

## Blueprint for Safety Equity Assessments

### Shelby County, Tennessee

#### **The question**

What is the experience of African American women in Shelby County living in poverty who are victims of domestic violence, particularly those who are arrested for domestic violence-related crimes?

#### **Why this question?**

Shelby County has a majority – approximately 54 percent – African American population. African American people comprise 63.9 percent of the population in the city of Memphis. This is in contrast to suburban Shelby County, where, for example, the city of Germantown has an 89.5 percent white population with only 2.1 percent African American population. Other suburbs have racial demographics that range somewhere in between those parameters.

Tennessee has consistently ranked in the top 10 states with high poverty rates. While the national poverty rate is around 13.4 percent, 18.2 percent of Tennesseans live in poverty, including up to 20 percent of Shelby County residents – primarily in Memphis. In contrast to Memphis, Germantown has a poverty rate of 3.2 percent among its 39,213 residents with a median household income of \$107,376. This intersection of race and poverty, concentrated primarily in the city of Memphis, has significant implications for African American women experiencing domestic violence.

The Family Safety Center (FSC) in Shelby County is established as the hub for domestic violence victim assistance. More than 70 percent of the domestic violence victims seeking services at the Family Safety Center of Shelby County are African American women, a majority of whom live in poverty. Lack of transportation, the need to take time away from work, and other issues can impede a victim's ability to access the center. Significantly, a victim defendant who wishes to apply for a protective order may be unable to do so because FSC policy excludes people who have been accused of being a domestic violence aggressor. Few services exist in the community to help women charged with domestic violence crimes, again, predominantly African American women in the city of Memphis.

Early practice assessment activities in Memphis suggested inadequate assessment of self-defense and predominant aggressor could contribute to inequity in arrests of battered women; that battered women drawn into criminal activity because of manipulation or coercion by the batterer did not receive protection; and that women defendants received higher bond settings than men. Therapists who complete domestic violence assessments of assailants reported that many of the referrals they receive for women suspects are, in fact, victims of violence.

**Who was involved in answering this question?**

The Blueprint Coordinator and Advocate sought information from victim defendants, Family Safety Center staff, law enforcement, pretrial services, victim services, and therapists.

**Data Gathered**

Tool	Detail
Literature Review	Shelby County did not conduct a separate literature review but had access to the New Orleans work. Future plans included consultation with national experts.
Data-Gathering: Numbers	This preliminary work did not include numerical analysis of arrest/prosecution by race and gender, though it was anticipated in future work.
Mapping Case Process	The Blueprint Coordinator, in conjunction with key FSC staff, advocates, and Praxis, created a detailed systems' map of the criminal legal system in Shelby County, with particular attention to any point where a victim might be required to appear or produce something in order to access help. They also produced a 6-page list of issues of concern or points of intervention that could place particular burdens on victims based on race and/or poverty.
Learn from Victims	Focus groups with survivors
Learn from Experts	Focus groups and interviews with advocates and FSC staff
Case Review	Text analysis of police reports and bond packets involving African American women defendants.

Tool	Detail
Interviews & Observations	Interviews and observations with domestic violence detectives, pretrial services staff, advocates, therapists, court observations, and patrol ride-alongs.

## Analysis/Discovery

Shelby County realized in its early Blueprint work the need to conduct practice assessment to uncover how disparities are produced. Some of this work is summarized below:

1. Numerous focus groups of victims and of advocates surfaced consistent themes:
  - Inaction by police, including:
    - “If you file charges on him, he can do the same to you”
    - Officers’ tendency to believe the male suspect rather than the victim, especially if he is calm while she is angry
    - Failure of police to inquire about history of violence
  - Arrests of victims for actions taken in self-defense, including:
    - Threats of arrest by police: “next time someone is going to jail”
    - Police decide who is victim by determining who called first, rather than who committed acts of violence
    - Inadequate analysis of strangulation cases, i.e., victim does not show external injuries, but scratches suspect during the assault, so she is arrested
  - Fear of calling police due to fears of being arrested, social services involvement, or pushback from their communities about police involvement
  - Financial burden associated with involvement in the criminal legal system, including:
    - Medical bills resulting from ambulance or other medical fees
    - No transportation to get a protection order or go to court
    - Court delays and no funds for parking
    - No child care and no funds to pay for it
    - Paying for a police report to take to protection order court
    - Need to take time off work, or employers who will not permit time off for court

- Lack of support or help for victims:
  - Limited shelter space
  - No transportation to get to the shelter (in one case the officer said he didn't have time to take her, and she had to wait for a ride in a grocery store parking lot at 1:30 a.m.)
  - Victims not referred to advocacy and received little communication about court cases
  
- 2. In court observations, the team saw a significant number of African American women defendants appearing in domestic violence court. Also noted:
  - Public defenders are sparingly appointed.
  - Limited advocacy presence
  - Advocates in the courtroom are unclear about their roles
  - Women appear to be willing to plead guilty more readily than men (also noted in focus groups).
  
- 3. A review of bond packets indicated that of those files reviewed, women tended to have higher bond amounts set than men charged with similar offenses.
  
- 4. Staff from local therapy and batterer intervention programs reported that frequently they are asked to do Domestic Violence Assessments on defendants they believe are actually victims.
  
- 5. Interviews and observations with police investigators and patrol ride-alongs uncovered gaps that relate to the themes expressed in focus groups, including:
  - Inadequate guidance on how to assess for self-defense and predominant aggressor
  - Closing cases without charges when victims are unwilling or unable to go to the FSC to meet with detectives
  - Patrol officers see their role as stabilizing the scene and making an arrest decision if possible, rather than to conduct a full on-scene investigation.
  - Investigators see their role as establishing probable cause and requesting a warrant, rather than presenting a complete case to prosecutors; thus no one has full responsibility for investigation.

These and other issues and themes that surfaced during Blueprint practice assessment led Blueprint workers to a decision to explore further the impact on African American women arrested.

## **Next Steps & Reflections**

### **What steps did Shelby County take in response to what was learned?**

Shelby County developed a plan to further investigate and assess whether and to what extent the identified issues had an inequitable impact on African American women, and if so, how these inequities might come about. The plan included onsite technical assistance with Praxis and a national expert on African American women and domestic violence to conduct additional focus groups and individual interviews of women arrested using broad recruitment strategies; interagency review of police reports, bond packets and prosecution files of women arrested; and additional interviews of practitioners from law enforcement, pretrial services, and prosecution. However, Shelby County made a decision to withdraw from their Blueprint project before this could be accomplished.

### **What successes were realized?**

The early work of Blueprint staff and allies uncovered important information about disparity of impact in Memphis that they were able to bring to practitioners. Although the site was unable to complete the project, practitioners began to have conversations with one another that they did not have before. The questions of who is getting arrested, how they access help, what is the impact on people's lives, and the prospect of continued violence were on the table in a new way.

### **What limitations or challenges were encountered?**

Staff turnover, including several changes in Blueprint coordination and advocacy, and the impact of local elections had a significant impact on implementation of the project.