

Billings, Montana

Best Practice Assessment

**Emergency Communications (911) &
Patrol Response to Domestic Violence**

Billings Police Department
Billings City/ County 911 Center
Billings City Attorney's Office

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Introduction

The Billings Police Department's Domestic Violence Investigator (DVI) works in conjunction with the Billings City Attorney's Office Domestic Violence Unit (DVU). The DVI's case load, assigned by the DVU, consists mainly of follow-up investigations into misdemeanor domestic violence (dv) crimes, usually Partner or Family Member Assaults. During the process of reviewing and then investigating these cases, the DVI and members of the DVU saw areas in which the Billings Police Department's response to dv crimes consistently showed room for improvement. At the beginning of 2013, the DVI and DVU suggested that the Billings Police Department (BPD) should conduct a formal review process of dv-related cases. The goal of the formal review process was to identify gaps in the BPD's response to these crimes in comparison to accepted best-practice responses, and then to suggest training topics or policy/procedure changes.

A current movement in responding to dv crimes is the development of a Coordinated Community Response (CCR). The general principle behind a CCR is that service-providing agencies within a community (such as police, courts, family services, etc) coordinate with one another to enhance victim safety and offender accountability. By working together, the impact is greater than with each agency working in isolation. In order for a CCR to be effective, however, each agency must understand how its policies, procedures, and actions affect the other agencies involved. The criminal justice system's involvement in a dv-related incident usually begins with a call to 911. Knowing that, and with the principles of a CCR in mind, it was clear that the BPD could not accurately review and assess the police response to dv cases without also reviewing the procedures of the 911 call-takers and police dispatchers at the Billings City/County 911 Center.

The DVI reached out to the non-profit agency Praxis International, Inc. for assistance in structuring a case review process for the BPD. Praxis International supplied their publication, "Planning and Conducting a Best-Practice Assessment of Community Response to Domestic Violence." The assessment material, developed by Praxis International through years of research, contained best-practice checklists or "workbooks" in the areas of Emergency Communications, Police Patrol, Investigations, and Prosecution, as well as workbooks to assess an agency's Policies & Procedures. These workbooks help a Best-Practice Assessment (BPA) Team compare accepted best-practice concepts to current practices, enabling the Team to note any gaps or areas not consistent with best-practices. (Refer to Attachment for examples of the workbooks used in this BPA.)

Method

To limit the scope of the Best-Practice Assessment (BPA), the DVI elected to focus only on Emergency Communications (911) and Police Patrol Response, and the related policies and procedures in place for each agency. Praxis International's publication suggested that the Assessment Team should include members from the agencies being reviewed. Bob Holbrook, an experienced dispatcher, represented the Billings City/ County 911 Center. Katie Nash, the DVI, represented the Billings Police Department and also acted as the BPA Coordinator. To ensure that victim safety was taken into account during the BPA process, Karen Benner, Victim Witness Program Director for the Billings City Attorney's Office, also joined the Assessment Team. Grant funding (STOP VAWA 13-W02-91426) supported the BPA project.

The Team took part in the BPA *in addition to* the responsibilities of their regularly-assigned jobs. The Team agreed that due to scheduling issues, a limited timeframe (one fiscal year), and the demands of their regular duties, the BPA would consist of a review of six (6) dv-related police reports, as well as a review of the related policies and procedures for the BPD and the 911 Center. The DVI randomly selected reports from cases investigated from 2012 to early-2013. The cases all consisted of "in-progress" or "just-occurred" calls, but varied in areas like case disposition (arrests or warrant requests), suspect location (on scene or gone upon officer arrival), and relationship of the 911 caller to the incident (the caller being a victim, a relative, or an unrelated witness). The DVI, acting as the BPA Coordinator, then gathered as much case information as was available, including the following:

- Audio recording and transcript of the 911 call
- Audio recording and transcript of the police radio traffic (from initial dispatch until officers cleared)
- Print-outs of the dispatch narrative (referred to as AS400, Global, and/or CAD)
- Complete police case report, to include any photographs and attached paperwork
- Audio recordings and transcripts of any victim, witness, or suspect statements

The Team decided to meet several times throughout the year. The beginning of the BPA was delayed due to grant funding and scheduling, so the BPA process began in October 2013. The first meeting consisted of the Policy Analysis for the BPD and 911 Center (starting on page 16). Following the first meeting and after each subsequent meeting, the three Team members each received a complete copy of a case file (one case at a time) to review on his or her own time. The Team had another 6 meetings, completing one assessment at each meeting with all of the Team members giving input on every case. The 7th meeting was to compile the BPA Findings and Recommendations discussed hereafter.

Findings and Recommendations

Emergency Communication: Receiving 911 Calls

1. Communicate effectively and respectfully with callers:

The call-takers communicated effectively and respectfully in all the cases reviewed. In each case, call-takers determined that the callers were not put in further danger by speaking on the phone. There were no examples of a caller attempting to cancel the police response after the initial 911 call. In the instances of disconnected calls, the call-takers immediately tried to call the complainant back. Call-takers frequently offered to stay on the line and reminded the callers to call back if they needed to, thereby promoting the idea that 911 help is always available.

Call-takers always asked if medical assistance was needed and frequently reminded the callers to advise if the situation changed. Some of the 911 callers briefly described being strangled. While the call-takers noted the strangulation in the CAD narratives, they did not ask follow-up questions to gain further insight into the caller's condition. In listening to the recorded 911 calls during the BPA review process, however, the Team did not identify any "red flags" of an apparent worsening condition due to the impact of strangulation. It is unknown if additional questioning would have revealed any further information in the cases reviewed.

Recommendations:

The BPA Team recommends that call-takers receive some training and/or refresher courses on strangulation, at a supervisor's discretion. The training should include, but not be limited to the following:

- Information regarding the physical mechanics of strangulation;
- Dangers and lethality risk associated with strangulation injuries;
- Signs and symptoms of strangulation to listen for and/or to ask about; and
- Different terms a victim might use that would be the equivalent of "strangulation," i.e.: "grabbed my throat," "choked me," etc.

It is not the BPA Team's intent to impose mandatory questions for call-takers. The described training is meant to allow call-takers to have as much information and knowledge as possible when handling this type of emergency. (See attached "Signs & Symptoms of Strangulation" reference sheet.)

2. Determine the nature of the emergency and the response priority:

Call-takers consistently established the nature and severity of injuries, the need for medical attention, and possible threats to officers or others. When a caller mentioned that children

were present or being drawn into the event, the call-takers occasionally noted that information in the narrative but asked few, if any, follow-up questions regarding the welfare of the children. (There were no examples of children injured during an assault.)

Call-takers also prioritized the calls correctly (usually Priority 1), according to both local policies, as well as best-practices. The call types, however, were usually coded as “Disturbance,” rather than “Domestic,” even when the caller was able to identify that the incident involved violence between parties with an applicable “domestic” relationship.

Recommendations:

The BPA Team recommends training and/or a procedural change to ensure that domestic violence-related calls are coded as Domestic whenever a caller can identify that the involved parties have a domestic-type relationship. Further, the Team recommends that 911 Center supervisors conduct periodic case reviews to ensure that domestic calls are consistently coded appropriately. The CAD system should be reviewed to ensure that call-takers are able to code the call type as “Domestic,” even if it is not in progress or just occurred (i.e. “priority 2” or lower).

If a 911 caller mentions children in relation to a reported dv case, call-takers should put that information into the CAD narrative. If possible, they should also ask follow-up questions to ascertain how many children are present, if the children are witnessing or being drawn into the incident, and if the children are at risk of physical harm. Any and all related information should be added to the narrative. (Refer to the attached “Training Memo—Responding to Children in Domestic Violence Related Calls”)

3. Direct responding officers to the location and parties at the scene:

Call-takers consistently complied with this best-practice category, following local policies, procedures, and practices. On a related matter, when responding to a 911 call, call-takers must determine if the caller wants contact from the responding officers. Callers generally fall into one of three categories: (1) those who request officer contact; (2) those who advise they do not necessarily want or need to be contacted, but who have provided contact information for the report; (3) and those who refuse officer contact, wanting to remain anonymous. The 911 Center policies give an example as to what call-takers should say if a caller wants to remain anonymous. (Refer to the “Law Enforcement Cheat Sheet” within the attached 911 Center policy documents.)

While informally discussing 911 calls in general, the BPA Team noted that there is a difference between callers who do not want/need police contact, and callers who refuse contact and want to remain anonymous. The Team agreed, however, that unless the call narrative indicates that the “complainant wants contact on scene,” responding officers generally do not contact the caller.

Recommendations:

The BPA Team acknowledges a caller's right to privacy. Due to the dangerous nature of dv-related cases and concerns for possible retaliation, the Team does not recommend that "anonymous" callers be forced to identify themselves. 911 callers *should* be considered witnesses in these cases, though. The Team recommends (anonymous callers notwithstanding) that if a caller says he does not want/need to be contacted, the call-taker should follow up with a question to the effect of, "*If the officers need to get a hold of you, would you prefer contact by phone or in person?*" (Refer to the Police Patrol Response best-practice concept #2, located on page 12, for subsequent recommendations on officers obtaining statements from any and all witnesses.)

4. Establish the type and level of danger:

Call-takers routinely got information about present danger, acts of harm, and possible risk to parties involved and to officers responding. In accordance to standard local practices, the call-takers consistently obtained information about whether or not the suspect had been drinking or had access to weapons; they also got information about the general nature of the assault (hitting, strangulation, etc). The calls selected for the BPA generally had such a quick officer-response time that the call-takers did not have reasonable time to ask the caller about a suspect's past history of violence or aggression.

Recommendations:

The BPA Team understands that the 911 center has an established list of questions call-takers must ask during a 911 call, and the Team does not want to impose a "mandatory" line of questioning regarding history of violence. If the caller wants to remain on the line until officers arrive, however, a call-taker may then have time for additional questions. The BPA Team suggests that a list of possible questions related to the history of violence, aggression, and threats in the relationship be included into any dv-related training to educate call-takers on what to ask and how that information may aid in later prosecution.

Among the questions that call-takers must ask during 911 calls, (refer to the attached "Law Enforcement Cheat Sheet") is, "Has the suspect been drinking?" The policy for the 911 Center, however, states that call-takers should always "ascertain if subjects involved are under the influence of alcohol or drugs." The BPA Team recommends that the "Law Enforcement Cheat Sheet" also include the question, "*Has the suspect been using drugs?*"

5. Advance safety for those at the scene while help is en route:

As stated under best-practice concept #1, call-takers communicated safely and effectively with the callers. While the calls reviewed did not generally have the duration or circumstances to necessitate in-depth safety instructions, the call-takers did take steps to ensure that the callers were not putting themselves in further danger, and call-takers gave basic instructions on how callers could try to move themselves away from the suspects if necessary.

None of the cases selected for the BPA presented situations where a call-taker had an opportunity to speak to the suspect during the call. Call-takers did routinely offer to send an ambulance to the scene, and frequently reminded the callers that they could request an ambulance at any point if their situations changed.

Recommendations:

Call-takers should advise callers that officers will be dispatched when available, as outlined in the 911 Center policies and procedures. When possible and applicable, call-takers should keep the callers updated on officers' status, for example advising that officers "have been dispatched," "are in the area," etc. The public generally does not understand that the call-taker can be asking questions while officers are being dispatched. When circumstances allow, call-takers should also remind callers that the mandatory questions are not delaying officer-response time.

The BPA Team recommends that the "Law Enforcement Cheat Sheet" contain the following changes:

- "After obtaining suspect description, put any further pertinent information in the narrative. *You can remind the caller at any point during the conversation that answering these questions is not delaying an officer's response to the scene,*" and
- "Advise the caller that an officer will be dispatched as soon as one is available. *If applicable, keep the caller updated when officers are en route or in the area. You can also advise the complainant to call back if the suspect returns before an officer arrives.*"

6. Communicate and document information related to the nature of the emergency; violence, threats, and injuries; and the safety of responding officers and those at the scene:

Call-takers routinely documented accurate and updated information. None of the cases contained information about court orders. The BPA Team does not believe the information was overlooked, but rather that no court order existed for the cases reviewed.

Recommendations:

None

7. Establish a foundation for continuous engagement with members of the public seeking help in domestic abuse cases.

As noted earlier, the 911 calls that ended mutually seemed to end with the call-takers promoting the idea that 911 help would always be available. None of the callers was placed in a position of having to confront the suspect. Only one case presented an example of a suspect continuing aggressive behavior during the 911 call. The call-taker remained aware of the suspect in the background and continually asked the caller for updated information.

The call-takers frequently offered callers explanations for long pauses (while the call was put on hold, or while the call-taker was updating information in the computer). These explanations were not offered in each case, however.

Recommendations:

Call-takers should keep in mind that the general public may not understand why they would be put on hold or the reasons for long pauses. A very brief explanation might be beneficial.

Findings and Recommendations

Emergency Communication: Dispatching Calls

1. Relay the nature of the emergency and the response priority to responding officers:

Dispatchers consistently relayed information about threats, injuries, and any need for medical help during the initial dispatch/radio transmission. The calls were dispatched with the appropriate priority. As noted in the “Receiving 911 Calls” section, however, the calls were most often given the type code of “Disturbance,” rather than “Domestic.”

Information about the welfare of any children present was occasionally entered into the dispatch narrative (available to officers on the MDTs). That information was rarely given out over the air, however. In most of the calls reviewed, officer-response time was very fast, so it is possible that the dispatchers did not have time to air updated information about children on scene.

Recommendations:

The BPA Team would refer back to the previous recommendations about using a “Domestic” type code for dv-related calls.

The Team would also recommend that dispatchers make every effort to advise officers when children are present, so officers are aware and can perform welfare checks or obtain statements as necessary. (Refer to the attached “Training Memo—Responding to Children in Domestic Violence Related Calls.”)

2. Direct responding officers to the correct address, location, and appropriate people at the scene, including detailed information that will assist officers in locating a suspect who has left the scene:

Dispatchers routinely followed this best-practice category.

Recommendations:

None

3. Relay to responding officers all available information about the type and level of danger involved, including violence, threats, and injuries:

Dispatch consistently complied with this best-practice category.

Recommendations:

None

4. Advance officer and public safety while help is en route and at scene:

Dispatchers regularly complied with this best-practice category.

Recommendations:

None

5. Communicate and document information related to the nature of the emergency and the safety of responding officers and those at the scene:

Dispatchers routinely documented all relevant information related to the dv call at hand. When time allowed, dispatchers often checked for court orders, probation/parole status, and past criminal history. The BPA Team reviewed several cases that did not contain information related to these records checks anywhere in the CAD narratives. The Team attributes that to the officers' ability to check for that information over their MDTs.

Recommendations:

None

6. Promptly respond to requests for information from call-takers, other dispatchers, patrol officers, pretrial release agencies, prosecutors, and probation officers related to 911 domestic violence-related calls:

Dispatchers consistently complied with this best-practice, providing the requested information to the officer or agency.

Recommendations:

None

Findings and Recommendations

Police Patrol Response

(** It is worth noting that while the Team reviewed a limited number of cases, many of the findings were consistent with the areas in need of improvement identified in prior, informal case discussions mentioned in the Introduction. Any informal findings consistent with, or related to, the BPA findings will be noted separately. **)

1. Background and account of the officer's actions:

The BPA Team found that police reports routinely lacked specifics related to the following information: time of call and officer arrival; immediate statements of parties on scene; and the rationale for the predominant aggressor determination.

The call and arrival times are valuable because they help illustrate that the parties on scene may still be under the stress or excitement of the incident. Any immediate statements, therefore, may be considered excited utterances. The BPA showed that officers most often wrote a summary of a person's statement without specifying which portions of the statement were offered immediately or spontaneously as opposed to statements made in response to formal or follow-up questioning by officers.

No special attention was given to indicators of strangulation: officers asked some follow-up questions, but only when a victim volunteered that she had been strangled. (The Team did not review any reports that contained indicators of stalking).

The officers always noted when they decided to arrest the predominant aggressor as opposed to when they chose to refer the case to prosecutors with a warrant request for the predominant aggressor. To justify the predominant aggressor determination, officers often documented injuries and other observations, but gave no further explanation as to how those factors actually helped determined the predominant aggressor.

Cover officers frequently had a great deal of contact with the parties involved in the dv incident, including transporting suspects to jail while primary officers continued on-scene investigations. Despite their involvement, cover officers rarely submitted supplemental reports to document any actions or observations.

(** Previous informal reviews showed that the officers also tended to note that photographs were taken, but did not describe the pictures; or in their reports, officers would describe having seen an item of evidentiary value, but would not indicate whether they had collected the item as evidence or not. Only a few officers habitually documented a scene in great detail, differentiating between indications of a struggle as opposed to messy living conditions, for example.)

Recommendations:

All officers at the scene of a dv-related incident should write supplements to explain their involvement, and to document any relevant information they obtain while interacting with the involved-parties.

Because dv victims frequently recant their original statements or refuse to participate in future prosecution altogether, patrol officers must be familiar with investigation and report writing techniques that would allow a criminal case to move forward without the victim's cooperation: *victimless prosecution*. A major hurdle in victimless prosecution is the inadmissibility of a victim's statements to police. Non-testimonial statements said under the stress or excitement of an event (an excited utterance, for example) may be admissible in court, though. The BPA Team, therefore, recommends that patrol officers receive training on topics including, but not limited to:

- Victimless Prosecution
- Crawford vs Washington (Supreme Court decision related to testimonial and non-testimonial statements)
- Recognizing and documenting excited utterances

Additionally, the Team recommends that officers receive training in the general areas of dv investigations and report-writing, with topics including, but not limited to:

- Dynamics of domestic violence
- Predominant aggressor determination/ arrest decision
- Recognizing and investigating stalking behavior
- Signs, symptoms, and lethality risks of strangulation

(Refer to the attached "Domestic Violence Investigations: Best-Practice Considerations," a proposed 2-hour training block for law enforcement.)

The cases reviewed for the BPA were generally investigated prior to the implementation of the BPD's updated "Domestic Violence Report Checklist." (See attached form.) That checklist was introduced and implemented in the spring of 2013, and it serves to remind officers what information to include in a dv case report, as dictated by best-practice standards. That checklist includes items like "Description of evidence collected" and, "Description of photos taken." The Team recommends that an additional item be added to that checklist: "*Complete description of the scene.*" The BPA Team recommends that the BPD plan a second case assessment, to determine if officers are routinely using the Report Checklist, using it to the fullest potential, and whether the checklist has improved upon the information in dv-related police reports. (Note: A second BPA has already been tentatively planned, and the DVI has requested additional grant funding to support the assessment project.)

2. Information specific to each witness and party involved:

As noted in the above-listed findings, officers often gave a single summary of the statement given by an involved party and noted how that statement corroborated or contradicted officer observations. The reports did not differentiate between that person's initial account of events vs responses to follow-up questions.

Officers consistently identified the relationship between the suspect and the victim, as well as witnesses. Contact information for those individuals was rarely included as prescribed by best-practices.

(**Past observations confirmed addresses and phone numbers listed for victims and witnesses were frequently invalid or out-of-date, and the reports rarely gave alternate contact information for anyone involved. Additionally, officers' reports would occasionally reference individuals who had provided immediate statements on scene, but no formal interviews were ever conducted. The police reports rarely explained the absence of the formal statements.)

Recommendations:

As stated in the previous Recommendations section, the BPD's new "Domestic Violence Report Checklist" is a reminder for officers to document statements provided on scene, as well as to obtain current contact information *and* alternate contact information for the parties involved. The BPA Team again recommends that a second BPA be conducted to determine if officers are utilizing the checklist and documenting the necessary information.

While on scene, officers should attempt to contact any and all witnesses, including callers/complainants, unless those callers have expressed a wish to remain anonymous. The BPA Team recognizes that officers may not be able to conduct formal interviews with all witnesses during an initial investigation. The Team recommends that officers identify and get contact information *and* alternate contact information for all witnesses. The officers should document that information in their reports, noting whether or not a statement was taken during the initial investigation.

3. Information specific to each party involved:

Officers did document information regarding injuries or impairment (including strangulation effects), complaints of pain, and presence or use of weapons. The reports often only provided brief descriptions or officer opinions regarding a subject's demeanor and alcohol use, for example using phrases like, "acting strangely," or "extremely intoxicated" without any specific details describing how the officer reached those conclusions.

Recommendations:

The BPA Team recommends that officers receive training on strangulation issues, including but not limited to:

- Signs and symptoms
- Physical mechanics
- Lethality risks
- Follow-up questions to ask

In incidents involving strangulation, the officers often asked follow-up questions like, “*Were you able to breathe?*” (** This trend was also consistent with informal observations.) Strangulation training would help patrol officers understand that strangulation involves restricting blood flow to the victim’s brain, so questioning must be more in-depth than ascertaining the victim’s ability to breathe. (Refer to the attached reference sheet “Sign & Symptoms of Strangulation.”)

Rather than documenting conclusions in their reports (like “extremely intoxicated”), officers should include facts and observations to support such a conclusion. A great deal of time is devoted to training patrol officers on how to document signs of impairment in a DUI report. Officers should include similar observations in dv reports to show how a subject was or was not impaired by drugs or alcohol. The same detailed documentation should be used to articulate a person’s demeanor in a dv report. The BPA Team again recommends that officers receive training on documentation and report writing for dv-related cases. (See attached training outline for suggested police training topics)

4. Information from the victim, including history of violence and contact information:

Documentation of the three risk questions outlined in this section of the BPA patrol worksheet was not evaluated. The cases reviewed were reported and investigated before the BPD patrol officers had received any training on the risk questions proposed in the included BPA documents. The BPA Team found that officers also did not ask victims about threats from the suspects unless the victims volunteered the information.

As stated earlier, officers usually listed victims’ contact information in the police reports. Rarely, however, did they list alternate addresses, additional phone numbers, places of employment, etc.

Recommendations:

As stated above, the three risk questions are included in a new BPD “Domestic Violence Report Checklist,” which reminds officers to document a victim’s responses in the police report. The BPA Team’s recommendations for a second BPA case review apply in this section, too, in order

to evaluate whether officers are asking the questions and documenting the responses in an effective manner. The Report Checklist also reminds officers to obtain an alternate or message phone number for each person interviewed in a dv investigation.

5. Additional information related to the suspect:

In cases where the suspect was gone upon officer arrival, the officers routinely tried to ascertain where the suspect might have gone. Officers did not obtain a suspect's previous places of residency unless it was volunteered by the victim, but there was no indication that officers deviated from normal BPD practices by not asking that specific question.

The BPA Team found that officers routinely noted in their supplemental reports that a suspect had refused to provide a statement about the incident. In those cases, the officers did not mention whether a statement was declined before or after a suspect was read his Miranda warning. Information obtained from suspect statements was regularly documented in the same manner as witness or victim statements: a summary of the statement was described in the police report, but the officers did not differentiate between immediate or spontaneous statements vs statements made during a formal interview or in response to questioning.

(**An additional, related issue was noted in informal case discussions: Officers consistently serve 72-hour No Contact Orders to PFMA suspects at the time of arrest. Those forms have a signature line for the suspect. For various reasons, some suspects do not sign the form. Officers were not indicating whether a suspect had *refused* to sign the form, or if a suspect was *unable* to sign, perhaps due to intoxication or because of a potential officer safety issue.)

Recommendations:

The BPA Team recommends that, as part of any future dv-related training, officers receive information as to the importance of obtaining a suspect's previous states/counties of residence. That training should also include a legal update regarding Mont. Code Ann. §45-5-206(3)(b) (see Attachments) related to prior convictions of dv-related crimes.

The Team also recommends that as part of any officer training on dv-related report writing, officers be instructed on how to document suspect statements. That training should include, but not be limited to:

- Documenting the suspect's immediate statements and the suspect's demeanor at the time
- Articulating whether the suspect was or was not in custody
- Documenting when Miranda was read and the suspect's response
- Documenting and describing any spontaneous statements from the suspect
- Summarizing a suspect's formal statement and responses to any follow-up questions.

Officers should also be reminded that whenever possible, the suspect must sign the 72-hour No Contact Order. If officers are unable to obtain a signature, the police report should indicate whether the suspect was *unable* to sign or *refused* to sign and the surrounding circumstances.

6. Additional information related to the case:

As noted in the Emergency Communication section, attention to children on scene was not routinely made a priority. Police reports tended to note whether a victim and suspect had a child (children) together, but officers would not ask follow-up questions about where the child was at the time of the offense. (**Only one of the cases reviewed provided an example of a patrol officer taking a statement from a child witness; but through informal case discussions, it seems as though officers are not comfortable with when or how to obtain statements from child witnesses.)

The BPA Team did not review any cases that provided examples of officers attempting to communicate with people who had language or cognition barriers, elderly people, or people with disabilities.

Officers did consistently note whether or not anyone on scene requested medical assistance or mentioned seeking medical attention at a later date. However, the police reports did not consistently name the medical facility where the victim received (or planned to receive treatment).

Recommendations:

The BPA Team recommends that any training provided to officers related to dv investigations contain information about children as witnesses and children as potential primary or secondary victims of dv. The training should also point out the importance of documenting the whereabouts of any children during a dv-incident, as a child's presence may be considered as a sentencing enhancement during later court proceedings. (Refer to attached Mont. Code Ann. § 45-5-206 (3)(a)(v), as well as the "Training Memo—Responding to Children in Domestic Violence Related Calls.")

BPD officers consistently issue Victim Rights Packets to victims of violent crimes, including dv-related crimes. The BPA Team recommends that medical release forms be included in those packets as a reminder for officers to obtain a signed release form during the first contact with the victim.

Officers must remember to change the incident type code to "Domestic" when appropriate, as dv-related offenses are often dispatched as "Disturbances" or "Assaults." Without the proper type code, statistics for the BPD will not be accurate.

Policy Analysis Introduction

The Policy Analysis portion of the Best Practice Assessment used a similar workbook, outlining best-practices for policies governing Emergency Communications (receiving 911 calls and dispatching), as well as policies governing Police Patrol Response. The workbook divided policies into three categories: Principles, Procedures, and Monitoring, with a checklist of best-practice concepts for each category. The Policy Assessment reviews how policies ensure best-practice responses from individual practitioners, as well as from the agency as a whole.

The BPA Team reviewed the specific dv-related policies for both the Billings City/County 911 Center and the Billings Police Department. The Team also included related documents, like call-taker reference sheets, with the actual policies. The BPA Team then compared the policies to best-practice guidelines, keeping in mind that the best-practice guidelines had to do with the *idea* or *intent* behind the policy and not necessarily the exact words contained within the policy. In other words, none of the reviewed policies contained the phrase, “Responses to dv-related calls must adhere to an interagency approach.” The lack of that specific phrase does not mean the policy is not compliant with that specific best-practice-recommended guideline.

The BPA Team then developed recommendations to improve best-practice compliance for the policies governing the 911 Center and BPD’s response to dv-related calls.

In addition to the recommendations contained herein, which serve to make small changes to the policies already in place, the BPA Team recommends that supervisors for the 911 Center and the BPD review the policies described in Praxis International’s “Blueprint for Safety” documents, which are available for viewing on-line.

Emergency Communications (911) Policy Analysis

Principles

Does the policy ensure a response that:	How does this happen?
Adheres to an interagency approach and collective intervention goals?	<ul style="list-style-type: none"> • Policy language notes dv-related calls pose a high risk to officer safety, then lists information call-takers must get, adding that the “information is crucial to the responding officer.” • The policy says that the calls must be continually updated “so information can be relayed to the responders.” • It also notes that the 911 center works within the policies of 3 separate agencies.
<p>Recommendations: None</p>	
Builds attention to the context and severity of abuse?	<ul style="list-style-type: none"> • Language describes the types of relationships that could be considered “domestic.” • For “in progress” domestics, 2 officers must be sent, and status checks done. • Domestics are listed as one type of call that could escalate and that callers could be in danger while on the phone.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Wording to the effect of “<i>Domestics often involve a patterned of controlling/abusive behavior that may not be resolved with one intervention,</i>” should be added in the first paragraph of the 911 Center policy, describing domestic disturbances. ▪ The legal definition provided in the policy should be updated to include same-sex relationships, which are now recognized by the State. 	
Recognizes that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders?	<ul style="list-style-type: none"> • The policy states that call-takers “must create a new incident (report #) for each separate (dv) incident.” That statement acknowledges the potential for a pattern of dv-related calls with the same parties involved.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Adding the phrase described in the previous Recommendations section, would convey this concept more concretely. 	

Seeks sure and swift consequences for continued abuse?	<ul style="list-style-type: none"> • The policy language contains multiple statements about updating officers regarding suspect actions and location, conveying the importance of officers being able to locate suspects as soon as possible. • Requiring the creation of a new incident for each separate report also indicates that there should be additional consequences for continued abuse.
Recommendations: None	
Messages of help and accountability?	<ul style="list-style-type: none"> • The policy requires call-takers to keep callers on the line if the call-taker has “any doubt that the situation is under control,” which sends a message of help. • Creating a new report number for each separate incident sends a message of accountability for suspects’ actions.
Recommendations: None	
Reduces unintended consequences and the disparity of impact on victims and offenders?	<ul style="list-style-type: none"> • The policy acknowledges that staying on the line with the call-taker may place a caller in danger. Call-takers are therefore aware of unintended consequences for the victim.
Recommendations: None	

Procedures

Does the policy ensure a response that:	How does this happen?
References applicable laws, definitions, and authority?	<ul style="list-style-type: none"> • The policy references the statutory name of Partner or Family Member Assault and provides a summarized-description of what these types of calls involve.
Recommendations: <ul style="list-style-type: none"> ▪ The policy should be revised to reflect current legal updates to the Partner or Family Member Assault law: as of 2013, the law no longer excludes same-sex relationships in the definition of “Partners.” 	

<p>Provides criteria and procedures for sorting cases into appropriate levels of response according to context and severity of abuse (i.e. different levels of response for different levels of dangerousness and risk?)</p>	<ul style="list-style-type: none"> • Policy language separates “in-progress and just occurred” calls from “cold” or previously occurred calls, noting the higher risk involved with in-progress calls. • The policy also notes that a different response is required (to include medical units) if the caller confirms bodily injury.
<p>Recommendations: None</p>	
<p>Guides practitioners in documenting actions and information about the case in ways that decrease reliance on memory and improve the thoroughness of case information?</p>	<ul style="list-style-type: none"> • The related Law Enforcement Cheat Sheet instructs 911 Center personnel to “record the following information in the report,” followed by the list of mandatory questions regarding the reported incident. • After listing specific questions to record, the Cheat Sheet also states, “put any further pertinent information in the narrative.”
<p>Recommendations: None</p>	
<p>Accounts for how victims use violence in response to battering by an abuser?</p>	<ul style="list-style-type: none"> • The 911 Center policies do not contain language relevant to this subject, other than instructing call-takers to get a “brief description of what is happening.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ No recommendations: the BPA Team believes it is best for the call-takers to document in detail what is reported to them and to let responding officers assess whether self-defense was involved and to make a predominant aggressor determination. 	
<p>Recognizes and guards against increasing victim vulnerability to consequences and retaliation if they participate in confronting and holding offenders accountable?</p>	<ul style="list-style-type: none"> • The Law Enforcement Cheat Sheet accounts for possible retaliation, stating that call-takers should get caller information, “<u>but</u> only if you are able to do so <u>without</u> jeopardizing the caller’s safety.” • Similarly, the policy also instructs call-takers to keep the callers on the line if the situation may escalate, “unless the caller is in immediate danger by staying on the phone.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends an addition of more specific language to the policy (under “Standard Process—Phone Operators”). For example: “<i>If the suspect in the reported Domestic takes the phone or calls in on a separate line, do not relay to the suspect what the original caller is reporting.</i>” 	

<p>Recognizes an offender’s likelihood of battering in future relationships?</p>	<ul style="list-style-type: none"> • The BPA Team could not find any language in the policy related to this concept.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ One example of a 911 Center policy at a different agency says that call-takers should “elicit pertinent information about the suspect’s history of aggression.” This referenced policy is fully outlined in the “Blueprint for Safety.” (Refer to References section) ▪ The BPA Team suggests that the 911 Center policy (Law Enforcement Cheat Sheet) be updated to include language like, “After obtaining suspect description, put any further pertinent information in the narrative. <i>This information may include the suspect’s history of violence or aggression if known to the caller; and whether children are present, involved, or at risk of harm. (Note: Children on scene should be considered to be potentially at risk of harm when the adult victim is their parent.)</i>” 	
<p>Provides mechanisms for documenting the pattern and history of abuse when and wherever possible?</p>	<ul style="list-style-type: none"> • As stated earlier, the policy does require call-takers to enter pertinent information into the call narrative. • The policy does not, however, contain language specific to the pattern and history of abuse.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ As in the previous Recommendations section, the BPA Team suggests that the suspect’s history of abuse be specifically listed as being “pertinent information.” 	
<p>Reinforces a swift, timely response focused on victim safety?</p>	<ul style="list-style-type: none"> • While prioritizing a Domestic call as a “Priority 1” (unless a lower priority is warranted) is not specifically mentioned in the attached 911 Center policy documents, it is standard practice to dispatch “in progress/just occurred” disturbance or assault calls as high priority.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends adding a prioritization scale or “cheat sheet” into the 911 Center policies to ensure that all Domestic calls are given a high priority unless the caller confirms the call is “cold,” no one is injured, <u>and</u> the probability of the suspect returning is low. (A similar policy may exist, but was not provided to the BPA Team.) 	
<p>Recognizes the ways in which abusers used children to control adult victims of abuse?</p>	<ul style="list-style-type: none"> • There is no language in the 911 Center policy specifically regarding children.

<p>Recommendations:</p> <ul style="list-style-type: none"> As stated in a previous Recommendations section, language about children being present, involved, or possibly at risk of harm should be included as “pertinent information” to be entered in the narrative. Future training for 911 Center employees should include information contained in the attached “Training Memo—Responding to Children in Domestic Violence Related Calls” 	
<p>Understands that protection of the adult victim parent is critical to the welfare of children?</p>	<ul style="list-style-type: none"> There is no language in the 911 Center specifically regarding children being at risk due to the risk posed to their parent (victim).
<p>Recommendations:</p> <ul style="list-style-type: none"> As stated previously, the Law Enforcement Cheat Sheet should be updated with language to the effect of, “After obtaining suspect description, put any further pertinent information in the narrative. <i>This information may include the suspect’s history of violence or aggression if known to the caller; and whether children are present, involved, or at risk of harm. (Note: Children on scene should be considered to be potentially at risk of harm when the adult victim is their parent.)</i>” 	
<p>Provides effective mechanisms to ensure victim notification, access to advocacy and victim safety services, and safety planning?</p>	<ul style="list-style-type: none"> The 911 Center policy does not contain any language about referrals for victim services.
<p>Recommendations:</p> <ul style="list-style-type: none"> Call-takers should be provided with a list of community resources so they can be familiar with victim services in Billings and the surrounding areas. This will enable call-takers to provide accurate referrals if asked for referrals by a victim. (One such community resource list can be obtained at no cost through the Billings Area Family Violence Task Force.) 	

Monitoring

Does the policy ensure a response that:	How does this happen?
<p>Links practitioners to those who intervene at the next points of intervention?</p>	<ul style="list-style-type: none"> The policy language notes several times that 911 Center reports are created for, and are crucial to the responding medical and law enforcement agencies.
<p>Recommendations: None</p>	

<p>Specifies how and within what time frame case information is shared and with whom?</p>	<ul style="list-style-type: none"> • Among the policies provided to the BPA Team, there was no language specifying what information is stored and/or shared.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ 911 Center policies should include description of what information is stored, in what manner, and for how long. ▪ The policies should also note to which agencies the 911 Center will provide the information and how those agencies can submit a request. ▪ (A policy containing this language may already exist, but was not provided to the BPA Team. Also, the BPA Team is aware of planned updates to the CAD system and related reporting systems. Any policies related to storing and sharing information should be updated as the systems are updated.) 	
<p>Includes mechanisms for tracking practitioner compliance with policy and for recording exceptions to the policy?</p>	<ul style="list-style-type: none"> • The policy states, “End your report by placing your initials and station number in the narrative,” thereby ensuring that 911 Center employees associate themselves with the work they do.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Supervisors should establish (and write into policy) specific intervals at which incident reports will be reviewed. For example, “<i>Ten incident reports will be reviewed each month to ensure call-takers and dispatchers are complying with the policies set forth...</i>” ▪ These reviews should be performed on all types of calls, not just Domestic. 	
<p>Includes steps to ensure compliance and address non-compliance?</p>	<ul style="list-style-type: none"> • In the documents provided to the BPA Team, there was no language pertaining to discipline for failure to adhere to policies.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends that the 911 Center establish guidelines for progressive discipline, if such guidelines are not already in place. 	
<p>Provides continuing education and training for practitioners on an on-going basis?</p>	<ul style="list-style-type: none"> • None of the dv-related policies contained language about continuing education or training.

Recommendations:

- The BPA Team recommends that 911 Center supervisors establish a minimum of yearly continued-education hours, as well as a procedure for employees to request trainings.
- (Such a system may be in place, but the information was not provided to the BPA Team.)

Establishes a process of record sharing and external monitoring?

- None of the documents provided to the BPA Team referenced case reviews of any kind.

Recommendations:

As stated in previous Recommendations sections:

- 911 Center policies should include description of what information is stored, in what manner, and for how long.
- The policies should also note to which agencies the 911 Center will provide the information and how those agencies can submit a request.
- Supervisors should establish (and write into policy) specific intervals at which incident reports will be reviewed. For example, *“Ten incident reports will be reviewed each month to ensure call-takers and dispatchers are complying with the policies set forth...”*
- These reviews should be performed on all types of calls, not just Domestic.
- The BPA Team also recommends that 911 Center supervisors include practitioners from outside agencies in the above-recommended report reviews.

Police Patrol Response Policy Analysis

Principles

Does the policy ensure a response that:	How does this happen?
Adheres to an interagency approach and collective intervention goals?	<ul style="list-style-type: none"> • Policy language states that officers will make referrals to other agencies, like the courts, the Department of Public Health and Human Services, and victim service agencies. • The policy also states that “arrest is the preferred response” where the crime of PFMA has occurred, but also lists other dv-related crimes that require police intervention.
<p>Recommendations: None</p>	
Builds attention to the context and severity of abuse?	<ul style="list-style-type: none"> • Policy language includes lists of the types of crimes generally considered “domestic disturbances” (PFMA, stalking, privacy in communications, violations of a protective order). • The policy also advises that these crimes “may include (...) substance abuse,” “a history of similar incidents,” and, “a high degree of risk to responding officers and third parties.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The description of “domestic disturbances” in this policy under Procedure subsection (A) should include language identifying dv-related crimes as <i>“often involving a pattern of controlling and abusive behavior by one partner or family member against another, which may not be resolved with just one police intervention.”</i> 	
Recognizes that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders?	<ul style="list-style-type: none"> • The description of “domestic disturbances” states that there is often a “history of similar incidents,” which, by their nature, require engagement or “intervention.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The addition listed in the previous Recommendation section would also reinforce the concept of dv-related incidents being a pattern, requiring continued engagement. 	

<p>Seeks sure and swift consequences for continued abuse?</p>	<ul style="list-style-type: none"> • Officers are instructed that “arrest is the preferred response” in these crimes. • The policy also references MT Code Annotated 46-6-311, which states that when officers are called to a residence for a PFMA, “this constitutes an exigent circumstance for making an arrest.”
<p>Recommendations: None</p>	
<p>Messages of help and accountability?</p>	<ul style="list-style-type: none"> • The above referenced statements regarding <u>sure and swift consequences for continued abuse</u> send a message of accountability. • Per policy, officers must issue PFMA suspects a No Contact Order stating that any violation of that order constitutes a separate offense. That also sends the suspect a message of accountability. • Officers must provide victims with Victim Rights information, which sends a message of help to dv victims. • The policy also states, “The officer may, as appropriate, take any and all reasonable action necessary to provide for the safety of a victim or any other member of the household.”
<p>Recommendations: None</p>	
<p>Reduces unintended consequences and the disparity of impact on victims and offenders?</p>	<ul style="list-style-type: none"> • Officers are warned against making “dual arrests,” and are advised by policy to determine a predominant aggressor when “it appears the parties were involved in mutual aggression,” (MCA 46-6-311).
<p>Recommendations: None</p>	

Procedures

Does the policy ensure a response that:	How does this happen?
References applicable laws, definitions, and authority?	<ul style="list-style-type: none"> • The policy does name several applicable dv-related crimes like, “stalking, privacy in communication, or violation of an order of protection,” as well as PFMA. • The MCA section defining “Predominant Aggressor,” as well as the codes referencing PFMA arrests and seizure of weapons are included in the policy.
<p>Recommendations: None</p>	
Provides criteria and procedures for sorting cases into appropriate levels of response according to context and severity of abuse (i.e. different levels of response for different levels of dangerousness and risk?)	<ul style="list-style-type: none"> • The policy states that officers should arrest “when probable cause exists that a person has injured a partner or family member; used or threatened to use a weapon, violated an order of protection; (or) created a situation that may present other imminent danger.” • The policy addresses dv-related disturbances that do not present probable cause for an arrest, advising that in those cases, “the officer should make a reasonable effort to mediate the situation.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Under the Procedure subsection (A)(1), which lists types of dv-related crimes, the policy should also list felony assault crimes that could be dv-related, such as Aggravated Assault and Assault with a Weapon. That addition would add another layer of sorting cases by <u>context and severity</u>, while still denoting that those crimes can be dv-related. 	
Guides practitioners in documenting actions and information about the case in ways that decrease reliance on memory and improve the thoroughness of case information?	<ul style="list-style-type: none"> • Officers must make note of “excited utterances,” prepare statements in writing or by video or audio recording, collect evidence, and photograph the scene. • Officers may not be able to take notes, photographs, etc., until a scene is safe, but the above-listed instructions would decrease reliance on memory to some degree.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ This Domestic Disturbance policy should specifically note that officers are expected to activate their Watchguard in-car camera system (or other applicable audio/video recording system) when dispatched to a disturbance. This is already stated in a separate BPD policy, but the BPA Team recommends that it be reiterated in this policy. 	

<ul style="list-style-type: none"> ▪ In Procedure subsection (H)(1), the policy states that officers must complete the BPD Domestic Violence Supplement Report. In the spring of 2013, the BPD moved to a new form, the “Domestic Violence Report Checklist.” The policy should be updated to reflect the implementation of that new form. ▪ All officers involved in the dv-related incident should submit a supplemental report, documenting the extent of their involvement and summarizing any contact they had with an involved-party. 	
Accounts for how victims use violence in response to battering by an abuser?	<ul style="list-style-type: none"> • The policy contains the MCA “Predominant Aggressor” definition and discourages dual arrests.
<p>Recommendations: None</p>	
Recognizes and guards against increasing victim vulnerability to consequences and retaliation if they participate in confronting and holding offenders accountable?	<ul style="list-style-type: none"> • The policy states that any interviews should be done “out of visual range” of other parties involved.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The Procedure subsection (E)(6) should be reworded to the effect of, <i>“If officer safety allows, separate individuals out of visual range of each other to interview them; and, if possible, do not place the victim at risk of retaliation by relaying to the suspect what the victim reported.”</i> 	
Recognizes an offender’s likelihood of battering in future relationships?	<ul style="list-style-type: none"> • The policy states that dv-related crimes often follow “a history of similar incidents.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ As stated in an earlier Recommendations section, a phrase to the effect of, <i>“often involving a pattern of controlling and abusive behavior by one partner or family member against another, which may not be resolved with just one police intervention,”</i> should be added to this policy to help convey this concept. 	
Provides mechanisms for documenting the pattern and history of abuse when and wherever possible?	<ul style="list-style-type: none"> • Noting that the parties involved may have “a history of similar incidents” implies that officers should check into past incidents.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends that the Procedure subsection (H)(3) be updated to say that officers must interview “all witnesses, victims, suspects, and/or any other person that has direct knowledge of <i>the present incident or of any history of domestic disturbances involving the same</i> 	

<p><i>parties.”</i></p> <ul style="list-style-type: none"> ▪ The Team also recommends that the policy include a section instructing officers to obtain <i>and review</i> a suspect’s criminal history. For example, <i>“When an officer has developed probable cause to make an arrest for a dv-related crime, the officer must obtain the suspect’s complete criminal history, and ascertain whether that suspect has a history of dv-related offences.”</i> 	
<p>Reinforces a swift, timely response focused on victim safety?</p>	<ul style="list-style-type: none"> • The policy states that the BPD will “respond to and investigate all reports of domestic disturbance.” • The policy further specifies that, generally, “officers will respond in teams of two.” • Stating that an arrest is the preferred response indicates that officers will take action to hold offenders accountable before they leave the scene of the dv incident.
<p>Recommendations: None</p>	
<p>Recognizes the ways in which abusers used children to control adult victims of abuse?</p>	<ul style="list-style-type: none"> • The BPD policy, section (III) Child Removal, addresses what officers should do if children are “in immediate or apparent danger or harm due to the domestic disturbance.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends an addition to the Procedures section. After subsection (H)(3), the addition should read: <i>“Identifying any children who were involved in the incident, directly or indirectly, even if no statement is taken.”</i> ▪ Procedure subsection (E) should contain an additional subsection with language to the effect of, <i>“Officers should be alert to the presence of children on scene, and be aware of how the children may be drawn into the dv-incident by the adults involved.”</i> 	
<p>Understands that protection of the adult victim parent is critical to the welfare of children?</p>	<ul style="list-style-type: none"> • There is no policy language related to this concept, only policies on “Child Removal.”
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The “Child Removal” (Section III) guidelines should be updated to remind officers of this concept. For example, including a subsection (A)(2), saying, <i>“Officers should keep in mind, however, that if a child is not in immediate or apparent danger of harm, it is preferable to</i> 	

provide for the child’s general safety and wellbeing by ensuring the non-offending parent (victim parent) is safe and has access to available community resources. See Rules, section (II)(A).”

<p>Provides effective mechanisms to ensure victim notification, access to advocacy and victim services, and safety planning?</p>	<ul style="list-style-type: none"> • The Rules portion of the BPD Domestic Disturbance policy, section (II)(A) describes how officers must provide the “Victim/Witness Notice of Rights” form to all victims in suspected PFMA incidents. • The related section of the MCA (46-6-601) is included in that policy section.
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Recommendations: None

Monitoring

Does the policy ensure a response that:	How does this happen?
<p>Links practitioners to those who intervene at the next points of intervention?</p>	<ul style="list-style-type: none"> • Sections within this policy reference agencies like the Dept. of Public Health and Human Services or the Courts. • The Rules section links the BPD to victim services.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Linking the BPD to the next points of intervention could also be reinforced in the Procedure section, between subsection (H) and (I). ▪ The BPA Team recommends that the new subsection (I) contain language to the effect of, “<i>When an officer has probable cause to make an arrest or submit the case as a warrant request for the offending party, the officer will forward a complete report to the appropriate Court in the case of arrests; or to the appropriate prosecuting agency in the case of warrant requests.</i>” ▪ (Current subsection I would then be relabeled as subsection J, and would still contain guidelines for cases in which probable cause does not exist to make an arrest.) ▪ The BPA Team recommends the addition of subsection (K), stating something to the effect of, “<i>If an involved-party is found to be on probation or parole, officers will forward the case report to that party’s supervising officer/agency, regardless of whether an arrest was made or warrant requested.</i>” 	
<p>Specifies how and within what time frame case information is shared, and with whom?</p>	<ul style="list-style-type: none"> • The policy does not have any language addressing this concept. • During the BPA, the Coordinator frequently found that one or more parts of a case would be missing (most

	<p>notably audio statements or archived photographs). In one instance, the copies of the case report, the warrant request, and audio files could not be located. (In other words, the case never made it to the prosecutor, and the suspect was never charged with the dv-related assault.)</p>
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ Adding the subsections in the previous Recommendations section would partially address the issue of information sharing. ▪ The BPA Team would encourage BPD supervisors to establish guidelines to address how case reports and related information are stored within the department; for what length of time that information is stored; and with whom, and by what means the information can be shared. ▪ Criminal justice agencies working hand-in-hand toward a shared goal should not encounter difficulty in obtaining case files from other agencies due to internal procedural roadblocks. (This issue is also related to linking the BPD to practitioners at the next step of intervention.) ▪ The Team also recommends that BPD supervisors review the standard case flow process to ensure that case files are printed and submitted as required, and that cases cannot just “go missing.” ▪ (The Team understands that the records/case-report system may be upgraded in the near future, and would recommend that BPD supervisors take that into account, updating the guidelines and the case flow processes as necessary.) 	
<p>Includes mechanisms for tracking practitioner compliance with policy and for recording exceptions to the policy?</p>	<ul style="list-style-type: none"> • The Procedure section of the policy leaves necessary room for officer discretion as far as the arrest decision and investigation techniques. • The Rules section, however, establishes both mandatory and prohibited actions with which officers must comply. • The policy does not establish any procedure for <u>tracking practitioner compliance with the policy.</u>
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ (Refer to the following section for applicable Recommendations) 	
<p>Includes steps to ensure compliance and address non-compliance?</p>	<ul style="list-style-type: none"> • The BPD “Management Guide to Discipline” (not included in Attachments) outlines how supervisors will address issues of non-compliance for investigations or officer actions in general. • The Guide does not have language specific to investigating dv-related incidents.

<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends that BPD supervisors routinely review incident reports, dv-related and otherwise, to ensure officers are completing thorough investigations and writing complete reports that are generally free from obvious errors. ▪ The appropriate section of the “Management Guide to Discipline” should be referenced as a means to address non-compliance or failure to maintain an expected standard. ▪ The BPA Team reminds supervisors to also use the BPD “Domestic Violence Report Writing Checklist” to its fullest potential in ensuring dv-related reports contain all the necessary information. 	
<p>Provides continuing education and training for practitioners on an on-going basis?</p>	<ul style="list-style-type: none"> • The Domestic Disturbance policy does not reference continuing education or training related to that subject matter. • The BPD uses certification pay requirements as incentive for officers to attend at least 20 hours of training (in any subject matter) each year.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The BPA Team recommends that, at supervisor discretion, the BPD provide officers with yearly legal updates or “refresher courses” with information on dv-related topics. ▪ The Team would further recommend that the BPD offer opportunities throughout the year for officers to attend more in-depth or advanced training on dv-related issues. 	
<p>Establishes a process of record sharing and external monitoring?</p>	<ul style="list-style-type: none"> • The BPD policy contains no other language related to this concept.
<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ BPD supervisors should establish written guidelines specifying what information is stored, in what manner, and for how long. ▪ The guidelines should also note to which agencies the BPD will release that information and how those agencies can submit a request. ▪ The BPA Team recommends that BPD command staff establish specific intervals at which in-depth case reviews will occur, to ensure that the police patrol as a whole is responding appropriately to dv-related incidents. ▪ The Team also recommends that the BPD consider including practitioners from outside agencies in the above-recommended report reviews. 	

References

- **Billings City Attorney’s Office Domestic Violence Unit** – The Billings City Attorney’s Office Domestic Violence Unit (DVU) is made up of one dv prosecutor and two victim-witness specialists. The City Attorney’s Office prosecutes the highest number of misdemeanor dv-related crimes in the State of Montana. The DVU was established in 2001 to provide specialized knowledge and attention in the area of prosecuting dv crimes while promoting victim safety.
- **Billings City/County 911 Center** – The Billings City/County 911 Center is the agency responsible for receiving and dispatching calls for the Billings Police Department, the Yellowstone County Sheriff’s Office, and the Billings Fire Department (to include Emergency Medical Services—EMS). The 911 Center has 27.5 communications positions, with five employees working during a typical shift. The 911 Center also has three shift supervisors, and one manager.
- **Billings Police Department** – The Billings Police Department serves the City of Billings, which is approximately 41 square miles with a population of over 100,000. The Department consists of around 140 sworn police officers, with approximately 80 uniformed patrol officers. Patrol officers are responsible for responding to calls for service, proactively patrolling their “beats,” and enforcing traffic laws. It is the mission statement of the Department to improve “the quality of life through a customer service, problem solving partnership with the community.”
- **Blueprint for Safety** – “The Blueprint for Safety” is a best-practices-based approach that addresses the need for all agencies within the criminal justice system to work together, toward a common goal of increasing offender accountability and improving victim safety. The Blueprint was first developed in Saint Paul, MN. It establishes a template of policies and procedures that can be tailored for any community wanting to implement best-practices in order to link practitioners within various agencies to one another. “The Blueprint for Safety” is available from www.praxisinternational.org, and can be downloaded free of charge.
- **Domestic Violence Investigator** – The Billings Police Department’s Domestic Violence Investigator (DVI) position was first implemented as a part-time equivalent position filled by BPD patrol officers working on an overtime basis. These officers received specialized training related to investigating and documenting dv-related crimes, specifically misdemeanors being prosecuted by the City Attorney’s Office. The DVI position changed to a full-time position in 2012.

- **Praxis International, Inc.** -- Praxis International, Inc. is a nonprofit organization working to improve the lives of women and children by eliminating violence in their lives. Praxis International collaborates with many types of service agencies to “bridge the gap between what people need and what institutions provide.” Praxis International has developed many publications with the goal of creating “a clear and cooperative agenda for social change” in communities across the nation. Some of those publications include various training materials based on best-practice approaches, templates for conducting “Safety Audits,” “The Blueprint for Safety,” and “Planning and Conducting a Best-Practice Assessment of Community Response to Domestic Violence,” the publication used in the preceding Assessment report. These and similar publications are available at www.praxisinternational.org, and many can be downloaded free of charge.

Added Notation:

The Best Practice Assessment report references the **Billings Area Family Violence Task Force** as contact for obtaining information about community resources in Billings and the surrounding areas. The Task Force offers additional publications and services as well, including “Family Violence Resource Pocket Guides” and presenting an annual 2-day conference on topics related to domestic and family violence. The mission statement of the Task Force is, “*The Billings Area Family Violence Task Force is a group of concerned citizens and professional people committed to the coordination of community resources and education of service providers and the general public for the purpose of reducing family violence in Billings and the neighboring communities.*” More information can be found at www.bafvtf.org.

Attachments

- Emergency Communications (call-receiving & dispatching) workbooks (6 pages)
- Police Patrol workbook (3 pages)
- Policy Analysis—Emergency Communications workbook (3 pages)
- Policy Analysis—Police Patrol workbook (3 pages)
- Billings City/County 911 Center “Domestic” policy & related documents (4 pages)
- Billings Police Department “Domestic Disturbance” policy (4 pages)
- BPD Domestic Violence Report Checklist (1 page)
- Signs & Symptoms of Strangulation reference sheet (1 page)
- Montana Code Annotated § 45-5-206 (2 pages)
- Training Memo—Responding to Children in Domestic Violence-Related Calls (3 pages)
- BPD proposed training outline “Domestic Violence Investigations: Best-Practice Considerations” (13 pages)