

**Jackson County Council Against Domestic and Sexual Violence**  
PO BOX 1382  
Medford, OR 97501

**A REPORT FROM THE 2005  
DOMESTIC VIOLENCE SAFETY  
AND ACCOUNTABILITY AUDIT**

*Law Enforcement Response*

*to*

*Domestic Violence Calls*

**JACKSON COUNTY, OREGON**

Praxis International  
218.525.0487

Battered Women's Justice Project  
612.824.8768

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**TEAM MEMBERS**

*Karen Darling, Director, Asante Domestic Violence Program*  
*Ken Dickerson, Officer, Medford Police Department*  
*Sara Snyder, Deputy District Attorney, Jackson County District Attorney's Office*  
*Art LeCours, Officer, Ashland Police Department*  
*Sue Sauls, LPSCC Coordinator, Jackson County Community Justice*  
*Gerry Sea, Outreach Program Manager, Community Works, Coordinator,*  
*Jackson County Council Against Domestic and Sexual Violence*  
*Tira Lerew, Court Advocate, Community Works*  
*Chloe Sternola, Civil Supervisor, Jackson County Courts*  
*Melissa Proctor, Child Welfare Advocate, Community Works*  
*Debbie Mak, Sr. Deputy Parole & Probation Officer, Jackson County Community*  
*Justice*

*Audit Coordinator: Jennifer Maile, Jackson County Council Against Domestic and*  
*Sexual Violence & Community Works*

*Audit Consultant: Rhonda Martinson, Battered Women's Justice Project*

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## INTRODUCTION

A Domestic Violence Safety and Accountability Audit is a systematic observation and analysis of the intra and inter-agency routines and documents used and produced when institutions process “cases” of domestic abuse. A central activity is the assembling of an audit team, made up of practitioners from agencies that intervene in cases of domestic violence, to look at their collective response to those cases. The team looks at a sequence of actions—for example, the route of an offender from a 911 call to the jail booking procedure—and determines if that sequence centralizes victim safety and offender accountability. Safety audits look at the context of agency intervention, such as information-sharing mechanisms between agencies, the education of and training available to agency staff, and the resources those staff command. In so doing, the audit reveals work processes behind the problems and trends. The strength of a safety and accountability audit lies in (1) its emphasis, which is not on the competency or idiosyncrasies of individual practitioners, but rather on how, where, and if agency practices ensure the safety of victims and the accountability of offenders; (2) the participation of local practitioners as auditors of their own systems; and (3) the learning of analysis skills with which practitioners can continue to evaluate other aspects of their system.

The audit process in Jackson County was first conceived in 2002 to examine the response to domestic violence by the misdemeanor prosecution element of its criminal justice system. An eleven-member audit team, comprised of practitioners from agencies in that system as well as battered women’s advocates, met and planned to organize this audit. They not only conceived of and defined the audit’s scope, but also won cooperation from their respective agencies, shared and analyzed considerable amounts of institutional data, and dedicated hours of their time to the audit process itself. This same team was central to the implementation of the audit’s findings and recommendations, which can be found in [A Report from the 2003 Domestic Violence Safety and Accountability Audit: Prosecution Response to Misdemeanor Domestic Violence Cases \(Jackson County, Oregon\)](#).

The audit work in Jackson County continued, next examining the dispatch and law enforcement response to the following aspects of domestic violence: dual arrests or arrests of women, sexual assault, stalking, strangulation, child witnesses, and when involved parties are from underserved populations such as communities of color, individuals with immigration status, non-English speakers, individuals in gay or lesbian relationships, etc. The team met and planned since 2003 to organize this audit.

The audit team mapped out every point of intervention within the law enforcement response and collected the agency’s relevant texts—forms, job descriptions, policies and procedures, statutes, and agency descriptions—into handbooks for points of reference during the audit. Having already received training on the audit process in 2002, the team received refresher training for this continued work. The consultant and the audit coordinator received 15-20 police reports of domestic violence from 7 law enforcement agencies to analyze: Ashland, Central Point, Eagle Point, Jackson County, Medford, Shady Cove and Talent. The audit team analyzed 50 calls to the 911 centers. Most of these calls were matched to the police reports which were analyzed.

This report sample was police response to domestic violence calls from January 1, 2004 through September 1, 2004. The selected jurisdictions included the most urban department, several rural communities and the Sheriff's Office which handles all unincorporated areas of this large rural county.

Of the 102 total police reports received, 10 were not of intimate partner violence (e.g., parent-child, or sibling-sibling, instead of intimate partners such as husband-wife, boyfriend-girlfriend, etc.) and thus were omitted from the audit. Thus, the consultant analyzed 92 reports for information available to law enforcement officers to make decisions, and for indicators of how victim safety and offender accountability are built into the response of law enforcement officers to dual allegations of violence, sexual assault, stalking, strangulation, child witnesses and individuals from underserved populations.

The team also received 20 tapes of 911 calls to Medford Police Department's CCOM and 28 from Southern Oregon Regional Communications (SORC). The team was trained by the consultant to analyze the 911 recordings and did so as a group on several occasions. Each team member was then assigned to analyze several on their own. They were looking at several areas: who is calling, nature of the call, immediate safety instructions, address and directions, identity of location and parties, what is happening/has happened, who is still at risk, past violence and other observations. In preparation for analyzing the recordings, team members toured the SORC office and received detailed information about how the technology works. They also observed the dispatch centers at various shifts and got a feel for what their job entails and how it is organized.

During the audit, team members made twenty observations of practitioners in law enforcement (police and probation), as well as observations of arraignments and sentencing hearings at the court. They conducted seventeen interviews, including a judge, law enforcement officers, jail staff, a release assistance officer, a clerk of court, prosecutors, a probation officer, a batterer's program provider, court officer, a defense attorney and victim services providers.

Team members also listened to women. An essential piece of an audit is listening to the people who utilize the systems we are investigating. It is sometimes challenging to find people who are willing to talk about their experiences with the criminal justice system. The audit team members were assisted in locating women and men to talk to by the staff of Community Works Victim Services, specifically the outreach staff. These staff put up flyers and handed out information to people utilizing their services. The coordinator set up a voicemail for people to contact for focus groups and one on one interviews. Through this process fourteen women and one man were contacted and interviewed for this project. Each person had contact with law enforcement officers in this county. The audit team did not look at the police reports for these victims; none were in the samples collected. Several did not have direct contact with dispatch centers. During interviews people were asked about their experiences with police around domestic violence incidents. They discussed their life histories around domestic violence, what prompted them to seek police assistance, how their needs were or weren't met by the police response and what they would like police to know or do differently.

Finally, the team and the consultant debriefed with one another all the information gathered through interviews, observations and analysis of 911 recordings and law

enforcement reports, discovering together the themes, conclusions, and recommendations that appear in this report, which truly is a product of group development and writing.

Community Works, and the Jackson County Council Against Domestic and Sexual Violence (the Council) requested that the data described above – maps, file analysis, interviews, and observations – be compiled in a brief report that discussed Jackson County law enforcement response practices within the context of current, national best practices in the field of domestic violence law enforcement.

Enclosed you will find:

- findings of the audit team and the consultant
- recommendations of the audit team and the consultant, that the Jackson County Council Against Domestic and Sexual Violence, Community Works, and the local law enforcement agencies can work together to implement in the months ahead.

The audit team's continued analysis, discussion, and identification of problematic practices has changed the way that this community looks at issues within the criminal justice and social service systems. This process has enhanced the culture of how the Council looks at issues raised by victims, offenders and practitioners. Mapping has become a crucial tool in understanding and communicating how a given system functions and sets the stage for a non-judgmental look at how policies and administrative rules create or stifle the flow of information and how they impact safety and accountability in individual cases and within the system as a whole. Over time, this continues to result in a widespread improvement of our community's response to cases involving domestic violence.

The audit coordinator and team have gone on to conduct a mini-audit of the dual diagnosis (mental health and addiction recovery) systems in Jackson County focusing on methamphetamine use. The team mapped the screening, addiction recovery and mental health systems from 30 practitioners' perspective and then mapped the life history of 12 adults who have both addictions and a mental health axis II diagnosis. The results are being used by the local Methamphetamine Task Force, in the recent Methamphetamine Summit and have lead to significant discussion and increased agency understanding.

Community Works, and the Council, in their roles as facilitators of the safety and accountability audit undertaken by practitioners in Jackson County, would like to thank the police departments of Ashland, Central Point, Eagle Point, Medford, Shady Cove and Talent; the Jackson County Sheriff's Department; the Medford Police Department CCOM and Southern Oregon Regional Communications. Community Works and the Council are grateful for the openness shown by criminal justice practitioners to examine and change practices. The audit process has, we hope, helped to strengthen the channels of communication between segments of the criminal justice system and continue the community's objective examination of the system's response to domestic violence offenders and victims.

## THE BIG PICTURE

The data gathered (interviews with victims and practitioners, observations of practitioners, and a review of 911 calls and police reports) indicated some overarching themes about the criminal justice system in Jackson County.

- Most victims have been subject to repeated acts of violence. All of the victims interviewed said that they had been physically hurt previously by this or another intimate partner. Some practitioners expressed concerns or frustrations with dealing with “repeaters.”
- Those who called the police did so because they were afraid (for themselves and/or children) and/or they wanted the batterer to stop the violence or to leave. This was stated by some of the victims interviewed, by battered women’s advocates who work with victims, was stated by some of the callers to 911 and was often documented in the law enforcement reports. See, e.g., Case 28: “Officer dispatched to residence for ex-boyfriend refusing to leave.”
- A number of domestic violence cases are called into 911 by third party witnesses. The audit team discussed how this may be indicative of a rising level of community awareness, the rising availability of cell phones and citizens’ willingness to use them when coming upon disturbing or unsafe circumstances, and the ever-present reluctance of the victim herself to call and “be the one to get him in trouble.”
  - There were mothers calling 911 on behalf of their daughters. In some cases, the mother was calling from several states away. This was an interesting look into who women call when they need help.
  - There were also incidences of friends or neighbors calling and requesting medical or police assistance. In these calls the victim was sometimes there in the room and the caller was relaying information back and forth between the victim and dispatcher. In other instances, the victim had come to the caller for help and then left, and the caller was contacting 911 out of concern for victim safety. And in still other calls, sometimes the caller actually witnessed what happened and immediately called 911.
- Dispatchers display patience, kindness and calm to callers. Dispatchers commonly told the caller what was happening (“My partner is sending the police, the police are on their way, and I’m sending an ambulance.”) Knowing what was going on at dispatch significantly lessened the anxiety of calling. Dispatchers consistently reassured callers that they could call back if they needed anything or if anything changed.
- Often it was difficult to sort out the feelings and impressions community members had about law enforcement from the larger system of prosecution, courts and probation. When victims feel left out of the process (pre-trial release, prosecution and/or sentencing), they can be left with negative feelings. For example, several victims expressed that they felt there was no role for them in sentencing - no notice, no idea what happened or why. They felt frustrated whether their wish was to speak on the defendant’s behalf, for herself or for her children. As a result, law enforcement was both blamed and celebrated for the long term results of arrest.

- Officers were unaware of all the professionals in Jackson County who use their police reports of domestic violence as a tool to intervene in domestic violence. That is, because officers typically think of a criminal conviction as akin to a good grade on their police report, some reported feeling discouraged or defeated when their cases were dropped even when their reports were good. Officers knew that police reports were used during booking, pretrial release, prosecution and child welfare actions. But most didn't know that in Jackson County their police reports, as the audit team discovered during this audit, were also used to intervene in domestic violence by:
  - The District Attorney's Victim/Witness office, which uses the report to obtain contact information for the victim, obtain facts and circumstances necessary to make proper referrals and help the victim with victim impact statements.
  - Crime Victim Compensation, which uses the report to review facts and circumstances which would verify which victims qualify for counseling.
  - The Community Works/Sheriff's Department Domestic Violence Advocate, who uses the report to obtain contact information for the victim in order to offer advocacy and safety planning.
  - Batterer Re-education Programs, which have offenders read their police report aloud as part of an accountability process. The detailed information of what the offender and victim say is imperative in the process of taking responsibility for one's actions.
  - Probation Officers, who base decisions about lethality of offenders and advisability of no contact provisions upon the police report.
  - Polygraphists, who use police reports as preparation for specific issue questions and for completing domestic violence histories.
  - Victims, who use police reports to support their positions in contested restraining orders, divorce and custody proceedings, civil claims for damages and employment actions.
  - Housing programs, which use information in police reports to determine who is eligible for housing and who to specifically exclude from the premises.
  - The Juvenile Department, who uses the information in police reports to help compile family histories on delinquent youth.
  - Therapists, who use police reports as background for psychological reports and for therapeutic plans.

Officers did get feedback about the usefulness of their reports for prosecution, but not about the usefulness of their reports for the many other potential interventions in domestic violence in their community.

**OBSERVATIONS ABOUT THE RESPONSE TO THE FOLLOWING ASPECTS  
OF  
DOMESTIC VIOLENCE:**

- **Dual arrests or arrests of women**
- **Sexual assault**
- **Stalking**
- **Strangulation**
- **Child witnesses**
- **Underserved populations**
- **Substance Abuse**

## DUAL/FEMALE ARRESTS

Looking at dual arrests or arrests of women in domestic violence cases isn't meant to imply that there is something wrong with such arrests on their face and isn't meant to imply that it is always wrong to make a dual arrest or always wrong to arrest a woman. Between the 1970's and 1990's, after mandatory and pro arrest statutes and policies appeared around the country, dual arrests and arrests of women rose because both parties involved in a domestic violence incident often alleged the other used violence. Hence, when evaluating (safety audits, court watches, fatality reviews, etc.) responses to domestic violence, a careful look at police reports of these cases can monitor difficulties officers might be having in applying arrest policy to the calls they are responding to and the facts they must sort out.

Of the 92 law enforcement reports reviewed for this audit, 15 documented arrests of women and two documented dual arrests. Again, the purpose of looking at these arrests was not to "Monday morning quarterback" decisions, but rather, as the introduction to this report says, to examine the law enforcement response to this particular aspect of domestic violence cases and see how victim safety and offender accountability is built in to this kind of decision making. Generally speaking, the circumstances surrounding these arrests were well-documented. Sorting out the facts in situations where both parties allege the other used violence can be difficult, and so documenting all one can in order to determine credibility, plausibility of each version of events, who's in control, who's in danger and who's afraid can help clarify if a crime was committed and who committed it. These reports documented injuries, appearances of intoxication, motives, witness perceptions and statements, and officer observations, all of which is helpful not only to the responding officer but also to those who may need to review those decisions later, such as supervisors, prosecutors, probation officers, and community members such as those involved in this project.

As the team and consultant debriefed the interviews, observations, and police reports, some themes emerged around the response during arrest of women or dual arrests.

- What does it mean to document the history of domestic violence or the history of the parties' relationship, and how does it impact self-defense and predominant aggressor decisions? In six of the above-mentioned 17 reports, the existence of history was implied or mentioned without further articulation. See for example, Case 6, where the woman arrestee had a miscarriage five months previously, had swelling on her back and ankles that she said were pre-existing injuries, and was on medication for nervousness.
- If self defense is raised, whose responsibility is to look at that? As a result of the audit team debriefing and the desire of the Council to look at Jackson County' coordinated community response to domestic violence, Chuck Derry of the Gender Violence Institute was brought to Medford for technical assistance and training in July, 2005. During his three-day visit he conducted several training sessions with law enforcement agencies, which 38 officers attended. There was debate at the training over who was responsible for determining self-defense – police, prosecutors or judges. As Chuck noted during his training, and as the consultant has noted during her debriefing sessions with the audit team, the

United States Supreme Court has required police to look at the totality of the circumstances reasonably available to them when making arrest decisions. Is a self defense claim and the ability to substantiate it a circumstance reasonably available to police?

- If so, then getting a statement from the suspect would be important. The importance of suspect statements is heightened even further by the aftermath of another United States Supreme Court case (Crawford), which may prohibit the evidentiary use of some victim statements and thus require other statements and items of evidence in order to make the case. Some police reports indicated that officers read suspects their Miranda rights before an arrest decision had been made and before the suspect was in custody, which sometimes “shut down” the suspect from talking to police. Interviews with practitioners and team debriefing speculated this practice may have evolved either from a change in academy training, or vague perceptions or rumors about law suits for false arrests. The Jackson County District Attorney is aware of this development, and interested in learning more and educating law enforcement agencies about the issuance of Miranda warnings to suspects.

## SEXUAL ASSAULT

Oregon was the first state to make marital rape a crime. However, it is not often reported or prosecuted, which is true of sex crimes generally across the country. Of the 92 police reports reviewed for this audit, six documented information raising concerns about sexually assaultive, abusive, humiliating or degrading behavior.

Of these six, three involved men trying to force sex on a sleeping partner (see, e.g., Case 86: “Victim awoke to boyfriend on top of her, trying to have sex with her. She told him no and got up. He ‘cold cocked’ her in the eye, causing her to fall to floor.”).

Two more reports involved men trying to force sexual behavior on their partners that their partners found shameful and didn’t want any part of. See Case 26: “He grabbed each wrist against each bicep so that circulation in her wrists was cut off and they became numb and red . . . . He told her he should let her pee the bed. This went on for a half hour to an hour, with husband's face several inches from hers . . . . All the while, he was talking to her in baby talk . . . .” See also Case 89: “Boyfriend . . . asked if she wanted to have threesome with a woman who was at the house. She said no and boyfriend became upset . . . . Boyfriend argued with her. She repeatedly told him she didn't want a threesome. He threw her against couch. She tried calling 911 on her cell and he turned her phone off three times before getting the phone from her and hitting her head with it . . . . He slammed her head against floor several times. He slapped her face several times and punched her chest.”

The sixth report contained no allegations of sexual improprieties, but the suspect in that domestic violence case turned out to be a registered sex offender, living in a house with a woman and her 11 year old son.

The audit team discussion of these cases, along with relevant parts of interviews and observations, raised the following issues:

- What are we missing? This has become an area of national concern and discussion. Should we routinely ask domestic violence victims about sexual abuse, or is this embarrassing and intrusive? Should we become aware of red flags to guide further inquiry? If so, who should perform that inquiry? That is, should it be police or given the sensitive nature, should it be an advocate, social worker or medical professional? SANE (sexual assault nurse examiners) are not specifically trained in domestic violence and have not been utilized for marital rape cases as of April 2005. What impact could they have on the response to sexual assault within the context of domestic violence? The consultant and team thought much could be learned about this area of discussion by looking at these six reports to see how the extensive details came out. Had the women simply had enough, where embarrassment was no longer an issue? Or was there something about the law enforcement response in these six cases that caused those revelations to occur? Knowledge of the parties, or a particular skill or demeanor perhaps? See, e.g., Case 26: “While signing off a fix-it ticket at the police station, I noticed a woman sitting in the lobby and asked if I could help . . . .” Interviews with experienced practitioners and team discussion also revealed that when some victims talk to

officers about sexual assault within their relationship they are testing the waters by saying a little and then seeing how it is responded to.

- When sexual abuse is disclosed, how do we safeguard victims' disclosures and get them connected to appropriate services? We know how to do this for victims of domestic violence but what about when sexual violence or the potential for it is involved? The audit team noticed that there is not a check box on police reports for domestic violence or sexual assault advocacy follow up for adult victims.
- If the victim can't speak English and a translator must be used, does use of male translators impact disclosures? No one was aware of such a case here, although it could easily happen, given the following recent example from another jurisdiction, provided by the consultant: A female caller inquired, according to the male translator, about "romantic" or "relationship" difficulties. When she wouldn't be more specific, the translator felt the caller was embarrassed or uncomfortable saying more and transferred the call to a female translator, to whom the caller did relay concerns and questions about sexual improprieties.
- Registered sex offenders live in our communities and with our families. One thread of the team's discussion about these cases pointed out that while theft convictions, for example, must be pointed out to potential employers to protect them from thievery, society does not have similar built in mechanisms to protect individuals from dangerous partners. Criminal background checks are not standard for dating as they are for employment, and cost money for the private citizen to obtain. What, if any, additional safety planning should there be for domestic violence victims and additional law enforcement investigation should there be when the suspect is a sex offender? Team members discovered benefits to offenders being charged with sex crimes in addition to domestic violence related crimes (see Case 21: "Interviews . . . revealed suspect violated sex offender status by not living at stated residence and not registering change of address . . . I forwarded follow-up investigation and recommendation of additional charges of Failure to Register as Sex Offender."):
  - Reduced chance of early pretrial release from jail
  - Sex offenses are ineligible for deferred sentencing
  - Jail time is longer
  - Petitioners can write about sexual assault/abuse in the restraining order petition

## STALKING (INCLUDING RESTRAINING ORDERS)

The operative word about this area of response to domestic violence was frustration, which again is something that is true nationally, as evidenced, for example, by discussion at the National Stalking Resource Center's last meeting of its advisory board. Practitioners and experts from around the country reported that first responders still often fail to recognize stalking behavior, that stalking is something that requires an expert to deal with, and that the wording of many stalking statutes makes them difficult to prove (e.g., how does a prosecutor prove something subjective like the victim's fear level?). Similar frustrations were evidenced during this audit, in interviews and in the police reports. See, e.g. the following facts from Case 3, where the suspect was charged with harassment – could stalking have been proved? “Last night and this morning, he called her cell phone and left three messages . . . She came home to find her ex a block from her house, holding her dog. They went to her house, where she found her ex had slept in her bed the night before and shredded one of her dresses. . . . After making this report, she came to police department to report her ex called her several times . . . . When apprehended, suspect told officer he . . . entered her residence several times in the past when she wasn't there and thought this charge would get dropped . . . .”

- Some practitioners felt that laws addressing harassment, stalking, restraining orders, stalking orders, and violations of orders were complicated to sort out. Some were still having trouble identifying stalking behavior:
  - “You have to read between the lines.”
  - “Language issues (technical jargon)”
  - Difficulty in discussing with victims “what is the reasonable expectation of fear?”
- Officers don't get a lot of practice with stalking citations. This can create a frustrating experience for both the victim and the police officer. Interviewees and audit team members noted that police are utilizing the domestic violence court advocate while working with victims of stalking. Having this intermediary has been very helpful for both the victim and the police officer as the advocate is able to assist the police officer with the procedure of the stalking complaint and assist the victim with emotional and procedural advocacy. It was suggested that the helpfulness of having this intermediary could be complemented by training a point person on each law enforcement shift. An experienced police officer noted: “A stalking order is one of the best tools because the label ‘stalker’ is more of consequence than multiple violations of restraining orders.”
- There are several safety issues associated with stalking and restraining orders:
  - For the three-plus days between a stalking citation (cited into court on the third business day) and the stalking order, victims aren't protected. This is a danger because the suspect's been alerted that the victim's taken a stand and he now has time to get to her.
  - Jackson County does not have forms for self-petitioning for stalking orders. Presently it requires going through an officer or an attorney. It can also be attached to a civil action with property damage. In this case filing fees would apply.

- Currently there is no information is available to victims about when a restraining order is served or about the offender’s demeanor or reaction at the time of service. The team noted that VINE (an automated victim information and notification system) is launching a pilot project to automatically notify petitioners when domestic violence protective orders are served on respondents in Arkansas, Kentucky, Texas, New York City, Utah and North Carolina.
- Victims report that respondents’ evasion of service is an issue for them. The team was not able to determine statistically how much this is an issue in Jackson County, but Case 62 is an example of how this is a problem: “He always seems to know where she is. She has seen him drive his truck past her home. She filed for a restraining order and is waiting for the sheriff’s office to serve it. A week ago, he showed up at her home to talk, pulled out a gun and loaded it in front of her. In high school, he threatened her with it twice but she didn’t take him seriously then because it wasn’t loaded.”
- Social service workers who press domestic violence workers to obtain restraining orders may not realize that offenders receive a copy of the petition, that this can be dangerous to victims and this is a consideration for victims when deciding whether to apply for one.
- There may be some sort of systemic message being given about mutual responsibility (that is, of petitioner and respondent) for enforcement of restraining orders. Although the audit team has no statistics on this, there was an anecdotal sense of an increase in dual restraining orders. And although they didn’t articulate specifics, some victims indicated a vague or generalized fear of being arrested themselves if they called police about restraining order violations.
- Although victims and practitioners said full faith and credit was being afforded to foreign orders, getting an order when there is a jurisdiction or residence question can be a different story. Given the closeness to the state line, victims may often be faced with a systemic “run around” when trying to get a restraining order in Jackson County when the conduct on which the order is based occurs in California. The team documented an example of a woman who lives in Eagle Point and went to California where a domestic violence incident occurred. She wasn’t able to get a restraining order in California because she lives in Oregon. She wasn’t able to get a restraining order in Oregon because the conduct on which it was based happened in California.
- Employers could benefit from information and training on the appropriate workplace response to stalking or the violation of restraining or stalking orders. See again Case 62: “Victim’s boss said that six days ago the victim told her she was having problems with her ex-boyfriend and wanted management to know in case he showed up and caused a scene. Victim told her the previous day, he menaced her with a gun. Boss put victim on administrative leave because she didn’t want ex-boyfriend showing up and hurting victim or other employees.” Victims and practitioners who work with

them said again and again that victims' lives are fragmented when we don't assist them in working with their employers and child care/schools regarding their protective orders. It is important to build others into stalking response so the victim isn't isolated.

- In addition to restraining and stalking orders, a standard provision of the pretrial release agreement for domestic violence related crimes under state law is that the defendant have no contact with the named victim. Practitioners interviewed for this audit were frank in saying arrests are not being made on violation of the pretrial release. Officers are concerned that they are unable to verify the validity of a pretrial release no contact provision outside of court business hours. Courts could modify this provision at any number of hearings, the officer wouldn't know it, and then could end up making an illegal arrest. The team noted that Release Assistance checks the jail log every day and determines who has been released and enters all no contact provisions into OJIN. After hearings they enter into OJIN again so if the jail could check OJIN they would know the current status of pretrial release and any modifications (The victim's name is not on record until the case is filed or entered into OJIN so the no contact provision can't be enforced).
- Getting a no contact provision modified is an intensive process which requires that the victim petition the court and appear at a hearing. In order to be able to petition the court, a victim must show proof that she has attended three hours of a domestic violence victim information class. That this is burdensome is evidenced by examples provided by interviewees and team members of people who have been known to get a restraining order it so that it overrides the no contact provision of the pretrial release and so that they can have contact without having to attend the domestic violence victim information classes.

## STRANGULATION

Strangulation has only recently been identified as one of the most lethal forms of domestic violence. Historically, “choking” was rarely prosecuted as a serious offense because victims minimize the level of violence and police and medical personnel fail to recognize it. Victims report symptoms ranging from difficulty in swallowing to lack of consciousness – see the checklist below which was adapted from a specialized form developed by the San Diego City Attorney’s Office with Dr. George McClane and Dr. Dean Hawley and is currently being used at the San Diego Family Justice Center. Being strangled can result in internal swelling or tissue damage that can have serious consequences if left untreated. Trainings on strangulation developed by the San Diego City Attorney’s Office and Drs. McClane and Hawley have presented case stories of strangulation victims who have later suffered voice impairment, brain damage, aneurysm and miscarriage.

### Symptoms and/or Internal Injury

| Breathing Changes  | Voice Changes  | Swallowing Changes   | Behavioral Changes   | Other   |
|--|--|--|--|---|
| <input type="checkbox"/> Difficulty breathing<br><input type="checkbox"/> Hyperventilation<br><input type="checkbox"/> Unable to breathe | <input type="checkbox"/> Raspy voice<br><input type="checkbox"/> Hoarse voice<br><input type="checkbox"/> Coughing<br><input type="checkbox"/> Unable to speak | <input type="checkbox"/> Trouble swallowing<br><input type="checkbox"/> Painful to swallow<br><input type="checkbox"/> Neck Pain<br><input type="checkbox"/> Nausea<br><input type="checkbox"/> Vomiting | <input type="checkbox"/> Agitation<br><input type="checkbox"/> Amnesia<br><input type="checkbox"/> PTSD<br><input type="checkbox"/> Hallucinations<br><input type="checkbox"/> Combativeness | <input type="checkbox"/> Dizzy<br><input type="checkbox"/> Headaches<br><input type="checkbox"/> Fainted<br><input type="checkbox"/> Urination<br><input type="checkbox"/> Defecation |

Recent changes in Oregon law make strangulation a Class A misdemeanor and a much more easily prosecuted offense. When asked about strangulation in interviews, practitioners generally agreed that there was not any specialized training in the area of evaluation of injuries or specifically how to recognize the signs and seriousness of strangulation.

- Language continues to be a concern in the domestic violence field, in particular with the terms “choked” and “strangled.” Dispatchers use the terms that the caller uses to describe the incidents.
- Team members heard multiple recordings of victims reporting being “choked.” In most of these cases victim was asked, sometimes more than once, if she wanted or needed medical attention; unfortunately, the average citizen is unlikely to know or understand the seriousness of being strangled and may not be the best decision-makers or advocates for their own medical care. The same comments and concerns apply to pregnant victims. At the time of this audit, there was no cost to the victim for sending the ambulance out to check them out. This was sometimes told to people on the phone but may not have been generally known to domestic violence advocates or social service workers. However, a recent local news article discussing proposed charges for dispatching ambulances indicates that the “no cost” approach may be about to change.

- The audit team found references to suffocation along with strangulation and were concerned that offenders be held appropriately accountable for this serious act. Can suffocation be prosecuted as strangulation?
  - Case 8: “. . . pushed her down on the bed and covered her mouth, keeping her from screaming or breathing.”
  - Case 23: “. . . put an article of clothing over her face so she couldn't breathe.”
  - Case 23: “. . . punched her chest. She told the officer she felt pain, and that the wind was knocked out of her.”
  - Case 40: “When police arrived, the victim was upset and disoriented. She couldn't answer questions. She had difficulty breathing and collapsed on her knees. After few minutes, she calmed down and said her husband was still at home. They'd argued and her husband grabbed her and threw her on their bed. He pinned her down on the bed and wouldn't let her move for at least an hour.”
  - Case 42: “. . . walked up behind her, wrapped his arm around her upper chest and throat, and squeezed tightly. The woman told the officer she didn't know how long he did this, but she couldn't breathe and panicked.”
  - Case 52: “She and her husband were arguing when all of a sudden, he grabbed her around the neck with both hands and picked her up. She couldn't breathe. He pushed her down and stomped her chest.”
  - Case 78: “He bent down and covered her nose and mouth so she couldn't breathe. He ordered her to ‘Shut up. The cop is out right now and I don't want to go to jail.’”
  - Case 85: “She was awakened by her boyfriend on top of her, covering her face with pillow.”
  - Case 92: “He ran at her from behind and tackled her, landing on top of her. He placed his arms around her and his hand over her mouth. He said, ‘No, you are going to stay here. Be quiet, calm down.’ He tried to kiss her but she said no. She told him to let go, that she wanted to go a friend's, and he said ‘Oh, your . . . buddy.’ She was crying and scared because she couldn't breathe. She thought she was going to die.”
- There were also dramatic examples of an offender willing to strangle in front of others, which is indicative of someone not fearful of being held accountable, which is another factor indicative of risk or lethality. See, for example, Case 52: “The 18 year old daughter heard her parents arguing and then heard her mother say ‘I need help!’ The daughter entered parents room and saw her father choking her mother and yelling at her.”
- Jail staff may not be recognizing strangulation symptoms. There are policy prerequisites in getting medical care at jail – the detainee must know and be able to articulate the problem. Medical care at the Jackson County Jail is already a large cost for the county (roughly a \$1million a year).

## CHILD WITNESSES

At law enforcement and prosecution trainings across the country, there are debates about when and how to document the presence of children at the scene of a domestic violence incident. Some police departments and officers believe that no one under the age of 12 should be interviewed or photographed; some believe that photos should be taken of any children present or that children should be checked on and talked to by an officer. In Jackson County the practices vary. Children are often present or on premises even if not present at scene. Officers are trained to check the residence even if the parents state that the children are not there. When no children are present at the scene when officers arrive but it looks like children live there this information does not commonly get incorporated into police reports. This may have ramifications later on for victims seeking supervised visitation or who are working with child welfare.

- When contact is made with children, how do we ascertain their safety and the impact that the violence has had upon them? Law enforcement reports generally don't document much with regard to the safety or well-being of children. Some officers interviewed for this report indicated a need for training and skill development in interviewing children, understanding child development and developing age-appropriate questioning, etc. Case 61 is a wonderful example of an officer overcoming the young age and inability of the child to express himself to poignantly document the impact of domestic violence on this two-year old: "Upon officer arrival, the child said 'Daddy hit, pow!' The victim said her son was sitting on a bed in the bedroom that her ex-husband pushed her into. Her son was awake, alert and watching as her ex-husband assaulted her. The victim said during past assaults that her son has witnessed, her son often says to her 'Daddy hit, pow!' while making a fist and slugging motion. She thinks her son said that again to her this time as she was regaining consciousness and before he asked her to hold him. The victim said her ex-husband taught her son to punch her because 'women deserve it because of their mouths.' He taught their son to call her 'whore,' 'slut,' and '....' Each time her son called her one of those names, her ex-husband would praise him, laugh and say 'That's my boy!'" This documentation enabled officers to later obtain incriminating statements from the suspect, who was gone from the scene upon police arrival. Upon receiving information 11 days later as to his whereabouts, the officer located the suspect and among other things, "asked him why his two-year old son stated "Daddy hit, pow!" to police. Suspect replied "I'm teaching him how to fight."
- Child welfare sometimes has difficulty finding children who need services when the police report does not say where they went. This sort of documentation can be more complicated than it sounds. Extended families, step-children, children who are visiting, both parents getting arrested, and one or both parents going to the hospital all make documentation of children's locations difficult. When boxes on police reports for DA/CW aren't marked, the records division does catch this and ensure a copy of the report gets to the proper agency.
- The audit revealed that the information about children who witnessed battering is often missing from police reports. This creates many victim safety issues:

- Prosecutors may not know about the children living in the home (particularly those not there at the time of the incident) so conditions of sentencing may not include ways to safeguard those children.
- The District Attorney's Victim/Witness office can more fully address a victim's resource needs when they know about the children. Counseling for children under Crime Victim Compensation is available when children are listed in the report.
- Child Welfare only receives referral on those police reports that name children as present during the incident. They are missing seeing many children who are seriously affected by domestic violence.
- Batterer Re-education Programs have offenders read their police report as part of an accountability process. When children are listed it gives the facilitator more insight into the situation and allows them to address this with the offender.
- Probation Officers make decisions about the lethality level of offenders based in part on whether children are impacted.

## RESPONDING TO UNDERSERVED POPULATIONS

Jackson County has a significant Spanish-speaking population. Both dispatch centers audited (SORC and CCOM) utilize Language Bank which offers translation in over 200 languages (these centers also have TTY's with which to communicate with deaf citizens, and staff are trained in the use of them). The centers are not limited by monetary limitations in deciding whether or not to use Language Bank. Several times in listening to recordings, audit team member noticed so much more being said in Spanish than is told to the dispatcher in English. Team members termed this the difference between interpretation and translation, which raised the following concerns:

- There could be less information being given to officers in these calls, although dispatch and police are aware of this and have adapted to it. There does not appear to have been any lethality issues as a result of this difference in information. It would be important to talk to the Latino community to ensure that this is the case and to find out if there are issues that would benefit from being discussed.
- Dispatchers may benefit from being provided additional phrases in Spanish such as “the police are coming” so that they can communicate these to Spanish speakers. Many dispatchers have phrases printed out in Spanish to use as a reference.
- What gets lost in the translation? For example, some advocates reported that some Latinos seem to be under the impression that “strangled” or “overdosed” means “dead.”
- As for police, there are often delays and difficulties when language barriers are present. This can be frustrating for all persons involved. All police departments reported utilizing the “pink card” which is English on one side and Spanish on the other. This is an information and referral card for victims of domestic violence produced by Community Works Victim Services. Several police departments did not have additional victim advocacy or domestic violence information available in Spanish. Adding to the difficulty is that police and victim advocates report there is still a lot of conversation about acceptable violence/actions in another country and whether and to what level that should be considered in police intervention. A plus to practitioner responses to this community is that practitioners know that police aren't allowed to ask about the legal status of parties. Audit team discussions concluded that publicizing this information may help victims not legally in the country feel more able to call police when they need help.
- And as for the courts:
  - There has been no specific coordination or requirement for domestic violence training for court interpreters.
  - There is currently no way for a Spanish speaking person to perform as a juror. Oregon Judicial Department does have an obligation to provide an interpreter for jurors but it has never been done (they have done so in sign language).
  - Courts need to know in advance if interpreter is needed because there is only one on staff.

- If a victim needs an interpreter then there is an assumption that Victim/Witness will request one from the Court. This does not work for the victims that are not actively working with the victim/witness office.
- There is not adequate debriefing after difficult trials/hearings.
- Courts do not often see restraining orders by Spanish speakers/writers.

A few police reports indicated that the intimate partners involved in those particular cases were involved in gay or lesbian relationships, where there is heightened reluctance to call police out fear of being outed. See, e.g., Case 45: “Witnesses heard yelling coming from the victim's bedroom yesterday. They ran upstairs to see the suspect pointing revolver at the victim's face. The victim was begging the suspect not to shoot. Witnesses began begging the suspect to put the gun down and not shoot the victim. The suspect then fired the gun four times in the victim's direction. Witnesses tackled the suspect and took the gun. They saw glass all over floor and the victim bleeding from scratches. The victim didn't want police called, thinking it was over and there would be no more problems. Tonight, witnesses heard yelling and screaming and ran upstairs to find the suspect and victim wrestling over the gun. The victim was twisting the suspect's wrist to get gun. Witnesses grabbed it and pulled the suspect off the victim.”

## SUBSTANCE ABUSE

As with other crimes and social problems, there is a significant correlation between domestic violence and substance abuse. Substance abuse, particularly alcohol and methamphetamine use, is a serious problem in Oregon. According to a recent article in the Medford Mail Tribune, “Oregon meth use is six times higher than the national average.” Officers in Jackson County are acutely aware of that, as evidenced by Case 16: “Upon arrival . . . the door swung open. A man's voice yelled ‘You have no . . . right to be here! Why are you here? There's a trespass sign up! Get the . . . out of here! There's a baby here!’ The man lunged forward and tried shutting the door. Officer put his foot in front of the door to stop it and second officer yelled at the man to get back and get on his knees with his hands in the air. Officer observed that the man had dilated pupils and tensed his body while yelling threats. Officer believed the man was exhibiting signs of methamphetamine use and intoxication. The man continued yelling and argued with officer about why they were there. Officer saw a woman with a baby and told her to leave the house with the baby.”

In working with victims and perpetrators of domestic violence, substance abuse is often a coexisting factor. 46 of the 92 law enforcement reports (over half) documented one or both parties:

- being intoxicated (see, e.g., Case Number 75: “When officer arrived, the victim was outside the residence in tears and very upset. She didn't want husband home while he was still intoxicated. He had consumed three 24-ounce beers and was out of control.”)
- having had substance abuse problems in the past (see, e.g., Case 25: “His girlfriend took his bankcard and license from his wallet. He thinks she wants money to buy methamphetamine.”)
- having had a criminal record involving substance abuse or the possession of illegal substances (see, e.g., Case 71: “On the way to jail, suspect said he'd consumed a few beers. He knew this was in violation of his house arrest but he was ‘trying to quit.’”)

Because both the domestic violence and substance abuse treatment fields are relatively young and new to each other, neither has yet consistently implemented programs that facilitate interagency coordination and cooperation. The result is that people seeking services from both fields often are treated in a fragmented manner.

Issues that emerged from this absence of coordination include:

- Service providers, including police, often do not know how to work effectively with victims of domestic violence with substance abuse problems. The result is that these victims are sometimes treated less compassionately and effectively. Some victims interviewed for this audit said they were drinking or under the influence of drugs during the incident. When asked how this affected their interactions with police, their overall response was that when victim is intoxicated she felt that officers had less empathy and were more apt to find her less credible and/or blame her.
- The use of controlled substances or alcohol by either or both parties creates barriers for police in figuring out what happened. See, e.g., Case 2: “When

officer arrived, he talked to an intoxicated man who called police on behalf of a woman who had just been hit by her boyfriend. The man wanted the boyfriend taken to detox as the boyfriend was heavily intoxicated and out of control. . . . Officer then spoke to intoxicated woman who said she found her boyfriend in the garage naked and passed out on the ground. She tried dressing him and dragging him to the house when he backhanded her. . . . Officer found the boyfriend in a bedroom on a bed. He had a strong odor of alcohol on his breath and was unable to stand by himself. He was unable to make a reasonable statement. His speech was slurred.”

- The use of controlled substances or alcohol by either or both parties also complicates victim safety issues in terms of understanding what is happening, making choices, retaining information and caring for themselves medically and emotionally.
- Police are unclear about intimate partner violence committed when parties are under the influence of methamphetamines – whether the meth use causes violence, causes victims to fight back more aggressively or there is an underlying pattern of battering.
- Police and probation officers as well as batterer intervention providers face challenges in addressing accountability with men who are substance abusers and use their substance abuse as an excuse for violence.

By sharing knowledge, substance abuse treatment providers, domestic violence workers and law enforcement can understand the complexity of the problem, address their own misperceptions and prejudices, and better serve individuals, as well as lay the foundation for a coordinated community response. Building bridges between the fields requires an understanding of the way each problem can interfere with the resolution of the other and of the barriers posed by the fields' differing priorities, terminology, and philosophy. As a result of this audit process, the Jackson County Council Against Domestic & Sexual Violence (JCCADSV) wrote and has received a grant from Trust Management Services to organize and host a regional training for social service, substance abuse treatment providers and criminal justice practitioners focused on developing collaboration, communication and cooperation for those who work with the coexisting issues of domestic/sexual violence and substance abuse. This two day training will be titled “Ending Fragmentation: When Substance Abuse and Violence Against Women Coexist.”

## ACCOMPLISHMENTS

One of the most rewarding things about this audit process has been the increased collaboration and open discussions that have resulted from the audit work. Each time the audit team met with people or got together to discuss what they had observed or learned, the conversation grew. The audit process also created a climate where new and innovative ideas and projects could come to fruition. In addition to those ideas and projects already appearing on preceding pages:

- Chuck Derry of the Gender Violence Institute sparked a great deal of discussion during his visit. There were work sessions with Community Family Court, the Audit Team, the Batterer Intervention Team, the JCCADSV Executive Committee, and the Community Justice DV Unit. He also conducted training for Supervised Visitation & Custody Exchange and two sessions for Law Enforcement. This visit was made possible by the collaboration between the Sheriff Offices' STOP Grant, the JCCADSV, Community Works and the Audit. The audit process was instrumental in framing most of these work sessions and trainings. It was impressive to see the amount of community participation in these events. In his review/evaluation report to the Executive Committee he made several recommendations and he assisted the committee in forming a strategic plan to strengthen our coordinated community response.
- New Domestic Violence Advocates are now doing ride-alongs with police as part of their required training to work in the field. This audit process was the first time any current advocates had observed and had dedicated time to spend with police officers on shift. It has been a good experience for both the advocates and the officers and has served to dispel myths for each of them as well as to build connection and insight.
- The audit was helpful in the process of updating the Jackson County Domestic Violence Protocols for Law Enforcement, a cooperative policing protocol and agreement for all area law enforcement agencies. John Norton, the Deputy DA handling the felony domestic violence caseload is conducting trainings on the revised domestic violence protocols for all local police departments. This small group training is a new strategy for disseminating the protocols and has been very warmly received by officers.
- Release Assistance partnered with the Domestic Violence Court Advocate to create a flyer for victims about the release process and no contact provision and has also made it available to the clerks who handle restraining orders.
- The Council held a training in January, 2006 entitled, "You Want Me to What?" which provided attendees with an understanding of the criminal justice, social services and civil justice responses to domestic violence in Jackson County as well as resources for victims and offenders. The concept for this training came, in part, from hearing social service providers discussing the fragmentation of victim's lives.

## **RECOMMENDATIONS AND SUGGESTIONS FOR IMPLEMENTING THEM**

### **Recommendation**

Given increased practitioner contact with repeat offenders and battered women staying in relationships with batterers (see Big Picture section), and given the importance of domestic violence history (see Dual Arrests/Arrests of Women section) in making difficult decisions such as probable cause, self defense and predominant aggressor), **it is recommended that the importance of and documentation of history be institutionalized.**

### **Implementation**

- Structured discussion (e.g., some jurisdictions have chosen to regularly triage such cases and report to the Council on their impact) of repeat offenders, their impact on safety and resources, and strategies to address this impact.
- Update and continue to include in trainings “Why women stay.”
- Include a streamlined way for officers to document history without taxing the already scarce resources of time and staffing. Since a creation of the domestic violence supplemental form is already in the works, it is suggested that history documentation be incorporated into this process.

### **Recommendation**

Given the unawareness officers had of the many uses of their reports (see Big Picture section), and given the lack of inclusion of some practitioners in multi-disciplinary domestic violence training (see throughout), **it is recommended that effort be made to expand practitioners’ notions of their roles as successful interveners in domestic violence.**

### **Implementation**

- Call-takers and dispatchers haven’t always been included in domestic violence policy-making and training. Therefore, it would be best to start with foundational training on domestic violence that is multi-disciplinary, so call-takers and dispatchers have the same opportunity as their peers in the Jackson County criminal justice system to “be on the same page.
- Include at trainings dispatchers, process servers and social workers. Include at these trainings presentations and exercises on risk assessment and safety planning.
- Given the phone, radio and shift coverage required of 911 operators, getting away from the center for extended training periods is difficult. Dispatchers suggested some of this difficulty could be alleviated by utilizing less formal and less time away from the dispatch center by talking with the audit team about domestic violence issues, and participating in on-line training while working.
- Invite other practitioners and include information at trainings about the uses of police reports (e.g., at batterer intervention programs, by probation officers, etc.) and how documentation aids those efforts.

- Police themselves suggested it would be helpful for other practitioners to come to their briefings and talk about their procedures and limitations around domestic violence offenders. Using deferred prosecutions as an example, officers noted that they can't arrest a subject for violating a deferred prosecution agreement, but may be able to arrest the suspect for contempt of court for violating a court order (a deferred prosecution agreement is a court order). It would be helpful to have practitioners involved in these deferrals (prosecutors, probation officers) talk at police briefings about how to best enforce them.

**Recommendation:**

**Following on the heels of the recommendation above, modify or recreate current report formats for domestic violence; or add a form for supplemental information.**

**Implementation:**

- The Legal Issues & Public Safety Committee of the Council has taken on the process of assisting agencies to create or adopt domestic violence supplemental reports.
- This is a multi-disciplinary group including courts, DA, Public Defender, Victim Advocates, the Council, Police and Probation.
- This committee is also getting input from Batterer Intervention providers and Child Welfare on this topic. New or supplemental police reports must be loadable into SORC and CAD computers.

**Recommendation**

**Build a plan with prosecutors of local trainings or advisories for dispatchers and police on legal issues and strategies.**

**Implementation**

See Dual Arrest/Arrest of Women section

- Create a prosecutor-led or prosecutor-involved training for dispatchers and police on the current state of law and appropriate investigative strategy on Miranda warnings, victim and suspect statements, and admissibility of excited utterances to dispatchers and police. To the extent that the local prosecutor is not available or doesn't have time to do the research, it is suggested that the state prosecutor's association or the attorney general's office be contacted, as each of the aforementioned areas of law is likely to have a "point person" at either place.

See Stalking/Restraining Order section

- Put on a multi-disciplinary training on the differences in law, usage and consequences of civil restraining orders, civil stalking orders, criminal harassment charges, criminal stalking charges, criminal charges of violations of civil orders, and criminal no contact orders. This sort of training should be based on case scenarios that the participants can work through together, to ensure common

understandings of appropriate criminal action and referrals for services in each of these situations.

See Strangulation section

- Put on a multi-disciplinary forum or training on building a coordinated community response to strangulation. At a minimum, the disciplines in attendance should be dispatch, law enforcement, medical professionals, battered women's advocates and prosecutors.

**Recommendation:**

**Develop a protocol for interviewing, investigation, referral and safety planning for sexual assault within an intimate partner relationship and for when the offender turns out to be a registered sex offender**

**Implementation:**

- Gather materials from national resources
- Form a multi-disciplinary work group to begin work on this. This group should include practitioners such as sexual assault advocates, sexual assault nurse examiners, etc.

**Recommendation:**

**Identifying stalking and the appropriate strategy to address it.**

**Implementation:**

- Create a protocol for the prioritization of process service of civil orders involving domestic violence and for reporting by process servers of threats or other information related to danger.
- Improve the tracking of no contact orders and improve their enforcement. Given the lack of funding for this sort of work, the team suggested such improvements could be planned for by learning how other Oregon jurisdictions track their no contact orders. Perhaps this could be done through phone interviews and site visits.
- Put on a multi-disciplinary training on the law of temporary and final restraining and stalking orders, violations of these orders, the crime of harassment, the crime of stalking, and criminal no contact orders and their violations. This training should have case scenarios that participants can work through together to ensure all are on the same page

**Recommendation:**

See Stalking/Restraining Order section.

**Workplace response education.**

**Implementation:**

- Increase outreach to and education of business community regarding the appropriate workplace response to restraining orders and stalking.

- Gather materials and referrals for employers who wish to create written policy and safety plans.
- Work with victims, to the extent safety concerns, confidentiality and data privacy permit, on how they wish to apprise employers, child care givers, etc. about restraining orders and their conditions as well as what to do if the respondent comes on the premises or attempts contact.

**Recommendation:**

**Representatives from 911 and law enforcement entities in Jackson County have been important parts of both audit projects from 2002 to present. Even if no funding is available, it would be important to continue their involvement even in audits of smaller, more narrowly focused questions.**

**Implementation:**

- Given the fact that no funding is currently available for this work, a low cost, low time-intensive way to continue to learn about systemic issues in our response to domestic violence is mapping. Mapping was particularly useful for our community.
- The audit team used and could continue to use this process in looking at the flow of systems, when putting together grant and community project partnerships, when talking and working with victims who are involved in multiple systems. Mapping has also been used in other jurisdictions who have done safety audits to look for how criminal justice entities (e.g., dispatch and law enforcement) do or don't link together, where there might be gaps, tracking paper flow, and picturing the maze some women face when dealing with several systems at once (e.g., criminal justice, civil courts, child welfare, public housing, etc.)

**Recommendation:**

**Network the databases of domestic violence service providers so they can share and track information.**

**Implementation:**

- The Council received a free copy of the Duluth, Minnesota's Domestic Abuse Information Network (DAIN) program as well as training and technical assistance on its use. The Audit Coordinator was also trained to use the DAIN program.