that marginalize victims and view them as individuals who may impede prosecution, rather than as individuals whose interests should be considered and validated. The dissonance between victim expectation and prosecutorial practice has been one of the driving forces behind the emergence of the victims' rights movement.<sup>4</sup>

Prosecutors have begun to coordinate with court administrators and judges, correction staff, and probation and parole officers to notify victims of their rights through court proceedings, sentencing, and post-sentencing, and of offender imminent release from custody. (See Chapter 4, *Prosecution*, and Chapter 6, *Courts*, for information on informing victims throughout the court proceeding, sentencing, and post-sentencing about their rights, offender information, and available resources. Also see Action Plan Step 4 in this practice.)

The **President's Task Force on Victims of Crime**, in its *Final Report*, recommended that prosecutors:

- should assume ultimate responsibility for informing victims of the status of a case from the time of the initial charging decision to determination of parole;
- have an obligation to bring to the court's attention the views of victims on bail decisions, continuances, plea bargains, dismissals, sentencing, and restitution;
- should charge and pursue to the fullest extent of the law defendants who harass, threaten, injure, or otherwise attempt to intimidate or retaliate against victims or witnesses;
- should strongly discourage case continuances (when delays are necessary, procedures should be established to ensure that cases are continued to dates agreeable to victims and witnesses, that these dates are secured in advance, and that the reasons for the continuances are adequately explained);
- should use a victim and witness on-call system;

- should establish procedures to ensure prompt return of victims' property, absent a need for the actual evidence in court;
- should establish and maintain liaisons with victim-witness programs and victim service agencies; and
- recognize the impact that crimes of violence against women have on victims and their families.<sup>5</sup>

The **Wayne County Prosecutor's Office (Michigan)** offers victims a booklet entitled *Crime Victims Rights: Handbook to the Criminal Justice System*. It explains victim rights, the role of the **Victim Service Unit** of the Prosecutor Office in guiding victims through the criminal justice process, legal definitions, criminal justice system proceedings, and general information about testifying.

#### 4. IDENTIFY THE OFFICE RESPONSIBLE FOR VICTIM NOTIFICATION OF OFFENDER CUSTODY AND RELEASE STATUS.

**Promptly notify victims of any upcoming change in offender pre- and post-disposition custody status and upcoming court dates.** The victim may also designate a third party who can also receive this information (e.g., a family member.) All appropriate State agencies and departments that administer offender pre-trial custody and release on bail/bond, early release programs, intermediate release programs, community-based programs, furloughs, transfers to less secure facilities, work release programs, and sex offender notification programs must work together to establish a process (e.g., an automated, computerized telephone system) to notify victims of proposed releases of offenders before their date of release.

Victim notification of offender information can be coordinated on a local or statewide level, and by any of a number of agencies. The coordinating agency should have the capacity to link all relevant justice system information in one centralized location (preferably a computer data base). Local and State jurisdictions may choose to contract with private companies which specialize in creating and maintaining this type of computerized data base and information systems. (See *Chapter 6, Courts*, for more information on informing victims about relevant offender information through court proceedings, sentencing, and post-sentencing.)

Community-based victim service programs should be consulted when developing a victim notification system to ensure the safety and confidentiality of victims.

The agencies that coordinate victim notification of offender status must not give the victim's personal information to any third party without the permission of the victim.

Sec. 222, subsection 2, of the *Model Code on Domestic and Family Violence* recommends that the office which is designated by State statute as responsible for notification of victims of domestic violence provide a victim with notice of the escape of a perpetrator or, in advance of the proposed date of the release, furlough, or transfer of the perpetrator to a less secure facility.

#### 5. ENCOURAGE COORDINATION BETWEEN VICTIM-WITNESS STAFF AND COMMUNITY-BASED ADVOCATES.

While roles vary from one jurisdiction to the next, victim-witness staff are often responsible for tasks such as orienting victims to the criminal court process; informing victims of their rights, court dates, ongoing case status, and disposition; assisting victims with filling out victim compensation applications, making community referrals; accompanying victims to court proceedings; and providing assistance with preparation of victim impact statements. Victim-witness programs must collaborate with community-based victim service programs to articulate the roles and responsibilities of each of these programs,

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avoid duplication, coordinate efforts where possible, and ensure that together they are addressing the full range of victim safety, restoration, and assistance needs.

To this end, community-based advocates can work with victim-witness staff within the criminal justice system, to ensure that victims are consistently notified of their rights in a manner that facilitates their safety, autonomy, restoration, understanding of their legal rights and options, and utilization of community resources. (See Chapter 4, *Prosecution, Practice 1*, Chapter 5, *Victim Services, Practice 1*, and Chapter 7, *Coordinated Community Response, Practice 2*.)

The **Linn County (Oregon) Victim Witness Program**, located in the **District Attorney's Office**, is responsible for contacting victims after receiving police reports, making referrals, providing information about case status, verifying and documenting financial losses for the court so victims can receive restitution, assisting with transportation to and from court proceedings, assisting with crime victims' compensation applications, and providing court accompaniment. Staff communicates with advocates from the **Center Against Rape and Domestic Violence (CARD)**, who provide advocacy, support and accompaniment throughout justice proceedings, to coordinate services provided to victims and ensure access to non-legal assistance. A project is being implemented that places CARD advocates in each county law enforcement agency to improve victim utilization of community-based services, and communication and coordination between advocates and criminal justice system personnel.

Beyond the victim's legal rights, community-based victim service programs can make sure victims are aware of their right to extensive community services and assistance. Advocates can also help victims understand their right to be treated with dignity and respect by professionals and others in the community.

Advocates can also work with victim-witness staff to encourage community agencies and organizations (e.g., hospitals, mental health programs, schools, and businesses) that serve or interact with victims of violence against women to disseminate information to victims about legal options and available services. (See Chapter 7, *Coordinated Community Response, Practice 1*.)

Sec. 506 of the *Model Code on Domestic and Family Violence* recognizes the responsibility of the health care delivery system to disseminate information about victims' legal options and available services. It recommends that the State public health agency provide such information in written form to health care practitioners (similar to the written information police provide victims).

The *Campus Sexual Assault Victim's Bill of Rights* of 1991 was enacted by the **United States Congress** and provides for increased protection to victims of sexual assault on campus, including the right to:

- have assaults investigated by criminal and civil authorities;
- not to be pressured by campus authorities to refrain from reporting crimes or to report crimes as lesser offenses;
- have the same representation as the accused at any campus disciplinary proceeding and to be notified of the outcome;
- have full and prompt cooperation and assistance in obtaining evidence necessary for proof of criminal sexual assault, including a medical examination;
- be made fully aware of assistance in exercising State or Federal legal rights to test sexual assault suspects for communicable diseases;
- have access to existing campus mental health and victim support services;
- be provided housing which guarantees no unwanted contact with alleged assailants; and
- live in campus housing free of intimidating circumstances with the option to move out.<sup>6</sup>

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## MEASURES OF SUCCESS

Informing victims of their rights and notifying them of relevant offender information can:

- increase victim awareness of their legal rights and legal and non-legal options;
- increase victim knowledge and use of justice system and community resources to enhance safety;
- increase victim participation in justice system proceedings;
- increase victim use of community assistance to deal with the violence in their lives;
- increase numbers of agencies, both within the justice system and in the community, who view notification of victim rights as their responsibility; and
- expand coordination among justice system and community agencies to address victim needs.

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## CHAPTER ENDNOTES

1 Last bullet in paragraph from *Looking Back Moving Forward: A Guidebook for Communities Responding to Sexual Assault*, National Victim Center, Arlington, VA, I-8 (1993).

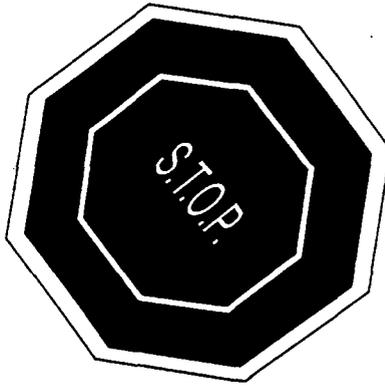
2 Drawn from *Model Guidelines and Sex Crime Investigation for Illinois Law Enforcement*, Illinois Law Enforcement Training and Standards Board and the Illinois Coalition Against Sexual Assault, Appendix (1996).

3 *Model Code on Domestic and Family Violence*, National Council of Juvenile and Family Court Judges, Reno, NV, Commentary to Sec. 204. (1994).

4 *Looking Back Moving Forward*, *supra* at note 1, VI-2.

5 United States, 63 (1982). From cite in *Looking Back Moving Forward*, *supra* at note 1, VI-2.

6 Drawn from *Looking Back Moving Forward*, *supra* at note 1, III-12. In addition, Section III provides brief discussions about tailoring community response to sexual assault to various types of localities, including: urban and rural communities; American Indian reservations; school campuses; military bases; and Federal properties. It also includes discussions about community response to specific populations of victims (victims from diverse ethnic backgrounds, victims whose religious beliefs influence their recovery, gay and lesbian victims, elderly victims, victims with disabilities, homeless victims, male victims, secondary victims, and victims assaulted by intimate partners).



## 3. Law Enforcement

THIS CHAPTER CONTAINS THE FOLLOWING SECTIONS:

- INTRODUCTION
- LAW ENFORCEMENT PRACTICES
  1. POLICIES AND PROTOCOLS
  2. SPECIALIZED APPROACHES
  3. DISPATCH, INITIAL RESPONSE, AND SECURING THE CRIME SCENE
  4. INTERVIEWING PARTIES, INVESTIGATION, AND EVIDENCE COLLECTION
  5. DOMESTIC VIOLENCE ARRESTS: PRIMARY AGGRESSOR AND PROBABLE CAUSE
  6. FACILITATION OF THE SEXUAL ASSAULT FORENSIC EXAMINATION
  7. REPORT WRITING
  8. STRATEGIES TO INTERVENE IN STALKING CASES
  9. INTEGRATION OF COMMUNITY POLICING INTO RESPONSE TO VIOLENCE AGAINST WOMEN

# 3. Law Enforcement

## INTRODUCTION

Law enforcement is the entry point to the criminal justice system for many victims and perpetrators of violence against women. Timely police intervention can deter escalating violence and promote victim recovery. This is particularly true when a perpetrator is arrested, victim protection is made a police priority, and the justice system holds the abuser accountable through appropriate charging and a host of sanctions and restrictions. Regardless of whether an arrest is made, however, officers must pay careful attention to the safety requirements of victims, inform them of their legal rights, and refer them to community resources to address their particular needs.

To respond effectively to violence against women, law enforcement practices must incorporate the cutting-edge elements listed below.

**Leadership of police executives.** Police executives play a critical role in building departmental commitment to protect victims of violence against women and hold offenders accountable for their behavior.

To promote an effective police response, department leadership must:

- motivate officers to respond appropriately by implementing strong policies, training, supervision, and rewards for compliance with policies and procedures;
- ensure policies are applied in cases where victims are from underserved populations;
- consult with the local advocacy programs to ensure each element of police response promotes victim safety;
- develop interagency agreements and endorse coordination efforts; and
- implement necessary changes to improve police response on a routine basis.

**Crime specific policies, protocols, and training.** Law enforcement agencies must provide new recruits and veterans with standardized, crime specific policies, protocols, and training on response to violence against women crimes. Increasingly, departments are seeking input and assistance from advocates, justice system personnel from other agencies, and human service providers in developing comprehensive policies and training.

**Proactive and aggressive intervention.** In the past, law enforcement agencies have been criticized for failing to treat domestic violence, sexual assault, and stalking as seriously as other violent crimes. Now, officers are being trained to make victim protection the priority, follow-through in both misdemeanor and felony cases, and arrest the offender whenever warranted.

Arrest alone will not stop all domestic violence, sexual assault or stalking offenders. For some offenders, arrest may be an effective deterrent to future violence. For others, it is arrest combined with prosecution, sentencing, incarceration, treatment, and monitoring by probation that brings about changes in their behavior.<sup>1</sup>

Police must also understand that, in some instances, victim safety, health, or economic survival makes the criminal justice system a less viable option. For example, sending the perpetrator to jail may mean a loss of the main source of income for a battered woman and her family. In the case of a sexual assault survivor, the emotional stress of a trial might outweigh her desire to prosecute the offender. Police must respect a victim's decision regarding whether or not to be involved in criminal justice proceedings and be willing to offer continued protection regardless.

**Sensitive and timely victim assistance.** Many law enforcement personnel believe that helping provide protection and support to victims of violence against women is an integral component of police

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intervention. Such actions can help minimize the risk of more violence, expand the victim's support system in the community, and increase her capacity to make well-informed decisions about her safety and well-being. If the victim chooses to participate in criminal justice proceedings, she is more likely to follow-through with prosecution when she feels the police are doing everything within their power to support and protect her.

**Outreach to victims from underserved populations.** Increasingly, law enforcement policy and training address special issues of concern to underserved populations in the jurisdiction. In addition, mechanisms should be in place to ensure that victims from underserved populations are informed of how law enforcement can help them (e.g., brochures in their language that describe services or local community organizations that make referrals) and are able to communicate with officers (e.g., bilingual staff or translators are available). A concerted effort should be made by police managers to hire officers who reflect the demographics of the community.

**Interagency agreements and partnerships.** In an effort to facilitate more coordinated immediate response to violence against women cases, many police departments have developed interagency agreements with other justice system personnel and community-based service providers who interact with victims and offenders during an investigation. These agreements include clarifying roles and responsibilities of all involved parties. They can result in more consistent and comprehensive response among all sectors. Some jurisdictions have taken additional steps to develop specialized response teams that promote efficient and effective intervention in domestic violence and sexual assault cases.

**Community-oriented policing approach to violence against women crimes.** While a handful of police departments have community-oriented policing strategies that specifically address violence against women, few of those efforts have been evaluated. However, some principles of community-oriented policing are relevant to violence against women. Through initial community-oriented policing efforts, many law enforcement agencies are starting to build stronger relationships with community representatives and engage them in designing solutions to reduce violence against women.

**Understanding of challenges posed by each crime.** While similarities exist in police response to sexual assault, domestic violence, and stalking, there are differences in victim needs and how officers handle these crimes. For example:

- Battered women are most concerned about preventing further violence. To meet this goal, women choose different routes. Understanding that violence may escalate when they attempt to leave their abusers, battered women may not participate in the justice system at all or may file for a civil protection order while remaining in the relationship. Law enforcement officers must be educated about the risks posed to women who leave – and those who are unable to leave – a relationship. An important goal of training and preparing officers to respect a battered woman's decision to stay is letting her know that protection and support are available when she is ready to leave.
- Like battered women, the main concern of stalking victims is stopping the violence or harassment. Victims typically lack information about the potential lethality of stalkers and of the remedies available to help them regain control of their lives. With the recent passage of anti-stalking laws, law enforcement has been challenged to more proactively respond to stalking to prevent further violence. To promote effective intervention, police leadership must encourage evaluation of the usefulness of stalking protocols, training, and specialized investigative strategies in protecting victims and restricting stalkers. Police must be thorough and creative in collecting evidence and helping victims document all related incidents. Police should be trained to distinguish among the different types of stalkers and investigative strategies should be appropriate to each case. Police must be aware of the victim's fear and take all possible precautions to protect her, regardless of whether an arrest can be made after a particular incident.
- The concerns of sexual assault survivors typically revolve around safety and dealing with the trauma caused by the crime. Involvement in the criminal justice system may be viewed as unfriendly and potentially revictimizing. Victims are often reluctant to report or follow through with prosecution

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because of pressures placed on them by their communities, family, friends, and the offender (particularly in cases where victims know their assailants). Police must be aware of common reactions to this crime and barriers victims face in seeking help. They should work with victim services to find creative ways to encourage victims to seek assistance, while respecting victims' decisions about involvement in the criminal justice system. Where victims do report sexual assault, police must respond sensitively and collaborate with other agencies to reduce anxiety and provide support.

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## I. DEVELOP POLICIES AND PROTOCOLS ON THE RESPONSE TO VIOLENCE AGAINST WOMEN

### ACTION PLAN AT A GLANCE

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1. Seek input from all levels of the department.
2. Seek input from victim service programs, other justice system offices, and community allies.
3. Identify the responsibilities of officers throughout the department.
4. Promote the consistent application of policies and protocols through training.
5. Provide officers with resources and ongoing assistance.
6. Oversee officer compliance with policies and protocols.
7. Review and modify policies and protocols as needed.

### WHY THIS PRACTICE IS IMPORTANT

Police policies and protocols are essential to ensure that:

- all reports of violence against women are treated as seriously as other violent crimes;
- appropriate victim assistance is provided; and
- actions are taken to facilitate arrest and successful prosecution of the perpetrator.

This practice will provide guidance on designing and implementing crime specific police policies and protocols in response to violence against women.

### ACTION PLAN

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#### I. SEEK INPUT FROM ALL LEVELS OF THE DEPARTMENT.

Dispatchers, patrol officers, detectives, supervisors, managers, and administrative support staff can offer insight about the strengths and problems of existing policies and protocols. They can also comment on the logistical and practical implications of proposed changes. Their input must be sought prior to formalizing any new or revised department policies and protocols.

Some officers may erroneously believe written policies and protocols increase the likelihood of liability suits against the department. All policies and protocols should be reviewed by the department's legal counsel. Routinely evaluate policies and protocols for potential problems and modify as needed.

In 1996, the State of Illinois published the *Model Guidelines and Sex Crime Investigation Manual*, which was developed by a multidisciplinary task force with leadership from the **Illinois Law Enforcement Training and Standards Board** and the **Illinois Coalition Against Sexual Assault**. Approximately 257 officers from around the State were surveyed to gain information for the guidelines. More than 200 officers participated in focus groups to determine the best response to sex crimes.

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When **Seattle's (Washington) Police chief** began putting together his department's domestic violence protocol, he sought input from every division, at every level. The result is a protocol rich in detail and practical for the officers. (See *Law Enforcement Program Profiles*.)

## 2. SEEK INPUT FROM VICTIM SERVICE PROGRAMS, OTHER JUSTICE SYSTEM OFFICES, AND COMMUNITY ALLIES.

Utilize a multidisciplinary team to develop policies and protocols that address the full spectrum of victim concerns and facilitate a coordinated community response. At a minimum, input should be sought from community-based advocacy programs and prosecutors. Advocates can provide information drawn from the experiences of victims participating in the justice system process. They can recommend strategies that are responsive to victims' needs that may facilitate arrest of offenders and case investigation. Prosecutors can work with police to make systematic changes that facilitate successful prosecutions.

Model police policies and protocols, as well as training curricula, have been developed by police departments, State and national advocacy organizations and multidisciplinary groups. These models offer excellent resources to departments interested in revising their policies and protocols. Call your State advocacy organizations, law enforcement association, or the **STOP T.A. Project** or **Battered Women's Justice Project, Criminal Justice Center**, for copies.

The **Hillsborough (Florida) County Sheriff's Office** developed comprehensive protocols for law enforcement response to domestic violence and offers a 24-hour training course. After implementation of the protocols, the county saw a significant drop in the number of domestic violence homicides (a 68 percent decrease between 1994 and 1996). The protocols are being used as a model statewide.

The **Vermont Network Against Domestic Violence and Sexual Assault** worked jointly with law enforcement representatives to develop a State protocol which outlines steps officers should take when responding to victim calls, including examination of offender risk and investigation techniques.

## 3. IDENTIFY THE RESPONSIBILITIES OF OFFICERS THROUGHOUT THE DEPARTMENT.

***Develop written policies and protocols that offer concrete and practical steps for implementation of policies, and promote victim safety and offender accountability.*** Policies and protocols should contain sufficient detail to cover the full range of operative and administrative police response. They should include an in-depth discussion and guidelines for the following elements, at a minimum: (the practices in this chapter provide further explanation of many of these elements):

- a mission or values statement articulating the rationale for instituting a policy on eliminating domestic violence, sexual assault, and stalking and the role of the police department in implementing the policy;
- dispatch response;
- initial officer response to the dispatch report;
- preliminary investigation;
- follow-up investigation;
- supervisor response;
- management response; and
- general issues, including:
  - consultation with prosecution to gather evidence that supports charging;

- partnerships with victim advocacy organizations and medical providers;
- confidentiality of victim records;
- outreach to victims from underserved populations;
- procedures for handling difficult cases;
- utilization of forms, reference materials, equipment, and other resources available to facilitate policy/protocol compliance;
- data collections and communications; and
- guidelines for handling cases of violence against women perpetrated by law enforcement, public officials, or influential community members.

Most departments have separate policies that apply to domestic violence, sexual assault, and stalking. However, if a department chooses to create a specific set of policies on police response to violence against women, the policy should clearly delineate where differences exist on crime.

The purpose of the model guidelines for **Illinois** law enforcement responding to sexual assault adult victims (from *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement*) is to establish uniform application for appropriate response. Other goals include treating all victims with respect and giving appropriate attention to their emotional and physical needs; investigating cases based on the facts presented; conducting interviews utilizing appropriate techniques; ensuring that evidence is properly identified, collected and preserved; achieving prosecution of sex offenders; promoting thorough interagency coordination in responding to sexual assault crimes; and ensuring that any member of the department who handles sexual assault cases receives specialized training.

In *Stopping the Violence X*, the **Pennsylvania Coalition Against Domestic Violence** offered a model protocol for police response to domestic violence. The main purpose of the protocol is to establish guidelines for police officers and other personnel involved in police response to domestic calls. Other goals include reducing the incidence and severity of domestic violence by establishing arrest and prosecution as the preferred means of police response; affording maximum protection and support to victims through a coordinated program of law enforcement and victim assistance; ensuring that law enforcement services are as available in domestic violence cases as they are in other criminal cases; reaffirming the police officer's authority and responsibility to make arrest decisions in accordance with established probable cause standards; and promoting officer safety.

The **Colorado End Violence Against Women Project** developed a statewide training program for police officers, prosecutors, and advocates, to teach separate and distinct coordinated responses to sexual assault and domestic violence crimes, based on the victim needs for each circumstance.

#### 4. PROMOTE THE CONSISTENT APPLICATION OF POLICIES AND PROTOCOLS THROUGH TRAINING.

**Develop comprehensive training for new recruits that provides an overview of violence against women and instruction on implementing police response.** Training for all department staff should review related laws and policies, stressing any changes.

Officers are more likely to "buy in" to policies and protocols when they understand their responsibilities and roles in the overall criminal justice system response. For example, dispatchers will be more motivated to follow department policies and protocols when they hear a 911 tape that demonstrates a deliberate and supportive inquiry and learns the tape has been used successfully in court to convict an offender.

**Give particular attention to increasing officer ability to respond to victims from underserved populations.** Training can help identify specific underserved populations in the jurisdiction, their unique

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characteristics, the strengths and problems in police response to each population, and community resources that can be tapped into to help improve police response. For example, a department in an area with a seasonal migrant farmworker community should help its officers understand the reasons victims from this population may be hesitant to report crimes (e.g., they think they will be deported) and the barriers they face in getting assistance (e.g., they may not speak English). The department should build officer awareness of the organizations that police can partner with to ensure an appropriate response (e.g., advocacy programs with a farmworker outreach project), explore ways to increase the community's trust in police, and provide victims with language and culturally appropriate material.

Departments should provide additional training (e.g., through roll call presentations) to:

- maintain a high level of skill among seasoned officers;
- respond to evolving legal statutes and regulations; and
- address ongoing systemic problems (e.g., officers not correctly completing incident reports).

Routinely repeated training sessions are essential to accommodate staff turnover. Adequate time should be provided to officers for training, including the award of overtime if necessary. (See *Appendix A, Training, and Appendix F for more program examples.*)

The **Montana Law Enforcement Academy** (a STOP funded program) is making an effort to provide standardized statewide domestic violence training. A team, consisting of an former deputy sheriff and a training officer, contracted through the **Montana Coalition Against Domestic Violence**, has developed a training curriculum and manual. The team provides an eight-hour training on domestic violence and related crimes, with two hours of practical exercises, as a part of academy training. The team travels to jurisdictions to provide an eight-hour roll call training, enlisting local judges and prosecutors to address jurisdictional issues. This training is widely attended by other professionals. The team has presented several two-day advanced trainings on evidence collection, investigation, interviewing, and report writing. The team has modified their training to applicable statutes and provided training for Indian Tribes, including Blackfeet, Chippewa Cree, Northern Cheyenne Tribes, and Fort Peck Reservation.

Officers from the **Kankakee (Illinois) Police Department** participate in either a one-day training for first responders to sexual assault or a three-day training on State guidelines for sex crimes investigation. New recruits also attend an orientation at the **Kankakee County Center Against Sexual Assault (KC-CASA)**. KC-CASA also makes roll call presentations. (See *Law Enforcement Program Profiles.*)

The **New York State Police Academy** is establishing a mobile crime scene training unit that will travel around the State, providing enhanced crime scene processing training to the State police, local law enforcement, and other criminal justice personnel involved in handling domestic violence and sexual assault cases. Training will emphasize the importance of proper evidence collection, identification, preservation, and documentation. Because the experts take the mobile classroom to local jurisdictions, it will allow both rural and urban law enforcement agencies a means to receive crucial standardized training without incurring overtime costs or other costs associated with travel to attend such training.

## 5. PROVIDE OFFICERS WITH RESOURCES AND ONGOING ASSISTANCE.

Tools that can help facilitate effective police intervention in domestic violence, sexual assault, and stalking cases include:

- checklists of tasks to do at the crime scene;
- specialized incident report forms;
- victim safety planning forms;
- copies of referral information to give victims, in the predominant languages of the area;

- equipment and materials for evidence collection;
- equipment for surveillance; and
- easy access to information on offender's civil and criminal histories.

Hire bilingual and multilingual staff who are fluent in the predominant languages spoken in the jurisdiction. As an alternative, agreements can be established with outside agencies that can provide non-English speaking language services (including sign language) on a 24-hour on-call basis.

## 6. OVERSEE OFFICER COMPLIANCE WITH POLICIES AND PROTOCOLS.

**Encourage officer compliance with policies and protocols, monitor the conduct of staff, and correct problems as they occur.** Some departments have established agreements with local advocacy organizations, coordinating bodies, or intervention projects to monitor the department's compliance with policies and protocols. When an officer fails to comply with department policy, he/she should receive individual supervision and training to correct the problem. If the officer continues to disregard established policy, the department should take further action to educate (e.g., by shadowing a more experienced officer) and/or discipline (e.g., through suspension or termination) the officer.

The **Duluth (Minnesota) Police Department** works with the **Domestic Abuse Intervention Project (DAIP)** to monitor its response to domestic violence. DAIP has access to data from incident reports, arrest reports, citation reports, investigative reports, warrant requests, and 911 reports. The police department also participates in DAIP's **Emergency Response Team**, which convenes in response to any member's call for a meeting to discuss a justice system issue or problem. (See *Law Enforcement and Coordinated Response Program Profiles*.)

A management level deputy of the **Alaska State Troopers** reviews every report of domestic violence or sexual assault handled by his officers throughout the State.

## 7. REVIEW AND MODIFY POLICIES AND PROTOCOLS AS NEEDED.

Periodically review policies and protocols to assess their effectiveness. Strategies can include:

- establishing mechanisms to obtain victim feedback and input from community-based advocates;
- maintaining and reviewing records;
- comparing statistics before and after a policy has been put in place;
- surveying officers who are involved in processing violence against women cases;
- establishing mechanisms to obtain prosecutor's assessment of policies and protocols; and
- coordinating with other justice system agencies (e.g., prosecutors, court administrators, judges, and probation supervisors) and community allies (e.g., human and social services, hospitals, and groups serving underserved populations) to develop mechanisms to obtain victim feedback.

Department and community support for these policies and protocols will increase if police managers incorporate the input of those responsible for implementation and those affected by it. Because adapting to changes in procedure can be time consuming, major revisions should not be made more frequently than every six months and should be supported by training.

The **San Diego (California) Police Department's Sex Crimes Unit** is a key participant in the local **Sexual Assault Response Team (SART)**. They receive feedback through a SART victim questionnaire. In 1997, 100 percent of survey respondents rated police response as good to excellent. (See *Law Enforcement Program Profiles*.)

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The **Women Against Abuse Legal Center (WAA)** in **Philadelphia (Pennsylvania)** maintains records of victims' experiences with the police. Periodically, WAA issues an analysis of police response on a district-by-district basis. WAA shares the report with the **Philadelphia Police Department** and the **Criminal Justice Coordinating Council**. When appropriate, the report is also released to the media.

The **Savannah (Georgia) Police Department** prides itself on leaving domestic violence victims a brochure that explains law enforcement's role and includes a tear-off card on which the victim can report her level of satisfaction with the officer's response. The local shelters, legal aid office, and the prosecutor's office also provide the brochures to crime victims, thus increasing the chances of feedback.

## MEASURES OF SUCCESS

Thorough and progressive police policies and protocols on violence against women can result in:

- greater protection and support for victims, including those from underserved populations;
- clarification of the roles and responsibilities of all members of the department;
- articulation of police procedures for coordinating with other justice system and community-based service providers in the course of police intervention;
- increased officer accountability for effective intervention;
- increased officer access to resources that facilitate compliance with policies and protocols;
- increased numbers of victims reporting crimes;
- increased rate of arrest;
- decreased number of cases in which charges are dropped after arrest;
- increased likelihood that offenders will be successfully prosecuted;
- decreased number of complaints about the way police handle cases; and
- decreased number of liability suits against the department.

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## 2. DEVELOP SPECIALIZED APPROACHES TO HANDLE VIOLENCE AGAINST WOMEN CASES

### ACTION PLAN AT A GLANCE

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1. Evaluate the need to increase police resources to violence against women cases.
2. Consider the benefits of employing specialized officers to meet the needs of the department.
3. Include training responsibilities in officer job descriptions.
4. Explore opportunities for multidisciplinary collaboration.
5. Recruit and train officers for specialization or participation in multidisciplinary efforts.
6. Obtain department and community support for these projects.

### WHY THIS PRACTICE IS IMPORTANT

Dedicated, well-trained, and experienced officers and adequate resources are essential to proactively respond to violence against women cases. Developing officer specialization, or other means of giving special attention to these crimes, can expand the ability of the department to:

- increase victim protection and assistance;
- promote consistent intervention in all cases;
- ensure cases don't "fall through the cracks;"
- improve the quality and timeliness of investigations;
- consistently gather evidence which supports successful prosecutions;
- provide other officers with support and assistance in responding to these cases;
- provide a resource to the community; and
- facilitate coordinated response with other justice agencies and victim service providers.

This practice will provide police managers and supervisors an opportunity to evaluate departmental need for specialized officers to handle violence against women cases and explore other methods of giving special attention to these cases. It will provide information on ways to build departmental and community support for these initiatives.

### ACTION PLAN

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#### 1. EVALUATE THE NEED TO INCREASE POLICE RESOURCES TO VIOLENCE AGAINST WOMEN CASES.

When determining whether police response to violence against women cases could be improved through increased allocation of personnel and/or resources, departments should consider factors such as:

- the department's size;
- the volume and complexity of violence against women cases seen over a designated period of time;
- the proportion of violence against women cases processed in comparison to other crimes;
- the effectiveness of current response in protecting victims and holding offenders accountable;

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- the effectiveness of current response for cases with victims from underserved populations;
  - the adequacy of policies and protocols;
  - officers' rate of compliance with policies and protocols;
  - the quality of investigations and the evidence collected;
  - the number of related domestic homicides;
  - the consistency and appropriateness of victim support and assistance;
  - victim satisfaction with police response;
  - the adequacy of officer training; and
  - department priorities and political pressures.

To acquire this information, departments can review prior records and other relevant data and statistics. Obtaining data on factors such as the effectiveness of interventions and victims' level of satisfaction requires that the department seek out feedback and recommendations from officers, advocacy program staff, victims, prosecutors, victim-witness specialists, and hospital emergency department personnel.

Prior to initiating its domestic violence unit in 1992, the **San Diego (California) Police Department** hired a domestic violence coordinator. The coordinator examined the police response to victims to assess effectiveness and identify any possible liability issues associated with failure to protect. The research showed the department had a strong written policy, but it generally was not followed. The primary reason for policy noncompliance was lack of adequate training. After expanding domestic violence training for all levels of the department, the number of domestic violence incident reports filed increased by almost 60 percent in the following year.

## 2. CONSIDER THE BENEFITS OF EMPLOYING SPECIALIZED OFFICERS TO MEET THE NEEDS OF THE DEPARTMENT.

Some departments have established specialized units or given specific training to a limited number of officers in advanced investigative strategies for violence against women cases. Before deciding to seek funding and implement such projects, however, managers and supervisors should carefully consider whether specialization is the most appropriate or only response needed, given the resources of their department and community.

**Consider the "pros and cons" of assigning specialized officers to handle violence against women cases.** For example, specialized officers are able to develop expertise, focus more time on specific cases and collaborative efforts, increase support to victims, and train other officers on violence against women issues. However, these officers may not be well-rounded and may be at high risk for burnout. Specialization may not be feasible for some small departments. Patrol officers or general investigators may not view responding to violence against women cases as their responsibility and "pass the buck" for these calls to specialized officers.

Most departments benefit from training generalists and specialists to respond to violence against women. Patrol officers or general investigators are trained and work in a variety of crime areas, but may lack expertise in violence against women issues and sufficient time to devote attention to individual cases. Smaller departments may not be able to dedicate officers exclusively to handling one type of crime. Generalists who receive proper training and departmental support can often provide the same level of expertise as specialists in violence against women cases.

**Determine which type of specialization, if any, best suits the needs of the agency or the community.** The majority of specialized units focus on building the expertise of detectives to do follow-up investigation. Some departments, however, operate units that include patrol officers who focus on both preliminary and follow-up investigation.

In assessing whether to assign one or more officers per shift to handle violence against women cases, the average number of cases and follow-up investigators available should be considered. For example, a

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department in a large urban jurisdiction may choose to establish three different detective units to handle domestic violence, stalking, and sexual assault respectively. A department in a smaller jurisdiction may assign one or two officers to handle all violence against women investigations. In rural or remote areas, the department may provide one officer with advanced training who can advise any responding officer requesting assistance on a related case. (See Appendix F for more program examples.)

The **Albuquerque (New Mexico) Police Department** operates a domestic violence unit that includes patrol officers. When a domestic violence call is logged in, two officers are dispatched to the scene. One of these officers usually responds to calls in that particular neighborhood, while the other officer is part of the unit. The unit officer assists the victim and investigate the case throughout its duration.

The **Kankakee (Illinois) Police Department**, in the small city of Kankakee, does not assign officers or detectives exclusively to sexual assault cases. Officers are expected to take a serious, victim-centered approach to sexual assault and to investigate these crimes in a manner that restores the victim's dignity and sense of control. (See *Law Enforcement Program Profiles*.) Similarly, the **Chicago (Illinois) Police Department** focuses on initial response by patrol officers to domestic violence calls. However, specialized trained investigators follow up on cases.

The **San Diego (California) Police Department** formed a domestic violence unit in 1992 after evaluating domestic homicide statistics, the number of calls generated versus the number of reports made, and the number of criminal versus noncriminal domestic violence calls. The unit paralleled a domestic violence unit housed in the **City Attorney's Office**. The police department's unit now includes 19 detectives, three sergeants, and ten to 15 clerical support staff and volunteers. On average, the unit receives more than 40 reports of domestic violence per day.

A specialized police unit requires its own staff and supervisors. Early in the decision making process, the department must articulate the unit's scope of responsibility and develop policies to define specific staff roles and limitations.

The duties of the **Hillsborough County (Florida) Sheriff's Office, Domestic Violence Unit** are clearly spelled out in its standard operating procedures. They include: developing and monitoring a comprehensive data base for tracking domestic violence cases; establishing and providing basic and ongoing training to all deputies and domestic violence investigators; strengthening the links between the Sheriff's office and community-based organizations; assisting and participating in the county-wide "zero tolerance" campaign, and setting up a collection center to document all homicides in the county.

Foster relationships between specialized officers and the rest of the department. Steps can include:

- properly training and supporting specialized officers;
- motivating all officers to respond appropriately through implementation of policies, training, supervision and rewards for compliance with policies and procedure; and
- training the department to understand the role of specialized officers and incorporate the expertise these officers bring to violence against women cases.

### 3. INCLUDE TRAINING RESPONSIBILITIES IN OFFICER JOB DESCRIPTIONS.

Specialized officers can routinely train all department staff on policies and sensitize patrol officers to complex issues related to violence against women. Such training can encourage other officers to support the work of specialized officers, rather than ignoring these cases or not collecting needed evidence

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at the crime scene. Specialized officers can be leaders in multidisciplinary training and community education efforts. (See Appendix A, Training, and Chapter 7, Coordinated Community Response, Practice 2.)

The **Hillsborough (Florida) County Sheriff's Office** training on domestic violence protocols is taught by a multidisciplinary team, including representatives from the battered women's shelter, the **State's Attorney's Office**, the **Sheriff's Office Domestic Violence Unit**, and a panel of survivors.

Officers from the **Seattle (Washington) Police Department's Special Assault Unit and Domestic Violence Unit** train patrol officers and other agency employees to ensure the entire department makes victim protection and support a priority and effectively enforces laws pertaining to these crimes. (See *Law Enforcement Program Profiles*.)

#### 4. EXPLORE OPPORTUNITIES FOR MULTIDISCIPLINARY COLLABORATION.

Law enforcement agencies across the country are developing creative ways to combine the need for specialization with community collaboration efforts. Police response to violence against women cases can be enhanced by coordination and collaboration with providers who interact with victims, witnesses, and offenders in the course of a police investigation (e.g., advocates, health care providers, prosecutors, probation and parole officers, and child protection workers).

Multidisciplinary and multijurisdictional investigative initiatives offer innovative approaches to comprehensive, immediate response to victims. Both large and small jurisdictions may be willing to share resources regionally. (See Appendix F for more program examples. Also see Chapter 7, Coordinated Community Response, Practice 1, 2, and 3, for information on coordination with justice system agencies, advocacy programs, and community allies.)

In order to define coordination needs, departments should solicit input about the gaps in multidisciplinary response that hinder law enforcement's capacity to do high quality, victim-sensitive investigations. Many departments participate in task forces or councils to collect information and assess overall community needs related to reducing violence against women.

Through a STOP grant, the **Mesa (Arizona) Police Department** opened the **Center Against Family Violence** in 1996. It houses all domestic violence and sex crimes detectives, two child protection workers, an on-call medical director, a county attorney, victim services staff, and an advocate from the **Center Against Sexual Assault**. The center provides comprehensive immediate response to battered and sexually assaulted women and sexually abused children in a centralized location. Medical staff conduct victim exams and forensic evidence collection on-site. By coordinating with detectives, child protection workers, and the county attorney, a single victim interview can often be conducted. Staff work closely with community-based victim service providers and make referrals to them.

The **Jo Daviess County Sheriff's Office (Illinois)** has developed a number of mechanisms to increase its capacity to handle sexual assault and domestic violence cases in this rural area. One investigator handles all sex crimes (there were ten reports in 1996), although his work is not confined exclusively to these cases. The office has interagency agreements with both the sexual assault and domestic violence programs to standardize advocate involvement in police response and referrals to appropriate agencies, which in turn provide officers with annual training. The department is also active on multidisciplinary task forces for sexual assault and domestic violence.

The **LEGIONS Domestic Violence Program** was developed through collaboration between the **Police Department of Tuscaloosa (Alabama)** and the local domestic violence task force. It established a **Family Violence Division** within the **County Homicide Unit** (a multijurisdictional unit that inves-

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stigates violent crimes against persons). The Family Violence Division has two full-time investigators from the sheriff's and police departments and one full-time prosecutor. **Turning Points**, the domestic violence program, provides victims with court advocacy, counseling, shelter, and assistance. **Family Counseling Services** provides batterers with court-ordered services.

## 5. RECRUIT AND TRAIN OFFICERS FOR SPECIALIZATION AND PARTICIPATION IN MULTIDISCIPLINARY EFFORTS.

Whenever possible, select applicants from a pool of candidates who have demonstrated ability to handle violence against women cases. Applicants should be screened to ensure they have the sensitivity, skills, and dedication needed to lead these investigations. Specialized officers must have an understanding of the needs of diverse populations and be willing to seek guidance from advocates and community groups that represent or serve these populations. Once officers are assigned these functions, supervisors should provide officers with advanced department and multidisciplinary training and ongoing support.

The **Chapel Hill (North Carolina) Police Department** recruits officers on a volunteer basis to develop expertise in sexual assault cases. Recruitment efforts have been so successful that there are currently two to three specialized officers available during each shift to lend expertise to reports of sexual assault. (See *Law Enforcement Program Profiles*.)

Officers in the **San Diego (California) Police Department's Domestic Violence and Sex Crimes Units** request the assignment and undergo intensive training. (See *Law Enforcement Program Profiles*.)

The standard operating procedures of the **Hillsborough County (Florida) Sheriff's Office, Domestic Violence Unit** direct the district commander to request volunteers who wish to become domestic violence investigators to submit a memorandum through their chain of command requesting the appointment. New recruits receive advanced training.

Be sensitive to the burn out potential of officers working with these difficult cases. The department or unit organizational philosophy should promote their health and well-being. For example, give specialized officers the opportunity to participate in workshops to build skills and showcase their efforts. Make it acceptable for officers to rotate out of specialized functions without suffering negative consequences.

## 6. OBTAIN DEPARTMENT AND COMMUNITY SUPPORT FOR THESE PROJECTS.

Law enforcement staff may have to justify why the department's resources are being used to increase attention to violence against women cases. Domestic violence and sexual assault crimes typically make up a significant portion of police department caseloads, so dealing effectively with these crimes can also promote cost-efficiency.

**Be prepared to support requests for resources with facts.** Police departments should be able to show that other agencies endorse their efforts, either through letters of support, quoted statements, or their verbal testimony. Persuasive arguments should illustrate problems associated with the current response (e.g., linking homicides and serious injury to histories of violence against women crimes; above-average risk of police liability; inadequate support for victims; low conviction rates; repeat calls to the same address and resulting police costs; and above-average recidivism rates). Where possible, offer examples of success from jurisdictions with similar backgrounds and demographics.

Justifying projects to improve response should not focus on numbers alone, but also on how the initiative helps officers promote reporting, increase support to victims, and be more effective in gathering evidence.

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The **Mansfield (Ohio) Police Department** initiated two special projects on domestic violence through Federal funding (COPS and VAWA grants). These projects would not have been possible without such grants to seed them or continue operations. An officer from the department's community policing section developed tips for police agencies on grant ideas and funding sources, juggling grant-writing with other responsibilities, and developing grant writing positions.<sup>2</sup>

In the small county of **Jo Daviess, (Illinois)** police typically know the staff at local human and social service agencies. These agencies rely on police to provide timely intervention in sexual assault and domestic violence cases, and police depend on these agencies to provide prompt support and assistance to victims. Such circumstances make it easier to justify specialized efforts to improve response to these crimes, even when actual reports of these incidents are low.

Once specialized projects have been established, involved officers must demonstrate to department leadership and the community that their efforts have led to increased victim protection and support, and offender accountability. Some strategies include:

- keep before/after statistics (e.g., the number of cases reported, investigated, dismissed, and resulting in successful prosecution; the number of related homicides; or the rate of offender recidivism);
- develop written evaluations and satisfaction surveys for victims to fill out;
- talk with advocates and victims about their level of satisfaction with police response; and
- talk with justice partners and community service providers about the effectiveness of collaboration.

The **Nashville (Tennessee) Metropolitan Police Department, Domestic Violence Division**, created in 1994, saw a decrease in domestic homicides from 25 to 12 in 1995. During the same time, the proportion of men completing the city's largest batterers counseling program grew from 35 percent to 80 percent. Before the division opened in 1994, judges issued 700 orders of protection for victims. By 1995, the number of orders for protection had increased to 3,500. The number of cases the unit investigated rose dramatically in those two years, by about 30 percent. The division now investigates over 13,000 incidents of domestic violence each year. Instructors for the division trained over 9,000 students locally and around the country in community coordinated response to domestic violence and other topics. (See *Law Enforcement Program Profiles*.)

Feedback from victims to the **San Diego (California) Police Department's Sex Crimes Unit** indicates that even when their cases are ultimately not prosecuted, victims were satisfied with police response when officers behaved professionally, took their cases seriously, and kept victims apprised of their case status. (See *Law Enforcement Program Profiles*.)

## MEASURES OF SUCCESS

Developing specialized police approaches to handling violence against women cases can result in:

- increased support for victims, their families, and friends throughout the investigation;
- increased numbers of personnel assigned to handle violence against women crimes;
- increased number of cases being investigated;
- increased level of training and experience of officers handling these cases;
- improved officer commitment to proactive intervention;
- increased officer compliance with relevant policies and protocols;
- increased collaboration to improve coordinated response to violence against women;
- reduced duplication of information-gathering from victims and witnesses;
- decreased number of cases "falling through the cracks;"
- improved "approachability" of police (particularly in underserved areas); and
- increased victim satisfaction with law enforcement efforts.

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### 3. DEVELOP GUIDELINES FOR DISPATCH, INITIAL RESPONSE, AND SECURING THE CRIME SCENE

#### ACTION PLAN AT A GLANCE

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1. **Develop protocols, training, and reference materials.**

##### Dispatcher Response

2. **Advise dispatchers to provide the caller with crisis intervention and support until the first responding officer arrives.**
3. **Direct dispatchers to obtain as much information as possible.**
4. **Make sure dispatchers have immediate access to the criminal and civil history of the suspect.**
5. **Establish protocols to inform the dispatchers' decision on how to assign priority among calls.**
6. **Instruct dispatchers on response to the victim, when she is at a location other than the crime scene, or when there are multiple crime scenes.**
7. **Teach dispatchers how to preserve the 911 tape.**

##### First Responding Officer Response

8. **Train officers to approach all crime scenes in a cautious manner.**
9. **Teach officers to enter the premises under the laws of the State.**
10. **Guide officers in immediate actions upon arrival at a crime scene.**
11. **Instruct officers on initial response to delayed reports.**

#### WHY THIS PRACTICE IS IMPORTANT

The dispatcher and responding officers are usually the first people within the criminal justice system that the victim turns to for help. Unlike most victims who request police assistance in the aftermath of a crime, women who are battered, sexually assaulted or stalked often face continued and sometimes increased risk of harm *after* they contact the law enforcement. The response of these officers is crucial in ensuring the safety of the victim and in laying the foundation for subsequent intervention by the legal system.

The practice will give dispatchers tools to assess the victim's safety needs. It will provide responding officers with information to minimize harm to the victim, witnesses, and officers, and to ascertain the dangerousness of the offender. The practice will guide officers in the initial steps to take when arriving at the crime scene.

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## ACTION PLAN

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### I. DEVELOP PROTOCOLS, TRAINING, AND REFERENCE MATERIALS.

Educate dispatchers and patrol officers about the following, at a minimum:

- the impact of timely and sensitive initial response on victim and officer safety;
- the details of assisting victims with safety planning (see *Chapter 1, Safety Planning*);
- the importance of assessing the risk posed to the victim by the offender;
- police role in informing victims of their rights (see *Chapter 2, Victim Rights and Notification*);
- protocols and interagency agreements on dispatch and initial response, and securing the crime scene for subsequent evidence collection;
- the effect of their initial actions on subsequent case investigation and prosecution;
- appropriate response to varied victim reactions to the violence;
- appropriate response to victims with special needs (e.g., non-English speaking or disabled);
- community resources available to enhance the safety and support needs of the victim and how to expeditiously draw on them (e.g. advocates, emergency mental health workers, child protective service workers, or emergency medical technicians); and
- procedures for handling delayed reports of violence.

(See *Practice 4 and 5 in this chapter for information on interviewing parties and evidence collection.*)

Police leadership must ensure that officers have access to resources (e.g., information about the offender criminal and civil histories, translation services, interagency agreements, checklists, and forms) that allow them to implement department policies and procedures in every violence against women call. (Also see *Practice 1 in this chapter.*)

Police leadership should strongly advocate for the establishment of 911 emergency assistance service in every jurisdiction and Native American Reservations across the United States. Localities that do not have 911 service can explore multijurisdictional collaboration and seek assistance from State and Federal sources.

The **Seattle (Washington) Police Department** regards dispatchers and first responding officers as critical resources for gathering evidence in both misdemeanor and felony-level crimes. Training is provided on an ongoing basis, during regular shifts. Trainers use teaching tools, including victim case studies from actual incident responses and 911 tapes.

**Ensure policies, protocols, and training articulate similarities and differences in response among domestic violence, sexual assault, and stalking calls.** Officers must be familiar with the unique issues relevant to each crime, how to respond to the needs of the victim, and how to preserve the evidence. For instance, all departments should provide dispatchers and first responding officers with direction and detailed information on the following:

- preservation of forensic evidence from victims and suspects, in addition to crime scene evidence (primarily in sexual assault cases);
- access to the criminal and civil history of the suspect (particularly in domestic violence and stalking cases);
- the risks they face during initial response and techniques to increase their safety (primarily in domestic violence and stalking cases);
- entering the premises under the laws of the state (particularly in domestic violence cases); and
- response to delayed reports (particularly in sexual assault cases).

Training should prepare dispatchers for the fact that victims may experience and voice a range of reactions. The victim may be anxious, fearful, shocked, angry, nervous, calm and in control, or acting in ways that seem inappropriate (e.g., laughing), but are valid reactions to trauma.

The victim also may also be disoriented or confused as a result of the violence. She may need assistance in relating the purpose of the call and in giving identifying information.

## DISPATCHER RESPONSE

### 2. PROVIDE THE CALLER WITH CRISIS INTERVENTION AND SUPPORT UNTIL THE FIRST RESPONDING OFFICER ARRIVES.

The dispatcher should be reassuring and nonjudgmental when responding to the call. Instruct dispatchers to:

- listen closely to the caller's concerns;
- attempt to calm her/him;
- provide crisis intervention as needed (particularly if the caller is the victim); and
- take immediate action to stop violence (these actions primarily include dispatching officers, an ambulance, or a mental health crisis worker).

The dispatcher should try to stay on the line with the caller until police arrive. If the caller is the victim, the dispatcher can tell her help is on the way and when she can expect the police to arrive. During this period, the dispatcher can assist her with immediate safety planning (e.g., explore places where she could go to be safe, such as the home of a neighbor or relative). If the caller is a witness to a domestic violence incident in progress, the dispatcher can keep her/him on the telephone and relay ongoing information to the responding officer. (See *Chapter 1, Safety Planning*.)

In order to protect evidence, dispatchers should instruct victims to avoid bathing, urinating, defecating, changing clothes, or touching anything at the scene.

Victims in rural and remote areas may have to wait a considerable period of time between the 911 call and police arrival at the crime scene. It is crucial in these situations that dispatchers provide crisis intervention and help with immediate safety planning.

Police management should advocate for 24-hour availability of emergency victim assistance services and collaborate with these programs to ensure swift intervention. To increase police capacity to reach victims more quickly, they should consider collaborating with neighboring law enforcement agencies, as well as State police.

The *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement*, produced by the **Illinois Law Enforcement Training and Standards Board** and the **Illinois Coalition Against Sexual Assault**, explains that keeping the sexual assault victim on the line may also protect evidence from contamination or destruction, since it is unlikely that the victim will bathe or change clothes while talking to the dispatcher.

### 3. DIRECT DISPATCHERS TO OBTAIN AS MUCH INFORMATION AS POSSIBLE.

The information the caller provides can assist responding officers in assessing risks and hasten appropriate intervention. The dispatcher should obtain the following information from the caller:

- whether the caller is safe;
- the name of the caller;

- whether the caller is the victim or a witness;
- whether the victim requires a translator, specifying language (e.g., American Sign Language or Spanish);
- the nature of the incident;
- the relationship of the assailant to the victim;
- when the incident occurred;
- the addresses of the incidents, and/or the victim's location; including the apartment number or the name of the business;
- telephone number where the caller can be called back;
- whether weapons are involved;
- whether anyone is injured and in need of an ambulance;
- whether the suspect is present at the crime scene, his name (if known), description, where the caller thinks the suspect may have gone (if he is not present), and his mode of travel;
- whether there are children or dependent adults present at the scene;
- whether police have been to the address before; and
- whether the victim has a current restraining order against the suspect.

Collected information can also help provide reasonable suspicion or probable cause that a crime has occurred or is occurring.

Dispatchers should have immediate access to impartial translators who can interpret the caller's statements. The pool of available translators must reflect the range of languages spoken in the area (including sign language).

Dispatchers should alert responding officers of the need for a translator for victims whose primary language is not English.

The **Police Chiefs' Association of Santa Clara County (California)** addresses dispatcher response in their *Domestic Violence Protocol for Law Enforcement*. In this section, dispatchers are advised not to inquire as to the victim's desire to prosecute or press charges. Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate.

#### 4. MAKE SURE DISPATCHERS HAVE IMMEDIATE ACCESS TO THE CRIMINAL AND CIVIL HISTORY OF THE SUSPECT.

**Train dispatchers to quickly cross reference files of incidents by name and address of the suspect.** By identifying and examining any existing criminal or civil records of the suspect, dispatchers can ascertain the following:

- the suspect's prior history of violence (e.g., reports of violence, convictions, and probation and parole conditions);
- whether weapons have been used in a prior incident;
- the suspect's gun ownership record; and
- whether prior responding officers have been assaulted.

Particularly in domestic violence cases, dispatchers can determine if a protective order is in place or if any other criminal records exist for the address or the persons present in the home.

Officers arriving at a crime scene have been prepared to intervene when dispatchers have been able to provide them with this information.

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Police management should develop agreements with other justice system agencies to link data bases to expand the range of offender information available to officers (e.g., records of child abuse or neglect, and registered sex offenders).

The rural **Benton County (Arkansas) Domestic Violence Program** developed a computerized domestic violence data base for law enforcement personnel. Information is distributed to the four main dispatch centers in the county, where it is relayed to officers needing the information. The system can track offender and victim history, and also domestic violence history for a specific residence.

The **Massachusetts Probation Department**, in conjunction with the police and the courts, has developed a comprehensive data collection system that is accessible to dispatchers when directing officers to respond. Officers are apprised of how many times police have been called to the address, the parties who will likely be present, if the perpetrator has assaulted officers or possesses weapons, whether civil or criminal actions have been taken against any of the parties, and whether drugs or alcohol were a factor on previous calls.

#### 5. ESTABLISH PROTOCOLS TO INFORM THE DISPATCHERS' DECISION ON HOW TO ASSIGN PRIORITY AMONG CALLS.

***Treat violence against women calls as seriously as other violent crimes.*** The dispatcher's decision about the priority of the call should be based on "the seriousness of the injuries or threatened harm, and whether or not the assailant is on the premises. Evidence of an assault in progress or an assailant still at the scene, such as screams or an interrupted or incomplete phone call, should be assigned an immediate response."<sup>2a</sup>

Particularly in domestic violence cases, dispatchers should not cancel police response based solely on a follow-up call from another party requesting such cancellation (e.g. a male caller at the same residence). However, the dispatcher should advise the responding officers of the request.

The *Model Protocol for Police Response to Domestic Violence*, developed by the **Pennsylvania Attorney General's Family Violence Task Force**, states that dispatchers under the direct supervision of a police department should dispatch violence against women calls in accordance with the priority criteria prescribed by applicable department procedures. If dispatchers serve multiple jurisdictions, it directs departments to work together to provide joint training and clear protocols for handling cases across the jurisdictions.

#### 6. INSTRUCT DISPATCHERS ON RESPONSE TO THE VICTIM WHEN SHE IS AT A LOCATION OTHER THAN THE CRIME SCENE, OR WHEN THERE ARE MULTIPLE CRIME SCENES.

The victim's call for assistance may be from a location other than the crime scene. She may have fled or left the crime scene. For instance, a domestic violence or stalking victim may gather her children and escape to the home of a neighbor or family member. Sexual assault victims may go directly to a hospital emergency room to receive medical attention. In some cases, there may be multiple crime scenes.

Dispatchers should be trained on how to obtain identifying information about both the victim's location and the crime scenes. Dispatchers should send patrol officers to all locations in order to provide immediate assistance to the victim, gather information, and preserve the crime scenes (e.g., if the victim has been kidnapped and transported to one or more locations).

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The *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement* states that the dispatcher should promptly dispatch a patrol officer to both the victim's location and to the crime scene, if different. If an assault has just occurred or the offender has just fled, dispatchers are instructed to send an additional unit to the offender's residence or location, if known.

## 7. TEACH DISPATCHERS HOW TO PRESERVE THE 911 TAPE.

Departments should develop detailed guidelines to maximize the quality of recordings and procedures to preserve tapes for later use.

Information collected through the 911 call can be useful in subsequent court processes. Prosecutors can use 911 tapes as documentation of an incident in progress, the caller's statements, and excited utterances or the victim's emotional state. This is particularly true in cases when the victim does not testify or recants her prior statements.

### FIRST RESPONDING OFFICER RESPONSE

## 8. TRAIN OFFICERS TO APPROACH ALL CRIME SCENES IN A CAUTIOUS MANNER.

As a protective measure, officers should consider doing the following when approaching a crime scene:

- plot out their response to the various situations they could encounter, based on data received from the dispatcher;
- assess the risks they could face and the complexity of the case, and obtain backup as needed;
- observe and listen for unusual conditions upon arrival at the scene (e.g., arguments, fresh damage to residence or weapons involved);
- park a short distance away;
- avoid the use of sirens and emergency lights in the vicinity;
- wait for backup assistance before entering the scene and provide case information to assisting officers;
- use cover on approach, with each officer using a separate approach;
- do not stand in front of door or windows; and
- maintain avenues of escape.

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The *Michigan Law Enforcement Response to Domestic Violence* training curriculum, produced by the **Department of State Police**, prompts trainees to consider the precautions a first responding officer should take when approaching the crime scene, conditions to look and listen for on arrival, and situations in which officers should request assistance.

## 9. TEACH OFFICERS TO ENTER THE PREMISES UNDER THE LAWS OF THE STATE.

Upon arrival at a crime scene, officers should identify themselves and ask to see all household members. Under laws in most States, law enforcement can only enter a residence if given permission by one of the occupants. However, there are usually exceptions. For example, when consent to enter is already on file, the officer may be permitted to enter, even over objections. When exigent circumstances require immediate action, officers must exercise their authority to provide immediate assistance.

When entering without permission and under exigent circumstances as defined in State law, the officer must be prepared to explain the circumstances that warranted a forced entry.

When refused entry, officers should be persistent about seeing and speaking alone with any possible victims and witnesses. Also, in communicating with the caller, the dispatcher may be able to establish permission to enter or exigent circumstances.

The *Michigan Law Enforcement Response to Domestic Violence* instructs officers to consider forced entry if they believe a person within the dwelling is in need of immediate aid or if exigent circumstances exist. Exigent circumstances include: risk or danger to police or others inside or outside the premises; imminent destruction of evidence; need to prevent the suspect's escape; and hot pursuit.

According to the **Quincy (Massachusetts) Police Department** State law defines "premises" as a house, apartment, condominium, hotel room, dormitory room, or house trailer. Police have a right to be on the premises if one of the parties requests their presence; they can foresee further abuse if they leave; they have probable cause that a felony has occurred; they feel the victim will be in danger of violence if they leave; or if there has been a breach of the peace. Police must leave if both parties request; they can foresee no further abuse; they don't have probable cause a felony has occurred; or they believe the victim will not be placed in imminent danger if they leave.

#### 10. GUIDE OFFICERS IN IMMEDIATE ACTIONS UPON ARRIVAL AT A CRIME SCENE.

Before conducting the preliminary criminal investigation, responding officers should be directed to do the following:

- stop all violence;
- evaluate the scene for threats (e.g., weapons);
- separate the victim from the assailant, if he is present, and confiscate weapons;
- restrain the assailant if necessary and remove him to the patrol car if immediate arrest is warranted (transport sexual assault suspects to the hospital for collection of forensic evidence);
- determine the need for medical attention through observation and talking with the victim about possible injuries;
- administer first aid, if needed;
- arrange for transport to the hospital for medical treatment and forensic evidence collection, if needed; and
- offer to contact the appropriate local victim advocacy program to provide on-the-scene or hospital support for the victim, following departmental procedures. (See *Chapter 1, Safety Planning, and Chapter 10, Coordinated Community Response, Practice 3.*)

Even when only one officer responds, the parties must be separated. Various approaches can be employed. Suspects can be handcuffed to the patrol car, or victims and witnesses can be permitted to go next-door until backup officers arrive.

When two officers respond and separate the parties, the parties should not be able to see or hear each other. However, the officers should maintain eye contact with each other and be within hearing range of a shout.

In order to assist and support sexual assault victims, the **San Diego (California) Police Department** calls in-house crisis interventionists to the crime scene, if needed. Community-based victim advocates are called to the hospital emergency department to support victims through the medical examination, forensic evidence collection, and initial police interviews.

When the **Ann Arbor (Michigan) Police Department** makes a domestic violence arrest, the officer calls the **Domestic Violence Project Inc./SAFE House**, the local battered women's program. In turn, SAFE House provides immediate in-person services to the victim.

The **Chapel Hill (North Carolina) Police Department** has two to three specially trained officers available per shift to lend expertise and guidance to patrol officers who respond to reports of sexual assault. (See *Law Enforcement Program Profiles*.)

Train officers to remember RSVP. RSVP is a simple mnemonic for domestic violence response that means: Respond quickly; Separate all parties immediately; Victim, perpetrator, and children/witnesses interviewed separately; and Probable cause and primary aggressor determination.

## 11. INSTRUCT OFFICERS ON INITIAL RESPONSE TO DELAYED REPORTS.

Delay in reporting does not reduce the officer's responsibility to respond appropriately. When the victim reports an incident of violence days, months, or years after an incident has occurred, officers must take care to elicit information from the victim regarding dates of the incident(s), specific facts, and whether any evidence still exists. For example, forensic evidence may remain at the crime scene long after an assault.

Officers must be aware of any time limitations placed on reporting and forensic evidence collection. For example, many states instruct officers to collect forensic evidence from a sexual assault victim when the report is made within 72 hours. However, forensic exams should still be encouraged after that point if the victim indicates she is in pain. (Also see *Practice 6 in this chapter*.)

External injuries may not be visible in either domestic violence or sexual assault cases. Where a sexual assault occurred much earlier, the victim should be encouraged to seek medical attention for possible internal injuries or damage and be tested for pregnancy, sexually transmitted diseases, and HIV/AIDS.

All possible evidence should be collected and examined for admissibility in a criminal case. Even if there is no physical evidence, cases can sometimes be prosecuted using witness and victim testimony. (Also see *Practice 4 and 5 in this chapter*.)

The *Police Response to Crimes of Sexual Violence: A Training Curriculum for Pennsylvania Law Enforcement*, developed by the **Pennsylvania Coalition Against Rape**, instructs officers on handling physical evidence collection in cases of delayed reports. If the assault is reported more than 48 hours after it happened, the examination of the victim for evidence such as sperm or acid phosphatase may not be productive. Evidence of injuries exists for a significantly longer time. Officers are instructed to use their own judgment with regard to requesting that the victim undergo a physical examination.

The **Kankakee (Illinois) Police Department** treats delayed reports of sexual assault as seriously as assaults that were immediately reported. Officers and detectives are discouraged from making judgments about a case based on the victim's behavior. They strive to balance their need for information and their duty to remain nonjudgmental. (See *Law Enforcement Program Profiles*.)

## MEASURES OF SUCCESS

Guidelines for dispatch, initial response, and securing the crime scene can result in:

- correct classification of violence against women crimes;
- consistent priority rating of calls of violence against women;
- increased assistance to victims with crisis intervention and immediate safety planning;

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- more timely dispatch of officers to crime scene and/or victim's location;
  - timely dispatch of an ambulance to crime scene when needed;
  - increased availability of offender information to officers prior to arrival at the crime scene;
  - more frequent granting of permission to enter premises;
  - increased likelihood of evidence preservation; and
  - increased admissibility of the 911 call recording in subsequent legal proceedings.

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## 4. DEVELOP GUIDELINES ON INTERVIEWING PARTIES, INVESTIGATION, AND EVIDENCE COLLECTION

### ACTION PLAN AT A GLANCE

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1. Instruct officers on how to interview victims.
2. Instruct officers on how to interview witnesses, including children.
3. Instruct officers on how to interview suspects.
4. Instruct officers on collecting and documenting evidence at the crime scene.
5. Train officers to conduct comprehensive follow-up investigations.
6. Provide officers with guidance in responding to complex cases.

### WHY THIS PRACTICE IS IMPORTANT

Investigation of violence against women cases requires specific actions on the part of first responding officers and follow-up investigators. Absent direction, officers may not appropriately assess the danger posed to victims or to officers arriving at the crime scene. Police may misinterpret an incident and victim actions and reactions. Officers may not know that the rules of evidence determine what can be used in court to prove the charge.

Battered women report more favorable impressions of officers who separate parties and ensure confidentiality of the interview. Sexual assault victims' willingness to participate in justice proceedings is often predicated on their trust in officers. Stalking victims feel safer when they know police are taking aggressive and multiple measures to protect them, restricting the stalker, and collecting evidence. The more comprehensive the investigation and evidence collection, the less likely the prosecution will rely solely on victim testimony.<sup>3</sup> (See *Practice 8* in this chapter for specific information on police response to stalking.)

### ACTION PLAN

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#### I. INSTRUCT OFFICERS ON HOW TO INTERVIEW VICTIMS.

Victim statements, along with crime scene and other forensic evidence, can justify the arrest, and subsequent prosecution and conviction, of the assailant. Some guidelines for officers for conducting a successful interview follow.

***Interview the victim away from and out of the hearing range of the suspect.*** Victims can be endangered and intimidated when they are forced to describe the incident within earshot or presence of the suspect. Make sure the victim feels secure in the chosen location.

***If there is a need for emergency medical attention or immediate collection of physical evidence from the victim, limit the questioning of the victim at the scene to establishing the elements of the crime and obtaining suspect information.*** The preliminary interview can be conducted after the victim has been examined at the medical facility. If the interview takes place at the hospital, find a quiet setting, free from distraction, preferably not the examining room. (Also see *Practice 5* in this chapter and *Chapter 7, Coordinated Community Response, Practice 3*.)

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**Work to develop a positive rapport with the victim.** This can be accomplished by providing information (e.g., explain about the role of the police, what to expect from the investigation, and the purpose of the interview and subsequent criminal justice procedures), remaining nonjudgmental, and being aware of her emotional state (e.g., she may be in shock, upset, crying, controlled, or angry).

Given the trauma the victim has experienced, her thoughts and statements may be disorganized. She may be confused about the timing or sequence of events. She may experience lapses of memory or confusion in detail (if necessary, postpone the interview). Do not assume inconsistent statements or missing details result from fabrications. However, victims may not be truthful about certain facts of a case because they think they will not be believed or they will be blamed for the crime (e.g., a sexually assaulted teenager may say she had been abducted, rather than admit she had willingly gone out with someone (who subsequently raped her) that her parents disapproved of). Officers should recognize that the victim's response is an attempt to cope with the crisis and trauma of the event and is not a measure of the validity of the complaint.

Departments should work with advocacy organizations to educate officers about common victim reactions to crimes of violence against women and interviewing techniques that are supportive and that help calm victims, including those victims from underserved populations.

*Domestic Violence 101*, produced by the **Utah Prosecution Council**, includes a section on working with victims from rural areas.

The police training manual for the **Benton County (Arkansas) Domestic Violence Program** includes a section on working with immigrant battered women, due to a growing population of women from Latin American and Asian countries.

**Whenever possible, give control back to the victim by letting her make choices** (e.g., having an advocate present during the investigation process). Victims are more likely to answer inquiries if officers are patient and make necessary accommodations to address their immediate needs. A victim's sense of control may be restored by a responding officer who treats the case seriously and is supportive. Officers should ask noninvasive questions at first (e.g., "How can I help you?") and show concern for the victim's safety and well-being (e.g., "How are you feeling?" and "I'm sorry this happened to you"). It is helpful for officers to speak in a calm, soft voice and make eye contact with victims.

The **Colorado End Violence Against Women Project's** 1997 training manual directs first responding officers to explain the details of the medical examination to the victim to help mentally prepare her and give her some sense of control over the process.

**Solicit complete and accurate information without exacerbating the victim's shame or embarrassment.** Ask the victim to describe in her own words what occurred and what she was thinking or feeling at the time. After she is finished, clarify points that are unclear or contradictory and elicit further details as needed.

During the victim interview:

- reassure the victim that her safety is the priority;
- obtain preliminary information about the reported incident;
- obtain any further information the victim has about the suspect (e.g., whether there was a prior relationship between the victim and suspect, or history of abuse by the suspect, whether court orders against the suspect exist, or whether the suspect used weapons or alcohol/drugs);
- record the victim's excited utterances and her emotional and physical condition;
- note her demeanor, body language, and other nonverbal communication;

- document the victim's injuries and inquire about injuries that are not visible;
- avoid victim blaming (e.g., don't question how a sexual assault woman was dressed or why a battered woman returned to her husband after he choked her last month);
- obtain temporary addresses and phone information for the victim;
- encourage the victim to call the officer with additional questions or information;
- avoid promises or predictions regarding the outcome of the case;
- discuss safety options with the victim, assist her with her immediate needs, and make referrals to the advocacy program; and
- respect and protect the confidentiality of the victim, as well as her wishes concerning notifying others of the assault (e.g., family members).

The police training manual for the **Benton County (Arkansas) Domestic Violence Program** advises officers to ask victims the questions listed below to elicit information about the crime.

- Who called the police? Can you tell me why you called the police for help?
- It looks like someone hurt you. Can you tell me what happened?
- Where on your body were you struck? How many times were you struck?
- Who hurt you? What did he hurt you with?
- Are there weapons in the house? Where?
- How were you injured? Was an object or weapon used?
- Has anything in the house been broken or damaged?
- Was anything thrown directly at or near you?
- Are there children in the house? Were they injured in any way? Did they see the incident?
- Were any threats made against you or your children? What were the threats?
- Has anything like this ever happened before? Was it reported to law enforcement?
- What do you fear if the person who hurt you is arrested?

The second edition of *Police Response to Crimes of Sexual Assault: A Training Curriculum*, produced by **Connecticut Sexual Assault Crisis Services, Inc.**, instructs officers to elicit assault details, including:

- questions which establish the elements required by State laws;
- any information about the crime scene or the offender;
- any information about the point of entry, if the offender entered a dwelling, place of business, or car; and whether the victim or offender brought anything to or took anything from the crime scene;
- whether the offender touched or moved anything, took any pictures or videos, showed any videos or magazines to the victim, or used any objects during the assault;
- whether the offender made any threats;
- whether the victim told others about the assault; and
- information about anyone who may have seen or heard anything before, during, or after the assault.

**Refer to department policies and procedures regarding who should interview the sexual assault victim in order to get a detailed statement.** In some departments, the responding officers obtains initial information and a detective does a thorough follow-up investigation, including interviewing the victim. (See *Action Plan 5* in this practice on follow-up investigation.)

The *Illinois Model Guidelines and Sex Crimes Investigation Manual for Law Enforcement* explains that officers interviewing sexual assault victims should be mindful of the type of case the victim is reporting ("consent" or "identification"). The difference between these two types of cases may affect the kind of investigation and evidence which will be crucial to the case. Identity cases require collection of information to find and apprehend the offender. In consent cases, questions focus on

evidence of a confrontation and use of force or coercion. In cases where there is little physical evidence of force or coercion to corroborate the victim's statements, the manual directs investigators to document the victim's efforts at resistance, information concerning the victim's submission, conversations the victim may have used to dissuade the offender from continuing the assault, and the victim's fear of the offender.

Evidence has repeatedly demonstrated that the rate of false reporting of sexual assault, domestic violence, and stalking is no greater than the rate of false reporting for any other crime category. The use of polygraphs or intimidation of victims is prohibited in many States.

## 2. INSTRUCT OFFICERS ON HOW TO INTERVIEW WITNESSES, INCLUDING CHILDREN.

Some guidelines for officers are listed below.

**Interview all witnesses separately.** Witnesses can give specific information about the crime, the victim or the suspect, corroborate or disprove information gained from other sources, give sworn statements, and appear in court to testify.<sup>4</sup> Even neighbors who were not present may have heard threats or witnessed other incidents of violence. Officers should quickly identify witnesses and their relationships to the victim or the suspect, note their demeanor, collect written statements, and obtain their address and phone information. Witnesses should be encouraged to contact officers with any new information.

While there will rarely be eyewitnesses to a sexual assault, there may witnesses who saw or heard part of the crime (e.g., a neighbor who saw the victim pulled into an apartment or the gas station attendant who noticed the victim crying in the car) or who have been told about the crime by the victim.<sup>5</sup>

**Conduct interviews with children in a non-threatening manner appropriate to each child's age and stage of development.** Children are often the only witnesses to domestic violence incidents, other than the victim and the perpetrator. Children who report that they were hiding or in another room while the incident was occurring may still have heard or seen enough to provide evidence. Officers should be instructed to:

- take children to be interviewed out of the line of vision and hearing of the suspect and the victim;
- let children know that it is the officer's job to find out what happened;
- let children recount what happened in their own words and then ask clarifying questions (e.g., if a child says, "He hit my mom," the officer can wait until the child is finished and ask "Who hit your mom?");
- ask children to show the officer where something happened;
- maintain neutral facial expressions when children are relaying information about the incident;
- not correct children when they are relaying information about the incident (e.g., if a child says the man was ten feet tall, the officer should not say "that's impossible");
- give children concrete frames of reference when asking for descriptive information (e.g., ask "Was the man taller than this door or picture?"); and
- not speak to children about the perpetrator in a degrading manner.

Children's advocates from domestic violence programs can help departments develop training for officers and support child witnesses and victims. In some jurisdictions, advocates provide crime scene support to children.

Never use children to translate for a parent or guardian who does not speak English in order to obtain information about an incident.

The **Austin (Texas) Police Department's Domestic Violence Unit**, in collaboration with its **Child Witness to Violence Project** and the **Travis County Attorney's Office**, teaches officers that they must:

- ensure that every incident report indicates whether children live in the home, what their location was during the incident, and where they were located at the time of the officer's arrival;
- let hiding children know that police officers are in the room and then count to five before opening the door or looking under the bed;
- kneel down to the child's level when speaking to them, and calmly ask open-ended questions, after stating, "I need to ask you a few questions. If you don't understand any of them, just tell me."
- ask the child, "How can I help?"
- review a *Youth Safety Plan* with the child, asking them to identify routes of possible escape from the house and neighbors they could turn to for help;
- photograph every child, whether or not they have visible injuries; and
- document the name, age, school, and teacher of each child in order to alert teachers of the situation.

*Domestic Violence 101*, produced by the **Utah Prosecution Council**, includes a five-page handout on "Protecting Children: Safety Strategies for Children Living in Violent Homes."

The **American Bar Association's Commission on Domestic Violence**, in collaboration with the **Disney Corporation**, has developed a mnemonic for children living in violent homes. The mnemonic SAFE stands for: Stay out of the fight; Ask for help; Find an adult who will listen; and Everyone knows it's not your fault. SAFE is explained in the 10-minute video, *It's Not Okay: Let's Talk About Domestic Violence*. It is intended for use by professionals willing to conduct follow-up work with the children who view it.

### 3. INSTRUCT OFFICERS ON HOW TO INTERVIEW SUSPECTS.

Some guidelines for officers are listed below.

**Always interview the suspect.** If he is present at the crime scene, it is preferable to interview him before an arrest is made. Officers should interview the suspect outside the presence of the victim. In many sexual assault cases, the suspect is not present at the crime scene. (See *Action Step 5 in this practice for information on interviewing the suspect during the follow-up investigation.*)

**Conduct the interview, rather than asking the suspect to write a statement.** This approach allows the officer to control the interview, ask the necessary questions, and press the suspect in areas where he may be reluctant to speak. Tape-recording of this interview is recommended.<sup>6</sup> The officer should do the following in the course of the interview:

- ask the suspect detailed questions about the incident;
- record his excited utterances, his emotional and physical condition, and his demeanor;
- note the suspect's injuries in detail;
- note any evidence of substance abuse or mental illnesses; and
- arrest the suspect if probable cause exists. (Also see *Practice 5 in this chapter*).

Perpetrator statements can be helpful in establishing probable cause and achieving a conviction. Where evidence contradicts a suspect's statements, the court may infer the defendant is unwilling to take responsibility for his own behavior.

When interviewing sexual assault suspects, be aware of offender motives and rationalizations. Sex offenders often believe they have the "right" to sex in certain circumstances or will delude themselves

into thinking the experience was enjoyable for both parties. In consent cases, direct officers to ask the suspect to describe exactly how the victim indicated her willingness to engage in sex.

The batterer usually sees himself as the victim. Initially approaching him in a nonaccusatory manner may decrease his defensiveness and make him more cooperative. However, do not agree with him about his perceptions; simply listen and let him tell his version of what happened. He may make spontaneous admissions, such as "I barely pushed her," which will provide evidence to establish probable cause.

The *Michigan Law Enforcement Response to Domestic Violence* training curriculum teaches officers to recognize that suspects might do the following when being interviewed:

- attempt to rationalize, deny, or minimize the violence;
- blame the victim for causing the violence;
- attempt to make a complaint against the victim;
- present a very calm, cooperative, or non-combative demeanor; or
- attempt to draw the officer in with statements like "What would you do?" or "You know how it is."

**Be conversant with the State's rules of evidence.** For instance, officers who understand the excited utterance exception to the evidentiary Rule Against Hearsay can appreciate the importance of the verbatim documentation of statements made by suspects and victims at the crime scene. Documentation of excited utterances may serve as strong evidence of guilt, even if the victim is unavailable to testify. For example, if the officer records the following victim statement, "he hit me," the statement may be deemed admissible if the corresponding form records the victim was crying, hysterical, or appeared fearful and nervous when she made the statement. Without this information, officers may only prepare summaries of the statements that are much less likely to be admitted into evidence at trial.

The **Office of the Duluth (Minnesota) City Attorney** trains officers to accurately record victim statements, using the *Domestic Abuse Related Incident Worksheet*. The worksheet facilitates documentation of the victim's demeanor at the time the statement was made. Depending on the victim's demeanor, the City Attorney's Office teaches officers that the statement may be admitted into evidence at trial under the Excited Utterance exception to the Rule Against Hearsay.

#### 4. INSTRUCT OFFICERS ON COLLECTING AND DOCUMENTING EVIDENCE AT THE CRIME SCENE.

Some guidelines for officers are listed below.

**Be familiar with the evidence gathering techniques that are admissible at trial.** They should be trained to properly preserve and document evidence, even if they are uncertain about subsequent prosecution of the offender. First responding officers must be able to assess personnel and equipment needs to ensure thorough and efficient crime scene processing and evidence collection. (See *Action Plan 6* in this chapter on complex cases.)

At a minimum, crime scene processing should include :

- assessing the scene for all physical evidence (e.g, fingerprints, body fluids, footprints, disrupted objects, or drinks that may contain drugs);
- photographing and/or videotaping the scene prior to touching, moving, or disrupting potential evidence;
- collecting, properly packaging, and marking all evidence;

- photographing the victim's injuries and alerting her that subsequent bruising should also be photographed;
- photographing the suspect's injuries and taking full body photographs;
- photographing children's injuries and demeanor;
- collecting and tagging all weapons used;
- diagramming the size or scale of the evidence as necessary and its location at the crime scene and documenting findings (see *Practice 7 in this chapter on report writing*);<sup>7</sup>
- arranging for delivery of items requiring analysis to the proper crime labs and storing the remaining items in a secure area to properly maintain the chain of custody; and
- requesting 911 or dispatch audio tapes be held as evidence.

(See *Practice 5 in this chapter for probable cause information and Practice 6 for information on forensic evidence collection. See Chapter 1, Safety Planning, for information on confiscating weapons.*)

Air-dry wet evidence and then place items in paper bags. Placing wet evidence in plastic bags promotes the growth of microorganisms that can quickly destroy the evidence.

The Travis County (Texas) Attorney's Office keeps pictures and case files containing well-written reports and photographic evidence that played strong roles in obtaining guilty pleas or convictions at trial. These examples are used when training officers to write a thorough report and collect evidence at the crime scene. When officers see the difference a comprehensive report makes in the disposition of a case, they are motivated to replicate the practices they are taught.

**Be aware that certain types of physical evidence are crucial to winning cases, especially if the victim is unavailable to testify.** These items could include bloody or torn clothing and photographs of the scene, the victim's injuries, and the suspect's lack of injuries. For instance, if a defendant in a trial alleges the victim was the primary aggressor, crime scene photographs showing the victim was injured and the defendant was uninjured can be admitted into evidence. Photographs can also be used to refresh the recollection of the defendant or the responding officer to prove the suspect was indeed the primary aggressor.

The Polaroid Corporation of Cambridge (Massachusetts) provides quantity discount camera programs and training in the use of instant photography equipment for evidence collection. Officers learn the importance of taking long- and close-range photographs of the victim, the suspect, children, and other witnesses, as well as the crime scene. Officers also learn that follow-up investigations should include additional photographs of injuries, to record the "evolution" of bruises that were not visible at the time of the initial officer response to the scene.

When there is inadequate evidence to arrest the suspect, officers should explain to victims why the evidence is insufficient and what information is needed for a charge to be filed.

## 5. TRAIN OFFICERS TO CONDUCT COMPREHENSIVE FOLLOW-UP INVESTIGATIONS.

Usually, investigations are more thorough when one detective is assigned to a case until it is closed. (Also see *Practice 2 in this chapter on specialization.*) This officer can:

- help minimize system duplication;
- develop a trusting relationship with the victim;
- work in conjunction with advocates to address the victim's needs on an ongoing basis;
- keep her updated about her case status and rights;

- encourage her to participate in the investigation and prosecution; and
- introduce the victim to the prosecutor who will handle her case.

An officer from the **Randolph (Massachusetts) Police Department** routinely offers victims assistance with transportation or contacting an employer to obtain time off from work. Although the department is busy, the officer provides victims with a copies of their incident reports and leaves them his business cards, inviting them to call if they have questions and concerns. The officer handles both misdemeanor and felony cases, dusts for prints, takes photographs, and carefully documents all information. Victims report their pleasant surprise at this treatment and it pays off at the time of trial. The officer finds that such victims are far more likely to stay safe and participate in full court proceedings.

If the victim desires, detectives in the **Special Assault Unit of the Boulder County (Colorado) Sheriff's Department** will accompany the victim to the **District Attorney's office** to introduce her to the prosecution stage of the process.

In domestic violence cases, the follow-up investigation usually includes:

- gathering and supplementing all documentation;
- preparing a complete report to file formal charges (e.g., obtaining 911 tapes, hospital/medical records with a victim waiver, crime lab analysis results, and certified copies of protective orders); and
- transferring the case to the prosecution office.

Circumstances at the crime scene (e.g., time constraints or the victim's emotional condition) may limit the depth of interviews with victims, children or other witnesses. In these cases, follow-up investigation is essential to providing prosecutors with supplemental statements and testimony from these individuals to strengthen the chance of charging and of a conviction. The investigator can also take follow-up photographs of victim injuries to show the full extent of bruising several days after an assault.

Officers from the **Appleton (Wisconsin) Police Department** try to visit the victim within 24 to 48 hours of the initial incident to gather more information, even when an arrest has not been made. (See *Law Enforcement Program Profiles*.)

Special investigators for the **Targeted Abuser Call (TAC) Team of the Cook County (Illinois) State's Attorney's Office** return to domestic violence scenes within a few days after incidents to take photographs of victim bruises and other injuries that may have worsened in the intervening time period. (See *Prosecution Program Profiles*.)

In addition to the tasks listed above for domestic violence cases, a follow-up sexual assault investigation may require a detective to:

- develop an investigative strategy (either a "consent" or "identity" case);
- conduct an in-depth interview with the victim, if not already done;
- develop suspects, if the offender's identity is unknown;
- arrest the suspect when probable cause is established;
- conduct a thorough interview of the suspect, if not already done; and
- maintain contact with the crime lab to determine and respond to the development of evidentiary issues.

(The *STOP T.A. Project* can provide further information on in-depth interviews with sexual assault victims and suspects.)

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The **San Diego (California) Police Department's Sex Crimes Unit** use pretext phone calls<sup>8</sup> in cases where the suspect is known to the victim, documents statements from everyone the victim disclosed to in delayed reporting cases, and tries to corroborate every detail of the victim's account.

The **FBI's Law Enforcement Online Network (LEO)** offers information to police officers involved in sex crime investigations and prosecutions, including using pretext phone calls and investigation considerations in drug-induced sexual assaults.

## 6. PROVIDE OFFICERS WITH GUIDANCE IN RESPONDING TO COMPLEX CASES.

Complex cases can involve: multiple victims or witnesses, the use of expert witnesses; scientific, or forensic evidence (e.g., DNA, blood spatter, and finger and footprints), evidence of strangulation or head injuries; those in which one or more parties have particular power or influence, and most homicides. In the critical period just after the commission of a serious crime, some evidence will be permanently lost if not immediately taken into custody, documented, and/or secured. In addition, cases that could be filed as attempted murders may be overlooked unless they are observed by a specially trained detective or other expert. Departments should include the points listed below in training and protocols on handling complex cases.

**Quickly identify complex cases.** As soon as officers identify a high risk or difficult case, they should call for back-up and work with their commanding officer to organize needed staff and community resources (e.g., advocates, experienced detectives, additional officers, and crime lab analysts).

The head of the **Austin (Texas) Police Department's Stalking Unit** insists that at homicide or serious crime scenes one officer should be stationed at the entry point and ensure that anyone who wishes to enter must sign in and out, noting the time of entry and exit. The commanding officer can then trace who was present and hold them accountable for their actions at the scene. Without such a policy, the scene can be contaminated, with curious officers and officials trampling over footprints, handling key evidence, and otherwise interfering in the processing of the initial investigation.

**Routinely ask victims if they have been strangled or choked.** Strangulation cases should be treated as high priority, to ensure that victims receive immediate medical attention and so that a well-documented medical exam and photographs accompany the police report. If the victim responds that she was strangled, the officer should follow up with additional questions to help document the incident (See Appendix F for a list of questions to ask victims to determine whether they were strangled.)

The **Polaroid Corporation of Cambridge (Massachusetts)** provides training on how to identify and collect evidence in cases involving strangulation or choking.

**Identify cases where the suspect may have drugged his victim.** For example, mixing the drug Rohypnol in a drink has been used to incapacitate sexual assault victims. Once the victim recovers from the effect of Rohypnol, it may be difficult for her to recall the events just preceding, including the sexual assault or the persons present. If the officer thinks the victim may have been assaulted under the influence of drugs, he must specifically request that she be tested for the drug's presence in the bloodstream immediately. (See Appendix F for information on drug-induced assaults.)

**Routinely ask victims if they were hit in the head.** Victims may have been kicked in the head or had their heads slammed into walls or pavement, but the injuries may not be evident without careful screening by officers. Injuries to the head are usually covered by hair and, as a result, are easily overlooked. Officers should look closely for physical signs of head injuries, but should also be aware of the more subtle identifiers (e.g., headaches, dizziness, depression, and difficulty concentrating, remembering,

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reading, writing, and performing tasks). Officers should know that head injuries can temporarily or permanently render victims unable to recall the events with clarity. If officers suspect that the victim's head may have been struck, they should ask questions to clarify what actually occurred.

**Develop protocols guiding officers when the accused has particular power.** Standard cases can become complex when the offender is a judge, prosecutor, police officer, elected official, member of an organized criminal enterprise or gang, an informant, or otherwise has close connections to the criminal justice system. An officer also may require assistance in cases in which the accused has an influential role in the community such as a wealthy individual, clergy member, or therapist.

The **St. Petersburg (Florida) Police Department** has a policy on domestic violence involving department employees. The policy explains that “. . . employees who become subject to a domestic violence court order shall not transport, ship, receive, or possess any firearm or ammunition, except that which may be specifically required while on duty and while performing tasks assigned by the department . . .”

Pursuant to a 1995 amendment to 794.011, **Florida Statutes**, it is a first-degree felony when a sexual battery offender is a law enforcement or correctional officer in a custodial setting, and the officer is acting in a manner that leads the victim to believe the officer is in a position of control or authority as an agent or employee of the government. The law specifically states that the acquiescence to an officer believed by the victim to be in a position of authority does not constitute consent, and it is not a defense if the officer was not actually in a position of authority.

The **Marion County (Iowa) Sheriff's Department** has a policy on how to handle cases involving an offender who is a prominent or respected member of the community, including employees of the Sheriff's Department. Not only is the policy good for relations with the community; it has had a positive effect on departmental morale because officers know that offenders will be treated equally, regardless of their employer, political position, social status, or wealth.

**Encourage collaboration between officers and prosecutors.** By sharing information and discussing case theories and available evidence, they can often devise additional investigative and trial strategies.

Personnel from the **El Paso (Texas) Police Department's Domestic Violence Unit** and the **District Attorney's Domestic Violence Unit** work together on a variety of complex cases. While detectives and prosecutors report that they don't always agree on every facet of investigation, trial, and sentencing, they are adamant that their collaboration benefits victims and case outcomes.

## MEASURES OF SUCCESS

Development of guidelines on interviewing parties, investigation, and evidence collection can result in:

- improved police response to victims, witnesses, and suspects, whether or not an arrest is made;
- assistance in effective identification of visible and non-visible injuries;
- more sensitive victim interviewing, including recording of excited utterances;
- increased safety for victims and witnesses at the crime scene and during the investigation;
- consistent handling of all offenders, regardless of their roles within communities;
- increased arrest and conviction rates, due to thorough evidence collection and documentation;
- stronger conditions at bond or issuance of emergency protective orders;
- increased numbers of victims willing to participate in the criminal justice process; and
- enhanced communications between law enforcement officers, prosecutors, and advocates.

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## 5. PROVIDE GUIDELINES ON DOMESTIC VIOLENCE ARRESTS: IDENTIFYING THE PRIMARY AGGRESSOR AND DETERMINING PROBABLE CAUSE

### ACTION PLAN AT A GLANCE

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1. Instruct officers how to determine if probable cause exists for an arrest.
2. Train officers to distinguish injuries caused by a primary aggressor from those caused by a party acting in self-defense.
3. Instruct officers to base decisions to arrest solely on State law.
4. Evaluate the effectiveness of arrest practices and take measures to correct problems.

### WHY THIS PRACTICE IS IMPORTANT

Arresting the abuser in domestic violence cases can be an effective law enforcement tool to give victims immediate protection from current violence and hold abusers accountable for their actions. Arrest, coupled with support to victims, can give victims an opportunity to consider legal options and provides a window of time to find safe housing or obtain a civil order for protection.<sup>9</sup> To consistently implement statutes and ultimately protect victims, police departments must develop a clearly written arrest policy and training for officers. The policy should instruct officers to arrest the assailant whenever authorized. Historically, police did not apply the same standard to making arrests in domestic violence cases as they did in stranger assaults. To remedy this inequity, many States adopted legislation that clarified the circumstances when police could make arrests in domestic violence cases, where probable cause existed to believe an assault had occurred.

This practice provides departments with information to help guide first responding officers in identifying primary aggressors and determining probable cause to make an arrest.

### ACTION PLAN

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#### I. INSTRUCT OFFICERS HOW TO DETERMINE IF PROBABLE CAUSE EXISTS FOR AN ARREST.

Department policy should dictate that while arrest is the preferred and appropriate response, an accurate probable cause determination must be made before arresting an assailant. (*Rhode Island's Violence Against Women: A Guide for First Responding Officers* defines probable cause as "those facts and circumstances that would lead a reasonably prudent person to believe that a crime has been committed.") Policy on probable cause determination should do the following:

- define probable cause and outline relevant statutes;
- assist officers in identifying the elements needed to establish probable cause; and
- instruct officers on observing evidence that confirms allegations of domestic violence and/or that the suspect committed the crime.

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Pennsylvania Statute C.S.2711 (Probable Cause in Domestic Violence Misdemeanors) explains that corroborative evidence may include any of the following:

- broken furniture, windows, or telephones;
- holes in the wall;
- presence of weapons in the room where the alleged misdemeanor occurred;
- unusual items in inappropriate places of the house (e.g., kitchen utensils found in the living room or bedroom);
- torn clothing, scratches, or other injuries on the suspect, consistent with the victim's acts of self-defense;
- statements or excited utterances by the alleged victim, witness, or perpetrator;
- continuing threats made to the victim in the presence of the police;
- apparent state of mind of the victim and children;
- violation of a valid protection order; and
- prior domestic violence calls regarding the suspect.

The **Duluth (Minnesota) Police Department** requires officers to arrest the suspect if: they have probable cause to believe the suspect assaulted a person and there are visible signs of injury or physical impairment; the victim was threatened with a dangerous weapon; or they have probable cause to believe that a protective order was violated. Officers have discretion to arrest suspects when there is probable cause to believe: a suspect has assaulted another person, even if the assault did not result in physical injury; or a suspect has placed the victim in fear of immediate bodily harm. This policy has resulted in a substantial increase in the rate of arrests, while lowering the rate of arrests for women. (See *Law Enforcement Program Profiles*.)

## 2. TRAIN OFFICERS TO DISTINGUISH INJURIES CAUSED BY A PRIMARY AGGRESSOR FROM THOSE CAUSED BY A PARTY ACTING IN SELF-DEFENSE.

It is common for batterers to try to convince officers that they were the victims and were injured by their partners, or that the violence was mutual. In these cases, every attempt should be made to identify the primary aggressor. Officers must understand the term "primary aggressor" doesn't necessarily refer to the party who initiated the violence, but the party who was the principal aggressor.

Officers should be trained by forensic specialists who can assist them in distinguishing between injuries caused by an illegal assault and those sustained through legal self-defense. Training should emphasize that State law allows parties to defend themselves when attacked or threatened with serious injury, and the arrest of a person who has acted in self-defense is not appropriate.

**Develop a checklist** to aid officers in sifting through seemingly conflicting accounts of the incident and making an accurate account of the facts. It may direct officers to obtain information on the following:

- fear (Who looks and acts scared?);
- body language (Who has an aggressive stance? What is the relative size of the parties?);
- history of abuse (What does the paper trail show? Are there medical records from past incidents? What do past police records show? What information does the dispatcher have? Has the victim been to a shelter or obtained assistance in the past because of the abuse? Are protective orders on file?);
- neighbors and witnesses (What are the witnesses telling you about what happened? What do neighbors know about this or past incidents?);
- excited utterances (What statements are adults and children blurting out to you while still upset and under the stress of the incident? What is their emotional state?);
- crime scene (What objects are damaged? Who is upset the objects are broken? Whose belongings have been destroyed?);

- injuries (Who has injuries? What caused these injuries? Have weapons been used or threatened? Are any of these defensive injuries? What is the likelihood of future injuries to each party?);
- evidence of substance abuse (Is there evidence that alcohol or other drugs have been used? Are liquor bottles or drug paraphernalia present?); and
- the comparative extent of inflicted injuries or serious threats creating a fear of physical injury. (See Appendix F for a handout on primary aggressor analysis.)

(See Practice 4 in this chapter for more information on interviewing parties and collecting evidence.)

The *Model Code on Domestic and Family Violence*, developed in 1994 by the **National Council of Juvenile and Family Court Judges**, recommends including a provision in department arrest policy prohibiting officers from threatening or in anyway suggesting that all parties will be arrested.

If after reviewing the evidence, the officer determines commitment to a mental health facility is necessary, the officer should restrain the suspect and contact an emergency mental health worker. However, the officer should not allow the possibility of mental illness to preclude a valid criminal arrest.<sup>10</sup>

Trainers for **San Diego (California) Police Department's Domestic Violence Unit** tell trainees to be alert to suspects who appear calm on the surface and try to convince officers that their hysterical wife/girlfriend is the one who perpetrated the violence. Often, the party who appears to be the most calm and rational at the scene is actually the perpetrator, and the person who appears most upset by the incident is the victim.

### 3. INSTRUCT OFFICERS TO BASE DECISIONS TO ARREST SOLELY ON STATE LAW.

**Mandate that officers make arrest decisions based solely on probable cause, not on extraneous, extralegal factors.** At a minimum, arrest decisions should not be based on the specific consent or request of the victim, or the officer's perception of the willingness of a victim or a witness to testify or otherwise participate in a judicial proceeding.<sup>11</sup>

However, officers must consider the safety concerns of the victim and the risk posed to her by the suspect in making arrest decisions, particularly in cases where the victim is or appears to be reluctant to make a formal complaint against the suspect. Careful victim safety planning in these situations is important.

Both the victim and the abuser should be advised that the decision to arrest lies with the State, not the victim. For example, officers from the **Appleton (Wisconsin) Police Department** state, "the decision to arrest is mine" in the presence of both the victim and the suspect. The department believes this helps to take the pressure and focus off the victim.

The **Santa Clara (California) Police Department's** policy on domestic violence explains that the following factors *should not* be considered in the arrest decision:

- the relationship or marital status of the suspect and the victim;
- the fact that the victim and suspect are of the same gender;
- whether or not the suspect lives on the premises with the victim;
- the existence or lack of a restraining order;
- the potential financial consequence of arrest;
- the prior criminal history of the suspect;
- the victim's emotional state;
- the injuries are not visible;

- the location of the incident (e.g., public versus private);
- verbal assurances that violence will stop; or
- the officer's speculation that the victim will not participate in judicial proceedings or the arrest may not lead to conviction.

The **St. Petersburg (Florida) Police Department's** policy on domestic violence (General Order V:518) instructs officers that if probable cause exists, certain facts *should not* be considered when evaluating the need to arrest. In addition to those listed in the example above, the following factors are cited:

- the prior existence of a protective order no longer in force;
- the disposition of previous police calls involving the same victim and offender;
- denial by either party that violence occurred when there is evidence of domestic violence;
- officer concern of reprisals against the victim by the offender; or
- the race, gender, ethnicity, sexual orientation, social status, or occupation of either party.

#### 4. EVALUATE THE EFFECTIVENESS OF ARREST PRACTICES AND TAKE MEASURES TO CORRECT PROBLEMS.

The arrest practices of individual officers and the department should be continuously monitored for how well they protect victims and hold offenders accountable. Many police departments have included provisions in their policies and provide training to avoid dual arrests or encourage arrest of the perpetrator whenever warranted. (Agencies receiving VAWA's Grants to Encourage Arrest Policies must adhere to specific eligibility requirements regarding domestic violence arrest laws, policies, practices, and training.)<sup>12</sup> Supervisors must closely review incident reports to evaluate whether proper arrest procedures were followed in every domestic violence incident handled by the department. Corrective actions should be taken to deal with lack of compliance to arrest policies. (See *Practice 1 in this chapter*.)

Dual arrests plummeted to three percent after the **Phoenix (Arizona) Police Department** instituted the requirement that reports filed by the arresting officer must include an explanation of the basis for a dual arrest. The department believes the dual arrest rate will continue to fall. There has also been a substantial decrease in officer injuries at the scene.

*Model Operating Procedures for Law Enforcement Response to Domestic Violence*, developed by the **Washington State Association of Sheriffs and Police Chiefs** in 1993, indicates that as a general rule, officers should avoid dual arrests. The intent of the law is to identify the primary aggressor. Dual arrests may be difficult to prosecute, making dismissals of both cases more likely.

**Rhode Island's Violence Against Women: A Guide for First Responding Officers** explains that arresting both the victim and the abuser belittles the seriousness of the abuse. It may also jeopardize the victim's safety, since the abuser knows he will not be blamed for his actions. In addition, the victim may not call the police the next time she is abused since she is afraid of being arrested herself.

Police departments must routinely evaluate whether their arrest practices discriminate against any specific populations of victims or suspects and take measures to correct this problem. For example, advocates have noted the rate of dual arrests in African-American communities is higher than in other communities of color and in white communities. Some jurisdictions experience a disproportionately high rate of arrest of specific populations of suspects, such as African-American or Mexican men.

When officers from the **Duluth (Minnesota) Police Department** were encouraged to arrest perpetrators but given total discretion as to whether or not to make an arrest, a disturbingly high percentage of African American and Native American men were arrested. The policy was changed to limit the

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arrest discretion of officers and require them to document their reasons for not effecting an arrest. These changes resulted in a drop in the rate of arrests of African American and Native American men to a level more proportionate to their percentages within the population of Duluth. It also lowered the rate of arrests for women. (See *Law Enforcement Program Profiles*.)

## MEASURES OF SUCCESS

Providing officers with guidance in making arrest decisions in domestic violence cases can result in:

- increased numbers of victims afforded an opportunity to consider legal options, find safe housing, or obtain civil orders for protection;
- increase in the accurate determination of primary aggressor;
- thorough review of the evidence of an assault;
- better reports of the observable evidence;
- more arrests made when probable cause exists; and
- decrease in dual arrests and arrests of victims who are defending themselves.

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## 6. PROVIDE GUIDELINES TO FACILITATE SEXUAL ASSAULT FORENSIC EXAMINATIONS

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### ACTION PLAN AT A GLANCE

1. **Develop policies and training to facilitate collecting physical evidence.**
2. **Encourage the victim to seek medical care and have physical evidence collected.**
3. **Instruct officers on police and medical provider responsibilities in collecting forensic evidence.**
4. **Confer with medical personnel prior to and at the conclusion of the victim examination.**
5. **Arrange for evidence collection from the suspect, if in custody.**
6. **Guide officers in storing evidence and arranging delivery of evidence to crime labs.**
7. **Instruct officers on procedures when the victim is unsure whether to file a formal police report.**

### WHY THIS PRACTICE IS IMPORTANT

In sexual assault cases, the forensic medical examination of the victim is often the most important aspect of evidence collection. Successful prosecution can depend on physical evidence to corroborate a victim's account of the assault. Scientific advances in the processing of physical evidence and the identification of blood, hair, semen, bodily fluid, fibers, and other particles left by assailants has progressed dramatically over the past ten years.<sup>13</sup> Exam findings can link the victim and the suspect to the crime scene and document sexual penetration or conduct. Evidence of signs of struggle can demonstrate use or threat of force by the assailant. With strong physical evidence, the prosecutor may be able to plea bargain the case or ensure a conviction without relying solely on the victim's testimony in court.

This practice provides departments with information to guide first responding officers and investigators in the process of identifying, gathering, preserving, and documenting physical evidence. Departments must develop policies and training for officers that stress the importance of timely and thorough forensic evidence collection, and coordination with medical providers and advocates, to maximize evidence collected and decrease the victim's anxiety.

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### ACTION PLAN

#### 1. DEVELOP POLICIES AND TRAINING TO FACILITATE COLLECTING PHYSICAL EVIDENCE.

At a minimum, first responding officers and investigators should be educated about:

- the importance of collecting physical evidence from the victim and suspect in case prosecution;
- implementation of relevant State and local protocols on forensic evidence collection;
- coordination with medical providers and victim advocates;
- recommended time limits on performing sexual assault examinations;
- items of evidence collected from the victim during the exam;

- evidence collection procedures for drug-induced sexual assaults (see *Appendix F*);
- the importance of documenting genital injuries and other evidence that shows lack of victim consent;
- evidence collection from the suspect;
- use of different types of evidence to corroborate a victim's account of the crime (e.g., bodily fluids may be analyzed for DNA to help target a suspect);
- procedures for evidence storage and arranging delivery to forensic labs for analysis;
- use of State and Federal DNA databanks; and
- procedures for collecting evidence from victims who have not decided whether they will report.

**Increase officer ability to support victims.** Successful implementation of policies on forensic evidence collection in sexual assault cases require that officers respond to victims in a sensitive manner. Departments should provide officers with basic training that:

- builds their understanding about sexual assault, common victim reactions, and the victim's experience during the medical examination and investigation processes;
- increases their capacity to empathize with victims and decrease victim anxiety (e.g., trainers can use roleplays and case studies to prepare officers to respond to a wide range of situations); and
- increases their comfort level in discussing the assault with the victim in a nonjudgmental way and soliciting the detailed information necessary for a case to go forward to prosecution.

(Practice 3 and 4 in this chapter provide information about initial police response to victims. Also see Chapter 7, *Coordinated Community Response*, Practice 2 and 3, and Chapter 5, *Victim Services*, Practice 2.)

Involve victim advocates, medical providers, forensic lab personnel, and prosecutors in developing department and multidisciplinary policies that facilitate the medical investigation, while optimizing victim support. Invite them to participate in training on this topic and to offer expertise. Build officer familiarity with the agencies they will need to partner with to respond effectively.

The second edition of *Police Response to Crimes of Sexual Assault: A Training Curriculum*, produced by **Connecticut Sexual Assault Crisis Services, Inc.**, explains that the following sources of forensic evidence may be found on the bodies of the victim and the suspect:

- trace evidence (such as hairs, fibers, or soil);
- bodily fluids or tissues (such as semen found on the victim, vaginal fluids found on the suspect, blood, saliva, or skin cells); and
- reference standards (known specimens from the victim and the suspect to compare with other specimens from the victim, suspect, or at the crime scene).

The **San Diego (California) Police Department's Sex Crimes Unit** provides all patrol officers and sex crimes detectives with training on immediate response and evidence collection skills. The sergeants in the unit make themselves available on a 24-hour basis to patrol officers for discussion about cases. (See *Law Enforcement Program Profiles*.)

In many States, forensic evidence is collected from the body of the sexual assault victim if she reports within 48 to 72 hours of the assault, or has not showered or changed clothes since the assault. However, each case, regardless of when an assault is reported, should be evaluated on an individual basis for the possibility of existing evidence. In some instances, a partial exam may suffice to gather the available evidence. In addition, medical treatment should be recommended for all victims who are experiencing genital pain, discomfort, or bleeding (due to the assault), or have visible signs of injury.

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## 2. ENCOURAGE THE VICTIM TO SEEK MEDICAL CARE AND HAVE PHYSICAL EVIDENCE COLLECTED.

Once the crime scene is secured and additional officers have arrived to process crime scene evidence, the first responding officer should promptly facilitate the medical investigation by taking the following steps (see *Practice 4 in this chapter for more information on crime scene evidence collection and Chapter 7, Coordinated Community Response, Practice 3, for information on sexual assault response teams*):

- encourage the victim to get medical attention, including testing for pregnancy and sexually transmitted diseases (if emergency medical attention is needed, arrange transportation to the nearest hospital);
- explain the importance of evidence collection and the need to collect it as soon as possible;
- provide the victim with general information regarding her rights (see *Chapter 2, Victim Rights and Notification*) and the medical examination process (e.g., amount of time it will take, what medical personnel will do during the exam, and that the cost of evidence collection is not her responsibility);
- reassure the victim that an advocate will be present to support her at the medical facility;
- encourage the victim to talk with an advocate or medical staff about confidential HIV/AIDS testing available in the community;
- advise the victim not to bathe, douche, urinate, or otherwise alter her physical self, or to engage in any activity that may contaminate or destroy evidence;
- advise the victim that the medical personnel may need to collect her clothing if it was worn during or immediately after the assault (recommend she bring a change of clothing with her to the hospital or have someone bring clothing to her there. If this is not possible or practical, an advocate may be able to provide the victim with clothes);
- if the victim is not wearing clothing worn during or immediately after the assault, officers should determine the location of that clothing and collect it during the investigation;
- with the victim's consent, arrange for her transportation to the nearest medical facility that performs sexual assault examinations;
- contact the medical facility and the local advocacy program to alert them of the approximate time the victim will arrive and any special needs (e.g., need for a translator or accommodations for a physically disabled victim); and
- upon arrival at the medical facility, make sure the victim is promptly attended to by a nurse or physician and an advocate.<sup>14</sup>

In some jurisdictions, a community-based advocate is called to the crime scene to provide immediate victim support. They can assist the officer in explaining a number of the items listed in this section. In these cases, the police department and the advocacy program must establish protocols to define roles and to ensure that victim communications with the advocate will remain confidential.

In order for States to receive funding under the VAWA, the Act mandates that victims are not responsible for the cost of the forensic exam. Officers should also be aware of State laws and policies governing reimbursement to medical facilities for the cost of sexual assault evidence collection, costs the victim may incur for related medical treatment, and victim eligibility requirements for Crime Victim's Compensation.

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The **Colorado End Violence Against Women Project's** 1997 training manual directs responding officers to be certain that the victim has a way to get to the hospital and not to transport her in the back seat/cage of the patrol car.

Law enforcement agencies in **Lucerne (Pennsylvania) County** follow a protocol that directs officers to secure clothing worn by the victim at the time of the incident (if she is not wearing the clothing). Each article should be: placed in a separate paper bag and tagged for identification; air dried if needed in a secure environment; and submitted to the crime lab for analysis. (The State evidence collection kit used by hospital personnel includes collection of clothing the victim is wearing.)

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### 3. INSTRUCT OFFICERS ON POLICE AND MEDICAL PROVIDER RESPONSIBILITIES IN COLLECTING FORENSIC EVIDENCE.

Many States have developed standardized sexual assault protocols and evidence collection kits to help medical providers properly gather physical evidence left on the victim's body. These protocols may call for the collection of the following types of evidence: clothing; debris, fibers, or stains related to the assault; blood samples; saliva swabs of any area of the suspect's mouth that touched the victim; vaginal/anal swabs; oral swabs; genitalia swabs; dried secretion specimens; fingernail scrapings; head and pubic hair samples; photographs of injuries; and bitemark impressions.

Officers should be aware of their responsibilities (if any) in completing steps and forms in their State's kit. Depending on State, jurisdiction, or multidisciplinary team protocol, they may be required to:

- confirm that the medical facility has an evidence collection kit (kits may be distributed to medical facilities by local law enforcement or a State entity (e.g., State health department));
- authorize use of the kit by medical staff;
- be present when the kit is opened by medical staff;
- fill out sections of forms;
- arrange for the victim's injuries to be photographed;
- obtain a signed release of medical information and forensic evidence from the victim;
- remain outside the examination site until the kit is completed and sealed; and
- collect the completed kit and take measures to maintain the chain of custody.

In some jurisdictions, a sexual assault nurse examiner (SANE) is responsible for conducting the victim examination and collecting forensic evidence. If a SANE program exist in your jurisdiction, officers and victim advocates should be knowledgeable about the role of the nurse examiner and any special coordination procedures. (See Chapter 7, *Coordinated Community Response*, Practice 1 and 3, for more information about coordination in sexual assault cases.)

The **State of Alaska's** forensic evidence collection kit includes: a brochure for the victim entitled *You Are Not Alone*; a form authorizing collection of evidence and release of information; a victim information form; three clothing bags; envelopes for debris collection, pubic hair combings, pulled pubic and head hairs, fingernail scrapings, and miscellaneous evidence; slides for vaginal, rectal and oral swabs and smears; a tube for a known blood sample; and anatomical drawing charts.

*Police Response to Crimes of Sexual Assault: A Training Curriculum*, produced by **Connecticut Sexual Assault Crisis Services, Inc.**, guides officers in taking photographs. Photographs of any bruises, wounds or marks found on the victim should be taken by a police photographer, preferably one of the same gender as the victim. If necessary, a medical provider may take the photographs. A ruler should be included in the photograph for size reference and the photographer should avoid taking photographs at any angle other than straight on. Photographs may be taken at the time of the evidence collection examination, but officers should note that often details of bruise patterns do not develop until two to three days after infliction. If any bitemarks are located on the victim, they should be photographed according to above instructions, and a forensic odontologist should be contacted so that impressions of the bitemarks(s) may be obtained. Bitemark evidence can be as effective in identification as fingerprinting and should be collected with great care. To supplement the training curriculum, training tapes are offered on medical evidence collection, forensics, and testifying in court.

The **Hillsborough (Florida) County Sheriff's Office** provides nurse examiners with 35mm cameras and trains them to take photographs for evidentiary purposes.

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4. CONFER WITH MEDICAL PERSONNEL PRIOR TO AND AT THE CONCLUSION OF THE VICTIM EXAMINATION.

**Medical staff must understand what transpired during the assault and what evidence might be found prior to conducting the exam.** At a minimum, the officer should describe:

- the physical characteristics of the location of the assault (e.g., anal, oral, or vaginal);
- any information about ejaculate or other body fluids on clothes or non-genital areas; and
- other information that would guide the collection of evidence.

For example, if there is reason to believe the victim was drugged, officers can request a urine toxicology screen, in addition to the evidence required in the kit. Or if the officer explains there was a struggle on the ground, the examiner is cued to look for carpet fibers or grass stains on the victim's body or clothing.

**Avoid making victim-blaming statements when relaying information about the assault** (e.g., implying that the assault was the victim's fault because she was drinking or she let the perpetrator drive her home). Such information can give medical staff a false impression of the assault and negatively influence their interactions with victim.

There is no reason for officers to be present during the medical examination itself; this will only compound the victim's anxiety and add to her embarrassment.

**Confer with medical staff at the conclusion of the examination.** The officer should review kit procedures and forms with the medical examiner to ensure that all relevant evidence and documentation have been completed. The medical staff can explain the injuries or forensic evidence found during the exam and provide information about victim statements that could be helpful to the investigation. For example, they may discuss findings that potentially link the victim and the suspect to the crime scene.

Officers should arrange for transportation for victims at the completion of the exam.

5. ARRANGE FOR EVIDENCE COLLECTION FROM THE SUSPECT, IF IN CUSTODY.

Physical evidence from the suspect can also corroborate a victim's account of the assault. Officers should ensure that physical evidence is collected from the suspect in a different location from the victim. It is important that departments articulate procedures to obtain physical evidence from suspects. For example, the consent of the suspect, a search warrant, or a court order may be required in some States.

Depending upon the circumstances, the same items of evidence collected from the victim (as listed in Action Plan 3) should be collected from the suspect (substitute penile swabs for vaginal swabs). The officer should provide medical personnel performing the exam with general details of incident to help guide their collection of evidence. For example, medical personnel should be told if the victim scratched the suspect so they can document injuries. Officers should also confer with medical personnel after the examination to obtain further information. (Call the STOP T.A. Project for more information on evidence collection from suspects.)

6. GUIDE OFFICERS IN STORING EVIDENCE AND ARRANGING DELIVERY OF EVIDENCE TO CRIME LABS.

**Promptly impound and/or arrange for the delivery of collected evidence requiring analysis to the appropriate crime laboratories, depending on department procedures.** For example, the department may be equipped to analyze fingerprints while all other evidence is sent to either regional or State crime laboratories. All evidence not requiring lab analysis should immediately be stored in a secure location, according to the procedures of the medical facility and/or the law enforcement department.

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**Maintain the chain of custody to ensure that collected evidence is neither tampered with nor contaminated.** Limit the number of individuals collecting and handling evidence as much as possible. Packages for storage or shipping must be properly sealed and marked, according to department procedures. Request forms must be completely filled out and clearly identify evidence to be analysed or stored.

**Be aware of the time it takes to get lab results,** depending on lab turn-around time and the type of evidence being analyzed. In some cases, there may be a delay of several months (e.g., DNA analysis). The prosecutor may not issue charges against the suspect without this information. The *Illinois Model Guidelines and Sex Crimes Investigation Manual for Law Enforcement* stresses the importance of letting the victim know about this lengthy, but necessary process and keeping her informed about results.

Rhode Island's *Violence Against Women Guidebook for First Responding Officers* indicates that at the conclusion of the hospital examination, the sexual assault evidence collection kit should be submitted to the **Department of Health Laboratory**. The kit may be transported by either hospital courier or the police, depending on police department policy. Evidence should be taken as soon as possible. If the medical evidence is collected after laboratory hours, or if there will be a delay for any other reason, place the kit and clothing in a secure refrigerator.

If the evidence changes hands, fill out the chain of custody information on the front of the kit box, as well as departmental chain of custody forms. When the kit is submitted to the laboratory, a copy of the transmittal form will be given to the submitter. If the complaint has been filed, provide the laboratory with the case number and the name of the suspect, if identified.

## 7. INSTRUCT OFFICERS ON PROCEDURES WHEN THE VICTIM IS UNSURE WHETHER TO FILE A FORMAL POLICE REPORT.

Procedures should be in place to ensure that forensic evidence is collected and properly stored, whether or not the victim files a formal report. Some jurisdictions require police authorization for medical personnel to collect forensic evidence from a victim. In these cases, the officer's decision whether to authorize evidence collection should be based on the possible existence of evidence, not on the officer's perception of whether the case can be successfully prosecuted. Officers and/or medical staff should inform the victim of State time restrictions on making a formal statement to the police and holding stored evidence.

An advocate can explain to the victim what involvement in the criminal justice system typically entails. For example, the victim should be aware that once she files a formal report, it becomes the responsibility of the State to decide whether there is enough evidence to support charges and prosecute the assailant. Advocates can help the victim consider the full spectrum of legal and non-legal options available to address her safety and support needs.

Rhode Island's *Violence Against Women Guidebook for First Responding Officers* indicates that the **State Department of Health** will accept sexual assault evidence, whether or not the victim has decided to file a police complaint. Victims who do not make a report at the time of the crime may come forward in the future. Prompt hospital examination ensures that valuable corroborative evidence is not lost.

The second edition of *Police Response to Crimes of Sexual Assault: A Training Curriculum*, produced by **Connecticut Sexual Assault Crisis Services, Inc.**, directs officers to inform a victim who is unsure or unwilling to make a formal statement to the police that she has the right to make a statement at a later time and of the procedures for doing so. A victim should be told that evidence can be held for 60 days while she decides whether to make a formal statement to police about the assault.

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The **Sex Abuse Treatment Center** of the **Kapi'olani Medical Center for Women and Children in Honolulu (Hawaii)** will transfer forensic evidence and laboratory test results to the police only with the knowledge and consent of the victim. The center will store evidence for up to six years after an assault (except for DNA specimens) for cases in which a decision regarding police reporting has not been made or a victim has initially decided against reporting. This protocol preserves evidence in case a victim wishes to reconsider legal involvement at a later date.

## MEASURES OF SUCCESS

Guidelines for officers to facilitate proper forensic evidence collection can result in:

- improved quality and quantity of physical evidence collection and documentation;
- more timely and victim-sensitive evidence collection process;
- decreased victim anxiety about the exam and involvement in criminal justice procedures;
- increased the number of victims having evidence collected;
- expedited processing and transfer of evidence to forensic lab for analysis;
- improved thoroughness of information available to support charging; and
- improved thoroughness of information available to the prosecutor to facilitate a conviction.

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## 7. WRITE AND FILE REPORTS ON ALL INCIDENTS OF VIOLENCE AGAINST WOMEN

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### ACTION PLAN AT A GLANCE

1. Provide protocols and training on writing reports for all reported incidents of violence against women.
2. Tailor specialized report checklists and supplemental forms.
3. Require officers who do not arrest or who arrest both parties to submit a written report setting forth the grounds for their actions.

### WHY THIS PRACTICE IS IMPORTANT

Writing and filing reports for every incident, regardless of whether an arrest is made, establishes a record that police were summoned to intervene and describes the events that occurred. It gives officers the opportunity to record the steps they took, including referrals they made and information they provided to the victim.

This practice recognizes the likelihood that a perpetrator will re-offend with the same victim in the cases of domestic violence, or different victims in instances of sexual assault. It supports identification and documentation of a pattern of stalking or harassing behavior in stalking cases.

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### ACTION PLAN

#### I. PROVIDE PROTOCOLS AND TRAINING ON WRITING REPORTS FOR ALL REPORTED INCIDENTS OF VIOLENCE AGAINST WOMEN.

**Issue clearly written protocols requiring written reports for every reported domestic violence, sexual assault and stalking incident.** Make attendance at training sessions to explain the protocol mandatory for officers. Officers should be taught that reports of earlier incidents can:

- prepare officers to assess scenes of subsequent incidents involving the same suspect;
- provide prosecutors with a "paper trail" when making charging decisions and bail recommendations in subsequent arrests;
- give judges who are setting bail a full account of the suspect's prior interactions with the criminal justice system;
- establish a record for civil actions the victim may choose to initiate (e.g., petitions for protective orders or child custody, complaints for divorce, or filing a personal injury suit);
- monitor how individuals and police departments comply with agreed upon or legal policies; and
- help insulate officers and departments from liability.

Policies should also provide for sanctions for violations of the procedures.

Some States, like Massachusetts, include a provision in their codes notifying victims that they may obtain a copy of the police incident report at no cost (*Massachusetts Ann. Laws ch. 209A 6(7)*).

The *Illinois Model Guidelines and Sex Crimes Investigation Manual* explains that the initial report documents the procedures undertaken by the responding officer and records the logistical details of the assault. The narrative portion of the report must completely and accurately summarize the account of the incident given by the victim, any witnesses, and the offender. The guidelines instruct officers not to make judgements or give opinions about the truthfulness of the victim in this report. All reports should be completed and transferred to the evidence collector and the continuing investigator, if another officer will assume those roles. In departments where an investigating officer is assigned to the case, the investigator's report should provide detailed information about the sexual acts. In these cases, the narrative section of the initial report will not include details about sexual activity beyond that required to establish an element of the offense. The final written investigative report summarizes the actions taken throughout the case.

The **Westminster (California) Police Department** requires officers to fill out and file reports for all domestic violence incidents, including those that do not reach the level of probable cause for arrest. Reports are reviewed daily by personnel in the department's **Family Protection Unit** to evaluate whether further action is needed. Even if no charge is made by the prosecutor, the reports are kept on file and are available to police dispatchers and prosecutors. Dispatchers report information about prior calls to particular residences to responding officers. In the future, information from the incident reports will be accessible to officers through their patrol car computer terminals. Additionally, victims or other witnesses sometimes come forward later with new information about prior incidents on record which previously did not rise to the level of probable cause. This new information is added to the reports and prosecutors may charge suspects for offenses committed within the past year.

The **Appleton (Wisconsin) Police Department** requires officers to complete reports for all incidents, including reports of verbal abuse. This policy is consistent with the department's philosophy that incidents which do not rise to the level of probable cause for arrest are opportunities to prevent future assaults. (See *Law Enforcement Program Profiles*.)

## 2. TAILOR SPECIALIZED REPORT CHECKLISTS AND SUPPLEMENTAL FORMS.

Specially tailored report forms can outline the evidence and information necessary in the incident report. Checklists may be part of the reporting forms and/or used as a reference tool. Some departments include questionnaires for the officer or the victim to fill out to gather further evidence and to evaluate the suspect's dangerousness. Departments should also provide forms that allow officers to supplement written reports with diagrams of injuries to all parties involved, the location of crime scene evidence, and other relevant illustrations. (See *Appendix F* for sample checklists and reporting forms).

Materials should be clearly written and easy to use. For example, checklists are most useful when they are divided into sections that reflect the likely progression of actions officers will take. Reports should include information about:

- the relationship of the victim to the suspect (incorporating same sex relationships);
- the length of the relationship;
- whether there is a prior history of violence;
- the number of all prior incidents, including but not limited to, those reported to the police;
- whether medical treatment and/or a forensic examination was necessary and information provided by attending medical personnel;
- the victim's demeanor (e.g., scared, apologetic, nervous, confused, or hysterical) and any statements she made (use her terms);
- the suspect's demeanor (e.g., angry, threatening, irrational, out of breath, or combative) and any statements he made (use his terms);
- whether weapons were used and, if so, a description;
- all evidence collected and the disposition of the evidence;

- whether a restraining order is in effect or whether the victim had one that has expired;
- children present during the incident, their ages, and relationship to the victim and suspect;
- witnesses present during the incident and statements they made (use their terms);
- whether other agency representatives were contacted or came to the scene, and intervention provided (e.g., advocates or social service workers);
- whether officers provided referrals, other information, or immediate assistance to the victim;
- whether follow-up investigation is necessary; and
- address and phone number where the victim can be reached for follow-up by the police.

The **San Diego (California) Police Department's Domestic Violence Supplemental Form** and the **Duluth Police Department's (Minnesota) Domestic Abuse Related Incident Worksheet** are used in conjunction with standard reporting forms. They include several sections with checklists for easy use by officers. Officers may simply check boxes in order to preserve evidence for follow-up investigation and trial, such as how the victim appeared at the scene of an incident, how the suspect appeared, the relationship between the suspect and the victim, and whether there was a prior history of domestic violence (and whether it was ever documented). Both forms include reminder checklists for the collection of additional evidence, such as photographs of the scene, the victim, and the suspect. The San Diego form also includes suspect and victim body charts on which officers mark the location of injuries. The Duluth Police Department also provides officers with a laminated, pocket-sized checklist card that lists evidence to be collected/recorded in a report. (See *Appendix F* for a sample checklist and reporting form.)

The *Police Response to Crimes of Sexual Assault: A Training Curricula*, developed by **Connecticut Sexual Assault Crisis Center, Inc.**, recommends the following information be documented in the sexual assault incident report: location of the scene and the location where complaint was made; time of incident and complaint; name, address, date of birth, etc. of relevant persons, including the first person to whom victim disclosed; description of the victim's clothing, appearance, and emotional state; description and location of any external injuries; medical attention (note any offered, accepted/rejected assistance); names and contact information of the hospital, doctor, nurse, and social worker; description/identity of the offender; relationship of the victim and offender; description of use of force and/or a weapon; description of vehicle(s) involved in the incident; description of the crime scene; details about any evidence seized; and details about any identifications made.

The **San Diego (California) City Attorney's Office** developed a lengthy questionnaire for use by law enforcement officers, prosecutors, and victims in documenting information in stalking cases.

### 3. REQUIRE OFFICERS WHO DO NOT ARREST OR WHO ARREST BOTH PARTIES TO SUBMIT A WRITTEN REPORT SETTING FORTH THE GROUNDS FOR THEIR ACTIONS.

This requirement provides a vehicle for supervisors to monitor the practices of officers who do not arrest alleged perpetrators and those who arrest both parties. Such reports can furnish supervisors with needed information to provide corrective action and to secure consistent compliance with statutes and departmental policy. Consistent documentation by officers will facilitate adherence to policy and, in the process, reduce the department's exposure to liability.<sup>15</sup>

*Model Operating Procedures for Law Enforcement Response to Domestic Violence*, developed by the **Washington State Association of Sheriffs and Police Chiefs**, states that if both parties are arrested, officers should document probable cause for each assailant, and if possible, request a supervisor's approval to arrest the individual who was previously a victim of domestic violence. In cases where there is no probable cause to arrest or cite the suspect, the officer should complete a report documenting the absence of probable cause and give resource information to the victim.

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## MEASURES OF SUCCESS

Writing and filing police reports for every incident of violence against women can result in:

- information available for those responding to a subsequent incident;
- thoroughness and accuracy of information available to prosecutors and judges who must decide interventions when a charge is filed;
- documentation of referrals provided and assistance to victims in leaving violent situations;
- reports available for victims in civil proceedings; and
- reports available in the event of subsequent victim injury and allegations of inappropriate action by the responding officers.

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## 8. DEVELOP POLICE STRATEGIES TO INTERVENE IN STALKING CASES

### ACTION PLAN AT A GLANCE

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1. Establish a proactive department-wide response to stalking.
2. Develop a specialized training program to address stalking.
3. Direct first responding officers to respond swiftly and thoroughly.
4. Instruct officers to collect evidence meticulously.
5. Guide officers in their interactions with stalkers.
6. Decide whether surveillance is appropriate for each case.
7. Encourage other agencies to establish anti-stalking policies and strategies.

### WHY THIS PRACTICE IS IMPORTANT

Law enforcement's traditional role of apprehension and arrest of perpetrators of violence after a crime occurs has been inappropriately applied in stalking cases for a number of reasons:

- until recently, stalking was not considered a crime in and of itself; rather, it was viewed as an antecedent to the commission of another crime;
- like battered women, stalking victims may need police protection and intervention both before and after the arrest of their stalkers (and even when no arrest is made);
- police responsibility and authority to intervene in stalking cases has been unclear; and
- officers were not familiar with useful investigative tools or approaches.

The enactment of anti-stalking legislation in every State in the early to mid-1990s gave police the authority to intervene aggressively and proactively in stalking investigations. The laws make clear that victims can expect protection and intervention from police before stalkers commit a more violent act.

Typically, State laws require proof that the alleged stalker engaged in a pattern of harassing or threatening conduct over a period of time, with the intent of causing fear or harm to a specific victim or victims. To uphold these standards, officers must be trained to respond effectively and to be conversant with useful investigative approaches, including surveillance. In certain high risk cases, surveillance may heighten victim safety, deter stalking, prove offender violations of release conditions, and gather evidence.

Stalking often occurs within the context of domestic violence, particularly when victims try to leave their batterers.<sup>16</sup> In these situations, officers must adapt early intervention strategies used in domestic violence cases to promote the safety of stalking victims.

### ACTION PLAN

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#### I. ESTABLISH A PROACTIVE DEPARTMENT-WIDE RESPONSE TO STALKING.

Department leadership should:

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- develop clear and comprehensive policies on response to stalking that build on existing department approaches to violence against women and community-oriented policing;
- include policy components to eliminate barriers that stalking victims from underserved populations face in getting police help (e.g., include guidelines for working with non-English speaking victims);
- evaluate and modify policies in conjunction with changing laws and evolving techniques;
- allocate resources to train officers and support specialized positions to handle these cases; and
- encourage the development of integrated justice system data collection systems that can be tapped to expand police knowledge of the stalker's criminal and civil history.

The Violence Against Women Grants Office's (VAWGO) Website (<http://www.ojp.usdoj.gov/vawgo/>) offers its "Second Annual Report to Congress on Domestic Violence and Stalking" (1997) and information on stalking statutes for each State.

Two detectives in the **Domestic Violence Unit** of the **San Diego (California) Police Department** are assigned to handle stalking cases. Many elements of this practice are drawn from training notes they prepared for the 1997 training conference on *Community Policing to Combat Domestic Violence*, sponsored by the **Office of Community Oriented Policing Services, U.S. Department of Justice**.

The **Austin (Texas) Police Department** has devoted resources to support one detective who works full-time on stalking cases.

## 2. DEVELOP A SPECIALIZED TRAINING PROGRAM TO ADDRESS STALKING.

Educate all officers on:

- relevant stalking laws and department policies;
- the connection between domestic violence, sexual assault, and stalking;
- investigative, intervention, and case management strategies;
- possible differences in police response, based on the stalker's relationship to the victim;<sup>17</sup>
- mental health dynamics in stalking;
- surveillance techniques;
- evidentiary issues common to stalking cases;
- the dynamics of stalking victimization; and
- collaboration with other justice system and community agencies.

To lessen the burden for training, local departments can:

- encourage allied police organizations to offer national and regional anti-stalking workshops;
- adapt existing training materials (making sure to address specific components of State law); and
- invite "experts" on anti-stalking strategies to provide training and consultation.

There is no one investigative approach to deal with all stalkers. Each case is unique and must be individually evaluated. However, the likelihood that police will effectively intervene in stalking cases is increased when officers are familiar with a wide range of investigative techniques, work with victims and advocates to assess potential danger posed by stalkers and to explore safety options, and collaborate with prosecutors, judges, and probation and parole offices to restrict stalkers.

The **Pennsylvania Coalition Against Domestic Violence** developed a model State police and prosecutor stalking protocol and police training curriculum. The protocol includes information on: initial police response, arrest, investigation and documentation, filing charges, bail and conditions of release, proof at trial, sentencing, related State statutes, and victim issues. The police training curriculum includes: an introduction to stalking as a serious crime; an explanation of stalking stat-

utes and case examples; an overview of the objectives of police response; a discussion of arrest procedures; guidance on filing charges; and a discussion of measures to take to enhance victim and officer safety, and reduce department liability. Many of the elements of this practice were drawn from this protocol.

Personnel from the **Nashville (Tennessee) Metropolitan Police Department's Domestic Violence Division** and the **Prosecuting Attorney's Office of the City of Dover (New Hampshire) Police Department**, have presented workshops to help other law enforcement agencies implement creative anti-stalking strategies. (See *Law Enforcement and Prosecution Program Profiles*.)

**Iowa's Department of Public Safety** has developed a stalking questionnaire used to gather information from stalking survivors regarding their experience. Information obtained includes descriptions of the stalking, offender behavior, incident background, preventive measures taken, victim reactions, and case disposition. Questionnaire results will be used to develop a training program for law enforcement and victim service providers.

### 3. DIRECT FIRST RESPONDING OFFICERS TO RESPOND SWIFTLY AND THOROUGHLY.

Immediate response to stalking should include the following actions:

- address victim safety first and take immediate measures to protect the victim, her family and her friends (see *Chapter 1, Safety Planning*);
- assess offender lethality in each victim interaction, recognizing that risk is based upon an evolving set of facts and that all cases should be considered potentially dangerous (see *Chapter 1, Safety Planning, and Appendix F for the handout "When an Offender is Likely to Kill"*);
- when the victim knows the stalker, elicit information about the suspect that may not appear in records (e.g., unreported violence, mental illness, tendency towards rage or substance abuse);
- make a warrantless arrest whenever authorized (see *Practice 5 in this chapter*);
- in situations where arrest is not possible, make every attempt to obtain a warrant, make an arrest, and charge the stalker with the fullest range of crimes possible;
- depending on the situation, use protective or restraining orders and respond quickly to any violations of these orders, or divert the suspect to mental health facilities for emergency evaluation if appropriate (these actions may deter some stalkers from further harassment);
- take measures to support the victim, whether or not an arrest is made (e.g., help her contact an advocate or find safe housing); and
- respect the victim's decisions regarding safety and help her identify viable protection options in each threatening situation (see *Chapter 5, Victim Services, Practice 5*).

The **Los Angeles (California) Police Department** works with the **County Department of Mental Health** through the **System-Wide Mental Assessment Response Team (SMART)**. SMART pairs an officer with a mental health professional, who together provide 24-hour response to calls involving persons with suspected mental disorders. Not only does this partnership help law enforcement quickly assess a suspect for mental illness and identify alternatives to incarceration, it also allows police patrol units to return to service sooner.

Consider the possibility of stalking any time a victim reports "harassing" behavior. Examples of harassing behavior include vandalism, annoying or threatening phone calls, following or other violations of restraining orders, sending unwanted letters, showing up at the victim's home or work place, attempting to obtain private information about the victim, leaving "gifts" for the victim, disabling the victim's car, taking mail from the victim's mailbox, or entering the victim's home when she is not there. Make inquiries to determine whether the incident is an isolated case or repeated conduct.<sup>18</sup>

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*Michigan's Law Enforcement Response to Domestic Violence* training curriculum instructs officers to ask victims about behaviors that might constitute stalking. For examples, officers may ask the victim whether the assailant has followed her, showed up at her place of work, watched her home, tried to contact her by telephone or mail, threatened her or her family or friend, or damaged any of her property.

#### 4. INSTRUCT OFFICERS TO COLLECT EVIDENCE METICULOUSLY.

Officers can take the actions listed below (at the crime scene if possible) to lay a foundation to prove a stalking offense has been committed.

**Document the stalker's course of conduct.** Obtain any related telephone records and answering machine tapes; letters; faxes; e-mail or other communications from the stalker to the victim, others, or the public; police reports; court orders; objects sent to or left for the victim; 911 tapes; and medical reports. Photograph any items written on, vandalized, or damaged. Check for fingerprints on vandalized items or other objects sent to or left for the victim. If a number of separate incidents are identified, make a time line of the events in chronological order to organize the evidence.

**Instruct the victim to assist in establishing a "paper trail" of evidence** by keeping a log of all future contacts or sightings and any witnesses present, and preserving any evidence not already collected by police. This is particularly important in cases where a report was made, but there was inadequate evidence to make an arrest. Consider providing the victim with equipment to help collect evidence (e.g., an answering machine, audiocassette, camera, or video camera). Family and friends should also be advised to document any stalking activity they witness to corroborate the victim's account of the crime.

**Document the stalker's prior violent conduct as proof of his intent to distress the victim.** Each incident of stalking should be documented in detail. It is not uncommon for a victim, or her family or friends, to put up with harassing behavior for some time before calling the police. When inquiring about prior behavior, determine whether any prior police reports were made and the jurisdiction in which the incident occurred.

**Obtain records of prior convictions and violations of protection orders for crimes involving the same victim,** for purposes of upgrading the offense to a felony. Where possible, gather information about the suspect's mental health status and social service complaints.

**Document the fear or distress of the victim.** Most stalking laws require clear proof that the stalker induced the fear in the victim of bodily injury or death (to either herself or to her significant others). Officers must extensively document the victim's fear and emotional distress, and demonstrate how the stalking affected her life (e.g., she has moved to a new location, changed her phone number, changed her work schedule or route to work, stopped visiting places previously frequented, or asked to be escorted to the parking lot and worksite). In addition to victim statements, also include statements by family and friends that can speak to any effects of the stalking on the victim.

**Consider requesting a search warrant to seize evidence from the suspect's residence, vehicle, or workplace.** Items that may link the suspect to acts of stalking and harassment can include: weapons and ammunition; any and all writing concerning the victim; photographs of the victim; video and audio cassettes of anything concerning the victim; items belonging to the victim, shrines to the victim; telephone bills, and postal receipts for delivery of letters or packages to the victim; instruments such as fax machines (they may have a report that would show numbers dialed), typewriters, and personal computers (for e-mail or correspondence saved on the hard drive); and packaging materials. Officers can also consider serving a search warrant or subpoena to produce evidence that verifies or disproves the defendant's defenses (e.g., work records, credit card receipts, or other records of purchases).

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Adopt standard departmental reporting forms, investigation checklists, and victim interview questions to help officers better solicit information on the stalker's conduct, the situation, threats to victim security, and assist with evidence gathering. (See *Practice 7 in this chapter.*)

The **Women's Shelter in Winchester (Virginia)** provides high risk stalking victims with tools to collect evidence, such as forms, cameras, and cassette recorders (see *Victim Services Program Profiles*).

## 5. GUIDE OFFICERS IN THEIR INTERACTIONS WITH STALKERS.

If evidence of stalking is inadequate to make an arrest or otherwise detain the suspect, but there are indications of significant risk of serious violence (e.g., history of violence, mental illness, or use of weapons), police should quickly intervene so that stalkers know their behavior will not be tolerated. Depending on the type of stalker and the facts of the case, police should consider the following tactics:

- serving the suspect a warning letter stating he is under investigation for stalking;
- contacting the suspect over the phone; and
- conducting a non-custodial interview with the suspect (in aggravated cases).

Warning letters are sent most often when there has been difficulty tracking down the suspect, or when there is a very low-grade case. Phone calls to the suspect are sometime made if the stalker lives in a remote area and has not displayed violent behavior. For those cases that appear to possess more potential for conflict, an in-person contact may have the desired deterrent effect.<sup>19</sup>

The **Dover (New Hampshire) Police Department** hand serves suspects a warning letter when deemed appropriate. (See *Appendix F for a copy of the letter*).

The **Austin (Texas) Police Department** established a protocol outlining an escalating series of contacts with stalking suspects when behavior has not yet reached the statutory level required for arrest. After obtaining permission from the victim, the department will send a letter via certified mail demanding that the suspect stop the behavior. According to the department, the letters stop the behavior in about 75 percent of cases. If the behavior does not stop, a detective confronts the suspect at his residence, workplace, or both. The detective employs surveillance techniques in cases which are "borderline," in order to gather enough evidence to arrest and charge and to deter further stalking behavior.

## 6. DECIDE WHETHER SURVEILLANCE IS APPROPRIATE FOR EACH CASE.

**Not every stalking case merits use of surveillance.** In some instances, officers may be able to stop stalking after just one warning to the suspect. Surveillance can be costly and should only be used when the risk to the victim makes it appropriate and other alternatives are not feasible (e.g., the investigator is unable to develop the case fully within an informant's knowledge, limited value of searches, inability to infiltrate, lack of access to the source, and fear expressed by informants). Before undertaking such a strategy, officers should understand how surveillance will help build a stronger case for prosecution.

It is important to appreciate the constitutional and statutory issues that may arise during surveillance activities and only undertake those strategies that remain within the bounds of the law. The law enforcement agency should always confer with its legal counsel to determine State and Federal laws, and their interpretation by the relevant courts. In addition, departments can minimize potential problems with the use of surveillance in stalking cases by:

- developing strong protocols on stalking investigation and the use of surveillance techniques;

- providing officer training on techniques, legal issues, and surveillance limitations; and
- educating other agencies that interact with stalking victims and the public about the effective and legal use of surveillance.

The head of the **Nashville (Tennessee) Metropolitan Police Department's Domestic Violence Division** is convinced that vigorous intervention on misdemeanor stalking cases, involving surveillance as appropriate, plays a large role in preventing further injury and more serious crime. He advises detectives to rank stalking cases according to frequency, severity, and intensity. Utilizing simple technology, detectives work with victims to track calls and document stalking. This strategy has proven to be a successful technique for apprehending stalkers in the commission of the crime, with officers often first-hand witnesses to terrifying acts. Use of this strategy contributed to a 71 percent decrease in the domestic homicide rate from January, 1994 to June, 1995. (See *Law Enforcement Program Profiles*.)

**Use surveillance tools appropriate for each circumstance.** Surveillance can monitor offender activities. Additionally, departments can provide victims with communication devices (e.g., cell phones, pagers, and alarms) that alert victims if a suspect is in close proximity or that allow victims to alert law enforcement of potential danger. Surveillance tools available to officers include: cellular and cordless phones; listening devices; body wires; telephone answering machines; tape recorders; telephones; pen registers or traps or trace devices that record the numbers dialed; pagers; victim alarms systems; electronic tracking systems; mail covers; computer communications; telephone toll records; visual surveillance; and visual enhancements (e.g., cameras, binoculars, telescopes, and telephoto lenses).

In an effort to expand their capacity to respond to stalking cases, some departments have partnered with companies that offer expertise in certain surveillance techniques (e.g., private detectives or criminal psychologists) or offer equipment or services that would benefit stalking victims (e.g., local telephone company, pager and cellular phone companies, and security and alarm companies).

Victims in **Dover, (New Hampshire)** have access to a limited number of portable 911 cellular telephones (through **Cellular One** and the **Prosecuting's Attorney's Office**) and alarm pendants, which alert the police when manually triggered (through the **Dover Police Department** and **Elderwatch**). Dover criminal justice personnel utilize an electronic monitoring system to track offenders, when deemed appropriate as a condition of bail or sentencing. The offender must agree to use the equipment and pay its eight dollar per day cost. The offender wears an ankle bracelet that monitors movements continuously and transmits an electronic signal. The victim is provided with a home monitoring unit, linked into her telephone system. The alarm sounds when the offender's bracelet comes within a certain range of the victim's home. When the alarm is triggered, the victim's monitoring unit signals a 24-hour operator, who alerts the police. The unit can also begin an audio-recording of any activity occurring in the home. When the police arrive, they usually have enough probable cause to arrest the offender for violating an order of protection. From 1993 to 1997, 30 offenders were monitored through this system. Only three violations occurred in that time. (See *Prosecution Program Profiles*.)

The **Nashville Metropolitan Police Department (Tennessee)** uses the following surveillance tools:

- electronic eavesdropping devices or "bugs"** which are tied into phone lines and then placed around the victim's home (the bug's voice-activated microphones can detect anyone entering the home; they then tape the sounds and immediately notify the police department);
- self-contained phone traps**, including a recorder that plugs into a phone with Caller ID (the stalker's calls are recorded for court use, without the delay of obtaining the phone company's cooperation);
- cellular phones** for stalking victims for added protection;
- silent alarm pendants** that allow victims to silently summon the police (the pendants are re-

motely connected to the phone lines, but the victim need not be near the phone for the pendant's microphone to pick up the voices);

- miniature VCR kits** that can be hidden anyplace in or outside the home or car (with a seven-day timer and two miniature cameras, the VCR records all happenings in the catchment); and
- an electronic tracking system.** (A tracker is attached to the suspect's vehicle, either subsequent to a court order or simply by affixing it if the vehicle is in a public location. Laptop computer in police vehicles have a grid map of the metropolitan area; Utilizing military satellites, the suspect's vehicle can then be tracked. A cell phone "calls" the officer's laptop every four seconds to report the suspect's location. While the system costs \$20,000, it was deemed less costly than 24-hour surveillance of victims.)

The **Norfolk County (Massachusetts) Sheriff's Office** offers victims an alarm pendant (worn around the neck) that provides instant access to police. Family members may wear pendants too, if necessary. When the alarm button is pushed by the wearer, the base unit dials a local ambulance service, which then calls the police and notifies the Sheriff's Office of the incident. The Sheriff pays the one dollar per day cost. The ambulance service keeps track of victims by code number, not name, to protect their privacy and minimize security risks. The county's low domestic violence-related homicide rate and increased victim demand for protective services are indicators of the usefulness of this program.

If department maintains strict eligibility criteria for victims to qualify for safety enhancing equipment (e.g., requires that victims have an active police case or demonstrate they are not living with an abuser), work with local victim service programs to offer equipment to victims on a less restrictive basis.

## 7. ENCOURAGE OTHER AGENCIES TO ESTABLISH ANTI-STALKING POLICIES AND STRATEGIES.

**Establish and maintain contact with agencies that interact with stalking victims and offenders.** For example, in the course of investigating a case, officers may:

- consult with prosecutors regarding possible charges and evidence needed;
- work with advocates to assist victims in designing safety plans and communicating with victims;
- consult with the victim's workplace security staff to conduct suspect surveillance;
- collaborate with probation and parole officers to monitor stalker pre- and post-trial release or respond to violations of protection orders;
- communicate with mental health providers who are monitoring or treating the stalker; and
- coordinate with court administrators, child protective workers, and school and daycare center personnel in dealing with child visitation or custody issues.

**Consider forming or participating in a community task force that can support police work around stalking.** It may be possible to tap into existing domestic violence or sexual assault coordinated bodies for this purpose. A task force can provide a forum to:

- facilitate communications among detectives, justice personnel, and a variety of community service providers on individual stalking cases;
- establish agency and system-wide anti-stalking policies; and
- determine how to best to educate the public and professionals about stalking in general, police capacity to intervene in these cases, and actions to take if someone is being stalked. (See Chapter 7, *Coordinated Community Response, Practice 1, 2, and 5.*)

The **San Diego (California) Police Department** detectives assigned to stalking cases participate in the **San Diego Stalking Crime Assessment Team (SCAT)** with other justice system and community service providers. The SCAT meets monthly to discuss individual case management and brainstorm

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strategies to protect victims and restrict stalkers. Victims are invited to participate in these roundtable discussions.

## MEASURES OF SUCCESS

Developing police strategies to intervene in stalking cases can:

- heighten victim and community safety;
- decrease stalking homicide rates;
- decrease stalking activity;
- increase the prosecution and conviction of stalking cases;
- increase offender penalties (due to increased charges);
- build trust between the stalking victim and the justice system;
- increase collaboration among justice system agencies and other service providers; and
- increase department liability management.

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## 9. INTEGRATE COMMUNITY POLICING INTO RESPONSE TO VIOLENCE AGAINST WOMEN CASES

### ACTION PLAN AT A GLANCE

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1. **Apply the SARA problem solving model to address violence against women.**
2. **View victim service programs as primary partners in community policing efforts.**
3. **Build the community's involvement in community policing efforts to improve response to violence against women.**
4. **Encourage officers to embrace the principles of community policing.**
5. **Develop a specific vision for reducing violence against women in the community.**
6. **Illustrate how community policing can be an effective tool in addressing violence against women.**

### WHY THIS PRACTICE IS IMPORTANT

Because law enforcement intervention is but one part of a process in reducing violence against women, it is imperative that this sector joins forces with other agencies and individuals in the community. Where the local police department does not engage victims and their support networks (e.g., family, friends, neighbors, co-workers, employers, and members of community groups), it cannot adequately tailor community policing initiatives that meet the exigent circumstances of at-risk women and children. Where the law enforcement agency does not partner with other sectors, it loses the opportunity to work with agencies that can provide information that enhances its investigation of individual cases, offer resources to victims, and help develop system-wide policies to prevent further violence in the community.

By applying the principles of community-oriented policing to their work, law enforcement agencies can build strong partnerships with individuals and agencies in the community and engage them in identifying solutions to the problem of violence against women. Community policing can result in the establishment of an organization-wide philosophy and vision that promotes the safety of women and holds offenders accountable. Ideally, this vision is promoted by police leadership and will inform the policies, training, and conduct of all department personnel.

### ACTION PLAN

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#### 1. APPLY THE SARA PROBLEM SOLVING MODEL TO ADDRESS VIOLENCE AGAINST WOMEN.

Problem solving is an analytic process for identifying specific community problems and their causes, so that tailor-made responses may be designed. Community policing requires collaboration between the community and the police in addressing problems that adversely effect a neighborhood's quality of life. Problems, such as domestic violence, sexual assault, and stalking, are repeat incidents occurring in a community that have similar characteristics.

The community policing "team" (individuals and organizations with whom police partner) changes, depending on who is involved or affected by the problem. In the case of violence against women, the team may include victims, their support systems, victim service providers, community residents, justice

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system personnel, sex offender treatment and batterer's intervention services staff, and other allied professionals who interact with victims and offenders. Active participation of victims in a community policing response to violence against women is essential. Community policing response must accord with the wishes and needs of victims, not with what others may think is in their best interest.

**The four components of SARA problem solving model are:**

**Scan** the environment to identify the problem. This begins the process of problem solving by point-by-point observation. The team identifies where the problem occurs, who is affected by or otherwise involved in the problem, and what setting is most likely to exacerbate the problem. The problem is then broken into steps to enable the team to establish priorities among problem areas. Priorities are set by assessing the level of difficulty in solving the problem, the potential for greatest harm if the problem is not solved, and whether solving the problem can be a catalyst for solving other problems.

The **Chicago (Illinois) Police Department** has integrated a philosophy of community policing throughout its organization. The **Mayor's Office on Domestic Violence (MODV)** works closely with the police department and has embraced the community policing philosophy in assessing victim service needs. The **Domestic Violence Advocacy Coordinating Council**, chaired by MODV and consisting of service providers, the police, and other systems within the city, has completed an assessment of service needs of victims. The assessment is providing the foundation for a coordinated response to domestic violence.

After reviewing the 596 domestic violence cases investigated in 1996, **Port St. Lucie (Florida) Police Department** recognized the need to provide a more standard law enforcement response. As a result, the department applied for and received a grant from the **Department of Justice** to hire a domestic violence case coordinator and provide officers with training and equipment. Top on the list of goals was the need to improve communication with, and services to, domestic violence victims and offenders through follow-up contacts and extensive case analysis.

**Analyze** the environment to determine the causes of the problem and to understand the dynamics and characteristics of the community, (potential) victims, and offenders. The team:

- looks at the conditions preceding and accompanying the problem and assesses the seriousness and consequences of the problem;
- measures the strength of the problem by looking at frequency and duration;
- re-evaluates the problem based on the data collected and develops conclusions about the problem; and
- prepares to respond to the problem by establishing a tentative goal and identifying resources that help solve the problem.

An officer from the **Sex Crimes Unit** of the **San Diego (California) Police Department** maintains relationships with the local sexual assault program, the two local SANE programs, the San Diego **Youth and Community Services**, the **Mexican Consulate**, the parole and probation office, among many other agencies. She communicates with these agencies as needed to brainstorm how to address problems in a timely and open manner. (See *Law Enforcement Program Profiles*.)

**Respond** to the identified problem. Here, the team brainstorms possible responses to the problem, considering the feasibility of each response. After choosing a response, they consider the steps necessary for implementation. A plan is outlined which considers possible barriers to the implementation and strategies to overcome them. Then, the plan is implemented. (See *Appendix F for additional examples*.)

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The **Pittsburgh (Pennsylvania) Police Department** and the **Women's Center and Shelter of Greater Pittsburgh** have collaborated to create a protocol that promotes victim safety. Upon an advocate or victim's request, the police will contact a family following a violent episode, offering information and/or referrals. The goal of this intervention is to reduce the likelihood of future violence. (See *Coordinated Community Response Program Profiles*.)

The **Intensive Sex Offender Unit** of the **Connecticut Office of Adult Probation** actively involve victims, advocates, sex offender treatment staff, justice system personnel, and family, friends, and employers of offenders in making decisions about individual cases (e.g., the level of risk posed by the offender or his readiness to leave the unit). (See *Coordinated Community Response Program Profiles*.)

The **Domestic Violence Program, Family and Children's Services of Central Maryland**, and the **Westminster Police Department** send an advocate/officer team to a victim's home 24 to 48 hours after the initial 911 call. Each morning, an advocate goes to the police department and reviews domestic violence reports from the night or weekend before. She ranks cases by severity, frequency, or problematic history and then contacts each victim by phone and sets up a meeting. She reviews the cases with the domestic violence officer for the day. While the officer conducts the follow-up investigation, the advocate provides the victim with information about available services. The project has exceeded its goal of reducing repeat domestic violence reports by 50 percent and is reaching victims long before they would come into the advocacy program on their own.

**Assess** the effectiveness of the response (also see Chapter 7, *Coordinated Community Response, Practice 4*.) The team does the following:

- interviews both those responsible for implementing the plan and those who are affected or supposed to have benefited from the plan;
- conducts a "forecast" by considering how the community would be affected if the plan is removed or if it stays in place; and
- where appropriate, makes mid-course corrections to increase the effectiveness of the plan and repeats the SARA steps.

The **Duluth (Minnesota) Police Department** participates in monitoring of its response to domestic violence by the **Domestic Abuse Intervention Project (DAIP)**. The department shares information with DAIP, including incident reports, arrest reports, citation reports, investigative reports, warrant requests, and 911 watch reports. DAIP works diligently to make sure that victims directly evaluate the effectiveness of justice system response. DAIP staff obtains victim feedback through written or telephone surveys, as well as from a group of formerly battered women who serve in an advisory capacity to the project. (See *Law Enforcement and Coordinated Response Program Profiles*.)

## 2. VIEW VICTIM SERVICE PROGRAMS AS PRIMARY PARTNERS IN COMMUNITY POLICING EFFORTS.

Community-based victim service programs should be involved from the beginning, in order to:

- help law enforcement determine its role in meeting the needs of victims;
- identify current problems in response to violence against women;
- offer strategies to elicit input from victims and their support systems;
- offer strategies to engage citizens in community policing initiatives;
- identify other potential local and State partners;

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- develop strategies to reach out to underserved populations and identify the leadership and locus of activities of specific communities;
  - help to ensure that related advisory boards or working groups created to institutionalize partnerships reflect the diversity of the community;
  - work with officers to provide victims with immediate support and protection; and
  - encourage law enforcement participation in justice system and community coordination efforts to complement community policing initiatives around violence against women.

The **South River (New Jersey) Police Department** and **Women Aware, Inc.**, of **Middlesex County** developed a guide booklet for other jurisdictions in the State on establishing domestic violence crisis teams. The team concept was created in response to two problems: police were not able to spend extended amounts of time with victims to help during times of crisis; and Women Aware could not be available to victims at each police station 24-hours a day. The team establishes collaboration among domestic violence programs, local police departments, and community residents (volunteers). The objective is to ensure that volunteers are available 24-hours a day to respond to victims at local police stations, providing peer counseling, information, referrals, and advocacy. Volunteers and police liaisons (who coordinate the volunteer program) receive 40 hours of training through Women Aware. Advocates on Women Aware's 24-hour hotline provide the crisis teams with supervision.

### 3. BUILD THE COMMUNITY'S INVOLVEMENT IN COMMUNITY POLICING EFFORTS TO IMPROVE RESPONSE TO VIOLENCE AGAINST WOMEN.

Outreach and public education can help citizens understand that:

- violence against women is a community problem of significant proportions;
- police will not tolerate it and are prepared to support and protect victims and communities; and
- citizens have a role to play in eliminating violence against women in their neighborhoods.

Police can convey these messages through such vehicles as public forums, focus group discussions, speeches before civic, cultural, or school groups, development of public education tools, translated materials, and materials that do not require strong language skills.

In communities where the relationships between law enforcement and local citizens have been strained, like those in some African-American communities, community policing efforts may be suspect and responses cynical. Departments should provide officers with training on trust building, collaboration, and problem solving. Managers should partner with victim service programs and local leaders and organizations to determine the best way to approach each situation. Officers must be prepared to work through initial resistance to community policing and not assume a defensive posture. The goal should be an open, free exchange of ideas focused on problem solving, rather than assigning blame for past failures. In the context of community policing, both on-line staff and police executives should view part of their job as marketing themselves and the idea of community policing to their community. (*Also see Chapter 7, Coordinated Community Response, Practice 5.*)

The **Hillsborough (Florida) County Sheriff's Office, Domestic Violence Unit**, participates in the county-wide "Zero Tolerance" campaign against domestic violence, and is in constant demand for speaking engagements from churches, schools, nursing groups, and other local organizations.

The **Police Crisis Unit** of the **Chapel Hill (North Carolina) Police** works with the local sexual assault response team to inform victims of its anonymous reporting system. The system allows victims who are hesitant to report to at least disclose the assault and learn what the criminal justice system involves, while providing police with information regarding the nature of sexual violence in their communities. (*See Law Enforcement Program Profiles.*)

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**Refugee Women's Alliance (ReWA)** collaborates with the **Seattle (Washington) Police Department** to strengthen its response to battered immigrant and refugee women. Many of these women fear the police because of their experiences in their home countries or because they fear deportation. ReWA has provided technical assistance on working with limited English-speaking victims to the department. (See *Victim Services Program Profiles*.)

#### 4. ENCOURAGE OFFICERS TO EMBRACE THE PRINCIPLES OF COMMUNITY POLICING.

Police executives play a critical role in promoting a department-wide philosophy and management style that supports community policing. Police chiefs and other executives should incorporate the following principles into department mission, policies, and training:

1. Community policing should result in a profound change in how law enforcement develops strategies to protect citizens.
2. The law enforcement agency should develop partnerships with individuals and organizations in the community and take seriously citizen's input on how they want to be policed.
3. Both the community and the law enforcement agency must provide leadership.
4. The law enforcement agency and the community should develop a shared vision of reducing crime.
5. Trust should be developed between the law enforcement agency and the community.
6. Both the law enforcement agency and the community should be empowered to act. Within the law enforcement agency, emphasis should be placed on giving greater autonomy to on-line personnel.
7. Police should provide decentralized and personalized services to the community, based on its determined and varied needs.
8. All citizens, independent of their economic, social, racial, or ethnic differences, should receive the same high level of service.
9. The law enforcement agency should develop a problem solving approach based on the SARA model.
10. The law enforcement agency and the community should hold one another accountable for their actions.

The philosophy of community policing is being explored on a national and local level. The **Office of Justice Programs (OJP)** of the U.S. **Department of Justice (DOJ)**, other government entities, and professional associations are involved in grant programs, training, and resource development to support community policing initiatives. For example, OJP funded hundreds of local law enforcement agencies in 1997 to apply community policing principles to domestic violence. OJP also funded the **Police Executive Research Forum (PERF)** to develop training curriculum for police executives and community leaders. Many of the elements of this practice are drawn from the initial training materials prepared by PERF.

#### 5. DEVELOP A SPECIFIC VISION FOR REDUCING VIOLENCE AGAINST WOMEN IN THE COMMUNITY.

The community policing team can work together to develop a shared vision of a future free of violence against women and an agreement on steps to realize that vision. The vision should: include core values; inspire and motivate the team; and give authority to members to collaborate, design, and implement solutions to community specific problems of violence against women.

Police leaders should serve as role models by promoting community partnerships with both individuals and organizations by delegating authority to on-line staff and by being open and responsive to community feedback, whether it be positive or negative. Police managers should outline specific steps they will take to facilitate partnerships, like establishing clear organizational goals, reporting requirements, and developing a reward system for officer compliance with community policing policies.

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Some officers may resist the idea of community policing. They may believe that community partnerships are not relevant to their work; only fellow police can appreciate their responsibilities; or it is not their responsibility to do more than investigate a crime once it has been reported. Training should make clear that community policing is not soft on crime nor does it ask police to become social workers.

Rural **Jo Daviess (Illinois) County Police Department** and **Sheriff's Office** developed letters of agreement with the **Riverview Center, Inc., Sexual Assault Prevention and Intervention Services**, that outlines each agency's responsibilities in responding to sexual assault. In addition, all departments in the tri-State counties served by the center have agreed to underwrite the costs of a 25-hour training on sexual assault for their officers. (See *Victim Services Program Profiles*.)

The **Appleton (Wisconsin) Police Department**, **Harbor House Domestic Abuse Program**, and the **State Department of Justice** held a statewide symposium on the application of community policing to domestic violence in September 1997. (See *Law Enforcement Program Profiles*.)

## 6. ILLUSTRATE HOW COMMUNITY POLICING CAN BE AN EFFECTIVE TOOL IN ADDRESSING VIOLENCE AGAINST WOMEN.

The following scenarios are hypothetical applications of community policing, based on the SARA model of problem solving, to cases involving violence against women. In each scenario, it is assumed that:

- protocols and trainings are in place to increase law enforcement's understanding of violence against women and the principles of community policing;
- the department has established partnerships with victims, sexual assault crisis programs, battered women's programs, and groups and leaders representing diverse populations; and
- the department created a team that, at a minimum, includes an officer and an advocate.

An important goal of community policing, highlighted in the scenarios below, is for police and the community to partner with victims to empower them to act to enhance their safety and seek justice. Thus, victim feedback is critical in determining the effectiveness of community policing initiatives. It is also imperative that the community policing team keep victims informed of actions taken in their cases.

### ***Scenario #1: a woman is abused by her partner or husband.***

**Scan.** The community policing team talks to the victim and her children to determine the frequency and nature of abuse, the times and places she and her children are most vulnerable, and their support systems. They explore whether there have been changes in either her or her children's behavior (e.g., is she missing work, is she going to the emergency room more frequently, or is she more isolated?). With the consent of the victim, the team may contact people with whom the victim is in frequent contact, such as neighbors, family, friends, the victim's employer, co workers, and clergy. Those interviewed are encouraged to talk about concerns for their own safety, as well as the level of support they can offer the victim.

The victim is asked to describe the offender's general behavior. If a protection order has been issued or the perpetrator is out on bail, police find out the conditions of the order. Other factors that may be investigated include reviewing the perpetrator's driving and work records and how often he has moved.

Officers carefully examine, where these exist, the social history of the offender, the criminal record of the offender, the terms of release of the offender, probation/parole reports, pre-sentence reports, and victim statements at all stages of the criminal justice process. In addition, officers talk with probation/parole officers or other criminal justice personnel to elicit additional information about the offender.

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**Analyze.** The victim, advocate, and officer conduct a lethality assessment and develop a detailed safety plan. If appropriate, they develop a surveillance plan of the perpetrator. Where other members of the victim's community have been contacted, they are given information about the planned response and offered the opportunity to provide additional input.

**Response.** A safety plan is put into effect. If the victim works, the security guard and receptionist at the victim's place of business may be given instructions. If a protection order is in place, the team asks the consent of the victim to distribute information about its conditions.

The team draws on all of its resources to help the victim implement her safety plan and address her support needs (e.g., financial aid and long-term housing). Victims may be offered protective devices like alarms or cell phones. With the victim's permission, the officer makes periodic visits to her home and/or place of work (a visible police presence and a clear strategy can be a deterrent to future crimes).

If the perpetrator's location is unknown, but thought to be nearby, the law enforcement agency makes attempts to locate him and have him monitored. If the perpetrator is habitually violating a stay away order, law enforcement can establish a patrol schedule timed to his potential visits.

**Assessment.** The team speaks to the victim about her sense of safety and autonomy. Inquiries are made to determine if the abuse has stopped or how it has changed. With the victim's consent, the team talks to co-workers, family members, and others with whom she is in regular contact to elicit their perception of the situation and determine if they are comfortable with the protocols that impact them. If she has been stalked or battered again, the team reinstates the SARA steps to assess and respond to the situation.

***Scenario #2: a sex offender has relocated to a neighborhood after serving time in prison.***

**Scan.** Officers speak to a range of people in the neighborhood to determine their level of concern about the presence of the sex offender. Police inquire if people feel unsafe and ask what kinds of precautions they will take, or want the police or others to take, to enhance their safety. They contact probation and parole, victim service programs, victims/survivor groups, sex offender treatment programs, schools, community leaders, and a range of individuals reflecting the diversity of the community. They are asked how to best assure the sense of safety of the community, while balancing the rights of the sex offender.

Officers carefully examine the social history of the offender, his criminal record, the terms of his release, probation/parole reports, pre-sentence reports, and victim statements at all stages of the justice process.

**Analyze.** The team develops a safety plan for the community, and a surveillance plan of the offender. Where possible, they plan to help the offender be self-sufficient and comply with the terms of his release.

**Response.** The team conducts education classes in the schools system (the curriculum may describe good and bad touching and how to say "no") and adult education programs, as well as for concerned business and community groups. The team also create safety plans with parents and kids who are participating in after-school programs.

The team develops or draws on existing neighborhood watch programs. Material is developed to keep the community informed of steps that are being taken to ensure neighborhood safety. Where appropriate, material is translated into languages spoken in the neighborhood or is designed for those unable to read. If determined appropriate, the team may share identifying information about the offender with the community, including his automobile license number and other information available by public record.

If the sex offender is returning to the victim's neighborhood, the victim should be consulted about how much information she wants released and informed of her notification rights.

**Assessment.** Officers canvass neighbors, victims of the offender, and advocacy agencies to determine if the strategies undertaken are providing the community with the needed security and what other

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supports are required. They talk with probation and parole officers to ensure that the ex-offender is complying with his conditions of release.

## MEASURES OF SUCCESS

Integration of community oriented policing into response to violence against women cases can result in:

- a department philosophy supporting community-oriented policing that is demonstrated by the leadership and staff of police and community agencies;
- the community policing team reflects the diversity of the community and has been developed with a sensitivity to the different experiences of its members;
- key members of the team are included in the problem solving effort;
- resources are adequately identified and utilized;
- a plan to solve the problem has been implemented;
- the results of the problem solving effort can be measured;
- all parties are satisfied with the intervention; and
- the community policing response solved the problem.

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## CHAPTER ENDNOTES

1 *Model Operating Procedures for Law Enforcement Response to Domestic Violence*, Washington (State) Association of Sheriffs and Police Chiefs, 3 (1993).

2 The tips were developed for the *Community Policing to Combat Domestic Violence Conferences*, sponsored by the U.S. Department of Justice's Office of Community Oriented Policing Services (1997).

2a Nancy Loving, *Spouse Abuse: A Curriculum Guide for Police Trainers*, Police Executive Research Forum, Washington, D.C., 40, (1981).

3 Many of the elements listed in this practice have been adapted from *Colorado's Developing a Coordinated Community Response to Sexual Assault and Domestic Violence*, the *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement*, and the *Connecticut Police Response to Crimes of Sexual Assault: A Training Curriculum*. See Appendix E, Publications and Resource Contact Information.

4 Sharon Hunter, Bonnie Bentley Cewe, and Jamie Mills, second edition of *Police Response to Crimes of Sexual Assault: A Training Curriculum*, Connecticut Sexual Assault Crisis Services, Inc., Hartford, , III-36 (1997).

5 Adapted from *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement*, Illinois Law Enforcement Training and Standards Board and Illinois Coalition Against Sexual Assault, 41 (1997).

6 Drawn from Kelsey Barnes, Yolanda Gotier, Dean Curd, and Anne Munch, *Developing a Coordinated Community Response to Sexual Assault and Domestic Violence*, Ending Violence Against Women Project, Colorado, 269-270 (1996).

7 *Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement*, *supra* at note 5, 5.

8 A pretext call is an investigative tool that can be utilized in a wide variety of criminal investigations. It is a tape recorded telephone call between the victim and suspect, usually initiated by the victim, under the supervision of a law enforcement officer (from Harold Eisenga, *Using "Pretext" Phone Calls in Sexual Assault Investigations*, available through the FBI's Law Enforcement Online Network. See Appendix E, Publications and Resource Contact Information).

9 *Model Code on Domestic and Family Violence*, National Council of Juvenile and Family Court Judges, Reno, NV, Alternate Sec. 205(B) (1994).

10 Barbara Hart, *Domestic Violence: A Model Protocol for Police Response*, Pennsylvania Attorney General's Family Violence Task Force (1989).

11 *Model Code on Domestic and Family Violence*, *supra* at note 9, Commentary Sec. 205(A).

12 42 U.S.C. 3796hh(c)(1)-(3).

13 Diane Monti-Contania and Mary Ann Conway, *Police Response to Crimes of Sexual Violence, Advocate's Manual: A Training Curriculum for Pennsylvania Law Enforcement*, Pennsylvania Coalition Against Rape, Harrisburg, 4-1 (1997).

14 Hunter, Bentley Cewe, and Mills, *supra* at note 4, III.

15 *Model Code on Domestic and Family Violence*, *supra* at note 9, Commentary Sec. 205(A).

16 A survey of 90 Florida law enforcement agencies reported that in most cases the victim knew the offender, confirming reports that most cases arise among former intimates (J.T. Tucker, "Stalking the Problems with Stalking Laws: The Effectiveness of Florida Statutes section 784.048," *Florida Law Review* (September 1993) 45(4): 609-707, as cited in by Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings From the National Violence Against Women Survey," , *National Institute of Justice Centers for Disease Control and Prevention Research Brief*, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 18 (April 1998)).

17 The relationship between stalker and victim can generally be characterized in one of three ways: intimates or former intimates (e.g., the stalker may be a boyfriend, former boyfriend, husband, or ex-husband); acquaintances (e.g., the stalker may be a co-worker or neighbor); or strangers (e.g., the stalker may be an unknown admirer at work, unknown apartment tenant, or a fan of a celebrity). (information from Violence Against Women Grants Office, *Domestic Violence and Stalking: The Second Annual Report to Congress under the Violence Against Women Act*, U.S. Department of Justice, Office of Justice Programs, Washington, D.C., 2 (April 1998)).

18 San Diego Police Department's Domestic Violence Unit, Training Notes, *Community Policing to Combat Domestic Violence Conference*, U.S. Department of Justice's Office of Community Oriented

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Policing Services and the San Diego Police Department, San Diego, CA (1997).

19 Much of the information for this Action Step was drawn from Willie William, John Lane, and Michael Zona, "Stalking: Successful Intervention Strategies," *The Police Chief*, 24-26 (February 1996).



## 4. Prosecution

THIS CHAPTER CONTAINS THE FOLLOWING SECTIONS:

- INTRODUCTION
- PROSECUTION PRACTICES
  1. POLICIES AND PROTOCOLS
  2. SPECIALIZED APPROACHES
  3. COMPREHENSIVE AND CONSISTENT CHARGING POLICIES
  4. PRE-TRIAL STRATEGIES
  5. TRIAL STRATEGIES
  6. STRATEGIES TO HANDLE COMPLEX CASES

# 4. Prosecution

## INTRODUCTION

The criminal justice system's ability to hold offenders accountable depends in large part on prosecutors' willingness and ability to present compelling cases in court. Effective prosecution of charges involving violence against women is critical to the protection and restoration of both the victim and the community.

As the link between the police and the courts, prosecutors are in a unique position to inspire and educate all sectors of the criminal justice system. Through monitoring and observation, prosecutors can identify gaps in the system and make informed recommendations for policy change to colleagues in other sectors.

Prosecutors have been leaders in advocating for systemic change to better respond to violence against women, and treating the prosecution of individual cases as they would other serious crimes.

It is true that these cases do pose special challenges. Arguably, one of the most difficult issues facing prosecutors in handling crimes against women is that the traditional goal of winning a guilty plea or a conviction can sometimes conflict with the interests of individual victims. Prosecutors are duty-bound to represent the community or the State by vindicating past crimes and preventing future ones; however, prosecutors also are charged with helping to protect individual victims from future harm.

In some instances, the interests of the State clash with those of the victim. Participating in prosecution may endanger a woman's physical or emotional well-being, and that of her children. Victims of domestic violence often fear further and more egregious abuse from their batterers, and loss of support from their families, faith communities, and other allies if they are perceived to assist the prosecution. Sexual assault victims may be more traumatized by testifying against their perpetrator than if a plea is negotiated.

The prosecutor's imperative, therefore, is to consider the interests of both the victim and the State. Carefully weighing these interests may result in the identification of prosecution strategies that preserve both. A prosecutor who is attempting to balance these interests can emphasize victim safety and involvement in decision making, regardless of whether an individual victim participates in case preparation or testifies at trial.

Although sexual assault, stalking and domestic violence cases have similarities, prosecutors must be sensitive to the differences. Unique considerations are outlined below.

**Sexual assault.** Outcomes in sexual assault cases are often determined by the victim's credibility and jurors' personal beliefs about appropriate female behavior. For this reason, prosecutors almost never proceed in sexual assault cases without victim testimony. The emotional and safety needs of the sexual assault victim are unique. While sexual assault victims do not always fear an ongoing threat from the defendant, they struggle with the trauma inflicted by the assault and the shame and blame society imposes on them. These pressures frequently intensify during participation in the criminal justice system. Conversely, a prosecutor's decision *not* to file charges in a sexual assault case may have devastating emotional, social, and legal consequences for the victim.

**Domestic violence.** Battered women often reasonably fear physical harm from the defendant. Victim participation in the criminal justice process can be further complicated by the fact that she has children or property in common with the defendant, or is economically dependent on him. For these and other reasons, some victims choose to continue residing with the defendant or to oppose incarceration of the perpetrator. Prosecutors around the country have been successful at trying these cases, even when

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victim testimony is unavailable. Presenting a case without victim testimony but with other evidence can address the victim's apprehension and the retaliatory risks surrounding prosecution. In fact, some prosecutors believe their strongest cases are those that do not require the victim's testimony. Some prosecutors proceed without the victim's testimony even when she is willing and able to testify.

**Stalking.** Victims of stalking often face circumstances similar to those faced by victims of sexual assault and domestic violence, since stalking often contains elements of – or is an element of – the other two crimes. Stalking also poses unique issues. Since stalking has only very recently been recognized as punishable criminal activity, law enforcement officers and prosecutors frequently fail to respond to stalking with the same zeal they bring to sexual assault and domestic violence cases. This can have profound consequences for victims, whose safety and ability to manage their lives diminishes with every day they are stalked. When violations of protective orders are not addressed immediately by the criminal justice system, stalkers can become convinced that they will not be held accountable for their crimes.

**Redefining Success.** Prosecutors who make victim safety and well-being a priority understand that high conviction rates are not the sole measure of serving victims well, nor do they necessarily achieve the related goal of offender accountability. Recently, the definition of “successful” prosecution has been expanded to include unequivocally communicating to both victim and offender that the community will not tolerate any form of violence against women, and promoting community involvement in efforts to enforce perpetrator accountability and victim safety.

**Victims' Rights.** It is essential to advise victims of their rights in criminal justice processes, and how these rights can help them protect themselves. Victims benefit most from participating in the criminal justice system when they have the information to act: strategically to enforce their safety; avoid contact with the perpetrator; manage their lives without intrusion or disruption by the offender; and achieve a modicum of personal and economic restoration. Prosecutors should explain to victims their legal rights and apprise them of charges, conditions of release, and procedures for enforcing those conditions. Prosecutors should notify victims of an assailant's discharge from custody, describe their role in the criminal justice process, and update them about upcoming court proceedings related to their cases. Prosecutors should also involve victims in decision making processes regarding charging, preparation for trial and plea negotiations, sentencing, and pre- and post-trial conditions of release. (See Chapter 2, *Victim Rights and Notification*.)

**Specialization.** The specialization of prosecution staff can lead to increased expertise and heightened competence.<sup>1</sup> Prosecutors may establish domestic violence or sexual assault units in larger offices or create specialists in smaller offices. Unit staff should provide specialized training for all office staff, as well as public education and training for other agencies in the criminal justice system.<sup>2</sup> Vertical prosecution – when one prosecutor handles a case from the preliminary hearing to the case's conclusion – should be employed whenever possible, to increase prosecutor knowledge of the case and build a trusting relationship with the victim.

**Thorough Investigation.** Prosecutors can provide leadership to law enforcement officers by teaching them the importance of using certain response and initial and follow-up investigation techniques to yield admissible evidence and contribute to successful case disposition. In addition, prosecutors themselves can contribute to a complete investigation through initial intake and follow-up interviews with the victim and with witnesses. Background checks on the defendant, including mental health and civil and criminal histories, can contribute to a complete offender profile that may be useful in assessing the defendant's dangerousness and in helping the victim with safety planning. Information that indicates the risk posed to the victim and the community by the defendant can be influential when recommending bail and bond levels, conditions of pre-release, sentencing, parole, and probation. (See Chapter 3, *Law Enforcement, Practice 4*.)

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**Trial Preparation.** To achieve successful outcomes in domestic violence, sexual assault, and stalking cases, prosecutors must prepare for trial with the tenacity that they would employ in homicide cases. Strategies include:

- making creative charging decisions that will hold the offender accountable for the crime;
- conducting a comprehensive interview with the victim;
- helping the victim establish a safety plan;
- making creative charging decisions by using evaluation of pre-trial release options;
- filing motions to exclude irrelevant and prejudicial evidence; and
- collecting and organizing admissible evidence, including evidence that bolsters the credibility of victims in sexual assault cases.

Staff can encourage and support the victim throughout the trial preparation process by staying in frequent contact and soliciting input, even if she will ultimately be unavailable to testify at trial.

**Speedy Prosecution.** Cases should be brought to trial as soon as possible after the incident. The time between the incident and the trial or disposition is crucial for victims of domestic violence and stalking; a long gap between the incident and the trial date allows an offender to manipulate or terrorize the victim. Prosecutors should raise strenuous objections to lengthy trials or numerous continuances.<sup>3</sup>

**Victim Advocates and Victim-Witness Specialists.** Victims are central to all violence against women cases, regardless of whether they testify. Recognizing that prosecutors' offices cannot meet all the needs of victims, more prosecutors are beginning to cooperate closely with community-based advocates to develop protocols that make victim safety a priority, facilitate prosecution, and ensure the victim has support during court proceedings. Many prosecutors regularly refer victims to community-based domestic violence and sexual assault programs for a variety of services, including safety planning, crisis intervention, emergency housing, counseling, peer support, relocation assistance, advocacy, and court accompaniment.

Prosecutors also may rely on the skills and services of prosecution or court-based victim-witness specialists who can guide victims through the maze of civil and criminal procedures and keep them apprised of the status of the offender, charges against the offender, conditions of release, and procedures for enforcing these conditions. Specialists can also help victims acquire crime victims' compensation, find transportation and childcare for court appearances, identify available community and family resources, and answer questions about adjudicative processes.

**Training.** Prosecution curricula should teach skills including but not limited to, trial advocacy. Prosecutors require education that will teach them about domestic violence, sexual assault, and stalking, and dispel the many myths that surround these crimes and their victims. Prosecutors must understand the barriers victims face in using the criminal justice system and develop strategies to make the legal system work for them in a positive way. (See Appendix A, Training.)

Training curricula should encourage prosecutors to be creative and persistent in using memoranda and briefs to support every motion or argument they advance as a means of judicial education. For instance, a comprehensive curriculum should include a section on case strategies that will provide an education for judges while strengthening a case. Such strategies include "papering" the court with the supporting documents that elucidate the legal precedent, offering several interpretations of relevant codes, carefully applying the unique facts of a case to the law, and identifying the public policy underlining the prosecutor's position. Other topics for training should include:

- reviewing all aspects of law enforcement response;
- using the full range of evidence;
- protection orders;
- State and Federal laws and their limitations;
- creative and comprehensive charging;
- appropriate bail and bond conditions;

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- safety planning;
  - victim-sensitive interviewing techniques;
  - strategies for working with reluctant victims;
  - strategies for responding to controversial or complex cases;
  - jury selection techniques;
  - expert testimony;
  - sentencing strategies;
  - needs of children who have witnessed violence against women;
  - working with community-based advocates; and
  - a teamwork approach to handling cases and protecting victims.

**Policies.** Departments and specialized units must craft up-to-date policies for violence against women cases. They will strengthen the department's ability to respond to cases consistently and proactively, regardless of the individual prosecutor who is responsible for the case. While some prosecution offices may be hesitant to develop written policies due to concerns about liability, creating standards is the best way to ensure a prosecution response that protects victims and holds offenders accountable.

**Partnerships.** As the nexus between the courts and law enforcement, prosecutors are uniquely situated to take a leadership role in promoting a multidisciplinary approach that addresses gaps in the jurisdiction's response to sexual assault, domestic violence, and/or stalking. Minimally, participation in such a partnership will enhance the office's understanding of the many dimensions of crimes against women in their community. Prosecutors can also provide direction to other justice personnel by providing training and guidance in handling cases.

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## I. ESTABLISH PROTOCOLS THAT INCLUDE GUIDANCE ON VIOLENCE AGAINST WOMEN CASE STRATEGIES AND KEEPING VICTIMS INVOLVED AND INFORMED

### ACTION PLAN AT A GLANCE

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1. Understand and agree upon the goals of safety and accountability in the prosecution of violent crimes against women.
2. Develop victim-centered prosecution protocols by evaluating those crafted in jurisdictions with a record of respectful collaboration with advocacy programs.
3. Circulate the new or revised protocol among relevant professionals for input.
4. Include a prosecutor role in law enforcement training programs in the protocol.
5. Implement the protocol, set clear guidelines, and monitor compliance.

### WHY THIS PRACTICE IS IMPORTANT

Protocols provide comprehensive guidelines for prosecutors who might otherwise be guided by mistaken beliefs about violence against women or by frustration with a victim who may resist prosecution. Establishing and carefully monitoring a protocol sends the message to other criminal justice partners, victims, defendants, and the community that the prosecutor's office takes these crimes seriously and that the top leadership expects these practices to be consistently handled. Perhaps the principle most fundamental to a protocol based on the goals of safety and accountability is that ongoing communication and contact with victims, as well as accessible victim assistance, are essential. Even if the victim will be unavailable to testify, involvement in the case progress can increase her confidence that the prosecutor is sincerely seeking justice. Such communication can also result in a stronger case against the offender.

### ACTION PLAN

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#### I. UNDERSTAND AND AGREE UPON THE GOALS OF SAFETY AND ACCOUNTABILITY IN THE PROSECUTION OF VIOLENT CRIMES AGAINST WOMEN.

Protocols should be developed to meet the goals that underlie successful prosecution of domestic violence, sexual assault, and stalking cases. The following can serve as guidelines to jurisdictions that are beginning to draft or revise protocols. The list may be adapted by adding goals specific to a particular jurisdiction.

Goals for prosecuting violence against women cases:

- to protect the victim from crimes of violence, coercion, and intimidation including homicide, sexual assault, aggravated assault, false imprisonment, and arson;
- to reduce the defendant's exposure and possible injury to adult and child victims;
- to restore the victims to safety, health, and autonomy and to encourage agencies to provide prompt and comprehensive restitution for all losses sustained as a result of these crimes;
- to deter the defendant from continuing to commit violence in the community;
- to assist offenders in relinquishing their sense of "ownership" of their victims, and their belief in their right to exercise power and control over victims;

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- to generally deter battery, sexual assault, or stalking in the community; and
  - to serve society's interest in holding all criminals accountable.

2. DEVELOP VICTIM-CENTERED PROSECUTION PROTOCOLS BY EVALUATING THOSE CRAFTED IN JURISDICTIONS WITH A RECORD OF RESPECTFUL COLLABORATION WITH ADVOCACY PROGRAMS.

**Identify protocols that place a strong emphasis on victim involvement.** Prosecutors' offices can draw upon and adapt the numerous protocols that have been developed and successfully implemented in other jurisdictions. The **Battered Women's Justice Project** has model domestic violence protocols available and the **STOP T.A. Project** offers examples of sexual assault protocols. Examples of protocols can also be downloaded from the web site of the **Institute for Law and Justice** (<http://www.ilj.org>).

3. CIRCULATE THE NEW OR REVISED PROTOCOL AMONG RELEVANT PROFESSIONALS FOR INPUT.

**Seek input from all agencies and organizations that will be affected by the protocol.** A comprehensive draft can be developed after culling the best of the protocols gathered from other jurisdictions. A team of community professionals may be assembled to review and critique the protocol before it is officially issued. This team should include advocates (who will help to ensure that victim safety and autonomy are addressed in the protocol), prosecution office staff (including assistant prosecutors, victim-witness specialists, and support staff), court staff and judges, and other community members. Convene a meeting with interested prosecutors, advocates, and survivors to identify the critical elements of an effective prosecution response; define each participant's role; and assign tasks.

In 1993, the **Suffolk County (Massachusetts) District Attorney's Office** convened a community-wide meeting for lesbian and gay victims at **Boston's Fenway Community Health Center** to seek input on the criminal justice system's response to their needs. The survivors shared stories of their pervasive mistreatment by police and the courts. The information received at the community meeting formed the basis for the implementation of additional training for prosecutors, guidelines, and an accountability mechanism for all relevant disciplines. A follow-up meeting was held six months after the initial meeting and survivors and community advocates reported a discernible improvement in attitudes and services.

The **Los Angeles (California) Assistant City Attorney** reports that developing domestic violence protocols in collaboration with shelter advocates helps prosecutors and shelter staff get to know one another and facilitate interagency referrals and collaboration. (See *Prosecution Program Profiles*.)

The **Franklin County (Vermont) State's Attorney's Office** first developed a draft protocol and submitted it to the local multidisciplinary domestic violence task force (composed of community-based victim service organizations and other criminal justice system agencies) for discussion, suggestion, and approval. (See *Prosecution Program Profiles*.)

**Include specific language in the protocol on informing victims about case status, explaining case decisions, and eliciting victim participation in decision making processes, whenever possible.** Prosecutors should be required to make regular contact with victims, regardless of whether the victim will testify at trial. The kinds of information that victims need in a timely fashion are:

- the arraignment date;
- release conditions that will be recommended and those ordered by the court;
- the release from custody of the accused;
- all court hearing dates;

- continuances;
- the defendant's plea, and the verdict, if the case goes to trial;
- plea negotiations;
- case disposition;
- opportunities for victim input;
- terms of any sentence; and
- mechanisms for post-conviction/plea relief.

**The protocol should include a process to familiarize victims with the criminal court system, general trial procedures, and courtroom protocol.** This may include written materials and videos the victim can review on her own or orientation sessions for groups of victims that include an opportunity to ask questions.

**Ensure that the protocol is precise and comprehensive.** The protocol must delineate the entire pre-trial, trial, sentencing, and post-trial processes. It should require prosecutor cooperation with specified community resources, such as domestic violence advocates, rape crisis centers, and support groups for stalking victims. The protocol must also stress the importance of the elements listed below (the practices in this chapter provide further explanation of these elements).

**General approaches to cases**, such as:

- aggressive prosecution;
- early intervention at the misdemeanor level;
- shifting the focus from victim responsibility to offender accountability;
- enhancing victim safety and autonomy;
- creating a multidisciplinary response;
- prosecuting without victim testimony (when victim safety indicates that this is the best course), but in consultation with the victim throughout the process;
- assessment of risks posed by the offender;
- comprehensive sentencing guidelines; and
- keeping the victim apprised of all aspects of the case.

**Types of crimes or issues of law**, such as:

- complex litigation issues (e.g., full faith and credit, double jeopardy, search and seizure, or jurisdiction); and
- cases with little or no physical evidence (such as many sexual assaults involving perpetrators known to the victim or sexual assaults reported long after the assault).

**Improved response to certain populations of victims**, such as:

- victims who have a history of mental illness or substance abuse;
- victims or defendants with immigration issues;
- victims with disabilities;
- victims of same-gender domestic violence;
- older women;
- victims with language or literacy impediments;
- victims from particular cultural or ethnic groups; and
- those who are affiliated with particular religions or religious organizations.

**Heightened community awareness and facilitation of a multidisciplinary response**, through means such as:

- cross-training of other criminal justice system agencies; and
- cooperative case investigations.

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The **Dallas (Texas) County District Attorney's Office** has a domestic violence protocol which includes continuing training for law enforcement and a commitment to community collaborations to focus on victim safety. The office believes that written guidelines make everyone's job easier.

Both the **San Diego (California) District and City Attorneys' Offices** have extensive domestic violence protocols, covering a wide array of important issues.

Prosecutors report that regular communication with victims has several advantages: it increases victim safety and satisfaction with the process; encourages domestic violence victims to leave the perpetrator; and increases the likelihood that victims will testify at trial, disclose more relevant information, and return for help if future incidents occur.

Ensure that the protocol specifically prohibits charging victims who recant their testimony with perjury or other penalties. Some prosecutors still charge domestic violence and sexual assault victims with perjury when they recant, even though it is now widely understood that defendants in many domestic violence cases threaten their victims or their victims' children to convince them to recant earlier statements. Immigrant women – both documented and undocumented – may recant because the defendant has threatened to call the Immigration and Naturalization Service to have them deported or have their "green cards" revoked if they testify.

***Include a provision in the protocol that details how prosecutors should work with victims and advocates if a victim recants or warns that she may recant.*** This will help prosecutors investigate the reasons and attempt to remove or mitigate the cause. Such a provision or practice pursuant to recantation will remind prosecutors that victim safety is paramount and will encourage them to use strategies to promote victim protection despite recantation.

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**Baltimore County (Maryland) Assistant State's Attorney** challenges prosecutors who charge recanting victims by pointing out the double standard illustrated by this action. He asks prosecutors to consider, "How many batterers and rapists have you charged with perjury when they lie on the stand?" He urges prosecutors to ask themselves how they might use their power to assist victims, rather than punishing them for coping with the intimidation and pursuing safety to the best of their abilities.

**San Diego (California) City Attorney Office** policy requires staff prosecutors to handle cases in which the victim is unavailable at trial as if they are homicides. Prosecutors assume the victim will be unavailable to testify, so trial strategy anticipates no victim testimony. Prosecutors offer assistance to victims throughout the process.

***Provide tools to help prosecutors elicit testimony on the power and control of batterers.*** Manipulation and intimidation by batterers are often the reasons victims recant or are unwilling to testify. The protocol should require that prosecutors adapt to each case a set of questions designed to draw out evidence of the offender's power over the victim, as well as the offender's tactics of manipulation, intimidation, and degradation.

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Prosecutors with the **San Diego (California) County District Attorney's Office** gently ask specific questions of victims when they recant on the stand that may indicate to the court that the victim is under the influence of threats made by the defendant. Prosecutors introduce statements made in police reports as evidence that the victim may have changed her account of the incident out of fear of the defendant.

**Send a message from the top that staff must strictly adhere to the protocol.** Senior staff should also attend trainings on the protocol to send a clear message to the assistants and deputies that the protocol and violence against women crimes are a priority target within the office. (Also see Appendix A, Training.)

Former **Norfolk County (Massachusetts) District Attorney** required that all staff to attend domestic violence and sexual assault training. He required a detailed letter of explanation from staff members who planned to be absent from the training. The current district attorney attended the entire training and delivered a motivational introduction that spoke to the importance of zealously prosecuting domestic violence and sexual assault crimes.

Each October since 1991, the **National College of District Attorneys** has sponsored a comprehensive multidisciplinary domestic violence conference. These national conferences attract an array of individuals - both novice and veteran - working in the field of domestic violence, such as prosecutors, law enforcement personnel, victim advocates, judges, children, and adult protective services personnel, health care professionals, probation and parole officers, mental health care experts, religious leaders, educators, and others. Many communities bring multidisciplinary teams to the conference.

Since 1997, the **American Prosecutors Research Institute** has offered a series of domestic violence and stalking workshops. The workshop and the manual developed for the series addresses such topics as investigative issues, evidence collection, admissibility, use of experts, and hostile witnesses.

The **Utah Attorney General's Office**, through a STOP grant, is in the process of developing a training manual and video on stalking for prosecutors in six regions of the State.

#### 4. INCLUDE A PROSECUTOR ROLE IN LAW ENFORCEMENT TRAINING PROGRAMS IN THE PROTOCOL.

Prosecutor involvement in law enforcement training can dramatically improve the quality of police work. Among the issues prosecutors can address are: dispatch practice; response; investigation; evidence collection; incident report writing; victim rights and assistance by law enforcement; and trial assistance that can contribute to successful case dispositions.

In sexual assault cases, prosecutors can address such issues as:

- helping officers understand how handling the case in a professional, sensitive manner can affect a victim's willingness to participate in prosecution and a victim's ability to do so in an informed way;
- evidence collection;
- the importance of forensic exams;
- trauma and recovery of victims; and
- the importance of investigations in corroborating even the smallest aspect of victim testimony and establish credibility.

**Teach prosecutors and officers to identify the primary physical aggressor.** (See Chapter 3, Law Enforcement, Practice 5.) When the initial incident report is unclear, prosecutors should use factors that identify primary aggressors to determine who the victim is so they can appropriately charge and prosecute the case. Primary aggressor evidence reduces the likelihood that police will make dual arrests in which the victim is treated like a perpetrator and placed in jeopardy by the system designed to protect her.

**Teach officers that every incident report must address the issue of children at the scene.** (See Chapter 3, Law Enforcement, Practice 4.) Child witnesses to domestic violence can often provide crucial evidence and make credible witnesses during trial. Thus, prosecutors must train law enforcement about

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the importance of noting the names and ages of the children who were present during the assault and taking statements from child witnesses about what they saw or heard.

The **Travis County (Texas) Attorney's Office** collaborates with the **Austin Police Department Assault Unit** to train all officers about domestic violence, sexual assault, and stalking crimes. They teach practical skills, using well-constructed police reports that have helped win cases and deficient reports that contribute to a case being dropped or other undesirable outcomes. The trainers also focus on addressing the needs of children at the scene. Trainers use photographic evidence that has helped win cases, and photographs that contributed nothing of evidentiary value to illustrate the differences and the importance of using particular photographic techniques. A multidisciplinary faculty of survivors, advocates, and specialized officers (e.g., stalking and blood spatter experts, the head of the domestic violence unit and a victim services child advocate) present material and answer participants' questions. The training is conducted at the academy, in-service, and at periodic roll call updates.

As representatives of the **Law Enforcement Committee** of the **San Diego Domestic Violence Council (California)**, the **City Attorney's Office** and the **District Attorney's Office** updated the *Domestic Violence Law Enforcement Protocol* of 1998. The protocol (available at [www.clew.org](http://www.clew.org).) is intended to assist police officers in handling an incident from the initial call through prosecution.

The **Cache County (Utah) Attorney's Office** authorizes its sex crimes prosecutor to train police on all issues of sexual assault response and investigation. (See *Prosecution Program Profiles*.)

***Prosecutor's offices should participate in the training of specialized police and security forces.***

Such forces include housing authority police, State law enforcement officers, hospital and corporate security forces, military police, and others with access to victims and offenders.

In 1997, **Chicago (Illinois)** prosecutors, police, and community agencies collaborated in producing a domestic violence conference for the **Chicago Housing Authority** police, administration, and residents.

**5. IMPLEMENT THE PROTOCOL, SET CLEAR GUIDELINES, AND MONITOR COMPLIANCE.**

***Build resources into the budget for implementing the protocol.*** Set aside resources to ensure that the protocol will be closely followed. For example, set aside funds for in-service training, hiring new staff, and creating specialized units.

***Make it clear that the protocol will be carefully monitored.*** The protocol will be implemented more consistently if prosecutors know that they will be required to adhere to standardized procedures. If the lead prosecutor introduces the new protocol with a meaningful endorsement, staff will be more motivated to implement it.

In the introduction to its new *Policy on Domestic Violence Prosecutions*, the **Alaska Department of Law** stressed how important it is to "pursue these difficult cases even if prosecutors may not always prevail at trial." The policy explains that "the criminal justice system is where many victims turn for help and it can be an effective means of stopping violence between household members. In addition to the State's strong interest in putting an end to a type of abuse that often leads to serious injury and death, the criminal justice system has an interest in seeing that victims are not "victimized" by the system itself. As prosecutors, we should not ignore or put off victims, rather we should respond to them immediately and with sincere interest." (See *Prosecution Program Profiles*.)

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**Establish a mechanism to assign cases and monitor performance.** The protocol and monitoring steps should address how cases are assigned. Bias or insensitivity to victims is inappropriate for prosecutors who handle violence against women crimes, in particular crimes committed by acquaintances and intimate partners. Staff prosecutors who display such bias should not handle these cases. Assignment of violence against women cases should be based on staff prosecutors' skill level and identified interest in the crime area. The cases should not be automatically assigned to the newest prosecutors, except when the new prosecutors demonstrate the requisite level of interest and qualifications to prosecute domestic violence, sexual assault, or stalking cases. Even those who will not be handling these cases should be well-versed in the protocol and participate in special training so they can readily identify issues of violence against women and refer them for appropriate local, State, or Federal prosecution.

Given the potentially dire consequences, supervisors should closely supervise staff to ensure compliance with the protocol. Deviation from standard operating procedure should be pre-approved. The lead prosecutor should follow up with on-going requests for report summaries that can elicit a high level of staff compliance with the protocol. Such summaries can include:

- the number of cases reported vs. the number charged;
- the number of protection orders issued;
- the rates of pre- and post-trial recidivism;
- the number of victim contacts pre-trial;
- the level of charges;
- the number of cases negotiated vs. the number brought to trial; and
- the number of convictions.

## MEASURES OF SUCCESS

Promulgation and implementation of protocols can result in the following:

- increased understanding of victim issues;
- violence against women cases given a higher status;
- less turnover of prosecutors handling violence against women cases;
- increased clarity of goals for prosecutor;
- increased standardization of desired prosecution practices;
- increased community involvement in prosecution;
- increased respect for the efforts of prosecutors;
- increased motivation to improve services to victims and the community;
- more consistent treatment of *all* cases involving violence against women; and
- higher-quality law enforcement response, resulting in more convictions.

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## 2. UTILIZE SPECIALIZED APPROACHES IN HANDLING VIOLENCE AGAINST WOMEN CASES

### ACTION PLAN AT A GLANCE

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1. Recruit prosecutors and advocates to specialize in violence against women cases.
2. Designate specialized staff to handle these cases.
3. Establish prosecutor and advocate teams, either within a unit or as the designated specialists.

### WHY THIS PRACTICE IS IMPORTANT

Violence against women cases call for prosecutors with a particular empathy for victims, experience and training on the special issues inherent in these cases, and sufficient time to prepare these often complex cases. Establishing specialized units or personnel can ensure that these cases are handled by trained, experienced, and professional staff. Employing vertical prosecution – assigning one prosecutor to handle all processes related to the case – helps that prosecutor to impart essential information and to build a trusting relationship with the victim. In many jurisdictions, the focused attention of specialized staff or vertical prosecution has resulted in enhanced victim safety and increased victim participation in case preparation and at trial. Vertical prosecution or specialized units are likely to result in a higher number of guilty pleas and convictions, more accurate tracking of cases involving an offender in both the criminal and civil sides of the court, and better-informed bail and sentencing recommendations. Specialized staff is more likely to devote time to developing community ties, and will more readily form good working relationships with community-based victim service advocates and other agencies within the criminal justice system.

### ACTION PLAN

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#### 1. RECRUIT INTERESTED PROSECUTORS AND ADVOCATES TO SPECIALIZE IN VIOLENCE AGAINST WOMEN CASES.

**Ensure that recruited staff is dedicated to providing the highest quality services to victims.** Screen potential staff members by asking questions about their reasons for wanting to participate in violence against women cases. Try to ascertain applicants' potential biases against victims of domestic violence, sexual assault, or stalking. Check applicants' civil and criminal histories related to violence against women and children.

Staff lacking an interest in and/or understanding of violence against women issues cannot help but convey this to victims, judges, and juries. Conversely, a victim is more likely to retain a protective order or participate in preparation for trial when the prosecutor exhibits a genuine interest in the victim's welfare, takes the case seriously, and makes it clear that he/she will zealously pursue the case. Similarly, advocacy based in conviction is likely to be persuasive to judges and juries.

Create incentives so that assignment to the domestic violence, sexual assault, and stalking will be viewed as a position of elevated authority and autonomy, or a promotion. Also, give the staff visibility by delegating some of the authority of the office to represent the chief prosecutor in policy meetings or other community events.

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**Hire staff who will reflect the diversity of the community being served.** If the staff represents the community, it helps to build trust with community members of diverse backgrounds. If the office lacks representation of communities with various cultural and ethnic backgrounds, gender, and other dimensions of diversity, victims from diverse backgrounds may assume that the agency will not be sympathetic to them. This is especially true of populations who may harbor distrust for the criminal justice system because they have been traditionally underserved or mistreated. Victims must be able to see prosecutors who look like them, speak their language, or have other characteristics that indicate that the agency will be able to understand how these crimes affect them.

Advertise in locations and outlets that will expand the job pool to include diverse populations. Utilize searches that are more likely to reach the target audience. Advertise outside the jurisdiction, if necessary. Consider advertising through media outlets within communities of color, non-English newspapers, church bulletins, social organization newsletters, alumni magazines, gay/lesbian community newspapers, and publications of minority bar associations.

## 2. DESIGNATE SPECIALIZED STAFF TO HANDLE THESE CASES.

**Choose the kinds of cases on which the specialized staff will focus.** Prior to assigning dedicated staff, the office must determine where the gaps lie in the prosecution of domestic violence and sexual assault cases. Current thinking suggests that many prosecutors believe that early intervention in domestic violence and sexual assault cases prevents future, more serious offenses. Thus, the specialized staff or unit may wish to place emphasis on misdemeanors. Additionally, setting the prosecution of misdemeanor domestic violence offenses as a priority in the jurisdiction sends a message to a community that even minor domestic violence offenses will be prosecuted to the fullest extent of the law. Some staff work exclusively on high risk cases that have been identified through statements made by the victim, lethality/dangerousness assessments and relevant criminal and civil history in the same or other jurisdictions. (See Practice 6 in this chapter.)

The **Targeted Abuser Call (TAC) Team** of the **Cook County (Illinois) State's Attorney's Office** is a specialized unit that focuses on high risk misdemeanor domestic violence cases.

In southern **Indiana**, a specialized violence against women "circuit" prosecutor has been deputized in three rural counties, where she handles all the violence against women cases in some counties and provides technical assistance and training to prosecutors in other counties.

The **Philadelphia (Pennsylvania) District Attorney's Office** has a special unit dealing with sexual assault, domestic violence, and child abuse. While the unit does not employ vertical prosecution, prosecutors, detectives, victim-witness specialists, and paralegals from the unit collaborate to prosecute cases. The unit works closely with community-based advocates. (See *Prosecution Program Profiles*.)

**Utilize vertical prosecution whenever possible.** "Vertical prosecution" means assigning the same attorney and victim-witness specialist from the beginning of a case through to its conclusion. Vertical prosecution should be in place when a case moves from misdemeanor to felony level. This minimizes the need for a victim to re-tell the history of abuse, recount the most recent violent attack by an intimate partner, or provide a detailed account of a sexual assault to several different staff. This method increases chances of victims' participation throughout the entire process and trust in the office's handling of the case.

**Be alert to the potential disadvantages of establishing specialized units or personnel.** Having only certain staff members handle violence against women cases usually means that the rest of the staff will not have the benefit of special training, thus limiting the number of persons who will receive an education about domestic violence or sexual assault. Otherwise qualified staff may not be prepared to

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substitute on an emergency basis or to respond to issues of violence against women important to other criminal cases.

The **Norfolk County (Massachusetts) District Attorney's Office** placed specialized sexual assault prosecutors in their busiest courts (Dedham and Quincy). Based on increased prosecution, conviction, and victim-participation rates there, they added specialized domestic violence prosecutors to Quincy and their other four courts. The domestic violence unit combined with the existing sexual assault unit.

The **King County Prosecutor's Office (Washington)** has a **Domestic Violence Advocacy Program** with a paid staff of 25 who provide advocacy services through the **Protection Order Advocacy Program, District Court Advocacy Program, and Felony Advocacy Program**. The programs utilize volunteer advocates who are recruited, screened, and trained by a staff volunteer coordinator. In 1988, the office established the first of the two sites for the Protection Order Advocacy Program, located in each of the two Superior Court buildings. Each are staffed with three advocates who provide assistance to domestic violence victims seeking orders for protection. The District Court Advocacy Program and the Felony Advocacy Program provide advocacy to victims of misdemeanor and felony assaults filed within the county Prosecutor's Office. The misdemeanor advocates are located at each of the ten district court divisions and the felony advocates are housed in both Superior court buildings. In 1996, the county Prosecutor's Office implemented the **Juvenile Court Domestic Violence/Sexual Assault Unit**, using VAWA funds. The unit consists of a full-time prosecutor, a full-time advocate employed by the prosecutor's office, and a part-time advocate employed by the **Seattle Police Department Crime Survivors Unit**.

### 3. ESTABLISH PROSECUTOR AND ADVOCATE TEAMS, EITHER WITHIN A UNIT OR AS THE DESIGNATED SPECIALISTS.

**Work closely with victim-witness specialists.** These prosecution-based specialists can take responsibility for keeping the victim informed of the status of the case, restitution, and other services offered by the prosecutor or court (as required by victim rights legislation in many States). Victim-witness specialists can share with the prosecutor the victim's perspective of the incident and the continuing risk posed by the offender. (See Chapter 2, *Victim Rights and Notification*.)

**Identify community-based advocates to guide the victim-focused prosecution strategy.** Advocates from community-based sexual assault or domestic violence programs are trained to work specifically with victims of sexual assault or domestic violence, and to provide myriad services, such as emergency housing, crisis counseling, legal advocacy, systems advocacy, safety planning, fear management, and emotional support. Because of their close contact with the victim, advocates can provide victims with information about the process and support victims in contacting or communicating information to prosecutor. On occasion, the advocate can convey needs and wishes of the victim (with consent of the victim) that she may not feel comfortable expressing directly to the prosecutor. Thus, advocates may facilitate a prosecutorial response that is centered on the needs of the victim.

The **District Attorney in Tulsa (Oklahoma)** attends staff meetings of the sexual assault program, **Call Rape**, to explain office procedures for sexual assault cases and to discuss any problems the staff has noticed or been notified of in relation to how the District Attorney's Office handles cases. This office also participates in the **Sexual Assault Response Team** that coordinates system's response to victims.

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Several elements are critical to successful relationships with advocates:

- easy access to one another;
- appreciation for, and understanding of, the respective functions of prosecutors and advocates;
- advocates knowledgeable about the criminal and civil justice systems;
- prosecution knowledgeable about violence against women;
- respectful risk-taking in raising issues and exploring differences related to stalking, sexual assault, and domestic violence victims; and
- prosecutors who understand that information shared between victims and advocates will remain confidential absent victim consent.

By building a relationship with the local battered women's or sexual assault program, prosecutors will enhance their understanding of the frequency, severity, distinctive patterns, and impact of the violence against women in their community.

In some jurisdictions, the prosecutor's office subcontracts with local advocacy programs and houses community-based advocates in the prosecutor's office. The agency then usually provides advocacy services as well as some of the functions that would otherwise be performed by a victim-witness specialist. Victims' communications with advocates remain confidential.

In **Beaumont (Texas)**, the **domestic violence prosecutor** meets for an hour every Tuesday morning with shelter advocates and three officers from the **Police Department's Domestic Violence Unit**. They discuss their most difficult cases, including working on safety plans and creating strategies for high risk victims.

Administrative staff provides an important first link between victims and prosecutors' offices. These staff members are often the first contact a victim will have with a prosecutor's office, and can make the difference between an office that is welcoming to victims and one that is not. Front-line administrative personnel who are interested and helpful can increase the likelihood that victims will call back and show up for office interviews. Training of these staff and established protocols are essential.

**Employ investigators to provide follow-up.** Investigators whose primary duty is to conduct in-depth investigation of cases that will be handled by the unit can often uncover evidence not available to law enforcement providing the initial response. Investigators can return to the area surrounding the scene to interview potential witnesses and collect physical evidence and take photographs. Follow-up phone calls or home visits to victims can provide information vital to the case that was not evident immediately after the incident. Investigators can photograph injuries that only become apparent days after the incident (e.g., bruises that have changed in color or broken capillaries in the eyes of strangulation victims).

**Paralegals can devote time to preparation of cases.** Since prosecutors spend a significant amount of time in court, paralegals can be an invaluable addition to a unit. Paralegals should research legal issues, prepare witnesses, organize evidence and prepare trial memoranda, freeing up prosecutors for final case preparation and court appearances.

**Civil attorneys can address civil legal matters related to the case.** Prosecutors, trained to address criminal issues, may not recognize other legal needs of victims. Civil attorneys can assist victims in thinking about issues such as civil protection orders, divorces, child support, visitation, and civil suits related to the crime. These attorneys can make community referrals (including *pro bono* attorneys or those who will reduce their fees) or may file cases on behalf of victims (e.g., relief of an emergency nature).

The **Cook County (Illinois) State's Attorney's Office's TAC Team** includes a civil attorney from **Lifespan** (a community-based program). (See *Prosecution Program Profiles*.)

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**Refine the team concept.** Multidisciplinary teams should be created based on function, experience, skills, and the ability to work cooperatively. The team approach facilitates greater coordination and problem solving among represented agencies. Coordination allows each team member to focus on his or her specific duties and to rely on due diligence by colleagues in complementary agencies.

The **Hennepin County (Minneapolis, Minnesota) Prosecutor's Office** contracts with the **Neighborhood Involvement Program's Rape and Sexual Abuse Center** (a community sexual assault program) to provide advocacy services in the office. The sexual assault advocates consult with the specialized sex crimes prosecutors on an ongoing basis, providing valuable insight to cases.

Prosecutors may wish to apply this approach to work with professionals in other agencies and organizations, such as probation officers, sexual assault nurse examiners, other health professionals, and social workers. This team approach can coordinate the work of prosecutors and other agencies that have information that may be useful to the prosecutor and the victim. A close working relationship with professionals in community agencies and organizations facilitates ongoing communication and the quick exchange of information. This can expedite case preparation and maximize beneficial outcomes for victims within and beyond the legal system.

The **District Attorney for Rensselaer County (New York)** supported the establishment of a **Sexual Assault Nurse Examiner (SANE)** program. The office actively participates in the **Sexual Assault Response Team** and frequently calls on SANE nurses to testify about their findings in forensic examinations. (See *Victim Service Program Profiles*.)

The **Sex Crimes Prosecutor in Cache County (Utah)** was instrumental in starting a **SANE program** and in finding funding to send nurses to SANE trainings. (See *Prosecution Program Profiles*.)

The **Targeted Abuser Call (TAC) Team** of the **Cook County (Illinois) State's Attorney's Office** is comprised of two prosecutors, a victim advocate from a community-based domestic violence program, a victim-witness advocate, a civil attorney from a community-based domestic violence program, and two investigators, who work together on high risk domestic violence cases that have been designated for the TAC Team. The advocate keeps the prosecutors apprised of victims' legal and other needs and often acts as a victim's liaison to other TAC Team members. (See *Prosecution Program Profiles*.)

## MEASURES OF SUCCESS

Specialized approaches can result in the following:

- increased expertise and knowledge on the part of prosecution staff;
- increased number of charges issued in sexual assaults involving offenders known to victims;
- more comprehensive victim services provided by motivated staff;
- increased collaboration between prosecutors and advocates;
- improved services to victims, including increased victim involvement in case decisions;
- increased efficiency in the handling of violence against women cases; and
- more successful case outcomes.

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### 3. IMPLEMENT COMPREHENSIVE AND CONSISTENT CHARGING POLICIES

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#### ACTION PLAN AT A GLANCE

1. **Train law enforcement officers and prosecutors to assess and charge violence against women crimes.**
2. **Amend charges as appropriate.**
3. **Obtain input from victims when making charging decisions.**
4. **Adopt standards, as part of the prosecution protocol, to provide guidance in difficult cases.**
5. **Establish policies on plea negotiation.**
6. **Evaluate the merits of private criminal complaints in a fair way.**

#### WHY THIS PRACTICE IS IMPORTANT

In some jurisdictions, there is a disparity in the charging levels between stranger and non-stranger assaults. If the offender and victim had a prior relationship, the prosecutor and/or law enforcement may not recognize the seriousness of the offense and potential for conviction. They may undervalue the seriousness of the offense and charge at a lower level or divert the case under statutes that should apply only to non-violent offenders. Under-charging sends a message to the community that this kind of violence against women is less serious than violence committed by strangers. Consistent and appropriate charging of domestic violence, sexual assault, and stalking maximizes the criminal justice response.

In addition to charging at the appropriate level, prosecutors must identify all the crimes committed by an assailant in the episode that brought the assailant to the attention of law enforcement. Assaults on women usually entail multiple criminal acts in the same "incident." Battered women frequently report that their batterers started with a threat of violence and then initiated many assaults, more terroristic threats, confinement in the home against their wishes, thefts, destruction of property, interference with the reporting of crimes, and more punches, kicks, slaps, and threats until the police arrive or the abusers fall asleep. Similarly, rape victims report a litany of criminal conduct associated with the sexual assault. Too often, only the most serious crime in what may be sustained assaults is reported or charged.

Comprehensive and appropriate-level charging enhances victim safety because both the victim and the offender are more likely to understand that the system will take action to protect the victim and hold the offender accountable. For those victims already aware of their level of danger, charging the crime(s) appropriately validates their assessment of danger and enables them to plan accordingly. Accurate charging also forces the perpetrator to take responsibility for the crimes committed.

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#### ACTION PLAN

1. **TRAIN LAW ENFORCEMENT OFFICERS AND PROSECUTORS TO ASSESS AND CHARGE VIOLENCE AGAINST WOMEN CRIMES.**

**Designate particular law enforcement and prosecution staff responsible for charging decisions.** Depending on the jurisdiction, law enforcement may make the initial charging decisions, with

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prosecutors only amending the complaint(s) in rare circumstances. In others, the prosecutor determines what crime(s) to charge, often in consultation with local police. Assign specific staff members to be responsible for reviewing all charging decisions, and establish mechanisms through which the charges can be amended.

The El Paso (Texas) District Attorney's Office has established the **District Attorney Information Management System (DIMS)**. Law enforcement officers responding to the scene of a domestic violence incident contact an on-call prosecutor (there is a prosecutor on-call 24 hours). Based on information supplied by the responding officer, the prosecutor will accept or decline the case. If accepted, an arrest is made and the case information is immediately entered into a computerized case data base. Charges are determined within 24 hours and entered into the court docket. The District Attorney's Office believes that this system allows for more accurate charging and sends a clear message to offenders, victims, and their children that domestic abusers will be held accountable by the criminal justice system.

**Train law enforcement and prosecutors specifically on charging issues in the context of victim protection and potential for successful prosecution.** Law enforcement should understand that the quality of evidence collection and incident report writing can greatly influence a case. Prosecutors should assure police that they can call to discuss charging issues, particularly in difficult cases.

**Charges should address the full range of crimes committed.** Both law enforcement and prosecutors should be conversant with the full array of charges that may be lodged, based on the fact pattern and evidence identified. To hold the offender responsible for all crimes committed, each separate offense should be listed. Victim involvement is critical at this juncture, since the victim may not have been asked to provide a full history during the initial interview.

"Intimidation of a Witness" or "Witness Tampering" is a crime in most States and is very commonly committed by defendants charged with domestic violence, stalking, and sexual assault crimes. Yet this charge is rarely brought when a prior relationship exists between the perpetrator and the victim, current charges are pending, and the accused breaches a condition of release by intimidating the victim. Prosecutors should also be trained on strategic use of: child endangerment charges in cases in which children were threatened or assaulted in the incident; stalking; violation of federal laws; terroristic threats; criminal mischief; and telephone harassment.

## 2. AMEND CHARGES AS APPROPRIATE.

**Amend the charges as early as possible based upon new information.** For example, at the time of the arrest, the law enforcement officers may not have been aware that a protection order was in effect, and thus did not charge the offender with a violation of the order. In sexual assault cases, embarrassment and denial will often inhibit a victim from revealing all the details of the assault initially. For example, some time after the initial interview, a victim may reveal that not only was she sexually assaulted as defined by State statute, but she was also forced to commit acts that do not meet the State's legal definition of sexual assault but are covered by another statute. Building in a mechanism for amending charges will allow prosecutors to amend the list of offenses when new information or evidence is discovered after a follow-up investigation, which should include visits with neighbors and witnesses and a search of the State's electronic protection order file. Amendments should be filed as soon as possible after discovering new information. In some jurisdictions, amendments filed shortly before trial that include additional charges may be viewed as retaliatory and may either be rejected by the presiding judge or may necessitate an undesired continuance.

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The **State's Attorney's Office of Franklin County (Vermont)** brings the most serious charges warranted by the evidence, including violations of Abuse Prevention Orders (protection orders), because of the increased penalties for subsequent violations that are allowed in the jurisdiction. When appropriate, the office brings charges for offenses that were not previously charged. (See *Prosecution Program Profiles*.)

**Consider charging options when a defendant has violated a protection order.** Prosecutors must decide whether to charge the underlying crimes (e.g., assault and battery) along with charges for violations of a protection order, whether to charge only the underlying crimes, or to charge only the protection order violations. When deciding, look to the potential for success with different charging options and the possible sanctions that can be ordered by the court if the defendant is convicted. Encourage victim input at this stage; she may have a preference, based on her individual needs. For example, the victim may want the prosecutor to charge with the underlying crimes and the protection order violation because the particular jurisdiction will likely impose a long period of incarceration if the defendant is convicted on all counts. Conversely, the victim may desire that the defendant be charged only with the violation and that the prosecutor recommend probation so that the defendant can work to pay restitution to the victim.

When pursuing criminal contempt charges for violation of protection orders, prosecutors should be aware of possible double jeopardy implications for a subsequent prosecution of the underlying crime. Pursuant to *United States v. Dixon* (113 S. Ct. 2849 (1993)), prosecutors should apply the "same elements" test to determine whether double jeopardy will be implicated in later criminal charges. In *Dixon*, the Supreme Court held that if a criminal charge includes an element not contained in the previous contempt offense, it is not barred by double jeopardy.<sup>4</sup>

It may also be possible to avoid double jeopardy issues in later charges by crafting a contempt action to avoid using language defining specific criminal offenses. For example, a motion for contempt might allege that the respondent "abused," "molested," or "harassed" the petitioner, rather than alleging that the respondent "assaulted" the petitioner.<sup>5</sup> Focus on the specific provision violations (e.g., "no contact") and prosecute the substantive crimes (e.g., burglary or assault) later. Such bifurcation of prosecution requires that the prosecutor only address the protection order provision(s) (e.g., the offender showed up at the victim's house, in violation of the protection order).

### 3. OBTAIN INPUT FROM VICTIMS WHEN MAKING CHARGING DECISIONS.

Develop a policy that prosecutors or their staff members contact victims to determine if there are additional facts about the nature of the crime and to elicit the victim's perspective on charging decisions. Victims can often offer additional background information and participate in the charging decision-making process. Background information can inform the decision to reduce charges for plea purposes, or to charge the offender with more serious crimes. Eliciting this information may be crucial if a victim was not available prior to charging or if the charging decision was made by the responding officer overnight. To preserve their own (and their children's) well-being, victims may want the offender charged with certain crimes but not others. For example, if the victim relies upon the offender to pay rent, child support, etc., she may not want the offender charged with crimes that may result in incarceration.

In the **Hennepin County (Minnesota) Attorney's Office**, the sexual assault advocates take responsibility for communicating to the victim the prosecutor's decision whether or not to file charges, with an explanation of why charges weren't filed. They will also arrange a meeting with the prosecutor if requested, to discuss the charging decision.

Prosecutors may decide to charge the offender with the most serious crimes possible or to charge only some of the crimes committed, depending on victim needs, the particular State code, the victim's com-

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fort level with supplying certain testimony, or occurrent deficiencies in the case. While prosecutors ultimately make charging decisions, they should invite victims to think strategically about the decision and listen carefully to victim input (e.g., she may believe the case has been overcharged).

Victim-witness advocates should conduct intake interviews with victims shortly after the incident. If charges need to be changed or reduced later for some reason, the prosecutorial staff should contact the victim and explain the reasons before the final decision is made.

#### 4. ADOPT STANDARDS, AS PART OF THE PROSECUTION PROTOCOL, TO PROVIDE GUIDANCE IN DIFFICULT CASES.

**Identify experienced staff who can assist newer prosecutors with difficult charging decisions.** Especially in jurisdictions with many degrees of assault, arson, false imprisonment, theft by deception, sexual offenses, and stalking crimes, it can be hard to identify the precise class or level to charge. The office protocol can provide guidance to ensure that charging decisions are not biased because of the nature of the relationship of the victim and the assailant or by prejudices based on racial or other demographic factors. Periodically monitor charging decisions on violence against women cases; for example, by comparing charges to law enforcement incident reports.

**Do no use “no drop” policies to penalize victims.** Many jurisdictions have enacted policies that permit domestic violence cases to go forward when the victim is unavailable for testimony. These “no-drop” policies attempt to overcome a tradition of prosecutors being reluctant to bring a case to trial without the testimony of the victim. Historically, police and prosecutors chose to rely on a victim’s testimony, rather than affirmatively collect corroborating evidence. Cognizant of this practice, perpetrators would try to intimidate the victim with the goal of persuading the victim not to testify. Prosecutors enacted no-drop policies to illustrate to perpetrators that victims do not have the power to terminate the prosecution, and to reduce the chances that perpetrators will force victims to try to get charges withdrawn. This prosecution strategy can be effective; police are trained to collect evidence on the assumption that victims will not testify and victims are sometimes less exposed to intimidation and retaliation by the defendant. However, in some jurisdictions, no drop policies have been inappropriately used to penalize women (e.g., by issuing subpoenas to compel their testimony) who are not willing to testify, or to go forward with a trial when victims object, even if prosecution may increase the potential of greater harm to the victim. In such instances, prosecutors should attempt to craft plea agreements that protect the victim.

The Franklin County (Vermont) State’s Attorney’s Office has adopted a flexible no-drop policy. As a general rule, charges are not dismissed at the request of the victim. The State’s Attorney works with a community-based victim advocate to offer support to a victim who feels hesitant or fearful about testifying at trial. In order to proceed, the State’s Attorneys will not require a victim to testify if she is threatened by the defendant. In other instances, the office issues trial subpoenas to the victim so that the defendant will understand that the victim is required by law to testify. If the risks posed to the victim outweigh the other factors, the prosecutor’s office will defer prosecution of the case, unless the risks to the community are too large. The prosecutor will assess the risk based on the following factors:

- the defendant’s prior criminal history;
- the defendant’s prior abuse of the victim;
- the strength of the corroborative evidence;
- the willingness of other witnesses to testify;
- the severity of the offense;
- the risk the defendant poses to third parties and to the community at large; and
- the risk posed to the victim if the prosecution proceeds without the victim vs. the risk posed to the victim by dismissal. (See *Prosecution Program Profiles*.)

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**When deciding whether to go forward without victim testimony, consider whether adequate corroborating evidence exists.<sup>6</sup> (For example, consider the questions listed below.)**

- Were there other witnesses to the incident, including children or law enforcement officers?
- Are there written statements that can be admitted under hearsay exceptions, such as excited utterances?
- Have injuries been documented with photographs or medical reports?
- Is there other physical evidence of an assault, such as torn clothing?

**When deciding whether to compel a victim to testify against her will, consider whether this would place the victim in greater jeopardy.** The most important factor to consider is whether the victim reasonably fears retaliation by the offender. For this reason, it is important to build in mechanisms to allow prosecutors to evaluate whether it is prudent to proceed. Use the questions listed below to help make this determination.

- Has the offender made threats or stalked the victim?
- Does a lethality assessment (based on information from the victim, advocates, police, court information, and criminal and civil records) indicate that the offender may attempt to kill the victim if the case goes forward?
- Does the defendant have a history of serious depression, obsession, or suicidal tendencies?
- Does the defendant believe that the victim can influence the decision to prosecute?

## 5. ESTABLISH POLICIES ON PLEA NEGOTIATION.

When negotiating a plea with an offender, consider the following factors:

- the victim's wishes;
- the victim's willingness and/or ability to participate in a trial;
- the viable potential of proceeding without the victim;
- the seriousness of the offense and the need for victim and community protection;
- the defendant's prior criminal history; and
- the defendant's history of abuse.<sup>7</sup>

When considering lesser charges, attach conditions to the plea that help to ensure that the victim remains safe and that the offender understands that the jurisdiction holds the offender responsible for the assault. For instance, require that the offender have no direct or indirect contact with the victim. If the victim chooses to remain living with the offender, request an order for "no harmful contact" or threats of harmful contact. In addition, the prosecutor should make it clear to both the victim and the offender that future domestic violence crimes will be fully prosecuted.

The **Alaska Department of Law** statewide policy on domestic violence prosecutions requires that plea agreements only be made in cases after consulting with the victim. (See *Prosecution Program Profiles*.)

**Develop standardized procedures for cases in which the prosecutor elects not to file charges.**

At a minimum, these procedures should include the following steps:

- keeping a record of the case and the reasons why charges were not filed;
- explaining to the victim why filing is not appropriate at the time;
- referring the victim to community-based victim service programs and other social service and legal assistance organizations, when appropriate; and
- informing the victim of options other than filing a criminal complaint, such as petitioning for a protection order.<sup>8</sup>

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In addition, the prosecutor should reinforce the victim's decision to disclose the violence to the criminal justice system. Taking the time to positively reinforce the victim's reporting of the incident(s) may encourage the victim to report again if the violence continues or recurs.

Where a prosecutor elects not to file charges, the victim should be notified and given the opportunity to review the decision with a higher authority in the prosecutor's office. Under no circumstances should domestic violence cases be diverted to mediation or alternate dispute resolution.

**Carefully evaluate the crime to determine who is the primary aggressor.** Rarely are both parties involved in a domestic abuse incident mutual combatants. Thus, only in extraordinary circumstances should both parties be charged with domestic violence offenses. Even when prosecutors are convinced that the abuse was mutual, office protocol should mandate that prosecutors must carefully examine police incident reports, talk to officers present after the incident, and examine evidence in order to determine who was the primary aggressor.

Create guidelines to encourage dismissing charges or declining to issue charges (*nolle prosequi*) against the non-aggressor in cases of dual arrest. (Also see Chapter 3, *Law Enforcement, Practice 4.*)

## 6. EVALUATE THE MERITS OF PRIVATE CRIMINAL COMPLAINTS IN A FAIR WAY.

Cases initiated through a criminal complaint filed by a victim, rather than law enforcement, should be given as full and fair evaluation of the available evidence as those that are initiated by an arrest. Prosecutors should not presume that the word of a victim is less credible than a report made by law enforcement. There are several reasons for victim-initiated prosecutions:

- law enforcement did not initially effect an arrest;
- law enforcement failed in its duty to arrest;
- law enforcement did not have access to certain evidence that is disclosed by the victim in the complaint;
- law enforcement was not called to the scene of the incident;
- the victim later realized that the offender committed a crime against her; or
- the victim may have been too traumatized by the assault to immediately report the incident.

Whatever the reason, these cases must be fully investigated and charged by the prosecutor's office, using the same procedures as those employed when an arrest is made.

## MEASURES OF SUCCESS

Comprehensive charging policies can result in:

- charges reflecting the seriousness of the crime;
- increased victim safety;
- greater victim satisfaction with the prosecutorial response;
- increased offender accountability for the true severity of committed crimes; and
- increased system understanding of the gravity of violence against women crimes.

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## 4. DEVELOP LEGALLY EFFECTIVE AND VICTIM-SENSITIVE PRE-TRIAL STRATEGIES

### ACTION PLAN AT A GLANCE

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1. **Conduct a comprehensive interview with the victim.**
2. **Evaluate pre-trial release options, including bail/bond, incarceration, and conditions of release.**
3. **Use pre-trial motions and hearings to exclude irrelevant and prejudicial evidence, protect the victim, and educate the judge.**
4. **Let victim safety guide the direction of the case.**
5. **Evaluate the evidence and victim considerations to inform case development.**
6. **Maintain a focus on perpetrator accountability.**
7. **Determine if experts can strengthen the case.**

### WHY THIS PRACTICE IS IMPORTANT

Domestic violence victims are particularly vulnerable after an arrest and before trial. During this period, defendants often try to coerce the victim into refusing to participate in the case. After their release from custody, defendants may use two tactics: attempt to convince the victim that the violence will never happen again, or intimidate the victim with the threat of future violence. Prosecutors are trained to assemble the available evidence, make winning arguments to judges and juries, and skillfully question witnesses at trial. Prosecutors may perform all these tasks competently and still have a low conviction rate. In such instances, it is likely that the prosecutor does not fully understand how to prepare for domestic violence or sexual assault cases, nor how to work with victims to encourage their participation in developing sufficient evidence for a conviction or guilty plea.

Pre-trial strategies provide prosecutors with a wide array of tools to protect victims, encourage their participation, and hold the offender accountable through the plea negotiations or trial process. Threats and harassment by defendants mandate that prosecutors' pre-trial strategies include frequent safety planning and regular communication with the victim. Proper pre-trial work increases the likelihood that the defendant will plead guilty. If the case goes forward, it is more likely that the trial will result in a conviction of the defendant.

### ACTION PLAN

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#### I. CONDUCT A COMPREHENSIVE INTERVIEW WITH THE VICTIM.

**Develop an interview checklist.** A checklist of issues helps to ensure that all issues will be addressed during the interview, including all evidence, victim notification of rights including crime victim compensation, referrals to community-based advocacy programs and other services, and the kinds of assistance available from victim-witness staff.

The prosecutor's office may want to gather checklists from other jurisdictions and adapt them as necessary. Checklists specific to each type of crime should be developed and the elements of the crime must

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be proved as determined by State law. The information elicited through the checklists can be the basis of the direct examination of the victim.

**The San Diego (California) City Attorney's Office** has developed a series of checklists for interviewing domestic violence victims who sustain strangulation or head injuries. Office representatives report that the checklists have made all the difference in the quantity and quality of information gathered, and believe that careful attention to detail has contributed to their increased conviction rate and the decrease in domestic violence homicides. (See *Appendix F for the checklists.*)

When interviewing victims of sexual assault, it is crucial that the victim share any information that will most likely be used by opposing counsel to support the defendant's case. Prosecutors should discuss with victims the ability to bring limiting motions to preclude the introduction of evidence that is not authorized under case law, is prejudicial to the victim, or is irrelevant. These aspects of a victim's disclosure should not be viewed or treated negatively, but rather as part of the reality for the victim.

The **Snohomish County (Washington) Special Assaults Unit** advises prosecutors to explain to the victim that the case will be stronger if the prosecution has knowledge of certain facts and circumstances including the following information: any prior sexual contact with the defendant, prior unsuccessful prosecutions of sexual assault, use of drugs/alcohol at the time of the incident, and whether the victim has filed a civil suit against the defendant. Prosecutors emphasize to the victim that none of these factors means that she deserved to be raped or that they don't believe her.

**Refrain from cajoling the victim into participating in the case.** Victims report greater satisfaction with prosecutors and advocates who listen without judging and who respect their decisions. Prosecutors should not attempt to force a victim to participate in a case, especially if particular cultural perspectives, religious beliefs, or other factors influence a victim's decision not to participate. Rather, prosecutors should offer information about the range of options and discuss with the victim the advantages and disadvantages of choosing to participate in the case. Assure the victim that a domestic violence or sexual assault by someone known to the victim is a serious crime and that the prosecutor's priority is the victim's safety.

The **Cache County (Utah) Attorney's Office** spends as much time with sexual assault victims as needed in order to facilitate a trusting relationship and to allow for open discussion of trial-related anxiety. This often requires multiple interviews. The chief deputy prosecutor estimates that 80 percent of the victims who appear for an initial interview continue to participate in the prosecution process. (See *Prosecution Program Profiles.*)

**Inform the victim of available resources.** The prosecutor and advocate should have their own resource guides from which they can recommend appropriate services, as well as brochures or cards to give to victims. Prosecutors should refer victims to local community-based sexual assault or domestic violence programs for information about support groups. Victims report that support groups are tremendously helpful to them during the prosecution and adjudication process.

**Provide information on the prosecution process and criminal and civil court procedures and protocol.** Victims are much more likely to participate in the case if they understand the complex procedures that will be undertaken by the prosecutor's office and how they can assist in the process. Information should explain details of processes, provide definitions for legal words and phrases, outline court protocol, and describe what victims should expect to encounter in the courtroom.

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The Norfolk County (Massachusetts) District Attorney's Office provides information sessions at the court house to victims on the morning of court dates. Victims learn about the legal processes they will encounter in their criminal and civil cases.

**Teach the victim to collect evidence, keep a chronology of defendant contacts, and document the history of abuse.** Victims are usually willing to be part of the trial preparation and become quite adept at documenting relevant information about the presenting crime and violations of conditions imposed on release.

The Norfolk County (Massachusetts) District Attorney's Office reports that when specifically asked, victims assist with evidence collection and provide valuable physical evidence that otherwise would not have been available. Perpetrators' threatening letters and taped phone messages can be the basis for new charges and can support a strong argument for keeping an offender in custody pending trial.

The Victim Assistance Project on Stalking of the Shelter for Abused Women in Winchester (Virginia) provides stalking defense kits to help victims collect evidence for their cases. The kits include a disposable camera, a cassette recorder for monitoring phone conversations, instructions for gathering and keeping evidence, evidence collection bags, a stalking incident report, and narrative forms to use for writing descriptions of incidents. The evidence collected by victims is intended to supplement – not replace – that collected by law enforcement. (See *Victim Services Program Profiles*.)

**Complete a multi-victim assessment to determine if there are other victims in the household.** Domestic violence and stalking perpetrators may stalk, threaten, harass, or assault other household members, especially children, and older or disabled household members. Prosecutors should ask victims whether the offender has harassed any family or household members, and tell victims that revelations of such activity will not only strengthen the case but allow the prosecutor to offer further protection from offenders.

## 2. EVALUATE PRE-TRIAL RELEASE OPTIONS, INCLUDING BAIL/BOND, INCARCERATION, AND CONDITIONS OF RELEASE.

**In making bail recommendations, utilize a pre-release checklist to ensure that relevant factors are considered.** The checklist should incorporate items related to the dangerousness of the defendant as well as the likelihood of flight from the jurisdiction. The following factors should be included in such a checklist for pre-release decisions:

1. the defendant's history of violent behavior (especially domestic violence and sexual assault) from sources such as incident reports, victims statements, medical records, or protection orders;
2. whether the frequency and/or severity of abuse/stalking is escalating;
3. threats of retaliation against victim, children, family, or friends;
4. use or threatened use of a weapon;
5. the defendant's prior criminal history;
6. the danger the defendant poses to the victim, her family, friends, co-workers, and the community;
7. the defendant's use of drugs or alcohol;
8. the defendant's access to victim (Is the victim planning to reconcile with the defendant? Does the defendant have open visitation? Does the defendant go to the victim's workplace? Do they work together? Do they attend the same church/synagogue/mosque? Does the defendant know where the victim lives or is staying temporarily?);
9. the defendant's mental and physical health; and
10. the defendant's threats of suicide.

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In general, prosecutors should request an appropriate bail setting based on the nature of the crime; the danger to the victim; the potential for danger to the community; the perpetrator's criminal history; the perpetrator's likelihood of fleeing the jurisdiction; the perpetrator's contacts with the community; and the perpetrator's potential for maintaining contact with the defense attorney, and any other factors judges consider, in accordance with State law.

The **Alaska Department of Law** places victim safety as the top priority. Prosecutors request the imposition of bail conditions consistent with the victim's wishes and work closely with community-based advocates. (See *Prosecution Program Profiles*.)

Depending on the facts of the case, the following release conditions may be recommended to the court:

- do not have contact with the victim (even if the victim is considering reconciling with the defendant, a "cooling off" period of 24 hours to seven days can decrease recidivism). No contact provisions in bail orders are generally appropriate for domestic violence, sexual assault, and stalking cases;
- surrender all weapons to the local law enforcement agency;
- abstain from liquor and attend Alcoholics Anonymous, Narcotics Anonymous, or another substance treatment program, where drug or alcohol addiction is a problem;
- remain outside of a certain radius from the victim at all times;
- immediately enroll in a certified batterer's intervention/education program;
- fulfill all responsibilities related to system monitoring of compliance with release conditions;
- comply with all aspects of protective, restraining, and child support orders;
- surrender passport (and other family members' passports), bankbooks, and credit cards to decrease the risk of flight;
- submit to electronic monitoring (for defendants who have stalked their victims); and
- comply with other pre-trial conditions specific to the case that will enhance victim and public safety.

As part of its interagency protocol on sexual assault, the **Denver (Colorado) District Attorney's Sex Crimes Unit** directs prosecutors to request that "any release on bail or personal recognizance bond include protection orders for the victim."

The **Dover (New Hampshire) Prosecuting Attorney's Office** often employs an electronic monitoring system to monitor stalking offenders after release on bail or probation. This system helps law enforcement measure offender compliance with no-contact provisions by tracking the offender's exact location at all times. Since 1993, the system has been used for 30 stalking offenders, and only three violations of conditions of release have occurred. Advocates are notified when the system will be used and work with victims to help them understand how tracking systems can be incorporated into an overall safety plan. (See *Prosecution Program Profiles*.)

### 3. USE PRE-TRIAL MOTIONS AND HEARINGS TO EXCLUDE IRRELEVANT AND PREJUDICIAL EVIDENCE, PROTECT THE VICTIM, AND EDUCATE THE JUDGE.

**Use motions in limine to better protect the victim and control the case.** Motions *in limine* may be used to manage the case to limit or preclude prejudicial testimony, as well as to strategically engage the defense in revealing their theory of the case and the defenses likely to be advanced. In sexual assault cases, such motions are commonly made to preclude reference to irrelevant or prejudicial information, such as drug usage. Some jurisdictions require that motions *in limine* be filed in any case where the prosecutor or defense counsel plan to introduce evidence such as excited utterances, expert testimony, or certain information damaging to the victim.

The Office of the **Tarrant County (Texas) District Attorney** uses motions *in limine* in sexual assault and domestic violence cases to exclude irrelevant information that would embarrass and intimidate the victim, such as: children out of wedlock; substance abuse (other than on the date of the offense, which is generally admissible); use of anti-depressants; sexual history; sexually transmitted diseases, HIV and/or AIDS; psychiatric history; testimony as to cultural acceptance; and family secrets. Prosecutors also file general language in the motion *in limine* if they are unsure of what prejudicial information the defense may try to offer at trial, including evidence about the character of the victim, arrests, prior bad conduct, or prior convictions of witnesses. Prosecutors explain to victims the purpose of the motion *in limine* and that it is best to reveal the information to the prosecutor immediately. Victims are told that this evidence can often be precluded pre-trial; however, if the prosecutor only learns of it when the defense presents it, the prosecutor can object and argue to have the evidence stricken from the record, but the jury will have already heard the damaging information.

The **Anchorage (Alaska) Department of Law** has established a bank of briefs that prosecutors across the State can draw upon when drafting motions (such as those that argue the admissibility of certain evidence) or other pleadings. (See *Prosecution Program Profiles*.)

**Utilize rape shield laws and other rules of evidence to protect sexual assault victims and strengthen cases.** If consent will be used as a defense, defense counsel will attempt to introduce evidence of the victim's past sexual conduct, especially with the defendant (see *Action Plan 5 of this practice for a discussion of the defense of consent in non-stranger sexual assault cases*). Most State rape shield laws require the defendant to file a pre-trial motion giving notice of intent to inquire into sexual history when the perpetrator and the victim have such a history and it may be probative of a consent defense. A pre-trial hearing is usually held to determine whether the evidence is irrelevant and/or prejudicial to the victim. In jurisdictions without rape shield laws, prosecutors may wish to address this area through a pre-trial motion *in limine*.

There are a number of other pre-trial motions that will address the victim's anxiety about participating in the criminal justice process. These include motions to prevent harassment in and out of the courtroom, protect victim privacy, and exclude evidence about the complainant's prior sexual history.

#### 4. LET VICTIM SAFETY GUIDE THE DIRECTION OF THE CASE.

**Assist the victim in developing a safety plan.** During the initial interview, prosecutorial staff should discuss with the victim plans to prevent additional harm or intimidation.

Safety planning not only supports the victim, it increases the likelihood of the victim's full participation in criminal justice processes.

The **Dallas County (Texas) District Attorney's Office's Domestic Violence Unit** makes available safety plans that list local resources. The plans are written in both English and Spanish.

The **City of Dover's (New Hampshire) Prosecuting Attorney's Office** encourages victims of stalking to petition for protective orders and helps them develop personalized safety plans. The protective orders not only help to enhance victim safety, but are also part of the case strategy of developing a pattern of offender behavior through violations of the orders. (See *Prosecution Program Profiles*.)

**At every contact, inquire whether the offender has attempted to or has made contact with the victim.** Victims may believe that unless there has been a violent assault, no new crimes have been committed. Contact that may appear innocuous on its face (such as leaving flowers on the victim's back

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porch or notes on her car's windshield) may pose a grave safety risk for the victim and should be taken seriously. Ask the victim specific questions such as, has the offender:

- "followed you by car or on foot;"
- "harassed you at work or home by telephone or appearing at the door;"
- "tampered with your mail, phone, or car;" or
- "made any contact with you at all (including sending flowers, buying presents, or promising no future harassment or abuse)?"

If the offender has engaged in new criminal behavior, consider amending the charges and encourage the victim to revise her safety plan.

When victim safety is both policy and an office priority, the prosecutor, advocate, and victim make decisions based on the benefits to the victim. Decisions made without considering effects of the action on the victim's safety may place her in jeopardy and increase her anxiety.

If it appears that a sexual assault case may end in a mistrial or a hung jury, the victim should be warned and encouraged to speak with her community-based advocate about her choices and her role in going forward.

**If the case will go forward without the victim's testimony, carefully explain to the victim why you want to go forward with the trial and how that can be done.** Taking the time to fully explore the pros and cons of proceeding without her testimony can greatly increase victim satisfaction and safety throughout the process. The prosecutor can explain that:

- she/he is trying to take the victim out of danger, while still holding the offender responsible;
- the violence will most likely escalate without intervention;
- the prosecutor fears for the safety of the victim and the victim's children;
- the victim does not deserve to be abused; and
- the prosecutor is exercising a sworn duty to protect the public's safety.

## 5. EVALUATE THE EVIDENCE AND VICTIM CONSIDERATIONS TO INFORM CASE DEVELOPMENT.

**With the help of investigators, officers, detectives, victim-witness specialists, and interns, gather evidence that can substantially alter the outcome of the case.** Whenever possible, the following evidence should be pursued and collected:

- forensic medical examination specimen kits of victims who have been sexually assaulted (see Chapter 3, Law Enforcement, Practice 6, and Chapter 7, Coordinated Community Response, Practice 3);
- photos of victim injuries at the time of the initial contact;
- follow-up photos of victim injuries (at intervals two to 20 days post-injury);
- 911 tapes or transcripts;
- signed medical release from victim, if she sought medical attention, and medical records;
- statements of the victim;
- paramedic run-sheets;
- torn clothing/blood evidence;
- weapons;
- employee records;
- telephone records;
- damaged furniture or other belongings;
- letters from the defendant or those acting on defendant's behalf;
- diagrams of the scene;
- victim body chart noting areas of assault, pain, and injuries based in the incident;
- photos of the defendant, including any injuries;
- photos of any children;

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- visitation center records;
  - detailed victim-witness interviews;
  - records from jail, including records of who visited;
  - military records; and
  - records of victim visits to shelters, rape crisis shelters, and advocacy programs, to corroborate dates of offenses and the impact on the victim (with victim agreement to release the information).

**Ensure that guidelines specify proper collection and storage of evidence so that it will be admissible at the time of trial.** For example, the guidelines should specify that forensic medical evidence should not be sealed in plastic bags, as this expedites deterioration of the evidence. (See Chapter 3, *Law Enforcement, Practice 4.*)

**Depending on State law, consider using “pretext” phone calls** in which the victim calls the perpetrator to discuss the assault. During such calls, the defendant may admit to the assault or even apologize. Carefully consider the victim’s capacity to handle the emotional reaction that may result from the call, as well as the rights of the defendant. Some States have laws barring the recording of phone calls or requiring court authorization before recording a call (law enforcement may be exempt from these laws in some States if they are acting within the scope of their official duties).

In acquaintance rape cases, the **New York County District Attorney’s Office’s Sex Crimes Prosecution Unit** attempts to arrange taped conversations between the victim and the perpetrator prior to arrest. This is done in an effort to elicit incriminating statements from the perpetrator. The victims are prepared to engage in these taped conversations by the assistant district attorneys in the unit. In New York, taped phone conversations are legal if one of the parties to the taped conversation consents.

**Use a checklist to ensure that all such evidence is in the file and in a form admissible at trial.** Check the quality of evidence that will be used at trial. Refine the sound of 911 tapes, enlarge photos, obtain a blood spatter expert, and check in with victims and witnesses to see whether they are still available.

The **San Diego (California) District Attorney’s Office** has an arrangement with a local radio station to refine the sound quality of 911 tapes, when necessary.

**Consider issuing a subpoena to the victim-witness.** If they agree, victims can be subpoenaed to appear as witnesses for the prosecution. If the defendant believes there is a court order requiring the victim’s testimony, the victim may feel more comfortable going forward. However, if after agreeing to this process the victim fails to appear at the trial, she should not be charged with contempt, assessed costs, or detained, and bench warrants should not be sought for her failure to appear.<sup>9</sup>

**Seek guidance on complex cases.** Cases are generally considered complex when they involve multiple victims, numerous witnesses, expert witnesses, scientific (such as DNA testing) or forensic evidence (such as blood spatter or fingerprint/footprint evidence), and other non-routine issues. Many prosecutors handle high caseloads, making it difficult to devote the necessary time to cases involving these kinds of issues. Misdemeanor cases are not necessarily less complicated than felony cases; they can present some of the same challenging issues and time-consuming preparation. The case preparation checklist can identify staff with particular expertise or experience in handling complex cases. Additionally, the protocol should dictate that staff members handling complex cases have a reduced caseload. (See *Practice 6 in this chapter.*)

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**Try to anticipate the defense arguments and prepare responses.** In domestic violence cases, defendants often assert defenses such as:

- self-defense;
- accident; and
- the injury resulted from an attempt to restrain the out-of-control victim.<sup>10</sup> (See Appendix F for considerations related to anticipating each of these defenses.)

Prosecutors should clearly and completely lay out the progression of events for the judge and/or jury, to cast doubt on the defendant's version. Defendants may also bring in alibi witnesses, who should be cross-examined in great detail about their relationship with the defendant and the asserted contact with the defendant on the date of the incident.

In sexual assault cases, one of the most common and difficult defenses raised is consent. In order to discredit the defendant's account of the incident, prosecutors must learn all circumstances surrounding the assault. When confronted with a consent defense, build the victim's credibility by corroborating anything possible from her story, educate the jury during *voir dire*, and being prepared to explain any lack of physical evidence. Consider factors including evidence that shows how the defendant overcame the victim's will; evidence that indicates the victim tried to communicate a lack of consent; and evidence from post-assault communications.<sup>11</sup>

While less common than the consent defense, defendants in sexual assault cases may assert the defense of denial (e.g., that there was no sexual contact). In anticipation of this defense, consider factors including the defendant's motivation to lie and corroborating evidence such as excited utterances and lack of victim motive to fabricate an accusation.<sup>12</sup> (See Appendix F for more factors to consider.)

The American Prosecutors Research Institute has developed a two-and-a-half day sexual assault training curriculum that includes information on preparing the victim-witness for trial, using DNA evidence, understanding commonly used defenses, and conducting cross examinations.

Many defendants try to excuse their behavior by claiming to have been under the influence of alcohol or drugs at the time of the incident. Be prepared to cross-examine the defendant on patterns of substance use, what usually happens after drinking or using other substances, how often this happens, what help he has attempted to secure for the problem, and finally, why he continues to consume substances if he knows that they have a propensity for violent behavior when under the influence. The victim can frequently be of great assistance to the prosecutor in designing arguments to counter the perpetrator's excuses, especially in acquaintance and intimate partner cases.

## 6. MAINTAIN A FOCUS ON PERPETRATOR ACCOUNTABILITY.

**Strive for a guilty plea or a conviction.** Domestic violence offenders should not be diverted to counseling. Referrals to counseling programs without first obtaining a guilty plea perpetuates the message that violence against women crimes are not serious enough to warrant full prosecution.

**Harmful information about the victim should be precluded whenever possible.** Negative information about the victim may be true, but is generally irrelevant. If the evidence of the victim's purported bad character cannot be suppressed pre-trial, the prosecutor will want to consider raising the issues in *voir dire* and/or during the opening statement. This allows the prosecutor the opportunity to tell the jury to keep the negative evidence in perspective and to focus on the defendant rather than the victim. Prosecutors also may want to offer victim testimony about her character on direct examination. Addressing character issues on direct examination can head off attempts by the defense to discredit the victim on cross examination.

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**Develop clear, written guidelines for plea negotiations.** Carefully consider the implications of reducing charges, especially in sexual assault cases. When charges in sexual assault cases are reduced (e.g., to simple assault), the final charge often does not reflect the true nature of the crime. The offender's record will then only reveal a prior assault and, in subsequent cases involving the same offender, prosecutors may be unaware that the offender has committed prior sex crimes. However, in both sexual assault and domestic violence cases, victims may support a plea to the lesser charges to avoid testifying or to accelerate disposition of the case. Prosecutors must weigh these factors and their possible effects on the well-being of the victim and the entire community. (See Practice 3 in this chapter.)

## 7. DETERMINE IF EXPERTS CAN STRENGTHEN THE CASE.

Experts can help to explain complex information to the jury. Experts can be quite helpful in explaining phenomena such as unusual victim behavior (e.g., delays in reporting, leaving, or returning to the perpetrator, or choosing not to escape when presented with the opportunity, religious or cultural beliefs held by the victim, or killing the offender).

**Use experts with caution.** Prosecutors should be familiar with the writings and professional perspectives of the expert, as well as her/his demeanor and presentation style. Jurors can be "turned off" by experts who use too much jargon or who appear aloof or biased. The prosecutor will want to talk with the victim's advocate to determine how to best present the case and assess what theories and experts can be beneficial.

Explore the range of theories related to offender conduct and victim response. Prosecutors should be aware that some theories are controversial and not necessarily supported by the victim advocacy or research communities. Theories of perpetrator conduct include power and control, entrapment, rule-making and enforcement, fear behaviors to exact coercion, and intimidation. Victim response theories include learned helplessness, help-seeking, post-traumatic stress disorder, Stockholm Syndrome, strategies of compliance vs. resistance, and battered woman syndrome. Prosecutors should discuss these theories with the community-based domestic violence program prior to employing them at trial.

**Consider using non-traditional experts such as victim advocates, clergy, or therapists.** While "lay professionals" may not be able or qualified to offer opinion testimony, they can speak to their experience and understanding of a particular victim. They may offer information about the victim's actions, religion, culture, attempts to secure safety, fear of the perpetrator, or obstacles to leaving. The following can serve to qualify witnesses who may otherwise be found not qualified:

- the evidence that will be presented is beyond the ken of the jury (beyond the common knowledge of most jurors);
- the qualifications of the particular expert is accepted practice in other jurisdictions (be prepared to give case examples);
- the evidence presented is relevant;
- no one else will be as qualified to testify on the subject; and
- the individual has testified before and can describe victim response to perpetrator conduct.

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The **Yakima County (Washington) Prosecuting Attorney's Office** makes use of lay experts from the local sexual assault program whenever appropriate.

## MEASURES OF SUCCESS

Developing effective pre-trial strategies can result in:

- increased victim safety between arrest and trial;
- increased victim involvement in the case from the outset;

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- identification of other victims in the same household;
  - better monitoring of the offender after pre-trial release;
  - increased focus on the offender's conduct at trial and less exposure of the jury to evidence about the victim's prior conduct;
  - increased prosecutor confidence due to improved preparation;
  - more comprehensive and better-quality evidence for use at trial;
  - improved response to common defenses;
  - increased victim satisfaction with the adjudicative process; and
  - increased conviction rate.

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## 5. TRIAL STRATEGIES

### ACTION PLAN AT A GLANCE

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1. Educate the jury about your theory of the case whenever possible during *voir dire*.
2. Deliver the opening statement as an interesting story.
3. Utilize witnesses to ensure substantial detail and persuasive testimony for direct examination.
4. Elicit substantial detail on direct-examination when the victim is able to testify.
5. Design strategies for working with victims who are reluctant to testify.
6. Deliver a logical and passionate closing argument.
7. Recommend creative sentencing options to increase victim safety and offender accountability.
8. Develop a safety plan with the victim for use during the trial phase.

### WHY THIS PRACTICE IS IMPORTANT

Specific, carefully planned trial strategies can have a dramatic impact on violence against women case outcomes. Effective opening statements and closing arguments can sway jury opinions. The order in which witnesses testify can influence case outcomes, and incisive cross examinations can critically affect the way in which juries view domestic violence, sexual assault, and stalking offenders. Prosecutors can increase their effectiveness by studying the practices of successful colleagues from other jurisdictions.

### ACTION PLAN

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#### 1. EDUCATE THE JURY ABOUT YOUR THEORY OF THE CASE WHENEVER POSSIBLE DURING *VOIR DIRE*.

**Prosecutors may want to utilize preliminary questionnaires.** In some jurisdictions, written questionnaires posed to the jury pool are permitted prior to *voir dire*. These are accepted by judges in many jurisdictions when crafted by the defense and the prosecution, but are not a substitute for the *voir dire* process itself.

**Use the *voir dire* process to fully explore juror attitudes.** Through *voir dire*, prosecutors can learn if potential jurors will be unable to apply the law fairly because of their beliefs or attitudes about domestic violence, sexual assault, or stalking. The *voir dire* process can also be used to educate the panel about the assumptions commonly made by lay people and the sometimes counter-intuitive realities about violence against women.

The multidisciplinary training curriculum written by the **Ending Violence Against Women Project (Colorado)** includes sample *voir dire* questions designed to probe jury pool attitudes on issues specific to sexual assault cases, such as delayed reporting, how individuals might react differently to trauma, use of force in sexual assault, how victims might indicate a lack of consent, use of alcohol

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by the defendant and the victim, and attitudes on whether victims might ever be responsible for a sexual assault.

The form and tone of questioning is as important as the content. In some jurisdictions, prosecutors cannot directly question jurors during *voir dire*. In these jurisdictions, counsel must submit a list of *voir dire* questions to the judge, who in turn poses them to the jury.

A former **Harris County (Texas)** prosecutor suggests asking “How many of you . . .?” instead of “Do any of you . . .?” as this tends to elicit more responses. He also believes that you must smile to the jury, not be too formal, be friendly, clear, direct, and not accept evasive answers.

Comprehensive jury *voir dire* is especially critical if the victim will not be testifying for the prosecution, will appear hostile to the State’s case or is an “unsympathetic” victim. By asking hypothetical questions regarding aspects of the victim’s behavior or lifestyle that may be objectionable to some in the jury pool, the prosecutor has a greater chance of removing those jurors who will not fairly evaluate the evidence. The nature of the questions and the implicit assumptions made in them help prospective jurors:

- put the case in context;
- prepare for the elements of the case you will be trying to prove;
- understand that you will not call the victim for direct examination; and
- learn to discern the facts from fiction about domestic violence, sexual assault, and stalking behavior.

**Develop a list of questions to ask during voir dire, but listen carefully to juror’s responses to cue you for the next question.** The questions should raise issues about the juror’s attitudes about and experience with violence in general and violence against women in particular, the police, State laws on domestic violence and/or sexual assault and stalking, victims and defendants who will or will not be testifying, and questions regarding crimes against the community. (See Appendix F for examples of jury *voir dire* questions. Other *voir dire* question lists may be obtained from the **Battered Women’s Justice Project, Criminal Justice Center**).

## 2. DELIVER THE OPENING STATEMENT AS AN INTERESTING STORY.

**Present a summary of the evidence in the form of a compelling drama.** This allows the prosecutor to give the jury the framework from which the entire case will unfold, to address any embarrassing issues before the defense does, and to help the jurors understand domestic violence, sexual assault, and/or stalking. If ruled admissible, use photos of the victim’s injuries or the crime scene, to hold up to the jury as part of the indisputable proof in the State’s case, whether or not the victim will be testifying. The photos can make the case more real for the jury, especially if the victim recants on the stand, or will be unavailable for testimony. Also show photographs of the children who witnessed the violence.

When delivering the opening statement in violence against women cases, prosecutors should:<sup>13</sup>

- establish a theme for the case, considering the strengths, weaknesses, successful indoctrination of the jury on *voir dire*, and anticipated defenses (continue the theme throughout the trial);
- demonstrate a belief in the case and the defendant’s guilt;
- tell the story from the victim’s perspective in order to help the jury understand the experience of the victim;
- admit case weaknesses up front; and
- show compassion for the victim.

**Develop strategies on how to inform the judge and/or jurors if the victim will not be testifying for the prosecution.** Especially in a non-jury case, the prosecutor must decide how to address the victim’s absence from the prosecution’s case. A prosecutor should summarize what she/he intends to

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prove in the case in the opening statement, along with an explanation of why the victim will not be participating in the trial. Consider pursuing an advance ruling that allows the playing of the 911 tape during the opening statement.<sup>14</sup> Consider also raising the following circumstances to help the jury to understand the victim's dilemma and that the victim's seemingly contradictory behavior is normal in domestic violence cases:

- the victim's economic dependence on the defendant;
- the victim's fear of the defendant;
- any visits the victim has made to the jail to see the defendant;<sup>15</sup>
- requests by the victim to lift a no-contact order;<sup>16</sup>
- missed appointments with the prosecutor's office;<sup>17</sup> and
- whether the victim posted bond for the defendant.<sup>18</sup>

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**San Diego (California) Deputy City Attorney** suggests that if you are unsure whether the victim will testify for the defense, prosecution, or not at all, say "Ladies and Gentlemen, the victim in this case will not be called by the prosecution, but she may testify for the defense. If she does, I ask you to pay close attention to what she says, to her demeanor, to the nature of her relationship with the defendant, and her motives for what she says to you." This alerts the jury to the fact that something is "wrong with this picture" while not compromising the case.

### 3. UTILIZE WITNESSES TO ENSURE SUBSTANTIAL DETAIL AND PERSUASIVE TESTIMONY FOR DIRECT EXAMINATION.

**Bring the crime scene to the courtroom.** Ensure law enforcement officers are trained to collect damaged property and take photos of victims and the crime scene – especially destroyed personal property. Have the officer describe a well-designed, accurate, graphic depiction of the scene that is displayed for the jury.

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The **Alaska Department of Law** purchased camera equipment to enlarge photos; prosecutors use greatly-enlarged photographs of injuries to expand the impact of the evidence on juries. (See *Prosecution Program Profiles*.)

**Carefully consider the order of witnesses.** If the victim is testifying, she will often take the stand after the responding officer. This sequence is helpful because it shows that an officer of law (an impartial party) supports the victim's version of events.

**Use child witness testimony with caution.** Prosecutors should consult with therapists and advocates and respond appropriately if testimony would traumatize a child. If children have witnessed the incident, their excited utterances and other hearsay exceptions (see *the following section*) can be used to introduce their statements into evidence while minimizing the negative impact testifying may have on them.

**In domestic violence cases, determine whether to go forward when the victim-witness is unavailable to testify for the prosecution.** This decision should be based on whether the victim's safety would be compromised by proceeding. Also consider the following factors:

- whether there are other witnesses who can testify about their observations of the incident;
- whether particular hearsay exceptions apply to certain testimony, such as law enforcement officer testimony about his/her observations at the scene;
- whether there is substantial circumstantial evidence; and
- whether relevant statutes or case law may be creatively applied.

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**Effectively utilize certain hearsay exceptions.** There are several hearsay exceptions that can make use of critical evidence. Always lay the proper foundation before requesting that the court allow evidence under the following exceptions:

- Excited Utterances.** To have this evidence admitted, the prosecutor must show that the declarant of the out-of-court statements was still under the stress of the exciting event or conditions when the statements were made. The U.S. Supreme Court upheld the use of excited utterances in *White v. Illinois* (112 S. Ct. 736 (1992)), affirming that such statements did not violate the defendant's Sixth Amendment right to confrontation, as long as the prosecution lays a proper foundation.

If the prosecutor can demonstrate that the victim was under stress due to the traumatic nature of the incident when she made the statement in question and it was made to another party, the party may testify to that statement, just as police may. Once on the record, this statement goes to the essence of the case in chief. Where possible, corroborate the testimony through 911 tapes, medical records or witnesses. Even without the testimony of the victim, an officer's testimony can result in a conviction.

- Present Sense Impression.** This exception allows admission of testimony as to a statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.

**The American Prosecutors Research Institute** curriculum on domestic violence and stalking contains lists of predicate questions for police officer witnesses whose testimony will be allowed under the excited utterance exception to the hearsay rule.

#### 4. ELICIT SUBSTANTIAL DETAIL ON DIRECT EXAMINATION WHEN THE VICTIM IS ABLE TO TESTIFY.

**Engage the victim-witness in a conversation.** It may be helpful to approach direct examination as engaging the victim in a conversation designed to allow her and the prosecutor to re-create the crime for the jury in as much detail as possible.

**Introduce the victim's testimony with some personal history.** This will help the jury to get to know the victim apart from the domestic violence or sexual assault.

**Develop a standardized list of questions and adapt them if the victim minimizes the incident or recants.** For example, in domestic violence cases, ask questions pertaining to:

- the status of the relationship between the victim and the defendant;
- their living arrangements;
- her financial dependence on the defendant;
- his dominance in the relationship;
- prior arguments;
- the defendant's predisposition to violence (if the prosecutor is aware of such a prior history);
- the incident that is the subject of the trial;
- physical injuries;
- the difference in size between the victim and the defendant; and
- the victim's attitudes toward testifying.

**Detail is critical.** Ensure that you have gathered detailed information about the victim, then tailor the inquiries to the case facts. Persistent questioning regarding how the victim felt is extremely important; juries respond very well to feelings. Ask the victim to talk about the fear, panic, or other emotions she experienced during the assault. Also try to elicit testimony about physical sensations she had during the assault, such as shaking, racing heart, loss of bladder control, and the separation of her mind from what

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her body was experiencing. Even if the witness has been declared hostile for such purposes, be sure to remain respectful and empathetic with the victim at all times.

**Establish strategies for use when victim-witnesses recant.** When the victim testifies in a manner inconsistent with her earlier statements or she recants, gently and respectfully impeach the victim. Tapes of 911 calls, medical records, witnesses, and/or statements of prior violent incidents may all be used for this purpose. Remember that the victim-witness may be declared a hostile witness, in which case prosecutors may use leading questions. In this case, prosecutors should continue to treat the victim with compassion (i.e., do not argue, demean, use sarcasm, or raise one's voice).<sup>19</sup>

**Prior statements to the police, detectives, or others may be introduced to impeach.** If the victim says she was lying when she made the earlier statements, ask her what she specifically lied about, why, and under what circumstances. Carefully explore any conversations the defendant had with the victim about the charges or her proposed testimony. It is important to make explicit any efforts the defendant made to prevent the victim from testifying. Convey to the court that a victim may fear the repercussions or retaliatory acts of the offender more than she trusts in the judicial system's ability to protect her. (See Appendix F for direct and cross examination questions for victims who know their perpetrator, especially recanting or reluctant victims.)

If the victim denies calling 911 or the content of what she told the operator, ask her if it would help refresh her recollection if she heard the tape. Then play the tape.

**If the victim was strangled, inquire into the circumstances, the object used to strangle the victim, and the immediate and subsequent injuries including difficulty in swallowing, voice changes, or bruises.** (See Appendix F for a script of questions regarding strangulation.)

**Consider a few short questions if the victim is testifying for the defendant.** Prosecutors risk alienating the victim and jury if they harangue the victim in an effort to elicit desired answers. Be very careful not to badger the victim. If there is evidence of a prior protective order, the victim can be asked a few simple questions to inform the jury or judge. Although the victim may not be able to talk freely about the conduct of the defendant, her responses to even some of the questions can help the judge and jury understand the power and control dynamics characterized by the defendant's conduct.

**Fully cross examine the defendant when possible.** Use defendant's prior inconsistent statements if testimony differs from statements taken at the scene of the incident or shortly thereafter. If the defense to sexual assault is that the victim consented, ask the defendant to describe how she indicated her consent. This approach will often reveal the cognitive distortions the offender harbors (e.g., "She was crying, but she didn't fight me off" or "She went up to my room so she must have wanted to have sex").

**Phrase questions simply so that the defendant must testify to the sequence of events in detail** (see Appendix F for a sample script). Forming questions with no more than six words facilitates a fluid sequence of inquiry and requires the defendant to respond quickly. Ask the defendant questions that will require detailed answers about what happened, in the order that it happened. Elicit detail about each action taken by the offender and how the victim reacted to each behavior. Ask the defendant about discrepancies between his current and prior testimony.

## 5. DESIGN STRATEGIES FOR WORKING WITH VICTIMS WHO ARE RELUCTANT TO TESTIFY.

**Maximize the victim-witness's level of comfort on the stand.** This may include strategies such as:

- staging a mock direct and cross examination;
- arranging a visit to see the courtroom;
- having a discussion about timing of the court date (avoid having the trial scheduled on the anniversary of the assault, especially in sexual assault cases);

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- discussing what to wear and other courtroom protocol; and
  - answering any questions the victim might raise.

There is no such thing as a “victimless prosecution;” whether a victim testifies or not, she is still the person most harmed by the perpetrator. Victims may, however, be unable to provide testimony. In all instances, victims should not fear reprisal from the justice system should they opt out of participating in the trial. Prosecutors should invite victims’ participation at every level and inform them of decisions and encourage safety planning.

**Develop strategies for working with witnesses from underserved populations.** Work with advocates in the community to identify the barriers specific populations’ encounter in the criminal justice system, and implement processes and procedures to overcome these. For example, collaborate with victim advocates or organizations representing underserved populations to:

- identify organizations that can provide impartial, certified translators for specific languages, including American Sign Language, and provide for their immediate availability in court;
- develop ways to avoid “outing” victims and witnesses in same-gender trials (e.g., by charging with crimes that do not require proof of a prior intimate relationship between the victim and the defendant, such as assault, battery, or harassment, instead of charging under domestic violence statutes);
- support victims and witnesses who are undocumented immigrants by assuring them that motions *in limine* will be filed to exclude evidence of immigration status in public proceedings, and that prosecutors will not report them to immigration authorities; and
- refer battered immigrant women to resources who can help them self-petition for permanent resident status, when their immigration status is linked to the offender’s.

## 6. DELIVER A LOGICAL AND PASSIONATE CLOSING ARGUMENT.

**Tell the jury what you want and why you should get it.** If the victim has been visibly shaken during trial (whether she testified for the prosecution or defense), comment on her demeanor. There is no excuse for a boring summary of all the trial testimony: find key issues to argue and make the jury feel the terror, humiliation, intimidation, frustration, and other emotions of the victim and any children involved. Be sure to mention whether children witnessed the incident and if they or any family pets were harmed.

## 7. RECOMMEND CREATIVE SENTENCING OPTIONS TO INCREASE VICTIM SAFETY AND OFFENDER ACCOUNTABILITY.

(Also see Chapter 6, Courts, Practice 3, for more discussion of sentencing and post-sentencing options.)

**Develop profiles of offender characteristics and corresponding sentences to be used when developing sentencing recommendations.** These should be based on the totality of available information about the offender, such as:

- interviews with victims and/or victim advocates;
- interviews with the offender;
- police reports (including those from prior incidents);
- criminal history;
- contact with family and friends; and
- civil protection orders issued against the offender (and other relevant civil matters).

**For non-incarceration and post-incarceration cases, consider the full range of options that can hold the offender accountable.** Some prosecutors favor intensive probation supervision and community service as a means of controlling the offender. Some prosecutors have found that electronic monitoring is effective for specific kinds of stalking offenders. Since victims will often say they want the perpetrator to receive help, but they cannot survive without his paycheck, it is worthwhile to explore creative sentencing choices. Several of these options can keep the offender under the court’s supervi-

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sion, but also respect the victim's need for financial assistance, whether in the form of child support or restitution.

For sexual assault cases, consider three primary factors:<sup>20</sup> the nature and gravity of the offense; the defendant's character and rehabilitative needs (and the unlikely availability of appropriate treatment options); and the interest of the community in protection and punishment.

- When addressing the nature and gravity of the offense, consider factors such as evidence of injury to the victim; aggravating circumstances, such as cruelty or sadistic behavior; and evidence showing premeditation or planning. (See Appendix F for a full range of factors to consider.)
- When addressing the offender's character and rehabilitative needs, include factors such as the defendant's criminal history, treatment for mental health issues, and information about other acts similar to the current case that did not result in conviction of the offender.

When addressing the interests of the community in protection and punishment in sexual assault cases, remind the court that all sexual assault offenders pose a danger to the community. In some cases, the danger is apparent (e.g., sexual assaults committed during other crimes, serial rapes, those facilitated by Rohypnol or other substances); in others, the danger should be clearly outlined in the presentation. Discuss the danger posed by offenders who have committed acquaintance rapes, marital rape, and sexual assault against vulnerable members of the community.<sup>21</sup>

**If completion of a batterer program will be recommended, prosecutors should consider combining it with other sanctions.** Batterer's intervention and education programs are only one of many sentencing options available for domestic violence offenders. Consider combining it with one or more other sanctions, such as:

- incarceration;
- intensive probation;
- no contact orders;
- restitution; and/or
- community work service.

The threat of more severe future court sanctions may provide the best motivation. According to certain researchers, "over a longer period of time the possibility of new court involvement becomes the strongest deterrent to further violence."<sup>22</sup> Batterer programs can offer offenders a chance at rehabilitation, but these programs may not be the most effective option for many offenders. While some programs have shown positive short-term effects on recidivism rates,<sup>23</sup> they may not be effective for many offenders.

The **Duluth (Minnesota) Probation Department**, in conjunction with the **Domestic Abuse Intervention Project** (a nonprofit organization that monitors the response to domestic violence by Duluth's criminal justice system agencies and batterer education programs), created a *Domestic Violence Related Misdemeanor Sentencing Matrix*. The matrix is used as a guide for sentencing recommendations, and notes which types of offenders are not likely to benefit from batterer education.

If recommending to the court that the domestic violence offender participate in a batterer program, suggest that the court:<sup>24</sup>

- consider longer, more intensive programs than are often currently used (at least 52 weeks);
- minimize delays between the offense, the case disposition, and the start of the batterers' program;
- provide for specific sanctions for noncompliance;
- order participation in a program in conjunction with other components, such as intensive probation, community service, or incarceration; and
- provide for victim protection while the offender is in the program, and thereafter.

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Batterers programs, probation officers, or prosecutors' offices should cooperate in notifying the victim of the status of the offender, regularly checking on the safety of the victim, and assisting her in creating or revising a safety plan. Programs also are charged with the duty to warn the victim of potential future harm if they see warning signs that the program participant may imminently re-offend.

**Encourage the development of standards and certification processes for batterer programs.**

Offenders should be referred only to certified programs. The standards for certification should be developed based on input from researchers, domestic violence advocates, and recognized experts in the field of batterer treatment. The relevant parties in the jurisdiction should agree upon the principles underlying the standards and the purpose for creating and enforcing the standards. The standards must address the ethical standards for treatment providers, education and training requirements for providers, and outline the acceptable and unacceptable treatment approaches. The certification standards must delineate specific requirements with which providers must comply to receive and maintain certification.

The **San Diego (California) County Probation Department** entered into a memorandum of understanding with the **San Diego Domestic Violence Council** when the California Penal Code designated the probation department as the responsible agency for creating batterer treatment standards. The memorandum specifies that the probation department will work cooperatively with the multidisciplinary San Diego Domestic Violence Council on this process and enumerates specific duties and tasks of both parties. Pursuant to this agreement, the **Council's Treatment Evaluation and Monitoring Committee (TEMC)** developed the treatment standards and applications for certification that are jointly reviewed by the TEMC and the probation department.

**Ensure there are sufficient conditions on the offender's release.** Prosecutors should routinely recommend the following court orders:<sup>25</sup>

- successful completion of certified batterers' intervention program or sex offender program (see above);
- abstinence from drugs and alcohol, and participation in a substance abuse treatment program when this has been a factor in the crime;
- no contact with the victim (unless the victim specifically requests it);
- compliance with conditions of protective or other court order;
- surrender of firearms;
- completion of parenting class by the offender, if the offender will live with the children, has joint/shared custody, or will be visiting the children;
- pay restitution for unreimbursed expenses;
- community service (not at a victim services program); and
- other interventions specific to the case.

**Work with probation officers to monitor the potential for future violence against the victim.**

Monitoring the substance use of offenders can provide probation officers with a means to conduct regular assessments of the potential for future violence. This can be accomplished without revealing communications from victims that they suspect imminent violence by the offender. If the offender is required to participate in an offenders' treatment program, communication between the probation officer and the program's group facilitator can help to monitor compliance and progress in the program. The communications can also provide information about violence committed (or about to be committed) subsequent to imposition of the sentence. Develop a plan with the probation department whereby its officers notify prosecutors when they discover evidence that the offender has violated a condition or may be about to commit an act of violence. Prosecutors, in turn, should initiate proceedings to prosecute violations and communicate this information to victims and help them modify their safety plans accordingly. (See Chapter 6, Courts, Practice 4.)

A judge from the **Quincy Court (Massachusetts)** uses incarceration to encourage compliance with probation conditions. This technique, termed "tourniquet sentencing," involves progressively longer sentences for each violation. The first minor or technical violation might result in a week in jail; subsequent violations would result in harsher sanctions (e.g., 90 days, then six months).<sup>26</sup>

Officers in the **Quincy Probation Department (Massachusetts)** explain all conditions of the offender's probation to the victim so that the victim understands exactly what constitutes a violation and how to report one if it occurs.

Defendants convicted of misdemeanor domestic violence crimes in **San Diego County's (California) South Bay District Court**, who are assigned to batterer intervention programs and community service, are required to appear for 60-day "review hearings." At these hearings, the judge asks questions about the offender's participation in the program and completion of community service requirements.

**At the request of the victim, "no contact" orders should be recommended in both sexual assault and domestic violence cases.** An order could also be crafted which makes the flexibility of the court's power explicit: "No contact with the victim unless otherwise authorized by the court." If the victim does not want an order that would bar any contact, prosecutors may consider crafting a "no harmful contact" order. This order would let the victim to maintain the level of desired contact with the offender, while allowing prosecutors to bring charges for violations of the order.

In **Washington State**, prosecutors are authorized by statute to request a no contact order for the maximum period of punishment allowed by the category of the felony. For example, first and second degree rape are both Class A felonies, punishable by a maximum of life in prison. In these cases, no contact orders at sentencing can read "No contact with the victim for the duration of your life."

**For misdemeanor and felony cases, file a sentencing memorandum to provide the court all the reasons for requested offender control.** The judge hears many compelling cases; each is more easily distinguished if the facts and history are summarized, with the prosecutor's recommendations, in the form of a sentencing memorandum. Such a memorandum should include:

- the specific elements of protection desired by the victim;
- risk factors;
- alcohol/drug use and abuse;
- likelihood of recidivism;
- defendant's history of abuse (including police response to his address);
- psychological assessments;
- statistics on domestic violence homicides (the more local the better);
- lethality predictors;
- aggravating factor, such as boys witnessing abuse will likely mimic the behavior;
- the connections between domestic violence, child abuse, and juvenile delinquency;
- the history of child support compliance; and
- other relevant issues.

**Prepare the victim for the sentencing hearing.** Prosecutors should discuss and explain sentencing recommendations to the victim. The victim has the right to agree or disagree, and advise the court. Some victims who have not testified at trial find it especially helpful to provide a victim impact statement at during the sentencing hearing as a means of empowerment. (See Chapter 6, Courts, Practice 3.)

**Assist the victim in safety planning when the defendant is released post-verdict while any appeal is pending.** When facing a long prison sentence, some offenders feel they have little to lose or

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believe they can get away with additional crimes against the victim. Such convicted offenders may also enlist the help of their family members, friends and/or business colleagues in stalking and otherwise terrorizing the victim. If the defendant poses a substantial risk to the victim, the prosecutor should seek incarceration of the defendant, pending appeal.

**Encourage victims to petition for protection orders after acquittals.** If a conviction was not achieved in a criminal trial, there is likely adequate evidence to obtain a civil protection order. Thus, if the defendant re-offends, criminal contempt cases for violations of the order may be brought by the prosecutor. (See *Practice 3 in this chapter.*)

## 8. DEVELOP A SAFETY PLAN WITH THE VICTIM FOR USE DURING THE TRIAL PHASE.

**Identify and plan for the victim's safety needs during the trial.** In instances where a victim is subpoenaed, the subpoena should specify that she is to appear in the prosecutor's office. The prosecutor's office should give the victim a safe place to wait and the opportunity to meet with staff prior to trial. (See *Chapter 1, Victim Safety Planning.*)

**Establish a safe waiting room for victims.** Too many victims are harassed, threatened, and terrified out of testifying in the courthouse halls just before trial by the defendant or the defendant's family members. Determine if the victim can park her car some place other than the courthouse lot or if she is traveling on public transportation, to plan an alternate route, police or volunteer pick-up, or early arrival. The victim may also want to stay in a shelter or other safe location in the days immediately preceding the trial. (See *Chapter 6, Courts, Practice 1.*)

**The victim-witness and the defendant should be assigned to separate waiting rooms.** Law enforcement officers or bailiffs should guard the victim's waiting room.

**The prosecutor should be seated in the courtroom in a manner affording full defendant visibility.** Prosecutors report that once they position themselves to view the defendant, they are able to observe intimidation tactics, call them to the court's attention, and thus, decrease their occurrence.

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**Montgomery (Alabama) Assistant District Attorney** specializes in sexual assault cases and finds that when victims make safety plans specific to the trial, they are able to focus more on their role in testifying and they express appreciation that their needs are being addressed.

**Ensure the victim has an advocate with her during the trial.** Try to assign each victim an advocate, preferably one with whom they have worked with from the start. Even if the victim's family or friends are present, they will generally not be able to answer questions about the proceedings and next steps or engage in the necessary, on-going safety planning. An advocate can immediately report any harassing or threatening behavior by the defendant or his designees that takes place in the courtroom or surrounding area. (See *Chapter 5, Victim Services, Practice 2, and Chapter 6, Courts, Practice 2.*)

## MEASURES OF SUCCESS

Developing effective trial strategies can result in the following:

- increased victim safety before, during, and after the trial process;
- more accurate identification of biased members of the jury pool and a more educated jury;
- more effective and dramatic presentation of the facts of the case;
- more incisive cross examination;
- better strategies for proceeding to trial without victim-witness testimony;
- more and better admissible testimonial and physical evidence;

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- prevention of more violent crimes;
  - sentences appropriate for the nature of the crime;
  - increased prosecutor satisfaction with case outcomes;
  - greater savings due to fewer trials;
  - increased number of guilty pleas and convictions; and
  - stronger and more appropriate sentences.

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## 6. DEVELOP AND IMPLEMENT STRATEGIES FOR COMPLEX CASES

### ACTION PLAN AT A GLANCE

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1. **Treat misdemeanor cases as opportunities to prevent homicides.**
2. **Develop policies for handling cases with repeat offenders.**
3. **Charge domestic violence crimes as felonies when appropriate.**
4. **Treat sexual assaults by acquaintances or intimate partners as seriously as those committed by strangers.**
5. **Develop specific strategies for investigating and prosecuting stalking cases.**

### WHY THIS PRACTICE IS IMPORTANT

Certain kinds of violence against women cases pose greater challenges for prosecutors because of the crime elements that must be proven. For example, proving the absence of consent poses a special challenge in sexual assault cases in which the offender was an intimate partner or acquaintance of the victim. Investing time and energy in applying strategies proven to be successful in other jurisdictions will increase the likelihood of victim satisfaction with the prosecutor's office and successful case outcomes. For instance, prosecutors' energies often focus on felony-level cases, because they are considered the most serious crimes. Treating misdemeanor-level domestic violence crimes seriously can help prevent more serious crimes and also sends strong messages to victims, offenders, and the community as a whole that even less injurious violent acts against intimate partners will not be tolerated.

### ACTION PLAN

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#### 1. TREAT MISDEMEANOR CASES AS OPPORTUNITIES TO PREVENT HOMICIDES.

**Assign experienced prosecutors to misdemeanor cases.** This may be accomplished in large offices by establishing a misdemeanor domestic violence unit or by designating specific staff members to handle these cases. This policy increases the likelihood that cases will have successful outcomes and sends the message to the victim, the offender, and the court that misdemeanor crimes of domestic violence are unacceptable and will be prosecuted to the fullest extent. (See *Practice 2 of this chapter.*)

**Identify high risk misdemeanor cases.** Cases involving offenders with prior arrests, charges, convictions for domestic violence or other violent crimes, or who have made death threats to victims should be carefully evaluated; these cases may escalate to the felony level if not carefully handled at the misdemeanor level. If there is a history of violence in other jurisdictions, check with prosecutors there for evidence of past incidents such as police reports, charges, and convictions. Investigate high risk cases thoroughly and prepare for the trial as though it were a felony assault or homicide case. Conduct safety planning with victims and make referrals to community-based organizations for help with other safety needs.

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The **Targeted Abuser Call (TAC) Team** of the **Cook County (Illinois) State's Attorney's Office** employs two special investigators to conduct a follow-up investigation after the case has been identified as high risk. They make contact with the victim, visit her home if possible, record evidence of injuries at several time intervals, and interview neighbors and relatives about violence they have witnessed. (See *Prosecution Program Profiles*.)

**Conduct a dangerousness/lethality assessment.** A lethality assessment is a process of gathering of information about an offender's past and present behavior in order to understand the level of danger posed to the victim. An assessment involves an investigation into the offender's behavior (e.g., threats of death or suicide, use of firearms, and whether and how the violence has escalated over time) by looking into various sources. While victims are often the best source of information about the offender's dangerousness, prosecutors may want to complete the picture by looking into criminal, civil, and mental health records, and conducting interviews with family members, friends, and neighbors. Viewed together, the facts gathered can serve as a tool in devising interventions that may reduce the offender's potential for more serious injury or homicide. (See *Chapter 1, Safety Planning*.)

Agencies within the **Seattle (Washington)** criminal justice system utilize a checklist of homicide risk factors that have been shown to be associated with spousal homicide. The checklist, intended for use in safety planning (and not as a predictor of homicide), includes the following factors: threats to kill a partner or other family members, or to commit suicide; use of weapons in prior abusive incidents; access to or ownership of guns; obsessiveness, extreme jealousy, or extreme dominance; depression; threats to kill or actually killing/injuring pets; and an accepting attitude toward the use of violence. (See *Appendix F*.)

Recognizing that violence often escalates when the prosecution process is initiated, the **Norfolk County (Massachusetts) District Attorneys' Office** helps victims to devise security plans. The office uses a four-page form to help them prepare in advance for certain circumstances, including during a violent attack, after obtaining a protection order, when at work or in public, and when they have used alcohol. The form has a checklist of personal items that the victim may want gather and keep together in the event that she must leave in an emergency.

**Make sentencing recommendations with victim safety in mind.** Victims have often reported that prosecutors did not appreciate the fear that victims were experiencing until they sustained serious bodily injury. Prosecutors must listen to victims' perceptions of safety risks and fear and make sentencing recommendations based on the victim's fear, the risk to the victim based on a lethality/dangerousness assessment, and the sentencing guidelines for the jurisdiction. (See *Practice 5 of this chapter and Chapter 1, Victim Safety Planning*.)

## 2. DEVELOP POLICIES FOR HANDLING CASES WITH REPEAT OFFENDERS.

**Assign the highest priority to repeat offender cases.** Cases involving offenders who have been previously convicted clearly indicate that the offender has not been adequately impressed with the seriousness of the offense. These cases should be assigned to the most experienced prosecutors in the office or unit and aggressively prosecuted.

**Recommend enhanced sentences.** Prosecutors should make recommendations for increased penalties for offenders who have been previously convicted one or more crimes, or for whom there is evidence of a long history of violence against women – against this victim or others. Justice requires balancing the safety interests of the victim and the community's interest in preventing crime against the interests of the defendant. Prosecutors should argue that when a defendant is a repeat offender, greater weight be given to the victim's and the community's interests.

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If an offender previously completed a batterers' intervention or education course but has re-offended, argue that:

- the system has already provided opportunities for rehabilitation and incarceration is now appropriate;
- the criminal justice system must send the message to the offender that it takes seriously violent crime against women;
- the State's habitual offender statute calls for more stringent sentences for repeat offenders;
- a period of incarceration followed by close monitoring by the probation department is appropriate; and
- the offender may participate in the batterer's treatment program again, but this must be done in conjunction with, incarceration, parole, or both.

**Support legislation that mandates increased penalties.** Collaborate with local and statewide victim service advocates, as well as police and other professional associations, to introduce and support legislation that codifies increased penalties for repeat offenders of violent crimes against women. Work with these groups to persuade State legislatures to return to original draft codes that reflect that violence against women cases will be treated as seriously as crimes that are covered under habitual offender statutes.

### 3. CHARGE DOMESTIC VIOLENCE CRIMES AS FELONIES WHEN APPROPRIATE.

**Do not downgrade serious crimes to misdemeanors.** In most States, attempts to cause, or causing serious bodily injury to another is classified as an aggravated assault and is assigned felony status. Intent may not be an element; rather, knowingly or recklessly causing the injury may be adequate to charge at the felony level. Evaluate cases carefully to determine whether the offender made an attempt to cause serious bodily harm to the victim or acted with reckless disregard for the life of the victim. For example, evidence of strangulation may be enough to charge at the felony level.

**Take steps to ensure the safety of the victim.** In addition to conducting safety planning, consider recommending pre-trial incarceration of the offender or use of technology to monitor the activities and location of the offender. Supply the victim with alarms or cell phones to help her feel safer when she is out in public. (See *Action Plan 5 of this practice for examples of how technology may be used to enhance victim safety.*)

**Recommend higher-than-usual bail.** Argue factors for risk of flight, as well as retaliation against the victim, based on a risk or lethality assessment (see *Chapter 1, Victim Safety Planning*). In addition, higher bail gives the victim extra time to evaluate her life circumstances before the offender is released.

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Prosecutors in the **Department of the Prosecuting Attorney in Honolulu (Hawaii)** ask for bail above the standard level for felony domestic violence cases.

### 4. TREAT SEXUAL ASSAULTS BY ACQUAINTANCES OR INTIMATE PARTNERS AS SERIOUSLY AS THOSE COMMITTED BY STRANGERS.

**Charge according to the crime, not the relationship.** Base the charging decision on what statutes were actually violated. Do not downgrade the charges because the relationship will increase the difficulty of proving a sexual assault. Charging as if the crime was committed by a stranger sends a strong message to the victim, the offender, and to the jury that sexual assault is not acceptable in the context of any relationship.

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**Conduct a thorough jury voir dire.** Ask specific questions to rule out potential jurors who subscribe to misconceptions about sexual assaults by acquaintances or intimates. (See *Practice 5 of this chapter.*)

**Develop strategies for overcoming the defense of consent.** This is the most common defense used, especially in cases in which the victim had a prior intimate or dating relationship with the offender. Develop counter-arguments for common arguments made by defendants and adapt these to particular cases. Emphasize that resistance to a sexual assault may be expressed in ways other than verbal communication, such as through the expression of emotion or by physically resisting or by fighting back. If the victim was overwhelmed by fear during the attack and was unable to respond, draw out evidence of this “freezing” process through victim testimony, police reports, and use of experts in the area of victim reactions to sexual assaults and other violent crimes. Introduce evidence of the victim’s behavior after the attack to underscore the absence of consent. (Also see *Practices 4 and 5 of this chapter.*)

**Utilize rape shield laws to bar evidence of the sexual history of the victim.** All 50 states have some form of rape shield law. These were enacted in order to exclude irrelevant or prejudicial evidence and to guard against the fact-finder inferring consent based upon certain kinds of victim conduct. Many States require that written motions be submitted in advance under these laws when the defense intends to introduce evidence of specific sexual behavior of the victim. Prosecutors can develop responses in advance to some of the most common types of evidence opposing counsel seek to admit for the purpose of demonstrating consent. These response templates should contain an outline of why the particular kind of evidence (e.g., what the victim was wearing at the time of the assault) is not relevant to the issue of consent (e.g., what a person wears cannot constitute or demonstrate consent), and why it would be prejudicial. Include in the template relevant case law that excluded the particular type of evidence and upon what grounds the court ruled it inadmissible to show consent.

## 5. DEVELOP SPECIFIC STRATEGIES FOR INVESTIGATING AND PROSECUTING STALKING CASES.<sup>27</sup>

**Centralize case management.** Due to the nature of stalking (a pattern of activity), stalking cases can require a long period of time to develop sufficient evidence to allow for successful prosecution. Employ a vertical investigation and prosecution strategy to stalking cases: assign one detective to handle the investigation and one prosecutor to prosecute. Long-term cases such as these may ordinarily be successively assigned to a number of different prosecutors to handle the cases at different stages. Management of the investigation by the same law enforcement and prosecutors ensures consistency in case handling and increases the likelihood of a commitment to seeing the case through to a guilty plea or conviction of the stalker.

**Focus on victim safety while developing evidence.** Encourage victims to apply for protection orders. This helps allay victims’ fears and ensure that any subsequent stalking behavior that violates provisions of the protection order will be used to develop a pattern of stalking activity. The presence of a protection order helps to establish victim fear, an element of the crime of stalking in most jurisdictions with a stalking statute. Prosecutors should work with the victim to develop an individualized safety plan and become familiar with community-based organizations to which they can refer victims for services. (See *Chapter 1, Victim Safety Planning.*)

Some criminal justice agencies and community-based victim service programs utilize technological devices to enhance the safety of stalking victims. For example, the **Domestic Violence Unit of the San Diego (California) City Attorney’s Office**, in partnership with the **San Diego Police Department**, provides 911-programmed cell phones (donated by local businesses and individuals) to victims at high risk of harm by domestic violence offenders.

**Utilize technology to help build the case.** Work with law enforcement to build a record of stalking behavior, including the following. (See *Chapter 3, Law Enforcement, Practice 6.*)<sup>28</sup>

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- Telephone Records.** Obtain search warrants and subpoenas *duces tecum* to get billing statements, telephone service records, and long-distance billing information. Often, cellular phone records provide more detailed information than residential or business phone records about the location of both incoming and outgoing phone calls.
  - Facsimile Machines.** Faxes leave time and date stamps on incoming documents, as well as the phone number from which documents are sent. Seize fax machines pursuant to search warrants; fax machines often keep long-term records of outgoing faxes and the numbers dialed.  
E-mail/Internet. If the stalker communicates with the victim via e-mail or the Internet, check e-mail/Internet message histories; these will usually display the stalker's Internet server information, the stalker's individual account information, and the time and the date the message was sent. Closed e-mail systems (i.e., inter-office electronic message systems) may show an employee name, number, or other identifying characteristics.

The **Dover (New Hampshire) Prosecuting Attorney's Office** frequently asks the local postmaster to check all incoming and outgoing mail from a particular address in order to track letters, gifts, or other items, that stalkers send to their victims.

**Teach the victim how to collect supplemental evidence.** Victims are often willing to help build their cases and report feeling empowered by the sense of control they feel once they start collecting evidence to use against their stalker. Encourage the victim to maintain a diary or log of stalking incidents and to preserve answering machine messages left by the stalker. If possible, provide the victim with a camera to take instant photographs of the defendant. For example, after spotting the defendant sitting in a car outside her home, the victim can call 911 (thereby creating a taped 911 record) to report the incident, and then, before law enforcement arrive, take pictures of the defendant sitting in the car.

**Make informed charging decisions.** Utilize State anti-stalking statutes, non-stalking criminal statutes, and the relevant Federal statutes that include provisions for stalking offenses:

- Violence Against Women Act, Pub.L.No. 103-322, 1994 U.S.C.C.A.N. (108 Stat.) 1902;
- Interstate Domestic Violence, 18 U.S.C.A. 2261;
- Interstate Violation of Protection, 18 U.S.C.A. 2262(2); and
- Interstate Stalking Punishment and Prevention Act of 1996, 18 U.S.C. 2261A.

Consider the full range of circumstances when determining whether to charge an offender, such as: strength of evidence; whether more evidence would make the case stronger; victim safety and fear; if the conduct only justifies a misdemeanor charge, whether future conduct would result in a felony charge; and use of grand jury subpoenas.

**Carefully evaluate pre-trial release and bail recommendation options.** Argue for incarceration based on the defendant's dangerousness to the victim and the community. Base the argument on:

- interviews with the victim about the offender, especially if there is a prior relationship;
- interviews with the defendant's family, friends, and employer;
- testimony of mental health experts who can speak to the risk of danger to victims whose stalkers have made death threats or who demonstrate other risk factors;
- criminal and civil case history records that show violations of protection orders and other incidents related to mental instability and/or dangerousness;
- a mental health evaluation obtained under the State's temporary commitment statute; and
- recent State stalking statistics.

If stalkers continue to commit their crime from behind bars, request a court order prohibiting the defendant from contacting the victim from jail or by using a third party to deliver messages.

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**Try to anticipate defenses.** The list below contains defenses to stalking and possible responses.<sup>29</sup>

- First Amendment rights to free speech and association.** Prosecution should argue that the Supreme Court has ruled that certain restrictions (e.g., time, place, and manner) may be placed on these rights and that these rights are not absolute (e.g., "fighting words are not constitutionally protected"). Cite relevant case law holding certain restrictions constitutional.
- Mental illness.** Prosecution is barred if the defendant is not competent to stand trial. Prosecutors must be vigilant at the earliest stages to ensure that the groundwork is laid for a psychological evaluation.
- Responsibility.** If the defendant pleads not guilty by reason of insanity, the prosecutor must enforce the State's discovery requirements. For example, if the State requires that the defendant provide notice to the prosecution of the intention to assert the defense, the prosecution should immediately file a motion to conduct an independent assessment/mental health examination of the defendant.
- The victim never objected.** This defense is an attempt to weaken the prosecution's proof of the intent and threat elements required to prove guilt under stalking statutes. Prosecutors must try to persuade the jury that even sending flowers can be intended as a threat and perceived as such by the victim.

**Develop a comprehensive pre-trial/post-conviction release plan that protects the safety of the victim.** Argue for a no-contact order that contains detailed provisions about the contact that is prohibited. For example:

- the defendant must stay outside of a certain radius of the victim (specify the exact number of yards);
- no communication of any kind (and specify types of communication);
- no contact through or by third parties;
- no contact with the victim's family, friends, or workplace; and
- no gifts of any kind.

Additionally, ask the judge to order the following conditions where appropriate: supervision by a responsible person or the probation/parole department; taking prescribed medication; no possession of dangerous weapons; a mental health evaluation; substance abuse testing; and electronic monitoring such as home detention or tracking devices.

## MEASURES OF SUCCESS

Developing strategies to address complex cases can result in:

- prevention of higher-level crimes;
- decreased homicide rates;
- increased offender accountability for misdemeanor crimes;
- reduced recidivism rates;
- increased accountability for aggravated assaults;
- increased disclosure of sexual assaults by acquaintances or intimate partners; and
- more effective handling of stalking cases and decreased stalking activity.

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## CHAPTER ENDNOTES

1 *Stopping the Violence X - A Criminal Justice/Domestic Violence Conference*, Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Coalition Against Domestic Violence et al. (March 17, 1993).

2 Ibid.

3 Ibid.

4 Foster, a defendant in the consolidated case, was charged with five separate criminal offenses. The first criminal charge against Foster was a simple assault charge. The Court found that the charge was barred by double jeopardy because one of the contempt convictions was based on the violation of a civil protection order provision ordering Foster not to commit simple assault against the protected party. The criminal charge did not include any element not contained in the previous contempt offense, thus, it was barred by double jeopardy. The other four charges against Foster (assault with intent to kill and three counts that alleged Foster had threatened to kidnap or injure the protected party) were not barred by double jeopardy because they each contained at least one element not contained in the contempt charges (e.g., the contempt required willful violation of the civil protection order that ordered Foster not to threaten the protected party; the criminal charge required that the threat be a threat to kidnap, inflict bodily injury, or damage property).

5 Federica L. Lehrman, *Domestic Violence Practice and Procedure*, Shaw, Potman, Potts & Trowbridge, Washington, D.C., §4:40, 4-43 (1997).

6 Adapted from *Violence Against Women: A Workshop for Prosecutors - The Prosecution of Domestic Violence and Stalking Cases*, American Prosecutors Research Institute, 147-149 (1997).

7 Adapted from *Stopping the Violence X*, *supra* at note 1, III-24, and the Franklin County (VT) State's Attorney's Office, Domestic Violence/Sexual Assault Protocol, III (5)(a)-(f).

8 *Stopping the Violence X*, *supra* at note 1, III-19.

9 Ibid., Sec. III-23.

10 Kelsey Barnes, Yolanda Gotier, Dean Curd, and Anne Munch, *Developing a Coordinated Community Response to Sexual Assault and Domestic Violence*, Ending Violence Against Women Project, Colorado, 307 (1996).

11 Ibid., 111-113.

12 Ibid., 113.

13 Ibid., 151.

14 Ibid., 330.

15 Ibid., 329.

16 Ibid.

17 Ibid.

18 Ibid.

19 Ibid.

20 Adapted from Miriam Falk, *Sentencing Considerations in Adult Sexual Assault Cases*, Milwaukee County District Attorney's Office, WI.

21 Ibid., 252.

22 Ibid., cite from J. Edleson and M. Syers, *The Relative Long-Term Effects of Group Treatments for Men Who Batter*, The Domestic Abuse Project, Minneapolis, MN (1990).

23 The State Justice Institute reported in *Courts and Communities: Confronting Violence in the Family* (State Justice Institute Conference, San Francisco, CA, March 25-28, 1993) that "most men who complete treatment are nonviolent during the following year. The percentage remaining nonviolent varies from 53 to 85 percent, with lower rates reported by studies based on victim reports of violence."

24 Adapted from recommendations listed in *Courts and Communities: Confronting Violence in the Family*, *supra* at note 23, 33.

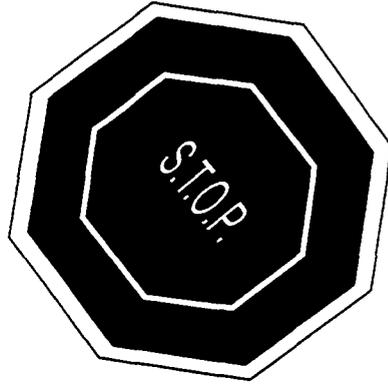
25 Adapted from Quincy Probation Department, *Probation/Parole Manual for the Supervision of Domestic Violence Cases*, Massachusetts, 18-22 (1996).

26 Quincy Court, *Quincy Domestic Violence Community Response Manual*, Massachusetts, 34 (1996).

27 *Violence Against Women: A Workshop for Prosecutors*, *supra* at note 6, 79-108.

28 Ibid., adapted from 83-84.

29 Ibid., adapted from 103-106.



## 5. Victim Services

THIS CHAPTER CONTAINS THE FOLLOWING SECTIONS:

- INTRODUCTION
- VICTIM SERVICES PRACTICES
  1. ACCESS FOR VICTIMS TO WIDE RANGE OF SERVICES
  2. CRIMINAL JUSTICE ADVOCACY SERVICES
  3. LEGAL ADVOCACY SERVICES TO ASSIST VICTIMS IN THE CIVIL JUSTICE SYSTEM
  4. MEETING THE NEEDS OF VICTIMS FROM UNDERSERVED POPULATIONS
  5. ADVOCACY FOR STALKING VICTIMS
  6. PROMOTING CHANGE IN THE JUSTICE SYSTEM AND COMMUNITY RESPONSE TO VIOLENCE AGAINST WOMEN

# 5. Victim Services

## INTRODUCTION

**The unique role of advocates.** Victim service providers play an essential role in improving the justice system response to violence against women, while maintaining an unwavering commitment to the safety, restoration, and well-being of victims. In contrast, criminal justice system professionals must balance the objectives of the criminal process with the wishes and needs of victims. Despite sincere concern for victims, police often see victims as sources of evidence and prosecutors see them as potential witnesses. In contrast, the exclusive responsibility of the community-based victim advocate is helping the victim in her search for safety, nonjudgmental support, and resources.

Their ability to focus solely on the needs of victims makes community-based victim advocates important to women involved with the criminal justice system. One lesson of the 20-year history of the anti-rape and battered women's movements is that victims generally find the justice system most helpful when they have support from a community-based advocate. Law enforcement agencies and prosecutors' offices often rely on the skills of advocates and the trust they build with victims to facilitate victim participation in the adjudicative processes.

The VAWA acknowledges the role of advocates by requiring criminal justice system agency subgrantees to work with victim service programs to serve victims. The VAWA defined "victim service provider" as "a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process."

The first step in a community's response to violence against women must include supporting and strengthening the local community-based victim advocacy program. Community-based programs can:

- promote the safety of victims;
- provide advocacy that respects each individual's autonomy;
- help women obtain their desired outcomes from participating in the justice system;
- promote the goal of offender accountability;
- provide guidance to the justice, social service, health care, and other systems in developing policies that have an impact on victims;
- work to create a criminal justice system that encourages reporting of violence against women crimes by promoting law enforcement, prosecution, and court practices which minimize victim trauma; and
- spearhead initiatives to coordinate the community's response to violence against women.

**Collaboration with victim-witness specialists.** Frequently, the community-based advocate works with a government victim-witness specialist to provide victims with information and support relating to criminal and civil justice proceedings.<sup>1</sup> Both the government and community-based victim service providers have unique and important roles to play. The victim-witness specialist in a law enforcement agency or prosecutor's office generally has immediate access to information about relevant hearings, depositions, and court dates. Depending on the individuals and the resources allocated to them, victim-witness specialists perform tasks ranging from helping victims complete compensation applications to accompanying them to interviews and court proceedings. Community-based advocates will often assist with all of these matters, as well as give victims emotional support and link them with financial, legal, and emotional resources. To avoid duplication of responsibilities and to fully address the needs of the victim, many community-based advocates and victim-witness specialists coordinate their efforts.

In some instances, police departments, prosecutors' offices, and the courts underwrite the cost of placing community-based advocates in their offices. These advocates are ultimately accountable to the

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victim service program and are bound by organizational policies governing confidentiality with clients; they may exercise any relevant privileges granted by State statute.

**Confidentiality.** A chief distinction between the support offered by a community-based advocate and a victim-witness specialist is the degree of confidentiality afforded any communications with the victim. Most community-based advocacy programs have confidentiality policies that prohibit advocates from disclosing information about victims to a third party without consent (a protection based on State statute in many States) and will contest attempts to obtain victim records. In contrast, victim-witness specialists may be compelled to provide the police or prosecutors with personal information about the victim that may be needed during the course of prosecution or when seeking higher bail or a protective order.

Without the assurance that communications will be confidential, victims may not disclose information that can have a direct effect on their safety, their progress in recovery, and possibly even the safety of program staff, volunteers, or clients.<sup>2</sup> Therefore, it is important that confidentiality apply to all information shared between an advocate and a victim, including but not limited to, name; address; name of perpetrator; nature of abuse; history of abuse; safety plans; and future plans.<sup>3</sup>

**Role of survivors.** Survivors have often been responsible for the establishment and operations of the first anti-rape and domestic violence programs in a community. As victim service providers expand and increase their funding base, a trend toward "professionalization" has emerged in hiring and management policies. For example, the presence of a licensed clinical social worker on staff to supervise counseling services can be helpful and even required under a funding agreement. Nonetheless, the expertise offered by women who have experienced violence and by others who have worked extensively with survivors must be respected and integrated into the program.

As organizations have grown, fewer employees and volunteers identify themselves as survivors. The expansion of services often causes a community-based organization to seek support from multiple funders (as many as 15 Federal, State, and local sources is not unusual). The more entities involved in funding a program, the more voices attempt to influence the functions of the program. Unfortunately, what a funder thinks is best for a victim (e.g., requiring a battered woman to participate in a parenting group) may not be what she or her advocate believes is best, or consistent with an organization's mission.

In response, many service providers have developed a formal role for survivors in their organization by reserving memberships for them on the board of directors and advisory groups and by encouraging survivors to apply for positions. This enables the organization to continually review its practices and services from the perspective of those it is intended to serve.

While serving as program directors, board members, and volunteers, survivors can help organizations create services that are responsive to women's needs and avoid policies that are paternalistic or otherwise diminish the autonomy of the individual woman.

**Advocacy for all victims.** Responding to criticism that they are primarily oriented to meet the needs of middle-class, urban, white women, community-based advocacy programs are implementing policies to ensure that their staff and volunteers represent the diversity of the program's service area. At the same time, programs are requiring staff and volunteer training so they can provide culturally sensitive and competent services. Programs are partnering and collaborating with other organizations in the community to better serve women from all cultural, racial, ethnic, age, and language groups and women with disabilities. (*Information on accessibility of services for all victims can be found throughout the manual. Practice 4 in this chapter offers strategies to reach out to underserved/underrepresented populations.*)

**Woman-defined advocacy and safety planning.** The involvement of survivors is one way to maintain a focus on "woman-defined advocacy," the goals of which are defined by the person using it. As legal system options have increased for victims of violence against women, advocacy has sometimes been defined by available services and options, rather than by women's expressed goals.<sup>4</sup> This is most true in the ways advocacy for battered women has centered on women leaving the abusive relationship, even when leaving may not be what the woman wants or the strategy most likely to keep her and her

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children safe in the short term. Women targeted by stalkers may find that an advocate has very little to offer them.

Services may be designed for the sexual assault victims who report their assault immediately, thus ignoring or minimizing the needs of the large percentage of victims who do not report. For instance, a community may devote resources to developing a sexual assault nurse examiner (SANE) program, while neglecting services for women who do not report within days of the assault and thus are typically not eligible for a forensic examination. Alternately, programs may focus exclusively on providing licensed mental health services for victims, when many survivors can be as well, or better, served by peer counseling services.

Woman-centered safety planning for battered women shifts decision making power back to women and draws on an advocate's knowledge, experience, and resources to help women address their self-identified priorities.<sup>5</sup> Advocates understand the underlying assumption that informed battered women are the persons most capable of assessing their offender's lethality and planning for their own safety.

Safety planning is also part of effective advocacy for stalking victims and sexual assault survivors. For women who have been sexually assaulted, the concept of "safety" must be broadened to include planning for the survivor's mental, spiritual, and physical well-being. Some sexual assault survivors do face immediate safety issues – if their perpetrator is still at their home, school, or office, or if the trauma of the victimization puts them at risk for substance abuse or harm to self. Women who are being stalked and are planning for their safety need assistance from advocates who can think creatively and are educated on the issues surrounding this crime. (See *Chapter 1, Safety Planning, and Practice 5 in this chapter.*)

***Sexual assault, domestic violence, and stalking as independent crimes.*** Most women who have been battered, sexually assaulted, or stalked experience many of the same obstacles to obtaining justice and safety. The common features of their experience stem from the historic status of women as property and the community's attendant devaluation of crimes committed against women by their male partners and acquaintances. Yet it is imperative that advocacy programs acknowledge that, as individuals who are experiencing or who have survived this violence, victims often have different needs.

In every community, a woman who has been victimized should have access to an advocate who understands the general social, legal, and emotional dimensions of the type of violence she has encountered. In smaller communities, services for sexual assault, domestic violence, and stalking victims are often housed together. Agencies that address both domestic violence and sexual assault must ensure that programming is not driven merely by numbers or costs of providing services. The numbers of battered women seeking help are typically much higher than the number of stalking or sexual assault victims seeking help. In addition, the services battered women require in crisis tend to be more costly than those required by sexual assault or stalking victims, due to their great need for legal advocacy and emergency shelter services.

The specific needs of sexual assault survivors include contact with advocates who are comfortable discussing the intimate details of the assault and who understand the sense of betrayal and violation experienced by survivors. Sexual assault victim trauma can be compounded by unsympathetic responses from friends and family members. Stalking victims may require assistance assessing the threat posed by their perpetrator, as well as specialized support to address the emotional and psychological impact of the stalking. In addition to specialized training for advocates, the components necessary to build a well-balanced violence against women program include assignment of designated staff for each type of victimization; specialized outreach strategies; and the establishment of separate peer counseling and support groups.

***The role of advocacy programs in the community.*** Victim service programs work with other community agencies to ensure that victims are offered a coordinated and comprehensive array of services. Integral to the effectiveness of a victim service program is its commitment to promote change within the systems (e.g., legal, medical, and social service systems) its clients turn to for help. Victim advocates play key roles in advancing reforms in policies of other agencies that serve victims. Advocates

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often lead a community's transformation from accepting violence against women to zero-tolerance for violence against women.

As more diverse entities aid victims of violence against women, it becomes even more important for advocacy programs to drive community efforts to reduce violence against women and improve systems' responses to individual cases. Leadership from advocacy groups in entities such as community-wide task forces or councils or sexual assault or domestic violence response teams can keep the focus on promoting victim safety and well-being and offender accountability. Advocacy programs bring useful insights concerning how systems interact.

Building the capacity of advocacy programs to meet the needs of victims and to be agents of change in their community depends on a number of factors:

- Financial stability.** Advocacy programs are often stretched thin trying to participate in partnerships and collaborations with better funded public agencies (e.g., police departments and prosecutors' offices). Ideally, advocacy programs will seek and receive funding that supports their work relative to coordination initiatives.
- Skill level.** Advocacy programs must offer comprehensive and ongoing training to enhance the ability of their staff and volunteers to advocate for all women, including disabled or older women, and women of cultural, ethnic, language, or racial minorities. Outside of training opportunities, adequate financial compensation and benefits are essential to the effective operation of an advocacy program. Flexibility in scheduling and a supportive work environment are benefits that nonprofit employers can offer to compensate for a typically lower pay scale than is offered by the for-profit sector.
- Investment in volunteers.** Volunteers can be integral to providing 24-hour services. Programs should be encouraged to dedicate staff to the important and time-consuming task of recruiting, supervising, and supporting volunteers.
- Promotion of a staff and volunteer corps that reflects the diversity of the community.** Reserving board positions for women from diverse ethnic, racial, language, and cultural groups, and making diversity a priority in hiring will enhance the program's overall operations. These measures will improve services to *all* victims in the community.
- Access to resources.** The efforts of local advocacy programs are strengthened when they have access to regional, State, or national level resources (e.g., State coalitions and national resource centers) on issues related to all aspects of programming. The training and technical assistance that is provided by State coalitions serves to build the skills of staff and volunteers, and to provide opportunities for advocates to meet and gain support for work that can often be as emotionally draining as it is rewarding. Coalitions can also coordinate mentoring relationships for new programs or new directors.

The practices described in the following pages can bolster the services and support available to victims/survivors within a given community. A fully operational victim advocacy program is an integral part of the community effort to make homes and streets safer for women.

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## 1. ENSURE THAT VICTIMS HAVE ACCESS TO A WIDE RANGE OF SERVICES

### ACTION PLAN AT A GLANCE

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1. **Assess the current level of victim services provided.**
2. **Develop a plan to improve or expand advocacy services.**
3. **Determine the accessibility of victim services.**
4. **Develop community partnerships on behalf of victims.**

### WHY THIS PRACTICE IS IMPORTANT

This practice encourages the community and in particular community-based victim advocacy programs to think broadly about how community-based services can help women rebuild their lives after violence. In some communities, the full range of advocacy and support services that victims of violence against women require may not be available or accessible. This is particularly true in areas where: 1) no local organizations exist whose purpose is to advocate for victims of violence against women; 2) these programs exist but are severely under-funded or lack community support.

Victims of domestic violence, sexual assault, and stalking require myriad services. Generally, victims' needs can be addressed by activities that are classified as individual or systems advocacy.

**Individual advocacy** refers to the services designed to assist an individual victim, whether she is in crisis or coping with the emotional, legal, and financial consequences of the violence. These services include but are not limited to those listed below.

- 24-hour crisis intervention and emotional support**, including in-person or phone crisis counseling and accompaniment through emergency medical and legal processes.
- Safety planning**, including assistance in evaluating options and resources, and planning for safety in the context of the victims' wishes (including when victims reside with their abusers). (See Chapter 1, *Safety Planning*.)
- Information and referrals**, including education about nature of the crimes, typical victim reactions, assistance in evaluating available options, and referrals to community resources.
- Emergency shelter**, including short-term housing for battered women, hotel vouchers, food and clothing, safe homes, and assistance with relocation or going into hiding in severe cases.
- Ongoing support and assistance**, including ongoing calls and visits to victims (e.g., to the home or in-patient/residential care settings) and help in promoting short- and long-term recovery and autonomy. Examples of this help may include:
  - assistance in obtaining transportation;
  - assistance with affordable child and adult dependent care;
  - housing assistance (e.g., transitional and affordable permanent housing);
  - clothing, food, and other financial assistance; and
  - literacy programs, training and job development, job placement, and employment referrals.
- Support groups and educational programs** for victims, their children, and significant others to address a range of short- and long-term recovery and support issues.<sup>6</sup>

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- Counseling programs** that are grounded in an understanding of sexual and domestic violence and stalking, provided by counselors or therapists with experience in working with survivors. Short- and long-term programs should be available at no charge or on a sliding scale fee basis.
  - Medical advocacy**, including education about the risk of pregnancy, HIV/AIDS and other sexually transmitted disease infections, referrals to abortion providers, assistance in obtaining affordable medical and mental health services, and in managing medical/mental health-related charges. (See Chapter 7, *Coordinated Community Response, Practices 1 and 3.*)
  - Legal advocacy**, including education and information about the criminal and civil justice systems, support to victims during criminal justice proceedings, arranging for legal representation in civil cases (e.g., civil protection orders and divorces), and coordination with justice personnel and monitoring of the justice system to ensure a victim-centered response. (See *Practices 2 and 3 in this chapter.*)
  - Social systems advocacy**, including providing information about the social services-related laws and practices, aid in obtaining public assistance, and advocacy with public assistance workers and for the needs of older women victims or witnesses with adult protection workers. (See Chapter 7, *Coordinated Community Response, Practice 1.*)
  - Advocacy in child custody and visitation issues**, including coordination and advocacy with the justice and social service systems on related custody and visitation issues, promotion of practices that make victim and child safety a priority (e.g., supervised exchange, monitored visits, and education for fathers on parenting and the impact of domestic violence on children), assistance for battered mothers with risk identification and safety planning for children, and planning with children for unsupervised visits.
  - Advocacy with employers**, including assistance with workplace safety planning, retention of employment, and identification of employers who are willing to hire women who have been victimized.

**Systems advocacy** denotes activities designed to improve a system's (agency or institution's) response to victims. (Also see *Practice 6 in this chapter.*) These activities include but are not limited to those listed below.

- Community organizing and public awareness initiatives** that build community knowledge of and intolerance to violence against women, involve citizens in activities to transform norms and attitudes about violence against women, and educate the media to promote sensitive and factual reporting. (See Chapter 7, *Coordinated Community Response, Practice 5.*)
- Training and education targeted at specific groups.** Trainings may include:
  - training for community professionals who and organizations that serve or come into contact with victims to increase knowledge of warning signs, teaching safe, effective ways to intervene and how to refer persons to appropriate services (See *Appendix A, Training, and Chapter 7, Coordinated Community Response, Practices 2*); and
  - school-based, age appropriate, prevention programming that places responsibility for violence with perpetrators (See Chapter 7, *Coordinated Community Response, Practice 5*).
- Evaluation of batterer intervention and sex offender treatment and supervision services**, where they exist, to ensure they meet treatment and safety standards suggested by State and national domestic violence and sexual assault advocacy groups.
- Public policy development**, including education for local and State leaders on sexual and domestic violence-related issues and support for laws and policies that address victim's needs and hold offenders accountable.

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## ACTION PLAN

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### I. ASSESS THE CURRENT LEVEL OF VICTIM SERVICE PROVIDED.

**Get input from the community.** Many community-based programs struggle to maintain a limited number of basic or "core" advocacy services. Other programs have attained a level of stability and relative fiscal security that allows them to consider expanding their activities. Assessing the current level of services can help all programs maintain or take steps to provide a comprehensive array of victim services.

Program staff, survivors, volunteers, and community members should be asked to assess the strengths and gaps in the services available within the community. Getting a range of input about service needs not only elicits richer information; it also promotes community investment in the topic. Holding public forums and focus groups, as part of a larger needs assessment initiative, can prompt participation from various segments of the community. Discussions should examine the questions listed below.

- What are the primary obstacles victims face in obtaining safety and justice in the community?
- Which services listed in the practice introduction does the program provide?
- What training and support is offered to staff and volunteers who deliver these services?
- What barriers do women from diverse cultural, racial, language, and other groups face in obtaining advocacy services?
- Are services available that incorporate the principle of "woman-defined advocacy" and respect the autonomy of all victims?

Victim advocacy programs should also play a central role in assessing community response to violence against women with local coordinating bodies (e.g., domestic violence or sexual assault councils or task forces). The coordinating body must fully understand the importance of developing and expanding strong local victim service programs to enhance victim safety and well-being.

The **Florida Governor's Task Force Against Domestic and Sexual Violence** held extensive public meetings and focus groups with advocates and criminal justice personnel in compiling information for its statewide needs assessment on sexual assault.

As part of its effort to obtain accurate information for the 1997 *Planning for a Safer Future: Important Trends Affecting Rhode Island's Domestic Violence Community*, the **Rhode Island Coalition Against Domestic Violence** conducted focus groups with the board presidents and executive directors of member agencies and phone surveys with key informants across the State to understand the views of other professional leaders, social service staff, and survivors.

The following factors influence the nature of services provided and should inform decisions about program development and expansion:

- how the program's history, mission, level of development, and the unique characteristics of the locality and population have affected the ways leaders chose to tailor services (e.g., rural communities may be less likely to support the full spectrum of services needed by victims);
- where the State coalition coordinates a program certification process, its requirements or guidelines for providing a baseline of services; and
- stipulations from funders about what services must be provided to receive their financial support.

Community-based, nongovernmental advocacy programs traditionally provide a number of essential victim services, including crime-specific 24-hour crisis intervention; safety planning; information and referrals; emergency shelter (usually for battered women); ongoing emotional support and assistance; advocacy within the legal, health, and social service systems; and coordination of services across systems. Services should strive to be multilingual and culturally appropriate for each locality. State coalitions and local programs may add services to this list, based on input from victims on their primary advocacy needs.

To become a member of the **Illinois Coalition Against Sexual Assault (ICASA)**, a local service agency must provide, at a minimum, the following services: in-person counseling; systems advocacy with the medical and criminal justice systems; information and referral; and individual victim medical and legal advocacy. Within a year of membership and funding from ICASA, the program must provide community education, professional training and 24-hour crisis intervention services. ICASA's *Membership Eligibility Criteria* describe these minimum requirements. Member centers must also comply with ICASA service standards, which describe how each service must be provided and documented.

The **Pennsylvania Coalition Against Domestic Violence** developed program standards for member programs that address the need for a philosophy statement; autonomy of the domestic violence center – both independent agencies and coordinating bodies established with a parent agency; general requirements; fiscal and personnel management; volunteer program standards; data collections system; individual rights; services for persons with disabilities; physical plant; confidentiality; training; hotline standards; intake/record keeping; community resources; outreach; shelter facility standards; safe home standards; services for children; and participant termination from the program.

## 2. DEVELOP A PLAN TO IMPROVE OR EXPAND ADVOCACY SERVICES.

Planning should address:

- how the program can better or more creatively utilize existing resources;
- what new resources are needed to implement this plan (e.g., personnel, materials, and equipment);
- what other organizations or individuals should help plan or implement the improvement or expansion; and
- how current resources can be leveraged or new resources procured.

In its 1997 *Planning for a Safer Future: Important Trends Affecting Rhode Island's Domestic Violence Community*, the **Rhode Island Coalition Against Domestic Violence** made recommendations for its member programs in the following areas: community partnerships; economic justice for women and children; data collection; cultural competency; outreach to elderly women; housing; public awareness about nonresident services provided by advocacy programs; development of innovative programs to address victim needs; and prevention.

State coalitions and national advocacy organization staff may be able to assist programs in determining how to build their capacity so as to offer services needed by victims in the community. In addition to offering technical assistance, they may be able to direct programs to apply for Federal, State, local, or private grants to address their specific needs.

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**Virginians Aligned Against Sexual Assault** and **Virginians Against Domestic Violence** collaborated to expand the statewide domestic violence hotline to a dual domestic violence and sexual assault hotline, with the support of, and in coordination with, its member programs. Many member programs route their calls to the hotline after hours; the hotline operator then contacts the local advocate on-call. A staff person was hired to coordinate the hotline and communicate with local programs about related issues.

### 3. DETERMINE THE ACCESSIBILITY OF VICTIM SERVICES.

Explore whether the program:

- assists other community-based organizations that represent the diversity of the community to develop services for victims in their respective communities; and
- provides multicultural and multilingual services, materials, and referrals that reflect the diversity of the community (*also see Practice 4 in this chapter*).

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The **Rockland Family Shelter** in **New City (New York)** has developed specialized domestic violence services for several ethnic, religious, and racial minority populations. The Hispanic/Latina project includes office hours held in community walk-in centers in areas easily accessible to the Hispanic/Latina community. **Project Tikva**, for Orthodox Jewish women who are being battered, offers a separate Kosher kitchen facility in the emergency shelter kitchen. (*See Victim Services Program Profiles.*)

The **Florida Coalition Against Domestic Violence** has developed a rural initiative to establish victim services in rural counties and coordinate local grassroots efforts to respond to violence within these communities. (*See Coordinated Community Response Program Profiles.*)

**Consider ways to increase the range of appropriate services to and utilization of services by survivors.** Even where services are available in a community, some victims may not use them for a variety of reasons. Many programs are developing creative means to publicize and deliver services. Some factors these programs consider are listed below.

**Location of services.** More women can be reached if they can use services near their home, place of work, or where they tend to congregate. Many programs are setting up satellite offices in locations such as housing projects, churches, and community centers. Some are working in conjunction with other community programs to go directly to victims' homes (these programs must take measures to ensure safety during staff home visits). The increasing number of satellite offices and other nontraditional outreach strategies reflect agencies' efforts to provide services to victims who face geographical, legal, or cultural barriers to obtaining services from the central office.

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The **Migrant Outreach Program of Rape Crisis Services** in **Defiance (Ohio)** uses a mobile unit to provide education and services to sexually assaulted migrant women. (*See Victim Services Program Profiles.*)

**CAP Services, Inc.** provides shelter and walk-in and phone services for victims of domestic violence in **Stevens Point (Wisconsin)**. In order to serve victims in surrounding rural counties, the agency operates three satellite offices which offer crisis counseling, legal advocacy, support groups for women, and treatment groups for abusers who are referred by the criminal justice system.

**Hope Place, Inc.**, the domestic violence advocacy program in **Huntsville (Alabama)**, is establishing two satellite shelters in rural communities. Hope Place is collaborating with the **Marshall County**

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**District Attorney's Office** to coordinate this project, with support from more than 50 agencies and organizations. The shelters will provide emergency housing in an area the victim feels comfortable, nearer to her support systems, and within one hour of every victim's home.

**Mode of outreach.** When planning how to advertise services, programs should consider the advantages of putting information in public places and on items that are "safe" for women to bring home. In some communities, local supermarkets print the numbers of local domestic violence shelters or sexual assault crisis centers on their grocery bags. (See *Action Plan 4 in this practice and Chapter 7, Coordinated Community Response, Practice 5.*)

**My Sister's Place in Washington, D.C.** puts stickers with its crisis line number in ladies' rooms throughout the city.

As part of its education campaign, "There's No Excuse for Domestic Violence," the **Family Violence Prevention Fund (FUND)** has developed bright blue house signs that proclaim "Listen Up! There's NO ROOM for domestic violence in this neighborhood." The FUND has also produced a sticker that reads, "This is a safe haven. If you are in a scary or dangerous situation and need to get help, you may use our telephone to call a domestic violence program or police." Communities can encourage businesses to display these stickers in high visibility locations so battered women know the business is a safe place.

#### 4. DEVELOP COMMUNITY PARTNERSHIPS ON BEHALF OF VICTIMS.

**Establish relationships and training programs with and train allied professionals to screen for violence, respond appropriately to victims of violence against women, and develop creative strategies to reach survivors in the community.** Battered women and victims of stalking and sexual assault may not always seek help from a domestic violence or sexual assault program, but many will seek help for issues associated with their victimization (e.g., substance abuse, housing, health care, or financial assistance). It is particularly important to forge partnerships in communities that lack adequate services or where barriers exist for survivors to obtain services (e.g., rural and remote areas and communities with large non-English speaking populations).

**Identify organizations that might be potential partners.** Advocates should collaborate with a range of organizations and identify partnering priorities based on the needs of victims and current gaps in service provision. For instance, where a domestic violence program recognizes that there is an insufficient number of transitional and permanent housing options for battered women, the agency can seek partnerships with a local housing authority or private agency dedicated to providing affordable housing to low income individuals. (See *Chapter 7, Coordinated Community Response, Practices 1 and 5.*)

To determine which organizations might be approached, consider the agencies that come into contact with victims and the range of systems that victims need (e.g., housing authorities, public welfare, health care, social services, and schools). Following is a representative list of organizations found in most communities:

- legal services (e.g., legal aid, law clinics, bar associations, and private attorneys);
- various offices of the justice system;
- fire and emergency rescue squads;
- health care providers (e.g., hospitals, general practitioners, gynecologists, and health departments);
- social service agencies (e.g., child/adult protection services, and welfare offices);
- community and private mental health programs and inpatient hospitals;
- human services (e.g., homeless shelters, nonprofit agencies providing food, clothing, energy and other financial aid, and cooperative extension agencies (particularly in rural areas));
- substance abuse treatment providers;

- offender treatment/intervention programs;
- organizations serving women from traditionally underserved communities;
- disability organizations and service providers;
- public and subsidized housing programs;
- pre-schools, kindergartens, elementary, middle, junior and high schools;
- colleges and technical schools;
- military installations;
- Native American reservations and tribal communities;
- religious organizations;
- nursing homes and independent and assisted living programs;
- State and local government;
- funding agencies and private donors;
- men's anti-violence groups;
- professional associations or groups of professionals;
- community and neighborhood associations;
- civic organizations;
- youth clubs;
- senior organizations;
- private businesses that provide services needed by victims (e.g., security and telephone companies may offer equipment or services that can enhance victim safety); and
- human resource departments of businesses (that can develop policies and educate employees).

**Allow time for a relationship to develop.** Some partnerships may naturally evolve over time and require little staff time. Others may require considerable effort, including obtaining formal approval from leaders, constituents, directors, advisors, or funders. If an agency has a record of poor or inadequate treatment of victims, the advocacy program should assist the agency in addressing and resolving the problem. (See Appendix F for additional program examples.)

Establish and routinely review memorandum of understanding with cooperating organizations, which specify roles and collaboration, protocols, and/or financial agreements. Compensation for collaborative projects may be extended both by and to advocacy programs, in recognition of the expertise and services brought to the partnership. (See Chapter 7, *Coordinated Community Response, Practice 2.*)

**Standing Together Against Rape (S.T.A.R.) in Anchorage (Alaska)** conducts sexual assault support groups for survivors who are in drug/alcohol treatment programs and homeless shelters, among other settings. S.T.A.R. educates staff in these agencies about sexual assault and its connection to substance abuse and homelessness in order to encourage appropriate referrals by staff to their support groups. (See *Victim Services Program Profiles.*)

The **Longmont (Colorado) Coalition for Women in Crisis** was actively involved in bringing community emergency housing assistance providers together to consider how to address the urgent need for transitional and permanent housing. As a result of this collaboration, a large unused building was converted into an emergency, transitional, and permanent housing facility for battered women. Providers share responsibility for the operation of the new facilities.

**Manavi of Union (New Jersey)** collaborated with the **Center for Immigrants' Rights** to present a workshop for service providers entitled "Bridging the Gap: Understanding South Asian Women's Perspectives on Domestic Violence."

**Articulate the benefits of collaboration to community partners.** For example, a new agency executive may not automatically support an existing partnership with a sexual assault or battered women's program. Advocates should make an effort to establish and build a new relationship with that individual. Like agency volunteers, partnering organizations require respect, appreciation, and rewards.

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## MEASURES OF SUCCESS

Ensuring that victims have access to a wide range of services can result in:

- increased services to support victims of stalking, domestic violence and sexual assault;
- improved advocacy services for victims;
- increased community involvement in helping victims find solutions to address their needs;
- increased public awareness of the availability of advocacy services for victims in the community;  
and
- increased victim satisfaction with services she receives.

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## 2. PROVIDE CRIMINAL JUSTICE ADVOCACY SERVICES

### ACTION PLAN AT A GLANCE

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1. **Develop advocacy services to help victims achieve their desired outcomes from the criminal justice system.**
2. **Define roles and responsibilities of victim-witness staff and community-based advocates.**
3. **Increase criminal justice system professionals' understanding of violence against women.**
4. **Promote standardization of the system's response to cases involving violence against women.**
5. **Develop mechanisms to monitor the justice system's response to violence against women.**

### WHY THIS PRACTICE IS IMPORTANT

The complex relationship of victims of sexual assault, stalking, and domestic violence to the criminal justice system requires advocacy services that are responsive to an individual's particular situation. Some battered women are drawn into the criminal justice system unwillingly because neighbors call police to report an incident of physical abuse. Just as often, however, victims of all types of violence against women crimes wish for more aggressive intervention than the criminal justice system is providing.

### ACTION PLAN

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#### I. DEVELOP ADVOCACY SERVICES TO HELP VICTIMS ACHIEVE THEIR DESIRED OUTCOMES FROM THE CRIMINAL JUSTICE SYSTEM.

Like all other services related to a victim's participation in the criminal justice system, advocacy should be driven by the goals that the victim defines for herself. Advocates can help victims achieve their personal goals with the criminal justice system, rather than working to achieve goals defined by a prosecutor, attorney, or advocates themselves.

**Ensure that victims are informed about available legal advocacy services.** Advocates should identify opportunities to reach victims who may not look to the advocacy program to help with legal and safety issues. From the information provided over the phone by a well-trained crisis line volunteer to the establishment of "briefings" for women who come to court seeking protective orders, community-based programs can attempt to inform the widest possible audience about the legal options available to victims of physical, emotional, or sexual violence. The point when a woman is ready to take civil action (via a protective order) is an opportune time to discuss potential ramifications of violations of that order, and to explain criminal proceedings that are being held simultaneously or may subsequently result from the violation of a protective order.

Some community-based programs have established satellite offices in local courthouses and police departments. The presence of a victim advocate in the courthouse or police department enables advocates to build closer relationships with criminal justice system professionals and to reach women who may not have been aware of the availability of support services.

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**Women's Protective Services in Framingham (Massachusetts)** has expanded the domestic violence services it provides to battered women since placing an advocate in the local police department.

The **Fresno (California) Rape Counseling Center** recently worked with the local police department and sheriff's office to establish two half-time advocacy positions that are physically located in these agencies. (See *Coordinated Community Response Program Profiles*.)

**Assure that information and support is available to victims from the time of the first criminal justice system intervention.** Many advocacy programs supply patrol officers with referral cards and brochures they can hand to victims when responding to an incident that describe the services available from sexual assault and domestic violence programs. While women are often too traumatized to determine what action they would like taken or may refuse help from an advocate at the time of the incident, they often refer later to the materials when they are ready to seek assistance. (See *Chapter 2, Victim Rights and Notification*, and *Chapter 3, Law Enforcement, Practice 3*.)

Some advocacy programs have developed compact booklets that provide survivors with extensive information addressing their legal rights and options, as well as their non-legal needs. Advocates can use the booklets as a guide when verbally discussing options with the victims.

The **Domestic Violence Project, Inc./SAFE House in Ann Arbor (Michigan)** developed a *Survivor's Handbook for Battered Women*. It includes information on definitions of abuse; a power and control wheel; warning signs of abusers; crimes of assault and battery; answers to questions survivors frequently ask; help with safety; when battered women decide they want to leave; police response; if he is arrested; crimes the assailant may have committed and charging; criminal justice system; civil remedies; personal protection orders; child abuse and neglect; education and counseling for assailants; alcohol and other drugs; lesbian survivors; gay male survivors; survivors with physical disabilities; survivors who are women of color; domestic violence laws summary; addresses/phone numbers for courts, prosecution and police; support group information; and a listing of community resources.

The **Rappahannock (Virginia) Council Against Sexual Assault** developed *A Guide to Surviving Sexual Assault* which is distributed to victims, police, prosecutors, hospitals, community agencies, and schools. It includes information on: important phone numbers and services for victims; medical care and examinations; the criminal justice system procedures; other legal remedies; options for college students; common reactions; issues common to specific populations of survivors; and recovery assistance.

**Develop on-scene advocacy programs.** In some communities, the effort to coordinate advocacy services has gone further to include advocates who respond at the scene of domestic violence or sexual assault incidents or meet victims at hospital emergency departments. (It is a fairly common procedure for police or hospital personnel to coordinate with an advocacy program to assist sexual assault victims at the hospital). The immediate response increases the chances that battered women and stalking victims will begin to plan for their own safety and sexual assault victims will be discouraged from blaming themselves for the assault, regardless of further interaction with the criminal justice system. (See *Chapter 7, Coordinated Community Response, Practices 3*, and *Chapter 3, Law Enforcement, Practices 2 and 3*.)

The **Domestic Violence Intervention Services Program in Tulsa (Oklahoma)** partners with the police department to provide support and crisis intervention services to battered women and their children immediately following a domestic violence incident. (See *Victim Services Program Profiles*.)

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Law enforcement officers occasionally request that advocates from the **Fresno (California) Rape Counseling Center** provide crisis intervention and support services to victims and family members at the scene of a sexual assault. (See *Victim Services Program Profiles*.)

A protocol is being developed with law enforcement personnel and hospital emergency room staff which requires them to call **Refuge House** in **Tallahassee (Florida)** when a domestic violence or sexual assault victim is identified. Through its **Rural Initiative Program**, a rural organizer or an on-call volunteer will respond at the medical facility, the police station, or any other location, providing support, counseling, and resource materials. (See *Coordinated Community Response Program Profiles*.)

**Make follow-up contact with victims.** Increasingly, police and sheriff's departments are sharing reports with advocacy programs so advocates can follow-up with the victim and offer support services. In some communities, the law enforcement agency determines which reports are shared with the advocacy program; in others, all reports are shared so that the program can determine which involve violence against women. Advocacy programs can also review reports to ensure that proper actions were taken in each case.

Upon request, advocates from **Stand Together Against Rape** in **Anchorage (Alaska)** conduct extensive follow-up with sexual assault victims and provide support through emergency hospital and preliminary investigation procedures. Typical victim referral needs include shelter, work, counseling, and substance abuse treatment. (See *Victim Services Program Profiles*.)

The Sheriff's department and police departments in **Fond du Lac County (Wisconsin)** make copies of domestic violence incidents and give them to **Friends Aware of Violent Relationships (FAVR)**. Officers also offer a FAVR brochure on safety planning to victims. The **Assistant District Attorney** who handles all domestic violence cases faxes FAVR the *County Jail Initial Court Appearance* list each morning. The jail calls FAVR every time a batterer is being released from jail. These communication procedures give FAVR multiple opportunities to call victims to provide them with case information and offer services.

**Provide accompaniment and support to individuals in all criminal justice proceedings.** Depending on the community and the number of people requesting accompaniment, programs often rely on volunteers to provide court accompaniment. Victims may require assistance with any of the situations listed below.

**a) Perpetrator's arraignment.** The advocate may be in a unique position to notify the victim of the date and time of an arraignment, as not all law enforcement or prosecutor's offices will be able to contact the victim prior to the arraignment.

**b) Bail hearings.** In addition to arranging transportation to and from hearings, advocates should inform victims about the protections that can be secured through placing conditions on their offender's release. These include prohibiting the defendant from:

- committing or making threats to commit domestic violence;
- stalking or harassing the victim; and
- telephoning or otherwise contacting the victim.

**c) Courtroom or court procedures.** Provide victims with written, verbal, or visual information about what to expect in the courtroom (e.g., taking the victim to an actual courtroom and explaining what will happen or where the defendant will sit) often reduces her anxiety about attending hearings and trials. In addition, advocates can contact court personnel to ensure that arrangements are made to keep the defendant away from the victim in the common areas of the courthouse.

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**d) Law enforcement and prosecution interviews.** Some law enforcement agencies and prosecutor's office permit victims to have a support person with them during the interviews. However, if the advocate is present during the interview, she could become a witness to statements made by the victim and if summoned to court as a witness, may not be allowed into the courtroom to provide support for the victim. The victim should be informed of this possibility as she decides what kind of support she would like during the interview. Regardless of what she decides, victims should be given the following tips for the interview:

- give as much detail as possible;
- when unsure of the answer to a question, tell the officer or prosecutor;
- ask for clarification if a question is confusing; and
- read the police report regarding her statements before signing it.<sup>7</sup>

Prepare victims for the probability that some of the questioning may be difficult emotionally, particularly if a sexual assault was involved. Explain that this information is needed to complete an investigation or for a prosecutor to prepare the case, but if the victim feels the questions are inappropriate, she should state this concern.

**e) Depositions and trials.** Advocates can allay victim anxiety about the trial process by encouraging the prosecutor to close the courtroom if/when the victim testifies and to avoid continuances as much as possible. However, given the likelihood of a continuance, advocates can provide support to victims as they struggle with the emotional consequences of these delays.

**f) Victim impact and risk assessment statements.<sup>8</sup>** Risk assessments are particularly important for domestic violence cases and can be used to determine bail/bond, conditions of release, and sentencing recommendations. Advocates can assist victims by helping them construct a comprehensive profile of the abuse they endured and the abuser's tendencies. The victim can describe the physical, emotional, and/or economic impact of the crime. (See Chapter 1, *Safety Planning*.)

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The **Los Angeles (California) Commission on Assaults Against Women** provides specialized domestic violence and sexual assault services, including court accompaniment to traditionally underserved victims including those who are deaf or hearing-impaired and victims from the diverse Latina community. (See *Victim Services Program Profiles*.)

**Sexual Assault Response and Awareness of Alexandria (Virginia)** developed a volunteer court advocacy program to serve Spanish-speaking sexual assault survivors. Court advocates work with city police sex-crimes unit, prosecutors, and victim-witness staff to offer victims support and accompaniment throughout the criminal justice process. Spanish-speaking court advocates assist by translating crime victim's compensation applications, victim impact statements, and meetings with law enforcement and prosecution, while providing culturally sensitive support to survivors, their families, and friends.

The **Penelope House Court Advocacy Program in Mobile (Alabama)** assists shelter residents and nonresidential clients to navigate the civil and criminal justice systems. The court advocate has constant communication with the court system and is aware of all pending domestic violence court dockets. The advocate provides victims with a court orientation that describes their rights within the justice system.

*Seeking Justice: Legal Advocacy Principles and Practice*, a publication of the **Pennsylvania Coalition Against Domestic Violence**, contains a checklist for women going to court called "Tips for Victims on Courtroom Behavior," that can be duplicated and given to women in preparation.

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## 2. DEFINE ROLES AND RESPONSIBILITIES OF VICTIM-WITNESS STAFF AND COMMUNITY-BASED ADVOCATES.

Individuals assisting victims include legal advocates hired by and located in a community-based program, victim-witness assistance staff working in a governmental agency, or community-based legal advocates placed in criminal justice offices. To minimize duplication of efforts and to build the roles of each, advocates should work with victim-witness specialists to clarify responsibilities to victims, institutions, and each other. They should establish opportunities for communication with the goal of coordinating individual cases and improving response on violence against women cases. This relationship must be predicated on the acknowledgment and appreciation of the roles of different types of victim service providers.

While the community-based victim advocate's sole responsibility is to the victim, the primary role of victim-witness staff is to facilitate the investigation or prosecution of an individual case and to inform victims of their rights under State and Federal victims' rights legislation. This responsibility to law enforcement and prosecution has an impact on the level of confidentiality that government based victim-witness staff can offer. For confidential communication, the victim should be referred to a community-based advocate. Contact the State domestic violence or sexual assault coalition to determine whether your State has a privileged communications statute applying to victim advocates. (See *Chapter 2, Victim Rights and Notification*, and *Chapter 4, Prosecution*.)

Involvement in the justice system can place some women in greater danger. Community-based advocates can provide non-legal advocacy services so that a woman can more safely and fully use the justice system.

A domestic violence victim advocate from the community-based **Hull House** and a prosecution-based victim-witness advocate are members of the multidisciplinary **Targeted Abuser Call (TAC) Team** based in the **Cook County (Illinois) Circuit Court**. While they work closely together, the advocates recognize the discrete nature of their specialized roles and the distinction between the services that each provides to victims. The victim-witness advocate works for the prosecutor's office in working with the victim. The Hull House advocate addresses the full range of victim needs, and goes beyond addressing services that are required for the criminal case as well as after the criminal case.

**Women's Alternatives, Inc.**, in **Anderson (Indiana)** works closely with the prosecutor's victim assistance office to provide comprehensive advocacy to victims. The victim-witness assistance coordinator meets regularly with advocates from Women's Alternatives to discuss the community's response to violence against women and to coordinate their organizations' roles in that response.

**Rape Counseling Services** in **Fresno (California)** meets monthly with the prosecutor's victim-witness staff to discuss coordination of services for victims. (See *Victim Services Program Profiles*.)

## 3. INCREASE CRIMINAL JUSTICE SYSTEM PROFESSIONALS' UNDERSTANDING OF VIOLENCE AGAINST WOMEN.

Through their formal and informal contact with the criminal justice system, advocates have opportunities to introduce and convey information on all aspects of domestic violence, sexual assault, and stalking. Advocates can introduce their colleagues to traditionally challenging or overlooked issues including: the specific needs of victims from cultural, racial, or ethnic minorities and women with disabilities; the use and limitations of offender dangerousness or risk assessments; and how participation in the criminal justice system may jeopardize a victim's safety. They can help criminal justice system professionals understand the ways in which the system can re-traumatize victims and how the failure of the justice system response can result in women being forced to defend themselves against attacks.

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**Provide training.** Identify opportunities to conduct training on issues related to violence against women for dispatchers, police officers, prosecutors, court clerks; magistrates and judges, victim-witness specialists, correctional facilities staff; probation and parole officers, and others. These opportunities may include training new officers, conducting local and jurisdiction-wide workshops, and requesting time during police roll calls or weekly prosecutors' meetings to make brief presentations. *Contact the **Battered Women's Justice Project, Criminal Justice Center** for domestic violence and stalking curricula, or the **STOP T.A. Project** for sexual assault curricula. Check with your State coalition to see whether they offer training curricula or other materials for criminal justice personnel that is specific to State laws. (See Appendix A, Training. Chapters 3 through 7 also offer information about training issues.)*

The **Kankakee (Illinois) County Center Against Sexual Assault** regularly makes presentations about victim responses to sexual assault, post-traumatic stress disorder, and other topics at **Police Department** roll calls. They also host an orientation at their facility for new officers during which they describe the services they offer over coffee and doughnuts. (See *Law Enforcement Program Profiles*.)

Judges in and around **Bloomington (Indiana)** have attended workshops organized by **Middle Way House**, a dual domestic violence and sexual assault program, on topics ranging from "Domestic Violence as a Factor in Child Custody Determinations" to "Post-traumatic Stress Syndrome."

**Cultivate relationships with individuals in the criminal justice system who possess an understanding of the complexities of violence against women.** Maintain open communication with those who can serve as "allies." Their support may be integral to their department's willingness to enact policies that benefit victims. Be willing to discuss candidly with criminal justice system personnel their questions and concerns about violence against women. Informal discussions with an advocate can dispel misconceptions about violence against women that impede effective police and prosecutorial response to individual cases.

(See Chapter 3, *Law Enforcement, Practices 1 and 2*; Chapter 4, *Prosecution, Practices 1 and 2*; and Chapter 7, *Coordinated Community Response, Practices 2 and 4*, for more information on cultivating relationships between advocacy programs and criminal justice system agencies.)

In order to work effectively with someone from another discipline, it is important to understand her or his job and the culture of the organization. For example, advocates working with law enforcement agencies should be familiar with the different ranks that exist in the agencies and properly identify the ranks of their law enforcement colleagues.

#### 4. PROMOTE STANDARDIZATION OF THE SYSTEM'S RESPONSE TO CASES INVOLVING VIOLENCE AGAINST WOMEN.

**To be effective, policies and procedures must be developed in part by the implementing agency.** However, advocates can play a crucial role in encouraging prosecutors' offices, police departments, and judges to develop victim-centered guidelines for handling cases involving violence against women.

**Convene a multidisciplinary task forces to assess how cases are handled and to develop a protocol to improve response.** Approach the police chief or district attorney and offer to handle the coordinating responsibilities in convening a task force. Help by collecting examples of guidelines and protocols from other jurisdictions. While advocacy program leadership is important, such an undertaking can consume significant staff resources. (See Chapter 7, *Coordinated Community Response, Practice 2,3, and 4*.)

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A collaborative effort between the **Women's Center** and the county prosecutor's office, the **Council of the Domestic Violence Justice Project of Marquette (Michigan)** collected and analyzed data about domestic violence from area law enforcement and prosecutors files. 911 calls were collected and analyzed for several years. Findings indicated that one area of the county had the most severe attacks of violence and a higher number of 911 calls per capita. This information was the determining factor in the decision to open an outreach victim service office in that area. (See Victim Services Program Profiles.)

The legal advocates of the **Hilton SAFE House/Clinton County Women's Center in Lock Haven (Pennsylvania)** meet with law enforcement agencies and a representative from the district attorney's office once a month to discuss improving the response of each agency to cases involving violence against women. As they learn more about each other's jobs, advocates report the meetings have decreased tension between all participants.

**Communicate with individuals and their supervisors when they exhibit exemplary as well as unsatisfactory approaches to cases.** As important as documenting unacceptable handling of cases or treatment of victims is congratulating individuals when they respond appropriately. To facilitate this recognition, many local programs and State coalitions have established annual awards for individuals in other fields who have committed themselves to treating cases involving violence against women seriously and professionally.

Staff at the **Sexual Assault Prevention and Intervention Services of the Riverview Center in Galena (Illinois)** make a concerted effort to write letters of appreciation when someone in the criminal justice or social service system provides exceptional service to a victim. (See *Victim Services Program Profiles*.)

**Domestic Violence Intervention Services (DVIS) of Tulsa (Oklahoma)** developed a form to allow battered women to comment on their experiences with police officers. DVIS sends the forms onto the police department. While the forms were initially designed to address problems in police intervention, they also have been useful in recognizing officers who respond to domestic violence calls appropriately and go above and beyond the call of duty. (See *Victim Services Program Profiles*.)

## 5. DEVELOP MECHANISMS TO MONITOR THE JUSTICE SYSTEM'S RESPONSE TO VIOLENCE AGAINST WOMEN.

**Ensure that courts are: treating victims well; informing them of their rights, services, and resources; following laws, rules, and policies; and demonstrating cultural competency.** Rather than reacting every time an inappropriate police response to a survivor is reported or an unsafe judicial decision is handed down, community-based advocates can respond strategically on behalf of all survivors. Mechanisms to help routinely monitor justice system response include:

- surveying victims to evaluate the quality of assistance received from criminal justice professionals; and
- establishing a court-monitoring program (also see *Practice 6 in this chapter*).

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## MEASURES OF SUCCESS

If victims receive excellent support/advocacy as they proceed through the criminal justice system they will:

- better understand and trust the criminal justice process;
- feel safer; and
- receive culturally appropriate services.

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### 3. DEVELOP LEGAL ADVOCACY SERVICES TO ASSIST VICTIMS IN USING THE CIVIL JUSTICE SYSTEM

#### ACTION PLAN AT A GLANCE

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1. **Assess how the civil legal system can serve the goals of the victim.**
2. **Develop a range of services to support a victim's participation in the civil system.**
3. **Build the capacity of non-lawyer advocates and victim service programs to provide comprehensive legal advocacy to victims.**
4. **Develop strategies to make legal services accessible to women in underserved communities and other women who would not ordinarily seek out services.**
5. **Develop partnerships that increase victim access to legal assistance, including representation.**
6. **Establish a regional or State-level resource center on legal issues and violence against women.**

#### WHY THIS PRACTICE IS IMPORTANT

Battered women are drawn into both the criminal and civil justice systems as they petition for protective orders, seek custody of their children, obtain a divorce, and participate in any criminal case brought against their abuser. Sexual assault and stalking victims seek protective orders to protect them from ongoing abuse or from harassment that occurs subsequent to a sexual assault. In addition, sexual assault survivors hoping to hold their perpetrator or a third party accountable may bring a civil suit against them.

Advocates can help victims identify their civil legal options and address their fears so that each woman can make an informed decision about her involvement in the justice system. Victim service providers can offer or facilitate access to a wide range of support for women facing multiple criminal and civil legal proceedings. These include providing well-trained legal advocates, providing direct legal representation, or making referrals to *pro bono* attorneys and partnering with legal organizations.

#### ACTION PLAN

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##### 1. ASSESS HOW THE CIVIL LEGAL SYSTEM CAN SERVE THE GOALS OF THE VICTIM.

***Understand the full range and limitations of legal options available through the criminal and civil justice systems.*** Advocates should keep apprised of all pertinent statutes and statutory changes. Many State coalitions offer up-to-date information about relevant changes.

In instances where the offender has an intimate relationship with the victim – particularly where he is in control of household finances and/or is the father of the victim's children – victims sometimes look for ways to secure their safety without imprisoning offenders. Often, civil remedies can give the victim more control and access to economic resources.

Victims may petition for civil emergency and permanent protective orders, whether or not criminal charges have been filed against the abuser. In some States, victims of sexual assault and stalking may also

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apply for protection orders where the parties have an intimate relationship or are co-habiting. Although a protective order is a civil remedy, it can result in criminal penalties if it is violated and the offender is held in criminal contempt. Victims may also require representation in other civil cases arising from the abuse (e.g., divorce, paternity and child support, landlord tenant issues, bankruptcy, insurance, or public benefits).<sup>9</sup>

In the civil remedies section of the *Survivor's Handbook for Battered Women* developed by the **Domestic Violence Project, Inc./SAFE House in Ann Arbor (Michigan)** the following topics are discussed: divorce; separate maintenance (under Michigan law, parties are allowed to live apart, legally separated and free from the responsibilities of marriage, but still technically married); custody for married and unmarried women; visitation; compensation through the Crime Victim Compensation Board; court-ordered restitution; and lawsuits. A section on personal protection orders follows. (See *Legal Representation Program Profiles*.)

Advocates should be familiar with Federal and State legislation concerning the enforcement of civil protection orders from other jurisdictions within and outside of the State. Federal laws now require States to develop policies to give full faith and credit to protection orders from other jurisdictions. In some instances, States have adopted procedures or enabling legislation; in others, the laws are silent. Thus, the responsibility may fall on advocates to inform the courts, police, and victims about the existence of the full faith and credit provisions of VAWA.

Contact the **Full Faith and Credit Project of the Battered Women's Project, Civil Access Center**, for information about State and Federal registries and the status of Federal and State laws on full faith and credit. (See *Appendix F for the VAWA Full Faith and Credit provisions*.)

**Provide information to victims who wish to bring a civil suit against the perpetrator.** For both personal and financial reasons, survivors of abuse may consider suing the perpetrator for damages due to the abuse or suing a third party whose negligence may have contributed to the abuse. For example, a victim may sue the owner of an apartment complex where a rape occurred who failed to improve lighting in common areas despite previous attacks. Many local programs and State coalitions offer materials on civil remedies and referrals to attorneys and legal assistance organizations for victims who are contemplating a civil suit.

The **Connecticut Sexual Assault Crisis Services, Inc.** developed a guide about civil lawsuits for survivors of child sexual abuse, rape, and incest. The guide addresses many issues, including factors to consider in deciding whether or not to sue; how to find an attorney; and questions to ask an attorney.

## 2. DEVELOP A RANGE OF SERVICES TO SUPPORT A VICTIM'S PARTICIPATION IN THE CIVIL SYSTEM.

**Safety-planning.** Advocates have a responsibility to listen to victims and to ask appropriate questions that may be pertinent to the victims' safety, including questions regarding crimes committed against the woman, other crimes committed by the abuser, child abuse, security of the household, and other issues.<sup>10</sup> (See *Chapter 1, Safety Planning, and Appendix F for safety planning materials*.)

**Counseling and referral.** Advocates can help a victim determine whether the civil system will help her accomplish her goals and her desire for safety and justice. Advocates should be able to identify and explain the implications of different options women might pursue.

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In *An Approach to Legal Advocacy for Individual Battered Women*, the director of the **Greater Hartford (Connecticut) Legal Aid Society**, suggests that advocates explore victim's previous experience with the legal system, her expectations of legal intervention at this juncture, and whether she can afford the time and resources necessary to pursue an action at this time.

The **Women's Coalition Intervention Program** in **Duluth (Minnesota)** assists battered women in preparing for a protective order hearing. They review the conditions that women can request be part of the order, including type of contact, child visitation issues, personal property issues, and restitution.

**Legal representation and court accompaniment in civil matters.** In both civil and criminal matters, court appearances can be dangerous and frightening experiences for victims of domestic violence, stalking, or sexual assault. Trained legal advocates can enhance the victim's physical safety; provide emotional support; and explain court proceedings and access to legal options.

Shelters and other battered women's programs may establish legal clinics or hire individual attorneys to represent battered women in civil proceedings. Victims may also obtain safer protection orders with representation, particularly in those cases where the petition for a protective order is being contested.

**Women Against Abuse (WAA)** in **Philadelphia (Pennsylvania)** provides legal representation, shelter, and other crisis programming for battered women and their children. Attorneys, paralegals, legal advocates, clerical personnel, and volunteers staff the **WAA Legal Center**. The advocates and volunteers staff the specialized civil and criminal domestic violence courts as well as the police building where victims file emergency orders. WAA attorneys represent women filing protection orders and refer special cases to attorneys in private practice who are trained through the **Pro Bono Attorney Project**.

**Lifespan of Chicago (Illinois)** offers battered women legal representation on a number of civil issues, including matters pertaining to divorce, custody, and the filing of protection orders. All battered women are eligible for services and the program places an emphasis on reaching out through the legal and counseling program to wives of police officers. (See *Legal Representation Program Profiles*.)

### 3. BUILD THE CAPACITY OF NON-LAWYER ADVOCATES AND VICTIM SERVICE PROGRAMS TO PROVIDE COMPREHENSIVE AND APPROPRIATE LEGAL ADVOCACY TO VICTIMS.

**Develop a philosophy of service delivery and define the role of advocates in the civil system.**

Advocates can empower women by offering them information and support. Advocates should be trained in the importance of understanding a woman's goals and fears in using the civil justice system. They should listen to a woman's self-defined priorities and support her in meeting her personal goals.

While advocates who are not lawyers can inform victims of their civil legal options, advocates cannot make legal decisions on behalf of victims or represent them in legal proceeding. Where permitted, courtroom advocates may answer questions or provide the court with non-legal information on behalf of the victim.

In the legal advocacy training curriculum of the **Alaska Network on Domestic Violence and Sexual Assault**, role plays illustrate the functions of various personnel from the civil/criminal justice system.

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**Develop guidelines that protect the confidentiality of communications between victims and advocates.** Agency policy in victim service organizations should dictate that staff never release information or act on behalf of the victim without first obtaining her informed consent. Advocates should be trained to follow the agency's policy on confidentiality and to practice record keeping methods that protect the client's privacy.

The **Alaska Network Against Domestic Violence and Sexual Assault's Legal Advocacy Training Curriculum** explains: "When the legal community learns that records contain no verbatim statements of the victim, no opinions of advocates, and only basic information about service delivery, it will be less likely that subpoenas will be issued since witnesses without records to refresh their recollections are not likely to be able to provide the court with meaningful information."

In addition to record keeping, advocate training on confidentiality should also address informed consent; release of confidential information; exceptions to confidentiality; and consistency in protecting the privilege (for those States that guarantee confidentiality of victim-counselor communications).

The **Pennsylvania Coalition Against Domestic Violence's Model Confidentiality Policy** provides guidance to programs on maintaining confidentiality. It recommends that program policies cover the following areas of information: a statement of confidentiality; definitions; access to client files; content of client files; maintenance or destruction of client files; and release of information.

The **Alaska Network on Domestic Violence and Sexual Assault's Legal Advocacy Training Curriculum** contains exercises designed to help participants understand when releasing information is permissible.

**Provide in-depth training and step-by-step guidance to legal advocates.** Training topics should include:

- the philosophy of service delivery and the role of advocates;
- the full range of legal options available and the limitations of the criminal and civil justice systems;
- confidentiality issues;
- safety planning; and
- the problems different ethnic, cultural, and racial groups face in using the legal system.

The **Alaska Network on Domestic Violence and Sexual Assault's Legal Advocacy Curriculum** also contains information on systems advocacy; civil and criminal court processes, working with law enforcement, prosecution; child custody and divorce; rural issues; immigration issues; and Federal laws on domestic violence.

The training curricula of the **Massachusetts Coalition Against Sexual Assault** explains the civil court process for survivors, types of civil damage cases; State-specific time periods for suits to be filed; average length of time to complete a civil case; reasons to consider a civil case; survivor involvement; and assessment of the pros and cons of civil litigation.

**4. DEVELOP STRATEGIES TO MAKE LEGAL SERVICES ACCESSIBLE TO WOMEN IN UNDERSERVED COMMUNITIES AND OTHER WOMEN WHO WOULD NOT ORDINARILY SEEK OUT SERVICES.**

**Implement strategies to increase victim knowledge and use of legal advocacy services.** This may include:

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- placing advocates in courtrooms/courthouses;
  - encouraging referrals from the criminal justice system professionals;
  - encouraging referrals from human service providers;
  - encouraging referrals from organizations representing or serving underserved women;
  - implementing victim briefing sessions at courthouses; and
  - providing outreach to traditionally underserved populations.

Advocacy programs can provide legal and clerical assistance to women seeking protective orders and ensure that women receive assistance in the language they speak or if they do not read or write.<sup>11</sup> They should help women understand that a protective order is not a guarantee of protection and discuss with them local law enforcement practice in enforcing violations of existing orders.

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The **Los Angeles (California) Commission on Assaults Against Women (LACAAW)** has a temporary restraining order fax service that allows victims to file for a temporary restraining order (TRO) through the LACAAW office rather than going to the courthouse. Women seeking restraining orders have access to advocates who know American Sign Language or Spanish. LACAAW advocates will help fill out the required paperwork to obtain a TRO, then fax the application to the courthouse. Within three days, the courthouse will fax back a response. (See *Victim Services Program Profiles*.)

**Provide language and culturally appropriate services.** For example, encourage the court to: develop forms and videos in languages other than English; hire bilingual and bicultural advocates; provide access to interpreters for hearing-impaired women and women with developmental disabilities; and develop and implement cultural competency training for staff.

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The **Alaska Network Against Domestic Violence and Sexual Assault** has a video in English, Spanish, and Yup'ik languages to address safety planning and obtaining a protective order.

The **Los Angeles (California) Commission on Assaults Against Women's Deaf and Disabled Services Program** provides legal advocacy, court accompaniment, crisis intervention, and counseling services to 20 to 30 deaf and disabled clients each month. (See *Victim Services Program Profiles*.)

**Address problems that different ethnic, cultural, sexual orientation, and racial groups experience when they go to the legal and social systems for help.** Advocates should be trained to be conscious of their own stereotypes and prejudices that may affect how they treat women from backgrounds and communities different from their own. A woman's background may affect her willingness to seek help from the justice system. For example, a Native American woman may distrust the justice system, based on past experiences, and be reluctant to file for a protective order against her abuser. Likewise, a woman who is an immigrant may be too frightened to use the legal system. She requires advice from an advocate and attorney who are informed about the relationship between immigration laws and laws pertaining to violence against women.

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**Ayuda of Washington, D.C.** is a nonprofit legal services organization that assists immigrant and refugee women with a range of issues, including filing for protective orders in domestic violence situations and representing battered women in divorce and custody issues. Ayuda also provides social service support through a full-time caseworker who connects clients to other community-based social services agencies and/or public benefits. These include counseling, housing, job training, English language courses, pre-natal/medical care, immigration services, resume writing, and others.

**Mending the Sacred Hoop (Minnesota)** and the **Sacred Circle (South Dakota)** are national organizations that provide training, information, and technical assistance to professionals working with issues of violence against Native American women.

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*Seeking Justice: Legal Advocacy Principles and Practice*, produced by the **Pennsylvania Coalition Against Domestic Violence**, contains a chapter on cultural sensitivity and effective legal advocacy.

## 5. DEVELOP PARTNERSHIPS THAT INCREASE VICTIM ACCESS TO LEGAL ASSISTANCE, INCLUDING REPRESENTATION.

Advocacy programs around the country are drawing on the legal expertise offered by legal aid organizations, local bar associations, and law school family violence clinics to better serve victims. (See the Appendix B for information on law school initiatives on domestic violence.)

The **American Bar Association Commission on Domestic Violence** published *When Will They Ever Learn? Educating To End Domestic Violence: A Law School Report*, that contains recommendations for integrating domestic violence issues into legal education.

Once a week, a local legal services agency in **Seattle (Washington)** conducts a family law clinic at the offices of the **Refugee Women's Alliance**. This partnership allows the legal service agency to serve limited English-speaking battered women. In addition, the Refugee Women's Alliance works frequently with the **King County Bar Association** to assist battered women in finding *pro bono* representation.

**Maintain a private attorney referral list for assistance with civil matters.** Work in partnership with the local bar association and/or *pro bono* legal programs by developing and implementing a *pro bono* recruitment and training program. Offer regular training to local attorneys to enhance their understanding of violence against women and the law.

A project of the **National Victim Center**, the coalition of victim attorneys and consultants operates an attorney referral list that is shared with anyone calling for names of attorneys in their State who specialize in initiating civil suits on behalf of victims.

The **New Hampshire Bar Association** established a *pro bono* program, called the **Dove Pro Bono Project**, which provides a panel of attorneys from around the State to represent low income clients in a variety of cases. DOVE attorneys give priority to women who need assistance in civil protection order hearings. (See *Legal Representation Program Profiles*.)

The **Battered Women's Justice Project, Civil Access Center** developed an attorney screening tool that advocates can use to determine whether individual private attorneys are appropriate to work with battered women.

**Help community partners provide appropriate and victim-centered legal services.** While these organizations can increase the number of women receiving advice and counsel on legal matters, relationships should be developed with care. Consider the recommendations listed below.

- Conduct in-depth training on violence against women issues for legal services staff and legal training for advocacy program staff. This training should stress the importance of addressing the safety needs of clients through the practice of planning for their safety at all stages.
- Draft a memorandum of understanding between legal services and advocacy programs.
- Develop a screening mechanism that identifies women who need legal representation and get commitment from legal services to provide representation.

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The legal director of **Domestic Violence Project, Inc./SAFE House in Ann Arbor (Michigan)** trains local legal service staff who handle domestic violence-related cases, as well as students at the University of Michigan Law School's domestic violence clinic. (See *Legal Representation Program Profiles*.)

**LifeSpan in Chicago (Illinois)** provides direct legal representation to battered women and selects cases by considering a woman's financial resources and whether she is eligible for representation from a general legal services organization. (See *Legal Representation Program Profiles*.)

## 6. ESTABLISH A REGIONAL OR STATE-LEVEL RESOURCE CENTER ON LEGAL ISSUES AND VIOLENCE AGAINST WOMEN.

Local advocacy programs often lack the resources needed to maintain current information pertaining to legal issues affecting victims of violence against women. The presence of a regional or State-level resource center on legal issues improves the capacity of local programs and individual attorneys to provide services to women in both civil and criminal matters.

Activities such a resource center could undertake include:

- building a central repository of current relevant scientific data, journal articles, or other materials that can be accessed by prosecutors and expert witnesses testifying on behalf of battered women who are charged with crimes or explaining the behavior of a sexual assault survivor or battered woman;
- maintaining an index of pertinent case law;
- monitoring appellate decisions to identify important issues and trends;
- helping local programs develop model policies and protocols that deal with issues such as protecting the confidentiality of victim-counselor relations, subpoenas, and client record keeping;
- serving as a statewide attorney referral service; and
- conducting regional and statewide trainings for legal advocates.

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The **Battered Women's Justice Project, Civil Access Center** offers individual and organizational consultation on legal issues affecting battered women.

In 1996, the **Alaska Network Against Domestic Violence and Sexual Assault** established a statewide **STOP Violence Against Women Legal Advocacy Project**. The project performs all of the activities listed above. The project has a staff attorney who is available to assist advocates from domestic violence/sexual assault programs in exploring legal rights, options, and procedures for exercising these options, providing outreach to victims in rural areas of Alaska, and providing appropriate referrals within the legal system, among other functions.

The **New Mexico Clearinghouse on Sexual Abuse and Assault Services (NMCSAAS)**, a project of the **New Mexico Coalition of Sexual Assault Programs, Inc.**, helps professionals in the investigation, prosecution, and judicial administration of child sexual abuse, and the assessment, treatment, and prevention of sexual assault of adults. NMCSAAS offers an in-house lending library, information searches, a resource directory of statewide agencies providing relevant services, Internet links to national sexual abuse and assault resources, a colleague network of experienced professionals to address specific needs of anyone involved in a sexual abuse or assault case, and training and resources.

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## MEASURES OF SUCCESS

Developing legal advocacy services result in:

- better coordination of individual's civil and criminal issues;
- courts awarding broader protective relief at emergency or temporary protective order hearings;
- more consistent enforcement of all stay-away orders, including those across county and state lines;
- more informed decision-making by victims, framed by an understanding of all of their options;
- increased satisfaction from victims with the civil justice system; and
- improved economic and safety outcomes for victims.

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#### 4. PROVIDE A FULL RANGE OF ADVOCACY SERVICES TO MEET THE NEEDS OF VICTIMS FROM UNDERSERVED POPULATIONS

##### ACTION PLAN AT A GLANCE

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1. Promote the involvement of women from underserved populations and diverse backgrounds in program leadership, design, and management.
2. Establish relationships with organizations representing and serving underserved populations.
3. Assess the needs and issues specific to underserved women in the community.
4. Ensure that women from underserved populations who have experience and knowledge about violence against women in their respective communities are making decisions relating to programming for their communities.
5. Develop culturally appropriate outreach strategies.
6. Advocate for improved community response to underserved women.

##### WHY THIS PRACTICE IS IMPORTANT

In the interest of truly serving all survivors, victim service agencies are evaluating whether programming responds effectively to women from all backgrounds. Services should be designed to reach women who face language, cultural, physical, or legal barriers. This practice promotes a program philosophy that:

- respects the expertise held by those agencies that have traditionally worked in communities of color and other diverse communities; and
- recognizes the importance of education and sensitivity training to improve the overall "cultural competence" of advocates in service delivery and advocacy. (Also see Chapter 7, *Coordinated Community Response, Practices 4 and 5.*)

##### ACTION PLAN

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#### I. PROMOTE THE INVOLVEMENT OF WOMEN FROM UNDERSERVED POPULATIONS AND DIVERSE BACKGROUNDS IN PROGRAM LEADERSHIP, DESIGN, AND MANAGEMENT.

To adequately serve all survivors, advocacy programs must:

- acknowledge that participation of and consultation with women from diverse backgrounds is essential to agency effectiveness and competence;
- respect the perspectives and expertise of agencies representing different populations; and
- not assume an understanding of all the problems facing women of diverse cultural, racial, ethnic, and language backgrounds.

**Recruit board members, employees, and volunteers who are women of diverse backgrounds and establish policies that promote the inclusiveness of women from all communities.** Examine the criteria for hiring staff or joining the board of directors to determine if policies exist that discour-

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age participation of women of color, low income women, lesbians, women with cognitive and/or physical disabilities, and other women of diverse backgrounds. Consider inviting members of the community to be served who have knowledge and experience addressing violence against women.

**Provide appropriate support to women from diverse communities.** Access to child care, leadership development programs, and sufficient financial compensation (when appropriate) will allow women to join who might otherwise be unable to participate.

Avoid treating any population as a monolithic group that shares the same opinions and need for service. For example, the Latina "community" in any region is likely to include women from multiple countries, as well as women who were born in the U.S. who are bilingual and bicultural; their needs will differ. Be careful to obtain the perspectives of multiple representatives from diverse communities, as well as those of representatives from well-established organizations that serve these communities. Relying on one person to repeatedly provide the perspective of her "community" can exhaust her and limit the input an organization receives.

The **Massachusetts Coalition Against Sexual Assault** includes a **Women of Color Leadership Development Committee**. This committee provides women of color working in sexual assault programs throughout the State the opportunity to meet and discuss issues of concern to them and to their clients. One result of this work was the launch of **Llamános**, a statewide Spanish hotline for survivors in 1996. (See *Victim Services Program Profiles* for more information on *Llamános*.)

**Ensure that the organizational philosophy reflects an understanding of the interconnections between different forms of prejudice and discrimination.** The program's operating documents should include a commitment to serve victims from diverse backgrounds and reflect an understanding that violence against women and other forms of oppression are inextricably linked.

The "Principles of Unity" contained within the operating documents of the **Pennsylvania Coalition Against Domestic Violence** state: "We help battered women deal with and overcome the oppressions we all face (e.g., sexism, racism, homophobia, classism, and ageism). We support and encourage and will work for the participation of all women — battered, women of color, lesbians, differently-abled, older, and poor women."

The **Rockland (New City, New York) Family Shelter's** commitment to expansion of services to address the needs of battered women from diverse populations is evident in its ongoing development of specialized programs. To complement program development, the shelter places an emphasis on building staff and volunteer understanding of the effects of racism, sexism, and all forms of oppression. (See *Victim Services Program Profiles*.)

## 2. ESTABLISH RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING AND SERVING UNDERSERVED POPULATIONS.

**Partner with these traditional service organizations to provide services.** The first steps should be to:

- build relationships with established community-based organizations that represent or serve underserved populations;
- have a dialogue with them about the needs of the women they serve; and
- then determine which organization is better suited to provide services to women who are victims of violence against women, with assistance from the other.

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Cross-training and interagency agreements can help to establish the requisite trust for a partnership. (See Chapter 7, *Coordinated Community Response, Practice 1.*)

Organizations that have traditionally provided services to specific populations, whether or not those services specifically focus on violence against women, are often overlooked partners for violence against women programs. Advocacy programs should establish a dialogue with these organizations to learn how to serve women from specific communities better. Advocates should first try to gain an appreciation of the many concerns these organizations address which they or their clients may identify as being more "pressing" than violence against women. For instance, discrimination or economic security may be among the primary concerns of their clients, and thus delivery of services to victims should be provided with this in mind. Examples of potential partners may include the following: a culturally specific community center, a lesbian services agency, a migrant health clinic, a senior center, or a deaf and disabled agency.

**Initiate cross-training programs** in which:

- all advocacy program staff and volunteers can examine their own prejudices and improve their ability to provide services to women of diverse backgrounds; and
- the relevant agency staff serving specific communities are trained to respond appropriately to women who are battered, sexually assaulted, or stalked.

Ongoing training and in-service seminars on topics related to serving women from cultural, ethnic, and language minorities must be instituted for advocacy program staff and volunteers. (See Chapter 7, *Coordinated Community Response, Practice 2.*)

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The **Refugee Women's Alliance (ReWA)** in **Seattle (Washington)** is training four local sexual assault programs about the needs of refugee survivors. In turn, ReWA staff members are being trained about basic sexual assault advocacy. (See *Victim Services Program Profiles.*)

**Saheli**, an organization formed to help South Asian victims of domestic violence in **Austin (Texas)** receives training in domestic violence from **SafePlace: Domestic Violence and Sexual Assault Survival Center**. Saheli trains staff and volunteer advocates from various domestic violence programs (e.g., SafePlace and the **Texas Council on Family Violence**) to enhance their understanding of the language, cultural, and legal barriers facing South Asian battered women.

The **American Association of Retired Persons** developed the publication *Spouse/Partner Abuse in Later Life* to encourage dialogue among domestic violence advocates and community service providers about how to best help mid-life and older women abused by spouses and partners.

**Encourage communities to generate their own responses to violence against women.** Offer to facilitate development of these responses through basic training in crisis intervention and civil and criminal justice system advocacy. This step often requires advocacy programs to share power by sharing resources. For instance, a domestic violence or sexual assault program may consider reducing the amount of Victims of Crime Act (VOCA) funding it receives so that a portion of that funding can instead help an agency that targets an underserved population expand (or create) domestic and sexual violence advocacy services.

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**Womanspace** in **Trenton (New Jersey)** is working with the **Mercer County Hispanic Association (MECHA)** to provide legal advocacy services to Spanish-speaking battered women. The relevant staff from each agency attend monthly brown-bag lunches to develop their understanding of the issues surrounding the legal advocacy project.

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The **Columbus Urban League in Columbus (Ohio)** developed a rape prevention program to respond to the unique issues facing African-American sexual assault survivors. The program conducts extensive training of sexual assault program staff in Columbus and throughout the State on responding to the needs of African-American survivors.

**Involve representatives of agencies that serve diverse communities in community efforts to stop violence against women.** Think broadly when identifying organizations to help develop a community response to violence against women. Encourage local, regional and statewide coordinating bodies, such as domestic violence or sexual assault councils or task forces, to seek participation from these communities. (See *Practice 1 in this chapter, and Chapter 7, Coordinated Community Response, Practice 1.*)

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The **Santa Clara (California) Family Violence Council** includes representatives from local gay and lesbian organizations as permanent members.

The **Tri-State Rural Collaboration Project** of the **State Domestic Violence Coalitions of North Dakota, Wyoming, and Montana** sought input on ways to improve outreach to victims from rural/remote areas. Staff held focus groups with community members, including clergy, teachers, social workers, health care providers and cosmetologists, who provide informal assistance in areas in which survivors do not have easy access to advocacy programs. As a result, guide books were developed to assist each profession in appropriately assisting victims. (See *Coordinated Community Response Program Profiles, and Appendix F for more program examples.*)

### 3. ASSESS THE NEEDS AND ISSUES SPECIFIC TO UNDERSERVED WOMEN IN THE COMMUNITY.

This step is crucial before developing programming. Programs should be sure to have an “ear to the ground” to learn how women receiving (or not receiving) services perceive them. Demographics of the clients should be compared to demographics of the community to determine if services are being utilized broadly (however, broad utilization of services is not in and of itself evidence that the services are culturally competent). When services are being under-utilized, programs should try to ascertain why. (See *Practice 1 in this chapter and Chapter 7, Coordinated Community Response, Practice 4.*)

**Examine the accessibility and cultural competency of services that victims and survivors may use.** From outreach activities to crisis intervention approaches to legal advocacy, the diverse needs of women from different backgrounds must be considered. The onus is on service providers to educate themselves, their staff, and volunteers regarding the diverse communities they serve.

Resources on issues specific to battered women and stalking and sexual assault victims from diverse backgrounds can be obtained from the **Family Violence Prevention Fund, the National Coalition Against Domestic Violence, the National Resource Center on Domestic Violence, and the STOP T.A. Project.** (See *Practice 1 in this chapter.*)

**Devise multiple methods for obtaining the input of women from underserved populations.** These can be linked to a specific project or established on a more permanent basis to facilitate regular feedback. Assessments can include formal analysis, exit interviews and surveys with women leaving shelter or at the conclusion of a support group, focus groups, or feedback from advisory councils. (See *Chapter 7, Coordinated Community Response, Practice 4.*)

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When undertaking outreach and services to underserved women, the **Diversity Project of Connecticut Sexual Assault Crisis Services, Inc.** hired a consultant to assess the current gaps in service to these women. The assessment required a year to complete, and involved conducting focus groups, administering surveys to women, and consulting with organizations that have established relationships with language, cultural, and racial minorities in Connecticut.

**4. ENSURE THAT WOMEN FROM UNDERSERVED POPULATIONS WHO HAVE EXPERIENCE AND KNOWLEDGE ABOUT VIOLENCE AGAINST WOMEN IN THEIR RESPECTIVE COMMUNITIES ARE MAKING DECISIONS RELATING TO PROGRAMMING FOR THEIR COMMUNITIES.**

Consider implementing structures or processes that enable specific groups to make decisions about policies affecting them (as both staff and clients). The use of advisory councils and "parallel development" structures can facilitate this input. "Parallel development" describes a process by which a defined group of people are making decisions and writing policies for programs that are designed for their community. These kinds of organizations or advisory councils can design services for the population it represents.

**Mending the Sacred Hoop** developed programs that respond in a culturally sensitive manner to the needs of Native American battered women. It is an initiative, led by Native American women, housed under the umbrella organization **Minnesota Program Development, Inc.** It is the result of the parallel development program in place at Minnesota Program Development. Parallel development is an equitable approach that encourages the autonomy of Native Americans, a non-dominant community in this case, in developing programs that they deem suitable for their own communities while fostering communication with like programs in non-native communities.

The **Abused Deaf Women's Advocacy Services (ADWAS)** in **Seattle (Washington)** is managed and staffed by deaf and deaf-blind women. ADWAS provides services to deaf and deaf-blind victims of violence against women and works to dismantle the barriers of attitude, language, and cultural differences that victims encounter when seeking assistance from other agencies.

In 1997, upon the recommendation of its **Lesbian Caucus**, the **Pennsylvania Coalition Against Domestic Violence** amended its by-laws to state its commitment to providing services to all women.

**5. DEVELOP CULTURALLY APPROPRIATE OUTREACH STRATEGIES.**

**Develop innovative strategies to design and publicize services.** Think creatively about how and where to get people's attention so that victims have more opportunities to identify what they are experiencing/have experienced as abuse and are encouraged to seek support. As is true with many communities, educational presentations on violence against women will be better attended if they are delivered in the context of a discussion on a more general topic, such as healthy relationships or healthy families. Attend community events (e.g., a Martin Luther King, Jr. celebration) and health fairs to raise the visibility of the program.

**Develop outreach materials.** Culturally and language specific brochures, videos, public service announcements, posters, and other materials should be developed for distribution. Be conscious of regional differences within the same language (such as Spanish) when translating or developing new materials.

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**The Quetzal Center**, a sexual assault program, serves a multicultural neighborhood in **Chicago (Illinois)**. To reach potential clients, staff attends community meetings and hold forums in public housing complexes.

The **Domestic/Sexual Assault Outreach Center** in **Fort Dodge (Iowa)** developed materials and programming for older battered and sexually assaulted women, as well as professionals who serve older women and caregivers.

**Casa Myrna Vazquez**, a domestic violence program in **Boston (Massachusetts)**, distributes compact mirrors with a toll-free bilingual hotline number printed inside. The cover text reads, "You Deserve To Be Healthy" in both English and Spanish. Casa Myrna Vazquez hopes that the general appeal of this message will encourage many women to take the mirrors. Distribution sites include beauty parlors, health fairs, schools, health clubs, and food pantry programs. (See *Victim Services Program Profiles*.)

Domestic violence and sexual assault education materials have been developed in different languages by the **San Francisco-based (California) Family Violence Prevention Fund**, and the **Center for the Prevention of Domestic and Sexual Violence (Seattle, Washington)**, which focuses on the response of the religious community to violence against women.

**Provide services through a trusted organization.** Organizations that are considered "safe" will vary from community to community. Learn where women feel safe seeking services and collaborate with these organizations to provide services (e.g., churches, schools, community health care centers, or multiservice agencies). (See *Appendix F* for more program examples.)

The **Harris YWCA Sexual Assault Program** in **Chicago (Illinois)** trains interested women in predominantly African-American churches about basic sexual assault crisis intervention and counseling skills. These women are familiar with local services and wear ribbons to church services that identify them as resources willing to talk about sexual assault issues.

**Family Place** in **Dallas County (Texas)** works with the **East Dallas Counseling Center** to provide services for Asian battered women, and with **Projecto Adelante**, to serve women with immigration issues. (See *Coordinated Community Response Program Profiles*.)

**Harlem Legal Services, Inc.** in **New York (New York)**, through a VAWA grant, supported the work of the African-American Task Force on Violence Against Women to assess services and develop improved responses to African-American battered women and sexual assault survivors.

## 6. ADVOCATE FOR IMPROVED COMMUNITY RESPONSE TO UNDERSERVED WOMEN.

**Challenge colleagues in allied organizations to improve their response to underserved women.** Advocates should encourage criminal justice and other system personnel to respond better to the needs of underserved populations by offering them training and by lobbying to make translation services and appropriate materials available.

**Lideres Campesinas** in **California**, a statewide project for farmworker women who are victims of violence, has been careful to work with advocacy programs and social service agencies in communities near farmworker camps to sensitize them to the needs of these women. The project has trained staff from these agencies, while offering educational programs to farmworker women about violence against women, their rights, and the availability of support services.

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**Mujeres Latinas**, a domestic violence program in **Chicago (Illinois)**, regularly trains local law enforcement personnel about the issues facing battered Latinas, including cultural issues, immigration concerns, and their distrust of law enforcement agencies.

**Assume responsibility for speaking out against other forms of oppression.** Recognize the links between violence against women and other types of discrimination. Domestic violence and sexual assault programs should not be silent when incidents occur involving discrimination against a minority ethnic, cultural, or language population. Incidents of police brutality to men of color, hate crimes against gays or lesbians, and anti-Semitic vandalism are opportunities for a sexual assault or domestic violence program to engage in letter writing and communication with allies within relevant agencies to press for a swift response.

In its general brochure, the **National Coalition Against Sexual Assault (NCASA)** states that it is “a feminist organization and is committed to overcoming discrimination based on gender, race, ethnicity, age, class, religion, sexual orientation, both in its own membership and in society.” NCASA provides constituency caucuses including a **Women of Color Caucus** and **Lesbian Caucus**. It also encourages white women to be active in **White Women Against Racism Committee** work and organizing against racism in their own geographic region.

## MEASURES OF SUCCESS

Meeting the needs of victims in underserved communities will result in:

- staff, volunteers, and board of directors that look like the community they serve;
- victims from underserved populations reporting increased satisfaction with services received;
- increase in numbers of victims reporting to police and requesting victim services; and
- increase in anti-violence against women activities undertaken in underserved communities.

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## 5. DESIGN SERVICES TO ADDRESS STALKING AND ADVOCATE FOR AN IMPROVED COMMUNITY RESPONSE TO WOMEN WHO ARE STALKED

### ACTION PLAN AT A GLANCE

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1. **Assess current community response to stalking.**
2. **Build the capacity of advocates to respond to the complex needs of stalking victims.**
3. **Develop services for stalking victims.**
4. **Train justice personnel and service providers.**
5. **Initiate public awareness and outreach strategies.**
6. **Participate in legislative reform and advocate for enhanced stalking laws.**

### WHY THIS PRACTICE IS IMPORTANT

Stalking most often occurs in the context of domestic violence, as part of an ongoing pattern of harassment by an intimate partner.<sup>12</sup> In other cases, the offender is a stranger or acquaintance of the victim.<sup>13</sup> Regardless of whether the stalker commits a violent act, most victims report being very concerned about their personal safety.<sup>14</sup> Some victims are compelled to carry something to defend themselves, change their address, move, or change their daily activities and behaviors.<sup>15</sup> Women who are being stalked often describe feeling as if they have nowhere to turn. Stalking victims who are not concurrently dealing with domestic violence or sexual assault may feel it is inappropriate to seek help from either of these types of programs. Staff and volunteers of domestic violence and sexual assault advocacy programs may not be trained or have the resources to provide crime specific advocacy for stalking victims. These programs have generally not addressed stalking through their education or public awareness efforts or publicized themselves as service providers for these victims.

This practice offers domestic violence and sexual assault advocacy programs and communities guidance for improving their response to women who are being stalked. The development of advocacy services for stalking victims should be grounded in the understanding that advocates can and should:

- empower and support victims in their efforts to protect themselves and their family;
- promote justice system response for victim protection and offender accountability;
- educate the community concerning the potential role of various entities in enhancing the safety of stalking victims, as stalking often occurs in public places;
- promote equitable services for all stalking victims; and
- facilitate coordinated community response.

### ACTION PLAN

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#### I. ASSESS CURRENT COMMUNITY RESPONSE TO STALKING.

**Broadly define stalking.** Most States define stalking as the willful, malicious, and repeated following and harassing of another person.<sup>16</sup> However, some victim advocates maintain that stalking can mean any repeated pattern of offender behavior that causes a targeted person fear.<sup>17</sup> By concentrating on how the victim is affected by specific behavior, rather than focusing on the behavior itself, the definition will more likely identify dangerous behavior. For example, sending someone flowers is not against the law

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nor do most people consider it threatening behavior – but to a woman who is being stalked, receiving flowers from the stalker is frightening and may indicate that harassment is escalating.

**Learn about existing Federal and State legislation that addresses stalking.** In 1996, Congress passed the Interstate Stalking Punishment and Prevention Act. Since California passed the first anti-stalking law in 1990, all 50 States and the District of Columbia have enacted legislation that criminalizes stalking behavior. Your State domestic violence or sexual assault coalition may be able to provide information on the scope, limitations and problems of these laws, particularly if it was involved in advocating for the passage of stalking legislation.

The **Michigan Coalition Against Domestic Violence** was involved in drafting some of the toughest laws in the country, using a definition of stalking that was intended to be easy-to-use and to not infringe on the constitutional or other rights of citizens.

The **National Victim Center** operates a web site on which stalking laws can be viewed through a State or Federal stalking laws archive (<http://www.nvc.org/special/dateline.htm>)

**Assess existing local and State anti-stalking resources.** Some questions to guide this inquiry are listed below.

- Where do victims of stalking who are not battered or sexually assaulted go for help?
- Are there other community organizations or individuals that offer advocacy and support services to stalking victims?
- Are these combined initiatives adequate to address the unique problem of stalking in the community?
- Do justice personnel and community service providers refer stalked women to these programs?
- Is it clear to the general public where they can go beyond the justice system for assistance?

**Identify existing community public and private services.** Identify programs, other than community-based advocacy groups, that provide assistance to stalking victims (e.g., general victim assistance organizations or mental health programs). Map out the steps that a stalking victim may take to address the problem, beginning with the first incident or recognition that stalking is occurring through the time she does not feel that she is in danger anymore. Identify the agencies with a responsibility for helping her at each stage and their roles and identify their ability to help her. Places a victim may turn for help can include churches; businesses (where the victim works); law enforcement; general crime victim assistance offices or organizations; and security companies. All of these organizations can be involved in assessing the community's response to stalking.

The **National Victim Center** developed *Looking Back Moving Forward: A Guidebook for Communities Responding to Sexual Assault*, as well as an accompanying workbook. Many of the tools offered in the workbook, including its "Inventory of Existing Services" section, could be adapted to explore and develop community responsibilities around stalking.

## 2. BUILD THE CAPACITY OF ADVOCATES TO RESPOND TO THE COMPLEX NEEDS OF STALKING VICTIMS.

**Provide advocates with tools to support victims.** These include:

- tools to assist victims in assessing danger, facilitating safety planning, and tracking stalking incidences (see *Chapter 3, Law Enforcement, Practice 8, and Chapter 1, Safety Planning*);
- access to relevant offender information to keep victims updated;

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- access to safety enhancing equipment; and
  - resources to assist victims in carrying out safety plans (e.g., arranging victim relocation).

**Provide training to advocates** on the following topics:

- State specific laws addressing stalking behavior;
- the different types of stalkers and situations faced by victims;
- possible victim needs;
- the range of legal and other options to help stalking victims;
- special considerations for assessing victim danger and safety planning (see *Action Plan 2*);
- available community resources;
- victim services;
- the benefits of various anti-stalking devices; and
- special issues for victims from diverse backgrounds.

### 3. DEVELOP SPECIALIZED SERVICES FOR STALKING VICTIMS.

**Identify victim needs.** At a minimum, the kind of services victims of stalking require will mirror those provided to battered women and sexual assault survivors. Victims of stalking may require:

- protection for self, family, and friends;
- crisis and medical intervention;
- emotional support;
- education about stalking crimes and remedies;
- assistance dealing with physiological disturbances (due to stress and anxiety);
- financial assistance;
- support in maintaining privacy;
- support in caring for children or dependents; and
- assistance in securing justice.

In many cases, domestic violence and sexual assault programs can expand to provide services for women who are being stalked. However, it is crucial that the needs of stalking victims are addressed beyond those situations where the stalking occurs in the context of domestic violence or sexual assault.

The **Shelter for Abused Women, A Women's Resource Center in Winchester (Virginia)** received a STOP Grant to develop stalking victim services. The **Victim Assistance Project on Stalking** offers victims information, safety equipment, and help with safety planning. The victim is not required to make a police report in order to use equipment. Equipment includes: carrying cases; cellular telephones; disposable cameras; hand-held and stationary tape recorders; multi-phone taping devices; personal or door alarms; personal air horns; cassettes; and batteries. (See *Victim Services Program Profiles*.)

Be creative in helping the victim plan for the safety. Stalkers use an extensive array of both legal and illegal tactics to harass and threaten victims. The list below provides guidance to advocates for helping a woman develop a safety plan.

**a. Encourage a victim to be proactive on her own behalf.**

The **National Victim Center** offers safety strategies for stalking victims through its web site (<http://www.nvc.org/special/dateline.htm>). They include safety plan guidelines for victims in imminent danger and for those in danger, but not immediately at risk.

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- b. Offer options that help maintain a victim's privacy** (e.g., use of a private post office box, unpublished and unlisted phone numbers, blocking of caller I.D., and "flagged" records with credit bureaus). The stalker may try to find as many ways as possible to invade her privacy.

**Washington's Secretary of State Office** coordinates the **Address Confidentiality Program** to assist victims in maintaining address confidentiality. The Address Confidentiality Program offers stalking, sexual assault and domestic violence victims a substitute mailing address. Use of substitute addresses means State agencies do not have to treat these records uniquely, thus decreasing the chance of revealing the victim's actual location.

**Privacy Rights Clearinghouse** (<http://www.privacyrights.org>) developed out of the **University of San Diego (California)**, offers a number of informative, nonlegal fact sheets on the Internet, including: Privacy in Cyberspace; Are You Being Stalked?; Tips for Protection; and How to Put an End to Unwanted or Harassing Phone Calls. Privacy Rights Clearinghouse material is primarily designed for California residents (laws in other States may vary).

- c. Document incidents.** Encourage victims to keep a log of every stalking incident, plus names, dates and times of their contacts with law enforcement and others. Save phone message tapes, e-mail messages, and items sent through the mail. Take photos of destroyed property, vandalism and injuries. Report all stalking activities to the police, so that a complaint will be on file even if there is not probable cause for an arrest. Ultimately, there must clear pattern of stalking acts to justify the filing of criminal charges against the stalker. (See Chapter 3, Law Enforcement, Practice 8.)
- d. Offer or recommend the use of equipment that may help the victim feel safer and help her document incidents.** Such equipment may include cellular telephones, disposable cameras, hand-held and stationary tape recorders, multi-phone taping devices, personal or door alarms, personal air horns, and pepper spray. Offender tracking devices can also alert a victim if a stalker is close by. Advocates should also discuss the limitations of these devices and recommend their use only in the context of a broader safety plan. (See Chapter 3, Law Enforcement, Practice 8.)

Through a STOP Grant, the **Cumbee Center to Assist Abused Persons in Aiken (South Carolina)** is utilizing a high-tech offender tracking system. An advocate has direct access to the system to warn the victim of the stalker's location.

**Orange County Safe Homes Project (OCSHP)** in **Newburgh (New York)** distributes cell phones to battered women who are being stalked (as one element of overall safety plans). The cell phone program is made possible through partnership among the OCSHP; the Coalition; and three cell phone companies. (See Victim Services Program Profiles.)

- e. Consider the physiological and psychological impact of constant fear on the victim and identify options to help her to stay healthy and deal with stress.** For example, encourage the victim to stay in touch with her support system if possible; participate in support groups, counseling, and athletic activities; tell people what's happening; use 24-hour hotlines; keep co-workers informed; and consider physical therapy, visualization, exercise, diet, and self-defense classes.

In response to a significant increase in the number of students complaining of being stalked by an acquaintance, **Sexual Assault Services of George Mason University in Virginia** established a protocol for faculty and students that addresses stalking. (See Victim Services Program Profiles.)

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#### 4. TRAIN JUSTICE PERSONNEL AND SERVICE PROVIDERS TO IMPROVE RESPONSE TO STALKING VICTIMS.

**Encourage criminal justice personnel who handle stalking cases to seek out training.** (See Chapter 3, *Law Enforcement, Practice 8*, and Chapter 4, *Prosecution, Practice 6*.) Emphasize the importance of early intervention in stalking cases, rather than reacting to crimes after they have been committed. Also promote a multidisciplinary approach to collaboration in responding to stalking victims.

**Conduct community education to help various community service and private sector organizations understand how they can promote the safety of women who are being stalked.** Develop materials and workshops for business owners, apartment property managers, churches, security companies, and others to enhance their understanding of stalking and to give them practical advice on how to respond. A victim's co-workers can screen her calls and visitors. An on-site manager of an apartment complex can be given a photograph of the stalker. The strategies for protection are numerous; the point is to help community members realize that they can help to stop stalking behavior.

**Citizens Against Stalking of Richmond (Virginia)** was initially organized as a peer support group in the early 1990s by a group of six women who were being or had been stalked. Over time, membership expanded to include stalking survivors, professionals who worked with stalking victims, and others who recognized the need to improve response. With the expansion in membership, the focus of the group changed from peer support to advocating for systemic change in the local criminal justice system response to stalking. The group met monthly to identify problems and to develop a plan to address and resolve them. Activities to promote change included meeting individually or as a group with criminal justice representatives, letter writing campaigns, and working with local media to publicize problems and raise awareness of the issue. The group developed a brochure, *Striking Back*, which has been used by domestic violence and sexual assault programs throughout the State. On an individual level, a founding member of the Citizens Against Stalking indicated that the group was instrumental in empowering involved survivors of stalking to regain control of their lives. (*This group is not currently active.*)

#### 5. INITIATE PUBLIC AWARENESS AND OUTREACH STRATEGIES.

One chief obstacle to addressing stalking is the fact that victims either do not readily recognize what they are experiencing as a crime and/or they are unaware that services exist to assist them.

**Articulate clearly what stalking is and where victims can get local help.** Consider forming an umbrella group that represents the various organizations that provide advocacy and support services to stalking victims. This may make it easier to advertise services to the community and to get referrals. It also identifies one centralized organization that victims can contact and may help in directing victims to the most appropriate resources.

**Develop and implement public awareness and education campaigns.** Communities are in great need of information on this crime. Consider developing an educational stalking prevention program and offering it to all segments of the community. Similarly, develop information materials and distribute them across the community. All efforts should encourage victims to seek assistance before stalking becomes more serious.

**George Mason University's Sexual Assault Services in Virginia** distributes a pamphlet for students who are being stalked. *Guidelines for the Stalking Victim* describes stalking behavior, includes instructions for victims on how to respond to stalking, provides safety suggestions for victims, and lists emergency campus contacts and telephone numbers. (*See Victim Services Program Profiles.*)

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## 6. PARTICIPATE IN LEGISLATIVE REFORM AND ADVOCATE FOR ENHANCED STALKING LAWS.

Stalking statutes represent a new area of law and, as a result, many of these statutes have or will face challenges. Typically, statutes are challenged on grounds that they are unconstitutionally vague or overbroad. Advocates can help recommend change to laws to better protect victims, as well as hold offenders accountable and restrict them for as long as possible. State sexual assault or domestic violence coalitions may be involved in statute development and can share any revisions that have been proposed and whether issues involving stalking legislation have arisen.

The **National Victim Center** operates a web site on which stalking laws can be viewed through a State or Federal stalking laws archive (<http://www.nvc.org/special/dateline.htm>).

## MEASURES OF SUCCESS

Developing services to address stalking can result in:

- more stalking victims seeking advocacy and support services;
- increased availability of safety and support options for victims, regardless of whether criminal justice system intervention is possible;
- increased community knowledge of stalking and where/how to get help;
- increased competency of domestic violence and sexual assault advocates to provide crime-specific support for stalking victims; and
- increased competency of justice personnel and community service providers to support stalking victims.

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## 6. PROMOTE CHANGES IN AGENCIES AND THE COMMUNITY TO RESPOND APPROPRIATELY TO VIOLENCE AGAINST WOMEN.

### ACTION PLAN AT A GLANCE

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1. Institutionalize an organization-wide commitment to engage in systems change.
2. Develop and enhance advocacy skills of staff and volunteers.
3. Develop mechanisms to monitor the justice and other systems, both systematically and in individual cases.
4. Develop strategies to respond to problems in a system or community-wide response to violence against women.
5. Initiate and participate in efforts to coordinate diverse agencies' response to violence against women.
6. Encourage the community to share responsibility for ending violence against women.

### WHY THIS PRACTICE IS IMPORTANT

For over 20 years, the battered women's and anti-rape movements have practiced community organizing, public education, and other strategies to engage the community or sectors of the community in improving their response to violence against women. Community-based programs place a priority on holding the community, public officials, and various systems accountable for responding to violence against women.

In recent years, a trend toward delivering social services to victims of violence against women has sometimes eclipsed the emphasis on changing how systems respond to victims. This practice reinforces the community-based advocacy program's emphasis on seeking justice and accountability from all systems on behalf of victims/survivors. As advocates build stronger partnerships with other disciplines, this practice promotes joint activities like multidisciplinary training (e.g., conducted by and for the justice, social services, and health care systems) and policy development. Through the use of tenacious and respectful advocacy skills, advocacy programs' participation in multidisciplinary interventions can enhance victim safety and well-being.

### ACTION PLAN

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#### 1. INSTITUTIONALIZE AN ORGANIZATION-WIDE COMMITMENT TO ENGAGE IN SYSTEMS CHANGE.

While crucial, working to effect institutional change is time-consuming. Investing time in related activities can seem to compete for the advocates' time that otherwise could be spent providing direct services to victims. Organizational support for advocacy should be grounded in an understanding that working to improve a system's response to victims has the potential to affect countless victims.

**Include commitment to systems/institutional change in mission statement or other operating documents.** The philosophical framework in which activities are carried out should reflect the goal of influencing systems on behalf of clients.

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The mission statement of the **Pennsylvania Coalition Against Domestic Violence** states that the mission of the organization is to "eliminate personal and institutional violence against women through programs providing support and safety to battered women, direct services, public information and education, systems advocacy, and social change activities."

The mission of the **Washington State Coalition of Sexual Assault Programs** is to empower survivors of sexual assault by supporting their rights to have access to quality information, advocacy, crisis intervention, education and prevention services; supporting their rights to make choices about reporting, prosecution, safety, and other issues raised by their victimization; and supporting efforts to create an atmosphere of nonviolence by promoting social change and eliminating all forms of discrimination.

**Provide coverage to allow staff to attend meetings as needed.** Advocacy programs can expand their efforts to end violence by taking advantage of opportunities to represent the interests and needs of survivors on task forces and public and private meetings with others in the community.

## 2. DEVELOP AND ENHANCE ADVOCACY SKILLS OF STAFF AND VOLUNTEERS.

**Provide ongoing training to strengthen staff and volunteers' advocacy skills.** (Also see Appendix A, Training.) This training should help individuals understand:

- laws addressing violence against women;
- how the criminal and civil justice systems function;
- the rights of victims within these and other systems;
- the range of other agencies and systems victims may turn to for help;
- legislative/public policy advocacy;
- collaboration, negotiation, and role clarification; and
- how to be forceful in representing interests of victims without being hostile or disrespectful.

The **Alaska Network Against Domestic Violence and Sexual Assault's Legal Advocacy Training Curriculum** includes an exercise in which participants discuss how they can become more comfortable or skilled in confrontation.

## 3. DEVELOP MECHANISMS TO MONITOR THE JUSTICE AND OTHER SYSTEMS, BOTH SYSTEMATICALLY AND IN INDIVIDUAL CASES.

Victim service agencies should identify the agencies or systems with policies they want to affect by looking at where a victim is likely to turn for help (e.g., housing, social service, health care, legal service, education, and justice systems).

**Preserve the anecdotal information gained from women served that demonstrates an inadequate or uninformed response to victims.** Advocates should quickly respond to reports of problems related to the treatment of victims in other systems.

Historically there has been a rift between the domestic violence advocacy community and the child welfare system regarding intervention in domestic violence cases. In order to bridge the gap between these two constituencies, which service an overlapping population, a domestic violence advocate was placed at the **County of San Diego (California) Children's Services Bureau (CSB)** at their request. This advocate is on staff at the **YWCA**, but works with CSB to improve their understanding of domestic violence so that victims are not revictimized and correct referrals are made for the entire family.

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**Establish a court-monitoring project.** The operative features of this project are the collection and shrewd dissemination of data on what is actually happening when crimes of domestic violence, stalking, and sexual assault are presented to the court. Court monitoring projects have been established to:

- monitor judicial decision making through formal case reviews as well as courtroom observation of demeanor;
- develop action plans to respond to problems (e.g., media involvement, legislative action, protocol development, working with oversight mechanisms, or training);
- provide court accompaniment and documentation of victim's experience;
- highlight differential treatment of minority victims and offenders by courts and improve the cultural competence of law enforcement, courts, and prosecution personnel;
- train court advocates on laws and courtroom procedures;
- develop data collection forms to document courtroom observation;
- maintain attention to victim safety issues (e.g., when entering/exiting court);
- maintain case files to insure the offender is complying with all orders from the court; and
- keep all information on case monitoring in a central location to make it accessible to practitioners while ensuring confidentiality.

The **Women's Crisis Center in Tillamook (Oregon)** operates a courtwatch program that has been effective in changing the behavior of the bench. The docket is reviewed each Monday to determine which cases will need to be watched throughout the week. An Americorps volunteer with the center is responsible for sitting in on the cases. Scrutiny works well in this rural area where "word gets around fast" and all three of the sitting judges have worked hard to conduct proceedings in a manner that enhances victim safety and minimizes victim trauma.

**Develop and utilize surveys to solicit individual victim feedback on her satisfaction with the response of specific sectors.** These can be administered in a number of different ways:

- when assisting individuals with the emergency room, police department, prosecutor's office, or court;
- as an activity for a support group; or
- by requesting a victim's consent to contact her (by phone or mail) at a later point with a survey to gauge her assessment of services received.

**King County (Washington) Domestic Violence Victim Services** administers a survey to victims in the process of obtaining general information. The form asks about the victim's experience with health care professionals the justice system and whether the "client's situation has improved as a result of involvement with the legal system."

**Utilize victim focus groups, random surveying, and other methods to facilitate input from large groups of victims/survivors.** (See Chapter 7, *Coordinated Community Response, Practices 2, 3, and 4.*)

#### 4. DEVELOP STRATEGIES TO RESPOND TO PROBLEMS IN A SYSTEM OR COMMUNITY-WIDE RESPONSE TO VIOLENCE AGAINST WOMEN.

**Use the media.** Television, radio, and print coverage can be useful tools in gaining public support for an issue, exposing inadequate responses to victims, and persuading elected officials to adopt or change certain practices. Therefore, it is important to educate the media about violence against women, particularly given reporters' penchant for sensational coverage of cases involving family violence or sexual assault.

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Be candid with survivors who are considering "going public" with their stories about the potential dangers of involving the media and the risk of losing control over how information is presented.

In **Montgomery (Alabama)**, local newspaper reporters are invited to attend meetings of the **Sexual Assault Response Team** that coordinates a multidisciplinary response to sexual assaults. Their participation and improved understanding on the issue has increased coverage of the recently established **Sexual Assault Nurse Examiner (SANE)** program. The positive media exposure has contributed to wide community support for the SANE program through contributions and volunteers. (See *Coordinated Community Response Program Profiles*.)

**Engage in public policy advocacy.** Nonprofit organizations can engage in a range of activities related to legislation without violating "lobbying" restrictions. State and Federal representatives often depend on advocacy programs for information about what is and is not working for victims. Providing information to local, State and Federal lawmakers about violence against women is an important and legal activity. Consult with legal counsel to determine the context in which such public policy advocacy can be conducted.

An advocate from **Call Rape in Tulsa (Oklahoma)** informed her State representative about the juvenile court's practice of barring sexual assault advocates from the courtroom and the impact of this on victims. In response a State law was passed securing the rights of victims to have an advocate present in the courtroom, if desired.

**Tucker, Buel, and Associates** developed a tip-sheet for nonprofit organizations on what kind of legislative/public policy advocacy is legal for 501 (c)(3) organizations. To obtain a copy, contact the **National Resource Center on Domestic Violence**.

**Cultivate allies.** A police officer who takes violence against women seriously, an assistant district attorney who involves victims in the prosecution, or the mayor's husband who volunteers at the local domestic violence program are all examples of the kinds of people with whom advocacy programs should nurture relationships. Often, allies in the criminal justice system depend on advocacy organizations to initiate reforms that they alone could not obtain.

Many advocacy programs show their appreciation for support by nominating individuals for awards relating to victim service that are given by State domestic violence and sexual assault coalitions and victim's organizations.

At its 1996 annual meeting, **Response: Sexual Assault Support Services in Norfolk (Virginia)** recognized the State Lieutenant Governor for his efforts to reform laws to better address the needs of sexual assault victims in the State.

## 5. INITIATE AND PARTICIPATE IN EFFORTS TO COORDINATE DIVERSE AGENCIES' RESPONSE TO VIOLENCE AGAINST WOMEN IN THE COMMUNITY.

Advocates must take the lead or participate actively in efforts to bring diverse entities together to respond to violence against women. They must stress the benefits the community will reap in changing how it responds to domestic violence, sexual assault, or stalking. With the full participation of advocates, intervention efforts will more likely be framed with the question: "How is this benefiting victims?" (See *Chapter 7, Coordinated Community Response*.)

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The **Women's Center and Shelter of Greater Pittsburgh (Pennsylvania)** convened the **Pittsburgh Domestic Violence Task Force** in 1988. The full-time staff person that coordinates the task force's activities is funded through and housed in the Women's Center and Shelter. (See *Coordinated Community Response Program Profiles*.)

**CAP Services, Inc.**, a shelter and advocacy program in **Stephens Point (Wisconsin)**, received a STOP grant to staff four county domestic violence coordinated response teams. The staff role was designed to enhance and develop the teams and assist them in examining county-wide domestic violence practices. Staff meets individually with team members from each county to ascertain their experiences with domestic violence, determine how well they understand coordinated response, and develop strategies to identify and address problematic response. In three counties, for instance, staff observed court processes to begin assessing legal systems and facilitate discussions at team meetings. The multi-county approach has been positive, since these rural counties share many problems and obstacles (e.g., issuing of restraining orders and enforcement of orders across counties).

The **Center for Prevention of Abuse**, the local advocacy program for domestic violence, sexual assault, and elder abuse victims in **Peoria (Illinois)** places an advocate on each committee of the **Tenth Judicial Circuit's Family Violence Coordinating Council** so that the victim's perspective is always maintained. (See *Coordinated Community Response Program Profiles*.)

Engaging in assertive but respectful advocacy is particularly difficult when only one person represents advocates or survivors in a meeting. Advocates must be willing to challenge their colleagues from time to time, despite the temporary discomfort it may cause. Also, the presence of more advocates and survivors can help meetings maintain the focus victim needs for safety and support.

## 6. ENCOURAGE THE COMMUNITY TO SHARE RESPONSIBILITY FOR ENDING VIOLENCE AGAINST WOMEN.

**Take advantage of "teachable moments."** Maintain a high agency profile by speaking out whenever an issue arises that relates to violence against women. Look for opportunities when the public's attention is focused on a news story to educate about violence against women. Letters to the editor, guest columns, and news releases can send a consistent message about the root causes of physical and sexual violence, its prevalence, and the availability of support for victims. (See *Chapter 7, Coordinated Community Response, Practice 5*.)

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A domestic violence homicide that occurred in **Quincy (Massachusetts)** in 1978 galvanized the community to improve its response to the crime. After a batterer shot and killed his wife, the community established the area's first emergency shelter for battered women. The Quincy police and the courts developed methods, such as special reporting forms and procedures, to ensure that justice system professionals took domestic violence incidents seriously.

Just days after two boys shot and killed four girls in Jonesboro, Arkansas, staff at the **Domestic Violence Project, Inc./SAFEHouse** in **Ann Arbor (Michigan)** issued a press release that examined the element of gender-bias that motivated the killings and urged for: the enlistment of men and boys in the fight to end violence against women and girls; prevention programs focusing on gender, relationships, and violence in every school in the country; and massive media attention focused on the problems of dating and domestic violence.

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## MEASURES OF SUCCESS

Promoting positive changes in agency and community response to violence against women can result in:

- an understanding of violence against women held by more individuals in various systems;
- less discrimination by systems against victims of violence against women; and
- policies in other agencies that account for the victimization issues their clients may be facing.

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## CHAPTER ENDNOTES

1 While the victim-witness specialist position has many different names, including victim advocate, for the purposes of distinguishing between them and community-based advocates in this document, "victim-witness specialist" refers to those individuals who are employed by a government agency (e.g., police department or prosecutor's office). While the range of responsibilities of the victim-witness specialist may vary from one jurisdiction to another, the primary goal of this position is usually to support a victim in her role as a witness to a crime or to ensure that victims are afforded rights established by State and Federal law.

2 Susan A. Rauch, *Protecting Confidentiality of Victim-Counselor Communications*, National Center on Women and Family Law, Inc., New York, NY, 51.

3 Typically with exception in cases where a victim indicates to an advocate that she is in imminent danger of serious harm or of harming another person. To deal with these instances, programs usually develop procedures for staff to follow, in coordination with police and community mental health agencies, to obtain emergency assistance for the victim.

4 Jill Davies, *Using Safety Planning as an Approach to Woman-Defined Advocacy*, Legal Aid Society of Hartford County, Inc., CT (1994).

5 Ibid.

6 Significant others refers to family, friends, and other individuals included in the victim's support network (e.g., co-workers, employers, or church members).

7 *Supporting Survivors of Sexual Assault: A Journey to Justice, Health, and Healing*, Massachusetts Department of Public Health and Massachusetts Coalition Against Sexual Assault, Chapter 6 (1997).

8 Barbara Hart, *Legal Advocacy Against Domestic Violence*, paper presented at the Justice Research and Statistics Association Conference on State and Local Programs, 2 (May 1995).

9 Drawn from Deborah Goelman and Roberta Valente, *When Will They Even Learn? Educating to End Domestic Violence: A Law School Report*, American Bar Association's Domestic Violence Commission, Washington, D.C., 8-9 (March 1998).

10 *Legal Advocacy Training Curriculum*, Alaska Network on Domestic Violence and Sexual Assault, II-6 (1997).

11 Barbara Hart, "Model Protection From Abuse Order System," *Mediation in Cases of Domestic Violence: Helpful Option or Unacceptable Risk*, Maine Court Mediation Project, 1 (January 1992).

12 Patricia Tjaden and Nancy Thoennes, "Stalking in America: Findings from the National Violence Against Women Survey," *National Institute of Justice Centers for Disease Control and Prevention Research Brief*, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 6 (April 1996). In this study, 59 percent of the women who reported being stalked were stalked by an intimate partner. Forty-two percent were stalked by an acquaintance or stranger (Percentages exceed 100 percent because some victims had more than one stalker.)

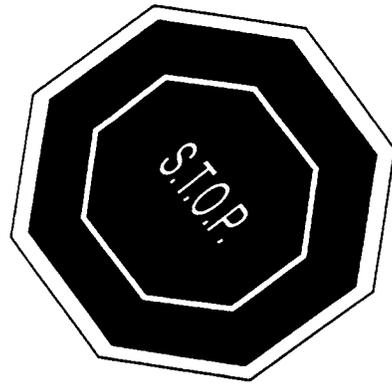
13 Ibid.

14 Ibid., 11.

15 Ibid., 11-13.

16 *Domestic Violence and Stalking: The Second Annual Report to Congress Under the Violence Against Women Act*, Department of Justice, Office of Justice Program's Violence Against Women Grants Office, Washington, D.C., 6 (July 1997).

17 Comments made by panelists during the Expert Panel Meeting on Stalking, STOP T.A. Project, Washington, D.C. (January 1997).



## 6. Courts

THIS CHAPTER CONTAINS THE FOLLOWING SECTIONS:

- INTRODUCTION
- COURTS PRACTICES
  1. COURT ADMINISTRATION POLICIES TO PROMOTE VICTIM SAFETY AND ACCESS TO COURTS
  2. JUDICIAL POLICIES
  3. SENTENCING STRATEGIES
  4. CREATIVE POST-SENTENCING STRATEGIES

# 6. Courts

## INTRODUCTION

Judges and court administrators can ensure that their courts respond swiftly and fairly to victims of violence against women. The court must appreciate the unique difficulties faced by these victims and take measures to accommodate them. Court staff should guide and support victims through court procedures. Judges should issue orders affording comprehensive protection. Court resources and services must be made available at every juncture of proceedings including the offender's release into the community.

Involvement in court proceedings can be a frustrating and sometimes dangerous experience for victims of violence against women. They may hesitate to take legal action against their abuser, particularly if he is an intimate partner. Victims may fear for their physical safety and financial security because offenders will threaten, intimidate, and harass them based on their participation in criminal justice processes. They may also fear further violence when they encounter their assailants in court or its environs. They may be embarrassed about public exposure that comes with court proceedings. They may feel that they are on trial – not the defendants. Many women, particularly non-stranger sexual assault victims, may worry about not being believed or that they will be held responsible for their victimization or for stopping the violence.

Judges can encourage the participation of victims in the criminal justice process by:

- taking seriously their injuries, fear, and trauma;
- encouraging victim input and respecting the wishes of victims;
- imposing sanctions that are commensurate with the gravity of the offenses while ensuring due process to the defendant; and
- promoting efforts in the community to end violence against women while still maintaining impartiality required by the canons of judicial ethics and conduct.

Court administrators can enhance victim safety and offender accountability by building court capacity to facilitate victims' participation in the justice system. When judges and court administrators implement such practices, they show leadership and protect victims who have long been shunted aside by the legal system.

Courts should require strict offender accountability. Courts can restrict offenders with a comprehensive set of sanctions aimed at punishment, retribution, deterrence, rehabilitation, and the protection and restoration of victims. This applies to both criminal and civil proceedings, from pre-trial through sentencing.

**Judicial considerations in handling domestic violence, sexual assault, and stalking.** Challenges include:

**Domestic violence.** In most jurisdictions, judges deal with overwhelming domestic violence caseloads and limited resources. They can grow frustrated with battered women who are reluctant to testify for the State or who recant earlier statements.

Judges should ensure that victims have ready access to strictly enforced protection orders and to meaningful input in criminal cases against their assailants, particularly with regard to sentencing protections and restitution. They must consider how to best protect the safety and interests of both the victim and her family when issuing a protective order or imposing a sentence. The court should also determine the best way to ensure that the defendant complies with conditions of pre- and post-trial release or protection orders. Judges must be aware of the quality and impact of available batterer's intervention services,

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and, in each case, determine the appropriateness of such programs for individual offenders, since the short- and long-term effects of these program are still in question. Additionally, judges should take appropriate measures to protect children. Court administrators should ensure that victim safety is protected while in the courthouse and surrounding environs, and that victims have access to court services.

**Stalking.** In the past, stalking behavior has been charged and prosecuted as phone harassment, threatening, trespass, and criminal mischief. Stalking statutes expand the definition of threatening conduct and allow for early intervention to prevent the behavior from escalating. Judges need information and training to effectively apply statutes to adjudicate stalking cases.

While most stalking is employed as a tactic in domestic violence, stalking behavior is different from many other types of criminal behavior because it involves a series of acts which, taken individually, may seem non-threatening to an outside observer. Judges and juries may find it hard to clearly identify a pattern in a stalker's actions. Stalkers' motives may not be obvious and their obsessive and unpredictable behavior makes it difficult for judges and other court staff to determine how great a threat they pose to their victims. Despite this difficulty, judicial officials must realize the potential lethality of every stalking case, and take measures throughout court proceeding to protect the victim (e.g., issuing and enforcing protection orders, allowing police surveillance of the stalker, or facilitating community supervision by probation). While judges are encouraged to use incarceration and other sanctions to restrict stalkers, treatment options for stalkers are limited.

**Sexual assault.** Sexual assault cases are among the most difficult and sensitive of court cases. However, non-stranger sexual assault poses a special challenge. The nature of the case and the fact that the defendant can use a defense of consent often results in the perception that the victim rather than the defendant is on trial. Many victims report being re-traumatized by their court experience. Judges may face juries who are particularly preoccupied with victim resistance and evidence of physical injury. Judges must take measures through pre-trial, trial, and post-trial phases to minimize victim re-traumatization and accommodate her needs.

Judges also must recognize the danger non-stranger offenders pose to the community and the physical and psychological injury committed upon the victim through appropriate sentencing and community sanctions. Judges have the difficult decision of determining whether an offender is appropriate for treatment as part of the sentence, and, even if so, if there is an appropriate program available to the offender.

**Opportunities for Leadership.** Well-trained judges and court administrators can have a tremendous impact on the attitudes and practices of virtually everyone in the legal system and ultimately on stopping violence against women when they are:

- committed to ending violence against women crimes;
- willing to be role-models for public accountability; and
- open to reform of related court procedures and judicial practice and court administration.

Judges and court administrators are in a unique position to direct the way courts respond and to influence community initiatives. They should examine and, where necessary, change the practices of the court system itself. Judges can see that justice system personnel are well-trained on violence against women and how to address these crimes in civil and criminal court. They can also be catalysts for community-wide change, developing and participating in coordinating efforts on violence against women issues.

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## 1. COURT ADMINISTRATORS SHOULD ESTABLISH POLICIES AND PRACTICES TO PROMOTE VICTIM SAFETY AND EFFECTIVE ACCESS TO COURTS

### ACTION PLAN AT A GLANCE

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1. Take measures to protect and support victims in the court process.
2. Ensure court services are accessible to all victims of violence against women.
3. Streamline court procedures for violence against women cases.

### WHY THIS PRACTICE IS IMPORTANT

Court administrators' management of day-to-day court operations can mean the difference between a court that is a safe and easily accessible to all victims of violence against women and a court that endangers victims' lives. Court administrators are uniquely situated to create mechanisms that enhance accessibility, facilitate communication among court divisions, increase the effectiveness and efficiency of court procedures, and create a safe environment for victims and other witnesses.

### ACTION PLAN

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#### 1. TAKE MEASURES TO PROTECT AND SUPPORT VICTIMS IN THE COURT PROCESS.

**Train all personnel to improve courtroom security.** Court appearances can place victims in circumstances of great risk. Offenders sometimes treat contact in the courthouse as the final desperate effort to influence the victim, or to exact retribution for their arrest, incarceration, or other sanctions. All courtroom personnel should learn about the risks victims and others in the courthouse face and the specific steps they each can take to prevent courthouse violence.

**Oversee the physical facility to ensure systematic victim protection.** This should include designating secure, separate, and private victim waiting areas in the courthouse, as well as placing guards at courthouse, courtroom, and waiting room entrances. Metal detectors should be installed at courthouse entrances and at the entrance of domestic violence courtrooms. Procedure for limiting non-essential possessions in courtrooms should be enforced. Bailiffs or law enforcement officers should be assigned to courtrooms in which violence against women cases will be heard. If there is a shortage of bailiffs, consider rotating their assignments to accommodate each day's violence against women case docket.

In **Connecticut**, dedicated domestic violence courtrooms are staffed with extra officers from the local sheriffs' departments. These officers are trained on the special safety and security risks presented by domestic violence offenders' presence in court.

In **Cook County (Chicago, Illinois)**, the domestic violence misdemeanor courts are located in one building. A waiting room for abused adults and their children is child-friendly and staffed by security personnel. Children may remain in the waiting room while their mothers attend court. All persons entering the courthouse are prohibited from bring non-essential items that may be used as weapons (e.g., umbrellas) into courtrooms.

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Pursuant to **Delaware's Victims' Bill of Rights**, courts employ special security measures, including:

- maintaining separate victim waiting areas that are staffed by law enforcement or security officers;
- deploying extra security officers in courtrooms as necessary or upon request by attorneys or judges;
- making available a security hotline; and
- providing escorts within the building and to cars outside upon request.

**Ensure that court personnel refer victims to community-based advocacy programs and assist them in contacting advocates for support throughout the court process and beyond.**

Court personnel can provide a crucial link to sexual assault, domestic violence, and stalking programs that can address a full range of victim needs. This may be done at the point of entry to the court system, whether it is at intake for a civil protection order, through a referral by the judge at the offender's arraignment, or other pre-trial proceedings. Clerks of court can inform victims of the availability of community-based services and by providing written information, such as brochures or cards with contact information. Administrators can ensure that judges have all referral information available at the bench, so that judges may make oral or written referrals to organizations (e.g., by handing the victim a card with program contact information).

**Preserve confidential information.** For many victims of stalking and domestic violence, disclosing their place of residence at a shelter or elsewhere could place them, and others, in grave danger of future violence by their assailants. Court administrators should protect victims and their children by developing and implementing policies that prevent the disclosure of shelters and other confidential residential addresses of domestic violence and stalking victims.<sup>1</sup> Court administrators should presume confidentiality of contact information and not disclose absent victim consent or judicial mandate to release it. Contact information that should be presumed confidential includes:

- the victim's school or place of employment;
- the victim's child care provider;
- the schools attended by the victim's children; and
- medical facilities that the victim and her children visit.

The *Model Code on Family Violence* includes a provision that "the address of a victim of a crime involving domestic or family violence is confidential," and that address information should not be given to any State agency or third party without the explicit permission of the victim.<sup>2</sup>

Some States (e.g., **Massachusetts**<sup>3</sup> and **Pennsylvania**<sup>4</sup>) have enacted legislation that requires courts to keep the address of any battered women's shelter confidential. Others require or allow courts to keep the victim's address confidential.<sup>5</sup>

**Offer victims the opportunity to learn about court procedures and to ask questions about what to expect.** Consider offering daily or weekly workshops for victims that teach them about court procedures and processes. Offer space in the courthouse to a community-based organization to do this.

At the **Norfolk County District Court in Quincy (Massachusetts)**, a multidisciplinary team offers daily workshops to victims on court protocols and procedures.

**Notify victims prior to the pre-trial release of offenders.** Victims must be notified about the release of their assailants so they may take steps to ensure their own safety and the safety of their children and other family members. (See *Chapter 2, Victim Rights and Notification*.)

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**Address the civil needs of victims.** Provide clerical assistance or specialized staff who can assist victims with filling out protection order forms. Offer victims the opportunity to learn about civil court procedures and processes. When offenders try to control the victim through her children, encourage the victim to work with a civil attorney or advocate on child custody and visitation issues. Make referrals to domestic violence, sexual assault, or stalking programs that offer civil legal assistance and to private attorneys who are willing to take custody, visitation, or divorce cases involving violence against women issues. Ensure that some of the attorneys on the list are available for *pro bono* or reduced-fee representation for low-income clients. Inform victims about local law school legal clinics that will provide free representation by student lawyers, under the supervision of attorneys. (See Chapter 5, *Victim Services, Practice 3, and Legal Representation Program Profiles*).

The **Jefferson County Trial Courts in Louisville (Kentucky)** offer information sessions to victims of domestic violence. The information is designed to provide a better understanding of issues connected to this crime, the court process, and resources in the community. The sessions are sponsored through in-kind services (e.g., facilities, materials, and staff time) by the **Family Court Project, the Center for Women and Families, and the Cabinet for Families and Children.** (See *Courts Program Profiles*.)

The **Domestic Violence Intake Center** of the **Superior Court of the District of Columbia** has a multidisciplinary team to help victims petition for protection orders and to inquire about criminal cases. The intake center is staffed by community-based victim advocates, civil attorneys, and prosecutors.

## 2. ENSURE COURT SERVICES ARE ACCESSIBLE TO ALL VICTIMS OF VIOLENCE AGAINST WOMEN.

**Establish convenient regular and emergency hours.** Violence against women occurs at all hours of the day and night, requiring flexible hours for victims to obtain judicial relief. Many lose pay or encounter resistance from their supervisors when they request time off to address the violence by going to court or seeking medical attention. Make accommodations for victims who work during the day. This is crucial for victims who must take time off from work to go to court (they may have already missed a significant amount of work due to the violence), who lose pay because of it, or require special child care.

**Where necessary, hold hearings in multiple locations.** Especially in rural or remote locations or in areas with limited transportation, a victim may find it difficult to travel to a courthouse that is located many miles from her home. Establishing several sites for hearings facilitates victim participation in court processes.

**Make materials and services multilingual.** Offer written information about court processes and procedures in a variety of languages. Employ court clerks who are bilingual or multilingual to accommodate languages commonly spoken in the community. Provide for on-call interpreters who can translate for clerks who encounter languages they do not speak. Information should be provided to victims in a culturally competent manner; court personnel should display sensitivity for victims of all cultures who utilize the court system.

**Ensure that third-party interpreters are readily available and adequately trained.** Court-certified interpreters translate all oral court proceedings as well as materials provided by the court. Interpreters should be readily available for victims petitioning for protection orders, as well as for those participating in criminal proceedings. Require that victims and offenders do not share the same interpreter, and that the offender does not serve as the victim's interpreter. Third-party interpreters should be educated not to re-interpret or insert their own bias or cultural perspective while interpreting witnesses' testimony. Craft a protocol that requires interpreters to provide direct translations.

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Train interpreters in providing referrals and informing victims of their options. Interpreters often share the same primary language as the victims for whom they are interpreting, and may have had contact with the victim in the specific language or cultural community, providing a natural link. Even without previous contact in the community, interpreters often understand the victim's culture and the way to make referrals in the most effective manner.

**Provide services for differently-abled victims.** At a minimum, the court should comply with the requirements of the Americans with Disabilities Act of 1990. Clearly post notices that the court offers special services to address the special needs of those with disabilities, and post these notices in appropriate formats for persons with visual impairments.

**Provide space in the courthouse for staff from community-based legal services, advocates, and others who provide services to victims.** Beyond requiring clerks and other personnel to make referrals to community-based services, courts administrators should consider housing satellite offices for organizations that offer specialized services to victims of sexual assault, domestic violence, and stalking. Community-based advocates can attend to a variety of victim needs and serve as a link to other community agencies.

Both the **District Court of Maryland in Hyattsville** (Maryland) and the **Circuit/District Court of Upper Marlboro** house the **Protection Order Advocacy and Representation Project (POARP)** run by the **House of Ruth**. The House of Ruth is a community-based domestic violence program that offers a variety of services. Through POARP, victims of domestic violence can receive legal advice, safety planning, representation in civil protective order cases, and advocacy in criminal cases.

**Ensure victims access to civil proceedings and remedies.** Court administrators can develop creative ways to ensure that victims have the opportunity to petition for emergency protection safely and expeditiously in the evening and on weekends.

**Pima County (Arizona)** has launched a system that allows victims to petition for protection orders at night from several locations via video up-link to judges.

In **Atlanta (Georgia)**, victims may petition for protection orders at night from a variety of locations in the community, including hospital emergency rooms, police departments, and shelters.

**Florida Rural Legal Services** provides computer terminals at local public libraries from which victims may petition for protective orders.

Additionally, court administrators can make civil remedies accessible to more victims by:

- waiving or reducing costs and fees in civil cases (pursuant to the Violence Against Women Act of 1994, States that receive STOP Violence Against Women Formula Grants funding<sup>6</sup> are required to waive costs associated with criminal cases and civil protection orders related to them);
- providing multiple certified copies of protection orders free of charge;
- establishing mechanisms for expeditious service of process (e.g., create forms for service of process that facilitate the identification and location of batterers<sup>7</sup> or utilize the local sheriff's department to provide service of civil protection orders); and
- providing all victims with service of process free of charge.

Some courts are offering other services to promote the safety of victims participating in criminal or civil processes. These include childcare, counseling programs for children, and supervised visitation centers.

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Support workers in **Jefferson County Family Court (Kentucky)** offer information and referral services to victims of domestic violence who have petitioned for protection orders.

The **Jefferson County Family Court in Louisville (Kentucky)** coordinates a host of victim services. For example, the protective order docket is staffed with a child support worker to calculate child support and prepare wage assignment orders at protection order hearings. The court also provides a children's waiting room, staffed by community volunteers. (See *Courts Program Profiles*.)

### 3. STREAMLINE COURT PROCEDURES FOR VIOLENCE AGAINST WOMEN CASES.

***Develop and simplify instructions, forms, and checklists for court personnel use.*** Create instructional manuals for court clerks that clearly spell out their duties in handling violence against women cases and working with victims and offenders. Provide specialized forms for intake of domestic violence victims who are petitioning for protection orders.

The **Pennsylvania Coalition Against Domestic Violence** created a practice guide for clerks of court who handle domestic violence matters.

The **Dorchester (Massachusetts) District Court** works closely with the **Northeastern University Law School's Domestic Violence Project** student lawyers, the probation department, and the staff of the **Suffolk County District Attorney's Office** to ensure that victims receive safety planning forms and referral information as a routine part of their court contact.

***Develop policies and procedures on sharing information with other justice system personnel around offender and case status.*** A standardized system of information sharing will ensure that all criminal justice agencies are immediately updated upon any case status change. Court personnel should notify the correctional agency that the offender was convicted and for what crimes, and the sentence imposed. The court will inform all other relevant agencies, such as prosecution, victim-witness programs, probation and parole agencies, and the community-based victim service program.

***Develop a system to give judges access to relevant information to help avoid contradictory rulings.*** A growing number of jurisdictions have developed data bases that give criminal court judges access to records in civil courts, and vice versa. States have enacted statutes requiring victims petitioning for protection orders to inform the court of other cases involving the parties, allowing judges to review other case dispositions.<sup>8</sup> Such access can identify pending and concluded case proceedings in which the defendant has been a participant in a particular district, or even within the State. Utilizing these systems, criminal judges may be able to determine if protection orders on behalf of the victim or other victims exist and make more appropriate pre-trial, trial, sentencing, and post-sentencing decisions. Persons who believe that the judicial review may have prejudiced their interests must be accorded the opportunity to be heard.

***Consider developing specialized dockets or courts for violence against women cases.*** Some court administrators have designed court calendars that handle only domestic violence or sexual assault related crimes, in response to the large number of these cases. Specialized dockets and courtrooms have several advantages, including increased safety for victims, increased accountability for offenders, judicial economy, and efficiency of procedures.

There are now at least 50 dedicated domestic violence courts including the **Denver Domestic Violence Court (Colorado)**, the **Seattle Municipal Court (Washington)**, the **King County Superior Court (Washington)**, and the **Second Judicial District Court in Reno (Nevada)**.

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**Develop systems for collecting fines and restitution.** Such a system should ensure that victims are the first to receive funds collected, followed by public institutions.

**Monitor the success of court strategies.** Allocate resources to conduct data collection that will be used to evaluate whether court programs, pre-trial strategies, sentencing, and supervision of offenders helps keep victims safe and offenders accountable. Work with community groups to establish court watches to evaluate the efficacy of court proceedings. (See Chapter 5, *Victim Services, Practice 2 and 3.*)

## MEASURES OF SUCCESS

Administrative court policies on violence against women cases can result in:

- courthouses that are safer for victims and their children;
- personnel who are more responsive to the needs of victims;
- courthouses that are more accessible for all victims;
- increased victim participation in the legal system; and
- streamlined procedures for violence against women cases.

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## 2. JUDGES SHOULD DEVELOP AND IMPLEMENT PRACTICES TO ADDRESS THE SPECIAL ISSUES IMPLICIT IN VIOLENCE AGAINST WOMEN CRIMINAL CASES

### ACTION PLAN AT A GLANCE

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1. Ensure that courtrooms are safe for victims, bystanders, and court personnel.
2. Develop courtroom policies on swift proceedings for violence against women cases.
3. Ensure effective advocacy for victims to enhance safety and support for victims.
4. Refer to complete data about the offender's history of violence and use the data fairly and appropriately.
5. Dispel misconceptions about violence against women.
6. Ensure that victims have an opportunity to offer relevant testimony about their experiences, the impact of the crime, and sanctions.
7. Make pre-trial decisions based on the seriousness of the offense and the risk to the victim.
8. Become involved in community and State efforts to end violence against women.

### WHY THIS PRACTICE IS IMPORTANT

Judges can develop and implement practices that:

- ensure safety and respect for victims while they are at court;
- provide victims the opportunity to seek and utilize the support of advocates in court;
- offer speedy resolution of cases; order appropriate pre-trial measures; and
- impose sentences that hold offenders accountable for their criminal behavior.

### ACTION PLAN

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#### 1. ENSURE THAT COURTROOMS ARE SAFE FOR VICTIMS, BYSTANDERS, AND COURT PERSONNEL.

**Follow courthouse policies on security and develop courtroom rules for violence against women cases.** Judges can enhance the safety of victims by requiring compliance with all established safety and security regulations governing violence against women cases. If such policies are not yet in place, judges can encourage the court administrator to promulgate appropriate rules and implement them.

Judges should also develop a set of rules for their own courtrooms that enhance victim safety and well-being. (See *Practice 1 in this chapter*). For instance, judges can instruct offenders not to have contact with victims while waiting for their case to be called nor in the courtroom. Judges should take seriously victims' complaints that offenders have made threats to harm them if they continue to participate in justice system proceedings. If an offender has made credible threats to harm the victim at court or after court, arrange for bailiffs or local law enforcement officers to escort the victim to her car, work place, or residence after the court proceeding. Some judges require defendants to remain in the court for a certain

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amount of time, allowing the victim to leave the courthouse safely. Judges can evaluate whether victim intimidation is occurring in the courtroom and act to stop coercive and fear-inducing conduct.

**Deal with violations of security rules swiftly and appropriately.** Often, a stern warning against further breaches may be adequate. Where necessary, however, contempt sanctions may be imposed on those who do not appear to take seriously the judge's admonishments and those who repeatedly violate rules.

## 2. DEVELOP COURTROOM POLICIES ON SWIFT PROCEEDINGS FOR VIOLENCE AGAINST WOMEN CASES.

Limit continuances when this will serve victims' needs and justice will not be served by a delay. Drawn-out proceedings create significant and often dangerous barriers to victim participation. Offenders can take advantage of delays to continue their pattern of intimidation, harassment, and control over their victims. Offenders are often quite adept at convincing judges that they are not prepared for a hearing, as a pretext for asking for continuances. Additionally, the longer an action continues, the higher the likelihood that a victim will be less willing to participate for reasons including:

- extended leaves may jeopardize her job;
- she may become frustrated by the slowness of the process;
- she may have to repeat her story many times to new court or prosecution personnel that work on her case in the prosecutor's office or in the court;
- she may lack the physical and mental energy to continue participating in the process; and
- offender intimidation becomes more powerful the longer a case remains unresolved.

**Where possible, develop accelerated trial schedules.** In larger jurisdictions, judges may have limited influence on the scheduling of proceedings. In small or medium-sized jurisdictions, however, judges may have a significant say about the speed with which an action progresses. Enter a trial date on the docket as soon as the defendant is arraigned.

In sexual assault cases, judges should try to avoid trial dates that coincide with the anniversary of the assault, provided this is not prejudicial to the defendant. An anniversary date is often very painful for victims and is a particularly difficult time to confront the offender.

See Christopher L. Griffith and Marna S. Tucker, "A Cry For Help: The Need for a Judicial Response to the Threat of Domestic Violence," 36 *Judges' J.* No. 2, p. 22, 24, 25 (Spring 1997), which contains a discussion of the importance of limiting continuances and other delay tactics.

## 3. ENSURE EFFECTIVE ADVOCACY FOR VICTIMS TO ENHANCE SAFETY AND SUPPORT FOR VICTIMS.

**Ask victims if they have sought help from the local community-based victim service program.** Even if a victim is participating in a criminal case against her assailant, she may not have learned about community support available to her. Make it a policy to ask victims if they have heard of the local program, and provide them with referral information if necessary. Community-based advocates can work with victim-witness specialists to ensure that the victim is apprised of hearing dates and continuances, to facilitate the victim's attendance at these proceedings, and to help her remember what she had planned to say.

**Permit advocates in the courtroom, allowing them to communicate with the victim during proceedings, if the victim chooses.** For any lay person, appearing in court can be intimidating and nerve-racking. For victims of sexual assault, domestic violence, and stalking, confronting their assailant, even inside the confines of a courtroom, is extremely difficult and can be frightening. Advocates are trained to help victims through the process, can provide a measure of comfort and reassurance, and help victims to overcome nervousness and fear.

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**Permit non-attorney victim advocates to provide advocacy during proceedings.** Victims are often unfamiliar with court protocol and procedure, and may be unsure what is expected of them in their testimony and other statements to the court. At arraignment, advocates can often effectively clarify victims' statements and help judges understand the facts of the case. Advocates do not represent victims; rather they serve to assist the victim in articulating the facts and circumstances of the violent conduct, in clarifying the victim's protection needs, and to ensure that they explore all their legal options. (See Chapter 5, *Victim Services, Practice 2.*)

**4. REFER TO COMPLETE DATA ABOUT THE OFFENDER'S HISTORY OF VIOLENCE AND USE THE DATA FAIRLY AND APPROPRIATELY.**

**Encourage development of court and other data bases that provide easy access to an offender's criminal and civil history.** A court data base might contain information about an offender's probationary status, convictions, pleas, diversion, protection orders (current and prior), and compliance history regarding bail and conditions of release. Courts should have access to police data bases that contain incident reports and history of arrests and charges lodged against an offender. Courts should also have access to prosecution data bases that contain transcriptions of 911 tapes, photographs of victim injuries, other documents, and evidence in prior criminal cases involving the offender. These systems should be available 24 hours a day.

**Investigate the full range of data bases, especially in stalking cases.** Domestic violence victims can often offer considerable information about the offender's history (e.g., he also battered his ex-wife and has threatened suicide). In stalking cases, especially against victims who did not have a prior relationship with the offender, victims may not be able to offer information other than what they have observed during stalking incidents. Making release and sentencing decisions without first checking all available information about the offender's personal, mental health, civil, and criminal history, can place the victim and others at risk. While principles of victim confidentiality, due process, and fundamental fairness may restrict the review of data bases, a thorough review is often appropriate when making release and sentencing decisions that may be informed by data that provides an indicator of the dangerousness of a defendant.

The **Massachusetts Legislature's Joint Committee on the Judiciary** drafted a bill that directed judges to review defendants' criminal and civil records of domestic violence and other violent behavior. The bill directed the Commissioner of Probation to build an automated domestic violence record-keeping system to support this requirement.

The **Domestic Violence Court of the South Bay District Court in Chula Vista (California)** located within **San Diego County**, has subject matter jurisdiction over domestic violence criminal cases, restraining orders, and family law issues. For each offender, the presiding judge has access to information about related civil and criminal issues through police data bases, which provides information on parties such as outstanding warrants, protection orders, and probation.

**5. DISPEL MISCONCEPTIONS ABOUT VIOLENCE AGAINST WOMEN.**

Judges can use procedural and evidentiary rules in ways that do not reinforce misconceptions about violence against women. For instance, many judges understand that one of the greatest fears sexual assault victims have about participating in a criminal trial is that they will have to discuss embarrassing aspects of their personal lives, and enforce their State's rape shield statute to discourage defense attempts to abrogate or circumvent it. Judges should also limit the content of defense counsel's opening and closing arguments where it reinforces misconceptions about domestic violence, sexual assault, or stalking (e.g., statements about the past sexual conduct of the victim).

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The **Family Violence Prevention Fund** has produced a curriculum, *Domestic Violence: The Crucial Role of the Judge in Criminal Court Cases*, that addresses myriad topics related to domestic violence criminal cases, including the admissibility of evidence in these cases.

The **National Judicial Education Program** of the **NOW Legal Defense and Education Fund** has produced a comprehensive curriculum for judges handling sexual assault cases. *Understanding Sexual Violence - The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault* incorporates information on misconceptions about sexual assault, as well as on victim impact statements, evidentiary problems with unique implications for sexual assault cases, voir dire and jury instruction, and the sentencing and treatment of offenders.

Judges' statements and demeanor should reflect the seriousness of the offenses and convey respect for victims. Victims have reported that judges implied that violence against women is acceptable, or that the victim in some way contributed to her own victimization or exacerbated the violence.<sup>9</sup> Judges should refrain from commentary, gestures, or facial expressions that could be interpreted as condoning domestic violence, sexual assault, or stalking. Judges' communications should always send the message that these crimes are unacceptable and will be treated with the same gravity as other types of violent crimes.

**6. ENSURE THAT VICTIMS HAVE AN OPPORTUNITY TO OFFER RELEVANT TESTIMONY ABOUT THEIR EXPERIENCE, THE IMPACT OF THE CRIME, THE RISK OF FUTURE VIOLENCE, AND SANCTIONS.**

***Encourage victims to make recommendations at all stages of the criminal process.*** Judges are beginning to recognize that it is appropriate to impose pre-trial incarceration or conditions of release, sentences, supervision conditions, and sanctions based on victim recommendations. Judges should seriously consider – and instruct juries to consider – the victim's wishes regarding incarceration, release conditions, and restitution. For instance, the victim may request that the offender be incarcerated pre-trial or she may recommend that he be supervised without incarceration so that he may continue to work to pay victim restitution (e.g., medical and counseling reimbursement, property replacement, lost wages or tuition, relocation costs, and legal fees).

***Allow experts to testify to the impact of the violence on the victim and its effects on victim behavior.*** Many jurisdictions allow experts to testify about issues such as why some victims react differently to attacks (e.g., some resist physically, while others dissociate or "freeze"), why some victims do not report assaults for long periods of time, and the residual effects on victims in the following months or years. This can help juries understand behavior that seems contradictory to common beliefs about sexual assault (e.g., why certain victim-witnesses appear unemotional, aloof or highly emotional when testifying about an assault). In domestic violence cases, expert testimony can help explain why a woman does not wish to testify against the offender (e.g., fear of reprisal based on threats of retaliation, backed up by a history of carrying out threats of violence). Experts can also offer information on research on the range of batterer behaviors that show the jury how the offender can appear to be gentle and kind on the witness stand, but terrifying and violent toward his partner. (See Chapter 4, *Prosecution, Practice 5*.)

***Admit victim testimony about the offender's history of violence, intimidation, harassment, and other criminal behavior*** (particularly in domestic violence and stalking cases). Criminal proceedings are necessarily incident-based and evidence that is admitted goes to proving the elements of the crime a defendant allegedly committed. In a stalking case, this can prevent the judge or jury from learning about the nature and pattern of violence which the defendant has perpetrated on the victim, including whether it has escalated over time. Without this information, the fact-finder cannot fairly assess a victim's fear. This type of evidence will permit the judge to direct a sentence that acknowledges the scope and seriousness of the violence and hold the offender accountable for it.

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**Allow and encourage victim impact statements.** Through victim impact statements, victims present their account of the incident, including its emotional and mental impact. Providing victims with the opportunity to speak about the effects of the crime on the lives of her children, other family members, and friends provides important information that can help judges and juries determine appropriate sentences. Victims who make impact statements are more likely to report that the judicial process has served them fairly. Victims report that the experience is personally empowering because it allows them to make a public statement about the violence for the first time. (See Chapter 2, *Victim Rights and Notification*.)

**7. MAKE PRE-TRIAL DECISIONS BASED ON THE SERIOUSNESS OF THE OFFENSE AND THE RISK TO THE VICTIM.**

**Utilize risk/dangerousness assessments in pre-trial decision making.** In order to make a fully informed decision whether to incarcerate, release pre-trial, and determine conditions of release, judges should consider the level of danger the offender poses. Consider risk assessments presented by prosecutors as evidence of the dangerousness of the offender. If prosecutors do not proffer these, judges should work with victims and other sources to conduct such an assessment. (See Chapter 1, *Safety Planning*).

Several years ago, the chief justice of **Kentucky's** highest State court directed that pre-trial services personnel utilize specialized screening tools to identify domestic violence perpetrators, even if the crime charged was not a crime of domestic violence. This screening was used to conduct a risk assessment and to recommend appropriate bail and bail conditions.

**Incarcerate dangerous offenders.** Most jurisdictions recognize dangerousness as one factor a judge may consider when deciding whether to incarcerate a defendant prior to trial. Judges should incarcerate offenders if a risk assessment indicates that the offender's use of violence has increased in frequency and severity. Stalking behavior should be among the factors judges consider when evaluating a defendant's dangerousness, since there is an extremely high risk of serious bodily harm or homicide in stalking cases. Courts should develop agreements with facilities to ensure that space is always available for domestic violence, sexual assault, and stalking offenders.

In **San Francisco (California)**, the city jail has designated beds for domestic violence perpetrators.

**If the decision is made to release pre-trial, judges should set bail and conditions of release that reflect the seriousness of the charges.** Bail should be set consistent with non-violence against women cases and stranger crimes. Screen for criminal history, outstanding warrants, valid protection orders, and risks posed to victims, using the mechanisms discussed above. Additionally, a number of special conditions of release are available to judges when an offender will not be incarcerated, including orders to:

- relinquish all dangerous weapons or destructive devices;<sup>10</sup>
- undergo a mental health evaluation;
- be monitored electronically; and
- have no contact with the victim or her children, family, and friends.

A "no contact" order can be crafted to include provisions such as:

- a distance requirement (e.g., the defendant will remain outside a certain radius of the victim's home, workplace, and other specific locations);
- no communication (specify types (e.g., letters, telephone, facsimile, e-mail, and gifts));

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- custody and visitation arrangements that protect the safety of both the victim and her children (e.g., order a detailed visitation schedule; identify a safe place to drop off/pick up children; or supervised visitation when there is a risk to the children's safety); and
  - staying away from the victim's residence.

If the defendant currently lives with the victim and the victim indicates she would like the defendant to move out:

- order a specific date and time for the defendant to move out belongings;
- require a police escort for the defendant when returning to move out; and
- specify that changes to the scheduled move-out time must be arranged through the police department.

If the defendant violates an order, impose swift sanctions (e.g., incarceration pre-trial).

The unified court structure in **Hawaii** and the close working relationships between law enforcement, prosecutors, and the courts have produced standardization of bail statewide for domestic violence misdemeanors.

**Notify victims of decisions to release offenders.** Prior to releasing the offender, the court should notify (or require that the department of corrections, county sheriff, or other agency notify) the victim so she can prepare. Victims should get adequate time to react to the notice. Provide the victim with a copy of all orders outlining the conditions of release. (See Chapter 2, *Victim Rights and Notification*.)

## 8. BECOME INVOLVED IN COMMUNITY AND STATE EFFORTS TO END VIOLENCE AGAINST WOMEN.

**Participate in task forces, councils, or other community coordinating bodies.** Judicial involvement in community initiatives can send a clear message that the courts will not tolerate violence against women. Judges can aid anti-domestic violence, sexual assault, and stalking efforts by offering insight on how courtroom policies and pre-trial, trial, and post-trial strategies can reduce the incidence of violence against women in the community. This kind of participation does not hamper judicial impartiality required by judicial canons. Participation in these coordinating efforts can also inform members of the judiciary about what they can do to better protect victims and the entire community from offenders. Judicial involvement in coordinating efforts can encourage the participation of other judges, as well as those who are established leaders in other professions who can bring their own insights to the table.

The chief judge in **Santa Clara County (San Jose, California)** has worked to build a network of professionals and lay people across the legal, health, advocacy, and community systems. He encourages colleagues to show leadership in the judiciary on violence against women issues, and to create court structures and processes that promote safety and accountability.

In **Delaware**, a State supreme court judge helped to establish a statewide domestic violence coordinating council that is composed of victim advocates, court personnel, legislators, law enforcement, health care providers, and prosecutors. The council has worked to improve legislation, promote public education, and establish agency policies and training curricula.

The **District Court Domestic Violence Coordinating Councils** in **New Hampshire** are important vehicles for domestic violence reduction initiatives in the State. Since the formation of the councils, the State has seen significant increases in the use of the court system by victims seeking protection from violence at the hands of their assailants. From 1990 to 1995, the district courts experienced a 57 percent increase in the number of entries for protection orders. The local coordinating councils

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- provide enhanced communication between those agencies serving victims and provide the judiciary with a forum for working on improving judicial processing of these cases.

**Serve on domestic violence fatality review teams.** Fatality reviews allow relevant disciplines (e.g., law enforcement, prosecution, courts, victim service advocates, and medical facilities) to examine whether and how domestic violence homicides could have been prevented by different agency responses. Review of team reports can serve to educate about needed reforms. (See Chapter 7, *Coordinated Community Response, Practice 4, and Appendix F.*)

**Attend violence against women training sessions.** These are frequently sponsored by local victim service organizations, statewide coalitions, prosecutor associations, or judicial organizations. Such training sessions will provide an accurate representation of the offenders who commit domestic violence, sexual assault, or stalking crimes, impact on victims, and relevant law. Also encourage colleagues to participate. Chief justices can be extraordinarily influential by attending such training because they can lend visibility to these efforts. The head judge in a jurisdiction may want to consider instituting a requirement that all members of the judiciary attend particular programs or events.

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The chief justice of the **Supreme Court of North Carolina** sent a letter to all judges encouraging their participation in the statewide **Domestic Violence Protocol Development Summit**. The summit was attended by at least one judge from all but one district.

## MEASURES OF SUCCESS

Developing and implementing judicial practices to address the special issues in violence against women cases can:

- increase victim safety;
- increase victim participation in the criminal justice system;
- help judges make more informed decisions about offenders;
- help educate the community about violence against women; and
- provide leadership in anti-violence against women efforts.

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### 3. DEVELOP POLICIES ON THE SENTENCING OF OFFENDERS IN CRIMINAL PROCEEDINGS

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#### ACTION PLAN AT A GLANCE

1. Set sentences that acknowledge the level of risk the offender poses to the victim.
2. Develop guidelines for judges that will standardize sentencing.
3. Reject alternative dispositions and diversion options.
4. Consider the range of factors specific to sexual assault cases.
5. Consider multiple sanctions and/or split sentences to address the full spectrum of harm to the victim.
6. Ensure that the conditions of defendant's release address the victim's safety needs.

#### WHY THIS PRACTICE IS IMPORTANT

Appropriate sentencing may be the most powerful way the criminal justice system can hold offenders accountable for their crimes of violence against women. An effective law enforcement and prosecution response is important to the progression of a case and to the safety and well-being of the victim. However, even a conviction may not deter future violence if the presiding judge does not impose an appropriate sentence. A sentence that is appropriate for the level and type of crime committed and that acknowledges the danger to the victim, sends key messages. It tells the victim that the criminal justice system takes these crimes seriously. It challenges an offender who may continue to minimize, deny, or rationalize the violence, or may believe that violence against women is acceptable. It tells the community that this violence will not be tolerated and that those guilty of domestic violence, sexual assault, and stalking will face consequences as severe as offenders who commit other kinds of violent crime.

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#### ACTION PLAN

##### I. SET SENTENCES THAT ACKNOWLEDGE THE LEVEL OF RISK THE OFFENDER POSES TO THE VICTIM.

**Utilize risk assessments conducted with victim input to determine the danger the offender poses.** As when making pre-trial decisions, the priority should be the safety of the victim, her children, and other family and household members. In order to craft an appropriate sentence, judges must look beyond the specific injury to the victim in the incident before the court and also examine the offender's entire pattern of violent conduct. Judges may want to seek input from the victim's family, friends, co-workers, and others to obtain a full picture of the type and level of harm and suffering the victim has sustained. Incarceration should be ordered when judges determine that the offender poses a significant danger to the victim and others.

**Do not rely on arbitrary distinctions between misdemeanor and felony crimes when crafting sentences.** In some instances, injuries caused by an incident defined as a misdemeanor may be more serious than defined as a felony. Judges should consider not only the level of crime, but also its impact and the continuing risk to the victim, her children, and other family members. A sentence normally reserved for "higher level" crimes may be appropriate when an offender is found guilty of a misdemeanor, so long as it remains within State statutory mandates for maximum sentences.

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**Require the probation department to conduct pre-sentence investigations and make sentencing recommendations.** Such investigations enhance the judge's ability to appropriately sentence offenders and deter continued violence. In conducting investigations, probation officers should:

- inform the victim of sentencing options and/or release conditions available to the court, and obtain
- a statement from the victim about her wishes and other information about the case that was not admissible during trial;
- discuss with the victim the conditions of probation or release that will best provide for her safety;
- inform the victim of the services available through community-based victim services programs and other community agencies; and
- obtain information from the victim about aggravating circumstances, including the frequency and history of abuse, use of violence against others, and threats, intimidation, and harassment against her.

The **District Court in Duluth (Minnesota)** developed and implemented a set of guidelines to be followed by probation officers in the disposition of misdemeanor and gross misdemeanor criminal cases involving domestic violence-related offenses (including violations of protection orders, criminal damage to property, assault, and trespassing). The court's guidelines include procedures for conducting pre-sentence investigations, making sentence recommendations, and monitoring probation agreements.

**Seek input from the victim during sentencing proceedings.** Victim impact statements can inform the judge imposing the sentence and help empower victims. Victims should be given the opportunity to provide sentencing recommendations such as incarceration, probation with supervision, participation in a batterers intervention program, and restitution for physical, mental, emotional, and financial injuries sustained. (See *Chapter 6, Courts, Practice 2, and Chapter 2, Victim Rights and Notification.*)

## 2. DEVELOP GUIDELINES FOR JUDGES THAT WILL STANDARDIZE SENTENCING.

Support enactment of legislation, State bar association rules, or judicial canons that set guidelines for sentencing and supervising those guilty of violence against women. Many judges are now imposing sentences that reflect the severity of crimes of domestic violence, non-stranger sexual assault, and stalking. Other judges, however, have yet to treat these crimes seriously and hold offenders accountable for their conduct. Publicly provide support for initiatives that seek to offer parameters for appropriate sentencing decisions that enhance victim safety.

## 3. REJECT ALTERNATIVE DISPOSITIONS AND DIVERSION OPTIONS.

Deny requests for dispositions that do not reflect the seriousness of the crimes and the danger to the victim. Leaders in the anti-violence against women movements generally agree that certain options do not serve to hold offenders accountable and enhance the safety of victims. These include civil compromises, deferred prosecutions, or reduced or dismissed charges where these contradict the wishes of the victim. Additionally, offender accountability is negated when cases are diverted from the justice system (e.g., referral to batterers' intervention in place of prosecution); this action sends the message that the crime is not serious enough for the justice system to adjudicate.

## 4. CONSIDER THE RANGE OF FACTORS SPECIFIC TO SEXUAL ASSAULT CASES.

**Impose sentences in non-stranger rape cases that equal those imposed in stranger cases.** Sentences are often lighter in rape cases in which the victim knew the offender prior to the assault than in cases in which the offender was a stranger.<sup>11</sup> This is especially true if the parties had a prior consensual intimate relationship, particularly if they were married.<sup>12</sup> Such a disparity sends a message that

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sexual assault by a stranger is a more serious crime than that committed by a non-stranger. It also discounts and minimizes the injury and trauma to the victim in non-stranger cases.

**Set sentences that reflect the seriousness of the crime.** Judges may impose sentences that are inappropriately lenient because:

- they believe that the offender will be rehabilitated by sex offender treatment or therapy;
- they believe that the victim contributed to the crime or was somehow responsible for it; or
- they have greater sensitivity for the offender than for the victim.<sup>13</sup>

Inappropriately light sentences do not acknowledge the severity of the crime and its impact, and they discourage other victims from reporting a sexual assault and participating in a trial. (See *Appendix F for a list of consider when sentencing sex offenders, and Chapter 4, Prosecution, Practice 5.*)

**Comply with registration and notification laws.** Following the lead of the Federal law (“Megan’s Law”) that requires the release of information concerning a registered sex offender for public protection, States are enacting laws to protect the public from released sex offenders who might potentially re-offend. In compliance with State law, report offenders to registries and order that they comply with registration and community notification laws (e.g., the offender may have to re-register when moving to a new community).

#### 5. CONSIDER MULTIPLE SANCTIONS AND/OR SPLIT SENTENCES TO ADDRESS THE FULL SPECTRUM OF HARM TO THE VICTIM.

**Assess the value of imposing split sentences in conjunction with incarceration.** A split sentence can give the court greater latitude and more time to supervise the offender. Thus, if the penalty for an assault and battery conviction is a maximum of two years, the offender cannot be placed on parole or probation if he is incarcerated for the full two years. If, however, the offender is ordered to serve 18 months with the balance suspended for three years, the court will retain jurisdiction for four years and six months. This enables the probation or parole officer to craft conditions to bring in the offender for periodic review, resulting in offender monitoring for a longer period of time.

**Order combinations of multiple sentences in order to address all harm done to the victim, and to protect the victim’s safety.** Incarceration can often be the best method of ensuring victim safety. In addition to incarceration, there are other conditions that may be imposed against offenders, including:

- financial assessments such as fines, court costs, counsel fees for related civil matters, and restitution for costs that resulted from the abuse (e.g., medical fees, property replacement, counseling for the victim, her children, and other family members, lost wages or tuition, and relocation costs);
- public apologies for offenses (e.g., some jurisdictions have required offenders to take out full-page advertisements in newspapers or display bumper stickers identifying them as offenders of certain types of crimes);
- community work service (this may reinforce the principle that the judge considers crimes of domestic violence, sexual assault, and stalking to be crimes against the entire community); and
- house arrest (allowing offenders to continue to work so they can pay restitution and other costs; offenders can be monitored during this time by requiring them to check in frequently or submit to unannounced home visits and/or electronic monitoring).

#### 6. ENSURE THAT THE CONDITIONS OF THE DEFENDANT’S RELEASE ADDRESS THE VICTIM’S SAFETY NEEDS.

**Explore creative sentencing choices post-incarceration or as an alternative to incarceration.** Judges should look at conditions of release that will enhance victim safety, such as ordering offenders to:

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- have no contact with the victim (unless specifically requested to do so by the victim in which case order no harmful contact with the victim);
  - comply with conditions of protection orders or other court orders;
  - appear for court review/supervisory hearings;
  - surrender firearms and other weapons;
  - pay restitution for unreimbursed expenses;
  - perform community work service;
  - abstain from drugs or alcohol; and
  - complete parenting classes, if the children live in the offender's home.

**Notify the victim prior to releasing the offender.** Before the offender is released on bail, bond, or for probation or parole, the releasing agency must provide oral and written notice informing the victim of:

- the conditions of release;
- the time and date of release;
- the time, date, and place of the next scheduled court appearance of the offender and the right of the victim to be present; and
- services available at the local community-based victim service program, with contact information.

*(See Chapter 2, Victim Rights and Notification.)*

## MEASURES OF SUCCESS

Developing policies on the sentencing of violence against women offenders can result in:

- increased victim safety;
- increased victim participation in sentencing processes;
- more appropriate sentences for violence against women crimes; and
- increased offender accountability.

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## 4. IMPLEMENT CREATIVE POST-SENTENCING STRATEGIES FOR OFFENDERS.

### ACTION PLAN AT A GLANCE

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1. Provide services post-conviction to assist victims with ongoing needs.
2. Dedicate staff to properly supervise offenders.
3. Implement specialized protection for victims of offenders who are likely to re-offend.
4. Consistently process violations.
5. Implement a coordinated approach for the supervision of offenders.

### WHY THIS PRACTICE IS IMPORTANT

The release from incarceration of domestic violence, sexual assault, and stalking offenders presents a very real danger to their victims. Despite arrest and prosecution, offenders may continue to harass, intimidate, and terrorize victims - while they are still in prison as well as after they are released into the community. Offenders sometimes use children or other family members to continue to intimidate and threaten victims. Vigilant supervision of offenders by probation and parole officers; close coordination with courts, other criminal justice system agencies, and community-based victim advocates; consistent processing of violations; and ongoing communication with victims can be important to maintaining victim safety and to holding released offenders accountable for their crimes of violence against women.

### ACTION PLAN

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#### I. PROVIDE SERVICES POST-CONVICTION TO ASSIST VICTIMS WITH ONGOING NEEDS.

**Ensure that probation and parole officers and law enforcement work closely to assist and protect the victim during probation and parole and afterward.** Victim safety should still be the highest priority post-sentencing. Notify the victim of scheduled parole hearings, release, and conditions of release, and offer her the opportunity to provide input. This notice gives the victim the opportunity to prepare statements to oppose release, recommend certain release conditions, and modify her safety plan accordingly.

**Encourage victims to contact probation and parole departments to report any violations of court orders.** Probation and parole should contact the local law enforcement department to report violations of court orders and threats or changes in behavior that point to an increased risk. Encourage adoption of a requirement that probation and parole officers contact victims frequently to provide updates on offender behavior, progress, and any implicit or explicit threats to the victim. However, the agency should never reveal that the victim was the source of the information, as this may jeopardize her safety.

**Arrowhead Regional Corrections of Duluth's (Minnesota) Probation Department** has entered into a memorandum of understanding with the **Domestic Abuse Information Network (DAIN)**, a project of the nonprofit, community-based **Minnesota Program Development, Inc.** The memorandum includes provisions that the probation department will provide DAIN with offender information such as criminal history, pre-sentence recommendations provided to the court, probation agree-

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ments entered into by offenders, and the disposition of cases of probation violation. The DAIN agrees to provide services including: providing up-to-date information on cases; alerting practitioners to extremely dangerous abuser and alerting advocates of high risk situations; communicating information from the victim, dispatcher, and police officer to the pre-trial release agent, probation officer, prosecutor, and judge; and informing practitioners of case outcomes.

**Provide victims with information about services available in the community that address the fear and trauma victims experience when offenders are released.** The agency charged with notification should help victims modify their safety plans in accordance with the release. Additionally, short-term counseling can help to victims to alleviate the symptoms of anxiety that often result from the violence and the very real fear that the violence will be repeated. Optimally, this should be made available to victims free of charge or on a reduced-fee basis for a period of time.

**Consider establishing a post-conviction advocate position in the court.** The advocate may be contracted through the local community-based victim service program to make frequent contact with the victim to learn about any violations of conditions of release the victim has observed, and to help modify the victim's safety plan as circumstances change. The advocate can also act as a liaison between the victim and probation/parole and the court, providing notification of violations or changes in behavior that point to escalated danger, and communicating the victim's wishes, when necessary.

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The **Connecticut Office of Adult Probation** contracts with **Connecticut Sexual Assault Crisis Services, Inc.** to provide services to victims once an offender has been released into the community, and to serve as a liaison to the victim concerning the sentencing and supervision of the offender. (See *Coordinated Response Program Profiles.*)

## 2. DEDICATE STAFF TO PROPERLY SUPERVISE OFFENDERS.

**Utilize specialized officers or units to provide increased supervision.** Specialization can help probation and parole departments focus on offenders of a certain designation. Some units elect to supervise all high-risk cases, including but not limited to violence against women offenders. Others devote staff specifically to sexual assault, domestic violence, and/or stalking offenders. If the unit will focus on high-risk cases, utilize standardized mechanisms to identify offenders who will be designated "high risk." Officers who work in high risk units should have limited caseloads to allow them to provide more intensive supervision.

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The **Domestic Violence Unit** of the **Quincy (Massachusetts) Court Probation Department** maintains a staff of probation officers who supervise only domestic violence offenders. Policies ensure that victim safety is the highest priority and encourage victims to contact the unit to report new assaults and/or violations of release conditions. The unit respects the wishes of victims who want to confidentially report assaultive behavior. When such a victim reports an incident, the probation department may obtain an order for random drug or alcohol testing on a probationer who has been ordered to abstain from use. If an offender tests positive for drugs or alcohol, probation can be revoked without the offender learning that it was the victim who called the probation department.

The **Connecticut Office of Adult Probation** established an **Intensive Sex Offender Supervision Unit** to supervise high risk sex offenders referred by the criminal court. The unit consists of four specially-trained probation officers (three intensive officers with a maximum caseload of 25 each and one relapse prevention officer with a maximum caseload of 50) and a victim representative. (See *Coordinated Community Response Program Profiles.*)

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3. IMPLEMENT SPECIALIZED PROTECTION FOR VICTIMS OF OFFENDERS WHO ARE LIKELY TO RE-OFFEND.

**Encourage training for officers on the characteristics of re-offenders.** Often, violence against women offenders are adept at concealing their criminal behavior. Unless a probation or parole officer knows how to identify behavior that suggests that the offender is violating his conditions of release or may re-offend, they may miss opportunities to prevent recidivism through revictimization of the same or new victims.

**Train officers to conduct ongoing risk assessments.** This can help them evaluate whether the risk posed by the offender is increasing or decreasing. For instance, a risk assessment for domestic violence offenders could include examining risk factors for domestic violence (e.g., frequency and severity of violence and threats of suicide or homicide) and factors that may indicate the likelihood for recidivism. (See Chapter 1, *Safety Planning*.)

The **Quincy Department of Probation (Massachusetts)**:<sup>14</sup> examines the following factors to determine the risk posed by the offender: prior criminal record; prior periods of supervision; age of first offense; residence changes over the past year; employment over the past year; family structure; substance abuse; and attitude towards the supervision plan.

**Fashion supervision to address risks and maintain offender control.** Offenders who exhibit one or more risk factors for re-offending should receive more intensive supervision schedule than other offenders.

The information below was adapted from the **Quincy (Massachusetts) Probation Department's Probation/Parole Manual for the Supervision of Domestic Violence Cases (1996)**, which provides options for intensive supervision. Supervision can include any or all of the following, as appropriate:

- review hearings with the presiding judge in the criminal case** (appearances before the sentencing judge can provide powerful motivation to comply with other conditions of release);
- weekly contact meetings** (in person), either at the offender's home or at the probation/parole office (these meetings reinforce the offender's obligation to the court and serve as a reminder of the consequences of violating any of the conditions);
- frequent checks of police logs** to determine if law enforcement were called to the offender's home (these instances should be treated seriously and checked carefully; even if the log indicates that the call was for an incident unrelated to the offender's conviction, the incident could have been misclassified by the responding officer or dispatcher);
- checks of criminal and civil data bases** for activity related to the victim's civil protection order (the offender may have been arrested for a new complaint or a new protection order may have been issued against him);
- regular contact with the victim**, with those who continue to live with the offender contacted even more frequently (officers can ask about the offender's compliance with release conditions and about any new assaults or behavior that the victim believes is likely to lead to an assault – be careful to never disclose the victim as the source of the information);
- checks with accounts receivable** to see whether the defendant is making all required payments;
- checks with probation record-keeping** to determine whether the offender is meeting community work service requirements;
- random urinalysis/hair tests, and blood tests** to determine whether the offender is violating court mandates to abstain from alcohol and other substances (such testing is also an opportunity to bring the offender into the office); and

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- electronic monitoring** to ensure that offenders comply with no contact orders and distance requirements (if an offender who is wearing an electronic monitoring bracelet violates one of these conditions, the law enforcement department is immediately notified)<sup>15</sup>

Officers in the **Quincy Probation Department (Massachusetts)** explain all conditions of the offender's probation to the victim so that the victim understands exactly what constitutes a violation and how to report one if it occurs.

**Utilize special techniques for supervising sex offenders.** Research has demonstrated that sex offenders are highly likely to re-offend.<sup>16</sup> They benefit from close supervision and frequent contact. Specialized sex offender probation and parole officers utilize frequent face-to-face appointments, collateral contacts, polygraph tests, and unannounced home visits to maintain a close watch on these offenders.

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In **Washington State**, prosecutors are authorized by statute to request a no contact order for the maximum period of punishment allowed by the category of the felony. For example, first and second degree rape are both Class A felonies, punishable by a maximum of life in prison. In these cases, no contact orders at sentencing can read: "No contact with the victim for the duration of your life."

**If participation in a batterers' intervention or sex offender treatment program is ordered, require regular reports.** Most State standards for batterer programs require regular reporting about participation in the program and have a duty to warn victims and law enforcement agencies about imminent violence. Program staff should submit regular reports of offenders' attendance and progress in programs. Staff should immediately report any new violence to the court or any indications that an offender poses an imminent threat. This information should also be communicated to the victim and/or the victim's advocate.<sup>17</sup> If batterers' intervention programs or sex offender treatment programs are utilized, they should be encouraged to work closely with community-based victim service programs. (*An in-depth discussion of the employment of batterer and sex offender programs cannot be fully addressed in this practice; contact the STOP T.A. Project for further information.*)

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In **Delaware**, perpetrators must submit proof of enrollment in batterer intervention programs to victim advocates who then report the information to victims.

**Make restitution payments to victims a priority.** Crime victims have historically been the last to receive payments from offenders.<sup>18</sup> Some jurisdictions now require victims to receive payments due before other recipients.<sup>19</sup>

#### 4. CONSISTENTLY PROCESS VIOLATIONS.

Train officers on the correct processes for presenting revocation cases, what the standard of proof is for revocation cases, and what kind of evidence is admissible. A policy endorsed by the head of the probation department and the court is an effective way to send the message that violence against women is as serious as other types of violent crimes. At a minimum, the policy should state that, without exception, all violations shall be processed immediately upon their discovery, no new criminal behavior will be tolerated, and there will be clear procedures for processing violations.

**Process all violations, no matter how insignificant they may seem.** There should be no tolerance for continued violence, stalking, non-payment of support and restitution, failure to participate in counseling or community services, manipulation around custodial access, and attempts to control the victim or intrude upon her life.<sup>20</sup> Judges should insist upon immediate and consistent enforcement of

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and sanctions for violation of conditions. Probation officers should act on all violations, even “technical” violations (e.g., unexcused, missed meetings with the probation officer), and judges should take all violations seriously. Even if a judge decides not to revoke probation permanently or incarcerate the offender for the remainder of the sentence to be served, short-term incarceration may be warranted to underscore the credibility and enforcement powers of the court. Judges can order a change of conditions that will be imposed after the period of incarceration.

A judge from the **Quincy Court (Massachusetts)** uses incarceration to encourage compliance with probation conditions. This technique, termed “tourniquet sentencing,” involves progressively longer sentences for each violation. The first minor or technical violation might result in a week in jail; subsequent violations would result in harsher sanctions (e.g., 90 days and then six months).

**Revoke probation for any new criminal behavior.** All new criminal violations should be filed with the court. Most jurisdictions allow new criminal behavior, even if it is unrelated to the prior conviction, to be considered at revocation hearings. Offenses are much easier to prove in these proceedings than in criminal trials due to lower standards of proof and more liberal evidentiary rules. No new crime should be tolerated, even if unrelated to the prior offense.

## 5. IMPLEMENT A COORDINATED APPROACH FOR THE SUPERVISION OF OFFENDERS.

**Consider creating a multidisciplinary team to supervise offenders.** Some jurisdictions are fashioning teams comprised of several disciplines (e.g., law enforcement, prosecution, probation and parole, batterer intervention/sex offender treatment providers, and community-based victim service programs). The teams work to ensure that victims remain safe and that offenders are held accountable for their crimes and for complying with conditions of release, probation, and/or parole. Each team member can play a specific role crucial to supervision. All disciplines should notify the victim of any changes in offender behavior, seek her input, and assist her in modifying her safety plan.

The **Connecticut Sex Offender Intensive Supervision Unit** provides 24-hour monitoring of high risk offenders through a network of community supervision, notification, and registration. The unit responds rapidly to violations. The officers work with other team members, including an advocate from **Connecticut Sexual Assault Crisis Services, Inc.** and a sex offender treatment specialist. This unique model is based on the philosophy of enlisting community support, ensuring the input of victim advocates in decision making, and emphasizing community education about sexual assault.

Judges may maintain contact with offenders to ensure compliance. Judges may choose to hold compliance or review hearings to check on offenders. Pointed questions can motivate offenders to stay within the law and can help to prevent violations of conditions and future criminal offenses.

Domestic violence court judges in **Chula Vista (California) South Bay District Court** require offenders on probation to appear regularly before the court. The judges believe that this kind of contact sends the message to the offender that the criminal justice system takes domestic violence seriously.

**Design mechanisms to address non-compliance with orders to relinquish weapons.** Because they believe they have an absolute right to bear arms, many offenders will not surrender their weapons as required by their probation. Courts should collaborate with law enforcement to develop procedures to swiftly enforce these orders and store the weapons (e.g., consider negotiating storage space for weapons with the local national guard post).<sup>21</sup>

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The **Appleton (Wisconsin) Police Department's** policy on domestic violence specifies that, pursuant to an order for protection, the offender must surrender his/her weapons to the sheriff of the county in which the action was commenced, the sheriff of the county in which the respondent resides, or to another person designated by the respondent and approved by the court.

## MEASURES OF SUCCESS

Utilizing creative post-sentencing strategies can result in:

- increased control over offenders after sentencing;
- consistent processing of violations of conditions of release/probation/parole;
- increased victim safety; and
- decreased offender recidivism.

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## CHAPTER ENDNOTES

<sup>1</sup> Federal law requires every domestic violence shelter that receives Federal funding to establish confidentiality policies that include address confidentiality. The Family Violence Prevention and Services Act requires that the shelter address cannot be made public to anyone except upon written authorization from the persons responsible for operating the shelter. Pub. L. No. 98-457, Tit. III, §§302-313 (West Supp. 1995) (codified as reauthorized and amended at 42 U.S.C. §§10401-10413 (West Supp. 1995)). The Victims of Crime Act has a similar requirement. 42 U.S.C. §10402(a)(2)(E) (West Supp. 1995).

<sup>2</sup> *Model Code Domestic and Family Violence*, National Council of Juvenile and Family Court Judges, Reno, NV, §222, 20 (1994).

<sup>3</sup> MASS. GEN. L. ch. 209A, §8 (West Supp. 1995).

<sup>4</sup> 23 PA. CONS. STAT. ANN. §6112 (West Supp. 1995).

<sup>5</sup> Massachusetts requires courts to "impound the plaintiff's address by excluding same from the complaint and from all other court documents that are available for public inspection, and shall ensure that the address is kept confidential from the defendant and the defendant's attorney." MASS. GEN. L. ch. 209A, §8 (West Supp. 1995). Texas allows its courts to keep this information confidential. TEX. FAM. CODE ANN. §71.111 (West Supp. 1994).

<sup>6</sup> All fifty States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, and Guam receive STOP Grant funding.

<sup>7</sup> Barbara Hart, *Safety and Accountability: The Underpinnings of a Just Justice System*, Pennsylvania Coalition Against Domestic Violence, Harrisburg, PA (1998).

<sup>8</sup> *Ibid.*, p. 7. The author cautions that "principles of due process and fundamental fairness might appropriately restrict the scope of review and the judicial notice appropriately taken of the other legal outcomes," and suggests that guidelines or parameters for judicial review of these data from other proceedings should be crafted in local rules or in canons for judicial practice.

<sup>9</sup> In one instance, a judge asked the victim why she had "put up with" the abuse for eight years, called her a "doormat" and stated that the abuser was abusive because she was a "marshmallow." As cited in the Public Justice Center, *Courtwatch: A Report on Civil Protection Orders in Maryland Domestic Violence Cases*, 25 (September 1995).

<sup>10</sup> State and Federal statutes require parties who have had protection orders issued against them to relinquish firearms and ammunition for the time period covered by the order. (See Judith Bonderman, "Firearms and Domestic Violence," *Stopping Violence Against Women Using New Federal Laws: Study Guide*, ABA Commission on Domestic Violence and Center for Continuing Legal Education and Center for Pro Bono, Washington, D.C., 81 (1996) for a discussion of the dangers posed by firearms to victims of domestic violence.)

<sup>11</sup> *Report of the Florida Supreme Court Gender Bias Study Commission*, 144 (1990); and *Report of the Illinois Task Force on Gender Bias in the Courts*, 114-115 (1990).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Final Report of the Michigan Supreme Court Task Force on Gender Issues in the Courts*, 37 (1989).

<sup>14</sup> Research conducted by the Quincy Court in Quincy, Massachusetts, indicated that two factors are statistically significant in predicting which domestic violence offenders are likely to re-offend: age and prior criminal history.

<sup>15</sup> It should be noted that electronic monitoring should not be relied upon as the sole means to protect victims from revictimization by offenders. By the time the central monitor notifies the law enforcement department, it may be too late to prevent the harm the offender intends to inflict upon the victim.

<sup>16</sup> For example, one study of 561 non-incarcerated sex offenders relied on the self-reporting of participants who were promised confidentiality. The results revealed that the 126 offenders who admitted committing rape had committed a total of 907 rapes on 882 different victims, averaging seven victims each. See Gene G. Abel et al, "Self-Reported Sex Crimes of Nonincarcerated Paraphiliacs," *2 Journal of Interpersonal Violence* 3, 16-17 (1987).

<sup>17</sup> Beyond ensuring compliance with the order to participate in a batterer program, providing notification to victims or their advocates that the offender is not complying with the requirements of the program may encourage the victim to separate from the offender. In Hart's *Safety and Accountability*, *supra* at note 6, endnote 68, the author writes that, "many battered women remain with batterers when they believe that [the batterers] are attending and investing in counseling, hoping that participation will facilitate change and eliminate violence. When these women learn of the non-compliance, they often sepa-

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rate from the non-complying perpetrator.”

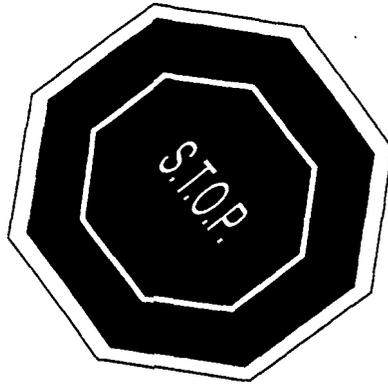
18 *ibid*, 8.

19 *ibid*.

20 *ibid.*, 7.

21 *ibid.*, 10





# 7. Coordinated Community Response

THIS CHAPTER CONTAINS THE FOLLOWING SECTIONS:

- INTRODUCTION
- COORDINATED COMMUNITY RESPONSE PRACTICES
  1. PARTNERING WITH COMMUNITY ALLIES
  2. MULTIDISCIPLINARY PROTOCOLS AND TRAINING
  3. SEXUAL ASSAULT RESPONSE TEAMS
  4. ONGOING EVALUATION
  5. ENHANCING COMMUNITY COMMITMENT TO END VIOLENCE AGAINST WOMEN

# 7. Coordinated Response

## INTRODUCTION

Many communities have developed a coordinated response to domestic violence and, in some instances, to sexual assault. Coordination takes many forms, but at its core is a commitment by participants to develop:

- a shared philosophical framework on violence against women;
- an understanding of each others' roles; and
- a plan to improve the response of different agencies to violence against women, based on victim-identified needs.

Often, the impetus to coordinate efforts comes from frustration with the fragmentation of policies and activities within the criminal justice system. If even one agency is not fully coordinating its policies, training, and practices on response to violence against women with relevant agencies, gaps in efforts to protect and support victims and hold offender accountable can occur. For example, a prosecutor's office develops the expertise of its sex crimes unit to employ innovative trial strategies in sexual assault cases. The office consistently utilizes the services of the local rape crisis center and holds regular cross-trainings for staff. When a victim calls the police department to report a rape that occurred some time ago, however, she is interviewed by an investigator with little experience in dealing with this crime who focuses his questions on why she did not report sooner. Because of this response, the victim refuses to give further information and does not seek other justice system assistance or victim services. If the police department were involved in trainings with the prosecutor's office and the rape crisis center, a more appropriate initial response and subsequent collaboration among agencies on the case may have resulted.

When sectors work together, response to victim needs and efforts to hold offenders accountable can improve significantly. Improvements in individual response can include increased victim safety, support, and restoration; more calls to police and victim service programs; more arrests and cases charged as felonies; and less offender recidivism. Beyond response to individual victims, coordination among agencies may include activities such as the development of proactive legislation and multidisciplinary protocols and training; systemic analysis of justice response, based on case outcomes and victim satisfaction; and community education and media initiatives. These activities can lead to systemic changes (e.g., better and more comprehensive interventions; few related homicides; and increased community intolerance for these crimes).

Coordination efforts build on work that is already underway. For example, many criminal justice system agencies and victim service programs have informally collaborated to coordinate response to individual cases. They are now developing formal agreements to clarify roles and promote a consistent response.

**Approaches to Systems Coordination.** Some coordination efforts address a wide range of issues, are highly structured and formal, and involve representatives from all relevant agencies. Others have specifically defined goals, but are more informal and involve fewer agency representatives.

Community-based victim service programs and justice system agencies often initiate coordinating efforts. A community may employ several coordinated approaches to address violence against women (see below).

**Community partnering.** In this model, the community-based victim service program usually identifies a strategic plan for community action. The program partners with individuals and organizations (e.g., criminal justice system agencies, medical providers, the legal aid society, schools, media, and/or faith-based groups) to work concurrently on various initiatives. Partnering choices are based on feed-

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back from advocates, victims, and the community about what will improve the criminal justice system and community response. Work groups are established that draw upon the expertise of the community. Work plans are collaboratively developed and implemented by the victim service program and its partners. The victim service program typically orchestrates and oversees the work.<sup>1</sup>

**Community organizing.** Through these initiatives, victim service program advocates or community activists invite the public to engage in work to end violence against women (e.g., zero-tolerance campaigns, public rallies, court watches, or neighborhood anti-violence teams). Community organizing can address a discrete problem or attempt to transform the consciousness and practices of the entire community.

**Councils and task forces.** Councils and task forces are formal entities initiated by advocates, government officials, and/or justice system personnel to improve criminal justice system and community response, and to increase communication among involved agencies. These coordinating bodies create forums for agencies and individuals to undertake special projects. Examples of projects include data collection, protocol development, multidisciplinary training, coordinated service delivery, education initiatives, and evaluation. A key to success of these multidisciplinary efforts is development of a shared philosophical base that centralizes victim safety and maintains this priority over time.<sup>2</sup>

**Teams coordinating response to individual cases.** Multidisciplinary teams have emerged to improve coordination and response to individual cases of sexual assault and, in some instances, to domestic violence. Team members typically include victim advocates, criminal justice system personnel, and medical providers. The team consults and involves other community allies as needed.

**Community intervention.** Community-based, nonprofit organizations have developed intervention projects to oversee coordinated criminal justice system and community response to domestic violence. Intervention projects can independently evaluate each sector's response, broker relationships among different sectors, and facilitate policies and protocols that guide the intervention process. They devote staff to analyzing and reforming the justice system response to cases, and work with agencies to maintain a commitment to victim safety. These projects may also offer direct victim services in conjunction with local battered women's advocacy programs, as well as batterers' intervention services.

**Training and technical assistance projects.** These efforts have produced training curriculums, as well as written and audiovisual materials for justice personnel, advocates, human service professionals, and community groups. To meet the ongoing need for technical assistance and training, clearinghouses and technical assistance projects also aid policy makers and practitioners in designing effective justice and human service systems.

**Choosing Among Approaches.** When choosing which technical assistance or coordinating approaches to employ, consider:

- the reasons improved coordination is needed (e.g., inadequate support for victims in rural areas);
- ways to avoid duplication of or competition with existing coordination efforts;
- agencies that need to be involved in coordination efforts;
- the level of formality desired (e.g., a council may make formal appointments while partnering efforts may be more informal);
- the resources needed to get started and maintain communications among those involved;
- the power dynamics and politics operating within the justice system and the community (e.g., problems may be resolved more openly in informal meetings with agency representatives, while meetings of all cooperating agencies may be reserved for general discussions and information sharing);<sup>3</sup>
- ways the work will be facilitated (e.g., through subcommittees or central assignment of tasks); and
- ways decisions will be reached and implemented (e.g., member voting or informal agreements).

At a minimum, a fully coordinated criminal justice response requires leadership and involvement from community-based victim service programs, law enforcement, prosecution, courts, probation and parole, and victims. However, coordination can begin with fewer players who work to identify locality specific gaps and then invite relevant agencies to address problems.

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**Multicultural Leadership and Involvement.** Communities of color and marginalized constituencies should be involved in designing, implementing, and evaluating coordinated approaches. Coordinating efforts must:

- identify the range of populations in their communities and the impact of violence against women in these communities;
- address community specific challenges to effectively response to violence against women;
- promote creative outreach in these communities;
- ensure language accessibility;
- develop culturally appropriate and competent interventions; and
- work to eliminate discrimination against certain populations of victims in local, State, and Federal laws and military or organizational policies (e.g., immigrant women or lesbians).

The leaders and members of communities that have been traditionally underserved by the justice system and victim services may be reluctant to join coordinating efforts. They also may be concerned that only a token effort is being made to address issues specific to their communities. Those initiating coordinating efforts must take concrete measures to build trust among underserved and under-represented communities and show a genuine interest in improving response to victims from these communities.

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## I. PARTNER WITH COMMUNITY ALLIES THAT VICTIMS TURN TO FOR ASSISTANCE

### ACTION PLAN AT A GLANCE

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1. Identify those community organizations that assist victims of violence against women.
2. Explore the scope of partnerships with community allies.
3. Develop a wide range of collaborative projects.

### WHY THIS PRACTICE IS IMPORTANT

Many community agencies and organizations respond directly to victims of violence against women. Individuals also play a significant role in supporting victims (e.g., family, friends, employers, co-workers, or neighbors). These groups and individuals, by virtue of the types of services they provide or their relationships to victims, may be involved in:

- identifying a history of violence;
- safety planning;
- reporting crimes to police;
- providing referrals;
- treating the victim, her family, and friends (e.g., medical or mental health or substance abuse);
- providing multiple services for victims (e.g., housing, child care, legal aid, or job training); and
- communicating with justice system personnel, advocates, and other allies on behalf of the victim.

***This practice focuses on partnerships to promote improved direct response to victims.*** (Practice 6 discusses collaboration with allies on education and awareness and social action initiatives. See Chapter 5, *Victim Services*, for information on partnerships initiated by advocates.)

### ACTION PLAN

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#### I. IDENTIFY THOSE COMMUNITY ORGANIZATIONS THAT ASSIST VICTIMS OF VIOLENCE AGAINST WOMEN.

***Encourage involvement of a wide range of public and private agencies, organizations, businesses, civic groups, and individuals.*** In light of the pervasiveness of violence against women, its vast impact on communities, and the myriad resources victims require, there are many partnering possibilities that could result in enhanced victim assistance. (See Chapter 5, *Victim Services*, Practice 3, for a list of potential allies.) The actual process of initiating partnerships may vary according to type of organization or group, its interest in coordination, power dynamics, and the formality required to facilitate coordination.

When inviting agencies to be partners, clearly articulate the reasons why allies should devote resources to assisting victims of violence against women, as well as potential partnering activities. Also, determine the best way to identify problems or conflicts of interest that would impede collaboration with each partner and subsequently develop strategies to resolve those conflicts (e.g., turf issues or prior inappropriate referrals or interventions). When dealing with difficult or delicate issues, it may be more appropriate and time efficient for a small group or an individual agency to initiate and coordinate partnerships (rather than a large coordinating body like a task force or council).

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Where a coordinating body invites broad membership from many sectors in the community, there is a danger of diffusing the focus on victim safety and support. To remedy this potential problem, coordinating bodies must embrace the participation and leadership of advocacy programs.

About half the members of the **Los Angeles County (California) Domestic Violence Council** are representatives from city and county departments or organizations that have contact with victims. The other half represents advocacy programs and shelters. Battered women programs are accorded two voting representatives, while public agencies have one vote per representative.

## 2. EXPLORE THE SCOPE OF PARTNERSHIPS WITH COMMUNITY ALLIES.

**Create or strengthen links with community allies to improve direct response to victims.** Coordination among advocacy programs, the justice system, and community agencies can facilitate activities such as:

- assessment of criminal justice system or human services practices, resources, and gaps in response to violence against women;
- development and passage of enabling legislation;
- development of agency and multidisciplinary policies, protocols, and interagency agreements;
- agency and multidisciplinary training and technical assistance;
- coordination of comprehensive direct response to violence against women;
- creation or expansion of services to reach underserved populations, or address gaps in services for specific populations (e.g., to train disability advocates and service providers to incorporate questions on domestic violence, sexual assault, and stalking into their intake assessments);
- development of mechanisms that facilitate communication and problem solving among intervening agencies on individual cases and systemic issues;
- allocation of adequate personnel and resources for agency and multidisciplinary efforts;
- development of community resource directories for victims;
- development of protocols and resource materials to guide professionals in response to victims and coordination with other agencies;
- joint programming and research; and
- evaluation and improvement of coordinated community response.

As part of its recommendations for an improved early intervention, the **Tucson/Pima County (Arizona) Domestic Violence Task Force** identified several priorities. Priorities included development of health care provider training and protocols and promotion of violence-free workplaces. Workplace initiatives included development of district-wide policies, support for victims through an employee assistance program, rehabilitation opportunities for perpetrators, and staff development days for domestic violence education. Similarly, the **Family Violence Council of Lancaster County (Nebraska)** helped develop resource guides and workshops on domestic violence for employers, clergy and physicians.

## 3. DEVELOP A WIDE RANGE OF COLLABORATIVE PROJECTS.

This section presents examples of partnerships with allies aimed at improving response to victims.

**Medical Providers and Institutions.** Many initiatives are underway in communities across the country to improve emergency medical response to victims of sexual assault and domestic violence. Medical personnel, typically at hospital emergency departments, provide victims with emergency medical care and testing for sexually transmitted diseases and pregnancy. They can offer information about treatment options and how to obtain anonymous HIV/AIDS testing. They also can collect forensic evidence from victims and offenders.

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Beyond an emergency response, medical providers play a critical role in identifying patients with a history of abuse, informing patients of their legal and non-legal options and community resources, and providing treatment for associated medical problems.

In the past several years, a number of national and State health associations have sent strong messages to constituents about the seriousness of violence against women. These associations have endorsed protocols that encourage sensitive and appropriate response to domestic violence and sexual assault victims. This leadership has helped lay the groundwork for many local health care initiatives and partnerships. Some of the projects include development of:

- related graduate and medical school coursework;
- training and resource materials for health care providers;
- materials for victims on obtaining health care services;
- research on related health care issues;
- model protocols for response to victims;
- screening tools for violence against women;
- guidance on following mandatory reporting laws regarding violence;
- forms to facilitate proper documentation of violence against women cases;
- protocols for notifying advocates when a victim is identified; and
- specialized medical and multidisciplinary positions and programs to enhance medical response and coordinate interventions with victim service programs and the criminal justice system (see *Practice 3 in this chapter for information on the medical provider's role in sexual assault response teams*).

The **Santa Clara County (California) Domestic Violence Council** developed a domestic violence protocol for county health care providers and a training curricula to facilitate implementation. (See *Coordinated Community Response Program Profiles*.)

The **Columbia University School of Nursing (New York)** offers a four-day continuing education program that certifies nurses as Sexual Assault Nurse Examiners (SANE). The program focuses on the basics of sexual assault, the role of the nurse examiner and the advocate, forensic evidence collection, assessment and examination of survivor, and the nurse as a witness.

The **Women's Center and Shelter of Greater Pittsburgh (Pennsylvania)** developed a hospital-based medical advocacy project. An on-site advocate works with medical staff to respond to domestic violence victims treated at the hospital. (See *Coordinated Community Response Program Profiles*.)

Examples of instructional publications for medical providers include: *Strategies for the Treatment and Prevention of Sexual Assault*, produced by the **American Medical Association**; *Domestic Violence: A Medical Protocol for Health Care Providers*, produced by the **Mississippi State Coalition Against Domestic Violence**; *Building Alliances: Responding When Your Patient Has Experienced Domestic Violence or Sexual Assault*, produced by the **Network** (the **Rhode Island Rape Crisis Center**, and the **Rhode Island Coalition Against Domestic Violence** and its six member agencies); and *Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers*, produced by the **Family Violence Prevention Fund**, in collaboration with the **Pennsylvania Coalition Against Domestic Violence**. The **American Medical Women's Association** is adapting *Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers* and placing it online at their website to serve as an interactive educational tool, with support from the **Office of Victims of Crime, U.S. Department of Justice**.

**Schools.** Like medical providers, educators play a critical role in identifying and assisting students who:

- have been battered, sexually assaulted, or stalked;
- have witnessed domestic violence;

- may be at risk for future victimization; or
- are offenders of violence against women.

Pre-school, kindergarten, elementary, middle, and high school, alternative and continuing education programs, and colleges and universities can provide their staff with policies and protocols, training, and resource materials to respond to violence against women. They also should develop a protocol on handling sexual assault, domestic violence, or stalking when a staff member is the alleged offender. Schools can include information in student handbooks about procedures to follow if sexual assault, domestic violence, or stalking occur.

In conjunction with their school-based education initiatives, many victim service programs have developed relationships with teachers, professional and student peer counselors, and school administrators to establish interagency agreements and contracts that facilitate prompt and appropriate intervention in sexual assault, domestic violence, and stalking cases.

The **University of Virginia** contracts with the **Sexual Assault Resource Agency of Charlottesville (Virginia)** to provide advocacy and support services for students who are sexually assaulted, staff training, student education programs, and consultation for personnel involved in individual cases.

The **Women's Center and Shelter of Greater Pittsburgh (Pennsylvania)** contracts with the city public school system to provide crisis response and assessment for students who have witnessed domestic violence or who are violent. (See *Coordinated Community Response Program Profiles*.)

The **Rappahannock (Virginia) Council Against Sexual Assault (RCASA)** in **Fredericksburg** receives many victim referrals through school personnel. Students often disclose a history of abuse after attending RCASA's school-based educational programs. To facilitate referrals and victim disclosures, advocates typically schedule time after presentations to talk individually with staff or students.

**Social and Human Service Programs.** Coordination and collaboration with and among these programs is essential to help victims address many problems associated with violence against women, such as mental health, economic, child custody and support, housing, and employment issues. (See *Chapter 3, Law Enforcement, Practice 9* and *Chapter 5, Victim Services, Practice 1*.)

The **Families First Program** of the **Women's Center of Marquette (Michigan)** is part of a State and national collaboration between domestic violence programs and family preservation agencies. The program serves families encountering a crisis due to domestic violence. Social workers are trained in both the Families First model and domestic violence, and provide intensive home-based services to mothers and children for four to six weeks. The Families First staff also meets weekly with shelter sexual assault response staff to coordinate client services. (See *Victim Services Program Profiles*.)

The **Women's Center and Shelter of Greater Pittsburgh (Pennsylvania)** collaborates with child protective services to provide training for their caseworkers on identifying and intervening in cases of intimate partner violence in families in which both the mother and children are victimized. Advocates will work on-site at local child protection agencies to provide crisis intervention and staff consultation. (See *Coordinated Community Response Program Profiles*.)

**Businesses.** In partnership with victim services and the criminal justice system, businesses can:

- develop protocols to deal with workplace violence, support victims, and hold offenders accountable;
- use a variety of approaches to raise employee awareness and intolerance of violence against women (e.g., train employees to recognize and respond to violence against women, put up displays in public places and information in newsletters, and hold ongoing workshops); and

- instruct supervisors and employees in how to assist victims with safety planning.

*The Workplace Responds to Domestic Violence: A Guide for Employers, Unions, and Advocates* was produced in 1998 by the **National Workplace Resource Center on Domestic Violence**, a project of the **Family Violence Prevention Fund**, with support from the **Office for Victims of Crime** of the **U.S. Department of Justice**. It provides employers with information to help them deal with domestic violence as effectively and appropriately as possible. Unions can use it as a reference in their member benefits and policies, as well as when discussing the issue with employers. Advocates can use the book as a tool to reach out to employers to raise awareness and educate about the issue.

As part of their campaign "Domestic Violence: It's Everyone's Business," the **American Bar Association** developed a brochure entitled *Steps to Safety: Be Safe, Be Sensitive, Be Prepared*. Corporations and organizations can distribute the brochure to employers, customers, and the public.

Businesses can partner with victim service programs and the justice system to enhance victim safety and support options. For instance, phone companies can provide victims with free or affordable cell phones and security companies can offer alarms to victims through police departments or advocacy programs. Businesses can also provide financial support to improve victim assistance by donating money, equipment, furniture, facilities, or services (e.g., printing literature) to advocacy programs. (See Chapter 1, *Victim Safety Planning*; Chapter 3, *Law Enforcement, Practice 8*; and Chapter 5, *Victim Services, Practice 5*.)

**Civic, Faith-Based, or Neighborhood Organizations.** These organizations and groups can help respond to both immediate and broad issues and problems facing victims within their constituencies. For instance, a neighborhood association can develop a citizen crime watch program that addresses violence against women. Civic and faith-based organizations can provide their members with literature on violence against women, establish victim referral systems, and offer financial or in-kind support and expertise to victim service programs and the criminal justice system. (See Chapter 3, *Law Enforcement, Practice 9*, and Chapter 5, *Victim Services, Practice 1 and 4*.)

The **Center for the Prevention of Sexual and Domestic Violence** is an international, private, non-profit organization headquartered in **Seattle (Washington)**. The center is an inter-religious resource addressing issues of sexual and domestic violence. Their goal is to engage religious leaders in the task of ending abuse and to serve as a bridge between religious and secular communities. The center offers trainings and workshops, consultation to professionals, videos, specialized curriculum materials, books, brochures, and other written materials.

In the remote areas of **North Dakota, Montana, and Wyoming**, community members such as teachers, social workers, clergy, health care providers, and cosmetologists often provide informal assistance to victims of domestic or sexual violence. The **Tri-State Rural Collaboration Project**, a collaboration of the three State coalitions, organized focus groups to learn what support these professionals needed to more effectively help victims. Subsequently, project staff developed guidebooks for these professionals. (See *Coordinated Community Response Program Profiles*.)

The pastor of the **David Chapel Missionary Baptist Church** in **Austin (Texas)** is a former prosecutor who includes references to violence against women in his sermons. He makes sure that safety planning brochures are available in the church's restrooms. He includes this information in the trial advocacy course that he teaches at the **University of Texas School of Law**. The pastor convened a "Summit" with legal aid organizations, the private bar association, battered women's shelters, and local corporations to explore collaboration opportunities to assist victims.

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## MEASURES OF SUCCESS

Measures of success in partnering with community allies can include:

- more organizations and individuals who view intervention in violence against women cases as their responsibility;
- more organizations and individuals understand the warning signs of violence against women;
- increased assistance to victims in safety planning;
- more referrals to victim services and criminal justice system agencies;
- broader range of legal and non-legal options available to victims;
- increased coordination among agencies that provide services to victims; and
- greater victim satisfaction with services provided.

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## 2. DEVELOP MULTIDISCIPLINARY PROTOCOLS AND TRAININGS

### ACTION PLAN AT A GLANCE

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1. **Assess the usefulness of agency protocols and interagency agreements in promoting coordination.**
2. **Build the capacity of agencies to implement protocols necessary for a coordinated response.**
3. **Develop or revise protocols that improve coordinated response.**
4. **Develop written cooperative agreements among sectors.**
5. **Lay the groundwork for coordination through multidisciplinary training.**
6. **Evaluate the effectiveness of multidisciplinary protocols and training.**

### WHY THIS PRACTICE IS IMPORTANT

Protocols that are jointly developed by justice system agencies and victim service programs can support an effective coordinated response to violence against women. Each agency is likely to operate independently out of its own established procedures unless an effort is made to coordinate all procedures with those of other agencies dealing with the same cases. Practitioners in an interagency response depend on each other to uphold agreed upon policies for handling cases.<sup>4</sup>

Multidisciplinary training on violence against women can supplement agency training, providing personnel with an overview of the essential functions of each intervening agency, and interventions for which agencies have shared responsibilities. Multidisciplinary training can stress the importance of a seamless, comprehensive response to violence against women, and guide agencies and personnel as they implement policies and protocols that require coordination.

### ACTION PLAN

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#### I. ASSESS THE USEFULNESS OF AGENCY PROTOCOLS AND INTERAGENCY AGREEMENTS IN PROMOTING COORDINATION.

**Identify if victim safety and offender accountability are adequately addressed in the criminal justice and community systems.** An assessment of agency protocols and interagency agreements may include gathering information through:

- individual and group interviews with victims from diverse backgrounds;
- key individuals working in the justice system, advocacy programs, and other human service sectors;
- observations from site visits to key facilities where victims seek services;
- surveys of organizations that serve people affected by violence against women, including those serving traditionally underserved populations;
- reviews of agency case files and statistics on violence against women; and
- focus group discussions (e.g., with victims, victim service providers, women from traditionally underserved populations, offenders, and religious personnel) related to the safety, support, and restoration needs of survivors and the community.

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Under the direction of the **Domestic Abuse Intervention Project (DAIP)**, **Duluth and St. Louis County (Minnesota)** piloted several audits to examine institutional processes in place to respond to battered women and whether the goals of victim safety and offender accountability were being met. The multi-agency audit team, formed with the support of agency supervisors, is composed of representatives of DAIP, probation departments, law enforcement agencies, the prosecutor's office, and the local battered women's shelter. (See *Coordinated Community Response Program Profiles*.)

The **Model Sexual Assault Response Protocol Development Project (Minnesota)** used multiple methods to solicit input for the protocol. Discussions with advocacy groups were held to determine what kind of input they should seek. Public hearings were held, as well as meetings with multidisciplinary groups, asking them what was needed to make the specific system they represented more responsive. Focus group discussion with survivors were organized, including discussion for women of color, women who were deaf or hard-of-hearing, women living in rural areas, women in college, and women in correctional facilities. Three counties are serving as test sites for the process of creating a victim-centered protocol that will coordinate the work of the agencies involved in responding to sexual assault. (See *Coordinated Community Response Program Profiles*.)

After months of extensive assessment of the community response, the **Tucson/Pima County (Arizona) Domestic Violence System Design Task Force** issued a report recommending five broad categories of systemic change: (1) increased leadership and direction in improving response; (2) increased knowledge and skills of professionals; (3) increased consistency of response among multiple providers; (4) increased access for victims to effective interventions and services; and (5) increased community understanding and intolerance for domestic violence.

Address "turf" issues up front. Individual agencies may initially be unwilling to accept outside leadership and feedback, or to carry out the tasks involved in coordination. They may be concerned about protecting their funding, maintaining their status in the community, or being co-opted by the larger system. Concentrate on building relationships that promote respect for each discipline's specific functions, while building a shared vision of coordinated response.

## 2. BUILD THE CAPACITY OF AGENCIES TO IMPLEMENT PROTOCOLS NECESSARY FOR A COORDINATED RESPONSE.

**Realize that coordination takes time and resources.** Multidisciplinary policies and protocols can only be effective if individual agencies have the personnel and resources (e.g., adequate funding, multi-language capacity, equipment, supervision, training, and professional development opportunities) to properly participate in coordinated efforts. For instance, local law enforcement, victim services, and hospitals may strengthen their coordinated response to sexual assault. However, if the State's forensic labs lack the staff or equipment to analyze increased amounts of evidence, there may be delays in prosecuting cases.

Agencies can assist one another in building capacity to better respond to violence against women cases and participate in coordinated interventions (e.g., request that local and State legislators sponsor bills to increase funding for specific critical functions). In many communities, advocacy programs are underfunded and can benefit from the support of justice system agencies in increasing resources to serve victims.

**Assign staff in each agency direct responsibility for coordinating response to violence against women.** Some jurisdictions have created positions to oversee coordination activities related to violence against women and to assist agencies in full implementation of protocols. Victim service programs should be involved in the oversight of coordinating activities, in order to ensure that efforts remain victim-centered. (Also see *Chapter 5, Victim Services, Practice 6*.)

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The Executive Director of the **Illinois Coalition Against Domestic Violence** noted that active participation of advocates has been a key reason for the success of the State's **VAWA Steering Committee** in promoting the development and expansion of local multi-disciplinary trainings. Advocate involvement has ensured that planning initiatives are victim-centered, helped improve response to violence against women, and complemented the work of victim service programs.

Communities must avoid merely re-allocating or competing for funding used by victim service programs to finance coordinating initiatives. It is counterproductive to a coordinated response to deplete resources needed to directly serve and advocate for victims.

### 3. DEVELOP OR REVISE PROTOCOLS THAT IMPROVE COORDINATED RESPONSE.

**Based on results of formal and informal assessments, determine how to best coordinate service delivery.** Develop or revise protocols to instruct staff and volunteers on the role each part of the agency plays in building a coordinated response. Protocols on comprehensive direct response should address:

- victim safety, assistance, and restoration in the immediate short term;
- crisis intervention services;
- effective and coordinated justice system response;
- legal and non-legal remedies and resources for victims;
- appropriate response to offenders;
- follow-up services for victims, family and friends, and offenders;
- training for all personnel;
- interventions by community allies who interact with victims and offenders; and
- monitoring and evaluation of interventions.

**Multidisciplinary protocols must protect victim confidentiality at each stage of intervention.**

*Survivor Confidentiality Rights and Law Enforcement "Need to Know:" A Model for Domestic Violence Programs and Law Enforcement* was produced in 1995 by the **Iowa Office of the Prosecuting Attorney**. A group of law enforcement officers, prosecutors, shelter advocates and administrators, and domestic violence survivors developed the information in this booklet. The booklet addresses areas where confidentiality questions may arise, such as: missing persons reports; victim interviews by police; arrest warrants for persons staying at shelters; shelter searches; subpoenas; civil commitment orders; investigations of crimes at shelters; and defendants' needs for property in the victim's possession.

The **Washington State Confidentiality Address Program** offers a simple and inexpensive way to standardize the protection of a victim's address. Success depends on coordination among victims, victim service programs, and the criminal justice system. The program offers battered women and sexual assault victims a substitute mailing address that routes their mail to a central address. Program staff is responsible for forwarding mail to the women's actual location. The program also provides specific records protection (e.g., voter registration and marriage licenses).

Multidisciplinary protocol development may be approached several ways. Determine:

- who will assume leadership in coordinating protocols;
- how agencies will make decisions about protocol development or revision recommendations;
- the process for adopting the protocols by individual agencies; and
- how agencies will monitor protocol compliance and solve problems as they arise.

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The **Duluth (Minnesota) Domestic Abuse Intervention Project** works individually with cooperating agencies to formulate and implement policies for responding to domestic violence. Similarly, **Cangleska, Inc.** oversees development of domestic violence policy and protocols for the Oglala Sioux Tribe criminal justice system, ensuring that program activities are grounded in Lakota culture and a philosophy that values women. (See *Coordinated Community Response Program Profiles* for both examples.)

Monthly meetings of the **Carbondale (Illinois) Violence Against Women Steering Committee** led to adoption of a law enforcement protocol for domestic violence by the city **Police Department** and the **Southern Illinois University Police**. Surrounding rural county law enforcement agencies are being encouraged to adopt the protocol. The **State's Attorney** is in the process of drafting a prosecution protocol. Similarly, the **San Diego (California) Domestic Violence Council** developed law enforcement protocols that were adopted by the city **Police Chiefs and Sheriff's Association**, and batterer treatment standards that were adopted by the **City Attorney, District Attorney, and Probation Department**.

In an effort to create victim-centered protocols, each test site for the **Statewide Model Sexual Assault Response Protocol Development Project (Minnesota)** was asked to conduct an inventory of existing services and a victim experience survey, assess community needs, write/adopt the protocol, renew interagency agreements, train personnel, monitor compliance, and evaluate effectiveness. (See *Coordinated Community Response Program Profiles*.)

#### 4. DEVELOP WRITTEN COOPERATIVE AGREEMENTS AMONG SECTORS.

Many communities supplement agency protocols with interagency agreements outlining roles and articulating how personnel should work together to coordinate response. These documents must be jointly developed, agreed upon, and signed by agency policy makers. While developing interagency agreements is often time-consuming (but often required by funders), it can:

- increase communication among agency personnel (at the very least, agency representatives probably will communicate annually to renew agreements);
- make clear an agency's level of commitment to ending violence against women;
- provide a forum to identify and problem solve about systemic gaps;
- help facilitate development and monitoring of agency and multidisciplinary protocols that promote victim safety and offender accountability;
- identify areas where ongoing training and guidance is needed; and
- facilitate the development of interagency projects.

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The **Fresno (California) Rape Counseling Center** entered into agreements with the **Fresno Police and County Sheriff's Departments** to establish half-time advocate positions in each department. A written agreement between the center and the **District Attorney's Victim Witness Office** outlines the services each program provides to victims and the agreed expectations concerning referrals and service provision. (See *Coordinated Community Response Program Profiles*.)

Members of the **Morgan County Coalition Against Domestic Violence (Alabama)**, formed through the leadership of **Hope Place, Inc.**, signed an agreement detailing each agency's role in responding to domestic violence.

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## 5. LAY THE GROUNDWORK FOR COORDINATION THROUGH MULTIDISCIPLINARY TRAINING.

Multidisciplinary training may be the first time personnel and leaders from different disciplines meet on common ground. These groups may be divided by tradition, mission, philosophy, and professional orientation, and may compete for resources.<sup>5</sup> Individual agencies may only see fragments of the problem. Protocol training must be sufficiently detailed to provide agency staff and volunteers with an understanding of their roles in each step of response to violence against women and the roles of other agencies. Trainers should convey the scope of the problem and the importance of coordinated response to the safety of victims and the community. (See Appendix A, Training.)

**Prepare trainers to handle conflicts among intervening agencies.** For instance, conflicts will arise if prosecutors regard offender conviction, rather than victim safety and restoration, as their primary goal. In addition to being knowledgeable about appropriate responses to violence, presenters should have excellent interpersonal, negotiation, and problem solving skills.

Provide a forum during multidisciplinary training to discuss where the community falls short in addressing victim needs, particularly victims from underserved populations or geographic areas. Survivors and leaders of these communities can assist in developing/presenting this training component. Training can build awareness of common problems and unique barriers underserved populations face in using services, and help agency personnel determine how to serve them in a culturally appropriate way.

Law enforcement, prosecution and community-based advocacy programs from **Snohomish, King, and Pierce Counties** work together to coordinate the annual **Greater Puget Sound (Washington) Domestic Violence Conference**. The goal of the conference is to educate professionals about a coordinated community response to domestic violence. The conference features local, regional, and national speakers, and specialized program tracks for police, prosecutors, and probation officers. This one-day conference is offered at a low cost (e.g., 20 dollars in 1995).

Depending on the needs of a particular locality, a number of national organizations offer multidisciplinary training opportunities and resources promoting coordinated response on domestic and sexual violence issues. (See Appendix E, *Publication and Resource Contact Information*.)

**Kick off coordination efforts with multidisciplinary training.** Some States sponsored training summits on domestic violence and/or sexual assault, inviting jurisdictional "teams" of victim service providers, law enforcement officers, prosecutors, judges, and court administrators. Local and regional trainings of this nature typically extend invitations to a broader audience. While such large-scale trainings may require a major commitment of time and energy, they played a key role in jump-starting coordinating efforts in many regions. Many conveners acted quickly after programs were conducted to involve participants in coordinating projects, such as reviews of agency protocols, development of interagency agreements, formation of coordinating bodies or partnerships, and development of community organizing initiatives.

In 1998, the STOP T.A. Project will publish a monograph which describes the process and impact of **North Carolina's State Summits on Domestic Violence and Sexual Assault**, held respectively in 1995 and 1996. Each of the State's 39 prosecutorial districts were invited to send a multidisciplinary team to assess its district's response to domestic violence or sexual assault. Summit organizers underwrote costs. Key public officials (e.g., the Governor and the chief justice of the State Supreme Court) encouraged participation. The Summit on Domestic Violence included judges and magistrates from every district. Both summits helped to implement a coordinated response in many districts where none had existed or galvanized existing efforts. Task forces, specialized units, dedicated courts, and community-specific protocols were developed as a result of the summits.

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Funded through a STOP grant, the **Ending the Violence Against Women Project** in Colorado developed a multidisciplinary training team that travels to jurisdictions around the State to provide trainings and consultation on domestic violence and sexual assault coordinated response. Many rural communities invited a broad range of justice system agencies, victim service programs, and other community agencies, organizations, and groups to these trainings, resulting in increased community-wide coordination of interventions and services.

A judge from the **Tenth Circuit Court of Illinois** and the **Center for Prevention of Abuse**, based in Peoria, joined the **Administrative Office of the Illinois Courts** to sponsor an all-day local symposium on family violence in 1993. The purpose of the symposium was to educate professionals and develop a shared vision of coordinated response to family violence. Appropriately 600 agency and organization representatives attended. Subsequently, 150 attendees participated in forming the circuit-wide **Family Violence Coordinating Council**. (See *Coordinated Community Response Program Profiles*.)

## 6. EVALUATE THE EFFECTIVENESS OF MULTIDISCIPLINARY PROTOCOLS AND TRAININGS.

**Build in mechanisms for ongoing input and evaluation from intervening sectors and those being served.** In addition, monitor agency compliance with protocols. Monitoring coordinated response may include tracking individual cases, as well as identifying broad areas where service delivery is fragmented or may harm victims and her significant others. As problems are identified, or case and statutory law change, protocols may require modifications. (See *Practice 4* in this chapter and *Chapter 5, Victim Services, Practice 6*.)

The **Duluth (Minnesota) Domestic Abuse Intervention Project (DAIP)** and **Women's Coalition** staff collect data on a continuing basis to determine if agreed-upon procedures and policies are consistently applied. Through examination of police, court, shelter, and DAIP records, and feedback from victims, gaps in the justice system response can be identified. (See *Coordinated Community Response Program Profiles*.)

The **Montgomery (Alabama) Sexual Assault Response Team's** monthly meetings provide agencies with an opportunity to monitor the performance of the new nurse examiner program by reviewing each emergency room case from the point of initial contact to the meeting. Subcommittees coordinate training to improve response and revise policies and procedures followed by victim services, police, and prosecution in handling sexual assault cases. (See *Coordinated Community Response Program Profiles*.)

## MEASURES OF SUCCESS

Developing multidisciplinary protocol and training projects can result in:

- agency accountability for coordinated and effective intervention;
- development of a shared and appropriate vision for reducing violence against women among justice system agencies and victim service programs;
- increased safety and support options for victims and their significant others;
- increased victim use of the full range of available remedies and community resources;
- increased leadership and involvement of victims from underserved populations in identifying solutions specific to their communities;
- increased arrest, conviction, sanctioning, treatment, and monitoring of offenders; and
- creation of formal and informal networks for communications and collaboration among agencies.

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### 3. ESTABLISH SEXUAL ASSAULT RESPONSE TEAMS (SARTs)

#### ACTION PLAN AT A GLANCE

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1. **Assess the effectiveness of current coordinated interventions.**
2. **Identify agencies that should be involved in the SART.**
3. **Determine the scope of SART efforts.**
4. **Guide the SART members in coordinated immediate response.**
5. **Ensure prompt and sensitive medical care and forensic evidence collection.**

#### WHY THIS PRACTICE IS IMPORTANT

Many communities are developing sexual assault response teams (SARTs) to coordinate immediate, high quality, multidisciplinary, victim-centered response to adult sexual assaults. In the absence of such a response, victims may encounter law enforcement officers and medical personnel who lack the training and resources necessary to appropriately assist victims, conduct forensic exams, and preserve evidence. Victims may be given inadequate support and information, be asked repeatedly to describe the assault in detail, and face long waits in an emergency room. The emergency room wait also delays the officer and the advocate, who may wait with the victim.

A timely, victim-sensitive and coordinated response to sexual assault can increase the likelihood that victims will seek follow-up assistance and long-term support to promote healing, whether or not the victim files a formal police report. Thorough evidence collection can increase the credibility of the prosecutor's case in seeking to convict the offender.

#### ACTION PLAN

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##### I. ASSESS THE EFFECTIVENESS OF CURRENT COORDINATED INTERVENTIONS.

The SART essentially formalizes coordination of immediate response to sexual assault cases, creating a mechanism to monitor the effectiveness of the response and promptly address problems in service delivery. Representatives from the criminal justice system (particularly police and prosecutors), victim service programs, and medical facilities should together examine the adequacy of current response in protecting and supporting all sexual assault victims, and determine if reasons exist to form a SART or similar coordinating structure. Important factors to consider include:

- comparisons of statistics among agencies;<sup>6</sup>
- feedback from survivors about their experiences and satisfaction with the response by police, advocates, and medical providers;
- the adequacy of policies and protocols on each aspect of response;
- the rate of agency compliance with policies and protocols;
- specific problems or systemic breakdowns that have occurred;
- the capacity of each discipline to support coordinated response;
- the effectiveness of policies and protocols in protecting and supporting victims, and holding offenders accountable;
- the effectiveness of current response to victims from underserved populations or in certain types of cases (e.g., acquaintance versus stranger);
- the adequacy of agency and multidisciplinary training and resource materials;

- the adequacy of medical facilities; and
- current mechanisms to communicate, monitor cases, and problem solve among agencies.

## 2. IDENTIFY AGENCIES THAT SHOULD BE INVOLVED IN THE SART.

### **At a minimum, include police officers, community-based advocates, and hospital personnel.**

Some communities utilize trained nurses called sexual assault nurse examiners (SANE) to conduct medical exams and collect forensic evidence. Other partners may include representatives from public health departments, prosecution offices, victim-witness programs, State forensic labs, crime victim compensation offices, child/adult protective services, organizations serving victims from underserved populations, and social and human services. Collaboration varies depending upon individual victim needs.

**Avoid confusing SANE programs and SARTs.** SANE programs primarily focus on improving the emergency medical response to sexual assault. SANE efforts can result in prompt and high quality medical care, reduced victim anxiety about the medical process, and properly collected forensic evidence that may assist in prosecution if the victim decides to file a complaint. Nurse examiners can also provide expert testimony in court as appropriate. They should work with police, advocates, and prosecutors to coordinate interventions. In contrast, SARTs focus on overseeing the coordination of all aspects of immediate response. In communities that have both SARTs and SANE programs, SANE nurses typically function as members of the response teams. The effort of each SART member is equally important to the goals of victim support and offender accountability.

The **Montgomery (Alabama) Council Against Rape** established a SART in 1996 with the initial purpose of rallying community support for a SANE program to improve the experience of victims who go to hospital emergency departments for forensic examinations. In 1997, a nurse examiner program was established. Since that time, the SART has expanded its goals to develop a more effective multidisciplinary response to sexual assault. (See *Coordinated Community Response Program Profiles*.)

## 3. DETERMINE THE SCOPE OF SART EFFORTS.

**In addition to improving responses to individual victims, SARTs can undertake systemic changes.** They can establish:

- multidisciplinary protocols that support SART functions and define the roles and responsibilities of law enforcement, victim services, medical personnel, and forensic labs;
- training, supervision, and professional development for team members;
- specialized SART personnel, resources, and facilities;
- forms/checklists to standardize documentation, evidence collection, and victim notification of rights;
- mechanisms to increase communication among agencies during immediate response (e.g., assigned nurse and advocates have pagers or cell phones);
- mechanisms to promote monitoring and problem solving in individual cases (e.g., weekly meetings);
- brochures for victims to explain the SART process, written in multiple languages;
- specialized outreach to encourage victims from underserved populations to seek SART services;
- mechanisms to build professional and public support of the SART and increase victim referrals (e.g., distribution of brochures, professional training, or education programs);
- mechanisms to obtain victim feedback and otherwise evaluate effectiveness;
- victim assistance programs beyond immediate response; or
- an advisory board to oversee SART activities and incorporate efforts into broad community initiatives.

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Each agency must decide how its personnel will participate in the SART. Police may assign specialized unit personnel to the SART or provide advanced training to officers who handle sexual assault calls during each shift. A designated SART advocate may oversee agency response to calls for victim accompaniment. A hospital or advocacy program may create a SANE position or the hospital may assign nurses to handle sexual assault cases each shift or train all nurses to conduct sexual assault examinations.

**Standing Together Against Rape** and the **Anchorage (Alaska) Police Department** collaborated to create a SART for immediate and follow-up response to victims. The team consists of an advocate, a SANE nurse, and a detective from the sexual assault unit. (See *Victim Services Program Profiles*.)

Law enforcement personnel frequently request that the SART advocate from the **Fresno (California) Rape Counseling Center** provide crisis intervention and support to victims and family members at the scene of a sexual assault. Detectives also may ask an advocate to accompany them to follow-up interviews at victims' homes, particularly when they know victims are reluctant to talk. Advocates will comply in both instances, if officers transport them to and from the scene/home and stay on the premise during they visit with the victim. (See *Coordinated Community Response Program Profiles*.)

#### 4. GUIDE THE SART MEMBERS IN COORDINATED IMMEDIATE RESPONSE.

**Ensure that each aspect of coordinated response serves to protect and support sexual assault victims, facilitate optimal evidence collection, and streamline the service delivery process.** Specific, written procedures should be in place to trigger the SART process, facilitating communication with and among team members. Teams should be on-call 24-hours a day. The SART process is most frequently triggered by a victim report of sexual assault to the police, although victims may first call the advocacy program or go directly to a hospital for treatment. (Procedures must address the fact that victims seek initial assistance through various agencies and not all victims choose to utilize the full scope of available services.)

At a minimum, the SART process should ensure coordination of the following activities:

- contact with each team member to alert them to the need for services (e.g., 911 dispatcher calls the officer; the officer calls the hospital; and the hospital calls the advocate);
- prompt response of all team members to the victim (e.g., the advocate arrives at the hospital within a short time of the request for service);
- initial communication among team members to share case information and determine evidence collection needs, address special concerns (e.g., victim needs sign language translation or indicates she thinks the offender is HIV positive), and reduce need to duplicate questions;
- victim transportation to and from the medical facilities;
- provision of support, information, and materials to the victim and assistance with safety planning;
- victim interviews with police and medical personnel;
- medical examination and forensic evidence collection;
- victim accompaniment by an advocate during interviews, the medical examination and evidence collection (with the victim's consent);
- communication at the close of the examination to discuss follow-up concerns and activities (e.g., victim disclosed additional assaults and their locations during the medical exam so police should examine the sites for possible evidence);
- provision of clothing and toiletries (and a shower, if possible) for the victim;
- support and information to the victim's significant others;
- proper and timely storage and delivery of evidence;
- follow-up contact with and assistance to the victim;
- trouble shooting on specific issues (e.g., working with the crime victim compensation office to ensure that the victim is not billed for the medical exam or forensic evidence collection);
- communication on individual case progress; and

- communications about the overall effectiveness of SART and the need for modification or expansion.

The standard **San Diego County (California) SART** process, as explained in the *SART Resource Pamphlet*, is as follows:

- law enforcement is notified of the sexual assault, responds and determines that a sexual assault occurred, and alerts the SART medical facilities prior to arriving with the victim;
- the SART nurse examiner and advocate are advised of the pending victim arrival;
- the forensic examination process begins;
- the advocate provides hospital accompaniment and referrals for community resources, crisis counseling, and victim-witness assistance;
- closure with hospital staff and the patrol officer or detectives;
- disposition of evidence;
- the case is referred for investigations;
- depending on case facts, the investigation is referred to district or city attorney's office; and
- judicial proceedings.

(See Chapter 3, *Law Enforcement, Practices 4 and 6*, for information on police role in the investigation and forensic evidence collection. See Chapter 5, *Victim Services, Practices 1 and 2*, for information on the advocate's role in providing accompaniment, support, and advocacy. Aspects of the medical provider's role in immediate response are discussed below.)

## 5. ENSURE PROMPT AND SENSITIVE MEDICAL CARE AND FORENSIC EVIDENCE COLLECTION.

**Use standardized evidence collection kits.** Many States have developed kits to facilitate the collection of forensic evidence from sexual assault victims and, in some cases, from sex offenders. Depending on the nature of the crime, medical staff may also be required to collect additional evidence (e.g., urine specimen in drug-induced sexual assaults). (See Chapter 3, *Law Enforcement, Practice 3*, for information on forensic evidence typically gathered. See Appendix F for considerations in drug-induced cases.)

The **Colorado Coalition Against Sexual Assault**, in coordination with organizations around the State, developed the *Colorado Sexual Assault Evidence Collection Kit* and examination protocol. The kit contains drapes to collect debris and trace evidence; sterile, dated containers to collect blood samples; swabs to collect oral smears, saliva samples, and cervical and vaginal smears; toothpicks for fingernail scrapings; a comb for pubic hair samples; slides for vaginal, anal, oral, and cervical samples; victim consent and information and evidence release forms; and a crime lab report form.

**Obtain the necessary equipment and resources.** In addition to standard equipment necessary to conduct gynecological examinations and collect clinical samples, medical facilities should have resources for sexual assault forensic exams, including an ultraviolet light source to locate dried semen on the patient's body; a camera to photograph evidence and injuries; private, comfortable waiting and examination rooms; and a secure storage place for forensic evidence. Other equipment that has or will soon become a standard, but which is still not available to many medical facilities because of costs include the colposcope; light staining microscope; digital camera systems with direct computer links; and video equipment with print capabilities.

The use of the colposcope, which facilitates a thorough internal examination, can strengthen the quality and quantity of evidence available to the prosecutor and increase the likelihood of convicting the offender. Because of the high cost of the colposcope, however, some programs have chosen instead to

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purchase less expensive equipment with similar capacities. For example, the medscope is being evaluated in a trial study funded by the Office of Victims of Crime, Office of Justice Programs, U.S. Department of Justice.

Justice system agencies and victim service programs can collaborate with hospitals to raise funds or seek grants to purchase equipment and resources. Equipment can be purchased and shared by numerous departments within a hospital (e.g., emergency, obstetrics, and gynecology departments), or with medical facilities across jurisdictions.

**Implement a standardized forensic examination protocol for area hospital emergency departments.** Successful implementation may be a relatively simple task in areas with only a few main medical facilities. The process becomes more complex in larger cities with many hospitals and medical clinics, or in remote areas where a hospital may be hundreds of miles away from the victim. Ideally, all area hospital emergency departments should be equipped to treat sexual assault victims and collect forensic evidence, and should train their personnel to properly handle these cases. In remote areas, local medical clinics and health departments may be able to build their capacity to conduct forensic exams. As an alternative, some localities have chosen to:

- route sexual assault cases to a limited number of facilities that have proper equipment, resources, and trained personnel, and provide other area hospitals with instructions for treating victims and/or transferring them to designated facilities (in these circumstances, a procedure should be in place to ensure that victims with serious injuries are taken to the nearest hospital for care, even if it is not a designated facility);
- "share" SANE nurses and equipment among area emergency departments (the SANE nurse and equipment travels to whichever hospital needs her/him); and
- due to a high volume of cases or lack of adequate medical facilities (e.g., remote areas), develop specialized resource centers or mobile units that are equipped to conduct forensic examinations.

The **Rensselaer County (New York) SANE Program** is located in **Samaritan Hospital** and coordinated by the **Sexual Assault Care Center**. One full-time nurse administers the program and trains a pool of nurses to provide 24-hour coverage. (See *Victim Services Program Profiles*.)

In **Fresno (California)**, each of the four hospitals has a designated room for medical examinations of sexual assault victims. SANE nurses are on-call and arrive within 15 minutes of a call from the police dispatcher or the emergency room. (See *Coordinated Community Response Program Profiles*.)

In **San Diego County (California)**, four hospitals have SART facilities. If a victim presents at a hospital that is not a SART facility, emergency room staff is instructed to provide medical intervention. Subsequently, staff should notify law enforcement (with the victim's consent) to determine whether an evidentiary examination should be conducted and if victim should be transferred to a SART facility.

## MEASURES OF SUCCESS

Establishing a SART can result in:

- increased victim satisfaction with immediate response of police, advocates, and medical providers;
- increased capacity of agencies to address the needs of victims from special populations;
- decreased victim anxiety;
- increased likelihood the victim will seek follow-up emotional and medical support and participate in the justice system;
- increased quality and quantity of forensic evidence collected; and
- increased chances of charging and convicting the offender.

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## 4. FACILITATE ONGOING EVALUATION OF COORDINATION EFFORTS

### ACTION PLAN AT A GLANCE

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1. Identify the goals of the coordinating initiative.
2. Incorporate victim feedback into the evaluation, emphasizing safety and confidentiality.
3. Determine who will conduct the evaluation.
4. Choose an evaluation design that measures the project's success in achieving short-term goals.
5. Incorporate issues of race, class, and culture into the evaluation.
6. Develop strategies to utilize evaluation findings to improve response to violence against women.
7. Support other local, State, and Federal research initiatives.

### WHY THIS PRACTICE IS IMPORTANT

Evaluation can offer communities important information about the effectiveness and stability of their coordinated response to violence against women and their success in achieving project goals. Proposed change in agency or coordinated response to violence against women should be carefully evaluated to ensure that reform does not compromise the safety and interests of victims and their families and friends. For example, consider the questions listed below.

- Does the proposed change help victims of violence against women? How?
- What are the costs, if any, that accompanies the proposed benefits?
- Does the proposed change have a disparate impact by class or jeopardize the interests of the middle, working, or poverty classes?
- Does the change mask or distort the problem of violence against women (e.g., presents violence against women as a private matter or a psychological or medical problem)?
- Does the change move family legal matters (e.g., family dispute resolution in domestic violence cases) away from the protection of the law?
- Will services, protocols, or legal claims be consolidated in such a way that the role of each agency will be reduced and victim rights lost rather than gained (e.g., the consolidation of criminal and civil processes such that a victim's ability to pursue both avenues independently is compromised)?

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Much information in this practice has been drawn from the *Evaluation Guidebook for Projects funded by STOP Formula Grants under the Violence Against Women Act*, produced by the **Urban Institute**.

**Data collection** is a process of gathering and compiling information, typically for a number of program purposes. It can focus on data about a particular subject, service or activity. **Evaluation** takes data collection a step further, and analyzes the gathered information in order to measure the effectiveness of a particular service, program, or activity.

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## ACTION PLAN

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### 1. IDENTIFY THE GOALS OF THE COORDINATING INITIATIVE.

**Be clear about the goals of projects and what they will measure through evaluation.** Long-term outcomes of coordination to improve response to violence against women may include:

- permanent policy and practice changes;
- reduced incidence of violence against women in the community;
- consistent and comprehensive interventions for victims and perpetrators;
- more safety and support options for victims;
- increased use of services by victims and those in their support networks;
- increased accountability of offenders;
- increased public knowledge of violence against women and involvement in activities to eliminate violence against women; and
- increased funding for project continuation, expansion, or replication.

Measuring long-term outcomes is labor and time intensive and costly. Realistically, most local communities will measure short-term outcomes that they expect will lead to long-term goals. Short-term outcomes may include:

- improved communications about individual cases and systemic issues;
- development of a shared commitment to victim safety;
- development of trust, respect, and problem solving among agencies, survivors, and the community;
- joint activities to improve response (e.g., weekly case review meetings);
- reporting on performance, activities, and accomplishments; and
- changes in funding mechanisms to support violence against women initiatives.<sup>8</sup>

**Be realistic in developing short-term goals.**<sup>9</sup> For instance, while a long-term goal of establishing a sexual assault response team may be to eliminate sexual assault, short-term goals can include consistent implementation of protocols; increased victim satisfaction with interventions and support; increased quality and quantity of evidence; and increased victim follow-up use of justice system and community resources.

The Los Angeles (California) Domestic Violence Death Review Team identified four short-term goals:

- establish a means to determine the number of homicides and suicides related to domestic violence;
- identify resources for on-site counseling services at the scene of a homicide or suicide;
- analyze patterns common to abusers and victims for possible identification as lethality assessment indicators; and
- develop systematic analysis of selected cases, focusing on the flow of each case through the various agencies in the system for indications of areas of improvement or strengthening of agency contacts and interagency response.<sup>10</sup>

### 2. INCORPORATE VICTIM FEEDBACK INTO THE EVALUATION, EMPHASIZING SAFETY AND CONFIDENTIALITY.

Many projects collect quantitative data on how many women were served during a particular period and what kinds of services they sought. Coordinating projects can also collect qualitative data to measure how their efforts have directly and indirectly made a difference in the lives of victims.

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**Measure short-term change by examining questions about the project's effectiveness in facilitating victim safety, restoration, and autonomy.** Questions may include:

- What specifically did victims receive from the coordinated intervention or service?
- How much did victims receive from this intervention or service?
- How effective did victims feel this intervention or service was in meeting their needs?
- How satisfied were victims with this intervention or service?
- If this intervention or service was designed to result in any tangible, measurable change in victims' lives, did this change occur?

**Obtain victim feedback through in-person or phone interviews, focus group discussions, and written surveys.** Evaluators should:

- consider the varied circumstances of victims (e.g., some women don't have phones, access to transportation, may be disabled, or require translators);
- avoid any assumptions, biases, or stereotyping in questioning (e.g., don't assume that a Mexican battered woman was abused by a Mexican man);
- consider who the best agencies/practitioners are to ask the questions;
- consider risks to victims in answering questions about their experiences of abuse, their satisfaction with interventions, and their safety, restoration, and autonomy needs;
- carefully consider whether there is any chance that victims could be identified due to the description of the crime, the location, or the offender;
- make sure the actual process of gathering information maintains a focus on victim safety (e.g., hold focus group discussions or in-person interviews in confidential locations, and send surveys only to those victims who agreed at an earlier point to being contacted by mail at their homes);
- take measures to safeguard victim identity (e.g., put only an ID number on the data, keep information in locked filing cabinets, and limit access to information to those people who have committed themselves to respect the conditions of confidentiality that have been promised);
- provide victims with a full explanation of the evaluation process, procedures in place to safeguard their identity, and how information will be used;
- obtain victim consent to gather data;
- consider the most appropriate wording of questions and language used;
- use a combination of close-ended and open-ended basic questions;
- avoid unnecessary questions (e.g., marital status or number of children);
- reimburse participants for time, meals, travel, child care, and other related expenses;
- if follow-up information is being collected, obtain written permission to re-contact survivors, and set up safe procedures for doing so;
- respect victim wishes regarding anonymity, the amount of information they want to reveal, future use of the information, and follow-up contact; and
- inform victims of the evaluation findings where victims are willing to be re-contacted.

The **San Diego County (California) SART** developed a written victim survey that is sent, along with a cover letter, to victims who received SART services. The form includes a series of open-ended questions with ample space for comments. No identifying information is requested.

The death review committee of the **Santa Clara County (California) Domestic Violence Council** has a confidentiality policy requiring meeting participants to sign a form agreeing to keep discussions confidential. Resulting reports are written with respect for individual's confidentiality. In 1996, legislation passed which made clear that death review committee discussions are not discoverable by defense counsel or others. (See *Coordinated Community Response Program Profiles*.)

In order to track and understand how systems treat victims of domestic and sexual violence, the **Florida Governor's Task Force on Domestic and Sexual Violence** conducted a survey of survivors. The survey, sent to survivors via victim service programs, asked questions about their experiences with the systems designed to assist them, including health care, law enforcement, social services, and judicial systems. (See *Coordinated Community Response Program Profiles*.)

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### 3. DETERMINE WHO WILL CONDUCT THE EVALUATION.

Agencies involved in coordinating projects may design and conduct their own evaluations. In some cases, they may utilize independent evaluators to help develop an evaluation strategy and conduct the evaluation. Independent evaluators may be affiliated with local, regional, or national nonprofit organizations, for-profit companies or private individuals that do research and policy analysis. Local and State domestic violence and sexual assault programs may be able to recommend evaluators with expertise in victim-centered violence against women research. Where they exist, community intervention projects may offer expertise in evaluating coordinated response to domestic violence.

Evaluation resources are often available through universities and colleges. They may have departments devoted to public policy analysis and many individual faculty members are skilled researchers. Students may assist in evaluation. In addition, some jurisdictions may be willing to devote personnel time from governmental research and information systems departments.

When considering independent evaluators, ensure the evaluation focuses on the proper goals and objectives. Potential evaluators should be interviewed and their references contacted to help clarify whether they:

- understand male violence against women and have conducted research in this area;
- hold biases towards groups of victims, offenders, professionals, or community members being studied (e.g., biases such as black men are more violent than white men, law enforcement is not interested in violence against women, or people with low incomes are more likely to be victims and offenders);
- avoid designs that end up offering psychological profiles of victims, rather than an analysis of system policy and change;
- will first listen and ask questions to discern and articulate the evaluation needs of the project, and then present evaluation design options in a clear jargon-free manner;
- are prepared to study questions relevant to the project, rather than manipulate the questions to fit their own research goals; and
- have the time and flexibility to conduct the evaluation according to schedule.

Without an understanding of the underlying causes of violence against women issues, evaluators may propose problematic expected outcomes and inadvertently blame victims or individual practitioners for systemic problems.<sup>11</sup>

Coordinating agencies and partners must work with the evaluator to come to a mutual understanding about what the project is trying to accomplish, how it is doing this, who is the target audience, what will be measured through evaluation, and what resources are required to conduct the evaluation. This is also the time to address concerns of participating agencies in order to avoid later problems (e.g., executives may not see the merits of the evaluation or be concerned that a poor evaluation could create bad publicity).

The legislative task force that facilitated the design of the **Jefferson County (Kentucky) Family Court Project** recommended that a State university be asked to monitor the project, collect data, and help evaluate the success of the project. A faculty member of the **University of Kentucky's School of Law** conducted a two-year evaluation of the Jefferson Family Court. The evaluation provided summary information on projects undertaken by the court. In addition, the project utilized focus groups and surveys of its consumers to obtain feedback. Other legal, social, and human service agencies provide feedback through the **Family Court Advisory Committee**, which provides recommendations for systems improvements. (See *Courts Program Profiles*.)

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#### 4. CHOOSE AN EVALUATION DESIGN THAT MEASURES THE PROJECT'S SUCCESS IN ACHIEVING SHORT-TERM GOALS.

(See Appendix F for a discussion of one type of evaluation: domestic violence death reviews.)

There are three basic types of evaluation designs that can be used to assess a project's effectiveness. Some evaluations utilize more than one design.

**1. Impact evaluation** focuses on questions of causality. Did the project have its intended effects? If so, who was helped and what activities or characteristics of the project created the impact? Did your project have any unintended consequences, positive or negative? The Urban Institute describes three variations of the impact evaluation design:<sup>12</sup>

- non-experimental impact evaluations** examine changes in levels of risk or outcomes for project participants or groups that include project participants;
- quasi-experimental designs** compare outcomes from project participants to outcomes for comparison groups that do not receive project services; and
- experimental designs** require that individuals or groups be assigned at random to one or more groups prior to the start of project activities. An "experimental" group receives particular services designed to achieve clearly specified outcomes. A "control" group continues to receive the services in existence prior to the introduction of the new project. The outcomes of the experimental group are compared to the outcomes of the control group to estimate impact.

Non-experimental designs are the simplest and most inexpensive. Both quasi-experimental and experimental designs are complex and typically more costly. Experimental designs should only be undertaken if justice system and victim service programs agree that use of the design is appropriate, the community is ready to support the design, and if they agree on the details of the research. For example, a locality interested in evaluating a court advocacy program should not use an experimental group that receives advocacy services and a control group that does not receive services to determine the impact on victim safety, restoration, and well-being. This design could cause harm to victims in the control group.

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The **Research and Planning Division of the Village for Families and Children** is conducting research on the effectiveness of the **Connecticut Office of Adult Probation, Intensive Sex Offender Unit**. Evaluators are measuring the unit's success in maintaining public safety, as well as compliance of offenders with conditions and treatment. In the course of the evaluation, the following data will be collected and analyzed: offender type; noncriminal history; criminal charges and history; types, lengths, and progress in treatment; probation experience; and treatment and probation discharge. (See *Coordinated Community Response Program Profiles*.)

The **Soaring Eagles Coordinated Community Response Team in Wisconsin** distributed pre-project surveys that were completed by victim service providers. Survey results provided a base for an initial assessment of the level of coordinated response to victims of domestic violence and sexual assault. The survey results were used to guide the team in setting priorities among their objectives. A post-project survey will be distributed to the same service providers to measure the changes that occurred over a designated time period. (See *Coordinated Community Response Program Profiles*.)

**2. Process evaluation** answers questions about how the project operates and documents the procedures and activities undertaken in service delivery. It helps to identify problems faced in delivering services and strategies for overcoming these problems. Process evaluation can be useful in assessing whether the project is doing what it was intended to do, in the way it is supposed to, and if there are unintended consequences.

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Evaluation strategies of **Duluth's Domestic Abuse Intervention Project (Minnesota)** include:

- monitoring of individual cases in the criminal justice system;
- problem solving with the appropriate criminal justice system personnel or advocates on systemic issues, as they arise in individual cases; and
- conducting comprehensive coordinated response "audits" by analyzing the impact of institutional policies and protocols on the safety of battered women and accountability of offenders. (See *Coordinated Community Response Program Profiles*.)

The statewide **Model Sexual Assault Response Protocol Development Project (Minnesota)** is working with three test sites to develop multidisciplinary, victim-centered protocols specific to each locality's needs. The project has contracted with an outside evaluator to address the following questions:

- Does a victim-centered approach to reports of sexual assault improve case outcomes and the functioning of the criminal justice system?
- What strategies did the test sites use to move from a case-centered system to a victim-centered one? Which strategies were most successful?
- How do multidisciplinary, victim-centered protocols affect how cases are handled? (See *Coordinated Community Response Program Profiles*.)

The primary goal of the death review committee of the **Santa Clara County (California) Domestic Violence Council** is to review and analyze domestic violence related homicides. The process helps determine if the systems and services available could be improved to prevent future incidents. (See *Coordinated Community Response Program Profiles*.)

**3. Performance monitoring** provides regular, consistent data on key project activity and accomplishments. Indicators of performance obtained through routine monitoring have several uses. They can document the activities of components of service delivery or, in conjunction with project management, identify areas in which performance expectations are not being attained. These indicators can also be used as part of an impact evaluation to document project accomplishments and help raise funds for projects.

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The **Sexual Assault Response Team's (SART) Systems Review Committee of San Diego (California)** produced a 1995 report for the **County Board of Supervisors** that identified SART activities and accomplishments since its implementation in 1991. This document followed a 1990 report to the board on the status of sexual assault examinations in the county, which led to the development of the SART.

The **Domestic Abuse Information Network (DAIN)** in **Duluth (Minnesota)** provides participating agencies with a mechanism to continuously gather data on domestic violence cases in the criminal justice system. Information from the DAIN helps identify systemic trends and determine whether the implementation of policy or procedural changes has improved systemic response.

## 5. INCORPORATE ISSUES OF RACE, CLASS, AND CULTURE INTO THE EVALUATION.

An evaluation design should take into account how coordinated response to violence against women affects victims, offenders, and other members of underserved or otherwise disenfranchised populations within the community. If the evaluation is being conducted by an entity outside the population of interest, leaders and victims from these communities must be involved in determining what to measure and how to collect information in a manner that is sensitive to and respectful of their communities.

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The report of evaluation findings should be crafted to inform social change rather than reinforce cultural and institutional bias.<sup>13</sup> Members of these communities should be given a central role in designing and implementing changes based on evaluation results, in collaboration with advocacy organizations. (See *Appendix F for additional program examples.*)

A faculty member at **Georgia State University** is studying **Atlanta's** Latino immigrant community to explore patterns of abuse in the context of cultural values between parties, both those with and without a legal history of domestic violence. Program statistics and adult survivor feedback is being gathered from the **Latino Families at Risk Program (LFAR)**. LFAR offers concurrent, but separate, free services for low-income battered women and their children, and male batterers. LFAR works closely with five courts and their victim-witness assistance programs in the metro Atlanta area, who refer batterers to their batterers intervention program. LFAR collaborates with the abused women's shelters in the metro area and the **International Women's House** to provide services to battered Latina women and their children. LFAR is a member of the **Georgia Coalition of Battered Refugee and Immigrant Women**. The results of the study are intended to assist community agencies and the court system in developing culturally appropriate interventions for Latinos. This study is supported by the **Interagency Consortium on Violence Against Women and Violence Within the Family**.

The **Institute on Violence in New York** produced a report, *Violence in the Lives of African-American Women: A Focus Group Study*. It examined African-American women's self-defined experiences, perceptions, and interpretations of violence against women. Focus group interviews were held with pregnant and parenting adolescents, senior citizens, lesbians, union women, formerly incarcerated women, professional women, residents of a battered women's shelter, and residents of a homeless shelter. The study concluded that violence against women is a critical and defining experience in the lives of African-American women; fear or threat of violence can alter their sense of what is possible; and there is a connection between violence against women and other forms of abuse/domination they experience.

## 6. DEVELOP STRATEGIES TO UTILIZE EVALUATION FINDINGS TO IMPROVE RESPONSE TO VIOLENCE AGAINST WOMEN.

Evaluators should determine to whom and how they will release a report of evaluation findings. They should also explore potential positive and negative consequences of releasing the information to the agencies being evaluated, and subsequently to the public. Particularly when evaluating individual cases, the findings must be used to move the system forward rather than focus on blaming one agency or individual for system failures. Evaluators should consider how the analysis and the information could:

- affect victims, their family, and friends;
- affect the attitude and morale of those responsible for coordinated response;
- change the level of cooperation among agencies;
- change the interventions and services provided in individual cases;
- be covered by the media;
- reduce or increase the risk of liability suits;
- change funding patterns; and
- be used or misused by organizations and individuals in the community.

In June of 1995, the **City of Tucson and Pima County (Arizona)** sponsored the **Domestic Violence System Design Task Force**. One of the first steps was to evaluate the existing coordinated system response, enlisting assistance from an independent consulting team. An extensive report records the results of this evaluation. The report enabled the task force to identify the weaknesses in the justice system and community response to this crime. Subsequently, the task force developed a second document that articulated their vision, values, and anticipated outcomes, and made priority recommendations to improve the justice system and community response to domestic violence.

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## 7. SUPPORT OTHER LOCAL, STATE, AND FEDERAL RESEARCH INITIATIVES.

In addition to evaluating their own coordinating efforts, localities can benefit from research being conducted elsewhere. Communities can:

- promote the development and funding of projects that address trends prevalent on a local level (e.g., proportionally higher rate of dual domestic violence arrests for incidents involving African-Americans);
- encourage research that will assist in serving victims from underserved populations and areas (e.g., to understand barriers faced by lesbian, bisexual, and transgendered victims); and
- explore the application of research on a local level (e.g., to facilitate policy changes).

## MEASURES OF SUCCESS

Ongoing evaluation of coordinating projects can result in:

- increased knowledge of coordinated system strengths and problems;
- evidence of the success or failure of specific strategies to protect victims and hold offenders accountable;
- development of solutions to improve systemic response, thereby facilitating victim safety, restoration, and autonomy, and offender accountability;
- increased communication among agencies, victims, and the community;
- concrete information to help resolve conflicts among agencies;
- responsibility for improving response among all intervening agencies;
- validation of the importance of continued and improved coordination efforts; and
- increased funding to support violence against women initiatives.

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## 5. ENHANCE THE COMMUNITY'S COMMITMENT TO ENDING VIOLENCE AGAINST WOMEN

### ACTION PLAN AT A GLANCE

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1. **Tailor initiatives to address the particular needs of the community.**
2. **Identify priority issues to address.**
3. **Seek assistance and resources to develop community initiatives.**
4. **Develop school and community-wide education initiatives.**
5. **Encourage activities that reduce violence against women.**

### WHY THIS PRACTICE IS IMPORTANT

Violence against women will persist until communities challenge deeply rooted norms that undermine women's autonomy and ability to be equal partners to men. Advocacy programs were the pioneers in community education and prevention initiatives on domestic violence and sexual assault. They continue to offer progressive, victim-centered approaches. However, there is room for collaboration among agencies and individuals and increased activity to foster far-reaching community change.

### ACTION PLAN

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#### I. TAILOR INITIATIVES TO ADDRESS THE PARTICULAR NEEDS OF THE COMMUNITY.

Public awareness and organizing activities can mobilize the community to reduce violence against women and support swift, thorough interventions in individual cases. Education initiatives can teach youth and adults strategies to reduce their risk of victimization and promote alternatives to violence. Organized by both individual organizations and through collaborative efforts, these activities complement strategies to improve direct responses to victims.

Education, public awareness, and social action activities have traditionally been led by and targeted to women. Coordinating prevention efforts should also include roles for men, obtain male feedback on prevention strategies, and seek out male audiences. Male leaders can be role models for boys and other men, while working creatively to identify non-abusive solutions to male violence. At the same time, coordinating groups must avoid filling leadership positions with men merely to gain a more balanced breakdown of the sexes or "toning down" the message to entice the support of more men.

The training manual for **Massachusetts** rape crisis centers, a collaborative product of the **State Department of Public Health**, the **State Coalition Against Sexual Assault**, and numerous individuals, explains that "Rape prevention means addressing the root causes of sexual violence; sexism, power used as a weapon, and gender role rigidity. Sexual assault is a social and public health problem. Stopping rape means changing society to eliminate the root causes of all forms of violence. As counselors, friends, lovers, sisters, brothers, parents, daughters, sons, and first responders, the responsibility exists to listen, to care, to believe, and to stop the violence through education, support and advocacy."

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An objective of the **Baltimore (Maryland) Family Violence Coordinating Council** is to work with advocacy programs and women's groups to conduct a multifaceted community education campaign that encourages victims to seek assistance and challenges community acceptance of men's sexual and physical violence against women.

The brochure, *Domestic Violence is a Crime*, produced by the **Virginians Against Domestic Violence**, explains that citizens can become involved in helping to eliminate domestic violence by:

- becoming informed and knowing the facts about domestic violence;
- raising community awareness by informing others and distributing materials;
- knowing the dangers of battering and where to seek help in the community;
- sharing time and resources with local domestic violence programs;
- teaching children that violence is not an acceptable way to handle conflicts and problems; and
- letting batterers know the community condemns their behavior.

## 2. IDENTIFY PRIORITY ISSUES TO ADDRESS.

The coordinating team must identify gaps in current prevention efforts, determine how best to address systemic gaps, establish priorities among problems, secure necessary resources, and identify lead agencies to organize activities. Activities to address gaps may include:

- building community awareness of a particular crime;
- increasing resources to implement more comprehensive and coordinated initiatives that draw in as many community members as possible;
- debunking beliefs that violence against women is not a problem in their community, that violence against women is perpetrated by strangers, and other stereotypes about victims and offenders;
- increasing school education on domestic violence, sexual assault, and stalking;
- increasing community interest in speaking out against violence against women; and
- increasing outreach and programs for specific communities (e.g., non-English speaking women or women with physical or cognitive disabilities).

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As part of its recommendations for an improved community response, the **Tucson/Pima County (Arizona) Domestic Violence System Design Task Force** (which was to become the Domestic Violence Task Force) identified the following prevention activities as priorities:

- development and implementation of a comprehensive community education campaign geared to reduce tolerance for domestic violence and increase individual and community responsibility;
- identification of a core group of community leaders willing to speak out about the magnitude and severity of domestic violence via radio, television, newspapers, public appearances, and speaking engagements for public and private events; and
- development of a more collaborative approach to educating children about domestic violence and preventing them from repeating the violence they see around them.

## 3. SEEK ASSISTANCE AND RESOURCES TO DEVELOP COMMUNITY INITIATIVES.

A wealth of excellent resource materials and planning information on public awareness, education, and organizing activities on violence against women issues can be obtained from national advocacy organizations and State domestic violence and sexual assault coalitions. Many of these organizations offer a variety of adaptable materials to promote sexual assault awareness month in April and domestic violence awareness month in October. They may also sponsor or organize events (e.g., national or State

rallies or victim memorials) and education or media campaigns that jurisdictions can take advantage of to address local priorities. (See Appendix E, *Publication and Resource Contact Information*.)

The **National Resource Center on Domestic Violence** provides comprehensive information and resources, policy development, and technical assistance designed to enhance community response to and prevention of domestic violence.

The **National Coalition Against Sexual Assault** works with national media to educate the public, develops educational resources for local communities, and coordinates resources for Sexual Assault Awareness Month.

The **Family Violence Prevention Fund** offers a variety of public awareness materials in English and Spanish that can be adapted for local use as part of their education campaign, "There's No Excuse for Domestic Violence."

The **Rhode Island Coalition Against Domestic Violence**, its member agencies, the **Rhode Island Rape Crisis Center**, and the **State Department of Health**, with support from **United Health Care of New England** and **Citizens Bank**, collaboratively produced public awareness materials in English and Spanish for their "Act Now to Stop the Violence" campaign.

The **Texas Association Against Sexual Assault** offers education/media packets for Sexual Assault Awareness Month. This includes a work plan, Governor's Proclamation, local project suggestions, press releases, fact sheets, certificates, resource list, logos, and evaluation forms.

The **West Virginia Coalition Against Domestic Violence** sponsored a **Father's Day Education Project** that included camera-ready print public service announcements. The words and images in the announcements were designed to raise men's awareness about domestic violence, celebrate men who are not violent or controlling, and increase men's involvement in ending violence against women.

***Be creative and savvy in securing funding for public awareness, education, and community organizing activities.*** Depending on the activity, there are numerous Federal and State grant programs available. Local funding may be obtained through sources such as county grants, businesses, private foundations, civic organizations and associations, the United Way, schools and universities, and private citizens. (See *Practice 2* in this chapter for information about partnering to improve direct response.)

Take precautions not to divert prevention resources from victim service programs and other agencies that serve victims or waste resources duplicating existing programs. For instance, a council may propose developing a speakers bureau or school education campaign when the local victim service programs already provide these services. It would be more beneficial to work with victim service programs to expand existing activities. Planners must also consider whether the proposed activities will result in increased requests for direct services and build the capacity of relevant service providers accordingly.

In 1986, the **Philadelphia (Pennsylvania) Coalition Against Domestic Violence** received a million-dollar multi-year grant to conduct a public education campaign. One element of the campaign was to provide funds to local victim service programs to expand their capacity to respond to the anticipated increase in demand for hotline calls, housing for battered women, and counseling.

In its 1994 report, *Preventing Domestic Violence*, the **Los Angeles County (California) Domestic Violence Prevention Task Force** concluded (after assessing existing services) that local domestic violence programs were so severely under-funded that community education and school programs were unaffordable. The task force recommended that additional funds be made available to expand direct services for victims. It also recommended that additional funding be sought to support:

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- coordination of county-wide public hearings on the issue of domestic violence;
  - development and implementation of an outreach campaign on domestic violence prevention; and
  - development of a curriculum on domestic violence education on the school system to promote acceptable behavior, nonviolent relationships, and conflict resolutions.

#### 4. DEVELOP SCHOOL AND COMMUNITY-WIDE EDUCATION INITIATIVES.

Many communities have made school-based education a priority. Education material and curricula developed for both community and school programming should address the learning needs of the audience, taking factors such as age, developmental ability, language, and culture into consideration.

Direct service providers should be consulted to ensure that appropriate referrals are made and that adequate resources are available to handle any increase in requests for services. (*See Practice 1 in this chapter for information about school initiatives to coordinate direct response to victims.*)

Advocates from the **Women's Center and Shelter of Greater Pittsburgh (Pennsylvania)** facilitate workshops in public schools, using the "Hands are Not for Hurting" curriculum. The curriculum includes age-appropriate lessons that teach youth how to resolve conflicts nonviolently. The curriculum includes school personnel training, parent workshops, classroom presentations, discussion groups, and support groups. (*See Coordinated Community Response Program Profiles.*) Similarly, the **Women's Center of Marquette (Michigan)** provides sexual assault prevention programs in middle and high schools, utilizing a peer education system. (*See Victim Services Program Profiles.*)

**Casa Myrna Vazquez, Inc. (CMV)** in **Boston (Massachusetts)** coordinates **Sisters Teaching About Relationships (STAR)**, in which young adult women lead education sessions for teens about domestic violence. STAR has conducted sessions with Girl Scout troops, youth employment programs, teen parent programs, various youth organizations, and college-age groups. CMV also coordinates a speakers bureau comprised of formerly battered women, some of whom are bilingual. These women share their experiences and educate the community about domestic violence. Recognizing the special expertise these women bring to the program, CMV pays a stipend to each speaker. They speak at residential programs, homeless shelters, GED programs, parents meetings, and pre-natal classes. (*See Victim Services Program Profiles.*)

The **Rappahannock (Virginia) Council Against Sexual Assault (RCASA)** in **Fredericksburg** has worked collaboratively with leaders and members of numerous faith-based organizations, to provide congregations with education programs on sexual abuse and assault. An agency priority is to expand programming to churches with predominately African-American membership. RCASA also developed the **ASSERT (Awareness, Safety, Self-Esteem, and Relationship Training) Project** for adults with mental retardation and/or serious mental illness. The project provides prevention education, safety skill building, and printed materials to meet the learning styles and needs of the participants. The project includes professional trainings and workshops for family, caregivers, and friends.

#### 5. ENCOURAGE ACTIVITIES THAT REDUCE VIOLENCE AGAINST WOMEN.

Design activities to address both discrete problems and broad issues. Some examples include:

- community rallies (e.g., "take back the night" rallies, involving former victims and community leaders speaking out against violence and candlelight marches to remember those who have been victimized);
- memorials to victims (e.g., national and local "silent witness" vigils in which participants carry life-size wooden figures representing women who have been killed by their abusers);
- public awareness campaigns;

- community leaders or entertainment figures publicly speak out against violence against women;
- public forums or hearings on related issues;
- letters to the editor of a local newspaper;
- letters, telephone calling, or petition campaigns to State and national legislators;
- expansion of neighborhood watch programs to intervene against domestic and sexual violence;
- broad-based zero tolerance campaigns involving as many sectors of the community as possible;
- men's groups undertaking activities that support anti-violence work;
- committees that assess community programs and policies with the goal of increasing the safety of women (e.g., outdoor lighting systems or workplace violence issues); and
- multi-issue coalitions that address violence against women (e.g., anti-violence task forces in the lesbian and gay community, anti-racism efforts, gun control groups, and human rights committees).

The **Ann Arbor (Michigan) Mayor's Task Force on Increasing Safety for Women** developed a "There's No Excuse for Violence Against Women" campaign. As part of the campaign, an entire bus was painted with the task force's slogan and phone numbers in bold colors. The bus rotates to all city routes and is used as a promotion at local events (e.g., college football games).

The **Los Angeles (California) Commission on Assaults Against Women** developed a "This Is Not An Invitation to Rape Me" media campaign. Television, radio, and print ads challenge mistaken beliefs about sexual assault. (See *Victim Services Program Profiles*.)

As a result of the **Rural Initiative Program of Refuge House in Tallahassee (Florida)**, targeting rural areas in eight counties, more citizens are involved in anti-violence activities. Some community leaders publicly denounced family violence. Local governments signed proclamations declaring their county "zero tolerance zones" for domestic violence and held town hall meetings for concerned citizens. One county held a memorial service for deceased victims of domestic violence. Two counties held their first community rallies against domestic violence. (See *Victim Services Program Profiles*.)

In the early 1990's, the **Domestic Violence Project/SAFE House, Inc. in Michigan** was in desperate need of a new shelter facility. Drawing upon its support in the community, SAFE House sought funding through tax dollars (a bond proposal) in the 1992 elections. A separate organization, "Vote YES for SAFE House," was established to raise funds and build voter support. Two marketing firms offered pro bono consultation. Bipartisan support was gained from political leaders and the media. An effort was made to be accurate with the public about how their tax dollars would be used. A campaign manager, volunteers, and part time workers distributed literature through the mail and door-to-door, and staffed at least half of the county voting sites. Sixty-one percent of the electorate voted to fund a new shelter. The county owns the building, leasing it to SAFE House for one dollar for the next 50 years.

## MEASURES OF SUCCESS

Enhancing the community's commitment to ending violence against women can result in:

- increased involvement of community-based agencies, businesses, and organizations serving or representing underserved populations in coordinated response to violence against women;
- increased numbers of community members aware of the scope of violence against women;
- increased numbers of citizens developing skills that promote healthy self-esteem and relationships;
- increased intolerance for abusive behavior against women and greater willingness to confront abusers;
- expansion of early intervention and support networks for victims;
- increased number of victims disclosing abuse and using the full scope of available services;
- more former victims and citizens engaged in activities to reduce violence against women; and
- public support for developing laws and allocating resources to reduce violence against women.

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## CHAPTER ENDNOTES

1 Much of the information in the introduction was drawn from Barbara Hart, *Coordinated Community Approaches to Domestic Violence*, Violence Against Women Research Strategic Planning Workshop, National Institute of Justice, Washington, D.C., 1-10 (1995).

2 See *Confronting Violence Against Women: A Community Action Approach*, American Prosecutors Research Institute and the National Council of Juvenile and Family Court Judges (1998), for more information on developing coordinating councils.

3 Denise Gamache and Mary Asmus, *Coordinating A Community Response to Domestic Violence: Lessons Learned from Duluth*, "in press" with Sage Publication, Thousand Oaks, CA.

4 Michael Paymar, Ellen Pence, and Jim Soderberg, *A Community Response to Domestic Abuse: An Organizer's Handbook*, Domestic Abuse Intervention Project, Minnesota Program Development, Inc., Duluth, 13-14.

5 *Family Violence – Building a Coordinated Community Response: A Guide for Communities*, American Medical Association, Chicago, IL, 29 (1996).

6 For example, in assessing the need for a SART, agencies can examine the number of victims reporting to victim service programs, victim demographics, and information about the assaults, number of requests for victim accompaniments to the crime scene (if applicable), and the emergency room and advocate response time; number of police incident reports, number of formal reports, number and type of charges filed, and number of convictions; number of victims seeking medical care and/or forensic evidence collection for local hospital emergency rooms, victim demographics and types of cases, and length of time victim was at the emergency rooms; and the time required for total response.

7 Adapted from an electronic discussion with Barbara Hart (June 1998) regarding critical thinking that should be employed in the design phase of coordinated community response to ensure victim safety and autonomy.

8 Martha Burt, Adele Harrell, Lisa Newmark, Laudan Aron, Lisa Jacobs, and others, *Evaluation Guidebook for Projects funded by STOP Formula Grants under the Violence Against Women Act*, Urban Institute, Washington, D.C., 159-167 (1998).

9 Martha Burt, *supra* at note 8. See Chapter 7 of the *Guidebook* for more information on identification of goals and outcomes.

10 Alana Bowman, *Domestic Violence Death Review Teams*, Office of the City Attorney, Los Angeles, CA, 2-3 (1996).

11 Martha Burt, *supra* at note 8. See Appendix A of the *Guidebook* for more information on choosing an evaluator.

12 Martha Burt, *supra* at note 8, 51-57.

13 Hart, *Coordinated Community Approaches*, *supra* at note 1, 15.



# Appendices

- A. TRAINING APPROACHES
- B. CRIMINAL JUSTICE SYSTEM ASSESSMENT TOOLS
- C. PROGRAM PROFILES
- D. PROGRAM CONTACT INFORMATION
- E. PUBLICATION AND RESOURCE CONTACT INFORMATION
- F. TOOLS FOR PRACTITIONERS



## A. Training Approaches

# Training Approaches

Practitioners that work on violence against women cases encounter, on a daily basis, the human pain resulting from violence. Training plays an important role in maintaining the enthusiasm and commitment that is so important for these jobs. It provides the opportunity for participants to learn and get support from others doing similar work. Training also helps to engender among participants a sense of pride and personal satisfaction in their work.

**Subjects to Cover Across Disciplines.** While the content of the training should be responsive to the needs and responsibilities of the training participants, certain information about violence against women should always be covered. This overview can include information on:

- the nature, extent, and causes of violence against women;
- commonly held beliefs about violence against women;
- the effects of these crimes on victims, their significant others, and the community;
- the range of victim reactions to violence;
- the intersection of victimization and other social problems (e.g., substance abuse); and
- information on offenders (e.g., types of offenders, common tactics used to control or gain access to victims, and research on offender intervention and treatment).

Presenters should help participants understand the implications of these issues on their work.

Personalize the presentation of this subject matter by drawing on local, regional, or State statistics. Include current and widely respected statistics about the prevalence of violence against women and the source of any printed material that is distributed. Current statistics on violence against women can be obtained from the **National Resource Center on Domestic Violence**, the **National Victim Center**, and the **National Criminal Justice Reference Service**.

Participants from all disciplines can benefit from training that describes an effective justice system and community response to these crimes. Subjects to be included in this presentation include:

- paramount goals of victim safety and offender accountability;
- relevant State and Federal laws on violence against women;
- implementation of agency specific policies, protocols, and procedures;
- elements of response to victims, their families, and friends;
- crisis intervention and active listening;
- victim safety planning and assessing the danger posed by the offender;
- description of the range of legal and non-legal remedies and community resources;
- victim assistance, including victim notification of rights and offender information, victim privacy and confidentiality issues, and victim participation in justice proceedings;
- unique considerations in serving victims from underserved populations; and
- the importance of community partnerships and collaboration to improve response.

Numerous agency-specific and multidisciplinary training manuals and model curricula are cited throughout this manual. Training materials on underserved populations have also been developed. (See Appendix E for Publications and Resource Contact Information or call the STOP T.A. Project to obtain further information.)

Training should emphasize the importance of applying policies in a fair and uniform manner. Develop a curriculum that gives participants an opportunity to discuss:

- their personal struggles with prejudice, sexism, racism, and other forms of oppression;
- common barriers victims from underserved populations face in obtaining services;

- unique issues facing particular populations, including negative experiences with the criminal justice system; and
- strategies and resources for closing gaps in services to women from diverse backgrounds.

Develop training that is specific to the discipline. All personnel, from agency volunteers to chief executives, should receive training on response to violence against women. On-line staff should be convinced that training on this topic is supported and endorsed by management. In some cases, a legislative or departmental mandate (as well as continuing education credits, where relevant) may be necessary to compel the participation of an entire justice system agency.

Agency-specific training should provide both an overview of violence against women and detailed information on the role of the agency in responding to these cases. Training participants should fully understand:

- the mission and functions of agency response in violence against women cases;
- the roles and responsibilities of all personnel;
- issues and concerns specific to agency response (e.g., for law enforcement, issues related to making arrest decisions);
- strategies for handling difficult or complex cases (e.g., cases with multiple victims);
- tools and resources available to aid personnel in response (e.g., agency or system-wide data bases, equipment, brochures, and checklists); and
- consequences of noncompliance with policies.

Comprehensive training on violence against women should be integrated into required professional coursework (e.g., police training academy) and agency orientation for all new staff and volunteers. Regular ongoing training opportunities should also be provided to enable personnel to keep up-to-date with changing laws, agency policies, and cutting edge strategies.

Agencies can bring in regional or national experts to conduct training and send staff to local, regional, State, and national training programs. While these alternatives may seem expensive, they alleviate the need to use in-house staff time to develop the curricula and expertise to conduct proper trainings. They can also offer a fresh perspective on the topic.

Make sure that off-site training is complementary to department goals and there is a structure in place to integrate the training into the agency's work. For example, prosecutors who attend outside trainings can lead staff discussions on cutting edge strategies that were presented at those trainings and share resource materials. *(See Chapters 3 through 7 for more information on agency-specific training.)*

The STOP T.A. Project can provide information on training opportunities and recommend trainers on select topics. Also, check with your local and State domestic violence and sexual assault coalitions, your State STOP Grant administrator, and law enforcement, prosecution, or court associations.

Encourage collaboration among agencies to develop and present multidisciplinary training. Multidisciplinary training can supplement agency training and develop the skills individuals need to work as part of an interagency team. Representatives from other disciplines can be involved both in developing as well as in presenting the training. Their involvement can help participants gain an understanding of the full spectrum of victim concerns, the multi-faceted nature of community response to these crimes, and a familiarity with the agencies and personnel involved in overall community response. Further, the presence of representatives from other agencies enhances participants' understanding of the function of other professionals with whom they work on cases.

For example, having a police officer make a presentation to prosecutors about evidence collection in sexual assault cases helps prosecutors understand why certain evidence is or is not available to them when making charging decisions, negotiating pleas, or presenting the case to a jury. Such presentations give participants an opportunity to dispel mistaken assumptions about other agencies.

At a minimum, multidisciplinary training can emphasize:

- the importance of community partnerships and collaboration to improve response;
- the roles, responsibilities, concerns, and challenges of each intervening agency;
- areas of shared responsibilities and opportunities to coordinate efforts;
- multidisciplinary policies, protocols, and interagency agreements; and
- initiatives addressing community zero tolerance and prevention of violence against women.

(See Chapter 7, *Coordinated Community Response, Practice 2*, for more information on multidisciplinary training.)

Tailor presentations to meet the training needs of participants. Presenters should understand the knowledge base of participants. Inquire as to the experience level of the audience. Are the police officers members of a specialized unit or responding officers? Are the advocates new to the field or do they need more advanced information? It is also helpful for trainers to understand in advance any factors affecting the ability of participants to respond to violence against women. These factors can include State laws (e.g., the existence of a mandatory arrest law), policies (both formal and informal), the political climate, and local demographic information.

In assessing audience needs, seek input from in-house personnel who interact with victims or perpetrators of violence against women. Both staff and volunteers can offer insight about areas where further guidance, information, or hands-on experience is needed to help participants intervene effectively in each case. Community-based advocates can provide justice system and community agencies with information drawn on the experiences of victims and help ensure that victim safety and welfare is a central training component.

**Use a variety of teaching strategies to involve all participants and maximize learning.** Trainers must be able to relate to and command the respect of the audience. This is generally achieved through a combination of demonstrated expertise in a given area, a proficiency in public speaking, and an appreciation of the diverse learning styles.

Individuals bring their own attitudes, experiences, and learning styles to a training session. Trainers can use a variety of teaching strategies to involve all participants, defuse animosity, dispel myths, and facilitate attitude and behavior changes. For instance:

- hands-on experiences (e.g., role plays, survivor or former offender testimony, videos, or slide presentations) should be mixed with activities that require reflective observation (e.g., structured small group discussions or asking participants to make connections to other learning); and
- information from authoritative sources (e.g., articles, lectures, and films) should be combined with opportunities for participants to try out principles or theories (e.g., site visits or individual and group projects).

Some tips to engage training participants at the beginning of training include:

- invite survivors or former offenders to speak early in the training;
- give participants an opportunity to share what they know about the subject;
- use videos, handouts, and other visual aids;
- write people's responses on flip charts;
- assign an audience member to be the "scribe," recording participant comments; and
- do not make the training all lecture and encourage participation, questions, and dialogue with the trainer and participants about real-life issues and concerns.

(The tips were adapted from an article by Susan Paisner entitled "Effective Domestic Violence Techniques" in the National Bulletin on Domestic Violence Prevention, October 1997.)

**Evaluate the effectiveness of training.** Agencies conducting training should evaluate how well training improves agency and/or coordinated responses to violence against women. Feedback from attendees and trainers can direct future revisions to the training curricula and presentation. Pre- and post-tests can be administered to measure immediate changes in understanding of the material, but checking in with participants after some time has passed will yield a more accurate measure of the impact of the training. Ongoing monitoring of changes in personnel response to these cases can also be useful in evaluating the need for changes to the curricula.

The following are examples of expected outcomes from training that can be measured through evaluation. (See Chapter 3 through 7 for more information on evaluating training.) The training can result in:

- increased knowledge of the nature, extent and causes of violence against women;
- increased understanding of the full impact of violence against women;
- increased knowledge of the range of victim reactions;
- increased awareness of offender behavior;
- increased commitment to victim safety and offender accountability;
- increased awareness of relevant laws and agency-specific policies and procedures;
- more sensitive and comprehensive response to victims, their families and friends, including those from underserved populations;
- consistent victim notification of rights and offender information;
- consistent victim referral to appropriate community resources;
- increased understanding of victims' decisions about participating in justice system proceedings;
- consistent victim assistance with safety planning and assessing danger posed by the offender; and
- increased understanding of the importance of community partnerships and collaboration in improving response to violence against women.

The *Evaluation Guidebook for Projects funded by STOP Formula Grants under the Violence Against Women Act*, produced by the **Urban Institute**, includes a chapter on "Measuring the Impact of Training."



## B. Criminal Justice System Assessment Tools

# **Criminal Justice System Assessment Tools:**

## **Checklists for Law Enforcement, Prosecution, and the Courts to Use in Developing Effective Responses**

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*This document can also be obtained from the Violence Against Women Resources Website of the Violence Against Women Grants Office, under "Promising Practices:"*  
*<http://www.ojp.usdoj.gov.vawgo/>*

The checklists were drawn from **Assessing the Justice System Response to Violence Against Women: A Tool for Law Enforcement, Prosecution and the Courts to Use in Developing Effective Responses** (February, 1998), written by Kristin Littel, Mary B. Malefyt, and Alexandra Walker, with contributions by Sarah Buel, Julie Kunce Field, and Deborah Tucker. The document was edited by Joan A. Kuriansky.

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# Law Enforcement Response to Violence Against Women

Law enforcement represents the entry point to the criminal justice system for a substantial number of victims and perpetrators. Agency training, policies and protocols can support consistent and effective police intervention in both misdemeanor and felony offenses, while connecting victims with community services and support.

Proactive and aggressive police response can deter further violence and ultimately save lives. Increasingly, law enforcement agencies are promoting early intervention in domestic violence and stalking cases to protect victims before more injuries occur. Officers are being trained to thoroughly investigate sexual assault cases, while being sensitive to victims. Timely and responsive law enforcement intervention can increase victim safety, enhance investigations, and facilitate successful prosecution.

*The following checklist describes the basic role of law enforcement in responding to violence against women. It also shows where law enforcement agencies coordinate and collaborate with other justice system agencies and community-based advocacy programs.*

*Review the following list, checking off responses your agency performs with success. Make note of gaps in your current response to violence against women.*

## Dispatcher Response

### **Address victim safety:**

- Determine the facts and whether the victim is in danger or in need of emergency medical attention.
- If the victim is in danger or needs emergency medical attention, provide her with crisis intervention services and dispatch an ambulance, if necessary.
- Identify the crime as violence against women and give priority rating.
- Obtain information from the victim: name, address and phone, suspect's use of weapons, and whether the suspect is present (if not present, obtain description of the suspect).

Promptly dispatch a patrol officer and backup unit, as necessary.

Keep the victim on the phone until the responding officer arrives.

Remind the sexual assault victim not to bathe or change her clothes.

Record the victim's excited utterances.

### **Obtain offender history and information on the likelihood of danger:**

Use the agency database to provide the officer with any available criminal and civil history on the suspect.

Furnish the officer with information on offender dangerousness and specifics about the incident.

## Initial Officer Response

### **Secure the crime scene:**

Respond to the dispatch call in a timely manner, whether it is an immediate or a delayed report.

Evaluate the potential for violence and secure backup, if possible.

Take precautions to ensure officer safety.

Examine the area (e.g., listen for whether noises can be heard from within the residence, observe if lights are on in the residence or if windows are open, and look for evidence of children and the location of car).

Enter the premises in compliance with the laws of the state.

Immediately stop the violence and separate parties.

Determine if children are present. Assess and respond to their immediate needs.

Evaluate the scene (e.g., damage, alcohol/drug use, emergency mental health issues, or presence of other witnesses).

\_\_\_ Record the victim and the suspect's locations upon arrival.

\_\_\_ If denied access to the premises and forced entry is not appropriate, return to the scene on a frequent basis to observe any activity in open view.

***Address victim safety and provide assistance at the crime scene. The following steps should be taken whether or not an arrest is made:***

\_\_\_ Assure the victim her safety is the priority.

\_\_\_ Inquire into the victim's need for emergency medical attention and provide first aid, if needed.

\_\_\_ Provide the victim with information on her rights, referrals to justice system agencies and community-based organizations, and assist with her immediate needs.

\_\_\_ Ask questions in a supportive and matter-of-fact tone of voice. Be calm, direct and patient. Be clear you want to help her.

\_\_\_ Let the victim know what her involvement in the investigative and court process entails.

\_\_\_ Notify the local domestic violence or sexual assault program to provide the victim with immediate assistance at the crime scene or elsewhere.

\_\_\_ If appropriate, encourage the victim to undergo a forensic medical exam and seek medical treatment.

\_\_\_ Explain to the victim the importance of evidence collection and medical treatment. Inform her the cost of forensic examination is not her responsibility.

\_\_\_ Arrange transportation to the designated medical facility for medical care and/or forensic exam, if necessary.

***Investigate at the crime scene:***

**Interviewing the victim:**

\_\_\_ Conduct the victim interview in a private setting, away from the suspect and, if possible, other family members.

\_\_\_ In the case of a sexual assault, or if there is need for emergency medical attention, conduct the interview after the victim has been treated (most likely at the medical facility).

\_\_\_ Obtain preliminary information from the victim about the crime and specifics leading up to the abuse, whether there is a relationship between the victim and suspect, prior history of abuse, any court orders, use of weapons, or use of alcohol/drugs.

\_\_\_ Record the victim's excited utterances and her emotional and physical condition.

\_\_\_ Note her demeanor, body language and other non-verbal communication.

\_\_\_ Document the victim's injuries and inquire about injuries that are not visible.

\_\_\_ Obtain temporary addresses/phone information from the victim.

**Identify and interview witnesses:**

\_\_\_ Identify witnesses and their relationship to the victim or the suspect (e.g., children or neighbors).

\_\_\_ Note the witnesses' demeanor and collect written statements.

\_\_\_ Interview children in a manner appropriate to their age, away from the suspect and the victim. Document any excited utterances, signs, injuries, or healing of abuse wounds.

**Interview the suspect, if present:**

\_\_\_ Obtain rough preliminary information from the suspect (let him talk).

\_\_\_ Record the suspect's excited utterances, his emotional and physical condition, and demeanor.

\_\_\_ Note the suspect's injuries in detail.

\_\_\_ Note any evidence of substance/chemical abuse.

**Make an arrest decision:**

\_\_\_ Arrest the suspect if probable cause exists.

\_\_\_ Where necessary, make a determination of who is the primary aggressor, considering a number of factors (e.g., relative size of the parties, history of abuse, likelihood of future injuries to either parties, and actions taken in self-defense).

\_\_\_ Charge the suspect with all crimes arising from the incident.

\_\_\_ Decide to arrest solely on state law, and not on other factors (e.g., speculation the victim will not go forward, the arrest may not lead to conviction, or the race, culture, sexual orientation, class, or profession of either party).

\_\_\_ Arrange for the suspect's transport to a medical facility to collect physical evidence, if necessary.

\_\_\_ If the suspect is not present, obtain descriptive information (e.g., his possible whereabouts, the time he left, his vehicle color, type, and license). Broadcast the information to locate and apprehend the suspect.

\_\_\_ If the suspect is found, attempt to interview. If he cannot be found, apply for a warrant.

\_\_\_ File a full report even in the case of no arrest, explaining the circumstances.

\_\_\_ Explain to the victim the reasons for not arresting the suspect. Let both parties know the police take seriously crimes of violence against women.

#### ***Collect evidence at the crime scene:***

\_\_\_ Determine whether a search warrant is needed.

\_\_\_ Assess the crime scene for physical evidence (e.g., fingerprints, body fluids, footprints, and/ or disrupted objects).

\_\_\_ Determine whether there are multiple crime scenes.

\_\_\_ Photograph and/or videotape the crime scene prior to touching, moving or disrupting potential evidence. Provide an indication of size or scale.

\_\_\_ Conduct a nondestructive search for all physical evidence at the crime scene.

\_\_\_ Collect, properly package and mark all evidence. Ensure all evidence is gathered before releasing the crime scene.

\_\_\_ Diagram the crime scene and document findings.

\_\_\_ Photograph the victim's injuries and alert her that subsequent bruising should also be photographed.

\_\_\_ Photograph the suspect's injuries and take full body photographs.

\_\_\_ Photograph children's injuries and demeanor.

\_\_\_ Impound all weapons used.

\_\_\_ Seize and ensure the 911 tape is preserved.

\_\_\_ Transport items requiring analysis to the proper crime lab. Store the remaining items in a secure storage area to properly maintain chain of custody.

#### ***Facilitate the Forensic Evidence Collection Process:***

\_\_\_ Transport or arrange transportation for the victim to a designated medical facility for emergency care and/ or forensic evidence collection, if appropriate.

\_\_\_ Make sure the victim is seen promptly at the medical facility.

\_\_\_ Make sure the victim has the support of a victim advocate, if desired.

\_\_\_ Confirm that the attending nurse or physician has a standardized evidence collection kit.

\_\_\_ Provide the attending nurse or physician with a brief account of incident.

\_\_\_ Photograph the victim's injuries or arrange for same-sex medical personnel to do so.

\_\_\_ Ensure all necessary physical evidence collection procedures are completed.

\_\_\_ Confer with assisting medical personnel to obtain further information.

\_\_\_ Request that the victim sign a release of medical information form.

\_\_\_ Make sure physical evidence is collected from the suspect, if in custody (in a different location from the victim). For suspect examination, brief medical personnel performing the exam. Provide general details of incident to help guide their collection of evidence.

\_\_\_ Make arrangement to deliver evidence needing analysis to a designated crime lab, and/or store other evidence in a way that maintains the chain of custody.

#### ***Write an incident report:***

\_\_\_ Complete a written report, whether or not an arrest is made. If an arrest was not made, explain why.

\_\_\_ Include diagrams of all injuries, reports of injuries that are not visible, as well as information noted above.

\_\_\_ Report on previous incidents known to the officer or reported by the victim or other witnesses.

\_\_\_ Provide the follow-up investigator with all related reports and documentation, access to stored crime scene evidence, and lab findings from the forensic evidence.

## **Follow-up Investigator Response**

### ***Address victim safety and support needs:***

\_\_\_ Stay in contact with the victim, obtaining information and updating case status.

\_\_\_ On each contact, assess the likelihood of continued violence by the suspect to the victim and her family.

\_\_\_ Assist the victim with safety planning. Revise response as needed to offer optimal protection.

\_\_\_ Work closely with a community-based advocate to support the victim through interviews and other investigation procedures.

\_\_\_ Encourage the victim to call the police if the suspect violates any existing court orders.

### ***Gather further information to support charges:***

\_\_\_ Consult with the responding officer (if different) and any officers who collected evidence.

\_\_\_ Develop an investigative strategy.

\_\_\_ Determine whether a search warrant is needed.

\_\_\_ Arrange for a subsequent interview with the victim if additional or clarifying information is needed.

\_\_\_ Consider using a pre-text phone call.

\_\_\_ Re-photograph the victim to document changes in the appearances of the injuries.

\_\_\_ Encourage the victim to contact the investigator with any new information or evidence.

\_\_\_ Provide the victim guidance, forms and assistance in documenting the suspect's actions, if appropriate (e.g., to establish a pattern in stalking cases).

\_\_\_ Look for ways to corroborate the victim's statements.

\_\_\_ Obtain statements from any witnesses not interviewed at the scene, identify additional witnesses, and collect all pertinent information.

\_\_\_ Ensure all evidence has been identified, collected, properly stored, and processed from the crime scene, the victim, children that were present, and the suspect.

\_\_\_ Maintain contact with the crime lab to obtain results, and determine and respond to evidentiary issues.

\_\_\_ Obtain further information on the suspect's criminal/civil histories and other relevant background.

### ***Identify and apprehend the suspect, if not already arrested:***

\_\_\_ If the suspect was not at the crime scene and his identity is unknown, determine the most likely suspects. Obtain the victim's assistance in making an identification. Question the suspect once he is apprehended, using the appropriate investigative strategy.

\_\_\_ If the suspect is known, attempt to find and interview him, if possible. Also consider other ways to initially contact/warn the suspect, if appropriate (e.g., send him a letter of warning in select stalking cases).

\_\_\_ Arrest the suspect when probable cause is established.

### ***Deliver the case to the prosecution office:***

\_\_\_ Discuss the case with the prosecution office and secure additional evidence as necessary.

\_\_\_ Complete necessary reports and forms, and transfer information to the prosecutor's office.

\_\_\_ Testify as requested throughout court hearings.

### **Supervisor Response:**

\_\_\_ Oversee officer compliance with agency policies and procedures related to violence against women.

\_\_\_ Oversee officer compliance with inter-agency agreements related to violence against women.

\_\_\_ Create forms and incentives to facilitate compliance with agency policies.

\_\_\_ Problem-solve with officers on complex cases.

\_\_\_ Assess whether police response meets goals of victim safety and offender accountability.

\_\_\_ Determine the need for additional officer training or supervision.

## **Data Collection and Communications:**

- Designate and retrieve all case information.
- Automate case loads to expedite access to information.
- Track cases from first call forward, including case substantiation and follow through.
- Integrate criminal and civil history of offenders into agency database.

## **Management Response:**

### ***Set tone through the development of protocols, practices, training and other mechanisms:***

- Establish protocols and practices grounded in an understanding of violence against women and embody values such as victim safety and confidentiality, respect for the autonomy of victims, and offender accountability.
- Develop police procedures for handling violence against women committed by law enforcement and other justice system personnel.
- Promote proactive intervention in all violence against women cases.
- Allocate funds, resources and personnel to violence against women cases.
- Support ongoing violence against women training for all new and veteran staff.
- Build a staff that reflects the demographics of the community it serves.
- Develop strategies to remove barriers facing underserved populations which prevent them from using the criminal justice system (e.g., translation of materials into relevant languages and 24-hour access to translation and interpreter services).
- Develop a system to monitor policy compliance.
- Revise policies and practices, as necessary.

## ***Provide leadership in community initiatives to combat violence against women:***

- Ensure coordinated response and collaboration with other justice agencies and other relevant service providers. Develop inter-agency agreements as appropriate.
- Participate in community task forces or other structures (e.g., systems review committees) that respond to violence against women.
- Recognize and support community-based advocacy programs as primary victim service providers.
- Promote community education and zero tolerance for violence against women.

# Prosecution Response to Violence Against Women

Prosecutors handling violence against women cases have the difficult task of balancing the imperative of victim safety with their traditional goal of conviction. In some instances, participation in prosecution may endanger a woman's physical or emotional well-being. Victims of domestic violence and stalking often face further and more egregious abuse from their abuser when they participate in criminal processes against him. Sexual assault victims may be more traumatized by testifying against their perpetrators than if pleas were negotiated. Prosecutors who make victim safety a priority understand a focus on conviction does not always serve the best interest of the victim.

As the nexus between the police and the courts, prosecutors are situated to take a leadership role in promoting a full and coordinated multi-disciplinary response to domestic violence, sexual assault and stalking.

*The following checklist describes the basic role of prosecution in responding to violence against women. It also shows where prosecution offices coordinate and collaborate with other justice system agencies and community-based advocacy programs.*

*Review the following list, checking off responses your agency performs with success. Make note of gaps in your current response to violence against women.*

## Prosecutor Response

### *Assist victim with safety planning:*

\_\_\_ Address victim safety issues throughout the entire trial process. Assess the likelihood of continued violence by the suspect from the time of arrest through the conclusion of the trial.

\_\_\_ Work closely with community-based victim advocates to support the victim through interviews, other court procedures, and with other legal and non-legal needs.

\_\_\_ Work with advocates to develop a process to maintain the confidentiality of the victim's location when necessary.

\_\_\_ Stay in contact with the victim throughout the court process, providing her with pertinent case information (e.g., give her the criminal court docket number to help her keep apprised of the court dates and pending motions), and making sure she is not being intimidated or threatened.

\_\_\_ Encourage and guide the victim in collecting further evidence. Advise her to keep a chronology of all defendant contact and the history of abuse, if not already documented.

\_\_\_ Utilize legal strategies to protect the victim and the integrity of the case (e.g., no-contact provision, restraining orders, and trial motions).

\_\_\_ Encourage the victim to call the police if the offender violates existing court orders.

\_\_\_ Use vertical prosecution whenever possible.

\_\_\_ Ask questions in a supportive and matter-of-fact tone of voice. Be calm, direct and patient.

### *Screen cases:*

\_\_\_ Process all cases as quickly as possible.

\_\_\_ Obtain and review related documentation and evidence available from law enforcement.

\_\_\_ Establish early contact with the victim to emphasize the process and goals of prosecution.

\_\_\_ Interview the victim, but coordinate with law enforcement to reduce the number of times the victim is interviewed. Utilize interview checklists where available. Be sure to listen, with non-blaming feedback.

\_\_\_ Review with the victim the case's strengths and weaknesses, procedural considerations (preliminary hearings, motions, trial, sentencing, etc.), time sequence of events, before, during and after the assault. Provide follow-up contacts for the victim.

\_\_\_ Explain the role of the victim as a witness and explore her ability and willingness to testify in court. Explain the prosecutor's role and her/his responsibilities to the victim. Consider the victim's wishes as an important, although not determinative, factor in filing or dismissing a charge.

\_\_\_ Determine if prosecution will go forward with the case, based on whether there is enough evidence to support the charges. Going forward without victim testimony is acceptable, and sometimes preferable, in domestic violence cases. However, victim testimony is typically a critical factor in the prosecution of sexual assault and stalking cases.

\_\_\_ Recognizing the possible deterrent effect of prosecution, screen in as many cases as possible. Establish clear guidelines and rationale when not charging a case.

\_\_\_ If the decision is made not to proceed, notify the victim immediately and explain the reasons.

#### ***Request pre-trial release options:***

\_\_\_ Evaluate pre-trial release options. Seek victim input and determine her fear of future assaults.

\_\_\_ Request an appropriate bail setting based on the nature of the crime, the danger to the victim, the potential for danger to the community, the perpetrator's criminal history, his contacts with the community, and his potential for maintaining contact with his attorney and the court.

\_\_\_ Where a systematic risk-assessment shows that the danger posed by the defendant to the victim is significant, request holding the defendant in protective custody during court proceedings.

\_\_\_ Consider the range of options that can be ordered by the court (e.g., prohibition against threats to commit abuse, harassment, or stalking, no contact orders, prohibition of third parties contacting victims on behalf of the defendant, confiscation of weapons, liquor abstinence and participation in alcohol or drug treatment programs or support groups, compliance with all aspects of protective and restraining orders, and other orders specific to the case and relevant to public safety).

\_\_\_ Determine whether a mental health evaluation is appropriate.

\_\_\_ Notify victim when the defendant is released and give the victim copy of order outlining the conditions of the release.

#### ***File or charge offenses:***

\_\_\_ Ensure charges reflect all crimes committed. Determine if additional charges should be filed.

\_\_\_ Determine whether there was a restraining order in effect at the time of the offense and charge accordingly.

\_\_\_ Seek out other information on the suspect's history and use it in charging decisions. Prior violations against the same victim, if provable and within the statute on limitations, can be charged as separate counts.

\_\_\_ Consider local conditions and policies in assessing the severity of the charges and the best strategy for obtaining a conviction or harsher penalty.

\_\_\_ Only under extraordinary circumstances should both parties be charged. Evaluate the crime to determine who is the primary aggressor.

\_\_\_ Do not require the victim to sign a criminal complaint nor attend pre-trial hearings.

#### ***Conduct a thorough investigation:***

\_\_\_ In reviewing evidence collected by law enforcement, consider the following evidence: reports; written statements and documentation of excited utterances; signed medical releases; 911 tapes; photographs of injuries, the crime scene, the suspect, and children; weapons used; broken or damaged property; torn or bloody clothing; forensic evidence analysis; or diagrams of the crime scene.

\_\_\_ In addition to evidence collected at the scene, the following evidence is also relevant: medical records, child protection services records, visitation center records, letters from the defendant, jail visitation records, victim's employment records (missed work), evidence of prior felony convictions of the defendant, past and current restraining orders, and past police reports. Where they exist, court transcripts of earlier proceedings should be reviewed. Interviews with the defendant and witnesses should be conducted as well.

#### ***Conduct pre-trial procedures and discovery:***

\_\_\_ Use Motions in Limine to manage a case prior to trial.

\_\_\_ Strenuously resist continuances.

\_\_\_ Only subpoena the victim when it will shield her from reprisals by the defendant and the victim is willing to testify.

\_\_\_ Spend time with the victim to build trust and to understand her experience of the crime. Don't delegate all interviews with a victim to others.

***If appropriate, negotiate a plea:***

\_\_\_ Use plea negotiations to further trial goals, not to result in lower charges and penalties.

\_\_\_ Balance the safety of the victim and the community with holding the offender accountable and expediting prosecution goals. Consider the seriousness of the offense, past record of the defendant, likelihood of rehabilitation, likelihood of future violence and intimidation, effective impact of jail time, availability of community supervision, and victim's bill of rights.

\_\_\_ Inform the victim of reasons to consider a negotiated plea. Describe options to plea negotiation and consider the victim's input. Consider the needs of the victim in accepting a plea (e.g., restitution, protection or emotional security).

\_\_\_ If the victim objects to plea negotiations and the decision is made to accept, provide her with the opportunity to put objections on the record.

\_\_\_ Only order a defendant's participation in a batterer's intervention program as part of sentencing, not before.

***Use trial strategies:***

\_\_\_ Conduct voir dire to identify potential jurors' biases, and to address and dispel myths which affect violence against women cases.

\_\_\_ Develop a bank of briefs and model lines of questioning to support trial and pre-trial motions that can be adapted to the particular facts of a case.

\_\_\_ Become familiar with a range of evidentiary rules, including the use of expert witnesses, forensic testimony, use of non-victim witnesses, exceptions to the hearsay rule, and laying the foundation for the introduction of a host of documents.

\_\_\_ Become conversant with strategies to deal with complex cases such as strangulation, allegations of an assault committed by the victim, or the recanting of the victim's previous testimony.

\_\_\_ Consider the role of children as witnesses in consultation with psychologists or other experts.

\_\_\_ Utilize advanced technology to enhance the presentation of evidence to the court.

***Develop sentencing strategies (also see Court Response):***

\_\_\_ Recommend a sentencing hearing.

\_\_\_ Ensure the court conducts a risk-assessment of offender dangerousness as part of the sentencing process.

\_\_\_ Provide the victim with a pre-sentence report to help her prepare her victim impact statement. Encourage her to make a written or verbal statement concerning her sense of continued risk and give input into the conditions of release.

\_\_\_ When recommending dispositions, consider the nature and gravity of the offense, the history of sexual or physical abuse, previous efforts at rehabilitation, the defendant's character and current rehabilitative needs, and the interests of the community in protection and punishments.

***Develop post-sentencing strategies (also see Court Response):***

\_\_\_ Preserve evidence for future use.

\_\_\_ Respond to victim requests for assistance.

\_\_\_ Work collaboratively with probation and parole officers to ensure enforcement of probation and parole conditions. Initiate review hearings or recharge when there are violations.

***Victim/Witness Specialist Response***

***Work with the prosecutor handling each case to:***

\_\_\_ Provide the victim with data about legal remedies, victim rights and community referrals.

\_\_\_ Assist the victim with safety planning.

\_\_\_ Work collaboratively with community-based advocates to address the full range of victim needs.

\_\_\_ Serve as a liaison between the criminal justice system agencies and the victim.

\_\_\_ Notify the victim of her rights to state and federal victim compensation.

\_\_\_ Assist the victim with applications for crime victims compensation and other financial aid.

\_\_\_ Provide the victim with case information on court dates and the court process.

\_\_\_ Confirm service of subpoenas and protection orders.

\_\_\_ Provide the victim with a courtroom orientation and accompaniment through hearings, if desired by the victim.

\_\_\_ Ensure the victim is notified of offender release information.

### **Supervisor Response:**

\_\_\_ Oversee compliance with agency policies and procedures related to violence against women.

\_\_\_ Oversee prosecution compliance with inter-agency agreements related to violence against women.

\_\_\_ Create forms and checklists to facilitate compliance with office policies.

\_\_\_ Problem-solve with assistant prosecutors and other staff on handling complex cases.

\_\_\_ Assess whether prosecution response meets goals of victim safety and offender accountability.

\_\_\_ Determine the need for additional prosecution staff training or supervision.

### **Data Collection:**

\_\_\_ Create databases to expedite docketing, case management, and timely victim notification.

\_\_\_ Automate databases to include information on each case, the nature of the charges, and the ongoing status of the case up to and after sentencing.

\_\_\_ Integrate data systems to include both criminal and civil histories.

### **Management Response**

***Set tone through the development of protocols and practices, training and other mechanisms:***

\_\_\_ Establish protocols and practices grounded in an understanding of violence against women. Revise protocols as needed.

\_\_\_ Promote proactive intervention in all violence against women cases.

\_\_\_ Allocate funds, resources and personnel to violence against women cases.

\_\_\_ Support ongoing violence against women training for all staff.

\_\_\_ Advise and train law enforcement investigators on evidentiary issues.

\_\_\_ Mentor new or less experienced prosecutors.

\_\_\_ Build a staff that reflects the demographics of the community it serves.

\_\_\_ Develop strategies to remove barriers facing underserved populations that prevent them from using the criminal justice system (e.g., translation of materials into relevant languages and 24 hour access to interpreter services).

\_\_\_ Develop a system to monitor prosecution staff compliance with protocols.

***Provide leadership in justice system and community initiatives to stop violence against women:***

\_\_\_ Recognize the prosecutor's role as a bridge between the police and courts.

\_\_\_ Support coordination among all branches of the criminal justice system and between it and the community, particularly community-based advocates. Develop inter-agency agreements as appropriate.

\_\_\_ Keep police apprised of evolving state laws and regulations in the field of violence against women.

\_\_\_ Coordinate with federal, state and other local prosecutors to ensure that individual cases are brought in the right jurisdiction and that the fullest range of charges are brought, including recognizing the full faith and credit provisions of the VAWA.

\_\_\_ Coordinate with federal agencies to develop protocols like those to address how to handle confiscated weapons.

\_\_\_ Promote community education and zero tolerance of violence against women.

# Court Response to Violence Against Women

Victims of violence against women require access to court services, guidance and support, adequate protection, and resources at every juncture of the court process. In the conduct of the hearings and in their rulings, judges must protect and respect victims and their families, ensure due process to defendants, and impose effective sanctions on those found guilty. Judges must take a direct role in managing the violent behavior of offenders to ensure victim safety, and implement court practices that facilitate consistent and effective response to violence against women. Through a proactive court response, judges send a clear message that violence against women will not be tolerated.

The court administrator manages the day-to-day operations of the court system. Court administrators and their staff play a critical role in building court capacity to support victims of violence against women in participating in the criminal justice process. Their efforts should focus on the following: creating mechanisms to increase the accessibility of court services, facilitating communications among different branches of the court, enhancing the effectiveness and efficiency of court procedures, and creating a safe environment for victims and other witnesses.

*The checklist explores general court practices related to violence against women cases. Where appropriate, it also considers court administration and judicial response specific to criminal or civil proceedings.*

*Review the following list, checking off responses your agency performs with success. Make note of gaps in your current response to violence against women.*

## Court Administrator Response

**Take measures to protect and support victims in the court process:**

\_\_\_ Train all personnel who interact with the victim to be aware of, and help minimize, the potential danger the victim may face while in court facilities and when exiting the courthouse.

\_\_\_ Oversee physical facility to ensure systematic victim protection, including secure waiting rooms for victims and witnesses, metal detectors, and the presence of security guards.

\_\_\_ Refer the victim to community-based advocacy programs and assist her in contacting an advocate to support her throughout the court process and beyond.

\_\_\_ Refer the victim to other community agencies as appropriate.

\_\_\_ Develop materials and strategies (e.g., briefing sessions) to explain the court process to victims.

### Special concerns for victims filing civil orders of protection:

\_\_\_ Assist the victim with filling out forms or petitions for all civil protection orders and explain court procedures.

\_\_\_ When perpetrators try to control the victim through her children, encourage the victim to work with a civil attorney or advocate on child custody and visitation issues.

### **Ensure court services are accessible to all victims of violence against women:**

\_\_\_ Establish convenient regular and emergency hours for various services (e.g., 24-hour service for emergency protection orders or arraignment in criminal matters, or evening dockets for hearings on protection orders)

\_\_\_ Where necessary, hold hearings in multiple locations.

\_\_\_ Waive or reduce costs and fees in civil cases (e.g., there should be no fees required to file protection orders, have orders served, or to receive a limited number of certified orders).

\_\_\_ Provide information to the victim in a culturally competent manner. Ensure the availability of translators and interpreters. Make sure materials are written clearly and translated in languages commonly used in the jurisdiction.

\_\_\_ Make available multi-lingual and multi-cultural services.

\_\_\_ Make facilities and service accessible to disabled women.

\_\_\_ Where victims need, but do not have their own interpreters or translators, the court should appoint them.

\_\_\_ Provide space in the courthouse for staff from community-based legal services, advocates, and others who provide services to victims through the court process.

### ***Streamline court procedures for violence against women cases:***

\_\_\_ Develop and simplify forms and checklists for court administration personnel use (e.g., general intake forms or forms for sentencing information).

\_\_\_ Develop policies and procedures on sharing information with other justice system personnel around victim and offender issues (e.g., informing corrections personnel of offender's conviction information and sentence, and sharing information with prosecution, victim/witness specialists/probation and parole).

\_\_\_ Cross-reference civil and criminal databases to avoid contradictory rulings, and forward information to judges to inform their decision making.

\_\_\_ Expedite dockets to limit the number of times a victim has to come to court.

\_\_\_ Maintain special calendars for violence against women dockets, establish special judicial rotation policies or create dedicated courts with the goals of expediting cases and assisting victims.

### **Data Collection:**

\_\_\_ Develop mechanisms to increase the level of communication between courts and among branches of courts.

\_\_\_ Create and automate registries of all types of civil and criminal orders.

\_\_\_ Automate information to give court personnel quick and easy access to information from other courts cases involving the same victim and/or perpetrator (e.g. juvenile, family, civil or criminal courts). Information may include: transcripts of proceedings to present at testimony; images of case evidence, such as photographs of victim's injuries and of crime scene, and 911 tapes; information on warrants, subpoenas, and orders requested from the court, and results of the request (issued or denied); violation reports, hearing, findings, and actions; and tracking information for repeat offenders.

\_\_\_ Develop written guidelines to assist court staff in quick reference on use of data system.

\_\_\_ Work with community agencies to tap into their databases where appropriate (e.g., community mental health involuntary commitments).

### **Management Response (this may be the chief judge's role)**

#### ***Set tone through the development of protocols and practices, training and other mechanisms:***

\_\_\_ Establish protocols and practices grounded in an understanding of violence against women. Revise protocols as needed.

\_\_\_ In conjunction with other justice system personnel and relevant community service providers, make the decision whether there is a need to dedicate a court room or docket to violence against women cases to expedite adjudication and provide assistance to the victim.

\_\_\_ Establish inter-agency agreements with advocacy programs to ensure the victim has access to advocates as needed, as well as access to emergency housing, and other and legal and non-legal services.

\_\_\_ Allocate funds, resources and personnel to violence against women cases.

\_\_\_ Support ongoing violence against women training for all staff including clerks, bailiffs, magistrates and judges.

\_\_\_ Take measures to remove barriers facing underserved populations that prevent them from using the criminal justice system.

\_\_\_ Create and revise agency policies related to violence against women.

\_\_\_ Ensure the victim's confidentiality is respected.

\_\_\_ Undertake monitoring of courts, including judicial response and case disposition. Support community-based programs ( e.g., court watch) that also monitor the courts.

### **Judicial Response:**

\_\_\_ Take measures throughout court processes to enhance fairness and minimize re-traumatization of the victim.

\_\_\_ Consider victim protection as the top priority in all decisions. Assess the likelihood the defendant will harm the victim in the future, of retaliation by the defendant, and of an escalation in the severity/frequency of violence if the victim leaves an abusive relationship. Assess the defendant's access to the victim.

### ***Take into account special considerations in criminal cases:***

#### **Pre- trial considerations:**

\_\_\_ Consider detention before arraignment (e.g., no arraignment for 12 hours). Where a systematic risk assessment shows the risk posed by the defendant to the victim is significant, hold the defendant in protective custody during court proceedings.

\_\_\_ Set bail and impose other conditions of release based on the nature of the crime, the danger to the victim, potential for danger to the community, the perpetrator's criminal history, his contacts with the community and his potential for maintaining contact with his attorney and the court.

\_\_\_ If the defendant is released on his own recognizance, the court should always consider issuing a no-contact orders (e.g., protective order, stay-away order, restraining order, etc.) and imposing other conditions like prohibition of third parties contacting victims on behalf of the defendant; confiscation of weapons; liquor abstinence and participation in alcohol or drug treatment programs or support groups; violations of orders resulting in arrest; and other orders specific to case and relevant to public safety.

\_\_\_ Determine whether a mental health evaluation is appropriate.

\_\_\_ Notify the victim when the defendant is released and give the victim a copy of orders outlining the conditions of the release.

\_\_\_ Issue a range of warrants (e.g., search or subpoenas) and orders to expedite proceedings, protect the victim, and secure pertinent information and evidence.

\_\_\_ When the defendant violates an order, impose swift and certain sanctions.

#### **Special concerns for victims as witnesses in criminal proceedings:**

\_\_\_ Create a mechanism to elicit victim input at all stages of the criminal process, including bail hearings, pre-trial hearings, trials and sentencing hearings. Be sure magistrates and judges ask the victim to assess the risk she believes the defendant poses to herself, her family and the community. At sentencing, be sure magistrates and judges ask the victim what remedies she believes should be imposed to keep her safe.

\_\_\_ Establish mechanisms to facilitate victim pre- and post-conviction notification of offender status.

#### **Trial Considerations:**

\_\_\_ Conduct the trial and control the demeanor of those in the court room in a manner that reflects the serious nature of the crime.

\_\_\_ Offer safety and support to the victim in the courtroom.

\_\_\_ Ensure all staff who interact with victims during court proceedings are trained to understand the danger/trauma the victim may face, and assist her in staying safe in the building and its environs.

\_\_\_ Allow victim advocates to be present in the courtroom and to sit with the victim. The advocate should be allowed to speak to the victim and to address the judge.

#### **Special Considerations for Criminal Court Judges:**

\_\_\_ Encourage accelerated trial schedules and avoid continuances where possible. Jail the defendant for failing to respond to a subpoena.

\_\_\_ Enforce motions to protect the victim during the criminal court process (e.g., rape shield law, courtroom closure, using one-way mirrors or screens to block the victim's view of the defendant, or allowing the victim to testify over closed-circuit television).

\_\_\_ Permit prosecution to use voir dire examinations to identify individuals whose beliefs may cause them to have difficulty weighing evidence impartially and determining witness credibility.

\_\_\_ Become conversant with various evidentiary issues and rules that apply in violence against women cases. Such knowledge will enable a judge to both rule on the admissibility of such evidence and weigh its credibility.

\_\_\_ Permit expert witness testimony on a range of issues from rape trauma syndrome to DNA testing.

\_\_\_ Allow the victim to tell her story, giving her an opportunity to present testimony on her perceived risk of future harm. Conversely, become familiar with reasons for some victims' reluctance to testify and how to best address those situations.

\_\_\_ Become conversant with policy and precedents concerning admitting children's testimony.

\_\_\_ Only dismiss cases where there are proper grounds to do so. (For instance, some courts have held it is improper to dismiss domestic violence cases on the basis of victim reluctance, to enhance offender rehabilitation, or where there are concurrent civil proceedings.)

#### Sentencing Considerations:

\_\_\_ Assess how a particular disposition can stop the violence; protect the victim and her significant others; protect the general public; hold the offender accountable for his violent behavior; rehabilitate the offender to the extent possible; and give the victim restitution.

\_\_\_ Encourage use of victim impact statements, statement of risk assessment, and solicit her recommendations for release conditions. Encourage the victims' presence at sentence hearings. If children are involved, take their needs into account.

\_\_\_ Reject alternative dispositions and diversion options.

\_\_\_ Order enhanced sentences where appropriate (e.g., prior history of domestic violence, history of threats to others, viciousness and callousness, or in the case of a particularly vulnerable victim).

\_\_\_ Consider multiple sanctions to address the full spectrum of harm done to the victim and to rehabilitate the offender. Assess the value of imposing split sentences in conjunction with incarceration.

\_\_\_ Where incarceration is ordered in sexual assault cases, treatment during incarceration should also be ordered. The treatment should continue while the offender is on parole and not as an alternative to incarceration. All programs must meet a variety of guidelines that protect the victim, and require careful monitoring and accountability of the offender.

\_\_\_ In domestic violence cases, become familiar with the uses and limitations of batterers' intervention programs and only order them in conjunction with a sentence and not prior to sentencing. Where a certification process is in effect, only certified programs should be utilized. All programs must meet a variety of guidelines that protect the victim, and require careful monitoring and accountability of the offender.

\_\_\_ In stalking cases, become familiar with the uses and limitations of mental health treatment for particular types of stalkers, and only order treatment in conjunction with a sentence and not prior to sentencing. All treatment programs for stalkers must ultimately serve to protect the victim, and require careful monitoring and accountability of the offender.

\_\_\_ In determining whether to order any defendant to an offender treatment or intervention program, carefully assess the offender's ability to successfully participate and complete treatment.

\_\_\_ Consider whether these programs provide multi-lingual and multi-cultural services.

\_\_\_ Impose a variety of sanctions and conditions on probation. Clearly articulate the sanctions that will be imposed for violations of the conditions.

\_\_\_ Impose harsh penalties on repeat offenders, as well as strict probation supervision as a condition of release.

\_\_\_ Sentence adolescent and young adult offenders with appropriate severity.

#### Post-sentencing Considerations:

\_\_\_ Provide post-conviction assistance to victims to address ongoing needs. Justice system personnel, offender intervention program staff and advocates can work together to facilitate safety, assistance and support.

\_\_\_ Dedicate probation and parole staff to supervise offenders in violence against women cases.

\_\_\_ Notify victim of scheduled parole hearings.

\_\_\_ Provide opportunity for victim testimony and input at parole hearings.

\_\_\_ Notify victim of release and conditions of release.

\_\_\_ Supervise and monitor conditions of supervision for offenders who have been released on probation or parole. In some instances, particularly where the defendant has been convicted of sexual assault or other felonies, electronic monitoring, random urinalysis/hair tests and other tools may be appropriate to maintain offender control. Such orders should balance the defendant's rights with the safety of the community.

\_\_\_ Promote community education and zero tolerance for violence against women.

\_\_\_ Conduct review hearings to evaluate the impact of sentencing on the offender and the offender's progress in meeting court ordered conditions, including but not limited to treatment/intervention programs.

### **Supervisor Response**

**(this may be the chief judge's role):**

\_\_\_ Oversee court compliance with agency policies and procedures related to violence against women. Facilitate the development of bench guides and other resource materials for judges and court staff as tools to encourage compliance.

\_\_\_ Assess whether court response meets goals of victim safety and offender accountability.

\_\_\_ Determine the need for additional court training.

### **Judicial Activism and Involvement in Community:**

\_\_\_ Become active in community initiatives to end violence against women. Involvement in such initiatives does not compromise judicial ability to be impartial; rather, it encourages more sensitive and fair response to serious crimes and in the process, increases the capacity of the justice system to be effective.

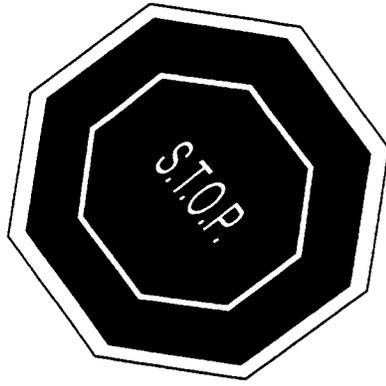
\_\_\_ Act as mentors to other justice personnel in addressing violence against women.

\_\_\_ Ensure coordinated response and collaboration with other justice agencies, community-based advocacy programs and other relevant service providers, as well as other jurisdictions, to enhance victim safety and offender accountability.

\_\_\_ Facilitate system personnel to work with community-based advocates and legal service providers to routinely evaluate the effectiveness of court processes and sentencing and find solutions to identified problems.

\_\_\_ Encourage domestic violence and stalking death reviews to pinpoint system failure and facilitate change.

\_\_\_ Recognize and support community-based advocacy programs as primary victim serve providers.



## C. Program Profiles

# Assessing the Justice System Response to Violence Against Women:

## Program Profiles

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*These documents can also be obtained from the  
Violence Against Women Resources Website  
of the Violence Against Women Grants Office, under "Promising Practices:"  
<http://www.ojp.usdoj.gov.vawgo/>*

Program profiles were reprinted from *Assessing the Justice System Response to Violence Against Women: A Tool for Law Enforcement, Prosecution and the Courts to Use in Developing Effective Responses* (February, 1998), *Assessing the Justice System Response to Violence Against Women: A Tool for Community-Based Victim Service Providers* (April, 1998), and *Assessing the Justice System Response to Violence Against Women: A Tool for Communities to Develop Coordinated Responses* (July, 1998). Program profiles were written by Kristin Littel, Mary B. Malefyt, and Alexandra Walker, with contributions by the Battered Women's Justice Project, Civil Access Center, the Battered Women's Justice Project, Criminal Justice Center, and Julie Kunce Field. They were edited by Joan A. Kuriansky.

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# Appleton Police Department

Appleton, Wisconsin

*Highlighted Feature:*

## Policies Promoting Community Policing Response to Domestic Violence

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883

or  
go to <http://www.appleton.org/police>

### *Overview and Mission*

The Appleton Police Department is committed to applying the principles of community policing to the department's response to domestic violence. The department has implemented a policy requiring all incidents of domestic violence be thoroughly investigated, and arrests be made when a crime or violation of a city ordinance occurs.

Early intervention is a key component of the Appleton Police Department's strategy. The department believes violence progresses along a continuum, and further violence can be prevented through officer response to an incident and follow-up visits, even if an arrest has not been made. The department employs this approach by cooperating with community-based victim service organizations, as well as with other sectors of the criminal justice system.

### *Demographics*

Appleton, Wisconsin is one of seven Fox Cities located along the Fox River in East Central

Wisconsin. The population is about 70,000. The population of the metropolitan area is more than 155,000. Appleton is the 6th largest city in Wisconsin.

### *Description of Program Response*

**Extensive information obtained by dispatcher.** Upon receipt of a domestic violence-related call, the Communications Center attempts to ascertain information such as the location, extent of injuries, whether weapons are present, names of parties, whether children are present, and whether there are current court injunctions or temporary restraining orders. The dispatcher searches the database using the names of the parties to determine criminal histories. The Communications Center evaluates the information received by the caller and dispatches police officers, providing all available information to them.

**Initial officer response geared to deter violence.** When officers first arrive at an incident scene, they determine if medical assistance is needed and separate the parties. The officers interview the parties separately to determine the type of threat, pain inflicted, injuries sustained.

In incidents involving no physical violence that do not rise to the level of an arrest, officers are beginning to use their presence to help prevent future violence. For example, in verbal abuse incidents, officers will complete incident reports, warn the suspected abuser of the consequences of committing an act of domestic violence, speak to the non-abusing party about safety options, and make referrals to community resources.

During interviews with victims, officers evaluate their immediate needs, inform them of their rights, and explain the criminal justice process. Victims are prompted to recall what occurred, and are told why the police need the information, and how police intervention will help them. Officers assist victims with their safety needs, including providing referrals to community or county resources, and make arrangements for shelter or other emergency services. During this process, officers communicate to the victim the incident was not their fault and they are there to help.

Harbor House (the local shelter) "help line" cards are provided to victims. The officer telephones the community-based shelter so the shelter can follow up and offer services to the victim. The shelter's victim advocate or a volunteer advocate will respond to the scene to offer assistance, if desired by the victim. Victims are encouraged to fill out a Domestic Violence Victim Worksheet, allowing victims the opportunity to document details of the incident.

In accordance with State statutes and department policy, the responding officer is strongly encouraged to arrest the party considered to be the primary physical aggressor. In cases where reasonable grounds for arrest exist but an arrest is not made, the officer must specify the reasons in the incident report. Reports are forwarded to the District Attorney's Office. If the decision to arrest is made, the officers state "The decision to arrest is mine" in the presence of both the victim and the suspect. The department believes this helps to take the pressure and focus off the victim.

**Follow-up response.** Standard operating procedures are being introduced to encourage officers to follow-up even when an arrest cannot be made. This entails officers visiting the address after the initial incident to talk to the parties about steps they should take. The abusing party is told he may end up being arrested if he does not take steps (such as counseling or other assistance) to stop his abusive behavior. Officers emphasize that the abusing party has no right to try to control and manipulate the other party. The non-abusing party is again told about options (such as obtaining a protection order), and provided with referrals to community-based and county victim service organizations and agencies. A pre-arrest safety plan is developed with the non-abusing party.

Officers try to visit the victim again within 24 to 48 hours after the initial incident to gather more information for the criminal process. The Appleton Police Department believes follow-up with the victim within this time period is crucial, and victims are less willing to participate in the process if follow-up is conducted after 48 hours.

The Appleton Habitual Offender program targets the top 15 to 20 domestic violence perpetrators in the county. These offenders are flagged as high-risk, and their names are published in advance and made available to patrol officers. The Appleton Coordinated Community Response Team works with the prosecutor and law enforcement to "fast track" these cases through the criminal justice process.

# **Ann Arbor Police Department**

*Ann Arbor, Michigan*

*Highlighted Feature:*

## **Domestic Violence Enforcement Team**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Domestic Violence Unit of the Ann Arbor Police Department is housed in a building adjacent to the local battered women's advocacy program, the Domestic Violence Project/SAFE House. With the creation of the police unit, an additional full-time SAFE House legal advocate was hired. The Police Department also hired a detective and community service aide. The program is funded through a COPS grant of \$134,000. The initial objective of the unit was to increase the number of victims who participate in subsequent prosecutions. This goal was met, and the unit and SAFE House are now pursuing a new goal of removing barriers to victim safety, through collaborative police and advocacy work.

Establishment of the unit, along with the positive working relationship between police and advocates, has contributed to an increase in the number of victims who feel positively about their experience with the criminal justice system. The success of this unusual collaboration is best reflected in the commitment of the Ann Arbor Police Department to raise funds to continue the unit after the COPS funding lapses in 1998.

### ***Demographics***

The program is located in Washtenaw County, Michigan. The county is the home of two universities. Absent the student population, Ann Arbor has a population of 110,000. Seventeen percent of the population is non-white and includes African-Americans, Asians and Asian-Americans.

### ***Description of Program Response***

**Collaborative efforts of police and advocates.** Housing of the shelter and police personnel together was a strategic decision, geared to break down barriers between the two agencies and facilitate better outcomes for victims. The detective and community aide have received extensive domestic violence training from SAFE House's legal department, including the same training shelter staff receive.

Daily contact, joint problem-solving with the legal advocate, and immersion into the details of cases, has contributed to increased police appreciation and understanding of the dynamics of domestic violence, tactics of perpetrators, and barriers facing victims and their families. The police also have the opportunity to consult daily with the entire SAFE House staff.

**Highlights of police/advocate response.** When the Ann Arbor Police Department makes a domestic violence arrest, the officer calls SAFE House, who in turn provides immediate in-person services to the victim. Since its inception in 1996, SAFE House on-call staff has responded to more than 800 pages from police.

Police unit staff laboriously track the status of paperwork and are in a good position to cut through the bureaucracy of the justice system. For instance, they can check the status of a protection order, or expedite service of a bench warrant issued to a defendant that would otherwise languish until he was stopped for another crime.

The police attend every defendant arraignment to ensure those victims who so desire receive a civil no-contact order during the course of the trial.

The unit connects the victim with SAFE House and its many services. The proximity of the two programs makes this an easier task for the agencies and victims than in other jurisdictions.

These procedures, along with a growing understanding of the issue of domestic violence by the unit police, mean victims who come into contact with the unit are much more likely to be taken seriously and given the protection to which they are entitled. In one instance, a victim who had been run off a road by her assailant went to the state police for help. The police were uncooperative and only after they learned the assailant had a prior conviction for second degree murder did they take her seriously. Once the Ann Arbor unit became involved, the police provided immediate and ongoing assistance, including escorting the woman to her car at work and monitoring the parking lot where the assailant often harassed her. Ultimately, the police found and arrested the assailant.

Regular exposure to these cases gives unit police unique insights into the procedural and attitudinal barriers battered women face, and the system's limitations in holding offenders accountable. The police have become true advocates for systemic change. They routinely make recommendations to the courts, prosecutors and other police agencies. They are currently exploring ways to register protection orders and share that information with judges to assist them in sentencing decisions.

Both the Deputy Police Chief and SAFE House's Executive Director serve on the Mayor's Task Force for Increasing the Safety of Women, to extend their efforts beyond immediate response to actual crimes, to outreach and prevention of domestic violence.

# Kankakee Police Department

*Kankakee, Illinois*

*Highlighted Feature:*

## Leadership on a Protocol for the Investigation of Sex Crimes

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The Kankakee City Police Department employs about 70 police officers to patrol the small city of Kankakee, located about sixty miles south of Chicago. In 1996, the Department volunteered to serve as a test site for the implementation of the newly minted *Illinois Model Guidelines for the Investigation of Sex Crimes*. Participation in this project is one component of the department's response to sexual assault. The agency has long maintained a positive working relationship with the local community-based sexual assault program..

### *Demographics*

The city of Kankakee has a population of approximately 30,000. 30% percent of the residents identify themselves as African-American. The community is recovering from a 20% unemployment rate during the 1980's, due to the closing of several large corporations and factories.

### *Description of Program Response*

**Agency leadership.** The Kankakee Police Department has no officers or detectives assigned exclusively to sexual assault cases. Rather, the Chief of Police expects and encourages all of his

officers to take a serious, victim-centered approach to sexual assault and investigate sex crimes while restoring the victim's dignity and sense of control. The Chief's attention to sexual assault is reflected in his department's participation in the "Model Guidelines" implementation project. Many of the new guidelines have already become standard practice for the department.

**Treat all sexual assaults seriously.** Delayed reports of sexual assault are treated with the same importance as are reports of assaults that were immediately reported. Officers and detectives are discouraged from making judgments about a case based on the victim's behavior, and try to balance their need for information and their duty to remain non-judgmental.

**Engage the victim in the investigation.** The department is cognizant of the victim's vulnerability, and has developed procedures that acknowledge this while facilitating victim participation in the investigation. The Kankakee Police Department employs practices that acknowledge the centrality of the victim to the case. These include the following:

- limiting the preliminary interview to information essential to the duties of the responding officer;
- notifying victims of their rights and offering to contact an advocate from Kankakee County Citizens Against Sexual Assault (KC-CASA), the local sexual assault program;
- respecting and protecting victim confidentiality; and
- eliciting information from the victim without causing undue embarrassment.

**Creative investigation in consent cases.** Cases in which the victim knew the defendant, and the defendant claims that the victim consented are the most challenging. Consent is also the most commonly raised defense by offenders. In order to strengthen the victim's credibility, police officers investigating these cases in Kankakee attempt to document the following:

- any of the victim's efforts to resist the

- assault;
- exact information concerning the victim's submission;
- words used by the victim to attempt to dissuade the offender from continuing the assault; and
- the victim's fears related to the environment or situation in which the sexual assault took place.

**Comprehensive training.** As part of the Model Guidelines implementation, every officer in the department must participate in either a one-day training for first responders to sexual assaults, or a three-day training on the *Illinois Guidelines for Sex Crimes Investigations*. As the Guidelines conceive of a multidisciplinary response to sexual assault, other agencies within Kankakee County are also involved in the implementation and training. Both versions of the training are presented by a multidisciplinary team.

Ongoing training on sexual assault and victim behavior has historically been provided by the local sexual assault program. On a regular basis, the KC-CASA is invited to make presentations on different topics at roll calls, thus reaching all the officers.

**Strong relationships with advocacy programs.** Chief Doster permits KC-CASA to review every case report, if they wish. He believes that this enables advocates to make contact with victims who have not sought KC-CASA's help. In the course of reviewing reports, KC-CASA may bring to his attention an incidence of sexual violence they detect in cases that may not be classified as such. KC-CASA shares information about the sexual assaults they know about whose victims may never report to the police department, thus providing law enforcement with more complete picture of what is happening in the community.

All new officers attend an open house at KC-CASA (complete with coffee and pastries) at which they learn about all the services offered by the agency and participate in an general presentation about sexual assault.

## **San Diego Police Department, Sex Crimes Unit**

*San Diego, California*

*Highlighted Feature:*

### **Aggressive Police Intervention in Sexual Assaults By a Specialized Unit**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The San Diego Police Department takes a two-pronged approach to sexual violence within the city. By fully funding a Sex Crimes Unit, it provides a creative and proactive reaction to reported sexual assaults. Extensive in-house training reflects the department's emphasis on a professional and sensitive response by all officers. The department also seeks to *reduce* sexual assaults through its community education program.

The Unit functions with a staff of 17 (two sergeants, 13 detectives, two administrative support personnel) and a budget of roughly \$1 million. Each year, the Sex Crimes Unit handles an average of 1,000 felony sexual assaults involving victims age 14 and above.

#### ***Demographics***

The City of San Diego has a population of 1,197,000. The ethnicity of the population includes 65% Caucasian, 20% Hispanic, 8% Asian, and 7% African-American. Nearly 6% of the population is employed by the military.

#### ***Description of Program Response***

The Unit strives to treat all complainants with respect and to take all reports of sexual assault seriously, including those where the victim knew the suspect. One of the sergeants in the Unit, Joanne Archambault, believes that an effective response to sexual assault rests as much on the attitudes of the investigators and responding officers as on their evidence collection skills and interviewing techniques. As a trainer and supervisor, Sgt. Archambault notes she must "...make the investigators believe that [all sexual assaults] are crimes, before they can be effective." Officer attitude underlying their response to a call is critical: once the officers view the location where a sexual assault occurred as a crime scene, they generally have the necessary skills to investigate it.

**Sexual assaults by acquaintances treated as serial crimes.** Detectives in the Unit treat acquaintance sexual assaults as serial sexual assaults, understanding that perpetrators of these assaults often commit multiple offenses before a victim reports, and that they are likely to re-offend in the future. This understanding is reflected by the fact that detectives investigate "everything from A to Z," regardless of how the case may appear on its surface. Detectives are trained to refrain from judging the case based on the circumstances or the victim's behavior and to respond professionally to all victims. Feedback from victims to the Unit indicates that even when their cases are not ultimately prosecuted, victims feel a high level of satisfaction with police response when police behave professionally, take victims' cases seriously, and keep victims apprised of the case status.

Patrol officers respond to all sexual assaults, whether they are "fresh complaints," requiring an immediate response to the scene or the hospital, or delayed reports. Therefore, the Unit trains these officers so that they respond professionally and with sensitivity. Specialized training on sexual assault is mandatory for new officers to the department and advanced training is offered on a voluntary basis to advanced officers.

Detectives from the Unit are assigned to each of the city's eight police substations, thus facilitating a more informal and regular level of

communication between the Unit and patrol officers. In addition, the Sergeants in the Unit make themselves available to patrol officers day and night for discussions about cases.

**Collaboration with advocates.** In-house victim advocates are called to the scene or emergency department, or more typically, a referral to the local sexual assault program is made for sexual assaults that are reported after the incident (the majority).

**Investigation that seeks to strengthen the victim's credibility.** An approach that adds weight to victims' testimony involves:

- contacting the first person to whom the victim disclosed, as well as any additional witnesses;
- recording spontaneous statements made by the victim;
- pulling the 911 tape (which is automatically stored for one year, according to department policy);
- looking for any way, no matter how small or seemingly insignificant, to corroborate the victim's story;
- using tape recorded or "pretext" phone calls with the defendant, when appropriate; and
- victim interviewing techniques that elicit information necessary for law enforcement to conduct a thorough investigation without causing undue embarrassment to the victim.

Victim interviewing techniques involve asking open-ended questions that result in a more effective interview, such as, "how were you feeling" and "what were you thinking" questions, rather than questions that sound accusatory, like, "why did you do that?"

**Promotion of and participation in a multidisciplinary response.** Members of the Sex Crimes Unit participate along with the San Diego District Attorney's Office on the San Diego Systems Review Committee, the city's sexual assault task force. Prosecutors and investigators from the District Attorney's Office attend meetings of the California Sexual Assault Investigator's Association, Southern California chapter, in which the Sex Crimes Unit is actively involved.

Sgt. Joanne Archambault acts on behalf of the unit in maintaining relationships with the local sexual assault program, the two local SANE programs, San Diego Youth and Community Services, the Mexican Consulate, parole and probation, among many other agencies. She is on the phone daily to address problems in the response of different systems and resolve them immediately and openly.

Additionally, the unit is a central component in the county-wide Sexual Assault Response Team. The SART coordinates all disciplines involved in responding to a sexual assault when the victim undergoes a forensic medical examination. The SART model ensures victims are linked to a range of support services and that medical and law enforcement personnel obtain the information they need from the victim in the least intrusive manner possible. In 1996, 75% of respondents to a victim questionnaire conducted by the Sexual Assault Response Team rated the San Diego Police Department's services to victims as good or excellent. One year later, the SART received "goods" or "excellents" from 100% of victims.

**Unit provides community education.** The unit takes an active role in educating the community about sexual assault. A speaker's bureau was established to meet the need to reach different groups within the city. Data from case records indicated that the majority of the victims in San Diego were in their mid to late teens. In response, the speaker's bureau has focused on that age group. In the fall of 1997, the speaker's bureau reached 50 ninth-grade classes.

# Seattle Police Department

*Seattle, Washington*

*Highlighted Feature:*

## **Specialized Domestic Violence Unit**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview of Program and Mission***

The Seattle Police Department has approximately 1,270 sworn officers. The department's first priority is reducing the fear of crime of the citizens of the City of Seattle. It recognizes there is a strong relationship between violence in the home and violence in the streets. Department policy, under the leadership of Chief Norm Stamper, assigns high priority to promoting the safety of victims of domestic violence and sexual assault, and to holding offenders accountable.

The Domestic Violence Unit began operations on November 1, 1994. It was staffed by six detectives, one sergeant and one lieutenant. Subsequently, two Domestic Violence Court Order Process Servers were added to the unit. Officers in the Domestic Violence Unit are strongly committed to increasing victim safety and offender accountability. The unit investigates an average of 80 cases each month, and obtains felony charges on over 45% of their investigations. Each month, approximately 500 misdemeanor cases are referred to the City Law Department.

Cases are prepared for prosecution with the understanding and knowledge domestic violence victims are often fearful or reluctant to testify. The unit works closely with community-based victim advocates to allay victim fear, meet

victim needs, and support victims throughout the criminal justice process. All unit members participate in the City's Domestic Violence Task Force, a multidisciplinary body that collaborates in the effort to strengthen the community's response to domestic violence.

### ***Demographics***

Seattle, located on Puget Sound, 113 miles from the U.S.-Canadian border, has a population of 531,400. 75.3% of its residents are Caucasian (including 3.6% of Hispanic origin), 10.1% are African-American, 11.2% are Asian-American, 1.42% are Native American, .54% are Pacific Islanders, and 1.42% are from a variety of other ethnic groups.

### ***Description of Program Response***

**Thorough investigation of domestic violence cases.** Officers responding to the scene of a domestic violence crime are required to thoroughly investigate each incident, contemplating that the victim may be unavailable to testify at trial. After arriving at the scene and separating the parties, officers collect evidence necessary for successful prosecution. Statements of the victim, the suspect, and any witnesses are taken in separate interviews. Cameras are provided to each patrol sergeant in order to take photos of injuries and of the crime scenes. Any physical evidence - such as weapons or ripped clothing - is collected.

**Training program enhances evidence collection skills.** Patrol officers, particularly first responders, are an important resource for gathering evidence and case preparation in both misdemeanor and felony-level crimes. To enhance evidence collection skills, the Domestic Violence Unit provides specialized domestic violence evidence collection training to patrol officers and other department employees on an ongoing basis. The training is provided during regular shifts, and utilizes a myriad of teaching tools, including victim case studies from actual incident responses and videotapes. The training emphasizes the specific responsibilities the police have in making domestic violence arrests and the importance of treating these cases like stranger assaults. In addition to basic issues such as mandatory arrest and primary aggressor

decisions, officers are instructed in how to undertake detailed case preparation and evidence collection for domestic violence reports.

**Investigation of misdemeanor cases.** As part of its effort to expand its focus from felony follow-up to an emphasis on misdemeanor investigations, two officers serve as misdemeanor domestic violence detectives in the unit. A lethality/dangerousness assessment tool is utilized to assist the detectives in the identification of victims who are at greatest risk, but whose cases have not yet received the level of attention normally assigned to felony-level cases. High-risk cases are assigned to the misdemeanor detectives, who work closely with the City Attorney's Domestic Violence Unit and community-based victim service providers to interrupt the violence before it escalates to the felony level.

**Required filing of a police report, regardless of whether an arrest is made.** Officers are required to complete an incident report, which includes a description of actions taken by the officers (e.g., any assistance and referrals provided to the victim, how the suspect was located and arrested, and if not arrested, steps taken to locate the suspect). Probable cause for the arrest must be stated in the report. If no arrest is made, officers must document their reasons for not doing so. Statements by the victim, the suspect, and other witnesses must be carefully documented in the report. A report must be submitted for each incident, regardless of whether an arrest is made.

**Determination of probable cause and primary aggressor.** Officers *must* arrest suspects if there is probable cause to believe a crime occurred within the preceding four hours, if the suspect allegedly committed a felony assault an assault that caused bodily injury to the victim, or committed any act that caused the victim to reasonably fear serious bodily injury or death. Officers are strongly encouraged to arrest for incidents that did not occur within the preceding four hours.

If officers believe there is probable cause to arrest both parties, they must make a determination as to which party is the primary aggressor. In identifying the primary aggressor, officers consider these factors:

- intent of the law to protect the victim;
- comparative extent of injuries inflicted or serious threats creating a fear of physical injury;
- domestic violence history of the parties,
- demeanor of the parties;
- any weapons used or threatened for use by either party; and
- claims of self-defense or defense of others.

Officers are directed to arrest only the primary aggressor. If officers are unable to identify the primary aggressor after consideration of these factors, they are encouraged to consult with their supervisors.

**Coordination with community-based victim services and emphasis on victim safety.** In order to encourage victim contact with the Unit, officers provide victims with a pamphlet that contains the officer's name, serial number, and the incident number. Additionally, officers take measures to promote victim safety by providing information about community-based victim services, such as local shelters and hotlines. If victims indicate they would like to leave the scene of the incident, officers facilitate the transportation of victims to a place where they will be safe (e.g., the home of a friend or relative, or a domestic violence shelter).

The Police Department Victim Assistance Office provides personal assistance to all victims of felony crimes. Support to victims is provided from the first report of the assault and continues until the victim is safe, even if that is not accomplished until long after case disposition. At a minimum, the office contacts the victim twice following disposition: on the anniversary date of the crime, and immediately after receipt of notice the perpetrator has been released, transferred, or has escaped from incarceration.

# The City of Nashville Metropolitan Police Department

*Nashville, Tennessee*

*Highlighted Feature:*

## Surveillance of Stalkers

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883  
or  
go to <http://www.Nashville.net>

### *Overview and Mission*

The Family Violence Division of the City of Nashville's Metropolitan Police Department takes aggressive measures to stop stalking behavior and deter future stalking. The Division conducts meticulous investigations to build cases against suspects, while addressing victim safety and taking precautions to protect the victim, as well as family members and friends of the victim.

The Division employs "counter-stalking" techniques (surveillance) using relatively simple technology to increase victim safety, deter pre- and post-trial stalking activities, prove offender violation of release conditions and gather incriminating evidence. The division's response sends a message to victims they have a right to expect protection from law enforcement before a suspect commits a violent act. These techniques have proven to be highly successful for catching stalkers in the commission of the crime, with the police officer often a first-hand witness to the terrifying acts. In addition, use of the technology increases victims' quality of life by enhancing safety and feelings of security.

### *Demographics*

Nashville is a large, urban area with a diverse population of residents totaling approximately 1.1 million.

### *Description of Program Response*

The Family Violence Division of the Metropolitan Police Department in Nashville consists of 29 staff: One captain, one lieutenant, three sergeants, two crisis counselors, two civilian clerical staff, 20 investigators (8 detectives and 12 uniformed investigators) and many volunteers from the local domestic violence shelter.

**Cases selected based on offender's conduct.** Mark Wynn, Lieutenant for the Nashville Metro Police Department, Domestic Violence Division, ranks the priority of cases according to the frequency, severity and intensity of stalking behavior. Experienced detectives handle the most high-risk stalking cases. High-risk cases in which there appears to be a pattern to the defendant's conduct, are particularly good candidates for "counter-stalking" or surveillance strategies.

In order to gather evidence necessary to make an arrest of a stalker, the Division employs a six-phase "Domestic Violence Counter-Stalking Plan." Using funds from Federal law enforcement grants, the Division purchased several pieces of simple technology to aid in the collection of evidence in stalking investigations, including those listed below.

- **Phase One: Self-contained phone traps.** These include a recorder that plugs into the phone, and Caller ID. The stalker's calls are recorded with the intent they be admitted into evidence in court. This saves valuable time which previously might have been spent working directly with the local telephone company.
- **Phase Two: Cellular phones.** The Division purchased 12 mobile phones for use by stalking victims. The phones are programmed to dial only the police emergency lines. Police respond immediately to calls from victims.

- **Phase Three: Mini-VCR Kit.** These small VCRs may be hidden anywhere in the victim's home, car, or outside the victim's home. The VCRs have a seven-day timer and two tiny cameras, which record everything within range.
- **Phase Four: GPS Tracking System ("The Shadow").** Trackers are attached to stalkers' vehicles, after a court order is obtained, or without a court order if the tracker is placed on the vehicle while it is located in a public space. Laptop computers in police vehicles display a grid map of the Nashville Metropolitan area and the location of the vehicle being tracked. The tracker works in conjunction with military satellites to track the vehicle via a cellular phone that communicates with police laptops and provides information on the vehicle location every 4 seconds. The price tag on the system was high (\$20,000), but was determined by the department to be more cost-efficient than paying officers to conduct 24-hour surveillance.
- **Phase Five: Silent Hostage Alarms.** The Division bought 20 "silent hostage" alarms, which are pendant alarms designed to be worn by victims and their children. The alarms are remotely connected to the phone lines when the panic button is pressed, and the phone line pick up voices and other noises.
- **Phase Six: Phone Bugs.** These electronic eavesdropping devices are tied into phone lines and placed around the victim's home. The devices are activated by voices or other noises, and allow recordings to be made of voices and other noises.

**Victim participation and decision-making.** The Division recognizes the victim's active participation in the investigation is vital in moving the case forward in the justice system. The Division takes measures to support the victim (for example, by helping her to contact an community-based advocate). It respects the victim's decisions regarding safety, even when it conflicts with police recommendations.

# Virginia Beach Police Department

Virginia Beach, Virginia

*Highlighted Feature:*

## Comprehensive Police Response to Domestic Violence By Specialized Unit

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

Virginia Beach Police Department officers are trained to follow a written protocol of response to domestic violence incidents, including providing support to the victim, taking steps to ensure her safety, identifying the primary aggressor, and making an arrest based on probable cause. A specialized Domestic Violence Unit consisting of five detectives provides follow-up investigation, which builds on the initial response of first responding patrol officers. The department collaborates closely with local community-based victim service programs, the Commonwealth Attorney's Office, and local businesses in its efforts to intervene in and prevent domestic violence in the community.

### *Demographics*

Virginia Beach is a medium-size urban area with a diverse population of approximately 455,605, which includes a sizable number of tourists during the summer.

### *Description of Program Response*

Every incident of domestic violence is taken seriously by the Virginia Beach Police Department. The response of the department

combines thorough evidence collection at the scene, support of the victim to ensure the victim's safety, follow-up investigation by detectives from the Domestic Violence Unit, and special programs for high-risk cases.

**Determination of probable cause and primary aggressor.** Upon arriving at the scene, the responding officer separates the parties to prevent further violence. The parties are interviewed separately. According to Virginia law, officers "shall arrest" a suspect whom the officer has probable cause to believe has committed a domestic violence offense. In addition, officers are required by law to identify and arrest only the primary aggressor. The department has outlined four factors to consider when identifying the primary aggressor:

- the comparative extent of injuries inflicted on all parties;
- the history of domestic violence between the parties;
- evidence from the parties or other witnesses; and
- whether any of the parties acted in self-defense.

In the filed report, officers are required to include the name of the party who was the primary aggressor, or if the primary aggressor could not be determined. If there is a current protective order, and officers determine that a suspect has violated an order, officers must arrest the suspect.

**Ensuring victim safety.** An *ex parte* emergency protective order (EPO) can be obtained via telephone by an officer from the on-call magistrate. Even if no arrest is made, an EPO can be obtained if the officer has reasonable grounds to believe probable danger for future violence exists.

Each victim is provided with a brochure entitled "Are You a Victim of Domestic Violence?". The brochure provides information about community-based victim services, the criminal justice process and civil protection orders.

**Reports filed for every incident, regardless of whether an arrest is made.** A standard report is filed for every incident, regardless of whether an arrest is made. Officers

also complete a Commonwealth Attorney's Supplement form. The Supplement requires information specific to domestic violence incidents that is crucial to prosecuting cases and achieving convictions at trial or obtaining guilty pleas. The Supplement, a cardboard form formatted as a checklist of evidence to collect, requires officers to check yes or no if they have collected certain evidence (e.g., "defendant at scene?", "protective order on file?", "warrant on file?", "visible injuries to defendant?", "domestic violence brochure given?", and "photos taken?"). Body charts for both the victim and the suspect are included in the form so the officer can mark the location of visible injuries. The suspect is asked, "Why did you assault the victim?", so the reason provided at the scene is documented (officers find suspects often change their stories later). Officers take photographs of the victim and any injuries. Officers also photograph the suspect even if no injuries are apparent or complained of; these are used as evidence by prosecutors if the suspect later claims he was injured by the victim. The form is sent to the Domestic Violence Unit for follow-up investigation.

**Coordination and cooperation with community-based victim services.** All domestic violence reports are shared with the Family Advocacy Network, a group made up of volunteer advocates trained by community-based victim service organizations. A specially-trained victim advocate volunteer then calls the victim and offers assistance, including court accompaniment.

A victim advocate from the community-based Samaritan House is available at the Department's Domestic Violence Unit three days each week. She provides assistance to domestic violence and sexual assault victims during interviews with detectives, speaks to victims who call the department on the phone, and provides other services, such as assistance in obtaining shelter and providing counseling and referrals for other services.

**Follow-up investigation by the domestic violence unit.** One of five detectives currently assigned to the Domestic Violence Unit conducts a follow-up investigation for incidents that have led to an arrest. If notified

a felony crime has been committed or if serious injury has been sustained, a Unit detective contacts the Domestic Violence Supervisor at the scene. If a misdemeanor was committed, detectives makes contact with the victim on the same day the case is assigned.

**Special domestic violence programs for high-risk cases.** A number of programs have been established to enhance and provide special intervention for identified high-risk cases. These include the programs listed below.

- **(Repeat Offender Program Enforcement).** The names and addresses of offenders who have been arrested at least four times are entered into a database. R.O.P.E. offenders' names and other relevant information is displayed in squad car terminals when officers are en route to a R.O.P.E. offender's last known address. Investigations of domestic violence incidents involving R.O.P.E. offenders are treated like homicide cases. Detectives are called out, forensic evidence is collected, etc. This sends the message to victims they will be believed and supported, and a signal to offenders they will be held accountable for their actions.
- **A.W.A.R.E. (Abused Women's Active Response Emergency).** Identified high-risk victims are provided with free in-home security systems and pendant alarms donated by a local business. When the panic buttons on alarms are activated, officers immediately respond to assist victims.
- **Cellular Phone Program.** Cell phones donated by local individuals and businesses are provided to high-risk victims. The phones are programmed to dial 911 only, and provide security to victims when they are outside of their homes.

# Chapel Hill Police Department Sexual Assault

*Chapel Hill, North Carolina*

*Highlighted Feature:*

## **Specialized Case Management of Sexual Assaults**

Contact the STOP T.A. Project  
for further information and materials at  
1(800)256-5883.

### ***Overview and Mission***

The Chapel Hill Police Department created a structure borrowed from the emergency mental health field that lends specialization to its response to sexual assault. The Sexual Assault Response Team requires no additional personnel to function. Established in 1993, the Sexual Assault Response Team aims to better serve the victims of sexual assault and more effectively stop sexual violence in the community.

### ***Demographics***

Chapel Hill is a college town with a population of approximately 40,000. The community is economically and racially diverse due to the transient population.

### ***Description of Program Response***

The Sexual Assault Response Team (SART) is a multidisciplinary team, consisting of crisis counselors working with specially trained patrol officers, the sex crimes investigator, and the juvenile investigator. While the patrol officers on the team have undergone special training on sexual assault issues, their work is not confined exclusively to sexual assault cases. The SART functions by ensuring these specially-trained

officers are available during every shift to respond to a report of sexual assault or crimes of a sexual nature.

**Emphasis on the first response to a sexual assault.** SART officers are recruited on a volunteer basis. The team has had such success at recruitment that there are currently two to three SART officers available during each shift to lend their expertise to reports of sexual assault. These officers are trained to understand the continuum of sexually assaultive behavior, understand the range of reactions and needs of a sexual assault victim, treat victims with respect to ensure victim participation throughout the case, and preserve all available evidence left at the crime scene.

An additional advantage of the SART is the specialized attention that can be afforded to misdemeanor level sex crimes. The SART has brought a more serious focus on behavior such as peeping and exhibitionism that may escalate in frequency and dangerousness over time.

**Blind reporting.** The Chapel Hill Police Department has instituted an anonymous reporting system for sexual assault. This system enables victims to disclose as much or as little information about the assault as they want. The detective records the information but does not initiate an investigation unless the victim decides to file a formal complaint.

There are many benefits to this system, including:

- victims have the opportunity to disclose the assault (this can be an important step in the healing process for some victims);
- victims can learn what the process will involve and what they should expect if they consent to an investigation;
- law enforcement agencies will gain more information regarding the nature of sexual violence in their communities;
- officers have an opportunity to gain the trust of victims, who often decide to proceed with the investigation;
- law enforcement may gain information that assists with the investigation of another case involving the same perpetrator; and
- an increase in the likelihood victims will be

linked to whatever support they may need, such as medical care, counseling, and State financial assistance.

The blind reporting system has been credited with steady increase in sexual assault reporting. Reporting of crimes of sexual violence has increased approximately 90% from 1991 to 1996. The number of male victims who report has also risen.

**Victim-centered investigation.** Policies of the department dictate that sexual assault cases are not pursued if the victim so requests. Investigators and officers demonstrate "immense sensitivity and patience" with victims. For example, if a victim is initially reluctant to proceed with the investigation, investigators take the time necessary to explore her concerns. This practice results in a higher number of victims that participate in the investigative process.

**Partnerships with other agencies.** The SART includes in-house crisis counselors with expertise in working with sexual assault victims, their families and significant others. After the initial intervention, the counselor's role transforms to case manager. Crisis counselors work closely with the local sexual assault program, to whom they refer victims and secondary victims. The District Attorney's Office has been supportive of the SART concept, because the SART counselor continues to coordinate the victim's support and advocacy needs through the prosecution stage.

# Colorado Springs Police Department

*Colorado Springs, Colorado*

*Highlighted Feature:*

## **Domestic Violence Enhanced Response Team (DVERT) Response to High Risk-for-Lethality Domestic Violence Cases**

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Contact the STOP T.A. Project  
for further information and materials at  
1(800)256-5883.

### ***Overview and Mission***

The Colorado Springs Police Department receives between 15,000 and 20,000 domestic violence-related calls annually, and has a long history of innovative problem-solving in these cases. The Department has 530 sworn officers and 235 civilian employees.

The Domestic Violence Enhanced Response Team represents the Department's latest effort to be proactive in response to these cases. DVERT is funded solely by federal grants, combining COPS and VAWA funds to support its staff of sixteen and budget of \$714,000. The DVERT project seeks to: detect and respond to system deficiencies and breakdowns; enhance law enforcement and prosecution in domestic violence cases; increase the safety of victims and the containment of perpetrators; and ultimately, reduce the incidence of domestic violence.

### ***Demographics***

Colorado Springs has approximately 328,163 residents and is located within a primarily rural county. The Colorado Springs campus of Colorado University is located within city limits.

### ***Description of Program Response***

The Domestic Violence Enhanced Response Team employs both "community policing" and "problem-oriented policing" strategies to address domestic violence. Up to 15 agencies respond to the most potentially lethal domestic violence cases. Agencies represented in the DVERT project include law enforcement, the district attorney's office, human services, victim advocacy, and a batterer's intervention provider. Incoming cases are screened to determine whether there is a threat of imminent danger to the victim. The DVERT member agencies confer together on each case and develop an intervention strategy tailored to the individual circumstances of the case.

Preliminary results indicate a very low recidivism rate for perpetrators targeted by DVERT. The DVERT staff believes that the approach is closing the cracks offenders once slipped through. Convictions are increasing as well as plea negotiations in cases that once would not have been issued.

**Identification of high risk cases.** The DVERT staff members — a CSPD detective, a specially trained deputy district attorney, and a victim advocate from The Center for Prevention of Domestic Violence — take referrals from advocates, prosecutors, judges, and citizens. If a referral meets the criteria for lethality, then the DVERT team takes action to discover what it can do to intercede and help the family. The response team reviews referral cases on a weekly basis. Criteria for cases include the following:

- the perpetrator's previous history of domestic violence;
- multiple law enforcement interventions;
- stalking behavior;
- threats to kill;
- access to weapons; and
- recent losses such as separation or divorce.

Cases that don't meet the criteria for DVERT also receive attention from police and victim advocates.

**Comprehensive management of each DVERT case by the entire team.** The DVERT team brings its expertise and resources to respond to the individual circumstances of each case. The team focuses on the preliminary investigation, immediate and aggressive intervention for all victims (adults, children, and pets), and containment of the perpetrator. The victim benefits from "vertical victim advocacy", in which she is assigned one advocate who addresses any emotional, housing, financial, or other concerns with which she is struggling.

The team provides ongoing legal and advocacy counseling, shelter and support services to victims, coordinated by their appointed advocate. Victims may be furnished with cellular phones to link them to law enforcement, and/or microcassette recorders to document telephone harassment and restraining order violations.

**Rapid and multidisciplinary response to repeat domestic violence situations.** The police communications center places a "hazard alert" on both victims' and perpetrators' addresses. When a patrol officer arrives at a DVERT-identified address with probable cause for action, a DVERT "primary team" goes into action. The three-person team (consisting of a law enforcement officer/detective, a deputy district attorney, and a victim advocate) assists the patrol officer on the scene with investigation and victim support. When the situation involves special issues, such as children, the elderly, the military, or animal abuse, experts in these areas are called in to respond.

DVERT responds swiftly to the behavior of domestic violence offenders; if they do not comply with restraining orders, they are held "accountable to the fullest extent of the law." The domestic violence protocols followed by the Office of the District Attorney promises prosecution of offenders, with or without victim participation. In addition, the Office of the District Attorney takes a much "harder" approach to plea negotiations in DVERT cases.

**Collaboration among multiple and diverse agencies.** The cornerstone of the DVERT program is the cooperation among many different agencies. The DVERT staff members attend police department briefings to explain their role and answer officers' questions. Regular

meetings and other forms of communication are also vital to the strength and efficiency of the team.

The development and implementation of cross-training for all agency participants is a major component of DVERT. Participants receive training specific to their disciplines (e.g. police officers are trained on identifying primary aggressor, evidence gathering techniques, etc.) as well as training from other professions about a range of topics (e.g. crisis intervention, advocacy and safety issues, stalking, case documentation and enhancement, and vertical prosecution).

## **Duluth Police Department**

*Duluth, Minnesota*

*Highlighted Feature:*

### **Victim-Sensitive Law Enforcement Response to Domestic Violence Developed in Collaboration with Other Criminal Justice Agencies and Community-Based Victim Service Programs**

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Contact the STOP T.A. Project  
for further information and materials at  
1(800)256-5883.

#### ***Overview of Program and Mission***

The Duluth Police Department worked closely with other criminal justice system agencies and community-based organizations to develop a comprehensive, victim-sensitive law enforcement response to domestic violence. The department participates in monitoring of its response to domestic violence by the Domestic Abuse Intervention Project (DAIP), a not-for-profit organization that monitors the effectiveness of all agencies within Duluth's criminal justice system and fosters constructive discussion among the agencies and victim service organizations. The department participates actively in DAIP's Emergency Response Team, which convenes in response to any member's call for a meeting to discuss and work on solving a system issue or problem, with particular emphasis on potentially lethal cases.

The department's system of evidence collection and report-writing is coordinated with the City Attorney's Office's needs for evidence that is admissible at trial. Domestic violence incident

report forms and checklists were designed collaboratively with the city attorney, with the goal of increasing the rate of successful prosecutions. The forms prompt collection of comprehensive evidence that will be admissible at trial. The Duluth law enforcement response is characterized by a concern for victim safety which is exemplified by officer response at the scene and ongoing cooperation with victim service organizations. The department participates in the Domestic Abuse Information Network (DAIN) by sharing data from incident reports, arrest reports, citation reports, investigative reports, warrant requests, and 911 watch reports. This information is utilized by all other criminal justice agencies, victim services, and the batterers education program.

#### ***Demographics***

Located on the shores of Lake Superior, Duluth has a population of approximately 89,000. Duluth's residents are primarily white, with two percent Native Americans (Ojibway and Dakota), nine percent African-Americans, and nine percent Asian-Americans.

#### ***Description of Program Response***

**Dispatch and use of shared data.** Duluth police officers respond to every call that reports an incident of domestic violence. The police dispatcher has a computer console linked to patrol squad cars via a mobile data unit. This Computer Aided Dispatching (CAD) system allows the dispatchers to quickly retrieve data on residences and individuals. Dispatchers can pull up listings of all the emergency services dispatched to a given address within the past 12 months, and information on orders for protection. They will soon be expanding that information to criminal record information, conditions of probation, and information on high-risk abusers. This supplements information may be provided by callers when requesting officer response to an address.

**Officers provide support to victim while collecting evidence.** After arriving at the scene of the incident, officers separate the parties and conduct separate interviews. Officers use victim interviews as an opportunity to provide support for the victim, as well as to

collect evidence. Officers show support for victims through tone of voice, eye contact, and the way statements and questions are phrased. They acknowledge the victim's fear, anxiety, anger, or ambivalence about an incident. Officers ask open-ended questions that allow the victim to describe what happened, and then follow up with questions designed to help clarify the information. Officers are trained to be non-judgmental in the way that they speak to victims, and offer reassurance that help is available and intervention is necessary in order to stop the violence. Officers stress that the victim is not to blame for the incident.

**Collaboratively developed forms and checklists serve as reminders.** Pursuant to training provided by the Duluth City Attorney's Office, responding officers collect evidence as if the victim will be unavailable to provide testimony at trial. Officers dictate a report using a Domestic Violence Supplement form, which was developed collaboratively with the city attorney's office. The supplement allows for the documentation of information specific to domestic violence crimes. Officers refer to a Checklist for Domestic Related Reports as a reminder of what evidence to collect, and the purpose of each piece of evidence. For example, officers must document statements made by parties or other witnesses to an incident, the emotional state of the victim and the suspect, a description of visible injuries, statements made by the suspect about the incident, and statements about the incident made by other witnesses, including children. Many officers carry cameras in their squad cars, and take photographs of the scene, of witnesses, of the parties, and of parties' visible injuries.

**Documentation of excited utterances.** In training provided by the city attorney's office, officers learn that the way in which officers document statements made at the scene by the victim and the offender can have a great effect on the final disposition of cases at trial. Consequently, they are careful to record statements made by the victim, and the victim's emotional demeanor at the time the statements were made. If it is documented that statements by the victim were made while still under the stress of the incident, the written statements may be admitted as evidence at trial under the Excited

Utterance exception to the Rule Against Hearsay. The Domestic Violence Supplement form provides a list of emotional states that officers can check off to describe the victim's demeanor at the time the statements were made. For example, officers can record that the victim said, "He hit me!", and check the boxes next to "crying", "hysterical" and "sobbing". If the victim is unavailable to testify at trial, the written statements contained in the form are more likely to be admitted as evidence if they are recorded in this way.

**Risk factors.** At the scene, officers note factors that indicate higher risk cases. This information is used by the prosecutors and courts when setting conditions of release, and by advocates in determining what kind and level of services to offer victims. Officers are asked to note information including whether there are guns or weapons in the home, whether the suspect abuses alcohol or drugs, whether the suspect has threatened or attempted suicide, and whether the victim believes the suspect may seriously injure or kill the victim.

**Limiting arrest discretion yields more proportionate arrest rates.** The Duluth Police Department's arrest policy requires officers to arrest suspects if they have probable cause to believe the suspect assaulted a person and there are visible signs of injury or physical impairment, if the victim was threatened with a dangerous weapon, or if probable cause to believe a violation of a protective order has occurred. Officers have discretion to arrest suspects when there is probable cause to believe that a suspect has assaulted another person that did not result in injury, or that a suspect has placed the victim in fear of immediate bodily harm.

This policy was implemented after careful monitoring of the effects of three different arrest policies conducted by DAIP. DAIP found that if officers were simply encouraged to arrest perpetrators, but were given total discretion to make an arrest or not, a disturbingly high percentage of arrests of African-American and Native American men resulted. In a second policy, officers were required to write reports documenting their reasons for not effecting an arrest. This policy resulted in a substantial increase in arrests, a drop in the percentage of

arrests of African-American and Native American men, but also yielded an increase in the arrests of women (dual arrest).

The policy that is currently in place has resulted in a substantial increase in the rate of arrests, while lowering the rate of arrests for women. The rate of arrests of African-American and Native American has been reduced to a level more proportionate to their percentages within the population of Duluth.

**Coordination with community-based victim services.** At the scene, officers offer referrals to the Women's Coalition, the local domestic violence program and shelter, and to other organizations and agencies through a booklet provided to each victim. Upon booking, jail staff notifies on-call advocates at the Women's Coalition that an arrest has been made. Advocates respond to the victim within a few hours after the arrest to offer crisis counseling, support, and other services and referrals. The follow up by advocates to an arrest includes crisis counseling and referrals, information about the criminal justice system, and an Arrest Follow-up Assessment of the victim, including a dangerousness assessment. If the victim consents, the dangerousness assessment form is provided to probation for use in determining release conditions from jail and in making sentencing recommendations, as well as to victim service providers to determine the appropriate level of victim contact and services and prosecutors and courts to determine the most appropriate sentence and conditions of pre-trial release. In addition, data collected from the various incident reports and the dangerousness assessment are entered into the DAIN. This information is available to and utilized by the Women's Coalition in the provision of advocacy and other services to victims, and it helps to keep the Women's Coalition apprised of police activity related to domestic violence incidents.

## **Prosecuting Attorney's Office, City of Dover Police Department**

*Dover, New Hampshire*

*Highlighted Feature:*

### **Aggressive Prosecution of Stalkers by Prosecutor Based in Police Department**

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Contact the STOP T.A. Project  
for further information and materials at  
1(800)256-5883.

[This information was adapted from the  
American Prosecutors Research  
Institute's (APRI) 1997 publication  
*Stalking: Prosecutors Convict  
and Restrict.*]

### ***Overview and Mission***

The Dover Police Department and the Dover Prosecuting Attorney's Office collaborate to make intervention in stalking cases a priority. The two agencies bring together a range of strategies to protect stalking victims and contain stalkers. In Dover, the Prosecuting Attorney's Office is a component of the Police Department. This arrangement enables the prosecutor to be involved in a case early in its development.

### ***Demographics***

Dover is a small to medium-size city of 30,000. It is the seat of Stafford County, which has a population of approximately 106,500. In 1990, per capita income is \$15,413, while the median household income was \$38,424. 83% of the population has at least a high school education, while 24% has a bachelor's degree or higher.

### ***Description of Program Response***

**Early intervention and vertical prosecution.** Dover Prosecuting Attorney George Wattendorf believes early intervention is the key to preventing stalking-related homicides. The use of vertical prosecution by the Dover Prosecuting Attorney's Office allows prosecutors to gain a thorough understanding of the facts and circumstances of a particular case, and to develop a strategy that is followed throughout the entire process.

**Victim safety a priority.** In Dover, victim safety is the most important factor in a stalking case. The prosecutor encourages the victim to apply for protective orders in order to enhance safety. This is also part of the case strategy of developing a pattern of offender behavior through violations of protective orders. In addition, the presence of a current protective order helps to establish the element of victim fear that must be proven in order to achieve a conviction under the New Hampshire stalking statute. The prosecutor also helps the victim to develop a safety plan and provides a brochure explaining prosecutorial and court processes for stalking cases.

**Establishment of good rapport with victims.** Vertical prosecution also increases the amount of contact the victim has with the prosecutor, facilitating a good rapport. According to Prosecutor Wattendorf, establishment of a good rapport and comfortable working relationship with stalking victims is an essential element of a successful case outcome. A good rapport encourages victims to discuss issues, raise questions, and participate more fully in the process. Victims experience less stress than if they were to have to repeat the same facts and details about their cases to different criminal justice personnel. Since physical evidence rarely exists in stalking cases and the victim is often the sole witness, victim participation and testimony is crucial to achieving a conviction.

**Cooperation with law enforcement in case investigation.** Prosecutor Wattendorf's presence in the City of Dover Police Department facilitates open communication and a strong cooperative effort in the investigation of stalking cases. He serves as a resource person on stalking cases and provides officer training on stalking.

**Monitoring offenders as a condition of release.** Dover prosecutors often recommend the use of the JurisMonitor system in monitoring stalking offenders after release from custody on bail or probation. The system increases the security of the victim through tracking of the offender's location and immediate response by law enforcement. Since 1993, the system has been used for 30 offenders, and only 3 violations of conditions of release have occurred.

If the offender signs an acknowledgment agreeing to provide reimbursement for the daily fee for use of the system, and agrees to comply with all other conditions of release, the prosecutor will recommend the court order the offender to participate as a condition of bail. If the court deems the potential harm to the victim merits this kind of offender surveillance, the court will order use of the JurisMonitor system as a condition of release.

The JurisMonitor system involves offenders wearing an ankle bracelet that transmits an electronic signal, allowing tracking of all movements. This enables law enforcement to receive immediate notification of curfew violations or attempts to get to the victim. The victim is provided with a home monitoring unit that connects to her telephone system. If the offender comes within a certain distance of the victim's home, an alarm sounds in the monitoring center; the center notifies law enforcement. This alerts the alarm monitoring center, which in turn notifies law enforcement. The triggering of the alarm also precipitates an audio recording of voices or other noises within the victim's home. Prosecutors use recordings obtained through the system as evidence in court.

Use of the JurisMonitor system requires the coordination of criminal justice agencies and community-based victim services. An advocate works with the victim when the alarm is installed, explains the system and tests it. The advocates encourage victims to develop a safety plan and to not rely solely on the alarm system. A local shelter may be notified of the victim's circumstances. Law enforcement, probation, and the counseling and monitoring center are faxed a completed form with all relevant case information, along with the court order. A project coordinator is identified as a contact person. The team communicates about the case

on a regular basis to address issues and concerns that may arise.

**Cooperation with the private sector.** Agreements with private businesses in Dover, such as those listed below, help the prosecutor's office to enhance the safety of victims.

- **Cell Phone Program:** The Dover Prosecutor's Office provides cell phones to victims who have JurisMonitor in their homes. The phones are donated by Cellular One, and are programmed to dial 911 only. The cost to the Prosecutor's Office is a minimal \$5 per month per phone.
- **Pendant Alarm Program:** Elderwatch has donated to the Prosecutor's Office 5 pendant Alert Link alarms for use by stalking victims. The alarms are worn around the neck, and, when the panic button is pressed, operators at Elderwatch are notified. The police are called and immediately respond to the home of the victim (the victim must be in the home or nearby to trigger the alarm system, since the alarm utilizes the victim's phone lines).

## **Cook County State's Attorney's Office, Domestic Violence Division**

*Chicago, Illinois*

*Highlighted Feature:*

### **Targeted Abuser Call (T.A.C.) Team**

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Call STOP T.A. Project for  
further information  
and program materials at  
1(800) 256-5883.

#### ***Overview and Mission***

The TAC Program was implemented specifically to increase domestic violence victim safety and offender accountability. The TAC Team targets high-risk abusers, specifically repeat offenders, and seeks to hold them criminally responsible for their violent acts.

The TAC Program consists of a multi-agency coordinated response team that offers victims of domestic violence a variety of services, protections, and alternatives for the future. The TAC Team is a specially trained prosecution-based collaborative unit comprised of two felony level prosecutors, one victim-witness specialist, two investigators, an administrative assistant, one private advocate from the Hull House Domestic Violence Court Advocacy Project, and a civil legal service attorney from Lifespan. Assuring victim safety and providing direct services and appropriate referrals is the TAC Team's highest priority. The TAC Team of professionals provides enhanced accessibility, consistency, and reliability for victims of domestic violence.

#### ***Demographics***

Cook County is comprised of the City of Chicago and numerous North and Northwest suburbs, with a very diverse population of approximately 5 million people.

#### ***Description of Program Response***

**Focus on repeat offenders at misdemeanor level.** The TAC Team protocol requires a focus on high-risk cases at the misdemeanor level, with the goal of stemming the escalating violence used by many abusers. The team evaluates each domestic violence criminal case in an effort to identify and intervene with high risk offenders, and provide enhanced services to their victims.

**Individual and specialized services and referrals to ensure safety.** Since the TAC Team targets high-risk domestic violence perpetrators, team members most often work with victims who have been abused over long periods of time. The team provides individual and specialized services and referrals to victims in order to enhance their safety. Victims have varying needs, ranging from orders of protection, shelter for short-term relocation, economic resources, child custody, child support, and emotional support during criminal and civil justice processes. The multi-agency nature of the team allows for each of these needs to be addressed either directly or through referral.

**Vertical approach.** The team employs a vertical approach to prosecution, advocacy, and victim assistance. The team believes this approach is critical to the success of its program. It allows for each member to be well-versed in all the facts and subtleties of each victim's case and life issues, and provides continuity and the creation of a more trusting relationship. In turn, this facilitates victim participation in the criminal justice process. In addition, the approach guarantees the presiding judge is informed of all relevant prior criminal behavior of the defendant and any relevant pending civil issues (e.g., custody or visitation proceedings).

**Special investigators enhance evidence collection and promote victim safety.** The use of specially-trained investigators increases the TAC Team's capacity to collect evidence from the scene. Shortly after a reported incident of abuse, the team investigators arrive on the scene to follow-up, supplementing the investigation of the first responding police officer. They collect physical evidence (e.g., torn clothing and weapons), take photographs of the victim and the scene, and canvass for additional witnesses. The specialized nature of the investigators' work provides for the collection of evidence not previously available in misdemeanor court, due to the high volume of cases (which has escalated to 1100 misdemeanor cases per week in Chicago's centralized misdemeanor domestic violence courts).

**Building trust and providing support.** The efforts of the TAC Team foster trust and support between victims and TAC Team members. Prior to the implementation of the TAC program, it was hypothesized that many domestic violence victims did not appear in court because they were intimidated by the process or felt their stories would not be heard or believed by the justice system. In order to nurture trust of the victim, the TAC Team attempts to contact victims after domestic violence incidents and offer assistance.

The TAC Victim Specialist calls the victim on the phone within one to two days after the case is selected for the TAC program. Within two to three days of case selection, a specially-trained Cook County State's Attorney's Office investigator visits the victim to inform her of her court date and deliver a letter outlining the program and a description of what each team member can provide to the victim. The investigators spend time going over the content of the letter with the victim to ensure the victim understands the process. They also assess the victim's safety and help her create or revise her safety plan. Victims are provided with the prosecutors' phone numbers and are encouraged to call prosecutors before the first court date. On the first court date, each member of the team visits with the victim, explains their roles, and make an effort to listen and identify her particular needs and concerns. Early evaluation results indicate that this special attention by team

members provides invaluable emotional support to victims.

**Long-term contact to ensure safety.** TAC Team members maintain contact with victims in order to ensure long-term relief from violence. Despite the best efforts of prosecutors, advocates, and justice system personnel, victims often encounter continued violence, threats, and intimidation by their abusers within hours or days of case disposition. The TAC Team flags individuals that they believe are at high risk of future violence; these victims are contacted by the victim advocate within a week of their last court date to evaluate the victim's situation and to offer services. If a violation of probation or an order or protection has occurred, prosecutors are notified. If other services are needed, referrals are made. When appropriate, the civil legal service attorney is contacted. If the advocate is unable to contact the victim, the investigators are immediately sent out to make direct contact with the victim.

Early results of the TAC Team program demonstrate team protocols contribute to the following:

- an increase in victim trust and participation in the criminal justice process (e.g., in a three-month period, between 65% and 77% of victims served by the TAC Team appeared in court; this rate correlates to a higher overall conviction rate);
- an increase in victim safety due to quick response and follow-up;
- increased in offender accountability as a result of more thorough evidence collection and vertical prosecution;
- an increase in enforcement of sentences as a result of close monitoring of violations of probation and conditional discharge, and work with the Social Service Department of Cook County (which provides specialized probation services to domestic violence misdemeanor level offender;
- an increase in services and referrals provided to victims, even those who decide not to return to court due to early intervention and multi-agency commitment; and
- a vast increase in communication and understanding between agencies working together to combat domestic violence.

## **Family Violence and Sexual Assault Unit, Philadelphia Prosecutor's Office**

*Philadelphia, Pennsylvania*

*Highlighted Feature:*

### **Holistic Approach to the Prosecution of Cases Involving Domestic and Sexual Violence**

Contact the STOP T.A. Project for further information at 1 (800)256-5883.

**This information was adapted from the National Council of Juvenile and Family Court Judges publication *Battered Mothers and Their Children: Emerging Programs*, which will be published in 1998.**

#### ***Overview and Mission***

This specialized prosecution unit handles domestic violence, child abuse, and sexual assault cases, allowing for a more holistic, proactive, and sensitive approach to working with sexual assault victims, battered women and abused children. It also encourages greater consistency in the way such cases are handled. By combining the issues of sexual assault, child abuse and domestic violence into one prosecution unit, the District Attorney's office has helped to bridge barriers between advocates and battered women and sexual assault victims. In turn, this has facilitated enhanced provision of services for victims and their families.

The unit is staffed by prosecutors, victim advocates, law clerks, district attorney detectives, police officers, support staff, volunteers, and law and undergraduate students. The unit is responsible for all felony and misdemeanor

prosecutions of child sexual and physical abuse; criminal child neglect; all felony and misdemeanor domestic violence cases, including arrests resulting from indirect contempt of protection order violations; all felony sexual assault cases; and elder abuse in Philadelphia County.

#### ***Demographics***

The 1994 U.S. Census Bureau recorded total population in Philadelphia at 1,620,882 with 46% Caucasian; 39.3% African American; 11% Hispanic origin; 2.7% Asian or Pacific Islander; .2% American Indian, Eskimo, or Aleut; and .1% other.

#### ***Description of Program Response***

**Careful recruitment of unit prosecutors.** The prosecutors in this unit enter on a voluntary basis, and, are selected in the basis of intellectual and emotional aptitude to do the work.

**Team approach to individual cases.** The Family Violence and Sexual Assault Unit is headed by a Chief Assistant District Attorney and an Assistant Chief who supervise a nineteen-member unit consisting of 14 prosecutors, three victim witness coordinators, a county detective, and a Philadelphia police officer. By combining such resources, prosecutors and victim coordinators are able to give continual and coordinated support to the adult and/or child victim, facilitating victim's perseverance with her case. Cross-screening is conducted on child abuse and domestic violence cases and appropriate referrals provided to families for any additional services. Two domestic violence coordinators, one sexual assault coordinator and one child abuse coordinator are housed within the unit to provide support to both the prosecutor and the victim. As a result, there has been an increase in successful dispositions, more victim participation, and more thoughtfully crafted sentences with victim safety held paramount.

**Coordination with police for effective follow-up on cases.** A county detective and a Philadelphia police officer are housed within the unit for post-arrest investigation, evidence gathering, and locating witnesses. They also respond to any witness intimidation or violation

of no contact orders. This coordination advances the unit's goal of prioritizing early intervention by emphasizing misdemeanor offenses.

**Close contact with victims.** The domestic violence, sexual assault and child abuse coordinator attends court each morning and will call the victim prior to the court hearing to provide information about the court process and ensure they are able to attend. Coordinators will follow cases which require special attention throughout the various stages in the justice system. Community-based advocates from Women Against Abuse staff all courtrooms, while advocates from Women Organized Against Rape attend sexual assault preliminary hearings. A letter of explanation is mailed out to all victims of domestic violence when there has been an arrest.

**Collaboration with community agencies.** The Health Department, Women in Transition, and the District Attorney Office have partnered to form a Domestic Violence Fatality Review Team. This multidisciplinary group addresses the system's prevention and intervention efforts in cases of domestic violence. The various collaborative projects the unit maintains with community agencies, such as the Latina Domestic Violence Project, has enhanced relationships and facilitated appropriate referrals, decreasing the time a victim may spend seeking out such services on their own. The unit is also involved in efforts to educate and involve professionals and the community in violence against women prevention efforts.

**Emphasis on professional development for staff.** All staff receive ongoing, multidisciplinary training in all aspects of sexual assault and family violence. Such training provides staff with a better perspective on the many complex and interrelated issues involved in their work and enables prosecutors to take a more proactive stance in their handling of cases.

# Office of the Los Angeles City Attorney

*Los Angeles, California*

*Highlighted Feature:*

## **Aggressive Prosecution of Misdemeanor Domestic Violence Cases**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

The Office of the Los Angeles City Attorney is committed to early interventions and effective misdemeanor prosecutions to provide court monitoring with the goal of preventing future domestic violence incidents. The office files approximately 20,000 cases each year. Since 1977, the office has committed significant resources to the prosecutions of domestic violence through the creation of the first Domestic Violence unit in the country, a preference for filing criminal charges rather than rejecting lower-levels of violence or threats, and legislative activism which has resulted in a minimum sentencing statute for all domestic violence convictions, enhanced funding for domestic violence services, a statewide restraining order registry, and the abolishment of domestic violence diversion programs. The office incorporates community-based initiatives against violence into its policy development.

### *Demographics*

Los Angeles is a large, urban area with a population of approximately 3.6 million. The majority are Latino, followed by 32% Anglo, 12% African-American, and 10% Asian.

### *Description of Program Response*

Prosecutors deter domestic violence through training and publicity. All domestic violence unit members conduct regular trainings throughout Los Angeles. The goal of the training program is to create greater awareness of the unit's policies to deter domestic violence and to educate about the early signs of an abusive partner so women can make informed choices and seek early assistance. In addition, the city attorney's office takes steps to deter batterers by publicizing prosecutions of batterers and appropriately harsh sentences. This sends the message the office will not tolerate domestic violence and will prosecute batterers to the fullest extent of the law.

**Staff and community-based victim advocates.** The city attorney's office works closely with community-based victim advocates and also employs a number of staff victim advocates. These city-funded victim advocates focus on providing case information and referrals to community resources, rather than working on claims for restitution, which are handled by a separate victim-witness program. This frees advocates to focus on providing necessary information to victims, offering support, giving referrals to community-based programs and other government offices, and acting as a liaison between the victim and the prosecutor.

Victim advocates conduct extensive outreach by initiating telephone contact and by mailing multi-lingual (English/Spanish/Korean) and gay/lesbian pamphlets that describe the criminal justice process. The pamphlets are designed to help allay fear and hesitancy about participation in the criminal justice process. The office also distributes a pamphlet describing safety procedures for battered women and provides referrals to 24-hour community-based programs and shelters for women in crisis situations.

**Specialized unit for prosecution of domestic violence crimes.** The city attorney's office provides a six-week training program in order to teach new deputy city attorneys the skills for successful prosecution. Such prosecution skills include an understanding of the realities of domestic violence, of the necessity of providing for victim safety

throughout the prosecution process, and of the need to heighten awareness of the community resources available to victims.

Branch domestic violence prosecutors are assigned to each branch office to provide consistency in filing and sentencing throughout the city. The domestic violence unit vertically prosecutes all cases involving prior convictions of domestic violence and serious injuries, stalking, child abuse, and those cases with difficult issues of proof.

The unit works closely with victim advocates to maintain contact with victims to provide information and protection throughout the prosecution of the case. This has resulted in significantly fewer dismissals of cases and higher terms of incarceration. In addition, the unit's telephone answering system provides 24-hour referrals to a local battered women's shelter. The shelter has agreed to accept these referrals as a result of a cooperative agreement with the unit.

**Offenders sentenced to make restitution.** Prosecutors recommend restitution to the victim for losses incurred as a result of the assault (e.g., work lost, damages to property, alternative and emergency housing costs, treatment for medical and psychological injuries and trauma, etc.). If ordered, this can assist the victim in regaining the ability to separate from the abuser. Sentences can also require defendants to make payments directly to local shelters for compensation of their services.

**City attorney's office actively participates in legislative process.** The city attorney has initiated the introduction of legislation to ensure that successful policies and procedures become institutionalized throughout the State of California. For example, the city attorney's office helped to successfully pass legislation that extends the protection of restraining orders in both civil and criminal cases.

**Community partnerships.** The city attorney assisted in the development of Community Partnership Against Domestic Violence, a project in which local programs concerned about domestic violence establish local priorities for the resolution of related issues.

Since it first convened, the Partnership has had a significant impact in Los Angeles, resulting in, for example, the establishment of the city-wide Major Assaults Crimes Unit of the Los Angeles Police Department.

## **Cache County Attorney's Office**

*Logan, Utah*

*Highlighted Feature:*

### **Specialized Sexual Assault Prosecutor**

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Contact the STOP T.A. Project  
for further information and materials at  
1(800)256-5883.

#### ***Overview of Program and Mission***

In 1995, the Cache County Attorney's Office determined it could be more proactive in its prosecution of sexual assaults. Through Violence Against Women Act funding, the office hired a full-time sexual assault prosecutor and designated one victim advocate to work on these cases in this primarily rural county. Since that time, the Office's response to sexual assault has developed rapidly, under Chief Deputy Prosecutor Don Linton, and with support from the elected District Attorney, Scott Wythe. Prior to Linton's hiring, the Office had no active prosecutions of sexual assault. By January 1998, they had 63 active prosecution cases.

Linton focuses on creating an environment that facilitates victim participation in the prosecution process and engages the community in efforts to prevent sexual assault.

#### ***Demographics***

Cache county is two hours north of Salt Lake City. It is one of the poorest counties, as well as one of the lowest tax bases, in Utah. While the largest town, Logan, is the site of a major university, the surrounding area is extremely rural. The county has an overall population of approximately 85,000.

#### ***Description of Program Response***

The Cache County Attorney's Office has implemented an approach to sexual assault prosecution that truly promotes victim healing and redefines conventional notions of what constitutes success for prosecutors. The designated sex crimes prosecutor, Don Linton, firmly believes that all cases should be brought to trial, provided that the victim is willing to participate. He rejects the common excuses for not filing charges that are based on the victim's behavior or what consensual sexual activity she engaged in prior to the assault. The County Attorney's Office philosophy is that prosecution must balance the goals of offender accountability with victim autonomy and healing. As such, the prosecutor places an emphasis on helping the victim access available support services at the same time he encourages prosecution.

**Building rapport with victims.** Linton always talks to victims before filing charges, taking as much time as necessary to get to know them and to allay any anxieties they may have concerning prosecution. He estimates that if his office can get the victim to come in for an initial meeting before making charging decisions, about 80 percent of victims will participate in the prosecution process.

Linton recognizes that support from in-house victim witness staff and community resources (e.g. the rape crisis center or counseling agencies) facilitates the victim's participation in prosecution: "The victim advocates are the best thing that's happened to this office." Consequently, he encourages his victim advocates to sit in on every meeting with the victim, if the victim consents. Advocates also assist with the development of case strategy.

**Cross-training with other disciplines.** The Cache County Attorney's Office provides training for other disciplines about sexual assault. Local law enforcement agencies are trained on how to approach victims and perpetrators. Physicians have also participated in training on violence against women issues.

**Continuing professional development of staff.** The prosecution staff designated to handle these cases maintain their expertise in the

subject of sexual assault. Linton has frequent consultations with a local psychologist who has helped him understand the disruption and trauma sexual assault creates in the victim's life, thus informing his interactions with victims.

**Specialized prosecution strategies.** To facilitate successful prosecution, Linton emphasizes witness preparation, involving extensive meetings and interviews to gain the victim's trust and discuss her fears, if necessary. When appropriate, he will make use of pretext phone calls in which the victim helps by eliciting information from the defendant about the event. He also focuses on direct or circumstantial evidence, where if possible. If not available, Linton focuses on the trauma caused by the sexual assault.

**Public education and outreach.** The Cache County Attorney's Office has spurred a number of initiatives that strive to improve the community's understanding of sexual assault and increase the willingness of victims to come forward. These initiatives include those listed below.

- public presentations to high school, athletes, fraternities and sororities;
- outreach, through speaking engagements, to the ecclesiastical community (the majority of the community belongs to the Mormon Church);
- purchasing space in the newspaper to run ads addressing commonly held misconceptions about sexual assault;
- hanging posters on sexual assault at the university; and
- a website that is currently under construction through which victims can learn about sexual assault in general and what is involved in reporting.

Through this medium of the website, the County Attorney's office hopes to reach the significant university population in Logan. Visitors to the website will have access to the following information: the County Attorney's philosophy on sexual assault (they don't have to prosecute if the victim doesn't want to); where to find support; the availability of funds for counseling (Crime Victims Reparation Funds); and a reminder to victims that they are not alone, with

specific suggestions for coping with normal reactions such as nightmares and other fears.

**Coordination with other disciplines.**

Linton was instrumental in starting a Sexual Assault Response Team (SART) program to improve coordination of those cases in which the victim goes to the hospital for a forensic medical examination. He also started a local task force called CEASE (Citizens Engaged Against Sexual Exploitation) that facilitates a broader discussion about how law enforcement, the local rape crisis center, the University, and other entities can be more proactive in responding to sexual assault within the community.

## **Franklin and Grand Isle Violence Against Women Project and Domestic Violence Task Force**

*Franklin and Grand Isle Counties,  
Vermont*

*Highlighted Feature:*

### **Victim-Sensitive, Flexible, No-Drop Prosecution Policy for Domestic Violence Cases**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview of Program and Mission*

The Northwest Unit for Special Investigations, a multidisciplinary project, was created to conduct criminal investigations and provide victim services in response to reports of adult sexual assault and domestic violence. Unit members offer special expertise and training, in order to better protect victims and to facilitate successful prosecutions. The project promotes cooperative efforts among municipalities, police agencies, prosecutors' offices, government social services, community-based victim service organizations, and health care providers.

This program description highlights the victim sensitive, flexible no-drop prosecution policy for domestic violence cases, implemented by the designated prosecutor of the Northwest Unit. The State's attorney's office, in conjunction with members of the Domestic Violence Task Force (made up of community-based victim service organizations and other agencies within the criminal justice system) developed a policy for the prosecution of domestic violence cases that is

sensitive to the needs of victims and holds offenders accountable for their criminal actions by giving high priority to domestic violence cases.

The protocol, in conjunction with other project components, has resulted in a record number of domestic violence convictions. After the first nine months of the adoption of this protocol by the State's attorney's office, 80 percent of the defendants charged with domestic violence and sexual assault-related offenses have been convicted and are under some type of supervision. A record high rate of offenders are required to participate in batterers intervention programs.

### *Demographics*

The project serves two rural counties in Vermont (Franklin and Grand Isle), with a total population of about 45,000 mainly low- to middle-income residents. This includes a small, but significant population of Native Americans.

### *Description of Program Response*

**Victim needs given high priority.** The State's Attorney's Office believes it is imperative to consider the needs of the victim (e.g., safety or income) when recommending release conditions to the court, since both the victim and the offender are affected by the conditions. Whenever possible, the office of the State's attorney solicits input from the victim through the victim advocate based in the prosecutor's office, or the community-based Abuse and Rape Crisis Program, when there is an open investigation on conditions of release prior to arraignment. After soliciting input from the victim, the State asks the court to impose effective conditions of release which will afford the maximum protection to the victim and her children.

Violations of conditions of release are quickly and vigorously prosecuted. The State's attorney will request revocation of bail in cases in which the conditions of release are not adequately protecting the victim. If a defendant petitions the court to modify the conditions of release in order to have contact with the victim and her children, this will be discussed with the victim. The wishes of the victim are given the highest priority, unless the State's attorney believes

contact will place the victim or her children at risk, create a danger to the public, or jeopardize successful prosecution of the charges.

**Early intervention by prosecutors.** As soon as possible after an arrest is made, the Deputy State's Attorney or the Unit's victim advocate meets with the victim. At that time, the victim is interviewed and is provided with a referral to the Abuse and Rape Crisis Program for support and information. Based on the interview and any evidence collected at the scene of the incident, the decision is made whether to prosecute.

**Flexible no-drop policy.** As a general rule, charges will not be dismissed upon the request of a victim. The State's attorney works closely with the State's attorney's victim advocate and The Abuse and Rape Crisis Program Advocate to coordinate support for a victim who feels hesitant or fearful about testifying at a trial. The State's attorney considers whether a victim's reluctance to testify is a result of threats or pressure from the defendant. If this is the case, trial subpoenas are issued to the victim to provide some protection.

While the State's attorney makes the decision to prosecute, strong consideration is given to the safety and other particular needs of each victim. If the victim is still reluctant after pursuing the above options, the State's attorney will decide whether to proceed without her participation after weighing the following factors:

- the risk posed to the victim if the prosecution proceeds without her weighed against the risk posed to her by dismissal;
- the defendant's prior criminal history;
- the defendant's prior abuse of the victim;
- the strength of the corroborative evidence;
- the willingness of other witnesses to testify;
- the severity of the offenses; and
- the risk that the defendant poses to third parties and to the community at large.

The office of the State's attorney considers it important to keep open the lines of communication and to build trust. Thus, if a victim is not ready to participate in a prosecution, the decision may be made not to prosecute at that time. Any decision not to

prosecute is explained to the victim and to the advocate from the Abuse and Rape Crisis Program if the advocate requests an explanation.

If the decision to prosecute is made, the most serious charges warranted by the evidence will be brought, including violations of Abuse Prevention Orders (protective orders), because of the increased penalties for subsequent violations that are allowable. When possible, offenses that were not previously charged are also brought.

If the offender is on probation, the State's attorney's office notifies the probation officer, and consults with the officers, as to whether a violation of probation complaint should be brought in addition to, or instead of, new criminal charges.

**Plea negotiations guided by victim safety considerations and victim input.** The State's attorney considers the following factors when negotiating a plea agreement:

- the victim's wishes;
- the victim's willingness to participate in a trial;
- the possibility of proceeding without the victim;
- the seriousness of the offense;
- the defendant's prior criminal history; and
- the defendant's history of abuse.

Since Franklin and Grand Isle are rural communities in which the residents hunt for sustenance as well as for sport, defendants are often willing to plead guilty so conditions of release, which often include confiscation of hunting weapons, might be lifted and they may resume hunting (as long as they have not plead to a charge which triggers a federal gun disqualification).

**Victim participation in sentencing.** The State's attorney's office encourages the victim to participate in the sentencing process. Sentences are sought to maximize the safety of the victim and her children, and/or ensure the offender receives batterer's treatment or education. Some victims continue to live with their abusers who may be under probation or parole supervision. These victims are encouraged to remain in contact with probation and parole officers by

reporting any alarming behavior exhibited by the offender. Victims are told they should call even if the behavior does not rise to the level of criminality or violation of a condition of release. Probation and parole officers, as well as batterer treatment programs, address this behavior with the offender without alerting the offender that it was reported by the victim.

# Alaska Department of Law

*Anchorage, Alaska*

*Highlighted Feature:*

## Proactive Prosecution Response

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The Criminal Division of the Alaska Department of Law is responsible for prosecuting all felonies and most misdemeanors that occur in the State. The Department has thirteen regional offices, some of which are staffed by only one attorney. Nine offices have paralegals who are specifically responsible for helping victims of sex crimes, stalking and domestic violence. The Criminal Division receives approximately 650 cases of sexual assault each year and 2400 cases of domestic violence.

### *Demographics*

Anchorage is the sole jurisdiction in Alaska federally designated as an urban area. Most residents live in isolated areas or villages, reached only by plane or boat. Often, people do not have phones, nor easy access to police. There are over two-hundred tribal communities and Native people, making up 16 percent of the population. Seventy-five percent of the population is Caucasian.

### *Description of Program Response*

The Department of Law has established a proactive response to prosecution of all violent crimes against women that is embodied in its protocols, training, and involvement in statewide and local coordination efforts.

**Department policy on domestic violence prosecutions.** The Department Of Law promulgated organization-wide protocols on domestic violence in 1996, immediately following the passage of landmark State legislation to reduce domestic violence. The protocol promotes victim sensitivity, and aggressively pursues both misdemeanors and felonies. Protocol highlights are listed below.

The protocol recognizes the importance of early intervention. It states "It is important to pursue these difficult cases even if prosecutors do not always prevail at trial."

The protocol requires cases be marked as domestic violence so they can be tracked from filing through disposition.

The protocol directs prosecutors to file criminal charges, regardless of whether the victim agrees with the decision. At the same time, prosecutors develop cases with the expectation the victim will not testify. The no-drop policy, coupled with a growing body of positive evidentiary rulings, has resulted in prosecutors bringing more cases, in instances where defense counsel asserts the case is too weak to go to trial or get a conviction.

The protocol cautions against re-victimizing victims. It states "As prosecutors, we should not ignore or put off victims; rather, we should respond to them immediately and with sincere interest." Victim safety is a top priority. Prosecutors request the imposition of bail conditions consistent with the victim's wishes and works closely with the community-based organization. The protocol states these organizations "can be a prosecutor's most important ally."

Where possible, the protocol encourages assignment of a single attorney to handle each case, from filing of the charge through the sentencing of the offender.

The protocol directs prosecution offices to assign each case to a paralegal. The paralegal is responsible for contacting the victim within 24 hours of the case being filed. The paralegal maintains ongoing contact with the victim, giving her referrals and assistance in safety planning.

The paralegal also keeps the victim informed of the case's progress, and elicits information to help build the case. Prosecutors encourage the victim to contact a paralegal after the trial, if the offender violates a probation condition in a misdemeanor case.

The protocol discourages mutual or reciprocal prosecutions, making them a rare exception that should be brought to the attention of the district attorney.

**Staff training and capacity building.** Between 1996 and 1997, the criminal division sponsored a series of conferences on all forms of violence against women, including two mandatory three-day conferences for prosecutors, and a three-day workshop for paralegals. The conferences discussed policy and practice issues, as well as rural and cross-cultural factors relevant to handling domestic violence cases.

A special paralegal coordinator supervises local paralegals assigned to violence against women cases. She also works closely with the Alaska Network on Domestic Violence and Sexual Assault.

The Deputy Attorney General, Cynthia Cooper, closely monitors the work of prosecutors, reviews all trial reports, and case outcomes. She makes regular visits to regional offices, where she meets with the local victim advocacy program, judges and police. She tries to facilitate informal as well formal relationships, believing the overall quality of the offices' response to violence against women will be enhanced by agency personnel knowing her door is open. In return, she can also raise issues and address concerns (e.g., when a particular police

jurisdiction is making a disproportionate number of mutual arrests or is not collecting sufficient evidence to win a conviction).

**Mechanisms to enhance trials.** A strong appellate branch offers ongoing technical assistance to the trial prosecutors. A "brief bank" is accessible to prosecutors. It includes sample briefs, motions and lines of questioning prosecutors can use in their arguments. Topics range from getting in excited utterances to presenting an expert witness.

To compensate for the absence of victim testimony, prosecutors enhance visual evidence through the use of TV monitors, enlarged photos and computer integrated communicators.

**Collaboration and coordination.** Prosecutors are asked to participate in public education and awareness activities in their local communities. In many instances, prosecutors sit on a local coordinating council or task force. On the state level, the Deputy Attorney General serves as Vice Chair of the Alaska Council on Domestic Violence and Sexual Assault. In that role, she has facilitated stronger relationships among different agencies represented on the Council, helped draft legislation such as the 1996 Act, and gives input into the design of and participates in multidisciplinary trainings.

Increased coordination, in conjunction with revised State law, has contributed to a significant increase in referrals for prosecution. The overall increase has been about 30 percent, and in one area, 50 percent.

## **Jefferson County Trial Courts**

*Louisville, Kentucky*

*Highlighted Feature:*

### **Jefferson County Family Court Project**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### *Overview of Program and Mission*

The Jefferson County Family Court Project is designed to address the fragmentation, lack of coordination, and duplication of efforts in the county's district and circuit courts. The project employs the principal of "one judge, one staff, one family", by assigning the same judge (with as few exceptions as possible) to hear all matters involving a particular family. In addition, the project coordinates and cooperates with all available community-based and governmental resources in order to transcend the traditional, strictly adjudicative, function of courts and provide an array of multidisciplinary services.

#### *Demographics*

The population of Jefferson County, Kentucky, which encompasses Louisville, is comprised of approximately 660,000 residents.

#### *Description of Program Response*

**"One Judge, One Staff, One Family" practice enhances the safety of victims.** The court, composed of four Circuit and five District Court judges, has jurisdiction over domestic violence cases, including emergency protective orders, in addition to divorce, child abuse, dependency and neglect cases, parental rights termination, and adoption. Circuit and

District Court judges are cross-sworn as Special District and District Court judges. This arrangement enables the practical implementation of the "one judge, one staff, one family" principle. In this scenario, all issues that arise within a particular family are heard by the same judge. As a result, judges are familiar with all of the family court issues associated with each family, and can make more informed, appropriate decisions based on all available information.

The cache of knowledge a judge has about a particular family is important in all family law cases, but can be especially crucial to the safety of a domestic violence victim and her children. For example, in a proceeding regarding child visitation arrangements, the presiding judge would have knowledge of any existing protective orders, and would order other arrangements be made to maximize the safety of the victim (e.g., exchange of the child at a safe, neutral location).

**Court programs help guide victims through the system.** A support worker trained in social work is assigned to each judge in the court. These staff members are responsible for facilitating services for the cases assigned to their division. This includes arranging for services with various agencies and coordinating hearings and services for victims of domestic violence who have petitioned for protective orders. The support workers also coordinate to share information about cases among all the judges in the family court.

Domestic Violence Information Sessions are provided to victims, their family members, and other interested persons at court. The sessions are designed to provide victims with a better understanding of the issues related to domestic violence, court processes and protocols, and resources available through the court, community-based organizations, and other governmental agencies. The sessions are supported with in-kind services such as facilities, written materials, and staff time, donated by the Family Court Project, the Center for Women and Families, and the Cabinet for Women and Families. In addition, victims petitioning for emergency protective orders may view a video on the protective order process and relief that judges may order.

**Collaboration and coordination with community-based organizations and other government agencies.** The Jefferson Family Court works collaboratively with the legal, social service and law enforcement communities to enhance the services provided to victims of domestic violence. The court maintains cooperative working relationships with numerous community-based organizations and institutions. Examples of these cooperative efforts include:

- the Center for Women and Families, which provides court advocates for the emergency protective order docket, and staff for domestic violence information sessions held in the court for victims of domestic violence; and
- members of the community, who staff the children's waiting room used for emergency protective orders, dependency, and neglect and abuse dockets;
- the University of Louisville's School of Law which provides law students to perform 30 hours of pro bono work or internships; and
- the University of Louisville's Family Therapy Program developed the Families in Transition Divorce Education Program, which is designed to provide assistance to families by responding positively to the difficulties experienced by children of divorce.

**Evaluation of the project.** The University of Kentucky conducted a two-year process evaluation of the Family Court Project. The evaluators provided development assistance to the court and summary information on projects implemented by the court. The Family Court Advisory Committee, composed of representatives from the legal and social service communities, also provides recommendations for system improvements on a ongoing basis.

## **Ann Arbor Domestic Violence Project/ SAFE House**

*Ann Arbor, Michigan*

*Highlighted Feature:*

### **Shelter-Based Legal Program/ On-Call Response Teams**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The legal department of the domestic violence project includes seven legal advocates, one legal advocacy coordinator, and one legal advocacy director. The Project assists battered women in obtaining legal counsel and advocates on behalf of battered women in the courts and with prosecutors, police, attorneys, probation officers, and child protective services. The department also provides information to survivors about how the criminal and civil legal systems work. The project does not provide direct legal representation.

#### ***Demographics***

The Domestic Violence Project/SAFE House is located in Washtenaw County (Ann Arbor and Ypsilanti, along with more rural areas), Michigan.

#### ***Description of Program Response***

**Use of lay advocates.** The legal advocates are non-attorneys who assist women with obtaining pro se personal protection orders, updating information through the prosecutor's

office on pending charges, and provide assistance to women in each of the local district courts. The legal advocacy coordinator performs the functions described earlier (see Law Enforcement Response). She attends preliminary examinations, follows felony cases in circuit court and runs the on-call program.

The legal director is an attorney who supervises the advocacy department and works with survivors on particularly complicated legal cases. The director also does policy work and training of law enforcement, court personnel and other groups in the community. The staff are housed at the offices of the Domestic Violence Project/SAFE House, but in the future the legal advocate who assists with protection orders may have an office in the court house.

**Eligibility of services.** Any survivor of intimate violence who lives or works in the county or who was assaulted in the county and has a criminal case pending there as a result of the assault is eligible for services. There are no financial eligibility requirements or fees for legal services. Minors who are battered by their intimate partners are also eligible for services.

#### **Special services:**

- outreach to the low-income African American population, including police training on issues of racism in battering and the legal system's response;
- lay advocate assistance with obtaining protection orders;
- referral to a panel of attorneys who understand domestic violence;
- police training; and
- on-call assistance, with a project volunteer providing immediate support and counseling to women when police are called on a domestic violence incident.

#### **Legal advocacy assistance:**

- assistance with pro se restraining orders;
- coordination and advocacy with prosecutors and police;
- attorney referral;
- information provided about civil and criminal legal systems; and
- no direct representation.

## **The Dove Pro Bono Project of the New Hampshire Bar Association**

*Highlighted Feature:*

### **Direct Representation/ Specialized Domestic Violence Panel**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

The New Hampshire Bar Association has an established pro bono program which provides a panel of attorneys from around the state who will agree to represent low income clients in a variety of cases. Battered women initially were not getting adequate representation, because the typical referral time for a pro bono attorney was two or three months. Battered women seeking help for protection orders, custody, support, and other matters could not wait that long for legal help.

DOVE was created in 1993 as part of a state-wide push to respond to domestic violence. Other concurrent projects included a Governor's commission on domestic violence, a project to develop domestic violence case protocols in the district courts, and the creation of local coordinating councils. DOVE's success is measured by the fact that every woman seeking an attorney's help has gotten it through the program.

### *Description of Program Response*

Every county in the state of New Hampshire has a DOVE pro bono panel. Panel attorneys have specialized training in domestic violence issues

and the law related to battered women. The attorneys commit to serving on the DOVE panels knowing how demanding domestic violence cases can be, and that they will be expected to respond to requests for pro bono assistance within a few days. The attorneys are asked to handle permanent civil protection order hearings. Information about DOVE attorneys is provided to women who file for ex parte orders of protection.

**Priorities and eligibility.** The DOVE attorneys represent low-income women, with low-income defined as 125% of poverty, the same standard used in federal regulations to determine eligibility for legal services assistance. Priority is given to women who need assistance in civil protection order hearings.

DOVE attorneys are not necessarily available to assist women with other civil representation needs, including divorce, custody and support issues. DOVE attorneys are not able to represent children, though New Hampshire law allows judges to appoint specially trained, certified guardians ad litem for children, most of whom are attorneys.

### **Special services:**

- immediate turn-around from referral to representation;
- immediate access to an attorney;
- attorneys are specially trained in domestic violence;
- direct representation in protection order cases; and
- direct, specialized pro bono representation of low-income women in civil protection order hearings.

# **Florida's Clearinghouse Project & Florida Coalition Against Domestic Violence**

*Highlighted Feature:*

## **State-Wide Initiative: Local Legal Services For Battered Women**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Florida Coalition Against Domestic Violence created the Clearinghouse Project in 1997 to try to respond to local needs of shelter residents by providing state-wide coordination and grant support for attorneys who contract with the shelters. Funded by a Violence Against Women Act grant, the program establishes an attorney as either a part-time or full time attorney in the shelter to provide residents with representation and advice about protection orders, custody, visitation, and other legal issues.

Initially conceived as a legal information support center for the shelters and domestic violence projects, those developing the program determined that even a state-wide legal support center would not meet the most essential needs of battered women in Florida. The shelters identified direct legal services for residents as the top need for battered women, and the program was devised to meet that need.

The goal of the program is to give each domestic violence center its own attorney who can provide consultation, advice, and legal representation in court for shelter residents.

### ***Description of Program Response***

**Attorney profile.** Presently, 32 attorneys provide services to residents of Florida's 38 shelters. The Coalition anticipates hiring an additional 6 attorneys to reach full capacity. Attorneys are either full or part-time. The range of experience varies from very experienced domestic relations attorneys who have a background in domestic violence issues to new attorneys recently out of law school with little law practice experience.

The attorneys are chosen through a competitive bid process, in which they bid for the contract to provide the legal services under the Clearinghouse Project. Although a local center would indicate its preference from the bids submitted, the Clearinghouse Project made the final hire, in part to alleviate any political problems that might have erupted locally had the shelter made the decision alone.

The attorneys are either full or part-time, depending on the shelter's needs and the funds available. Some legal services offices are providing the services (but they must do so with a designated attorney under the contract), and some of the attorneys are private attorneys who contract to provide the service.

Generally the attorney is available to provide representation and advice on protection orders, custody, support, visitation, and other issues. The contract attorneys are not able to represent residents in dissolution cases under the grant funds; either a referral is made for that service or matching funds are used to allow the attorney to handle divorces.

The attorney does not provide legal advice for the shelter on, for example, corporate, tax or zoning matters (the coalition has a separate project which recruits pro bono corporate counsel to act as the attorney for the shelter itself).

The Clearinghouse Project provides training and coordination of the contract attorneys. The attorneys may meet periodically, and are informally developing a network among themselves to provide each other with information and support.

**Priorities and eligibility.** Shelter residents are eligible for the legal services provided by the contract attorney. Priority is given to resident safety, and thus much of the representation is expected to be obtaining protection orders. Divorces are either referred out or provided through matching funds rather than grant funds.

**Special Services:**

- training and networking among contract attorneys.

**Legal Advocacy:**

- direct legal representation, advice and information available to every shelter resident in the State of Florida;
- development of state-wide strategies to respond to legal issues concerning battered women; and
- specialized pro bono attorneys to provide legal counsel to the shelter on corporate issues.

## **Legal Aid Society Of Topeka**

*Topeka, Kansas*

*Highlighted Feature:*

### **In-House Direct Representation, Attorney Referral, and/or Court Appointments In Protection Order Cases**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The Legal Aid Society of Topeka is a Legal Services Corporation-funded office providing legal assistance to low income persons in Shawnee County (Topeka) and other more rural counties in northeast Kansas. Along with direct representation in divorce, custody, support and paternity cases, which is provided by attorneys who specialize in family law matters, the Legal Aid Society provides representation and advice to women who file for protection orders pro se.

The program, funded by a federal STOP Violence Against Women Grant, offers representation to domestic violence victims appearing at the protection from abuse docket (STOP funding does not cover representation in divorce cases). Each year, the program serves an estimated 200 to 250 women in Shawnee County. It will expand in the future to serve women in outlying Osage and Jefferson counties.

#### ***Description of Program Response***

**The Protection Order Program.** Women file for a temporary order of protection, either alone or with the assistance of a volunteer from

the Battered Women's Task Force (the local domestic violence project) or from the Court Services office. After filing, Legal Aid is provided a docket of upcoming hearings, to check for conflicts of interest and to determine whether representation might be needed at the hearing. Women are to be provided with a referral to Legal Aid when they file.

At every scheduled protection order docket, one or two attorneys from the Legal Aid office appear. They then assist those who have contacted the Legal Aid office in advance, or meet and consult with women who may not have contacted the office in advance but who need assistance at the hearing. The judge generally refers the women to consult with the Legal Aid attorney when the case is contested, the other party is represented, or the woman is seeking greater relief than a protection order only.

**Pro bono program.** In addition to the Legal Aid Society attorneys, a panel of seven to ten trained, volunteer pro bono attorneys is available to cover hearings or to take cases where Legal Aid may have a scheduling conflict, a conflict of interest, or the client is clearly not eligible for legal services assistance.

To further help low income clients on protection order and other family law matters, The Kansas Bar Association, in conjunction with the Legal Aid Society has established a reduced fee referral panel. These attorneys agree to represent Legal Aid Society referrals at a contracted-for reduced fee, which is supposed to be less than the standard rate for attorneys in the community. This resource is available to battered women whose income is greater than 125 percent of poverty, but less than 200 percent. Many clients who initially come to Legal Aid through the protection order docket will be provided with direct representation through Legal Aid, the pro bono panel, or the reduced fee panel.

**Priorities and eligibility.** The Legal Aid Society gives priority to family law cases where there is domestic violence. In its assigned counsel initiative at the protection from abuse docket, all clients who may be eligible for assistance are given priority: cases where the court requests assistance for the victim, contested cases, cases where the perpetrator is represented

by counsel, and cases where the victim needs more relief than merely a protection order. Clients whose income is less than 200 percent of poverty, or those who have been denied access to their financial resources as a result of domestic violence, are eligible for assistance by Legal Aid through the protection order docket.

Residents within the Legal Aid service area are eligible for direct representation in family law cases (other than at the protection order docket) if they meet the Legal Services Corporation definition of low-income (125 percent of poverty).

**Special Services:**

- pro bono attorney training;
- Spanish language assistance;
- assistance for hearing-impaired clients;
- instructional videotape for parties who use the protection order process;
- process server available at no charge to clients;
- coordination with the local district attorney's office and other essential agencies; and
- toll-free, statewide phone number for intakes of all legal services cases, which then routes potential clients to the protection order attorneys at Legal Aid.

**Legal Advocacy Assistance:**

- direct representation in all types of family law cases;
- advice, counseling and direct representation to domestic violence victims who seek protection orders;
- referral to a pro bono, volunteer attorney;
- referral to a reduced fee attorney;
- creation of wallet cards which provide information to battered women about legal resource options; and
- education through coordination with other agencies and video-taped presentations of the domestic abuse docket.

## **LifeSpan Center For Legal Services**

*Chicago, Illinois*

*Highlighted Feature:*

### **Shelter-Based Legal Representation**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

LifeSpan handles all aspects of legal issues for battered women. Begun in 1978 as a non-residential counseling program, it expanded to provide legal services after 1982. There are three full-time lawyers on staff, two volunteer lawyers and six volunteer law students. The program provides direct representation for women in the whole range of family law issues. Serving the Chicago metropolitan area, LifeSpan handles about 500 cases per year. The legal project budget is \$300,000.

#### ***Description of Program Response***

Attorneys address a range of issues, including dissolutions, custody, paternity, orders of protection, and juvenile court cases where the battered woman is charged with neglect as a consequence of the violence by her partner. There are no legal fees charged, and the program attempts to cover litigation costs (such as expert witness fees, deposition costs, etc.) whenever possible.

The attorneys representing the women in the LifeSpan program can provide their clients with comprehensive advice and representation. Because of their expertise in domestic violence, they can identify issues which might be missed if the case were being handled by a lay advocate or

an attorney without significant domestic violence experience or understanding of all of the legal and factual issues that can be raised in a case where there is domestic violence.

**A full service domestic violence law office.** Clients receive thorough, excellent advocacy. The philosophy of the program is that it sells battered women short to give them anything less than an attorney in complex civil litigation where essential issues such as custody, visitation, safety and economic survival are at stake. But it is expensive. Even with its current budget, LifeSpan has difficulty funding necessary litigation costs in many cases.

**Determining client eligibility and caseload.** In evaluating whether to take a case, LifeSpan looks at the level of danger the potential client is in; the likelihood of child abduction or abuse; whether what the potential client wants is achievable; and the time the attorneys would have to devote to the case, given obligations to existing clients. Any battered woman is eligible for services, but women who have the resources to hire an attorney, or who will get representation from legal services would not be accepted as LifeSpan clients.

The number of cases that can be taken at any given time varies depending on current caseloads. Intake on new cases is reviewed weekly. Up to five new cases are accepted out of approximately 15 reviewed cases. There are no strict financial eligibility guidelines, but financial resources are considered to determine whether other legal advocacy resources might be available to the potential client.

#### **Special Services:**

- outreach to the wives of police officers through the legal and counseling programs;
- "full service" law office specializing in domestic violence issues;
- direct representation on cases including dissolution, custody, paternity, visitation, orders of protection, and juvenile cases where domestic violence victims are charged with neglect; and
- case assistance from lay advocates, law students, and paralegals (no direct representation by those non-attorneys).

## Law School Initiatives on Domestic Violence

Law schools have an enormous resource that can be used to benefit battered women: law students. Law students, acting under the supervision of a practicing attorney/law school faculty member, can represent clients in court or administrative agencies in almost every state. Most law schools have a law clinic program as part of the curriculum, where students earn credit for their work on behalf of indigent clients. Because clinic programs generally serve low-income clients, they provide services on a no-fee or low-fee basis. Some law schools have student-operated domestic violence advocacy programs which provide legal services for battered women but for which students do not receive credit; instead they volunteer their time.

**Advantages of involvement of law students.** While students who represent battered women may lack the years of courtroom experience of other attorneys in the community, they generally have several advantages and are able to provide exemplary work. Law students who enroll in domestic violence clinical projects are generally very committed to serving battered women, and their enthusiasm provides battered women with a strong advocate for their legal interests.

Law clinics emphasize quality lawyering skills, so they often set the standard for the community regarding appropriate representation for battered women. Students in clinics which focus on domestic violence will usually have extensive training on domestic violence issues and applicable law.

With very low caseloads, law students often are able to give their cases and clients more attention than busy attorneys with numerous clients, and are generally willing to be more innovative in developing relief for their battered clients.

**Law school clinical programs.** They may also be linked to other university-based professional services which battered women may need, such as social work, medical and mental health services.

The form which domestic violence work in law clinics may take can vary. Some law schools have separate domestic violence clinics or advocacy projects. Other clinics may be general practice civil or criminal clinics which have a domestic violence component. The kind of services the clinics provide also varies. Some clinics only represent clients on protective orders; other provide representation on the range of family law matters which face the battered woman. Some clinics work closely with prosecutors' offices to provide law students as assistant prosecuting attorneys on domestic violence misdemeanors or even felonies. A few clinics specialize in criminal defense of battered women. However, the clinics are configured, they can provide needed legal services for victims of domestic violence.

Because of the convergence of theory and practice, law students and law clinics are uniquely well-situated to identify and respond to public policy issues that can impact battered women. And, most significantly, clinics are training future attorneys to understand domestic violence, and give them the tools they need to be effective advocates in the future for other battered women.

**Considerations in working with law clinics:** On the down side, law clinics are not able to take a great number of cases, since law clinics' primary mission is to educate law students, and clinics must ensure that the students are able to handle well the cases which they are assigned.

Law school semester schedules often limit the times when the clinic is available for new intake, because students may not be available to handle cases. For example, for approximately four to six weeks during the winter semester break and sometimes during all of the summer months, the clinic may not be able to take on new case files. In many clinics, students only enroll for one semester, so there can be high turnover of student attorneys, a fact which unfortunately tends to affect the most troubling and complex cases.

Although housed in law schools which may have a solid funding base, law clinics (particularly those that deal with women's issues) are often not particularly well-funded and may be transitory. Grant funding is often available. Some clinics are funded by a combination of law

school money, grants, private contributions, public funds, and other sources (such as IOLTA funds).

Law schools, and law students, can be isolated. Law students may not know enough about available resources for battered women to provide them with referrals for shelter, counseling, and medical care. The most successful domestic violence clinical programs are those which work with the other domestic violence agencies in the community and determine what legal needs the clinic could fulfill.

**Eligibility and priorities in clinic practice.** Most student practice rules require students to represent low income clients only, though the clinic may not be required to follow the Legal Services Corporation guidelines precisely. Most clinics have geographic limitations on the cases they handle. Each clinic sets its own standard for which cases have priority, but priorities in accepting cases in clinics usually include one factor which a legal services or other provider's program would not — the educational value of the case to the student.

*Because clinical programs are similar in their staffing (law student attorneys under the supervision of a teacher/practitioner) and in the way they deliver legal services, this section will identify some of the clinical programs currently in effect and describe the type of cases they handle, and some of the more innovative models for delivery of legal services to battered women now in effect in law schools around the country.*

### **Highlighted Law School Programs**

#### **American University Washington College of Law**

##### **Women and the Law Clinic**

4400 Massachusetts Ave.

Washington, DC 20016

202-274-4000

**DESCRIPTION:** Clinical students at American University's Domestic Violence Clinic handle civil litigation matters during their first clinical semester, and assist in prosecuting domestic violence crimes during the following semester, through an externship placement with the US Attorney's Office.

#### **Catholic University of America Columbus School of Law**

##### **Families and the Law Clinic**

3602 John McCormick Rd., NE

Washington, DC 20064

202-319-6787

**DESCRIPTION:** Students develop and run community education projects on dating violence prevention in local high schools. Law students address the dynamics of domestic violence, the civil and criminal remedies available and dating violence myths. High school students respond to the substance and format of these workshops, viewing law students as peer role models, as well as a source of accurate legal information.

#### **City University of New York, School of Law at Queens College**

##### **Battered Women's Rights Clinic**

65-21 Main Street

Flushing, NY 11367

718-575-4200

**DESCRIPTION:** Students assist clients with a range of legal needs. This may include obtaining civil protection orders, pursuing contempt charges, seeking child support or custody orders, or handling housing or public benefits cases. The clinic teaches students to consider the unique social and economic obstacles confronted by battered women, and to work on law reform efforts to overcome these barriers.

**Cornell University Law School**  
**Women and the Law Clinic**  
Myron Taylor Hall  
Ithaca, NY 14853  
607-255-3527

**DESCRIPTION:** Students represent clients in divorce, custody, support, and domestic violence cases. The clinic combines theory with practice, teaching students litigation strategies from a feminist perspective. Students learn to analyze the underpinnings of family law while representing clients, observing firsthand the impact of the law and court procedures on women.

**Fordham University School of Law**  
**Battered Women's Advocacy Project**  
140 W. 62nd Street  
New York, NY 10023  
212-636-6934

**DESCRIPTION:** Fordham students accompany battered women to court, assisting them with legal proceedings and helping to ensure their safety. Students may also participate in the Battered Women's Rights Clinic in which they represent clients in civil proceedings related to the abuse.

**George Washington University**  
**National Law Center**  
**Domestic Violence Advocacy Project**  
2000 G Street, NW Suite 200  
Washington, DC 20052  
202-994-7463

**DESCRIPTION:** An interdisciplinary clinical program, co-taught by a domestic violence attorney and a clinical psychologist specializing in domestic violence issues, students are taught about the psycho-social aspects of domestic violence, trained to work with expert witnesses, and assisted in processing their emotional reactions to their clients' issues.

**Harvard University Law School**  
**Battered Women's Advocacy Project**  
1581 Massachusetts Avenue  
Cambridge, MA 02139  
617-495-3118

**DESCRIPTION:** Student advocates help victims

obtain protection orders, and help them file petitions, advocate for relief in court and obtain comprehensive orders. Students also staff a hotline providing referral services.

**New York University School of Law**  
249 Sullivan Street  
New York, NY 10012  
212-998-6433

**DESCRIPTION:** Clinic students handle misdemeanor and felony cases, including representing battered women charged with homicide or assault against their batterers.

**Northeastern University School of Law**  
**Domestic Violence Advocacy Project**  
400 Huntington Ave.  
Boston, MA 02115  
617-373-8882

**DESCRIPTION:** Students participate in the Boston Medical Center Research and Advocacy Project. They interview women seeking emergency medical treatment about domestic violence, providing immediate legal assistance to patients who need help. Law students act as advocates with the police and assist patients to obtain emergency restraining orders. This interdisciplinary project has familiarized medical staff with domestic violence issues, and provided students with an opportunity to learn about the medical and legal resources available to victims.

**St. Mary's School of Law**  
**Center for Legal and Social Justice**  
2507 NW 36th Street  
San Antonio, TX 78228  
210-431-2596

**DESCRIPTION:** The clinic provides representation for battered immigrants. Students assist clients in obtaining relief under the Violence Against Women Act, representing them in self-petitioning or cancellation of removal proceedings.

**University of Arizona College of Law**

PO Box 210176  
Tucson, AZ 85721  
520-626-5232

**DESCRIPTION:** Students represent members of the Pascua Yaqui tribe in obtaining and enforcing orders of protection. Students also serve the needs of the community by conducting educational workshops at local domestic violence shelters. The clinic represents battered women in criminal defense cases related to the abuse, as well as in civil cases.

**Suffolk University School of Law  
Battered Women's Advocacy Project**

41 Temple Street  
Boston, MA 02114  
617-573-8054

**DESCRIPTION:** In addition to representing battered women in restraining order, child custody and child support cases in both district and probate courts, they also staff a crisis line at the law school to provide legal information to victims of domestic violence.

**University of Baltimore School of Law**

**Family Law Clinic**  
1420 N. Charles Street  
Baltimore, MD 21201  
410-837-5706

**DESCRIPTION:** Law students assist unrepresented individuals to navigate the court process through the Pro Se Project. Students rotate through the court clerk's office to provide information to pro se litigants. When domestic violence issues are identified, students refer individuals to attorneys for representation.

**University of Minnesota Law School**

**Domestic Abuse Prosecution Clinic and Gender and the Law Clinic**  
1536 Hewitt Ave.  
St. Paul, MN 55104  
612-626-0264

**DESCRIPTION:** In the prosecution clinic, students assist in the prosecution of misdemeanor and felony cases. Students are directly supervised

by prosecutors, and serve both inner city Minneapolis and suburban areas. In the Gender and the Law Clinic, the students assist clients in obtaining protection orders.

**University of Missouri School of Law**

**Family Violence Program**  
203 Hulston Hall  
Columbia, MO 65211  
573-882-7872

**DESCRIPTION:** Students represent battered women in rural counties, with funding allocated under the Violence Against Women Act. The Clinic receives referrals from courts, shelters, and police in 14 rural counties, often providing the only legal assistance available to victims. Law students travel up to 100 miles to represent their clients in protection order hearings.

**Washburn University School of Law**

**Law Clinic**  
1700 SW College  
Topeka, KS 66621  
785-231-1191

**DESCRIPTION:** Students have the option of representing clients in domestic violence cases as part of their work in the general law clinic. They assist battered clients in all aspects of family law cases, and provide legal information to local shelters and domestic violence projects. They also have the option of working on appellate cases of importance to battered women by writing amicus briefs.

**For more information on civil legal assistance and law school programs, consult the ABA Commission on Domestic Violence's**

**"When Will They Ever Learn? Educating to End Domestic Violence."**

## **Casa Myrna Vazquez, Inc.**

*Boston, Massachusetts*

*Highlighted Feature:*

### **Creative Outreach Strategies to Better Serve Victims**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

Casa Myrna Vazquez, (CMV) has developed diverse and comprehensive programming to empower women in violent relationships. CMV focuses on women and children of color and promotes collaborative alliances to strengthen the ability of the community to serve these women and children. As the largest battered women's program in New England, it has a staff of 50 and a budget of \$2.3 million. CMV's 24-hour bilingual hotline receives between 300 to 500 calls per month. Services offered by CMV include:

- two transitional housing programs;
- legal representation by staff lawyers and law students;
- two emergency shelters; and
- children's services.

#### ***Demographics***

The city of Boston has a population of 574,283. Sixty-three percent of the population is White, 25.5 percent African American, 10.4 percent is of Hispanic origins, .3 percent Native American, 5.3 percent are Pacific Islanders and 5.9 percent are of other backgrounds. There is an established

Puerto Rican community and a growing population of Central Americans and Mexicans.

#### ***Description of Program Response***

**Emphasis on working with Latina and immigrant women.** The Outreach Coordinator for CMV is Latina. She utilizes the CMV Speaker's Bureau in her efforts to reach the diverse Latino community in the Boston area. The Speaker's Bureau is comprised of formerly battered women who share their experiences and educate the community about domestic violence. Recognizing the special expertise these women bring to the program, CMV pays a stipend to each speaker. They speak at residential programs, homeless shelters, GED programs, Head Start parents meetings, and pre-natal classes.

CMV recently established a program to inform immigrant battered women about their legal rights. The program represents a partnership with the Community Legal Services and Counseling Center. Together, they are training service providers in Latino-based agencies on legal issues pertaining to immigrant women who are being battered. CMV is also recruiting attorneys for Community Legal Services to provide *pro bono* services to these immigrant women.

**Creative advertising.** A new program, partially funded with a STOP grant, includes the manufacture and distribution of compact mirrors with the toll-free bilingual hotline number printed inside. The pocket-size compact mirrors have text on the cover in Spanish and English that say "You Deserve to Be Healthy." The mirrors will be distributed to beauty parlors, health fairs, schools, health clubs, food pantry programs and other places.

**Teen Dating Program.** In CMV's peer education program called "S.T.A.R." (Sisters Teaching About Relationships), six women between the ages of 17 and 24 lead education sessions about domestic violence. Through S.T.A.R., leaders and participants explore the following topics:

- the links between dating violence and other health issues, including pregnancy and substance abuse;
- gender role stereotyping;
- categories of abuse and warning signs; and
- the qualities of a healthy relationship.

Thus far S.T.A.R. has conducted sessions with: Girl Scout troops, youth employment programs, teen parent programs, various girls groups, and youth organizations. It recently expanded to serve the college-age population.

Through S.T.A.R., CMV hopes to increase outreach to teens affected by domestic violence and has now added a special component on teen callers to its volunteer training program. The training addresses:

- the attitude of teenagers toward negative attention;
- the importance of peer acceptance;
- the potentially seductive rush of an abusive relationship to perpetrators;
- how to define healthy versus unhealthy relationships.

**Philosophy of outreach.** In recognizing that the women they are trying to reach often feel as if they are being labeled (e.g., as a welfare mother, substance abuser or immigrant), CMV doesn't approach all their audiences as potential victims of domestic violence. Rather, they acknowledge that the reader, audience member, or caller may be affected personally or through a family member, or a neighbor. The goal of the outreach at CMV is to create a "community of conscience," where the public is "armed with skills to intervene" when they see or hear about domestic violence.

**Increased capacity of health and human service providers to identify and respond to battered women.** Through training other human service providers, CMV hopes to expand the types of professionals who can recognize domestic violence and respond appropriately to women seeking help. CMV recognizes that the women it sees in its shelters and transitional housing represent only a fraction of those who are affected by domestic violence. Using a participatory education model, CMV trains street outreach workers, daycare providers,

health care providers, and teachers to identify battered women they may be assisting in the course of their work.

CMV was recently funded to train all State employees who are involved with "Transitional Assistance" programs, or welfare programs. Intake workers, caseworkers, and security guards will be included in these sessions, designed to sensitize participants to the issues surrounding domestic violence.

A collaborative project with the AIDS Action Committee teaches HIV/AIDS service providers about dating violence. Debra Robbin, Ed.M., Director of Education and Training at CMV, believes talking about abuse fits naturally into the discussions about safe sex conducted by HIV/AIDS counselors. Counselors should acknowledge that negotiating with one's partner about safe sex can be risky when one is afraid of her partner. Service providers are taught to understand coercive or forced sexual activity is common in relationships where one partner seeks to manipulate and control the other.

## **Domestic Violence Intervention Services, Inc.**

*Tulsa, Oklahoma*

*Highlighted Feature:*

### **Domestic Violence Emergency Response Team (DiVERT)**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The Domestic Violence Emergency Response Team (DiVERT) provides immediate, on-scene advocacy to battered women at five hospital emergency departments or one designated non-medical site. DiVERT was developed as a vehicle to reach out aggressively to battered women in Tulsa County who are not using services available from Domestic Violence Intervention Services, Inc. (DVIS). DVIS created DiVERT to coordinate the response to battered women during the initial police call or emergency room visit.

DiVERT responds to calls from the Tulsa Police Department and local hospital emergency departments to provide on-site face-to-face support to individuals identified as domestic violence victims.

Services are available 24-hours a day, seven days a week. The DiVERT team consists of the following:

- one half-time DiVERT coordinator;
- specially trained DiVERT volunteer advocates who provide on-site assistance;
- trained crisis line volunteers and DVIS staff who route calls to DiVERT volunteers; and
- one half-time victim counselor for follow-up and therapy sessions for DiVERT clients.

The program's budget is \$25,000 and is funded through a STOP Grant.

#### ***Demographics***

DiVERT serves all of Tulsa County, which is comprised of Tulsa, Broken Arrow, and several suburbs. Tulsa County has a diverse population of approximately 550,000.

#### ***Description of Program Response***

**DiVERT protocol.** When a police officer or hospital emergency room staff person identifies a woman as a victim of domestic violence, they call the established DVIS crisis line and request a DiVERT advocate. The crisis line worker obtains information about the victim (location, name, and if there will be children with her), then pages the DiVERT advocate, and dispatches her/him to the response site. The advocate arrives at the response site within 30 minutes of the dispatch call. Response sites include the five Tulsa area hospital emergency departments. For non-medical calls, advocates respond to the local social service agency in Tulsa that operates 24-hours a day and serves as a response site. Victims are transported to the agency by police officers, friends or family, or by a taxicab called by the advocate on DVIS's hotline.

DVIS has established verbal agreements with all five participating emergency department response sites, the local social service agency that serves as the non-medical response site, and the Tulsa Police Department concerning procedures to access a DiVERT advocate and use of these sites to provide advocacy services.

**Identification of a domestic violence victim in hospital emergency departments.** Since the majority of DiVERT's initial interventions take place in emergency room settings, the success of DiVERT's

response depends on quick identification of domestic violence victims by emergency room intake staff. Most of the emergency rooms in Tulsa have a set protocol for determining if a patient is a victim of domestic violence. However, DiVERT recommends that medical personnel ask all patients the following three short questions, which DVIS has found effective in identifying battered women.

- In the past year have you been hit, kicked or bitten by someone in your household?
- Is there someone you are currently afraid of?
- Does that person live with you?

**Assistance to victims in stabilizing their emotional responses to the trauma.** DiVERT advocates are trained in the provision of crisis intervention techniques such as active listening, identifying issues and needs, debriefing after trauma and developing safety plans and plans to address other problems. Through use of these techniques, advocates assist battered women in reducing the long-term effects of victimization.

**Focus on developing options for change with the victim.** Advocates inform victims of their legal options for reporting the crime, obtaining legal representation, and assisting in prosecution efforts. They help victims develop and implement personal safety plans.

Developing options also includes informing victims of the wide array of community services available to help them with the full range of their concerns and needs. Advocates are trained to refer victims to DVIS and other community services and to help coordinate those services as appropriate. For those face-to-face meetings with victims that occur in non-medical settings, medical options are discussed.

**Efforts to hold batterers accountable by providing forensic evidence of the violence to law enforcement and the district attorney's office.** With permission by the victim, the advocate documents an account of the domestic violence and resultant injuries. The advocate takes photographs of the victim's injuries and compiles these with the other documentation. This evidence can be instrumental in prosecuting the case, particularly

if the victim does not testify. As the advocate is not considered an expert in evidence collection, if subpoenaed, the advocate would only testify that she/he saw the victim on a given date and took photographs.

**DiVERT addresses a victim's need for advocacy services.** DiVERT helps bridge the gap between the number of domestic violence victims calling 911, those seeking emergency medical treatment and those using DVIS shelter, counseling, and court advocacy services. Since its implementation in May 1997, DiVERT advocates have responded to an average of ten calls per month. Approximately half of those have followed through by contacting a shelter, requesting protective orders, and/or seeking counseling services offered by DVIS. Of the victims participating in follow-up procedures, 100 percent reported the DiVERT advocate was instrumental in at least helping change her perspective on the violence in her home. Furthermore, 100 percent of the respondents reported feeling they had more options in resolving their situations than prior to meeting with a DiVERT advocate.

DVIS received information from the Tulsa Police Department stating officers respond to more than 17,000 domestic violence related calls per year. Of that number, approximately 4,000 victims sought protective orders, 500 sought shelter and approximately 1,500 sought counseling. These numbers indicate a large percentage of victims were not seeking services. DiVERT is seeking to fill this gap.

# George Mason University

Fairfax, Virginia

*Highlighted Feature:*

## Comprehensive Sexual Assault Services for University Students

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The George Mason University Sexual Assault Services program strives to develop a seamless response to sexual assault victims, whether they are assaulted on campus or in the community. It advocates for an array of medical, legal, psychological, administrative and disciplinary services to be in place and immediately available for students reporting sexual assault. The program was established in 1993, as a result of then-Governor Wilder's recommendation that all colleges and universities create a point of contact on sexual assault issues. George Mason University established a full-time position of University Sexual Assault Services Coordinator (SASC). Today, the program operates with one full-time coordinator and assistance from one STOP-funded half-time assistant coordinator. With student volunteers, the staff provides 24-hour crisis intervention, legal, medical, and court advocacy, as well as advocacy within the university judicial and academic systems.

### *Demographics*

The main campus of George Mason University (GMU), and the main office of Sexual Assault Services, are located in suburban Fairfax County. GMU has a student body of 25,000, spread over three campuses (Fairfax, Prince William County,

and Arlington, Virginia). Most of the students are commuters, with only 3,000 living on campus. The student body and surrounding community is increasingly diverse, with an estimated 20 percent of the students from other countries or belonging to cultural or ethnic minorities.

### *Description of Program Response*

**Advocacy with the criminal justice system.** Since most students are commuters, the majority of sexual assaults take place off-campus. The University Judicial Code limits the kind of cases that are considered for disciplinary action. If the assault occurred off-campus, the university judicial system will only take the case if it deems that the incident interferes with the learning ability of the student. Even when the judicial system is willing to hear the case, however, very few students choose this method of resolution. They choose instead to pursue criminal or civil remedies.

Students who wish to report an assault are given assistance by the Sexual Assault Services Coordinator in determining which of the many law enforcement agencies they should call. Sexual Assault Services also offers support at Fairfax Hospital, where sexual assault exams are performed. Should an investigation be initiated, Sexual Assault Service advocates are available to accompany the victim throughout interviews, hearings, and other criminal justice proceedings.

**Services tailored to students needs.** Sexual Assault Services has developed two levels of volunteer peer support for students seeking services. Student volunteers are recruited and provided with an initial 40-hour training and monthly in-services. They then volunteer in one of three ways listed below.

1) *Peer Advocate:* This position provides students who have been sexually assaulted with all the advocacy services previously mentioned, including accompaniment to any hearings and information and referral.

2) *Peer Companion:* These volunteers are available when a student presents herself as a recent victim. This position acts as an additional

resource to the victim for coping during the aftermath of the assault, and is often used by victims who do not wish to report the assault to the police. The position functions as a friend might, providing support in a more casual atmosphere, but without the survivor having to worry that she is placing undue burden on the friend. Connie Kirkland, Sexual Assault Services Coordinator (SASC), reports that this service has been well received by survivors.

3) *Peer Educators*: These students provide information and campus referrals to sexual assault survivors and present programming on the issue of sexual assault.

**University protocol.** In the fall of 1994, a protocol was developed that "defined and coordinated efforts of various campus departments in providing a caring and effective institutional response to student sexual assaults." The protocol requires the SASC be notified of all sexual assaults reported to any University department. The SASC then opens a file on the case, assigning it an identification number so that the victim's identity is never revealed except to the department where the incident was reported. This system of tracking individual cases enables the SASC to ensure consistent implementation of the protocol, as any contact with other departments is noted, and to evaluate the protocol for future revisions.

A presentation on campus sexual assault resources is given annually to University faculty and instructors, along with a two-page resource guide on the topic, to encourage appropriate responses if a student discloses to his or her professor.

The protocol also addresses procedures for handling a sexual assault incident that represents a potential danger to the campus community. It defines this danger as any of the following:

- a pattern of acquaintance sexual assaults;
- a stranger assault;
- a violent or sadistic assault; or
- a gang rape.

In these cases, a team, including the SASC, creates a "campus alert notification" and

distributes it widely on campus, while respecting the victim's right to anonymity.

Significantly, while the University Judicial Code's disciplinary sanctions for sexual assault are not used frequently, the Judicial Officer may respond to sexual assaults in other ways. The officer often assists with housing relocation, if desired, or will grant a no-contact order between students if a case is active in the community criminal or civil justice system. While this order is not legally binding, Kirkland believes it can send a strong symbolic message to assailants that their behavior is unacceptable.

**Services for stalking victims.** In recent years, Sexual Assault Services has responded to an increasing number of students complaining that they were being stalked. Anecdotal data shows that most of these students are being stalked by someone they know only slightly. For example, the stalker may be a classmate or someone who asked them out for a date and was rejected. Typically, the student has reported the behavior to community police who were unable to pursue criminal charges due to the legal requirements of the State's stalking statute. The program is designing a response specifically for stalking incidents.

Currently, the SASC is able to offer the student acceptance and affirmation that the behavior she is the target of is stalking, even if it is not legally recognized as such. The student is encouraged to document the behavior of the stalker. The University Judicial Officer may then confront the student accused of stalking to discuss the matter and notify him that the behavior is unacceptable. A protocol on stalking is currently being developed and a brochure on stalking behavior has been widely distributed to students.

**Sexual assault education and outreach.** About 50 percent of staff time is spent "marketing" the sexual assault program through presentations in classes and to organizations on campus. Kirkland wants awareness of the services to be so widespread that if any student tells someone that she has been sexually assaulted, the respondent will know where to refer her. To that end, to reduce students' risk of being assaulted, Sexual Assault Services offers a strong education program.

The education component, which is available to both campus and off-campus organizations, utilizes peer educators as much as possible, and employs interactive exercises, videos, and scenario discussions to engage participants. Presentations focus on sending the following messages:

- few men are actually perpetrators of sexual assault, but it's important for other men to reject rape-supportive behavior (including jokes);
- participants should understand available resources and know how to respond appropriately when individuals disclose that they've been assaulted;
- gender role socialization serves to reinforce victim-blaming attitudes; and
- women cannot prevent sexual assault, but they may be able to lower their risk by following certain safety and self-defense tips (e.g., remaining with trusted friends when at parties).

The strong support of the athletic director has helped to establish a program focused on university athletes. Known as "Team Talks," it includes discussions with all athletes. The presentations, given by SAS staff, Fairfax County Victim Assistance Network and D.C. Men's Rape Prevention Project, address healthy relationships, sexual assault, and the fact that bystanders to violence are part of the problem.

**Campus-community coordination.** The Sexual Assault Services program developed the Campus-Community Coordinating Council. The Council's members include:

- the Fairfax Commission for Women;
- campus officials;
- city and county law enforcement;
- Prince William sexual assault program representatives;
- SANE nurses; and
- citizens.

The Council assesses the effectiveness of its member agencies in working collaboratively to respond to sexual assault. It also sponsors education and training events designed to improve the medical and criminal justice systems' handling of sexual assaults and related issues.

# Los Angeles Commission on Assaults Against Women

*Los Angeles, California*

*Highlighted Feature:*

## **Sexual Assault Services Tailored to the Needs of Specific Populations**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Los Angeles Commission on Assaults Against Women (LACAAW) provides sexual assault and domestic violence prevention and intervention programs designed to reach the entire community. LACAAW structures its programs to meet the needs of:

- underserved and high-risk women, teens, and children;
- people with disabilities;
- the homeless; and
- recent immigrants.

Together, its rape and battering hotlines receive between 1,000 to 1,500 calls per month. LACAAW operates sexual assault and domestic violence medical and legal advocacy programs, in-person counseling and survivor support groups. All services are available in English, Spanish and American Sign Language.

### ***Demographics***

Los Angeles is a large, urban area with a diverse population of approximately 3.6 million. The city's population is 46 percent Latino, followed by 32 percent Caucasian, 12 percent African-American, and 10 percent Asian.

### ***Description of Program Response***

**Emphasis on peer support.** The core of LACAAW is strong "basic" services for survivors, including in-person individual and group crisis counseling, crisis hotline counseling, and hospital and court advocacy to survivors of sexual assault. LACAAW also provides in-person and hotline crisis counseling to battered women, stalking survivors, and survivors' non-abusive significant others. Individual and group counseling is provided by peer counselors, interns and licensed staff who have completed an extensive 65-hour training covering sexual assault, domestic violence and child abuse.

Counseling services reflect an understanding that the emotional difficulty many sexual assault survivors struggle with is a normal response to a traumatic experience. LACAAW uses a crisis intervention counseling model of empowerment, providing survivors with ongoing emotional support. Six weeks of free crisis counseling is available through LACAAW, while long-term counseling is offered on a sliding scale. Facilitated support groups continue a survivor's recovery by decreasing the sense of isolation and expanding her support system. LACAAW employs a licensed clinical social worker who supervises all counselors and facilitators, as well as provides long-term counseling to survivors.

### ***Deaf and Disabled Services Program.***

For almost ten years, LACAAW has provided intervention and prevention services to women who are deaf or who have disabilities. The program began when the agency recruited women for a self-defense instructor training. Deaf women participated in the training and helped produce a video and manual to teach other deaf women to be instructors. Shortly thereafter, crisis counseling services for deaf women were developed and implemented in concert with

members of the deaf community. As the program grew, so did the types of services and number of people served. Currently, the Deaf and Disabled Services Program serves 20 to 30 clients each month. LACAAW is one of the few "hearing" agencies which integrates services for the deaf into its programming for survivors of sexual assault and battering.

The Deaf and Disabled Program provides the following services:

- telephone and TDD peer counseling;
- support group counseling;
- hospital and/or court accompaniment, legal advocacy;
- Temporary Restraining Order assistance;
- shelter assistance; and
- prevention education and training.

LACAAW often pays for court interpreters, as well as for interpreters for agency events and meetings.

Peggie Reyna, the Program Coordinator for LACAAW's Deaf and Disabled Services, spends considerable time educating law enforcement and human service providers to be sensitive to the specific needs of survivors who are deaf or hard of hearing. For example, she points out that of the battered women she sees, about 70 percent are married to a hearing perpetrator. Often, justice system staff will only talk to perpetrators to get information about assaults, which place victims at even greater risk than if the authorities had sought out an impartial interpreter. LACAAW conducts training for police, prosecutors, and judges on violence against women and has integrated information on the deaf and disabled into these sessions.

Reyna collaborates with local domestic violence shelters as well as other sexual assault programs through cross-training and regular communication.

LACAAW Executive Director Patricia Occhiuzzo Giggans notes that the expansion of LACAAW's services to the deaf and disabled community required staff members to build their own capacity to work with these communities. The staff held many of the same misconceptions about this community that others do. To make them aware of their mistaken assumptions and

prejudices, all LACAAW staff members undergo regular training on the topic.

**Services for Latinas.** LACAAW offers comprehensive intervention and prevention services to Latinas in Los Angeles, including a 24-hour bilingual hotline. LACAAW maintains a presence in the Latino community by attending neighborhood fairs, networking with Latino agencies, and advertising their services. Such outreach has proven to be effective in recruiting potential volunteers. LACAAW's experience is that personal contact, rather than advertising and media campaigns, are the most effective outreach tools.

**Prevention programming.** LACAAW's organizational philosophy places equal emphasis on prevention and intervention activities as a means to eliminate sexual and physical violence.

LACAAW practices "program cohesion," through which prevention and intervention staff fully understand each other's programs and coordinate them. For instance, almost every public education event requires an intervention component, as survivors in the audience will likely want to talk with someone following the presentation. Therefore, the staff coordinating the presentation must arrange for someone to be available to offer crisis intervention for participants.

Over the years, LACAAW has refined its prevention programming and focused on developing publications and campaigns with strong content and professional quality production values. Giggans characterizes their approach to prevention as framed by a conviction that changing attitudes leads to a change in behavior. The U.S. Department of Health and Human Services recently named their "In Touch With Teens" relationship violence prevention curriculum as one of five model programs in the country. This curriculum has been enhanced by LACAAW's collaboration and consultation with other organizations, including Planned Parenthood Los Angeles, California Women's Commission on Alcohol and Drug Dependency, and the Los Angeles Violence Prevention Coalition. It will soon be used by the California Youth Authority in its programming for teenagers in custody and on probation.

Another prevention program that has been adopted statewide is "This Is Not An Invitation to Rape Me." Consisting of television and radio spots and print advertisements, the campaign rejects the traditional notion of prevention programming, in which the focus is on what women can do to reduce their risk of being raped. Rather, the messages are aimed at challenging mistaken beliefs about sexual assault and how women "ask" to be raped, due to their dress or behavior. It also illustrates the diversity of women who can be victimized, by featuring women of different races, married women, homeless women, and older women. The California Coalition Against Sexual Assault has chosen this media campaign for its statewide campaign. The campaign includes free "action kits" that consist of statistics, facts, myths, and resources for sexual assault survivors.

LACAAW also offers women's self-defense workshops. These workshops are geared to build participant assertiveness skills, awareness of the environment and of psychological approaches to sexual assault prevention, as well as physical defense techniques.

## Middle Way House

*Bloomington, Indiana*

*Highlighted Feature:*

### **Legal Advocacy and Economic Empowerment in a Rural Area**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The mission of Middle Way House is to end physical and sexual violence. Since its founding in 1971, it has added legal advocacy, economic empowerment, and affordable housing to its core operation of a domestic violence shelter and rape crisis center. Middle Way currently provides services in six counties.

#### ***Demographics***

Middle Way House is located in South Central Indiana. The city of Bloomington, where the central office is located, is home to one of the largest public universities in the State. The counties surrounding Bloomington that are served by Middle Way are very rural, with an average population of 44,300.

#### ***Description of Program Response***

**Criminal and civil justice system advocacy.** Volunteers in the legal advocacy program advise victims of their options for criminal and civil court remedies, assist with *pro se* actions and provide support and accompaniment to victims at all stages in the criminal justice process. Through this program, Middle Way seeks to hold individual sectors within the criminal justice system accountable

for their treatment of cases involving violence against women. The legal advocacy program serves the largest percentage of clients, most of whom are not in need of shelter. Last year, the legal advocacy program handled approximately 450 cases. Middle Way draws on local resources, such as the law school and private attorneys, to provide *pro bono* representation to women.

To assure accountability on a systemic level, Middle Way House operates a court monitoring program. The program places trained volunteers in courtrooms during domestic violence and sexual assault proceedings. Observers enter information on a form designed to assess the process and atmosphere from the perspective of preserving the dignity of victims and honoring their rights.

Middle Way periodically releases studies of the outcomes of domestic violence cases and circulates these studies throughout the community, including prosecuting attorneys offices, police departments, sheriff's departments, and judges. Other studies have examined custody decisions and "no drop" policies in prosecutor's offices in two rural counties.

Middle Way House sponsors educational forums for prosecutors, judges, and psychologists on topics such as "Domestic Violence as a Factor in Child Custody Determinations," "Post-Traumatic Stress Syndrome," and "Best Practices in a Coordinated Community Response to Domestic Violence."

**Economic empowerment.** After reviewing the needs of its shelter clients, Middle Way determined women who were staying in the shelter for extended periods were doing so because they lacked the economic resources to move out on their own. The need for short and long-term employment opportunities was identified as crucial to assist clients who were entering or re-entering the workforce or moving from poverty to living wage employment. In response, Middle Way has pursued a number of economic development initiatives simultaneously. Middle Way assists clients who apply for loans to support small business ideas, operates a referral system for training and employment opportunities, partners with training and employment programs, and started a business

with the intent of offering living wage employment and benefits to current and former clients.

Middle Way's first venture into private business was launched in June of 1997 with the local Monroe County Solid Waste Management District. The business shreds documents for local companies and disposes of them in an environmentally-safe way. Currently, four shelter residents (out of five total employees) are employed by the business, which is helping them develop the following skills: operating a computer, managing schedules, sending invoices, delivering and implementing contracts, and office management.

**Housing development.** Affordable housing is limited in Bloomington partially because it is a college town. Through its housing program, Middle Way provides a continuum of housing to its target population and supports housing development for low-income individuals and families. This includes acquisition and rehabilitation of units for rent and a 28-unit transitional housing program with an array of supportive services for tenants.

**Outreach to women in rural areas.** Middle Way House has three satellite offices in its six-county service area, located in a courthouse, a youth services agency and human services agency. These offices give women in rural areas greater access to services by reducing the distance they must travel for support. While women who need shelter must travel to Bloomington, they have access to community-based crisis intervention, assistance with protection order filing, and court accompaniment services within their counties. At present, financial restrictions limit the satellite offices to part-time hours, but Middle Way has arranged for each office phone to be answered 40 hours a week.

The effectiveness of the satellite offices in serving victims is due in part to two factors: office location and staff. Sarah Huntington, Middle Way Outreach Coordinator, believed that recruiting people from the community to serve as advocates in each office was crucial. Initially, one of the satellite offices was located in a mental health agency. Huntington noted that the

stigma people in rural areas associate with mental health agencies discouraged women from seeking services at this site. Since the office was relocated to a youth service bureau, the number of clients has risen.

Advocates who staff the satellite offices work with local law enforcement agencies and prosecutor's offices to heighten their understanding of domestic violence and sexual assault. While they enjoy varying degrees of cooperation, some police and sheriff's departments in each county routinely share with advocates copies of incident reports involving domestic violence, regardless of whether charges have been filed in the case. Advocates then contact the victims by phone or mail to notify them of the availability of support.

The success of the offices is demonstrated by the recent formation of domestic violence support groups in two of the three participating counties. Clerk's offices and most local judges have also expressed their support for the satellite offices.

## **Orange County Safe Homes Project, Inc.**

*Newburgh, New York*

*Highlighted Feature:*

### **Stalking Program**

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

#### ***Overview and Mission***

The Orange County Safe Homes Project, in conjunction with the Coalition for a Public Response to Private Violence, recognized the need for expanded safety-enhancing services for women who are stalked. The cell phone program was implemented in order to provide a broader safety net for victims of stalking in this semi-rural area. 911-programmed cell phones are made available to women who qualify, as a part of an overall safety plan.

#### ***Demographics***

The Orange County Safe Homes Project serves three medium-size, culturally diverse cities. It is located in a Tri-State (New York, New Jersey and Pennsylvania) area that includes many small agricultural towns and villages, as well as remote rural and mountainous areas. Orange County has a population of approximately 350,000.

#### ***Description of Program Response***

**Community coordinating body assesses the response to stalking victims and creates a partnership with business.** Prior to implementation of the cell phone program, the Orange County Coalition for a Public Response to Private Violence decided to examine the overall strengths and weaknesses of

Orange County's response to domestic violence and stalking victims. The coalition is composed of representatives of disciplines such as prosecution, law enforcement, social services, medical services, and community-based victim advocacy programs. One of the major weaknesses identified and given priority by the coalition was the vulnerability of stalking victims to attack. This is particularly true for victims living in houses without telephones, when victims are out in public, or when they are driving on the county's many isolated, rural roads. The Coalition determined that providing victims with cell phones that could be used to dial 911 from any location would increase victims' personal safety.

The coalition invited representatives from two cell phone companies to a meeting, at which they proposed their plan to provide cell phones to victims. The companies expressed an interest in providing phones for a program to benefit stalking victims and submitted proposals. After a review of proposals, the coalition made its selection and received twelve cell phones that are programmed for 911 calls only.

**Cell phones as part of an overall safety plan.** The coalition first discussed circumstances under which a victim would receive use of a cell phone, including whether a victim would need to participate in an open criminal case or petition for a civil protective order. The coalition determined that the phones should be made available to stalking victims, regardless of whether they choose to involve themselves in criminal justice processes or avail themselves of civil remedies. The primary criteria to be used in distributing cell phones would be the dangerousness of a victim's circumstances, and whether use of the phones would fit into a victim's overall safety plan.

The cell phone program is advertised in radio and newspaper ads placed by the coalition as part of a public awareness initiative. Law enforcement or the Safe Homes Project can also inform victims of the program. After preliminary determination of program qualification by Safe Homes staff, a victim who is interested in the program is asked to come to the Safe Homes office for a counseling session with a counselor-advocate.

The victim is asked to fill out an application form, which assists counselors and advocates in assessing the victim's needs. (For example, the application asks victims to report characteristics of the stalker's behavior.) The counselor-advocate explains the phenomenon of stalking as a component of domestic violence, helps the victim to examine her overall options, and assists her in creating a personalized safety plan and assessing how the phone would fit into the safety plan. If the victim and the counselor-advocate both agree use of a cell phone would be beneficial, the victim is asked to complete a participation agreement outlining her responsibilities as a client of the program. Victims must agree to certain conditions, such as turning in the phone if the perpetrator begins to reside with her again.

**Ongoing joint monitoring of need for a phone by victim and advocate.** Victims are encouraged to keep in touch with their counselor-advocate by checking in every few weeks to:

- report whether the cell phone has helped them;
- discuss any questions or concerns;
- report any changes in the perpetrator's stalking behavior; and
- receive help in modifying their safety plan accordingly.

There is no pre-determined limit on the length of time a victim may use a phone. The victim may keep the phone as long as she self-reports her safety is still in jeopardy, depending on the relative need of other stalking victims and the availability of phones. Often, victims will decide to turn a phone in after they and their counselor-advocates determine that the danger has reached a manageable level (e.g., if the victim has not seen or heard from the stalker in a number of weeks or months). This helps free up phones for other victims.

**Participation in program helps victims feel safer and document incidents more quickly.** Victims who have participated in the cell phone program report they feel safer and more secure. Victims who live in houses without telephone service report they feel more comfortable in their own homes. Likewise,

victims driving on isolated, rural roads feel like they have some recourse if their stalker appears.

A recent case illustrates the benefits of the cell phones for stalking victims in Orange County. A stalking victim was driving her car alone at night. Her stalker suddenly appeared and attempted to run her car off the road. The victim used her cell phone to call 911. The State Police were dispatched to the area and they arrested the stalker.

In addition, cell phones can help in documenting stalking incidents. Previously, police criticized victims for waiting to notify them after a stalking incident. The police would tell the victim that an arrest could not be made and that the victim should have called the police while they were being followed. Since stopping at a pay phone to make a call to police during such an incident would very likely place a victim in greater jeopardy, victims are left with few alternatives in semi-rural areas such as Orange County. Cell phones allow victims to report incidents in progress, or immediately afterward. The call creates a record through a 911 tape recording.

# **Rape Crisis Center of Central Massachusetts, Inc.**

*Worcester, Massachusetts*

*Highlighted Feature:*

## **Establishment of Llamános, a Statewide Hotline for Spanish-Speaking Women**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

In 1995, the Rape Crisis Center of Massachusetts established a statewide hotline for Spanish-speaking women. The hotline, named Llamános, was created in response to needs identified by the Multi-cultural Committee of the Massachusetts Coalition Against Sexual Assault. Initially, Llamános was staffed by five volunteers. Today, the hotline operates with a budget of \$100,000, one paid full-time coordinator, and includes 21 affiliate centers who share responsibilities associated with operating the hotline.

### ***Description of Program Response***

**Hotline operation shared by multiple centers.** While Llamános is a program of the Rape Crisis Center of Central Massachusetts, rape crisis centers from around the State contribute to its operation, depending on each program's resources. Those that have bilingual staff provide hotline counselors. Other centers advertise the existence of the hotline. All affiliate centers help with volunteer recruitment.

**Volunteer counselors.** Volunteers are the backbone of the hotline. At present, 38 bilingual community volunteers around the State work to provide 24-hour coverage for the hotline. Each volunteer carries a beeper for a twelve-hour shift. Most volunteers take two shifts per month.

All volunteers participate in the Massachusetts Department of Public Health-mandated training for rape crisis counselors. Additionally, volunteers receive ongoing training and support through workshops and meetings. The local centers offer regular in-services. The coordinator of Llamános sponsors two big conferences each year, as well as holds regional supervision meetings.

**Use of answering service.** Llamános has a contract with an answering service to answer all incoming calls. The operators, who have received training from Llamános, take the caller's phone number and first name. The answering service pages the Llamános counselor for that shift, who then contacts the caller. The counselors' response time is typically less than twenty minutes. Llamános has arranged for four centers to have digital cell phones to which a call can be patched through, in instances where the callers cannot wait for a return call because they are in danger, or for any other reason. It is estimated that one out of every 11 callers needs this service.

The answering service requires constant training, which the coordinator provides through frequent contact with operators and their supervisors.

**Culturally appropriate services.** In addition to crisis intervention, counselors also provide callers with referrals to one of the State's 13 centers with bilingual, bi-cultural counselors. With the caller's consent, counselors will routinely contact the staff at the center to alert them that a woman may be calling and how they may prepare to serve her. Llamános Coordinator, Rosa Arrastia, believes this kind of follow-up is important for Latina women. Many callers will establish a relationship with the counselors to whom they first spoke and continue to call the hotline for ongoing counseling and support.

The majority of the calls the hotline receives for assistance are from incest survivors, while women who recently experienced sexual assault are the second most common callers. Victims of marital rape are the third most common callers. Since domestic and sexual violence issues are closely related, counselors help with safety planning and make shelter referrals.

**Outreach to the community.** The centers have used innovative strategies to reach out to Latino communities throughout the State. Llamános advertises in all the Spanish language newspapers in Massachusetts and pays for spots on Spanish language radio and television stations.

All material advertising Llamános or distributed by Llamános is reviewed by an advisory board comprised of counselors and community service providers. Recognizing the diversity of the Latino community in the State, the advisory board ensures that the information is written using Spanish that is as generic as possible.

Affiliate centers reach out to agencies that serve the Latino community, including health clinics, legal services agencies, churches, employment programs, and others. Posters advertising the hotline have been hung in these and other agencies.

Llamános counselors and staff connect with Latino individuals through their participation in community events such as national days (e.g. Dominican Republic National Day), festivals, and health fairs. Llamános employs an outreach strategy at these events that minimizes the focus on sexual assault while trying to capture people's attention through other means. These involve brightly colored display tables and raffles that give anyone a reason to approach their table. The word sexual assault ("violación") is not visible until people look at their literature. When people do approach, Llamános counselors have found that women respond most to the personal contact they are able to provide about what sexual assault is and the resources available for Latina survivors, their friends, and family.

# Rape Crisis Center, Women and Family Services

*Defiance, Ohio*

*Highlighted Feature:*

## Outreach to Migrant Women

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

The Migrant Women's Services program addresses women's physical and emotional health needs by providing basic healthcare and sexual assault services. The program tries to overcome barriers migrant women face in gaining access to traditional sexual assault services. The Center brings services directly to women as much as possible. In 1997, it purchased a mobile unit that travels to migrant camps. Started with STOP Grant funding, the program has been enormously popular, having reached 960 women in its first year.

### *Demographics*

The Rape Crisis Center is located in Northwestern Ohio in Defiance, a community with a population of approximately 50,000. The Center serves five rural counties. Factories and farming provide the majority of jobs in the area. In 1997, the Center provided advocacy services to 149 clients.

### *Description of Program Response*

**Increasing accessibility to services.** A 28-foot mobile unit has been outfitted to travel

throughout the Center's five-county service area. This unit is used by the Center for other outreach programs throughout the year, such as providing services to women at local factories (where it stops in the parking lot at regularly scheduled times) and churches. It contains an examination room, a waiting room, and an interview room. The unit is staffed by a registered nurse and a migrant outreach advocate. During the growing season of April through November, the staff visits all 14 migrant camps on a regular basis (at least once a week).

**Building trust and addressing multiple needs.** The migrant outreach advocate, Alicia Hernandez, believes her background as a former migrant worker helps to establish trust with the women and families she is trying to reach. At the beginning of the growing season, before visiting the camps in the mobile unit, Hernandez introduces herself by first visiting the camps with a pick-up truck full of clothes, toys, dishes, and packages containing shampoo and soap to distribute. Throughout the season, she helps to coordinate donations to the workers, in response to stated needs.

Issues relating to sexual and physical violence are addressed in the context of the provision of routine medical services. When the mobile unit arrives, workers understand that the following services will be offered by the registered nurse:

- iron checks;
- blood pressure checks;
- pap smears;
- pelvic exams; and
- HIV testing.

Hernandez interviews everyone who comes to the unit for services and asks about their health, including whether they've experienced any sexual or physical violence. She has found that frequently a woman will not disclose the violence at the initial interview, but returns to the unit at a later time to discuss it. Recognizing that women may not use the terms rape or sexual assault to describe their experiences, she asks if anyone has ever forced them to have sexual contact against their will. If clients respond affirmatively, Hernandez explains some of the

physical and psychological effects of this violence.

Hernandez tries to connect the women back to community resources which have the capacity to provide additional or more comprehensive services to victims. She advises the woman of the availability of the services and free counseling at the Rape Crisis Center and directs them to the bilingual counselor if necessary. Hernandez coordinates with the Rape Crisis Center bilingual counselor to provide advocacy in the event that a woman wishes to report a sexual assault or battering incident to law enforcement. If the woman needs shelter, Hernandez will notify shelter staff and provide translation services.

Although the Rape Crisis Center has translated many of its materials into Spanish, Hernandez offers to read and write for all clients, as many of them are illiterate.

**Linkages with other community agencies.** Hernandez initiates and maintains contact with agencies that provide services needed by the migrant population. She has established relationships with agencies such as the Rural Opportunity Agency, legal services, and migrant education programs to make them aware of her program, as well as to make referrals to them. This also enhances her fundraising and contributions. For example, one of the police departments repairs bicycles and donates them to the camps. Local churches supply food and blankets.

**Community education.** Hernandez participates in an increasingly busy public speaking schedule. She usually speaks on issues of cultural diversity and the fact that migrant workers are part of the community, a fact unknown to many audiences. Churches, schools, and community groups invite Hernandez to make presentations.

## **Refuge House, Inc.**

*Tallahassee, Florida*

*Highlighted Feature:*

### **Rural Initiative Program**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

Refuge House, Tallahassee, Florida, has the distinction of providing domestic and sexual violence services to victims in 8 counties. Seven of these are rural counties. The Rural Initiative Program was designed to address the realities faced by many rural battered women. Working within a budget of \$65,684, the initiative provides support for rural outreach staff, trains local law enforcement and service providers, and works to develop a coordinated community response to domestic and sexual violence. They provide safety planning, counseling, support groups, advocacy, injunction assistance, as well as crisis intervention on the phone or in person.

#### ***Demographics***

The 7 county area served by Refuge House covers 4,843 square miles and has a total population of 129,000 (27 people per square mile). County populations range from 42,000 to 6,000. Some victims in these counties must travel up to 87 miles for services at Refuge House. Even clients in the nearest counties have to travel 30 miles to receive services at the main Tallahassee office or the emergency shelter.

#### ***Description of Program Response***

**Creation of rural program director and rural organizer positions.** The Rural Program Director (RPD) supervises the 6 rural organizers working in the seven counties. The Director provides consistent support for the organizers who are working in isolated areas in communities that can provide few resources to victims of domestic violence. The RPD works to make services more accessible to victims. For example, a new emergency shelter that serves a two-county area will open soon, and the Director is developing a feasibility report on whether a safe house project can be developed for one of the most remote counties. In addition, the RPD facilitates coordination among disciplines. She attends county task force meetings, provides training for law enforcement and coordinates law enforcement round table discussions in each of the counties.

**Initiative helps organize task force.** In each county, the organizers have brought together key members of the community to form a Domestic Violence and Sexual Assault Task Force. The work of the task force has resulted in the following:

- office space has been donated in 3 of the counties;
- community members have joined the task forces or have volunteered services;
- newspapers have donated space for articles and announcements and provided coverage of Refuge House events;
- the task force organized Community Town Hall meetings where community members were invited to become a part of the response to the domestic and sexual violence in their community;
- the opening of an injunction assistance office in one county; and
- sororities donated toiletries and information packets for sexual assault victims treated in local hospitals.

**Multidisciplinary training and partnerships.** An integral part of the Rural Project is the focus on training of all disciplines that have contact with victims of sexual assault or domestic violence, including law enforcement,

professionals, civic organizations, schools, and churches. The training in each county is tailored to the specific needs of the community members, and ranges from information on the dynamics of domestic violence to information specific to each discipline's role in the response to domestic violence victims. In turn, judges, sheriffs, and chiefs of police have provided training to volunteer crisis counselors, hotline workers, and court advocates.

Partnerships are being developed among Refuge House and social service providers, churches, civic groups, and local businesses. For example, hospital staff members in one county participate in Sexual Assault Response Training arranged by the Refuge House Sexual Violence Program Director. Agreements with local motels to provide emergency overnight housing are being created.

A number of new protocols are being implemented as a result of the strengthened relationships among disciplines. Law enforcement officers now transport victims to shelter in emergencies (previously, victims would either have to rely on friends or relatives to transport them). A protocol is being developed with law enforcement and hospital emergency room staff to require law enforcement or medical personnel to call Refuge House when a victim would like to be contacted. The rural organizer or a trained on-call volunteer will respond to the medical facility, the police station, or any other location called upon to respond to by law enforcement. Upon arrival, the responding worker will then provide support, counseling, and resource referrals.

**Increased delivery of services to rural victims and mobilized communities.** Since this new initiative began in 1996, the rural program has assisted over 750 victims of domestic and sexual violence. The program filled a great void: victims know where to turn when they are in need of crisis counseling or other services, can obtain assistance in filling out injunction paperwork, and have the advantage of receiving the support of a committed advocate during court hearings. In addition, community awareness of sexual and domestic violence has been raised, and many community members have become involved. Some community leaders have publicly denounced family violence and local

governments are signing proclamations declaring their county "Zero Tolerance Zones" for domestic violence. As a way of showing support for victims and families of victims, one county held a memorial service for victims of domestic violence who were killed by their batterers. Local and State government representatives, as well as local sheriffs and county commissioners were present at the service, along with victims' friends and family members. Two other counties held their first community rallies and every county has held town hall meetings to bring together concerned community members.

# Refugee Women's Alliance

Seattle, Washington

*Highlighted Feature:*

## Advocacy and Support to Refugee and Immigrant Battered Women

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The Refugee Women's Alliance is a non-profit, multi-ethnic organization founded in 1985 to help refugee and immigrant women achieve self-sufficiency through networking, educational, and social service programs. It has since grown to a comprehensive family support center employing 25 staff and utilizing 100 community volunteers. ReWA provides the following services to over 800 women and families each year:

- literacy and English as a Second Language classes;
- and citizenship classes;
- parent education;
- advocacy and support to victims of domestic violence;
- batterers' treatment;
- on-site childcare and early childhood education;
- childcare provider training for refugee and immigrant women; and
- community referrals.

### *Demographics*

Seattle is located on Puget Sound, 113 miles from the U.S.-Canadian border. It has a population of 531,400. 75.3 percent of its

residents are Caucasian (including 3.6 percent of Hispanic origin), 10.1 percent are African-American, 11.2 percent are Asian-American, 1.42 percent are Native American, .54 percent are Pacific Islanders, and 1.42 percent are from a variety of other ethnic groups. There are currently more than 50,000 refugees residing in King County. ReWA serves primarily women and families from East Africa, Eastern Europe, Southeast Asia, and the Former Soviet Republics.

### *Description of Program Response*

**Victim-defined intervention services for battered women.** The guiding principle for the advocacy services provided by six full-time advocates and one program manager in ReWA's domestic violence program is creativity. While ReWA itself does not provide every service a woman might need, they try to connect women with places that can provide needed services. ReWA can provide emergency financial support for baby supplies, food, and transportation.

Many of their clients want the family to stay together, but want the abuse to stop. With all clients, advocates assess the woman's level of safety and security. They try to develop strategies with the woman to preserve her safety and that of her children, while respecting her decision to remain in the relationship. More than 90 percent of ReWA's clients can articulate an individualized safety plan for themselves and their children. For many, the emphasis on self-esteem, and informed choices is an entirely new tool for immigrant and refugee women to use in rebuilding strong personal resources that have been shattered by family violence.

**Bilingual and bi-cultural victim advocacy.** ReWA advocates are bilingual and bi-cultural and most are refugee and immigrant women themselves. Currently, advocates can deliver services in 12 languages. ReWA Executive Director Sue Wilkes believes clients identify with advocates who have also immigrated to or been refugees in this country, regardless of whether or not they share the same background. Because the ability of clients to identify with their advocates is deemed so important, ReWA advocates will provide "co-advocacy" services in the community. This

means a ReWA advocate will accompany the woman through the shelter's intake and orientation process, as well as provide translation or support as needed during her stay at the shelter. ReWA does not operate a shelter, but women who need shelter can expect support from local shelter advocates as well as someone from ReWA.

ReWA works closely with local domestic violence service providers to ensure their clients have equal access to programs. In addition to offering co-advocacy, they provide training to other programs' staff and volunteers.

**Criminal justice system advocacy.** The Refugee Women's Alliance works in collaboration with the Seattle Police Department to strengthen its response to battered immigrant and refugee women. Many of their clients fear the criminal justice system because of what that system represented in their home country or because of fear of deportation. ReWA has delivered technical assistance on working with limited English speakers to the department. Occasionally, they will also provide training to new recruits on these and related issues.

**Specialized legal services.** The clients with whom ReWA works struggle with complex legal issues, such as determining their citizenship status if they choose to divorce their husbands. In response to the great need for legal services, ReWA has partnered with a local community-based legal services agency to provide legal consultation. The Family Law Clinic makes a special effort to serve limited English-speaking battered women. The clinic is offered once a week at the ReWA site. They also assist clients in finding *pro bono* representation through the King County Bar Association. For women whose cases may be covered by the Violence Against Women Act, ReWA can refer them to the Northwest Immigrant Rights Project.

**Community education.** ReWA conducts frequent education sessions on the causes and effects of domestic violence. ReWA recognizes that many refugees may view battering behavior as acceptable or may be hesitant about attending a program that would identify them as a victim. Thus, the programs are often described as "Maintaining Healthy Families." Accordingly,

the presentations focus on the changes families experience as a result of acculturation and resettlement and what families can do to achieve a successful resettlement. Presenters explore the stress this upheaval places on a family and the violence that can be associated with this stress.

In addition to presentations made to English as a Second Language classes, temples, mutual assistance organizations, and other agencies where immigrant and refugee women go, ReWA sets up tables at community fairs. They distribute information that addresses laws related to domestic violence and emphasizes the rights immigrant and refugee women possess in this country.

**Sexual assault initiative.** The ReWA Executive Director explains that discussing sexual assault is even more of a taboo among refugee and immigrant women than discussing domestic violence. In 1998, ReWA began subcontracting with a group of four sexual assault programs in King County to provide services to their clients. ReWA staff will develop community education presentations and materials on sexual assault that are culturally appropriate. To prepare staff for this new program component, they will undergo a 30-hour training on sexual assault provided by the four sexual assault programs.

# Riverview Center, Inc. Sexual Assault Prevention and Intervention Services

*Galena, Illinois*

*Highlighted Feature:*

## Comprehensive Services for Sexual Assault Victims in a Rural Area

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

Riverview Center combines comprehensive victim services with a commitment to institutional advocacy. Riverview Center provides all of its services free of charge to individuals, aged ten and above, who have been sexually assaulted, and to their significant others.

The services include:

- 24-hour crisis intervention;
- legal and medical advocacy;
- short and long-term counseling; telephone counseling; and
- community education and prevention.

Riverview Center operates with nine full-time and three part-time employees on a budget of approximately \$400,000.

### *Demographics*

Riverview Center's primary office is located in rural Northwest Illinois in a "Tri-State Area," bordered by Iowa and Wisconsin. The Center

serves Jo Daviess and Carrol Counties in Illinois and Dubuque County in Iowa. The total population of all three counties is 128,000. Economic development is limited; tourism and farming are the two major sources of employment. The population is overwhelmingly White, with small, but growing, Latino and African American populations.

### *Description of Program Response*

**Criminal justice system advocacy.** Riverview Center employs three full-time legal advocates, who serve as liaisons with law enforcement agencies and prosecutors' offices. The advocates work daily to:

- promote understanding among criminal justice system professionals;
- create a safe environment for victims; and
- foster sensitive treatment of victims.

They accompany victims to interviews and hearings and hold meetings with judges, police officers, and others within the criminal justice system to discuss issues in the way cases are being handled.

Letters of agreement have been signed by both Riverview Center and the police department and sheriff's office in each city for their service area. These agreements outline the responsibilities of Riverview Center and the law enforcement agency. Under the agreements, as soon as the police receive a report of a sexual assault, they page an advocate who meets the victim at the designated hospital. The agreements also enhance the response to victims across State lines, such as ensuring that victims from Illinois seeking treatment in Dubuque hospitals are properly referred to Riverview Center. All police officers in the three-county service area undergo a twenty-hour training on sexual assault provided by Riverview Center that is underwritten by their departments.

According to Riverview Center Executive Director Vickie Gratton, Riverview Center volunteer advocates and staff are very good at writing letters of appreciation in response to specific incidents. These letters reinforce professional and compassionate responses to

sexual assault victims by other professionals in the community.

Riverview Center monitors the criminal justice system's handling of sexual assault cases and prepares a monthly report that tracks the outcomes of the cases of the victims they serve. This report includes the following information on each case, as appropriate:

- type of plea entered (whether for original or lesser charge);
- convictions (original or lesser charge);
- number of victims who reported to police;
- number of arrests; and
- number of prosecutions initiated in clients' cases.

This data is used in meetings with law enforcement and the district attorney's office to assess the implementation of policies and make changes when necessary.

**Outreach to underserved populations.** In order to reach its largely rural population, Riverview Center tries to make seeking help convenient for clients. To this end, Riverview Center has opened two satellite offices in the past year and a half. It also maintains a generous travel budget. Counselors travel throughout the three-county service area. To respond to client need for counseling services, three full-time Master's Level clinicians and one part-time clinical director are employed by Riverview Center.

Counselors often meet clients in "trusted places," such as local schools and churches. While it is difficult to convene groups for adults in rural areas, Riverview Center finds success operating support groups for sexually assaulted teens.

The primary office of Riverview Center is shared with a local organization, the Jo Daviess Workshop, Inc., that serves people with developmental disabilities. This relationship has advanced Riverview Center' goal of tailoring comprehensive services to meet the needs of the developmentally disabled. Jo Daviess Workshop staff speaks at all Riverview Center volunteer and law enforcement trainings on the special needs of the developmentally disabled.

In the past year, Riverview Center initiated outreach to the growing number of Spanish speakers in their service area. In the spring of 1997, they contacted a local church that serves the Latino population and subsequently made a presentation (in Spanish) on sexual violence to church members. To prepare for an anticipated increase in the need for translation services, Riverview Center identified bilingual individuals in the community and is conducting training for staff on cultural competence.

**Development of community partnerships and linkages.** Riverview Center works collaboratively with other agencies to meet the needs of victims/survivors. These include school counselors, mental health professionals, clergy, and other professionals who may be a point of contact for a survivor.

Recognizing the links between domestic violence and many sexual assault incidents, Riverview Center works closely with the local domestic violence program, YWCA's CHOICES. They make referrals to each other and often make joint presentations in the community.

Riverview Center offers a 20-hour training program for medical professionals to improve their response to victims. Those who have participated in Riverview Center trainings include emergency responders (such as emergency medical technicians and emergency room nurses) as well as those professionals to whom a survivor might present ongoing complaints such as family doctors and clinic professionals.

**Building the capacity of staff and volunteers.** Riverview Center depends on volunteers to provide round-the-clock services. While paid staff take crisis calls during business hours, it is the volunteers who carry the pager after hours to handle calls from survivors struggling with flashbacks or nightmares or from police who require an advocate to meet them at the hospital. As required by the Illinois Coalition Against Sexual Assault, all volunteers undergo a 40-hour training program. In addition, they participate in monthly in-services training with staff.

Staff and volunteers are encouraged to participate in regional and State meetings and advocacy training. Staff are also urged to attend meetings where they can meet and share information with sister coalitions.

**Emphasis on community education.** Extensive community education about sexual assault is a central activity of Riverview Center. Education is viewed as a critical component in changing the attitudes that contribute to sexual assault or that cause trauma to the victim following sexual assault. Staff make presentations to many audiences, including schools, religious groups, civic organizations and businesses.

# Rockland Family Shelter

*New City, New York*

*Highlighted Feature:*

## Specialized Programs to Meet the Unique Needs of Battered Women from Diverse Populations

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The Rockland Family Shelter (RFS) is a privately operated, grassroots organization dedicated to ending violence in the lives of women and children. Incorporated in 1979, RFS is the only organization in Rockland County providing sanctuary and support services for battered women and their children and sexual assault survivors. The Shelter's commitment to expand the services it provides to the county's diverse populations is evident in the ongoing development of specialized programs. Programs currently exist for Hispanic/Latina, Jewish Orthodox, Haitian, and Lesbian and Bisexual battered women. Specialized services for African-American and Asian women are being developed.

RFS places considerable emphasis on building staff and volunteer recognition and understanding of the effects of racism, sexism, and all forms of oppression.

RFS's domestic violence services include the following: A 24-hour hotline; emergency shelter for battered women and their children; non-residential services available through community

walk-in centers, including court assistance, systems advocacy, counseling, support groups and information and referral; residential and non-residential children's services; the Mary Weingard Domestic Violence Legal Project; and the specialized projects described below. In addition, RFS provides direct services for sexual assault victims, community education, and professional training and consultation.

### *Demographics*

Rockland County is located 30 miles north of New York City. According to the 1996 American Community Survey, the total population is 270,962. Approximately 81 percent are White, 10.9 percent are Black, 0.3 percent are American Indian, and 5.7 percent are Asian. Individuals of Hispanic origin represent 8 percent of the population, and are reflected within both the White and Black percentages. Leaders from the Haitian community indicate 20,000 Haitians live in the community. The United Jewish Appeal reports that close to one-third of Rockland residents are Jewish. The resident Jewish population of Rockland, combined with neighboring Orange County, represents the third largest Orthodox Jewish population worldwide.

### *Description of Program Response*

**Agency commitment to improved response.** Executive Director Carolyn Fish stresses that while several exciting projects are underway to reach out to underserved women, much work remains to be done. RFS realizes that these projects will evolve as staff members learn about obstacles faced by victims in each community, build community trust in the integrity of RFS's efforts, and partner with community members to address appropriately the unique needs of victims. RFS staff are encouraged to continuously work to examine and overcome their own prejudices.

**Hispanic/Latina Project.** In 1984, the RFS Hispanic/Latina Project was borne out of a desire to reach the growing population of Spanish-speaking battered women. At that time, RFS hired its first full-time, bilingual/bicultural staff member to develop and provide specialized Hispanic/Latina services. Within the first year

of this program, the number of Hispanic/Latina women seeking agency assistance increased by 17 percent. Through the project coordinator's personal and professional networking efforts, numerous cooperative projects with the local Hispanic Coalition have developed. In addition to providing the core services offered to all shelter clients, a support group in Spanish is offered in Haverstraw, home to the largest Hispanic community in the county. The shelter has initiated an education and prevention program for the Hispanic community, including co-sponsoring with the Hispanic Coalition the screening of a Spanish language film about domestic violence for Domestic Violence Awareness Month.

Special emphasis is placed on assisting battered women with immigration, housing and educational issues. A support group is conducted in Spanish and additional office hours are held in community walk-in centers located in areas easily accessible to the Hispanic/Latina community.

**Project Tikva.** In 1994, staff of RFS were invited to meet with a group of women and men from within the Orthodox Jewish community who were interested in learning more about domestic abuse and violence. As a result of this meeting, a loosely formed coalition was created and eventually Project Tikva was developed to address the specific and unique cultural needs of Orthodox and Hasidic abused and battered women. A separate area in the existing emergency shelter kitchen was set aside to create Kosher kitchen facilities. Project Tikva offers non-residential services (court assistance, systems advocacy, counseling, support groups, and information and referral) provided by bilingual (Yiddish or Hebrew or both) and bicultural Orthodox Jewish Orthodox staff. The project coordinator accompanies Orthodox women to consultations with rabbis, makes referrals to agencies and individuals within the community, and makes home visits. All services are rendered under Halachic guidelines.

**Haitian Project.** As part of a 1997 expansion program in cooperation with the Village of Spring Valley (the center of the growing Rockland County Haitian community), a satellite RFS office was opened in Spring Valley. An

additional satellite office is now housed within a local church.

The project relies on its visibility within the community and on word of mouth: the project receives most of its referrals from women who previously utilized RFS services. The project is collaborating with Haitian community leaders and staff from local county institutions and agencies, who also make a significant number of referrals to the project. Expanded services for the Haitian community are being developed; these will include a support group that will be conducted in Creole, and services for Haitian victims of domestic violence with immigration issues.

**Lesbian-Bisexual Project.** My Sister's Place (a Domestic Violence program from neighboring Westchester County) and the local Batterer's Intervention Program co-sponsored a series of meetings in 1997 for battered women's advocates and interested members of the lesbian and bisexual communities. Women who attended the meetings continue to meet monthly. Support groups for abused lesbians and bisexual women have begun at both RFS and My Sister's Place. Both advocacy agencies are actively involved in educational and outreach efforts and in a process of ensuring that the agencies become more accessible to lesbian and bisexual communities. The project advertises in mainstream and lesbian newsletters, and sends mailings to community organizations and agencies. They also train staff to identify the primary aggressor and to address child custody issues.

**African-American Project.** RFS has gained a wealth of experience and knowledge from developing specialized services for women from diverse ethnic and racial backgrounds and from the anti-racism work that is being undertaken within the agency. Though RFS has been providing services for African-American women and their children since its inception, RFS believes as an organization, it does not have an adequate understanding of the unique Black culture or the effects of institutional racism on families.

Staff members are beginning to re-examine their basic programs and services so they can better meet the unique needs of African-American abused and battered women. In addition, RFS is beginning to address the impact of institutional racism on its staff and all of its programs and services. With the opening of two satellite offices, RFS plans to begin a dialogue with women from the African-American community who will provide the leadership, direction, and feedback required to inform the work of RFS.

**Asian Project.** Through the Asian Project, the RFS will collaborate with a local Asian women's organization. The project will train and supervise a number of the organization's volunteers on domestic violence and crisis counseling. The volunteers will in turn provide hotline crisis counseling to Asian victims and facilitate support groups for battered Asian women.

## **Sexual Assault Care Center for Rensselaer County**

*Troy, New York*

*Highlighted Feature:*

### **Sexual Assault Nurse Examiner Program (SANE) Coordinated by the Advocacy Center**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Sexual Assault Care Center provides comprehensive services to sexual assault survivors in Rensselaer County, from 24-hour crisis intervention to community education. In the past year, it has expanded its services to include a Sexual Assault Nurse Examiner (SANE) program. The SANE program operates on a cash budget of approximately \$60,000. An additional \$30,000 in in-kind services supports the program. These include donated space in the hospital, physician services, payroll services, and clothing. In 1997, the Sexual Assault Care Center received almost 800 calls for service. The SANE program provided care to 38 patients.

### ***Demographics***

The city of Troy, where the Sexual Assault Care Center is located has a population of approximately 73,000 residents. At 6% of the population persons of Asian descent are the largest racial minority followed by African-Americans (1%) and Latinos (1%). Rensselaer County contains both rural and suburban areas.

### ***Description of Program Response***

**Pilot project for the State.** In 1996, the Sexual Assault Care Center was chosen to pilot the new statewide Sexual Assault Nurse Examiner (SANE) program standards, developed by the New York State Coalition Against Sexual Assault (NYSCASA).

The program is physically located within Samaritan Hospital. The center employs one full-time forensic nurse to coordinate the program. She performs medical and forensic examinations as needed, in addition to her administrative responsibilities. In order to maintain 24-hour coverage, consulting nurses from a specially trained pool perform exams. These nurses are employed by Samaritan Hospital and are paid a flat fee by the SANE program for the hours they work.

**Victim-centered structure.** The Rensselaer SANE Pilot Program was created to help improve the way sexual assault victims are treated in hospital emergency departments and to increase successful prosecutions in cases where victims decide to report. The program was developed by a multidisciplinary team, including representatives from the district attorney's office, the Columbia University School of Nursing and the New York State Department of Health.

SANE programs use specially trained nurses to ensure the compassionate treatment of sexual assault survivors, immediately following their assault and throughout the evidence collection process. In the New York model, the SANE program is coordinated by the community-based sexual assault crisis center to ensure that the program is responsive to a survivor's needs. The objectives of the Rensselaer program are to:

- promote victim-sensitive responses, from the time the victim is initially examined through all follow-up care, counseling, and legal advocacy;
- improve the forensic medical evidence collection process;
- increase cost-effectiveness of forensic exams; and
- better prepare witnesses and evidence for trial.

By establishing the SANE program under the auspices of the local sexual assault program, the emphasis is on the health and welfare of the sexually assaulted patient. The program holds the investigative objectives of the forensic medical examination equal to assuring the overall physical and mental health of the patient.

This NYSCASA project was funded by the State Department of Criminal Justice Services through a VAWA STOP grant. With the success of the Rensselaer program, NYSCASA is now urging lawmakers to support replication of the program throughout the State.

**Training for all sectors.** Nurses who want to participate in the SANE pool must undergo a four-day classroom training (on their own time), during which the following topics are covered:

- the psychology of survivor coping mechanisms;
- the role of the advocate;
- the use of the microscope and the colposcope;
- patient assessment and evaluation;
- cultural considerations; and
- preparation for court testimony.

The Sexual Assault Care Center is a designated trainer for the New York State Police Sex Offense Seminar. During this seminar, center advocates make general presentations on sexual assault, as well as introduce the SANE program to participants. Local law enforcement agencies learn about the SANE program and sexual assault through roll call presentations and regular training seminars.

**Examination protocol.** A center advocate (called a "sexual assault counselor") and the SANE nurse meet sexual assault victims who come to the hospital for medical care and/or a forensic examination. If law enforcement officers bring the victim, they brief the nurse on details of the assault that might have an impact on how and what evidence is collected (e.g. she said she scratched him, so be sure to take fingernail scrapings). Following the examination and with the consent of the victim, the SANE nurse will provide any information to law enforcement that may be helpful in their investigation.

For those patients who have not reported the assault to the police, the center counselor thoroughly explains the consequences of reporting. The State of New York has a policy that sexual assault "kits" (boxes containing specimens collected during the forensic medical examination) are to be held for thirty days. This policy extends the amount of time a victim has to make a decision to report without losing valuable physical evidence.

Sexual assault counselors attempt to address a victim's needs before she leaves the hospital. The counselor:

- provides the victim with information on sexual assault, common victim reactions, community resources available to assist in her recovery, and her legal rights and options;
- offers emotional support throughout the medical and investigative process;
- assists the victim in completing the crime victim compensation form to apply for State coverage for the cost of the medical exam and treatment not associated with forensic evidence collection;
- offers to call the victim's employer and explain why she may be missing work;
- ensures she is returning to a safe place;
- provides her with a place to shower or wash; and
- provides her with donated clothing and toiletry kits.

Victims are asked whether they would like an advocate to contact them the next day or if they would prefer to initiate contact.

**Coordination with the criminal justice system.** The district attorney's office has supported the SANE program from the beginning. The coordinator of the SANE program and the consultant nurses are often called to provide testimony. The SANE nurse testifies only to the forensic medical findings of each victim's examination, a fact which is explained to all victims before the exam begins.

Lisa Navis, the Director of the Sexual Assault Care Center, believes the SANE program has facilitated an increased number of cases going

forward to prosecution. This is due, in part, to the trust the district attorney's office places in the SANE program's ability to properly collect forensic evidence and testify at trial. In addition, Navis observes that the teamwork approach to caring for the sexually assaulted patient creates better witnesses. Victims feel more supported and thus are more likely to stay involved in the often lengthy process of investigation and prosecution. More cases involving assaults by an acquaintance are being taken by the district attorney's office than before the existence of the SANE program.

The presence of center advocates at all stages of the criminal justice process provides victims with continued support and respect.

## **The Shelter for Abused Women -- A Women's Resource Center**

*Winchester, Virginia*

*Highlighted Feature:*

### **Victim Assistance Project on Stalking**

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### ***Overview and Mission***

Recognizing that many victims of domestic violence and sexual assault continue to be victimized through stalking, the Shelter for Abused Women is enhancing the safety of victims and holding offenders accountable in the criminal justice system through its Victim Assistance Project on Stalking (VAPS). The project seeks to improve the response to stalking victims by:

- empowering victims of stalking through safety-enhancing devices and proactive collection of evidence;
- coordinating the law enforcement and judicial responses to stalking; and
- educating law enforcement on stalking and the needs of stalking victims.

### ***Demographics***

The VAPS program serves the City of Winchester, Frederick County, and Clark County. Winchester has a population of approximately 25,000. Frederick and Clark Counties are largely rural. Their populations (including Winchester) total approximately

90,000. The counties contain a mixture of small farms, several factories, and large orchards. A sizable population of migrant farm workers are present during late summer and early fall. The area is home to the Winchester Medical Center, Shenandoah University, Fairfax Community College, and a number of professional technical firms.

### ***Description of Program Response***

**Recognizing the need for improved response to stalking victims.** The Shelter for Abused Women has provided services to domestic violence victims since 1980, and to victims of sexual assault since 1989. During this period, the shelter developed strong relationships with local law enforcement and other service agencies, which has contributed to improvement of the criminal justice system's response to victims of sexual assault and the criminal justice system. The nature of stalking, though, makes it a more difficult crime to address, both by victim services and the criminal justice system. Apprehension and prosecution is difficult because of the nature of the crimes. For example, the stalker's actions may not always be violent and may not appear to pose a real threat to the victim. There may be no evidence of the incident beyond a victim's statement. In the past, law enforcement officers often told victims to keep logs of incidents. However, these logs were sometimes inadequate as evidence in a warrant hearing or in a criminal prosecution because victims were not informed in advance about the level of detail needed. To help improve the response to victims of stalking the Shelter implemented the Victim Assistance Project on Stalking (VAPS).

**Enhanced victim security and evidence collection through defense kits.** Stalking victims may be vulnerable to attack any time and anywhere. Because of this constant vulnerability, they often feel powerless over their situations and may not feel safe at home or out in public. The VAPS provided stalking defense kits to victims to help them feel safer, less vulnerable to attacks, and to help them collect evidence for their cases. The Shelter assembled five defense kits for \$200 each, which include:

- a hand-carried personal alarm;
- two door jambs or door knob alarms for the home;
- a cellular phone with direct 911 capability;
- a disposable camera;
- a cassette recorder for monitoring phone conversations;
- instructions for gathering and keeping evidence;
- evidence collection bags with a space to write the date of the each incident and identify related evidence;
- safety plans;
- emergency phone numbers;
- a stalking incident report;
- a "no trespass" notice; and
- narrative forms for writing descriptions of incidents.

Additionally, materials and instructions included with defense kits provide education on common behaviors of stalkers and what perpetrators hope to gain from stalking their victims.

The items in the kits may be classified into two groups: safety enhancing devices and evidence collection materials. Home alarms provide victims with a sense of security while at home, knowing that an alarm will alert law enforcement if triggered. Carrying hand-held alarms and cellular phones helps victims to feel less apprehensive about going out in public and allow them to resume normal activities. The safety device kits provide victims with a sense of relief and control over their lives which they often feel has been taken from them by their stalker.

Without a law enforcement or legal background, most victims are not aware of the detailed evidence that must be presented in order for prosecutors to charge and bring a stalker to trial. Victims who participate in the VAPS are educated by an advocate on what they can do to help build a solid legal case. Participating victims learn about specificity of documentation that is required for police reports and for evidence to be admitted at trial. Victims are trained in documentation techniques using the camera, cassette recorder, and narrative forms. After being trained in evidence collection, many victims learn to use the devices in unique ways, such as by taking photographs of stalkers' cars and license plates as they trail the cars victims are in.

The evidence collected by victims using the kit is not intended to supplant the evidence collected by police officers called to the scene of an incident or to discourage victims from calling the police. Rather, any evidence collected by a victim is intended to supplement and enhance the evidence collected and submitted by police. The area served by the VAPS is rural and spread out, which may require police to travel 25 minutes or more to get to a scene. Any documentation provided by the victim before the police arrive can greatly enhance the quantity and quality of evidence collected.

**Increased coordination among advocates, law enforcement, courts, and victims.** As part of the program, advocates educate victims about the correct response they should expect from police officers. This education helps victims to learn to advocate for themselves when necessary. For example, victims then know to remind officers to do the following:

- file an incident report, even if the stalker is no longer present at the scene when they arrive; and
- provide the victim with an incident number for her records.

The shelter has incorporated information about stalking cases into its domestic violence training programs for law enforcement agencies. Trainers teach rookies and seasoned officers about the link between domestic violence and stalking, and review procedures for responding to victims of stalking. The shelter provides all officers with:

- a copy of their program brochure that includes information on the VAPS; and
- a stalking information card, intended to be carried by law enforcement officers to aid them in the identification of stalking victims and perpetrators.

Additionally, each time a defense kit is given to a victim, the shelter sends a profile of that victim's stalker to law enforcement. The profile contains a description of the stalker, as well as the perpetrator's typical stalking behavior. It is intended to alert law enforcement to these particularly high-risk cases and to aid in apprehension of the perpetrators.

The program has received significant support from members of the judiciary, who have learned to refer victims to the program. One judge wrote a letter in support of the project that was included in the funding proposal for the VAPS. Judges make referrals to the programs for victims who are being stalked, but do not have sufficient evidence to prosecute. In some cases, the program has increased judicial awareness of the potential for violence in non-criminal cases. One judge refers formerly battered women to the shelter for assistance in creating safety plans. The judge also incorporates safety planning into visitation and exchange provisions of child custody and visitation orders.

# Standing Together Against Rape

*Anchorage, Alaska*

*Highlighted Features:*

## **Sexual Assault Response Team and Service to Underserved Women**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

Standing Together Against Rape (STAR) was incorporated in 1978 and is the only stand-alone sexual assault program in Alaska. The mission of STAR is to provide high quality crisis intervention, advocacy services to victims of sexual assault and sexual abuse, and to provide education on issues related to these crimes to the community. Currently, STAR employs 16 people who provide services to victims. Additionally, 40 trained volunteers cover the crisis phone hotlines during nights, weekends and holidays. An advocate is on-call at all times to provide face-to-face support to victims within 30 minutes. STAR provides crisis intervention to approximately 900 new victims each year and provides continued support, advocacy, and intervention to these victims as long as needed. Each year, STAR receives an average of 1,200 crisis calls.

### *Demographics*

Anchorage has a population of approximately 250,000. It is racially and ethnically diverse, with African Americans and Alaska Natives/American Indians comprising seven

percent of the population and Asians and Pacific Islanders six percent.

### *Description of Program Response*

**Direct services.** The direct services department consists of six paid advocate positions and one full-time Jesuit Volunteer. This department provides crisis intervention services to victims of sexual assault and their families through:

- Toll-free, state-wide, 24 hour crisis line;
- accompaniment through the medical/forensic exam, police interview and the court process;
- individual crisis intervention sessions;
- psycho-educational support groups; and
- connecting victims to other community services as needed.

**Sexual Assault Response Team.** In 1996, STAR and the Anchorage Police Department collaborated to create a Sexual Assault Response Team. This team consists of an advocate, a sexual assault nurse examiner (SANE), and a detective from the sexual assault unit of the local police department. The program is housed in a local hospital, is separate from the emergency room, and provides privacy and priority to sexual assault victims. There is a waiting room for families and friends, a private interview room, and an exam room with a shower. The victim interview takes place only after each member of the team has arrived and the process has been explained to the victim. The advocate supports the victim throughout the interview and the exam explaining what is happening and why. As the victim must surrender her/his clothes for evidence, a sweat suit is provided to each victim. The team works together to restore the victim's sense of control and to reduce the discomfort and trauma associated with the exam and interview process.

Extensive follow-up is provided to all victims as requested. Due to the trauma of a sexual assault on a person's life, the advocate is prepared to address a range of issues and needs with which the victim may be struggling. Typical referral needs include shelter, work, counseling, and substance abuse counseling.

**Ongoing support for survivors.** Support is also provided to victims through a number of creative groups. Groups have been developed that are specific to adult sexual assault, child sexual assault, male survivors, significant others, and parents of child victims. Additionally, "healing through expression" groups are offered that explore art and other activities. These activities include traditional Native craft group where Native survivors undertake a craft that is part of their particular culture. Both of these groups provide a safe and casual environment in which to discuss personal and difficult issues.

**Development of partnerships to reach wider range of victims.** STAR works with a number of other community programs to provide on-site groups to their clients. Because many survivors are reluctant to seek help from a sexual assault program directly, this practice increases the number of survivors in the community who have access to supportive and advocacy services. On-site support groups are offered in the following settings:

- drug and alcohol treatment programs;
- women's residential programs;
- prisons;
- adolescent detention centers;
- homeless shelters; and
- middle and high schools.

**Criminal justice system advocacy.** Advocates monitor trials, accompany victims to court, and provide support and intervention with prosecutors throughout the entire court process. Advocates also provide expert testimony on the issues of sexual assault, rape trauma syndrome, and child sexual assault. STAR has a legal advocate position that is dedicated to research and education for legislators, staff, and victims. The legal advocate is in the process of creating a legal manual on sexual assault laws and protocols.

**Training for rural areas.** For the past two years, STAR has been awarded the contract to hold "Rural Sexual Assault Trainings" in 15 sites throughout the State. Rural areas in Alaska face enormous challenges in providing services to sexual assault victims. In some villages, it takes one to two weeks to get out and get to a safe home. In certain seasons, some villages can only be reached by plane. The focus of the

trainings was to help communities develop individualized strategies to overcome barriers to an effective response to sexual assault.

The training team was comprised of a STAR staff person, a prosecutor and a State trooper. This team provided a three-day training to the local law enforcement, troopers, village safety officers, health aides, medical personnel, advocates, prosecutors, judges, and tribal staff from each location and surrounding villages. Trainers helped participants engage in a team approach to addressing sexual assault in each community. In order for each team member to develop a deeper understanding of other's roles and responsibilities, cross-training was central to the agenda. The result of these trainings has been a more unified approach to sexual assault in these communities and the development of SART centers throughout the State.

**Statewide sexual assault training.** STAR serves as the primary resource for training to communities around the State on sexual assault advocate roles, rape trauma syndrome and how to structure and implement a SART center. In the past two years, STAR staff has trained prosecutors from around the State on the issues of marital rape and sexual assault at the annual prosecutors conference.

**Community education.** The STAR Education Department provides sexual assault education and awareness presentations to 6,000 kindergarten through university students each year. Presentations are also made to other community members, professional groups and service organizations. In addition, STAR provides cross-training to community social service staff, as well as training of all new police officers in each academy.

This past year, the education department developed an exciting program called "Teens Teaching Teens." This project is focused on recruiting and training teens from high-risk populations on the issues of sexual assault. These teens will provide training to other teens through skits, plays and role plays. Teens are recruited through the school district, recreation centers and other community programs. STAR Executive Director, Trisha Gentle, reports that this project has "taken off."

**Outreach to Alaska native women.**

Another group to which STAR provides specific outreach, direct services and education is Alaska Native women. There is a significant problem with Alaska Native women being targeted by sex offenders. While they represent only 6.9 percent of the State's population, almost 45 percent of the SART calls are for sexual assaults involving Alaska Native women. Cultural barriers for these women seeking services include:

- a lack of understanding of the criminal justice system;
- a reluctance to disclose the details of the assault; and
- prejudice or misunderstanding from criminal justice professionals that often prevent these cases from being successfully prosecuted.

**Community partnerships.** STAR staff are involved in many community committees and working groups. They serve on the Anchorage Sexual Assault Task Force, interpersonal violence committee, child abuse committees, Native concerns committee, community planning committees, youth committees, prison services, among others. Gentle believes that it is vital for staff to be involved in all areas of the community in order to bring the issue of sexual assault to the forefront.

**Coordination of community response to sexual assault.** In March, STAR will begin implementing a coordinated community response to sexual assault. This response involves targeting sections of the community such as media, elected officials, businesses and service organizations. They are developing information packets specific to each group (media, business owners, service organizations) that outlines action steps they can take to:

1. respond more responsibly to sexual assault;
2. help to prevent sexual assault; and
3. minimize the traumatic effects of sexual assault on the victim.

In conjunction with STAR staff, each group will develop a detailed strategic plan for their own area.

## **Women's Center**

*Marquette, Michigan*

*Highlighted Feature:*

### **Dual Domestic Violence and Sexual Assault Serving Remote Counties**

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

#### ***Overview and Mission***

The Women's Center is a dual domestic violence and sexual assault program that aims "to support women's choices in a world free from violence and discrimination." The domestic violence program serves 400 to 600 individuals each year and the sexual assault program serves approximately 300 individuals. The Center provides emergency shelter for battered women and their children, and a full range of services including:

- food and clothing;
- individual and group counseling;
- legal advocacy;
- transportation and referrals;
- children's services;
- prevention and education programs; and
- participation in collaborative community initiatives.

#### ***Demographics***

Marquette and Alger Counties are located in the rural Upper Peninsula of Michigan. The counties cover a geographic area of 2,784 square miles, with a total population of 71,988 (1996 Census estimate). The largest city in the two county area is Marquette, Michigan, with a total

population of approximately 25,000. Within the county borders, there are 47 small, isolated villages and cities with populations of less than 1,000 persons.

#### ***Description of Program Response***

**On-call domestic violence advocacy team (DVAT) provides on-site response.** The DVAT is a response team of highly trained volunteers who are on-call 24-hours a day, seven days a week. DVAT volunteers provide a wide variety of services to victims of domestic violence, including transportation to a shelter, court advocacy, crisis counseling and referrals. The volunteers, who rotate on week-long shifts of on-call duty, are trained to provide on-site response to victims of domestic violence. Volunteers wear pagers at all times when on-call. When paged, they travel to the scene of the incident, a medical facility, or wherever the victim prefers to meet, as long as it is a safe, secure area. Volunteers responding to the scene of an incident always ensure that law enforcement will be present, with the agreement of the victim. For safety reasons, the volunteers work in teams of two.

**STOP Grant-funded satellite offices provide greater access and visibility.** The expansive area that is served by the Center (two counties that cover a geographic area of 2,784 square miles) makes travel to the Center for services extremely difficult, especially in the harsh winter months. To facilitate the delivery of services to victims, the Center provides outreach offices. One outreach office is located in the old city hall building in Ishpeming, where a Women's Center victim advocate is housed on a full-time basis. The other satellite office is located in the courthouse of Munising. Both advocates are on-call (to the police department in Ishpeming and to the County Law Enforcement and the prosecutor's office in Munising) 24 hours per day, 7 days a week, to provide immediate crisis response at the site of an incident of domestic or sexual violence. Although the satellite offices are relatively new, they are serving significant numbers of clients already: the Ishpeming advocate serves approximately 50 to 75 clients each year. The Munising advocate serves between 50 to 100 clients annually.

**Families First provides home visits and personalized service.** The Women's Center's Families First Program, part of a State and national collaboration between domestic violence programs and family preservation agencies, was one of five sites in the State selected to be pilot sites for a three year project. The program serves families from Marquette and Alger Counties who are encountering a crisis due to domestic violence. Social workers are trained in both the Families First model and domestic violence. Program workers provide home-based services to mothers and children for four to six weeks. This intensive work (ten to 20 hours of personal contact each week) focuses on a strength-based empowerment model. Services offered include counseling, safety planning, securing safe housing, parenting and budgeting. The workers are on-call to the family 24 hours a day, seven days a week and will meet with families whenever it is convenient for them. To eliminate any duplication of services, the Families First Program staff meets weekly with shelter staff and sexual assault response staff to coordinate services for clients.

**Full range of services provided to sexual assault victims.** The Sexual Assault Response Program (SARP) provides individual and group counseling, advocacy, educational information, and referrals for child and adult victims/survivors of sexual. These services are also provided to families and friends of survivors. Free individual face to face or phone counseling is available to any victim of sexual violence. A free support group for women victimized by sexual violence is also offered.

The SARP also provides advocacy, information, referrals, and transportation to law enforcement agencies, prosecutors' offices, court, hospital emergency rooms, and legal offices. Packets of educational materials on sexual violence are available to all victims and concerned others. A library of reference materials located at the Women's Center is available for victims and other interested persons. Referrals are made to other human service agencies when appropriate.

**Sexual Assault Victim Support Team (SAVST) Responds to Crises.** The SAVST is a team of highly-trained volunteers who provide 24-hour on-call support response to

victims of a sexual assault, including emotional support, educational information, advocacy, and court support. Depending on the preference of a survivor, volunteers travel to a survivor's home, the hospital, prosecutor's office, or the law enforcement agency. Direct supervision of volunteers is provided by the Sexual Assault Response Program Manager. Volunteers carry a beeper and are on-call for a week at a time. They also carry information on the Center's services and on sexual assault in general. Volunteers always carry a suitcase filled with sweat suits that a victim may want to change into at the hospital. The volunteer is trained to explain the examination process to the victim and is there to provide support and advocate for the victim's rights.

**Center Participates in Collaborative Efforts.** The Domestic Violence Justice Project is a collaborative effort between the Women's Center and the Marquette County Prosecutor's Office to provide a coordinated community response to domestic violence in Marquette County. The Project instituted a Domestic Violence Council to ensure a proactive community response to domestic violence. All agencies that affect the lives of domestic violence victims and perpetrators are included in the council. Council committees monitor batterer intervention services, victim services provided by community agencies, and the criminal justice response to domestic violence. The Center is actively involved in setting standards for batterer intervention programs in the county. This project is in the third year of a demonstration grant funded through the Michigan Department of Community Health. A manual is being developed for distribution to other communities in implementing a coordinated response in their areas.

The Domestic Violence Justice Project has worked on several issues. One project included collecting and analyzing data about domestic violence crimes from area law enforcement and the Marquette County Prosecutor's files. 911 calls were collected and analyzed for a period of several years. When interpreting the data, it was determined that Ishpeming seemed to have the most severe attacks of violence and a higher number of 911 calls per capita. This information

was the determining factor in the decision to open an outreach office in Ishpeming.

In 1995, the Women's Center collaborated with the heads of police agencies in Marquette County to develop a uniform domestic violence policy. Written domestic violence and sexual assault policies have now been established at all police departments, the Public Safety Department at Northern Michigan University, and the Emergency Departments at Marquette General Hospital and Bell Memorial Hospital. The policies include offering the Women's Center's 24-hour crisis intervention services to all domestic violence and sexual assault victims with whom they have contact.

The Women's Center collaborated with the Ishpeming Police Department and the Marquette County Prosecutor's Office to develop a model protocol for intervention at the incident site. The protocol defines the roles of the victim's advocate, the police officer and the prosecutor. This protocol also includes an inter-agency dispute resolution agreement.

The Center also partnered with First Northern National Bank and Cellulink to provide 4 cellular phones programmed to dial 911. The phones are provided to high-risk clients to use either when they are at home or out in public. In addition, the Center is currently participating in a sexual assault surveillance project being conducted by Michigan State University. The goal of the project is to design a model to track the incidence, prevalence, morbidity, mortality, and economic costs associated with sexual violence in Michigan. Historically, national and State statistics about sexual assault have underestimated the problem. This project hopes to provide critical information for policy development on intervention and prevention of sexual violence.

**Teens educated about sexual assault and dating violence.** The TEEN PEP Program is funded to provide a school-based sexual assault prevention program in Marquette High School, and Graveraet and Bothwell Middle Schools. The Program, in its second year, utilizes a peer education system whereby teens educate other teens about assault issues through skits, role plays, and discussions. The program receives its

primary funding from the Michigan Department of Community Health and is supplemented by smaller community grants.

The Center's new dating violence prevention program is offered in the majority of middle and high schools in Marquette County. Currently, one prevention specialist runs the program and utilizes several adult volunteers. In the future, the program, in collaboration with another local program Liberty Children's Art Project, will offer support groups for teen women who want to learn more about healthy relationships.

**Connecticut Office of  
Adult Probation;  
Connecticut Sexual  
Assault Crisis Services,  
Inc.; and Sex Offender  
Treatment**

*New Haven, Connecticut*

*Highlighted Feature:*

**Community Supervision of  
Sex Offenders**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

***Overview and Mission***

Connecticut's Office of Adult Probation uses a multidisciplinary team approach to supervising sex offenders on probation and parole. The model is unique in its philosophy of:

- enlisting community support in the supervision of offenders;
- designating specially trained probation officers to staff the unit;
- ensuring the input of victim advocates in decision-making;
- joint supervision of offenders with treatment providers; and
- an emphasis on community education about sexual assault as an integral component of community notification.

The lead agency on the team, the Office of Adult Probation, is the largest alternative to incarceration program in the State, supervising a total of over 56,000 offenders (including non-sex

offenders). The goals of the Sex Offender Supervision program are to:

- ensure victim safety and community protection;
- maximize the opportunity for the offender to participate and successfully complete treatment; and
- hold offenders accountable through immediate response to violations of probation.

***Demographics***

New Haven has a population of approximately 130,474. Whites comprise 53.9 percent of the population, African Americans 36.1 percent, followed by Latinos and Asians at 13.2 percent and 2.4 percent respectively. New Haven is home to several colleges and universities.

***Description of Response***

**Intensive sex offender unit.** In February of 1995, the Office of Adult Probation established an Intensive Sex Offender Unit to supervise high-risk sex offenders referred by the criminal court. The unit consists of four specially trained probation officers (three intensive officers with a maximum caseload of 25 each and one relapse prevention officer with a maximum caseload of 50), and a victim representative. The position of relapse prevention officer is a rotating position, providing the intensive officers with an opportunity for a break from the often psychologically and emotionally draining required by intensive supervision.

Maximum offender supervision includes:

- unannounced home visits, including evening and weekend visits;
- 24-hour, seven-days per week availability of unit officers;
- collaboration and communication among law enforcement, family members, employers and others who are in contact with the offender; and
- searches for at-risk behavior (e.g., evidence of children having been in the home, or toys which may be used to lure children,

pornography, INTERNET checks, illegal substances or alcohol, and weapons).

In addition, probation officers and treatment providers jointly supervise cases:

- treatment providers help to determine the level of risk and supervision modality of the offender;
- probation officers and treatment providers jointly make decisions on cases;
- probation officers are trained to co-facilitate treatment groups; and
- probation officers and treatment providers make joint field and home visits.

All probation conditions are strictly enforced. Any violations are addressed immediately in order to reduce the risk of offender relapse. All Sex Offender Unit staff carry beepers, cellular phones and notebook computers to facilitate emergency communication.

**Supervision enhanced by community network.** An individualized supervision plan for each offender is developed in collaboration with treatment providers and the victim representative. The plan addresses such issues as:

- appropriate employment and residence;
- substance abuse treatment;
- locations or activities which the offender must avoid; and
- contact with family, children and others.

Based on that plan, the probation officer attempts to enlist the assistance of invested and knowledgeable individuals with whom the offender is in routine contact. In order to provide 24-hour supervision of the offender, the network of individuals involved in supervision may consist of law enforcement agencies, employers, educators, family members, and neighbors (in addition to the unit and treatment provider). Probation officers must develop and maintain contact with these individuals and educate them about the program and their role in offender supervision

**Advocacy.** Through a contractual relationship with the Connecticut Sexual Assault Crisis Services, a victim representative holds a permanent position on the unit and is integrally

involved in the supervision of the offender. The tasks of the victim representative are:

- serving as a liaison to and advocate for the victim, concerning the sentencing and supervision of the offender;
- participating in community notification and community education activities;
- accompanying the probation officer on field and home visits;
- maintaining communication with the victim concerning the offender's status;
- providing direct support services to victims and family members who are experiencing trauma associated with the offender's release into the community; and
- connecting survivors and secondary survivors (family, friends, and others) to long-term counseling services.

The victim representative is also involved in victim empathy treatment groups. The objective of these groups is to engender in the offender an understanding and sense of responsibility for the harm he has caused to his victims. In the more general sense, the victim representative encourages the probation officer and treatment personnel to consider the unique perspective of the victim as they make particular decisions about a case – a perspective that was heretofore unavailable.

**Specialized sex offender treatment.** As with supervision, victim protection and community safety are top priorities of treatment. The specific operational goal is to "habilitate" offenders, or bring them to a "new level of positive functioning," rather than rehabilitate them (return to a previous level of functioning). At a minimum, treatment consists of:

- relapse prevention: developing the repertoire and skills to refrain from future offending behavior;
- victim empathy training: developing the necessary empathic capabilities to understand consequences and impact of actions on victims;
- cognitive restructuring: the uncovering and correction of distorted thinking that has reinforced the offender's ability to rationalize his behavior;
- medication: a percentage of offenders require

specialized medication to appropriately control their urges to commit sexual offenses.

The Sex Offender Unit and treatment personnel are in constant contact concerning individual cases; however, formal meetings are held weekly.

**Community notification and education.** Recent legislation in Connecticut gave broad authority to probation and parole officers to disclose information concerning sex offenders to any person deemed to be appropriate. The supervision team follows a Sex Offender Notification Policy that was jointly formulated by the Board of Parole and the Office of Adult Probation, the Center for the Treatment of Problem Sexual Behavior and Connecticut Sexual Assault Crisis Services.

The policy includes basic notification of victims and their parents or guardians, police, offenders' immediate family members, other occupants of the offender's residence, and treatment providers (including those providing treatment other than sex offender treatment). If, by clinical assessment, the offender is found to be at extremely high-risk, notification is extended to immediate neighbors, local schools, child care providers, employers and other at-risk groups.

Community notification provides an opportunity for the Sex Offender Unit to educate the public about sex offenders and enlist their assistance in creating a network of supervision. In addition, a community education curriculum is being planned.

**Determination of the offender's readiness to leave the Sex Offender Unit.** There are certain signs indicating that an intensively supervised offender is ready to move to regular supervision. The offender must:

- fully acknowledge his former behavior;
- accept complete responsibility for his actions;
- develop and institute a relapse prevention plan; and
- make satisfactory progress in that plan.

**Evaluation.** Careful evaluation is a critical part of the overall program. The Research and

Planning Division of the Village for Families and Children is conducting the research on the Sex Offender Unit. It examines the program's effectiveness in maintaining public safety, as well as the compliance of offenders with conditions and treatment.

In the course of the evaluation the following data is being collected and analyzed:

- offender type;
- non-criminal history (family history or past substance abuse.);
- criminal charges and history;
- types, lengths, and progress in treatment;
- probation experience; and
- treatment and probation discharge.

**Council Against Rape;  
District Attorney's  
Office; Police  
Department; Sheriff's  
Department; and  
Columbia Regional  
Medical Center**

*Montgomery, Alabama*

*Highlighted Feature:*

**Sexual Assault  
Response Team**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

***Overview and Mission***

In 1996, the Montgomery Sexual Assault Response Team (SART) was established by the Council Against Rape. Its initial purpose was to improve the experience of sexual assault victims who go to the local hospital emergency department for a forensic examination. It has since expanded its goals to developing an effective multidisciplinary approach for responding to sexual assaults in Montgomery.

***Demographics***

Montgomery is a medium sized city with a population of approximately 350,000. It hosts several colleges and universities and two air force bases. The racial composition is 47 percent African-American and 53 percent white. In 1997, 114 reports of sexual assault were received by law enforcement agencies.

***Description of Response***

**Multidisciplinary team composition.** The membership of the SART is open to any local representative from a profession that is affected by sexual assault. The current team includes representatives from:

- Montgomery City Police and the Sheriff's department;
- the District Attorney's Office;
- the Council Against Rape;
- the local domestic violence program;
- the state forensic laboratory;
- Columbia Regional Medical Center;
- the Alabama Crime Victim's Compensation Board; and
- forensic nurses.

Julie Lindsey, coordinator of the Council Against Rape, believes the SART is fortunate to have the occasional participation of the local media, who report accurately and sensitively about sexual assault issues. The Family Advocacy Center of the Maxwell Air Force Base, which frequently refers victims to the Council Against Rape, sends a representative to the monthly meeting of the SART. The SART avoids scheduling any meetings that would conflict with the local domestic violence task force events.

The SART hopes to expand membership to include representatives from campus security from local colleges and universities, the largest of which is Auburn University at Montgomery. The Council Against Rape eventually would like to introduce the SART to the three outlying counties it serves in addition to Montgomery.

**Establishment and monitoring of the sexual assault nurse examiner program.** The SART was originally formed to rally community support for the establishment of a sexual assault nurse examiner (SANE) program.<sup>1</sup> The city of Montgomery has a rotating emergency room system that resulted in a chaotic experience for sexual assault victims, who had to wait anywhere from two to 12 hours to be examined. While all area hospitals supported the

<sup>1</sup> The SANE program will be referred to throughout this section as the nurse examiner program to avoid any confusion with the SART.

concept of offering specialized care to sexually assaulted patients, none were initially willing to offer designated space for a nurse examiner program.

In response, the Council Against Rape invited representatives from law enforcement, prosecution and health care to discuss the need for a nurse examiner program in Montgomery. Participants explored the positive impact that improving forensic evidence collection and providing compassionate care to the victim would have on sexual assault cases. Consequently, an administrator from Columbia Regional Hospital agreed to offer space in his facility for the nurse examiner program.

Since the nurse examiner program opened in March of 1997, the meetings and activities of the SART have been focused on coordinating the various disciplines involved in responding to victims of sexual assault in the emergency room. A procedures manual has been developed that outlines the responsibilities of all disciplines. During the monthly meetings, participants discuss individual cases that the nurse examiner program has handled. The victim is assigned an identifying case number to protect her privacy.

Because the nurse examiner program is relatively new, the SART is monitoring its performance closely. The team reviews each case from the point of initial contact to its status at the time of the meeting. The following data is collected on each case:

- the demographic information of the victim;
- the time of day when the victim entered the emergency room; and
- the length of time of the examination.

Issues addressed by the SART have included the chain of custody and payment for exams. Before the establishment of the SART, there was a weak link in the chain of custody for the completed forensic examination kit. Montgomery police were not picking up the kit quickly enough, requiring the hospital to find a volunteer nurse to wait with the kit so that the chain of custody would not be broken until the police came by to pick it up. The SART provided a mechanism to discuss this problem and encourage the police department to respond more quickly.

The SART has also succeeded in convincing the local hospital to bill the Alabama Crime Victim's Compensation Board for the cost of the forensic medical examination rather than its earlier practice of charging the victim. The Crime Victim's Compensation Board, which sends a representative to the SART meetings, supports adopting this billing procedure for the entire State.

**System-wide activities.** The SART is currently:

- reviewing procedures followed by victim services, police and prosecution in handling sexual assault cases (including those not seen in the hospital emergency room);
- examining State statutes addressing sexual assault; and
- reviewing individual cases (beyond hospital related cases).

SART meetings provide an opportunity for the Council Against Rape, law enforcement agencies, and the nurse examiner program to compare the number and the kinds of cases they handle. This information has helped facilitate discussion on:

- barriers victims face in obtaining services from each discipline and across disciplines;
- areas needing additional victim outreach; and
- areas where coordination among agencies could improve response to victims.

Subcommittees have been formed to coordinate training and to revise policies and procedures, respectively. Currently, the training subcommittee is planning a workshop for law enforcement. Representatives of both the local police and sheriff's department sit on the subcommittee and thus are involved in identifying topics to be included in the training curriculum.

Lindsey hopes the SART will be able to hire a full-time independent coordinator, who is hired and supervised by the Council Against Rape, in order to bring new members to the team and to manage its day-to-day operations. Lindsey is currently performing this function, in addition to her responsibilities at the Council.

**Community support.** The SART has encouraged the community of Montgomery to share responsibility for addressing sexual assault. For example, the team was successful in its early efforts to build community support for the nurse examiner program. Extensive media coverage of the opening of the nurse examiner program increased the community's awareness of sexual assault. Local chapters of the National Council of Jewish Women and the Homebuilders Ladies' Auxiliary adopted the nurse examiner program as one of their charitable causes. These organizations decorated the examination facility, collected clothing and purchased toiletries for victims to use after the examination.

## **Domestic Abuse Intervention Project**

*Duluth, Minnesota*

*Highlighted Feature:*

### **Independent Advocacy Program Oversees Coordinated Response to Domestic Violence**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

The Duluth Domestic Abuse Intervention Project (DAIP), a program component of Minnesota Development, Inc., is a not-for-profit corporation dedicated to fostering a coordinated community response to domestic violence. Founded in 1981, the primary goals of the program are victim safety, offender accountability, and changing the climate of tolerance toward violence in the community. The DAIP offers a variety of services, including:

- coordination among criminal justice system personnel and other service providers to make sure the needs and safety concerns of victims of domestic violence are met;
- a men's nonviolence education program, providing classes to domestic violence offenders in the community at no cost;
- advocacy to the partners of the men in the nonviolence education program, including a support group that meets twice a month;
- a class for women who have used violence; and
- victim advocacy for Native Americans through the Mending the Sacred Hoop project.

The same year the DAIP was established, the

Duluth Police Department became the first police department in the United States to institute and enforce a mandatory arrest policy. Since that time, the police department has worked closely with other agencies in the criminal justice system and DAIP in developing a coordinated community response in Duluth. Officers receive extensive training in documenting domestic violence cases and provide needed information to all the criminal justice agencies.

The Duluth Police Department received a COPS (Community Oriented Policing Services) Grant in the fall of 1996 to pursue an even more coordinated effort in responding to domestic violence cases. Through this grant, the police department hired a domestic violence investigator, a part-time advocate, and a domestic violence specialist who coordinates the flow of information in and out of the department.

#### ***Demographics***

Duluth is located in St. Louis County in Northeastern Minnesota on the shores of Lake Superior. The city covers 43,000 acres and has a population of approximately 89,000. Duluth is primarily a white working-class community, with 2 percent Native Americans (primarily Anishinabe and Dakota), 9 percent African-Americans, and 9 percent Asian-Americans. Shipping, mining and tourism constitute several of Duluth's major industries. Two universities are located in Duluth.

#### ***Description of Response***

**Essential elements of a coordinated community response.** The DAIP has identified eight characteristics and activities of an effective coordinated community response, which it fosters in its own work.

*1. Develop a common philosophical framework.* The community and practitioners should have a common understanding about battering and the complicated dynamics of domestic violence. This promotes an atmosphere conducive to holding offenders accountable and avoiding victim blaming.

*2. Create consistent policies for intervening agencies.* The DAIP assists agencies in

developing policies that respect the efforts of other agencies and incorporate the goals of intervention. DAIP works to ensure that women who have been battered are involved in policy development and victim safety is a primary goal of policies. Practitioners from across disciplines work with DAIP to develop trainings that facilitate consistency in policy implementation throughout the criminal justice system.

**3. Monitor and track individual cases to ensure practitioner accountability.** Each agency has a clear understanding of its role and the role of other agencies in responding to domestic violence. After determining what case information is important to each agency, the DAIP assists agencies in routinely locating and obtaining that information. Utilizing a computer database, the DAIP maintains case files on each domestic violence offender and tracks cases through the system to ensure:

- the offender is complying with all orders of the court;
- practitioners are complying with policies; and
- individual and systemic problems are identified.

When problems arise, DAIP staff can review case files and conduct interviews with practitioners or affected victims to ascertain the nature of the issue. Subsequently, DAIP staff may informally bring together practitioners to discuss the problem and develop solutions, which are implemented and evaluated from the perspective of their impact on victim safety.

**4. Coordinate the exchange of information and inter-agency communications.** DAIP assists practitioners in developing routing systems for information on individual cases and program decisions. For example:

- the men's nonviolence education program facilitators keep track of offenders' behavior on probation and class attendance, and relay that information to the probation department;
- the men's nonviolence program also convenes meetings among facilitators, probation agents, battered women's advocates, and police to discuss specific cases and issues;

- a domestic violence specialist (whose role is discussed below) serves as a link among the different sectors; and
- a checklist for report writing and investigation helps law enforcement officers gather the maximum amount of information at the domestic violence crime scene.

**5. Provide resources and services to victims.** Since its beginning, the DAIP has worked closely with advocates from the Women's Coalition, the local shelter, to carry out its activities. This relationship helps ensure that development of policies and programs, as well as monitoring and evaluation, are grounded in the concrete experiences of battered women.

Advocates from the coalition contact victims immediately after any arrest is made, and offer a variety of direct support services and options (see below). Women's resource advocates at the DAIP contact the partners of every offender in the men's nonviolence education program, to obtain information about the history of abuse and to invite them to orientation sessions to explain the program. Advocacy is enhanced by the police department's willingness to give advocates access to police reports and other information.

**6. Ensure sanctions, restrictions and services for offenders.** The DAIP has successfully advocated to law enforcement departments to adopt a mandatory arrest policy, developed policies with prosecutors and judges that discourage the "screening out" of cases, and encouraged strict penalties for repeat offenders.

Recently, the probation department developed a specific pre-sentence investigation form in domestic violence cases that encourages documentation of the full history of an offender's violent behavior. Probation officers conduct this investigation with the help of other agencies and advocates, who route important history and risk factor data to them, and make sentencing recommendations using this information.

**7. Work to protect children.** DAIP develops programs and intervention strategies to protect children and minimize the effects of domestic violence on them. While the coordinated response promotes a strong link between agencies and child protective services, it underscores the trauma suffered by children who

are separated from their mothers. Through educational workshops, child protective workers are trained to:

- identify harm caused to children who are separated from their non-abusive parents;
- understand the relationship of communities of color to child intervention services;
- understand the nature, cause and extent of domestic violence; and
- use a variety of tools to screen for domestic violence.

The Visitation Center, another component of Minnesota Program Development, Inc., offers a safe and neutral drop-off site where parents can be assured of a safe exchange of children for visitation with a non-custodial parent who has perpetrated domestic violence. Use of the Visitation Center is authorized, and in some cases, court-ordered for non-custodial parents when:

- the non-custodial parent has used children to control his former partner;
- when children or custodial parents report a fear of violence, intimidation, or harassment connected with visits; or
- when there are concerns that a non-custodial parent will leave the county with the children.

8. *Evaluate the coordinated justice system response from the victims' perspective.* The coordinated community response includes a comprehensive evaluation component that looks at the impact of policies and protocols on victims of domestic violence. A variety of evaluation methods are utilized, with a focus on obtaining feedback directly from battered and formerly battered women on the success or failure of policies or programs. DAIP and shelter staff also collect data on a continuing basis to determine if agreed-upon procedures and policies are consistently applied. DAIP staff review police, court, shelter and DAIP records and conduct telephone interviews with victims.

**Partnership between advocates and police.** The Women's Coalition developed an agreement with the Duluth Police Department to provide follow-up advocacy to victims immediately after a domestic assault. Once the

arresting officer transfers custody of the suspect to the jail, the jail contacts the Women's Coalition, providing the name, number and address of the victim. The Women's Coalition notifies an on-call advocate, who attempts to contact the victim right away. The advocate offers the victim information and support, and asks her a series of questions intended to elicit information about the actual level of violence and dangerousness of the perpetrator. With the victim's permission, the advocate notifies probation officers and prosecutors to discuss charging and bail conditions. Advocates are also available to accompany victims to interviews with law enforcement.

**Prosecution-led training for police.**

Every year, the Duluth city attorney's Office participates in training law enforcement officers on the investigation and documentation of domestic assault cases from a prosecutor's standpoint. The training is intended to help officers identify and/or properly document:

- battering behavior;
- excited utterances (as well as other statements that could fall into a hearsay exception);
- self defense;
- the full range of information needed from the victim (e.g., histories and risk assessment); and
- all victim injuries.

**Development of a domestic violence specialist position.**

The Duluth Police Department, in collaboration with the DAIP, the Women's Coalition, probation department and the city attorney's office, created a multi-agency position, called the domestic violence specialist, in 1996 to organize and direct the flow of information in domestic violence cases through the criminal justice system. The police department, prosecutor's office and probation office jointly supervise the domestic violence specialist. The domestic violence specialist's office is located in the Duluth Police Department.

The domestic violence specialist is responsible for building complete files on every reported domestic violence case, and routing the files to prosecution and probation for consideration at the arraignment and pre-trial hearings. The specialist:

- reviews 911 "watch reports" on a daily basis and pulls every domestic violence-related case, including those that were mis-coded or involve domestic violence in any way (these reports initiate the creation of each file);
- immediately locates the draft police report that corresponds to each 911 call, and any other criminal history on the suspect;
- contacts the women's shelter to get the victim's record of the history and severity of violence; and
- locates and files any other information available on the suspect, including outstanding or past civil protection orders, suspect's previous involvement in batterer's treatment programs, probation history, and any available evidence for the current assault.

The domestic violence specialist then hand-delivers the file to the probation office for supervised release determinations and sentencing recommendations. The prosecutor's office reviews the file prior to pretrial. The specialist adds additional information to the file as it becomes available.

**The Domestic Violence Safety and Offender Accountability Audit.** Since 1996, Duluth and St. Louis County piloted several audits to examine the institutional processes in place to respond to battered women, and whether the goals of victim safety and offender accountability are being met. The multi-agency audit team, formed with the full support of agency supervisors, is composed of representatives of the probation department, law enforcement, the district attorney's office, the city attorney's office, the Women's Coalition, and DAIP. The team examines various components of Duluth's system, including:

- its technology and resources;
- rules and regulations;
- administrative procedures;
- linkages, education and training; and
- the relative social positions of victims,

offenders, and practitioners.

Future changes to the Duluth system will be based upon the results of the audit. DAIP is compiling a manual that describes the audit process and provides practical and helpful audit tools in order to help other jurisdictions conduct an audit of a single agency or an entire jurisdiction's response to domestic violence.

# Family Violence Coordinating Council

*Peoria, IL*

*Highlighted Feature:*

## Judicial-Based Community Collaboration

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

In 1993, the Chief Justice of the Supreme Court of Illinois convened the Illinois Family Violence Coordinating Council. The State council's mission includes fostering the development of local family violence coordinating councils, which are multidisciplinary, multi-county and convened by chief judges. Since that time, 14 local councils covering 66 counties and 13 judicial circuits have been launched. Recently, this network of State and local councils received funding from the Illinois legislature.

The leadership for this effort was delegated to the victim services coordinator in the Administrative Office of the Illinois Courts (AOIC). The coordinator recruited judges to launch the councils and then teamed them up with the local domestic violence programs to ensure that the intent of Illinois' victim-centered domestic violence law would be fully implemented.

Through the support of the state administrative office and local community leaders, new councils continue to emerge every year. Existing councils are expanding their scope to include additional jurisdictions and agencies. Each of the councils, while similar in structure, brings their own perspectives to addressing issues in the context of

prevention, intervention, and education.

One of the oldest and most successful councils in Illinois is located in the Tenth Judicial Circuit. This council has served as a model for the rest of the State because of the enthusiastic participation by circuit judges and other community leaders, the variety and quality of committee work, and the administrative and program support from the advocacy program.

The advocacy program, the Center for Prevention of Abuse, is the only agency in Illinois to have a domestic violence, sexual assault and elder abuse program under one roof. Center staff worked with the chief judge and the director from the AOIC to bring their local Family Violence Coordinating Council (FVCC) to life in the spring of 1994. Leaders from law enforcement, prosecution, education, health care, the clergy, probation, and other social services have since joined the council.

### *Demographics*

Five counties make up the Tenth Judicial Circuit, located in the heart of Illinois. Peoria, population 110,000, is the commercial and cultural hub of the Circuit. The outlying communities are rural and scattered. Forty percent of the population is African-American, representing 6 percent of the population of the whole circuit. Other racial or ethnic populations exist in relatively small numbers.

### *Description of Response*

**Judicial leadership.** Having the chief circuit judge convene the councils brings great power to the coordinating effort. The impartiality of the court enticed players to the table who might not otherwise have attended.

The Chief Judge of the Tenth Circuit delegated the responsibility of the FVCC to the Honorable Bruce Black, one of the Circuit Court judges. Martha Herm, Executive Director of the Center for Prevention of Abuse, stresses "Judge Black's passion for the issue of family violence and the council process has been the spark that keeps the FVCC on track. He inspires everyone to rise above individual differences for the good of the community effort."

**Local symposium to launch the FVCC.** Judge Black and staff from the Center for Prevention of Abuse worked with the AOIC to sponsor an all-day local symposium on family violence in September of 1993. Over a thousand representatives from various agencies and community organizations were invited to the symposium. Approximately 600 attended. The purpose of the symposium was to:

- educate community professionals on family violence; and
- promote a shared and appropriate vision of coordinated community response.

Because the issue of family violence had gained attention on the national and local level, attendees were eager for information. Feedback from participants indicated that the knowledge they gained through the symposium about domestic violence and community collaboration would help them serve their constituents better.

**Formation of the council.** Those who attended the symposium were then invited to participate in the circuit-wide council. One hundred fifty participants from the symposium responded and the original council at-large was formed. Twenty at-large members were selected to serve on a steering committee. These members were mainly leaders of local agencies responsible for direct response to domestic violence (e.g., a police captain, a state's attorney, the Headstart director, a medical officer of an emergency room and staff from the domestic violence advocacy program). Judge Black co-chairs the steering committee with a community volunteer. The co-chairs, along with the executive director and an administrative staff from the Center for Prevention of Abuse, formed a behind-the-scenes executive committee.

**Development of committees.** The steering committee evolved over a two-year period and is composed of chairs of several committees. The committees were organized to close the gaps in the community response to domestic violence victims. The committees focus on:

- the Civil Court;
- the Criminal Court,
- Court Services;
- Child Abuse;

- Children & Education;
- Elder Victims;
- Helping Services;
- Health Care;
- Interfaith United; and
- Minority Issues and Rural Counties.

Two additional committees, respectively named Innerworks and Resources, were formed to address administrative issues of the FVCC. The Center placed a staff member on each committee so that the victim's perspective is always represented.

Today, 350 individuals are on the council's mailing list. Most of these individuals are, or have been, actively involved in committee work.

The council at-large meets quarterly. The agenda typically includes a short training program. Some of the topics have included:

- the relationship between animal abuse and family violence;
- the effects of domestic violence on children,
- substance abuse and family violence; and
- opportunities for collaboration between probation officers and experts who conduct batterer intervention programs.

The steering committee meets monthly, as do most of the committees.

**FVCC initiatives.** The FVCC committees have undertaken the following policy or training initiatives:

- a protocol for health care professionals, with the costs for printing and distribution underwritten by a local hospital;
- a universal order of protection form for use throughout the circuit;
- trainings for clergy and lay women and a memorial service for victims;
- a conference on family wellness;
- a poster contest, "Peace Begins at Home," held in all grade schools of three rural counties; and
- a comprehensive directory of services and resources for use by victims, agency personnel and community residents.

While the council does not review individual cases, it has increased communications among agencies that interact with victims and offenders. As a result, there have been increased efforts to:

- build trust among personnel from different disciplines and understanding of the role of each agency;
- improve systemic coordination of interventions and victim services; and
- ensure that perpetrators encounter a more demanding standard of accountability.

Since the FVCC was formed, there has been an increase in the number of victims seeking help from the Center for Prevention of Abuse and in the number of perpetrators being ordered to its abuser education program.

**Recent financial support from the State.** Through 1997, the council operated on a meager budget, with several participating agencies taking turns to pay for postage to send a monthly newsletter. Some of the committees sponsored training events that earned a small profit. Otherwise, the Center for Prevention of Abuse assumed all administrative council costs, including a part-time staff member who served as the administrative liaison to the FVCC. This staff person attended most committee meetings to record discussions, published the newsletters and arranged at-large meetings. While maintaining the council required considerable resources of the Center, the agency's board and staff saw the coordinating work as a crucial part of their mission of serving victims.

In 1998, the State legislature allocated funds to cover local FVCC expenses. This funding allowed the 10<sup>th</sup> District Council to hire an administrative assistant responsible for the duties previously handled by the Center for Prevention of Abuse.

# Fresno Rape Counseling Center

*Fresno, CA*

*Highlighted Feature:*

## Partnerships to Improve Services to Victims

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Overview and Mission*

The Fresno Rape Counseling Center is a comprehensive sexual assault victim service program. The Center provides:

- 24-hour crisis intervention;
- medical and legal advocacy;
- support groups and counseling;
- public education; and
- self-defense workshops.

The Center facilitates or participates in several efforts to coordinate the criminal justice system's response to sexual assault. To improve victims' access to advocacy services, the Center partners with local law enforcement agencies. Recently, the Rape Counseling Center helped form a Sexual Assault Response Team to coordinate a multidisciplinary response to sexual assault victims who undergo a sexual assault forensic examination.

### *Demographics*

The City of Fresno is located in central California. In 1995, it had a population of 405,145. A significant percentage of jobs come from agriculture-related businesses. Just over half of the population is white. Persons of

Hispanic origin comprise 38 percent of the population, Asians comprise 8 percent and African Americans are 5 percent of the total population.

### *Description of Response*

**Sexual Assault Response Team.** A newly formed Sexual Assault Response Team (SART) gives law enforcement agencies, sexual assault victim advocates, and sexual assault nurse examiners (SANE) an opportunity to communicate about each discipline's response to sexual assault cases.<sup>2</sup> Each of the four local hospitals has a designated room for forensic medical examinations of sexual assault victims. The nurse examiners are on-call and arrive within 15 minutes of a call from the police dispatcher or the emergency room. In addition, police dispatch and the hospital are instructed to call the Rape Counseling Center's SART advocate (during business hours) or on-call advocate (all other times) to meet the nurse examiner and the victim at the hospital.

The SART holds monthly meetings that include representatives from the District Attorney's Office, the hospitals, law enforcement agencies, the Rape Counseling Center, and local child protective services. These meetings focus on how individual cases have been handled and provide a forum to address any gaps identified in the relatively new procedures.

*Designated SART advocate.* As of December 1997, the Rape Counseling Center entered into operational agreements with the police and sheriff's departments to establish a half-time sexual assault advocate in each department. The three agencies collaborated on writing the job description for the advocate positions and conducted interviews of potential candidates together. The SART advocate, as the position is called, meets victims who are undergoing forensic examinations at local hospitals and provides court accompaniment and support during all law enforcement interviews, as requested by the victim. The advocate's presence in the police and sheriff's departments increases the chances

<sup>2</sup> The SANE program will be referred to throughout this section as the nurse examiner program to avoid any confusion with the SART.

that all victims will be given assistance with emotional, financial, and safety issues, regardless of the status of their case in the criminal justice system.

The SART advocate holds a position on a multidisciplinary team, known as the "sexual predator response team," that assists in the supervision of sex offenders released into the community on probation or parole. The team, which also includes a district attorney and police officer, meets monthly with sex offenders, who describe how they are adjusting to release. Meeting with the sexual predator response team is a condition of the offender's release and allows the team to monitor his behavior and to communicate any concerns to his probation or parole officer.

*On-scene advocacy.* Increasingly, law enforcement personnel are requesting that the SART advocate provide crisis intervention and support services to victims and family members at the scene of a sexual assault. Detectives frequently contact advocates and ask them to accompany them to interview victims in their homes, particularly when the detectives know that the victims are reluctant to be interviewed. Advocates will comply if the officers or detectives transport them to and from the scene/home and stay with the advocate for the duration of her visit with the victim. The advocate can speak privately with the victim and explore her fears and concerns related to participating in the investigation or prosecution process. The advocate assures the victim that everything she discloses is confidential. In most cases, the information provided by the advocate to the victim allays her concerns sufficiently that she agrees to being interviewed. In cases where a victim doesn't want to have an advocate present during the interview, they are given information about the Rape Counseling Center's services for future reference.

**Coordination between advocates and victim witness specialist.** The Rape Counseling Center meets monthly with the district attorney's victim witness specialists to ensure that each is complementing the services provided by the other. Both entities make frequent referrals to each other. A written agreement outlines the services that both provide to victims as well as the agreed expectations

concerning referrals and service provision. These include the expectation that victim witness specialists will inform sexual assault victims of the availability of services through the Rape Counseling Center and that the Rape Counseling Center will refer clients to the victim-witness specialist if they are considering reporting the incident. During the monthly meetings, the Rape Counseling Center and victim/witness staff can refine how they coordinate an individual victim's needs for court accompaniment and other services.

**Modus Operandi.** The Modus Operandi, or "M.O.," is a monthly luncheon that provides a diverse group of professionals and individuals interested in reducing and preventing sexual assault with the opportunity to learn from each other and invited guests. It is a unique event in that it offers participants an opportunity to get to know each other in an informal, social context. Consequently, professionals who may have to interact with each other in a sexual assault case can develop a relationship and begin to build the trust that is essential for coordination between and among various agencies.

The M.O. luncheon typically draws 40 to 50 people from the following disciplines or agencies:

- the police sex crimes detective unit;
- the California Department of Justice;
- the Sexual Predator Probation Team;
- the district attorney's office;
- social services and child protective services; and
- members of the new SART.

The luncheon is sponsored by a different agency each month that is responsible for arranging a guest speaker. Recent speakers have included:

- a representative from the police department's Gang task force to talk about gang-related sexual assault;
- a nurse examiner;
- a newscaster who talked about media coverage of sex crimes; and
- the sexual predator response team.

While it was not established for this purpose, the M.O. luncheon provides a forum to discuss

problems and issues related to sexual assault in the community. One such concern is the perception of a delay in the nurse examiners' response to hospitals (they are available on an on-call basis). The release of a sex offender into the community has also been the subject of discussion. In the first instance, nurse examiners were able to explain why their response times will vary and pledge to improve their response time. In the second case, participants determined what their respective agencies could do to monitor the offender's presence.

Through the combination of regular opportunities to communicate about the handling of sexual assault cases and the development of partnerships to serve victims better, Rape Counseling Center staff believe the community is improving its response to survivors of sexual assault.

## **Governor's Task Force on Domestic and Sexual Violence**

*Tallahassee, Florida*

*Highlighted Feature:*

### **Statewide System Change on Behalf of Victims of Domestic Violence**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Description of Response*

**Development of the task force.** In 1993, a combination of community groups and organizations interested in family violence issues worked with the Governor to draft a plan to address domestic violence within the State. The concept of the Task Force developed in response to the recognition that, up until then, the discrete efforts of various professionals (victim services, criminal justice, social service) to assist battered women had been inadequate, and that a coordinated State effort was necessary to implement an effective and comprehensive response to victims' needs.

The task force began as an initiative with a staff of five and a membership of thirteen. It has expanded to include over thirty members and fourteen liaisons, and now has eleven staff members to handle the increased workload. The task force is housed in the Department of Community Affairs in the Office for the Prevention of Domestic and Sexual Violence and funded by State and Federal dollars.

Task force membership, liaisons and staff include formerly battered women and over 50 individuals from relevant systems involved in the response to domestic violence, including:

- courts;
- victim services;
- social services;
- law enforcement;
- prosecution;
- corrections;
- legal services;
- private law firms;
- public defense;
- medical and mental health care;
- education; and
- government.

All members are:

- appointed by the Governor;
- have extensive knowledge and experience in the area of domestic violence as it relates to their work; and
- are committed to improving the systems which exist to assist battered women and their children.

### *Overview and Mission*

The Governor's Task Force on Domestic and Sexual Violence is a statewide, coordinated and consensus-driven effort to define the resources necessary to end domestic violence in Florida. The task force implements policies and programs designed to improve the lives of battered women and their children. The dual goals of victim safety and perpetrator accountability are the driving forces behind the Task Force.

### *Demographics*

Florida has approximately 14 million residents in 67 counties. Thirty-seven of the counties are predominantly rural. According to 1990 U.S. Census data, over one million of Florida's residents are of Hispanic origin, over one million are African American, approximately 150,000 are Asian or Pacific Islanders, and approximately 233,000 are from a variety of other backgrounds. Over one million Florida residents were born elsewhere in the United States. Two million Florida residents speak a language other than English in their homes.

**Recommendations for change.** In 1994, the task force submitted its first report to the Governor, which called for widespread changes throughout Florida's health care, law enforcement, legal and judicial systems. The task force fulfills recommendations through its STOP subgrantees; other grantees; through legislative action, etc. and updates the State on its program through its annual reports to the Governor. This collaborative process promotes interagency involvement, as well as agency accountability for systems change. The recommendations continue to guide the work of the task force and the State, as well as provide a vision for the work that remains to be completed.

Some of the recommendations already implemented are:

- the development of training on domestic violence for Guardians *Ad Litem*;
- a statutorily mandated rebuttable presumption against shared parental responsibility if a parent is convicted of a felony of a third degree or higher involving domestic violence; and
- the development of a screening tool [by the Department of Children and Families (DCF)] for child protective services investigators and comprehensive training among domestic violence centers and child welfare workers. (The tool was developed by the Florida Coalition Against Domestic Violence and Children's Caucus.)

**Law enforcement initiatives.** The task force has prompted a multitude of changes in law enforcement response, including increased domestic violence training within police academies and continuing education for police personnel.

The Florida legislature created and funded a statewide data processing system within the Florida Department of Law Enforcement for injunction (protection order) entry, content verification, and service status. The system is available on-line twenty-four hours, allowing field law enforcement officers to verify or update injunction information at any time.

Law enforcement officers now hand out brochures to victims that provide standard notice of legal

rights and remedies. These brochures were re-written to include more information about victims' rights. They were also written in simpler language, to accommodate a variety of reading levels. The task force plans to translate the brochure into Spanish and Creole.

A statewide model policy for all of the State's law enforcement agencies was created through VAWA funding. Since the task force was created in 1994, reports of domestic violence incidents increased almost 10 percent, and arrests increased by 28 percent during the same period. The task force and law enforcement agencies attribute this rise in reporting rates to the changes in the law enforcement response to domestic violence.

**Rural outreach initiatives.** The majority of Florida's thirty-eight community-based domestic violence organizations are located in urban areas. Many of Florida's rural victims of domestic violence live in isolated areas with no access to transportation and are unable to receive the benefits offered by these programs.

The task force has hired a rural circuit rider to travel throughout Florida's twenty judicial circuits, evaluate and recommend appropriate domestic and sexual violence initiatives within Florida's rural communities. The Florida Coalition Against Domestic Violence has developed a rural initiative designed to establish victim services in rural counties, and coordinate local grassroots efforts to respond to violence within these communities.

**Site visits initiative.** The task force seeks to ensure that effective policies are in place and enforced on a local level, where they will have a maximum impact. The Task force is conducting a series of on-site visits to jurisdictions around the State to:

- identify strengths and weaknesses of local responses to violence against women;
- discuss possible innovative solutions to existing problems; and
- promote and strengthen the ability of each community to provide an effective coordinated response to domestic and sexual violence.

These site visits include rural, urban and suburban communities.

**Survivor survey.** In order to track and understand how systems treat victims of domestic and sexual violence, the task force introduced a survey of survivors. The survey, sent to survivors via victim service programs, asked questions about their experiences with the systems set up to assist them. The questions cover responses of health care, law enforcement, social services and judicial systems.

Many domestic and sexual violence survivors still report re-victimization by community systems set up to serve them. It is the goal of the task force to listen to the experiences of victims, and subsequently facilitate State and local improvements to address identified problems and strengthen the available services.

## **Justice System Agencies; Shelter and Advocacy Programs; and other Community Agencies**

*Dallas County, Texas*

*Highlighted Feature:*

### **Multi-faceted Community Coordination to Improve Response to Domestic Violence**

Call the STOP T.A. Project for  
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at 1(800) 256-5883.

### ***Overview and Mission***

Dallas County's coordinated community response to domestic violence has evolved over the last 20 years as a result of multi-faceted and multidisciplinary efforts. Coordination and collaboration among agencies continues to expand to address new problems or systemic gaps in the community response to victims and perpetrators of domestic violence.

A number of historical events have been pivotal to the progress of Dallas County's response to domestic violence. These include:

- In 1978, Gerry Beer, founder of the Texas anti-domestic violence movement, opened the doors of the Family Place in Dallas. The Family Place was one of the first shelters in the State for homeless, abused women and their children.

- In the mid-1980s, response to domestic violence was enhanced by a lawsuit against the city police department for failure to respond, on behalf of local domestic violence victims. The court ruling in favor of the victims acted as a catalyst for the justice system to quickly create mechanisms to improve their response to this crime. Subsequently:

- the city of Dallas established a Domestic Violence Task Force under the leadership of the City Council;
- the Dallas Police Department established a Domestic Violence Unit and began distributing "blue cards" (informational and referral resources for victims encountered during 911 emergency call responses);
- the district attorney's office established a Family Violence Division and contracted with batterers' intervention programs to provide services for court-ordered perpetrators; and
- since the opening of Family Place, seven additional shelters and advocacy programs have been established to address victim needs in Dallas County.

With such mechanisms in place in the justice system and the community, a progressive service delivery system has developed to intervene and help slow the domestic violence epidemic.

### ***Demographics***

Dallas County includes the city of Dallas and surrounding suburbs. It is a geographically sprawling, culturally diverse community. The population of Dallas County is 1,852,810. Forty-six percent of the population is white; 27 percent Hispanic; 27 percent African American; and 1 percent other racial/ethnic groups. Approximately 13 percent of its citizens live below the poverty level.

### ***Description of Response***

The coordinated efforts of many local agencies promote effective response to family violence victims and abusers.

**Effective and coordinated justice system response.** The following justice system interventions help ensure victim safety and offender accountability:

- emergency crisis line response;
- immediate crime scene intervention;
- provision of victim referral cards for crisis resources;
- enforcement of the mandatory arrest policy;
- victim assistance in gaining access to the county public hospital emergency rooms or local shelters;
- victim assistance in obtaining emergency protective orders;
- victim assistance in safety planning;
- pro bono victim legal advocacy;
- appropriate offender sanctions and sentencing in the domestic violence criminal court; and
- local batterer's intervention services.

The structures listed below help facilitate effective interventions and address problems in the justice system's response to domestic violence.

- The Domestic Violence Task Force was convened by the city council, with the initial purpose of ensuring appropriate police response to domestic violence.

A city council person assigned by the Mayor chairs the task force. The task force maintains an open membership and welcomes interested citizens to its quarterly meetings. Approximately 20 individuals typically attend meetings, including directors of shelter and advocacy programs, staff from the police department, the district attorney's office, and the probation and parole office, and a number of county residents. Professionals from the medical and legal communities may be consulted and involved in meetings, depending on current issues.

While the focus remains on police response and communications between police and advocates, the task force has also evolved into a forum for information sharing among justice system agencies and advocates. Agency representatives are encouraged to report on related cases, statistics, and other issues or problems. Activities of other

county coordinating efforts are also discussed.

In the future, possible activities of the task force include the development of protocols within and between systems, and increased monitoring of justice system interventions and identification of gaps in services.

- The sergeant from Dallas Police Department Family Violence Unit attends all Shelter Coalition meetings (see below), listens to advocates' needs, and answers questions about police-related matters, including specific instances where police did not make arrests.

The open communication between police and advocates is partly due to the sergeant's training, understanding and sensitivity to domestic violence issues. He works with shelter and advocacy program staff to train other officers on domestic violence and communicate the importance of coordination with advocates in these cases.

- A detective from the Dallas Police Department and an attorney from Lawyers Against Domestic Violence, an organization providing pro bono legal representation for victims of domestic violence, routinely provide "Shelter Nights Orientations" for residents at local shelters (as requested by shelter staff). Together, they explain the legal options available to battered women and answer questions residents have about police response and policies.

- The Family Violence Division of the district attorney's office has established the Domestic Violence Awareness Coalition to guide the implementation of a coordinated and centralized response to victims and perpetrators of domestic violence. The coalition is currently in the process of:

- developing a computerized offender tracking system to link all agencies that have contact with battered women and their abusers;
- providing shelters with software and training to utilize the tracking system; and
- working with advocates and court

personnel to ensure mechanisms are in place to provide victims with information about how to obtain protection orders. (Advocates from the local shelters assist victims with filling out forms and protective order hearings); and

- developing agreements with shelter and advocacy programs to provide telephone follow-up contact with victims when their partners have been court-ordered into batterers' intervention programs.
- Two domestic violence programs, New Beginning Center and the Family Place, provide batterer's intervention and prevention programs. The Family Place provides training to probation staff to help them better understand the purpose of batterer's intervention programs and the importance of their role in monitoring offender compliance to the conditions of their sentences.

**Crisis intervention and follow-up services for victims.** Local shelter and advocacy programs work with social service agencies and private organizations to ensure extensive crisis and ongoing support services are available to victims and their families. Some of these services include:

- 24-hour shelter crisis hotlines;
- emergency shelter and specialized transitional housing for abused women and their children;
- permanent housing through the Dallas Housing Authority (when available);
- medical care coordinated through shelter programs, in conjunction with the Dallas Homeless Health Care Team Mobile Van program and the city of Dallas dental services;
- individual and group counseling and programming for victims and children through shelter and advocacy programs;
- legal advocacy through shelter and advocacy programs;
- child care through a non-profit program for homeless families;
- special school programs for homeless children through the Dallas Public Schools;
- food stamps, Medicaid and cash assistance through the Texas Assistance for Needy

Families (TANF); and

- job training and employment location assistance through the Texas Workforce Commission (TWC).

Shelter and advocacy programs reach out to businesses and organizations within the community that may have contact with victims. The director of the Family Place expressed a need to do increased outreach to private hospitals, medical providers and faith-based organizations to encourage appropriate victim referrals to community resources.

The structures listed below help facilitate coordination and collaboration among community organizations that provide services for battered women and their children and organize domestic violence prevention activities.

- Ongoing communication among the eight shelter and advocacy programs is coordinated by the North Texas Domestic Violence Shelter Coalition. Currently, the leadership for the Shelter Coalition is shared by two programs; Denton County Friends of the Family and Collin County Women's Shelter.
- Dallas Association for Services to the Homeless (DASH) offers networking opportunity for shelter programs. Shelter involvement in DASH keeps advocates informed of services, activities and issues of community providers who serve the homeless or provide emergency, transitional and low-income permanent housing.
- The Domestic Violence Prevention Coalition, formed by Genesis, a local shelter, and the Greater Dallas Injury Prevention Center, addresses prevention efforts around spouse, child and elder abuse. Last fall, the prevention coalition offered a two-day STOP Grant funded multidisciplinary training to sensitize a wide range of community professionals on domestic violence issues.

**Outreach to underserved victims.** The Family Place works with community-based programs to tailor services and programs to meet the needs of victims from under-served populations (see below).

- A number of the Family Place staff are Spanish-speaking and informed about the concerns of immigrant battered women. They offer the full range of group and individual victim services. They refer to and work closely with Proyecto Adelante, a program for women with immigration issues (e.g., self-petitioning under the Violence Against Women Act).
- The Family Place also has established two satellite offices, offering counseling services, located in predominantly African-American neighborhoods. Women from these neighborhoods are hired part-time and trained as peer professionals to provide public education, referral and advocacy.
- The Family Place collaborates with the East Dallas Counseling Center to provide services for Asian victims.

When clients at Proyecto Adelante and East Dallas Counseling Center require shelter services, these programs make referrals to the Family Place.

## **Soaring Eagles Coordinated Community Response Team**

*Lac du Flambeau Band of Superior  
Chippewa Indians and Vilas  
County, Wisconsin*

*Highlighted Feature:*

### **Developing a Coordinated Response Between Tribal and County Agencies**

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program materials  
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### ***Overview and Mission***

The Soaring Eagles Coordinated Community Response Team (CCR Team) works to ensure effective intervention in domestic violence cases by the criminal justice system, community-based victim services, and other government agencies in Vilas County and the Lac du Flambeau Indian Reservation. In order to be effective, the response must be consistent and coordinated with a focus on the safety of victims. The State of Wisconsin awarded the Lac du Flambeau Indian Reservation a STOP grant for the CCR Team project.

### ***Demographics***

Vilas County is located in North Central Wisconsin and has 16,535 residents; of this population, 1,328 are tribal members of the Lac du Flambeau Band of Lake Superior Chippewa Indians. The Lac du Flambeau Indian reservation is located in the southwestern corner of Vilas County.

Vilas County is a rural area with no mass transportation. Many residents of the county and the reservation do not have telephone service and 911 is not available in all areas. Two hospitals and four law enforcement agencies serve the county.

Two community-based domestic violence and sexual assault programs provide services to victims and survivors:

- the Lac du Flambeau Domestic Abuse Program (which serves primarily Native Americans on the reservation, as well as victims from other Wisconsin Tribes); and
- the Vilas County Outreach Office of the Tri-County Council on Domestic Violence and Sexual Assault (TCCDVSA), which serves primarily non-Native American victims.

### ***Description of Response***

**Recognition of the need for coordination.** The Lac du Flambeau reservation and Vilas County maintain separate law enforcement, prosecutors' offices, and courts, as well as social services and community-based services to victims/survivors. Prior to the development of the CCR Team, these separate systems often overlapped, but did not always communicate effectively.

For example, the Lac du Flambeau tribal police and prosecutors have civil jurisdiction only. Tribal police can make arrests of domestic violence offenders pursuant to its domestic abuse ordinance, which incorporates the Vilas County Domestic Abuse Mandatory Arrest Policy. Lac du Flambeau Tribal Police do not have a holding facility; therefore, defendants are transported to the Vilas County Jail. When needed, the Vilas County Sheriff's Department will assist tribal police in arresting and transporting offenders. Due to the long distance between the reservation and the sheriff's department, Lac du Flambeau victims have had a difficult time learning about the case status of the offender.

Data collected in 1995 by the Lac du Flambeau Domestic Abuse Program and TCCDVSA revealed a disparity between the number of crisis calls and other services provided to victims and

the number of arrests made by both the Lac du Flambeau Tribal Police Department and the Vilas County Sheriff's Department. For example, 412 crisis calls were made to the Lac du Flambeau Domestic Abuse Program in 1995, but only 98 arrests were made by the tribal police department. TCCDVSA received 1,308 crisis calls, but only 127 arrests were made. These statistics emphasized the need for better coordination between and within the two jurisdictions.

In order to hold domestic violence offenders accountable to their community, the jurisdictions of Vilas County and Lac du Flambeau would have to establish effective mechanisms for communication. A Vilas County Circuit Judge convened a multidisciplinary group of Vilas County and Lac du Flambeau justice systems and community-based victim service representatives, to discuss the development of a coordinated team approach to domestic violence for Vilas County.

Since then, the CCR Team has:

- met regularly;
- formed a number of sub-committees to focus on specific issues;
- received STOP Grant funding to support its work; and
- expanded to include both tribal and county representatives of other disciplines, such as probation, prosecution, victim/witness staff, clerks of courts, counselors, medical providers (including emergency room staff), social services, child welfare, and educational institutions.

**Staff hired to coordinate the CCR Team.** To centralize the task of coordinating the CCR Team, a half-time staff person was hired. The CCR coordinator, who is also the half-time law enforcement liaison for the Lac du Flambeau Domestic Abuse Program, has numerous duties including:

- recruiting survivors of domestic violence and sexual assault to the CCR Team;
- promoting and coordinating CCR Team meetings among agencies;
- facilitating cross-training and promoting enhancement of inter-agency communication;
- assisting agencies in the development of

- policies and procedures;
- developing written agreements or memoranda of understanding among agencies;
- assisting with the development of a uniform data system to include information on perpetrators' criminal history;
- developing materials to inform and educate the community and CCR Team; and
- reporting activities to the State Office of Justice Programs.

**Evaluation component of the project.**

At the outset of the project, the CCR Team distributed pre-project surveys to be completed by service providers. The surveys provided the basis for an initial assessment of the level of coordinated response to victims of domestic violence and sexual assault. The results of the survey were used to guide the CCR Team in setting priorities among their objectives. A post-project survey will be distributed to the same service providers to measure the changes that occurred between the beginning and end of the project period.

**Development of an action plan.** The CCR Team's Subcommittee on Functioning and Membership was assigned the task of identifying the most pressing issues for Vilas County and the LDF reservation. The issues identified included:

- improving coordination of tribal and non-tribal response to victims of domestic violence and sexual assault;
- developing a multidisciplinary response to domestic violence and sexual assault that focuses on the personal safety of victims and perpetrator accountability;
- enhancing inter-agency communication;
- developing inter-agency written agreements or memoranda of understanding;
- providing cross-disciplinary training on domestic violence and sexual assault;
- revising and/or developing standardized procedures relating to domestic violence and sexual assault;
- educating the public on domestic violence and sexual assault and available services; and
- educating the CCR Team members about the necessity of holding perpetrators accountable for their behaviors.

The other subcommittees created by the CCR Team to work towards these identified objectives are:

- Public Relations;
- Resource Directory;
- Services to Victims and Batterers' Intervention;
- Community Education and Trainings; and
- Criminal Justice System Response.

Each sub-committee is composed of both Native American and non-Native American service providers or criminal justice representatives.

**Regular communications with community agencies.** In order to keep open the lines of communication among the agencies in the community, the CCR coordinator makes regular contact with representatives from all relevant agencies and organizations, including:

- judges from both Vilas County and Lac du Flambeau;
- tribal and non-tribal prosecutors, law enforcement and probation and parole officers;
- human services personnel;
- medical professionals; and
- teachers.

The coordinator frequently travels to agencies to communicate with staff that are either participating in the CCR Team or that the CCR Team would like to recruit, such as additional tribal judges and social service providers. Follow-up contact with these agencies and individuals is made with phone calls and faxes.

The coordinator has found that these visits and phone calls help maintain interest in the CCR Team and provide opportunities to talk informally about the progress and pitfalls members may be experiencing. The Coordinator also regularly contacts those agencies that have not regularly attended CCR Team meetings and makes clear that their participation is welcome and needed by the community in order to plan for and implement a truly coordinated response.

**Cross-training by CCR Team members.** The CCR Team has conducted cross-training on issues related to sexual assault and domestic

violence crimes, as well as the roles each discipline plays in violence against women cases. Team members are expected to pass along the information and materials to colleagues at their respective agencies. Training sessions have included presentations by law enforcement on evidence collection, and education by victim advocates on crisis counseling and making appropriate referrals. A training program on "Domestic Violence in the Workplace" is planned for the spring of 1998.

**Cooperative agreements.** Each agency and organization participating in the CCR Team has signed a community-wide cooperative agreement. The agreement states that the agency is committed to the goals of:

- coordinating inter-agency domestic violence services;
- ensuring exemplary standards of practice in responding to this crime;
- educating the public about domestic violence;
- articulating agency roles and responsibilities within Vilas County and the Lac du Flambeau Reservation; and
- providing appropriate training for service providers on domestic violence and sexual assault.

In addition, individualized agreements or memoranda of understanding have been developed among specific agencies and organizations. These agreements define specific protocols, policies, and procedures for handling domestic violence cases within agencies and outline processes for sharing information with one another.

Law enforcement and prosecution representatives have already begun to define ways they can coordinate to achieve successful case outcomes. For example, the Vilas County District Attorney's Office has created status report forms that are sent to Lac du Flambeau and Vilas County law enforcement agencies. The forms provide a vehicle for these agencies to:

- share updates on case progress;
- indicate what additional evidence or information is required; and
- specify when evidence or information is needed.

Law enforcement agencies are working to improve evidence collection techniques through technology such as instant cameras and analysis of blood-spattering. These efforts have already served to facilitate the coordination of domestic violence investigations and prosecutions among tribal and county agencies, thus strengthening the criminal justice response to residents of the Lac du Flambeau Reservation and Vilas County.

The multidisciplinary team approach to domestic violence services has strengthened the communication between Lac du Flambeau tribal service providers and the Vilas County service providers. It has fostered a unified vision of holding batterers accountable for their actions, and protecting victims of domestic and sexual violence through comprehensive services.

# **The North Dakota Council on Abused Women's Services, and the Montana and Wyoming Coalitions Against Domestic Violence and Sexual Assault**

*North Dakota, Montana, and  
Wyoming*

*Highlighted Feature:*

## **Tri-State Rural Collaboration Project**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Tri-State Rural Collaboration Project is a regional effort among the State Domestic Violence Coalitions in North Dakota, Wyoming, and Montana. A recipient of a Rural Domestic Violence and Child Victimization Grant, the Tri-State Project was developed to:

- build networking relationships;
- develop culturally and geographically-specific resources;
- provide training and technical assistance to rural, remote, and reservation communities; and
- provide opportunities to explore strengths and weaknesses, and similarities and differences in service delivery to populations across States.

The Tri-State Project is intended to strengthen ties among groups with whom working relationships already exist, and to search out new groups and community members that can be integrated into a coordinated response to domestic violence on the local, State and regional level.

### ***Demographics***

The Tri-State Project encompasses vast rural and remote areas<sup>3</sup>. Thirty-nine domestic violence programs in rural/remote areas and twelve reservation programs are located within the project service area. The State of North Dakota covers 70,665 miles, with a population of approximately 600,000; Montana spans 145,392 miles and is populated by approximately 850,000 people; and Wyoming encompasses 97,914 miles, with close to 450,000 residents. The twelve Indian reservations that are within these three States' borders are located in some of the most remote areas of the States.

### ***Description of Response***

**Coordination among Coalitions and their member organizations.** The concept for the project emerged from conversations among the State domestic violence coalitions. Staff discussed the similarities and differences within service delivery models among the States, and the unique needs of domestic violence victims living on reservations and rural/remote areas. The coalitions believed that victims in the tri-state area share many of the same needs. They realized that by coordinating their efforts, they could provide more comprehensive training and technical assistance to domestic violence programs, and expand their outreach to these communities.

The Tri-State Project hired three Native American resource developers and three Rural resource developers (one of each is assigned to each of the three States) to provide outreach, training, and technical assistance to community-based domestic violence victim service providers and other agencies and interested community members. The resource developers are supervised

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<sup>3</sup> Remote areas are defined by the U.S. Government as counties in which there are fewer than six persons per square mile.

by a steering committee, comprised of the executive directors of the Coalitions.

**Resource developers work with the unique needs of programs.** The first objective of the Tri-State Project was to understand the specific strengths, needs, barriers and issues of each victim service program. The Resource Developers sought to establish trust between themselves and the programs. Initially, the resource developers made site visits to all programs. The developers listened closely to the concerns of program staff and made observations about the program and the community at-large.

For those staff working with Native American communities, this process took a slightly different form. Establishing trust was even more critical. Native American programs wanted assurances that the developers intended to work with their communities on a long-term basis. Developers made a number of initial visits to each reservation to demonstrate their commitment. Wyoming's Native American resource developer began living on the State's one reservation in order to become more accessible to the community.

The structure of each Tribe's justice and social service systems is unique, so the developers were required to become familiar with each reservation's governing structure. They learned how each domestic violence program fit into the community, from the perspective of functioning and funding. For example, some domestic violence programs are independent, tax-exempt organizations, while others are directly linked to the tribal government.

**Training and technical assistance.** The Tri-State Project developed a number of training programs in response to the comments from the communities. For example, the numerous barriers battered women faced in obtaining appropriate services were discouraging to many service providers, especially those on reservations. In response, the project developed a "Creative Problem-Solving" training workshop to help program staff learn techniques for overcoming barriers.

The upcoming Tri-State Rural Conference sponsored by the Tri-State Project will focus on

issues of concern to rural/remote and reservation service providers. The agenda will include sessions on:

- community relationship building in rural/remote areas;
- full faith and credit issues;
- funding strategies for rural and remote programs; and
- community organizing with a Native American focus:

The Tri-State Project is offering scholarships to underwrite the costs of attendance for local programs.

The resource developers also provide ongoing hands-on technical assistance to the local programs. The Rural and the Native American resource developers have separate bi-weekly conference calls with the project's Steering Committee. These calls provide opportunities to share issues and innovative strategies with one another. In one instance, a developer learned how one domestic violence program was reaching out to women in rural/remote communities by driving a grain truck to farms and picking up donated grain to raise funds for a rural program.

The Tri-State Project publishes a newsletter circulated to all programs served by the project and other interested community members. The newsletter contains information and program ideas to enhance the work of service providers. One column outlines special issues faced by battered women living in rural areas, and another provides pointers on how to work with the local newspaper to educate the public about domestic violence.

**Informal local networks to fill in service gaps.** Throughout the Tri-State area, community members provide assistance to victims in remote areas that do not have easy access to community-based programs. Many teachers, social workers, clergy, health care providers and cosmetologists have established informal networks for identifying and assisting victims of domestic or sexual violence.

The resource developers organized a series of focus groups to learn what these "first identifiers" were already doing to provide assistance to victims in their communities, and what kind of

support they needed to help victims more effectively. Project staff compiled the information obtained through focus groups into a number of guidebooks. Each guidebook contains general information about domestic violence, as well as information geared to the following professions:

- *The clergy booklet and resource packet* includes a comprehensive bibliography of resources that address the clergy's role in prevention, education, and intervention in domestic violence, and a booklet detailing recommended clergy responses for rural religious communities.
- *The booklet for cosmetologists* identifies the unique role that rural hairstylists often play as listeners and resource people, and suggests responses to both victims and perpetrators of domestic violence (who may occupy the same stylist's chair at different times).
- *The social worker's guidebook* suggests screening questions, provides information about the impact of domestic violence on children, discusses the importance of safety planning, and identifies available legal remedies.
- *The educator's guidebook* provides information about the impact of domestic violence on child witnesses and how to respond appropriately to their needs.

# Oglala Lakota Nation, Oglala Sioux Tribe, and Cangleska, Inc.

*South Dakota*

*Highlighted Feature:*

## **Collaborative Development of Standardized Tribal Law Enforcement Response to Domestic Violence**

Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### *Mission and Overview*

The Oglala Sioux Tribe and Cangleska, Inc., partnered to design and provide comprehensive prevention and intervention services to victims of domestic violence and sexual assault on the Pine Ridge Indian reservation in South Dakota. The philosophy utilized in the development of services is based on the belief that violence against native women is contradictory to Lakota (Sioux) ways of life. The goals of the partnership between the Oglala Sioux Tribe and Cangleska, Inc., are threefold: (1) safety of victims; (2) accountability of offenders; and (3) accountability of tribal systems and institutions responding to Oglala women who are battered and their children.

### *Demographics*

The Pine Ridge Indian Reservation, home of the Oglala Lakota Nation, is in the southwestern corner of the State. The Pine Ridge Reservation encompasses 2.7 million acres of land and spans three counties, with a population of 34,800 people and a median age of 18.3 years. The reservation contains the poorest county in the

U.S., with an average annual income of less than \$4,000. Alcoholism and unemployment rates are estimated at 85 percent. Approximately 60 percent of families on the Pine Ridge Reservation are single female head of household, and 40 percent are native Lakota speakers. Fewer than 40 percent of tribal members have completed a 12th grade education, and the average reading level is at the sixth grade level.

The reservation contains two tribal courts. The tribe's law enforcement agency, the Department of Public Safety, is decentralized, with 106 officers working out of nine sub-stations (one in each district). Detention facilities are located in western and eastern areas of the reservation.

### *Description of Program Response*

**Analysis of Oglala Sioux Tribe response to domestic violence.** Cangleska, Inc. worked in cooperation with the judiciary and health and human services committees of the tribal council, the Oglala Sioux Tribe Department of Public Safety, and the Oglala Sioux Tribe (OST) courts to assess the availability of services and support for battered women and their children and the existence and effectiveness of sanctions for offenders. From the data gathered by all agencies, a development plan began to emerge that was designed to meet the safety needs of Oglala battered women and their children while holding offenders accountable for their violence.

**Partnership with other agencies.** The primary agencies instrumental in the implementation of this project are Cangleska, Inc., the Department of Public Safety, and the Oglala Sioux Tribal Courts.

**Advocacy program is the lead organization in the collaboration.** Cangleska, Inc., a program that provides services to victims of domestic violence and sexual assault, is the primary monitoring agency, and oversees the development of domestic violence policy, procedure, and protocol for the tribe's criminal justice system. Cangleska has been awarded a STOP Violence Against Indian Women Grant to support its work.

Cangleska has developed four components

designed to serve an underserved and rural population. These four components are: (1) shelter; (2) outreach advocacy, (3) domestic violence offender probation; and (4) systems monitoring. Three Oglala tribal members function as a management team and are responsible for ensuring that all program activities are developed from a foundation of Lakota culture and philosophy that values women.

**Direct services developed.** In March of 1997, Cangleska opened shelter, outreach, and probation departments. All Cangleska staff participated in a three-week training institute to enhance employee skills and maximize coordination among Cangleska's departments. The shelter, located in Kyle (eastern reservation), housed 353 women and children between March and December of 1997. Outreach advocates, located in Pine Ridge (western reservation) assisted over 500 women. The probation department currently monitors 1100 offenders who are required to participate in offenders' re-education classes and any other rehabilitation efforts deemed appropriate by probation officers. Offenders classes are held in Kyle and Pine Ridge at the tribal courthouses.

According to tribal law, arrest reports are forwarded daily to Cangleska. Offenders must be interviewed by an advocate prior to arraignment. Reports are reviewed for law enforcement's adherence to policy, and any inappropriate response is reported to the appropriate supervisor. Individual officers are monitored for patterns of response that might result in the re-victimization of women who are battered.

While the Oglala Sioux Tribe has a domestic violence code in place (enacted in 1987), Cangleska has developed a model tribal code consisting of seven chapters, including full faith and credit provisions, stalking, and firearm chapters. The code is being reviewed by the legislature.

**Cangleska coordinates sharing of information.** Statistical data on domestic violence cases is gathered manually by Cangleska staff, since no computerized system exists for domestic violence cases in the Department of Public Safety or the courts. Cangleska has

instituted a manual collection system for registering orders for protection; the list is faxed to the two law enforcement dispatch centers for patrol officer reference. In addition, lists of probationers are available to the two tribal jails. Referrals are made by jailers to Cangleska in the event a probationer is jailed for a domestic violence offense or any other offense. A long-term technology plan has been developed to implement the eventual computerization and linking of all systems.

**Law enforcement works closely with Cangleska.** The Oglala Sioux Tribe operates its own independent criminal justice system, which includes law enforcement and judicial agencies.

The Department of Public Safety requested that Cangleska work with them to develop the department's policies and protocols for responding to domestic violence calls. These policies have been formulated and are being reviewed by the public safety system for passage. Policies include protocols for responding to officers who batter.

The Department of Public Safety has created a training center in an effort to enhance the skills of patrol officers and offer solutions to the problem of high officer turnover. Cangleska developed a 40-hour training agenda for the domestic violence track, and a policy agreement with public safety that no changes to the agenda will be made without consultation with Cangleska. Under the Oglala Sioux code, officers are required to receive 40 hours of training on domestic violence annually.

In February 1997, all Cangleska personnel and virtually all of the 106 law enforcement officers, including dispatch and jailers, participated in a training conducted by the founder of the San Diego Police Department's Domestic Violence Unit. Cangleska requested specific training on identifying the primary aggressor because the dual arrest rate reached 10 percent in 1996; after the training, the rate dropped to 2 percent.

Initially, Cangleska personnel met routinely with public safety administration and district lieutenants. The need to meet regularly decreased as the cooperative nature of the relationship

between Cangleska and public safety developed, and officers have become better-trained and the overall response has improved.

**Cangleska works with the courts to develop policies.** The Oglala Sioux Tribe operates two court systems: one in Kyle (eastern reservation) and another in Pine Ridge (western reservation). Four judges arraigned 12,760 adults in 1997. Sixty-eight percent of all criminal court dispositions were for domestic violence crimes. Approximately 40 percent of the civil court docket is related to domestic violence, including orders for protection, divorce, and child custody.

Cangleska and the tribal courts collaborated to develop policies regarding orders for protection. These include the use of new court forms that provide for firearms and full faith and credit provisions of the Violence Against Women Act. A procedure outlining the prosecution and court processes for revocation of domestic violence probation have been formulated and implemented.

No task force, council, or coordinating committee was formed throughout this process. Cangleska acted as the lead agency during the development process; it was the "broker," and determined when it was necessary for all parties and departments to meet, and when it was more appropriate for Cangleska to meet with only one department. This approach minimized negative politics and finger-pointing.

The implementation of a coordinated community response has energized the response of the criminal justice system. A coordinating and monitoring agency provides the framework for responsible and professional response. As one council representative commented, "In traditional Lakota culture, women and children are sacred. We are sending a message that violence against Oglala women is not traditional and will not be tolerated."

# **Santa Clara County Domestic Violence Council**

*Santa Clara County, CA*

*Highlighted Feature:*

## **Council Coordinated Community Response**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

### ***Overview and Mission***

The Santa Clara County Domestic Violence Council formed in 1991, upon recommendations from a domestic violence task force and in response to the domestic violence task force's belief that all agencies, courts and community members must play their part in ending domestic violence. The council creates a vehicle through which the justice system, social services, law enforcement and others in the community can respond effectively to family violence.

The purpose of this multidisciplinary council is to coordinate the response of diverse agencies, departments and the courts to victims of domestic violence and abuse. The council promotes effective prevention, intervention, and treatment techniques, based upon research and data collection.

### ***Demographics***

Santa Clara County is a mid-size county in California with 1,449,577 residents. The largest city within the county is San Jose. According to the 1990 census, 1,032,190 of county residents are white, 261,466 are Asian, 56,211 are black, and 9,269 are American Indian. Approximately 138,441 residents classify themselves outside the listed categories.

### ***Description of Program Response***

Diverse and comprehensive membership. Over 20 organizations belong to the domestic violence council, which is chaired by the elected district attorney. The involved organizations send one representative to the domestic violence council. These representatives have the power to enact policy in their respective organizations. The following organizations and individuals participate in the domestic violence council:

- law enforcement departments;
- the district attorney's office;
- the court system (including municipal and superior courts);
- battered women's shelters;
- batterer's treatment programs;
- pre-trial release services;
- the bar association;
- the public defender's office;
- legal aid organizations;
- social service organizations;
- the probation office;
- individuals with research specialization;
- Santa Clara Commission on the Status of Women;
- the State legislature;
- elder abuse services; and
- the gay and lesbian community.

There are five members appointed from the public-at-large.

**Regular organized meetings.** The domestic violence council meets at least eight times a year. The meetings are open to the public and interested parties can address the council about issues related to domestic violence. Council member organizations or others make presentations on the council's efforts on particular projects. The domestic violence council makes recommendations to the Santa Clara County Board of Supervisors, agencies, departments and the courts regarding improving their responses to domestic violence. As required by the Santa Clara Board of Supervisors, the council develops a yearly work plan that identifies its goals and the areas in need of immediate attention.

At this time, the council has no dedicated support staff. The council by-laws state that the Clerk of the County Board of Supervisors is responsible for providing secretarial assistance to the council. Otherwise, individual member organizations contribute administrative support on a voluntary basis.

**Working committees.** The council has formed working committees to identify and help implement its goals. Individuals who are not members of the council are invited to participate in the committees, thus encouraging greater community involvement. These committees generally include as many non-council members as council members. Current committees focus on the following subject areas:

- court systems;
- community education;
- data collection;
- legislation;
- police/victim relations;
- death review;
- social services;
- executive;
- housing;
- victim;
- medical;
- batterers' intervention;
- victim/survivor advocacy;
- workplace violence; and
- children's issues.

Each committee meets monthly. The committees develop and maintain a work plan, subject to approval by the council, which guides the work of the committee. The committees also receive project suggestions from the council. The committees have worked to enhance the community response within the county.

A sampling of the committee activities and successes are listed below.

*Education Committee.* Over the past several years, the community education committee has held two county-wide domestic violence conferences. One conference focused on domestic violence in the Latino community and the other focused on violence in the gay and lesbian community. In conjunction with the Mid-Peninsula Support Network, the council

coordinates outreach to teens and juvenile facilities.

The committee organized a speakers bureau that has conducted one speaking event to interested community groups each week for several years. In addition, this committee has sponsored trainings for judges, probation officers, social workers and law enforcement officers.

*Medical Committee.* This committee has developed a protocol for healthcare providers in the county. The protocol explains the legal duties of all healthcare providers related to reporting acts of domestic violence they discover in their interactions with patients. It also recommends to healthcare providers approaches for treating potential victims of domestic violence. The committee developed a training curriculum to instruct county healthcare providers on policy implementation.

*Court Systems Committee.* The court systems committee developed a training tape that describes how emergency protection orders function. The tape has been shown to all county law enforcement agencies and has led to a significant increase in the use of emergency protective orders.

The court systems committee also encouraged and supported the creation of a domestic violence unit in the Santa Clara District Attorney's Office. Since its creation, the unit has grown to four attorneys and one full-time paralegal.

The committee organizes monthly meetings for all participants in the court system in order to coordinate domestic violence cases that appear in different court settings simultaneously. This meeting has been particularly important for the coordination of cases that appear in criminal, family and juvenile courts. The committee and the council enjoy active participation from local judges.

*Death Review Committee.* The death review committee was established in an effort to respond to domestic homicides that occurred in the county. The committee is comprised of members from the courts, corrections, victim services, social services and law enforcement disciplines, as well as interested members of the public. The primary goal of the committee is to

review the homicides in order to determine if there are ways that the systems and services available could be improved to prevent future incidents.

The committee has a confidentiality policy, requiring those who participate in meetings to sign a form agreeing to keep information discussed confidential. Even the resulting reports are written with the utmost respect for individual's confidentiality. In 1996, legislation was passed which makes it clear that all death review committee discussions are not discoverable by defense counsel or others.

Since the formation of the domestic violence council, the number of reported cases of domestic violence cases in Santa Clara County has increased sharply. The council views this data as an encouraging sign of an increased community awareness of the availability of services for battered women and children, as well as an understanding that the crime of domestic violence is taken seriously by the justice system.

## **Victim Services of Dodge, Fillmore, and Olmsted County**

*Three Communities in Minnesota*

*Highlighted Feature:*

### **Development of a Model Protocol for a Coordinated Community Response to Sexual Assault**

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Call the STOP T.A. Project for  
further information and  
program materials  
at 1(800) 256-5883.

#### ***Overview and Mission***

Victim Services of Dodge, Fillmore and Olmsted Counties is a comprehensive sexual assault and general crime victim advocacy program. With support from a STOP grant, the program has assigned full-time co-directors to the Statewide Model Sexual Assault Response Protocol Development Project. The project established a three-stage process for improving the criminal justice system's response to sexual assault victims/survivors through a model protocol:

- the first stage involved gathering information to develop a draft of a model protocol;
- stage two, the current stage of the project, focuses on working with three test-site communities (the "Test Site Project") to develop a multidisciplinary, victim-centered protocol specific to the needs of each community; and
- stage three will use the information learned in the test site project to revise the current draft of the model protocol, and take additional steps to adapt and use statewide.

A central tenet of the project is that the quality of case investigation and prosecution is inextricably linked to the quality of the system's response to sexual assault victim/survivors. The project has hired independent evaluators to help gauge progress and test this assumption.

#### ***Description of Response***

**Philosophy of protocol development.** The project is framed by the belief that a model protocol should be adaptable and responsive to the needs of a given community. Therefore, the focus of the protocol is on helping participating agencies organize around a common goal related to sexual assault response and develop an infrastructure that will implement policies consistent with that goal. While the project promotes a shift in the criminal justice system response from focusing on "the case" to being mindful and recognizing the centrality of the victim, it will give participants the flexibility to determine how best to accomplish this shift.

Co-Directors Etrulia Calvert and Laura Williams stress the importance of developing a protocol that defines a standard and at the same time allows for variation due to local differences. Williams explains that "the system needs to be adaptable to best serve victims. We need people in each discipline to think for themselves about how they will achieve the agreed upon standards," particularly given the changing nature of the information and technology surrounding the criminal justice system response to sexual assault.

**Statewide model protocol.** The project is using multiple methods to solicit a broad range of input for the protocol. Discussions with advocacy groups were held to determine what kind of input they should seek. Following these, public hearings were held, as well as meetings with multidisciplinary groups asking them what was needed to make the specific system they represented more responsive. Focus groups with survivors were organized, including groups for women of color, deaf and hard-of-hearing women, rural women, college women, and incarcerated women.

A Statewide advisory board has been charged with developing the protocol based on the recommendations from the meetings and hearings, lessons from the test site project, and their own expertise. A draft of the model protocol was created at the end of the project's first stage. This draft will undergo revisions throughout the next two years of the project.

#### **Facilitation of local coordination.**

Three counties were selected to serve as test sites for the protocol development process. One county is a suburb in the metro area of the Twin Cities. The other two counties are predominantly rural areas with a majority white population and small populations of communities of color. The project is currently in the process of adding an urban site with a focus on communities of color.

While the sites are not testing a model protocol, they are testing a process for creating victim-centered protocol that will coordinate the work of the many agencies involved in responding to sexual assault (see "Attention to process of coordination" below). The experience of the test sites will be used to inform the development the model protocol. One representative from each site has joined the advisory board.

1. *Coordinating structure.* To qualify as a test site, communities had to convene a multidisciplinary Sexual Assault Interagency Council (SAIC). At a minimum, the following four disciplines were required to co-sponsor the project by allocating their respective agencies' staff time and resources:

- health care;
- victim advocacy;
- law enforcement; and
- prosecution.

Most sites have added other disciplines to the council, including mental or public health agencies, social services agencies, colleges and universities, and agencies serving cultural or racial minority populations.

Each SAIC was also required to appoint a coordinator, the only person who receives compensation from the grant for participation in the project. Up to this point, the site

coordinators have been half-time positions, but some sites have sought additional funding and may increase the position to three-quarter or full-time. In two of the sites, experienced victim advocates were hired as site coordinators. The third site hired a paralegal to coordinate the project.

The SAICs in each site include ten to 20 people. At least two law enforcement agencies are represented on the SAIC in each site. All law enforcement agencies in the test site areas were invited to join the project. In some cases, those agencies that did not join at the beginning have shown interest, as their local SAIC gained momentum.

2. *Attention to the process of coordination.* Each test site is following an eight-step protocol development "cycle" to adapt, implement, and evaluate the protocol. This process is largely based upon strategies developed at the national level for the National Victim Center's "Looking Back, Moving Forward: Communities Responding to Sexual Assault" project and documented in the book *Improving Community Response to Crime Victims: An Eight-Step Model for Developing Protocol* (Boles and Patterson, Sage 1997).

At the beginning of the grant period (which extends from October 1997 - June 1999), the project convened a meeting where the SAICs were trained by the individuals who developed the eight-step protocol development process. Briefly, the eight-step cycle contains the following steps:

1. do inventory of existing services;
2. conduct a victim experience survey;
3. assess community needs;
4. write or adapt protocol;
5. re-new or establish inter-agency agreements;
6. train personnel;
7. monitor policy compliance; and
8. evaluate policy effectiveness.

An objective of each step of the process is to identify the characteristics of a coordinated response to sexual assault victim/survivors. Through the experience of the test site SAICs the project seeks to learn what motivates communities to improve their response to sexual assault.

One of the strengths of the project is that all SAIC members participate in the stages of the protocol development cycle. This unites them in their goals, and helps foster big picture thinking. Currently, most of the SAICs have reached the second step of the cycle.

**Technical assistance to test sites.** The SAICs are receiving extensive support from the project. The support differs from site to site, since the sites are encouraged to organize the work in ways most relevant to them. The co-directors meet monthly with site coordinators, and attend each site's SAIC meetings. Two of the SAICs meet at least monthly, with their subcommittees meeting more frequently.

The project calls for training and hold meetings in response to the perceived needs of the individual SAICs. For example, the project has encouraged all of the SAICs to involve representatives from underserved populations of victims in their communities. They may do this by appointing to the SAIC someone who represents a given perspective or they may form advisory councils for women of color in the community.

To facilitate learning among the sites and to raise awareness across the state, the project started a bi-monthly newsletter called "The Link", which profiles progress and technical assistance issues. In addition, the co-directors spend considerable time on the phone with site coordinators and other project constituents to help address issues as they arise and maintain momentum. Issues range from fostering collaborations among participating agencies to conducting public hearings and using consultants at key points in the process.

**Evaluation and preparation for statewide distribution.** At this time, the plan for revising and distributing the model protocol includes incorporating the results of an independent evaluation of the Test Site Project. A comprehensive evaluation plan was developed with independent evaluators to address the questions listed below.

- Does a victim-centered approach to reports of sexual assault improve case outcomes and the functioning of the criminal justice system?

- What strategies did the test sites use to move from a case-centered system to a victim centered one? Which of the strategies were most successful?
- How do multidisciplinary, victim-centered protocols affect how cases are handled?

The evaluators share information they have learned throughout their research with project co-directors. A final evaluation report is not anticipated until FY 2000, in stage three of the project. With the results of the evaluation, the draft model protocol will be revised and distributed.

Based on learning from the Test Site Project, the statewide advisory board will develop recommendations for further action to increase awareness in other communities about the project strategy and model protocol. For example, one anticipated initiative would train multidisciplinary teams to work with other Minnesota communities who are interested in adopting the model protocol.

# **Women's Center & Shelter of Greater Pittsburgh**

*Pittsburgh, Pennsylvania*

*Highlighted Feature:*

## **Comprehensive Community Response to Domestic Violence**

Call the STOP T.A. Project for further information and program materials at 1(800) 256-5883.

### *Overview and Mission*

The Women's Center & Shelter (WC&S) was founded in 1974. The WC&S is a leader in the development of innovative, effective intervention and prevention programs for victims of intimate partner violence.

The WC&S programs are based on a belief that the causes of intimate partner violence stem from the batterer's need to control his partner. All issues are viewed from the larger societal context. Perpetrators are held accountable for their actions without blaming the victim. Peer counselors offer victims understanding, information, support, and advocacy services.

The programs of the WC&S focus on the ability of women to take control of their own lives. Staff educates battered women on all options available to them. The WC&S provides individual and systems advocacy to improve the response of institutions and agencies with which battered women interact. Judges, attorneys, and law enforcement, child protective services, public schools, and local hospitals have worked with the WC&S to respond to domestic violence at the community level.

### *Demographics*

The WC&S serves Pittsburgh, Allegheny County, and surrounding areas. Pittsburgh is an urban area with 87,455 families and a population of 369,879. Of these, 96,169 are African-American. The city is characterized by a mix of ethnic neighborhoods: 67 percent white; 26 percent African-American; 2 percent Asian-American; and 5 percent from other cultural origins. Fifty-four percent of the city's residents are female and 46 percent are male. The median household income is \$20,747.

### *Description of Response*

**Comprehensive victim services.** The WC&S maintains a 24-hour hotline that utilizes a triage system through which victims needing immediate assistance are referred to the shelter and resident counseling centers. The WC&S also offers:

- case management;
- individual counseling;
- support groups;
- medical exams;
- substance abuse information and referral;
- mental health intervention;
- parenting education;
- employment readiness; and
- individual advocacy on legal, medical, housing, and financial issues.

A follow-up program for former shelter residents provides a continuum of support and services for women. Child care services are provided to residents, non-residents and follow-up participants.

The WC&S collaborates with local child protective services by providing training to caseworkers on identification and intervention for intimate partner violence in families when both the mother and children are victimized. The WC&S advocates work on-site at local child protection agencies to provide consultation and crisis intervention.

**Foundation for coordinated response.** Since its inception, the WC&S has worked to increase domestic violence awareness and build

partnerships through collaboration with criminal justice system agencies and other organizations.

The WC&S formed the Domestic Violence Task Force in 1988 to promote an improved response to intimate partner violence in Pittsburgh. The task force is composed of representatives of the law enforcement agencies and district attorneys' offices, family courts, the probation department, and victim service agencies. Its primary work is to monitor and evaluate system efforts to serve battered women. The task force has divided itself into separate committees to work on specific projects. At least one WC&S staff member sits on each committee to ensure a focus on victim needs.

The task force meets four times a year. The WC&S develops meeting agendas, sets meeting dates, and provides the food for meetings. To accommodate the growing workload of the task force, the WC&S funds a full-time paid staff person to coordinate the meetings.

**Involvement of medical community.** Recognizing that the first (and sometimes only) contact some battered women have with public services is with hospital emergency rooms, the WC&S developed medical advocacy projects located in two city hospitals. An on-site medical advocate works directly with the hospital staff and victims treated at the hospital. The advocate provides the victim with referrals to local shelters and information on counseling services.

In 1996, the WC&S medical advocacy project at Mercy Hospital was named one of the top ten hospital-based domestic violence programs in the nation by the Family Violence Prevention Fund.

WC&S staff provides training to all area hospitals on how to create medical advocacy projects and conduct patient screening for domestic violence.

The Pro Bono Mental Health Project matches therapists with children who are receiving services from the WC&S and other local shelters. The volunteer therapists provide counseling and support to children who have witnessed and experienced domestic violence in their lives.

**Collaboration with schools.** In 1997, the Pittsburgh Public Schools contracted with the

WC&S to provide immediate crisis response and assessment for students who have witnessed domestic violence or are violent themselves. This partnership marked a recognition by the community of the significant connection between student behavior and family violence.

Advocates and domestic violence trainers facilitate discussions and workshops in the schools using the "Hands are Not for Hurting" curriculum, which was developed by the WC&S. The curriculum includes age-appropriate lessons that teach youth that they are responsible for the choices they make and aims to teach students how to resolve conflicts non-violently. Each age component of the curriculum includes:

- school personnel training;
- parent workshops; and
- classroom presentations, discussion groups, and support groups.

During 1997, the WC&S reached 21,395 students through 1,658 education and training programs to community groups and schools. Pre- and post-test surveys indicated that student awareness increased after participation in the programs. In the four elementary schools reached, there was a 14.2 percent increase in awareness, and in the 14 high schools there was a 23 percent increase.

The WC & S was recently selected to receive a federal grant from the Department of Health and Human Services, Administration for Children and Families to expand the "Hands are Not for Hurting" program to include:

- pre-school students in the Head Start Program; and
- students from kindergarten through high school.



## D. Program Contact Information

# Program Contact List

(In alphabetical order by State and by city within each State)

## ALABAMA

**Hope Place, Inc.**  
P.O. Box 687  
Huntsville, AL 35804  
**Contact:** Kathy Wells  
**Phone:** 205/534-4052  
**Fax:** 205/533-2286  
**E-mail:** [kwells@hopeplace.org](mailto:kwells@hopeplace.org)

**Penelope House**  
**Court Advocate Program**  
P.O. Box 9127  
Mobile, AL 36691  
**Contact:** Kathryn Coumanis  
**Phone:** 334/342-2809  
**Fax:** 334/342-4174

**Montgomery Council Against Rape**  
**Sexual Assault Response Team**  
**Lighthouse Counseling Center**  
1415 E. South Blvd.  
Montgomery, AL 36116  
**Contact:** Julie Lindsey  
**Phone:** 334/286-5980  
**Fax:** 334/286-5993  
*Contact STOP TA Project initially for information about program.*

**Montgomery District Attorney's Office**  
251 South Lawrence St.  
P.O. Box 1667  
Montgomery, AL 36102  
**Contact:** Vickie Brown  
**Phone:** 334/832-2550  
**Fax:** 334/832-1615

**City of Tuscaloosa Police Department**  
**Legions Domestic Violence Program**  
3801 Mill Creek Ave.  
Tuscaloosa, AL 35401-7500  
**Contact:** Terry Pennington  
**Phone:** 205/349-0520  
**Fax:** 205/349-0174

## ALASKA

**Alaskan Judicial Education Office**  
**Administrative Office of the Courts**  
820 West 4th Ave.  
Anchorage, AK 99501  
**Contact:** Steven A. Bouch  
**Phone:** 907/264-8230  
**Fax:** 907/264-8291  
**E-mail:** [sbouch@courts.state.ak.us](mailto:sbouch@courts.state.ak.us)

**State of Alaska Department of Law**  
**Criminal Division**  
310 K St., Suite 501  
Anchorage, AK 99501  
**Contact:** Cindy Cooper  
**Phone:** 907/269-6300  
**Fax:** 907/269-6321

**Standing Together Against Rape**  
360 W. Benson, Suite 201  
Anchorage, AK 99501  
**Contact:** Trisha Gentle  
**Phone:** 907/276-7279;  
TDD/TTY 907/563-9988  
**Fax:** 907/278-9983

**Alaska Network On Domestic Violence And Sexual Assault**  
**Legal Advocacy Project**  
130 Seward St., Suite 501  
Juneau, AK 99801  
**Contact:** Kari Robinson  
**Phone:** 907/586-3650  
**Fax:** 907/463-4493  
*Contact STOP TA Project initially for information about program.*

**Alaska State Troopers Domestic Violence Unit**  
c/o Council on Domestic Violence and Sexual Assault  
P.O. Box 111200  
Juneau, AK 99811  
**Phone:** 907/465-4356  
**Fax:** 907/465-3627

## ARKANSAS

### **Benton County Domestic Violence Program**

908 S.E. 14th St.

Bentonville, AR 72712

**Contact:** Justin McCarver

**Phone:** 501/464-0988

**Fax:** 501/271-1076

*Contact STOP TA Project initially for information about program.*

### **Benton County Women's Shelter**

P.O. Box 994

Bentonville, AR 72201

**Contact:** Debby Weineke

**Phone:** 501/273-5702

**Fax:** 501/273-1767

## ARIZONA

### **Mesa Police Department**

#### **Center Against Family Violence**

130 N. Robson St.

Mesa, AZ 85201-6697

**Contact:** Karl Bentz

**Phone:** 602/644-2010

**Fax:** 602/644-4206

*Contact STOP TA Project initially for information about program.*

### **Phoenix Police Department**

#### **Domestic Violence Unit**

620 W. Washington

Phoenix, AZ 85003

**Contact:** John Buchannan

**Phone:** 602/534-1740

**Fax:** 602/495-0871

### **Domestic Violence Commission**

#### **Tucson/Pima County**

110 East Pennington

P.O. Box 185

Tucson, AZ 85702

**Contact:** Mary Utley

**Phone:** 520/791-3244

**Fax:** 520/791-3254

*Contact STOP TA Project initially for information about program.*

### **University of Arizona College of Law**

P.O. Box 210176

Tucson, AZ 85721

**Phone:** 540/626-5232

## CALIFORNIA

### **South Bay District Court**

#### **Domestic Violence Court**

500 C-3rd Ave.

Chula Vista, CA 91910

**Contact:** Judge William Cannon

**Phone:** 619/691-4770

**Fax:** 619/691-4438

### **Fresno Police Department**

2326 Fresno St.

Fresno, CA 93721

**Phone:** 209/498-1414

### **Fresno Sheriff's Office**

2200 Fresno St.

Fresno, CA 93721

**Phone:** 209/488-3111

### **Rape Counseling Services**

1060 Fulton Mall, Suite 901

Fresno, CA 93721

**Contact:** Lee Ann Eager

**Phone:** 209/497-2900

**Fax:** 209/497-2911

### **Los Angeles City Attorney's Office**

#### **Domestic Violence Prosecution Unit**

312 S. Hill St., Third Floor

Los Angeles, CA 90013

**Contact:** Lara Bloomquist

**Phone:** 213/485-2352

**Fax:** 213/847-8544

### **Los Angeles County Domestic Violence Prevention Task Force/Los Angeles Domestic Violence Review Team**

c/o Los Angeles City Attorney's Office

1600 City Hall East, North Main St.

Los Angeles, CA 90012

**Contact:** Alana Bowman

**Phone:** 213/237-0023

**Fax:** 213/847-8544

### **Los Angeles Commission on Assaults Against Women**

#### **Sexual Assault and Domestic Violence Program**

6043 Hollywood Blvd., Suite 200

Los Angeles, CA 90028

**Contact:** Patricia Giggins

**Phone:** 213/462-1281

**Fax:** 213/462-8434

**E-mail:** lacaaw@earthlink.net

**Los Angeles Police Department**  
**System Wide Mental Assessment Response Team**  
150 North Los Angeles St., Room 309  
Los Angeles, CA 90012  
**Contact:** Joseph Cruz  
**Phone:** 213/893-8339  
**Fax:** 213/893-8564

**Los Angeles Police Department**  
**Threat Management Unit**  
150 North Los Angeles St., Room 309  
Los Angeles, CA 90012  
**Contact:** Joseph Cruz  
**Phone:** 213/893-8339  
**Fax:** 213/893-6564  
*Contact STOP TA Project initially for information about program.*

**San Diego Task Force on Domestic Violence**  
**Domestic Violence Research and Training Institute**  
YWCA 2550 Garnet Ave.  
Pacific Beach, CA 92109  
**Contact:** Denise Frey  
**Phone:** 619/581-1774  
**Fax:** 619/270-4502

**YWCA of San Diego County**  
2550 Garnet Ave.  
Pacific Beach, CA 92109  
**Contact:** Denise Frey  
**Phone:** 619/581-1774  
**Fax:** 619/581-2959

**California Rural Legal Assistance Foundation**  
**Farmworker Women Leadership Project**  
611 South Rebecca St.  
Pomona, CA 91766  
**Contact:** Millie Trevino  
**Phone:** 909/865-7776

**Health and Human Services Agency Metro Region,**  
**Children's Services Bureau**  
**Project Nexus**  
6950 Levant St., Rm.131  
San Diego, CA 92111  
**Contact:** Cambria Rose  
**Phone:** 619/694-5426  
**Fax:** 619/694-5241  
*Contact STOP TA Project initially for information about program*

**San Diego City Attorney's Office**  
1200 Third Ave. Suite 600  
San Diego, CA 92101  
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**Phone:** 619/533-5503  
**Fax:** 619/533-5505  
*Contact STOP TA Project initially for information about program.*

**San Diego County Probation Department**  
3977 Ohio St.  
San Diego, CA 92104  
**Contact:** Jerry Storm  
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**Fax:** 619/531-5015

**San Diego Police Department**  
**Domestic Violence Unit**  
1401 BRd.way  
Internal Mail Station 759-Domestic Violence  
San Diego, CA 92101  
**Contact:** Larry Miller  
**Phone:** 619/531-2840  
**Fax:** 619/531-2713

**San Diego Police Department**  
**Sex Crimes Unit**  
1401 BRd.way  
San Diego, CA 92101-5729  
**Contact:** Det. Sgt. Joanne Archambault  
**Phone:** 619/531-2338  
**Fax:** 619/531-2713

**Family Violence Prevention Fund**  
383 Rhode Island St., Suite 304  
San Francisco, CA 94103  
**Contact:** Janet Carter  
**Phone:** 415/252-8900  
**Fax:** 415/252-8991  
**Website:** [www.fvpf.org](http://www.fvpf.org)

**San Jose Police Department**  
**Police Chief's Ass. of Santa Clara County**  
201 West Mission St.  
San Jose, CA 95110  
**Contact:** Officer Souza  
**Phone:** 408/277-4147  
**Fax:** 408/248-0276 (or 408/277-3777)

**Santa Clara County Domestic Violence Council**  
**Department of Social Services**  
P.O. Box 3432  
San Jose, CA 95110  
**Contact:** Pam Butler  
**Phone:** 408/441-5848  
**Fax:** 408/453-1208  
**Website:** [www.glowing.com/nonviolence](http://www.glowing.com/nonviolence)

**Sexual Assault Response Team**  
**Villaview Memorial Hospital**  
5550 University Ave.  
San Diego, CA 92105  
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**Phone:** 619/582-3516  
**Fax:** 619/287-6420

**Westminster Police Family Protection Unit**  
8200 Westminster Blvd.  
Westminster, CA 92683  
**Contact:** Al Panella  
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**Fax:** 714/898-5932

## COLORADO

**Boulder Police Department Special Assault Unit**  
**Sexual Response and Domestic Violence Response Network**  
Boulder Police Department  
1805 33rd St.  
Boulder, CO 80301  
**Phone:** 303/441-3372  
**Fax:** 303/441-3459

**Center for Prevention of Domestic Violence**  
**DVERT**  
Police Operations Center  
705 South Nevada Ave.  
Colorado Springs, CO 80903  
**Contact:** Howard Black  
**Phone:** 719/444-7813  
**Fax:** 719/444-7815

**Colorado Coalition Against Sexual Assault**  
P.O. Box 18663  
Denver, CO 80218  
**Phone:** 303/861-7033  
**Fax:** 303/832-3050

**Colorado State Violence Against Women Advisory Committee**  
**State Court Administrative Office Colorado**  
**Judicial Department**  
1301 Pennsylvania St., Suite 300  
Denver, CO 8203-2416  
**Contact:** Amy Houghton  
**Phone:** 303/837-2300

**Denver District Attorney**  
**Sex Crimes Unit**  
303 West Colfax, Suite 1500  
Denver, CO 80204  
**Contact:** Sheila Parraport  
**Phone:** 303/640-5822  
**Fax:** 303/640-3587

**Ending Violence Against Women Project**  
**Jefferson Co. District Attorney's Office**  
500 Jefferson County Parkway  
Golden, CO 80401-6020  
**Contact:** Yolanda Gotier  
**Phone:** 303/271-6799  
**Fax:** 303/271-6795  
*Contact STOP TA Project initially for information about program.*

**Longmont Coalition for Women in Crisis**  
P.O. Box 231  
Longmont, CO 80502-0231  
**Contact:** Mary Kopman  
**Phone:** 303/772-0432  
**Fax:** 303/772-1576

## CONNECTICUT

**Connecticut Sexual Assault Crisis Services, Inc.**  
110 Connecticut Blvd.  
East Hartford, CT 06108  
**Contact:** Gail Burns-Smith  
**Phone:** 860/282-9881  
**Fax:** 860/291-9335  
**Website:** [www.connsacs.org](http://www.connsacs.org)

**Connecticut Coalition Against Domestic Violence**  
133 Broad St.  
Hartford, CT 06105  
**Phone:** 860/524-5890  
**Fax:** 860/249-1408

**Greater Hartford Legal Assistance**  
**Legal Advocacy Project**  
80 Jefferson St.  
Hartford, CT 06106-5035  
**Contact:** Jill Davies  
**Phone:** 860/541-5000  
(TDD/TTY 860/541-5069)  
**Fax:** 860-541-5050  
*Contact STOP TA Project initially for information about program.*

**Superior Court of Connecticut  
Family Violence Intervention Unit and Domestic  
Violence Projects**  
28 Grand St.  
Hartford, CT 06106  
**Phone:** 203/566-8187

**Connecticut Office of Adult Probation  
Intensive Sex Offender Supervision Unit**  
2275 Silas Deane Highway  
Rocky Hill, CT 06067  
**Contact:** Robert Bosco  
**Phone:** 860/563-1332  
**Fax:** 860/721-9474  
*Contact STOP TA Project initially for information  
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## DELAWARE

**Domestic Violence Coordinating Council  
Family Court**  
900 King St.  
Wilmington, DE 19801  
**Contact:** Raina Fisbane  
**Phone:** 302/577-2684

## DISTRICT OF COLUMBIA

**American Association of Retired Persons**  
601 E St., NW  
Washington, DC 20049  
**Contact:** Maxine Forman  
**Phone:** 202/434-2277

**The American Bar Association  
Commission on Domestic Violence**  
740 15th St., NW, 9th floor  
Washington, DC 20005-1009  
**Phone:** 202/662-1737  
**Fax:** 202/662-1594

**American University Washington  
College of Law  
Women and the Law Clinic**  
4400 Massachusetts Ave.  
Washington, DC 20016  
**Phone:** 202/274-4000

**Ayuda, Inc.**  
1736 Columbia Rd., NW  
Washington, DC 20009  
**Contact:** Leslye Orloff  
**Phone:** 202/387-4848  
**Fax:** 202/387-0324

**Catholic University of America  
Columbus School of Law  
Families and the Law Clinic**  
3602 John McCormick Rd., NE  
Washington, DC 20064  
**Phone:** 202/319-6787

**D.C. Superior Court  
Domestic Violence Intake Center**  
One Judiciary Square  
441 Fourth St., NW  
6th Floor North  
Washington, DC 20001  
**Contact:** Natalie Frazier-Allen  
**Phone:** 202/727-3839, ext. 3142

**George Washington University  
National Law Center  
Domestic Violence Advocacy Project**  
Washington, DC 20052  
2000 G St., NW, Suite 200  
**Phone:** 202/994-7463

**My Sister's Place**  
P.O. Box 29596  
Washington, DC 20017  
**Phone:** 202/529-5261

**Police Executive Research Forum**  
1120 Connecticut Ave, Suite 930  
Washington, DC 20036  
**Phone:** 202/466-7820  
**Fax:** 202/466-7826

## FLORIDA

**Port St. Lucie Police Department**  
121 W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984  
**Contact:** Michelle Lobofkie  
**Phone:** 561/871-6584  
**Fax:** 561/785-6121

**St. Petersburg Police Department  
Domestic Violence Unit**  
1300 1st Ave., North  
St. Petersburg, FL 33705  
**Contact:** Conner Dubina  
**Phone:** 813/893-4042  
**Fax:** 813/893-7880

**Florida Coalition Against Domestic Violence**  
410 Office Plaza Dr.  
Tallahassee, FL 32301  
**Contact:** Lynn Rosenthal  
**Phone:** 850/671-3998  
**Fax:** 850/671-2058

**Governor's Task Force on Domestic and Sexual Violence**  
Office of the Governor, Plaza Level  
Tallahassee, FL 32399-0001  
**Contact:** Robin Hassler  
**Phone:** 850/414-8317  
**Fax:** 850/413-0812

**Hillsborough County Sheriff's Office**  
**Domestic Violence Unit**  
**Sex Crimes and Domestic Violence Unit**  
P.O. Box 3371  
Tampa, FL 33601  
**Contact:** Sgt. Rod Reder  
**Phone:** 813/247-8916  
**Fax:** 813/247-8750

**Sexual Abuse Invention Network**  
**Crisis Center of Hillsborough Cty, Inc.**  
209 S. Morgan St.  
Tampa, FL 33602-5339  
**Contact:** Nikki Daniels  
**Phone:** 813/228-0011  
**Fax:** 813/228-0414

**Refuge House**  
P.O. Box 20910  
Tallahassee, FL 32316  
**Contact:** Kelly Otte  
**Phone:** 850/922-6062  
**Fax:** 850/413-0395

## GEORGIA

**Georgia State University**  
**Department of Psychology**  
**Georgia State University**  
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**Savannah District Attorney's Office**  
P.O. Box 2309  
Savannah, GA 31402  
**Contact:** Kim Tate  
**Phone:** 912/652-7308

**Savannah Police Department**  
**Domestic Violence Department**  
P.O. Box 8032  
Savannah, GA 31412  
**Contact:** Oliver Andre  
**Phone:** 912/651-6728  
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## HAWAII

**Department of Prosecuting Attorney**  
**Victim Witness Division**  
1060 Richards St.  
Honolulu, HI 96813  
**Contact:** Cindy Spencer  
**Phone:** 808/523-4509, ext. 4630  
**Fax:** 808/523-4966

**Kapi'olani Medical Center for Women and Children**  
**Sexual Abuse Treatment Center**  
Harbor Court 55 Merchant St., 22nd Floor  
Honolulu, HI 96813  
**Contact:** Adrianna Ramelli, ACSW  
**Phone:** 808/535-7600  
**Fax:** 808/535-7630  
**E-mail:** adrianar@kapiolani.org

**The Family Court of the Third Circuit**  
777 Punch Bowl St.  
Honolulu, HI 96813  
**Phone:** 808/539-4200 (or 808/531-3771)

## ILLINOIS

**Carbondale Police Department**  
**Domestic Violence Project**  
610 East College St.  
P.O. Box 2047  
Carbondale, IL 62902-2047  
**Contact:** Pam Green  
**Phone:** 618/457-3200, ext. 435  
**Fax:** 618/457-3204

**Chicago Police Department**  
**Domestic Violence Unit**  
1121 S. State St., Rm 105  
Chicago, IL 60605  
**Contact:** Debra Kirby  
**Phone:** 312/747-5191  
**Fax:** 312/747-1642

**Cook County Misdemeanor  
Domestic Violence Court**  
1340 South Michigan  
Chicago, IL 60602  
**Contact:** Judge Coco  
**Phone:** 312/341-2896  
**Fax:** 312/341-2750

**Cook County State's Attorney's Office  
Target Abuser Call Program**  
1340 S. Michigan St., 4th floor  
Chicago, IL 60605  
**Contact:** Maura Slattery  
**Phone:** 312/341-2849  
**Fax:** 312/341-2806

**Harris YWCA  
Sexual Assault Program**  
6200 South Drexel  
Chicago, IL 60637  
**Contact:** Toylee Green  
**Phone:** 312/955-3100

**Life Span  
Domestic Violence Legal Services**  
20 East Jackson, Suite 500  
Chicago, IL 60604  
**Contact:** Denise Wolf Markham  
**Phone:** 312/408-1210  
**Fax:** 312/408-1223

**Mayor's Commission on Domestic Violence  
De Paul Center  
Domestic Violence Advocacy Coordinating  
Council**  
333 S. State St., Suite 500  
Chicago, IL 60604  
**Contact:** Leslie Landis  
**Phone:** 312/747-9971  
**Fax:** 312/747-1137

**Mujeres Latinas en Accion  
Domestic Violence Program**  
1823 West 17th St.  
Chicago, IL 60608  
**Phone:** 312/226-1544  
**Fax:** 312/226-2720

**The Quetzal Center**  
5710 North BRd.way  
Chicago, IL 60660  
**Contact:** Director  
**Phone:** 773/275-3243  
**Fax:** 773/275-3243

**Uptown Center Hull House  
Domestic Violence Court Advocacy Project**  
1340 S. Michigan Ave.  
Chicago, IL 60605  
**Contact:** Deirdra Griffin  
**Phone:** 312/341-2883 (TDD 312/341-2715)  
**Fax:** 312/341-2825

**Jo Daviess County Sheriff's Department**  
330 1/2 North Bench  
Galena, IL 60136  
**Contact:** Chief Deputy Brian Melton  
**Phone:** 815/777-2141

**Riverview Center, Inc.  
Sexual Assault Prevention and Intervention  
Services**  
706 South West St.  
P.O. Box 329  
Galena, IL 61036  
**Contact:** Vickie Gratton  
**Phone:** 815/777-8155  
**Fax:** 815/777-3386

**Kankakee City Police Department**  
385 East Oak  
Kankakee, IL 60901  
**Contact:** Chief William Doster  
**Phone:** 815/933-0401  
**Fax:** 815/933-0463

**Kankakee County Center  
Against Sexual Assault**  
657 East Court St.  
Kankakee, IL 60901  
**Contact:** Cheryl Wolf  
**Phone:** 815/932-7273  
**Fax:** 815/932-7298  
*Contact STOP TA Project initially for information  
about program.*

**Center for the Prevention of Abuse  
Family Violence Coordinating Council**  
P.O. Box 3855  
Peoria, IL 61612-3855  
**Contact:** Martha Herm  
**Phone:** 309/691-0551  
**Fax:** 309/691-0913

**Illinois Coalition Against Domestic Violence**  
730 East Vine St., Suite 109  
Springfield, IL 62703  
**Contact:** Vickie Smith  
**Phone:** 217/789-2830  
**Fax:** 217/789-1939

**Illinois Coalition Against Sexual Assault**

123 South 7th St., Suite 500  
Springfield, IL 62701

**Contact:** Polly Poskin

**Phone:** 217/753-4117

**Fax:** 217/753-8229

*Contact STOP TA Project initially for information about program.*

**Illinois Court Administrative Office**

840 S. Spring St.  
Springfield, IL 62704

**Contact:** Janice L. Girolano

**Phone:** 217/785-4702

**Fax:** 217/785-3793

**INDIANA****Women's Alternatives, Inc.**

P.O. Box 1302

Anderson, IN 46015-1302

**Contact:** Christina Frampton

**Phone:** 765/643-0218

**Fax:** 765/643-0291

**Middle Way House**

P.O. Box 95

Bloomington, IN 47402

**Contact:** Toby Strout

**Phone:** 812/333-7404

**Fax:** 812/323-9063

**Monroe County Prosecutor's Office**

301 N. College Ave.

Bloomington, IN 47401

**Contact:** Carl Salzmann

**Phone:** 812/349-2670

**Perry County Prosecutor's Office****Southern Indiana Specialized Violence Against****Women Circuit Prosecutor**

615 D-Main St.

Tell City, IN 47586

**Contact:** Cheryl Hillenburg

**Phone:** 812/547-2750

**Fax:** 812/547-5461

**IOWA****Iowa's Attorney General's Office**

7105 Sunset Terrace

Des Moines, IA 50311-1411

**Contact:** Roxann Ryan

**Phone:** 515/274-5019

**Fax:** 515/281-4902

**Iowa Department of Public Safety****Division of Criminal Investigation**

Wallace State Office Bldg.

Des Moines, IA 50319-0041

**Contact:** Steve Conlon

**Phone:** 515/281-5183

**Fax:** 515/242-6297

**Domestic & Sexual Abuse Outreach Center**

P.O. Box 173

Fort Dodge, IA 50501

**Contact:** Lois Hoger

**Phone:** 515/955-2273

**Fax:** 515/955-1958

**Marion County Sheriff's Office**

114 South 3rd St., Suite 4, Court House

Knoxville, IA 50138

**Contact:** Bobbi Bassett

**Phone:** 515/828-2220

**Fax:** 515/828-7137

**KANSAS****Legal Aid Society of Topeka**

712 South Kansas, 2nd Floor

Topeka, KS 66603

**Phone:** 785/354-8531

*Contact STOP TA Project initially for information about program.*

**Washburn University School of Law****Law Clinic**

1700 SW College

Topeka, KS 66621

**Phone:** 785/231-1191

**KENTUCKY****The Jefferson County Court****Family Court Project**

600 W. Jefferson St.

Louisville, KY 40202

**Contact:** Jerry Bowles

**Phone:** 502/595-4431

**Fax:** 502/595-3270

**MARYLAND****Baltimore County Assistant State's Attorney**

417 E. Fayette Rm 202

Baltimore, MD 21202

**Contact:** Stephen Bailey

**Phone:** 410/396-4140

**Mayor's Domestic Violence Coordinating Council**

c/o House of Ruth, Inc.  
2201 Argonne Dr.  
Baltimore, MD 21218  
**Phone:** 410/889-0840

*Contact STOP TA Project initially for information about program.*

**University of Baltimore School of Law  
Family Law Clinic**

1420 N. Charles St.  
Baltimore, MD 21201  
**Phone:** 410/837-5706

**House of Ruth**

**Domestic Violence Legal Clinic for Suburban Maryland, Protection Order Advocacy and Representation Project**

P.O. Box 376  
Hyattsville, MD 20781  
**Contact:** Lisa C. Jordan, Esq.  
**Phone:** 301/699-7790  
**Fax:** 301/699-7793

**Family and Children's Service of Maryland  
First Step Project**

22 N. Court St.  
Westminster, MD 21157  
**Contact:** Sandy Rappeport  
**Phone:** 410/876-1233  
**Fax:** 410/876-4791

**MASSACHUSETTS**

**Casa Myrna Vazquez, Inc.**

P.O. Box 180019  
Boston, MA 02118  
**Contact:** Debra Robbin  
**Phone:** 617/521-0100  
**Fax:** 617/521-0105

*Contact STOP TA Project initially for information about program.*

**Northeastern University School of Law  
Domestic Violence Advocacy Project**

400 Huntington Ave.  
Boston, MA 02115  
**Phone:** 617/373-8882

**Suffolk County District Attorney's Office**

201 Devonshire, 9th Fl.  
Boston, MA 02110  
**Contact:** Janet Fine  
**Phone:** 617/210-8800  
**Fax:** 617/210-8820

**Suffolk University School of Law  
Battered Women's Advocacy Project**

41 Temple St.  
Boston, MA 02114  
**Phone:** 617/573-8054

**Harvard University Law School  
Battered Women's Advocacy Project**

1581 Massachusetts Ave.  
Cambridge, MA 02139  
**Phone:** 617/495-3118

**Polaroid Corporation**

**Domestic Violence Camera Program**

575 Technology Square- 23  
Cambridge, MA 02139  
**Phone:** 800/811-5764, ext. 165  
**Fax:** 781/386-6266

**Norfolk County District Attorney's Office**

360 Washington St.  
P.O. Box 309  
Dedham, MA 02026  
**Phone:** 617/329-5440, ext. 217  
**Fax:** 781/326-7937

**Norfolk County Sheriff's Office**

200 West St.  
P.O. Box 149  
Dedham, MA 02027-0149  
**Phone:** 781/329-3705

**East Boston Neighborhood Health Center**

10 Grove St.  
East Boston, MA 02128  
**Contact:** Eleanor Hobbs  
**Phone:** 617/569-5800  
**Fax:** 617/568-4850  
*Contact STOP TA Project initially for information about program.*

**Women's Protective Services**

63 Fountain St.  
Framingham, MA 01701  
**Phone:** 508/820-0834  
*Contact STOP TA Project initially for information about program.*

**Massachusetts Probation Department**

**Quincy District Court**

Dennis Ryan Parkway  
Quincy, MA 02169  
**Contact:** Bruce Carr  
**Phone:** 617/471-1650  
**Fax:** 617/471-6876

**Quincy Court  
Domestic Violence Program  
Quincy District Court**  
Dennis Ryan Parkway  
Quincy, MA 02169  
**Contact:** Bruce Carr  
**Phone:** 617/471-1650  
**Fax:** 617/471-6876

**Randolph Police Department**  
41 S. Main St.  
Randolph, MA 02368  
**Contact:** Paul Porter  
**Phone:** 781/963-1212

**Northeastern University Law School  
Domestic Violence Clinic**  
716 Columbus Ave., Suite 212  
Roxbury, MA 02120  
**Contact:** Lois Kanter  
**Phone:** 617/373-8617

**Llamanos y Hablemos  
Statewide Spanish Hotline**  
146 W. Boylston Dr.  
Worcester, MA 01606  
**Contact:** Rosa Arrastia  
**Phone:** 508/852-7600  
**Fax:** 508/852-7870  
*Contact STOP TA Project initially for information  
about program.*

**Massachusetts Coalition Against Sexual Assault**  
c/o YWCA  
One Salem Square  
Worcester, MA 01608  
**Contact:** Marianne Winters  
**Phone:** 508/754-1019  
**Fax:** 508/754-0496

## MICHIGAN

**Ann Arbor Mayor's Task Force on Increasing Safety  
for Women**  
Ann Arbor City Hall  
100 N. 5th Ave.  
Ann Arbor, MI 48104  
**Contact:** Kent Baumkel  
**Phone:** 313/997-1054  
**Fax:** 313/998-6203

**Ann Arbor Police Department  
Domestic Violence Unit**  
c/o Susan Mc Gee, Executive Director Domestic  
Violence Project, Inc./ SAFE House  
4100 Clark Rd.  
Ann Arbor, MI 48105  
**Phone:** 734/973-0242, ext. 203  
**Fax:** 734/973-7817

**Domestic Violence Project, Inc./SAFE House**  
4100 Clark Rd.  
Ann Arbor, MI 48105  
**Contact:** Susan McGee  
**Phone:** 734/973-0242, ext. 203  
**Fax:** 734/973-7817  
**E-mail:** DVSPH@aol.com

**Wayne County Prosecutors Office**  
Frank Murphy Hall of Justice  
1441 St. Antoine  
Detroit, MI 48226  
**Phone:** 313/224-5777

**Marquette Women's Center**  
1310 South Front  
Marquette, MI 49855  
**Contact:** Sue Kensington  
**Phone:** 906/225-1346  
**Fax:** 906/225-1370  
**E-mail:** neecapp@aol.com

**Michigan Coalition Against Domestic and Sexual  
Violence**  
3893 Okemos Rd., Suite B-2  
Okemos, MI 48864  
**Contact:** Mary Keefe  
**Phone:** 517/347-7000  
**Fax:** 517/347-1377

## MINNESOTA

**Arrowhead Regional Corrections**  
100 North 5th Ave.,  
West Court House, Room 319  
Duluth, MN 55802-1202  
**Contact:** Faith Dillon  
**Phone:** 218/726-2658  
**Fax:** 218/722-0018

**Domestic Abuse Intervention Project  
Minnesota Program Development, Inc.**  
206 W. 4th St.  
Duluth, MN 55805  
**Contact:** Coral McDonnell  
**Phone:** 218/722-2781  
**Fax:** 218/722-0779

**Duluth City Attorney's Office**

410 City Hall  
Duluth, MN 55802  
**Contact:** Mary Asmus  
**Phone:** 218/723-3400  
**Fax:** 218/722-0779

**Duluth District Court**

100 North 5th Ave., West, Room 320  
Duluth, MN 55802  
**Contact:** Carol Person  
**Phone:** 218/726-2430  
**Fax:** 218/726-2473

**Duluth Family Visitation Center  
Minnesota Program Development**

206 W. 4th St.  
Duluth, MN 55806  
**Contact:** Jeremy Novilles-Sorell  
**Phone:** 218/722-2781, ext. 102  
**Fax:** 218/722-0779

**Duluth Police Department**

Duluth City Hall  
411 W 1st St.  
Duluth, MN 55802  
**Contact:** Bob Grytdahl  
**Phone:** 218/723-3737  
**Fax:** 218/723-3245

**Duluth Probation Department**

St. Louis County Probation Department Courthouse  
Room 319  
Duluth, MN 55802  
**Contact:** David A. Nyquist  
**Phone:** 218/726-2633  
**Fax:** 218/726-2638

**Mending the Sacred Hoop  
Minnesota Program Development, Inc.**

206 W. 4th St.  
Duluth, MN 55806  
**Contact:** Tina Olsen  
**Phone:** 218/722-2781, ext. 116  
**Fax:** 218/722-6943

**Women's Coalition**

P.O. Box 3558  
Duluth, MN 55803  
**Contact:** Jean De Rider  
**Phone:** 218/728-6481

**Battered Women's Justice Project**

**Criminal Justice Center**  
4032 Chicago Ave., South  
Minneapolis, MN 55407  
**Phone:** 800/903-0111, ext. 1  
**Fax:** 612/824-8965

**Family and Children's Services of Minneapolis  
PRIDE**

3125 East Lake St.  
Minneapolis, MN 55406  
**Contact:** Suzanne Peterson  
**Phone:** 612/728-2080  
**Fax:** 612/729-2616  
*Contact STOP TA Project initially for information  
about program.*

**Hennepin County Prosecutor's Office****Sexual Assault Victim Assistance  
Hennepin County Attorney's Office**

C-2100 Government Center  
300 S. 6th St.  
Minneapolis, MN 55487  
**Contact:** Sue Fite  
**Phone:** 612/348-4003  
**Fax:** 612/348-3061

**Mending the Sacred Hoop****STOP Technical Assistance Project**

2525 East Franklin Ave.  
Minneapolis, MN 55406  
**Contact:** Loretta Rivera  
**Phone:** 800/305-1650; 612/664-0835  
**Fax:** 612/664-0840

**Olmsted County Victim Services****Model Sexual Assault Response Protocol  
Development Project**

151 SE 4th St.  
Minneapolis, MN 55904-3711  
**Contact:** Laura Williams  
**Phone:** 507/285-8916  
**Fax:** 507/281-7357  
**E-mail:** williams.laura@co.olmsted.mn.us  
*Contact STOP TA Project initially for information  
about program.*

**University of Minnesota Law School****Domestic Abuse Prosecution Clinic and Gender  
and the Law Clinic**

1536 Hewitt Ave.  
St. Paul, MN 55104  
**Phone:** 612/626-0264

## MISSISSIPPI

**Mississippi Coalition Against Domestic Violence**  
P.O. Box 633  
Jackson, MS 39296-4703  
**Phone:** 601/981-9196  
**Fax:** 601/981-2501  
*Contact STOP TA Project initially for information about program.*

## MISSOURI

**University of Missouri School of Law  
Family Violence Program**  
203 Hulston Hall  
Columbia, MO 65211  
**Phone:** 573882-7872

**Southside Women's Center**  
2632 A Iowa  
ST. Louis, MO 63118  
**Contact:** C.J. Brotherton  
**Phone:** 314/776-6727  
**Fax:** 314/776-1107

## MONTANA

**Montana Coalition Against Domestic Violence**  
P.O. Box 633  
Helena, MT 59601  
**Contact:** Kathy Sewell  
**Phone:** 406/433-7794  
**Fax:** 406/433-7818

**State of Montana, Department of Justice  
Law Enforcement Academy Division**  
2260 Sierra Rd., East  
Helena, MT 59602-8836  
**Contact:** Michelle Doyle  
**Phone:** 406/458-2071 or 2072  
**Fax:** 406/458-2098

**Tri-State Rural Collaboration Project of Montana,  
North Dakota, and Wyoming**  
418 East Rosser Ave., #320  
Bismarck, ND 58504  
**Contact:** Shirley Dykshoom  
**Phone:** 1-888/255-6240  
**Fax:** 701/255-1904  
**E-mail:** tristoco@btigate.com

## NEBRASKA

**Family Violence Council**  
4600 Valley Rd., Suite 313  
Lincoln, NE 68510  
**Contact:** Bob Moyer  
**Phone:** 402/489-9292 or 402-/83-4581  
**Fax:** 402/483-4184  
**E-mail:** bmoyer@navix.net

## NEVADA

**National Council of Juvenile and Family Court  
Judges**  
P.O. Box 8970  
Reno, NV 89507  
**Phone:** 800/527-3223

## NEW HAMPSHIRE

**New Hampshire Bar Association  
DOVE Program**  
112 Pleasant St.  
Concord, NH 03301  
**Phone:** 603/224-6942  
*Contact STOP TA Project initially for information about program.*

**New Hampshire District Court  
Domestic Violence Coordinating Councils**  
Administrative Office of the Courts  
Supreme Court  
Noble Dr.  
Concord, NH 03301  
**Contact:** Brian Gallagher  
**Phone:** 603/271-2521  
**Fax:** 603/271-3977

**Dover Prosecuting Attorney's Office**  
46 Locust St.  
Dover, NH 03820-3783  
**Contact:** George Wattendorf  
**Phone:** 603/742-4646 or 603/743-6140  
**Fax:** 603/743-6063

## NEW JERSEY

**Women Aware, Inc.**  
P.O. Box 312  
New Brunswick, NJ 08901  
**Phone:** 908/937-9525  
**Fax:** 908/249-6942

**South River Police Department**

South River, NJ 08882  
**Contact:** Francis X. Eib  
**Phone:** 908/254-1140  
**Fax:** 908/613-6103

**MECHA**

410/416 Hanover St.  
Trenton, NJ 08607  
**Contact:** Frances Blanco  
**Phone:** 609/392-2446

**Womenspace, Inc.**

P.O. Box 7070  
Trenton, NJ 08628  
**Contact:** Pat Hart  
**Phone:** 609/394-0136  
**Fax:** 609/292-0799 (or 609/396-1096)

**Manavi**

P.O. Box 2131  
Union, NJ 07083-2131  
**Phone:** 908/687-2662  
**Fax:** 908/687-1868  
*Contact STOP TA Project initially for information about program.*

**NEW MEXICO****Albuquerque Police Department  
Domestic Violence Division**

400 Roma NW  
Albuquerque, NM 87102  
**Contact:** Louis Armijo  
**Phone:** 505/768-2139

**New Mexico Coalition of Sexual Assault Programs  
New Mexico Clearinghouse on Sexual Abuse and  
Assault Services**

4004 Carlisle Ave., NE, Suite D  
Albuquerque, NM 87107  
**Contact:** Betty Caponera  
**Phone:** 505/883-8020 or 888/883-8020  
**Fax:** 505/883-7530  
**E-mail:** nmcsaas@swcp.com  
**Website:** <http://www.swcp.com/nmcsaas/>

**NEW YORK****New York State Police Academy**

Bldg. 24, State Campus  
Albany, NY 12226  
**Contact:** Geoffrey Culkin  
**Phone:** 518/457-7254  
**Fax:** 518/485-1454

**City University of New York  
School of Law at Queen's College  
Battered Women's Rights Clinic**

65-21 Main St.  
Flushing, NY 11367  
**Phone:** 718/575-4200

**Cornell University Law School  
Women and the Law Clinic**

Myron Taylor Hall  
Ithaca, NY 14853  
**Phone:** 607/255-3527

**Orange County Safe Homes Project, Inc.**

P.O. Box 649  
Newburgh, NY 12551-0649  
**Contact:** Ursula Forem  
**Phone:** 914/562-5365  
**Fax:** 914/562-2216

**Columbia University - School of Nursing**

617 West 168th St.  
New York, NY 10032  
**Contact:** Dr. Donna Gaffney  
**Phone:** 212/305-3189

**Fordham University School of Law  
Battered Women's advocacy Project**

140 W. 62nd St.  
New York, NY 10023  
**Phone:** 212/636-6934

**Harlem Legal Project****African American Woman's Task Force**

1444 West 125th St.  
New York, NY 10027  
*Contact STOP TA Project initially for information about program.*

**Institute on Violence**

75 Varick St., #1404  
New York, NY 10013  
**Contact:** Beth Richie, Ph.D  
**Phone:** 212/432-1472  
**Fax:** 212/481-3661

**Manhattan District Attorney's Office  
Sex Crimes Prosecution Unit**

One Hogan Place  
New York, NY 10013  
**Contact:** Lisa Friel  
**Phone:** 212/335-9000  
**Fax:** 212/335-9168

**New York University**  
School of Law  
249 Sullivan St.  
New York, NY 10012  
**Phone:** 212/998-6433

**NOW Legal Defense and Education Fund**  
**National Judicial Education Program to Promote**  
**Equality for Women and Men in the Courts**  
99 Hudson St., Suite 1201  
New York, NY 10013  
**Contact:** Lynn Hecht-Schafran  
**Phone:** 212/925-6635  
**Fax:** 212/266-1066

**Rockland Family Shelter**  
2 Congers Rd.  
New City, NY 10956  
**Contact:** Carolyn Fish  
**Phone:** 914/634-3391  
**Fax:** 914/634-3396

**Sexual Assault Center for Rensselaer County**  
**Sexual Assault Nurse Examiner Program**  
2215 Burdett Ave.  
Troy, NY 12180  
**Contact:** Lisa Navis  
**Phone:** 518/271-3300  
**Fax:** 518/271-3434

## NORTH CAROLINA

**Chapel Hill Police Department**  
**Sexual Assault Response Team**  
828 Airport Rd.  
Chapel Hill, NC 27514  
**Contact:** Sabrina Garcia, M.A.  
**Phone:** 919/968-2806  
**Fax:** 919/968-2846

**North Carolina Supreme Court Chief Justice**  
2 W. Morgan St.  
Justice Bldg.  
Raleigh, NC 27601  
**Contact:** Hon. Burley Mitchell, Jr.  
**Phone:** 919/733-7107

## NORTH DAKOTA

**Tri-State Rural Collaboration Project of Montana,**  
North Dakota, and Wyoming  
418 East Rosser Ave #320  
Bismarck, ND 58504  
**Contact:** Shirley Dykshoom  
**Phone:** 1-888/255-6240  
**Fax:** 701/255-1904  
**E-mail:** tristoco@btigate.com

## OHIO

**Cincinnati Police Academy**  
700 W. Pete Rose Parkway  
Cincinnati, OH 45203  
**Contact:** Jim Brown  
**Phone:** 513/357-7564  
**Fax:** 513/352-3596

**Columbus Urban League**  
**Rape Prevention Program**  
788 Mt. Vernon Ave.  
Columbus, OH 43203  
**Contact:** Aida Bennett  
**Phone:** 614/221-0544 (614/257-6300)  
**Fax:** 614/257-6316 (614/257-6327)

**Women and Family Services, Inc.**  
**Rape Crisis Center**  
508 Wayne Ave.  
Defiance, OH 43512  
**Contact:** Jennifer Hoessel  
**Phone:** 419/782-4906  
**Fax:** 419/784-2692

**Mansfield Police Department**  
30 N. Diamond St.  
Mansfield, OH 44902  
**Contact:** Marijan Gorgoza  
**Phone:** 419/755-9724  
**Fax:** 419/755-9737

## OKLAHOMA

**University of Oklahoma - Health Sciences Center**  
P.O. Box 26901, CHB-309  
Oklahoma, OK 73190  
**Contact:** Lorraine Malcoe, Phd.  
**Phone:** 405/271-2229, ext. 48054  
**E-mail:** lorraine-malcoe@ouhsc.edu  
*Contact STOP TA Project initially for information about program.*

**Call Rape Inc.**  
2121 S. Columbia #116  
Tulsa, OK 74114  
**Contact:** Cheryl Kelly  
**Phone:** 918/744-7362  
**Fax:** 918/744-4415

**Domestic Violence Intervention Services, Inc.**  
1419 E. 15th St.  
Tulsa, OK 74120  
**Contact:** Lori O'Malley  
**Phone:** 918/585-3163  
**Fax:** 918/584-1835  
**E-mail:** DVIS@webzone.net

**Tulsa District Attorney's Office**  
406 Tulsa County Court House  
500 South Denver  
Tulsa, OK 74103  
**Contact:** Kim Hall  
**Phone:** 918/596-4805  
**Fax:** 918/596-4830

**Tulsa Police Department**  
600 Civic Center  
Tulsa, OK 74103  
**Contact:** Mark Mears  
**Phone:** 918/596-9222

## OREGON

**Linn County District Attorney's Office  
Victim/Witness Program**  
P.O. Box 100  
Albany, OR 97321  
**Contact:** Maria Ortiz  
**Phone:** 514/967-3805

**Women's Crisis Center**  
P.O. Box 187  
Tillamook, OR 97141  
**Phone:** 503/842-9486  
*Contact STOP TA Project initially for information  
about program.*

## PENNSYLVANIA

**Pennsylvania Coalition Against Rape**  
910 N. 2nd St.  
Enola, PA 17102-3119  
**Contact:** B. J. Horn  
**Phone:** 800/692-7445  
**Fax:** 717/232-6771  
**Website:** <http://www.pcar.org>

**National Resource Center on Domestic Violence**  
6400 Flank Dr., Suite 1300  
Harrisburg, PA 17112-2778  
**Phone:** 800/537-2238  
**Fax:** 717/545-9456

**Pennsylvania Coalition Against  
Domestic Violence  
Battered Women's Justice Project,  
Civil Assess Center**  
6400 Flank Dr., Suite 1300  
Harrisburg, PA 17112  
**Contact:** Mark Zaccarelli  
**Phone:** 717/671-4767; 1-800/903-0111, ext. 2  
**Fax:** 717/671-5542

**Clinton County Women's Center/  
Hilton SAFE House**  
34 W. Main St.  
Lock Haven, PA 17745  
**Contact:** Leslie Mowen Miller  
**Phone:** 717/748-9539  
**Fax:** 717/748-9549  
*Contact STOP TA Project initially for information  
about program.*

**Philadelphia Coalition Against  
Domestic Violence**  
*Contact STOP TA Project initially for information  
about program.*

**Philadelphia's District Attorney's Office  
Domestic Violence/Sexual Assault Unit**  
1421 Arch St.  
Philadelphia, PA 19102  
**Contact:** Mimi Rose  
*Contact STOP TA Project initially for information  
about program.*

**Women Against Abuse**  
P.O. Box 13758  
Philadelphia, PA 19101  
**Phone:** 215/386-1280  
**Fax:** 215/386-2476

**Women Against Abuse  
Legal Center**  
Land Title Bldg.  
100 S. Broad St.  
Philadelphia, PA 19101  
**Phone:** 215/686-5630  
*Contact STOP TA Project initially for information  
about program.*

**Pittsburgh Police Department  
Domestic Violence Unit**  
Investigations Branch 202  
Penn. Circle West  
Pittsburgh, PA 15211  
**Contact:** Mary Causey  
**Phone:** 412/665-4020

**Women's Center and Shelter of Greater Pittsburgh**  
P.O. Box 9024  
Pittsburgh, PA 15224  
**Contact:** Martha A. Friday or Shirl Regan  
**Phone:** 412/687-8017, ext. 328  
**Fax:** 412/687-3315  
**Website:** <http://trfn.dp.gn.org/womenscenter>  
*Contact STOP TA Project initially for information about program.*

**Luzerne County Domestic Violence Task Force  
Luzerne County Office of Human Services**  
111 N. Pennsylvania Blvd.  
Wilkes-Barre, PA 18701  
**Contact:** Carlie Wetzal  
**Phone:** 717/826-8800  
**Fax:** 717/826-3079  
**Website:** [www.microserve.net/~dvtf/centralconcepts.htm](http://www.microserve.net/~dvtf/centralconcepts.htm)

**Victims Resource Center**  
85 S. Main St.  
Wilkes-Barre, PA 18701  
**Contact:** Janet MacKay  
**Phone:** 717/823-0765  
**Fax:** 717/823-9115

## RHODE ISLAND

**Rhode Island Governor's Justice Commission**  
One Capitol Hill  
Providence, RI 02908  
**Contact:** Barbara Tuchon  
**Phone:** 401/277-4497  
**Fax:** 401/277-1294

**The Rhode Island Rape Crisis Center**  
300 Richmond St., Suite 205  
Providence, RI 02903  
**Phone:** 401/421-4100  
**Fax:** 401/454-5565

**Rhode Island Coalition Against Domestic Violence**  
422 Post Rd., Suite 104  
Warwick, RI 02888  
**Contact:** Deborah Debare  
**Phone:** 401/467-9940  
**Fax:** 401/467-9943  
**E-mail:** [debare@ricadv.org](mailto:debare@ricadv.org)

## SOUTH CAROLINA

**Cumbee Center to Assist Abused Persons  
Victim Alert Project**  
P.O. Box 174  
Aiken, SC 29802  
**Contact:** Kay Mixon  
**Phone:** 803/641-4162

## SOUTH DAKOTA

**Sacred Circle  
National Resource Center to Stop Violence Against  
Native Women**  
722 St. Joseph St.  
Rapid City, SD 57701  
**Contact:** Karen Artichoker  
**Phone:** 605/341-2050

**Cangleska, Inc.**  
P.O. Box 638  
Kyle, SD 57752  
**Contact:** Karen Artichoker  
**Phone:** 605/455-2244

## TENNESSEE

**The City of Nashville Metropolitan Police  
Domestic Violence Division**  
60 Peabody St.  
Nashville, TN 37210  
**Contact:** Mark Wynn  
**Phone:** 615/880-3000  
**Fax:** 615/880-3033  
**E-mail:** [mwynn@nashville.org](mailto:mwynn@nashville.org)  
*Contact STOP TA Project initially for information about program.*

## TEXAS

**Austin Police Department  
Domestic Violence Division, Stalking Unit, Sex  
Crimes Unit, & Child Witness to Violence Project**  
1106 Clayton Lane  
Austin, TX 78723  
**Contact:** Michelle Casanova  
**Phone:** 512/206-3984  
**Fax:** 512/206-3993

**Austin/Travis County Family Protection Team**  
c/o Austin Police Dept.  
1106 Clayton Lane, #440W  
Austin, TX 78723  
**Contact:** Leslie Hill, J.D.  
**Phone:** 512/206-3987  
**Fax:** 512/206-3993

**David Chapel Missionary Baptist Church**  
Austin, TX  
*Contact STOP TA Project initially for information  
about program.*

**The Family Place**  
P.O. Box 7999  
Dallas, TX 75209  
**Contact:** Paige Flink  
**Phone:** 214/559-2170  
**Fax:** 214/443-7797  
**E-mail:** tfprsh@ix.netcom.com

**National Domestic Violence Hotline**  
P.O. Box 161810  
Austin, TX 78716  
**Phone:** (administrative) 512/453-8117;  
(hotline) 800/799-7233; (TTY) 800/787-3224

**Safeplace - The Domestic Violence and Sexual  
Assault Survival Center**  
P.O. Box 19454  
Austin, TX 78760  
**Phone:** 512/385-5181; TDD 512/482-0691  
**Fax:** 512/385-0662

**Saheli**  
P.O. Box 3665  
Austin, TX 78764-3665  
**Contact:** Mamata Misra  
**Phone:** 512/703-8745  
**Fax:** 512/345-9490  
**E-mail:** saheli@usa.net  
**Website:** www.main.org/saheli

**Texas Association Against Sexual Assault**  
800 Brazos, Suite 1040  
Austin, TX 78723  
**Contact:** Carol Townsend  
**Phone:** 512/474-7190  
**Fax:** 512/474-6490  
**E-mail:** odiaz@taasa.org  
**Website:** www.taasa.org

**Texas Council on Family Violence**  
P.O. Box 16810  
Austin, TX 78716  
**Contact:** Christine Walsh  
**Phone:** 512/794-1133  
**Fax:** 512/794-1199

**Travis County District Attorney's Office**  
Office of the District Attorney  
P.O. Box 1748  
Austin, TX 78767  
**Contact:** Bobbi Neyland  
**Phone:** 512/473-9400  
**Fax:** 512/473-9695

**Beaumont Police Department  
Domestic Violence Unit**  
P.O. Box 3827  
Beaumont, TX 77704  
**Phone:** 409/ 880-3833  
**Fax:** 409/833-4083

**Beaumont Prosecution Office  
Jefferson City Family Violence Unit**  
1001 Pearl St.  
Beaumont, TX 77701  
**Contact:** Kathleen Morgan  
**Phone:** 409/835-8550

**Dallas District Attorney's Office  
Domestic Violence Unit**  
133 N. Industrial Blvd., LB # 19  
Dallas, TX 75207  
**Contact:** Cyndi Dyer  
**Phone:** (214) 653-3600

**Dallas Police Department  
Domestic Violence Unit**  
106 South Harwood, Suite 225  
Dallas, TX 75201  
**Phone:** 214/670-7075

**University of Texas Southwest Medical Center  
Rapid Response Team**  
5323 Harry Hines Blvd.  
Dallas, TX 75235  
**Contact:** Ellen Taliaferro  
**Phone:** 214/648-2904  
**Fax:** 214/648-3111

**El Paso District Attorney's Office  
Domestic Violence Prosecution Unit**  
500 E. San Antonio, Suite 201  
El Paso, TX 79901  
**Contact:** Lark Saad  
**Phone:** 915/546-2059

**El Paso Police Department  
Domestic Violence Unit**  
911 N. Raynor  
El Paso, TX 79903  
**Contact:** Donald Georgens  
**Phone:** 915/564-7000  
**Fax:** 915/564-7354

**Tarrant County District Attorney's Office**  
401 West Belknap  
Tarrant County Justice Center  
Fort Worth, TX 76196  
**Contact:** Mary Butler  
**Phone:** 817/884-1400

**Harris County Prosecutor's Office  
Family Criminal Law Division**  
201 Fannin, #200  
Houston, TX 77002  
**Contact:** Cindy Merrill  
**Phone:** 713/755-5888  
**Fax:** 713/755-1052

**National College of District Attorneys  
Annual Domestic Violence Conference**  
University of Houston Law Center  
Houston, TX 77204-6328  
**Contact:** Nancy Price  
**Phone:** 713/743-1844  
**Fax:** 713/743-1850

**Lockhart Police Department  
Victim Services Division**  
214 Bufkin Lane  
Lockhart, TX 78644  
**Contact:** Jim Gillis  
**Phone:** 512/398-4401

**St. Mary's School of Law  
Center for Legal and Social Justice**  
2507 NW 36th St.  
San Antonio, TX 78228  
**Phone:** 210/431-2596

## UTAH

**Cache County Attorney's Office  
Sex Crimes Prosecutor**  
11 West 100 North  
Logan, UT 84321  
**Contact:** Don Linton  
**Phone:** 435/755-9931  
**Fax:** 435/752-9169

**Office of the Attorney General  
Utah Prosecution Council**  
236 State Capitol  
Salt Lake City, UT 84114  
**Contact:** Christine Knowlton  
**Phone:** 801/538-9600  
**Fax:** 801/538-1121

## VIRGINIA

**American Prosecutors Research Institute**  
99 Canal Center Plaza, Suite 510  
Alexandria, VA 22314  
**Contact:** Susie Boylan  
**Phone:** 703/549-4253  
**Fax:** 703/836-3195

**Sexual Assault Resource & Awareness Program**  
110 North Royal St., Room 201  
Alexandria, VA 22314  
**Contact:** Sara Donohue  
**Phone:** 703/838-5030  
**Fax:** 703/838-4976

**Sexual Assault Resource Agency**  
P.O. Box 6705  
Charlottesville, VA 22906  
**Contact:** Annette Grimm  
**Phone:** 804/295-7273

**Virginians Aligned Against Sexual Assault**  
508 Dale Ave., Suite B  
Charlottesville, VA 22903-4547  
**Contact:** Stacy Ruble or Pat Groot  
**Phone:** 804/979-9004  
**Fax:** 804/979-9003

**George Mason University  
Sexual Assault Services**  
MSN 2B2  
Fairfax, VA 22030-4444  
**Contact:** Connie Kirkland  
**Phone:** 703/993-4364 (and 4365)  
**Fax:** 703/993-3685  
**E-mail:** ckirklan@osfl.gmu.edu

**Rappahannock Council Against Sexual Assault**  
P.O. Box 1276  
Fredericksburg, VA 22042  
**Contact:** Linda Hamrick  
**Phone:** 540/371-1666  
**Fax:** 540/371-9803  
*Contact STOP TA Project initially for information  
about program.*

**Response: Sexual Assault Support Services**  
253 West Freemason St.  
Norfolk, VA 23510  
**Phone:** 757/623-2115  
**Fax:** 757/623-0646  
*Contact STOP TA Project initially for information  
about program.*

**Virginia Beach Police Department  
Domestic Violence Unit**  
2509 Princess Anne Rd.  
Public Safety Bldg.  
Virginia Beach, VA 23456  
**Contact:** Ray Greenwood  
**Phone:** 757/427-4101  
**Fax:** 757/427-4745

**Virginians Against Domestic Violence**  
2850 Sandy Bay Rd., Suite 101  
Williamsburg, VA 23185  
**Phone:** 804/221-0990

**The Shelter for Abused Women  
Victim Assistance Project on Stalking**  
P.O. Box 14  
Winchester, VA 22604  
**Contact:** Donna Hogan  
**Phone:** 540/667-6466  
**Fax:** 540/667-0138  
*Contact STOP TA Project initially for information  
about program.*

## VERMONT

**Chittenden Unit for Special Investigations**  
1110 Ethan Allen Ave.  
Colchester, VT 05446  
**Contact:** Andi Higbee  
**Phone:** 1-800/974-2760  
**Fax:** 802/655-2866  
**E-mail:** ahigbee@dps.state.VT.us

**Vermont Network Against Domestic Violence and  
Sexual Assault**  
P.O. Box 405  
Montpelier, VT 05601  
**Contact:** Judith Joseph  
**Phone:** 802/223-1302  
**Fax:** 802/223-6943  
**E-mail:** vnadvsa@sover.net

**Franklin County State's Attorney's Office**  
c/o Northwest Unit for Special Investigations and  
the Domestic Violence  
Task Force  
45 Kingman St., 3rd Floor  
St. Albans, VT 05478  
**Contact:** Catherine Waltz  
**Phone:** 802/524-7920  
**Fax:** 802/524-7964

## WASHINGTON

**Snohomish County Prosecuting Attorney's Office  
Special Assaults Unit**  
3000 Rockefeller Ave., MS-504  
Everett, WA 98201  
**Contact:** Joan Cavagnaro  
**Phone:** 425/388-6326  
**Fax:** 425/388-6360

**Washington Secretary of State Office  
Address Confidentiality Program**  
P.O. Box 69  
Olympia, WA 98507-0069  
**Contact:** Margaret McKinney  
**Phone:** 360/586-4386; TTY: 360/586-4388  
**Fax:** 360/586-4388

**Washington State Coalition of Sexual Assault  
Programs  
Washington Sexual Assault Services Advisory  
Committee**  
110 East Fifth, Suite 214  
Olympia, WA 98501  
**Phone:** 360/754-7583  
**Fax:** 360/786-8707

**Abused Deaf Women's Advocacy Services**  
2366 Eastlake Ave., Suite 201  
Seattle, WA 98102  
**Phone:** 206/726-0093 (TDD)  
**Fax:** 206/726-0017  
*Contact STOP TA Project initially for information about program.*

**Center for the Prevention of Sexual and Domestic Violence**  
936 N. 34th St., Suite 200  
Seattle, WA 98103  
**Contact:** Marie Fortune  
**Phone:** 206/634-1903  
**Fax:** 206/634-0115  
**E-mail:** cpsdv@cpsdv.org

**King County Department of Judicial Administration**  
**Greater Puget Sound Domestic Violence Conference**  
516 Third Ave., #E609  
Seattle, WA 98104  
*Contact STOP TA Project initially for information about program.*

**King County Office of the Prosecuting Attorney**  
**Domestic Violence Unit**  
W554 King County Courthouse  
576 Third Ave.  
Seattle, WA 98104  
**Contact:** Robin Fox  
**Phone:** 206/296-8994  
**Fax:** 206/296-0955

**King County Prosecutor's Office**  
**Domestic Violence Advocacy Unit/Protection Order Advocacy Project**  
E223 King County Courthouse  
Seattle, WA 98104  
**Contact:** Sherri Yeats  
**Phone:** 206/296-9448

**Refugee Women's Alliance**  
**Domestic Violence Program**  
3004 South Alaska St.  
Seattle, WA 98108  
**Contact:** Sue Wilkes  
**Phone:** 206/721-0243  
**Fax:** 206/721-0243

**Seattle City's Attorney Office**  
1414 Dexter Horton Bldg.  
Seattle, WA 98104  
**Contact:** Judith Shoshana or Nancy Mc Manigal  
**Phone:** 206/684-7770  
**Fax:** 206/296-0955

**Seattle Police Department**  
**Domestic Violence and Sexual Abuse Division**  
**Special Assistance Unit Seattle Police Dept.**  
610 Third Ave.  
Seattle, WA 98104-1886  
**Contact:** Jim Pugel  
**Phone:** 206/625-5011  
**Fax:** 206/648-0727

**Yakima County Prosecuting Attorney's Office**  
**Criminal Division, Special Assault Unit**  
Yakima County Court House, Room #329  
Yakima, WA 98901  
**Contact:** Kevin Eilmez  
**Phone:** 509/574-1210  
**Fax:** 509/574-1211

**Washington State Association of Sheriffs and Police Chiefs**  
*Contact STOP TA Project initially for information about program.*

## WISCONSIN

**Appleton Police Department**  
222 S. Walnut St.  
Appleton, WI 54911  
**Contact:** Pete Helein  
**Phone:** 920/832-5500  
**Fax:** 920/832-5553  
**E-mail:** Pete.helein@Appleton.org

**Friends Aware of Violent Relationships (FAVR)**  
92 Amory St.  
Fond du Lac, WI 54971  
**Contact:** Bridgette Huding  
**Phone:** 920/923-1743  
**Fax:** 920/923-9982

**Lac du Flambeau Domestic Abuse Program**  
**Soaring Eagles Community Response Team**  
P.O. Box 67  
Lac du Flambeau, WI 54538  
**Contact:** Rosi Ramsey  
**Phone:** 715/588-7660  
**Fax:** 715/588-2313  
**E-mail:** ldfdap@newnorth.net

**Milwaukee County District Attorney's Office**

821 W. State St., Room 412  
Milwaukee County DA's Office  
Milwaukee, WI 53233  
**Contact:** William Hanrahan  
**Phone:** 414/278-5059  
**Fax:** 414/223-1955

**CAP Services, Inc.**

1608 W. River Dr.  
Stevens Point, WI 54481  
**Contact:** Lori Jorgensen  
**Phone:** 715/345-5200  
**Fax:** 715/345-5206

**WEST VIRGINIA**

**West Virginia Coalition Against Domestic Violence**

Elk Office Center  
4710 Chimney Dr., Suite A  
Charleston, WV 25302  
**Contact:** Sue Julian  
**Phone:** 304/965-3552  
**Fax:** 304/965-3572

**WYOMING**

**Tri-State Rural Collaboration Project of Montana,  
North Dakota, and Wyoming**

418 East Rosser Ave., #320  
Bismarck, ND 58504  
**Contact:** Shirley Dykshoom  
**Phone:** 1-888/255-6240  
**Fax:** 701/255-1904  
**E-mail:** [tristoco@btigate.com](mailto:tristoco@btigate.com)



## E. Publication and Resource Contact Information

## PUBLICATIONS REFERENCED IN THE MANUAL

***Building Alliances: Responding When Your Patient Has Experienced Domestic Violence or Sexual Assault.*** Rhode Island Network, 1993. To order, contact the Network (a joint project of the Rhode Island Rape Crisis Center and the Rhode Island Coalition Against Domestic Violence): (401) 421-4100.

***Domestic Violence and Stalking: The Second Annual Report to Congress under the Violence Against Women Act.*** Violence Against Women Grants Office, Department of Justice, Office of Justice Programs, July 1997. To order, call the National Criminal Justice Reference Service: (800) 851-3420.

***Drug-Facilitated Rape: Overview and Investigative Considerations and Using Pretext Phone Calls in Sexual Assault Investigations.*** Law Enforcement On-line Network (LEO), Federal Bureau of Investigation, 1998. This on-line network is free and limited to law enforcement agencies. Agencies wishing to access LEO should contact the LEO Program Office: (202) 324-8833.

***Evaluation Guidebook for Projects funded by STOP Formula Grants under the Violence Against Women Act.*** Washington, DC: The Urban Institute, 1997. Contact the Urban Institute's publication office (202-857-8687) to order a copy for \$18.00. The guidebook is also available on the Urban Institute's Internet website ([www.urban.org/crime](http://www.urban.org/crime)).

***Family Violence: A Model State Code.*** National Council of Juvenile and Family Court Judges. Reno, NV, 1994. For copies of the Model Code, contact NCJFCJ: (800) 527-3223.

***Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers.*** Family Violence Prevention Fund. San Francisco, CA, 1996. To order, call (415) 252-8089.

***Legal Advocacy Training Curriculum.*** Alaska Network on Domestic Violence and Sexual Assault. Anchorage, AK, 1997. To order a copy, call ANDVSA: (907) 586-3650.

***Looking Back Moving Forward: A Guidebook for Communities Responding to Sexual Assault.*** National Victim Center. Arlington, VA, 1993. To obtain a copy, call the National Victim Center: (800) 394-2255.

***The Michigan Law Enforcement Response to Domestic Violence.*** State of Michigan, Department of State Police, Commission on Law Enforcement Standards and Domestic Violence Prevention and Treatment Board. Lansing, MI, 1997. Contact the STOP T.A. Project initially for information about this publication: (800) 256-5883.

***Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement.*** Illinois Law Enforcement Training and Standards Board and Illinois Coalition Against Sexual Assault (ICASA). Illinois, 1996. To order, call ICASA: (217) 753-4117; fax (217) 753-8229.

***Polaroid's Law Enforcement Programs,*** call (800) 811-5764 (ext. 227).

***Police Response to Crimes of Sexual Assault: (2nd Ed.).*** Connecticut Sexual Assault Crisis Services, Inc. Hartford, CT, 1997. Cost: \$10.00. To order, call CONN-SACS: (860) 282-9881; fax (860) 291-9335; or write to 110 Connecticut Blvd., East Hartford, CT 06108.

***Police Response to Crimes of Sexual Violence.*** Pennsylvania Coalition Against Rape. Enola, PA, 1997. To order, call PCAR: (717) 728-9740.

**Research in Action: Sex Offender Community Notification.** National Institute of Justice. Washington, D.C., 1996. The document is available through the National Criminal Justice Reference Service: (800) 851-3420.

**Seeking Justice: Legal Advocacy Principles and Practice.** Pennsylvania Coalition Against Domestic Violence. Harrisburg, PA. Cost: \$50.00. To order, contact PCADV: (717) 545-9456.

**The Sexual Assault Nurse Examiner (SANE) Development and Operation Guide.** Office for Victims of Crime, Washington, D.C., 1998. To order, contact the OVC Resource Center: (800) 627-6872. NCJ#: 170609.

**Strategies for the Treatment and Prevention of Sexual Assault.** American Medical Association. Chicago, IL, 1995. To order, contact Mary Haines at the AMA: (312) 464-5563, or download the document from their website ([www.ama-assn.org/public/releases/assault/sa-guide.htm](http://www.ama-assn.org/public/releases/assault/sa-guide.htm)).

**Violence Against Women: Law Enforcement Training Program.** Governor's Justice Commission. Rhode Island, 1996. Cost: Free. To order, call the Governor's Justice Commission: (401) 277-2620; or fax (401) 277-1294.

**When Will They Ever Learn? Educating to End Domestic Violence.** American Bar Association Commission on Domestic Violence. Washington, D.C., 1997. To order, contact the Office for Victims of Crime Resource Center: (800) 627-6872.

## ORGANIZATIONS REFERENCED IN THE MANUAL

The **American Association of Retarded Persons** established its Women's Initiative to ensure that the economic, social, health, and long-term care needs of mid-life and older women are met. In 1992, AARP organized a forum on domestic violence, which generated the report *Abused Elders or Older Battered Women?* The forum explored how the domestic violence and elder abuse fields respond to the needs of older battered women.

601 E St., NW  
Washington, DC 20049  
**Phone:** (202) 434-2277

The **American Bar Association Commission on Domestic Violence** develops resources to be used in the education and training of judges, attorneys, and law school students. Recent publications include materials to address domestic violence in the workplace, "When Will They Ever Learn: Educating to End Domestic Violence," and a video on using federal laws to stop violence against women.

740 15th St., NW  
Washington, DC 20005-1022  
**Phone:** (202) 662-1737  
**Website:** [www.abanet.org/domviol/home](http://www.abanet.org/domviol/home)

The **American Prosecutors Research Institute** developed two training manuals, one on domestic violence and stalking and another on sexual assault, that were used in conjunction with the workshops they sponsored for STOP-funded subgrantees. These manuals contain information on working with victims, the dynamics of violence against women, and trial strategies. They can be obtained from APRI for the cost of shipping and handling.

99 Canal Center Plaza, Suite 510  
Alexandria, VA 22314  
**Phone:** (703) 549-4253

The **Battered Women's Justice Project Civil Access Center**, a project of the Pennsylvania Coalition Against Domestic Violence, provides consultation to advocates, attorneys, court personnel, and policy makers in state-of-the-art advocacy and court system approaches, model protocols and practices, and public policy in the field of domestic violence.

6400 Flank Drive, Suite 1300  
Harrisburg, PA 17112-2778  
**Phone:** (800) 903-0111, ext. 2

The **Battered Women's Justice Project Criminal Justice Center** provides resources that guide individual practitioners in the use of arrest, prosecution, sentencing of abusers, victim safeguards, and batterers intervention programs. A project of Minnesota Program Development, Inc., this center also handles information requests about domestic violence in the military and community intervention strategies within the Native American communities.

4032 Chicago Ave. South  
Minneapolis, MN 55407  
**Phone:** (800) 903-0111, ext. 1

The **Center for the Prevention of Domestic and Sexual Violence** conducts activities and develops materials to assist faith leaders in responding appropriately to domestic and sexual violence and to help victims of clergy abuse. The Center maintains a clearinghouse of resources on domestic violence, sexual violence, child abuse, and clergy misconduct. These include training curricula, videos, books, and workshops.

936 North 34th St., Suite 200  
Seattle, WA 98103  
**Phone:** (206) 634-1903  
**Fax:** (206) 634-0115  
**E-mail:** cpsdv@cpsdv.org  
**Website:** www.cpsdv.org

The **Family Violence Prevention Fund** has developed numerous resources for domestic violence public awareness and education efforts. These materials can be adapted for local use. Resources are also available to assist health care providers, judges, employers, child protective workers, and others. The Fund produces a catalog of its publications.

383 Rhode Island St., Suite 304  
San Francisco, CA 94103-5133  
**General Phone:** (415) 252-8900  
**Health Resource Center:** (888) 792-2873  
**Order Line:** (415) 252-8089  
**Website:** www.fvpf.org

The **Institute for Law and Justice** maintains a website that contains numerous resources and links related to domestic violence and police and prosecutor interventions.

**Website:** www.ilj.org

**Mending the Sacred Hoop** (MSH), a project of Minnesota Program Development, Inc., provides technical assistance to the grant recipients of the STOP Violence Against Indian Women Discretionary Grant Program. MSH staff and national experts in the area of reducing domestic violence in Native American communities, provide technical assistance through training, program development, on-site consultation, and peer consultation.

2525 East Franklin Ave.  
Minneapolis, MN 55406  
**Phone:** 1(888) 305-1650; (612) 664-0835  
**Fax:** (612) 664-0840

The **National Alliance of Sexual Assault Coalitions** is a membership organization for sexual assault coalitions. The Alliance works to promote the interests of state sexual assault coalitions in national public policy discussions.

c/o CONNSACS  
110 Connecticut Blvd.  
East Hartford, CT 06108  
**Phone:** (860) 282-9881  
**Website:** www.connsacs.org/alliance.htm

The **National Coalition Against Domestic Violence** is a membership organization of battered women's programs, allied professionals, and individuals. NCADV sponsors an annual conference for advocates, publishes a newsletter, and develops materials for use by battered women's programs and others.

P.O. Box 18749  
Denver, CO 80218  
**Phone:** (303) 839-1455  
**Website:** www.ncadv.org

The **National Coalition Against Sexual Assault** is a membership organization of sexual assault programs, counseling services, women's shelters, and allied professionals. NCASA sponsors an annual conference on sexual assault, publishes a newsletter, and coordinates resources for Sexual Assault Awareness Month.

125 N. Enola Dr.  
Enola, PA 17025  
**Phone:** (717) 728-9764  
**Website:** www.ncasa.org

The **National College of District Attorneys** sponsors an annual conference on domestic violence. These national conferences attract an array of individuals both novice and veteran in the field of domestic violence. Many communities send multidisciplinary teams to the conference.

University of Houston Law Center  
Houston, TX 77204-6328  
**Phone:** (713) 743-1844

The **National Council of Juvenile and Family Court Judges** operates several projects designed to improve the justice system response to domestic violence. NCJFCJ has established a Resource Center on Child Protection and Custody, provides training for judges and court workers nationwide, and develops and promotes model state legislation on domestic and family violence.

P.O. Box 8970  
Reno, NV 89507  
**Phone:** (800) 527-3223

The **National Domestic Violence Hotline** operates a 24-hour, toll-free crisis intervention line, referrals to domestic violence and other emergency shelters and programs, and information about assistance networks and other resources to learn more about domestic violence.

Austin, TX  
**Hotline:** (800) 799-7233  
**TTY:** (800) 787-3224  
**Administrative Line:** (512) 453-8117

The **National Network to End Domestic Violence** is a membership and advocacy organization of State domestic violence coalitions and individuals. The National Network to End Domestic Violence works to ensure that national public policy is responsive to the concerns and interests of battered women and their children and advocates.

701 Pennsylvania Ave., NW, Ste. 900  
Washington, DC 20004  
**Phone:** (202) 347-9520  
**Fax:** (202) 434-7400

The **National Resource Center on Domestic Violence (NRC)**, a project of the Pennsylvania Coalition Against Domestic Violence, provides comprehensive information and resources, policy development, and technical assistance designed to enhance community response to and prevention of domestic violence. The NRC also maintains the Violence Against Women Network (VAWnet), which is an electronic network

6400 Flank Drive, Suite 1300  
Harrisburg, PA 17112-2778  
**Phone:** (800) 537-2238  
**TTY:** (800) 553-2508

The **National Victim Center** operates a comprehensive resource center for victims of crime, concerned citizens, public policy makers, and allied professionals who are dedicated to improving crime victim services. The center maintains an extensive resource library which contains documents on every aspect of violent crime, criminal justice, and victimology, including domestic violence, sexual assault and stalking. It also has a legislative database containing victim-related statutes from all 50 States.

2111 Wilson Blvd., Suite 300  
Arlington, VA 22201  
**Phone:** (800) 394-2255  
**Website:** [www.nvc.org](http://www.nvc.org)

The **Urban Institute** publishes an annual report to Congress evaluating the STOP Formula Grant Program. In 1997, it developed a guidebook on evaluation for STOP-funded programs, which is available from the Urban Institute website or from its publications office.

2100 M St., NW  
Washington, DC 20037  
**Phone:** (202) 857-8687  
**Website:** [www.urban.org](http://www.urban.org)

The **Violence Against Women Grants Office (VAWGO)** in the Office of Justice Programs at the Department of Justice administers 1 formula and 3 discretionary grant programs authorized by the Violence Against Women Act. The grant programs are designed to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking. The grant programs administered by VAWGO include: STOP Violence Against Women Formula Grants, Grants to Encourage Arrest Policies, Rural Domestic Violence and Child Victimization Enforcement Grants, and STOP Violence Against Indian Women Discretionary Grants.

810 Seventh St., NW, 6th Floor  
Washington, DC 20009  
**Phone:** (202) 307-6026  
**Website:** [www.ojp.usdoj.gov/VAWGO](http://www.ojp.usdoj.gov/VAWGO)



## F. Tools for Practitioners

APPENDIX F CONTAINS THE FOLLOWING SECTIONS:

1. SAFETY PLANNING
2. LAW ENFORCEMENT
3. PROSECUTION
4. COURTS
5. ADDITIONAL PROGRAM EXAMPLES

# TOOLS FOR PRACTITIONERS

## 1. Safety Planning

- a) VAWA Provisions on Full Faith and Credit
- b) Personalized Safety Plan Form
- c) Sample Safety Planning Brochure (Personal Safety for Victims of Domestic Violence and Stalking)
- d) Assessing Whether Batterers Will Kill
- e) Sample Domestic Violence Homicide Risk Factors and Lethality Risk Assessment

## 2. Law Enforcement

- a) Questions to Ask Victims in Choking/Strangulation Cases
- b) Considerations in Drug-Induced Sexual Assault Cases (Rohypnol/GHB)
- c) Primary Aggressor Analysis Handout
- d) Sample Domestic Violence Investigation Checklist
- e) Sample Domestic Violence Supplemental Report Forms
- f) Sample Preliminary Rape Case Information and Lab Services Request Forms for Forensic Evidence Collection
- g) Sample Police Department Letter to a Suspected Stalker

## 3. Prosecution

- a) Anticipating Defenses in Domestic Violence Cases
- b) Anticipating Defenses in Sexual Assault Cases
- c) Suggested Voir Dire Questions for Use in Domestic Violence Cases
- d) Suggested Voir Dire Questions for Use in Sexual Assault Cases
- e) Direct or Cross Examination Questions for Victims Who Know Their Perpetrators or are Reluctant to Testify
- f) Eliciting Detailed Victim Testimony in Sexual Assault Cases
- g) Cross Examination of Domestic Violence Defendants
- h) Factors to Consider in the Sentencing of Sexual Assault Offenders

## 4. Courts

- a) Domestic Violence Death Reviews

## 5. Additional Program Examples

- a) Law Enforcement
- b) Victim Services
- c) Coordinated Community Response



# 1. Safety Planning

- A. VAWA PROVISIONS ON FULL FAITH AND CREDIT
- B. PERSONALIZED SAFETY PLAN FORM
- C. SAMPLE SAFETY PLANNING BROCHURE (PERSONAL SAFETY FOR VICTIMS OF DOMESTIC VIOLENCE AND STALKING)
- D. ASSESSING WHETHER BATTERERS WILL KILL
- E. SAMPLE DOMESTIC VIOLENCE HOMICIDE RISK FACTORS AND LETHALITY RISK ASSESSMENT

**FULL FAITH AND CREDIT PROVISION  
OF THE VIOLENCE AGAINST WOMEN ACT OF 1994**

Sec. 2265. Full faith and credit given to protection orders:

(a) **FULL FAITH AND CREDIT-** Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

(b) **PROTECTION ORDER-** A protection order issued by a State or tribal court is consistent with this subsection if--

(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) **CROSS OR COUNTER PETITION-** A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if--

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Review dates: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## PERSONALIZED SAFETY PLAN

The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him/her and how to best get myself and my children to safety.

**Step 1: Safety during a violent incident.** Women cannot always avoid violent incidents. In order to increase safety, battered women may use a variety of strategies.

I can use some or all of the following strategies:

- A. If I decide to leave, I will \_\_\_\_\_ (Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them (place) \_\_\_\_\_ in order to leave quickly.
- C. I can tell \_\_\_\_\_ about the violence and request they call the police if they hear suspicious noises coming from my house.
- I can also tell \_\_\_\_\_ about the violence and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department.
- E. I will use \_\_\_\_\_ as my code word with my children or my friends so they can call for help.
- F. If I have to leave my home, I will go \_\_\_\_\_ (Decide this even if you don't think there will be a next time.)

If I cannot go to the location above, then I can go to \_\_\_\_\_ or \_\_\_\_\_

- G. I can also teach some of these strategies to some/all of my children.
- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as \_\_\_\_\_  
\_\_\_\_\_. (Try to avoid arguments in the bathroom, garage, kitchens, near weapons or in rooms without access to an outside door.)
- I. I will use my judgement and intuition. If the situation is very serious, I can give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

**Step 2: Safety when preparing to leave.** Battered women frequently leave the residence they share with the battering partner. Leaving must be done with a careful plan in order to increase safety. Batterers often strike back when they believe that a battered woman is leaving a relationship.

I can use some or all of the following safety strategies:

- A. I will leave money and an extra set of keys with \_\_\_\_\_ so I can leave quickly.
- B. I will keep copies of important documents or keys at \_\_\_\_\_
- C. I will open a savings account by \_\_\_\_\_, to increase my independence.
- D. Others things I can do to increase my independence include: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. The domestic violence program's hotline number is \_\_\_\_\_. I can seek shelter by calling this hotline.
- F. I can keep change for phone calls on me at all times. I understand that if I use my telephone credit card, the following month the telephone bill will tell my batterer those numbers that I called after I left. To keep my telephone communications confidential, I must either use coins or I might get a friend to permit me to use their telephone credit card for a limited time when I first leave.

- G. I will check with \_\_\_\_\_ and \_\_\_\_\_ to see who would be able to let me stay with them or lend me some money.
- H. I can leave extra clothes with \_\_\_\_\_.
- I. I will sit down and review my safety plan every \_\_\_\_\_ in order to plan the safest way to leave the residence. \_\_\_\_\_ (domestic violence advocate or friend) has agreed to help me review this plan.
- J. I will rehearse my escape plan and, as appropriate, practice it with my children.

**Step 3: Safety in my own residence.** There are many things that a woman can do to increase her safety in her own residence. It may impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.
- G. I will teach my children how to use the telephone to make a collect call to me and to \_\_\_\_\_ (friend/minister/other) in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick-up permission include:
  - \_\_\_\_\_ (school),
  - \_\_\_\_\_ (day care staff),
  - \_\_\_\_\_ (babysitter),

\_\_\_\_\_ (Sunday school teacher),  
\_\_\_\_\_ (teacher),  
\_\_\_\_\_ and  
\_\_\_\_\_ (others).

- I. I can inform \_\_\_\_\_ (neighbor),  
\_\_\_\_\_ (pastor), and  
\_\_\_\_\_ (friend) that my  
partner no longer resides with me and they should call the police if he is  
observed near my residence.

**Step 4: Safety with a protection order.** Many batterers obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. I recognize that I may need to ask the police and the courts to enforce my protection order.

The following are some steps that I can take to help the enforcement of my protection order:

- A. I will keep my protection order \_\_\_\_\_ (location).  
(Always keep it on or near your person. If you change purses, that's the first thing that should go in.)
- B. I will give my protection order to police departments in the community where I work, in those communities where I usually visit family or friends, and in the community where I live.
- C. There should be a county registry of protection orders that all police departments can call to confirm a protection order. I can check to make sure that my order is in the registry. The telephone number for the county registry of protection orders is \_\_\_\_\_.
- D. For further safety, if I often visit other counties in Pennsylvania, I might file my protection order with the court in those counties. I will register my protection order in the following counties: \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_.
- E. I can call the local domestic violence program if I am not sure about B., C., or D. above or if I have some problem with my protection order.
- F. I will inform my employer, my minister, my closest friend and \_\_\_\_\_  
\_\_\_\_\_ and \_\_\_\_\_ that I have a  
protection order in effect.

- G. If my partner destroys my protection order, I can get another copy from the courthouse by going to the Office of the Prothonotary located at \_\_\_\_\_
- H. If my partner violates the protection order, I can call the police and report a violation, contact my attorney, call my advocate, and/or advise the court of the violation.
- I. If the police do not help, I can contact my advocate or attorney and will file a complaint with the chief of the police department.
- J. I can also file a private criminal complaint with the district justice in the jurisdiction where the violation occurred or with the district attorney. I can charge my battering partner with a violation of the protection order and all the crimes that he commits in violating the order. I can call the domestic violence advocate to help me with this.

**Step 5: Safety on the job and in public.** Each battered woman must decide if and when she will tell others that her partner has battered her and that she may be at continued risk. Friends, family and co-workers can help to protect women. Each woman should consider carefully which people to invite to help secure her safety.

I might do any or all of the following:

- A. I can inform my boss, the security supervisor and \_\_\_\_\_ at work of my situation.
- B. I can ask \_\_\_\_\_ to help screen my telephone calls at work.
- C. When leaving work, I can \_\_\_\_\_.
- D. When driving home if problems occur, I can \_\_\_\_\_.
- E. If I use public transit, I can \_\_\_\_\_.
- F. I can use different grocery stores and shopping malls to conduct my business and shop at hours that are different than those when residing with my battering partner.
- G. I can use a different bank and take care of my banking at hours different from those I used when residing with my battering partner.

H. I can also \_\_\_\_\_.

**Step 6: Safety and drug or alcohol use.** Most people in this culture use alcohol. Many use mood-altering drugs. Much of this use is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered woman, may hurt her relationship with her children and put her at a disadvantage in other legal actions with her battering partner. Therefore, women should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce a woman's awareness and ability to act quickly to protect herself from her battering partner. Furthermore, the use of alcohol or other drugs by the batterer may give him/her an excuse to use violence. Therefore, in the context of drug or alcohol use, a woman needs to make specific safety plans.

If drug or alcohol use has occurred in my relationship with the battering partner, I can enhance my safety by some or all of the following:

- A. If I am going to use, I can do so in a safe place and with people who understand the risk of violence and are committed to my safety.
- B. I can also \_\_\_\_\_.
- C. If my partner is using, I can \_\_\_\_\_.
- D. I might also \_\_\_\_\_.
- E. To safeguard my children, I might \_\_\_\_\_ and \_\_\_\_\_.

**Step 7: Safety and my emotional health.** The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life for myself takes much courage and incredible energy.

To conserve my emotional energy and resources and to avoid hard emotional times, I can do some of the following:

- A. If I feel down and ready to return to a potentially abusive situation, I can \_\_\_\_\_.
- B. When I have to communicate with my partner in person or by telephone, I can \_\_\_\_\_.

- C. I can try to use "I can . . ." statements with myself and to be assertive with others.
- D. I can tell myself - " \_\_\_\_\_ " - whenever I feel others are trying to control or abuse me.
- E. I can read \_\_\_\_\_ to help me feel stronger.
- F. I can call \_\_\_\_\_ and \_\_\_\_\_ as other resources to be of support to me.
- G. Other things I can do to help me feel stronger are \_\_\_\_\_ and \_\_\_\_\_.
- H. I can attend workshops and support groups at the domestic violence program or \_\_\_\_\_ or \_\_\_\_\_ to gain support and strengthen my relationships with other people.

**Step 8: Items to take when leaving.** When women leave partners, it is important to take certain items with them. Beyond this, women sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

Items with asterisks on the following list are the most important to take. If there is time, the other items might be taken, or stored outside the home.

These items might best be placed in one location, so that if we have to leave in a hurry, I can grab them quickly.

When I leave, I should take:

- \* Identification for myself
- \* Children's birth certificates
- \* My birth certificate
- \* Social Security cards
- \* School and vaccination records
- \* Money
- \* Checkbook, ATM (Automatic Teller Machine) card
- \* Credit cards
- \* Keys - house/car/office
- \* Driver's license and registration
- \* Medications
- Welfare identification
- Work permits

Green card  
Passport(s)  
Divorce papers  
Medical records - for all family members  
Lease/rental agreement, house deed, mortgage payment book  
Bank books  
Insurance papers  
Small saleable objects  
Address book  
Pictures  
Jewelry  
Children's favorite toys and/or blankets  
Items of special sentimental value

**Telephone numbers I need to know:**

Police department - home \_\_\_\_\_  
Police department - school \_\_\_\_\_  
Police department - work \_\_\_\_\_  
Battered women's program \_\_\_\_\_  
County registry of protection orders \_\_\_\_\_  
Work number \_\_\_\_\_  
Supervisor's home number \_\_\_\_\_  
Minister \_\_\_\_\_  
Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Barbara Hart and Jane Stuehling, PCADV, 524 McKnight Street, Reading, PA 19601  
PCADV, 1992

Adopted from "Personalized Safety Plan," Office of the City Attorney, City of San Diego, California,  
April, 1990

DEVELOPED BY THE  
SAN DIEGO POLICE DEPARTMENT  
DOMESTIC VIOLENCE UNIT

## Personal Safety for Victims of Domestic Violence



You are a victim of domestic violence, and police officers are summoned to your home. You are possibly injured, in fear, and do not know what questions to ask for further HELP! The following guidelines will assist in answering those often difficult questions that you may have in your time of need.

If you are a victim of domestic violence, and a police report is filed, you should consider the following alternatives which will be critical for your safety.

Should you choose to remain in your present relationship, your safety is extremely important. Consider keeping an emergency bag packed with clothing, money, emergency telephone numbers and/ or toys for children.

Many batterers, unless held accountable, will batter again! We recommend obtaining a restraining order.

A TEMPORARY restraining order will be granted for a period of ten days. If the order is granted by the Family Court Judge, it is recommended that you give a copy of the restraining order to the Marshal, so that the offender can be served. Both you, and the offender will be ordered to return in ten days, so it can be finalized for a period of THREE YEARS.

Make copies of the restraining order, so you, family members, friends, neighbors and your employer can be aware of the situation. If you have the restraining order BEFORE you call the police, give a copy to the officer.

## HOME SECURITY

Home security is extremely important! Each door and window should always be LOCKED, whether you are at home or away for a period of time.

If you have obtained a restraining order, it is preferred that you re-key your locks.

Install dead bolts on all outside doors. Place a dowel in sliding glass doors and windows.

While at home, never automatically open the door after the first knock. If you have children, caution them to ask who is there or peer through a peep hole. A restrained person will use various ploys to seek entry into your home.

If you arrive home and find a window or door has been forced open or broken, do not enter! Locate a telephone nearest your home and dial "9-1-1". Wait for law enforcement to arrive.

Install adequate outside lighting.

Be alert for any unusual packages, boxes, DO NOT disturb the objects.

A family dog is the least expensive, but the most EFFECTIVE alarm system.

If you receive telephone calls from the restrained person, notify law enforcement authorities as soon as possible. A report should be made to document the act. Remember to keep log of the date, time and contents of the telephone calls made to you. This is beneficial for prosecution of the offender.

Change your telephone number to a new UNLISTED number if possible. In some cases, the telephone company will do this free of charge.

Advise your family, friends and co-workers they are not to give your new telephone number to anyone without your permission.

Keep important telephone numbers posted at or near every telephone in your home.

Tape emergency numbers on ALL telephones.

If you reside in an apartment, provide the manager with a picture of the suspect, if available.

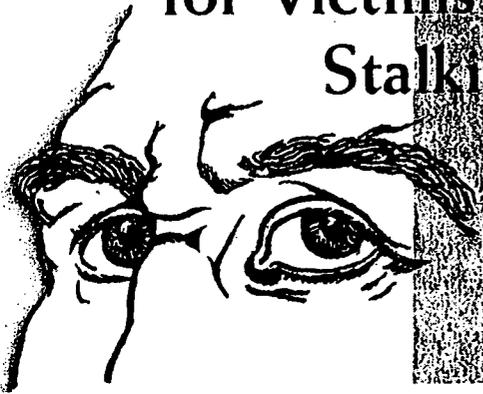
**YOU DON'T DESERVE TO BE HIT!**

**YOU HAVE THE RIGHT TO LIVE  
WITHOUT FEAR!**

**DON'T BE AFRAID TO HOLD THE  
ABUSER ACCOUNTABLE!**

DEVELOPED BY THE  
SAN DIEGO POLICE DEPARTMENT  
DOMESTIC VIOLENCE UNIT

## Personal Safety for Victims of Stalking



Definition: "One who maliciously, willfully and repeatedly follows or harasses another person and who makes a credible threat to place that person in fear of his or her safety."

Stalking: It is the suspect's decision. It is NOT your fault!

Call the POLICE - File a crime report!

Get a temporary restraining order or request the officer obtain an EMERGENCY PROTECTIVE ORDER for you. Keep copies - give to relatives, friends, co-workers and employer.

Keep a log or diary of current and past events. Hide the log in a safe place.

Tracking stalkers by case numbers: Keep your original crime case number with you. If other family members or friends are victimized by the stalker, advise them to telephone POLICE and file a report.

## SAFETY TIPS

- Change locks - home/car
- Never walk alone
- Lock vehicle doors when alone
- Use alternate routes to drive
- Alert your neighbors
- Notify your Community Alert Group
- Show photograph of suspect to neighbors
- Avoid common places
- Contact your Beat Officer
- Keep emergency bag packed with: Clothing, money, emergency telephone numbers toys for children, etc.
- Alert neighbors/have a prearranged code or signal if the stalker is near or at your home.

## VEHICLE SECURITY

- Park your vehicle(s) in well lit areas.
- When you are parked in your residential garage, turn the garage light on.
- Provide your gas tank with LOCKING gas cap.
- Visually check the front and rear passenger areas before entering your vehicle.
- Keep the doors locked while your vehicle is in use.
- Be alert for vehicles following you.
- Know locations of police and fire stations.
- Use a different schedule and route each day that you travel.

## LAST RESORT

Move to a temporary safe house or shelter. If you have to move, keep the new location confidential. Get Post Office Box for mail.

Use a private mailbox service to receive ALL personal mail.

File a change of address card with the Post Office.

File a change of address with the D.M.V. (Department of Motor Vehicles). Get a new driver's license with a new address on it.

FOR FURTHER INFORMATION  
TELEPHONE  
SAN DIEGO POLICE DEPARTMENT  
DOMESTIC VIOLENCE UNIT

531-2387

MONDAY THRU SUNDAY

6:00 AM - 6:00 PM



This information is available in alternative formats upon request.

♻️ Printed on recycled paper with soy based ink

# ASSESSING WHETHER BATTERERS WILL KILL

(The following is reprinted from Confronting Domestic Violence: Effective Police Response, Pennsylvania Coalition Against Domestic Violence (PCADV), 1990. The manual is available from PCADV for \$30.00.)

Some batterers are life-endangering. While it is true that all batterers are dangerous, some are more likely to kill than others and some are more likely to kill at specific times. Regardless of whether there is a protection from abuse order in effect, officers should evaluate whether an assailant is likely to kill his partner or other family members and/or police personnel and take appropriate action.

Assessment is tricky and never full-proof. It is important to conduct an assessment at every call, no matter how many times an officer has responded to the same household. The dispatcher and responding officer can utilize the indicators described below in making an assessment of the batterer's potential to kill. Considering these factors may or may not reveal actual potential for homicidal assault. But, the likelihood of a homicide is greater when these factors are present. The greater the number of indicators that the batterer demonstrates or the greater the intensity of indicators, the greater the likelihood of a life-threatening attack.

Use all of the information you have about the batterer, current as well as past incident information. A thorough investigation at the scene will provide much of the information necessary to make this assessment. However, law enforcement will not obtain reliable information from an interview conducted with the victim and perpetrator together or from the batterer alone.

1. Threats of homicide or suicide.

The batterer who has threatened to kill himself, his partner, the children or her relatives must be considered extremely dangerous.

2. Fantasies of homicide or suicide.

The more the batterer has developed a fantasy about who, how, when, and/or where to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable "solution" to his problems. As in suicide assessment, the more detailed the plan and the more available the method, the greater the risk.

---

\* We have assumed that the victim is a woman and the abuser is a man. It may be that the victim is a man and the abuser a woman or that the abuser and the victim are of the same sex. Assessment is basically the same despite these gender differences. The only additional indicator to be assessed in a lesbian or gay relationship is whether the abuser has been firmly closeted and is now risking exposure as a lesbian or gay person in order to facilitate their severe, life-threatening attacks. When a person has been desperately closeted, losing the protection of invisibility in order to abuse potentially suggests great desperation and should be included in the assessment.

3. Weapons.

Where a batterer possesses weapons and has used them or has threatened to use them in the past in his assaults on the battered woman, the children or himself, his access to those weapons increases his potential for lethal assault. The use of guns is a strong predictor of homicide. If a batterer has a history of arson or the threat of arson, fire should be considered a weapon.

4. "Ownership" of the battered partner.

The batterer who says "Death before Divorce!" or "You belong to me and will never belong to another!" may be stating his fundamental belief that the woman has no right to life separate from him. A batterer who believes he is absolutely entitled to his female partner, her services, her obedience and her loyalty, no matter what, is likely to be life-endangering.

5. Centrality of the partner.

A man who idolizes his female partner, or who depends heavily on her to organize and sustain his life, or who has isolated himself from all other community, may retaliate against a partner who decides to end the relationship. He rationalizes that her "betrayal" justifies his lethal retaliation.

6. Separation Violence.

When a batterer believes that he is about to lose his partner, if he can't envision life without her or if the separation causes him great despair or rage, he may choose to kill.

7. Depression.

Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, he may be a candidate for homicide and suicide. Research shows that many men who are hospitalized for depression have homicidal fantasies directed at family members.

8. Access to the battered woman and/or to family members.

If the batterer cannot find her, he cannot kill her. If he does not have access to the children, he cannot use them as a means of access to the battered woman. Careful safety planning and police assistance are required for those times when contact is required, e.g. court appearances and custody exchanges.

9. Repeated outreach to law enforcement.

Partner or spousal homicide almost always occurs in a context of historical violence. Prior calls to the police indicate elevated risk of life-threatening conduct. The more calls, the greater the potential danger.

10. Escalation of batterer risk.

A less obvious indicator of increasing danger may be the sharp escalation of personal risk undertaken by a batterer; when a batterer begins to act without regard to the legal or social consequences that previously constrained his violence, chances of lethal assault increase significantly.

11. Hostage-taking.

A hostage-taker is at high risk of inflicting homicide. Between 75% and 90% of all hostage takings in the US are related to domestic violence situations.

Hart, B.; "Assessing Whether Batterer's Will Kill," © Pennsylvania Coalition Against Domestic Violence, 1990.

**Domestic Violence Homicide Risk Factors**

Name of Client \_\_\_\_\_ Date \_\_\_\_\_

Treatment Program \_\_\_\_\_ Counselor \_\_\_\_\_

These factors have shown to be associated with spousal homicide. The presence of these factors should not be seen as *predictive* of homicide but rather as guidelines for safety planning.

Check the appropriate box; additional information can be entered under Comments and Recommendations.

YES NO

	Threats of suicide
	Threats to kill partner or family members
	Threats with weapon(s)
	Use of weapons in prior abusive incidents
	Serious injury of partner in prior abusive incidents
	Access to or ownership of guns
	Drug or alcohol abuse
	Forced sex of partner
	Obsessiveness/ extreme jealousy/ extreme dominance
	Access to victim
	Depression
	Extensive property destruction
	Threats to kill, or actually killing or injuring pet
	Abuse of children
	Mental health history
	History of other violent crimes
	Accepting attitude toward use of violence

Comments and Recommendations:

## DOMESTIC VIOLENCE LETHALITY RISK ASSESSMENT

Client Name \_\_\_\_\_ Date \_\_\_\_\_

Circle the appropriate number for each item. Write in any relevant information.

### 1. Threat of homicide

0	1	2	3	4
Never threatened			Threatened in past 6 months	In past 24 hrs., has threatened to kill partner, children, relatives or pet

### 2. Threat of suicide

0	1	2	3	4
Never			Threatened in past 6 months	In past 24 hrs., has threatened to kill self

### 3. Thoughts of homicide

0	1	2	3	4
Never			Has detailed plan of who, how, when, where; has no weapon	Has detailed plan of who, how, when, where; <u>has</u> weapon

### 4. Thoughts of suicide

0	1	2	3	4
Never	More than 1 year ago	Within year	Has detailed plan of how, when, where; has no weapon	Has detailed plan of how, when, where; <u>has</u> weapon

### 5. Access to weapons

0	1	2	3	4
None, never used a weapon	Has used in past; no access now		Has access to weapon (identify): _____ _____	Carries weapon; has weapon in home, car. If gun, score  <b>4++</b>

**6. History of arson or threat of arson**

0	1	2	3	4
Never			Has set fires over a year ago	Has set fires in past year

**7. "Ownership" of partner**

0	1	2	3	4
No such beliefs				Believes absolutely entitled to partner, partner's services, obedience, loyalty no matter what

**8. Centrality of partner**

0	1	2	3	4
None				Depends heavily on partner to organize and sustain life, idolizes partner, isolated from community

**9. Separation**

0	1	2	3	4
Not applicable				Believes about to lose partner or has lost partner, cannot envision life without partner; separation causes great despair or rage

**10. Depression**

0	1	2	3	4
Never	Over 1 year ago	Mildly depressed	Moderately depressed	Severely depressed, little hope

**11. Access to victim; family**

0	1	2	3	4
None, not in area	Victim in shelter	Protection order	Knows whereabouts	Living together



## 2. Law Enforcement

- A. QUESTIONS TO ASK VICTIMS IN CHOKING/  
STRANGULATION CASES
- B. CONSIDERATIONS IN DRUG-INDUCED SEXUAL ASSAULT  
CASES (ROHYPNOL/GHB)
- C. PRIMARY AGGRESSOR ANALYSIS HANDOUT
- D. SAMPLE DOMESTIC VIOLENCE INVESTIGATION  
CHECKLIST
- E. SAMPLE DOMESTIC VIOLENCE SUPPLEMENTAL REPORT  
FORMS
- F. SAMPLE PRELIMINARY RAPE CASE INFORMATION AND  
LAB SERVICES REQUEST FORMS FOR FORENSIC  
EVIDENCE COLLECTION
- G. SAMPLE POLICE DEPARTMENT LETTER TO A  
SUSPECTED STALKER

## **QUESTIONS TO ASK VICTIMS IN CHOKING/STRANGULATION CASES**

*(The checklist below was developed by San Diego Deputy City Attorney Gael Strack to facilitate victim interviews.)*

1. Were you shaken while being strangled?
2. How much shaking? (Little to whipping back and forth)
3. Did the defendant use one or two hands?
4. For how long did he strangle you?
5. How much pressure did he use? How hard did he grab your throat?
6. Did you have any difficulty breathing?
7. Did you faint or lose consciousness?
8. Did you lose any bodily functions?
9. Did you vomit?
10. Did you experience any pain, discomfort or have trouble swallowing?
11. Did you have any visible injury?
12. Have there been any prior incidents of strangulation?
13. Did you have any pre-existing injuries?
14. Were any subsequent photos taken?
15. Did you show the injuries to anyone?
16. If an object was used to choke you, did the police take a photo of it or take it into evidence? If not, do you still have it?
17. Was the suspect wearing any rings when he choked you?

**ROHYPNOL/GHB****ABSTRACT:**

The number of sexual assault cases involving drugs such as Rohypnol and gamma hydroxy butyrate (GHB) is increasing across the country. Prosecutors need information on how to respond to these cases. The challenge that prosecutors and law enforcement face in sexual assault cases involving rape drugs is the very nature of the drugs themselves. Rohypnol and GHB result in memory loss, drowsiness, loss of consciousness, and a lowering of inhibition and the effects are increased when mixed with alcohol. Victims of rape drugs often do not remember the attack itself but wake up only knowing that something is very wrong. An assault may not be reported to the police for several days, if at all. Valuable physical evidence is often lost because the victims may not realize that they need to be tested for rape drugs until it is too late; Rohypnol and GHB are metabolized by the body in the matter of one to two days. Law enforcement often lacks the knowledge and protocols to recognize a sexual assault involving a rape drug and do not investigate the case or arrange for a drug test. If a case does make it to the prosecutor, he or she is often faced with a case with no little physical evidence and no victim memory of the assault.

Offenders that use Rohypnol and GHB to drug and rape their unsuspecting victims rely on the drugs' effects to conceal their crimes. Prosecutors and law enforcement need techniques and protocols to detect and process sexual assault cases involving rape drugs and prevent sexual predators who use drugs to facilitate rape from striking again. Prosecutors and law enforcement need to ensure that victims, who report that they think they have been drugged and raped, are tested as soon as possible after the assault to preserve evidence of any drugs. More importantly, prosecutors must know how to build sexual assault cases involving rape drugs even when the evidence is "weak", when the victim has no memory of the assault, and when there are no conclusive drug test results.

The following information on Rohypnol and GHB was prepared by the American Prosecutors Research Institute (APRI) for its 1998 Sexual Assault Workshop Series. The material contains general information that will help prosecutors and law enforcement officers recognize these drugs and provide strategies for sexual assault cases involving these drugs.

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## ROHYPNOL/GHB

### GENERAL CHARACTERISTICS OF ROHYPNOL<sup>1</sup>

Flunitrazepam belongs to the class of drugs called benzodiazepines. Rohypnol is the brand name for the flunitrazepam manufactured by *Hoffman LaRoche*. Flunitrazepam produces a spectrum of pharmacological effects similar to that of other classical benzodiazepine such as diazepam. These effects include skeletal muscle relaxation, sedation, reductions and anxiety and prevention of seizures. Of these various effects, the sedative/hypnotic effects are most important. With respect to sedative effects, flunitrazepam is considered to be approximately seven to ten times more potent than diazepam (i.e. Valium) and



### EFFECTS OF ROHYPNOL

- Effects include: skeletal muscle relaxation, sedation, reductions and anxiety and prevention of seizures.
- Rohypnol is considered to be approximately seven to ten times more potent than Valium.
- The effects of ingesting Rohypnol appear within approximately 10 to 20 minutes.
- Residual effects of Rohypnol may be experienced 24 hours or later after the last dose! (This accounts for delayed reporting.)

four to eight times less potent than Triazolam (i.e. Halcion).

Flunitrazepam is rapidly and almost entirely absorbed following oral administration. Entry into the central nervous system also is rapid. The effects produced by Flunitrazepam appear with an onset of approximately 10 to 20 minutes. Flunitrazepam is extensively metabolized primarily to the active metabolites, 7-aminoflunitrazepam and N-desmethyflunitrazepam. Both of these metabolites are glucuronadated and eliminated via the kidney. Residual effects of the drug may be experienced twenty-four hours or later after the last dose, depending on such things as the amount ingested and the presence of other drugs or alcohol in the body.

<sup>1</sup> This outline is reprinted with permission from Robert Nichols, Assistant State Attorney, Seventh Judicial Circuit.

Flunitrazepam is extensively marketed world wide, but is not available for medical use in the United States. Flunitrazepam is marketed under a variety of trade names, with Rohypnol being the most common. It usually supplied in one or two milligram tablets. Where available, Flunitrazepam is used primarily as a sedative/hypnotic for the treatment of insomnia, the usual dose is 0.5 to two milligrams taken at bed time. Flunitrazepam is used either in the tablet or injectable form as a pre-anesthetic medication prior to surgery. The injectable form is also used as part of a dosage regime for the induction of anesthesia.<sup>2</sup>



### ROHYPNOL IS ILLEGAL IN THE U.S.

- Rohypnol is illegally smuggled into the U.S. through third countries, e.g. Mexico.
- In the countries where its consumption is legal, Rohypnol is prescribed for:
  1. the treatment of insomnia
  2. as a pre-anesthetic prior to surgery

### INVESTIGATIVE SUGGESTIONS

The following steps are suggested when faced with a potential Rohypnol-rape case:

1. *Obtain a urine and blood sample from the victim to be screened for traces of Rohypnol metabolites, (e.g., 7-aminoflunitrazepam), and similar benzodiazepines.* The period of time that the Rohypnol will remain in the urine or blood will depend upon a number of variables, including the amount ingested, the victim's size and rate of metabolism, whether the victim had a full stomach, whether the victim had previously urinated, etc.

Urine is the preferable sample because Rohypnol metabolites remain longer in urine than in the blood. In doses most commonly associated with date rape cases (i.e., the one or two milligram tablet), Rohypnol may be detectable in blood for as little as two

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<sup>12</sup> Much of the information from the above three paragraphs was taken from "General Information on Flunitrazepam" prepared by James M. Tolliver, Ph.D., Pharmacologist for the DEA on December 28, 1995.

to four hours after ingestion (again, depending upon the above noted variables), while the urine may retain the Rohypnol metabolite for up to 72 hours.

Ironically, the chances of obtaining a positive urine screen may not necessarily increase with larger Rohypnol doses. Obviously, the larger the Rohypnol dose, the longer the victim will remain under the influence, making it less likely that the victim will be able to report the crime to the police in a timely fashion. Once the sample is obtained, the Rohypnol metabolites will remain stable in the blood or urine sample, and therefore may be tested at a future date.



### WHY OBTAIN A URINE SAMPLE INSTEAD OF A BLOOD SAMPLE?

- Rohypnol remains in urine for up to 72 hours.
- Rohypnol remains in blood for only 2 to 4 hours.

Currently, the best method for analyzing these samples appears to be, first, the F.P.I.A. presumptive test followed by *electron captured gas chromatography*. (The Emit system is not a reliable test because it is designed to give a positive reading at no less than 300 nanograms, which is too low for Rohypnol metabolite identification.)

If a positive reading is obtained, then the samples should also be tested for the presence of alcohol or other drugs, so that a qualified toxicologist can testify as to the synergistic effects of mixing alcohol or other drugs with Rohypnol.<sup>3</sup>

2. *Collect any containers that may have contained the Rohypnol so that any trace amounts of Rohypnol in the liquid or on the glass can be analyzed.* Note that although Rohypnol's active ingredients will completely dissolve in the liquid, there may be a granular residue that will be left floating in the glass.
3. *Check the crime scene for the presence of the bubble packs which are used by Hoffman LaRoche to package Rohypnol.* The packaging should be tested for the presence of the suspect's and/or victim's fingerprints.

<sup>3</sup> Should you need further information regarding the laboratory analysis of urine or blood samples, please call Dr. Thomas Carroll, Chief Of Toxicology at the Palm Beach County Medical Examiners Office: 561-6884250, or H. Chip Walls, Dade County ME.O.: (305) 232-7020.

4. *Check the crime scene, and if legally possible, those areas within the suspects control, for the presence of other types of narcotics.* This may be especially helpful in cases where no Rohypnol or GHB was found in the victim's urine, because it gives the chemist a clue as to what other substances to look for.

In the case of suspects who reside with their parents, you may want to ask mom or dad what type of drugs they store in their medicine cabinet, e.g. Valium. These are drugs that may be readily accessible to the suspect (or his friends), and may give your chemist a clue as to what substances he should be screening for in the victim's urine. Once again, the packaging of any narcotics located should be examined for the fingerprints of the suspect and/or victim.

5. *Send memos to local law enforcement agencies detailing your particular set of facts, and ask whether any similar fact patterns have been recently detected.* You may find that the same defendant has had other similar complaints against him, but that no action was taken because it was assumed that the victims were simply drunk or forgetful. Similarly, you may find the same fact patterns emerging from the same location.
6. *Interview as many friends, enemies and acquaintances of the suspect as possible regarding his use of Rohypnol.* Often, suspects have either *secretly drugged women in the presence of others*, or have bragged openly about other sexual conquests using Rohypnol. This is particularly true with high school students, so be sure to alert the assigned Resource Officer at that school to make note of any rumors regarding the use of Rohypnol (or similar drugs) by the suspect or his friends.
7. *Try to determine whether the victim has used Rohypnol in the past.* A person can build up a tolerance to the effects of Rohypnol, particularly the loss of memory.
8. *Interview the victim in great detail regarding the symptoms she experienced.* Although each person is obviously different depending on their physical characteristics, drug history and the amount of Rohypnol and/or alcohol consumed.



## SOME COMMON CHARACTERISTICS EXPERIENCED BY ROHYPNOL-RELATED SEXUAL ASSAULT VICTIMS ARE:

- Victim feels onset of symptoms within 10-20 minutes of ingesting the Rohypnol.
- Victim often feels nauseous, dizzy and disoriented (and, therefore, can easily be escorted out of a bar, party, etc. by a suspect.).
- Victim may then feel hot and cold flashes, followed by difficulty speaking and moving their extremities, and finally unconsciousness.
- The victim may, however, awaken for brief periods, and, therefore, may recall glimpses of the suspect attacking her.
- *Note also, that since Rohypnol is a benzodiazepine, it will depress the central nervous system, which can result in the loss of inhibitions by the victim, much like a person who has had too much to drink.*
- Therefore, just because the victim is alleged to have, to some extent, actively participated in a sexual act, does not necessarily mean you are dealing with a "consent case" rather than a Rohypnol rape case.

9. *Your interview of the victim will vary, depending on whether the ingestion of the Rohypnol was "voluntary" by the victim. Where the victim was surreptitiously drugged, you will want to know everything related to the victim's last drink. For example, whose idea was it for the victim to have that drink? Who mixed the drink? If it was the bartender, is he or she friends with the suspect? Who actually handed the drink to the victim? if the suspect bought "a round of drinks", did he make a special effort to pick out a particular drink to hand to the victim? Once the victim has the drink, did she ever leave it unattended?*

*Where the victim "voluntarily" took a pill, you'll need information regarding the victim's knowledge of that pill. For example, if the suspect gave the pill to the victim, what representations had he made to her regarding its effects? If the suspect identified the pill as*

"Rohypnol," does the victim (or the suspect) have any accurate knowledge of the effects of Rohypnol.

Remember that a victim did *not voluntarily* ingest Rohypnol if the suspect deceived her as to the true character of the drug. Remember also that just because the suspect and/or victim claims to have knowledge of the effects of Rohypnol, does not mean that they have *accurate* knowledge. Indeed, many young people tend to refer to any benzodiazepine, or any pill with Roche printed on it, as a "roofie".

10. *Since Rohypnol tends to erase a victim's memory, do not expect a victim to come into the police station with an accurate chronology of everything that happened to her after she ingested the drug. Also, a victim may feel "hung over" or somewhat disoriented for several days; therefore, delayed reports of Rohypnol rape may not be uncommon.*

Note that this *anterograde amnesia* is quite commonly produced by other drugs within the benzodiazepine class. Anterograde amnesia is considered a positive effect in the clinical setting where Rohypnol is used as a preanesthetic medication (i.e. a patient using Rohypnol will have no memory of most of the unpleasant aspects of a surgical procedure.) Ironically, this anterograde amnesia would also be considered a positive effect by a defendant using this drug on an unsuspecting victim.

11. *Consider the possibility of wiring a victim, or conducting a controlled phone call, to confront the suspect regarding the circumstances surrounding their "sexual encounter." Be sure to check with the victim as to whether she may have tipped off the suspect that she was planning to contact the police.*
12. *Locate a qualified toxicologist in your area to use as an expert in court regarding the effects of Rohypnol on your victim. At the very least, a toxicologist can educate a jury regarding the effects of Rohypnol, particularly when mixed with alcohol or some other drug. More importantly, however, a good toxicologist can use apparent weaknesses to strengthen your case (or at least neutralize the "weaknesses").*



## CONSIDER THE FOLLOWING FACTS.

A woman reports that while drinking with a stranger in a bar, she suddenly became disoriented and vaguely recalls leaving the bar with the man. Several witnesses testified that the woman staggered out with her arm around the man. She next recalls being in her house, with the man, as he tries to remove her clothing. Her next memory is waking up *naked in her own bed, with the sensation of having had recent sexual intercourse*. She steadfastly maintains that she was raped, even though she never screamed, she never struggled with her assailant, and she showed no signs of physical injury. In fact, the woman cannot even recall telling the man "no." Moreover, the woman reported feeling very "hung over" while at the police station and had a very poor recollection of the facts. To make matters worse, several witnesses claim to have seen the woman kissing the man out in the parking lot, before they left together in her car.

Obviously, these facts would seem to support a viable defense of "consensual sex." The defense would surely claim that the victim got drunk in the bar, voluntarily left with his/her client, had consensual, albeit drunken, sex intercourse, and then was too hung over to accurately recount the events of that evening.

*In a Rohypnol-rape case, however, these apparent "weaknesses" can be exposed by a good toxicologist as some of the classic symptoms of Rohypnol poisoning: disorientation; staggering out of the bar; the lessening of inhibitions; the inability to communicate or struggle with the assailant; a "hung over" feeling, and a poor recollection of the facts.*

Moreover, many facts which cannot directly be addressed by a toxicologist can still be explained by the presence of Rohypnol, rather than consensual sex. For example, just because a suspect escorts a woman out of a bar or party and ends up in her own bedroom, does not mean that he was invited there. Indeed, the suspect may have drugged a stranger, escorted her out into the parking lot, searched her purse for her car keys, and used them to drive to her residence, the location of which he learned from her driver's license. He then gains access to her residence with her house key.

In addition, the absence of any physical trauma is probably irrelevant since the victim was already subdued by Rohypnol. Obviously, then, great care must be taken when evaluating the facts and circumstances of a Rohypnol rape case.

13. *Rohypnol rapes are sometimes accompanied by robberies (i.e., the victim may have been stripped of her jewelry, etc., while unconscious). Therefore, ask your victim whether she is missing any personal property, which may turn up in the suspect's possession or at a local pawn shop.*
14. *When questioning the suspect(s) and his friends, remember that these people often operate in groups and display a type of perverse group mentality. Each individual may tend to justify his actions based upon the actions of the group as a whole. Thus, by isolating the suspect from his support group and highlighting the immoral nature of his actions, he can no longer rationalize his actions as a group activity and therefore becomes much more vulnerable to attack during questioning.*
15. *Make sure the victim is thoroughly examined at the Sexual Assault Treatment Center, and that swabs are taken from the victim's mouth, vagina and anus. Don't make the mistake of relying upon the impaired perceptions of the victim as to where she may have been penetrated. Similarly, if the nurse takes swabs only from those areas that show signs of trauma, she may be overlooking the fact that the Rohypnol may have so relaxed the victim that she was not physically traumatized by the Defendant's penetration. For example, ordinarily one would expect to see fissures and a tightened or spastic sphincter muscle in the anus of a victim who was sodomized by a stranger for the first time. In contrast, however, a victim who was sodomized while unconscious due to Rohypnol ingestion may have been so relaxed that no such trauma would be apparent, particularly since the defendant would then have the time to use lubricants and to penetrate his victim in a more passive manner. Thus, a nurse who takes samples only from the traumatized areas risks overlooking critical evidence.*
16. *You may also expect many of these victims to experience enhanced psychological trauma, including feelings of guilt due to their poor memory and an inability to cope with the "facts" of the case, since they are probably unaware of exactly what the suspect(s) did to her while she was unconscious. Most victims are therefore at the mercy of their own imaginations. Immediate psychological counseling is therefore recommended.*

Obviously, these are merely some suggestions of the steps that can be employed in a Rohypnol rape case, in addition to the normal investigative procedures for other rape cases. The bottom line is that although these cases appear to be rapidly expanding across the U. S., they are extremely difficult to properly investigate and prosecute, and require great care and coordination between law enforcement agencies. Also, because of the nature of these crimes, your case will probably be won or lost at the investigative stage, rather than at trial. It is therefore imperative for prosecutors to work with the detective as early as possible in the investigation.

## COMMON SCENARIOS

A common Rohypnol-rape scenario occurs when a victim visits a night club or party and is approached by a defendant (in many cases, for the first time). The defendant will offer to buy the victim a drink, which he will retrieve himself. *In some cases, the defendant may first smoke marijuana with his victim to make her thirsty.* Because Rohypnol dissolves quickly, and is tasteless, colorless and odorless, it can be dropped directly into the drink. Often, a shot of liquor is used to ensure that the entire drink is consumed by the victim.

The victim will feel the effects of the drug within about ten (10) minutes, *although the full impact* does not hit her for at least an hour. This gives the defendant plenty of time to casually escort the confused victim to his car and drive away. Since the victim was seen both drinking inside a nightclub and staggering out with the defendant, the defendant conveniently has a room full of people to testify that the victim got drunk and was voluntarily leaving with the defendant.

Within approximately fifteen (15) minutes of ingesting the Rohypnol (depending on the amount ingested and the amount of alcohol and/or other drugs ingested) the victim will feel drunk and confused. This may be followed by hot and cold flashes, as well as nausea, followed by the inability to speak clearly, and *the apparent partial paralysis of the victim's limbs.* Eventually, the victim will pass out, but may wake up intermittently during the rape.

After leaving the nightclub, the defendant can then either drive the victim to his own home, or use the victim's home (i.e., the victim's address and house keys and car keys can be found inside of her purse.) Once alone and inside, the defendant has little trouble disrobing the victim and having sexual intercourse with her. Some victims recall only the initial physical advances by the defendant, while others wake up during the sexual assault, and then pass out again. Many victims recall waking up naked the next day with the feeling of recent sexual intercourse. In contrast, some victims report a complete loss of inhibitions where they participated in the sexual act, but cannot explain why. This is the result of the Rohypnol, a benzodiazepine, depressing the victim's central nervous system. *Many victims report that the effects of the drug did not fully wear off for several days.*

Unfortunately, one of Rohypnol's unique characteristics is the loss of memory suffered by the victim. (Medical literature indicates that this side effect is much less severe with frequent Rohypnol use.)

Obviously, this is one of the most difficult aspects of prosecuting a Rohypnol-rape case. In addition, Rohypnol remains in the victim's urine in a measurable amount for only about three days, *which is barely enough time for a drugged victim to "sober up"* and contact the police. Fortunately, in many cases the defendants could not resist bragging to friends about their Rohypnol conquests, which, once discovered, provides the potential for compelling testimony at trial.

*Obviously, there are variations of this same scheme.* In some cases, the victim may be drugged while attending a party and subsequently raped at the same house by multiple perpetrators. In other cases, the victim is offered some other type of drug, and then given *Rohypnol* instead. Note that even where a victim voluntarily ingests *Rohypnol*, a suspect can still be charged with rape of a physically incapacitated person if the victim is rendered unable to resist the suspect.

*Rohypnol* users appear to fall into several categories, including young adult males who search for their victims in local nightclubs as noted above. Another group includes high school students, who are quickly adopting *Rohypnol* as their drug of choice. This spans both public and private schools. *Rohypnol* abuse has also become quite prevalent at college fraternity parties. Finally, *Rohypnol* has become very popular with teenage gangs, where its use is frequently required for gang initiation. In addition, teenage girls who attend gang parties often willingly ingest *Rohypnol*, and are then raped by multiple parties once they pass out.

Unfortunately, as *Rohypnol* continues to gain popularity, these scenarios and demographics will continue to become more and more diverse.

### **GAMMAHYDROXYBUTYRATE - GHB**

Unfortunately, there appear to be many illegal drugs which are also widely available which mimic many of the symptoms produced by *Rohypnol*. One such drug which is rapidly gaining popularity in South Florida is gammahydroxybutyrate (better known as GHB). GHB is sometimes known on the streets as "*grievous bodily harm*," and is occasionally used as a dietary supplement by body builders.

*GHB is a liquid which can render an unsuspecting victim unconscious with as little as a teaspoon mixed into a drink.* The onset of symptoms comes within approximately five minutes, and reaches full strength within approximately fifteen minutes. The victim has a feeling of extreme intoxication and impaired judgment. *GHB does not, however, produce the apparent muscular paralysis and extreme memory loss associated with Rohypnol.* In addition, because GHB greatly intensifies the feeling of intoxication, it may actually result in enhanced sexual feelings by victim. Thus, a victim who has consumed a drink laced with GHB, may, *as a result of the influence of the drug, engage in some reciprocal sexual acts with the defendant.*



## CHARACTERISTICS OF GHB

- *GHB is LEGAL in the U.S.*
- The onset of symptoms occurs within 5 minutes, and reaches full strength within approximately 15 minutes.
- The victim has a feeling of extreme intoxication.
- Because GHB greatly intensifies the feeling of intoxication, it may actually result in enhanced sexual feelings by victim.
- Traces of GHB will generally last a shorter time in urine than traces of Rohypnol.

GHB can also be detected in the blood or urine, but only with extremely sensitive instruments, (e.g., gas chromatography employing flame-ionization, electron-capture, or mass spectrometric detection.) In addition, it appears that GHB will stay in the body in a measurable amount only for *approximately six to twelve hours* after ingestion, depending on the variables discussed above. Again, urine is preferable over a blood sample.

## CHECKLIST: POSSIBLE CHARGES FOR THE USE OF ROHYPNOL OR GHB IN A SEXUAL ASSAULT

When faced with some of the above-noted scenarios, you may want to consider the following potential charges. Obviously, these will depend upon the facts and circumstances of your particular case. These charges are based upon Florida law, but might be applicable elsewhere, depending on the similarity of your statutes.

- ✓ Sexual Battery: Sexual Battery of a Mentally or Physically Incapacitated Person / Sexual Battery of a Physically Helpless Person (Inability to Resist)
- ✓ Drugs: Possession and Delivery of a Controlled Substance / Delivery of a Controlled within 1,000 Feet of a School / Delivery of a Controlled Substance to a Minor
- ✓ Aggravated Battery
- ✓ Kidnapping to Facilitate the Commission of a Felony

*Aggravated Battery explanation:* Depending on the wording in your jurisdiction, a person commits an aggravated battery who, in committing the battery, uses a deadly weapon. A weapon is a "deadly weapon" if it is used or threatened to be used in a way likely to produce death or great bodily harm. Obviously, you will need a knowledgeable toxicologist to testify that the Rohypnol or GHB detected in the victim, coupled with any other drugs or alcohol found in the victim, would be capable of causing "great bodily harm." For example, there is abundant scientific data which reflects that a sufficiently high dose of Rohypnol, particularly if mixed with alcohol or other drugs, can cause a victim to become comatose, or even to simply stop breathing and die. In addition, if Rohypnol has been recently rescheduled as a Schedule I drug in your jurisdiction due to its potentially harmful effects, the need for rescheduling should lend credence to the argument that Rohypnol (GHB) could be considered a "deadly weapon" under the proper circumstances. I would attempt to liken this to a situation where a defendant attempts to poison a victim with, for example, a dose of arsenic, which is slipped into the victim's drink.

*Kidnapping explanation:* Depending on the law in your jurisdiction, a kidnapping charge would be appropriate where, for example, the defendant drugs a victim at a bar, then drives her to his residence and rapes her in his bedroom. If the victim was incapacitated by the Rohypnol, then the defendant has clearly abducted the victim against her will without any lawful authority. He has also substantially lessened the risk of detection by moving the victim to the security of his own home.

## **PRIMARY AGGRESSOR ANALYSIS**

*(Used when there appears to be two suspects)*

Mandatory arrest policies have, at times, resulted in substantial numbers of arrests of victims. While "primary aggressor" rules have helped in this area, it has also been necessary to aggressively call on law enforcement to refuse to take victims of domestic violence to jail unless **there is a clear and uncontradicted violation of the law without justification or excuse.** Prosecutors play a powerful role in this regard by taking a policy stance on mutual arrest cases which makes it clear that police officers who invest their time in repeated and indefensible mutual arrest will see no criminal prosecution and will be held accountable within the community response task force or police agency's internal affairs division. In San Diego, proactive training in our police academies have reduced mutual arrests to less than 3% of all arrests in domestic violence incidents.

*(Western State University Law Review)*

## **STATUTORY MANDATE TO DETERMINE PRIMARY AGGRESSOR**

**COHABITANT ABUSE ACT (§77-36-2.2(3))**

(3) If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the primary aggressor was. If the officer determines that one person was the primary physical aggressor, the officer ***need not arrest the other person*** alleged to have committed domestic violence. In determining who the primary aggressor was, the officer shall consider:

- (a) any prior complaints of domestic violence;
- (b) the relative severity of injuries inflicted on each person;
- (c) the likelihood of future injury to each of the parties; and
- (d) whether one of the parties acted in self defense.

### **Objective:**

- **To reduce the number of mutual arrests**
- **Avoid arresting the victims of domestic**

### **Use an objective standard in determining who the primary aggressor is**

- Use the **four factor analysis** in the Cohabitant Abuse Procedures Act. Look at:
  - **Prior complaints of domestic violence**
    - *History of violence*
      - *Violence in another relationship*
      - *Other violence in general*
    - *Patterns of abuse or violence in the parties' relationship*
      - *Prior incidents of violence even if it did not result in investigation,*



*claiming to be the "victim" (wounds probably defensive); if occurs before any mention of arrest, wounds need evaluation*

- **Law of Probability--non-statutory**

- Presence or lack of fear in either part
  - *Presence of fear--not likely to be the primary aggressor (gender reactions different)*
  - *Evidence of fear*
    - *Crying*
    - *Hysterical*
    - *Irrational*
    - *Nervous--won't look you in the eye*
    - *Disoriented & confused*
    - *Apologetic*
  - *Lack of fear*
    - *Angry*
    - *Calm*
    - *Threatening*
    - *Controlling*

- **Note: victim's reactions may be situational. Once an officer comes on the scene, the victim may feel safe to lash out at the perpetrator because she or he has protection. It may appear to the officers at that time that the hysterical victim is the perpetrator, while the perpetrator may sit calmly in the corner. Victim may appear to be uncooperative because priorities shift with appearance of officers--she or he is no longer concerned about safety, but retaliation, children, finances, etc.**

**Avoid using a subjective standard in determining primary aggressor**

- Men do not have the right to "discipline" their spouses for behavior not approved of
- Most studies agree--mutual combat or provocation is not the cause of domestic violence
- Verbal provocation, no matter how severe, is never a justification for violence
- Failure of batterer to take responsibility for his violent behavior and victim's self-blame does not justify mutual arrests

**Listen to her**

- Look her eyeball to eyeball (*unless culturally impermissible--may show lack of respect*)
- Treat her as you would a rape victim (*she may have been!*)
- **Don't judge her--a victim is a victim is a victim!!!** Treat victim in accordance with the Victims' Rights Amendment to the Constitution
- **Semantics** are important
  - *"How many times" . . . not "has this ever happened before?"*
  - *"Did he hit with closed fist or open hand" . . .*
  - *"You want it to stop, don't you?"*
  - *"You want him to get help, don't you?"*

- "You . . . tell the truth" . . . **not** "testify"
- "Any marks or bruises" . . . **not** "injuries"

**Note: identify what abuse is--many victims don't realize they are being abused--physical abuse is a crime--use identifiers--slapping and kicking are abuse, and they are crimes.**

**Don't be manipulated by him (*doesn't stop you from manipulating them to get the story*)**

- Let's "talk sports"
- Share military experiences
- "You know how women are;" "She's crazy;" "She pushed my buttons."
- The more alike cop and suspect are, the harder it is for the cop to believe the suspect did what he did

**Questions by police officer will usually reveal primary aggressor**

- What will the other party say precipitated the event?

**Consequences of arresting the wrong person:**

- victim cannot get treatment under Crime Victim Reparations if they have been accused of being the perpetrator
- many aspects of the system are shut off to the victim once labeled the perpetrator

**Children may provide an officer with information that may assist in determining primary aggressor**

- get children's statements, excited utterances, etc.
- get names and ages of children--Crime Victim Reparations will pay for treatment
- children have seen the abuse before
- they **know** who the **primary aggressor** is in the family
- what are we teaching the children if we arrest the wrong person?
  - perpetrator gets away with the abuse
  - victim is abused by the system too
  - law enforcement does not help--doesn't pay to call for help
  - victim must self-protect
  - **or** children must protect self and the victim
- **children will learn violence works**
  - perpetrator gets what he or she wants
  - victim gets punished for not doing what perpetrator wants
  - abuse continues
  - next generation recreates patterns
  - violence multiplies and spreads into schools and communities
    - use violence to get what you want--to resolve differences
    - carry weapons to self-protect--law enforcement doesn't work

# SAN DIEGO REGIONAL DOMESTIC VIOLENCE CHECKLIST

AGENCY

CRIME CASE NUMBER

## I. VICTIM

- \_\_\_ Described the victim's location upon arrival.
- \_\_\_ Administered first aid to the victim.
- \_\_\_ Recorded any spontaneous statements made by the victim.
- \_\_\_ Described the victim's emotional condition.
- \_\_\_ Described the victim's physical condition.
- \_\_\_ Documented the victim's injuries in detail.
- \_\_\_ Made note of the victim's relationship to the suspect.
- \_\_\_ Recorded history of abuse.
- \_\_\_ Noted any temporary restraining/court orders.
- \_\_\_ Gave victim required written information on social agencies, legal steps, etc.
- \_\_\_ Recorded any temporary address/telephone of victim.

## II. SUSPECT

- \_\_\_ Described the suspect's location upon arrival.
- \_\_\_ Administered first aid to the suspect.
- \_\_\_ Recorded any spontaneous statements made by the suspect.
- \_\_\_ Described the suspect's emotional condition.
- \_\_\_ Described the suspect's physical condition.
- \_\_\_ Documented the suspect's injuries in detail.
- \_\_\_ Documented evidence of substance/chemical abuse by suspect.
- \_\_\_ Interviewed the suspect.

## III. WITNESS:

- \_\_\_ Interviewed the reporting party.
- \_\_\_ Identified all witnesses and interviewed separately.
- \_\_\_ Listed names and ages of children present.
- \_\_\_ Interviewed the children, and recorded statements in report.
- \_\_\_ Recorded names and addresses of emergency personnel.
- \_\_\_ Identified treating physician.
- \_\_\_ Recorded the "911" # \_\_\_\_\_ and incident # \_\_\_\_\_.

## IV. EVIDENCE

- \_\_\_ Photographed the crime scene.
- \_\_\_ Took "full body" photograph of the suspect.
- \_\_\_ Photographed the victim's injuries.
- \_\_\_ Photographed the suspect's injuries.
- \_\_\_ Impounded all weapons used.
- \_\_\_ Impounded weapons for safekeeping.
- \_\_\_ Attached related reports, photographs and impound tag to investigators copy.

If not applicable mark "NA"

REPORTING OFFICER

APPROVED BY

DATE AND TIME OF REPORT



WITNESSES

WITNESSES PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 STATEMENT(S) TAKEN?  YES  NO  
 CHILDREN PRESENT DURING DOMESTIC VIOLENCE?  YES  NO  
 Names, Ages and DOB of ALL Children Present: \_\_\_\_\_  
 STATEMENT(S) TAKEN?  YES  NO  
 WITNESS INFO LISTED ON ARJIS FORMS?  YES  NO

RESTRAINING ORDERS:  YES  NO  
 CURRENT  EXPIRED  
 TYPE:  EMERGENCY  TEMPORARY  PERMANENT  
 ISSUING COURT: \_\_\_\_\_  
 ORDER OR DOCKET NUMBER: \_\_\_\_\_

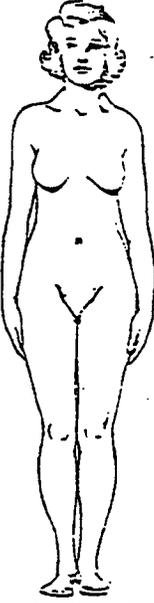
VICTIM GIVEN:  
 DOMESTIC VIOLENCE INFORMATION SHEET (PD-964)  
 SDPD CRIME CASE NUMBER  
 DOMESTIC VIOLENCE UNIT PHONE NUMBER

VICTIM WILL BE AT A TEMPORARY ADDRESS?  YES, INTEROFFICE MEMO ATTACHED.  NO

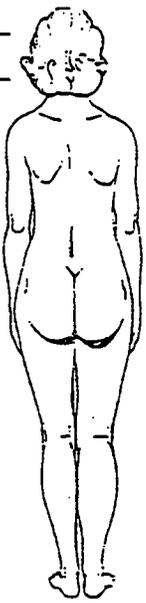
WITNESSES/CHILDREN

W1. \_\_\_\_\_  
 \_\_\_\_\_  
 Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

V. S.?



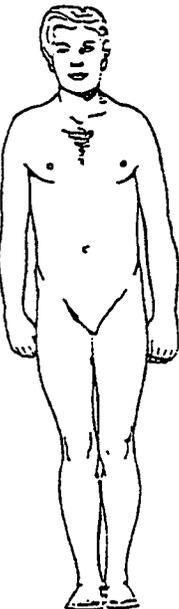
HT. \_\_\_\_\_  
 WT. \_\_\_\_\_



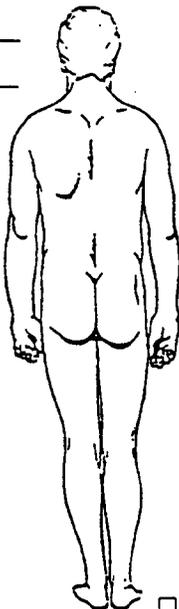
PLEASE DRAW  
ON DIAGRAM(S)  
THE LOCATION  
OF ANY  
INJURIES.

W2. \_\_\_\_\_  
 \_\_\_\_\_  
 Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

V. S.?



HT. \_\_\_\_\_  
 WT. \_\_\_\_\_



W3. \_\_\_\_\_  
 \_\_\_\_\_  
 Apologies  
 Afraid  
 Angry  
 Calm  
 Calmed Down  
 Tearful/Crying  
 Hysterical  
 Irrational  
 Nervous  
 Upset  
 Threatening  
 Other, Explain

CONTINUED ON ARJIS 9 FORM

**TO ALL HEALTH CARE PROVIDERS:**

Having been advised of my right to refuse, I hereby consent to the release of my medical records to law enforcement, the District Attorney's Office, and the City Attorney's Office.

Signature \_\_\_\_\_

**SAN DIEGO POLICE DEPARTMENT  
FORENSIC SCIENCES - PRELIMINARY RAPE CASE INFORMATION**

Case # \_\_\_\_\_

Detective: \_\_\_\_\_

Victim's Name: \_\_\_\_\_

Suspect's Name: \_\_\_\_\_

In custody? Yes  No

1. Did the victim have consensual sex within 96 hours (4 days) prior to the time the hospital samples and/or clothing were collected? No  Yes

Specify: 1 day before  2 days before  3 days before  4 days before

If yes, can a reference sample be obtained from the consensual partner(s)? Yes  No

(Reference standards, from all consensual partners, should be collected before submitting the request to the laboratory.)

2. Was oral activity involved? No  Yes

- If yes:  fellatio (victim on suspect)?  
 cunnilingus (suspect on victim)?  
 saliva used as a lubricant?  
 other? specify: \_\_\_\_\_

3. Was anal activity involved? No  Yes  Type: \_\_\_\_\_

Did the suspect ejaculate? Yes  No  Victim unsure

If yes, where did ejaculation occur?

<u>Internal?</u>	<input type="checkbox"/> Vagina	<u>External?</u>	Victim's body (location) _____
	<input type="checkbox"/> Mouth		Clothing item (describe) _____
	<input type="checkbox"/> Rectum		Other (specify) _____

5. Was a condom worn during the assault? Yes  No  Victim unsure

6. Was victim or suspect bleeding during assault?

Victim: No  Yes  From what area(s) of the body? \_\_\_\_\_

Suspect: No  Yes  From what area(s) of the body? \_\_\_\_\_

Did the victim receive a blood transfusion? Yes  No

Did the suspect receive a blood transfusion? Yes  No

Was the victim menstruating? Yes  No

Was clothing collected other than items worn to the hospital (e.g. from the scene)? No  Yes

What clothing was worn during and after the assault?

During: \_\_\_\_\_ After: \_\_\_\_\_





# CITY OF DOVER, NEW HAMPSHIRE

## POLICE DEPARTMENT



WILLIAM W. FENNIMAN, JR.  
Chief of Police

Re: \_\_\_\_\_  
(Name of Complainant)

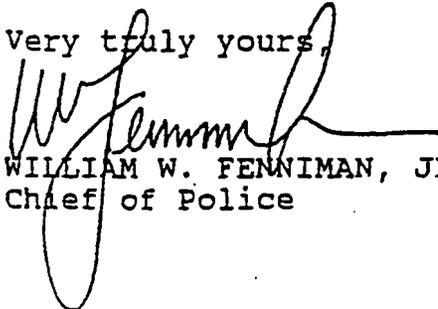
Dear \_\_\_\_\_

The Dover Police Department has recently investigated a complaint about your behavior toward the above named individual.

The behavior you have engaged in could be interpreted as "stalking". Stalking can be defined as engaging in a pattern of behavior with the purpose to terrorize, or cause emotional distress to another. Repeatedly following a person, or repeatedly appearing outside their home or work place could also result in an arrest under this law.

A new Stalking Law was recently enacted in New Hampshire which could subject you to prosecution on a Class A Misdemeanor for the first offense, and a Class B Felony for a second offense. The Dover Police take this law very seriously.

Please consider this letter to be a formal warning that any future stalking behavior done by you towards the above named individual will result in prosecution by this department.

Very truly yours,  
  
WILLIAM W. FENNIMAN, JR.  
Chief of Police

WWF/ck

cc: Attorney George E. Wattendorf, Prosecutor

Served in hand by \_\_\_\_\_  
Officer \_\_\_\_\_ Date \_\_\_\_\_



## 3. Prosecution

- A. ANTICIPATING DEFENSES IN DOMESTIC VIOLENCE CASES
- B. ANTICIPATING DEFENSES IN SEXUAL ASSAULT CASES
- C. SUGGESTED VOIR DIRE QUESTIONS FOR USE IN DOMESTIC VIOLENCE CASES
- D. SUGGESTED VOIR DIRE QUESTIONS FOR USE IN SEXUAL ASSAULT CASES
- E. DIRECT OR CROSS EXAMINATION QUESTIONS FOR VICTIMS WHO KNOW THEIR PERPETRATORS OR ARE RELUCTANT TO TESTIFY
- F. ELICITING DETAILED VICTIM TESTIMONY IN SEXUAL ASSAULT CASES
- G. CROSS EXAMINATION OF DOMESTIC VIOLENCE DEFENDANTS
- H. FACTORS TO CONSIDER IN THE SENTENCING OF SEXUAL ASSAULT OFFENDERS

## ANTICIPATING DEFENSES IN DOMESTIC VIOLENCE CASES

Adapted from *Developing a Coordinated Community Response to Sexual Assault and Domestic Violence*, the Ending Violence Against Women Project (Colorado 1996)

When the defendant raises the affirmative defense of self-defense in addition to the traditional considerations for any self-defense case, consider:

- is there a size difference between the parties?
- is the defendant in better physical condition than the victim?
- does the claim of self-defense match the evidence?
- did the defendant ever report his fear to anyone?
- did the defendant ever consider going to a shelter?
- does the defendant have a history of perpetrating domestic violence?
- what, if anything, was said by the defendant at the time of the incident?
- if the defendant sustained injuries, how do they compare to the injuries sustained by the victim?
- is there any evidence to corroborate the defendant's claim?
- did the defendant use a weapon?
- did the defendant threaten or intimidate the victim at the time of the incident?
- what other alternatives did the defendant have?
- who called the police?

When the defendant raises the defense of accident, consider:

- are the injuries consistent with an accident?
- did anyone mention the accident to the police?
- are the statements provided at the scene consistent or inconsistent with an accident?
- can a medical doctor's opinion dispel the possibility of an accident?
- does it appeal to common sense?
- is there evidence of pressure on the victim that might explain the characterization of the crime as an accident?
- is the victim motivated to exonerate the defendant based on power and control asserted by the defendant?
- has the defendant committed other acts of domestic violence in the past?
- are there others who can testify to the defendant's past domestic violence?

When the defendant claims that he was merely trying to restrain the victim, consider:

- what led up to the incident?
- is there evidence that the defendant has committed acts of domestic violence in the past?
- what are the nature of the injuries?
- are the injuries consistent with the defense?
- what was said at the time?
- who called the police?
- if the defendant claims his restraint of the victim was based on a fear that the victim would injure herself, has she ever done so before?
- what alternatives were open to the defendant (e.g., let her go, leave the residence)?
- does the victim also have a "right" to physically restrain the defendant when he is "out of control?"

## ANTICIPATING DEFENSES IN SEXUAL ASSAULT CASES

(Adapted from *Violence Against Women, A Workshop for Prosecutors: The Prosecution of Sexual Assault Cases*, American Prosecutors Research Institute (1998).)

In sexual assault cases, one of the most common and difficult defenses raised is consent. In order to completely discredit the defendant's account of the incident, prosecutors must learn all circumstances surrounding the assault. When confronted with a consent defense, build the victim's credibility by corroborating anything possible from her story, educate the jury during *voir dire*, and be prepared to explain any lack of physical evidence.

Consider developing a case that includes the following:

- evidence that shows how the defendant overcame the victim's will (e.g., threats, physical size and power, use of alcohol or drugs, intimidation, use or threatened use of a weapon);
- evidence that indicates the victim tried to communicate a lack of consent (e.g., by verbally saying, "no", repeatedly saying, "no", screaming, crying, physical resistance, none of the above due to the defendant's threats);
- evidence that shows lack of motive on the part of the victim (e.g., elements of humiliation and embarrassment, rigors of the criminal justice system, exposure of private life);
- evidence from post-assault communications (e.g., subsequent taped conversations, letters of apology or threats, communications from the defendant's friends or family);
- physical evidence (e.g., sexual assault evidence collection kit, photos of injuries, medical evidence, evidence of trauma, clothing from the victim and defendant, physical location of assault); and
- other evidence such as evidence of similar acts by the defendant, the defendant's actions since the assault, and the defendant's statement or confession.

While less common than the consent defense, defendants in sexual assault cases may assert the defense of denial (i.e., that there was no sexual contact). In anticipation of this defense, consider the following:

- the defendant's motivation to lie such as:
  - loss of job;
  - loss of family or other relationships;
  - stigma; or
  - incarceration and other sanctions.
- corroborating evidence such as:
  - any evidence of sexual contact obtained at the scene or through forensic examination;
  - use of the defendant's statement to corroborate the victim's statements on central and peripheral issues;
  - excited utterances;
  - lack of victim's motive to fabricate an accusation;
  - evidence of the victim's demeanor and actions post-assault; and
  - motive on the part of the defendant to claim fabrication by the victim.

## SUGGESTED VOIR DIRE QUESTIONS FOR USE IN DOMESTIC VIOLENCE CASES

*(Adapted from voir dire lists by San Diego City Attorney  
Casey Gwinn and Dallas Assistant District Attorney Cindy Dyer)*

### **A. Questions Regarding Violence in General**

1. Have you or anyone close to you been the victim of violence?
2. How many of you have ever witnessed a violent incident?
3. Have you or anyone close to you been involved in a fight for which the police were called?
4. Were you happy with how the police handled the situation?
5. Have you ever called the police because of a fight going on in a neighbor's home?
6. How many of you have ever called the police because you were afraid?
7. Have you ever called the police to protect others from violence?
8. How do you feel about the use of violence to settle disputes?
9. How many of you have seen a normally calm person become violent after using drugs or alcohol?
10. Do you think that using drugs or alcohol should excuse committing a crime?

### **B. Questions Regarding Bias and Following the Law**

1. For how many of you does the defendant's appearance make you believe that he could not have committed this crime?
2. How many of you believe that crimes which take place in the home should not be prosecuted?
3. Do you think you can tell an abuser by how he looks or acts?
4. How many of you think that a woman who has been hit by her partner probably deserved it? How many of you think that she probably provoked it?
5. Is it okay to beat someone up because of things they say to you? Name-calling? Criticism? Jealousy?
6. Are there any religious, philosophical or moral reasons why you could not find the defendant guilty if you believed he had committed the crime?
7. (For female prosecutors) How many of you feel that because I am a woman and prosecuting this case, that I must be on a women's rights bandwagon?
8. How many of you think that a victim must be married to be a battered woman?
9. How many of you understand that the State of \_\_\_\_\_ is bringing the case against this defendant? That this is not like a civil case where one person files charges against another?
10. How many of you understand that the defendant is accused of violating a law in this State and that's why he is being prosecuted?

### **C. Questions Regarding Domestic Violence**

1. Do you know who is covered under the legal meaning of domestic violence? Do you know that it includes spouses? Members of a family? People who have a child together?
2. How many of you feel that it's wrong for the State to get involved in a domestic violence case?
3. Do you feel that prosecuting domestic violence crimes is a waste of taxpayer's money? Do you feel that domestic violence cases should be handled within the family instead of by the courts?
4. Do you feel that defendants in domestic violence cases should be treated more leniently?
5. Do you feel that domestic violence victims deserve less protection than victims of crimes committed by strangers?
6. What do you think constitutes abuse? A hit? A slap? A shove? Use of weapons? Threats?
7. What do you think makes someone violent? Stress? Work? Money problems? Jealousy? Substance abuse? Nagging?
8. Do you feel that abusers must have a good reason if they become violent?
9. Do you feel that abusers must be provoked to become violent?
10. Do you think that abusers believe that it's okay to use violence to get what they want?
11. Do you think that sometimes abusers get violent over unimportant things? Like kids being too noisy, the house not being clean enough, being served beer instead of wine, etc.

12. How many of you think that a victim who reports a domestic violence crime might be pressured by the suspect not to testify?
13. Do you think that a victim might be afraid for her safety if she testifies?
14. How many of you think that it's possible for the victim to still care for the batterer after the abuse is over? Do you think that will make her more likely to want to cover-up for his actions?
15. If the State can prove this case beyond a reasonable doubt, how many of you would vote not guilty because the victim was the girlfriend of the defendant? Because shes was his wife? Because the victim did not suffer physical injury? Because the victim was threatened but not assaulted?
16. How many of you are bothered by a victim who is willing to testify against her violent husband/boyfriend?

**D. Questions Regarding Victims Who Will Testify For the Defendant or Not At All**

1. With domestic violence as the number one cause of injury to women in this country, how many of you disagree with the State's decision to press charges even if the victim does not want them to?
2. How many of you think that the State has a responsibility to prosecute people who commit domestic violence crimes, even when the victim does not want them to?
3. How many of you think that a victim might feel that she cannot testify against her abuser out of loyalty? Out of fear? Out of love?
4. Do you think that an abuser could convince a victim that he will never hurt her again if she just gives him this one more chance?
5. How do you feel about a victim who will not testify against her abuser because she is financially dependent on him? Does it matter if they have children together?
6. How many of you think that it's possible for the victim to want the State to prosecute, but she is not able or willing to testify against the abuser?
7. How many of you have heard of "battered woman syndrome"?
8. Do you think it's possible for a victim to feel guilty for the abuse? To have low self-esteem and think she doesn't deserve any better? To believe she did something to deserve the abuse?
9. How many of you believe that a victim might be too afraid to testify against her abuser?
10. Do you agree that if someone is scared to testify they might not come to court?
11. Do you believe that a victim might have deep religious beliefs which prevent her from testifying against her abuser?
12. How many of you think that if a victim asks that the charges be dropped, that the State should automatically do so?
13. If the State proves this case beyond a reasonable doubt, how many of you would vote not guilty solely because the victim, for whatever reason, did not testify? Or testifies for the defendant?

**E. Questions Regarding Crimes Against the Community**

1. What type of job are the police doing in your city?
2. How many of you have had a bad experience with the police or courts?
3. How many of you are familiar with the phrase "the victim dropped the charges"? How about "the victim pressed charges"?
4. How many of you understand that it is the State that brings the charges against the accused abuser, and not the victim?
5. How many of you understand that the reason the State brings the charges is because the abuser's crimes hurt the whole community?
6. How many of you think that children who grow up in a violent home are more likely to be violent?
7. How many of you think that children who grow up in a violent home are traumatized by witnessing abuse?
8. Do you think that children have to be hit themselves to be traumatized by the abuse? Or do you think that it's enough for them to witness a family member being abused?

**SUGGESTED VOIR DIRE QUESTIONS  
FOR USE IN  
SEXUAL ASSAULT CASES**

From "Voir Dire and Jury Instructions," by Danielle Ben-Jehuda, Esq. and Lynn Hecht-Schafran, Esq., in *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault*, A Model Judicial Education Curriculum developed by the National Judicial Education Program to Promote Equality for Women and Men in the Courts (1994).

To obtain a copy of the entire curriculum, contact the National Judicial Education Program to Promote Equality for Women and Men in the Courts (a project of the NOW Legal Defense and Education Fund in cooperation with the National Association of Women Judges): (212) 925-6635.

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## Suggested Voir Dire Questions<sup>51</sup>

### Consent: Questions to Ask Regarding Consent and Resistance When the Complainant and Rapist Know Each Other

- Q. Do you think that a sexual encounter could be rape even if the woman and the man know each other?
- Q. Suppose the individuals I'm talking about had a few dates. On the evening of the alleged assault, they were out on a date. What do you think now? What if the woman voluntarily entered the man's apartment, or invited him to hers?
- Q. Juror X, suppose you have a friend to whom you have lent money several times. Each time the friend has come to you for money you have given him small amounts. One day the friend comes to you for a much bigger loan, and you don't want to give him the money. But he pins you against the wall and doesn't listen to your protests, so you give him the amount he asks for. What do you think about this situation? Is your analysis any different if we substitute sex for the wallet?
- Q. Juror X, do you believe that a date rape case (marital rape case) does not belong in our criminal courts?

#### Alternatively:

Suppose the man and the woman have had several dates but have never had intercourse. One night after going out, the woman invites the man back to her apartment for a drink. He then asks her to have sex. She says no.

- Q. Juror Y, does the woman have a right to say no?
- Q. Juror Z, does the man have a right to expect sex?

**Note:** If a juror indicates that the man does have a right to "expect" sex, a follow-up question is necessary, such as, "Well, he may expect sex, but if he forces her to have sex, is it a crime?" If the juror says "no," consider striking the juror for cause.

- Q. Do you believe that even if a man is very excited, he should control himself and accept the woman's statement of nonconsent?
- Q. Juror X, suppose that you are picked for the jury. While you are deliberating, one of your fellow jurors turns to you and says, "Yes, the prosecutor has proven to me that he forced her to have sex, but come on! He's her boyfriend, and she led him on. What did she expect?" What would you say to that juror? Would you remind your colleague that

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<sup>51</sup> The authors gratefully acknowledge the contribution of Assistant District Attorney D. Willas Miller of the Queens, NY, Special Victims Bureau, to this unit of the curriculum. Many of the voir dire questions which follow are either edited versions of his questions or adopted verbatim.

a juror's only job is to decide whether or not the elements of the crime were proven, not to decide whether or not it should be a crime?

**Note:** This question forces the juror to publicly state that s/he will put aside personal views. This may make it harder to air such a view during jury deliberations.

### **Resistance: Questions to Ask When There Is No Medical Finding Of Physical Trauma**

- Q. Do you think that every time a man inserts his penis in a woman's vagina, there is damage to the vaginal tissue?
- Q. Juror X, what, if any, physical injury would you expect a doctor to see on someone who had been raped?

If the juror's answer is cuts, bruises or other obvious physical injuries, ask the following:

- Q. Do you think it's possible for a man to scare a woman and overpower her because of his greater size and strength?
- Q. Does a woman have to be beaten black and blue before it's rape?
- Q. Do you think that all women are equally capable of resisting, either psychologically or physically?
- Q. Women are always told by self-defense instructors to trust their judgment, not to be afraid to be impolite. It's not always easy to follow this advice, especially when the two know each other; how do you feel about this?

### **Force: Questions**

- Q. Juror X, when you hear the word "rape," what kind of force do you think is involved?
- Q. Do you think rape can be accomplished without using a weapon? Without beating the woman?
- Q. If a man who is larger and more muscular than a woman held her down so that she was prevented from moving, do you understand that this might be a way of forcing her to have sex?

**Note:** The force alleged in the hypothetical includes the significant size and weight differential between Ms. Brown and Mr. Smith. Mr. Smith is a hockey player and very muscular. Ms. Brown claims he held her down throughout the assault, and that she felt like she couldn't breathe. Additionally, she alleges that Mr. Smith was intoxicated at the time of the rape. It is a common belief that people are less in control of themselves and therefore more frightening when they are intoxicated.

## "Victim Precipitation;" "Assumption of Risk;" "Women as Limit Setters:" Questions

- Q. Juror X, some people believe that it is the woman's responsibility not to arouse a man if she does not want to accept the consequences. What is your view?
- Q. Juror X, some people believe that many women somehow "ask for it" when they are raped, for example, when women go to men's homes or invite men into theirs; when they go to bars; when they are out late at night for any number of reasons; when they consent to limited sexual activity on a date; when they are prostitutes;<sup>52</sup> or when they hitchhike. What do you think?
- Q. Do you think that because a woman goes to a man's apartment, kisses him and engages in activities that get him sexually aroused, she necessarily wants to have intercourse with him?
- Q. What do you think about the idea that a woman who dresses in tight or short or revealing clothing is signalling a willingness to have sex?

**Note:** In the specific context of the hypothetical, the myths of "victim precipitation" and "assumption of the risk" are likely to be raised as follows: Jurors are likely to question why Ms. Brown was at Mr. Smith's apartment late at night, particularly when he was drunk, thus "assuming the risk" of being raped. In addition, it is likely that jurors will think that a woman who consents to sexual behavior short of intercourse gives up the right to say no by inviting the acts in question. In the hypothetical, the couple danced together and kissed prior to the alleged assault.

**Note:** Jurors often equate credibility of victim with lifestyle/sexual habits. If the judge has ruled that the evidence in the prosecution motion cannot be admitted, the prosecutor may choose not to explore some of these issues in voir dire.

## Use of Alcohol: Questions

- Q. Do you think a woman who drinks on a date is sending her partner the message that she is sexually available?
- Q. Do you think a man is less responsible for his actions when he has been drinking?

**Note:** A particularly negative element for women in the context of "victim precipitation" or "assumption of risk" relates to consumption of alcohol at or near the time of the alleged assault. Jurors are likely to find Ms. Brown more blameworthy because she had

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<sup>52</sup> If a woman has been convicted of prostitution within a specific time period, this can be admitted into evidence in some states. Evidence of prostitution is generally admitted if the defendant alleges a motive to lie or mistake as to consent which is connected in some way to an act of prostitution. In other words, it is brought in to bolster the defense. The argument is *not* that no rape could legally occur because this woman is a prostitute.

been drinking. This is true even if Mr. Smith was more intoxicated.<sup>53</sup> Voir dire questions on the subject are therefore essential in cases where alcohol was consumed by either party.

### **Intent/Mistake of Fact: Questions**

- Q. To what extent do you think we should hold a man who gets drunk on a date responsible for his actions?
- Q. Do you think that a man should listen to what a woman says about wanting or not wanting sexual activity?
- Q. Can you describe a situation where you would think that a man was entitled to believe that a woman had consented to sex even if she said no, or indicated lack of consent in other ways, such as crying?

### **Image of Rapists: Questions**

- Q. What do you imagine a rapist looks like?
- Q. Anybody can be a rapist, including white, middle class, well educated men, a father, a priest, a construction worker. Is this difficult for you to believe?
- Q. No one can pick a rapist out from a crowd just from the way he looks. What do you think about this?
- Q. Would it surprise you to learn that many rapists have access to consensual sex and in fact have a more active sex life than average?
- Q. Juror X, what would you tell a juror whose only reason for not convicting the defendant is that she feels sorry for the defendant and doesn't want him to go to jail?
- Q. The defense attorney is going to get up and make you promise that your verdict will not be governed by sympathy for the victim. Can you promise that your verdict will likewise not be governed by sympathy for the defendant?

**Note:** The heterogeneity of rapists is discussed in Unit III, Sex Offenders, Treatment and Sentencing. The myth of the rapist as deranged and unkempt is likely to permeate the attitudes of jurors, as is the misconception that rape is a sexual outlet for men with no access to consensual sex. In addition, in the acquaintance/date rape situations that go to trial, defendants are often college men or white middle class professionals, further departing from the stereotypical image of a rapist.

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<sup>53</sup> See Lynn Hecht Schafran, *Writing and Reading About Rape: A Primer*, 66 St. JOHN'S L. REV. 979, 1009 (1993) at Tab 2 of the Readings for further discussion of the excuse-giving role of alcohol in rape cases.

### **Defense Question:**

- Q. You have probably noticed that a lot of athletes have recently been accused of rape. Do you think that athletes are more likely to be sexually aggressive than other young men?

### **Prompt Complaint: Questions**

- Q. Can you think of any reason why a rape victim might not report the rape to the police immediately after it happens?
- Q. Do you think a woman raped by someone she knows might fear not being believed, even by her family?
- Q. Many women perceive being raped as a "private" experience which they need to deal with on their own. Do you think charging a man with rape would open your life to a lot of scrutiny?

### **Credibility/Motive to Lie/False Allegations: Questions**

- Q. Do you have an idea of how a woman who was raped will behave after the attack? If yes: What is it?
- Q. If a woman's behavior did not match your expectation, would you assume that she is lying about having been raped?
- Q. Women who have been raped sometimes appear calm and controlled during trial. Do you believe that a woman could be raped and not be hysterical whenever she talks about it?
- Q. Do you understand that the defendant can come up with any number of motives to lie, and they may all even be true, but that still doesn't mean the complainant is necessarily lying? For example, if someone I knew and trusted forged my checks and then disappeared, I might feel angry and vengeful. That might be part of my motive for seeking this person's conviction, but that doesn't mean that my friend didn't forge the checks. Do you understand the difference?

### **Defense Question:**

- Q. A woman who brings a rape complaint must report to police and thereby, probably, to family members at least, and maybe also to friends. She must talk to numerous detectives and district attorneys. Sometime soon she will have to appear in court and tell the story to a roomful of strangers. In addition, sometimes she will have to undergo a pelvic exam performed in a hospital by a strange doctor. Many people think that a woman would not go through this process just to maintain her lie. In our case, that is what we are claiming. How do you feel about this?

**DIRECT OR CROSS EXAMINATION QUESTIONS FOR VICTIMS WHO KNOW THEIR  
PERPETRATOR OR ARE RELUCTANT TO TESTIFY**

*(Adapted from materials by San Diego Deputy City Attorney Gael Strack)*

**1. LIVING ARRANGEMENTS**

Is it true the man seated at the defense table is your husband/ boyfriend? The father of your child?  
Are you now married to and/or living with the defendant?  
How long have you been married and/or living together?  
Do you have any children? How many? What are their ages? Is the defendant their father?  
At the time of the incident, were you married or living with the defendant?  
Since the incident, have you continuously lived with the defendant?  
There were no separations? Not even right after the incident?  
How did you get to court today?  
Were the people sitting in the hallway outside with you the defendant's relatives or friends?  
How many of the defendant's friends and relatives were sitting with you?  
Did any of them speak to you while you were all waiting outside together?  
Did you all come to court together? Including the defendant?  
How will you get home today?  
Do you live near the defendant's family? Near any of his friends?

**2. FINANCIAL DEPENDENCE**

Are you now working outside the home?  
Have you ever worked outside the home since you have been with the defendant? If so, did he ask you to quit work and stay home?  
Do you have a college degree?  
Is the defendant now working? Does he make more money than you?  
Are you worried that he might lose his job if he is convicted?  
Do you rent or have a mortgage payment? Who is responsible for paying the rent or mortgage?  
Do you rely on the defendant for rent? Groceries? Utilities? Bills?  
Do you rely on the defendant for help around the house? With the kids?  
Does the defendant's family help you take care of the kids? Does the defendant provide any financial support?  
Do any of the children have high medical bills? Does the defendant help with those? Does his insurance cover you? The children?

**3. DOMINANCE IN THE RELATIONSHIP**

How do you and the defendant divide up responsibilities in the home?  
Do you take care of the kids? The house?  
Does he take care of the finances? Does he decide how money will be spent?  
Does the defendant make the bank deposits? withdrawals?  
Do you have a joint checking account? Is there just one checkbook for that joint account? Does the defendant keep control of that checkbook?  
How many credit cards do you have in your own name?  
Do you need to get permission to spend money?  
Does the defendant decide how the kids will be disciplined?  
Does the defendant decide when the family will go to social events? To visit others?  
Does the defendant complain that you spend too much time with your friends? with your relatives?  
Does he complain that you are not taking care of him and the household?  
Does the defendant have the final word in making decisions in your relationship? in the household?  
Is it fair to say that the defendant is the man of the house? He controls things? That he is the dominant one in the relationship?

#### **4. PRIOR ARGUMENTS**

Have you argued with the defendant in the past?  
What do you usually argue about? (Describe arguments)  
Does the defendant yell at you? Does he call you names? What names?  
Does the defendant ever swear at you?  
How do you feel when he calls you those names?  
Does he call you those names in front of the children? Others?  
Does the defendant raise his voice? Throw things? Break things?  
Does he get mad? Really mad? Angry?  
Does he scare you when he gets mad?  
After an argument with the defendant, what happens?  
How long does it take for you two to make up?  
Does he usually blame you for starting the fight?  
Does he apologize? Does he admit that he was wrong?  
Does he have a hard time saying he is sorry?  
Does he promise he won't do it (yelling, name-calling, throwing, breaking things) again?  
Does the defendant blame his work or other stressors for what he did?

#### **5. CHARACTER FOR VIOLENCE [only if prior history of violence]**

This wasn't the first time the defendant has lost his temper with you, is it?  
This wasn't the first time the defendant hit/kicked/choked you, is it?  
This isn't the first time the defendant injured you, is it?  
You told Officer \_\_\_\_\_ the defendant was violent with you at least \_\_\_\_\_ times prior to \_\_\_\_\_, didn't you?  
You also told the 911 operator/prosecutor's office he had been violent with you before, didn't you?  
When was the first time he was violent with you? What happened?  
When was the next time he was violent or harmed you?  
Did you stay with him after he had harmed you? Why?  
Did you call the police? Why not?  
Did he apologize to you? Did he promise to get some help?  
Had the defendant been drinking when he hurt you?  
Did he tell you it was your fault he hit you? That you got him upset/angry?  
Were you afraid you would not be able to support yourself or your children if you left him? If he was arrested?

#### **6. INCIDENT**

In this case, you had an argument with the defendant on \_\_\_\_\_, right?  
You were the only two people in the house?  
Were the kids there? Where in the house? Same room?  
So, they could see you? Hear you?  
Did any of the children try to protect you?  
Did any of the children get upset when he hit you?  
Did you or the defendant send them outside/upstairs?  
The argument was about \_\_\_\_\_, right?  
He was mad? Raised his voice? Swore at you? Did he scare you?  
He hit (slapped, grabbed, pushed, punched, kicked, strangled) you, right?  
You were injured?  
Show victim the photographs.  
• Recognize these photos? This is how you looked on \_\_\_\_\_, right?  
The defendant caused those injuries, right?  
You didn't have those injuries before \_\_\_\_\_ right?  
You want to believe he didn't really mean to hurt you?  
When he hit/punched/kicked/pushed you?  
Have you talked with the defendant about what happened on \_\_\_\_\_?  
Has he apologized for what he did? When?

He called you from jail after he was arrested?  
Told you he was sorry? Told you he didn't mean to hurt you? That it would never happen again?

**If victim says "no" to above questions:**

So, he told you he was *not* sorry?  
He told you he meant to hurt you?  
Threatened it would happen again?

**Note:** If victim left the defendant after incident find out more details:

Did you leave the defendant after this incident?  
Did you go to a shelter? Don't tell us where you went, in case you need to go there again.  
But, you did leave?  
Did you take the children with you?  
You left because you were afraid?  
Why were you afraid? Because of prior incidents?  
Have there been any new incidents since this one?  
Were you afraid he would be mad because he was arrested? Were you afraid he would retaliate?  
Were you afraid he would take the kids away from you? Hurt the kids?

**7. PHYSICAL SIZE DIFFERENCE**

How tall are you?  
You told the officer you weighed only \_\_\_\_ lbs. on \_\_\_\_?  
How tall is the defendant?  
About how much did he weigh on \_\_\_\_?  
So, he is bigger than you are?  
And he is much stronger than you are?

**8. IMPEACHMENT, PRIOR INCONSISTENT STATEMENTS**

**A. 911 Tape**

You remember on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. that you called 911?  
You called 911 because there was an emergency?  
You called 911 because you wanted the police to come?  
In fact, you told the 911 operator:  
● I need the police to come to my house!  
● My husband/boyfriend just beat me!  
● \_\_\_\_\_  
You were upset? Scared? Crying? Hysterical?

**Note:** If victim denies calling 911 or what she told the operator, ask her if it would help refresh her recollection if she heard the tape. Then play the tape.

Is that you on the tape?  
Does listening to the tape help refresh your recollection/memory?  
You did call 911, right?  
You know that 911 is only for emergencies, right?  
You told the dispatch operator that the defendant hit you?  
You needed help?  
You called immediately after the defendant hit you, didn't you?  
Where was the defendant while you were on the phone with 911?  
Could he see or hear you call the police?  
You asked for the police to come to your house?

**B. Statements to Police Officers re: Incident and Injuries**

Did officers arrive? How soon after you called 911?  
In fact it was \_\_\_\_ minutes after you called?  
Do you respect police officers?

Do you know that they are there to help you?  
Did you tell officers the truth about what happened?  
When you told officers what happened, were you upset? Crying? Afraid?  
While you spoke to the officers, the defendant was already gone/in another room/ with other officers?  
You complained of pain to your \_\_\_\_\_?  
You were also injured?  
You showed the officers your injuries?  
You had just received that injury from the defendant?  
The police officer took photographs?  
Whose injuries are those in these photos marked as State's exhibit # \_\_\_\_ ?  
Do you remember telling Officer \_\_\_\_\_: \_\_\_\_\_?  
But, your testimony now is that you don't remember?  
Or that you never said that? Or that you lied?

**Note:** If victim says she lied, explore further why she lied.

You didn't tell the officer that you started the fight? Or that you hit the defendant first?  
You didn't tell the officer they had the wrong person in handcuffs? You didn't tell the officers they should not arrest the defendant?  
You wanted the defendant arrested so he would not hurt you anymore, didn't you?  
You signed the victim statement on the incident form?  
You asked for an emergency protective order? For information about how to get a protection order?  
You told the officers where they could find the defendant to arrest him?

### **C. Statements to detective or victim advocate**

You spoke with a detective one/two days after the incident?  
You told him/her what happened?  
You told him/her about your injuries?  
Do you remember telling the detective: \_\_\_\_\_?  
And that was while the defendant was still in jail?  
You did not tell the detective that you started the physical fight?  
Or that you lied to the 911 operator? Or to the police officers?  
You also spoke with a victim advocate from \_\_\_\_\_ on \_\_\_\_\_? That was \_\_\_\_\_ days after the incident?  
You told her/him what had happened on \_\_\_\_\_?  
You also told her/him about your injuries?  
Do you remember telling the advocate (on the phone): \_\_\_\_\_?

**Note:** The victim may have first recanted with the advocate. . .

And that was the first time you ever told anyone that you started the fight? Or that you had lied?  
You didn't call the police officers to tell them you had lied?  
When you spoke with the advocate, that was *after* the defendant was released from jail and had come back home, right?  
Was he at home with you while you were on the phone?  
Did he listen? Did he make sure you said to drop the charges? Or that you started the fight?

### **D. Status of Relationship with the Defendant**

You testified that you are now back with the defendant?  
But you initially left him?  
For how long were you separated?  
You took him back?  
Did he promise he would change? Intimidate you? Harass you?  
Was that before or after he learned of the pending criminal case?  
The defendant called you from jail? When? How many times? Was he angry at you?  
Did he tell you to drop the charges? Did he tell you to get him out of jail?  
Did he tell you to say that you started the fight? That you hit him first?  
Did he threaten what would happen to you if you didn't help him?  
Did any of the defendant's family members or friends call you?

Did any of the defendant's family members ask you to help the defendant get out? Did they threaten you?

**Note:** If victim denies the defendant contacted her from jail. . .

Are you saying that the defendant sat in jail for something he says he didn't do, but he never called you from jail?

He never got angry at you?

He never told you to get the police or prosecutor to drop the charges against him?

#### **9. DISCUSSION RE: PENDING CHARGES**

When did you first learn this case was being prosecuted?

When was the first time you talked about this case with the defendant?

When was the first time you talked about this case with his family? His friends?

Were they angry at you because the defendant was in jail?

Did you first talk to the defendant about the case while he was in jail? When he came home from jail?

What did the defendant say to you?

Did the defendant blame you? Apologize? Admit he was wrong? What?

Did you go with defendant to court? Did you go with the defendant to his attorney's office?

You have spoken with his attorney, right? Did s/he tell you what you should say in court?

Did you speak with an investigator from the defense attorney's office? When?

Did you call the prosecutor's office?

Did you receive a letter or information from the prosecutor's office?

Did the defendant see any of that information?

Did he tell you how to respond to it? What to write?

Did he try to remind you what happened?

Did you show the filled out forms to him?

Are you trying to forget that this incident ever happened?

Would you rather everyone just leave your personal relationship with the defendant alone? Just let the two of you work this out?

How many times since the defendant was arrested have you talked about the case with him?

When did you ask the prosecutor to drop charges against him?

#### **10. ATTITUDE/ FEELINGS ABOUT TESTIFYING**

Are you reluctant to testify today? Why?

Has the defendant threatened you? Intimidated you in any way?

Have his family or friends threatened you? Intimidated you in any way?

Did he tell you what to say today?

Did you tell him what you were going to say?

Do you understand that it is the State, not you, that is prosecuting him?

Do you understand that you cannot make the decision to drop charges against the defendant when he has violated the law?

Do you understand why? In beating you up/stalking you/ sexually assaulting you, do you understand that he has committed a crime against the community?

Are you nervous that the defendant is sitting in this courtroom, so close to you while you testify?

Are you nervous that if you say the wrong thing, the defendant might get mad when you get home tonight?

Are you afraid of the defendant now?

Were you afraid of the defendant then?

Who scares you more, the defendant or the judge?

Do you still love the defendant? Want him to help raise the kids with you?

Do you want the defendant to know that you still love him?

You don't want anything bad to happen to him?

But you want him to learn to control his temper? To stop hurting you?

Do you want him to take responsibility for his actions?

Are you lying today to protect the defendant?

Are you lying today to protect yourself from him?

## **ELICITING DETAILED VICTIM TESTIMONY IN SEXUAL ASSAULT CASES**

Prepared by Patricia Powers, J.D.

Engage the victim/witness in a conversation in order to elicit as much detail as possible about the sexual assault. Ask questions that the jury needs to have answered. The victim's response will lead to the next question. For example, in a sexual assault case, if the victim testifies that the perpetrator forced her to lie down on a blanket that he placed outside on the ground by the car, the prosecutor can then ask a series of questions based on that answer, such as:

- how was your body placed on the blanket;
- will you please describe any physical sensation you had;
- can you describe the texture of the blanket for us;
- how is it that you remember that the blanket was rough; and
- what did the perpetrator say (remember that threats, excited utterances, etc. are admissible)?

## CROSS EXAMINATION OF THE DEFENDANT

Prepared by Sarah M. Buel, J.D.

If information is available on which you can question the defendant in detail, you stand a higher likelihood of getting him caught in his own lies. If he is claiming self-defense and he is much larger or stronger than the victim, ensure that he is asked to walk through the scene -- almost in slow motion -- to enable the judge and/or jury to understand how preposterous his story is.

Try for short, direct questions, as it is then easier to keep a sequence of inquiry going, preventing the defendant from having time to conjure up answers. Then, to summarize your point, you can elaborate a bit more for more of a conclusory, rhetorical question.

For example:

Prosecutor: "Met Jane Doe in high school?"

Defendant: "Yes."

Prosecutor: "She was in high school?"

Defendant: "Yes."

Prosecutor: "She was 15?"

Defendant: "Yes."

Prosecutor: "You were 26?"

Defendant: "Well, yes."

Prosecutor: "You were not in high school?"

Defendant: "No."

Prosecutor: "She became pregnant at 15?"

Defendant: "Yes."

Prosecutor: "You are the father of that child?"

Defendant: "Yes."

Prosecutor: "Are you aware that's statutory rape?"

Prosecutor: "Isn't it true that you were 26 when you met Jane Doe and she was just 14 when you got her pregnant?"

Many objections for compound questions are correctly sustained because counsel have not mastered the art of short, simple questions which the witness will find harder to avoid. It is also much easier for jurors to follow a line of simple questioning from which the summary seems obvious, rather than attempting to disentangle the complex questions.

## **FACTORS TO CONSIDER IN THE SENTENCING OF SEXUAL ASSAULT OFFENDERS**

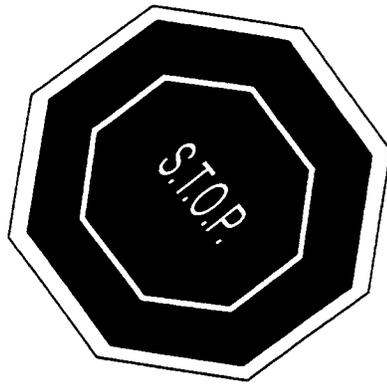
Adapted from *Violence Against Women, A Workshop for Prosecutors: The Prosecution of Sexual Assault Cases*, American Prosecutors Research Institute (1998).

For the sentencing of sexual assault offenders, consider the nature and gravity of the offense and the defendant's character and rehabilitative needs (and the unlikely availability of appropriate treatment options). Factors relating to the nature and gravity of the offense include:

- the particular facts of the crime or crimes (particularly when the offender has pled guilty);
- evidence of injury to the victim, both physical and emotional;
- aggravating circumstances such as cruelty or sadistic verbal and physical torture by the perpetrator or use of weapons or objects;
- evidence showing premeditation or planning;
- the offender's role, especially if there are multiple defendants;
- the significance of multiple victims;
- the significance of multiple acts against the same victim;
- information from the facts that reveals the perpetrator's thoughts and feelings about the crime, the victim, and himself;
- whether the victim was required to do things to the offender;
- what threats were involved;
- actions of the perpetrator after the assault designed to manipulate the outcome of the case; and
- any special vulnerability of the victim, and what efforts the perpetrator made to either create that vulnerability or take advantage of it.

Factors related to the defendant's character and rehabilitative needs include:

- the defendant's criminal history (in all jurisdictions), including print-outs of convictions;
- other acts similar to the current case that did not result in conviction of the offender;
- the defendant's life (e.g., employment history, friends, activities);
- treatment for mental health issues, alcohol or substance abuse;
- information about the offender's family's perception of offender's behavior and guilt;
- information about the offender's accountability for the crime(s) or lack thereof; and
- any special needs of the offender (e.g., any past special educational accommodations made for the offender, the offender's functional level, etc.).



## 4. Courts

### A. DOMESTIC VIOLENCE DEATH REVIEWS

## DOMESTIC VIOLENCE DEATH REVIEWS

The development of a multidisciplinary domestic violence death review team is often an outgrowth of established and stable collaborative efforts to improve the response of justice personnel, battered women's program advocates, medical providers, and social and human service providers. Death review committees can review deaths that occur as a result of domestic violence, for cases with a known history of violence.

The death review process involves a close review and analysis of:

- individual cases where domestic violence deaths occurred;
- the conduct of agencies with whom the victim and offender had contact; and
- the history of the violence and the relationship between the victim and the offender.

The examination of circumstances surrounding each death is used to identify systemic failures and problems. The report of findings can speak about patterns of systemic failure and facilitate policy and protocol change.

**In *Family Violence State of the Art Court Programs*, produced in 1992 by the National Council of Juvenile and Family Court Judges (Nevada), a Hawaii Family Court Judge suggested that death review teams can:**

- improve communications between the court and agencies in a time of crisis;
- provide accurate information to others, such as media and elected officials; and
- suggest deliberate improvements in the system by addressing any and all shortcomings.

**There are two different models of death reviews currently being conducted:**

- a review done after and precipitated by a specific homicide or suicide; or
- a retrospective review of domestic violence-related deaths (this includes "finding" homicides which were not initially identified as related to domestic violence).

The second model is preferable, because it facilitates routine examination of every related homicide and suicide, and more readily identifies patterns of systemic failure and areas of needed change. It can also help identify patterns of indirect problems that arise in domestic violence cases (e.g., more people injured or killed in the course of helping women leave abusive situations). Every death, even those classified as accidental or committed by someone of the same sex, should be reviewed to determine if there was an intimate relationship between the victim and the defendant.

**The death review committee of the Santa Clara County (California) Domestic Violence Council examines homicides for a discrete period of time. They look through system files for both clear-cut and less obvious cases of death in intimate relationships. (See *Coordinated Response Program Profiles*.)**

The death review process can be very informal (e.g., a small group of concerned practitioners gather information and discuss the situation) or may be more formal (e.g., the State or

County mandates the formation of local death review teams). For example, where a death review team is in place, they may meet regularly to discuss homicide cases that have occurred over a period of time, or meet upon notice of a homicide. The team can collect any data pertaining to the case, talk with intervening practitioners and family of the deceased victim as appropriate, meet informally with established contacts from involved agencies to determine points where the system failed, and develop and implement solutions to the identified problems.

In 1996, counties in California were authorized to establish domestic violence death review teams. By statute, the following goals were defined:

- to assist local agencies in identifying and reviewing domestic violence deaths;
- to ensure that incidents of domestic violence and abuse are recognized;"
- to assure that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence; and
- to develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic violence victims in the identification of domestic violence.

*(From a paper entitled "Domestic Violence Death Review Teams," by Alana Bowman, City Attorney of the City of Los Angeles (California).)*

**Representatives from all intervening agencies should be included on the review committee** (e.g., justice personnel, public health officials, coroner's office staff, battered women's program advocates and community intervention project staff). While a stable base of committee members is necessary to build trust and skill in doing death reviews, representation may change depending upon the circumstances of the cases being examined (e.g., information from child protective services will be required in cases involving child custody issues). The review committee should be comprised of individuals who are not directly involved in the case being examined.

The death review committee of the **Santa Clara (California) County Domestic Violence Council** is comprised of members from the courts, corrections, victim services, social services and law enforcement disciplines, as well as interested members of the public. *(See Coordinated Response Program Profiles.)*

**The participation and full membership of representatives from shelter staff and battered women's advocates is a crucial element to the success of systemic analysis.** The advocate can bring the victim's perspective into proposed changes and ensure that proposals will meet victims' needs. *(From "Domestic Violence Death Review Teams," by Alana Bowman, City Attorney of the City of Los Angeles.)*

**Those leading case analyses of domestic violence deaths should be respected by involved agencies, knowledgeable about the issues, committed to eliminating violence against women, and skilled at facilitating discussions on difficult issues.** Leadership varies from one community to the next (e.g., staff from the advocacy program, the community intervention project, a council, or the court). Coordinators of death review inquiries must be able to move those involved from merely defending their agency's actions in the case to honest discussion

about problems in response, always maintaining the focus on where breakdowns in adequate victim protection occurred.

Without the proper leadership and a shared foundation of understanding about violence against women, evaluation may be used to legitimize the failure of the system. For example, the analysis may be used to blame the victim for the lack of justice system response (e.g., she clearly refused services or chose to stay in a dangerous situation), or scapegoat one or more individuals or agencies for system failure.

**Before undertaking a death review, the coordinating body should assess its readiness to do such a review and examine the costs of such a review in light of other needs of the community response to domestic violence.** Professionals from the criminal justice system, victim services, and other partnering organizations must have already established a foundation of mutual respect and trust in order to facilitate honest discussion and information sharing around a difficult and often emotionally charged subject. The committee must be able to balance minimizing risks to agencies or individuals (e.g., liability and loss of job or funding) with making a commitment to investigating the truth and making needed improvements. Any funding used for death reviews should not divert resources needed for direct services.

**Committee leaders and members should develop standardized procedures to:**

- identify cases for review;
- examine whether there is compelling reason not to do a death review in each case (e.g., it may cause harm or emotional distress to the family of the victim or it could be used to legitimize the failure of the system);
- identify the appropriate members of the death review team;
- clarify how the families of victims should be involved and whether their consent is needed to go forward;
- determine how to gather needed case information and feedback from all intervening agencies (some information may be public record while other information is private);
- clarify agency policies on sharing information (e.g., some advocacy programs don't have the ability to release information after the woman is dead and require family permission to do so);
- determine how to maintain confidentiality of victim information;
- analyze the information gathered;
- present findings, in order to facilitate positive system change;
- deal with the emotional consequences to individuals in agencies whose response is being critically questioned (mental health workers can assist personnel in dealing with feeling of guilt and shame, particularly where an individual case is being reviewed); and
- monitor the death review process for adherence to protocols and effectiveness of this evaluation method in facilitating improvements in response.

The confidentiality policy of the death review committee of the Santa Clara County (California) Domestic Violence Council requires those who participate in meetings to sign a form agreeing to keep information discussed confidential. The resulting reports are written with the utmost respect for the individual's confidentiality. By statute, all death review committee discussions are not discoverable by defense counsel or others. (*See Coordinated Response Program Profiles.*)

**In presenting findings, death review committees should consider:**

- the impact on victims, their family, and friends;
- media coverage of the findings (e.g., used to support better response, sensationalize or minimize violence against women or to blame the victim);
- strategies to correct or counter bad media coverage of a domestic violence-related death (e.g., "man goes berserk" or "love gone wrong" headlines);
- strategies to correct/counter media and community stereotypes about domestic violence, assailant motivations, and victim responsibility;
- research uses and misuses;
- strategies for balancing releasing findings with a concern for inference of liability for certain individuals or agencies; and
- the impact of the findings on other controversies.

The **Boston (Massachusetts) Globe** annually runs a list of names of victims of domestic violence-related homicides for that year and a short description of the circumstances of their deaths.

**In measuring their success**, groups reviewing domestic violence-related deaths should assess to what degree their work does the following:

- explicitly documents interventions, gaps and problems in coordinated justice system response and issues calls for change;
- places responsibility for change on all intervening agencies, not one agency or individual;
- helps to refute stereotypes held by justice system, media and the community about assailant motivation, victim responsibility, and domestic violence crimes (e.g., homicides are inevitable) by document system failures;
- increases the safety and support options offered to victims;
- increases the court system's use of multiple strategies to hold the offender accountable and restrict his activities; and
- reduces the likelihood of future domestic violence-related deaths.



## 5. Additional Program Examples

- A. LAW ENFORCEMENT
- B. VICTIM SERVICES
- C. COORDINATED COMMUNITY RESPONSE

## ADDITIONAL PROGRAM EXAMPLES

*In order to enhance the ease with which the manual could be read, not all program examples could be included in the chapters. Additional examples listed here serve to further illustrate the practices described in preceding chapters.*

### CHAPTER 3, LAW ENFORCEMENT

Additional law enforcement program examples from **Practice 1, Action Plan 4** (consistent application of police policies and protocols through training):

Each year, the **Cincinnati (Ohio) Police Academy** provides 40 hours of training on the response to domestic violence to recruits and officers (the State requires only eight hours).

The **Luzerne (Pennsylvania) County Domestic Violence Task Force**, in conjunction with the **Victim's Resource Center**, recently trained police on implementation of new sexual assault protocol. A multidisciplinary training team provided presentations to 64 police departments, which serve a number of towns and a mid-size city in a mountainous region of the State.

Additional law enforcement program examples from **Practice 2, Action Plan 2** (benefits of specialized officers to meet the needs of the department):

The **San Diego (California) Police Department's Sex Crimes Unit** functions with a staff of 13 detectives, two sergeants and two administrative support personnel. The unit handles an average of 1,000 felony assaults per year (victims age 14 or older). (*See Law Enforcement Program Profiles.*)

The **Seattle (Washington) Police Department's Domestic Violence Unit** includes one lieutenant, 13 detectives who handle misdemeanor and felony cases, two officers who serve court orders, and two civilian support staff. The unit investigates an average of 80 felony cases per month, obtaining felony charges on more than 45 percent of investigations. Between 400 and 800 cases per month are referred to the City Law Department. These units provide specialized follow-up investigations. Detectives in the unit are assigned to specialize in cases involving the elderly, the homeless, sexual minorities, immigrant communities, and stalking. (*See Law Enforcement Program Profiles.*)

The **Seattle (Washington) Police Department's Special Assault Unit** investigates sexual assaults and child abuse cases, and includes one lieutenant, 14 detectives, and two sergeants. The unit handled 263 cases of rape or attempted rape in 1996.

The **City of Nashville (Tennessee) Metropolitan Police Department's Domestic Violence Division** formed in 1994. The division has 38 staff members including one captain, two lieutenants, three sergeants, five crisis counselors, six civilian clerical workers and 21 investigators. The division handles felony and misdemeanor domestic violence and stalking cases. (*See Law Enforcement Program Profiles.*)

Additional law enforcement program examples from **Practice 2, Action Plan 4** (exploring opportunities for multi-disciplinary collaboration):

**The Northwest Unit for Special Investigations of rural Franklin and Grand Isle Counties (Vermont)**, conducts investigations and provides victim services for adult sexual assault and domestic violence cases. This unit includes an investigator, an advocate, and prosecutors. *(See Prosecution Program Profiles.)* **The Chittenden Unit for Special Investigation in Colchester (Vermont)** is a similar task force that responds to adult and child sexual assault.

**The Chapel Hill (North Carolina) Police Department** developed a departmental **Sexual Assault Response Team (SART)**. The SART consists of crisis counselors, specially trained patrol officers, a sex crimes investigator, and a juvenile investigator. *(See Law Enforcement Program Profiles.)*

An additional law enforcement program example from **Practice 9, Action Plan 1** (application of the SARA problem solving model to address violence against women):

**Detectives in the Sex Crimes Unit of the Austin (Texas) Police Department** work with neighborhood watch programs to alert citizens about sex offenders. This may include attending neighborhood meetings and conducting public education sessions with the rape crisis center about sexual assault.

## **CHAPTER 5, VICTIM SERVICES**

An additional victim service program example from **Practice 1, Action Plan 4** (advocate initiated community partnerships on behalf of the victim):

**Domestic Violence Project, Inc./SAFE House in Ann Arbor (Michigan)** partnered with **Avalon Housing** to expand permanent housing options for formerly battered women. Avalon Housing provides leased housing to people with low incomes and is committed to including persons with disabilities and special needs who are underserved in the housing market. Avalon Housing manages four units of housing for formerly battered women and SAFE House provides the women with two years of follow-up advocacy services. *(See Legal Representation Program Profiles.)*

An additional victim service program example from **Practice 4, Action Plan 3** (assess needs specific to underserved women in the community):

**Middle Way House of Bloomington (Indiana)** conducted focus groups with lesbians in the community after learning that battered lesbians felt uncomfortable using shelter services. In addition, they formed a subcommittee to the board of directors to look at ways to make their services more culturally sensitive. As a result, they started working more closely with the local university gay, lesbian, and bisexual student organization. *(See Victim Service Program Profiles.)*

Additional victim service program examples from **Practice 4, Action Plan 5** (develop culturally appropriate outreach strategies to better serve victims from underserved populations):

**The Southside Women's Center in St. Louis (Missouri)**, working in collaboration with the **Family Violence Council**, received a STOP grant to hire a Spanish-speaking counselor. The counselor is providing translation services and facilitating client communications with

police, shelters, hospitals, and other service providers. She offers in-home counseling and office visits for victims of sexual assault, domestic violence, and stalking. She is developing written materials for Spanish-speaking women.

**PRIDE** (from Prostitution to Independence, Dignity and Equality), a program of **Family and Children's Service of Minneapolis (Minnesota)**, provides advocacy services to help women and youth escape prostitution. PRIDE works with battered women's shelters to provide women and youth with emergency shelter in order to escape prostitution.

## CHAPTER 7, COORDINATED COMMUNITY RESPONSE

Additional coordinated community response examples from **Practice 4, Action Plan 5** (evaluations that incorporate issues of race, class and culture):

Through its **Diversity Outreach Project**, the **Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS)** conducted a series of focus groups examining the ability of the organization and its member programs to provide services to diverse populations in the State. Focus groups were conducted with CONNSACS community educators and child advocates, African-American women, Latina women, gay, lesbian, bisexual and transgendered men and women, and men. Telephone and in-person interviews were conducted, or mail surveys were sent, to CONNSACS board, center directors, adult advocates and victims advisory councils, as well as people with disabilities, Native Americans, Southeast Asians, Polish women, Jewish women, older citizens, men, and practitioners in allied community agencies and organizations. CONNSACS staff has used the information to guide them in the development of advocate training and implementation of a long-range outreach plan.

A faculty member of the **University of Oklahoma** is conducting a study of partner violence in Native American women and teens from several Plains tribes, including Cheyenne, Wichita, Apache, Kiowa, and Caddo (through the **Interagency Consortium on Violence Against Women and Violence Within the Family**). This study is using a qualitative interview study in its first year, followed by a cross-sectional study using a questionnaire in the second year. Participants for the study will be recruited from two **Women-Infant and Children's Nutritional Program (WIC)** clinic sites located in Western Oklahoma. An advisory group was formed to guide the study, and includes local tribal members, university research, representatives from local community organizations, and the Indian Health Service.

Through the **Cora Group**, the **Institute on Violence (New York)** produced *Violence in the Lives of African-American Women: Descriptive Study of Agency Data*. This study examined African-American women's experiences of violence from the perspective of local government agencies. The study established a baseline description of the nature and extent of violence in the lives of African-American women. Despite major differences in how agencies identify and measure violence, data revealed a high incidence of violence among African-American women. Assaults against black women tended to be more severe than assaults against other women.

The **Florida Governor's Task Force on Domestic and Sexual Violence** hired a circuit rider to travel throughout the State's 20 judicial circuits, observe and evaluate rural response to domestic and sexual violence, and recommend appropriate initiatives for these communities. (*See Coordinated Community Response Program Profiles.*)



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5. Please list below information about any promising practice or program you think we should include in future publications. Include the following information:

- Name of program and coordinating organization
- Contact person
- Contact information
- Brief description of the program

Thank you for taking the time to complete answer these questions. We will keep you informed about new developments related to the Promising Practices Initiative through the VAWGO Homepage (<http://www.ojp.usdoj.gov/vawgo/>).

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