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# Protective Order Enforcement Team (POET) Evaluation

## Final Report

October 2003

A project conducted by

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### FINAL REPORT

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## **PREFACE**

The Protective Order Enforcement Team project was at once interesting and frustrating, disheartening and encouraging. The agencies involved in the POET project and the various Domestic Abuse Response Team projects had good intentions and devoted significant resources to their respective projects. The team members and agency directors engaged in healthy debates that led to a better understanding of the dynamics of domestic violence and the challenges of teamwork among diverse groups. Their work, their input, their criticisms and their admonitions were always appreciated. Their efforts and contributions provided valuable insight into domestic violence, criminal justice, and social change.

Roxann M. Ryan  
October 2003

### **A note on terminology**

Throughout this final report, the targets of domestic violence will be referred to as "victims," because that is the terminology used in the Iowa Code. Many "victims" are in fact "survivors" of domestic violence in a very real sense, and in their own assessments of themselves. Much of the discussion in the evaluation, however, is based on legal definitions, and "victim" is the chosen designation in Iowa law.

In addition, to the extent that gender is addressed, victims will be referred to as female and abusers will be referred to as male. This is not meant to imply that the roles cannot be reversed in some cases, nor is it meant to exclude same-sex domestic violence. The gender designation is used simply as a matter of convenience, and research on domestic violence suggests that most victims of domestic violence are women and most perpetrators are male.

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## The Abstract

### Protective Order Enforcement Team (POET) Evaluation

#### ***Research Goals and Objectives:***

Statement of Purpose. The original design – an impact evaluation of a multidisciplinary team’s use of risk assessment instruments to allocate resources to high-risk domestic abusers – failed to yield usable data. The modified evaluation addresses shortcomings that led to failure and examines elements necessary for a multidisciplinary Protective Order Enforcement Team (POET) to assess risk and allocate resources.

Research Subjects. Primary subjects: (1) multidisciplinary team members (public officials and nongovernmental victim advocates); (2) domestic violence victims. Public officials share information about criminal justice processes, and anonymous information about illustrative cases. Victims described criminal justice system experiences. Formal and informal policies and procedures of POET are compared with Domestic Abuse Response Team (DART) jurisdictions. Researchers who interviewed public officials did not interview victims.

#### ***Research Design & Methodology:***

Methods. Evaluation includes structured interviews of multidisciplinary team members (supplemented by periodic POET progress reports); and semi-structured interview of victims.

Data Analysis. Qualitative analysis of interviews identify factors leading to a successful multidisciplinary team, and prerequisites to use of risk assessment instrument in assessing potential lethality.

#### ***Research Results and Conclusions:***

Results: The process evaluation identifies factors that led to failure to achieve original goal, i.e., to identify high-risk domestic violence relationships in order to allocate resources. The process evaluation shows:

- (1) Absent a coordinated response to domestic violence, with a focus on victim safety, a criminal justice response is unlikely to provide an effective response.
- (2) Risk assessment instruments may be used to identify high risk cases, but effective risk assessment depends on pertinent information about the abuser, the victim and the relationship.
  - (a) Often, only the victim can provide the most pertinent information about

risk assessment.

(b) Victims must trust public officials before providing information, because sharing information can lead to retaliation by the abuser or by criminal justice officials.

(c) Trust builds over time, and depends on mutual reliance.

(d) Effective multidisciplinary teams operate with high trust levels.

(3) The degree of trust among the various team members depends on several factors:

- Support for the program by the highest level administrators of the agency.
- Communication skills and overall understanding of the dynamics of domestic violence.
- Small group dynamics.

Conclusions: Domestic violence cases are different from other cases. Information-sharing is especially important, and depends on high trust levels. Risk assessment cannot be done effectively by a newly developed team with low levels of trust.

# **Executive Summary**

## **Protective Order Enforcement Team (POET)**

### **Evaluation**

The Protective Order Enforcement Team was set up with the goal that the team would use a formal risk assessment instrument in order to determine which cases could be characterized as high-risk, so that extra resources could be allocated to the high-risk cases. According to the grant specifications, the team would gather information about domestic violence cases and then focus additional resources on those cases that appeared to pose a greater risk of lethality. The team would gather information from victims that could be used in a formal risk assessment. The formal risk assessment instrument was designed by academic researchers, with input and buy-in by POET agency representatives.

The implementation of the POET program did not live up to expectations. The multidisciplinary team did not work together well as team. The lack of cooperation could be attributed to several factors. The team had not been formed before the grant period. Agency heads did not clearly communicate expectations to the team members, and team members did not receive consistent support from their own agencies or from their own team members. Substantial turnover in staffing exacerbated the difficulties. None of the participating agencies had seriously invested in the success of multidisciplinary team, and the result was an ineffective team. Moreover, the POET members did not reach any consensus regarding the primacy of victim safety as the guiding principle of the team.

It appears that the fundamental flaw in the POET program was a basic lack of trust. Victims generally are reluctant to share information with persons unless there is a

high degree of trust that the information will be used as a resource for victims, rather than as a tool that can be misused to assist in the persistent manipulation by abusers. POET project members could not trust the other members to hold abusers accountable and to focus on victim safety issues. With trust levels so low, victims were reluctant to share information that was critically important to the use of the formal risk assessment instrument. The lack of trust manifested itself in several ways. Victims refused to fill out the risk assessment form. Victim advocates refused to share with police or prosecutors the important information that might help to assess risk. Team members did not work cooperatively to achieve victim safety.

A comparison of the workings of the POET project with the workings of other Domestic Abuse Response Teams (DART's) illustrates that a team must be well-established before taking on an additional focus, such as risk assessment. Examination of several multidisciplinary teams yielded several conclusions about the formation and operation of the team.

First, a cohesive multidisciplinary team operates on the basis of shared values and strong communication. A comparison of the various teams indicates that the development of a team takes time and effort, and that a strong team does not simply "happen" overnight. Interviews with other DART projects suggest that a team will undergo some serious growing pains in its early development, and the team's response to domestic violence may not be effective until the team has worked together for several years. Most DART projects experienced changes in personnel during their formative years, and as personnel changed, the team gained strength and the agencies represented on the team developed a deeper understanding of domestic violence. A more comprehensive community response to domestic violence developed over time, as the team matured. This maturation, however, was not guaranteed until the team

members -- and their supervisors -- coalesced around similar values.

Second, as the multidisciplinary team develops, the values of the team may or may not be shared by others in the respective agencies. The team is likely to be more successful when the team members receive genuine support from their colleagues in their own agencies.

Third, even a well-established multidisciplinary team is only a partial response to domestic violence. Mature teams emphasized the development of a wide array of community resources, so that victims can seek out those resources that are most valuable in order to respond to or stop the violence.

Finally, risk assessment requires valid information about the abuser, and very often, the victim is the best source of information. In order for victims to feel comfortable in sharing information, there must be a high level of trust between the victim and team members, and that cannot happen without a high level of trust among the team members themselves.

Thus, the likelihood of success of the POET project would be much greater if it were added to an established response team.

### **Evaluation Design**

The original evaluation design – an impact evaluation of a multidisciplinary team’s use of risk assessment instruments to allocate resources to high-risk domestic abusers – failed to yield usable data in the POET project. A modified evaluation addresses shortcomings that led to failure and examines elements necessary for a multidisciplinary Protective Order Enforcement Team (POET) to assess risk and allocate resources.

The primary subjects of the evaluation include: (1) multidisciplinary team

members (public officials and nongovernmental victim advocates) in the POET project and in other DART projects in the state; and (2) domestic violence victims from areas with and without response teams. Public officials agreed to share information about criminal justice processes, and anonymous information about illustrative cases. Victims described their criminal justice system experiences.

Evaluation included structured interviews of multidisciplinary team members (supplemented by periodic POET progress reports); and semi-structured interviews of victims. Qualitative analysis of interviews identify factors leading to a successful multidisciplinary team.

### **Research Results and Conclusions**

Impact evaluation was impossible because usable data were not generated. The process evaluation identifies factors that led to failure. The POET goal was to identify high-risk domestic violence relationships in order to allocate resources. The process evaluation shows:

(1) Absent a coordinated response to domestic violence, with a focus on victim safety, a criminal justice response is unlikely to provide an effective response.

(2) Risk assessment instruments may be used to identify high risk cases, but effective risk assessment depends on pertinent information about the abuser, the victim and the relationship.

(a) Often, only the victim can provide the most pertinent information about risk assessment.

(b) Victims must trust public officials before providing information, because sharing information can lead to retaliation by the abuser or by criminal justice officials.

(c) Trust builds over time, and depends on mutual reliance.

(d) Effective multidisciplinary teams operate with high trust levels.

(3) The degree of trust among the various team members depends on several factors:

- Support for the program by the highest level administrators of the agency.
- Communication skills and overall understanding of the dynamics of domestic violence.
- Small group dynamics.

## Conclusion

Domestic violence cases are different from other cases, because they involve complex personal relationships and they require a coordinated community response. Although it may be possible to assess the risk of lethality, such an assessment is wholly dependent upon the quality and quantity of pertinent information available to the person making the assessment. The sharing of information depends on high trust levels. Risk assessment can be done effectively only by a well-established team with high levels of trust and a deep understanding of domestic violence.

Effective multidisciplinary teams do not spring up overnight. They are the result of continued commitment by the participating agencies, and they are likely to encounter many barriers in their developmental stages. Only when the team members and participating agencies have agreed on common goals and established good communication can the trust levels be sufficient for victims to feel comfortable in sharing information with the team members.



Multidisciplinary teams could benefit from consultation by experts in team development whose advice and expertise are unrelated to funding or evaluation of the team. The team members should not be discouraged by the difficulties encountered in development of the team. Formulation of an effective team takes time and effort.

## **Protective Order Enforcement Team (POET) Evaluation**

Grant Number 200WE-VX-K-001

### **Biographical Information**

**Dr. Roxann M. Ryan** currently serves as an assistant attorney general, assigned to the Criminal Appeals Division, and specializing in sexually violent predator litigation. She has been with the Iowa Attorney General's office, in various capacities, since 1980. She previously served as Deputy for Criminal Justice for four years, and headed the Criminal Appeals Division for six years. She has also served as an adjunct faculty member in the Criminal Justice Department at the University of Nebraska at Omaha, in the Sociology Department at Iowa State University, in the Law School at Drake University, and in the Criminal Justice Department at the Des Moines Area Community College. In 1998, she completed the final report for a grant from the National Institute of Justice, entitled "Prosecution Strategies in Domestic Violence," and has made presentations at the American Society of Criminology conference and the Academy of Criminal Justice Sciences conference, and has trained practitioners in the criminal justice system on issues related to domestic violence. She served as an evaluator of a COPS grant in 1997-98. She is currently involved in several federally funded research projects involving violence against women and financial crimes. She received her Ph.D. in Criminal Justice from the University of Nebraska at Omaha in 1998. Her doctoral dissertation examined prosecution themes and strategies, defense themes, and trial advocacy skills in domestic violence felony trials. She has provided training for prosecutors, police, judges, victim advocates, school administrators and others on a variety of topics. She received her J.D. from the University of Iowa College of Law in 1980 and her B.A. in Economics from Iowa State University in 1977.

**Dr. Peggy Petrzelka** has worked for a number of years applying survey research to the study of social and environmental issues. Trained as a rural and environmental sociologist, her publications and presentations include research on social and environmental issues impacting rural communities in Morocco, the U.S. Midwest, and Utah. She is co-author of a forthcoming book chapter on natural amenity development and its impacts on rural communities. At Utah State University she has analyzed and presented survey research findings on the impacts on the community of Escalante with the National Monument designation, specifically detailing the linkages between local reactions to this federal designation and levels of community satisfaction. In her seven years working in outreach with Iowa State University Cooperative Extension Service, she conducted multi-disciplinary survey research in conjunction with the Departments of Agronomy, Entomology and Horticulture. She has worked with scientists from a wide range of disciplines, and has experience working with local citizens, elected officials, local government staff, and community planning specialists.

## Protective Order Enforcement Team (POET) Evaluation

Grant Number 200WE-VX-K-001

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## **Protective Order Enforcement Team (POET)**

# **Final Report**

## **1. Project Description**

### **1.1 Background and Purpose**

The Protective Order Enforcement Team concept is based on the assumption that a person against whom a protective order has been issued is more likely to be involved in escalated violence. (Logan, et. al, 2002) In providing a coordinated community response, then, a focus on protective order enforcement should provide an enhanced response to victims who are most in danger.

The team was set up with the goal that the multidisciplinary team would use a formal risk assessment instrument, developed by academic researchers, in order to determine which cases could be characterized as high-risk. Then, the team could allocate additional resources to the cases deemed to be high-risk. According to the POET grant specifications, the team members themselves would gather information about the domestic violence cases assessed, and share that information with evaluators. Then, POET project members would document the additional resources allocated to the cases assessed as high-risk. The evaluators would use the data gathered by the POET project members to conduct the formal evaluation of the program.

The implementation of the POET program did not live up to expectations. The multidisciplinary team did not work together well as team, which was a necessary prerequisite to effective risk assessment. The team failed to gather the necessary information to make risk assessments, and because the team could not systematically distinguish the high risk cases, additional resources were not provided to victims in a systematic way. The team's lack of cooperation could be attributed to several factors.

First, the team had not been formed before the grant was awarded, so team members had not worked together in a cooperative effort, nor had the agencies developed a working relationship. In fact, evaluators discovered at the end of the grant period that a previous attempt to establish a multidisciplinary team had failed. This information had not been shared with evaluators before the grant application process.

Second, the directors of the various agencies did not clearly communicate expectations to the team members, and team members did not receive consistent support from their own agencies or from their own team members.

Third, substantial turnover in staffing exacerbated the difficulties. The lack of continuity made it harder to reach consensus or to implement policies. Too much time was spent in training new team members and in re-hashing the same problems with new staffers.

In short, none of the participating agencies had seriously invested in the success of the multidisciplinary team before the advent of the enhanced-response grant. Rather than motivating the team members to coalesce faster, the result was a lack of coordination and an ineffective team.

Moreover, the POET members did not reach any consensus regarding the

primacy of victim safety as the guiding principle of the team. This was a key component in gathering information about risk assessment.

It appears that the fundamental flaw in the POET program was a basic lack of trust. Victims generally are reluctant to share information with persons unless there is a high degree of trust that the information will be used as a resource for victims, rather than as a tool that can further assist the abuser in a persistent pattern of manipulation. POET project members could not trust the other members to hold abusers accountable and to focus on victim safety issues. With trust levels so low, victims were reluctant to share information that was critically important to the use of the formal risk assessment instrument. The lack of trust manifested itself in several ways. Victims refused to fill out the risk assessment form. Victim advocates were unable to share with police or prosecutors the important information that might help to assess risk. Much of the information was not easily accessible from other sources. Even if it were available, there was a risk that the information could be used to the victim's disadvantage, either by the police or prosecutors in the jurisdiction, or by the abusers who might be able to gain access to the information. The team members' inability to work cooperatively to achieve victim safety was a critical flaw.

A comparison of the workings of the POET project with the workings of other Domestic Abuse Response Teams (DART's) illustrates the need to develop a cohesive multidisciplinary team that operates on the basis of shared values and strong communication. A team that undertakes risk assessment as a means to provide enhanced response must be well coordinated and have a high degree of trust established, because information is the key to risk assessment and information is not

likely to be shared unless there is a high degree of trust.

A comparison of the various teams indicates that the development of a team takes time and effort, and that a strong team does not simply “happen” overnight. Interviews with other DART projects suggests that a team will undergo some serious growing pains in its early development, and the team’s response to domestic violence may not be optimal until the team has worked together for several years. Most DART projects experienced changes in personnel during their formative years, and as personnel changed, the team gained strength and the agencies represented on the team developed a deeper understanding of domestic violence. A more comprehensive community response to domestic violence developed over time, as the team matured.

Time alone, however, was not a guarantee of maturation. The mature teams were the groups that had developed shared values and continued to renew their commitment to those shared values. Even in jurisdictions with a well established multidisciplinary team, victim views of the criminal justice response were not positive.

This evaluation will examine factors that can lead to a successful Domestic Abuse Response Team effort, which can form the basis for a more concerted effort to assess and respond to cases that pose a high risk of lethality. The evaluation report begins with a comprehensive background summary about domestic violence, so that the DART/POET members’ experiences can be put into context. Next, the report will summarize the research methods and data analysis used in the evaluation. Finally, the report will set forth the conclusions that can be drawn from the POET project.

## **1.2 Challenges in Prosecuting Domestic Violence Cases**

A response team that lacks cohesion cannot respond effectively to domestic

violence. This cohesion is difficult to establish, for several reasons. First, the team members must overcome well-established biases against domestic violence victims. Second, the hidden nature of domestic violence makes it ill-suited to a criminal justice response. Third, abusers are masters of manipulation and they can take advantage of any shortcomings in the criminal justice system.

***Historical Response.*** The first challenge that a multidisciplinary team must overcome is a deeply ingrained social response – or more correctly, non-response – to domestic violence. Official recognition of domestic violence has been quite recent, and empirical research has provided new insight and deeper understanding of a problem that has existed since the beginning of recorded time. History demonstrates a societal acquiescence in domestic violence, which became entrenched after thousands of years. The violence was ignored, minimized, accepted or simply shunted aside in favor of a variety of other social movements. Even if it was acknowledged to be reprehensible, it was not deemed worthy of official action to stop it. (Pleck, 1987) Only in the last two decades have a substantial number of empirical researchers focused their efforts on systematic examination of the phenomenon.

***Ill-suited to Criminal Justice System.*** The second challenge for a multidisciplinary team is the hidden nature of domestic violence that makes it ill-suited to traditional criminal justice processes. The abuse occurs in private, where witnesses are few, and it often entails injuries that are not visible to others. In addition, the trauma of intimate violence often cannot be shared with others – either because of threats by the abuser if the violence is revealed, or because of traumatic bonding by the victim with the abuser, or because a victim may experience shame or embarrassment



about the abuse. (Dutton & Painter, 1981) The practical difficulties in proving the incidents beyond a reasonable doubt translate into a much more challenging investigation and prosecution effort.

**Manipulation by Abusers.** The third challenge for a multidisciplinary team is that domestic abusers can manipulate the legal system to their advantage. Although it seems appropriate to have an “official” response to domestic violence, not every legal response advances the effort to reduce or eliminate the violence. A manipulative abuser can twist logic and make allegations that can require counter-intuitive strategies in response. The legal system certainly is subject to manipulation by abusers. Unless practitioners make a conscious effort to make the legal system a resource for victims, there is a risk that official intervention can do more harm than good.

**New Ideas and New Approaches.** Given the limitations of the traditional criminal justice system, new ideas and new approaches may be necessary in order to respond to domestic violence more effectively. When a multidisciplinary team is formed, the participating agencies’ methods may need to go beyond traditional criminal justice methods in order to serve domestic violence victims in a meaningful way. Domestic violence cases may challenge the underlying assumptions of criminal prosecution. This adds a degree of difficulty to team-building efforts, because it requires a reorientation among team members and their agencies.

Traditional criminal justice focuses on deterrence, retribution and restitution and are based on rational decision-making. The usual criminal justice methods often fail in domestic violence cases because the goals of domestic abusers and their victims may be very different from the goals of other criminals and victims. Some legal scholars

have suggested that therapeutic jurisprudence provides the most effective legal response to domestic violence. (Winick, 2000; LaFond & Portwood, 2000). The therapeutic jurisprudence framework holds that the law "can psychologically help or harm individuals and seeks to maximize the psychological benefit and minimize the psychological harm caused by legal rules, procedures and participants." (LaFond & Portwood, 2000: 5) Therapeutic jurisprudence, however, is a relatively new concept and is not widely accepted or practiced among criminal justice practitioners. It does provide valuable insight into domestic abuse dynamics.

An empirical focus on domestic violence in the past two decades has dramatically increased the depth and breadth of understanding about the dynamics of abuse, the effects on the targets of such violence, and the types of responses that appear to be effective in stopping or reducing the violence. Therapeutic jurisprudence offers a framework for understanding both victims and offenders better, and for challenging the underlying assumptions of the criminal justice system. Traditional stereotypes of domestic violence blame victims for provoking the violence or for failing to escape the violent relationship, or accept the abuser's attempts to make the victim feel responsible for the violence or to manipulate the victim's view of reality. (Stamp & Sabourin, 1995) Criminal justice officials who are not consciously aware of this "crazy-making" (Schechter, 1982) may unwittingly give greater power to the abuser.

Therapeutic jurisprudence also illustrates the importance of examining facts from the victim's point of view: a victim may attribute the abuser's violence to a variety of factors, including the abuser's attempts to control the victim, the abuser's lack of control, the abuser's personality or volatile temper, the use of alcohol, the abuser's

family background of violence, jealousy, or arguments over children, family or finances. Abusers, on the other hand, generally attribute the violence to some deficiency in the victim. This might include “chronic dissatisfaction with the spouse as a wife or a parent, retaliation for her verbal or physical abuse of him, and jealousy over past or current behaviors with regard to other men.” (Stamp & Sabourin, 1995)

In a therapeutic jurisprudence approach, these factors can be taken into account in formulating a legal response that would not occur in a traditional criminal justice response. Transforming a criminal justice response is difficult, however, and if a multidisciplinary team fails to understand these dynamics, the coordinated response cannot be a resource for victims who seek to stop the violence.

### **1.2.1 Leaving a Relationship/Stopping the Violence**

The importance of “resources” for victims cannot be overstated. Leaving is a process, and the multidisciplinary team is likely to encounter the victim and offender on multiple occasions until the relationship ends, and the team members may well become involved if there is an escalation of violence at the time of separation. Thus, the team members must understand that leaving is a process, and the team policies must reflect the reality of the process of leaving in order for the team to accommodate the needs of the victim throughout the process. The effectiveness of the team necessarily depends on the non-legal-system resources available to the victims of violence, but it also depends on whether the team’s response is viewed positively by the victim each time that she encounters the criminal justice system.

The importance of a “resource” approach to domestic violence has developed along with the research on domestic violence. Practitioners who are not familiar with

domestic violence research may inadvertently discourage victims from returning to the criminal justice system during their process of leaving.

Lenore Walker (1988) suggested that women remain in a violent relationship because of "learned helplessness," that is, women who are regularly beaten and who have a low self-concept have a feeling of helplessness that makes them feel incapable of leaving the relationship. She later modified her theory to describe a "battered woman syndrome," a group of characteristics that may cause a woman to remain in an abusive relationship, or to kill the abuser. (Gelles, 1997) The battered woman syndrome is a form of post-traumatic stress disorder (PTSD), recognized in the American Psychiatric Association's Diagnostic and Statistical Manual (DSM-IV), which Gelles (1997) describes as follows:

Criteria of PTSD include (a) experiencing a stressor (such as battering) that can cause a traumatic response; (b) psychological symptoms lasting more than a month; (c) measurable cognitive and memory changes; (d) at least three measurable avoidance symptoms; and (e) at least two measurable arousal symptoms, such as hyper vigilance or an exaggerated startle response.

Lenore Walker (1988) describes the syndrome:

The clinical syndrome includes features of both anxiety and affective disorders, cognitive distortions including dissociation and memory loss, re-experiencing traumatic events from exposure to associated stimuli, disruption of interpersonal relationships, and psychophysiological disturbances. A hypersensitivity to potential violence occurs that creates an expectation of harm and a readiness to protect and defend oneself. If actual defense is seen as impossible, then the best coping skills are developed to keep the potential harm at a minimum level. For some, it is seen as an impossible task and a passive, helpless reaction is adopted. Such intense concentration on manipulating the environment to keep as safe as possible sets abused persons apart from others who believe their world is a relatively safe place.

Other research has confirmed both physical and mental health problems that often

accompany domestic violence. (Coker et. al, 2002)

The concept of learned helplessness has been criticized because it suggests victim-blaming, and does not capture the experience of many battered women, who seek help from the police, from family and friends, and from social service agencies. Gelles (1997) identified seven factors that may affect whether a woman can, as a practical matter, leave an abusive relationship:

(a) the women have negative self-concepts; (b) they believe men will reform; (c) economic hardship; (d) they have children who need a father's economic support; (e) they doubt they can get along alone; (f) they believe divorcees are stigmatized; and (g) it is difficult for women with children to get work.

Researchers have discovered conflicting results as to whether a woman is likely to leave an abusive relationship based on the seriousness of the violence. Several researchers have concluded that women who have fewer resources -- for example, more limited educational or occupational options -- are more likely to stay in the abusive relationship. (Gelles, 1997) Gondolf and Fisher (1988) concluded that battered women are "active survivors" who seek help from a variety of community resources. Rather than being "helpless," the victims are simply without adequate resources to be able to respond to the violence.

This is consistent with the analysis by Mills (1998), which concluded that single-response policies by criminal justice agencies do not fit the needs of all domestic violence victims. Mills asserted that the legal system could empower or disempower the victim, based on whether the legal response was consistent with the individual victim's requirements and preferences. (Mills, 1998)

Similarly, researchers have concluded that the process of leaving is enhanced

when victims have access to assistance from advocates who can connect victims with community resources. (Wathen & MacMillan, 2003; Bybee & Sullivan, 2002) This support enhances the victim's quality of life. (Bybee & Sullivan, 2002)

These concepts are important, because a criminal justice practitioner's response to a domestic violence victim may be ineffective if the practitioner is unfamiliar with these concepts. Just as important, a non-system advocate must be familiar with these basic concepts in order to be a genuine resource to victims. The responses of criminal justice officials and advocacy service providers will be very different if their actions are based on the assumption that a victim is "helpless" rather than an assumption that the victim lacks resources.

A multidisciplinary team also must recognize the process by which abused women recognize their abuse and take steps to end the violence. (Burke, et al., 2001) Researchers have found that a battered woman's help-seeking strategy begins with tapping inner resources, moves to consultations with family and friends (informal social networks), and then to more formal help networks, such as police, health professionals or clergy. As the abuse becomes more severe, battered women are more likely to rely on formal help networks. Battered women who do not receive assistance from one formal source are likely to seek help from other sources. (McNutt, et. al., 2002; Harris & Dewdney, 1994) Thus, an effective multidisciplinary team will take into account the victim's progress in her process of leaving, and help to connect her to the resources that are available at the time that she needs those resources.

In a study in England, battered women reported they made, on an average, five unsuccessful attempts to seek assistance from individuals and agencies. Results from

American studies are consistent with these results. In one study, women who came to a shelter said they had made, on average, six different types of efforts to stop the abuse. Another study concluded that, on average, battered women received six to eight instances of help from informal networks, and eight to nineteen sources of help from formal help networks. (Harris & Dewdney, 1994) Generally, leaving is a multi-step process. (Barnett, 2000)

The addition of advocacy resources, which include referrals to a variety of community resources and which continue for weeks after a victim leaves the shelter, increases the likelihood that the victim will escape the violent relationship. The end of violence, of course, is directly tied to the continued violence by the abuser, and making resources available to a victim cannot always deter a motivated offender. (Bybee & Sullivan, 2002) The addition of an advocate in a multidisciplinary team also can increase a victim's satisfaction with the legal system. (Weisz, 1999)

If the criminal justice focus on the victim is not directed toward providing resources, then the justice system becomes a hindrance rather than a resource. Unfortunately, criminal justice officials (and others) may hold an abuser responsible for causing the violence, but at the same time, hold the victim responsible for stopping the violence. (Stamp & Sabourin, 1995) This is particularly ironic, in light of the increased risk of violence at the time of separation. Domestic violence victims often are asked, "why don't you just leave?" when statistics indicate that violence escalates at the time of separation. (Griffing et al., 2002; Logan, et. al, 2002) Even aside from an increased risk of violence, there are other factors that make it difficult for battered women to extract themselves from a violent relationship: economics, child care, religious beliefs,

and love or a sense of attachment to the abuser.

Multidisciplinary team policies must take into account the reality of the leaving process that is common to most domestic violence victims. The failure to account for these circumstances can make the criminal justice system a barrier rather than a resource.

### **1.2.2 Reluctance to Arrest & Prosecute**

One of the most common challenges that a multidisciplinary team faces is the victim who is reluctant to proceed with prosecution. The team must address this problem and reach a consensus on how to proceed without a victim. Most teams are formed in order to improve the criminal justice response, that is, to promote arrest and prosecution. That prosecution effort is much easier when the victim assists the prosecution, but the victim may choose not to participate and the team's goal may be at odds with the goals of the victim.

Given the dynamics of domestic abuse, this reluctance to participate in the criminal justice process should not be surprising. In the criminal justice system, the focus is on a defendant's rights, and victim rights are limited. This provides an advantage to abusers who choose to manipulate the criminal justice system in order to gain an advantage or wield further control over the victim.

Moreover, the victim may be focused on other concerns in her life. In addition to the mechanics of escaping a violent relationship (food, clothing, shelter, child care, employment), the victim also may be recovering from post-traumatic stress disorder. Some research indicates that the psychological effects of abuse may be more severe than the physical effects of abuse. (Laffaye, Kennedy & Stein, 2003; Street & Arias,



2001) If the criminal justice response does not take into account the effects of this psychological abuse, it fails to serve as a resource.

A criminal justice response is not always the primary response to violence. (Kaukinen, 2002) Domestic violence victims often express ambivalence about arresting the abuser and also express reluctance to proceed with prosecution. This ambivalence and reluctance may be attributed to several factors: the victim's concerns about retaliation from the abuser; the victim's concern that she (and her children) may be shut off from the household resources; the victim's continued ties to the abuser; the victim's distrust of criminal justice officials; or the victim's need for support from the household's social support network. These factors may or may not be shared with criminal justice officials, or with non-system advocates.

The focus on the victim's decision about leaving has implications for the progress of the case, because public attitudes about the seriousness of the battering may depend on perceptions about the victim's situation. (Follingstad, et. al, 2001) Jurors are chosen from this public pool, and prosecutors' decisions to prosecute often are affected by the perceived outcome of the case. (Hirschel & Hutchison, 2001; Schmidt & Steury, 1989)

A victim's ambivalence or reluctance to proceed with a criminal justice response often has a direct impact on the progress of the case. We have long known that victim support for the charges brought plays a significant role in whether arrest is viewed positively. (Buzawa, et al., 1995) Police are much more likely to arrest if the female victim signs a written complaint, or if both parties are present when police arrive, and if the female victim alleges violence by the male abuser. (Berk & Loseke, 1980-81)

The nature of the criminal justice intervention also can have a significant impact on the victim's response to the intervention. Generally, women who had some control within the criminal legal system had higher levels of satisfaction with the criminal justice response. Without strong community supports, women's need to control criminal justice responses was even greater. Thus, by increasing community resources, it appears that victim satisfaction with the criminal justice system is likely to increase. (Fleury, 2002) A multidisciplinary team has the potential to improve the criminal justice response, if the team understands the dynamics of abuse and the process of leaving.

### **1.2.3 Depth of Understanding by Criminal Justice Officials**

Empirical research on domestic violence certainly has deepened the understanding of the dynamics of abuse, the process of leaving a violent relationship, and the effectiveness of holding abusers accountable in the effort to stop the violence. The depth of understanding among criminal justice officials, however, varies widely. Official policies regarding domestic violence have changed dramatically over the last three decades, and particularly in the last decade, with the advent of more intense empirical study of domestic violence. Many criminal justice officials – and the public at large – have not mirrored the progress that has been achieved in the research arena.

In this study, police and prosecutors were the primary focus. Judges' participation was not included within the scope of the study. It is instructive to examine the evolution of police and prosecution responses, because remnants of these various responses may influence decision-making. Understanding the development of police and prosecution responses can help to identify the shortcomings of a team's coordination efforts.

**Police.** Police were the focus of the early activities of the battered women's movement. Historically, police were reluctant to become involved (that is, to make arrests) in domestic disturbances. Police manuals often recommended "calming" the parties or mediating the dispute. (Friedman, 1985) This was based on the perceived danger in getting involved in domestic disturbances. (Pleck, 1987) Likewise, prosecutors failed to recognize domestic assaults as crimes, and instead "sent women home with the advice that they should 'kiss and make up.'" (Gelles & Cornell, 1990)

Dramatic changes occurred during the 1970's and 1980's, when the criminalization of domestic abuse was emphasized. Police developed mandatory arrest or pro-arrest policies, prosecutors pursued criminal charges more vigorously, judges sentenced offenders more severely, legislative changes included the authority to make warrantless arrests for misdemeanor assaults and an expansion of the "domestic relationship" definition, as well as protective orders as another form of legal recourse to assist victims and hold offenders accountable. (Durant, 2003; Davis, et al., 1997; Buzawa & Buzawa, 1996)

A more recent issue, however, has been the increasing rates of arrest of women for domestic assaults. In one study, criminal justice officials expressed the belief that women's violence was not increasing, despite the fact that the number and proportion of female arrestees increased. There are indications that the increases in arrests of women may be the result, at least in part, from a lack of sympathy for or a bias against battered women. (Miller, 2001)

**Prosecution.** For many years, advocates for battered women were critical of

the inconsistent prosecutorial response to domestic violence. (Davis, et al., 1997)

Prosecutors were roundly criticized for their failure to proceed with prosecution after arrest. On a more fundamental level, the failure to prosecute in domestic violence cases has been attributed to several factors: concern about evidentiary issues when a victim was reluctant to assist in a prosecution; a perception that reconciliation with the abuser was almost inevitable and necessarily fatal to the case; or acceptance of long-standing patriarchal views about marital privacy and domestic violence. (Davis, et al., 1997)

In understanding the prosecution response today, it is instructive to examine traditional prosecution responses to domestic violence, because remnants of those long-held beliefs may affect current decision-making.

In a revealing “dialogue with a prosecutor” in 1984, the prosecutor said that, typically, no charges would be brought in a domestic assault unless the victim suffered serious injury, and that the proof of serious injury would depend, at least to some degree, on the quality of the police report on the incident. The prosecutor asserted that the government should not “be quick to intervene in family arguments” or assaults, because “tolerance may be in the public interest.” This is particularly true when victims typically ask that charges be dropped. The prosecutor questioned whether prosecution could ever have a deterrent effect: “we could use up resources until the end of time and not even lessen this problem.” (Ellis, 1984)

In the case of an assault with a deadly weapon, the prosecutor said the first step would be to determine if “I believed her myself,” and the second consideration would be “her ability to convince a judge or jury that she was telling the truth” because likelihood

of conviction traditionally has been “the first tenet” of a charging decision. (Ellis, 1984)

The prosecutor expressed concern about the appearance presented by too many dismissals:

What member of the defense bar, for example, is going to negotiate seriously with a D.A. who's never won a case for a given offense? And which of my fellow D.A.'s isn't going to get suspicious about the quality of my work if I keep filling up the dockets and then coming up with nothing but dismissals or acquittals? (Ellis, 1984)

The prosecutor also expressed the view that “if victims would refuse to be assaulted, if they would simply get out of these relationships, then the problem would be solved.” (Ellis, 1984)

Prosecutorial views expressed in 1984 may not reflect precisely the same attitudes today, but remnants of traditional views on domestic violence may influence actions and attitudes of criminal justice officials. If prosecutors are not aware of this history of prosecution response to domestic violence, they may unconsciously continue those prosecution traditions. The development of a multidisciplinary team may bring such traditional attitudes to the forefront, and question their validity.

Traditional prosecution responses may continue to influence decision making by prosecutors. Davis and Smith (1995) concluded that prosecutors consulted with victims of domestic violence more often than in other cases, and that many dismissals were the result of victims' expressed interests not to pursue prosecution. Several studies found that very few domestic assault cases were processed through the system. (Martin 1994) Charging decisions have been found to be affected by the degree of injury to the victim (more severe injuries were more likely to result in charges); the instrument of the attack (use of weapons made charging more likely); and the defendant's history of prior

abuse and appearance at a charging conference. Charges might be brought even when there was little corroborating evidence, and the defendant's prior record appeared to be a factor in making that decision. (Schmidt & Steury, 1989) The victim's desire to proceed with prosecution is an important factor. (Davis, et al., 1997)

Battered women may rely on the *availability* of prosecution as an important power resource, but prosecution itself may not be as important as its availability. (Ford, 1991) Prosecution will serve as a power resource, however, only if the victim has input on whether to proceed with prosecution. (Ford, 1993) Rigid adherence to no-drop prosecution policies may not only fail to serve the needs of battered women, it may discourage their continued reliance on the criminal justice system. (Davis, Lurigio & Skogan, 1997) Nonetheless, some jurisdictions rigidly follow no-drop policies in domestic assault cases, including issuing subpoenas for "uncooperative" victims, with the threat of arrest and contempt of court for failure to appear. (Davis & Smith, 1995)

Ford (1993) points out that prosecutors often fail to ask victims what they expect from a prosecution. Some victims expect protection, but others expect repayment of damages or arrangements that will allow the victim to avoid further harm. (Ford, 1993)

#### **1.2.4 Evidence-based Prosecution**

The trend in prosecution has been toward evidence-based prosecution, that is, a prosecution that is not dependent upon a victim's cooperation with the prosecution. This emphasis in prosecution recognizes that a victim may not cooperate with a prosecution for a variety of reasons – cooperation may place the victim in greater danger; the victim is not emotionally or financially ready to leave the violent relationship; the victim is focused on other matters and the effort in pursuing prosecution is not

deemed sufficiently important.

Evidence-based prosecutions present difficulties for police and prosecutors, too. When domestic abuse is punished as a minor crime, police and prosecutors may feel constrained to expend limited resources for investigation and prosecution. The result is that evidence-based prosecution is more difficult in domestic violence cases in which the victim is reluctant to cooperate with the prosecution.

### **1.2.5 Need for Community Response**

The bulk of the research on domestic violence concludes that the criminal justice system alone cannot solve the problem of domestic violence. The resources provided by the criminal justice system are limited. Without a strong community response, the victims of domestic violence will not be able to gather the resources necessary to escape the violent relationship. (Wolff, 2001)

Within the criminal justice system, it is also important to coordinate resources. Batterers are adept at manipulating people and systems to gain or maintain control. Thus, unless criminal justice resources are coordinated, there is a very real danger that the criminal justice response will serve the needs of the abusers rather than the victims. (Winick, 2000) It is this need for a coordinated response that led to the development of multidisciplinary team responses to domestic violence.

### **1.3 Development of Multidisciplinary Teams**

Multi-disciplinary teams in the domestic violence arena were begun in the 1980's in many jurisdictions, but there is only limited empirical research about multidisciplinary teams. Instead, research has focused on the overall community response.

### **1.3.1 Developing Response Teams**

The combination of government and non-government organizations to achieve justice within a community presents many challenges and involves a wide variety of variables. Roman et. al (2003) found that successful partnerships are based on several variables:

- (1) a community-wide understanding of the issue targeted, combined with a commitment to address the issue, with consensus regarding clear goals;
- (2) partnership structures that enhance clear communication among partners, along with shared decisionmaking;
- (3) partnership that grows out of careful planning that is based on an assessment of community needs and resources;
- (4) continued community support that is reinforced by publicity regarding success and support for the partnership;
- (5) strong horizontal integration (among community organizations) and vertical integration (between community organizations and traditional power holders).

Successful multidisciplinary teams adopt shared goals, commit to adequate training, develop strong communication networks among team members, and work together to maximize community resources. (NCVC 2002) A successful program depends on a lead agency's ability to bring diverse disciplines together, and also depends on the coordination of high quality training for all team members that is consistent with the team goals. (NCVC 2002) It further demands organizational support that is consistent with the team goals, so that team members can rely on colleagues to provide backup when necessary. (NCVC 2002)



### **1.3.1 Coordinated Community Response**

The battered women's movement focused on criminal justice intervention in the 1970's and 1980's, but in the 1990's, the trend was toward a "coordinated community response" to domestic violence. The coordinated approach grew out of frustration with the failure of police actions to deter domestic violence, as well as the movement toward community policing. (Davis, et al., 1997)

Coordinated approaches are designed to mobilize community resources, in order to increase public awareness of domestic violence, to promote coordination of resources, and to encourage prevention and treatment efforts. (Edwards, 1992) They might include health care professionals, police, prosecutors, victim advocates, and social service agencies. (Witwer & Crawford, 1995) Some research indicates that coordinated community responses may decrease recidivism. (Shepard, Falk & Elliott, 2002)

Researchers are discovering that many battered women seek help in a variety of ways before looking to the criminal justice system for help. For example, in one survey, about 80% of the respondents (battered women served by a shelter) said they favored mandatory reporting by health care professionals, although many of the respondents felt that mandatory reporting would not have helped them in their own situation. (Coulter & Chez, 1997)

Evaluation of coordinated community response is necessarily limited, because each community develops a different type of response and offers different resources, and there are no control groups available. (Davis, et al., 1997) In one evaluation of a program in Minneapolis, Syers and Edelson (1992) concluded that court-system

response may enhance the benefits of arrest, at least for first-time offenders. The deterrent effect of arrest may be greater for first-time offenders and for offenders who have higher education and income levels, and those effects can be enhanced through court processes. (Syers & Edelson, 1992)

More recently, researchers have studied the difficulties in implementation of coordinated responses. (Shepard, Falk & Elliott, 2002)

### **1.3.2 Group Development**

The response to domestic violence may well depend on the quality of the multidisciplinary group interactions. A group that can resolve conflict effectively is more likely to achieve the results the group seeks. (Allen, 2001; Jones & Bodtker, 1998; Bitter, 1977) Generally, a group that is formally organized, has a representative membership and has effective leadership is more likely to function effectively as a group. (Allen & Hagen, 2003)

There is a strong desire for humans to team with others, but at the same time, there is a tendency for each team member to want the team to focus on that team member's needs. It is when the team goes beyond individual needs that realistic goals can be set and attained through cooperative work. (Robbins & Finley, 2000)

### **1.4 Use of Protective Orders**

The growth in the use of protective orders has overwhelmed some courts. The Pennsylvania Protection from Abuse Act was the first reform to allow protective orders for domestic violence victims. (Davis, et al., 1997) In 1983, only 17 states had legislation authorizing the issuance of protective orders, but that number increased to

48 by 1990. (Dobash & Dobash, 1987) Today, every state has some type of protective order provision, and Congress has enacted a statute to ensure that each protective order can be given full faith and credit in other states. 18 U.S.C. § 2265.

Availability and effectiveness are very different questions, however, and the indications are that protective orders provide, at best, only limited protection. Davis and colleagues (1997) report:

60% of the women interviewed twice in one year after receiving a protective order suffered abuse at least once. Over one in five reported threats to kill, 20% reported severe violence, and 43% reported property damage. Threats and violence did not subside over time: there were no significant differences in the percentage reporting subsequent violence in the first 3 months of the year compared to the final 9 months of the year.

The history of abuse was the best predictor of the success of a protective order. (Davis & Smith, 1995) A study in California, involving domestic violence cases arising in 1989 and 1992, found that women who were more financially dependent were less persistent in seeking a civil protective order, and women who were more severely abused also were less persistent in seeking a civil protective order. (Fernandez, et al., 1997) Arrest rates in response to protective order violations were very low in one study in Colorado in the early 1990's. (Davis & Smith, 1995) Nonetheless, a recent study by the National Center for State Courts found that 72% of the women who had obtained protective orders reported that their lives had improved, and in follow-up interviews, 65% reported no continuing problems. (Keilitz, et al., 1997)

#### **1.4.1 Procedures for Obtaining Protective Orders**

The Iowa law provides for civil protective orders, including pro se petitions for relief, as well as criminal no-contact orders (which are pretrial release conditions or

post-trial orders connected with the criminal case). The broad civil options for victims of domestic violence mean that victims who are reluctant to participate in prosecution may opt instead for a civil protective order remedy. Thus, it may be helpful to explore the civil options available, in order to understand what assistance can be provided through prosecution as part of a multidisciplinary team effort.

A domestic abuse victim can seek relief from domestic abuse pursuant to chapter 236, by seeking: (1) an emergency order (good for 72 hours and available when the court is not open on an ex parte basis), pursuant to Iowa Code §236.6 (2001); a temporary order (available in an ex parte proceeding and good for about 15 days), pursuant to Iowa Code §236.4 (2001); or a final (long-term) order (available after a hearing at which the defendant has an opportunity to defend, and good for up to one year and longer upon further proceedings to extend), pursuant to Iowa Code §236.5 (2001).

There are form pleadings available for use by both pro se plaintiffs and lawyers representing plaintiffs. These include a petition and motions to dismiss, modify, and initiate contempt proceedings regarding protection orders. Any of the orders issued under chapter 236 may include provisions regarding child custody and visitation, maintenance and support, occupancy of the home, possession of property, counseling, and no-contact provisions, as well as any other provision which is necessary for the safety of the plaintiff. See Iowa Code § 236.5 (2001).

Violation of the chapter 236 order can be contempt of court. Police can start these contempt proceedings by taking the alleged order violator into custody and before a magistrate. However, it is up to the pro se victim/plaintiff, or the attorney representing

the victim/plaintiff, to pursue the contempt action beyond this initial appearance. Violations may also be filed as a simple misdemeanor complaint, at the discretion of the police and county attorney. In this case the matter is prosecuted by the state.

There are advantages in proceeding under chapter 236 for protection. Chapter 236 orders can be obtained quickly and at low or no cost, even after regular court hours. Effective July 1, 2001, filing fees and court costs were waived for plaintiffs, and service of process by sheriffs and other public officials is required to be done without charge to the plaintiff. If the defendant is located out of state, law enforcement officials will usually cooperate in serving the defendant in that area. Police are required to take an alleged order violator into custody and violators are jailed for violation of the orders.

There also are disadvantages in proceeding under chapter 236. Relief is temporary. Court orders cannot ensure safety, but do provide further sanctions if the domestic abuse continues. Modification or cancellation of the order is required if the parties wish to reunify. Violation of the order by either party can constitute contempt of court. The victim can be charged with aiding and abetting if it is proven that the victim has encouraged or otherwise assisted the abuser to violate the protection order. Only the sheriff, as opposed to a private process server, can perform service of the petition for domestic abuse and any orders and notices, upon the defendant.

#### **1.4.1.1 Specific Chapter 236 Provisions**

The specific provisions for protective order set out in Iowa law are included in Appendix B.

#### **1.4.1.2 Enforcement of Protective Orders**

The procedures for enforcement of protective orders are particularly pertinent to the POET project, because the team was expected to provide enhanced resources focused on enforcement of the orders. The procedures for enforcement also are included in Appendix B.

#### **1.4.2 Efficacy of Protective Order**

Use of the civil domestic abuse protective order grew exponentially in Iowa when the pro se process was first enacted in 1985. Although the number of criminal no-contact orders has not been tracked as closely, anecdotal information suggests that the use of criminal orders also has grown dramatically.

Protective orders do not necessarily reduce revictimization. (Mears et al., 2001) The orders may, however, serve as another resource for victims who try to regain some control in their relationships, at least temporarily. It also can serve as a test of legal system. In one study, less than half of the women who initiated the protective order process actually obtained a final protective order. The researchers attributed the small number to the practical difficulties in obtaining the final order: the need to go to the court on two different occasions, often with lengthy waits that take time away from family or jobs. (Zoellner et al. 2000) Two primary factors affected the likelihood that a woman would obtain a final order: (1) her attachment to the batterer, and (2) her perception of the severity of the threat that the abuser posed. A woman who was more closely attached to her abuser was less likely to seek a final order. A woman who perceived that the abuser posed a serious threat was more likely to seek a final order. (Zoellner et al. 2000)

When victims are not given control over the imposition of a protective order,

there is a great risk that the protective order will not only fail to serve as a resource for the victim, but that it may serve to entrap the victim in another uncontrollable and unmanageable situation. (Tarr, 2003)

One of the primary disadvantages of any type of protective order in Iowa is the possibility that the person seeking protection can be charged with aiding and abetting the violation of that order. The issue first arose in a case in which an attorney sought an order of protection against his girlfriend – after he had previously been charged with domestic abuse assault against her – and the Iowa Supreme Court ruled that the aiding and abetting principle applied to protective order violations, just as it did to any other criminal act. *Hutcheson v. Iowa District Court for Lee County*, 480 N.W.2d 260, 263 (Iowa 1992).

The second case of aiding and abetting involved a domestic abuse victim who sought a protective order against her abuser and then invited him back to her home. *Henley v. Iowa District Court of Emmet County*, 533 N.W.2d 199, 202 (Iowa 1995). In that case, the county attorney sought to speed the victim's process of leaving by forcing her to separate from her abuser. (Personal communication with prosecutor.)

The practical effect of such a principle of law, of course, can be devastating. Violence often escalates at the time of separation, which may cause victims to return to the relationship in order to de-escalate the violence. In addition, leaving a violent relationship is a process, and victims often return to the violent relationship several times before they gather enough resources to be able to leave. Criminal charges against the victim may not speed the process of leaving, and in fact may impede it.

The aiding-and-abetting option is particularly troublesome when the protective

order is a criminal no-contact order. The victim has no control over the imposition or removal of a criminal no-contact order. Rather, the prosecutor makes the decision about such no-contact orders. Victims may be caught between Scylla and Charybdis: they face increased risk of violence at the time of separation if they refuse to reconcile, or a very real risk of criminal sanctions if they do reconcile.

The aiding-and-abetting issue has created tension between victim advocates and prosecutors in Iowa. Prosecutors who receive federal funding can endanger their funding if the VAWA prosecutor is assigned to prosecute victims. Some county attorneys have responded by disallowing the VAWA prosecutor from prosecuting victims, but assigning the prosecution to another attorney in the county attorney's office. The effect is the same, from the victim's viewpoint.

The policy of prosecuting aiding and abetting violations diminishes the victim's trust in the prosecution. As the POET project demonstrated, the victim's trust in the prosecution is the key to providing meaningful risk assessment. The significance of the aiding and abetting prosecution will be discussed below.

### **1.5 Use of Risk Assessment in Domestic Violence**

Many people have sought to use risk assessment instruments in an effort to sort out the most lethal domestic violence cases from the less lethal cases, in order to better allocate limited resources. As discussed below, the classification of cases according to lethality is not a well-developed science, and depends a great deal on the value of the information available.

In the POET project, researchers provided a risk assessment instrument to practitioners. The instrument was based on empirical information available at the time



that the grant was written. Research since that time has helped to refine knowledge about potential risks – and the distinctions between risk of violence and risk of lethality.

### **1.5.1 Development of Risk Assessment Instruments**

Discretionary decision making is inherent in the criminal justice system. As a practical matter, police cannot arrest every offender, prosecutors cannot prosecute every case, judges cannot incarcerate every convicted defendant, and corrections institutions cannot incapacitate every offender. Nor would criminal justice officials choose to pursue every avenue available against every offender. "Justice," as it is generally perceived by criminal justice officials and by the public at large, should be individualized, yet consistent with certain overriding principles.

In making decisions about who will be brought into the criminal justice system and how they will be treated, criminal justice officials often base their decisions on predictions of possible outcomes. They may show greater leniency for an offender who shows promise for rehabilitation, or they may "throw the book at" offenders who are perceived to be more dangerous. Because of these discretionary decisions that implicitly predict future behavior, many researchers, policy makers and criminal justice officials have attempted to study predictions of criminality. The result has been a large body of research on predictions, risk assessments and risk assessment instruments to be used in the criminal justice system.

"Predictions" of criminality have been in and out of vogue over the years. The Gluecks' early study of delinquency suggested that certain factors could be used to predict delinquency and deviance. (Farrington, 1989) Early research was optimistic that predictions of criminality could be made with some certainty. (Glaser, 1962) Then,

the methodology of the Gluecks' study was criticized and the conclusions were seriously questioned. (Farrington, 1989)

In the 1970s, predictions of dangerousness gained importance in the criminal justice field (when indeterminate sentencing meant that predictions about parole success were emphasized) and in the mental health field (when civil commitments were based on likelihood of dangerousness). But the support for predictions waned as more empirical research indicated that mental health professionals might be wrong more often than they were right in their estimations of dangerousness. (Monahan, 1989; Pfohl, 1978)

Criminal justice officials who must make decisions need good information in order to make well informed decisions. Those decisions often are individually based, but also can affect significant parts of the criminal justice system. "Changes in penal policy should not be made in the absence of predictions about their likely effects." (Farrington & Tarling, 1985) Despite these limitations, a recent study suggests that the use of risk assessments may provide an effective way to allocate resources to the higher-risk offenders. (Shepard, Falk & Elliott, 2002)

### **1.5.2 Identifying Risk Factors**

Two primary instruments have been used in assessing risk. The Spousal Assault Risk Assessment (SARA) Guide, and the Danger Assessment Scale. (Goodman et al. 2000) Often, however, a victim's own assessment of risk may be the best. (Weisz et al. 2000)

Winick has noted a "paradigm shift" in risk assessment that views risk as an assessment tool and a management tool. (Winick 2000) Risk management has

become a dynamic process that changes as facts unfold or change. (Winick, 2000)

A number of factors regularly appear in cases in which the level of violence has escalated to levels that are life-threatening.

- Frequency of physical assaults. (Thompson et al. 2003 ; Browne 1987)
- Frequency of sexual assaults. (Campbell et al., 2003; Browne 1987)
- Frequency of intoxication and drug use. (Thompson et al., 2003; Farr, 2002; Sharps, 2001; Cheong et al., 2001; Browne 1987)
- Suicide, either abuser or victim (Browne 1987)
- Death threats. (Brewster, 2000; Browne 1987)
- Threats of injury. (Thompson et al. 2003; Brewster, 2000)
- Intimidation or emotional abuse. (Thompson et al. 2003; Brewster, 2000)
- Threats to harm the children if the victim leaves. (McFarlane et al., 2002a)
- Perpetrator's stepchild in the home. (Campbell et al., 2003)
- Access to weapons or previous threat with weapon. (Campbell et al., 2003; Farr, 2002; Campbell, 1986)
- Pregnancy (Campbell et al., 2003; McFarlane et al., 2002b)
- Total control or repeated surveillance of the victim. (Dye & Davis, 2003; McFarlane et al., 2002; Campbell 1986)
- Low income. (Campbell 1986).

The need for threat management has only recently been recognized.

Traditionally, law enforcement officers gather and secure evidence of crimes that already been committed, and seek to identify the perpetrator. Threats present a very different problem. The alleged perpetrator often is identified, or identifiable. But simply identifying the perpetrator does not solve the problem. The threats against the victim may be elusive and the perpetrator may be cunning in making those threats. A different law enforcement approach is required to "manage" threats. (Fein, et al., 1995)

Little empirical research is currently available, and hands-on experience is relatively limited. Anecdotal information suggests that threats may be direct, verbal threats, or they may be subtle, implied threats. Often the threats are directed not only at the target, but also at family, friends or co-workers of the target. Generally, the result

is that the target lives in fear that the threats could be carried out at any time.

Sometimes, unfortunately, the threats of injury or death are actually fulfilled. Protective orders are one way of responding to these threats. (NCJA, 1993)

In managing threats, police should try to assess the dangerousness of the perpetrator and also assess possible solutions for intervention, under either criminal or civil law. Police also can enlist the victim's assistance in managing the threat by providing practical suggestions to enhance security or to notify police when violence appears imminent.

The POET grant was intended to provide more empirical information about threat assessment and threat management, but that part of the program was not implemented. The hypothesis to be tested was whether a multidisciplinary team approach would enhance both assessment and management efforts, because multidisciplinary teams hold the greatest potential for gathering information and taking action. That hypothesis remains to be tested.

Instead, what was gleaned from the POET project was an appreciation for the difficulty in establishing a functional multidisciplinary team that could optimize resources.

### **1.5.3 Victim Impact**

The impact of abuse on victims varies widely. The effects of intimate partner violence on symptoms of post-traumatic disorder are well-established. (Bennice, et al., 2003) Some research indicates that the effect of stress from domestic abuse are greater than the effects of stress from poverty. (Sutherland, Bybee & Sullivan, 2002) Other researchers found that effects of post-traumatic stress disorder are greater for

low-income women. (Vogel & Marshall, 2001) Other research documents relationships between psychological abuse and illegal drug use, physical limitations and cognitive impairments. (Straight, Harper & Arias, 2003) Similar findings occurred in a study of physical and mental health effects on stalking victims. (Davis, Coker & Sanderson, 2002) Physical abuse rarely occurs without psychological abuse. (Henning & Klesges, 2003) Some research indicates that only a small percentage of battered women seek formal counseling services. (Henning & Klesges, 2002)

It is important to understand the effects of trauma on victims, because it may affect a victim's decision making and behavior, which can in turn have an effect on police or prosecutorial discretion. One of the advantages of a functional multidisciplinary team is that a nonsystem advocate can explain typical trauma-induced reactions to criminal justice system officials. This can help to make the legal system a resource rather than a barrier for battered women.

#### **1.5.4 Multidisciplinary Approach**

A national resource group recommends the use of a multidisciplinary approach both in detecting and in managing threats. (NCJA, 1993) The national resource group suggests that in developing a multidisciplinary approach, four areas be considered:

**(1) Structuring a multidisciplinary approach.** Often the perpetrator encounters a variety of law enforcement agencies, mental health professionals, or community assistance organizations. Each agency gathers information from the perpetrator, but the agencies do not necessarily share information with each other. Information sharing can help to identify those behaviors that pose the greatest risk to

public safety. Some structure for connecting these agencies should be implemented, so that the same result will obtain regardless of who is first contacted.

**(2) Identifying information needs.** Training for a variety of disciplines will help to identify the types of information that will be most helpful in identifying risks and effective risk management techniques. Field officers may be able to use this risk assessment in better responding to the concerns of the victims being targeted.

**(3) Developing inter-disciplinary communication.** Obviously, information is valuable only if it is shared. Structures that promote inter-disciplinary communication will most effectively manage risks.

**(4) Informing victims.** The people who are targeted may benefit from knowing more information about threat management or about the perpetrator. Systems should be established to share information appropriately with victims, including general crime-prevention training.

### **1.5.5 Limits of risk assessment**

Recent research suggests that risk assessments, or lethality assessments, have serious limitations. Much of the research is retrospective, and it may be difficult to sort out the significant differences between lethal cases and non-lethal cases. That is, many of the factors common to lethal cases also may be present in non-lethal cases. The research does not necessarily provide sufficient information about the presence or absence of the factors in question in a sufficient sample of non-lethal cases. (Block, 1992) Nonetheless, more recent research provides more reliable empirical information about risk assessment. (Campbell et al., 2003)

### **1.5.6 Need for More Information to Make Assessments Work**

Even if risk assessments can be used to predict risk of lethality, the value of the assessments depends on the quality and quantity of the information available.

(Campbell et al., 2003) Domestic violence victims are uniquely able to provide a large part of the information necessary to perform a risk assessment. But many victims are reluctant to provide information because of their fear of retaliation by the abuser, or because of their sense of loyalty (whether the result of traumatic bonding or for other reasons), or because of their extreme isolation from others.

Thus, a victim's willingness and ability to provide information may determine whether risk assessments can be used at all. When the victim has a high level of trust in the team members, more information may be shared and there can be a greater likelihood of providing a realistic risk assessment. A victim who feels that members of a multidisciplinary team will use information against the victim – or who fears that her assistance to the prosecution may be used by an abuser as a reason to punish the victim for her perceived “betrayal” of him – is far less likely to share information.

### **1.5.7 Victim-Centered Focus**

“Coercion is an intrinsic aspect of prosecution.” (Ford, 2003) But a coercive prosecution policy may have a lower success rate in terms of completed prosecutions. Traditional prosecutorial interest focuses on minimizing caseloads and maximizing convictions. (Ford, 2003) Forcing victims to “cooperate” with a prosecution does not necessarily further these goals. Victims may well opt out of the criminal justice system altogether if they find the prosecutor to be as coercive as the abuser. Victims seek out

a variety of resources in their attempts to leave a violent relationship or minimize violence. A criminal justice response is only one potential resource, and victims who are dissatisfied may well seek out other potential resources that they find more valuable.

American Bar Association standards for prosecution encourage prosecutors to provide victims with the opportunity to consult with prosecutors about charges and throughout the trial process. (Han, 2003). Pragmatic concerns also support such cooperative efforts: "Reluctance to report violent crime demonstrates a serious loss of public faith in the justice system." (Han, 2003) Sometimes the coercive power of the prosecution drives victims to align themselves with offenders rather than prosecutors. (Berliner, 2003)

Winick has used therapeutic jurisprudence principles to address ways to "turn victims into survivors" in domestic abuse cases. (Winick, 2000) In his view, "[w]e must be sure not to re-victimize the victim through court procedures that are distressing and further disempowering." (Winick, 2000) In addition, criminal justice personnel should recognize the effects of post-traumatic stress disorder and develop methods that are helpful rather than harmful to traumatized victims and their children. (Winick, 2000)

There is a danger that prosecutors will engage in the same power and control differential that the victim experienced with the abuser, which can have anti-therapeutic effects on the already-traumatized victim. (Hartley, 2003) Using therapeutic jurisprudence principles, Hartley suggests that prosecutors should include victims in "cooperative decision making, empowering victims through the prosecution process, or being personally accountable to the victim/client," in pretrial, trial and post-trial matters.



(Hartley, 2003)

A victim-centered approach, however, may fly in the face of existing traditions within the legal system and within the community. (Van Hightower & Gorton, 2002) It also may fly in the face of traditions within the legal profession that serve to distance lawyers from clients, and that emphasize that victims are not clients but merely witnesses. (Hartley, 2003) Hartley points out:

Two strategies seen as central to empowering interventions generally include creating relationships based on trust, mutual respect, and shared power and recognizing individuals' abilities to know what they need and to choose adequate solutions for themselves. . . . Other empowering beliefs used in practice with battered women involve helping the victim feel like a survivor, rather than a victim; demonstrating that she is not alone, that there are support systems available; and communicating that she is not responsible for her batterer's violence against her.

A victim's reluctance has a significant impact on the prosecutor's decision to prosecute. (Hirschel & Hutchison 2001). Thus, a criminal justice response that is not victim-centered may be a self-fulfilling prophecy for prosecutors. Victims who are not treated with respect or are otherwise reluctant to prosecute are unlikely to have their trust of the prosecutor improved unless the prosecution's effort is victim-focused.

Empirical research suggests that a coordinated community response is most likely to reduce repeated violence, and to have a positive impact on victims' recovery. Each victim needs a different combination of resources. The primary advantage of a well-coordinated community response is that the particular needs of each victim are more likely to be met. Victims of violence need resources from a variety of sources, including the criminal justice system, and those resources can be maximized when the focus is on the particular needs of each victim.

## 1.6 Summary and Objectives

The theory behind the protective order process is that it is another means to hold the abuser accountable for his behavior. It provides official support for the victim, in the sense that the legal system (and therefore the criminal justice system) will provide support in sending the message that abuse will not be tolerated. Protective orders can serve as another resource for victims who are trying to escape a violent relationship or to stop the violence from occurring in an existing relationship.

The practical reality, however, is that the protective orders may or may not serve as a resource for victims. Only if the protective order is routinely and effectively enforced can it serve as a resource for victims. If the protective order enforcement is lacking, then the order is rendered meaningless.

Moreover, Iowa has legal precedent that permits the prosecution of the protected party who aids or abets a violation of a protective order. Thus, victims who seek protective orders may find that the order not only does not serve as a resource, but that it may in fact work to the detriment of the victim when the prosecutor brings charges against the victim for inviting contact with the abuser. From the victim's perspective, the criminal prosecution becomes a sword rather than a shield.

The POET project design was ambitious, and set out a number of specific objectives:

1. Training for advocates, law enforcement officers, prosecutors in threat assessment and threat management techniques.
2. Identify, evaluate and classify defendants into risk categories.
3. Identify reasons why victims select not to follow through with permanent orders.

4. Dissemination of information to all Woodbury County criminal justice agencies and victim advocates.
5. Tracking of defendants and cases by POET project officers.
6. Cooperation with other special units in cases that involve the same defendant.
7. Increasing the availability of team members to better serve the needs of victims.
8. Transportation of offenders arrested by other jurisdictions on warrants for violations of protective orders and all other domestic abuse related charges.
9. Strict enforcement of all court ordered provisions governing defendant's behavior and strict consideration of all additional charging possibilities.
10. Training for victims on safety issues when dealing with stalkers in domestic violence relations.
11. Strict prosecution of defendants who violate protective orders, no-contact orders, or who commit other domestic abuse related crimes. This will include federal domestic violence felonies and will be accomplished by obtaining cross-designation with the United States Attorney's Office.
12. The application of full faith and credit provisions stemming from violence against women to all foreign protective orders.

These lofty goals were designed to make the legal system a genuine resource for victims. Because of the difficulties in implementing the team approach to domestic violence, these objectives were not met in the POET project. Instead, the evaluation examines some of the factors that affect the success of a multidisciplinary team.

### **1.7 Significance of the Study**

The POET project has significance beyond the jurisdiction in which it was implemented. Most states have some form of protective order process, even though they are not all the same as the Iowa process. The conclusions to be drawn from this study can be beneficial to other states, because this study suggests that the mere presence of a protective order procedure is not, in itself, sufficient to address the

problem of domestic violence. Moreover, the study shows that the efficacy of risk assessment instruments may vary according to the coordination level within the criminal justice agencies in a jurisdiction. In addition, the study demonstrates the need for a multidisciplinary team to work in a positive and coordinated fashion in order to be able to respond effectively to domestic violence in the community.

## **2. Scope & Methodology**

### **2.1 Overview of Methodology**

The original design of the project is very different from the final design because of the failure to implement POET objectives. The original design – an impact evaluation of a multidisciplinary team’s use of risk assessment instruments to allocate resources to high-risk domestic abusers – failed to yield usable data. The modified evaluation addresses shortcomings that led to the failure and examines elements necessary for a multidisciplinary Protective Order Enforcement Team (POET) to assess risk and allocate resources.

#### **2.1.1 Original Design**

The project originally was designed to evaluate the impact of the Protective Order Enforcement Team (POET) project, which was supposed to add personnel and change criminal justice processes in Woodbury, County, Iowa, so that police could take a proactive role in enforcing the provisions of protective orders issued in domestic violence cases.

The evaluation project was tied directly to the underlying grant program. The grant writer, a Ph.D./practitioner, envisioned an opportunity to provide enhanced

support to victims by gathering detailed information that could be disseminated to several police agencies whose shared goal would be better protection of victims most in need. In order to use resources most effectively, the administrator of the underlying grant also would serve as a co-principal of the evaluation grant, in order to coordinate data collection by employees funded through the underlying grant, which then could be analyzed as part of the evaluation grant.

In its original design, the agencies receiving the POET grant would assign law enforcement officers whose job would involve a careful assessment of risk in cases involving protective orders, and who could provide or coordinate additional police resources to “stalk the stalker” and hold high-risk offenders accountable for their actions and provide a greater sense of safety to victims.

Thus, the first step in the process was to develop a research-based threat assessment instrument to assess risk, and to develop a quality-of-life instrument that could measure victim impact of the program. Then, the grant-recipient agencies would assess risk and deploy resources based on that assessment. The victim advocacy agency would administer the victim quality-of-life instruments periodically to determine victim impact.

As discussed below, the preliminary steps in developing measurement instruments were accomplished, but implementation of those instruments was sporadic and therefore did not produce usable data.

When it became obvious that the original design would not yield usable data, the evaluation team sought and obtained permission to change the evaluation to a process evaluation rather than an impact evaluation.

## **2.2 Preliminary Phase**

Preliminarily, the researchers developed a “threat assessment” instrument and a “quality of life” instrument. The threat assessment instrument would direct resources to the highest-risk cases. The quality of life instrument would measure impact on victims at 3-month intervals.

### **2.2.1 Threat Assessment Instrument**

The threat assessment instrument was based on empirical research that would direct the police to provide additional protection to the cases that were deemed to be high risk. There was no comprehensive study of risk assessment in existence at the time. Thus, the instrument was based on a compilation of empirical research that identified factors associated with increased risk of violence. (Thompson et al. 2003; Dye & Davis, 2003; Farr, 2002; Cheong et al., 2001; Brewster, 2000; Browne 1987)

The threat assessment instrument would be administered by deputies assigned to the POET project, because it was viewed as an investigative tool and served as the basis for deploying police resources.

### **2.2.2 Quality of Life Instrument**

Researchers also developed a “quality of life” instrument to measure whether the increased attention to the high risk cases would affect the victims’ quality of life at 3-month intervals for a year.

The quality of life instrument was developed by researchers during the first quarter of the grant, and was reviewed by the POET project members. The instrument itself was adapted from an instrument that used by Bybee and Sullivan (2002). This

instrument was chosen because Bybee and Sullivan examined the effect of advocacy intervention on women's ability to access community resources, which affected the women's perceptions of their quality of life. The POET grant was designed to provide direct advocacy intervention by a non-system advocate, to improve the official resources available to the victim, and to enhance community response by coordinating community resources. Thus, the Bybee and Sullivan instrument appeared to be the most appropriate method of measuring effects on the victim's quality of life.

The instrument was designed to be administered by victim advocates who worked with the victims. The victim advocates would maintain relationships with victims for a 12-month period, and administer the quality of life instrument at 3 months, 6 months and 12 months.

### **2.3 Breakdown in the Original Design**

The original design broke down very quickly. The researchers developed the threat assessment instrument and quality of life instrument, but the practitioners expressed great reluctance in implementing the original design of the underlying POET grant, for three reasons.

#### **2.3.1 Personnel Changes**

First, serious personnel issues interfered with implementation. The first prosecutor who was hired had no previous prosecution experience and did not subscribe to the victim-centered prosecution tenets underlying the project. This created mistrust and conflict among the team members and resulted in a reluctance or inability to provide data for evaluation. The team never recovered from the initial mistrust and

conflict. As discussed below, other personnel changes exacerbated the problems. This dramatic personnel turnover was a common occurrence among the other multidisciplinary teams studied.

### **2.3.2 Systemic Flaws**

Second, systemic flaws were recognized and could not be overcome. In Iowa, liberal criminal discovery rules meant that information provided to the police may have to be shared with the defense. The most valuable information needed to assess risk was information that only the victim could provide, and victims were understandably reluctant to reveal information that could be discovered by an abuser who might retaliate against a victim for making such revelations.

### **2.3.3 Fundamental Mistrust**

The final reason for the breakdown of the original design was a fundamental mistrust among the POET project members and agencies.

The initial prosecutor did not ascribe to victim-centered prosecution principles, which created a fundamental mistrust by victim advocates. One anecdote, which became the defining incident that created a fundamental mistrust among POET members, involved a case in which the prosecutor called a victim about a case, and heard a man's voice in the background. She assumed that the man was the defendant – against whom a no-contact order had been issued – and she sent police to the victim's home in order to arrest her (the victim) for aiding and abetting a violation of the criminal no-contact order. When the police arrived, they discovered that the victim's job involved babysitting several children in her home, and that the man's voice was actually



a father who was there to drop off one of the children for babysitting. The presence of the police at the babysitter's home caused both the parents and the children to become afraid for the safety of the children. Not surprisingly, it also caused the victim to question the motives of the prosecutor and police in terms of providing protective services to her.

This incident served as the clarion call for mistrust of the prosecutor. The mistrust was compounded when the POET prosecutor sought and received support for her actions from her supervisor, who took the position that the county attorney's office would prosecute aiding-and-abetting violations of protective orders against victims. Although the POET prosecutor would not handle those cases, another prosecutor in the office would handle them. This policy would not violate the explicit terms of the POET grant. It did, however, create a rift between the prosecution office and the victim advocacy agency that was never fully resolved. It also resulted in tension between the grant program administrators, the evaluators, and the prosecutor's office.

An advocate who does not trust the prosecutor or the police to consider the best interests of the victim, may reasonably feel a duty to warn the victim of the potential risk that information could be used against her by her abuser or by the criminal justice officials. Thus, the practical result of this fundamental mistrust was that victims were reluctant to participate in completing the threat assessment instrument. In addition, there were very few cases in which the victims filled out the quality-of-life instrument.

#### **2.3.4 Failure to Produce Data**

The result of these three serious difficulties was that less than 100 threat assessments were completed, making meaningful statistical analysis impossible. In

addition, it meant that the sample of victims who provided information fell into two groups: those who were in the latest stages of leaving a relationship (i.e., likely to be at high risk, based on the separation-violence concept) or those who provided very little information about risk factors (i.e., apparently low risk cases). Without a full range of cases, statistical analysis of the threat assessment instruments was invalid and therefore was not conducted.

Only 68 respondents completed the individual assessment at least once, and only 18 individuals completed it 2 or more times. Because the purpose of this assessment was to evaluate the respondents' "quality of life" in a pre-test/post-test vein, there was no reason to analyze the results from all 68 initial evaluations. The low number of respondents diminishes the value of statistical comparisons.

#### **2.4 Revisions in Evaluation Plan**

After the defining incident that brought the issues of trust to the forefront, the program coordinator made efforts to address the problem and discussed with the team members and their agency supervisors the wisdom of proceeding with the project. Agency supervisors expressed a commitment to continuing with the project and resolved to work out their differences.

Evaluators had already begun conducting interviews with other Domestic Abuse Response Teams and found that it was common for teams to encounter initial disputes (often creating a climate of mistrust) and that the teams were able to work through those differences in order to work together as a team – often, after changes in personnel. Therefore, the decision was made to proceed with the project, with a renewed effort to reach consensus.

In attempting to reach consensus, the team members began some team-building exercises and within several months, the agency supervisors and team members met together to reiterate goals and coordinate agency efforts. Although the team appeared to be behind schedule, the members still hoped to be able to meet the goals of the project.

By the midpoint of the program, however, the team had not yet coalesced to the point that they were working well together as a team. The evaluators met with team members to emphasize the need to meet the team goals. Evaluators also suggested to the federal grant managers that an impact evaluation may not be possible, but that a process evaluation could be valuable.

During the last eight months of the underlying grant program, the victim advocate also resigned and was replaced by a new victim advocate. Although some victims completed the instruments, the responses were too sparse to warrant any statistically valid conclusions.

Although the original design focused on an impact evaluation of the implementation of a specialized domestic abuse response, the team was unable to accomplish the original goals. Instead, researchers learned that multidisciplinary response teams encounter similar difficulties in development, and that the team is ill-equipped to provide a specialized response until team members have coalesced as a team. Moreover, the project illustrated that successful threat assessment is improved when more information is available; that the most valuable information comes from victims; and that victims will provide information to police and prosecutors only when there is a high level of trust. Police and prosecutors may develop that trust level with

victims (and advocates), but legal constraints may limit confidentiality of information and thereby limit trust levels.

## **2.5 Evaluation Methods**

The POET project was designed to provide targeted enhancement of resources to the highest-risk domestic violence cases. It failed, in large part, because the underlying assumptions were invalid, and because the multidisciplinary team was too new and inexperienced to take on a more sophisticated effort in targeting resources. The evaluation will focus on the systemic problems, as well as the practical limitations, involved in setting up a multidisciplinary team and in developing specialized efforts by the team.

The process evaluation method used is based on the concept of “organizational diagnosis,” that is “the process of using conceptual models and methods from the behavioral sciences to assess an organization’s current state and find ways to solve specific problems or increase its effectiveness.” (Harrison, 1994)

The “open system model” of diagnosis includes examination of the resources of the team; the goals and strategies of the team; the technology, structure and culture of the team; the behavior and processes used; and the final output of the team. (Harrison, 1994)

Qualitative process evaluation methods are particularly appropriate in “understanding the internal dynamics of program operations.” The focus is on the process, not the outcome. “The evaluator tries to unravel what is actually happening in a program in a search for major patterns and important nuances that give the program its character.” It focuses on a variety of perspectives in an attempt to understand the

process of the program. (Patton, 1987)

There are advantages to using qualitative research methods, which allows an open inquiry into social interaction. (Glesne, 1999) Qualitative research also may help to put facts into perspective:

Qualitative research properly seeks answers to questions by examining various social settings and the individuals who inhabit these settings. Qualitative researchers, then, are most interested in how humans arrange themselves and their settings and how inhabitants in these settings make sense of their surroundings through symbols, rituals, social structures, social roles and so forth.

. . . Qualitative procedures provide a means of accessing unquantifiable facts about the actual people researchers observe and talk to or people represented by their personal traces. . . . As a result, qualitative techniques allow the researchers to share in the understandings and perceptions of others and to explore how people structure and give meaning to their daily lives. Researchers using qualitative techniques examine how people learn about and make sense of themselves and others. (Berg, 1995)

Interview questions are different from the research questions. The interview may be designed to elicit information about a variety of matters, and can be classified according to the types of questions asked: "experience/behavior questions, opinion/values questions, feeling questions, knowledge questions, sensory questions." (Glesne, 1999)

## **2.6 Data Analysis Procedures**

The process of the evaluation is based on two primary tracks of data. The first track is a review of the reports, memoranda and informal communications with the POET project members and the project coordinator. The second track of data is based on a series of semi-structured interviews of multidisciplinary team members from six different jurisdictions, and domestic violence victims from six jurisdictions. The victim

interviews included one jurisdiction that was not included in the study of multidisciplinary teams, and victims from one of the team jurisdictions were not interviewed. The jurisdictions were chosen based on the varied members of the teams, the length of time the teams had been operating, and the geographic diversity of the teams. This made it more likely that the sample of teams would reflect a broader variety of experiences, and increase the likelihood that universal conclusions might be drawn from the diverse experiences of the various teams. (Marshall & Rossman, 1995)

### **2.6.1 Research Subjects**

The primary research subjects include: (1) multidisciplinary team members (public officials and nongovernmental victim advocates); and (2) female domestic violence victims.

### **2.6.2 Research Design and Methodology**

Methods. The evaluation includes semi-structured interviews of multidisciplinary team members (supplemented by periodic POET progress reports and informal communications with the members); and semi-structured interviews of victims.

Interviews of domestic violence victims were conducted to gain information on victims' experiences and interactions with (1) law enforcement officials who responded to the domestic violence call, (2) the judicial system and (3) the victim advocacy system. The interviews that were conducted focused solely on women and their experiences. This is not to diminish nor negate the domestic violence that men experience, but women are the vast majority of domestic violence victims and therefore were the focus of this study.

Data Analysis. Qualitative analysis of interviews helps to identify factors leading to a successful multidisciplinary team.

*Victim Interviews.* In the interviews of victims, purposive sampling (i.e., selection of a specific sample based on the purpose of the study (Babbie 2001)) was used in selection of the respondents. In-depth interviews of domestic violence victims comprised the majority of the data. The interview outline is included in Appendix D. Names of the victims were obtained through cooperation with local domestic violence programs.

A series of semi-structured, open-ended questions were used in the interviews with respondents asked to discuss and evaluate their experiences with law enforcement officials, those involved in the judicial system and victim advocates. An inductive methodological approach was used where, rather than starting with set hypotheses and categorical schemes, themes emerged during the research. Interviewing continued until, as suggested by Glaser and Strauss (1967), no new patterns surfaced.

A total of 29 domestic violence victims were interviewed. Eleven individuals were interviewed separately. Eighteen individuals were interviewed in groups. Seven counties out of 99 were represented for the study. In four counties, group interviews were conducted, with groups of three, seven, six, and two. In these counties, advocates were also present at the interviews. Each jurisdiction had a multidisciplinary team (either DART or POET).

Interviews, averaging 1-2 hours in length, were conducted in 2001. All interviews were scheduled and taped and subsequently transcribed verbatim.

*Team Interviews.* Semi-structured interviews of multidisciplinary teams also

were conducted in 2000 and 2001. Selection was based on geographic diversity, team member disciplines represented, size of the community and resources available, and length of time the team had been working together.

The team members were interviewed individually, using a semi-structured interview format set out in Appendix D. Then the various team members were interviewed as a group, based on a different semi-structured interview, also included in Appendix D. The length of the interviews varied from 30 minutes to two hours each. All interviews were conducted in person and were tape-recorded. Equipment failure meant that not all interviews could be transcribed verbatim, so the remaining interviews were based on contemporaneous note-taking.

Not all team members on all teams made themselves available for interviews. In two counties, repeated attempts were made to interview all participants, but some members either refused to be interviewed, or canceled when the interviewer arrived. The failure to cooperate with interviews may be an indication of dysfunction on the team.

## **Part 3**

### **Detailed Findings**

#### **3.1 Progress of POET Project**

The progress of the POET project was monitored during the 18 months that the grant received funding. The project members began with high expectations, but suffered from dramatic personnel changes, and had serious difficulty in establishing a coherent team with consonant goals.



### **3.1.1 Personnel**

A full-time POET prosecutor was hired in February 2000. Because she had no prior prosecution experience, her initial caseload included all domestic abuse assault related crimes, so that she could obtain prosecution experience. Initially, her caseload exceeded 300 cases – a workload that would challenge even the most experienced prosecutor and was overwhelming to a new prosecutor. Her caseload was reduced when the rest of the POET group was assembled and another prosecutor was hired to work on domestic violence prosecutions, but her ability to limit her time only to POET cases was impaired by the overwhelming volume of domestic violence cases.

The first prosecutor resigned within eight months, and a second prosecutor began work shortly thereafter. Again, the second prosecutor had no previous prosecution experience. The caseload remained high, which added to the degree of difficulty in prosecuting domestic violence cases.

Two deputy sheriffs (both certified peace officers) were designated as temporary members of the team in May 2000. These two deputies served as DARE (Drug Abuse Resistance Education) officers during the school year and became available during the summer months to devote their time to POET activities instead of to supplemental patrol duties. They were replaced by two other full-time deputies in September 2000 (also certified peace officers), and those two deputies were replaced in December 2000 by two other deputies who also were certified peace officers. Several of the six deputies received specialized training in domestic violence issues, either before or during the grant period.

A full-time victim advocate was hired in May 2000. That advocate had limited

domestic violence experience when the project began. She remained on the project until about six months before its conclusion, and was replaced by an advocate who had several years of experience in advocacy.

The POET project members began the project with the intent to develop good working relationships, but the efforts were hampered by the many personnel changes. In addition, the POET members received conflicting direction as to their policies, procedures and goals. Team members often disagreed about the goals of the project and the methods for attaining the perceived goals, and their supervisors did not always provide consistent direction to the team. Frequent personal clashes also marred the team effort.

### **3.1.2 Evaluation Component**

The team members' interactions were further hampered by the evaluation process. Team members and administrators were concerned that their efforts were being viewed (and portrayed) negatively, which exacerbated the existing problem in developing high levels of trust. Evaluators had difficulty in setting up interviews of team members and administrators, and those who did participate were guarded in their responses. The evaluators obtained much of the information about implementation through informal contacts with the team members and the project coordinator, and by joining the team for regularly scheduled meetings.

Evaluators talked with the project coordinator at least weekly about the progress of the case, made contacts with the various team members or their supervisors monthly, and met with team members periodically throughout the grant process. In addition, the project coordinator's reports and memoranda were provided to evaluators.

When POET project members were reluctant to cooperate with evaluators in documenting progress, evaluators worked with court officials in order to obtain official statistics regarding domestic abuse assault charges and outcomes in the POET county and in other comparison counties with Domestic Abuse Response Teams. The official statistics, however, provided access only to domestic abuse assault charges and not to more serious felony offenses. In addition, the data did not include demographic information about offenders. Official statistics therefore were of limited value.

### **3.1.2 Policy Development**

The POET project was designed as a victim-centered team that would provide a variety of supports to victims of violence, with special attention to those victims who were assessed as being at higher risk for severe or lethal violence. Not all of the team members, however, were victim-centered in their approach. The first prosecutor developed policies that were punitive toward reluctant victims.

In addition, two of the interim deputies were not sensitive to victim needs nor to the interests of team members. That led to their departure, and caused the replacement officers to be somewhat reticent about the work assignment.

Moreover, the various agencies were unable to agree on common goals or on effective procedures to accomplish goals. Team members sometimes received conflicting advice from superiors, and when the agency directors met, they could not agree on team goals.

### **3.1.4 Threat Assessment**

The focus of the POET project was the threat assessment instrument. Because

of the existing policies that served to punish reluctant victims for their refusal or failure to cooperate, the levels of trust between victims (and victim advocates) and criminal justice officials declined dramatically. Victims feared that information they provided might be used against them – either in a charge of aiding and abetting a protective order violation, or in a child abuse investigation for failure to protect their children from violence – and victims therefore chose not to provide information by way of a threat assessment.

Victim advocates, who are statutorily and ethically duty-bound to provide support to the victims, were placed in an untenable position on the team, when victims were reluctant to assist the prosecution. As members of the team, advocates faced the Hobson's choice of remaining true to the wishes of the client/victim, or remaining loyal to the team. Their statutory and ethical duty was to the client/victim, so victim advocates sometimes were viewed as being "bad" team players.

Often, the most valuable information regarding risk comes from the victim, who knows the abuser better and is in the habit of trying to anticipate the abuser's actions. (Weiss et al., 2003; Campbell et al., 2003) Thus, when victims refused to assist in the threat assessments, the value of those assessments declined dramatically. In fact, in the vast majority of cases, the victims refused to provide risk assessments to criminal justice officials, and no serious attempts were made to obtain the information through other channels.

The difficulties were magnified by the lack of experience of so many of the team members. For example, the first victim advocate reported that she did not support the use of the threat assessment instrument, because it simply made the victims feel more

frightened about their situation. Such safety concerns are valid, but a more experienced advocate would be better equipped to talk with victims about them. Whether a victim is frightened has no impact on the actual danger she faces. More experienced advocates are better equipped to talk with victims about realistic safety concerns and help them to strategize effective ways to address the risk, regardless of whether a response team is functioning well as a team.

### **3.1.5 Goals**

Another challenge that the POET members faced was the lack of cohesive goals and objectives, and the varying interpretations of the roles of the agencies represented on the team. Although the various agency directors appeared to agree in principle about the basic goals of the project, team member reported that the daily directives and answers to questions about policy conflicted. POET members were uncertain about their actions and did not know what was expected of them, or whether their activities were supported by their superiors. These types of conflicts are common when groups are in their beginning stages, according to DART members whose teams had been operating for several years.

### **3.1.6 Successes**

Despite the shortcomings of the grant, there were some successes in the program. Because of the focus of the project, the sheriff's office was able to serve protective orders in a very timely fashion in virtually every case. Instead of service within a matter of weeks, the service was effected within a matter of hours. Team members discovered that abusers who found out about protective orders often

absented themselves or made it more difficult to receive service. By serving the orders within a matter of hours, the deputies found that the abusers had not found out about the protective orders and were more easily located and served. Although victims might choose to drop or modify a protective order later, the legal system served the victims' needs more effectively and eliminated one of the abusers' common methods of manipulation by providing prompt service of process.

In addition, the POET members were able to open lines of communication that had previously been closed. For example, the sheriff's office and the police department shared more information in order to provide a more coordinated response to domestic violence. In addition, connections between the victim advocates in the domestic violence program and the prosecutor's office and law enforcement agency improved communications and helped to identify areas of common concern and areas of disagreement. Ironically, some of the cohesiveness of the team members and agency supervisors could be attributed to the hostility toward the evaluators and program administrators.

It was unclear how many of these improvements would survive after the completion of the grant. Other DART programs reported that the interagency relationships ebbed and flowed, depending on the personnel assigned to domestic violence cases.

### **3.1.7 Flaws in Design & Implementation**

The primary flaw in the POET project was that the project goals were best suited to an existing team with a history of working closely together, and a high level of trust already established. No such team existed in the POET jurisdiction. To ask a newly

formed group to accomplish goals that were better suited to a well-established team – which would be asked to take on challenging new responsibilities – meant that success for the POET project was unlikely.

To add a degree of difficulty to the development of the team, the project was conceptualized by “outsiders” – not members of the agencies involved, but rather by a primary funding agency of two of the members. The idea was offered to the locality, but was not initiated by local community members. The group had not solidified its support for the idea or its commitment to the underlying goals.

Like many of the DART projects, the POET project suffered the type of growing pains common to a newly formed group. This meant that the POET team was ill-prepared to take on more complex tasks when the team members had not yet even established themselves as a team. In hindsight, the chances of success for the team were dim. The POET experience did, however, highlight some of the difficulties that every DART project faced.

### **3.2 Process Evaluation**

The process evaluation identifies factors that led to failure. The POET goal was to identify high-risk domestic violence relationships in order to allocate resources. The process evaluation shows:

- (1) Absent a coordinated response to domestic violence, with a focus on victim safety, a criminal justice response is unlikely to provide an effective response.
- (2) Risk assessment instruments may be used to identify high risk cases, but effective risk assessment depends on pertinent information about the abuser, the victim and the relationship.
  - (a) Often, only the victim can provide the most pertinent information about risk assessment.
  - (b) Victims must trust public officials before providing information, because sharing information can lead to retaliation by the abuser or by criminal justice

officials.

(c) Trust builds over time, and depends on mutual reliance.

(d) Effective multidisciplinary teams operate with high trust levels.

(3) The degree of trust among the various team members depends on several factors:

- Support for the program by the highest level administrators of the agency.
- Communication skills and overall understanding of the dynamics of domestic violence.
- Small group dynamics.

### **3.2.1 Leadership and Team-Building**

The prerequisite to team-building is a commitment by the lead agency to the project and to the process of building the team. (Roman, 2003) For example, in a project to focus on stalking, the Philadelphia Police Department took the lead. (NCVC, 2002) The department had experience in community policing, was committed to building a team response, and recognized the imperative to reach out to other organizations and ensure their “buy-in” to the program. (NCVC, 2002)

In the POET project, no agency took the lead. In fact, the program was envisioned by a state-government official and the site of the program was chosen by a grant funding official who felt that the community needed a multidisciplinary team. The failure to obtain or instill a motivated local leader made it far more difficult for the team to succeed in its efforts.

Moreover, the administrators of the various POET organizations did not institute organization-wide policies that supported the POET goals, nor did the administrators meet to discuss the shared goals. The early meetings were focused on policies regarding reimbursement procedures, administrative matters, and communication modes among the organizations. In a meeting midway through the project,



administrators and team members were called together to discuss the difficulties in implementation, and administrators seemed surprised to discover the goals of the project, even though they had approved those goals early in the planning process, and the goals had been distributed at previous meetings. Although the administrators expressed support for the goals, they did not commit any additional resources to the project. Given the budget constraints, additional local resources were required in order to make the project a success. This failure to commit to the underlying goals highlights a fundamental flaw in the implementation of the grant project.

### **3.2.2 Personnel**

The lack of initial planning was exacerbated by the relative lack of experience of several team members, and the failure to provide unified training for the team members. The two prosecutors had no previous experience in prosecution. The initial victim advocate had only limited experience as an advocate. The law enforcement officers had a lot of experience in law enforcement, but did not have specialized training in domestic violence.

To compound the problem, turnover of personnel was 100% for the underlying grant and also was substantial for the evaluation grant. This meant that new team members – who were not experienced – had to learn how to do the job, in addition to learning how to accomplish more sophisticated responses to domestic violence.

As discussed below, substantial turnover is typical of multidisciplinary teams in their developmental phases. The substantial changes in personnel, however, made it difficult to create high levels of trust or to reach consensus about team goals – prerequisites to administering the threat assessment instruments and the quality of life

instruments, as well as to consistent record-keeping. The structure of the evaluation depended almost entirely upon data collection by the multidisciplinary team, which meant that a team that did not function well was ineffective in collecting data. Efforts to improve the team's data collection, or to seek alternative ways to obtain data, proved fruitless.

### **3.2.3 Training**

The staff turnover also exacerbated training options. Different team members came to the team at different times, and there were no centralized training opportunities. In addition, the first prosecutor specifically declined several opportunities for free training. She was given the opportunity for individualized training from experienced prosecutors, but she declined the offers. She reported that her crushing caseload left her no time for training. Specialized training sessions for the team – at no charge – were offered at various times throughout the grant, but team members and their respective organizations declined offers for multidisciplinary training.

The POET program was designed to provide specialized training for team members on threat assessment and threat management issues, as well as victim-centered prosecution. Qualified trainers on threat assessment and threat management are rare, unless a team can afford to bring in national experts for special training. Budget constraints limited the type and amount of training available. The POET grant provisions included payment for less-expensive training at a national conference held annually. When the national conference was held, however, the law enforcement officers assigned to the team were about to be reassigned, and the prosecutor had encountered so many difficulties that the project administrator determined that it would

be inappropriate to send the prosecutor to the national training program when it was unclear whether she would remain with the team. The team's budget did not provide for more-expensive consultants to do local training, and the participating organizations could not provide alternative funding.

In addition, the team members spent training time on more basic issues, because many of the team members had limited experience in domestic violence and needed basic training. The law enforcement officers attended specialized domestic violence training sessions. The second prosecutor attended training sessions within the first month of his employment. The victim advocate attended basic training before the grant project began, and attended periodic trainings throughout her tenure with the team, but none of these trainings were devoted to threat assessment or threat management.

The team members had difficulty in responding to domestic violence cases as team, and the friction that developed (between team members, grant administrators and evaluators) early in the grant process meant that team members were resistant to team training. Without a basic understanding of domestic violence, the team members were not prepared for training on more complex tasks that went beyond basic responses. The victim advocate went with two newly assigned law enforcement officers to a team training program without the prosecutor. The officers, however, were not receptive to the training program, which created personal friction between the advocate and the officers, and the value of that team training was diminished.

Free training from state officials was rejected. This rejection was based, at least in part, on philosophical differences on policy issues. It also appeared to be a function

of the demands of the grant – which required a sophisticated response to domestic violence – that contrasted with the lack of previous practical experience of the team members. In addition, a substantial caseload created scheduling difficulties.

### **3.2.4 Resource Allocation**

Victims of domestic violence received basic services during the POET project implementation, but they did not receive the enhanced service that was contemplated. As with any domestic abuse response team, POET members certainly had access to criminal history and protective order history for each offender who was arrested or prosecuted, and gross assessments of threat could be made based on prior criminal history or the seriousness of the latest offense. Iowa has computerized criminal history records and protective order registry records that are easily accessible to police and prosecutors and are regularly accessed. Police and prosecutors routinely examined criminal history and protective order history in exercising discretion in decision making. They did not, however, systematically document their considerations. Their only documentation was based on anecdotal information and the completion of several dozen threat assessment instruments.

Additional resources were devoted to some cases when victims expressed concern for their safety. This was not done, however, in a systematic way. Additional patrols, additional contacts with victims or offenders, or special considerations in pretrial release were provided on a case-by-case basis. POET members generally documented their own efforts, but they did not document efforts by other officers or other police agencies. The additional services were neither provided nor documented in any systematic way.

### **3.2.5 Threat Assessment**

The use of the threat assessment instrument was extremely limited, so that a complete impact evaluation could not be conducted. The victim advocate was extremely reluctant to use the threat assessment instrument, citing victim safety concerns. Some victims reported a reluctance to participate in the criminal justice system because they were not ready to separate from their abusers and were unwilling to share the information sought in the threat assessment instrument. Some victims expressed concern for their own safety in revealing information about themselves, their abusers and their relationships. The protocol for administering the threat assessment instrument called for the victim advocate to be present; the advocate was not always readily available when the victim had contact with the police, and the advocate had difficulty in reaching the victims by telephone or by mail.

The advocate expressed concern about using the threat assessment because it served to frighten the victim by pointing out the lethality factors in an very organized way. The advocate could not assure the victim that police would provide additional surveillance or other assistance to the victim. Although the advocate assisted the victim in safety planning, she did not view the threat assessment tool as a means to enhance safety planning, and this was a serious impediment to the success of the project in its original design.

Based on the information that was gathered, the following descriptive information can be provided.

Profile of Complainant. As of October 1, 2001, 64 threat assessment inventories had been completed and analyzed for the Protective Order Enforcement Team. Ninety-

three percent of the victims were white and 97 percent claimed non-Hispanic origins. Participants averaged 32 years of age, ranging in age from 16 to 50.

In more than a third of the cases (36%), the person being filed against was the spouse of the victim ; in another 33 percent it was an ex-boyfriend. Nearly half (48%) of the participants reported having children (under the age of 18) with the person identified on the complaint. In only 1 case was the offender currently sharing a residence with the victim.

Profile of Offenders. Nearly 9 of every 10 offenders were reported drinkers of alcohol varying from 1 or 2 days a week (44%) to 6 or 7 days a week (46%). Drug use was indicated by a third (32%), and more than a quarter (28%) had been diagnosed with some type of mental health problem. According to the victims, 8 percent of the offenders regularly have firearms with them and 26 percent carry knives or other types of weapons with them; 25 percent have had experience in the Armed Forces, and 16 percent have had self-defense training.

Profile of Relationship. Nearly eighty percent of the victims indicated having dated the offender (78%), more than 2/3 (70%) had lived with the offender, and 44 percent had been or were married to the person being filed against.

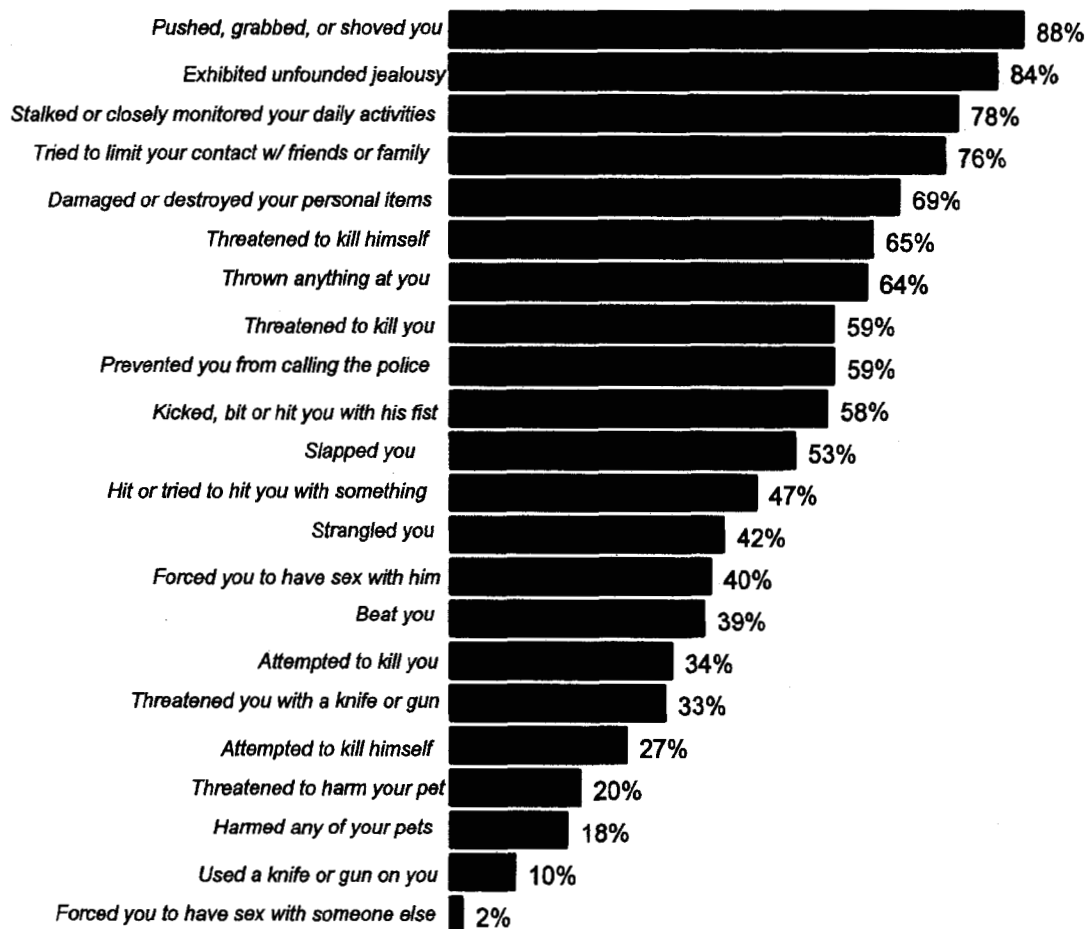
Exhibit 1 illustrates the percentages of victims having experienced various acts of violence during their relationship with the offender. While all of the victims had experienced at least one of the 22 identified violent acts, more than half (58%) had experienced 10 or more such acts in their relationships.

After indicating the actual experiences in their relationships, victims were then asked to rate the severity of abuse in that relationship. Using a scale from 1 (very low

severity) to 10 (very severe), nearly 9 of every 10 respondents (88%) rated the severity “5” or higher, more than 40 percent (44%) rated the severity “9” or “10”.

Seven of every 10 complainants reported that the police had been notified about the violence in their relationships prior to the most recent incident. Indeed, 40 percent had requested a no-contact order against this offender but in fewer than half of those cases (45%) did the no-order contact have any effect.

Exhibit 1. Violent Acts Experienced in Relationship (n = 64)



One of the goals of the POET project was to improve and increase information-sharing among police agencies and among team member agencies.

Team members described increased contacts between the county sheriff's office and the municipal police department, but these contacts were informal and sporadic and were not documented.

### **3.2.6 Tracking Offenders**

Team members did not develop methods for tracking offenders. Officers did devote extra resources to some cases, but the additional resources were not based on any empirical assessment of risk. Instead, police officers provided enhanced response when victims requested assistance and the officers had the staff time available to assist with extra patrols or other surveillance activity.

### **3.2.7 Collaborative Efforts**

One team goal was to improve collaborative efforts with other agencies and other jurisdictions. One of the more notable successes of the POET program was the information-sharing between the sheriff's office and the municipal police department.

The team did not document any case involving special units in the sheriff's office or in the municipal police department, although there were discussions of the special transportation team in the sheriff's office collaborating with the team efforts.

The prosecutor was going to be cross-designated with the United States Attorney's office in order to be able to handle interstate domestic violence incidents. This did not happen.

The team members reported anecdotally that there were a handful of cases



involving interstate domestic violence and protection orders, but no system was established to monitor or respond to interstate cases.

### **3.2.8 Victim Services**

The grant called for training victims on threat assessment and security issues by way of interviews. Although police met with victims in order to complete threat assessments in a limited number of cases, no specific training was documented.

### **3.2.9 Serving the Needs of Victims**

Interviews with victims in the POET county were consistent with interviews with victims in other DART counties. Victims generally did not feel that their concerns were being heard, or that their concerns triggered action.

Team members did not systematically document their contacts with victims. Police officers kept weekly records regarding their activities, but did not provide details regarding their actions with victims. The victim advocate did not provide documentation regarding meetings with victims. The advocate expressed her concern about sharing confidential information about victims, even with researchers.

### **3.2.10 Accountability of Offenders**

This objective was to be measured based on the violations investigated, charged, and prosecuted (and outcomes), and on BEP interviews. No BEP interviews were conducted. Although official statistics are available regarding domestic abuse assault (see Appendix G), the statistical information gathered through official court records provides only limited information about cases. The team members did not systematically gather information in their own records.

### **3.2.11 Quality of Life Assessments**

The quality of life instrument was developed by researchers during the first quarter of the grant, and was reviewed by the POET project members. The instrument itself was adapted from an instrument that used by Bybee and Sullivan (2002). This instrument was chosen because Bybee and Sullivan examined the effect of advocacy intervention on women's ability to access community resources, which affected the women's perceptions of their quality of life. The POET grant was designed to provide direct advocacy intervention by a non-system advocate, to improve the official resources available to the victim, and to enhance community response by coordinating community resources. Thus, the Bybee and Sullivan instrument appeared to be the most appropriate method of measuring effects on the victim's quality of life.

Based on input from the POET members, the POET instrument modified the Bybee and Sullivan instrument, in order to simplify the format so that it would fit on two pages and could be administered in a short period of time.

The individual assessment of quality of life consisted of 2 sections for a total of 25 statements. Respondents were asked in Section I to indicate how they felt about various aspects of themselves and their lives. Responses were based on a scale from "1" (extremely dissatisfied) to "5" (extremely satisfied). In Section II respondents were asked to indicate their level of agreement or disagreement, using a 4 point scale ("1" = strongly disagree, "4" = strongly agree) to 16 statements.

Only 68 respondents completed the individual assessment at least once, and only 18 individuals completed it 2 or more times. Because the purpose of this assessment was to evaluate the respondents' "quality of life" in a pre-test/post-test vein,

there was no reason to analyze the results from all 68 initial evaluations. Instead, Exhibit 2 presents a comparison of the means of the preliminary assessment versus the 3-month follow-up assessment from the 18 respondents that completed the instrument more than once.

The low number of respondents diminishes the value of any statistical comparison of the means although in all but 3 instances in Section I (statements e, f, and i), in which respondents said they were more satisfied with their life/living conditions during the follow-up evaluation than during the initial assessment. In Section II, although respondents indicated greater levels of agreement to the majority of the statements, in many cases that did not equate with improvement – rather the opposite. For example, the one statement for which there was less agreement during the follow-up than during the preliminary assessment reads, “ I have friends I can turn to when I need help.” These findings would suggest that the complexity and severity of these respondents’ situation during the preliminary assessment may have been such that 3 months is too short a time to observe or realize any improvements. The quality and value of these research findings would have been greatly enhanced by follow-up assessments after the 3-month period. The victim advocate, however, said that she was unable to locate victims.

Caution is necessary in the interpretation of these results given the small number of respondents. The ideal analysis of this project would include an exploration of the relationship between the threat assessments and the trends in the individual assessments (longitudinally) of the complainants. Unfortunately, due to the small number (14) of such completed sets, a more thorough analysis of trends is neither

feasible nor meaningful.

Exhibit 2. Means from preliminary and 3-month follow-up assessments (n = 18)

	<u>Prelim.</u>	<u>3-month</u>	<u>Change</u>
<b>SECTION I. (5 point scale)</b>			
<i>In general over this past month, how have you felt about...</i>			
a. Your life as a whole?	3.28	3.71	+
b. Yourself?	3.44	3.50	+
c. Your personal safety?	2.61	3.50	+
d. The amount of fun and enjoyment you have?	3.28	3.61	+
e. The responsibilities you have for members of your family?	3.81	3.29	-
f. What you are accomplishing in your life?	3.59	3.56	-
g. Your independence or freedom?	3.39	3.83	+
h. Your emotional and psychological well-being?	3.29	3.56	+
i. The way you spend your spare time?	3.62	3.56	-
<b>SECTION II. (4 point scale)</b>			
a. I feel safe in my home	2.31	2.83	+
b. I am happy about my family life	2.76	3.38	+
c. I am able to concentrate on the things I need to	3.00	3.00	nc
d. I have friends I can turn to when I need help	3.59	3.39	-
e. I sometimes wonder if I am "going crazy"	2.12	2.53	+
f. I sleep well	2.17	2.93	+
g. My family provides transportation and childcare when I need it	3.00	3.18	+
h. I believe that I can meet my children's emotional needs	3.19	3.40	+
i. I sometimes feel like I have no control over my life	2.18	2.69	+
j. My partner thinks of me as an equal	1.50	2.75	+
k. My life would seem empty without my partner	1.46	2.63	+
l. I do not feel confidence in myself	2.00	2.71	+
m. I am worried I will become so angry that I won't be able to control what I do	1.88	2.61	+
n. I have a difficult time expressing my feelings	2.06	2.61	+
o. I have a hard time getting things done	2.11	2.65	+
p. I don't get out very much	2.25	2.61	+

Frequency distributions appear in Appendix B.

### **3.3 Flaws in Implementation**

The POET project was initiated in a jurisdiction that did not have an existing Domestic Abuse Response Team. As a result, there was dramatic staff turnover throughout the duration of the grant period. In addition, the various agencies had different methods for tracking cases that were inconsistent with each other and the team members could not agree on a coordinated record-keeping system. It was not possible to cross-check the competing methods in order to track cases. In addition, the various agencies would not share their information with each other except upon specific request.

When it became obvious that the team was not functioning well as a team, the grant administrators began efforts to have the team engage in some team-building efforts, based on empirical research and based on interviews of team members from comparison counties. The efforts came too late to make it possible to achieve the goals of the grant.

### **3.4 The Importance of Trust**

The lack of continuity in the POET project resulted in a fundamental lack of trust among the team members, which resulted in a lack of trust by domestic violence victims. This meant that the risk assessment instrument simply was not used. Victims who did not trust the team members were unwilling to provide information necessary to assess risk. The low trust levels also discouraged efforts to gather the information from other sources. Moreover, team members were so focused on basic team-building

issues that they could not devote time or resources to the higher-level challenges of risk assessment.

### 3.5 Revised Design

The evaluation therefore became a process evaluation rather than an impact evaluation. It is based on structured interviews of multidisciplinary team members (supplemented by periodic POET progress reports); and semi-structured interviews of victims. Qualitative analysis of interviews identify factors leading to a successful multidisciplinary team.

#### 3.5.1 Developing Multidisciplinary Teams

The evaluation process included interviews with existing DART projects as well as the POET project. The goal was to identify common problems and explore various solutions to the problems that the multidisciplinary teams faced.

The multidisciplinary teams that were studied were comprised of persons from several agencies, including a variety of government agencies as well as non-governmental advocacy agencies, as noted in Exhibit 3.

#### Exhibit 3

Team #	Prosecutor	Police	Advocate (non-CJ-system)	Victim - witness Coordinator	BEP Coordinator
1	1 full-time	1 follow-up	1 full-time	none	
2	1 full-time	overtime	1 full-time	1 full-time	
3	1 full-time	overtime	1 full-time	1 full-time	
4	1 full-time	1 follow-up	1 full-time	none	1 part-time

5	1 full-time	1 follow-up	1 full-time	none	
6	1 full-time	2 follow-up	1 full-time	none	

### 3.5.2 Identifying Membership on the Team

Core membership on the team included a prosecutor, some representative of law enforcement (either municipal or county), and a victim advocate from a non-governmental agency (a non-system advocate). Some teams included a victim-witness coordinator from the prosecutor's office, or a probation officer or BEP coordinator from the District Correctional Services office.

Members of the DART projects that included more than the core membership felt that the expanded team provided a more intense response and members felt that they often were better able to coordinate resources and refine methods for holding abusers accountable. The greater the diversity of disciplines involved, the more complex the coordination and communication of team members. Yet the teams with these additional members felt that they were better able to respond to domestic violence effectively because of the diversity of disciplines.

Of the team members who were interviewed for the grant, most were in their early 30's to late 40's and listed previous job experiences outside of their current jobs. Most of the team members had at least two years of post-high school education, and many had four-year college degrees. The lowest level of post-high school education was among police officers. Not surprisingly, prosecutors had the highest levels of education, because a Juris Doctor degree (and law license) were required for each prosecutor.

Most team members had previous work experience before joining the multidisciplinary team, although many team members had experience that did not relate directly to their work on the multidisciplinary team. Police officers generally had most or all of their experience with police agencies. All of the DART prosecutors had previous prosecution experience, though most them had only a few years of experience. Advocates had the most varied previous work experience.

### **3.5.3 Developing the Team**

Multidisciplinary teams are designed to provide specialized responses to domestic violence, with a unique perspective on criminal justice responses. Established DART projects described the early difficulties in developing the multidisciplinary team. Each team described an evolution of the team that included significant turnover in membership on the team. A common pattern was for one person to reject the team goals or to agitate for change, then leave the job, and be replaced by someone who accomplished changes that the predecessors had attempted.

Most of the teams described the impetus for the team as a coordinated request for funding. Some teams described previous discussions about the possibility for a multidisciplinary team, separate from a funding impetus. Other teams came together only when potential funding sources became available. Regardless of the impetus, each team suffered growing pains in terms of personnel changes and disagreements about or refinement of team goals.

The POET project was instigated by a state funder who sought to entice the jurisdiction to develop a multidisciplinary team, because previous local efforts at collaboration had failed. (Personal communication with Project Director.) The



agencies involved acceded to the request, but did not the develop the project on their own. This meant that the preliminary matters that formed a common bond for most multidisciplinary teams were absent in the POET jurisdiction.

The challenges faced by the POET project illustrate the practical problems in getting a team started. In the POET project, the hiring of personnel was staggered, and the members did not act as a team. In addition, the personnel had limited experience in domestic violence. Thus, from the outset, team members faced the challenge of learning about domestic violence, learning about the criminal justice system, and learning group dynamics in a multidisciplinary setting. The members failed to receive clear guidance from their employers as to their priorities and as to their duties on the team. In fact, the POET members received direction from their employers that sometimes was at odds with the goals of the program.

All of the multidisciplinary teams faced these challenges at some point, but as they were developing as a team, they were not required to focus on the more complex task of assessing risk and focusing resources on high-risk cases. Thus, the hurdles for the POET project were greater than the hurdles that the DART projects faced, and all of the DART projects suffered similar organizational challenges that the POET project also faced.

#### **3.5.4 Setting Team Goals and Objectives**

DART members described the processes they used in setting their respective team goals and objectives. Although most teams included some form of written goals and objectives in their grant applications, they did not have a ready list of written goals and objectives when they were interviewed. There were no mission statements. Their

methods of measuring success differed dramatically, and were primarily driven by grant reporting requirements. Some teams focused on objective, statistical information – official statistics on arrests, convictions, etc. Other teams focused on more qualitative measures of victim satisfaction and victim safety, although none of the teams had a systematic way to measure victim satisfaction or victim safety.

Most team members expressed the same or similar broad goals for their respective teams. Most teams were victim-centered and had as their overarching goal a reduction in violence, even if those goals were not specifically stated in their grant applications. No team was ever formally organized as a separate entity. Instead, each team consisted of a group of people from different agencies who sought to coordinate their efforts toward the common goal of providing a more effective criminal justice response to domestic violence.

Significantly, most teams felt that they operated with support from their respective agency leaders and that there was general agreement among the various disciplines that the team members were seeking similar goals and objectives.

The POET project, however, illustrated the challenges in developing common goals and objectives, and the imperative need for support from the respective agency leaders. The POET goals and objectives were developed by the grant directors and were approved by the agency heads. The POET project faltered in its early stages, with almost complete turnover in staffing, so continuity was lacking and objectives became a moving target.

In addition, midway through the project, the agency leaders met with team members and evaluators to memorialize agreed-upon goals. After lengthy group

discussions, one agency leader happened upon the stated objectives of the POET project, expressed surprise and delight at the statement of the objectives, and suggested that the stated objectives should serve as the project goals. Others disagreed with the stated objectives and argued that the group should develop its own goals and not be bound by the objectives set out in the POET grant. The objectives had been previously approved by all participating agency heads when the grant application was filed, and the written goals and objectives had been shared with POET members and agency heads on repeated occasions.

Thus, it was surprising that the agency heads felt that they should debate the goals and objectives of the grant. It is not surprising that POET members felt bewildered about whether their activities would be supported by the supervisors in their respective agencies when the agency leaders did not agree on objectives.

DART projects described similar frustrations in their early efforts at a multidisciplinary response. The development of common goals occurred over time, generally after lengthy discussions and based on experiences (often negative experiences) that helped to shape the team's approach to domestic violence. The teams reported that it took years to develop a consensus on the goals and operation of the team. Some teams were still struggling with the notion of consensus at the time of the evaluation.

### **3.6 POET Teamwork**

The development of the POET project, and the DART members' recollections of their efforts, serve to illustrate some of the serious difficulties in developing a team.

**Mismatched needs.** Hidden agendas were common in the development of the teams. For example, the teams that were not victim-focused appeared to disparage the “bad” victims, that is, the victims whose choices were inconsistent, inconsonant, or simply inconvenient with respect to the goals of the team member. Some team members had previous experiences with domestic violence in their own lives or in the lives of their loved ones, and used the team as their opportunity to champion the ideas that the team member developed as a result of that personal experience. In some cases, the member used the DART experience as an opportunity to process the emotional turmoil. This need to process one’s own experience through the group effort may serve as an example of mismatched efforts, because the DART methodology is not designed to provide a source of individual counseling of team members.

On the other hand, teams met with considerable success when the members focused on commonalities rather than on other, hidden agenda. For example, one DART member, a domestic violence advocate, noted that communications with the police department improved dramatically when she had regular contact with the police officers and they realized that she “was not going to humiliate them” because of the work that they had done. Instead, they talked about the various interests of the domestic violence agency and the police department and tried to work cooperatively to provide what the victim needed and what the police needed. (Team 4)

**Confused goals, cluttered objectives.** No team described specific goals, and some team members were unsure of the goals stated in their grant application.

The types of goals varied greatly, and often were unstated. Some team members viewed the multidisciplinary team as a means to streamline case processing. Some team members viewed the team as an opportunity to educate the other disciplines involved in the team. Some team members viewed the team as a means to avoid critical public or media scrutiny of the domestic violence issue in the community.

One of the more established teams exhibited their ability to work together by using similar language in separate interviews, when describing domestic violence in their community, victim issues, system responses, and case outcomes. (Team 2)

As noted above, the POET project administrators failed to agree on goals, and the failure to agree on goals was a significant factor in the group's failure to accomplish the objectives of the POET grant. It was, unfortunately, entirely consistent with the experience of other multidisciplinary teams that had struggled in their early development phases. The presence of evaluators, who were perceived to be "looking over the shoulders" of the POET members and agency administrators, seemed to exacerbate rather than alleviate the difficulties.

**Unresolved roles.** In most of the established multidisciplinary teams, members felt more comfortable about their roles. In the teams that did not function as well, or the newer teams, the members were less certain of their roles. Team 1 was a prime example. The team members described a rocky history of the team, with limited support from the leaders of the various agencies and a long history of acceptance of domestic violence as a community norm. An experienced DART prosecutor joined the team and articulated specific, achievable goals for the team. The other team members provided outward support for the prosecutor's efforts. The language that the officer and

the victim advocate used, however, indicated that their support was more tentative than the outward support they showed. This was most likely due to the members' apprehension about whether the elected prosecutor could be trusted to let the DART prosecutor do the job, because the elected prosecutor had not established a strong reputation for taking domestic violence cases seriously. In fact, some months after the interviews of that team were completed, the elected county attorney terminated the experienced DART prosecutor's employment.

**Bad decision making.** The teams that were functioning effectively as a team were able to focus on what types of issues were significant and how the team could respond to those problems. When team members were not functioning well as a team, however, the communication was either tense or non-existent and some of the most difficult cases were likely to be forgotten or mishandled, and meaningful referrals to other community resources were not as likely to occur.

**Uncertain boundaries.** When team members did not feel comfortable about their boundaries, their decisions tended to be more tentative, their discussions with and around other team members was more tentative, and the synergy of teamwork escaped the grasp of the team members. When the team members were more certain of their goals and how to achieve those goals, the team members were able to explore more options, make referrals to more resources, and provide better emotional support to victims and to team members.

**Bad policies, stupid procedures.** The classic example of a bad policy was the prosecutorial policy of prosecuting a protected party for aiding and abetting a violation

of her own protective order. From a purely pragmatic viewpoint, arresting and charging a victim (who presumably will be asked at some point to testify as a victim in a domestic assault criminal prosecution) is illogical and unlikely to result in success in either the protective order case or the domestic abuse case. From a domestic violence perspective, the policy is dangerous, because it removes the criminal justice system as a resource available to victims. From a team vantage point, the policy is destructive because it lessens or destroys a victim's trust in the domestic violence prosecutor and thereby limits that domestic abuse prosecutor's likelihood of success and drives a wedge between the advocate and the prosecutor.

**Personality conflicts.** The members of the DART projects generally indicated that they noted marked improvements in their communications over time and that they got along well while working as a team. Most team members described regular contacts among group members as relaxed and informal.

On one team, the victim advocate reported that the relationships sometimes were strained because of disagreements. (Team 1) This was a team that was relatively new and was undergoing dramatic changes at the time of the interview. The various DART projects reported that the initial efforts were strained, and that the communications became easier, more enjoyable and more productive as the team continued to work together for several years. The quality of the communication often improved as the quantity of communication increased, but only so long as the communications were not primarily negative. Several DART projects noted that they had a rocky beginning when the various team members were highly critical of the work that other team members (or their respective agencies) were doing. As the team grew,

however, and each agency better understood the workings of the other agencies, the communications improved and the DART members felt that the quality of their work also improved.

**Bad leadership.** Leadership deficiencies came in several categories. The team prosecutor who failed to carry through on cases by taking them to trial necessarily limited the impact of the DART project. The elected prosecutor who overruled the team prosecutor's charging or plea bargaining decisions undermined the effectiveness of the group. The agency leaders who could not agree on policies or on overarching goals forced the team members to act more tentatively, or to dig in their heels on disputed issues.

**Bleary vision.** Agency leaders who thought that simply forming a team would reduce or eliminate domestic abuse cases certainly were foisting a bill of goods on the team. The mere existence of a team provides absolutely no assurance that domestic abuse cases will be dealt with more appropriately. In fact, a wrong-headed DART project is far more dangerous than a less formal combination of forces to address domestic abuse.

**Anti-team culture.** The POET project is the classic example of an organization that was not really committed to the idea of teams. The agency leaders did not agree on the overall goals of the team, the personnel assigned to the team were inexperienced in domestic violence and did not receive training on teamwork, and the various agencies were unwilling to yield to new ideas or to modify existing policies to accommodate the needs of the team.



**Insufficient feedback and information.** Many of the teams were uncertain about the types of data that were maintained, who maintained the information, or whether it was checked for accuracy. Most team members failed to articulate any mechanism to measure the success of the team. Only the most established teams that had the clear support of their respective superiors exhibited any certainty about the type of work they were expected to do and the likely rewards of doing that work.

**Ill-conceived reward systems.** A focus on official statistics likely means that people are being rewarded for the wrong things. Arrests do not necessarily stop violence, and convictions do not guarantee victim safety. This is particularly true when, as most teams acknowledged, the going rate involved at most a few days in jail.

Instead, teams must develop more appropriate qualitative evaluations of their work. Although many team members recognized the qualitative factors that would reflect their work, they did not articulate any systematic way to assess the quality of their work.

**Lack of team trust.** Again, the POET project is the classic example of a lack of team trust. When asked to perform the high-level task of risk assessment, the team members discovered that victims would not cooperate. This was most likely the result of the victims' mistrust of the team.

Another example came from a very experienced victim advocate whose answers were tentative and vague, and who did not actively participate in the team interview. (Team 1) This advocate had seen previous prosecutors and police officers who were not making the criminal justice system a resource for victims, and it was plain that the

advocate was skeptical that a new prosecutor could transform the traditional culture of the community or change the views of the elected prosecutor.

The third example came from the team in which the elected prosecutor had intervened in several cases and “dealt away” some of the domestic cases that the team prosecutor was supposed to handle. Team members expressed some loyalty to the team prosecutor, but they did not have confidence that the team prosecutor would have the final word in negotiating cases. (Team 4)

**Unwillingness to change.** Two team prosecutors acknowledged the dispute about charging victims with aiding and abetting protective order violations, and adamantly refused to change the policy. (Team 5, Team 6) They refused to accept any arguments to the contrary. One prosecutor simply stated the office policy and did not present arguments. The other prosecutor argued that he was ethically bound to bring a charge if the facts were presented to support the charge, and he did not feel that he had discretion to ignore an offense that came to his attention. He summarily dismissed arguments that the policy would discourage victims from relying on the legal system.

### **3.7 Domestic Violence Victims**

Many of the DART projects described their efforts to seek victim input regarding their operation as a team. Often the qualitative input was neither systematically gathered nor empirically quantified. It was primarily anecdotal.

In this evaluation, qualitative information from victims from a variety of jurisdictions was elicited through interviews. The 29 victims were interviewed about

their experiences in six jurisdictions that had multidisciplinary response teams. Eleven victims were interviewed individually and the remainder of the victims were interviewed in small groups. The focus of these interviews included not only victim interaction with the criminal justice system, but also the role the criminal justice system played in the victims' lives.

It must be noted that the selection of victims was not random. Victims were selected by contacting victim advocates, who put the researchers in touch with victims who were willing to talk. There is no assurance that the victims had any contact with multidisciplinary team members. Nor is there any assurance that the victims' accounts are representative of all victims' experiences with the criminal justice system. There are, however, remarkably similar themes in all of the accounts provided by this array of victims.

### **3.7.1 Key Themes**

Key themes for this report were identified according to a number of criteria, including relevance to the questions, number of interviews in which the theme was mentioned (dominant themes presented here occurred in approximately 75% or more of the interviews conducted), and relative importance of the categories within interviews (indicated by the number of times a topic was mentioned by the respondent within the interview and the amount of text taken up to address the issue). Once key themes were identified, linkages between the various themes were examined. For each theme, several main quotes that are best representative of the majority of quotes were selected. The data reported here are representative of the diversity of perspectives expressed by the victims.

Several domestic violence situations that respondents have experienced are presented below, to provide the reader an understanding of the various forms of domestic violence the victims have experienced, as well as to provide a contextual background for the study's findings. Throughout the discussion, use of the term "he" refers to the abuser, unless noted otherwise.

#### Example #1

Last year, about 4:00 in the morning, he came into my house and I woke up to him beside...I fell asleep on the couch after I went out and he was there and, you know, he's like, 'well, you know, you want me' and I'm like 'get out of my house' and he starting choking me and then just disappeared. Well, he stole the phones. He took the cell phone and called his phone to make it look like I wanted him to come over. So, we went to court for that and that was pending. Exactly about a month later, that Tuesday after Mother's Day we had a situation.

I have a nine-year-old. I took him to school and came back and went to pick up the phone and the phone wasn't working, but the phone hadn't worked a couple of days before. So, I just chalked it up to the phone doesn't work and at that time he came out from around the corner and came around behind me and he's like, 'lock the door', and he had put a knife to my neck and I'm just like, 'what are you doing' and he's like, 'I'll kill you'.

He walked me into my boy's bedroom, which is the farthest away from the door and he told me to get undressed and I wouldn't get undressed and.... So he put the knife to my neck again and told me to and I still stood there so he.... I just had thrown shorts and a T-shirt on to run [my son] to school and so he pulled those off and told me to take off my shirt and I just stood there and so he did it and then told me to get down on my stomach on the floor and then he started to rape me and then I kept hearing.... I heard like these clicking sounds and I know he had like a butterfly knife or whatever so I assumed that he must have put that away or clicked it shut or I don't know and he grabbed me by the arm and he flipped me over and he had a camera and he was clicking... He was taking pictures with an instant camera and I don't know how long that lasted and then when he was all done he started hitting me in the back of my neck, the back of my head and I was screaming and I was trying to get away from him and the boy's laundry basket was right there so he was

shoving socks in my mouth and I don't know how but somehow I managed to get up and I ran to the front door and I unlocked it and I ran out to my car and got in the car and just sat there.... I had nothing on. I live next to a school and there were a couple of boys that were kind of stragglers to school and I just said 'I need you. I need help. Will you go get the principal and tell him to call the police...?'

I saw somebody walk around the playground so I started to honk the horn so that they would come over and I said 'this is my house right here. Would you go on in and get me a shirt' and the kid gave me his shirt and they called the police and the police came and once they came I went back in the house with them. He had left the knife on the living room floor and he was gone and so, they took the clothes and everything. Then I went to the hospital and then I went to the police station and they told me that 'this didn't happen to me. That there's no way he could have done this.' What he had done is he went to work and he punched in and he made sure to talk to people and then snuck out.

My mouth was swollen and I had bruises and I said 'well how did you think that this happened' and [policeman] said 'well maybe you did it to yourself' and I'm like, 'why would I do that to myself' and they said 'well if you wanted to get him in trouble, you'd do that,' and they were like 'give me something to go on' and I said 'he had this camera. He was taking pictures' and they said, 'well, we found a wrapper in his car of an instant camera' and I said 'well, that should tell you right there' and [policeman] said 'maybe you were in his car.' I told them about the knife and I told them the times and they were still like, 'no, you know, there's no way he could have been there. There's no way' and that went on forever. Well, finally, then they had said to him 'we are going to take your underwear' and I guess at that point he figured he had to fess up to something.

He keeps doing these things to me, but it's always my job to have to prove it. When I was in talking to the officer he's like, 'I don't doubt that it maybe happened, I just doubt it happened today.' He's like, 'sometime things happen to women and they decide later on they should do something about it, to call the police' and I said, 'let him go then, but, this is the last time you'll ever see me cause he had a knife and was prepared to kill me. Who's to say he's not going to.' (Respondent 4)

## Example #2

My husband...he's a sick person, he's a very sick person. Whenever I would try to talk about our problems he would just explode. In April of 2001, he um raped me...he ripped my shirt off he broke my necklace he left hand prints on my neck and um they were so dark that I mean it

almost looked like a hickey type mark it wasn't blue it was red...my children were watching four of my younger ones. My daughter as soon as it was safe she ran across the street to two ladies (the neighbors) and the police came. My husband had um sped off at that point when he saw the police coming. He had a big truck with a PA system; he got in his truck and started calling me not so nice names over the PA right before the police got there. I threw a rock and so the police caught me on that and they look at me and I've got this broken necklace and I'm managing to get my shirt half way together and they see the marks on my neck. And one of the officers says 'what's that on your neck?' I proceeded to try telling him, I was pretty hysterical and he said 'at least you had fun last night.'  
(Respondent 3)

#### Example #3

I got married in '95. I left him in '97, but I've left him probably ten times before that and he always talked me into coming back. Finally, I was like what am I doing here, you know? I be with somebody that's crappy to me, so I left. He would come here and he threatened to beat up anybody that I was with or dated. He'd wait outside my house. He'd follow me. He'd check my caller ID. He'd drive by people's houses that I was at. There was a couple of occasions where somebody would come to pick me up to go to dinner or something and he would be there waiting. If I'd come home, he was there waiting. I called the police. They'd say, 'oh, it's a public street. He can be in the street.' They always had a reason why it was okay for him to do what he was doing, so he knew he could push it always to the extent of harassing me without getting into any trouble.  
(Respondent 4)

#### Example #4

I think right at first they [the police] didn't take me seriously. Um, the first few times you know when I would call and have a few bruises but there wasn't any blood so they didn't really take me as serious and they did towards the end. When he had kidnapped me with a gun and took me way out in the middle of nowhere and if his aunt had not come to where we were at...I don't know I don't think I would be here. And that's when they took me seriously.

The courthouse helped me to do a restraining order, helped me to press the charges for the kidnapping. I feel like they were finally listening. Sometimes when you have an advocate there you are treated very different. (Respondent 7)

#### Example #5

The police officer was good, I mean he helped me calm down for a while that night so it was a good experience. Um, he made me feel comfortable enough to um that night at the hospital a lot of the bruises didn't show and um so he suggested that I could go back and have them photographed later and so I did that. Um, the only thing that I didn't or wasn't really clear about like um I was told that I would be informed when [the abuser] got out of a jail and nobody called to let me know. I found out from people around town when he got out and then um then um he um oh what was I going to say...he violated the no contact order and I guess I just assumed since he had to post bail to get out that if he did something else he would go back to jail and wouldn't get out, but he was out right away afterwards. (Group 1)

These victims' brief stories provide a context for what will be discussed in-depth in the following pages. What these experiences reveal is the severity of the domestic violence situation, the feeling of vulnerability, and the very real sense that the criminal justice system cannot be relied upon to provide meaningful protection. These five experiences are representative of all 29 victims. For approximately every four negative interactions victims have had with law enforcement officials and the judicial system, there was one positive interaction. In the following pages, the primary themes that emerged from the interviews are identified. These are presented most often in the respondents' own words. These themes include experiences with the protective orders, law enforcement's response to domestic violence calls, the response by the judicial system and the non-system community-based advocacy. For each primary theme, sub themes are also discussed.

### **3.7.2 Protective Order**

Respondents were first asked about their experiences with protective/restraining orders. The primary issues respondents identified with these orders include:

- Uselessness of the order.
- Lack of enforcement of order by police.

The uselessness of obtaining a protective/restrictive orders was noted by all of those interviewed, except for one individual.

The problem that I had with the protection order is that it didn't protect my family. It did not protect my mother it did not protect my sisters. Let's say my sister's at the mall he catches up to her and chasing her across town and he's telling me 'if you don't come and talk to me I'm going to do something to her.' Or 'I'm going to go to your mom's house and burn it down.' (Respondent 6)

The uselessness of the order was often associated to respondent's belief that law enforcement officials were not doing enough to enforce the order, as seen in these comments:

If [protective orders] are violated the [police] don't help us unless they [perpetrator] leave something physically. (Groups 2, 3, 4)

Why extend a no contact order when law enforcement don't do crap about it anyway? (Group 3)

I don't feel that they even took me seriously until I went to the chief of police and said 'I hope you guys know, if you find me dead you will be sued' because they weren't doing anything about these restraining orders. (Respondent 2)

When I finally did get an order I was suppose to call the police department, 911 or whatever. I was suppose to call every single time he was violating it, basically banging on my door or getting rocks thrown at my window or something you know. If I saw him walking around the house or driving around like not normal driving around then I call the dispatch officer and he kept saying 'yes we know you just called us a few nights ago'. They said that they would send somebody around and I would sit at my window for hours and never saw anybody. And then when I would call up and I would say 'I just wanted you to know that um he's around again that he's driving around again.' Well 'you know that he can drive and he has every right to be there.' I said 'yeah but he was parked out there for like 20 minutes and I never saw an officer.' Now two years later I have a stalking order, but look at all the hell I had to go through to get it. I think that I should have gotten a little more care and sympathy. (Group 1)



He went to the house and broke in through my living room window and had a knife and went up to me and my daughter and that's when my neighbors called the police. I already had what was called a restraining order and a protective order and a no contact order — all three of those in effect ...I would still go down to the police department with my caller ID and say 'he's calling me' and they weren't doing anything about it. There were probably 14 restraining order violations. (Respondent 2)

**Interviewer:** Prior to getting divorced, did you have a protective order in place?

**Respondent:** Yes.

**Interviewer:** Did he ever violate it then?

**Respondent:** Yes, yeah he tried to run me over. It was a piece of paper and it didn't mean anything...and he'd break it and [the police] knew it and it was like they didn't care. (Respondent 5)

Lack of enforcement of the protective order by law enforcement officials is most often interpreted by the respondents as the officials not caring about their situation, as indicated in the above comments. Respondents were also asked specifically about law enforcement response when called to domestic violence situations.

### **3.7.3 Law Enforcement Response to Domestic Violence Calls**

Several themes emerged from respondents' experiences with law enforcement officials who were called to the respondents' situation. These include:

- Varied attitudes and behavior taken towards respondents
- Law Enforcement officials "hands are tied"
- Impact of tight-knit community
- Varied provision of information

#### **3.7.3.1 Varied attitudes and behavior taken towards respondents**

Both positive and negative attitudes have been portrayed by law enforcement officials. Those reactions that were positive included the officers staying with the respondent, getting them to a shelter, and in general, taking care of them.

One officer stayed right beside me. He stayed right beside me he didn't leave me he didn't let me how do you say I didn't leave out of his sight. I was really thankful for that because I was shaken up. (Respondent 11)

They were good to me. The first thing that they asked me was 'how many grilled sandwiches would you want' and I'm going 'wow I can get something to eat I'm starving' because all night I laid in this motel room without walking out any of the doors to get a pop. I had nothing to drink for a long period of time and you know I mean they were being nice to me as much as they could. (Respondent 6)

I had two officers in the motel room just start packing stuff going 'you're going to a shelter.' And they let me drive my mother's car and I don't even have a license. I think at that time they were doing pretty much their instinct and the "best bet for you is to go to shelter." They said that they don't really care what you decide after that cause it's your choice but for now this is where we are taking you. (Respondent 6)

The special investigators who had the training they were excellent. That's got to be hard on a cop when they see all these people beat up. (Group 3)

One advocate interviewed had positive remarks about law enforcement:

The positive things that I have to say about our officers is that the ones that we work with that are on the training list, they really truly believe the victims, that's good. I know that there are some of them that come in and volunteer their time to try to help out more um and I really think that overall we have a very good emergency response team. We have a very good working relationship with the officers. We will talk with one another. Talking to one of the shift commanders um they said that what's been nice is our program has really grown over the last 2 ½ years. I've been with the program just a little over two years. They feel that if there are problems or if things aren't working right they are getting frustrated...they feel comfortable talking with us about it. Which I like to hear that cause I do go to them when I am frustrated and I want to let them know that I'm not telling them how to do their job, I'm just telling you this is what we got going so what are you going to do. We all have to be able to talk about

what works well and what doesn't and not all the officers have gotten there yet. (Group 4)

In one specific situation, the response by law enforcement officials was deemed "very good" by the respondent in part because the law enforcement officials both knew the offender from the past and because they wanted the suspect for production of methamphetamine.

The last boyfriend that I had was really really abusive and he was psychotic. The police knew him really really well. Um, I talked to several of them on different occasions when they would come to my house after he would hit on me. They had called over the radio and said that they was patrolling my area in case he was listening to my scanner because he was really heavy into Meth too so they listen to scanners a lot. So they would say that they was patrolling my area so I would feel safer and um they also told me that if I called and needed them there they would be there within a matter of minutes. They was really helpful. (Respondent 8)

A theme of a demeaning attitude and approach by the law enforcement officials also came through in the interviews, including comments and behavior towards the victim that diminished the action the perpetrator took against her.

Well I have a very interesting experience with the [town] police, my husband had actually called the police. Two officers showed up at first and they just kind of kept us in separate rooms until the other one showed up. I guess he was the DART officer that they had been waiting for. I just kind of felt that they were not sympathetic at all, they had made it out to be my fault that you know I should bow down and kiss my husbands butt.... 'I'm home all day I should keep the house spotless and have his supper cooked at night' and I just wasn't real happy. They kept asking me if I wanted him arrested, they kept saying 'do you want us to take him do you want us to arrest him' and I kept saying 'yes.' I was told that they weren't supposed to do that, that they were supposed to automatically do that. I mean they kind of humiliated me. (Group 2)

One was basically going on and on about how making it out to be my fault and saying that his wife stays home all day with his kid and men sometimes forget how hard it is to take care of kids and when they come home from work they just want to sit down and relax and not have to clean the house and help with the kids and blah blah blah. It just kind of made

me feel a little uncomfortable with him saying this. I'm not really happy with [town] police at all. (Group 2)

When the dispatch officers will say to someone 'do you know how many times you've called?' That's so out of line. (Group 1)

In one particular situation of mine I was just so distraught and devastated and totally blown away that it had even happened to begin with. When law enforcement came they were minimizing what I was telling them I think because they thought I was just so emotional that maybe I was blowing things out of proportion. They had to take me by ambulance to the hospital before they had totally checked me out. The nurse's first evaluation was that I was just emotionally distraught and didn't appear to have anything wrong. Then they found two skull fractures, my right eardrum was ruptured, my jaw was fractured and dislocated. (Group 3)

I guess I was expecting more that they would acknowledge me, acknowledge what I was telling them acknowledging um what I went through you know instead of just sitting here and 'yeah ok.' There has to be a bruise and they have to see it otherwise nothing happens. I even have a catheter that was permanently put into my back to my kidney. He [abuser] had even ripped that out and they were still like 'oh well you know.' (Group 3)

I remember living three and a half blocks from the police station and it would take them twenty minutes to get to my house. Um, I just expected them to come in a timely manner or show up in a timely manner and maybe let him know 'this was not ok' and I didn't feel like they did that. (Respondent 7)

Thus, it was common for the victims of violence to view the law enforcement response as uncaring and minimizing.

### **3.7.3.2 "Their hands are tied"**

Several of the respondents noted that while they were not pleased with the law enforcement officials response, they also felt that the officials could only do so much – that "their hands were tied". Some respondents were more sympathetic with the situation they felt law enforcement officials were in, as seen in these comments:

....as for being very supportive the police officers aren't, but I think that their hands are tied somewhat.

He kept breaking in and cleaning the house out. There was nothing they [police] could do I understand that, but I mean what's the point of putting a restraining order on if you can't keep them out...I don't know.  
(Respondent 2)

Other respondents, while acknowledging the difficult situation law enforcement officials may be in, were less sympathetic;

You know when I'd call the police and hear, 'Well, as long as he didn't touch you there's nothing that we can do about it.' So, I'm just supposed to wait until he beats the living crap out of me and then you'll come and maybe you'll do something? I just think that they don't take that stuff seriously, you know...

[Perpetrator] was violent to me and you know I think of all the women out there that got it even worse...the police their hands are tied I know that but I don't know what they expect. To me they just want to sit back and wait and wait for this horrible horrible thing to happen before they put a move on it. (Respondent 4)

### **3.7.3.3 Impact of tight-knit community**

An additional theme which arose from the discussion regarding law enforcement response was the detrimental impacts of living in a tight-knit community, especially when the law enforcement officials knew the perpetrator, often resulting in diminishing what occurred.

My husband was being abusive and stuff and so I called the cops. The cops come out and they said 'well we know [abuser] and he does have a temper and we are going to go talk to him and he'll calm down.' (Group 1)

All the cops, some them are his mom and dad's friends and they know [abuser] and they know his family. His mom's watched their kids so you know 'this kid can't be doing this you know he's such a nice guy.' You know 'why are you saying this about him when we know it's not true.'  
(Group 1)

The one thing that did kind of upset me is that the [officer] that is involved in the [multidisciplinary team] had admitted that he was good friends with [abuser] and that he had grown up with him his whole life. Um, I didn't need to hear that, even if it is true don't tell me that shit because then it's almost like you don't understand that that's not the [abuser] that I know. He actually made a comment something like 'I can't believe that he would knowing [abuser] and growing up and not seeing that side of him.'

(Respondent 2)

I'm from [town] and I didn't have to deal with the cops personally but the majority of them are very much pricks. I think a lot of it is to do with this so-called say kind of tight-knit Catholic Community. It's like you get into those little towns and this stuff cannot happen to us and our little perfect towns. (Group 4)

There would be days when I would wake up and think 'man I'm a tough woman I can do this and I could do that.' The next day I would wake up I'd think 'ok granddad is well known in town and they are going to still look at me like I'm a piece of trash.' (Respondent 7)

#### **3.7.3.4 Varied Provision of Information**

Law enforcement officials are required to distribute certain pieces of information when called to a domestic violence situation. Iowa Code section 236.12(1)(c) provides:

Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a copy of the following statement written in English and Spanish, asking the person to read the card and whether the person understands the rights:

(1) Keeping your attacker away from you, your home and your place of work.

(2) The right to stay at your home without interference from your attacker.

(3) Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.

(4) Professional counseling for you, the children who are members of the household, and the defendant.

"You have the right to ask the court for the following help on a temporary basis:

You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

You have the right to file criminal charges for threats, assaults, or other related crimes.

You have the right to seek restitution against your attacker for harm to yourself or your property.

If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured."

The notice shall also contain the telephone numbers of safe shelters, support groups, or crisis lines operating in the area.

Respondents were asked about the provision of information to them. Two of the 29 respondents noted law enforcement officials were helpful with providing of complete information:

There was four officers that were here at my home. I let two of them come inside, one stayed with me the whole entire time he was um very informative very informative with me and um I really appreciated that. He told me to call Catholic Charities he even told me what was going to happen. He told me tomorrow he [perpetrator] will see the judge and he said that depending on whatever the judge decides [perpetrator] may be released. He said that in the event that [perpetrator] is released or not [perpetrator] will have a no contact order and if he is to come here you call us back again immediately. (Respondent 11)

I was five months pregnant and he had gone out drinking. He pretty much tortured me for like five hours I went to run to the phone and he jerked it out of the wall and he choked me and I actually passed out at one point. Evidently he went to use the restroom and I ran out of the house and I was holding on to the stop sign because I knew that there was people that could hear what was going on and I knew that if I stayed outside long enough that somebody would have called the police. It was a woman police officer so I was even happier then because my clothes were half ripped off so I was embarrassed and he tried taking off and she caught him. She asked me if I wanted to press charges and at that time I couldn't even breathe. I said 'yes I want to press charges' well she said 'whether you want to press charges or not I'm going to press charges because I sat there and watched as he tried to pull you off the stop sign when I pulled up.' [She gave me] a card on Council on sexual assault and domestic

violence and then the case number. On the case number it had the officer's name. (Respondent 2)

Although some law enforcement officials did provide information, the majority of respondents noted either they did not receive any information or received only partial information, as seen in the following comments:

DHS is the one that told me about [the shelter], not the police. (Group 1)

They weren't informative, they didn't tell me what was going to go on or anything you know nothing about 'he was going to see the judge in the morning and he'll have a no contact order. In the meantime get with Catholic Charities or any other resources that you have get in contact with them and they will help you get a protective order,' none of that was said to me. I must have been a dime a dozen that night or something, but it just made me feel it made me feel um really insecure about our um police department. (Respondent 11)

From the get go I was completely having questions...the officers weren't informative at all. The officer made me feel inferior when he came to the door. He kept saying 'you need to calm down you need to calm down you are getting way out of hand' and I'm like 'do you want to know what just happened.' I'm trying to explain and um several times this happened no one ever told me anything about a no contact order or anything I didn't know how to get one. (Group 1)

You find out more from a neighbor than you do from the police officers. I had signed several of those things from the [town] Police Department to hear what was going on and I never heard a thing. I live in [town] now and they come over and ask how things are going. [Town] did nothing where as [town] got right on it, told me what was going on and had me press charges. (Group 1)

For those law enforcement officials who do provide information, the information is often partial, or is confusing for the respondent, as reflected in these comments:

They referred me to [the nearest domestic abuse program], that was one thing that they did that was good. (Respondent 9)

I would get cards from several officers. I have so many cards from different officers but they all work different shifts and I could never talk to



the officer that knows my case so then I would have to explain it all over. They may not know about it at all and it's so frustrating. (Group 1)

The officer handed me his card and it had the case number right on top of the card. And he handed me an envelope with domestic abuse information in it, but didn't say anything about it he just handed it to me and said 'here this is for you.' (Group 3)

**Interviewer:** Did the officers give you a case number or their names or a card with their name on it in case you had any questions you could follow up?

**Respondent:** No, that needs to be there too. They did tell me to call to find out if the police report was available and if I could go down and get one, but by then [advocate] had already done that for me. (Group 2)

Some respondents commented specifically on those law enforcement officials involved with the POET program.

I think it seemed pretty helpful. That was the first time I guess anyone offered to actually drive-by or to make sure I was okay or to do whatever. (Respondent 4)

I think they do random drive by's and they do checks. They actually came to my house a couple of times and knocked on my door and they would say 'hey I was just in the area just seeing how you're doing.' (Respondent 2)

### **3.7.4 Judicial System**

Respondents also were asked about their experiences with the judicial system. Several problems with the judicial system were identified by the respondents. These include treatment by the county attorney, judge, and jury; gaps in the system, minimal charges applied to the offense committed, and lack of opportunity to express their voice.

#### **3.7.4.1 Treatment by Prosecutor**

I would be trying to tell her something about what he had done and she was so much on his side. It's like I was fighting against her too. I couldn't

go to another one because she was the only one I got. It took me four months to get her and if I would have tried to get another one I probably wouldn't have had one. (Group 3)

She kind of down played the whole situation. She said 'well your injuries weren't that bad...' (Group 2)

She really didn't explain anything except to discuss the no contact order. She asked me what I wanted to do and I told her what I wanted to do and that was basically it. She didn't even tell me anything about the case at all about what's going on. (Group 2)

#### **3.7.4.2 Minimizing Treatment by Judge and Jury**

It sucked, it's like no one believed me. Usually when you go to a jury they are not going to believe the victim you know cause you stayed [in the situation] so long. I was so controlled that I didn't know what controlling wasn't, you know. (Respondent 5)

When I went to get my first restraining order the judge he was so mean. I had him a couple times through the custody battle. He was asking questions such as, 'in what way do you think you should be treated better? Why do you think that we should believe you?' (Group 3)

I remember the one and only time that I ever called um law enforcement when I was married. My ex had bashed my head into the corner of the door and there was no way I could get him off me. I happened to remember that I had fingernails and that was the only thing that I could use. So I reached up and just clawed and yeah I had skin underneath my fingernails...I drew blood. So the police went ahead and wrote up an assault charge against him, but then after everything was rolling he [perpetrator] went in to talk to the judge and then counter filed against me because I clawed him. Judge threw them both out, nothing happened I didn't even get to talk to a judge. I never even talked to an attorney. (Group 3)

They issued a warrant for his arrest for walking through the restraining order. A couple months later he spent um one night in jail for it and everything else was dropped it never went to court or anything. Um, when we went to court for the divorce um the judge threw out all of the abuse and everything um he took away my restraining order he said I didn't need it. He actually had enough gall after my husband or ex-husband admitted to abusing me and my son he had enough gall for reprimanding me for calling my um daughter a brat. It was difficult to sit there. So I don't have much faith in the court system. (Group 1)

### 3.7.4.3 Gaps in the System

The felony courts never got the paper work, it was the misdemeanor courts that had it. So when I'm there the day after this incident happened he's in jail I'm sitting there in court, I've got the County Attorney with me and no attorney shows up for his side of it. We're sitting there for like twenty minutes and somebody comes down and says that this paperwork never got to the felony department we have released him on a signature bond. I'm like 'no freaking way are you kidding me there had to have been some sort of mix up' and they tried to explain it to me saying 'I'm sorry it's just paper work error.' So then they immediately took him over to the Sheriff's Department and that's where they had the POET program and the Sheriff's Department said what they were going to do is put surveillance on your house. I said 'well he's going to come there immediately right after I can tell you that right now' and they said 'well we're not going to be able to do it until later and he'll be released in about 15 minutes.' And I'm like 'I'm telling you right now that this is what he does every time' and they said 'well it was unconstitutional to have a police officer follow him from jail to my house.' He came right over to my house immediately after jail and I just called the police and they came over. They had seen him and chased him down the street and lost him so there I was again...sitting. So I started doing all sorts of stuff like putting traps under my windows. (Respondent 2)

When he got released they never contacted me. I contacted them. A friend of mine who happens to work with his mom came up to and says 'I have something to tell you, he got out tonight' and I said 'no it's going to be after Christmas' because that's what I had in my head that I would have the holiday by myself. [The advocate] didn't know so she called the prison and they said he would be out and they still haven't called me. (Group 3)

The county attorney said that there wasn't enough evidence there to do anything. And I had two witnesses that saw him try to run me over with the truck. I got him on tape admitting that he was going to kill me and the children and then he was going to chop us up. (Respondent 5)

One of the officers was really helpful, he's like 'every time he does something, leave a paper trail. Call the police. That way you'll have proof that he did those things.' When it comes down to it, the paper trail doesn't do anything. They said it's hearsay. So, what was the point of calling the police every time? If he's just going to get away and it's hearsay, you know, it didn't do me any good to do what they said. I just felt like they tell you one thing but they do another. It's just frustrating. (Respondent 4)

It seemed like it took forever for anything to get done. It took almost a week to get the papers to the county attorneys office, with the advocates calling following up with the officers and them saying 'oh yeah we're getting to' it. It was very frustrating because it gave [the county attorney] the message that the assault wasn't bad enough because I wasn't bleeding or I wasn't shot or stabbed. (Group 4)

*Minimal Charges.* A large gap respondents identified in the system is the minimal charges for the crime committed.

I think the charges need to be more serious. They need to fit what he's done. I mean, if somebody's threatening to kill you, there's a knife to your neck and they've sexually assaulted you, what more do you want and they said if he would slit my throat and I was in intensive care barely hanging on to life, he probably still wouldn't have got first degree. What else...what do they need? For you to be dead, you know... (Respondent 4)

I don't think the system is harsh enough on them he spent four days in jail for attacking me. Four days and fines and he's got money so he just paid it and he got off in four days and did a week of community service. No classes no nothing. Four days and a week of community service is not okay. I remember driving by in my truck one day I saw him out by the garbage can talking to the maintenance man smoking a cigarette. I'm thinking 'hello he's suppose to be in there paying his price...I had a bruised neck and he's out there smoking with the maintenance man. He got a week and that's not okay. I just keep thinking that if he broke my rib he would just get a week. (Group 1)

I think a lot more of the charges need to be a little bit more severe the first time. I don't think that there should be a little slap on the hand. (Respondent 1)

Mine's got um two serious assault charges against him and he did five days in jail um total. (Group 3)

The first charge he went up against was child endangerment and he had smacked our six-month-old baby so hard that she had a hand mark on the whole side of her face. He did two months in jail um with the kidnapping it was a couple months, the sexual assault with my daughter was four months. I'm thinking 'here he's doing all this and he's in and out of jail all the time and they aren't doing anything.' And I knew he'd be out in a couple months and I was going to have to face it and I wanted to be strong enough to stand up to him. So I feel like the justice system is so

inconsistent. I guess I don't have a whole lot of faith in it. I think they should make it to where the punishment fits the crime. (Respondent 7)

I would like to see the word 'simple' and 'assault' not ever be associated with one another because there is nothing simple about an assault. The guys know that they can't kick the crap out of a dog, but they can kick the crap out of someone that they love and nothing really happens. (Group 4)

Animals have more protection rights than human beings do. I'm sorry, but that is just ridiculous it pisses me off totally. (Group 3)

*Wanting a voice.* Several respondents stressed their desire for an opportunity to express their voice in the judicial process, to be heard, yet were not allowed to do so.

I did not once step into that courtroom and speak my mind not once. I don't think that's right I think that regardless if they plea bargain or not. I didn't get to say a word. (Group 3)

I got screwed cause my case wasn't high profile enough, that's what the county attorney told the prosecutor. My case isn't high profile enough and within four days he was sentenced and let go before they called me. I said 'it's done?' I didn't get to speak my mind again so when they told me mine wasn't high profile enough of a case how is mine different from anybody else's? He sits in jail and threatens you guys now threatens me and he just walked...no probation no nothing he's out on the street. Ten days later he calls me on the phone—ten days it lasted. (Group 3)

### **3.7.5 Advocates**

Finally, respondents were asked about their experiences and interactions with the victim advocacy system. There was unanimous support for the advocates by the respondents. It must be noted, however, that all of the respondents had worked with non-system advocates and that the advocates arranged for interviews with the respondents. Several themes came out of the discussion regarding the advocates, including;

- Providing a positive and supportive attitude
- Providing information

- Providing a source of protection

### **3.7.5.1 Providing a Positive and Supportive Attitude**

When I went to the court house [an advocate] came by he didn't even know me from anybody and he came by and seen what I looked like and asked if I needed help. He had another client with him and he went and talked to her then came right back to me. (Respondent 8)

She was just like an angel she is just an angel and sometimes I could even see her glowing on me. She's my strength...The people here, they have moved mountains just to get me here. (Respondent 3)

[Advocate] has been the most wonderful good soul. If I hadn't had these people I wouldn't have made it. These guys have stood by me more than compared to anyone else. These guys have been everything to me. I wouldn't have no Christmas if it wasn't for these guys. So they have been wonderful just wonderful. (Respondent 5)

My first advocate was a man. I remember walking into the courthouse and um of course I was bruised and crying and I remember him coming up to me and asking me 'are you going to be ok?' He was just so sincere you know it was like I knew I could trust this person you know even though this person was a man you know there was just something about him and I knew that I could trust him. (Respondent 7)

I have to really commend [advocate] and [advocate] and the shelter and all of them I mean it's just great what they all do. I think that they make everybody feel at home and that you're not alone. (Group 4)

As soon as I contacted them they are right there at my side. They are awesome... (Group 3)

He was better than anybody else that I dealt with. I mean he was the only one that um on the day of the court hearing um he came and came up to me and asked me how I was doing. (Respondent 7)

### **3.7.5.2 Providing Information**

[Advocate] was very informative, she knows her job. When I had to write out the protective order we went though it step by step. She really took the time to help me write everything down. (Respondent 11)

She's been there every time I've needed her. She's been really, really great and if I didn't understand something, she was right there explaining it and she told me all the options that I had and I think that it's been a better experience cause I wouldn't know some of the things ...  
(Respondent 4)

They just explained to me you know that it's not my fault and kind of put their arm around me and took care of me when I really needed it. They told me what I could do and what I couldn't do and you know what would happen. As a matter of fact they are the ones that called over there to the Sheriff's and told them that I wanted to be notified when he got out of jail or when the court date was. (Respondent 8)

He had all kinds of stuff, all kinds of pamphlets. Um, phone numbers you know anything that I needed he had it there and he knew it. (Respondent 7)

### **3.7.5.3 Providing a Source of protection**

As noted by Respondent 6 in her situation presented at the beginning, and in several of the interviews, respondents felt safer, both literally (from their abuser) and figuratively (from the abuser, law enforcement officials and the judicial system), when an advocate was present.

At first I thought it was because they had to keep face in front of this person. But I didn't care; I didn't care what the reason was you know they were taking me seriously. (Respondent 7)

The advocates I would really put on a ten because first of all they are not recognizable. He [abuser] has to think 'is this an off duty cop, who is this person she's with?' He's intimidated right away he's not going to try to come at me. I don't know if this covers everybody, but for me it just gives me somebody to talk to while I am going through whatever stressful situation at that time. I'm doing the right thing I feel safer, with the advocate like ten times safer. (Respondent 6)

### **3.7.6 Summary**

The following interview, which contains questions asked of each of the victims, is indicative of the majority of the 29 responses gained from this study.

**Interviewer:** How would you rank law enforcement with providing you with a sense of security?

**Respondent:** Not helpful

**Q.** Treating you with respect?

**A.** Before I had my ass kicked? Before I had my ass kicked, not at all.

**Q.** Ok, how about after?

**A.** Yeah, I would say.

**Q.** Explaining the process that you would be going through.

**A.** The law enforcement, no no.

**Q.** Providing you with updated information throughout the process?

**A.** Nope.

**Q.** Providing information on shelter services?

**A.** Somewhat, yeah.

**Q.** Ok, now with the prosecutor's office. Um, providing you with a sense of security?

**A.** Somewhat.

**Q.** Treating you with respect?

**A.** Somewhat.

**Q.** Explaining the process?

**A.** Somewhat.

**Q.** Providing you with updated information?

**A.** No.

**Q.** Providing you with information on shelter services?

**A.** Somewhat.

**Q.** And now with the courts, did the court provide you with a sense of safety?

**A.** No.

**Q.** Treating you with respect?

**A.** No.

**Q.** Explaining the process?

**A.** No.

**Q.** Providing updated information?

**A.** No.

**Q.** And then providing information on shelter services?

**A.** No.

**Q.** Now the victim advocates. Providing you with a sense of safety?

**A.** Oh he was just awesome. Yeah, definitely very helpful.

**Q.** Treating you with respect?

**A.** Yes, very.

**Q.** Explaining the process?

**A.** Very helpful.

**Q.** Providing you updated information?

**A.** Yeah, I would say very much so.



**Q.** And then providing information on shelter services?

**A.** Yes.

The last question this respondent was asked was if she had “ever hesitated to call law enforcement.” Her response:

**Respondent:** Oh yeah. I remember one evening he broke my nose and I thought ‘I’m not calling because they are going to come here and ask him what happened and it’s not going to make a difference.’  
(Respondent 7)

Unfortunately, this comment and opinion, that a difference cannot and will not be made anywhere along the process, is reflected all too often in the interviews conducted.

The impacts of ill treatment or perceived ill treatment by both the law enforcement officials and the court system can in turn result in the abuser feeling what they are doing is justified, as seen in this respondents’ quote:

What makes it worse is when they don’t do anything to [perpetrator] and then when they see you being treated that way by police and judges then that just confirms that they can keep doing what they do. If you get treated that way by someone higher than you then they [perpetrator] feel they can get away with it. (Group 3)

While many feel beaten down by the system, in at least one instance, the domestic violence victim has not only taken on their perpetrator but also the system:

I think the laziness of our police force and our justice system made me know that I didn’t want to live like this forever and I was going to show them. I think that’s what kept me going a lot times. I’m going to prove to you that you did nothing, you’d come to my house and see the broken bones and you would see the blood and you would see this and you’d do nothing. (Respondent 7)

One respondent felt

that if they [police] were educated in domestic violence that I think that would make a big difference in the way that they treated the women.  
(Respondent 7)

However, law enforcement officials in Iowa are trained in domestic violence, received through Iowa Law Enforcement Academy, and regular training on domestic violence is required. Iowa Code § 236.17 (2003); Iowa Admin. Code § 501-3.5 (80B).

While there are no easy answers, bringing the victims' experiences expressed here to attention is the first step in identifying problems within a system that is clearly flawed. These problems need to be addressed, for in the words of one victim:

I know it's frustrating for the police and I'm sure it will take many years to pass probably before they realize that domestic violence is a serious thing that's happening to the world. I imagine that what makes it really frustrating for many police officers is because we as the abused turn around many times and return to the situation. So they take that stance of, and I don't like to but I have to use this saying the 'good old boys stance' of 'well if they're not going to be mad how can they expect me to be mad for them.' I understand that to a point, but there are a lot of people dying across the county in the name of good old boys who need to be forgiving. Everybody should wake up and it isn't only the abusers but the people that are abused and realize that 'hey crap runs down hill if we don't change things your kids will fall into the same situations.' (Group 1)

Given that all of these victims were from jurisdictions that have a multidisciplinary team in existence, it is clear that having a team does not solve the problem of domestic violence. Even in those jurisdictions in which a mature and functional team was operating, there were victims who are dissatisfied with the response. As noted, the selection of victims was neither random nor scientific, and these comments may not reflect the universal experience of victims in these jurisdictions. The explication of these comments is not provided as an indictment of the criminal justice system, but as an illustration that the teams may benefit from more systematic feedback from victims of domestic violence. The vast majority of comments by the victims in this study were negative toward the criminal justice system. A multidisciplinary team may benefit from

hearing such comments in determining what actions must be taken to better serve their community.

### **3.7.7 Measures of Success**

What is clear from the responses of victims in this study and in other studies is that victims look to the criminal justice system as a resource, and if it is not viewed as a resource, victims will search out other, more effective resources to maintain their safety. Thus, statistics regarding arrest and conviction are less important than whether victims feel that they are being heard and whether they feel safer as a result of the criminal justice intervention.

Many of the DART projects reflected a similar sentiment. They maintained a variety of statistics, but as they discussed their work during the interviews, the team's goals were victim-centered and emphasized their focus on holding offenders accountable while also maximizing the resources available to victims. The teams may benefit from systematic feedback from victims, to test whether their goals are being met.

## **3.8 The Limits of Quantitative Analysis**

As part of the revised design, official statistics regarding domestic abuse assaults were collected from several jurisdictions with multidisciplinary teams. The qualitative process analysis demonstrated, however, that comparisons of these quantitative statistics would not necessarily result in accurate conclusions.

The increase or decrease in domestic abuse assaults could reflect changes in the incidence of domestic violence, or it may reflect changes in policy. An increase in

domestic abuse arrests might result from increased incidence, or it might result from better training of police, or it might result from a policy of arresting victims in addition to or in lieu of arresting the offenders. Changes in convictions and sentencing might reflect the same variables.

Because of the limited value of these official statistics, no quantitative analysis was conducted. Appendix G includes official statistics from the POET jurisdiction and another jurisdiction as examples of the types of official statistics that are maintained.

## **4. Analysis and Discussion**

### **4.1 How Multidisciplinary Teams Work**

This study confirms that effective multidisciplinary teams do not simply spring up overnight, with the various disciplines working together effortlessly in tandem. Other researchers have found inconsistent implementation of new interventions. (Shepard et al., 2002) The development of the team is a process that occurs over several years. It requires support from supervisors in the participating agencies, as well as appropriate personnel selections, because team members must be able to work well together in order for the team to operate effectively. As teams developed, their common goals and objectives were refined. Much of the communication was indirect, and the goal-setting was ad hoc.

One DART member who attended a multidisciplinary training workshop reported that the workshop was especially helpful to the DART project because law enforcement officers, prosecutors and victim advocates attended the training. The workshops provided opportunities for the three groups to meet together for portions of the training,

and then the various groups were divided according to discipline, and specialized training was provided to each discipline. The result was that members of each discipline learned the same general language and shared the same knowledge base, and each discipline had particularized training for that discipline. The team members left the training with a common language and with specialized skills. This provided team members with a model for training in their local jurisdiction, and a framework for continued discussions about team goals and team operations. (Team 2)

The POET project members did not attend this multidisciplinary training, and POET members were resistant to training. The team members changed frequently, and they felt overwhelmed by the press of everyday work.

*Combining Diverse Groups.* The POET and DART experiences highlighted the difficulty in combining forces when diverse agencies are involved in a team effort. In describing the history of the DART projects, all of the participants recounted serious difficulties in working together as a team as the project began. In most DART projects, there was a substantial turnover in personnel in each of the various disciplines. In only one instance did a DART member who initiated the project remain with the project for more than a year or two. Many teams described how one participant served as the agitator within the group in order to change some aspect of the criminal justice response, and when the agitator moved on to a different job, the change was actually accomplished.

For example, in one DART project, a former prosecutor on the team wrote memos and made phone calls to police officers who provided what she deemed to be an inadequate investigation. Her criticism sparked an effort to develop better

investigative techniques. Police department officials met regularly to discuss techniques for conducting better investigations and ultimately developed an extensive police report form designed to guide all police officers conducting domestic abuse investigations. This project was conducted internally, without participation by the agitator/prosecutor who later left her job. Her successor reported that the police were providing better quality reports and that it was unusual for him to be critical of the police response. The police officers involved in the team expressed pride in their policies and training, and emphasized that the training occurred department-wide. (Team 2)

*Support from Top Administrators.* The POET project also illustrated the importance of having meaningful support from the top down. Some DART projects were developed as a result of the heads of several agencies working together to seek grant funding for a team effort. The agency heads made it clear that this was a priority for the agency, and the personnel who served on the team felt that it was a reward to be placed on the team. This is consistent with documentation of the development of a successful team developed in Philadelphia, in which police administrators took the lead and provided training and coordination support. (NCVC 2002) In other projects, however, the agency heads either took no part in (or no interest in) the project, or affirmatively interfered with the goals of the team, and the teams expressed greater frustration with the working of the team. (Team 3, Team 4)

The POET project was not instigated by local agency officials. Rather, the project was developed by a state-level official and offered to the local community. There was no sense of commitment to the project, and the project was not designed to meet the particular needs of the community. The agency heads did not actively

participate in the development of the project, nor did they meet at the outset to discuss goals, nor did they meet regularly as a team to discuss the goals and objectives. When they did come to a meeting specifically to address goals and objectives, there was disagreement among the agency heads. The team members – also in attendance at that meeting with their supervisors – did not have clear guidance from superiors about what was expected of them or how they would be rewarded for their participation.

*Integrating Goals throughout Organizations.* Finally, the DART and POET experiences illustrated the need to integrate goals and values within and throughout each organization. In one jurisdiction, the police took an active role in developing good investigative techniques, and training on the issues occurred often and was department-wide. (Team 2) They used a model investigative form as the starting point for their planning, and expanded and modified it to suit the needs of the particular department. The planning and implementation of the investigative protocol involved officers at all levels of the agency and was visibly supported by top administrators in the department.

In two other jurisdictions, the officer assigned to the DART project found that it was difficult to find other officers in the department who would take the cases seriously. (Team 1, Team 4) Top level administrators did not provide visible support for the program, and street level officers did not take particular interest in domestic violence cases.

Conflict within a group or between groups may be restrained when the group ascribes to “superordinate” goals that require cooperation in order to achieve key rewards. To the extent that conflict exists within the group, the conflict often is

connected with a sense of unfairness as to the contributions to the group. (Baron, et al., 1992). Thus, the development of a protocol – and its implementation – are likely to be most successful when all agencies participate, and when top administrators lend their imprimatur to the project in a way that is communicated to employees on the team and throughout each agency. Some teams seemed overwhelmed at the prospect of adopting a protocol from whole cloth, and expressed the view that they would appreciate a model protocol that would set out the parameters of the discussion and provide alternative means to address common issues. As a result, evaluators developed a model protocol, which the statewide funding agency could offer as a resource to DART programs. It appears in Appendix G.

#### **4.2 Domestic Violence Is Different**

One of the initial challenges for any multidisciplinary team is to define “success” for the team. Each discipline may have different goals and different ways to measure success within the discipline. Each discipline has practical constraints and political (partisan or nonpartisan) considerations. When the various agencies are combined into one team, it is important for the team members to recognize that their agency’s goal may be very different from other agency goals. The team itself must agree on common goals, and it may take time for the team members to recognize, appreciate and harmonize the varying goals and the different constraints.

The importance and value of domestic violence work varies across jurisdictions. Some communities take domestic violence seriously and provide an array of resources for domestic violence victims. Other communities, however, have very little understanding of the problem and do not make it a priority. The teams must determine



not only the level of understanding within the community, but the importance of changing that level of understanding or raising the level of importance of the issue.

### **4.3 Goal Setting**

Because the various disciplines have different goals and different constraints, several variables must be taken into account when setting goals for the team:

*(1) Top-down buy-in.*

When the team's efforts are at odds with an agency head's priorities, that team member's participation may be compromised. Three examples illustrate this principle. First, one team hinted that the elected prosecutor was not supportive of the effort and on occasion would intervene in cases in order to take a plea that the team prosecutor did not intend to offer. (Team 4) This intervention stifled the efforts of the team, broke the trust that team members otherwise felt, and compromised the effectiveness of the team.

Second, two teams reported that the head of the police agency allowed the assigned police officer great latitude in the team effort, but did nothing to encourage training of other officers on the force. The single officer on the team could not provide adequate investigative resources for all domestic violence cases, so the team was faced with inadequate investigations, which hampered the work of the team. (Team 1, Team 4)

The third example illustrates the value of top-down support. The head of the police agency was very supportive of the team, and encouraged officers within the agency to develop training programs and reporting forms that met the needs of the police department and enhanced the work of the team. (Team 2) The message sent to

the officers in the department was that domestic violence in the community was a significant issue and that professional officers conduct a thorough and respectful investigation in every instance. This team also enjoyed similar support from the top administrators in the other agencies, who provided the necessary support for their employees on the team.

*(2) Agreement on values.*

The more established teams had worked through a number of disagreements about how the team would operate and about what was particularly important to the team members. The team members used similar terminology and expressed similar views on what was important and how success of the team should be measured.

One team member of a well-established team described that team's limited disagreements and attributed it to the overall recognition that each member of the team plays a different role, and those roles do not always coincide. This meant that disagreements would not be taken personally, and each team member could – and should – look at the problem from a different point of view. The team did not consider disagreements to be fatal to the success of the team. The disagreements did not involve fundamental problems with the official response to the incident. (Team 2)

In contrast, the POET project illustrated how disagreements about fundamental values could damage the effectiveness of the team. Prosecution policies that were at odds with victim trust and victim safety caused a serious rift that was never resolved.

The team that had the most cordial and cooperative relationships was victim-centered and community-focused. The prosecutor and police officers focused on victim services and community resources, as well as on meeting the challenges of

investigation and prosecution. That same team described how a prior prosecutor had pushed the police investigators to do better work by sending memoranda to the police supervisors, which created conflict at the time, but also spurred the police to work harder at providing better quality investigations. (Team 2)

Even with agreement on the core values of the team, personality conflicts sometimes got in the way of the operation of the team sometimes. One team member on a team that was struggling said that conflicts were addressed by avoidance – the team just stopped meeting. (Team 1)

Several teams described their fellow team members as “easy going” or “reasonable” or “diplomatic.” (Team 2, Team 4, Team 5) These teams also exhibited a higher comfort level in discussing disagreements directly.

*(3) Clearly stated goals.*

Teams with clearly stated goals had better working relationships among team members, so long as the goals were universally held by team members. The teams that focused on win-loss records or calls for service were less likely to have universally held goals, because the victim advocate on the team disagreed with police or prosecution policies more often. (Teams 4, 5)

One team that disagreed about the issue of charging victims with aiding and abetting a protective order violation acknowledged at the outset that this was their policy and that it was not open for discussion. That team also emphasized the success rates in terms of percentages of cases taken to trial and resulting in conviction. At the same time, the team members focused on community resources and victim needs. (Team 5)

*(4) Unstated assumptions.*

Team members alluded to conflicts within the team that reflected unstated assumptions about victims or about the criminal justice system. These assumptions often were reflected in the team members' descriptions of "typical" domestic violence cases or "typical" protective order cases. No team had empirical research regarding domestic abuse, but in response to direct questions, each team member described what was typically encountered. Some team members qualified their answers, but others were quite comfortable in making generalizations. Some team members noted that domestic violence happens everywhere, across socioeconomic and racial/ethnic lines, but others described particular groups of persons who were encountered regularly, or misdemeanor assaults.

The team members described few higher-level socioeconomic-level offenders or victims. Their focus was often on "blue collar" or unemployed offenders. The team members' descriptions were not as severe as the descriptions of abuse that the victim interviews portrayed. This discrepancy may be the result of sampling differences, or it may be an indication of continued minimization of domestic abuse, or it may reflect a lack of trust by victims in sharing information with criminal justice officials.

Although unstated by the team members interviewed, a theme that emerged from all of the interviews was that the prosecutor was the key member of the team. It is easier to "work around" problems with law enforcement or victim advocacy than it is to "work around" a prosecutor. It is the prosecutor who has ultimate discretion in bringing charges, making plea bargains, and directing the work of the team. Even when the prosecutor is not the most influential member of the team, it is the prosecutor who has

primary authority and it is the prosecutor who can make or break a case that is brought into the legal system. Without the cooperation of the prosecutor, the legal system cannot serve as a resource for a victim. Thus, the prosecutor may well hold the key to the success or failure of the team.

Moreover, prosecution policies can have a dramatic impact on the operation of the team. Two teams had policies in which other prosecutors in their office prosecuted victims for aiding and abetting protective order violations. The elected prosecutors in both jurisdictions supported such a policy. One elected prosecutor said that he felt obligated to bring such charges because of his interpretation of statutory and case law. (Team 6) The other elected prosecutor said that it was necessary to bring such charges in order to maintain credibility with the judges in that jurisdiction, because victims should feel just as obligated to follow the court orders as the abusers. (Team 5) Both elected prosecutors said that such prosecutions were rare, but that they felt it was necessary to permit such an option.

Other teams rejected a policy of charging protected parties with violating the protective orders they had obtained. They felt that, although it may be legally permissible, it sent a dangerous message and foreclosed the criminal justice system as a resource to victims. (Teams 1, 2, 4)

#### **4.4 Procedure and Policy Development**

Multidisciplinary teams had different experiences in the development of procedures and policies in responding to domestic violence. Several factors emerged indicating how an effective response could be crafted.

First, the goals of the team should be communicated. Written goals, developed with input from all participating agencies and including the leaders of each agency, should be adopted and reviewed periodically. The goals should be communicated to persons throughout each participating agency. When domestic violence is treated as a significant priority, the team members feel that they are supported, their stress levels are reduced, and victims are more likely to view the criminal justice system as a valuable resource.

Second, the goals of the team should be illustrated in daily activities. Team members should not be novices, but should have some experience within the agency or with other agencies, and should have a good working knowledge of their particular discipline, as well as a well developed understanding of domestic violence dynamics. Moreover, supportive agencies did not simply rely on team members, but expanded the support throughout the agency. Because of the complexity of the issues involved in domestic violence, it is difficult for just a few people to respond to the many cases that arise. At the same time, when the support network is expanded to others throughout the agency, it is important for all responders to understand the goals of the team and to respond appropriately.

Third, regular training was provided to and by the multidisciplinary teams. Most teams reported that they had received high quality training, but that they needed more training and that others in their respective agencies also needed more training. When team members are appointed to a team that is designed to provide specialized work, more than basic training is not merely warranted, but required, in order for the teams to function properly. If others in the agency are asked for additional support, they must

have adequate training in order to be able to respond. In addition, training itself sends a strong message to everyone in the agency that the issue of domestic violence is significant.

Fourth, the teams themselves would benefit from team-building consultation and assistance. Multidisciplinary teams face many challenges. Agency directors can provide support for the multidisciplinary teams through their own actions, but they also can benefit from having a consultant who specializes in team-building to work with agency leaders and with team members to ensure that the team is functioning most effectively.

Finally, support for the team in terms of equipment and staffing is essential. Several team members who were interviewed addressed the potential for burnout for the various team members. One way to avoid burnout is to ensure that the team members receive emotional support for the work that they do, but there also must be some assurance that the team members are not stretched too thin, or that they are not required to expend energy chasing after equipment and supplies that allow them to do their jobs better.

#### **4.5 Prosecution Issues**

Interviews with the DART prosecutors suggest that domestic violence prosecutors face two significant challenges. First, prosecutors must learn how to use their authority wisely. Prosecutors wield a great deal of power within the criminal justice system. In fact, prosecutors probably have more power than the other members of the courtroom work group. By determining initial charges and by developing policies

regarding guilty pleas, the prosecutor often has the greatest input into the “going rate” for domestic violence cases in the jurisdiction.

Experienced DART prosecutors have developed a “philosophy” on domestic violence prosecution to guide their decision making. That philosophy differs from jurisdiction to jurisdiction. For example, one experienced DART prosecutor reported that his primary goal is to maximize official control over the abuser’s actions. He does not focus on time spent in jail, but rather on maintaining some type of official control over the abuser for a long period of time. Thus, with a first-offense domestic abuse assault, the prosecutor will seek a relatively lengthy jail sentence with nearly all of the sentence suspended, and a long term of probation. If the abuser assaults the victim again, the prosecutor responds by charging an enhanced crime, seeking a longer sentence, again with most of it suspended, and a long probation period. If the abuser assaults the victim a third time, the prosecutor charges a felony offense and can negotiate a plea to a felony, or can accept a plea to a misdemeanor and then ask that the defendant serve all of the accrued jail time from the previously suspended sentences. The result of this prosecution strategy is that the abuser has negotiated not only a long term of probation, but also a long term of incarceration, which discourages further offending and, if the abuse continues, the long incarceration allows the victim a greater opportunity to leave the relationship safely.

The second great challenge for domestic violence prosecutors is the frustration with “uncooperative” victims. In most criminal prosecutions, victims are pleased when the prosecutor pursues criminal charges vigorously. Many domestic violence victims, however, take a different view. Many domestic abuse victims are reluctant to cooperate



with the prosecution. They may fear the personal ramifications if the abuser feels that the victim is responsible for his fate. The victim may feel that it is necessary to have the abuser available to provide financial support to the family and therefore the victim is not willing to assist in the criminal prosecution. Or the victim may simply hope that the violence will stop and the relationship will continue, and the victim may feel that the criminal prosecution does not allow the couple to move on with their relationship.

Inexperienced prosecutors often have not developed an approach to prosecution generally, and often are frustrated by the victims' failure to appreciate the prosecutor's efforts at vigorous prosecution. Some inexperienced prosecutors will respond to victim reluctance by "forcing" victims to cooperate – and failing to anticipate that such strong-arm prosecution tactics may drive victims even further from the criminal justice system, thereby further endangering victim safety because the victim will not call for help.

Several themes emerged in the interviews with prosecutors with more experience: (1) they did not perceive the victim's reluctance to cooperate as a personal affront to the prosecutor; (2) they viewed prosecution as a consideration in the victim's life, but not the paramount consideration; (3) they did not view resolution of the case as a resolution of the violence and were more likely to view leaving as a process; and (4) they focused on long-term and more widespread efforts to hold the abuser accountable.

The first prosecutor in the POET project, who had previous legal experience but no experience as a prosecutor, did not participate in training on domestic violence, and expressed frustration with victims because of their reluctance to participate in criminal prosecutions and because they did not leave the relationship on the timeline that the prosecutor set out for them. The second prosecutor, who had even less experience as

a lawyer and no experience as a prosecutor, took a very different approach. He attended training early in his tenure, focused more on cooperative relationships with all of the other team members, and made an effort to balance competing concerns. This approach reduced the tension among POET members. Nonetheless, the team was so young and the second prosecutor's tenure was so short that the team was never able to accomplish the goal of enhanced services.

#### **4.6 Using Risk Assessment Instruments**

Most multidisciplinary teams used some type of risk assessment. There remains some dispute about whether risk assessment instruments are valuable or useful, and how those risk assessment tools are formulated.

It is unlikely that any risk assessment tool could be developed that would predict the behavior of a particular offender. There are, however, some benefits to the use of risk assessment tools. Perhaps the greatest value is to emphasize the potential lethality of many of the domestic violence cases that occur – not only to the multidisciplinary team members and others in their respective agencies, but also to the targets of the violence.

Risk assessment is one part of safety planning, but it cannot provide protection to victims, nor can it substitute for a coordinated response to domestic violence, which is most likely to effectively reduce or eliminate violence.

Good risk assessment instruments can be used to identify high risk cases. But effective risk assessment depends on pertinent information about the abuser, the victim and their relationship. Often, only the victim can provide the most pertinent information. In order to obtain information from victims, the victims must trust the public officials who

will receive the information, because sharing information can lead to retaliation by the abuser or by the criminal justice officials who can use the information to prosecute the victim or to devalue her case. Trust in public officials builds over time, and depends on mutual reliance.

Effective multidisciplinary teams operate with high trust levels. The degree of trust in any multidisciplinary team depends on several factors: (a) support for the program by the highest level administrators of each participating agency; (b) communication skills and overall understanding of the dynamics of domestic violence by multidisciplinary team members and others in the agency who help to respond, and (c) the small group dynamics in the multidisciplinary team that create a sense of trust.

Thus, risk assessment instruments can be a part of an effective multidisciplinary response. But reliance on them should be both realistic and limited.

#### **4.6.1 Gathering Information**

A risk assessment is only as effective as the value of the information that forms the basis for the assessment. Victims generally are the best source of information, because they have the most information. This is particularly true in situations in which the victim has been isolated from others or when most of her actions are strictly controlled by the abuser – the very cases in which risk is often assessed to be the highest.

Information can be gathered from other sources, but it is not as likely to be as complete as when it is provided by the victim. As discussed below, this is most likely to happen when the victim has a high level of trust that the criminal justice officials will share her primary concern for safety.

#### **4.6.2 Sharing Information with Others**

A response to a high risk depends on the right people knowing that it is a high risk situation, and very often, that information must be shared with others who can play a role in managing the risk. Multidisciplinary team members do not have the time to provide full risk management activities, and the team can operate most effectively if there is support throughout the various agencies so that the necessary resources can be devoted to risk management.

#### **4.6.3 Victim Safety Issues**

Victims may or may not be good at assessing their own risk. The victims usually are the ones with the most access to information that is relevant to risk assessment, but they may not be the best qualified to determine whether the risk is high. (Campbell et al., 2003) The pattern of abuse may make it difficult for victims to distinguish the higher-risk factors; they may suffer from post-traumatic stress or traumatic bonding that skews their view of risk; or they may have a love or a sense of loyalty to the abuser that makes it difficult for them to see the genuine risk that they face.

Telling victims about their risk may be helpful or harmful. If genuine, material support can be provided, then sharing information about risk may reduce stress. If no support is provided, however, a better understanding of the risk may only increase stress without providing any avenues for relief.

#### **4.7 The Importance of Trust**

Because sharing information can be dangerous to a victim, the importance of trust cannot be overestimated. Domestic violence victims generally are isolated from

support systems. As they seek out resources in their efforts to leave, they often test the validity of those resources, and discover which resources they can count on to be there when they make the next attempt to leave the violent relationship. When they discover that a resource cannot be relied upon, they seek out other, more reliable resources.

The initial POET prosecutor did not ascribe to victim-centered prosecution principles, which created a fundamental mistrust by victim advocates. The mistrust in the team prosecutor was compounded when the POET prosecutor sought and received support for her actions from her supervisor, who took the position that the county attorney's office would prosecute aiding-and-abetting violations of protective orders against victims. State law permits the prosecution of aiding-and-abetting protective order violations, but the county attorney rarely, if ever, pursued such prosecutions. Even a slight risk of arrest and prosecution, however, can generate a fundamental mistrust of the prosecution by victims, who conclude that the legal system is not an effective resource for them. A mistrust of the legal system hampers the success of a domestic abuse response team and presents a substantial challenge to the success of the POET program.

The practical result of this fundamental mistrust was that the victim advocate on the POET project did not fully encourage victim participation or cooperation with the grant requirements, because in her job as an advocate, she had to consider the best interests of the victim. When the advocate did not trust the prosecutor or the police to consider the best interests of the victim, she felt that she must warn the victim of the potential risk that information could be used against her by her abuser or by the criminal justice officials.

The original design of the program had dramatically underestimated the importance of trust. The depth of understanding of domestic violence has grown substantially in the past decade, as a result of far more systematic research on domestic violence issues. The process of changing centuries-old societal perceptions of domestic violence can be daunting, and requires the ability to parse the assumptions underlying those perceptions, as well as the time required to absorb new ideas.

#### **4.8 Threat Assessment**

The use of the threat assessment instrument was curtailed when the victim advocate expressed great reluctance in using the threat assessment instrument, citing victim safety concerns. Some victims reported a reluctance to participate in the criminal justice system because they were not ready to separate from their abusers and were unwilling to share the information sought in the threat assessment instrument. Some victims expressed concern for their own safety in revealing information about themselves, their abusers and their relationships. The protocol for administering the threat assessment instrument called for the victim advocate to be present; the advocate was not always readily available when the victim had contact with the police, and the advocate had difficulty in reaching the victims by telephone or by mail.

The advocate expressed concern about using the threat assessment because it frightened the victim by pointing out the lethality factors in an very organized way, and the advocate could not assure the victim that police would provide additional surveillance or other assistance to the victim. Although the advocate assisted the victim in safety planning, she did not view the threat assessment tool as a means to enhance safety planning.

The first POET advocate was inexperienced, and had not developed the skills to discuss lethality with victims. Those lethality factors were not reduced when the victim was not aware of the danger, so sharing information with the victim did not increase the danger. It certainly did increase the victim's perception of danger, but the inexperienced advocate was not prepared to respond to the increased concern. She preferred instead to avoid discussing lethality.

#### **4.9 Group Processes**

The POET project struggled with 100% turnover of personnel during the 18-month grant period. Personnel changes are not unusual for a response team. In fact, the experience of established response teams demonstrated that personnel turnover is the norm, and that it is substantial, especially in the early stages of the team.

Organizational theory supports this conclusion. When people are brought together to form a group, they must conform their behavior to an unspecified group norm, and they must learn to adapt their personal styles to those of the other group members. When one agency joins another agency, there is a tendency to resist change in attitude and policy that has been established in each agency, and it takes time for the team to begin to develop its own group norms.

##### **4.9.1 Group Dynamics**

Researchers have studied group processes for decades, and have identified some of the key elements that affect the functioning of a team. For example, social facilitation theory holds that simply having people watch a person perform tends to increase that person's performance. But social impairment theory holds that a person's

performance may be impaired by having an audience. (Baron, Kerr & Miller, 1992)

Zajonc theorized that this apparent dichotomy could be explained by the concept of “drive,” that is, a person has a heightened sense of alertness, excitement and motivation when there is an audience. With this heightened drive, when asked to perform tasks that are well-learned (and therefore easy), a person will perform particularly well when there is an audience. When asked to perform tasks that are not learned as well, however, the person may perform more poorly when there is an audience. (Baron, Kerr & Miller, 1992).

Thus, it is not surprising that the teams with longer tenure often demonstrated more cohesive teamwork. As the team matured – and as team members matured – the comfort level in accomplishing tasks increased, and as their jobs became more well-learned, the various team members were driven to perform better when other team members were paying attention to their work.

Other research suggests that “groups were generally more *effective* than individuals, while individuals were usually more *efficient* than groups.” There may be “coordination losses” when the members of a group do not organize their efforts optimally, and there may be “motivation losses” when group members are not optimally motivated. There may also, however, be “motivation gains” in a group that works optimally. (Baron, Kerr & Miller, 1992).

This, too, was borne out in the interviews with DART projects. Groups that had worked through their differences generally used the same language in describing their team efforts, had similar perceptions of the challenges that victims faced, and described ways that the team members worked together and shared information and ideas in



trying to respond to domestic violence cases.

The ability of a group to problem-solve depends on several factors. Having a member of the group who is able to solve the problem does not guarantee success in problem-solving:

[G]roup members who can solve the problem, but who have low status in the group may be less willing or able to present their solution. Furthermore, that solution may be under-valued by the rest of the group because of their low status. . . .

Another factor which seems likely to affect solvers' behavior is their confidence in their solution. The less confidence you have in your solution (even if it might be a correct solution), the less likely you are to propose, let alone defend, that solution in the group. . . .

\* \* \*

[G]roups sometimes fall short of their potential because the most capable member in the group is not always the most confident, talkative or high status member. (Baron, Kerr & Miller, 1992).

As a group develops, it is more likely that group members will conform to group norms. The leader in the group is more likely to articulate a position that is later adopted by others in the group ("groupthink"), and the members of the group become more set on that norm as they adopt the norm ("group polarization"), particularly if the norm is value-based rather than information-based. Interestingly, though, a minority position may have a greater influence on individuals if the minority position is reinforced privately or individually, rather than in the presence of a large group. That minority influence is greater when more than one person expresses agreement with the belief. (Baron, Kerr & Miller, 1992). Several experienced DART advocates described how they worked with prosecutors and police officers – outside of the DART meetings – to change their views on domestic violence policies and procedures, and their handling of individual cases.

Setting goals requires leadership and vision. The leader must have credibility with all team members, and the vision must be stated clearly, set out a significant goal, and engage the team members. (Robbins & Finley, 2000)

A proper goal hones in on . . . the natural disposition of people to work together on teams. It begins with the vision of a the leader that a task is desirable and performable, in human terms. The leader may be a member of the team or a core of members within the team, or may even function primarily outside the team. But he or she (or they) must have credibility within the team.

The vision is translated by credible leadership into a concrete aspiration. Concrete means real, visionable, something that, when you hear it, you can almost taste it.

\* \* \*

If the goal is clear enough and engages people's hearts as well as their minds, the goal itself assumes much of the burden of leadership. It's so good it lives on its own. (Robbins & Finley, 2000)

A goal should set out a task (what the team will do), provide a promised limit of what the team will do, establish a promised level of performance, set out a deadline for performance, and define the customer who will receive the result of the work. In order to achieve the goal, the team's objectives must fit in with larger goals of their own separate organizations. (Robbins & Finley, 2000)

Teams also must decide, before decisions are made, what decision-making method will be used. This can reduce or eliminate a lot of hard feelings by members of the group. The teams also must be empowered to make decisions. Team members should understand when they make decisions, and be supported by their managers in the decisions that they make. (Robbins & Finley, 2000)

Teams will function more effectively if they understand the varying roles of the team members. This means that all members of the team must know the task that they are expected to complete, without unnecessary restrictions placed on them, and with

assurance that even the menial or unpleasant tasks will be completed. (Robbins & Finley, 2000)

DART projects reflected these principles as well. The prosecutors were viewed as the leaders of each team, because the prosecutor was the person who made charging decisions and moved the case through the criminal justice system. As the members described the workings of their particular team, however, it was apparent that each team had one member that was most influential, regardless of that team member's position of power on the team. In only one of the groups was the prosecutor the most influential member of the team. In one group, the victim-witness coordinator had the most influence; in another, the victim advocate had the greatest influence; and the police officer member had the greatest influence in a third group. The other group was not sufficiently functional to provide opportunities to interview all members of the team. Based on the information that was provided, however, it appeared that the police officer members were more influential than the other members of the team.

In addition, being part of a group may help to reduce stress, at least if the group provides calm companionship. Social support generally is helpful in many situations to reduce stress. It is particularly helpful in situations in which a person is fearful. Stress is increased, however, when the social support is critical, thoughtless or otherwise unhelpful or when all members of the social network are victims of stress. (Baron, Kerr & Miller, 1992).

In the interviews with DART members, the group interactions were strong indicators of the level of support that the members felt. For example, in one team interview, the various members finished sentences for other team members or

expanded upon an idea, and all members of the team provided input in answering the questions. (Team 2) In contrast, in another team interview, the victim advocate offered little information and all team members looked to the prosecutor to answer questions, and there was a clear sense of tension or unease during the interview.

(Team 1)

Conflict within a group or between groups may be restrained when the group ascribes to "superordinate" goals that require cooperation in order to achieve key rewards. To the extent that conflict exists within the group, the conflict often is connected with a sense of unfairness as to the contributions to the group. (Baron, Kerr & Miller, 1992).

Again, the DART interviews supported this principle. The team that appeared to work best together used similar language, had common understandings about the workings of the legal system and the level of the caseload, and talked about the important contributions of other team members. (Team 2) In contrast, another team had a high level of discomfort because of a lack of trust with the prosecutor's office. Although the team members got along well with the prosecutor assigned to the team, two members on the team alluded to the fact that the elected prosecutor sometimes intervened in domestic cases in order to accept plea bargains that the DART prosecutor would not have approved. (Team 4) This caused serious concerns for team members, but they did not ascribe the problem to the prosecutor assigned to the team. Instead, they recognized the dilemma that the team prosecutor faced, and worked to find ways to avoid the problem (by honing investigative skills and encouraging public support for the team efforts).

Perhaps the most important finding was the inability to get two of the teams to meet together to talk. In one of the teams, the prosecutor had a reputation for failing or refusing to take a case to trial. This meant that the defense bar could take advantage of the prosecutor's failures, and receive significant concessions by demanding a trial. (Team 3) Another team described a similar dilemma with a prior DART prosecutor. The new prosecutor acknowledged the previous "going rate" in the criminal justice community, and outlined plans to change that "going rate" to a standard that the team felt was more appropriate. Significantly, however, the victim advocate remained tentative in the support for the incoming prosecutor. This is not surprising, given the long tradition in the prosecutor's office to diminish the importance of domestic violence cases. (Team 1)

#### **4.9.3 The Significance of Trust**

The value of trust cannot be underestimated. Logic suggests that victims of domestic violence will not share information with criminal justice officials unless they sense that the criminal justice officials share the victim's primary concern for safety. Domestic violence victims are in the habit of intuiting safety issues, anticipating potential harm, and reading subtle cues – those are survival skills that victims must develop in order to survive a persistent pattern of abuse at home. This means that victims are likely to recognize whether team members are genuinely concerned for the victim's safety, or whether their primary focus is on case processing. Thus, information from victims most likely will be forthcoming when victims believe that the multidisciplinary team members have the victim's interests at heart.

Advocates, whose primary duties are to victims, also will be sensitive to whether

the multidisciplinary team will keep the victim's safety issues paramount. The advocates can encourage victims to trust CJ officials, or encourage victims to rely on other resources in managing the risks the victims face. The advocates are key members of the multidisciplinary teams, and teams are more likely to function effectively when advocates are treated with respect within the team, even though they are not part of the CJ system.

Effective threat management requires the cooperation of many people, but trust levels must be high in order to share information with a broader range of people. Victims take a risk themselves when they share information with the multidisciplinary team, and that risk is compounded when the information is shared with others outside of the team. Victims must know who will receive information and whether the receivers will have the victim's safety at heart, in order for them to feel comfortable in sharing information at all.

#### **4.10 The Role of the Evaluator**

Multidisciplinary domestic abuse response teams face myriad challenges, and often encounter debate and disagreement, within and outside of the team. Evaluating the work of a multidisciplinary team carries its own issues of trust. (Allen & Hagen, 2003) Team members who are concerned that their teams will be evaluated poorly may not be as forthcoming with information. They may feel defensive or may appear evasive when weaknesses in the team are questioned. They may question the qualifications of the evaluator to assess the work of the team. Not surprisingly, team members and agency heads may wish to present themselves in the best light, particularly if a negative evaluation can affect funding or create issues for publicly

elected officials.

In any event, the teams can benefit from an outside evaluation that is designed to strengthen the team. Just as victims need assurance that their personal safety is the paramount concern of the multidisciplinary team, the team members themselves need assurance that the evaluator's goal is betterment of the team.

In this study, the evaluation was originally designed to assess the value of a multidisciplinary team focused on risk assessment, but it became an examination of the workings of the teams themselves. Not all team members made themselves available for interviews, and some team members were evasive in their responses to the structured interview questions. It appears that this was due, in large part, to concerns about the effects of a negative evaluation.

The various failures to cooperate with the evaluation interview strongly suggests that evaluation assistance that is geared toward team improvement rather than toward an impact evaluation would be highly beneficial. Multidisciplinary teams are asked to perform difficult tasks with limited resources, often in a community environment that denigrates the importance of domestic violence work. Basic principles of teamwork indicate that expert consultation with teams – focused on improving teamwork – would help the team members to function more effectively as a team, and reduce their levels of stress. This component of an evaluation often is missing, and could enhance the operation of the team.

## **5. Conclusions and Implications of Findings**

The limitations of empirical research on multidisciplinary teams is an indication of

the need for further research. This study sets out some of the factors that could be evaluated, and suggests some additional resources that may be helpful making multidisciplinary teams work better together.

### **5.1 The Limits of Multidisciplinary Teams**

Although the combined resources of several agencies can be more effective than the work of each agency individually, forming a multidisciplinary team is not automatically the answer to domestic violence. How the team is formed and how it is maintained makes a difference as to its success. The agency values affect success, as well.

Multidisciplinary teams can be effective in what they do, but their goals really do matter. The multidisciplinary team can be effective in stopping violence, or it can more effectively punish “uncooperative” or reluctant victims. Having a multidisciplinary team increases the potential to help or to harm victims. A team that is misdirected can magnify problems for domestic violence victims. It illustrates the wisdom of the old saw: “I’ve got good news and bad news; the bad news is that we’re lost; the good news is that we’re making great time.”

The development of a multidisciplinary team takes time and effort, and it takes several years for the team to coalesce in order to respond to basic domestic violence issues. A team is not equipped to handle special tasks until it has been well established, the team members are working well together as a team, and the goals of any new assignments are clearly stated.

### **5.2 The Limits of Risk Assessment**



Research on risk assessment is relatively new, and much of the current research is focused on retrospective study of domestic violence cases. There may be some benefit to conducting a longitudinal study – such as the one originally planned for this evaluation – in order to explore the factors that might be measured.

In conducting a longitudinal study, however, it is important to account for the potential risk to victims. A risk assessment is valuable only so long as there is adequate information about the potential risk. Victims may be endangering themselves further by sharing information with criminal justice officials who are best equipped to address threat management options. If the criminal justice officials are not victim-focused, the information provided by the victim may be used against her, either by criminal justice officials or by offenders who can obtain access to the information.

In the end, the optimum response may be the criminal justice officials' reliance on a victim advocate's overall assessment of risk. That is, when an advocate reports that a victim is in danger, criminal justice officials should pay attention and use the power of the legal system as a resource for a victim in need. When a team operates with a high level of trust, reliance on a victim advocate's assessment may be sufficient.

Even if there is a high trust level and victims feel comfortable in sharing information, it is important to remember that risk assessment is not static. The assessment must be ongoing, because facts change and the risk assessment changes over time.

### **5.3 Making Multidisciplinary Teams Work**

Forming a multidisciplinary team is challenging. If agency heads and the day-to-day members of the team are aware of common interactional issues that teams

encounter – and ways to respond effectively to those interactional issues – the development of the team can be enhanced. Even in the best circumstances, however, the team does not coalesce automatically, nor does it remain static over time. Understanding the growing pains inherent in team building may reduce conflict and shortcut deficiencies. Continued efforts to improve the team will help it to grow and change as the agency values and community values change.

Domestic violence cases are different from other criminal cases, and often very stressful for those who are called upon to respond to the violence. Domestic violence involves persistent patterns of abuse, with constant concerns for personal safety, and with an impact on every aspect of the victim's life. Much of domestic violence is counter-intuitive. Love and violence may co-exist and victims often feel ambivalent about leaving a violent relationship. The batterer's thought processes and behavior patterns often are difficult to comprehend, even when the patterns are identified as abusive patterns. The effects of trauma on victims may make their responses appear illogical or unwise. Traumatic bonding may make it more difficult for victims to leave the abusive relationship. Team members who face this reality on a daily basis may face high levels of stress and may risk burn-out if that stress is not addressed. A team that functions effectively as a team can provide not only the resources that a victim needs, but also the support for team members that is critically important in reducing secondary traumatization effects.

For the team members called upon to respond to domestic violence cases, information-sharing is especially important, and depends on high trust levels. Risk assessment can be done effectively only by a well-established team with high levels of

trust and a deep understanding of the dynamics of abuse and effects of trauma on the victim.

To the extent that victims seek out resources in their efforts to stop the violence or leave the relationship, a criminal justice response is a good start but not the sole answer for victims. Even a well-established and functional multidisciplinary team within the criminal justice system cannot provide all of the resources that every victim needs. It may, however, serve as a supportive gateway to other community resources. Or it can place barriers in the path toward safety.

The multidisciplinary team will have a significant impact on victims – either positive or negative. That is why it is particularly important for multidisciplinary team members and their supervisors to set their goals with care and to follow through with support for victim safety. It is important for the participating agencies to communicate those goals to others within the respective agencies, and to encourage the development of more community resources, in order to offer the greatest array of resources for each victim.

The multidisciplinary team has the potential to be an important resource, but it cannot in itself reduce the incidence or prevalence of domestic violence.

#### **5.4 Conclusion**

The POET project did not live up to the high expectations of the program plan. The fundamental flaw was the failure to reach consensus regarding the underlying purposes of the team. Although team members were interested in seeing incidents of domestic abuse decline, the team never reached a consensus about the assumptions underlying the criminal justice response. The team agreed on the ends, but not the

means to achieve the ends.

Those underlying deficiencies were reflected in the team members' inability to work together as a team – which was manifested by perceived personality differences and explicit or de facto failures to cooperate. In addition, the deficiencies in the failure to agree on an overall goal were exacerbated by substantial personnel changes.

The end result was a fundamental lack of trust among team members. The divisions that erupted early in the grant were never fully repaired, and the participating agencies were unwilling or unable to provide additional resources to bolster the work of the POET project.

In addition, as was typical of many teams in the early stages of development, POET project members had not come to appreciate that a victim's rejection of the criminal justice response is not a personal slight. More experienced DART members expressed views that demonstrated their understanding that victims reach out for whatever resources are available, but only so long as those resources are valuable to the victim at the time they are available. The criminal justice response is not always valuable to a victim, and its value may vary from time to time. A victim's reluctance or refusal to work with criminal justice officials is neither a reflection on the officials nor on the case. It is a reflection on the sad reality of the dynamics of domestic abuse. The abuser will manipulate those persons and those agencies who can be manipulated, and the victim is left to fend off whatever action the abuser takes, in whatever way is possible. Sometimes the victim's actions are consistent with criminal justice goals, and sometimes they are not. Criminal justice officials must decide how to respond in a way that does not harm victims and that achieves the goals of the criminal justice system.

Identifying high-risk cases and dedicating additional criminal justice resources to those cases may be a lofty goal. It is not a goal that is likely to be achieved by a new multidisciplinary team, because it requires a high level of trust and cooperation among team members.

In addition, the value of a threat assessment depends in large part on the amount of information that is available to assess risk. The victim often is the richest source of information, but if the victim shares information with police or prosecution officials, that information may have to be disclosed to the defendant/abuser. This may subject a victim to further risk of harm in retaliation for her disclosure, and may make a victim reluctant to return to the criminal justice system as a resource. It may be more effective to allow victims to share information with victim advocates, who can maintain the confidentiality of the information and assist the victim in safety planning. In turn, victim advocates who are part of a well-established group with a high level of trust may be able to alert police and prosecutors to cases that pose a particularly high risk, without revealing the details underlying the assessment.

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Appendix A:  
Threat Assessment

# Threat Assessment Inventory Results

October 2001

## Section I

We would like to first ask a few questions about yourself.

A. Name or ID (optional) \_\_\_\_\_

B. Age

N=57

Range = 16 - 50

Mean = 32

C. Race

N=60

White = 93%

African-American = 3%

Asian-American = 2%

Native American = 2%

D. Ethnicity

N=59

Hispanic=3%

Non-Hispanic=97%

E. Are you employed?

N=61

Yes=54%

No=46%

F. What is the name of the person you are filing against today?

G. What is your relationship to   [X]   ?

N=63

Husband=36%

Ex-husband=10%

Boyfriend=13%

Ex-boyfriend=33%

Other=8%

H. Do you and   [X]   have any children under the age of 18?

N=63

Yes=48%

No=52%



Do any of these children live with you?

N=23

Yes=100%

No=0%

Names & ages \_\_\_\_\_

### Section II

Now we need to ask you a few specific questions about [X] so we know more about his daily activities and whereabouts.

A. Is [X] currently living with you at your residence?

N=63

Yes=2%

No=98%

If not, where is he staying (name/address of person staying with)

\_\_\_\_\_

B. Where does he work (name of business and address)

\_\_\_\_\_

What does he do there (occupation)? \_\_\_\_\_

What are his regular working hours?

\_\_\_\_\_

C. What kind of vehicle does he usually drive?

Would this vehicle be registered in his name?

N=59

Yes = 52%

No = 36%

Don't know = 12%

D. Does he have any relatives in the area?

N=62

Yes = 73%

No = 27%

Don't know = 0%

E. Is he in regular contact with any relatives outside of the area?

N=61

Yes = 34%

No = 57%

Don't know = 8%

F. Does he have a phone card or any credit cards?

N=63

Yes = 35%

No = 52%

Don't know = 13%

G. Does  drink alcohol?

N=64

Yes = 89%

No = 8%

Don't know = 3%

If yes, how many days per week

N=50

1-2 days/week = 44%

3-5 days/week = 10%

6-7 days/week = 46%

When in day is he most likely to drink?

Morning = 0%

Early afternoon = 0%

Late afternoon/early evening = 32%

Late night = 38%

Varies = 41%

H. Does he use any type of illegal drugs?

N=62

Yes = 32%

No = 48%

Don't know = 19%

If yes, please specify

How many days per week?

N=14

1-2 days/week = 0%

3-5 days/week = 21%

6-7 days/week = 79%

When in the day is he most likely to use?

Morning = 6%

Early afternoon = 0%

Late afternoon/early evening = 17%

Late night = 6%

Varies = 72%

I. Has  ever been diagnosed with a mental health problem?

N=64

Yes = 28%

No = 55%

Don't know = 17%

Is he taking medications for this condition?

N=18

Yes = 50%

No = 39%

Don't know = 11%

J. Has he ever been a member of the armed forces?

N=63

Yes = 25%

No = 71%

Don't know = 3%

If yes, what branch?

Army = 62%

Navy = 25%

Marines = 12%

Air Force = 0%

Coast Guard = 0%

Don't know = 0%

K. Has he had any self-defense training?

N=64

Yes = 16%

No = 84%

Don't know = 5%

L. Are there any firearms in your home?

N=64

Yes = 16%

No = 84%

Don't know = 0%

M. Does  regularly have firearms with him (e.g., in his vehicle, glove compartment, etc.)?

N=8

Yes = 8%

No = 64%

Don't know = 8%

N. Does he have a concealed weapons permit?

N=63

Yes = 0%

No = 95%

Don't know = 5%

O. Does he carry any knives or other type of weapon with him?

N=62

Yes = 26%

No = 64%

Don't know = 10%

P. Has he ever experimented with explosives of any type?

N=64

Yes = 5%

No = 84%

Don't know = 11%

If yes, please specify

Now I'm going to ask some specific questions about your relationship with [X].

A. How long have you and [X] had a relationship?

Of those responding yes:

Dated = 78%

Cohabited = 70%

Married = 44%

B. Through the length of your relationship, has [X] ever...

Exhibited unfounded jealousy (N=63)

Yes = 84%

Of those responding yes:

Once = 0%

Twice = 6%

More than twice = 94%

Tried to limit your contact with friends or family? (N=63)

Yes = 76%

Of those responding yes:

Once = 0%

Twice = 2%

More than twice = 98%

Stalked or closely monitored your daily activities? (N=63)

Yes = 78%

Of those responding yes:

Once = 2%

Twice = 2%

More than twice = 96%

Prevented you from calling the police? (N=64)

Yes = 59%

Of those responding yes:

Once = 13%

Twice = 10%

More than twice = 76%

Damaged or destroyed any of your personal items? (N=64)

Yes = 69%

Of those responding yes:  
 Once = 16%  
 Twice = 16%  
 More than twice = 68%

Threatened to harm your pet(s)? (N=64)  
 Yes = 20%  
 Of those responding yes:  
 Once = 23%  
 Twice = 8%  
 More than twice = 69%

Harmed any of your pet(s)? (N=64)  
 Yes = 18%  
 Of those responding yes:  
 Once = 36%  
 Twice = 0%  
 More than twice = 64%

Thrown anything at you? (N=64)  
 Yes = 64%  
 Of those responding yes:  
 Once = 15%  
 Twice = 22%  
 More than twice = 63%

Pushed, grabbed or shoved you? (N=64)  
 Yes = 88%  
 Of those responding yes:  
 Once = 9%  
 Twice = 9%  
 More than twice = 82%

Slapped you? (N=64)  
 Yes = 53%  
 Of those responding yes:  
 Once = 6%  
 Twice = 15%  
 More than twice = 79%

Kicked, bit or hit you with his fist? (N=64)  
 Yes = 58%  
 Of those responding yes:  
 Once = 17%  
 Twice = 19%  
 More than twice = 64%

Hit or tried to hit you with something? (N=64)

Yes = 47%

Of those responding yes:

Once = 13%

Twice = 17%

More than twice = 70%

Beat you? (N=64)

Yes = 39%

Of those responding yes:

Once = 16%

Twice = 12%

More than twice = 72%

Strangled you? (N=64)

Yes = 42%

Of those responding yes:

Once = 37%

Twice = 18%

More than twice = 44%

Threatened you with a knife or gun? (N=64)

Yes = 33%

Of those responding yes:

Once = 33%

Twice = 38%

More than twice = 29%

Used a knife or gun on you? (N=63)

Yes = 10%

Of those responding yes:

Once = 0%

Twice = 83%

More than twice = 17%

Forced you to have sex with him? (N=63)

Yes = 40%

Of those responding yes:

Once = 4%

Twice = 17%

More than twice = 79%

Forced you to have sex with someone else? (N=63)

Yes = 2%

Of those responding yes:

Once = 100%

Twice = 0%  
More than twice = 0%

Threatened to kill you? (N=63)

Yes = 59%

Of those responding yes:

Once = 19%

Twice = 24%

More than twice = 57%

Attempted to kill you? (N=62)

Yes = 34%

Of those responding yes:

Once = 62%

Twice = 10%

More than twice = 29%

Threatened to kill himself? (N=63)

Yes = 65%

Of those responding yes:

Once = 24%

Twice = 17%

More than twice = 58%

Attempted to kill himself? (N=62)

Yes = 27%

Of those responding yes:

Once = 76%

Twice = 12%

More than twice = 12%

	% "Yes"	If yes, how frequently?		
		Once	Twice	More than twice
Exhibited unfounded jealousy (N=63)	84%	0%	6%	94%
Tried to limit your contact with friends or family? (N=63)	76%	0%	2%	98%
Stalked or closely monitored your daily activities? (N=63)	78%	2%	2%	96%
Prevented you from calling the police? (N=64)	59%	13%	10%	76%
Damaged or destroyed any of your personal items? (N=64)	69%	16%	16%	68%
Threatened to harm your pet(s)? (N=64)	20%	23%	8%	69%
Harmed any of your pet(s)? (N=64)	18%	36%	0%	64%
Thrown anything at you? (N=64)	64%	15%	22%	63%
Pushed, grabbed or shoved you? (N=64)	88%	9%	9%	82%
Slapped you? (N=64)	53%	6%	15%	79%
Kicked, bit or hit you with his fist? (N=64)	58%	17%	19%	64%
Hit or tried to hit you with something? (N=64)	47%	13%	17%	70%
Beat you? (N=64)	39%	16%	12%	72%
Strangled you? (N=64)	42%	37%	18%	44%
Threatened you with a knife or gun? (N=64)	33%	33%	38%	29%
Used a knife or gun on you? (N=63)	10%	0%	83%	17%
Forced you to have sex with him? (N=63)	40%	4%	17%	79%
Forced you to have sex with someone else? (N=63)	2%	100%	0%	0%
Threatened to kill you? (N=63)	59%	19%	24%	57%
Attempted to kill you? (N=62)	34%	62%	10%	29%



Threatened to kill himself? (N=63)	65%	24%	17%	58%
Attempted to kill himself? (N=62)	27%	76%	12%	12%

C. At what point in your relationship did the above incidents start?

D. If yes to any of the above, on a scale of 1 to 10 (1 being very low, 10 being very severe), please rate the severity of the abuse in your relationship.

N=64

1	2	3	4	5	6	7	8	9	10
8%	2%	0%	3%	11%	5%	9%	19%	11%	33%

F. Before this last incident, had the police ever been notified or called into your situation?

N=63

Yes = 70%

No = 30%

If yes, when was that?

Where was that?

What happened?

G. Have you requested a no-contact order against  before?

N=63

Yes = %

No = %

If yes, did you receive one?

N=23

Yes = 83%

No = 17%

If yes, did it keep him from contacting you?

N=20

Yes = 45%

No = 55%

If not, please explain what happened

C. At what point in your relationship did the above incidents start?

D. If yes to any of the above, on a scale of 1 to 10 (1 being very low, 10 being very severe), please rate the severity of the abuse in your relationship

F. Before this last incident, had the police ever been notified or called into your situation?

If yes, when was that?

Where was that?

What happened?

G. Have you requested a no-contact order against   [X]   before?

If yes, did you receive one?

If yes, did it keep him from contacting you?

If not, please explain what happened

# Frequency Distributions

## Threat Assessment Inventory Results

October, 2001

### We would like to first ask a few questions about yourself.

A. Name or ID (optional) \_\_\_\_\_

B. Age n = 57 Range = 16 – 50 Mean = 32

C. Race: n = 60

White	93%	African-American	3%
Asian-American	2%	Other	0%
Native American	2%		

D. Ethnicity: n = 59

Hispanic origin	3%	Non-Hispanic origin	97%
-----------------	----	---------------------	-----

E. Are you employed? n = 61

Yes	54%	No	46%
-----	-----	----	-----

F. What is the name of the person you are filing against today? \_\_\_\_\_

G. What is your relationship to (X) n = 63

Husband	36%	Ex-boyfriend	33%
Ex-husband	10%	Other	8%
Boyfriend	13%		

H. Do you and (X) have any children under the age of 18? n = 63

Yes	48%	No	52%
-----	-----	----	-----

Do any of these children live with you? n = 23

Yes	100%	No	0%
-----	------	----	----

Names and ages \_\_\_\_\_

### Now we need to ask you a few specific questions about (X) so we know more about his daily activities and whereabouts.

A. Is (X) currently living with you at your residence? n = 63

Yes	2%	No	98%
-----	----	----	-----

If not, where is he staying (name/address of person staying with) \_\_\_\_\_

B. Where does he work (name of business and address) \_\_\_\_\_

What does he do there (occupation)? \_\_\_\_\_

What are his regular working hours? \_\_\_\_\_

	Yes	No	Don't know
	---percentages---		
C. What kind of vehicle does he usually drive? Would this vehicle be registered in his name? n = 59	52	36	12
D. Does he have any relatives in the area? n = 62	73	27	0
E. Is he in regular contact with any relatives outside the area? n = 61	34	57	8
F. Does he have a phone card or any credit cards? n = 63	35	52	13
G. Does <u>(X)</u> drink alcohol? n = 64	89	8	3
If yes, how many days per week? n = 50			
1 or 2 44%            3 to 5 10%            6 or 7 46%			
When in the day is he most likely to drink? n = 54			
Morning 0%			
Early afternoon 0%			
Late afternoon / early evening 32%			
Late night 38%			
Varies 41%			
H. Does he use any type of illegal drugs? n = 62	32	48	19
If yes, please specify			
How many days per week? n = 14			
1 or 2 0%            3 to 5 21%            6 or 7 79%			
When in the day is he most likely to use? n = 18			
Morning 6%			
Early afternoon 0%			

Late afternoon / early evening 17%

Late night 6%

Varies 72%

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
	---percentages---		
I. Has <u>(X)</u> ever been diagnosed with a mental health problem? n = 64	28	55	17
Is he taking any medications for this condition? n = 18	50	39	11
J. Has he ever been a member of the armed forces? n = 63	25	71	3
If yes, what branch?			
Army 62%			
Navy 25%			
Marines 12%			
Air Force 0%			
Coast Guard 0%			
Don't know 0%			
K. Has he had any self-defense training? n = 64	16	80	5
L. Are there any firearms in your home? n = 64	16	84	0
M. Does <u>(X)</u> regularly have firearms with him (e.g. in his vehicle, glove compartment, etc.)? n = 64	8	84	8
N. Does he have a concealed weapons permit? n = 63	0	95	5
O. Does he carry any knives or other type of weapon with him n = 62	26	64	10
regularly? n = 62			
If yes, please specify			

P. Has he ever experimented with explosives or any type?  
 n = 64

	5	84	11
--	---	----	----

If yes, please specify

**Now I'm going to ask some specific questions about your relationship with (X).**

A. How long have you and (X) had a relationship?  
 (percent responding yes)

	Dated	78%
	Cohabited	70%
	Married	44%

B. Through the length of your relationship, has (X) ever...

	<i>Percent "yes"</i>	<u>If yes, how frequently?</u>		
		<u>Once</u>	<u>Twice</u>	<u>More than twice</u>
		-----percentages-----		
Exhibited unfounded jealousy? n = 63	84	0	6	94
Tried to limit your contact with friends or family? n = 63	76	0	2	98
Stalked or closely monitored your daily activities? n = 63	78	2	2	96
Prevented you from calling the police? n = 64	59	13	10	76
Damaged or destroyed any of your personal items? n = 64	69	16	16	68
Threatened to harm your pet(s)? n = 64	20	23	8	69
Harmed any of your pet(s)? n = 61	18	36	0	64
Thrown anything at you? n = 64	64	15	22	63
Pushed, grabbed or shoved you? n = 64	88	9	9	82
Slapped you? n = 64	53	6	15	79
Kicked, bit, or hit you with his fist? n = 62	58	17	19	64
Hit or tried to hit you with something? n = 64	47	13	17	70

Beat you? n = 64	39	16	12	72
Strangled you? n = 64	42	37	18	44
Threatened you with a knife or gun? n = 64	33	33	38	29
Used a knife or gun on you? n = 63	10	0	83	17
Forced you to have sex with him? n = 63	40	4	17	79
Forced you to have sex with someone else? n = 63	2	100	0	0
Threatened to kill you? n = 63	59	19	24	57
Attempted to kill you? n = 62	34	62	10	29
Threatened to kill himself? n = 63	65	24	17	58
Attempted to kill himself? n = 62	27	76	12	12

C. At what point in your relationship did the above incidents start? \_\_\_\_\_

D. **If yes to any of the above**, on a scale from 1 to 10 (1 being very low, 10 being very severe), please rate the severity of the abuse in your relationship. n = 64

1	2	3	4	5	6	7	8	9	10
8%	2%	0%	3%	11%	5%	9%	19%	11%	33%

Yes	No
-----percentages-----	

F. Before this last incident, had the police ever been notified or called into your situation? n = 63

70	30
----	----

If yes, when was that?

Where was that?

What happened?

G. Have you requested a no-contact order against   (X)   before? n = 63

41	59
----	----

If yes, did you receive one? n = 23

83	17
----	----

If yes, did it keep him from contacting you? n = 20

45	55
----	----

If not, please explain what happened

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**Appendix B:**  
**Quality of Life**

## Quality of Life Inventory

### Time I (Initial Assessment)

#### Section I (N=18)

	Extremely Dissatisfied	Mostly Dissatisfied	Mixed	Mostly Satisfied	Extremely Satisfied
a. Your life as a whole?	0	11	50	39	0
b. Yourself?	6	6	28	61	0
c. Your personal safety?	17	28	39	11	6
d. The amount of fun and enjoyment you have?	6	17	28	44	6
e. The responsibilities you have for members of your family?	0	6	25	50	19
f. What you are accomplishing in your life?	0	18	24	41	18
g. Your independence or freedom?	0	17	39	33	11
h. Your emotional and psychological well-being?	0	29	29	24	18
i. The way you spend your spare time?	0	6	25	69	0

#### Section II (N=18)

	Strongly Disagree	Disagree	Agree	Strongly Agree
a. I feel safe in my home	25	31	31	12
b. I am happy about my family life	12	24	41	24
c. I am able to concentrate on the things I need to	0	31	38	31
d. I have friends I can turn to when I need help	0	6	29	65
e. I sometimes wonder if I am "going crazy"	41	24	18	18
f. I sleep well	28	39	22	11

<b>g. My family provides transportation and childcare when I need it</b>	12	6	53	29
<b>h. I believe I can meet my children's emotional needs</b>	6	19	25	50
<b>i. I sometimes feel like I have no control over my life</b>	24	41	29	6
<b>j. My partner thinks of me as an equal</b>	70	20	0	10
<b>k. My life would seem empty without my partner</b>	69	15	15	0
<b>l. I do not feel confidence in myself</b>	47	18	24	12
<b>m. I am worried I will become so angry that I won't be able to control myself</b>	44	38	6	12
<b>n. I have a difficult time expressing my feelings</b>	33	28	39	0
<b>o. I have a hard time getting things done</b>	22	50	22	6
<b>p. I don't get out very much</b>	38	12	38	12

**Time II (3-month follow-up)**

**Section III (N=18)**

	Extremely Dissatisfied	Mostly Dissatisfied	Mixed	Mostly Satisfied	Extremely Satisfied
<b>a. Your life as a whole?</b>	6	6	24	41	24
<b>b. Yourself?</b>	11	0	28	50	11
<b>c. Your personal safety?</b>	6	6	50	11	28
<b>d. The amount of fun and enjoyment you have?</b>	17	0	22	44	17
<b>e. The responsibilities you have for members of your family?</b>	6	24	24	29	18
<b>f. What you are accomplishing in your life?</b>	11	0	33	44	11

<b>g. Your independence or freedom?</b>	6	6	22	33	33
<b>h. Your emotional and psychological well-being?</b>	17	0	22	50	11
<b>i. The way you spend your spare time?</b>	6	0	39	44	11

**Section IV (N=18)**

	Strongly Disagree	Disagree	Agree	Strongly Agree
<b>a. I feel safe in my home</b>	6	28	44	22
<b>b. I am happy about my family life</b>	6	6	31	56
<b>c. I am able to concentrate on the things I need to</b>	0	28	44	28
<b>d. I have friends I can turn to when I need help</b>	0	6	50	44
<b>e. I sometimes wonder if I am "going crazy"</b>	18	29	35	18
<b>f. I sleep well</b>	7	13	60	20
<b>g. My family provides transportation and childcare when I need it</b>	0	18	47	35
<b>h. I believe I can meet my children's emotional needs</b>	0	7	47	47
<b>i. I sometimes feel like I have no control over my life</b>	12	31	31	25
<b>j. My partner thinks of me as an equal</b>	6	38	31	25
<b>k. My life would seem empty without my partner</b>	25	19	25	31
<b>l. I do not feel confidence in myself</b>	12	29	35	24
<b>m. I am worried I will become so angry that I won't be able to control myself</b>	17	22	44	17
<b>n. I have a difficult time expressing my feelings</b>	11	39	28	22
<b>o. I have a hard time getting things done</b>	6	47	24	24
<b>p. I don't get out very much</b>	6	44	33	17

# Frequency Distributions

## INDIVIDUAL ASSESSMENT (Quality of Life Instrument) TIME I (Initial assessment)

### SECTION I. (n = 18)

	Extremely Dissatisfie d	Mostly Dissatisfie d	Mixed	Mostly Satisfied	Extremely Satisfied
	-----percentages-----				
a. Your life as a whole? .....	0	11	50	39	0
b. Yourself? .....	6	6	28	61	0
c. Your personal safety? .....	17	28	39	11	6
d. The amount of fun and enjoyment you have? .....	6	17	28	44	6
e. The responsibilities you have for members of your family? .....	0	6	25	50	19
f. What you are accomplishing in your life? .....	0	18	24	41	18
g. Your independence or freedom? .....	0	17	39	33	11
h. Your emotional and psychological well- being? .....	0	29	29	24	18
i. The way you spend your spare time?	0	6	25	69	0

### SECTION II. (n = 18)

	Strongly Disagree	Disagree	Agree	Strongl y Agree
	-----percentages-----			
a. I feel safe in my home	25	31	31	12
b. I am happy about my family life	12	24	41	24
c. I am able to concentrate on the things I need to	0	31	38	31
d. I have friends I can turn to when I need help.	0	6	29	65
e. I sometimes wonder if I am "going crazy"	41	24	18	18
f. I sleep well	28	39	22	11
g. My family provides transportation and childcare when I need it.	12	6	53	29

h. I believe that I can meet my children's emotional needs	6	19	25	50
i. I sometimes feel like I have no control over my life	24	41	29	6
j. My partner thinks of me as an equal.	70	20	0	10
k. My life would seem empty without my partner	69	15	15	0
l. I do not feel confidence in myself	47	18	24	12
m. I am worried I will become so angry that I won't be able to control what I do	44	38	6	12
n. I have a difficult time expressing my feelings	33	28	39	0
o. I have a hard time getting things done	22	50	22	6
p. I don't get out very much	38	12	38	12

**INDIVIDUAL ASSESSMENT  
TIME II (3 month follow-up)**

**SECTION I. (n = 18)**

	<u>Extremely Dissatisfie d</u>	<u>Mostly Dissatisfie d</u>	<u>Mixed</u>	<u>Mostly Satisfied</u>	<u>Extremely Satisfied</u>
	-----percentages-----				
a. Your life as a whole? .....	6	6	24	41	24
b. Yourself? .....	11	0	28	50	11
c. Your personal safety? .....	6	6	50	11	28
d. The amount of fun and enjoyment you have? .....	17	0	22	44	17
e. The responsibilities you have for members of your family? .....	6	24	24	29	18
f. What you are accomplishing in your life? .....	11	0	33	44	11
g. Your independence or freedom? .....	6	6	22	33	33
h. Your emotional and psychological well-being?	17	0	22	50	11
i. The way you spend your spare time?	6	0	39	44	11

**SECTION II. (n = 18)**

	<u>Strongly Disagree</u>	<u>Disagre e</u>	<u>Agree</u>	<u>Strongly Agree</u>
	-----percentages-----			
a. I feel safe in my home .....	6	28	44	22
b. I am happy about my family life .....	6	6	31	56
c. I am able to concentrate on the things I need to	0	28	44	28
d. I have friends I can turn to when I need help. ....	0	6	50	44
e. I sometimes wonder if I am "going crazy" .....	18	29	35	18
f. I sleep well .....	7	13	60	20
g. My family provides transportation and childcare when I need it. ....	0	18	47	35
h. I believe that I can meet my children's emotional needs .....	0	7	47	47
i. I sometimes feel like I have no control over my life .....	12	31	31	25
j. My partner thinks of me as an equal. ....	6	38	31	25
k. My life would seem empty without my partner ...	25	19	25	31
l. I do not feel confidence in myself .....	12	29	35	24
m. I am worried I will become so angry that I won't be able to control what I do .....	17	22	44	17
n. I have a difficult time expressing my feelings ....	11	39	28	22
o. I have a hard time getting things done .....	6	47	24	24
p. I don't get out very much .....	6	44	33	17

**Appendix C:**

**Structured Interview of Teams**



## POET Evaluation

### Structured Interview Outline Individual Team Members

#### INTRODUCTION

POET grant has an evaluation component, and we're seeking another grant to do a formal evaluation of the grant, too. We need some baseline information in order to show what impact, if any, the POET grant has on the way that the process works and the participants' perceptions of performance.

Begin with basic information about you and about the system:

#### I. PERSONAL INFORMATION

Name

Age

Experience

Years in this agency:

Years in other agencies:

Other:

#### II. BASIC INFORMATION

Estimate how many DV cases you personally encounter each month.

Estimate how many PO cases you encounter each month

emergency

temporary

permanent

civil PO (598 or 236)

criminal PO

Estimate the % of DV victims ask for PO.

How often do victims drop their PO's?

Why do you think they drop?  
(Are they no longer in danger?)

Do you talk with the victims directly, or hear about it from someone else?

### III. THE PROCESS

Describe a "typical" DV case you might encounter (more than one, if can describe types)

- Who reports?
- How is it reported?
- Time of day/night?
- Types of injuries?

Describe a typical offender (or types of offenders).

How many offenders have the potential to kill themselves or others?

What procedures are in place to provide you some protection from potential harm?

Describe how criminal charges are brought

- Who decides?
- Who has input?
- How are people notified about charges?

How does a case progress through the system?

- Trial vs. plea
- Amount of time to process cases
- Who is apprised of the progress and how?

What are the typical sentences?

- Misdemeanor
- Felony

Describe what happens in a typical PO case?

Who reports?  
How is it reported?  
Include in-county and out-of-county PO's?  
How are PO's recorded in your jurisdiction?  
How do you check on PO's?  
Where is the offender arrested?  
Transported to where? And by whom?  
Contempt or criminal charges?  
Disposition of PO cases?

What if a violation of a PO from your county occurs in another county?  
How do you find out about the violation?  
How do you check for the PO?  
How do you respond?

What if it's a violation of your PO in another county?

#### Sentencing

when defendant is sentenced, do you know about it?  
What is your role?  
Are you made aware of defendants who are placed on probation?  
Is PO regularly part of probation?  
What services are available to defendants?  
What are the typical caseloads for probation officers?

Do you use any threat assessment tools?  
If no, why not? (Want to use some?)  
If yes ---  
Which ones?  
When are they used? How are they used?  
Do they work?  
Do you discuss the threat assessment with the victim?

#### IV. INFORMATION AVAILABLE

What information is currently captured in your database?

Arrest  
Conviction/plea  
Sentence

Who gathers the information?  
Who inputs the data?

Is the data checked for accuracy?

## V. INTERACTIONS

Describe the relationship of your agency with other agencies on the team.

Police  
Prosecutor  
Judge  
Corrections  
Victim Advocate/victim program  
Victim

How often do you talk to other members of the team?

How would you describe the contact?

Formal or informal  
Relaxed, tense, varied

How do you resolve conflicts?

What constraints are there in sharing information?

How much time do you spend with each victim?

Is it enough time?

Would there be any benefit in spending more time?

Do you regularly do a follow-up? (Want to?)

Do you regularly talk with the victim about safety measures? (More time, more info?)

## VI. TRAINING

What type of training has been done in your agency?

Did you attend?

Was it adequate?

What was most/least valuable?

What type of training would you like to see?

## VII. WISH LIST

Any changes that you want to make?

Data collection

Processing cases

Follow-up on cases

What do you hope that this grant will accomplish?

### **POET Evaluation Structured Interview Outline DART/POET Group Interview**

1. Describe the history of your team. How did it begin, how has it progressed, who was responsible for getting it started, and how have things gone?
2. How has your caseload progressed and what is your current caseload?
3. What community resources do you have available?
4. How do victims find out about these resources?
5. Do you encounter any language or cultural barriers? If so, how do you address them?
6. What would be on your "wish list" if you could have anything at all?
7. What are your future plans?

**Appendix D:**

**Structured Interview of Victims**

## **POET Evaluation**

### **Domestic Violence Victim Interview Outline**

Let's begin by asking you to tell me a little about yourself  
Is there information about your experience that you would like to share?  
    Dealing with police, prosecution, courts, advocates  
    What went well, what went badly  
    How many occasions  
    Describe what happened on occasions you recall

Have you had the services of an advocate?

Did you get a protective order?  
    How did that come about?  
    Did anyone help you with the process?  
    Were you satisfied with the process?  
    What was the criminal justice response?

Were there violations of the protective order?  
    What types of violations?  
    How did the police, prosecutor and judge respond?

Where did you receive support as you were dealing with the violence?

What information did you receive about community resources or the criminal justice system?  
    Who provided that information?  
    Was it helpful?

### Victim Interviews

<b>Respondent or Group No.</b>	<b>Multidisciplinary Team No.</b>
Respondent 1	Team 6
Respondent 2	Team 6
Respondent 3	Team 6
Respondent 4	Team 6
Respondent 5	Team 6
Respondent 6	Team 6
Respondent 7	Team 7
Respondent 8	Team 7
Respondent 9	Team 1
Respondent 10	Team 1
Respondent 11	Team 1
Group 1	Team 3
Group 2	Team 4
Group 3	Team 8
Group 4	Team 2



**Appendix E:**  
**Team Summaries**

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	1	28	NA	28	40	NA
Experience	1	3 wk here 3 yr other offices	NA	4.5 yr here 5.5 yr other PD 1.5 yr day care	11 years here 2 years teaching	NA
Education	1	JD	NA	police academy	4-year college	NA
PO #/mo.	1	20 criminal	NA	30-40	30-50	NA
% request	1	all (automatic)	NA	don't know	10-15%	NA
% drop	1	85%	NA	don't know	25%	NA
Lethality	1	90%	NA	1/3	all	NA
Going rate	1	in flux -- focus on probation	NA	misdem. 7 days deferred	don't know	NA
Conv. rate	1	22% (past)	NA	22%	don't know	
Time to trial	1	not est'd yet	NA	don't know	don't know	NA
Risk inst.	1	Informal	NA	AG	informal	NA
Team Contact	1	PD daily VA weekly	NA	weekly or less	weekly	NA

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	2	30	33	49 [50]	35	NA
Experience	2	2.5 yr here 2.5 yr other office	1 yr here DVA 1 yr GAL 2.yr	25 yr here [13 yr here] [10+ yr academics]	1 yr here 13 yr mental health agency	NA
Education	2	JD	4-yr college	academy	4-yr college	NA
PO #	2	30-35	18-20	15 (city) [5 per officer]	28	NA
% request	2	75%	75-80%	always [90%]	90-95%	NA
% drop	2	50%	50% after wk	75% or more [60% or more]	5/mo. (20%)	NA
Lethality	2	Most could 1 in 20 = real	25%	300/yr <2 homicides/yr [50%]	20% self 30-35% others	NA
Going rate	2	5 days jail 90 days susp. 2 yr probation felony varies	30 da susp 2 yr prob felony = prison	don't know [don't know]	3 days felony = 6 mo.	NA
Conv. rate	2	don't track most plead	90% plead	don't know [don't know]	don't know	
Time to trial	2	1 mo - 1 yr avg 120 da.	4-6 mo.	don't know [don't know]	don't know	NA

Risk Inst.	2	PD (AG)	PD (AG)	PD (AG) [PD (AG)]	informal	NA
Team Contact	2	daily for VWC others = several times/wk	daily	daily [frequent]	often	NA

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	3	Unavailable	Unavailable	40's	Unavailable	NA
Experience	3	Unavailable	Unavailable	16 yr	Unavailable	NA
Education	3	Unavailable	Unavailable	unk	Unavailable	NA
PO #	3	Unavailable	Unavailable		Unavailable	NA
% request	3	Unavailable	Unavailable		Unavailable	NA
% drop	3	Unavailable	Unavailable		Unavailable	NA
Lethality	3	Unavailable	Unavailable		Unavailable	NA
Going rate	3	Unavailable	Unavailable		Unavailable	NA
Conv. rate	4	Unavailable	Unavailable		Unavailable	NA
Time to trial	3	Unavailable	Unavailable		Unavailable	NA
Risk inst.	3	Unavailable	Unavailable		Unavailable	NA
Team Contact	3	Unavailable	Unavailable		Unavailable	NA

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	4	32	NA	28	34	30
Experience	4	2 yr here 1 yr other office	NA	6 yr here 2 yr other police	1 yr here 9 yr advocate	1.5 yr here 5.5 yr police
Education	4	JD	NA	2 yr college	4 yr college	4 yr college
PO #	4	85-90 pending	NA	5 civil crim. automatic	8-10	2
% request	4	unsure	NA	don't know	25%	don't know
% drop	4	80%	NA	1/3 drop/modify	25%	50% or more
Lethality	4	5-10% great concern	NA	majority	25-33%	15-20%
Going rate	4	deferred or suspended	NA	misd = 2 days	Misd =2 days Felony = plead to aggravated	2 days +BEP felony = plea
Conv. rate	4	most plead	NA	most plead	most plead	Most plead
Time to trial	4	3 mo. or more	NA	60-90 days	6 mo. for trial 2 mo. for plea	varies
Risk inst.	4	Not used	NA	DCS does it	SARA	SARA
Team Contact	4	weekly or more	NA	weekly or more	2-3 times/wk	weekly meeting daily contact

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	5	29	NA	48	40	NA
Experience	5	3 yr here 2 yr other office	NA	17 yr here 9 yr factory	1 yr here 2 yr DV program 10+ yr counselor	NA
Education	5	JD	NA	academy	4 yr college	NA
PO #	5	30	NA	30	30	NA
% request	5	crim = automatic civil = 25%	NA	10-15%	60%	NA
% drop	5	90%	NA	many	many	NA
Lethality	5	10 per year	NA	small %	dozen a year	NA
Going rate	5	simple = 2 days ser = 5-10 days agg = 10-20 days felony = 5 yrs	NA	Misd = few days Felony = 5 yrs	few days in jail	NA
Conv. rate	5	87% convicted 82% as charged 4% dismissed		many pleas as charged	most go to trial	
Time to trial	5	4-5 mo.	NA	2 months	6 mo.	NA
Risk inst.	5	PD does it	NA	18-factor inst.	PD does it	NA
Team Contact	5	daily	NA	daily	daily	NA

Measure	Team #	Prosecutor	V-W Coord	Police	Advocate	Probation
Age	6	36	NA	35	24 [26]	48 [50]
Experience	6	3 wk here 8 yr utility co.	NA	10.5 yr here	1 yr here 1 yr other agency [4 yr DV agency] [2.5 yr other agency]	24 yr here [all here]
Education	6	JD	NA	academy	4 yr college [4 yr college]	4 yr college [4 yr college]
PO #	6	12	NA	60-90	35-45	200 [50]
% request	6	unsure	NA	unsure	25% crim = automatic	25%
% drop	6	many	NA	33-50%	50-60%	a lot (CA requires class)
Lethality	6	none so far	NA	75% threat assess; 60-75% per victims re: suicide talk	anyone can	25%
Going rate	6	unsure	NA	2 days + BEP	2 days + BEP	2 days
Conv. rate	6	unsure		unsure	changing	unsure
Time to trial	6	unsure	NA	unsure	changing	3-4 mo.
Risk inst.	6	PD does it	NA	lengthy one	shelter has one POET has one	??



Team Contact	6	often team = weekly	NA	daily	daily with PD team = weekly	??
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Factors	1	2	3	4	5	6
How began	VA led effort, then CA & then PD	CA & VWC began	NA	VA led effort, then PD, then CA	CA led effort with VA	NA
Personnel changes	2 prior ACA 1 prior PD 2 prior VA	1 prior ACA 1 prior VWC 2 prior VA	1 prior ACA several PDs 1 prior VA	1 prior ACA 1 other PD	2 prior advocates 1 other ACA 1 other PD	NA
Jurisdiction	CA= county PD = city VA = no limits	CA= county PD = city VA = no limits	CA=county PD= city VA = no limits	CA= county PD = city VA = no limits	CA= county PD = city VA = no limits	NA
Resources	DHS financial assistance interpreters	DV program Housing DHS Medical facilities Language line	NA	DV program DHS, mental health housing food general relief crisis care some interpreters	DV program Housing Utilities assistance Group counseling Legal services Interpreters	NA
Pending Issues	no VWC bad going rate		Plea bargains	lack of coordination add team members	stop dual arrests victimless prosec.	NA
Future plans	change going rate increase victim trust use PD better new legal advocate child witness issues	expand team more training	NA	training PD's Medical personnel Training experts	other PD's keep doing same reduce continuances	NA

<b>Wish list</b>	more cell phones computer programs photography	Equipment child care EAP for DART members	NA	VW Coordinator court advocate	DV court	NA
<b>Leader</b>	prosecutor	prosecutor	prosecutor	prosecutor	prosecutor	NA
<b>Primary influence</b>	prosecutor	VWC	PD	VA	PD	NA

**Appendix F:**  
**Protective Order Procedures**

## **A Summary of Iowa Law on Protective Orders**

The growth in the use of protective orders has overwhelmed some courts. The Pennsylvania Protection from Abuse Act was the first reform to allow protective orders for domestic violence victims. (Davis, et al., 1997) In 1983, only 17 states had legislation authorizing the issuance of protective orders, but that number increased to 48 by 1990. (Dobash & Dobash, 1987) Today, almost every state has some type of protective order provision, either in criminal or civil court. (Davis & Smith, 1995)

Availability and effectiveness are very different questions, however, and the indications are that protective orders provide, at best, only limited protection. Davis and colleagues (1997) report:

60% of the women interviewed twice in one year after receiving a protective order suffered abuse at least once. Over one in five reported threats to kill, 20% reported severe violence, and 43% reported property damage. Threats and violence did not subside over time: there were no significant differences in the percentage reporting subsequent violence in the first 3 months of the year compared to the final 9 months of the year.

Other researchers also have concluded that protective orders appear to have no more deterrent effect than other interventions. (Davis, et al., 1997) The history of abuse was the best predictor of the success of a protective order. (Davis & Smith, 1995) A study in California, involving domestic violence cases arising in 1989 and 1992, found that women who were more financially dependent were less persistent in seeking a civil protective order, and women who were more severely abused also were less persistent in seeking a civil protective order. (Fernandez, et al., 1997) Arrest rates in response to

protective order violations were very low in one study in Colorado in the early 1990's. (Davis & Smith, 1995) Nonetheless, a recent study by the National Center for State Courts found that 72% of the women who had obtained protective orders reported that their lives had improved, and in follow-up interviews, 65% reported no continuing problems. (Keilitz, et al., 1997)

#### I. Procedures for Obtaining Protective Orders

The Iowa law provides for civil protective orders, including pro se petitions for relief, as well as criminal no-contact orders (which are pretrial release conditions or post-trial orders connected with the criminal case). The broad civil options for victims of domestic violence mean that victims who are reluctant to participate in prosecution may opt instead for a civil protective order remedy. Thus, it may be helpful to explore the civil options available, in order to understand what assistance can be provided through prosecution as part of a multidisciplinary team effort.

A domestic abuse victim can seek relief from domestic abuse pursuant to chapter 236, by seeking: (1) an emergency order (good for 72 hours and available when the court is not open on an ex parte basis), pursuant to Iowa Code §236.6 (2001); a temporary order (available in an ex parte proceeding and good for about 15 days), pursuant to Iowa Code §236.4 (2001); or a final (long-term) order (available after a hearing at which the defendant has an opportunity to defend, and good for up to one year and longer upon further proceedings to extend), pursuant to Iowa Code §236.5 (2001).

There are form pleadings available for use by both pro se plaintiffs and lawyers representing plaintiffs. These include a petition and motions to dismiss, modify, and initiate contempt proceedings regarding protection orders. Any of the orders issued under chapter 236 may include provisions regarding child custody and visitation, maintenance and support, occupancy of the home, possession of property, counseling, and no-contact provisions, as well as any other provision which is necessary for the safety of the plaintiff. See Iowa Code § 236.5 (2001).

Violation of the chapter 236 order can be contempt of court. Police can start these contempt proceedings by taking the alleged order violator into custody and before a magistrate. However, it is up to the pro se victim/plaintiff, or the attorney representing the victim/plaintiff, to pursue the contempt action beyond this initial appearance. Violations may also be filed as a simple misdemeanor complaint, at the discretion of the police and county attorney. In this case the matter is prosecuted by the state.

There are advantages in proceeding under chapter 236 for protection. Chapter 236 orders can be obtained quickly and at low or no cost, even after regular court hours. Effective July 1, 2001, filing fees and court costs were waived for plaintiffs, and service of process by sheriffs and other public officials is required to be done without charge to the plaintiff. If the defendant is located out of state, law enforcement officials will usually cooperate in serving the defendant in that area. Police are required to take an alleged order violator into custody and violators are jailed for violation of the orders.

There also are disadvantages in proceeding under chapter 236. Relief is temporary. Court orders cannot ensure safety, but do provide further sanctions if the

domestic abuse continues. Modification or cancellation of the order is required if the parties wish to reunify. Violation of the order by either party can constitute contempt of court. The victim can be charged with aiding and abetting if it is proven that the victim has encouraged or otherwise assisted the abuser to violate the protection order. Only the sheriff, as opposed to a private process server, can perform service of the petition for domestic abuse and any orders and notices, upon the defendant.

## II. Specific Provisions for Obtaining a Protective Order

Eligibility. In order to qualify for relief under chapter 236, two things must be shown: (a) the plaintiff and defendant fit one of the statutorily defined relationships; and (b) the plaintiff has been the victim of, or is in present danger an assault as defined in Iowa Code § 708.1.

In order to qualify for relief under chapter 236, the plaintiff and defendant must be:

- family or household members who resided together at the time of the assault, excluding children of such family or household members who are under the age of eighteen.
- separated or divorced persons who did not reside together at the time of the assault.
- parents of the same minor child.
- people who have been family or household members residing together within the past year, but are not currently residing together.

“Family or household members” is defined as spouses, persons cohabitating, parents or other persons related by consanguinity or affinity, except persons under 18. Iowa Code § 236.2(4) (2001). It includes both heterosexual and homosexual partnerships.

In *State v. Kellogg*, 542 N.W.2d 514, 518 (Iowa 1996), the court held that proof of a sexual relationship was not necessary to establish cohabitation for purposes of chapter 236. The court listed a number of indicia, to consider when making factual determination as to whether a couple was cohabitating:

- sexual relations between the parties while sharing the same living quarters.
- sharing of income or expenses.
- joint use or ownership of property.
- whether the parties hold themselves out as husband and wife.
- the continuity of the relationship
- the length of the relationship

In addition to the relationship which must be proven, certain conduct must be alleged to have occurred or must be in danger of occurring:

- acts intended to cause pain or injury to another, coupled with the apparent ability to execute the act;
- acts intended to result in physical contact which would be insulting or offensive to another, coupled with the apparent ability to execute the act;
- acts intended to place another in fear of immediate physical contact which would be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act;
- intentionally pointing a firearm toward another, or displaying a dangerous weapon toward another in a threatening manner.

No actual physical contact need be proven in order to satisfy the "assault" definition.

See *State v. Christenson*, 472 N.W.2d 279 (Iowa 1991) (in a domestic abuse case, high speed car chase constituted an "assault" within the meaning of section 708.1).

Relief Available. Under chapter 236, the plaintiff can ask for specific relief in several respects, including:



*Stop abuse.* The court can order the defendant to cease domestic abuse of the plaintiff. Iowa Code § 236.5(2)(a) (2001). This can include a general order, or can specify that the defendant cease harassment, stalking, attempts by the defendant to find the plaintiff, or other specific behaviors.

*Possession of the home.* The court can order exclusive possession of the residence to the plaintiff, or can order the defendant to provide suitable alternate housing, based on a finding that the plaintiff and/or children are in immediate and present danger of violence. Iowa Code § 236.5(2)(b) (2001). See *In re Marriage of Blitstein*, 155 Ill. Dec. 746, 212 Ill. App. 3d 124, 569 N.E.2d 1357 (Ill. App. 2 Dist. 1991) (proper to exclude husband from home); *Grant v. Wright*, 222 N.J. Super. 191, 536 A.2d 319, cert. denied, 111 N.J. 562, 546 A.2d 493 (N.J. 1988) (proper to award wife the apartment); *Kilmer v. Kilmer*, 109 A.2d 1004, 486 N.Y.S.2d 483 (N.Y. A.D., 3 Dept. 1985) (proper to exclude husband from home, even though he is tenant by the entirety and had equal right to residence). This order does not affect title to the property, but only possession. Iowa Code § 236.5(4) (2001). See *Boyle v. Boyle*, 12 D & C 3d 767 (Pa. Common Pleas 1979) (temporary title to real estate upheld). The protection order cannot affect title to real property. Iowa Code § 236.20. Orders to vacate can be issued even if the plaintiff has fled the home to escape the abuse. Iowa Code § 236.7(2) (2001).

*Stay away.* The court can order the defendant to stay away from the plaintiff's residence, school, and/or place of employment. Iowa Code § 236.5(2)(c) (2001). If necessary to prevent further abuse, the court can order the defendant to stay away

from places frequented by the children or other family members. Iowa Code § 236.5(2)(c) (2001). The court should be specific about the defendant's use of telephone calls or children in an effort to reach the plaintiff indirectly. A protective order issued by another state should be filed with the clerk of court of the county in which the protected person resides. Iowa Code § 236.19. Mutual protective orders are permitted only when both parties file a petition requesting a protective order. Iowa Code § 236.20.

*Custody and visitation.* The court can determine temporary child custody and visitation, giving primary consideration to the safety of the plaintiff and the children. Iowa Code § 236.5(2)(d) (2001). See *Marriage of Houtchens*, 233 Mont. 266, 760 P.2d 71 (1988) (presumption of joint custody rebutted by evidence of domestic violence). The court must investigate whether any existing custody awards must be modified in light of its custody and visitation determination. *Id.*

The court should consider the potential for renewed violence during visitation and explore the need for special provisions, such as visitation arrangements through neutral third parties, supervised visitation, defendant's completion of a counseling program before visitation is begun, or revocation of visitation if the terms are not followed. See *Hall v. Hall*, 408 N.W.2d 626 (Minn. App. 1987) (not necessary to show that any violence was directed at the children; sufficient for wife to allege danger of violence against her).

*Support.* The court can order the defendant to pay to the clerk of court or collection services a sum of money for the support of the children and the plaintiff.

Mandatory child support guidelines are used to determine the amount of child support the defendant will be ordered to pay. Many times the plaintiff will have filed the petition before the attorney meets with her. The Supreme Court has granted pro se plaintiffs some leeway in completing the forms. A pro se plaintiff need not recite every allegation of abuse in the petition. *Knight v. Knight*, 525 N.W.2d 841, 843 (Iowa 1994). In *Smith v. Smith*, 513 N.W.2d 728, 731 (Iowa 1994) the plaintiff must allege only “enough facts to make it conceivable that [defendant] had assaulted her.”

*Attorneys fees.* The court may order the defendant to pay the plaintiff’s attorney’s fees and court costs. Iowa Code § 236.5(2)(e) (2001). Some evidence regarding the need for support presumably must be provided at the hearing.

*Counseling.* The court can order the defendant, the plaintiff, and the children in the household to participate in counseling. Iowa Code § 236.5(2)(e) (2001). The court should carefully consider the potential for renewed violence when ordering such counseling, as the defendant who feels he is not responsible for abuse may become dangerous when participating in joint counseling with the plaintiff.

*Arrest for violations.* The court should specify in the protective order that the defendant should be taken into custody by police for violation of the order. Iowa Code § 236.5(2)(e) (2001). Whether or not this language appears, peace officers are still required to enforce orders by taking alleged violators into custody and before a magistrate. This enforcement mechanism is one benefit of chapter 236 protective orders over other injunctions.

*Court costs.* The court can order which party should be responsible for payment of court costs, as in any other case. That decision may be based on who prevails in the litigation, or who has the ability to pay. The court may order defendant to pay plaintiff's attorney fees. Iowa Code § 236.5(3).

*Other relief.* The court's order is not limited to the relief specifically set out in the statute. Iowa Code § 236.5(2) (2001) ("The court may grant a protection order or approve a consent agreement which may contain *but is not limited to* any of the following provisions . . .") (emphasis is added). It can also contain orders for property and debt distribution such as possession of the family car or payment of the car loan. Other jurisdictions have read similar provisions broadly to include such things as the removal of weapons. *Hoffman v. Union City*, 572 A.2d 1200 (N.J. 1990) (police removed husband's rifles, shotguns and Japanese saber after a domestic incident, and court ordered discontinuation of husband's firearm purchase identification card). See also *Powell v. Powell*, 547 A.2d 973 (D.C. 1988). It might also include the return of property needed to care for the children, such as the family car, cribs or toys.

### III. Overview of Chapter 236 Procedure

Filing and ex parte relief. In order to obtain a civil protective order under chapter 236, the plaintiff must file a verified petition in the district court. Iowa Code § 236.3 (2001). Venue is proper where either party resides. Courts vary on whether presence of the parties in the county is sufficient to establish venue, or whether it is necessary to prove that the "abuse" occurred in the county as well.

Sequence of available orders. The plaintiff can request an emergency order (good for up to 72 hours) when the courthouse is not open for business. Otherwise, the temporary order (good until a hearing is held) will be the first order which may be issued. This temporary order is issued *ex parte*, either upon the district judge reviewing the petition, or speaking with the plaintiff, or both. If a temporary, *ex parte* order is issued, the court must set the matter for hearing. Judges will not necessarily issue an *ex parte*, temporary order in every case. The court should only issue an *ex parte*, temporary order on a showing of "good cause." If the court finds the petition meets the threshold elements of relationship, abuse, and jurisdiction/venue, but does not merit the issuance of an *ex parte*, temporary order, the court may set the petition for hearing, at which time it will consider whether to issue an order good for up to one year. At this hearing, the court need only find that the "defendant has engaged in domestic abuse" in order to issue the order. Iowa Code §236.5 (2001).

Due process rights to notice and hearing may give way if exigent circumstances are shown. Although Iowa has not yet ruled on the subject, other state courts have upheld *ex parte* orders when they have been challenged on constitutional grounds, holding that the present danger of abuse outweighs the temporary deprivation of property and liberty. A hearing must be set with a relatively short period at which time the defendant can contest the allegations. See, e.g., *Baker v. Baker*, 494 N.W.2d 282 (Minn. 1992); *Marquette v. Marquette*, 686 P.2d 990 (Okla. Ct. App. 1984); *State ex rel Williams v. Marsh*, 626 S.W.2d 223 (Mo. 1982); *Blazel v. Bradley*, 698 F. Supp. 756 (W.D. Wis. 1988). But see *Deacon v. Landers*, 68 Ohio App.3d 26, 587 N.E.2d 395

(Ohio App. 1990) (the plaintiff's due process rights were violated when a mutual protection order was issued at end of scheduled hearing, upon oral request of the defendant, without any testimony presented in support).

The protective order that can be effective for up to one year (sometimes referred to as a "permanent" order or "final" order) is issued after the full hearing if the plaintiff carries the burden of proof.

Filing and service fees. Before the 2000-2001 legislative session, prepayment of fees for filing chapter 236 actions could be waived if the plaintiff filed an affidavit stating that she did not have sufficient funds to pay the costs of filing and service. If prepayment of fees was waived, the court was to determine at the time of hearing whether payment of fees would prejudice the plaintiff's financial ability to provide economic necessities for the plaintiff or the plaintiff's dependents. Additionally, the court could order the defendant to pay the plaintiff's attorney's fees and court costs. In 2001, in response to federal Violence against Women Act funding certification requirements, the Iowa legislature amended this section by providing in all cases that the court costs and filing fees be waived for the plaintiff. Likewise, service of process by the sheriff in any county in the state, other law enforcement, and corrections officers shall be done without charge to the plaintiff.

Attorney's fees. A provision of Iowa law which permits the court to order the defendant in a Chapter 236 action to pay the plaintiff's attorney's fees, as well as the court costs.

Injunctive relief. The court may grant whatever injunctive relief it deems necessary “upon a finding that the defendant has engaged in domestic abuse.” Iowa Code § 236.5 (2001). “Chapter 236 is protective rather than punitive in nature. We place upon the statute ‘a reasonable or liberal construction which will best effect its purpose rather than one which will defeat it.’” *State v. Christenson*. 472 N.W. 2<sup>nd</sup> 279, 280 (Iowa 1991). The Minnesota court has said that past abusive behavior may be probative in determining whether injunctive relief is appropriate. *Boniek v. Boniek*, 443 N.W.2d 196, 198 (Minn. App. 1989).

Hearing. A hearing on a petition for relief should be held within 5 to 15 days of the filing of the petition and notice to the defendant. Iowa Code § 236.4 (2001). Indefinite continuances are probably not contemplated. The defendant must be served notice pursuant to the Iowa Rules of Civil Procedure. Iowa Code § 236.7 (2001).

At the hearing on the protection order, the plaintiff has the burden to prove the alleged abuse by a preponderance of evidence. Plaintiffs have subpoena powers. The defendant has a right to continue the hearing in order to obtain counsel. The statute does not specify that counsel must be appointed at government expense. If the allegations are proven, the court can issue a protective order that can be in effect for up to one year. Iowa Code § 236.4(1) (2001).

The failure of the plaintiff to appear at the hearing may justify dismissal of the petition. Iowa R. Civ. P. 230. Arguably, the court may not, however, dismiss a petition without a hearing, based on the prior dismissal of similar petitions. *State ex rel. Marshall v. Hargreaves*, 302 Or. 1, 725 P.2d 923, 925 (1986).

Consent agreements. Chapter 236 allows for consent agreements to be approved by the court instead of holding a hearing. Iowa Code § 236.5(2) (2001). The defendant may agree to be bound by the terms of a protection order, even though he does not agree that domestic abuse occurred. Not all judges will enter an order for protection or approve a consent agreement without a finding of domestic abuse. Iowa Code § 236.5 may require that there can be no relief granted without a finding of domestic abuse.

Orders and scope of relief. After the hearing for the one-year order, the court must make specific findings (written or on the record in open court). Iowa Code § 236.6 (2001) If the court finds probable cause to believe that domestic abuse has occurred (including a “threat” as included in the definition of assault), an order should be issued. Alternatively, the court can approve the terms of a consent agreement reached by the parties. The court’s order should provide that the defendant must be taken into custody for violation of the order. Iowa Code § 236.5 (2001). A court shall not issue mutual protective orders unless both parties have filed a petition. Iowa Code §236.21 (2001).

Extending protection orders. No new acts of abuse appear to be required in order to renew the protective order. One-year protective orders may be extended. Upon filing for an extension with notice and hearing, the court may grant an extension of the order if the defendant continues to pose a treat to the safety of the plaintiff. The number of extensions is not limited.

Modifying protection orders. A plaintiff may desire to change the terms of a protection order once it has been issued. For example, she may want to keep the



provision which enjoins domestic abuse and that which grants her custody of the children and the home, but may wish to have the defendant visit her and the children. In this case, it is possible to request that the court modify the terms of the order.

Child custody. A party is estopped from litigating custody or placement of a child who is the subject of a juvenile court action. The jurisdictional requirements of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) apply in domestic abuse cases. The information required by the UCCJEA is prompted in the form pro se domestic abuse petition.

Notice of protective order. The clerk of court should give notice of the order to the plaintiff, the defendant, and the county sheriff (written notice within 6 hours), and to the 24-hour dispatcher for the sheriff (written notice within 6 hours). The dispatcher must notify law enforcement agencies of the entry of the order. Notice may be sent by facsimile.

Confidentiality of records and plaintiffs address. Plaintiffs may use alternative mailing addresses, as set out in section 236.10, both for purposes of filing petitions and for obtaining utilities and other services. The provision also provides for sealing certain court records under chapter 236 by court order. Iowa Code § 236.10(3) and (4) (2001).

Uniform Orders. The Iowa Supreme Court issues uniform orders for protection that are required to be used by all judges without modification, and must be used in all civil, criminal and dissolution actions.

#### IV. Enforcement of Protective Orders

*In general.* A court “may” hold a party in contempt for violating a chapter 236 protective order; a chapter 598 temporary or permanent protection order or order to vacate the homestead; or a criminal no-contact order. Iowa Code § 236.8 (2001). A court is not required to hold a party in contempt, even when the facts indicate that the order has been violated. *State v. Lipcamon*, 483 N.W.2d 605, 607-08 (Iowa 1992). Hearing on the contempt action should be held 5-15 days after the issuance of a rule to show cause. Iowa Code § 236.8 (2001).

*Differences in contempt proceedings.* Chapter 236 contemplates that violations of orders -- whether originating from chapters 236 or 598, or from chapter 708 as a condition of release in a domestic abuse criminal case -- may be treated either as a contempt of court under Chapter 665 of the Iowa code or as a simple misdemeanor offense. Iowa Code § 236.8 (2001). Significant differences exist between the two treatments:

*How filed.* If peace officers are involved in the violation case, and determine that there is probable cause to believe that an order has been violated, their duty is to bring the alleged order violators into custody and before a magistrate. See Iowa Code § 236.11 (2001).

*Willfulness requirement.* Another difference between the two treatments of order violations is whether willfulness is required to be proved. If the order violation is proceeding as a contempt of court under Chapter 665, a showing of willfulness, beyond a reasonable doubt, will be required. *Bell v. Iowa District Court for Linn County*, 494 N.W.2d 729, 730-31 (Iowa Ct. App. 1992). *In Interest of B.C.A.K.*, 508 N.W.2d 738,

740 (Iowa App. 1993) (contempt proceeding is essentially criminal in nature). *Henley v. Iowa District Court for Emmet County*, 553 N.W. 2d (Iowa 1995). *In Interest of B.C.A.K.*, 508 N.W.2d 738, 740 (Iowa App. 1993) (contempt proceeding is essentially criminal in nature). “Willful disobedience requires evidence of conduct which is ‘intentional and deliberate with a bad or evil purpose, or wanton and in disregard of the rights of others, or contrary to a known duty, or unauthorized, coupled with an unconcern whether had the right or not.’” *Bell*, 494 N.W.2d at 730. An attorney’s advice to ignore a court order will likely not be a defense to a contempt proceeding. *Nickler v. Nickler*, 45 D & C 3d 49 (Pa. Common Pleas 1985).

In contrast to the willfulness required for proving *contempt of court* for a violation of a protective order under Iowa Code § 236.8, proof of a violation of an order as part of a *simple misdemeanor prosecution* under Iowa Code § 236.8 does *not* require a showing of willfulness. *State v. Moeller*, 589 N.W. 2d 53 (Iowa 1999).

*Jail time.* All violations of protection or no-contact orders are to be punished with jail time, with any time in excess of a day being served on consecutive days. Iowa Code § 236.8 (2001) (“If convicted or held in contempt, the defendant shall serve a jail sentence...”). See also *In Re: S.D.L.*, 568 N.W.2d 41 (Iowa 1997) (holding that a juvenile court has the power to issue a “detention sentence” for contempt charges in a violation of a no contact order under Iowa code chapters 232 and 236). However, a careful reading of the code provisions appears to set a mandatory minimum jail sentence of 7 (seven) days for violations of no-contact orders in criminal cases only.

Compare Iowa Code § 236.14(2), last unnumbered paragraph with Iowa Code § 236.8, first unnumbered paragraph.

*Who prosecutes.* If the order violation proceeds as a simple misdemeanor, it is clear that the county attorney prosecutes the action. If, however, the matter is filed as a contempt of court and will proceed under chapter 665, it is less clear whether the county attorney has any role. An Iowa Attorney General's opinion has concluded (1) the county attorney is authorized to prosecute contempt actions; and (2) no one is specifically "required" to prosecute contempt actions. 1993 Iowa Op. Atty. Gen. 26 (Brenden to Appel).

It must be made clear, that if the county attorney pursues a contempt action, it is done on behalf of the public and not on behalf of the individual litigant. To represent the individual litigant would likely create an unethical conflict of interest for the county attorney. When the contempt is prosecuted by the county attorney, the victim does not control the litigation. Therefore it is advisable, from her point of view, that a private attorney prosecutes the contempt action. The Iowa courts generally have preferred that the "real party in interest" represent the interests of the court in prosecuting a contempt action. See Iowa R. App. P. 303. See also *State v. Rudolph*, 240 Iowa 726, 37 N.W.2d 483 (1949). Cf. *Young v. United States ex rel. Vuitton*, 481 U.S. 787, 801, 107 S. Ct. 2124, 95 L. Ed. 2d 740 (1987)(holding as a matter of its supervisory authority over the lower federal courts that "counsel for a party that is the beneficiary of a court order may not be appointed to undertake contempt prosecutions for alleged violators of that order;" and "a court ordinarily should first request the appropriate prosecuting authority

to prosecute contempt actions, and should appoint a private prosecutor only if that request is denied”).

On the other hand, there are some strong advantages when the county attorney pursues enforcement actions. The case may be less likely to “fall between the cracks” when the clerk of court informs the county attorney that an order violation is alleged than when the plaintiff is notified and must find a private attorney to prosecute. Likewise, if the county attorney controls the progress of the contempt action, double jeopardy issues might be avoided. In order to avoid any problems with double jeopardy, an attorney who is representing a plaintiff in a domestic abuse protection order contempt action should tell the county attorney of contempt enforcement actions.

*Extensions of orders.* Orders may be extended beyond the original time set upon proof that the defendant continues to pose a treat to the safety of the plaintiff. The number of extensions is not limited. Iowa Code § 236.5(2)(e) (2001). Another difference between “civil protection orders” (i.e., those issued under chapter 236) and “no-contact orders” issued as part of a release or sentencing order in a criminal domestic abuse action relates to the time of filing of extensions. In criminal cases, the court may modify a no-contact order to make it effective up to one year beyond the date of judgment or deferred judgment. If the state seeks to extend this modified order, it must file for such an extension ninety days prior to the expiration of the sentencing order. Iowa Code § 236.14(2) (2001).

*Victim participation in the contempt offense.* The victim’s permission and participation is not a defense to a violation of a no-contact order, but can be considered

in determining willfulness. *Lipcamon*, 483 N.W.2d at 607; *Henley v. Iowa District Court of Emmet County*, 533 N.W.2d 199, 202 (Iowa 1995). The court found that the victim was subject to the summary proceedings of chapter 236, and did not have a right to notice and a show cause hearing under chapter 665. See also *Mohamed v. Mohamed*, 232 N.J. Super. 474, 557 A.2d 696 (N.J. App. Div. 1989) (reconciliation of parties destroyed the viability of the protective order). It is, however, possible for the victim to aid or abet a contempt. *Hutcheson v. Iowa District Court for Lee County*, 480 N.W.2d 260, 263 (Iowa 1992).

*Notice to the defendant.* Notice of the hearing to show cause must be served on the defendant, not on the defendant's attorney. *Bell*, 494 N.W.2d at 731. The defendant must have knowledge (not necessarily service) of the court's order before being held in contempt. *State v. Delap*, 466 N.W.2d 264 (Iowa App. 1990); *Small v State*, 809 S.W.2d 253, 256 (Tex. App. 1991).

*Contempt is criminal in nature.* If found in contempt, the contemnor must be sent to jail, and any jail sentence must be served on consecutive days. Iowa Code § 236.8 (2001). Because the punishment for the contempt is jail, it is criminal contempt. *Hicks v. Feiock*, 485 U.S. 624, 631, 108 S. Ct. 1423, 99 L. Ed. 2d 721, 731 (1988). Therefore, the defendant has a right to court-appointed counsel for this hearing. The defendant has no right to a jury trial. *Cooke v. Naylor*, 573 A.2d 376, 377-78 (Me. 1990).

*Foreign protection orders.* Iowa law provides for enforcement of an out-of-state protective order. Iowa Code § 236.19 (2001). The order must have been issued by

another state, Indian tribe, or territory that had jurisdiction and must be the equivalent of protective or no-contact orders issued in Iowa. Iowa Code §236.19(1) (2001). Iowa law provides for treatment of foreign orders -- notice to law enforcement, and enforcement by peace officers, for instance -- the same as Iowa orders.

#### V. Efficacy of Protective Order

Use of the civil domestic abuse protective order grew exponentially in Iowa when the pro se process was first enacted in 1985. Although the number of criminal no-contact orders has not been tracked as closely, anecdotal information suggests that the use of criminal orders also has grown dramatically.

Protective orders do not necessarily reduce revictimization. (Mears et al., 2001) The orders may, however, serve as another resource for victims who try to regain some control in their relationships, at least temporarily. It also can serve as a test of legal system. In one study, less than half of the women who initiated the protective order process actually obtained a final protective order. The researchers attributed the small number to the practical difficulties in obtaining the final order: the need to go to the court on two different occasions, often with lengthy waits that take time away from family or jobs. (Zoellner et al. 2000) Two primary factors affected the likelihood that a woman would obtain a final order: (1) her attachment to the batterer, and (2) her perception of the severity of the threat that the abuser posed. A woman who was more closely attached to her abuser was less likely to seek a final order. A woman who perceived that the abuser posed a serious threat was more likely to seek a final order. (Zoellner et al. 2000)

When victims are not given control over the imposition of a protective order, there is a great risk that the protective order will not only fail to serve as a resource for the victim, but that it may serve to entrap the victim in another uncontrollable and unmanageable situation. (Tarr, 2003)

One of the primary disadvantages of any type of protective order in Iowa is the possibility that the person seeking protection can be charged with aiding and abetting the violation of that order. The issue first arose in a case in which an attorney sought an order of protection against his girlfriend – after he had previously been charged with domestic abuse assault against her – and the Iowa Supreme Court ruled that the aiding and abetting principle applied to protective order violations, just as it did to any other criminal act. *Hutcheson v. Iowa District Court for Lee County*, 480 N.W.2d 260, 263 (Iowa 1992).

The second case of aiding and abetting involved a domestic abuse victim who sought a protective order against her abuser and then invited him back to her home. *Henley v. Iowa District Court of Emmet County*, 533 N.W.2d 199, 202 (Iowa 1995). In that case, the county attorney sought to speed the victim's process of leaving by forcing her to separate from her abuser. (Personal communication with prosecutor.)

The practical effect of such a principle of law, of course, can be devastating. Violence often escalates at the time of separation, which may cause victims to return to the relationship in order to de-escalate the violence. In addition, leaving a violent relationship is a process, and victims often return to the violent relationship several



times before they gather enough resources to be able to leave. Criminal charges against the victim may not speed the process of leaving, and in fact may impede it.

The aiding-and-abetting option is particularly troublesome when the protective order is a criminal no-contact order. The victim has no control over the imposition or removal of a criminal no-contact order. Rather, the prosecutor makes the decision about such no-contact orders. Victims may be caught between Scylla and Charibdis: they face increased risk of violence at the time of separation if they refuse to reconcile, or a very real risk of criminal sanctions if they do reconcile.

The aiding-and-abetting issue has created tension between victim advocates and prosecutors in Iowa. Prosecutors who receive federal funding can endanger their funding if the VAWA prosecutor is assigned to prosecute victims. Some county attorneys have responded by disallowing the VAWA prosecutor from prosecuting victims, but assigning the prosecution to another attorney in the county attorney's office. The effect is the same, from the victim's viewpoint.

The policy of prosecuting aiding and abetting violations diminishes the victim's trust in the prosecution. As the POET project demonstrated, the victim's trust in the prosecution is the key to providing meaningful risk assessment.

Appendix G:

Official Statistics

POET Project  
Official Statistics

The following data were extracted from data provided by the Iowa Court Information System regarding domestic abuse based charges filed in the Iowa District Court for the POET county, during SFY 1995 – SFY 1999.

The population of those charged in court with a domestic abuse based crime during the study period totaled 1,144 individuals, who were charged with 1,748 separate offenses in 1,470 separate court cases. Of the 1,144 individuals, 222, or 19.4%, had between two and eight separate court cases initiated against them. There were a total of 548 charges filed against the 222 recidivist offenders, which comprised 31.4% of the total charges filed against all offenders.

Table 1: Court Cases Filed Involving Domestic Abuse Charges

	SFY1995	SFY 1996	SFY 1997	SFY 1998	SFY 1999	TOTAL S
Cases Filed	314	319	281	295	261	1470
Charges Filed	358	365	329	360	336	1748
Charges/Case	1.14	1.14	1.17	1.22	1.29	1.19

Table 2: Distribution of Domestic Abuse Charges by Case

	SFY1995	SFY 1996	SFY 1997	SFY 1998	SFY 1999
Cases W/1 Charge	281	288	249	256	208
Cases W/2 Charges	26	23	25	27	39
Cases W/3 Charges	5	5	3	4	8
Cases W/4 Charges	1	1	1	3	4
Cases W/5 Charges	0	0	1	4	2
Cases W/6 Charges	1	2	2	1	0
TOTAL CASES	314	319	281	295	261

Table 3: Cases Involving Defendants With More Than One Domestic Abuse Related Court Case from SFY 1995 Through SFY 1999

	SFY 1995	SFY 1996	SFY 1997	SFY 1998	SFY 1999
Number of Defendants	120	136	106	100	91
Percentage of Defendants	38.2%	42.6%	37.7%	34.0%	34.9%
Number of Charges	150	167	136	126	126
Percentage of Charges	41.9%	45.8%	41.4%	35.1%	37.5%

Table 4: Distribution of Certain Types of Domestic Abuse Related Charges

	SFY 1995	SFY 1996	SFY 1997	SFY 1998	SFY 1999	TOTALS
Number of Violation of Protective Order Charges	51	58	68	73	86	366
Percentage of All Charges Filed	14.2%	15.9%	20.7%	20.3%	25.6%	20.9%
Number of Enhanced Misdemeanor Charges	10	2	9	16	20	57
Percentage of All Charges Filed	2.8%	0.5%	2.7%	4.4%	6.0%	3.3%
Number of Enhanced Felony Charges	0	0	0	13	7	20
Percentage of All Filed Charges	0.0%	0.0%	0.0%	3.6%	2.1%	1.1%

Table 5: Violating Protective Order Dispositions By State Fiscal Year

SFY	Number VPO Charges	Dismissed		Guilty		Not Filed		Waived to Adult Court		Disposition Unknown	
		N	%	N	%	N	%	N	%	N	%
1995	51	37	73%	14	27%	0	0%	0	0%	0	0%
1996	58	42	72%	13	22%	2	3%	1	2%	0	0%
1997	68	44	65%	23	34%	0	0%	1	1%	0	0%
1998	73	52	71%	18	25%	2	3%	1	1%	0	0%
1999	86	62	72%	19	22%	0	0%	0	0%	5	6%
TOTALS	336	237	71%	87	26%	4	1%	3	1%	5	1%

Note: Percentages may not total 100% due to rounding

Table 6: Sanctions Imposed in Violating Protective Order Convictions By State Fiscal Year

SFY	Number VPO Convictions	Jail/Prison	Jail/Prison Suspended	Probation	Fine	Attend BEP

		N	%	N	%	N	%	N	%	N	%
1995	14	14	100%	0	0%	0	0%	0	0%	0	0%
1996	13	11	85%	0	0%	1	8%	1	8%	0	0%
1997	23	21	91%	2	9%	0	0%	3	13%	2	9%
1998	18	18	100%	0	0%	0	0%	0	0%	0	0%
1999	19	19	100%	0	0%	2	11%	0	0%	1	5%
TOTALS	87	83	95%	2	2%	3	3%	4	5%	3	3%

Note: Percentages totals may exceed 100% due to the fact that a single offender may receive multiple sanctions for a single conviction, e.g., serve a term of incarceration and, upon release, serve a period of probation.

Sample DART County  
Official Statistics

The following data were extracted from data provided by the Iowa Court Information System regarding domestic abuse based charges filed in the Iowa District Court for a sample DART county, during SFY 1995 – SFY 1999.

The population of those charged in court with a domestic abuse based crime during the study period totaled 1,236 individuals, who were charged with 1,237 separate offenses in 1,236 separate court cases. Of the 1,236 individuals, 239, or 19.3%, had between two and thirteen separate court cases initiated against them. There were a total of 753 charges filed against the 239 recidivist offenders, which comprised 60.9% of the total charges filed against all offenders.

Table 7: Types of Domestic Assault Related Cases By SFY

SFY	Number of Court Cases	Number of Court Charges	DAA (Non-enhanced) Charges		Enhanced Misdemeanor Charges		Enhanced Felony Charges		Violate Protective Order	
			N	%	N	%	N	%	N	%
1995	272	272	166	61%	20	7%	0	0%	86	32%
1996	173	173	124	72%	15	9%	0	0%	34	20%
1997	227	228	134	59%	13	6%	0	0%	81	36%
1998	322	322	180	56%	18	6%	9	3%	115	36%
1999	242	242	124	51%	17	7%	12	5%	89	37%
TOTAL	1236	1237	728	59%	83	7%	21	2%	405	33%

Notes: % = Percentage of Court Charges. Percentages may not total 100% due to rounding.

Table 8: Domestic Abuse Assault (Non-Enhanced) Charge Outcomes By SFY

SFY	Number Charges	Guilty		Deferred Judgment		Deferred Sentence		Withdrawn		Not Guilty		Dismissed		Unknown	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
1995	166	84	51%	1	1%	12	7%	0	0%	3	2%	54	64%	12	7%
1996	124	90	73%	7	6%	0	0%	0	0%	2	2%	17	14%	8	6%
1997	134	94	70%	5	4%	0	0%	0	0%	4	3%	24	18%	6	5%
1998	180	114	63%	19	11%	0	0%	0	0%	6	3%	36	20%	5	3%
1999	124	81	65%	25	20%	0	0%	1	1%	1	1%	11	9%	5	4%
TOTAL	728	463	64%	57	8%	12	2%	1	0%	16	2%	142	20%	36	5%

Note: Percentages may not total 100% due to rounding.

Table 9: Sanctions Imposed in Domestic Abuse Assault (Non-Enhanced) Charges by SFY

SFY	Total Guilty & Deferred Judgments	Jail/Prison		Jail/Prison Suspended		Probation		Fine		Attend Batterer's Education	
		N	%	N	%	N	%	N	%	N	%
1995	85	59	69%	12	14%	0	0%	42	49%	7	8%
1996	97	59	60%	8	8%	0	0%	74	76%	26	27%
1997	99	45	45%	8	8%	3	3%	86	87%	14	14%
1998	133	26	20%	3	2%	1	1%	102	77%	23	17%
1999	106	46	43%	10	9%	0	0%	73	69%	10	9%
TOTAL	520	235	45%	41	8%	4	1%	377	73%	80	15%

Notes: Jail/Prison Suspended indicates a case in which some portion of the jail/prison sentence imposed was suspended. More than one sanction may be imposed for a charge. Percentages may not total 100% due to rounding and due to the imposition of multiple sanctions.

Table 10: Domestic Abuse Assault Enhanced Misdemeanor Outcomes by SFY

SFY	Number of Charges	Guilty		Deferred Judgment		Dismissed		Unknown	
		N	%	N	%	N	%	N	%
1995	20	9	45%	0	0%	7	35%	4	20%
1996	15	11	73%	0	0%	4	27%	0	0%
1997	13	12	92%	0	0%	0	0%	1	8%
1998	18	14	78%	1	6%	1	6%	2	11%
1999	17	10	59%	1	6%	5	29%	1	5%
TOTAL	83	56	68%	2	2%	17	21%	8	10%

Note: Percentages may not total 100% due to rounding.

Table 11: Sanctions Imposed in Domestic Abuse Assault Enhanced Misdemeanor Charges by SFY

SFY	Total Guilty & Deferred Judgments	Jail/Prison		Jail/Prison Suspended		Probation		Fine		Attend Batterer's Education	
		N	%	N	%	N	%	N	%	N	%
1995	9	7	78%	1	11%	0	0%	4	11%	0	0%
1996	11	10	91%	1	9%	0	0%	11	100%	4	36%

1997	12	7	58%	3	25%	2	17%	9	75%	1	8%
1998	15	7	47%	0	0%	0	0%	14	93%	2	13%
1999	11	10	91%	0	0%	0	0%	11	100%	0	0%
TOTAL	58	41	71%	5	9%	2	3%	49	85%	7	12%

Notes: Jail/Prison Suspended indicates a case in which some portion of the jail/prison sentence imposed was suspended. More than one sanction may be imposed for a charge. Percentages may not total 100% due to rounding and due to the imposition of multiple sanctions.

Table 12: Domestic Abuse Assault Enhanced Felony Outcomes by SFY

SFY	Number of Charges	Guilty		Dismissed		Unknown	
		N	%	N	%	N	%
1998	9	5	56%	3	33%	1	11%
1999	12	10	83%	1	8%	1	8%
TOTAL	21	15	71%	4	19%	2	10%

Notes: Felony level DAA became effective in SFY 1998. Percentages may not total 100% due to rounding.

Table 13: Sanctions Imposed in Domestic Abuse Assault Felony Charges by SFY

SFY	Total Guilty & Deferred Judgments	Jail/Prison		Jail/Prison Suspended		Probation		Fine		Attend Batterer's Education	
		N	%	N	%	N	%	N	%	N	%
1998	5	4	80%	3	60%	3	60%	4	80%	1	20%
1999	10	8	80%	5	50%	5	50%	8	80%	1	10%
TOTAL	15	12	80%	8	53%	8	53%	12	80%	2	13%

Notes: Felony level DAA became effective in SFY 1998. Jail/Prison Suspended indicates a case in which some portion of the jail/prison sentence imposed was suspended. More than one sanction may be imposed for a charge. Percentages may not total 100% due to rounding and due to the imposition of multiple sanctions.

Table 14: Violation of Protective Order Outcomes By Fiscal Year

SFY	Number of Charges	Guilty		Deferred Judgment		Deferred Sentence		Other		Withdrawn		Not Guilty		Dismissed		Unknown	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
1995	86	36	42%	0	0%	2	2%	0	0%	2	2%	1	1%	19	22%	26	30%
1996	34	13	38%	0	0%	1	3%	0	0%	1	3%	0	0%	6	18%	13	38%
1997	81	27	33%	0	0%	0	0%	1	1%	0	0%	5	6%	37	46%	11	14%



1998	115	41	36%	0	0%	0	0%	0	0%	0	0%	0	0%	62	54%	12	10%
1999	89	38	43%	1	1%	0	0%	2	2%	0	0%	2	2%	33	37%	13	15%
TOTAL	405	155	38%	1	0%	3	1%	3	1%	3	1%	8	2%	157	39%	75	19%

Note: Percentages may not total 100% due to rounding.

Table 15: Sanctions Imposed in Violation of Protective Order Charges by SFY

SFY	Total Guilty & Deferred Judgments	Jail/Prison		Jail/Prison Suspended		Probation		Fine		Attend Batterer's Education	
		N	%	N	%	N	%	N	%	N	%
1995	36	33	92%	1	3%	1	3%	0	0%	1	3%
1996	13	11	85%	0	0%	0	0%	1	8%	0	0%
1997	27	21	78%	0	0%	0	0%	2	7%	1	4%
1998	41	39	95%	0	0%	0	0%	3	7%	0	0%
1999	39	32	82%	0	0%	0	0%	4	10%	0	0%
TOTAL	156	136	87%	1	1%	1	1%	10	6%	2	1%

Notes: Jail/Prison Suspended indicates a case in which some portion of the jail/prison sentence imposed was suspended. More than one sanction may be imposed for a charge. Additional sanctions not listed may also be imposed. Percentages may not total 100% due to rounding, due to other sanctions being imposed and due to the imposition of multiple sanctions.

Appendix H:  
Model DART Policy

## **Model Policy for Domestic Abuse Response Team Projects**

*Many communities have found that their response to domestic violence improves dramatically when they develop cooperative efforts to address domestic violence issues. The focus of team efforts has been criminal prosecution, but response teams also may include representatives from the medical, social service, or business community.*

*Because each team must be geared to the particular community in which it operates, policies may vary widely and composition of the team also may vary. This model policy provides some suggestions regarding possible policy determinations by the response team.*

### **(1) Terminology**

For purposes of this protocol, the following definitions will be used:

*“Domestic violence”* means a pattern of assaultive and coercive or controlling behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults and adolescents use against their intimate partners.

*“Domestic abuse”* is defined in Iowa Code section 236.2(2) as follows:

committing assault as defined in section 708.1 under any of the following circumstances:

- a. The assault is between family or household members who resided together at the time of the assault.
- b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.
- e. The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:
  - (1) The duration of the relationship.
  - (2) The frequency of interaction.
  - (3) Whether the relationship has been terminated.

(4) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

A person may be involved in an intimate relationship with more than one person at a time.

(2) Composition of the Team

The team should be composed of the following:

\_\_\_ Assistant County Attorney(s)  
\_\_\_ Victim-witness coordinator

\_\_\_ Police Department  
\_\_\_ Dedicated officer  
\_\_\_ Overtime officers  
\_\_\_ Sheriff's office  
\_\_\_ Dedicated officer  
\_\_\_ Overtime officers  
\_\_\_ Victim advocate

\_\_\_ District Correctional Services  
\_\_\_ Probation officer  
\_\_\_ BEP coordinator

\_\_\_ Medical community  
\_\_\_ Doctors  
\_\_\_ Nurses  
\_\_\_ Public health nurses

\_\_\_ Business community

\_\_\_ Other

*Comment*

*At a minimum, the team must include a prosecutor, an investigator and an advocate. If the team has a large caseload, each of these roles could be filled by more than one person.*

*The addition of a probation/parole officer from the judicial district department of corrections (particularly if the officer also serves as the Batterer Education Program*

coordinator) is advantageous, because it enhances the ability to hold the offender accountable.

The advantage of a small team is that the group works together well and conflicts are reduced. The disadvantage is that the team is not able to respond to as many cases.

If only one investigator is assigned, that officer may have limited jurisdiction, or may need to have a 28E cooperation agreement with other jurisdictions in order to cover investigations throughout a county.

### (3) Support for the Team

The leaders of the various agencies should express their support for the efforts of the response team by

- \_\_\_ Articulating a specific policy for the agency
- \_\_\_ Amending agency policies to further the goals of the response team
- \_\_\_ Training for response team members
- \_\_\_ Training for others in agencies

#### Comment

*Support for the team is critically important to its success. The county attorney, the local law enforcement agency and the local domestic violence program must provide affirmative support (not merely tacit support) for the concept and the implementation of the response team program. This support must come from the top administrator in each of the various agencies, and must be clearly stated. Without such explicit support, the team's actions may be tentative and ineffective. In addition, without that support, any domestic violence committed by employees of any of the participating agencies may be ignored or minimized.*

*In addition, the success of the team is more likely if there is support from the local judiciary, the judicial district department of corrections, and the community at large.*

*Law Enforcement Agency Support. The chief of police or the sheriff should make it clear that the response team program is supported. This includes not only public statements and official policies, but also a commitment to continued training of all officers, and continuous review of all investigations related to domestic abuse. The chief or sheriff must make it clear that domestic abuse cases are a priority for the department, and that a victim's "use" of the criminal justice system is not an abuse, but a resource for the victim.*

*Prosecution Support. The county attorney must provide support for the response team prosecutor by permitting the prosecutor to set prosecution policies on domestic*

violence cases, and by supporting the response team prosecutor's efforts in particular cases. The caseload must be manageable, that is, in the range of 100-125 open cases.

The county attorney also must recognize that domestic violence cases are different from other cases. The prosecutor who handles these cases must have a different kind of emotional support system, within or outside the office. A domestic abuse prosecutor, unlike other prosecutors in the county attorney's office, may feel demoralized when regularly working with victims who do not support the prosecutor's efforts. In addition, the domestic abuse prosecutor will work with victims who have been repeatedly traumatized, and the prosecutor may be subjected to secondary trauma that is unlike other cases.

*Victim Advocate Support.* The non-governmental agency that provides the team's victim advocate must be willing to support the criminal justice efforts, while balancing the particular needs of specific clients. Advocates should be trained on criminal justice system procedures and principles, as well as system-advocacy techniques.

#### (4) Goal setting

The team should agree on the overriding goals of the team, and should set objectives that are clear and measurable. In addition, the team should set up periodic reviews of goals and objectives. The goal-setting should be accomplished jointly and should include top-level administrators as well as team members.

- \_\_\_ Set up meetings to discuss goals & objectives
  - \_\_\_ Include top-level administrators
  - \_\_\_ Include DART members
- \_\_\_ Provide for periodic review of goals & objectives
  - \_\_\_ 6-month review by DART members
  - \_\_\_ Annual review by top-level administrators

#### Examples of Response Team Goals

- There are two overriding goals in any domestic abuse response effort: (1) offender accountability and (2) victim safety. All policies and procedures should be designed with these dual goals in mind.
- Leaving a violent relationship is a process. Victims leave when they have gathered enough resources to be able to live independently and safely. The DART program can refer victims to other agencies so that the victim can gather more resources, more quickly, in order to be able to leave a violent relationship safely. The DART program cannot impose a timeline for a victim to leave a relationship.

- The criminal justice system can be a resource or a barrier to a victim leaving a violent relationship. The goal of the DART project is to make the criminal justice system a resource, by focusing on victim safety issues and by holding offenders accountable for the violence.
- A victim's decision to work with law enforcement officers and prosecutors is based on the victim's concern for safety. A victim's reluctance to participate in the criminal justice system is not a personal affront to law enforcement officers or to the prosecutor, but a reflection of the victim's assessment of safety.
- The domestic violence response is not limited to the criminal justice system, and criminal justice officials must recognize that victims and offenders must depend on other resources in the community to hold the offender accountable and to protect the victim's safety. The response to domestic violence must be community wide in order to have an impact on the incidence of domestic violence. Thus, the team will work with other community agencies and individuals who can provide resources that will assist the targets of domestic violence.
- Team responses have the potential to be more effective than individual agency responses. Every effort will be made to facilitate communication, to remove barriers, to coordinate agency efforts, to hold offenders accountable, and to maximize the safety of victims. Inter-agency or intra-agency turf battles are counterproductive and must be avoided. Conflict resolution should occur promptly and professionally. If an outside mediator would be beneficial, the team may call upon [name of mediator or mediation group].
- Domestic violence cases cannot be relegated to response team members, to the exclusion of other members of an agency. Thus, team members will provide specialized training to other members of the agency or will arrange for training by others, so that the team response can be expanded to include more than team members.
- Domestic abusers are master manipulators, are likely to punish their victims for any perceived disloyalty, and may engage third parties who are unfamiliar with domestic violence to assist in the manipulation and punishment of victims. The DART project should make every effort to identify these manipulative techniques and thwart efforts to manipulate or punish victims.
- Domestic violence committed by employees of each participating agency must be addressed promptly and professionally. Cases involving employees who engage in domestic violence in their personal lives should be handled by outside agencies in order to avoid conflicts of interest, and should be referred promptly in order to ensure the safety of the targets of the domestic violence. Each agency is encouraged to develop a policy to address the problem of domestic violence perpetrated by an employee.

#### Examples of Response Team Objectives

- DART members will attend training on domestic violence issues at least [once/twice/three] times per year. At least once a year, the team will attend a multidisciplinary training together.
- The DART members will train employees in their respective agencies to respond to domestic violence more effectively.
- DART members will learn how to use threat assessments and will be able to identify high-risk factors in the cases they handle.
- DART members will make contacts with local community services to ensure that referrals can be made to well-qualified community members.
- DART members will participate in organizing community training programs that focus on domestic violence issues.
- Information about case processing will be based on compatible information systems, so that information can be shared among team members in a meaningful way.
- The DART program will develop protocols for dealing with common issues (e.g., confidentiality of shelter information; investigative contacts, etc.)
- Evaluation of goals and objectives should occur at least annually, and can be conducted by a third party.

#### (5) Response Team Policy Development

Scope of response team activities.

\_\_\_ Types of cases to be handled by the response team

- \_\_\_ Domestic abuse assaults
- \_\_\_ Domestic related misdemeanors
- \_\_\_ Domestic related felonies
- \_\_\_ Civil protective order violations prosecuted as misdemeanors
- \_\_\_ Civil protective order violations prosecuted as contempt
- \_\_\_ Criminal no-contact order violations

\_\_\_ Who handles cases

- \_\_\_ Assistant county attorney on response team
- \_\_\_ Another assistant county attorney
- \_\_\_ Dedicated officer(s)
- \_\_\_ Overtime officers
- \_\_\_ Dedicated victim advocate
- \_\_\_ All victim advocates
- \_\_\_ Dedicated probation officer
- \_\_\_ All probation officers



- \_\_\_ Processing of cases
  - \_\_\_ Initial response standards
  - \_\_\_ Follow up investigation standards
  - \_\_\_ Charging decision standards
    - \_\_\_ Criminal assaults
    - \_\_\_ Protective order violations
  - \_\_\_ Standards for review of charging decisions
  - \_\_\_ Standards for contact with victim
  - \_\_\_ Initial appearance procedures
  - \_\_\_ Bail reconsideration procedures
  - \_\_\_ Pretrial release conditions and no-contact orders
  - \_\_\_ Policies regarding trial continuances
  - \_\_\_ Pretrial motion procedures
  - \_\_\_ Trial procedures
    - \_\_\_ Jury or bench trial requests
    - \_\_\_ Jury selection strategies
    - \_\_\_ Trial strategies
    - \_\_\_ Post-trial questioning of jurors
  - \_\_\_ Sentencing policies

#### *Comment*

*The team should establish what cases will be handled, who will handle them, and how they will be handled. For example, the scope might range from handling only misdemeanor domestic abuse assault cases, to handling any crime that is committed by one intimate against another, or from handling only criminal no-contact order violations to handling all civil and criminal protection order violations.*

*The response team should have standardized policies regarding who will be arrested and how those arrests will be handled. This should include the handling of cases involving persons who work within the criminal justice system or persons who work with the agencies represented on the response teams, in order to avoid claims of favoritism or special treatment of persons connected with the team.*

*The prosecutor should establish who will bring charges, what considerations will be made in deciding on a charge, and how information about the final charge will be communicated to the investigator and the victim advocate on the team.*

*The prosecutor should establish at least general sentencing policy recommendations. The prosecutor may have a "standard sentence," or may simply set sentencing "goals" that are designed to hold the offender accountable.*

*The team should decide whether civil protective order violations will be included within the purview of the team. Presumably, the person who obtained the protective order will be arrested only if the prosecutor determines that charges should be brought, and the policies should reflect his assumption.*

### *Examples of Policies*

- Initial response to the crime will be by police officers dispatched to the scene.
- Initial response to the crime will be by police officers and victim advocates dispatched to the scene
- Initial investigation should include documentation of the following: identifying & demographic information; 911 emergency calls; interviews with all eyewitnesses and neighbors; documentation of any protective orders in effect; observations of the victim, the offender and the home; weapons in the home or available to the primary physical aggressor; evidence of first aid, clothing tears, blood spots, property damage or telephone damage or alteration; statements from the victim and the offender, both pre-arrest and post-arrest; any physical injuries to the victim or to the offender; any medical treatment sought by the victim or the offender; any indications of strangulation; any signs of intoxication; seizure of "I'm sorry" letters; recommended follow up; consent to search form; medical release form; Miranda form; juvenile waiver form; body map depicting injuries and photographs of injuries.
- If the offender is not present at the scene, the investigating officer should forward the investigative report to the prosecutor so that an arrest warrant application may be prepared.
- Follow up investigation will be conducted by a dedicated officer within 24 hours.
- Follow up investigation will be conducted by overtime officers within 24 hours.
- Follow up investigations will include documentation of the following: identifying & demographic information; 911 emergency calls; interviews with all eyewitnesses and neighbors; documentation of any protective orders in effect; observations of the victim, the offender and the home; weapons in the home or available to the primary physical aggressor; evidence of first aid, clothing tears, blood spots, property damage or telephone damage or alteration; statements from the victim and the offender, both pre-arrest and post-arrest; any physical injuries to the victim or to the offender; any medical treatment sought by the victim or the offender; any indications of strangulation; any signs of intoxication; seizure of "I'm sorry" letters; recommended follow up; consent to search form; medical release form; Miranda form; juvenile waiver form; body map depicting injuries and photographs of injuries.
- Charging decisions will be made initially by police officers, based on the evidence obtained at the time of the arrest. If there is a bodily injury visible, or a complaint of

pain that would indicate a bodily injury, an arrest must be made. If there is no bodily injury or complaint of pain, then arrest is discretionary.

- Only the primary physical aggressor in an arrest shall be arrested. Persons who are acting in self-defense or defense of others should not be arrested. Arrests of primary physical aggressors should not be based on who struck the first blow or who was more severely injured. Dual arrests are permissible only if there are two separate and distinct assaults and the officer is persuaded from the evidence that each party qualified as a primary physical aggressor, pursuant to Iowa Code section 236.12(3): "In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer's identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment."
- Only the primary physical aggressor should be arrested for a protective order violation. Arrest is mandatory only if the protective order violation is committed by the person against whom the protective order is issued. The subject of the protective order (i.e., the protected party) may be charged only by the county attorney. Under federal regulations, a prosecutor who receives VAWA funding is prohibited from prosecuting cases against victims of domestic abuse.
- Investigative police reports will be available to [all members of the team/the prosecutor/the victim advocate/other team members].
- Charging decisions by the police shall be reviewed by the prosecutor within [24/48 hours] and may be amended, based on the investigation that has been conducted.
- The prosecutor may notify the appropriate member of the police department or sheriff's office to indicate any deficiencies in the investigation that affect the charging decision.
- Charging decisions shall be communicated to the police agency and to the victim advocate by [e-mail, written form, telephone call, informal discussions].
- Charging decisions [may be reviewed by the county attorney, the first assistant county attorney] {or charging decisions by the team prosecutor will be final}.
- The prosecutor will consider several factors in making charging decisions: the seriousness of the offense, the strength of the evidence (regardless of whether the victim participates in the prosecution), the likelihood of conviction, the defendant's prior record, and the potential effect on the victim's safety if charges are brought or dismissed.
- The prosecutor should meet with the victim as soon as possible after the incident occurs.
- The victim advocate will meet with the victim and provide information regarding community resources and make referrals as appropriate.

- The victim advocate will not share information provided by the victim without the express written consent of the victim, consistent with Iowa Code Chapter 236A and any pertinent federal statutes or regulations.
- The victim-witness coordinator in the prosecutor's office will have regular contact with the victim and will provide information about the legal process. The victim-witness coordinator will explain to the victim that information provided to the victim-witness coordinator is not privileged and can be shared with the prosecutor. If no victim-witness coordinator is available, the prosecutor will provide this information.
- In order to better accommodate victims, each agency will provide adequate resources for victims who bring their children along for interviews or court appearances.
- Victims will be provided with information regarding crime victim assistance monies.
- Victims and offenders will be treated with respect.
- Victims will not be blamed for their victimization or their response to it. Instead, the focus will be on holding the offender accountable.
- The prosecutor will appear at the [initial appearance, preliminary hearing, arraignment or other chapter 811] proceeding in which bail or conditions of release are determined or amended. The prosecutor will make every effort to provide the court with information about the potential danger to the victim and the conditions necessary in order to best ensure the victim's safety.
- Prompt resolution of domestic violence cases can reduce the problems that arise in the prosecution of the case. Therefore, trial continuances generally will be resisted, unless it is in the victim's best interest to continue the trial.
- The prosecutor will develop standard pretrial motions and accompanying briefs in order to limit damaging and irrelevant information about the victim and in order to ensure the admissibility of inculpatory evidence about the offender.
- The prosecutor generally will seek a [jury/bench] trial in domestic violence cases.
- The prosecutor will have well-defined and well-developed jury selection questions prepared, and will tailor the jury selection to the facts of the case.
- The prosecutor will develop an overall "theme" of the case, which will be introduced in the jury selection process and the opening statement, and which will continue throughout the trial and the closing arguments. The prosecutor will take training on trial techniques in order to more effectively present the case.
- The prosecutor will not engage in victim blaming, even when the victim recants or testifies for the defense. When a victim testifies for the defense, the prosecutor will limit cross-examination of the victim in order to avoid leading the victim into perjury, and will focus instead on the victim's feelings, perceptions and emotions.
- In general, the goal is to leave victims better than we found them and to ensure that victims are connected with available resources in the community.

- Prosecutors will make appropriate efforts to contact jurors after cases in order to find out what techniques were effective and how jurors responded to particular evidence, trial techniques or trial strategies.
- In making sentencing recommendations, prosecutors will [seek the mandatory minimum] [seek the statutory maximum in cases in which the seriousness of the offense and the offender's prior record and likelihood of reoffending are greatest] [seek to have increasingly lengthy periods of supervision as the defendant reoffends, so that each conviction can be enhanced, and after several violations, the defendant then will be likely to be incarcerated, so that the victim has a greater opportunity to escape the violence].

(6) Caseload limitations.

The team may set an absolute number of cases that the various members of the team can handle, based on state or national averages or on some other objective criteria. For example, most DART prosecutors have a pending case load of about 100-125 cases on average.

(7) Sharing information.

*Clear policies should set forth what information must be kept confidential, and under what circumstances. Restrictions on information provided by victim advocates are most common, because of the statutory limitations. However, discussion of criminal history information or discussion of the presentence investigation report also may be restricted.*

Policies regarding the sharing of the following information should be established in writing:

- \_\_\_ Police investigative reports
- \_\_\_ Prosecutor's file
- \_\_\_ Trial information and minutes of testimony
- \_\_\_ Grand jury information
- \_\_\_ Victim advocate's information about the victim
- \_\_\_ Location of shelter (including references in records that may be public)
- \_\_\_ Threat assessments
- \_\_\_ Civil protective orders

(8) Threat assessments.

- \_\_\_ Team members will be trained on threat assessment principles and will recognize indicators of lethality.
- \_\_\_ Information for threat assessment will be collected from a variety of sources and will not depend solely on information provided by the victim.
  - \_\_\_ Victims who provide information could be subjected to retaliatory actions by abusers, and may be coerced to recant information later.
  - \_\_\_ Similar information can be obtained from other sources, and such information should be documented.
- \_\_\_ Threat assessment will be conducted by advocates who can maintain confidentiality of the information.
  - \_\_\_ With consent of the victim, advocate can share some or all information in the threat assessment
  - \_\_\_ When the advocate has conducted the threat assessment, the advocate can indicate to the prosecutor when it appears that a case is high-risk, and the advocate's assessment of risk will be taken seriously.
- \_\_\_ Threat assessment conducted by police or prosecutor, who cannot maintain confidentiality of the information.
  - \_\_\_ Information must be shared with defense upon request.
  - \_\_\_ Investigators and prosecutors will be sensitive to the risk to victims who provide information that could result in retaliation by the abuser.

#### Comment

*The team should decide whether and when threat assessments will be made, whether they will be formal or informal, whether and when they will be communicated to victims or others, and what factors will be used as part of threat assessments. The quality of the threat assessment depends on the amount and quality of information available. Victims possess the greatest information about lethality factors, but sharing information with criminal justice authorities poses a danger to victims because an abuser may retaliate against a victim for sharing the information. This may result in further violence to the victim, and the abuser may coerce the victim to recant information provided. Liberal discovery rules in Iowa criminal procedure allow discovery of information in the hands of the prosecutor. This means that information that the prosecutor obtained from the victim will have to be disclosed upon request. Information provided to a victim advocate, however, can be kept confidential. The safest balance may be to allow victim advocates to conduct threat assessments of victims, and to share only that information that is deemed necessary or helpful, and only when to the extent that disclosure does not further endanger the victim. Advocates who conduct such a threat assessment should be trained in how to conduct the assessment, how to interpret the results, and how to counsel victims regarding potential lethality.*

(9) Training duties.

Policies regarding training should be established regarding:

- Training for team members
  - Police training
    - Response team officer training
    - Police department training
    - Sheriff's office training
  - Prosecutor training
    - In-state training
    - Out-of-state training
  - Advocate training
  - Training for other agency members
  - Training by response team members
  - Training by other agencies or outsiders
  - Annual training (or more often)
- Community training
  - Business community
  - Medical community
  - Legal community
  - Human services community
  - Housing community

*Comment*

*The various team members' duties in training others should be clearly set out, including the frequency and type of training, whether cross-training is expected, and whether training should occur by persons from within the team, within one of the sponsoring agencies, or from an outside agency.*

(10) Referrals & community support

- Develop a comprehensive list of community resources
  - Advocacy services for domestic and sexual assault
  - Housing
  - Food assistance
  - Clothing assistance
  - Child care services
  - Child custody exchange services
  - Mental health services by persons trained in trauma and domestic violence
  - Health care services & screening

- \_\_\_ Legal services, including professionals trained in domestic violence
- \_\_\_ Department of Human Services intervention & support services
- \_\_\_ Crime Victim Compensation program
- \_\_\_ Education, including school policies regarding domestic violence responses
- \_\_\_ Businesses, including workplace violence policies
- \_\_\_ Religious services by persons trained in domestic violence response
- \_\_\_ Federal government referrals
  - \_\_\_ Firearms violations
  - \_\_\_ Federal VAWA violations
  - \_\_\_ Federal benefits and entitlement programs
- \_\_\_ Develop procedures for making referrals at every stage of the criminal justice process.
  - \_\_\_ Police/Sheriff
  - \_\_\_ Clerk of court
  - \_\_\_ County Attorney
  - \_\_\_ Domestic Violence Coalition participants
  - \_\_\_ District Correctional Services

*Comment*

*Response team members should decide how and when to provide referral information to other agencies within the community. In addition, response team members should consider whether and when to provide or to coordinate training with other community groups (particularly the health care community and the religious community) in order to maximize community resources available to domestic abuse victims.*

(11) Domestic Violence Policy Development

- \_\_\_ Criminal justice
  - \_\_\_ Development of policies that promote victim safety in all criminal justice agencies
  - \_\_\_ Training for criminal justice officials
- \_\_\_ Referrals to community agencies that can enhance victim safety
- \_\_\_ Training within the community
  - \_\_\_ Health care organizations
  - \_\_\_ Religious organizations
  - \_\_\_ Mental health care providers
  - \_\_\_ Government employees
  - \_\_\_ Business persons



- \_\_\_ Professional groups
- \_\_\_ Community groups
- \_\_\_ Legislative changes & lobbying to enhance victim safety

*Comment*

*Response team members are on the forefront of domestic violence policy development because of their experience on the team. They may have the greatest insight into "what works" and what policy or statutory changes need to be made, and how best to raise awareness and improve community response to domestic violence.*

(12) Response team project input into policy development

Policy development may include not only departmental policies related to domestic abuse, but also legislative proposals at the state and national levels, as well as budget considerations.

In addition, response team members should be encouraged to initiate or to continue discussions regarding the appropriate definition and implementation of criminal justice policies, or other policies that would affect domestic abuse victims in the criminal justice system or in the community at large.

(13) Response team project efforts in the community

The response team members should clearly define their role in the community and determine whether their mission includes primarily or exclusively criminal justice actions, or whether the response team project should become a part of other community efforts to combat domestic violence, and how that team effort can be integrated with other community efforts.

