

# Attachment One (1)

Committee on Domestic Violence  
Court Subcommittee Agenda  
October 29, 2019

Contents: Committee on Domestic Violence  
Court Subcommittee Meeting Minutes  
September 13, 2019

**NEVADA OFFICE OF THE ATTORNEY GENERAL  
COMMITTEE ON DOMESTIC VIOLENCE (CDV)  
COURT SUBCOMMITTEE**

**Meeting Minutes**

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***Monday, September 30<sup>th</sup>, 2019 at 2:30 p.m.***

**Meeting Location:**

Office of the Attorney General  
Mock Courtroom  
100 North Carson Street  
Carson City, NV 89701

Via Videoconference:

Office of the Attorney General  
Grant Sawyer State Building  
555 East Washington Avenue, Rm 4500  
Las Vegas, NV 89101

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1. Call to order and roll call of members.
  - a. The Committee on Domestic Violence (CDV) Court Subcommittee meeting was called to order at 2:32 pm.
  - b. Present
    - Chairwoman Judge Jones, Cassandra (Chairwoman Judge Jones)
    - Judge Lynch, Patricia (Judge Lynch)
    - Klem, Loretta (Klem)
    - Ramos, Suzanne (Ramos)
    - Scott, Annette (Scott)
  - a. Absent
    - Cisneros, Jessica (Cisneros)
    - Troshynski, Emily (Troshynski)
  - b. Staff
    - O'Banion, Nicole (O'Banion)
    - Mouannes, Jason (Mouannes)
    - Bradley, Sarah (Bradley)
    - Adair, Jessica (Adair)
  - c. Public
    - Meuschke, Sue (Meuschke) – Attending as member of the public

- c. **Quorum established**
2. Public Comment.
  - a. No public comment.
3. **For Discussion and Possible Action:** Sarah Bradley, Senior Deputy Attorney General, will present Nevada Supreme Court Opinion No. 75208. The Court Subcommittee members will discuss and possibly decide if they want to add it to the action plan developed in item #4 of this agenda.

**Attachment 1**

- a. Bradley reviewed the Nevada Supreme Court Opinion No. 75208. She provided historical information about misdemeanor domestic violence convictions dating back to 2014. Before the release of this opinion, the Nevada Supreme Court reserved a position that misdemeanor domestic violence convictions were not sufficiently serious to require a jury trial. However, the Nevada Supreme Court Opinion No. 75208 changed the court's position due to revisions in NRS 202.360 prohibiting individuals convicted of misdemeanor domestic violence from owning or possessing a firearm. The change in statute regarding firearms prompted the courts to review the seriousness of misdemeanor domestic violence convictions and require jury trials.
- b. Judge Lynch indicated the requirement of jury trials will have a major impact on rural communities.
- c. Chairwoman Judge Jones requested more details about statutes relating to the Nevada Supreme Court Opinion No. 75208 from Bradley to be provided at the next subcommittee meeting.
- d. O'Banion stated the Nevada Attorney General's Office Chief of Staff wanted to add the Nevada Supreme Court Opinion No. 75208 to the subcommittee's agenda for review prior to presenting the document to the full Committee on Domestic Violence (CDV) at the November 13<sup>th</sup> Rural meeting.
- e. Chairwoman Judge Jones suggested jury trials may have a chilling effect on successful prosecutions.
- f. O'Banion proposed the implementation of certified expert witnesses in each jurisdiction to educate the jury.
- g. Bradley, in reference to Judge Lynch's comments earlier, mentioned increasing penalties may lead to more jury trials and increase court costs for rural communities. In addition, it may become more difficult to obtain a conviction when a victim is not cooperating in front of the jury.
- h. Chairwoman Judge Jones described her challenges with finding space to identify potential jurors from a jury pool in a small rural community.
- i. Adair responded to Judge Lynch's question earlier. The topic of jury trials for misdemeanor domestic violence convictions was not part of the Nevada Attorney General's Office bill package for the 2019 Legislative

Session. However, this discussion may prompt reason for changes with future legislation.

- j. Judge Lynch shared her experience with jury trials.
- k. Ramos explained victims may feel terrified to testify in front of a jury along with the adverse effects on victims of a lengthy trial.
- l. Scott stated district attorney offices are illegally reducing necessary domestic violence charges.
- m. Some municipalities are drafting city ordinances to avoid jury trials.
- n. Chairwoman Judge Jones inquired about rolling back changes made about firearm statutes in 2015.

*Chairwoman Judge Jones allowed public comment by Meuschke.*

Meuschke stated the change in statute regarding firearms in 2015 was intended to equip state law enforcement officials with opportunity to enforce federal law as a state law. Rolling back this provision may eliminate jury trials, but it is important to review the impact of making this change.

4. **For Discussion and Possible Action:** The Court Subcommittee Chair Judge Cassandra Jones will invite subcommittee members to discuss and develop an action plan for presenting the benefits of a Domestic Violence Compliance Court Coordinator to the Administrative Office of the Courts.
  - a. Chairwoman Judge Jones specified the purpose of this subcommittee is to review the potential for domestic violence specialty courts and/or compliance with existing consequences for a convicted offender.
  - b. O'Banion explained that the action plan may include a process to explore funding options for a domestic violence compliance coordinator who would travel throughout the State of Nevada.
  - c. Chairwoman Judge Jones asked if Judge Lynch would share her experience with a domestic violence compliance court coordinator and how the subcommittee can approach this change.
  - d. O'Banion stated Judge Lynch's outline would contribute to an on-going action plan, not a final copy.
  - e. Judge Lynch expressed interest in drafting an outline regarding domestic violence court compliance coordinators.
  - f. Members shared their knowledge regarding risk assessment tools.
  - g. O'Banion prompted members to communicate through her regarding materials to be shared amongst members of subcommittee in order to maintain compliance with open meeting law (OML).
  - h. Some of the suggested topics for the action plan included: specialty court options, domestic violence compliance court coordinators, pre-trial risk assessments, and expert witness training.

5. **For Possible Action:** The Court Subcommittee Chair Judge Cassandra Jones will request a volunteer to draft an action plan to present at the November 13, 2019 Committee on Domestic Violence meeting.
  - a. Ramos motioned to approve the following projects for the proposed action plan:
    - O'Banion would compile information on expert witness training and online batterers' intervention treatment programs. In addition, she would collect documents relating to pre-trial risk assessments for offenders of domestic violence.
    - Judge Lynch would draft an outline regarding her experience with a domestic violence court compliance coordinator.
  - b. Seconded by Judge Lynch. No further discussion. All in favor. Motion passed.
6. **For Information Only:** the CDV's tentative future meeting dates:
  - AG Statewide Fatality Review Team (FRT) Meeting: October 21 – 22, 2019 | Location: Tonopah
  - Rural Committee on Domestic Violence (CDV) Meeting: November 13, 2019 | Location: Hawthorne
7. Public Comment.
  - a. No public comment.
8. **For Possible Action:** Adjournment.
  - a. Chairwoman Judge Jones called for a motion to adjourn. Ramos motioned to adjourn. Seconded by Lynch. No further discussion. All in favor. Motion passed.
  - b. Meeting adjourned.

Minutes respectfully submitted by: **Jason Mouannes**  
Edited by: **Nicole O'Banion**  
Office of the Attorney General

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# Attachment Two (2)

Committee on Domestic Violence  
Court Subcommittee Agenda  
October 29, 2019

Contents: Battered Women Justice Project

## **Battered Women's Justice Project**

*The legal response to domestic violence has changed dramatically during the last 30 years. In the United States, all 50 states and the District of Columbia have enacted statutes that allow police officers to make warrantless arrests for domestic violence when probable cause exists,<sup>1</sup> and many states now have mandatory or preferred arrest laws. Both the scope of relationships and behaviors covered under these laws has resulted in an ever-increasing case load for the criminal justice system.*

### **WHAT IS RISK ASSESSMENT?**

To meet the goal of enhanced safety for an increasing number of victims, service providers and interveners are inevitably involved in attempting to identify the most dangerous offenders and manage the risks posed to victims. In response, risk assessment tools in the domestic violence field have been developed to assess both an offender's risk of re-offending, and a victim's risk of lethal assault.

**“Risk assessment is a procedure whereby we measure some characteristic of a person or situation and then use that information to predict the likelihood of some negative event — re-abuse, for example, as measured by re-arrest.”<sup>2</sup>**



## Benefits of Using Risk Assessments

- Assist victims and domestic violence workers to develop more realistic safety plans
- Help the criminal justice system identify which offenders need higher bail, inform conditions of release, and craft enhanced supervision strategies.
- Educate criminal justice practitioners and service providers about domestic violence and provide a shared language about risk factors.
- Assist perpetrator treatment programs to select the amount and types of treatment

Several evidence-based tools have been developed to identify the potential of lethal violence, the risk of reassault, and severity of the assault. Each tool was developed for a specific purpose, to be used in certain settings, by identified practitioners, and each obtains information from different sources, or combination of sources: public information (including past and present police reports), criminal history, past or present protective orders, violations of court orders or conditions, probation history, information from the perpetrator, and/or information from the victim.

The following are some examples of current instruments being used to predict risk.

### **Danger Assessment (DA)**

The DA is a clinical and research instrument designed by Dr. Jacqueline Campbell to help victims assess their danger of killed or reassaulted. It was originally developed for use by health personnel in consultation with victims to enhance their ability to plan for their safety. All risk information is obtained from the victim. This tool is appropriate in confidential settings, or where protocols and practices have been put in place to ensure that this information does not come into the hands of the offender. The Danger Assessment Scale is “one of the few instruments with any published empirical evaluation of psychometric properties such as test-retest and internal consistency reliability.”<sup>3</sup> [Learn more about the Danger Assessment.](#)

### **Domestic Violence Screening Instrument (DVSI-R)**

The DVSI can be completed by a review of prior court and probation records. It was developed for use as a domestic violence risk screen to be followed by more intensive evaluation if the DVSI-R score indicates a high level of risk. It has also been shown to have predictive validity in identifying those who will reoffend. It is currently used as to

inform pre-trial evaluations and as a corrections case management tool for offenders screened as high risk for domestic violence-related re-offense.<sup>4</sup>

## **Ontario Domestic Assault Risk Assessment (ODARA)**

The ODARA is an actuarial tool which indicates the likelihood that a person who has already committed an assault on a domestic or dating partner will do so again in the future. It also predicts the amount of time until a new assault, and greater severity of new assaults. The ODARA was developed to be used by police officers to identify high risk domestic violence cases, and provide a shared language about escalated risk to aid communication among criminal justice and other agencies responding to domestic assault. The ODARA's 13 yes-or-no items identify the perpetrator's history of substance abuse, violent and criminal behavior, details of the most recent assault, and the victim's vulnerabilities (poverty, having children in common, etc.).<sup>5</sup>

## **Spousal Assault Risk Assessment (SARA)**

The SARA, developed at the British Columbia Institute on Family Violence, is "a set of guidelines for the content and process of a thorough risk assessment." It comprises 20 items derived from the research literature on domestic violence and from the clinical literature on male perpetrators of domestic violence: criminal history, psychological adjustment, spouse abuse history, current offence characteristics, and other (e.g. stalking, torture). Application of the SARA is limited to presentence evaluations and recommendation, and probation case management strategies. It can also be applied to pretrial evaluations in charged individuals. The SARA gathers data from: interviews with the accused and with victims, standardized measures of physical and emotional abuse and of drug and alcohol use, and a review of police reports, victim statements, criminal records.<sup>6</sup>

## **CAADA-DASH Risk Identification Checklist**

The CAADA-DASH Risk Identification Checklist is a new 24-item tool being used in England and Wales by frontline agencies that identify or respond to domestic violence such as law enforcement, domestic violence advocacy organizations, batterer intervention programs, health care, mental health services, and children's court.<sup>7</sup>

The DVSI, ODARA, and SARA were designed to *predict likelihood of an offender's re-assault* against a current or former domestic or dating partner, while the DA was designed to *assess the victim's risk of lethal or near lethal violence*. They differ in risk factors identified in the instrument, the intended use of the instrument, and how the instrument is validated. For example, the DA, DVSI, ODARA, and SARA each have yes/no questions or scored items that deal with the offender's past assaults and substance abuse. However, only the DA has a question about strangulation, which has been identified as a risk factor for homicide of women.

## Other Risk Tools:

- The **Lethality Screen** portion of the Domestic Violence Lethality Assessment Program (DVLAP) promoted by the Maryland Network against Domestic Violence, uses 11 of the 20 questions asked by the Danger Assessment. Law enforcement uses the Lethality Screen to identify high risk victims and connect them with local advocates.
- The **Duluth Police Pocket Card** has adapted several key questions from risk assessment instruments to guide responding officers in asking open-ended questions (instead of yes/no questions) of victims. The responses are included in the narrative of the police report and aren't intended to be viewed as a valid risk score, but rather to describe to the court possible danger to the victim.
- The **Practitioner's Guide to Risk** contained within the [Blueprint for Safety](#) is based on not only on risk and danger factors, but also on other research about violence against women.<sup>8</sup>

*Of course, no instrument can predict with certainty the risk of re-assault or lethality in domestic violence cases.* Instruments should be viewed as an aid to the evaluation of risk, and to inform decision-makers during points of the criminal justice process such as arrest, bail, disposition, sentencing, and probation.

## How Will Risk Information Be Gathered?

Identifying and documenting risk factors should be incorporated into each step of the criminal justice intervention. Your CCR could provide leadership in assessing what practices are in place and where gaps exist in identifying, documenting and transmitting risk information throughout the criminal justice intervention. To assist in such an assessment, BWJP has developed *Accounting for Risk and Danger Practice Checklists*

for each step in the intervention process. Examples of items on these checklists are the following:

**911:**

What information on past arrests/convictions/protection orders is available to 911 and relayed to responding officers? Are questions asked regarding lethality indicators, such as weapons, threats to kill, threats of suicide, mental illness and military service/combat duty?

**Responding Officers:**

What information from 911 related to higher lethality risk is conveyed to officers? Is additional information on risk gathered and included in the police report? Is it passed on to subsequent interveners appropriately? Are high-risk victims connected with advocates?

**Jail/Detention:**

Are there procedures to note risk behaviors, such as threats, and to communicate this information appropriately? Are there policies/practices to prevent victim intimidation? Are jail calls available to prosecutors? How long are phone recordings kept?

**Conditions of Release/Bail:**

Is risk information gathered by law enforcement or 911 available to decision-makers at this point? Is DV-specific risk assessment a part of pre-trial evaluation?

**Prosecutors:**

Is risk information from law enforcement and pretrial evaluation available to prosecutors?

**Judges:**

How is risk information provided to judges? Do judges have access to a Bench Guide?

**Probation:**

Is risk information from police reports and pre-trial evaluation relayed to probation officers? Does probation conduct DV-specific risk assessment to craft recommendations for sentencing and case management? Are there resources to enhance monitoring of high risk cases, such as GPS or intensive/active field supervision?

**Offender Intervention/Treatment:**

Is risk information from probation available to offender intervention programs? Do programs assess risk? Is there an accountable system of referrals and reporting on violations in place? Do programs work with victims or victim advocacy organizations? What procedures are in place when risk/danger becomes elevated?

**Advocacy Programs:**

Are advocates engaging victims in conversations about risk assessment?

**WHAT IS THE PURPOSE IN GATHERING RISK INFORMATION?**

Sometimes communities embark on strategies to assess risk without having a clear sense of how the information will be used in practice. If nothing will be done with the information, if no practices change as a result of having risk information, why collect it? It's important to decide what the response will be to the identified risk.

Domestic violence victims may share different information with different interveners for a variety of reasons. Interveners should then assess risk on an ongoing basis, accounting for change in the circumstances of victims or offenders. Practices such as monitoring, surveillance, court-ordered services, and swift and certain consequences must interconnect, not only to manage but also to contain dangerous offenders. Ongoing assessment requires information from tools, practitioner expertise, offender history, and the victim's perceptions. It cannot rely on only one information source.

**HOW WILL THE VICTIM BE INFORMED ABOUT OTHERS' ACCESS TO THEIR RISK ASSESSMENT?**

Many victims in support groups and focus groups have indicated that they often think of a discussion or interview about risk as “I’m telling you, the practitioner” and are shocked to find that this information may be shared with many other players: prosecution, defense (and the defendant), the court, probation, and batterers’ programming. When collecting risk/danger assessment directly from the victim, it is necessary to identify who will have access to the information during the case processing, and afterwards, if it becomes part of the court record.

- Could this information be used against the victim?
- What are the potential ramifications to the victim of sharing this information?
- If your risk/danger assessment inquires about sexual assault, what will happen if the victim indicates that they have been sexually assaulted?
- Does the victim understand that an affirmative answer to some questions may trigger an additional investigation?
- How will the victim be fully informed about who will have access to the information now and potentially at a later date (prosecutors, defense attorneys, the defendant, child protection, family court practitioners etc.)
- How/will this information be shared with interagency practitioners?
- How will this process increase options for victims? Will it provide access to advocacy services and resources?
- Will assessment provide access to enhanced threat management strategies by practitioners?

## **WHAT IS THE POTENTIAL FOR UNINTENDED NEGATIVE CONSEQUENCES TO THE VICTIM IN SHARING THE INFORMATION?**

Risk is not solely the danger that a batterer poses to a victim of domestic violence. Interventions in the lives of victims of battering can pose their own risks. Interveners must be mindful of risks generated by not only by a batterer, but also by a victim’s immediate personal circumstances, by aspects of culture that increase vulnerability, and by the institutional and intervention responses.

Practitioners must account for how the intervention itself may exacerbate those risks. They can then work to improve criminal justice and community advocacy agencies’ support of victim-centered practice, ease of access to services and resources, and enhance the institutional ability to hold offenders accountable.

## Use of Risk Assessment in Other Settings

This discussion has focused solely on the use of risk assessment in the criminal justice intervention. The authors are aware that some communities have been applying the use of risk assessments in protective order hearings, child protection screenings, and family court matters, such as custody, etc.

Gathering risk information from the victim in each of these settings has its own potential benefits and concerns that are previously noted. It is essential that these applications of risk assessment be thoroughly assessed to ensure that the administrators of lethality and risk assessments inform all victims about who will have access to this information, now and later, obtain the victim's informed consent to conduct the screening or permit the victim to decline the screen (without negative consequences).<sup>9</sup>

## Considerations

- A risk assessment tool should not be used as the sole basis for safety planning with victims, but rather used in conjunction with other information.<sup>10</sup>
- Listen to victims. Research has shown that a victim's perception that she is at risk of future harm is “a reasonably accurate predictor of repeated reassault ... and improves the prediction of risk factors and instruments.”<sup>11</sup> These findings support the longstanding argument that many victims are good predictors of their own safety, and they send a message to those working in the field that they should pay attention to the victim's self-appraisal of risk.
- The use of risk assessment scores by police, probation officers and prosecutors should not be a substitute for listening to victims. There is a risk that, because of the aura of “science” around risk assessment tools, victim's voices and experiences may be disregarded.<sup>12</sup>
- Victims should not be placed in the situation of completing these tools where there is any possibility that this can place them at further risk from abusers.<sup>13</sup>
- It is important to be clear about “what type of risk you are assessing for, and what change in intervention will occur as a result of the assessment.”<sup>14</sup> Risk assessment should not be used to limit eligibility for services, but rather to identify when enhanced or expedited intervention is necessary.


1. Zeoli, A.M., Norris,A., Brenner,H., *A Summary and Analysis of Warrantless Arrest Statutes for Domestic Violence in the United States*, *Journal of Interpersonal Violence*, September 2011, vol. 26, no. 14. 2811-2833.

2. Moyer, R., Ph.D. Emeritus Prof. of Psychology, Bates College, “Evidence-based Risk Assessment of Domestic Violence Offenders: The State of the Science in 2006.”

3. Goodman, L.A., Dutton, M.A., & Bennett, L. (2000). Predicting repeat abuse among arrested batterers: Use of the Danger Assessment Scale in the Criminal Justice System. *Journal of Interpersonal Violence*, 15, 1.

4. Williams, K., *Family Violence Risk Assessment: A Predictive Cross-Validation Study of the Domestic Violence Screening Instrument-Revised (DVSI-R)*, Law and Human Behavior © 2011 American Psychological Association, 2012, Vol. 36, No. 2.
5. Muskie School of Public Service, University of Southern Maine, "An Evaluation Comparing the Effectiveness of Two Evidence-Based Risk Assessment Tools for Domestic Violence Offenders." August, 2008.
6. Dutton, D. G. & Kropp, R. P. 2000, 'A review of domestic violence risk instruments,' *Trauma, Violence and Abuse*, vol. 1, no. 2, pp.171-181.
7. Richards, L., <http://www.dashriskchecklist.co.uk/>
8. <http://files.praxisinternational.org.s3.amazonaws.com/Blueprint/BPSupp1APractitioners%20GuidetoRiskandDangerDec2012.pdf>
9. Websdale, N. 2000a, *Lethality Assessment Tools: A Critical Analysis*, [web page]. National Electronic Network on Violence Against Women. [www.vaw.umn.edu/Vawnet/lethality.htm](http://www.vaw.umn.edu/Vawnet/lethality.htm) [2002, 11th September].
10. *Ibid.*
11. Gondolf, E., & Heckert, A., *Determinants of Women's Perceptions of Risk in Battering Relationships*, 18 *Violence & Victims* 371 (2003).
12. Websdale, N. 2000a, *Lethality Assessment Tools: A Critical Analysis*, [web page]. National Electronic Network on Violence Against Women. [www.vaw.umn.edu/Vawnet/lethality.htm](http://www.vaw.umn.edu/Vawnet/lethality.htm) [2002, 11th September].
13. *Ibid*
14. Abrams, M. L., Belknap, J., & Melton, H. C. 2001, *When Domestic Violence Kills: The Formation and Findings of the Denver Metro Domestic Violence Fatality Review Committee*. Denver: Project Safeguard.

- [Resources](#)



[New Orleans CCR Training Materials Tools & Guides](#)

[Accounting for Risk and Danger Practice Checklists: Coordinating Risk](#)

[Assessment in Domestic Violence Cases Tools & Guides](#)

[Intimate Partner Violence, Military Personnel, Veterans, and Their Families Policy Analysis](#)

**RELATED RESOURCES** PROJECTS

- DV and Firearms
- ICJR Grantees
- Military & Veterans



## Domestic Violence Compliance Courts

1. Survey literature/resources relating to Domestic Violence Compliance Courts or specialized Domestic Violence Dockets.
  - A. Effect on defendants
  - B. Effect on victims/others

National Council of Juvenile and Family Court Judges, National Judicial College, National Center for Court Innovation, Department of Justice Office of Violence Against Women, etc.

2. Review Violence Against Women Act requirements/guidelines for judicial funding.
3. Review prior grant applications for domestic violence courts or specialized dockets in Nevada.
  - A. Las Vegas Justice Court—specialized docket
  - B. Reno Justice Court—Domestic Violence Compliance Court
  - C. Other applications
4. Survey/review of Nevada courts and how domestic violence cases are handled.
5. Review of Nevada Supreme Court Funding for specialty courts and/ or other funding sources.
6. Recommend action regarding specialized domestic violence to appropriate agencies.

# Attachment Three (3)

Committee on Domestic Violence  
Court Subcommittee Agenda  
October 29, 2019

Contents: DV Best Practice Assessment

## We will begin shortly. While you wait...

- Audio connection is by VoiceoverIP on your computer or by phone:  
**1-800-832-0736** and dial code **\*5337080#**.
- If using VoIP make sure your speaker/headset volume is on.
- If audio quality is poor, dial in by phone and once connected, turn your speakers off.
- Phone lines are muted.

### **New Guides to The Domestic Violence Best Practice Assessment: Victim-Witness Services, Bail Setting and Pre-Trial Release**

Thursday, September 26, 2019

2:00 – 3:15 pm Central

Praxis International – Institutional Analysis Technical Assistance



Praxis International

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## **New Guides to The Domestic Violence Best Practice Assessment: Victim-Witness Services, Bail Setting and Pre-Trial Release**

Thursday, September 26, 2019

With Denise Eng and Rhonda Martinson

Praxis International



Praxis International

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# Webinar details

## Accessibility

- Closed Captions are displayed at bottom of screen. Due to limitations of real-time captioning, mistakes are possible.
- Use Q&A box for questions/comments at any time. Presenters will respond within webinar.

## Logistics

- Click on Q&A box icon to adjust text size/color settings.

## Sound quality

- If VoIP sound quality is low, dial in by phone to [1-800-832-0736](tel:1-800-832-0736) code \*5337080# and turn speakers off.

## Webinar assistance:

- Send an individual message to TA2TA host(s) or Kue Chang within Q&A box.
- Email [kue@praxisinternational.org](mailto:kue@praxisinternational.org) after the session for assistance with future webinars.



# The Work of a Coordinated Community Response to Domestic Violence

Are we prepared at each step to interrupt actions & patters that sustain battering?

Do our interventions have unintended harmful impacts?

Are we sending messages of help & accountability?

Is “every door an open door” to someone seeking safety?

Who seeks or gets drawn into community systems? Who avoids them...and why?

Are we all on the same page?

Is each practitioner prepared to distinguish battering from other forms of domestic violence?

Will our actions make it better or worse for Rachel & her children?

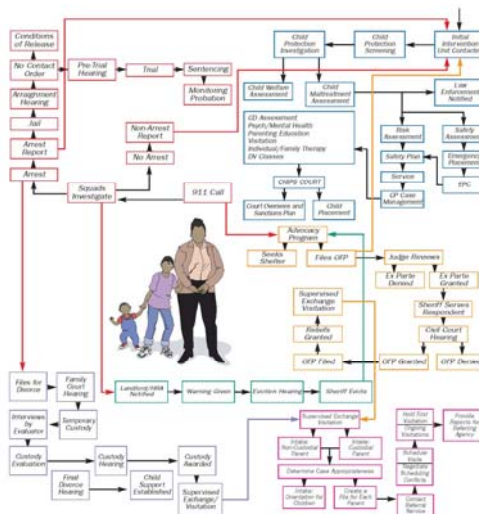


Figure 7: Institutional Intervention in Rachel's Life



## Making the connections...

Are we centralizing & strengthening safety for victims?



Do our efforts enhance or diminish offender accountability?



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## Praxis Institutional Analysis

Blueprint for Safety

Praxis Safety and Accountability Audit

Best Practice Assessment\*

- IS...systematic interagency methods to analyze how specific features are or are not incorporated into daily work routines
- IS NOT...an assessment of individuals



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## Best Practice Assessment

### FEATURES

- 3-5 meetings
- Focus on 1-2 agencies
- Small team
- Limited data collection
- Little direct consultation with survivors
- May or may not need or result in a written report

### BEST APPROACH WHEN...

- Limited time and/or personnel
- Challenging local conditions
- Single agency desires examination of own practices
- Narrow scope of intervention
- Lack of skill, ability, time for group analysis
- Tune up for an agency or CCR



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## Praxis Best Practice Assessment Foundations



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## Best Practice Assessment Steps

- NOT completed by one person in an office
- Emphasis on practitioner-advocate partnership
- Checklists & templates for:

**Step 1:  
Organize & Prepare**

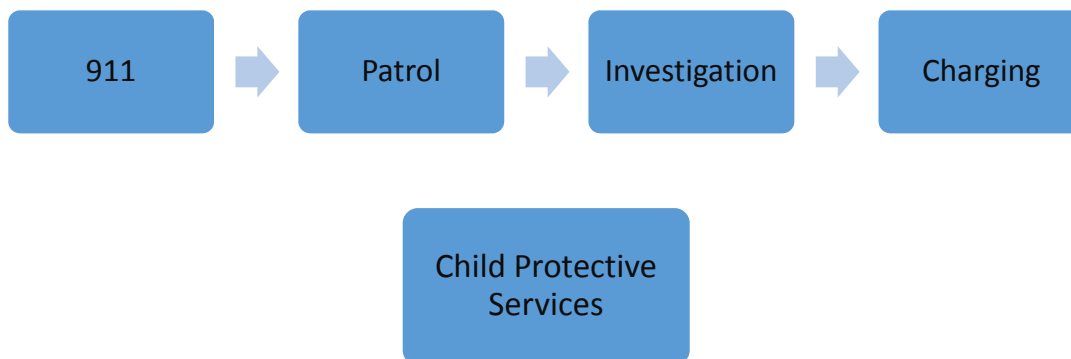
**Step 2:  
Map & Analyze Case  
Processing**

**Step 3:  
Findings &  
Recommendations**



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## Current Domestic Violence Best Practice Assessment Guides



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## New Domestic Violence Best Practice Assessment Guides *(see Q&A Box for link)*



## Assessment Steps



## Step 1: Organize & Prepare

- Assign a coordinator
- Select the team
- Select a structure & timeline
- Develop & implement a confidentiality agreement, if desired
- Gather policies & case files for review

**Step 1:  
Organize &  
Prepare**


**Step 2: Map  
& Analyze  
Case  
Processing**

Step 2A:  
Mapping

Step 2B:  
Analyze Case  
Files

Step 2C:  
Analyze  
Policies

**Step 3:  
Findings &  
Recommend  
ations**



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## Step 2: Map & Analyze Case Processing

- Step 2A: Mapping
- Step 2B: Analyze Case Files
- Step 2C: Analyze Policies

**Step 1:  
Organize &  
Prepare**


**Step 2: Map  
& Analyze  
Case  
Processing**

Step 2A:  
Mapping

Step 2B:  
Analyze Case  
Files

Step 2C:  
Analyze  
Policies

**Step 3:  
Findings &  
Recommend  
ations**



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## Step 2A: Map steps involved in processing a case

- How does someone’s experience become a case?
  - Use expertise of team members
  - Question & diagram
  - Understand sequence of actions
  - Identify key themes & questions to be answered
- Use as an ongoing reference



**Step 1:**  
Organize & Prepare



**Step 2:** Map & Analyze Case Processing



Step 2A:  
Mapping



Step 2B:  
Analyze Case Files



Step 2C:  
Analyze Policies

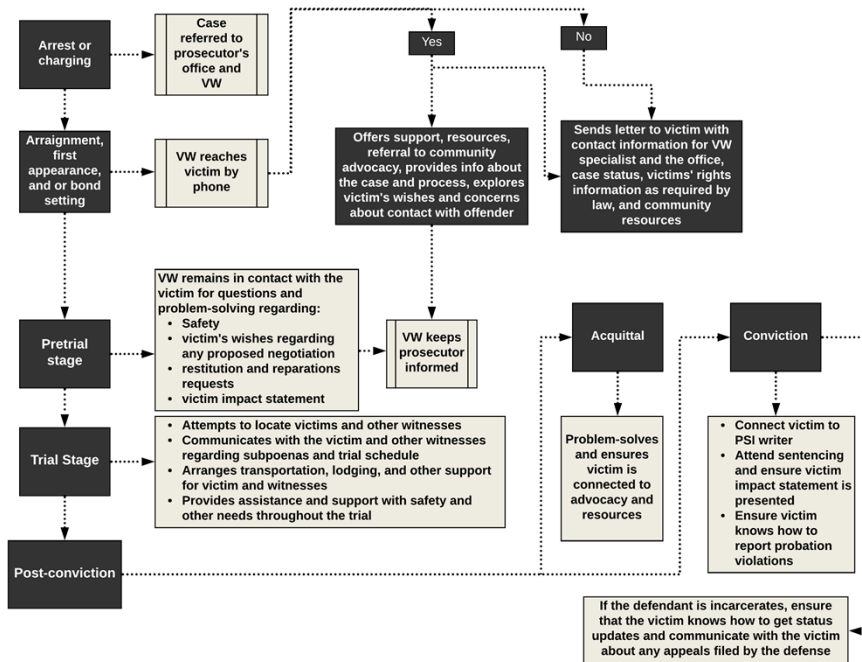


**Step 3:**  
Findings & Recommendations



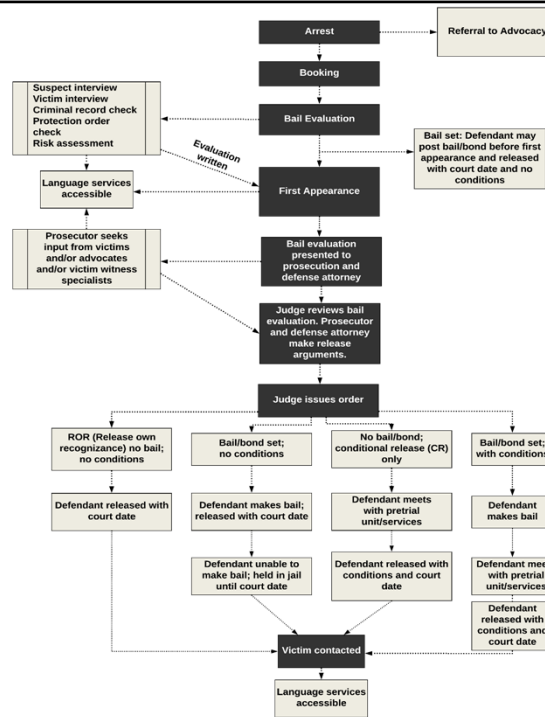
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## Victim-Witness Case Processing Map



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# 1: Bail Setting Processing Map

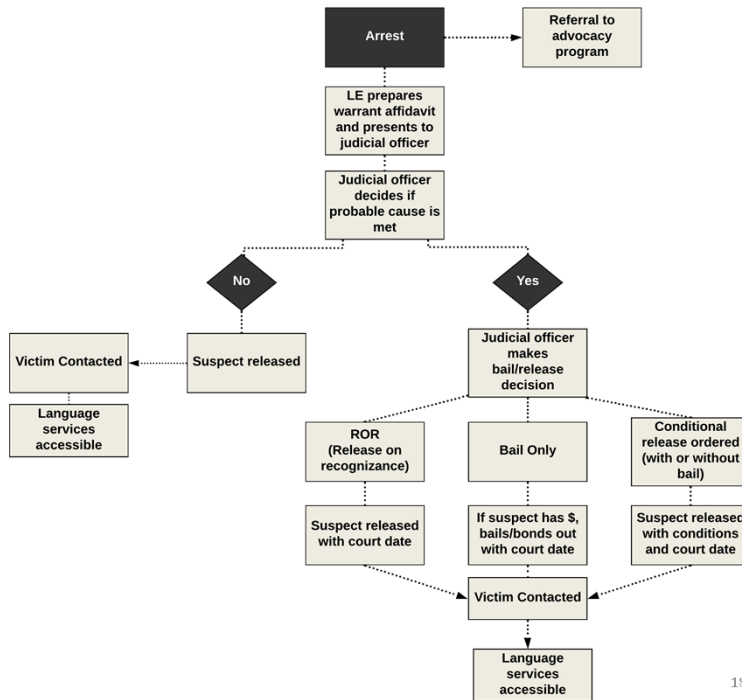


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# 2: Bail Setting Processing Map

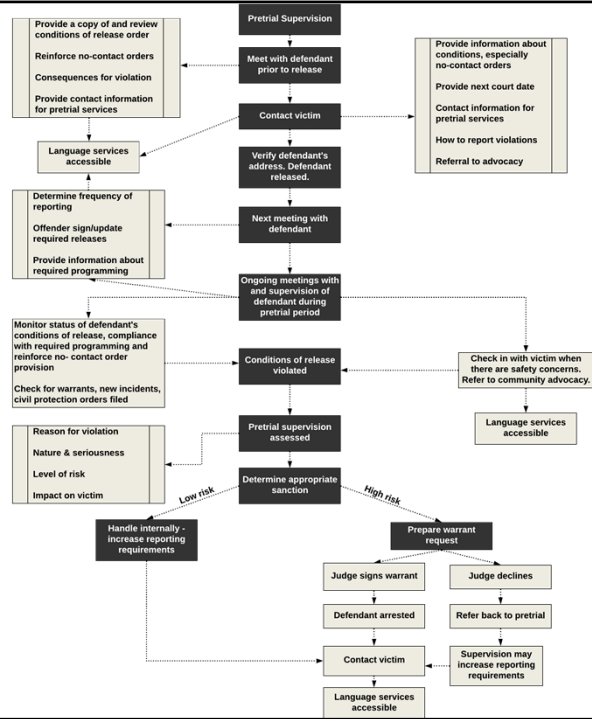


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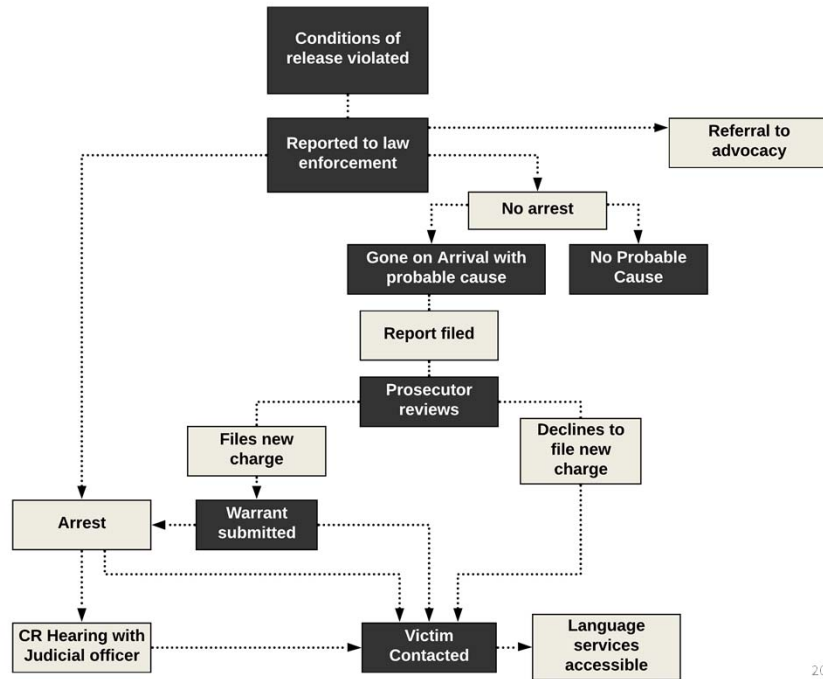
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# 1: Pretrial Release Processing Map



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# 2: Pretrial Release Processing Map



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## Step 2B: Analyze Case Files/Records

- Access to files/records
- Careful, close reading of case files/records that asks specific questions related to practice
  - Guided by checklists
  - Conducted by the team
- Link discoveries to the case processing map



**Step 1:  
Organize &  
Prepare**

**Step 2: Map  
& Analyze  
Case  
Processing**



Step 2A:  
Mapping



Step 2B:  
Analyze Case  
Files



Step 2C:  
Analyze  
Policies



**Step 3:  
Findings &  
Recommend  
ations**



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## Question

What case files or records might be available in your community regarding:

- Victim-witness services?
- Bail setting and conditions of release?
- Pretrial release supervision and enforcement?



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## Checklist Themes: Victim-Witness Services



### Risk and danger

- Assessment
- Connect victim with confidential advocacy
- Communicate with prosecutor



### Victim engagement

- Contact victim ASAP
- First language
- Seek input from victim at all stages
- Arrange assistance to participate



### Linkages to others

- Prosecutor
- Probation
- Community services



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## Checklist Themes: Bail Setting & Conditions of Release



### Use wide range of info sources

- Current and past patrol reports
- 911 recordings/CAD
- Previous bail evals or PSIs
- Victim input



### Differentiate Recommendations

- DV risk assessment\*
- History
- Current/past protection orders



### Contact/No Contact

- Victim/advocate input
- Risk to victim/victim's level of fear
- Possible coercion
- Economic impact

\*See *Blueprint for Safety Practitioner's Guide to Risk and Danger*



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## Checklist Themes: Pretrial Release Supervision & Enforcement



### Contact with defendant

- Immediately after hearing
- Schedule intake
- Clarify consequences of violations
- Connect with community services ordered and recommended



### Victim engagement

- Discuss safety concerns
- Connect to confidential advocacy
- Respond promptly



### Violations

- Assess for relevance to safety
- Input from victim/advocacy
- Update DV risk assessment
- Input from community service providers (BIPs, Treatment, etc.)



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## Step 2C: Analyze Policies

- Look at whether & how policy is consistent with best practice related to:
  - Principles
  - Procedures
  - Monitoring/Accountability
- Along with mapping & case file analysis, develop as complete a picture as possible of where & how policy currently functions & could change



**Step 1:  
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**Step 2: Map  
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Case  
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Step 2A:  
Mapping

Step 2B:  
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## Policy Review Themes

Principles	Procedures	Monitoring
<ul style="list-style-type: none"> <li>• Collective goals</li> <li>• Context &amp; severity</li> <li>• Patterned crime</li> <li>• Sure &amp; swift consequences</li> <li>• Help &amp; accountability</li> <li>• Reduce disparity</li> </ul>	<ul style="list-style-type: none"> <li>• Case criteria</li> <li>• Documentation</li> <li>• Victim-defendants</li> <li>• Victim safety &amp; protection</li> <li>• Protecting mother = protecting children</li> <li>• Victim notification/connections to advocacy</li> </ul>	<ul style="list-style-type: none"> <li>• Supervision</li> <li>• Intra-agency</li> <li>• Inter-agency</li> <li>• Data collection and information sharing</li> </ul>



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## Question

What policy items would you anticipate being able to review in:

- Victim-witness services?
- Bail setting and conditions of release?
- Pretrial release supervision and enforcement?



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## Sample Policy: Victim-Witness Services

- Make diligent efforts to contact victims as soon as possible after charging.
- Provide information to victims on non-charged cases as requested.
- Offer support and resources according to immediate concerns and ongoing needs of the victim and her or his family.
- Explain information and education on the court process, including explaining crime victims' rights. Be available to address victims' concerns.
- Assist the victim with financial concerns resulting from the crime.
- Provide information on pretrial release issues.
- Assist victims and witnesses during the trial process.
- Provide information and support through case disposition, including explanatory information on prosecutor decisions.
- Assist with post-conviction issues.



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## Sample Policy: Bail Setting

- Utilize the widest possible range of sources of information to determine bail and conditions of release that will best meet the safety needs of the victim and others.
- Identify and document the risk factors related to the current offense and past actions in determining the threat the defendant presents to the victim and other persons and the related safety needs.
- Seek and document input from the victim and/or the victim's advocate regarding contact with the offender and other conditions of release.
- Consider each no-contact recommendation individually and avoid requesting a no-contact order automatically in every case.
- Make recommendations to the court for bail and conditions of release that reflect the context and severity of the offense, the danger that the defendant poses, and the safety needs of the victim and the public.



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## Sample Policy: Pretrial Release

- Determine the frequency and manner of contact with pretrial services. In cases of high risk to victim, consider requiring frequent and/or in-person reporting.
- Contact the victim before the defendant is released from jail to inform her or him of the conditions of release, information regarding issuance of a no-contact order, date and time of next hearing, how to report violations.
- Provide community referrals, e.g., employment, housing, counseling, medical care, education.
- Thoroughly document in case notes all contacts with the defendant, the defendant's compliance with conditions, contacts with the victim (particularly any information related to risk and danger), and actions taken by the conditional release supervisor.



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## Step 3: Report Findings & Recommend Changes

- Identify common themes & key findings
- Develop recommendations for change
- Construct a plan for change



**Step 1:  
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**Step 2: Map  
& Analyze  
Case  
Processing**



Step 2A:  
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Step 2B:  
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Step 2C:  
Analyze  
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## Examples of outcomes

- Developed and implemented follow-up questions for 911 operators
- Improved consistency in risk assessment in patrol response
- Improved stalking investigation
- Established an advocacy-initiated response
- Developed state-certified training for patrol officers
- Created a new domestic violence investigator position



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## Final questions, comments



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## Resources

### Existing Guides

- 911 & Patrol
- Investigation & Prosecution Charging
- Child Protective Services

### New Guides

- Victim-Witness
- Bail Setting & Pretrial Release
- Plea Agreements & Sentencing

### Additional Resources

- Videos (10 min)
  - Overview
  - Building a team
- Checklists
- Sample reports
- Past webinars

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



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## For further information...

[Praxis International website](http://www.praxisinternational.org)

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