

Welcome

Building and Enhancing A Coordinated Community Response to Battering:

A rural interdisciplinary training institute

Presented by

**Praxis International in Partnership with
Office on Violence Against Women
U.S. Department of Justice**

Coordinated Community Response (CCR)

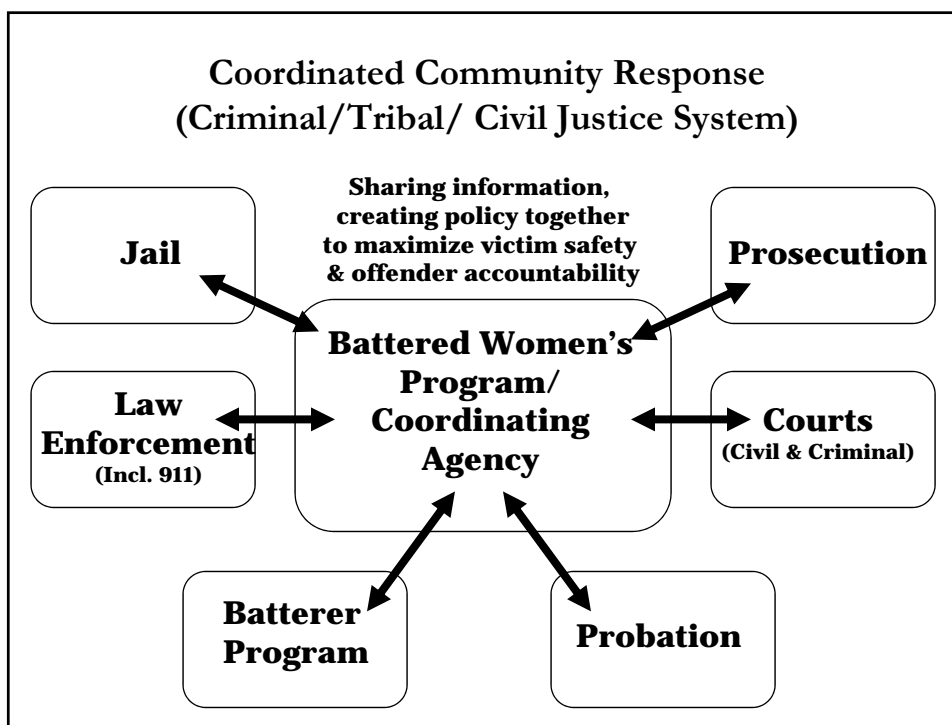
An inter-agency effort to create more effective interventions to enhance safety for victims, accountability for offenders and change the climate of tolerance toward violence in the community.

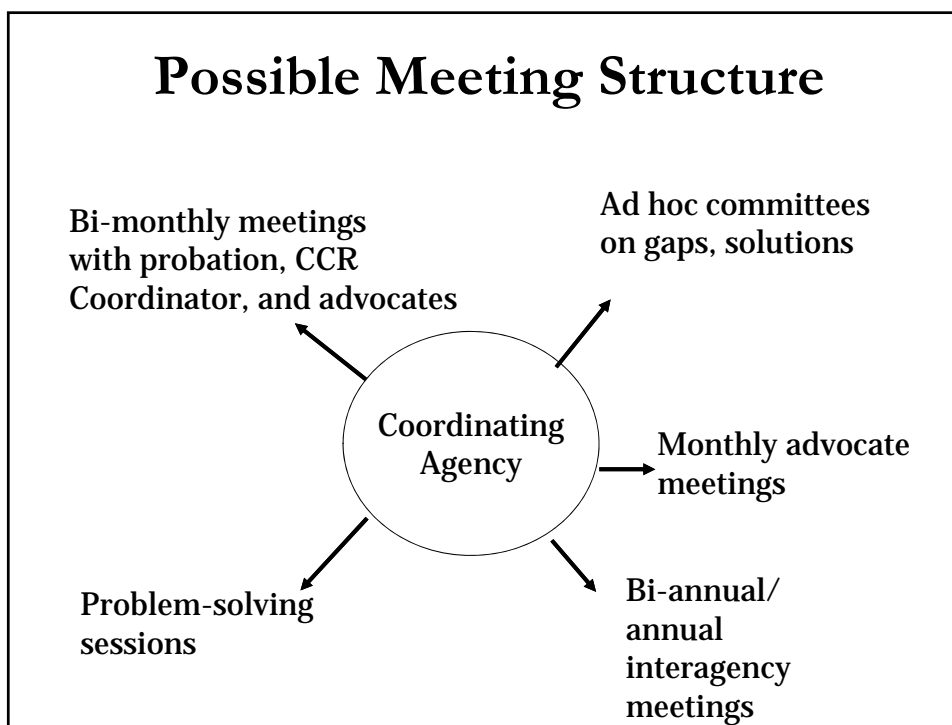
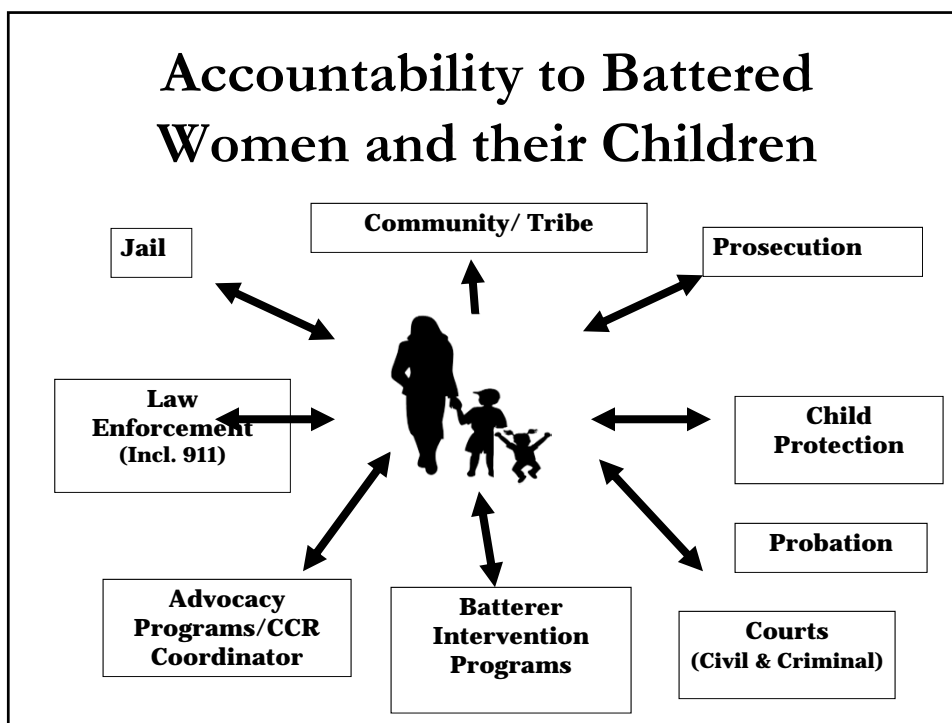
Goals of Intervention

Coordinate implementation of best practices to enhance:

- Victim safety
- Offender accountability
- System accountability

Overall impact: reduce the incidence of domestic violence in the community



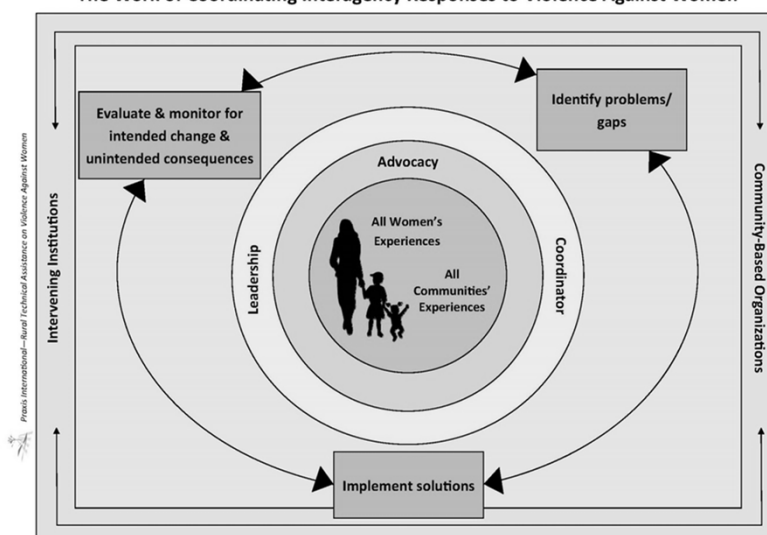


Foundational Principles

- Interagency approach
- Attention to risk, context and severity
- Ongoing engagement with victims
- Swift and sure consequences for continued abuse
- Send messages of help and accountability
- Reduce unintended consequences and disparity of impact

The Tasks of CCR

The Work of Coordinating Interagency Responses to Violence Against Women



Risks Posed by the Batterer: Lethality

- | | |
|---|---|
| <ul style="list-style-type: none"> ■ Victim physically abused ■ Guns ■ Estrangement ■ Unemployment ■ Past use of or threat of /
use of weapons ■ Threats to kill** ■ Avoiding arrest ■ Forced sex** | <ul style="list-style-type: none"> ■ Strangulation** ■ Threats of suicide ■ “ownership of the victim ■ Increase in violence** ■ Stalking ■ Drug abuse ■ Pregnant ■ Having a child that is
not his |
|---|---|

* * Presence of these risk factors makes it 5 times
more likely that the violence will become fatal

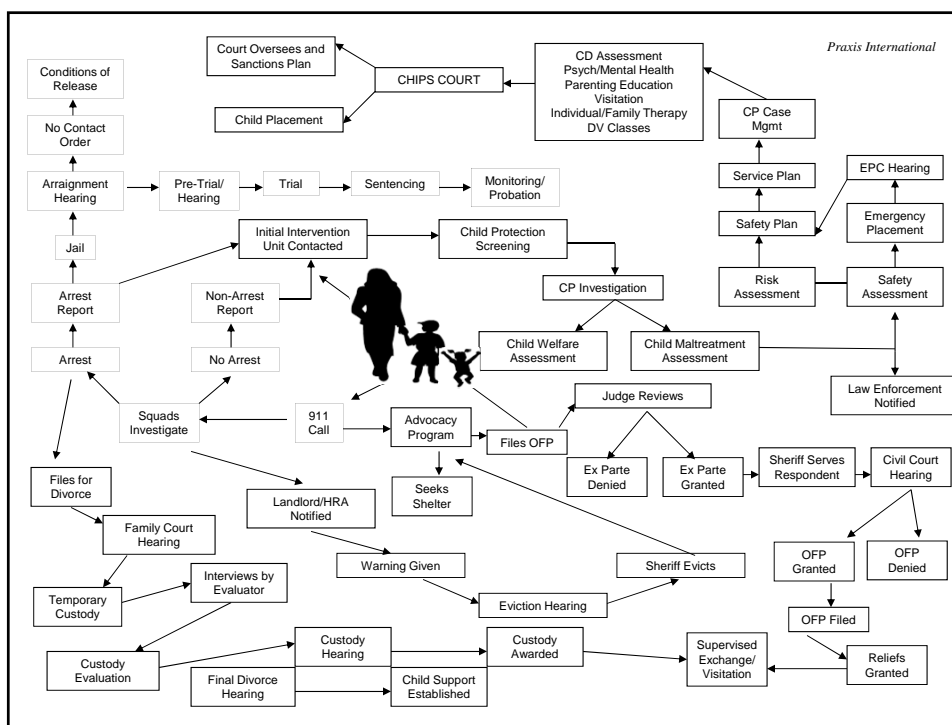
What Victims Know

- Best prediction of repeat re-assault was identification of risk markers and women’s prediction or Campbell’s DAS and women’s predictions
- Predictive power of women’s perceptions needs to be included in risk assessments

Gondolf and Heckman

Battered Women and Safety

- Physical violence is only one risk generated by being battered
- Leaving does not guarantee safety from risks. It may increase risk
- Every battered woman is an individual with different risks, resources, and options
- Every battered woman is the expert about her own experience



Risks for battered women. . .

For each woman and her children, what risks are generated by...

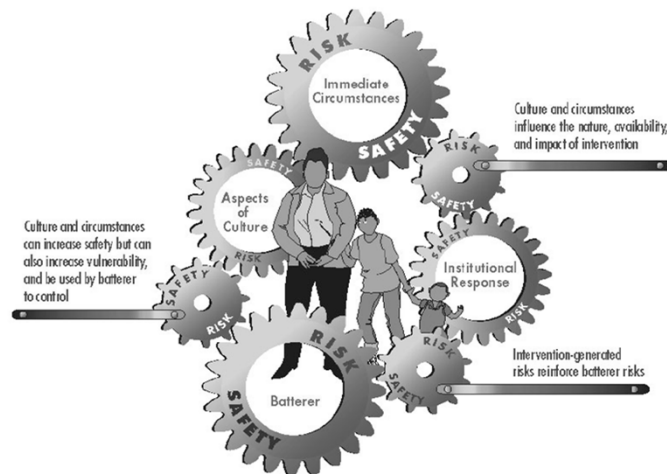


Figure 9: The Complexity of Risk and Safety¹

Institutional / Intervention Risks:

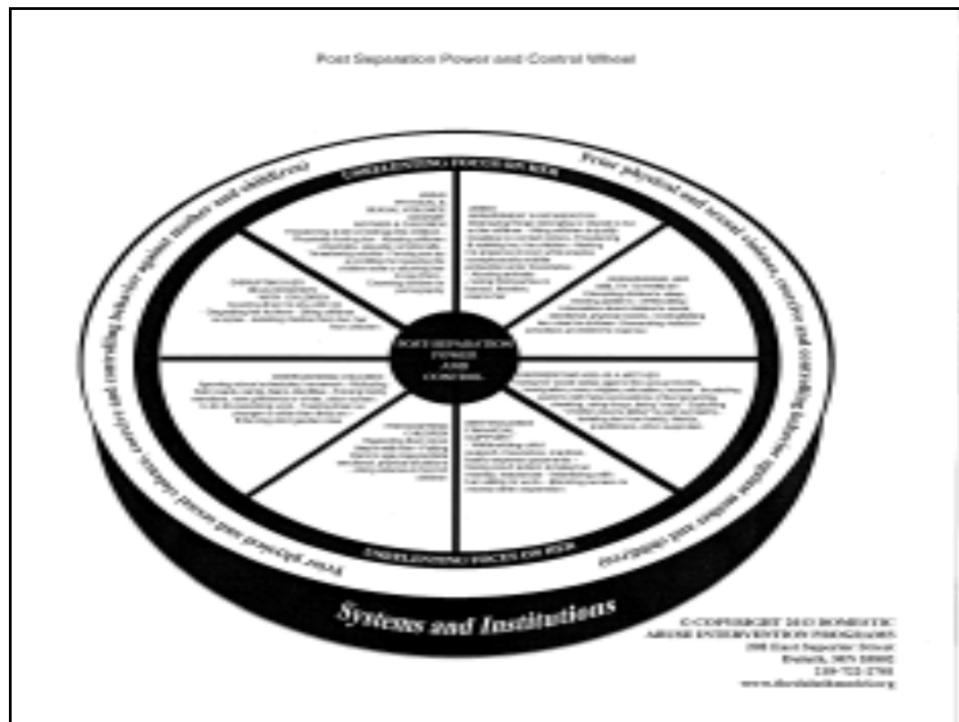
- Treated badly by system
- Feels loss of control, doesn't know what is next
- Blamed for the violence
- Trauma of the event
- Turned in on a warrant
- Turned into child protection
- Custody issues
- Deportation
- Victim erroneously arrested
- Automatic "no contact" order results in greater risk from batterer, other risks (loss of job, income, home, other repercussions)
- Risks increased for marginalized groups
- Batterer uses system to strengthen control

Rachel Scenario

1. What are the batterer-generated risks?
2. What are the culture- and circumstance - generated risks?
3. What are the intervention/ institution-generated risks ?
3. What intervening strategies might reduce any of these risks to the victim?
 - From the pt of view of the inter-agency reform effort?
 - From the point of view of Legal Services?

Batterer's Actions Using the Children to Control

- How do batterers use the children?
- How do batterers alter the relationship of the children to the mother?
- How do batterers use the system to maintain power and control over their victims?



Domestic violence cases involving children

Successful Interventions

Weaken

The batterer's opportunity and inclination to abuse the mother and the children

Strengthen

The positive aspects of the mother and child's life that enable them to resist the abuse and its effects (including strengthening their relationship with each other)

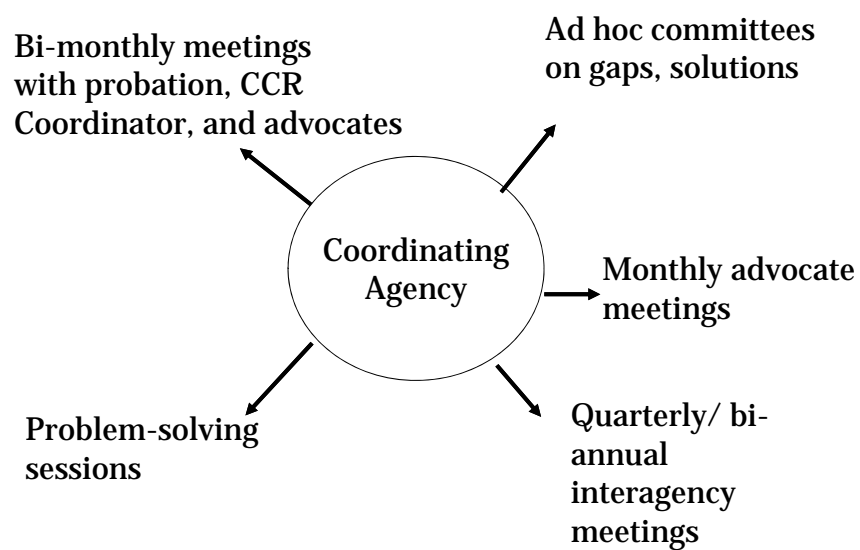


Enhance all family members' quality of life

Community-based Outreach From Victim Advocates Through A CCR

- Is linked to decreases in IPA-related mental health problems, and
- Almost three times more effective for ethnic minority women in decreasing fear compared with White women.

Possible Meeting Structure



An Effective Coordinated Community Response

Tasks, Tools, Challenges

- Policies centralize victim safety and offender accountability
- Practices link intervening agencies
- Tracking, monitoring and assessing of data
- Interagency process brings practitioners together to dialogue and resolve problems
- Central role for victim advocates and victims in the process
- Shared philosophy about domestic violence
- Responsibility for victim safety on the system, not on the victim
- Training and evaluation

He's out of control!

...She needs to change too

How we understand domestic violence:

- **guides us in our decision making**
- **frames how we respond to the situation**

Why doesn't she just leave?

Using violence is a choice he's making

Theories of Battering

Former:

- Individual Pathology
- Relationship Dysfunction
- The Cycle of Violence

Current:

- Theory of Dominance

Theory of Dominance

- System of power and control tactics
 - Physical violence
 - Sexual violence
 - Other abusive behaviors
- Reinforced by the culture
- Need to balance the power differential by using the power of the state

Response: Programs that focus on changing beliefs and consequences imposed by the criminal justice system

Definition of Battering

The use violence in conjunction with other controlling, coercive, and intimidating behaviors directed at establishing and maintaining power and control over the victim.

Battering maintains and/or establishes a significant gap in power and autonomy between the batterer and the victim, and it severely compromises the victim's autonomy.

Context Determines the Type of Violence

- Battering
- Resistive/reactive violence
- Violence; not battering
- Pathological violence

Context is Critical

Failing to distinguish one kind of domestic violence from another can:

- Endanger victims of ongoing violence
- Result in inappropriate responses by law enforcement, prosecutors and the court, advocates, and counselors
- Embolden perpetrators

Context

- INTENT of offender's use of violence
- MEANING of the violence to the victim
- EFFECT of acts on the victim
- HISTORY of the offender's previous patterns of behavior

Context of Violence

- Who does what to whom with what impact?

Battering

- Actions: a pattern of abusive tactics
- Intents: what he wants
- Beliefs: the root of his actions
- Justification: blame, minimize, deny,
- Effects: what he gets
- Past use of violence - increases impact

Theory Summary

- The theory of dominance is an over-arching framework for criminal justice-based intervention
- It focuses on safety, accountability, and addressing power imbalance
- Previous theories can support the violence by blaming the victim, pathologizing the offender's actions, and failing to account for the function, purpose and benefits of the violence

CCR: A Shared Understanding of Domestic Violence

- Offenders are responsible to stop their violence
- The power of the state should be restricted to controlling the illegal activity of the offender
- Victims are rarely free to cooperate with the system to hold offenders accountable
- Account for power differences between victim and offender

Building Victim Safety into Your Community Response

- What concerns do you have with the way this PSI was conducted?
- What other information would be useful to determine whether the victim was in danger?
- What changes to this worker's job might have made this PSI more effective?

Making System Change

PSI Provides:

- Good record check
- Quick assessment of the defendant's attitude
- Basic information about the defendant

Misses:

- Danger this person poses to the victim
- Harm that was done to the victim
- Types of violence used against the victim

**The focus of change
is not the individual worker.**

**It is about changing what
organizes and coordinates
workers to think and act.**

What Ends the Violence?

Research supports :

- Advocacy –initiated response
- Victim involvement
- Law enforcement: arrests, report-writing guidelines
- Evidence – based prosecution
- Batterer Intervention as part of CCR with:
 - cjs sanctions for failure to comply
 - focus on stopping violence and changing beliefs
- Increasing consequences for further violence

CONTEXT OF CRIMINAL JUSTICE REFORM

Characteristics / Profile of Crime	Features of Institutions	Social and Historical Influences
<p><u>Patterned crime:</u></p> <p>Offender</p> <ul style="list-style-type: none"> • Power over the victim • Complex relationship to victim • Ongoing access to victim • Uses system to control • Retaliates for victim resistance <p>Victim</p> <ul style="list-style-type: none"> • Not free to communicate fully about the violence/abuse • Reluctant to engage in hostile actions against the offender 	<ol style="list-style-type: none"> 1. Fragmented 2. Textually coordinated 3. Engaged in conceptual practices that organize how workers think and act 4. Have weak systems of accountability to the people whose lives are being managed 	<ol style="list-style-type: none"> 1. Public/private debate on role of state in family 2. Men's historic authority/role in family 3. Criminal justice system has different historical relationship to people in different classes, ethnic groups 4. Cultural practice of blaming victim 5. Long history of offender due process/relatively short history of victim rights

Core Elements of an Effective Coordinated Community Response to Domestic Violence

Build safety into the infrastructure of case processing

Organize practitioners to talk about and act on cases to centralize safety through problem-solving and changes to:

- Laws, rules and policies
- Administrative procedures and processes
- Resource allocation
- Linkages between practitioners and agencies
- Systems of accountability
- Defined mission, purpose and function
- Authorized concepts and theories
- Training and education

A CCR can analyze poor outcomes, asking: “How was the worker/s organized to produce the poor outcome?”

Each practice identified as compromising victim safety or offender accountability is analyzed from a systemic view. Recommendations for change in case processing practices are made in the eight categories above.

Develop a shared philosophical approach

Adopt policies and protocols that are rooted in a common set of operating assumptions such as:

- Abuser is responsible to stop using violence coercion and intimidation regardless of how the victim acts (excluding legal self defense)
- Victims of ongoing abuse are rarely free to engage in hostile actions toward the abuser
- The coercive power of the state should be restricted to the illegal activity of the perpetrator
- Interventions should be tailored to the pattern and severity of abuse
- Policies must account for the different impacts a uniform policy will have on a diverse population of victims and offenders
- Power differences need to be accounted for with every intervention
- Safety for victims should be a central goal of all interventions

Core Elements of an Effective Coordinated Community Response to Domestic Violence

Effective interagency collaboration

Intervening agencies collaborate with each other to coordinate their actions, focusing on victim safety and offender accountability:

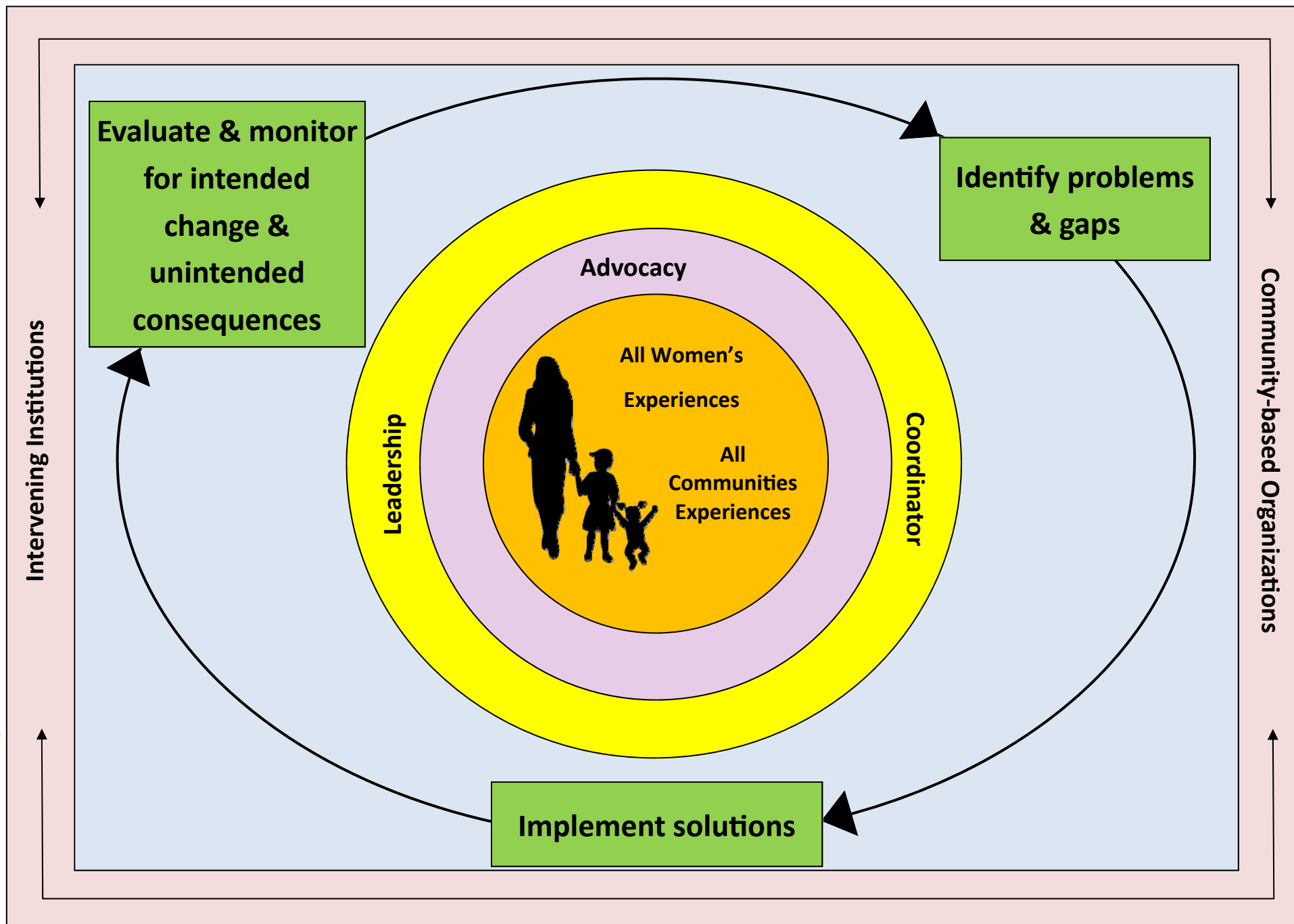
- Leadership of victim advocates in process, multi-agency task force or committee
- Central agency and/or person to coordinate collaborative work
- Small, task-oriented work groups
- Agreement that agencies do not make significant changes in how they process cases without a collaboration
- Multi-disciplinary analysis and problem-solving
- Interagency support regarding resources
- Information sharing processes
 - Tracking system
 - Agreements on who collects what information
 - Agreements on how to share information

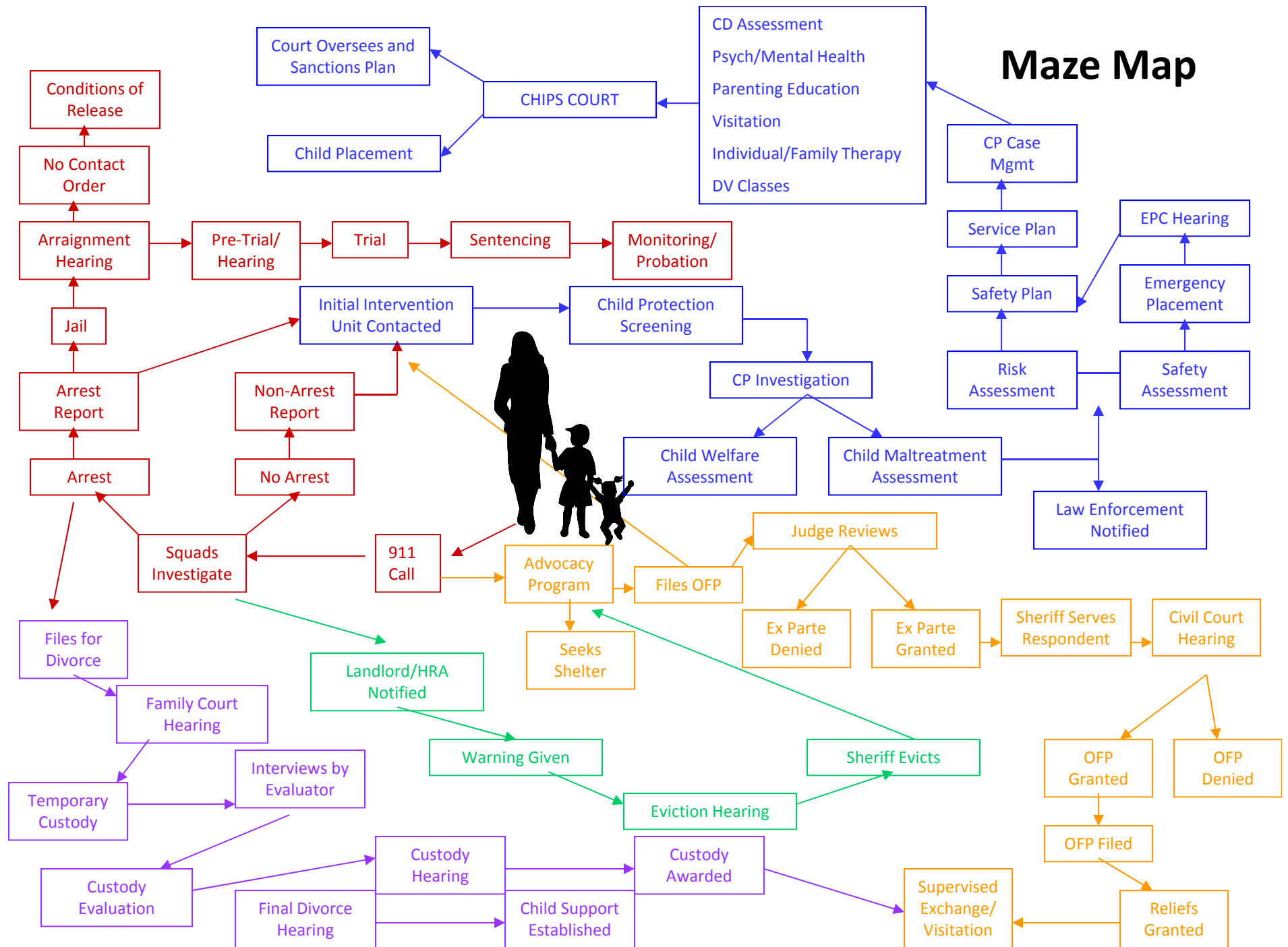
Commit to a process of change

Use a process that is constructive and safety-focused:

- Be willing to identify problematic outcomes
- Be willing to integrate new ideas
- Change is dependent on dialogue at three levels
 - Among interveners; Intervener to victims; Intervener to abusers
- Do not take up problems with individual practitioners
- Analysis of problems must not obscure the social nature of abuse nor the gendered nature of abuse
- Victim safety is a common goal
- Avoid “we-they” at all levels
- Move toward solutions that attract general agreement
- Use the process to lessen tensions and conflicts between participating agencies
- Measure every proposal against the experiences of a diverse group of victims of violence

The Work of Coordinating Interagency Responses to Violence Against Women





Introduction

Foundation: Risk and Safety

Peoples' lives are complex and the factors that reinforce or diminish safety and risk are also complex. There is no universal victim of battering and there is no universal batterer. There is no single formula for securing a life free of danger, injury, and damage. In other words, there is no single formula for safety and accountability.

We often limit our notion of risk assessment to the danger that an individual batterer poses to the victim. In that regard, we ask: What types of intimidation and violence will he likely use? How severe is his future violence likely to be? What is the frequency of his abuse? Are there circumstances that might lead him to escalate in his violence? Who helps him maintain his system of abuse?

Aspects of culture can be a source of strength for victims of battering, but can also be used by a batterer to control. Interventions can pose their own risks, and when dominant culture institutions impose a "one-size-fits-all" response they cut off avenues of potential safety and support. We need to be equally mindful of the risks generated by a batterer, by a victim's immediate personal circumstances, by aspects of culture that increase her vulnerability, and by institutional responses. Figure 9 illustrates this essential framework of risk and safety. Figure 10 depicts the many identities of victims and offenders that should be continually present in our minds when crafting solutions to the problems *victims* face in securing safety.

While we've grouped elements of risk and safety under three headings, it is important to remember that these categories are not water-tight or exclusive. Nor are they complete representations of the complexity of individual lives. For example, class, race, and religion cross all three categories: institutions react differently to different cultural groups, and class, race, and religion also constitute an individual woman's immediate life circumstances.

A Safety Audit seeks to understand where and how and for which victims of battering an institutional practice is problematic. Hence, an Audit is always asking who is doing what to whom, with what impact and to what degree. As an Audit coordinator, be prepared to help your team keep the experiences of domestic violence victims at the center of your work. As you follow the Audit trails, keep these questions in mind: What are the implications for safety and accountability in how work is organized and coordinated at this point of intervention? What are the implications for immediate safety? From retaliation? From ongoing abuse and violence? From the unintended consequences of intervention?



What do we mean by culture?

Culture is the complex, symbolic frame of reference shared by a group of people. It takes in the totality of behavior patterns, art, beliefs, language, institutions, and other products of human work and thought. Its many aspects are dynamic, diverse, and often misperceived by those inside and outside the group.

To learn more: See Appendix D: *Assessing Social Risks of Battered Women*, by Radhia A. Jaaber and Shamita Das Dasgupta.

To learn more: *Safety Evaluations: The Meaning of Safety for Women and Children* is a five-part training series. Accompanying publications include *Creating Sustainable Safety for Battered Women*, by Shamita Das Dasgupta. (See the Praxis website at www.praxisinternational.org and click on Library).

For each woman and her children, what risks are generated by...

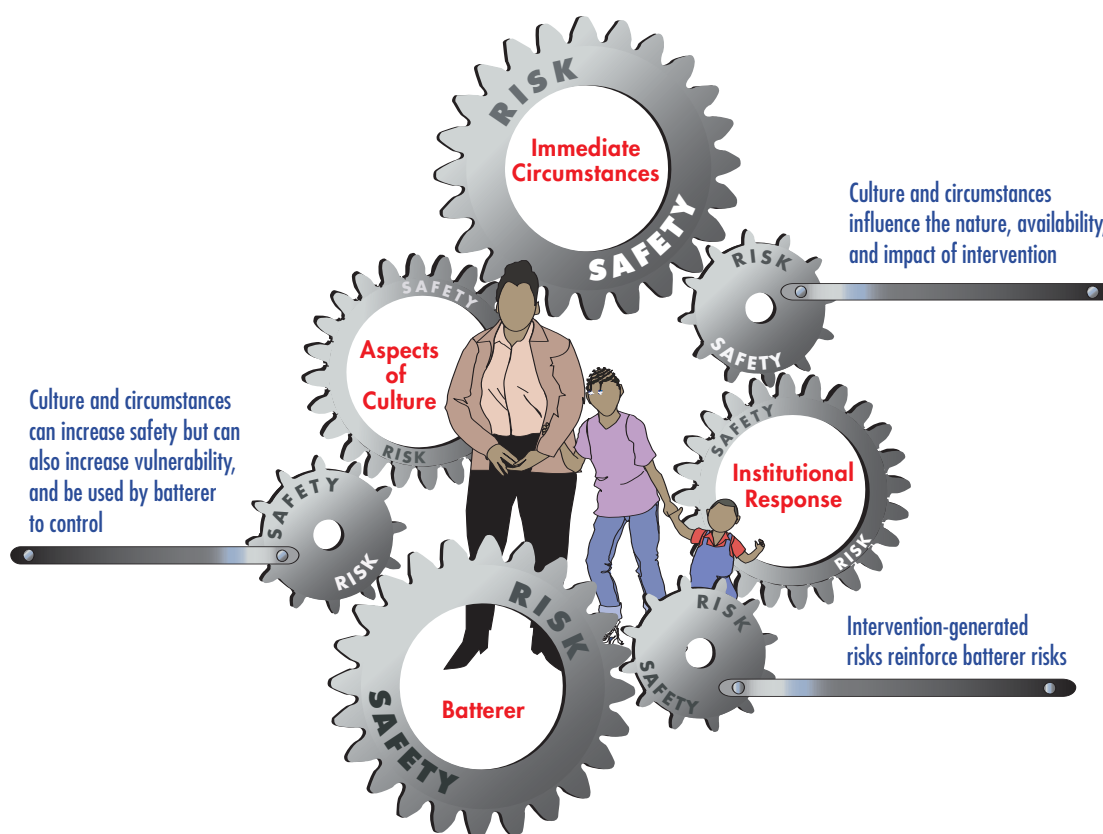


Figure 9: The Complexity of Risk and Safety ⁴

Immediate Circumstances		Aspects of Culture		Institutional Response	
<ul style="list-style-type: none"> • Immigration status • Limited English proficiency • Poverty • Lack of skills or education • Professional or social position • Abilities 	<ul style="list-style-type: none"> • Mental illness • Age • Sexual Identity • Alcohol/drug use • Rural isolation • Dependence on adults • Other 	<ul style="list-style-type: none"> • Race • Nationality • Cultural Norms & Standards • Childhood Socialization • Community 	<ul style="list-style-type: none"> Practices • Belief Systems • Ethnic Pride • Language • Class • Religion • Other 	<ul style="list-style-type: none"> • Imposition of dominant culture response or adaptation to cultural needs • Promotion of victim autonomy or use of coercion • Anticipate or ignore unintended consequences of intervention (e.g. arrest, deportation) • Enhance or further damage victim's relationship with children • Make battering visible or ignore it in custody and visitation • Other 	
		Batterer			
		<ul style="list-style-type: none"> • Physical Violence • Sexual Violence • Psychological cruelty and manipulation 	<ul style="list-style-type: none"> • Economic abuse • Damages her relationship to children 		

What is the Risk?

- In the immediate situation?
- Of retaliation?
- Of ongoing abuse & violence?
- Of unintended consequences of intervention?

⁴ Figure 9 has been developed from several sources, including *Safety Planning with Battered Women: Complex Lives/Difficult Choices*, by Jill Davies, Eleanor Lyon, and Diane Monti-Catania (Sage Publications, 1998); *Assessing Social Risks of Battered Women*, by Radhia A. Jaaber and Shamita Das Dasgupta (Appendix B); and the Battered Women's Justice Project Criminal Justice Center.



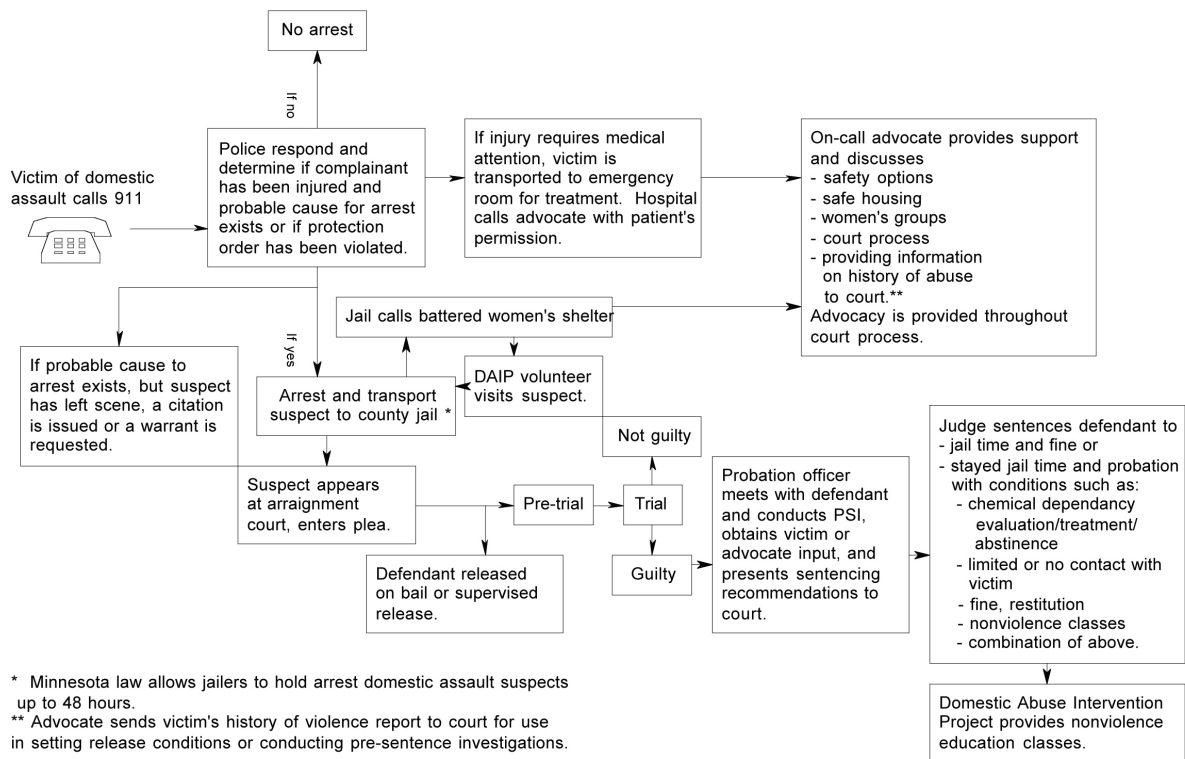
The following descriptions are drawn from real-life examples of women who have been battered. The purpose of this list is to illustrate the complex lives and experiences of women who have been battered, and remind us that there is no single universal victim of battering.

- Canadian Pakistani—homeless—with two teenage male children
- Firefighter, Irish-Catholic—separated, one child in college (blind) working in husband's family business
- Mexican migrant worker—local organizer with farm workers
- Baptist Sunday school teacher, black—married to church deacon
- School bus driver, white grandmother—abused and married for 25 years
- 32 years old, Algerian-French lesbian, losing custody of 8 year-old son, to former boyfriend
- Muslim social worker from former Yugoslavia—supervisor of Islamic social service agency
- Black Christian grandmother working as child care assistant in daycare
- 22 years old Tlingit factory worker—in a small town of 1,400 population with high unemployment rate
- First generation in the U. S.—17 years old, Chinese High school student—captain of volleyball team with college scholarship
- Undocumented house keeper from Guatemala with five children back home
- Emergency room nurse, Filipino arrested for stabbing husband

Introduction

- 44 year old, European Hassidic Jew, Private elementary school principal—out of work due to physical injuries from battering
- Immigrant doctor from Afghanistan, speaks little English now working at hospital in housekeeping department
- Latina from Puerto Rico—stay at home mother—home schooling children, married to police officer
- 25 years old, white battered women’s counselor/advocate working in domestic violence agency
- 19 years old, Black, from Jamaica—theater actress—married to white manager twice her age
- White Mormon—intergenerational—grandmother, and mother were battered
- Nigerian (Ibo) felony criminal—sold drugs for batterer, implicated in murder
- 23 years old, white drug user with children—TANF recipient, enrolled in back to work program
- Young market executive, Indian immigrant with large corporate company newly wed, no children
- Young, white, store clerk, working three jobs, with no health benefits – fled from rural South Carolina
- 53 years old, Italian-Catholic, diagnosed with psychopathological disorder, and arrested for domestic violence assault
- Laotian newly wed, does not speak English, living with husbands, adult brother, mother and father
- White woman of uncertain age, drug addicted, has been living on the streets for three years
- Undocumented restaurant worker from Korea, living in a one bedroom apartment with three other couples
- Professor of law in a large university, white, alcoholic, living with husband, professor of philosophy at the same university
- Chinese immigrant, pregnant with girl for the second time
- 20 year old Latina gangmember, may be involved in armed robberies with boyfriend, who is the gang leader
- Mother of successful singer from South Africa, arrested for maiming husband of 45 years
- 52 year-old, white woman, prominent horse trainer who owns farms and businesses with her abusive husband
- 70 year-old Latina who called the police for the first time in a 50-year marriage
- Young white woman with a cognitive disability who is trying to live on her own for the first time and whose new boyfriend has been hitting her
- 35 year-old Black professional woman whose former boyfriend has been stalking her and calling her office
- 20 year-old Hmong mother of four children who has just relocated to the U.S. from refugee camp in Thailand
- Shoshone-Paiute woman, mother of two children, member of the school board
- Wife of military officer living in base housing overseas
- And...

DOMESTIC ABUSE INTERVENTION PROJECT: AN OVERVIEW



The Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota, is a comprehensive community-based program for intervention in domestic abuse cases. It attempts to coordinate the response of the many agencies and practitioners who respond to domestic violence cases in our community. The project involves community organizing and advocacy that examines training programs, policies, procedures and texts—intake forms, report formats, assessments, evaluations, checklists and other materials. We ask, how does each practice, procedure, form or brochure either enhance or compromise victim safety?

When a woman being beaten by her husband calls 911, she dials into a complex community system, which often resolves cases based on institutional imperatives rather than on making victim safety central. This reflects an historical tolerance for domestic violence, rather than the attitudes of individual practitioners.

Negotiating common understandings among agencies lessens the negative impact of fragmented philosophies and responses on the victims of domestic violence. These understandings make central the victim's experience of violence and coercion and ongoing threats to her safety. The shared framework for community intervention is guided by practical questions: Who is doing harm to whom? How dangerous is this situation? Who needs protection?

Community agencies include the communications center (911), police department, prosecutor's office, sheriff's department, probation department, women's shelter, public health department, district bench, and several mental health agencies. With each agency, our aim has been to make links between what individual practitioners do in a case and the overall effect of intervention.

We always keep in mind these five core principles of intervention:

- Whenever possible, the burden of confronting abusers and placing restrictions on their behaviors should rest with the community, not the victim.
- To make fundamental changes in a community's response to violence against women, individual practitioners must work cooperatively, guided by training, job descriptions, and standardized practices that are all oriented toward the desired changes.
- Intervention must be responsive to the totality of harm done by the violence rather than be incident or punishment focused.
- Protection of the victim must take priority when two intervention goals clash.
- Intervention practices must reflect a basic understanding of and a commitment to accountability to the victim, whose life is most impacted by our individual and collective actions.

Adherence to these principles helps to produce consistent results regardless of the beliefs or values of an individual practitioner.

SUMMARY OF THE INTERVENTION PROCESS

The goal of intervention is to stop the violence. The focus of intervention is to protect the victim. In developing a community-based response to battering, the Domestic Abuse Intervention Project (DAIP) sought to avoid further victimization of women by holding the assailant solely accountable for his use of violence. The chart above depicts the intervention process in a criminal case. The following narrative describes a typical case in the project.

A Case Scenario

The police are called to an alleged domestic assault involving cohabiting adults. The officers establish probable cause that the male has assaulted his partner, resulting in a visible injury. The officers arrest the alleged assailant. After the booking procedures, the jailer contacts the battered women's shelter and notifies it of the arrest, the charge, and the name, address, and phone number of the victim. The shelter sends a volunteer advocate to the home of the victim to explain the court process, to make known the availability of the shelter, to help her decide if she wants to file for an order for protection and have it served at the arraignment the next day, and to make plans for her immediate safety upon his release from jail. The advocate discusses with the woman what information can be passed on to the court in order to help the pre-trial release agent, probation officer, or judge make the appropriate decision. The advocate also encourages her to come to weekly educational groups for battered women.

The alleged assailant is held until the arraignment the next morning. Prior to his release, the DAIP sends a community volunteer to the jail to talk with him about the availability of nonviolence classes to address his use of violence. The jail visitor makes note of any threats the alleged assailant may make and notifies the shelter of them.

The alleged assailant is arraigned. If he pleads not guilty, a pre-trial release interview is conducted and recommendations are made to the court. If he pleads guilty, a pre-sentence investigation is ordered and the victim, either personally or through the shelter advocate, communicates her concerns to the probation officer. The information received from the victim by the on-call advocate is communicated (with permission) either to the pre-trial release agent or the probation officer conducting the pre-sentence investigation. The pre-trial release or pre-sentence investigation recommendations are reported back to the court on the same day.

The probation officer conducting the pre-sentence investigation on a first offense without aggravating circumstances recommends a stayed 30- or 60-day jail sentence and complete cooperation with the DAIP 27-week batterer intervention program. If the victim has indicated that drugs or alcohol play any part in the abuse, a condition of probation normally includes a chemical dependency evaluation and complete cooperation with any recommendations for treatment made. Based on the victim's request, the probation officer may recommend no or limited contact with the victim.

The assailant is sentenced the same day of the guilty plea and pre-sentence investigation unless there are extenuating circumstances, e.g., allegations of child abuse. The judge usually bases the sentence on the probation officer's recommendation. The assailant now on probation is required to make an appointment with the DAIP for assessment within five days of sentencing.

If a case is handled in civil court through an order for protection, the court, upon the finding of domestic abuse, orders a combination of several reliefs to protect the victim. These reliefs are usually similar to or the same as conditions of probation. An order normally involves exclusion of the abuser from the residence either for a full year or, if the victim requests, until the abuser is in a batterer intervention program. The order also typically includes cooperation with the DAIP batterer intervention program. The order always restrains the abuser from any harassment, threats, or assaults against the victim and frequently awards temporary custody and sets conditions of child visitation.

Individuals ordered to participate in the DAIP batterer intervention program must attend an intake/orientation session with DAIP staff for evaluation and assignment to a group. Participants attend 27 education classes and are invited to a follow-up men's support group upon completion of the classes.

Following the DAIP intake, the offender's partner is contacted by a DAIP woman's advocate to obtain further information about the history of abuse, invite her to an orientation session for women whose partners have entered the program, give her information about what to do if he re-offends, and make sure she knows about the shelter if she needs it.

If the offender consistently fails to attend the batterer intervention program classes or uses any violence during the probationary or order for protection terms, the project staff will request a revocation of probation hearing or a civil court review hearing. The court may, in probation cases, impose all or some of the original jail sentence and again require the assailant to complete the educational program upon his release from jail. In civil cases the assailant may be found in contempt of court, incarcerated, and given a choice of completing the program or remaining in jail.

Policy and Procedural Guidelines

It is vitally important that policies and procedural guidelines for intervention in domestic assault cases be founded on a sound theoretical basis which protects battered women, helps judicial system practitioners discharge their public duties, and renounces the practice of victim blaming. The following principles guide the policies and procedures of the DAIP:

- Victims must have access to safe emergency housing.
- Victims should be provided the information and advocacy necessary to act in the courts and should not be denied protection because of the cost of professional assistance to obtain police or court protection.
- Using the legal system to intervene in cases is for the benefit of public safety, but especially for the victim of the abuse. Individual victims should not be put at risk of greater harm in order to hold an individual offender accountable. The first priority of intervention should be to carry out policies and protocols which protect the victim from further harm.
- The intensity of intervention should be based on the need for protection from further harm and on what is needed to create a deterrence to the offender. The use of jail or incarceration should be considered when other safety measures are inadequate. More jail does not equal more justice for battered women.

- Policies and procedures adopted by agencies in the judicial system should be continually monitored by an organization which is outside the judicial system and is guided by victim advocacy programs and battered women.
- The primary focus of intervention should be on stopping the assailant's use of violence, not on fixing or ending the relationship.
- Policies and procedures should be designed to act as a general deterrent to battering in the community.
- In general, the court, in determining its action in a case, should not prescribe a behavior or course of action for the victim, e.g., it should neither force testimony by threatening to jail victims for refusing to testify nor mandate treatment for the victim who has not used violence.
- The courts and law enforcement agencies should work cooperatively with victim advocacy programs and provide the advocacy/shelter program and victim with the broadest possible access to legal information.
- The courts should, when appropriate, mandate batterer intervention programs for assailants and impose increasingly harsh penalties for any continued acts of harassment and violence they commit.
- All policies and procedural guidelines should be reviewed by members of the communities not represented by the majority culture (e.g., communities of color, the gay/lesbian/bisexual community, people who are low income). Their review should include a close look at monitoring procedures to safeguard against the use of race, class, or lifestyle biases in implementing policies.
- All practices and policies should be continually evaluated and discussed to ensure their effectiveness in protecting all victims and to provide ongoing training for agencies.
- All interventions must account for the power imbalance between the assailant and the victim.

ACTIVITIES OF AN INTERVENTION PROJECT

Intervention projects are shaped by factors unique to a community such as population, size of the area covered, available resources (especially financial), and the cooperativeness of practitioners within the justice system. The experience of the Duluth Domestic Abuse Intervention Project and of dozens of projects across the country has identified the following eight activities as effective intervention.

The ways these activities are carried out in a community varies. If resources are limited, as they generally are, these activities may have to be prioritized. For example, a project may not have the funds to provide educational groups for assailants, and the community may not have appropriate programs to which assailants can be referred. A decision could be made to focus the resources that are available on tracking assailants through the system, ensuring that they are being held accountable to conditions of probation or orders of protection, and placing assailants in a community work program rather than a rehabilitation program.

Different activities will also take priority at different points in a project's existence. Building a common perspective shared by justice system practitioners will be ongoing and is likely to take more time and energy during the implementation stage.

A project should continually evaluate the allocation of its resources, especially staff time, among these activities and determine which needs take priority at any given time. It is critical that these decisions always be made from the standpoint of victim safety.

Following is a brief outline of the eight activities of an intervention project:

- 1. The intervention project changes how the community thinks about violence by building an underlying philosophical framework which guides the intervention process by:**
 - A. Helping practitioners within the justice system reduce conflicting theories about battering and about how to protect victims and hold offenders accountable
 - B. Working toward an understanding among practitioners of the complex dynamics of an abusive relationship and a commitment to handle cases in a manner that doesn't blame or re-victimize the victim
 - C. Recognizing that violence is intended to have an impact on the person being hit, kicked, or shot at, giving one party power over the other
 - D. Reviewing current research and educational materials on battering and keeping practitioners updated
 - E. Responding to tensions often caused by conflicting philosophies by coordinating ongoing discussions among practitioners.
- 2. The intervention project assists in the development and implementation of policies and operating procedures of the intervening agencies involved in the coordinated community response by:**
 - A. Charting out the roles, possible intervention actions, and procedures of each intervening agent in the system, e.g., 911 dispatcher, police officer, jailer
 - B. Ensuring that each agency's policies complement other agency policies
 - C. Clarifying for practitioners when they may exercise discretion, when they must take certain steps and what conditions suggest different options
 - D. Meeting with practitioners from each agency to examine how current practices affect victims and explore new practices which can maximize victim safety
 - E. Designing ongoing trainings for practitioners on the implementation of policies and procedures.
- 3. The intervention project monitors/tracks cases from initial contact through case closure to ensure practitioner and offender accountability by:**
 - A. Determining what information is important and where and how to get it
 - B. Developing policies with each agency for the collection of data and a process to notify administrators when practitioners fail to comply with agreed-upon policies
 - C. Tracking cases for breakdowns in the system
 - D. Utilizing data to determine if agency objectives are being realized
 - E. Maintaining case files to ensure the offender is complying with all orders from the court.

- 4. The intervention project coordinates the exchange of information and interagency communication on a need-to-know basis and coordinates interagency decision making by:**
 - A. Routing all available information on a case to those practitioners involved with it
 - B. Coordinating interagency meetings to resolve problems with individual cases and discuss related issues faced by practitioners
 - C. Facilitating input by all people and agencies who are affected by the development or change of a policy
 - D. Providing for the exchange of information between agencies so there is a common understanding of how their policies complement one another's efforts
 - E. Coordinating interagency meetings to assess the coordinated response.
- 5. The intervention project ensures that resources and services which offer safety and protection from further abuse are available to victims and other at-risk family members by:**
 - A. Providing information and referrals to victims about battered women's advocacy programs and shelters
 - B. Ensuring that victims have access to basic resources including emergency safe housing, legal advocacy, access to resources, and support.
- 6. The intervention project utilizes a combination of sanctions, restrictions, and rehabilitation services to hold offenders accountable and to protect victims from further abuse by:**
 - A. Working with law enforcement to adopt an arrest policy
 - B. Prosecutors and judges to develop policies and guidelines which discourage the "screening out" of cases
 - C. Probation and the courts to ensure that pre-sentence investigations are conducted and, when appropriate, extended probation periods ordered
 - D. Judges to ensure that repeated acts of violence or violations of OFPs result in stricter penalties, including jail, counseling, no-contact provisions, restitution, community service, and other restrictions
 - E. Batterer intervention programs to hold offenders accountable by monitoring the offender's attendance at classes.
- 7. The intervention project works to undo harm to children by:**
 - A. Assessing for risk to children at each point of intervention
 - B. Providing safe places for children to visit with their non-custodial parent
 - C. Requiring abusive parents to participate in groups which focus on helping children heal from the effects of living in a home where there has been violence

- D. Accounting fully for the pattern, severity, and frequency of violence being used by a parent when determining visitation, custody, and rehabilitation plans.
- 8. The intervention project evaluates the coordinated community response from the standpoint of victim safety and the overall objectives of intervention project goals by:**
- A. Collecting data on a continuing basis to determine if the agreed-upon procedures and policies are consistently applied
 - B. Conducting research to determine the effectiveness of policies and procedures in protecting women from further violence and reducing the victim-blaming practices of institutions
 - C. Evaluating the level of change of court-mandated offenders by analyzing reductions in abusive behaviors and the extent to which women are free to act without control or restraints from the offender.
- 9. The intervention project carries out these activities in conjunction with the women's shelter and in coordination with the various agencies of the justice system.** These agencies are law enforcement, city and county jails, city and county prosecutors, criminal and civil courts, probation, counseling programs, and shelters or victim advocacy programs. Each agency has a specific role in each case. Their roles must be carefully coordinated with those of the other agencies to ensure a consistent and uniform response.
- 10. An intervention project is most effective if it is independent from city and county government.** The DAIP in Duluth has received limited funding from these units of government, and hence has been relatively unfettered when confronting a particular practice of a participating agency. While intervention projects are usually separate from the shelter, organizers of projects should work with shelters to ensure that projects are not negatively impacting shelter funding and that the protection of battered women through safe housing and advocacy takes priority.

This is an excerpt from the manual Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development, Domestic Abuse Intervention Project, 202 East Superior Street, Duluth, MN 55802, Phone 218-722-2781, www.theduluthmodel.org

Solving Problems in a Coordinated Community Response



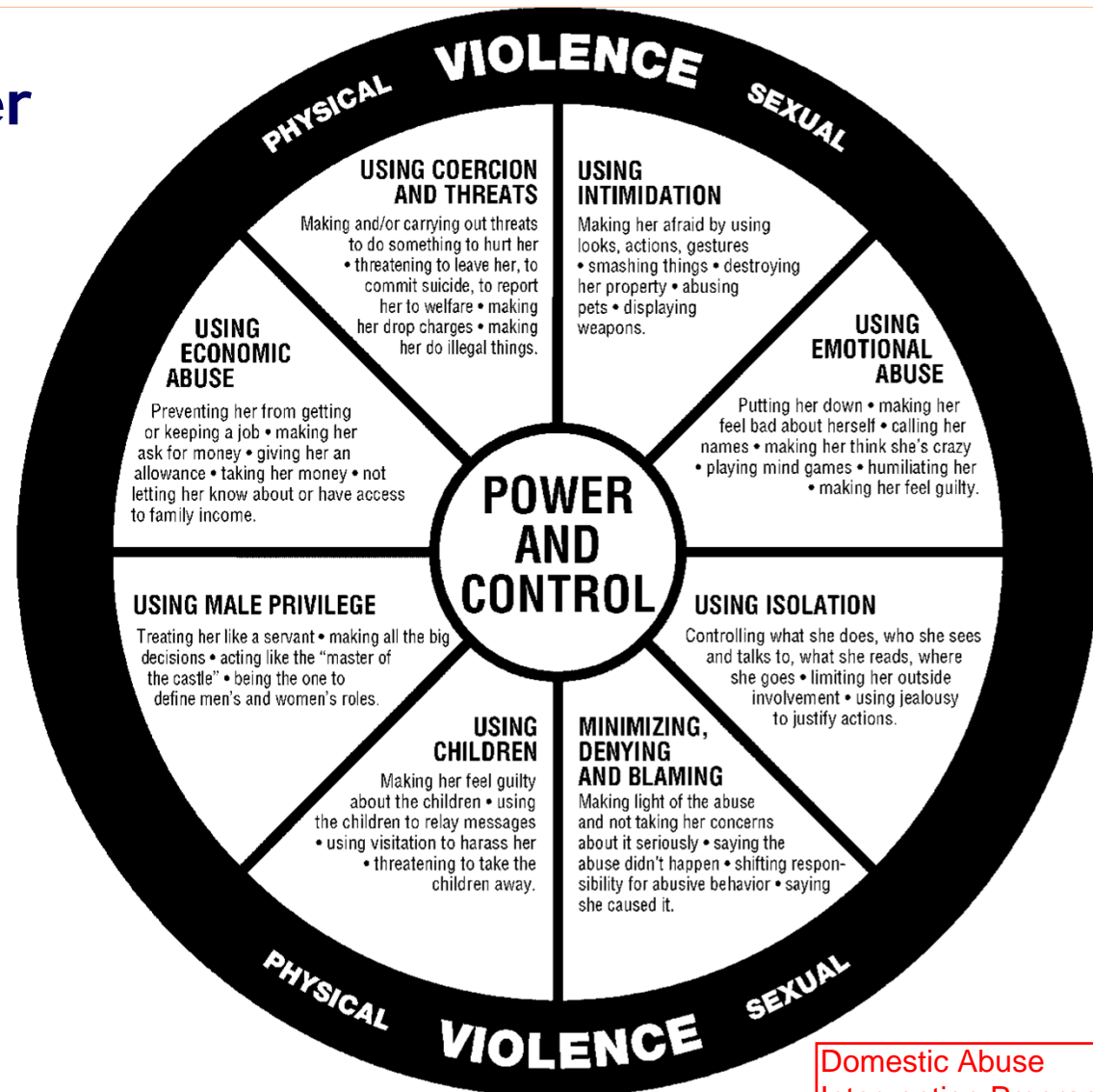
Battering

System of power and control

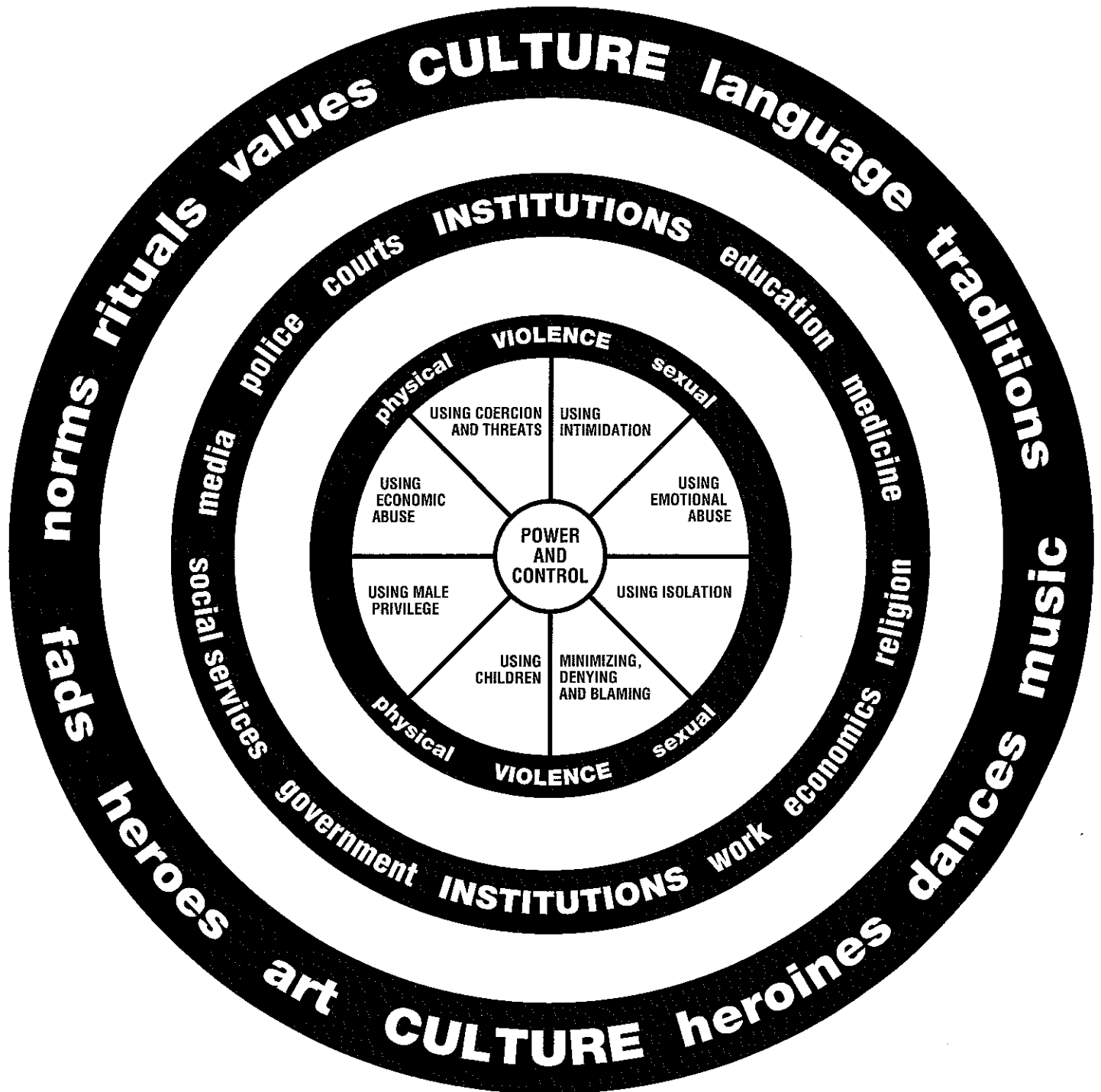
Includes:

- Fear
- Threats
- Intimidation
- Coercion

Centered in a sense of entitlement



Domestic Abuse
Intervention Programs,
Duluth, MN

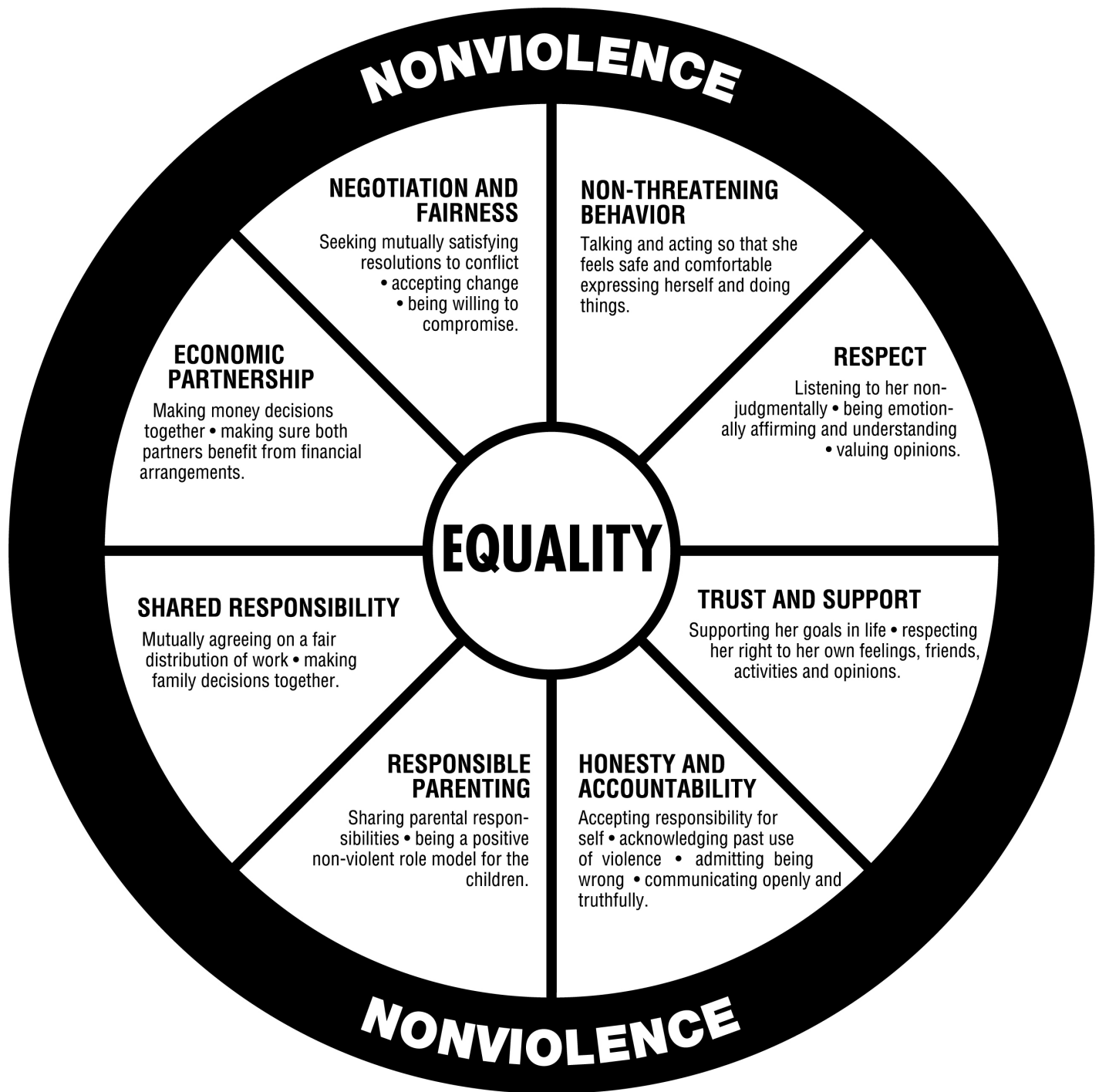


DOMESTIC ABUSE INTERVENTION PROJECT

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Common Beliefs of Batterers

Women were put on this earth to serve men

It's a man's job to show her who's boss

It's God's will that women should serve men

It's biological that men should dominate, control and have power over women

Women are only good for one thing

Women provoke the violence, like it, ask for it

If a man is hurt it is okay to strike back

If a man doesn't control a woman, he's a wimp

Everyone agrees with him that she deserves it

It takes two to tango

She's sick, bad, ugly and/or crazy and that's why he can't help but strike out at her physically

Any man in his shoes would do the same thing

A man can't change if she won't

Men batter women because they are insecure

Women are manipulative

You can't trust a woman

He can get the system to agree with him that he was in the right and she deserved what she got

The community knows she's the "crazy" one

Women are inferior and need men to tell them what to do

If he doesn't control her with force she will control him

Etc...

Benefits of Violence

The following list was generated by men participating in a court mandated batterers intervention program. The facilitator asked the men what benefits they gained from the violence. Initially, participants denied any benefits. When the facilitators suggested they must be getting some benefit from the behavior, otherwise what would be the purpose of continuing, they generated a list. The list ended when there was no space left on a 4 by 8 foot black board. The follow up question to men then becomes, “why give it up?” This is a portion of their list of the benefits of violence.

- She's scared & won't go out & spend money
- Get your way: go out
- Respect
- She won't argue
- Feeling superior: she's accountable to me in terms of being somewhere on time: I decide
- Keeps relationship going – she's too scared to leave
- Get the money
- Get sex
- Total control in decision making
- Use money for drugs
- Don't have to change for her
- Power
- Decide where to go (as a couple)
- Who to see
- What to wear
- Control the children
- If she's late, she won't be again
- Intimidation
- She's scared & can't confront me
- Can convince her she's screwin' up
- She feels less worthy so defers to my needs and wants
- She will look up to me and accept my decisions without an argument
- Decide her social life – what she wears so you can keep your image by how she acts
- She's to blame for the battering
- She's an object
- (I get) a robot babysitter, maid, sex, food
- Ego booster
- She tells me I'm great
- Braggin' rights
- If she works – get her money
- Get her to quit job so she can take care of house
- Isolate her so friends can't confront me
- Decide how money is spent
- “I'm breadwinner”
- Buy the toys I want
- Take time for myself
- She has to depend on me if I break her stuff
- I get to know everything
- She's a nurse-maid
- She comforts me
- Supper on the table
- Invite friends over w/o her knowin' = more work for her
- No compromise = more freedom
- Don't have to listen to her complaints for not letting her know stuff
- She works for me
- I don't have to help out
- I don't have to hang out with her or kids
- Determine what values kids have – who they play with, what school they go to or getting to ignore the process – dictating what they “need” food, clothes, recreation, etc.

- So she won't get help against you for past beatings because she has no friends to support her and she is confused by my lies
- Convince her she's nuts
- Convince her she's unattractive
- Convince her she's to blame
- Convince her she's the problem
- I can dump on her
- Can use kids to "spy" on mom
- Kids won't tell mom what I did
- Kids won't disagree with me
- Don't have to talk to her
- I'm king of the castle
- Can make yourself scarce
- Have someone to unload on
- Have someone to bitch at
- She won't call police
- Tell kids don't have to listen to mom
- Get her to drop charges
- Get her to support me to her family, my family, cops, judge, SCIP, prosecutors, etc.
- Get her to admit it's her fault
- Dictate reality, etc
- Kids on my side against her
- Kids do what I say
- Mold kids/her so that they will help do what I should do
- Keeps kids quiet about abuse
- Don't have to get up, take out garbage, watch kids, do dishes, get up at night with kids, do laundry, change diapers, clean house, bring kids to appointments or activities, mop floors, clean refrigerator, etc.
- Answer to nobody
- Do what you want, when you want to
- Get to ignore/deny your history of violence and other irresponsible behavior
- Get to write history
- Get to determine future
- Choose battles & what it will cost her
- Proves you superiority
- Win all the arguments
- Don't have to listen to her wishes, complaints, anger, fears, etc...
- Make the rules then break them when you want

SUCCESSFUL INTERVENTIONS IN CASES OF BATTERING THAT INVOLVE CHILDREN...

...Weaken

The batterer's opportunity
and inclination to abuse
the mother and the children



...Strengthen

The positive aspects of the
mother's and child's lives that
enable them to resist the abuse
and its effects (including
strengthening their relationship
with each other)

Enhance all family members' quality of life

Adapted with permission from the DAIP Power and Control Wheel, Duluth, Minnesota. All rights reserved.

Methods Used to Institutionalize Best Practice Responses in the Criminal Legal System



Excerpted from *The Praxis Safety and Accountability Audit Toolkit*

Audit Trail #1 – Rules and Regulations

Rules and Regulations include laws; court rulings; legislative mandates; requirements or regulations of federal, state, county, and city regulating bodies; agency policies and directives; and policies of related organizations, such as insurance companies and medical facilities. They direct and guide the management of the institution.

- The rules are established by political processes within state legislative bodies, federal regulating commissions, local and county commissions, service agency boards of directors, and other entities.
- Rules and regulations define the scope of institutional responsibility and direct the internal operations of most agencies, significant aspects of service delivery, and methods of communication between and among agencies.
- As you interview or observe practitioners and read files and narrative reports, you will see many examples of the way a rule, law, regulation, or other directive influences case processing.

Audit Trail #2 – Administrative Practices

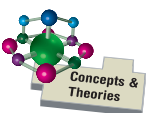
Administrative Practices include all of the methods that an institution uses to standardize how practitioners carry out its policies, laws, regulations, and mandates. Most administrative processes involve the use of texts, such as screening forms, case documentation forms, matrices, guidelines, report writing formats, routing instructions and protocols, and other examples of what practitioners refer to as “paperwork.”

- Think of rules and regulations as mandates and administrative processes as instructions to practitioners on how to carry out those mandates.
- Along with mechanical instructions on case management, administrative processes carry conceptual practices that either centralize or marginalize women’s actual experiences and needs for safety. A child protection intake form, a pre-sentence investigation format, and a guardian ad litem’s parenting skills checklist are examples of administrative practices that prescribe ways of thinking about and acting upon cases.

Audit Trail #3 – Resources

Resources include the ways that a community allocates and ensures the quality of funding, materials, processes, and personnel needed to address the problem—in our case, the problem of woman abuse within intimate relationships. Resources include everything necessary to accomplish the following:

- Workers do their jobs without compromising victim safety or offender accountability. This includes size of case loads, technology, adequate supervision, and support services.
- Victims of abuse position themselves in safer situations, through such means as housing, skilled counseling, financial help, and adequate legal representation.
- Intervening systems hold offenders accountable. This includes adequate jail space, enough time for probation officers to supervise their clients, high-quality rehabilitation services, and practitioners who are well prepared to work with men of diverse economic, ethnic, and religious backgrounds.

Audit Trail #4 – Concepts and Theories

Concepts and Theories include language, categories, theories, assumptions, philosophical frameworks, and other methods and ways that institutions organize workers to think, talk, and write about the cases and the people whose experiences are being managed as cases.

- Many conceptual practices are readily seen, but most are not. It’s easier to see the philosophical frameworks that challenge or undermine the way we think. It’s much more difficult to recognize those that mirror our own assumptions.
- It’s sometimes very difficult to see how conceptual practices are ingrained in the use of language, assignment of categories, crafting of assessment tools, and assumptions supporting a law, rule, or policy.
- Ask: What concepts operate here? How is this worker coordinated to use this concept? What categories does this worker use and how does that shape his or her thinking about the case? What assumptions are in this form or process or matrix?
- Concepts, theories, assumptions, philosophical frameworks, and so forth are not owned by or specific to an individual; they are embedded in institutional processes.

Tool #2

Audit Trail #5 – Linkages

Linkages include the ways that institutions link practitioners to other workers and other intervention processes; ways that practitioners are linked to the people whose cases they process; and ways that practitioners are linked to process and people outside their community (or *extra-local*, e.g., federal regulating agencies, state legislatures, professional associations.)

- In a misdemeanor assault case, there may be over a dozen workers in a dozen separate agencies at four or five levels of government. Most will never talk directly to each other about the case; in large communities, many will never meet each other. Most of them will never meet the people whose cases are being processed.
- No worker acts independently from those who proceed or follow him/her in the process.
- Each worker is linked to others in a sequence of institutional actions.
- Watch and listen for methods of linking practitioners, such as routing information, referrals, regular meetings, writing reports *to*, receiving reports *from*, and collecting information *on behalf of*.
- Watch for how workers are linked to concepts and theories (see Audit Trail #4).
- Watch for how workers are connected to the actual people whose case is being managed. Do they have direct contact, or does the case file stand in for the actual person (and if so, with what accuracy)?
- Links can be strong or weak and can enhance or diminish victim safety and offender accountability.
- The unique needs of victims of battering require that institutions create new linkages and enhance existing ones.

Audit Trail #6 – Mission, Purpose, and Function**Mission, Purpose, and Function**

- **Mission** concerns the *overall process*, the overarching purpose of a system such as criminal court or child protection. Presumably, every action and case processing step within the institution or agency reflects that mission.
- **Purpose** refers to the institutional purpose of a *specific process* within that overarching mission, such as booking, arraignment, and pre-trial hearings.
- **Function** is the function of a practitioner in a **specific context**.
- An Audit explores how the interconnected mission, purpose, and functions of practitioners within specific systems and institutions account for victim safety and offender accountability.

Audit Trail #7 – Accountability

Accountability holds specific meanings in relationship to the Audit process. It includes the ways that institutional practices are organized to accomplish the following:

- Hold individuals *accountable for the harm* they have done, as well as the harm they are likely to cause without effective intervention.
- Hold practitioners *accountable to the people* whose lives are being managed.
- Hold practitioners *accountable to other interveners* in the system.

Audit Trail #8 – Education and Training

Education and Training include the following:

- The ways different disciplines organize workers (e.g., criminal lawyers, civil lawyers, child protection workers, police, therapists, nurse practitioners) to understand their jobs and the social phenomena related to their work, such as the abuse of women in marriages and intimate relationships.
- Formal ways that agencies train their workers to think about and act on cases.
- Informal ways that workers learn their jobs through experience and training by more seasoned workers.
- Exposure to different concepts, theories, and conceptual practices.
- Ongoing skill building that enables workers to effectively intervene in domestic assault cases involving diverse populations.

Audit Trail #9 – To be discovered...

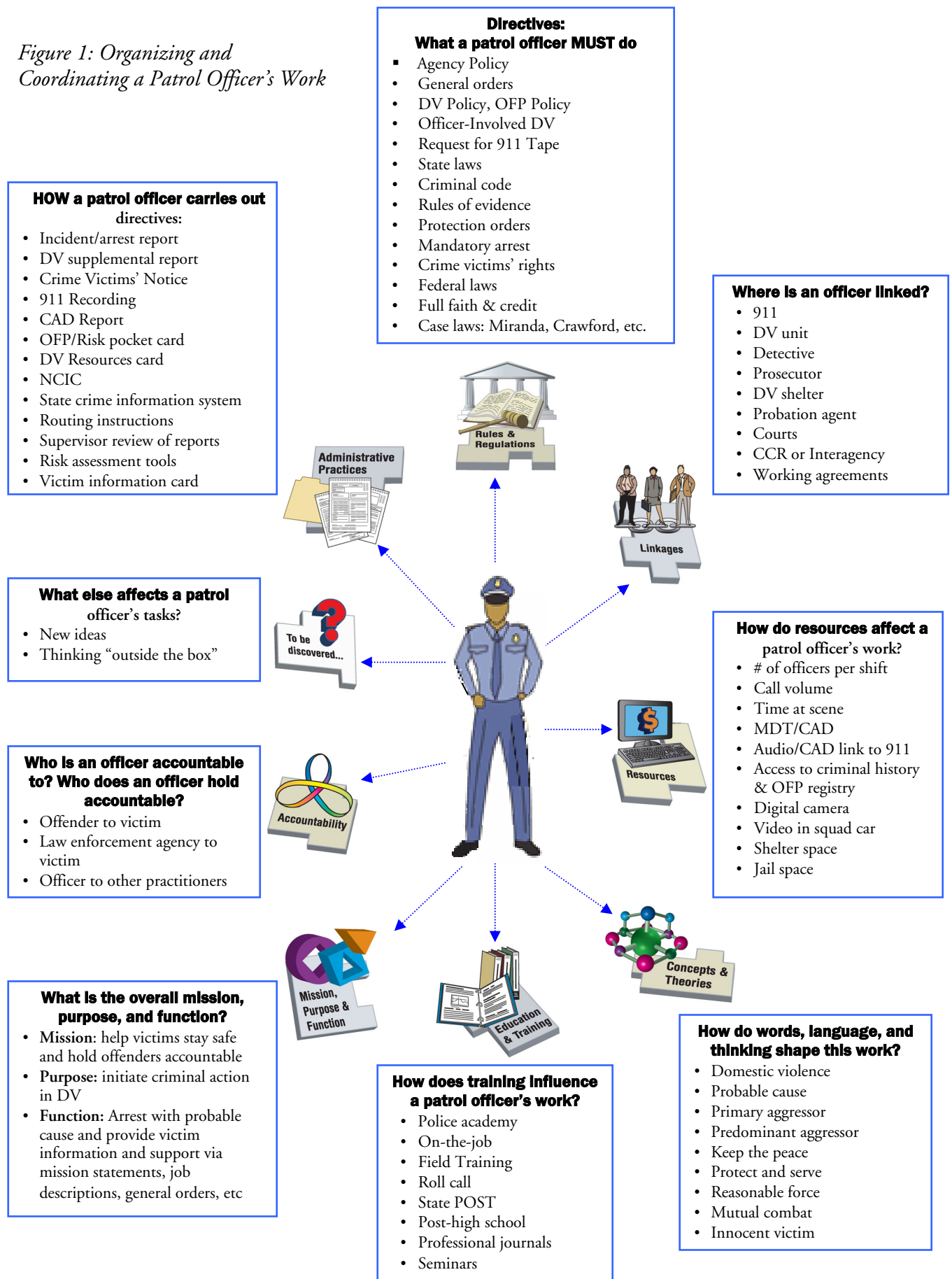
To be discovered . . . We have identified eight primary methods by which institutions organize and coordinate workers to intervene in standardized ways. Your Audit team may uncover a method that is particularly influential in case processing but is not included here. Don't let these eight categories limit the boundaries of your investigation.

Discovering the Audit Trails	
Use the guides and worksheets in Tool #3 to help you gather information from your interviews, observations, and text/document review. Use this guide and the worksheet in Tool#4 to help organize this information and then account for and describe the 8+ Audit Trails.	
For each rule and regulation:	<ul style="list-style-type: none"> ✓ How does this rule or regulation diminish or enhance safety-oriented actions or thinking? Remember: <ul style="list-style-type: none"> • <i>It may do both.</i> • <i>It may not be the same answer</i> for all victims of battering.. • <i>It may be contingent</i> on certain characteristics of the abuser. ✓ Where did it originate? In the local community? Outside? ✓ What are the underlying intents and assumptions in this rule? ✓ What are the political origins and current commitments to the law or policy or rule? This may be helpful to know if the Audit team recommends a change. ✓ What particular philosophical framework does this rule use in coordinating a worker? ✓ How is this rule a problem for safety or accountability? Whose safety? What form(s) of accountability? ✓ In what specific cases does the rule work well, and in what cases does it not? What makes it protective in some situations, but not others?
At each point of intervention in case processing:	<ul style="list-style-type: none"> ✓ What are the procedures here? <ul style="list-style-type: none"> • Describe each procedure the practitioner uses. ✓ How do texts guide the practices here? <ul style="list-style-type: none"> • Regulatory texts: e.g., laws, policies, directives, rules. • Administrative texts: e.g., report writing forms, matrices, guidelines, calculations, intake and assessment forms, and legal forms such as protection order affidavits. • Narratives: e.g., evaluative and narrative reports about the case, such as police reports, psychological reports, CHIPS petitions, and pre-sentence investigations. Remember that most of these are defined by formats designed long before intervention in a particular case began. ✓ How can you see workers coordinated and organized through case files and documents? ✓ Where is this practitioner and procedure linked to others? ✓ How does the procedure account for the specific ways victims of domestic violence experience risk, harm, and danger? ✓ How could safety or accountability measures be introduced?
For each form, report, matrix, checklist, or other text/document:	<ul style="list-style-type: none"> ✓ Is this a regulatory, administrative, or narrative text? ✓ What is this text doing? <ul style="list-style-type: none"> • Remember: Texts are always doing something. They are active components of the process. They screen, prioritize, instruct, provide conceptual frameworks, and categorize.

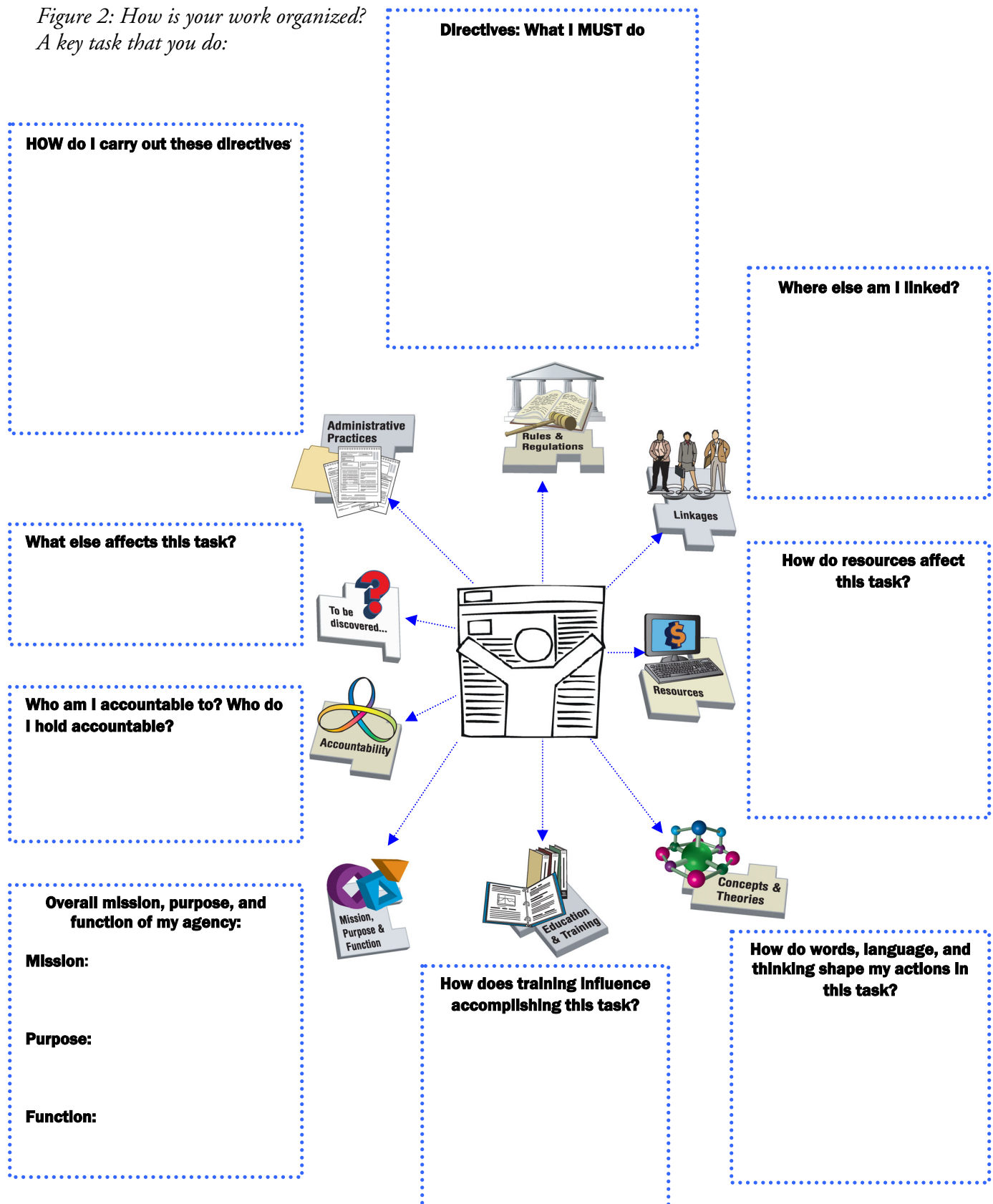
Tool #2

Discovering the Audit Trails	
(continued...) For each form, report, matrix, checklist, or other text/document:	<ul style="list-style-type: none"> ✓ What texts does the practitioner <i>use</i> in completing this task? Are they adequate, and what implications for safety do they pose? <ul style="list-style-type: none"> • For example, does this police report allow the prosecutor to determine the charges to file on this case or request bail? Does this pre-sentence investigation report provide the sentencing judge with adequate information to sentence the offender with victim safety in mind? ✓ What texts does the practitioner <i>produce</i> to complete this task? What does the practitioner have to know to produce this text, and how is that information acquired? Where will it go next, and who will use it? ✓ How could this text contribute to or compromise victim safety? Offender accountability?
For each link or point of connection:	<ul style="list-style-type: none"> ✓ Who else is this practitioner linked to, and how? <ul style="list-style-type: none"> • Describe who intervenes before and after this practitioner. • Describe all texts that link this practitioner to others. ✓ How does this connection facilitate or impede safety-oriented intervention? ✓ How does this connection facilitate or impede the likelihood that offenders will be held accountable? ✓ How does this connection facilitate or impede the likelihood that intervening agencies will be accountable to victims? To each other? ✓ How are linkages within and across systems created locally? Elsewhere (“extra-locally”)?
To discover the agency <i>mission</i>:	<ul style="list-style-type: none"> ✓ How does the agency state its mission? ✓ What is the history of that mission? How has it changed over the past decades? Are there controversies about the mission? ✓ How does safety for victims of battering fit with the mission? ✓ How do the three aspects of accountability (offender to victim, system to victim, practitioners to each other) relate to the mission?
To discover the <i>purpose</i> of a specific process:	<ul style="list-style-type: none"> ✓ What is the purpose at this point of intervention, this step in case processing? ✓ How does or might that purpose relate to victim safety and offender accountability? ✓ How does that purpose account for domestic violence? ✓ How do victims of battering experience this step in case processing?
To discover the <i>function</i> of a specific practitioner:	<ul style="list-style-type: none"> ✓ What task must this practitioner complete? ✓ What will measure successful completion? ✓ How does the practitioner’s function relate to safety and accountability at this step of the process? ✓ Is it necessary to broaden or shift the scope of the practitioner’s job/function to fully account for safety and accountability?

Figure 1: Organizing and Coordinating a Patrol Officer's Work



*Figure 2: How is your work organized?
A key task that you do:*



SAMPLE DRAFT
**WORKING AGREEMENT BETWEEN DOMESTIC VIOLENCE ADVOCACY PROGRAM
AND LAW ENFORCEMENT AGENCY**

I. Law Enforcement Agency agrees to:

- A. The (designate law enforcement personnel¹) will contact the advocacy program within (designated time²) of all arrests for domestic violence-related crimes, including incidents where officers determine there is probable cause to arrest but the alleged perpetrator cannot be immediately located. (specify responsible party, i.e. dispatch, arresting officer, jailer, other);
- B. Share arrest and non-arrest reports on all domestic violence-related calls. Domestic violence-related calls would be those wherein the parties involved have a relationship as defined in (Statute reference). These calls include, but are not limited to, assault, disorderly conduct and civil protection order violations. (Specify procedure, ex: reports will be faxed within 24 hours of the incident except those calls occurring during the weekend. Reports generated by calls received during the weekend will be faxed Monday morning).
- C. Hold suspects in custody until first appearance or as allowed by statute (ie: 36/48/72 hours).
- D. Keep statistics on all domestic calls, both arrests and non-arrests. Maintain computerized data when possible.
- E. Review, revise, and update law enforcement policy with Advocacy Program annually.
- F. Provide and/or participate in annual training on domestic assault, as needed.
- G. Identify a liaison to the Advocacy Program for purposes of implementing this Working Agreement (designate responsible party).
- H. Participate in meetings with Advocacy Program and other criminal justice agency representatives as part of the coordinated community response.

II. Advocacy Program agrees to:

- A. Maintain a 24-hour telephone service that will provide information to callers regarding services and options available to victims of domestic assault.
- B. Make immediate contact with the victim (within one hour of notification by law enforcement in order to: a) provide information concerning the court process and available services; b) elicit victim's input into the court process; c) ascertain the victim's wishes regarding conditions of release; and d) offer accompaniment throughout the court process.

¹ Possible options: dispatch center after being informed by the officer that an arrest was made; the arresting officer out of earshot of the abuser; the jailor, as a part of booking procedures.

² The sooner that the advocacy program can make contact the better. In most places this can occur within an hour. Part of the negotiations is to determine who can make this call within the shortest amount of time.

- C. Provide support and assistance for victims throughout the civil or criminal court process by accompanying them to court, advocating on their behalf when appropriate, and providing transportation and child care when possible.
- D. Provide weekly support/educational groups for battered women.
- E. Facilitate the exchange of information relevant to the case as desired by the victim.
- F. Work with law enforcement and affected criminal justice agencies to ensure appropriate court outcomes by advocating on individual cases and by coordinating domestic assault intervention policy and procedure development with criminal justice and other community agencies.
- G. In cases where arrests are not made, staff will attempt to contact persons identified as victims on the non-arrest report and provide them with information and support.
- H. Provide training to local law enforcement and other criminal justice agencies on the issue of domestic assault.
- I. Track the criminal justice response from the initial call through final disposition.
- J. Meet with individual agency liaisons to discuss deviations from policy or changes in protocol.
- K. Provide quarterly reports to intervention agencies regarding the disposition of cases in which they were involved.
- L. Meet with representatives of all involved agencies to discuss the effectiveness of the policies and practices of the coordinated community response.
- M. Identify a liaison to the Law Enforcement Agency for purposes of implementing this Working Agreement (specify responsible party).

III. Law Enforcement/Advocacy Program Domestic Abuse Complaint Procedure

Whenever the Advocacy Program or the Law Enforcement Agency identifies or receives a complaint regarding the response of one or more of the employees of the other's agency, the Advocacy Program Liaison and the Law Enforcement Agency Liaison agree to contact each other for the purpose of investigating and rectifying the complaint .

This agreement is entered into for the purpose of standardizing the collaborative domestic assault response between the Law Enforcement Agency and the Advocacy Program. It will be reviewed annually to assess its effectiveness and to make revisions where needed.

This agreement is entered into on _____(date)

Law Enforcement Agency

Advocacy Program

*The Use of the U-Visa and Language Access to Improve
Law Enforcement's Work with Immigrant Victims:
Law Enforcement and Community Safety Benefits*

**BUILDING AND ENHANCING
A COORDINATED COMMUNITY RESPONSE TO BATTERING:
A RURAL INTERDISCIPLINARY TRAINING INSTITUTE**

***PRESENTED BY PRAXIS INTERNATIONAL
IN PARTNERSHIP WITH OFFICE ON VIOLENCE AGAINST WOMEN
BLOOMINGTON, MINNESOTA OCTOBER 22, 2014***

National Immigrant Women's Advocacy Project American
University Washington College of Law

**Introductions, Technical Assistance,
Resources and Materials**

- Power Point presentations and materials
 - www.niwap.org/go/praxis
- Law Enforcement U visa toolkit and BJA/OVW funded materials for law enforcement
 - www.niwap.org/go/bja
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Web Library:
www.niwaplibrary.wcl.american.edu

National Immigrant Women's Advocacy Project American
University Washington College of Law

Learning Objectives

By the end of this training, you will be better able to:

- Enhance law enforcement ability to work with immigrant victims
- Use the U-visa certification process
- Promote language access to help from law enforcement
- Identify the benefits of the certification and language access for law enforcement and community safety
- Understand the importance of collaboration with victim advocates in working with immigrant victims

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U.S. Immigrant Demographics

- "Immigrant" = born outside the U.S.
- 40.4 million immigrants in U.S (MPI 1/13)
 - 12.5% U.S. population (MPI 12/10)
- Among foreign born
 - 45% are naturalized citizens (MPI 1/13)
 - 32.4% are lawful permanent residents (MPI 10/12)
 - 64.9% (8.5 million) eligible to naturalize (MPI 10/12)
 - 22.6% undocumented or temporary immigrants (MPI 10/12)
- Today over 27% of U.S. population are immigrants or children of immigrants
 - (US Census)
- 24.3% of children under age 17 live with at least one immigrant parent (MPI 1/14)
- 93% of children with 1+ immigrant parents are U.S. citizens (MPI 1/14)

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Immigrant Demographics

- \approx 80% of immigrants are living in the U.S. legally
- 1/3 of foreign-born population are naturalized U.S. citizens
- 1/3 of permanent residents were at one time undocumented
- 85% of immigrant families are “mixed status” (including at least 1 U.S. citizen, often a child)

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State By State Immigrant Demographics

- www.niwap.org/go/statedemographics

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DYNAMICS OF DOMESTIC VIOLENCE EXPERIENCED BY BATTERED IMMIGRANTS

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Research Among Immigrant Women Found

- Similar results lifetime abuse rates for immigrant women in the U.S. 33-50%
- Immigrant women also have high rates of sexual assault, particularly during the first two years after arrival in the U.S.
- Victimization of immigrant children also high, including child sexual abuse
- Multiple immigrant populations studied

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Domestic Violence Prevalence and Severity

- U.S. in general: **22.1%** (NIJ)
- Immigrant women: **30-50%**
- Research has found that immigrant victims
 - Stay longer
 - Have fewer resources
 - Sustain more severe physical and emotional consequences of abuse

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Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
- Lifetime as high as 49.8%
- Those married to citizens and lawful permanent residents – 50.8%
- U.S. citizen spouse/ former spouse abuse rate rises to 59.5%
- Almost three times the national average

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Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for victims:
 - 72.3% never file immigration papers.
 - The 27.7% who did file had a mean delay of **3.97 years**.

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Immigration Related Abuse

- Refusal to file immigration papers on spouse/child/parent's behalf
- Threats or taking steps to withdraw an immigration case filed on the victim's behalf
 - Family or work based visas
- Forcing victim to work with false documents
- Threats/attempts to have her detained/deported
- Calls to DHS to turn her in – have her case denied

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Immigration-Related Abuse

- Keeps victims from
 - Seeking help
 - Calling police
 - Cooperating in prosecutions
 - Getting protection order
- Affects victims documented and undocumented
- 65% of immigrant victims report some form of immigration related abuse (NIJ)
- Locks victims in abusive relationships

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Immigration Related Abuse as a Lethality Factor

- **10 times higher** in relationships with physical/sexual abuse as opposed to psychological abuse
- Lethality factor can predict abuse escalation
- Corroborates existence of physical and sexual abuse

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Legal Immigration Status Options for Immigrant Victims

VAWA self-petition

- Abused spouses/children of U.S. citizens and lawful permanent residents
- Abused parents of U.S. citizens over 21 years of age

VAWA cancellation of removal

- Deportation protection for abused spouses/children of U.S. citizen and lawful permanent residents

Battered spouse waiver

- Abused spouses of U.S. citizens with two-year conditional permanent residency

Deferred Action (DACA)

- Deferred action for child arrivals including Dreamers

U visa

- Victims of criminal activity, who
- Have been, is being or is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing
- Suffered substantial harm from criminal activity

T visa

- Victims of severe forms of human trafficking

Gender Based Asylum

- Includes victims of sexual assault and domestic violence

Special Immigrant Juvenile (SIJ)

- Juveniles that have been abused, abandoned or neglected by one or both parents

Screening Squad Car Tool – Blue Card

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Purpose

Congress enacted VAWA self-petitioning (1994) and the U-visa (2000) to:

- Improve community policing and community relationships
- Increase prosecution of perpetrators of crimes against immigrant victims
- Allow victims to report crimes without fear of deportation
- Enhance victim safety
- Keep communities safe

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DHS Priorities for Enforcement and Victim Protection DHS Memos – Guidance

- DHS victim witness memo
- Humanitarian release
- 384 DHS computer system (VAWA, T-visas, U-visas)
- Memorandum on DHS detention priorities
- DHS law enforcement Q & A on T and U visas
- U-visa Law Certification Resource Guide

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DHS Video Part I

- <http://niwap.org/training/DHS-roll-call/>

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Criminal activities covered by the U-visa?

- Rape
- Torture
- Trafficking
- Incest
- Domestic violence
- Sexual assault
- Stalking
- Prostitution
- Female Genital Mutilation
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Involuntary servitude
- Slave trade
- Being held hostage
- Kidnapping
- Abduction
- Peonage
- False Imprisonment
- Fraud in Foreign Labor Contracting
- Obstruction of justice
- Perjury
- Attempt, conspiracy or solicitation to commit any of these crimes
- Any similar activity

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U-Visa Criminal Activities (11/2011 data)

- Domestic violence 45.9%
- Rape, sexual assault, incest, trafficking 30.4%
- Felonious assault, murder, manslaughter 9.9%
- Kidnapping, being held hostage, unlawful criminal restraint, torture 8.47%
- Blackmail, extortion, perjury, obstruction of justice, attempts, conspiracy, solicitation 5.3%

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Crime Victim (“U”) Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the criminal activity
- Criminal activity occurred in the U.S. or violated U.S. law

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“Investigation or Prosecution” Includes:

- Detection
- Investigation
- Prosecution
- Conviction
- Sentencing

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The U-visa Application Process

- Law enforcement/prosecutor/judge certification
- Complete and submit application
 - Affidavit(s)
 - Proof of substantial harm
 - Fingerprints
- Decision from DHS \approx 7 months - 1 year

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What the U-visa Certification Form Asks From a Certifier:

- What criminal activity occurred?
- Identify the victim
 - Include any findings regarding injuries
- Helpfulness of the victim
 - Current,
 - Past, OR
 - Willingness to be helpful
- Any family members implicated in the crime

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U-visa Facts and Benefits

- Only 10,000 U-visas can be granted annually
 - Waitlist approvals
- The U-visa grants a temporary 4 year stay
 - Work authorization (7 months to 1 year)
- Some state benefits go to
 - <http://niwap.org/benefitsmap/>
- Lawful permanent residency after 3 years if
 - Cooperation or not unreasonably refuse to cooperate
 - + Humanitarian need, family unity or public interest
- U.S. citizenship after 5 years of lawful permanent residency+ proof of good moral character

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Which U-Visa Recipients Can Obtain Lawful Permanent Residence?

- Did not **unreasonably refuse** to cooperate in the detection, investigation or prosecution of criminal activity; AND
 - Humanitarian need, OR
 - Family unity, OR
 - Public interest
- Homeland Security review of cooperation and the reasonableness of non-cooperation is required for lawful permanent residency

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How does the U visa help law enforcement?



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U visa Benefits to Law Enforcement

- Encourages victims to report crimes
- Improves investigation and prosecution of violent crimes
- Increases potential to convict most dangerous criminals
- Demonstrates commitment to protecting immigrant community members
- Enhanced immigrant community involvement
- Makes it easier to identify victim witnesses
- Reduces repeat calls and recanting victims
- Fosters community policing partnerships
- Enhances Officer and Community Safety

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Department of Homeland Security
U.S. Citizenship and Immigration Services

ON/IS No. 1615-0104; Expires 08/31/2016
**1-918 Supplement B,
U Nonimmigrant Status Certification**

START HERE - Please type or print in black ink.

Part 1. Victim Information.

Family Name: Orloff Given Name: Leslye Middle Name: E
Other Names Used (Include maiden name/nickname):
Date of Birth (mm/dd/yyyy): 08/28/1956 Gender: ☐ Male ☒ Female
Part 2. Agency Information.
Name of Certifying Agency: Sheriff's Office
Name of Certifying Official: Captain Mike Title and Division/Office of Certifying Official: Supervisor/D.V.U.
Name of Head of Certifying Agency: Sheriff Ric Bradshaw
Agency Address - Street Number and Name: 3228 Gun Club Road Suite #:
City: Atlanta State/Province: GA Zip/Postal Code: 33406
Daytime Phone # (with area code and/or extension): (561) 688-3000 Fax # (with area code): (561) 688-3000
Agency Type: ☐ Federal ☐ State ☒ Local
Case Status: ☒ On-going ☐ Completed ☐ Other
Certifying Agency Category: ☐ Judge ☒ Law Enforcement ☐ Prosecutor ☐ Other
Case Number: H-62632-11 FBI # or SID # (if applicable):
Part 3. Criminal acts.
1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)
☐ Abduction ☐ Female Genital Mutilation ☐ Obstruction of Justice ☐ Slave Trade
☐ Abusive Sexual Contact ☐ Hostage ☐ Peonage ☐ Torture
☐ Blackmail ☐ Incest ☐ Perjury ☐ Trafficking
☒ Domestic Violence ☐ Involuntary Servitude ☐ Prostitution ☐ Unlawful Criminal Restraint
☐ Extortion ☐ Kidnapping ☐ Rape ☐ Witness Tampering
☐ False Imprisonment ☐ Manslaughter ☐ Sexual Assault ☐ Related Crime(s)
☐ Felonious Assault ☐ Murder ☐ Sexual Exploitation ☒ Other: (If more space needed, attach separately - sheet of paper)
☐ Attempt to commit any of the named crimes ☐ Conspiracy to commit any of the named crimes ☐ Solicitation to commit any of the named crimes
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Form I-918 Supplement B (08/31/07)

For USCIS Use Only.
Returned Receipt
Date
Date
Resubmitted
Date
Reloc Sent
Date
Reloc Rec'd
Date
Remarks: LEAVE BLANK

Part 3. Criminal acts. (Continued.)

2. Provide the date(s) on which the criminal activity occurred.
Date (mm/dd/yyyy): 12/19/12 Date (mm/dd/yyyy): Date (mm/dd/yyyy): Date (mm/dd/yyyy):
3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.
sec. 741.28 Domestic Violence
4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States? ☒ Yes ☐ No
a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute? ☐ Yes ☒ No
b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.
c. Where did the criminal activity occur?
Atlanta, GA
5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.
Husband strangled Mrs. Orloff during a domestic dispute and has been following her wherever she goes.
6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.
As a result of Mrs. Orloff being assaulted and strangled she suffered injuries to her neck. (see attached photographs)
Part 4. Helpfulness of the victim.
The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated):
1. Possesses information concerning the criminal activity listed in Part 3. ☒ Yes ☐ No
2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided) ☒ Yes ☐ No
3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.) ☐ Yes ☒ No
4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.) ☐ Yes ☒ No
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Form I-918 Supplement B (08/31/07) Page 2

Part 4. Helpfulness of the victim. (Continued.)

5. Other, please specify.

Mrs. Orloff called 911 for help during a domestic dispute. Upon arrival she provided information about the incident to the officer on scene and allowed the officer to take photographs of the injury to her neck.

Part 5. Family members implicated in criminal activity.

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? ☒ Yes ☐ No

2. If "Yes," list relative(s) and criminal involvement. (Attach extra reports or extra sheet(s) of paper if necessary.)

Full Name	Relationship	Involvement
William Orloff	Husband	Defendant

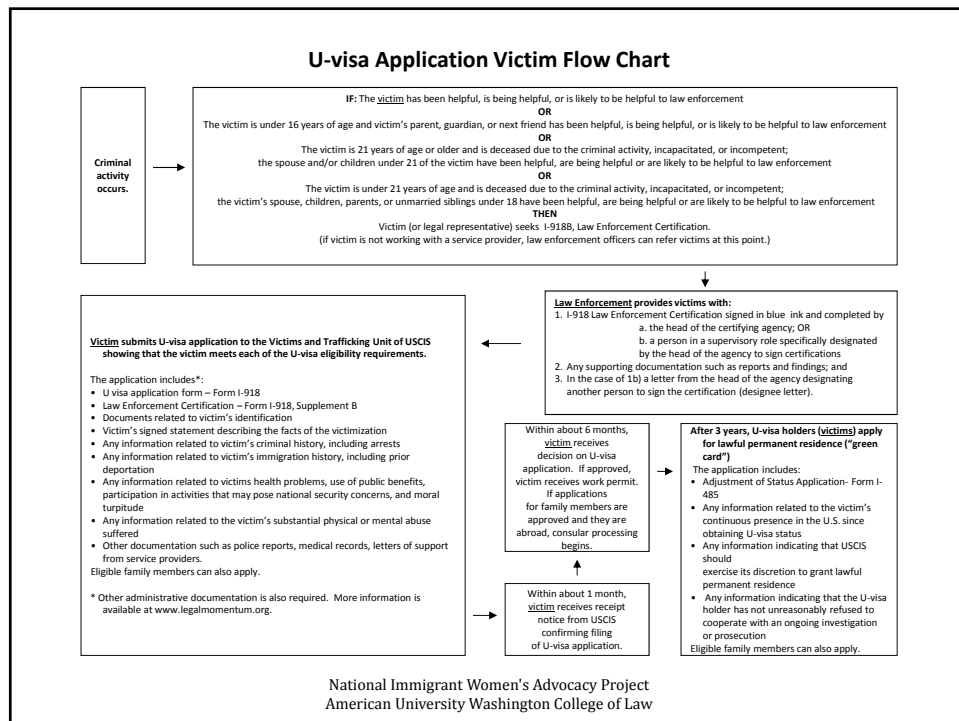
Part 6. Certification.

I am the head of the agency listed in Part 2 or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in Part 1 is or has been a victim of one or more of the crimes listed in Part 3. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2: Captain Mike Date (mm/dd/yyyy): March 4, 2013

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Form I-918 Supplement B (08/11-07) Page 3



Common Concerns of Law Enforcement

- Does not want to confer citizenship on victim
- Certifications are going to create an administrative backlog
- Belief that undocumented immigration status is a criminal federal offense
- It's the responsibility of Homeland Security, not of the local police
- Victim is uncooperative or no longer helpful
- Victim has a criminal history
- Crime occurred a long time ago or the case is closed
- Perpetrator cannot be found, identified, or is dead

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What is LEP?

- Limited English Proficiency
 - English is not primary language
 - Limited ability to read, write, speak or understand English
 - Language for LEP individuals can be a barrier
 - Access to benefits or services,
 - understanding and exercising legal rights
 - complying with responsibilities
 - understanding other information provided by Federally funded programs and activities.
 - **Determination is by person, not by agency**

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U.S. Department of Justice LEP Definition

- Individuals who do not speak English as their primary language And
- Who have a limited ability to *read, speak, write, or understand* English can be limited English proficient, or "LEP."
- These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

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Laws Governing Law Enforcement Agency Provision of Language Assistance to Limited English Proficient Persons

- Civil Rights Act of 1964 Title VI: prohibits national origin discrimination by programs receiving federal funding or assistance.
 - This includes all law enforcement agencies
- Lau v. Nichols (1973): U.S. Supreme Court held
 - “failing to take reasonable steps to ensure MEANINGFUL access for LEP persons is national origin discrimination under Title VI”
- Presidential Executive Order 13166 (2000): Title VI language access requirements apply
 - to all federally *conducted and funded* programs and activities
- U.S. Department of Justice Clarifying Memorandum Regarding Limited English Proficiency and Executive Order 13166 (2001):
 - Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith.

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Federally Funded Programs

- Bureau of Justice Assistance (BJA)
- Bureau of Justice Statistics (BJS)
- Community Capacity Development Office (CCDO)
- Drug Courts Program Office (DCPO)
- National Institute of Justice (NIJ)
- Office for Victims of Crime (OVC)
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office (SMART)
- Office on Violence Against Women (VAWA)
- Trafficking Victims Protection Act (TVPA)

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DOJ LEP Definition

- Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP."
- These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

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DOJ Model Guidance & Settlement Agreements

- Police provide free language access to
 - LEP persons who request it
 - When officer decides it is helpful to the criminal investigation or prosecution
- Police will inform members of the public that language assistance is available free of charge
- Language access provided in persons primary language

From: DOJ Sample Policy pp1-2

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DOJ Model Guidance

- Primary language means
 - Native tongue
 - Language in which the individual most effectively communicates
- Identifying LEP person's language
 - Language identification cards
 - In materials for this training

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DOJ Model Guidance

- Use the most reliable *temporary* interpreter available to address exigent circumstances
- Once exigency passes, seek a professional interpreter
 - Trained bilingual officers
 - Telephonic interpretation
 - Contract/Volunteer trained interpreters

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Exigent Circumstances

Use the most reliable *temporary* interpreter available to address exigent circumstances

- Fleeing suspect
- Weapons
- Life threatening to the officer /victim/or public

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How does an officer secure the scene?

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Securing the scene

- Who is the perpetrator?
- Is the offender present?
- Where is the offender ?
- Does the perpetrator have a weapon?
- Is there a weapon in the house?
- Where is it?
- Is anyone injured?
- Who ?

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Use of Family, Friends, Bystanders in Exigent Circumstances For Securing the scene

- Informal interpretation, AND
- Non-confrontational contexts
- Only to obtain basic information at the request of the LEP victim
- Ideally after determining that the friend, family or bystander is
 - Not the perpetrator
 - Not the perpetrator's family member or friend

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How Interpretation Benefits to Law Enforcement?

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How Interpretation Benefits to Law Enforcement

- How will it affect case outcomes?
- Avoids
 - Case being dismissed
 - Lesser charge
 - Conviction overturned
 - Prosecutor decides not to prosecute

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Benefits to Law Enforcement

- Improves officer safety
- **Correctly identify victim and perpetrator**
- Primary aggressor determination
- **LEP persons with interpreters are better able to follow law enforcement directions**
- Improves integrity and quality of the investigation
- **Reduces impeachment evidence at trial**

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Why is accuracy of information important

- Better statements for prosecution
 - More likely to get accurate statements from LEP person at the scene due to accurate interpretation
- Prosecutor has solid statement should the victim recant
- Reduces number of times victim will need to be interviewed to clarify “inconsistencies”

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Ensuring interpreter impartiality Screen for conflict of interest

- Where is the interpreter from?
- Does the interpreter know the parties or witnesses?
- Confirm that they follow the interpreters code of ethics

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Ensuring interpreter impartiality

- Ask the LEP person if they
 - Know the interpreter?
 - Are comfortable with this person interpreting?
 - If they are not comfortable contact supervisor to seek another interpreter
- Via telephone or other resource

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Standard Procedures Still Apply

- Take police reports
- Take photos (initially and of bruises developed)
- Provide information about available resources
- Document further contact from the offender
- Provide the officer more details when the victim remembers more

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Questions



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Thank you!

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Screening for Victims Who Qualify for Immigration Protective Relief

Eligibility Questions for Certain Options

Immigration protective relief is an important tool for community policing that strengthens the ability of law enforcement agencies to detect, investigate, prosecute, and solve cases of domestic violence, sexual assault, trafficking, and other types of criminal activity. Without adequate language assistance, many immigrant victims cannot obtain police protection, obtain emergency medical assistance, or give police crucial information. Use this card as a checklist to screen for potential immigration relief and language issues.

VAWA Self-Petitions — is the victim:

- Married to a U.S. citizen or lawful permanent resident and living with their spouse *or*
- Divorced from a U.S. citizen or lawful permanent resident spouse within the last two years *or*
- The child of a U.S. citizen or lawful permanent resident *or*
- The parent of an adult U.S. citizen son or daughter
- Has the victim resided with the abuser?
- Does the victim have good moral character?
- Has the victim been a victim of battery or extreme cruelty?

VAWA Cancellation of Removal – is the victim:

- Currently in Deportation or Removal Proceedings?
- Lived continuously in the U.S. for at least five years?
- Been physically hurt or suffered extreme cruelty?
- What is the victim's relationship to the abuser is it:
 - Their current or former spouse who is a U.S. citizen or lawful permanent resident *or*
 - Their citizen or lawful permanent resident parent or step parent if they are under the age of 21
 - The citizen or lawful permanent resident other parent of the victim's abused child?
- Where did the abuse occur?
- What would happen to the victim and their child if the victim were deported?

Battered Spouse Waiver

- Victim has a lawful permanent residency card "green card" that ends 2 years after it was issued
- Battered immigrant victim is married or divorced from a U.S. citizen spouse
- Victim was battered or subjected to extreme cruelty by the citizen spouse
- Inform victim that they can file for full lawful permanent residency without her abuser's knowledge or help

Crime Fighting Tools for Law Enforcement

U-Visa (Crime Victims):

- Applicant must be a victim of a qualifying criminal activity and have suffered substantial physical or mental abuse as a result of the crime;
- The criminal activity must have violated a U.S. law;
- The victim must possess information about the qualifying criminal activity;
- The victim is being, has been, or is likely to be helpful in the detection, investigation or prosecution of the qualifying criminal activity.

QUALIFYING CRIMES

Rape	Involuntary servitude	Extortion
Torture	Slave trade	Manslaughter
Trafficking	Being held hostage	Murder
Incest	Kidnapping	Felonious assault
Domestic violence	Abduction	Witness tampering
Sexual assault	Peonage	Obstruction of justice
Stalking	False Imprisonment	Abduction
Prostitution	Blackmail	Perjury
Female genital mutilation	Fraud in Foreign Labor Contracting	

Attempt, threats, conspiracy or solicitation to commit any of these crimes (have this below crimes)

Law enforcement's role:

- Identify that criminal activity occurred
- Identify the victim or indirect victim
- May note injuries observed, if any
- Determine helpfulness of the victim
- Determine if any family members were implicated in the crime
- Sign qualifying applications

T-Visa (Trafficking victim): Victim is...

- A victim of a severe form of trafficking in persons
- Physically present in the United States on account of the trafficking
- Victim has complied with any reasonable requests for assistance in the investigation or prosecution (or is under the age of 18)
- Victim would suffer extreme hardship involving unusual or severe harm if removed from the United States

Law enforcement's role

- Identify the victim
- Describe the severe form(s) of human trafficking the victim was subject to:
 - sex trafficking by force fraud or coercion, sex trafficking of a minor or
 - labor trafficking by force fraud or coercion
- Describe victim cooperation
- Determine if any family members were implicated in the crime

Language Access: A victim who...

- Does not speak English as their primary language, and
- Has a limited ability to read, write, speak or understand English

Law enforcement's role:

- Identify whether the victim is in need of language assistance by asking open-ended questions and questions that require an opinion
- Determine what language is needed using the "I Speak" cards
- Find an interpreter, or provide the victim with the phone number for the language lines
- If you choose to use an interpreter at the scene, make sure the interpreter is not:
 - A child or family friend
 - A family member of the victim or the perpetrator/primary aggressor
 - The perpetrator or primary aggressor
 - The interpreter used by the perpetrator/primary aggressor

For Additional Resources or Technical Assistance: Contact the National Immigrant Women's Advocacy Project at 202-274-4457 or info@niwap.org.

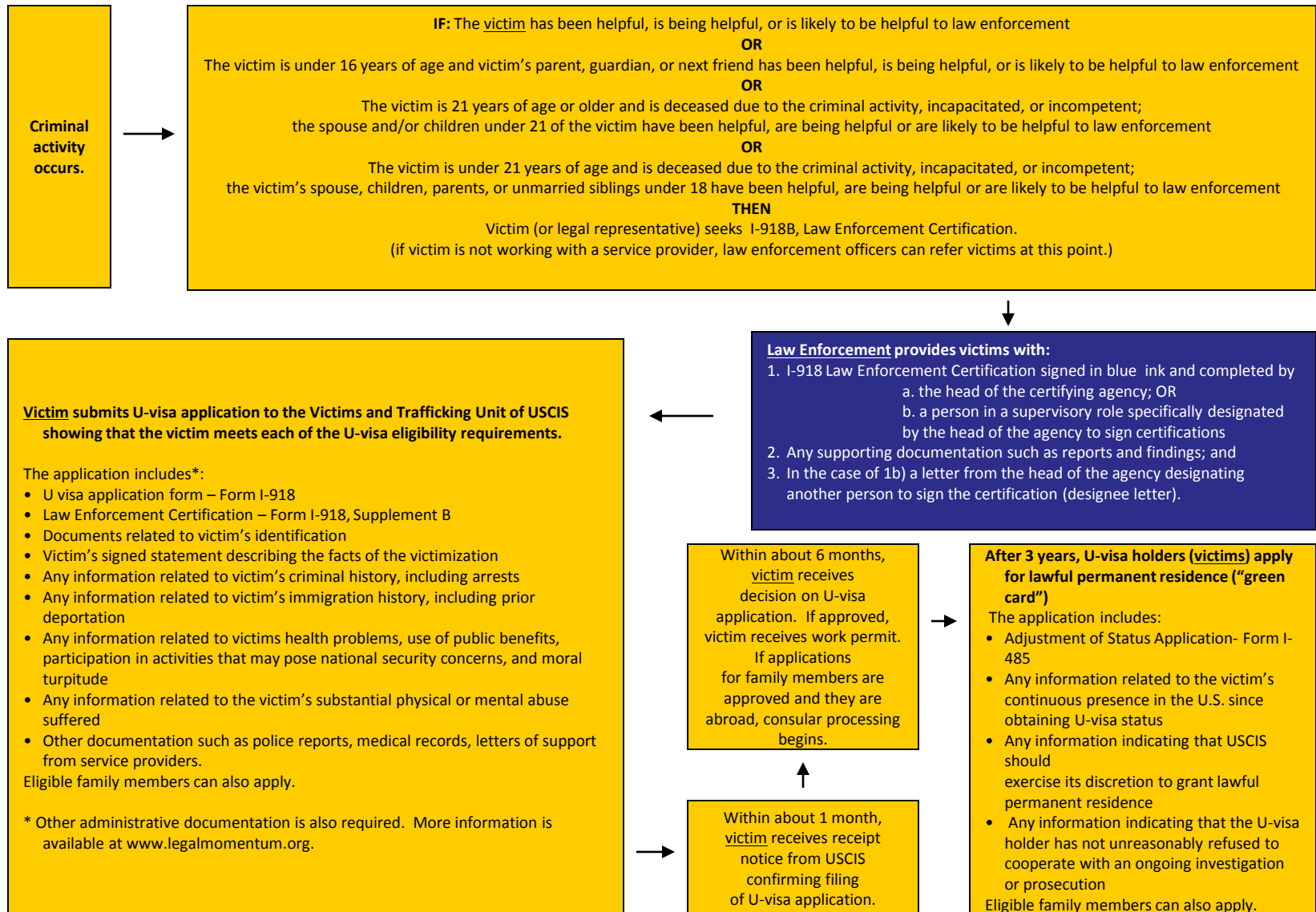
DHS Blue Campaign, www.uscis.gov/humantrafficking

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U-visa Application Victim Flow Chart



**Albuquerque Police Department in collaboration with the
Mayor's Sexual and Domestic Violence Taskforce**

June 6, 2013

Why Using an Interpreter is Beneficial to Law Enforcement**Safety:**

- Use of a bystander to interpret may be ineffective and may compromise officer and victim safety by –
 - Preventing a weapon from being located
 - Not identifying the suspect
 - Failing to obtain information critical to locating and stopping a fleeing suspect
 - Misidentifying the victim as the suspect
 - Believing that the suspect is a victim or witness, resulting in injury to officers and others at the scene when the suspect is not sufficiently restrained
- When the crime scene is a home, victim and officer safety can be jeopardized if the officer chooses a bilingual person to interpret who unbeknownst to the officers is the
 - Suspect
 - The suspect's family member
 - The suspect's accomplice
- If the chosen interpreter is a family member of the perpetrator, he/she may omit information on the location of a weapon, the identity and/or location of the perpetrator.

Likelihood of a Successful Prosecution of the Suspect:

- Lack of professional interpretation by qualified interpreters can affect the disposition of a case.
 - Victim or Witness is LEP person:
 - Police reports and statements taken by police are more accurate, providing better support for prosecution
 - If the victim provides a statement and then decides not to testify, the Prosecutor has accurate statements in the record as part of the prosecution's case
 - Statements proving the crime cannot be challenged based on inaccurate interpretation
 - Avoids instances in which the LEP person made a statement in their native language at the scene and the same statement in court but the two renditions of the statement do not match because a non-qualified interpreter was used to "interpret" statements included in the police report

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June 6, 2013

- Defendant is LEP person:
 - Poor interpretation can lead to dismissal of the criminal case against the defendant
 - Who claims to not have understood Miranda rights
 - Because poor interpretation undermined the quality of the evidence in the case leading to insufficient evidence of guilt
 - This could result in a defendant being prosecuted for a lesser charge, dismissal of the prosecution or a conviction being overturned on appeal.

Accuracy:

- Lack of quality interpretation leads to unreliable information when the interpreter is biased, incapable of interpreting or incompetent
- Without a professional interpreter:
 - A victim or witness who does not understand the officer will not be able to answer questions accurately
 - A suspect will not be able to follow police orders or instructions enhancing danger to police, witnesses, victims and bystanders
- More accurate statements lead to
 - A stronger case
 - Greater likelihood that the prosecutor will choose to prosecute the case
 - Enhanced probability of a successful prosecution.

Victim or Witness may Omit Statements:

- When an officer uses a bilingual person rather than a bilingual interpreter to communicate with an LEP crime victim or witness the victim may
 - Fail be forthcoming with full information or
 - Omit information
- This occurs because:
 - The victim knows the interpreter who is a member of the victim's community and the victim will not reveal through this interpreter the details police are seeking that the victim considers potentially embarrassing information although such information is critical for prosecution.

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June 6, 2013

- The victim knows that the “interpreter” has a conflict of interest unknown to the police;
- The confidentiality that professional qualified interpreters provide is not present and the victim feels unsafe in providing law enforcement full answers to questions through the chosen interpreter.

Promotes Efficiency and Less Costly:

- Language barriers make routine procedure more difficult
 - The officer cannot explain the reason for a stop or citation.
- Reduces the number of times a victim will need to be interviewed to clarify “inconsistencies”
- Saving Money
- By failing to address language barriers, police departments become vulnerable to civil suits.

National research in 2013¹ surveyed immigrant and LEP crime victims experiences when they called the police for help. Survey participants were 722 programs from 50 U.S. jurisdictions, primarily: domestic violence and sexual assault programs (61%), legal services agencies (12%); government officials, law enforcement and prosecutors (9%); immigration attorneys (6%). This national survey found that when victims of domestic violence, sexual assault or human trafficking called police for help:

- ***Police reports were not taken*** in between 9.6% and 14.8% of the cases.
- There was a strong correlation between
 - Inability to communicate with an LEP victim and
 - A police report never being taken in the case.

Type of Crime	Survivors Who Called Police for Help	Police Report was Not Taken	Percentage of Police Reports that Were Not Taken Due to the Inability to Communicate With the Victim
Sexual Assault	2,773	265 (9.6%)	51.3% (136)
Domestic Violence	9,956	1,033 (10.4%)	54.3% (561)
Trafficking	500	72 (14.8%)	55.6% (40)

¹ Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, *National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access*, (National Immigrant Women's Advocacy Project, American University, Washington College of Law, April 16, 2013).

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June 6, 2013

TIPS TO HELP LAW ENFORCEMENT IDENTIFY VICTIMS, WITNESSES, AND OTHER PERSONS WHO ARE LIMITED ENGLISH PROFICIENT AND NEED AN INTERPRETER

OVERVIEW

Law enforcement will likely encounter victims, witnesses, and other persons who need an interpreter. Ideally, the officer will be able to identify if a person needs an interpreter in the first few moments of meeting a limited English proficient (LEP) person. To accomplish this law enforcement may want to engage in some introductory dialogue—before any substantive interviewing—to detect if a person needs an interpreter to communicate fully and effectively with law enforcement officials. Here are general some Dos and Don'ts to keep in mind when encountering a potentially LEP person.

Dos

- Establish a friendly rapport and build trust
- Ask questions that are open-ended instead of Yes/No questions. If a person is nodding their head or saying Yes/No, an officer might assume this person understands what is being said. When an individual is providing answers to open-ended questions, a police officer can observe how well a person can grasp and speak English, if at all.
- Ensure that you are creating a safe, positive environment. Keep your tone neutral (in an emergency situation) and friendly/warm (in a non-emergency situation). A seemingly innocuous question can sound accusatory if your tone implies it. For example, the questions “Where are you from?” or “How long have you lived here?” or “Where do you work?” may sound to an LEP person like the equivalent of asking “Are you from this country?” or “Are you an immigrant?”
- To build trust and rapport it is important to be conscious of your own facial expressions and gestures. Even if you what you are saying is neutral, if you have an intimidating stance (such as if you have your arms crossed or keep putting your hands on your holster), this could make you seem less approachable.
- Be respectful of cultural differences. If a person is not looking you in the eye or does not want to be touched, this may be a direct result of their culture. For example, if a woman is wearing a headscarf, it may be that no man—outside her family and husband—is allowed to touch her. In this case, if you are standing next to her and see her backing away, don't necessarily take this as a sign that she is being uncooperative. When you are unsure, take notice a person's body language and follow their nonverbal cues.
- Do positive outreach regularly in the in the community. By reaching out to faith-based initiatives or communicating with nonprofits and social service organizations that work with immigrant and LEP communities and are trusted by them, police can find new routes into communities. For example, a police representative could attend interfaith forums to monitor community tensions or to assist in conflict resolution between communities. Additionally, some community members may not report hate crimes to the police, but may feel more comfortable

Albuquerque Police Department in collaboration with the Mayor's Sexual and Domestic Violence Taskforce

June 6, 2013

reporting them to social service agencies or religious leaders. If an LEP person has a positive image of law enforcement, he or she will feel safer talking to officers when they have been victims of, witnesses to or have information about crimes.

- Once an interpreter is secured to communicate with the LEP persons that you are a state or local law enforcement officer here to help the victim and to gather information about a crime. Explain that you are not DHS and that talking will not result in the victim or witness being reported to the Department of Homeland Security immigration enforcement authorities.

Don'ts

- Ask questions that will elicit testimony or evidence prior to obtaining a qualified professional interpreter, because if a person is indeed LEP, the person may unknowingly give responses that either are false or are not fully accurate. Examples include:
 - By answering Yes or No to a question that they did not understand
 - Providing accurate information in the LEP persons language that is inaccurately recorded in the police report because no interpreter or a non-qualified interpreter was used
- Ask a question about a person's immigration status so as to not intimidate him or her
- Speak louder or slower
- Ask to see a person's passport or visa, unless no other form of ID is available

ASSISTING A PERSON TO SELF-IDENTIFY AS LEP

These are questions and dialogue that an officer can use at anytime to assist a person in expressing their need for an interpreter.

- a. Is English your first language?
- b. Would you feel more comfortable/would it help if there was interpreter here?
- c. Please let me know if you would like an interpreter. What you have to say is very
- d. important to me, and I want to make sure that I understand all of it.
- e. It's important that I understand correctly the information you are providing me. Do you think an interpreter could help with that? We can provide you an interpreter at no cost to you.

SCENARIOS

Albuquerque Police Department in collaboration with the Mayor's Sexual and Domestic Violence Taskforce

June 6, 2013

These are sample introductory questions that an officer can ask when meeting a person that is potentially LEP. They are based on scenarios that an officer will likely encounter during his or her patrol.

Domestic Violence

- a. Whose apartment/house is this?
- b. Who else lives here?
- c. How long have you lived in this neighborhood?
- d. What grades are your children in?
- e. What school do your children go to?
- f. When was the last time you felt safe at home?

Sexual Assault in the Workplace

- a. What do you do in this office/for this company?
- b. What department do you work in?
- c. How long have you been working at this company?
- d. Where is your desk/office located? Can you show me where it is? (If interview is at person's workplace)
- e. When was the last time you felt safe at work?

Routine Traffic Stop/ Fender Bender Investigation

- a. Where are you headed today?
- b. Where are you coming from today?
- c. Ask an open-ended question about the car they are driving. "I like your car. What model/year is this?"; "I see you have a navigation system in this car? How easy is that to use?"; "I've been thinking about getting a [SUV, Prius, pick-up truck etc]. How do you like it?"

Violent Crime in Public [i.e. a robbery or assault]

- a. Is there somewhere you would like to go and sit down?
- b. I am sure this was very scary. What can I do to make you feel safer?
- c. Who can I call for you to come down here?

Arrest Report

(Written by officer attending St. Louis County Law Enforcement Training after viewing video: *Establishing the Primary Aggressor Module 14*¹)

On 4/7/03, Officer A and I were dispatched to 145 Pleasant Lane. Officer A and I arrived at 1300 hours.

Upon arrival, I could see a male and female in the kitchen of the residence. I could see the male had blood on the left side of his forehead and he was holding a towel over his injury. Officer A and I immediately separated the two parties. I placed handcuffs on the female and Officer A called for medical help for the male.

The female identified as (name, DOB, Address, phone). I asked her what happened. She stated that her and her husband were making dinner and started to argue about getting a separation. She stated her husband has abused his daughter, Clara (age 3) and son, Jacob (age 5) in the past. Mrs. _____ stated that she was going to call child protection on him. Mrs. _____ stated when she said that about child protection, "He looked at me with a look in his eye he has never had before." Mrs. _____ stated that he came at her with a knife and was saying "I'm going to cut your pretty face." Mrs. _____ stated she picked up a frying pan and struck him in the head with it as self-defense.

I asked Mrs. _____ where the kids were and she said they were at his parents located at 523 Plainfield Rd. in Golden Valley.

I talked with the male half (identified as: name, DOB, address, phone) and asked him what happened. Mr. _____ stated they were making dinner and having a discussion about the separation and she "got out of hand". Mr. _____ stated he told Mrs. _____ he was going to get custody of the children because she was an "unfit mom". And she is "crazy". Mr. _____ stated she picked up a frying pan and hit him with it. Mr. _____ said when he told Mrs. _____ he would get custody, that is what set her off. Mr. _____ stated she picked up a frying pan and hit him with it. Mr. _____ stated he did not threaten her at all and she was "lying" about what happened.

I talked with Officer A about the situation and decided to ask Mr. _____ some more questions. I informed Mr. _____ that his wife's story was different than his. Mr. _____ stated "she's lying" and "she's crazy". I asked Mr. _____ if he threatened Mrs. _____ with a knife and he stated, "No, I could do it with my hands if I wanted to. I'm a Marine."

Officer A and I conferred and Mr. _____ was arrested for 5th degree domestic assault.

¹ p. 119. Domestic Violence: The Law Enforcement Response. revised edition, 2001. Law Enforcement Resource Center (LERC) & Minnesota Program Development, Inc (MPDI). Distributed by LERC, www.lerc.com & MPDI, www.duluth-model.org

DOMESTIC VIOLENCE PATROL REPORT CHECKLIST**Background and officers' actions:**

- ☐ Time of officers' arrival and time of incident
- ☐ Relevant 911 information, including specific details about any violence or threats in the 911 call
- ☐ Immediate statements of either party and any witnesses at the scene
- ☐ A complete description of the scene
- ☐ Note any existing protection or no-contact orders, probation, warrants, prior convictions
- ☐ Summarize actions taken by responding officers (e.g., entry, arrest, non-arrest, use of force, attempts to locate, transport, advocacy contact and referrals, victim notification, seizing firearms, rationale for self-defense or primary aggressor determination)
- ☐ Account of evidence collected
- ☐ Presence of risk factors described in *Appendix 1A: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- ☐ If an arrest was not made, why
- ☐ When possible, issue a squad pick-up and hold on GOA suspects that are on probation.

For each witness and party involved:

- ☐ His/her account of events and responses to follow-up questions
- ☐ Officer observation related to the person's account of events
- ☐ Identification, address, and means of locating the person for follow-up, including:
 - o Home address and phone number
 - o Place of employment, work address and phone number
 - o Cell phone number(s)
 - o Relationship to other parties

For each party involved:

- ☐ Injuries or impairment, (including pain, strangulation effects, breathing, movement impairment)
- ☐ Emotional state/demeanor
- ☐ Acts of intimidation or aggression
- ☐ Presence or use of weapons
- ☐ Alcohol or drug consumption and impairment of those involved

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

- ☐ Responses to the risk questions:
 1. Do you think he/she will seriously injure or kill you or your children? What makes you think so? What makes you think not?
 2. How frequently and seriously does he/she intimidate, threaten, or assault you? Is it changing? Getting worse? Getting better?
 3. Describe the time you were the most frightened or injured by him/her.
- ☐ Threats to the victim for seeking help, particularly from law enforcement or courts, and stalking behaviors
Name and phone numbers of someone who can always reach the victim (NOTE: Record victim contact information in the confidential section of the report and on the *Victim Information Form*.)
- ☐ Inform the victim that every effort will be made to protect this information, but that it is possible that the suspect could gain access via court order

Additional information related to the suspect:

- ☐ GOA: details about where the suspect might be and where he/she stays when not at the address of the incident; physical and vehicle descriptions; aliases
- ☐ Suspect's county and state of residence during the past ten years
- ☐ Whether Miranda is given and/or request for attorney and when this occurred
- ☐ Whether a custodial taped interview of the suspect was conducted
- ☐ Spontaneous statements given by the suspect after the arrest

Additional information related to the case:

- ☐ Details regarding presence, involvement, and welfare of children at the scene
- ☐ Existence of language, communication, or cognition barriers
- ☐ Medical help offered or used, facility, and medical release obtained with victim's SSN and appropriate boxes checked
- ☐ Presence or involvement of elderly people or people with disabilities

Excerpted from Chapter 3 of The Blueprint for Safety

Appendix 3N

Supervising Patrol Response to Domestic Violence

Patrol Report Checklist

Instructions: Check all elements included in patrol report.
Reference *Blueprint Chapter 3, Protocol 1: Patrol Response to Domestic Violence*

Domestic Violence Patrol Report Checklist	Comment
Case # _____	
<input type="checkbox"/> Time of officers' arrival and time of the incident <input type="checkbox"/> Relevant 911 information, including details about any violence or threats communicated in the 911 call <input type="checkbox"/> Immediate statements of either party and any witnesses at the scene <input type="checkbox"/> A complete description of the scene <input type="checkbox"/> Any existing OFP, HRO, DANCO, probation, warrants, prior convictions <input type="checkbox"/> Threats suspect has made to victim if s\he sought or cooperated with help from the courts or police <input type="checkbox"/> Summary of actions taken by officers (e.g., arrest, non-arrest, attempts to locate, transport, referrals, victim notification, seizing firearms, rationale for self-defense or primary aggressor determination) <input type="checkbox"/> Account of evidence collected (e.g., pictures, statements, weapons, other) <input type="checkbox"/> If an arrest was not made, the reason why	
For each party involved: <input type="checkbox"/> His/her account of events and responses to follow-up questions <input type="checkbox"/> Officer observation related to the person's account of events	

Domestic Violence Patrol Report Checklist Case # _____	Comment
<input type="checkbox"/> Injuries or impairment, (including pain, strangulation effects, breathing, mobility) <input type="checkbox"/> Emotional state or demeanor of everyone at the scene <input type="checkbox"/> Alcohol or drug impairment of those involved <input type="checkbox"/> Relationship to witnesses or other parties involved <input type="checkbox"/> Locating the person for follow-up, including: <ul style="list-style-type: none"> ○ Home address and phone (cell) numbers ○ Employer, address; phone numbers 	
<p>Information from the victim, including history of violence and contact information:</p> <input type="checkbox"/> Responses to the risk questions: <ol style="list-style-type: none"> 1. Do you think he/she will seriously injure or kill you or your children? What makes you think so? What makes you think not? 2. How frequently and seriously does he/she intimidate, threaten, or assault you? Is it changing? Getting worse? Getting better? 3. Describe the time you were the most frightened or injured by him/her. <input type="checkbox"/> Threats to the victim for seeking help, particularly regarding help sought from the police or courts <input type="checkbox"/> Name and phone numbers of someone who can always reach the victim <ul style="list-style-type: none"> ○ Record victim contact information in the confidential section of the report and on the Victim Information Form. ○ Inform the victim that every effort will be made to protect this information, but that it is possible that the suspect could gain access via court order. 	

<p>Additional information related to the suspect:</p> <ul style="list-style-type: none"> <input type="checkbox"/> GOA: details about where the suspect might have gone and where he/she lives or stays when not at the address of the incident <input type="checkbox"/> Suspect's county and state of residence during the past <u>ten years</u> <input type="checkbox"/> Whether Miranda is given and or a request for an attorney was made, and when this occurred <input type="checkbox"/> Whether a custodial interview of the suspect was conducted and a Scales tape made <input type="checkbox"/> Any spontaneous statements given by the suspect after the arrest 	
<p>Additional information related to the case:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Witnesses: Names, addresses, phone numbers and contact information for any witnesses at the scene <input type="checkbox"/> Children at the scene: Details regarding their presence, involvement, and welfare <input type="checkbox"/> Existence of language, communication or cognition barriers <input type="checkbox"/> Description of medical help offered or used, the name of medical facility that was used and a medical release obtained and appropriate boxes checked <input type="checkbox"/> Presence or involvement of elderly people or people with disabilities 	

Report review summary

How could the patrol report in this case have been more thorough and complete according to departmental policy and protocol regarding patrol response to domestic violence cases?

Reviewed by:

Signature:

Date:

Appendix 3J

Training Memo—How a Prosecutor Reads a Domestic Violence–Related Police Report

Adapted from *Domestic Violence: The Law Enforcement Response*, a training curriculum from The Domestic Abuse Intervention Project, Duluth, MN; (218) 722-2781; www.theduluthmodel.org

INFORMATION	PURPOSE: A prosecutor needs...
BACKGROUND INFORMATION	
Time of incident Time of dispatch Time of first contact with victim	...the time of the incident and the time the officer arrived to determine whether the intervening time is brief enough that the victim may still legally be considered to be “under the stress or excitement of the event.” If so, these may be non-testimonial statements and that may allow the prosecutor at trial to ask the officer to testify to any excited utterances or spontaneous statements the victim made.
Location of incident	...the city and county where the incident occurred to be documented in order to prove that a particular court has jurisdiction over the matter.
Relationship between victim and suspect	...the relationship between the victim and suspect documented in order to charge and prove a domestic abuse crime or to label other crimes as ones that occurred within the context of domestic abuse; and to argue for admission of evidence as part of the “history of the relationship.”
WITNESSES AND WITNESS STATEMENTS	
Name, birth date and contact information	<p>...to know who was present during the event in order to identify witnesses to the elements of the crime charged, which the prosecutor must prove at trial.</p> <p>The prosecutor needs names and birthdates in order to run criminal history checks and thereby prepare for a defense strategy of attacking witness credibility, which can be done by impeaching witnesses with certified copies of their criminal convictions.</p> <p>The prosecutor also needs to reach witnesses in order to prepare for trial and send subpoenas. For victims who may move or change phones for safety reasons, contact information also includes a person who will know how to reach the victim.</p>

INFORMATION	PURPOSE: A prosecutor needs...
Emotional state of victims and their children	<p>...documentation of the complainant's emotional state to determine if he/she appeared to be "under the stress or excitement of the event." If so, the trial prosecutor may be able to ask the officer to testify to the victim's excited utterances or spontaneous statements. The prosecutor needs documentation of what the officer observed ("She was crying and wringing her hands. When she spoke, her lower lip quivered and her voice trembled."); not just documentation of the officer's opinion ("She seemed upset.").</p> <p>This documentation also helps a jury picture what it was like during the event, as opposed to seeing only how witnesses behave in court.</p>
Emotional state of suspects	<p>...documentation of the suspect's emotional state in order to be prepared to show intent at trial, show motivation (e.g., jealousy) at trial, counter any defenses (e.g., accident) at trial, or counter any mitigation (e.g., remorse) offered at sentencing.</p>
Alcohol or drug impairment of the parties	<p>...to know if and how a person was impaired by alcohol or drugs. Impairment can affect witnesses' perceptions and thus their credibility at trial.</p> <p>Under certain circumstances, alcohol or drug impairment may provide somewhat of a defense for the suspect (e.g., he/she admits causing the injury, but says it was an accident or he/she was too intoxicated to form specific intent, etc.).</p> <p>Any impairment should be noted so that a prosecutor is aware of it before trial. Simply saying that both parties were drinking does not help. Was the officer able to obtain a coherent statement? If not and the person was unable to track the questions, the prosecutor needs to know that.</p> <p>The absence of alcohol or drug impairment can be helpful in countering defenses. While the officer is not expected to note the absence of impairment ("victim not drunk"), if the officer has a practice of noting impairment, he/she can testify that the absence of any information about drug/alcohol means there were no signs of impairment observed.</p>
Existence of language, communication or cognition barriers	<p>...to know if there was a barrier to clear communication. Language, communication, or cognition differences can affect the comprehensiveness of the information provided by witnesses and can affect how the court may perceive the quality of the interview</p>

INFORMATION	PURPOSE: A prosecutor needs...
	<p>if the interviewer has no skill or ability in these areas. Any potential barrier or issue of this type should be noted so that the prosecutor is aware of it before trial. The prosecutor needs to know if there might be a claim that the officer did not get the information correct because the witness did not understand what was being said.</p> <p>This information may also help explain to a jury a statement that might otherwise appear to be a prior inconsistent statement.</p>
Connections, if any, between parties and witnesses	<p>...to know the family ties, friendship, and employment connections of people present. Such relationships can sometimes bias or prejudice a person for or against another. The bias or prejudice of a witness for or against one of the parties is something both the prosecutor and defense attorney are entitled to show at trial.</p> <p>Relationships, such as gang affiliations, can also be called upon to intimidate witnesses. Therefore, such relationships should be documented in police reports so that the prosecutor is aware of them before trial.</p>
Statements by victims and/or witnesses, including children	<p>...to know who can testify to what at a trial. The more witnesses, the stronger the case. Statements of witnesses other than the victim help a prosecutor corroborate the victim's or suspect's versions of the event and evaluate the strength and seriousness of the case. Such statements can address the number one problem in domestic violence cases: the victim not wanting to testify.</p> <p>If the witnesses are children, their statements may help a prosecutor determine if any intervention in addition to the criminal process is needed.</p> <p>At trial, the prosecutor may be able to use a detailed witness statement to refresh the recollection of a forgetful witness or impeach the testimony of a witness who is testifying differently than his/her statement to police.</p>
Statements by suspects	<p>... the suspect's account of events. The suspect's statement to police will commit him/her to a version of events (e.g., who made first physical contact) and to any defenses (e.g., self-defense).</p> <p>The suspect's statement to police will aid the trial prosecutor in showing intent and motivation (e.g., jealousy), countering any defenses (e.g., accident), or countering any mitigation (e.g., remorse) offered at sentencing.</p>

INFORMATION	PURPOSE: A prosecutor needs...
	<p>Statements made by the suspect while still at the scene will help the officer to focus the investigation at the scene on observations or evidence that supports or refutes the suspect's version of events.</p>
<p>Description of visible injuries or physical impairment</p>	<p>...to know what injuries or signs of impairment the officer observed or asked the victim to describe. This description will (a) help determine the charge; (b) help assess heightened risk and thus recommend to the court heightened bail; (c) support requests for restitution for medical care, physical therapy, and lost wages at sentencing; (d) help a prosecutor corroborate the victim's or suspect's versions of the event, and help a prosecutor evaluate the strength and seriousness of the case; (e) serve as a back-up to injuries that may not show up in photos; (f) make the violence more real to the court, jury, defendant who tends to minimize the damage, and to a victim who may be reluctant to testify; and, finally, (g) serve as a reminder to the officer testifying in court as to what he or she observed.</p> <p>The prosecutor needs a descriptive account of what the officer observed (e.g., "There was a bleeding cut about two inches long along her right cheekbone" or "She kept rubbing her throat and when she tried to talk, her voice was hoarse. She told me it hurt to talk and that she had difficulty swallowing."); and not just a summary of the observation, such as "she had a facial laceration."</p> <p>The description of the injuries can also help to establish whether one of the parties was acting in self-defense.</p>
CRIME SCENE	

INFORMATION	PURPOSE: A prosecutor needs...
<p>Pictures taken and physical evidence gathered at the scene or in follow-up investigation</p>	<p>...photos and physical evidence. Photos of a victim's visible injuries or damage to property, and physical evidence (e.g., pulled hair, broken picture frames, blood on the floor, etc.) are proof of elements of crimes (e.g., an injury, damage to property over a certain dollar amount, etc.).</p> <p>Photos also provide the prosecutor one of the bases upon which to assess heightened risk and thus recommend to the court heightened bail.</p> <p>Photos and physical evidence can support requests for restitution for medical care and repair or replacement of damaged or stolen property at sentencing.</p> <p>Photos of both the victim's and the suspect's injuries and physical impairments will help a prosecutor corroborate the victim's or suspect's versions of the event, and help a prosecutor evaluate the strength and seriousness of the case. A victim who has been reluctant to testify may be more ready to testify when looking at photos of the injuries weeks after the event.</p> <p>Finally, photos and physical evidence make the incident more real to a jury.</p> <p>The name of the officer taking the photos or collecting the evidence should be documented, as the prosecutor will need to subpoena that officer to trial in order to lay the foundation for the photos or items to be admitted into evidence (for example: "Did you take this photo? Does it accurately represent Mary Jones' arm as you observed it that evening?" or, "Did you find the hair that had been pulled from Mary Jones' head? Did you collect it?").</p>
GONE ON ARRIVAL (GOA) INFORMATION	
<p>Suspect's possible locations and if suspect was eventually located, where and when this took places</p>	<p>...information to help prioritize GOA cases. Suspects who avoid arrest and prosecution by fleeing the scene present more danger to victims, who don't know where he/she is or when he/she may re-assault them. Research indicates that many suspects will soon reoffend. Prosecutors will prioritize these cases, as well as those involving violence with injury and repeat offenders, for issuing warrants.</p> <p>Additionally, flight can be evidence of guilt. Therefore, details about where the suspect might have gone and where he/she lives</p>

INFORMATION	PURPOSE: A prosecutor needs...
	or stays when not at the address of the incident could be important clues for investigators and prosecutors to more quickly locate the suspect at well as to provide additional evidence of or additional witnesses to the suspect's guilt. Where and when the suspect was located may tend to negate a claim that someone else did it.
MEDICAL TREATMENT	
<p>At the scene and at the medical facility</p> <p>NOTE: A medical release without a date and Social Security Number will not be honored by any medical facility.</p>	<p>...medical records. Medical records of the victim's injuries and physical impairments help a prosecutor corroborate the victim's or suspect's versions of the event and evaluate the strength and seriousness of the case. These records can back up the officer's description of injury and thus help the prosecutor prove the required element of injury or disprove any defenses the suspect may offer.</p> <p>Medical records of the victim's injury support requests for restitution for medical care, physical therapy and lost wages at the time of sentencing.</p> <p>Statements for purposes of medical treatment or diagnosis are exceptions to the rule of evidence that prohibits the admission of hearsay statements into evidence. Whether or not the victim participates in the prosecution, a certified copy of her medical record can be admitted into evidence, and a medical responder who interviewed the victim in order to provide treatment or diagnosis can testify to what the victim said. Thus, a prosecutor will need consent from the victim to obtain the record or his/her contact information to obtain consent later. The prosecutor will also need the names and contact information of medical responders.</p>
DANGEROUS SUSPECT ASSESSMENT	
<p>Suspect owns or has access to guns</p> <p>Suspect likely to use weapon against family member or others.</p>	<p>...to know the level of danger. An assessment of risk or danger alerts a prosecutor to the level of danger a case presents. Recent separation, for example, is a significant risk factor for homicide and repeat violence. This information will impact, bail-setting, charging, decisions to dismiss, plea negotiations, and sentencing. It is central to the two key questions facing the court: (1) What will it take to stop this person's violence? (2) What will it take to protect this victim?</p>

INFORMATION	PURPOSE: A prosecutor needs...
<p>Violence getting more severe or more frequent. How?</p> <p>Suspect has threatened to kill victim or others. Who?</p> <p>Victim believes suspect may seriously injure or kill her/him.</p> <p>Suspect obsessed or is stalking victim.</p> <p>Separation, OFP, divorce in past 6 months</p> <p>Suspect appears to be reacting to OFP or divorce in dangerous way</p>	<p>NOTE: This section of the police report will be used by a number of subsequent interveners.</p>
VICTIM NOTIFICATION	
Required by law.	



Building a Community's Capacity to Confront Battering

Denise Eng, Praxis International

Bloomington, MN

October 23, 2014

OVW's *Blueprint for Safety* Adaptation Demonstration Initiative

- Documenting adaptation of St. Paul's *Blueprint for Safety*
 - New Orleans, LA
 - Shelby County/Memphis, TN
 - Duluth, MN

New Orleans Blueprint Launch

History and Context

Saint Paul Blueprint

A criminal justice intervention model for domestic violence cases:

- Increased accessibility, accountability, services and protections to all victims
- Improved response of intervening criminal justice system practitioners

Who is Involved?



Key Features

- Single, over-arching policy
- Supported by research and 30+ years of experience
- All workers identify, document and act on risk and danger
- Practitioners engage with victims in new ways
- Intra- and inter-agency monitoring built in
- A structure for ongoing problem-solving

The Blueprint Principles

Interagency approach and
collective intervention goals

Reduce unintended
consequences and
disparity of impact

Attention to context
and severity

Messages of help
and accountability

Domestic violence is a
patterned crime requiring
continuing engagement

Sure and swift
consequences

The blueprint for safety

Praxis International and the Office on Violence Against Women
Adaptation Demonstration Initiative

7

Key Feature: Accounting for Risk and Danger

Each Blueprint agency:

- Documents and responds to risk
- Communicates risk factors to other interveners
- Adjusts response based on level of risk/danger
- Talk with victims about their perceptions

The blueprint for safety

Praxis International and the Office on Violence Against Women
Adaptation Demonstration Initiative

8

Key Feature: Accounting for Risk and Danger

4 Risk Questions:

1. Do you think the other person could seriously hurt or kill you or the children? Why or why not?
2. Is the violence becoming more frequent or severe? Describe.
3. Describe the time you were most seriously harmed or frightened.
4. Have you been threatened for seeking help from law enforcement or the courts?

Key Feature: Interlocking policies

• Examples:

- Jail notification
- Prioritizing review of cases based on risk
- Processing probation violations

Key Feature: Victim Engagement

- Understand the purpose of battering: intimidation and control
- Offer clear alternative to batterer's messages
- Minimize victim's need to confront offender
- Protect victims from retaliation
- Treat interactions with victims as opportunities to build partnership

Key Feature: Victim Engagement

Examples:

- 911—Reassure callers that they did the right thing and can call back whenever necessary
- Law enforcement—Connect with local advocacy services; help secure broken doors
- Court security—Be alert to intimidation in court
- Bail setting—Explore implications of NCO

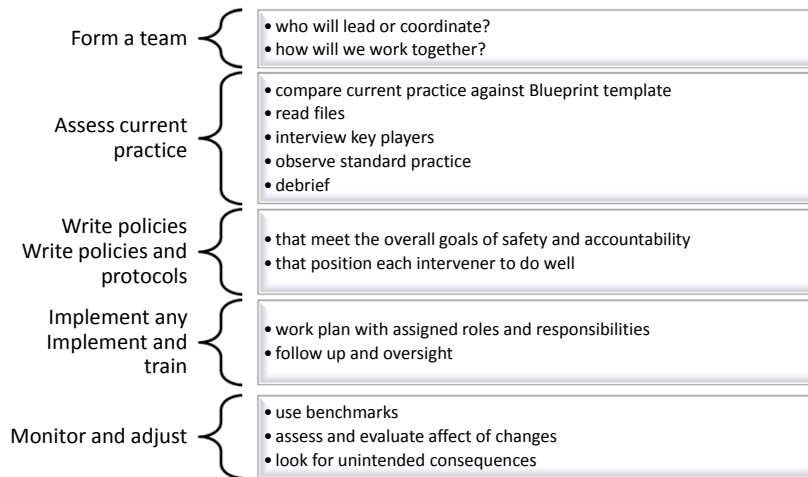
Key Feature: Ongoing Monitoring

- Within agencies:
 - 911 supervisors regularly review calls
 - Patrol supervisors go on-scene and review reports
 - Pretrial and probation supervisors review bail evaluations, presentence reports and case supervision files

Key Feature: Ongoing Monitoring

- Interagency monitoring:
 - Implementation and monitoring team
 - Decides what to review and schedule
 - Reports to agency heads
 - Report to community

The Blueprint Process



The Blueprint Process

- Coordinator/team
- Policy comparison
- Assess current practice
 - Review case files
 - Observe practice
 - Interview key players
- Negotiate policy changes
- Implement
- Monitor

Lessons Learned

- Assessing community readiness
- Skills and qualifications of coordinator
- Coordinated community response (CCR) infrastructure
- Role of advocacy
- Collective leadership

For more information:

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Building and Enhancing A Coordinated Community Response to Battering:

A rural interdisciplinary training institute

Presented by

Praxis International in Partnership with
Office on Violence Against Women
U.S. Department of Justice

CCR Tribal Issues



*Victoria
Ybanez
Red Wind
Consulting,
Inc.*

American Indians are more likely to be assaulted or raped

- Nearly 13 times more than Hispanics
- 7 times more likely than Whites
- 5 times more likely than African Americans
- 39 times more likely than Asian Americans

(American Indians and Crime, 1999)

“American Indians are more likely than people of other races, to experience violence at the hands of someone of a different race.”

- A recent Centers for Disease Control and Prevention study found that 46% of Native American women have experienced rape, physical violence, and/or stalking by a partner in their lifetime.
- One regional survey conducted by University of Oklahoma researchers showed that nearly three out of five Native American women had been assaulted by their spouses or intimate partners.
- Tribal leaders believe the actual rates of victimization may be even higher, since the justice systems failure to adequately respond leaves many Native American victims unable to safely come forward with their stories.

**"TRIBAL GOVERNMENTS HAVE
AN INHERENT RIGHT TO
PROTECT THEIR PEOPLE, AND
ALL WOMEN DESERVE THE
RIGHT TO LIVE FREE FROM
FEAR."**

VAWA Reauthorization with Tribal Provisions

- Partial fix to *Oliphant v Squamish* - tribes will now be able to prosecute non-Indian perpetrators of domestic violence against Native American women in Indian country.
- Clarifies that tribal courts have full civil jurisdiction to provide Native American women the safety and security of protection orders.
- Gives additional tools to federal prosecutors to combat severe cases of domestic violence.

Jodi Gillette, Senior Policy Advisor for Native American Affairs
Charles Galbraith, Associate Director in the Office of Intergovernmental Affairs

CCR for all community demographics

- Learn about who is in your response area
 - Not all responses fit for everyone
- Learn about the historical impact on the community
- Multi-generational trauma
- General perceptions in place

Pay attention to issues/circumstances that might be system barriers

- Multiple jurisdictions
- Unique legal issues
- Language/communication styles

The Evolution of Domestic Violence and Reform Efforts Across Indian Country

By Vicki Ybanez

Mending the Sacred Hoop STOP Violence Against Indian Women, 2002

Introduction

In order to end domestic violence in all its forms, we must understand why it exists in Indian Country today, and assess our current challenges in addressing the issue. When we examine the reasons behind the presence of domestic violence in Native communities, we must first consider its historical origins...

Domestic violence in Native society came about over the course of centuries of change. Examining the history of oppression that laid the groundwork for the rise of violence against Native women shows us that efforts to end the domestic violence faced by women across Indian Country today are still in their infancy.

“You must be able to see where you have been, before you can possibly know where you want to go.”

~ Muscogee Creek

Pre-contact societies

1. Native people occupying the land now known as the United States had complex societal structures that shaped the way they lived their lives. Some researchers estimate indigenous pre-contact populations at more than 45 million, while others approximate 20 million. The United States government estimates it at around half a million.¹
2. In spite of the numbers disagreement, one fact remains commonly understood: Native people held women as sacred. In many societies, women were universally honored and respected for their life-giving powers.² Their ability to create life likened them to Mother Earth. Their communities respected and honored them. Acts of violence, such as rape were uncommon, and when they did occur, they evoked fear and horror because Native respect for women arose from the belief that women had power over life and death.³ By many accounts, domestic violence was rare in indigenous societies prior to European contact and only becomes common after the onset of colonization.

Colonization and the early erosion of tribal societies

European contact began in large part in 1492, and led to an historic and tragic change in the lives of indigenous people, the beginning of the loss of culture and

the change in the status of Native women.

1. Through the 1600's, tales of the "New World" spread through Europe and explorers came to lay claim to territories and riches for their homelands abroad. These colonizers held the common view that it was not only their divine right, but also their responsibility to take and use the land and its resources, without regard for the rights of the indigenous people living there at the time.⁴ This threatened Native values and imposed the notion of ownership, a concept foreign to Native ways of life that brought the ideas of men's entitlement and women as property.
2. Prior to 1684, tribes were viewed as independent nations by foreign entities with the exception of Spain. Spain viewed the Native occupants as citizens and therefore subject to Spanish rule. This was the onset of the erosion of tribal sovereignty and the eventual loss of Native women's sovereignty.
3. By the 1700's, European exploration of the "New World" had spread across the eastern seaboard, western seaboard, and as far north as Alaska creating far reaching avenues that impacted the values and roles of Native women and men.

Confrontation of tribal ways of living

The traditional Cheyenne saying, "A people is not defeated until the hearts of its women are on the ground," reflects the destructive practices of the colonizers.

1. The 1700's and 1800's were times of significant suffering by indigenous people. The values of traditional Native society were being undermined by practices aimed at gaining control of the land and resources exposing and imposing a values system foreign to Native societies that relegated women to substandard citizens.
2. Native people were viewed as barbarian, savage and not human; the Native way of life was being destroyed. This labeling was a tool used to enable the widespread destruction of Native people and is commonly used today as a tactic by batterers to control and dehumanize women. There are tales of small pox infected blankets, strychnine infected biscuits, slaughters of herds of bison, massacres of hunting parties and slaughters of Native women and children.
3. In 1800, the buffalo population was estimated to be at about 40 million and less than a century later, in 1895 it was at 1,000.⁵ The slaughter of buffalo, a tactic used to starve Native people into extinction or submission, defiled Native societies with values that permitted waste and detachment to its relationship with animals that previously was virtually unknown.
4. The systematic destruction of Native cultures included a particular degradation

of Native women. In many ways, the conquest of Native nations by Anglo-Europeans was accomplished by the making war on Indian women.⁶ Native women were raped, abused and killed in order to seize land and force the assimilation of Native people.

5. By the mid-19th century, the United States policy makers and military commanders were stating – openly, frequently and in plain English – that their objective was no less than the “complete extermination” of any Native people who resisted being dispossessed of their lands, subordinated to federal authority and assimilated into the colonizing culture.⁷ As Native societies were repeatedly exposed to values of the colonizers, Native men and women were being changed. The process of internalization of those values was underway. It led to the eventual belief that men have a right to certain entitlements in their relationships with women and to enforce or control a woman’s behavior.
6. The 1883 Supreme Court decision in *Ex Parte Crow Dog* allowed the United States to interfere with the structure of tribal courts and the process by which tribes develop their own laws.⁸ The Major Crimes Act led the way for complicating the jurisdictional issues found today in Indian country.

On the Sioux Reservation in Dakota Territory, Crow Dog shot to death Spotted Tail. The tribal system restored harmony to the two families; however, the United States criminal justice system did not honor the tribal system’s decision.⁹ The case went all the way to the Supreme Court where tribal sovereignty was upheld and it was affirmed that the U.S. courts lacked criminal jurisdiction over crimes committed between Native people in Indian Country. As a result, the United States Congress passed the Major Crimes Act extending federal jurisdiction over certain crimes committed in Indian Country.

The era of termination and assimilation

1. Forced relocation led to the decimation of thousands of Native people as they were rounded up and force-marched across the country in the early 1800’s to open up tribal lands in the southeastern United States to white settlement and slavery. The most well known of these instances is the relocation of 17,000 Cherokee who were compelled to walk the Trail of Tears. Over 25 percent died of malnutrition, disease, and exposure along the way.¹⁰ By 1837, most members of the five southeastern nations, Cherokee, Creek, Choctaw, Chickasaw and Seminole nations, had been relocated west from their land east of the Mississippi, opening 25 million acres. This began a process of relocation and removal that took place across the country, forcing Native people to leave their home lands either through coercion or the results of wars

waged that opened up tribal lands to settlement – “*manifest destiny*.”

2. The United States government also attempted to assimilate indigenous people into the mainstream of American life by changing customs, dress, occupations, language, religion and philosophy. Boarding schools were a federally sanctioned practice that transpired over the course of 100 years. In 1928, the Merriam Report to Congress outlined the harsh treatment of Native children in boarding schools and the outrageous behavior of school authorities toward Indian children.¹¹ Native people have been raised by institutions (the boarding schools) and subjected to inhumane treatment for multiple generations. This has led to the loss of traditional cultural values, Native identity and the internalization of oppression.
3. Iroquois women influenced the early suffragette movement by providing a model of women who lived liberated lives, with rights, freedoms, and a voice in government.¹²

“Surely these white women living under conditions of virtual slavery did not get their vision in a vacuum. Somehow they were able to see from point A where they stood corseted, ornamental, legally non-persons, to point C, the regenerated world gauge predicted in which all repressive institutions would be destroyed. They caught a glimpse of the possibility of freedom because they knew women who lived liberated lives, women who had always possessed rights beyond their wildest imaginations, Iroquois women.”¹³

4. 1924 saw the mandatory citizenship of Native people.
5. In 1934, the Indian Reorganization Act, allowed tribes to develop tribal justice codes and operate court systems enforcing tribal laws enacted by the tribes.¹⁴ Because the laws and regulations of the tribal courts had to be approved by the Bureau of Indian Affairs, the tribes were under great pressure to incorporate western types of judicial procedure into their own judicial systems.¹⁵
6. The 1950’s saw the Bureau of Indian Affairs identify more than 100 tribes to be singled out for “termination” under the federal government’s policy to end its relationship of trust with tribes¹⁶ relinquishing itself of its treaty obligations of responsibility.
7. A major step toward termination was the enactment of Public Law 280 in 1953. It transferred federal criminal jurisdiction in Indian Country to certain states. Initially placed on six states, PL 280 allowed other states an opportunity to apply for jurisdiction over tribes, without the consent of the tribal governments. 10 States were granted optional jurisdiction. Amended in 1968, partly to prohibit this situation from occurring without tribal consent, there has been almost no expansion of PL 280¹⁷ and three states have

retroceded jurisdiction or returned jurisdiction to the federal government. Public Law 280 further complicates jurisdiction and enforcement issues across Indian Country.

The 1970s

1. Early organizing around violence against women in the mainstream society followed on the heels of women's participation in the civil rights and antiwar movements. The anti-rape movement was one of the earliest components of the movement to address violence against women.¹⁸
2. In 1978, the Indian Child Welfare Act (ICWA) was adopted by Congress in order to preserve the integrity of Indian tribes and ensure their future. Before 1978, as many as 25 to 35 percent of the Indian children in certain states were removed from their homes and placed in non-Indian homes by state courts, welfare agencies, and private adoption agencies. By enacting ICWA, which requires that Indian children, once removed, be placed in homes that reflect their unique traditional values (25 U.S.C. 1915), Congress was acknowledging that no nation or culture can flourish if its youngest members are removed.¹⁹
3. No one knows for sure today how many Native women were sterilized during the 1970's. Eugenics, which literally means well born, is a movement that promoted the elimination of *so-called inferior people from spreading their inferiority upon the stock of the nation*.²⁰ Sterilization reached its popularity in Indian Health Services during the 1970's and was the last official eugenic effort. Native women of child bearing age numbered around 100,000 and as of 1982, it was estimated that 42% of Native American women were sterilized having a significant impact on Native Nations' ability to reproduce its small population.²¹ While efforts to end violence against women were growing, state sanctioned violence continued to be practiced.
4. The White Buffalo Calf Women's Society (WBCWS) was the first battered women's shelter in the country created to serve Native women, opening on the Rosebud Sioux Reservation in South Dakota. A group of Native women providing safe space for victims of domestic violence came together to develop the shelter. The purpose of WBCWS was to create a safe place for women that honored her in her own culture, her inherent right as a woman to be respected and to be held as sacred. It continues to work to reduce domestic violence by providing services and a safe environment to enable domestic violence victims to leave their abusers.
5. Contrary to the common perception that the United States is a country founded on religious freedom, it was not until 1978 that the Indian Religion Freedom Act was passed by Congress. Central in tribal societies, many ceremonies and spiritual practices were lost as a result of forbidding Native spiritual practices. Having been outlawed up to 25 years ago, Native communities are working to

reclaim and protect the spiritual practices that remain.

6. Early organizing saw Native leadership working to bring the voices of Native women to the domestic violence movement. Tillie Blackbear, a grandmother in the movement, was one of the founding mothers of the National Coalition Against Domestic Violence (NCADV) and the South Dakota Coalition Against Domestic Violence and Sexual Assault (SDCADVSA). In 1978, NCADV formed when battered women's advocates from all parts of the nation attended the U.S. Commission on Civil Rights hearing on battered women in Washington, DC, hoping to address common problems.²² SDCADVSA formed resulting from organizing efforts, assisted by the South Dakota Commission on the Status of Women, bringing together over 75 women to the first meeting held on the Rose Bud Reservation.²³

The 1980s

Early work in Indian Country was slow to start compared to the mainstream movement to end violence against women. However, as Native leadership in the movement expanded, significant efforts were being developed that created Native specific responses that went beyond replicating mainstream programming.

1. The American Indian Women's Circle Against Abuse (AIWCA) was formed in 1982 as the first Native coalition with representation from 10 of the 11 tribes in Minnesota and all the Native advocates working in battered women's programs. The AIWCA provided a range of training to Native communities and battered women's programs. The coalition was defunded in 1993 and eventually dissolved.
2. Women of Nations (WON) in Minneapolis, Minnesota formed in May 1982 as a volunteer community advocacy program originally support by member contributions from their own pockets. In 1989, it became the first urban Indian shelter for battered women in the United States. Organizing members secured the shelter's existence by obtaining a legislative appropriation of over \$100,000 to open its shelter doors.
3. The pro-arrest code (now known as the mandatory arrest code) was passed in 1989 on the Pine Ridge Reservation, making it the first reservation to adopt a mandatory arrest policy. The code made it against the law to assault or abuse an intimate partner and included further protections such as mandatory arrest, no bond until arraignment, and mandatory sentencing.²⁴

The 1990s

1. In 1990, a group of Indian advocates and community members from the Fond Du Lac Reservation concerned about the level of violence against Indian women formed to begin a dialogue on domestic violence. As a result,

Mending the Sacred Hoop was created to develop an intervention model that would coordinate reservation and non-reservation agencies to work collectively on policy and procedure changes, to educate off reservation court systems and law enforcement agencies on myths and beliefs about Indian people and domestic violence, to coordinate a Council on Non Violence, which would consist of judges, prosecutors, probation officers, law enforcement, public defenders, advocates, counselors, reservation service providers and representatives of the business committee and to provide training to reservations on developing an intervention project

2. In 1994, the Violence Against Women Act (VAWA), a part of the Federal Crime Control Bill, gave federal support to develop and strengthen law enforcement and prosecution strategies to combat violence against Indian women and children and develop and strengthen victim services particularly involving violent crimes against women.²⁵
3. VAWA created the Violence Against Women Office (VAWO) – now known as the Office of Violence Against Women – within the Office of Justice Programs (OJP), Department of Justice. It was an historic acknowledgement by the federal government that the occurrence of violent crime targeted women.
4. 1998 brought direct funding to tribes by the Office of Victims of Crimes (OVC), and eliminated the state pass-through of the past decade that had proved to be less than ideal.²⁶
5. Funding was slow to reach Indian Country. Advocating for change, a vocal group of Native women campaigned for VAWA set aside funds to be designated for Tribes as to ensure that resources reached the Tribes. As a result, the STOP Violence Against Indian Women Grant Program was created to encourage tribal governments to develop and strengthen the tribal justice system's response (including law enforcement, prosecution, victim services and courts) to violence against Indian women and to improve services to victims of domestic violence, sexual assault, and stalking. In reaffirming the United States' unique relationship with Native American tribal governments, Executive and Justice Department Policy requires OJP to work on a government-to-government basis with Indian Tribes.²⁷
6. As resources to stop violence grew across Indian Country, domestic violence responses expanded. The mid to late 90's saw the growth of domestic violence programs, coordinated community responses, and changing tribal codes. Some tribal communities engaged in working to reclaim traditional values in their efforts to end violence against Indian women.
7. Two significant resources were created for work in Indian Country. Mending the Sacred Hoop STOP Violence Against Indian Women Technical Assistance Project provides technical assistance to recipients of the STOP Violence

Against Indian Women Discretionary Grants with a purpose of working to ensure the safety of victims and their families and to create accountability within the systems. Grantees are provided training and consultation. The Sacred Circle National Resource Center is one of six national resource centers in the United States addressing domestic violence and provides support primarily to 557 federally recognized American Indian/Alaskan Native Tribes across the United States.

8. According to *American Indians and Crime*, a study by the Department of Justice released in 1999, Native Americans are far more likely to be victims of violent crimes than members of any other racial group. The rate of violent crime experienced by Native women is nearly 50% higher than that experienced by black males. The Alaska Native Women Sexual Assault Committee was formed in January 1999 after the Federal Bureau of Investigation ranked Alaska number one in incidents of rape. Alaska had topped that crime category about two-thirds of the time over the previous two decades.²⁸
9. 1999 saw the onset of new advance of Native coalitions. The Oklahoma Native American Coalition was formed and brings together 12 tribes to stop domestic violence and sexual assault against Native American women and children.

Current issues

Ahead of us is an overriding challenge to undo a history that supports rape and violence against Native women, and to create one that strives toward both the physical survival and cultural survival of Native people.

“Navajo poet Luci Tapahonso read the following during the 1991 Modern Language Association’s annual convention:

*I am, I am
In wisdom I walk
In beauty may I walk...
In beauty it is restored.
The light, the dawn.
It is morning.*

As she read, my heart was lifted in recognition of our power, our magnificent life. I am Laguna, woman of the lake, daughter of the dawn, sunrise, kurena. I can see the light making the world anew. It is the nature of my blood and heritage to do this. There is surely cause to weep, to grieve; but greater than ugliness, the endurance of tribal beauty is our reason to sing, to greet the coming day and the restored life and hope it brings.”²⁹

Developing relevant responses that work at reclaiming pre-contact values that restore harmony and balance to Native communities shaken by a history of oppression is on the forefront for progressing the work to end violence against Indian women.

1. Developing Native specific programs that intervene in men's use of violence must adapt an educational approach that centers the belief that violence is learned behavior evolving from a history of oppression and can be un-learned. Much of the work in men's groups working with Native men need to emphasize the relationships within family and community by incorporating teachings of respect, acknowledging and honoring the roles of men and women and restoring natural ways of living.³⁰
2. Sexual Assault in Indian communities is an issue that is barely addressed while Native women who are victims of sexual assault reporting that it is rampant in their communities. Work in this area has been slow, but Native women are beginning to organize. Sexual Assault Programs and Sexual Assault Tribal Coalitions are becoming resources for trainings and support for many advocates and victims.³¹
3. Good work is addressing stalking in Indian country, but there is still much left to do.³² With seventeen percent of Native American and Alaskan Native women who have been stalked,³³ it is of the utmost importance that we keep the issue of stalking in the front of our minds. Developing and implementing tribal anti-stalking codes is barely into its infancy and must continue while infusing sovereignty and tribal values into the laws and procedures of tribes.³⁴
4. With well over 500 federally recognized Tribes, there are barely 26 Native specific shelters in existence today with a few more in development. Efforts must support the development and ongoing operation of shelters across Indian Country.
5. In the work to end violence against Indian women, many Native nations are finding that shelter options alone do not provide the time or the stability for women to create a solid base for change in their lives. Longer-term housing and affordable permanent housing that goes beyond the physical structure needs to create opportunities for battered women leaving abusive relationships to live in a community that extends safety, support and a place to work toward reclaiming their connections with themselves and each other.
6. There are many jurisdictional complexities and limitations in Indian Country. The confusing division of authority among tribal, federal and state governments which results in a jurisdictional maze is complicated by the lack of tribal courts' criminal jurisdiction over non-Indians, the practical impact of Public Law 280 and other limitations on tribal criminal jurisdiction. The difficulty of determining jurisdiction, and provisions for concurrent jurisdiction of certain cases, can cause conflict and confusion for law

enforcement, prosecution, courts, service providers, and crime victims in Indian Country.³⁵

7. State Coalitions have not been effective in bringing voice to Native issues. As a result, Native Coalitions are being developed across Indian Country. Efforts to continue forming and expanding the reaches of Native coalitions across the country will support the efforts to strengthen domestic violence responses, training and leadership.
8. Struggles around the effectiveness of criminal justice responses, its historical legacy that has a disproportionate number of Native Americans confined in the United States and a search for alternative *justice* solutions pose significant challenges for future work. A restorative justice movement is growing in both mainstream and indigenous communities and it brings significant concerns that must be weighted heavily in deciding if and how this work ties to domestic violence efforts. There are grave concerns about how restorative justice or community justice efforts place greater power with the community. A culturally appropriate justice system cannot simply be achieved by ensuring more community members be involved.³⁶ While restoring community responsibility affirms traditional Native values, many communities lack the social structure to support shifts of power into the hands of their community. In addition, the power imbalance in relationships where domestic violence is taking place precludes an ability to involve victims of domestic violence in processes where they have equal footing with their abuser. There are a significant number of issues to be examined; exploring restorative justice alternatives must consider heavily these issues before deciding if it is an appropriate alternative.

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