

THE BATTERED WOMEN'S JUSTICE PROJECT
PRESENTS



WHAT WORKS: IDENTIFYING AND PREVENTING GENDER BIAS IN THE CRIMINAL JUSTICE SYSTEM RESPONSE TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT

FEBRUARY 27- MARCH 1, 2017 • OMNI HOTEL AT JACKSONVILLE, FL
AGENDA

The criminal justice system offers one avenue for victims of domestic and sexual violence to report assaults and hold offenders accountable. The first point of contact for many victims may be law enforcement and a thorough investigation is essential for the process to work for the victim. While some law enforcement officers are responding to victims in a respectful, trauma informed manner and are thorough in their investigations, there is ample emerging evidence that this may not be the case in many jurisdictions because of prevailing gender bias. The Federal Department of Justice issued guidance to identify and prevent gender bias in the law enforcement response to domestic and sexual violence. The two-and-a-half-day conference for both law enforcement and prosecution, will provide a space to: 1) examine how biases can impede identification of the appropriate assailant, thorough reporting and investigation, and effective consistent prosecution, 2) develop policies and practices that support an agency culture that centers victims and 3) share promising practices that have led to culture change within agencies and the community.

Objectives:

As a result of this conference, participants will be better able to:

1. Recognize and address biases, assumptions and stereotypes about victims.
2. Develop approaches to victims that centralize their experiences.
3. Employ trauma informed interviewing tactics.
4. Investigate and classify all complaints of domestic and sexual violence thoroughly.
5. Utilize research data to improve both their own and their agency's response to domestic and sexual violence.
6. Hold officers who commit domestic and sexual violence accountable.
7. Implement a consistent and intentional process that identifies and prevents gender bias.

Day One: Monday, February 27, 2017

7:30 – 8:30 **Registration**

8:30 – 8:45 **Welcome and Introductions**
Location: Florida Salon C/D

8:45 – 9:45 **Plenary: Identifying and Preventing Gender Bias in the Law Enforcement Response to Domestic and Sexual Violence**

Jennifer Kaplan, Office on Violence Against Women, U.S. Department of Justice, Washington, DC

This workshop will highlight key points of the new guidance, share results and feedback from a roundtable hosted by the DOJ Office on Violence Against Women (OVW) in Washington, D.C. in August 2016, present lessons learned from the DOJ Civil Rights Division's investigations and settlement agreements involving gender bias by law enforcement agencies, and discuss the goals and anticipated deliverables of the DOJ guidance. They will also highlight the need for prosecution to follow through in order for the criminal justice system to address gender bias in its entirety.

9:45 – 10:00 **Break**

10:00 – 11:30 Morning Workshops

1. Leadership and Liability: Lessons Learned

Lt. Mark Wynn, Wynn Consulting

This workshop will be repeated today at 2:15-3:45

Location: Florida Salon C/D

Police leaders, supervisors, and officers often find themselves in harm's way while serving their communities. The dangerousness for all involved and the increasing liability risk for domestic violence, sexual assault, and stalking cases make these cases some of the most complex crimes that we respond to. During this presentation, Lt Wynn will review an existing case law for "failure to protect" lawsuit and discuss lessons learned from actual cases around the country and why addressing gender bias is important. He will also address the need for prosecutors to follow through and prosecute to send a clear message.

2. Properly Identifying the Offender

Dave Thomas, International Association of Chiefs of Police

This workshop will be repeated today at 2:15-3:45

Location: Omni Ballroom

The workshop will discuss the importance of properly identifying the assailant and how gender bias can impede identification and assessment of the assailant. Mr. Thomas will use the new DOJ guidance to assist participants in developing promising practices, developing a multi-disciplinary/coordinated community response that involves a close working relationship between police and prosecution in order to remove barriers so that communities can protect victims.

3. Gender Bias and Language Concerns

Cannon Han, Asian Pacific Islander Institute on Gender Based Violence

Location: Florida Salon A/B

The workshop will explore the importance of providing language access to those who are not proficient in English. Improper and incorrect interpretation can exacerbate gender bias. The presenters will offer various strategies that can counter gender bias by providing access to language interpreters.

11:30 – 1:00 Lunch on your own

1:00 – 2:00 Plenary: Making a Difference: Advocates and Law Enforcement Working Together

Carol Tracy Esq., Women's Law Center and Tom McDevitt, (Ret.) Philadelphia Police Department

Location: Florida Salon C/D

A crisis in Philadelphia led to the creation of an unprecedented and innovative collaboration between police and advocates that has proven highly effective in monitoring the systemic influence of bias on sex crime investigations – the annual advocate sex crimes audit. The increased recognition by police themselves that bias persists and police response must be improved provides opportunity to replicate the Philadelphia audit model in other jurisdictions. This presentation will provide police and advocates with the tools to do so; it will describe the audit process: who participates, how cases are selected and what participants need to know.

2:00 – 2:15 Break

2:15 – 3:45

Afternoon Workshops

1. Leadership and Liability: Lessons Learned

Lt. Mark Wynn, Wynn Consulting

Location: Florida Salon C/D

Police leaders, supervisors, and officers often find themselves in harm's way while serving their communities. The dangerousness for all involved and the increasing liability risk for domestic violence, sexual assault, and stalking cases make these cases some of the most complex crimes that we respond to. During this presentation, Lt Wynn will review an existing case law for "failure to protect" lawsuit and discuss lessons learned from actual cases around the country and why addressing gender bias is important. He will also address the need for prosecutors to follow through and prosecute to send a clear message.

2. Properly Identifying the Offender

Dave Thomas, International Association of Chiefs of Police

Location: Omni Ballroom

The workshop will discuss the importance of properly identifying the assailant and how gender bias can impede identification and assessment of the assailant. Mr. Thomas will use the new DOJ guidance to assist participants in developing promising practices, developing a multi-disciplinary/coordinated community response that involves a close working relationship between police and prosecution in order to remove barriers so that communities can protect victims.

3. Detecting Gender Bias

Carol Tracy Esq., Women's Law Center and Tom McDevitt, (Ret.) Philadelphia Police Department

Location: Florida Salon A/B

The highly interactive, nuts and bolts workshop will show how the audit model can detect gender bias in sexual assault investigations. Through examples from Philadelphia, the presenters will offer suggestions on developing an audit process and discuss ideas for replication in domestic violence investigations

3:45 – 4:00

Break

4:00 – 5:00

Plenary: Making the Law Keep its Promises: Law Enforcement Challenges and Changes in Addressing Gender Bias

Lt. Mark Wynn, Wynn Consulting

Location: Florida Salon C/D

In this plenary, Lt. Wynn will look at violence in the family through the eyes of a twenty-year public servant and a ten-year survivor of domestic violence. He will discuss the importance of leadership in addressing gender bias and the challenges of dealing with the most committed and often the least reported crimes in the United States. He will challenge law enforcement and community leaders to change the climate of their organization by addressing gender bias, centralizing the needs of the victim, and developing a professional and informed response that promotes victim safety and offender accountability.

End of Day One

Day Two: Tuesday, February 28, 2017

8:00 – 8:15 **Welcome Back**

8:15 – 9:45 **The View from Inside the System: How Police Explain Their Response to Sexual Assault**

Jessica Shaw PhD, Boston College

Location: Florida Salon C/D

The plenary will explore the extent and type of rape myths observed in police records of sexual assault investigations. Dr. Shaw will examine the relationships between different types of legitimizing myths, investigatory effort, and case outcomes. She will identify factors of the victim and case that seem to trigger a specific response in law enforcement personnel and highlight the barriers that occur within specific social contexts that can impede the criminal justice system's response to victims.

9:45 – 10:00 **Break**

10:00 – 11:30 **Workshops**

1. Successfully Investigating Sexual Assault against Victims with Disabilities (will repeat)

Shirley Paceley, Blue Tower Training, Decatur, IL, Teresa Tudor Esq., Illinois State Government, Eric Arnold, Illinois Law Enforcement Training and Standards Board

This workshop will be repeated today at 3:45-5:15.

Location: Florida Salon A/B

The team from Illinois will illustrate the ways in which bias, stereotypes and assumptions about disability and gender can make it difficult for some victims to access the criminal justice system. They will highlight resources developed by the Illinois team for law enforcement and prosecutors that guide the criminal justice systems response to domestic violence and sexual assault victims with disabilities. The resources include model guidelines, investigative procedures, model General Order, and a Law Enforcement Accessibility Review tool. Participants will leave with tips, strategies and access to multiple resources.

2. You Can Make a Difference for Victims of Sexual Assault: Lessons from Michigan

Jessica Shaw PhD, Boston College, Debi Cain, Michigan Domestic and Sexual Violence Prevention and Treatment Board, Gail Krieger, Michigan Domestic and Sexual Violence Prevention and Treatment Board

This workshop will be repeated today from 2:05-3:30

Location: Florida Salon C/D

This interactive and nuts and bolts workshop will highlight the importance of research to enable an analysis of police response to sexual violence that can be utilized to promote change within the state. Highlights of ground level changes will be provided so that participants can consider how to bring about changes within their own communities.

3. Eliminating Gender Bias in the African American Community with the Blueprint for Safety

Amalfi Parker Elder, Esq., Praxis International's Blueprint for Safety

Location: Omni Ballroom

The workshop will highlight work in the City of New Orleans to implement the Blueprint for Safety and to eliminate gender bias and racial disparity. Funded by the U.S. Department of Justice's Office on Violence Against Women, the Blueprint for Safety is a fully integrated coordinated response to domestic violence crimes with model protocols for seven criminal justice agencies from 911 to case disposition. Attention to unintended consequences and disparity of impact is built into the work of a Blueprint community. Ms. Parker Elder will discuss the work in New Orleans which uncovered gender and racial bias, particularly the disproportionate arrest rate of African American women, and will explore effective strategies to use in this important work including the engagement of community-based advocates.

11:30 – 1:00 Lunch

1:00 – 2:00 **Plenary: Who is a Real Victim? Gender and Racial Bias in Identification**
Hillary Potter, PhD, University of Colorado, Boulder
Location: Florida Salon C/D

Dr. Potter will highlight her research on the intersection of race and gender and how law enforcement can misperceive Black women's use of violence. She will explore historical and social conditions that may lead to specific ways in which Black women experience and use violence. It is critical for law enforcement, prosecutors and advocates to understand the cultural context that shapes violence so that stereotypes and assumptions do not guide their identification and assessment of specific situations.

2:00 – 2:05 **Break to Move**

2:05 – 3:30 **Early Afternoon Workshops**

1. **Black Women, Intimate Partner Violence and Bias**
Hillary Potter PhD, University of Colorado, Boulder
Location: Florida Salon A/B

Dr. Potter will examine the common stereotype of the "strong Black woman" and how that stereotype hinders the ability of African American women seeking help and support. She will share the experiences of African American women from her research and provide strategies on working with them to enhance their safety.

2. **You Can Make a Difference for Victims of Sexual Assault: Lessons from Michigan**
Jessica Shaw PhD, Boston College, Debi Cain, Michigan Domestic and Sexual Violence Prevention and Treatment Board, Gail Krieger, Michigan Domestic and Sexual Violence Prevention and Treatment Board
Location: Florida Salon C/D

This interactive workshop will highlight the importance of research to enable an analysis of police response to sexual violence that can be utilized to promote change within the state. Highlights of ground level changes will be provided so that participants can consider how to bring about changes within their own communities

3. **Gender Bias and Domestic Violence and Sexual Offenders**
A. Mervyn Davies, M.A., Davies & Associates, Greeley, CO
This workshop will be repeated today from 3:45-5:15
Location: Omni Ballroom

This workshop will discuss the 2009 study that explored the prevalence of intimate partner rape in adult sex offenders and domestic violence offenders in treatment in Colorado. Domestic violence offenders and sex offenders are not the same and the mechanisms that lead to these problematic behaviors differ. This workshop explores the dynamics of intimate partner rape and helps participants understand offender beliefs and entitlement which in turn reduces victim blaming.

3:30 – 3:45 **Break**

3:45 – 5:00 **Late Afternoon Workshops**

1. **Successfully Investigating Sexual Assault against Victims with Disabilities**
Shirley Paceley, Blue Tower Training, Decatur, IL, Teresa Tudor Esq., Illinois State Government, Eric Arnold, Illinois Law Enforcement Training and Standards Board
Location: Florida Salon A/B

The team from Illinois will illustrate the ways in which bias, stereotypes and assumptions about disability and gender can make it difficult for some victims to access the criminal justice system. They will highlight resources developed by the Illinois team for law enforcement and prosecutors that guide the criminal justice systems response to domestic violence and sexual assault victims with disabilities. The resources include model guidelines, investigative procedures, model General Order, and a Law Enforcement Accessibility Review tool. Participants will leave with tips, strategies and access to multiple resources.

2. A Roadmap for Change: Addressing the Needs of LBGTQ Victims

Andrea Ritchie, Soros Fellow

Location: Florida Salon C/D

Ms. Ritchie will highlight her extensive experience in advocating for and centralizing the rights of LBGTQ victims and the specific ways in which gender bias impacts the LBGTQ community and youth of color. She will highlight strategies that were used in NYC to bring about change in both the law enforcement and prosecution response to the safety concerns of LBGTQ victims.

3. Gender Bias and Domestic Violence and Sexual Offenders

Mervyn Davies, M.A., Davies & Associates, Greeley, CO

Location: Omni Ballroom

This workshop will discuss the 2009 study that explored the prevalence of intimate partner rape in adult sex offenders and domestic violence offenders in treatment in Colorado. Domestic violence offenders and sex offenders are not the same and the mechanisms that lead to these problematic behaviors differ. This workshop explores the dynamics of intimate partner rape and helps participants understand offender beliefs and entitlement which in turn reduces victim blaming.

End of Day Two

Day Three: Wednesday, March 1, 2017 – An Intensive with Russell Strand

8:30 – 10:30 Plenary: Turning the Case Upside Down – Rethinking the Art & Science of Suspect Interviews

Russell Strand, Strand/Heitman Innovative Forensic Techniques (SHIFT) LLC

Location: Florida Salon C/D

It's time to take a fresh look at an age-old problem – suspect interviews. Reducing false confessions, deception, and false information have long been at the center of criminal justice interest and research. The desire to determine the truth – deterred neither by fear nor prejudice have been the focal points of research and development of proper interview/interrogation techniques. For centuries suspect interviews have been the topic of great controversy in the criminal justice field. Throughout history numerous techniques have been used to elude information from those suspected of committing crimes. Torture, manipulation, and mind games have all been used to attempt to determine the truthfulness of those who have been accused of many types of crimes including murder, rape, child abuse, and domestic violence. It is absolutely imperative for criminal justice professionals to have the ability to investigate crime, uncover the facts, wade through deception and make determinations. This presentation will review the history of interrogation techniques and discuss the impact of numerous suspect interview/interrogation techniques and the efficacy of these techniques including substantial research that will assist fact-finders in determining some short falls in current interview techniques. This presentation will challenge long-held beliefs in what works and what doesn't. Recommendations, including the newly developed suspect forensic interview technique will be presented.

10:30 – 10:50 Checkout Break

10:50 – 12:15 **Plenary: Changing the Acceptance of Sexual Violence**
Russell Strand, Strand/Heitman Innovative Forensic Techniques (SHIFT) LLC
Location: Florida Salon C/D

Addressing gender bias is critical to changing the acceptance of sexual violence not just within law enforcement but also society at large. Mr. Strand will use his considerable experience to explore ways in which the law enforcement response to victims can change social acceptance of sexual violence and lead to better prosecutions and outcomes for victims. He will also address the myths and gender bias surrounding alcohol sexual assault investigations.

End of Conference

This project was supported by Grant No. 2015-TA-AX-K027 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this conference are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.