# Advocacy-Initiated Response (AIR) Manual

# [NAME OF ADVOCACY PROGRAM]

This manual to implement AIR was originally produced by Rose Thelen, [Gender Violence Institute](http://genderviolenceinstitute.org/). Praxis International supported the completion this finalized manual through funding received by the Office on Violence Against Women. To learn more about the AIR model and strategies for implementation, please go to: [air.praxisinternational.org](file:///\\PraxDC1\Shared%20Data\Programs%20&%20Projects\4%20Rural\5%20Products\2016-7%20Webbased%20Toolkits\Make%20the%20Call%20-%20AIR\air.praxisinternational.org)

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## [adapt bracketed content below to local program/jurisdiction]

One of the riskiest and most stressful times in the life of a victim of battering is when the criminal justice system gets involved. Using the advocacy-initiated response (AIR) model, more victims in our community receive crucial information that reduces stress and anxiety and enhances their sense of well-being and safety. We established a working agreement with [law enforcement agencies] that directs patrol officers who respond to a 911 call that involves domestic violence to inform the victim that a confidential advocate will be calling them. The officer then contacts [program] to let us know law enforcement responded to a domestic violence-related call. An advocate then calls the victim and, if she is willing to talk, the advocate:

* informs her about [program] confidential services
* assesses and plans with her for her immediate safety needs
* provides information and answers questions about the court process
* determines what she wants to happen in court
* determines her wishes regarding contact with the batterer
* assesses her satisfaction with the law enforcement response

Confidential advocacy, intrinsically linked to safety and self-determination, produces better outcomes for victims: [psychological distress is reduced](http://www.researchgate.net/publication/221828105_The_impact_of_community-based_outreach_on_psychological_distress_and_victim_safety_in_women_exposed_to_intimate_partner_abuse) and court outcomes are enhanced. Many rural victims live in extreme isolation and may not know of the existence of our services or may not know they would benefit from advocacy. Just knowing a resource is available does not guarantee that a victim will actually access it. AIR removes this barrier from victims getting access to our services.

AIR also provides an opportunity for us to hear right away about any complaints or problems victims had with the law enforcement response. Advocates document these problems and bring them to the attention of law enforcement to be addressed. The following pages provide the procedures and forms to implement AIR.

# AIR Procedures

### I. Initial AIR Contact Checklist - On-Call Advocacy

After receiving a call from law enforcement following a domestic violence-related incident, the [insert position here] performs the duties outlined below. Use the ***Law Enforcement Response Follow-up Form*** (LERFF-appendix 1) to record contact information.

**A. Receive referral from law enforcement.**

1. After receiving a call from law enforcement, confirm suspect is being held in jail[[1]](#footnote-2).
   * If you receive confirmation that the suspect is being held, record information in the LERFF and contact all victims following the guidance in step two below.
     + **Exception:** If you know through past contacts at [program] that law enforcement identified a victim of ongoing battering as the suspect, do not make the call to the victim.
   * If you receive information that the offender is not in custody:
     + Due to no probable cause for an arrest? Initial AIR call is not required.
     + Due to suspect being gone on arrival? Make the initial AIR call to the victim following the guidance in step two below.
   * If the custody status of the suspect cannot be confirmed, call the victim following the guidance in step two below.
2. Call the victim.
   * If you get the victim’s voicemail, **do not** leave a message. Call again later.
   * When a person answers the phone, confirm that you are talking to the victim by asking if you are speaking with [victim name]. Do not use the word “victim”; use the victim’s name.
     + If they say no, it’s someone else, ask to speak to [victim name].
     + When the victim gets on the phone, inform them that you are [name] from [program] making a follow-up call from law enforcement response and confirm it’s safe to talk.
       - If yes, proceed to step three below.
       - If not, explore why:

|  |  |
| --- | --- |
| “Now is not a good time. I’m [putting kids to bed, driving, talking with someone else]” | Ask her when she might be able to take a call and try her again at that time. |
| “Someone can hear me.” | Ask her to move to another location.   * If yes, proceed to 3 below. * If not possible, follow script below. |
| “I will get into trouble if I talk with you.” | Ask if it’s okay to call another time:   * If yes, what time? * If no, explain that it’s okay to reach out for help in the future. If she needs an excuse to end the call, suggest that she say, “I don’t want to talk to you” or “you have the wrong number” and explain to the person she is with it was a routine call following police response or a spam caller. |

1. Discuss [program]’s role with victims following a law enforcement response:\*

* Let her know that you are not part of the law enforcement agency or the court. You are a confidential advocate, so anything she says to you will not be shared without her permission.
* Inform her that this call is to check on her safety and welfare and address any needs she may have.
* Inform her that this call is also to discuss what happens because of the arrest and to answer any questions she may have about the arrest and court process.
* Let her know this call will be followed up with another advocate from [program] the following workday morning, unless they do not want to receive such a call.

**NOTE:** *If you determine/suspect at any point during the conversation that the identified victim in this incident may be the batterer in the ongoing relationship, end the conversation quickly without informing them about reasons. Inform the staff advocate who will assess whether to provide advocacy to the defendant.*

1. Determine if she wants to:

|  |  |  |
| --- | --- | --- |
| Continue with call now? | If yes, go to step D below. | If no, ask next question. |
| Wait to talk to an advocate before first appearance and release from custody the next workday morning (or at a time that works for the victim.) | If yes, go to step C below. | If no, ask next question. |
| End call and have no further contact at this time | If yes, go to step B below. | n/s |

##### \*Policy/protocol implications – 1: Agreements with law enforcement need to specify that your program will be contacted in all domestic violence-related arrests, not only if victim wishes it or if a lethality assessment protocol indicated it was necessary.

**B. If no further contact is desired**, before hanging up, provide [program] number for future reference, and determine if she would like:

|  |  |
| --- | --- |
| *In cases where offender was arrested:* | |
| Information about when offender will be released from jail? | If yes, provide victim-witness specialist phone number and instruct victim to leave a message with her responses, including her name and phone number where she can be reached the next workday morning.\* |
| To inform the court whether she would like contact with offender when he is released? |
| *In cases where offender was not arrested because offender could not be located:* | |
| Information about next steps by law enforcement to locate or charge the suspect? | If yes, discuss typical local response. |
| *In any case:* | |
| Inform her that you will be following the case and that you can provide updates if she wishes. | If yes, inform follow-up advocate, if applicable. |

##### \*Policy/protocol implications - 2: a). If victim wishes to have contact with the offender, they can contact victim-witness specialist by phone who returns call before first court appearance; or b). community-based advocate informs victim-witness specialist with appropriate consent from victim; and c). prosecutor allows contact or modified “no contact order” but does not reveal that the victim requested contact.

**C.** **If victim wants to wait** to talk until the next workday morning, identify the phone number where victim can be reached and provide them with [program’s] number.

**D. If victim agrees to continue with phone call,** provide the following information and complete as much of the LERFF as the victim is interested in discussing.

* Explain the confidentiality you can provide except that you are a mandated reporter if she reveals any child abuse.
* Identify if she ever contacted [program] before or another domestic violence advocacy program.
* Determine her immediate safety needs (Does she need safe place to stay? Do her children or pets need a safe place to stay? Does her want to leave her home?)
* Identify whether medical attention is needed and whether injuries surfaced since law enforcement left the scene.
* Provide information about [program]’s services, options, and resources.
* Ask if the law enforcement officer informed them when the offender would be released from jail; ask if they have any questions about the jail hold or the court processes.
* Discuss offender’s jail release:
  + Discuss her safety needs for when the offender will be released from jail: does she think she will be safer with no contact or with contact? What are the risks of having no contact, some contact, or unlimited contact?
  + Does she want contact? If yes, instruct them to inform the victim-witness specialist (provide contact information) before the first appearance or a community-based advocate can inform the victim-witness specialist with a release from victim.\*

##### \*See policy/protocol implications – 2. above

* Inform victim of next steps in the court process [adjust the following to fit local realities]
  + In most misdemeanor cases, the offender will likely be released from jail the following workday morning when they will have their first appearance before a judge. They will be charged and enter a plea of guilty or not guilty. If pleading not guilty, the offender will be given information regarding a defense attorney. The offender also may be issued a domestic abuse no contact order (DANCO – an order issued by the court that restricts the offender from having contact with the victim until a specified time). If the offender violates the DANCO, it is a misdemeanor and they will be arrested.
  + If the victim does not want a DANCO but wants conditional or unlimited contact, she should inform:
    - In [jurisdiction1], inform [name of practitioner], who will be contacting them the next workday morning before the first appearance.
    - In [jurisdiction2], provide appropriate release for advocate to inform the court.
  + Discuss role/involvement of the victim-witness specialist. Let them know that information provided to the victim-witness specialist is not confidential and the information will likely be shared by the defense. Inform them that the victim-witness specialist works for the prosecutor and will prepare them for court but also works to assure the victim’s rights are protected and that she gets the services she needs.\*

##### \*Policy/protocol implications – 3. Victim-witness specialists work for prosecutors. Under the U.S. Supreme Court case *Brady v. Maryland*, prosecutors are required to share with the defense any information or evidence that might indicate that the defendant/alleged abuser did not commit the crime being prosecuted. Since the victim-witness specialists work for prosecutors, they are required to share information they receive from victims with the prosecutor, who is then required to give the information to the defense who will share it with the defendant. Not all prosecutors consider all information discoverable by the defense. Find out from the victim-witness specialists and your prosecutor exactly what information is discoverable in your jurisdiction so that you can accurately inform the victims.

* Discuss the services that your program provides and the type of advocacy you can provide throughout the case, i.e. accompany them to meetings with prosecutor or victim-witness specialists, contact them regularly by phone to check on their needs and welfare, and after court appearances to inform them of outcomes.
* If the offender was arrested:
  + Identify a safe phone number where they can be reached the next workday and thereafter. Also ask for the phone number of someone who will always know where they are. Ask if you can safely leave messages at these numbers or with these people. Come up with another plan if you cannot (text, email, etc.).
  + Inform them that a legal advocate will follow-up the next workday morning before and after the first court appearance.
  + Inform them that a legal advocate will contact them weekly at first and then before and after subsequent court hearings and will check in with them periodically throughout the court case.
* Discuss law enforcement handling of the incident:
  + Was a victim’s rights card provided by a responding officer?
  + Was she treated fairly and respectfully by the responding officers?
* Ask if they would like to discuss what happened. Let them know they can wait and discuss this the following workday morning with the legal advocate, if they prefer, but if they want to talk now, you are here to listen.
  + If yes, proceed with discussion of incident, history of violence and relationship, identify risk factors present, recording information collected in appropriate form, then proceed to step E, below.
  + If no, close with step E.
* Ask for and address any other questions or comments.

**E. Thank them.**

If relevant, remind them that an advocate will call her the next workday morning. Tell them to contact you or the crisis line if they have any questions before then.

**F. Special note about victim-defendants.**

If you have prior knowledge, or if the victim’sresponses lead you to believe, the identified victim in this case is the batterer in the ongoing relationship, instruct the legal advocate to contact the victim-defendant the next workday morning and proceed to provide further victim-defendant advocacy.\*

##### \*Policy/protocol implications - 4: Develop working agreement and procedures with defense attorney, including extent to which specific case is discussed; [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes jail visits to suspected domestic violence victims who are arrested for domestic assault-related crimes.

**G. Compile and route information to [program]’s legal advocate.**

* Finish compiling information and complete relevant sections on the LERFF.
* Enter data into ***Victim Contact Log*** (appendix 5).
* If another advocate will be working with the victim, message and route all paperwork to them. Identify if victim-defendant advocacy is needed.

### II. Advocacy Follow-up Contact Checklist – Legal Advocate

After notification that there was a domestic violence-related law enforcement response or an initial victim contact was made, contact the victim the following workday morning (prior to the offender’s first appearance, if arrested.) Advocacy continues as needed and throughout the court case, if offender was arrested.\*

##### \*Policy/protocol implications – 5: First court appearances occur the next Monday morning and afternoon in misdemeanor cases; first court appearances may occur later in felony cases.

1. **Follow-up contact**

1. Before contacting the victim:

* Review law enforcement report (arrest or non-arrest)\*, Initial Contact Checklist, LERFF, and other relevant paperwork.
* If victim did not receive an initial contact or if it was brief, determine information that still needs to be collected from, exchanged with, and addressed with the victim.
* If law enforcement failed to contact [program] or provide report, see section IV. *Systems Advocacy.*

##### \*Policy/protocol implications – 6: [program] receives law enforcement report within 24 hours.

2. Contact the victim by phone:

* Review information covered in initial AIR call, confirm that it is accurate, and fill in the gaps where needed.
* Gather additional information as guided by LERFF.
* Listen to their version of what happened, if she desires to share. Check to see if the law enforcement report is consistent with their version of the incident. If their account differs, inform them that you would like to follow-up with law enforcement to correct major errors with their permission.
* Inquire about injuries and whether photos were taken. If injuries are more visible now, inform them that additional photos can be taken at the police station.
* Review victim’s wishes regarding contact with the offender and court outcomes. Explain the victim-witness specialist’s role in this regard.
* Identify additional information that the victim would like the court to know and inform them to address that with the victim-witness specialist or prosecutor.
* Review information about the court process and other [program] services available.
* Secure appropriate releases from the victim if you will need to share any of victim’s information outside of the agency.
* Record all information on LERFF and enter into tracking and monitoring system (or provide that data to the staff responsible for entering the data.) See appendix 3 for examples of data to track and monitor and resources for tracking and monitoring systems.

1. **Ongoing legal advocacy**

* Provide information, with releases from the victim, to appropriate practitioners.
* Attend hearings with victim where requested by victim (not required when a victim-witness specialist is involved.)\*
* Contact victim at the following times: after first court appearance, before and after other court proceedings, and weekly to inform them of progress of the case. Use these calls to see how she is doing, invite them to support groups or action groups, and provide other resources as necessary.
* Follow the case through court, and where necessary, advocate for the victim. Attend meetings with them and provide additional information, with appropriate releases from the victim, to the prosecutor and other court personnel.
* Maintain contact with the victim-witness specialist to ensure that the victim’s needs and rights are being protected.
* Document all contacts/activities in the ***Victim Contact Log*** (appendix 5).
* Enter data from court hearings (dates, types, and outcomes) into tracking and monitoring system (or provide that data to the staff responsible for entering the data.)

##### \*Policy/protocol implications - 7: Negotiate relationship and mutual tasks with victim-witness specialists regarding domestic abuse victims.

### III. Non-arrest Advocacy Tasks

* Review non-arrest reports received from law enforcement agency.\*
* Contact the victim. After identifying yourself, let her know you are calling from a blocked number but want to make sure that it is safe to talk. If not safe, tell her you will try again another time and she should just say, “you have the wrong number.” If safe, you can proceed. Inform them of your program’s services and explore their experience with the law enforcement response.
  + - * + If your conversation with the victim suggests there was a problem with the decision not to arrest, contact the law enforcement liaison to resolve the matter as soon as possible, with permission from the victim.
* Where phone contact is not possible, mail an advocacy packet to the victim that minimally includes: an overview of the [program] and available services, contact information for key community resources such as culturally specific advocacy programs, information about assistance regarding housing and child care, legal and emergency assistance resources, locations of food sources, contact information for medical advocacy, counseling, and other treatment, along with other specific resources your program would like to provide.
* Enter data (all basic information including whether a report was written, whether the suspect gone on arrival, and any other relevant information) into tracking and monitoring system (or provide that data to the staff responsible for entering the data.)

##### \*Policy/protocol implications – 8: [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes provision for transfer of reports to [program].

### IV. Systems Advocacy

A. If there was a law enforcement response to a domestic violence incident, but law enforcement fails to contact [program]:

* Document the problem on the ***Institutional Response Concerns Tracking Form*** (appendix 2).
* Contact the law enforcement liaison to inform them that [program] was not contacted regarding the incident as specified in the working agreement.
* With the liaison:
  + Determine the nature of the problem and identify how it can be corrected.
  + If there is a problem with the process as set forth in the protocol, determine if there is a better way to ensure the contact happens (e.g. should responsibility for assuring that the calls occur be shifted to someone else? Should it be a part of someone’s checklist? In what other way could the procedure be improved?)
  + If procedural, checklists or other written changes are made, the working agreement should be updated to reflect this change and appropriate policy makers should be informed and asked for their approval of the change.
  + If it was individual error, determine whether the liaison will contact the officer to remind them of their duties per the working agreement.
  + Inform the liaison that you will follow-up with them about the problem, if needed.

##### Policy/protocol implications – 9: [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) identifies liaisons.

B. If law enforcement attempted to contact [program] after response to a domestic violence-related incident, but [program] failed to respond per the agreement, or there was some other problem with advocacy response:

* Document the problem on the ***Institutional Response Concerns Tracking Form*** (appendix 2).
* If you do not know how the problem arose, inform the law enforcement liaison that you will investigate it and follow-up with them after.
* Identify if this was an individual error or a procedural problem and correct.
* Put any changes in procedure in writing and inform all advocates of the change.
* Follow-up with the liaison, if necessary.

C. Law Enforcement Incident Report Review

* Use the ***Law Enforcement Incident Report Review Worksheet*** (appendix 4)\* to check for items that are included in the law enforcement report and circle those that are absent, incomplete, or unclear.
* With appropriate releases from the victim, contact the law enforcement liaison immediately to:
  + - Inform them that the incident report differs significantly from the victim’s account.
    - Review any revealed procedural gaps (e.g. witnesses not interviewed, photos not taken, risk history absent) that should be addressed as soon as possible.
    - Inform them if law enforcement failed in other ways to make an appropriate arrest or follow statute, code, policy or protocol.

##### \*Policy/protocol implications – 10: Incident report review may be task that victim-witness specialist agrees to do. If so, include in ***Working Agreement with Victim-Witness Services* (contact** [**ruralta@praxisinternational.org**](mailto:ruralta@praxisinternational.org) **for sample)**.

D. Ongoing Tracking and Monitoring Procedures

* Review ***Institutional Response Concerns Tracking Form*** (appendix 2) each day to:
* Follow-up on current cases that have not been resolved.
* Monitor criminal case processing data and ensure tracking system entry as the case progresses.
* Review case outcomes on a regular basis.
* If a gap is identified, work directly with the agency liaison to resolve the gap.\*
* Provide regular reports to each relevant agency.
* On a weekly basis, compile summary of work activities using ***AIR Monthly Report***(appendix 6) and review with supervisors***.***

\*Policy/protocol implications – 11: The [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes a provision about tracking and monitoring and identifies liaisons in the law enforcement agency and advocacy program. It is important to have proactive conversations about how policy deviation or other concerns should be raised and addressed. Similar agreements can and should be made with other agencies within the criminal legal system and additional agencies in the community so that it becomes routine that problems are solved directly with the involved agency.

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# AIR Manual Appendices

Appendix 1: Law Enforcement Response Follow-up Form (LERFF)

Appendix 2: Institutional Response Concerns Procedure, Form, and Tracking Sheet

Appendix 3: Scope and Scale Data Collection Template

Appendix 4: Law Enforcement Incident Report Review Worksheet

Appendix 5: Victim Contact Log

Appendix 6: AIR Monthly Report

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# APPENDIX 1

# Law Enforcement Response Follow-up Form

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***LAW ENFORCEMENT RESPONSE FOLLOW-UP FORM* (LERFF)** Date/time\_\_\_\_\_\_/\_\_\_\_\_\_\_

To be completed by advocate following law enforcement response.

\*Advocate: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**LAW ENFORCEMENT INFORMATION PROVIDED TO [program]**

|  |  |  |  |
| --- | --- | --- | --- |
| LE Agency |  | Charge |  |
| Officer(s) |  | Time |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Victim Name |  | | | Gender |  |
| Home phone |  | Mobile phone |  | Work phone |  |
| Phone where victim can be reached immediately: | | | |  | |
| Phone next workday: | | | |  | |
| Interpreter required? If yes, indicate language: | | | |  | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Assailant Name |  | | | DOB |  | |
| Gender |  | | | Race |  | |
| Relationship to victim: | | | |  | | |
| Current location of the offender: | | | |  | | |
| Custody release date | |  | Custody release time | | |  |
| Incident description: | | | | | | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the victim have injuries? | No | Yes | Visible | Not visible | | Both | |
| Description of injuries: | | | | | | | |
| Does officer believe victim needs immediate on-site emergency assistance or support? | | | | | Yes | | No |

**I. [program] Initial Contact**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Advocate: | | | | Date: | | Time: | |
| If relevant, interpreter and contact info | | | |  | | | |
| Yes | No | Victim Information | | | | | |
|  |  | Victim’s 1st contact with [program]. Details: | | | | | |
|  |  | Victim was provided information regarding confidentiality policies and services | | | | | |
|  |  | Victim required follow-up medical attention. Details: | | | | | |
|  |  | Victim was assisted with accessing emergency/safe housing. Details: | | | | | |
|  |  | Victim would like to attend first appearance. | | | | | |
|  |  | Victim has concerns regarding her safety upon offender’s jail release. | | | | | |
|  |  | Victim wants information regarding an Order for Protection. | | | | | |
|  |  | Victim was provided information regarding the court process. | | | | | |
|  |  | Victim wants  (circle one): | Unrestricted contact | | Conditional contact (detail): | | No contact |
|  |  | Victim discussed arrest, risk factors, and history of violence details (recorded in additional sections below.) | | | | | |
|  |  | Victim felt respected and was treated well by responding officers. Details: | | | | | |
|  |  | Advocate suspects the victim in this incident is the domestic violence offender and victim-defendant contact should occur. Details: | | | | | |
|  |  | Victim expects [program] follow-up call. Document phone number, date, and time: | | | | | |
|  |  | The victim would like to meet in person. Document date and time: | | | | | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **II. [program] Follow-Up Contact** | | | | | | | |
| Advocate: | | | | Date: | | Time: | |
| 1. Victim’s account of events | | | | | | | |
| Description of the incident that resulted in law enforcement response: | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | Victim reports injuries? | □ Visible | | □Not visible | | □Both |
|  |  | Description of injuries: | | | | | |
|  |  | There are visible injuries. Details: | | | | | |
|  |  | Photos were taken of visible injuries. Details: | | | | | |
|  |  | Victim was choked or strangled. Details: | | | | | |
|  |  | Officer looked for evidence of strangulation. Details: | | | | | |
|  |  | A weapon was involved in the incident. Details: | | | | | |
|  |  | The offender owns, carries, or has ready access to a firearm or another weapon. Details: | | | | | |
| *Remind victim of mandatory reporter status regarding the next questions.* | | | | | | | |
|  |  | Children or adolescents were witness to or involved in the incident. Details: | | | | | |
| 1. Risk and Danger | | | | | | | |
| Yes | No | Risk assessment was completed by law enforcement and attached to patrol officer’s report. | | | | | |
| Victim’s assessment of risk and danger: | | | | | | | |
| Do you think he might seriously injure or kill you or your children? What makes you think so? What makes you think not? | | | | | | | |
| Has he ever forced you to perform sexual acts? | | | | | | | |
| How frequently and seriously does he intimidate, threaten, or assault you? Is it getting worse, getting better, or staying the same? | | | | | | | |
| Describe the time you were most frightened or hurt by him. | | | | | | | |
| Has the offender made threats to harm you if you seek help from the police, courts, or other systems (including threats to immigration status, child custody, and other legal matters?) | | | | | | | |
| 1. Offender’s history: what the victim knows. | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | The offender has been arrested or convicted of assaulting her or another victim in the past five years. Details: | | | | | |
|  |  | Victim has/had an Order for Protection against the offender. Details: | | | | | |
|  |  | The offender has been convicted of domestic or sexual assault, or any other violent crime, in another county or state. Details: | | | | | |
|  |  | The offender is currently on probation or parole.  Location:  Probation Officer’s Name: | | | | | |
|  |  | The offender has previously committed a nonviolent crime(s). Details: | | | | | |
|  |  | The offender has a history of violence to others (besides family members.) Details: | | | | | |
|  |  | The offender abuses alcohol/drugs. | | | | | |
|  |  | The offender has been to alcohol/drug treatment. | | | | | |
| 1. What the victim wants from the court process | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | The court should allow the offender unlimited or conditional contact. | | | | | |
|  |  | The court should consider ordering chemical dependency evaluation/treatment of the offender. | | | | | |
|  |  | The court should order limited or no contact with the victim or the victim’s children (circle one or both.) | | | | | |
|  |  | The court should mandate attendance at a batterer’s program for the offender. | | | | | |
|  |  | The court should mandate where pets or farm animals should stay. | | | | | |
| 1. Information for the victim to consider sharing with the court | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | The victim was advised she could informthe victim-witness specialist ofdiscrepancies between her account of the arrest incident (Section A and B above) and the incident report; she could provide information to the court regarding the offender’s history (Section C); and she could inform the court regarding what she wants from the court process (Section D). | | | | | |
|  |  | The victim was advised that [program] can provide information to the court on her behalf, with her consent. (Section H) | | | | | |
|  |  | The victim was advised that victim-witness specialists are not confidential, that information they share with them is likely to be shared with the defense and the offender, and that the victim should discuss this with the victim-witness specialist before sharing any information. | | | | | |
|  |  | The victim’s safety was discussed, including the risks if the offender finds out she provided any information to [program.] | | | | | |
| 1. What the victim wants from [program] | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | The victim wants accompaniment to meetings with the victim-witness specialist, the prosecutor, or other court personnel. | | | | | |
|  |  | The victim wants assistance with the application for Order for Protection. | | | | | |
|  |  | The victim wants assistance with safety planning. | | | | | |
|  |  | The victim wants assistance with child protection case. | | | | | |
|  |  | The victim wants information or assistance regarding other resources, including housing, education/support groups, and any other resources that apply. Describe: | | | | | |
| 1. Services from the victim-witness specialist | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | Victim was informed [name] is the victim-witness specialist (VWS) who can be contacted at [###-###-####, email address.] [Name] will assist her in legal matters and perform the duties listed below. | | | | | |
|  |  | The VWS will contact her on [date/time] to provide specific information and answer questions about the case as well as prepare her for, accompany her to, and provide updates to her throughout the court process. | | | | | |
|  |  | The VWS will assist her if she wants unlimited or conditional contact with the offender. If no input is provided, a no contact order is likely to go into effect. | | | | | |
|  |  | The VWS can inform the court of additional information the victim shared during this interview that is not included in the arrest report, with the victim’s consent. (Sections D and E.) | | | | | |
|  |  | The victim provided additional phone numbers where it is safe to reach her. | | | | | |
| 1. Ongoing contact with [program] | | | | | | | |
| Yes | No | Information | | | | | |
|  |  | The victim was advised that [program] will track and monitor the case throughout the court process and will contact her periodically to discuss outcomes. [Program] will also evaluate her experience, answer questions, see if she needs assistance or advocacy, and find other ways [program] can be of assistance. | | | | | |

1. **Disclosure.**

The information you share with [program] is confidential. Neither I nor anyone else at this agency will share it with anyone outside the agency without your consent. [insert explanation of advocate’s status or limitations in your jurisdiction regarding privileged communications and your policy around privacy and confidentiality.]

**The exceptions to this confidentiality are as follows:** we [define who makes up the “we” if not everyone at your agency is a mandatory reporter] are mandatory reporters and are required by law to disclose certain information we learn about [identify mandatory reporting categories for jurisdiction.] If we are ordered by a court to share information you tell us, we will be required to do so. This is unlikely because [identify key point(s) of privilege, confidentiality, and related state statutes], and we will check to make sure any court order is legitimate. We will do everything we can protect your information by removing information that identifies you or what happened to you and limiting with whom it is shared.

Written notes and other communications will be kept on a secure computer or in a locked file cabinet.

We will also use information you share with us to determine how we can help you with your safety and other needs. The information will also assist us in evaluating and improving our services to you and identify resources you need that are not available in our community. Without naming you or including any identifying information, we will use this information to evaluate the law enforcement and court response to domestic violence and to report impact of our program to our funders.

1. **Information Sharing Permission.**

If you want us to share some or all of the confidential information you provided to us with the prosecutor, court agencies, or anyone else involved in your partner’s case, we need your permission to do so. You can also share any of the information you shared with us directly with anyone, including the victim-witness specialist. However, as a reminder, information provided to the victim-witness specialist will not necessarily be kept confidential will likely become part of the court file your partner has access to. You determine what you do or do not want shared.

Please identify information you want us to share:

|  |  |
| --- | --- |
| All of the information discussed. | Only circled information. Go through form and circle information she is willing to share. |

With which agency (circle all that apply):

|  |  |  |  |
| --- | --- | --- | --- |
| Law enforcement agency to identify whether follow-up investigation is needed | Bail evaluator/ probation or parole officer/juvenile detention staff for setting conditions of release from jail or detention and sentencing recommendations | Prosecutors (or Victim-Witness Specialist) | Batterers’ group for rehabilitation purposes |
| Signature: | | | |
| Date: | | | |
| This information will be shared with [agency(ies)] no later than [specify date]. This release expires once the specified information is shared or at the termination of services with [program], whichever comes first. | | | |

# APPENDIX 2

# Institutional Response Concerns

# Procedure, Form, and Tracking Sheet

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## Institutional Response Concerns Procedure

*When a staff person or volunteer identifies a response problem, the policy is as follows:*

1. Document the problem on the ***Institutional Response Concern Tracking Form***.

* Where the source of the information is a battered woman, determine whether she wants to be involved with any efforts to participate in the solution.
* Options to consider:
  + Invite her to attend meetings with the involved agency to address the issue.
  + Invite her to participate in focus groups to gain more information and identify solutions.
  + Create other opportunities for victims to take action as a group in addressing community response problems.

1. Route the form to the designated person within your agency who keeps track of institutional problems (e.g. specific agency liaison, coordinator of the Coordinated Community Response, or systems/institutional advocate).
2. The liaison (or other designee) will take the following actions:

* *Where the situation requires an immediate response*: after discussing the situation with a supervisor, secure releases from the victim, and contact system liaison for immediate consideration and resolution.
* *If the situation does not require an immediate response*: address the issue/concerns at a staff meeting or another meeting to address concerns. If the meeting is outside of the agency, secure appropriate consent to release information from the victim before participating in the meeting.

1. At the meeting, possible avenues of approach include:

* Once you have secured appropriate releases from the victim, contact the system liaison for resolution.
* Keep the ***Institutional Response Concern Tracking Form*** on file to see whether the problem is part of a patternto be addressed at a future time. This may be appropriate in cases that do not require an immediate response, such as a judge who may have made a disparaging comment about battered women in open court but has not demonstrated a patternin this regard.

1. Update ***Institutional Response Concerns Tracking*** to include actions attempted and outcomes.
2. Keep completed forms on file.

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## Institutional Response Concerns Tracking Form

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Date of incident: | | | |  | | | |
| Advocate/volunteer involved or reporting incident: | | | |  | | | |
| Victim involved: | | | |  | | | |
| Victim’s permission to use name, if necessary:  (If yes, fill out Release of Information below.) | | | | Yes | | No | |
| Concerned agency/employee involved: | | | |  | | | |
| Description of concern (use reverse side if needed): | | | | | | | |
| Remedy (to be completed by liaison) | | | | | | | |
| Action taken: | Phone call | Letter | Meeting | | Training | | Policy development |
| Other action, explain: | | | | | | | |
| Describe action taken: | | | | | | | |
| Outcome: | | | | | | | |
| Persons involved in reaching outcome: | | | | | | | |
| Other relevant information: | | | | | | | |

Release of Information

I give [program] permission to release the following information [specify] to the following agencies [specify] by [date] to address [this specific matter] with the involved agencies. My advocate and I discussed how the privacy of my information by be affected by this disclosure.

|  |  |  |
| --- | --- | --- |
| Signed: | Date: |  |

|  |  |
| --- | --- |
|  | No |

I would like to participate in actions to address this problem: Yes

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## Institutional Response Concerns Tracking Sheet

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Response Concern** | | | | **Action Taken/Resolution** | | | | |
| Names | Date | Involved  Agency | Details | Actions taken, including dates[[2]](#footnote-3) | Liaison | Result | Date resolved | Notes |
| Victim:  Offender: |  |  |  |  |  |  |  |  |
| V:  O: |  |  |  |  |  |  |  |  |
| V:  O: |  |  |  |  |  |  |  |  |

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# APPENDIX 3

# Scope and Scale Data Collection

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**Scope and Scale of Violence against Women in Our Community**

*Centralizing the experience of all women and all communities*

We commonly think of “data” as equaling numbers. Counting things is important, such as number of calls to 911, number of reported rapes, or number of convictions. In understanding and articulating the scope and scale of violence against women, however, we want more than numbers. Other sources of data are essential to drawing a full picture of what is happening in our communities.

|  |  |  |
| --- | --- | --- |
| ***Strategies and sources for finding, tracking, and analyzing data*** | | |
| **Sources of statistical information** | | |
| * State, national, and global sources * Tribal coalitions: <http://www.niwrc.org/tribal-coalitions> * State & territorial coalition: <http://nnedv.org/resources/coalitions.html> * National technical assistance providers: <https://ta2ta.org/directory.html> * National Institute of Justice Violence Against Women & Family Violence Program: <http://www.nij.gov/topics/crime/violence-against-women/Pages/welcome.aspx> * Domestic Violence, Sexual Assault, and Stalking Data Resource Center: <http://www.jrsa.org/sac/index.html> * National Intimate Partner & Sexual Violence Survey – CDC: <http://www.cdc.gov/violenceprevention/nisvs/> * World Health Organization: <http://www.who.int/mediacentre/factsheets/fs239/en/> | | |
| * Statistical reports from local: | | |
| * Community-based advocacy program * Emergency communications (911) * Law enforcement agencies | * Prosecutor’s office * Courts * Probation | |
| * Tracking and monitoring system reports, such as those that can be produced by [Domestic Abuse Information Network](https://www.theduluthmodel.org/product/dain-ccr-data-tracking-database/) (DAIN). DAIN is a Microsoft Access program designed to assemble the information necessary to track and monitor domestic assault-related cases. You can also develop your own tracking mechanism such as a spreadsheet or local database. | | |
| **Sources that describe experiences with systems and uncover how they operate** | | |
| * Talking with victims of violence against women * Focus groups/listening circles * Individual interviews * Talking with community-based advocates and other organizations that work with victims * Battered women’s programs/domestic abuse programs * Rape crisis centers/sexual assault programs * Culturally-specific organizations | | |
| * Mapping the steps in case processing * Analysis of case files & reports * Observing how cases get processed, such as: * Sitting with 911 call-taker * Riding with patrol officers * Sitting in court | Interviews with practitioners in community institutions: | |
| * 911 call-takers * Patrol officers * Investigators * Prosecutors * Victim-witness specialist * Judges & court staff | * Probation agents * Tribal attorney * Tribal court judge & staff * Batterer intervention program staff |
| **Sources of information that analyze the extent to which policies and protocols reflect recommended practice** | | |
| * Praxis International Institutional Analysis Tools – www.praxisinternational.org * Praxis Safety & Accountability Audit * Domestic Violence Best Practice Assessment Tools | | |

**Scope and Scale of Violence Against Women in Our Community:**

**A Data-Gathering Template**

This data-gathering template does not cover all possible information you might want to know. To illustrate the process, it includes examples that are more specific to the criminal legal system response and the general community. You would develop similar but different data points if you were looking at other systems or processes—i.e, child welfare, orders for protection, campus sexual assault, intervention by Sexual Assault Nurse Examiners—or experiences of specific communities, such as Native American, immigrant, LBTBQ, people with disabilities, or elders.

*Instructions*

Use this form to guide you in the kind of data that is necessary to draw a full picture of the scope and scale of violence against women in your community and the outcomes in criminal legal system response. It is unlikely any community will have all of this information available or readily accessible.

| **Battering & other forms of domestic violence in our community** |
| --- |
| **Law enforcement data** |
| 911 calls (following similar types of call codes):   * Domestic violence/abuse * Stalking * Sexual assault * No-contact order violations * Order for protection violations * Domestic abuse – “verbal only” |
| Patrol response: no arrest – report written |
| Patrol response: no arrest – no report |
| Patrol response: suspect gone-on-arrival |
| Patrol response: arrest |
| Charges at arrest |
| Mutual arrests |
| Cases referred to investigator for charging |
| Arrests of female offenders (intimate partner relationship)   * Male victim * Female victim |
| Arrests of male offenders (intimate partner relationship)   * Female victim * Male victim |
| Arrests of battered women/victims in ongoing relationship |
| **Prosecution data** |
| Charged by prosecution (number of cases) |
| Declined by prosecution |
| Dismissed after charging – victim’s request |
| Dismissed after charging – other reasons |
| Guilty plea as charged |
| Guilty plea to lesser charge |
| Trial and guilty verdict |
| Sentence: Total fine/served/stayed |
| Sentence: Total time served |
| Sentence: other (Batterer Intervention Program, chemical dependency treatment, other) |
| Probation violations: consequences/no consequences |
| Trial and acquittal – not guilty verdict |
| Diversion/deferred prosecution agreement |
| Length of time from initial call through disposition |
| Cases prosecuted with female offender (intimate partner relationship)   * Male victim * Female victim |
| Cases prosecuted with male offender (intimate partner relationship)   * Female victim * Male victim |
| **Advocacy data** |
| Crisis/help line calls |
| AIR calls from law enforcement: possible/actual |
| Number of AIR calls to victim attempted/connected |
| Number of AIR calls to victim accepted/declined |
| Number of follow-up AIR calls to victim attempted/connected |
| Number of follow-up AIR calls to victim accepted/declined |
| **Demographic data** |
| To what extent can any of the law enforcement, prosecution, and advocacy data be counted according to:   * Sex * Race/ethnicity * Age * Tribal enrollment * Immigration status * Deaf/hearing impaired * Disability * Sexual orientation |
| **Victims stories** |
| Descriptions of the harm caused by battering and other forms of domestic violence |
| The response of community systems to that harm |
| A clear picture of how victims’ needs are being met |
| A clear picture of how victims’ needs are *not* being met |
| Are battered women being arrested? |
| What is happening to battered women who are arrested? |
| Who are the culturally distinct communities within the wider community? |
| Is the response working for all victims in all communities?   * If yes, how do we know? * If no, how do we know? |

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# APPENDIX 4

# Law Enforcement Incident Report Review Worksheet

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## Law Enforcement Incident Report Review Worksheet

|  |  |  |  |
| --- | --- | --- | --- |
| Officer: |  | Case # |  |
| Advocate: |  | Date: |  |

Check boxes if the incident report includes this information and circle items if it does not:

|  |  |
| --- | --- |
| **Background and officer actions**   * Time of officer arrival and time of the incident * Relevant 911 information * Immediate statements of both parties and any witnesses at the scene * Complete description of the scene * Any existing orders, probation, warrants, or prior convictions * Summary of actions taken by officer (entry, arrest, non-arrest, use of force, attempts to locate, squad pick up, transport, advocacy contact and referrals, victim notification, firearms seized, rationale for self-defense or predominant aggressor determination) * Account of evidence collected (pictures, statements, weapons, other) * If arrest was not made, the reason(s) why * Squad pickup and hold issued on gone on arrival (GOA) suspects that are on probation   **For each witness and involved parties:**   * Name, DOB, address, phone numbers for home/work (include cellular) * Relationship of parties involved/witnesses * Account of events & responses to officer’s follow-up questions * Officer’s observation related to each parties’ account of events | **For each party involved:**   * Injuries, including those not visible (e.g. sexual assault, strangulation) * Emotional state/demeanor * Acts of intimidation or aggression * Presence or use of weapons * Alcohol/drug consumption/impairment * Past history with same/other victims   **Information from the victim:**   * Risk Questions * Do you think he/she will seriously injure or kill you or your children? What makes you think so? What makes you think not? * How frequently and seriously does he/she intimidate, threaten, or assault you? Is it getting worse? Getting better? * Describe the time you were most frightened or injured by him/her. * Threats made by suspect to the victim for seeking help * Name and phone numbers of someone who can always reach the victim. Note: Record victim contact information in the confidential section of the report and on the Victim Information Form*.* * Inform the victim every effort will be made to protect this information, the suspect could possibly gain access via court order, mandatory reporting requirement, or a public records request. [Need to know the law about this for your jurisdiction.] |

**Additional information related to the suspect**

* GOA: details about where the suspect might have gone and where he lives or stays when not at the address of the incident
* Suspect’s county and state of residence during the past ten years
* Whether Miranda is given or a request for an attorney was made and when this occurred
* Any spontaneous statements made by the suspect after the arrest

**Additional information related to the case**

* Details regarding the presence, involvement, and welfare of children, elders, and adults with disabilities at the scene
* Existence of language, communication, or cognition barriers
* Medical help offered or used, facility, and medical release obtained
* **Self-Defense.**

Reasonable force may be used to resist or aid another in resisting an offensive action. A person may use all of the force and means s/he reasonably believes is necessary to prevent bodily injury that appears imminent. The use of force must be reasonable given the strength differential and the nature of the threat. Deadly force is justified when necessary to prevent death or great and imminent bodily harm.

* **Predominant Aggressor Considerations**

*Intent of policy: to protect victims of ongoing abuse.*

Compare the following factors for each party:

* Severity of their injuries and the fear generated by this incident
* Use of force and intimidation during this incident
* Prior domestic abuse by each party
* Likelihood of each suspect to cause further injury
* Fear of each person being injured by the other
* Appropriate application of law enforcement’s arrest/self-defense/predominant aggressor policy

Comments on all circled items:

# APPENDIX 5

# Victim Contact Log

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## Victim Contact Log: Month\_\_\_\_\_\_\_\_\_\_ Advocate\_\_\_\_\_\_\_\_

Arrest (A) and Non-arrest (NA) Advocacy Initiated Response (AIR) Phone (PH) and In-person (IP)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Victim Name | A or NA | Date | Date  1st AIR Attempt | Date  1st AIR Made | Info  Sent  (🗸) | Dates of  Follow-up Contacts | Comments  (Attach if necessary) |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

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# APPENDIX 6

# AIR Monthly Report

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## Advocacy Initiated Response (AIR) Monthly Report

## (one per county)

|  |  |  |  |
| --- | --- | --- | --- |
| Advocate: |  | Month: |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1. Law enforcement domestic violence-related contacts and reports collected | | | | | | |
| Number – Law enforcement contacts | | Number of Arrests | | Number of  Non-Arrests | | Number of Reports Collected[[3]](#footnote-4) |
| Male | Female | Male | Female |
| Sheriff | |  |  |  |  |  |
| Police | |  |  |  |  |  |
| 1. Review of reports | | | | | | |
| Number | Type | | | | | |
|  | Law enforcement reports reviewed | | | | | |
|  | Law Enforcement Incident Report Review Worksheet completed | | | | | |
| 1. Victim advocacy contacts | | | | | | |
| Number | Contact Type | | | | | |
|  | Calls made by law enforcement to crisis line after arrests[[4]](#footnote-5) | | | | | |
|  | Attempts made to contact arrest victims (check Victim Contact Log.) | | | | | |
|  | Actual contacts with victims made | | | | | |
|  | LERFFs completed | | | | | |
|  | Packets provided/sent to victims[[5]](#footnote-6) | | | | | |
|  | Contacts with prosecutor’s office regarding arrest cases | | | | | |
|  | Meetings with system’s representatives with/on behalf of victims | | | | | |
|  | Hearings attended | | | | | |
| 1. Victim-defendant advocacy | | | | | | |
| Number | Type | | | | | |
|  | Arrest victims suspected of using resistive or self-defense violence in the context of being the primary victim in the ongoing relationship | | | | | |
|  | Jail visits to provide advocacy for potential victim-defendants | | | | | |
|  | Victim-defendants arrested for illegal use of force | | | | | |
|  | Victim-defendants erroneously arrested for legal use of force (officer applied self-defense or predominant aggressor determinations) | | | | | |
|  | Court hearings attended with victim-defendants | | | | | |
| 1. Systems advocacy (Institutional Response Concerns Tracking Form) | | | | | | |
| Number | Contact Type | | | | | |
|  | Problems documented | | | | | |
|  | Contacts with liaisons regarding system concerns | | | | | |
|  | Concerns resolved | | | | | |
|  | Concerns outstanding | | | | | |
| 1. Tracking and Monitoring Activities. | | | | | | |
| Number | Type | | | | | |
|  | Cases entered into DAIN (or similar tracking mechanism) | | | | | |
| 1. Systems Meetings. | | | | | | |
| Number | Type | | | | | |
|  | Meetings conducted with system representatives to discuss overall response concerns (not specific cases) | | | | | |
|  | Policy, procedure, protocol development meetings conducted | | | | | |
|  | Policy, procedure, protocols, forms, or other items developed | | | | | |

1. The AIR agreement requires law enforcement holds the offender in custody when there has been an arrest. If you are in a jurisdiction where that cannot be guaranteed, then law enforcement should inform you of the custody status when they send you the referral. [↑](#footnote-ref-2)
2. Action: record phone calls (p), emails (e), meeting (m), letter (l), other (o) [↑](#footnote-ref-3)
3. Number of reports collected should equal total number of arrests and non-arrests for each agency. [↑](#footnote-ref-4)
4. Number of calls by law enforcement should equal number of arrests [↑](#footnote-ref-5)
5. Number of packets should equal number of arrest and non-arrest victims. [↑](#footnote-ref-6)