

Using the BPA Guides to Analyze Prosecution Response to Battering

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with Courtney Chasse, Trish Meyer, Drew Moore, and Judi Nelson

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- **[Voiceover]** Hello everybody, and welcome to this webinar on Institutional Analysis, presented by Praxis International in partnership with the Office on Violence Against Women. Today's webinar is the third installment of a three-part series that we've been holding on the Domestic Violence Best Practice Assessment Guide. Our first webinar on this was on July 7th and was an introduction to the Domestic Violence Best Practice Assessments and there's a recording on our website if you missed it. The second one was held on August 4th and that one was entitled The Official Record of Violence: Strategies for Case File Review, and that one the recording is also on our website, and you can listen to that one as well if you missed it. My name is Olga Trujillo and I'm a Senior Training and Program Specialist here at Praxis International. We have a few others on our call today. Before I do that I should turn you over to Liz who will give you a little information about our participation today.

- **[Liz]** Thanks, Olga. Hello everyone, I'm delighted to see there's quite a number of you who are joining us today, so that's wonderful news. I will just take a couple of moments to touch base on a few logistics for how to have the best experience on this webinar today. For any of you who are participating by telephone only, your phone line will be muted for the duration of the session, so the way in which you will be able to interact with Olga and our speakers will be to send an email with your question or comments to genesis, G-E-N-E-S-I-S @praxisinternational.org. She and I are doing the technical logistics for this session today and so she'll keep an eye on her email and if something comes in from any of you about today's webinar, she will do her best to integrate that question or comment into the dialogue. For the rest of you who are participating in the webinar itself, I'll just ask you to take a little glance down in the lower left-hand corner of your screen, you'll find a chat box, that's available to use throughout the whole session today if you have a question or a comment. A few of you have already kinda chatted in hello and let us know where you'll calling from. If you would like to do that right now, it's nice just to have an orientation to the group and it always seems kind of cheerful to get those hellos, so feel free to use that public chat tab right now by moving your cursor into that lower left-hand box. Give it a try if you would like. Next to the Public tab, you'll see a gray tab that says Private, that is also available at any point if you would to have just an individual chat with one of our presenters today. Open that tab, double-click on one of the names, and you'll be able to just have a direct feed with that individual. Also, I'll just let you know, if you happen to get disconnected to either the telephone or to the webinar portion through the internet, simply rejoin through your original process. If your phone line is seeming complicated, you are also welcome to use your cellphone, if need be. And then finally, I'll just let you know that this session is being recorded, and so like previous sessions you will be able to revisit this whole series of three-parts on the IATA Praxis website. It will be posted by the end of this week, so look for it there if you would like to listen to it or share it with any of your colleagues. So Olga, I'm going to turn this session back to you.

- **[Olga]** Okay, thanks a lot Liz. I wanted to also let you know there's a couple other folks on the line from Praxis, Denise Eng, who will be managing our chat today. And as Liz had pointed out, Genessis Lopez is also on our line from our staff today. Alright, so let's get started on our topic for today. A goal of many OVW grantees is to change institutional practices that give rise to poor outcomes for survivors of violence against women. The Domestic Violence Best Practice Assessment is a tool developed by Praxis International to assist communities to do just that. It enables you to examine your community's response to domestic violence, from , to patrol, to investigations, and on through charging decisions. Today's webinar we will examine the Best Practice Assessment of Investigations through charging decisions, or to prosecution. And we're really fortunate today to have four guests with us to share their experience. Courtney Chasse, Trish Meyer, Drew Moore, and Judy Nelson, and I'll introduce them all to you in just a minute. In addition, you should have received an email reminder about today's webinar, the PowerPoint and a link to a video on the Praxis website should of come with that. If you haven't had a chance to view that video, I urge you to take a look at it after the webinar today or sometime in the near future, it's only 16 minutes and it's a really great introduction to the Best Practice Assessment tool. And so for those of you who are new to the tool, the Best Practice Assessment Guide has been designed to assist emergency communications and 911, police patrol services, investigations and prosecution charging decisions. It draws on the accumulated experience of many communities, particularly those that have completed a Safety and Accountability Audit, or a Safety Audit as we've referred to it, of 911 and patrol responses and prosecution over the last 15 years. It reflects an analysis of criminal justice system reforms related to domestic violence and sometimes unintended negative consequences of these reforms. It distills that information into specific guidelines for practice in the crucial first steps in the criminal justice system's response to domestic violence-related crimes. And those are usually 911 calls and on-scene patrol response, investigations and on.

The Assessment Guide is built around best practices that reinforce the essential characteristics of intervention in domestic violence that maximizes safety for victims and holds offenders accountable while offering opportunities to change, and sets an expectation of agency and practitioner accountability to one another and to victims and offenders. These characteristics include one: is to adhere to an interagency approach and collective intervention goals. Two: build the tensions to the context and severity of abuse into each intervention. Three: to recognize that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders. Four: to ensure sure and swift consequences for continued abuse. Five: use the power of the criminal justice system to send messages of help and accountability. And six: act in ways that reduce unintended consequences and the disparity of impact on victims and offenders. And these same characteristics are part of our Blueprint for Safety and if you wanna know a little bit more of the Blueprint, you can find information about that on our website. The core practices focus on ways to structure law enforcement and prosecution response to best enhance safety for victims and strengthen offender accountability. And a small interagency team meets several times over a period of months to conduct these assessments and activities will include mapping the steps involved in processing domestic violence cases, analyzing 911 calls, law enforcement patrol and investigation reports, and reviewing prosecution files. Also, analyzing agency policies specific to domestic violence and develop findings and recommendations. A local coordinator usually is involved to organize and facilitate team meetings and assemble the necessary documents and related

information. On our call today we have four people from communities that have engaged in the Best Practice Assessment, and three of these have engaged in the prosecution, so looking at investigations through charging decisions. And that's Courtney Chasse from the Hope & Justice Project in Presque Isle, Maine. Trish Meyer from Saving Grace advocacy program, in Bend, Oregon. Drew Moore from the Deschutes County District Attorney's Office in Bend, Oregon. And then we also have Judy Nelson from the Soujourner Project, here in Minneapolis, Minnesota, who has also enhanced their Best Practice Assessment by conducting focus groups. If you're in the middle of a Best Practice Assessment, or you're considering conducting one, or if you're new to the guides altogether, this is your chance to learn from those who have completed one and completed one in particularly on prosecution. And some of these folks have completed more than one. So, please feel free to chat questions as they come up, as you're listening and we'll also take breaks for questions as well to give you an opportunity to also chat your questions. So, with that I'll get us started. Okay so Courtney, I'll start with you, why don't you tell us what made you decide to conduct a Domestic Violence Best Practice Assessment on Prosecution.

- **[Courtney]** We decided to conduct a Domestic Violence Best Practice Assessment on Prosecution because we had previously conducted three assessments on patrol and investigation's response to domestic violence back in , and we wanted to complete the assessment process. So when we did the Prosecution Assessment in April this year, we had used the same cases that we had used back in 2012 when we assessed them. We also thought it was important to conduct the Assessment on Prosecution because there was a lot of finger-pointing going on where officers were blaming prosecutors for not doing a good job and prosecutors were blaming officers for not doing a good job. So, we thought that in order to resolve this we needed to properly assess cases to find out the true system's gaps. In order to do this it was important for us to conduct an assessment on prosecution, as well as patrol and investigation, to be able to show in black and white where the system's gaps were and make recommendations to fix these gaps.

- **[Olga]** Yeah and we had you on in July and you were talking about some of the assessments, the 911 and patrol, and so it's really interesting to hear that you guys had gone from there and wanted to kinda keep going and actually Trish was on our call, as well in July. And Trish, why did you guys decide to do this Assessment on Prosecution?

- **[Trish]** I work with a domestic violence and sexual assault intervention program and we have a tri-county service area. So, I work with the coordinated response in three different counties. And in the other two counties they had conducted the Praxis Safety Audit several years ago and we saw that there were some really good outcomes from that audit. And in Deschutes County, which is the largest county in our service area, we hadn't conducted any types of assessments like that to date. And we tossed the idea around with our Domestic Violence Council and we felt that doing a Best Practice Assessment, as opposed to a Safety Audit or the Blueprint for Safety, would be a good place for us to start in Deschutes County in a way that we could pretty quickly and independently move through assessment on a number of different DV response practices.

- **[Olga]** That's great, and I know that Drew, Drew is a Deputy District Attorney in Deschutes County, and Drew you're part of that team, right? How did you get involved?

- **[Drew]** I had been hired in this county after the decision to do the Best Practice Assessment had already been made. But once I learned of it and then speaking, once it got discussed at the Domestic Violence Council, I was included in that process. So, it had already been ongoing. We did the first BPA on 911 and patrol, and then the second was followup in investigations and prosecution. So I joined midstream in the 911 and Patrol Best Practice Assessment and then continued on as we moved to the Prosecution Best Practice Assessment.

- **[Olga]** And then how did you guys select your team, Drew?

- **[Drew]** We used our largest law enforcement agencies. So our Sheriff's Office, two city police departments, that was Bend Police and Redmond Police, which would cover the vast majority of our cases. We also, of course, had Saving Grace, our community-based advocates, our District Attorney's Office, Victims Assistance, and then myself as the Deputy DA representative. I had been assigned a lot of the DV caseload, that was initially what I was hired to do about eight years ago. That has continued into when I was hired in Deschutes County, and so that just continued on. There was some consistency among law enforcement agencies as well as in who they were sending, so it was nice to have some of the same participants that went all the way from 911 calls to patrol, to investigations and prosecution.

- **[Olga]** Yeah, that continuity's really nice and really does kind of make your team. I mean, cuz you've built all those relationships so it really makes your team kinda go, and a lot smoother. And Courtney, I know you guys had done, you said that you guys had done the 911 and patrol, and so did you keep your team the same, or how'd you select your team members?

- **[Courtney]** The intention was to keep the team the same but we had a change of the Domestic Violence Sheriff and so I had to educate the new Sheriff on what the Best Practice Assessment was. So we had a change in person for that part, but it basically was the same position from the department. So our team consisted of me as the coordinator and the representative from the Domestic Violence Project, as well as our county's Deputy District Attorney, and the new Sheriff, who was the Domestic Violence Detective.

- **[Olga]** Great. I know buy-in can be really challenging. So Trish, how did you guys get buy-in in your community?

- **[Trish]** Our Domestic Violence Council has a Coordinated Community Response subcommittee, and on that subcommittee sit essentially all of the members that were a part of the Best Practice Assessment, plus a few others from other agencies like Behavioral Health and such. But our CCR subcommittee really was the driver for intending to apply for an arrest grant when we originally did in 2010. And after the first round of couple years with the arrest grant we were looking at what are some ways that we can dig deeper and assess our response. And that's when the Best Practice Assessment came, rose to the level of this probably would be the best thing for us to do. So at the 2012 mark when we reapplied for arrest grant funds we included a little tiny bit of funding for a coordinator, that was my role on the group. And then the other partners, Law Enforcement, DA's Office, Victim's Assistance, they all took part voluntarily in the assessment, which was really great.

- **[Olga]** Great, and then Courtney was it hard for you to get buy-ins since you'd already done these other ones?

- **[Courtney]** We already had buy-ins in the Great Experiences practitioners had in conducting our first assessment and from the success of our recommendations, so when I talked to the District Attorney about wanting to do the Best Practice Assessment on Prosecution, he said "Sure, just tell me what you need from me."

- **[Olga]** Wow, nice. (laughs) Well let me turn to Judy before we take a break for questions. Judy, I know that you-all focused on 911 to patrol, at least I think that's correct, is that right?

- **[Judy]** Yes, that's right.

- **[Olga]** Okay. I understand that what you-all did was... Whether you've struggled at all with buy-in for your project.

- **[Judy]** Well, we didn't struggle very much. The initial interest was, it came from Soujourner for the assessment and law enforcement was approached at the Chief's level, we went to the Chief. And Hopkins, the city that we used as our initial assessment, is a fairly diverse and progressive community and they really like the idea of community partnerships. So it was the selling point for them, the cooperative focus was a selling point. They selected two members, they selected their officers that they wanted, there was a sergeant and a patrol. And then Soujourner selected two staff members, somebody from Civil and someone from Criminal Court Advocates to accompany the director, and to include survivors and advocacy voices. And then, since Hopkins is a small community, there was only one prosecutor who also felt the collaborative focus was a very good one and much needed. And then Soujourner suggested a staff attorney from the Battered Women's Legal Advocacy Project to facilitate, and all the parties agreed on that individual. So, the cooperative focus really was the selling point and it really made it much easier for everyone to kind of get on board.

- **[Olga]** That's great and I'll just let everybody else know, cuz I know this just from being in the area and having worked with you Judy, that Soujourner is the advocacy program. And then the Battered Women's Legal Advocacy program, that's an advocacy program as well as, is it like a legal assistance program?

- **[Judy]** It's mostly a technical assistance and legal assistance, educational assistance for advocacy programs. They do a lot of training, they do a lot of technical assistance. When we were, for instance, having questions about whether or not our files could be subpoenaed many years ago, the attorney from BWLAP gave us suggestions and advice on how to handle that.

- **[Olga]** That's great, so that's kind of an interesting group to also involve for other communities that might have a similar kind of group in their area.

- **[Judy]** It was a very effective bridge.

- **[Olga]** Great, so let me just stop there and just check in with you, Denise, and also give people time to see if they have any questions so far.

- **[Denise]** No one has chatted in any questions, but I have a question.

- **[Olga]** Oh okay, cool.

- **[Denise]** And I was thinking as I was listening to people talk about creating buy-in, I think a lot of times we have these kind of CCR-type groups where people come together and they recognize the value of working together and this can be a really good way, I know, for communities to kind of deepen that working relationship. But I'm wondering about things like if anybody had any challenges, like did people get kind of nervous once they realized that people were gonna be coming together to read their files or that kind of thing? Did people have to do any negotiating or massaging around those kinds of issues or were people just pretty much okay with that? I'm just wondering from our presenters if anyone has any thoughts about that.

- **[Olga]** Yeah, so let me just check in, Courtney?

- **[Courtney]** I know when we did our first assessment on patrol and investigation, I know a lot of people were nervous about the Best Practice Assessment, because they really didn't understand what the assessment was. So, what I had done was I had created a meeting with all the practitioners from 911 up. I had Department of Health and Human Services people there. And I conducted a huge mapping exercise with everyone, so everybody could see the steps of somebody calling 911 throughout the whole process. And I educated everybody on what the assessment was. And from that meeting I got the buy-in from all the practitioners that were there. So it turned out to be really helpful that as many people were there, because they heard other people saying "Well I'm gonna do it." So then since they were willing to do it, it seemed like everybody was willing to do it.

- **[Olga]** Wow, that's great. Did you guys, Judy, did you have any difficulty with that?

- **[Judy]** Actually I was very surprised at how open everybody was to getting this done. I think people really wanted to learn, I think people really wanted to be able to make changes and to understand what changes would be effective. And so we really did not have, we didn't struggle with it very much.

- **[Olga]** Wow, that's nice. It's nice that you can focus on the actual assessment rather than trying to convince people to do it.

- **[Judy]** Yeah, it was very helpful.

- **[Olga]** And then let me just check in, Trish, how about you? Did you guys have any difficulty with that?

- **[Trish]** My recollection is that law enforcement is such a critical component of, since we did all four of the Best Practice Assessments, and we made a lot of copies of that Best Practice Assessment, and shared it with law enforcement at our DV Council meetings so that they could look and see these are the questions that are going to be asked and that we were going to be answering, and I think it just took them having confidence to look at those questions and say we can do this. And maybe looking at those questions and saying to themselves, we're not gonna come out horrible on this, we do a lot of these

things and also just maybe the confidence they had that if we have areas of growth, that's okay to share that with our DV Council.

- **[Olga]** Yeah, that's great. And then I'm just curious Drew, I don't mean to, do too much with this question, but since you're our Deputy DA here, did you have any concerns about people lookin' at your files?

- **[Drew]** Well, sure. So that was something that came up, oh you know, looking at our files that's, I don't know. So, there was some hesitation. I think what really helped was first we did the 911 and Patrol BPA, so kinda developing that trust and seeing the outcome of that, I think really helped in lessening any concern about, okay, these are the prosecution files. The next thing we did was we talked about confidentiality, we saw that through a previous experience, things weren't taken outside of it, that we had built a lot of trust between each other I think as a group. And seeing it's okay to discuss that things didn't go correctly, what we're looking for is positive outcomes. So yeah, there was some hesitation upfront but in the end I think it went just fine and it wasn't anything to be concerned about.

- **[Olga]** Yeah and that's my experience, it's a really nice segway into the next question. That's my experience with these kind of assessments, is that the relationships and the process itself is as important as what you find out. And I'm curious, Courtney, if there's anything that you wanna tell us about the process that you-all, how it went on your prosecution one.

- **[Courtney]** Well because we had already done the previous assessments, I already had the list of cases that we were going to be reviewing. So, about a month before we did the assessment I had contacted the Prosecutor's office with the list of cases and they gathered all the case files for us. The cases that we did were all closed cases from all three prosecutorial offices. I also had read through the Blueprint for Safety and all the attachments and forwarded a bunch of information to the other team members to read over. I thought that it would be important for the team to have other perspectives on how cases were being processed in other communities. I also created the workbooks for each team member. The workbooks consisted of one assessment form for each case to be reviewed, an assessment for the total findings and recommendations, the Prosecutor's policies and procedures, and an assessment of the Policies and Procedures form for the findings and recommendations. At the first meeting each member signed a confidentiality agreement.

This agreement was to ensure that members didn't go back to their offices and discuss potential errors in a particular case file, and as a reminder that we weren't assessing one person's work, we were assessing the agency as a whole, their work. We continued the first meeting by mapping out the process of a case once prosecution receives it. Then we reviewed one case file together for practice, I find that that's helpful for the team, so everybody's looking at the same things, and then we discussed the text in the file. After that, we started reviewing all the case files. And at the end of the first day, cuz for this assessment we took two full days to do it, two full eight-hour days to do it. And so, at the end of the first day we talked about the difficulties we were having answering some of the questions because the case files didn't have a lot of prosecutorial notes in them, it was basically the police reports and any particular evidence, and nothing in there from any of the prosecutors. So, the next day when we met we went

over the assessments and all the assessment questions with the prosecutor, with the Deputy District Attorney, and so it was kind of like a mini-interview with her about their process. And we discussed how their office handled each of the assessment questions. Then we developed our findings and discussed recommendations for all the case files that we reviewed. When we were finished with a case review portion, we reviewed the policies and procedures and discussed our findings and came up with recommendations. After reviewing the policies, procedures, in the case files, we discussed some of the gaps that we had identified and some questions we still had from the missing text and we developed Next Steps. And our Next Steps included deciding that we needed to conduct further interviews in order to get a better understanding of the Victim Witness Advocates role; why there were no reports for booking and jail personnel in case files; how jail phone recordings were reviewed; and on Prosecution's policies and procedures.

- **[Olga]** Wow, that's really intense. (laughs) So, I'm gonna have you kind of like hold your thought right there, I'm gonna come back to you because I wanna really hear about the interviews and stuff that you all did. But let me just kinda check in with Drew and then with Trish about their process. So Drew, how did you find the process?

- **[Drew]** Well, it had definite positives and negatives. Going through all the cases and the questions could certainly be tedious, I mean you heard kind of how in-depth it is that these assessments had gone. But on the other hand, the end product was really valuable. By going through so many cases, which I mean, that was the process, even though it was tedious it definitely showed, or identified definite gaps that were occurring consistently that we could improve on--

- **[Denise]** Drew? This is Denise, can I interrupt you for just a second? I'm having a hard time hearing you and I'm wondering if others are. So is it possible to move your phone closer to your mouth or talk a little louder, I'm sorry.

- **[Olga]** Oh, okay.

- **[Drew]** Sure thing.

- **[Drew]** Is that better?

- **[Olga]** Yeah, thanks, Drew.

- **[Olga]** Yeah.

- **[Denise]** That is better.

- **[Denise]** Thank you.

- **[Drew]** I think by going through so many cases it allowed us to identify certain gaps that were occurring consistently that we could improve on. And then scheduling was another difficulty. Ours wasn't done in just a two-day period and maybe that would have been more helpful. It was more spread out and we were trying to schedule big blocks of time cuz we really needed at least an afternoon, a full afternoon or

a full morning to be able to get through the process and make any progress. So, scheduling had some difficulties with just how hectic and unpredictable everybody's schedule is in our respective fields, but with commitment to getting it done we were able to do so without too much delay.

- **[Olga]** Yeah that's great, and Trish what did you think? I mean cuz you guys are talking about really basically the same team in Deschutes County.

- **[Trish]** Right, we were on the same team and I would say just qualitatively that the process it was good for our community on a lot of different levels. And because we did to prosecution charging decisions, all of those, we did it over a two-year period, 2012 to 2014, and pretty much consistently the same group was meeting approximately once a month, I think it was, and I forget if it was like a three-hour meeting or a four-hour meeting that we were doing, so we really built some strong relationships there that have had just positive ripple effects beyond that. And it was powerful for us being, you know, we're both offender-based and victim-based agencies coming together to tell our community or to tell the DV Council these are the successes that we see in our community and the areas of growth that we need to work on with prosecution. And we had times of disagreement, I remember some special meetings we had to set when we were talking about, this is how we're going to present the outcomes. Some of that was around when you see an inconsistency or something that looks like it was a gap, and is it a trend or is it not a trend? We really had to say to ourselves we need to focus on the trends and not just a unique circumstance, that sometimes those unique circumstances stand out, but you can't necessarily present them as this is a true gap in the community.

- **[Olga]** Right, wow, super challenging. So, let me go back to Drew before we go back to Courtney. And I know that you guys, but I think just about everybody has in all these Best Practice Assessments have to adapt the assessment to their community. I'm just curious how you-all did, Drew.

- **[Drew]** Definitely the part that stood out the most, that we had the most difficulty answering questions about was on follow-up investigation, which was a major component of the assessment. So, the question seemed to be aimed at jurisdictions that had a consistent follow-up process or dedicated investigator for DV crimes, which we don't. So we found ourselves trying to answer those questions that seemed to be built for follow-up investigators for a system that didn't have it in place. That being said, it certainly highlighted in a really large way a major gap that we have in having a follow-up investigator or process. So we did our best looking at what follow-up investigation did take place. We looked at were there requests from deputy DAs for follow-up? Did the initial officers do their own follow-up? And then looking at ways that we can improve that process, even if we don't have an investigator position.

- **[Olga]** Wow, that's really cool. I remember this from when we did the webinar in July and Trish was talking about both Best Practice Assessments at that point and had talked about the need for an investigator came out really clear. So, I wanna turn back to Courtney, because what you guys did, you starting talking about a little earlier, was to add interviews. And so I kinda wanted to hear your adaptations to the guides.

- **[Courtney]** Well, when we were first thinking about doing the assessments back in , I had learnt from the Attorney's Office that they really didn't have a lot of notes in their case files, so that it was gonna be difficult to do that assessment. So, before we decided to do any assessments, I had a conversation with Jane Sadusky, one of Praxis's TA consultants and one of the authors of the Best Practice Assessment, and she had suggested on doing interviews with prosecution to try to get some further information.

- **[Olga]** Yeah, so how did those go?

- **[Courtney]** When we decided to do the interviews, we originally decided to do it because we thought that there was a lot of missing information in the files and that we couldn't ethically make educated findings and recommendations without more information. So, we thought it was best to conduct certain interviews to help write a proper report. We also thought that since the case files were missing text from the prosecutors, that the only way for us to get a better understanding of how the agency as a whole conducts business, it was important to speak with a prosecutor from each of the offices.

- **[Olga]** Oh wow, okay, and so who did you interview?

- **[Courtney]** At first, when we did our first meeting we had interviewed the Deputy DA, who was part of our team, just to get a better understanding of the process. But after we did our meeting I interviewed the Assistant District Attorney, who is from the southern portion of our county. We discussed the process of handling cases and how and when he reviews jail recordings. I also interviewed the Deputy District Attorney and I interviewed the District Attorney. At this interview, we discussed his process of handling cases, how he developed his office's domestic violence policy and procedure, and why the policy and procedure only covered misdemeanor domestic assault and what was truly meant by a no-drop policy. I also interviewed a Victim Witness Advocate, who had been with the Prosecutor's Office since before Victim Witness Advocates started working with adult victims. So, this person had a long history with them. At this interview, we discussed what their training was, their education, their role with victims, and how they assist victims throughout the criminal process. We also did a mapping exercise from when they receive a case until the case closes. The Domestic Violence detective conducted the interview with the jail and booking personnel to learn more about their process and their forms. And also at each of the interviews we made sure to ask each practitioner their thoughts on gaps in the processes and what their recommendations would be to better assist victims and hold offenders accountable.

- **[Olga]** Wow, so what'd you find out?

- **[Courtney]** We learned a lot of great information from these interviews. A few things we learnt were a better understanding of prosecution's style of processing a case. That prosecutors do not speak with victims unless victims request to speak with a prosecutor. Due to a shortage of Victim Witness Advocates, not all domestic violence victims were receiving assistance. The Victim Witness Advocate's role in helping victims is much different than Domestic Violence Advocate's role in helping victims. Courts don't always give sufficient notice of cases when they're going to trial, which ultimately can affect findings and calling witnesses. We also learnt the importance of having well-written and organized

policies and procedures. We learnt what the no-drop policy meant, that if a victim-defendant, a person that is normally a victim becomes a defendant, they're charged with an assault, if they get charged with a crime that they're gonna be punished to the fullest extent. We also learnt that prosecutions focus on offender accountability. We learnt that more assessments are needed to be done. An assessment to review the gaps in case processing after an offender has been charged, such as transport information, booking procedures and jail protocols need to happen in order to find out why there's no procedure for information sharing between these practitioners and prosecution. And last we learnt how beneficial our previous recommendations had been to prosecution. They made a lot of good comments on a lot of the things that we had changed and let's admit, there were some difficult questions that had to be asked during the interviews, but all of the questions led to good conversations.

- **[Olga]** That's great. And then I'm curious how you used the information.

- **[Courtney]** We used a lot of the information from the first few interviews to develop the questions for the District Attorney, where he is responsible for creating the policies and procedures. And then we are also using the information to help write our report and our recommendations and to figure out what our Next Steps need to be in the process.

- **[Olga]** Wow, that sounds great. So, well let me turn to Judy, cuz Judy you guys adapted your Best Practice Assessment, and again to remind everybody, that your Best Practice Assessment was on 911 and Patrol. And you, and correct me if I'm wrong with any of this, but you guys then conducted focus groups, right?

- **[Judy]** We did. We just felt that ethics and authenticity determined that we needed to include survivors in our process. So ethically they needed to be in there, their lives are the most directly impacted by our decisions and we didn't want to create well-intended but ineffective processes that didn't result in increased safety or support. And additionally, I think survivor's expert perspective is unique and their analysis is generally very sharp and more complex than someone who hasn't experienced violence in the way that they have. And I think that their wisdom is often unconventional and so it doesn't fit deeply into any assessment boxes. And it's very honest, and it comes from a level that we thought was important to include.

- **[Olga]** Yeah, so then how did you identify who to include in these focus groups?

- **[Judy]** Well, we just did it in almost a random way, we just kind of looked through people who had used our services as survivors or as victims. There were both males and females that were contacted and were invited to be in the focus group. But the focus group actually boiled down to solely to women, it was composed solely of women. And then we devised a set of questions to determine what individual and collective experiences were primarily with law enforcement, but also prosecution got dragged into it because it was important and it was just as impactful as law enforcement had been. And we examined under what circumstances they interacted with the systems, and how those systems were helpful, what was not helpful, what would they change. And then they just got together at Soujourner. We provided childcare for participants, we provided transportation if that was needed, they were reimbursed for

their time with gift cards, and then we just asked the questions and let them talk. They were assured that their comments would be shared, but their identities would not be, and their names were not recorded anywhere, their comments were written down and it was quite amazing actually at how open and forthcoming people were in sharing very painful and personal experiences with total strangers.

- **[Olga]** Yeah ya know, I've done a number of focus groups with Safety Audits, not with the shortened assessment, but with Safety Audits around the country and I find those to be the most powerful focus groups. And I feel like they lend, they give the audit reports a tremendous amount of life. And those audits tend to come up with the most rich information in terms of gaps and services, and I'm curious what you found out through these focus groups.

- **[Judy]** Well, they were very interesting. I mean it does come down to this is what it's all about, these are the people who are affected, it's away from the bureaucracy and away from the scholarly aspects of this is the heart and soul of the people who are most affected by this. And really what we found out is that all the systems, including Advocacy, succeeded and failed in providing help and in increasing safety and support for survivors. Every case was different and every case was essentially the same. Their experiences really did differ significantly and there were some consistent problem areas. I think most universal was the lack of control that people felt, you know it's like, I think people feel like once you pick up the phone and you call the police, they're gonna come in and they're gonna help you. Well, they're gonna come in and they're gonna do what they're gonna do. You may find that helpful and you may not. It may be what you expected, and most of the time it wasn't what they expected. And they really realized sort of in the middle of this, that all of a sudden they have lost any control that they had over the situation previously, it was now it didn't exist anymore, they had abdicated what they had. And there were arrests that they hadn't anticipated, there were afterwards no-contact orders they didn't anticipate, and they really didn't anticipate that this was going to go on for months and months. They thought this was just something that would be settled that night. So there was that.

With the advocacy, it generally got favorable marks, but advocates were sometimes hard to reach, they were obviously pressed for time and even though they were good at explaining the situation, they were not helpful in changing the situation, or they didn't have much impact in helping the situation be different. Although I think once you understand the situation for what it is, it is different to you once you know. And I think expectations can be tailored to something that's realistic and therefore less frustrating. And I think on the plus side, although people weren't always really happy with how law enforcement came in and took control, they did universally feel that the officers genuinely cared and there were actually some very touching and heartfelt notes of gratitude that... There was an officer who made sure that the woman's four-year-old was taken to a different room while she was giving her statement. And, you know, they just kinda took him into his room and talked about his toys and his action figures and kinda got his mind off it and set him at ease, and then she could give details to the officer who was taking her statement that she would never have given in front of her child. I mean, the child didn't need to have this whole thing explained to him. So they showed a lot of sensitivity and a lot of thoughtfulness in those areas, but there were plus and minuses. I will say that after all is said and done at the end, more than half of people felt that they had done the right thing by picking up the

phone and it had actually, in the end improved things. There was some intervention, there was some change that maybe was expected, maybe not. But the changes were generally that things were better, it was different now and it wasn't just going on and on with no end in sight. And so, there were pluses and minuses on both sides.

- **[Olga]** Yeah, so it's just really, really powerful information. And then so how did ya use it, how did ya bring it back to the assessment?

- **[Judy]** Well it was recorded and then we kind of talked about these things, what things can we control, what things can't we control, and for the things that we can't control, how can we mitigate them so that there is less frustration, less danger, less misunderstanding, and more support and safety for victims. So, they were helpful as far as figuring out what things had to change and they were helpful in realizing that for things we can't change, we can mitigate them, we can soften them, we can make them less scary at least, and less frightening, and in some cases give victims more control, or at least a sense of control over what's going on. And not so much the feeling it's not that we don't care what you want, it's just that we don't care what you want. And so it gave them something and it was very helpful for us to remember why we're doing this and what things are at stake.

- **[Olga]** Yeah, and then I wonder if I can keep you goin' here Judy, and have you talk to me about what the outcomes were. So now when you think about these focus groups and bringing that back to your assessment, what was the outcome of your assessment? What'd you guys find?

- **[Judy]** Well, it gave an expanded awareness of what we do and what has to be done to achieve outcomes, and that was very helpful. We were able to look at how can we work more collectively, and partly that was that kind of in staying with this tedious thing. It was tedious to set up these meetings every week or every, you know, couple times a month for hours that we would have to get together. But it was really, you don't get a chance to do that unless everyone really commits to doing it. And just the commitment that people showed to working together was also very helpful. Advocacy agencies could work with the police. We developed a checklist for officers to increase the consistency of responses when they're working with victims. And you know, it did strengthen relationships. It made everybody realize what it takes to link everything together and what links are weak, and how to help strengthen those links. And it was an opportunity for law enforcement to talk with prosecutors and for both to make observations and to ask questions. That commitment of time was there was a lot of time open to just get things that we didn't really expect to be discussed discussed and that was very helpful.

- **[Olga]** Yeah, and then let me, I'm gonna focus us again back on the prosecution one. Thanks Judy, that's really, really good information. And I'm gonna go back to Courtney who, I'll remind everybody, they conducted interviews as a way to fill in some of the gaps or, I shouldn't probly use the word gaps, but fill in a little bit where the files didn't have as much information and so, what were your outcomes of your assessment then, Courtney?

- **[Courtney]** Well, right now we're currently in the process of writing the report from our assessment and we're still trying to decide whether or not we want to conduct another interview from a prosecutor

from another county to get a perspective on how other places do case processing. One thing I can speak about is for the findings and recommendations thus far is they don't just focus on prosecution findings and recommendations. We have them for police response, for Victim Witness Advocates and for transport, booking and jail personnel.

- **[Olga]** Yeah, that's amazing. It's funny, when you do these you just don't know what you're gonna kinda come up with, and what you're gonna find. So Trish, so will you talk to us about what your outcomes were for your Best Practice Assessment on Prosecution?

- **[Trish]** Sure, so Drew mentioned this earlier and that was just that recognition that we really need a DV Investigator, or a way to strengthen that piece in our community. So, we just found that there was a significant gap between those initial interviews that happened for victim, witness, and suspect, between there and then the point where prosecution has to make a charging decision. So, we're working on ways to address that gap right now. As Drew mentioned, one way is right now what do we need to do for what should law enforcement be passing on to the DA's Office and what should the DA's Office be asking law enforcement for. And meanwhile, we're also looking at funding options for a DV Investigator that could be used for all of the law enforcement agencies, somebody probably based at the DA's Office. And another significant outcome for us was just recognition that strangulation was not always being properly conveyed from the time of 911 in dispatch to patrol officers. And that patrol officers weren't always properly assessing for signs of strangulation or for evidence of strangulation in order to support that charge.

- **[Olga]** Yeah, and I know Drew's gonna talk a little bit more about that. I wonder before we get to Drew, if you can tell me what kind of changes you feel are coming about because of the use of the guides.

- **[Trish]** Yeah, that gap of not having a DV Investigator is clearly recognized between all of the agencies, law enforcement and the DA's Office agencies, they all have been talking about how can we support a DV Investigator together in our community. And so there's talk about trying to get the grant to kick off an investigator position and then to move to a sustainability piece where the law enforcement agencies and the DA's Office together provide funding, or maybe the county. We talk with the county more about this issue and see what can be done funding-wise. So, that's a huge thing.

- **[Olga]** You know, that is a really huge thing. Sorry to interrupt you, Trish, we've talked about this before and it is really huge that you've got different agencies focused in on the need for this and willing to budget this down the road.

- **[Trish]** Exactly, you know it's easy to say, oh we need a DV Investigator, let's write a grant, right? But it's great that the agencies are looking farther down the line to say, how do we build this in, in a sustainable way? And the one other item about what's changed is, Drew, who's on the webinar as well, has started some training with the law enforcement agencies to address some of the other items that we haven't been talking about here, but he's provided a really great training for one of our local law enforcement agencies and I think that training is going to be occurring with the other two agencies here in time.

- **[Olga]** Oh, that's great. Well so then I'll turn to you, Drew. So tell me what you found out from your Best Practice Assessment.

- **[Drew]** Sure, some additional items we noted that there was physical evidence we kept seeing was not being collected. That became a consistent gap, where a weapon wasn't being picked up that was used or threatened with. You know phones, that if a defendant had taken a phone, destroyed it, that wasn't always being seized. So, there was physical evidence that we saw a consistent gap on. Lack of getting follow-up photographs and those things are included in the training that is going out to law enforcement. We noticed at the same time, there's complaints about oh, they didn't seize this, or they didn't get the follow-up photos. There was also kind of an absence from our end of making those requests of, you know, we need you to go back out and get the follow-up photos. So I mean, that could be something that could be remedied without funding an investigator. The investigator follow-up would be really, really nice, but there's still some things that we could do to help shore up that gap. We noticed that history was not being gathered and there was a lot of discussion about that. It was part between law enforcement and our office, where there was this feeling that we don't want to base our current investigation based on history, and that we had a lot of discussions about. And it was just so important from a prosecution perspective of no, history is extremely important in these. And no, we don't you to base your arrest just because of the past, but at the same time, developing that history is really important, and I think we had some really good discussions on that and why it was important and what we were asking. And that it wasn't arrest them because they had been arrested before, it was arrest them because the context of that crime occurred with that history involved. So, gathering things like restraining orders, past police reports, 911 calls, those things all needed to be improved on. Another item was recording interviews, it was hit and miss. I mean, some officers would record them, some had that capability, others weren't. And in these cases it's really important to have those initial statements captured on recording for prosecution and there's hearsay exceptions for it that we have available to us and we know that.

And so, many of the cases that the initial report is going to differ down the line, so having that included was something that I'm consistently talking with law enforcement about. Prosecution, again, we can be ordering and gathering history items as well, looking at restraining orders, trying to get those court records. So we needed to improve on that, as well as looking at some charges that we may have missed or underutilized, strangulation was one that came out. And there may have been some difference too, you know, for us just based on things like thorough firearms prohibitions, our hearsay laws, evidence allowances down the road at trials, what is more valuable to us in a prosecution. Elevating crimes from misdemeanors to felonies based on repeat offenses, to us Assault was a charge that we valued higher. We've since had some legislation that changes that a bit, so we may have been seeing negotiations where we were dropping strangulation in favor of Assault.

And that had to do with some of these other pieces of things that we were seeing down the line for criminal history. But I think that got underutilized and I think that's changing too, along with menacing which is our threats statute. And then stalking was getting underutilized, where we could certainly use more situations than we were for the way that our stalking statute is framed. And then finally,

disposition. So, what we're looking for in the end result on some types of cases, I think we were missing, so restraining order violations, that was an opportunity that, you know, we could get some controls on offenders for things like putting them on probation, putting them through Batterers' Intervention, having no contacts in place. Those are contempts of court here and rather than a misdemeanor or a felony, so they kind of got treated as lesser and you know, we might have few dispositions of just do a straight jail sentence. You know, go to jail for three days but don't have those further controls on offenders. I think that was kind of something that we missed and something that we needed to improve on as well.

- **[Olga]** Yeah, so then what changes have you made as a result of the guide?

- **[Drew]** So the one thing, as Trish mentioned, there's this commitment, discussion, agreement to getting a DV Investigator in place. And then trainings with law enforcement, discussions within our office of, you know, what steps do we need to be doing, look at where we're missing, look at these additional items that we can improve on. And I think I'll mention as well that the assessment, I think, helped give us a, a real strong basis and argument for that follow-up investigator position, of look at how much we have done to look into this issue and here it is in a report that is showing this gap. So, I think the assessment helped in that way, too, to really have something to hang our hat on, of look at the information based on this study.

- **[Olga]** Wow, that's great, wow. It's actually really exciting to hear about these different findings and changes and I wanna see if we can... I'm trying to think, we still have a little bit, Denise, do you have any questions from folks?

- **[Denise]** We don't have any questions in the chat.

- **[Olga]** Okay, well then what I'd like to do is ask each of you if, and I'll start with you, Judy, what advice you would have for folks that are listening in about these Best Practice Assessments.

- **[Judy]** Well, we were very lucky in that we had communities who were really committed to doing this. We did two assessments in two different cities that are in our service area, and in both areas it really improved working conditions, or collaborative conditions, between agencies. It gave them new appreciation for each other and respect for what each other does. I think sometimes prosecutors and police didn't realize what Advocacy can do and Advocacy didn't realize in what ways they can use prosecution and even law enforcement, and the training possibilities that we could do together. So it was very helpful, I think the endeavor is very worth the investment of time and energy. But it does require commitment, it does require flexibility in scheduling, but it really is worth it. In both the communities that we did an assessment, it really improved collaborative efforts and the abilities to work together, I would say do it.

- **[Olga]** Wow, cool, okay Courtney. Now and let me just say, Courtney, that when we've talked before, it seems to me that you said that, is it the Sheriff that says "If Courtney wants it, we'll do it"? (laughs)

- **[Courtney]** Yes, we've had huge success in creating our domestic violence supplement form from our last assessment. And so, basically he had made a comment one day, that if Courtney creates it, we'll use it. So, doing the assessment can be extremely useful tool for the community cuz it can open up so many more doors.

- **[Olga]** Yeah, so that's your advice, is people should do it cuz you guys are gonna be able to kinda open more doors.

- **[Courtney]** Open more doors and the only other thing I wanted to add to that was that it's important when doing the assessment that you don't only focus on the things that people need to fix, but you focus on the things that agencies are doing well, cuz I think that that helps to create a full picture of things and it doesn't look so negative.

- **[Olga]** You guys have done really great work. Trish, what's your advice for folks?

- **[Trish]** Yeah, at least the way that we conducted the assessment and of course because we did all four, there was just no way around the fact that it's a long term commitment and everybody had to see that upfront and agree to the process. And it's really just the most efficient and effective thing to have the same individual from an agency be a part of the process for either the one component you're doing, or if you're doing several components, that's the ideal way to do it, we've found. And we also found it's important to just not have any expectations in mind of what you're going to find. Just let the assessment be your guide and be objective in the way that you answer the assessment questions. And I echo what Courtney says about focusing on the positives and what's going well in the community, that's a big thing.

- **[Olga]** Yeah and then Drew, I'm gonna give you the last word before I wrap up, what's your advice?

- **[Drew]** My advice would be to do the assessment and you just need to get to the process started instead of talking about it or waiting for the right time to do it. There's never gonna be a perfect time, just because it was really intensive, so just go ahead, get it done. My caveat to that is if you already have something intensive going on, then don't try to take this on at the same time, I would suggest finishing other projects before going forward with this one.

- **[Olga]** That's great. Well so, for those of you that are listening, we have support for you, Praxis International has support for people who are in the process of doing a Domestic Violence Best Practice Assessment, or thinking about it. You can get funding from the Rural Grant Program or you could apply through the Grants to Encourage Arrest. We provide training and technical assistance, which you'll find on our website. We have webinars on community assessments, we've had this series on the Best Practice Assessment and you'll find all these recordings on our website. You can download the Best Practice Assessment Guides for free on our website. And you can always get in touch with me if you have any questions. And this is my email address and that is my direct line. I'd like to take a minute and just say thank you so much to all of you, to Judy, Courtney, Trish and Drew for being part of our webinar today. Some of you had done this at the last minute and I really appreciate it. I wanna remind folks that we have a webinar on Using the Community Assessment Tool in Tribal Communities and that will be on October th. If you wanna find out more about it, you can check on our website. So, thanks to Denise and

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to Jen for helping out and finally I just ask that you take a few minutes to fill out the evaluation when you close up from the webinar today, it really helps us to improve what we do and also how we do it, if we hear from you. So, thanks all very much.

- **[Denise]** Olga, this is Denise, just before we sign off, I just wanted to say that we did have a couple of questions that came in right at the end and of course as we're running out of time. And so what I'm gonna suggest is that if folks wanna talk with us more about these questions, please contact us because we can provide you some assistance, or perhaps put you in touch with one of the presenters on the webinar today who might be able to give you some additional ideas or guidance.

- **[Olga]** Yeah, absolutely. Yeah Denise, and if they have contact information I can also reach out to them. So great, thanks Denise and thank you all.

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