

Archuleta County



Domestic Violence Safety and Accountability Audit Report

2007

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Introduction

When a woman who is beaten by her partner calls 911 for help, she activates a complex institutional apparatus – the criminal justice system. She wants “help”. Her call is not simply a call to a dispatch center. It is a call to her community. While she is calling for help to stop the violence of someone more powerful than she, she is tapping into a system of agencies and institutional processes.¹ These agencies have the same strategic goal – to secure a victim’s safety and end the violence by holding offenders accountable. These institutional processes, though organized around safety and accountability, can unknowingly place victims at further risk.

Archuleta County was selected by the Colorado Coalition Against Domestic Violence (CCADV) to participate in a comprehensive Domestic Violence Safety and Accountability Audit based on the Duluth model, a nationally recognized program for its innovations in domestic violence intervention. The audit examined how Archuleta County systems respond to domestic violence from the point of entry through adjudication of a case; focusing on each piece of this process so that gaps in services to victims could be identified and recommendations for corrective policy can be implemented. The audit seeks to identify and correct aspects of the institutional response to provide optimum victim safety and offender accountability.

This report is a composite of all the observations and recommendations of the Audit team. The complexities and interaction of the participating agencies are evident. Recommendations are not meant to single out any one organization. The audit identified themes and institutional practices that are universally problematic. It led to problem statements supported by evidence and is grounded in how the institution responds, not how individuals work. The following recommendations for change are meant to enhance victim safety and offender accountability as well as to continue the spirit of cooperation inherent within this audit process.

Methodology

The Audit has four distinct steps: (1) forming and training a multi-disciplinary audit team; (2) determining which aspects of the institutional process the team will explore and investigate; (3) collecting and analyzing data from each institutional action in a case; and, (4) generating and articulating findings that lead to specific recommendations. A trained 11-member Audit team conducted the Safety and Accountability Audit beginning September 2005 through May 2007.

At the forefront of all exploration is the awareness that system responses must be critically evaluated in terms of the real life experience of victims. With this as the

¹ Quote taken from: *The Praxis Safety and Accountability Audit Tool Kit* written by Ellen Pence and Jane M. Sadusky, February 2005.

motivator, the audit process began with victim focus groups, where victims were interviewed, providing their personal insight and opinions on how the system responded when they requested help due to a domestic violence incident. All groups were conducted by CCADV staff to ensure results and input would not be censored or structured by concern over the use of the information locally. CCADV then synthesized all the comments that the focus groups yielded. Common focus group responses revealed areas where victims experienced gaps within the services provided to them.

Next, an audit team was formed, comprised of the following: dispatch and detention personnel; law enforcement; Department of Human Services; prosecutors; and victim advocates. The team's purpose was to evaluate each organization's collective responses to cases of domestic violence. Each audit member was assigned to evaluate and observe an organization with which they were not directly familiar. All policies and procedures were gathered and interviews conducted to outline the mission of each organization. Then, actual observation of the practitioners within the organizations were conducted. Lastly, all documents and forms generated within the context of each organization's response were collected and evaluated.

Audit data collection and analysis focus on eight primary methods that institutions use to complete their jobs and functions. Any break in communication or gaps in service within each of these methods could potentially create safety risks for victims. These methods, or "audit trails" help reveal institutional practice problems. The focal point is to reveal gaps between what victims experience and need, as opposed to what institutions provide.

Audit Trails:

- 1) *Rules and Regulations*: Any agency policies and directives that guide practitioners, including laws, regulations and mandates.
- 2) *Administrative Practices*: All the methods that an institution uses to guide practitioners in how to carry out these policies, laws and agency directives, including case management procedures, intake processes, report formats, and screening tools.
- 3) *Resources*: Everything necessary to accomplish job duties including technology, size of case loads, supervision and support services, and resources to sustain victim safety and offender accountability.
- 4) *Concepts and Theories*: Language, theories, assumptions, and philosophical frameworks that are embedded in each institution's way of thinking, talking and writing about cases.
- 5) *Linkages*: Ways institutions link practitioners to co-workers within an organization as well as links to outside institutions.
- 6) *Mission, Purpose, and Function*: mission of the overall process – the purpose of our systems; purpose of a specific process, such as pre-trial hearings or booking

suspects; and function of a practitioner in a *specific context*, such as an officer on-scene.

- 7) *Accountability*: Ways institutional practices are organized to accomplish a) holding offenders accountable for their abuse; b) being held responsible to victims; and c) being accountable to other intervening practitioners.
- 8) *Education and Training*: Ways each institution organizes workers to understand their jobs; formal training; informal teaching through experience and modeling; exposure to different concepts and theories; and ongoing skill building opportunities.

Once all information was gathered and evaluated, the team set out to make recommendations based on their findings. Certain intersecting themes were discovered in all agencies and will be the focus of the initial implementation of change. Other gaps that were identified will be listed to be considered for consideration at a later date.

Audit Question

The initial task of the audit team was to form an audit question based on results of the victim focus groups as well as the expertise of the team members. After much consideration, the team determined that many of the concerns voiced by victims occurred within the first 24 hours after an intervention. Thus the audit question became:

*What can be done in the first 24-hours to enhance
victim safety and offender accountability?*

Scope and Date Collection

The audit was launched with a community forum on October 11, 2005 with 29 attendees. An audit team was formulated from those participants. The Audit Co-Coordinator attended a 1-week Audit Training by Praxis International in Duluth, MN. Remaining team members completed a two-day intensive training lead by the Audit Co-Coordinator, CCADV, and Moffat County Audit Team members. The audit continued for a period of 18-months with regular strategic planning sessions, reviews of current audit status, and assigned work between each team meeting. Audit findings are based on information gathered during the following activities:

- ✓ 4 community focus groups with a total of 21 participants who received criminal justice system intervention. One group was specific to Latina victims.
- ✓ 20 interviews with workers at different levels of experience and supervisory roles from law enforcement, victim advocates, dispatch, jail, probation, court personnel, child protection, and family advocacy.

- ✓ 9 observations including calls into dispatch, ride-alongs and roll calls with law enforcement, and a batterer domestic violence evaluation.
- ✓ Detailed text analysis of 7 law enforcement reports and 8 organization policies, protocols, and forms from law enforcement, victim advocates, dispatch, child protection, jail and probation.

Findings and Recommendations

The audit team investigated considerable amounts of information, taking diligence in exploring every aspect of each agency's response to domestic violence within the first 24-hours after the crime. Each team member participated in framing all findings and providing their professional opinions as to each recommendation. That practitioners and systems were willing to examine their own processes is evidence of their dedication to ending domestic violence. This report reveals gaps and recommends changes which the team, as a whole, agreed on.

It is important, however, to acknowledge the unique and innovative qualities already existing in Archuleta County, providing a solid foundation for a successful audit to occur. Many collaborative efforts and effective processes were already in place, thus allowing several of these audit recommendations to be easily incorporated into current practices.

Several changes were implemented immediately within the course of this process due to enhanced communication and an increase in understanding between organizations. Notable, it was discovered that contrary to state mandate, defendants were being allowed to bond prior to advisement by a judge. This practice was immediately updated. Second, the importance of detailed domestic violence information and criminal information became clear to law enforcement and the implementation of an entire domestic violence packet was instituted. Victim notification procedures were also improved by jail personnel. Department of Human Service and advocates now collaborate weekly on all cases involving children. The District Attorney has hired additional staff to meet the increasing need in Archuleta County, specifically, expanding their office in Pagosa Springs. This has resulted in increased victim communication as well as facilitated easier, more effective inter-agency communication.

Upon completion of this audit process, the team expressed the desire to continue communication and cooperation and to have the ability to come to the table and solve future issues in this manner.

Gap #1: Investigation of a domestic violence incident is not always based on evidence collection, further jeopardizing the safety of the victim as well as making it difficult to hold the defendant accountable for their actions.

How is this a problem?

Proper documentation and evidence collection is vital to conducting an evidence-based prosecution. Many times, statements of facts will change over time or victims may begin to feel guilty about calling and asking for system intervention. While this is a predictable reaction for victims of domestic violence, events may become minimized and result in less protection and/or fewer consequences for the batterer. Many times the history of the relationship as well as prior incidents is not documented and is not considered in the disposition of the case.

What contributes to the gap?

The audit team discovered that the framework to investigate and document domestic violence incidents is available, but the forms are not always completed or utilized. If the domestic violence supplement is not complete, the prosecutor has difficulty evaluating the case and must negotiate a plea without complete information or history of past incidents. Currently, the victim must bear a majority of the burden for successful prosecution. This is difficult for the victim and can lead to a case being dismissed by the prosecutor should the victim become reluctant to testify. This reinforces batterers' sense of invincibility and allows them to justify their behavior.

We found:

- All domestic violence calls are recorded on tape by dispatch. Though officers often checked off that they have requested a copy of the tape, in actuality tapes/recordings were not available later to the prosecutor. Because no copy of the tape was available to substantiate the call and the events as they were unfolding, prosecution relied solely upon the written reports and evidence that was collected. This gave an incomplete picture and did not reflect all that occurred at the time of the event.
- Both the Sheriff's Department and the Police Department use a domestic violence packet as a supplement to the narrative of the report. It was discovered that these forms were not always included with the report and/or were not filled out completely, again limiting the information available to prosecution.
- Formal documentation does not occur on calls that did not result in arrest.
- Reports produced by law enforcement were not uniform in format.
- Reports were being produced only by the primary investigator, though several officers may have been on the same scene.
- Current telephone numbers, cell phone numbers and addresses for victims and witnesses were not always verified on-scene. It was then complicated for advocates to locate the victim for follow-up services, as well as difficult for the

District Attorney office staff to contact the victim, a requirement of the Victim's Rights Amendment and often essential to prosecution and offender accountability.

- Each victim and witness is asked to complete a statement form as a part of the completed case. These were not always finished on-scene, or were dropped off later for completion. Many victims and witnesses never completed their statements or their recollection was altered by the time they did complete a written statement. Additionally, the statements were not always retrieved and, therefore, were not part of the report and not available to prosecution. This practice created several problems not the least of which was discrepancies in verbal and written statements as well as enabling defense attorneys to impeach witnesses or even exclude evidence.
- Drug and alcohol use, including intoxication levels were not regularly a part of law enforcement reports.
- Use of other forms of evidence collection via photograph or video technology was not regularly utilized. Equipment was outdated.

How do we close the gap?

1. Dispatch

- Dispatch should set up a formal mechanism where all domestic violence calls can be recorded and preserved as evidence for a set period of time that ensures availability to prosecutors even several months after the initial call.

2. Law Enforcement

- Coordination of forms used in a domestic violence report and policies that require completion of the Domestic Violence packet including: DV Supplemental Report; Victims Rights pamphlet; Strangulation and Medical Release Form; statements of victims and witnesses; DV check off list; and jail Victim Notification Form.
- Uniform report narratives should be implemented to detail the facts of the case as well as include reporting party statements, history of the couple's relationship, children present in the home, criminal history, documentation of injuries, and a written description of the crime scene.
- An incident report and/or a Domestic Violence Supplemental Form should be generated on each and every response by all officers who respond to a call, regardless of arrest. If law enforcement began the practice of completing the forms, the information can be useful in determining predominate aggressor and to create a paper trail if future responses involve the same parties. For incidents that do not meet the criteria of probable cause and do not generate an arrest, incident reports documenting the response, should be produced.
- A copy of these reports should then be forwarded to Victim Assistance and or Department of Human Services for follow up contact and preventive intervention. These reports can develop a pattern of response that may be used at a later date should intervention be required again.
- If each responding officer were to write a report, the outcome would better detail and preserve facts for law enforcement testimony in court.
- Current and correct contact information must be gathered on-scene from the victim and each witness.

- Statements need to be completed on-scene, at the time of the incident and turned in with the original police report. Recorded victim accounts would be the optimum practice.
 - Victim and defendant alcohol and drug use and intoxication levels should be documented in the narrative of the report, as well as the affidavit for warrantless arrest. This type of documentation can stop later disclosures that can discredit the victim and jeopardize prosecution with harmful defense maneuvers in court. Additionally, this information will allow the prosecution to build a case around the actual circumstances and remove the excuse of alcohol consumption as a defense for the abusive incident. Last, the judge will be provided with information about alcohol use and can issue appropriate protection orders and bond conditions; vital to victim safety and batterer accountability.
 - Replacement of outdated recorders and access to updated equipment to adequately record victim statements and the ability to photograph the scene would clarify many reports.
 - If law enforcement could use video technology and or still photographs to authenticate the written report, including photos of the victim and the scene as well as audio recordings of victim and witness statements, the written text of the police report would be sustained and clarified.
3. Advocates
- Advocates need to be sure that they have at least two contact numbers for a victim they contact as a result of a domestic violence incident.

Gap # 2: In order to enhance responses for batterer accountability as well as for victim safety, on-going training, education and comprehensive understanding of the dynamics of domestic violence must take place.

How is this a problem?

Domestic violence occurs in the confines of a relationship. When legislators determined that domestic violence should be set apart from other criminal actions due to the context of an intimate relationship, a foundation for victim driven intervention was set. This audit followed the same premise, beginning with focus groups designed to provide an honest forum for victims to articulate their experiences when they asked for help due to domestic violence. When an inappropriate or negative response to the victim was reported, the root cause often seemed to be inadequate training, not the worker's lack of empathy for the situation.

What contributes to the gap?

Victims, who indicated negative experiences with reporting, encountered situations that could have been dealt with appropriately if training had been sufficient and the responding law enforcement officer or dispatcher, had knowledge of victim dynamics. At times, the predominate aggressor determination was not used by law enforcement and the true victim was arrested and incarcerated. When this occurred, strong advocacy with the District Attorney's office sometimes successfully impacted the outcome of the case, but the ramifications of an arrest for a victim are difficult to overcome. Law enforcement officers receive only a few hours of training in the academy specific to domestic violence, while dispatchers currently receive none.

We found:

- Dispatchers receive no instruction in the dynamics of domestic violence or how a victim in crisis might respond. Therefore, they are not provided with effective tools to defuse callers.
- Members of the focus groups repeatedly stated that they believed that bias exists within the confines of any small town. Victims perceived that law enforcement's familiarity with a given family influenced their response to a call for intervention. Some victims stated that they would not call in the future due to this bias.
- Officers had little to no training on sexual assault assessment as element of domestic violence. Interview techniques for this sensitive topic were not explored beyond the question on the DV supplement.
- Advocates are trained that sexual assault could be present in a domestic violence incident, yet were hesitant to and thus rarely explored this with victims.
- Advocates were uncertain of their role upon entering a crime scene and at times interfered with law enforcements ability to conduct timely investigations.

How do we close the gap?

Regular cross-training for all agencies involved in a domestic violence response so that all perspectives are understood and addressed could create a more seamless, efficient response by all agencies involved. A coordinated community response alleviates misunderstandings and miscommunication that could ultimately compromise victim safety.

1. Dispatch

- Regular, consistent training for all dispatch personnel on domestic violence and common victim responses, as well as defusing techniques is warranted.

2. Law enforcement

- Regular, consistent training for all law enforcement on common victim responses, as well as defusing techniques is warranted.
- Law enforcement would benefit from training from prosecutors. Specific topics include evidence-based investigation and elements for a successful prosecution.
- Training for law enforcement regarding sexual assault as an element within a domestic violence relationship and how best to explore this with a victim.
- Additional training on the nuances of domestic violence dynamics is necessary.

3. Advocates

- Modification of advocate training to include specific instructions on how to enter a crime scene as well as how to work more effectively with responding law enforcement.
- Increased training would alleviate insecurity the advocate might have exploring the sensitive topic of sexual assault with a domestic violence victim.
- Detailed training and information on Victim Compensation should be offered to all responders. Written material that is currently available could be used.
- Provide training to law enforcement and prosecutors about the nuances of domestic violence dynamics.

4. Prosecution

- Prosecutors could benefit from cross training on the challenges faced by law enforcement.
- Additional training on the nuances of domestic violence dynamics is necessary.

Gap # 3: As the community continues to grow and enhancements to resources occur, consistent updating and information sharing of resources needs to occur.

How is this a problem?

Archuleta County has seen tremendous growth over the past several years, slated the 2nd fastest growing county in the nation in 1997, with an additional 20% increase since 2000. With growth comes new, innovative resources, but at times communication of these resources does not occur. Additionally, as already existing resources work to expand programs to meet needs, again, communication of these new, enhanced programs may not occur.

What contributes to the gap?

Miscommunication and lack of details surrounding resources leaves workers unable to appropriately refer victims to the proper services. For victims dealing with trauma, outreaching any organization for help is difficult. Compound this with inaccurate information or seemingly unavailable support and victims continue to not get their needs met.

We found:

- Dispatch has volumes of out-dated resources that are not useful. Little training was provided on what community resources are available and who should be notified to respond to a specific need.
- Law enforcement, advocates and emergency medical personnel were not clear on the parameters of Victim Compensation. Many victims refused medical treatment due to the inability to pay for services, without realizing funds exist for that purpose.

How do we close the gap?

An understanding of all resources available in the community and how to access them could help all responders provide better services to all clients.

1. Dispatch

- Updated resource lists with information explaining purpose of resource and procedures to initiate services is needed.

2. Law enforcement

- Updated resource lists with information explaining purpose of resource and procedures to initiate services is needed.

3. Advocates

- Updated resource lists with information explaining purpose of resource and procedures to initiate services is needed.

- Detailed training and information on Victim Compensation should be offered to all responders. This should be coordinated with the Victim Compensation staff in the District Attorney's Office.

4. Prosecution

- Updated resource lists with information explaining purpose of resource and procedures to initiate services is needed.
- Provision and coordination of training on Victim Compensation should occur. Written material that is currently available should be used.

Gap #4: Despite research that documents negative effects witnessing domestic violence has on children, their needs and safety were not addressed by first responders or the system in general.

How is this a problem?

Beginning with the focus groups, it became clear that one of the major concerns of victims of domestic violence is their children. While keeping the family intact may be a reason victims do not leave, they were also acutely aware that violent dynamics impacted their children. Concerns around keeping children safe and providing for them were expressed repeatedly. Victims also articulated a fear of system intervention as well as a fear of losing their children due to the violent episodes that the children were aware of, if not directly exposed to. The general attitude and tense atmosphere of a violent home was well defined by the participants in the focus group and they were knowledgeable and concerned about the negative influence on themselves and the children.

What contributes to the gap?

For many years, the complex dynamics of domestic violence have mainly focused on victims and offenders, not recognizing it has a family problem with resounding effects on the children. While not clearly defined, it seems that most of the system focused on the mechanics of the violent event. First responders were task-oriented toward collecting evidence, interviewing and responding only to the adult victim and arresting the offender. Though it's been widely known to be a generational problem, addressing the needs of children has only recently become a major focus in the domestic violence field.

We found:

- Dispatchers did not regularly ask if children were on-scene and if they were safe. Thus, the responding officer was not apprised of the status of children in the home and did not consider them as victims unless directly injured.
- Even when children are the reporting parties, they were not always included in the police report or listed as witnesses.
- Department of Human Services and the role they play in family intercession are misunderstood not only by victims but also by law enforcement. The agency is seen as an agent that removes children and further complicates the family circumstances.
- Many parents claim that the children were asleep or not otherwise aware of the violent incident despite evidence that the children were awake and may have witnessed the event. Therefore, they were not interviewed, or mentioned anywhere in the police report. Law enforcement narratives did not include information about children who were present in the home including date of birth, where they were when the violence occurred or any information that the child may have provided dispatch or the officer.
- Policy exists that Department of Human Service is to be contacted by law enforcement when children are witnesses or reporting parties to domestic violence, but this was not the practice. Only in the most egregious cases or if the

officer felt the child was not safe to stay with the remaining parent, was a child protection caseworker contacted.

- Advocates often focused on the victim and did not allow opportunities or adequate time for the victim to respond to the children who may be extremely frightened or in need of attention.
- Judges often did not include the children on mandatory protection orders even if they were listed as witnesses.

How do we close the gap?

The most important change that needs to come about is the recognition that children are impacted and affected by Domestic Violence as much, if not more so, as the primary victim. Policies and procedures changes that recognize this fact need to be made a priority.

1. Dispatch:

- Dispatch needs to begin determining if children are in the home, if they are safe and where they are at the time of the call. Responding officers need to have this information communicated to them prior to arrival on-scene so that their response does not jeopardize the safety of children.
- If safe, dispatchers should keep children on the phone until law enforcement arrives.

2. Law Enforcement:

- A holistic approach to the family along with accountability for the offender must be adopted. The Department of Human Service must be included at the point of crisis to help evaluate what would be an effective response for the victim and children.

3. Advocates:

- Advocates need to receive training on the effects of domestic violence on children growing up in abusive homes and the importance of helping the victim interact with the children immediately following a violent incident.
- Advocates need additional training on defusing techniques for children so effective on-scene response can occur for both children and adult victims.

4. CPS/DHS:

- Provision of education to law enforcement concerning child protection and the benefits of family advocacy needs to occur.
- Detailed procedures for child protection caseworker's notification and response when necessary need to be developed.
- Clarification of the resources and mission of DHS would remove the fear victims have of the agency. Law enforcement could benefit from training on services available through DHS.
- Development of a follow-up team that could provide additional support and realistic services to the family the next day would be an ideal way to support victims of domestic violence and their children. If this is not an immediate

possibility, making sure that all responders understand and utilize other agencies and the services they provide would increase effective services to victims and their children.

5. Prosecution:

- If a discussion with the court on the limitations and benefits of placing children on mandatory protection orders for a cooling off period could be held, it would provide a measure of safety and remove another tool for intimidation that could be used by the offender. Policies around this issue would have to be coordinated with prosecutors, law enforcement, and judges.

This gap requires changes in policy, procedure, linkages and administrative practices. A major shift in understanding of the role and practices of the Department of Human Services would help provide necessary services and intervention to victims and their children.

Gap #5: Intervening agencies do not consistently communicate effectively to provide coordinated systems responses.

How is this a problem?

Effective communication is paramount to promote efficient and appropriate responses, both inter-agency and with collaborative partners. While understanding the vital purpose of confidentiality for victim safety, coordinated community responses require certain levels of communication to be successful. Several communication gaps were found creating risks not only to victims, but first responders on the scene of a domestic violence incident.

What contributes to the gap?

As this gap was identified, most communication gaps were based on lack of set protocols for workers to follow. Practitioners were forced to make judgment calls, many based on limited information. Had communication been enhanced, better intervention could have occurred and victim safety enhanced.

We found:

- Dispatch did not maintain contact with the reporting party to ascertain additional information that would enhance officer safety. The connection was sometimes broken as soon as location, suspect information and victim name were established.
- The presence of weapons, children and injured person were not explored until law enforcement was on scene.
- Responding officers were not notified of current protection orders, warrants or prior law enforcement contact with this family, leaving the officer at a distinct disadvantage when entering the scene.
- Reports are not routinely written if no arrest takes place. This prevents early, preventive intervention by advocates or DHS. While law enforcement must be reactive, these agencies could be proactive, if alerted.
- There is currently no method to communicate informally among responders and prosecution. Many times advocates and or DHS have information that could enhance family centered responses by the system.
- Victims who participated in the focus groups, expressed that they felt the purpose of DHS and the advocate was to separate the family. They did not feel they were supported in their decision to stay in the relationship.
- Victims were instructed that they could receive police reports only after prosecution had occurred and were upset that they were not allowed to read them until the case was resolved.
- Contact with prosecutors after business hours is not available to law enforcement.
- Probation was seen as more of an ally to offenders than a resource to victims.
- Victim notifications and follow-up contacts with probation was disjointed and often felt ineffective to victims.

- It was unclear what kind of follow-up probation does when a victim reports inappropriate behavior by offenders. Follow-up communication with the victim concerning these reports rarely occurred.

How do we close this gap?

1. Dispatch Center:

- Protocol should be developed for all domestic violence calls, detailing staying on the line with the reporting party until law enforcement arrives and on-going communication with officers as to status changes and information concerning the presence of weapons, defendant leaving, children present, injuries, and the need for EMS.
- Check computer system (Sleuth) to determine warrants, existing and valid protection orders, prior responses to this address, and other law enforcement contact with the parties. All findings should be communicated to the responding officer prior to their arrival on scene.

2. Law Enforcement:

- For incidents that do not include an arrest, written incident reports should be created. A copy of these reports should be forwarded to the advocate for further intervention services, and if children were involved, CPS should also receive a copy of the report.
- To enhance victim safety, even if no arrest occurs, officer should still notify on-call advocate via phone to determine advocate response (on-scene, phone communication with victim, etc.).
- Law enforcement could benefit from being able to consult with a prosecutor after hours to enhance evidence-based investigation.

3. Advocates:

- Enhance communication with law enforcement and prosecutors within the confines of confidentiality would often help with the disposition of a case. Improved communication based on thorough assessments would also increase advocate credibility with coordinating agencies.
- Increase collaboration with DHS to enhance family-centered response for families involved in domestic violence, including communication and referral to the Family Advocate, child protection caseworkers, and the Fatherhood Initiative Program.
- Improve training to help advocates see domestic violence as a family response and to convey that advocates are available to support the "family", not just to facilitate leaving and separation.
- Correct the misunderstanding that the goal of an advocate is to separate families and enhance the role of the advocate as one of support and resources.

4. Prosecution:

- Formulate protocol for victims to receive copies of police reports. If possible, consider these be available prior to case resolution.
- Formulate after-hours protocol for law enforcement to be able to consult with a prosecutor for assistance on evidence-based investigation.

5. Probation:

- Consider providing police reports to victims upon conclusion of probation if not already received prior to offender entering probation.
- Enhanced communication with victims may alleviate concerns of bias and ineffectiveness of offender accountability.

Gap# 6: Several agency policy statements were either outdated, insufficient, or, non-existent.

How is this a problem?

Policy and protocol procedures guide agencies and individual workers in their actions and responses to specific activities and situations. Policies additionally define the scope of each agency's responsibilities including how communication occurs between organizations. When these guidelines are not well defined, inconsistencies and sometimes contradictory responses to domestic violence occur. These types of responses can leave victims and allied partners viewing systems as unreliable and untrustworthy.

What contributes to the gap?

Evidence of this gap revealed the dependence of workers on unwritten rules to guide their responses. These unwritten rules were provided mostly in a verbal manner, resulting in incomplete data. An example of this phenomenon is the "Telephone Game" where workers are trained by one who was trained by another who was trained by another. In each retraining, on the job training becomes more subjective as opposed to the official policy and guidelines.

We found:

- All domestic violence policies for dispatchers were outdated.
- No standard, written procedure for dispatch to respond to domestic violence calls existed, including information gathering, officer communication, and records check for previous/current protection orders or warrants.
- No inclusion of dispatch in current judicial policy.
- Officers were not given sufficient time to investigate domestic violence calls.
- Advocates have an unclear, ambivalent policy concerning how advocates should respond to dual arrests and what, if any, additional assessments should be done with female arrestees/defendants. Currently, the response is inconsistent and viewed as somewhat biased by law enforcement and prosecutors.
- Paper work and domestic violence supplements are not always completed in case filings including strangulation and Domestic Violence Supplement Forms.
- Children and their needs are largely ignored in domestic violence responses. Law enforcement does not routinely call child protection workers when children are involved and witness domestic violence incidents. Many times, it was several days later before CPS was made aware of a family requiring intervention and the deadline for court intervention often had past, limiting what could be accomplished by this agency.

How do we close this gap?

1) Dispatch:

- Development of a protocol that is consistent and standardized for all domestic violence calls is necessary. Protocol should include:
 - ✓ Information gathering – local, CCIC, NCIC, etc.
 - ✓ officer communication needs
 - ✓ procedure for maintaining tapes
 - ✓ injuries and need for EMT response
 - ✓ if there are weapons in the house and if the defendant has access to them
 - ✓ offender location with physical description and description of clothing and vehicle
 - ✓ location and ages of children present
- Add an addendum to include dispatchers as first point of entry and mandate the need to record and document domestic violence calls as evidence.

2) Law Enforcement:

- Administration needs to allow for the time-intensive nature of domestic violence calls and re-route all other calls to another officer.
- Strangulation disclosure should immediately trigger EMS response.
- The affidavit for warrant-less arrest should incorporate a copy of the domestic violence supplement by reference and attachment.

3) Advocates:

- Create a concrete policy concerning how to respond to a dual arrest or a female arrest must be developed. Once formulated, communicate and clarify policy with law enforcement and prosecutors.
- Consider advocate back-up policy if a female arrest or dual arrest occurs.
- Once formulated, all advocates should receive training in correct response.

4) CPS/DHS:

- Formulate Memoranda of Understandings with law enforcement detailing communication and response requirements of child protection when children are involved or present during a domestic violence incident.

5) Prosecution:

- District Attorney's office needs to develop a consistent policy on when and how reports should be released to victims who request them and who should provide them.

Gap #7: The entire system seems to break down when a warrant process is initiated.

How is this a problem?

A consistent finding revealed major system breakdowns when a warrant was required to complete an investigation. The warrant process revealed major gaps in communication between co-workers as well as coordinating agencies. Responses became confused and uncertain, posing substantial risks to victims. Offender accountability also decreases during this process as found with limited attempts to apprehend suspects in a timely fashion.

What contributes to the gap?

Lack of a streamlined warrant process contributes to this gap. Systems seem to respond in confused and disjointed manners. No formal process exists defining victim notification, case management within law enforcement, and communication with partner agencies. Specific to case management, unclear and informal transfer of cases occurred, whereas the responding officer at times transferred cases to supervisors, and other times was solely responsible for apprehension of suspect.

Due to the increased risk to victims, many required relocation during the time the suspects were at large. Victim location and contact information were not always obtained or accurate, making victim notification difficult.

We found:

- No method exists for victim notification when a warrant is executed. If victim information exists at all, it may be inaccurate.
- Advocates are often unaware that the offender is in custody until after the first court appearance, thus were unable to help with victim location, input or assess safety concerns.
- Victims have little or no understanding of how the warrant process works and are therefore not able to request that they be notified upon defendant arrest.
- Policies for managing warrants are not consistent within responsible agencies, jeopardizing the safety of victims.

How do we close this gap?

1) Law Enforcement:

- Develop policy on victim notification when an immediate arrest does not occur. Victim location and contact information needs to be accurate and based on awareness that victim location may change to enhance safety.
- Develop concrete protocol detailing the agency's steps of a warrant, how/when cases are transferred to co-workers or supervisors, and how victim updates of case investigation will occur.

2) Advocates:

- Increased, more thorough information given to victims concerning what will happen when a warrant is issued and process for notification when offender arrest occurs.

3) Jail:

- Develop concrete and reliable method of victim notification, ensuring that proper forms are completed with accurate victim location and contact information.

Gap #8: Existence of cultural and linguistic barriers.

The Audit process consistently revealed the lack of resources available to respond to cultural and linguistic barriers exist. Agencies do not always have someone who can communicate with the victim or offender who is not a family member or child, placing an undo burden on them for the outcome of the case. Agencies need to provide for adequate translation that does not involve children and family.

Due to the extensive nature of these barriers and plans necessary to implement adequate policies and protocols, the audit team decided to not detail recommendations in this review. Instead, the audit team felt it necessary for each entity to formalize and incorporate their own focused response within their respective agencies, communicating with collaborative partners throughout process. As an initial response, only one specific recommendation was stated for all entities to consider:

- A neutral party for language interpretation needs to be provided to non-English speaking victims, witnesses and offenders. Family members and those with an interest in the outcome of the incident are not acceptable. Children should also not be used for this purpose.

Miscellaneous Gaps:

Some remaining important gaps were discovered; none requiring an intensive response, but attention is warranted.

1) Dispatch:

- Dispatch is understaffed and requires additional workers.

2) Law Enforcement:

- Departments are under-staffed and spread very thin. Good cooperation between Town Police and Sheriff's office does exist, minimizing the impact of short staffing.

3) Prosecution:

- Consider introduction of a modified fast track to reduce the amount of time that it takes to complete a DV prosecution. Many victims feel the amount of time that a court disposition takes severely and negatively impacts the family.
- Consider how to change the perception victims have that they are not included in the prosecution and have no say in the outcome of cases.

Implementation

The Safety and Accountability Audit began with the understanding that this intense process would first and foremost enhance victim safety. A daunting task when you're trying to change, and sometimes save lives. As a previous audit stated, "Safety is a state of being".² A state of being free from abuse. Being free to make your own choices without ridicule or name-calling. Being free from fear of doing something wrong even when everything you do is focusing on doing the right thing for your partner and your family. Being free to call your friends or family. Being free to parent your children without being chastised or undermined. Being free to be friendly to the opposite sex without a jealous rage ensuing. Being free of fear – fear of physical, sexual, emotional and spiritual assaults at the hands of your partner.

Next, offender accountability. Accountability is ultimately the responsibility of the offender. No sanctions, no jail time, any counseling guarantees a batterer will stop abusing. Ultimately, one must not only want to change, but genuinely recognize the effects of their abuse on their partner and children, and most importantly, unconditionally commit to never abusing their partner again.

What process can accomplish these amazing feats? Coordinated community responses. Coordinated community responses "offers the promise of safety, of action that will prevent someone from experiencing further harm at the hand of and intimate partner".³ Coordinated community responses require the individual commitment of workers in the field to understand the complex nature of domestic violence; to continue to learn about promising practices; and to implement those practices. As agencies, coordinated community responses require strong commitment to remain focused on victim safety while continuing communication and information exchange; and build effective policies that truly enhance victim safety and offender accountability. The Archuleta County Audit Team is committed to further implementation of their coordinated community response while accomplishing each outlined recommendation in this report.

Upon finalization of this document, one thing remains solid and true. That each agency, organization and individual involved with families experiencing domestic violence wants to see domestic violence end. We, as law enforcement officers, victim advocates, prosecutors, dispatchers, child protection and family advocates, vow daily to do what we can to accomplish this vision. We recognize that we must instill a united front, with strong commitment, communication, and willingness to evolve. That we must become a well-oiled machine, because the force and devastating effects of domestic violence is far-reaching and powerful.

² La Crosse County Domestic Violence Safety & Accountability Audit – Final Report 2005

³ Ibid.

Appendix A:

Changes that have occurred during the process of the Audit:

- Domestic Violence defendants are no longer allowed to bond until they appear before the judge and an MPO is issued.
- Collaboration between CPS and advocates now takes place on a regular base to create a more family centered response to DV. An advocate has been appointed to the Child Protection team.
- The SO has hired an investigator assigned to follow up on cases where no arrest has taken place. This investigator will also be available to DHS as a means to further identify families in need of Department of Human Service intervention.
- The DA has opened and staffed a Pagosa Springs office and has hired a misdemeanor and felony assistant based in Pagosa. This increases the ease of victim communication and input into cases. A District Attorney is usually in Pagosa three to four days a week.
- Victim Assistance is now assembling and providing Domestic Violence packets to law enforcement with all the paperwork in one packet, minimizing the chance that fact will be eliminated as well as providing a checklist of information to be disseminated to victims.
- Archuleta County Sheriff's Office has implemented standardized formats for police reports, encouraging evidence based investigation.
- When children are named in the Sheriff Office affidavits, the courts are sometimes able to add them to mandatory restraining orders. However, the judge has determined that the Mandatory Protection Order statute does not give judges authority to issue no contact orders to protect child witnesses, only child victims.

**Appendix B:
Focus Group Questions**

Focus Group Questions:

911/Dispatch Center

Initial point of entry:

1. Think back to when you first called 911 for help. What was your experience? Were they respectful and professional?
2. How long did it take for them to answer? What did they ask you?
3. Do you think that the 911 operator made you safer? Why or why not?
4. What would you recommend that the 911 center do to improve their response?

Law enforcement

Police intervention:

1. How many of you had to call law enforcement because your partner or former partner hurt or threatened to hurt you? If you did not call, why not?
2. What was your experience with the police officers that responded to your call? Were they respectful and professional?
3. Did the officer explain the investigation process to you or offer any resources regarding your situation? Did the officer question other people (witnesses or children)?
4. Do you think that the police made you safer? Why or why not?
5. Did you request a copy of the police report? Did you receive it?
6. Did the jail notify you when the perpetrator was released on bond?
7. What do you recommend the police do to improve their response?

Victim Advocate

Services provided:

1. Did the advocate meet with you at the time of the incident?
2. Do you feel the advocate helped you understand what resources were available?
3. Did you receive court advocacy?
4. Did you feel the advocate was sympathetic to your situation?
5. Did you feel the advocate wanted you to leave the relationship or that they accepted your decision to stay?
6. Did the advocate make you feel safer?
7. What could the advocate have done to make you feel better or more informed about your case?

District Attorney

Contact and information provided to the victim:

1. Was the District Attorney respectful and professional?
2. Did you receive information and updates on your case? Did you meet with the District Attorney at any time? What was that meeting like? Did you request

information and receive it from the office of the District Attorney? Copy of the report, if requested?

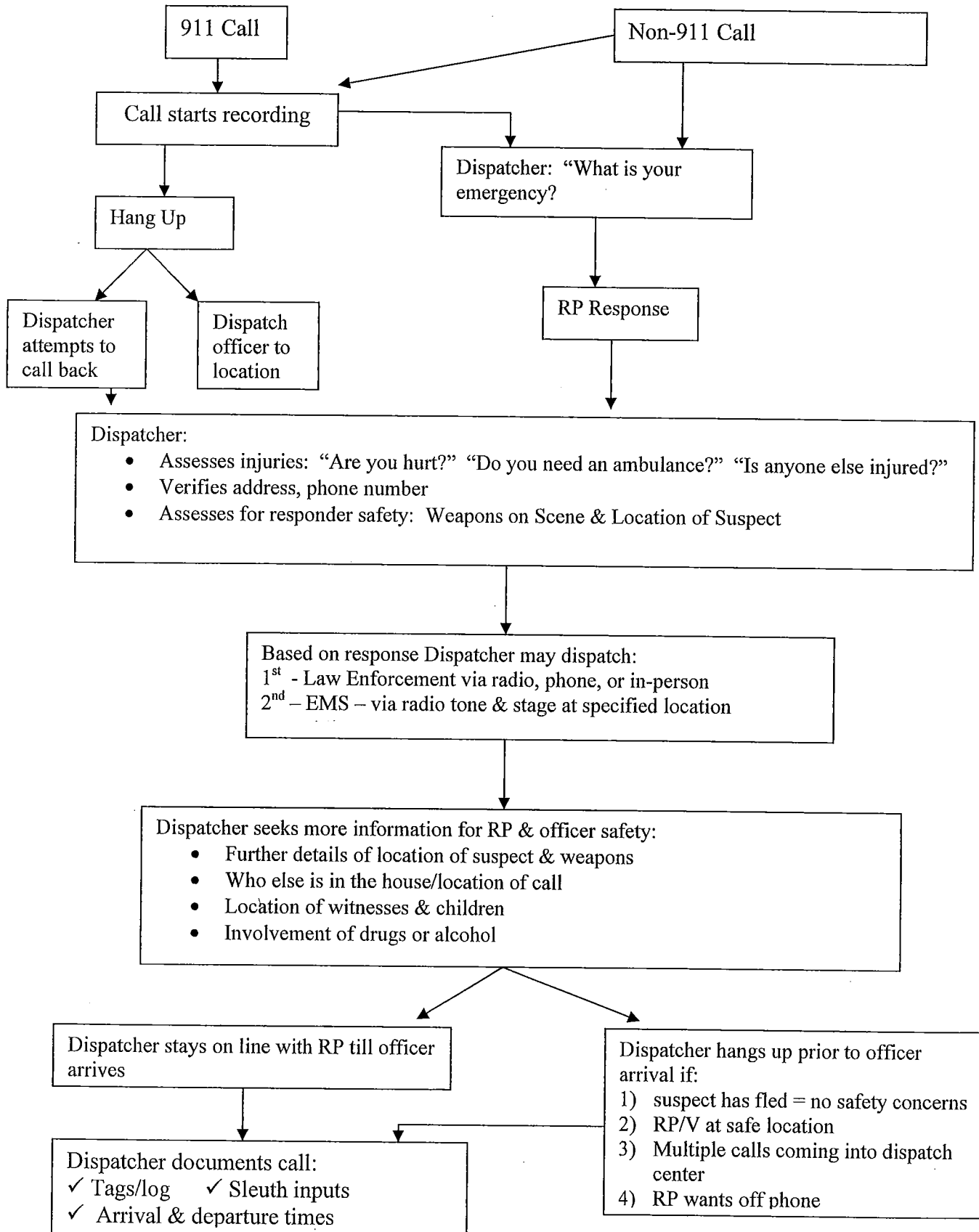
3. Do you think the District Attorney made you safer? Why or why not?
4. Did you feel the case was resolved fairly for you and the defendant?
5. Do you feel the batter was held accountable for their actions?
6. What do you recommend for the District Attorney to improve their response to victims?

Probation

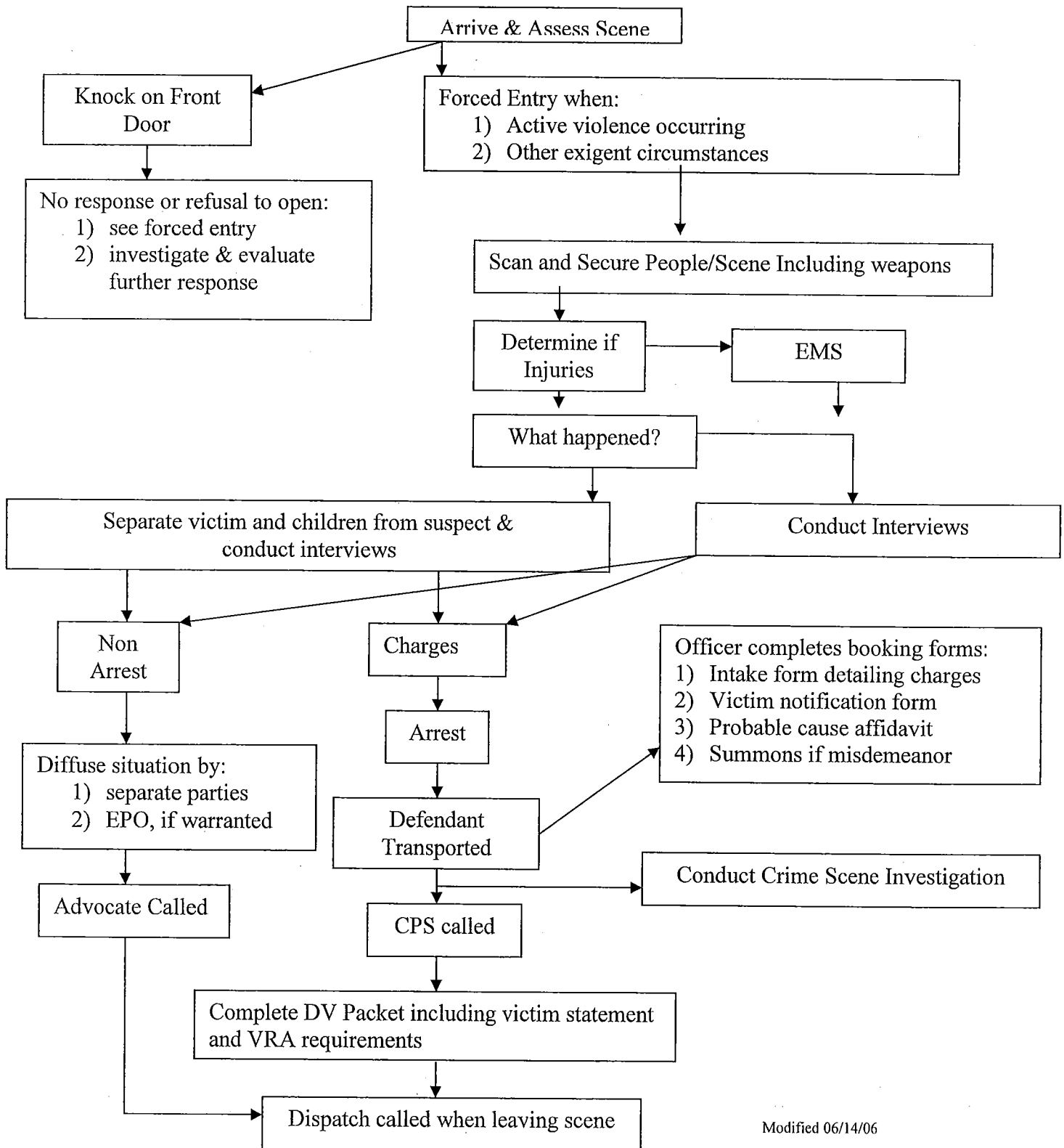
1. Did you have contact with a probation officer?
2. Was this contact respectful and professional?
3. Did you get the information you needed?

**Appendix C:
Agency Maps**

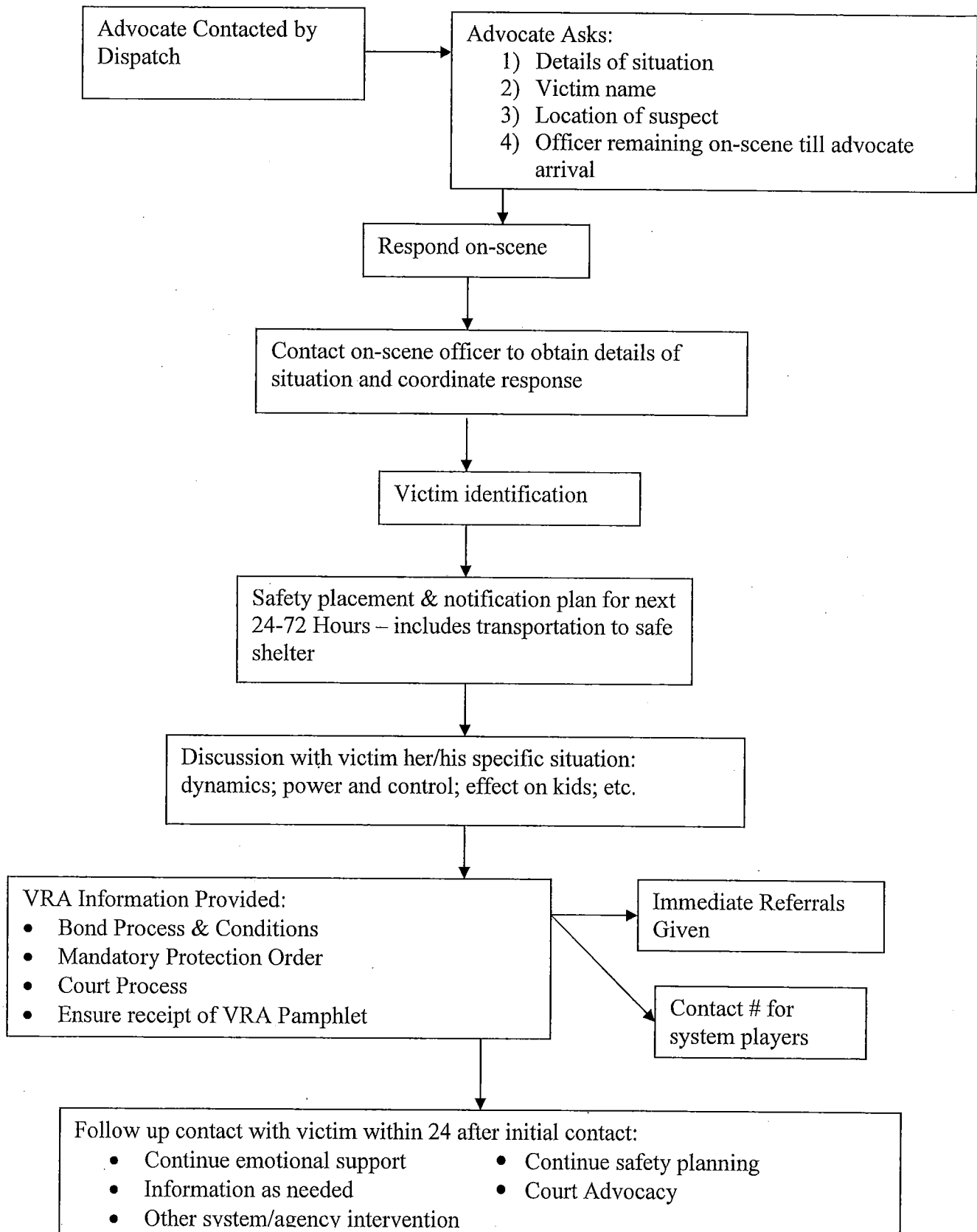
Dispatch Call



Law Enforcement Response



Advocate Response



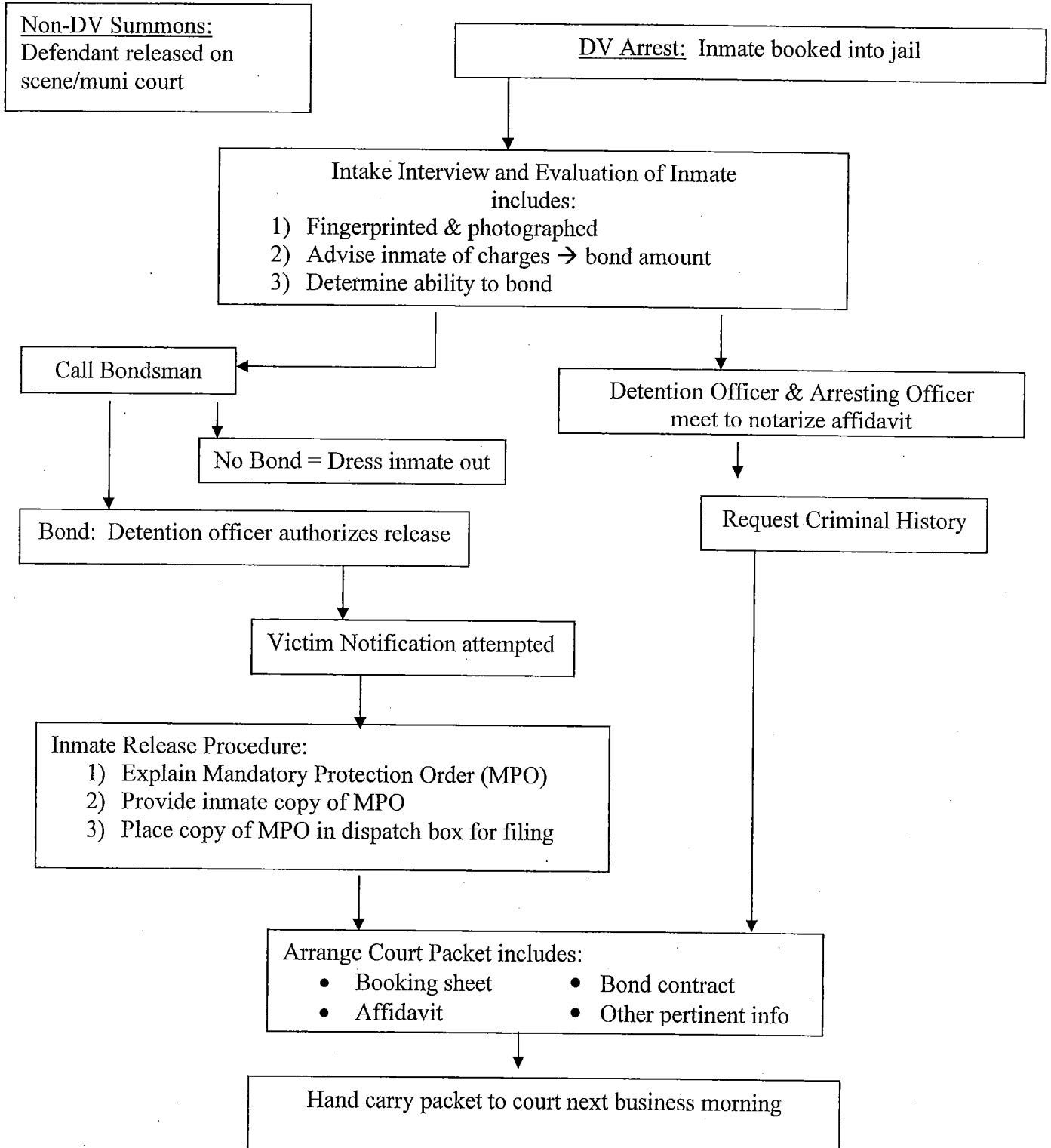
Department of Human Services Response to DV Crisis Calls:

1. Dispatch calls worker and apprises that a DV has occurred.
2. Worker determines if officer is on scene.
3. Respond if a dual arrest or kids are in danger due to mother being unable to care for them- this is at the officers discretion as well as mutual agreement by DHS- (This is a vast difference from policy as they are to respond to all calls where children witness or are involved in any way.)
4. Arrival on scene and ask for briefing with officer.
5. Determine where kids and mother are as well as husband/father.
6. Determine if any injuries to child or mom/ call EMS if needed.
7. Talk to mom about what has happened.
8. Interview and observe mom to make sure kids are safe in her care.
9. Suggest someone come and stay with her if she seems too upset or intoxicated to care for the kids.
10. Notify who ever victim designates to care for kids and ask for a response.
11. Ask for reference from victim and if necessary, get criminal history check if outside person is designated or if the worker has any concerns for the kids safety. (I was told that many times the family and extended family are known to the worker and their suitability is also known.)
12. Usually family members are not checked out as it is actually the victim who is allowing care of the children, not DHS. This is only true if the victim is not calm or sober enough to be in charge of the children.
13. DHS will remove only as a last resort or if the kids are clearly in an unsafe environment and no responsible adult can be found to care for them.
14. A safety plan centered on the kids is formulated for the next 24 hours and is dependant on what the victim is indicating she intends to do- (leave area, stay with defendant, separate for the time being etc.) Due to no-bond policy this is determined on victim's ability to care for her children due to her own injuries or other issues which would indicate she can not care for the children.
15. If the defendant is still on scene, worker will introduce themselves and explain why they are there- defendants can also designate who should watch or help with the kids if victim is unable and the children are his

biological children. Workers may respond to the jail depending on what they determine is needed to secure a safe place for the kids to stay. If defendant is only parent and out of home placement occurs, this must be done immediately and the parent's rights must be explained.

16. Worker will not leave the scene until she is sure children are stable, or reliable person is present or, last resort, kids are placed into foster care.
17. Law enforcement is the only agency authorized to remove children, so coordination is required if children are to be removed.
18. Children may be interviewed that night if they are awake and calm enough.
19. All interviews are coordinated with law enforcement so that kids are not interviewed twice.
20. If the children are not awake that night and did not witness directly, the worker will go to school the next day or ask the mother to respond to DHS the following day and the kids interview will be video taped and recorded. This may not be necessary if the kids did not witness directly and worker believes the mother is in a position to prevent any harm to the children. Subsequent reports of DV will be addressed by an intervention.
21. A voluntary case may be opened at this juncture or DHS can determine to open a formal D and N.
22. The family advocate along with the DV advocate will offer services to the family and access immediate need. Coordination of services will take place between the 2 agencies.
23. All information will be entered into "Trails" the next business day by the worker.

Jail Response



**Appendix D:
Interview Questions**

INTERVIEW QUESTIONS:

What can be done the first 24 hours to enhance victim safety and batter accountability?

- 1) What is the purpose of your job?
- 2) What is the end goal of your job?
- 3) When do you get involved in a case of domestic violence? How are you contacted/notified of a case?
- 4) What are the first 5 steps you take when you have contact with a domestic violence victim? With a domestic violence perpetrator?
- 5) What written policies determine your actions? Get copy of any paperwork.
- 6) If you primarily work with one (victim or perpetrator), do you have contact with the other party? If so, when is contact made and who makes that contact?
- 7) What points of contact with the victim? With the perpetrator?
- 8) List the information you must obtain from the perpetrator. From victim. Get any forms agency uses for this.
- 9) How do you interact with children in domestic violence cases? Is there a protocol?
- 10) What tools do you use to make determinations on how to proceed with your response (arrest, charges, prosecute, revoke probation) to a domestic violence case?
- 11) If you've had contact with a victim and/or perpetrator before, how does your response change?
- 12) If the perpetrator is on probation, how does your response change?
- 13) How do you know if this is a 2nd or 3rd offense?
- 14) If no arrest is made, does this affect your involvement with a domestic violence case? How (seek warrant, seek revocation, further investigation, referrals/info sharing with other agencies, etc.)?
- 15) How does your agency respond to a warrant?
- 16) How are victims involved in a warrant process – when issued, when executed, etc.?
- 17) Are you required to do any follow up in a domestic violence case? If so, how?
- 18) Do you document (written reports, records, etc.) for your agency? If so, is there a required procedure you follow? A personal procedure you follow? How does each procedure reflect an accurate picture of the situation?
- 19) Who do you give your report/documentation to? What happens next?

- 20) How many workers in your agency are involved in a single domestic violence case? How are their jobs different from yours?
- 21) How many domestic violence cases to you personally respond to/have?
- 22) How much time on an average, do you feel a domestic violence case takes you? What factors make it faster or slower?
- 23) What other agencies do you work with? At what point in your case do you involve them?
- 24) Are there other agencies you feel should be involved with a domestic violence case within the first 24 hours? Who are they?
- 25) Who do you receive information from (i.e. – probation, dispatch, advocates, law enforcement, etc.)? Is it written or verbal? What is the time frame in which you receive this information?
- 26) What additional information would help you do your job more effectively (i.e – tapes, video, BAC, etc.)?
- 27) Who do you supply information to? Is it written or verbal? What is the time frame to give this information?
- 28) How do you share information about a domestic violence case with co-workers?
- 29) What information gathered by those workers who have contact prior to you would help you do your job more effectively? Example: tapes, video, BAC etc.
- 30) How are perpetrators held accountable by your agency?
- 31) How are victims kept safe by your agency?
- 32) How does your involvement with domestic violence victims/perpetrators differ from other people you may serve?
- 33) What specific training, if any, have you received concerning domestic violence?
- 34) What changes would you make in your job that you feel would help victim safety and or perpetrator accountability?
- 35) What is frustrating about domestic violence cases?
- 36) Do you have the ability to make recommendations for how a domestic violence case is dealt with by your agency? By other agencies? How?

**Appendix E:
Full Case Review Worksheet**

Full Case Review

Domestic Violence Safety & Accountability Audit

CASE #	FINDINGS
<p>Describe Case:</p> <ul style="list-style-type: none"> ✓ Immediate impressions ✓ Gaps in safety? ✓ Gaps in Accountability? 	
<p>Articulate Point of Intervention:</p> <ul style="list-style-type: none"> ✓ How does this practitioner intervene? ✓ What creates a safety problem at point of intervention? ✓ How does it come about? ✓ What can we do to fix it? 	
<p>What else do we need to know?</p> <p>What other information would be helpful documents, text would be necessary?</p>	
<p>How does what we've found come about structurally?</p> <p>Look at way institution is shaped to bring about this problem or issue.</p> <p>Consider:</p> <ul style="list-style-type: none"> ✓ Rules ✓ Forms & Administrative Procedures ✓ Training & Skills ✓ Linkages ✓ Resources ✓ Theories & Concepts ✓ Institutional features 	
<p>What may solve any problems found?</p> <ul style="list-style-type: none"> ✓ New policies? ✓ Enhance linkages? ✓ New resources? ✓ Training? ✓ Shift in thinking? ✓ Other 	

**Appendix F:
Statistics**

**SIXTH JUDICIAL DISTRICT
LAW ENFORCEMENT DOMESTIC VIOLENCE STATISTICS
January 2005 - December 2005**

AGENCY	ACSO	PSPD	TOTAL
TOTAL CASES	47	17	64
Arrests	46	17	63
Warrant	1	0	1
DV	33	10	43
RO	6	4	10
Bond	0	0	0
RO/DV	7	3	10
Mutual	3	0	3
% of TOTAL	6.4%	0	4.7%
Advocate Contact reported by LE for DV TOTAL	30	9	39
% of TOTAL	91%	90%	91%
Advocate Contact reported by LE for RO Total	0	0	0
Advocate Contact reported by LE for BOND	1	0	1
Female Total	13	2	15
% of TOTAL	28%	12%	23%
Same Sex Total	2	0	2

The information collected is from a small sample of cases and is not a comprehensive base of information. It is compiled specifically to review trends, patterns, and effectiveness in relation to the Violence Prevention Coalition of SW Colorado's Sixth judicial District Policies and Protocols.

**SIXTH JUDICIAL DISTRICT
LAW ENFORCEMENT DOMESTIC VIOLENCE STATISTICS
January 2005 - December 2005**

NOTE: These are statistics for the entire judicial district, not specific to Archuleta County alone.

MISC

Category	2005 1 st 1/2	Percent	2005 2 nd 1/2	Percent
ROV Charge	57	26.8	8 82	38.9
Arrested	55	25.8	78	37
Active Warrant	1 / 1 summons	.5 / .5	0 / 4 Summons	0 / 1.9
BVM Charge / BVF Charge	10	4.7	8 / 4	3.8 / 1.9
Arrested / " "	10	4.7	8 / 4	3.8 / 1.9
Active Warrant / " "	0	0	0 / 0	0 / 0
# of children present	58	27.2	61	28.9
# of Strangulation incidents	18	8.5	21	10
# of photos injuries / scene	72 / 61	33.8 / 28.6	66 / 53	31.3 / 25.1
Alcohol (Suspect)	74	34.7	79	37.4
Alcohol (Victim)	37	17.4	38	18.0
Alcohol (Both)	32	15.0	34	16.1
Obstruction of (Phone) Service Charges	8	3.8	13	6.0
Weapons	8	3.8	7	3.3
Medical Care (Victim)	20	9.4	27	12.8

A Notice to Appear was given by law enforcement to 136 victims or 64.5 % of 211 total cases.

REPEAT OFFENDERS:

131, or 56 % of the people dispo'd (234) in the LAST 6 months of 2005 had prior DV offenses.

21 of the 131 offenders had multiple DV offenses (3 or more).

The information collected is from a small sample of cases and is not a comprehensive base of information. It is compiled specifically to review trends, patterns, and effectiveness in relation to the Violence Prevention Coalition of SW Colorado's Sixth judicial District Policies and Protocols.

**ARCHULETA COUNTY VICTIM ASSISTANCE PROGRAM
2005 Annual Statistics**

TYPE OF VICTIM	TOTAL # VICTIMS SERVED	DEMOGRAPHICS
Domestic Violence	286	157 Women 107 Children 22 Men
Sexual Assault	37	21 Women 14 Children 2 Men
Assault / Family Violence	42	19 Women 7 Children 16 Men
Sudden Mishap/Loss	46	N/A
TOTAL:	419	

TYPE OF SERVICE PROVIDED	TOTAL # VICTIMS per SERVICE	TOTAL # OF CONTACTS per SERVICE ITEM
Crisis Intervention	207	217
Emergency Housing	13	29 nights
Follow-up Support	404	1917*
Support Group	32	153
Info/Referral & Counseling <i>(in person)</i>	56	176
Criminal Justice Support/Advocacy	133	677
Civil Court Advocacy	38	67
Personal Advocacy <i>(w/other agencies, professionals, etc.)</i>	117	340
Telephone Contact <i>(info/referral & counseling)</i>	146	480
TOTAL:	1172	2139

*Number not included in total. Calculated as total contacts minus crisis intervention contacts and # of victims unable to provide follow-up services for

**Prosecution of DV Cases
January 1 through June 30, 2005**

Total Cases that were dispo'd during this time frame = 175
Of those, 127 are **misdemeanors** and 48 are **felonies**.

The number of **cases** that were totally **dismissed** = 43
The number of cases that were **declined to prosecute** = 1
Of these 44 cases, which represents 25.1 % of the total cases that were dispo'd, 35 were **male** offenders and 9 were **female** offenders.

The types of **charges** on those cases that were dismissed or were declined to prosecute (60 total) are outlined below:

- 9 or 15 %-3rd degree assault
- 19 or 31.7 %-harassment
- 25 or 41.7 %-restraining order or bond violations
- 1 or 1.7 %-felony menacing
- 0 or 0 %-misdemeanor menacing
- 6 or 10 %-other (2DBurg; Trespass; CrimMischief; Tampering)

The reasons for these 44 cases being dismissed or declined to prosecute are outlined below:

✂	<u>6.8</u> % or <u>3</u>	-unable to prove
✂	<u>41.0</u> % or <u>18</u>	-per plea in another case
✂	<u>38.6</u> % or <u>17</u>	-interest of justice best served
✂	<u>4.5</u> % or <u>2</u>	-no reason given
✂	<u>9.0</u> % or <u>4</u>	-other (STPM; EVID; DIS on Payment of Restitution)

A Victim Impact Statement was sent or attempted to be sent to 114 or 65.1 % of victims.

Victim Contact (Safety and Referrals) were attempted with 124 or 70.9 % of victims.

No Victim Contact of any kind was documented with 39 or 22.3 % of victims (regarding victim impact statements or safety & referrals - includes mutual arrests, ROV, more than one case.)

The DA had some type of contact with law enforcement in 117 cases or 66.9 % of cases.

The information collected is from a small sample of cases and is not a comprehensive base of information. It is compiled specifically to review trends, patterns, and effectiveness in relation to the Violence Prevention Coalition of SW Colorado's Sixth Judicial District Policies and Protocols.

Types of Dispositions:

Out of 175 cases OR 255 charges:

✂ 89 or 51 % 96 or 37.6 % Guilty Pleas were obtained
✂ 39 or 22.3 % 43 or 16.9 % Guilty Pleas with Deferred Judgements were obtained
✂ 2 or 1.1 % 3 or 1.2 % received Jury Trial Convictions
✂ 0 or 0 % 0 or 0 % received Trial by Court Conviction
✂ 1 or .6 % 2 or .8 % received Jury Trial Acquittal
✂ 44 or 25 % 111 or 43.5 % were dismissed or declined to prosecute

There were 7 NON-DV Charges; 7 Guilty pleas and 0 Deferred Judgements were obtained

Types of Supervision for cases where guilty pleas or convictions were obtained 130 cases:

107 or 82.3 % of sentenced cases will be supervised by Probation.
8 or 6.2 % of sentenced cases will have no supervision.
70 or 53.8 % of sentenced cases go to jail.
15 or 11.5 % of sentenced cases will be supervised by other means (i.e: DOC)

Types of Treatment that was Ordered for the 130 Cases Receiving a Sentence:

70 or 53.8 % received jail time.
Only 4 or 3.1 % obtained some or all suspension of jail time.
108 or 83.1 % were ordered to obtain DV treatment.
11 or 8.5 % were ordered to obtain Alcohol Treatment.
94 or 72.3 % were ordered to abstain from alcohol use.
4 or 3.1 % were ordered to obtain Mental Health Treatment.
8 or 6.2 % were ordered to pay restitution.
7 or 5.4 % were ordered to Useful Public Service.
1 or .8 % were ordered to Inpatient treatment.

PRIOR OFFENSES:

There were 125 prior offenses with 46 prior convictions out of 175 cases.

2 Petitions to Revoke Probation and 3 Petitions to Revoke DJS were filed.

**Sixth Judicial District
Prosecution of Domestic Violence Cases
July 1 through December 31, 2005**

Total Cases that were dispo'd during this time frame = 234
Of those, 157 are **misdemeanors** and 77 are **felonies**.

The number of **cases** that were totally **dismissed** = 77
The number of cases that were **declined to prosecute** = 0
Of these 77 cases, which represents 33 % of the total cases that were dispo'd, 60 were **male** offenders and 17 were **female** offenders.

The types of **charges** on those cases that were dismissed or were declined to prosecute (104 total) are outlined below:

- 16 or 15.4 %-3rd degree assault
- 35 or 33.7 %-harassment
- 33 or 31.7 %-restraining order or bond violations
- 5 or 4.8 %-1st degree criminal trespass
- 5 or 4.8 %-false imprisonment
- 10 or 9.6 % -other (CM3;OBS;FMN;2DA;2DKID;2DBURG)

The reasons for these 77 cases being dismissed or declined to prosecute are outlined below:

- 16.9 % or 13 -unable to prove
- 41.6 % or 32 -per plea in another case
- 27.3 % or 21 -interest of justice best served
- 3.9 % or 3 -no reason given
- 10.4 % or 8 -other (STPM;DISD;NOAT;No Jurisd;judge dism;no vic;w/prej; Pending resolution another case)

A Victim Impact Statement was sent or attempted to be sent to 149 or 63.7 % of victims.

Victim Contact (Safety and Referrals) were attempted with 127 or 54.3 % of victims.

No Victim Contact of any kind was documented with 80 or 34.2 % of victims (regarding victim impact statements or safety & referrals - includes mutual arrests, ROV, more than one case.)

The DA had some type of contact with law enforcement in 138 cases or 59 % of cases.

Types of Dispositions:

Out of 234 cases OR 376 charges:

- 120 or 51.3 % 130 or 34.6 % Guilty Pleas were obtained
- 27 or 11.5 % 34 or 9 % Guilty Pleas with Deferred Judgements were obtained
- 3 or 1.3 % 5 or 1.3 % received Jury Trial Convictions
- 1 or .4 % 1 or .3 % pled No Contest
- 6 or 2.6 % 10 or 2.7 % received Jury Trial Acquittal
- 77 or 32.9 % 196 or 52.1 % were dismissed or declined to prosecute

There were 14 NON-DV Charges; 9 Guilty pleas and 3 Deferred Judgements were obtained

Types of Supervision for cases where guilty pleas or convictions were obtained 151 cases:

122 or 80.8 % of sentenced cases will be supervised by Probation.

2 or 1.3 % of sentenced cases will have no supervision.

76 or 50.3 % of sentenced cases go to jail.

16 or 10.6 % of sentenced cases will be supervised by other means (i.e: DOC)

Types of Treatment that was Ordered for the 151 Cases Receiving a Sentence:

76 or 50.3 % received jail time.

Only 8 or 5.3 % obtained some or all suspension of jail time.

120 or 79.5 % were ordered to obtain DV treatment.

22 or 14.6 % were ordered to obtain Alcohol Treatment.

110 or 72.8 % were ordered to abstain from alcohol use.

7 or 4.6 % were ordered to obtain Mental Health Treatment.

10 or 6.6 % were ordered to pay restitution.

14 or 9.3 % were ordered to Useful Public Service.

5 or 3.3 % were ordered to Inpatient treatment.

PRIOR OFFENSES:

There were 131 prior offenses with 86 prior convictions out of 234 cases.

4 Petitions to Revoke Probation and 0 Petitions to Revoke DJS were filed.

**SIXTH JUDICIAL DISTRICT
LAW ENFORCEMENT DOMESTIC VIOLENCE STATISTICS
January 2006 - December 2006**

AGENCY	ACSO	PSPD	TOTAL
TOTAL CASES	47	8	55
Arrests	45	8	53
Warrant	1	0	1
DV	40	8	48
RO	1	0	1
Bond	0	0	0
RO/DV	1	0	1
Mutual	5	0	5
% of TOTAL	11%	0	9%
Advocate Contact reported by LE for DV Total	29	6	35
Advocate Contact reported by LE for RO Total	3	0	3
Advocate Contact reported by LE for BOND	1	0	1
Female Total	10	2	12
% of TOTAL	2%	25%	22%
Same Sex Total	0	0	0

**SIXTH JUDICIAL DISTRICT
LAW ENFORCEMENT DOMESTIC VIOLENCE STATISTICS
January 2006 - December 2006**

NOTE: These are statistics for the entire judicial district, not specific to Archuleta County alone.

MISC

Category	2006 1 st 1/2	Percent	2006 2 nd 1/2	Percent
ROV Charge	42	25.3	52	27
Arrested	35	21.1	52	27
Active Warrant	3 / 4	1.8/2.4	0	0
BVM Charge / BVF Charge	0 / 2	0/1.2	1/5	.5/3
Arrested / " "	0 / 2	0/1.2	1/5	.5/3
Active Warrant / " "	0 / 0	0/0	0/0	0/0
# of children present	32	19.3	52	27
# of Strangulation incidents	13	7.8	16	8
# of photos injuries / scene	63/51	37.9/30.7	64/59	33/30
Alcohol (Suspect)	72	43.4	79	40
Alcohol (Victim)	51	30.7	50	26
Alcohol (Both)	44	26.5	37	19
Obstruction of (Phone) Service Charges	3	1.8	9	5
Weapons	6	3.6	10	5
Medical Care (Victim)	23	13.9	21	11

A Notice to Appear was given by law enforcement to 150 victims or 77 % of 196 total cases.

REPEAT OFFENDERS:

77, or 43 % of the people dispo'd (180) in the LAST 6 months of 2006 had prior DV offenses.

19 of the 77 offenders had multiple DV offenses (3 or more).

The information collected is from a small sample of cases and is not a comprehensive base of information. It is compiled specifically to review trends, patterns, and effectiveness in relation to the Violence Prevention Coalition of SW Colorado's Sixth judicial District Policies and Protocols.

**Archuleta County Victim Assistance Program
2006 Annual Statistics**

TYPE OF VICTIM	TOTAL # VICTIMS SERVED	DEMOGRAPHICS
Domestic Violence	269	182 Women 71 Children 16 Men
Sexual Assault	65	37 Women 20 Children 8 Men
Assault / Family Violence	42	19 Women 8 Children 15 Men
Sudden Mishap/Loss	29	
TOTAL:	405	

TYPE OF SERVICE PROVIDED	TOTAL # VICTIMS Per Service	TOTAL # OF CONTACTS per SERVICE ITEM
Crisis Intervention	173	206
Follow-up Support	387	2,521*
Support Group	26	112
Info/Referral & Counseling (<i>in person</i>)	189	403
Criminal Justice Support/Advocacy	185	778
Civil Court Advocacy	54	90
Personal Advocacy (<i>w/other agencies, professionals, etc.</i>)	126	235
Telephone Contact (<i>info/referral & counseling</i>)	296	623
TOTAL:	1328	2,727

*Number not included in total

**Sixth Judicial District
Prosecution of Domestic Violence Cases
January 1 through June 30, 2006**

Total Cases that were dispo'd during this time frame = 204
Of those, 150 are **misdemeanors** and 54 are **felonies**.

The number of **cases** that were totally **dismissed** = 71
The number of cases that were **declined to prosecute** = 1
Of these 72 cases, which represents 35.3 % of the total cases that were dispo'd, 52 were **male** offenders and 20 were **female** offenders.

The types of **charges** on those cases that were dismissed or were declined to prosecute (89 total) are outlined below:

- 12 or 13.5 %-3rd degree assault
- 26 or 29.2 %-harassment
- 40 or 45.0 %-restraining order or bond violations
- 3 or 3.4 %-1st degree criminal trespass
- 2 or 2.2 %-obstruction of service
- 6 or 6.7 %-other (CM;FMN;WIT INTIM;CHILD ABUSE)

The reasons for these 72 cases being dismissed or declined to prosecute are outlined below:

- 23.6 % or 17 -unable to prove
- 44.4 % or 32 -per plea in another case
- 13.8 % or 10 -interest of justice best served
- 9.7 % or 7 -no reason given
- 8.3 % or 6 -other (STPM;DISD;NOAT;vic deceased;case cosolid;not crim chg)

A Victim Impact Statement was sent or attempted to be sent to 107 or 52.5 % of victims.

Victim Contact (Safety and Referrals) were attempted with 86 or 42.2 % of victims.

No Victim Contact of any kind was documented with 57 or 27.9 % of victims (regarding victim impact statements or safety & referrals - includes mutual arrests, ROV, more than one case.)

The DA had some type of contact with law enforcement in 101 cases or 49.5 % of cases.

Types of Dispositions:

Out of 204 cases OR 287 charges:

- 90 or 44.1 % 95 or 33.1 % Guilty Pleas were obtained
- 39 or 19.1 % 42 or 14.6 % Guilty Pleas with Deferred Judgements were obtained
- 2 or 1.0 % 2 or .7 % received Jury Trial Convictions
- 0 or 0 % 0 or 0 % pled No Contest
- 1 or .5 % 4 or 1.4 % received Jury Trial Acquittal
- 72 or 35.2 % 143 or 49.8 % were dismissed or declined to prosecute

There were 3 NON-DV Charges; 2 Guilty pleas and 1 Deferred Judgements were obtained

Types of Supervision for cases where guilty pleas or convictions were obtained 131 cases:

99 or 75.6 % of sentenced cases will be supervised by Probation.

4 or 3.1 % of sentenced cases will have no supervision.

56 or 42.7 % of sentenced cases go to jail.

28 or 21.4 % of sentenced cases will be supervised by other means (i.e: DOC;DA)

Types of Treatment that was Ordered for the 131 Cases Receiving a Sentence:

56 or 42.7 % received jail time.

Only 5 or 3.8 % obtained some or all suspension of jail time.

105 or 80.2 % were ordered to obtain DV treatment.

21 or 16 % were ordered to obtain Alcohol Treatment.

82 or 63 % were ordered to abstain from alcohol use.

12 or 9.2 % were ordered to obtain Mental Health Treatment.

8 or 6.1 % were ordered to pay restitution.

14 or 10.7 % were ordered to Useful Public Service.

1 or .76 % were ordered to Inpatient treatment.

PRIOR OFFENSES:

There were 111 prior offenses with 94 prior convictions out of 204 cases.

9 Petitions to Revoke Probation and 2 Petitions to Revoke DJS were filed.

**Sixth Judicial District
Prosecution of Domestic Violence Cases
July 1 through December 31, 2006**

Total Cases that were dispo'd during this time frame = 180
Of those 133 are **misdemeanors** and 47 are **felonies**.

The number of **cases** that were totally **dismissed** = 47
The number of cases that were **declined to prosecute** = 0
Of these 47 cases, which represents 26 % of the total cases that were dispo'd, 31 were **male** offenders and 16 were **female** offenders.

The types of **charges** on those cases that were dismissed or were declined to prosecute (58 total) are outlined below:

- 6 or 10 %-3rd degree assault
- 14 or 24 %-harassment
- 28 or 48 %-restraining order or bond violations
- 2 or 3 %-felony menacing
- 1 or 2 %-misdemeanor menacing
- 7 or 12 %-other (CM2;2DBURG;OBS;FI;CM1;FALSE REPT)

The reasons for these 47 cases being dismissed or declined to prosecute are outlined below:

- 36 % or 17 -unable to prove
- 38 % or 18 -per plea in another case
- 19 % or 9 -interest of justice best served
- 2 % or 1 -no reason given
- 4 % or 2 -other (RO vacated)

A Victim Impact Statement was sent or attempted to be sent to 111 or 62 % of victims.

Victim Contact (Safety and Referrals) were attempted with 86 or 48 % of victims.

No Victim Contact of any kind was documented with 58 or 32 % of victims (regarding victim impact statements or safety & referrals - includes mutual arrests, ROV, more than one case.)

The DA had some type of contact with law enforcement in 92 cases or 51 % of cases.

Types of Dispositions:

Out of 180 cases OR 256 charges:

- 89 or 49 % 89 or 35 % Guilty Pleas were obtained
- 39 or 22 % 45 or 18 % Guilty Pleas with Deferred Judgements were obtained
- 2 or 1 % 2 or 1 % received Jury Trial Convictions
- 0 or 0 % 0 or 0 % received Trial by Court Conviction
- 3 or 2 % 4 or 2 % received Jury Trial Acquittal
- 47 or 26 % 116 or 45 % were dismissed or declined to prosecute

There was 1 NON-DV Charges; 1 Guilty plea and 0 Deferred Judgements was obtained

Types of Supervision for cases where guilty pleas or convictions were obtained 130 cases:

94 or 72 % of sentenced cases will be supervised by Probation.

7 or 5 % of sentenced cases will have no supervision.

55 or 42 % of sentenced cases go to jail.

20 or 15 % of sentenced cases will be supervised by other means (i.e: DOC)

Types of Treatment that was Ordered for the 130 Cases Receiving a Sentence:

55 or 42 % received jail time.

Only 11 or 8 % obtained some or all suspension of jail time.

90 or 69 % were ordered to obtain DV treatment.

18 or 14 % were ordered to obtain Alcohol Treatment.

63 or 48 % were ordered to abstain from alcohol use.

11 or 8 % were ordered to obtain Mental Health Treatment.

11 or 8 % were ordered to pay restitution.

12 or 9 % were ordered to Useful Public Service.

3 or 2 % were ordered to Inpatient treatment.

PRIOR OFFENSES:

There were 77 prior offenses with 50 prior convictions out of 180 cases.

4 Petitions to Revoke Probation and 2 Petitions to Revoke DJS were filed.