

# Planning and Conducting a Best Practice Assessment of Community Response to Domestic Violence

## Criminal Justice System Response: Bail Evaluation and Conditions of Release

Produced by Praxis International



***Another Praxis International Tool for Change-Oriented Advocacy***  
Supporting survivors' efforts to secure safety, recovery, rights, and autonomy while also working to reform the social institutions, public policy, and community norms that support battering and other forms of violence against women.

## Planning and Conducting a Best Practice Assessment of Community Response to Domestic Violence

### Criminal Justice System Response: Bail Evaluation and Conditions of Release



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Praxis International is a nonprofit research and training organization that works toward the elimination of violence from the lives of women and children. Praxis' methods of Institutional Analysis, Safety and Accountability Audits, and Domestic Violence Best Practice Assessment have been used by communities across the country to examine the responses to domestic violence and sexual assault in the criminal and civil legal systems, advocacy programs, supervised visitation, child protection, and child welfare.

**Find additional tools for assessing institutional practices in response to violence against women at:** <http://praxisinternational.org/institutional-analysiscommunity-assessment-2/>

## Acknowledgements

We are indebted to the many battered women and their children who have shared their experiences with us through conversations, from focus groups to chance encounters, and through the calls, reports, and case files that have captured fragments of their stories. We hope that we have been true to that standpoint in thinking about ways in which public safety can be most responsive to their needs and most effective in supporting safety and accountability. We thank the more than seventy communities that have conducted *Safety and Accountability Audits* over the past twenty years and the many advocates, dispatchers, police officers, prosecutors, victim-witness specialists, and probation agents who have offered insights into their work and been willing to try new approaches. In particular, we have relied upon and learned from the pioneering work of Duluth, Minnesota, and, more recently, the City of Saint Paul and Ramsey County, Minnesota.

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## Introduction

For the past forty years, communities across the country have been defining and implementing reforms in the criminal justice system response to domestic violence. Initiated by the battered women's movement, attention to violence against intimate partners has become commonplace among police, prosecutors, courts and probation agencies, joined by community advocates, victim services organizations and batterer intervention programs. The landscape of community response looks very different in 2019 than it did in 1980. There is an expectation of coordination and collaboration. Working relationships between advocates and police are a matter-of-fact in many communities. Key intervening agencies often have written policies and protocols in place. State legislatures have enacted laws that require certain actions and accountability by entities in the criminal legal system. Since 1995, the Violence Against Women Act has provided grants that support a wide range of activities that emphasize “a coordinated community response from advocacy organizations in partnership with the criminal justice system [as] critical to reducing violent crimes of violence against women and enhancing victim safety and offender accountability.”<sup>1</sup>

Many communities can now look back on a coordinated community response (CCR) that spans thirty years or more. Still others are relatively new to the linkages, communication, relationships, and policy and practice changes that characterize a CCR. Regardless of where a community sits on this continuum, the ever-present question is: How are we doing? Are we making things better or worse? Are we centralizing and strengthening safety for victims? Do our efforts enhance or diminish

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<sup>1</sup> Program Overview, Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program, Office on Violence Against Women. Access at <https://www.justice.gov/ovw/page/file/922506/download>.

offender accountability? What about the accountability of community agencies and systems for their response? What is the best approach to...?

The Domestic Violence Best Practice Assessment Guides (the Best Practice Assessment) have been designed to assist CCRs in answering such questions at particular points in the criminal legal system response to domestic violence crimes: 911, police patrol, police investigations, prosecution charging, victim-witness services, bail evaluation and pretrial release recommendations, and pretrial release supervision and enforcement.<sup>2</sup> This guide details best practices in **evaluating bail and making recommendations for conditions of release.**

The entire set of guides draws on the accumulated experience of communities that have completed a *Safety and Accountability Audit (Safety Audit)* over the last twenty years<sup>3</sup> and the more recent development of *The Blueprint for Safety*.<sup>4</sup> *The Blueprint for Safety (Blueprint)* is a coordinated justice system response to domestic violence crimes that positions this complex system to respond more quickly and effectively and enhance its capacity to stop violence, reduce harm, and save lives. The *Blueprint* is a distinct blend of approach, document, and process that together fully articulate the idea of a coordinated community response. The guides distill communities' experiences with *Safety Audits* and the *Blueprint* principles and policies into specific guidelines for practice in response to domestic violence-related crimes.

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<sup>2</sup> <http://praxisinternational.org/institutional-analysiscommunity-assessment-2/best-practice-assessment-guides/>

<sup>3</sup> Over 100 Safety Audits have been conducted since 1995, examining diverse aspects of institutional response to domestic violence, including the entire range of criminal justice system interventions in domestics, from 911 through conditions of sentencing; civil orders for protection; advocacy; child protective services; and supervised visitation and safe exchange.

<sup>4</sup> In 2010, St. Paul, Minnesota, developed the Blueprint for Safety (Blueprint), subsequently tailored for broader adaptation by Praxis International.

The guides are built around best practices that reinforce the essential characteristics of intervention in domestic violence that maximizes safety for victims, holds offenders accountable while offering opportunities to change, sets an expectation of agency and practitioner accountability to one another and to victims and offenders, and seeks to make the system as protective and least harmful as possible. These characteristics include:

1. Adhere to an interagency approach and collective intervention goals.
2. Build attention to the context and severity of abuse into each intervention.
3. Recognize that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders.
4. Ensure sure and swift consequences for continued abuse.
5. Use the power of the criminal justice system to send messages of help and accountability.
6. Act in ways that reduce unintended consequences and the disparity of impact on victims and offenders.<sup>5</sup>

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<sup>5</sup> *The Blueprint for Safety*, Chapter 1, “Foundations of Effective Intervention.”





## Approaches to Evaluating Practice

A CCR or individual agency responding to domestic violence crimes can use various methods to evaluate and inform its intervention practices. This process is not the only tool available and may not be the best fit for your agency or community. The Best Practice Assessment presented in this guide is one approach on a continuum of evaluation methods. It is a relatively quick review of the response to domestic violence-related cases, using checklists of core practices. The core practices reflect what is found in *The Blueprint for Safety*<sup>6</sup>, a complete policy and protocol manual and process that embeds a best practice response to domestic violence within each and throughout all criminal legal system agencies. The Best Practice Assessment involves a relatively narrow scope, small number of participants, limited data collection, and little direct consultation with victims of abuse. It relies heavily on a guided review of the official records, such as case files related to bail evaluation and conditions of release.

For communities that may be interested in a more in-depth examination or a complete policy and protocol overhaul of their criminal legal system response to domestic violence, a *Safety and Accountability Audit* or *The Blueprint for Safety* may be a better fit. To help you decide which approach is the best fit for your community, please review the grid, found on the Praxis website, that summarizes which method is the best for certain community characteristics:

<https://praxisinternational.org/wp-content/uploads/2019/08/DVBPA-Approaches-to-Evaluating-Practice-Aug2019.docx>

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<sup>6</sup><https://praxisinternational.org/blueprint-home/>



## How to Use the Best Practice Assessment Guide

This guide has been prepared for those who are planning or coordinating an assessment of **bail evaluation and conditions of release**. With its companion guides, a CCR has available to it ways to examine best practices at seven key points of criminal justice system intervention: (1) 911 call-receiving and dispatching, (2) patrol response, (3) police follow-up investigations, (4) prosecution charging decisions, (5) victim-witness services, (6) bail evaluation and conditions of release, and (7) pretrial release supervision and enforcement. Your community or agency may be interested in only one of these areas or it may want to examine multiple points of intervention. Select tools and materials according to the parameters of your review.

Regardless of the focus of your assessment, it can be helpful to have some familiarity with the broader content of recommended practices for 911 through pretrial release supervision and enforcement, which can be gained via reviewing the assessment guides referenced above and the materials specific to each point of intervention. The areas of practice included in the guides—911, patrol, investigation, charging, victim-witness advocacy, bail evaluation, and pretrial release—are highly interconnected. Responding patrol officers count on accurate details and descriptions from dispatchers and call-takers. Investigators can expand on the information and evidence gathered at the scene, but often cannot recreate or retrieve what 911 and patrol might have missed in the initial response. Prosecutors rely on each practitioner who precedes them to ask the right questions and gather the right information in order to support charging decisions, bail evaluation, pretrial release recommendations, supervision, and enforcement that best support victim safety and offender accountability. Victim-witness specialists need current contact information for victims and witnesses, as well as original and

supplemental information about incidents, in order to quickly communicate with victims, make notifications of court appearances and give any needed instructions or explanations, and conduct ongoing safety planning. Practitioners involved in bail evaluations, making recommendations regarding pretrial release, or supervising defendants on pretrial release can incorporate victim safety and offender accountability when they have access to law enforcement and advocacy information that presents a clear picture of any danger and safety concerns. The Best Practice Assessment provides the opportunity for an inter-agency group of practitioners to analyze their responses together to enhance the broader system's response to domestic violence.

This guide includes general tasks and tools related to the broad steps involved in conducting the assessment:

1. Organize and prepare.
2. Map and examine case processing.
3. Report findings and recommend changes.

It includes time estimates and agendas for a process that can be completed in three to six months, from initial planning to recommendations for change. It includes a checklist specific to bail evaluation and conditions of release, plus templates for organizing and reporting the results of the assessment. This includes instructions and tools for analyzing case records, analyzing agency policies, and preparing findings and recommendations.

## Step 1: Organize and Prepare

### Task 1: Assign a coordinator

A coordinator will be needed to oversee the organizational details and logistics. Coordination tasks include scheduling meetings, collecting policies and case material to review, and reporting out the results of the assessment. The coordinator is also a member and facilitator of the assessment team.

The coordinator's role will likely require about fifteen days of time over the three- to six-month duration of the assessment. This includes time spent as a team member, as well as overall coordination of the process. The tasks of coordination can be fulfilled by a temporary reassignment of one person or can be shared between two or more members of the team. The key requirement is that someone is responsible for organizing the process and preparing and communicating with the work group. The coordinator may come from the agency that is the focus of the assessment; this connection will help expedite gathering the agency's policies and files for review. Where a more established coordinated community response entity is using this assessment, the CCR coordinator or someone from the community-based advocacy program might fill this role. If the assessment includes two or more areas, the coordination will require additional time.

#### **The coordinator will:**

- ✓ Read the guide and become familiar with the tools and instructions.
- ✓ Collect pertinent laws and agency policies and protocols.
- ✓ Identify and gather agency "case files" (e.g., bail evaluations, court orders, bail memos, etc.) for the work group to read.
- ✓ Schedule and facilitate work group meetings.

- ✓ Provide the work group with necessary copies and materials.
- ✓ Keep a written record of the work group's discussions and findings.
- ✓ Prepare findings and recommendations to relay to the agency head(s) and the CCR, if applicable.

## **Task 2: Select the assessment team**

The Best Practice Assessment assumes that a small group of practitioners will do the work. The process was designed to benefit from the dialogue, reflection, and discussion that is possible with a small set of experienced practitioners, rather than relying on the limited perspective of one person.

The assessment team or work group consists of four to eight members, or more, depending upon local needs. The team should include experienced, skilled practitioners from the agency whose intervention is the subject of the assessment and some level of interagency representation, plus at least one member who is a community-based advocate for victims of domestic violence (see Step 1 - Attachment 1). This advocacy perspective is critical in a process that does not involve any direct consultation with victims of abuse, such as the focus groups that are characteristic of a *Safety Audit* or *The Blueprint for Safety*. Similarly, a degree of interagency involvement helps to examine the particular process under review in relation to how it impacts what happens before or after it. For example, an assessment focused on evaluating bail and conditions of release would ideally include representation any criminal justice practitioner involved, such as bail magistrates or pretrial release officers, and prosecutors.

The team will need to meet three to five times over the course of the assessment, for a total estimated time commitment of approximately five

days, depending upon how the work is structured. If the assessment is applied to more than one point of intervention—examining charging and bail evaluation, for example—the size and configuration of the work group will need to reflect that scope. A single interagency work group could be used, or several groups, each specific to one of the key points of intervention under review. The broader in scope, the more likely it is that the assessment will require more time.

**Work group members will:**

- ✓ Prepare by reading policies, protocols, and case records, as provided by the coordinator.
- ✓ Attend all scheduled meetings, according to the option selected for completing mapping and case-processing activities.
- ✓ Complete all assignments to review case files or other documents.
- ✓ Use the assessment worksheets to take notes on each assigned case.
- ✓ As a group, articulate findings and recommendations that will be relayed to the agency head(s) and the CCR, if applicable.

**Task 3: Select a structure and timeline**

Will the team complete all of its work together during a series of four or five day-long meetings? Will team members complete assignments on their own and review what they have learned during a series of shorter meetings? Will the group meet one morning each week until the assessment has been completed? Selecting an approach early on will make it possible for work group members to set aside the necessary time and to lock in a schedule of activities. The specific structure is less important than the commitment to follow through and complete the assessment in a timely way. This guide recommends a process (see Step 2: Map and Examine Case Processing) built around four to five meetings, with specific tasks to accomplish in each meeting. The length and

frequency of those meetings can be adjusted to best fit local needs. The assessment could be accomplished in about a month's time or be conducted over a span of six months.

#### **Task 4: Develop and implement a confidentiality agreement**

The assessment team will examine agency case files and will identify areas of practice that need to be revised or discontinued, some more urgently than others. Most likely the team will use unredacted warrant affidavits, applications for bail, risk assessment tools, bail memos/evaluations and orders and pretrial release assessments and orders. The team will also have some degree of interagency composition. Because it will have access to detailed information about specific cases, individuals, and practitioners, it is crucial that its members agree to a set of ground rules governing how information will be treated and when and to whom it will be released. Step 1 - Attachment 2 is a template that can be used to develop a confidentiality agreement for the assessment.

#### **Task 5: Gather and organize policies and case files to review**

This is one of the coordinator's primary assignments. The extent to which this material is compiled and well-organized has much to do with how readily the team can complete the assessment. Each team member should have a folder or binder that includes:

- **Policies and protocols governing the agency's response to domestic violence**

Include relevant policies and protocols, screening forms, checklists, risk assessment tools, or similar items. For example, when the assessment concerns evaluating bail and conditions of release, team members should have a copy of any policy or tools used by the prosecutor, court, or pretrial release officer for evaluating bail and



conditions of release of domestic violence defendants, any risk assessment tools used by these practitioners, and report forms. Include any agency guidelines or criteria for reviewing cases and any forms or decision-making trees used to evaluate appropriateness for bail or recommend conditions of release.

- **A sample of case records relevant to the scope of the assessment**

For example, if the team is examining bail evaluation and conditions of release, provide the team with warrant affidavits, bail evaluations, bail memos and orders and pretrial release assessments and orders, etc.

- **A set of case analysis worksheets for the case records under review (one worksheet per record)**

The Appendix includes detailed best practice worksheets and instructions for each primary type of record that an assessment team might review. Team members use the worksheet as a guide to identify practices that are included or missing in the response. Each team member will have one worksheet per individual report or case file under review.

In organizing the case record material for the team, the coordinator(s) will compile a set of records for each team member according to the following options for the case record analysis (see a full description of each option in Step 2: Map and Analyze Case Processing):

### **Option 1**

Copy all of reports or files included in the review for each team member. Each member will complete an in-depth analysis of all case records.

### **Option 2**

Copy all of reports or files included in the review for each team member. Each member will take a preliminary look at every case record but shall

pay detailed attention in each case only to specific sections of the worksheet, as assigned.

### Option 3

Copy records for two cases for all team members; copy a different, distinct set of cases for each work group, according to how the team has been split up. For example, one work group of two team members gets one set of files; another work group gets a different set of files and; everyone sees files from two of the same cases.

Assessment organizers will also need to decide in advance whether or not to redact the case material that is distributed to the team and if so, to what extent. “Redact” is a legal term meaning to make documents unidentifiable to a specific person or place. In any examination of policy and response to domestic violence cases, masking the identities of the people involved (victims, suspects, children, and practitioners) can help take the focus off of particular individuals or personalities and shift it to the practices involved. Redacting can be time-consuming and costly, however, particularly if it involves lengthy reports. Each assessment project will consider local needs and decide whether or not and to what extent to redact any case material. The Best Practice Assessment assumes that the case records the assessment team works with will not be redacted. The confidentiality template (see Step 1 - Attachment 2) has been designed accordingly, with its emphasis on keeping case information confidential and secure and not identifying or discussing any person named in the case outside of the team’s meetings. The exception to using un-redacted material is that anything used in a report or presentation or setting beyond the team’s internal discussions must first be redacted.

Step 1 - Attachment 3 is a guide to assembling the types of case records to include in the Best Practice Assessment along with recommendations for the sample size and any special considerations in using the material.

## Step 1 - Attachment 1

| Scope and Team Configurations of the Best Practice Assessment   |  |
|---|--|
| Scope   | Team Members   |
| <p>Note: This is a suggested configuration. A team’s membership and size will reflect the scope of the assessment and local needs. One team member will be the designated assessment coordinator. See companion guides and tools for team configuration suggestions for assessments that include multiple points of intervention.</p> |  |
| <p>Evaluating bail and conditions of release</p>  | <p>Any one or more practitioners in the jurisdiction that executes these functions (e.g. commissioners or magistrates, bail evaluators, pretrial release officers, or specialized positions within court administration, clerks of court, jailers, and community corrections) are critical team members. Also include one of each of the following: patrol officers, investigators, prosecutors, victim-witness specialists, and community victim advocates.</p> <p>Why this mix? Practitioners who conduct these functions are in the best position to address the routines, policies, and protocols under review. Patrol officers and investigators can ask questions that help identify ways in which their functions can be better linked to bail evaluation and pretrial release strategies that are less reliant on direct victim involvement yet remain centered on victim safety. Victim-witness specialists and community victim advocates in pretrial communication with victims have the knowledge and direct experience with victims to provide local expertise on typical victim concerns and safety issues during processing of domestic violence cases.</p> |

## Step 1 - Attachment 2

### Best Practice Assessment: Sample Confidentiality Agreement

The Best Practice Assessment of the [agency name(s)] response to domestic violence will involve reviewing case records and other documents. To ensure the integrity of the process, respect the role of individual agency employees, and protect the privacy of community residents, assessment team members agree to the following:

1. The material collected and distributed to team members is intended only for use in conducting the Best Practice Assessment and to inform the team and policy makers on the need for changes in intervention practices.
2. Team members will keep any materials containing case information confidential, in a secure location, and will return materials to the assessment team coordinator as requested on designated dates.
3. Team members will not identify or discuss any person named in any case materials, except as necessary within assessment team meetings.
4. Team members will not remove any non-public forms, files, or other records containing personal identifying information.
5. Team members will adhere to agreed-upon procedures for releasing information about the assessment to agency administrators.
6. Team members are not authorized to release or discuss any details of the assessment to anyone outside of the [agency name(s) or CCR name].

Team Member Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**PLEASE RETURN THE SIGNED ORIGINAL TO [designated contact]**

### Step 1 - Attachment 3

| Assembling Case Records in the Best Practice Assessment:<br>Evaluating Bail and Conditions of Release  |  |
|--|--|
| Scope  | Case Record Type and Suggested Quantity  |
| <p>Note: Complete an analysis of the lower number of records listed first. If time permits, or if questions emerge that require examination of additional cases, add cases to the review in increments of five to ten.</p> |  |
| Evaluating bail and conditions of release  | <p>In jurisdictions that have dedicated bail evaluators:</p> <ul style="list-style-type: none"> <li>✓ 15 to 50 case files (warrant affidavits, applications for bail, risk assessment tools, bail memos/evaluations and orders and pretrial release assessments and orders)</li> </ul> <p>In jurisdictions without a dedicated bail evaluator:</p> <ul style="list-style-type: none"> <li>✓ 15 to 50 court or prosecution case files that include warrant affidavits, applications for bail, risk assessment tools, bail memos/evaluations and orders and pretrial release assessments and orders</li> </ul> |
| Police reports   | <p>If the above files do not include them, the team will also want to review the corresponding police report OR warrant affidavits or other information available from law enforcement at the time of bail evaluation.</p>   |

If the scope of the assessment includes more than one area of practice (e.g., 911 through bail evaluation and conditions of release), to the extent possible, utilize records for the same set of cases and follow them as they proceed from one point of intervention to another. For example, depending upon the scope of the assessment, analysis of a case that first appears as a 911 recording might also include the patrol reports, investigation reports, prosecution file, bail evaluation, and bail memo or conditional release order associated with that case.



## Step 2: Map and Analyze Case Processing

Discovering how domestic violence cases are taken up at the point of intervention under review is at the heart of the Best Practice Assessment. Here the assessment team seeks to clearly understand how the response is organized and to what extent recommended practices are in place or missing from that response. Three primary tools are involved:

1. **Mapping** the steps involved in processing a domestic violence case

Mapping involves a group discussion that utilizes the expertise of members of the team who are most familiar with the process under review. For example, when the assessment is looking at bail evaluation and conditions of release, then police and bail evaluators are primary information sources. Whatever the focus of the assessment, the role of the other team members is to ask questions that will help develop a thorough understanding of how domestic violence cases are taken up for official action at that point. Mapping is particularly useful in understanding the steps involved in the official response to the case, how practitioners are prepared and guided in their response, whether and how they are linked with other interveners, and how they pay attention to the context and severity of abuse.

2. **Case record analysis**

Analysis of the official account or “case file” happens via reading a sample of case records against a checklist of recommended practices. The team examines a sample of reports or files according to the parameters of the assessment, reading individually and then pooling the results to complete an analysis of gaps in practice. Case

file analysis helps the team gauge the extent to which recommended practices are in place, understand how interveners are paying attention to the context and severity of abuse, and examine the extent to which domestic violence is understood as a patterned crime requiring continuing engagement with victims and offenders.

### 3. Policy analysis

Policy analysis is the final tool to help the assessment team discover the extent to which current practices reflect best practices. Policy regulates what practitioners must do and the boundaries of their discretion and responsibility. The team will be looking at whether and how policy has been constructed to reflect principles, procedures, linkages, and monitoring that are consistent with best practices. By addressing policy analysis towards the conclusion of information-gathering activities, the team will get a more complete picture of what practitioners assume is happening in domestic violence cases (mapping), what is actually happening (case record analysis), and where and how policy needs to change to produce a response that reflects best practices as completely as possible.

**NOTE:** Sometimes communities will find that there is no such written policy that directs practitioners' work in this area. If that is the case in your community, analyze state statutes and rules of court and other such macro-level regulations.

This process of mapping and critical case record and policy analysis occurs over a series of meetings, with some variation in length and number according to how the team organizes the case file analysis. Two options for organizing this phase of the work are presented in the following grid. While the assessment has been designed to be completed within no more than five sessions of data collection and analysis, in



planning and organizing your own project you are free to expand on that number according to local needs. An assessment that centers on a single point of intervention, such as **evaluating bail and conditions of release**, will be the best fit for the suggested time frame. An assessment that reaches across multiple agencies will require additional time.

## Organizing Mapping and Case Record and Policy Analysis

### Option A

The assessment team meets initially to map case processing. Members complete the analysis of case records outside of the group and meet briefly several times to check in on their progress and address any questions that have come up. They meet a final time in one-day meeting to sum up what they have discovered and make recommendations.

#### Schedule:

##### Meeting 1

- Time: half-day
- Tasks: Map case processing; identify follow-up questions and assign one or more questions to each team member; distribute case materials and worksheets; orient the team to the case file analysis process.

*[Assessment team members analyze case material on their own in between scheduled meetings.]*

##### Meetings 2 through 4

- Time: 2 hours each
- Tasks: Check in on case record analysis; discuss cases completed since the last meeting; follow up to questions generated by the mapping; address any questions; complete the policy analysis.

### Option B

All of the work is completed in a series of one-day meetings. Assessment team members map case processing, read and discuss case materials, analyze agency policies, and prepare findings and recommendations in these meetings.

#### Schedule:

##### Meeting 1

- Time: 1 day
- Tasks: Map case processing; distribute case materials and worksheets and orient the team to the case file analysis process; analyze case records together.

##### Meetings 2 through 4

- Time: 1 day per meeting
- Tasks: Analyze case records; read and discuss each case assigned for the meeting; report on follow up to questions generated by the mapping; complete the policy analysis.

### Meeting 5

- Time: 1 day
- Tasks: Report out on results of case record analysis, identify gaps in recommended practices, and recommend changes.

### Meeting 5

- Time: 1 day
- Tasks: Complete analysis of case records and sum up results, identify gaps in recommended practices, and recommend changes.

*Note: Adjust the number of meetings up or down according to local needs and the scope of the assessment, complexity of the case records involved, and pace at which the team can complete the case file review.*

## Step by Step: Mapping Domestic Violence Case Processing

1. Select a format to record the mapping that can be brought to each subsequent team meeting for reference and revision as more information becomes available. For example: Flip chart paper that can be taped together as needed; a long, wide sheet of paper taped to a chalk board or wall; or an electronic copy board.

NOTE: Step 2 - Attachments 1 and 2 illustrate case processing maps. Your map does not need to be printed, however, and most likely you will not have the time to take that extra step. The map will be just as useful to the team, and perhaps most useful, if it is a kind of poster that can be carried to and displayed at each meeting.

2. Read any applicable policies and protocols for the point of intervention that is being mapped.
3. Direct questions to the team members who are most involved as practitioners at the point of intervention under review. For example, if the assessment concerns evaluating bail and conditions of release, direct questions to the bail evaluator(s).
4. Start with this question: How does a domestic violence incident first come to your attention? Diagram the initial point of contact and first step in case processing.
5. Ask: Then what happens; what's the next step? For each step, ask the following kinds of questions to develop specific details about case processing:
  - a. What happens at this point?

- b. Who is involved and how?
  - c. What kinds of policies or protocols govern this step?
  - d. What kinds of forms or reports are involved?
  - e. Where do those forms and reports go; who gets copies, and how?
  - f. What kind of inquiry into the type and severity of violence occurs?
  - g. What kind of messages regarding help for victims and offender accountability get relayed?
6. Encourage questions. Mapping benefits from the team members' participation, experiences, and perceptions.
7. Identify key themes and questions that need to be answered.
  - a. Prioritize questions and identify who to contact for more information.
  - b. Assign each team member one or more questions to address and report back on at the next team meeting.
8. Bring the map to each team meeting. Use it as a point of reference when discussing case files and make additions or changes as new information becomes available.

## Step by Step: Analyzing Case Records

Prior to reading the first file, each team member will have received a set of case files, worksheets, instructions, and any applicable policies and protocols related to the point of intervention being studied. As discussed previously in this guide (Step 1: Organize and Prepare), assembling this material is one of the assessment coordinator's primary tasks.

Decide early which of the following approaches to the case record analysis the team will use, as each option impacts how the case records will be assembled:

### Option 1

Each member of the team reviews all reports or files and completes all sections of the worksheet for each case. The advantage of this approach is that all members of the team are seeing all cases and paying attention to the full range of recommended practices included on the worksheets. Everyone has a common base of information to bring to the discussions.

### Option 2

Each member of the team completes a preliminary review of every case record but completes only specific assigned sections of the worksheet in detail. Each member becomes a kind of expert in paying attention to those aspects of practice. During the group discussion of each case they pool their analyses to develop a complete assessment of the response. This approach can be particularly useful with case records that involve lengthy documents, such as investigation reports, or multiple reports, such as prosecution files. Everyone has a basic overview of the case but does not have to cover the same level of detail with all aspects of practice. Each team member can focus attention on the assigned areas, rather than all of the elements.

### Option 3

All team members complete a full review of two case records and discuss them together to become familiar with the process and develop a common base for the analysis. Then the team splits up into two or three

smaller work groups, with a different set of cases assigned to each group. This approach can be a way to include more cases in the review while still providing a level of common grounding for the process and ensuring that at least two members of the larger team are familiar with any one case. Because all members have not completed at least a preliminary review of all case records, however, and therefore do not have a rudimentary understanding of each case, discussions can be more cumbersome and incomplete.

1. Review the instructions and become familiar with the worksheet(s) that will be used to guide the analysis. Worksheets and instructions specific to the following areas of practice are included in the Appendix: Bail Evaluation and Conditions of Release Workbook
2. Read the first report or file without stopping to take many notes on the worksheet or jumping into the analysis.
  - a. Read as if you were reading a story of the events.
  - b. Let the words do the talking.
  - c. Highlight what catches your eye in relation to the overall response and ways in which victim safety and offender accountability are enhanced or diminished.
3. Work through the case record a second time, now paying close attention to whether and how it reflects the practices listed on the worksheet (use one worksheet per case).
  - a. If sections of the worksheet have been divided among the team (see Option 2), pay primary attention to the sections assigned.
  - b. Check off all practices that are evident in the call, report, or file.
  - c. Note what is missing.
  - d. Use the notes column to record additional observations, questions, or examples related to the case and the practitioner's response.

- e. Complete the case review summary at the end of the worksheet.
4. Repeat steps 3 and 4 for each case record assigned.
  5. Review and discuss each case with the full team.
    - a. Use a copy of the worksheet to record the results of these discussions and summarize the case analysis findings.
    - b. Have this summary available when the team meets to sum up and report findings and identify needed changes.

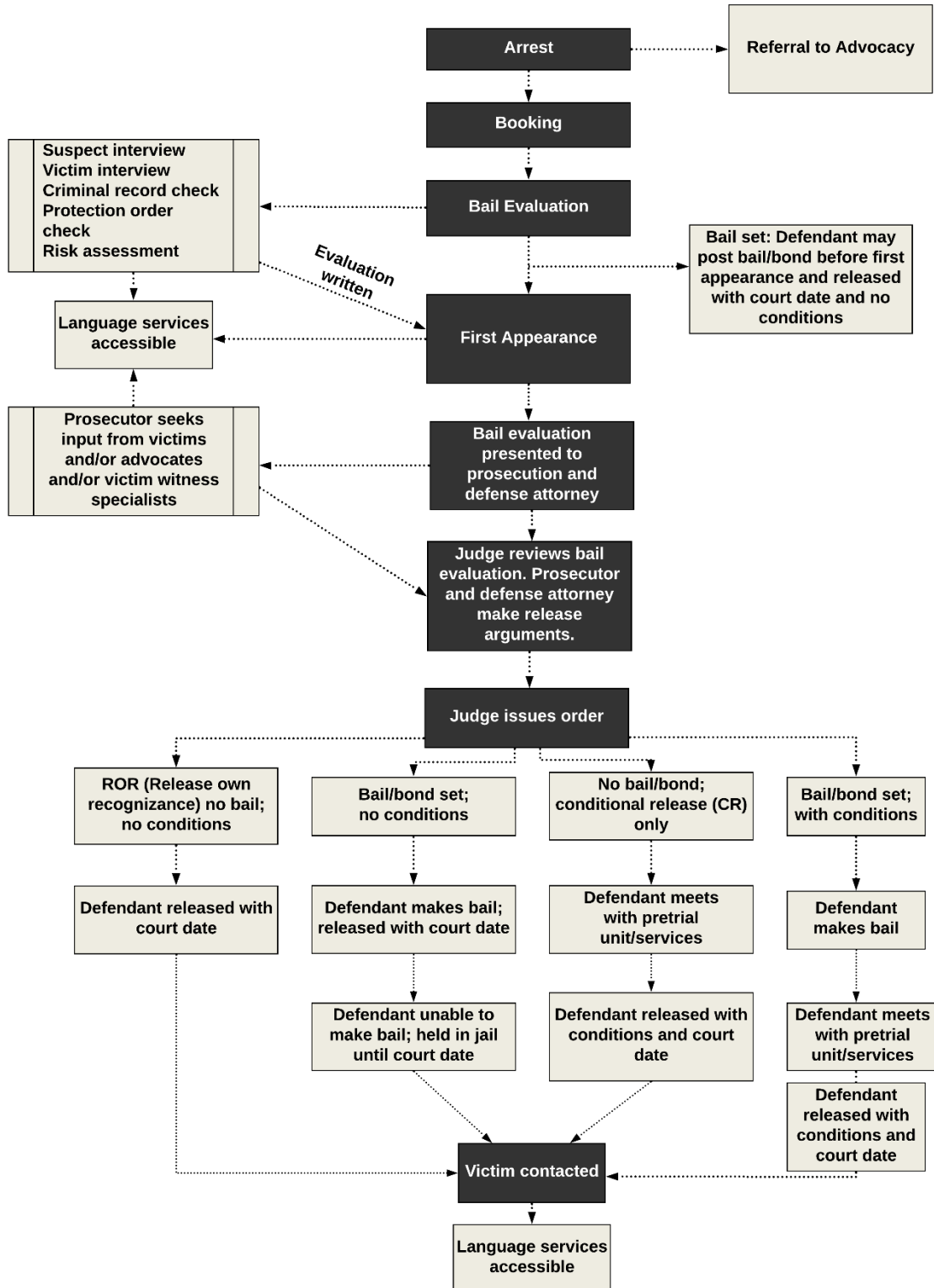


## Step by Step: Analyzing Policies

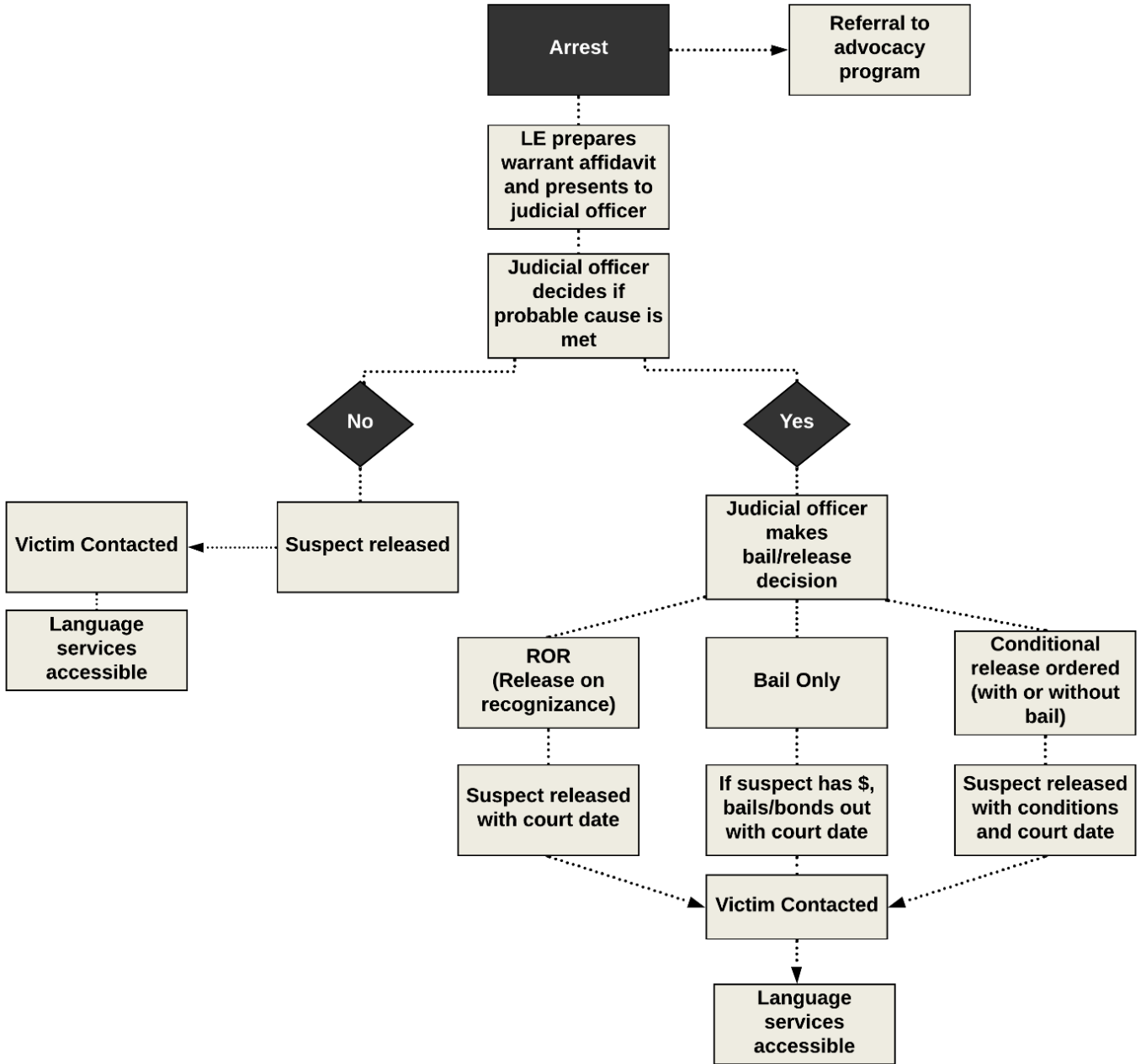
The first question to ask is whether there is written policy governing bail evaluation and conditions of release. If the answer is no, then one of the assessment team's recommendations will be for the agency and/or coordinated community response to develop policies and related protocols based on best practice standards. If the answer is yes, the team will include an analysis of the policy or policies in the assessment.

1. Collect all relevant policies for the point(s) of intervention included in the assessment and provide a copy to each team member.
2. Utilize the policy analysis checklist included in the workbook (See Appendix).
3. Divide the assessment team into three. Assign one of the following sections of the policy checklist to each member or small group:
  - a. Principles
  - b. Procedures
  - c. Monitoring
4. Each member reads the policy and completes the assigned section of the checklist. If the team has been divided into work groups of two or more members, each small group reviews the assigned section together.
5. Convene as a full team to review all sections of the checklist and discuss the policy.
6. Compile a preliminary list of recommended policy changes. The team will revisit and revise this list in concluding the assessment (see Step 3: Report Findings and Recommend Changes).

## Step 2 - Attachment 1: Case Processing Map - Bail Evaluation and Conditions of Release *(in jurisdiction with specialized practitioners who fulfill this function)*



**Step 2 - Attachment 2: Case Processing Map - Bail Evaluation and Conditions of Release** *(in jurisdiction without specialized practitioners who fulfill this function)*





### Step 3: Report Findings and Recommend Changes

The assessment team draws on its map, case analysis worksheets, and policy checklist to prepare a summary and report of what it has learned and to make recommendations for change. This is not a formal or complicated report, but an account of key findings, using the corresponding template for the area of practice under review (see Appendix). The summary provides the reference point for identifying needed changes in practice, as well as highlighting where the existing response is consistent with best practice recommendations. At the conclusion of the Best Practice Assessment, agency administrators—those charged with making and implementing changes in an agency’s work practices—have available in one place a concrete, documented account of what is in place and what needs to change.

1. Prior to the meeting, team members review all of their worksheets and notes. This includes a thorough review of the findings template and its instructions. Coming to the discussion well-prepared will help the process move as smoothly and quickly as possible. Team members should have available:
  - a. Case processing map (posted in the meeting room)
  - b. All case record analysis worksheets
  - c. Policy analysis checklists
  - d. Findings template
2. Divide the findings template into sections and the team into pairs or small groups.
  - a. Assign several sections of the template to each group.
  - b. Each group designates a note taker to record their discussions on the template.

3. Each group completes the list of findings for its assigned sections (Part 1 - Column A on the template).
4. Reconvene as the full assessment team and, review the findings, section by section.
  - a. Each work group reports its conclusions for its assigned sections.
  - b. Other team members ask clarifying questions and suggest additions to the findings for that section.
  - c. Affirm that team members are in agreement on the conclusions in each section.
  - d. Identify any areas of practice where the team is not in agreement or where additional investigation is necessary in order to reach any conclusions.
  - e. **NOTE: Because a practice is not evident in the case record does not necessarily mean that it does not happen.** It may happen but not be documented. Refer to the case processing map and policy analysis to see whether there is an expectation or requirement for the practice. Team members may have additional information from their own experiences that address the practice in question. The team may want to recommend an expanded assessment that would include additional interviews and observations with practitioners.

It is the coordinator's responsibility at this stage to keep an account of the team's findings and recommendations for change that can be shared with agency administrators or others in the coordinated community response, as applicable. Use a blank findings template to chronicle the discussion for later distribution, according to whatever agreements govern the assessment.

5. Return to the pairs or work groups and complete any recommendations for change (Part 1 - Column B on the template).
6. Divide the team into three and assign one section of Part 2 - Policy Changes to each person or small group.
7. Reconvene as the full team and review the recommended policy changes.
8. If the assessment team is authorized to prioritize its recommendations and further develop a plan for change, complete Part 3 of the findings template.
9. Use the findings template to provide specific feedback to the appropriate agency on its response to domestic violence cases, including examples of best practices that are in place, as well as recommended changes.
10. Convene a meeting of the assessment planners, team, and agency administrators to report on and discuss the assessment's findings and recommendations.

## Constructing a Plan for Change

The Best Practice Assessment has been developed to be particularly useful to communities that find it challenging to allocate the time and personnel required to conduct a more extensive examination of the investigation and prosecution response to domestic violence. In that vein, the findings template has been designed to also serve as the plan, with the addition of a timeline and assignments to specific staff or work groups to take the next steps in implementing the recommended changes.



Appendix



BEST PRACTICE ASSESSMENT WORKBOOK

Bail Evaluation  
and Conditions of Release



## Instructions for Completing the Case Review Worksheet

1. Complete one worksheet per case file. (Assessment team members should receive a blank copy for each case file.)
2. Read the case file first without stopping to take many notes on the worksheet or jumping into the analysis.
  - a. Read as if you were reading a story of the events.
  - b. Let the words in the report do the talking.
  - c. Highlight what catches your eye in relation to the overall response and ways in which victim safety and offender accountability are enhanced or diminished.
3. Read the case file a second time and then turn to the worksheet.
  - a. If sections of the worksheet have been divided among the assessment team members, pay primary attention to the sections assigned.
  - b. Check off all practices that are evident in the case file and note specific examples.
  - c. Note what is missing.
  - d. Use the notes column to record additional observations, questions, or examples related to the case file specifically and to bail evaluation and pretrial recommendations generally.
  - e. Complete the summary at the end of the worksheet.
  - f. Read the report as many times as needed to thoroughly address the practices included on the worksheet.
4. Repeat all steps for each case file assigned.



## Case Review Worksheet: Bail Evaluation and Conditions of Release

Case #: \_\_\_\_\_

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>   | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|--|---|
| <p>Instructions: Check practices evident in bail evaluation and conditions of release; note specific examples.</p>   |   |
| <p><b><i>1. Utilize the widest possible range of sources of information to determine bail and conditions of release that will best meet the safety needs of the victim and others.</i></b></p> |   |
| <p><input type="checkbox"/> Law enforcement reports or warrant affidavits of the current offense</p>   |   |
| <p><input type="checkbox"/> 911 recordings and CAD reports</p>   |   |
| <p><input type="checkbox"/> Past law enforcement reports involving this defendant</p>  |   |
| <p><input type="checkbox"/> Previous bail evaluations, pretrial release records, or presentence investigations written on this offender</p>  |   |
| <p><input type="checkbox"/> Arrests and convictions, including all available databases</p>   |   |
| <p><input type="checkbox"/> Input from victim or victim’s advocate</p>   |   |
| <p><input type="checkbox"/> Probation status and compliance, if applicable</p>   |   |

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>  | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|---|---|
|   |   |
| <p><b><i>2. Identify and document the risk factors related to the current offense and past actions in determining the threat the defendant presents to the victim and other persons and the related safety needs.</i></b></p> |   |
| <p><input type="checkbox"/> Information obtained from domestic violence-specific risk assessment questions</p>  |   |
| <p><input type="checkbox"/> Severity of the assault, how frequent and how recent</p>  |   |
| <p><input type="checkbox"/> Serious injury in this or prior assaults</p>  |   |
| <p><input type="checkbox"/> History and nature of past violence toward this victim and others</p>   |   |
| <p><input type="checkbox"/> Whether the parties are recently separated</p>  |   |
| <p><input type="checkbox"/> Specific attention to strangulation and stalking</p>  |   |
| <p><input type="checkbox"/> Threats to harm the victim or the children</p>  |   |

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>   | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|--|---|
|  |   |
| <p><input type="checkbox"/> Threats of homicide or suicide</p>   |   |
| <p><input type="checkbox"/> Intimidation of the victim if they seek help</p>                           |   |
| <p><input type="checkbox"/> Indicators of extreme jealousy, controlling behavior</p>                   |   |
| <p><input type="checkbox"/> Sexual aggression and coercion</p>   |   |
| <p><input type="checkbox"/> Violence towards pets</p>  |   |
| <p><input type="checkbox"/> Criminal history and current probation status or other pending charges</p> |   |
| <p><input type="checkbox"/> Access to firearms and their use or threatened use</p>                     |   |

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>   | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|--|---|
| <p><input type="checkbox"/> Current and past protection or harassment orders, obtained by this or other victims</p>  |   |
| <p><input type="checkbox"/> Excessive alcohol or drug use and its impact on defendant’s actions</p>  |   |
| <p><input type="checkbox"/> Mental health concerns and impact on defendant’s actions</p>   |   |
| <p><b><i>3. Seek and document input from the victim and/or the victim’s advocate regarding contact with the offender and other conditions of release.</i></b></p>  |   |
| <p><input type="checkbox"/> Communicate in a person’s first language (including American Sign Language) and arrange for interpreter services and/or translation of materials.</p>                              |   |
| <p><input type="checkbox"/> Inform the victim of limits of confidentiality.</p> <ul style="list-style-type: none"> <li>○ Protect information obtained from victim to the extent possible under law.</li> </ul> |   |
| <p><input type="checkbox"/> Do not elicit safety or risk information from victims in court or other public settings.</p>   |   |
| <p><input type="checkbox"/> Account for information from the victim regarding defendant’s use of</p>   |   |



| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>   | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|--|---|
| <p>alcohol/drugs, mental health concerns, etc. when making recommendations for conditions of release.</p>  |   |
| <p><b><i>4. Consider each no-contact recommendation individually and avoid requesting a no-contact order automatically in every case.</i></b></p>  |   |
| <p><input type="checkbox"/> Explore what is influencing the victim’s wishes related to contact with the defendant. Try to determine if the victim has been pressured to not participate in court processes.</p>  |   |
| <p><input type="checkbox"/> Related to contact recommendations, account for and document the following:</p> <ul style="list-style-type: none"> <li>○ Victim’s wishes</li> <li>○ Possible hardships (including economic, child care, cultural or family, immigration, etc.)</li> <li>○ Level of risk and danger</li> <li>○ Rationale for recommending no-contact/contact against victim wishes</li> </ul> |   |
| <p><input type="checkbox"/> Allow for customized limitations to contact, including:</p> <ul style="list-style-type: none"> <li>○ Contact by e-mail, phone, or only in public places.</li> </ul>  |   |

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>  | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|---|---|
| <ul style="list-style-type: none"> <li>○ Time limitations on the no-contact order, e.g., until enrolled in and attending domestic abuse counseling.</li> <li>○ Allow contact but exclude the offender from the victim’s residence or other locations.</li> </ul>  |   |
| <p><b><i>5. Make recommendations to the court for bail and conditions of release that reflect the context and severity of the offense, the danger that the defendant poses, and the safety needs of the victim and the public.</i></b></p>  |   |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Craft clear, specifically-worded recommendations of bail conditions to enhance enforceability.</li> </ul>   |   |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend conditions of release that will likely result in placing controls on the defendant’s behavior and enhance victim’s safety during the pre-trial period, including:                             <ul style="list-style-type: none"> <li>○ Prohibit assaultive, harassing, threatening, or stalking behavior.</li> <li>○ Impose active pretrial supervision.</li> <li>○ No contact with children or pets, if the domestic violence incident involved harm to children or pets.</li> </ul> </li> </ul> |   |

| <p><b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b></p>  | <p><b>Notes</b><br/>                     NA = Not applicable in this case<br/>                     NP = Not possible in this case (explain)</p> |
|---|---|
| <ul style="list-style-type: none"> <li>○ No consumption of alcohol or other intoxicants.</li> <li>○ No possession of firearms.</li> <li>○ Submit to the wearing of a device, such as a GPS monitor or alarm, that will alert authorities or the victim as to their whereabouts.</li> <li>○ Refrain from the use of particular technology or social media.</li> <li>○ Keep the court apprised of any change of address or phone number.</li> <li>○ Do not leave the jurisdiction of the court without prior approval.</li> </ul> |   |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Assess whether the defendant reasonably appears to be the victim of ongoing domestic violence and, as appropriate, utilize discretion to recommend more limited conditions that will meet the goal of victim and public safety and prevent the defendant from becoming more vulnerable to abuse.</li> </ul>   |   |
| <p><b>Bail Evaluation and Conditions of Release - List gaps in best practice</b></p>  |   |

| <b>Best Practices in Bail Evaluation and Conditions of Release in Domestic Violence Cases</b> | <b>Notes</b><br>NA = Not applicable in this case<br>NP = Not possible in this case (explain) |
|---|--|
|   |  |

Add pages if needed

## **Instructions for Completing the Policy Analysis Worksheet**

1. Read the policy and highlight all of the items related to the section of the checklist that has been assigned:
  - a. Principles
  - b. Procedures
  - c. Linkages and monitoring
2. Check off all elements that are found in the existing policy and note how the policy ensures that response. Cite specific policy sections and language that support the response.
3. Use the checklist to identify policy gaps when preparing section two of the findings template.



## Policy Analysis Worksheet - Bail Evaluation and Conditions of Release

Policy title:

### A. Principles

| <i>Does the policy ensure a response that:</i>   | <i>How does this happen?</i> |
|--|------------------------------|
| <input type="checkbox"/> Adheres to an interagency approach and collective intervention goals?   |                              |
| <input type="checkbox"/> Builds attention to the context and severity of abuse?  |                              |
| <input type="checkbox"/> Recognizes that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders? |                              |
| <input type="checkbox"/> Seeks sure and swift consequences for continued abuse?  |                              |
| <input type="checkbox"/> Messages of help and accountability?  |                              |
| <input type="checkbox"/> Reduces unintended consequences and the disparity of impact on victims and offenders?                                   |                              |

| B. Procedures   |                              |
|---|------------------------------|
| <i>Does the policy ensure a response that:</i>  | <i>How does this happen?</i> |
| <input type="checkbox"/> References applicable laws, definitions, and authority?  |                              |
| <input type="checkbox"/> Provides criteria and procedures for sorting cases into appropriate levels of response according to context and severity of abuse (i.e., different levels of response for different levels of dangerousness and risk)? |                              |
| <input type="checkbox"/> Guides practitioners in documenting actions and information about the case in ways that decrease reliance on memory and improve the thoroughness of case information?  |                              |
| <input type="checkbox"/> Accounts for how victims use violence in response to battering by an abuser?   |                              |
| <input type="checkbox"/> Recognizes and guards against increasing victim vulnerability to consequences and retaliation if they participate in confronting and holding offenders accountable?  |                              |



| B. Procedures  |                              |
|--|------------------------------|
| <i>Does the policy ensure a response that:</i>   | <i>How does this happen?</i> |
| <input type="checkbox"/> Recognizes an offender’s likelihood of battering in future relationships?   |                              |
| <input type="checkbox"/> Provides mechanisms for documenting the pattern and history of abuse when and wherever possible?                          |                              |
| <input type="checkbox"/> Reinforces a swift, timely response focused on victim safety?   |                              |
| <input type="checkbox"/> Recognizes the ways in which abusers use children to control adult victims of abuse?                                      |                              |
| <input type="checkbox"/> Understands that protection of the adult victim parent is critical to the welfare of children?                            |                              |
| <input type="checkbox"/> Provides effective mechanisms to ensure victim notification, access to advocacy and victim services, and safety planning? |                              |

| C. Monitoring   |                              |
|---|------------------------------|
| <i>Does the policy ensure a response that:</i>  | <i>How does this happen?</i> |
| <input type="checkbox"/> Links practitioners to those who intervene at the next points of intervention?                                   |                              |
| <input type="checkbox"/> Specifies how and within what time frame case information is shared, and with whom?                              |                              |
| <input type="checkbox"/> Includes mechanisms for tracking practitioner compliance with policy and for recording exceptions to the policy? |                              |
| <input type="checkbox"/> Includes steps to ensure compliance and address non-compliance?  |                              |
| <input type="checkbox"/> Provides continuing education and training for practitioners on an on-going basis?                               |                              |
| <input type="checkbox"/> Establishes a process of record sharing and external monitoring?   |                              |

## Instructions for Completing the Findings Template

1. Review all of case analysis worksheets and notes and the policy analysis checklist.
2. Split Part 1 of the findings template into sections and divide the sections among the assessment team.
  - a. Assign several sections of Part 1 to each person or small group.
  - b. Each person or group records their discussions on a copy of the template.
3. Each person or small group completes the list of findings for the assigned sections (Part 1 - Column A on the template).
4. Reconvene as the full assessment team and review the findings, section by section.
  - a. Each person or group reports its conclusions for its assigned sections.
  - b. Other team members ask clarifying questions and suggest additions to the findings for that section.
  - c. Affirm that team members are in agreement on the conclusions in each section.
  - d. Identify any areas of practice where the team is not in agreement or where additional investigation is necessary in order to reach any conclusions.

**NOTE: Because a practice is not evident in the case record does not necessarily mean that it does not happen.** It may happen but not be documented. Refer to the case processing map and policy analysis to see whether there is an expectation or requirement for the practice. Team members may have additional information from their own experiences that address the practice in question. The team may want to recommend an expanded assessment that would include additional interviews and observations with practitioners.

5. Return to the pairs or work groups and complete any recommendations for change (Part 1 - Column B on the template).

6. Divide the team into three and assign one section of Part 2 - Policy Changes to each person or group.
7. Reconvene as the full team and review the recommended policy changes.
8. If the assessment team is authorized to prioritize its recommendations and further develop a plan for change, complete Part 3 of the findings template.
9. Convene a meeting of the assessment planners, team, and agency administrators to report on and discuss the assessment's findings and recommendations.

## The Domestic Violence Best Practice Assessment of Bail Evaluation and Conditions of Release: Findings and Recommendations Template

Part 1:

Date assessment completed: \_\_\_\_\_

| Best Practices in Bail Evaluation and Conditions of Release  | Findings: | Recommendations: |
|--|-----------|------------------|
| <p>Instructions: Check practices evident in bail evaluation and conditions of release; note specific examples.</p>   |           |                  |
| <p><b><i>1. Utilize the widest possible range of sources of information to determine bail and conditions of release that will best meet the safety needs of the victim and others.</i></b></p> |           |                  |
| <p><input type="checkbox"/> Law enforcement reports or warrant affidavits of the current offense</p>   |           |                  |
| <p><input type="checkbox"/> 911 recordings and CAD reports</p>   |           |                  |
| <p><input type="checkbox"/> Past law enforcement reports involving this defendant</p>  |           |                  |
| <p><input type="checkbox"/> Previous bail evaluations, pretrial release records, or presentence investigations written on this offender</p>  |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release   | Findings: | Recommendations: |
|---|-----------|------------------|
| <input type="checkbox"/> Arrests and convictions, including all available databases   |           |                  |
| <input type="checkbox"/> Input from victim or victim’s advocate   |           |                  |
| <input type="checkbox"/> Probation status and compliance, if applicable   |           |                  |
| <p><b><i>2. Identify and document the risk factors related to the current offense and past actions in determining the threat the defendant presents to the victim and other persons and the related safety needs.</i></b></p> |           |                  |
| <input type="checkbox"/> Information obtained from domestic violence-specific risk assessment questions   |           |                  |
| <input type="checkbox"/> Severity of the assault, how frequent, and how recent  |           |                  |
| <input type="checkbox"/> Serious injury in this or prior assaults   |           |                  |
| <input type="checkbox"/> History and nature of past violence toward this victim and others  |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release                   | Findings: | Recommendations: |
|---|-----------|------------------|
| <input type="checkbox"/> Whether the parties are recently separated           |           |                  |
| <input type="checkbox"/> Specific attention to strangulation and stalking     |           |                  |
| <input type="checkbox"/> Threats to harm the victim or the children           |           |                  |
| <input type="checkbox"/> Threats of homicide or suicide                       |           |                  |
| <input type="checkbox"/> Intimidation of the victim if they seek help         |           |                  |
| <input type="checkbox"/> Indicators of extreme jealousy, controlling behavior |           |                  |
| <input type="checkbox"/> Sexual aggression and coercion                       |           |                  |
| <input type="checkbox"/> Violence towards pets                                |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release  | Findings: | Recommendations: |
|--|-----------|------------------|
| <input type="checkbox"/> Criminal history and current probation status or other pending charges  |           |                  |
| <input type="checkbox"/> Access to firearms and their use or threatened use  |           |                  |
| <input type="checkbox"/> Current and past protection or harassment orders, obtained by this or other victims   |           |                  |
| <input type="checkbox"/> Excessive alcohol or drug use and its impact on defendant’s actions   |           |                  |
| <input type="checkbox"/> Mental health concerns and impact on defendant’s actions  |           |                  |
| <p><b><i>3. Seek and document input from the victim and/or the victim’s advocate regarding contact with the offender and other conditions of release.</i></b></p>          |           |                  |
| <input type="checkbox"/> Communicate in a person’s first language (including American Sign Language) and arrange for interpreter services and/or translation of materials. |           |                  |



| Best Practices in Bail Evaluation and Conditions of Release  | Findings: | Recommendations: |
|--|-----------|------------------|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Inform the victim of limits of confidentiality.                             <ul style="list-style-type: none"> <li>○ Protect information obtained from victim to the extent possible under law.</li> </ul> </li> </ul> |           |                  |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Do not elicit safety or risk information from victims in court or other public settings.</li> </ul>  |           |                  |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Account for information from the victim regarding defendant’s use of alcohol/drugs, mental health concerns, etc. when making recommendations for conditions of release.</li> </ul>                                     |           |                  |
| <p><b>4. Consider each no-contact recommendation individually and avoid requesting a no-contact order automatically in every case.</b></p>   |           |                  |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Explore what is influencing the victim’s wishes related to contact with the defendant. Try to</li> </ul>   |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release  | Findings: | Recommendations: |
|--|-----------|------------------|
| <p>determine if the victim has been pressured to not participate in court processes.</p>   |           |                  |
| <p><input type="checkbox"/> Related to contact recommendations, account for and document the following:</p> <ul style="list-style-type: none"> <li>○ Victim’s wishes</li> <li>○ Possible hardships (including economic, child care, cultural, family, immigration, etc.)</li> <li>○ Level of risk and danger</li> <li>○ Rationale for recommending no-contact/contact against victim wishes</li> </ul> |           |                  |
| <p><input type="checkbox"/> Allow for customized limitations to contact, including:</p>  |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release   | Findings: | Recommendations: |
|---|-----------|------------------|
| <ul style="list-style-type: none"> <li>○ Contact by e-mail, phone, or only in public places.</li> <li>○ Time limitations on the no-contact order, e.g., until enrolled in and attending domestic abuse counseling.</li> <li>○ Allow contact but exclude the offender from the victim’s residence or other locations.</li> </ul> |           |                  |
| <p><b><i>5. Make recommendations to the court for bail and conditions of release that reflect the context and severity of the offense, the danger that the defendant poses, and the safety needs of the victim and the public.</i></b></p>  |           |                  |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Craft clear, specifically-worded recommendations of bail conditions to enhance enforceability.</li> </ul>   |           |                  |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Recommend conditions of release that will likely result in placing controls on the defendant’s behavior and enhance victim</li> </ul>   |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release   | Findings: | Recommendations: |
|---|-----------|------------------|
| <p>safety during the pre-trial period, including:</p> <ul style="list-style-type: none"> <li>○ Prohibit assaultive, harassing, threatening, or stalking behavior.</li> <li>○ Impose active pretrial supervision.</li> <li>○ No contact with children or pets, if the domestic violence incident involved harm to children or pets.</li> <li>○ No consumption of alcohol or other intoxicants.</li> <li>○ No possession of firearms.</li> <li>○ Submit to the wearing of a device, such as a GPS monitor or alarm, that will alert authorities or the victim as to their whereabouts.</li> <li>○ Refrain from the use of particular</li> </ul> |           |                  |

| Best Practices in Bail Evaluation and Conditions of Release  | Findings: | Recommendations: |
|--|-----------|------------------|
| <p>technology or social media.</p> <ul style="list-style-type: none"> <li>○ Keep the court apprised of any change of address or phone number.</li> <li>○ Do not leave the jurisdiction of the court without prior approval.</li> </ul>   |           |                  |
| <ul style="list-style-type: none"> <li>☐ Assess whether the defendant reasonably appears to be the victim of ongoing domestic violence and, as appropriate, utilize discretion to recommend more limited conditions that will meet the goal of victim and public safety and prevent the defendant from becoming more vulnerable to abuse.</li> </ul> |           |                  |









### Part 3: Next Steps, Assignments, and Target Dates

| Priority: | Next Steps in Meeting the Priority: | Assigned to: | Target Date: |
|-----------|-------------------------------------|--------------|--------------|
| 1.        |                                     |              |              |
| 2.        |                                     |              |              |
| 3.        |                                     |              |              |
| 4.        |                                     |              |              |
| 5.        |                                     |              |              |
| 6.        |                                     |              |              |
| 7.        |                                     |              |              |
| 8.        |                                     |              |              |
| 9.        |                                     |              |              |
| 10.       |                                     |              |              |
| 11.       |                                     |              |              |
| 12.       |                                     |              |              |
| 13.       |                                     |              |              |
| 14.       |                                     |              |              |
| 15.       |                                     |              |              |