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**Document Title: Austin, Texas, Arrest Policies Project: A Process Evaluation**

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**Document No.: 201873**

**Date Received: September 2003**

**Award Number: 98-WE-VX-0012**

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## **Austin, Texas, Arrest Policies Project**

### **A Process Evaluation**

**February 10, 2000**

***Prepared for***  
**Austin, Texas, Police Department**  
**National Institute of Justice**  
**Violence Against Women Office**

***Prepared by***  
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This project was supported by Grant No. 98-WE-VX-0012 awarded to the Institute for Law and Justice by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

## **Introduction**

The Grants to Encourage Arrest Policies Program encourages jurisdictions to implement mandatory or pro-arrest policies as an effective domestic violence intervention that is part of a coordinated community response. Congress appropriated funds for this program under the Violence Against Women Act (1994). The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders. Ensuring victim safety and offender accountability are the guiding principles underlying the Grants to Encourage Arrest Policies. The Violence Against Women Act directs that the Arrest Program funds be used to

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest program and policies for protective order violations;
- Develop policies and training programs in police departments and other criminal justice agencies to improve tracking of cases involving domestic violence;
- Centralize and coordinate police enforcement, prosecution, probation, parole or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers or judges;
- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts;
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system; and
- Educate judges and others responsible for judicial handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to improve judicial handling of such cases.

The Institute for Law and Justice, Inc. (ILJ) is conducting a national assessment of the Grants to Encourage Arrest Policies Program, which is funded by the National Institute of Justice. ILJ is using a three-stage methodology for this evaluation. First is an annual national assessment of all sites that will document the type and extent of projects funded. Second, a process evaluation of twenty sites will examine the process and problems associated with implementation of the project. And third, an impact evaluation of five to six sites will assess the

impact of the project on the agencies involved, victim well-being, offender accountability, and the community.

This report examines the activities of the Austin/Travis County Family Violence Protection Team from the early stages of the project; it covers current operations and future plans. The relevant laws will be discussed as well as the project objectives, planning, implementation, resources, inter-agency collaboration, the information management system, and conclusions.

## **Project Environment**

The City of Austin has a population of approximately 700,000 with 50 percent White, 38 percent Hispanic and 12 percent African-American. The average household income is about \$26,000. Travis County has several law enforcement agencies: the Austin Police Department, the Travis County Sheriff's Office, and the Constables Office. These agencies have all been very active in addressing domestic violence. The following sections give a brief overview of county law enforcement, the court system, and state legislation.

## **Law Enforcement**

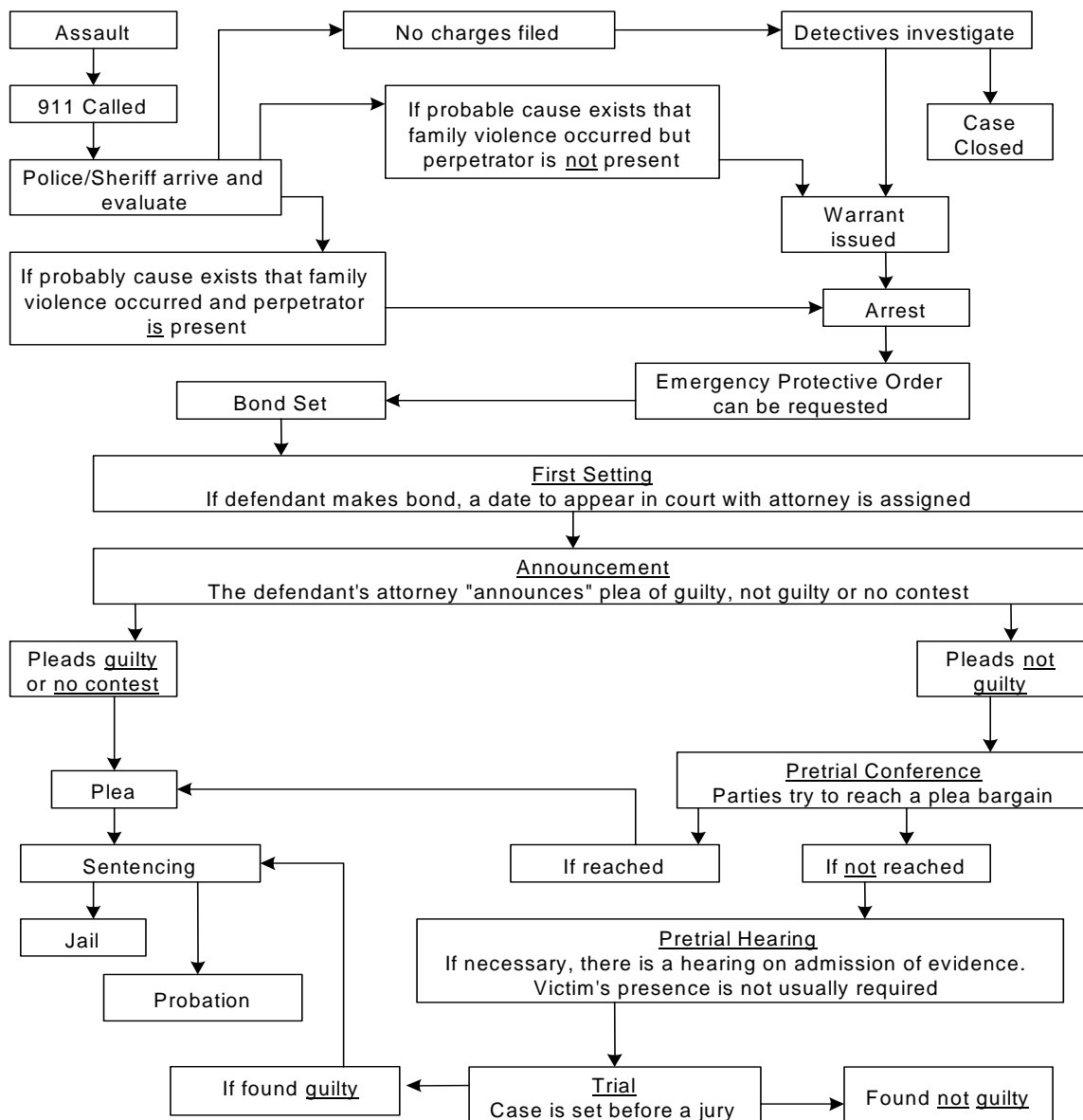
The Austin Police Department (APD) has approximately 1,200 sworn officers and 400 civilian employees. The department is responsible for patrolling and investigating crimes within the Austin city limits. Every patrol car is equipped with mobile data terminals, and officers input their reports into the Direct Enter Report System. The Travis County Sheriff's Office (TCSO) is responsible for law enforcement in the surrounding county and for jail operations (city and county).

The Constables Office serves every document that comes from the district, county, juvenile, and justice of the peace courts. These documents include notices to appear and child attachments. The office has a Family Unit that locates individuals and coordinates the serving of related documents such as divorce papers, protective orders, and warrants.

## **Court System**

In Travis County, Class A and B misdemeanors are handled in the county courts, and felonies that occur within the county are handled in the district court. There are five county courts and several district courts. Municipal court handles Class C misdemeanors; all suspects are arraigned in this court. Since most domestic violence cases are misdemeanors, Exhibit 1 shows the flow of misdemeanor cases through the criminal justice system.

## Exhibit 1: Travis County Criminal Justice System for Family Violence (Misdemeanor Cases)



The first setting is an administrative hearing in which the defendant is told what he/she needs to do in response to the charges filed. The defendant is appointed a court attorney at this time if he/she cannot afford to hire one. A plea is entered at the announcement hearing.

In 1991-92, the Austin/Travis County Family Violence Task Force thought that domestic violence cases needed to be handled more consistently by the courts and with more sensitivity to the needs of victims. Domestic violence cases were being handled in a wide variety of ways

depending on who was presiding over the cases. At that time, Travis County adopted a pro-arrest policy, and domestic violence cases increased 600 percent. As a result, two members of the task force went to the county commissioners to request creation of a domestic violence court. The commissioners thought it was a great idea and agreed to pay for the court. However, in order to create this court, the legislature had to approve the idea. The court was not approved by the legislature the first time it was proposed or the second. The third attempt to get the legislature's approval was successful.

The Family Violence Court began in January 1999; the presiding judge had been unopposed in the election. The court hears misdemeanor domestic violence cases on Monday through Thursday and has protective order hearings on Friday. The court does not handle custody matters; those cases are sent to district court. Currently, the court averages 300-400 cases per month. One of the court's goals is to increase victim satisfaction. For example, the victim no longer has to sit in the same waiting area as the perpetrator, which decreases intimidation of the victim.

## **State Legislation**

Texas law views family violence as a serious danger and a threat to society and its members. The code of criminal procedure states that “any law enforcement, prosecutorial, or judicial response to allegations of family violence, the responding law enforcement or judicial officers will protect the victim, without regard to the relationship between the alleged offender and victim.” The state defines domestic violence as “an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.” The specific laws relevant to this report are noted below.

## **Family Code**

According to Section 71.01, “family” includes individuals related by consanguinity or affinity. This includes individuals who are former spouses of each other, individuals who are the biological parents of the same child without regard to marriage, and a foster child and foster

parent, whether or not those individuals reside together. “Household” means a unit composed of persons living together in the same dwelling whether or not they are related to each other. “Member of a household” also includes a person who previously lived in a household.

## **Stalking**

A person commits stalking if the person, on more than one occasion, pursues the same course of conduct that is directed specifically at another person, and knowingly engages in conduct including following the other person, that:

- (1) The actor knows or reasonably believes the other person will regard as threatening:
  - (A) bodily injury or death for the other person;
  - (B) bodily injury or death for a member of the other person's family or household; or
  - (C) that an offense will be committed against the other person's property;
- (2) Causes the other person or a member of the other person's family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and
- (3) Would cause a reasonable person to fear
  - (A) bodily injury or death for himself or herself,
  - (B) bodily injury or death for member of the person's family or household; or
  - (C) that an offense will be committed against the person's property. (§42.072)

An offense under this section is a Class A misdemeanor, unless the person has previously been convicted, in which case, it becomes a third degree felony. In order to prosecute, the prosecutor must clearly show and make sure the victim is aware that there should be an identifiable cut-off point where the victim made it clear to the suspect to cease all harassing and threatening behavior, and to have no further contact.

## **Violation of Protective Order or Magistrate's Order**

Under the penal code (§25.07), violation of a protective order can be criminally or civilly enforced. A criminal violation is punishable by jail time and/or a fine if the respondent goes to the residence or another location where the protected person is known to be, commits family



violence, or communicates in any manner with the protected person. Civilly, a person can be held in contempt of court with punishment up to six months in jail and \$1,000 fine.

## **Duties of Peace Officers**

The primary duties of a peace officer (Art. 5.04) who investigates a family violence allegation or who responds to a disturbance call that may involve family violence are to protect any potential victim of family violence, enforce the law, and make lawful arrests of violators. A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall advise any possible adult victim of all reasonable means to prevent further family violence, including giving written notice of a victim's legal rights and remedies and of the availability of shelter or other community services for family violence victims.

## **Objectives of the Project**

Members of the Austin/Travis County Family Violence Task Force outlined the goals and objectives for the initial Arrest Policies grant. The grant period started March 1, 1997 and was scheduled to end August 31, 1998. The goals were to

- Enhance pro-arrest policies for domestic violence offenders and protective order violators by training law enforcement officers, judges and prosecutors on how to improve the handling of domestic violence cases.
- Create a Austin/ Travis County Family Violence Protection Team (FVPT) to increase services to victims, provide crisis-counseling, develop prosecution strategies, provide legal advocacy, promote thorough investigations, and to assist with safety planning and protective orders.
- Create a cross-agency management information system to allow for better communication and tracking of domestic violence cases.
- Enhance long-term counseling options for domestic violence offenders and victims.

The FVPT experienced some problems during the initial grant period. Three of the initial goals were achieved during the initial grant period—create the FVPT, provide domestic violence training, and enhance long-term counseling. APD officers were selected to work on the team as well as representatives from the other agencies at a centralized location. Experts in domestic violence were contracted to provide training to the entire police department as well as the other,

non-police members of the FVPT. Subsequently, the training goal was the only goal that was successfully implemented and completed during this period. The other goals were eventually achieved with state funds. The unit was fully operational at the time of the second award.

## **Extended Goals**

The goals in the continuation grant, which started July 1, 1999 and ends December 31, 2000, are

- Increase communication and coordination among team partners
- Track the filing of regular protective orders in domestic violence cases and increase the number of emergency protective orders
- Increase the number of people accessing services through the team onsite (at the office) while maintaining client satisfaction
- Increase the awareness of the FVPT within the Austin/Travis County community
- Establish communication mechanisms between neighborhood-based patrol officers and the FVPT
- Establish a policy for disciplining police officers who are the perpetrators of domestic violence.

## **Agency Roles and Responsibilities**

The FVPT consists of the Austin Police Department (APD), Travis County Sheriff's Office (TCSO), Travis County Attorney's Office, Legal Aid of Central Texas, Women's Advocacy Project, and SafePlace. All of the agency team members are housed at one location in Northeast Austin. The team is comprised of three components; investigative services, legal services, and social services. At FVPT, APD and TCSO provide investigative services and work primarily with cases where no arrest was made at the scene. Legal services are provided by the Travis County Attorney's Office, Legal Aide of Central Texas, and Women's Advocacy Project. These agencies assist victims of family violence with obtaining emergency and regular protective orders as well as other legal needs. APD Victim Services, TCSO Victim Services, and SafePlace make up the social services component. They provide crisis, short-term and long-term counseling to victims of family violence and their children, and safety planning.

The Austin Child Guidance Center has a contract with the team to provide counseling for children who witness violence in the home and experience other types of abuse. In 1998, the

Center counseled 48 families and conducted 132 counseling sessions. In the initial grant, LifeWorks was part of the team. This organization provided batterers intervention counseling. They provided approximately 2000 hours of counseling from July 1998 through May of 1999. This group was not part of the continuation grant because the team wanted to concentrate on assisting victims.

## **Project Planning**

There was an enormous amount of planning for the Arrest Project in Austin. Despite the many partners involved in the project, the goals and objectives have remained clear and victim-focused.

### **Initial Planning**

The Austin/Travis County Family Violence Task Force was created in 1989. Prior to this, two other task forces were formed for a specific goal and disbanded after the goal was achieved. The current task force initiated the planning for the Arrest grant. The task force is a coalition of agencies and organizations dedicated to reducing domestic violence in Travis County. It provides a forum for support, trouble-shooting, planning and advisory functions for local domestic violence efforts. The FVPT Lieutenant serves as one of the co-chairs of the task force; however, the task force does not oversee the activities of the FVPT.

In 1996, the task force noticed an increase in the number of domestic violence cases in Travis County and felt there was a need for centralized services for victims. Since the task force consisted of the agencies necessary to make this a reality and some collaboration already existed, they decided to apply for funds under the Violence Against Women Act. After the task force developed goals and objectives, APD wrote the grant proposal.

### **Rebuilding**

Unlike the first grant, planning for continued funding wasn't initially a coordinated effort. In April 1998, the coordinator of the FVPT wrote a continuation grant without input from the other agencies on the team. At the time, she was feeling under-utilized and eliminated her position in the proposal. Due to the lack of project documentation and disorganization, the FVPT was not re-funded by the Violence Against Women Grants Office (VAWGO) in 1998.

When it was evident that Arrest funding was not going to continue, the FVPT started a rebuilding process. By this time, the coordinator had been dismissed and a volunteer from the Constable's Office helped to facilitate the meetings held to rebuild the team. Members of the team went to the Criminal Justice Division of the Governor's Office to inquire about available interim funds. The agencies pulled together and agreed to apply for state Victims of Crime Act (VOCA) funds that were available. Each agency had a grant writer who worked on its individual proposal, but the grant applications were submitted together. This made it clear to the Governor's Office that the proposals were a joint effort. Several agencies had to apply for more than one VOCA grant because the state of Texas limits submissions to \$40,000. Fortunately, APD also had cost savings from the first grant to continue operations. The FVPT received 6-month VOCA funding from January 1998 to June 1999. Funds from the original Federal VAWGO grant were extended to cover salaries until January. The extension on the original funds was granted until September 30, 1999, and assisted with rent and equipment.

With VOCA funds, a new coordinator was hired in January 1999. She is an employee of SafePlace. Under her direction, the whole team pulled together again and decided to re-apply for Arrest funds for 1999. The team used the original arrest grant application as a guide. Many meetings were held to decide which goals were and were not achieved, and if additional goals were needed. Staffing needs were re-evaluated and the team thought it was unwise to request more funds than the original award. The proposal was submitted on March 1, 1998 and accepted in late March 1999.

## **Implementation**

The FVPT was slow getting started. The grant started in March 1997 and members of the team started moving into a common workspace in May 1997. The first project coordinator was not hired until late July. There were a number of problems associated with implementing the project:

1. The roles of agencies and staff were unclear and undefined.
2. There were no guidelines for accessing and sharing information among agencies. Each agency considered its information confidential.
3. There were legal barriers associated with obtaining protective orders. In the beginning of the project, family violence charges were spread throughout the

day. The protective order attorneys were going back and forth to court during the day and had no time to prepare their cases.<sup>1</sup>

4. Initially, most of the client referrals to the FVPT came from law enforcement officers. Outside agencies did not feel comfortable referring victims to what was perceived as a “police agency.”<sup>2</sup>
5. The development of an FVPT computer system throughout the county was delayed because Travis County was in the process of purchasing a new integrated justice system. Team members felt it was best to wait until this system was in place to begin the development process to ensure compatibility.
6. There was a lack of communication and collaboration among the team’s lieutenant, sergeant, and coordinator. Tension was building among all levels of management, and there were personality conflicts. The coordinator wasn’t facilitating a coordinated effort.

In June 1998, the police department was reorganized and the team experienced its first wave of turnover. The FVPT Lieutenant was reassigned, and the sergeant on the team retired. As stated earlier, the project director lost sight of the need for her position, moved to part-time status, and wrote her position out of the continuation proposal. Several other agencies on the team also experienced turnover (i.e., SafePlace, Travis County Attorney’s Office).

This situation prompted a site visit from VAWGO in June 1998. By this time, a new lieutenant was assigned to the unit, and the coordinator had been relieved of her duties. After the visit, a formal letter stating the findings was sent to the Mayor. At this point, funding was discontinued. The Chief of Police was notified and ordered an internal review of the FVPT. Right after the review, the Department of Justice also did a financial audit on the unit. Both of these reviews went smoothly. However, some of the concerns noted were that the team was not drawing down enough grant funds, no one was attending required training, and the computer database was not operational. All of these concerns made the team’s efforts questionable.

Since the FVPT is divided into three components, this report will examine team operations within investigative services, legal services, and social services. (Appendix A)

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<sup>1</sup> After meeting with the FVPT representatives, the judges agreed to hold arraignments twice daily for family violence charges.

<sup>2</sup> This was resolved when APD detectives agreed to meet with victims at SafePlace to discuss how investigations are handled.

## **Investigative Services**

The investigative component includes the APD and TCSO. These two agencies operate very differently, primarily because their domestic violence caseload is drastically different. APD detectives have roughly 70-80 cases a month; the TCSO detective averages about 20.

### **Austin Police Department**

The Austin Police Department currently has eight detectives on the FVPT. A Sergeant supervises the unit and the Lieutenant in command is at an off-site location. The APD relies on the Direct Entry Offense Reporting System (DEORS) computer system to retrieve cases. Each patrol officer at APD records all incidents into the system at the end of the shift and downloads the information onto a disk. The information is then put into the main system at the precinct and goes through a review process. Cases are assigned to the appropriate unit using title codes. All cases that don't fit into a title code for a special unit are given to decentralized detectives for investigation.

Incidents that aren't "direct file" (an arrest was made at the scene) are forwarded to the FVPT. The team receives cases with title codes of aggravated assault, assault with injury, violation of a court order, violation of emergency protective order, violation of protective order, family disturbance, family disturbance (paternal), domestic violence/alarm, hostage/barricade, terroristic threat, unlawful restraint, attempted aggravated kidnapping, attempted kidnapping, and stalking. Most of the cases assigned to the unit are assault with injury. All of these codes have to be related to domestic violence for the FVPT to investigate. The Sergeant reviews these cases in the morning and then distributes the cases equally to detectives using DEORS. The detectives retrieve their cases from the DEORS system each morning. One detective on the team investigates all stalking cases. The caseload is too large to assign repeat offenders to the same detective who previously handled the case; however, detectives informally discuss these cases.

When a detective receives a case, the information is reviewed to determine if the case meets the criteria necessary for a domestic offense. The detective then conducts a investigation that may include taking victim statements, completing victim supplement forms, and collecting other evidence. A background check is done to document any prior history of domestic violence and to determine individual's (victim and offender) credibility. If probable cause is found, the detective prepares an affidavit and warrant of arrest for presentation to the magistrate. The

detectives usually try to get victims to come into the office to give statements. This allows the victim to speak with victim service counselors and get any other services she may need.

The detectives can clear cases in a number of ways—arrest, warrant issued, and exceptional clear. If a warrant is issued, the case is suspended in the system until the offender is arrested. The case status is updated in DEORS. There are two ways to exceptionally clear a case. A case can be cleared this way if prosecution is declined. Prosecutors or police may deem a case unprosecutable because no probable cause is found. A case is also cleared in this manner if the victim refuses to cooperate. Although the department has a no-drop policy, detectives may make this determination after viewing the victim’s history. If there is no medical treatment given to the victim, the victim refuses to sign the impact statement, and it is the first offense, they will close the case. However, if it is her second incident, detectives will file the case even if she doesn’t want them to. Cases are always filed when medical treatment is given to the victim.

### **Travis County Sheriff’s Office**

The Travis County Sheriff’s Office handles all the misdemeanor domestic violence cases that occur in the county. Unlike the APD detectives, the deputy assigned to the FVPT team doesn’t retrieve his cases from a computer system. The Sheriff’s Office has set up a “Next Day Delivery” system for domestic violence cases. If a woman is assaulted and the police respond, the patrol officer completes an incident report, takes photographs, and the victim’s statement. This information is put into a case jacket and left at the sheriff’s office downtown. The detective or the law enforcement specialist checks the box each morning before reporting to the team. This system allows the detective to receive cases within 24 hours of the incident.

The following day, the detective does a criminal history check, a booking history check to see how many times an offender has been through the prison system, and reviews the victim impact statement to see if additional information is needed. If probable cause exists, a warrant is issued. Protocol requires the detective to contact the victim by phone or mail within five days. This system allows for a fast turnaround of domestic violence cases.

Also unlike APD, the FVPT TCSO staff receive cases where an arrest is made at the scene. These files go directly to the law enforcement specialist who verifies that the necessary

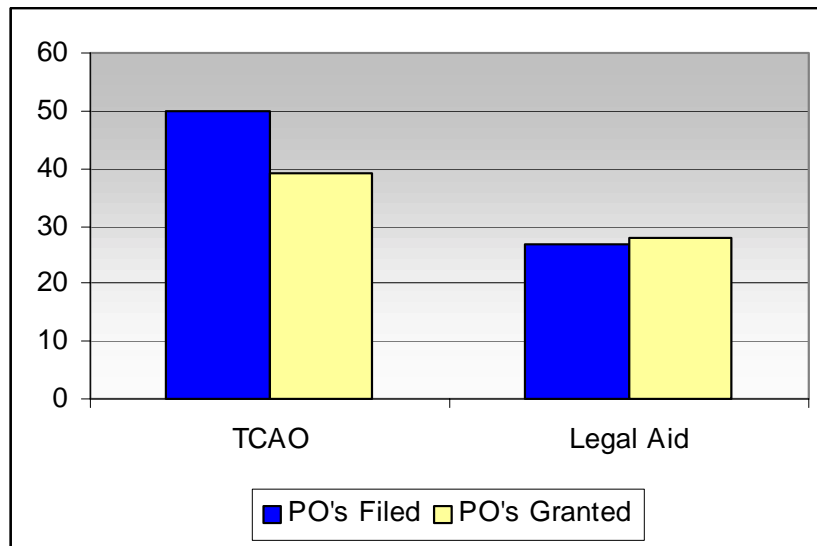
documents are included and sends the jacket to the County Attorney. The specialist also hand-carries all warrants over to the Family Violence Court to be signed by the presiding judge.

## Legal Services

The legal services component is composed of three organizations (Travis County Attorney's Office, Legal Aid, and Women's Advocacy Project) that work together to help women and their children receive protective orders. These agencies complement each other well and provide alternatives for women who don't qualify with any particular agency. Protective orders are tracked by the agencies providing legal services. The chart below shows the number of protective orders filed and granted for the first four months of 1999.

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**Exhibit 2: Protective Orders (January – April 1999)**



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As of September 1, 1999, protective orders last up to two years. To get one, there has to be a family relationship such as marriage, common law marriage, common child, blood relationship, or two people who have cohabited at one time. For a judge to grant a protective order, there must be a determination that family violence has occurred and is likely to occur again. There are several kinds of hearings related to protective orders. First, an attorney goes before a judge to obtain a temporary *ex parte* protective order. The hearing on the final order is



held within two weeks after the judge signs the temporary *ex parte* protective order. Review hearings are sometimes held so that the court may reassess the status of the parties or check progress with conditions of a protective order. Modification hearings allow for conditions on the order to be changed (i.e., address). A contempt hearing is held when the offender doesn't follow the conditions of the order.

### **Travis County Attorney's Office**

Every applicant who comes to the FVPT for a protective order goes to the County Attorney's Office first. At least one of the parties involved must be a resident of Travis County. A victim/witness coordinator does the screening for protective orders. A record request is completed so a criminal history may be run on the applicant and the offender. A criminal history is done on the applicant and offender to check for any conflicts. An applicant cannot have any active misdemeanor cases pending in the County Attorney's Office to be eligible to file a protective order with the TCAO. The applicant then proceeds to fill out the screening forms, which consist of a constable sheet, a narrative sheet to document the abuse, and an affidavit. The affidavit is notarized after the victim/witness coordinator faxes the information to the protective order attorney and the applicant's case is approved. A picture of the offender is added to the record if APD has one on file.

If the applicant states or documents in her paperwork that a child has been abused, then the victim/witness coordinator is required by law to contact child protective services if the applicant does or will not report it to them. Cases that involve children are filed in district court; if there are no children, the case is filed in county court.

An *ex parte* protective order goes into effect after the paperwork is filed, and temporary *ex parte* protective orders are valid for 14 days. Within this timeframe, the offender is served and a court date is scheduled for the applicant to receive a regular protective order. If the offender cannot be served within that time, the hearing is rescheduled.

There are several reasons why the County Attorney might be unable to assist an applicant for a protective order. The County Attorney's Office cannot take a case when

1. A misdemeanor case is pending against the applicant. This represents a conflict of interest for the County Attorney's Office, which cannot defend and prosecute someone at the same time. There is no conflict, however, when there is a felony

case pending against the applicant because the County Attorney doesn't handle felony cases.

2. A divorce is pending, and the applicant has an attorney in the divorce case. The attorney handling the divorce can obtain a protective order for the applicant, and the County Attorney cannot intervene in a pending case where the applicant is already represented.
3. There is an application pending through the County Attorney's Office against the person seeking a protective order (i.e., both parties are seeking protective orders, and the other party came to the County Attorney's Office first and was not otherwise disqualified).

If one of the above three conditions exists, the applicant is immediately referred to Legal Aid.

### **Legal Aid of Central Texas**

Legal Aid of Central Texas serves 16 counties and has offices in Austin and Belton. The organization is a private, non-profit law firm, which provides free help to those who cannot afford a private lawyer. Forty percent of Legal Aid services are to domestic violence victims and assisting them to obtain protective orders. They also assist with divorces, child custody and support, preventing unfair evictions, public benefits (i.e. social security, food stamps), estate matters, and consumer problems. Legal clinics are provided at no cost on Monday and Wednesday evenings at area schools for people who need legal advice.

Legal Aid has a full-time paralegal on-site at the FVPT to screen applicants. The screening process starts over again, and the applicant is subjected to filing out information similar to that previously given to the County Attorney's Office. General information forms are completed with an incident form, an affidavit, and divorce and custody questionnaires if applicable. Basic program income guidelines as well as maximum discretionary income guidelines are used to approve a client for services. Weekly case review meetings are held by the attorneys to accept cases. Once a case is accepted, the application for a temporary and regular protective order is prepared.

If the applicant is denied services, she can appeal. The Legal Air team leader reviews these appeals and if the rejection still stands, the Legal Aid Director will review the case. There are several ways you can be denied services by Legal Aid.

1. *Conflict of Interest*. Legal Aid cannot accept cases of opposing parties in the same dispute or where the opposing party has previously applied with Legal Aid. If this

conflict exists, the applicant can be referred to the Women’s Advocacy Project or Volunteer Legal Services of Central Texas.

2. *Household Income*. In most non-family law cases, household income cannot exceed 125% of Federal Poverty Guidelines for that household size. Travis County applicants with high-priority family law cases may have income of up to 187.5 % of the Federal Poverty Guidelines. Other applicants are limited to household income of 100% of the Poverty Guidelines. Those applicants who are over the income limit are then referred to the Women’s Advocacy Project or the University of Texas School of Law Domestic Violence Clinic.
3. *Assets*. Net assets, not including homestead and exempt personal property, cannot exceed \$2,500 for an individual plus \$500 for each additional household member.
4. *Priorities/Resources*: Over 190,000 eligible low-income persons reside in the 16 counties that Legal Aid serves. Approximately 12,000 applications for service are received each year and can only help a portion of those who apply. Consequently, Legal Aid’s funding agency requires establishment of case priorities and other case acceptance factors to be used in deciding which cases can be accepted and what assistance can be provided. The Family Law Section has the priority to only accept cases with a history of domestic violence.

The Legal Aid paralegal and attorney who work with the team are both bi-lingual and forms are provided in English and Spanish. This is extremely important since a large part of the population in Travis County is Hispanic.

### **The Women’s Advocacy Project, Inc.**

When victims don’t qualify for help at Legal Aid, they are referred to The Women’s Advocacy Project (WAP). WAP was established in 1982 to respond to the needs of women across Texas with questions about their legal rights. The project accomplishes its mission in part by operating two statewide, toll-free hotlines, the General Legal Hotline and the Family Violence Legal Line. The Project also has three attorneys who form the “Emergency Legal Services,” doing divorces, child support, and child custody.

A full-time attorney is on-site at the FVPT to help with protective orders. There are no financial requirements to receive services. A victim is denied only if she/he doesn’t meet the legal requirements to receive an order. Similar to Legal Aid, the intake process begins again. A release is signed to get access to offense reports and other records, a client intake form is completed along with an incident form, a constable sheet, and a services retainer form.

The Women Advocacy Project also assists with Emergency Protective Orders (EPO). Most domestic violence victims find out about EPOs from police officers at the scene. Police

officers may request an EPO for the victim. An EPO is valid for 31 days and can only be granted by a judge when the offender is arraigned. FVPT has a full-time EPO attorney. The EPO attorney works at Municipal Court and reviews all of the family violence arrest cases on the morning and afternoon dockets during the week. The EPO attorney helps collect all information necessary to successfully grant a previously requested EPO. The attorney also advocates for the judges to issue EPOs on dangerous cases where an EPO had not been requested. The EPO attorney contacts each victim, regardless of whether an EPO was requested on her/his behalf, to provide information to each victim regarding options, including legal alternatives such as applying for a protective order. In some cases, the victim requests an EPO: when speaking to the EPO attorney. The EPO attorney also advocates on behalf of the victim for the 24 hours and 48 hour holds, which order the offender be held for the specified time after he has posted bond. Often this is necessary to give victims time to change their locks or find a safe place to stay.

For many reasons, a victim often wants to drop the charges against her batterer or get a protective order dismissed. In many jurisdictions, their requests are granted without ensuring that the victim knows her rights or the consequences of her actions. If a victim wants to drop charges or have a protective order dismissed at the Travis County Attorney's Office, she has to complete Project Options.

### **Project Options**

Project Options is a cooperative effort by the Austin/Travis County Family Violence Task Force and the Travis County Attorney's Office. The program is funded by the Travis County Crime Victims Fund. The project is a two-part informational class for female victims of family violence who are seeking to drop either criminal assault charges or protective orders obtained by the TCAO against their alleged perpetrators. Project Options is designed to

- Inform victims about the nature and effects of domestic abuse and violence
- Clarify the workings of legal processes in which the attendees are involved and the legal options open to them
- Give the attendees information on other community resources
- Encourage ongoing safety planning appropriate to individual situations.

Classes are offered twice a week at a convenient downtown location with free parking. Upon completion of both classes, each participant is given a certificate. Once the participant has

received her certificate, if she still wants to drop criminal charges or dismiss a protective order, she completes the following process:

- Drop Charges. The participant brings her certificate to the County Attorney's Office and signs an affidavit of non-prosecution. She will then speak to an intake attorney who notes her reasons for requesting that charges be dropped in the file. The prosecuting attorney may make a recommendation and the judge assigned to the case makes the ultimate decision regarding the dropping of charges.
- Dismiss/Modify Protective Order. The participant makes an appointment to speak with a SafePlace counselor after completing Project Options. The participant completes a Request to Dismiss Protective Order form, which is placed in the file and forwarded to a Protective Order Attorney for further consideration. The participant will usually have the opportunity to state her wishes before the judge who makes the final decision.

## **Social Services**

Austin Police Department Victim Services, TCSO Victim Services, and SafePlace provide social services for domestic violence victims through the FVPT. These agencies maintain an excellent relationship with law enforcement that isn't typical between police and advocates. Victim service counselors are the first point of contact when a victim comes to the FVPT office. This allows the victim to get her needs assessed immediately. Interview rooms are provided for the counselors; one room is equipped with toys for children.

### **Austin Police Department Victim Services**

The Victim Services Division at APD was created in January 1980 and has grown steadily. The division consists of 28 full-time counselors (11 are grant funded), 14 full- and part-time grant positions, 1 part-time grant funded counselor, and two administrative assistants. Victim Services has crisis teams that cover all sectors of the city and will respond to the scene of the incident for crisis intervention. The crisis teams operate 24 hours a day on 8-hour shifts. All teams are equipped with an unmarked car, a police radio, a handi-talkie, and a mobile data terminal. The Victim Services staff is also on call 24 hours a day to assist the Patrol Division and investigators in emergency situations.

The District Representative Program is an outreach program consisting of Victim Services counselors and officers assigned to a common district. An officer and counselor work

together on an on-going basis. This enhances positive relations for all parties involved and creates a coordinated approach to reducing and preventing domestic violence.

Currently, there is a supervisor and three full-time APD counselors assigned to the FVPT. The supervisor of this unit distributes cases to counselors. Victims are offered counseling, information about the criminal justice system, the effects of violence on the children, and referrals to appropriate social services in the community. Short-term counseling is given to the victim, who is referred to SafePlace if long-term counseling is appropriate. Since the counselors establish a good rapport with the victim, they may end up providing some long-term counseling.

### **Travis County Victim Services**

Travis County Victim Services (TCVS) has a full-time counselor assigned to the team. Advocates at TCVS are assigned to each of the five county courts and provide follow up calls for the victims, help with evidence collection, and locate victims and witnesses when necessary.

### **SafePlace**

SafePlace was founded in January in 1998 as a result of a merger between the Center for Battered Women and the Austin Rape Crisis Center. SafePlace provides the community with comprehensive domestic and sexual violence prevention and intervention services. The agency has 124 staff and a budget of over \$3.8 million. In 1998, the City of Austin gave the agency \$500,000 to purchase land for a new Family Shelter and \$2.9 million for design and construction. Some of the services SafePlace provides are

- 24-hour sexual assault and domestic violence crisis hotlines. Trained volunteers and hotline advocates answer separate sexual assault and domestic violence hotlines around the clock to provide crisis counseling, referrals, and information for victims and survivors, their families and friends.
- Individual and group counseling for women, children, and men who have been victimized by sexual assault, sexual abuse or domestic violence. There is also counseling for their loved ones.
- Two emergency shelters for women and children escaping domestic violence. Women and men requesting emergency shelter are screened by advocates for eligibility and admitted on a case-by-case basis into the 70-bed family shelter (for women with children), the 15-bed women's shelter, or local hotels and apartments (for male victims).

- Transitional housing, with supportive services for families leaving the shelter. Supportive housing programs provide an alternative living situation that combines subsidized housing with intensive support services. These programs offer up to 18 months of subsidized housing, case management, and supportive services tailored to meet the needs of the families victimized by domestic violence.
- Hospital advocacy for sexual assault survivors.
- Legal advocacy to support victims of domestic violence through the court system. (e.g., accompanying victims to court).
- Community education and training on the issues of sexual harassment, sexual assault/abuse, and domestic violence.
- *Expect Respect*, a school-based service that provides both counseling and educational presentations in middle and high schools on the issues of dating violence, sexual assault/abuse, and domestic violence.
- Assistance to women and children leaving the shelter with home furnishings, clothes and household essential through the SafePlace ThriftPlace.

In order to receive services, some domestic violence or sexual assault must have occurred. Most of the referrals to SafePlace come from Victim Services. A form has been created for team members to complete when referring clients to SafePlace for counseling. The counselor then calls clients and has them come in to complete an in-person intake. At the intake, the counselor helps the client decide if he/she would like to continue with long-term individual counseling and/or on-going support/therapy groups.

## **Challenges**

Although many successes have been achieved since the FVPT team has become fully operational, there are still some challenges to be faced. The following section identifies issues that have been expressed by each team component.

## **Investigative Services**

1. The APD detectives expressed the need for more staff because their caseloads are so heavy. It is also felt that stalking could be worked on more pro-actively with adequate staff.

2. There are times when the interaction between Victim Services and the detectives has not been easy. Sometimes it is felt that the victim is put on a pedestal and this makes it difficult for the detectives to do their jobs.

## **Legal Services**

1. Obtaining information was the biggest frustration with legal services. Tracking down information with police and the lack of shared information between agencies are just a couple of examples. Open records requests typically take ten days; by that time, the attorney only has four days left to prepare the cases for court. There is no time at all for open record requests when trying to get an EPO.

## **Social Services**

Members of the social services component understandably express frustrations with seeing victims come back through the system. They also mentioned the following.

1. Concerns about confidentiality issues related to information in the database.
2. Confusion of roles between Victim Services and SafePlace. When does short-term counseling become long-term?
3. The interview rooms aren't counseling-friendly.
4. More outreach could be done in minority communities – prisons, same sex relationships, etc.
5. The Victim Services counselors do not often get to see the outcome of cases.

## **Support for Project**

There has been a lot of support for the team from the Chief of Police and other policy-makers. Buy-in from team members is gained by including them in the decision-making process. For example, the detectives worked with the team Sergeant to create the unit's training manual. The members of the FVPT believe in what they are doing and are vested in the effort. This has been proven by the tremendous effort that went into rebuilding the team and keeping it operating when funding was cut.



## Interagency Collaboration

The collaboration among all of the agencies seems to be going well. There have been significant improvements in communication since the initial grant began. All of the agencies involved have allocated staff to the team and are committed to the collaboration. A few points came up when the team was asked about inter-agency collaboration.

- They agreed that members are well informed about team issues, partners have common goals, and that everyone puts the needs of victims first.
- Partners also recognize the need to make the team more culturally diverse. There are a few Spanish-speaking members, but more are needed. Although African-Americans are a small percent of the population, this group is not represented on the team.
- Some team members don't feel that each partner has an equal voice. Since the Austin Police Department is the lead agency, it is sometimes felt that it has disproportionate authority.

The team has monthly staff meetings to discuss issues and develop new strategies to assist victims. The project coordinator facilitates the team staff meetings. The staff discusses what procedures work well, what gaps exist, and what changes need to be made in order to provide better service to clients. In addition, a quarterly in-house newsletter informs the staff of new changes and upcoming activities.

Each component of the team, investigative, legal, and social services, also meets monthly. The FVPT coordinator attends the majority of these meetings. The meetings help the team members understand the roles of the other agencies better because they each have different perspectives about domestic violence issues. Supervisors of the team meet once a month as well.

The agency directors meet quarterly. At these meetings, the project coordinator submits items needing approval and any procedural changes that require high level support. In addition, these meetings ensure that directors are aware of what the team is accomplishing, what resources are needed, and any challenges the team is facing.

## Resources

The FVPT has made adjustments to the resources awarded to them throughout the grant period to accommodate the needs of the team. The following sections describe the use of personnel and the allocation of funding by the team.

## Personnel

The Family Violence Protective Team has a full-time coordinator on site. The coordinator is actually an employee of SafePlace and is responsible for writing progress reports, facilitating communication among agencies, helping problem-solve for the team, and creating new and innovative ways of making the team run effectively.

The FVPT has been modified since the beginning of the project in 1997. An organization chart of the team is provided in Appendix A. Exhibit 3 shows the staff levels in 1997 and current levels.

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### Exhibit 3: Personnel Changes

Agency	Staff Levels (1997)	Staff as of July 1999
Austin Police Department	1 Lieutenant 1 Sergeant 4 Detectives 1 Project Coordinator	1 Lieutenant* 1 Sergeant 7 Detectives
Travis County Sheriff's Office	1 Detective	1 Detective 1 Law Enforcement Specialist
Travis County Attorney's Office	1 PO Attorney 1 Counselor	1 PO Attorney* 1 Counselor
Legal Aid of Central Texas	1 PO Attorney	1 Paralegal 1 Attorney (20% of time)*
Women Advocacy Project, Inc.	1 PO Attorney	1 EPO Attorney (Job Share)* 1 PO Attorney
APD Victim Services	2 counselors	3 Counselors
SafePlace	1 Advocate ½ Counselor	1 Project Coordinator 1 Counselor ½ Counselor*
Travis County Victim Services	½ Counselor	1 Counselor

\* Off-Site Staff

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## **Funding**

The FVPT was awarded \$750,000 for each grant period; a total of \$1.5 million. Most of the grant funds were allocated for salaries of team members. The grant also pays for rental space for the team, the FVPT database, equipment such as computers, and other supplies. Counseling services provided by the Austin Child Guidance Center, Child and Family Services, and Center for Battered Women were also retained with Arrest funds.

## **Information Management**

Collaborative efforts that deal with sensitive issues such as domestic violence have to find a balance between operating efficiently and maintaining confidentiality. One of the biggest confidentiality issues faced by the team relates to offense reports. The APD Sergeant has developed some guidelines to remedy this problem.

1. APD/TCSO employees who have access to DEORS may assist team members with this information
2. Team members in the presence of an APD/TCSO employee can review offense reports that are related to the FVPT. Cases that are assigned outside the FVPT cannot be reviewed.
3. TCIC/NCIC information cannot be obtained through the team.

Other confidentiality issues came up when database development began. In March 1999, the team started developing a database to track domestic violence cases. Joint application design (JAD) sessions were held once a week at the beginning of this process and are now held every two weeks. Members of the FVPT and APD computer specialists attend these sessions. The database is expected to be complete by July 1999.

To ensure confidentiality, each member of the FVPT will have a user name and password to access the system. Each member of the team will be responsible for creating the initial record in the system when they are the first point of contact. Afterwards, each member who works on a case is responsible for updating the records to reflect any progress or additional services provided.

To prevent duplicate entries, the program starts with a search screen. If the case is found, it will appear on the screen and display any involvement the client has had with the team. The database has categories for each team component, investigative services, legal services, and

social services. In addition, there are separate folders for victim, witness, and suspect information. The confidentiality of each agency will be maintained by shielding certain fields from view. The system will track the team activities, generate statistics, and create reports. A training manual will be developed for the system, and training will be given to team members.

The database will also allow more consistency in the type of statistics that each agency of the team compiles. Previously, many of the statistics collected by some of these agencies have not been compatible. Ideally, each agency within each component should document similar information.

The team has also created a confidentiality agreement that each client is asked to sign. All clients are provided services regardless of whether or not they sign the agreement.

## **Recommendations and Conclusions**

The FVPT has shown tremendous commitment to helping victims of domestic violence in their community. The team has overcome the setbacks experienced during implementation and has become more effective. The period of rebuilding taught the team some valuable lessons and not only demonstrates commitment to victims, but also shows how important domestic violence is to project directors and agency heads. Essentially, these are the people who have the ability to initiate change and getting their “buy in” is critical to the lifeline of any project. It is apparent that leadership in Travis County is fairly progressive since they have been working for several years to create the new domestic violence court and to make the process easier for victims. Mid-level leadership is constantly finding new and innovative ways to help the team operate more effectively.

There are a couple of additions and refinements that could enhance the response of the FVPT.

## **Probation**

Probation is a function of the county. Although probation has been asked to attend team meetings, perhaps a more formal approach is needed. Positions for probation officers can also be included in any future grant proposals. This component is necessary and will help achieve

offender accountability and ensure that those monitoring domestic violence probationers understand the dynamics of this type of abuse.

## **Protective Order Process**

While spending time with the legal services team members, I was guided through the protection order process. As stated earlier, a victim has to obtain an order through Legal Aid or the Women's Advocacy Project (WAP) when she doesn't qualify with the Travis County Attorney's Office. The intake process for Legal Aid and WAP needs to be streamlined. The entire process for women who end up getting help from WAP is very frustrating. Since all three agencies collect similar intake information, this information should be shared with the next agency if a client doesn't qualify.<sup>3</sup> Since confidentiality is an issue, the client should be asked to sign a waiver to have this information transferred to the next agency.

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<sup>3</sup> A standard screening form was implemented in August 1999. This form can now be used by all three agencies so that clients need only complete it once.

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