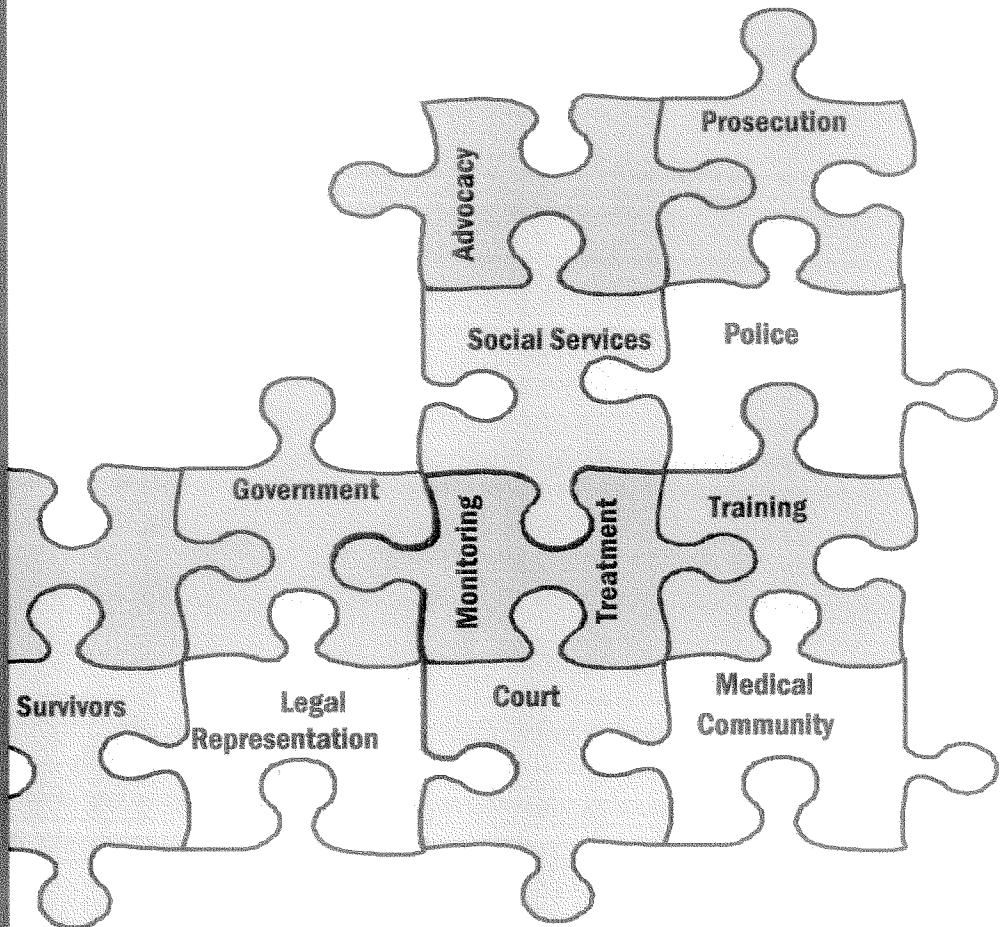


Miami-Dade County

Domestic Violence Report

ASSESSMENT OF GAPS IN SERVICES



December 15, 2003
Presented by
Advocate Program Inc.
[ACTT DIVISION]

MIAMI-DADE COUNTY, FLORIDA DOMESTIC VIOLENCE REPORT

A County-Wide Assessment of Gaps in Services

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Funded by
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TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

INTRODUCTION 11

A. Advocacy 15

Advocacy Concerns 21

- a. Lack of coordination and collaboration among system partners
- b. Community-based advocates are not part of the system's Response to DV
- c. Lack of affordable, culturally appropriate, community-based Direct services for DV and SA
- d. Lack of opportunities for community-based providers, Survivors and the community-at-large to voice their concerns to System partners
- e. Lack of public awareness regarding existing services

Advocacy Recommendations 30

- a. Improve coordination among all stakeholders
- b. Improve coordination of advocacy services for all DV victims
- c. Expand the capacity of affordable, culturally appropriate, Community-based services
- d. Improve public awareness

B. Therapeutic Jurisprudence 40

C. The Police 41

Police Concerns 42

- a. Lack of consistent comprehensive law enforcement response
- b. Lack of public/private partnerships with community-based advocates
- c. Lack of successful prosecutions impact law enforcement morale

Police Recommendations 44

- a. Improve department structure
- b. Improve initial police investigation
- c. Improve follow-up investigations
- d. Develop public/private partnerships with community-based advocates

D. The Prosecution 53

Prosecution Concerns 55

- a. High nolle prosequi and no action rates in both misdemeanor and Felony cases
- b. Lack of collaborative partnerships between the state attorney's Office and community-based advocates

Prosecutor Recommendations **58**

- a. Improve law enforcement support
- b. Restructure DCU to include all felony cases
- c. Develop collaborations between the state attorney's office and Community-based partnerships to strengthen support system and Advocacy services for victims

E. The Court **62**

Court Concerns **63**

- a. DV cases are adjudicated in multiple divisions of the court increasing the potential for conflicting orders, duplication of services, inconvenience to the parties and incomplete solutions
- b. Lack of comprehensive coordinated "front end" intake for related DV cases Filed in multiple divisions
- c. Lack of consistent response at bond hearing for DV felony cases
- d. Absence of comprehensive criminal history at all DV bond hearings
- e. Lack of options for violations of court orders

Court Recommendations **69**

- a. Streamline overall court response to victims of DV and their children
- b. Expand the "front end" intake of DV cases
- c. Provide complete criminal histories to DV bond hearing judges
- d. Develop felony bond hearing calendar or implement comprehensive training for felony bond hearing judges

F. Monitoring and Treatment **72**

Monitoring and Treatment Concerns **72**

- a. Lack of program completion by offenders
- b. Lack of consistent system sanctions and accountability for offenders who fail to complete treatment programs
- c. Lack of specific levels of supervision tailored to offender's criminal History and the presence of risk factors
- d. All treatment programs are similar despite offender's criminal history and the presence of risk factors
- e. Lack of reliable data on re-arrest
- f. Lack of continuity of victim services post adjudication
- g. Lack of evaluation for local batterer's intervention programs
- h. Majority of batterers are sent to indigent treatment program

Monitoring and Treatment Recommendations **78**

- a. Improve system responsiveness and accountability when Offenders re-assault victims or do not comply with Conditions of treatment
- b. Tailor monitoring and treatment programs to accommodate Differences in the offender's criminal history and proven Risk factors
- c. Develop baseline data on re-arrest
- d. Restructure treatment and monitoring programs to better reflect findings of national evaluations
- e. Improve victim safety through ongoing victim contact over time, safety planning, advocacy and service referral
- f. Evaluate how to best allocate county DV dollars

Appendix A

Domestic Violence System Maps

1. Advocacy: MUJER One Stop Center
2. Police: Coral Gables Model
3. Police: MDPD Model
4. Prosecution: Moves Response
5. DV Court System: DV Misdemeanor and Injunction Process
6. Batterers' Intervention Program [BIP] Assessment & Referral Process
7. DV Monitoring and Treatment Overview
8. Model Intake DV Center Design: DV Workgroup Model

Appendix B

2001 Statistics

1. Hotline Calls
2. Domestic Violence Offenses
3. Sexual Assault Offenses
4. Misdemeanor Dispositions
5. MOVES Misdemeanor Dispositions
6. Felony Dispositions
7. Felony MOVES Dispositions
8. Injunction Filings
9. Injunction Dispositions
10. Injunction Demographics
11. DV/Family/Juvenile Division Cross Over Cases
12. Monitoring and Treatment
 - a. Injunction Cases
 - b. Diversion Cases
 - c. Probation Cases
13. Advocates for Victims [Shelter & Outreach]
14. Roxy Bolton Rape Treatment Center [Cases and Demographics]

Appendix C

Maps

1. Domestic Violence Offense Rate By Police District and Municipality (2001)
2. Sexual Assault Offense Rate By Police District and Municipality (2001)
3. Combined Sexual Assault and Domestic Violence Offense Rate By Police District and Municipality (2001)
4. 2002 Filings for Injunctions for Protection Against Domestic and Repeat Violence By Petitioners' Residence (By ZIP Code)
5. Sexual Assault Victims Presenting for Medical Examinations to RTC By Victims' Residence By ZIP Code (October 1, 2001 – September 30, 2002)
 - a. Sexual Assault Victims Ages 0 – 11 Years Old Presenting for Medical Evaluations at RTC by Victim's Residence by ZIP Code (October 1, 2001 – September 30, 2002)
 - b. Sexual Assault Victims Ages 12 – 17 Years Old Presenting for Medical Evaluations at RTC by Victim's Residence by ZIP Code (October 1, 2001 – September 30, 2002)

- c. Sexual Assault Victims, Over 18 Years Presenting for Medical Evaluations at RTC by Victim's Residence by ZIP Code (October 1, 2001 – September 30, 2002)
- d. Service Provider Maps By Agency and Zip Code
- 6. Miami-Dade County Police Department Survey and Population Demographics
- 7. Miami-Dade Police Department Survey (Sorted by number of sworn officers, dedicated domestic crimes, and availability of victims advocates)
- 8. Domestic Violence and Sexual Assault Service Providers (2003)
- 9. Index of Service Providers and Services Offered

Appendix D

- 1. Letter from County Manager dated August 27, 2003 (Response to WPLG channel 10 report on DVOB)
- 2. Letter from County Manager dated October 29, 2003 (DVOB review)
- 3. Administrative Order Number 03-15 (In Re: Reaffirmation Of Unify Family Court Plan, Establishment Of Complex Litigation Division, Establishment Of Procedures For Implementing and Evaluating Unify Family Court In The Eleventh Judicial Circuit Of Florida)
- 4. Multisite Findings and Recommendations
- 5. San Diego Domestic Violence Law Enforcement Protocol

EXECUTIVE SUMMARY

Miami-Dade County [the County] has had a strong commitment to the elimination of Domestic Violence [DV]. In 1991, under the leadership of the Chief Judge of the Eleventh Judicial Circuit, the Court, the County, the Department of Corrections, law enforcement, the State Attorney's Office, the Advocate Program and the Public Defender's Office participated with one another to write a plan that would help reduce DV. The County, the Court and their system partners combined their collective resources to accomplish this goal.

In many respects, their efforts have been very successful. The County has been very generous in the funding of various responses against DV. Today the community has a DV Court, the DVIU, a specialized DV unit at the State Attorney's Office and a specialized unit that monitors offenders at the Advocate Program. Numerous police departments have specialized DV units and advocates. In addition, the County owns and operates two DV Centers and is about to fund a community-based agency to run a third. The County also staffs and operates the Domestic Intervention Program [DIP], a certified batterers' treatment program for indigent batterers. In addition, the County funds: the Miami-Dade County Domestic Violence Oversight Board [DVOB]; the Miami Dade County Fatality Review Team; several advocate positions in the State Attorney's Office; Public Defender positions for the DV Division of the Court; two community-based victim service agencies and the Advocate Center for Training and Treatment [ACTT], a division of the Advocate Program, Inc., which serves as a DV research and training entity.

In 1999, the County passed an ordinance creating the Alliance for Human Services [the Alliance] to identify, prioritize and fund the social service needs of the County through community-based organizations. The Alliance published the Social Service Master Plan [SSMP], which identified many gaps in services in the community. Pursuant to the findings of the SSMP for special needs populations, the County funded the Advocate Program to develop a professional training institute to collect data, identify gaps, best practices and to conduct trainings in the area of DV and sexual assault [SA].

To that end, ACTT invited the Administrative Office of the Court, all 32 law enforcement agencies, the State Attorney's Office, the Public Defender's Office, the Advocate Program, batterer's intervention and sexual assault treatment providers, DCF, community-based social service agencies, survivors, trust counselors and members of the medical and legal professions to participate in the fact finding process. ACTT engaged in research, interviewed system partners, disseminated and analyzed surveys and conducted focused workshops and held numerous meetings to obtain the data. Although the original mandate of the grant was to simply identify gaps in services, the participating partners sought to do more. They wanted solutions. This Report is the result of their effort.

The opinions and recommendations in this Report are in large measure, the opinions and recommendations of the community and system partners that participated in the process not the author or the Advocate Program. Although the information contained in this Report was researched and circulated for comment, there are many areas where data was incomplete. Therefore this Report should be considered the beginning, not the end of the process. It is the hope that the more partners work together, the more complete the picture and solutions will become.

The Report is divided into five sections: Advocacy, Police, Prosecution, Courts and Monitoring and Treatment. System flow charts, statistics and crime and service provider maps are located in the Appendix.

DV and SA are responsible for 34% of all violent crime and 20% of all homicides in the County. This Report is an attempt to identify issues that affect this community's response. The research effort revealed areas of excellence and concern in every category examined. This summary will focus upon the recommendations of the Report.

THE ADVOCACY COMMUNITY

There is a lack of communication and collaboration among policy makers, system partners, private non-profit community-based agencies, advocates, survivors and members of the community with regard to DV and SA. Accordingly it is recommended that Miami-Dade County:

- Develop a DV and SA Council where policy makers, system partners, community-based providers, advocates, survivors and community activists can work together to solve the problems associated with DV and SA
- In order to ensure the widest possible participation, the Council should include representatives from: the Court, the criminal justice system, other relevant government agencies, policy makers, educators, academics, medical professionals, non-government, non-profit community-based social service and advocacy organizations, survivors of DV and SA and private citizens
- The Council should be staffed by a community-based organization and should work closely with the staff of the DVOB. The Alliance for Human Services has allocated funding for the Council in its 2004-2007 NOFA and the County Manager's Office has increased funding for the DVOB staff
- The Council should endeavor to develop a 5 year DV and SA Plan that will improve the response to DV and SA in light of existing data

As part of the planning process, the County should:

- Identify existing county, state and federal funds currently utilized for DV and SA to better understand how resources are allocated

- Conduct an audit of tax dollars currently allocated to DV and SA and prioritize these funds in a manner best calculated to provide maximum benefit to victims
- Evaluate all county operated and funded services for DV victims and batterers to determine their effectiveness and cost efficiency
- Consider privatization of DV services if privatization is more cost effective and the private sector can efficiently assume and support the function. Privatization of any entity should be accompanied by maintenance of effort by the County at a minimum of 85%
- Allocate cost savings achieved by privatization to implementation of the recommendations in this report, in particular the “One Stop Center” initiatives described below

Over time, the Training Institute in collaboration with the DVOB should conduct ongoing research, evaluation and training for partner agencies in all areas of concern. These services should include: continued identification of gaps in services; continued identification of best practices; development of policies and practices for local response; provision of technical assistance and training; development of standardized data requirements and dissemination of data to partner agencies. [The County has funded the Training Institute and the DVOB to implement this recommendation]

Using the structure of the Council, system partners should: develop formal partnerships with community-based service providers and advocates, develop more comprehensive services for victims, reduce duplication of services and improve victim satisfaction. In order to facilitate these objectives, the partners should:

- Review national models that demonstrate successful partnerships between criminal justice and community-based partners
- Implement system-wide protocols and procedures between system and community-based partners
- Enhance communication between partners through an Internet web-based system that links all agencies

Currently services to victims are disseminated in piecemeal fashion. A victim of DV and SA will repeat her/his story on numerous occasions to multiple agencies in many separate venues. This places enormous burden on the victim and the victim’s children. Consider the worst case scenario; the victim who has been battered and sexually assaulted in front of her children, whose children have also been abused, who over the course of time seeks an injunction, child support and permanent custody of her children. Such a victim may conceivably tell her story many times to numerous people from different agencies in different locations and to a variety of judges, none of whom have a complete

understanding. Accordingly, in order to improve coordination of advocacy services for all DV victims it is recommended that:

- Miami-Dade County should develop a multi-agency “One Stop DV/SA Intake Center” that will bring as many agencies and staff members under one roof as possible. This recommendation is supported by the “President’s Family Justice Center Initiative”, a Department of Justice grant, which creates a funding stream of \$20,000,000. Twelve cities will be chosen as recipients of this grant. The underlying premise of the One Stop Center as envisioned is that all participating partners will provide their own staff to the Center and that participants will be co-located to minimize trauma to the victim and the victim’s children. The One Stop Center should provide system and community-based advocacy, case management and service coordination, including forensic medical services, to victims of DV and SA to minimize the number of times the victim has to tell her story
- Implement system-wide protocols and procedures between system and community-based partners
- Enhance communication between partners through an Internet web-based system that links all agencies
- Develop a satellite One Stop Center at the Rape Treatment Center
- Continue to fund neighborhood-based One Stop Centers for victims of DV and SA in ethnic and underserved communities
- Recruit and train volunteer advocates to serve the needs of victims and system partners throughout the community

Many victim advocates and victims themselves are unaware of services that are available in the community. Therefore the community should:

- Develop a countywide database of services offered by both the public and private sector and make this information available via a web-based application
- Develop a countywide public awareness campaign of services available. [The Alliance has allocated funding for this recommendation in their 2004-2007 NOFA]
- Expand existing hotline services into a comprehensive One Stop DV/SA Hotline where victims can be linked to appropriate service providers and where members of the community can call for information

At present, community-based advocacy agencies do not have the capacity to accommodate the new referrals expected as public/private partnerships develop and as more victims learn about the existence of services. Accordingly, it is recommended that the County should seek to expand existing agencies and strive to support new efforts. To

that end, the County, in collaboration with the Alliance for Human Services and the DVOB should:

- Develop a Social Services Master Plan specific to DV and SA victims similar to the SSMP
- Develop a funding plan to implement the priorities of the plan
- Develop a Victim Services Consortium of community-based victim service/advocacy providers to expand awareness of existing services, build cultural capacity among providers, improve political visibility, encourage multi-disciplinary and agency collaborations, improve fund raising and encourage collaborative grant applications

Other service needs identified include:

- Specialized services for older victims of DV and SA [The Alliance has allocated funding for this recommendation in their 2004-2007 NOFA]
- Culturally appropriate support groups
- Screening and referral systems among medical professionals
- Programs tailored to the disabled, teenagers, GLBT community and the immigrant community
- Additional legal services for victims of DV and SA

THE POLICE

The system response to DV depends upon the individual response of each system partner. This response starts with law enforcement. Good police policies are the foundation on which every system partner depends. Miami-Dade has 32 law enforcement departments, Miami-Dade Police Department and 31 municipalities. Each has its own policies, which vary in specificity. Some DV policies are excellent but others lack detail in many critical areas. Accordingly, there is a lack of consistent comprehensive response by first responders and follow-up across district lines. In addition, there very few public/private partnerships with community-based DV advocates and service providers that can render confidential support to all victims. Such services are especially important to those victims who may fear law enforcement because of their illegal immigration status, or women who fear that the authorities will take her children away and victims who cannot speak the language of the police officer. Accordingly, in order to improve law enforcement response county-wide, it is suggested that all departments:

- Develop and adopt a uniform policy on DV

- Develop a response for both misdemeanors and felonies
- Collaborate with the State Attorney's Office expand the MOVES program countywide
- Adopt policies regarding officer involved DV
- Develop the uniform criteria for the collection of DV statistics
- Implement training of all patrol officers, detectives, investigators and command staff so that all department personnel understand the requirements of the uniform policy on DV, if adopted. Subsequent periodic trainings should take place when there are changes to Florida law or department policy
- Improve dispatch capacity so that every first responder knows whether there have been prior calls from the same residence, whether the perpetrator has a prior history of violence or is armed

All first responders should:

- Conduct a preliminary investigation sufficient to allow the State Attorneys Office to prosecute without a victim
- Complete the DV Supplement before arrest and forward it to corrections when the suspect is booked or give it to MOVES if MOVES is called
- Forward all reports, photos, statements to the State Attorney's Office in a timely manner
- Secure a warrant for the suspect if there is probable cause to believe a crime of DV has occurred and the suspect has left the scene
- Give the victim the victim's rights brochure and adopt uniform policies regarding victims. If the department has an advocate, make contact with the advocates to assist the victim

Departments should improve police follow-up policies. A few departments have excellent follow-up policies, but many departments do not. Smaller departments should consider collaborative assist agreements with MDPD as they have successfully done in SA cases.

Departments that have not already done so should develop public/private partnerships with community-based advocates. Law enforcement and community-based advocates are working together in some jurisdictions with encouraging results. It is suggested that law enforcement implement an advocacy protocol triggered by dispatch or first responder, which integrates the use of both system and community-based advocates.

THE PROSECUTION

The State Attorney's Office has historically had a high nolle prosequi or no action rate on DV cases. In 2001, this rate approached 62% for misdemeanors and 49% for felonies. There are many complex reasons cited for these statistics. The solutions are equally complex. Successful prosecutions require a combination of good police work, advocacy support and effective prosecution. Even with all three, these cases will always be harder to win because of the reluctance of the victim to testify. However, in order to optimize the prosecutor's chance to win the case, it is suggested that the State Attorney's Office:

- Collaborate with law enforcement departments to incorporate MOVES protocols into their standard operating procedures and that such procedures include sanctions for non-compliance
- Develop first responder curriculum in collaboration with law enforcement and train patrol officers to collect evidence at the scene
- Restructure the Domestic Crimes Unit [DCU], which currently prosecutes 10% of all DV felonies to prosecute 100% of DV felonies. This change would entail reassignment of sufficient felony attorneys from the divisions to the DCU. This change would ensure specialized training and expertise in DV cases
- Conduct criminal background checks throughout Florida and the United States on all defendants prior to making a plea or diversion offer. Currently criminal background checks are limited to the County
- Make final plea offers at arraignment or as early as possible in the criminal process. At present, plea offers are offered up to the day of trial and sometimes after the trial has begun. This destroys the defendant's incentive to accept a plea earlier in the process. In general the more time that elapses between the battering incident and the trial, the more reluctant the victim is to testify
- Assign more experienced DCU attorneys to weekend bond calendars
- Offer diversion only upon certainty that the defendant has no prior criminal history anywhere in the U.S.
- Develop a case-processing model for DV mental health cases, which includes early identification and evaluation. Once identified, the mental health defendant should be deferred for monitoring and treatment
- Develop community-based partnerships to strengthen support system for victims

THE COURT

All DV misdemeanors and most DV injunctions are heard in the DV Division of the Court by experienced DV judges. However, if the victim has children and the crime involves a felony, it is possible for the victim to have cases in multiple Family Divisions and the Criminal Division of the Court.

The Court Administrator's Office provides staff to support the DV Division. The DVIU does an excellent job of identifying related cases when the victim files for an IFP. The DVIU also assists victims to file for injunctions, provides assistance with "Self-Help Divorce" forms and provides social service referrals. The Family Division has a "Self Help Divorce Clinic" that assists pro se litigants in the Family Division; however there is no comparable DVIU unit for case filing, case coordination and social service referrals for DV litigants in related cases across Division lines. Therefore, there is a potential for conflicting orders, inconsistent dispositions, duplication of services and inconvenience to the parties. The DV Division reports anecdotally that this does not occur on a frequent basis.

In addition to the DVIU, the Domestic Violence Case Management Unit [DVCMU] assists victims with initial child support and visitation issues prior to the permanent IFP hearing and checks for related cases whenever a post judgment motion is filed.

The court has considered a pure Unified Family Court [UFC] model, of one judge/one family. However they rejected this approach in favor of coordination and case management of related cases. The Court arrived at this decision because of numerous barriers such as: geographical separation between the Juvenile and Family Court, size of the jurisdiction, high caseloads, barriers to sharing services and availability of court and other agency personnel.

Accordingly it is suggested that the Court:

- Continue to enhance the overall Court response to all victims of DV and their children throughout the system.
- To the greatest extent possible one judge or team of judges should hear all related cases between the parties when DV is at issue.
- The UFC should continue to evolve toward closer coordination of family cases including the one judge one family model in unison with the planning and construction of the new Juvenile courthouse. The new courthouse will be in close proximity to the existing Family and DV Courthouse and will be completed within five years.
- Expand the role of the DVIU to include a comprehensive intake system, for the filing, coordination and case management of all related cases involving DV across division lines. Eventually, this model could be useful for all Family, Juvenile, DV

cases involving children. If possible, this unit should become part of a larger One Stop Center concept.

- Establish a DV felony bond calendar. Although DV misdemeanors are heard on special DV bond hearing calendars, non-DV judges hear the felonies and all cases on the weekends. Therefore the conditions of stay away orders and monetary bonds are not always appropriate these cases.

MONITORING AND TREATMENT

Many offenders do not complete their treatment programs. Seventy-nine percent of probation cases, 66% of Injunction cases, and 35% of diversion cases do not complete their treatment program. Data systems do not track re-arrests. Treatment programs are similar for all DV offenders despite differences in prior criminal history and other risk factors. The monitoring agency does not have levels of supervision that reflect differences in offender risk. Fifty-five percent of all batterers are classified indigent and are sent to the county's low-cost batterers' treatment program. Financial screening does not distinguish the truly indigent from the deceptive offender who lies about his/her income. The private provider programs have no incentive to take indigent offenders because they are referred so few clients that it is not cost effective.

Accordingly the system partners should improve responsiveness and accountability when offenders re-assault or do not comply with conditions of treatment in the following manner:

- Conduct comprehensive criminal history checks as part of assessment
- Re-enrollment of offenders should be used as a limited option in circumstances where the court believes that the reason is appropriate is recommended by the Advocate program and the State Attorney's Office and is not a result of new violence.
- Impose increased sanctions, including jail, against offenders who re-assault their victims
- The State Attorney's Office should require increased sanctions for violations in diversion and probation cases
- Providers should supply the Court with detailed written progress reports on each offender violated and advise the Court as to appropriate sanction
- Tailor monitoring and treatment programs to accommodate the differences in the offender's criminal history and proven risk factors
- Enhance case management for high-risk offenders
- Improve supervision fee collection to increase program sustainability

- Develop computer systems that can track re-arrest
- Reconvene the treatment committee to
 - Review the available research
 - Review national evaluations
 - Recommend changes in existing treatment and monitoring programs that reflect the findings of national evaluations
- Develop programs and program standards to include non-addressed populations such as the juvenile and elder offenders
- Improve victim safety through ongoing victim contact over time, safety planning, advocacy and service referral
- Evaluate the County's policies with regard to the treatment of indigent or near indigent batterers

INTRODUCTION

History of DV Prevention in Miami-Dade County

In 1991 Chief Judge Leonard Rivkind made reduction of domestic violence [DV] a priority for his administration. During his tenure, he empanelled a DV Task Force to examine the issue and to make recommendations that would reduce the incidence of DV. As part of this process, the Court and other system stakeholders examined the prevalence of DV in the community and they looked at existing agency procedures and promising practices in other parts of the country. The circuit then considered available resources and developed policies and procedures that, over time, were expected to reduce the incidence of DV and improve the way in which system partners manage these cases. The Task Force published its findings in June 1992 as the Dade County Domestic Violence Plan [the Plan].¹ Cases of rape and sexual assault [SA] were not part of the analysis or re-organization plan.

The Plan included a DV Court, with specialized judges to adjudicate Injunctions for Protection against FV [IFP] and Injunctions Against Repeat Violence [Repeat Violence] and DV criminal misdemeanor cases. The Court also established a DV intake system for petitioners seeking an Injunction² and a 24-hour hotline. The Court provided additional funds to expand the existing county run shelter [DV Center] from 40 to 60 beds and provided funding to the Public Defender's Office to staff the DV Court. In all, the Court allocated over 1.2 million dollars to implement the Plan.

Other system partners also made changes. The jail implemented a DV misdemeanor bond calendar; the Miami-Dade Police Department [MDPD] expanded its Civil Process Bureau to include a specialized unit to serve Injunctions. The Advocate Program, Inc. [the Advocate Program]³ established a specialized unit for the monitoring of DV misdemeanor probation, diversion and Injunction cases. Existing programs were incorporated into the Plan. For example, the State Attorney's Office had a specialized unit for DV prosecutions, which included victim witness counselors.⁴ Miami-Dade County's Domestic Intervention Program [DIP] was providing offender treatment for indigent DV offenders referred by the Court. DIP also developed the first victim support groups in Miami-Dade.

¹ All system stakeholders approved and adopted the Plan. Implementation commenced November 1, 1992.

² The Administrative Office of the Courts staffs the DV Intake Unit [DVIU]. The DVIU is located at Court House Center and two branch locations. They are the North Dade Justice Center and the South Dade Justice Center. Two other locations, Hialeah and the Caleb Center should be open in early 2005. In July 2004, the DVIU will be transferred to the Clerk's Office.

³ The Advocate Program, Inc. is the monitoring agency for all misdemeanor crimes in Miami-Dade County.

⁴ The Domestic Crimes Unit of the State Attorney's Office was developed in the mid 1980s under the leadership of Janet Reno.

Subsequent to implementation of the Plan, the Miami-Dade Police Department [MDPD] and other municipal police departments developed specialized DV units and hired system advocates with federal grant funds. Miami-Dade County Advocates for Victims - Safespace North and South DV Centers [Safespace] were the only victim advocacy agencies involved in the development and implementation of the Plan.⁵ Today, although still in its infancy, DV community-based advocacy agencies [also known as grass routes agencies] have begun to flourish in parts of the County.⁶

The Court's leadership was extraordinary. Consequently, unlike other American communities where the shelter movement led the charge for system accountability and services for victims of DV and their children, in Miami-Dade, it was the Court, and its criminal justice system partners.

Elsewhere, other communities began to advocate for change. In 1994, the US Congress passed the Violence Against Women Act [VAWA] as part of the Omnibus Crime Bill. Embedded in that legislation were grant opportunities for states that wished to implement a coordinated community response against DV. Initially, the key benefactors of these grants were the prosecution, police and community-based advocates. Later the courts were included. Additional monies were added for law enforcement through Community Oriented Policing [COPS] grants. The purpose of these grants was to encourage communities across the country to assist DV victims through a variety of coordinated community responses. To a large degree this approach has worked. Many communities have put these dollars to work to develop exceptional model programs, many of which are considered promising practices by VAWA although few have been evaluated as to outcome.

Goal of This Report

This Report is intended to provide the reader with baseline data with regard to DV and SA in our community. It includes a statistical snapshot of DV and SA [SA] crime, existing services and gaps in those services. It is hoped that the information provided will raise awareness about the current state of affairs and create possibilities for improved practices.

Methodology

This Report was prepared by the Advocate Center for Training and Treatment [ACTT], a Division of the Advocate Program, Inc. through a grant provided by Miami-Dade County

⁵ Miami-Dade County through Advocates for Victims owns and operates Safespace North and Safespace South DV shelters, two transitional housing facilities -Inn Transition North and Inn Transition South. Both shelters were in existence and participated in the planning and implementation of the Plan.

⁶ See the section on Advocacy *infra* and also Appendix C for a map of the location and contact information for DV and SA direct service providers, law enforcement agencies with advocates, and the Administrative Office of the Court DVIU intake centers.

[the County] through the Alliance for Human Services [the Alliance] and the Miami-Dade County DV Oversight Board [DVOB].⁷

To that end, ACTT invited the Administrative Office of the Court, all 32 law enforcement agencies, the State Attorney's Office, the Public Defender's Office, the Advocate Program, batterer's intervention and sexual assault treatment providers, DCF, community-based social service agencies, survivors, trust counselors and members of the medical and legal professions to participate in the fact finding process. ACTT engaged in research, interviewed system partners, disseminated and analyzed surveys and conducted focused workshops and numerous meetings to obtain the data. Although the original mandate of the grant was to simply identify gaps in services, the participating partners sought to do more. They wanted solutions. This Report is the result of their effort.

The opinions and recommendations in this Report are in large measure, the opinions and recommendations of the community and system partners that participated in the process not the author or the Advocate Program. To the extent necessary, the Report identifies models and evaluations outside of the County when doing so would explain or support a particular recommendation.

Although the information contained in this Report was researched and circulated for comment, there are many areas where data was incomplete. Therefore this Report should be considered the beginning not the end of the process. It is the hope that the more partners work together, the more complete the picture and solutions will become.

This Report mentions but does not focus upon SA. The SA response in the County is complex and will be comprehensively addressed in Part II of this Report which will be published in 2004. Part II will include an in depth review of direct service providers that serve both DV and SA victims.

The Appendix to this Report includes four sections: Appendix A contains flow charts of the existing system; Appendix B contains statistical charts; Appendix C contains geographically coded maps of the location of DV and SA service providers and DV and SA offense maps and Appendix D contains miscellaneous documents.

For the purposes of this report, victims of DV or SA will be referred to as her and perpetrators will be referred to as him. This is not to imply that victims are always female and perpetrators male. "She" and "he" are used to simplify the writing process.

⁷ In 2001, The County and the DVOB funded the Advocate Program to develop a professional training institute. The Advocate Program, Inc established [ACTT] to fulfill the mandates of the grant. The grant required identification of DV and SA best practices and curriculum and training. The DVOB added funds to identify gaps in services for DV and SA victims in order to assist with site selection of future DV Centers. This report was published to further the data collection requirements of the DVOB and the dissemination of best practices required by the Alliance.

ACKNOWLEDGEMENT

This Report reflects not only the identified gaps in services that relate to victims of DV but also the gigantic effort this community has put forth to solve the problem. Behind the concerns expressed, is the work done by institutions, agencies and individuals. ACTT offers this information not only to draw attention to the concerns, but also to honor the people and the labor behind the statistics.

ACTT would like to thank all who participated,⁸ especially those members of the DV Subject Matter Committees, the Steering Committee, DV Workgroups and the Editorial Committee who generously supported this effort with their time, insight and patience through numerous meetings and discussions over the last two years.

⁸ These individuals include: all stakeholders who answered surveys, attended workshops, committee meetings and participated in interviews over the last two years. More than 200 different individuals from a cross section of criminal justice and service providers participated in this process; members of the National Advisory Board who assisted with recommendations for best practices, including Kim Lonsway, Ph.D., Research Director, National Center for Women in Policing, Los Angeles, CA, Retired Sgt. Anne O'Dell, STOP DV, Inc., Poway, CA; Kim Bullock, M.D., Asst. Director, Providence Hospital, Washington, DC were especially helpful in their review of this Report; Linda Osmundson, Executive Director of CASA, St. Petersburg, FL, Deborah Epstein, Georgetown Law Center, Judge Brook Hedge, Presiding Judge, DV Division, District of Columbia Superior Court, Rebecca Hyman, Sheila Hargschimer, Director of DV & SA Prevention Office, Human services Department, City of Seattle, Ginger Beiler, Family Violence Center, Phoenix, AZ, Sgt. Jim Baker, San Diego PD and Gael Strack, Esq., San Diego City Attorney's Office [co-directors of the San Diego Family Justice Center, Dr. Society., Ellen Teliaferro MD who provided in depth information about their programs.

**D.V. Report
Findings**

ADVOCACY

Advocates serve two important roles. First they provide victims with information, advocacy and support calculated to improve their personal safety. Second, and just as important, a well-organized and strong advocacy presence in a community can, and usually does, provide the catalyst for policy change and system improvement. Every victim of DV and SA deserves culturally competent advocacy services. However at present, such services are far from a reality.

The need is enormous. In 2001, there were a total of 29,389 calls to the two main DV hotlines.⁹ There were 15,680 DV offenses reported to law enforcement. More than 6,300 people filed an IFP. Thirty-two hundred combined IFP and Repeat Violence Injunction cases involved children.¹⁰ The Roxy Bolton Rape Treatment Center located at Jackson Memorial Hospital [RTC], treated more than 1,550 SA victims, 2/3 of which were children.¹¹

ACTT conducted two separate surveys of service providers in an effort to determine the origin, nature and scope of direct services provided to DV and SA victims each year. Approximately 70 public and private agencies answered this survey.¹² These surveys indicate that advocates, working for the Court and various criminal justice agencies provide 75% - 85% of all DV advocacy services, typically on the front end when the victim becomes involved with the court, criminal or civil justice system. These services are typically offered for a brief period until the disposition of the case. Advocates that work for the Court or governmental agencies are referred to as “system advocates”.

Community-based agencies [CBOs] provide services to a much smaller number of victims, however their services are not connected to whether the victim calls the police or participates in the prosecution. Often these services span a much longer period of time and include some case management. It is impossible to know whether these are unduplicated services, but the assumption is that they are not.

It is possible for a DV crime victim to receive advocacy services from law enforcement, the prosecution, the Court, probation and a BIP, if she participates in prosecution, obtains an IFP and the batterer is referred to a BIP. On the other hand, if a victim chooses not to participate in prosecution, the victim may receive no services. It is almost impossible to

⁹ The total represents combined calls to DVIU and Safespace hotlines. The RTC, the One Stop Center in South Dade and several other small community-based agency hotlines are not included.

¹⁰ According to the Clerk of Court, there were a total of 8,754 injunctions filed in 2001, which included 6,311 IFPs and 2,427 Petitions against Repeat Violence. Of these cases, 3,200 of the petitioners had minor children. It is assumed that children of petitioners filing for an IFP may have witnessed DV. [Appendix B] (Charts 35, 37)

¹¹ See DV Statistics in Appendix B for RTC statistics: Slides 56-59 [Appendix B]

¹² See Appendix C for a map of the location and contact information for DV direct service providers.

determine how many victims receive services. The information provided in this section and the Appendix is a compilation of all data collected, however, it is acknowledged that there may be other information, unknown to the author, that is not presented. This Miami-Dade County has done an excellent job of providing system based advocacy services to victims of DV. For example each year:

- 6,300 IFP filers, and many individuals that do not ultimately file, receive crisis counseling, assistance with filing of an IFP and referrals from the DVIU counselors at the Courthouse¹³
- Ten law enforcement agencies have advocates that assist DV victims in cases where the defendant is arrested.¹⁴
- DV crime victims in arrest cases are offered advocacy services from S-DART advocates at State Attorney's Office¹⁵
- DV crime victims and sexual assault victims are offered advocacy services from victim witness counselors at the State Attorney's Office at pre-file, arraignment or trial.¹⁶
- The Advocate Program attempts contact with the victims of batterers referred for monitoring¹⁷.
- Miami-Dade County Advocates for Victims, Domestic Intervention Program [DIP]¹⁸ and numerous private batterers' treatment providers attempt victim contact periodically during the course of assessment and treatment.

It should be noted effective January 1, 2004, the BIP provider will send a letter to the victim with contact information for the local certified DV Center, probation [or parole] agency, law enforcement; State Attorney's Office and will tell the victim about the BIP program. BIPs and the monitoring agency will no longer offer services to the victim. The BIP will send a second letter just before the batterer is discharged from the program.¹⁹

¹³ The DVIU assisted approximately 12,000 victims at the three DVIU locations and answered more than 23,000 calls to the hotline. The DVIU is currently funded by Miami-Dade County. See Appendix C for a map, which depicts a zip code analysis of the place of residence of the 2002 injunction filers in three separate courthouse locations. See appendix B, charts 1, 30.

¹⁴The number of victims served by law enforcement advocates is unknown. More research is needed in this area. See Appendix C for law enforcement districts with advocates.

¹⁵ Each year, the State filed charges in over 9,000 misdemeanor and felony cases. However not every victim sees a victim advocate. In 2002, S-DART counselors made contact with 4,054 crime victims in person or by letter immediately after arrest. Services were actually rendered to a smaller number of victims, because the majority of victims do not choose to participate in prosecution. More research is needed to determine how many victims actually received services.

¹⁶ Victim witness counselors assist DV and SA victims at the pre-file conference, arraignment or trial stage. Few victims actually receive services at these more advanced stages. More research is needed to determine exactly how many unduplicated victims receive services.

¹⁷In 2002, 1,075 batterers were referred to DIP, 695 were referred to private providers. (Advocate Program/Year end report: January 8, 2003).

¹⁸ In 2002, made contact with 800 victims of the batterers referred. In addition, approximately 25% of DIP's caseload, or 400 cases, were women referred incident to arrest or from DCF or the Dependency Court as part of a case plan. DIP reports that many of these women were also victims of DV.

¹⁹ FL Statutes, Chapter 39 (65C Batterers Intervention Programs).

In addition to the above services, the County also provided DV shelter services and outreach to victims of DV and their children through Safespace and Inn Transition North and South.²⁰

In 2001:

- 531 DV adult victims and 550 children received traditional shelter based services
- 1,720 DV adult victims and 455 children received traditional outreach services, including relocation services

The County also supports the Miami-Dade County Fatality Review Team,²¹ the DV Oversight Board [DVOB] and its staff.²²

The following data reflects the number of known adult DV and SA victims served by non-profit agencies.²³ The list does not include services provided to children.²⁴ In addition there may be other services provided by agencies that did not respond to the survey.²⁵

Non-profit, non-governmental, community-based advocates:

- 1,532 traditional advocacy and crisis counseling or mental health services for DV victims²⁶
- 400 traditional advocacy and crisis counseling or mental health services for SA victims²⁷
- 1,270 legal services primarily for DV IFP filers²⁸

Other programs include government funded hospitals and the University of Miami Medical School:

- 40 DV victims received health care services and referrals from the Miami-Dade Veterans Administration Hospital²⁹

²⁰ The County recently awarded funding to the Advocate Program, Inc. to operate a third shelter. Funding for this shelter is derived from Food and Beverage tax dollars. [See section of DVOB infra]

²¹ The Fatality Review Team works with the medical examiner's office and a multidisciplinary team to identify all cases of DV homicide, including DV murder/suicide cases and same sex homicides. The Team has two full time staff members. The Team leader is the Director of the DV Division of the Court.

²² The DVOB has one full time staff member and two part time members for a total of approximately 1 ¾ FTEs.

²³ The data was extracted from victim surveys and interviews. The data includes some approximations when the data is unclear. For example, a few agencies merged adults and child victims of DV and SA. Others merged all DV and SA clients. See Direct Service Provider chart in Appendix C.

²⁴ A list of children's services for victims of DV and SA with contact information and a map of their location is listed on the Direct Services Provider chart in Appendix C.

²⁵ See Appendix C for geo-coded maps of the location of providers and a chart of services offered.

²⁶ Adler Support Center, Family Christian Association of America, Fanm Ayiseyen Nan Miyami, FIU Victim Advocacy Center, Safespace Haitian Advocacy Program, MUJER, PAIRs, Victim Services Center

²⁷ Journey Institute, Victim Services Center, FIU Victim Advocacy Center, MUJER

²⁸ Legal Aid and Legal Services

- 600 adult rape victims received both medical exams and crisis counseling at the RTC
- 100 DV victims with children who witness DV³⁰
- 12 frail elders who have experienced either DV or SA³¹

It is also difficult to determine the exact cost of programs that assist DV victims. Programs are funded with a combination of county, state, federal and private foundations dollars. The following tables identify funding sources for agencies dealing primarily with victims of DV and to a lesser degree, SA where known. SA will be more fully discussed in the SA and Victims Services Report.

These tables do not include funding for the RTC, or for other hospital services. Approximations are noted with a *. In all, more than \$9,000,000 a year is spent in combined county, state and federal dollars to reduce DV:

- **Table I (County Funding for DV/SA: FY 2003-2004)**
- **Table II (Federal and State Funding for DV/SA: FY 2003-2004)**
- **Table III (Community-based services funded over the next three years by the County through the Alliance, the DVOB and the Victim's fund.)**

²⁹ JMH Women's Hospital Clinic also provides services to victims of DV however, no statistics were provided.

³⁰ University of Miami Medical School, Mailman Center [Heroes Program]

³¹ University of Miami Medical School, Center on Adult Development and Aging, [Adult Protection Team]

Table I (County Funding for DV/SA: FY 2003-2004)³²

Agency	Funding Source	County Department	Community-based Organization	SAO/Court [AOC]
State Attorney's Office (Victim Witness Counselors)	County general revenue funds and the Dade Chiefs of Police			\$176,220
Court Administrator's Office (DVIU)	County general revenue funds			\$775,000
Court Administrator's Office (DV Court Support)	County general revenue funds			\$350,000*
Court Administrator's Office (Fatality Review Team)	County general revenue funds			\$150,000
DHS: Safespace & Inn Transition North and Inn Transition South DV Centers	County general revenue funds	\$2,215,000		
MUJER	County funds through the Alliance		\$124,000	
Victim Services Center	County funds through the Victim's Fund		\$300,000	
The Advocate Program ³³ , (ACTT Division)	County funds, through the Alliance and the DVOB		\$196,000 \$30,000	
DHS: Family and Victims Services (DIP)	County general revenue funds	\$1,639,000		
Total Funding		\$3,854,000	\$650,000	\$1,451,220

³² This does not include funding to RTC or the Women's Hospital Center. County funding to DHS, the Court and the State Attorney's Office is renewed each year. However CBO funding is typically awarded through competitive grants.

³³ The Advocate Program has two grants: the Professional Training Institute with total funding of \$196,000 and the Public Awareness Grant with total funding of \$30,000.

Table II (Federal and State Funding for DV/SA: FY 2003-2004)

Agency	Funding Source	Federal	State
State Attorney's Office (Advocates, paralegals, secretaries, supervisors)	VAWA/ VOCA/General Revenue (State)	\$147,037 (VAWA) \$115,019 (VOCA)	\$1,726,840
Homestead Police Department (Advocates)	VOCA	\$42,500	
Miami Beach Police Department (Advocates)	VOCA	\$35,000	
North Miami Police Department (Advocates)	VOCA	\$41,000	
North Miami Beach Police Department (Advocates)	VOCA	\$56,000	
Opa-Locka Police Department (Advocates)	VOCA/ VAWA	\$174,000 (VAWA) \$53,000 (VOCA)	
Legal Aid Society	VOCA and VAWA	\$80,000 (VOCA) \$69,731 (VAWA)	
DHS: Safespace)	VOCA / VAWA/Federal and State pass through money	\$976,500 (FVPSG, TANF, HUD) \$42,000 (VOCA)	545,500 (DVTF)*
Child Assault Prevention	VOCA	\$30,000	
The Journey Institute (Sexual Assault)	VOCA	\$113,000	
City of Miami Police Department	VAWA	\$209,000	
Victim Advocacy Center (FIU)	VAWA/STOP/ VAWA/DEPT. HEALTH (STATE)	\$298,586 (VAWA) \$210,000 (VAWA STOP)	\$11,500 (DHH)
MUJER	VAWA	\$87,702	
City of Sweetwater Police Department	VAWA	\$31,907	
City of Homestead Police Department	VAWA	\$100,000	
Victim Services Center (75% - Victims of DV/SA Victims; 25% - Other Crime Victims)	VOCA / Federal and State grants	\$152,400 ³⁴ \$56,400 (VOCA)	24,000 ³⁵
Dependency Court Intervention Program for Family Violence	VAWA	\$700,000*	
Total Funding		\$3,820,782	\$2,307,840

³⁴ Department of Juvenile Justice = \$77,000; Office of Refugee Resettlement = \$56,400; Department of Justice = \$19,000

³⁵ Governor's Drug Free Communities = \$24,000

Table III

The following table below lists community-based services funded over the next three years by the County through the Alliance, the DVOB and the Victim’s fund. Alliance funding is published in the Alliance NOFA for FY 2004-2007. Awards will take place in December 2003. Approximations are listed with an *.

Agency	Funding Source	Amount If known
Professional Training Institute	County funds through the Alliance and the DVOB Alliance Oct. 10, 2003 NOFA (2004-2007)	\$75,000 - \$100,000
One Stop Center [South Dade]	County funds through the Alliance Oct. 10, 2003 NOFA	\$125,000
One Stop Center [Hialeah]	County funds through the Alliance Oct. 10 th , 2003 NOFA	\$125,000
DV Elder Advocate Pilot Project	Alliance Oct. 10, 2003 NOFA	\$75,000 – \$100,000
Advocate Program, Inc. [The Lodge, new DV Center]	County through DVOB [Food and beverage tax]	\$1,600,000
Public Awareness Grant	Alliance Oct. 10 th NOFA	\$30,000
Total Funding		\$2,080,000

Advocacy Concerns

There were five fundamental advocacy concerns:

- **Lack of coordination and collaboration among system partners**
- **Community-based advocates are not part of the system’s response to DV**
- **Lack of affordable, culturally appropriate, community-based direct services for DV and SA**
- **Lack of opportunities for community-based providers, survivors and the community at large to voice their concerns to the system partners**
- **Lack of public awareness regarding existing services**

1. Lack of Coordination and Collaboration among System Partners.

Community-based and criminal justice system agencies do not have a tradition of working together. The idea of public/private collaborations in the community's response to DV has been slow to develop in the County. The lack of public/private partnerships has led to the uneven distribution of resources and has been a barrier to the development of a coordinated response.

A look at the way the system response developed here may help to explain why this occurred. When the Plan was first implemented, there was a high degree of collaboration and a collegial spirit among all system partners, including Safespace. Other governmental agencies such as DCF were *not* involved in the process.

The most glaring omission was the absence of formerly battered women. Survivors of DV and community-based advocates had no voice in the planning, implementation or post implementation of the Plan. Battered women were not at the table when decisions were made about issues that concerned them. This one fact, more than any other is probably responsible for the slow development of community-based advocacy and the presence of so few public/private partnerships today.

DV Councils were in their infancy across the nation and although the Plan did recommend a Standing Committee to ensure that the elements of the Plan were implemented and sustained, it did not recommend the creation of a DV Council.³⁶ Perhaps as a consequence of our historical development none was ever formed. The absence of a Council, public/private partnerships and ongoing networking, collaboration and planning has been a barrier to problem solving, communication, awareness and innovation.³⁷ Private citizens, community activists and survivors still have very little voice in this community's response to DV. They have little access to decision makers and no forum where they can meet routinely with system partners to shape policy on behalf of victims.

2. Community-Based Advocates Are Not Part of the System's Response to DV.

Miami-Dade's DV response developed with a heavy reliance upon the criminal and civil justice system. While this would seem desirable to a community where this does not exist, in our community this structure has masked the need for community-based advocacy. In fact, community-based advocates are conspicuously absent at every stage of the criminal and civil process

System advocates, in contrast are very visible. The key providers of these services are the State Attorney's Office, law enforcement and the Court Administrators Office. System advocates provide important services to crime victims. However, they have a dual role.

³⁶ The Standing Committee still exists and is chaired by the DV Division Administrative Judge. This Committee has provided some stability among the partners over the years, but it does not have the structure or mission to serve as DV Council

³⁷ More than 20 communities in Florida and hundreds around the country have DV Councils. Most have members from both the public and private sector and most are not connected to government.

They support both the system and the victim. These two roles are not always compatible. System advocates do not have a confidential relationship with the victim, a fact not completely understood by most victims and not acknowledged by the advocates themselves.

Law enforcement advocates: Law enforcement advocates perform invaluable services. They help to minimize the trauma of the crime; they advocate for the rights of the victim and refer victims to needed services.³⁸ However, their role is not without conflict. They are faced with the dual role of advocating for the wishes of the victim while encouraging them to participate in the judicial process.

This system design has many benefits for the system but does not work for all victims. Some victims fear the batterer and do not trust the system to protect them. Others fear the police and by association, the victim advocates that work for them. This is especially true for battered immigrant women who fear deportation and those in authority, especially if they came from a totalitarian state. Many of these victims also have language and cultural barriers, which make them more vulnerable. The situation has worsened since 9/11. Law enforcement agencies must now help to enforce federal immigration laws. This fact has further fueled distrust within the immigrant communities. In addition some victims of color have a perception of cultural bias within the ranks. Whether real or perceived, these fears are a potential barrier between victims and law enforcement advocates.

Battered women have even more reason to fear authority when they have children. Victims with children have always feared that their children would be taken from them if they contact the police. This fear is fueled by the batterer and recent changes to State law that require notification of the DCF where there is reason to believe that a child has witnessed DV.³⁹ Reports to DCF usually result in a DCF investigation, which may lead to prosecution of the victim for failure to protect her child. This fear often overshadows all others.

The State Attorney's Office: In the State Attorney's Office, the advocate's job can be equally complex because her job includes encouraging the victim to be a witness against the batterer. *While it may be vital for the State to have the victim's testimony in order to win its case, the system cannot guarantee the victim's safety and the victim knows that.* In some cases, it may be dangerous or even lethal for the victim to be a witness. Even if the victim does participate in prosecution, the system advocacy services end with the disposition of the case.⁴⁰ *With rare exception, there are no community-based advocates working with system advocates to bridge the gap before, during and after the victim's involvement in the system.* In 2001, there were nearly 5,000 cases where the State

³⁸ See Appendix C for a list of police departments with victim advocates.

³⁹ See Florida Statutes Chapter 39

⁴⁰ In criminal cases, this usually occurs at the time of the plea or diversion offer and in injunction cases after permanent injunction hearing.

Attorney's Office did not pursue prosecution, in most cases because the victim refused to participate and there was insufficient collateral evidence to proceed without the victim.⁴¹

It is vital for every victim to assess her safety and the advisability of being a witness against the batterer with the help of a community-based advocate that does not have a dual role. For all the reasons mentioned above, many vulnerable victims are more likely to trust a community-based advocate from their own community over a system advocate no matter how dedicated.

The DV Intake Unit [DVIU]: One of the most comprehensive examples of system advocacy in the County is the DVIU. The DVIU operates at the Family Court House, located downtown, and two branch locations, one North and the other South.⁴² The DVIU was created with the DV Court when this Circuit adopted the Plan in 1992. As the Court's DV intake center, the DVIU is the largest provider of services to victims of DV.⁴³ In 2001, DVIU staff answered more than 23,000 hotline calls and provided more than 12,000 people with information, crisis counseling, safety planning and referrals. They also assisted more than 6,000 DV victims petition for an IFP.⁴⁴ They have numerous collaborations with legal and other social service providers. Although they provide many services, they, like other system advocates, have limitations.

As part of the Court, they must remain neutral. However, by definition, an advocate is not neutral. This poses enormous frustration for front line system advocates who see the needs of the victim and want to do more to protect the victim but cannot. Counselors, who are part of the Court, cannot provide any services that would be viewed as "pro victim". For example, DVIU counselors do not:

- Advocate for the victim in Court, with the State Attorney's Office or DCF
- Raise money for, or dispense money to, victims
- Conduct lethality assessments
- Photograph victim injuries
- Coordinate with other case managers in the court or criminal justice system⁴⁵
- Provide case management and follow up
- Provide space to partner criminal justice or advocacy agencies

The DVIU has attempted to remedy this problem by referring petitioners to service providers with advocacy components and volunteer advocates. However, this means that the victim must take the next step and go somewhere else for advocacy services. Experience tells us that many victims do not take that step. Like their counterparts in the State Attorney's Office and law enforcement, the DVIU counselor's services are focused

⁴¹ In 2001, the State reported that it filed a nolle prosequi in 3,350 misdemeanor cases and a no action in 1,769 DV felony cases.

⁴² See Appendix C for courthouse locations.

⁴³ Lack of funding has led to shortened hours of operation for the DVIU. This situation is expected to worsen when State funding to Courts is curtailed in July 2004.

⁴⁴ See Statistical Charts [42-48] in Appendix B for the number, gender and racial makeup of victims served. Appendix C contains a map of the zip codes of the residences of the victims served.

⁴⁵ DVIU Counselors have limited coordination between the DVIU and DCF.

on the front end at the time of intake. In most cases they do not continue after the petitioner obtains an IFP.

The Court Administrator's Office also employs case managers who are lawyers. These lawyers assist victims with children just prior to the permanent IFP hearing and provide case management services post judgment. The attorneys do not represent either the petitioner or the respondent. They assist with child support guidelines and safe visitation schedules.⁴⁶ These services help to mitigate the lack of legal services for all victims seeking a permanent IFP.⁴⁷ Resolution of these issues before the hearing also tends to give the judge more time to address the issues of violence and devise safe solutions for the victim. As important as these services are to the Court and the victims, they are not without controversy. The Supreme Court of Florida has promulgated a rule that may radically limit the role and use of these case managers. Pursuant to the rule, case managers will have to be certified family mediators and will have to wait until after the judge enters a permanent IFP to talk to the parties.

Safespace North and Safespace South: The two existing DV Centers and two transitional housing facilities are owned and operated by the County. County run shelters are an anomaly. In virtually every other community, non-governmental, non-profit community-based advocates operates the local DV Centers. In these jurisdictions shelter advocates frequently advocate for system change. They do so without jeopardizing their career with the entity that employs them and without the inherent conflicts of interest faced by all system advocates. Part of their advocacy function is to act as a catalyst for change when some policy or system practice does not work. Their usefulness depends upon their independence. Shelter advocates contend that the non-governmental, non-profit community-based model offers the greatest opportunity for survivors and private citizens to participate and advocate for victims.

In addition to the issues of independence is the issue of sustainability. Most traditional private not-for-profit DV shelters raise their operating funds from a variety of state, federal and private foundation grants. Safespace does not qualify for many grants because of its governmental status.

The DV Oversight Board [DVOB]: The DVOB has developed into a system-based advocacy board in application though not by statutory design.

Pursuant to Florida Statute Chapter 212, the Local Option Food and Beverage Tax [the Option], any county that elects to enact this tax must allocate not less than 15% of its proceeds to build and operate DV Centers.⁴⁸ Also, according to statute, participating

⁴⁶ There were 3,211 IFP and repeat violence injunction cases with children filed in 2001. All IFP petitioners with children who appeared at the IFP permanent hearing received these services. It is difficult to determine the number of cases that received services because statistics are captured regarding the number of cases that go to permanent injunction and the number of children in the cases but not the number of cases with children assisted by case managers. See Statistical Charts in Appendix A for the numbers of cases that appear for permanent injunction.

⁴⁷ Legal Aid, Legal Services assist approximately 1,300 victims of DV per year.

⁴⁸ FS 212.0306

counties, choosing the Option must appoint an oversight board [DVOB] to advise the County's governing board on fund disbursement.⁴⁹ The only DVOB responsibility stipulated in the law is that the DVOB prepare a plan, to be approved by the Board of County Commissioners [BCC] for disbursement of funds made available for the construction and operation of DV Centers. DVOB membership was also set forth in the law. Members included but were not limited to: service providers, DV victim advocates, members of the judiciary, concerned citizens, a victim of DV and impacted jurisdictions. There composition of the DVOB as envisioned by the legislature was primarily community-based.

The County elected to collect the tax and, in so doing, enacted Ordinance 94-156, which created the DVOB and expanded its responsibilities. In addition to its very limited statutory duties, the ordinance authorized the DVOB to serve in an advisory capacity to the BCC *regarding all issues relating to DV*; to develop a plan that would describe how to maximize the revenue from the tax and to describe the relationship of the entire DV community. In addition the ordinance expanded DVOB membership to include a member of the Jackson Memorial Hospital Health Trust and a member of law enforcement. The Ordinance went on to state that the DVOB must be ethnically, racially and gender balanced. The County Manager was also authorized to staff the DVOB.

Subsequently, the BCC adopted two resolutions that temporarily made construction of new emergency DV shelters the DVOB's highest priority.⁵⁰ The DVOB successfully accomplished its mission. They identified a site for a new DV Center, provided oversight for its construction and, in collaboration with the Alliance, selected an operator through a competitive process. The new DV Center is scheduled to open in February 2004. At the same time, the DVOB continued to follow its broad mission. Again, in partnership with the Alliance, it provided funding to the Training Institute to identify gaps in services for victims of DV in order to better serve in its oversight capacity and to provide accurate information to the BCC. This Report is a result of that funding.

Today the DVOB consists of 15 members. Each of the 13 County Commissioners appoints a member and the County Manager appoints two members. The Department of Human Services [DHS] staffs the DVOB. Seventy percent of the current DVOB members are government employees. The non-government members include: one DV survivor, a mental health worker, an attorney and a community-based provider. The ethnic mix includes: Hispanic, Anglo and Afro-Americans but no Haitian members.

Recently, the County Manager's Office empanelled a committee to determine the nature of the problems encountered by the DVOB and to make recommendations for corrective action. This course of action was taken in response to issues raised by WPLG concerning the DVOB. Local DV community based organizations and DV experts expressed

⁴⁹ FS 212.0306

⁵⁰ Resolution: R-1604-95 and R-1605-95.

concern because they were not interviewed for their input nor included in the committee process.⁵¹

The County Manager's October 29th letter to the Mayor and the BCC outlines the committee's recommendations which suggests that the DVOB expand its scope beyond the construction of DV Centers to its broader mission, that is, the planning and development of a continuum of care for victims' that it expand its membership to include one or more members of influence from the business community; and that it expand its staff to include additional County staff members. The Report also suggests the possibility of future collaborations with a non-profit organization.

Simultaneously, on October 10, 2003, the Alliance published and circulated its NOFA for the funding year 2004-2007. Under the special needs category, the Alliance will fund the Professional Training Institute, a community-based organization, to develop and staff a DV and SA Council, which will address the needs of both DV and SA victims. The Alliance chose to fund a Council based on gaps in service delivery identified by ACTT in collaboration with both government and community-based DV and SA partners.

Initial funding for this Report was provided by the DVOB and the Alliance in its 2001-2004 funding cycle. The purpose of the funding was to identify gaps in the system's response to DV and also to identify existing direct services for DV victims and gaps in those services in order to help the DVOB to site the current and future DV Centers.

According to the requirements of the NOFA, Council staff in collaboration with its membership will continue to research best practices, provide data regarding DV to the DVOB, and facilitate system-wide changes to reduce the incidence of DV and SA. There is no guidance in either the Manager's letter or the NOFA as to the manner in which these two entities, the DVOB and the DV/SA Council, will interact with one another or how their respective roles will complement one another.

It cannot be overemphasized that system advocates employed by the Court, the police, the State Attorneys Office, the County or any other governmental agency provide a critical and important role, however, they should not be relied upon to serve 100% of the needs of DV victims. In most communities, non-governmental community based agencies play an integral role in their coordinated community response to DV.

3. Lack of Affordable, Culturally Appropriate, Community-Based Direct Services for DV and SA.

Community-based service providers provide a variety of services including advocacy services for victims outside of government through a non-profit or for profit agency. These providers typically have a strong advocacy component. Their advocacy efforts are

⁵¹ See: the County Manager's letter to Mayor Alex Penelas, Honorable Chairperson Barbara Carey-Shuler Ed.D and Members, Board of County Commissioners, dated October 29, 2003, Appendix D. The letter stated that the committee included DHS and County employees. Interviews included the County Attorney, the Assistant Director of DHS, the Victim Services Analyst for the DVOB and one member of the DVOB. Interviews also included DHS departments in other Florida jurisdictions and shelters in other jurisdictions.

approached from the victim's perspective and are driven by the needs of the victim. Their efforts could include advocacy in the Court, the civil and criminal justice system, DCF, government based social service agencies, the workplace, the school system etc. Most recently, advocates have begun to advocate for victims within the medical community. Community-based service providers and advocates provide services without regard to whether the victim chooses to call the police or participate as a witness against the batterer. They often have a confidential relationship with the victim. In many communities, community-based advocates are frequently survivors of DV.

As noted above, community-based services provide only a small percentage of services when compared to the need. Yet, community-based advocates are often in the best position to address the complex issues that keep the victim away from the system and the system advocates designed to help her. In addition to fears of authority and the batterer already discussed, many victims of DV have economic and emotional dependence on the batterer. Often cultural mores keep victims at home for they know that there may be no support from family or community if they report the battering to police. Many turn to their church; however there has been little public support for this issue from within the faith community. In some ministries, the subject of DV is taboo.

DV impacts child abuse, youth violence, substance abuse, elders' abuse and a host of other issues. More services are needed to reverse the cycle of violence in many areas. Most providers report that they depend upon grant funds and are not able to expand their capacity without additional resources. Providers list numerous unmet needs including:

- Advocacy services such as court accompaniment and accompaniment to the RTC
- Advocacy for crime victims that choose not to participate with prosecution
- Legal services for victims with complex legal needs such as divorce, permanent custody and child support
- Legal services for all battered immigrant women
- Mental health services for victims and their children
- Sufficient services for elders, teens and disabled victims
- Services within the medical community
- Adequate shelter beds for victims with teenage boys or male victims
- Housing options for victims who do not wish to go to shelter⁵²
- Additional staff to expand capacity
- Training in numerous categories

Millions of county, state and federal dollars are being spent each year in an effort to make victims of DV safer. In addition, the County's Department of Human Service's (DHS) Strategic Planning Report for FY 2003-2004 indicates that the County seeks to do even more to improve and enhance services to victims of DV and SA.⁵³ However, despite the resolve and resources of all concerned, duplication of services is apparent, there are a disproportionate number of service units provided by culturally competent community-

⁵² DV Centers may not be an option for victims from other cultures, the elderly victims and the disabled.

⁵³ The DHS Strategic Planning FY 2003-2004 Report is included in Appendix D of this Report.

based organizations and a disproportionate amount of service dollars allocated to the private sector.⁵⁴

For example, awards to community-based organizations serving DV and SA victims in the recent Alliance NOFA totaled 2.4% of the total funds available.⁵⁵ However, this trend has started to reverse itself with the award of the new DV Center to a community-based agency.

4. Lack of Opportunities for Community-Based Providers, Survivors and the Community-at-Large To Voice Their Concerns to the System Partners.

Communities across the nation have formed DV and SA Councils in order to provide the widest possible opportunity for communication, collaboration and problem solving among stakeholders on this issue. The County has the DVOB, which is exclusive in its membership, limited by ordinance and because of its mandate to disseminate funds, has the potential to create conflict and competition if its members are vying for its resources.

The Court's Standing Committee on DV, which is chaired by the Administrative Judge of the DV Division, is also limited by its neutral stance.

5. Lack of Public Awareness Regarding Existing Services.

Most service providers and most victims are not aware of services that exist in the community. The lack of a forum for collaboration and networking has limited the development of the compilation and dissemination of information regarding these services. What information that does exist is disseminated through random bookmarks, bumper stickers and individual local initiatives. Public service announcements are usually aired infrequently at inconvenient times of the day. There is no coordinated effort to disseminate accurate information to the community in a culturally appropriate fashion in the language of the people receiving the message.

We Care in South Dade is an excellent example of a grass roots community awareness effort that works. Public and private partners meet monthly to share information. However, We Care is regional in scope and its mission appears to inform rather than to take on larger system issues.

⁵⁴According to the County Manager's Office [See County Manager George M. Burgess to WPLG Channel 10 Reports on DV Oversight Board. August 27, 2003 in Appendix D.] Since 1995, the County has expended \$15,000,000 for DV services. Of these funds \$5,998,669 has been allocated to batterers treatment through the DIP program, \$4,983,513 has been allocated to the County run DV shelters, and 3,172, 961 has been awarded to community-based victim service organizations. However, the data in Table I indicates that the total spent is much more than indicated and the ratio allocated to community-based organizations is closer to 12% than 20%.

⁵⁵ The NOFA will award in excess of \$18,000,000 to CBOs in numerous service areas.

Advocacy Recommendations

Partners recommended:

- **Improve coordination among all stakeholders**
- **Improve coordination of advocacy services for all DV victims**
- **Expand capacity of affordable, culturally appropriate, community-based services**
- **Improve public awareness**

1. Improve Coordination Among All Stakeholders.

a. Establish a DV and SA Council.

Establish a DV and SA Council, to provide a forum for discussion, collaboration and resolution to system problems facing victims of DV and SA. The Council should be charged with the continued identification of system gaps, planning, implementation of recommendations and ongoing system improvements.

The County has adopted and funded this recommendation in the Alliance for Human Services FY 2004-2007 Notice of Funding Application [NOFA]. Pursuant to the NOFA the responsibility for implementation of this recommendation will be the responsibility of the Training Institute, which is a community-based organization.

At the same time the County Manager has issued recommendations for expansion of the scope of the DVOB to have general oversight over DV policy, research, identification of gaps in services, identification of best practices, and general DV oversight.⁵⁶ Staffing for the DVOB is assigned to Department of Human Services [DHS].

This community cannot move forward without a foundation and forum for discussion. The design and structure of how that takes place is an open question. Accordingly, it is recommended that:

- The County Manager, in collaboration with the Mayor and appropriate decision makers from DHS, the DVOB, the Alliance, criminal justice and community stakeholders including: the Court, law enforcement, the State Attorney's Office, the Clerk's Office, the Advocate Program, including ACTT, BIP providers, the RTC, community-based DV and SA service providers and interested members of the community develop a multidisciplinary Council that will best meet the needs of DV and SA victims
- The DVOB and the County Manager's Office have an opportunity to review this Report before finalizing their recommendations to the BCC
- The DVOB and the County Manager's Office in collaboration with DV stakeholders and members of the advocacy community develop clear mandates for both the DVOB and the Council that will outline the goals and roles of each

⁵⁶ See Appendix C for the County Manager's October 29, 2003 Report.

entity, eliminate duplication of services, and provide a forum for research, collaboration and implementation of public/private partnerships that maximize services for victims

There are numerous examples of Council structures across the nation that can be used as models in the development process. The County has an excellent foundation with which to build. The guiding principal should be the collaboration of the countywide network of DV and SA providers, criminal justice agencies, and other organizations and individuals, who share the common goal of ending violence against women and children in Miami Dade County. The most effective Councils seem to have a structure that provides maximum flexibility to advocate for and implement system changes, to promote public/private partnerships and support the initiatives of their member agencies.

Examples of Councils include:

- Government based counsels with government membership only⁵⁷
- Government based Councils with multidisciplinary membership⁵⁸
- Councils independent of government with multidisciplinary members⁵⁹
- Hybrid Councils, based outside government with multidisciplinary members, but where Council is staffed with government employees⁶⁰
- Some have paid staff and others do not

Each model has strengths and weaknesses. Those Councils cited here all report good results in their respective communities, some better than others. The most effective seem to be those that have both public and private memberships, independent of government. It is interesting to note that at one time the San Diego DV Council was a non-profit corporation. They decided to discontinue the non-profit agency status due to the fact that the Council would from time to time compete with their own members for limited service dollars.

⁵⁷ The City of Seattle DV SA Council, www.cityofseattle.net/humanservices/dv/dvc.htm, The Council is government based and consists of government agencies. The structure suffers from a lack of community-based advocates and survivors. For more information contact Sheila Hargschimer, Director of DV & SA Prevention Office of Human Services Department of the City of Seattle. Sheila.hargesheimer@seattle.gov.

⁵⁸ The City of Baltimore Council is based in the Mayor's Office on Criminal Justice DV Coordinating Committee. The Council is government based, has multidisciplinary members and no paid staff. The Council is moderately active. For more details contact: Judge Keith Matthews, Chairperson [City of Baltimore City Court]

⁵⁹ The San Diego DV Council, www.sandiegodvcouncil.org/sddvc.html, The San Diego DV Council has been very successful. The Council has more than 600 official members and has implemented many innovations, most of which have become national models. The Council began in 1989. One key to its success is reputed to be an innovative and dynamic City Attorney, Casey Gwinn, who used his office; influence and contacts within the DV community forge a solid coalition of public and private partnerships. For more information contact Marti McQueen at martimcqueen@yahoo.com. See also the Pinellas County DV Task Force, www.dvtf.org, for more information contact Linda Osmundson, osmunds@casa-StPete.org [Both San Diego and Pinellas County Councils are community-based and the both include multidisciplinary members. San Diego has one paid staff member while Pinellas has no paid staff.

⁶⁰ The City of Portland, OR DV Council: This Council is outside government. Council is staffed by government agency similar to DHS. There are some potential conflicts with this structure in that DHS provides victim service funding to some of the partners on the Council. For more information contact Chiquita Rollins, DV Coordinator Chiquita.m.Rollins@multnomah.or.us.

b. Develop a countywide DV and SA plan.

The original Plan was essentially a case-processing plan for DV cases. It was ahead of its time in its recommendations. However, as a result of this study, ideas have surfaced that can improve the way in which cases are processed and services are delivered to victims of DV and SA. The Council should endeavor to develop a new DV and SA Plan in light of the existing data.⁶¹ As part of this process, the community should identify existing county, state and federal funds currently utilized for DV and SA programs to better understand how resources are currently allocated.

c. Allocate County dollars to agencies in a manner calculated to ensure the maximize benefit to victims.

In light of the above recommendation, it is important to assess whether scarce County resources are allocated in a manner both benefits the victims and reduces crime. In our target year there were **42 DV homicides, which represented 19% of all homicides. In that same year, 34% of all violent crime in Miami-Dade was DV crime.**⁶² These numbers have remained more or less constant over the last four years. It may be far less expensive to prevent DV than to pay for the recurrent cycle of arrest, prosecution and rehabilitation and the loss of potential of victims and their children.

Communities that have implemented a coordinated community response have seen a reduction in DV Crime with obvious benefits to victims and financial benefit to their respective counties.⁶³ Miami-Dade is the fourth largest jurisdiction in the nation. Our DV rate is sufficiently high to warrant a complete review of our funding priorities to determine the appropriate funding level for DV services both in the public and private sector. Accordingly The County should:

Conduct a forensic audit of all county dollars spent to combat DV in Miami-Dade in order to:

- Evaluate whether existing funding levels are sufficient to reduce the level of DV crime
- Evaluate whether the County's DV funding priorities are calculated to reach the largest number of DV and SA victims, especially those victims who are afraid to access the justice system

⁶¹ City of Seattle DV Council identified gaps in existing system response and developed 5-year plan for its DV Council. Included with the plan was a budget audit of all DV services provided by the city and financial plan for implementation.

⁶² See crime statistics in Appendix B [Charts 2-6] The DV Homicide rate is 4.2 DV homicides per 100,000 people in Miami Dade County.

⁶³ The City of San Diego experienced a 60% reduction in their DV homicide rate since they developed their coordinated community response to DV in the early 1990s. This rate is again on the way down. In October 2002, San Diego implemented a comprehensive one-stop DV intake center, the Family Justice Center. To date their homicide rate for 2003 stands is four victims as opposed to 10 victims for the three preceding years.

- Evaluate existing DHS DV programs to determine whether they should be partially or wholly privatized
- Develop a multi-year funding Plan to implement recommendations

d. Generate ongoing research and evaluation, including standardized data requirements, from all participating agencies.

The process of data collection for this Report was arduous because each agency collects data differently based upon their individual requirements. Implementation of a new DV/SA plan should include ongoing research and standardized data requirements from all agencies to make sure that the Council members and BCC are kept apprised of new developments and best practices in each individual field and whether the changes implemented lead to improved services for victims.

e. Develop formal partnerships between system partners and community-based providers.

Historically community-based agencies and criminal justice partners have not worked well together even though they may be working with the same victims. This tradition is reversing itself in many jurisdictions. Community-based advocates are working with Court and justice system agencies across the country. The result is more comprehensive services for victims, less duplication and greater victim satisfaction with the process.⁶⁴

In order to move toward such formal partnerships, it is recommended that the system partners utilizing the structure of the DV/SA Council, in collaboration with the DVOB, as a forum to:

- Review national models that demonstrate successful partnerships between criminal justice system partners and community-based advocates
- Develop system wide protocols and procedures between system and community-based partners with regard to victim contact for DV and SA victims
- Enhance communication between partners through an Internet web-based system to link all agencies

2. Improve Coordination Of Advocacy Services For All DV Victims.

a. Develop “One Stop Intake Centers”.

It has been estimated that some victims tell their story at least 20 times. For example a DV crime victim, who also seeks an injunction could conceivably tell her story to dispatch, the first responder, the detective, the State Attorney’s Office DART counselor, victim witness counselor, a paralegal, an assistant state attorney, the DVIU counselor, a

⁶⁴ See the multidisciplinary approach, Domestic Violence Enhanced Response Team (DVERT), Colorado Springs. <http://www.dvert.org/overview/default.asp>. Evaluating a Multi-Disciplinary Response to Domestic Violence: The DVERT Program in Colorado Springs Report P.I.: Craig Uchida, Ph.D., 21st Century Solutions <http://www.dvert.org/research/evalnij.asp>

community-based advocate or provider. If the victim is in court, she could conceivably be in three or four courtrooms at different times before different judges. If DCF is involved, there are numerous others she must talk to not to mention other governmental organizations responsible for providing relief. Many communities around the country have recognized the need for close collaboration between partners and have forged public/private partnerships with excellent results. There are some excellent public/private partnerships in the County but they are not wide spread.⁶⁵

Stakeholders should collaborate to develop a multidisciplinary One Stop DV and SA Intake Center [Intake Center] with branch centers in communities where victims are underserved. The Intake Center should provide system and community-based advocacy, case management and service coordination to victims of DV and SA. It is suggested that as many agencies as possible be under one roof to minimize the number of times the victim has to tell her story and minimize the number of places she has to go to obtain services.

The Intake Center should endeavor to ensure confidential services for victims who do not wish to talk to law enforcement or the prosecution while making this option available. The Intake Center staff should strive to provide a seamless matrix of services for victims, especially those victims who drop out of the formal system process. These services should be available to both DV and SA victims. There should be a medical component to provide forensic services for both DV and SA victims. All partners should contribute staff to the Center.

Ideally, the County would build and expand on the services currently provided by the DVIU. This would require a shift in structure and philosophy and would require support from the Court, the Clerk's Office and the County. System and community stakeholders, the Court and the Clerk should strive to develop an Intake Center that will meet the needs of the entire community.

Although there are relatively few comprehensive intake centers in the country, there are a few models available to guide development. The model centers cited here are based upon a multidisciplinary philosophy. Most include law enforcement, prosecution, advocacy and social services under one roof. Some include both DV and SA services. At minimum victims receive risk and needs assessment, crisis counseling, advocacy services and referrals to off site service providers. Victims also receive assistance with the filing of protection orders and legal services. Victims can access the criminal justice center partners or simply access advocacy services if they are not involved in the justice system. Two of the models identified here have a hospital partner.

⁶⁵ There are some examples of such collaborations: Some of these examples include: MUJER which includes collaborations with 5 core agencies including Project SOS/Homestead PD; Florida International University's Victim Advocacy Center which provides advocacy services for both Sweetwater PD and FIU PD; City of Miami Beach PD, which has formal collaborations with Legal and Victim Services Center, The Dependency Court Intervention Program for Family Violence [DCIPFV], which has linkages with the Dependency Court, Safespace, and DCF; the DVIU of the Administrative Office of the Court with numerous governmental and private providers. In addition, most agencies refer cases to various DV providers but formal collaborations are not common.

The following is a brief description of three models:

- The DV Intake Center [DVIC] is housed at the Superior Court of the District of Columbia. It has a satellite center at one of the local hospitals. The Court provides space but does not staff the Center. Partners include: an advocacy organization, a law school clinical program, the prosecutor's office, the Office of Corporation Counsel and law enforcement. In this model, the Clerk's Office works with the DVIC in order to identify all related cases between the parties. All cases involving the victim and the batterer are heard by one judge or one team of judges who collaborate on the case.⁶⁶
- The San Diego Family Justice Center [FJC] is a multi-disciplinary intake center. The major partners are the City Attorney's Office [misdemeanor prosecutor's office] and the San Diego Police Department. Advocacy and social service partners are all located on one floor in the same building but separate from law enforcement and the prosecutor's office. This one stop center is under one roof and includes an on site medical component. **The FJC was recently designated a national demonstration site by President Bush. The Bush administration has allocated 20 million dollars for the development of such centers in cities across the country. Twelve cities will be chosen to receive funding. The deadline for filing an application for these funds is February 2004.**⁶⁷
- The Family Advocacy Center in Phoenix, AZ⁶⁸ provides services to victims of DV and SA. Its partners include the city manager, law enforcement, the fire department, the police department, the prosecutor and the court and three community-based or legal advocacy partners.

b. Develop a satellite One-Stop Center at RTC.

Many victims of DV are also victims of SA. This crime is largely under-reported. In some cases, law enforcement agencies do not accurately report this crime and in other cases, victims of DV who have been sexually assaulted do not report. There are also many SA victims who do not have an intimate relationship with the perpetrator. This crime rages unchecked. Services for both types of victims are inadequate.⁶⁹ Accordingly, Jackson Memorial Hospital [JMH] providers, law enforcement, the State Attorney's Office and the County should develop a satellite One Stop Center at RTC to provide needs and risk assessment, crisis counseling, advocacy services, IFPs, referrals to mental health and other providers and case management to all SA victims. The RTC should develop protocols and procedures between law enforcement and community-based

⁶⁶ http://www.dcbarr.org/for_lawyers/courts/superior_court/Domestic.chm. For additional information contact Meshall Thomas, WEAVE. <http://www.weaveincorp.org/>.

⁶⁷ Details for this funding initiative can be found at www.ojp.usdoj.gov/docs/fjc04solicitation.pdf.

⁶⁸ City of Phoenix, Family Advocacy Center, Phoenix, AZ www.phoenix.gov/CITZASST/fac.html, for further information contact Ginger Bealer at ginger.bealer@phoenix.gov.

⁶⁹ See DV/SA direct services provider map in Appendix C.

advocates to assist crime victims of SA. Such partnerships have been successful in many communities that have implemented a SA Response Team [SART]⁷⁰

c. Continue to fund neighborhood-based One-Stop centers for victims of DV and SA in ethnic and underserved communities.

Continue to develop and implement additional neighborhood based, culturally appropriate One-Stop Centers similar to MUJER, in order to reach those victims who cannot access existing services, especially in predominately immigrant communities.

d. Recruit and train volunteer advocates.

The Intake Center should assume the responsibility to recruit, coordinate, manage and train volunteer advocates in order to expand capacity of all agencies. These advocates should assist all public and private partner agencies as needed.

3. Expand The Capacity Of Affordable, Culturally Appropriate, and Community-Based Services.

a. Develop a DV and SA social services master plan.

Develop a DV and SA social services master plan, similar to the Miami-Dade County Social Services Master Plan developed by the Alliance with special emphasis on the DV and SA population:

- Identify resources and needs of existing service providers
- Identify resources and needs within the ethnic communities
- Identify and evaluate distribution of existing county, state, and federal dollars
- Set funding priorities

b. Expand linkages among service providers.

Develop and implement a victim services consortium of community-based victim service/advocacy providers in order to expand awareness of existing services, build cultural and numeric capacity and create political visibility through networking, collaboration, multi-agency initiatives, fund raising and collaborative grant writing. This process has already begun and should be encouraged and expanded.⁷¹ This consortium and its members should be active participants of the DV/SA Council.

c. Develop a DV and SA one stop hotline.

⁷⁰ See: California Sexual Assault Response Team (SART), www.calcasa.org; The Ramapo College Sexual Assault Response Team (SART), <http://guide.ramapo.edu/content/sart.html#Anchor-SART-49575>. More discussion of such teams will be included in SA report.

⁷¹ The DV Alliance Against DV, a group of public and private DV agencies, and the Women's Fund have established an information forum to provide networking opportunities. The forum gives provides community and system partners an opportunity to share what they do, their barriers and their ideas. This concept is patterned after "WE CARE" in South Dade County.

Improve communication between the victim and the system and service providers by creating a “one stop hotline” that will provide information, crisis counseling and referral services to victims of DV and SA. It should be possible to link the caller with other existing hotlines or programs. This phone number should be advertised and prominently displayed on the inside front page of the telephone book along with other important community phone numbers.

d. Develop an interagency referral network among existing service providers.

Develop an ideal matrix of services for victims of DV and SA. Partners should work to develop a inter-agency referral network among existing service providers, including the DV Centers, one stop centers and other service providers in order to fill their own service gaps such as:

- Risk Assessment
- Medical screening
- Mental health assessment and therapy
- Trauma therapies
- Substance abuse services
- Legal services
- Advocacy
- Financial planning services, jobs programs, childcare services, parenting courses, and relaxation tools such as yoga and massage
- Transportation, food vouchers and other necessities of life

e. Develop culturally competent support groups.

Develop a countywide system of culturally competent community-based support groups and outreach services for victims of DV and SA, children who witness violence, teenagers, disabled victims, elders and the GLTB community.

f. Develop specialized services for older victims of DV and SA.⁷²

- Educate elder abuse public and private independent senior living facilities about DV, SA and available service options
- Cross train DV/SA community with elder abuse public and private providers
- Provide advocacy services for elders who are victims of DV and SA
- Expand University of Miami Medical School’s Adult Protection Team to include older victims of DV and SA who are not protected by FS Chapter 415

g. Improve screening and referral among the medical profession.

DV causes both injury and somatic illnesses in children and adults who are victims of DV and SA. Many of this illness impact the health of its victims throughout life. Failure to diagnose and treat DV exposes hospitals and doctors to liability for failure to provide the

⁷² The Alliance for Human Services 2004-2007 NOFA has listed this recommendation as a funding priority.

minimum standard of care. The Family Violence Prevention Fund, The American Medical Association, The American Nursing Association, The Joint Academy of Hospital Accreditation, The American College of Family Practice, The American College of Emergency Physicians, The American College of Obstetrics, The American Pediatric Association, and The American Gynecological Association have issued guidelines for screening.⁷³

ACTT surveyed 32 hospitals in Miami-Dade, Broward and Monroe County to determine the scope of screening and referral services within local hospitals. Seven of the 32 hospitals surveyed responded that they had procedures in place to screen patients. Three of the seven were at JMH. Even those hospitals that do have procedures do not provide the scope of screening proposed by the above referenced professional associations. In one recent local study conducted at the Veterans Hospital, 40% of the females screened said that they had experienced DV and 7% said that they were currently involved in a violent relationship. Of the victims that disclosed, only 24% of the doctors provided any intervention. Eighty-five percent of the women surveyed said that they wanted their doctor's to ask and recommend services.⁷⁴

Accordingly, it is recommended that:

- All hospitals train their staff as to the importance of screening for DV and SA
- All hospitals screen all females over the age of 14 and males over the age of 14 with indicators⁷⁵ [evidence of physical abuse] for DV or SA
- All hospitals, especially emergency departments adopt uniform screening tools and a comprehensive list of referral services
- A medical component be incorporated into the "One Stop Center" if adopted⁷⁶

h. Expand legal services for victims of DV and SA.

Improve legal advocacy for victims of DV and SA:

- Develop a comprehensive legal internship program for area law schools to enhance the services of Legal Aid and LUCHA and other local legal service agencies. Interns should be trained to take all IFP cases as well as all pending "cross over" cases between the same parties including immigration matters. Supervising attorneys should help to coordinate the cases and provide training for the interns⁷⁷

⁷³See The Family Violence Prevention Fund, "National Consensus Guidelines" for policy, screening tools, and curriculum, <http://endabuse.org/programs/display.php3?DocID=206>. See also: Physicians for Violence Free Society, <http://www.pvs.org>.

⁷⁴ See the "Federal Practitioner" December 1997, vol. 14, no. 12; "Women Veterans' and Nonveterans' Experiences with Domestic Violence", Panagiota V. Caralis, MD, JD, FACP, and Regina Musialowski, ARNP. <http://www.sma.org/smj1997/novsmj97/3text.htm>

⁷⁵ See note 73 supra.

⁷⁶The Domestic Violence Intake Center in Washington, DC has a satellite intake center at Providence Hospital. Hospital Interns participate in the intake process and provide assistance for DV victims. This benefits both the victim and helps to train new doctors about DV. See Note 60 supra.

⁷⁷ AYUDA, Washington, DC.

- Develop protocols with the Intake Center and other one stop centers for interns to assist petitioners with all legal needs including preparation of the IFP⁷⁸
- Expand numbers of “Put Something Back” attorneys⁷⁹

4. Improve Public Awareness.

a. Develop a database of services and make the information available to all system partners.

ACTT has distributed surveys designed to identify DV and SA resources in the County. This information should be made available on line to all system partners. All agencies should endeavor to keep the information up to date. The partners should endeavor to develop a user-friendly web based referral system for partners and community at large. A host agency should be identified and funded to maintain this data.⁸⁰

b. Develop a public awareness campaign

The recipient of the Alliance for Human Services Public Awareness grant should endeavor to develop a multi-year plan for the dissemination of information regarding culturally and linguistically competent providers to victims of DV and SA to the provider community and to the victims themselves. Further funding may be necessary to implement this Plan.

⁷⁸ DV Intake Center, DC Superior Court, Washington, D.C.

⁷⁹ Legal Aid’s “Put Something Back Program” trains pro bono attorneys to provide legal services for victims of DV. The attorneys either donate 20 hours of legal services or \$350.00 to provide legal services. This program fulfills the attorney’s pro bono obligation.

⁸⁰ The County and Switchboard of Miami are two possible options for host agency.

THERAPEUTIC JURISPRUDENCE

The theory of therapeutic jurisprudence when applied to DV cases assumes that there is an intersection of therapeutic and legal objectives. Therapeutic jurisprudence suggests that the law can act as a therapeutic agent whereby legal rules, legal procedures, and the roles of the legal actors (such as police, lawyers, and judges) can constitute social forces that can produce either a therapeutic or anti-therapeutic result without subordinating due process and justice.⁸¹ Its application assumes that legal decision making can and should benefit from the insights of mental health and related disciplines.

It is helpful to observe how each system partner either advances or impedes these therapeutic goals. The Sections on Police, Prosecution, Court, Monitoring and Treatment below should be analyzed as to whether the procedures in place collectively produce a therapeutic or anti-therapeutic result.

⁸¹ Lenore M.J. Simon, A Therapeutic Jurisprudence Approach to the Legal Processing of DV Cases, *Law in a Therapeutic Key*, David B. Wexler, Bruce J. Winick (1996) p. 243 – 285. In her comprehensive article, Ms. Simon discusses Therapeutic Jurisprudence as it relates to courts, police, prosecution, probation and treatment.

THE POLICE

The County has 32 law enforcement departments, Miami-Dade Police Department [MDPD] and 31 municipal police departments. During a twelve-month period ending December 31, 2001, crimes of DV accounted for approximately 34% of all overall violent offenses in Miami-Dade County.⁸² MDPD and City of Miami responded to 75% of these offenses.⁸³ The remaining departments responded to 25%.

Eight police departments have specialized DV Units. They are: MDPD, City of Miami, Hialeah, Miami Beach, North Miami Beach, North Miami, Opa Locka and Pinecrest. Eleven departments have DV advocates. They are: MDPD, City of Miami, Hialeah, Miami Beach, North Miami Beach, North Miami, Coral Gables, Opa Locka, Pinecrest, FIU and Homestead.⁸⁴

The manner in which these departments respond to DV varies according to department. Each department has its own DV standard operating procedures [SOPs]. Some have DV units, advocates or both.⁸⁵ Policy, content and procedure vary according to each department.⁸⁶

Many departments have implemented excellent procedures in specific areas of DV investigation. For example, MDPD has established “call out” and follow-up procedures, which have been replicated by several other departments.

MDPD has also implemented procedures designed to identify repeat offenders. MDPS’ Crime Analysis Specialists [PCAS] are responsible for identification and tracking of potential habitual DV offenders and at risk victims. The PCAS conduct computer inquiries to determine the number of incidents involving the subject and victim of every criminal allegation of DV. When there are three or more cases of any nature within the preceding 12 months, the cases are assigned to a Victim Services Coordinator or a detective for follow-up.

Most recently, MDPD has implemented enhanced procedures in misdemeanor cases where the suspect has made death threats against the victim, or the victim’s family or when the suspect has elevated lethality indicators in four of the five categories indicated on the DV Supplement.

⁸² See Statistics in Appendix B [Charts 2-6]

⁸³ Mid-sized departments of Hialeah, Miami Beach, North Miami Beach, and North Miami PD and Coral Gables responded to 10%. The remaining 25 small departments responded to 15%.

⁸⁴ See Appendix C for Miami-Dade County Police Department Survey.

⁸⁵ A list of departments with DV Units and advocates is included in Appendix C of this Report. It should be noted that most department advocates are grant funded and therefore may not be sustainable.

⁸⁶ See Appendix A for a flow chart of the MDPD’s Domestic Crimes Unit and description of services. Appendix A also includes a flow chart of Coral Gables PD. Coral Gables PD does not have a special unit but does have a victim advocate.

Police Concerns

The concerns cited most often by stakeholders were:

- **Lack of consistent comprehensive law enforcement response**
 - **Lack of public/private partnerships with community-based DV advocates**
 - **The lack of successful prosecutions impact law enforcement morale**
-

1. Lack of Consistent Comprehensive Law Enforcement Response.

Law enforcement has made significant efforts to respond to DV. They have implemented procedures, employed advocates and developed specialized units. However, despite this effort there does not appear to be a consistent coordinated response to DV across department lines. To test this assumption, ACTT reviewed each department's DV SOPs to determine the emphasis given in 14 categories.⁸⁷ They were: DV policy, statutory rationale, dispatch, first response, detective follow-up, arrest policy (including discussion of probable cause), dual arrest, primary aggressor language, service/arrest policy for Injunctions, report writing, officer involved DV, victim assistance and overall clarity.⁸⁸

Of the 32 departments, twenty-three made their SOPs available. Three did not respond, two responded that they had no DV SOPs, three were being revised and Miccosukee Police Department could not provide them without Council approval.

Seven of the 23 responding departments had good procedures in multiple categories. Three of the seven were excellent in all but one category. The seven departments were Bal Harbor, Bay Harbour Island, Coral Gables, Florida International University, Miami Beach, Miami Springs.

MDPD' Domestic Crimes Unit [DCU] and Opa Locka PD have excellent procedures for the investigation of cases referred by patrol but they do not have first responder procedures in the categories examined which made them difficult to compare.

The following table illustrates the number of departments with good or excellent procedures in the categories listed. The level of detail varied greatly among departments.

⁸⁷ MDPD requested and compiled the DV SOP's from each department. These procedures were reviewed and summarized.

⁸⁸ SOPs received 0 points if a category was missing, 1 point if the topic was mentioned, 2 points for average coverage, 3 points for good coverage and 4 points for excellent coverage.

Table IV

Number of Police Departments with Specific Policy/Procedure	Specific Policy/Procedure
13	Underlying philosophy for DV policies/procedures
10	Detailed arrest procedures
10	Detailed Injunction procedures including service and arrest for violation
9	Clear easy to read procedures
9	Statutory guidelines for specific procedures
9	Detailed procedures regarding victim assistance including distribution of victim rights brochure, safety planning, lethality assessment, referrals and transportation to a safe location.
7	Detailed dispatch procedures
7	Detailed probable cause/ arrest procedures
7	Detailed follow up procedures for investigators and detectives
7	Detailed officer involved DV procedures
7	Detailed instructions regarding reports including the DV Supplement and forwarding reports to the State Attorney's Office.
7	Detailed primary aggressor procedures
6	Dual arrest procedures
3	Training program
2	MOVES protocols. ⁸⁹
2	Procedures with regard to stalking

2. Lack of Public/Private Partnerships with Community-Based Advocates.

Even the best procedures put into practice will not completely stem the violence. There is a need for a coordinated systems approach that involves law enforcement, prosecution and community-based advocacy. Several departments have hired victim advocates; however, these positions last only as long as the grants that supports them. As a result there are many stops and starts in programs in between funding cycles. Very few departments have collaborative agreements with community-based advocates to help bridge this gap⁹⁰. The issues surrounding advocacy are more completely discussed in the Advocacy section above.

3. Lack of Successful Prosecutions Impact Law Enforcement Morale.

Law enforcement must have confidence that their efforts in a case will result in consequences for the offender. In some cases, these consequences start to erode after

⁸⁹ MOVES is the state attorney's Office's after hours mobile response to victims of DV. The MOVES team is called to the scene by participating law enforcement agencies. The team interviews the victim and the officer obviating the need for a pre file conference. A flowchart of MOVES procedures can be found in Appendix A

⁹⁰ See note 65 supra.

arrest. In many cases, the victim will not testify. In these cases, the State Attorney's Office files a nolle prosequi. Even if the case is prosecuted, often the offender does not complete a treatment program. Law enforcement officers know that there is little batterer accountability after arrest.

Police Recommendations

Partners recommended that law enforcement agencies should:

- **Improve department structure**
 - **Improve initial police investigation**
 - **Improve follow-up investigations**
 - **Develop public/private partnerships with community-based advocates**
-

1. Improve Department Structure.

a. Develop and implement uniform DV policies for all law enforcement agencies.

Officers cannot be expected to conduct, comprehensive preliminary and follow-up investigations or to provide necessary victim support without good written operating procedures and training on those procedures. Accordingly, all law enforcement agencies in the County should develop one uniform standard operating procedure to be used in response to all DV cases.⁹¹ There should be minimum standards for all departments and support from larger departments. This will obviously be a difficult challenge because of the independent character of each department and the differences in size and resources. This recommendation will require the support of the Mayor, the Manager and the Dade Chiefs of Police.

The uniform DV policy should include clear step-by-step procedures for: dispatch, first responders, investigators, detectives and victim advocates for those departments that have them. SOPs should relate to both misdemeanor and felony cases. These procedures should be drafted with input from the State Attorney's Office and law enforcement and community-based advocates. Procedures should also be reviewed for cultural competency with regard to immigrant victims and should include instructions regarding disabled victims.

At Minimum standard policies should include all of the following essential elements:

- DV Policy and statutory authority that underlies rationale for procedures⁹²
- Stalking procedures⁹³

⁹¹ In addition to those local departments mentioned in the Table above, the San Diego Law Enforcement Protocol www.sandiegodvcouncil.org/html have clear, concise policies for patrol and investigations in all categories including stalking and are worth review

⁹² See Homestead, Miami Beach

⁹³ City of Miami has some good policies for stalking in multiple categories.

- 911 Dispatch response⁹⁴
- Patrol officers' response upon arrival on the scene⁹⁵
- Patrol officers' response/preliminary investigation⁹⁶
- Medical assistance to victim including strangulation assessment⁹⁷
- Primary aggressor determination⁹⁸
- Policies regarding arrest, including a detailed explanation of probable cause including factors that should not influence arrest⁹⁹
- Rules governing dual arrest¹⁰⁰
- Interview of child witnesses¹⁰¹
- Interview of disabled victims
- Culturally appropriate interviews of victims with questionable immigration status
- Victim's rights including distribution of victim rights brochure¹⁰²
- Safety planning, referrals and transportation to a safe location
- Lethality assessment¹⁰³
- Danger Assessment¹⁰⁴
- Procedure regarding the forwarding of the Officer Incident Report [OIR] to the local DV Center within 24 hours¹⁰⁵
- Confiscation of firearms¹⁰⁶
- Officer involved DV¹⁰⁷
- Rules involving service of Injunctions and arrest for violations¹⁰⁸
- Completion of and forwarding all police crime reports [A-Form, OI R and DV Supplement] to the State Attorney's Office¹⁰⁹
- Rules regarding MOVES procedures¹¹⁰

⁹⁴ See Miami Beach, Miami Shores, Opa Locka

⁹⁵ See Bal Harbor, FIU, Miami Springs, Miami-Dade in call out cases

⁹⁶ See Bal Harbor, FIU, Miami Springs, Miami-Dade in call out cases

⁹⁷ No local SOPs addressed this issue

⁹⁸ See Miami Beach

⁹⁹ See Miami Beach, Miami Springs

¹⁰⁰ See Miami Beach, Miami Springs

¹⁰¹ No local SOPs addressed this issue

¹⁰² See Miami Beach, Miami Springs.

¹⁰³ The lethality assessment should be made available to the Judge at bond hearing before making release decisions. Delaware has developed a lethality assessment that takes about 10 minutes to administer at the scene. This form can be downloaded on the "Information" page at www.stopdv.com.

¹⁰⁴ American Journal of Public Health. Risk Factors for Homicide in Abusive Relationships: Results from a Multisite Case Control Study. Jacquelyn Campbell PhD, RN, FAAN (Article include Dangerousness Assessment which can be administered by officer in 10 minutes).

¹⁰⁵ See Miami Beach. As a practical matter, this does not happen. It takes time to forward these reports. The shelters report that if they get these reports at all, they are usually well beyond the 24 hour period. For this reason and the fact that the shelters lack the manpower to make contact with all of these victims make this requirement very ineffective.

¹⁰⁶ See Miami Beach.

¹⁰⁷ See Miami Beach, Miami Springs, North Miami Beach.

¹⁰⁸ See Coral Gables, Miami Beach, Miami Springs.

¹⁰⁹ See Bal Harbour, Miami Springs.

¹¹⁰ See MDPD procedures.

In addition, SOPs should have procedures with regard to DV victims who are also victims of SA. Most departments have separate SOPs that govern policies with regard to SA victims. However the data collected suggests that many departments may not be screening for SA in DV victims.¹¹¹ Nationally, it is estimated that at least 50% of batterers sexually assault their partners and this is thought to be an underestimate. Further, these assaults are frequently more violent than other SA between non-intimates.¹¹² Locally, approximately 25% of the rape offenses are flagged for DV indicating that there is significant under reporting.¹¹³ It is interesting to note that the DV/SOPs reviewed did not alert law enforcement to high probability that a DV suspect may have also have sexually assaulted his partner.

b. Designate a DV Coordinator in each Department.

Some of the smaller police departments state that they do not have a sufficient number of cases to justify a specialized DV response. However, it is suggested that each department designate at least one person to serve as a DV coordinator¹¹⁴ to coordinate their DV cases, to support patrol in the cases that do arise and to keep the department abreast of changes in the law.

c. Expand MOVES protocols and procedures for all law enforcement countywide and enforce compliance with the protocol.

Research suggests that the MOVES approach improves the filing rate, ultimate success of the prosecution and provides victims with support services. Accordingly, it is suggested that the State Attorney's Office develop MOVES protocols with all county and municipal police departments. These procedures should be incorporated into department SOPs. The State Attorney's Office should conduct roll call trainings with patrol until the MOVES compliance rate increases in all departments.¹¹⁵

e. Develop methods for collection of uniform law enforcement statistics across department lines.

Statistics are vital for planning and evaluation. Police agencies are often the first response in DV cases and statistics regarding calls for assistance, arrest, re-arrest and population demographics are urgently needed. Although MDPD enters such data into its county database, municipalities do not. Therefore crime and demographic data are incomplete.

MDPD should develop collaborative agreements with the municipalities to capture and store DV, stalking and SA data in Miami-Dade's Information Technology Department

¹¹¹ See Crime Maps in Appendix C.

¹¹² Violence Against Women: Law, Prevention, Protection, Enforcement, Treatment, Health, Joan Zorza, Civic Research Institute (2002) Chapter 1 pp 2-6 – 2-11.

¹¹³ See Statistical Charts and Maps in Appendix B [Charts 6] and C.

¹¹⁴ Sweetwater and Opa Locka have a DV coordinator.

¹¹⁵ See MOVES Statistical charts in Appendix B [Charts 14, 15, 20-22]

database. [ITD]. Ideally data regarding the relationship of the parties, and demographic information such as age and ethnic diversity should also be captured, when available. These statistics should be published on a yearly basis.

Whenever possible, repeat calls to each particular address and the correlation between repeat calls and arrests should be tabulated. Data should also clearly track dual-arrest figures.¹¹⁶

d. Research and develop policies regarding officer involved DV.

Victims are more vulnerable when the perpetrator of violence is a law enforcement officer. Across the country, this has been a difficult issue for all departments.¹¹⁷ However, all SOPS should have clear policies in such cases, including policies with regard to the confiscation of firearms.¹¹⁸ All policies in this area should be modeled after the International Association of Chiefs of Police [IACP] polices.¹¹⁹

e. Expand existing DV units to include misdemeanor cases.

The majority of specialized DV Units focus on felonies. However, two thirds of DV arrests in Miami-Dade involve misdemeanors. Accordingly, specialized units should coordinate response on both felonies and misdemeanors.¹²⁰ Ideally units would also include dating relationships. However this addition will require an amendment to Florida law, which does not include dating relationships in the definition of DV.¹²¹

f. Mandate and implement police training programs.

¹¹⁶ In 2001, DIP reported approximately 25% of their referrals, 400 clients, were women. Assessment of these victims disclosed that many of these women were actually victims of DV. Some of the women were arrested and others were referred from the Dependency Court and DCF as part of a case plan.

¹¹⁷ Lessons Learned from Tacoma: The Problem of Police Officer DV, Dr. Kim Lonsway, Dr. Pete Conis, Law and Order, 2003; Responding to Police officer DV: The IACP Model Policy, Dr. Kim Lonsway, Chief Penny Harrington, Law and Order, 2003. Tacoma, WA was sued for 75 million dollars. See www.tribnet.com for details of the case. See also *Sampson v. City of Miami*, 700 So. 2nd 87 (3rd District Court of Appeal), 1997. (Found for the plaintiff on justifiable reliance).

¹¹⁸ Of those procedures reviewed, MDPD, Adventura, Bal Harbor, Bay Harbour Island, Miami Beach, Miami Springs, MDPD, North Miami Beach and Opa Locka have officer involved policies however most do not address the firearms issue.

¹¹⁹ See the IACP policy [2003 revision] at www.theiacp.org Contact Nancy Turner at IACP for discussion on this issue.

The IACP policy can be accessed at protocols on this issue.

¹²⁰ The Miami-Dade County Fatality Review Team will publish its report in January, 2004. The report will consider four years of homicides in Miami-Dade. It will be interesting to note whether the perpetrators of these homicides had a violent criminal history.

¹²¹ State law was recently amended to permit petitioners alleging dating violence to apply for a Repeat Violence Injunction. However, legislators did not amend the definition of DV to include victims involved in a dating relationship. This causes confusion among law enforcement departments. Accordingly, the definition of DV in Chapter 741 should be amended to include victims who have had a dating relationship with the batterer.

Florida law mandates DV training for new recruits and existing personnel. Some departments describe ongoing training policies in their SOPs. Department policies should ensure that there is 100% compliance with statutory training mandates, that those officers trained are tested and understand what they have been taught. The training curriculum and department policies should be updated to include changes in the law or department SOPs in a timely manner.¹²²

Training protocols should also include supplemental information regarding cultural issues that impact immigrant victims, interview techniques necessary when interviewing child victims and victims with disabilities, and current information regarding the availability of community resources. Training programs should be coordinated and developed in collaboration with the State Attorney's Office and community-based advocates with expertise in DV.

2. Improve Initial Police Investigation.

a. Improve dispatch capability.

Law enforcement should know whether there have been prior calls from the same residence and whether the perpetrator has been involved in a prior DV offense anywhere in the County. Dispatch officers should advise patrol of the existing situation at the scene, and the perpetrator's prior history of violence, including the history of IFPs and DV incidents prior to arriving at the scene.

It is especially important for law enforcement to know if they are responding to the home of a police officer before they arrive. Departments should endeavor to develop methods so that this information is known to the dispatch officer and can be communicated to patrol. This is obviously a sensitive issue but the lethal nature of DV where weapons are in the home mandate special attention.

b. Patrol officers should conduct a preliminary investigation sufficient to allow the state to prosecute without a victim.

Many victims do not appear in court or they recant their original statements as time elapses. It is very important to take a sworn statement of the victim and witnesses and to collect corroborating evidence at the time of the offense so that the State Attorney's case does not depend on the victim's participation. Therefore first responders should always:

- Obtain sworn statements from the victim and all eye and ear witnesses including children
- Interview all witnesses separately

¹²² "Maria Teresa Macias vs. Sonoma County Sheriff Mark Idhe (In the first ever monetary award by law enforcement for their failure to protect a domestic violence victim leading up to her homicide, the Sonoma County Sheriff's Department agreed to pay a million dollar settlement in the landmark federal civil rights lawsuit)

- Give every victim a victim rights brochure, which includes information about crimes compensation and services¹²³
- These brochures should be in the language of the victim. Departments should have access to interpreters to talk to victims if the officer cannot speak the language of the victim. In every case, some effort should be made to put the victim in touch with a community-based or system advocate who can help them understand their rights and provide support
- Completely and accurately fill out the DV Supplemental Report on all cases
- Note and document the victim's physical and emotional condition, including torn clothing, smeared makeup, crying, shaking, fear or anger
- Take photographs of the scene and injuries. Take full face and body photos of child witnesses, suspect and the victim in the event that victim is not present at trial
- Take pictures of the scene even if nothing is out of place [Detectives should take follow-up photos of bruises. See follow-up section below]
- Seize evidence such as torn or blood spattered clothing
- Note and document the suspect's physical or emotional condition
- Note and document the condition of the crime scene, including such things as disarray of furniture, marked walls or damaged property that might be consistent with the victim's testimony
- Note and document any spontaneous declarations or excited utterances of the victim such as "my husband hit me in the face" or "I am afraid he is going to kill me" or "I am in a lot of pain in my stomach" or "My husband choked me." Inform victim that the defendant or his attorney may attempt to contact the victim in an effort to facilitate the defendant's release from jail
- Accurately document the names of all children at the scene in police report

c. Establish probable cause prior to arrest.

Arrest is the preferred response to DV when probable cause exists. The primary objective of police response to DV is the timely intervention in all assaults, protection of the victims and prevention of future violence through a combination of law enforcement and community services. A review of a cross section of arrest affidavits [A-Forms] revealed some arrest affidavits with almost no detail. It is suggested that each law enforcement agency examine A-Forms, OIR and DV Supplemental Reports in a random sample of arrest cases to identify areas of excellence and areas where more training is needed especially in the area of dual arrest.

d. Complete the DV Supplement before arrest and forward to corrections when the suspect is booked or give it to MOVES if MOVES is called.

The DV Supplement contains important information critical to victimless prosecution. Often, the DV Supplement is missing important photographs of the victim and the scene or it does not arrive at the State Attorney's Office in time for the pre-file conference or

¹²³ Crime Compensation monies are not available to individuals that have been convicted of a crime and the victim must be willing to participate in prosecution. This bars many victims from accessing these funds.

arraignment. All police reports, including the DV Supplement and victim statements should be delivered to corrections at the time of booking or given to MOVES personnel if MOVES is called.

e. Secure a warrant for the suspect if there is probable cause to believe a crime of DV has occurred and the suspect has left the scene.

If defendant is not at the scene in a misdemeanor case, the police do not routinely pursue the suspect. They refer the victim to the State Attorney's Office. If the victim does not pursue the matter, there is no follow-up or arrest. This sends a dangerous message to the suspect and could escalate the violence. Accordingly, law enforcement should secure a warrant in these cases.

f. Encourage all victims who do not give a statement at the scene to go to the State Attorney's Office within 3 days of arrest to give a statement.

The national debate is split on the subject of subpoenaing the victim to testify. Many victim advocates believe that the victim should be given as many choices as possible and that law enforcement and the prosecutor must collect sufficient evidence to prosecute the case without the victim should she decide not to testify.

In the event that a DV Intake Center is developed, the victim should be encouraged to go to the Intake Center for services. If the victim becomes more confident in the system, she may be more willing to testify. In the meantime, law enforcement and the State Attorney's Office should develop a policy whereby victims are given instructions to go to the State Attorney's Office within three days of arrest in order to talk to a victim advocate. It should be left to the victim to comply¹²⁴.

3. Improve Follow-up Investigations.

a. Improve police follow-up protocols countywide.

A few departments have excellent written procedures with regard to follow-up investigations¹²⁵. However, most departments do not. Some departments may not have the resources to provide follow-up in these cases.

This issue has been addressed in SA cases. MDPD has collaborative agreements to investigate SA cases with all but nine municipalities. Pursuant to these agreements, the municipal police department does the initial investigation and MDPD's Sexual Battery

¹²⁴ The Chicago Target Abuse Call program subpoenas victim to come to arraignment. At arraignment, a community-based advocate meets the victim and helps her to identify her options. This program has been evaluated. Victims report satisfaction with the system. For more information contact: Mari Rose McManus mrmcmanus@prodigy.net. For an evaluation of this program see: An Evaluation of a Specialized DV Court Final Report (March, 2003) NIJ/OJP/DOJ by Carolyn Hartley Ph.D. University of Iowa School of Social Work.

¹²⁵ MDPD, Opa Locka PD, City of Miami PD, Bal Harbor PD, Bay Harbour Island PD, FIU PD, Miami Springs PD, have follow-up investigative procedures in their SOPs.

Unit investigates the case. MDPD should explore the possibility of similar agreements between DCU and the municipalities for the investigation of DV cases. At minimum, detectives and investigators should:

- Interview the victim or witness in detail and document the information received in follow-up report
- Obtain subsequent photographs of the victim even if the patrol officer took photographs
- Obtain copies of medical reports if available
- Obtain a copy of the 911 tapes and the printout involving the original call for assistance and medical reports such as paramedic or run sheets
- Locate and interview other corroborating witnesses, (such as neighbors), who may have heard the incident, yet had not become involved. These "ear-witnesses" can be invaluable during prosecution
- Inform the victim and witnesses of the status of the case
- Record the names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation. This information should be on a separate memo which is not "discoverable" as the victim may have re-located and want no further contact with the suspect
- Conduct a thorough criminal background check on suspect
- Obtain copies of prior police reports, prior 911 printouts and tapes if they exist
- Interview the suspect
- Refer the victim to system or community-based advocates if this has not yet occurred

4. Develop Public/Private Partnerships With Community-Based Advocates.

a. Develop and implement community-based advocacy protocols.

Law enforcement and community-based advocates are working together to reduce DV in some jurisdictions with encouraging results.¹²⁶ Community-based advocates give support to the victim while maintaining her/his confidences.

Research suggests that when victims have the benefit of a community-based victim advocate, they have a better sense of well being and safety and are more satisfied with the system¹²⁷. It is suggested that law enforcement and its system partners implement an advocacy protocol triggered by dispatch or the first responder, which integrates the use of both system and community-based advocates. This protocol should be implemented whether or not the victim chooses to give a statement. Intervention should be a 24/7

¹²⁶ Police Department's DV Intervention Teams Project, Chicago, IL; Family Violence Center, San Diego, CA; DV Enhanced Response Team [DVERT], Colorado Springs, CO [DOJ/VAWO National Demonstration Site & COPS Community Policing/DV Training Test Site]

¹²⁷ See note 124 supra.

response at the time of the incident and may include law enforcement advocates or one stop centers or both.¹²⁸

b. Implement and evaluate interagency cross training.

Once these agreements and procedures are drafted there should be training across the disciplines prior to implementation.

¹²⁸ For law enforcement advocacy response see: City of Miami PD, Coral Gables PD, Miami Beach PD, Opa Locka PD advocacy procedures. See also collaborations between: MUJER/Homestead; Victim Advocacy Center FIU and Sweetwater PDs and Miami Beach/ Victim Service Center Procedures.

THE PROSECUTION

The State Attorney's Office has developed a specialized response to DV cases and has implemented many innovations in the prosecution of DV cases. The *Domestic Crimes Unit [DCU]* consists of trained DV prosecutors, paralegal professionals, victim witness counselors, and DART counselors. DCU prosecutors prosecute the most serious DV felony cases.¹²⁹ The remaining DV felonies and homicides are tried in various felony divisions of the Court. Specialized prosecutors in the DV Division of the Court try DV misdemeanors. The DCU staff also screens all non-arrest DV felony and misdemeanor complaints.

The State Attorney's Office has also developed a specialized response to DV cases where the offense is committed after hours and on weekends.¹³⁰ This initiative is called *MOVES*. *MOVES* paralegals respond to select police stations to interview the DV victim when called by participating police agencies. This interview combined with a complete DV Supplement, A-Form, and OIR eliminates the need for a pre-file conference in most cases.

In addition, the State Attorney's Office provides victims of crime 24 hour access to offender information as well as information about victim services and the criminal justice system through the *Victim Access Network [VAN]*. Victims receive a post card advising them that the defendant has been arrested with identifying information regarding their cases. Throughout the case, the victim continues to receive postcards in conjunction with automated telephone messages advising them of various events and outcomes regarding their cases. The victim is contacted prior to the defendant's release from jail through the same automated system.¹³¹

In the target year, the State Attorney's Office prosecuted 5,563 misdemeanor cases and 3,645 felony cases. However, despite specialized case processing and dedicated resources, the State was unsuccessful in 62% of their DV misdemeanor cases and 55% of their DV felony cases.¹³² However when evaluating these statistics, it should be noted that anecdotal evidence suggests that some arrest cases may have lacked probable cause.¹³³

¹²⁹ DCU prosecutes approximately 10% of the DV felonies.

¹³⁰ See Appendix A for a Moves processing chart. See note on Moves.

¹³¹ VAN is the VINE system [Victim Information Notification Everyday]. VINE is in use in Louisville, KY and other cities around the country. VINE is a voluntary victim access system. In this system, the victim is notified whenever the defendant is released or moved from one facility to another. In addition, the victim can call into the system any time of the day or night to find out the defendant's status.

¹³² 353 felonies were bound down to DV misdemeanor division. These cases were not calculated into the unsuccessful rate. See Statistical Charts in Appendix B for a breakdown of successful and unsuccessful cases.

¹³³ ACTT examined 100 random "A" forms in nolle prosequi cases. Many A-Forms lacked detail. Without the DV Supplement and without examining the case files, it is impossible to know whether these cases had

Unsuccessful Cases: In almost all unsuccessful cases the State filed a nolle prosequi or a no action.¹³⁴ The State Attorney's office analyzed these cases and found that in 90% of the misdemeanors and 59% of the felonies, the victim did not participate in the prosecution; in other words, the victim failed to appear, recanted or changed her testimony. In approximately 5% of the misdemeanor cases, the officer did not appear as well.¹³⁵ When the State Attorneys Office does not have the victim's testimony, it needs sufficient corroborating evidence to prove the case beyond a reasonable doubt. The State Attorney's Office has assumed that corroboration is lacking in many of these cases.

In an effort to test this assumption, the State Attorney's Office examined 18 random misdemeanor DV case files where they filed a nolle prosequi. In these cases, the A-Forms were well documented and the victim sustained injuries. In all but one case, the victim refused to testify and there was insufficient evidence to go forward without the victim. The following combination of evidentiary problems were documented in these cases: the victim made no excited utterance on the 911 tape, there was no excited utterance recited in the DV Supplement, the DV Supplement said that the victim was "calm", in two cases there were photographs of smiling victims with no injuries, in two cases the DV Supplement was not forwarded to the State Attorneys Office prior to arraignment and in one case there was corroborating evidence but the officer did not appear to testify. Under Florida law, even the defendant's confession, without corroboration or without the victim's testimony, is not enough to convict.

Successful Cases: The State Attorney's Office was successful in 38% of its misdemeanor cases and 45% of its felony cases.¹³⁶ However, a close examination of these cases reveals that a very small percentage of these defendants acknowledged their guilt or were convicted.¹³⁷ Most were diverted or placed on probation as a result of a nolo contendere (no contest) plea.¹³⁸ Less than 10% of all successful prosecutions resulted in a jail sentence. The overwhelming percentages of non-jail cases were sent to treatment programs supervised by the Advocate Program. The completion rate of those defendants sent to programs varied depending upon whether the defendant was diverted or was placed on probation.¹³⁹ This issue will be more fully addressed in the Monitoring and Treatment Section below.

The State was successful in 45% of its felony cases. In the majority of these cases, the defendants pled guilty or were convicted at trial. Another 18% did not acknowledge their

sufficient probable cause to arrest. The examination of the SOPs revealed that only 10 agencies had detailed SOPs regarding probable cause and arrest.

¹³⁴ 98% of the unsuccessful felonies and misdemeanors were either nolle prosequi or no actioned. See Statistical Charts in Appendix B [Charts 7, 9, 10, 16, 18, 19]

¹³⁵ See 134 supra.

¹³⁶ See Statistical Charts in Appendix B [Charts 9, 11, 18, 19]

¹³⁷ 1% pled guilty and 7% were convicted at trial. See Statistical Charts in Appendix B.

¹³⁸ 48% were offered pre trial diversion and 44% pled nolo contendere

¹³⁹ 21% of misdemeanor probation cases and 66% of misdemeanor diversion cases successfully completed their program. See Statistical Charts Appendix B [24, 26, 27, 29, 39, 40]

guilt but were placed on probation as result of a nolo contendere plea and 15% were diverted and sent to a treatment program monitored by the Advocate Program.¹⁴⁰

MOVES Cases: The above results were very different in felony MOVES cases.¹⁴¹ The State examined 100 random felony Moves and Non-Moves cases to determine the outcome of the MOVES procedures.¹⁴² In these cases, the felony filing rate doubled, the no action/nolle prosequi rate fell from 44% to 8% and the conviction rate rose from 37% to 72%. This would seem to support the theory that obtaining a statement from the victim at the scene and obtaining the DV Supplement at the time of the incident greatly improves the rate of successful prosecutions in felony cases.¹⁴³

In MOVES misdemeanor cases, the change was less pronounced. The State Attorney's Office reviewed MOVES cases processed in 2001. Overall, the MOVES cases had a lower nolle prosequi rate and more cases were diverted to Pre Trial Diversion [PTD]. However, fewer cases were placed on probation.¹⁴⁴

Perhaps the most impressive outcome of MOVES is that all DV victims received information, referrals, safety planning and other advocacy services at the time of the incident regardless of whether the victim chose to participate in the prosecution. No evaluation has been done to measure victim satisfaction in these cases; however, it is logical to assume that these victims were more equipped to make decisions in their lives with the services of the State Attorney's Office advocates than without them. In addition to services for victims, the State Attorney's Office obtained the DV supplement and other police reports at the scene, which eliminated the need for pre-trial conferences in most MOVES cases which reduced overtime costs and costs associated with trying to locate the victim.

Prosecution Concerns

There were two main concerns with regard to prosecution:

- **High nolle prosequi and no action rates in both misdemeanors and felony cases**
- **Lack of collaborative partnerships between the State Attorney's Office and community-based advocates**

¹⁴⁰ See Statistical Charts in Appendix B [Charts 16, 18]

¹⁴¹ MOVES is only used after hours and on weekends at MDPD, City of Miami and the mid sized police departments. Many eligible departments do not call MOVES. The compliance rate is from 40% - 70% depending upon the department.

¹⁴² This sampling occurred from October 1998 through December 2000. See Statistical Charts in Appendix B.

¹⁴³ See Statistical Charts in Appendix B [Charts 21, 22]

¹⁴⁴ Comparing non-MOVES to MOVES cases, pre trial diversion rose from 40% to 57%, nolle prosequi fell from 35% to 26%, Probation fell from 25% to 15% and conviction rate went from 0 to 2%. See Statistical Charts in Appendix B [Charts 14, 15]

1. High Nolle Prosequi and No Action Rates in Both Misdemeanor and Felony Cases.

a. There are multiple reasons for lack of success.

High nolle prosequi and no action rate in both misdemeanor and felony cases may pose a heightened risk to victims and their children. The reasons for the high nolle prosequi and no action rate are complex, with more than one likely cause. In general, the State Attorney's Office should nolle prosequi or no action a case when there is a lack of evidence. The question, more accurately stated, is why do they lack the evidence. Is it because there is no evidence, or is it because the evidence is not collected or presented properly? The answer too may depend on a number of factors. DV cases are inherently difficult because their victims may not be ready to participate in the prosecution of the batterer. The reasons why this is so have been explored in many learned treatises. However, many jurisdictions have taken the position that although the cooperation of the victim is desirable, they can and will prosecute the case without it. Therefore they actively pursue the task of obtaining corroborating evidence.¹⁴⁵ When jurisdictions are successful, it is usually because police and prosecution work hand in hand to make this happen. Advocates can help the victim to make safe choices, which may in turn help the prosecutor, but the prosecutor should not have to depend upon the victim's choice because sometimes a safe choice may be not to help the prosecutor.

This jurisdiction has adopted a no drop policy and therefore it is important to identify the problem and find a solution. Stakeholders have suggested all of the following for consideration.

- Some cases may lack of probable cause
- In some cases the evidence may exist, but law enforcement may not collect or document it properly
- High DV caseloads, high turnover and lack of experienced prosecutors may impede success
- Victim barriers may be too great
- Advocates may not be available before and during the criminal process to help victims overcome barriers and make good choices

b. The MOVES compliance rate is low among some participating law enforcement agencies.

The use of MOVES eliminates many of the problems associated with the initial investigation. However, on average there is a 40% compliance rate among participating departments. No studies have been done to determine the reason for non-compliance. Accordingly, it is recommended that the State Attorney's Office and law enforcement command determine the reasons for non-compliance and address these issues, including the initiation of roll call trainings, sanctions for non compliance, incentives and

¹⁴⁵ See "An evaluation of efforts to implement no-drop policies: Two Central Values in Conflict", Final Report, March 2001, ABA/NIJ, Barbara E. Smith, Robert Davis, Laura B. Nickles, Heather J. Davies.

recognition for those departments or individual officers who do comply. It is also recommended that the State Attorney's Office move to implement MOVES countywide.

c. The Domestic Crimes Unit felony prosecutors do not handle all DV Felony cases.

Not all DV victims have the benefit of specialized prosecution afforded by the DCU. The DCU handles approximately 10% of DV felony cases. The rest are sent to the divisions and are tried by felony division attorneys. There is high turnover rate in these divisions because attorneys with trial experience leave for more lucrative private practice. Felony division attorneys are less likely to have the same level of DV training and experience as the specialized DCU attorneys.

d. DV Division misdemeanor prosecutors do handle all DV misdemeanor cases.

On the other hand, DCU misdemeanor attorneys handle all DV misdemeanors. The DV Division Chief, who is supervised by the Chief of DCU, supervises these attorneys. The concern here is not structure but rather that the DV misdemeanor division is staffed with relatively new assistant state attorneys or third year law school interns. DV Division attorneys rotate out of the Division every 18 months and law school interns are assigned for two semesters or 8 months. These young prosecutors have very high caseloads and little time for training. The combination of high caseloads, high turnover and little training may be another factor that negatively impacts success. In contrast, the Public Defender's Office puts seasoned attorneys into the misdemeanor DV Division and their caseloads are much lower.

c. There are other case-processing issues that cause concern.

Several other case processing issues cause concern.

- The State Attorney's Office does not have access to criminal background checks on the defendants outside of the County; therefore prosecutors have an incomplete criminal history at bond hearing, at arraignment and at sentencing
- Some defendants may not be suitable for diversion. It is impossible to know whether a defendant should be offered diversion without a criminal history¹⁴⁶
- It is difficult to file charges and prevail on diversion cases that fail to complete the terms of their diversion agreement. By the time this occurs, the evidence is gone and the victim no longer wants to testify. In other words the State Attorney's Office has no case
- No risk assessment is done on the defendant prior to bond hearing, arraignment or before the a plea offer is made
- Weekend bond hearings are staffed by less experienced prosecutors without DV experience and rotating weekend bond hearing judges also with little DV experience. The combination tends to negatively impact decisions regarding the amount of the bond and the terms of stay away orders

¹⁴⁶ Recently the State has stopped offering diversion in strangulation "choke" cases and when there are credible threats of harm on the A-Form.

- Pleas are offered and negotiated in DV Cases until the point of trial and after the trial begins, which reduces the incentive of the defendant to accept a plea offer at arraignment or sounding¹⁴⁷
- There are no procedures with regard to defendants with mental health defects

2. Lack of Collaborative Partnerships between the State Attorney's Office and Community-Based Advocates.

In addition to case processing, there is a lack of community-based advocacy during every stage of the criminal process. System advocates are available to help victims to participate with the prosecution. These advocates try to help the victim with her choices including choices regarding her safety. However, it is clear from the data that most victims do not choose to go forward. When victims do not want to help the prosecutor, it is logical to assume that they may also reject the help of the advocate who works for the prosecution or the police.

Community-based advocates may be in a better position to help the victim. They often have a confidential relationship with the victim, they are not connected with the State Attorney's Office, which calms victims that do not wish to prosecute, and they can communicate with the prosecutor and victim witness counselors without the fears that paralyze victims. Some jurisdictions have found that community-based advocates in collaboration with the prosecution, improves the victim's overall satisfaction with the system.¹⁴⁸

Prosecutor Recommendations

Partners recommended:

- **Improve law enforcement support**
- **Restructure DCU to include all felony cases**
- **Develop collaborations between the State Attorney's Office and community-based partnerships to strengthen support system and advocacy services for victims**

1. Improve Law Enforcement Support.

Collaborate with law enforcement departments to put MOVES protocols into department SOPs with sanctions for non-compliance.

Develop first responder curriculum in collaboration with law enforcement and train patrol to collect evidence at the scene.

¹⁴⁷ It is important to improve the quality of evidence earlier in the process so that the prosecution does not feel compelled to offer a plea after arraignment.

¹⁴⁸ See note 124 supra.

2. Restructure DCU To Include All Felony Cases.

a. Expand DCU to include all DV felony cases including a reassignment of sufficient “A”, “B” and “C” felony attorneys from the felony divisions to the DCU.

The DCU has trained attorneys who make a commitment to try DV cases exclusively. Optimally, the State Attorney should weigh the benefits that expansion of this Unit to include all first, second and third degree DV felonies. This change would improve the possibility of vertical prosecution. Many jurisdictions have chosen this option.¹⁴⁹ The evaluation should consider the cost, efficiency and potential for success that consolidation would bring.

In the event that the above option is not possible, the State Attorney’s Office should decentralize its DCU paralegal and advocacy functions to provide better support to felony division attorneys and victims involved in 2nd and 3rd degree felonies.

b. Train all misdemeanor and felony prosecutors.

Institute mandatory training for all DV misdemeanor and felony prosecutors and interns. This training should include the questioning of child witnesses, recanting, lying or denying victims and witnesses and strangulation evidence.

c. Conduct complete criminal history checks and interview the victim prior to referral to treatment.

- The State Attorney’s Office should have a complete local, state and federal criminal history on all defendants at bond hearing and before offering either diversion or probation. This information should be made available to the court, the prosecutor and the monitoring agency from the time of arrest through the monitoring period. Criminal justice system partners should decide who is best situated to provide this information
- The State should refrain from offering diversion to any offender with prior history of DV or non-DV violence
- The State Attorney’s Office should endeavor to determine the victim’s perception of her own safety and whether the defendant has a problem with drugs or alcohol prior to offering diversion or probation

d. Improve weekend bond hearing process and felony bond hearings for all DV cases.

Prosecutors assigned to weekend bond hearing are typically new prosecutors with limited experience in DV. The State Attorney’s Office should develop audio or video training tapes with sufficient information to make these attorneys aware of the issues they are likely to encounter in these cases.

e. Make final plea offers in probation cases final.

¹⁴⁹ U.S. Attorney for the District of Columbia, for further information contact Kelly Higashi, Chief of Sex Offense and DV Unit

Understandably, the State waits until it has all of the evidence to make a plea offer. Ideally this would occur at arraignment and at latest sounding. No plea offers should be made after the sounding date.

It should be noted that most defendants are offered an opportunity to plead *nolo contendere* (no contest) rather than guilty. A *nolo* plea means that a guilty plea is entered, but the defendant does not admit his guilt. If the defendant completes the conditions of treatment, the State Attorney's Office typically withholds adjudication. Most DV experts agree that holding the batterer accountable for his acts means, at minimum, having the batterer admit his guilt. Eventually, this jurisdiction should move toward a plea of guilt rather than a plea of *nolo contendere* in probation cases.

f. Offer diversion only when there is absolute certainty that the offender has no prior criminal history anywhere.

Offenders with no criminal history are offered diversion with a plea of not guilty. If they complete a diversion program, the State Attorney's Office enters a *nolle prosequi* and the defendant never has to admit guilt. In the event the defendant completes his program, the law permits the defendant to motion the court to expunge his records. If he did so, there would be no evidence that he had ever been charged with DV.

In the event that the defendant does not complete the diversion program, the prosecutor must file charges and prosecute the case. By that time the victim may not wish to testify and there may be no case. *Most jurisdictions do not offer diversion. Offenders with no criminal history are offered deferred sentencing.*

Therefore if diversion is offered, it should only occur when the State Attorney's Office is absolutely sure that the defendant has no criminal history anywhere and there are no serious threats and no injuries. This will require a complete criminal history check. Eventually, if the quality of evidence improves, this jurisdiction should move toward deferred sentencing rather than diversion. If this model were adopted, the State Attorney's Office will not have to reconstruct its case, in the event that the defendant fails to complete the conditions of diversion.

g. Improve prosecution of mental health cases.

The State should develop a case-processing model for DV mental health cases, which includes early identification and evaluation. Once identified, the mental health defendant should be deferred for monitoring and treatment.

3. Develop Collaborations between the State Attorney's Office and Community-Based Partnerships to Strengthen Support System and Advocacy Services for Victims.

The State Attorney's Office should examine programs in other jurisdictions that involve collaborations between the prosecutor and community-based advocates and law enforcement to determine which may be successful here. Ultimately, if a multidisciplinary Intake Center is developed, this Center could foster such partnerships.

Such partnerships are working with success in San Diego, Washington DC, Colorado Springs and Chicago. Evaluations of Chicago and Washington DC report satisfaction with the system and a sense of safety and well-being.

THE COURT

The Eleventh Judicial Circuit has made great strides in the adjudication of DV cases and the jurisdiction continues to evolve. DV Division judges [DV judges] have educated other judges and system partners and have been in the vanguard of system reform.

DV judges hear a large percentage of the DV cases in the Circuit. These cases include all DV misdemeanors, most IFPs and Repeat Violence Injunctions. DV judges also preside over DV misdemeanor bond hearings during the week.¹⁵⁰ DV judges monitor criminal cases through periodic judicial review hearings and enforce violations of the conditions of treatment through civil contempt calendars. The Administrative Office of the Court also provides significant staff support to the DV judges. The DV Case managers and staff described in the Advocacy section above support the judges and also support victims.

Each time a petitioner files for an Injunction for Protection [IFP] the DVIU searches multiple databases for related cases between the parties or their children. If a related case is identified, DVIU staff provides the judge with the case type and the case number. The judge may request all related case files prior to entering an order. In the event that both petitioner and respondent cross-file against each other, the DVIU automatically presents both files to the judge. Subsequent to filing, the Domestic Violence Case Management Unit [DVCMU] checks for related cases when any post judgment activity arises between the parties. The DVIU also assists victims obtain injunctions and complete self help divorce packages for pro se litigants and provides social service referrals. The Family Division has a “Self Help Divorce Clinic” for pro se litigants in the Family Division; however, this unit is not comparable to the DVIU for pro se Family Division litigants.

Circuit Court Criminal Division judges [Criminal judges] preside over all felony cases, including felony bond hearings. Family Division judges hear IFP cases when there is a related divorce case in the Family Division, filed at least 6 months before the filing of the IFP or for good cause shown. In addition, Florida Statutes, Chapter 61 also provides that all subsequently filed divorce case orders take precedence over IFP orders.

The Unified Family Court Pilot Project, now the Complex Litigation Division of the Court, [UFC] also hears DV cases. The UFC was created in response to the Supreme Court’s opinion, which required all circuits to implement a UFC. The Opinion included all DV Civil cases but left for further consideration whether DV criminal cases should be included within the UFC jurisdiction.¹⁵¹ Prior to implementation of the UFC model that

¹⁵⁰ Circuit judges on rotation conduct weekend bond hearings.

¹⁵¹ In Re: Report of the Family Court Steering Committee, Supreme Court of Florida [May 3, 2001] Pursuant to the Opinion, a UFC should include: case management; coordinated use of services, coordination of related cases for one family, alternative dispute resolution (including therapeutic

currently exists, the circuit considered a pure Unified Family Court [UFC] model, of one judge/one family. However, the Court felt that the pure model was not workable at the present time. Instead the Court adopted a coordination and case management of related cases model. The Court arrived at this decision because of numerous barriers such as: geographical separation between the Juvenile and Family Court, size of the jurisdiction, high caseloads, and barriers to sharing services and availability of court and other agency personnel.

Accordingly, the UFC consists of one Family Division Judge and one Juvenile Division Judge.¹⁵² These judges hear select cases where there is more than one related case open and pending between the parties. These cases are also referred to as “crossover” cases.¹⁵³ A recent examination of the Family Division UFC judge’s pending crossover caseload revealed 65 cases involving 17 families [or 17 crossover cases]. Of these, seven of the crossover cases included an IFP. Cases in this sample included both open and closed cases.

Pursuant to the Administrative Order, an IFP case can be transferred to the UFC if there is an open and pending Dependency and Family Division case simultaneously occurring and the IFP case is filed after the consolidation of the Juvenile and Family Division case. Attorneys and judges can also request a transfer of any related case.

The Juvenile Division does not hear DV cases but it does provide advocacy and referrals when the mother of a dependant child is also a victim of DV and she volunteers to receive these services. The Dependency Court Intervention Program for Family Violence [DCIPFV] is a national demonstration project awarded to this jurisdiction by the U.S. Department of Justice, Office of Justice Programs, and Violence Against Women Grants Office. The program is a collaborative effort between the judiciary, a court operated psychological evaluation unit, DCF, Safespace and DIP. The mission of the project is to develop a coordinated approach to the handling of child abuse cases where DV is also present. This program attempts to bridge the gap between child protection services and the advocacy community.¹⁵⁴ This project squarely addresses the fact that DV and child abuse frequently co-occur.

Court Concerns

The areas of general concerns were:

jurisprudence as is already found in drug court, dependency drug court and DV court) and referrals to community resources.

¹⁵² Re: Reaffirmation of United Family Court Plan, Establishment of Complex Litigation Division, Establishment of Procedures for implementing and Evaluating UFC in the 11th Judicial Circuit of Florida: Administrative Order No. 03-15 (Rescinds Order No 01-16)

¹⁵³ See note 152 supra.

¹⁵⁴ Funding for this project will terminate in 2004.

- DV cases may be adjudicated in multiple divisions of the Court increasing the potential for conflicting orders, duplication of services, inconvenience to the parties and incomplete solutions
 - Lack of comprehensive coordinated intake that provides case coordination, case management and referrals for victims of DV in crossover cases across division lines.
 - Lack of consistent response at DV felony bond hearings
 - Absence of comprehensive criminal history at all DV bond hearings.
 - Lack of options for violations of court orders
-

1. DV cases are adjudicated in multiple divisions of the court creating the potential for conflicting orders, duplication of services, inconvenience to the parties and incomplete solutions.

The multi-division court structure works against comprehensive adjudication of all pending matters between the parties and may result in partial solutions. DV in the family arena can pose complex patterns of behavior that may generate numerous cases in the system that can last for many years. Consider a fictional case of a married victim of DV:

- (1985-2003) Wife is systemically assaulted both physically and sexually by her husband
- (1990-2003) Children witness violence against their mother
- (1999) Wife petitions for and obtains an IFP [DV judge]
- (1999) Wife seeks enforcement of child support and visitation orders entered by DV judge [DV judge]
- (2000) Children are found to be dependant and a case plan; visitation and support obligations are put into place [Dependency judge]
- (2001) Wife charged with failure to protect her children [Dependency judge]
- (2003) Child adjudged delinquent for assault against father [Delinquency judge]
- (2003) Sibling of delinquent child files for an IFP against his sibling [DV judge]
- (2003) Wife files for divorce, custody, visitation, child support are at issue [Divorce judge]
- (2003) Wife seeks enforcement of child support and visitation orders entered by divorce judge [child support hearing officer, or Family judge]
- (2003) Husband is charged with felony assault and battery against wife [Criminal Division judge]
- (2003) Child violates terms of injunction [Delinquency Judge]

Pursuant to the governing Administrative Order, if none of the above cases were open at the same time, this victim could possibly come before at least six separate judges, general masters and hearing officers in three separate courthouses within four separate divisions. The result could be conflicting orders without real solution for the victim and could conceivably place her at greater risk. Both the Supreme Court of Florida and the Chief Judge of the 11th Circuit have tried to find resolution.

The Supreme Court of Florida has addressed the issue of children and families involved in complex family matters on numerous occasions. Its most recent opinion, *In Re: Report of the Family Court Steering Committee* [May 3, 2001] is comprehensive in scope and insightful in its analysis.¹⁵⁵ The Court set forth twelve guiding principals that encompass its former opinions and the recommendations of the Family Court Steering Committee. Two of its recommendations are most relevant to cases such as the one outlined above. They are:

- To ensure cases involving inter-related family law issues, [including DV], should be consolidated or coordinated to maximize the use of court resources, to avoid conflicting decisions and to minimize inconvenience to the families.
- The court's role in family restructuring is to identify services and craft solutions that are appropriate for long-term stability and that minimize the need for subsequent court action.

In response to the Supreme Court's Opinion, this jurisdiction created the UFC Pilot and more recently the Complex Litigation Division.¹⁵⁶ The Administrative Order creating this Division attempts to address the issues of chronic and long-term litigation in troubled families. The order attempts to resolve local barriers such as separate court facilities and three separate divisions with case specific expertise. It contains 15 transfer and consolidation rules in a wide variety of situations.

In general, two related cases in the Family Division and the Juvenile Division must be simultaneously open to automatically generate transfer and consolidation. In the case of DV, an IFP would only be transferred to a Family Division judge if the Family Division case was open and pending for more than six months or the judge determined that there was good cause to transfer and/or consolidate and it fell within the guidelines of the Administrative Order. There is no system-wide automatic process for the transfer and consolidation of related cases to one judge.

The UFC cases are identified according to criteria set forth in the Administrative Order. Once identified, case files are sent to the UFC administrator and the UFC judge. If a case qualifies, all related files are given to the UFC judge. However, the assigned judge may have no institutional memory of the issues between the parties in the family and the UFC administrators will rotate each year.

Even if a case is heard by the UFC, once that case closes, all subsequent litigation between the parties is again blind filed to Family, Juvenile or DV Division depending upon the nature of the litigation. The case would only be transferred back to the UFC if good cause were demonstrated.

A DV case would not be transferred to the Juvenile Division judge unless a party filed a motion and the UFC judge granted the motion for good cause shown. This is a big hurdle

¹⁵⁵ See note 151 supra.

¹⁵⁶ See note 152 supra.

because most DV petitioners are pro se and don't understand the complex processes of the court.

The effort to comply with the Supreme Court's opinion is complicated by the fact that DV Division judges do not hear other complex circuit court cases. Although they can do so, pursuant to Administrative Orders granting them temporary circuit court status, the structure of the DV Division is designed to provide swift injunctive relief to petitioners, not to become enmeshed in complex litigation. Therefore, DV judges do not adjudicate related domestic relations, dependency or delinquency cases involving the victim or the victim's children. Likewise, since Family and Juvenile Divisions hear few IFP cases, these Divisions do not possess the complex procedural machinery that supports the DV Division.

DV in the context of juvenile dependency cases is also complicated. The Juvenile judge has jurisdiction over the child and the battered mother but not the batterer unless he is the biological father of the child. Frequently, victims bear the entire burden of rehabilitation in order not to lose their children. Batterers are not sent to a BIP program or monitored by the Court unless there is a related IFP.¹⁵⁷

Perhaps the most pressing issue involves a fundamental disagreement as to whether DV cases belong in a UFC. Experts disagree as to whether the UFC concept is workable when DV is an issue.¹⁵⁸ None-the-less, some jurisdictions have experimented with the notion of one judge one family in DV cases with apparent success.

For example, in 2001, Congress enacted legislation and provided funding for a UFC in the District of Columbia [DC]. The legislation, and its subsequent implementation plan, includes traditional family cases, criminal cases, dependency, and delinquency and DV cases.¹⁵⁹ The DC experience is instructive because it has retained its DV Division.¹⁶⁰ In addition to DC, California has just funded six pilot UFC courts for a three-year period. These efforts also include and evaluation.

In Florida, the 6th Judicial Circuit, Pinellas County, has also implemented a UFC. Pinellas has seven courthouses so implementation has been a challenge. The court began

¹⁵⁷ A review of the ACTT survey to providers found numerous providers receive victim referrals from DCF or Juvenile Court as part of a case plan.

¹⁵⁸ Billie Lee Dunford-Jackson, Loretta Frederick, Barbara Hart, and Meredith Hofford, *Unified Family Courts: How Will they Serve Victims of DV*, Family Law Quarterly, Volume 32, Number 1, Spring 1998, pp131 – 146. The authors, all experts in both DV and the legal system, discuss the pros and cons of a Unified Family Court for DV Cases.

¹⁵⁹ For more information regarding the DC Family Court contact Diane King, Family Court Administrator, 202-879-1633; kingd@dcsc.gov or Judge Lee Satterfield, Presiding judge of the Family Court and Judge Brook Hedge, presiding judge of the DV Division 202-879-1010.

¹⁶⁰ In 1995, the Superior Court of the District of Columbia put into place an elaborate multi-disciplinary system to coordinate and adjudicate DV cases using a one judge or "team of judges" methodology. (District of Columbia Domestic Violence Plan; Sharon Denaro [November 1995]. The National Center for State Courts evaluated the process in that jurisdiction but that evaluation was very limited and did not evaluate outcomes. Anyone wishing more information should contact Dr. Cheryl Bailey, D.C. Superior Court, 500 Indiana Avenue, Washington DC.

its project with a merger of the delinquency and dependency cases. Today all cases with a related dependency or delinquency case are transferred to the UFC. All other related cases, are heard in the Family Division. Anecdotal evidence suggests that the Pinellas experience has also been a success with both judges and litigants. Although judges report that individual joint hearings take longer, there are fewer hearings over all and greater satisfaction. Case managers assist the UFC judges.¹⁶¹ The Office of the State Court Administrator has published a UFC Tool kit for jurisdictions, which includes helpful suggestions for Florida Courts and promising practices.¹⁶²

The issue of implementation must begin with an analysis of just how often is DV an issue in Family Division and Juvenile Division cases. This jurisdiction has approached the problem by counting simultaneously open related cases. However, in order to develop long term and lasting solutions to the problem of DV within families, the inquiry should continue.

The National Center for State Courts [NCSC] has researched this issue in two separate studies and on average, found overlap in at least 25% of disputed cases, and more in some jurisdictions.¹⁶³

Locally, the UFC judges attempted to measure the overlap in Family cases. The Court did a computer run of open and closed Family, Juvenile and DV Division cases over a 19-month period.¹⁶⁴ This review identified a 9% overlap [346 /4193]. They then did a hand count over a four-month period and found a 13% overlap [135/1010].¹⁶⁵ It is very difficult to get a true picture of this data. Computer systems are separate and do not easily identify DV cases. In addition, there are case processing anomalies that may mask the true number of cases where DV is an issue.

For example, a study of DV Division statistics indicates that 48 IFP cases per month [192 cases over four months] are transferred to the Family Division because of pending

¹⁶¹ For more information please contact: Karen Gatto, UFC Administrator 727-453-7168, kgatto@jud6.org; Judge Quesada, Administrative Judge of the UFC 727-464-7276. See also Appendix D for Administrative Order, Statistics and Observations from the bench.

¹⁶² www.flcourts.org

¹⁶³ The National Center for State Courts queried 124 jurisdictions regarding the issue. Fifty-seven percent of the courts said that it was an issue in less than one-quarter of the cases, 37% placed the proportion between 25% - 50% and 6% estimated that it was over 50%. In another National Center for State Courts study, researchers examined court records in disputed custody or visitation cases in Baltimore, Las Vegas, and Louisville. In Baltimore and Louisville the issue was present in 25% of the cases. In Las Vegas it was more than 50%. An analysis of these studies, bibliography and resource guide can be obtained from the National Center for State Courts, Williamsburg, VA. This data is summarized in the National Center for State Courts publication: *DV and Child Custody Disputes, A Resource Handbook for Judges and Court Managers*, Susan Keilitz, project director.

¹⁶⁴ The time period extended from March 3 2002 – October 7, 2003.

¹⁶⁵ From February 11, 2002 – June 27, 2002. The UFC Pilot Project found 135 instances [540 annualized] where the same parties were simultaneously involved in two or more cases, one of which was an IFP. The study involved both open and closed cases. Each of these cases involved at least two cases and approximately 50% involved three cases. See DV Statistical Charts in Appendix B.

divorce litigation.¹⁶⁶ If these cases were added to the above four-month totals, the percentage of overlap would be 32% [327/1010]. In addition, during the same four-month period, 229 juveniles filed for an injunction in the DV Intake Unit [556/1010]. It is not clear how violations of injunctions involving juveniles are adjudicated.

These higher percentages would seem to be in line with the Pinellas County's UFC, which has found a crossover rate of: 30% in Dependency/DV cases, 28% in Dependency/Delinquency cases and 22% in Dependency/Domestic Relations cases.¹⁶⁷ Finally, the DCIPFV study found a 35% to 53% co-occurrence in their cases. Fifty percent of these children reported witnessing punching, beating, kicking and worse.

2. Lack of Comprehensive Coordinated Intake That Provides Case Management, Case Coordination and Referrals for DV Victims Across Divisions.

Each Court Division has its own case managers with specialized tasks. Coordination of related cases is attempted but it is an inexact science. Technical computer problems impede the process. The civil and criminal computer systems are separate from one another. Due to a lack of funding, there is no plan to have one-computer system for all related cases. The DV Division of the Clerk's Office, the DVIU and the DVCMU staff helps to coordinate identification of related cases and service referrals in IFP cases but they do not coordinate Family or Juvenile Division related cases. In addition many IFP cases involve DCF. DVIU and DCF have developed a working relationship in IFP cases. However, there is a historical friction between DV victim advocates and child protection advocates, which impedes close coordination and effective case management.

3. Lack of Consistent Response at DV Felony Bond Hearings.

DV judges do not preside over felony bond cases. During the week, DV felonies are assigned to a circuit court judge. Numerous reports indicate that the assigned judge does not routinely impose appropriate stay away conditions in DV felony cases. On the weekends, circuit court judges with limited DV experience rotate the bond hearing duty. These judges preside over both misdemeanor and felony bond hearings in DV cases.¹⁶⁸ Observers note that weekend bond-hearing judges routinely impose a blanket stay away order and either a standard \$1,500 bond or pre trial release in all DV cases regardless of criminal history. If accurate, this procedure could compromise victims' safety.

4. Absence of Comprehensive Criminal History at All DV Bond Hearings.

The DV judges have the training and background to impose bond amounts commensurate with the degree of risk posed by the defendant. However, the judge has imperfect

¹⁶⁶ Pursuant to Administrative Order of the court, DV injunction cases are transferred to the Family Division after entry of a temporary order when a related pending divorce case has been open 6 months or more. Approximately one case each week is transferred to each of the 12 Family Division judges, or approximately 48 cases per month.

¹⁶⁷ See Appendix D, power point presentation by Judge Robert Morris, UFC judge.

¹⁶⁸ In addition to rotating circuit judges, weekend bond calendars are staffed by first year assistant state attorneys also with very little experience.

information. The State Attorney's Office only provides the judge with a criminal history from the County.¹⁶⁹ In addition, no risk assessment is done on defendants by the State Attorney's Office prior to bond hearing. As a result, bond or bond conditions may not be sufficient to address defendants with criminal histories in other counties or states.¹⁷⁰

5. Lack of Options for Violations of Court Orders.

DV judges typically refer respondents to treatment programs, including a BIP, substance abuse treatment and parenting classes. Florida law requires judges to order respondents to a certified batterers' intervention program if the respondent has a history of DV or if the respondent has willfully violated the terms of an IFP. In all other IFP cases, the court has discretion. The Court does a criminal history check on all respondents against whom an IFP is entered in order to determine whether they must order the respondent to a BIP the exact number of Injunction cases with criminal histories in the DV Court has not been calibrated. However in one national study, 65% of the sample participants in three cities did have a criminal history.¹⁷¹ DV judges also refer offenders with children to parent education classes. Some system providers express concern because some DV judges do not always order parenting classes for every batterer with children.

Once a DV judge imposes a treatment order in an IFP case, they routinely enforce their orders through civil contempt. Anecdotal evidence suggests that the threat of civil contempt and incarceration is a good motivator to induce offenders to comply with treatment provisions and thus a good use of therapeutic jurisprudence. However, the civil contempt sanction has not been effective to the extent hoped by DV judges and system partners for repeat violations of treatment orders. These issues, as well as the State Attorney's Office's remedies for violation of diversion and probation orders are discussed in the Treatment and Monitoring section below.

Court Recommendations

Partners recommend that all the Divisions of the Court:

- **Streamline overall Court response to victims of DV and their children.**
- **Expand the intake system for all victims of domestic violence involved in the court system across divisions.**

¹⁶⁹ In contrast, AOC staff provides DV division judges with full local, state and federal criminal history at the permanent injunction hearing prior to referral to a treatment program. However, it is not clear whether case histories are not pulled in every case due to staff and funding limitations.

¹⁷⁰ American Journal of Public Health. Risk Factors for Femicide in Abusive Relationships: Results from a Multi-site Case Control Study. Jacquelyn Campbell PhD, RN, FAAN (Article include Dangerousness Assessment which can be administered in 10 minutes).

¹⁷¹ Susan L. Keilitz, Paula L. Hannaford, & Hillery S. Efke, Civil Protection Orders: The Benefits and Limitations for Victims of DV (National Center for State Courts (1997) Participants included 285 battered women in Denver, CO, Wilmington, DE and Washington, DC. A complete copy of this study can be obtained from the National Center for State Courts, 300 Newport Ave (23185), P.O Box 8798, Williamsburg, VA 2318-8798 at (757) 253-2000.

- **Develop felony bond hearing calendar or implement comprehensive training for felony bond hearing judges.**
 - **Provide complete criminal histories to DV bond hearing judges.**
-

1. Streamline Overall Court Response to Victims of DV and Their Children.

It is suggested that the Court continue to enhance its overall response to all victims of DV and their children throughout the system. Close collaboration is especially critical with the co-occurrence of child abuse and DV.¹⁷²

The UFC should continue to evolve toward closer coordination of family cases including the one judge one family model in unison with the planning and construction of the new Juvenile courthouse. The new courthouse will be in close proximity to the existing Family and DV Courthouse and will be completed within five years.

Pursuant to that end, the Court should conclusively determine the rate of crossover cases; the extent of case management required and the judicial labor required to hear complex cases between the parties.¹⁷³ It is hoped that when considering such changes, the Court would continue to rely on input from stakeholders and the community and examine strategies of other jurisdictions with similar issues.

2. Expand The Intake System For All Victims Of Domestic Violence Involved In The Court System Across Divisions.

Expand the role of the DVIU to include a comprehensive intake system, for the filing, coordination and case management of all related cases involving DV across divisions. Eventually, this model could be useful for *all* Family, Juvenile and DV cases involving children. Eventually, this unit should become part of a larger One Stop Center concept.

Intake and support for victims of DV and SA appears to have a positive effect on victims. The NCSC study findings suggest that protection orders have a positive effect on the victim's feeling of satisfaction and safety.¹⁷⁴ In addition, the NCSC found that even victims who did not return to obtain a final order felt that they benefited from the safety planning and referrals that they obtained when they filed for their temporary order. Most said they did not return for a permanent order because: their partner had stopped bothering them [35%], they had left the area [10%] or they had reconciled with their partner [17%]. Only 2% said that they did not return because of fear or abuse by the respondent. It would seem that expansion of case coordination and services for all cases

¹⁷² Most experts concur that there is a high degree of overlap between DV and child abuse. Violence Against Women: Law, Prevention, Protection, Enforcement, Treatment, Health, Joan Zorza, Civic Research Institute (2002) Chapter 9, 10 pp 9-1 – 10-4

¹⁷³ The new Juvenile Courthouse will be in close proximity to the Family and DV Courthouse. The new courthouse will have two UFC courtrooms.

¹⁷⁴ The NCSC study found that 75% of petitioners had increased feelings of well-being soon after the order was issued, rising to 85% after six months. At six months 92% of the women plaintiffs reported feeling better about themselves and 80% felt safer. 95% of the women said they would seek the order again.

involving DV would benefit both the court and the victims and that this expansion should ideally include all divisions of the court.

The Clerk's Office will assume responsibility for the DVIU in July 2004. It is suggested that with this change, the Clerk's Office expand the current DVIU intake role to include coordination of all related cases involving DV and to incorporate the One Stop Center and advocacy recommendations identified in the "Advocacy" section above.¹⁷⁵

- In addition, system partners made the following suggestions:
- Petitioners should be also be able to file Title IV-D and non Title IV-D Child support petitions when they file for an IFP or Self Help Divorce.
- Since petitioners typically have other legal problems in addition to filing for an IFP, the DVIU should expand their partnerships with Legal Aid, Legal Services, LUCHA and other pro bono legal service agencies and law schools to assist petitioners with their complex legal needs. If this concept were taken to its logical conclusion, all related petitions should be filed at the same time and should be assigned to the same judge.
- Develop meaningful partnerships with DCF to lessen the fear and misunderstanding between DCF and the DV community.

3. Develop felony bond hearing calendar or implement comprehensive training for felony bond hearing judges

The court should develop guidelines for felony bond hearings. All judges that officiate on felony bond hearing calendars should be trained regarding appropriate bond and conditions in felony DV cases. The Court should also consider the establishment of a DV felony bond calendar.

4. Provide complete criminal histories to DV bond hearing judges

The system should develop a process for checking complete county; state and federal criminal history on all DV defendants at every stage of the criminal process. This information should be provided to the bond-hearing judge.

¹⁷⁵ Pursuant to Administrative Order number 03-15 the Self Help Divorce Clinic is part of UFC. Pro se petitioners use the services of Supreme Court approved Family Division forms, and various legal clinics to help them through the court process. Proceeds from the Self Help Divorce Clinic now approach \$450,000 per year which might help to defray the cost of expansion.

MONITORING AND TREATMENT

Most DV misdemeanants are sent to a treatment program and are monitored by the Advocate Program. The Advocate Program also monitors DV felony diversion cases but not State probation cases. Felony cases were not included in the DV Court. All indigent batterers are sent to the DIP. On average of 55% of all batterers referred to a treatment program are sent to DIP. These offenders pay \$5.00 for each session. All non-indigent batterers are sent to private providers. Fees are applied on a sliding scale and average about \$30.00 per session.

The programs in Miami-Dade are based upon a 26-session power and control psycho-educational approach. The purpose of a BIP is to hold the batterer accountable, challenge the offender's beliefs, and teach new skills that will facilitate changes in behavior.¹⁷⁶

Monitoring and Treatment Concerns

There were several concerns voiced regarding monitoring and treatment. They were:

- **Lack of program completion by offenders**
 - **Lack of consistent system sanctions and accountability for offenders who fail to complete treatment programs**
 - **Lack of specific levels of supervision tailored to offender's criminal history and the presence of risk factors**
 - **All treatment programs are similar despite offender's criminal history and the presence of risk factors**
 - **Lack of reliable data on re-arrest**
 - **Lack of continuity of victim services post adjudication**
 - **Lack of evaluation for local batterer's intervention programs**
 - **Majority of batterers are sent to indigent treatment programs**
-

1. Lack of Program Completion by Offenders.

Completion means that the offender complied with all the conditions of diversion, probation and/or IFP. Typically, this includes: intake, assessment, participation in a certified BIP, [or anger control if the IFP did not involve an intimate or dating relationship] substance abuse treatment, parenting education/training, if ordered, and payment of all fees. In the target year, 77% of probation and 65% of IFP offenders did not complete their program. Diversion clients had the highest completion rate. Only Thirty-four percent of diversion cases failed to complete their program.

¹⁷⁶ Department of Children and Families, Office of Family Safety, Certification Procedures and Minimum Standards for Assessors and Batterers Intervention Programs, January 2000.

There may be many reasons why offenders fail to complete their programs. The program may not be appropriate or the offender may perceive that there are few consequences for non-compliance. This is a complex issue and the reasons for lack of success are equally complex.

2. Lack of Consistent System Sanctions and Accountability for Offenders Who Fail To Complete Treatment Programs.

Many offenders do not comply with the conditions of monitoring and treatment. When this occurs the Advocate Program and the State Attorney's Office brings the offender back to court. At times, offenders are re-enrolled and given a second chance to complete the conditions of the program. On occasion, offenders are re-enrolled more than once. In civil cases, if the offender does not appear at the hearing on the violation, the Court will issue an arrest warrant. In probation cases, most violators are sent to jail. Recently, the Court entered into an agreement with the State Attorney's office to prosecute offenders for indirect criminal contempt for repeated violations of the court's orders.

The reasons and situations for re-enrollments are diverse and complex. However, these re-enrollments can be frustrating for judges, system partners and treatment providers. The overriding concern in these cases, even given the various circumstances, should be the accountability of the offender. Since these re-enrollments occur in open court, in the presence of other offenders, decision makers should be mindful of the effect of multiple enrollments on other offenders' attitude and future behavior.

a. Many reasons are cited for re-enrollment.

Diversion: In diversion cases, re-enrollment may be the only option because the victim and witnesses are no longer willing to testify and there is no corroborating evidence in the case. The diversion agreement is not a court order, so civil and indirect contempt are not options, the prosecution must choose between filing a new case without evidence or re-enrolling the defendant.¹⁷⁷

Probation: Pursuant to Florida law, the judge cannot sentence a probationer for violation of the treatment terms of probation if the offender still has time to complete the treatment. In these cases, the judge must re-enroll the defendant in the program. The current probation order states that the probationer that he/she has one chance to complete the treatment program. This language was developed to short circuit this issue.

Injunctions: Courts typically use civil contempt for failure to comply with a treatment orders. Civil contempt works well when the court wants to coerce a respondent to obey its orders. In these cases, the Court may impose a fine or jail the respondent until he agrees to obey the terms of the court's order.

¹⁷⁷ The Chief of the DV Division of the State Attorney's Office is new in this position. He has adopted a tough policy on re-enrollments. Therefore re-enrollments in diversion cases should show a downward trend in 2003.

However, civil contempt does not work well when the respondent flaunts the authority of the court by refusing to obey an order or disobeys the court's order more than once. In these cases indirect criminal contempt may be the best choice. Indirect criminal contempt however, requires all the due process protection of any criminal trial including a prosecutor and criminal defense attorney.

b. Characteristics of typical treatment violations.

Neither the State nor the Court can punish an offender for failure to pay fees or failure to participate in treatment unless there is a finding that the offender's conduct was willful by a preponderance of evidence.

Fees: When the conduct is failure to pay fees, the monitoring agency must be able to provide the State Attorney's Office, or the Court, in Injunction cases, with proof that the offender had the ability to pay but willfully failed to do so. The Advocate Program does not always have this proof to provide to the Court.

Attendance: When the conduct is failure to attend an intake interview, assessment interview or treatment sessions, the Advocate Program, as custodian of records, testifies to the offender's lack of attendance.

Participation in Treatment Program: However, when the conduct is failure to participate in treatment or improper conduct in a treatment session, only the therapist, not the Advocate Program, can testify as to the offender's conduct. Private providers are reluctant to come to court unless their cases are heard on a priority basis.¹⁷⁸

c. Failure to pay fees limits resources necessary to provide effective monitoring, treatment, case-management and victim follow-up.

When offenders refuse to pay fees and are not held accountable, the resulting shortfall in revenue impacts monitoring, case management and treatment providers. Proof of financial ability to pay is often measured by the assurances of the offender rather than cold hard documented proof. Offenders have no incentive to tell the truth about their resources. If they convince the Advocate Program that they are indigent, they are sent to DIP where the fee for a session is \$5.00. If they are not indigent, they are sent to private providers where the fee for a session is at least \$20.00 and can be more.¹⁷⁹ In addition, offenders quickly learn that failure to pay fees is not a bar to completion. As noted above, unless there is proof of willful violation neither the Court nor the State Attorney's Office can punish for failure to pay fees.

3. Lack of Specific Levels of Supervision Tailored to Offender's Criminal History and the Presence of Risk Factors.

¹⁷⁸ This is much more of an issue for private providers than for DIP which reports that they frequently come to court to testify.

¹⁷⁹ In our target year, approximately 55% of all offenders referred to a BIP were sent to DIP.

The rate of completion for DV batterers in all categories is low. This reality would seem to warrant more intensive monitoring for all cases, but especially for the probation and Injunction cases, which have the lowest completion rate. All offenders are given an assessment prior to referral. However the result of the assessment does not change either the level of monitoring or the choice of treatment program.

In general the Advocate Program relies on the treatment program to tell them whether the offender is complying with treatment. There does not seem to be an active monitoring component separate from the monitoring function of the treatment provider.

In addition, as noted above, no criminal history check is done outside of the County so dangerous offenders may go unnoticed.

4. All Treatment Programs Are Similar Despite Offender's Criminal History and the Presence of Risk Factors.

The state has codified *minimum standards* for batterer's treatment programs. In Florida this minimum has become the ceiling and not the floor. Programs typically run for 26 sessions with one session per week. Clients with risk factors such as prior arrest for violent crimes attend the same program as diversion clients who have never had a history of violence

The reasons for failure to complete in criminal cases may begin before the defendant is referred. The State Attorney's Office has very little information regarding the defendant before he is sent to a treatment program. In criminal cases, the criminal history check is limited to the County's Criminal Justice Information System [CJIS].¹⁸⁰ In addition, even CJIS will not have a history of prior DV cases where the State Attorney has filed a nolle prosequi and the defendant has had the record expunged.

In addition, the risk assessment, which is conducted by the Advocate Program, is done *after* the diversion or probation decision is made. If the assessment warrants, offenders are also required to complete substance abuse or mental health treatment. Judges also order batterers to parenting education classes if they have children. All batterer's treatment providers, with the exception of DIP have programs, which combine batterers' intervention and substance abuse, but no programs include parenting for those batterers with children.¹⁸¹ Although many stakeholders are in favor of targeted or tailored monitoring and treatment programs, the Public Defender's Office has consistently opposed different levels of treatment and monitoring based on the level of lethality until examples of proven interventions are presented.

¹⁸⁰ The State Attorney's Office recounted one case in which a defendant was placed on diversion. The defendant had been in prison in Colorado for attempted murder but this record was not found. The defendant later killed the victim.

¹⁸¹ Private providers have combined substance abuse/batterers treatment programs for dually diagnosed offenders. DIP does not have combined substance abuse and BIPs. They refer these clients to separate substance abuse programs and they monitor compliance. The Advocate Program provides parenting classes to those offenders referred directly by the judges. Judges do not consistently refer batterers with children to the Advocate Program's parenting classes.

There have been numerous evaluations, which try to discern the effectiveness of batterer intervention programs. Few have been experimental models that include control groups because these are difficult to design and implement.¹⁸² Most are quasi-experimental or non-experimental. Edward W. Gondolf conducted one of the most extensive and best-known non-experimental evaluations of BIPs.¹⁸³ The Study compared four programs of different lengths, formats, and linkages in four cities¹⁸⁴. All sites utilized a gender-based, cognitive-behavioral model. The initial 15-month study involved 840 batterers and their female partners. Researchers were able to stay in contact with approximately 66% of the batterers and victims over time. The Study looked at success or failure rate and trends of violence over time with particular emphasis on re-assaults. The 15-month study and data collected was ultimately extended over a four-year period.

The bottom line of the Study was that the system matters, that is, program outcomes appear to be substantially influenced by how well the police, the courts, probation, women's services and other community services work together. The success of batterer programs may rely as much on community involvement as program design.¹⁸⁵ The most substantial predictors of re-assault were: drunkenness during the follow-up and the women's perception of safety indicating the need for ongoing monitoring and case management after intake. The major findings and recommendations of the Study are set forth in Appendix D.

In another study by Jacquelyn Campbell, Ph.D., R.N., professor at The Johns Hopkins University School of Nursing, identified and interviewed family members and acquaintances of 220 intimate partner "femicide" victims in U.S. cities, along with 343 women who reported physical abuse during the same period. The relatives and acquaintances interviewed were people knowledgeable about the murder victims' relationships with their partners. The interviews used an instrument created by Campbell called the Danger Assessment and included questions about the victim and the perpetrator, characteristics of the relationship, and details about the abuse, including the type, frequency and severity of violence.

Results of the Study show that the abuser's lack of a job is the strongest social risk factor, increasing the risk of femicide fourfold. The abuser's access to a firearm increased the risk to more than five times. Threats to kill her and threats with a weapon also were strongly associated with femicide after taking the other factors into account. The most

¹⁸² Bennett, L & Williams, O. (2001) Controversies and Recent Studies of Batterer Intervention Program Effectiveness http://www.vawnet.org/VNL/library/general/AR_bip.html (review of 4 experimental evaluations of batterer intervention programs and bibliography)

¹⁸³ Edward W. Gondolf, *Batterer Intervention Systems Issues, Outcomes, and Recommendations*, Sage Series on Violence Against Women (2002) [This book includes a bibliography of more than 40 articles Gondolf and other authors on the issue as well a comprehensive summary of the seven year study.]

¹⁸⁴ The four sites includes (1) a pre-trial, three-month didactic program with court liaisons [Pittsburgh]; a post conviction, three month, process program with women's services [Dallas]; (3) a post conviction, five-month, didactic program associated with a legal advocacy program for victims [Houston]; and (4) a post-conviction, nine month, process program with complementary services including substance abuser treatment, individual mental health counseling, and women's services coordinators [Denver]. See Table 7.1 Outcomes for Four Batterer Intervention Systems at 15-Month Follow-up. Gondolf at 153

¹⁸⁵ Gondolf at 23

common relationship factors that independently increased risk included a home with a stepchild of the abuser, an abuser's highly controlling behavior and separation. The combination of controlling behavior and separation made femicide five times more likely.¹⁸⁶

In addition, to issues with regard to the design of BIP programs, some treatment options are totally lacking. For example, there are no DV programs for offenders who are incarcerated and no after care programs in the community. There are no batterer treatment programs tailored for juvenile offenders. Few programs adequately address the mental health needs of the perpetrator. Mental health referrals and referrals to monitor medication are impossible to supervise.

5. Lack of Reliable Data on Re-Arrest.

The Advocate Program's computers systems do not capture re-arrest data. The Program can provide certain demographic data, enrollments and re-enrollments in all categories as well as dispositions. However, there is no easy way to consistently determine whether a new case is a re-assault on the same or another victim.

6. Lack of Continuity of Victim Services Post Adjudication.

The monitoring agency and the treatment programs have procedures in place that require victim contact to assess risk and offer support services and referrals. However effective January 1, 2004 they will no longer contact the victim to offer services because of the apparent conflict of interest that stems from also treating the batterer.¹⁸⁷ New procedures will be necessary so that the victim continues to obtain support while the batterer is in treatment.¹⁸⁸ There is currently no formal system to exchange information or provide continuity of services for victims in these cases especially if the violence escalates.¹⁸⁹

7. Lack of Evaluation for all Local BIPs.

DIP conducted an evaluation of 334 offenders attending DIP during 1997 and found that one year after they completed their program, 20% had been re-arrested for DV. The most significant outcome of a subgroup of 105 offenders was that program absenteeism was the most significant factor associated with recidivism. Private providers have not done similar evaluations. However, DIP cases have numerous variables not present in non-DIP cases; therefore their statistics should not be applied across the board to all cases.

8. Majority of Batterers Are Sent to Indigent Treatment Programs

¹⁸⁶ American Journal of Public Health. Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study. Jacquelyn Campbell PhD, RN, FAAN.[For more information contact Dr. Jacqueline Campbell, Johns Hopkins University of Nursing]

¹⁸⁷ See note 19 supra.

¹⁸⁸ See note 19 supra.

¹⁸⁹ See note 19 supra.

Many clients assert that they do not have a job and no real source income. Once these individuals are referred to DIP, oftentimes DIP counselors observe that the offender is not indigent. The Advocate Program is responsible for screening; however the system in place does not seem to identify those who are not truthful about their financial status.

Over the past three years, DIP has, on average, seen 50% - 60% of all batterers sent to treatment. In 2002, DIP conducted approximately 1,529 intakes. These included 400 women, many of whom were referred from the Juvenile Dependency Court, and 1,075 DV offenders referred by DV Court. DIP also provided services for the victims of the batterers and provided treatment for approximately 700 carry over cases referred in 2001.

In the same year, six private certified BIPs saw the remaining 695 cases. They averaged approximately 115 cases each per year. The private providers complain that they do not receive enough referrals from the DV Court to treat indigent batterers so they consistently send indigent clients back to the Advocate Program who in turn sends them to DIP.

The County allocates approximately 1.6 million dollars each year to fund DIP. Offenders pay \$5.00 a session and the County subsidizes the remaining cost. Approximately 62% of batterers referred to DIP complete their treatment program.¹⁹⁰

Batterers' services and treatment are essential to break the cycle of violence. DIPs services are excellent. They also seem to be effective in the treatment of batterers. However, in most communities batterers pay for their own treatment. It is considered part of the therapeutic process.¹⁹¹ Some communities subsidize the private providers for indigent or near indigent clients.¹⁹² In these communities the private providers must see indigent clients. The design works because the private providers receive all of the referrals. If they want the referrals they need to take the indigent clients along with the private pay or insurance clients.

Monitoring and Treatment Recommendations

Partners recommended:

- **Improve system responsiveness and accountability when offenders re-assault victims or do not comply with conditions of treatment**
- **Tailor monitoring and treatment programs to accommodate differences in the offender's criminal history and proven risk factors**
- **Develop baseline data on re-arrest**

¹⁹⁰ In 2002, DIP had 1,550 intakes [1,075 were batterers referred by the Advocate Program], 700 carry over cases from the previous year and 800 victims of batterers in treatment.

¹⁹¹ Gondolf's Multi-Site Evaluation found that the average cost treatment in the four sites was \$20.00 per session and that the offender paid half of this amount. The Spring in Tampa, FL is one example of a Shelter based batterers' intervention program. The Spring program costs \$20.00 per session; at least half is paid by the batterer the remainder is funded by government.

¹⁹² There is some fear that batterers could not afford to pay the private providers because Miami is the poorest large city in the U.S.

- **Restructure treatment and monitoring programs to better reflect findings of national evaluations**
 - **Improve victim safety through ongoing victim contact over time, safety planning, advocacy and service referral**
 - **Evaluate how to best allocate County DV dollars**
-

1. Improve System Responsiveness and Accountability When Offenders Re-Assault Victims Or Do Not Comply With Conditions Of Treatment:

a. Refrain from treatment only sentence for offenders with a violent criminal history.

The State Attorney’s Office should refrain from offering a treatment only option for offenders with a violent criminal history, prior protection orders against the victim or any other victim or re-assault of the victim.¹⁹³ Victims are at increased risk from offenders who believe that the system will not punish escalations in violence.¹⁹⁴

b. Minimize re-enrollments through prompt decisive system response.

The following may improve response:

- Minimize re-enrollments through swift and decisive action by the Court, the prosecution and the monitoring agency.
- Improve compliance with Intake requirements by situating an Advocate Program Intake Office in the Courthouse, perhaps at the Public Defender’s Office.¹⁹⁵ The offender should be ordered to go to Intake before he leaves the Courthouse.¹⁹⁶
- Improve compliance with conditions of Court orders by adding strict time limits for the completion of treatment provisions. With such modifications the Court could punish violations immediately, at the time of the violation. This same technique could be used for probation, injunction and diversion cases.¹⁹⁷
- Consider the use of indirect criminal contempt for repeat violations of Injunctions.
- Consider the use of Court orders in diversion cases. In these cases, the State Attorney’s Office should be obligated to prosecute indirect criminal contempt for the Court in the event of violation.
- Re-examine the use and effectiveness of Civil Contempt. Consider putting the option of graduated sanctions into the initial Injunction orders to put the offender on notice that failure to comply will invoke increased sanctions.

¹⁹³ Violent criminal history should include both DV and non-DV Violence.

¹⁹⁴ It should be noted that very few offenders are sent to prison for DV. For example, in misdemeanor cases 217 defendants went to jail as a result of DV. 74% served 1-7 months, 18% served 7-12 months. See Statistical Charts in Appendix B [Charts 12, 13]

¹⁹⁵ 42% of respondents in Injunction Cases, 26% of defendants on probation, 13% of defendants placed on diversion were revoked by the program for failure to report to the program.

¹⁹⁶ Ideally, Injunction cases could be ordered to Intake after the IFP hearing, diversion cases immediately after bond hearing, and probation cases, immediately after sentencing.

¹⁹⁷ For example, Court orders could be structures to mandate completion of a specific number of BIP classes per month.

- The State Attorney's Office and the Public Defender's Office's office should endeavor to be ready when their cases are called in order to speed the calendar.
- Private providers should be available to testify in court in cases where the offender is not participating in treatment. Therefore the Court should structure its calendar so that providers are given priority. This will encourage the providers to participate. This will make it possible for the State to prosecute defendants for such violations.¹⁹⁸

2. Tailor Monitoring and Treatment Programs to Accommodate Differences in the Offender's Criminal History and Proven Risk Factors.

a. Enhance case management of DV offenders.

The Advocate Program should enhance case management and supervision of DV cases by:

- Establishing a close supervision program for offenders. This program should include at minimum monthly face-to-face supervision sessions. For high-risk cases, contact should be more frequent. Selection for this program should be influenced by the presence of risk markers shown to predict future violence such as: a violent criminal history, a history of and ongoing drunkenness, and the victim's perception of the likelihood of future assault¹⁹⁹
- Reduce caseloads of case managers
- Maintain ongoing risk management, i.e. is he taking medication, not drinking heavily etc²⁰⁰
- Assist with jobs placement and other social services to help the batterer better integrate into his community²⁰¹
- Increase supervision over offenders who violate treatment conditions
- Coordinate with DV Centers with regard to victim contact and support in the event that the offender drops out of treatment

b. Improve fee collection and offender's ability to pay fees to increase program sustainability.

Programs need sustained funding to expand case management services. In 2002 the Advocate program had an overall fee collection rate for supervision of 63%. The

¹⁹⁸ This change would avoid hearsay. The Advocate Program could continue to testify as the custodian of records in cases where the offender does not go to treatment but only the provider can testify that an offender is not compliant while in the treatment program. This solution was tried in the past. However providers were disenchanted with the system because they had to spend hours in the courthouse before their case was called. Since providers are not paid for this time and they typically have small offices and no support staff, this proved to be an impossible option for them.

¹⁹⁹ Gandolf at 176; J. Campbell, note 186 supra.

²⁰⁰ Most re-offense occurs early, usually within six months of initial program intake. Gondolf at 201. Assessment and accountability must be ongoing, not something that is done only at program intake and follow-up. Ongoing assessments should include both battering and substance abuse. Williams, O and Bennett, L at 10.

²⁰¹ J. Campbell, note 186 supra.

monitoring agency and the private providers operate solely on user fees. Reduced revenue impacts the level of case management including victim services. Accordingly:

- The monitoring agency should carefully document the offender’s income. This documentation should be sufficient to prove to the prosecutor and the Court that the perpetrator had the ability to pay fees at Intake. Such evidence is necessary to show willful non-compliance in the face of a claim of inability to pay fees
- The State Attorney’s Office should require employment from every defendant on probation or sent to diversion²⁰²
- The Court should require the respondent to seek employment in all Injunction Orders²⁰³

3. Develop Baseline Data on Re-Arrest

Re-arrest data and information regarding the victim’s perception of her own safety is essential in order to determine whether programs are effective over time. The Advocate Program should endeavor to develop and maintain this data collection capability.

4. Restructure Treatment and Monitoring Programs To Better Reflect Findings Of National Evaluations.

a. Reconvene treatment committee.

For a period of time, the Advocate Program, Public Defenders Office, the Court and the BIP providers routinely met to explore various issues confronting BIP providers including the effectiveness of various treatment models. The offender treatment committee has not met for some time. In the light of existing research, system partners should re-convene this committee. However, it is suggested that victim advocates be added to its membership. This committee should eventually be part of a DV/SA Council.

b. Review research and evaluations.

The Committee should review the leading research and evaluations, and make recommendations which include all of the issues raised by stakeholders including:

- Whether some program approaches are more suitable than others for some batterers²⁰⁴

²⁰² Feder, L. and Forde, D.R. (2000) A test of the efficacy of court mandated counseling for DV offenders: The Broward experiment, The National Institute of Justice. “Stake in Conformity” theory holds that men most likely to re-offend are those who have the least to lose as measured by education, marital status, home ownership, employment, income, and length of residency.

²⁰³ J. Campbell at note 186 supra.

²⁰⁴ Saunders, D.G (1996) *Feminist-cognitive behavioral and process-psychodynamic group treatments for men who batter: Interaction of abuser traits and treatment*. *Violence & Victims*, 11, 393-414 (A clinical trial of batterer counseling approaches [N =218] found that men with antisocial diagnoses were less likely to re-assault their partners if they completed a gender based, cognitive-behavioral group.)

- Whether the existing program length and structure should be altered to address the fact that high drop out rates and re-abuse occur early in treatment
- The degree in which existing batterer programs address cultural difference among participants²⁰⁵
- Programming for offenders with multiple need
- Multiple social service options and referrals for batterers including job placement²⁰⁶

c. Develop programs and program standards for non-addressed populations.

Programs do not address the needs of some population. Therefore the community should:

- Develop programs for Juvenile offenders
- Develop criteria and standards for SA treatment providers
- Develop additional programs/support groups and program standards for female offenders who may also be victims of DV
- Develop jail treatment programs and community after care programs
- Develop multiple diagnostic programs that deal with battering, substance abuse, mental health issues and parenting issues. Each provider should provide a matrix of programs so that they can offer programs more tailored to the offender's individual needs

In addition there is some research that suggests that certain personality types respond better to one treatment modality over another.²⁰⁷ However, at this time there does not seem to be sufficient data to support this approach.

5. Improve Victim Safety through Ongoing Victim Contact Over Time, Safety Planning, Advocacy and Service Referral.

Most researchers have been careful to point out that monitoring and treatment alone do not reduce recidivism. Batterer programs are critical elements in an overall violence prevention effort. The most effective reduction in partner violence will occur in communities with the strongest combination of coordinated elements, most importantly:

²⁰⁵ Gondolf, E.W. and Williams, O.J. (2001) Culturally-focused batterer counseling for African American Men (paper submitted for publication) In the Pittsburgh setting of the Multi-site study, Gondolf and Williams report that only 52% of the African-American men in the batterer program completed the program, compared to 82% of the white men. African-American men in the Pittsburgh program were twice as likely as whites to be re-arrested (13% v. 5%), but were less likely to re-offend as reported by their partners (32% v. 39%) as reported by Bennett, L. and Williams, O. p 11.

²⁰⁶ J. Campbell at 191 supra. (Results of the study show that the abuser's lack of a job is the strongest social risk factor, increasing the risk of Femicide fourfold).

²⁰⁷ Gondolf at 177-178. A clinical trial of batterer counseling approaches [N =218] found that men with antisocial diagnoses were less likely to re-assault their partners if they completed a gender based, cognitive-behavioral group [Saunders, 1996] Men with dependent diagnosis had better outcomes if they participated in a process psychodynamic group. The "diagnoses were based on scores from the MCMI. The implication is that the "one size fits all" approach of many batterer programs is inappropriate and may be counter productive [Geffner, 1995]

arrest, prosecution, probation, victim services and BIPs. Therefore the County should do more to coordinate and enhance these efforts.²⁰⁸

The position of researchers has been echoed by victim advocates who have long counseled that the victim is in the best position to recognize the escalation of threats, to take preventive action and to alert the system of increased danger. It is important therefore for the monitoring agency and the treatment providers to link the victim with DV Centers or other service providers to enhance the victim's safety should the violence escalate.²⁰⁹

Collaborations with the DV centers, Safespace, DVIU and advocacy service providers should be solidified and funded to strengthen the victim's support network and to develop a more comprehensive safety net for victims.²¹⁰

6. Evaluate Policies With Regard To The Treatment Of Indigent Batterers.

Evidence suggests that some of the offenders currently sent to DIP are not indigent but rather they have learned to navigate the system and avoid payment. There does not seem to be any way to totally stop this problem. Some tightening can occur by requiring more stringent proof of indigent status. However, even if this can be done, it seems evident that the private providers may be in a better position to manage the cost of this treatment. The County should examine this theory.

As part of its analysis, the County should consider:

- If DIP is providing services to batterers who are not actually indigent
- If it is possible to effectively screen offenders prior to sending them to a private treatment program especially when the batterer has a tremendous incentive to hide income (DIP \$5.00/Private Provider \$20.00-\$60.00)
- Would it be more cost effective to privatize these services and to subsidize the private providers?
- Would the DIP staff be better utilized for high-risk offenders and victims and children with unmet mental health needs?

There are so many service gaps for victims and their children such as the lack of sufficient low cost trauma and mental health treatment and substance abuse treatment. There are no treatment programs for high-risk offenders in need of individual counseling. Mental health services are expensive. Most victims and few batterers can afford them.

²⁰⁸ Bennett, L and Williams, O. at p. 10.

²⁰⁹ Gondolf at 170-171 ("Target Hardening" refers to the increased awareness, support and protection given to potential victims. A potential victim should be made aware of certain warning signs so in order to take preventive action); Heckert & Gondolf ('02; in press) N= 499 –DA-66% sensitivity but 33% false positives – Women's perception of risk PLUS DA best model (Over SARA & K-SID) but women's perception of risk by itself not quite as good as DA.

²¹⁰ In some communities the DV Center is the principal batterer treatment provider. In these models, the DV Shelter retains fees paid by the batterer to enhance victim services. One such model is the Spring in Tampa, FL. In Miami DIP charges \$5.00 per session, this money goes to the County.

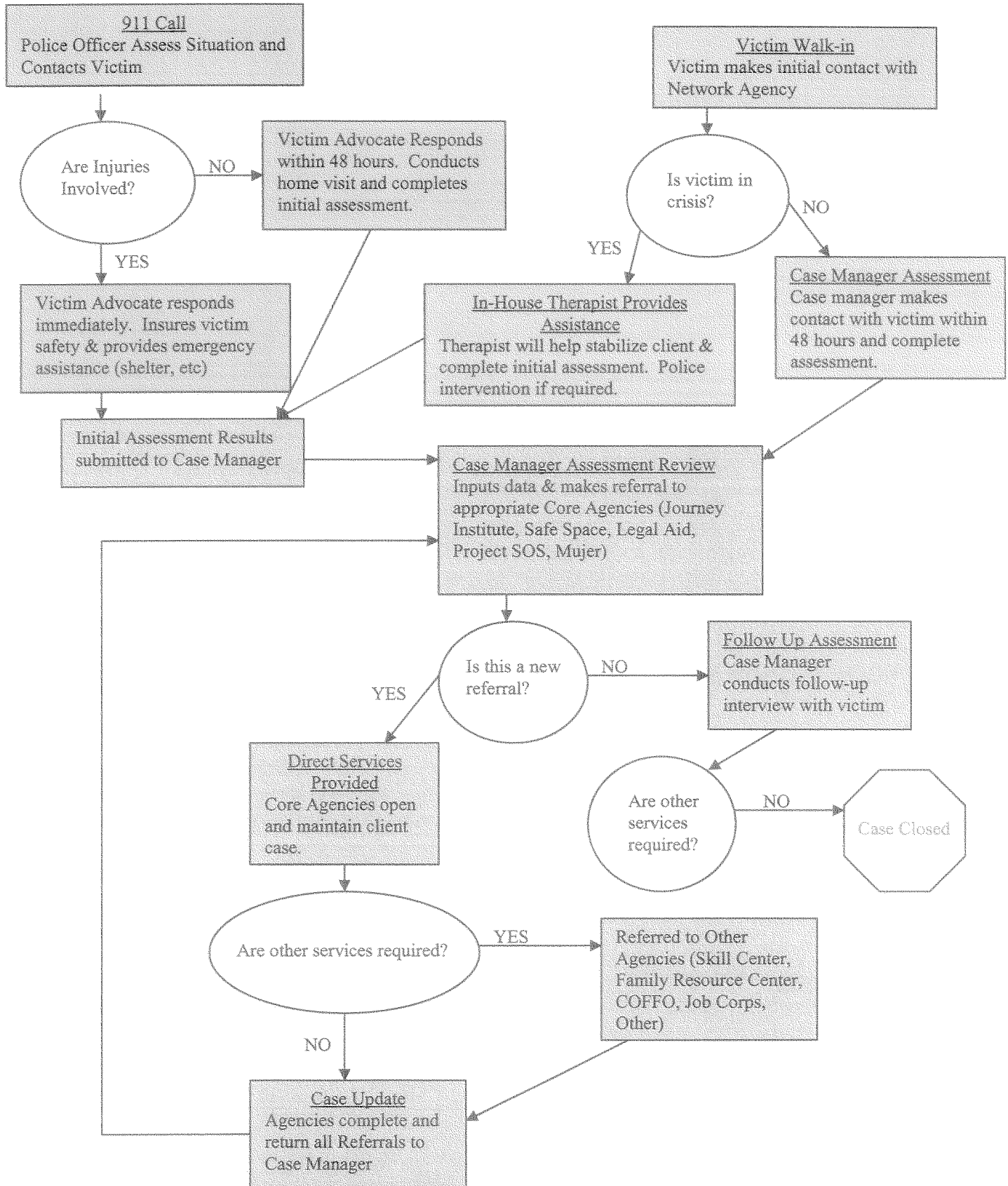
The issues of privatization addressed in this and the “Advocacy” section above must be evaluated so that all available resources are allocated in a manner that best serves victims and provides the greatest opportunity to reduce DV. If savings seem evident, the criminal justice and community-based private providers should have some input regarding utilization of these funds.

Appendix A

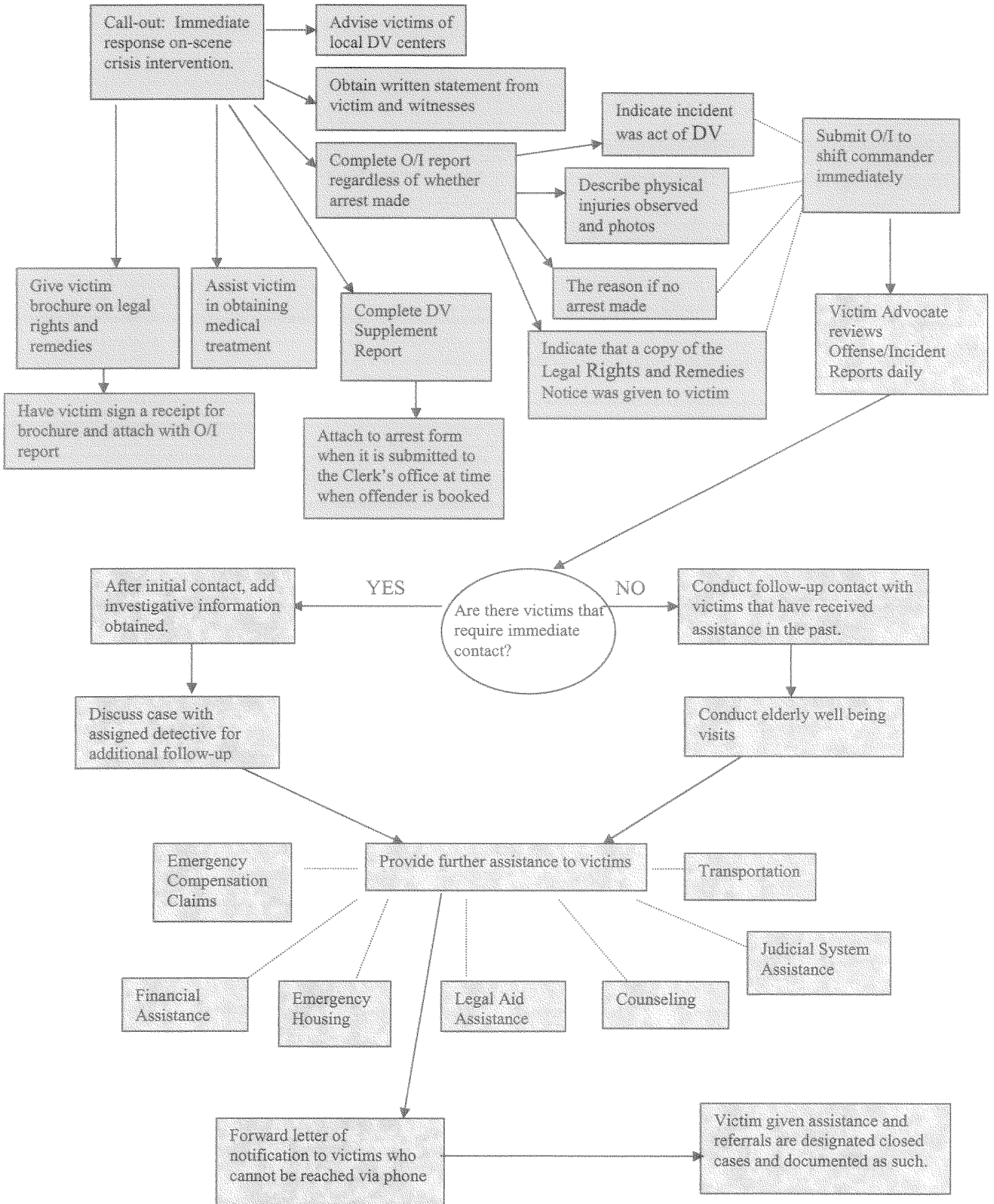
System Flowcharts

Appendix A

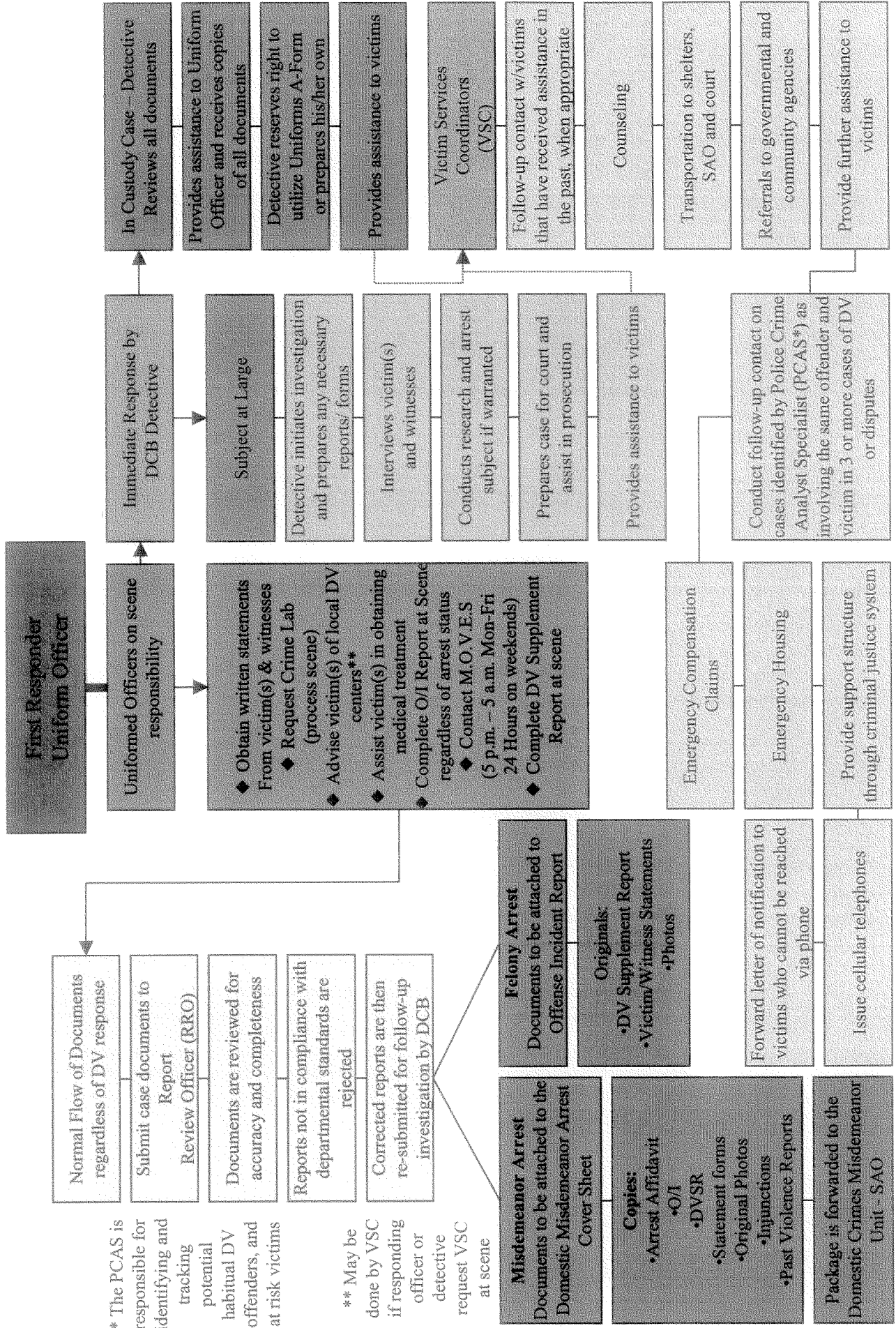
ADVOCACY MODEL: MUJER ONE STOP CENTER RESPONSE



POLICE: Coral Gables Police Department DV Response



Police: Miami-Dade Police Department DV Response

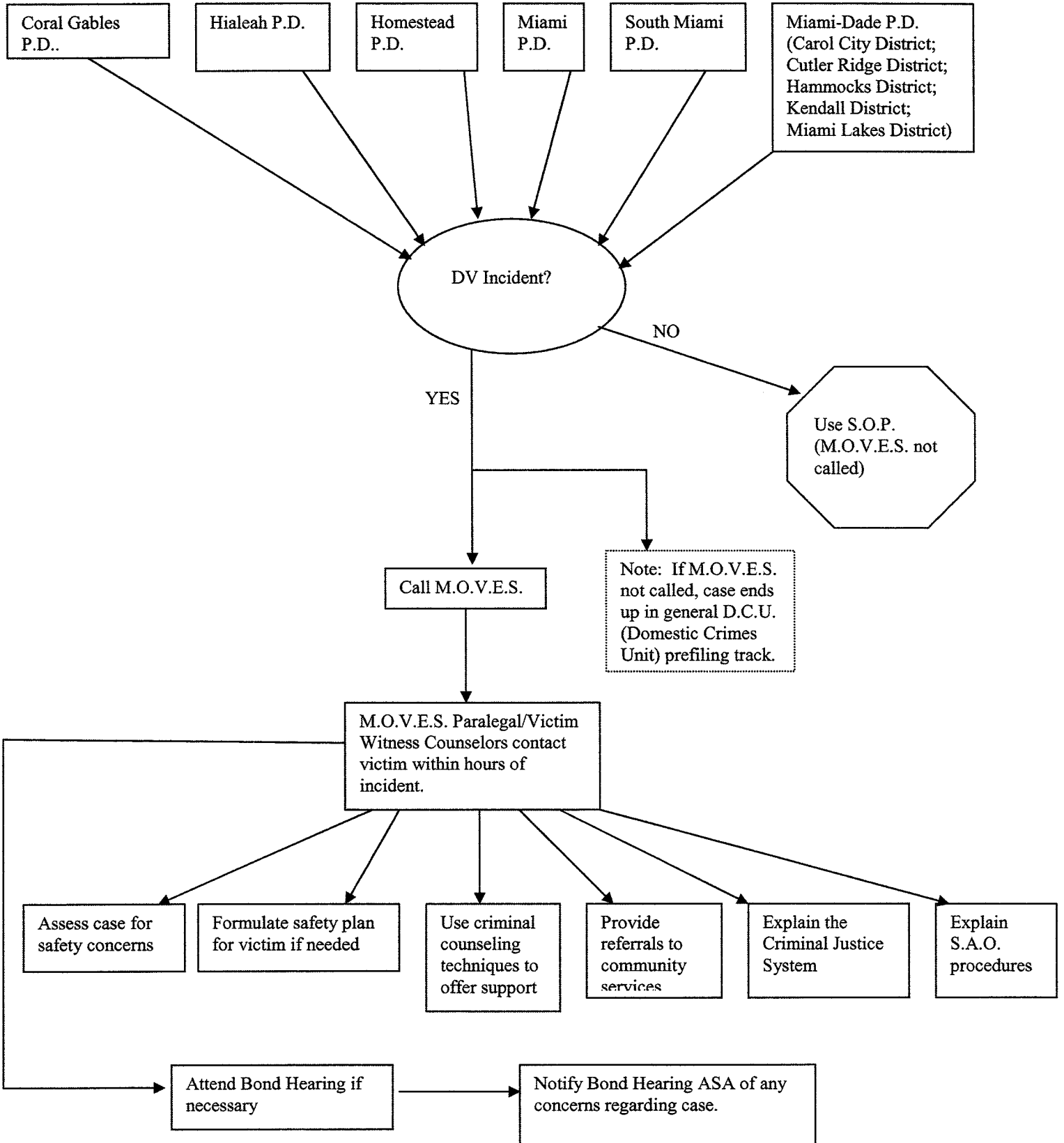


* The PCAS is responsible for identifying and tracking potential habitual DV offenders, and at risk victims

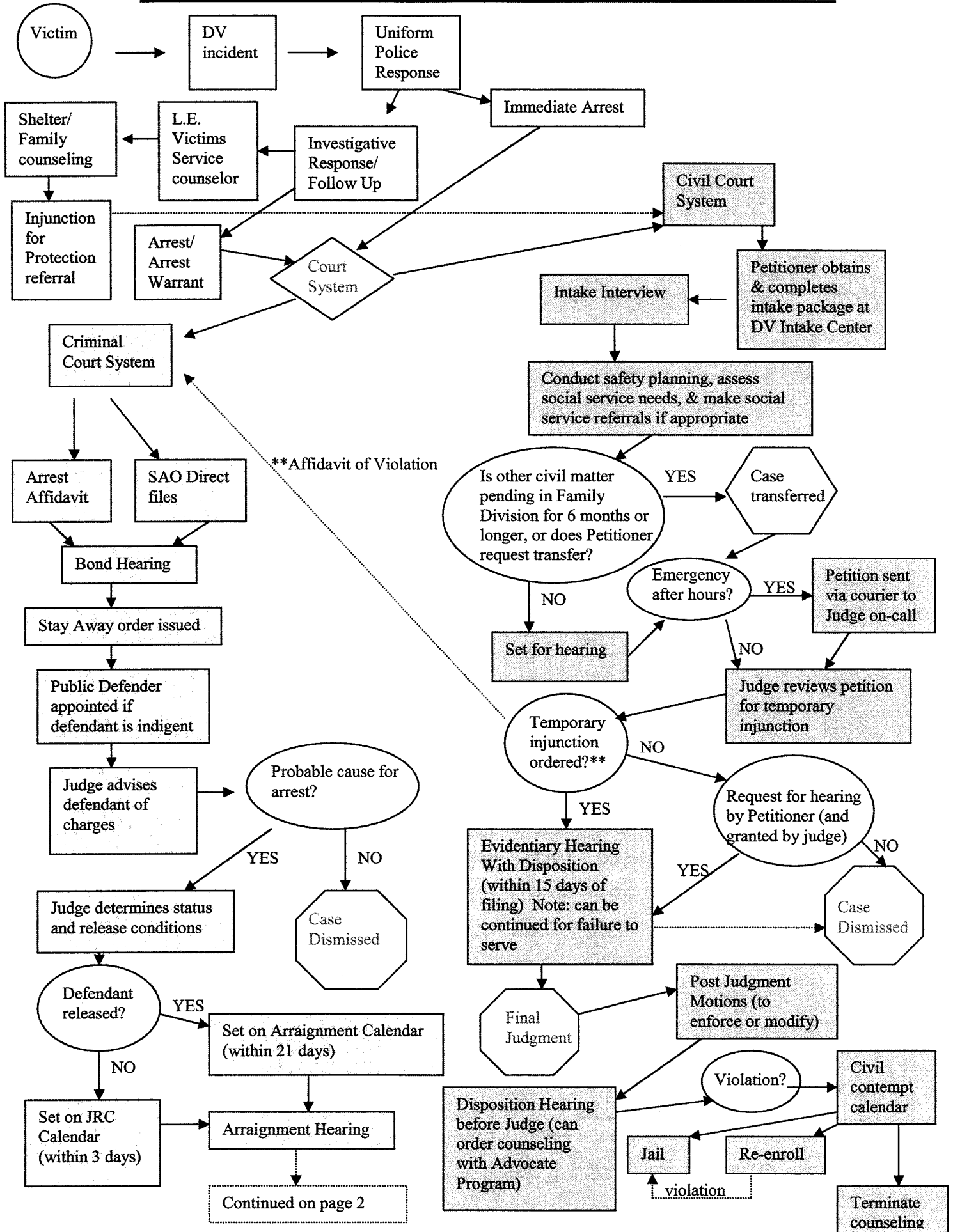
** May be done by VSC if responding officer or detective request VSC at scene

PROSECUTION

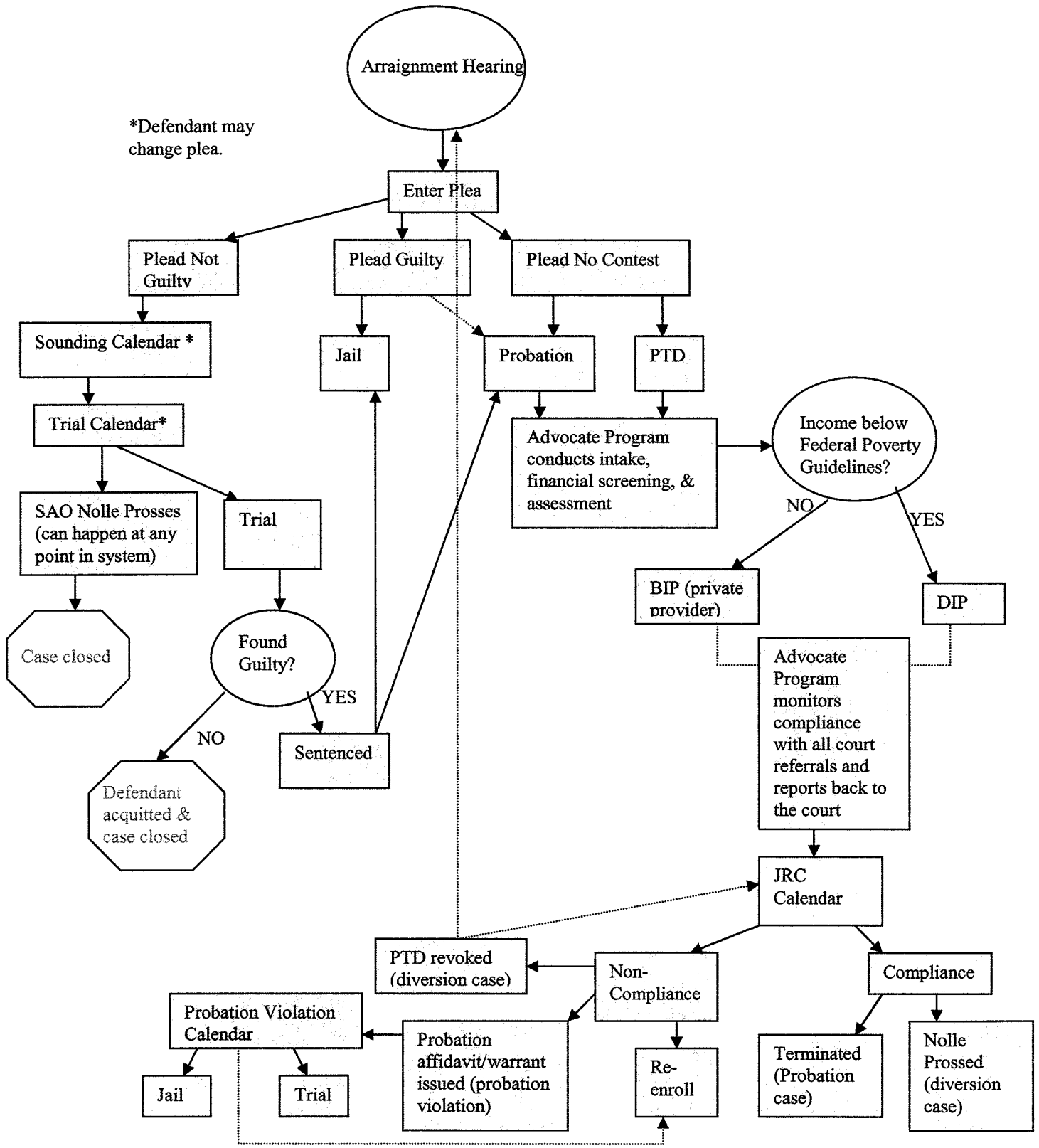
STATE ATTORNEY'S OFFICE /M.O.V.E.S. RESPONSE



DV COURT SYSTEM: DV MISDEMEANOR AND INJUNCTION PROCESS



DV COURT SYSTEM: DV MISDEMEANOR COURT PROCESS CONTINUED



BATTERERS' INTERVENTION PROGRAM (BIP) ASSESSMENT & REFERRAL PROCESS

JUDGE ISSUES COURT ORDER



ADVOCATE PROGRAM
conducts intake and financial screening



<p style="text-align: center;">income <u>below</u> Federal Poverty Guidelines defendant/respondent is referred to DOMESTIC INTERVENTION PROGRAM (DIP) and income <u>slightly above</u> Federal Poverty Guidelines [1 Family Unit Size greater] defendant/respondent is referred to ADVOCATE PROGRAM [both are <i>certified</i> assessors & programs] for <u>assessment</u> and <u>treatment</u></p> <ul style="list-style-type: none"> ■ Defendant/respondent must pay intake/monitoring costs to Advocate Program as follows: <table style="margin-left: 20px; border: none;"> <tr><td>Civil Injunction Cases</td><td>\$150</td></tr> <tr><td>Criminal PTD Cases</td><td>\$175/6 months</td></tr> <tr><td>Criminal Probation Cases</td><td>\$150/6 months</td></tr> </table> ■ There is no charge for assessment or treatment at DIP. ■ Costs of the Advocate Program are: <table style="margin-left: 20px; border: none;"> <tr><td>Assessment</td><td>\$20</td></tr> <tr><td>Treatment</td><td>\$5 per group</td></tr> <tr><td>DOC Fee</td><td>\$30.00</td></tr> </table> ■ The defendant/respondent must schedule the assessment appointment with DIP/Advocate within 10 days. ■ Provided "substance abuse assessment and treatment" is indicated on the court order of referral, such treatment, if found to be appropriate after assessment, may be provided in an "integrated"/concurrent treatment model. ■ Cost of substance abuse treatment is: <table style="margin-left: 20px; border: none;"> <tr><td>DIP</td><td>no charge</td></tr> <tr><td>Advocate Program</td><td>\$5 per group</td></tr> </table> ■ Mental health counseling may be provided concurrently to a BIP when identified on the court order of referral. 	Civil Injunction Cases	\$150	Criminal PTD Cases	\$175/6 months	Criminal Probation Cases	\$150/6 months	Assessment	\$20	Treatment	\$5 per group	DOC Fee	\$30.00	DIP	no charge	Advocate Program	\$5 per group	<p style="text-align: center;">income <u>above</u> Federal Poverty Guidelines [excluding cases falling into the category of "slightly above" Federal Poverty Guidelines] defendant/respondent is referred to a <i>certified</i> PRIVATE PROVIDER for <u>assessment</u> and <u>treatment</u></p> <ul style="list-style-type: none"> ■ Defendant/respondent must pay intake/monitoring costs to Advocate Program as follows: <table style="margin-left: 20px; border: none;"> <tr><td>Civil Injunction Cases</td><td>\$150</td></tr> <tr><td>Criminal PTD Cases</td><td>\$175/6 months</td></tr> <tr><td>Criminal Probation Cases</td><td>\$150/6 months</td></tr> </table> ■ Defendant/respondent chooses a certified assessor from provider list. ■ Provider list gives provider's name, group locations, times, and language availability to assist in choosing a provider which is geographically accessible, language appropriate, and which does not conflict with work schedule. ■ The defendant/respondent must schedule the assessment appointment with the provider within 10 days. ■ Provided "substance abuse assessment and treatment" is indicated on the court order of referral, such treatment, if found to be appropriate after assessment, may be provided in an "integrated"/concurrent treatment model. ■ Cost of substance abuse treatment may range from \$5 to 25 per group, based on ability to pay. ■ Mental health counseling may be provided concurrently to a BIP when identified on the court order of referral. ■ After assessment, defendant/respondent may return to the Advocate Program and choose a different provider for treatment, if desired, or may remain with same provider who conducted assessment. ■ Assessment costs may range from \$5 to \$50, based on ability to pay. ■ BIP costs may range from \$5 to \$50 per group, based on ability to pay, plus the \$30 DOC fee. ■ Providers are required to also accept indigent participants. 	Civil Injunction Cases	\$150	Criminal PTD Cases	\$175/6 months	Criminal Probation Cases	\$150/6 months
Civil Injunction Cases	\$150																						
Criminal PTD Cases	\$175/6 months																						
Criminal Probation Cases	\$150/6 months																						
Assessment	\$20																						
Treatment	\$5 per group																						
DOC Fee	\$30.00																						
DIP	no charge																						
Advocate Program	\$5 per group																						
Civil Injunction Cases	\$150																						
Criminal PTD Cases	\$175/6 months																						
Criminal Probation Cases	\$150/6 months																						



- Provider may refer back to ADVOCATE PROGRAM any cases, which after referral, should be reassigned (i.e., due to substance abuse problems, mental illness, or other impairments making defendant/respondent unable to participate in group intervention offered by provider).
- ADVOCATE PROGRAM monitors compliance with all court referrals and reports back to the court.

BATTERERS' INTERVENTION PROGRAM ASSESSMENT & REFERRAL PROCESS

JUDGE ISSUES COURT ORDER



**defendant/respondent reports to
ADVOCATE PROGRAM within 24 hours for assessment
and referral to a batterers' intervention program, if appropriate**

- at assessment, cases are screened out involving mental illness, substance abuse, or other impairments making defendant/respondent unable to participate in group intervention and are referred to appropriate agencies
- cases involving substance abuse may be referred to a batterers' intervention program in addition to a substance abuse treatment program, if appropriate



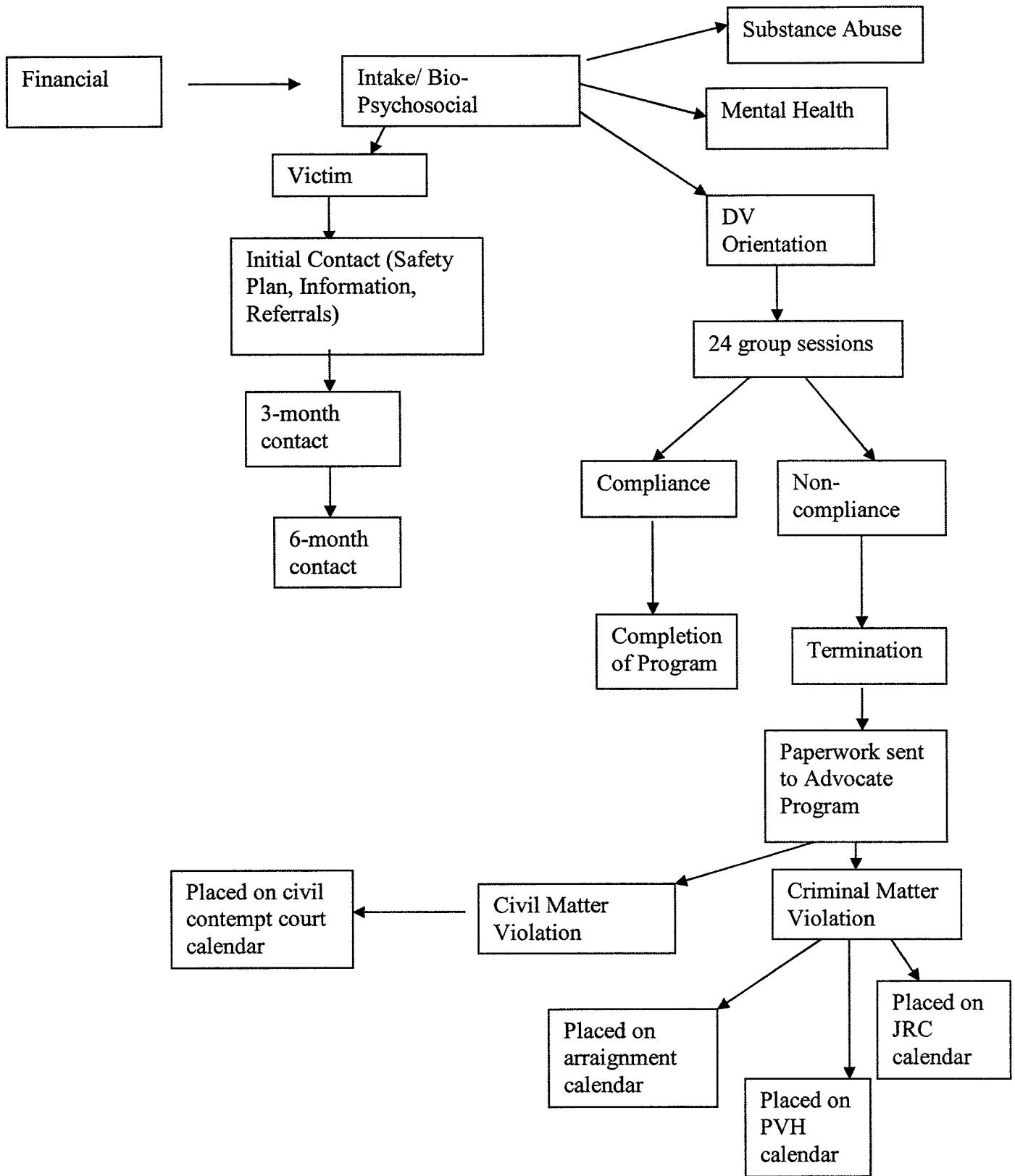
<p style="text-align: center;">income below Federal Poverty Guidelines</p> <p style="text-align: center;">defendant/respondent is referred to</p> <p style="text-align: center;">DOMESTIC INTERVENTION PROGRAM (DIP)</p> <p style="text-align: center;">or</p> <p style="text-align: center;">ADVOCATE PROGRAM</p> <ul style="list-style-type: none"> • defendant/respondent must pay \$150.00 assessment/monitoring costs to Advocate Program • there is no charge for treatment • the defendant's/respondent's first appointment is scheduled prior to the defendant/respondent leaving the Advocate Program 	<p style="text-align: center;">income above Federal Poverty Guidelines</p> <p style="text-align: center;">defendant/respondent is referred to a</p> <p style="text-align: center;">PRIVATE PROVIDER</p> <ul style="list-style-type: none"> • defendant/respondent chooses from list of approximately 10 contracted Domestic Violence Court private providers • defendant/respondent must pay \$150.00 assessment/monitoring costs to Advocate Program • groups are on a sliding fee scale • provider list gives provider's name, group locations, times, and language availability to assist in choosing a provider which is geographically accessible, language appropriate, and which does not conflict with work schedule • the defendant's/respondent's first appointment with the provider is scheduled prior to the defendant/respondent leaving the Advocate Program • all providers utilize the Duluth 26-week power and control treatment modality
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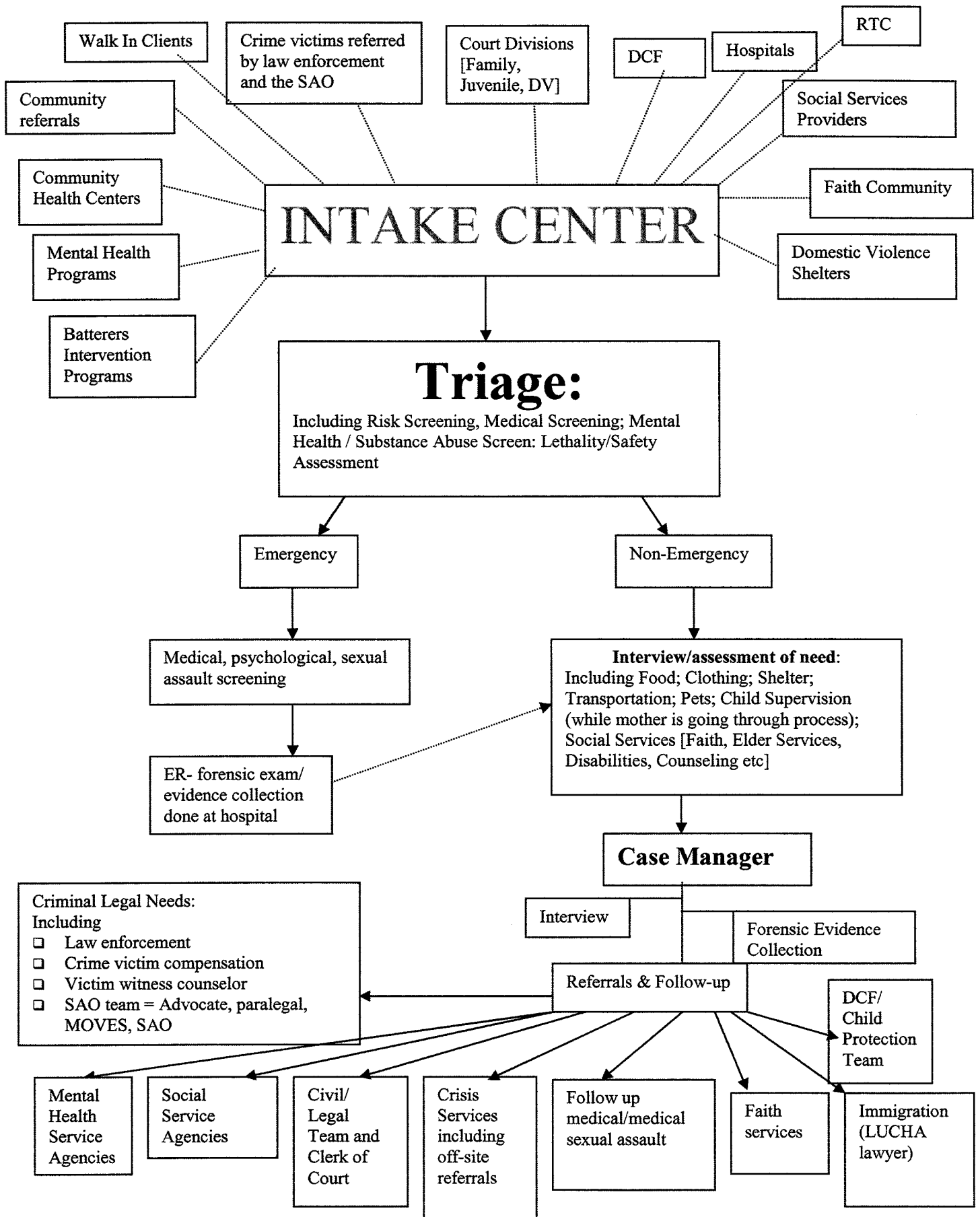
• provider may refer back to **ADVOCATE PROGRAM** any cases, which after referral, should be reassigned (i.e., due to substance abuse problems, mental illness, or other impairments making defendant/respondent unable to participate in group intervention)

• **ADVOCATE PROGRAM** monitors compliance with all court referrals and reports back to the court

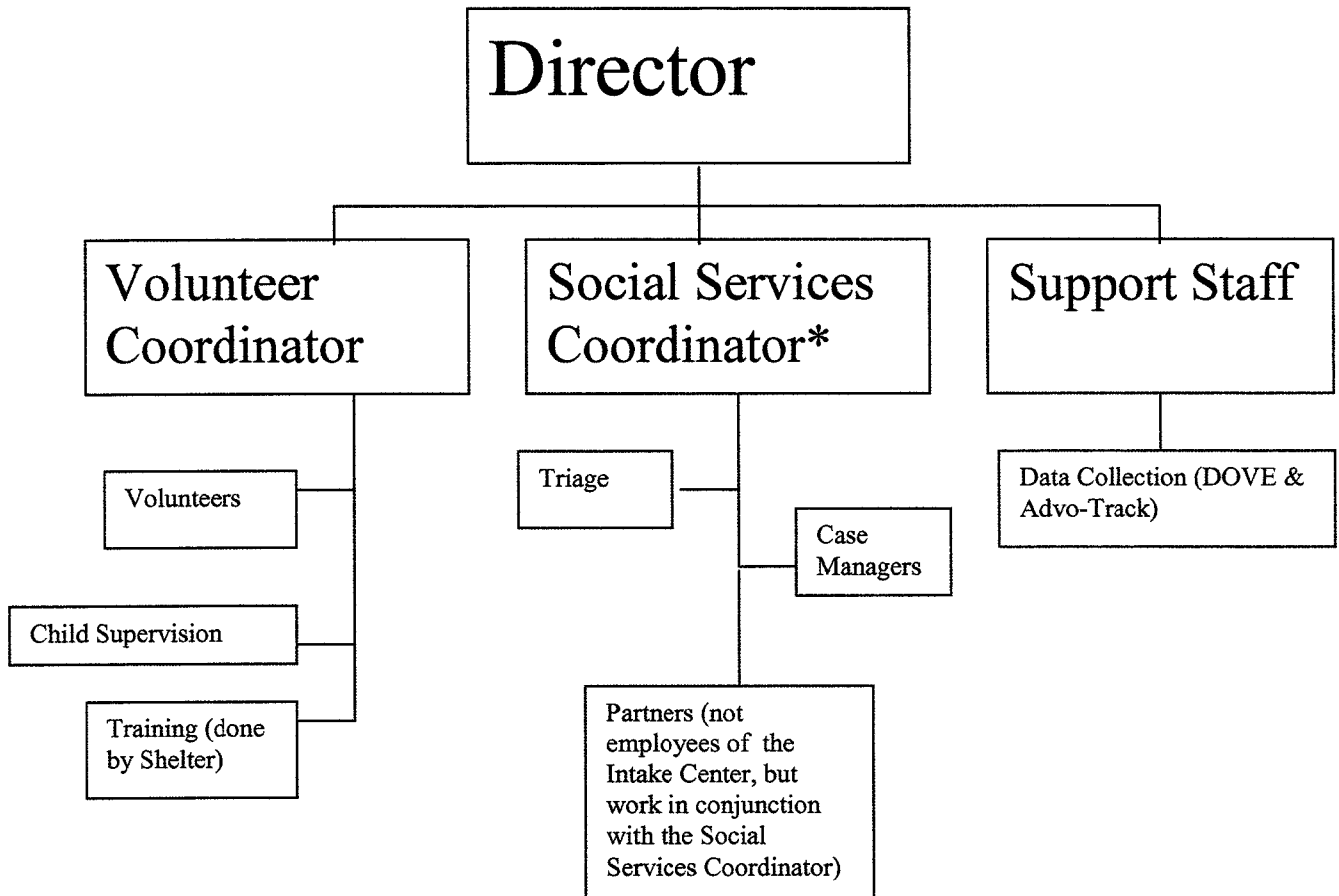
DV MONITORING AND TREATMENT OVERVIEW



DV Workgroup Domestic Violence Intake Center Model Design



ADMINISTRATIVE DESIGN



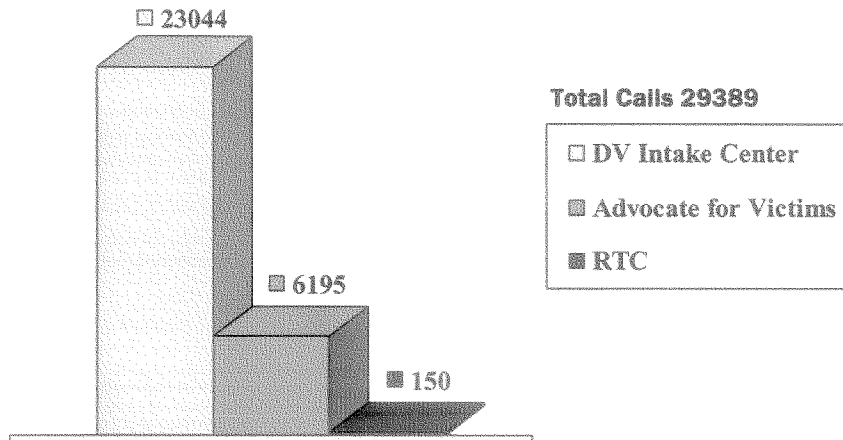
* In the event that no Social Service Coordinator is hired (or if budget restraints preclude this position), everyone below will report directly to the Director.

Appendix B

Statistical Charts

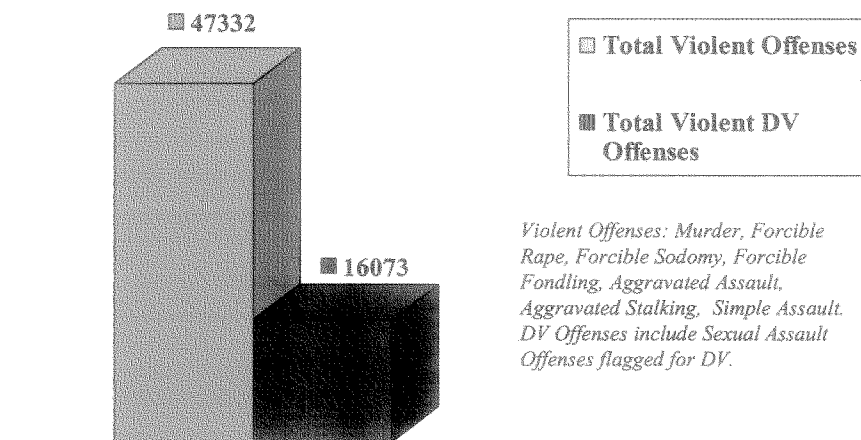
Appendix B

Domestic Violence and Sexual Assault Hotline Calls: 2001



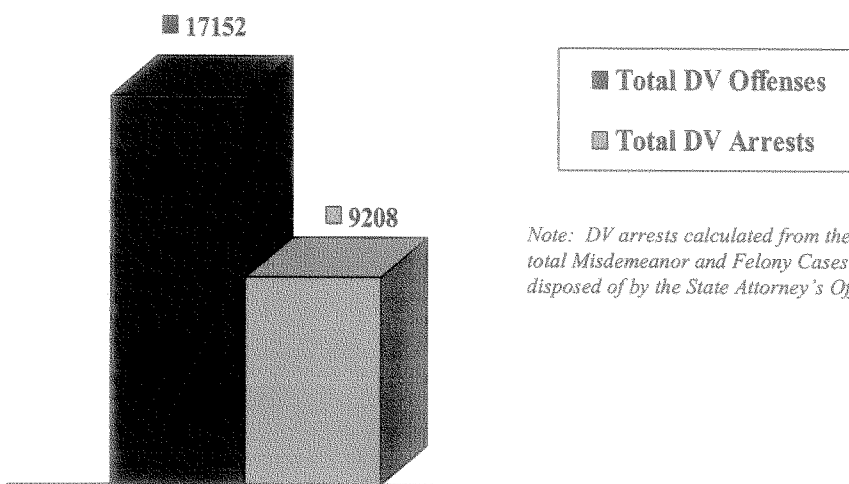
Source: Administrative Office of the Courts, Florida Department of Children and Families, and Rape Treatment Center

Ratio of DV Offenses to all Other Violent Offenses: 2001



Source: Florida Department of Law Enforcement

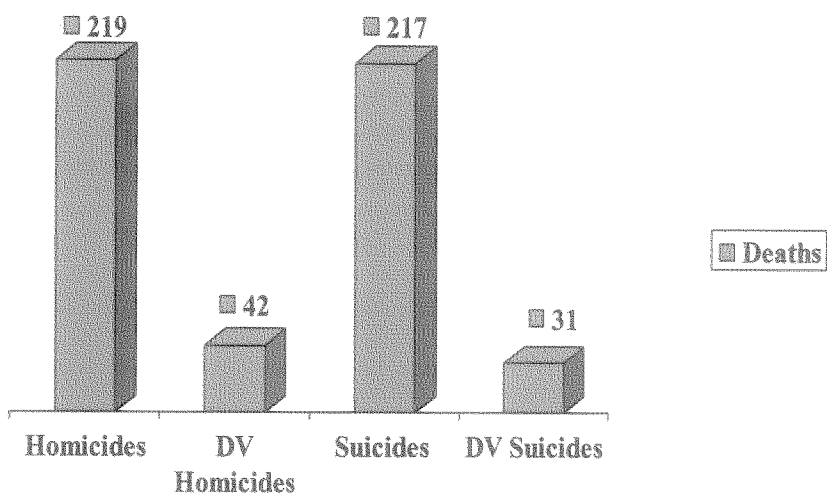
DV Offenses vs. DV Arrests: 2001



Source: Florida Department of Law Enforcement and State Attorney's Office

3

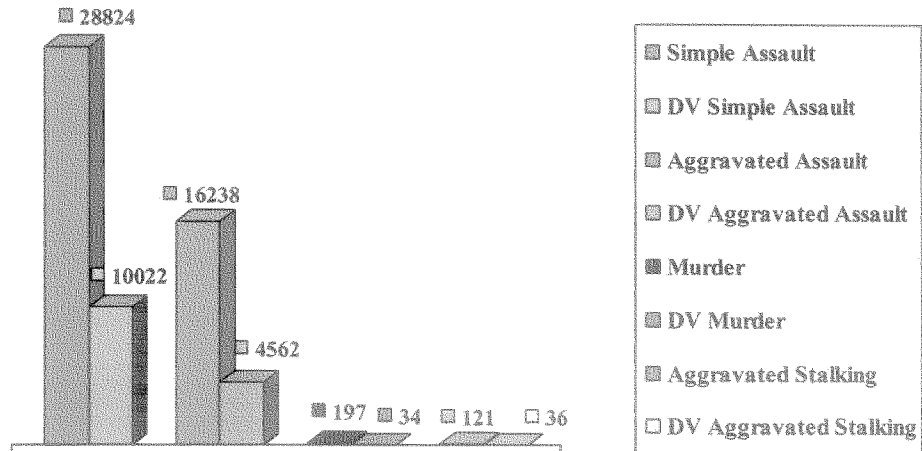
DV Murder/DV Suicides to all other Murders and Suicides: 2001



Source: Miami Dade Fatality Review Team

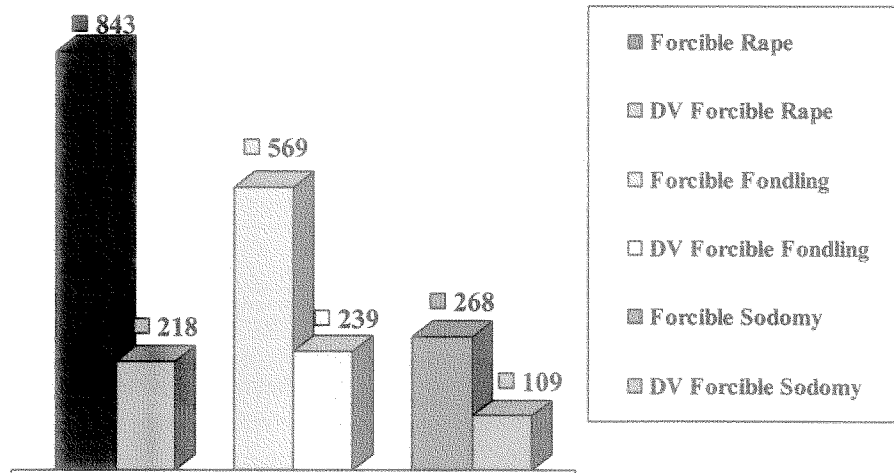
4

Total Violent Offenses vs. DV Offenses: 2001



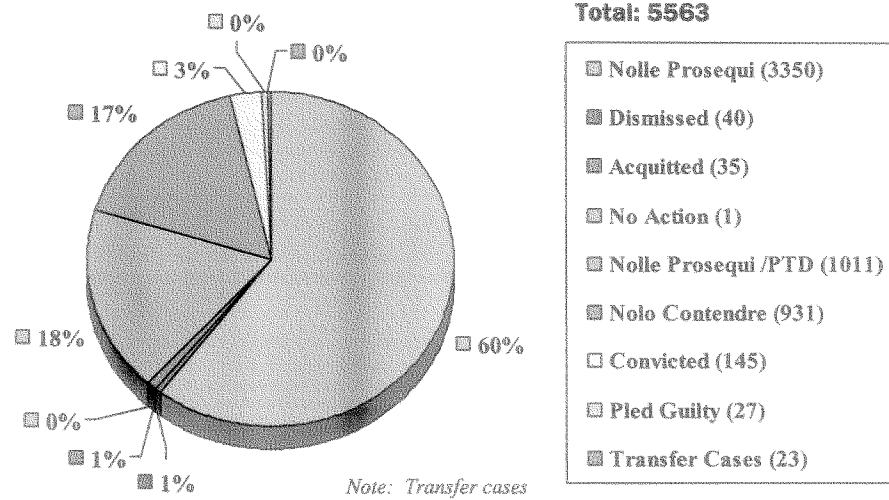
Source: Florida Department of Law Enforcement

Sexual Assault Offenses vs. DV Sexual Assault Offenses: 2001



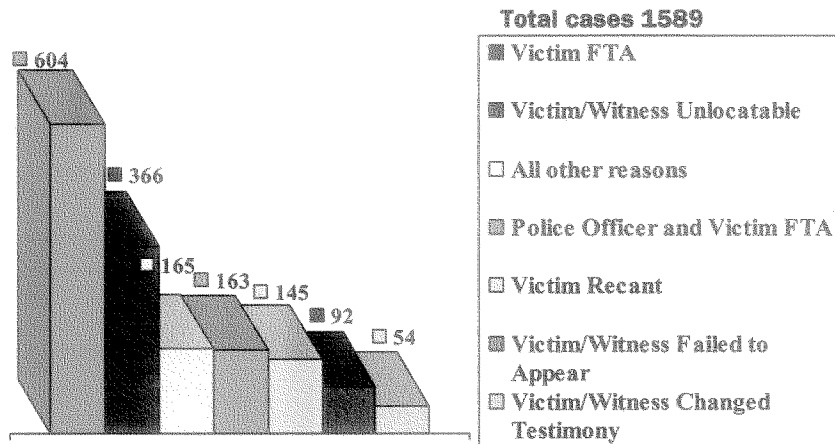
Source: Florida Department of Law Enforcement

DV Misdemeanor Dispositions: 2001



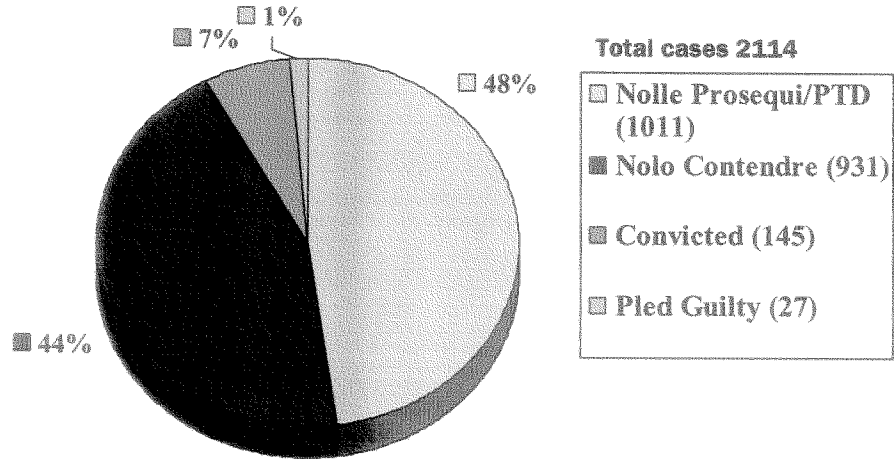
Source: State Attorney's Office

DV Misdemeanor Nolle Prosequi Dispositions: Reasons for Lack of Victim Participation [6 Months - 10/2000 - 3/2001]



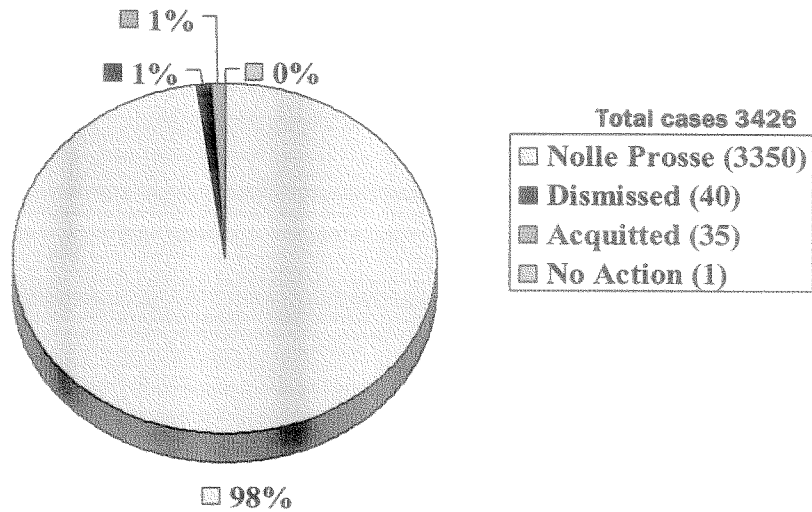
Source: State Attorney's Office

Successful DV Misdemeanor Prosecutions: 2001



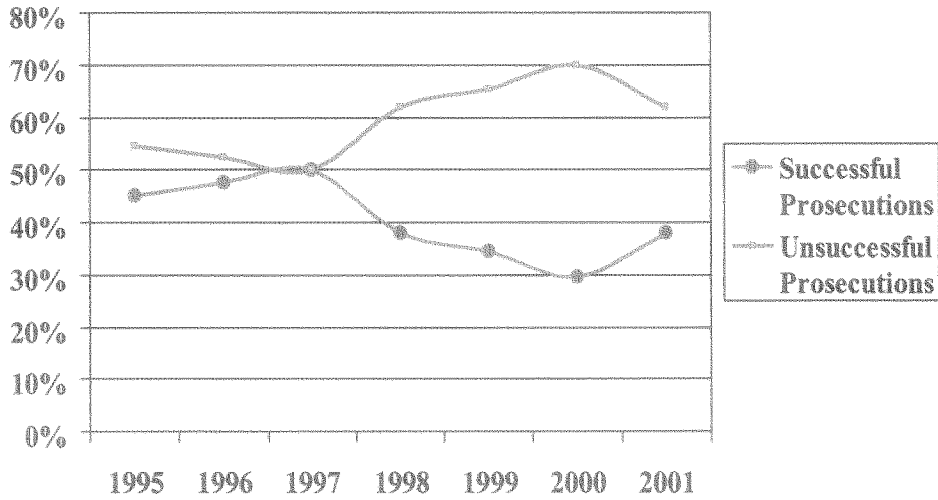
Source: State Attorney's Office

Unsuccessful DV Misdemeanor Prosecutions: 2001



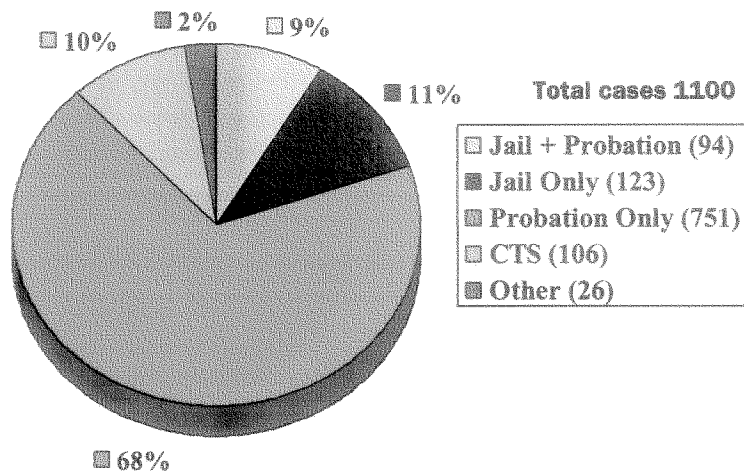
Source: State Attorney's Office

Successful and Unsuccessful DV Dispositions Over Time [1995 – 2001]



Source: State Attorneys Office

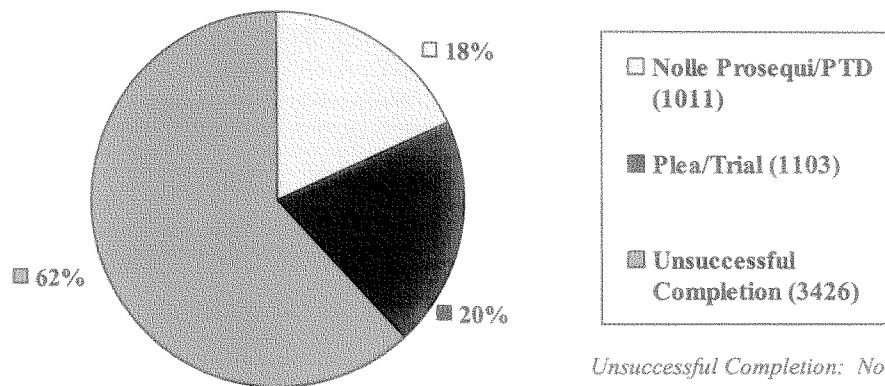
DV Misdemeanor Sentencing on Successful Prosecutions: 2001



Source: State Attorney's Office

Non MOVES DV Misdemeanor Dispositions: 2001

Total Non-MOVES cases 5540



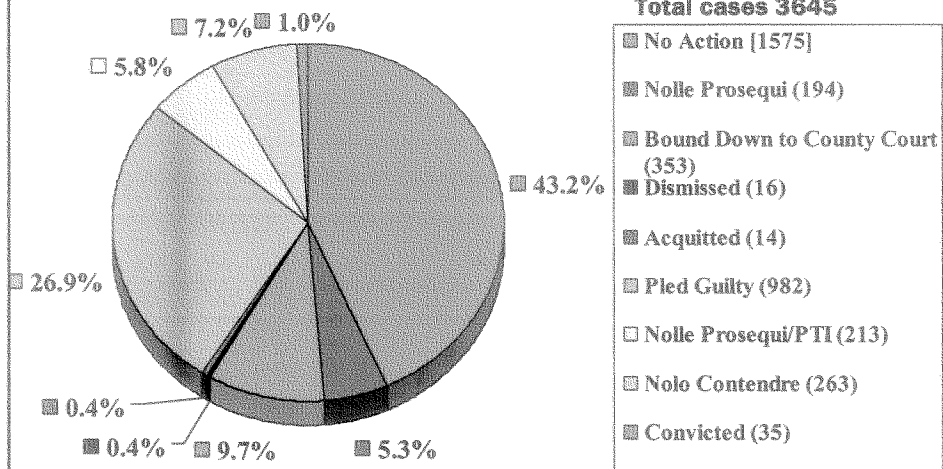
Unsuccessful Completion: Not guilty, Acquitted, Dismissed, Nolle Prosequi (transfer cases not included).

Source: State Attorney's Office

15

DV Felony Dispositions: 2001

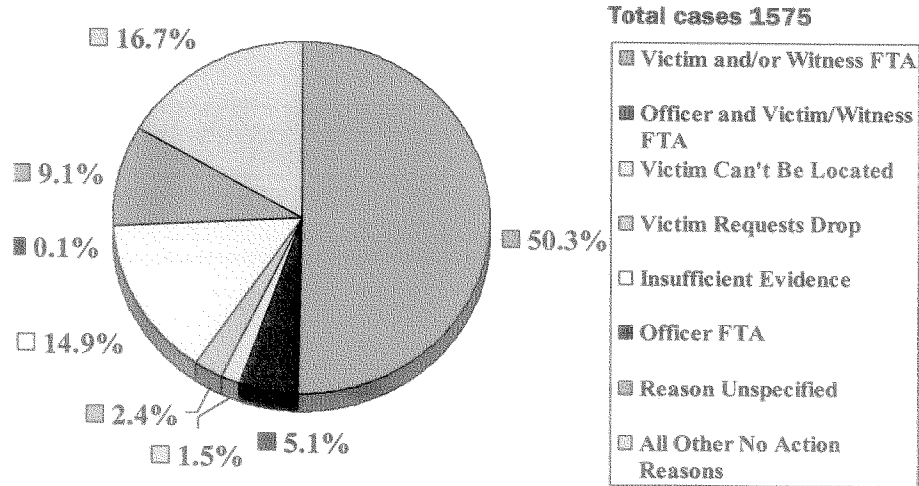
Total cases 3645



Source: State Attorney's Office:

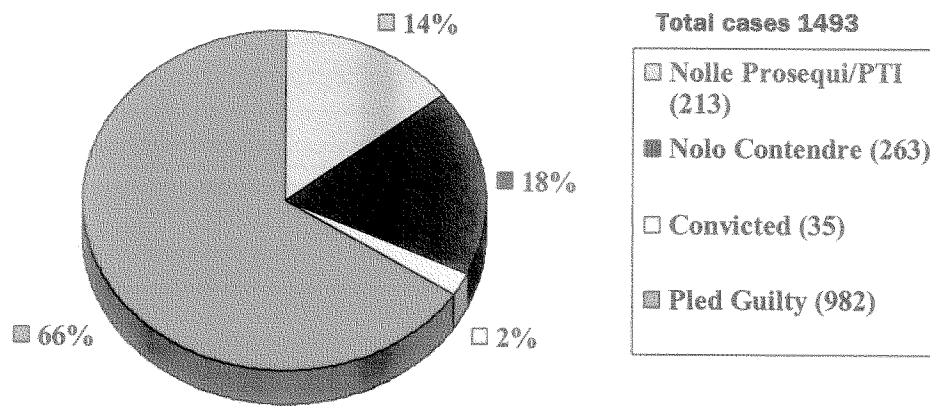
16

DV Felony No Action Dispositions: Reasons for Lack of Victim Participation: 2001



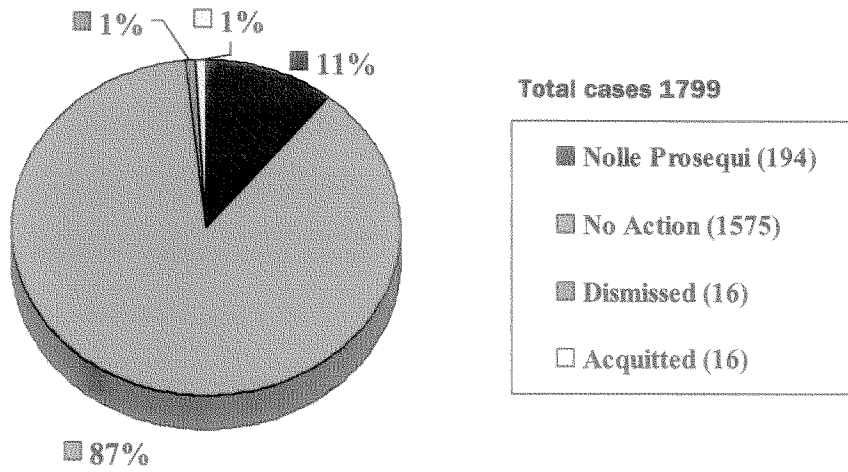
Source: State Attorney's Office: Felony No Action Report

Successful DV Felony Prosecutions: 2001



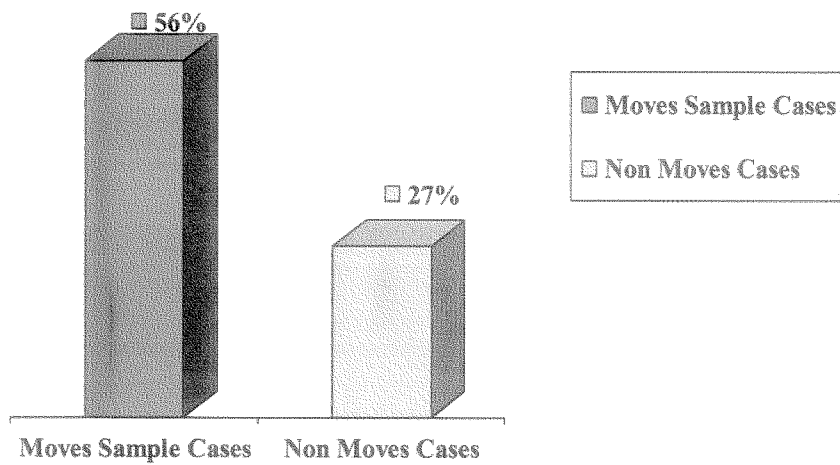
Source: State Attorney's Office

Unsuccessful DV Felony Prosecutions: 2001

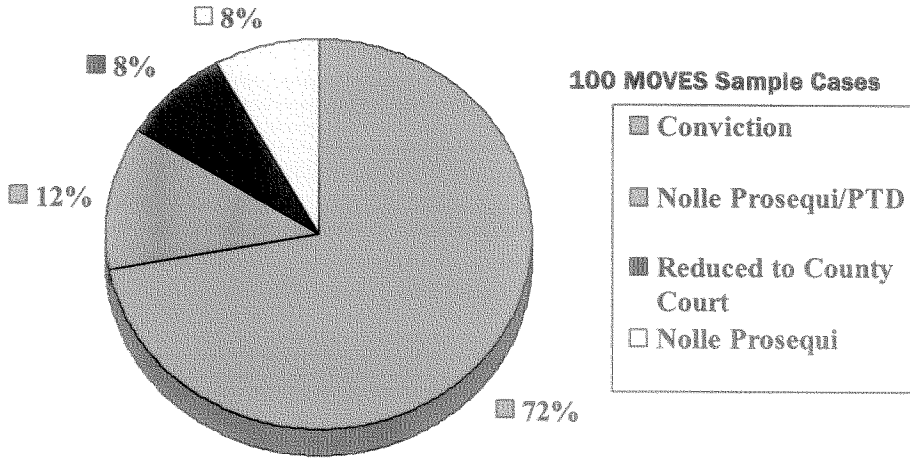


Source: State Attorney's Office

DV Felony Filings in Moves/Non-Moves Cases Sampled in December 2000

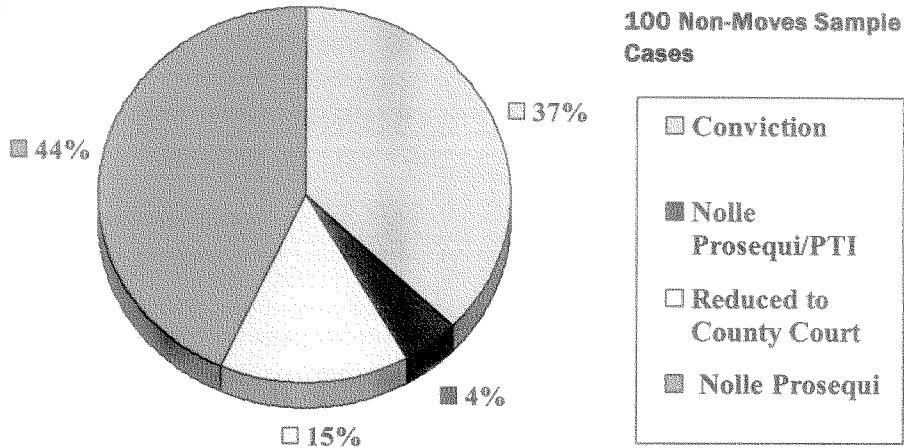


DV Felony MOVES Dispositions
[100 Sample Cases Filed October 13, 1998 –
December 31, 2000]



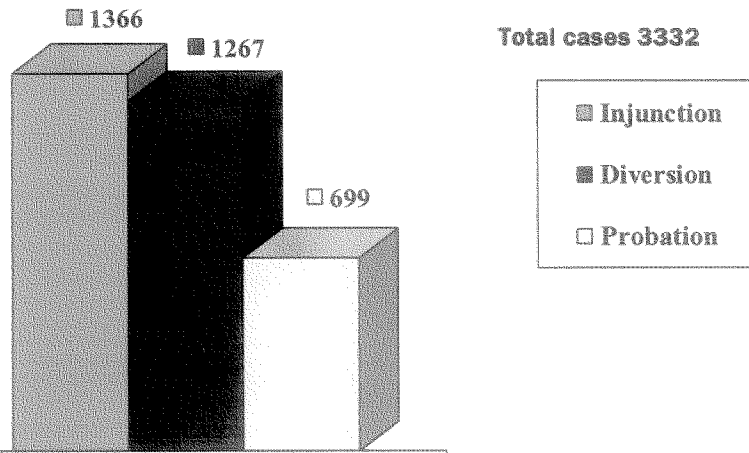
Source: State Attorney's Office

DV Felony Non-Moves Dispositions
[100 Sample Cases Filed October 13, 1998-
December 31, 2000]



Source: State Attorney's Office

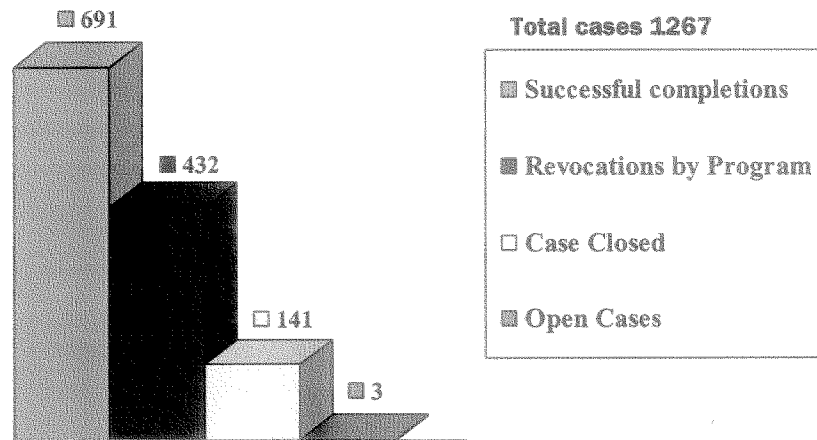
DV Misdemeanor Cases Referred to the Advocate Program: 2000



Source: The Advocate Program, Inc.

23

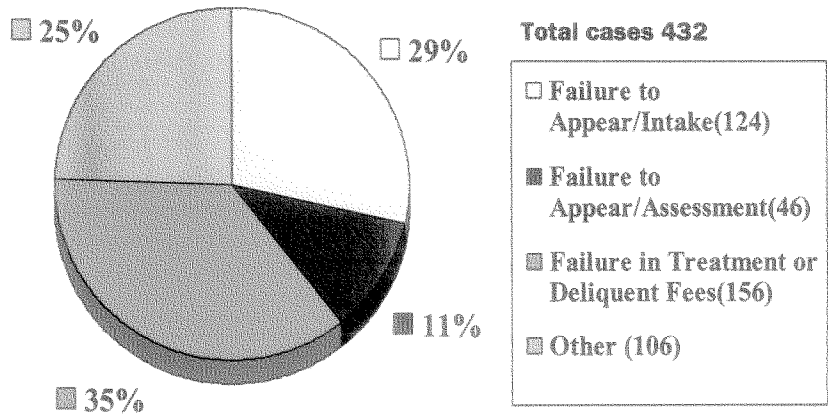
DV Misdemeanor DIVERSION Cases Monitored by the Advocate Program: 2000



Source: The Advocate Program, Inc.

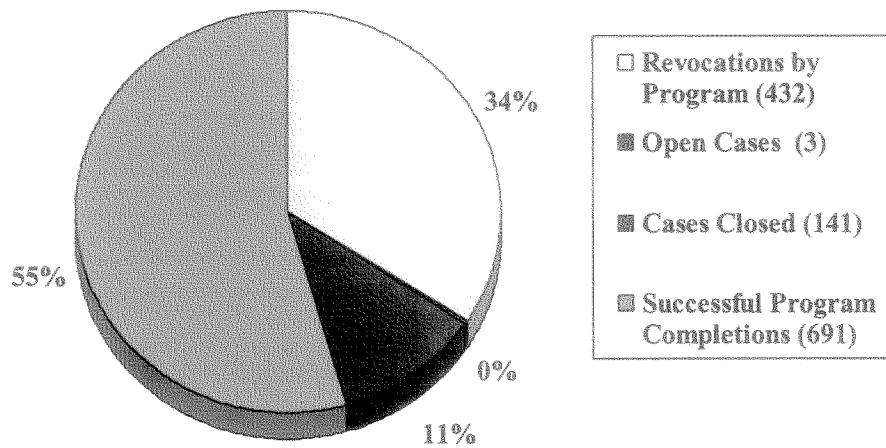
24

**Reason for Revocation in DV DIVERSION Cases:
2000**



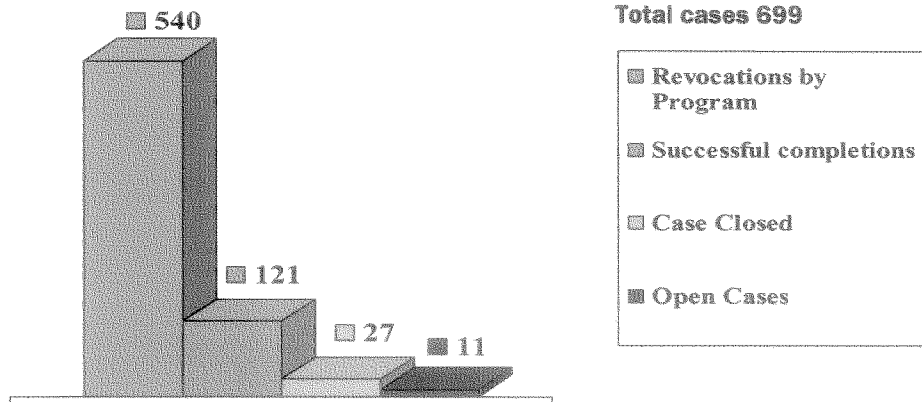
Source: The Advocate Program, Inc.

**Dispositions in Misdemeanor DIVERSION Cases:
2000**



Source: The Advocate Program, Inc

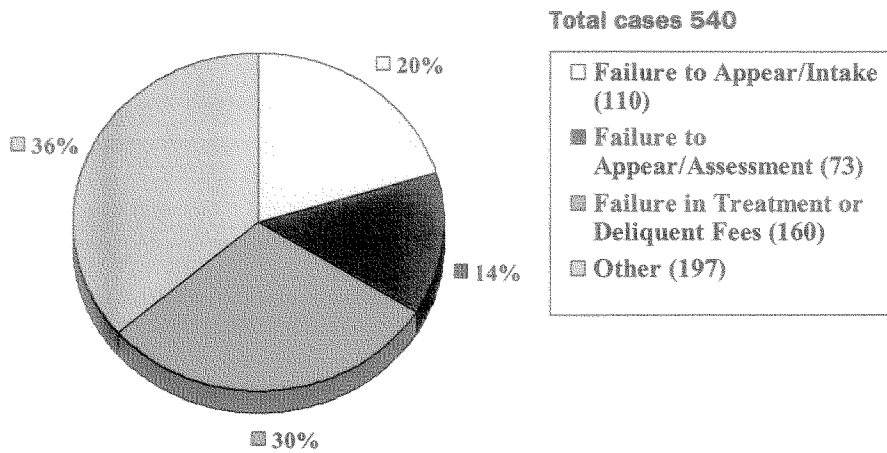
DV PROBATION Cases Monitored by the Advocate Program: 2000



Source: The Advocate Program, Inc.

27

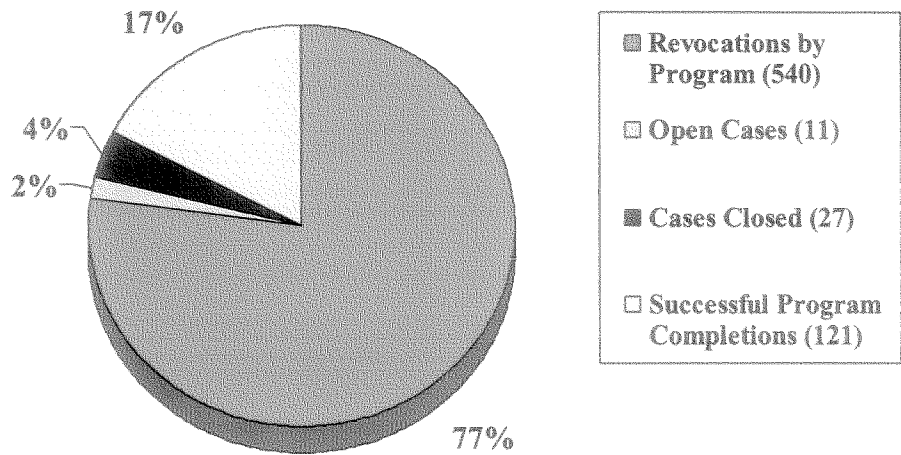
Reason for Revocation in DV Court PROBATION Cases Monitored by the Advocate Program, Inc. 2000



Source: The Advocate Program, Inc.

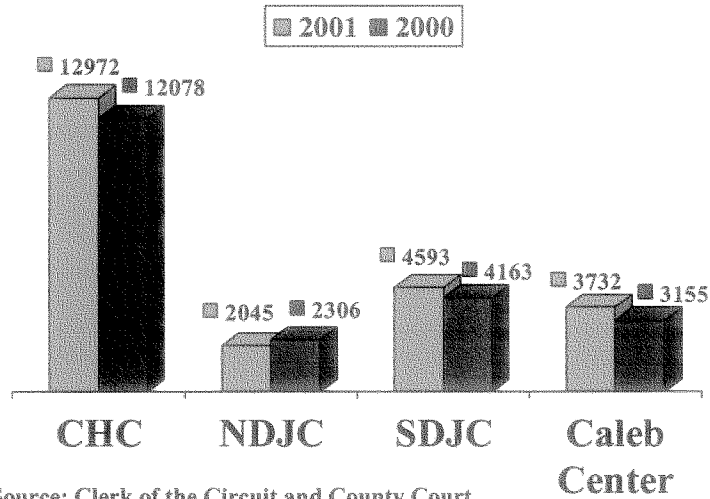
28

**Dispositions in Misdemeanor PROBATION
Cases Monitored by the Advocate Program, Inc.
2000**



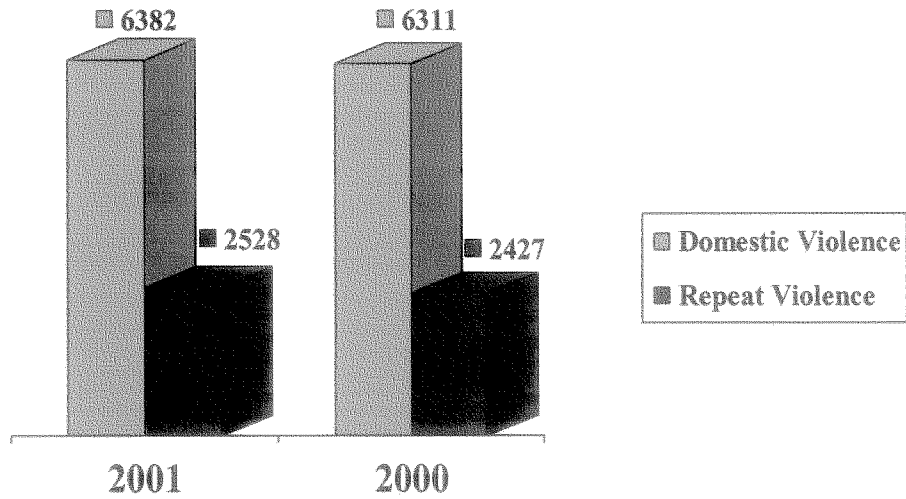
Source: The Advocate Program, Inc

**Injunctions for Protection: Total Persons
Assisted All Locations:**



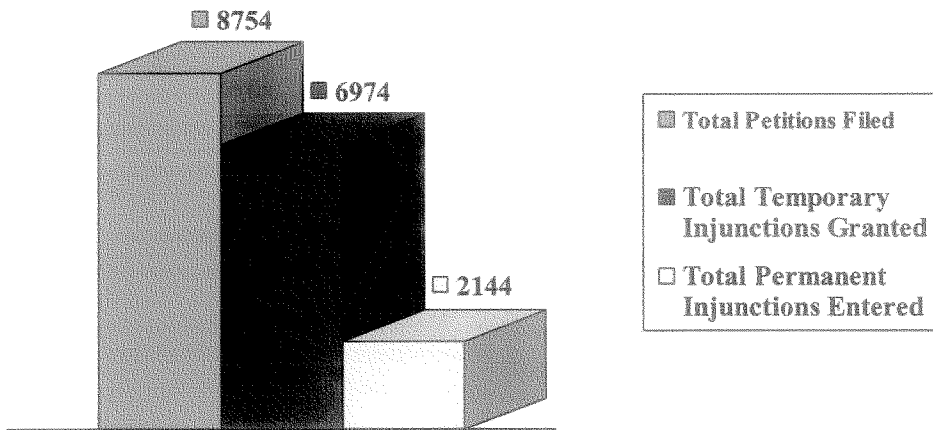
Source: Clerk of the Circuit and County Court

Injunction Filings by Statute



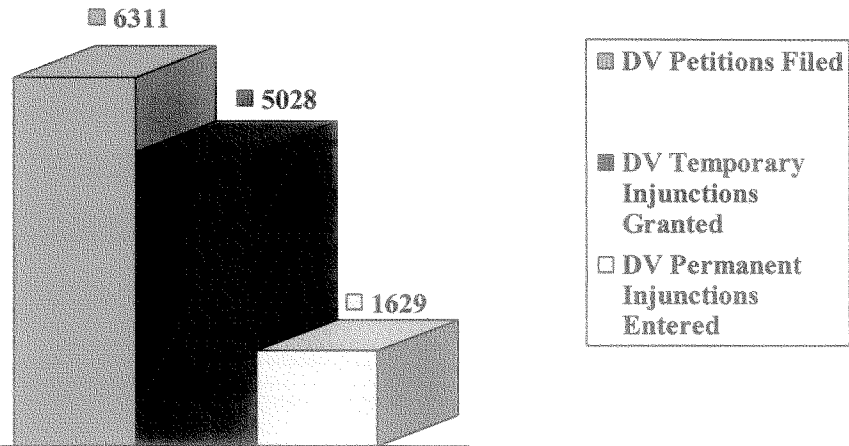
Source: Clerk of the Circuit and County Court

Total Injunctions for Protection Against DV and Repeat Violence: 2001



Source: Clerk of the Circuit and County Court

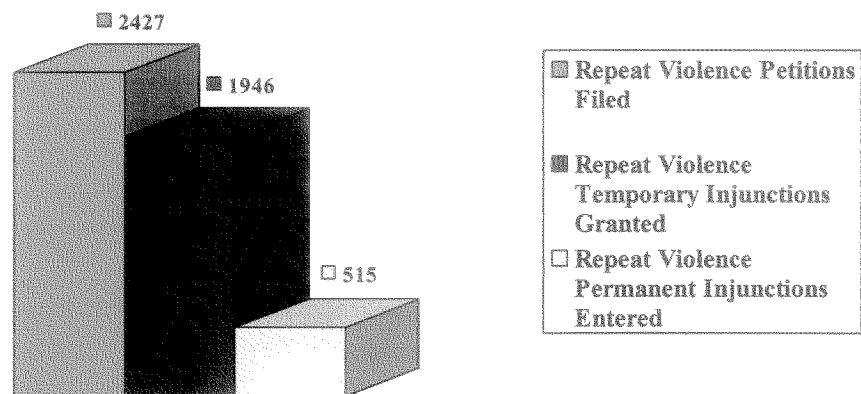
Injunctions Issued for Protection Against DV: 2001



Source: Clerk of the Circuit and County Court

33

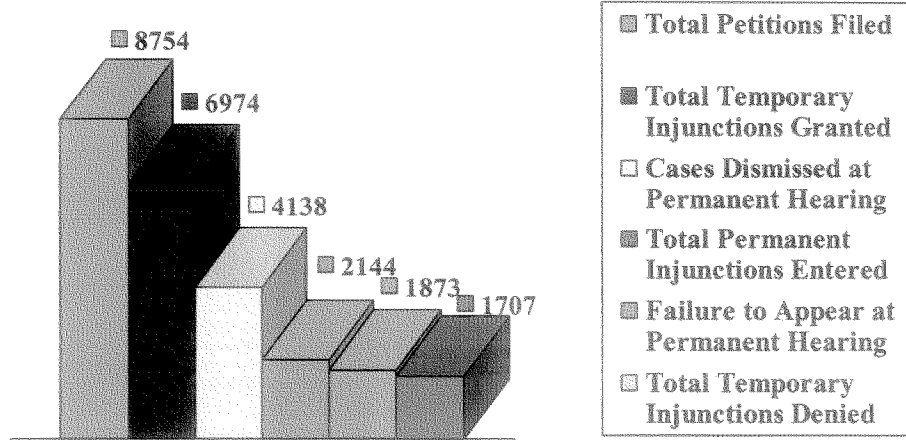
Injunctions Issued for Protection Against Repeat Violence: 2001



Source: Clerk of the Circuit and County Court

34

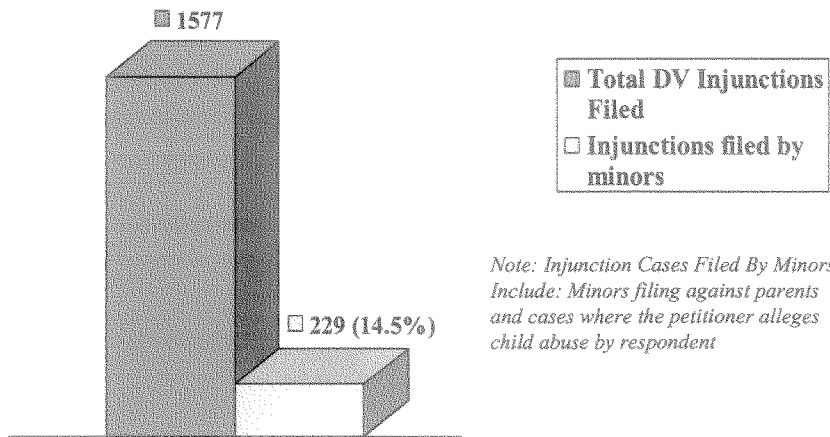
Dispositions for Injunctions for Protection Against DV and Repeat Violence: 2001



Source: Clerk of the Circuit and County Court

35

Injunctions Filed by Minors during One Four Month Period (February 1 - May 31, 2002)

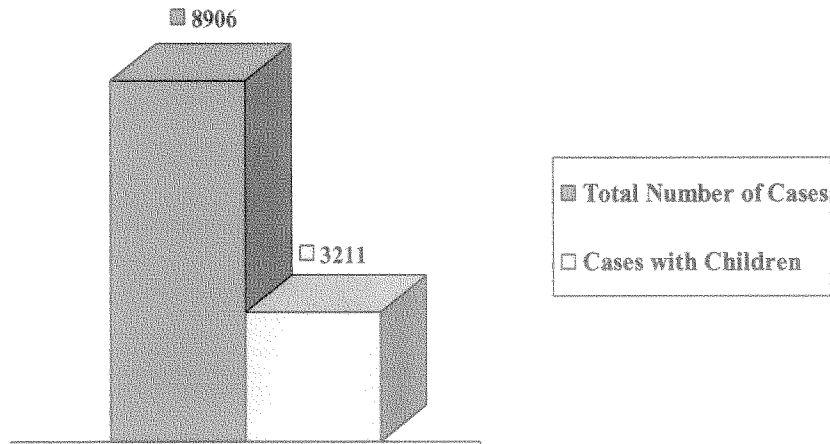


Note: Injunction Cases Filed By Minors Include: Minors filing against parents and cases where the petitioner alleges child abuse by respondent

Source: Court Administrator's Office Domestic Violence Intake Unit

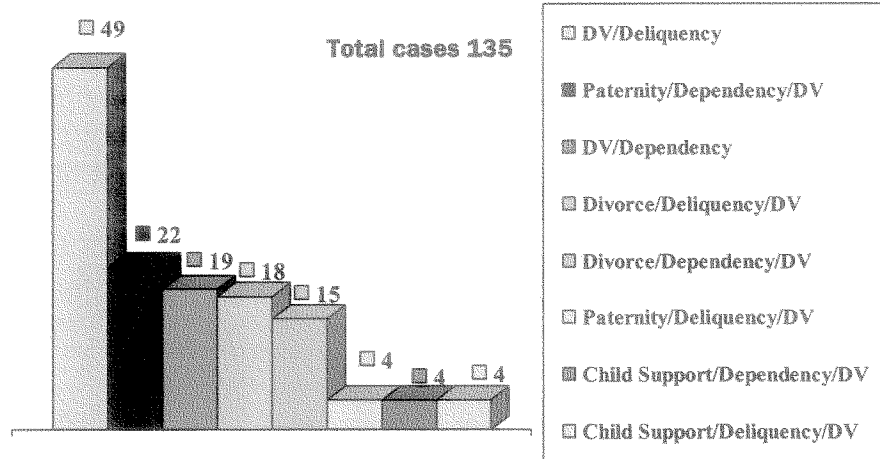
36

Number of IFPs Against DV and Repeat Violence Filed with Children 2001



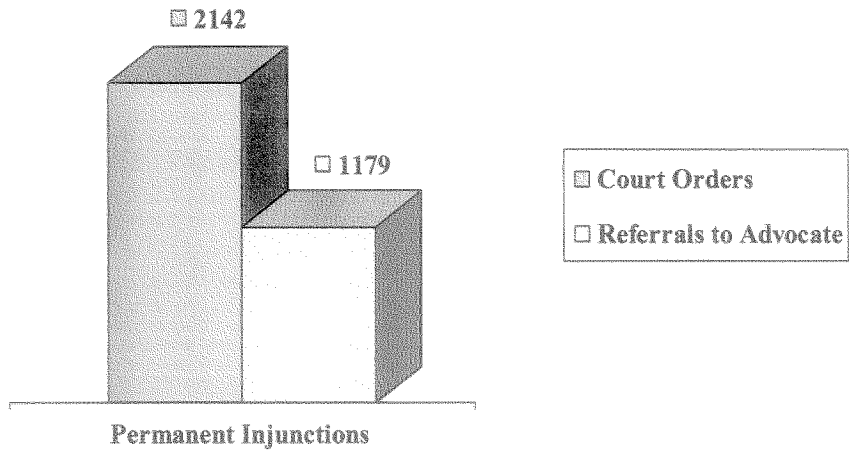
Source: Administrative Office of the Court

Open & Closed Related DV Cases filed in Multiple Court Divisions (February 11 - June 27, 2002)



Source: Court Administrator's Office [Unified Family Division Pilot Project]

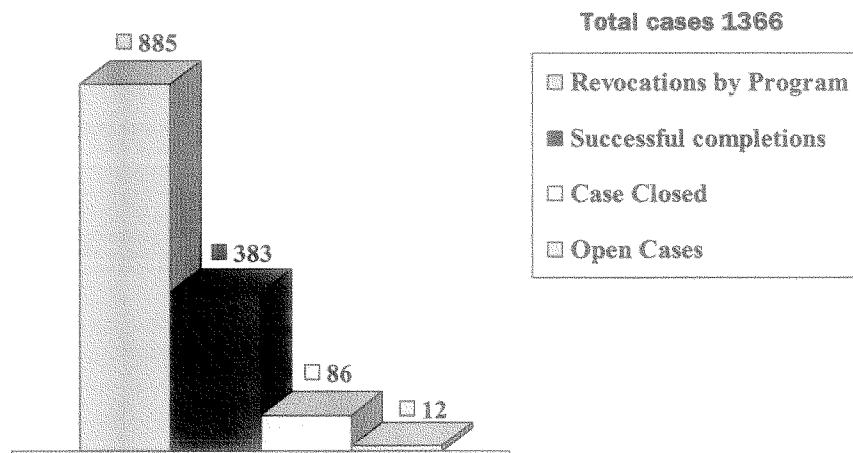
**PERMANENT INJUNCTION Cases Entered vs.
Permanent Injunction Cases Referred for
Monitoring: 2001**



Source: The Advocate Program, Inc.

39

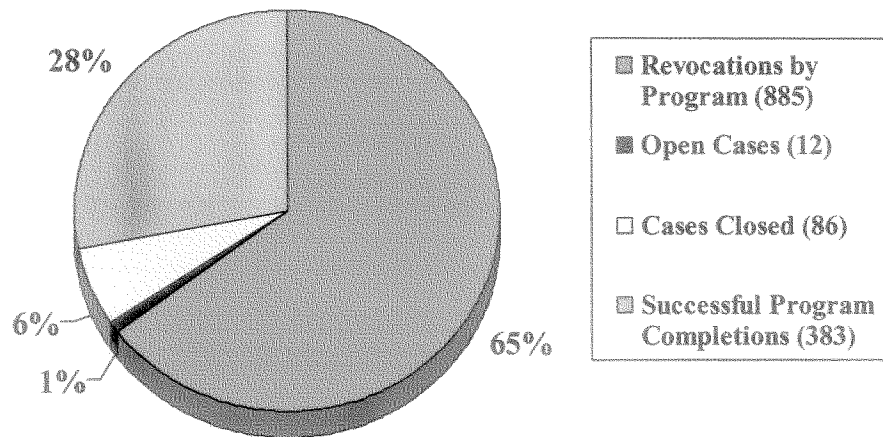
**DV Court Civil INJUNCTION Cases Monitored
by the Advocate Program, Inc.: 2000**



Source: The Advocate Program, Inc.

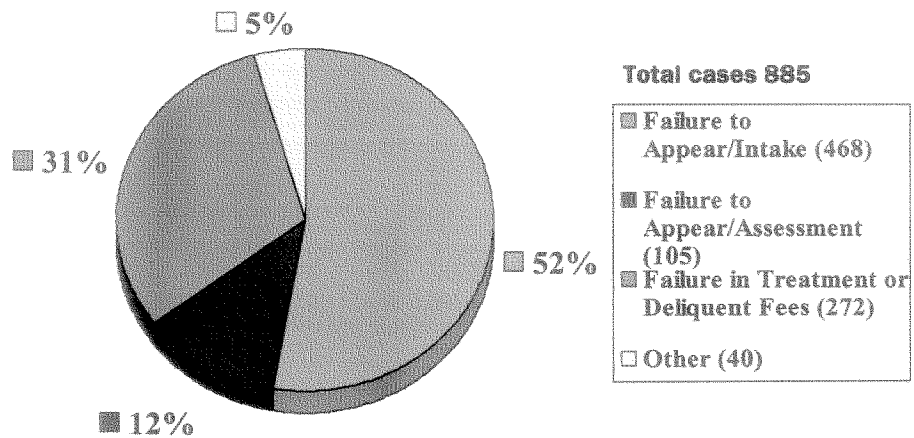
40

**Dispositions in Civil Injunction Cases monitored
by the Advocate Program, Inc.: 2000**



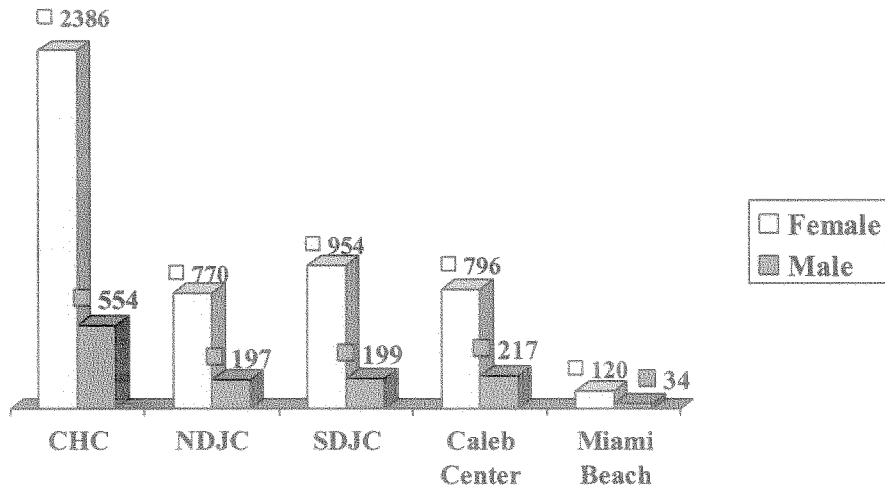
Source: The Advocate Program, Inc

**Reason for Revocation in DV Court Civil
INJUNCTION Cases Monitored by the Advocate
Program, Inc.: 2000**



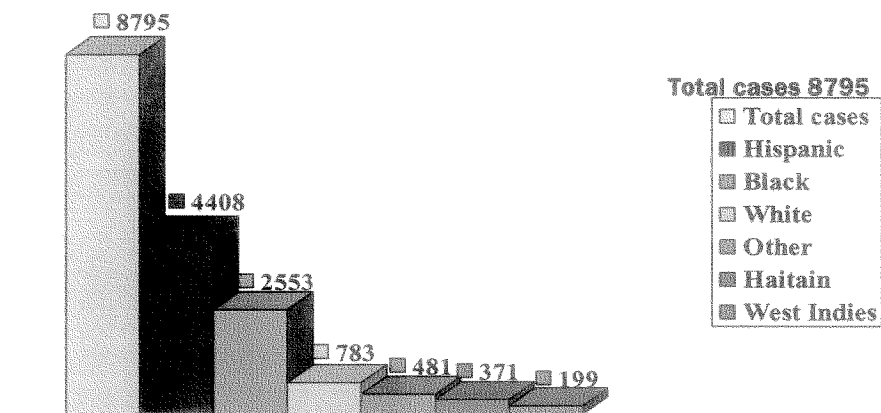
Source: The Advocate Program, Inc.

Gender Report of Petitioners filing for Injunctions for Protection against DV and Repeat Violence: 2001



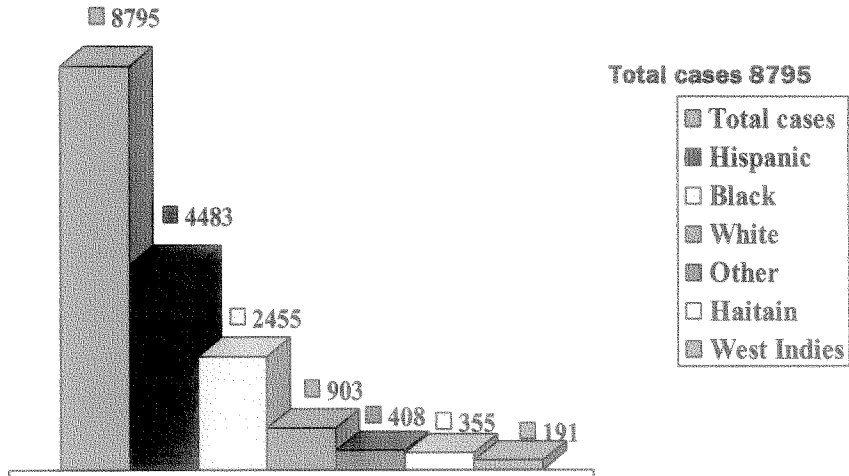
Source: Administrative Office of the Court

Ethnic Origin of Respondents Filing for Injunctions for Protection Against DV and Repeat Violence: 2001



Source: Administrative Office of the Court

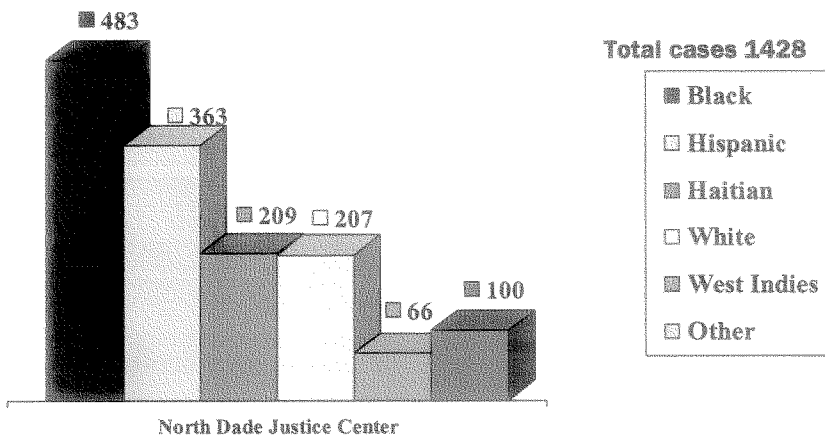
Ethnic Origin of Petitioners Filing for Injunctions for Protection Against DV and Repeat Violence: 2001



Source: Administrative Office of the Court

45

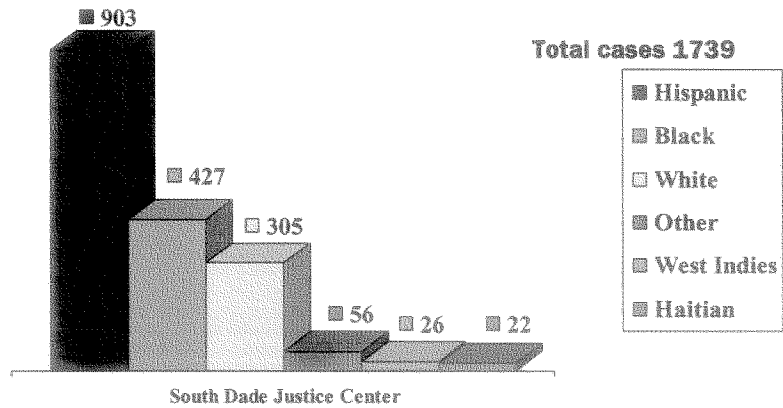
Ethnic Origin of Petitioners Filing for Injunction for Protection Against DV and Repeat Violence NDJC: 2001



Source: Administrative Office of the Court

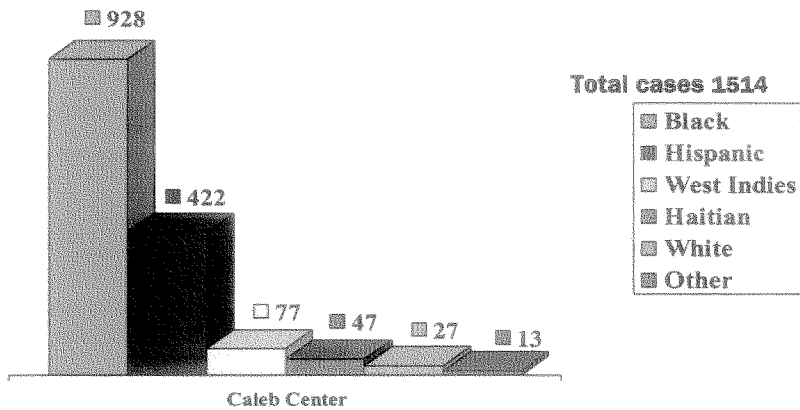
46

Ethnic Origin of Petitioners Filing for Injunction for Protection Against DV and Repeat Violence at SDJC: 2001



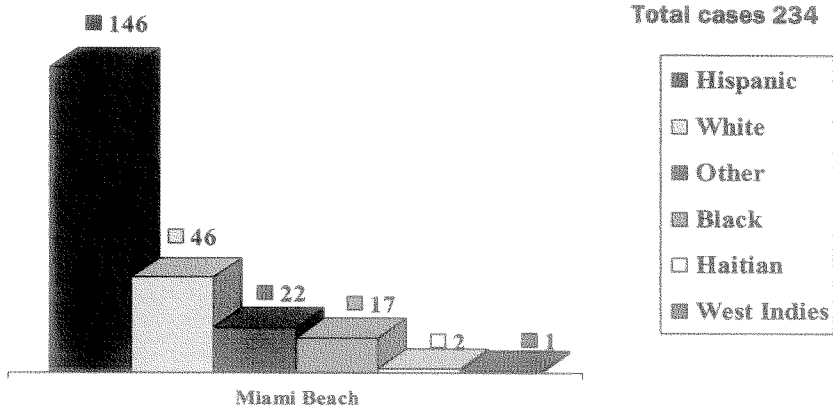
Source: Administrative Office of the Court

Ethnic Origin of Petitioners Filing for Injunction for Protection Against DV and Repeat Violence Caleb Center: 2001



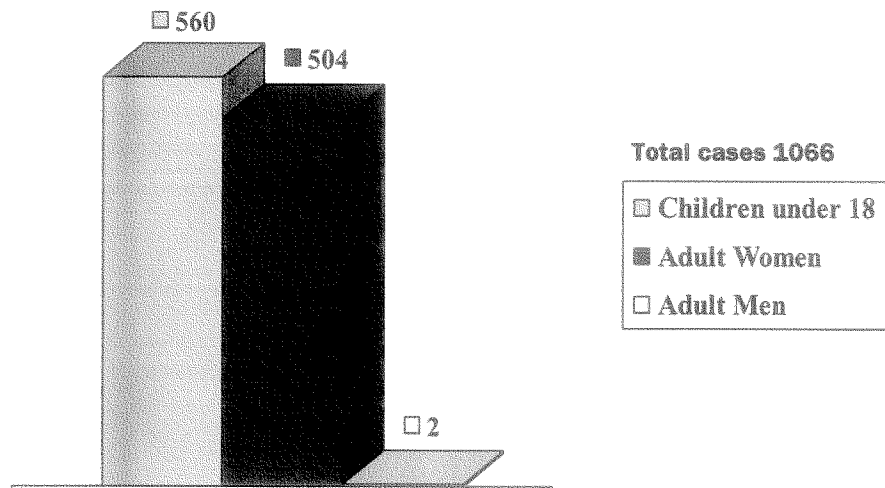
Source: Administrative Office of the Court

Ethnic Origin of Petitioners Filing for Injunction for Protection Against DV and Repeat Violence at Miami Beach: 2001



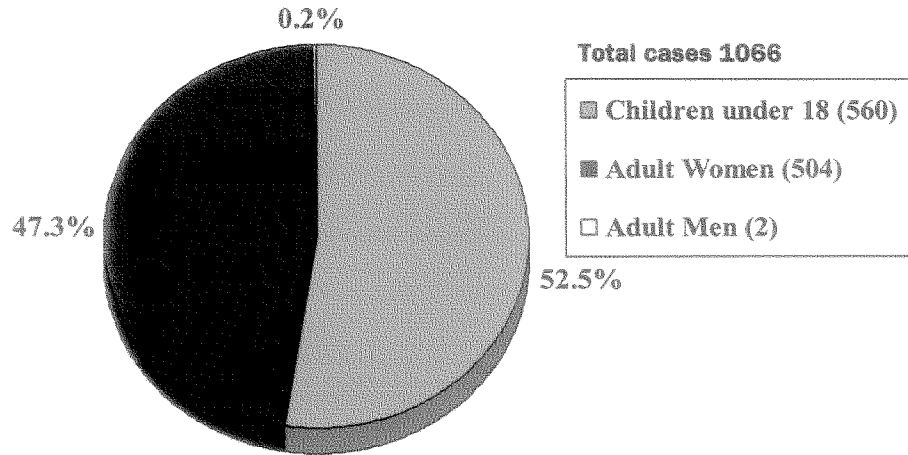
Source: Administrative Office of the Court DV Intake Center

Miami Dade County Advocates for Victims: Total Clients in Emergency Shelter: 2000-2001



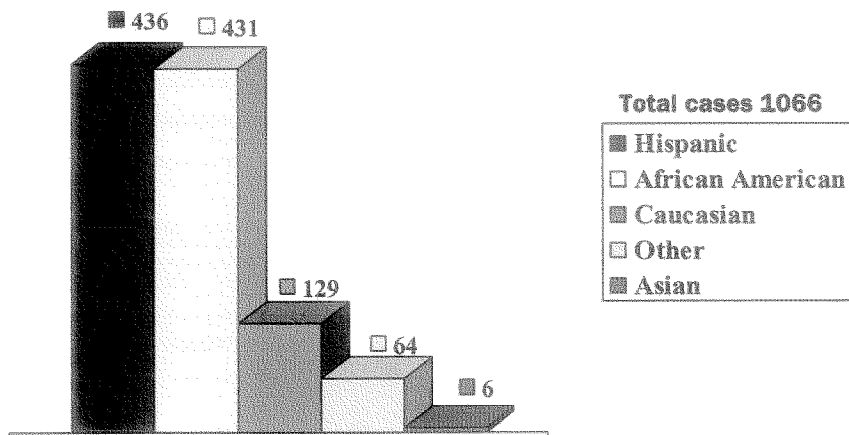
Source: State of Florida Department of Children and Families

Miami Dade County Advocates for Victims: Total Clients in Emergency Shelter 2000-2001



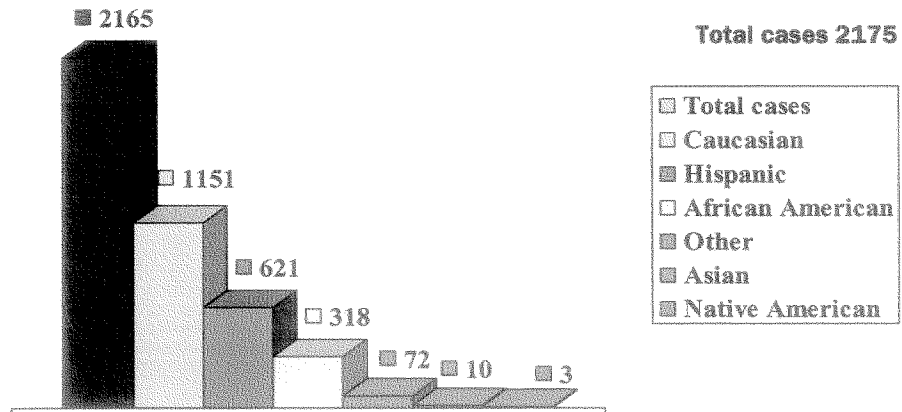
Source: State of Florida Department of Children and Families

Miami Dade County Advocates for Victims: Ethnicity of Clients Served in Emergency Shelter 2000-2001



Source: State of Florida Department of Children and Families

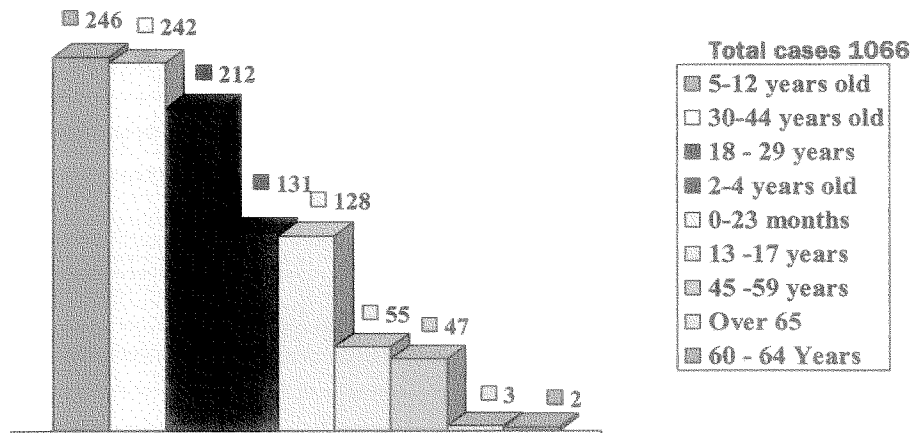
Miami Dade County Advocates for Victims: Ethnicity of Clients Served in Outreach 2000 - 2001



Source: State of Florida Department of Children and Families

53

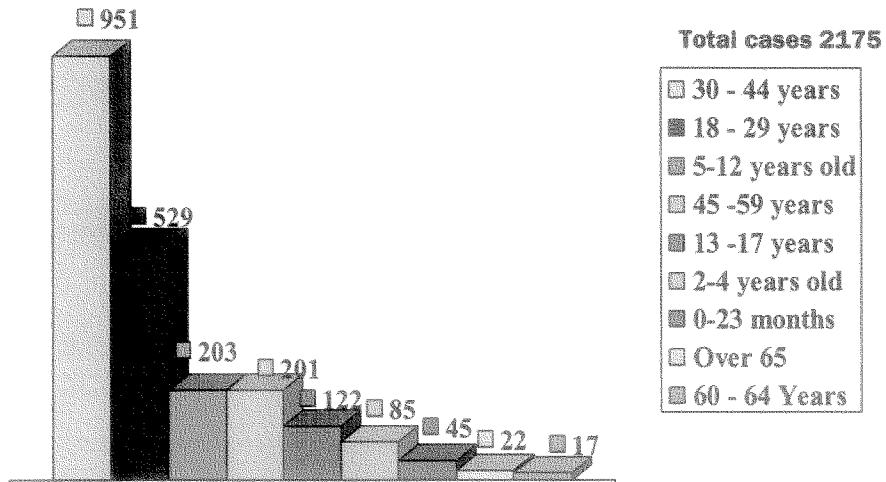
Miami Dade County Advocates for Victims: Age of Clients Served in Emergency Shelter 2000-2001



Source: State of Florida Department of Children and Families

54

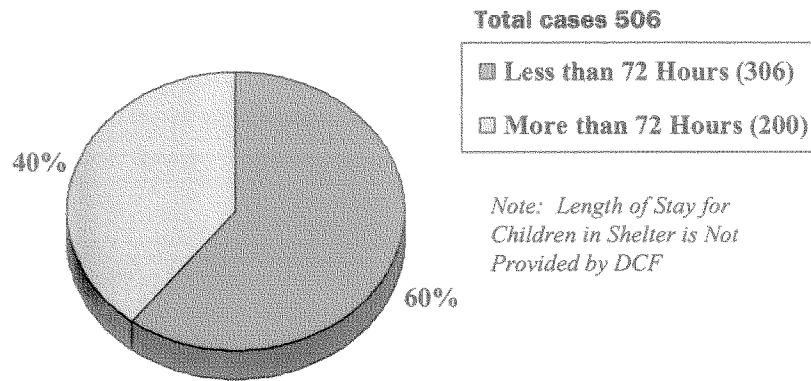
Miami Dade County Advocates for Victims: Age of Clients Served in Outreach: 2000-2001



Source: State of Florida Department of Children and Families

55

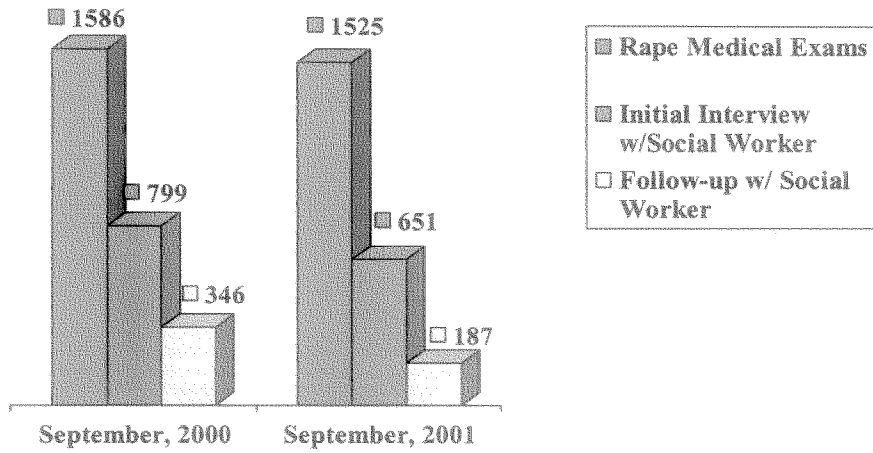
Miami Dade County Advocates for Victims: Length of Stay in Emergency Shelter: 2000-2001



Source: State of Florida Department of Children and Families

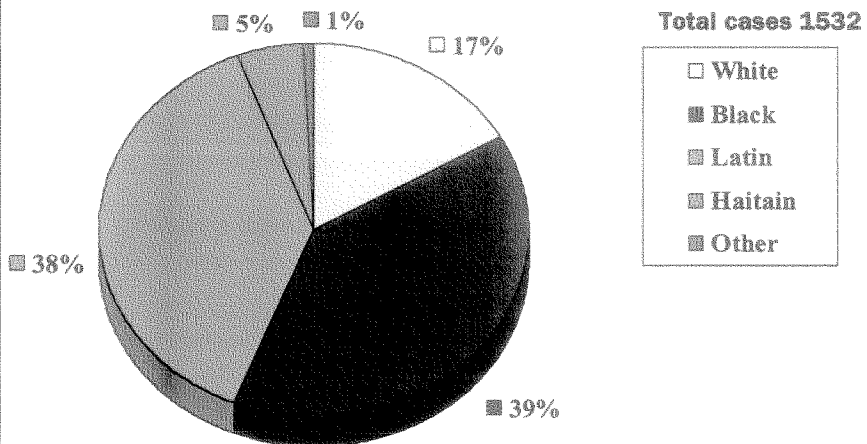
56

Rape Treatment Center: Two Year Comparison 2000, 2001 Services Provided



Source: Ambulatory Care Center Roxcy Bolton Rape Treatment Center

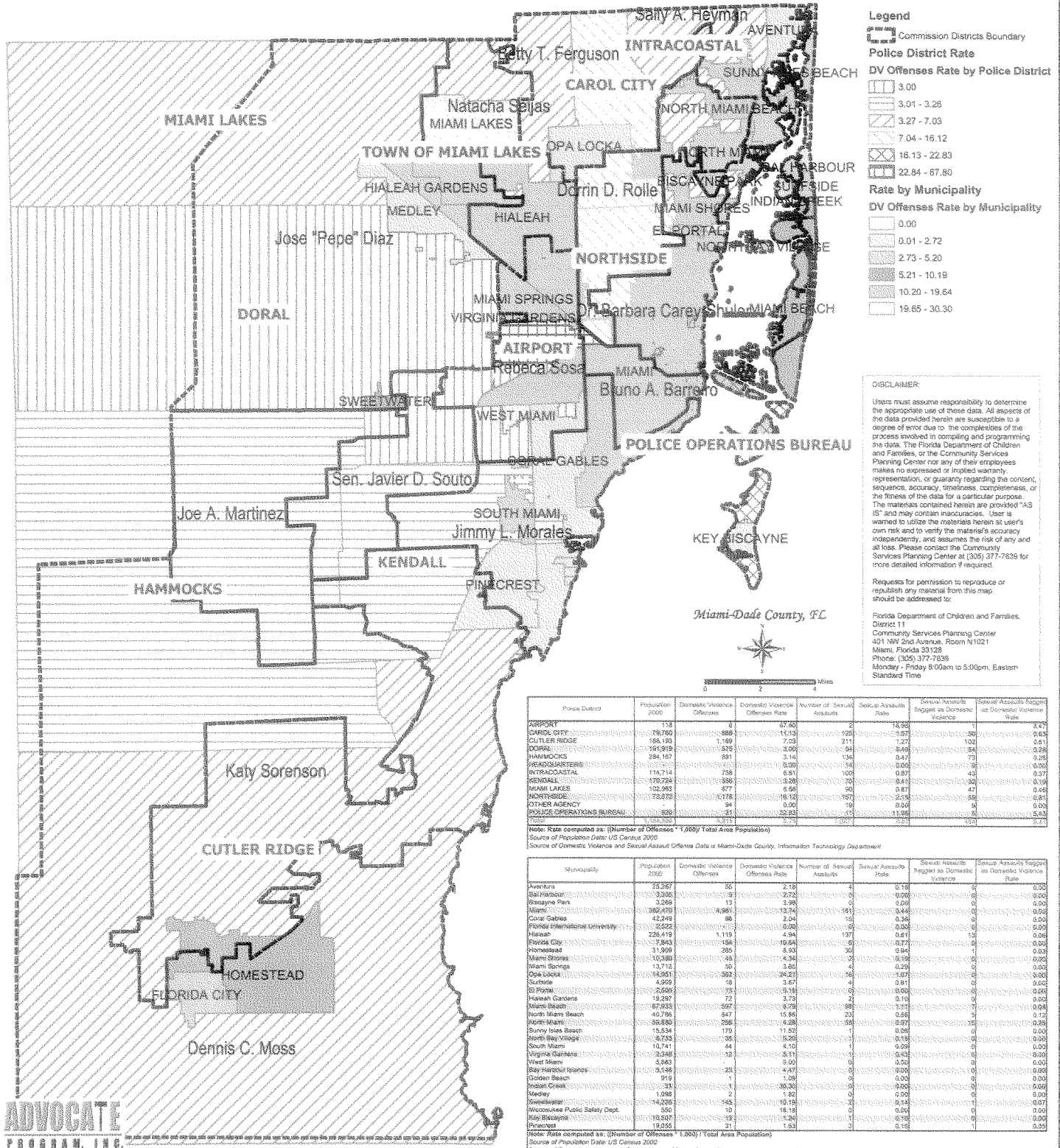
Rape Treatment Center: 2000-2001 Race/Ethnic Origin



Source: Ambulatory Care Center Roxcy Bolton Rape Treatment Center

Appendix C

Domestic Violence Offense Rate by Police District and Municipality (2001)



Police District	Population 2000	Domestic Violence Offenses	Domestic Violence Offense Rate	Number of Sexual Assaults	Sexual Assault Rate	Sexual Assaults Reported as Domestic Violence	Sexual Assaults Reported as Domestic Violence Rate
AIRPORT	178,710	0	0.00	27	0.01	0	0.00
CAROL CITY	178,710	0	0.00	113	0.06	0	0.00
CUTLER RIDGE	166,195	1,169	7.03	211	1.27	102	0.61
DORAL	161,919	210	1.30	54	0.34	24	0.15
HAMMOCKS	204,107	34	0.02	134	0.07	73	0.04
INTRACOASTAL	114,714	738	6.45	100	0.87	43	0.37
KENDALL	169,724	1,036	6.10	203	1.20	103	0.61
MIAMI LAKES	102,583	677	6.59	120	1.17	67	0.65
NORTHSIDE	178,712	1,176	6.58	147	0.82	66	0.37
OTHER AGENCY	54	0	0.00	19	0.35	0	0.00
POLICE OPERATIONS BUREAU	800	31	3.88	11	1.38	0	0.00
TOTAL	1,311,000	8,311	6.34	1,224	0.93	424	0.32

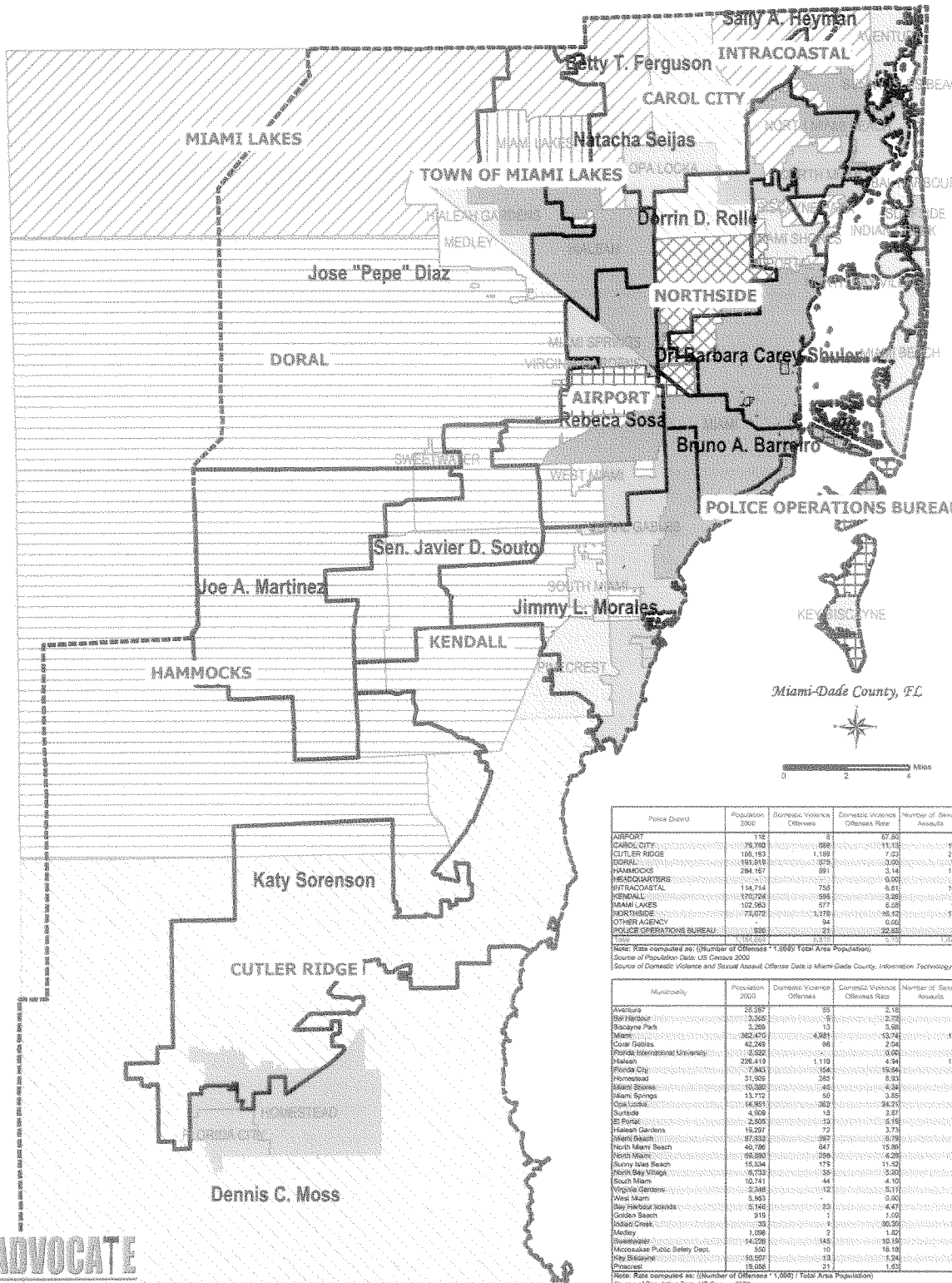
Note: Rate computed as: (Number of Offenses / 1,000) / Total Area Population
 Source of Population Data: US Census 2000
 Source of Domestic Violence and Sexual Assault Offense Data is Miami-Dade County, Information Technology Department

Municipality	Population 2000	Domestic Violence Offenses	Domestic Violence Offense Rate	Number of Sexual Assaults	Sexual Assault Rate	Sexual Assaults Reported as Domestic Violence	Sexual Assaults Reported as Domestic Violence Rate
Aventura	25,247	35	1.39	4	0.16	0	0.00
Bal Harbour	3,390	9	2.66	0	0.00	0	0.00
Biscayne Park	3,259	13	3.99	0	0.00	0	0.00
Biscayne	139,270	4,981	3.58	1,041	0.75	344	0.25
Carol Gardens	42,249	88	2.04	15	0.36	0	0.00
Florida International University	25,522	0	0.00	0	0.00	0	0.00
Hialeah	226,419	1,119	4.94	197	0.87	13	0.06
Florida City	7,843	154	19.64	6	0.77	0	0.00
Homestead	31,959	285	8.92	30	0.94	1	0.03
Miami Shores	103,300	19	0.02	0	0.00	0	0.00
Miami Springs	13,712	50	3.65	4	0.29	0	0.00
Oak Locka	14,951	302	20.21	56	3.75	0	0.00
Surfside	4,222	19	4.50	4	0.95	0	0.00
El Portal	2,600	19	7.31	0	0.00	0	0.00
Hialeah Gardens	19,297	72	3.73	2	0.10	0	0.00
North Beach	67,333	597	8.87	84	1.25	0	0.00
North Miami Beach	40,798	547	13.41	23	0.56	0	0.00
North Miami	66,830	256	3.83	39	0.58	0	0.00
Sunny Isles Beach	15,534	179	11.53	1	0.06	0	0.00
North Bay Village	6,232	10	1.60	0	0.00	0	0.00
South Miami	10,741	44	4.10	1	0.09	0	0.00
Virginia Gardens	3,248	12	3.71	0	0.00	0	0.00
West Miami	5,943	3	0.50	0	0.00	0	0.00
Bay Harbour Islands	5,146	25	4.86	0	0.00	0	0.00
Golden Beach	910	1	0.11	0	0.00	0	0.00
North Creek	1,311	1	0.08	0	0.00	0	0.00
Medley	1,088	2	0.18	0	0.00	0	0.00
Sweetwater	14,226	145	10.19	25	1.76	0	0.00
Worcester Public Safety Dept	550	19	3.45	0	0.00	0	0.00
Italy Biscayne	18,507	13	0.07	0	0.00	0	0.00
Princeton	19,055	31	1.63	3	0.16	1	0.05

Note: Rate computed as: (Number of Offenses / 1,000) / Total Area Population
 Source of Population Data: US Census 2000
 Source of Domestic Violence and Sexual Assault Offense Data is Florida Department of Law Enforcement

Sexual Assault Offense Rate by Police District and Municipality (2001)

MIAMI-DADE



Legend

Commission Districts Boundary

Sexual Assault Offense Rate by Police District

- 0.00
- 0.01 - 0.49
- 0.50 - 0.87
- 0.88 - 1.57
- 1.58 - 2.15
- 2.16 - 16.95

Sexual Assault Offense Rate by Municipality

- 0.00
- 0.01 - 0.19
- 0.20 - 0.36
- 0.37 - 0.61
- 0.62 - 0.97
- 0.98 - 1.11

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District 11
Community Services Planning Center
401 NW 2nd Avenue, Room N1021
Miami, Florida 33128
Phone: (305) 377-7639
Monday - Friday 8:00am to 5:00pm, Eastern Standard Time

Police District	Population 2000	Domestic Violence Offenses	Domestic Violence Offense Rate	Number of Sexual Assaults	Sexual Assaults Rate	Sexual Assaults (Flagged as Domestic Violence)	Sexual Assaults (Flagged as Domestic Violence) Rate
AIRPORT	116	4	0.34	2	1.72	1	0.86
CAROL CITY	78,790	888	1.13	198	0.25	80	0.10
CUTLER RIDGE	168,163	1,189	0.70	217	0.13	102	0.06
DORAL	181,918	1,985	1.10	446	0.25	184	0.10
HAMMOCKS	204,167	891	0.44	154	0.07	73	0.04
HEADQUARTERS	114,714	750	0.65	144	0.13	76	0.07
INTRACOASTAL	170,724	595	0.35	70	0.04	30	0.02
MIAMI LAKES	102,864	877	0.85	98	0.09	47	0.05
NORTHSIDE	73,072	1,178	1.61	157	2.15	77	1.04
OTHER AGENCY	2,245	94	0.04	16	0.00	9	0.00
POLICE OPERATIONS BUREAU	1,000,000	1,000	0.10	1,000	0.10	1,000	0.10
Total	1,000,000	1,000	0.10	1,000	0.10	1,000	0.10

Note: Rate computed as (Number of Offenses * 1,000) Total Area Population

Source of Population Data: US Census 2000

Source of Domestic Violence and Sexual Assault Offense Data is Miami-Dade County, Information Technology Department

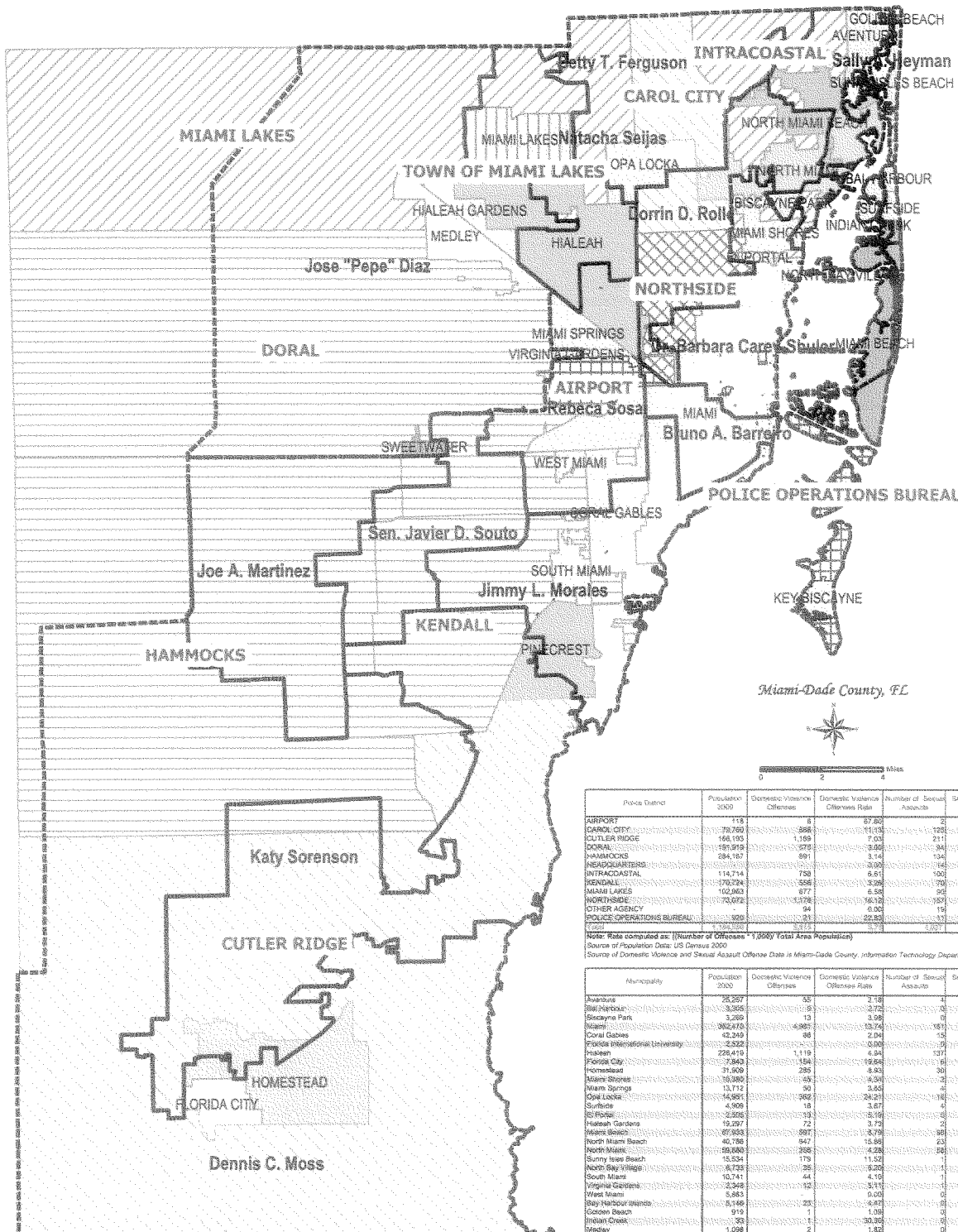
Municipality	Population 2000	Domestic Violence Offenses	Domestic Violence Offense Rate	Number of Sexual Assaults	Sexual Assaults Rate	Sexual Assaults (Flagged as Domestic Violence)	Sexual Assaults (Flagged as Domestic Violence) Rate
Aventura	22,257	53	2.38	4	0.18	3	0.13
Bell Harbor	3,305	9	2.72	0	0.00	0	0.00
Biscayne Park	3,268	43	13.16	0	0.00	0	0.00
Bayview	32,419	498	15.36	10	0.03	0	0.00
Coarabua	42,249	86	2.04	15	0.36	0	0.00
Florida International University	2,522	1	0.04	0	0.00	0	0.00
Heaven	268,119	1,119	4.18	185	0.07	13	0.00
Florida City	7,843	154	1.96	19	0.24	0	0.00
Homestead	51,500	260	0.50	30	0.06	0	0.00
Miami Shores	10,568	85	0.80	0	0.00	0	0.00
Miami Springs	13,712	50	0.36	4	0.29	0	0.00
Opa Locka	14,951	363	2.43	16	0.11	0	0.00
Surfside	4,909	10	0.20	0	0.00	0	0.00
Id Rialto	2,205	13	5.89	0	0.00	0	0.00
Heaven Gardens	12,207	77	0.63	0	0.00	0	0.00
West Miami	87,433	267	0.31	96	0.11	0	0.00
North Miami Beach	40,796	647	15.86	23	0.06	0	0.00
North Miami	69,063	294	0.43	16	0.02	0	0.00
Surry Isles Beach	15,304	175	11.43	1	0.00	0	0.00
South Bay Village	6,732	56	0.83	0	0.00	0	0.00
South Miami	10,747	44	4.10	0	0.00	0	0.00
Virginia Gardens	2,348	12	5.11	0	0.00	0	0.00
West Miami	5,853	3	0.05	0	0.00	0	0.00
Westchester Lakeside	9,146	20	0.22	0	0.00	0	0.00
Golden Beach	919	1	0.11	0	0.00	0	0.00
Id Rialto	2,205	13	5.89	0	0.00	0	0.00
Medley	1,098	2	0.18	0	0.00	0	0.00
Swellee	14,228	145	10.19	0	0.00	0	0.00
Monroe Public Safety Dept.	50	0	0.00	0	0.00	0	0.00
Key Biscayne	90,607	13	0.01	0	0.00	0	0.00
Princeton	18,058	31	0.17	0	0.00	0	0.00

Note: Rate computed as (Number of Offenses * 1,000) Total Area Population

Source of Population Data: US Census 2000

Source of Domestic Violence and Sexual Assault Offense Data is Florida Department of Law Enforcement

Combined Sexual Assault and Domestic Violence Offense Rate by Police District and Municipality (2001)



Legend

- Commission Districts Boundary

Police District Rate

- DV-Flagged Sexual Assaults
- 0.00
- 0.01 - 0.28
- 0.29 - 0.46
- 0.47 - 0.63
- 0.64 - 0.81
- 0.82 - 8.47

Rate by Municipality

- DV-Flagged Sexual Assaults
- 0.00
- 0.01 - 0.03
- 0.04 - 0.06
- 0.07 - 0.08
- 0.09 - 0.12
- 0.13 - 0.25

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Police District	Population 2000	Domestic Violence Offenses	Domestic Violence Offenses Rate	Number of Sexual Assaults	Sexual Assaults Rate	Sexual Assaults Flagged as Domestic Violence	Sexual Assaults Flagged as Domestic Violence Rate
AIRPORT	119	8	67.20	2	16.80	1	8.40
CAROL CITY	78,760	366	4.64	113	1.44	56	0.71
CUTLER RIDGE	161,193	1,169	7.25	211	1.31	102	0.63
DORAL	181,919	573	3.15	84	0.46	64	0.35
HAMMOCKS	284,167	691	2.43	134	0.47	75	0.26
HEADQUARTERS	10,000	1	0.01	1	0.01	0	0.00
INTRACOASTAL	114,714	750	6.51	100	0.87	43	0.37
KENDALL	170,224	556	3.26	79	0.46	32	0.19
MIAMI LAKES	100,863	677	6.70	145	1.44	47	0.46
NORTHSIDE	77,072	1,378	17.75	187	2.43	69	0.89
OTHER AGENCY	21	0	0.00	19	0.90	0	0.00
POLICE OPERATIONS BUREAU	326	21	6.44	22	6.75	19	5.83
Total	1,766,700	3,713	2.10	1,007	0.57	464	0.26

Note: Rate computed as: (Number of Offenses / 1,000 Total Area Population)
Source of Domestic Violence and Sexual Assault Offense Data is Miami-Dade County, Information Technology Department

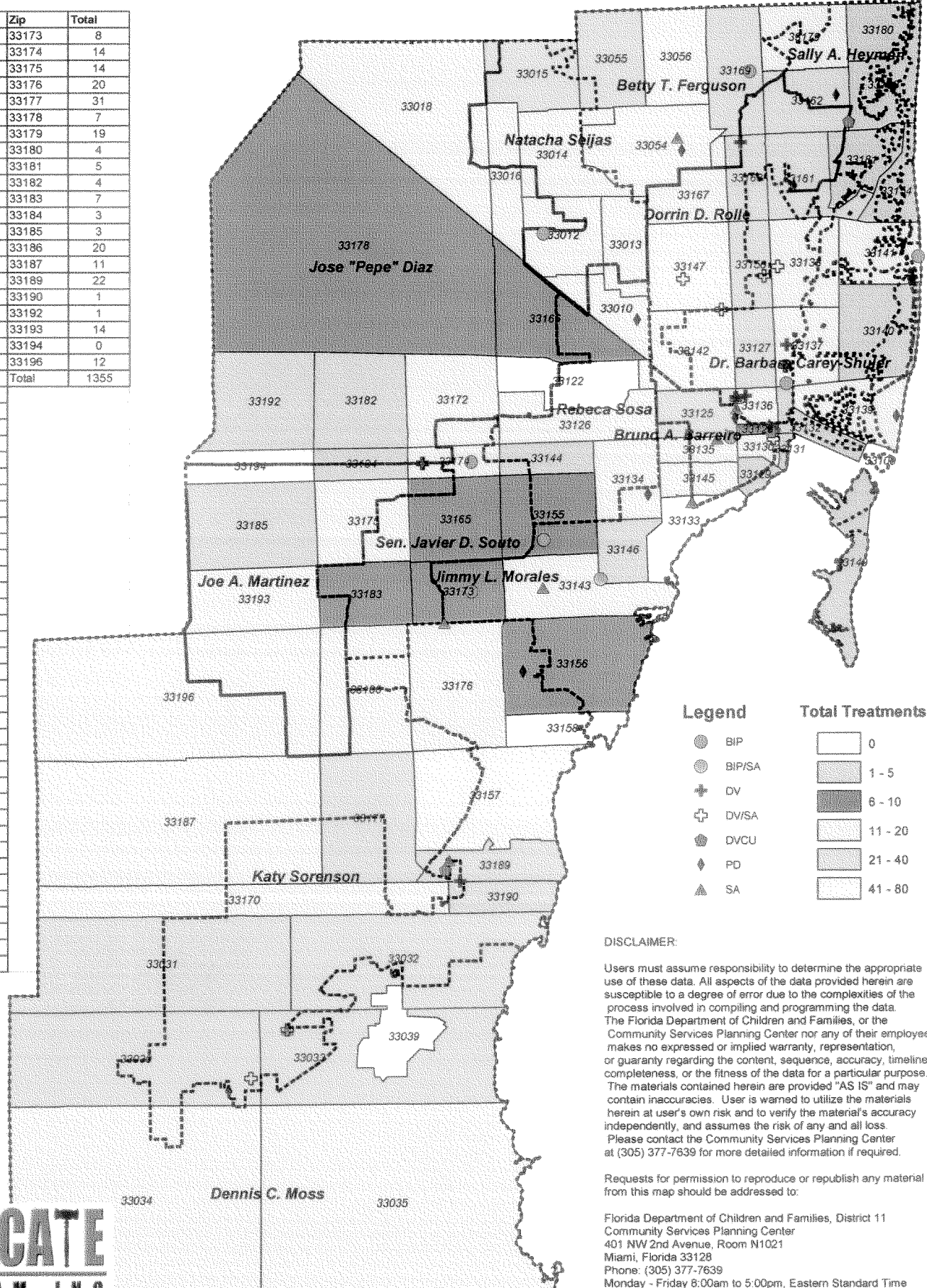
Municipality	Population 2000	Domestic Violence Offenses	Domestic Violence Offenses Rate	Number of Sexual Assaults	Sexual Assaults Rate	Sexual Assaults Flagged as Domestic Violence	Sexual Assaults Flagged as Domestic Violence Rate
Aventura	21,257	43	2.02	4	0.19	0	0.00
Bal Harbour	3,205	9	2.81	0	0.00	0	0.00
Biscayne Park	3,269	13	3.98	0	0.00	0	0.00
Brickell	362,676	4,985	13.74	1,011	2.79	344	0.95
Coral Gables	42,249	66	1.56	15	0.36	0	0.00
Florida International University	2,522	0	0.00	0	0.00	0	0.00
Hialeah	22,410	1,119	4.99	131	0.58	13	0.06
Florida City	7,843	154	19.64	19	0.24	0	0.00
Homestead	31,909	295	9.25	30	0.94	7	0.03
Indian Shores	10,399	18	0.17	0	0.00	0	0.00
North Miami Beach	13,712	30	2.19	4	0.29	0	0.00
Opa Locka	14,961	362	24.21	18	1.21	0	0.00
Surfside	4,309	4	0.09	0	0.00	0	0.00
West Miami	2,506	13	5.19	0	0.00	0	0.00
Hialeah Gardens	19,297	72	3.73	2	0.10	0	0.00
Waters Beach	67,883	597	8.79	88	1.29	0	0.00
North Miami	67,947	1,589	23.39	112	1.65	17	0.12
North Miami Beach	16,060	206	12.82	18	1.12	15	0.28
Sunny Isles Beach	15,534	13	0.08	1	0.01	0	0.00
North Bay Village	6,733	25	3.71	11	1.63	0	0.00
South Miami	10,741	44	4.10	1	0.09	0	0.00
Virginia Gardens	13,248	1	0.01	0	0.00	0	0.00
West Miami	5,683	1	0.02	0	0.00	0	0.00
Bay Harbour Islands	1,146	23	20.07	0	0.00	0	0.00
Golden Beach	912	1	0.11	0	0.00	0	0.00
Indian Creek	33	1	3.03	0	0.00	0	0.00
Midway	1,098	2	1.82	0	0.00	0	0.00
Shorecrest	14,225	145	10.19	0	0.00	0	0.00
Macroservices Public Safety Dept.	550	10	18.18	0	0.00	0	0.00
Key Biscayne	10,507	13	1.24	1	0.01	0	0.00
Crandon	1,000	31	3.10	0	0.00	0	0.00

Note: Rate computed as: (Number of Offenses / 1,000 Total Area Population)
Source of Domestic Violence and Sexual Assault Offense Data is Florida Department of Law Enforcement

2002 Filings for Injunctions for Protection Against Domestic and Repeat Violence by Petitioners' Residence (by ZIP Code)



Zip	Total	Zip	Total
33010	20	33173	8
33012	17	33174	14
33013	11	33175	14
33014	16	33176	20
33015	27	33177	31
33016	13	33178	7
33018	13	33179	19
33030	32	33180	4
33031	2	33181	5
33032	21	33182	4
33033	30	33183	7
33034/5	23	33184	3
33054	41	33185	3
33055	39	33186	20
33056	41	33187	11
33101	5	33189	22
33125	21	33190	1
33126	13	33192	1
33127	40	33193	14
33128	7	33194	0
33129	5	33196	12
33130	15	Total	1355
33131	1		
33132	4		
33133	0		
33134	11		
33135	20		
33136	19		
33137	14		
33138	19		
33139	19		
33140	5		
33141	14		
33142	59		
33143	11		
33144	5		
33145	11		
33146	5		
33147	80		
33149	3		
33150	31		
33151	0		
33154	3		
33155	10		
33156	7		
33157	47		
33158	0		
33160	1		
33161	38		
33162	33		
33164	0		
33165	8		
33166	7		
33167	18		
33168	23		
33169	39		
33170	12		
33172	12		



Legend

- BIP
- BIP/SA
- ⊕ DV
- ⊕ DV/SA
- ⊕ DV/SA
- ◆ PD
- ▲ SA

Total Treatments

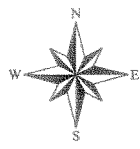
- 0
- 1 - 5
- 6 - 10
- 11 - 20
- 21 - 40
- 41 - 80

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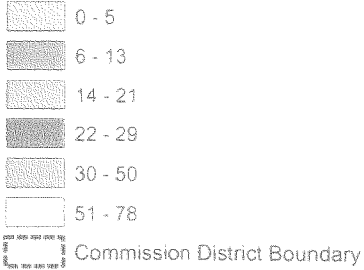


District 11 (Miami-Dade & Monroe Counties)

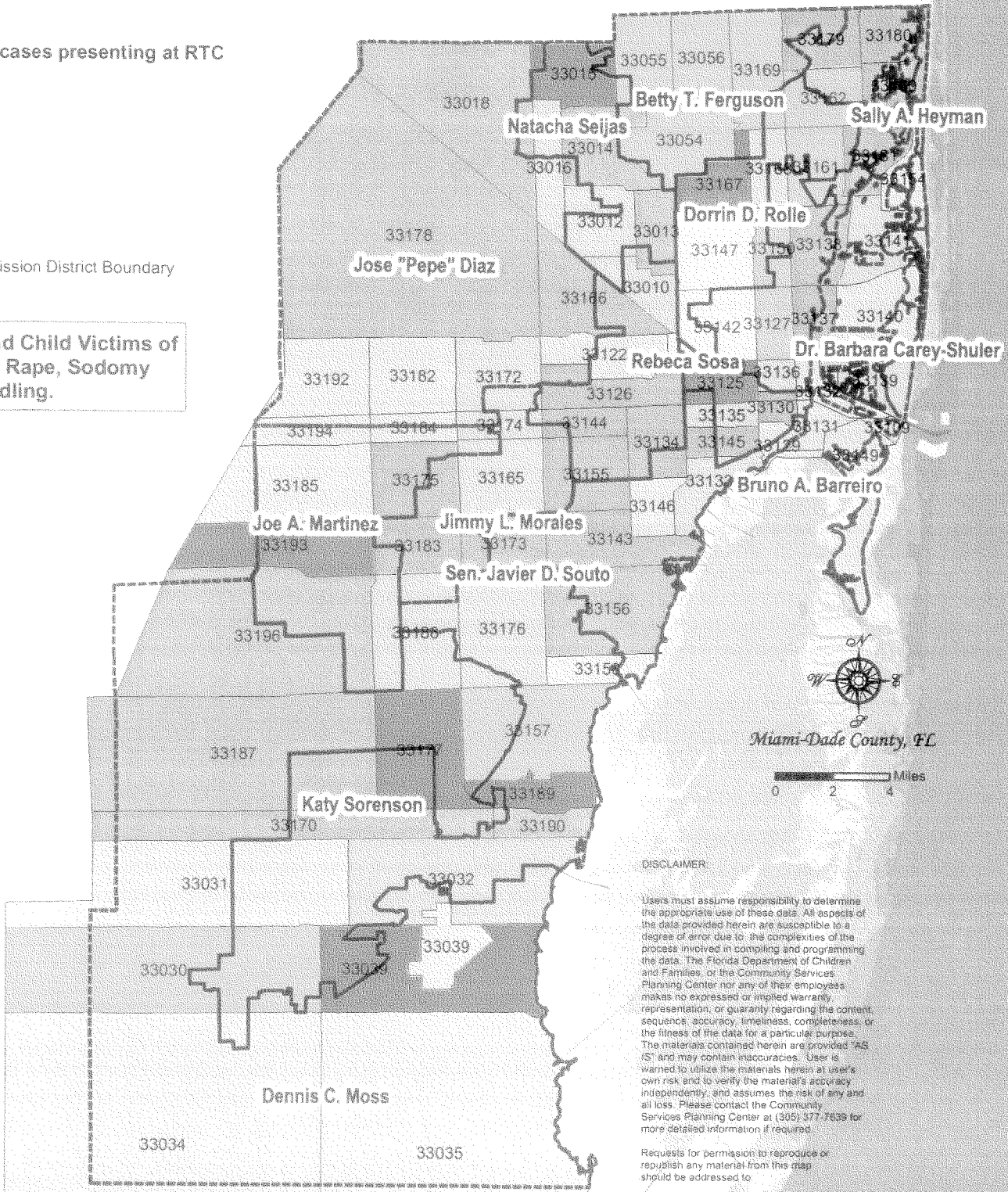
Sexual Assault Victims Presenting for Medical Examinations to RTC (Oct. 01, 2001 - Sept. 30, 2002)

Legend

Number of cases presenting at RTC



Adult and Child Victims of Forcible Rape, Sodomy and Fondling.



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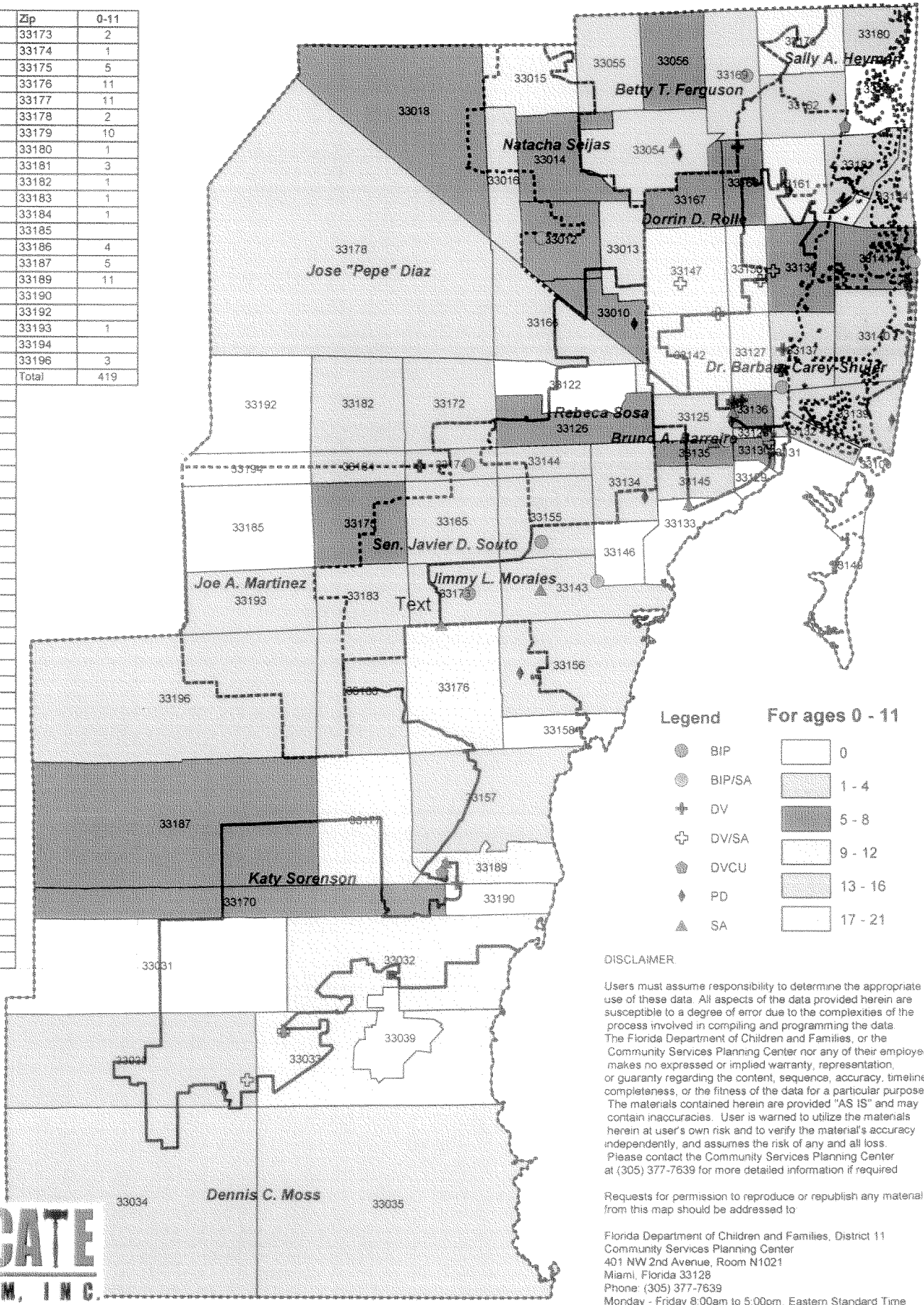
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**Sexual Assault Victims, Ages 0 - 11 Years Old
Presenting for Medical Evaluations at RTC by
Victims' Residence by ZIP Code
(October 1, 2001 - September 30, 2002)**



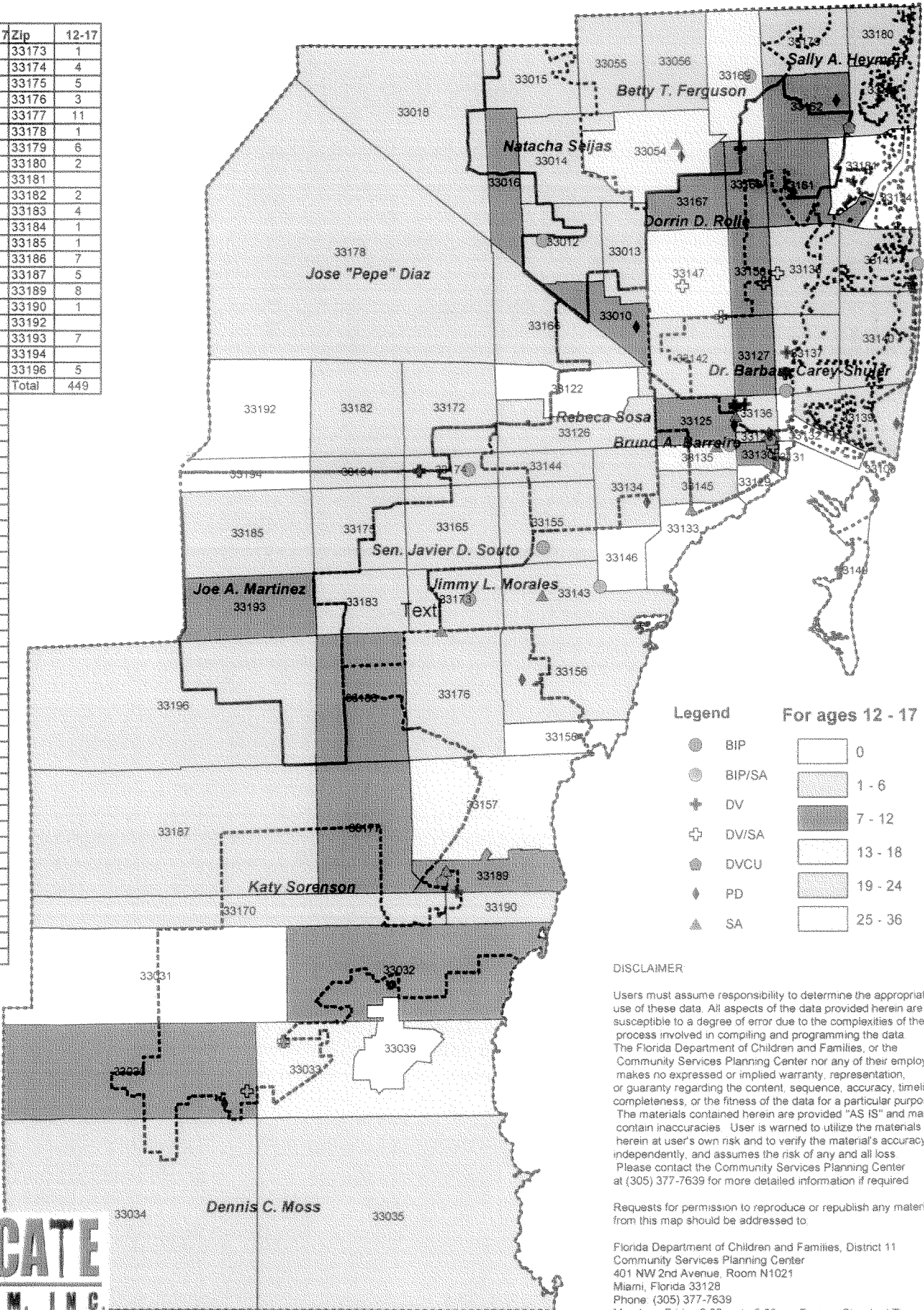
Zip	0-11	Zip	0-11
33010	7	33173	2
33012	6	33174	1
33013	3	33175	5
33014	6	33176	11
33015	9	33177	11
33016	4	33178	2
33018	5	33179	10
33030	16	33180	1
33031		33181	3
33032	11	33182	1
33033	9	33183	1
33034/5	8	33184	1
33054	16	33185	
33055	13	33186	4
33056	8	33187	5
33101	1	33189	11
33125	3	33190	
33126	5	33192	
33127	21	33193	1
33128	1	33194	
33129		33196	3
33130	5	Total	419
33131			
33132	2		
33133			
33134	2		
33135	5		
33136	6		
33137	2		
33138	5		
33139	1		
33140	1		
33141	5		
33142	19		
33143	3		
33144	2		
33145	4		
33146			
33147	20		
33149			
33150	10		
33151			
33154	1		
33155	4		
33156	2		
33157	13		
33158			
33160			
33161	11		
33162	13		
33164			
33165	2		
33166	1		
33167	7		
33168	6		
33169	13		
33170	6		
33172	4		



**Sexual Assault Victims, Ages 12 - 17 Years Old
Presenting for Medical Evaluations at RTC by
Victims' Residence by ZIP Code
(Oct. 01, 2001 - Sept. 30, 2002)**



Zip	12-17	Zip	12-17
33010	7	33173	1
33012	6	33174	4
33013	6	33175	5
33014	6	33176	3
33015	5	33177	11
33016	7	33178	1
33018	6	33179	6
33030	10	33180	2
33031		33181	
33032	7	33182	2
33033	13	33183	4
33034/5	3	33184	1
33054	16	33185	1
33055	19	33186	7
33056	24	33187	5
33101	1	33189	8
33125	8	33190	1
33126	2	33192	
33127	8	33193	7
33128	2	33194	
33129		33196	5
33130	7	Total	449
33131			
33132			
33133			
33134	2		
33135	13		
33136	2		
33137	4		
33138	4		
33139	1		
33140	2		
33141	3		
33142	22		
33143	3		
33144	1		
33145	1		
33146			
33147	36		
33149			
33150	11		
33151			
33154			
33155	1		
33156	1		
33157	17		
33158			
33160	1		
33161	12		
33162	9		
33164			
33165	3		
33166	3		
33167	9		
33168	8		
33169	15		
33170	3		
33172	6		



Legend

- BIP
- BIP/SA
- ✦ DV
- ✦ DV/SA
- DVCU
- ◆ PD
- ▲ SA

For ages 12 - 17

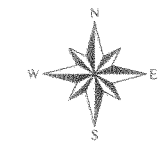
0
1 - 6
7 - 12
13 - 18
19 - 24
25 - 36

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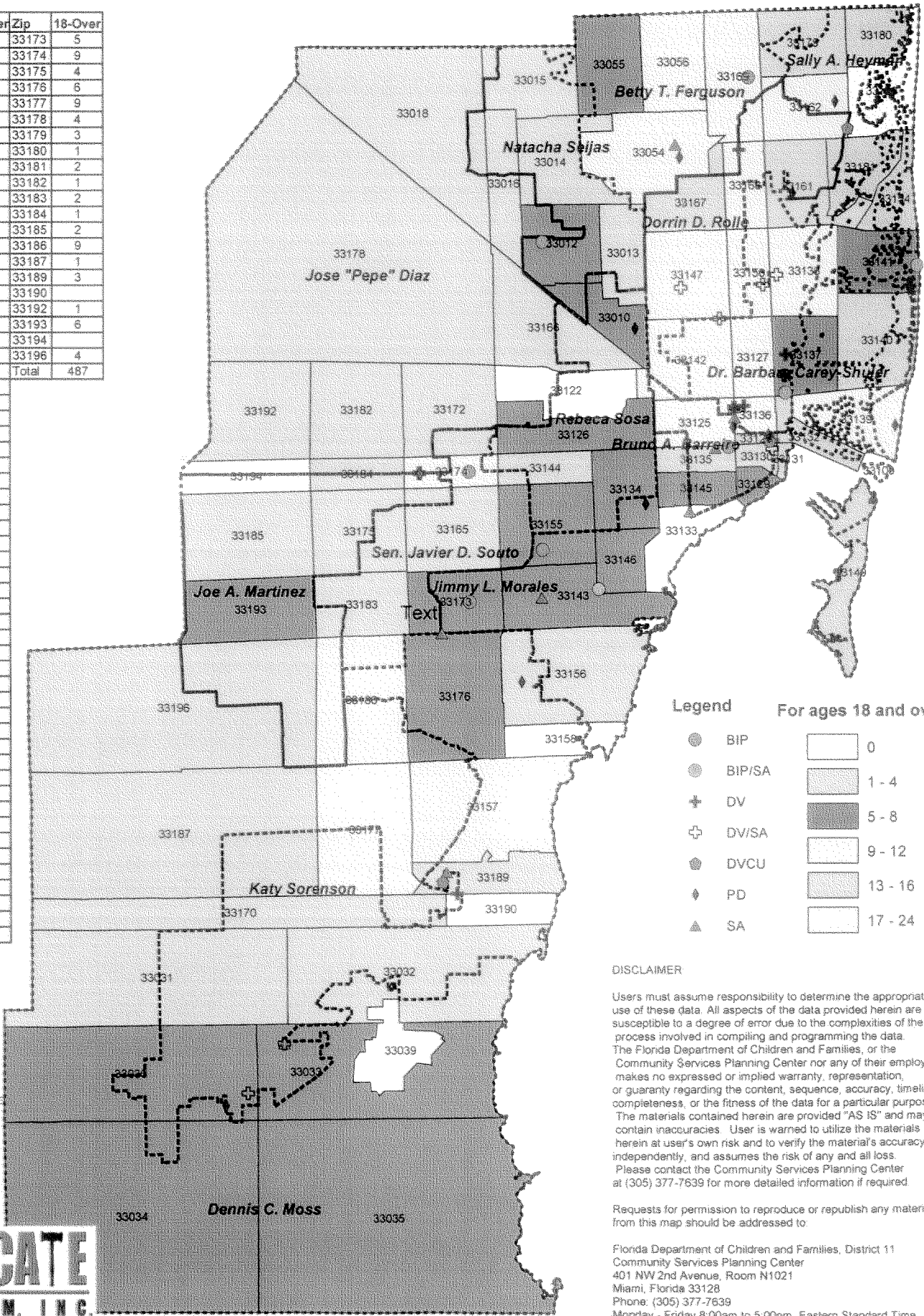
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Miami, Florida 33128
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**Sexual Assault Victims, Over 18 Years Presenting
for Medical Evaluations at RTC by Victims'
Residence by ZIP Code
(Oct. 01, 2001 - Sept. 30, 2002).**



Zip	18-Over	Zip	18-Over
33010	6	33173	5
33012	5	33174	9
33013	2	33175	4
33014	4	33176	6
33015	13	33177	9
33016	2	33178	4
33018	2	33179	3
33030	6	33180	1
33031	2	33181	2
33032	3	33182	1
33033	8	33183	2
33034/5	12	33184	1
33054	9	33185	2
33055	7	33186	9
33056	9	33187	1
33101	3	33189	3
33125	10	33190	
33126	6	33192	1
33127	11	33193	6
33128	4	33194	
33129	5	33196	4
33130	3	Total	487
33131	1		
33132	2		
33133			
33134	7		
33135	2		
33136	11		
33137	8		
33138	10		
33139	17		
33140	2		
33141	6		
33142	18		
33143	5		
33144	2		
33145	6		
33146	5		
33147	24		
33149	3		
33150	10		
33151			
33154	2		
33155	5		
33156	4		
33157	17		
33158			
33160			
33161	15		
33162	11		
33164			
33165	3		
33166	3		
33167	2		
33168	9		
33169	11		
33170	3		
33172	2		



Legend For ages 18 and over

- BIP
- BIP/SA
- ⊕ DV
- ⊕ DV/SA
- DVCU
- ◆ PD
- ▲ SA

0
1 - 4
5 - 8
9 - 12
13 - 16
17 - 24

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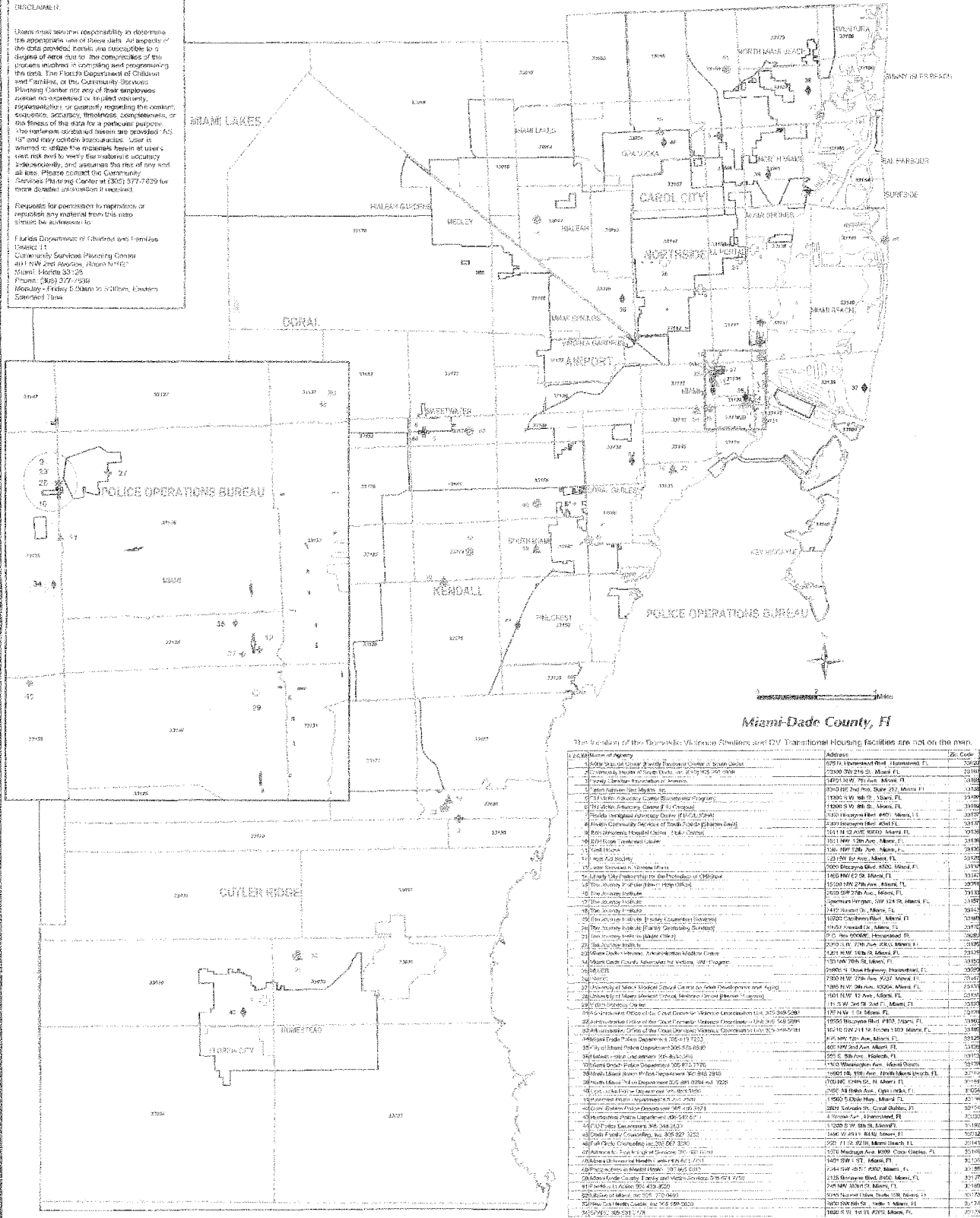
Domestic Violence and Sexual Assaults Service Providers (2003)

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Miami, Florida 33128
Phone: (305) 227-1240
Monday - Friday 8:00am to 5:00pm, Eastern Standard Time



Miami-Dade County, FL

The location of the Domestic Violence Shelters and DV Transitional Housing facilities are not on the map.

Agency Name	Address	Zip Code
1. 3050 State St. Child Family Resource Center of South Dade	3050 S. Riverside Blvd., Homestead, FL	33064
2. Community Center of South Dade, Inc. 401 SW 102nd Street	27000 SW 216 St., Miami, FL	33190
3. Family Center Association of Broward	2420 NW 75th Ave., Miami, FL	33142
4. Family Resource Center, Inc.	3300 NW 2nd St., Suite 212, Miami, FL	33134
5. Family Resource Center (Broward County)	11000 N.W. 88th St., Miami, FL	33198
6. The Family Resource Center of Dade County	14000 SW 88th St., Miami, FL	33186
7. Florida Community Resource Center (FCRC)	2500 Biscayne Blvd., #407, Miami, FL	33137
8. Florida Community Resource Center (FCRC) - Dade County	2400 Biscayne Blvd., #407, Miami, FL	33137
9. Family Resource Center (Dade County)	1511 N. W. 12th Street, Miami, FL	33136
10. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
11. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
12. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
13. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
14. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
15. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
16. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
17. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
18. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
19. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
20. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
21. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
22. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
23. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
24. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
25. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
26. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
27. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
28. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
29. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
30. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
31. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
32. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
33. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
34. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
35. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
36. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
37. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
38. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
39. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
40. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
41. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
42. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
43. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
44. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
45. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
46. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
47. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
48. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
49. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
50. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
51. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
52. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
53. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
54. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
55. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
56. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
57. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
58. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
59. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
60. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
61. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136
62. Family Resource Center (Dade County)	1511 N.W. 12th St., Miami, FL	33136



Legend

- * BIP
- * DV
- * DVCU
- * SA
- * BIP/SA
- * DV/SA
- * PD

- ZIP Code Boundary
- Municipal Boundary
- Police District Boundary



**MIAMI-DADE COUNTY POLICE DEPARTMENT
SURVEY AND POPULATION DEMOGRAPHICS (2003)**

Miami-Dade County Police Department Survey and Population Demographics

Department	Population Served Median Income*	Unemployment Rate*	% below poverty level*	PD Size	DV Unit with Advocate	DV Unit Without Advocate	No DV Unit, Has Advocate	No DV Unit, No Advocate	DV Rate 2001	Overall SOP Rating 2002
Aventura	\$44,526	2.6	5.6	Small				X	2.2	
Bal Harbour	\$47,148	3.3	5.6	Small				X	2.7	**
Bay Harbor Island				Small				X	4.5	*
Biscayne Park									4.0	
City of Miami	\$23,483	5.9	23.5	Large	X				13.7	
Coral Gables	\$66,839	3.7	4.3	Medium			X		2.0	*
El Portal	\$39,681	6.9	16.3	Small				X	5.2	
FIU										*
Florida City	\$14,923	9.4	41.7	Small				X	19.6	
Golden Beach				Small				X	1.1	
Hialeah	\$29,492	5.1	16	Medium	X				4.9	
Hialeah Gardens	\$38,858	5.7	10.9	Small				X	3.7	
Golden Beach				Small				X	1.1	
Hialeah	\$29,492	5.1	16	Medium	X				4.9	
Hialeah Gardens	\$38,858	5.7	10.9	Small				X	3.7	
Homestead	\$26,775	6.5	29.1	Small			X		8.9	
Indian Creek				Small				X	30.3	
Key Biscayne	\$86,599	1.8	5.7	Small				X	1.2	
Medley	\$23,167	3.6	14.3	Small				X	1.8	
Miami Beach	\$27,322	4.2	17	Medium	X				6.8	**
Miami Shores	\$56,306	8.9	6.9	Small				X	4.3	
Miami Springs	\$50,000	3.3	6.9	Small				X	3.7	**
Miccosukee				Small				X	18.2	
North Bay Village	\$34,354	4.7	7.8	Small				X	5.2	
North Miami	\$29,778	6.9	20.7	Medium	X				4.3	
North Miami Beach	\$31,377	5.9	18.4	Medium	X				15.9	
Opa Locka				Small	X				24.2	*
Pinecrest				Small	X				1.6	
South Miami	\$42,488	3.6	8.9	Small			X		4.1	
Sunny Isles				Small				X	11.5	
Surfside	\$50,927	2.2	6.7	Small				X	3.7	
Sweetwater				Small		X			10.2	
Virginia Gardens	\$40,197	3.9	9.5	Small				X	5.1	
West Miami	\$34,910	3.7	7.6	Small				X	4.0	
Miami-Dade	\$35,966	6.9	14.5	Large	X					** [DCB]

Number of sworn officers in 2002: Large/more than 1,000 officers; Medium/100-1,000 officers; Small/less than 100
 Overall SOP rating was derived from Published Procedures in Department DV SOPs: * Good, ** Excellent
 *Statistics from 2000 US Census & 2001 DV Offense Rate Derived from FDLE DV Offense Reports

MIAMI-DADE COUNTY POLICE DEPARTMENT SURVEY

**(Sorted By Number of Sworn Officers, Dedicated Domestic Crimes Office, and
Availability of Victims Advocates)**

Miami-Dade County Police Department Survey
 (Sorted by number of sworn officers, dedicated Domestic Crimes office,
 and availability of victim advocates)

Large Police Departments (more than 1,000 sworn officers*)	
<u>DV Unit with Advocates</u> Miami-Dade Police Department (3,087) Miami Police Department (1,078)	<u>No DV Unit, has Advocates</u> N/A
<u>DV Unit without Advocates</u> N/A	<u>No DV Unit, No Advocates</u> N/A

Medium Police Departments (100 – 1,000 sworn officers*)	
<u>DV Unit with Advocates</u> Hialeah Police Department (350) Miami Beach Police Department (381) North Miami Beach Police Dept. (104) North Miami Police Department (114)	<u>No DV Unit, has Advocates</u> Coral Gables Police Department (163)
<u>DV Unit without Advocates</u> N/A	<u>No DV Unit, No Advocates</u> N/A

* Total number of sworn officers as of 2001.

Miami-Dade County Police Department Survey
(Sorted by number of sworn officers, dedicated Domestic Crimes office,
and availability of victim advocates)

Small Police Departments (less than 100 sworn officers*)	
<p><u>DV Unit with Advocates</u> Opa Locka Police Department (38) Pinecrest Police Department (41)</p>	<p><u>No DV Unit, has Advocates</u> FIU Police Department (42)¹ Homestead Police Department (76) South Miami Police Department (59)</p>
<p><u>DV Unit without Advocates</u> Sweetwater Police Department (17)²</p>	<p><u>No DV Unit, No Advocates</u> Aventura Police Department (61) Bal Harbour Village Police Dept. (23) Bay Harbor Island Police Department (23) Biscayne Park Police Department (9) El Portal Police Department (8) Florida City Police Department (25) Golden Beach Police Department (14) Hialeah Gardens Police Department (35) Indian Creek Village Police Dept. (19) Key Biscayne Police Department (27) Medley Police Department (33) Miami Shores Police Department (34) Miami Springs Police Department (41) Miccosukee Police Department (32) North Bay Village Police Department (22) Sunny Isles Police Department (45) Surfside Police Department (19) Virginia Gardens Police Department (6)³ West Miami Police Department (14)</p>

* Total number of sworn officers as of 2001.

¹ Advocacy program is through Florida International University – the FIU police Department refers victims to it.

² Sweetwater Police Department has a dedicated officer assigned as a Domestic Violence Coordinator.

³ On previous report regarding victim advocates Virginia Gardens Police Department was listed as having an advocate. Due to the expiration of a grant, they no longer have this advocacy program.

DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICE PROVIDERS (2003)

Map index

MAP INDEX

DOMESTIC VIOLENCE / SEXUAL ASSAULT DIRECT SERVICE PROVIDERS

	Name of Agency	Address	Email	DV SA	Older Adults	Childrens Programs	Sexual Assault Service	Victim Advocacy	Counseling	Support Group	Benefits Assistance	Immigrant Services	Legal Representation	Total Cases
1	Adler Support Center [Family Resource Center of South Dade] [contact: Jackie Garcia] 305-345-7169]	675 N. Homestead Blvd., Homestead, FL 33020	igarcia_FRC@yahoo.com	X		X			X					150 Mostly Children
2	Community Health of South Dade, Inc. [CHI] 305-252-4838	10300 SW 216 St., Miami, FL 33190	CDOUGLIN@HCNETWORK.ORG	X		X								No Data
3	EntreNosotras 954-885-4845	8527 Pines Blvd, Suite 212, Pembroke Pines, FL 33024	blanqui@entrenosotras.org	X				X	X	X				No Data
4	Family Christian Association of America 305-685-4881, ext. 222	14701 N.W. 7th Ave., Miami, FL 33168	mhoward@fcaanet.org	X	X	Children of victims			X					60 Adults; 2 children
5	Fann Ayisyen Nan Miyami, Inc. 305-751-6723	8340 NE 2nd Ave, Suite 212, Miami, FL 33138	Fannayisyen@juno.com	X		X				X		X		150 Adults
6	FIU Victim Advocacy Center [Sweetwater Program Jessica Vazquez 305-758-2819]	11200 S.W. 8 St, Miami, FL 33199	xvazquez@fiu.edu	X	X		X	X	X					100 Adults, 9 Children [includes 50 SA cases]
7	FIU Victim Advocacy Center 305-348-1215	11200 S.W. 8 St, Miami, FL 33199	amandamiguidula@fiu.edu	X	X	Children of victims	X	X	X	X				140 Adults; 20 Children [includes 36 SA cases]
8	Florida Immigrant Advocacy Center [FIAC/LUCHA] 305-573-1106	3000 Biscayne Blvd. #400 Miami, FL 33137	MJFLETCHER@FIACFLA.ORG	X	X	X					X		X	No Data
9	Jewish Community Services of South Florida [Shalom Bayit] 305-576-6550	4200 Biscayne Blvd. #3rd FL, 33137	dhurwitz@gmjf.org	X	X				X	X				No Data

MAP INDEX

DOMESTIC VIOLENCE / SEXUAL ASSAULT DIRECT SERVICE PROVIDERS														
Name of Agency	Address	Email	DV	SA	Older Adults	Childrens Programs	Sexual Assault Service	Victim Advocacy	Counseling	Support Group	Benefits Assistance	Immigrant Services	Legal Representation	Total Cases
JMH [Women's Hospital Center - Holtz Center] 305-585-856-6238	1611 N 12 AVE #3003, Miami, FL 33136		X	X	X	X	X	X	X					No Data
JMH Rape Treatment Center	1611 NW 12 AVE			X	X	X	X	X	X					600 Adults; 1000 Children
Journey Institute [Here's Help Office]	15100 NW 27th Ave., Miami, FL 33054			X	X	X	X		X					included above
Kristi House 305-547-6846	1267 NW 12 Ave., Miami, FL 33136	DTHOMPSON@KRISTHOUS E.ORG		X		X	X	X	X	X				720 children (120 therapy/600 case management)
Legal Aid Society 305-579-5733	123 NW 1 Ave. Miami, FL 33128	BNUJVA@DA DELEGAL.AID.ORG			X	X							X	1,200 Adults
Legal Services of Greater Miami 305-576-0080	3000 Biscayne Blvd. #500, Miami, FL 33137	margaretz@lsgmi.org		X	X	X					X		X	70 Adults
Liberty City Partnership for the Protection of Children 305-696-1910	1466 NW 62 St. Miami, FL 33147			X	X			X			X			No Data
Miami Dade County Advocates for Victims, Safespace North [Celeste Maple 305-758-2804]	P. O. Box 380817, Miami, FL 33238	mapl@miamida dc.gov		X	X	X		X	X	X	X			506 Adults; 560 Children
Miami Dade County Advocates for Victims, Safespace North Haitian Advocacy Program [Contact: Linda Simeon 305-758-2422 or 305-803-8472 cell]	8325 N.E 2 Ave Miami, FL 33138	leidibel@yahoo.com			X				X	X	X	X		142 Adults

MAP INDEX

DOMESTIC VIOLENCE / SEXUAL ASSAULT DIRECT SERVICE PROVIDERS

Name of Agency	Address	Email	DV	SA	Older Adults	Childrens Programs	Sexual Assault Service	Victim Advocacy	Counseling	Support Group	Benefits Assistance	Immigrant Services	Legal Representation	Total Cases
Miami Dade County Advocates for Victims, Safespace Outreach Program 305-758-2819	150 N.W. 79 St., Miami, FL 33150	kimm@co.miami/dade.fl.us	X	X	X	X		X	X		X			1,720 Adults; 455 Children
Miami Dade County Advocates for Victims, Safespace South 305-247-4249	P.O. Box 901748 Homestead, FL 33090	tere@miamidadate.gov	X	X	X	X		X	X	X	X			Included Above
Miami Dade Veterans' Administration Medical Center [Barbara Singleton 305-325-7001]	1201 N.W. 16 St. Miami, FL 33125		X	X	X			X	X	X	X			40 Adults
Miami-Dade County Inn Transition 305-899-4600	P.O. Box 610815, North Miami, FL 33261			X			X		X	X				25 Adults
MUJER 305-247-1388	28905 S. Dixie Highway, Homestead, FL 33090	cyeardley@muje rfla.org	X	X	X	X	X	X	X	X	X	X	X	502 Adults; 186 Children [includes 103 SA cases]
PAIRS 305-693-3933	7900 N.W. 27th Ave. #237 Miami, FL 33147	pairs@aol.com	X	X					X	X				100 Adults [funding will end 12/31/03]
The Journey Institute	2650 SW 27th Ave., Miami, FL 33133			X		X	X		X	SA				Included Above
The Journey Institute	Spectrum Program, SW 124 St, Miami, FL 33157			X			X			SA				Included Above
The Journey Institute	7412 Sunset Dr., Miami, FL 33143			X			X			SA				Included Above

MAP INDEX

DOMESTIC VIOLENCE / SEXUAL ASSAULT DIRECT SERVICE PROVIDERS

Name of Agency	Address	Email	DV	SA	Older Adults	Childrens Programs	Sexual Assault Service	Victim Advocacy	Counseling	Support Group	Benefits Assistance	Immigrant Services	Legal Representation	Total Cases
28 The Journey Institute [Family Counseling Services]	10700 Caribbean Blvd., Miami, FL 33189			X		X	X		X	SA				Included Above
29 The Journey Institute [Family Counseling Services]	10651 Kendall Dr., Miami, FL, 33176			X		X	X		X	SA				Included Above
30 The Journey Institute [Mujer Office]	P.O. Box 900685, Homestead, FL 33090				X	X	X		X	SA				Included Above
31 The Journey Institute 305-443-1123	2650 S.W. 27th Ave. #303, Miami, FL 33133	kateltji@bellsouth.net			X	X	X		X	SA				200 Adults; 200 Children
32 University of Miami Medical School Center on Adult Development and Aging 305-355-9074	1695 N.W. 9th Ave. #3204, Miami, FL 33136	incorvea@med.miami.edu			X		X							12 Frail Elders
33 University of Miami Medical School, Mailman Center [Heroes Program] 305-355-9074	1601 N.W. 12 Ave., Miami, FL 33136	anita@miami.edu		X		X	X		X	X		X		100 Adults; 75 Children
34 Victim Services Center 305-374-9990	111 S.W. 3rd St. 2nd Fl., Miami, FL 33130	info@vscmiami.org			X	X	X	X	X	X	X			490 Adults, 210 Children

MAP INDEX

DOMESTIC VIOLENCE COORDINATION UNIT DV INTAKE CENTER LOCATIONS

		Address	Email	DV/SA	Counseling	Injunction Assist	Hotline	Self Help Divorce Clinic
35	Administrative Office of the Court Domestic Violence Coordination Unit 305-349-5888	175 N.W. 1 St. Miami, FL 33128	imesa@jud11.flcourts.org	X	X	X	X	X
36	Administrative Office of the Court Domestic Violence Coordination Unit 305-349-5888	15555 Biscayne Blvd. #103, 33160		X	X	X	X	X
37	Administrative Office of the Court Domestic Violence Coordination Unit 305-349-5888	10710 SW 211 St. Room 1100, 33189		X	X	X	X	X

MAP INDEX

POLICE DEPARTMENTS WITH SPECIAL UNITS AND/OR DV ADVOCATES

	Department	Address
38	Miami Dade Police Department 305-418-7203	875 NW 12th Ave, Miami, FL 33125
39	City of Miami Police Department 305-579-6530	400 NW 2nd Ave. Miami, FL 33128
40	Hialeah Police Department 305-953-5260	555 E. 8th Ave., Hialeah, FL 33013
41	Miami Beach Police Department 305-673-7776	1100 Washington Ave., Miami Beach 33139
42	North Miami Beach Police Department 305-948-2940	16901 NE 19th Ave., North Miami Beach, FL 33162
43	North Miami Police Department 305-891-0294 ext. 3225	700 NE 124th St., N. Miami, FL 33161
44	Opa Locka Police Department 305-953-3150	2495 Ali Baba Ave., Opa Locka, FL 33054
45	Pinecrest Police Department 305-234-2100	11500 S. Dixie Hwy., Miami, FL 33156
46	Coral Gables Police Department 305-460-5471	2801 Salzedo St., Coral Gables, FL 33134
47	Homestead Police Department 305-242-5917	4 Krome Ave., Homestead, FL 33030
48	FIU Police Department 305-348-2630	11200 S.W. 8th St, Miami FL 33199

MAP INDEX

CERTIFIED BATTERERS INTERVENTION PROGRAMS AND SEXUAL ASSAULT OFFENDER PROGRAMS

				DV/BIP	SA TREATMENT
	Dade Family Counseling, Inc. 305-827-3252.	1490 W 49 PL #410, Miami, FL 33012		X	
49	Full Circle Counseling Inc. 305-867-3330	220 71 St. #218, Miami Beach, FL 33141	FCcounseling@aol.com	X	
	Alliance for Psychological Services 305-663-6540	1570 Madruga Ave. #309 Coral Gables, FL 33146	jodnncm50@yahoo.com	X	X
51	Miami Behavioral Health Center 305-643-7731	1401 SW 1 ST, Miami, FL 33134	MIR1424@BELLSOUTH.NET	X	
52	Perspectives in Mental Health 305-663-0013	7344 SW 48 ST #302	JPEREZCASTRO@EARTHLINK.NET	X	
53	Miami Dade County, Family and Victim Services 305-571-7750	2125 Biscayne Blvd. #400, Miami, FL 33137	dv506@miami dade.gov	X	
54	Families In Action 954-433-8520	248 NW 183rd St. Miami, FL 33169		X	
55	Lifeline of Miami, Inc 305- 270-0400	9745 Sunset Drive, Suite 109, Miami, FL 33173		X	
56	New Era Health Center, Inc 305-559-8838	9600 SW 8th St., Suite 1, Miami, FL 33174		X	
57	SPARC 305-631-0778	1800 S.W. 1st St. #205, Miami, FL 33133	EMARBAN@MSN.COM		X

Appendix D
Miscellaneous

Appendix D

**County Manager's
Letters**

Letter from County Manager

(Response to WPLG channel 10 report on DV0B)


Dated August 27, 2003



MEMORANDUM

TO: Honorable Alex Penelas, Mayor
Honorable Chairperson Barbara Carey-Shuler, E.D.
and Members, Board of County Commissioners

DATE: August 27, 2003

FROM: George M. Burgess
County Manager 

SUBJECT: Response to WPLG
Channel 10 Report on
Domestic Violence
Oversight Board

In response to your inquiries and the WPLG Channel 10 series of reports on the Miami-Dade County Domestic Violence Oversight Board (DVOB), I have met with staff from the Department of Human Services and the General Services Administration, and the County Attorney who supports the DVOB to discuss the issues presented. Let me first acknowledge that while there were numerous delays, some of which were unexpected and/or unavoidable, the overall process related to the activities of the DVOB and the completion of the Northwest Domestic Violence Center were adversely impacted by County policies and procedures, and insufficient staff oversight and support.

These delays began with the development of the DVOB Plan. Approximately 18 months lapsed from the original charge to the DVOB for the development of the Plan to its completion and approval by the Board of County Commissioners. Following the approval of the Plan, there was an inordinate lapse of time, more than four years, from the date the property was purchased for the Northwest Domestic Violence Center to the actual awarding of the contract for construction/renovation of the nursing home facility. The most significant delay during this period occurred during the initial phase of the project associated with the selection of the A/E consultant and the actual design of the structure. Additionally, further impeding the completion of the construction were the unanticipated delays that occurred once construction began. Notwithstanding these delays and all the associated problems, it has taken far too long for the completion of this project.

This report includes a synopsis of the establishment of the DVOB; a discussion of the Local Option Food and Beverage Tax; the utilization of said funds for the construction and operation of the Northwest Domestic Violence Center; a chronology of significant events impacting the completion of the Northwest Domestic Violence Center; a financial overview of DVOB funds, current and planned projects of the DVOB and the steps I have taken to remedy the situation and set the course for improvement.

RECOMMENDATIONS

While discussed further in the body of this report, the following are my recommendations to address the problems encountered by DVOB in developing the Northwest Domestic Violence Center and accomplishing its very important mission:

1. Elevate the stature of the DVOB and increase the level of staff support to the DVOB. If the mission of the DVOB is to be properly advanced it must be given the proper level of staff support and management oversight and attention.
2. The DVOB must be able to elevate issues readily to the County Manager's Office and expect prompt management action to address delays and obstacles to the attainment of its mission. Management commitment and focus are vital.
3. A working group comprised of the DVOB, and staff from the Office of Performance Improvement, the Office of Management and Budget and the Department of Human Services, working under Assistant County Manager Barbara Jordan should develop within the next 30 days a recommended organizational model for the DVOB including how it should be structured, staffed and supported organizationally to best accomplish its primary mission. Models should be reviewed including approaches to establish private not-for-profit partners that can better leverage grant funding to support the DVOB mission.
4. Among other tasks, the staff to the DVOB should develop a financial pro-forma and operational plan for the DVOB that identifies what can be achieved over a defined timeframe to expand, develop and operate domestic violence shelters from within the 15 percent portion of the Local Option Food and Beverage Tax. This financial pro-forma and operational plan should address strategies to leverage to the extent possible, state and federal funding to support the DVOB mission.

It is important to understand that the focus, resources and scope of work for the DVOB, based on its current approved Plan, is much more limited than that of the Homeless Trust. I do not believe replicating the Homeless Trust model is necessary or appropriate to address the problems faced by the DVOB.

LOCAL OPTION FOOD AND BEVERAGE TAX

The Local Option Food and Beverage Tax was passed in 1993. In 1994, the Legislature mandated that fifteen percent (15%) of the funds generated by the Local Option Food and Beverage Tax be utilized for the construction and operation of domestic violence centers. Although the Local Option Food and Beverage Tax went into effect on July 1, 1993, the statute mandated that only the Homeless Trust would be eligible to receive all proceeds from this tax for the first year of collections. The DVOB first had access to these funds in November 1994. Since then, the domestic violence tax proceeds have yielded \$10,828,200 and \$1,513,569 in interest for a total of \$12,341,769 in revenue (as of 8/1/03). The following chart depicts the fund balance and annual revenue collection from the domestic violence tax proceeds including the annual interest by year and expenses incurred including development expenses.

DOMESTIC VIOLENCE TAX PROCEEDS SUMMARY

Fiscal Year	Beginning Trust Fund Balance	Annual Tax Revenue	Annual Interest	Development Construction Expenses	Year End Balance
1994-95	0	903,363	44,592	0	947,955
1995-96	947,955	1,196,692	95,223	40,407	2,199,463
1996-97	2,199,463	1,119,119	101,153	752,044	2,667,691
1997-98	2,667,691	1,142,792	148,978	51,529	3,907,932
1998-99	3,907,931	1,219,393	200,105	87,017	5,240,413
1999-00	5,240,412	1,297,723	302,530	167,605	6,673,061
2000-01	6,673,060	1,379,915	345,584	325,494	8,073,066
2001-02	8,073,065	1,433,269	179,790	1,514,548	8,171,574
2002-03*	8,171,577	1,135,934	95,614	1,280,834	N/A

*Denotes 10/01/02-8/01/03 collected revenue, interest and expenses.

ESTABLISHMENT OF THE DOMESTIC VIOLENCE OVERSIGHT BOARD

In October 1994, the Miami-Dade Board of County Commissioners adopted Ordinance No. 94-156 creating the Miami-Dade County Domestic Violence Oversight Board to serve in an advisory capacity to the Miami-Dade Board of County Commissioners with respect to all issues affecting or relating to domestic violence. Specifically, the Miami-Dade County DVOB was created to serve in accordance with Florida Statute 212.0306, and Chapter 2, Article LXVI of the Code of Miami-Dade County. The mission of the DVOB was to submit to the Miami-Dade Board of County Commissioners a comprehensive plan, budget and specific recommendations for the use of the Local Option Food and Beverage Tax proceeds dedicated to the provision of domestic violence shelters, the expansion of existing domestic violence shelters and the maximization of funds by matching available federal and state funds. The plan (The Plan for Construction and Operation of Domestic Violence Centers Per Ordinance No. 94-156) was presented and approved by the Miami-Dade Board of County Commissioners on July 2, 1996.

In November of 1995, the Miami-Dade Board of County Commissioners adopted two resolutions, Resolutions No. R-1604-95 and R-1605-95. Resolution R-1604-95 declared the construction of emergency domestic violence shelters to be the highest priority of the DVOB; directed the DVOB to develop a plan and schedule for the acceleration of construction of such facilities; and propose financing strategies that would enable the construction of additional shelters. The resolution also required the DVOB to submit a report to the Miami-Dade Board of County Commissioners within sixty (60) days. Resolution No. R-1605-95 authorized the DVOB to investigate sites for shelters; authorized the County Manager to enter into due diligent analysis, related studies and negotiations with respect to potential properties for the new shelter and authorized the expenditure of the Local Food and Beverage Tax proceeds for such purposes.

COMPARISON OF HOMELESS TRUST AND THE DOMESTIC VIOLENCE OVERSIGHT BOARD

When comparing the DVOB and the Homeless Trust, there are significant management differences in each of the entities funded through the Local Option Food and Beverage Tax, including their approach to service delivery and procurement processes. Both the Homeless

Trust and the DVOB receive proceeds from the same source and have similar missions to plan for and fund approaches with respect to their individual populations, their structure and financial resources. While both the Homeless Trust and the DVOB are advisory bodies to the Miami-Dade Board of County Commissioners, the Homeless Trust is a quasi-independent trust with expanded authority. The Homeless Trust receives over \$8 million dollars per year in tax proceeds; whereas, the DVOB has received approximately \$12 million in tax proceeds and interest since 1994. The Homeless Trust Board is chaired by the County Mayor and has a total of 27 members comprised of slots allocated to the Greater Miami Chamber of Commerce (7), Dade League of Cities (3), Homeless Providers Forum (4), Greater Miami Religious Leaders Coalition (3), Homeless/Advocates/Independents (5) and local governmental agencies including the Miami-Dade County Public Schools Superintendent; a Miami-Dade County Commissioner; Manager of the City of Miami; President of the Miami Coalition for the Homeless and the Department of Children and Families District Administrator for the State of Florida (5). These groups select and appoint their respective membership representatives.

The DVOB is comprised of 15 members appointed by the Miami-Dade Board of County Commissioners and is chaired by one of its members. The Homeless Trust has 12 full-time employees including an Executive Director, Assistant Director, Chief Fiscal Officer and, contract management and clerical staff, all funded through the Federal, state and local revenue. In comparison, the Domestic Violence Oversight Board has one full-time employee, a Victim Services Analyst; and 50% and 33% respectively of a full-time Administrative Secretary and Justice Systems Support Director funded by the County's general fund.

The Community Partnership for Homeless (CPHI) is the Homeless Trusts' private partner and is charged with the construction, operation, and sighting of Homeless Assistance Centers. CPHI contributes 20% of the operating and 40% of the capital costs toward the operation of the Trust's two comprehensive Homeless Assistance Centers, with a total of 750 beds. One of these sites is located on land the Trust acquired via the McKinney Act for surplus property on the Homestead Airbase, and leased to CPHI. CPHI has raised over \$47 million in cash contributions, endowments, and in-kind via this public partnership. In contrast, the DVOB has no funding opportunities other than the Local Option Food and Beverage Tax. Federal and State funding opportunities (Violence Against Women Act re-enacted 2000, Victims of Crime Act, and Domestic Violence Trust Fund) mandates that funding recipients be direct service providers and in some instances be State certified. Further, under its current structure, the DVOB serves only as an advisory board. Without a private partnership or a non-profit status and appropriate staffing, the DVOB is unable to access grants, endowments or participate in other private fundraising activities. As such, the DVOB is unable, at this time, to leverage its tax dollars for additional funding to support this population.

There are two primary differences impacting services to the populations served by the DVOB and the Homeless Trust; one relates to the divergent approaches to service delivery and the other to the procurement processes followed by each of these entities. The Homeless Trust does not directly develop its own shelter/housing; rather these services are contracted out to not-for-profit providers with expertise in this field. Currently, over 20 not-for-profit agencies are engaged in service delivery and several of these contracted agencies also developed housing projects. In comparison, the DVOB's mandate requires the construction and operation of new facilities in accordance with state regulations for the housing of victims of domestic violence. Additionally, the Homeless Trust, via contract, employs a housing development consultant to guide providers

through the project development process and interface with other governmental entities regarding issues related to permitting, zoning, etc. The consultant also provides a monthly project development report, including timeliness, progress and barriers, to the Homeless Trust Board and its Committees. While the Homeless Trust follows all the County's procurement policies, protocols and rules, as a matter of choice, it does not utilize the County's Procurement Department for the purchase of goods and services. In contrast the DVOB utilizes County departments and all their applicable procedures to conduct their business. These differences significantly impede the pace at which the DVOB is able to operationalize programs in accordance with its mission.

FINANCIAL OVERVIEW AND ANALYSIS OF THE DOMESTIC VIOLENCE OVERSIGHT BOARD

As noted above, the DVOB has collected \$10,828,200 and \$1,513,569 in interest for a total of \$12,341,769 in revenue and has expended \$4,219,478 associated with: 1) the construction of the first domestic violence center (\$3,961,889); 2) DVOB operating expenses including County staff support (\$207,589); 3) DVOB contracted services through the Alliance for Human Services for data collection for domestic violence victims (\$50,000). The following represents a detailed analysis of the DVOB activities.

FINANCIAL SUMMARY	
REVENUES AS OF 8/1/03	
Local Option Food & Beverage Tax	12,341,769
EXPENDITURES	
Northwest Domestic Violence Center	3,961,889
DVOB Operations including County Staff Support	207,589
DVOB Contracted Services	50,000
DVOB EXPENDITURES	4,219,478

The DVOB through the Alliance for Human Services has awarded a three year grant (\$50,000 annually) through the Advocate Center for Training and Treatment (ACTT) to identify and, where necessary, develop culturally appropriate model training curricula that incorporates nationally recognized best practices in the field of domestic violence and sexual assault. It is anticipated that these curricula will be made available to law enforcement, the medical community, advocacy groups, the courts and criminal justice agencies on a local, state and national level. The Advocate Center for Training and Treatment will also collect data through this process, that will identify existing service gaps in an effort to improve overall service delivery planning.

DVOB CONTRACTED SERVICES		
DVOB Expenditure Categories	Budgeted Amount	Expenditures as of 8/1/03
Alliance for Human Services Data Collection	\$50,000	50,000

In addition to the expenditures depicted above, the DVOB has had operational expenses for general operating functions to include advertising fees associated with the Request for Proposals

for the Northwest Domestic Center operation, a Board retreat, printing, postage, and County staff support provided primarily through the Department of Human Services

DVOB OPERATING EXPENSES

DVOB Expenditure Categories	Budgeted Amount	Expenditures as of 8/1/03
Advertising for RFP for Operations	11,572	11,572
Miscellaneous.	1,517	1,517
County staff support	*	194,500
Total DVOB Operating	13,089	\$207,589

*Costs built into Department of Human Services budget

The DVOB has developed through the General Services Administration a construction budget for two proposed domestic violence centers under the Plan. The budget for the Northwest Domestic Violence Center (depicted in the WPLG-Channel Ten report) is outlined below and includes expenditures as of 8/1/03.

NORTHWEST DOMESTIC VIOLENCE CENTER: CONSTRUCTION

Construction Project Expenditure Categories	Budgeted Amount	Expenditures as of 8/1/03
Construction and Furnishings	2,920,000	2,736,703
Architecture and Engineering	263,000	227,908
Required Art Allowance	42,000	0
County Project Management	225,000	218,949
Land/Building Acquisitions/Closing	800,000	752,044
Required Utilities during Renovation		9,383
Taxes, Licenses and Permits		8,636
Required Ground Maintenance		8,266
TOTAL	4,250,000	3,961,889

CONSTRUCTION OF THE NORTHWEST DOMESTIC VIOLENCE CENTER

The Northwest Domestic Violence Center project began in earnest on July 2, 1996 when the Miami-Dade Board of County Commissioners approved the Plan for construction and operation of the center. The actual acquisition of the property occurred on February 21, 1997. Attachment A details the timeline outlining the major activities that have occurred in relation to the development and completion of this project.

The primary delay in this project can be attributed to three periods during the renovation/construction phase. The first delay in the project occurred August 2001 for approximately 125 days when the building was declared an unsafe structure and other issues surfaced involving Florida Power and Light Company. The project was "red tagged" as an unsafe structure based on 40 year re-certification finding on August 11, 2001, after notice to proceed with construction was issued to the contractor. The County eventually provided sufficient documentation to the unsafe structures staff reflecting the extent of the renovations approved for the facility, although during this period of accumulating documentation, reviews,

and comments, additional project delays occurred. The unsafe structure staff lifted the 'red tag' in December 2001. The design of the renovation project took into account correcting or removing all of the findings identified in the re-certification. County staff concluded that it was in the best interest of the County to proceed with the renovations because the domestic violence center had been identified as a critical facility for this community. It was also determined that to demolish the existing structures, and begin the entire consultant selection process again and redesign the project would have caused far greater delays and additional cost for the project. The second delay of approximately six months occurred in May 2002 when unanticipated and hidden conditions were discovered. The final delay (93 days) occurred in June 2003 involving the conveyance of a fire protection water line.

CURRENT PROJECTS

Currently, the DVOB is in the process of selecting a service provider for the operation of the Northwest Domestic Violence Center. On November 19, 2002 the Miami-Dade Board of County Commissioners authorized the County Manager to utilize the Alliance for Human Services to issue a Request for Proposal to operate the Northwest Domestic Violence Center and approved operating expenditures of up to \$4,750,000 over three years. As a result, a Request for Proposal was issued on December 9, 2002. The Alliance for Human Services reviewed the proposals and ranked them in accordance with the quality of each response. After closer review, the two highest ranked proposals were found not to have the language required by State regulations in their respective mission statements. It was also the consensus of the Alliance for Human Services and County staff that the language in the RFP was ambiguous and as such, may have limited the applicant pool. As a result, the County exercised its option and advised the DVOB to reissue a second request for a proposal. The Second Request for Proposal was issued on June 30, 2003, and required a response by August 12, 2003 with final recommendations to be made to the DVOB, tentatively by September 11, 2003.

In addition, the DVOB has voted to assume the following expenditures for the next three years: (1) contract monitoring and technical assistance to domestic violence related contracts (\$225,500); (2) independent evaluator to evaluate all current and future domestic violence centers (\$300,000); (3) Alliance for Human Services data collection for domestic violence victims (\$150,000) as noted earlier; and an independent proposal evaluator for the responses submitted to the Request for Proposal for the operation of the Northwest Domestic Violence Center (\$5,000).

It is important to note that Miami-Dade County has contributed approximately \$15 million since 1995 in addressing the issues of domestic violence involving victims and perpetrators in our community: Advocates for Victims: \$4,983,513; Domestic Intervention Program Counseling: \$5,998,669; Domestic Violence Oversight Board: \$787,744; and \$3,172,961 in awards to community based organizations.

FUTURE PROJECTS

Planning has been initiated for a second domestic violence center to be located in southwest Miami-Dade subject to available funds. Advertisements for property acquisition have not yielded a suitable site as of this date. The one site proposed at 8660 West Flagler Street was rejected by the DVOB because it had too many restricted covenants and the property was too

this endeavor is \$5.7 million. However, it should be noted that the General Services Administration projects an estimated 5% increase per year in projected costs until a site is selected. In addition, a refined pro-forma must be developed for the 15 percent portion of the Local Option Food and Beverage Tax to ensure operating and capital funding is available to support two domestic violence centers.

The following initial projected budget has been prepared for the second proposed Domestic Violence Center in southwest Miami-Dade County.

SOUTHWEST DOMESTIC VIOLENCE CENTER	
Construction Project Expenditure Categories	Budgeted Amount
Construction and Furnishings	4,103,000
Architecture and Engineering	297,000
Required Art Allowance	50,000
County Project Management	300,000
Land/Building Acquisitions/Closing	1,000,000
Proposed Total	5,750,000

CONCLUSION

The issues surrounding the DVOB have generated legitimate concerns regarding our support to the DVOB within our existing County structure. In order to address these issues including those generated as a result of my discussions with staff, I am appointing a small working group to include staff from the Office of Performance Improvement, Department of Human Services and Office of Management and Budget under Assistant County Manager Barbara Jordan. This group is charged with conducting a comprehensive review of the DVOB structure, its placement in the organization, its scope of responsibilities, and the level of staff support. This group is to formulate recommendations for my review, as well as for the DVOB. I have also requested that the staff, in the course of their work, search for other models in the country that may assist us in improving DVOB support structures. A presentation of the report will be made to the Economic Development and Human Services and Public Safety Committees at their October meetings.

It is important to note, that since this project began, the County has evaluated the entire procurement and contracting processes and implemented emergency procurement and construction bid award measures that substantially reduce the A/E selection and construction schedules.

While it is unfortunate in the manner with which this situation was brought to my attention, we now have an opportunity to rectify the situation and make the necessary changes to improve our support to the DVOB.

- Cc: Robert Ginsburg, County Attorney
 Barbara Jordan, Assistant County Manager
 Corrine Brody, Assistant County Manager
 Kevin Lynskey, Office of Performance Improvement
 David Morris, Office of Management and Budget
 Dean Taylor, Human Services
 Chris Mazzella, Inspector General

**Description of Events Related to The Domestic Violence Oversight Board
Northwest Domestic Violence Center Renovation Project**

Attachment A

10/13/1994	01/31/1995	11/13/1995	11/21/1995	01/26/1996	04/25/1996	06/18/1996
Board of County Commissioners adopts Ordinance No. 95-156 creating the Domestic Violence Oversight Board as required by Florida Statute 212.03-06	The DVOB held its first meeting	Presentation by DVOB to the Board of County Commissioners, Social and Human Services, and Budget and Rules Committee regarding the DVOB Plan	Board of County Commissioners approve two resolutions (R-1604-95 and R-1606-95) regarding the DVOB Plan and other related issues	DVOB presents financial strategies for construction of new center to the Board of County Commissioners	DVOB approves its plan for submission to the Board of County Commission	The DVOB Plan was placed on BCC Agenda - Item deferred

**Description of Events Related to The Domestic Violence Oversight Board
Northwest Domestic Violence Center Renovation Project**

Attachment A

07/02/1996	12/17/1996	02/21/1997	04/21/1997	06/18/1997	06/21/1997	07/17/1997	09/18/1997	09/22/1997
Board of County Commissioners approve <u>The Plan for Construction and Operation of Domestic Violence Centers Per Ordinance No. 94-156</u> as prepared and submitted by the Domestic Violence Oversight Board	Board of County Commissioners approve contract for purchase of property for the Northwest Domestic Violence Center	Closing on property for the Northwest Domestic Violence Center	Request submitted to Office of Management and Budget for funding approval of the Project	Office of Management and Budget approves Project funding	Request submitted to Department of Business Development to establish measures for the Project as a design build	Review Committee approves measures for the Project as a design build (Project was subsequently changed from a design build to a design then construction. Project thus required a second review by Department of Business Development and the Review Committee)	Review Committee approves measures for design portion of the Project as a set aside for women owned businesses	Request to advertise for the design Request for Proposal placed on Board of County Commission agenda
11/18/1997	01/12/1998	01/21/98	03/03/1998	05/11/1998	06/30/1998	07/24/1998	09/01/1998	09/15/1998
Request to advertise approved by the Board of County Commission	Request for Proposal issued for Architectural and Engineering (A/E) Consultant	Selection Committee members appointed by County Manager	Closing date for receipt of Proposals	First meeting of Selection Committee	Final ranking of Proposals by Selection Committee	Selection Committee recommendation submitted to County Manager	J. Bonfill & Associates, Inc. selected as successful proposer by County Manager	County Manager appoints Negotiation Committee members

**Description of Events Related to The Domestic Violence Oversight Board
Northwest Domestic Violence Center Renovation Project**

Attachment A

09/29/1998	10/01/1998	12/15/1998	01/07/1999	01/29/1999	03/18/1999	04/13/1999	04/21/1999	06/15/1999
First meeting of Consultant Negotiation Committee with J. Bonfill & Associates, Inc. for purpose of finalizing contract.	Consultant selection process placed on hold due to Federal lawsuit	Minority participation lawsuit resolved	Consultant selection process resumes (date selected to allow Committee members to review proposals after the delay) Rescheduled second meeting of Consultant Negotiation Committee with J. Bonfill & Associates, Inc., is held to finalize Professional Services Agreement	Professional Service Agreement signed with A/E Consultant (A/E Consultant to be responsible for full scope of design, including "interior design" which is always part of an A/E Consultant's contract)	Professional Services Agreement with J. Bonfill & Associates, Inc., scheduled to be on Board of County Commissioners agenda. Item was deferred	Professional Services Agreement with J. Bonfill & Associates, Inc. Approved by Board of County Commissioners	Initial design (Kick-off) meeting with J. Bonfill & Associates, Inc.	Department of Human Services and General Services Administration staffs and A/E met with the Executive Committee of the Domestic Violence Oversight Board to discuss recommendation of the Center's design

**Description of Events Related to The Domestic Violence Oversight Board
Northwest Domestic Violence Center Renovation Project**

Attachment A

07/29/1999	Architects presented choice of three schematic designs to Domestic Violence Oversight Board. The Domestic Violence Oversight Board selected schematic design #2 (\$2.9 million including \$200,000 for Sewer connection)	09/30/1999	Domestic Violence Oversight Board met to review modifications to schematic design #2 and granted final approval. Schematic design is the first phase of developing actual construction plans and specifications	07/27/2000	After approval of schematic design the consultant architect proceeds with design development, required meetings and working drawings. County approves 100% design completion	11/23/2000	Invitation to Bid for construction contract issued	01/17/2001	Construction contract Bid Opening	04/17/2001	Department of Business Development compliance approval of Bidders (Bid submissions require subcontract compliance review by the Department of Business Development prior to award. Confirmation of compliance delayed due to deficiencies in bid submission by several of bidders)	05/27/2001	Recommendation for award of construction contract submitted to the County Manager under the Expedite Order	06/07/2001	Recommendation for award approved by County Manager's Office	06/23/2001	Award of construction contract
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**Description of Events Related to The Domestic Violence Oversight Board
Northwest Domestic Violence Center Renovation Project**

Attachment A

<p>08/08/2001</p> <p>Notice to proceed issued. Insurance and bond submittals approved</p>	<p>08/14/2001</p> <p>Contractor mobilizes for beginning work on the project</p>	<p>11-12/2001</p> <p>Delay of 125 days recognized due to Florida Power and Light's inability to resolve issues relative to relocating power poles and provides temporary power to the building. Concurrently, there was a delay due to the building being identified as an unsafe structure. Most of the delay occurred when the contractor could not perform work on the critical path (work stopped) due to lack of power to the facility</p>	<p>01/01/2002</p> <p>Contractor proceeds with work</p>	<p>05/23/2002</p> <p>Delay of 182 days due to unanticipated/hidden conditions, which included; wood and subterranean termite damage, soil condition issues with the septic tank leach field; water plan revisions; re-routing of HVAC line through the attic; water damage to roof truss systems; attic fire protection revisions and re-leveling of the existing floors</p>
<p>07/20/2002</p> <p>Original construction completion date</p>	<p>12/03/2002</p> <p>First revised construction completion date resulting from Florida Power and Light and Unsafe structure issues</p>	<p>06/02/2003</p> <p>Second revised construction date resulting from series of unanticipated hidden conditions</p>	<p>06/03/2003</p> <p>Delay of approximately 93 days due to issues regarding redesign, permitting, and conveyance of fire protection water line</p>	<p>09/2003</p> <p>Revised construction completion date</p>

Letter from County Manager

(DVOB review)


Dated August 29, 2003



MEMORANDUM

TO: Honorable Alex Penelas, Mayor
Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 29, 2003

FROM: George M. Burgess
County Manager 

SUBJECT: Domestic Violence
Oversight Board
Review

My memorandum of August 27, 2003, written in response to issues identified by WPLG Channel 10 concerning the Miami-Dade County Domestic Violence Oversight Board (DVOB), provided a detailed report of the nature of the problems encountered by the DVOB, and recommended specific corrective actions. As one of the corrective actions, I directed a team of County staff to work with Assistant County Manager Barbara Jordan to 1) identify how the DVOB should be structured, staffed and supported organizationally, 2) review the potential for the County to partner with private, non-profit partners, and 3) to examine the means for the DVOB to better leverage grant funding. The Office of Strategic Business Management led the effort to address these issues under the guidance of Barbara Jordan, in consultation with the Office of the County Attorney and the Department of Human Services (DHS). The following pages outline the analysis and recommendations they presented to me. I concur with their recommendations, and look forward to working with each of you, the DVOB and staff to implement the recommendations presented below.

As part of our analysis, staff spoke to various authorities on domestic violence issues in Miami-Dade County. These interviews included the County Attorney, the Assistant Director of DHS, the Justice Systems Support Director in DHS, the Victim Services Analyst for the DVOB in DHS, and a member of the DVOB. In an attempt to become more familiar with the manner in which other jurisdictions provide both emergency and non-emergency support services to victims of domestic violence, staff conducted a small survey of DHS-type departments in six other Florida counties. Finally, the team contacted fifteen Florida shelters to learn more about their victim services, organizational structure, and funding.

SUMMARY RECOMMENDATIONS

The following are summary recommendations regarding the DVOB's staffing, organizational placement, structure, and opportunities for establishing a not-for-profit partner.

DVOB Structure and Scope – The current requirements for DVOB membership well represent the voice of the domestic violence community. The mandate of the DVOB (as identified in County Ordinance) is also sufficiently broad to allow it to effectively address the continuum of domestic violence issues in the community. The DVOB can be made more effective by retaining one or more members that can broaden its outreach to the business community and County government. The DVOB should also focus on its

broader mission outlined in the County Ordinance of ensuring an adequate continuum of care for victims of domestic violence, as opposed to issues strictly relating to the construction and operation of domestic violence centers.

Staffing – The DVOB should be supported by three full-time positions: a full-time executive director, a full-time professional-type field person, and a full-time executive assistant/secretary. This staffing combination will ensure that the DVOB’s duties and responsibilities will be adequately supported by County staff, and will provide the appropriate skills and authority level needed to effectively expedite all mission-related actions of the DVOB.

Organizational Placement – County staff support of the DVOB should continue to report within the DHS. If the Chairperson of the DVOB believes that DHS is not appropriately responsive to their needs, the Chairperson should be empowered to elevate concerns directly to the Assistant County Manager with responsibility over DHS.

Not-for-Profit Partner – Under the guidance of the DVOB, the County should make every effort to leverage its funding for the construction and operation of the domestic violence shelters. This may be done by partnering, in an arms-length contractual relationship, with entities with 501(c)3 status who effectively access funding sources not available to government agencies. Alternately, the DVOB may consider becoming a grantor to organizations who can effectively leverage funds.

Financial Pro Forma –According to a preliminary examination by OMB, there is not sufficient funding to construct and indefinitely operate a second domestic violence facility. If the DVOB prioritizes the construction of an additional facility, the *pro forma* should identify additional private or grant funding sources.

BACKGROUND

The Board of County Commissioners (Board) created the DVOB in 1994 (Ordinance 94-156) to serve in an advisory capacity to the Board with respect to all issues affecting or relating to domestic violence. This action was necessitated by Miami-Dade County’s assessment of the Local Option Food and Beverage Tax. Counties assessing this tax are required by Florida Statute 212.0306 to use 15% of its proceeds to build and operate domestic violence shelters and to appoint an oversight board to advise the County’s governing board on fund disbursement. Miami-Dade County is the only county in the state with such an oversight board.

The DVOB was given the task of submitting to the Board a comprehensive plan with a budget and specific recommendations for the use of the Local Option Food and Beverage Tax proceeds dedicated to the provision of domestic violence centers. The Board specified that the plan address the construction and operation of domestic violence shelters and the expansion of existing domestic violence shelters; the maximization of funds by matching available federal and state funds; the relationship between domestic violence centers, the courts, police, other criminal

justice agencies and social services; and other issues the Board finds relevant. The comprehensive plan was presented and adopted by the Board in 1996.

In addition, the Board adopted two resolutions in 1995, R-1604-95 and R-1605-95, further articulating the DVOB's responsibilities. Resolution R-1604-95 directed the construction of new emergency domestic violence shelters would be the DVOB's highest priority. Resolution R-1605-95 further authorized the DVOB to investigate sites for shelters; the County Manager to conduct due-diligence analysis, related studies and negotiations with respect to potential properties; and the expenditure of the Local Option Food and Beverage Tax proceeds. Hence, although the DVOB has a broad mandate to advise the Board regarding all domestic violence policy issues, the Board asked the DVOB to prioritize its efforts on working with the County to use the Local Option Food and Beverage Tax (Tax) proceeds to construct and operate domestic violence centers.

Under Ordinance 94-156, the Board authorized the County Manager to provide the DVOB with adequate County staff and support to carry out its duties and responsibilities. Originally, three full-time positions were housed in the Office of Victims Services. In 1996, the DVOB County support staff was placed in the Department of Justice Assistance, losing one full-time position with the resulting consolidation. The DVOB County staff was subsequently moved to the Department of Human Services, where it has remained, since late 1997.

STRUCTURE AND SCOPE

DVOB Structure and Membership

It has been suggested that the membership of the DVOB might benefit from imitating the broad range of community voices included in the membership of the Homeless Trust Board, which has 27 members and includes members of the Greater Miami Chamber of Commerce, Dade League of Cities, along with service providers, advocates, and representatives from local government. According to Florida Statute 212.0306, the DVOB must have membership that includes, but is not limited to, service providers, domestic violence victim advocates, members of the judiciary, concerned citizens, a victim of domestic violence, and impacted jurisdictions. Ordinance 94-156 mimics these titles in the description of the DVOB's voting membership, and also requires that the DVOB include a representative of the Public Health Trust and a member of the law enforcement community. The Ordinance states that the DVOB should be ethnically, racially and gender balanced.

The DVOB can be made more effective by retaining members with strong relationships with the business community and experience dealing with County government. This may be accomplished by expanding DVOB membership through changes to State Statute and County Ordinance, or it may be achieved during the normal appointment cycle by a County Manager or Commissioner appointment. Currently, the statute authorizes each Board member to appoint only one member to the DVOB, and the County Manager to appoint two members, one of which must be a member of the law enforcement community.

DVOB Scope and Mandate

The mandated responsibilities of the DVOB, according to State Statute, are quite limited. The only requirement stipulated is that the DVOB prepare a plan, to be approved by the Board, for disbursing funds made available for the construction and operation of domestic violence centers. The County Ordinance creating the DVOB expands upon this requirement in the following ways:

- The DVOB shall also serve in an advisory capacity to the Board regarding all issues relating to domestic violence,
- The plan developed by the DVOB shall describe how to maximize the revenue from Tax funds and describe the relationship of all members of the domestic violence community, and
- The plan developed by the DVOB continues to serve the needs of victims of domestic violence.

Now that the DVOB has complied with its initially prioritized focus to construct and begin operation of a new shelter for victims of domestic violence, it should capitalize on its expanded responsibilities outlined in the Ordinance. The DVOB should broaden its direction to include planning and developing a continuum of care for services and facilities that support victims of domestic violence. Toward this end, the DVOB may consider updating and revising its original plan, and submitting this updated plan to the Board for approval.

STAFFING

Since 1997, County staff support to the DVOB has been reduced, as its lead staff person splits his time equally among three separate boards: the DVOB, the Criminal Justice Planning Council, and the Youth Crime Task Force. Formerly, this position fully supported the DVOB. Currently, the DVOB is supported by 1.84 FTEs, which consist of one full-time Victims Services Analyst, 33% of the Justice Systems Support Director, and 50% of an Administrative Secretary. Beginning in fiscal year 2004, a Contracts Officer position will be added. The Contracts Officer will be responsible for managing five contracts: three contracts pertaining to the Alliance for Human Services, one contract for the operation of the new emergency domestic violence shelter, and a contract with a service provider evaluating quality levels at the new shelter as well as the current two shelters owned and operated by Miami-Dade County.

Based on the DVOB's mission, the DVOB should be supported by three full-time positions: an executive director, a professional contract monitor/technical support person, and an administrative assistant/secretary. Current staffing levels require some DVOB support staff to perform other job duties strictly for DHS. This blurs the line between the DVOB and DHS, making it difficult for the staff to act independently in its support of the DVOB. Dedicating three full-time positions strictly to DVOB staff support will help ensure adequate attention to DVOB needs. A full-time executive director should resolve existing accountability problems.

The executive director would be responsible for, among others, the following duties:

- Ensure delays and obstacles to the attainment of the DVOB mission are addressed promptly by County management;
- Expedite the flow of information to DVOB members regarding domestic violence issues;
- Provide policy analysis support to the DVOB; and,
- Serve as a liaison between the DVOB and service providers.

The professional support person would have extensive project management experience and be responsible for contract oversight and expediting all internal procurement processes. The administrative assistant would provide all necessary administrative support to the DVOB and DVOB County staff. These positions, estimated to cost \$200,000, will be funded through the General Fund.

County management will further examine how each of these positions should be funded. The amount of financial support should be strictly in proportion to the staff's involvement in the DVOB's mission to construct and operating domestic violence centers.

ORGANIZATIONAL PLACEMENT

Currently, access to the County Manager's Office is somewhat limited because the DVOB staff reports to an Assistant Director at DHS. However, the DVOB staff should not report directly to the County Manager's Office. The County administers over 100 boards, and setting the precedent of directly reporting to the County Manager's Office could, if applied to all County boards, become unwieldy and ultimately provide less management support to any individual board. Instead, I recommend that the DVOB staff continue to report within DHS. If the DVOB Chairperson believes that County staff and DHS do not appropriately respond to delays and obstacles, the Chairperson should be empowered to elevate concerns directly to the Assistant County Manager with responsibility over DHS. Such direct access to my office should ensure that the DVOB has the requisite attention and support from top County management.

NOT-FOR-PROFIT PARTNERSHIP OPPORTUNITIES

Miami-Dade County is unique in that it owns and operates two emergency domestic violence shelters. One of the shelters is located in northern Miami-Dade County and the other is located in Homestead. Although the County operates these shelters, they are commonly referred to as Safespace North and Safespace South. Safespace Foundation, Inc. is an advocacy group that raises money in the community to provide direct financial support exclusively to domestic violence victims who are clients of the two existing shelters. Miami-Dade County also provides Safespace Foundation, Inc. with \$120,000 to help provide direct financial relief to the shelter's clients.

The County will own the newly constructed North West domestic violence shelter, and will share its operation with a private not-for-profit partner. The County will provide comprehensive case management services, while the not-for-profit partner will be responsible for day-to-day shelter operations. On September 16, the DVOB accepted the Alliance for Human Services ranking of proposals to operate the new center, which recommended the first-place ranking of the Advocate

Program, Inc. The DVOB has requested and I have authorized negotiations with the Advocate Program. Operations are scheduled to begin in the fall of 2003.

Emergency domestic violence shelters are overwhelmingly owned and operated by private not-for-profit entities. Typical shelter entities raise their operating funds from the community, and seek grants from municipal, county and state government, as well as from charitable organizations like the United Way. These organizations have access to funding that the County, as a government agency, does not. For example, the State of Florida provides up to 75% of funding for domestic violence shelter operations through funds raised from marriage license fees. In order to receive these funds, an organization must be an incorporated non-profit or profit organization. Because Miami-Dade County does not qualify for this status, we do not have access to this funding source.

The goal of the DVOB should be to best leverage Tax proceeds to provide for the construction and operation of domestic violence shelters. This may be accomplished either through partnering with a non-profit organization, or by becoming a grantor to entities that will leverage funds.

In the event the DVOB chooses to partner, the County should establish arms-length contractual relationships with non-profit organizations rather than creating and controlling a non-profit organization itself. When the County has created non-profits in the past, lines have been blurred regarding responsibilities and authority delineations, and questions arose concerning perceived conflicts of interest.

FINANCIAL PRO FORMA

Since 1994, The DVOB has received \$12,341,769 in food and beverage tax proceeds and interest to be used for the construction and operation of domestic violence centers. Currently, the tax generates roughly \$1.5 million annually before interest. It should be noted that Florida Statute 212.0306 is very specific about the use of these funds. There are strict limitations for the use of the Tax revenue and interest which must be adhered to.

Currently, the DVOB has expended \$4,375,127 of the Tax revenue generated on 1) construction of the North West domestic violence center (\$4,067,538), 2) DVOB operating expenses including County staff support (\$207,589), and 3) a grant awarded through the Alliance for Human Services to identify culturally appropriate training curricula and data collection to identify existing service gaps to victims of domestic violence (\$100,000).

The Office of Management and Budget believes that, at present, there is not sufficient funding from the Tax to operate a second domestic violence shelter in the long-term. If another shelter is deemed necessary by the DVOB, the County should partner with other agencies that can leverage the Tax, as opposed to relying on further general fund support from the County. The attached pro forma shows forecasted revenues and expenses from the domestic violence allocation of the food and beverage tax. This pro forma assumes debt financing for construction of the second shelter and operating costs comparable to the first shelter. It also assumes 5%

annual growth in the tax proceeds, 2% interest on cash carryover, and 5% increases in annual operating costs. According to the pro forma, if the second shelter is opened during the 2007-08 fiscal year, the tax revenue and associated carryover will be depleted by 2012.

Administrator Order Number 03-15

(In Re: Reaffirmation of Unify Family Court Plan, Establishment of Complex Litigation Division, Establishment of Procedures for Implementing and Evaluating Unify Family Court in the Eleventh Judicial Circuit of Florida)

Dated August 27, 2003

**Administrative
Order / U.F.C.**

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 03-1
(Court Administration)

IN RE: REAFFIRMATION OF UNIFIED)
FAMILY COURT PLAN,)
ESTABLISHMENT OF COMPLEX)
LITIGATION DIVISION,)
ESTABLISHMENT OF PROCEDURES)
FOR IMPLEMENTING AND)
EVALUATING UNIFIED FAMILY COURT)
IN THE ELEVENTH JUDICIAL CIRCUIT)
OF FLORIDA)
_____)

ADMINISTRATIVE ORDER
NO. 03-15
(Rescinding Administrative Order
No. 01-16)

WHEREAS, the Florida Supreme Court, in In re: Report of the Commission of Family Courts, 588 So 2d. 586 (Fla. 1991), directed each judicial circuit to develop a local rule establishing a Family Court, or a means to coordinate family law matters that affect one family if the circuit or part of the circuit is of such limited size that it is unable to administratively justify such a court; and

WHEREAS, the Juvenile, Family and Domestic Violence Divisions were previously created by Administrative Orders and Local Rules in the Eleventh Judicial Circuit; and

WHEREAS, the Florida Supreme Court, in In re: Report of the Commission of Family Courts, 646 So.2d 178 (Fla. 1994) approved such Administrative Orders and Local Rules submitted by this Circuit; and

WHEREAS, the Florida Supreme Court, in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), directed each circuit to submit a revised local rule or administrative order consistent with the recommendations approved by the Supreme Court; and

WHEREAS, the Florida Supreme Court endorsed the guiding principles and characteristics of the model family court developed by the Family Court Steering Committee and reaffirmed its goal of the creation of a fully integrated, comprehensive approach to handling all cases involving children and families; and

WHEREAS, pursuant to Administrative Order No. 01-16, dated October 19, 2001, the Unified Family Court for the Eleventh Judicial Circuit of Florida (hereinafter referred to as the "UFC") was established to provide a comprehensive, coordinated approach to addressing family law matters; and

WHEREAS, a pilot project was established within the Circuit wherein selected "cross over" cases were transferred for handling by the Judges assigned thereto; and

WHEREAS, because of the separate recording systems, a Unified Family Court section 48 was created in the existing Family and Juvenile Divisions for the purposes of adjudicating crossover cases; and

WHEREAS, the HONORABLE SANDY KARLAN and the HONORABLE SCOTT M. BERNSTEIN were assigned to the cross over division of the Court and presided concurrently in Section 48 and their respective sections in both the Family and Juvenile Divisions; and

WHEREAS, a significant number of cases were determined to be cross over cases in the pilot project, thereby supporting the need to create a permanent division to adjudicate such cases; and

WHEREAS, the policies and procedures outlined in Administrative Order 01-16 were meant to be elastic so as to provide the greatest degree of flexibility and allow for fine-tuning to the extent necessary to effectuate efficient and proper procedures for the Court and thus subject to change at any time;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Florida Rules of Judicial Administration, it is hereby ordered that:

I. UNIFIED FAMILY COURT DIVISION STRUCTURE AND JURISDICTION

A. The following types of cases are included in the Unified Family Court:

1. dissolution of marriage
2. division and distribution of property arising out of a dissolution of marriage
3. annulment
4. support unconnected with dissolution of marriage
5. paternity
6. child support
7. URESA/UIFSA
8. custodial care of and access to children
9. adoption

10. name change
11. declaratory judgment actions related to premarital, marital, or post marital agreements
12. civil domestic, dating and sexual violence injunctions
13. juvenile dependency
14. termination of parental rights
15. juvenile delinquency
16. emancipation of a minor
17. CINS/FINS
18. truancy
19. modification and enforcement of orders entered in these cases
20. domestic violence-related misdemeanors, including violations of injunctions against domestic, dating or sexual violence

- B. For the purposes of this Administrative Order, the Division traditionally referred to as the Family Division in this Circuit will be referred to as the Domestic Relations Division.

II ADMINISTRATION/JUDICIAL ASSIGNMENTS

- A. In order to achieve the goals of the model family court endorsed by the Florida Supreme Court in In re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001), and because of current location of court facilities and resources and limitations of space, the Eleventh Judicial Circuit's Family Division will continue to be comprised of the Juvenile, Domestic Violence and Domestic Relations Divisions of the Court and will operate as a Unified Family Court.
- B. The Chief Judge of this Circuit or his/her designee will manage the Unified Family Court and will be responsible for:
1. Ensuring that the Circuit's policy, operating procedures, and administrative orders for implementation of the Unified Family Court are followed;
 2. Periodically evaluating the progress of the Unified Family Court ;
 3. Coordinating the development of resources that may be required by various courts dealing with family matters, (e.g., guardian ad litem, mediation services, drug referral and treatment, home studies, etc.) and assessing the possible integration of cases regarding involuntary commitments for drug and alcohol dependency or mental health, and as appropriate, guardianships;

4. Continuing the development and facilitation of communications with court-related entities on policy with respect to family cases, including but not limited to state attorneys, public defenders, the Department of Children and Families, the Department of Revenue, the Department of Juvenile Justice, community social services entities, clerk of courts, and law enforcement agencies; and
 5. Developing a means of orienting judges newly assigned to matters affecting children and families to the family court concept for integrating the court's response to cases involving the same family, including directing them to appropriate initial and continuing judicial education offerings and reference materials.
- C. I hereby appoint the HONORABLE CINDY LEDERMAN, chairperson of the Unified Family Court Advisory Board.
- D. Establishment of a Complex Litigation Section of the Unified Family Court.
1. Effective immediately, the Complex Litigation Section in the Domestic Relations Division and in the Juvenile Division, known as Section 48 in both divisions, are hereby established and dedicated as the Complex Litigation Sections of the Unified Family Court.
 2. I hereby appoint the HONORABLE SANDY KARLAN and the HONORABLE LESTER LANGER to serve in their respective Complex Litigation Section of the Unified Family Court.
 3. The HONORABLE SANDY KARLAN will remain in the Lawson E. Thomas Courthouse Center and the HONORABLE LESTER LANGER in the Juvenile Justice Center to allow the Unified Family Court the greatest flexibility to serve the needs of the families and to accommodate the service providers and law enforcement. However, the new Juvenile Courthouse will have designated courtrooms and ancillary space for the Complex Litigation Section of the Unified Family Court.
 4. As cross over cases are transferred to the Complex Litigation Sections of the Domestic Relations and Juvenile Divisions of the Unified Family Court, respectively, the clerk's office is instructed to gradually reduce the percentage of non cross over cases assigned to these sections.

- E. All Judges are assigned to the Domestic Relations, Juvenile and Domestic Violence Divisions pursuant to this Circuit's rotation plan. All Judges who are assigned to these divisions for the first time or who have not served in these divisions for two years must receive mandatory training in the fundamentals of family law, domestic violence, juvenile dependency, juvenile delinquency and child development of both healthy and maltreated children before assuming the assignment or within 60 days after assuming the assignment.
- F. An Administrative Case Coordinator ("Case Coordinator") will be assigned to support the Unified Family Court. Due to existing duties and responsibilities, rotation of the primary Case Coordinator role will be rotated among the Administrative Office of the Court's Division Directors every year, beginning with Paul Indelicato, followed by Lauren Lazarus and Celina Rios. Paul Indelicato's initial term will run through December, 2004.

III ESSENTIAL ELEMENTS

The Unified Family Court will comply with the following essential elements as endorsed by the Florida Supreme Court in In re: Report of the Family Court Steering Committee 794 So.2d 518 (Fla. 2001):

- A. **Case Management** - Supervising, coordinating, directing, and overseeing the process and progress of a case.
- B. **Self-Help Programs** - Providing intake, screening, and procedural guidance to self represented litigants in family law cases.
- C. **Domestic Violence** - Ensuring that cases involving domestic violence are identified and managed in a manner that is organized, in compliance with all statutory time frames, and sensitive to the special dynamics involved in these cases.
- D. **Alternative Dispute Resolution (ADR)** - Offering alternatives to reduce the trauma of traditional adversarial litigation process, unless otherwise prohibited by law.
- E. **Guardian ad Litem** - Utilizing guardians ad litem in all family cases involving abused, abandoned or neglected children, and children at risk of harm to the extent such services are available.
- F. **General Masters/Hearing Officers** - Using quasi-judicial officers to expedite hearings and expand judicial resources.

- G. **Custody Evaluation** - Providing the court with evaluative information in proceedings involving custody disputes.
- H. **Supervised Visitation** - Promoting the utilization of qualified programs for supervised visitation and/or monitored exchange.
- I. **Education Programs for Parents** - Utilizing education programs for parents involved in family law proceedings.
- J. **Counseling Services/Treatment Programs** - Assuring the availability of crisis intervention and long-term counseling/treatment programs and ensuring that compliance is monitored when such services are court ordered.
- K. **Security** - Providing adequate and sufficient security personnel and equipment to ensure that family divisions are safe environments for judges, non-judicial staff, and the public.
- L. **Technology** - Providing computer hardware, systems, and training to access information essential to case management and coordination, to print forms and notices immediately, and to generate statistical reports, to provide public and inter-agency access to records, and to allow teleconferencing and appearance of witnesses by electronic means.

IV OPERATIONAL PROTOCOL, COORDINATION AND TRANSFER OF CROSS OVER CASES

- A. **Operational Protocol** - the operational protocol for handling cross over cases will be followed in conjunction with those protocols established by the Juvenile, Domestic Relations and Domestic Violence Divisions. However, all protocols of the respective Divisions are subject to revision and modification to effectuate efficient procedures and to ensure that the mandate of the Florida Supreme Court is being followed by this Circuit. Generally, the operational protocol will be as follows:
 - 1. **Definition** - A cross over case is defined as two or more open cases pending in the Juvenile, Domestic Relations, and/or Domestic Violence Divisions among family members with issues concerning the same child(ren). cross over cases shall be coordinated, heard and determined in a manner that will minimize the number of times and places that a family has to appear in court and will minimize the possibility of conflicting determinations of the same or related case.

2. **Identification** - Cross Over Cases will be identified by:
 - a. The daily UFC Cross Over Reports that are generated by CITeS Department of the Administrative Office of the Courts;
 - b. Judges and court staff, and
 - c. Attorneys/litigants
3. **Notification** - The Case Coordinator, as designated by the Chief Judge, shall be notified upon the identification of these related cases by any of the three methods indicated above in IVA2(a-c) and will take the appropriate actions as delineated in Sections IVB - IVE of this Administrative Order.
4. **Transfer Order** - The Case Coordinator will prepare an order of transfer to be signed by the Complex Litigation Judge to whom the cross over case has been assigned.
5. **Resources** - In order to avoid duplication and maximize the efficient use of resources, all reports, evaluations, memoranda and orders pertaining to cross over cases shall be shared by the judges assigned to such cases, and shall be made available to all counsel and the parties for purposes of hearings, dispositions and resolution of the matters before the Court. To the extent that any issues of confidentiality may apply, all legal requirements shall be observed.
6. **Closed Cases/Post Judgment Matters** - When all issues of a cross over case have been finally resolved, the file will be closed and remain in the Complex Litigation Section, wherein such case was resolved, for all post judgment matters.

B. Domestic Relations/Juvenile Cross Over Cases

1. The Case Coordinator will review the cross over cases and will take the following actions:
 - a. **Dependency/TPR Case filed where there is an open Domestic Relations case.** The Dependency/TPR case will be transferred to the Complex Litigation Division (Section 48) located at the Lawson E. Thomas Courthouse. Any subsequent filings by the parties, (i.e., child support, domestic violence, etc.) will be automatically transferred to the Judge presiding over both cases.

- b. **Dependency/TPR case filed where there is closed Domestic Relations case.** The Case Coordinator will review the closed Domestic Relations case and forward all pleadings, settlement agreements, final orders and other relevant documents to the Juvenile Judge assigned the case. The Juvenile Judge shall confer with the Domestic Relations Judge, as applicable.
- c. **Domestic Relations case filed where there is an open Dependency case.** The Domestic Relations case will be transferred to the Complex Litigation Division (Section 48) located at the Juvenile Justice Center. Any subsequent filings by the parties, (i.e., child support, domestic violence, etc.) will be automatically transferred to the Judge presiding over both cases.
- d. **Domestic Relations case filed where there is closed Dependency case.** The Case Coordinator will review the closed dependency case and forward all pleadings, settlement agreements, final orders and other relevant documents to the Domestic Relations Judge. The Domestic Relations Judge shall confer with the Juvenile Judge, as applicable.
- e. **Juvenile Delinquency case filed where there is an open Domestic Relations Case or a Domestic Relations case is filed where there is an open Juvenile Delinquency case.** Upon being advised of the cross over case by the Case Coordinator, the Complex Litigation Judges shall immediately confer with the Judges regarding their respective cases to decide what is in the best interest of the parties. Such decision will be that (i) the Judges will sit jointly, (ii) a primary Judge will be designated between them who will hear the matters simultaneously or (iii) the cross over case will be assigned to the Complex Litigation Section (Section 48) located in the Juvenile Justice Center.

C. Domestic Relations / Domestic Violence Cross Over Cases

- 1. The following types of cases shall be specifically assigned in the following manner:
 - a. **Petition for Injunction Filed Where There is an Open Domestic Relations Case.** The case shall be set for Permanent Injunction hearing in the Domestic Violence

Division and transferred to the Domestic Relations Division only if the open Domestic Relations Division case was filed 6 months or more prior to the filing of the injunction case. If the Domestic Relations Division case was filed less than 6 months prior to the filing of the injunction case, the case shall be set for Permanent Injunction hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).

- b. **Petition for Injunction Filed Where There is a Closed Domestic Relations Division Case.** The case shall be set for final hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).
- c. **Domestic Relations Division Case Filed Subsequent to Entry of Temporary Injunction But Prior to Entry of Permanent Injunction.** The case shall be set for Permanent Injunction hearing in the Domestic Violence Division and transferred to the Domestic Relations Division only upon motion and good cause shown, as provided in Paragraph 3(e).
- d. **Motions for Transfer to the Domestic Relations Division.** These motions shall be filed with the Domestic Relations Division Judge, who will rule on the motion prior to the scheduled Permanent Injunction hearing. A two week extension of the Temporary Injunction may be granted by the Domestic Relations Division Judge to allow time for a determination of the request to transfer the Domestic Violence Injunction case. The original Motion for Transfer shall be filed with the Clerk of the Court, bearing the Domestic Violence and Domestic Relations Division case numbers, with courtesy copies of the motion to be sent to the Domestic Relations Division Judge and the Domestic Violence Division Judge who is scheduled to hear the Permanent Injunction.
- e. **Motions for Modification/Extension of Permanent Injunction Filed Where There is an Open Domestic Relations Division Case.** The case shall be set before the Domestic Violence Division judge and transferred to the Domestic Relations Division Judge only upon motion and good cause shown, as provided in Paragraph 3(e). If necessary, a fifteen (15) day extension of the Temporary Injunction should

be entered to preserve jurisdiction over the case prior to hearing.

f. **Motions for Modification/Extension/Vacating of Permanent Injunction Filed Where There is a Closed Domestic Relations Division Case and the Domestic Violence Judge Entered The Permanent Injunction.** The case shall be set before the Domestic Violence Judge who entered the Permanent Injunction to preserve consistency of case disposition and judicial economy. If necessary, a fifteen (15) day extension of the Temporary Injunction should be entered to preserve jurisdiction over the case prior to hearing.

g. **Motions for Modification/Extension/Vacating of Permanent Injunction Filed Where There is a Closed Domestic Relations Division Case and the Domestic Relations Division Judge Entered the Permanent Injunction.** The case shall be set before the Domestic Violence Division Judge and transferred to the Domestic Relations Division Judge only upon motion and good cause shown, as provided in Paragraph 3(e). If necessary, a fifteen (15) day extension of the Temporary Injunction should be entered to preserve jurisdiction over the case prior to hearing.

2. The Domestic Violence Division shall work closely with the Domestic Relations Division of the Circuit Court, as well as the Criminal Division of the Circuit and County Courts, and the Juvenile Division of the Circuit Court to ensure that multiple judicial determinations concerning a single family complement, and do not conflict, with one another.

D. Juvenile Dependency/Delinquency Cross Over Cases

In order to create administrative coordination between the delinquency and dependency courts, where a juvenile has case(s) in both jurisdictions of the Juvenile Court Division, and to ensure that multiple determinations concerning a juvenile are complementary to, and do not conflict with one another, the Juvenile Court Division shall implement the following plan:

1. Establish a cross over division within the Juvenile Court Division for the dependency and delinquency cross-over cases ("Juvenile Court Cross over Division").
2. Assign a juvenile Judge to serve in the Juvenile Court Cross-over

Division.

3. Develop an adequate and effective case management system to identify these cross-over cases (where at least one of the delinquency and/or dependency case(s) are currently active) at various intake levels, (i.e., Juvenile Assessment Center, Miami-Dade Juvenile Detention Center, and Juvenile Clerk's Office), and have the Office of the Clerk of Court make appropriate divisional assignments to the new cross over division to handle these matters.
4. The Office of the Clerk of Court, with the assistance of the Court Information Technology Services (CITeS), will be responsible for establishing a case number system and statistical tracking methodologies for those cases assigned to the new juvenile court cross-over division.

E. Domestic Violence and Juvenile Cross Over Cases

1. This section shall apply to those cases wherein a matter is pending only in the Domestic Violence and Juvenile Divisions. This section does not apply to those cases wherein a case is also pending in the Domestic Relations Division.
2. The following types of cases shall be specifically assigned in the following manner:
 - a. **Petition for Injunction Filed Where There is an Open Juvenile Case.** The case shall be set for hearing before the Domestic Violence Judge and transferred to the Juvenile Division upon good cause shown in accordance with the procedure provided in Paragraph E 2(c).
 - b. **Petition for Injunction Filed Where There is a Closed Juvenile Case.** The case shall be set for final hearing in the Domestic Violence Division and transferred to the Juvenile Division Judge only upon motion and good cause shown, as provided in Paragraph E2(c).
 - c. **Motions For Transfer To The Juvenile Division.** These motions shall be filed with the Juvenile Division Judge, who shall rule on the motion prior to the scheduled Permanent Injunction hearing. A two week extension of the Temporary Injunction may be granted by the Juvenile Division Judge to allow time for a determination to be made as to the efficiency of the request to transfer the Domestic Violence Injunction case. The original Motion for Transfer shall be filed with the Clerk of the Court, bearing the Domestic Violence and

Juvenile Division case numbers, with courtesy copies of the motion to be sent to the Juvenile Division Judge and the Domestic Violence Division Judge who is scheduled to hear the Permanent Injunction.

V. Periodic Evaluation of Unified Family Court

The Unified Family Court shall be evaluated by the Chief Judge, or his/her designee(s), every quarter to determine its effectiveness in implementing this Circuit's goal of addressing family law matters in a comprehensive, coordinated manner. Such evaluation shall consist of, but not be limited to: (i) a review and analysis of statistical data provided by the Administrative Case Coordinator, in conjunction with CITEs, detailing the amount and types of cross over cases handled during the quarter and (ii) anecdotal documentation of cross over cases provided by participants in the cases (i.e., judiciary, attorneys, litigants, etc.).

This Order shall take effect upon execution and shall remain in effect until further order of this Court. Administrative Order No. 01-16 is hereby rescinded and held for naught. The Clerk of the Court is hereby directed to file a copy of this Administrative Order in Case No. 03-1 (Court Administration).

OCTOBER **DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this 29 day of OCTOBER, 2003.



**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

Multisite Findings and Recommendations

Issues, Outcomes and Recommendations

Edward W. Gondolf

BATTERER INTERVENTION SYSTEMS

Issues, Outcomes and Recommendations

Edward W. Gondolf

Major findings from a multisite evaluation.

MONITORING AND TREATMENT RECOMMENDATIONS

There have been numerous evaluations, which try to discern the effectiveness of batterer intervention programs. Few have been experimental models that include control groups because these are difficult to design and implement.¹ Most are quasi experimental or non experimental. Edward W. Gondolf conducted one of the most extensive and best-known non-experimental evaluations of batterer's intervention programs.² The Study compared four programs of different lengths, formats, and linkages in four cities³. All sites utilized a Duluth gender-based, cognitive-behavioral model. The initial 15-month study involved 840 batterers and their female partners. Study participants were contacted periodically over a four-year period. Approximately 35% of original group of batterers dropped out of treatment. Researchers were able to stay in contact with approximately 66% of the batterers and victims over time. The Study looked at success or failure rate and trends of violence over time with particular emphasis on re-assaults. Gondolf's Meta analysis of more than 40 previous studies and his Study have made his research and recommendations invaluable to this field. The major findings and recommendations of the Study are listed below as a prelude to Miami Dade system partner recommendations.

MULTI-SITE FINDINGS:

The bottom line of the study was that the system matters, that is, program outcomes appear to be substantially influenced by how well the police, the courts, probation, women's services and other community services work together. The success of batterer programs may rely as much on community development as program development.⁴ The most substantial predictors were: drunkenness during the follow-up and the women's

¹ Bennett, L & Williams, O. (2001) Controversies and Recent Studies of Batterer Intervention Program Effectiveness http://www.vawnet.org/VNL/library/general/AR_bip.html (review of 4 experimental evaluations of batterer intervention programs and bibliography).

² Edward W. Gondolf, Batterer Intervention Systems Issues, Outcomes, and Recommendations, Sage Series on Violence Against Women (2002) [More than 40 articles have been written regarding this study, this book included a comprehensive bibliography from this and other authors on the issue as well a comprehensive summary of the seven year study.]

³ The four sites includes (1) a pre-trial, three-month didactic program with court liaisons [Pittsburgh]; a post conviction, three month, process program with women's services [Dallas]; (3) a post conviction, five-month, didactic program associated with a legal advocacy program for victims [Houston]; and (4) a post-conviction, nine month, process program with complementary services including substance abuser treatment, individual mental health counseling, and women's services coordinators [Denver]. See Table 7.1 Outcomes for Four Batterer Intervention Systems at 15-Month Follow-up. Gondolf at 153

⁴ Gondolf at 23

perception of safety indicating the need for ongoing monitoring and case management after intake.

Study Findings on Re-assault:⁵

- Over a third of the men re-assaulted their initial or new partners *during the 15 months after program intake*, and nearly half re-assaulted a partner *during the full 4-year follow-up*. [These cumulative re-assault rates include both program dropouts and completers]⁶
- Men were half as likely to assault *new partners* as there were to reassault initial partners; most of the men who did assault new partners had previously re-assaulted their initial partners. There were not significant differences in reassault rates across African American, Latino, and Anglo men, but voluntary participants were more likely to reassault than court-referred men.
- Two thirds of the men who reassaulted their partner did so *within 9 months of program intake* – when the men should have had contact with batterer-counseling program.
- Men who attended programs for at least 2 months were less likely to re-assault than those who dropped out within 2 months
- 44% of the assaults occurred immediately after Intake
- There was a substantial *de-escalation* of re-assault and other forms of abuse during the first year after intake, which remained at low levels over the next three years of follow-up
- The vast majority of men eventually were not violent for a sustained period. At the 30-month follow-up, more than 80% of the men had not re-assaulted a partner in the previous year. At the 48-month follow-up, more than 90% had not re-assaulted

Study Findings on Program and Site Effect:⁷

- Several different analyses indicated a *moderate program effect*. According to sophisticated multivariate analyses, men who attended the program for _____ months [fill in] or more were less likely to re-assault than those who dropped out within 2 months, and perceptions of deterrence did not explain the decrease in re-assaults
- Most men relied on *behavioral constraint* to avoid being violent. Half of the men reportedly relied on interruption techniques to avoid violence and abuse and about one fifth of the men changed their attitudes toward women according to the women's reports
- Outcomes are similar *across the four research sites* despite differences in program length and additional services. System differences may compensate for the potential effect of program length, and limited use of additional services may limit their impact

⁵ Gondolf at 201

⁶ Approximately 35% of study participants dropped out of the program.

⁷ Gondolf at 201

- Costs were approximately \$20.00 per session and about half of the cost was covered by participant payments

Study Findings on Risk Markers and Batterer Types:⁸

- Past violence [severe previous assault, extent of one's criminal record], severe psychopathology, and continuous drunkenness are *significant markers* but they have weak *predictive power*. Risk markers used in risk assessment instruments did not substantially improve on the prediction of re-assault or other levels of abuse
- ***The most substantial predictors were: drunkenness during the follow-up and the women's perception of safety indicating the need for ongoing monitoring and case management after intake***
- Over one fifth of the men [20%] *repeatedly re-assaulted* their partners and were responsible for the most severe violence. These men were not distinct in terms of personality type or mode of violence
- The *Batterer types* based on personality profiles appeared suited for conventional BIP counseling and did not predict re-assault or distinguish re-assaulters

MULTI-SITE RECOMMENDATIONS⁹

Program and Policy Recommendations:

- Pretrial referral of first-time cases to ensure swift an certain response to first time arrests [pretrial referrals get into programs in two weeks while post conviction may take three to six months]
- Screening for severe psychiatric disorders and drunkenness [other in-depth assessments may not be necessary]
- **Gender based cognitive-behavioral batterer counseling seems to be appropriate for the vast majority of men. However, Gondolf's study suggests that in jail counseling is the best solution for men who: have been previously arrested for DV or non-DV assault, have a history of severe assault or have re-assaulted their victims. [Check the language]**
- Intensive counseling in the first one to two months [3 – 4 times per week] rather than weekly sessions, is preferred for individuals who are severely abusive and have been previously arrested for non-DV crimes
- Swift certain court action and specialized probation to ensure swift and decisive response to program non-compliance. **Failure to comply should warrant new intervention with follow up assessment.** New interventions and alternatives to jail could include intensified supervision, substance abuse counseling and halfway houses.

⁸ Gondolf at 201

⁹ Gondolf at 212 - 216

Law Enforcement Protocol

San Diego Domestic Violence Council

Law Enforcement Protocol

San Diego Domestic Violence Council

Domestic Violence Law Enforcement Protocol

INTRODUCTION

The California State Legislature has declared that:

"[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California."

(California Penal Code section 273.8.)

This protocol is intended to assist in implementing the coordinated response necessary to protect the people of this region.

The protocol is not intended to address every situation or every issue. It is not intended to substitute for individual officer discretion or individual departmental policies that are consistent with state law.

The protocol embodies a commitment to pursue effective intervention in domestic violence incidents. It is intended to serve as a guide in promoting victim safety and abuser accountability.

Background

In 1989, a Law Enforcement sub-committee of the San Diego County Task Force on Domestic Violence first began drafting a law enforcement protocol for the handling of domestic violence cases in San Diego County. The Law Enforcement sub-committee was made up of representatives from each law enforcement agency in San Diego County. The first draft protocol was completed in the spring of 1990.

Based on the actions of each agency, the original protocol was incorporated into the operating procedures of most law enforcement agencies during the spring and summer of 1990. Each agency acted independently during this period based on recommendations from their own staff. In August, 1990, the San Diego County Police Chiefs and Sheriff's Association voted unanimously to endorse the Law Enforcement Protocol.

Between 1990 and 1998, there was no updating of the original protocol although most of the policies in the protocol remained in place throughout San Diego County.

In 1995, the State Legislature passed legislation (Pen. Code, § 13701(a) and (b)) mandating the preparation and adoption of a domestic violence law enforcement protocol in each law enforcement agency in the state. Section 13700(b) mandates that such a protocol shall be prepared in consultation and cooperation with domestic violence agencies in the county.

While San Diego County's 1990 protocol complied with Penal Code section 13701, it was clear that a new, updated protocol was critical to the comprehensive handling of domestic violence cases by law enforcement agencies in San Diego County. To that end, the Law Enforcement Committee of the San Diego Domestic Violence Council worked for six months in 1997-1998 to prepare an updated protocol. The entire membership of the Council (representing over 75 agencies countywide) reviewed the updated protocol during its development.

DOMESTIC VIOLENCE PROTOCOL POLICY STATEMENT

Penal Code section **13701** mandates that every law enforcement agency in the state develop, adopt and implement written policies and standards for officers' responses to domestic violence calls. The policies must reflect that domestic violence is alleged criminal conduct and is to be treated as such. The law further requires that the policies reflect that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred. Section **13701** further requires that the policies **shall** encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. Domestic violence suspects can be arrested either for felony or misdemeanor offenses.

This document is intended to assist police officers in handling an incident of domestic violence from the initial call through prosecution. It embodies the standards which all agencies shall meet when responding to a call of domestic violence. By signing this document, all agencies agree with and endorse the following principles:

- **All law enforcement agencies will respond to acts of domestic violence as a crime.**
- **Victims of domestic violence will be treated with respect and dignity and will be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence.**
- **The decision to prosecute a batterer lies within the discretion of the District Attorney and the City Attorney. Victims do not "press charges", "drop charges" or "prosecute" their batterers.**
- **Law enforcement officers shall arrest batterers in all situations where an arrest is legally permissible for felony acts of domestic violence and should arrest batterers for misdemeanor acts of domestic violence.**
- **Training will be provided regularly to enhance law enforcement's response to domestic violence incidents.**

TABLE OF CONTENTS

DEFINITIONS

AUTHORITY SECTIONS

POTENTIAL DV CHARGES

911 OPERATOR/DISPATCHER RESPONSE

PATROL OFFICER RESPONSE/ INVESTIGATION

Enforcement of Laws in DV Incidents

Preliminary Investigation of DV Cases

Primary Aggressor Rule

Dual Arrests

FOLLOW-UP INVESTIGATION

SEXUAL ASSAULT INVESTIGATIONS

SAME SEX RELATIONSHIPS

INVESTIGATING STALKING CASES

DOMESTIC VIOLENCE AND CHILD WITNESSES

BASIC GUIDELINE FOR THE CHILD/WITNESS INTERVIEW

ENFORCEMENT OF RESTRAINING AND PROTECTIVE ORDERS

REPORTING VIOLATIONS OF PROBATION TO THE COURT

RE-ARREST OF PROBATIONERS

PAROLE

TEEN RELATIONSHIP VIOLENCE

MILITARY

OFFICER INVOLVED DV PROCEDURES

COURTESY REPORTS

CALIFORNIA HIGHWAY PATROL

SUMMARY OF REPORTING REQUIREMENTS

THE FEDERAL DV LAWS AND THE ENFORCEMENT OF THESE LAWS**DEFINITIONS**

- A.) **DOMESTIC VIOLENCE** is abuse committed against an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or has had a dating or engagement relationship. This is a reportable Domestic Violence incident.
- B.) **DOMESTIC DISTURBANCE** is an argument or disagreement within the family or between partners as defined in Penal Code section 13700 that does not involve violence, threats of violence, or court order violations. It does not require a report by California law. Departments may set forth their own policies and procedures which will require officers to prepare a brief written report documenting any domestic dispute reported to San Diego County law enforcement agencies.
- C.) **ABUSE** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to him/herself or another.
- D.) **CORPORAL INJURY** is physical injury inflicted on the body.
- E.) **TRAUMA** is a wound caused by external violence.
- F.) **WOUND** is an injury of any kind which affects the body, whether it is a cut, laceration, fracture, or bruise. Any lesion of the body.
- G.) **PRO-ARREST POLICY** refers to a philosophical position which prioritizes arrest over citation or notify warrant in every situation where an arrest based on probable cause is legally permissible.
- H.) **OFFICER** is defined as any law enforcement officer employed by a local police department or sheriff's office, consistent with California Penal Code sections 830.1, 830.2, 830.31, and 13700(c).
- I.) **PROTECTIVE ORDER** is an order which requires a person to refrain from doing a particular act or acts. It is an order issued by the Superior Court, with or without notice to the person who is to be restrained. A protective order will remain in effect for a set period of time which is stated on the face of the order. If no date is stated, the order is effective for three years.
- J.) **DOMESTIC VIOLENCE ORDER** is a protective order which is issued pursuant to the Domestic Violence Protection Act (Code of Civil Procedure sections 541-549), the Family Law Act (Civil Code sections 4359, 4458, and 4516), or the Uniform Parentage Act (Civil Code sections 7020-7021).
- K.) **STAY AWAY ORDER** is an order in a criminal case involving domestic violence where there is a likelihood of harassment of the victim by the defendant. A Stay Away Order may remain in effect as long as the defendant is under a court's jurisdiction, including any sentence or probationary period. Stay Away Orders are now issued pursuant to Penal Code section 136.2 while a criminal prosecution is pending. (Criminal Stay Away Orders take precedence over other protective orders.)
- L.) **EMERGENCY PROTECTIVE ORDER (EPO)** may be obtained 24 hours a day, 7 days a week and is intended to provide short-term protection to victims while giving them a reasonable period of time to apply to the Superior Court for a longer term civil protective order. It is intended to function as a

restraining order against a perpetrator of domestic violence, including elder abuse, child abuse, child abduction, and stalking. EPO's are valid for five judicial days (days court is in session). If there are intervening weekends or holidays, the order is valid up to seven actual days.

M.) EMANCIPATED MINOR: a person under the age of 18 years is emancipated if any of the following conditions are satisfied (Fam. Code, § 7002): (1) the person has entered into a valid marriage, whether or not the marriage has been dissolved; (2) the person is on active duty with the armed forces of the United States of America; or (3) the person has received a declaration of emancipation pursuant to Family Code section 7002. Family Code section 7122 provides that such a declaration may issue if (pursuant to Fam. Code, § 7120) the following is true: (a) the minor is at least 14 years of age; (b) the minor willingly lives separate from the parents or guardian with the consent of the parents or guardian; (c) the minor is managing his/her own financial affairs; and (d) the source of the minor's income is not derived from any activity constituting a crime.

N.) STALKING is following, harassing, and making a credible threat toward another person with the intent of placing that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

O.) PRIMARY AGGRESSOR is the person who is the most significant, rather than the first, aggressor.

P.) DUAL ARREST is the arrest of both parties during a domestic violence incident. Dual arrests shall be discouraged. The officer's responsibility is to identify the primary aggressor.

AUTHORITY SECTIONS

1.) PC SECTION 12028.5: Taking Temporary Custody of Firearm at Scene of Family Violence Incident. A law enforcement officer may take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present.

2.) PC SECTION 13700 et. seq.: Law Enforcement Response to Domestic Violence. These sections require law enforcement to develop, adopt, and implement policies and standards for officers and dispatchers responding to domestic violence.

3.) PC Section 836: Peace Officer's Authority to Arrest under Warrant or Without Warrant; Explanation During Domestic Violence Calls of Citizen's Arrest Rights; Arrest Without a Warrant of Person Violating Protective Order; Assault and Battery Arrests Without Warrant. The provisions of this section are discussed in the Patrol Officer Response/Investigation section of this protocol.

POTENTIAL DOMESTIC VIOLENCE CHARGES

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code:

- 1.) 136.1 Intimidating or Dissuading a Witness.
- 2.) 166 Violation of Protective Order
- 3.) 148 Resisting Arrest

- 4.) 187 Murder
- 5.) 203 Mayhem
- 6.) 205 Aggravated Mayhem
- 7.) 206 Torture
- 8.) 207 Kidnapping
- 9.) 211 Robbery
- 10.) 236 False Imprisonment
- 11.) 240 Assault
- 12.) 242/243(a) Battery
- 13.) 243(e) Battery on a Spouse, Non-Cohabiting Former Spouse, Co-Parent, etc.
- 14.) 243(d) Battery with Serious Bodily Injury
- 15.) 245 Assault with a Deadly Weapon or with Force Likely to result in Great Bodily Injury
- 16.) 246 Shooting at an Inhabited Dwelling
- 17.) 261 Forcible Rape
- 18.) 261.5 Statutory Rape
- 19.) 262 Rape of a Spouse
- 20.) 273.5 Spousal Abuse
- 21.) 273.6 Violation of a Restraining Order
- 22.) 273(a) Abusing or Endangering of a Child (Felony)
- 23.) 273(b) Abusing or Endangering of a Child (Misdemeanor)
- 24.) 286 Sodomy
- 25.) 288a Oral Copulation
- 26.) 289 Penetration with a Foreign Object
- 27.) 368 Elder Abuse

- 28.) 417(a) Brandishing a Weapon
- 29.) 418 Forcible Entry into the Home of Another
- 30.) 422 Terrorist Threats
- 31.) 459/460 Residential Burglary
- 32.) 591 Malicious Destruction of a Telephone
- 33.) 594(b) Vandalism
- 34.) 597 Animal Abuse
- 35.) 602.5 Trespassing
- 36.) 603 Forcible Entry with Damage to Property
- 37.) 646.9 Stalking
- 38.) 12020(a) Possession of a Dangerous/Deadly Weapon
- 39.) 12021(a) Felon in Possession of a Firearm
- 40.) 12021(c) Possession of Firearm with Prior Misdemeanor Conviction for Spousal Battery/Abuse
- 41.) 12025(a) Possession of a Concealed Weapon
- 42.) 12031 Possession of a Loaded Firearm
- 43.) HS11550 Under the Influence

911 OPERATOR / DISPATCHER RESPONSE

I. A dispatcher who receives a domestic violence incident call will dispatch officers to every reported incident. The dispatcher will, when warranted, give a domestic violence incident call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.

II. When speaking to a victim of domestic violence, no dispatcher or 911 operator will discuss the victim's desire to "press charges", "drop charges", or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate.

III. During the initial call for assistance, the call taker should ask these questions (not necessarily in this order):

- A. Where is the emergency? What address? What apartment number?

- B. What has happened?
- C. With whom am I speaking?
- D. Are you the victim? If no, are you a witness?
- E. Has anyone been injured? Is an ambulance needed? What are the injuries?
- F. Who is the suspect?
- G. Describe the suspect.
- H. Is the suspect present?
- I. If the suspect is not present, do you know where he/she may be?
- J. Are weapons involved? If yes, what kind? Where are they located?
- K. Is the suspect under the influence of drugs or alcohol? If yes, what substance?
- L. Are children present?
- M. Have the police been to the address before? If yes, how many times?
- N. Do you have a protective order?

IV. The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 operators. 911 operators shall advise the victim to ensure his/her safety including, but not limited to, waiting for officers at a friend's home or simply leaving the residence if the batterer returns.

V. Penal Code section 13710(b): The terms and conditions of the protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court.

PATROL OFFICER RESPONSE/INVESTIGATION

I. ENFORCEMENT OF LAWS IN DOMESTIC VIOLENCE INCIDENTS:

- A. **PRO-ARREST POLICY**: A pro-arrest policy will be implemented by all departments if there is probable cause that an offense has been committed. (Penal Code Section 13701(b).)
- B. **Felony Arrests**: If an officer has reasonable cause to believe that a felony has occurred, an arrest shall be made.
- C. **Misdemeanor Arrests**: If there is reasonable cause to believe that a misdemeanor offense has been committed, an arrest should be made. A misdemeanor arrest can be achieved in any of the following ways:

1. Misdemeanor committed in officer's presence. A suspect should be arrested in the event that a misdemeanor domestic violence incident occurs in the officer's presence. Such situations include, but are not limited to an officer's witnessing the following:

- a. an act of domestic violence.
- b. a violation of a restraining order.
- c. weapons violations.

2. Misdemeanor committed outside officer's presence. If a person commits an assault or battery upon his or her spouse, upon a person with whom he or she is cohabiting, or upon the parent of his or her child, a peace officer may arrest the person without a warrant where both of the following circumstances apply:

- a. The officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
- b. The crime involves the spouse, cohabitant or coparent; and
- c. The officer makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed. (Pen. Code, § 836(d).)

3. Penal Code 836(c) When a peace officer is responding to a call alleging a violation of a domestic violence protective order or restraining order, and the officer has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer may arrest the person without a warrant and take that person into custody whether or not the violation has occurred in the presence of the arresting officer.

4. Private Person's Arrest. When the crime does not involve a spouse, cohabitant or co-parent, a misdemeanor arrest can be achieved by a private person's arrest. Any time a peace officer is called out on a domestic call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a private person's arrest. This information shall include advising the victim how to safely execute the arrest. (Pen. Code, § 836 (b).) This discussion should be held out of the presence of the suspect possible. An officer shall not dissuade complainants from making a private person's arrest.

D. The existence of the elements of the crime shall be the sole factors that determines the proper method of handling the incident. The following factors, for example, shall not dissuade the officer's course of actions in domestic violence incidents, except as they relate to the elements of the crime:

1. The relationship or marital status of the suspect and the victim;
2. Whether or not the suspect lives on the premises with the complainant;
3. The existence or lack of a temporary restraining order; or the dismissal of a previous restraining order; or whether the victim acquiesces on the suspect's violation of the order;
4. The potential financial consequence of arrest;
5. The complainant's history or prior complaints;
6. Verbal assurances that violence will cease;
7. Lack of visible injuries;
8. The location of the incident (public or private place);
9. Speculation that the complainant may not follow through with the criminal justice process;
10. Victim and suspect are of the same gender;
11. Immigration status;
12. The victim's reluctance regarding an officer's initiated arrest; or
13. Assumptions that violence is more acceptable in certain cultures.

E. Pursuant to Penal Code section 13700 et seq., an officer responding to an incident of domestic violence shall prepare a domestic violence incident report irrespective of the wishes of the victim or the presence or absence of the suspect. An officer shall make no statements which would tend to discourage a victim from reporting an act of domestic violence.

F. If no arrest is made, officers should provide necessary assistance to ensure the parties are safe, such as:

1. developing a safety plan;
2. providing referrals to community resources and relevant phone numbers;
3. providing transportation to medical facility or shelter; and
4. advising the victim about Emergency Protective Orders.

G. If the suspect has left the scene prior to the officer's arrival, all reasonable efforts should be made to locate the suspect.

II. PRELIMINARY INVESTIGATION OF DOMESTIC VIOLENCE CASES

Officers arriving at a domestic violence scene should conduct a thorough investigation and submit reports of all incidents of domestic violence and crimes related to domestic violence. When dispatched, the officer should confirm the identity and location of the reporting party, the content of the call and the type of crime being reported. **The following steps should be included in an officer's investigation and subsequent report:**

A. ARRIVAL AT SCENE:

1. Determine location and condition of victim.
2. Determine if suspect is still at scene.
3. Determine if any weapon is involved.
4. Determine what, if any, crime has occurred. (If a sexual assault is reported, follow the procedures set forth on page 19.)
5. Summon ambulance if injuries require.
6. Separate the victim, suspect and witnesses.
7. Prevent communication between the parties.
 - This includes removing victim and witnesses from suspect's line of sight and range of hearing.
 - [PATROL OFFICER RESPONSE/INVESTIGATION
Cont'd]

B. PRELIMINARY INVESTIGATION:

1. Determine primary aggressor. (Penal Code section 836(c)(3).)

The "primary aggressor" is the person determined to be the most significant, rather than the first aggressor. In identifying the primary aggressor, the officer shall consider:

- a. the intent of the law to protect victims of domestic violence from continuing abuse;
 - b. the threats creating fear of physical injury;
 - c. the history of domestic violence between the persons involved;
 - d. whether either person acted in self defense.
2. Interview victim and witnesses separately, including any children who may have witnessed the incident or any prior incidents. **Do not ask the victim whether he/she wishes to press charges.**

a. VICTIM: Note and document the following:

(1) Note the victim's physical condition, including

(a) any injuries--describe in detail

- o Determine if medical treatment is necessary and seek appropriate care

(b) note torn clothing

(c) note smeared makeup

(2) Note the victim's emotional condition

(3) Document any evidence of substance/chemical abuse by victim

(4) Determine victim's relationship to suspect

(5) Conduct a lethality assessment by considering the following factors:

- o Is there a history of abuse?
- o Does the suspect have obsessive or possessive thoughts?
- o Has the suspect threatened to kill the victim?
- o Does the suspect feel he has been betrayed by the victim?
- o Is the victim attempting to separate from the suspect?
- o Have there been prior calls to the police?
- o Is there increasing drug or alcohol use by the suspect?
- o What is the prior criminal history of the suspect?

(6) [Lethality Assessment, Cont'd]

- o Is the suspect depressed?
- o Does the suspect have specific "fantasies" of homicide or suicide?
- o Does the suspect have access to or a fascination with weapons?
- o Has the suspect abused animals/pets?
- o Has the suspect demonstrated rage or hostile behavior toward police or others?
- o Has there been an increase in the

frequency or severity of the abuse?
(documented or not)

- o Has the suspect been violent toward children?

(7) Record any spontaneous statements of the victim

(8) Obtain emergency contacts, telephone numbers, and pager numbers for the victim

(9) Determine if there was strangulation involved and ask the questions contained in the Lethality Assessment (attached). Strangulation cases should be evaluated as felony incidents.

(10) Note any statements made by suspect to victim during incident.

b. WITNESSES:

(1) Interview all witnesses separately and record names, addresses, phone numbers and emergency contacts.

(2) List the names and ages of children present.

(3) Interview all children pursuant to protocol.

(4) Record names and addresses of emergency personnel.

(5) Interview neighbors (ear-witnesses).

(6) Determine from witnesses if they are aware of a history of abuse.

c. SUSPECT:

(1) Describe suspect's location on arrival.

(2) Describe suspect's physical condition.

(3) Describe suspect's emotional condition.

(4) Document evidence of substance/chemical abuse by suspect, conduct examination and add charge if appropriate.

(5) Record spontaneous statements.

- (6) Document, describe and photograph any injuries.
- (7) Admonish suspect and obtain waiver.
- (8) Interview suspect.

d. EVIDENCE:

- (1) Describe crime scene. Note signs indicating struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
- (2) Photograph crime scene if applicable.
- (3) Determine if firearms or other deadly weapons are present and seize pursuant to Penal Code section 12028.5.
- (4) Ensure that victim's and suspect's injuries are photographed clearly.
- (5) Impound and photograph all weapons and other evidence including all instrumentalities of the crime (i.e. belts, phone cords, hangers, gas cans, lighters, broken lamps, etc.).
- (6) In cases involving sexual assault, seize and appropriately impound clothing, bedding or any material upon which the assault took place.

e. MEDICAL TREATMENT

If medical treatment is necessary:

- (1) Transport or have victim transported to hospital.
- (2) Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim.
- (3) Document complaints of pain and injuries.
- (4) Obtain signed medical release from victim.
- (5) Obtain copy of medical treatment form including doctor's name, address and telephone number.
- (6) Interview treating physician and confirm nature and severity of injuries.

(7) Determine if victim made statements to treating personnel regarding injury, incident or prior abuse.

(8) Document all information.

f. COMPLETING CRIME REPORT

Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.

(1) Ensure that elements of all involved crimes are included in report.

(2) Document any injuries victim has sustained on DV Supplemental form.

(3) Make sure the victim was photographed. If a Polaroid camera was used, make sure the photographs clearly depict the injury or any object photographed. Photograph all children present, and the crime scene, if appropriate.

(4) Document all evidence collected.

(5) Document, in detail, any past history of physical violence. Describe the nature of the violence and whether it was reported or unreported.

3. VICTIM'S RIGHTS/OFFICER'S DUTY TO ADVISE

a. Give the victim appropriate referrals.

(1) Advise the victim of available shelter options. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety, a desire to relocate to a shelter, or the officer determines a need exists.

(2) Explain the options available to the victim including the private person's arrest process, EPO, temporary restraining orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.

(3) **DO NOT ASK THE VICTIM IF HE OR SHE WISHES TO PRESS CHARGES.** The decision to prosecute is made by the District Attorney or the City Attorney. The victim and suspect should be advised that he/she has no control over the decision to prosecute.

(4) Advise the victim of available community resources and the state victim assistance program.

(5) Verify and enforce court issued protective orders.

(6) Exercise reasonable care for the safety of the officers and parties involved. No provision of this protocol shall supersede that responsibility.

(7) At the conclusion of the preliminary investigation officers are required to give the victim the Domestic Violence/Sexual Assault handout or pamphlet.

- o Review the content of the handout with the victim .

b. BAIL ISSUES: Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety.

III. PRIMARY AGGRESSOR RULE

A. Per Penal Code 13701, the officer shall make a reasonable effort to identify the primary aggressor in any incident. The primary aggressor is the person determined to be the most significant, rather than the first aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest both parties. In determining whether a person is the primary aggressor, the officer shall consider the following:

1. The intent of the law to protect DV victims.
2. Any threats -- real or implied -- which instill fear of physical violence by one partner toward another.
3. Any history of violence between the partners.
4. If either partner acted in self-defense.

B. Other factors law enforcement personnel should consider:

1. Height/weight of the parties.
2. Criminal history.
3. Level of violence.
4. Corroborating witnesses.
5. Demeanor.

6. Use of alcohol/drugs.
7. Offensive/defensive injuries (injuries consistent with explanation).
8. Seriousness of injuries.
9. Timing of second arrest.
10. Corroborating evidence.
11. Presence of Fear.
12. Existing court orders.
13. 911 reporting party.
14. Injuries consistent with explanation.

IV. DUAL ARRESTS

Dual arrests shall be discouraged, but are not prohibited per Penal Code section 13701. It is the duty of law enforcement personnel to identify and arrest only the primary aggressor. It is the purpose of this county-wide protocol to encourage all agencies to adhere to the intent of this mandate and refrain from making dual/mutual arrests. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.

FOLLOW-UP INVESTIGATION

I. All domestic violence reports prepared by officers pursuant to Penal Code section 13700 et. seq., shall be referred to investigative personnel for review and follow-up investigation as needed.

A. "Investigative personnel" refers to a detective, investigative specialist, or other designated personnel.

B. Investigative personnel receiving domestic violence related crime and arrest reports shall process them in the same manner as all other criminal violations.

C. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases based on an investigator's desire to handle such cases.

II. Follow-up investigations should consist of the following steps:

A. Review patrol reports and determine whether all steps outlined above were completed.

- If patrol officer failed to complete any of the above, make sure the work is completed.

B. Re-interview the victim, witnesses and children.

1. Do not simply "confirm" what is in the patrol officer's report.
2. Interview the victim or witness in detail and document the information received in your follow-up report.
3. Whenever possible, interview the victim in person.
4. Obtain subsequent photographs of the victim even if the patrol officer took photographs.
5. Obtain copies of medical reports if available.
6. Obtain a copy of the 911 tape and the printout involving the original call for assistance.
7. Locate and interview other corroborating witnesses (such as neighbors) who may have heard the incident, yet had not become involved. These "ear-witnesses" can be invaluable during prosecution.
8. Inform the victim and witnesses of the status of the case and the intended referral to the District Attorney or the City Attorney.
9. Record the names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.
10. Conduct a complete ARJIS history of the suspect and the victim and attach it to the investigator's report.
11. Obtain copies of prior police reports, prior 911 printouts and tapes if they exist.
12. Interview the suspect unless he has invoked.

C. Investigative personnel handling domestic violence cases should analyze each domestic violence case by considering the following questions:

1. Can the elements of the offense be established without the testimony of the victim?
 - a. If yes, the case should be submitted to the District Attorney or the City Attorney for review, irrespective of the wishes of the victim.
 - b. If the answer is no, the investigator must determine if the victim will come to court and tell the truth if subpoenaed to do so.
 - (1) If the victim will, the case should be submitted to a prosecutor for review.

(2) If the victim will not, determine whether further corroboration can be obtained to allow the prosecution to proceed without a cooperative victim.

(3) If the answer is no, and there is no independent corroboration to establish the offense, the case need not be submitted for review but should be filed with records pursuant to Penal Code section 13700, et seq.

(4) If the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, discuss the case with a prosecutor.

(5) Even if the case is not submitted, make sure the victim receives the proper referrals for victim services.

SEXUAL ASSAULT INVESTIGATIONS

I. PATROL RESPONSE

When an officer responds to a call involving domestic violence and learns that a victim has been sexually assaulted, the officer shall do the following:

- A. Ensure the victim's safety.
- B. Evaluate the need for emergency medical care.
- C. Evaluate the need for additional units and a supervisor.
- D. Check for possible suspects.
- E. Identify, isolate and interview potential witnesses.
- F. Preserve the crime scene and impound evidence or request assistance from evidence technician.
- G. Conduct an interview of victim.
- H. Determine the need for an evidentiary exam.
- I. Notify a SART facility (see below).
- J. Transport the victim to a SART facility.
- K. Stand by during the Sexual Assault Evidentiary Exam.
 - 1. Officers who are the same sex as the victim may remain in the examination room.

2. Officers of the opposite sex are not to remain in the examination room, but must remain at the facility.

L. Provide transportation to the victim upon completion of the examination.

M. Impound evidence. (See below)

N. Complete reports and submit them to investigations.

II. SART FACILITIES

The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault examiner and a rape crisis advocate. SART Facilities are located at the following hospitals:

1.) Pomerado Hospital

15615 Pomerado Road

Poway, CA 92064

485-4670

3.) Children's Hospital*

Center for Child Protection

3020 Children's Way

San Diego, CA 92123

576-5803

2.) Villa View Community Hospital

5550 University Avenue

San Diego, CA 92105

582-3516

4.) Palomar Hospital*

Child Abuse Program

555 East Valley Parkway

Escondido, CA 92025

739-3990

*Children's Hospital and Palomar Hospital have comprehensive programs to assist in the detection of child abuse and molest. In cases involving child and adolescent victims, officers should transport the victim to one of these facilities.

III. SEXUAL ASSAULT FORENSIC EXAMINATION PROCEDURES FOR SUSPECTS

A. Forensic examinations should be conducted on individuals suspected of committing a sexual assault. Some Law Enforcement agencies may contract with a private company to conduct these exams or the exams. Officers must be aware of their agency's procedures and policies regarding these exams.

B. Once the exam is completed, officers must impound all evidence collected.

IV. EVIDENCE COLLECTION AND IMPOUNDS

Officers must collect evidence both at the crime scene and at the forensic examinations of both the victim and the suspect.

- A. All clothing worn by the suspect at the time of the offense shall be impounded.
- B. Clothing worn by the victim that may be contaminated or contain evidence shall be impounded. If a victim's clothing is impounded as evidence, have the victim take a change of clothing to the hospital.
- C. Victim and suspect clothing must be impounded in separate **paper** bags. **Do not impound the clothing in plastic bags.**
- D. Evidence that cannot be obtained by the responding officer must be protected until the assigned investigator determines if an evidence technician is needed.
- E. All other items that could possibly contain evidence (i.e. bedding, condoms and packaging, etc.) shall be collected, bagged separately and impounded.
- F. Clothing and rape kits may be impounded on the same property tag, however, the officer must indicate which kit belongs to the victim and which belongs to the suspect and must further itemize all other property.
- G. The pink copy of the forensic examination form (OCJP 923 and 925) shall be attached to the rape kit before impounding. All other copies will be forwarded to the appropriate investigative unit with the preliminary investigation.
- H. If the assault occurred in a vehicle, it should be impounded as evidence with a hold for the appropriate investigative unit.
- I. If the victim may have ingested Rohypnol, obtain a **urine** sample as soon as possible. The drug may be detectable within 36 hours after ingestion.

V. INFORMATION TO BE GIVEN VICTIMS

- A. In accordance with Penal Code section 264.2, sexual assault victims shall immediately be given the "Information For Victims of Domestic Violence/Sexual Assault" form. The form outlines procedures victims should follow after an assault. In addition, it lists various services available to sexual assault victims.
- B. Penal Code sections 293 and 293.5 require that officers advise victims of sexual assault that the victim's name will become a matter of public record unless they request otherwise.
 - 1. An officer shall advise the victim of her/his right to anonymity and advise the victim to discuss this right with the Deputy District Attorney handling their case. (See attached advisal)
 - 2. For purposes of this section, a sex crime is defined as Penal Code sections 220, 261 through 267, and 281 through 292.

3. Law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor if requested by the victim.

4. Officers will use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc. These records are a necessary part of a criminal investigation and do not become "public record" in a criminal prosecution.

C. Effective October 1997, Assembly Bill 807 amended Penal Code section 679.04 to establish that victims of sexual assault, including spousal rape, have the right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical or physical examination or interview by law enforcement authorities, district attorneys, or defense attorneys.

1. The initial investigation by law enforcement at the crime scene to determine whether a crime has been committed and the identity of the suspects does not constitute a law enforcement interview.

2. The law requires that prior to any interview by law enforcement or district attorney contact, the victim shall be notified either orally or in writing by the attending law enforcement authority or district attorney that the victim has the right to have a victim advocate and a support person present at the interview.

3. It is mandatory that all sexual assault victims are interviewed by a Deputy District Attorney prior to the issuance of a sexual assault case absent exigent circumstances. Investigators must be prepared to transport the victim to the District Attorney's Office for the interview.

SAME SEX RELATIONSHIPS

I. All domestic violence incidents involving same sex relationships shall be handled according to this law enforcement protocol.

A. The procedure for handling same sex relationships is outlined in the "Patrol Officer Response and Investigation" and "Follow-up Investigation" sections of this document.

B. However, in determining the relationship, if the participants are not cooperative, officers should follow the following procedures:

1. Articulate what they see at the scene that would lead them to believe it is a same sex relationship; i.e., one bedroom, one bed, photographs, etc.

2. Be sensitive that they may not be open about their relationship and reluctant to disclose the nature of their relationship due to job, neighbors, or family concerns.

3. Advise the victim of community agencies which work with gays and lesbians:

a. The Lesbian and Gay Men's Community Center.

(619) 692-2077.

b. The San Diego Hot Line (for suicide and mental health problems). 1-800-479-3339.

c. Community Research Foundation. (619) 449-8703.

4. Be cautious that you do not use derogatory or offensive terms.

The intent of this policy is to ensure that officers treat same-sex relationships with the same dignity and respect heterosexual relationships receive. Training will be provided regularly to enhance officers' responses to these domestic violence incidents.

INVESTIGATING STALKING CASES

I. STALKING DEFINED:

Penal Code section **646.9** defines stalking as:

"Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family."

II. RECOGNIZING THE STALKING CASE

A. Anytime a victim reports any type of "harassing" behavior, the responding officer should be thinking about the possibility of stalking. Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.

B. A credible threat means a verbal or written threat or a threat implied by a pattern of conduct or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family.

III. INVESTIGATING THE STALKING CASE

There are two parts to any stalking investigation:

- Assessing the Stalker.
- Gathering evidence (corroboration)

A. Assessing the Stalker:

It is vital that the investigator learn as much as possible about the stalker and his/her method of operation. The investigator must assess the potential threat posed by a suspect.

Information that should be documented includes:

1. Any prior threats made.
2. Any actual pursuit or following of the victim.
3. Any history of violence against the victim or others.
4. Any information regarding the suspect's tendency towards emotional outburst or rage.
5. Prior history of mental illness.
6. Substance abuse problems.
7. Possession or knowledge of or fascination with weapons.
8. Any history of TRO violations.
9. Suspect's prior criminal history and/or prior contacts with law enforcement.

B. Gathering Evidence (Proof) of the Stalking Conduct:

1. Search Warrants: Items to look for when serving warrants include:
 - a. Photographs of the victim.
 - b. Photos, diagrams, or drawings of the victim's home or workplace.
 - c. Writings, logs or diaries kept by the suspect that describe his stalking activities or thoughts/fantasies about the victim or other victims.
 - d. Personal items belonging to the victim.
 - e. Video or audio tapes that might have information concerning the stalking, such as surveillance footage.
 - f. Books describing stalking techniques or having subject matter dealing with stalking, harassment or violence.
 - g. Any equipment that appears to have been used to "stalk" the victim, such as: cameras, binoculars, video recorders, etc.
2. Items from the Victim: Seize any tangible items of evidence from the victim that substantiate the stalking behavior such as:
 - a. Any taped phone messages.

- b. Any letters or notes written by the suspect to the victim.
- c. Any objects sent to or left for the victim.
- d. Any "Caller ID" telephone records.

3. Obtaining Corroboration: Corroborative evidence is crucial for a successful prosecution for stalking. Investigators should:

- a. Photograph any items vandalized, damaged written on, etc.
- b. Check for finger prints on vandalized items or other objects sent to or left for the victim.
- c. Advise the victim to put a trap on her phone.
- d. Obtain phone records from the victim and suspect's residence.
- e. Have the victim obtain a telephone answering machine.
- f. For any incident of harassment, determine whether witnesses were present and interview them.
- g. Research suspect's whereabouts during times of alleged acts to deter "alibi" defenses.
- h. Consider surveillance in serious cases.

4. Proof of Victim's State of Mind: The crime of stalking requires that the victim actually suffer "substantial emotional distress" because of the stalker's conduct. Investigators must document any evidence of the victim's response to the harassment. For example, has the victim:

- a. Moved to a new location or obtained a new phone number?
- b. Put a trap on the phone?
- c. Told friends, family, co-workers or building security of the harassment?
- d. Given photos of suspect to security?
- e. Asked to be escorted to the parking lot and work site?
- f. Changed work schedule or route to work?
- g. Stopped visiting place previously frequented?
- h. Taken a self-defense course?

- I. Purchased pepper spray or a gun?
- j. Installed an alarm system?
- k. Seen a counselor or therapist?
- l. Has the victim obtained an Emergency Protective Order or Temporary Restraining Order?
- m. Has the victim moved to a shelter?
- n. Is the victim staying with a friend?
- o. Has the victim changed her behavior?

5. Suspect Interview: Suspect interviews can be extremely important in assessing the dangerousness of the suspect and in obtaining information that will ultimately help prove a stalking case.

- a. Video tape the interview whenever possible. Body language, gestures, voice tone, eye contact, etc. are important aspects in evaluating the stalker.
- b. Research the suspect's background before the interview.
- c. Gather as much information as possible about the suspect's thinking, behavior patterns, and activities regarding the victim.
- d. CAVEAT: Be aware that in some cases, interviewing the suspect may serve to intensify his interest in the victim. Precautions must be taken whenever a suspect interview takes place.

6. Police/Prosecutor Procedures:

- a. Investigators assigned a stalking case should contact the stalking Deputy District Attorney at the earliest practical opportunity. Time is of the essence in evaluating a stalking case. Because of the particular dynamics of stalkers, it is always advisable not to arrest until it is clear the evidence is sufficient for prosecution. A stalker who is arrested but quickly released for lack of evidence may be "empowered" and thus increase the risk to the victim.
- b. The decision to prosecute a stalking case as a felony or misdemeanor lies with the District Attorney. No case should be sent to the City Attorney's Office without first reviewing it telephonically with a Deputy District Attorney. It is the policy of the District Attorney to prosecute provable stalking cases as felonies unless exceptional circumstances exist.

c. Utilizing **SCAT**: The San Diego Stalking Case Assessment Team (SCAT) is a multi-disciplinary group of experienced professionals who assist law enforcement with difficult stalking cases. Some suspects present a significant risk to the victim but the evidence connecting them to the stalking behavior is weak. Investigators with any such problematic cases are encouraged to contact **SCAT at 515-8900**. The SCAT team can provide specific assistance in the areas of threat assessment, victim management, search warrant drafting and serving surveillance, and other investigative techniques.

DOMESTIC VIOLENCE AND CHILD WITNESSES

Often there are children in the homes where domestic violence occurs. It is the responsibility of the responding officer to interview all witnesses, including the children present in the home. Sometimes the children may not be physically present in the room where the domestic violence takes place; however, they should still be interviewed to determine if they heard or had knowledge of the current incident, as well as of any prior incidents.

BASIC GUIDELINE FOR THE CHILD-WITNESS INTERVIEW

I. Separate the children from the suspect and victim.

II. Interview each child individually.

III. Ask simple, open-ended questions:

1. What happened? (hitting yelling, etc.)
2. Who was there? (mommy, daddy, etc.)
3. Did anyone get hurt? (get description of injury "owie")
4. Who did the hurting? (mommy, daddy, both, etc.)
5. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
6. When did it happen? (day, night, etc.)
7. Where did it happen? (location in the house)
8. Has it happened before? (if yes, document frequency)
9. Are you hurt? (If yes, refer to child victim/witness protocol)

IV. When interviewing children, these basic techniques should be applied:

1. Try to establish a rapport with the child. Let the child know they are not at fault.
2. Use single sentences (compound questions will confuse young children).
3. Use simple words.
4. Keep your voice inflection non-judgmental.
5. Try to lower your profile (do not "tower" over the child; try to sit level with the child).
6. For more details refer to the Child Victim/Witness Protocol.
7. When an arrest is made, explain to the child that they are not responsible, at fault or to blame.

V. In a case where domestic violence results in a homicide or attempted homicide, all children living in the home should be interviewed as soon as possible (according to the Child Victim/Witness Protocol) at the Children's Hospital Center for Child Protection or Palomar Hospital.

VI. Record the child's age and parent or guardian's name and address so that the child may be subpoenaed to court if necessary.

VII. Cross-report incident to Children's Services Bureau.

It should be noted that according to the statistics, children living in homes where domestic violence is prevalent run a greater risk of becoming victim to physical and sexual abuse. This risk should be taken into consideration when interviewing the domestic violence child/witness. In a case where the child/witness discloses abuse or molest, the case should be handled according to the Child Victim/Witness Protocol.

ENFORCEMENT OF RESTRAINING AND PROTECTIVE ORDERS

I. GENERAL POLICY: Domestic violence restraining and protective orders shall be enforced by all law enforcement officers.

II. CHARGING SECTIONS:

A. Penal Code section 273.6(a). Penal Code section 273.6(a) makes it a misdemeanor to *willfully* and *knowingly* violate any protective order as defined in Family Code section 6218, or issued pursuant to Code of Civil Procedure sections 527.6 or 527.8.

B. Penal Code section 166(c)(1). Penal Code section 166(c)(1) makes it a misdemeanor (contempt of court) to *willfully* and *knowingly* violate any protective or stay away order issued by a *criminal court* in a pending domestic violence case, pursuant to Penal Code section 136.2, or as a condition of probation after conviction in a domestic violence case.

III. MAKING ARRESTS:

Pursuant to Penal Code section 836(c)(1), when a peace officer has *reasonable cause* to believe that a person against whom a domestic violence protective or restraining order (*issued pursuant to the Family Code, Code of Civil Procedure 527.6, Welfare and Institutions Code section 213.5, Penal Code section 136.2, or a domestic violence protective or restraining order issued by the court of another state, tribe, or territory and registered with a California Court*) was issued (1) has notice of the Order and (2) has committed an act in violation of the order, the officer may arrest the person without a warrant and take the person into custody *whether or not the violation took place in the officer's presence*.

(However, Penal Code Section 13701 requires that department policies mandate that an arrest shall be made.)

Peace officers shall make arrests for any violations under the above sections that (1) they observe or (2) where reasonable cause that a violation has occurred exists and the existence and status of the Order is verified. If the existence and status of the Order cannot be verified, the victim may make a private person's arrest.

***Important:** Per Penal Code section 13710(b), the terms and conditions of a restraining or protective order remain enforceable, *notwithstanding the acts of the parties*, and may be changed only by order of the court. Consequently, victims are not in violation of the protective order if they acquiesce and should not be arrested.

IV. MARSHAL'S OFFICE

The San Diego County Marshal's Office is this county's central repository for all restraining and protective orders which are enforceable under Penal Code section 273.6, subsections (a) or (d), or Penal Code section 166, subsections (a)(4) or (c)(1). The Marshal's Office also accepts orders issued in other states *if they have been filed with a California Court*. Restraining or protective orders on file with the Marshal's Office are entered into the California Law Enforcement Telecommunications System (CLETS).

V. ESTABLISHING VALIDITY AND TERMS OF AN ORDER

When an officer responds to a domestic violence call, if a person shows or informs the officer of the existence of a protective order, it is crucial that the officer establish the present status and terms of the Order. Call the Marshal's Office's 24-Hour Law Enforcement Line (law enforcement only) at (619) 531-4172 and ask the following questions:

A. Is there a restraining/protective order on file? (If so, it will be filed under the name of the restrained party)

***Important:** If Marshal personnel cannot verify the order, it may still be enforceable. If the responding officer believes in good faith that an order presented to him or her at the scene is valid and the suspect was on notice (see questions B through E below), a *private person s arrest* may be made even though the Marshal's Office was not provided a copy to enter into CLETS.

B. What is the date of the order? When did/does the Order become effective?

C. What is the expiration date? Has the Order expired?

D. What are the terms of the order? Important to determine whether or not there has been a violation of the order.

E. Was the restrained person served with the Order? Is there a Declaration of Service on file or has another officer given the needed notice to the person to be restrained?

VI. NO RECORD OF SERVICE. If no record of service exists:

A. Advise the restrained person that there is an Order in effect,

B. Give a copy of the Order to the restrained person or, if no copy is available to give, have the terms of the Order read over the phone and then verbally inform him/her of those terms,

C. Advise him/her that s/he is now subject to the terms of the Order and can be arrested for any further violations,

D. Notify the Marshal's Office and report that you have served a copy of the Order on the defendant (The Marshal will record your name, ID number, date, time and location that the suspect received notice),

E. Prepare and sign a Proof of Service, and

F. File the Proof of Service as part of the report. Investigations personnel shall ensure the original Proof of Service is filed with the court issuing the Order and a copy retained with the police report.

VII. CRIME REPORT. Officers/deputies should always prepare and submit a crime report of the appropriate violation regardless of whether or not the suspect is still present at the scene of the violation when police arrive.

VIII. EMERGENCY PROTECTIVE ORDERS (EPO).

A. Pursuant to Code of Criminal Procedure section 546(b), emergency protective orders may be issued "orally" by telephone or otherwise: "24 hours a day, 7 days a week. ... A judge ... may issue an ex parte emergency protective order when a police or sheriff's officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence by a family or household member based upon the person's allegation of a recent incident of abuse or threat of abuse by the family or household member."

B. When a officer responds to an incident of domestic violence and reasonable grounds exist to believe the person is in immediate and present danger, the person will be advised of the availability of the emergency protective order.

C. The fact that no crime has yet been committed does not eliminate the need for the order. The determination of recent violent acts or threats of violence coupled with the likelihood of imminent violence is the only criterion required to request an emergency order. The officer does not need the permission or request of the victim to seek an Emergency Protective Order. If a Protective Order is obtained, a Crime/DV Incident Report shall be prepared on the incident.

D. **Procedure:** This procedure may be utilized 7 days a week, 24 hours a day.

1. If a protective order is being sought, the officer will complete Form D-71 (SupCt), Application for Emergency Order.
2. After court hours, weekends and holidays, the officer will telephone the duty judge through the duty telephone at the marshal's Office at 531-3780 (this is a non-public number).
3. During court hours, the officer will contact a judge through the Family Court at 557-2131 (this is a non-public number).
4. Upon approval by the judge, the officer will complete Form D-71 (SupCt), Emergency Protective Order. This order may be granted for up to five (5) full court days and will expire at 5:00 p.m. on the last specified court day.
5. The officer will provide the **pink copy** of the application and the order to the protected party and the **canary yellow copy** to the restrained party (if present; Penal Code section 13710(c) requires a officer to make a reasonable effort to serve the restrained party). The officer will submit the **white copy** of the application to the court. The **goldenrod copy** of the application will be attached to the Crime/DV Incident Report.
6. The officer requesting the order shall carry copies of the order while on duty. (Pen. Code, § 13710(c).)
7. The officer will encourage the protected party to carry a copy of the Emergency Protective Order with them.
8. Fax a copy of the approved Emergency Protective Order and proof of service to the Marshal's office at (619) 236-9102.

REPORTING VIOLATIONS OF PROBATION TO THE COURT

I. AUTHORITY

A. Section 1203.12 of the Penal Code requires the Probation Officer to report violations of probation. Additional legal authority is contained in Penal Code section 1203.3.

II. POLICY: DOMESTIC VIOLENCE CASES

A. The following violations will be promptly reported to the Court:

1. All felony convictions and any misdemeanor conviction that is similar in type to the probation case offense.
2. Probationer absconds.

3. Failure to report to custody specified in the Probation Order.
4. Refusal to submit to search or testing when required as a condition of probation.
5. Third failed urinalysis and/or third failure to test, within a 12-month period.
6. Association/contact with a specific person(s) when ordered not to do so by the Court.
7. Failure to enroll and/or complete mandated counseling program.
8. Threats of, or actual acts of violence, when ordered to refrain from such actions. Documentation such as arrest reports are required, or if the incident is not reported to law enforcement, victim's statement will suffice.

RE-ARREST OF PROBATIONERS

I. AUTHORITY

Section 1203.2(a) of the Penal Code gives Probation Officers authority to re-arrest probationers during the probation period (for probation violations) and bring them before the Court.

II. POLICE: DOMESTIC VIOLENCE CASES

In most cases, when a probationer has violated probation conditions and must be returned to court, the officer will not use the re-arrest procedure. However, where the delay could expose the community to additional acts of violence, the officer may, with supervisory approval, invoke the re-arrest procedure.

Due to the volatile nature of domestic violence cases, the following factors should be considered in evaluating the need for re-arrest:

- A. If there is a new offense, arrest and follow-up reports should be reviewed and arresting/investigating officers contacted, if necessary.
- B. Was a weapon used in the alleged violation/offense, or is there a history of weapon use? Does he/she have easy access to weapons? Do the acts contain the same methods of abusive or dangerous behaviors found in prior offenses?
- C. Is the victim particularly vulnerable? What is his/her opinion regarding risk? Are others, especially children, at risk because of the probationer's behavior?
- D. Is the probationer mentally stable? Is there any evidence of possibility of suicidal or homicidal tendencies? If time allows, contact his/her therapist for input.
- E. Is the defendant using controlled substances or alcohol?

PAROLE

The Parole and Community Services Division (State Parole) of the California Department of Corrections continues to view Domestic Violence as a serious issue and procedurally acts with the protection of the victim and the community as the deciding factor regarding the status of the parole and the conditions of parole.

I. Conditions of Parole

A parolee's field file is reviewed prior to the parole date. Criminal history and social history are two of many factors considered when determining Special Conditions of Parole for the parolee. Special Conditions may include:

- A. No contact with the victim or previous victims
- B. Mandated attendance and completion of P&CSD or other approved anger management treatment program.
- C. Any other condition deemed necessary and justified by the Parole Agent and Unit Supervisors.

II. Violations of Parole

- A. Failure to sign and/or comply with Conditions of Parole results in a Parole Violation.
- B. Any parolee who perpetrates an act of domestic violence is in violation of parole and faces sanctions up to and including a return to prison.
 - o Any law enforcement officer who responds to a domestic violence call involving a parolee as the perpetrator should notify State Parole for agent assistance, additional information on the parolee or a Parole Hold.
 - o

TEEN RELATIONSHIP VIOLENCE

I. JURISDICTION

Domestic violence offenses such as Penal Code sections 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney's Office is responsible for the prosecution of those cases.

II. POLICE RESPONSE

A. **Investigation.** When investigating a domestic violence offense involving a juvenile offender, law enforcement agencies are encouraged to use the term "teen relationship violence" as opposed to "domestic violence." To ensure proper handling by Juvenile Court professionals, it is important for law enforcement officers to determine and document the relationship between the parties in their report.

B. **Arrest.** While pro-arrest policies equally apply to "teen relationship violence" cases, it

should be noted that when a juvenile is arrested, it is the "Risk Screening Criteria" as set forth by San Diego Probation Department that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until he or she is arraigned.

C. Juvenile Contact Report. Regardless of whether a juvenile offender is detained and the victim is a minor, officers are encouraged to provide "victim assistance" (as described in this protocol) to the minor victim including an emergency protective order and referral information.

III. PROTECTIVE ORDERS FOR TEENS

As a result of recent changes in the law, a minor 12 years old or older may seek a protective order against an abusive partner without a guardian or counsel under Family Code section 372. Emergency Protective Orders are also available to teen victims.

IV. PROSECUTION

A. Felony. All cases identified as a "teen relationship violence" case under Penal Code section 273.5 should be submitted to the San Diego District Attorney's Office for screening.

B. Misdemeanor. All misdemeanor "teen relationship violence" cases under Penal Code section 243(b)(1) should be referred to Intake at the Probation Department.

V. DIVERSION

When diverting or sentencing a juvenile offender in a teen relationship violence case, the following conditions are encouraged: batterer's counseling, protective orders, weapon restrictions, drug and/or alcohol treatment, drug testing, and frequent review hearings.

VI. ADDITIONAL INFORMATION

For additional information concerning teen relationship violence, you may contact the Education Committee of the San Diego Domestic Violence Council at 533-5500.

MILITARY

I. MARINE CORPS RESPONSE

Since July of 1994, the U.S., Marine Corps has followed the Duluth model of intervention, known as the Coordinated Community Response (CCR). In all reported cases of domestic assault the Military Police fill out an Incident Complaint Report (ICR) and a 4-page Domestic Violence Supplemental Report (DVSR), which includes a checklist for emotional state of the parties, space for spontaneous statements and excited utterances, information on first/worst incidents, body charts and other important

information. These reports are kept at the local Provost Marshal's Office for three years, then destroyed. If either the Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS) assume on the scene, the above reports will not be generated, but any investigations completed will be archived and not destroyed. In most domestic assault cases on an installation, the service member is removed from the home because it is usually more convenient to put him/her in the barracks, rather than to try and remove a civilian, regardless of who is the alleged offender. Upon turnover of the service member, copies of the ICR and DVSR are given to the command representative to inform them of the facts of the case.

The following business day, the reports are also forwarded to the Family Advocacy Program (FAP). FAP counselors conduct separate clinical assessments with both parties to determine the history and pattern of abuse, if any. All of the information, including police reports, is brought before a Case Review Committee (CRC). The membership of the Marine Corps CRC includes a clinical person, military lawyer, military police representative, substance abuse counselor, medical doctor or nurse practitioner, and an installation representative. The CRC is an administrative process, not a legal one, that determines whether or not to substantiate the incident of spouse or child abuse, then looks at the overall history and pattern of abuse and makes recommendations to command, based upon the pattern, rather than a single incident. Any follow-up punitive action, including court martial, is the sole discretion of the military member's commanding officer.

The Navy also has a Family Advocacy Program and CRCs to review all cases.

II. MARINE CORPS PROVIDES THE FOLLOWING:

A. A point of contact at each Marine Corps installation:

Don Robbins
Director, Domestic Violence Unit
MCB Camp Pendleton
(760) 725-6777 x5504 // FAX:(760) 725-0929

Mike Bierley
Supervisor, Domestic Violence Unit
MCAS Miramar
(619) 537-6798 // FAX: (619) 537-6795

Greg Lee
Supervisor, Domestic Violence Unit
MCRD San Diego
(619) 524-4129 x4131 // FAX: (619) 524-6566

B. These points of contact will:

1. Contact military members, family members and others to facilitate interviews and interrogations;
2. Run criminal history checks on military members;
3. Obtain medical information from military medical facilities;

4. Contact other military installations world-wide.

C. Marine Corps and Navy will provide military victim advocates.

D. Commands can issue Military Protection Orders (MPO) which cover an active duty member regardless of where he/she resides. Civilian law enforcement can contact the Military Police station to report violations.

E. Military Police will enforce Temporary Restraining Orders (TRO) issued by the civilian court.

F. Access to military records by prosecutors and civilian law enforcement will be detailed in a separate Memorandum of Understanding (MOU).

III. Civilian Law Enforcement Provides:

A. When civilian law enforcement responds to an incident of spousal or child abuse involving an active duty military member, a copy of the report will be faxed to the Domestic Violence Unit, MCB Camp Pendleton, (760) 725-0929, ATTN: Director, within 5 working days of the incident. Civilian police reports will not be forwarded to any other agencies or persons who do not serve a law enforcement function.

B. Incidents involving active duty military members in which no arrest is made, a copy of the Field Interrogation Report shall be faxed to Camp Pendleton's DVU, to include the Social Security Number of the service member.

OFFICER INVOLVED DOMESTIC VIOLENCE PROCEDURES

Domestic violence is a universal problem that affects people from all walks of life. Police officers are not immune. No person, because of his or her occupation, should be exempt from the application of the laws concerning domestic violence. When responding to a domestic violence call involving another officer, the following procedures are recommended:

I. INVESTIGATIONS INVOLVING OFFICERS FROM OTHER AGENCIES

A. Criminal investigations of domestic violence involving peace officers from any agency, should require review at one level above the suspect. For the purpose of this investigative policy, peace officers include those described in Chapter 4.5 of the California Penal Code and their equivalent from Federal or out-of-state employers.

B. These cases will be handled according to Domestic Violence laws, departmental policies, and this protocol.

C. The supervisor of the investigative unit will notify the agency who employs the officer as soon as possible.

D. A copy of the completed investigation will be provided to the supervisor of the investigative unit completing the investigation.

II. INVESTIGATIONS INVOLVING OFFICERS WITHIN AGENCY

- A. These investigations will be handled according to Domestic Violence Laws, Departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. These are guidelines only. Each agency should develop and follow specific Department Policies and Procedures regarding Officer Involved Domestic Violence consistent with the Peace Officer's Bill of Rights.

COURTESY REPORTS

Occasionally a victim is unable to make a crime report in the jurisdiction where the crime occurred. Under such circumstances, an officer from the jurisdiction where the crime occurred should respond to where the victim is and conduct the investigation.

I. POLICE RESPONSE TO OUT OF JURISDICTION CRIMES

If the responding agency determines that the abuse took place in another jurisdiction, the following procedures are encouraged:

- A. Attempt to contact the agency where the crime occurred.
- B. Ascertain if the agency will send officers to conduct an investigation in a timely manner.
- C. While waiting for the responding officers from the jurisdiction where the crime occurred, prepare a short ARJIS 9 to document anything the officer witnessed first hand.
 - 1. Actions of the victim or suspect in the officer's presence.
 - 2. Statements made by the victim or suspect in the officer's presence.
 - 3. Demeanor of the victim or suspect.
- D. If an officer from the jurisdiction where the crime occurred is unavailable, prepare a "courtesy" report.
 - 1. The "courtesy" report should meet the same standards as any crime report investigated by that jurisdiction. (Arjis 2)
 - 2. Please use the DV Supplemental report form, as well.
 - 3. An effort should be made to recover any relevant evidence including photographs of the injuries.
 - 4. Upon completion of the investigation, a case number should be assigned to the case to meet the reporting requirements set forth in Penal Code section 13730.

5. The case number can be either permanent or temporary based upon the policies and procedures of that specific agency.

II. COMPLETED COURTESY REPORT

A. When the "courtesy" report is completed, the responding agency should make arrangements with an officer from the jurisdiction where the crime occurred to complete the investigation. Arrangements can be made to meet at a halfway location between the two agencies, or even to have an agency between the two agencies assist in relaying the completed investigation to its destination.

B. When this is not possible, the following steps should be taken:

1. Notify the agency where the crime occurred that the report has been made. This can be done via telephone or through the communications section.

2. Fax a complete copy of the investigation to that agency's record section and/or to the investigative unit responsible to investigate the crime.

3. Confirm with that agency that the Fax was received, is complete, and is legible.

4. Mail the original report, property tags, and photographs to that agency's records section.

C. The quicker an Investigator can contact a victim, the better chance the investigator will have in finding a victim who will cooperate in the follow-up investigation. To facilitate this, it is important that the completed report reach the Investigative Unit responsible to investigate this incident as quickly as possible.

CALIFORNIA HIGHWAY PATROL

If a sworn member of the California Highway Patrol (CHP) determines that a domestic violence incident has occurred, the law enforcement agency with investigative jurisdiction will be notified and requested to respond to conduct the investigation.

I. CHP officers will assist the responding officer upon arrival, if needed or requested. This includes not only officer safety requests but for assistance in follow-up investigation if necessary.

II. If the law enforcement agency is unable to respond, CHP officers will:

A. Initiate investigation

B. Complete all follow-up that requires immediate action

C. Forward all corresponding documentation from the investigation to the law enforcement agency of jurisdiction pursuant to the guidelines established in this protocol under "Courtesy Reports."

SUMMARY OF REPORTING REQUIREMENTS

I. PENAL CODE SECTION 11160

In 1994, the medical mandated reporting laws concerning domestic violence were significantly revised. Briefly, *Penal Code section 11160* requires any health practitioner to make a report of domestic violence to law enforcement when he/she provides medical services for a physical condition to a patient whom he/she knows or reasonably suspects is suffering from any wound or other physical injury inflicted by his/her own act or inflicted by another where the injury is by means of a firearm and/or the result of assaultive or abusive conduct.

II. KEY PHRASES OR DEFINITIONS

A. **Health practitioner** includes practitioners such as a physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, MFCC, MFCC trainee or registered intern, emergency medical technician I or II, paramedic, public health employee who treats minors, coroner, person who performs autopsies, and a religious practitioner who diagnoses, examines or treats children. (This is not a complete definition. See Pen. Code, § 11165.8.)

B. **Medical treatment** is not defined but should include any medical assessment and/or treatment, however minor.

C. **Abusive or assaultive conduct** includes 24 itemized criminal offenses, such as: murder, manslaughter, torture, battery, sexual battery, incest, assault with a deadly weapon, rape, spousal rape, abuse of spouse or cohabitant, or simple battery.

D. **Reporting** means a health practitioner is required to make a report by telephone immediately and send a written report to a local law enforcement agency within two working days.

E. **Reasonably suspects** means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect.

D. **Confidentiality** means that the health facility and law enforcement shall keep the PC11160 DV report confidential. The PC11160 DV report shall only be disclosed by local law enforcement agencies to those involved in the investigation of the report or the enforcement of a criminal law implicated by a report. In no case shall the suspect or his/her attorney be allowed access to the injured person's whereabouts.

III. REPORTING FORM

To assist the medical community in reporting domestic violence, a reporting form has been developed by the San Diego Domestic Violence Council. (See Attachment.)

IV. POLICE RESPONSE

- A. When a law enforcement agency receives a medical report of domestic violence, it should be treated as a domestic violence incident and investigated.
- B. Law enforcement agencies are encouraged to maintain these medical reports of domestic violence and develop a system for future tracking.

V. ADDITIONAL INFORMATION

For a complete guide to medical mandated reporting laws of domestic violence, please refer to the San Diego City Attorney's handout and training video.

THE FEDERAL DOMESTIC VIOLENCE LAWS AND THE ENFORCEMENT OF THESE LAWS

In 1994, the Congress of the United States, as part of the Crime Bill, enacted legislation empowering the federal government to participate in the fight against domestic violence. This legislation, called the Violence Against Women Act (VAWA) is outlined below.

I. THE VIOLENCE AGAINST WOMEN ACT

A. Interstate Travel to Commit Domestic Violence

18 U.S.C. §2261

1. 18 U.S.C. §2261(a)(1)

It is a federal crime for a person to travel interstate (or leave or enter Indian country) with the intent to injure, harass or intimidate that person's intimate partner when in the course of or as a result of such travel the defendant intentionally commits a violent crime and thereby causes bodily injury. The requires specific intent to commit domestic violence at the time of interstate travel. The term "intimate partner" includes a spouse, a former spouse, a past or present cohabitant (as long as the parties cohabited as spouses), and parents of a child in common. The intimate partner definition does not include a girlfriend of boyfriend with whom the defendant has not resided unless protected by state law. There must be bodily injury for prosecution under this statute.

2. 18 U.S.C. §2261(a)(2)

It is also a federal crime to cause an intimate partner to cross state lines (or leave or enter Indian country) by force, coercion, duress or fraud during which or as a result of which, there is bodily harm to the victim. This subsection does not require a showing of specific intent to cause the spouse or intimate partner to travel interstate. It does, however, require proof that the interstate travel resulted from force, coercion, duress or fraud. As in subsection 2261(a)(1), the defendant must intentionally commit a crime of violence during the course of or as a result of the travel and there must be bodily injury to the spouse or intimate partner.

B. Interstate Stalking

18 U.S.C. §2261A

As of September 23, 1996, it is a federal crime to cross a state line with the intent to injure or harass another person, if in the course of or as a result of such travel, the defendant places such person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family. The law requires specific intent to violate this subsection at the time of interstate travel. "Immediate family" includes a spouse, parent, sibling, child or any other person living in the same household and related by blood or marriage. It is also a federal crime to "stalk," as it is defined in Section 2261A, within the special or maritime jurisdiction of the United States. This includes Indian reservations and military bases.

C. Interstate Travel to Violate an Order of Protection

18 U.S.C. §2262

1. 18 U.S.C. §2262(a)(1)

This law prohibits interstate travel (or travel into and out of Indian country) with intent to violate a valid protection order that forbids credible threats of violence, repeated

harassment, or bodily injury. To establish a violation of this statute, the Government must

demonstrate that a person had the specific intent to violate the protection order at the time of interstate travel and that a violation actually occurred. This statute does not require an intimate partner relationship - although this relationship may be required by the state or other governmental body issuing the order - nor does it require bodily injury.

2. 18 U.S.C. §2262(a)(2)

It is also a federal crime to cause a spouse or intimate partner to cross state lines (or leave or enter Indian country) by force, coercion, duress or fraud during which or as a result of which, there is bodily harm to the victim in violation of a valid order of protection. This subsection does not require a showing of specific intent to cause the spouse or intimate partner to travel interstate. It does, however, require proof that the interstate travel resulted from force, coercion, duress or fraud. The Government must also prove that a person intentionally injured an intimate partner in violation of a protection order during the course of or a result of the forced or coercive travel.

This subsection, unlike corollary Section 2262(a)(1), requires an intimate relationship between the parties.

II. FIREARM OFFENSES

A. Possession of Firearm While Subject to Order of Protection

18 U.S.C. §922(g)(8)

It is illegal for a person to possess a firearm while subject to a court order restraining such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner. The protection order must have been issued following an evidentiary hearing as to which the defendant had notice and an opportunity to appear. The protection order must also include a specific finding that the defendant represents a credible threat to the physical safety of the victim, or must include an explicit prohibition against the use of force that would reasonably be expected to cause injury.

B. Transfer of Firearm to Person Subject to Order of Protection

18 U.S.C. §922(d)(8)

It is illegal to transfer a firearm to a person subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner. A violation of Section 922(d)(8) must be knowing.

C. Official Use Exemption, 18 U.S.C. §925

The restrictions of Sections 922(d)(8) and (g)(8) do not apply to firearms issued by governmental agencies to a law enforcement officer or military personnel so long as the officer or military personnel is on duty. Personal firearms do not fall within this exemption nor may these personnel possess officially issued firearms when off duty.

D. Possession of Firearm After Conviction of Misdemeanor

Crime of Domestic Violence, 18 U.S.C. §922(g)(9)

As of September 30, 1996, it is illegal to possess a firearm after conviction of a misdemeanor crime of domestic violence. This prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the new law's effective date.

A qualifying misdemeanor domestic violence crime must have as an element the use or attempted use of physical force, or the threatened use of a deadly weapon.

E. Transfer of Firearm to Person Convicted of a Misdemeanor

Crime of Domestic Violence, 18 U.S.C. §922(d)(9)

It is illegal to transfer a firearm to a person convicted of a misdemeanor crime of domestic violence. A violation of Section 922(d)(9) must be knowing.

[FEDERAL DOMESTIC VIOLENCE LAWS, Cont'd]

II. [FIREARMS OFFENSES, Cont'd]

F. Official Use Exemption

18 U.S.C. §925

The official use exemption does not apply to Sections 922(d)(9) and 922(g)(9). This means that law enforcement officers or military personnel who have been convicted of a qualifying domestic violence misdemeanor will not be able to possess or receive firearms for any purpose, including the performance of official duties.

III. OTHER RELEVANT STATUTES

A. Full Faith and Credit to Orders of Protection

18 U.S.C. §2265

This civil law provides that a civil or criminal domestic protection order issued by a court in one state or Indian tribe shall be accorded full faith and credit by the court of another state or tribe, and is to be enforced as if it were the order of the court of the second state or tribe. This law applies to permanent, temporary and ex parte protection orders that comply with the statute's requirements. To comply, the protection order must have provided the defendant with reasonable notice and an opportunity to be heard, in a manner consistent with due process. This law does not apply to mutual protection orders if (a) the original respondent did not file a cross or counter petition seeking a protective order or (b) if such a cross or counter petition was filed, but the court did not make specific findings that each party was entitled to such an order.

B. Self-Petitioning for Battered Immigrant Women and Children

8 U.S.C. §1154

VAWA specifically provides that battered and abused spouses and children of citizens and lawful permanent residents may self-petition for independent legal residency. This statute prevents citizens or residents from using the residency process as a means to exert control over an alien spouse or child. This statute allows victims to remain in the United States independent of their abusive husbands/parents.