



Assessing Justice System Response to Violence Against Women

A Tool for Law Enforcement, Prosecution and the Courts to Use in Developing Effective Responses

Authors:

Kristin Littel, M.A.
Mary B. Malefyt, Esq.
Alexandra Walker
Deborah D. Tucker, M.P.A.
Sarah M. Buel, J.D.

Editor: Joan A. Kuriansky, Esq.

Project Coordinator: Kristin Littel, M.A.

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The goal of the Technical Assistance Project is to strengthen the criminal justice system's 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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Introduction

For many of us, the adage, “there is no place like home” conjures up images of warm, comfortable, family scenes. For millions of women in the United States, however, this phrase has a very different meaning. For these women, home is a place of intimidation, fear, and violence. **Domestic violence continues to be the leading cause of injury to women. In fact, women are at greatest risk of becoming a victim of violent crime in their own homes.** The violence is not just debilitating — the injuries can be deadly. *According to the 1995 FBI’s Uniform Crime Reporting system (URC), 26 percent of female homicides are perpetrated by husbands, ex-husbands, or boyfriends (for those cases in which the victim-offender relationship is known).*

Even if she is free of physical or sexual abuse in an intimate relationship, a woman faces the risk of being sexually assaulted by an acquaintance or stranger. **Sexual assault is acknowledged to be the most under-reported violent crime on which national statistics are kept.** Even so, *the redesigned 1992-1993 National Crime Victimization Survey (NCVS) estimated approximately 500,000 women are the victims of some form of rape or sexual assault each year. In 75 percent of the cases, the victim knows the offender.*

Stalking is another violent crime that plagues many women. Only recently has the justice system and the public recognized stalking as a distinct and serious crime, rather than an antecedent to other crimes. Beyond highly publicized cases involving celebrities and political leaders, there is still little understanding of stalking as a crime, and few people acknowledge it as one that affects “ordinary” people. **In contrast to these highly publicized cases, the majority of stalkers know their victims, and much stalking occurs within the context of domestic violence, particularly when victims try to leave their batterers.** *A survey, jointly sponsored by the National Institute of Justice and the Centers for Disease Control and Prevention, concluded that one out of every twelve American women has been stalked sometime during her life.*

Perpetrators of domestic violence, sexual assault and stalking discriminate against no one. Women of all ages, races, cultural and social backgrounds are victims of these violent crimes¹. The impact of these crimes extends to families, the workplace, and all of our communities.

Over the last two decades, dramatic changes have occurred in the public response to violence against women. Prior to the mid-1980’s, the failure of the justice system to take these crimes seriously reinforced the escalating, recurring and often lethal nature of domestic violence and stalking. In this regard, the law - and those responsible for upholding the law - 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.

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. For this reason, victims are referred to as women and offenders as men throughout this document.

In the mid-1970’s, survivors and advocates gave voice to women who had previously been silent. The battered women’s and anti-rape movements demanded additional legal protections and a full range of services for victims. By the late 1970’s, 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 on 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 as a whole, the criminal justice system looked for ways to stop violence against women. Ongoing advocacy by women’s agencies representing battered women and sexual assault victims helped communities understand an effective response required systematic and coordinated change, involving both justice agencies and community providers.

While an increasing number of jurisdictions have undertaken initiatives in recent years to respond to sexual assault

and domestic violence, the efforts are sporadic. Laws protecting victims and holding offenders accountable vary, limited numbers of criminal justice personnel are trained to enforce the law, and 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 and Territories (hereinafter "States") to respond to violence against women. The legislation was designed to begin to close existing gaps and commit the Federal Government to an aggressive response to this epidemic. The VAWA creates new Federal laws, expands existing programs and establishes several new grant programs.

One of the grant programs was established as a formula grant program, designated STOP (Services, Training, Officers, and Prosecutors). The STOP program is administered by the Violence Against Women Grants Office (VAWGO), Office of Justice Programs (OJP), U.S. Department of Justice. These 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 defines violence against women as sexual assault, stalking, and domestic violence. It outlines seven specific purpose areas that can be funded with STOP dollars. It also requires states to allocate funds in 25 percent allotments in at least three categories (victim services, law enforcement and prosecution).

Understanding the importance of building a coordinated community response, the Act mandates each State develop a plan to implement the STOP program. The VAWA recognizes the key role community-based advocates have and must continue to play in developing effective strategies to stop violence against women. The Act stipulates each State must "consult and coordinate with nonprofit, non-governmental 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 promising practices. This initiative is geared to help communities respond to the challenge of stopping violence against women. Thus far, expert panels have been convened to identify key issues and practices, a national survey of hundreds of practitioners was conducted, names and descriptions of over five hundred programs have been submitted, and in-depth interviews have been conducted.

In the spring of 1998, VAWGO will publish a comprehensive manual to help states and their sub-grantees draw on the most promising practices in their fields as they undertake implementation of the VAWA.

The manual will contain chapters on victim safety planning and practices responding to violence against women from the perspective of law enforcement, prosecution, the courts, and victim services. It will also offer a chapter on practices aimed at building coordinated responses to violence against women. Practice descriptions will identify a problem, explain how the practice addresses the problem, briefly describe the components that make the practice work, and propose an action plan to put the practice in place. The descriptions will highlight the barriers under-served populations confront when using the justice system and offer strategies to overcome these barriers.

Practices or specific elements of a practice will be illustrated by program examples. These programs will attest to the usefulness of the practices in saving lives, reducing violence, promoting victim recovery, and holding offenders accountable for their crimes.

In anticipation of the publication of the first volume, VAWGO is releasing the following assessment tool for

jurisdictions to use in developing effective responses by law enforcement, prosecution, and the courts. The response checklists are not intended to be exhaustive; rather, they highlight some of the key elements of practices that will be fully explored in the manual.

Interspersed throughout the checklists are boxes defining the principles that undergird and enhance all of the proposed practices. The principles speak to the underlying values that should direct the design and implementation of any strategy to improve a community's response to victims of domestic violence, sexual assault and stalking. The values include: promoting the safety of women and their families; providing assistance to women to regain control and autonomy in their lives; and holding offenders accountable. These guiding principles of practice will form the foundation of the manual and are woven into the elements of the response checklists.

The checklists are accompanied by selected programs that have successfully incorporated some of the elements of the responses, often utilizing innovative, and potentially replicable strategies. The STOP T.A. Project office has copies of materials that are referred to in the program descriptions and will make them available upon request.

An additional section on the civil justice system response to domestic violence is also included, highlighting on legal representation programs for battered women and law school initiatives.

Readers who wish to comment on the checklists or recommend other practices or programs are encouraged to contact the STOP T.A. Project. Their office can be reached by phone (800-256-5883 or 202-265-0967 in the District of Columbia metropolitan area), fax (202-265-0579), or e-mail (STOPGrants_TA_Projects@csgi.com).

Unique Nature of Violent Crimes Against Women

The majority of violent crimes against women are committed against intimate or known partners. These non-stranger crimes differ significantly from stranger assaults in that the violence perpetrated against the same victim often continues and escalates over time.

In all instances of criminal behavior, the justice system seeks to apprehend and sanction the offender. In domestic violence related cases, the justice system must also take steps to prevent further abuse to the known victim, protect that victim, and connect her with community services which enhance her safety and well-being. The intervention by the justice system may be ongoing and change over time.

Agency Response Checklists and Program Examples

The following checklists describe the basic roles of law enforcement, prosecution and the courts in responding to violence against women. They also show where agencies coordinate and collaborate with other justice system agencies and community-based advocacy programs.

Review the following lists, checking off responses your jurisdiction performs with success. Make note of gaps in your current response to violence against women.

Also review the selected programs, which illustrate elements of agency responses and often utilize innovative and replicable strategies.

Law Enforcement Response to Violence Against Women

This Section Contains:

- *Law Enforcement Response Checklist*
- *Law Enforcement Program Examples*

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 the vulnerabilities of 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.
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Law enforcement intervention includes the following elements:

- Dispatcher Response
 - Initial Officer Response
 - Follow-up Investigator Response
 - Supervisor Response
 - Data Collection and Communication
 - Management Response
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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 nonverbal 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.

Interventions Grounded in an Understanding of Violence Against Women

Justice system personnel and community-based victim service providers can work together to develop and espouse shared beliefs about violence against women to guide policies and interventions. Shared beliefs should include:

1. Violence against women is a serious crime, requiring the justice system and community's attention.
 2. No form of violence against women is acceptable behavior. Justice personnel must debunk the myths that overtly and covertly support violence against women, and replace them with facts about these crimes, the perpetrators and the victims.
 3. Victim safety and welfare, as well as the safety of her children and other family members, is the paramount goal of justice system intervention.
 4. Early intervention in violence against women cases, coupled with meaningful penalties and sanctions for offenders, can save lives and prevent further violence.
 5. Responding to battered, sexually assaulted and stalked women from traditionally under-served populations requires multi-cultural services and multi-lingual capacity. Jurisdictions must strive to understand the unique problems faced by these victims and work with them to identify solutions.
 6. Batterers, sex offenders and stalkers use violence to achieve and maintain control over their victims.
 7. Victims are not responsible for their perpetrator's violent and controlling acts, nor do they have the power to change the perpetrator's attitudes or behavior.
 8. Victims are in the best position to judge the danger the perpetrator poses to them and to make their own decisions about their safety. Practitioners have the responsibility to assist victims in this decision-making process by providing information about their options and available community resources.
 9. The justice system must recognize the high risk of danger battered women and their families face when the decision is made to leave an abusive relationship. In many instances, domestic violence victims stay in the abusive relationship. The victim must be supported in her decisions, whether or not she decides to participate in the justice system.
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___ 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:

___ Assess the crime scene for physical evidence (e.g, fingerprints, body fluids, footprints, and/ or disrupted objects).

___ 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 to 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). The consent of the suspect, a search warrant, or a court order is required to collect physical evidence from the suspect. 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 police 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.
- Arrange for a subsequent interview with the victim if she was unable to proceed with a detailed interview following the incident, or if additional or clarifying information is needed.
- 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).

___ Obtain statements from any witnesses not interviewed at the scene, identify additional witnesses (including "outcry" 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 a positive 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.

Develop a Victim-Centered Approach to Services and Programs

1. Make victim safety the top priority.

2. Respect the integrity and autonomy of each victim.

3. Maintain and protect victim confidentiality.

4. Regard survivor feedback as critical to improved justice response.

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 under-served 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 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.

Appleton Police Department,

Appleton, Wisconsin

Highlighted Response:

Policies Promoting Community Policing Response to Domestic Violence

Contact the STOP T.A. Project for
further information at
1(800) 256-5883

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 City has a population of about 70,000 and is the largest of the Fox Cities. The population of the metropolitan area is more than 155,000. Appleton is the 6th largest city in Wisconsin.

Description of Program Response

Dispatcher Obtains Extensive Information. 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 that 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.

Victims are encouraged to fill out a Domestic Violence Victim Worksheet, allowing victims the opportunity to document details of the incident.

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.

Standard operating procedures are being introduced, to encourage officers to follow-up even when an arrest cannot be made.

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 Response:

Domestic Violence Enforcement Team

Contact the STOP T.A. Project
for further information and 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.

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.

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 police and advocate efforts. 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.

These procedures and 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.

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.

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.

The police attend every arraignment to ensure that those victims who so desire receive a civil no-contact order during the course of the trial.

The police have become true advocates for systemic change. They routinely make recommendations to the courts, prosecutors and other police agencies.

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 Response:

Leadership on a Protocol for the Investigation of Sex Crimes

Contact the STOP T.A. Project
for further information and materials at 1(800) 256-5883.

Overview of Program and its 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;

Delayed reports of sexual assault are treated with the same importance as are reports of assaults that have occurred recently.

- 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 multi-disciplinary 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 multi-disciplinary team.

Limit the preliminary interview to only that information which the responding officer must know.

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 local 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

On a regular basis, the KC-CASA is invited to make presentations on different topics at roll calls, thus reaching all the officers.

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.

KC-CASA shares information about the sexual assaults they know about whose victims may never report to the police department.

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 Response:

Aggressive Police Intervention in Sexual Assaults By a Specialized Unit

Contact the STOP T.A. Project
for further information and 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.

Detectives in the Unit treat acquaintance sexual assaults as serial sexual assaults.

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.

Feedback from victims to the unit indicates victims feel satisfaction with the police response if they were treated professionally and kept apprised of the status of the case.

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. These 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.

The unit takes an active role in educating the community about sexual assault.

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.

In the fall of 1997, the speaker’s bureau reached 50 ninth grade classes.

Seattle Police Department

Seattle, Washington

Highlighted Response:

Specialized Domestic Violence Unit

Contact the STOP T.A. Project for further information and 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.

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.

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,

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 break the cycle before the violence escalates to felony level.

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.

A report must be submitted for each incident, regardless of whether an arrest is made.

Emphasis on 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.

Officers provide victims with a pamphlet that contains the officer's name, serial number, and the incident number.

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.

Nashville Metropolitan Police Department

Nashville, Tennessee

Highlighted Response:

Surveillance of Stalkers

Contact the STOP T.A. Project
for more information and material at 1 (800) 256-5883.

Overview and Mission

The Family Violence Division 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, Detective Sergeant 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.

The Division ranks the priority of cases according to the frequency, severity and intensity of stalking behavior.

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:

- **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.

The Division employs a six-phase "Domestic Violence Counter-Stalking Plan."

- **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.

Trackers are attached to stalkers' vehicles.

- **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 a community-based advocate). It respects the victim's decisions regarding safety, even when it conflicts with police recommendations.

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.

Virginia Beach Police Department

Virginia Beach, Virginia

Highlighted Response:

**Comprehensive
Police Response
to Domestic Violence**

By Specialized Unit

Contact the STOP T.A. Project
for more information and 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.

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.

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.

Officers are also required by law to identify and arrest only the primary aggressor.

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.

An ex parte emergency protective order (EPO) can be obtained via telephone by an officer from the on-call magistrate.

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.

The Supplement is a cardboard form formatted as a checklist of evidence to collect.

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.

The suspect is asked, "Why did you assault the victim," so the reason provided at the scene is documented.

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.

® **R.O.P.E. (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.

Officers also photograph the suspect even if no injuries are apparent.

• **(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 Crisis Unit

Chapel Hill, North Carolina

Highlighted Response:

**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 multi-disciplinary 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.

Two to three SART officers are available on every shift to lend their expertise to a report of sexual assault.

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;

SART officers are recruited on a volunteer basis.

- 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. Department policy dictates 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.

An additional advantage of the SART is the specialized attention that can be afforded to misdemeanor level sex crimes.

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 Response:

**Domestic Violence
Enhanced Response Team
(DVERT) Response to
High Risk-for-Lethality
Domestic Violence Cases**

**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

The city of Colorado Springs has a population of approximately 328,163, 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.

The police communications center places a "hazard alert" on both victims' and perpetrators' addresses.

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 multi-disciplinary 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.

Participants receive training specific to their disciplines as well as training from other professions about a range of topics.

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 Response:

**Victim-Sensitive Law Enforcement
Response to Domestic Violence
Developed in
Collaboration with Other
Criminal Justice Agencies and
Community-Based Victim
Service Programs**

Contact the STOP T.A. Project for further information and materials at 1(800)256-5883.

Overview of Program and Its 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.

Elements of Duluth Police response to domestic violence include:

- comprehensive evidence collection,
- thorough report-writing,
- collaboration and coordination with community-based organizations and other sectors of the criminal justice system, and
- information sharing

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

Officers show support for victims through tone of voice, eye contact, and the way statements and questions are phrased.

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.

Officers are careful to record statements made by the victim, and the victim's emotional demeanor at the time the statements were made.

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.

Prosecution Response to Violence Against Women

This Section Contains:

- *Prosecution Response Checklist*
- *Prosecution Program Examples*

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 uniquely 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:

___ Be sure to 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 advocacy programs to support the victim through interviews, other court procedures, and with other legal and non-legal needs.

Prosecution intervention includes the following elements:

- **Prosecutor Response**
- **Victim/Witness Specialist Response**
- **Supervisor Response**
- **Data Collection**
- **Management Response**

___ Work with advocates to jointly 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.

Understand and Support the Concept of Advocacy

1. Advocacy on behalf and by victims takes two forms: one that is offered to an individual victim and the other that promotes systemic change.

2. Recognize and support community-based advocacy programs as primary victim service providers.

Screen cases:

___ All cases should be processed as quickly as possible.

___ Obtain and review all case-related documentation

and evidence presently 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 strengths and weaknesses of the case, 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. Prosecutors should consider the victim's wishes as an important, but not determinative, factor in filing or dismissing a charge (see below).

___ 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 successful 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 to her.

Request pre-trial release options:

___ Carefully evaluate pre-trial release options. Seek the victim's 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:

___ Make sure charges reflect all the 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. Carefully 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: complete reports; written statements and documentation of excited utterances; signed medical releases; 911 tapes; photographs of injuries; photographs of the crime scene; photographs of the suspect; photographs of children; weapons used; broken or damaged property; torn or bloody clothing; forensic evidence analysis; or a diagram 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 as well as engage the defense in argument 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 some time with the victim to build her trust and to understand her experience of the crime. Prosecutors cannot delegate all the interviews with a victim to others.

If appropriate, negotiate a plea:

___ Use plea negotiations to further the goals of the trial, 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 child psychologists or other such 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. Encouraged 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 ongoing 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 information 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.

Build Organizational Capacity

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

1. leadership;

2. **commitment to coordination within the agency and with other criminal justice system personnel and community-based advocates;**
 3. **policies governing response to violence against women;**
 4. **training for all personnel;**
 5. **financial and personnel resources;**
 6. **public awareness and zero tolerance of violence against women**
-

Supervisor Response:

- Oversee prosecution 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, caseload management, and timely victim notification.**
- Automate the office 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, and embody values including victim safety and confidentiality, respecting the autonomy of victims, and holding offenders accountable. 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 under served populations that prevent them from using the criminal justice system (e.g., translation of materials into relevant languages, 24 hour access to translation, and interpreter services).

___ Develop a system to monitor prosecution compliance with protocols, and revise policies and practices as necessary.

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.

Prosecuting Attorney's Office, City of Dover Police Department

Dover, New Hampshire

Highlighted Response:

**Aggressive Prosecution of
Stalkers by Prosecutor
Based in Police Department**

**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.

Dover Prosecuting Attorney George Wattendorf believes that early intervention is the key to preventing stalking-related homicides.

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.

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.

Close 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.

Since 1993, the JurisMonitor system has been used for 30 offenders, and only 3 violations of conditions of release have occurred.

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 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 Response:

Targeted Abuser Call (T.A.C.) Team

Contact 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.

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.

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.

The team employs a vertical approach to prosecution, advocacy, and victim assistance.

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 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.

On the first court date, each member of the team visits with the victim, explains their roles, and makes an effort to listen to and identify her particular needs and concerns. Early evaluation results indicate that this special attention by team members provides invaluable emotional support to victims.

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.

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.

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 domestic violence victims served by the TAC Team appeared in court. This rate also 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, Pennsylvania

Highlighted Response:

**Holistic Approach to the
Prosecution of Cases Involving
Domestic and Sexual Violence**

Contact the STOP T.A. Project for further information and materials 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.

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.

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.

As a result (of a team approach to individual cases), there has been an increase in successful dispositions, more victim participation, and more thoughtfully crafted sentences with victim safety held paramount.

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.

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 that she is able to attend.

Emphasis on professional development for staff. All staff receive ongoing, multi-disciplinary 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.

Community-based advocates from Women Against Abuse staff all courtrooms, while advocates from Women Organized Against Rape attend sexual assault preliminary hearings.

Office of the Los Angeles City Attorney

Los Angeles, California

Highlighted Response:

**Aggressive Prosecution of
Misdemeanor Domestic Violence
Cases**

**Contact the STOP T.A. Project
for further information and 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 diverse population of approximately 3.6 million. The majority of the city's population is Latino, followed by 32% Anglo, 12% African-American, and 10% Asian populations.

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.

The City Attorney's Office takes steps to deter batterers by publicizing prosecutions of batterers and appropriately harsh sentences.

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.

Victim advocates conduct extensive outreach by initiating telephone contact and by mailing multilingual (English/Spanish/Korean) and Gay/Lesbian pamphlets that describe the criminal justice process.

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.

Branch Domestic Violence Prosecutors are assigned to each branch office to provide consistency in filing and sentencing throughout the city.

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.

The City Attorney assisted in the development of Community Partnership Against Domestic Violence.

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 Response:

*Specialized Sexual
Assault Prosecutor*

**Contact the STOP T.A. Project
for further information and materials at 1(800)256-5883.**

Overview of Program and its 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.

If the prosecution office can get the victim to come in for an initial meeting before making charging decisions, about 80% of victims will participate in the prosecution process.

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 include:

- 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, 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;
- 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; and
- hanging posters on sexual assault at the university.

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 Response:

**Victim-Sensitive, Flexible, No-Drop
Prosecution Policy for
Domestic Violence Cases**

Contact the STOP T.A. Project for
further information and materials at 1(800) 256-5883.

Overview of Program and Mission

The Northwest Unit for Special Investigations, a multi-disciplinary 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.

Elements of the Policy include the following:

- ® emphasis on doing what is best for the victim, not simply on winning cases,
- ® flexible no-drop policy, and
- ® collaboration and coordination with community-based victim services organizations, and other criminal justice system agencies

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.

The State's Attorney will request revocation of bail in cases in which the conditions of release are not adequately protecting the victim.

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:

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.

- 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.

When possible, offenses that were not previously charged are also brought.

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 Response:

Proactive Prosecution Response

Contact the STOP T.A. Project for further information and 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.

“It is important to pursue these difficult cases even if prosecutors may not always prevail at trial.”

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.”

“As prosecutors, we should not ignore or put off victims, rather we should respond to them immediately and with sincere interest.”

Community-based 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.

A “brief bank” is accessible to prosecutors. It includes sample briefs, motions and lines of questioning prosecutors can use in their arguments.

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 multi-disciplinary 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.

Court Response to Violence Against Women

This Section Contains:

- *Court Response Checklist*
- *Court Program Examples*

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

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.

Court intervention includes the following elements:

- **Court Administrator Response**
 - **Data Collection and Communication**
 - **Management Response**
 - **Judicial Response**
 - **Supervisor Response**
 - **Judicial Activism and Involvement in the Community**
-

___ **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 other strategies to fully explain the court process to victims.**

Remove Barriers Facing Under-served Populations

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 an excuse for their behavior, it is important to remember domestic violence, sexual assault and stalking are criminal acts.

Call on leaders and members of under-served communities for their help and guidance in determining gaps in services in the justice system and possible solutions for improving response to violence against women. Challenge your agency to identify problems and make necessary improvements. Keep an open mind and take risks.

Strategies can include (1) continued expansion of multi-cultural and multi-lingual services; (2) outreach and partnerships with existing organizations that have ties to a target population; (3) hiring culturally competent staff and staff representative of the population; (4) and satellite offices and mobile units in under-served areas.

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, 911 tapes;
- information on warrants, subpoenas, and orders requested from the court, and results of the re-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

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, and embody values including victim safety and confidentiality, respecting the autonomy of victims, and holding offenders accountable. 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. Address the likelihood of retaliation by the defendant, the likelihood of an escalation in the severity and frequency of the violence if the victim attempts to leave an abusive relationship, and the defendant's access to the victim.

Hold Offenders

Accountable for Their Crimes

The message must be loud and clear that violence against women will not be tolerated by the justice system. Penalties should be designed to motivate the offender to stop his violent and abusive behavior.

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 and 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.

___ 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:

___ 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.

___ Promote community education and zero tolerance for violence against women.

Jefferson County Trial Courts

Louisville, Kentucky

Highlighted Response:

**Jefferson County
Family Court Project**

Contact the STOP T.A. Project for further information and 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 multi-disciplinary 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 project employs the principal of “one judge, one staff, one family”, by assigning the same judge (with a few exceptions as possible) to hear all matters involving a particular family.

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.

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.

A Support Worker trained in social work is assigned to each judge in the 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.

Domestic Violence Information Sessions are provided to victims, their family members, and other interested persons at court.

Victims petitioning for emergency protective orders may view a video on the process involved in the petitioning process and protections and provisions 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. Additionally, the Family Court Advisory Committee, composed of representatives from the legal and social service communities, provides ongoing recommendations for system improvements.

The court maintains cooperative working relationships with numerous community-based organizations and institutions.

Civil Justice System Response to Domestic Violence

This Section Contains:

® *Examples of Legal Representation*

Programs for Battered Women

ER Law School Initiatives

Civil Justice System Response to Domestic Violence

The full participation of battered women in the criminal justice system can be impeded by a morass of civil legal matters that consume their time and energy. Battered women often face disputes with their abuser over divorce, custody, child support, visitation, and financial issues. Many batterers use the civil

legal system to maintain control over their partner. From civil protection orders to the terms of custody agreements, civil legal matters can directly affect the safety of battered women and their children.

Programs around the nation that seek to address battered women's need for civil legal assistance operate on a range of models. Civil legal assistance for battered women is provided by a diverse range of agencies, including: domestic violence programs, legal aid organizations, universities, law firms, courts, and government agencies. In many communities, organizations form partnerships to provide free legal assistance to battered women.

Program Examples. Following is a representative listing of the programs around the country designed to respond to the unique civil legal needs of domestic violence victims. For more information about legal representation issues generally, and the individual programs listed, contact the Battered Women's Justice Project - Civil Access Center by phone (800/903-0111, ext. 2) or e-mail (JustProj1@aol.com). . In the spring of 1998, BWJP will publish "Domestic Violence Advocacy: Models of Representation."

For more information about legal representation issues generally, and the individual programs listed, contact the Battered Women's Justice Project - Civil Access Center by phone (800-903-0111, ext. 2) or e-mail (JustProj1@aol.com).

Civil justice system intervention include the following elements:

- Partnerships with local victim service providers,
 - Specially trained attorneys, and
 - Coordination with criminal justice system.
-

Ann Arbor Domestic Violence Project/ SAFE House

Ann Arbor, Michigan

Highlighted Response:

**Shelter-Based Legal Program/
On-Call Response Teams**

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 legal 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 Washtenaw 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. There are no fees for legal services. Minors who are battered by their intimate partners are also eligible for services.

Special Services:

- special outreach to 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 panel of attorneys who understand domestic violence;
- police training; and
- on-call assistance, with domestic violence 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 Response:

Direct Representation/ Specialized Domestic Violence Panel

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 are 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.
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Florida's Clearinghouse Project - Florida Coalition Against Domestic Violence

Highlighted Response:

State-Wide Initiative: Local Legal Services For Battered Women

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 contracted 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:

- individual, designated attorneys who provide legal advice, information and representation to battered women in shelters; and
- training and networking among contract attorneys.

Legal Advocacy:

- direct legal representation available to every shelter resident in the State of Florida;
- development of state-wide strategies to respond to legal issues concerning battered women;
- representation, advice and information provided by full or part-time;
- contract attorney to all shelter residents; and
- specialized pro bono attorneys to provide legal counsel to the shelter on corporate issues.

Legal Aid Society Of Topeka

Topeka, Kansas

Highlighted Response:

**In-House Direct Representation,
Attorney Referral, and/or
Court Appointments
In Protection Order Cases**

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.

Funded by a federal STOP Violence Against Women Grant, the program offering representation to domestic violence victims appearing at the protection from abuse docket serves an estimated 200 to 250 women each year in Shawnee County, and 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 and 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 Response:

**Shelter-Based
Legal Representation**

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 3 full time lawyers on staff, plus one to two additional 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 something that 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, with approximately 2 to 5 new cases being accepted out of 10 to 15 cases reviewed. 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:

- special outreach to police officer's wives as part of both its 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
- assistance to attorneys by lay advocates, law students, and paralegals, but 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. In nearly every state law students, acting under the supervision of a practicing attorney/law school faculty member can represent clients in court or administrative agencies. 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 local police and assist patients to obtain emergency restraining orders. This interdisciplinary project has familiarized medical staff with domestic violence issues, and provided law 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.

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