

Appendix 1D

History of Domestic Violence Summary (HDVS) Instructions and Sample

Purpose of the HDVS

The History of Domestic Violence Summary (HDVS) is a new approach under the Blueprint and is expected to significantly enhance practitioners' ability to adjust their interventions to the specifics of each case. To position the sentencing judge, supervising probation officer, and subsequent interveners to meaningfully manage risk and hold domestic violence offenders accountable, the following questions need to be answered.

- **What is the context of this act of domestic violence?** Is this person engaging in a pattern of coercion, intimidation, and violence that establishes a relationship of dominance or control over the victim? Or, is this another type of domestic violence that requires a different kind of response?
- **How frequent and severe is the violence** and, if applicable, the related abuse? Is it escalating? Who is at risk and in what ways?

Each practitioner acting on a case—from the bail evaluator to the responding officer to the charging and prosecuting attorney to the sentencing judge—should have access to information that helps answer these questions. In the Blueprint approach, the HDVS is a key element in helping practitioners differentiate responses to domestic violence cases based on context and dangerousness. The HDVS is the tool used to flag risk and harm for the court's consideration in sentencing and conditions of probation. It also provides the reference point that informs all future practitioners intervening with an offender about the nature of the risk and harm toward his or her intimate partners as collectively documented by practitioners previously involved.

The Blueprint's approach to interagency risk assessment avoids a system that assigns a numerical score to a case and then uses that score to dictate an intervention. Under the Blueprint, some actuarial tools are used in bail setting and determining a level of supervision for probation clients. In place of a scoring tool to guide interagency work, the Blueprint draws on its very interagency structure to guide the risk awareness and management. Violence, coercion, and intimidation are all packed with nuance and double meanings. Determining risk and danger is too complex to use a one-dimensional or static approach. The Blueprint approach is to:

- Reach interagency agreements on a framework to guide decisions about which intervention actions best fit the circumstances of an individual case.
- Articulate what is known about the pattern of violence and abuse to each intervening practitioner, as often as possible.
- Train practitioners on how to make risk management decisions that link the context and severity of violence to the continuum of intervention options.

The HDVS is not a scored instrument. It makes visible to each intervening practitioner what is institutionally known about claims of abuse, convictions, and institutional interventions. The bail

setting framework, suggested conditions of probation, and sentencing frameworks are all examples of practitioners' range of choices when acting on a domestic violence–related case. The Blueprint promotes the approach that the more elevated the pattern of abuse, the more elevated the response by the system. This is not necessarily to say that more punishment is more justice. We know that faster and more certain responses often offer more deterrence than delayed, harsh responses and can be superior risk management actions.

Each community will determine which practitioner is responsible for the HDVS. For the sake of simplicity, the following instructions assume that the PSI writer—the supervising probation officer—authors the summary, maintains and updates its information as circumstances change and shares the document with subsequent practitioners. In some communities this role may be undertaken by, for example, a practitioner whose function it is to track and maintain offender information as part of a CCR.

Preparing the Presentence Investigation (PSI)

The presentence investigation (PSI) report writer provides the foundation for the HDVS. The PSI should paint the most complete picture possible of the history and level of abuse used by the defendant toward the current or other intimate partners. From the PSI, the writer then moves all non-confidential information related to the context and severity of the violence to the HDVS and makes it available to all future practitioners who might intervene with the offender.

1. Under the PSI section on aggravating and mitigating circumstances, summarize all non-confidential information that (a) reliably indicates the presence of specific acts of violence, aggression, intimidation, or coercion by the offender toward any intimate partner or (b) indicates the presence of conditions proven to be indicators of escalating or continuing violence.
2. Entries should:
 - a. Be chronological
 - b. Indicate the source of the information
 - c. Indicate any concerns about the reliability of the information
3. Note and summarize any factors listed in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases* that are relevant to the case.
4. Use the following sources of information:
 - a. CAD reports (dispatch records) referencing the offender
 - b. Local police and sheriff reports involving the offender and any domestic violence–related offenses.
NOTE: Where a pattern of abuse appears to be present, this includes reports related to criminal damage to property, trespass or other charges that are not labeled as domestic violence–related, but may be associated with a pattern of ongoing abuse.
 - c. Information from follow-up investigations on the current and past incidents of domestic violence–related offenses
 - d. Criminal records
 - e. Past PSIs
 - f. Jail phone recordings of calls involving acts of intimidation or coercion
 - g. Police reports associated with charges or convictions from other communities

- i. Police arrest or gone-on-arrival reports from other communities where domestic violence–related charges were dismissed.
 - ii. NOTE: Investigators or PSI writers may not routinely gather police reports from other communities, particularly in cases that did not result in an arrest or conviction. In high risk cases, however, such reports should be sought and used to better position the court and probation to hold an offender accountable or to manage risk.
- h. Protection order and harassment order affidavits filed by persons stating that they are the victims of abuse or harassment by the offender
5. Pay attention to and note any specific mitigating circumstances, including:
 - a. Defendant who has been the victim of ongoing abuse by the person who is now the victim in the case
 - b. Defendant who has a mental health or physical condition that might underlie the use of violence
 - c. Credible information to suggest that the defendant is not using coercion, intimidation, or aggression in a patterned way against this or past intimate partners

Creating the HDVS

1. Transfer the non-confidential aggravating and mitigating circumstances section of the PSI to the HDVS template (see sample and blank template below).
2. All information indicative of risk should be included in the HDVS.
3. The following information should not be documented in the HDVS:
 - a. Information which has been found to be untrue or unreliable by any court
 - b. Recanted statements unless there is a high likelihood that the recantation was the result of duress or fear
 - c. Information which is incredible on its face
4. Put the completed HDVS on the designated controlled-access Department of Probation web site. Practitioners having access to the HDVS via the secure site, include:
 - a. 911 data channel records
 - b. Bail evaluators
 - c. Prosecutors
 - d. Defense attorneys
 - e. Police investigators
 - f. Probation PSI writers
 - g. Supervising probation officers
 - h. Victim-witness advocates
 - i. Community-based groups such as rehabilitation services or victim advocacy programs working under a written memorandum of understanding

Updating the HDVS

Updating the HDVS is the responsibility of the supervising probation officer assigned to the offender. Any practitioner who has a subsequent contact with the offender that results in information indicating renewed acts of intimidation, coercion, aggression, or violence will notify the supervising probation officer.

Sample History of Domestic Violence Summary (HDVS)

Offender: John Smith (D.O.B. 1-1-81)							
Prior Incidents from Police Reports (including violent offenses against any victim and any offense against victim of prior domestic violence)							
Date	Violence and Related Acts of Abuse	Risk Indicators (from Practitioner's Guide)	Victim	Incident CN# (jurisdiction if not local)	Court File # (jurisdiction if not local)	Charges	Disposition
4-01-08	Slashed tires on car and waited outside work place	Possible stalking behavior	T.R. (1-17-82)		62T708602866	VDANCO CDTP	PG CDTP, 1 yr prob, DV Treatment
6-8-09	Restrained/headlock, spit in her face, restraint left bruises	Failure of prior interventions to affect offender	T.R. (1-17-82)	09-115507	62CR0916355	VOOP-GM Harassment-GM	Dismissed as part of plea agreement, 11-1-09 incident
11-01-09	Stopped for erratic driving, in car with T.R.	Noncompliance with PT release condition	T.R. (1-17-82)	09-233591	62CR0916744	VDANCO-GM	PG: 2 yrs prob, serve 5, NCO signed, \$100 fine



Order for Protection/Harassment Restraining Order Affidavits and Orders							
Date	Violence and Related Acts of Abuse	Conditions Indicating Risk	Victim	Type of Order	Court File # (jurisdiction if not local)	Effective Dates	Disposition
6-07-09	See 6-8-09 above plus headlock involved squeezing neck; angry about any contact with other males; monitors phone calls; demands accounting of where she has been if leaves the house	Extreme jealousy; obsessive control	T.R. (1-17-82)	OFP	62DAFA09633	06-8-09 to date	Granted

Violations of Supervision (supervision resulting from DV-related offense)						
Date	Violation	Risk Indicators (from Practitioner's Guide)	Victim	Incident CN# (jurisdiction if not local)	Court File # (jurisdiction if not local)	Disposition
12-5-08	Failure to complete treatment				62T708602866	Admit, served 10 days and discharged





Other Incidents/Information				
Date	Violence and Related Acts of Abuse	Conditions Indicating Risk	Victim	Source (include CN# or Court File# and jurisdiction if not local)
11-20-05	Grabbed, hit, slapped her with a board GOA, no police report	GOA	T.R. (1-17-82)	911 report of call from T.R.

Prior Domestic Violence Treatment			
Date	Program	Length	Completion?
09-10-08	Wilder DV Treatment	12 weeks	Failed to complete, discharged for non-attendance after completing 1 session

