

**Report from the San Mateo  
Domestic Violence Safety and Accountability Assessment:  
How Does Documentation of the Initial Police Response to a  
Domestic Violence Call Aid Subsequent Interveners in  
Domestic Violence Cases?**

September 2014

by  
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### **Chiefs of Participating San Mateo County Police Departments**

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Chief Susan Manheimer, San Mateo Police Department  
Chief Manuel Martinez, Daly City Police Department

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**Lucia Pena**, Program Officer, Blue Shield  
**Jack Ratcliffe**, Captain, San Mateo Police Department  
**Warren Slocum**, County Supervisor and Chair of the Domestic Violence Council  
**John Spicer**, Captain, Redwood City Police Department  
**Steve Wagstaffe**, District Attorney, San Mateo County

### **Key Supporters in San Mateo County**

In addition to the team members, key decision-makers and others in San Mateo County contributed to and supported the project via their time, commentary, access to records, personnel, and facilities.

Batterer's Intervention Program, San Mateo County Probation Department  
Community Overcoming Relationship Abuse (CORA) Client Services Department  
Daly City Police Department  
Daly City Police Department Dispatch and Communications  
Keller Center for Family Violence Intervention  
Redwood City Police Department  
Redwood City Police Department Dispatch and Communications  
San Mateo County Children and Family Services  
San Mateo County Communication Managers Association  
San Mateo County District Attorney's Office  
San Mateo County Domestic Violence Council  
San Mateo County Human Services Agency  
San Mateo County Probation Department  
San Mateo County Sheriff's Office  
San Mateo County Sheriff's Office - Domestic Violence Firearms Compliance Unit  
San Mateo County Sheriff's Office – Maguire Correctional Facility  
San Mateo Police Department  
San Mateo Police Department Dispatch and Communications  
Superior Court of San Mateo County

And finally - but most importantly – the survivors of domestic violence who participated in focus groups provided invaluable information and insights.

## **National Partner**

A national partner – Praxis International - provided training in the Praxis Safety & Accountability Audit methodology and a consultant to work alongside the local team via site visits, conference calls, and the exchange of commentary and review of the project's findings and report.

**Cyndi Cook**, Executive Director, Praxis International

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## Contents

Executive Summary	page 7
San Mateo County’s Path to Domestic Violence Safety and Accountability Assessment	page 13
Methodology	page 20
Findings and Recommendations	
Gap 1:	page 31
Gap 2:	page 40
Gap 3:	page 49
Gap 4:	page 58
Next Steps	page 63
Appendices	page 64

There is also a Site Book appendix – of policies, forms, and informational brochures used by local agencies – which is too large to append to this report but which is available upon email request to CORA and depending on website capacity, may also accompany this report on any websites to which this report is posted.

## Executive Summary

Three law enforcement agencies stepped forward to participate in a Domestic Violence Safety and Accountability Assessment: Daly City Police Department, Redwood City Police Department, and San Mateo Police Department. The following question was the focus for the assessment:

*How does documentation of the initial police response to domestic violence calls aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?*

Chiefs of participating police departments, the Domestic Violence Coordinated Community Response Task Force, the assessment team, and other leaders and stakeholders in San Mateo County came together for an assessment team training. Team members subsequently mapped the initial police response to domestic violence calls; and conducted interviews, focus groups, observations, and text analysis. Their data collection and analysis paid attention to eight primary methods that institutions use in standardizing actions across disciplines, agencies, levels of government, and job function. These “Audit Trails” – rules and regulations, administrative practices, resources, concepts and theories, linkages, mission/purpose/function, accountability, and education and training - helped point the way to problems and solutions.

The focal point was the gap between what people experience and need and what institutions provide. At the center of the interviews, observations, and case file analysis - the effort to see the gap from the position of the person whose case is being processed and to see how it is produced by case management practices. In seeing how problems were embedded in practice, the team simultaneously discovered how to solve them. Recommendations then linked directly standardizing practices, such as rules, policies, procedures, forms, and training. Over debriefing sessions, the team made sense of what it learned to articulate problem statements, support them with evidence, and frame changes that need to occur.

### **Gap 1: Little was documented about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls.**

This gap impacts the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases because this documentation helps responding officers identify dominant aggressor, victim advocates follow-up on child safety, investigators identify additional witnesses and evidence, prosecutors file charges, forensic examiners testify as to risk, and CPS workers assess child safety and take actions.

Contributing to this gap:

- The brevity of documentation on “verbal onlys.”

- The environment in which a patrol officer may have to operate.
- Need for training about documenting and interviewing children present during domestic violence.
- Uncertainty how to proceed in the presence of parents who express concerns about their children being interviewed.
- Misunderstanding that the courtroom legal issue of competency somehow applies to on-scene communication with young children.
- Lack of awareness of the role that the Keller Center for Family Violence Intervention could have in interviewing children, and in consulting and training for officers on communicating with children.
- Nothing built in to the role of law enforcement supervisors in monitoring and mentoring patrol officers' rapport-building and communication with children at the scenes of domestic violence calls.
- A previous failed funding effort to address domestic violence and children.

#### Recommendations:

- A checklist of important information for officers to document regarding children at the scenes of domestic violence calls scene.
- Training for officers responding to domestic violence calls where children are present that includes the difference between an on-scene assessment and an interview.
- In any law enforcement training on domestic violence and children, include explanation of why something is a recommended practice, who is helped by the additional documentation being requested, and what advocacy and counseling is available for children.
- Build a multi-disciplinary team approach to domestic violence and children.
- Utilize the Keller Center for Family Violence Intervention for consultation or training needs.

#### **Gap 2: There are missed opportunities for staying connected with victims after they have made their initial call to 911 to report domestic violence.**

This gap impacts the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases because trauma-informed communication encourages victims' continued communication, explaining system issues like delay can ameliorate victims' frustration with the system, secondary contact information is key to maintaining contact with victims, establishing rapport during initial response sets the tone for prosecution, identifying system problems helps other agencies identify/solve communication problems, and an Initial responders' documentation may be the *only* communication victims will have with the system.

Contributing to this gap:



- Many victims want to remain in contact or in a relationship with partners who've been arrested for domestic violence crimes.
- Some victims indicate they are not afraid of their partners, and don't perceive a need for communicating with anyone about safety or safety planning.
- Some victims feel intruded upon by service providers and want to be left alone.
- Communication without explanation, communication that was rushed, or communication that was presented as a "must" instead of as an option produced anxiety about the criminal justice system overall, uncertainty about what to do, and feeling cut off from communicating further.
- Refresher trainings on areas of skill – such as interviewing – are needed.
- Victims often express frustration at not getting brief explanations of process, not getting warnings of delay in case processing, etc.
- Delays in CORA's ERP were reported.
- On the face sheets for police reports, there is a space isn't a space for "person with whom message can be left" or other secondary contact information.
- Victim safety policy adhered to by most advocates across the country - including those at CORA - limits the number of phone calls an advocate can attempt in reaching out to victims, and prohibits leaving messages
- A victim who has dropped out of the investigative or prosecution process sometimes has formed a communication link with the suspect's attorney or even retained her own attorney, which prevents law enforcement officers, investigators or prosecutors from talking to her.

#### Recommendations:

- Continue the existing practice of sending detectives or investigators to domestic violence scenes when available.
- Include trauma-informed responses training with any upcoming local domestic training for domestic violence responders.
- Provide training on interviewing skills for domestic violence responders, and develop the means to mentor or supervise.
- Investigate and address delays in CORA's ERP.
- When making the victim-advocate connection while on-scene at a domestic violence call, prioritize on-scene phone contact over later e-mail referral.
- Incorporate data fields for secondary contact information on forms and in information management systems, and conduct training on the importance of obtaining secondary contact information.
- Develop brief explanations for "the next step" the victim will be facing (the offender's arrest, release from jail, the first court appearance, etc.).
- Educate victims on areas of special or serious concern.
- CORA conducted focus groups of survivors to help plan this assessment; it is suggested they could do so periodically in the future to investigate new issues, such as victims' refusal of services offered by officers responding to domestic violence calls.

- Several of those interviewed the fields of law enforcement and service provision would like to see discussion about the best way to centralize communication with victims so they don't have to go to so many places – whether something small like having an advocate stationed at police departments, or big like a Family Justice Center: “Coordination to minimize the amount of time someone is interviewed is extremely important. Less is more. Victims could become uncooperative if they keep getting shuffled around from place to place and person to person. After the emotional and physical trauma, a victim may not want to travel to yet another . . . statement of what happened to her.”

**Gap 3: The context in which a domestic violence incident occurred is needed by interveners to determine actions to be taken but is sometimes missing from police reports, particularly: (1) the traumatic nature of the event; (2) the history of abuse in the relationship; and (3) what officers saw and heard upon arrival and while on-scene.**

This gap impacts the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases because victims remember what happened and how serious it was, officer observations get utilized as opposed to depending on victims, prosecutors proceed with an evidence-based prosecution, forensic examiners consult and testify about risk, investigators and prosecutors build cases and support stronger sentences, and probation and batterer programs prevent offenders from minimizing .

Contributing to the gap:

- In the police reports reviewed by team members, criminal history was often checked but it often wasn't documented whether officers asked victims about the history of abuse in the relationship
- Officers report that some victims are already recanting and becoming uncooperative upon police arrival, and won't reveal trauma or answer questions about history.
- Older police reports and police reports from other jurisdictions that would help build a picture of history can be harder to find and obtain.
- There isn't anything built in to the role of law enforcement supervisors in monitoring and mentoring patrol officers' documentation of this sort of contextual information.
- Some police officers think of themselves as first responders, and don't expect to end up in court, where they would actually see and experience the importance of contextual information.

Recommendations:

- Include risk assessment in the upcoming update to the domestic violence incident report.
- It is recommended that the departments that do not require the writing of a report in “verbal only” incidents revisit that policy.
- Develop open-ended questions that are more likely to elicit trauma or history information from victims, and include in officer briefing and training, and easily accessible mediums.

- Create mock pre-trial/mock trial learning experiences for officers at the academy or at basic training levels.
- Provide feedback on documentation that was helpful, or on what would have been more helpful.
- Provide opportunities for officers to give feedback.

**Gap 4: Language and cultural differences sometimes exacerbate victims' embarrassment at or resistance to coming forward, or require the use of interpreters (family members or LanguageLine) that subsequently create challenges for prosecuting cases.**

This gap impacts the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases because victims feel encouraged to call for help, children have less responsibility for interpreting, victims understand what is happening during the police response, victims communicate with law enforcement and prosecution, prosecutors have more "fixability" in cases with conflicting versions of events or statements, and prosecutors have consistent translation and consistent meaning throughout the case.

**Contributing to the gap:**

- Victims who are not legal residents don't want to come to the attention of the criminal justice system.
- Victims in abusive relationships – controlled by partners and perhaps having small children at home – are often financially dependent on their partners and reluctant to jeopardize financial support by asking for criminal justice intervention in domestic violence.
- When someone isn't available to speak with victims in their language, victims are deterred from calling for follow-up, and from calling for help in the future.
- LanguageLine interpreters are not physically in San Mateo County – they are in another state or in another country. It is not feasible for them to be called to court as witnesses.
- A probation officer who supervises domestic violence offenders said some offenders and victims that he works with tell him that domestic violence is "normal" in their culture.

**Recommendations:**

- Recommendations listed previously in this report must incorporate attention to culture and language.
- Continue the practice of seeking out personnel who speak the languages of those accessing services.
- Create community outreach and education on domestic violence and the community's response in languages spoken in the community, and in settings that reach the variety of cultures and ethnic groups.
- Identify potential interpreters available to law enforcement and prosecution.
- Provide training about what circumstances it may be necessary to utilize a child as an interpreter, and how best to go about it.

- Utilize existing knowledge of bi-cultural, bi-lingual officers in training, mentoring, and on-scene support in approaching cultural issues within police communication and the establishment of rapport with victims.

## **Next Steps**

During the writing of this report, CORA applied for and did receive funding from the Blue Shield California Foundation for the implementation of many of the recommendations. The goal of the implementation funding is to engage not only practitioners but also victims in identifying priority areas, establishing a plan of action, implementing the most actionable items first, and sharing what was learned with the community as well as the larger movement and related entities (statewide and nationwide).

The implementation funding – entitled San Mateo County’s Coordinated Community Response to Domestic Violence: Implementing the Recommendations from the System-Wide Safety Assessment - supports a local coordinator and regular involvement from a national consultant. The local audit coordinator will work with the assessment team to identify priorities, document performance, manage implementation, disseminate information, and be the national consultant. The consultant will guide prioritization and implementation recommendations and translate the recommendations into tasks and timelines that can be accomplished.

## **San Mateo County's Path to the Domestic Violence Safety and Accountability Assessment**

San Mateo County has been a community that takes a pro-active, progressive approach to ensuring victim safety and batterer accountability. Evidence of this can be found in the creation and support of the Firearms Compliance unit of the San Mateo County Sheriff's Office – a collaboration with Bay Area Legal Aid, Community Overcoming Relationship Abuse (CORA), and the Legal Aid Society of San Mateo County. To create a safer environment for victims, this unit and the mentioned agencies work together to ensure guns are confiscated from offenders issued a temporary restraining order as a result of a domestic violence incident, and also to provide victims additional advocacy, support, and legal services. Since the unit started in 2007, it has seized over 1,025 weapons, and has received national media attention and recognition.

The San Mateo County Domestic Violence Council – a coordinating body encouraging community partnership and providing a multi-disciplinary, coordinated approach to combat domestic violence – sought to build on this project's success. The Council identified other critical needs to help families impacted by domestic violence beyond the immediate crisis with long term support that would help them live free of violence. Community partners had to (1) ensure victims' voices were heard in defining meaningful help and how to best provide it; (2) understand issues, needs, laws, best practices, services, gaps, and solutions for closing gaps to provide a truly coordinated community response; (3) examine impediments to systemic effectiveness in addressing domestic violence; and (4) recognize that partners can't address or eliminate such violence without understanding the larger context and addressing the cultural and structural causes that perpetuate it. Hence, a new project evolved.

With funding from the Grove Foundation, the Council explored a model being utilized around the country for assessing the inter-agency response to domestic violence – the Praxis Safety and Accountability Audit. The Praxis Safety and Accountability Audit, created by Praxis International,<sup>1</sup> details the process of assessing a community's criminal case processing of domestic violence. The method is commonly referred to as a safety audit, community assessment, and/or institutional analysis and has been applied to numerous other institutional processes to improve outcomes for women and children. Members of the Council and of CORA have chosen to use the term Domestic Violence Safety and Accountability Assessment during the project and throughout this report.

A specialized Domestic Violence Community Coordinated Response Task Force was formed to assume responsibility of this project. The Task Force chose an area of focus for the assessment and identified employees to participate. The Task Force consisted of upper level management from Community Overcoming Relationship Abuse (CORA), the San Mateo County Sheriff's Office,

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<sup>1</sup> Praxis International is a nonprofit research and training organization that works toward the elimination of violence in the lives of women and children. Since 1996, Praxis has worked with and provided training, technical assistance, and support to advocacy organizations, intervention agencies, and inter-agency collaborations to create a clear and cooperative agenda for social change in their communities.

the San Mateo County District Attorney's Office, San Mateo County Probation, Blue Cross Blue Shield, Bay Area Legal Aide, and the Commission on the Status of Women. The Task Force enlisted a consultant from Duluth, Minnesota's Domestic Abuse Intervention Programs for a two-day, informational overview on coordinating a community response to domestic violence in September of 2012. Because the most logical starting place was a survivor's point of entry into the system – a 911 call for help – focus groups of survivors of domestic violence were organized to gather information about their experiences with law enforcement. There were a total of nine focus groups, comprised of more than 65 survivors residing in San Mateo County who had past interactions with San Mateo County law enforcement due to a domestic violence incident. CORA staff facilitated the groups at CORA's community office between August 8<sup>th</sup> and September 4<sup>th</sup>, 2012 – four in Spanish and five in English. There were five to nine women in each group, who shared their experiences calling 911, interacting with police officers, and obtaining restraining orders.

Attending the September 2012 overview were roughly 40 individuals from agencies throughout the community: the Task Force, CORA, the City Council, local law enforcement agencies, Bay Area Legal Aid, Pyramid Alternatives, the San Mateo County District Attorney's Office, the Keller Center for Family Violence Intervention, and other stake holders and interested parties. Participants discussed the local systemic response to domestic violence, the system components, and how they interacted with one another. With the information from this well-received overview and with the results of the survivor focus groups, the Council decided there was interest and need in learning more about a domestic violence victim's point of entry into the system as well as the initial contact for intervention. In addition, many Council members were cognizant of the importance of establishing rapport with victims upon initial contact and decided this was a good place to begin. Funding was received from Blue Shield of California Foundation, including monies for a consultant from Praxis International and for a local coordinator to organize and manage the project of conducting an assessment. The Coordinated Community Response Project was born.

Because the usual point of entry for victims of domestic violence into the system is 911 or law enforcement, the DV Council and Task Force agreed this would be the project's focus. Three law enforcement agencies stepped forward and offered to participate in a Domestic Violence Safety and Accountability Assessment: Daly City Police Department, Redwood City Police Department, and San Mateo Police Department. These departments are not only representative of demographics in the rest of the county (next door to San Francisco County – one of the most diverse counties in the United States), but already have collaborative relationships established with justice system partners and service providers that were necessary for any subsequent changes recommended and agreed upon. Individual meetings with each department's police chief took place to get their input on narrowing the focus for a Domestic Violence Safety and Accountability Assessment as well as what they hoped to achieve as a result of participating: What did they want to focus on in regard to the initial contact with domestic violence victims? What were they interested in examining at their departments in order to improve policy, rules, regulations, and performance?

Once they agreed to participate, the three chiefs designated captains, lieutenants, and sergeants to represent their departments on the Task Force as representatives throughout the assessment. These representatives then identified staff from their departments to become members of the assessment team which would carry out the activities of the assessment.

CORA contracted with Praxis in late 2013. During that time, Melissa Lukin, Executive Director of CORA, one of the participating agencies in the DV Council and in the Task Force, hired Rhonda Martinson to be the lead consultant on behalf of Praxis. A project coordinator was hired and agencies were identified to participate in the assessment. A Task Force member from each law enforcement agency sat on a panel with other Task Force members during the coordinator recruitment process and helped with the interviews. In December 2013, Kristine King was hired as the coordinator, and began working at CORA in January 2014. During the first week of her employment, she met with the Task Force to discuss the focus of the assessment. The common denominator among Daly City, Redwood City, and San Mateo Police Departments was interest in how the initial contact between the victim and their agencies was being documented, and how pertinent that documentation was for other practitioners in the system. The Task Force articulated the following question as the focus for the assessment:

*How does documentation of the initial police response to domestic violence calls aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?*

In February of 2014, chiefs of participating police departments, the Task Force, the assessment team, and other leaders and stakeholders in San Mateo County came together for a two-day assessment team training offered by Praxis International as part of its Office on Violence Against Women-funded training and technical assistance. The training was led by Praxis's consultant, Rhonda Martinson. This training familiarized all with the process and possible outcomes of a Domestic Violence Safety and Accountability Assessment while focusing on the question formed by the Task Force. Participants learned that the purpose of the assessment is not an examination of any individual's or any particular agency's performance, but rather is an examination of how a practitioner's work is institutionally organized and how this organization of work is able to address victim safety and offender accountability. This was critical to discuss so as to ensure everyone that the assessment process was not a process of assessing blame against individuals or agencies. The training also provided an opportunity for Task Force and assessment team members to meet and get to know one another, as well as to introduce Kristine King, the coordinator.

Team members met on two occasions during March 2014. They agreed not to discuss cases, materials, etc. outside team meetings.<sup>2</sup> They also assisted the coordinator in creating a "Site Book" - a compilation of pertinent laws, local policies and procedures, forms, informational resources, and documents that were a part of their daily work activities and processes.<sup>3</sup>

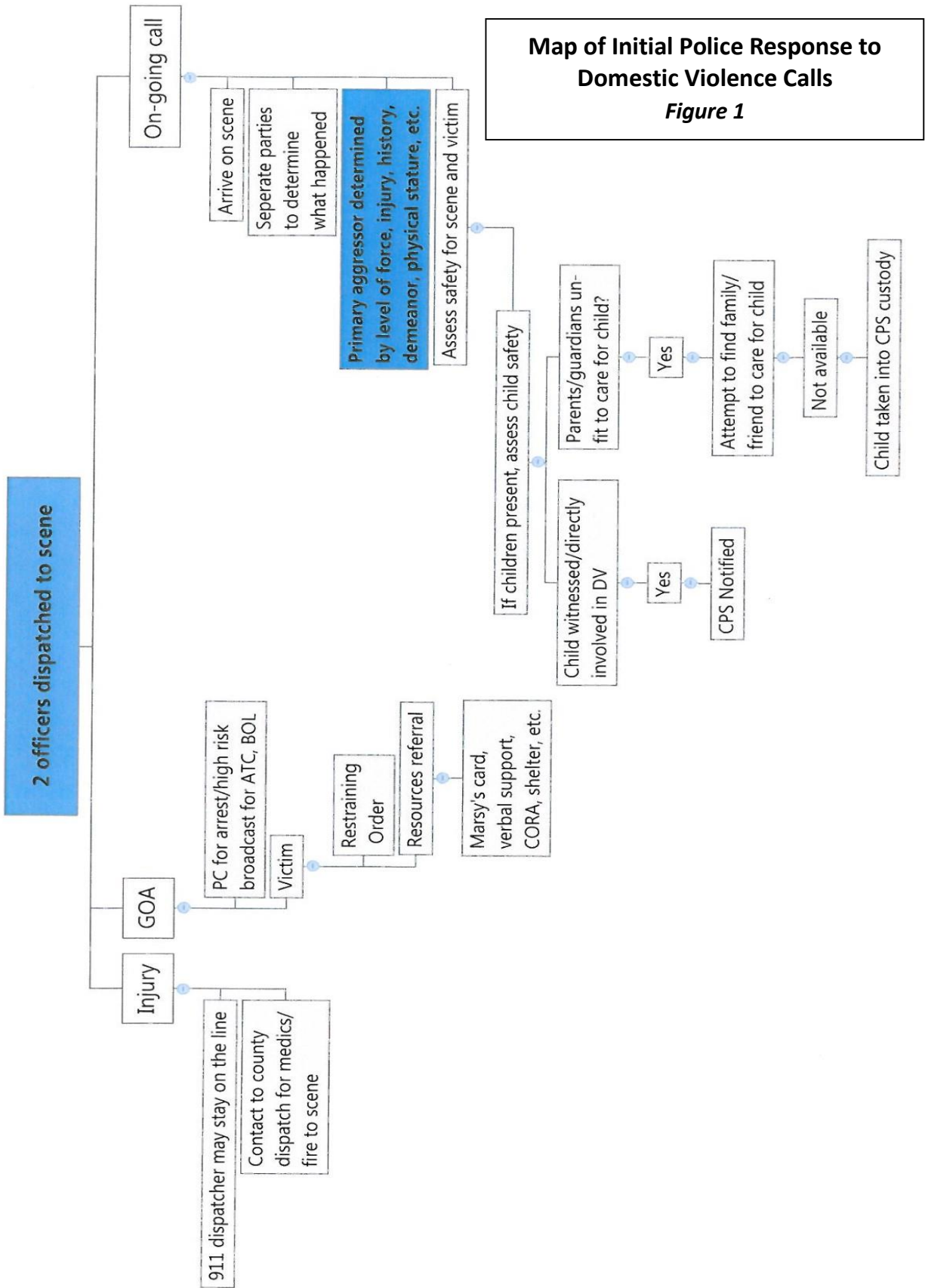
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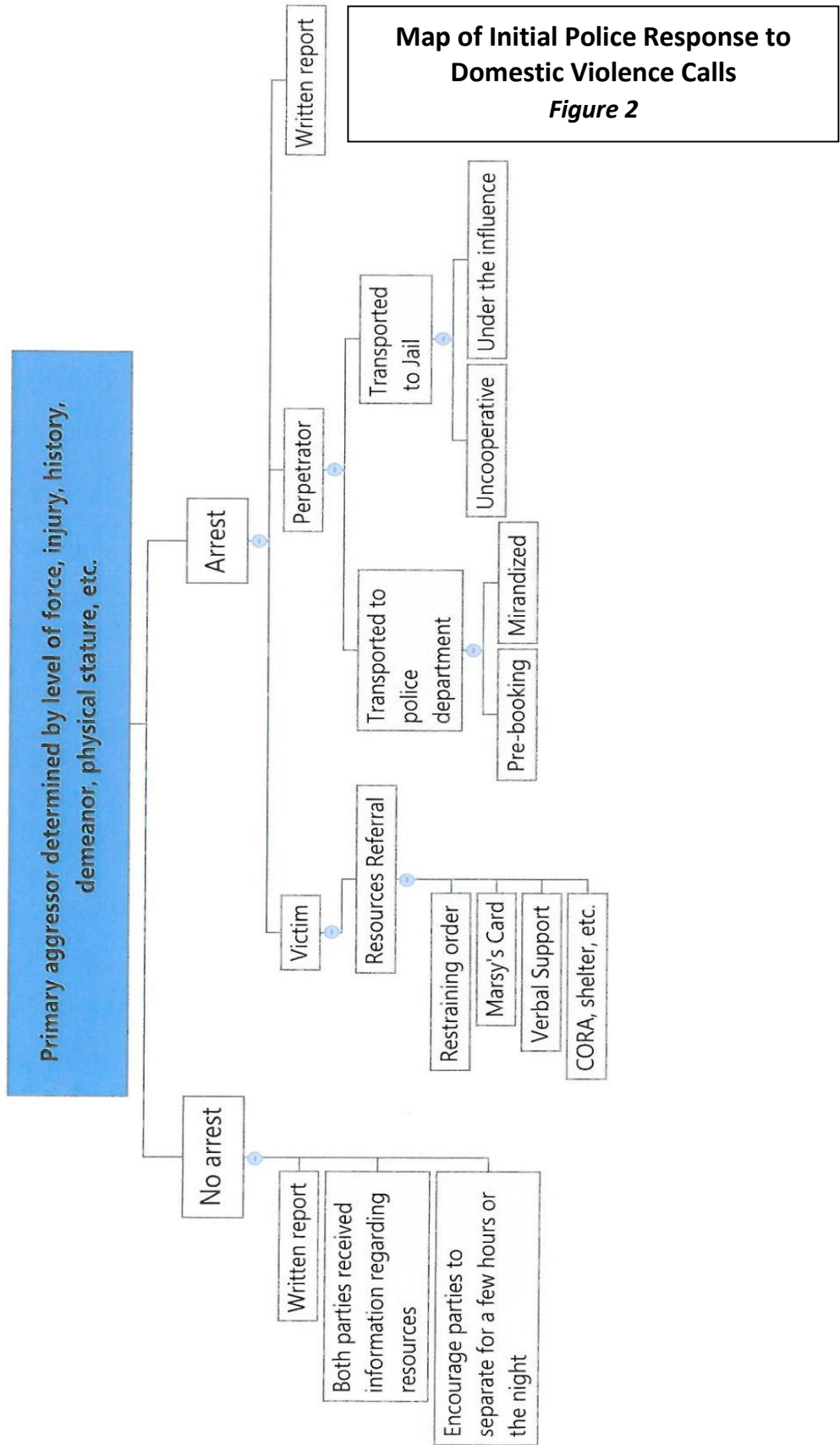
<sup>2</sup> See the Confidentiality Agreement in the Site Book Appendix.

<sup>3</sup> See the Site Book Appendix. Given the volume of the Site Book Appendix, it is not attached to this report, but is available as accompanying file.

Additionally, they mapped the initial police response to domestic violence calls (see next three pages).

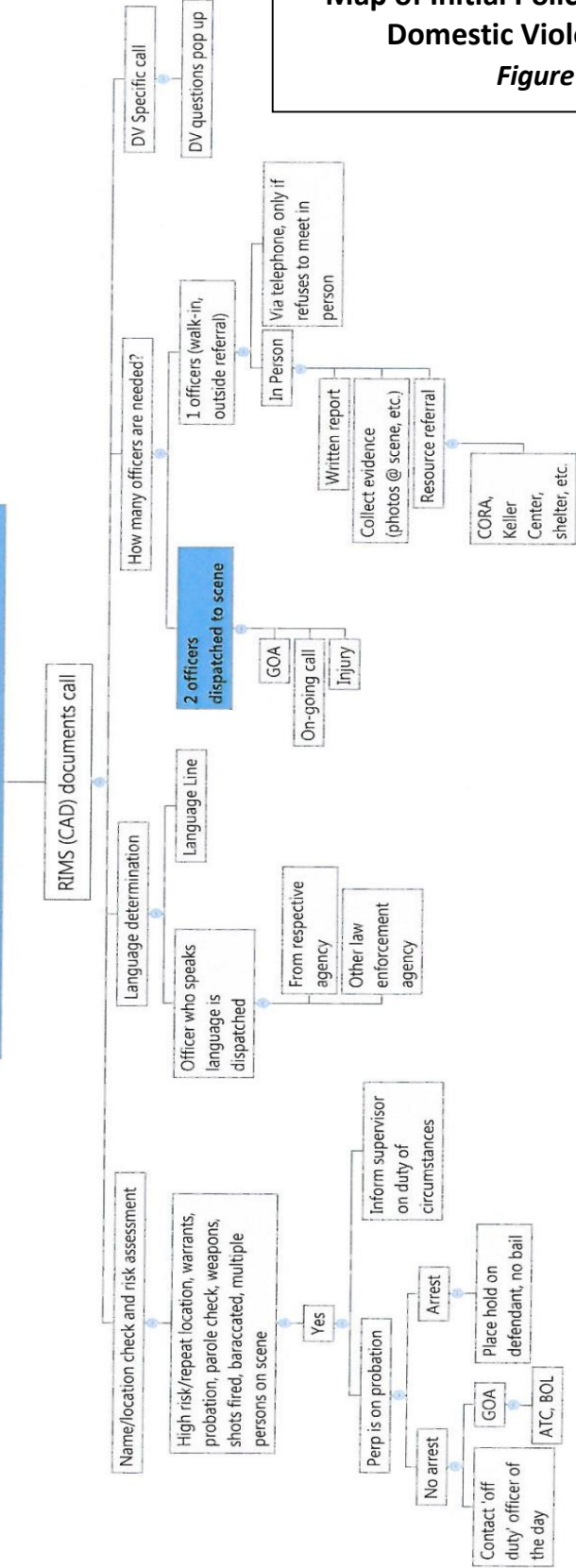






**Map of Initial Police Response to Domestic Violence Calls**  
**Figure 3**

**911 Call/Call to Dispatch ("On View", hospital referral, CPS referral, social media, etc.)**



# Methodology and Data Collection

## Foundations

Praxis International uses a unique method of analyzing the actions of institutions. The Domestic Violence Safety and Accountability Audit developed by Praxis's former director, the late Ellen Pence, Ph.D., combines Praxis staff and consultants with a local multi-disciplinary team to look at how work routines and ways of doing business strengthen or impede safety for victims of battering and their children.<sup>4</sup> By asking **how** something comes about, rather than looking at the individual in the job, the process reveals systemic problems and produces recommendations for longer-lasting change. The Audit – also referred to as a Domestic Violence Safety and Accountability Assessment - was designed to leave communities with concrete suggestions for changing daily practices that led to problematic outcomes, and with new perspectives that can be applied in an ongoing review of its response to domestic violence

It is one thing for systems and communities to examine their own work; it is another for them to share results with others, particularly when the inquiry is identifying problems. Most practitioners responding to domestic violence do so from good intentions, and a commitment to making things better and safer. Peoples' lives are complex, however, as are risk and safety for anyone living with battering. Equally complex institutions, such as the legal system, are often a poor fit for meeting victims' needs to stay safe. Most of this report's findings are not unique to San Mateo County but rather, reflect national practices shaped by local conditions.

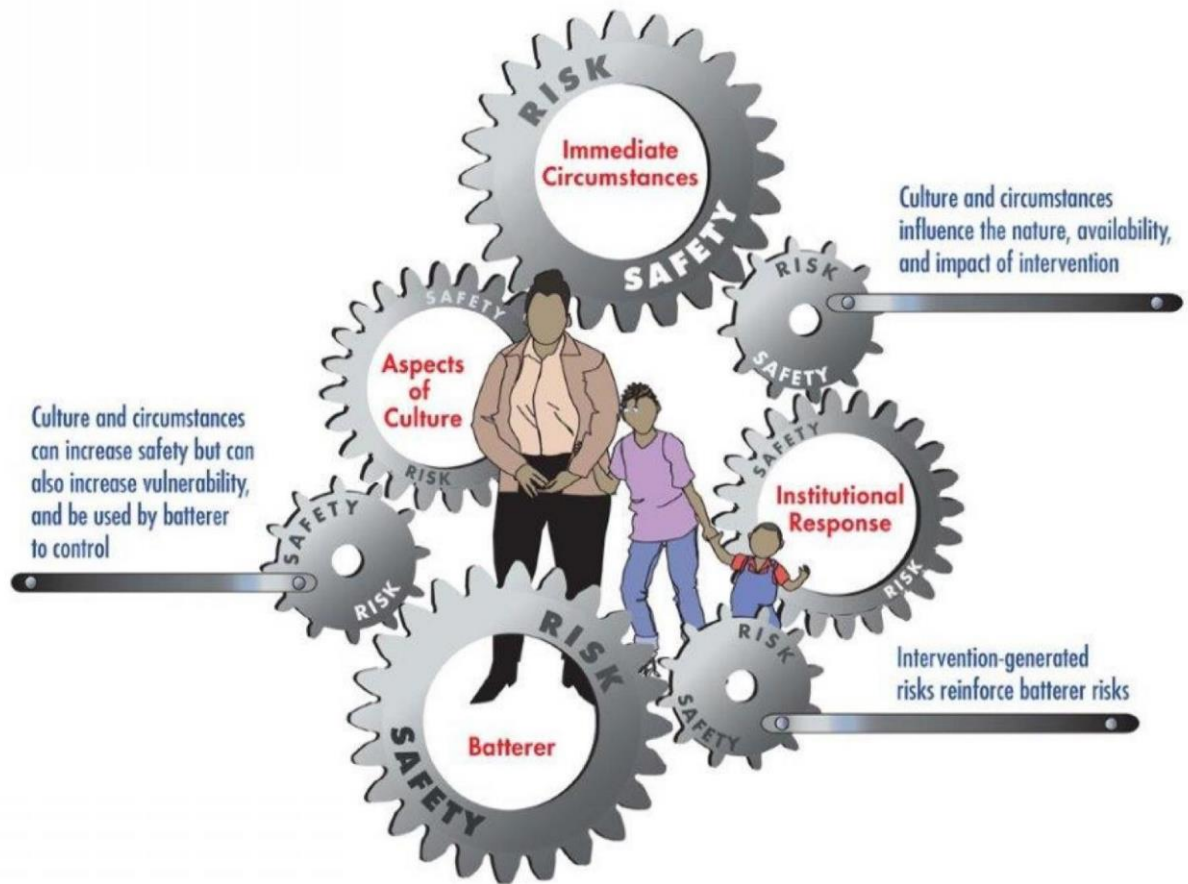
Building safe communities requires ongoing attention to making a better fit between the institutional response and individual needs. The Audit is built on understanding: (1) institutional case processing, or how a victim of battering becomes a **case**; (2) how response to that case is organized and coordinated within and across interveners; and (3) the complexity of risk and safety for each individual victim. See the next page for an excerpt from San Mateo's assessment team training materials for how the complexity of risk and safety for each individual victim was exemplified and discussed at the training, and throughout the team's subsequent work and analysis.

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<sup>4</sup> Over 70 communities nationwide have used the Domestic Violence Safety and Accountability Audit to explore criminal and civil legal system responses to domestic violence and sexual assault. See reports from communities, as well as training materials and articles, at [http://praxisinternational.org/praxis\\_institutional\\_analysis\\_community\\_assessment\\_home.aspx](http://praxisinternational.org/praxis_institutional_analysis_community_assessment_home.aspx).

## The Complexity of Risk and Safety

*For each woman and her children, what risks are generated by:*



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## Data Collection

To learn about individual experiences and institutional responses, a local multi-disciplinary team conducts interviews, including victim/survivor focus groups; observes interveners in their real-time-and-place work settings; and, reads and analyzes forms, reports, case files, and other documents that organize case processing. Since the focus is on institutional processes rather than individual workers, there are no systematic sampling procedures. Instead, interviews, observations, and case file reviews sample the work process at different points to ensure a sufficient range of experiences. Interviews and observations are conducted of practitioners who are skilled and well-versed in their jobs. Their knowledge of the institutional response in everyday practice and their first-hand experience with the people whose cases are being processed supply many of the critical observations and insights.

During two four-day time periods - April 7-10 and April 21-25, 2014 - the San Mateo County assessment team conducted the following interviews, focus groups, observations, and text analysis relevant to the team's focus: How does documentation of the initial police response to a domestic violence call aid subsequent interveners in domestic violence cases?

### Interviews<sup>5</sup>

- 911
  - 911 Dispatcher
  - Dispatch Services Supervisor
- Law Enforcement
  - Special Victims Unit Sergeant
  - Firearms Compliance Investigator
  - Sheriff's Deputy
  - Police Detective
  - Police Lieutenant
- Advocacy and Services
  - Crisis Counselor
  - Victim Advocate
  - Human Services Management Analyst
  - Children and Family Services Regional Manager
- Deputy District Attorney (3)
- Probation Officer
- Judge

### Focus Groups<sup>6</sup>

- Survivors
  - 9 groups of 4 to 9 survivors each

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<sup>5</sup> See note-taking sheet and questions in Data Collection Appendix

<sup>6</sup> See note-taking sheet and questions in Data Collection Appendix

- Not conducted in 2014 as all other activities here but in 2012 to plan the assessment
- 911 Dispatchers
- Forensic Medical Staff of the Keller Center for Family Violence Intervention
- Domestic Violence Probation Officers
- Batterer's Intervention Providers/Facilitators

Observations<sup>7</sup> (Team members also interviewed the individuals that they were observing)

- Meetings
  - San Mateo County Domestic Violence Council
  - San Mateo County Communication Managers
  - San Mateo Police Department Investigators
  - Daly City Police Department CompStat Meeting
  - Daly City Police Department Briefing (2)
- Court
  - Preliminary Hearing on Domestic Violence Felony
  - Domestic Violence Pretrials (2 different sessions on 2 different days)
  - Domestic Violence Progress Reports (3)
- Facilities/Operations
  - Daly City Police Department Dispatch Center
  - Redwood City Police Department Dispatch Center
  - Maguire Correctional Facility (overall tour)
  - Maguire Correctional Facility (intake and booking process)
- Ride-alongs
  - Daly City Police Department Ride a long (2)
  - San Mateo Police Department Ride a long (2)
  - Redwood City Police Department Ride a long (2)

Text Analysis<sup>8</sup>

- 83 recently closed<sup>9</sup> domestic violence-related police reports provided by the three participating police departments
- 34 of these 83 reports were felony domestic violence reports and 49 were misdemeanor domestic violence reports.
- In many of the reports, other crimes such as stalking, restraining order violations, destruction of property, and harassment were listed offenses in addition to domestic violence.

Data collection and analysis pay attention to eight primary methods that institutions use in standardizing actions across disciplines, agencies, levels of government, and job function. These "Audit Trails"<sup>10</sup> help point the way to problems and solutions.

<sup>7</sup> See note-taking sheet and observation tips/suggestions in Data Collection Appendix

<sup>8</sup> See printed guides to text analysis for team members in Data Collection Appendix.

<sup>9</sup> San Mateo Police Department provided reports that occurred from February 2013 to December 2013, Daly City Police Department April 2009 to February 2014, and Redwood City Police Department May 2013 to March 2014.

<sup>10</sup> Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Tool Kit*, Praxis International, 2005.

- **Rules and Regulations**  
 Rules and Regulations include but are not limited to: laws; court rulings; legislative mandates; requirements or regulations of federal, state, county and city regulating bodies; agency policies and directives; and policies of related organizations such as insurance companies and medical facilities. They direct and guide management of the entity to which they apply; and are established by political processes in state legislative bodies, federal regulating commissions, local and county commissions, service agency boards of directors, and other entities. Rules and regulations define the scope of institutional responsibility and direct internal operations of most agencies, significant aspects of service delivery, and methods of communication between and among agencies. Assessment team members interviewing or observing practitioners and reading files and narrative reports see many examples of how a rule, law, regulation, or other directive influences case processing.
  
- **Administrative Practices**  
 Administrative Practices are methods an institution uses to standardize how practitioners carry out its policies, laws, regulations, and mandates. Most use text, such as screening forms, case documentation forms, matrices, guidelines, report writing formats, routing instructions and protocols, or what practitioners refer to as “paperwork.” Think of rules and regulations as mandates and administrative processes as instructions to practitioners on how to carry out those mandates. Along with instructions on case management, administrative processes embody concepts that either centralize or marginalize victims’ actual experiences and needs for safety. A child protection intake form, a pre-sentence investigation format, and a guardian ad litem’s parenting skills checklist are examples of administrative practices that prescribe ways of thinking about and acting on cases.
  
- **Resources**  
 Resources include ways a community allocates and ensures quality of funding, materials, processes, and personnel needed to address a problem. Resources include everything necessary for:
  - Workers to do their jobs without compromising victim safety or offender accountability. In this context, resources include caseload, technology, adequate supervision, and support services.
  - Victims of abuse to position themselves in safer situations, through such means as housing, skilled counseling, financial help, and adequate legal representation.
  - Intervening systems to hold offenders accountable. In this context, resources include adequate jail space, enough time for probation officers to supervise their clients, high-quality rehabilitation services, and practitioners well-prepared to work with offenders of diverse economic, ethnic, and religious backgrounds.
  
- **Concepts and Theories**  
 Concepts and theories include language, categories, theories, assumptions, philosophical frameworks, and other ways institutions organize workers to think, talk, and write about cases and people whose experiences are being managed as cases. It’s sometimes difficult



to see how conceptual practices are ingrained in use of language, assignment of categories, crafting of assessment tools, and assumptions supporting a law or rule or policy.

- Ask: What concepts operate here? How is this worker coordinated to apply this concept? What categories does this worker use and how do they shape his/her thinking about the case? What assumptions are in the form, process, or matrix?
  - Watch for how the worker is connected to ways of thinking and talking about an issue.
  - Concepts, theories, assumptions, and conceptual frameworks are not owned by or specific to an individual; they are embedded in institutional processes.
- Linkages  
Linkages are ways that practitioners are linked to other workers and other intervention processes; ways that practitioners are linked to people whose cases they process; and ways that practitioners are linked to processes and people outside their community. In an assault case, there may be over a dozen workers, in a dozen agencies at four or five levels of government. Most will never directly talk to each other about the case; in large communities many will never meet each other. Most will never meet the people whose cases are being processed. No worker acts independently from those who proceed or follow him/her in the process; each is linked in a sequence of institutional actions.
    - What are the methods of linking practitioners - routing information, referrals, regular meetings, writing reports, receiving reports, and collecting information?
    - How are workers linked to concepts and theories?
    - How are workers connected to people whose cases are being managed - direct contact or the case file standing in for the actual person (and how accurately)?
    - Are links strong or weak? This can enhance or diminish victim safety and offender accountability.
    - Are there unique needs of victims requiring that institutions create new linkages and enhance existing links?
- Mission, Purpose, and Function  
Mission concerns the overall process, the overarching purpose of a system such as criminal court or child protection. Presumably, every action and case-processing step within the institution or agency reflects that mission. Purpose refers to the institutional purpose of a specific process within that overarching mission, such as booking, arraignment, and pre-trial hearings. Function is the function of a practitioner in a specific context. An audit explores how the interconnected mission, purpose, and functions of practitioners within specific systems and institutions account for victim safety and offender accountability.
- Accountability  
Accountability includes ways that institutional practices are organized to hold:
    - Individuals accountable for harm they have done, as well as harm they are likely to cause without effective intervention.

- Practitioners accountable to the people whose lives are being managed.
- Practitioners accountable to other interveners in the system.
- Education and Training
  - Education and Training include:
    - The ways disciplines organize workers (*e.g.*, criminal lawyers, civil lawyers, child protection workers, police, therapists, nurse practitioners) to understand their jobs and social phenomena related to their work, such as the abuse of women in marriages and intimate relationships.
    - Formal ways that agencies train workers to think about and act on cases.
    - Informal ways that workers learn their jobs via experience and training by more seasoned workers.
    - Exposure to different concepts, theories, and conceptual practices.
    - Ongoing skill building that enables workers to effectively intervene in assault cases involving diverse populations.

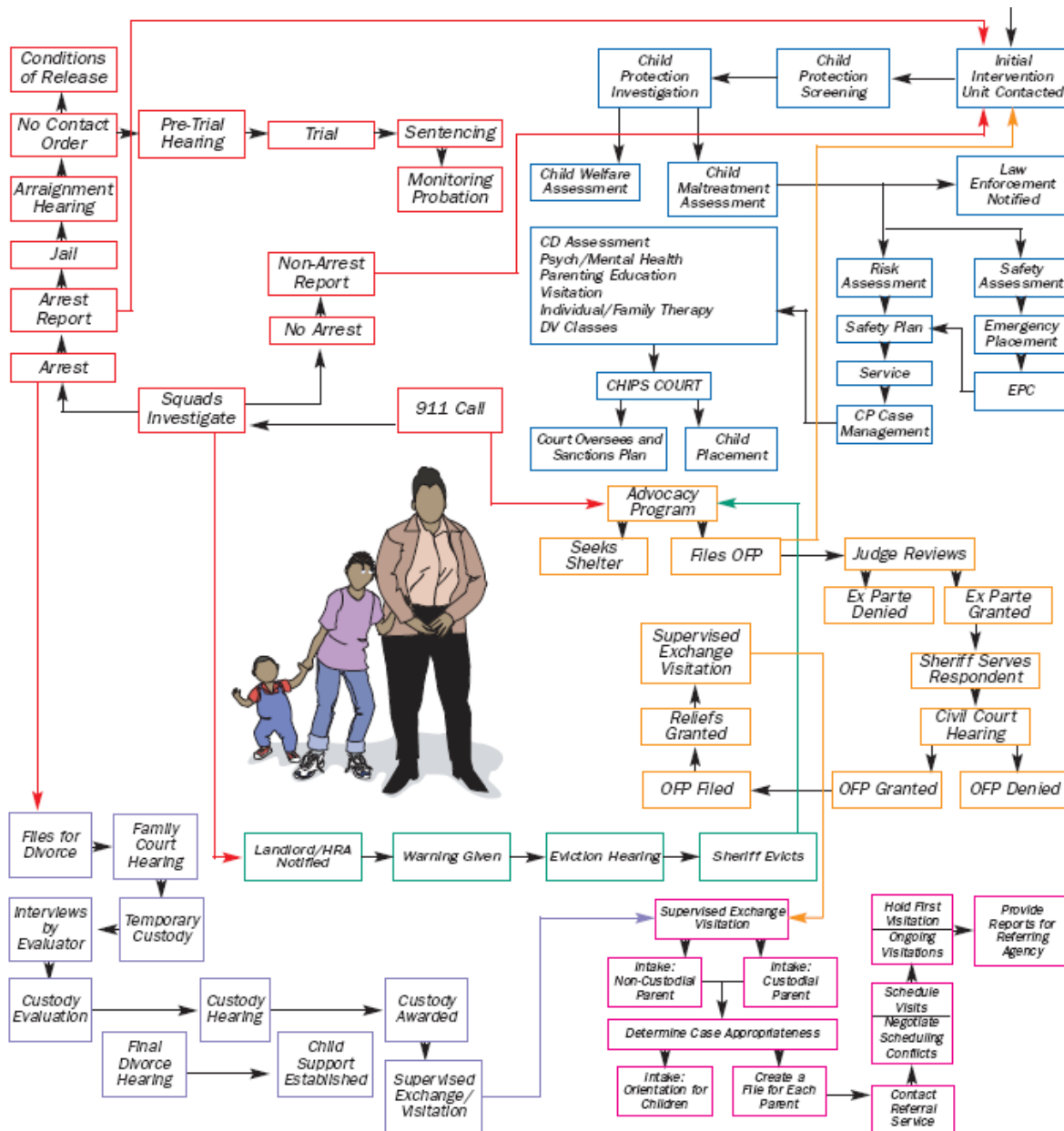
See below for an excerpt from San Mateo’s assessment team training materials of a reminder graphic for the team on these eight methods institutions use in standardizing actions.



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The constant focal point is the gap between what people experience and need and what institutions provide. At the center of the interviews, observations, and case file analysis is the effort to see the gap from the position of the person whose case is being processed and to see how it is produced by case management practices. See below for an excerpt of San Mateo's assessment team training materials on how this was exemplified and discussed at the training, and throughout the team's subsequent work and analysis.

### Institutional Intervention in Rachel's Life



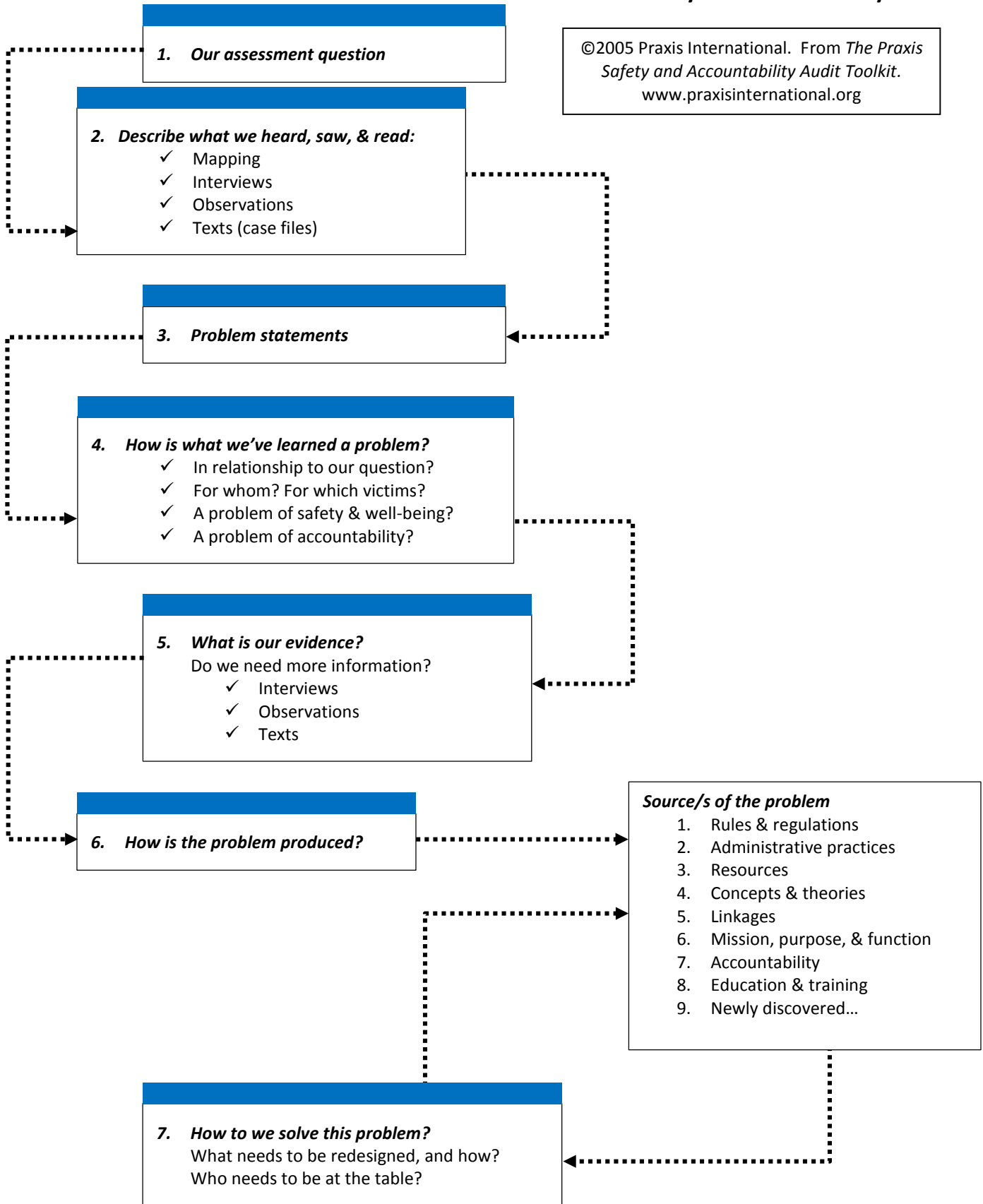
## **Analysis**

In locating how a problem is embedded in institutional practices, the Audit simultaneously discovers how to solve it. Recommendations then link directly to the creation of new standardizing practices, such as rules, policies, procedures, forms, and training. Over a series of debriefing sessions, the team makes sense of what it learned in order to articulate problem statements, support them with evidence, and frame changes that need to occur.

During the two four-day time periods - April 7-10 and April 21-25, 2014 - that San Mateo assessment team members collected data, they also participated in daily debriefings to allow team members to share what they heard, saw, and read. On April 25 and on June 24, 2014, when all data collection had been completed, the consultant, Rhonda Martinson, facilitated final debriefing meetings of the team to articulate gaps related to safety for victims of battering, and to make recommendations to address those gaps. See the next page for a diagram of the team's analysis process during the final debriefing meetings.

## Community Assessment Analysis

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Team members were subsequently given the month of August 2014 to review and comment on this report, which sums up San Mateo’s Domestic Violence Safety and Accountability Assessment, identifies gaps to address in the ongoing intervention in domestic violence in San Mateo County, and includes recommendations for how to close the gaps.

### **Discovering Gaps**

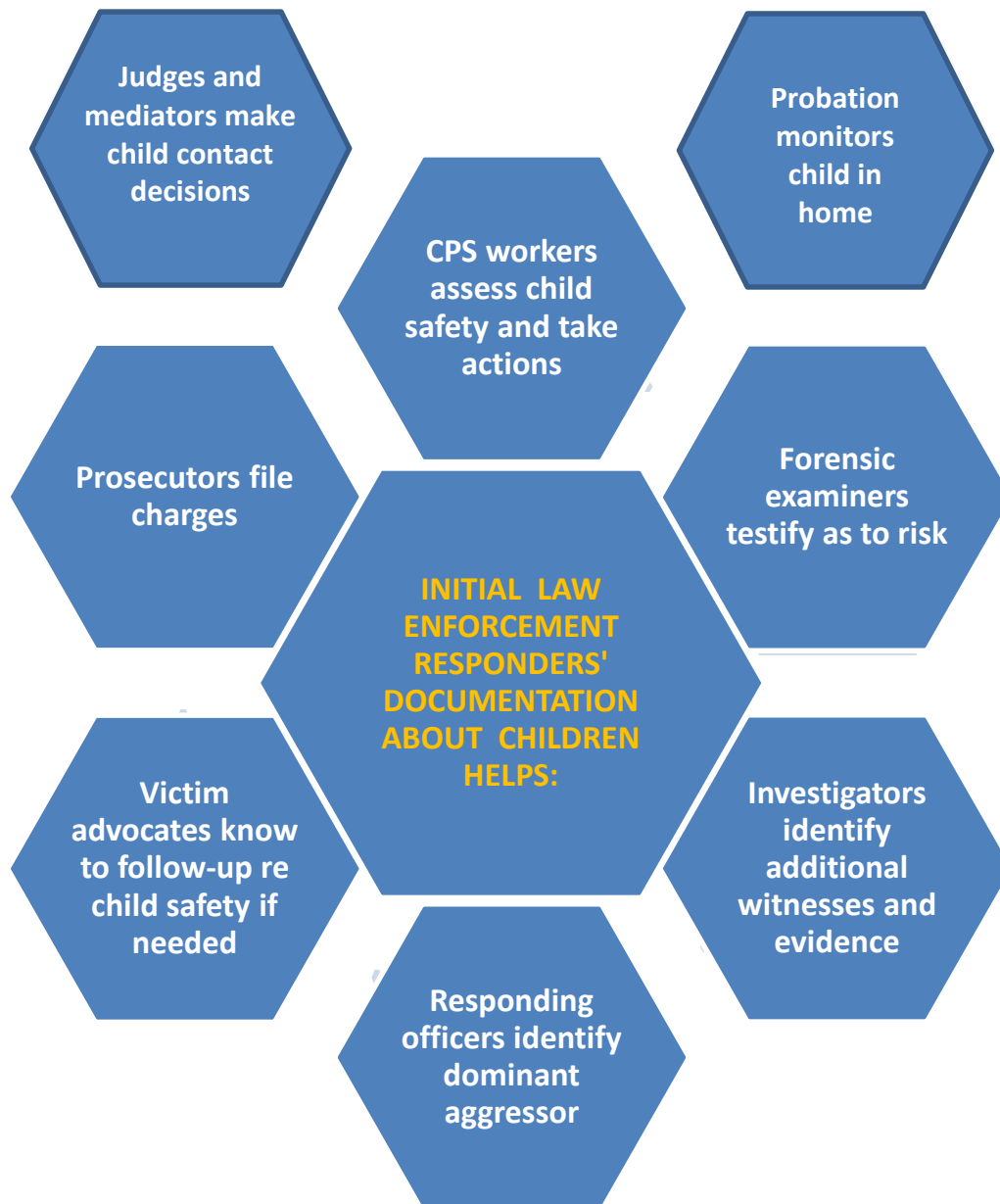
San Mateo’s Domestic Violence Safety and Accountability Assessment looked closely at how work is organized and coordinated for practitioners in their response to domestic violence. The assessment identified and analyzed gaps related to safety for victims of battering and their children. This report includes a detailed analysis, discussion, and recommendations regarding each of the gaps identified by the team in its examination: How does documentation of the initial police response to domestic violence calls aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?

Additionally, the chiefs of the participating police departments asked that team members and report writers go beyond identifying problems with documentation to also identify who the documentation would help, and how the documentation would help. One of the chiefs explained that police are examined, assessed, tested, and evaluated a great deal, and that it is not helpful to get a “report card” on police reports. Rather, it is helpful – and useable at trainings and in day-to-day communications with patrol officers – to show not only areas where documentation could be better, but also show who that documentation would help, and how that documentation would better support safety for domestic violence victims and hold offenders accountable.

Therefore, in this report, discussion of each gap in documentation begins with identifying who the documentation would help, and how the documentation would better support safety for domestic violence victims and hold offenders accountable.

**Gap 1: Little was documented about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls.**

**Figure 1: Who would be helped by such documentation?**



## **Gap 1: Little was documented about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls.**

While comprehensive in documenting events, injuries, demeanor and statements of victims and suspects, evidence collected, criminal history, and so on, patrol officer reports documented little about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls.

Of the 83 police reports from the three participating departments, 28 indicated minor children were present during the incident that precipitated a call to 911. 911 call-takers ask callers if children are present, but team members reviewing the reports of officers responding to those calls noted that there often wasn't any identifying information about the children (names, ages, and so on), any detail about children's involvement (whether a witness or not, etc.), or any detail about the physical, emotional, or mental state of the children.

### ***How does this gap impact the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases?***

- Documentation of the exposure to and impact of domestic violence experienced by children at scenes of domestic violence calls informs assessments and decisions about the future safety of the child, such as leaving the child in the home or seeking placement elsewhere, or making referrals to services such as child protective services (CPS), social services, etc. Additionally, the **timeliness** of documentation is also important to the success of assessments, decisions, and referrals. A report to CPS by mail with no preceding call, for example, delays a CPS response that may have been more productive at the onset of police intervention, and then makes a CPS response problematic to implement because the batterer may now be back in the home.
- Patrol officers' documentation of children's knowledge about what triggered the violence today, and about past violence, assaults, or arguments between the perpetrator and victim, helps detectives identify additional witnesses to the elements of crimes and to other evidence prosecutors can use (e.g., of witness coercion, of prior bad acts<sup>11</sup> indicative of motive, etc.). As one detective said, "We need indicators of emotional, physical, and mental state documented, such as 'The child was trembling and hiding behind her mother' or 'I'm tired of him hitting my mom'". For example, another detective recalled a child at the scene of a domestic violence incident who was willing to discuss sports, fun, etc. but when he was asked what happened, he began to stutter so badly that it was hard to

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<sup>11</sup> While evidence of prior bad acts is generally not admissible to show that a person acted similarly in the present case, it may be admissible to show motive, plan, intent, or lack of mistake. See Cal. Evid. Code § 1101(b).



understand him. The detective said the documentation of that one fact was a powerful indicator of the impact of the violence on the child.

- In instances where each party in a domestic violence incident alleges that the other used violence, responding officers' documentation of what children witnessed could help determine the dominant aggressor, or help prevent the batterer from manipulating family members or interveners. Two participants in the survivor focus groups conducted before this assessment said: "No one talked to my kids, even though they were right there and saw everything. I was arrested . . ." and "Why can't kids be questioned first instead of having them in the house with the abuser or his family, who tell the kids to lie, and confuse them." But a third participant said, "My five-year-old really set the record straight when they talked to him. His dad was saying I had jumped up and punched him and all that. My son told them everything – and saved me."
- Documentation of the exposure to and impact of domestic violence experienced by children at scenes of domestic violence calls can trigger follow-up by a victim advocate with a domestic violence victim on issues such as child safety.
- In instances of no visible injuries or physical evidence at the scene of a domestic violence call, patrol officers' documentation of child witnesses could be a determining factor in the district attorney filing a case. Such documentation could also be a determining factor in the **outcome** of a case that **is** filed (was the child a witness, secondary victim, primary victim, etc.). According to a local prosecutor, "This documentation could tip the scale for us in filing a case or in determining strategy if a case goes to trial, especially when child witnesses are younger and when there is child endangerment within the case. We look for corroboration in one or more of three categories before filing a case: (1) is physical evidence (e.g., visible injury) consistent with the victim's account; (2) is there an admission by the defendant; and (3) is there an independent eye witness account. Without corroboration in one of these areas it's unlikely we can meet our standard of proof, which is beyond a reasonable doubt. Detailed statements from child witnesses can prove valuable; they may corroborate the victim's account of what occurred. Additionally, there are occasions when defendants choose to not go to trial because they don't want to force their child to testify. In most cases, the only opportunity to interview a child before he or she is influenced or subjected to coercion is at the scene, so it's important to get that information then."
- Documentation in responding officers' reports of children in the home and their exposure to domestic violence can assist forensic examiners and forensic interviewers in assessing risk, and in providing more effective expert witness consultation and testimony for prosecutors.
- Probation officers get information about an offender from the prosecution file, which includes the police report. Domestic violence probation officers go into offenders' homes at least once a month – twice a month if the offender is on intensive supervision, and

domestic violence offenders are generally on intensive supervision. Probation officers need to know what children are there, what happened, and what counseling may be needed in order to direct them to services (family education, anger management, parent education, substance abuse, etc.) so that offenders can better raise their children. During compliance checks, searches of the home, and contacts with offenders, probation officers often come in contact with children and are doing welfare checks of children. According to a local probation officer, “We take this seriously – we don’t want something bad to happen.”

- Documentation by on-scene police officers as to whether a child saw something, said something, or is scared about violence in the home may alleviate the need for a child to meet with a mediator in family law cases. A local family law attorney said family judges want to be aware of information in police reports when presiding over family law matters where domestic violence has been alleged. A local judge agreed: “That would be greatly important to me or a mediator. Is the child scared? Did they see something, or say something to the officer? A mediator may be able to use this information in the sense that if the child says something to an officer, and it’s documented in the officer’s report, then a mediator may not need the child’s presence at an interview. Perhaps people are fearful of documenting things about kids, but in family court proceedings it could alleviate the need for them to be a witness.”

***What contributes to this gap – that little was documented about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls?***

- In one of the police departments participating in this assessment, officers do not write reports when responding to calls that are determined to be “verbal only” with no crime committed. This means that only the notes placed in 911’s computer-aided dispatch system (CAD) document what was reported. While the CAD information can be viewed later by law enforcement personnel, it is not going to proactively trigger any notifications, such as to CPS. Additionally, CAD notes are generally brief or abbreviated, as opposed to report-style information that is more complete about things such as history of violence, how children may have been involved, police contacts or interview with parties on-scene, etc. See, for example, one of the CAD-only documents pulled for this assessment :  
*Parents are fighting. Verbal only. Child RP<sup>12</sup> states Mom is crazy and yelling, trying to kick out husband. Mom said she would get a knife if husband touched her. Juv disconnected. Calling back – not good – ghost cell. Now on landline with female – states no emergency, only her husband and children in house. Now on phone with husband – claims no 415.<sup>13</sup> Parents claimed juv has habit of calling 911 when there’s no problem. [Notes are closed out with status given by on-scene officer: Verbal only.*

<sup>12</sup> “RP” is an abbreviation for “reporting party.”

<sup>13</sup> Section 415 of the California Penal Code describes the crime commonly referred to as “disturbing the peace.”

*Parents advised to use common sense when arguing in front of their children as they process arguing differently than adults.]*

- The on-scene environment can influence the way patrol officers write reports. What is going on around patrol officers is different than the environment going on around a detective, who may often be following up with a victim or witness in an office or interview room, on the phone, etc. When a patrol officer is speaking with a victim or witness, he or she is doing so in the midst of environmental distractions such as traffic, weather, passersby and so on, which can impact the officer's time and attention.
- Most team members and most people interviewed or observed during this assessment – including patrol officers – mentioned the need for training about documenting and interviewing children who were present during domestic violence. Even documenting a child's demeanor, such as having tears in his eyes or trying to hide behind his mother, may be helpful for subsequent interveners but many officers don't know that or what/how to document. Additionally, team members and law enforcement supervisors reported some officers evinced discomfort with child interviewing or lack of confidence in child interviewing skills; and appeared concerned that trying to talk to a child under these circumstances may somehow make things worse. Several domestic violence victims who participated in focus groups in San Mateo County in 2012 also perceived that officers responding to their domestic violence calls seemed uncomfortable or unknowledgeable about communicating with children.
- Some officers are uncertain how to proceed in the presence of parents who express concerns about their children being interviewed. For example, in several of the 28 reports where a child was present, one of the parties told a responding officer that the child was in another room or asleep – implying that the child didn't see anything and that there was no need to speak to the child. However, team members reviewing these reports noted that in their experience, children are often “ear” witnesses” to domestic violence and as such, are still impacted by violence and still have valuable information about the violence. An officer recognizing this documented the following in one of the reports:  
*“She was in the bedroom with her younger sister . . . She heard the victim and suspect arguing, and did not want to go out and see what was happening. She stated that this has happened before. As they continued to yell at each other, she heard and felt a thud on the floor.”*
- Aware that young children may not be competent to testify in court, some officers think competency somehow applies to on-scene communication with young children – that those children's statements won't be usable.
- Members of 911 and law enforcement agencies in San Mateo County were aware of the importance of establishing rapport with children in communicating with them when responding to domestic violence calls. One showed team members baseball-style cards of police officers that can be given to children, and that have been popular with children as a

way of remembering an officer and the officer's helpfulness; while another said he gave police department stickers to children. There are also educational and relationship-building opportunities with children for 911 and law enforcement agencies, such as the 9-1-1 for Kids<sup>14</sup> program and the Police Activities League.<sup>15</sup> However, several people interviewed pointed out that these items and activities are helpful with *older* children. During a ride-along, an officer remarked that for younger children, there used to be a supply of stuffed animals that officers had access to load into their patrol cars. The officer recalled how helpful it was to have several of these on hand when responding to domestic violence calls: "Giving kids something to hold, like a stuffed animal, helps comfort them and helps them feel more comfortable to speak with the officer."

- Officers weren't aware of the role that the Keller Center for Family Violence Intervention<sup>16</sup> could have in interviewing children. Some thought that Center staff was only available to interview child sexual assault victims; others were aware of the Center's broader coverage (Center staff serves victims of child, elder, domestic, and sexual abuse) but knew also that Center staff could not interview every victim, and so were unsure of the criteria for flagging and prioritizing child witnesses to domestic violence for such interviews. Officers also weren't aware of the role that the Center could have in consulting and training for officers on communicating with children.
- There isn't anything built in to the role of law enforcement supervisors in monitoring and mentoring patrol officers' rapport-building and communication with children at the scenes of domestic violence calls. A law enforcement supervisor interviewed during this assessment pointed out that if the team recommends any new policy and training regarding on-scene communication with children, there has to be a co-occurring supervisory role in monitoring it.
- An attempt approximately 10 years ago to fund local collaborative efforts to address domestic violence and children didn't succeed. A team member recalled, "Something heavily discussed was documenting children living in the home, and whether they were present during the domestic violence. It was a hot topic; however, it lost the 'oomph' because the resources weren't available."

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<sup>14</sup> 9-1-1 for Kids is an emergency caller training program created by 911 center officials, emergency medical, fire, and law enforcement professionals charged with developing educational tools to help reduce non-emergency calls made to 911.

<sup>15</sup> The Police Activities League was developed by police officers and community members to prevent juvenile delinquency and crime by engaging youth with police officers to help create a safer community and promote healthy physical, social, and mental development of its youth. It operates as a joint partnership between the City of San Mateo Police and Parks/Recreation departments to target and identify at-risk communities and youth, and provide them with educational, athletic, and other recreational activities.

<sup>16</sup> The Keller Center for Family Violence Intervention, housed in the San Mateo Medical Center, works with law enforcement agencies and child/family services to give medical, emotional, social, and legal care and support to abuse victims. The Center provides emergency medical treatment, medical exams, forensic exams, child interview specialists, safety plans and patient follow-up, and expert witness availability in court cases.

***What will help address this gap - that little was documented about the exposure to and impact of domestic violence experienced by children at the scenes of domestic violence calls?***

Team members, and those interviewed and observed during the assessment process, recommended:

- A checklist of important information for officers to document regarding children at the scenes of domestic violence calls scene:
  - Identifying information about the child. For example, in one of the reports reviewed by team members where there were two couples involved in the domestic violence incident, the officer obtained the full name and birthdate of the child, and documented the parties' relationship to the child: "DM and DF have a child together, but DM is currently married to MG. DM and MG drove from their home in Stockton to DF's home in Redwood City to pick up the child."
  - The environment the child is in. For example, in one of the reports reviewed by team members where the children were too young to speak, the officer noted that "both children were seated in a stroller and appeared to be in good physical condition."
  - The physical/emotional/mental state of the child. For example, in one of the reports reviewed by team members, the officer noted that "all the children were upset, and the two girls had tears in their eyes."
- Training for officers responding to domestic violence calls where children are present that includes the difference between an on-scene assessment and an interview, when each should be done, who should do them, and tips for doing them well. It was clear during this project that some officers lumped all communication with children in the "child interview" category. Actually, a responding officer is generally in the best position to do an on-scene assessment (injuries, child demeanor and safety concerns, and anything the child has to say about what happened or what precipitated it). A supporting officer who can focus on the children, a detective, or a forensic interviewer can often be in a better position to do follow-up interviews for children unavailable or too upset at the time of the incident, as well as intensive, more formal interviews that might be needed for complex cases.
  - For an example of an on-scene assessment, in a report reviewed by team members where an eight-year-old returning from a visit with his father witnessed an argument between his father and mother, the responding officer documented:  
*"I talked briefly with RG. He stated his mother and father were arguing, which upset him. He exited the vehicle to try and stop them because he did not want them to fight. RG stated his mother grabbed him and walked back to her vehicle. RG stated he did not see his father do anything. Additionally,*

*RG stated he did want to stay with his father because he doesn't see him that much and he misses him."*

- A longer interview would be too long to reproduce here; but a report reviewed by team members summarizes such an interview where the children were 7 and 8, and it was decided that the victim and children would come to the police station to be interviewed – while one officer interviewed the victim, another interviewed the children:

*FC told me her father drinks on the weekends and that he drank beer on Tuesday, Wednesday, Thursday, and today. He also drinks on Saturdays and on Sunday has friends come to their home. SC was able to tell me the brand names and how much beer her father drank today. SC said her father had two Bud Lights and a Modelo. Both girls said they were asleep today when they were woken by arguing. They saw their father holding [the victim's] wrists tight and trying to get her phone . . . . FC made a bear hug motion to simulate what her father did . . . . After the incident, both girls saw the cut on [the victim's] thumb and blood on the tissue she was using. Both said that yesterday, their father and [the victim] were yelling at each other in the street and on the driveway. After the argument, their father left . . . . It was about midnight when he woke them and had them get into his truck. Both girls knew he was drunk . . . . During the trip, FC told him to slow down, but he did not. He later struck the side-view mirror of a parked car . . . . FC asked him if he was going to get a ticket. He told her he didn't care. I asked both girls if their father disciplines them. Both said he spansks them with a shoe on the buttocks and on their hands . . . . He has struck them with a belt. I asked them if he ever left any bruises or marks. They said they had bruises. I asked them if they had any bruises on them now. They said no. Neither had any suspicious marks that would indicate abuse. They were unable to tell the last time their father disciplined them.*

- In any law enforcement training on domestic violence and children, include:
  - An explanation of **why** something is a recommended practice. Officers don't want simplistic statements like thus-and-so practice is helpful. Officers want to know why something is helpful, and are subsequently better motivated in knowing they are doing something good and doing higher quality work.
  - Who is helped by the additional documentation being requested. Officers don't know they are doing any good in documenting information that doesn't appear to be used by anyone.
  - What advocacy and counseling is available for children. If officers start documenting what children are witnessing, officers will want to know what is available for children to address the impact of what they've witnessed.
- Build a multi-disciplinary team approach to domestic violence and children. A similar infrastructure for sexual assault already exists – all disciplines represented at regular

meetings where cases are reviewed, and briefing or training is offered on new protocols, first responder issues, interviewing children, etc.

- Utilize the Keller Center for Family Violence Intervention for consultation or training needs.<sup>17</sup> Infrastructure for this already exists there - multi-disciplinary partnerships<sup>18</sup> as well as provision of local and national training for first responders and forensic interviewing of children. A team member from the Keller Center for Family Violence Intervention – Sylvia Baez – has volunteered to be the point of contact.

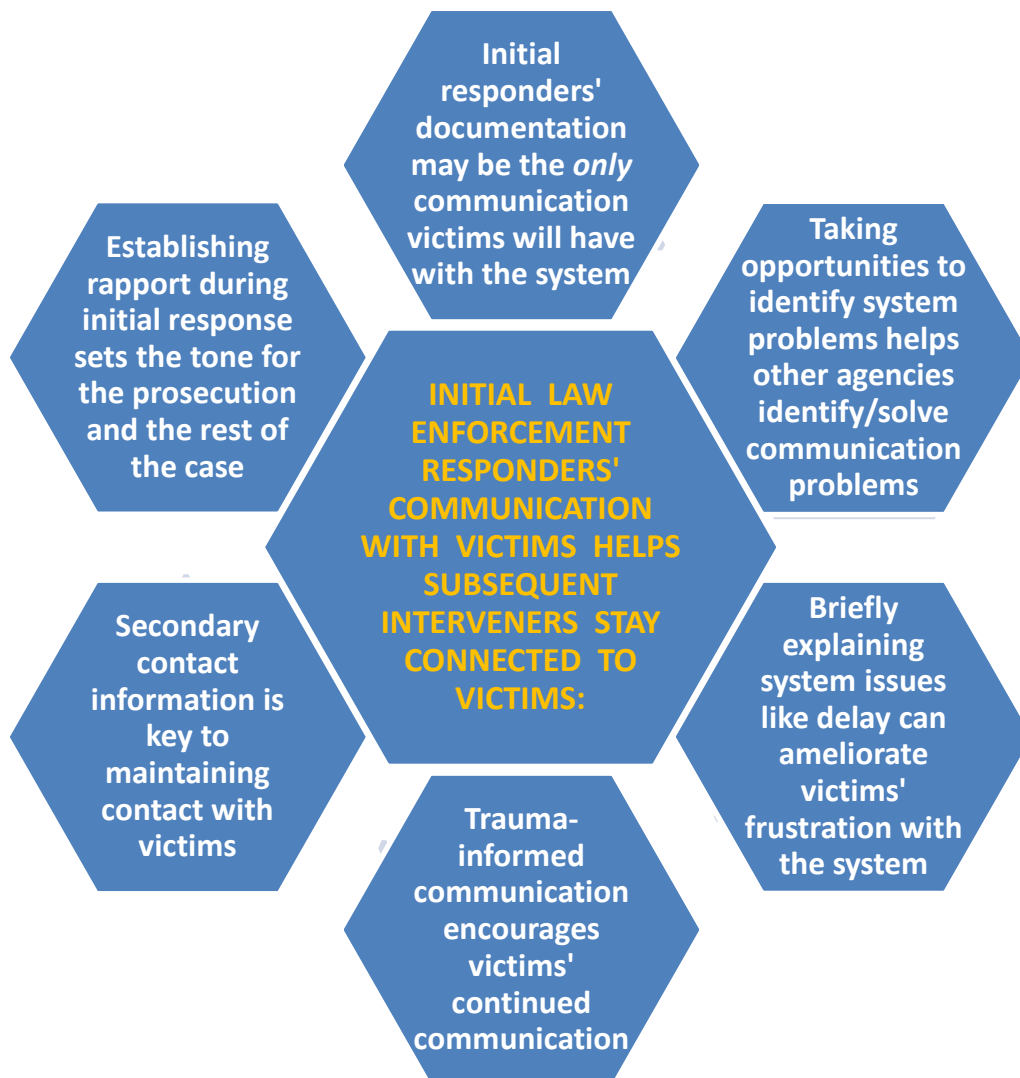
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<sup>17</sup> Center staff is available for consultation on documentation of domestic violence physical injuries on the victim and/or children, and for law enforcement training on child interviewing techniques.

<sup>18</sup> E.g., the Center is a team member of the county's Multidisciplinary Interview Team (MDT) for child sexual abuse cases) along with representatives from the district attorney's office, law enforcement agencies, Child and Family Services, Behavioral Health and Recovery Services, and other community partners.

**Gap 2: There are missed opportunities for staying connected with victims after they have made their initial call to 911 to report domestic violence.**

**Figure 2: Who would be helped by fostering these opportunities?**





## **Gap 2: There are missed opportunities for staying connected with victims after they have made their initial call to 911 to report domestic violence.**

A team member coined the phrase “victim connectivity” and said that words such as connectivity, connectedness, and staying connected with victims seemed to best encompass a myriad of issues the team was discussing. Participants in the survivor focus groups wished for more information, more explanation, and more sensitivity during law enforcement contacts. Interviews with local practitioners and team reviews of police reports often included discussion of the difficulty in victim engagement and maintaining victim participation in the criminal justice process, caused sometimes by the nature of the contact itself, sometimes by simply not getting contact information for victims, and sometimes by victims’ discouragement over process complexities and delays. Interviews and reviews of reports also often included mention of delays in callbacks from the local advocacy program when officers attempted to contact an advocate while on the scene of a domestic violence call; or that victims were refusing the officer’s offer to make a connection with advocacy services or an emergency protective order.<sup>19</sup>

In the 83 police reports from the three participating departments, victim rights information was documented as being given in 43 reports, an emergency protection order was documented as being offered in 37 reports, and an offer of CORA advocacy services was documented as being made in 38 reports. Of the 37 reports where the responding officer offered the victim an emergency protection order, the victim accepted this offer in 23 reports and declined in 14 reports. Of the 38 reports where the responding officer offered advocacy services to the victim, the victim accepted this offer in 23 reports and declined in 15 reports. In the 15 reports where victims declined advocacy services, officers documented routing the report to CORA post-incident in 4 reports.

In the 44 police reports that did not document offering an emergency protection order, the responding officer noted that a restraining order was already in place in 12 of these reports. In the 43 reports that did not document offering CORA advocacy services to the victim while on-scene, the responding officer did route the report to CORA post-incident in 12 of these reports.

In the total of 83 police reports, one department redacted contact information in 12 reports. Of the remaining 61 reports, victims in 21 reports requested their contact information be kept

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<sup>19</sup> If a police officer responds to a domestic violence call, the officer can call a judge and ask that an emergency protective order be issued for a domestic violence victim, which goes into effect immediately. A judge will issue an emergency protective order if s/he believes there is an immediate and present danger of domestic violence or that a child is in immediate or present danger of abuse or abduction by a parent or relative and that the order is necessary to prevent domestic violence, child abuse or child abduction. See Ann.Cal.Fam.Code §§ 6250; 6251.

confidential.<sup>20</sup> Of the remaining 40 reports, secondary contact information<sup>21</sup> was documented in 10 reports.

***How does this gap impact the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases?***

- According to advocates and to many participants in the survivor focus groups, communication that is sensitive to trauma and contains options and explanations is conducive to stress reduction, reassurance, feeling well-informed and inspiring confidence in decision-making and in maintaining communication with system actors.
- Communication affects not only the victim, but the case itself. A team member used the example of compassionate communication and said, “Officers who say ‘You don’t want to live like this,’ or ‘Let us help you,’ or ‘We can help you’ seem genuine. How you interact with the victim initially will set the tone for the rest of that case, prosecution, etc.” Another added that, “People skills can be more important than a policy. If you don’t have the skill to establish a rapport then you won’t be successful.”
- In domestic violence cases, victims are frequently coerced or intimidated from participating in the criminal justice process by the suspect or his/her associates, victims often recant their initial report to police of domestic violence, victims escaping violence move to different residences and change telephone numbers, and phones used to call for help are often damaged or stolen by suspects during the incident. One participant in the survivor focus groups reported that over the course of the violence she experienced at the hands of her partner, he destroyed 10 cell phones. Secondary contact information – such as a work phone, a second home phone or cell phone, an email address, the phone of a family member or friend – is key to maintaining contact with domestic violence victims. A probation officer said in instances where he had no good contact information for a victim, he himself has located a family member and left information for the victim with that person: “Sometimes a victim will be more cooperative when a loved one is trying to help.”
- Delays in CORA’s Emergency Response Program (ERP)<sup>22</sup> shrinks the window of opportunity advocates have to assess danger with the victim and more quickly implement

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<sup>20</sup> The first steps police take in investigating a crime is talking to witnesses and victims about what happened. To enable future contact with witnesses and victims, police ask for names and contact information. Although much information obtained during a criminal investigation becomes public record, the right to privacy under Marsy’s Law prevents release of contact information of victims of crime to a defendant in a criminal case. (Cal. Const. Art. 1 Sect. 28(b)(4).)

<sup>21</sup> E.g., a second phone number, the number of family member or friend, etc.

<sup>22</sup> CORA’s Emergency Response Program (ERP) is a collaboration with 17 of San Mateo County’s law enforcement agencies (the San Mateo County Sheriff’s Department and 16 of the police departments in San Mateo County).

safety planning/safety measures. One of the participants in the survivor focus groups remembered the positive impact of an on-scene officer who made sure she connected with a CORA advocate: “One police officer waited by my side after I called CORA and said, ‘I won’t leave you until you speak with them.’ This guy really showed me there is help out there.”

- Delay in connecting with victims after the violence removes some of the victim’s impetus for connecting at all with anyone. Many team members and many of those interviewed said their best ongoing communication successes with victims began when phone contact was made with advocate immediately:
  - *“If a victim stays on board during the first few hours after the incident, you are lucky, because the next day she goes through the cycle of guilt, blame, a “what have I done” mentality. By the time it gets to the court, they are more apprehensive.”*
  - *“It is more helpful when officers are on scene and call CORA counselors. That is the best way to get information and reach out to the victim.”*
  - *“When I place a call a few days after the incident takes place, chances are slimmer that I will reach the victim.”*
- There were many reports – from team members, from those interviewed, and from the police reports – of victims “refusing services” offered by officers responding to domestic violence calls, such as advocacy or an emergency protective order. When this happens, law enforcement will still send the online form to CORA, but CORA doesn’t track whether victims who initially refused services do subsequently respond to a call from CORA. Therefore, no one knows why those victims initially refused, or whether they eventually connected with advocacy or services. When victims refuse services offered by officers, officers document the refusals in their reports. Reports are reviewed by the perpetrators’ attorneys, who sometimes point out these refusals to the court during pre-trials as evidence that the victim isn’t afraid, that what happened wasn’t that serious, etc.
- Any or all of the above – communication, failure to get good contact information, a breakdown in connecting with advocacy, frustration over case processing and delay – can set the stage for a victim to drop out of the prosecution process. Dropping out means that the district attorney’s office won’t be able to explain the court process or safety plan with the victim, the district attorney’s victim advocate won’t have victim input to provide at the pretrial, and the prosecutor won’t be able to prosecute to the fullest extent and so the offender is held less accountable.

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Trained CORA counselors provide 24-hour emergency intervention, critical incident response, and advocacy to de-escalate crisis situations involving domestic violence.

CORA’s ERP counselors are contacted by the police, either at the scene of an incident or when the police report is received, to assist with and focus on safety of all parties involved, sometimes providing immediate help to get basic needs met like food, clothing, shelter, medical attention, childcare, or an emergency protective order.

***What contributes to this gap – that there are missed opportunities for staying connected with victims after they have made their initial call to 911 to report domestic violence?***

- Many victims want to remain in contact or in a relationship with partners who've been arrested for domestic violence crimes. They may see staying in communication with law enforcement, advocacy, prosecution, probation, etc. as an obstacle to that contact or relationship. Additionally, an officer with whom a team member did a ride-along pointed out that some victims indicate they are not afraid of their partners, and don't perceive a need for communicating with anyone about safety or safety planning. A judge was of the opinion that victims may refuse services because of finances: "Victims are often dealing with financial situations – that is, divorce, unemployment, cost of living, losing a breadwinner or having to become a breadwinner, etc. Victims aren't sure they want to do anything that risks their financial support, or losing their jobs." However, another officer reported that some victims feel intruded upon by service providers and just want to be left alone; and a law enforcement supervisor said sometimes victims refuse services because "they just don't want to deal with it" the night of the incident.
- According to many participants in the survivor focus groups, communication without explanation, communication that was rushed, or communication that was presented as a "must" instead of as an option produced anxiety about the criminal justice system overall, uncertainty about what to do, and feeling cut off from communicating further.
  - *"A survivor who calls, who just had her head beat up - her head is probably spinning, and she can't think, can't even hear!"*
  - *"Information is very hard to process during an incident."*
  - *"You are in an emotional state. Boom, boom, boom. Not a minute to rest or to think, really."*
  - *". . . re-live things . . . 'tell me again.' A little bit of a break and a breather would have helped."*
  - *Asking " 'Why didn't you report earlier?' is . . . going to scare me and drive me crazy. I think, 'Why did I report now?' "*
  - *". . . asked me why that wasn't in my complaint. I told him it didn't hurt. . . . Didn't he get that getting him to leave was what was more important for me?"*
  - *Asked " 'Why would you let him spend the night?' I never let him do anything to me. I had no choice. He did what he wanted. And he made me feel later like I somehow let him. It was confusing."*
  - *" 'When was the last time you had sex?' the cop asked. I didn't want to talk about sex, to say that he raped me. There was so much else to talk about."*
  - *". . . was told that the past is 'no good' . . . police need some current information to do anything."*
- While refresher trainings on substantive areas (e.g., domestic violence dynamics) are common, refresher trainings on areas of skill – such as interviewing – are not. One person interviewed said many people with long careers in law enforcement had interview training

in the academy, but little opportunity for follow-up or refresher training on that skill since then.

- Some team members and some of those interviewed said victims often express frustration at not getting brief explanations of process, not getting warnings of delay in case processing, etc. These things are often described by victims as “a hassle.” Victims are often uneducated about and unprepared for them, and the time they take can be traumatizing. Victims want to get things over with so they can move on. They can’t get time off work for court-related appointments, can’t get child care, don’t have adequate transportation, etc. This dynamic discourages victims from participating in investigative/prosecution processes, or from calling for help in the future. For example, one of the participants in the survivor focus groups described finding out after the fact that her partner would be arrested, jailed, taken to court the next day, and be unable to go to work. She wished the officer would have mentioned those things, and recalled feeling “confused” and “hesitant.” A detective reported that the lapse of time between the initial investigation and the trial date is also an issue, and that in his experience, “The longer it takes to get to court, the greater the chance for the victim not to show or be interested in further prosecution.”
- Delays in CORA’s ERP were reported by several law enforcement personnel interviewed and observed, and were documented in several police reports – calls made to the number for CORA Crisis Counselors sometimes either not being returned or being returned late, and email referrals sometimes not seen by CORA for a few days after the incident. Regarding email referrals, advocacy and law enforcement personnel and several police reports indicated that sometimes there was a delay in the law enforcement officer or agency sending the report to CORA. Regarding CORA’s return calls, staffing CORA’s return calls to officers and victims on-scene is stretched thin. CORA’s ERP is a collaboration with the San Mateo County Sheriff’s Office and 16 police departments throughout San Mateo County. However, there are only a few CORA crisis counselors; and even if there was funding for more, they have to be specially trained first (critical incident response, advocacy, de-escalation skills, knowledge of appropriate and available resources and referrals, etc.), which takes time. Additionally, the ERP line is transferred to a cell phone after hours (10 p.m. to 9 a.m.); the system does not forward the calls directly to the on-call CORA staff person’s cell phone. The officer or dispatcher making the after-hours call to CORA leaves a voicemail and the system then alerts the on-call counselor; the counselor then retrieves the message and returns the phone call. CORA’s service agreement with participating law enforcement agencies states they will return a call within 10 minutes of a voicemail being left. If an officer or dispatcher does not leave a voicemail, then the CORA on-call counselor will not be alerted during the after-hours period.
- On the face sheets for police reports, there is a space for a residence phone, a work phone, and “other information.” There isn’t a space for “person with whom message can be left.” Additionally, several advocates reported some victims prefer to be contacted by

e-mail, which wasn't being inquired into/documentated in police reports. Team members reported that police departments have agreed to update the form patrol officers will use to document domestic violence calls, but are waiting for the completion of this assessment and its recommendations before beginning that process. Some team members speculated that training and supervision on the police report narrative takes precedence; and that because it is generally known that the form is about to be updated, small data fields may be perceived as "little stuff" and take less precedence in training and supervision.

- Victim safety policy adhered to by most advocates across the country - including those at CORA - limits the number of phone calls an advocate can attempt (CORA limits advocates to two attempts) in reaching out to victims, and prohibits leaving messages. Messages or repeated attempts at contact could alert the perpetrator that the victim is seeking help or is communicating with someone about the violence, which may expose the victim to intimidation, retaliation, or more violence.
- A victim who has dropped out of the investigative or prosecution process sometimes has formed a communication link with the suspect's attorney or even retained her own attorney,<sup>23</sup> which prevents law enforcement officers, investigators or prosecutors from talking to her. This was observed by team members observing pre-trials and preliminary hearings, and has been observed more and more frequently in the last few years by prosecutors. For example, at a domestic violence preliminary hearing observed by a team member, in addition to retaining an attorney and writing a letter to the prosecutor about not prosecuting the abuser, the victim testified (unusual at a preliminary hearing) but all her answers consisted of either minimizing the what happened or saying "I don't know" and "I don't recall."

***What will help address this gap – that there are missed opportunities for staying connected with victims after they have made their initial call to 911 to report domestic violence?***

- Continue the existing practice of sending detectives or investigators to domestic violence scenes when available. Several of those interviewed commented on the knowledge the domestic violence investigators and detectives had of domestic violence dynamics and local resources, combined with the experience they had in building rapport and communicating with victims, as being "supportive," "engaging," and "like advocates."

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<sup>23</sup> California courts may not imprison or otherwise confine or place in custody the victim of a sexual assault or domestic violence crime for contempt when the contempt consists of refusing to testify concerning that sexual assault or domestic violence crime (see CAL. CODE OF CIV. PRO. § 1219(b)). Sometimes domestic violence defendants or their attorneys inform victims of this, in the vein of "Nothing will happen to you if you don't show up" or even "You have a right not to show up;" and then suggest legal representation if the victim is feeling pressured to do so.

- Include trauma-informed<sup>24</sup> responses training with any upcoming local domestic training for domestic violence responders.
- Provide training on interviewing skills for domestic violence responders, and develop the means to mentor or supervise. Mentoring or supervising a skill is not easily articulated in concrete fashion – when asked about this during an interview, a law enforcement supervisor said that the San Mateo Police Department has an accountability mechanism for such things in its practice of random customer service surveys of people who have called the police department for help. He said responses include any communication issues, which supervisors can then use to counsel individual officers. One of the patrol officers with whom a team member did a ride-along said he looked for opportunities to build rapport with victims when responding to domestic violence calls, and felt supported by his department in doing this.
- Investigate and address delays in CORA’s ERP. Communicate with law enforcement supervisors about flagging delayed call-backs when they happen to more quickly and accurately identify future causes of delay.
- When making the victim-advocate connection while on-scene at a domestic violence call, prioritize on-scene phone contact over later e-mail referral.
- Incorporate data fields for secondary contact information on forms and in information management systems, and conduct training on the importance of obtaining secondary contact information.
- Develop brief explanations for “the next step” the victim will be facing (the offender’s arrest, release from jail, the first court appearance, etc.). See, e.g., online models for sexual assault victims, such as “It’s Your Call” and “You Have Options.” Develop brief explanations for questions that have to be asked but that victims and witnesses often don’t understand or take offense at, such as “If it happened yesterday, why didn’t you call then?”
- Educate victims on areas of special or serious concern. For example, during the team’s review of a police report of a pregnant victim who refused services, a detective acknowledged victim autonomy but said experienced detectives and investigators who have knowledge of the dangerousness associated with the assault of pregnant victims,

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<sup>24</sup> Trauma-informed services is a relatively new (the last two to three years or so) addition to training curricula for responders to domestic violence. Trauma-informed means that responders and service providers ensure that survivors of domestic violence have access to services in an environment that is inclusive and welcoming, and does not stigmatize or re-traumatize. See, e.g., the “Trauma-informed” or “Training” pages of the websites for the National Network to End Domestic Violence, the National Online Resource Center on Violence against Women, the International Association of Chiefs of Police, the National Center on Domestic Violence, Trauma and Mental Health, and many others.

strangulation, blows to the head, etc. should “take one more run” at connecting victims with services when they get such cases for follow-up. The detective reported sometimes having success at getting through to victims when making clear the potential health concern.

- CORA conducted focus groups of survivors to help plan this assessment; it is suggested they could do so periodically in the future to investigate new issues, such as victims’ refusal of services offered by officers responding to domestic violence calls. CORA has already included requests for funding such groups in its recent grant applications.
- Several of those interviewed the fields of law enforcement and service provision would like to see discussion about the best way to centralize communication with victims so they don’t have to go to so many places – whether something small like having an advocate stationed at police departments, or big like a Family Justice Center: “Coordination to minimize the amount of time someone is interviewed is extremely important. Less is more. Victims could become uncooperative if they keep getting shuffled around from place to place and person to person. After the emotional and physical trauma, a victim may not want to travel to yet another . . . statement of what happened to her.”



**Gap 3: The context in which a domestic violence incident occurred is needed by interveners to determine actions to be taken but is sometimes missing from police reports, particularly: (1) the traumatic nature of the event; (2) the history of abuse in the relationship; and (3) what officers saw and heard upon arrival and while on-scene.**

**Figure 3: Who would be helped by including such context in police reports?**



**Gap 3: The context in which a domestic violence incident occurred is needed by interveners to determine actions to be taken but is sometimes missing from police reports, particularly: (1) the traumatic nature of the event; (2) the history of abuse in the relationship; and (3) what officers saw and heard upon arrival and while on-scene.**

While consulting on another assessment elsewhere in the United States, the consultant on this assessment interviewed a domestic violence court judge about bail determinations. He knew some people complained that bail determinations appeared to be the same for most domestic violence defendants, without appearing to account for varying levels of risk and abusive history. The criminal justice system in his community had adopted risk assessment questions to be asked at different points in the process (by police, by community-based advocates, by advocates in the prosecutor's office, by probation, etc.). He was familiar with risk assessment, the supporting research, and the most widely-used instruments. He'd been to training on risk assessment. He looked at risk assessment checklists provided during his bail hearings – but they weren't helpful.

Why? "Because everyone uses a checklist and the same boxes are checked on every case." The judge used the example of the "threats" box and said if the box is checked in every case, how does that help a judge account for varying levels of risk and abusive history? He said when that box is checked in every case, without additional information, the judge doesn't know if the threat was made a long time ago or last night, under potentially horseplay circumstances or with the brandishing of a weapon, or against one person or several. He asked, "What happened to context?" and pointed out checklists don't provide context – one has to find it in the police report.

This recognition that post-patrol response interveners in domestic violence cases need contextual information was a theme in discussions of team members reviewing police reports provided by the three police departments participating in this assessment. There was no deficient report, there was no report that didn't cover the basics, and most felony reports had a good quantity of contextual information. However, this wasn't seen consistently. With several reports that didn't document circumstances depicting the trauma of the abuse, several reports that didn't document officer observations so as to avoid over-reliance on the victim, and more than several reports that didn't document inquiry into history of abuse, team members surmised that perhaps not all officers know what contextual information is, its importance to other actors in the criminal justice system, or how to document it.

***How does this gap impact the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases?***

*Documenting the Impact of Trauma*

*I knocked on the front door and the victim initially did not want to open the door. Once she confirmed my identity as a police officer, she unlocked the door and allowed me in . . . . While talking to the victim through the door and upon initial contact, I immediately detected her voice to be ‘cracking’ and ‘shaken.’ When the victim opened the door, she was on the phone and I could see she had been crying. There were tears in her eyes and her hands shook as she tried to hang up the phone. I entered the apartment and asked her what was wrong. It took the victim a few minutes for her to regain her composure . . . . The victim and her statement were initially very disjointed. She was preoccupied with her three-year old daughter and four-year-old son . . . . As we spoke, the victim continually cried and grabbed each side of her chest . . . . The victim continued to cry and was trying to corral her children while speaking with me.*

- The spontaneity of victim or witness statements – which a prosecutor has to show in order to use certain hearsay statements as evidence – is shown by the responding officer’s documentation of the traumatic nature of events and their apparent impact on victims and witnesses.
- Police documentation depicting the traumatic nature of the incident refreshes the memories of witnesses about what has happened and how serious it was. A detailed report could be used to build rapport with the victim, speak with her about what happened and what her children saw, and what their reactions were.
- A local prosecutor: “Understand the importance of documenting the victim’s demeanor – is she crying, shaking, etc. - this is really key. My job is to present evidence - the truth - and victims and their family members are respected and listened to.”
- Probation officers and batterer program providers use this information to prevent domestic violence offenders from minimizing their conduct. A probation officer gave the example of being able to use a police report where the officer documented the traumatic impact of the offender’s conduct on his partner and his children, and ask the offender: “Remember the way your children reacted during the incident? Remember how your partner reacted?”
- Police documentation of the apparent traumatic nature of the incident impacts not only the current case, but future cases as well - establishing a history of violence can help investigators and prosecutors build a case against a perpetrator and provide a basis for stronger sentencing.
- A probation officer reported that if a repeat offender is on probation at the time of the new incident, probation officers rely heavily on the police report drafting probation memos to the court. Documentation that the event was traumatic for the victim and for children backs up the probation officer’s recommendation. Lack of such documentation

weakens the ability of the probation officer to craft strong memos to the court that hold the offender accountable.

- Documentation that shows the traumatic nature of a domestic violence incident is important to decision-makers in visitation and custody cases in family court.

### Documenting the History of Abuse in the Relationship

*She and her husband had been married for over 10 years. Prior to their marriage, she and her husband dated for approximately two to three months. The victim and her husband lived in South San Francisco for several years prior to moving here. In South City . . . her husband verbally and psychologically abused her but was never physical with her. Abuse would range from verbal fighting and demeaning behavior by her husband. Most fights [were about] jealousy. The victim recalled an incident in 2005 in Pacifica where the subject and she were contacted by police after a verbal argument . . . . Her husband was arrested for theft and no domestic violence charges were filed. The victim and her husband were parents of two twin boys. Her twin boys were taken . . . and custody granted to family members. In 2009, the victim and her husband had a third child. In 2010 . . . a fourth child. In 2010, the victim, her husband, and two younger children moved to their current address . . . . Her husband's verbal abuse continued and still continues. It was not uncommon for police to respond to verbal fights and arguments. She indicated fights were physical only twice and recalled only a half-dozen times police responded. Police were at her house a week prior to today's date but the fight was only verbal in nature. She and her husband fight often about jealousy.*

- Information on the history of abuse in a relationship can impact whether a prosecutor files a case or how a prosecutor disposes of a filed case. For example, in cases where the defendant's conduct is minimal and there are no witnesses, information on the history of abuse could make the difference between a prosecutor going forward with the case, or evaluating it as not provable beyond a reasonable doubt or as worthy of declination in the interests of justice. Additionally, history alerts prosecutors to make more stringent bail or plea negotiation arguments. One prosecutor said that defendants and their attorneys are going to "say that this is an isolated incident – but I'm not inclined to plead down if it is clear from the report that this is not an isolated incident and there is a history of violence." History also alerts prosecutors to information they can use in particular prosecution strategies, such as prior bad acts evidence. On this topic the prosecutor said, "When I'm working on a DV case I want all reports that have happened, to establish a pattern. I want to charge the old ones, as well – I want it to make sense so the violence doesn't seem to the jury to have come out of nowhere. Pattern evidence is for the jury to see that the violence is part of a broader problem – that the defendant uses violence to exert power and control. Finally, if the victim fails to appear because of witness coercion,

history may contain proof of forfeiture by wrong-doing<sup>25</sup> so that the prosecutor can try the case without the victim's presence.

- Team members observing domestic violence pre-trials reported that some cases involved current or past violations of court orders – emergency protective orders, restraining orders, harassment orders. One of these team members reported “This seemed to be a critical bargaining tool between the parties. One officer went the extra mile in obtaining all pertinent restraining order information and did a thorough documentation – it’s important to have documentation of violations for further support in prosecution.” A dispatcher interviewed during this assessment said that even extended orders – emergency protective orders issued but not served – are entered into the law enforcement records management system (RIMS). Dispatchers can see these and tell officers responding to domestic violence calls.
- Documentation of the history of abuse was first on the list that staff at the Keller Center for Family Violence Intervention deemed as important documentation when consulting or testifying as an expert on lethality or risk factors.
- A member of the corrections staff at the Maguire Correctional Facility reported that law enforcement information is used indirectly in deeming an inmate appropriate for the in-custody Choices<sup>26</sup> program: “We rely on the staff’s classification of that person, and staff relies on law enforcement information. If relying on someone’s interpretation of something, it should be accurate.”

### Officer Observations versus Reliance on the Victim

*“I observed the broken window located on the second floor of her house. There was broken glass lying inside of her home and broken glass lying on the front landing of her porch. I also observed numerous blood drops inside the home and on the front stairs of the house.”*

*“I saw a hole that appeared to have been caused by an impact on one of the bedroom doors.”*

*“I could smell a strong odor of an alcoholic beverage emanating from his breath and person.”*

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<sup>25</sup> Federal and state constitutions guarantee the right of confrontation of witnesses to a criminal defendant. Sometimes a person tries to evade justice by engaging in conduct that prevents a witness from testifying. If such conduct is proven, it may result in forfeiture of the right of confrontation, so that there is no constitutional barrier to admitting an out-of-court statement by the unavailable witness. In domestic violence cases, history of abuse may be relevant in proving a victim was prevented, coerced, or intimidated from testifying.

<sup>26</sup> Choices is a therapeutic community recovery program for jail inmates incarcerated in the San Mateo County Jail.

*“We located a broken black cellular telephone immediately to the north of the apartment in the alleyway at the bottom of the stairwell. It had the appearance of an object that had been thrown or smashed against something at a high rate of speed.”*

*“I was in the courthouse waiting to testify on a domestic violence case involving the suspect and victim. The suspect was told by the bailiff to refrain from talking to any parties involved in the case. I watched as the suspect talked and said things to the victim who was directly in front of him in the courtroom. The suspect made eye contact with me and I advised him not to interact with the victim. The suspect was rude, ignored my request, and leaned in and started to touch the upper part of the victim. He eventually leaned in and kissed the victim’s left shoulder. The victim did not respond and appeared to look bothered, uncomfortable and unwelcomed by his approaches. I verified that the suspect had a restraining order . . . . I arrested the suspect . . . .”*

- A detective said that on a spectrum between reliance on the victim, and officer observation and documentation, the closer we stay to relying on the victim the more problematic for victim safety; and the more we can include officer observation and documentation, the better for victim safety. He also pointed out that the officer responding to a domestic violence call is in the best position to document, because he or she is at the scene.
- In misdemeanor cases of no or minimal injuries, minimal conduct, no witnesses, etc., a prosecutor indicated that he would likely be unable to charge the case without the victim’s report being corroborated by other witnesses (an admission by the suspect, an observation by another witness, etc.) or by things the officer could observe and document (e.g., the disarray in the living room or the nature and appearance of an injury). He pointed out that he is working with a reasonable doubt standard of evidence evaluation and that jurors can draw “any inference that is reasonable from all the evidence – I need something that overcomes it. There is a presumption of innocence – I need to show why her version is reasonable and his isn’t.” And if the victim recants, as is common in domestic violence cases: “If she gives a plausible alternative, I have to defeat the alternative. I want other witnesses, such as police officers, to testify. The incident is emotionally charged, and the defendant and victim alone doesn’t tell jurors which one is telling the truth.”
- During a pre-trial hearings, prosecutors must have all of the facts of the case or the defense will say prosecutors are getting it wrong. The more information in the police report, the better the case will be because it is there as hard, written information and evidence. The officer writing about what the officer heard and observed upon arrival, and while on scene, can be more useful in pre-trials as opposed to the victim’s account for what happened – prosecutors can’t rely only on the victim’s account because the victim could become uncooperative, recant, or not show up.

- While reviewing police reports contributed by the three police departments, team members observed that an officer's documentation of the suspect's intoxication (odor, speech difficulty, etc.) provides both prosecutor and probation officer the basis for asking the court to order substance abuse programming or Alcoholics Anonymous participation as probation conditions, instead of having to rely solely on victim input such as "He drinks a lot," which makes the victim vulnerable to blame and retaliation by the suspect.
- A local judge: "I think it would be important for officers to remember their report is also for them, and to think of themselves as an audience to the report while writing it. How else is an officer called to testify going to remember details of the case if he hasn't documented it properly? Encourage and remind officers to be thorough - they might have to rely on the report themselves for preparation and memory of a case when testifying. Officers are being called to testify months down the road – they need to be prepared to 'paint the picture' and have details written down so attorneys won't question the officer's memory."

***What contributes to this gap – that the context in which a domestic violence incident occurred is needed by interveners to determine actions to be taken but is sometimes missing from police reports, particularly: (1) the traumatic nature of the event; (2) the history of abuse in the relationship; and (3) what officers saw and heard upon arrival and while on-scene.***

- In the police reports reviewed by team members, criminal history was often checked but it often wasn't documented whether officers asked victims about the history of abuse in the relationship. It is possible that some officers interpret the practice of "checking for history" in domestic violence cases as checking for prior arrests and convictions, but not necessarily unreported conduct or behavior that that victim has experienced. This was especially true in "verbal only" reports, non-arrest reports, or reports of minimal conduct that were forwarded to the district attorney's office for review – cases where officers' perception could be that historical information is not needed in such cases, or that such incidents look more like isolated incidents instead of potentially being part of a pattern of behavior.
- Officers report that some victims are already recanting and becoming uncooperative upon police arrival, and won't reveal trauma or answer questions about history. This dynamic was also apparent in some of the police reports reviewed by team members.
- Older police reports and police reports from other jurisdictions that would help build a picture of history can be harder to find and obtain. They may be located in different records management systems, they may be labeled differently so the domestic violence connection isn't readily apparent, and they may have occurred with a different partner, at a different address, with a different complaining witness. Additionally, San Mateo County

is a very diverse county with many immigrants and first-generation citizens – records from other countries are unlikely to be obtainable, and might not be usable in court if they were obtained.

- There isn't anything built in to the role of law enforcement supervisors in monitoring and mentoring patrol officers' documentation of this sort of contextual information.
- Some police officers think of themselves as first responders, and don't expect to end up in court, where they would actually see and experience the importance of contextual information.

***What will help address this gap – that the context in which a domestic violence incident occurred is needed by interveners to determine actions to be taken but is sometimes missing from police reports, particularly: (1) the traumatic nature of the event; (2) the history of abuse in the relationship; and (3) what officers saw and heard upon arrival and while on-scene.***

- Include risk assessment in the upcoming update to the domestic violence incident report. Most team members and most people interviewed mentioned practitioner assessment of risk, danger, or lethality in domestic violence cases as a needed area of policy development and training that would also address this gap related to the context in which a domestic violence incident has occurred. One of the police departments participating in this assessment is exploring one model of risk assessment and has sent staff to training. A team member said that a local training on danger assessment is being planned. Staff at the Keller Center for Family Violence Intervention have begun incorporating attention to risk and lethality in their expert witness consulting and testimony. With all of this local interest and activity in the area of risk assessment, it will be important for those updating the domestic violence incident report to stay on top of local developments and address them consistently within law enforcement documentation.
- Continuing in the vein of consistency, it is recommended that the departments that do not require the writing of a report in "verbal only" incidents revisit that policy in the light of this report of gaps in the documentation of children present during domestic violence, of contact information for victims, and of contextual information needed by subsequent interveners.
- Develop open-ended questions (as opposed to yes/no questions) that are more likely to elicit trauma or history information from victims,<sup>27</sup> and include in officer briefing and training, and easily accessible mediums such as pocket cards, online, YouTube, etc. A detective said a card or checklist of some sort would be especially important when

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<sup>27</sup> See, e.g., risk questions on the *Duluth Police Pocket Card* at [http://www.stopvaw.org/duluth\\_police\\_pocket\\_card](http://www.stopvaw.org/duluth_police_pocket_card), which exemplify open-ended questions for the officer to ask.



questioning a victim about history that hadn't previously been reported, and gave the examples of questions he might ask to explore a history of controlling behavior: How often does he/she allow you to go out with friends? How often does he/she show up unexpectedly?

- Create mock pre-trial/mock trial learning experiences for officers at the academy or at basic training levels. Law enforcement team members who observed domestic violence pre-trials commented on what a valuable learning experience it was, and how they would like to share it with patrol officers. Other team members said it is important to create training that brings to life the importance of contextual information such as trauma and history in domestic violence cases, where prosecutors often have to proceed without a victim: "Help officers approach their reports as cases that will likely have to be proven without a victim."
- Provide feedback on documentation that was helpful, or on what would have been more helpful. The chief of one of the departments participating in this assessment specifically asked for that in this report – hence the examples of documentation of children, of trauma, of history, etc. that one sees throughout. A number of officers involved in this assessment also asked for feedback on reports. One officer's recommendation and commentary: "The only time you get feedback regarding a report is when you ask for it. Maybe a good thing would be to have the officer have their email address in their report – so the D.A. can email them – 'great documentation regarding the environment, we need more info like this' or 'please include more detail regarding this next time so we have more evidence to take the case.' We want to do a good job [but sometimes feel] are spinning wheels because of requirements for cases that we know aren't going to go anywhere."
- Provide opportunities for officers to give feedback. Officers are the frontline of new crime problems, new social problems, etc. and are frequently asked to document things they haven't documented before, document things differently than they have in the past, use new or additional forms, and so on. Their work is the frequent subject of evaluations, assessments, and research. It's important to give officers – the group that is being asked to do something differently – the opportunity to give feedback about new forms and new documentation policy. Whether periodic focus groups, or building in feedback sessions to officer briefings or trainings, team members wanted to hear police officer feedback on what is working for them and what isn't: "Ask officers what is the best way to accomplish this [a new form or new procedure] because they are the ones using it."

**Gap 4: Language and cultural differences sometimes exacerbate victims' embarrassment at or resistance to coming forward, or require the use of interpreters (family members or LanguageLine) that subsequently create challenges for prosecuting cases.**

**Figure 4: Who would be helped by addressing language and cultural differences during initial law enforcement responders' communications with victims?**



**Gap 4: Language and cultural differences sometimes exacerbate victims' embarrassment at or resistance to coming forward, or require the use of interpreters (family members or LanguageLine) that subsequently create challenges for prosecuting cases.**

San Mateo County is next door to San Francisco, which in a variety of news and information outlets is often referred to as one of the top five most diverse cities in the United States. Many ethnic groups and cultures are represented in San Mateo County, and so there can be many different country-of-origin experiences and perceptions of law enforcement, of gender equality and violence against women, of the appropriateness of going outside the family for help, and so on. These experiences and perceptions sometimes play a role in victims not coming forward, in victims who have come forward becoming uncooperative, or victims simply not knowing or understanding what is available to help them.

There are 83 different languages spoken in San Mateo County,<sup>28</sup> with the 10 most common being English, Spanish, Tagalog, Chinese, Cantonese, Hindi, Japanese, Arabic, Italian, and Russian. Of the nine survivor focus groups conducted prior to this assessment, four were conducted in Spanish; and some of the police reports reviewed during this assessment documented Spanish as the parties' language and the need for an interpreter. While many government and service provider employees speak Spanish, employees that speak languages other than English and Spanish are rare. In instances where a domestic violence victim speaks a language other than English or Spanish, or speaks Spanish and there is no Spanish-speaking personnel available, a responding officer must use the Language Line<sup>29</sup> or a willing family member or witness who speaks both English and the language of the victim.

***How does this gap impact the helpfulness of patrol officer documentation to subsequent interveners in domestic violence cases?***

- Several Spanish-speaking participants in the victim focus groups said they understood they were only to call 911 to report domestic violence “when it was important.” An advocate who often works with Spanish-speaking victims described the difficulty in explaining concepts like calling when a crime has occurred, when there is an emergency, when you have been threatened, etc. What do these things mean? What do they mean to a non-English speaker? What do they mean to someone from another country – a country with a different emergency or law enforcement response, or perhaps even no response, to domestic violence?

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<sup>28</sup> *Emergency Preparedness and Response – San Mateo County, California*, Center for Disease Control, July 2014.

<sup>29</sup> LanguageLine interpreters listen to limited English speaking persons, analyze their message and accurately convey its original meaning to the dispatcher or law enforcement officer.

- Everyone involved in this assessment who had dealings with LanguageLine had nothing but high praise for their services. A 911 supervisor’s experience was that LanguageLine interpreters are not only high quality but also responsive in high risk situations, understanding not only of language differences but also to cultural differences, and are quick without appearing to be rude. However, LanguageLine interpreters do not interpret word-for-word, but meaning-for-meaning. Many English concepts that are communicated in one or two words can take several phrases to accurately describe in another language, and vice versa. While meaning-for-meaning interpretation is needed in emergency communications like 911 and law enforcement, this kind of interpretation is difficult to deal with in legal settings such as court appearances and court hearings, which often expect word-for-word interpretation.
- When a Spanish-speaking party is encountered on-scene by responding officers who don’t speak Spanish, those officers will contact a Spanish-speaking officer to come to their location. A native Spanish speaker and officer with whom a team member did a ride-along often serves as the Spanish interpreter for domestic violence calls that are assigned to other officers. However, he could be on another call and unavailable. The on-scene officers would then be faced with either utilizing someone on-scene – the police reports reviewed by team members documented using older children, family members, unrelated witnesses, and even a passerby – or calling the LanguageLine. Several participants in the survivor focus groups expressed being distressed by their children interpreting between their parents and police officers: “What if she is summoned to testify in court against her father? What kind of problems will this create for the family?” Officers know that it is a potential pressure on a child or family member to utilize them as interpreters, but a team member pointed out that doing so may actually be more victim-friendly than calling the LanguageLine, which can be awkward. The officer has to make it clear to the parties to wait, then make the call, then pass the phone back and forth from the victim to the officer in order to be translated for/hear the translation by the LanguageLine staff person.
- Several Spanish-speaking participants in the victim focus groups reported confusion or misunderstanding about officers separating the parties after responding to a domestic violence call. For example, in situations where police did not make an arrest, one woman said there was no one available to speak Spanish with her, and that she understood she “could go somewhere else and take the time to get her stuff;” and another said police told her abuser to find another place to sleep for the night but that she didn’t understand that, and didn’t sleep that night, not knowing what was going to happen to her. Conversely, two victims who were able to speak to a Spanish-speaking officer had a much different experience:
  - “Police had come – three officers. About 30 minutes later a woman came and spoke in Spanish. The police officers were nice and I felt they will try and help and check to see if things are ok. I was glad they didn’t leave when my husband tried to trick them by saying he was someone else and that they had the wrong house.”
  - “I went to the police station by myself and still had bruises. The officers

*only spoke English. But they drove me to the hospital and took pictures. Another officer, who wrote the report, spoke Spanish. He told me he would not judge me, and so we made a rapport.”*

- As for on-scene interpretation by a family member, a prosecutor reading a report where the translator is a friend of the defendant or friend of victim will have to assess the credibility of the translation by looking at whether there are there other witnesses or physical evidence that support or don't support the version of events. This assessment, in turn, will impact the prosecutor's decision whether or not to take the case forward. One prosecutor said once this credibility assessment was made and any shoring up of credibility addressed, he would not be worried about processing the case or taking it to trial. However, he did point out the case could still fall apart when a defense attorney cross examines someone regarding translation: "All it takes is one word that is translated differently/incorrectly by an officer who isn't a native speaker of the language to destroy a case."
- In domestic violence cases, victims are likely to become uncooperative in prosecuting their abusers. A language barrier adds another layer of difficulty when dealing with an already uncooperative victim. It prevents the "fixability" (e.g., asking the officer to go back to the scene to talk to someone again) that prosecutors have with officers in other cases. A prosecutor said he can lose a case this way: "If the report is lacking, now there is no way to go back and fix it."

***What contributes to this gap – that language and cultural differences sometimes exacerbate victims' embarrassment at or resistance to coming forward, or require the use of interpreters (family members or LanguageLine) that subsequently create challenges for prosecuting cases?***

- Several team members, interviewees, and victim focus group participants indicated that victims who are not legal residents don't want to come to the attention of the criminal justice system. They don't call for help, don't want to communicate with officers when help is called to the scene of domestic violence, and don't want to communicate with anyone doing follow-up (investigators, prosecutors, etc.).
- Victims in abusive relationships – controlled by partners and perhaps having small children at home – are often financially dependent on their partners and reluctant to jeopardize financial support by asking for criminal justice intervention in domestic violence. This is even more true when victims are from other countries and don't have local job or educational experience or references, aren't legal residents and aren't able to seek means of supporting themselves independently, or don't speak English and rely on their partner not only for financial support but also communication with others.

- When someone isn't available to speak with victims in their language, victims are deterred from calling for follow-up, and from calling for help in the future.
- LanguageLine interpreters are not physically in San Mateo County – they are in another state or in another country. It is not feasible for them to be called to court as witnesses.
- A probation officer who supervises domestic violence offenders said some offenders and victims that he works with tell him that domestic violence is “normal” in their culture. He gave the example of one person telling him, “Abuse is part of life.” He pointed out that how one defines “family” is also part of culture, and that some offenders and victims he has worked with would define “family” as a hierarchy with a man at the top, and women as property. Similarly, culture and country of origin play roles in whether police officers are trusted or mistrusted, whether personal information is to be shared or not, etc.

***What will help address this gap – that language and cultural differences sometimes exacerbate victims' embarrassment at or resistance to coming forward, or require the use of interpreters (family members or LanguageLine) that subsequently create challenges for prosecuting cases?***

- Recommendations listed previously in this report relating to communication, to dealing with trauma, to assessing risk, and to centralizing services/coordinating efforts must incorporate attention to culture and language in this extraordinarily diverse community.
- Continue the practice of seeking out personnel who speak the languages of those accessing services.
- Create community outreach and education on domestic violence and the community's response in languages spoken in the community, and in settings that reach the variety of cultures and ethnic groups that live here.
- Identify potential interpreters available to law enforcement and prosecution.
- Provide training about what circumstances (e.g., injuries, immediate safety) it may be necessary to utilize a child as an interpreter, and how best to go about it.
- Utilize existing knowledge of bi-cultural, bi-lingual officers in training, mentoring, and on-scene support in approaching cultural issues within police communication and the establishment of rapport with victims.

## Next Steps

During the writing of this report, CORA applied for and did receive funding from the Blue Shield California Foundation for the implementation of many of the recommendations. The goal of the implementation funding was to engage not only practitioners but also victims in identifying priority areas, establishing a plan of action, implementing the most actionable items first, and sharing what was learned with the community as well as the larger movement and related entities (statewide and nationwide).

The implementation effort has been given a title - San Mateo County's Coordinated Community Response to Domestic Violence: Implementing the Recommendations from the System-Wide Safety Assessment. The funding will support a local coordinator and regular involvement from a national consultant. The coordinator will work with the assessment team to identify implementation priorities from the report, document performance measures, manage implementation logistics, disseminate information to all team members, and be the main liaison with Praxis International which is the organization providing the national consultant. The consultant will guide the prioritization and implementation of short and long term recommendations and translate the recommendations into tasks and timelines that can be accomplished.

## **Data Collection Appendices**

**General Information and DV-specific Questions for the Team**

**Worksheet: Interview (Big Picture)**

**Worksheet: Interview (Work Practice)**

**Worksheet: Focus Group (Practitioner)**

**Worksheet: Observations**

**Texts That Organize and Coordinate a Worker's Actions**

**Organizing and Coordinating a Patrol Officer's Work**

**Text Analysis Key Questions**



## DVCCR Project General Information

**Our audit question: How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, judges, probation officers, offender program facilitators, etc.) in domestic violence cases?**

The process involves examining whether institutional policies and practices enhance safety of battered women and their children, enhance perpetrator accountability, and achieve more effective intervention in domestic violence cases as they travel through our system. The Safety Audit does not assess individual effectiveness or actions.

An Audit involves mapping the system, interviewing and observing workers, and analyzing paperwork and other texts generated in the handling of domestic violence cases. Its premise is that workers are institutionally organized to do their jobs in particular ways - guided to do jobs by forms, policies, philosophy, and routine work practices of the institution in which they work. When these work practices routinely fail to adequately address the needs of victims, it is rarely because of the failure of individual practitioners but rather the system as a whole, and how work is organized and coordinated. The Audit is designed to allow an interagency team to discover how problems are produced in the structure of case processing and management.

Possible goals and outcomes:

- Discovering gaps in safety and accountability within the case processing systems under review; i.e., answering the “Audit question.”
- Specific recommendations for system change that enable community partners to close the discovered gaps.
- New expertise in a process that can be used for ongoing community planning, evaluation, and problem-solving.
- New ways for community partners to work together.

### **Questions to keep in mind so we can stay consistent!**

- Take me through a typical DV case that you deal with.
- Tell me about any DV related training that you receive – how often, what does it consist of, do you need/want more?
- What do you find useful in DV police reports? Are there things that you want to see that aren’t captured?
- Are there specific questions that you ask DV clients? Are there questions that you wish you could ask?
- When you are working on a case or with a client, do you conduct any follow up? If so, what kind (self-directed, required by supervisor, etc.)?
- Do you see anything that can be done to improve DV related cases/client case management within your own position/agency?

## Worksheet: Interview (Big Picture)<sup>30</sup>

**Our Question:** How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?

**Interview:**

**Date:**

**Team Member:**

**Confidentiality Cue:** Team members will have access to sensitive information or records in each agency participating in the Audit. Do not record any person-identifying information, such as names and addresses, in your notes. Do not remove any forms, files, or other records without specific permission. Do not share identifying details of the calls and cases discussed in interviews with your friends and family.

**Provide an Overview for the Person You're Interviewing:** E.g., adapting to your own conversational style, you might say something to the effect that you're part of a project studying how documentation of the patrol response to DV calls helps other justice system partners intervene in DV in this county. You may want to give an example of what you mean by documentation (e.g., documenting evidence, documenting probable cause determinations, etc.) and of other justice system partners that may use this documentation (e.g., prosecutors, probation officers, etc.).

**Ask About:**

- |  |   |
|--|---|
| • Agency mission and function  | • Policies and laws                       |
| • Who sets agency's operating agenda   | • Forms in use                            |
| • Agency structure and size  | • Access to agency case files and records |
| • Types of cases; how they're processed  | • Demographics of cases handled           |
| • Historical perspective on the process under investigation and efforts made to accommodate unique aspects of domestic abuse |   |

**Listen For:**

*The 8 Audit Trails*

*Implications for Victim Safety, and Offender and System Accountability*

- |                               |   |
|-------------------------------|---|
| 1. Rules and regulations      | 1. In the immediate situation                   |
| 2. Administrative practices   | 2. From retaliation                             |
| 3. Resources                  | 3. From ongoing abuse and violence              |
| 4. Conceptual practices       | 4. From unintended consequences of intervention |
| 5. Linkages                   | 5. For which victims? How?                      |
| 6. Mission, purpose, function | 6. For which offenders? How?                    |
| 7. Accountability             |   |
| 8. Education and training     |   |

**Notes (continue on reverse):**

<sup>30</sup> Adapted from Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Toolkit* (Praxis International, 2005), "Worksheet 3.1: Big Picture Interview," p. 61.

## Worksheet: Interview (Work Practice)<sup>31</sup>

**Our Question:** How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?

**Interview:**

**Date:**

**Team Member:**

**Confidentiality Cue:** Team members will have access to sensitive information or records in each agency participating in the Audit. Do not record any person-identifying information, such as names and addresses, in your notes. Do not remove any forms, files, or other records without specific permission. Do not share identifying details of the calls and cases discussed in interviews with your friends and family.

**Provide an Overview for the Person You're Interviewing:** E.g., adapting to your own conversational style, you might say something to the effect that you're part of a project studying how documentation of the patrol response to DV calls helps other justice system partners intervene in DV in this county. You may want to give an example of what you mean by documentation (e.g., documenting evidence, documenting probable cause determinations, etc.) and of other justice system partners that may use this documentation (e.g., prosecutors, probation officers, etc.).

**Ask About:**

- The details of the person's job in observing, documenting or responding to domestic violence.
- How any tools, equipment, processes or policies involved in responding to domestic violence actually work.
- A specific case of domestic violence and what happens at each step.
- Audit trails. Use them to guide you in asking follow up questions. E.g., the element of the statute is difficult to prove for what reason? The form is outdated in what way? The access to the database is limited to whom?

**Listen For:**

*The 8 Audit Trails*

1. Rules and regulations
2. Administrative practices
3. Resources
4. Conceptual practices
5. Linkages
6. Mission, purpose, function
7. Accountability
8. Education and training

*Implications for Victim Safety, and  
Offender and System Accountability*

1. In the immediate situation
2. From retaliation
3. From ongoing abuse and violence
4. From unintended consequences of intervention
5. For which victims? How?
6. For which offenders? How?

**Notes** (continue on reverse):

<sup>31</sup> Adapted from Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Toolkit* (Praxis International, 2005), "Worksheet 3.2: Work Practices Interview," p. 63.

## Worksheet: Focus Group (Practitioner)<sup>32</sup>

<p><b>Our Question:</b> How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?</p>	
<p><b>Group:</b></p>	
<p><b>Date:</b></p>	
<b>Facilitator:</b>	<b>Note-taker:</b>
<p><b>Confidentiality Cue:</b> Team members will have access to sensitive information or records in each agency participating in the Audit. Do not record any person-identifying information, such as names and addresses, in your notes. Do not remove any forms, files, or other records without specific permission. Do not share identifying details of the calls and cases discussed in interviews with your friends and family.</p>	
<p><b>Facilitator - Provide an Overview for the Group:</b> E.g., adapting to your own conversational style, you might say something to the effect that you're part of a project studying how documentation of the patrol response to DV calls helps other justice system partners intervene in DV in this county. You may want to give an example of what you mean by documentation (e.g., documenting evidence, documenting probable cause determinations, etc.) and of other justice system partners that may use this documentation (e.g., prosecutors, probation officers, etc.).</p>	
<p><b>Facilitator – Relax and Think of this as your “Think Tank” - Ask About:</b></p> <ul style="list-style-type: none"> <li>• A documentation problem the team has discovered – what are its dimensions?</li> <li>• How/where does the group see victim safety or offender accountability issues in the documentation of DV calls/responses.</li> <li>• Resources, tools, policies, support, training and supervision to deal with patrol response and documentation of DV calls</li> <li>• Forms, reports and files to document or share information on DV calls and responses.</li> <li>• What is needed to put victim safety and offender accountability at the center of this documentation.</li> </ul>	
<p><b>Facilitator’s Drafts of Key Questions (continue on reverse):</b></p>	
<p><b>Note-taker - Listen For:</b></p> <ol style="list-style-type: none"> <li>1. Gaps between victims’ lives and institutional responses</li> <li>2. What is working well and what is problematic</li> <li>3. Impact of intervention on victims and offenders</li> <li>4. Recommendations</li> </ol>	<p style="text-align: center;"><i>The 8 Audit Trails</i></p> <ol style="list-style-type: none"> <li>1. Rules and regulations</li> <li>2. Administrative practices</li> <li>3. Resources</li> <li>4. Conceptual practices</li> <li>5. Linkages</li> <li>6. Mission, purpose, function</li> <li>7. Accountability</li> <li>8. Education and training</li> </ol>
<p><b>Notes (continue on reverse):</b></p>	

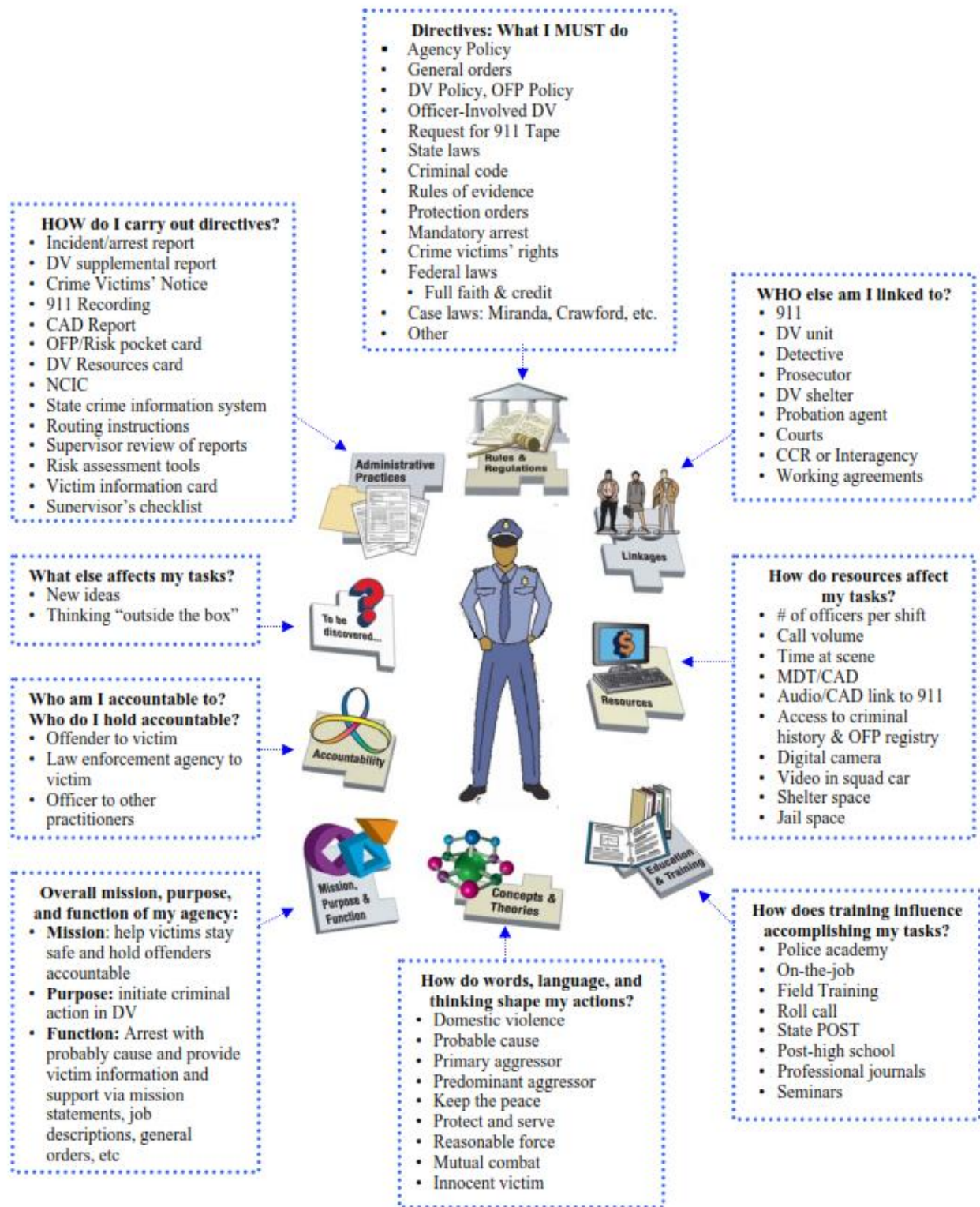
<sup>32</sup> Adapted from Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Toolkit* (Praxis International, 2005), “Worksheet 3.5: Practitioner Focus Group,” p. 69.

## Worksheet: Observations<sup>33</sup>

<p><b>Our Question:</b> How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?</p>			
<p><b>Observation:</b></p>			
<p><b>Date:</b></p>			
<p><b>Team Member:</b></p>			
<p><b>Confidentiality Cue:</b> Team members will have access to sensitive information or records in each agency participating in the Audit. Do not record any person-identifying information, such as names and addresses, in your notes. Do not remove any forms, files, or other records without specific permission. Do not share identifying details of the calls and cases you observe with your friends and family.</p>			
<p><b>Watch For:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; vertical-align: top;"> <p><i>The 8 Audit Trails</i></p> <ol style="list-style-type: none"> <li>1. Rules and regulations</li> <li>2. Administrative practices</li> <li>3. Resources</li> <li>4. Conceptual practices</li> <li>5. Linkages</li> <li>6. Mission, purpose, function</li> <li>7. Accountability</li> <li>8. Education and training</li> </ol> </td> <td style="width: 50%; text-align: center; vertical-align: top;"> <p><i>Implications for Victim Safety, and Offender and System Accountability</i></p> <ol style="list-style-type: none"> <li>1. In the immediate situation</li> <li>2. From retaliation</li> <li>3. From ongoing abuse and violence</li> <li>4. From unintended consequences of intervention</li> <li>5. For which victims? How?</li> <li>6. For which offenders? How?</li> </ol> </td> </tr> </table>		<p><i>The 8 Audit Trails</i></p> <ol style="list-style-type: none"> <li>1. Rules and regulations</li> <li>2. Administrative practices</li> <li>3. Resources</li> <li>4. Conceptual practices</li> <li>5. Linkages</li> <li>6. Mission, purpose, function</li> <li>7. Accountability</li> <li>8. Education and training</li> </ol>	<p><i>Implications for Victim Safety, and Offender and System Accountability</i></p> <ol style="list-style-type: none"> <li>1. In the immediate situation</li> <li>2. From retaliation</li> <li>3. From ongoing abuse and violence</li> <li>4. From unintended consequences of intervention</li> <li>5. For which victims? How?</li> <li>6. For which offenders? How?</li> </ol>
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<p><b>Tips and Examples:</b></p> <p><i>Tip: Observe and note what practitioners actually do. Examples:</i> What did the 911 call-taker do when the caller gave information about a DV call? What did the 911 dispatcher do with information transmitted by the on-scene officer? What does the patrol officer do in response to information he/she receives from 911? From victims? Witnesses? Suspects?</p> <p><i>Tip: Observe and note the conditions under which practitioners work. Examples:</i> A noisy 911 center? A crowded courtroom? No space in which to talk to witnesses or victims privately?</p> <p><i>Tip: Observe and note how specific processes operate. Examples:</i> Be able to briefly describe the process you observed: A 911 call being answered or dispatched? A police officer interviewing the parties or writing a report? A court docket being called?</p> <p><i>Tip: Refer to Audit trails, observing and noting how workers are organized to respond to DV calls. Examples:</i> Rules followed? Forms used? Other agencies communicated with?</p>			
<p><b>Notes (continue on reverse):</b></p>			

<sup>33</sup> Adapted from Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Toolkit* (Praxis International, 2005), "Worksheet 3.7: Observations," p. 77.

## Organizing and Coordinating a Patrol Officer's Work<sup>34</sup>



<sup>34</sup> Ellen Pence & Jane Sadusky, *Text Analysis as a Tool for Coordinated Community Response: Keeping Safety for Battered Women & Children at Center*, (Praxis, 2005), "Organizing & Coordinating Patrol Officer's Work," p. 9.

## Text Analysis: Key Questions<sup>35</sup>

***Our audit question:*** How does documentation of the initial police response to a domestic violence call aid subsequent interveners (investigators, advocates, prosecutors, judges, probation officers, offender program facilitators) in domestic violence cases?

***Re each case file, form, report, policy, checklist, or other type of text, ask:***

- How is this used - what does this worker do with it?
- How is it created?
  - What had to happen to complete it or fill it out?
  - What does this worker need to know to create it?
- Where does it sit in the sequence of actions?
  - Where did it come from?
  - Where does it go from here?
- Who reads it?
- How are rules and regulations written in?
- How does it standardize and set boundaries around workers' actions?
- What concepts and theories are stated or implied?
- How does it bring peoples' lives under the institution or agency's scrutiny and authority?
- How might it produce a problematic outcome for safety or accountability?
- Imagine yourself in this worker's position - how would this text organize and coordinate your actions?
- Imagine this text as an actor in the process. What is it doing? How does it link, direct, screen, prioritize, categorize, define, ask, inform, decide, refer, add, eliminate, share, deny?

Remember: Each document tells a story. Read page-by-page, talk it out, and take notes.

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<sup>35</sup> Ellen Pence & Jane Sadusky, *The Praxis Safety and Accountability Audit Toolkit* (Praxis International, 2005), "Text Analysis: Key Questions," p. 89.

