# Advocacy-Initiated Response Manual

This manual to implement Advocacy-Initiated Response (AIR) was originally produced by Rose Thelen, [Gender Violence Institute](http://genderviolenceinstitute.org/). Praxis International supported the completion of this finalized manual through funding received by the Office on Violence Against Women. It was recently updated to include direction to advocates for implementing AIR when cases involve survivors with limited English proficiency, those who are Deaf, and immigrant survivors.

To learn more about the AIR model and strategies for implementation, please go to: [air.praxisinternational.org](file:///C%3A%5CUsers%5Cwlau%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C9MLV4Q01%5Cair.praxisinternational.org)

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# Overview of AIR

[adapt bracketed content below to local program/jurisdiction]

One of the riskiest and most stressful times in the life of a survivor of battering is when the criminal legal system gets involved. Using the advocacy-initiated response (AIR) model, more survivors 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 survivor 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 survivor and, if they are willing to talk, the advocate:

* informs them about [program] confidential services
* assesses and plans with them for their immediate safety needs
* provides information and answers questions about the court process and forms of legal protections available to survivors (e.g. protection orders and immigration relief)
* determines what they want to happen in court
* determines their wishes regarding contact with the batterer
* assesses their satisfaction with the law enforcement response

Confidential advocacy, intrinsically linked to safety and self-determination, produces better outcomes for survivors: [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 survivors 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 survivor will actually access it. AIR removes this barrier from survivors getting access to our services.

AIR also provides an opportunity for us to hear right away about any complaints or problems survivors 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 protocols and forms to implement AIR.

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# AIR Procedures

### Initial AIR Contact Protocol

**Summary:** After receiving a call from law enforcement following a domestic violence-related incident, advocate receives the referral, makes the call to survivors, documents outcome of call.

**Staff Assigned:** On-call advocate, hotline staff, or day-time advocate.

**Form(s) used:** Law Enforcement Response Follow-up Form (LERFF), Survivor Contact Log.

#### Step 1: Receive referral from law enforcement.

*Ensure the following information has been provided for each referral:*

* Multiple ways to reach the survivor.
* The survivor’s preferred language and method for communication (see [program]’s language access policy and plan).
* Whether the 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 survivors following the guidance in Step 2 below.
		- **Exception:** If you know through past contacts at [program] that law enforcement identified a survivor 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: Make the initial AIR call to the survivor following the guidance in Step 2 below.
	+ If the custody status of the suspect cannot be confirmed, call the survivor following the guidance in Step 2 below.

#### Step 2: Call the survivor.

*Use language access services according to their preferred language and method for communication.*

* If you get the survivor’s voicemail, **do not** leave a message. Call again later.
* When a person answers the phone, confirm that you are talking to the survivor by asking if you are speaking with [survivor name]. Do not use the word “survivor”; use the survivor’s name.
	+ If they say no, it is someone else, ask to speak to [survivor name].
		- If they indicate that the survivor does not speak English or is Deaf and you did not have this information ahead of time, inform them that you will immediately arrange for interpreter services during the call.
	+ When the survivor gets on the phone, inform them that you are [name] from [program] making a follow-up call from law enforcement response and confirm it is safe to talk.
		- If yes, proceed to Step 2A below.
		- If not, explore why:

|  |  |
| --- | --- |
| **“Now is not a good time. I’m [putting kids to bed, driving, talking with someone else]”.** | Ask when they might be able to take a call and try again at that time.  |
| **“Someone can hear me.”** | Ask them to move to another location. Proceed with Step 2A whether or not this is possible.  |
| **“I will get into trouble if I talk with you.”** | Ask if it is okay to call another time:* If yes, what time?
* If no, explain that it is okay to reach out for help in the future. If they need an excuse to end the call, suggest that they say, “I don’t want to talk to you” or “you have the wrong number” and explain to the person they are with it was a routine call following police response or a spam caller.
 |

##### Step 2A: Provide purpose of phone call

1. Discuss [program]’s role in contacting survivors following law enforcement response:
	* non-profit, non-governmental program that helps survivors.
	* not part of law enforcement or the courts.
	* this is a brief confidential call to check on their safety and welfare.
	* language interpreters can be accessed, if required.
	* help with immigration relief and legal remedies.
	* Explore the following:
		+ Is follow-up medical attention required? provide information regarding places they can receive it, if necessary.
		+ Provide overview of criminal case process, if relevant: jail hold/release, court process, help available for survivors (e.g. VOCA, immigration relief), etc.
		+ Whether they want contact with offender.
		+ Answer any questions they have about the process.
	* If you find out at any point during the call that your program provided advocacy to the **suspect** identified in this case, end the conversation as quickly as possible, without indicating that the other party utilized your services and inform the follow-up advocate the next day.
2. Let them know this call will be followed up with another from [program] the following workday morning, unless they do not want to receive such a call.
3. Determine if they want to:

|  |  |  |
| --- | --- | --- |
| **Scenarios** | **Yes** | **No** |
| **Continue with call now?** | Go to Step 2D below. | Ask next question. |
| **Wait to talk to an advocate?**  | Go to Step 2C below. | Go to Step 2B below.  |
| **End call and have no further contact at this time.** | Go to Step 2B below. | Skip to Step 2E below.  |

###### Policy/Protocol Implication

Agreements with law enforcement need to specify that all cases will be referred to program, not only high-risk cases identified per lethality assessment protocol, if applicable.

##### Step 2B: No further contact desired.

*Before hanging up, provide [program] number for future reference, and determine if they would like:*

|  |
| --- |
| ***In cases where offender was arrested:*** |
| Information about when offender will be released from jail? | If yes, provide phone number for victim-witness specialist and instruct victim to leave a message informing the victim-witness specialist about their wishes before the court first appearance of the offender, along with a phone number where they can be reached.  |
| To inform the court whether they would like contact with offender when released? |
| ***In cases where offender was not arrested:*** |
| Information about next steps by law enforcement to locate or charge the suspect? | If yes, discuss typical local response.  |
| ***In any case:*** |
| Inform them that you will be following the case and that you can provide updates if they wish.  | If yes, inform follow-up advocate, if applicable.  |

###### Policy/protocol implications

Victim-witness specialist contacts victim before first court appearance or community-based advocate can inform victim-witness specialist with appropriate consent from victim; prosecutor enables victim input regarding domestic abuse no contact order, adjusts accordingly in some cases, and does not reveal that the victim requested it.

**Step 2C: Survivor wants to wait to talk.**

Provide [program]’s number and identify phone number where the survivor can be reached.

**Step 2D: Survivor agrees to continue with the call.**

Provide the following information and complete as much of the LERFF as the survivor is interested in discussing.

* Explain the following:
	+ that [program] is NOT a part of the criminal legal system, the immigration system, or child protection system.
	+ mandatory reporting obligations
	+ the confidentiality and the limits to that confidentiality before the survivor tells you anything.
* Identify if they ever contacted [program] before or another domestic violence advocacy program.
* Determine immediate safety needs:
	+ Do they need a safe place to stay?
	+ Do children or pets need a safe place to stay?
	+ Do they want to leave home?
* Identify whether medical attention is needed and whether injuries surfaced since law enforcement left the scene.
* Ask how they are doing, physically, emotionally, and financially.
* Provide information about [program]’s services, options, and resources, including information about civil protection orders, immigration relief, public benefits, financial assistance options, and offer referrals to services not provided by the advocacy program (e.g., legal services).
* 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 safety needs for when the offender will be released from jail: do they think they will be safer with no contact or with contact? What are the risks of having no contact, some contact, or unlimited contact?
	+ Do they 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 survivor.
* Inform survivor of next steps in the court process [adjust according to your local jurisdiction]
	+ 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 survivor until a specified time).
	+ If the survivor does not want a DANCO but wants conditional or unlimited contact, they 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 they get the services they need.
	+ Explain that immigrant survivors may be eligible for relief under the VAWA self-petitioning, U visa or T visa programs, and that [program] or the victim-witness specialist can help immigrant survivors obtain a U or T visa certification and make referrals to a program that can assist in filing for crime victim-related immigration relief.

###### Policy/protocol implications

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 defendant or defense counsel. You must discuss this with the victim-witness specialists so you can tell survivors exactly what information is discoverable and could, therefore, be shared with defense if it is shared with the victim-witness specialists.

* Discuss with the survivor availability of services and the type of advocacy provided by [program] throughout case to check on their needs and keep them informed of court outcomes, if the offender was arrested:
	+ Identify methods of communication:
		- preferred language and method of communication (video remote interpretation, in-person interpreter, text, text telephone (TTY) or telecommunication device for the Deaf (TDD), etc.)
		- a safe phone number where they can be reached the next workday and there
		- phone number of someone who will always know where they are.
		- ask if it is safe to leave messages; 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:
	+ Did they inquire about the survivor’s language access needs or preferences? Did they request and receive language access services? Did the survivor feel understood, and did they understand everything?
		- If not, follow *Systems Advocacy* *Protocol* below.
	+ Was a victim’s rights card provided by a responding officer?
	+ Were they treated fairly and respectfully by the responding officers?
	+ Was immigration status part of their conversation with police and did officers tell the survivor about protections available to immigrant survivors?
* 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.
* Ask for and address any other questions or comments.

##### Step 2E: End the Call.

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

**Special note about victim-defendants.**

If responses to this initial call or prior knowledge 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

Develop working agreement and procedures with defense attorney, including extent to which specific case is discussed and inform the defense attorney about immigration relief that may be available to suspected domestic violence survivors who are arrested; [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes jail visits to suspected domestic violence survivors who are arrested for domestic assault-related crimes.

#### Step 3: Compile and route information to [program]’s legal advocate.

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

### Advocacy Follow-Up Contact Protocol

**Summary:** After notification that there was a domestic violence-related law enforcement response and/or an initial survivor contact was made, contact the survivor the following workday morning. Advocacy continues as needed and throughout the court case (if offender was arrested).

**Staff Assigned:** Legal Advocate.

**Form(s) used:** LERFF, Survivor Contact Log.

###### Policy/protocol implications

First court appearances occur the next Monday morning and afternoon in misdemeanor cases; first court appearances may occur later in felony cases.

#### Step 1: Review case information.

* Review law enforcement report (arrest or non-arrest), Initial Contact Steps, LERFF, and other relevant paperwork.
* Arrange for relevant language access services, as required.
* Determine the appropriate timeline for next steps based on information received from initial contact: contact survivor prior to the offender’s first appearance, if arrested; immediately when it becomes known that the offender has been released from jail; or after the offender has been located and arrested); etc.
* If survivor 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 survivor.
* If law enforcement failed to contact [program] or provide report, see *Systems Advocacy Protocol* below*.*

###### Policy/protocol implications

[program] receives law enforcement report within 24 hours.

#### Step 2: Contact the survivor 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 they want 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 survivor’s wishes regarding contact with the offender, court outcomes, and survivor supports available (including protection orders, VOCA and immigration relief available). Explain the victim-witness specialist’s role in this regard.
* Identify additional information that the survivor would like the court to know and inform them to address that with the victim-witness specialist or prosecutor.
* Review information on the court process and other [program] services available, including immigration relief and services for immigrant survivors.
* Secure appropriate releases from the survivor if you will need to share any of their information outside of the agency.
* Record all information on LERFF and enter into tracking and monitoring system. (See appendix 3 for examples of data to track and monitor and resources for tracking and monitoring systems.)

#### Step 3. Engage in ongoing legal advocacy

* Provide information, with releases from the survivor, to appropriate practitioners, including the need for language access services.
* Attend hearings with survivor, unless they specifically request the advocate not attend (this is especially important for immigrant survivors and survivors with limited English proficient to ensure they understand all of the legal proceedings which may not be familiar to them or may not be conducted in their preferred language).
* Contact survivor 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 they are doing, invite them to support groups or action groups, and provide other resources as necessary.
* Screen for crime victim-based immigration relief eligibility for: VAWA self-petition, battered spouse waivers, T or U visa and work authorization for abused spouses of work visa holders.
	+ In cases where the survivor is eligible for U or T visa, contact law enforcement and request that they sign U or T-visa certification for the survivor.[[2]](#footnote-3) If law enforcement agency will not provide one, follow *Systems Advocacy Protocol* below.
* Follow the case through court, and where necessary, advocate for the survivor.
	+ Attend meetings with them and provide additional information, with appropriate releases from the survivor, to the prosecutor and other court personnel.
	+ If the survivor will be filing for immigration relief, work closely with their attorney to advocate appropriately and to ensure compliance with VAWA confidentiality laws.
* Maintain contact with the victim-witness specialist to ensure that the victim’s needs and rights are protected.
* Document all contacts/activities in the Survivor 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

Negotiate relationship and mutual tasks with victim-witness specialists regarding domestic abuse victims. 8: [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) should include agreements to work together on U and T visa certifications.

### Advocacy for Cases that Do Not Result in Arrest Protocol

**Summary:** Reviewing incident reports that may not have resulted in an arrest is an important step in AIR. Not only to ensure all survivors have access to information and advocacy, but to track and monitor law enforcement response.

**Staff Assigned:** Legal advocate and/or AIR Coordinator.

**Form(s) used:** LERFF, Survivor Contact Log, advocacy packet.

* Review non-arrest reports received from law enforcement agency/ies.
* Attempt to contact survivors, following the *Initial AIR Contact Protocol* (above).
	+ - * + If your conversation with the survivor 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 survivor.
* Where phone contact is not possible, mail to the survivor an advocacy packet that includes: an overview of the [program] and available services, contact information for key community resources, including culturally specific advocacy programs and advocacy, legal services with expertise serving immigrant survivors, housing and child care assistance, legal and emergency assistance resources, locations of food sources, contact information for medical advocacy, immigration relief[[3]](#footnote-4), counseling, and other treatment, along with other specific resources your program would like to provide.
	+ - * + Provide these materials in the survivor’s preferred language, when known.
* Enter data (basic information including: whether a report was written; whether the suspect was gone on arrival; and other relevant information) into tracking and monitoring system.

###### Policy/protocol implications

[***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes provision for transfer of non-arrest reports to [program].

### Systems Advocacy Protocol

**Summary:** AIR involves tracking and monitoring to ensure compliance with the working agreement, review of law enforcement incident reports, and other steps to ensure an effective response.

**Staff Assigned:** Legal advocate, law enforcement liaison, and AIR coordinator.

**Form(s) used:** Institutional Response Concerns Tracking Form, Law Enforcement Incident Report Review Worksheet.

#### Step 1: Law enforcement failed to contact [program].

*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 follow-up with them about the problem, if needed.

###### Policy/protocol implications

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

#### Step 2: [program] failed to conduct AIR

*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 look into 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.

#### Step 3: Review Law Enforcement Incident Report

* + 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 survivor, contact the law enforcement liaison immediately to:
	+ Inform them that the incident report differs significantly from the survivor’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

Incident report review may be task that victim-witness specialist agrees to do. If so, include in ***Working Agreement with Victim-Witness Services***(contact info@praxisinternational.org for sample working agreement).

#### Step 4: 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

When establishing the function of monitoring case outcomes and institutional response concerns, it is important to have proactive conversations with key decision-makers/leaders within each agency about how response gaps should be raised and addressed. The [***Working Agreement with Law Enforcement Template***](http://air.praxisinternational.org/air-manual-templates-and-resources/) includes selecting an agency liaison for ongoing trouble-shooting and problem solving. Similar agreements can and should be made with other agencies within the criminal legal system and additional agencies in the community.

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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: Survivor 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)**

To be completed by advocate following law enforcement response.

Date/time\_\_\_\_\_\_/\_\_\_\_\_\_\_ Advocate: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

|  |  |  |  |
| --- | --- | --- | --- |
| Agency/ies: |  | Charge: |  |
| Officer(s): |  | Time:  |  |
| Incident No: |  |
| Incident type: | Arrest | No arrest | Dual arrest | Gone on arrival | Other:  |
| Other agencies involved:  | Probation | Child protection | USICE, DHS, USCBP[[4]](#footnote-5) | Other:  |
| Describe:  |  |
| Victim Name: |  | Gender: |  |
| Home phone: |  | Mobile phone: |  | Work phone: |  |
| DOB: |  | Race: |  |
| Phone where victim can be reached immediately: |  |
| Phone next workday: |  |
| Interpreter required? If yes, indicate language: |  |
| During law enforcement response, interpreter services provided by:  | LE personnel | Language line | 3rd party (specify): |
| Offender 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: |
| Notes:  |
| **Yes** | **No** | **Survivor Information** |
|  |  | Survivor requires language access services. Details (preferred language, preferred method(s) of communication, name and contact info for preferred/qualified interpreter, etc.):  |
|  |  | Advocate suspects the survivor in this incident is the domestic violence offender and victim-defendant contact should occur. Details:  |
|  |  | Survivor’s first contact with [program]. Details: |
|  |  | Survivor was provided information regarding confidentiality policies and services. |
|  |  | Survivor required follow-up medical attention. Details: |
|  |  | Survivor was assisted with accessing emergency/safe housing. Details: |
|  |  | Survivor would like to attend first appearance. |
|  |  | Survivor has concerns regarding their safety upon offender’s jail release. |
|  |  | Survivor wants information regarding an Order for Protection. |
|  |  | Survivor wants/needs assistance regarding immigration relief. Details:  |
|  |  | Survivor was provided information regarding the court process. |
|  |  | Regarding contact with offender, survivor wants: | Unrestricted contact | Conditional contact (detail): | No contact |
|  |  | Survivor discussed arrest, risk factors, and history of violence details (recorded in additional sections below.) |
|  |  | Survivor felt respected and was treated well by responding officers. Details:  |
|  |  | Survivor expects [program] follow-up call. Document phone number, date, and time: |
|  |  | The survivor would like to meet in person. Document date and time: |

|  |
| --- |
| **II. [program] Follow-Up Contact** |
| **Advocate:**  | **Date:** | **Time:** |
| 1. **Survivor’s account of events**
 |
| Description of the incident that resulted in law enforcement response: |
| **Yes** | **No** | **Information** |
|  |  | Survivor reports injuries?  | □ Visible | □Not visible | □Both |
|  |  | Description of injuries:  |
|  |  | There are visible injuries. Details: |
|  |  | Photos were taken of visible injuries. Details:  |
|  |  | Survivor 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:  |
|  |  | The offender is using immigration-related threats. Details:  |
| ***Remind survivor of mandatory reporter status regarding the next question.*** |
|  |  | 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.  |
| **Survivor’s assessment of risk and danger:**  |
| Do you think the offender might seriously injure or kill you or your children? What makes you think so? What makes you think not? |
| How frequently and seriously does the offender 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 immigration-related threats[[5]](#footnote-6) and threats regarding child custody, and other legal matters?) |
| 1. **Offender’s history: what the survivor knows.**
 |
| **Yes** | **No** | **Information** |
|  |  | The offender has been arrested or convicted of assaulting the current or another survivor in the past five years. Details: |
|  |  | Survivor 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. |
|  |  | The offender faces deportation concerns. Details:  |
| 1. **What the survivor 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 survivor or the survivor’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. |
|  |  | The court or the prosecutor should sign a U or T-visa certification. |
| 1. **Information for the survivor to consider sharing with the court**
 |
| **Yes** | **No** | **Information** |
|  |  | The survivor was advised they could informthe victim-witness specialist ofdiscrepancies between their account of the arrest incident (Section A and B above) and the incident report; they could provide information to the court regarding the offender’s history (Section C above); and they could inform the court regarding what they want from the court process (Section D above). |
|  |  | The survivor was advised that [program] can provide information to the court on their behalf, with their consent. (Section H) |
|  |  | The survivor 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 survivor should discuss this with the victim-witness specialist before sharing any information. |
|  |  | The survivor’s safety was discussed, including the risks if the offender finds out they provided any information to [program]. |
| 1. **What the survivor wants from [program]**
 |
| **Yes** | **No** | **Information** |
|  |  | The survivor wants accompaniment to meetings with the victim-witness specialist, the prosecutor, or other court personnel. |
|  |  | The survivor wants assistance with the application for Order for Protection. |
|  |  | The survivor wants assistance with safety planning. |
|  |  | The survivor wants assistance with child protection case. |
|  |  | The survivor wants information or assistance regarding other resources, including housing, healthcare, food, other state, Tribal, or federal benefits, education/support groups, and any other resources that apply. Describe: |
|  |  | The survivor wants assistance addressing her immigration status (setting up an appointment with an advocate with expertise on the legal rights of immigrant survivors, help with obtaining a U or T visa certification, etc.). Explain role of [program], its limitations and coordination with other agencies, etc. |
| 1. **Services from the victim-witness specialist (VWS)**
 |
| **Yes** | **No** | **Information** |
|  |  | Survivor was informed [name], VWS, can be contacted at [###-###-####, email address.] [Name] will assist in legal matters and perform the duties listed below. |
|  |  | The VWS will contact survivor on [date/time] to provide specific information and answer questions about the case as well as preparation for and accompaniment to court, as well as updates throughout the court process. |
|  |  | The VWS will assist survivor regarding 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 survivor shared during this interview that is not included in the arrest report, with the survivor’s consent. (Sections D and E) |
|  |  | The survivor provided additional phone numbers where it is safe to be reached.  |
|  |  | The survivor wants assistance in obtaining a U or T visa certification (explain role, limitations, coordination with other agencies, etc.).  |
| 1. **Ongoing contact with [program]**
 |
| **Yes** | **No** | **Information** |
|  |  | The survivor was advised that [program] will track and monitor the case throughout the court process and will contact them periodically to discuss outcomes. [Program] will also evaluate their experience, answer questions, see if they need 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 below and circle information they are willing to share.  |

Share information 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 | Legal services/ culturally specific/or program with expertise serving immigrant survivors |
| 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 survivor of battering, determine whether they want to be involved with any efforts to participate in the solution.
* Options to consider:
	+ Invite them to attend meetings with the involved agency to address the issue.
	+ Invite them to participate in focus groups to gain more information and identify solutions.
	+ Create other opportunities for survivors 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 survivor, 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 survivor before participating in the meeting.
1. At the meeting, possible avenues of approach include:
* Once you have secured appropriate releases from the survivor, 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 survivors of battering 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.

## Institutional Response Concerns Tracking Form

|  |  |
| --- | --- |
| Date of incident:  |  |
| Advocate/volunteer involved or reporting incident:  |  |
| Survivor involved:  |  |
| Survivor’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:** |  |

|  |  |
| --- | --- |
| Yes | No |

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

## Institutional Response Concerns Tracking Sheet

|  |  |
| --- | --- |
| **Response Concern** | **Action Taken/Resolution** |
| Names | Date | Agency concerned | Details | Actions taken, including dates[[6]](#footnote-7) | 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 Gender-Based Violence in Our Community**

*Centralizing the experience of all survivors 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 gender-based violence, 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/>
* Migration Policy Institute’s Data Hub: <https://www.migrationpolicy.org/programs/migration-data-hub>
* **Demographic Information on Immigrant Populations for Each U.S. State:** <http://map.niwap.org/demographics/>
 |
| * Statistical reports from local:
 |
| * Community-based advocacy program
* 911
* Law enforcement agencies
 | * Prosecutor’s office
* Courts
* Probation
* Etc.
 |
| * 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 survivors
* Focus groups/listening circles
* Individual interviews
* Talking with community-based advocates and other organizations that work with survivors
* Domestic violence advocacy programs/domestic abuse programs
* Rape crisis centers/sexual assault programs
* Culturally and linguistically-specific and immigrant-serving organizations
* Legal services assisting survivors
 |
| * 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
* Attorneys that specialize in immigration
 | * Probation agents
* Tribal attorney
* Tribal court judge & staff
* Batterer intervention program staff
* Culturally- and linguistically-specific program staff
 |
| **Methods to analyze the extent to which policies and protocols reflect recommended practice** |
| * Praxis International Institutional Analysis Tools – www.praxisinternational.org
* Domestic Violence Best Practice Assessment Tools (911 through pretrial release supervision and enforcement; child protection and domestic violence)
 |

**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.

**Demographic Data: Who Lives in Our Community?[[7]](#footnote-8)**

|  |  |
| --- | --- |
| **Characteristic** | **Notes** |
| Geographic Classification | **Rural** [ ]  | **Sub/Urban** [ ]  | **Tribal** [ ]  |
| Geographic Size (square miles) |  |
| Population Size |  |
| Distinguishing Characteristics of the Community |  |
| Race/Ethnicity of Population |  |
| Gender Distribution |  |
| Age Distribution |  |
| Income Levels/Socio-economic Status |  |
| Nationalities Represented Among: * Permanent residents
* Asylees or refugees
* Individuals with non-immigrant visas
 |  |
| Languages Spoken |  |
| Interpretation Resources Available among Agencies? |  |
| Number of People with Disabilities in the Community |  |
| Number of People who are Deaf and/or Hearing Impaired |  |
| Number of LGBQ People in the Community |  |
| Number of Transgender People in the Community |  |
| What do you currently know about the different cultural groups’ experiences with the criminal legal system? Be specific by group. |  |

**911/Law Enforcement Data**

* Column A: What do we know? What can we discover about total numbers for any of these elements?
* Column B: Explore to what extent this data can be broken down according to race, ethnicity, gender, age, and relationship. Add additional columns to explore other characteristics and aspects of identity, e.g., English language proficiency, immigrant survivor or defendant, disability, etc.

| **A.**  | **B.**  |
| --- | --- |
| **Data Type** | **Total** | **Victim/Survivor** | **Suspect/Offender** |
| **Gender** | **Race/ Ethnicity** | **Age** | **Gender** | **Race/ Ethnicity** | **Age** |
| Domestic violence homicides (intimate partner or collateral) |  |  |  |  |  |  |  |
| 911 calls (following or similar types of coding):* Domestic violence/abuse
* Stalking
* Sexual assault
* Bail violations (DV-related charge)
* Order for protection violations
* Domestic abuse – “verbal only”
 |  |  |  |  |  |  |  |
| Language access services used (specify language) |  |  |  |  |  |  |  |
| Patrol response: no arrest/warrant – report written |  |  |  |  |  |  |  |
| Patrol response: no arrest/warrant – no report |  |  |  |  |  |  |  |
| Patrol response: suspect gone-on-arrival |  |  |  |  |  |  |  |
| Patrol response: arrest/warrant issued* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Referred to investigator (if applicable)* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Arrests of female offenders * male victim
* female victim
* trans victim
 |  |  |  |  |  |  |  |
| Arrests of male offenders * male victim
* female victim
* trans victim
 |  |  |  |  |  |  |  |
| Arrests of trans offenders * male victim
* female victim
* trans victim
 |  |  |  |  |  |  |  |
| Dual arrests |  |  |  |  |  |  |  |
| U or T visa certifications signed |  |  |  |  |  |  |  |
| Charges filed by police * Domestic violence/abuse
* Stalking
* Sexual assault
* Bail/bond violations (DV-related charge)
* Order for protection/no contact order violations
* Domestic abuse – “verbal only”
* Strangulation
 |  |  |  |  |  |  |  |

**Prosecution Data**

* Column A: What do we know? What can we discover about total numbers for any of these elements?
* Column B: Explore to what extent this data can be broken down according to race, ethnicity, gender, age, and relationship. Add additional columns to explore other characteristics and aspects of identity, e.g., English language proficiency, immigrant survivor or defendant, disability, etc.

| **A.** | **B.** |
| --- | --- |
| **Data Type** | **Total** | **Victim/Survivor** | **Suspect/Offender** |
| **Gender** | **Race/****Ethnicity** | **Age** | **Gender** | **Race/****Ethnicity** | **Age** |
| Charged by prosecutor: no. of cases charged as:* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Declined by prosecutor* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Dismissed after charging – survivor’s request* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Dismissed after charging – other reasons* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Guilty plea as charged * Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Guilty plea to lesser charge * Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| No. of cases where pretrial no contact order is issued as a condition of bond or otherwise* At survivor’s request
* Over survivor’s objection
* Survivor’s wishes unknown
 |  |  |  |  |  |  |  |
| Trial & guilty verdict * Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Trial & acquittal – not guilty verdict* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Defendants sentenced to jail or prison (executed time)* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Defendants sentenced to probation (some or all of the time stayed)* Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| No. of cases where probationary no contact order is issued * At survivor’s request
* Over survivor’s objection
* Survivor’s wishes unknown
 |  |  |  |  |  |  |  |
| Diversion/deferred prosecution agreement * Misdemeanor
* Felony
 |  |  |  |  |  |  |  |
| Cases prosecuted with female offender (intimate partner relationship)* Male survivor
* Female survivor
* Trans survivor
 |  |  |  |  |  |  |  |
| Cases prosecuted with male offender (intimate partner relationship)* Female survivor
* Male survivor
* Trans survivor
 |  |  |  |  |  |  |  |
| Cases prosecuted with trans offender (intimate partner relationship)* Female survivor
* Male survivor
* Trans survivor
 |  |  |  |  |  |  |  |
| U or T visa certifications signed |  |  |  |  |  |  |  |
| Length of time from initial call through disposition |  |  |  |  |  |  |  |

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# Appendix 4: Law Enforcement Incident Report Review Worksheet

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## Law Enforcement Incident Report Review Worksheet

|  |  |
| --- | --- |
| Responding Agency(ies) |  |
| Officer(s): |  | Case # |  |
| Advocate: |  | Date:  |  |

* *Check boxes below if the report includes this information.*
* *Circle boxes if the report does not include this information.*
* *Provide comments in the notes column.*

|  |  |  |
| --- | --- | --- |
|  | **Practice** | **Notes** |
| **Background and account of officer actions** |
|  | Time of officer arrival & time of incident |  |
|  | Relevant 911 information |  |
|  | Interpreter services required |  |
|  | Interpreter services provided  |  |
|  | Immediate statements of both parties and any witnesses at the scene |  |
|  | Complete description of the scene |  |
|  | Any existing orders, probation, warrants, or prior convictions |  |
|  | Indications of stalking |  |
|  | Indications of strangulation |  |
|  | Summary of actions taken by officer (entry, use of force, no/arrest, 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 made, probable cause included? If arrest not made, explanation included? |  |
|  | Squad pickup and hold issued on gone on arrival (GOA) suspects that are on probation |  |
|  | Information provided: local resources lists, advocacy packet, U and T visa application processes (DHS crime victim brochure), how to obtain an order for protection, etc.  |  |
|  | Referrals and assistance made to access: community-based advocacy, shelter, other relevant services.  |  |
| **For each witness and party involved:** |
|  | Name, DOB, address, phone numbers for cell/home/work  |  |
|  | Primary/preferred language and method of communication (specify) |  |
|  | 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:** |
|  | Description of injuries and effects, including those not visible (e.g. sexual assault, strangulation) |  |
|  | Description of physical appearance (disheveled clothing or hair, torn clothing, obvious injury, flushed face, etc.) |  |
|  | 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:** |
|  | *Responses to open-ended 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 victim for seeking help. |  |
|  | Do not ask the victim if they want the suspect arrested, will testify in court, etc.  |  |
|  | Name/phone numbers of someone who can always reach the victim recorded in the confidential section of the report. |  |
| **Additional information related to the suspect** |
|  | Access to, presence and type of firearms and other weapons in the home, including location, use, and description |  |
|  | Whether they are a prohibited person found to be in possession of or have access to a firearm. If yes, seize all firearms at the scene.  |  |
|  | GOA: details about where the suspect might have gone and where they live or stay when not at the address of the incident |  |
|  | Suspect’s county and state of residence during the past ten years |  |
|  | Whether Miranda was 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 cognition barriers |  |
|  | Medical help offered or used, facility, and medical release obtained |  |
|  | Involvement of other agencies: Probation, Child Protective Services, U.S. Immigration and Customs Enforcement, Department of Homeland Security, U.S. Customs and Border Protection, etc.  |  |
|  | **Self Defense:**  |  |
|  | * Reasonable force may be used to resist or aid another. A person may use all of the force and means they reasonably believe is necessary to prevent imminent bodily injury. 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**Compare the following factors: |  |
|  | * 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 policies:** |  |
|  | * Arrest
 |  |
|  | * Self-defense
 |  |
|  | * Predominant aggressor
 |  |

# Appendix 5: Survivor Contact Log

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

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

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Survivor Name | A or NA | Date  | Date 1st AIR Attempt  | Date1st AIR Made | Info Sent(🗸) | Dates ofFollow-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. **Number of daily law enforcement contacts for arrest and non-arrest reports**
 |
| Law enforcement contacts | Number of Arrests | Number of Non-Arrests | Number of Reports Collected[[8]](#footnote-9) |
| Gender[[9]](#footnote-10) | Race[[10]](#footnote-11) | Age[[11]](#footnote-12) | Gender | Race | Age |
| Sheriff |  |  |  |  |  |  |  |
| Police |  |  |  |  |  |  |  |
| 1. **Review of reports**
 |
| Number | Type |
|  | Law enforcement reports reviewed |
|  | Law Enforcement Incident Report Review Worksheet completed |
| 1. **Survivor advocacy contacts**
 |
| Number | Contact Type |
|  | Calls made by law enforcement to crisis line after arrests[[12]](#footnote-13) |
|  | Attempts made to contact survivors (check Survivor Contact Log)  |
|  | Actual contacts with survivors made |
|  | LERFFs completed  |
|  | Packets provided/sent to survivors[[13]](#footnote-14) |
|  | Contacts with prosecutor’s office regarding arrest cases |
|  | Meetings with system’s representatives with/on behalf of survivors |
|  | Hearings attended  |
| 1. **Victim-defendant advocacy**
 |
| Number | Type |
|  | Jail visits to provide advocacy for potential victim-defendants |
|  | Victim-defendants arrested for illegal use of force |
|  | Victim-defendants potentially erroneously arrested for use of force in response/reaction to ongoing battering (application of self-defense or predominant aggressor determinations not clear/not documented)  |
|  | 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. For more information on U and T visa certification by police *see* DHS U and T Visa Law Enforcement Resource Guide, <http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/>; and U-Visa Toolkit for Law Enforcement Agencies and Prosecutors http://niwaplibrary.wcl.american.edu/pubs/uvisatoolkit-police-prosecutors [↑](#footnote-ref-3)
3. See the following resources: USCIS Brochure for Victims: Immigration Relief for Abused Children: http://niwaplibrary.wcl.american.edu/pubs/uscis\_sijs\_brochure/ and Immigration Options for Victims of Crimes: http://library.niwap.org/wp-content/uploads/2015/CULT-Bro-DHSEnglishImmOptionsVictimsofCrime.pdf [↑](#footnote-ref-4)
4. U.S. Immigration and Customs Enforcement, Department of Homeland Security, or U.S. Customs and Border Protection. [↑](#footnote-ref-5)
5. If yes, provide the victim know your rights information developed by Department of Homeland Security and by NIWAP available at: http://niwaplibrary.wcl.american.edu/topic/multilingual-materials-language/ [↑](#footnote-ref-6)
6. Action: record phone calls (p), emails (e), meeting (m), letter (l), other (o) [↑](#footnote-ref-7)
7. Excerpted from *The Blueprint for Safety Equity Assessment Toolkit*, by Praxis International. For more information: info@praxisinternational.org. [↑](#footnote-ref-8)
8. Number of reports collected should equal total number of arrests and non-arrests for each agency. [↑](#footnote-ref-9)
9. Statistics should be broken down by gender. [↑](#footnote-ref-10)
10. Statistics should be broken down by race/ethnicity. [↑](#footnote-ref-11)
11. Statistics should be broken down by age groupings. [↑](#footnote-ref-12)
12. Number of calls by law enforcement should equal number of arrests. [↑](#footnote-ref-13)
13. Number of packets should equal number of arrest and non-arrest victims. [↑](#footnote-ref-14)