

Annual Domestic Violence and Sexual Assault Report Card to the Thurston County Community July 2008

Thurston County, with assistance and funding from the United States Department of Justice, Office of Justice Programs, Office on Violence Against Women conducted an audit of criminal justice systems and practices in 2003-2005. The central audit question was:

To what extent does the Thurston County criminal justice system accommodate or provide for the safety of marginalized/underserved victims within intimate partner violent relationships, including domestic violence, sexual assault, and stalking?

The populations targeted by this audit included rural, culturally different, non-English speaking, and vulnerable adult populations residing in unincorporated Thurston County and the towns/cities of Bucoda, Rainier, Tenino, Tumwater and Yelm.

The intended outcomes of the audit were to:

- Improve the immediate and continued safety of marginalized/underserved victims of intimate partner violence;
- Improve consistency of law enforcement and prosecution response to perpetrators of intimate partner violence;
- Improve a coordinated community response to crimes of intimate partner violence throughout Thurston County.

The audit was patterned after the Duluth, Minnesota/Praxis International model developed by Ellen Pence. Volunteer auditors used a combination of interviews, focus groups, observations and ride-alongs, surveys of victims and survivors, and data and text analysis. These methodologies were used to audit 9-1-1, law enforcement, courts/prosecution, and rehabilitation/treatment systems in Thurston County.

The intent of this report is show the progress that has been made, three years following the audit, on addressing specific findings and recommendations of the Audit.

First Responders – Audit Findings (*Responses/improvements made to-date will be noted in italics*)

- 1) ***Training*** of 9-1-1 dispatchers in how to respond to domestic violence calls is needed to respond to domestic violence calls is needed, particularly in regards to asking appropriate follow-up questions and taking appropriate action with regard to **medical aid, presence of children**, and performing critical **criminal history** checks. Proper information gathering up front aids law enforcement's response, and begins a chain of evidence that will be important throughout the entire court process.

In the Fall of 2006, all CAPCOM employees attended an 8-hour Domestic Violence training class as part of CAPCOM's continuing education program; the training is also provided to all new CAPCOM employees during orientation. CAPCOM responders have also worked over the past two years to ensure that all callers reporting

domestic violence, sexual assault and/or stalking are able to report all relevant facts and to help ensure the immediate safety of the victim(s).

- 2) Updated first response protocols and a DV prompt screen for 9-1-1 dispatchers are needed.

These protocols were again updated in May 2008 by the Law Enforcement Radio User Committee in Thurston County (mid-management representatives for all Thurston County law enforcement and CAPCOM agencies.) The prompt screen was improved in 2006; all domestic violence calls are high priority.

In 2008, all Thurston County law enforcement agencies and the courts/prosecutor's office implemented a new protocol to remove firearms during domestic violence calls and/or during prosecution of domestic violence cases.

In July 2008, the CAPCOM protocols should be changed to move Elder Abuse/Neglect calls from a priority 3 to a priority 2 response code.

The Lacey and Olympia Police Departments adopted County protocols regarding officer-involved domestic violence. In 2008, Lacey P.D. also revised their domestic violence statement forms to improve investigations, and get clearer statements from victims and child witnesses/victims. Lacey police officers have now been trained on how to do basic safety planning with victims on initial D.V. calls.

As a result of the Audit, Fire and EMS responders are now recognized as an important resource in the fight against domestic violence. Both the Olympia and Lacey fire departments had employees who were participants in the 2007 Thurston County D.V./S.A. summit. Olympia and Lacey Fire departments, recognizing that they are sometimes the first responders to a domestic violence situation are now actively seeking to educate and prepare their personnel to be better help victims and to strengthen evidence collection for court cases.

Safeplace has enhanced their response protocol for the Sexual Assault Response Program to enable the advocate who is the first responder for a sexual assault victim accompany the victim on all system-based advocacy appointments, i.e. law enforcement interviews, prosecution interviews, etc.

Evergreen State College campus police have adopted law enforcement protocols and have increased their efforts to communicate with college administration when incidents of domestic violence, sexual assault or stalking are reported. Evergreen also updated their Sexual Assault Response protocol in 2007, influenced by the participation of one of their campus police officers on the Thurston County Domestic Violence/Sexual Assault Task Force.

Various law enforcement agencies came together through the Thurston County Domestic Violence/Sexual Assault Task Force in order to update and standardize medical release forms due to HIPPA changes. The Thurston County Sheriff's Office added the Domestic Violence Observation Report and Victim Statement Forms to their

report writing to help improve documentation on domestic violence/sexual assault cases that happen within their jurisdiction.

- 3) **Training** of law enforcement is needed to reduce the incidence of erroneous **dual arrest** and ensure more accurate determination of the **primary aggressor**. Officers also need to be encouraged to continue to exercise diligence in pursuing domestic violence suspects beyond the 4-hour mandatory arrest window.

Lacey, Olympia, Tumwater and Yelm police departments, and the Thurston County Sheriff's Office have now incorporated training on domestic violence, sexual assault, and stalking into their training schedules. Training is provided on domestic violence/sexual assault/stalking protocols, strangulation crimes, Amber alerts, harassment/phone harassment, evidence collection in domestic violence/sexual assault crimes, primary aggressor identification, and how to work with children who witness domestic violence. More emphasis is now placed on identifying the primary aggressor when responding to domestic violence calls.

The Evergreen State College campus police now provide domestic violence/sexual assault training regularly for new hires. Campus police also now attend the campus residential housing quarterly in-service training sessions.

- 4) Officers need to be sensitive to physical and mental **disabilities**, the need for neutral **interpreters** and **cultural barriers**.

Training on these issues is included in the training sessions listed in the response to Item 3.

- 5) Officers in close-knit communities need to be sensitive to **confidentiality** and **impartiality**. Victims observed officers laughing and joking with abusers when responding to calls, or being particularly sympathetic to abusers when they saw that they were law enforcement or had some military connection. Trust in the law enforcement system was destroyed; victims who will not contact law enforcement again for future incidents have nowhere to go.

We believe that some of these issues have been addressed by the different law enforcement agencies, though we have not verified that confidentiality and impartiality exists in 100% of the domestic violence/sexual assault/stalking crime investigations. There is a much higher level of communication and cooperation among the various law enforcement agencies and between law enforcement and Safe Place, Olympia Union Gospel Mission and Providence Sexual Assault Clinic. Some victims did state that law enforcement seems to respond more quickly and quietly now, but that there still seems to be differences in law enforcement responses based on the victim's income.

- 6) Technology needs to be improved to allow information-sharing between databases.

All of the municipal law enforcement agencies are currently working on designing and implementing a shared data base for all crimes. This system should go live in 2009. The Thurston County Sheriff's Department upgraded its crime data base in 2007.

Courts – Audit Findings

- 1) **Court Security** is lacking in many courts, both in terms of facilities and in terms of staffing and official response. There is some confusion around the jurisdictional aspects of performing court security and what constitutes the breaking of a court order. Even where signs are posted in the courthouses that clearly state that court orders are in effect there are blatant violations happening in front of court security. When violations **are** reported there is confusion about who has jurisdiction over the incident. In some courtrooms there is no security and victims are violated in front of the Judge with nothing done to protect them. Such intimidation and violations lead to uncooperative victims and a failure of the judicial system in prosecuting serious cases.

Security has been increased significantly at Thurston County Superior, District and Family Courts with the addition of metal detectors and security personnel.

During domestic violence/sexual assault protection order hearings, there is now an armed security officer in the courtroom near the perpetrator at all times.

Some victims have stated that it is scary to be in the courtroom with the perpetrator and would like to see a courtroom where victims are physically separate from the perpetrators as they have in King County.

- 2) **Conflicting Orders** and the untimely entering of orders are creating greater risks to victim safety.

No Contact Orders have been standardized in all the courts throughout the County, though a couple of municipal courts have added specific sections to the Order. Also, the Prosecuting Attorney's Office has been working closely with the municipal, district and superior court judges to improve communication and decrease conflicting orders.

- 3) **Continuances** are occurring too often. They are a financial and emotional hardship on victims. Courts need to be sensitive to the situation of the victim and endeavor to reduce continuances as much as possible.

The Olympia Municipal Court now has public defenders available to talk to defendants at their first hearing or arraignment which can result in obtaining dispositions at an earlier stage in the process. Victims have complained about the length of time cases take to get to a resolution, the pressure they feel directly and indirectly as witnesses and victims of crime, the concern about cases being continued and lack of accountability that is sometimes seen in the criminal justice system for perpetrators. The sooner the plea, the quicker the accountability/monitoring of perpetrators in the system and the greater the relief felt by victims knowing that they will not have to testify against the abuser.

- 4) **Judicial demeanor** was frequently reported by observers and victims to be insensitive or inappropriate. Judges need to be understanding of the traumatic nature of the courtroom experience for a victim. Judges have a lot of power over victims, not only in the judgments they render, but also in their ability to display compassion and fairness. This has a significant influence on a victim's perception of whether justice was served, and on the victim's willingness to trust in the system again in the event of future abuse.

There have been significant changes in judicial understanding of domestic violence and sexual assault and in judicial response to victims in Superior and District Courts. Many judges have attended specific domestic violence and sexual assault trainings; several Superior Court judges are involved in the planning process for a county-wide Family Justice Center and have worked hard to adopt county-wide consistent protocols for domestic violence, sexual assault and stalking crimes.

Rehabilitation & Treatment – Audit Findings

- 1) **Effective rehabilitation services** are needed for the perpetrator, the victim, and the victim's family. This includes courts ordering DV treatment where appropriate and not substituting anger management or substance abuse treatment.

Perpetrator services are still at minimal levels in Thurston County. Safeplace has doubled the number of shelter beds available for victims and increased services for children of domestic violence victims. The Providence Sexual Assault Clinic has increased therapist hours. Monarch Children's Justice and Advocacy Center is also providing therapeutic services for child victims of sexual assault, adult survivors of child sexual assault and for victims' families.

- 2) **Accountability systems** are nonexistent, particularly for offenders in court-ordered domestic violence perpetrator treatment programs. All systems and the community must do their part simultaneously for an effective response to providing safety to victims and the community. If one part of the response is weak, all parts fail (the domino effect).

There have been some improvements in this area related to increased communication and collaboration between law enforcement and service providers. However, more work needs to be done to increase offender accountability and reduce repeat offenses. There has been a lot of networking and coordination this year between the Courts and the Military in order to better coordinate cases, understand each other's systems and improve victim safety both in the civilian/non-civilian world. Fort Lewis is working to get their domestic violence counseling programs State Certified.

Specialized Concerns – Audit Findings

- 1) **Resources** are needed to collect, evaluate and report data related to domestic and sexual violence, including secondary victims (those who witness and are impacted by the violence).

Improvements have been made by standardizing law enforcement protocols throughout the county and through improvements to law enforcement data systems.

- 2) **Stalking** is an underreported yet dangerous crime. First responders did not always obtain relevant prior criminal history. For the crime of stalking which requires repeat incidents, it is particularly important that first responders ascertain relevant prior history and document relevant evidence for prosecution.

More training is now provided to all first responders regarding stalking, the different forms it can take and potential impacts on victims.

- 3) **Strangulation** can be deadly. Responders did not differentiate strangling from choking.

This issue has been addressed by CAMCOM and all law enforcement agencies in the county by providing officers with specific training on strangulation and choking.

- 4) Poor medical follow-up by 9-1-1 dispatchers when choking was mentioned by victims.

CAPCOM has responded to this issue by providing specific training to their staff on issues of strangulation and choking. There is now better coordination between law enforcement personnel and emergency room staff to respond to victims of strangulation.

- 5) Officers need to be trained to recognize signs of strangulation.

This issue has been addressed; please see response to Item 1 under First Responder Training.

- 6) Courts need to acknowledge the deadly nature of strangulation even in the absence of physical signs; physical signs should not be a prerequisite to a higher charge.

This issue has been addressed by the Prosecuting Attorney's Office in their charging decisions.

- 7) **Substance Abuse** is a commonly co-occurring problem, but substance abuse treatment is not a substitute for domestic violence perpetrator treatment.

There is some improvement in cross referrals between perpetrator treatment and substance abuse treatment though further improvements and resources are needed.

Marginalized Populations – Audit Findings

- 1) **Vulnerable Adults** face a lack of resources (housing, mental health beds, etc.). Furthermore, the definition of domestic violence needs to be broadened for the Vulnerable Adult population to include caregivers and others who target elderly victims.

There are now standard forms for vulnerable adult protection orders which has been accompanied by an increase in filings.

- 2) **Interpreters** at the scene need to be unbiased. Victims reported that officers used friends of the suspect to interpret for them. Victims also reported that an abuser speaking good English received more attention from responding officers than the non-English speaking victim.

There is now more printed information available for victims in Spanish, Cambodian and Vietnamese, which are the most-spoken languages besides English in Thurston County. This information is carried by most law enforcement personnel throughout the County. Also, when possible, law enforcement personnel, attorneys and judges access professional translators to assist with non-English speaking victims. However, both the availability of and access to interpreters remains a serious barrier for non-English speaking victims in Thurston County. The request for an interpreter is still in English, in Family Court, and therefore is often not completed by victims who need translation assistance.

- 3) **Interpreters** at the courthouse are needed to assist victims with understanding the process outside of the courtroom.

Interpreters are contracted whenever possible, though sometimes they are not available on the date of the hearing/trial. Criminal justice advocates have access to the AT&T language line to help them provide information and support to non-English speaking victims.

- 4) **Victim Advocate services and community resources** are lacking in rural areas. Rural underserved communities suffer a lack of critical resources to respond to domestic violence in an effective way. Contracted Attorneys and Judges in rural areas have fewer resources to attend sufficiently to cases. The revolving door dynamic is at play in many of these cases. Lack of effective intervention and accountability deters victims from reentering the system. Each jurisdiction needs Advocacy services to ensure some type of response to victims.

This issue continues to be a problem in Thurston County, though Safeplace has provided some additional outreach services in rural areas when funding is available. Safeplace now provides a support group specifically for Spanish-speaking victims and their children on a weekly basis, but this support group meets in Olympia, requiring victims to travel from their homes in outlying parts of the County. This issue is highlighted by the rapid increase in the cost of gasoline, which further restricts the ability of victims in rural areas to access services.

- 5) **Victims need education** about the criminal justice system and how it can respond to domestic violence. Lack of education creates confusion, distrust, a failure to achieve justice and an unwillingness to use the system again in the future. Education creates safety and offender accountability as a victim is more able and willing to pursue the remedies available to him or her.

The Thurston County Domestic Violence and Sexual Assault Task Force has worked hard over the past three years to improve education of and communication among law enforcement, courts, attorneys, and service providers. Partners In Prevention Education (PIPE), created in 2005, has worked hard to reach isolated youth victims and advocate on their behalf. PIPE provides street outreach o homeless, at-risk and street-dependant youth and young adults affected by sexual assault and domestic violence. The Vulnerable Adult Task Force was formed to provide better information to older adults and better coordinate services to adult victims.

- 6) **Victim Advocates** are the single most important factor that help victims to understand the criminal justice system. One problem that has existed heretofore in Thurston County is a lack of a unified response to domestic violence. No one can agree upon what is the best approach and most effective response to eliminating this type of violence from our community. The law enforcement Model Procedures are a start. Coming up with standardized definitions, consistent application of the law, and objective and thorough reporting of the various types of domestic violence would be a good start as well. As the bridge between law enforcement and the courts, prosecutors are in a good position to facilitate a coordinated criminal justice response. Judges can take an active role in promoting a safe, welcoming courtroom. The next step is up to all of us.

This situation has improved dramatically over the past three years with the addition of more domestic violence victim advocates in the Thurston County Prosecutor's Office and quarterly meetings of all victim advocates throughout the county. However, this improvement may be threatened by reductions at in county and municipal budgets.

Summary

There have been large improvements in standardized protocols, inter-agency coordination, staff training and judicial responses to the crimes of domestic violence, sexual assault and stalking in Thurston County, over the past three years. These improvements have resulted in better 9-1-1 responses to victims, more consistent responses by law enforcement officers throughout the county, more advocacy and shelter services for victims, fewer court delays, fewer conflicting protection orders, a sexual assault protection order and a firearm removal protocol that are now utilized by all law enforcement agencies in Thurston County.

However, there is more to be done:

- *Provide much more outreach, support and services, including mental health services, particularly to victims who live in rural areas of Thurston County and those victims who are non-English speaking;*
- *Provide more available and accessible translation services for non-English speaking victims (multiple languages) and make the request of such services simpler;*
- *Reduce conflicting protection orders between jurisdictions and improve data sharing between law enforcement agencies.*
- *Create a centralized service delivery model which will enable victims to only go to one place to receive information, support, services and protection;*
- *Reduce the great disparity between the number of victims and the amount of affordable, available services as well as reduce the disparity between the number of offenders and available perpetrator treatment services.*

It is heartening to see the number of agencies, organizations and individuals who are committed to addressing these issues, providing additional services for victims and one day, reducing the number of victims of crimes of domestic violence, sexual assault and/or stalking.

We thank the leadership and staff of each and every office, department and agency for their continued efforts behalf of victims and their families in Thurston County.