

Part 2: The Official Record of Violence: Strategies for Case File Review

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August 4, 2015*

Hello, everybody and welcome to this webinar on institutional analysis presented by Praxis international in partnership with the office on violence against women. Today's webinar is the second installment of a three-part series on the domestic violence best practice assessment guide. Our first webinar, in case you missed it, aired on July 7. And was an introduction to domestic violence best practice assessment guides. A recording of that webinar is on our website. If you would like to listen to it again. Today's topic is the official record of violence, strategies for case file review. My name is Olga Trujillo. I'm a Senior training specialist here at Praxis International. We have a few others on our call today. We have other Praxis staff. Maron woods, Liz will manage the technical details. Before we get going I will pass this to her to go over some important participation tips.

Thanks, Olga. Hi, everybody. So I want to first let you know that I'm going to be on speakerphone today. My [Indiscernible -- low volume] doing this webinar in a shared space. And so normally we try to make sure everybody is on a telephone individually, but we will do it by speakerphone today. I hope the sound is not problematic for you all. I also want to let you know that we posted three supplemental resources for the session today on the institutional analysis, technical assistance webpage of our website. Under the session listing, you will find those three supplements in addition to the PowerPoint presentation. So if you have an opportunity in the next half an hour, 40 minutes, to access those resources and have them either minimize on your desktop or perhaps print them out, it will be helpful to you at a point that we discussed them in the presentation. Other than that, a couple of brief webinar tips. The phone lines are muted as usual. Phone and voice. So in order for you to contribute, if you are [Indiscernible -- background noise] the best way to contribute to the webinar will be through e-mail. So send your comments or questions to Maren at Praxis International. Maren@praxisinternational.org. If you have any technology issues or questions, of course feel free to e-mail her at any point. For the rest of you who are participating in the webinar itself, we recommend that you utilize the chat liberally at any point throughout our session. We love to get your comments and questions. We will keep an eye on that chat. So feel free to utilize that opportunity, to share your comments and thinking with the whole group. If you happen to have an issue that you would like to address privately, a question or comment with one of our speakers today, you will notice there is a great tab that says private in the lower left-hand portion of your screen. When you open that tab, you will see a list of our presenters. Double-clicking on one of those individuals will open an individual feed with you and that person. So that's available as well. If you happen to get disconnected through either the Internet, webinar, telephone, simply rejoin through your original process. And this session will be recorded, like all of our sessions. So if you would like to revisit any portion of it or share it with one of your colleagues, know that by next week, it will be posted to the audio archive page of the institutional analysis technical assistance webpages of Praxis' website. So that seemed like a lot of talking today.

[Laughter]

Thanks a lot, Liz. I'll get us started. A goal of many grantees as you all know is to change institutional practices that give rise to poor outcomes for survivors of violence against women. The domestic violence best practice assessment is a tool that's been developed by Praxis International to assist communities to do just that. It enables you to examine your communities' responses to domestic violence from 911 to patrol to investigation and on through charging decisions. Today's webinar will examine the text analysis aspect of this tool. I have to say I'm a little bit of a geek. I love text analysis. And we're really fortunate to have with us today two presenters to share their expertise and experience with text analysis. That is Rhonda Martinson and Casey McGehee. So you should have an e-mail reminder about today's webinar. The PowerPoint handouts and the link to the video on the Praxis website, if you haven't had a chance to review, you may want to, after our webinar today. It's a great introduction to the DV BPA and it is only 16 minutes long. For those of you who are new to the tool, the best practice assessment guide has been designed to assist emergency communications, 911, police patrol services, investigations, prosecution charging decisions. It draws on the accumulated experience of many communities, particularly those that have completed a safety and accountability audit or the safety audit as we have referred to it. I want to say there's been about 50 of them that have been done since 1995. Both 911 and patrol responses. It reflects an analysis of criminal justice system reforms related to domestic violence. And sometimes the unintended negative consequences of those reforms. It distills that information into specific guidelines for practice in the crucial first steps in the criminal justice system's response to domestic violence-related crimes. So it is 911 calls and the on the scene patrol response. This assessment guide is built around best practices that reinforce the central characteristics of intervention to domestic violence that maximizes safety for victims. It holds centers accountable while offering opportunities to change. And set an expectation of agency and practitioner accountability to one another and to victims and offenders. These characteristics, which come from the blueprint for safety, including one, to adhere to an interagency approach and collective intervention goals; 2 build attention to the context and severity of abuse into each intervention; three, to recognize that most domestic violence is a pattern to crime, requiring continuing engagement with victims and offenders; four, to ensure sure and swift consequences for continued absence -- abuse; five, use the power of the criminal justice system to send messages of help and accountability; six, act in ways that reduce unintended consequences and the disparity of impact on victims and offenders. The core practices focuses on ways to structure 911, law enforcement and prosecution response to best enhance safety for victims and strengthen offender accountability. A small interagency team meets several times over a period of months to conduct the assessment. The activities include mapping the steps involved, processing domestic violence cases, analyzing 911 calls, law enforcement patrol, and investigative reports and prosecution files. Also involves analyzing agency policies, specific to domestic violence, and finally, developing findings and recommendations. A local coordinator will organize and facilitate the team meetings and assemble the necessary documents and related information. So today, we're going to explore the text analysis aspect of the BPA guides. To help us do that, we have two presenters as I mentioned. Rhonda Martinson, a consultant on coordinating and assessing the criminal justice response to domestic violence, she is a trainer on responding to investigating, and prosecuting domestic violence. And she has written or edited articles and training materials specifically focusing on the criminal justice system. She has worked as an attorney advisor at the courthouse, the prosecutor's resource on violence against women at the battered women's justice project and has been an experienced CL the attorney, prosecutor and a 911 call takers and jail officer. We've worked with Rhonda for

many years. Thanks for joining us, Rhonda. We also have Casey McGehee, who has worked for Praxis for 11 years, providing technical assistance to communities who were conducting institutional analysis projects, examining their collective response to domestic violence and sexual violence with interdisciplinary teams, since then she continues to consult with communities, undertaking a projects, primarily through guidance and support of their text analysis.

Hi, everybody.

If you are in the middle of a DV BPA, considering conducting one or new to the guide, this is your chance to learn more about text analysis. If you are a geek like me, you will be thrilled with the opportunity. These are two of the most knowledgeable people in the country. So please feel free to chat your questions. They will come up as we're listening and we'll also take breaks to ask questions as well. All right. Let's get started. So Rhonda, when we talk about text or case files, what specifically are we talking about?

Thanks, Olga. This is Rhonda Martinson. Hello, everyone. Sometimes I think the word text analysis is a little scary or unfamiliar to people. Really, what we're talking about is simply a close, careful reading of things like forms, reports, case files, policies, training curriculum. That's when I think people often overlook. What's written materials people received for training. Or any other printed or visual materials, even things like computer screens or data fields that we use to fill out forms. Those are often things that people are looking at individual or printed form. Computer screen every day. We can look at those and analyze to get those together as a group. We do that in order to understand how people that work in the criminal justice system or police officers or prosecutors or probation officers, how is it that they carry information to and from the courthouse, to and from the squad car, to and from the computer screens and desks they work at every day? How does that information stand in Fredericton's experience? Because that's what becomes the official version. If you can envision the officer or prosecutor or probation officer, isn't going to court for example, with the victim in tow. Holding the victim's hand, actually dragging that person along with them. They are using a piece of paper, a report, a case file to stand in for that 15's experience, to take the next step in intervention, to make the next decision, to establish the next set of criteria. So looking at this text we produce, this file we produce, is very important. Again, sometimes I think the word text analysis might be a little bit scary to people but we are simply talking about a careful reading of these things. We do that at multiple points in the system. Case file sounds like we're done now. Now we can look at it. Yes, we often do look at text at that point but there are many other places you could look at as well. For example, a larger prosecutors offices, they often have a division assigned to just to charging. Maybe you are looking at a document that transfers a case from uncharged to charged. I've been involved in several projects where instead of looking at closed files, we looked at cases that were dismissed, that didn't make it past the charging stage. And looked at the documentation and screening that took place around that particular type of decision. So again, although we are often looking at closed cases, there are many other places that you can look at text and analyze those points in our system through the analysis of text. Last but not least, we do this to understand how it is that agencies or entire institutions such as the criminal justice system organize the people that work there, how it is they organize the transfer of information and how it is that someone's lived experience becomes an official account that is captured on a paper form, a document,

database or a file. One of the things that I think is really helpful to think about this process of analyzing text or case files or reports, in case you would be going to the reason for doing this in just a moment, I think it's helpful for us to think of this text form, this file as an actor itself. In other words, all of us are operating under some system of rules. We're operating under a packet of forms that we are asked to use to do our work. We're also operating under a series of policies or protocols that guide us every day. And many of us that are in professions such as lawyers or police officers are required to get continuing education every year. Also operating under training. If you were to go to a prosecutor's office right now, you would probably see notebooks, books, booklets, pamphlets, computer disks that were obtained from training that the prosecutor uses every day in his or her work. So those things actually become, you might say, a coworker. I remember talking to someone during an assessment process about the existence of such a thing as a field training officer's. I was working on a law enforcement project and the person held up a form, a blank form that he used in work every day. He said this is my field training officer. I have handed forms to you when I started new job. That's what I'm supposed to train myself with. So as we proceed to the discussion today, I think it's very helpful to think of people working in the criminal justice system, especially with the advent of technology, mobile data terminals for police officers, a take to court laptop system for prosecutors, I've been working with a community that just last year received a grant where they were given prosecutors -- prosecutors were given the technology cart where everything you might need to take to court, your laptop, your hard drive, blank discs, all those things were available. And you could just take it to court with you on a cart. So those are the kinds of things that are becoming today's criminal justice professional's coworker. So thinking of paper as that dry dusty thing at the corner of our desk is a bit outdated. They really are an actor in our system, almost, I hate to say equal to put at least partially similar to what a person would be. And a couple more comments before we turn it over to Casey is finding text is just as easy as what you look at every day. You're going to find it through how cases are processed, you're going to find it through your daily observations. If you are someone that frequently works in the criminal justice system, you will see in court for example that perhaps the bailiffs are filling out forms as to who enters court, what witnesses are present, and I had an interesting experience of a police officer doing a best practice assessment who said he learned more from watching court appearances and how people are checked in and out of court than he had ever learned before about witness intimidation. Saying that he learned how people became discouraged from entering the courtroom, the kinds of things that people said in answer to these questions, sometimes overheard by other people in the courtroom and so on. Even something as simple as a very simple check-in process, provided a place where people decided they were going to look for information, look for text. Similarly, you'll find from talking to people as I did through the person that I said held up a form and said, this is my field training officer, you can bet I looked at that form. I didn't know about it for talking to them. Interviewing people that do the work is very important. Finding things you might analyze. Last but not least, looking at blank forms, again the example I just gave about that person using forms as a means of being trained, and case files. Prosecutors I think are a wonderful place to find this case file approach as opposed to a single report, because there, you find an individual in the criminal justice system that has a very unique role. They are not making a report like a police officer or probation officer. They are the recipient of other people's reports, other people's investigative products, upon which they then have to make a decision. And so if you think a prosecutor doesn't produce anything, why should I look at their case file? That's be

collecting point of many other people's text upon which one person would have to make a decision. Again, a very important kind of text to look at is this collection of text or case file.

Great. Thanks a lot, Rhonda. Casey, why is text analysis so important? Rhonda just raised a few things but what else makes it important?

Well, I subtitled this the important of the written word to your credit clients because I think intuitively a lot of us understand the importance of text to bureaucratic life. Like Rhonda said, you don't want to say this is an -- as important as practitioners but in a way it's got its own special role. Text analysis is a loose collection of tools and techniques. It's its own animal because of the importance of the written word to bureaucracy. Text is the main way that practitioners communicate with each other, both within institutions and between institutions. Like Rhonda gave this example of a woman with a four-month outlining her shape, it's a very good illustration of how when the report is written, it goes on to -- sorry -- I went too far -- there we go -- somebody is messing with the slideshow -- when a report is written, it goes into scan for the messy lives of people. By reports, we mean the free-flowing narratives that are produced by practitioners. Like retarded 911 calls, the reports used in custody cases, affidavits for orders of protection and PSI's, you all know in the criminal justice system if it's written down, it didn't happen and [Indiscernible] if there are any police officers on the line. I know you're told this by your supervisor over and over. If it's not written down, it didn't happen. The things that we write down about a case like case notes, they take on a life of their own and going to stand in for a person with their messy lives. By text, we also mean the forms that guide our hands on work. The templates, basically that tell us what's important and what's irrelevant to what the institution is about to do. So for example, I'm thinking of the command prompted report writing formats in patrol cars. If any of you have done ride a long, more and more these days are filling out the report in your car and the prompt takes you through each line and tells you what's important. It takes screening forms used by crisis call takers. Parenting skills, checklists used by child protective services workers, if any of you have ever done in take into a shelter, you know after a while, by nature of efficiency of work, the form begins being implanted in your head. And you know longer need to transform in front of you. It is still deciding what you ask somebody, guiding what you are asking about and more importantly what you are not asking about. It's what the institution think is important about your job and about the person in front of you. Form has guided and changed the relationship you would have with a random person walking into your office, into something very structured. Forms give us a lot of insight in that way. Lastly, policies, I think about it loosely, but by policies, I mean the things that guide our work in the biggest terms. Job descriptions and mission statements and curricula, case law, legislation, that kind of thing. Big picture stuff. The power and control we'll is a text for example, and if you've ever had a long conversation with a group facilitator, and I used to be in this category, you can tell how the power and control we'll guides their understanding of relationships end of the world. So along with the curriculum, it guides him I think about relationships and when I used to talk with men in group, I would listen to everything they said with that template in mind. That's isolation or that economic abuse. Again, it guides our thinking. So but it's also I want to encourage you all to think really big. I wanted to give another quick example. In Minnesota and like in many other states, when you read police reports about sexual assault, you'll notice the report focused heavily on establishing the victim's credibility. This is not going to sound foreign to anybody who has done working on sexual assault response as criminal justice. So the police reports focused on is

your story consistent? Is it complete? What do her friends think request does she sleep around? Did she fight back? Did she call for help and did she tell the police right away? This is the nature of a police report and how it focuses on the victim. I know I'm simplifying this, so forgive me for simplifying. For the purposes of illustration, if these things don't line up, oftentimes the cases don't move forward. But if you get behind what seems like the police don't care about sexual assault or the police needs to start believing victims more, you'll find the DA's office okay -- won't take cases -- as a police officer there's no incentive to spend resources on cases that are nonstarters. If you go further behind the DA's informal policy, you'll find going back to Minnesota, since 1982, case law had prohibited the introduction of any information about sexual assault dynamics during trial. In other words, DAs had lost case after case in which juries felt the women didn't act like quote, real rape victims. They wanted her to be physically injured, assaulted by a stranger, fight back vigorously and report whole thing to the police right away, when in fact statistically we all know in fact just the opposite is usually how it goes. During this time, 1982-2011, this information was admissible during trial, prosecutors had to be creative and to all this myth busting during jury selection, which is awkward at best. Basically turning away all the cases they knew they didn't have a chance of winning. In 2011, the Minnesota Supreme Court after a bunch of pressure reversed the court's decision about what is admissible and now we're back in business. Going back to the initial police report, if you are looking at a police report and response to sexual assault, was really big about what's guiding the work, not just of the form itself, and not just how the officers have been organized to think but who is accountable, how even larger pieces of text are influencing an entire criminal justice response to something.

Okay. So then I knew covered a little bit of this, but what kinds of text would you suggest? If a team is taking a look at -- if they are doing assessment on 911 and patrol, what kinds of text should they be gathering and reviewing?

Okay. That's a really good question. I put up here, I'm assuming most of you know -- I wanted to get feedback from you all and brainstorm with you, since we've given a lot of examples. If you look through these, let's say you're doing an assessment of these three roles, 911 through patrol, and you've got three practitioners in front of you, we're simplifying it for the purposes of the webinar, 911 call taker and they do these two things here on the PowerPoint in front of you. Dispatcher that does these three things and a patrol officer that does these four things. Give me examples of the text that they use that you would find interesting in a best practice assessment. And go ahead and type them right into the chat box. Any ideas at all?

Seems like our people are thinking.

I'll give people a second to respond.

I can think of quite a few -- I kind of get stuck when I think about some of the forms. I wonder if folks are --

So for example, with 911 it would be really interesting to know how they code domestic and not. Domestic are the focus of our analysis. Maren is suggesting scripts for 911 call takers. Very good. That's an example of a form because 911 call takers are triage workers and screeners. They

want to be able to categorize something right away and they want to know, for example what type of emergency response to need? Secondly, how urgent is this? They need to communicate that to responding officers.

So you've got policies that 911 reviews for determining how urgent things are. I think normally it is urgency one, two, three. They often use guides or cards or checklists like Maren was saying. Sometimes people involved, witnesses environmental destruction, initial wording of call, information about past complaints, yes. Sound like somebody knows 911 work really well. Initial reports, perfect. So to Karen's point, that looks like that something you'd be wondering whether or not 911 is taking down that information. What's on their form? What are they being organized to ask about? It's a balancing act between the time they spent on the call and behind -- of the volume of call and getting the best, most focused information they possibly can. They spent a lot of time really, really crafting careful lists for their staff. Melanie, very good. Initial reports, sounds like my guess is you are probably talking about patrol officers and the reports be complete. It would be interesting not only to look at the reports they write, like their narrative, but then also the reports they are prompted to fill in. I mean on their computer thing in the car. Any other thoughts? Reports that go to the DA. Every good. What information does the DA have in front of them when they are deciding whether or not to charge of the case? Great examples, you all. So this is great. You would look at legislation having to do with domestic violence in your state, your jurisdiction. What classifies a misdemeanor and felony, what are people's job descriptions? You have separate investigators from patrol officers? How do they decide who's going to do what? All this stuff is fair game because all of it organizes your response to domestic violence. You want to be able to have access to all that information when you are doing an assessment. Moreover looking at things from the framework allows you to really step back from pointing fingers and saying it's because our community does a poor job because patrol officer A doesn't care or we've got a bad judge or whatever. This really allows you to look at the system like from the inside out and from a structural lens. And change it in a way that tends to not get people's back up quite as much, honestly.

Great. Okay. Thanks a lot, Casey. So Rhonda, what kinds of text should we be gathering if we're looking at investigations through the charging stage?

Casey alluded to some examples. But some ones that I think would apply particularly to that post arrest, post information gathering at arrest stage and two supplemental investigation and charging would be statutes having to do with crimes and abuser can be charged with -- an example of why this might be important so you can think more clearly of what is you'd be collecting is I remember when I was still prosecuting, I was involved in a discussion group with other lawyers about -- how shall I put it -- if we could do anything legislatively with the current inclusion of consent in some of the statutes that had to do with domestic violence. For example where some of you may come from states that have an assault statute where you might have subsections of elements of things like putting someone in fear, fear, threatening, intimidating, that might be a type of assault in your state. In Wisconsin, I was operating under a battery -- in other words, intentionally causing bodily harm to someone without that person's consent. And so those are the elements that the prosecutor has to look at to see the police report. These are the things the police officer has to document. When we were looking at this group and

police reports for my state, you would see things like, and John split Mary's live without her consent.

[Laughter]

John broke Mary's nose without her consent. Some of the other people in my group thought the officers were being smart guys, basically, putting that in the police report. I said they have too. Then we read the statute together and it's like, I didn't realize that was something the officer actually had to document. So it's almost kind of a funny example, but you can see why you really can't sit around and read police reports together case files together and then make comments on victim safety and offender accountability without knowing the statutory guidance that investigators and prosecutors are required to go by. So that's just a quick example of -- it paints a picture of the fact you would need to collect stats with some sort of site but. You would have it available to you in your group as you are actually looking at cases together. You would also want to look at policies. Prosecutors often have different policies with -- then police departments. If you envision your stereotypical vision of police policy, if you printed it all out, it would look like the 25-inch three ring notebook that we have a vision of very comprehensive policy and very few prosecutors have policies like that. Some don't have policies written down. Some have what I would call more brief guideposts as to decision-making as opposed to extraordinarily specific step-by-step policies that police do. So one of the things you want to look at and locate is those sorts of policy guidance, even if it's not something extensive or stereotypically what you envision as what a policy looks like, it may actually be acting and operating as policy for that particular prosecutor's office. Something important for you to have a your elbow as you are looking at files together so that you can refer to it. Forms, we've already talked about why those would be important to look at and have available. The platforms, point data fields, blank computer screens printed out that people are using every day. Any sort of tools, we all use checklists, everybody wants a checklist, a laminated reminder card of things you have at your desk that you used to do interviews with people. People use these checklists or laminated cards to do risk assessment nowadays. So those kinds of things that are also being used by people to document, to make decisions, are things you want to have available to you to look at as you are looking at files and text. So then again as it relates to investigation and charging, what kinds of things might we actually analyze? As I said before, case files. They are a collection point for all the decision-making things a prosecutor needs. So you're going to find police reports, dispatch recordings, dispatch transcripts. You're going to find photographs of injuries and the way the scene looked and other sorts of evidentiary photographs. Other evidence able to be put in a file may also appear there. Medical records for example. Paper records that are productive of some element of the crime such as financial records for example. Maybe phone records if you're dealing with social media or telephone intimidation of witnesses, witnesses, of victims, threats and so on. Phone records, pictures of [Indiscernible] important and are likely to be found in a prosecutor's file. Supplements or things to ask about and look for, I have found in doing this sort of best practice assessment of investigation and prosecution that sometimes supplementary investigation, supplementary statements are placed in different places. For example if I were to expect to find the police report at a particular place and a police officer agency database, it may be they put supplemental information in a different place. I've also found that in some prosecutors offices, the advocate who is attached to the office, sometimes has a separate file on a case. In other words you might go to a prosecutor's office and find State versus John Smith, there's a

prosecutors file and also an advocacy file about her contact with victims, the information she shared with victims in a separate place. Again, when you think about looking at trials, think also about are the supplements stored in different places and should we look at those things? Charging documents, might be in different places. Things like complaints are indictments may be at the clerk's office and not in the prosecutors file. You might like to look at those to see how it is the prosecutor actually articulates a charging decision. Last but not least, some of us work in jurisdictions where misdemeanor Phyllis -- felony prosecution is separated. I come from Wisconsin where there's a district attorney system and we did everything. All those kinds of prosecutions were in one office, but now I live in Minnesota where there is a city attorney's office that does misdemeanor prosecution. And they are the felony prosecution office. If you wish for example as a [Indiscernible] upon receiving supplemental investigation, to make the decision, oh, I don't think this is a misdemeanor anymore. I think we may now have a felony prosecution, you have to go through some process to transfer that prosecution from misdemeanor offices to felony offices. So again, another valuable text to look at in prosecution.

Great. Has allowed, Rhonda. I know that we have a question -- thanks a lot, Rhonda. Maren, can you give us that question?

Sure thing. The question is in response to Crawford decision-making. And charges and pre-trial -- pretrial release recommendations. In particular in the community, they've been seeing fewer referrals. She was wondering if Crawford case law might be causing that to happen. I know this is a question that's a little off-topic about the assessment. What I responded to her with just so you know, suggesting this is exactly what engaging in -- to shed some light upon, figuring out why that might be happening. Is it being influenced by case law or something else that's happening for wide referrals -- wide referrals might be dropping?

I've got a short answer to this but I'd like to -- a more helpful answer might be longer. I'm happy to engage with this person after the webinar. This is a question I've received a lot in training. So I get where she's coming from. The short version is, as all of us on this call, I assume are familiar with the term victimless prosecution, evidence-based prosecution and so on, I actually began prosecuting during that era. So I think a lot of us got spoiled by the fact we were able to use hearsay statements if the victim did not appear or if the victim appeared and did not testify. And we had this concept of victimless based products -- prosecution based on using a statement that the responding officer overheard her say as well as 911 reporting and photographs of injuries. The Crawford decision changed that somewhat. By basically requiring us to take a closer look at what is quote-unquote testimonial or not. Basically that is statements that could be perceived as in preparation for a testimony. And so long storing for -- long story for another training, but that decision has had many other decisions, after which have pointed out it's not a horrendous decision for prosecutors as it once was thought. There are many ways to getting that information. So what you have is people hanging their hat on Crawford. And I think not having the advantage of perhaps some post Crawford training, post Crawford legal analysis that points out the fact that there's a lot of limitations on Crawford and there are so many ways to utilize that sort of hearsay statement. Unfortunately, it's been a training gap that has been slow to catch up for the prosecutor, they may have gotten a little up to speed, that interim ripple effect that rippled out to discouraging police officers and probation officers from making certain decisions because cases weren't being proceeded a certain way anymore, I think has been a problem. What you're talking

about is a very common source of complaint and trainings like this. It does have an answer. It is workable. It's not as bad as what it once was taught in the early 2000s. I think it's a matter of bringing people up to speed on what the new strategy and new information is.

Great. Thanks, Rhonda. Let me -- we were going to talk about challenges. I'll say with all the communities I've worked with around this, the issue of confidentiality, privilege, data privacy, these things always come up, permissions, if they are trying to access a database, information sharing agreements, those kinds of issues will come up, sometimes shut down investigations a lot of times. It's just a misinterpretation of some of the law. I'm wondering, Rhonda, with all the folks you've worked with around the country, how you guys have overcome some of these challenges.

I think the important thing is to get buy-in in the first instance. Again, I don't want to sound dismissive of people on the interpretation of their own privacy and data concerns, but often times, people are responding to you because quote-unquote it's the way we've always done things. Or quote-unquote we've never released those documents before. And it's really based on simply having done something a certain way all the time. And not necessarily an actual accurate reading of the law as it relates to data. And so it doesn't really do any good to get too far in the weeds about interpreting statutes and going to get a lawyer and creating a memorandum of opinion on how that statute doesn't apply to best practice assessment. People have tried to do things like that. You know what? If someone has their heels dug in or is fearful of this process, they will simply find another part of the statute that does apply. So I would say before worrying about the interpretation of law too much, it's better to get the person's buy-in on doing a project like this in the first instance. If you are thinking about looking at prosecution files together, is building a relationship with that person that you need permission to get a project like that going? I assume that would be the elected DA. That way, if there is a privilege problem, data privacy problem, permissions problem, if the person has bought into doing the process, you will find a way around it. So what I have done and those situations -- you are starting from a positive relationship with this agency, is to brainstorm about ways to review files in a way that doesn't make that person feel violated of data privacy. We've done things like the person has discovered that only people of a certain profession such as lawyers or police officers have access to this particular document. Then use a subcommittee of your team that is that profession. For example, I'm running into that situation where only prosecutors or probation officers were allowed to view a particular type of criminal justice information. We just formed a smaller subcommittee of our group that was prosecutors and was probation officers and those people are committed to review files and report back without revealing confidential information to the rest of the group. Sometimes the objection is not necessarily to looking at the files but making photocopies. You can look at this but we can't make photocopies. Develop a good note taking system and read files on site. Don't make the person get into a battle with you about making 500 pages of photocopies. You can -- it's a little more time intensive. People are going to have to find a place for you to sit that doesn't disturb other workers, but you can read files on site, that you need to get access to. Another thing we've done is in a couple of communities, there has been definition of these files being releasable for research or investigative or data collection or data review purposes. But not to others. And so we were able to label ourselves through a type of work contract as a research team or a data collection team. And then once they were able to identify that these six people are doing local research or local data review, those six people have

permission to review these files for the next six months for review purposes, that was fine. In other instances, the Sheriff's Department policy was, once the document left their office, it was no longer their record. It belonged to the prosecutor's office. The prosecutor in turn was uncomfortable giving permission to look at files that contained other people's documents, such as sheriff's department. So they solved that gray area by simply creating a court order. They described the project and asked the judge to order it as an appropriate viewing of use file for this particular group. So I could go on, but you get the idea. It's often more a matter of getting buy-in first, making sure the person is willing to do their project, and then finding your way around any data privacy issues.

Thanks a lot. You've got to be really creative in those communities to be able to access the files. And really, once you get started and people realize nothing that is going to happen, then I think from that point it's rolling downhill. So let me check in with both of you. So we've got in the DVB PA, we have all kinds of forms and guidance. I'll start with Casey. How might communities use these for reviewing text?

Right. I'll speak specifically how a team might get together and review case records. I think Rhonda is going to speak to this later too. In your guide, you've got some three different approaches filled out for you. Just so you know in case you haven't looked through it, like Olga said, there a checklist that contain best practices that a bunch of people got together and said we think this is the best practice for 911 calls, best practice for patrol reports, you can pull those checklist out and compare them up against your patrol reports and 911 calls and come up with a pretty meaningful assessment of how your community is doing if you agree with the checklists, which of course you can amend if you want to. But I think the foundation of -- if you get an interagency team together, you've got this buy-in that Rhonda beautifully described. You sit down and I think depending upon the personality of the group, how much time you have and what everybody's appetite for case right -- case file review is, there are three ways of going about it. You have 10 people on your committee and you've got 20 police reports to read. You could either do something -- you have your team decide this in advance. Every single team member reviews every single police report. And compare it against a checklist which is the most time-consuming but also of course the most thorough form of analysis. And also the one where everybody is almost guaranteed to arrive at the same conclusion at the same time. Everybody is doing the analysis together. It is very realtime. We're all going there together and the conclusions and recommendations at the end are going to be hours. Another option if you don't have that much time is you can have each team member be responsible for reviewing all 20 files with only an eye to one or two things. For example if you had everybody reviewing 20 911 calls you could have one person assigned how well does the color determine the type of danger in the call? Specific recommendation or findings about that. Lastly, an option again if you don't have as much time is you can have each team member take two or three reports with there being some overlap. They become experts in those reports or experts in those 911 calls. Everybody gets together and compare his. You're not going to end up with quite the level of overlap and group process as you did for the first option, but it's may be more doable if everybody is incredibly pressed for time and you basically have to let them all go shortly. The other thing that we wanted to say and I know Rhonda also planned to touch on this a bit, but despite the fact there are checklists, I wanted to encourage everybody to approach case file review starting out just reading it as a person. I know that sounds kind of silly, but when you get a team of people together, I

would suggest blindly reading through a couple of reports and seeing what your gut is telling you about what's going on. Can you tell whether or not the person is in danger? Can you tell who is doing what? Are there any red flags that jump out to you? I didn't know this is what we did in cases where the victim was an undocumented person. You review it from what my noticing about this? That's a much more -- it casts a broad Burnett but ends up bringing up very interesting questions your team may want to look at it. Your checklist will not have on it. Your checklist is best practices around the country but it may not be things that are very specific for your community that are like, I didn't know we could [Indiscernible]. So then delve into it with checklist next to you. It allows you to bring in your intuition and what's going on for victims in your community. Bring that important personal aspect to the analysis before you get into the business end of the checklist.

Thanks, Casey. I have totally heard Rhonda, you say that at different trainings I've been at in terms of what you're looking at text. That's been one of the ways you want to try to take a look at it. I know you have a lot for us to consider and how we use the DV best practice assessments. So when reviewing text, so take it away, Rhonda.

Okay. I wholeheartedly agree with Casey. Take a breath and read a little bit first. Don't get all nerved up and anxious and stressed out about thinking I've got to have the instrument and a 90 page checklist to do this. Realize that you and your team are local criminal justice experts of your system. And you are the perfect person to read these files and design a way of looking at them. So I thought it would be fun and interesting to do a little bit of that ourselves on this call. If our group is modest in size, I think it should be pretty easy for people to look at these points quickly and these little policy excerpts I have here. And take a spin at chatting in your observations into the chat box. So earlier, I said -- I mentioned a concept of a site to book where we are reviewing case files, but we are also to an extent reviewing other things like policy and statutes to have at our elbow, to get a sense of the parameters under which criminal justice workers are working. One of the things you would have in your site book is your policy. So your team can review it, can refer to it as the policy of the agency whose files are you -- you are reviewing. You do that because you get a sense of that agency's principles and philosophies. What they're operating under. The criteria and procedures. Again they are operating under. And any monitoring or compliance built into their policy. In other words, how are practitioners monitored for carrying out this policy? How is compliance assured? Any moment, we're going to look at an excerpt of a policy. Here are some examples of principled -- principles and philosophy you might find, you might not find in a domestic file -- violence prosecution policy. Prosecution policy is often nothuge, comprehensive, lengthy and as specific as the stereotypical police policy. You may have only guideposts or bullet points guiding someone's decision-making process. The things you might find are agency approach, a collective goal of some sort, a mission statement if you will. You might find attention being drawn to the context or severity of abuse. You may find a bit of a risk assessment checklist within a policy. You may find some commentary about domestic violence being a pattern crime as opposed to a single incident of drawing practitioner attention to looking for history, collecting history, things of that nature. The importance of swift and sure consequences. In other words a message of some sort about holding offenders accountable. Messages of help for victims, and reducing unintended consequences or disparity of impact. So especially in very diverse communities are very large urban communities, you might have policies that are articulating guidance, for example if you are

dealing with immigrant communities, how are you going to get victim input? How is it you're going to communicate with victims? How are you going to work with victims to achieve a sense of justice if they don't speak your language or come from the same country that you come from, where your justice system emanated from? That might be rather difficult. It may be that your community has provided guidance on that. With all that in mind, let's take a look at a snippet of policy. I'd like for you to chat in, what is it that you see or don't see here as it relates to the principles or philosophies that this prosecutor's office might be operating under? So last year, I was at -- asked to present a webinar on best practices in prosecution charging decisions. And I was asked to look for current pieces of policy, current quality news stories about prosecution policy. So I found a couple instances. What you see here is right from someone's policy. I didn't make it up. This is not 20 years old. It's something I found last year. So you can have two excerpts here, both of them are from news stories where something happened in the domestic violence case. I'm not going to say what it is because that would coach you on what to say. Basically the prosecutor was asked to talk about or provide in written form their policy on this particular issue the media was inquiring about. This one as I said, direct from a prosecutor's office, didn't make any of it up, any County District Attorney's Office has a zero-tolerance policy on domestic violence. Zero-tolerance means the District Attorney's Office will not drop cases. When factors indicative of danger are present. Those factors include but are not limited to severe injury to a victim that results in her being hospitalized, threats to kill a victim, strangulation, or a defendant with a history of many police encounters. So let's think about that for a moment. And I'm going to ask you to chat in with your rough thoughts, not anything fancy, what does this policy tell you about the principles or philosophy that this prosecutor's office is operating under? No one is saying not any attention to unintended consequences. Karen says, history can mean many things. It would be helpful to say history of domestic violence, for example. [Indiscernible] Casey is saying. That's a good point, because history to a police officer for example might be history of many crimes are in some places I've gone, the prosecutor says, history to us means convictions. We're not dealing with all these 18 or 19 arrests over the last 20 years that didn't result in anything. That's not history. Many people would disagree with that. But I think people that are noted here, how is history defined? It's not defined, is it? Anything else that people might say? Again, no expectation that you have a polished insight here. But just even what isn't here might be helpful. Crimes that don't meet those factors. Not getting attention? Yes. Good point. No one is bringing another good point up. In some places I've been, I would -- again, this is not a long time ago. This is last year. Some police officers would say if it's verbal, it's not a crime. So you would have instances of threats to kill, very loud, aggressive sounding convocations that even other people called in because they were so concerned, and police defining it as a no action taken situation because it was verbal, it's not a crime. So that sort of activity would never get to anyone else's attention. Presence of children, somebody is writing down here, excellent. Someone is saying no drop means no drop. We don't drop any domestic violence cases. Can't determine danger by the factors that were on the slide. Casey is talking about plea-bargaining. How does that we've into this zero-tolerance policy? Does that mean you don't plea-bargain? Good point. All unanswered questions by this policy, again, hand on the Bible, did not make any of this up. I took it right from the policy. I only changed the city and county name. So let's look at another one here. As I said earlier, another reason we look at policy is not only to see this philosophy or principles an agency might operate under or have as a mission statement of a sort, but we also look at what criteria do they use to make decisions? What procedures do they have in place to carry out those decisions? So you may see again, these are

some examples, not an exclusive list, but you may see procedures related to differentiating a response as opposed to treating everyone like a cookie-cutter. Decreasing reliance on memory. In other words we want you to document these things. We don't want to rely on memory. How victims use violence. Accounting or trying to document both situations in which victims have used illegal violence and have been arrested or charged. Guarding against retaliation. So I was involved in several assessments, projects, several years ago, where communities wanted to look at how they recognize victim intimidation was in their system. Did a lot of work in that area. You get the idea here. Is there a swift, timely response? Many projects have uncovered delay at different points in their system that have made things or discouraged victims from interacting with the system. So okay, with these things in mind, not an exhaustive list, let's look at sample policy segment two. Another ripped from the headlines after something happened, media inquired and this prosecutor's office said, we have a no drop policy on domestic violence. No drop means prosecutors should pursue cases for which there is strong evidence, even when victims refused to cooperate. That's their policy. So what does that tell you about things like criteria that guide a person in that office in screening cases and making decisions and procedures for carrying out those decisions? What do you think? You can also talk about what isn't there too. Not just what is there. Okay. We've got -- there we go. Mic check arrow was a little slow there for a minute. Has to be strong evidence. I think that is certainly a message there. Creates a greater burden on police. Yes. What is strong evidence? Very good. As Nolan was alluding to earlier, however it is you are defining the impact of the Crawford case makes a big difference on how you're defining the strength of your evidence. This is where your point becomes even more important, Nolan, is, if you are basing your view of evidence on an early, fearful or conservative interpretation of Crawford, yes. You're going to be the strength of evidence very differently than perhaps what some of us on this call would. Excellent point. So you see now why it would not be very helpful to simply begin reviewing files. It's really important to see what is it that that practitioner, whether it is a prosecutor or someone else you are working with that day, [Indiscernible] available to guide them? What is guiding their decision? How it is you see decisions to dismiss or negotiate please will become much more clear to you once you have reviewed things like these policy excerpts. Last but not least, policies should be indicative of how it is we monitor, how it is that we assure compliance and I'll just move quickly through this. We didn't see any of that here, did we? There wasn't any bill the end of monitoring your compliance. As Casey said, reviewing case records, I've talked about the kinds of things you might have in your site book, reviewing case records, Casey was right on. Just read. Like reading a story. Let the words wash over you. Don't try to get too into checklist. One of the things I've used -- this is why Liz was kind enough to draw your attention to some handouts being added, is a nice graphic if you've gotten a chance to download just a one-pager. Or download it from the site or print it out. Organizing and coordinating a patrol officer's work. It's a simple graphic of a police officer in the middle and all the things that guide him or her in doing the work. Very helpful in a couple projects I was on and helping us look at the police report to be produced. What directives do we have? What is he supposed to do? Who is the officer linked to? How are the resources influencing his past? All these things are often implied in the report itself. And so simply having a little graphic, fundamental picture that reminds you, it's easy for people to have next to them as they are looking at a file report. That's what this is for. That's why he's doing that. Similarly, Praxis has prepared some see -- key questions to begin reading files. Just read them. So this other one-pager we had made available to you today is called text analysis key questions. Just look at it. The questions include things like how is this used? Who is the audience for this?

How does it appear it was created? How do we think it is standardized with this particular worker? Things like that, a simple little card to have at your elbow as you're reading these are a very helpful -- not too oppressive -- oppressive. Using the graphic, having a few key questions on what the heck are we doing reading these files? And then very quickly, last comment here is now working through the second time, and paying a bit closer attention using your best practice assessment to guide best practices website. On its institutional analysis page. I wanted to share with you very quickly the third of the handouts, now available, just a one-pager, nothing scary. You can look at very quickly. It just shows you what it might be like to actually have the best practice checklist sitting next to you. And having a blank column to write notes in. Pretty easy, filing or charging [Indiscernible]. And this particular project started out by looking at 40 some cases. We just looked through them quickly to see what were these people charged with? We used best practice assessment checklist to make those notes and we were actually able to type those notes so that our best practice checklist became our report of what we did. You can see the one-page handout which is actually an excerpt from a report that Praxis has online on institutional analysis called the safety and accountability audit from Jackson County, Oregon.

Great. Actually, we're toward the end of our webinar. I'll remind folks that you can get support for conducting a domestic violence best practice assessment through VW grant solicitations through the rural grant program or grant to encourage rest. There are training and technical assistance on our website, there is a 16 minute introductory video that is really helpful. Also on July 7, we conducted an introductory webinar. The webinar was four different communities talking about their experience with doing these assessments. And then talking about what they found and how they found it. If you're interested at all, you can listen to that again. I think it was put in your chat, the link was put in the chat. There's also the third webinar in the series of three. On September 1, from 2:00 to 3:15. It will be on using the guides to analyze prosecution response. As always, you can download the domestic violence best practice assessment guides for free. From our website. And then let me just say, thank you so much to Rhonda and to Casey. The level of information that you have, I know we just don't have enough time to really be able to cover it. And thank you for being part of this. And enriching this webinar. I also want to thank the folks, all of you who listened in today. For participating on our webinar. And when you close out, you'll get a link for an evaluation. We would love your feedback. So please take the time to fill those out. Thanks for attending. If you have any questions at all, you can contact me, Olga, 6,516,998,000 extension 23 or olga@praxisinternational.org. -- (651)699-8000. Thanks so much for attending today.

[event concluded]

This event is supported by Grant No. 2011-TA-AX-K051 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed during this event are those of the presenter(s) and do not necessarily reflect the views of the U.S. Department of Justice.