

THE NORTHWESTERN DISTRICT

SAFETY AND ACCOUNTABILITY AUDIT REPORT



**SPONSORED BY NORTHWESTERN DISTRICT
ATTORNEY ELIZABETH D. SCHEIBEL
AND
THE CITY OF NORTHAMPTON
MAYOR MARY CLARE HIGGINS**

**FUNDED BY THE U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
AND THE OFFICE ON
VIOLENCE AGAINST WOMEN**

Acknowledgements

Northwestern District Attorney – Elizabeth D. Scheibel

The City of Northampton – Mayor Mary Clare Higgins

Amherst Police Chief – Charles Scherpa

Athol Police Chief – Timothy Anderson

Greenfield Police Chief – David McCarthy (retired)

Northampton Police Chief – Russell Sienkiewicz

Sunderland Police Chief - Evan Golann

Ware Police Chief – Dennis Healey

Northampton Dispatch Supervisor Thomas Dunphy

Shelburne Control Dispatch Supervisor Charles “Butch” Garrity III

New England Learning Center for Women in Transition (NELCWIT)

Safe Passage

Consultant: Dr. Ellen Pence, Praxis International, Inc.

September 2004

Safety and Accountability Audit Team

Nancy Ferron, Audit Coordinator

Rick Aucoin, Athol Police Officer

Jocelyn Axelson, New England Learning Center for Women in Transition (NELCWIT)

Gail Bobin, Safe Passage

Brendan Boyle, Northampton Dispatch

Dorothy Clayton, Northampton Police Sergeant

Lisa Day, Northampton Police Dispatch

Terri Demars, Shelburne Dispatch

LuAnn Eldredge, Ware Police Officer

Karen Fitzpatrick, Victim/Witness Advocate, District Attorney's Office

Butch Garrity, Dispatch Supervisor, Shelburne Control

Jennifer Ire, NELCWIT

Mary Kociela, Director of Domestic Violence Projects, District Attorney's Office

Susan Loehn, Assistant District Attorney, District Attorney's Office

Jenifer Lucca, Safe Passage

Chris Pronovost, Amherst Police Sergeant Detective

Dave Rice, Greenfield Police Officer

Kellie Thouin, Victim/Witness Advocate, District Attorney's Office

Brenda Tozloski, Sunderland Police Officer

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The Northwestern District Safety and Accountability Audit

INTRODUCTION

The Domestic Violence Safety and Accountability Audit (Safety Audit) process was developed in Duluth Minnesota by Ellen Pence, Ph.D. The Safety Audit is a systematic examination of the policies, practices and procedures that have been developed over time by institutions charged with providing for the safety of domestic violence victims and the accountability of the offender.

The Safety Audit is not a critique of individual job performance within an agency or institution. It is a look at whether or not the responses we have created to address the issue of domestic violence in our homes and communities actually serve their intended purpose. We explore whether or not we practice what is designed, and whether or not the design in fact matches the need.

Laws, regulations, forms and policies play important roles in guiding our work, as do experience, philosophy, habit and emulation. Some practices are not written anywhere, but develop through trial and error over time. How are those practices communicated to others doing the same work? Are they shared at all? Do forms elicit or provide information that promotes victim safety and/or offender accountability? Does a person at the beginning of the chain understand the relevance of what she/he does in relationship to the final outcome of a case? If domestic violence victims are frequently “uncooperative” does what we offer match the reality of their experience? Do institutions blame their limitations on the “client”?

The purpose of an audit is to narrow the gap between everyday life and the institutional response to it.

There are six steps to performing a safety audit:

- Forming and preparing an audit team
- Determining what stage of the process to examine
- Defining the scope of the audit
- Collecting data
- Analyzing data
- Recording findings that lead to recommendations

The question to be answered is: “How does this (practice, policy, rule etc.) enhance or diminish victim safety and offender accountability?”.

OVERVIEW OF THE PROCESS

Laying the Foundation

For years prior to the audit, members of the advocacy community, law enforcement, human services, court personnel and town officials had been building collaborative relationships around the issue of domestic violence. These relationships proved invaluable when approaching police departments and dispatch centers with the proposal for an audit. The trust between the various participating agencies made it possible to perform a truly candid assessment of the police/dispatch response to domestic violence in our district. The audit subjects were courageous in their willingness to open themselves up to scrutiny by people who were not members of their respective departments. For their part, advocates and other audit team members were very respectful in their inquiries, while gaining a new appreciation for the difficult and often unrecognized work of police officers and emergency dispatchers.

Certainly police, advocates and prosecutors are not always on the same page when considering the issue of domestic violence. Discussions during audit materials analysis can be strained by those differing viewpoints. It is imperative to form prior relationships with potential audit sites, relationships that carry the team through the more challenging aspects of a Safety Audit. The foundation created by working together, while sometimes holding opposing positions, was very good preparation for the difficult work of the safety audit.

Choosing and Building a Team

A critical step in performing a Safety and Accountability Audit is the selection of the audit team. Unlike some committee work, performing a Safety Audit requires a consistency of dedication and commitment from start to finish. The process builds upon information gathered and sequential periods of analysis with subsequent recommendations. It is important that prospective audit team members fully understand the process and the necessary commitment to it.

The Northwestern District Safety Audit Team was dedicated and always available for audit activities. The project coordinator met with the heads of each department and organization to explain the audit process and request recommendations for team members. A preliminary schedule was provided so that the time commitment was understood from the beginning. The department heads put out open calls for volunteers or approached staff thought to be both interested and suited for the task. As a result of the thoughtful and voluntary nature of the selection process we found people who were at least interested and, at best, excited to participate.

Six of us were fortunate to attend the weeklong comprehensive Safety Audit training at Praxis International in Duluth, MN. This provided us with a core group of team members who had a deeper understanding of the concept behind the audit. The concept of evaluating institutions of social management in relationship to real world experience is a priceless guide to the purpose driving the work of an audit. The week in Duluth also served to cement team relationships that were brought back and expanded throughout the rest of the 16-member team. The networking, information sharing and bond that grew between us was, in and of itself, a successful product of the audit.

Scope of the Audit

The Northwestern District is made up of forty-seven municipalities, many of them small, isolated rural towns. With forty seven police departments, two regional state police dispatch centers, five district courts, two probate courts and two superior courts, feasibility was a major consideration in determining the extent of the audit. The size of our district was prohibitive for an audit of the entire law enforcement, criminal justice and advocacy systems. Since it is our hope to eventually audit all systems, we felt it made the most sense to start at the beginning of the chain. The decision was made to limit this audit to a review of 911/dispatch through police response, investigation and report writing. Six police departments were identified as representative of the diversity of the district. We included departments from each of the three counties. They varied in size, geographic location and resources. To that, we added the two regional dispatch control centers and the civilian dispatchers working within some of the participating police departments.

Description of Methods

The audit team was designed so that a member from each police department or dispatch center was paired with a representative from the advocacy community. Advocates from shelters and from the District Attorney's office worked in partnership at each site with a police officer or dispatcher. We felt that such an arrangement served to insure the integrity and credibility of the audit, as well as to support the team experience that proved so valuable later in the analysis and recommendations phase. The design also made sense since in-house team members had knowledge of and access to written materials and agency structure. They were able to act as liaisons and facilitators for advocates scheduling interviews and observations.

Note: Before beginning the actual audit, each police chief and dispatch center supervisor put out a memo to staff informing them of the audit.

Mapping the System

We began with agency team members assembling data from within their respective departments. Each member provided descriptions of internal structure, hierarchical order, written rules, policies and regulations. They also created detailed maps which followed the course of a domestic violence call from beginning to end of their agency's involvement. Once this data was collected and produced, each officer and dispatcher gave a presentation on the material to the entire audit team.

Interviews and Observations

The mapping presentations provided the foundational information necessary for the advocates to begin their exploration of the police/dispatch response. Guided by a list of questions outlined in, "The Duluth Safety and Accountability Audit; A Guide to Assessing Institutional Responses to Domestic Violence", by Ellen Pence and Kristine Lizzas, as well as others created from the mapping data, advocates began to interview and observe police and dispatchers at work. The advocate's agency partners facilitated the scheduling of these meetings.

Interviews were conducted with supervisors, patrol officers and line staff in each department and dispatch center. Most interviews took place while officers were on the clock. Observers were on-site to view working conditions, environment, equipment and organization. The departments and centers that were truly open to the process literally gave the team carte blanche. Personnel were eager to talk about their thoughts and feelings regarding their work. Many greatly appreciated the opportunity to relate some of their ideas based on the day-to-day reality of witnessing and responding to domestic violence. There is a wealth of knowledge, deep thought and creativity among the people on the front lines.

Note: An important aspect of the interview process is confidentiality for interviewees.

Focus Groups

While the rest of the audit team was facilitating and conducting interviews and observations, the safety audit coordinator was scheduling focus groups. Focus groups consisting of domestic violence victims, prosecutors and various advocacy groups were conducted throughout the audit. Focus groups were used to gather important information regarding the experiences of people that utilize the services provided by the entity being audited.

Product

Each of the police and dispatch team members collected domestic violence police reports and 911 tapes from a designated time frame. Police reports included samples of a range of responses, as well as examples of dual and no arrest outcomes. Similarly, the dispatch tapes contained calls that varied in technique. All individual identification of officers and others was redacted prior to analysis. These were added to the mapping materials, interview and observation notes and focus group information to complete the data necessary to move into the analysis and recommendations phase of the audit.

The findings that follow are the result of months of interviews, observations, review and analysis conducted by the Safety Audit Team.

FINDINGS AND RECOMMENDATIONS

EMERGENCY DISPATCH

Findings

Emergency dispatching is a job that can go from mundane to extremely stressful with the ring of a telephone. Each time a dispatcher takes a call, (s)he does not know whether (s)he will be asked for the correct time or to respond to a life-threatening situation.

Our jurisdiction has two regional emergency dispatch centers that operate out of the state police barracks. Three of the six police departments that participated in the audit have their own civilian dispatchers, one uses both dispatchers and police officers, and the remaining two use whatever police officers are available to pick up the telephone.

The dispatch system throughout the Northwestern District (and the rest of the state) is not connected by any particular policies, practices or regulations. There is no central supervisory agent, nor is any training required for a dispatcher. The certification requirement consists primarily of sixteen hours of equipment operation. Certification is not required to dispatch.

There is a statewide dispatch supervisors association that is currently trying to address the issues that arise from the present state of the profession. The association is made up of head dispatchers and center supervisors who are members of the Massachusetts Communications Supervisors Association and Massachusetts Communications Officers Association. This group meets monthly or bi-monthly to discuss statewide matters of concern to dispatchers.

The supervisors association runs a 5-week training academy on a very sporadic basis. The training is optional and is a “one shot deal”. There are no continued or advanced training opportunities. The association has a pending proposal before the State Emergency Telecommunications Board that pennies from each telephone tax bill be designated for training money for emergency dispatchers. The proposal includes initial academy training, continuing education and a \$2000 per dispatcher per year allotment for training.

Dispatchers receive no training specific to domestic violence. There is no protocol for responding to domestic violence calls, nor are there any written policies guiding the response to a domestic violence victim’s call. While reviewing the following section, consider the statement of a dispatcher made during an interview:

“We are in the middle, between the police and the caller. The police need some things from us and the caller needs different things.”

Dispatch Response

C: And he's all mad that I'm calling, but you know what? I've put up with it for too long...

911: Can you spell your last name please ma'am?

There were differences in the manner and style used by various dispatchers to communicate with domestic violence victims, particularly during the initial moments of a call. During the following call, the dispatcher and the caller appear to be completely disconnected throughout the conversation.

Note: All names and addresses of individuals quoted throughout this report have been changed.

C = Caller

C: Yes, I'm calling from 222 Fairbanks St. and we're having a little domestic here. I just got a beer threw at me.

911: Ok, what's your name?

C: Sally Johnson, yup, and you know what? He's just being a jerk and I don't know what my rights are.

911: Last name ma'am

C: I'm sorry what?

911: What's your last name?

C: Johnson

911: Spell it

C: And he's all mad that I'm calling, but you know what? I've put up with it for too long...

911: Can you spell your last name please ma'am?

C: J-o-h-n-s-o-n

911: Ok, and your phone number?

C: What's that?

911: Your phone number

C: Gives number

C: I don't know what he's doing right now, but he's all mad that I'm calling...

911: What's his name? (talking over her)

C: Terry Smith (can hear Terry in background yelling "I'm not mad, call em")

911: Spell his last name

C: He's like real mad, blaming me, but I'll tell ya, his kid has a CHINS (child in need of services) order on him and causes all the problems here and these two are treating me like crap.

911: Ma'am, are there any weapons in the house?

C: I'm sorry, what?

911: Are there any weapons in the house?

C: Yes there are, he's a hunter, that was his first concern – (Terry yelling in background)

C: (Back to Terry) You can't just throw a beer at somebody and get in their face. (He yells something back at her)

911: Ma'am, ma'am what type of weapons are in the house?

C: Sorry, I'm not trying to fight with him but...

911: (Over her) What type of weapons are in the house ma'am?

Is this dispatcher trying to follow a proscribed pattern of information gathering at the expense of establishing a human connection with the caller? The result is that neither party is getting what they need from each other. It is not until several minutes into the call that there is more information about what happened, and the ongoing exchange between Sally and Terry escalates.

C: I have two kids and he has the 17yr old with the CHINS order and that kid causes so much trouble in this house and he never gets in trouble. Then the little kids do something and it's a big thing I'll tell ya...

911: Is Terry drunk right now?

C: He told me just the other day that I couldn't use the clothes line...

911: Is Terry drunk right now?

C: (To Terry) Of course we're through Terry. I'm sick of it.

C: I'm so sorry but he's like in my face saying "We're through, we're through" I've had it.

911: We're trying to get the police in there now

C: I'm sorry, what?

911: We're dispatching a police officer

C: Can you look up an old record from last April? His son assaulted me but I didn't press charges and we had a CHINS order but it didn't do anything. He's always swearing at me and calling me filthy names.

911: Is this a domestic between a father and a son?

C: The son is here, Terry is my fiancé

911: Are you married?

C: No we're not married we've been together for five years

911: Hold on ma'am

Silence

C: Do I shower off the beer or just leave it? He like threw a whole beer at me, it's all over me.

911: Um, I would try and get out of the house if he's that mad. Has he hit you tonight ma'am?

C: He grabbed me around my neck and he whacked me in my ear and I'm sorry but I'm not going to take it anymore, I'm a decent person.

911: Mm hm

Further into the call Sally looks to the dispatcher for reassurance:

C: Can you first tell me what to expect because I've been afraid to call, I'm afraid you know?

911: Inaudible mumbling to someone else

C: (Back to Terry) I can't believe you either!

Sally and Terry yelling back and forth for 1 1/4 minutes with silence from the dispatcher

C: He just kicked my plant over

Long pause

911: Ok, tell me where he is in relationship to you

After more questions about the possible location of any weapons in cars parked in the yard:

C: He's so mad because he has a perfect record, well he shouldn't be hurting people right?

911: Well.....

“Jessie, did he physically try anything after that?

Establishing a relationship with the caller can be both soothing to a victim of violence and critical to eliciting full details regarding the assault. Several of the more experienced dispatchers said that personalizing the conversation by using the caller's name was usually very helpful. In the ensuing dialogue, one caller described her assault in this way:

C: He punched me in the head and the stomach

The dispatcher is calm, repeating everything the caller says and using her name. As soon as the abuser fled the scene the conversation continued:

911: Ok Jessie the police are en route, there are two officers on the way ok? Do you need an ambulance?

C: No

911: You're not bleeding, are you sure?

C: No. (pause) He pulled my underclothes off

911: He tore your clothes off?

C: Just my panties. I got in bed and told him to go to sleep. He started smacking me in my legs and my back and he ripped my underwear off me

911: Ok, so he tore your underwear off?

C: Yes, because I told him I didn't want to mess around

911: Jessie, did he, did he physically try anything after that?

C: He started to then he stopped. He took it out.

As a result of this tape recorded conversation the offender in this incident was charged with rape. The dispatcher's careful listening and follow up questions clearly contributed to the unearthing of the sexual assault. In this case, the dispatcher stayed on the line with the caller until the offender was stopped and arrested.

“Can you get yourself out of the apartment if we get off the phone?”

It is prevailing dispatcher practice that the caller is asked to remain on the line until police help arrives. There has been a lot of discussion recently about whether this is always the best practice. There is particular concern for assaults in progress where the offender may become more enraged at finding the victim on the phone, particularly if she is relaying details of the abuse in front of him. During a singularly successful emergency call, the dispatcher took that consideration into account at the very beginning of the call.

911: Where is he right now?

C: In the house

911: He's in there with you?

C: Yes

911: Ok, does he have any weapons?

C: No

911: What's your name?

C: Susan

911: Ok Susan. Tell me exactly what happened. Susan first of all where is he right this second?

C: Inaudible whisper

911: Ok, I'm going to ask you yes or no questions, is that ok?

C: Inaudible

911: Ok, tell me are you hurt?

C: Yes

911: Ok Susan, where are you hurt?

C: Inaudible head is bleeding

911: Ok Susan, just relax the other dispatcher has an ambulance en route ok?

C: Inaudible

911: Tell me the apartment number (puts out call for two units)

911: Does he know you're on the phone right now Susan?

C: Yes he's right here

911: He's standing right there?

C: He's right here (inaudible) my head

911: Ok Susan, just listen to me, I'm going to stay on the line...

C: (Screaming)

911: Susan, what just happened?

C: (Crying/Screaming) my fucking eye

911: He did what?

C: (Inaudible) my fucking eye

911: Alright Susan listen to me. Is there anywhere you can get to that's safe away from him? Can you get yourself in the bathroom?

C: My phone isn't cordless, I can't

911: Can you get yourself out of the apartment if we get off the phone?

Right after that question was asked, the assailant left the apartment and went outside to Susan's vehicle. She remained on the line until help arrived.

During the majority of calls reviewed, the caller was asked to stay on the line with no question regarding whether or not it was safe for her to do so.

The decision is not one that can be written in stone, as evidenced by the following example.

After her boyfriend fled while she was on the phone with dispatch, a caller offered to hang up since the police were on their way after him. The dispatcher wisely encouraged her to stay on the line in case he doubled back to the house again.

In an example of a call that undoubtedly disconnected prematurely, a woman called as her ex-boyfriend could be heard outside yelling and bashing the door. He then came around to a window trying to break in. The dispatcher took the names and addresses of the parties, asked if there were any weapons in the house and whether or not the ex had been drinking. He then said he would send someone out and hung up. He did not inquire about her ability to maintain safety, did not inquire about the children that could be heard crying in the background nor did he give her any guidance regarding what to do while waiting for the police to arrive.

Certainly from a police response perspective, the dispatcher had no way to inform them as to whether the aggressor made it into the house or fled, nor whether any injuries occurred that would require an ambulance response.

The examples above illustrate the value of experience and judgment required of an emergency dispatcher when it comes to determining the best choice regarding whether or not to keep a caller on the line.

“ You can hear what’s going on and there’s nothing you can do”.

A primary concern in a district that includes several small rural communities is the time that it can take for police to arrive at the scene of a domestic violence incident. Many of the regional 911 center dispatch tapes chronicled police response times of twenty minutes

or more. The impact on victim safety and offender accountability will be discussed in depth later in this report. What has perhaps not been deeply considered is the toll taken on a dispatcher staying on the line, listening to an ongoing violent assault while assuring the victim that help is indeed on the way. Several dispatchers interviewed acknowledged the tremendous stress that comes with this aspect of their work.

One woman called 911 from a telephone located on the basement floor of her male partner's home. In the background are sounds of yelling and furniture smashing. Her partner's adult son was tearing their house up and threatening his father. The caller was very frightened as the intensity of the situation continued to escalate. At one point, the son hit his father in the head with a chair and the woman was screaming that his head was bleeding. It took twenty-three minutes for the police to reach the house. By the time the police arrived, the assailant was walking calmly down the road.

During another shorter but very intense call filled with active violence, a five year old girl picked up the extension:

Child: Hello, can you please come, please?

911: Honey, they're coming ok?

The dispatcher's own anguish was heard in her reply.

These are but two examples of the complex nature of dispatch work, which should be considered in any comprehensive training program.

Resources

“How about an info sheet with basic questions on it in multiple languages?”

“Great idea!”

“But, what good would that be if we can’t understand their answers?”

One administrator is charged with facilitating the requests of all state police dispatch centers in Massachusetts. The state has grown from forty to one hundred and twenty dispatchers over a span of eight to ten years, still with one person administering dispatch. The money for resources comes from the state police budget. It took one dispatch center nearly a year to get three chairs that were needed for line staff to be able to sit at their work sites. There was a general consensus among dispatchers that resources are, for the most part, “allocated by crisis”.

State Police Dispatch Centers are located in state police barracks buildings constructed in 1936. Neither of the two regional dispatch centers in our district is compliant with The Americans With Disabilities Act (ADA), or wheelchair accessible.

The plight of civilian dispatchers, located in local police stations, is similarly precarious

in that they depend on town budgets to sustain them. As with state dispatchers, they must compete for limited dollars and are relatively low on the priority list. Commissioners, boards, administrators and the general public seem unaware of the significant role dispatchers play in law enforcement's response within their communities.

As prosecutors become aware of the valuable information contained on emergency dispatch tapes, they are asking for copies of the tapes to be used as evidence in court. Massachusetts law requires that the tape be introduced in court by a dispatcher. In these days of financial challenges, dispatch supervisors are feeling the squeeze this growing

practice places on their budgets. Reproducing tapes involves the cost of new tapes, the time to record them and replacement of a staff member required to testify in court.

Dispatchers also talked about wanting more domestic violence resource information. Some calls are not emergency in nature, but do provide opportunities to pass on helpful information to the caller. There are times when women calling about relationships that do not rise to the legal definition of abuse might still benefit from resources relevant to their situations.

When non-English speaking people call 911, dispatchers have little or no ability to understand their emergency. Responses ranged from "just try to pick out a couple of words", to "we just dispatch asap".

Communication

"It would be nice sometimes to know what happened ultimately".

When police arrive and secure the scene of a domestic violence call, the dispatcher's involvement ends. On more than one occasion, dispatch interviewees talked about the difficulty of sharing such an intense and personal experience with someone and wondering later on how it all turned out.

Dispatchers expressed feeling out of the loop when it comes to relationships with other members of law enforcement. Many wished that there were more networking and information sharing opportunities among those with differing roles in the system. This notion of more communication would serve not only the experience of individuals working within the system, but would certainly enhance the quality of response.

One dispatcher wondered, "Is there a particular question that would be helpful to ask from a prosecutor's prospective?"

Another stated that police and firefighters get "frustrated with dispatchers, because we don't know what they're doing and they don't know what we're doing."

In some of the smaller towns, on-call responders need to be called at home during off hours. Because dispatchers are rarely notified of retirements or changes in police department personnel, there have been some very “unpleasant” late night telephone calls to people no longer working for the department.

In a non-domestic violence-related case, a SWAT team was making a drug bust at a suspect’s residence. Occupants of the house called 911, citing a medical emergency, and an ambulance was dispatched in the middle of the bust. The result was confusion and potential danger for everyone involved in the situation.

One local police department’s dispatcher noted that the recent practice of having a dispatcher attend roll call at the changing of shifts was helpful. There they receive updates on the day’s events, ongoing situations and restraining order activity.

Technology

“What happens on tape versus what is said to police when they arrive is often two very different things”.

Technology is an important element of modern day dispatch response to domestic violence. Legal and law enforcement systems are now trying to catch up and keep up with how the evolution of technology has impacted victimization, investigation and prosecution.

Currently, there is no method of flagging 911 tapes which contain evidence significant to the successful prosecution of domestic violence (or any other) cases. Discovery depends on active inquiry by a prosecutor, who deduces from a police report that there may be something of value on a 911 tape.

Computer and communications systems used by most dispatchers are “a little obsolete” and “antiquated”. There are many ways in which this lack of updated equipment affects efficiency, including:

- Systems that are not linked between agencies, leaving dispatchers unable to communicate with other police agencies.
- Information regarding restraining orders is limited to the fact that an order exists. There is no available information from the affidavit, which is the part of the order justifying it. Therefore, no such information can be relayed to responding officers.
- Dispatchers are unable to identify the location of cell phone calls.

One center receives 17,000 calls per month: “Ninety percent of them are cell phone calls. If someone calls in and the line goes dead, there is nothing the dispatcher can do”.

There were many more concerns regarding the issue of technology, particularly pertaining to cellular technology.

Recommendations

D1. Make standardized, comprehensive training and professional development opportunities available to all dispatchers.

- A team comprised of dispatchers, police, prosecutors, advocates and other emergency responders should develop materials for these trainings. Training development should include consultation with “consumers” who have utilized 911 services in the past.
- Interim inter-agency training should take place pending the creation of the broader design.
- Audit team findings should be integrated into any training development, with particular consideration given to the “**humanizing connection**” shown to be beneficial to the safety of the caller, experience of the dispatcher and, ultimately, to the accountability of the offender.

D2. Develop written policies and practices that guide response to domestic violence calls.

- A reference list should be designed for dispatchers, to assist them in directing the course of a domestic violence call. While acknowledging differing circumstances, the list should prioritize the following:
 1. Confirm location/address in case of disconnection
 2. Assess immediate danger and injury (safe to talk, location of parties, weapons and children)
 3. Establish relationship with caller
 4. Explanation of process (I’ve dispatched police, I’ll be asking questions etc.)
- After the initial information exchange, continue with:
 5. If it is safe to do so, describe what happened and detail any assaults (this may provide valuable information to others down the road)
 6. Provide and request ongoing updates of activities, location of parties and description of offender
 7. Inquire about past history, restraining orders etc.

D3. Support and encourage statewide efforts to increase awareness of the importance of dispatchers to police and prosecution efforts.

- Address the evidentiary requirement that dispatchers must introduce tapes in court proceedings

- Pursue the efforts of the Massachusetts Communication Association to ensure the funding is available for a professional training academy for dispatchers

D4. Include dispatchers in community/agency domestic violence network.

D5. Enhance police/dispatcher relationships and open lines of communication and information sharing between them. This effort could be supported by:

- Joint police/dispatcher domestic violence trainings
- Police ride-alongs for dispatchers
- Joint staff meetings

D6. Provide emergency medical training for dispatchers. The training should include CPR, bleeding control, restricted airways and basic first aid.

POLICE

Findings

Police officers often operate under stressful situations. They may ride around, traveling the same route for hours with little or no activity. Yet one radio transmission can send them speeding through town with lights and sirens blaring, racing toward difficult situations that most of us would run away from. Police officers must be familiar with the specific nuances of the many laws that govern their work, control their actions and define criminal charges. They must understand the rights of citizens. Police officer's actions and decisions are often made in seconds, but may end up being scrutinized over indeterminate periods of time by town officials, judges, citizens and media groups.

Written Policies

“Bad practices are perpetuated in departments that have no domestic violence policies.”

Local Police Officer

Likewise, good practices go unshared. A Massachusetts Domestic Violence Law Enforcement Guidelines booklet has been developed and distributed to every police department in the Commonwealth. The handbook describes what are considered best practices for police response to domestic violence. The handbook is meant to be a guide and does not mandate its recommendations, nor can it speak to the myriad of differences existing in the size and location of all police departments.

Of the six police departments participating in the audit, three have no written departmental policies for responding to domestic violence calls. Two have comprehensive written policies. A major benefit to establishing written domestic violence policies for each police department is in the discussion that takes place during the creative process.

The absence of departmental standards in response, investigation and report writing was evident when reviewing police reports generated by different officers working within the same departments.

Training

“I think that it would be helpful for police to hear directly from us and not receive all of their training from the professionals.”

Battered Women’s Focus Group Participant

Training is central to addressing many of the issues that arose while reviewing police response to domestic violence. Much of the information and support that does exist is

distributed unevenly, and the officers that would utilize it most frequently have the most limited access to it. The most common networking practice is to have a designated “domestic violence officer” who attends most agency sponsored trainings and meetings. There are no mechanisms in place to pass along the information to officers on the street.

Massachusetts requires that all police officers attend the Massachusetts Criminal Justice Training Academy. There is a standardized domestic violence component to the curriculum, which is taught by various trained police personnel. There have been times when outside trainers have been invited to participate in the training. The academy training is approximately five months, of which three days are devoted specifically to domestic violence.

Though a major component of police work, report writing has received “very little attention” at the academy or at other training opportunities. Officers variously described their report writing experience as “shoot from the hip”, “learn as you go” and “whatever works for you”.

Individual departments varied in their dedication to domestic violence training. In one department, ten of sixteen patrol officers have had no post-academy domestic violence training, and the last recorded domestic violence training for sixteen of twenty-nine supervisors and officers was in 1998. Officers in other departments have attended no post- academy domestic violence training.

Investigation

“The more serious the injury, the deeper the investigation.”

Police Officer

State guidelines call for the complete identification and interviewing of reporting parties, neighbors and any potential witnesses. They also recommend in-depth review of past acts and advise charging for prior incidents of abuse that surface during interview of the victim. The guidelines assume that follow-up investigation will occur as well.

Reductions in staff were cited as one reason for the depth lacking in both initial and follow up investigations of domestic violence crimes. This pattern of limited inquiry is evident in a majority of the police reports reviewed by the audit team. The following is an example, written verbatim and in its entirety. As with all references in this report, any identifying information has been changed. In the case of police reports, typos and grammatical errors have not been altered.

Sample Report

On Tuesday, July 18, 2001 at approximately 10:25pm, I, Officer Chris Stamp arrested and charged Ryan Lavery for the following;

Assault and Battery – Domestic

On July 18, 2001 Officers Jones and I were dispatched to Grove Street, apartment 3 for a reported Domestic. Upon arrival Officers were meet by Kendall Hart who came running out of the apartment. Hart was crying, yelling and screaming “he beat me up and threw me around”. Officers asked Hart who beat her up. Hart replied Ryan. Officers observed that Hart’s face was red and her neck had red marks.

Officers asked Hart if we could enter the apartment, Hart gave officers permission stating that she was baby sitting for Haley Howard. Officers observed Lavery go up the stairs. Officers proceeded after Lavery, who had locked himself in the bathroom. Officers requested Lavery to unlock the door. Lavery complied with my request. Officers secured Lavery into handcuffs, which were double locked. Lavery was secured into the cruiser and transported to the Lanview Police Department by Officer Jones.

I again spoke with Hart who was still crying. Hart stated that Lavery and her were involved in a verbal argument which lead to a physical altercation. Lavery punched Hart several times and threw her around. Hart stated that Lavery dumped a beer over her also.

Hart was advised of her restraining order rights. Hart refused the restraining order. Lavery refused to provide officers with a statement pertaining to the incident. Lavery refused use of the phone.

Bail comm. Smith contacted, Smith denied bail. Lavery advised of same.

Among the segments of the report calling out for further investigation are those dealing with specifics of the assault. Beginning with Kendall's first statement:

"he beat me up and threw me around"

There are no follow up questions from the officers, such as:

Where and how did he beat you up?

How were you thrown? Where did this take place?

There are no questions about injuries or need for medical attention.

...Hart's face was red and her neck area had red marks

Where were the red marks located on her face? How many? Size, shape?

Were there fingerprints on her neck? Did he choke you?

Lavery punched Hart several times and threw her around

Where did he punch you? How many times? Where were you when this was happening?

Was he saying anything to you?

Hart stated that Lavery dumped a beer over her also

Did the officer observe that she was wet? Where did this happen, was there evidence of it at the scene?

What about the scene? Was it in any disarray, in what room did the "altercation" take place?

Regarding the identification and interview of witnesses:

Were there any witnesses? Who called the police? Kendall mentions that she was babysitting. Where were the children?

It appears that there were no questions asked of the defendant at the scene, prior to arrest. There is no mention of substantiating follow up photographs of her injuries. A written statement by Kendall Hart might have provided a much more detailed description of the incident.

"If she says he hit her, that's it, cuff him and let's go."

Police Officer

Mandatory arrest laws governing acts of domestic violence have played a large part in elevating intimate partner abuse to the same level of concern in society as other acts of violence. Prior to the changes in law that have occurred over recent decades, domestic violence was mostly regarded as a private matter. One veteran officer referred to the prevalence of domestic violence early in his career as "the seventies dirty little secret", that went on in "some of the wealthiest houses in town".

An unintended by-product of those laws may have been to release responding officers from the pressure to build a case through sound investigation. This practice disregards the correlation between police investigation and effective evidence gathering for the successful prosecution of domestic violence cases. It illustrates the gap between the standards of “probable cause” and “beyond a reasonable doubt”.

One of the major objectives of a Safety and Accountability Audit is to demonstrate the interdependence of the various components in the assembly line of the criminal justice system. Thorough police work is critical to the safety of a victim and subsequent ability to hold an offender accountable. According to a focus group made up of prosecutors, there were some basic components to investigation that contributed substantially to enhancing their prosecutorial efforts. They included:

- Detailed examination of the scene
- Pictures of the scene and of any injuries
- Comprehensive questioning of all witnesses
- Witness statements written by witnesses, as opposed to by the officer
- Identification of reporting party
- Information and interviews of any children present
- Detailed contact information
- Defendant’s statements
- Investigations of possible choking/strangulation
- Investigations of possible sexual assault

The benefits to follow up investigation were apparent in one officer’s report. He returned to the scene the following day to take pictures of the victim’s bruises, which had darkened and were more visible.

From the caller’s perspective

Two things were mentioned consistently by participants in the battered women’s focus group regarding what they most wanted from police response. The first was to “just have him removed”. Second, each of the women wished to be treated with respect, “even if it’s a repeat call”. All of the women concurred that more than one call for help resulted in a “different attitude” toward them by responding officers. One woman said, “I felt like an idiot for calling again”.

Charging for prior incidents

This practice was described as dependant on the severity of the allegations contained in the prior incident. The investigation of prior incidents can enhance prosecution and measure the escalation of violence.

Police Reports

According to police officers, they are not adequately trained in report writing comparable to the weight of its importance to the work they do. After reviewing random police reports from the six representative departments, it was clear that there were no district-wide standards regarding format, style or content. Information found lacking included:

- Identification or descriptions of witnesses
- Details of injuries
- Recording of evidence
- Information about the reporting party
- Pictures attached to the report
- Follow up questions
- Description of the scene
- Written statements
- Information pertaining to children (including any 51A filings)
- Detailed contact information
- Demeanor of parties
- Individual statements as opposed to multiple party summaries
- The overall length of reports and corresponding lack of detail

There are similar themes in both the previously listed prosecutors' suggestions and the above listed gaps. Certainly, an outstanding police report cannot be created without the foundation of a thorough investigation.

Supervisory Oversight

A police report should include every relevant aspect of an investigation. Though it is a primary responsibility of shift supervisors to assess reports written on their watch, they receive no specific training to assist them with that responsibility. Consequently, a supervisor transfers his or her own style to the report review and assessment process. The following police report was reviewed and accepted as complete by a supervisor.

Sample Report

On 2-16-01 at approx. 1759 hrs. myself and Sgt. Carson responded to 47 East St. Apt. 9 for a report of a possible domestic disturbance. Upon arrival I spoke with (involved participants) Sunny Collins and Nick Taylor.

Taylor stated there was not any problem. He stated he had a mild argument with Collins about being at the bar all day, but that was it. He stated nothing physical happened and that the incident was over.

Collins stated there was not any problem also. She stated Nick and friends were watching the football game, and were a little noisy. I observed Collins to be very evasive in her answers. I did not observe any physical marks on her.

Both parties advised us that everything was alright. Myself and Sgt. Carson suspected some kind of 94C use going on, but did not observe any obvious evidence in the apartment.

Questions

Several issues should be examined in the above report.

Were the parties questioned in each other's presence? Why was James interviewed first?
Did alcohol and suspected drug usage shift the focus of the investigation away from domestic violence?

Who called the police and what did they see?

How was Judy "evasive" in her answers?

Did the social status of the parties play a role in the quality of the response?

Predominant Aggressor

According to the state guidelines, "Officers should be aware of the difference between offensive and defensive injuries".

Primary or predominant aggressor theory is a controversial topic within the law enforcement community. Through interviews and discussion, it was evident that officers were unclear and somewhat resistant to applying the theory to their decisions regarding arrest. One officer stated, "It should not be up to the police to do the prosecutor's job". The prevailing sentiment seemed to be that if there was evidence of mutual assaults, barring "very obvious" evidence of self-defense, both parties would be charged. This may be another area where mandatory arrest laws are used to limit the scope of investigation in domestic violence cases.

Discerning who the primary aggressor is in domestic violence cases is imperative. It not only reduces unnecessary dual arrests, but it is also a valuable investigative tool in deciding which person is responsible for an "altercation". The following police report is an example of a questionable determination of who was the predominant aggressor.

Sample Report

On Friday April 13, 2000 officers Davis and I were dispatched to 47 East Street, Vegas Ma. for a report of a Disturbance. Upon arrival I was meet in the parking lot area by a white male who I am familiar with. This male party's name is George Tom.

Tom's nose, mouth and chin were covered with blood. I asked Tom what the problem was. Tom indicated that he and his girlfriend, Sally Corey got into an argument which lead to Tom being kicked in the face by Corey.

Officer Davis went into the residence, apartment #4 to speak with Corey. I requested Tom to show me where the incident occurred. Tom lead me to their bedroom. Tom stated the verbal argument lead to him throwing his television onto the bed. The T.V. bounced off the bed and against the wall, leaving a black smug mark. Tom stated that he then picked up the T.V. and put it back on his entertainment center. Corey continued to argue with Tom. Corey then slapped and pushed Tom. Tom stated that he attempted to defend himself by restraining Corey's arms by holding them. Tom demonstrated this to me by saying that he had Corey by her wrists with them crossed. Corey and Tom then fell to the bed. Corey then kicked Tom in the face/nose area. Tom stated that is where the blood came from. Tom stated that he attempted to leave the room and Corey pushed him into the door. I observed that there was blood on the bedroom door at the approximate facial area level for Tom's height. I also observed blood on the floor, bed, hallway and stairs, which lead to the front door, where Tom exited and waited for police. I observed that Tom had scratches on his arms and neck area.

Tom was advised of his Rights to an Emergency Restraining Order, which he refused at the time.

Corey advised officers that she and Tom started a verbal argument which led to a physical altercation. Corey said that Tom grabbed her by the cheeks and pushed her onto the bed. Corey said that Tom started to get on top of her and that is when she started kicking. Corey was advised of her rights to an emergency restraining order. Corey was emotionally upset, crying and hysterical. Corey has two young children with her at her residence.

I transported Tom to Vegas hospital to have his nose check out.

The result of this response was that Sally Corey was arrested and Tom was not charged.

Questions

In reviewing this police report, the safety audit team had several questions:

In what way was the responding officer "familiar" with George Tom?
Was there any known history with this couple?
Where was Sally when George threw the TV on the bed with such force that it bounced up and hit the wall?
What did that act signify to Sally?

Why was George's rendition of events recounted in such detail while Sally's was so minimized?

Was it more likely that someone would be free to kick upward if they were pushed onto the bed and someone was getting on top of them, than if their wrists were held and crossed while they fell on the bed together?

Did Sally have any marks on her cheeks?

Is this the type of incident that at other times would result in a dual arrest?

Some of the issues with this report might be addressed by the prosecutor's suggestion that witnesses be asked to write their own statements, or by the suggestion that each officer write his or her own report.

Note: Many police reports contained references to “one hand around her throat”, “her neck area had red marks”, “he grabbed her by the neck”. None of these reports included follow up questions or charges pertaining to these statements.

Response time

As mentioned in the dispatch segment of this report, the rural nature of much of the 1,272 square miles comprising the Northwestern District greatly impacts the time that it takes responding police officers to reach the scene of a domestic violence call. In some of the far-reaching communities it can take forty minutes for help to arrive. Most often, both state and local police are dispatched to such calls, as many towns have only part time or on call officers.

Due to lack of resources, a state police officer patrolling the interstate highway at the Vermont border may be called to respond to a hill-town thirty miles away. Emergency medical responders must wait if they arrive at the scene of a domestic violence call prior to the police. The ambulance remains parked away from the location until they receive the go-ahead to respond. The policy exists for the safety of the medical personnel, which may ultimately impact the safety of the victim.

Restraining Orders and Police Response

Violations of restraining orders and mandatory arrest

Massachusetts General Laws, chapter 209A 6(7) sets forth the authority and mandate to arrest any person an officer witnesses, or has probable cause to believe, has violated an emergency, temporary or permanent vacate, refrain from abuse, stay away or no-contact order or judgment, a suspension and surrender order, or protection order issued by any jurisdiction.

There is concern expressed by victims and advocates that police are not arresting for restraining order violations, particularly the no-contact provision of the order. Though the

language of the statute seems quite clear, it seems the differences lay in the *interpretation* of the law.

There is considerable disagreement in law enforcement as to whether it is the nature of the contact that determines the violation. Questions revolved around activities such as “non-threatening” phone calls and sending cards or flowers.

“After leaving the station she went to Wal-Mart to buy a new lock for her door”.

A woman recently suffered the consequences of having the no-contact protection of a restraining order minimized.

Barbara West went into a local police station early one morning to report the violation of her restraining order against Sam Lowe. Lowe had been calling her repeatedly, though he knew that he was forbidden to do so by the order. Barbara went to the police station to see what could be done about it. She was told by the desk officer that since the calls were “not threatening” in nature she should go to the court house on her own and file a private criminal complaint against Lowe.

From the police department Barbara went to a store and bought a new lock for her door. She also went grocery shopping. When Barbara returned home she carried some bags in, leaving the door ajar in anticipation of replacing the lock. She got the tools she needed and went back to the door. When Barbara reached the door Sam Lowe pushed it in. He pulled out a gun and forced Barbara back into the bedroom where he raped her.

Actions, that on the surface may appear quite innocent to persons on the outside of a relationship, can be terrifying to a victim of violence. It is proof that her abuser can get to her any time he wishes. Code words and private meaningful messages can be easily masked in any contact allowed between an abuser and his victim.

Barbara West believed she was in danger and sought the protection afforded her by order of the court. **There is no more accurate measure of dangerousness to a victim of abuse than her own judgment.**

Content of restraining orders

Restraining order forms in Massachusetts contain two separate provisions that are dependent on the section of the order violated

- The no contact, stay away, refrain from abuse and weapons surrender sections require mandatory arrest upon violation.
- Provisions of the order that address temporary custody, visitation, maintenance of utilities and the return of items (keys, tools etc.) are subject to criminal contempt, in which case the violator would be summonsed into court.

The distinctions between these violations and corresponding law enforcement responses have proven confusing to petitioners and defendants alike. All provisions of the order are contained within a single page and are not clearly distinguishable according to consequence. Police say they receive many calls from victims reporting violations of visitation return orders assuming that the police will go and arrest the defendant and return the children.

There are also problems with modifications of the order which require the original order be written over by judges, sometimes up the side margins, making it very difficult for police, victims and defendants to read.

Tracking restraining orders

When restraining orders are issued in court, the clerk's office faxes a copy of the order to the appropriate police department for service on the defendant.

Some of those faxes end up in baskets next to the fax machine and can go unnoticed for quite some time. Many of the smaller departments in rural towns don't have staffed offices.

Part of the paperwork involved in filing a restraining order application consists of a defendant description and an affidavit which details the allegations of abuse used to justify the order. This information is valuable material for police officers trying to locate a defendant for service, and later, in responding to a scene involving the parties. Currently only the front of the restraining order is faxed to police departments.

Each department has a different method of maintaining and disseminating active restraining order information to officers responding to a call. In one department, a civilian dispatcher on the second floor calls downstairs to the desk officer, who then looks through a file drawer for a copy of the order. The desk officer relays the status of the order back to the dispatcher, who forwards the information to the responding officer.

Note: Several officers interviewed stated that they use the mandatory reporting law regarding children and the Department of Social Services to "motivate" women to get restraining orders. Some battered women and advocates noted that some women are "terrified" to call the police because they are afraid they will lose their children.

Domestic Violence Within Police Departments

Police departments that have written domestic violence policies include a section that details how to respond to police officers within their departments who are charged with domestic violence. They also contain direction for responding to a domestic violence call involving a police officer from outside of their department.

There have been instances in our district in which police have been called to respond to domestic violence calls involving members of their own force. There were differences in the way these cases were handled. This may be related to the issue of clear policies for the responding officers. One of the departments has a detailed “if this, then this” policy, outlining communication from the responding officer to the supervisor throughout the response and investigation.

Resources

Every officer and staff person interviewed for the safety and accountability audit talked about budget cuts and the impact that they have had on the ability of police to provide even the most basic of services. Many of the gains in improved response to domestic violence, established through years of effort by the district attorney’s office, shelter and community advocates and law enforcement agencies, are being compromised by cuts in staff, training, and designated projects. Some of the impacts of budget cuts are:

- The elimination of a two officer domestic violence unit in one department
- A decrease in the number of officers per shift, leading to instances of a single officer responding to domestic violence calls
- The requirement that officers respond from greater distances
- The elimination of training funds for officers
- The reduction of the amount of time per shift that officers have for investigation and report writing
- The use of antiquated technology which degrades the quality of response

Most police departments have operated under the practice of having two officers respond to domestic violence calls. At least three of the participating departments, and several of the rural towns, no longer have the staffing capacity to ensure that level of response. This lack of coverage results in concern for the safety of everyone involved in a domestic violence situation.

A commanding officer noted that any extra money available to police departments has been diverted to anti-terror activities.

Domestic Violence Units Within Police Departments

Before federal, state and local budget cuts decimated many state and local domestic violence resources, some police departments had designated domestic violence response units. As mentioned above, one of the departments participating in the audit had a two-person unit. An officer from that department provided the following list of advantages to having such a unit within his department.

- It insured a higher level of proficiency in response
- The DV officer had greater familiarity with available resources

- It was possible to review the policies and practices of each case
- It allowed for follow up with witnesses and resulted in more thorough investigations
- It could reduce training costs to the department
- It facilitated communication throughout the system
- It established trusting relationships with families locked in cycles of violence

DVIP

The Domestic Violence Intervention Project provides instant support to victims of domestic violence through contact with trained responders immediately following an assault. After responding to a domestic violence call, and upon securing the scene, participating police departments are encouraged to call the on-call DVIP advocate. The advocate can meet the victim at the police station and/or consult with the victim over the telephone. Advocates offer information regarding the legal process, referrals to relevant services, safety planning and general support. The purpose of the DVIP response is to connect with women immediately following an incident and to offer something in the void between police response and court appearances.

The DVIP is one example that, despite great efforts to inform all responders, the information doesn't always filter from the designated DV officer to the patrol officer. Several patrol officers interviewed were unclear about the roles and responsibilities of DVIP advocates and how to best utilize their services. When asked about the benefits of using DVIP advocates one officer replied, "We don't know what they do."

This network/linkage problem is a primary obstacle to comprehensive systems response to domestic violence.

Resources for Victims of Domestic Violence

Lack of resources for victims of domestic violence directly impact officers responding to their calls. There were three areas in particular that several officers pointed to during audit interviews:

- There was a real concern with the lack of safe space for victims of domestic violence following police response. This concern was heightened when the suspect had fled the scene before the police arrived. One officer said that women and children have slept on the floor in the lobby of their station. Another department has an informal deal with a local hospital to provide a bed in an emergency situation. Still another said, "In eighteen years I haven't been able to find room for women and children to go when they are unsafe."
- A corresponding resource that officers (and dispatchers) talked about needing was a central clearing house for support service referrals. Many officers said that they

couldn't keep up with available services and contacts for domestic violence victims.

- There is a considerable gap in services for victims of violence that present challenges to the limits of the current systems. People who speak languages other than English, those who are physically or mentally challenged, victims who struggle with substance abuse, men, and gay people are underserved, or not served at all. Many shelters will not accept male children above a certain age. Most shelters will not take women who have substance abuse issues.

Technology

- CAMERAS – It was agreed unanimously by interviewees, focus groups and audit team members that having a camera available to responding officers is essential to investigative police work. A prosecutor related the story of evidence in a case that was greatly diminished due to the lack of an available camera on scene. The officer asked the woman if she would come to the station to have pictures taken of her visible injuries, but she just wanted to go to her family and did not go to the station later.
- LAPTOP COMPUTERS – Laptops in cruisers would allow for communication between responding officers and dispatch to be confidential. When a network communications system is established, computers provide ready access to domestic violence and restraining order history.
- CELL PHONES – Cell phones in cruisers could be used by victims to call friends, family, or for somewhere to stay if they don't have a telephone available.
- TAPE RECORDERS – One department uses portable tape recorders to pick up threatening messages from telephone answering machines that don't record on removable cassettes.

Like dispatch centers, police departments are in need of systems upgrades too numerous and complex to be listed in this report. Communications, computer and information management systems often fall behind the rapid pace of technological advancement.

Recommendations

- P1. Every police department should have comprehensive written policies specific to responding to domestic violence.**

P2. Standardized, comprehensive training on domestic violence response should be available to all police officers. The following are some suggestions for improving domestic violence training opportunities in our jurisdiction.

- Schedule annual training that would occur on three different days and times in each of the two counties. This schedule would enable all shifts to be covered.
- Compliance with current state law that requires in-service training every two years for all police departments.
- The creation of a video training that could be viewed by all officers.
- Suggest that the Chief's Association apply jointly for a grant that could pay for a training program. This might address training cost concerns of individual departments.

The Northwestern District Attorney's Domestic Violence Projects Director will explore working with The Massachusetts Criminal Justice Training Council to create a standard domestic violence training that would count toward in-service training credits.

P3. State guidelines for investigation should be followed when responding to a domestic violence call. They include:

- The complete identification and interview of reporting parties
- The identification and interviews of neighbors and any potential witnesses
- In-depth review of past acts
- Necessary follow-up investigation

These recommendations are in addition to those listed in the investigations section of this report.

- Detailed examination of the scene
- Pictures of any evidence
- **More thorough investigation into possible strangulation and/or sexual assault**

P4. Police reports should include every relevant aspect of an investigation.

- Revise report writing training materials and include a standard format
- Make reviewing police reports an element of supervisory training and advancement
- Develop a quick check list to assist officers at the scene with investigation requirements necessary to produce an exemplary police report

Recommended Incident/Report Writing Checklist
(Front)

1. Identify reporting party and statement of same; include relevant 911 information
2. Time of arrival, incident and report
3. Record excited utterances
4. Describe the emotional state, demeanor and physical appearance of all parties
5. Describe injuries to:
 - (a) victim
 - (b) suspect
 - (c) others present
 - (d) describe any medical attention administered
6. Identify and interview all parties present, including children – signed statements
7. Describe the scene
8. Collect evidence, take pictures, review dispatch tape
9. Abuse history, relationship of parties involved
10. Summarize actions, including
 - (a) attempts to locate suspect
 - (b) 209a rights, DVIP and other referrals

(Back of Checklist)

Risk Questions:

1. Do you think he or 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 or she intimidate, threaten or assault you? Does he threaten harm to him or herself?
3. Describe the most frightening event/worst incidence of violence involving this person.

Predominant Aggressor Considerations:

Compare the following:

- Severity of injuries of each party and level of fear
- Use of force and intimidation
- Prior domestic abuse by each party
- Likelihood of each suspect to cause further injury
- Fear each person has of being injured by the other

Self-Defense

According to Massachusetts Law:

Self-defense is established when the defendant is in reasonable apprehension that death or serious bodily injury was imminent, when the defendant had availed himself of all available means to avoid physical combat, or when the defendant used no more force than was reasonably necessary to defend himself.

In Massachusetts, in cases of self-defense, either or both of the following may be considered in establishing reasonableness:

- Evidence that the defendant is or has been the victim of acts of physical, sexual or psychological harm or abuse
- Evidence by expert testimony regarding the common pattern in abusive relationships; the nature and effects of physical, sexual or psychological abuse and typical responses thereto, including how those effects relate to the perception of the imminent nature of the threat of death or serious bodily harm; the relevant facts of the circumstances which form the basis for such an opinion; and evidence whether the defendant displayed characteristics common to victims of abuse
M.G.L. c.233 s. 23F

P5. A determination should be made as to how primary aggressor policy is defined and by whom.

There is no statute in Massachusetts law that addresses establishment of guidelines for determining a primary aggressor in cases of domestic violence.

Trainings and a clearer understanding of the law of self-defense are needed to more closely examine this issue. The District Attorney's Office and police departments will consult further to establish greater clarity.

Until this happens, the state handbook and self-defense considerations should serve as a guide.

P6. Mandatory arrest laws as they relate to no-contact provisions of restraining orders need to be enforced.

- The District Attorney's Office should draft a legal memo to all police departments in the district clarifying the provisions and obligations of each element of restraining order law
- Following the clarification memo, training will be conducted for all departments addressing its contents
- Establish a system whereby victims and their advocates can report failures to enforce the no-contact provision of orders, in an effort to track the frequency and types of circumstances that are problematic for officers

P7. Restraining order forms should be changed to more clearly delineate the provisions of the order. The suggestion is to have a two-page form for that purpose.

A discussion at the state level should be encouraged to address other problematic areas of the restraining order forms.

P8. Police and court clerks should meet to discuss the tracking of restraining orders issued by the court.

- Each police department should establish a system for the receipt and distribution of restraining orders
- Each department should explore a practice for storing restraining orders in an organized and readily accessible location
- The court clerk's office staff should be requested to call police departments at the end of the day to let them know an order has been faxed to them

P9. Develop a district-wide system for entering restraining order information into the already existing LEAPS center system.

The system should be expanded to include an interactive system-wide and connected network that would hold up-to-date status of restraining orders and domestic violence calls. This would enable the party performing an action (serving an order, vacating an order, making an arrest etc.) to enter that action immediately into the system, which would then be accessible to all relevant parties.

P10. Every police department should have a written policy detailing response to allegations of domestic violence against members of their own and any other police department.

P11. Develop a relationship between police departments and local hotels where a limited amount of space could be donated annually for the immediate emergency shelter of domestic violence victims and their children.

During an interview, one officer suggested that towns could join in regional shelter provision by utilizing property taken for non-payment of taxes. The shelters could be supported with a percentage of the social service budget based on domestic violence statistics and matched by the state.

P12. Any training and development efforts addressing improved service to victims should include members of “non-traditional” victims groups whose needs must be considered in the creation of any new programs.

P13. Establish a district-wide clearing house number that police and dispatchers could call any time of day or night that would have complete and up to date information on support options available to victims of domestic violence.

P14. The district should explore ways to address the dangerous issue of response time for rural communities.

- Every department should have a 24 hour on call officer
- There should be an agreement between dispatch and the police department for prioritizing call-outs for serious matters
- Smaller towns should review the option of a shared regional on call officer and split the cost

P15. Every police department should have at least one digital camera available at all times, dedicated specifically for domestic violence investigations. There should be pictures taken every time there is visible injury or damage to property.

THEME

A primary purpose in conducting a Safety and Accountability Audit is to understand the interdependent relationships that make up whole systems. In examining the linkages between centers and departments, offices and agencies, victims and responders, we continually bump into the *people* who actually live these realities.

A Safety Audit intends to explore how system response matches the reality of the everyday world. Mapping tracks not only how Form A flows from stage one to stage two, but whether Form A actually contains information that is relevant to its user at stage one and then to its user at stage two?

Individual workers are only as good as the regulations, policies and practices that guide them.

Working every day within these institutions are police officers who sometimes feel like “just another piece of evidence”, or a dispatcher who wonders what happened to the woman he spent half an hour with on the telephone as her boyfriend repeatedly assaulted her.

Battered women express their need to be included in the solutions that professionals formulate to change their lives. What do they want and need when they dial the telephone in the midst of being assaulted? Do they know, at that moment, what the consequences are?

Have well-intentioned mandatory laws taken the investigation out of police work? Do protocol and form letters contribute to a dehumanization of experience for both the service provider and the recipient? Have we eliminated dialogue from systems response?

Every discipline that participated in the Safety and Accountability Audit expressed a desire to better understand other links in the chain and to be better understood by others. Existing networks created through meetings, roundtables and this audit have proven invaluable to exchanging information and building relationships. The system is filled with people with experience. Their experience needs to be utilized and shared to improve response to domestic violence.

During the audit there was a suggestion that there be more interdisciplinary networking. This is the primary recommendation of this report.

IMPLEMENTATION

The Safety and Accountability Audit Report will be distributed to all police departments within the jurisdiction at a district wide conference. Findings and recommendations will be presented, followed by a participatory discussion of implementation proposals.

In addition to the proposals that are developed at the conference, regional on-site meetings will be conducted to offer consultation and support to departments participating in the implementation phase of the audit.

One recommendation in the report calls for a quick reference pocket card to assist officers with investigations and report writing. This and other implementation plans have been addressed in a continuation grant from the Grants to Encourage Arrest Programs. This extension will allow for the comprehensive implementation of this phase one audit, as well as provide for a Safety and Accountability Audit of the next steps in the system, namely the prosecution, court and probation stages.

