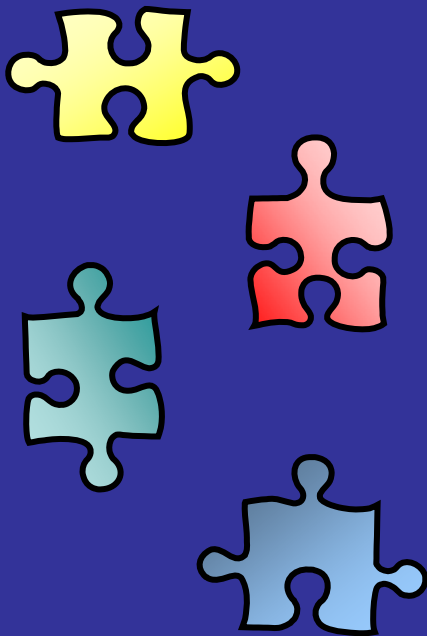


Toward a More Coordinated, County-wide Response to Family Violence



*Final Evaluation Report of the
Santa Clara County
Greenbook Initiative
2001-2006*

Prepared for
The Santa Clara County
Greenbook Initiative and
Kids in Common,
by
Applied Survey Research
August 23, 2007

Toward a More Coordinated, County-wide Response to Family Violence

Final Evaluation Report of the Santa Clara County Greenbook Initiative 2001-2006

PREPARED FOR:



**Kids in Common
Greenbook Initiative Manager**

1605 The Alameda
San Jose, CA 95126
P:(408) 882-0900 x213
F:(408) 882-0909
www.kidsincommon.org

CONTACT:

Dana Bunnett
Executive Director

PREPARED BY:



Applied Survey Research

991 W Hedding St
San Jose, Ca 95126
Phone: 408.247.8319
Fax: 408.260.7749
www.appliedsurveyresearch.org

CONTACT:

Susan Brutschy, President
Lisa Colvig-Amir, Project Director
Vanessa Haug, Project Coordinator

Table of Contents

I. Acknowledgements	4
II. Preface	6
III. Project Description	7
IV. Methodology	15
V. Findings	19
PART 1: <i>What did the local Greenbook Project do? An Overview of the Project’s Activities</i>	20
Project 1: Domestic Violence Advocates	21
Project 2: Cross Training.....	25
Project 3: Batterer Accountability	29
Project 4: Differential Response to DV	32
Project 5: DFCS Agency Policy and Practice	36
Project 6: Integrated Courts.....	41
Project 7: Respect for Culture and Community Initiative (RCCI)	46
Project 8: Partnership Project.....	49
Summary of Local Project Activities	51
PART 2: <i>What difference has Greenbook made? How is a Family’s journey through the County’s systems different today than it would have been in 2001? <u>The Contribution of Greenbook and Related Efforts to Improving the County’s Response to Family Violence</u></i>	56
Improved Capability of Staff.....	57
Improved Initial Response to Children and Families	59
Increased Opportunities for Healing	65
Working Towards Reduced Family Violence	73
About the Researcher	79
Appendix 1 — “Core” Advocate Protocol (Project 1)	80
Appendix 2 — Training Flyer (Project 2)	82
Appendix 3 — System Map (Project 3)	84
Appendix 4 — DFCS Language Protocol (Project 5)	86
Appendix 5 — DFCS DV Service Checklist (Project 5)	88
Appendix 6 — DFCS Service Recs (Project 5)	91
Appendix 7 — Team Decision Making Protocol	97
Appendix 8 — Law Enforcement DV Protocol	107

Table of Figures

Figure 1 — Santa Clara County Greenbook Project’s General Theory of Change	11
Figure 2 — Santa Clara County Greenbook Project’s Detailed Theory of Change (Logic Model)	12
Figure 3 — Overview of Greenbook Evaluation Methods Used in Santa Clara County	16
Figure 4 — RCCI workgroup strategies, September 03	47
Figure 5 — Implementation Team attendees’ reported level of knowledge about co-occurrence, 2000 and 2003..	57
Figure 6 — Percentage of participants who felt cross-training was helpful / very helpful	58
Figure 7 — Number of Admits to Children’s Shelter, and Average Daily Population	59
Figure 8 — Number of children removed for <i>more</i> than four days	59
Figure 9 — Number of Domestic Violence Victims Assisted with Phone Support	61
Figure 10 — Percent of DFCS cases screened for DV	62
Figure 11 — Number of children within DFCS whose families receive voluntary services	63
Figure 12 — Percentage of DV cases within DFCS random sample that had petitions using the non-blaming Petition Language.....	65
Figure 13 — Percentage of DV cases within DFCS random sample that had petitions using the differentiated DV Services	66
Figure 14 — Percent of all DV victims within DFCS random sample who received at least one referral for services	67
Figure 15 — Percent of all children of DV victims within DFCS random sample who received at least one referral for services.....	68
Figure 16 — Number of DV victims who have received clinical support and the number of children in their families	69
Figure 17 — Number of adult DV victims and children in <i>DFCS</i> for whom Victim Witness claims were filed	70
Figure 18 — Number of adult DV victims and children <i>County-wide</i> for whom Victim Witness claims were filed	70
Figure 19 — Percent of all batterers of DV victims within DFCS random sample who received a referral for DV and AOD services.....	71
Figure 20 — Number of batterers referred to BIP each year, and number of batterers who complete BIP each year	72
Figure 21 — Rate of calls per 1000 population	73
Figure 22 — Rate of calls per 1000 population	75
Figure 23 — Number of calls to local Domestic Violence Agencies	76
Figure 24 — Percent of children in DFCS who experience a subsequent allegation of abuse, within 6 months of first substantiated allegation	77
Figure 25 — Number of domestic violence death cases, and individuals represented in those cases	78

I. Acknowledgements

So many individuals have enabled ASR to carry out its role as local research partner to the Santa Clara County Greenbook project. The experience has been both intellectually and emotionally compelling for us, and we hope ASR's services to the project along the way, culminating in this final report, reflect our commitment to all of the people driving the Initiative, its aims, and ultimately, the families whose lives it is trying to help improve.

Considering the Initiative's eight projects, each with a project chair and five to 15 participants, ASR has had the great opportunity to get to know and work with over 100 committed individuals – simply too many to name here. However, we must name a few of these individuals for their outstanding contribution to the project's evaluation over the last six years. These people include:

- **Dana Bunnett, Jennifer Sweeney, Cynthia Hunter, Elise Sloan and Maria Jose Moraga** at Kids in Common for their stamina and grace as they guided the project along over the years, and for their genuine appreciation for the power of good data;
- **Erin O'Brien** (Community Solutions), **Kathleen Krenek** (Next Door), **Sylvia Hines** (Support Network for Battered Women) and **Victoria Colligan** (Family and Children Services) for allowing us to interview their clients and learn so much from them;
- **Judge Len Edwards, Judge Katherine Lucero, and Judge Shawna Schwarz**, for their steadfast commitment to good outcomes and good evaluation, and for their patience in demystifying the judicial process for us (thanks!);
- **Ken Borelli, Marla Johanning and Diana Weir** at the County's Department of Family and Children's Services, again, like those above, for their tireless support for the evaluation and for helping us each year obtain data from the department, particularly access to client records so that we could complete our case abstractions;
- **Lieutenants Bob Dominguez and Peter Decena** (San Jose PD), and **Sergeant Dave Swing** (Morgan Hill PD), for their leadership in helping Greenbook build domestic violence response teams in San Jose and South County; and
- **Janet Griffith** (Caliber Associates), **Duren Banks** (Caliber Associates), **Mary Louise Kelly** (Office of Violence Against Women) and **Jerry Silverman** (Department of Health and Human Services) of the project's National Evaluation for their wisdom in incorporating a "bottom up," inclusive planning process to create and implement the national evaluation in a manner that was relevant and useful to the local evaluation and its consumers.

And finally, as this report's authors, Susan Brutschy and Lisa Colvig-Amir, would like to acknowledge the efforts of our staff, who have helped craft and manage the Greenbook evaluation over the years, namely Erica

Wood, Abbie Robideaux, Kathleen Skillicorn, Deanna Zachary, Javier Salcedo, Debbie Liu, Vanessa Haug, Keriann Long, Lynne Mobilio, Kristi Kelly and Lorry Thomas.

II. Preface

What this Report Includes...and What It Does Not

Since the time of its inception, the local Greenbook project has progressed toward its aims with thoughtful determination, and its path has been marked by spans of great productivity as well as of those of internal reflection and relative quiet. As the work got underway, the desired outcomes of the project became more grounded in what was actually going to be possible, vis a vis the ever-changing county, state, and federal fiscal and operational climates and the local capacity.

The resulting local Greenbook story is a rich one, complete with successes, collective “ah-ha’s,” frustrations and lessons learned along the way. There are numerous sources of information telling this story from the angles of accountability or “process” changes, including 1) Project director’s report, submitted every six months to the project’s federal funders; 2) ASR’s Interim Evaluation Report (December 2004); and 3) Caliber Associates’ Cross-site Interviews and Interim report

The purpose of this report then is neither to cover information already covered in the above reports, nor to provide a summative “grade” as to how the project performed vis a vis the federal expectations, Greenbook recommendations, or locally-defined outcomes. Instead, this report is structured to provide a larger examination of the extent to which the project’s general theory of change has appeared to hold true. To that end, the findings in this report are organized around two overarching evaluation questions:

□ **PART 1: What did the Local Greenbook Project do? A Brief Summary of Activities**

*Any examination of a theory of change must begin with a description of the drivers or influences on that theory of change. Therefore, in Part 1 of this report, we offer a summary of the processes undertaken by each of the local Greenbook project groups, as well any challenges experienced. This is the **process evaluation** portion of this report.*

□ **PART 2: How is a Family’s Journey through the County’s Systems different today than it would have been in 2001? The Contribution of Greenbook and Related Efforts to Improving the County’s Response to Family Violence**

*Part 2 of this report will answer the larger “so-what” **summative evaluation** questions of whether the systems in the county have changed, whether clients are being served any differently today than they were five years ago, and whether there are any improvements in client outcomes in the county. In our evaluation of the extent to which Greenbook was able to promote its theory of change, we also are cautious about attributing those changes solely to Greenbook; to be sure, county-level change requires multiple, coordinated contributors. Therefore, other efforts in the county that may have helped or hindered the effectiveness of Greenbook are also described in this section.*

III. Project Description

Project Background

Over the past several years, there has been growing concern among human service providers about the co-occurrence of domestic violence and child abuse, for a number of reasons. First, the two forms of violence often co-occur; a national survey of over 6,000 American families has shown that 50% of the men who frequently abused their wives also abused their children.¹ Abusive husbands are seven times more likely than non-abusive husbands to abuse their children.²

A second reason for concern is the demonstrated impact of domestic violence on children in the home. The impact is so severe that it is considered by some to be a form of child abuse. Indeed, children who observe domestic violence at home frequently develop behavioral and emotional problems, such as nightmares, low self-esteem, self-blame, withdrawal, and aggression toward family, other children, and property.³ Because of the impact on children, Child Protective Services can file a petition against a mother and father for “failure to protect” their children. (However, local Santa Clara County legal resource persons contend that children are never removed from the home solely on the basis of “failure to protect,” but, as similar to what has been observed in the research nationwide, there is always another form of child abuse present).

Finally, there is evidence that witnessing domestic violence can have a lasting impact on child witnesses. Boys who witness their parents' domestic violence are three times more likely to grow up to abuse their own wives than are the children of non-violent parents. Also, the most significant difference between delinquent and non-delinquent youth is the history of abuse or family violence among the delinquents.⁴

While primary prevention of both child abuse and domestic violence is the most ideal solution, the reality is that at this moment there are already millions of children in families where domestic violence is present; the immediate challenge then becomes effective intervention to treat and break the cycle of violence in the family.

To that end, in 1998 the National Council of Juvenile and Family Court Judges, Family Violence Department brought together a group of national experts to write a policy blueprint to design effective interventions between Child Welfare Services, domestic violence agencies, and the juvenile dependency court. The policy recommendations, which were published under the title "Effective Intervention In Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice,"⁵ were met with much acclaim. Because of its green cover, the policy manual became fondly referred to as the “Greenbook.”

In December of 2000 and January of 2001, the U.S. Department of Justice and U.S. Department of Health and Human Services funded six communities under an inter-Departmental demonstration initiative: “Collaborations

¹ *Ending the Cycle of Violence- Community Responses to Children of Battered Women.* Einat Peled, Peter Jaffe, Jeffrey Edleson

² *Ibid.*

³ Domestic Violence Project of Santa Clara County, 2002.

⁴ Domestic Violence Project of Santa Clara County, 2002.

⁵ For a complete description of the Greenbook project from one of the book's authors, see http://www.growing.com/greenbook/docs/edw_intr.htm

to Address Domestic Violence and Child Maltreatment” to implement guidelines from Greenbook. The Initiative was supported by eight federal agencies, including 1) the Children’s Bureau and the Family Violence Program in the Administration for Children and Families, 2) National Center for Injury Prevention and Control, 3) CDC, 4) Assistant Secretary for Planning and Evaluation, 5) Violence Against Women Office, 6) the Office for Victims of Crime, 7) National Institute of Justice, and 8) the Office of Juvenile Justice and Delinquency Prevention. As such, Greenbook has been cited as one of the largest collaboratively-funded efforts in the history of the United States.

Santa Clara County applied for and was selected as one of six pilot sites around the country to implement policies from the “Greenbook.”

Structure of the Greenbook Santa Clara Project

In Santa Clara County, project management was provided by Kids In Common of Santa Clara County. Project oversight was provided by a committee of the same name, (Project Oversight Committee or “POC”) comprised of senior representatives from the Juvenile Dependency Court, the Department of Family and Children’s Services (DFCS), and five non-profit domestic violence organizations (Next Door Solutions to Domestic Violence, Support Network for Battered Women, Community Solutions, Asian Americans for Community Involvement (AACI) and MAITRI). There was also a larger Implementation Team (“IT”) comprised of about 70 representatives from the above agencies as well as other important stakeholders, such as law enforcement. Finally, in each of the local demonstration sites, a local research partner was contracted to facilitate research and evaluation for the local pilot project, as well as to carry out cross-site evaluation activities designed by the national evaluation team led by Caliber Associates. In Santa Clara County, the LRP was Applied Survey Research, a local social research firm.

Three Sets of Project Goals: Greenbook Recommendations, Local Outcomes, and Federal Expectations

1. Recommendations from the “Greenbook”

The following recommendations were identified by the local leadership of Greenbook as being particularly relevant to the needs of Santa Clara County.

- ❑ **Recommendation # 30:** Domestic violence programs should collaborate with other community groups and service providers, child protection services, and juvenile courts.
- ❑ **Recommendation # 1:** Child protection services, domestic violence agencies, juvenile courts and community-based services should design interventions to achieve three outcomes: to create safety, enhance well-being, and provide stability for children and families.
- ❑ **Recommendation # 10:** Child welfare agencies, domestic violence programs, and juvenile courts should develop meaningful collaborative relationships with diverse communities in an effort to develop effective interventions in those communities.

- **Recommendation # 9:** Cultural competency requires agency leaders to make an ongoing commitment to fact-finding in order to determine whether children and families of diverse backgrounds are served fairly and capably by their agencies in the reporting and substantiating of child maltreatment; in the filing of dependency petitions and foster care placements; and in the responses of shelter providers, police, and the courts to domestic assaults and child maltreatment.

- **Recommendation # 67:** The juvenile court should encourage the utilization of a domestic violence advocate for the battered mother in all dependency cases involving allegations of domestic violence and encouraging the input of advocates in development of service plans.

- **Recommendation # 47:** The juvenile court should ensure that all participants in the court system are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases including safety planning.

- **Recommendation 57 :** Where there is domestic violence in child protection cases, judges should make orders which:
 - a. Keep the child and parent victim safe;
 - b. Keep the non-abusive parent and child together whenever possible;
 - c. Hold the perpetrator accountable;
 - d. Identify the service needs of all family members, including all forms of assistance and help for the child; safety, support, and economic stability for the victim; and rehabilitation and accountability for the perpetrator;
 - e. Create clear, detailed visitation guidelines which focus upon safe exchanges and safe environments for visits.

- **Recommendation # 11:** Every community must cross-train its child welfare, domestic violence and juvenile court system personnel and provide written materials to them in identification, assessment, referral, and safety interventions with families experiencing child maltreatment and adult domestic violence. Every community must ensure that all service providers understand their obligations under the Indian Child Welfare Act (ICWA) and the protection of the Violence Against Women Act.

- **Recommendation # 12:** Agencies and courts should build staff capacity to attend more competently to clients from diverse communities and income levels.

- **Recommendation # 28:** Domestic violence programs, child protection services, child welfare agencies, and juvenile courts should collaborate to develop new joint service models for families experiencing domestic violence and child maltreatment.

- **Recommendation # 18:** Child protection services should develop screening and assessment procedures, information systems, and case monitoring protocols and staff training to identify and respond to domestic violence and to promote family safety.

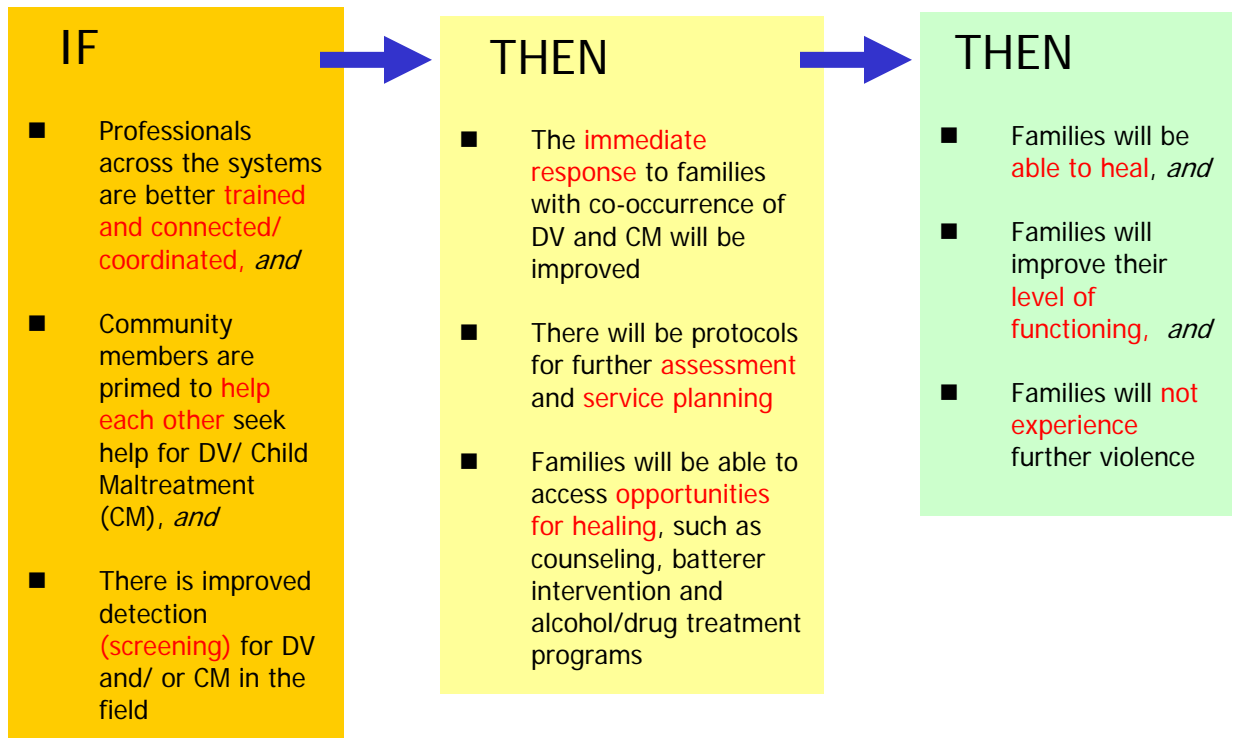
- ❑ **Recommendation # 4:** The leaders of public child protection services, community-based child welfare services, and domestic violence agencies should design a differential response to meet the diverse range of families experiencing domestic violence and child maltreatment.
- ❑ **Recommendation # 19:** Agency policy must state clearly the criteria under which children can remain safely with non-abusing parents experiencing domestic violence, the assessment required to determine safety, and the safety planning, services, support, and monitoring that will be required in these cases.
- ❑ **Recommendation # 20:** Child protection services should make every effort to develop separate service plans for adult victims and perpetrators-regardless of their legal status vis-à-vis the child.
- ❑ **Recommendation # 22:** Child protection services should avoid strategies that blame a non-abusive parent for the violence committed by others.
- ❑ **Recommendation # 27:** Parenting programs should reexamine their procedures, policies, and curricula to ensure that safety for adult victims and information about domestic violence are integrated into programmable activities.

2. Charting the Course to a Local Theory of Change, Projects and Outcomes

The Greenbook project in Santa Clara County got an important jumpstart on launching the Initiative because of a year-long planning grant from the David and Lucile Packard Foundation from May 2000 through April 2001. ASR was contracted during that period to provide research services, namely assisting the budding collaborative to determine the greatest areas for intervention and the systems' readiness to implement changes. At the end of this process, six loosely-structured project teams were born to tackle the Greenbook recommendations that were deemed to be most urgent.

Shortly after the award of the federal demonstration grant in 2001, ASR was contracted again to provide the group with planning and evaluation services. Between the time of August 2001 and February 2002, ASR worked extensively with the Greenbook Project Oversight Committee and the Implementation Team to identify the long-term desired outcomes of the Greenbook project. The process, called *Charting the Course*, was an effort to tie local goals to specific changes that were needed to improve outcomes for families and children, and to ensure that the project groups that had gotten underway upon the award of the grant could effectively make those improvements. The guiding questions used to generate outcomes were **“How will the system be different four to five years from now? How is a family’s experience different? What results do we need to see for families?”** The general theory of change that emerged out of these several discussions can be summarized in the following graphic.

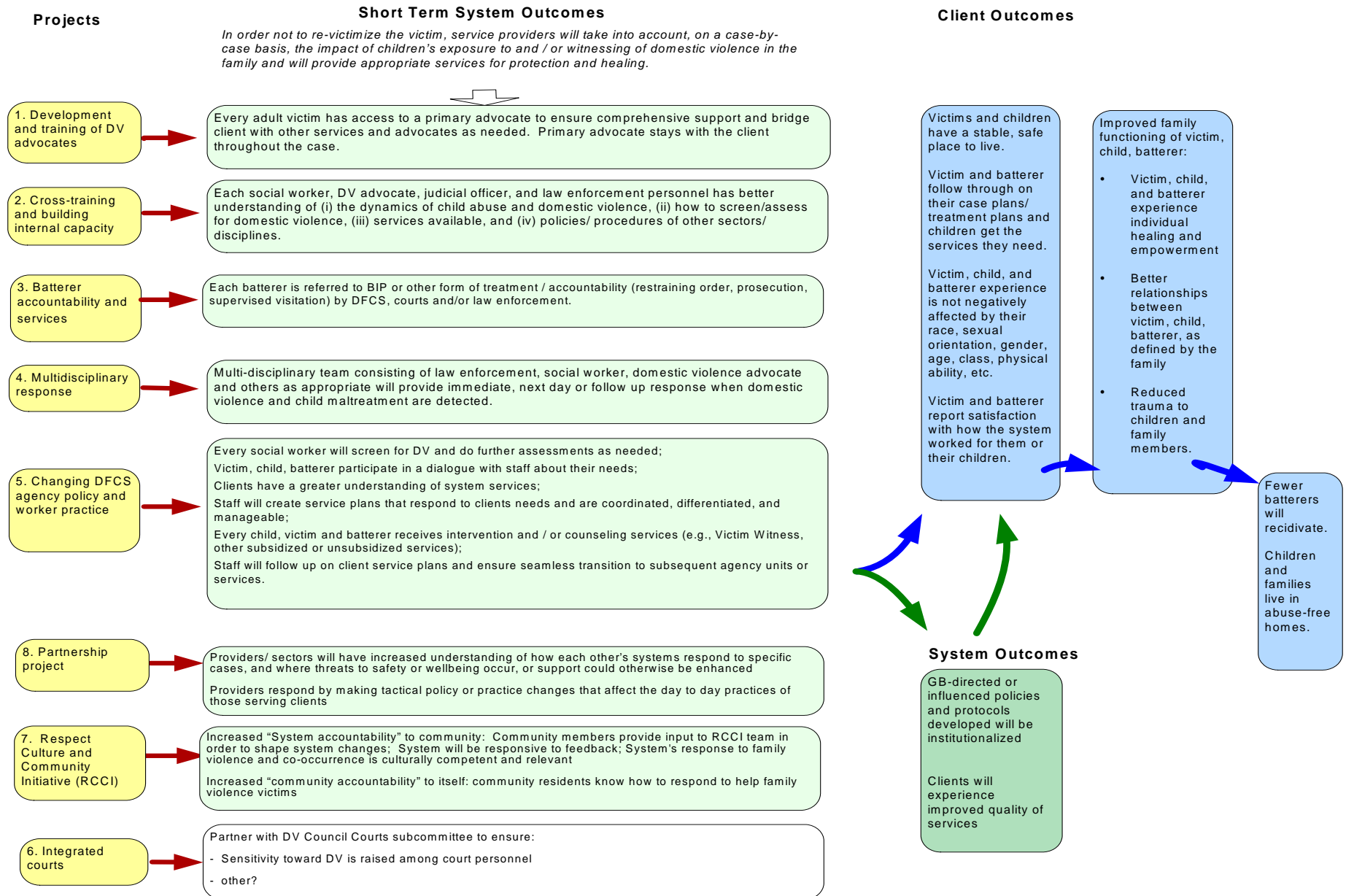
Figure 1 — Santa Clara County Greenbook Project’s General Theory of Change



ASR then facilitated a series of discussions to identify the “sore spots” or *kinks* in the systems that hampered effective intervention in cases where there were co-occurrences of domestic violence and child abuse, and the system’s ability to promote the kind of outcomes (above) desired for children and families. With the system kinks identified, the groups were asked what system *changes* were needed, and then what interventions were needed to make those system changes.

The result of the multi-month brainstorming process resulted in the reconfiguration of the existing Greenbook project workgroups into **six core project groups**, and one cross-project initiative. (In the fifth year, an eighth project was added, called the Partnership Project.) The projects and outcomes that emerged from the planning process were summarized into a comprehensive logic model (see Figure 2 below), which served as the springboard for subsequent project planning and action plans, as well as further definition of project and Initiative level evaluation plans. The planning period was effectively finished in late Spring of 2002.

Figure 2 — Santa Clara County Greenbook Project’s Detailed Theory of Change (Logic Model)



3. Federal Expectations of the Greenbook Initiative

Approximately six months after Santa Clara County had identified its local theory of change and desired outcomes, the national Greenbook management team developed broad outcome areas, called the “*Federal Expectations*,” around which the national evaluation would be structured. These expectations are quite similar to the local outcomes, and are as follows:

1. Each community will develop a collaboration to plan and implement Greenbook recommendations. The collaboration:
 - a. Will establish and maintain a governance structure composed of, at a minimum, the three primary systems that will provide leadership to the project, and
 - b. Will establish and maintain a collaborative process that sets local goals, recommends policies and ways to implement the goals, and leads to agency buy-in.
2. Each of the primary systems (child welfare, domestic violence service providers, and the dependency courts) will make changes to policies and procedures to improve the safety and well-being of battered parents and their children. This would include at a minimum:
 - a. Improving screening and assessment policies and procedures as appropriate for the three systems and for other community providers;
 - b. In the context of information sharing, instituting policies and procedures to ensure appropriate confidentiality and enhance the safety of family members;
 - c. Improving information sharing between different courts in the jurisdiction that deal with battered individuals and perpetrators;
 - d. Instituting policies and procedures that result in improved safety planning for battered mothers who are involved with any of the three systems;
 - e. Instituting policies and procedures that lead to improved advocacy for battered mothers involved with any of the three systems;
 - f. Increasing knowledge of judges and program staff through joint training about domestic violence, child maltreatment, and ways to more effectively address cases where co-occurrence is an issue; and
 - g. Instituting or improving policies and procedures by domestic violence service providers that clarify when and how staff report child maltreatment to the child protection agency.
3. The members of the partnership will take actions to improve the ways their organizations work together to address particular cases involving battered women and their maltreated children to improve their safety and well-being. Regarding **individual cases**, there will be evidence of:
 - a. Case screening and assessment,
 - b. Multidisciplinary case planning,

- c. Improved access to a wider range of services necessary to address domestic violence and child maltreatment,
 - d. Safety planning, and
 - e. Greater empowerment of battered women in decision-making.
4. The child welfare agency in the local collaboration will institute policies and procedures that minimize blaming the non-offending parent by not using designations that inappropriately imply the mother's failure to protect her children, maintain children with their non-offending parent, and create plans for the perpetrator designed to curtail further abuse if he/she chooses to remain involved with the children.
 5. The partnership will improve ways of holding batterers accountable.
 6. Policy and practice reform should be informed by community service providers, community members, and former clients of child welfare and domestic violence programs.
 7. The Federal initiative will create a sustainable set of cooperative relationships among the participants to continue working on Greenbook issues when Federal funds cease.

IV. Methodology

Evaluation Design

Given that the Greenbook effort is a demonstration project, a good deal of the first and second years were spent “*storming, forming and norming,*” or getting clarification and agreement on what it meant for collaborative partners to move forward together to pursue common outcomes. ASR played a significant role in helping Santa Clara County Greenbook with strategic planning and facilitation for the various projects and the Initiative as a whole. The firm has also provided research or needs assessment support as needed to help projects clarify outcomes or strategies.

Given the “systems” building nature of the new project, ASR instituted an evaluation approach that was primarily process-focused; specifically, tracking work accomplished, as well as perceptions and attitudes about the processes occurring within each project. As projects came to agreement about what specific work could be accomplished within the outcome area “assigned” to them, ASR worked with each group to define indicators of success. Again, such measures were confined to process and short-term aspects of their work.

Beyond the work and outcomes of the individual projects, ASR also began articulating potential broad, summative indicators of system change, such as reduced batterer recidivism or reduced reoccurrence of abuse, realizing however that there may not be a change in such measures during the life of the project. In summary, the local design implemented was primarily a **process or formative evaluation to document how the systems were changing**, supplemented by a small share of **summative or client outcome evaluation** efforts to document how the county’s systems are changing for families overall. The division of effort between the two kinds of evaluation activity was approximately 80 / 20, respectively.

Similar to the local evaluation, the national evaluation conducted by Caliber Associates incorporated both **process** and **outcome** evaluation efforts to measure the extent to which the federal expectations were met in each of the six demonstration sites across the country, including Santa Clara County. Local evaluators from each of the six demonstration sites had a large role in helping Caliber craft the national evaluation tools to ensure that they were sensitive to the specific kinds of changes that would be made locally. While there are a number of tools or evaluative processes, the tools that corresponded to Santa Clara County’s areas of interest were the 1) random case abstraction and 2) client interviews / focus groups.

Evaluation Methods

Over the course of the last five years, ASR has worked with the Greenbook’s project teams to define measurable outcomes and indicators. Once defined, ASR identified data sources or created tools to measure such indicators. As mentioned above, ASR also leveraged the national evaluation tools. The matrix on the following page provides an overview of the methods used to measure the indicators associated with each project and the Initiative overall.

Figure 3 — Overview of Greenbook Evaluation Methods Used in Santa Clara County

Local Greenbook Project	Key Short term Outcomes/ Indicators	Local evaluation tools / Data sources					National evaluation tools/ data sources	
		Key Informant Interviews	IT surveys	Project Action Plans	Pre/post / follow up interviews	Secondary data	Case Abstraction	Client interviews
Project 1 – DV advocate	Increased client access to services Improved feeling of support	√	√	√				√
Project 2 - Cross- trainings	Trainee knowledge gains Application of knowledge on the job	√	√	√	√			
Project 3 – Batterer Accountability	Increased referral to and completion of batterer programs	√	√	√		Probation? 60 day reports		√
Project 4 – MDT response	Increased client access to services	√	√	√		Calls to police for DV assistance		√
Project 5 – DFCS	Increased screening for DV, esp at ER, IS and DI	√	√	√		CWS data	√	√
	Increased client use/ completion of core services, including therapy	√	√	√		VW referrals DV Intervention Collaborative	√	
	Increased diversion from DI to IS/VFM, and increased diversion of FR to FM	√				CWS data		
Project 6	REC 57 - Increased client access to services	√				DV Intervention Collaborative	√	
RCCI	Increased community awareness of co-occurrence Increased system accountability to needs of diverse community	√	√	√				
Overall Initiative	Climate change (increased responsiveness, increased desire and practice of cross-systems collaboration)	√	√	√				

Data Collection Tools, Implementation, and Analysis

As seen in the evaluation plan on the previous page, there were multiple local and national evaluation tools used to evaluate the local Greenbook project. What follows is a brief description of each method.

A. Evaluative:

- ❑ **Observation:** In order to document activities associated with the process evaluation of the various projects, evaluation staff attended all monthly project meetings, took notes regarding meeting activities and outcomes and debriefed internally as well as with Greenbook staff to ensure consistency and accuracy of observations and interpretation.
- ❑ **Annual Key Informant Interviews:** Each year one to two key informants from each Greenbook project is interviewed by phone, and asked to comment on their respective Project's goals, accomplishments, and challenges for the year, as well as any new policies, practices and partnerships.
- ❑ **Project 2 Pre- and Post-Tests:** A pre- and post-test format was used for the first two Project 2 cross-trainings to measure participants' immediate knowledge gains with respect to the Child Welfare System.
- ❑ **Project 2 Training Follow-up Interviews:** Starting in Year 3, ASR began doing follow-up interviews with participants to determine whether they retained what they had learned, and whether the new knowledge had changed the way they approach their daily work.
- ❑ **Project 2 Post Training Evaluations:** At the end of each cross-training session, participants are asked to complete a training evaluation form to rate the overall effectiveness of the training, as well as the effectiveness of each training section.
- ❑ **Case Abstraction of DFCS cases:** In order to see whether DFCS worker practices with respect to assessing/screening families for DV, providing families with differentiated service plans, etc., have changed over the course of the Greenbook Initiative, DFCS cases were randomly selected and analyzed at three different periods during the initiative (n=150 each time).
- ❑ **Secondary data analysis:** Statistics pertaining to batterers intervention program enrollment, victim witness claims, and domestic violence-related calls for assistance (involving weapons) are gathered every year.

B. Descriptive:

- ❑ **Client Interviews:** a one-time interview effort was conducted during Spring of 2002 with 25 domestic violence victims receiving services from DFCS or domestic violence agencies.

Additionally, eight batterers receiving batterer intervention services were interviewed. Key research questions revolved around issues of:

- **Needs:** Reported needs of victim, child, or batterer
 - **Services:** Type and relevance of services provided by primary provider or ancillary supports
 - **Helpfulness:** Perceived helpfulness of services, support
 - **Cultural competency:** Of services, supports
 - **DV effects on children:** Whether DV effects were discussed with the adult victim by agency staff
 - **Unmet Needs:** Remaining needs at time of interview
 - **Barriers:** To accessing services or completing case plan requirements
 - **Improvement:** Questions probing for negative experience or desired improvement
- Case study of the Project 4's **Family Violence Response Team** in the city of San Jose
 - **Batterer Intervention Committee Needs Assessment, part 1:** determining the greatest barriers regarding referral to and completion of batterer intervention programs, recidivism, and providing supervised visitation.
 - **Batterer Intervention Committee Needs Assessment, part 2:** regarding batterer tracking problems (“System Mapping”)

The specific data or reports of any of the above data collection efforts are available from Applied Survey Research upon request.

V. Findings

As discussed earlier in the Preface section, the findings in this report are organized around two overarching research questions:

□ **PART 1: What did the Local Greenbook Project do? A Brief Summary of Activities**

*Any examination of a theory of change must begin with a description of the drivers or influences on that theory of change. Therefore, in Part 1 of this report, we offer a summary of the processes undertaken by each of the local Greenbook project groups, as well any challenges experienced. This is the **process evaluation** portion of this report.*

□ **PART 2: How is a Family's Journey through the County's Systems different today than it would have been in 2001? The Contribution of Greenbook and Related Efforts to Improving the County's Response to Family Violence**

*Part 2 of this report will answer the larger "so-what" **summative evaluation** questions of whether the systems in the county have changed, whether clients are being served any differently today than they were five years ago, and whether there are any improvements in client outcomes in the county. In our evaluation of the extent to which Greenbook was able to promote its theory of change, we also are cautious about attributing those changes solely to Greenbook; to be sure, county-level change requires multiple, coordinated contributors. Therefore, other efforts in the county that may have helped or hindered the effectiveness of Greenbook are also described in this section.*

PART 1:

What did the local Greenbook Project do?

An Overview of the Project's Activities

Rationale for the Project

Advocacy for domestic violence victims is an established model used by domestic violence agencies. DV advocates attempt to “meet clients where they are” in their lives, and, in a client-centered manner, may provide linkages to critical services (case management and referrals), psychosocial support for the client, and, though less common, may act on behalf of the client as she engages with other systems, in order to help the client get her needs met.

Given the particularly complex nature of the child welfare system, and the need for specialized attention to DV in clients’ lives, local Greenbook leaders identified the need to have DV advocates in the child welfare system early on in the project. Two Greenbook recommendations underscore this need:

***Recommendation # 67:** The juvenile court should encourage the utilization of a domestic violence advocate for the battered mother in all dependency cases involving allegations of domestic violence and encouraging the input of advocates in development of service plans.*

***Recommendation # 28:** Domestic violence programs, child protection services, child welfare agencies, and juvenile courts should collaborate to develop new joint service models for families experiencing domestic violence and child maltreatment.*

Project 1 was formed to respond to the advocacy needs of victims in the child welfare system, including dependency court.

Desired Outcome of Project 1

Every adult victim has access to a primary advocate, if they desire one, to ensure comprehensive support, and to bridge client with other services and advocates as needed. The primary advocate stays with the client throughout the case.

Participants in the Project

The Project 1 team consisted of one to two members from the following agencies or sectors: Department of Family and Children’s Services (1 to 2 persons), the DA’s office (1), County Counsel (1), domestic violence agency advocates working within DFCS (2), and Victim Witness (1). Occasionally, other key stakeholders attended the meetings, such as a privately-funded family therapist, a parent’s attorney, supervisors from the three largest domestic violence agencies, an advocate working within DFCS, and a CASA representative. The project was chaired by a family therapist contracted by DFCS to provide support to victims of domestic violence who had active cases in the child welfare and juvenile dependency system; later, a director of one of the local DV agencies became co-chair of the meetings.

What Actually Occurred?

- **Situation assessment and planning:** Much of Year 1 was spent doing preliminary work to determine the best way to bring advocacy services to clients with cases in child welfare and juvenile dependency court. For instance, the multidisciplinary team began by making an inventory of existing advocacy programs in the county. Next, to learn from other models promoting court advocacy around the country, three project members visited Miami-Dade County's Dependency Court Intervention Program for Family Violence. Information was also obtained about an advocacy program in Hartford, Connecticut. The team then formed subcommittees to identify specific challenges in implementing an advocacy program in Santa Clara County, such as legal or confidentiality issues, and training needs.

- **Creation of a Protocol for Domestic Advocates in Child Welfare (DFCS):** After the group had gained a sense of the advocacy needs in the county, as well as possible advocacy models, ASR worked with the project team to identify where in the child welfare system advocacy for domestic violence victims was most needed. The three areas that emerged were at Emergency Response (ER,) Dependent Intake (DI), and in Juvenile Dependency Court (Continuing). Over the course of the next several months, the team broke down the aspects of the ideal advocate's role via a "grid" with categories such as function/role, tasks (job description), qualifications, salary range, training needs, and legal issues.

During this time, considerable disagreement arose about what exactly the advocate position in court would look like, in particular, whether the advocate would act as a "silent" partner to the client, or would speak on behalf of the client at the request of the presiding judge, and, possibly, as an instrument of the court. The DV community representatives were uncomfortable with the latter option, as, in the spirit of neutrality and client-driven advocacy, they felt a client's wishes, privacy, and best interest could be compromised if the advocate was called to testify about her client in the dependency hearing.

Ultimately, the group decided to "pend" further discussion about a court advocate position, and concentrate first on the role/functions they could agree on, namely the **DI or "Core" advocate**. The final completed grid laid the framework for Core advocate "protocol" (Appendix 1). Project members identified that they would need five advocates in DFCS, to be hired and managed by local domestic violence agencies.

- **Adoption of the "Core" advocate Protocol:** In late Spring 2003, Project 1 adopted the protocol for the Core advocate position. Shortly after, the protocol was submitted to Greenbook's Executive Committee for review. In Fall 2004, the Executive Committee officially approved the Project's DV Advocate protocol.

- **Attempts to Fund the Core Advocate Position:** The estimated cost of hiring the five advocates (salary and benefit) was about \$350,000. Kids in Common staff began searching for federal funding to staff the advocate positions, but as of April 2004, funding had not yet been obtained.

Consequently, committee members agreed to postpone further meetings. Project 1 meetings resumed in fall 2004 to discuss funding strategies, but ultimately was not able to secure funding.

- **Influence on Adoption/ Implementation of other Advocacy Models in DFCS:** Interestingly, in Year 1, the department contracted with Next Door to *co-locate two domestic violence advocates* at DFCS to provide support to adult victims of DV coming into the child welfare system. Through early Greenbook efforts (funded by the Packard Foundation), the co-location of the two advocates in DFCS complemented Project 1's efforts, in that the advocates attended Project 1 meetings and shared what they found to be barriers as facilitators helping adult victims in the system. Similarly, Project 1 may have helped affirm the importance of maintaining DV advocates in its system; at the close of the final 5th year, DFCS still had the two DV advocates contracted to provide services to DFCS clients.

Parallel to the evolution of Project 1, a third model of advocacy emerged to provide *clinical support services for DV victims in juvenile dependency court*, and this person was called the Domestic Violence Court Specialist (DVCS). This model was initially provided by one therapist who was under contract with the department. In 2004, this clinician partnered with a select number of other professionals to form a non-profit called the Domestic Violence Intervention Collaborative (DVIC), which continues today to contract with DFCS to provide clinical assessment and support to hundreds of victims each year. *(For data from the DVCS, see Part 2 of this report, in the section Increased Opportunities for Healing.)* Again, this model was not the offspring of Project 1, but it was Greenbook-inspired, noted two key informants. One juvenile dependency judge remarked that the advent of DVIC was one of the greatest contributions of Greenbook to improving the outcomes of clients in court.

Evaluator's Observations

Initially, the multi-sector project moved efficiently through its planning processes, researching the local needs and relevant advocacy models around the country. However, the process of actually crafting the job description for local advocates surfaced deep philosophical differences between members from different sectors. At the heart of tension were the following questions:

- Is the best way to protect a child from further exposure to DV by protecting her mother, or by protecting the child directly?
- Are children being removed from the home solely due to DV-related "Failure to Protect?"
- Does DFCS re-victimize victims in other ways in their attempts to protect the child, such as ordering victims to attend "mandated services" such as Parenting without Violence classes?
- Should the advocate have clinical qualifications and report to the court on her clients' progress?

"The team wasn't working well together at the beginning; everyone was speaking a different language and wouldn't listen to each other."
— Year 2 Key Informant

- Should the advocate speak on behalf of the client, if needed, or be a “silent partner” for her client?

The conversations were charged and emotional in nature, which made for challenging facilitation of the project due to differing philosophies on what is considered “good” advocacy. Remarkably, during this period of tension, key project members were steadfast in their attendance, which demonstrated their commitment to finding a tenable agreement to reach the project’s goals. The experience prompted Project 1 to draw upon the national project’s Technical Assistance resources to bring in an expert facilitator. This facilitator helped the project team define the cause of the tension, as well as strategies to self-facilitate through it, including ways to ensure equitable representation at meetings and a decision making process.

“ (The outside consultant) helped the project move forward. There is now a more collaborative attitude and stronger degree of trust between the three project stakeholders groups (DV agencies, CWS, and Legal).”
— Year 2 Key Informant

In ASR’s observation, the project team brought in outside assistance at just the right time, before any significant, potentially longer-lasting or wider-reaching tensions developed. This timely intervention enabled the group to reconvene at a later time and have an effective series of discussions around funding.

It is important to note that the debates in Project 1 did begin to impact other areas of the Greenbook project because many members of Project 1 were also members of other Greenbook project groups. The local Greenbook leadership drew upon Technical Assistance to devise a system called “Cross System Dialogues” for recognizing and attending to philosophical differences around “Hot button Issues” such as perceptions and practice around DFCS’s use of the Failure to Protect allegation, or their requirement of “mandated services.”

Rationale for the Project

In order to bring about cross-systems change in policy and practice, local Greenbook leaders recognized that those systems had to be “primed” with a certain level of awareness and technical knowledge about how to work with families experiencing both domestic violence and child maltreatment. Two Greenbook recommendations spoke specifically to the need to cross-train:

***Recommendation # 11:** Every community must cross-train its child welfare, domestic violence and juvenile court system personnel and provide written materials to them in identification, assessment, referral, and safety interventions with families experiencing child maltreatment and adult domestic violence. Every community must ensure that all service providers understand their obligations under the Indian Child Welfare Act (ICWA) and the protection of the Violence Against Women Act (VAWA).*

***Recommendation # 47:** The juvenile court should ensure that all participants in the court system are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases, including safety planning.*

***Recommendation # 12:** Agencies and courts should build staff capacity to attend more competently to clients from diverse communities and income levels.*

Project 2 was formed to respond to the cross-training needs of the local Greenbook Initiative.

Desired Outcomes of Project 2

Social workers, DV advocates, judicial officers, and law enforcement personnel will have a better understanding of:

- a. the dynamics of child abuse and domestic violence and the impact of witnessing on children,*
- b. how to screen/assess for domestic violence,*
- c. services available, and*
- d. policies/procedures of other sectors/disciplines.*

Training curricula for the above are institutionalized into their respective systems. (Please see Appendix 2 for a copy of the training flyer)

Participants in the Project

The Project 2 committee included a Juvenile Dependency Commissioner, as well as representatives from DFCS's staff training/development department, a DFCS supervisor with expertise in domestic violence, and a local DV advocacy agency.

What Actually Occurred?

- ❑ **Conducted Social Marketing Training or “Greenbook 101”:** In year 1, the chair of Project 2 led the effort to conduct a large scale training on Greenbook to lay a basecoat of knowledge about the project across the county. Project 2 was able to recruit and train 120 stakeholders in a carefully designed, full day event that covered the history and content of the Greenbook recommendations, what Greenbook was trying to implement in Santa Clara County, how the various sectors currently work together, and the nuances of domestic violence and the co-occurrence with child maltreatment. Some attendees got CEU units for attending the training. The underlying outcomes were to *get buy-in from “non-Greenbook” persons* and to *plant seeds and grow projects*, reported one key respondent. Training proceedings were written up to serve as a training document that another county could use if they were just starting a Greenbook project.
- ❑ **Refined project purpose and goals:** After the initial Greenbook 101 training, there were a few months of discussion inside the Greenbook Initiative regarding the purpose of Project 2. For instance, was it to serve as a “training bank” for other projects in the local Initiative, or was it to serve as a cross-training group, blanketing the key sectors that work with co-occurrence families with specific knowledge about co-occurrence, services available, how other sectors work, etc? The local Initiative ultimately decided that the latter was its main purpose.
- ❑ **Creation of Training Package, including curricula and speakers:** With the purpose of the project defined, Project 2 began putting together the contents or modules of its training package, including basic information about domestic violence, impact of witnessing on children, overviews on child welfare and dependency court operations, etc. During this time of development, Project 2 was asked to deliver approximately **four different trainings** to specific target groups, such as law enforcement, court staff and DFCS contractors. The experience of delivering these trainings helped Project 2 further define what types of information and what delivery modalities were impactful for participants.
- ❑ **Delivery of 14 additional trainings through 2006:** After the team concretized the general curricular modules and speakers to deliver them, they went on to conduct two trainings with members from a variety of sectors. The training targets were “mixed” intentionally to promote dialogue across sectors during breakout sessions. The trainings were evaluated with pre and post tests, and showed that participants were gaining key knowledge around 1) dynamics of child abuse and domestic violence and 2) the policies and procedures of other sectors.

After these trainings, the team held a retreat to review strengths and weaknesses thus far, identify next steps for the trainings, and discuss strategies for institutionalization. In terms of institutionalization, the team discussed formal options such as creating a stock powerpoint and training binder that could be implemented by various agencies' training departments (e.g. law enforcement, DFCS, etc) but decided against that, as the key to the trainings' success to date had been in the dynamic, engaging delivery of the material by expert presenters. Therefore, the team opted to have the training package be a loose outline of curricular topics related to the outcomes above and a list of suggested speakers (speakers' bureau).

Ultimately, Project 2 went on to conduct 12 more trainings, for a total of **18 trainings, with over 700 participants**. Given that the pre- and post-tests had served their primary function of testing immediate knowledge gains, ASR instead began doing follow-up interviews to determine whether staff retained what they had learned and whether the new knowledge had changed the way they approach their daily work. The results revealed that some participants were not retaining the knowledge, but this was more due to the fact that they were not in the position to draw upon that kind of knowledge on a daily basis (i.e. did not have direct contact with clients) than any deficit in the quality of the trainings. These findings prompted Project 2 to be more deliberate and strategic in its efforts to target and recruit participants. Following this minor adjustment, ASR next supported the project by having satisfaction surveys administered at the end of the training. *Relevant data are discussed in Part 2 of this report in the section **Increased Capability of Staff**.*

- **Training Needs Assessment:** While Project 2 members had a good understanding of how useful their trainings were to participants, and what other training needs participants needed, they wanted to understand the training needs of various systems in the County. In 2004, ASR was therefore asked to conduct a needs assessment with individuals in charge of personnel training in the following sectors / agencies: ACCI, Department of Families and Children Services, Domestic Violence Agencies, and Courts. Respondents were asked about their current training practices, and their training needs with respect to the work of CPS, Juvenile Dependency Court System, Domestic Violence Agencies and Law Enforcement. The scan revealed that the four sectors were training their staff on topics similar to those covered by Project 2 (assessment and screening, referrals, resources), but respondents reported that there were still knowledge needs amongst their staff, such as understanding how cases are handled by DFCS, what constitutes "failure to protect," the factors that result in children being removed from the home, etc. In short, the assessment confirmed the need for Project 2 to continue providing its 8 hour training.

Evaluator's Observations

Project 2 was an efficient, effective and productive team. To be sure, there were periods of greater productivity, and periods with less productivity, but the latter was usually sparked by a collective need to reflect on their purpose or strategies rather than by dissension or lack of participation.

The only noteworthy challenge was the team's capacity to recruit and deliver. Once it was established that the "magic" of the trainings was in large part due to the particular panel of presenters, the frequency with which trainings could be delivered became a function of the presenters' busy calendars. Similarly, as a fairly small project team (5 to 7 members), they did not always have the resources to do the targeted recruitment they would have liked, but Kids in Common staff were able to help with these efforts tremendously.

Rationale for the Project

Batterer accountability was not initially addressed as local Greenbook leaders were creating the Initiative's project groups in 2001. However, the need for the Initiative to intervene in the area of batterer accountability became especially apparent during 2002's Charting the Course process. Secondly, in 2002 the project's federal funders created "federal expectations" that:

***Recommendation #2:** Each of the primary systems (child welfare, domestic violence service providers, and the dependency courts) will make changes to policies and procedures to improve the safety and well-being of battered parents and their children, including*

c: Improving information sharing between different courts in the jurisdiction that deal with battered individuals and perpetrators;

***Recommendation #5:** The partnership will improve ways of holding batterers accountable.*

To respond to these local needs and federal expectations, in 2002 Greenbook decided to address batterer accountability. Rather than create a new committee to do that work, Greenbook joined forces with the County DV Council's subcommittee called Batterers Intervention Committee (BIC).

Desired Outcomes of Project 3

The outcome desired for batterers has changed a number of times since the partnership with BIC began. Initially, in line with the original federal expectations, the outcome had been:

Increased referral to, completion of and reduced recidivism from batterers intervention programs.

Based on a Greenbook assessment of local needs, second and third outcomes were added:

Each batterer will have access to mentors or other supports to help them benefit from/complete the program, and after the program is finished, to help reduce recidivism

Improved data sharing and tracking mechanisms between the domestic violence criminal court, probation department, and batterer's intervention programs

Finally, in 2004 and 2005, the outcome was simplified to be more encompassing:

Each batterer is referred to BIP or other form of treatment / accountability (restraining order, prosecution, supervised visitation) by DFCS, courts and/or law enforcement.

Participants in the Project

BIC committee members consisted of representatives from the following sectors: Criminal DV Court, Probation, Batterers Intervention Programs, DV Agencies, Department of Corrections, Pretrial Services, Parole, DADS, and the Child Welfare System (DFCS).

What Actually Occurred?

- **Conducted needs assessment of local issues:** To help Greenbook identify the most needed areas of collaboration with BIC, in August 2003, ASR interviewed 11 BIC members to conduct a qualitative scan of issues, barriers, opportunities, and resource persons within each of the initial outcome areas (*Increased referral to, completion of and reduced recidivism from batterers intervention programs, improved communication between courts, and increased access to supervised visitation to facilitate normalization of relationships*). Two key themes emerged across the five areas: **poor tracking of batterers** as they move from one system to the next (e.g. between probation and batterer intervention programs) and the need for **aftercare support for batterers** after they finish their treatment programs.

- **Formed Aftercare subcommittee:** Based on the findings of the above needs assessment, BIC agreed to form a subcommittee to investigate how best to design and manage an aftercare program in Santa Clara County. The members of the subcommittee began researching what other agencies (in US & Australia) do for batterers after they complete a 52-week program. The Aftercare Committee also designed and coordinated a self-administered survey with batterers in BIPs to gauge their interest and desire for support after completing a 52-week BIP. ASR advised on the survey and created a data entry template for KIC to process the survey data. In all, 83 surveys were received. The most frequent types of support desired were: drop in group, couples counseling, and having former batterers to serve as mentors on a hotline or in group. Unfortunately, the subcommittee could not find funding to support the implementation of any aftercare strategies, and the team stopped meeting.

- **Created a system map to identify gaps in tracking:** To better understand the nature of the gaps in tracking (as identified in the needs assessment described above), ASR then carried out several key informant interviews to create a system map that diagramed the intended flow of information between the DV criminal court, probation, and BIP. The system map was created by ASR with the help of committee members who volunteered to be interviewed about their program. The exercise was useful in that it highlighted several key bottlenecks or lapses in the flow of information. For instance, BIP did not always have the contact information of the referring/sentencing judge and/or batterers' probation officers. In addition, probation officers did not systematically inform BIP of any restraining order violations. (Appendix 3)

- **Incorporation of Greenbook-esque outcomes in BIC workplan:** Though Greenbook has reached the end of its five-year grant cycle, the BIC group continues to champion improvements in outcomes directly of interest to Greenbook. The latest BIC workplan is focused on tasks to

promote two outcomes: **Improved data tracking (of batterers)**, which calls for continued utilization of CJIC database, and **Improved communication with victims**, which includes a review of which agencies contact their clients' victims and the ways in which they do that effectively.

Evaluator's Observations

It was logical and strategic for Greenbook to partner with BIC, rather than create a separate group to carry what would likely be duplicative work. There was some initial nervousness regarding how to pursue Greenbook's outcomes within a defined group with a defined agenda, but BIC leadership were remarkably accommodating and seemed to welcome the joining of forces and resources. In later years, in fact, key informants from BIC would say that the collaboration helped crystallize for BIC some of its own outcomes. The humble and collaborative manner in which Greenbook staff approached BIC was likely a key factor in BIC's receptability to the partnership, and to their buy-in later for the products of the collaboration, such as the system map.

There were no real notable challenges in the three-year collaboration. As noted above, BIC responded to the findings from the various Greenbook research efforts with appropriate action (e.g. formation of aftercare committee, database enhancement), and ASR believes the group will continue to complement the aims of the Greenbook project.

It should also be noted that shortly before the end of the Greenbook Initiative, the Administrative Office of the Courts California Judicial Council was awarded a grant from the National Institute of Justice to **evaluate the effectiveness of batterer intervention systems in six counties**⁶, Santa Clara being one of them. What will make this particular study unique from others conducted in the past decade is its emphasis on all systems, that is, not only batterer intervention programs, but also Courts, Probation, Law Enforcement, DV Advocates and DA's Office.

⁶ Los Angeles, Santa Clara, San Joaquin, Riverside, Solano, and Contra Costa.

Rationale for the Project

In 2001, local Greenbook leaders identified that the initial responses of systems to domestic violence victims and their children were fragmented or insensitive, leading to undesired trajectories, such as the victim's needs not being understood or met, the level of danger or lethality going undetermined, children being removed from the home, and/ or the batterer later creating more violence in the home. One of the recommendations from the Greenbook recognizes this need for a more coordinated, joint response:

***Recommendation # 4:** The leaders of public child protection services, community-based child welfare services, and domestic violence agencies should design a differential response to meet the diverse range of families experiencing domestic violence and child maltreatment.*

***Recommendation # 28:** Domestic violence programs, child protection services, child welfare agencies, and juvenile courts should collaborate to develop new joint service models for families experiencing domestic violence and child maltreatment.*

Project 4 was formed to find ways to provide more informed, sensitive, and coordinated responses to families who find themselves at the “doorway” of the law enforcement or child welfare system.

Desired Outcomes of Project 4

A multi-disciplinary team consisting of law enforcement, a social worker, a domestic violence advocate, and others, as appropriate, will provide immediate, next day, or follow-up response when domestic violence and child maltreatment are detected.

Domestic Violence Response Team (DVRT) clients and their families will be provided with support, information, and resources to help ensure their safety, ultimately diverting victims and children from the child welfare system whenever possible.⁷

Participants in the Project

The initial Project 4 team consisted of a San Jose Police Department sergeant, a DV investigator with law enforcement, a probation officer, domestic violence agency advocates and/or managers, and DFCS's DV specialists from South County and Central County. Other occasional attendees included victim witness representatives, and Family to Family representatives.

⁷ Excerpted from South County Domestic Violence Response Team Joint Response/Assessment Protocol, December 2003.

What Actually Occurred?

- **Conducted needs assessment:** Like other Greenbook projects, the first year of Project 4 was spent assessing what specific interventions were needed to achieve the team’s outcomes. The impetus for the project was the need to keep families out of the child welfare system, if at all possible (or to be able to divert them out as soon as possible), avoid unnecessary child removals from the home, avoid repeat law enforcement calls to the home, and assist with prosecution of batterers. The thinking was that the more quickly a range of resources could be brought to the family, the more likely this diversion was to happen.

“Why should DV victims have to leave their homes because of the batterers? There is a place for batterers to go... its called JAIL.”
- former DV victim and current advocate for victims

The team began by gathering Children’s Shelter statistics and emergency response unit statistics to see how many children were being removed from their home on an emergency basis. The team found that the number of children being removed from their home and taken to the Children’s Shelter was smaller than they had originally thought (8 children over a three month period). Team members also talked with other representatives from other cities who considered themselves as having an immediate response, such as San Diego and Austin. Selected members of the team also went to a conference in Colorado to gain knowledge regarding their response model.

- **Multi-disciplinary review team launched in San Jose (FVRT):** After several months of fact-finding, the team opted to launch one version of a response team out of San Jose’s Family Violence Center, called the **Family Violence Review Team (FVRT)**. By design, this team was not an immediate response team, because of the challenges of getting DV staff to the law enforcement scene quickly enough (this challenge was also experienced in a previous pilot project in San Jose). Instead, the FVRT team consisted of about 5-7 individuals representing law enforcement, child welfare, domestic violence agencies, probation, and victim witness representatives who reviewed one to two of the most severe DV police reports filed each week and made home visits or phone calls to victims to try to bridge them with supports. FVRT continued meeting weekly for about one year, refining their review and response protocol as they went. During that process, an incident occurred amongst team members which pointed to the need for more confidentiality and safety precautions in their operating protocol. The team went on hiatus pending better definition of their protocol. At present, many of the same sectors are still co-located in the Family Violence Center, no doubt promoting continued collaboration, although the FVRT team no longer officially meets to do its weekly reviews.
- **Immediate coordinated response team launched in South County (DVRT):** After much discussion, Project 4 also decided to pilot an immediate response team in South County, which includes the cities of Gilroy and Morgan Hill and a sizable rural, agricultural area. South County was chosen because demand would be lighter and the team could get a chance to pilot and work out the “kinks” in their response, before considering expansion into other parts of the county. After gaining commitment from the two South County city police departments, the

Sheriff's department, the domestic violence agency in the area (Community Solutions), and the South County DFCS team, Project 4 drafted a coordinated immediate response protocol called *Greenbook Multidisciplinary Response Team Committee Best Practices: Ideal Response to Domestic Violence Cases*, for the Domestic Violence Response Team (DVRT) in Gilroy and Morgan Hill. There are three levels of responses included in the protocol:

1. If a child is present in the home where violence is occurring and appears to have suffered, or is at risk of suffering from physical or emotional harm, the police is asked to call both a DV advocate and a South County DFCS social worker to the home.
2. If the child is not endangered or if there is no child in the home, the police will ask the victim if s/he wants the immediate support of a DV advocate. If s/he does, a DV advocate will a) drive to the scene or b) talk to the victim by phone.
3. On the other hand, should the victim not require immediate assistance from the advocate, the officer will provide the victim with a Domestic Violence Resource Card describing available services in the community.

Finally, the protocol stipulates that all reports on responses to DV cases involving children must be faxed to DFCS. DV reports not involving children are faxed to Community Solutions.

When the protocol was completed, and approved by all implementing parties, Greenbook staff, working with the DV agencies, wrote and submitted a proposal and received funding from the Office on Violence Against Women to fund the DV advocate (called the Law Enforcement Advocate) needed to launch the protocol.⁸

However, by the end of Year 3, the advocate had responded at the scene for only eight calls, primarily due to a low volume of calls that occur during the day time, even though advocate had extended her hours to 8pm. Further, there were no "joint", on scene responses that involved both DFCS and the DV advocate. Other challenges providing an on-scene immediate response included:

- Advocate's safety when responding at the scene, even when the area had been secured by the police prior to the advocate's arrival
- Victim mistrust of advocate, because she sees the advocate and law enforcement together and believes that the advocate is affiliated with LE, particularly if the advocate is asked to translate for the responding officer.
- Turnover (twice) of Community Solutions' law enforcement liaison advocate.

⁸ The Grants to Encourage Arrest monies were also used to create two other types of response mechanisms elsewhere in the county: a language bank into which clients who had just experienced violence could call for support and resource referrals, and a review mechanism in the northern part of the county, whereby the local police departments would fax domestic violence reports to the DV agency in that area (Support Network for Battered Women), who would then follow-up by phone with the victim to offer support and resource referrals.

According to the DVRT project's report to its funder (February 27, 2006), between the period of July 1, 2005 and December 2005, 87 victims were provided support by the DVRT advocate, called the law enforcement liaison.

Greenbook decided to sunset Project 4 since the FVRT team in Central County was on hiatus, and DVRT could be subsumed by the County Domestic Violence subcommittee for South County.

Evaluator's Observations

While neither of their efforts were launched to full scale or as exactly as originally planned, the commitment of Project 4 members in Central and South County to create multi-disciplinary responses was evident in their three years of trying to launch their response teams. In their attempt to let the two subcommittees flush out and launch their response models, Greenbook staff may have pulled away too soon; both committees may have benefited from the continued logistical and facilitative support to help the two teams launch and troubleshoot when challenges subsequently arose.

In South County, because of the challenges implementing the response model, and the subsequent modifications made to that model, the resulting model should not be called a joint response, in that there were no examples of an actual joint response. Rather, the model seems to have evolved into more of a **structured system of referral for victims and children**: if they had children, DFCS received the law enforcement report and followed up accordingly, sometimes making referrals to Community Solutions, and if they did not have children, law enforcement sent the report to Community Solutions who then provided follow up phone support. Though victims were not served simultaneously by the two to three systems, ultimately, as a result of these referral mechanisms, they did have contact with at least two of the systems within a short period following the violence in their home, which still may have been a benefit to them.

It is not known how many of the law enforcement liaison's clients were also being served by DFCS, or the experience of clients receiving both domestic violence and child welfare services, or whether the model helped divert clients away from the child welfare system, as efforts by ASR to interview the clients served or to have DVRT collect basic client statistics were not successful. Similarly, statistics were not kept by the FVRT team either, though they generally reviewed one case per week for about a year.

The experience of the three systems (DV, DFCS, and LE) working together was probably the most important leave-behind of Project 4, in that in doing so, new relationships were established, as well as a better understanding of each other's philosophies and constraints (often called "institutional empathy"). At present, Community Solutions and DFCS continue to collaborate to provide trainings to law enforcement in the area. Law enforcement and DFCS continue to work jointly, throughout the County, on cases involving children. Finally, Law Enforcement and DFCS in South County developed a closer relationship and trust with Community Solutions, the benefits of which are likely to manifest in myriad ways in years to come.

Rationale for the Project

During the planning stages of the local Greenbook Initiative, the project's leaders recognized that a family's journey through the child welfare system became doubly complicated when domestic violence was also present between the parents. Secondly, given the greater likelihood that individuals who batter their partners will abuse their children, it is in child welfare's interest to address the domestic violence in the family if they hope to reduce the incidence of re-abuse and possible re-entry into the system. There are several recommendations in the Greenbook that affirm the need for child welfare to address the co-occurrence of domestic violence and child maltreatment among their clients:

Recommendation # 18: *Child protection services should develop screening and assessment procedures, information systems, and case monitoring protocols and staff training to identify and respond to domestic violence and to promote family safety.*

Recommendation # 4: *The leaders of public child protection services, community-based child welfare services, and domestic violence agencies should design a differential response to meet the diverse range of families experiencing domestic violence and child maltreatment.*

Recommendation # 19: *Agency policy must state clearly the criteria under which children can remain safely with non-abusing parents experiencing domestic violence, the assessment required to determine safety, and the safety planning, services, support, and monitoring that will be required in these cases.*

Recommendation # 20: *Child protection services should make every effort to develop separate service plans for adult victims and perpetrators-regardless of their legal status vis-à-vis the child.*

Recommendation # 22: *Child protection services should avoid strategies that blame a non-abusive parent for the violence committed by others.*

Recommendation # 27: *Parenting programs should reexamine their procedures, policies, and curricula to ensure that safety for adult victims and information about domestic violence are integrated into programmable activities.*

To respond to the need for these type of enhancements in child welfare, Project 5 was formed.

Desired Outcomes of Project 5

Every social worker will screen for DV and do further assessments as needed;

Victim, child, and batterer will participate in a dialogue with staff about their needs;

Clients will have a greater understanding of system services;

Staff will create service plans that respond to the client's needs, are relevant to the client's culture, are focused on problem resolution, are attainable by the client, and that are coordinated, differentiated, and manageable for the social worker;

Staff will follow-up on client service plans and ensure seamless transition to subsequent agency units or services.

Every child, victim, and batterer will receive intervention and/or counseling services (e.g., Victim Witness, other subsidized or unsubsidized services).

“The first 48 hours are critical because it is during that time that victims will form an opinion about the ‘system’ as a whole, or CPS specifically. Social workers need to inform victims as to why their children were removed, and when they can expect to see their children.”

- Key Informant, 2006

Participants in the Project

The Project 5 team consisted of four to six senior social workers, one of the domestic violence advocates co-located by Next Door, a children's attorney, and a Domestic Violence Court Specialist (as discussed in Project 1). The meetings were also occasionally attended by representatives from Victim Witness and CalWORKS. The project was chaired by the DFCS deputy director.

What Actually Occurred?

- **Protocol to reduce use of victim-blaming language in court petitions:** According to social workers, if DV events are not described carefully, the adult DV victims can be construed by their reviewing judges as “negligent” in the child maltreatment case. The most severe result of this would be that their children are removed from the parents' custody while they undergo mandated services to regain custody. Therefore, Project 5 developed a one-page document that suggested specific, “non-blaming” wording for allegations in petition in cases where DV is present. (Appendix 4)
- **Improved access to resources:** A second gap addressed was the client's access to appropriate resources. To meet that need, Project 5 developed a **DV service needs checklist** (Appendix 5), and a **list of recommended services to be included in client's case plan** (“Service Recs”) (Appendix 6) if DV is present. The DV Service Needs Checklist is a one-page document that serves as a type of cover sheet to the cases, enabling workers to track how the DV came to the attention of DFCS, the lethality risks for children, and service referrals for the family. (In a checklist format, the form is intended to remind workers of all of the available services available). The form also helps promote seamless transition when cases move from one worker/ department to another.

The Service Recs document contains suggested services for the adult victim, the batterer (dominant aggressor) and the child, and it requires that separate case plans be created for the

batterer and the victim, even if the victim and batterer deny the domestic violence or are still living together. Additionally, the document provides specific caveats and considerations for couples therapy or parent child therapy. *Relevant data are discussed in Part 2 of this report, in the section Increased Opportunities for Healing.*

- ❑ **Development of Safety Plan Guidelines:** The guidelines, as well as the DV service needs checklist, recommended DV services for case plans, and petition language protocol, were saved on the agency’s internal drive in a “DV folder” so they would be easy for social workers to locate.
- ❑ **Trained social workers on the new policies and procedures developed:** The new procedures and policies were disseminated via trainings to as many social workers as possible for successful implementation, with the help of Cross-training committee members (Project 2). The newly developed recommendations, petition language, service needs checklist, and safety plan guidelines were also made available to social workers by way of the agency’s internal drive.
- ❑ **Improved coordination with Victim Witness and CalWorks:** A Victim Witness (VW) representative began attending the Project 5 meetings, and the team developed a process to ensure that the representative be provided with *all* new cases in order to screen them for VW eligibility. Eligible clients’ children could receive counseling funds up to \$10,000 per child, and eligible non-offending adults could access up to \$2,000 in housing assistance funds to help with relocation (e.g. deposit on a different apartment). Adult victims may also receive financial support for therapy and to have their locks changed. *Relevant data are discussed in Part 2 of this report, in the section Increased Opportunities for Healing.*

In addition, a manager from CalWORKS also began attending the meetings to begin working with Project 5 on ways to better identify DV cases they held in common with DFCS. In cases involving DV issues, the client’s CalWORKS “clock” for time limits was halted through a DV waiver. Also, the client’s child welfare education classes could count as work or education units. Finally, CalWORKS has funds available for clients facing DV to access therapeutic services. Unfortunately, data is not available on the number of cases shared by CalWORKS and CPS that have DV, and for which DV waivers were granted.

- ❑ **Refinement of Departmental DV Assessment:** The court-ordered DV assessment containing multiple self-report questionnaires and a clinical interview was perceived to be too long to implement (about 6 hours), and all assessments were carried out by one DFCS DV Social Work Specialist (assessor). The department did not have a systematic screening practice for DV upon intake and the knowledge base of many Social Workers, on the dynamics of intimate partner violence, was limited. The assessor was backlogged with too many DV assessments to complete in a timely manner. National Technical Assistance visited Santa Clara County, reviewed the assessment process and the procedures for administration, and provided a written summary of recommendations for simplification. Fifteen DFCS Social Workers were trained, with a minimum of 40 hours, to complete the DV assessments as originally created but modified. In addition DFCS Social Workers continued to build into their practice the assessment of intimate

partner violence and the overlap of child maltreatment. Their practice has been supported with agency training and Project 2 training on the dynamics of intimate partner violence and child maltreatment as well as the use of Project 5 specific DV petition language and DV services recommendations. As a result of these changes the number of court-ordered DV assessments dropped. Although there is no longer one specific DV Social Work Specialist, there is a core group of six well-trained Social Workers who are completing the assessments that are ordered by the court..

- **Influence of Team Decision Making protocol for cases with domestic violence:** An aspect of the Annie E. Casey *Family to Family Initiative*, of which Santa Clara County was a participant, Team Decision Making is a mechanism to ensure multiple perspectives are accounted for when a family's child welfare case plan is getting created. Project 5 members, Greenbook staff and the Domestic Violence Consortium were instrumental in creating a protocol for conducting TDM's in a safe and sensitive manner with families who may be experiencing domestic violence. For instance, "mom" and "dad" are not in the same room during the TDM discussion, but are interviewed separately, and the victim is provided with an advocate during the discussion. (Please see Appendix 7 for a copy of the TDM protocol)

- **Influence on Joint Response model between Law Enforcement and DFCS:** With the assessing risk to children and to prevent removal from the home if possible, Joint Response is a collaborative response model between law enforcement and social workers. Prior to the advent of Joint Response in 2004, DFCS staff were not always involved in law enforcement's decision to remove children from the home.

Per the protocol, designated social workers are available 24 hours a day, seven days a week to respond to the scene within about 30 minutes and help the officer assess risk to the child. If the child needs to be removed from the home, he or she is placed with a relative whenever possible rather than being taken to the Children's Shelter. The Joint Response model also influenced the length of time children are separated from their parents/caretakers, in that children whose safety is not at risk are returned home within four days or less to minimize the trauma faced by families (please see page 58). As of June 2006, the protocol has been successfully implemented in the city of San Jose, Santa Clara, Sunnyvale, Campbell, Milpitas, and Mountain View. Project 5 and Greenbook staff were involved in helping shape the environment and relationships which enabled the Joint Response protocol to be developed. The resulting protocol directly responds to Greenbook recommendations #4 and 19, above. ***Data on the reduction of children removed from the home are discussed in Part 2 of this report, in the section Improved Initial Response to Children and Families.***

Evaluator's Observations

In its first two years, Project 5 was very productive; nearly all of its products were created during that time. Part of this may have been due to the fact that the team was fairly homogeneous, comprised primarily of

DFCS “insiders” (staff, attorney, contracted therapist) who spoke a common language and knew how to work together. It may also have been due to the initial enthusiasm and energy of having been granted the Greenbook grant. In its third year (2004), having completed most of its workplan, Project 5 began assessing “what next?” The group debated three key directions:

- increased screening for DV (which would require an agency-wide tool),
- better access to services (which would require a better system of monitoring referrals and completion of services), or
- improved parent understanding and buy-in into the child welfare process (which would require more and better parent orientations).

During this same time, the department began facing other significant external demands, such as budget cuts (layoffs), participation in Family to Family, Child Welfare Redesign/ System Improvement Plans (SIP), and the design and launch of Joint Response. All of these converged to tax the resources of Project 5. As such, the remaining few years of the grant were spent discussing and ensuring ways in which to infuse Greenbook principles in to other agency mandates and initiatives, rather than creating new products.

Rationale for the Project

Like Project 3 — Batterer Accountability — Project 6 was not one of the original Santa Clara County Greenbook Projects in 2001. Yet, several recommendations in the Greenbook articulate the role that dependency courts can play in enhancing the safety and wellbeing of families with co-occurrence of child maltreatment and domestic violence:

***Recommendation # 67:** The juvenile court should encourage the utilization of a domestic violence advocate for the battered mother in all dependency cases involving allegations of domestic violence and encouraging the input of advocates in development of service plans.*

***Recommendation # 47:** The juvenile court should ensure that all participants in the court system are trained in the dynamics of domestic violence, the impact of domestic violence on adults and children, and the most effective and culturally responsive interventions in these cases including safety planning.*

***Recommendation 57 :** Where there is domestic violence in child protection cases, judges should make orders which:*

- a. Keep the child and parent victim safe;*
- b. Keep the non-abusive parent and child together whenever possible;*
- c. Hold the perpetrator accountable;*
- d. Identify the service needs of all family members, including all forms of assistance and help for the child; safety, support, and economic stability for the victim; and rehabilitation and accountability for the perpetrator;*
- e. Create clear, detailed visitation guidelines which focus upon safe exchanges and safe environments for visits.*

Upon completion of the Charting the Course logic modeling process in 2002, the need for attention to court operations emerged as a common area of concern across project stakeholders, thus resulting in Greenbook's sixth project being formed.

Desired Outcomes of Project 6

There will be a better coordinated system between juvenile, family, civil, probate, and criminal courts (e.g. no conflicting orders)

DV dependency court will consistently provide supervised visitation to facilitate normalized relationships

Courts, social workers, and other service providers ensure batterers are safely reintegrated according to family's circumstances, culture, etc

In 2005, other Greenbook outcomes were identified by a leading dependency court judge, and these include:

Ensuring that all dependency cases are screened for domestic violence

Ensuring domestic violence advocates are available for all victims of abuse in dependency court

Ensuring support groups are available for all victims of abuse in dependency court

Ensuring all children who have experienced violence are able to participate in counseling

Participants in the Project

As Greenbook encountered when it decided to address batterer accountability, there was already an existing group tasked to work on improving the operations of courts with respect to how they serve families experiencing domestic violence, and this group was the County Domestic Violence Council's Courts subcommittee. This group consists of numerous judicial officers, attorneys, probation, social services, pre-trial services, domestic violence advocates, victim-witness service providers, therapists and other interested parties. Therefore, Greenbook staff did not form a new committee but instead tried to identify ways to collaborate with the Courts subcommittee.

A formal collaboration process was never established between Greenbook and the Courts subcommittee, and thus, a combined work plan to address the Greenbook outcomes desired of the courts could not be created. Instead, Greenbook values and ideas were infused into the court subcommittee's work via a leading juvenile dependency court judge, who sat on both the subcommittee as well as Greenbook's Project Oversight Committee.

What Actually Occurred?

Given the above nature of the Greenbook-Court subcommittee staff, the activities carried out by the Courts subcommittee were not observed or evaluated by ASR or Kids in Common staff. However, according to two juvenile dependency judges, the activities and changes in juvenile court and other courts have been substantial over the last five years. These include:

- **Training of court personnel:** Superior Court reportedly sponsors court-wide trainings on domestic violence every other year. Project 2 has also trained court personnel. As a result, judicial officers, attorneys for children and parents, and social workers have all received extensive training in the dynamics of the co-occurrence of domestic violence and child maltreatment. California Judicial Council has supported the judiciary by holding annual conferences

addressing domestic violence issues that judges face. All of these activities help address recommendation #47 above.

- ❑ **Application for Unified Courts grant:** Members of the Courts subcommittee and Greenbook staff applied for a grant to coordinate calendaring and ensure consistency of orders from court to court. Unfortunately, the grant was not awarded.
- ❑ **Improved coordination of cases which occur in multiple courts:** The Presiding Judge of the Santa Clara County Superior Court has been piloting a unified family court model. Many cases heard in this department include domestic violence issues. Local Superior Court rules permit communication between the courts when the same family appears in different court proceedings. This rule has been widely copied throughout California. It has resulted in improved communications between courts, particularly between the domestic violence and domestic relations courts where there are the highest number of cross-over cases.
- ❑ **Implementation of cross-court calendaring database:** When the Unified Courts grant was not awarded, Greenbook staff and a Juvenile Dependency Court judge determined which of the proposed strategies could be implemented without funding. One such strategy was a unified court management database (UCM), an ACCESS-based platform from which each court could view specific aspects of clients' cases. With the help of a graduate student, the database was built and successfully implemented. This database also helps improve coordination of shared cases across courts.
- ❑ **Improved safety in and around the courthouse:** Deputy Sheriffs patrol the waiting rooms, separate entrances are available in special situations, and attorneys and staff have been trained to be vigilant for situations where domestic violence might have an influence on court proceedings. Juvenile Court staff and the Sheriff's Department ensure that DV victims can leave the courthouse safely without fear of reprisal from their batterers.
- ❑ **Increased number of restraining orders issued:** State statute permits — and the courts regularly issue — restraining orders, which prevent violent parents from having contact with the other parent or children before going to court. Santa Clara County sponsored the legislation granting these powers to juvenile courts. The Santa Clara County Pre-Trial Services Department has also established a protocol with the Superior Court whereby background information on all defendants/respondents in restraining order cases is provided to the judge who is about to hear a case involving a request for a restraining order. Juvenile court prepares restraining orders and serves them while the restrained party is still in the courthouse.
- ❑ **Feedback from the Domestic Violence advocacy community:** In the Spring of 2004, the county's domestic violence advocates communicated their safety concerns and recommendations to the DV Council's Subcommittee for Coordinated Courts, most of which were directed specifically at the juvenile dependency court. DV agencies also provided feedback to Family Court about ways in which their operations jeopardized the safety of victims, and offered recommendations.

- **Domestic Violence support in the Courts:** Clinical domestic violence support was initially provided by one therapist, under contract with the DFCS. In 2004, this clinician partnered with a select number of other professionals to form a non-profit called the Domestic Violence Intervention Collaborative, which continues today to contract with DFCS to provide clinical assessment and support to hundreds of victims each year in dependency court. Currently, there are two Domestic Violence Court Specialists (DVCSs) in the court almost every day. These DVCSs are permitted to attend all hearings in which domestic violence has been identified, and they regularly consult with victims and perpetrators, separately, about the services that are available to them. At monthly meetings within dependency court, a DVCS reports on domestic violence issues that impact court operations. *For data from the DVIC, see Part 2 of this report, in the section Increased Opportunities for Healing.*

- Other accomplishments by Santa Clara County Superior Court include:
 - Individual judges throughout the court have developed their own unique programs and projects relating to domestic violence. They include 1) the nation’s first Juvenile and Family Violence Court, 2) a program for services to victims of criminal domestic violence and their children, and 3) the development of a curriculum for high school students which addresses domestic violence issues.

 - Judicial officers have been trained in the dangers surrounding supervised visitation and review each proposed visitation order to ensure there will be no danger to the adult victim or the children. For example, the victim should never supervise visitation and the exchange must be done in a manner that ensures safety for the victim.

 - In the Juvenile Dependency Drug Treatment Court, a Domestic Violence Court Specialist is a member of the drug court team. As a result of the high level of expertise within the team and the excellent relationship between drug court clients and the team, the team has discovered that about 70% of the drug court cases have domestic violence. The team is thus able to assist victims with safety plans, as well as their drug treatment plan. This strategy addresses the demonstrated link of substance abuse with domestic violence and child maltreatment.⁹

Evaluator’s Observations

When asked what influence Greenbook has had, if any, on court operations, a key informant in 2006 summarized the changes aptly by saying “a paradigm shift has occurred...it’s no longer us (courts) versus them (victims).” The informant reported there is now a “real desire” to find out what happened in the family surrounding the domestic violence incident, instead of simply “blaming” (the victim).

⁹ The random sample case abstraction conducted by ASR in 2004 found that the co-occurrence families were significantly more likely to have substance abuse issues than non-co-occurrence families (families which only had child maltreatment): 75% of ‘co-occurrence’ parents (either the mother, father or both) also had a substance abuse issue, as compared to 65% of families without co-occurrence.

We do not yet have a full understanding of how the above changes have improved clients' experiences in Dependency and other courts. Since it captures client level information, the unified court management database (UCM) could be expanded beyond its current calendaring function to capture key client data regarding their use of an advocate, referral to and completion of batterer intervention programs, and referral to key DVCS services for victims.

Rationale for the Project

In the initial planning year of the local Greenbook Project, cultural competency was identified as a top priority. Santa Clara County reportedly is the most linguistically diverse area in the country, reflecting the sheer number of ethnic groups present in the valley. Local Greenbook planners were concerned that the systems were not equipped to adequately understand or serve these various cultural groups. Also of concern was the overrepresentation of some ethnic groups in the child welfare system, namely Latinos and African Americans. Three recommendations from the Greenbook spoke to the county's need for culturally competent responses to families experiencing child maltreatment and domestic violence.

***Recommendation # 9:** Cultural competency requires agency leaders to make an ongoing commitment to fact-finding in order to determine whether children and families of diverse backgrounds are served fairly and capably by their agencies in the reporting and substantiating of child maltreatment; in the filing of dependency petitions and foster care placements; and in the responses of shelter providers, police, and the courts to domestic assaults and child maltreatment.*

***Recommendation # 10:** Child welfare agencies, domestic violence programs, and juvenile courts should develop meaningful collaborative relationships with diverse communities in an effort to develop effective interventions in those communities.*

***Recommendation # 12:** Agencies and courts should build staff capacity to attend more competently to clients from diverse communities and income levels.*

To respond to the cultural competency needs of the county's systems, a project was formed in Year 1 called Cultural Competency. In Year 2, the other local Greenbook projects expressed that cultural competency was an issue for them as well, so the project was renamed and reconceived of as the *Respect for Culture and Community Initiative*, with an intention to inform the other local Greenbook projects.

Desired Outcomes

Increased "System accountability" to community: Community members provide input to RCCI team in order to shape system changes; System will be responsive to feedback; System's response to family violence and co-occurrence is culturally competent and relevant

Increased "community accountability" to itself: Community residents know how to respond to help family violence victims; Increase the community's collective power to work for social change

Participants in the Project

Participants in RCCI included a representative from the Mayor’s office, directors and managers within DFCS, staff from community-based organizations, some of whom contract with DFCS, and representatives from the DV advocacy community.

What Actually Occurred?

❑ **Conducted outreach and assessment with community to understand needs and solicit input:**

RCCI’s first discussions were about how to operationalize the definition of cultural competency into the work of the other six projects but soon evolved into a discussion of the overrepresentation of certain ethnic groups in the child welfare system, and questions as to whether the child welfare system has worker-or institution-level biases. The group also considered whether the impacted ethnic communities (primarily Latino and African American) knew about their over-representation in the system, the extent to which they see that as a problem in their communities, and if they know how to effectively seek help for victims and children either before they enter the system (primary prevention) or how to get help after they have entered the system (intervention and secondary prevention). In short, what emerged from the several months of discussions was a desire to make a) the **system more culturally sensitive and accountable to these communities**, while b) working with the **community to make it more accountable to itself**, by being empowered to work for social change and meet the needs of its members.

To assess how to make inroads toward the outcomes of improved community and system accountability, RCCI embarked on an extensive community engagement/outreach process. The team identified over 40 front-line community “Gatekeepers” who work directly with people that are actually using the DV systems/services, and began a series of community forums. In all, eight strategy sessions were held between January 2003 and December 2004, with attendance ranging from 40 to 80 community leaders. Topics and group work ranged from identifying issues and creating strategy plans (Figure 4 below) to learning more about DFCS, Family to Family and other programs in the county via presentations.

Figure 4 — RCCI workgroup strategies, September 03

Strategy #1 – Develop a list of recommendations for much needed resources before and after families enter the system.	Objective – Conduct surveys and/or focus group(s) with community members to determine gaps in services and information and resource needs of people in the community.
Strategy #2 – Increase services, education, and outreach with an emphasis on bilingual/bicultural services.	Objective – Conduct a community outreach forum within a particular cultural community.
Strategy #3 – Identify ways to increase accountability in the community and develop resources for teens and older victims, including domestic violence curriculum in the schools.	Objective – Cultivate community small businesses as distribution sites for educational materials regarding domestic violence and child abuse.
Strategy #4 – Raise awareness in the community on the overlap of domestic violence and child abuse.	Objective – Develop and conduct a community survey and distribute posters/educational materials in a particular community.

- **Created resources for community:** In response to the needs voiced during the strategy sessions, RCCI created over 200 “toolkits” for participants, each one including basic facts on DV, statistics, penal codes, and a service providers directory.

- **Produced “white paper” to share what was learned:** In December 2004, RCCI produced a “white paper” of what they learned with the community, and shared the findings with some of the Greenbook projects (BIC, Court Subcommittee, POC, and Project 2) and other Greenbook sites around the country. RCCI also created a 20-minute DVD about the project and what it had accomplished. They also received media coverage by Telemundo, and a periodical (El Observador).

Evaluator’s Observations

In the first year of Greenbook, the cultural competency group completed good work to create a shared definition of cultural competency. Picking up where that team left off – and picking up the new name “RCCI” – the team began to open the channels of communication between the community and the systems that serve them. In ASR’s view, RCCI has demonstrated tremendous energy and reach to access the community as it has, and to learn more about them. This work has had a direct influence on the RCCI’s outcome of helping the community become empowered to create social change and be accountable to itself, which includes their ability to recognize the forms of family violence and to intervene in locally appropriate ways in their community.

In order to influence RCCI’s second outcome of system accountability, the next necessary step is to turn the “mirror around” as it were and create a process whereby the systems that serve the overrepresented communities can learn from what RCCI has found, in order to make systemic improvements.

Rationale for the Project

The Partnership Project was formed the last year of the Greenbook project as a mechanism for staff workers from child welfare and domestic violence agencies to discover and address their differences in perception and practice when serving co-occurrence families in the child welfare system. The need for this kind of dialogue is recognized in two of the Greenbook recommendations:

***Recommendation # 30:** Domestic violence programs should collaborate with other community groups and service providers, child protection services, and juvenile courts.*

Desired Outcome

Providers/ sectors will have increased understanding of how each other's systems respond to specific cases, and where threats to safety or wellbeing occur, or support could otherwise be enhanced

Providers respond by making tactical policy or practice changes that affect the day to day practices of those serving clients

Participants in the Project

The Partnership Project consisted of 20 to 25 participants, representing the county's domestic violence agencies and DFCS, parents' attorneys and County Counsel, mutual health and probation.

What Actually Occurred?

- **Review and discussion of sample child welfare cases:** A consultant working with the project's National Technical Assistance group suggested the innovative format within which staff could realize and discuss their differing philosophies. Each meeting, a designated participant would be asked to bring a sample child welfare case for review by the group. The cases brought before the group were actual cases, but with all of the identifying information deleted from them, only the "bringer" of the case know the family's identity. In each meeting, a case would be presented, after which participants would discuss how the system responded and how the case might be approached differently.

Evaluator's Observations

Key informants interviewed in Year 5 reported that the meetings and format were thought provoking. Indeed, in ASR's observation, the "bottom up" format of discovery is an ideal way to identify the real "rubs" in daily operating procedures between the systems.

This project is helping to improve the relationships between domestic violence advocates and social workers through case discussion and mutual education. Additionally, the Partnership Project will be sponsoring a “networking” event in Spring 2007 where an even larger group of advocates and social workers will have an opportunity “to put a face with the name,” discuss issues of common concern and simply get to know each other in a less formal setting.

If the group continues to meet, it might be helpful for the group to begin creating “baskets” for this input so that the feedback can be organized and brought to higher levels in the agency, and, hopefully, lead to agency-wide policy change.

Year 1: May 2001- April 2002

During the first year of implementation, the projects within the Greenbook Initiative spent much of their time taking stock and planning for the specific intervention desired. In doing so, Year 1 mainly consisted of several months of fact-finding for a number of the projects, particularly Project 1 (DV advocates) and Project 4 (multi-disciplinary response). Member of these projects traveled to states with best practice models to gain knowledge regarding court advocacy or immediate response.

As Project 1 and Project 4 spent time gathering information of best practices, Project 2 (Cross-training) faced difficulties defining its primary outcomes and activities. There were conflicting ideas regarding the role of this project not only among committee members but also among members of the other projects. Ultimately, members of Project 2 agreed upon focusing its efforts on a large Greenbook “101” type of training. They also developed training procedures to serve as a training document that another county could use if they were just starting a Greenbook project.

Project 5 was quick to identify gaps within their agency’s procedures and protocols for families dealing with child maltreatment and domestic violence, and forged ahead in addressing those gaps. They 1) revised the “blaming” language used in court petitions, 2) developed a DV service needs checklist and a list of recommended services to be included in a client’s case plan, 3) developed safety plan guidelines, and 4) renewed a contract with a local domestic violence agency to provide two DV advocates that would help divert families from dependency court where possible.¹⁰

Year 2: May 2002 - April 2003

Following the completion of the logic model, ASR worked with the various projects to solidify activities to meet the outcomes set forth by each of the projects in Year 2. Additionally, after having gathered information on best practices and overcoming mistrust and miscommunication in the first year of the Initiative, Year 2 was filled with the development of several processes and products as follows:

- Project 1 implemented a formalized process for decision-making with the assistance of an outside consultant.
- Project 2 defined training targets and operationalized the broad training outcomes into specific learning objects for each audience. In this process, speakers were identified, and a loose curriculum or training framework was solidified.
- To address batterer accountability, Greenbook staff approached the Batterers Intervention Committee of the DV Council and secured their interest in working with Greenbook on this issue, resulting in the development of Project 3.

¹⁰ This contract was developed during Greenbook’s planning year prior to Federal funding, which was made possible through Packard Foundation support.

- Project 4 developed a protocol for immediate response in South County (Gilroy, Morgan Hill).
- With the help of members from Project 2, Project 5 trained social workers on the new policies and products that had been developed in Year 1. Committee members also refined the domestic violence assessment tool with the help of National Technical Assistance. Project 5 also included the participation of representatives from Victim Witness and CalWORKS in Year 2.
- To respond to the Initiative's desire to improve coordination across courts, Greenbook management (Kids in Common) decided to partner with the County DV Council's courts subcommittee, instead of forming a separate project.
- RCCI identified its outcomes as a) making the system more culturally sensitive and accountable to the community, while working with b) the community to make it more able to "take care of its own," or be more "accountable." With the help of National Technical Assistance, the group decided to launch a community outreach process to learn from leaders of targeted communities about their perceptions of DV and child maltreatment, and what resources the community needed so that systems could be more helpful and accountable to victims and children.

Year 3: May 2003 – April 2004

As work plans for the various projects were already established by May 2003, members of the various projects worked on finalizing products, refining existing products, or creating new products to further meet their project goals, as evidenced by the following:

- Project 1 adopted the protocol for the advocate position.
- Project 2 continued to implement various trainings for different target audiences.
- Project 3 identified poor tracking of batterers and the need for aftercare support for batterer as their main areas of interest. A subcommittee called Aftercare was also formed and began researching after care models and the interests of batterers currently in treatment.
- Project 4 drafted an ideal response document, which provides appropriate responses to domestic violence-related incidents. Project 4 was also awarded a VAWA grant that enabled the group to hire a DV advocate to launch DVRT (immediate response) in South County.
- Project 5 continued to train social workers on products (policies, documents) developed in Year 1, specifically, petition and recommendation language and safety plan guidelines.
- Project 6: Domestic violence advocates drafted a letter to the DV Council's Subcommittee for Coordinated Courts to communicate safety concerns for victims as they appear in court and provided recommendations to address those concerns.
- RCCI launched several of their community leader strategy meetings.

By the end of Year 3, many of the projects had successfully accomplished most of the activities on their workplan. To determine what needed to be accomplished in the remaining two years, a retreat was planned for Fall 04. To help plan for that retreat, a survey was conducted with POC members, and the common theme that emerged was the need for the project to attend to the differing philosophies between DV agencies and child welfare/courts, in order to strengthen the relationship between them.

Year 4: May 2004 – April 2005

A summary of Greenbook's work in Year 4 is as follows:

- **Project 1:** The advocate protocol was reviewed by the executive committee. The series of discussions surfaced some important issues that ultimately took more than a year to come to agreement (and sparked the first Hot Button Issue/cross systems dialogue, described below), and those were whether advocates should have a clinical background and be able to speak on behalf of their clients with child welfare and the courts. The domestic violence advocacy community was concerned about advocates speaking on behalf of clients because they have a general concern about how families' violence-related information is dealt with in child welfare, namely, whether it leads to increased allegations of failure to protect for the non-offending parent, and/or whether such information was used to mandate non-offending parents to undifferentiated services as a condition of their case plan. Ultimately, the protocol was approved by POC, with the specification that the advocate was to be a 'silent' partner and not speak with the system on behalf of her client(s). Meanwhile, the advocate providing clinical support services in dependency court continued to formalize her model of advocacy in the courts by forming a non-profit called Domestic Violence Intervention Collaborative.
- **Project 2:** ASR conducted follow up interviews with trainees and determined that some were not retaining knowledge or applying it on their jobs. This led to a more deliberate recruiting strategy in order to train people who were in the position to use what they learned in their jobs.
- **Project 3:** ASR interviewed key BIC representatives to create a system map, diagramming the intended flow of information between the DV criminal court, probation, and BIP.
- **Project 4:** To aid in evaluation, DVRT, Greenbook staff and ASR discuss specific outcomes. However, due to low call volume (only 8 advocate responses to the field), the team struggled with how to evaluate progress. The team decided to conduct phone interviews with the few clients served to see how the intervention worked for them. ASR drafted a protocol and asked DVRT to recruit respondents.
- **Project 5:** attempted to find a new area of focus: Screening? Access to services? Better parent understanding of system? Due to severe resource constraints and external demands on their time, Project 5 did not end up taking on a new focus area, but instead worked on infusing Greenbook principles into other initiatives and mandates, such as TDMs, joint response and Child Welfare Redesign.

- **Project 6:** Greenbook staff and ASR met with Judge Edwards to discuss what the project would be working on in the remaining time, and how its work might be assessed. The judge proposed that the Court subcommittee could focus its attention on Greenbook Recommendation #57. ASR in turn offered to do an assessment of judges' current practices with respect to Rec #57, so that the subcommittee could learn where best to intervene.
- **RCCI** completed their community forums in December 2004 and finalized a white paper of what they had learned in the process.
- The Retreat was held in Fall 2004, during which Greenbook stakeholders (project leaders, chairs, participants) brainstormed top remaining issues and needs, and sticking points making it difficult to get the work done. National Technical Assistance's consultant helped the group devise a strategy to deal with hot button issues, via what she called a "cross systems dialogue," during which differences of opinion could be discussed in a constructive manner.
- In February 2005, the **Partnership Project** was launched as a forum for multidisciplinary case reviews to identify philosophical, policy or practice differences amongst systems/ sectors that serve co-occurrence families.

Year 5: May 2005 – April 2006

The focus of the last year of the grant was on attending to philosophical differences between sectors, and on planning for sustainability beyond the grant. Activities included:

- The first **cross systems dialogue** was held, focused on "Failure to Protect." The meeting, facilitated by National TA's consultant, involved having each sector prepare and share position papers on the Failure to Protect issue.
- **Project 1:** Met again to discuss funding, but could not find any, and decided to sunset.
- **Project 2:** Continued to conduct trainings, using hypothetical case to draw out and discuss philosophical differences between trainees.
- **Project 3:** Made enhancements to their CJIS database in order to better track batterers. A former Greenbook staff takes over as chair of BIC.
- **Project 4:** It ultimately was not possible to interview clients who had a "joint response", or even a "coordinated" response in South County, because there simply weren't any documented: no joint "on scene" DFCS/CS responses occurred, and though DFCS or Community Solutions may have separately worked with victims, Community Solutions was not tracking which of the clients served by its law enforcement liaison were also reportedly working with DFCS. Thus, though those clients likely existed, it was not possible to learn a) if and b) how the coordination was helpful to them, or whether it helped divert further involvement in the child welfare system.

- Greenbook staff and ASR held several sessions with POC members to identify the top areas of Greenbook to sustain, based on a set of agreed upon criteria. In order, these were: RCCI, Project 2, Project 5, Partnership Project, followed by POC and Cross-systems dialogue (tied).
- Greenbook staff and project stakeholders conducted a Safety Audit to determine remaining gaps in safety for victims and their children across a variety of systems, including DFCS, Probation, Batterers Intervention Programs, Dependency and Family Court, Domestic Violence Agencies, Law Enforcement and the District Attorney's office. A report of findings is forthcoming.

PART 2 :

**What difference has
Greenbook made?**

**How is a Family's journey through
the County's systems different
today than it would have been in
2001?**

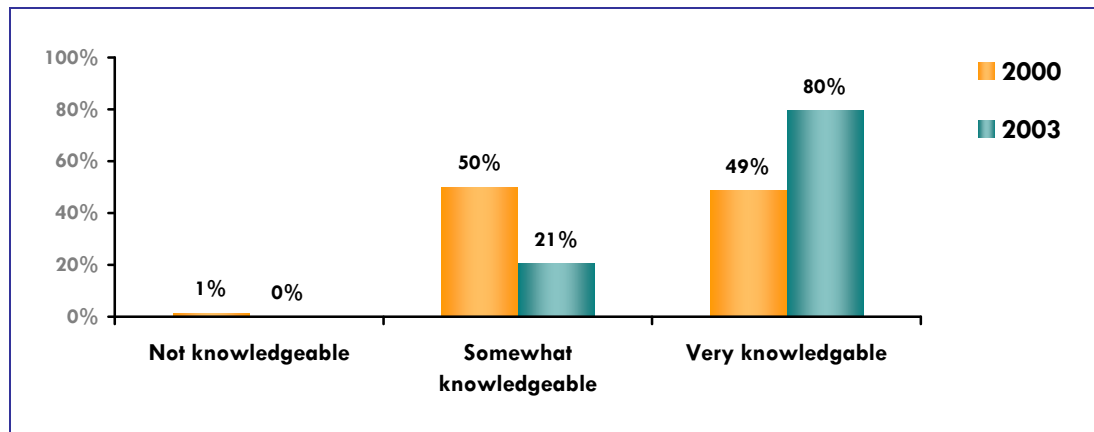
*The Contribution of Greenbook and Related Efforts to
Improving the County's Response to Family Violence*

- ✓ **The reported level of knowledge about the co-occurrence of domestic violence and child maltreatment has increased amongst system leaders associated with Greenbook.**

Since the beginning of the project in 2000, Greenbook stakeholders have acknowledged the need for increased knowledge and sensitivity regarding the co-occurrence of domestic violence and child maltreatment across the system (s), understanding that the care with which the system responds to each family coming in has a strong influence in shaping their subsequent trajectory in the system.

Knowledge changes across a system are hard to gauge. The easiest method, and that being of self-report, can often return results that are not as desired; because “you don’t know what you don’t know,” people often rate themselves initially as being knowledgeable, only to discover later as they are exposed to the information that they aren’t as knowledgeable as they thought, and in fact, may still have a lot to learn. Despite these caveats, Greenbook stakeholders in Santa Clara County report that they were more knowledgeable about co-occurrence in 2003 than they were in 2000 (Figure 5).

Figure 5 — Implementation Team attendees’ reported level of knowledge about co-occurrence, 2000 and 2003



Source: Implementation Team Survey, Applied Survey Research, 2000(n=72) and 2003 (n=39).

Influences:

- ❑ **Greenbook Implementation Team meetings:** Held once a year, these were large, all day meetings attended by 60 to 100 stakeholders. The format allowed for information to be shared in a variety of ways, including expert presentations as well as participant breakout sessions.
- ❑ **Greenbook’s Project Oversight Committee meetings and projects:** The discussions that occurred within POC and project meetings were examples of “learning by doing,” and the complexity of the dialogue was greater and more organic than that which could be presented in a formal training.

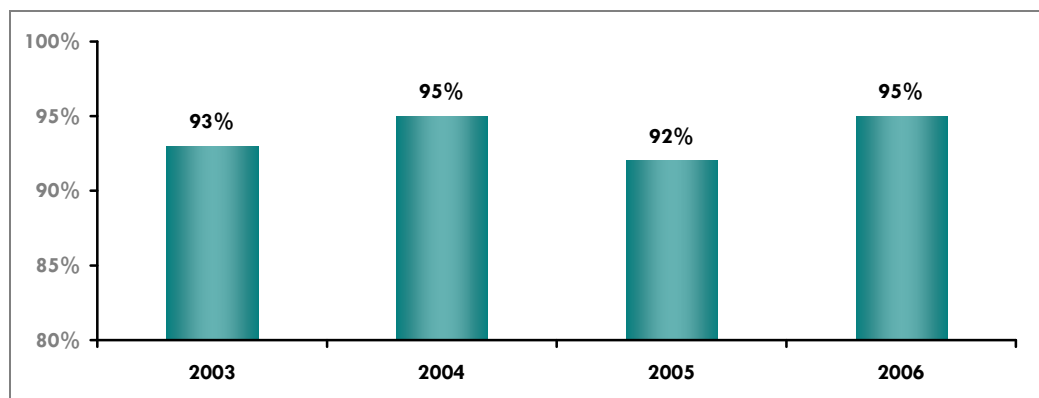
✓ **DV victims and their children are now more likely to be served by sensitized, resourceful staff.**

The knowledge needs noted by Greenbook leaders have also been noted by clients. About one-third of respondents in ASR’s 2003 study of child welfare and DV agency clients suggested improvements about the person(s) offering services, whether it was BIP facilitators, CPS social workers, or shelter staff. Typically these suggestions were for staff to be better listeners, not blame, and to more competently provide services (be knowledgeable about what they were doing).

As part of Greenbook, at least 700 staff representing law enforcement, courts, social workers, and CBOs have been cross-trained on the dynamics of domestic violence, the co-occurrence of domestic violence and child maltreatment, the impact on children, how to screen and assess for domestic violence, resources and referrals in the county, and how other systems and agencies work. These individuals were trained using a locally developed curriculum, delivered in an 8-hour session.

Pre and post tests were conducted to pilot test the curriculum, and those indicated that the percentage of correct responses increased for all items related to knowledge of domestic violence and policies/procedures of other sectors. The pre/post tests were phased out once the curriculum was finalized, but a general post training satisfaction survey remained in place until the end of the project. The figure below presents the percentage of training participants who felt the 8-hour training was helpful or very helpful.

Figure 6 — Percentage of participants who felt cross-training was helpful / very helpful



Source: ASR – Post training surveys. 2003 (n=29), 2004 (n=45), 2005 (n=32), 2006 (n=31)

Influences:

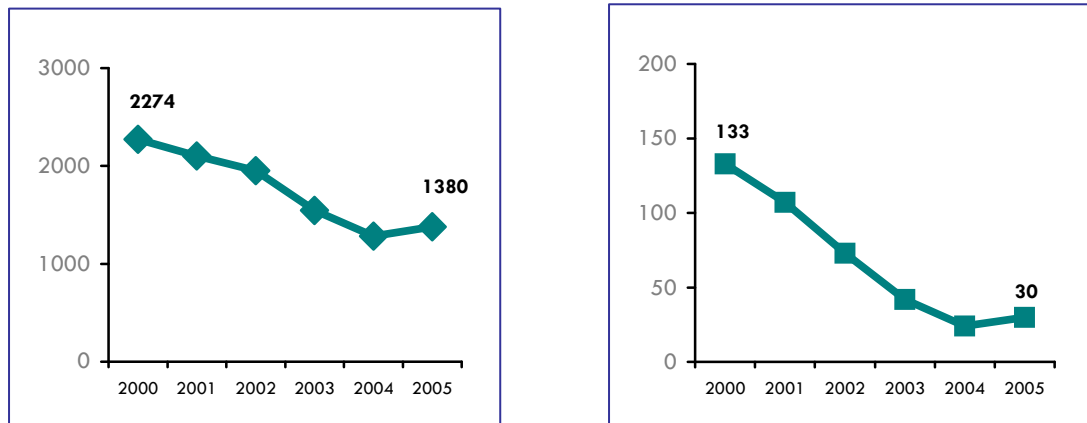
- **Greenbook’s Project 2 Trainings:** Over the course of the project, 18 trainings were conducted, each including 25 to 80 targeted stakeholders, for a total of over 700 individuals.

Improved Initial Response to Children and Families

- ✓ **Children who may have been exposed to violence are now less likely to be removed from their homes and placed in a shelter.**

Since the beginning of the project, Greenbook stakeholders have been concerned about the impact that removal from the home has on children. They felt that the child was already traumatized by the maltreatment or domestic violence in their home; to be taken away in a police car and placed at a shelter doubled the level of trauma and anxiety for children. If at all possible, stakeholders wanted to find ways to avoid removing the child from the home, or, if removal was necessary, to place the child in a relative's care temporarily until a more stable arrangement could be found. As seen in Figure 7 below, data now show that the number of children removed from the home and brought to the Children's Shelter has steadily decreased since 2000.

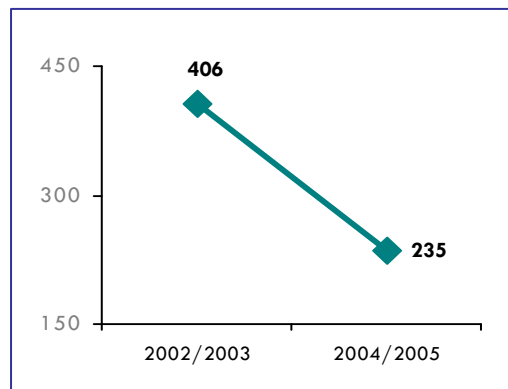
Figure 7 — Number of Admits to Children's Shelter, and Average Daily Population



Source: Santa Clara County's Children Shelter, 2006.

In addition, children whose immediate safety is not at risk may be reunited with their parents/caretakers within four days or less, in an effort to avoid further trauma to the family. As indicated in Figure 8, the number of children who spent *more* than four days away from their parents/caretakers decreased by 58% from 2002/2003 to 2004/2005.

Figure 8 — Number of children removed for more than four days



Source: California Child Welfare Services/ Case Management System site.

Influences:

- ❑ **Protocol on When to Contact CPS in Domestic Violence Cases: A Guide for Mandated Reporters (2003):** Developed by Mike Clark, Lead Deputy County Counsel and domestic violence agency leadership, this protocol clarified the criteria under which exposure to domestic violence was grounds for calling CPS. Mike Clark attended several Greenbook meetings.
 - ❑ **Joint Response:** Social workers join law enforcement at the scene within 30 minutes to assess risk to the child and to determine if removal is necessary. Launched in 2004, the project has been implemented in at least six cities in the county. Several Greenbook staff or project team members participated in the development of this protocol.
 - ❑ **Law Enforcement's Domestic Violence Protocol:** Updated each year by the Chief's Association, the protocol details how responding officers should involve CPS, and how to link domestic violence victims with resources. Several Greenbook staff or project team members participated in the development of this protocol. (Appendix 8)
 - ❑ **Team Decision Making:** Multiple perspectives are taken into consideration when a family's child welfare case plan is getting created.
- ✓ **DV victims are now more likely to receive phone support from a DV advocate following a DV incident, offering crisis intervention and resources.**

Each year in Santa Clara County, there are about 6,000 calls to law enforcement for domestic violence assistance; in about 1,300 of those calls for help, there is a weapon involved. The period following an incident of domestic violence is an isolating and scary one. The victim's family and friends may not know what has just occurred, or if they do, may feel powerless or intimidated to intervene. The victim herself does not have to read the literature on separation violence to know that attempting to leave or otherwise change her circumstances will increase the level of danger she faces. The traumatic impact of this period is only heightened and complicated if she has children in the home.

Due to several influences (below), domestic violence victims are now more likely to receive a call from a DV advocate, who is sensitive to their needs, can help them assess the danger they are in, create with them a safety plan, and help bridge them to critical resources. The data are as follows:

Figure 9 — Number of Domestic Violence Victims Assisted with Phone Support

- ❑ In 2005/06, law enforcement from San Jose, Los Gatos, Campbell and the Sheriff's department referred **4,367** victims to **Next Door**, all of whom were reached at least once. In 2003, the Next Door advocate co-located at San Jose's **Family Violence Center** was making an average of **400** calls a month to DV victims who had just had a law enforcement response to their home.
- ❑ **Community Solutions** serves approximately **400-500** victims each year, either through follow up calls from police reports or as walk-ins. Between July and December 2005, the DVRT advocate in South County served **57** victims.
- ❑ Between the period of July and December 2005, **Support Network for Battered Women's** Victim Advocacy Project advocate reviewed police reports and followed up with **563** victims from the cities of Mountain View, Sunnyvale, Palo Alto and Los Altos Hills.

Influences:

- ❑ **Law Enforcement's Domestic Violence Protocol:** Updated each year by the Chief's Association, the protocol details how responding officers should involve CPS, and how to link domestic violence victims with resources. Several Greenbook staff or project team members participated in the development of this protocol.
- ❑ **Project 4's South County DVRT & Family Violence Center:** As described previously, both efforts enabled advocates to provide in person or phone support to victims.
- ❑ **Grants to Encourage Arrest:** Grant from Office of Violence Against Women, written by Greenbook staff and the local domestic violence agencies, awarded in September 2003. The Grant funded the advocate for South County's DVRT, and also funded a county-wide language bank and a dedicated advocate for the Victim Advocacy Project in North County, which involved the review of police reports, phone support, court accompaniment and many other services.

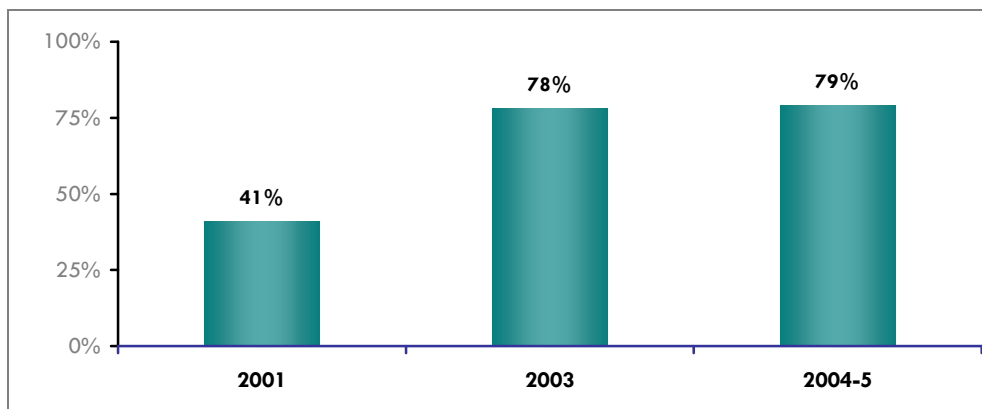
✓ **Families coming into DFCS are now more likely to be screened for DV.**

Because of the volatility and instability that domestic violence introduces into a family, the project’s Federal Expectations as well as Greenbook’s Recommendation # 18 acknowledged the importance of early identification of domestic violence when families are entering the child welfare system:

Child protection services should develop screening and assessment procedures, information systems, and case monitoring protocols and staff training to identify and respond to domestic violence and to promote family safety.

Though Santa Clara County’s Department of Family and Children’s Services did not require workers to use one screening tool, a tool that was used fairly consistently across the department was the California Safety Assessment. The tool assisted workers to screen families and children on a number of risk factors, one of them being domestic violence. Based on three different random samples of child welfare cases reviewed, the percentage of DFCS cases in which the California Safety Assessment was used to identify DV increased during the course of the Greenbook project.

Figure 10 — Percent of DFCS cases screened for DV



Source: ASR – Case Abstraction. N= 150 each year

Influences:

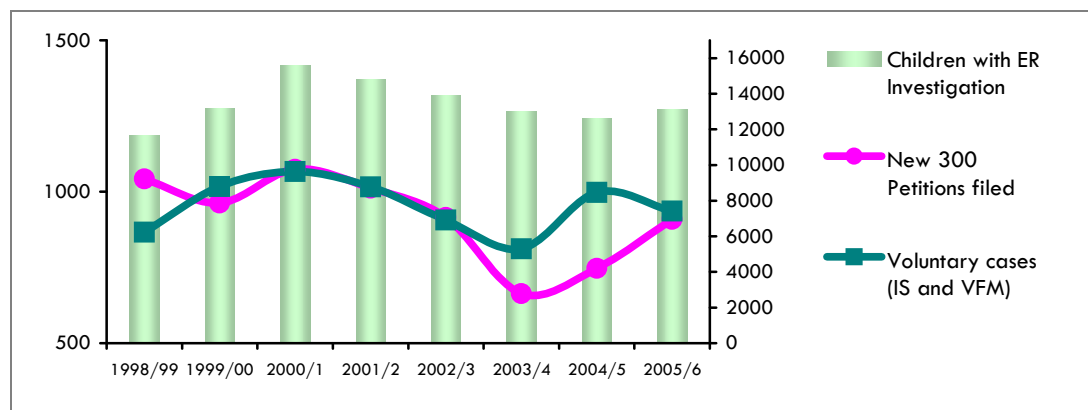
- **Project 5 — DFCS practice:** In 2001 and 2002, Project 5 developed several products aimed at improving the safety planning, case planning and service outcomes of co-occurrence families in the system. The agency trained its workers on the new products and procedures. As mentioned above, though the agency did not mandate that one tool be used agency wide, Project 5 did focus a great deal of attention on the identification of and attention to domestic violence in its client families.

✓ **Families coming into DFCS are now more likely to have their cases diverted to voluntary services rather than for Dependency Court Intervention.**

The trend in child welfare services is to provide a differentiated response to families coming into the system. For families, this response is important because it recognizes not only their individual risks, but also the assets that they can draw upon. Indeed, ASR’s interviews with 11 CPS clients who also faced domestic violence found that they were not involved in determining their needs or services, whereas DV clients interviewed at DV agencies reported that they were involved in this process. Involving clients in identifying needs and planning services may help ensure that service plans are relevant to them, and increase the likelihood that they will follow through with those plans. For the system, a differentiated response is also beneficial because it allows child welfare agencies and the courts to conserve the most intensive resources – the dependency court pathway – for those families with the highest risk. Families with less risk are served in the less intensive, more community-based pathways of Informal Supervision or Voluntary Family Maintenance. The more comprehensive, sensitive and timely the initial assessment of risk, the better able child welfare is to determine which of several service pathways will be most beneficial to the child and the family.

Greenbook stakeholders, ranging from judicial officers to child welfare staff to domestic violence advocates, have wanted to see more thorough assessments be done of families’ risks and assets, in order to help more families be diverted from the dependency court system. Over the past few years, families coming into the system have become more likely to be diverted for voluntary services than the court pathway, though the number of 300 petitions filed for court intervention has risen again over the last two years. Key informants speculated that the rise in meth-exposed births may be linked to the increase in petitions filed.

Figure 11 — Number of children within DFCS whose families receive voluntary services



Source: DFCS

Influences:

- **Family to Family's** Team Decision Making process for case planning in DFCS has helped ensure that a comprehensive assessment of each family's risks, needs and strengths is done early, possibly resulting in more cases being deemed appropriate for less intensive pathways.

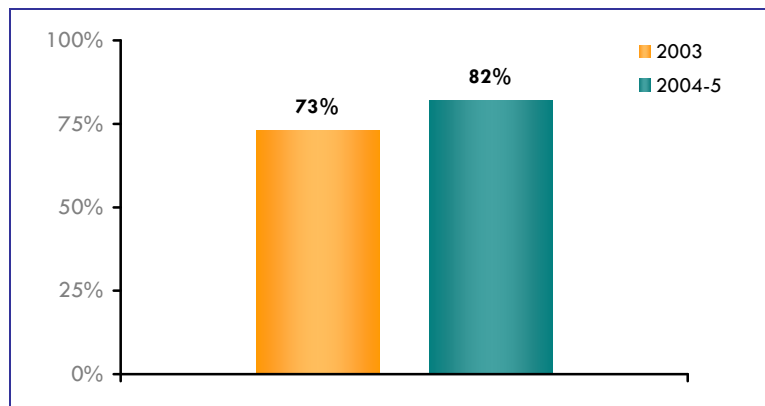
✓ **DV victims in DFCS are now more likely to have non-blaming language included in their petitions.**

The authors of the Greenbook as well as local Greenbook planners have recognized that the language used with and about families can create an adversarial relationship between those families and the child welfare system, particularly if that language is used to blame the non-abusive parent. One of the Greenbook recommendations (#22) suggests that *Child protection services should avoid strategies that blame a non-abusive parent for the violence committed by others.*

One of the Juvenile Dependency judges remarked that the “paradigm” in the court room had changed dramatically as a result of the Greenbook, and that it was no longer a climate of “us versus them,” and cited an example in which County Counsel asked a social worker to change language in her report that referred to the parent as a “liar.”

ASR’s case abstraction, conducted three times on random samples of child welfare cases, found that the use of DFCS-recommended, non-blaming language in petitions had indeed increased over the years since it was developed.

Figure 12 — Percentage of DV cases within DFCS random sample that had petitions using the non-blaming Petition Language



Source: Applied Survey Research, Case Abstraction. 2003 n= 63, 2004 n= 34.

Influences:

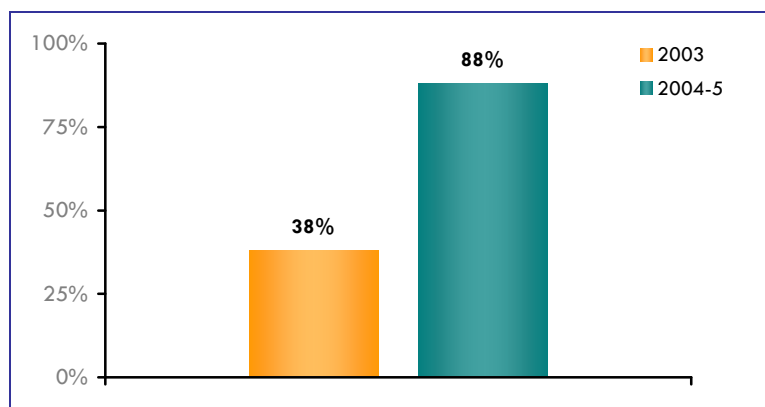
- ❑ **Project 5 — DFCS Practice:** One of the team’s early products (2002) was a set of non-blaming petition language to be used in cases of domestic violence. Project 5 trained DFCS social workers on how to use this language in their petitions.

✓ **DV victims in DFCS are now more likely to have DV-appropriate services included in their petitions.**

Recognizing the complexity of domestic violence in the lives of families in the child welfare system, DFCS felt the need to identify the specific services needed to intervene in the cycle of family violence. In particular, the agency felt separate service menus were needed for the victim, batterer and child, differentiated to account for the co-occurrence of other factors such as mental health and substance abuse. Further, DFCS felt that victims and batterers should have separate case plans, and for safety reasons, should not attend key classes together, such as Parenting without Violence. The department crafted a set of service plan recommendations and trained its workers on how to use the recommendations in their petitions.

As seen below, ASR’s case abstraction, conducted three times on random samples of child welfare cases, found that the use of recommended differentiated DV services in petitions had indeed increased over the years.

Figure 13 — Percentage of DV cases within DFCS random sample that had petitions using the differentiated DV Services



Source: Applied Survey Research, Case Abstraction. 2003 n= 63, 2004 n= 34.

Influences:

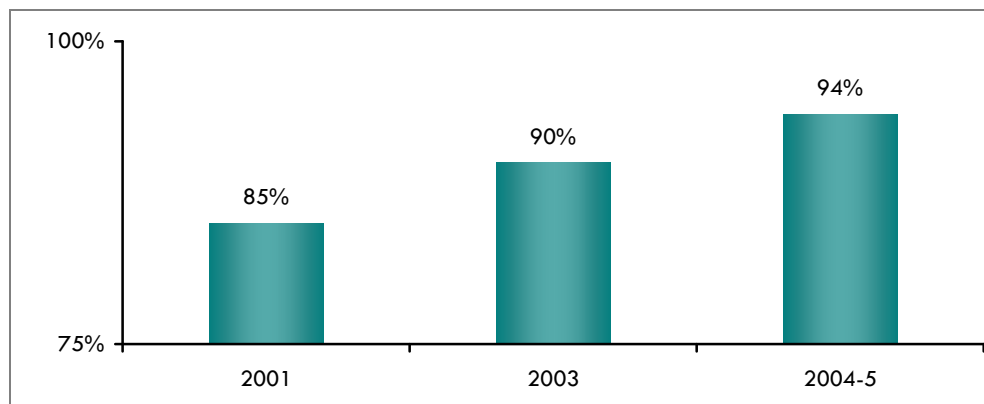
- **Project 5 — DFCS practice:** One of Project 5’s early products (2002) was a set of domestic violence service recommendations for the case plans of batterers, victims and children. Project 5 also organized and offered training for all social workers, and put the “recs” on their internal drive for easy access.

✓ **DV victims in DFCS are now more likely to be linked to critical services, such as Safety Planning, DV Support Groups, and Parenting Without Violence Classes.**

Having differentiated service plans included in their families' petitions is a good first step, but did the families in DFCS get referred to these critical services? Were they the kind of services that were needed for the family? In the Spring of 2003, ASR conducted interviews with 11 DV victims randomly selected from DFCS' DV unit. When asked *what was the most positive thing about their involvement with child welfare*, 6 out of 11 DV victims found the **DV support groups** to be the most positive aspect, while 3 out of 8 respondents who reported substance abuse issues said that the **substance abuse services** were the most helpful.

As seen in Figure 14 below, the inclusion of key service recommendations in their petitions by Dependency Intake workers appears to have enabled Continuing Social Workers to increase referrals for the families served. The data in Figure 13 below indicates that an increasing percentage of families received referrals for at least one critical service, thereby increasing the opportunities for healing within the family.

Figure 14 — Percent of all DV victims within DFCS random sample who received at least one referral for services



Source: ASR – Case Abstraction. Note: 2001 n= 54, 2003 n= 63, 2004 n= 34. Includes voluntary and court cases.

Influences:

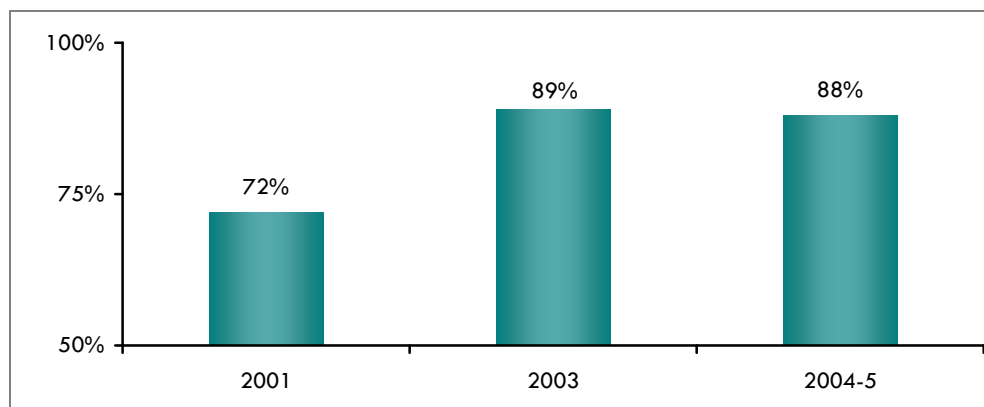
- ❑ **Project 5 – DFCS practice:** The service recommendations in families' petitions and agency trainings made it easier for continuing social workers to identify – and make - the necessary referrals for victims.

- ✓ **Children in DFCS who have been exposed to DV are now more likely to be linked to opportunities for healing, such as play therapy and individual counseling.**

While all children do not have the same responses to domestic violence, the impacts of witnessing violence and experiencing maltreatment have been aptly demonstrated in the research, as has the likelihood that exposure to such trauma as a child increases the likelihood of repeating that violence as adults. For these reasons, Greenbook stakeholders felt that it was paramount to ensure that children in the child welfare system were given the opportunity to heal, and move toward a normalized relationship with their parents.

As seen in Figure 15 below, the percentage of “co-occurrence” children in three random samples of child welfare cases who received referrals to critical services for healing increased during the Greenbook Initiative.

Figure 15 — Percent of all children of DV victims within DFCS random sample who received at least one referral for services



Source: ASR – Case Abstraction. Note: Note: 2001 n= 54, 2003 n= 63, 2004 n= 34. Includes voluntary and court cases

Influences:

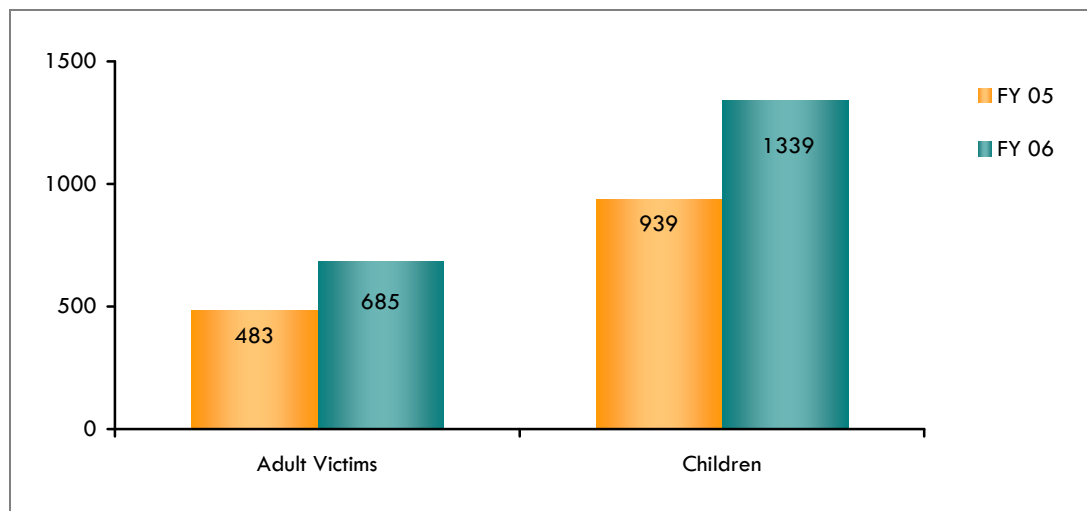
- **Project 5 – DFCS practice:** The service recommendations in families’ petitions and agency trainings made it easier for Continuing social workers to discern – and make - the necessary referrals for children.

✓ **Domestic Violence victims in Dependency Court are now more likely to benefit from clinical support.**

Critical decisions are made with the family during their dependency court dates, and the moments in the court room can be emotional for all family members involved. Therefore, in addition to being linked to critical services while families were completing their overall child welfare case plans, Greenbook stakeholders from the courts felt there was a need for clinical support for victims and children who had cases in dependency court. In particular, they cited the need for professional, clinical level support services for victims, assisting clients through the hearings, helping them advocate for their needs, and, if needed, providing domestic violence assessments of victims' situations.

As seen in Figure 16 below, the number of victims who received clinical support in dependency court has increased greatly during the Greenbook project. In fact, there were no clinical support services available in the courtroom prior to the Initiative.

Figure 16 — Number of DV victims who have received clinical support and the number of children in their families



Source: Domestic Violence Intervention Collaborative. Note: About 3% of the cases are Diversion cases, Voluntary Family Maintenance or Informal Supervision.

Influences:

- **Project 6 – Courts:** Since 2004/05, Dependency Court judges and DFCS have contracted the **DV Intervention Collaborative** to provide clinical support services in the courtroom. Prior to that, the primary clinician of the collaborative had independent contacts with the department to provide similar services to the court, beginning in 2002.

✓ **A greater proportion of DV victims and their children are receiving Victim Witness support for housing and/ or counseling.**

Victims Against Crime is a program of the California Attorney General’s Office that, in the context of domestic violence, provides a one-time housing resettlement fee (estimated \$2000) to victims, and funding for children to access therapy. Adult victims may also receive funds for therapy and to change locks. The “Victim Witness” funds, as they are called colloquially, are an important but underutilized support for victims and their children that can greatly aid in safety (victim is also to become independent from the batterer) and healing for children. As such, DFCS identified the utilization of Victim Witness funds as a strategic means to make more resources available to their clients that also were dealing with domestic violence.

As seen in Figures 17 and 18 below, the number of claims for Victim Witness funding increased during the Initiative in DFCS as well as across the county.

Figure 17 — Number of adult DV victims and children in DFCS for whom Victim Witness claims were filed

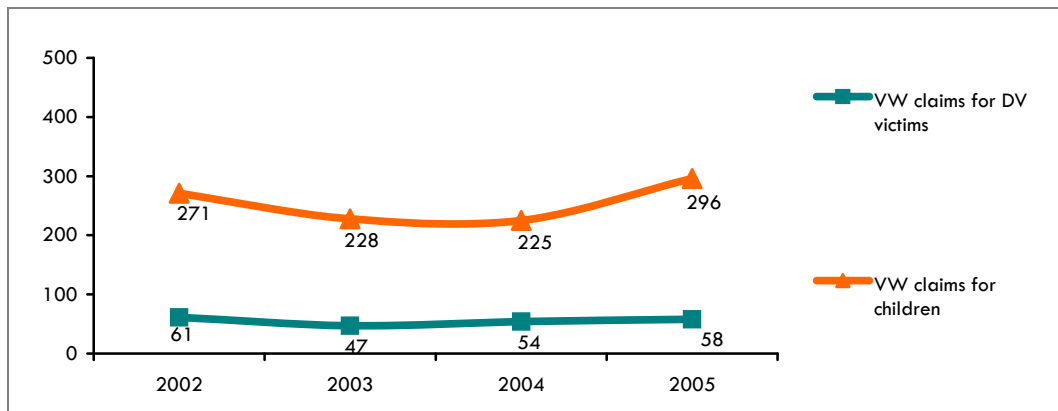
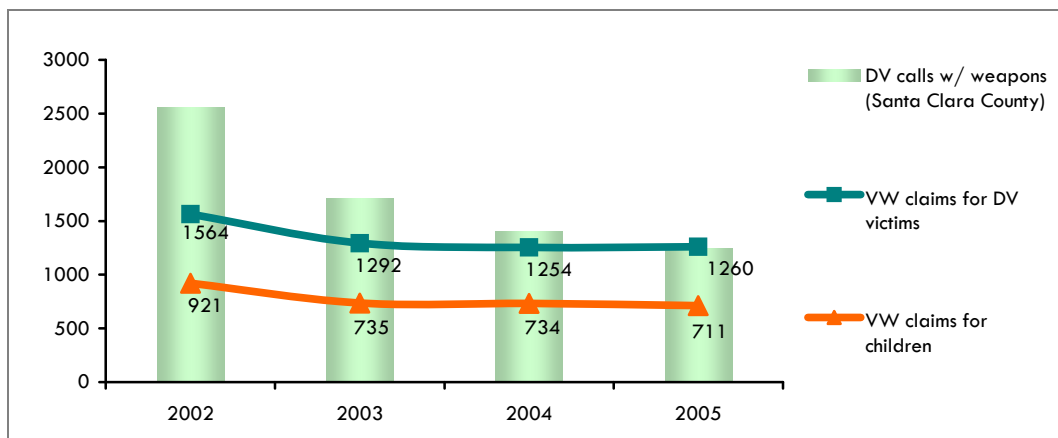


Figure 18 — Number of adult DV victims and children County-wide for whom Victim Witness claims were filed



Source: Santa Clara County Victim Witness, California Attorney General’s Office.

Influences:

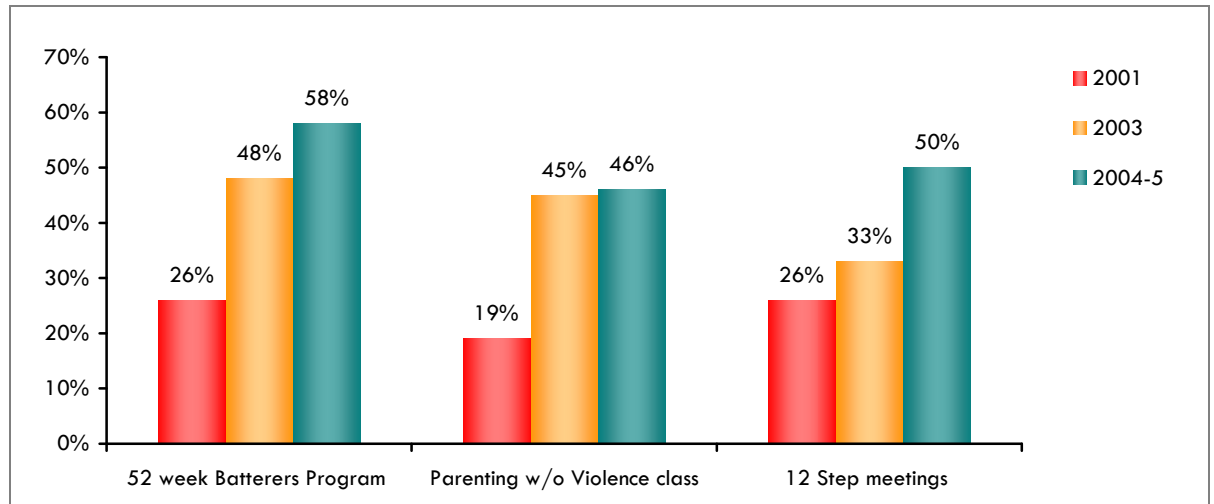
- ❑ **Project 5 — DFCS Practice:** Project 5 instituted a policy whereby **all** substantiated cases of maltreatment that also involved domestic violence were forwarded by social workers to a Victim Witness representative who was co-located at the agency. This representative screened all cases for eligibility and processed claims for the applicants.

✓ **Batterers in DFCS are now more likely to be referred for batterer and AOD treatment.**

Addressing the issues of the batterer is likely the single most important step in breaking the cycle of violence within a family. DFCS recognized a need for this, and as such, included referrals to batterer treatment and other critical programs in their differentiated service recommendations for families experiencing domestic violence.

As seen in Figure 19 below, the percentage of batterers receiving referrals to 52 week batterers intervention programs, Parenting Without Violence classes and 12 step meetings for substance use have increased during the Greenbook project.

Figure 19 — Percent of all batterers of DV victims within DFCS random sample who received a referral for DV and AOD services



Source: ASR – Case Abstraction. Note: Percentage taken of all batterers who received at least one referral for services: 2001 n= 43, 2003 n= 40, 2004 n= 26. Includes voluntary and court cases.

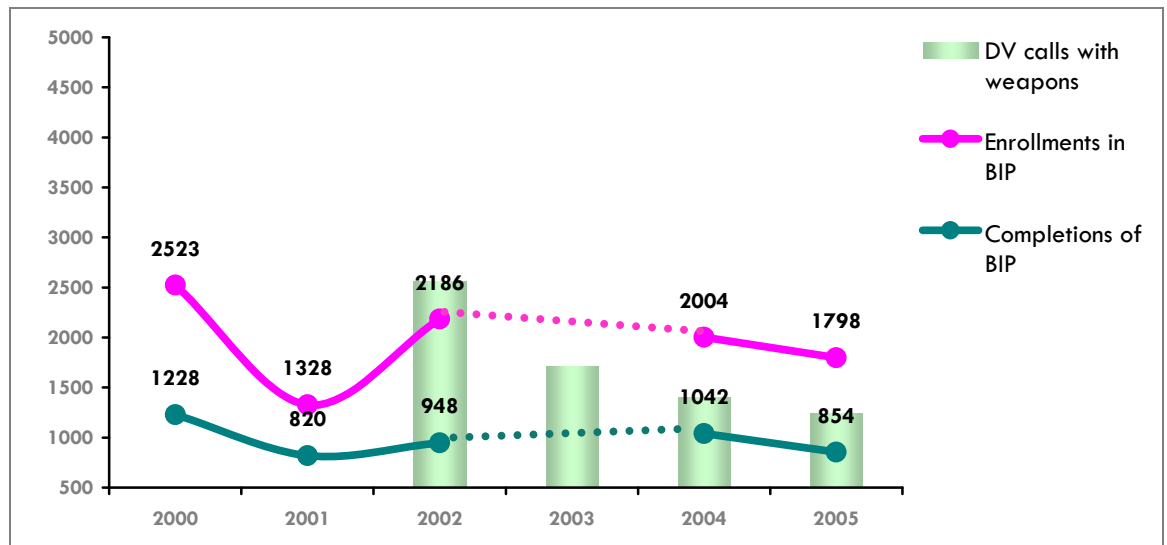
Influences:

- ❑ **Project 5 – DFCS practice:** The service recommendations in families’ petitions and agency trainings made it easier for Continuing social workers to make the necessary referrals for batterers.

✓ **The number of batterers referred for 52 week treatment programs across the County is improving relative to the number of violent DV calls.**

Beyond DFCS, Greenbook locally and nationally has had an interest in increasing the number of batterers referred to 52 week batterers intervention programs (BIPs). It is helpful to look at enrollment and referral data for BIPS in the context of the overall prevalence of domestic violence in the county; if DV is on the rise, one would hope that BIP enrollments would also rise. The prevalence of domestic violence calls with weapons has actually declined markedly in the county, while the number of batterers enrolling in and/ or completing BIPs has only slightly declined. In other words, it appears that a greater proportion of batterers are in such programs during the period of time the Greenbook Initiative has been active in the county.

Figure 20 — Number of batterers referred to BIP each year, and number of batterers who complete BIP each year



Source: Santa Clara County Probation, California Attorney General's Office. Note: 2001 data on BIP enrollment and completion were not available for all BIP programs; and 2003 BIP enrollment and completion data were not available. The definition of 'weapons' changed in 2002; hence, subsequent data are not comparable to previous years.

Influences:

- **Project 3 – Batterers Intervention Committee:** As discussed previously, the collaboration between BIC and Greenbook has emphasized finding ways to ensure more batterers are sent to and complete BIPS. ASR’s system map, created for BIC, identified the areas in which referral and monitoring mechanisms between the courts, BIPS and probation were weak. A criminal court judge who attended BIC was instrumental in adding fields to the county’s Criminal Justice Information Control (CJIC) database to allow for more seamless tracking of batterers as they get referred to and participate in BIPS.

Greenbook's theory of change is that by better training and coordinating the systems into which co-occurrence families enter and are served, families will receive more timely, sensitive and appropriate services, will experience healing and normalized relationships, and will be less likely to experience further violence, in that fewer batterer will recidivate, and children and their families will live in abuse-free homes. (Please see Figure 2 — Detailed Logic Model of the initiative's theory of change). Simply put, the initiative is a systems-change intervention effort with the ultimate aim of secondary prevention of family violence.

All of the findings presented in Part 2 thus far have detailed the efforts of the Greenbook project and its partners to build the scaffolding across the systems and communities needed to reduce family violence. The question therefore is: *over the period of time in which these various system change efforts have occurred, has there been a change in the prevalence of family violence?*

The following findings present data that begin to answer this question. Please note that as these are county-level data, not Greenbook-participant level data, these data are presented to assess Greenbook's possible *contribution* to county trends, rather than claim attribution of effect. Secondly, true prevalence of family violence cannot be determined, and proxies must be used instead. Proxies are not infallible: there may be forces other than the programmatic we are trying to assess that may be wielding influence on the proxy indicator. Therefore, several proxy indicators are presented, and should be reviewed together – not individually - for what they may be telling us about family violence in Santa Clara County.

✓ **The rate of DV calls to law enforcement for assistance has decreased in Santa Clara County jurisdictions.**

Only about half of domestic violence incidents are reported to police. The most common reasons for not reporting domestic violence to police are that victims view the incident as a personal or private matter, they fear retaliation from their abuser, and they do not believe that police will do anything about the incident.¹¹ Even with this dramatic under-reporting, domestic violence calls constitute approximately half of all violent crime calls to police departments.¹² Sometimes it is the victim or family member who make these calls, and other times it is neighbors or other community members who witness or suspect violence is occurring.

When a community initiative is focused on outreach and early intervention to reduce tolerance for domestic violence, we expect to see a **rise** in DV calls for assistance, in that individuals become more willing to pick up the phone and intervene. On the other hand, when a community initiative is focused on effective intervention of the responding systems, we hope to see a **reduction** in calls, in that the families that generated previous calls to law enforcement are no longer generating them, because the cycle of violence in their lives has been intercepted by domestic violence agencies, the faith community or other community supports. Greenbook has been focused on both levels:

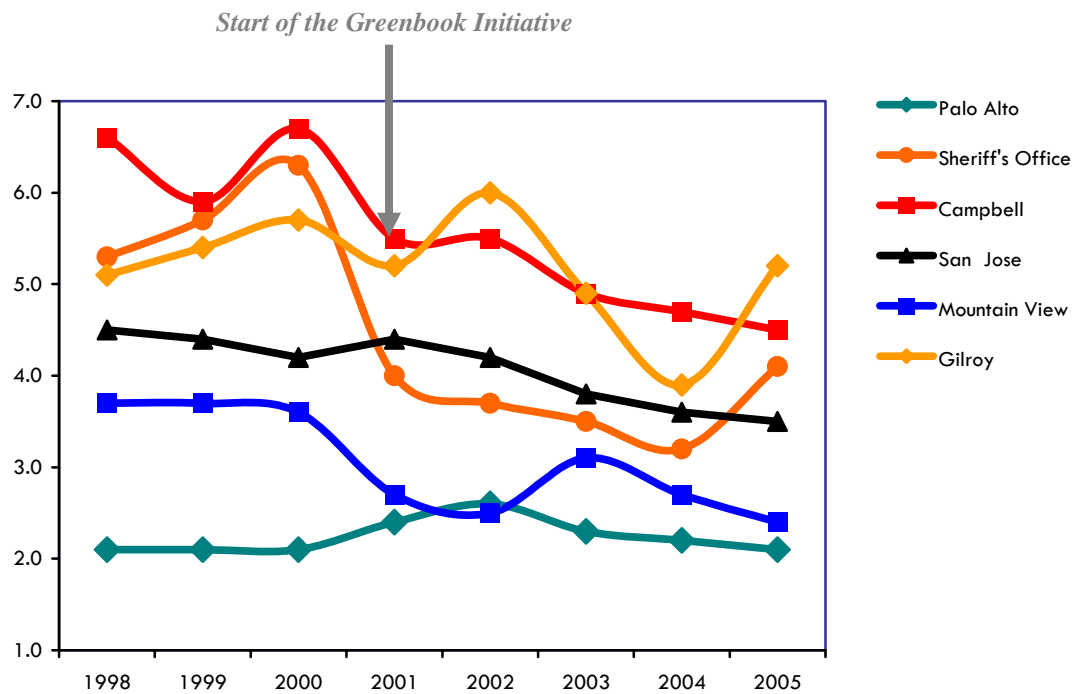
¹¹ Lawrence A. Greenfeld et al. (1998). [Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends](#). Bureau of Justice Statistics Factbook. Washington DC: U.S. Department of Justice. NCJ #167237. Available from [National Criminal Justice Reference Service](#).

¹² Michael Cassidy, Caroline G. Nicholl, & Carmen R. Ross (2001). Results of a Survey Conducted by the Metropolitan Police Department of Victims who Reported Violence Against Women. Available from the DC Metropolitan Police Department (202-727-5029).

outreach regarding DV and relevant community resources (RCCI and law enforcement protocol – referral cards), as well as intensive intervention for families experiencing DV (advocacy, counseling, education such as parenting without violence, and batterers intervention).

The figure below presents the rate of calls requesting domestic violence assistance across several Santa Clara County jurisdictions. The county is large, and as such, not all jurisdictions can be easily presented below. Instead, what are shown are those areas in which there has been Greenbook or partner efforts over the years (e.g. San Jose, South County’s Gilroy and Sheriff’s Office, Campbell, Mountain View, and Palo Alto).

Figure 21 — Rate of calls per 1000 population



Source: California Attorney Generals' Office, 2006.

The data demonstrate that similar to state-wide trends, and with the exception of Palo Alto, the rate of DV calls for assistance to law enforcement within key county jurisdictions are gradually decreasing. The largest decreases have occurred in Gilroy and the unincorporated areas of the county (mostly South County), areas in which there has been a lot of Greenbook activity (law enforcement training, DVRT response). The rates in Campbell and San Jose, the latter having by far the greatest number of calls, have also decreased steadily, corresponding to Greenbook-supported activities such as Project 4’s Family Violence Response Team in San Jose, the bi-annual updates of the county’s Law Enforcement Protocol for responding to domestic violence, and the OVW Grant to Encourage Arrest which enables Support Network for Battered Women to make

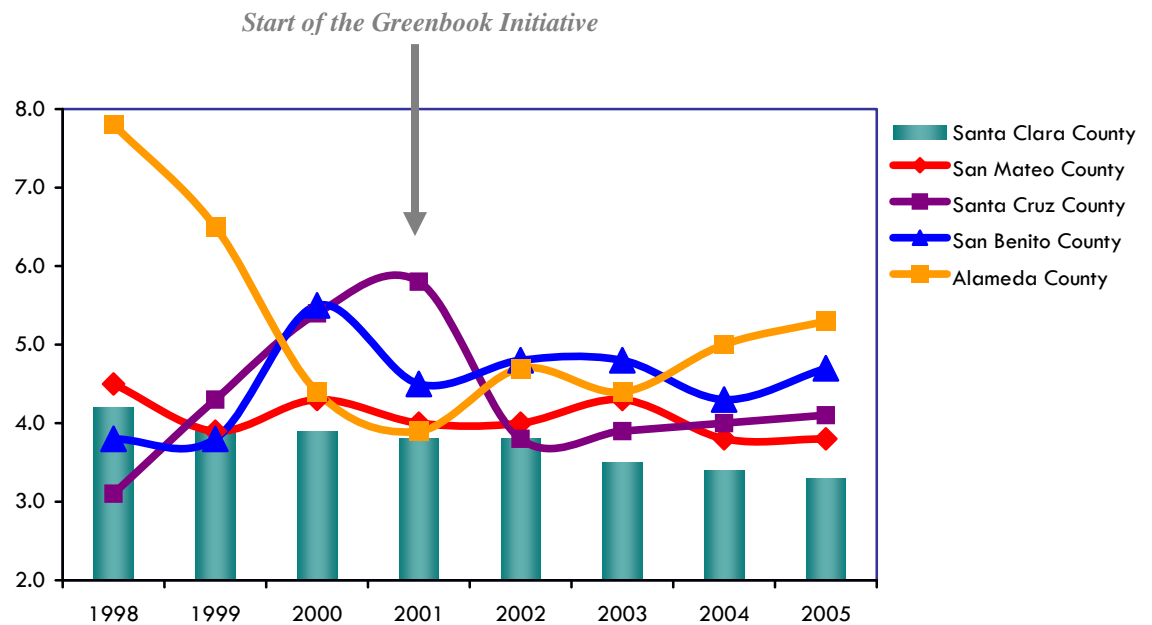
follow up phone calls to victims in Mountain View, Palo Alto, Sunnyvale, and Los Altos who've recently had a police response. Unfortunately, it must also be noted that the rate of calls for assistance is again on the rise in South County (Gilroy, Morgan Hill and the Sheriff's Office). The San Jose Mercury recently noted this increase as well (article on June 12, 2006). Local experts are trying to understand what is driving the increase in domestic violence there.

✓ **The rate of DV calls to law enforcement for assistance has decreased in Santa Clara County.**

As seen previously, there are downward trends in domestic violence calls in jurisdictions that have been targeted by Greenbook and related partners, but how has the county changed overall?

Comparatively speaking, the County started out in 1998 with a rate of calls that was higher than some neighboring counties (San Benito and Santa Cruz Counties to the south) and lower than others (Alameda and San Mateo to the north). At the close of 2005, Santa Clara County, despite the recent challenges noted in South County, ended the period with the lowest overall rate of calls compared to the same four neighboring counties. This is especially interesting given the fact that at least two of the neighboring counties had similar county-wide initiatives aimed at curbing family violence during the same period as Greenbook: Alameda was awarded a Family Justice Center grant in 2004 to create a innovative "one stop shop" for family violence intervention, and San Mateo County was awarded a three year grant to launch the Violence in Families Initiative Program, aimed to improving the response of CPS, law enforcement, courts and CBOs to family violence.

Figure 22 — Rate of calls per 1000 population



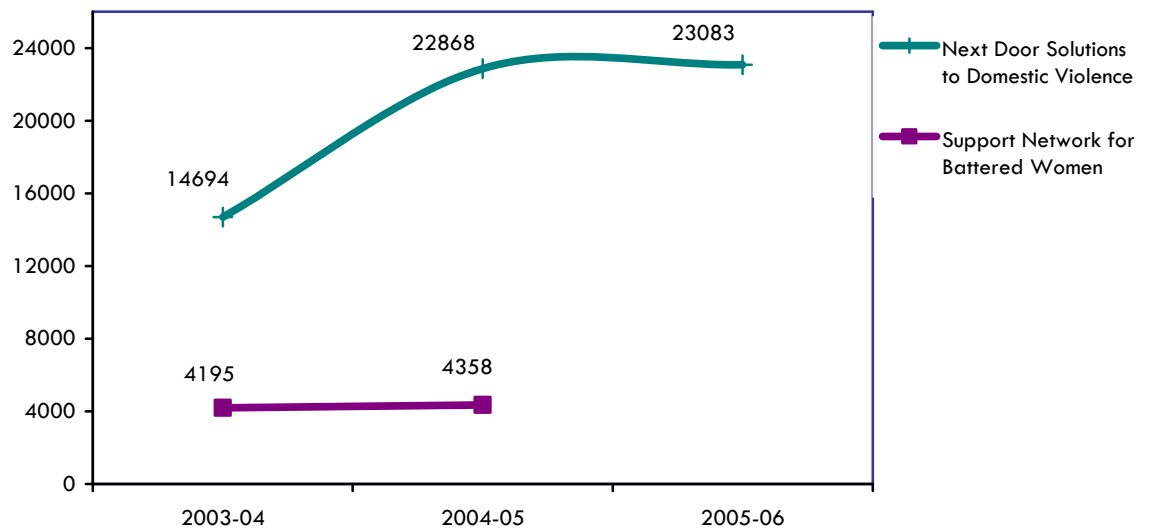
Source: California Attorney Generals' Office, 2006.

✓ **The number of calls to local domestic violence agencies has increased.**

Experts agree that calls for domestic violence to law enforcement are an underrepresentation of the magnitude of DV. Victims, families and neighbors may be hesitant to call the police, for several reasons, such as fear of batterer reprisal, economic dependency, legal concerns, pressure from family or culture to stay with the batterer, or a desire to work out problems on their own, without outside interference.

The Greenbook Initiative recognized the great value that domestic violence agencies can provide as an alternative avenue for support for victims and their children. The Initiative's support for RCCI, co-located advocates in child welfare, and law enforcement's DV protocol may have helped influence the increase in calls made to two local DV agencies over the past three years.

Figure 23 — Number of calls to local Domestic Violence Agencies



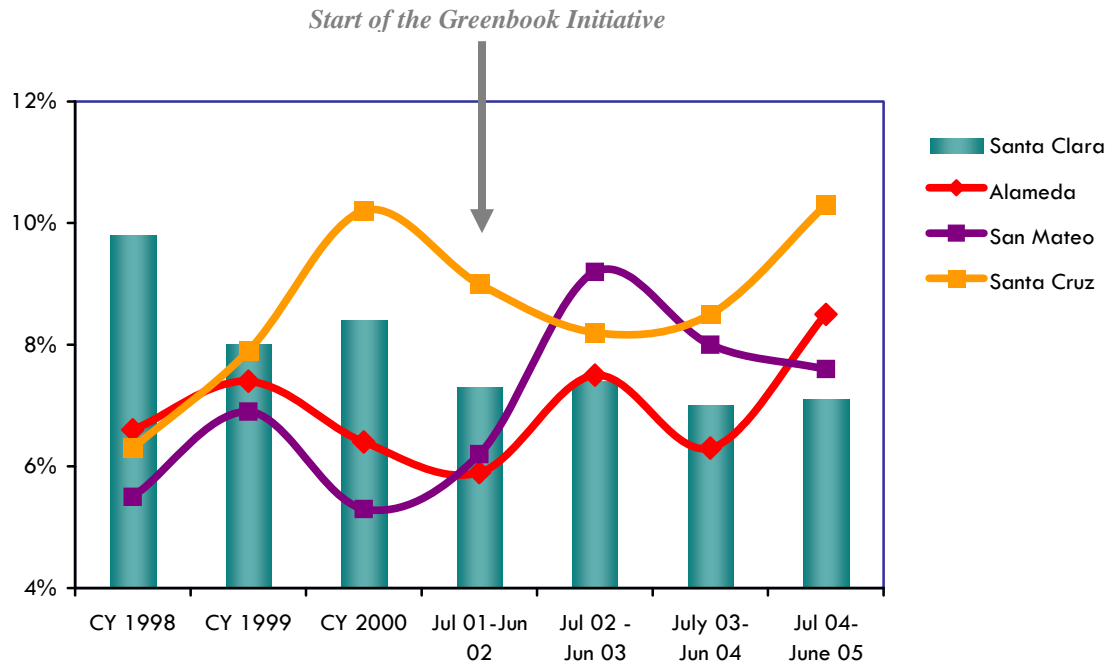
✓ **The re-occurrence of child abuse has leveled off in Santa Clara County.**

As with domestic violence, Greenbook has ultimately hoped that the system improvements made will curb child maltreatment in the home, especially where the two forms of violence co-occur. This desire to prevent the re-occurrence of child abuse has driven the creation and launch of many of the Greenbook activities, and those of its partners, over the last several years.

As seen in Figure 23 below, in 1998, Santa Clara County was more likely than key neighboring counties to have families experience a subsequent allegation of abuse within six months of their first substantiated allegation: nearly 10% of cases had subsequent allegations within 6 months of the first. However, at the close of the Greenbook project, the County had the lowest rate of re-

occurrence than the same three counties, two of whom (Alameda and San Mateo), as mentioned above, had similar countywide family violence initiatives during the same period.

Figure 24 — Percent of children in DFCS who experience a subsequent allegation of abuse, within 6 months of first substantiated allegation



Source: Needell, B., Webster, D., Armijo, M., Lee, S., Cuccaro-Alamin, S., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Exel, M., Conley, A., Smith, J., Dunn, A., Frerer, K., & Putnam Hornstein, E., (2006). *Child Welfare Services Reports for California*. Retrieved August 2006 from University of California at Berkeley Center for Social Services Research website. Table: *Recurrence of Abuse/Neglect over Time: Children with a first substantiated report of abuse/neglect for base period (example) July 1, 2004 to June 30, 2005.*

The most relevant interventions that may have influenced the reduction in repeat cases of child abuse are:

- Family to Family’s Team Decision Making mechanism for case planning when both child maltreatment and domestic violence are present,
- Project 5’s differentiated case plans for co-occurrence families, with the corresponding increase in critical service referrals for children and their parents,
- Dependency Court’s clinical support for clients that experienced domestic violence, and
- Project 3/ BIC’s increased efforts to ensure that more batterers are getting referred to and completing their treatment programs (CJIC database).

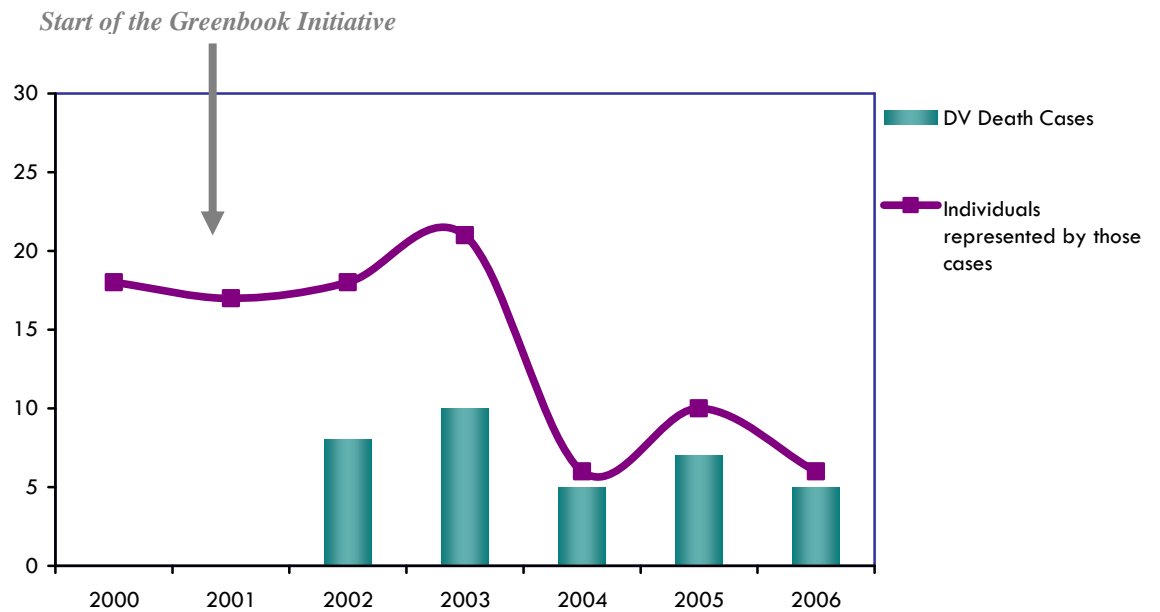
There are, of course, other forces at work that are also helping to bring about this positive outcome, but Greenbook and its partners' efforts across so many areas of the system and County have waged what appears to be a concerted influence.

✓ **The number of domestic violence-related deaths has decreased.**

It goes without saying that death, or the prevention of, is the ultimate summative indicator of family violence. It is far 'downstream' the trajectory of violence within a family; no one entity can prevent domestic violence deaths. Many coordinated intervenors are required 'upstream' if DV deaths are to be prevented.

According to the Domestic Violence Council's subcommittee for Death Reviews, the number of domestic violence death cases, as well as individual deaths represented by those cases, has decreased markedly during the life of the Greenbook project. Again, the researchers are not making a claim of attribution, but rather of contribution: Greenbook identified and maintained relationships with stakeholders in strategic spheres of influence throughout the county, such as the District Attorney's Office, law enforcement, probation, domestic violence advocacy agencies, community based organizations, and so forth. It is possible that the confluence of all of the attention by the agencies on domestic violence helped bring about more effective intervention both within and across agencies.

Figure 25 — Number of domestic violence death cases, and individuals represented in those cases



Source: Domestic Violence Council's subcommittee for Death Reviews

About the Researcher

ASR is a nonprofit, social research firm dedicated to helping people build better communities by: creating meaningful data, facilitating information-based planning, and developing custom strategies. Incorporated in 1981, the firm has over 25 years of experience working with public and private agencies, health and human service organizations, cities and county offices, school districts, institutions of higher learning, and charitable foundations. Through community assessments, program evaluations, and related studies, ASR provides the information that communities need to design stronger, more effective programs and policies.

For questions about this report, please contact:

Susan Brutschy, Lisa Colvig-Amir, or Vanessa Haug,
Applied Survey Research
408.247.8319
www.appliedsurveyresearch.org

Appendix 1

“Core” Advocate Protocol (Project 1)

	Location of Domestic Violence Advocate		
	Voluntary Family Maintenance/ Informal Supervision	Dependent Intake/Family Reunification/Family Maintenance	Juvenile Dependency Court
Primary Responsibilities	<ul style="list-style-type: none"> • Comprehensive client driven advocacy providing information and referrals • Develops initial safety plan/ risk assessment/ risk analysis with client – and carries out active safety planning with victim throughout case and as circumstances change • Provides information about DV and is knowledgeable about CWS and court proceedings • Listens and validates feelings of client and helps client understand CWS function as appropriate • Practices reflective listening – must not take sides with the client for or against CWS or court • Is a silent partner in court that provides support through court proceedings, while maintaining professional boundaries sits in court when requested by client if no objections • Empower and support victim in self-advocacy and accessing information (e.g. probation, parole, criminal case, family court, etc.) • Does not speak in court on behalf of victim unless exception applies (ex. criminal court advocate can read victim's statement). • Silent supportive role in mediation • Coordination with other advocacy programs in court and DFCS (Mentoring Moms, Next Door DV Victim Advocates, Living Without Violence Advocates, etc.) 		
Legal Constraints	<ul style="list-style-type: none"> • Domestic violence victim/counselor privilege and confidentiality apply • Mandated reporter • Confidentiality/privilege define advocate's boundaries • Advocate's presence during lawyer/client communication may impact privileged relationship-need to research • Advocate should not view any dependency court documents unless judicial exception • Advocate must not talk to kids or any other party about the case • Avoid conflict of interest 		
Qualifications	<ul style="list-style-type: none"> • BA/BS and/or relevant experience preferred • Vehicle, valid California driver's license and proof of insurance • Must be able to pass background check • Knowledge of Child Welfare System and Court proceedings helpful but will train otherwise qualified person • Experience developing safety plans, conducting risk assessment and risk analysis with adult victims of domestic violence • Knowledge of local service providers and community resources • Hire bilingual/bicultural advocates based on need 		
Training	<ul style="list-style-type: none"> • 40 hour certified domestic violence training • Relevant domestic violence penal codes and protocols, i.e. confidentiality within DFCS, • Victim's rights when interacting with different disciplines, i.e. restraining orders (Advocate, Social Worker, District Attorney, Law Enforcement, etc.) • Cultural sensitivity • Communication with children (guidelines) • DFCS and court systems • Link clients to services and resources, i.e. Victims Witness 		
Staffing	<ul style="list-style-type: none"> • Advocates must be employed by Domestic Violence agency 		
Desired Tasks	<ul style="list-style-type: none"> • Receive client referrals from social worker, parent attorney, judge, District Attorney, DV Specialist (DFCS), self-referral, law enforcement, and any other relevant source • Follow up with client to see if they would like advocacy services as appropriate • Meet with client and conduct initial intake, safety planning, assess needs, provide resources and referrals, education on domestic violence • Follow up as appropriate to check on overall wellbeing of client, help needed with referrals, accompaniment to court, home visits, etc. • Ensure victim safety to and from the court house 		

Appendix 2

Training Flyer (Project 2)

SANTA CLARA COUNTY SOCIAL SERVICES AGENCY, DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES, SANTA CLARA COUNTY JUVENILE DEPENDENCY COURT AND THE GREENBOOK PROJECT PRESENT...



DOMESTIC VIOLENCE, CHILD ABUSE, & DEPENDENCY COURT: UNDERSTANDING THE OVERLAP A GREENBOOK PROJECT TRAINING

In Collaboration With The Pro Bono Project Silicon Valley

Friday
June 23, 2006
8:00 - 5:00 pm

Registration
8:00 a.m. - 8:30 a.m.

Lunch on your own
Please bring a folder to
collect training materials.

Social Services Agency
Auditorium
333 W. Julian Street
San Jose

Please register by June
19, 2006
for this free
workshop.

CEUs Available

This course meets the qualifications for 6.5 hours of continuing education for LCSW's and/or MFT's as required by the California Board of Behavioral Sciences PCE 347
*To attain CEUs you must arrive on time and stay for the entire workshop and sign out.

COURSE OUTLINE

Have you ever experienced frustrations or wondered how one can navigate successfully through the child welfare and juvenile dependency court systems? As a service provider, are you sometimes frustrated in your efforts as an advocate, to empower clients to achieve the best possible outcome? This free workshop will walk you through and demystify the complexity of the two systems, so you can better assist the child welfare clients you serve.

COURSE OBJECTIVES

- Understand the complexity of DFCS and how it operates
- Learn the importance of Juvenile Dependency timelines
- Understand how to work with families impacted by domestic violence
- Recognize the co-existence of child maltreatment and domestic violence
- Be familiar with local resources for children and families
- Understand the role of service providers

TRAINERS

Judge Shawna Schwarz works in Juvenile Dependency Court, Santa Clara County. Before taking the bench in December 2001, she represented minors as the Directing Attorney at Legal Advocates for Children & Youth.

Nancy Fomenko, MEd in Education and MS in Clinical Psychology, is the Associate Director of the Domestic Violence Intervention Collaborative. Ms. Fomenko provides training to a variety of professional groups.

Kathleen Harrison, MSW, Early Intervention Program, Department of Family and Children's Services (DFCS). In this role Kathleen determines whether children who have recently been admitted in the Children's Shelter can safely return home and what services shall be offered to the families.

Alicia Al-Far, M.F.C.C., Informal Supervision Unit, DFCS. Ms. Al Far's career with the county spans 20 years. She is knowledgeable on VAWA and immigration laws and worked as a domestic violence advocate for 11 years.

Robert Hale, MSW, Supervisor, Emergency Response, DFCS. During his 35-year tenure with DFCS, Mr. Hale has worked in the Continuing, School-based services and Emergency Response units.

Marshall Terry-Battle, MSW, Supervisor, Ujirani Family Resource Center, DFCS. Before coming to DFCS Ms. Terry-Battle served several years as a Medical Social Worker. She also has a rich background in Military Social Work.

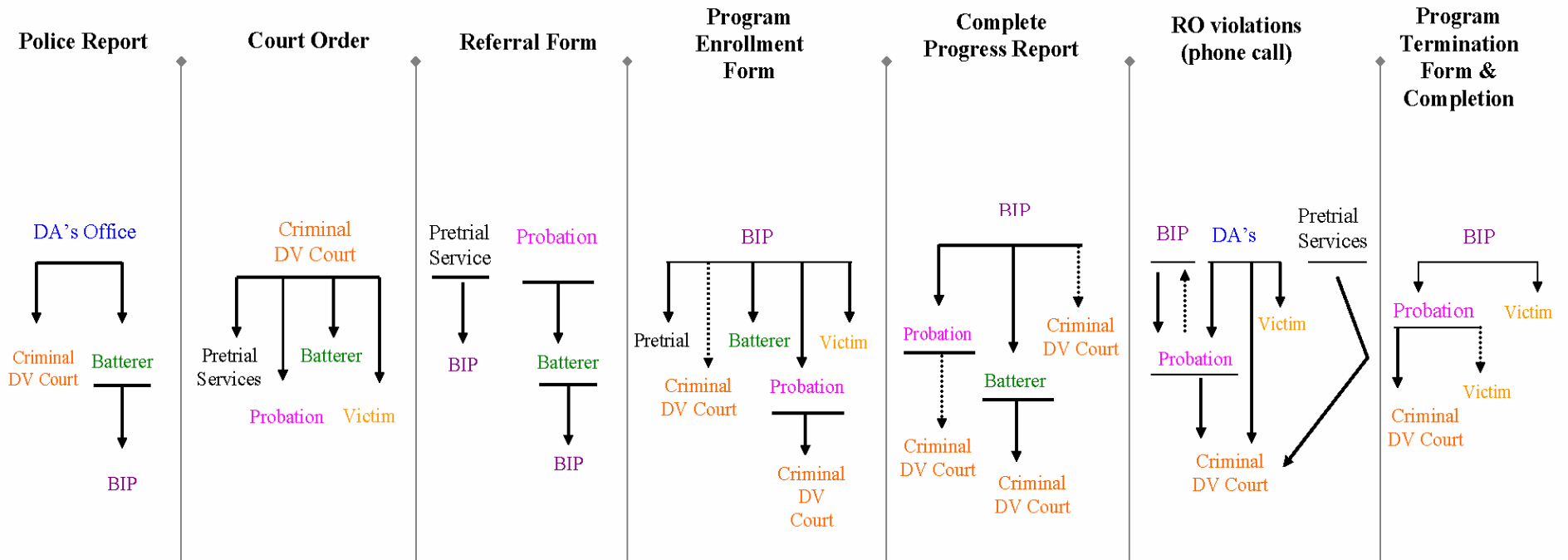
Inés Zapiola, Associate Ombuds, Santa Clara County Department of Family and Children's Services. Ms. Zapiola background is in parent education. She has recently joined the Juvenile Welfare Office of the Ombuds and performs work as a neutral conflict resolution professional for the Department.

Appendix 3

System Map (Project 3)

Project 3 System Map

How to read this flow chart: Each form involved in the process is listed on the top row of the chart, with the agencies receiving the form noted directly below. A Police Report, for example, is forwarded on to the DA's Office, which then forwards copies to both the Criminal Court and Batterer. The Batterer is then in charge of delivering a copy to BIP. With respect to the Court Order, the court will forward a copy to Pretrial Services, Probation and Batterer...



.....> Not always forwarded
 —————> Always forwarded

Appendix 4

DFCS Language Protocol (Project 5)



DOMESTIC VIOLENCE RECOMMENDED WORDING FOR DV PETITION ALLEGATIONS

I. Further, on or about (date), the child(ren) was/were exposed to acts of domestic violence in that (give specific details of who did what to whom).

Ia. Further, during the above described event(s), the child(ren) was/were (location of child) and therefore (saw/heard/witnessed) the incident(s) and/or was physically/emotionally impacted, in that the child (describe behaviors/statements).

AND/OR

II. Further, on or about (date), the child(ren) was/were placed at risk because of acts of domestic violence, in that (give specific details of events which may include stalking, threats, violation of restraining orders, or acts committed while the child was not present, but placed the child at risk).

If appropriate add:

III. Further, during (time frame) the mother/father has/had (number) of relationships involving domestic violence;

IV. Further, on (date) the (perpetrator's name), the (type of relationship in reference to the child, e.g., the mother, the father, the stepfather, the mother's boyfriend, etc.) was convicted of the following charges related to domestic violence (give specific Penal Code and or summary of convictions).

When appropriate add:

and is currently on probation/parole with the following conditions (describe conditions).

Appendix 5

DFCS DV Service Checklist (Project 5)



DOMESTIC VIOLENCE SERVICE NEEDS CHECKLIST

I. Identifying Information

_____ **Case Name** _____ **Case No.**

_____ **Client's Name**

_____ **Children** _____ **Ages**

Domestic violence has been identified as an issue in your family.

JCR/Police Report references DV _____

Completed DV Assessment _____

Current DV charges _____

Prior DV convictions _____

Court ordered DV services (including probation/parole conditions)

_____ Reported by Family members _____

Prior relationships involved domestic violence _____

Other _____

II. Lethality Risks

Children under age of 6 _____

DV in parent's family of origin _____

Substance Abuse _____

Weapons _____

Mental Illness _____

No Restraining Order in place _____

- Injuries that require medical attention _____
- Children endangered during DV altercations _____
- Perpetrator with history of brain injury _____
- Other _____

III. DV Services to Mitigate Risks

Case Name	Case No.
A. _____	
Client's Name	
<input type="checkbox"/> Survivor	<input type="checkbox"/> Perpetrator
<input type="checkbox"/> Develop a safety plan by _____	
<input type="checkbox"/> Is a Restraining Order included: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Court ordered visitation with supervision _____	
<input type="checkbox"/> Access to cell phones, police pager _____	
<input type="checkbox"/> Participate in and complete survivor's treatment by _____	
<input type="checkbox"/> Participate and complete perpetrator's program by _____	
<input type="checkbox"/> 52 week	
<input type="checkbox"/> Other (specify) _____	
<input type="checkbox"/> Substance abuse treatment _____	
<input type="checkbox"/> Apply and participate in CAL Works DV services _____	
<input type="checkbox"/> File for victim-witness funding _____	
<input type="checkbox"/> Victim _____	
<input type="checkbox"/> Children _____	
<input type="checkbox"/> Other _____	
<input type="checkbox"/> Other Services _____	

Appendix 6

DFCS Service Recs (Project 5)



CHILD WELFARE PARTNER DIRECTED VIOLENCE (D.V.) SERVICES RECOMMENDATIONS

- The domestic violence intervention services, addressed in this document, can be staggered to facilitate client participation. An example of the need for staggered Case Plan services would be inpatient drug/alcohol detoxification or 30 days of substance abuse treatment before starting the domestic violence services.
- All Case Plans need to be separate including classes and visitation even if the couple are living together and denying the violence.
- *All children/teenagers need to be assessed for trauma and referred for therapy.*
- *Victim Witness claims are to be filed for both adult and child victims.*
- Social Worker should consider recommending couple's therapy only under the following conditions: domestic violence specific services have been successfully completed by both the dominant aggressor and adult survivor, safety plans are in place, children's therapists concur and the family wants to live together or have contact with each other.
- Parent and child therapy can take place if the child's therapist and the Supervising Social Worker assess that it would be beneficial for the child.

**CHILD WELFARE
PARTNER DIRECTED VIOLENCE (D.V.)
DOMINANT AGGRESSOR SERVICES RECOMMENDATIONS**

Recommendations for clients who have been assessed as the **dominant aggressor** of partner directed violence/adult romantic (current or past) relationship.

These recommendations are based on the following clinical definition of domestic violence:

“A pattern of assaultive and/or coercive behavior that one person uses to establish and maintain power and control over another person.”

These recommendations will also apply to a very small number of adult survivors who have developed a pattern of using power and control tactics in her/his partner relationships as a result of the trauma sustained. In these cases the appropriate recommendations would be combined with adult survivor recommendations.

MEN/WOMEN who have been violent with their partner who do not have significant brain damage, substance abuse problems and/or psychiatric problems:

1. Successfully complete a 52-week certified domestic violence program.
2. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

MEN/WOMEN who have been violent with their partner who do not have significant brain damage and/or psychiatric problems but have a substance abuse problem:

1. Successfully complete 52-week certified domestic violence program.
2. Successfully complete concurrent substance abuse treatment program.
3. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

MEN/WOMEN who have been violent with their partner who you suspect have significant brain damage with or without a substance abuse problem and/or other psychiatric problems:

1. Successfully complete a psychological evaluation with an evaluator who understands domestic violence and who will address the possible need for a neurological evaluation.
2. If determined to benefit from services then apply appropriate domestic violence recommendations listed or specifically tailored for the client by the psychologist.

MEN/WOMEN who have been violent with their partner who have substance abuse problems and psychiatric problems:

1. Successfully complete a 52-week certified domestic violence program
2. Successfully complete a concurrent dual diagnosis substance abuse treatment program
3. Successfully complete concurrent weekly individual therapy with a therapist who understands the interaction of the dynamics of power and control, substance abuse and mental health issues.
4. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

MEN/WOMEN who you **suspect** have been violent with their partner but you cannot rule in this pattern of behavior with a clinical definition of domestic violence, who do not have significant brain damage, substance abuse problems and/or psychiatric problems:

1. Successfully complete one of the following forms of behavior management, i.e., 16-week aggression management class, aka *impulse management*, or a certified 52-week child abuse intervention class. Failure to successfully complete the program requires completion of a certified 52-week batterers intervention program.
2. Of course if the person has a substance abuse problem he/she would need this as a concurrent treatment. The same applies if the person has psychiatric problems. If both conditions exist a dual diagnosis treatment program is to be recommended.
3. This recommendation is needed only if the client is **not** completing a certified 52-week child abuse intervention program. In other words if the person is completing some type of an aggression management class. Successfully complete a domestic violence parent education class, aka *parenting without violence*, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class.
4. Refer client for domestic violence assessment.

**CHILD WELFARE
PARTNER DIRECTED VIOLENCE (D.V.)
ADULT SURVIVOR SERVICES RECOMMENDATIONS**

Recommendations for clients who have been assessed as an **adult survivor** of partner directed violence/adult romantic (current or past) relationship.

These recommendations are based on the following clinical definition of domestic violence:

"A pattern of assaultive and/or coercive behavior that one person uses to establish and maintain power and control over another person."

WOMEN/MEN who have been the survivor of partner directed violence who do not have significant brain damage, substance abuse problems and/or psychiatric problems:

1. Successfully complete a closed curriculum based therapeutic survivor of domestic violence group.
2. Successfully complete a domestic violence parent education class, levels of

intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

WOMEN/MEN who have been the survivor of partner directed violence who do not have significant brain damage and/or psychiatric problems but have a substance abuse problem:

1. Successfully complete a closed curriculum based therapeutic survivor of domestic violence group.
2. Successfully complete concurrent substance abuse treatment program.
3. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

WOMEN/MEN who have been the survivor of partner directed violence who you *suspect* have significant brain damage with or without a substance abuse problem and/or other psychiatric problems:

1. Successfully complete a psychological evaluation with an evaluator that understands domestic violence, trauma and who will address the possible need for a neurological evaluation.
2. If determined to benefit from services then apply appropriate domestic violence survivor services recommendations listed or specifically tailored for the client by the psychologist.

WOMEN/MEN who have been the survivor of partner directed violence who have substance abuse problems and psychiatric problems:

1. Successfully complete a closed curriculum based therapeutic survivor of domestic violence group.
2. Successfully complete a concurrent dual diagnosis substance abuse treatment program.
3. Successfully complete concurrent weekly individual therapy with a therapist who understands the interaction of trauma, domestic violence, substance abuse and mental health issues.
4. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.

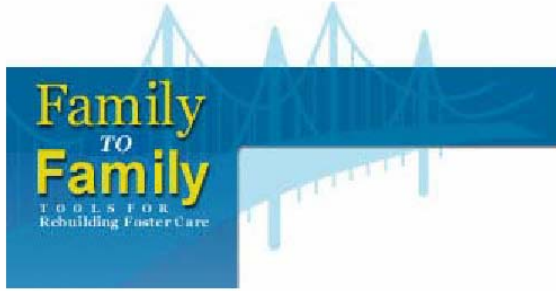
WOMEN/MEN who you *suspect* have been the survivor of partner directed violence but the client denies any such victimization or the victimization occurred in a previous relationship, who do not have significant brain damage, substance abuse problems and/or psychiatric problems:

1. Successfully complete a closed curriculum based therapeutic survivor of domestic violence group.
2. Of course if the person has a substance abuse problem he/she would need this as a concurrent treatment. The same applies if the person has psychiatric problems.

3. Successfully complete a domestic violence parent education class, levels of intervention are a certified 52-week child abuse intervention program or the 16-week domestic violence parenting class aka *parenting without violence*.
4. Refer client for domestic violence assessment.

Appendix 7

Team Decision Making Protocol



Team Decisionmaking

Domestic Violence Protocol

Revised May 10, 2005

A Note about Domestic Violence

Domestic violence may be a contributing factor in many families at risk of having their children removed. Team Decisionmaking (TDM) participants and especially the facilitator, must be able to recognize the dynamics of domestic violence and proceed with care, in order to ensure the safety of adult as well as child victims of abuse. Training on domestic violence should be a core element of TDM facilitator preparation.

Strong partnerships with domestic violence professionals are essential. Including such partners in TDM meetings where domestic violence is known or suspected is highly recommended. At a minimum, facilitators should have immediate access to domestic violence experts for consultation and advice during meetings. In particular cases, it may be necessary to interrupt a TDM meeting if strong concerns for victim safety arise in the course of the discussion. In those cases, it will be necessary to meet parents separately (domestic violence perpetrator and victim), rather than hold a single TDM meeting with all participants present (DeMuro and Rideout).

Challenges to TDM Meetings in Domestic Violence Cases

Families experiencing domestic violence can present special challenges to the TDM process. The primary concern in these cases is safety. TDM facilitators need strategies to determine whether it is safe for the abuser to participate in the TDM and must work with the mother and child welfare agency staff to make that determination. Potential risks of participation by the abuser include:

- The victim may feel limited in what she can safely say
- The victim may give up trying to get what she wants and needs
- The victim may agree to plans that she knows will put her or her children in danger
- The abuser may try to manipulate the proceedings
- The abuser may use nonverbal cues to intimidate the victim during the meeting
- The abuser may retaliate after the TDM

Before the facilitator can plan to conduct a TDM a thorough risk and safety assessment for the family must be conducted which includes specific questions regarding domestic violence. A critical part of this assessment process is working with the adult victim to determine what she believes will help ensure her and her children's safety and wellbeing. The information resulting from this assessment will be vital for the facilitator to use in planning a safe and productive TDM (Carter).

The Department of Family and Children's Services' *Family Violence Prevention Best Practice Guide* provides intervention strategies and guidance to child welfare staff managing child abuse/neglect cases where domestic violence is involved. The primary focus of DFCS intervention, in those instances where domestic violence occurs, is assessing the risk to the child and the protection of the child, including the development of a safety plan. The preferred way to protect children in most domestic violence cases is to assist the non-offending parent to develop a child/family safety plan and to hold the offender accountable. To do so requires working closely with battered women's advocates, the criminal justice system, and domestic violence offenders' treatment programs (Santa Clara County Social Services Agency).

TDM's unique focus means that in many cases, the meeting is held on very short notice, with little time for preparation by the facilitator or other participants. As a result, facilitators may find themselves challenged, often suddenly, by situations that arise in meetings with families affected by domestic violence. Annie E. Casey Foundation's *In the Moment Strategies for Facilitators of Team*

Decisionmaking Meetings provides additional support and guidance for facilitators to effectively respond when such circumstances arise.

This protocol, in addition to the articles mentioned above, is intended to create a safe and productive TDM meeting for all participants. If domestic violence is present or suspected in a family and there is not sufficient time for the referring social worker to conduct a thorough risk and safety assessment prior to the TDM meeting it will be necessary to meet parents separately.

Acknowledgements

The TDM DV Subcommittee developed this protocol over several challenging months of collaboration and negotiation. The final version represents a compilation of ideas and insights from local and national professionals in the fields of child welfare and domestic violence victim advocacy.

Individuals on the DV Subcommittee included:

- Karen Asherah, DV Specialist, Social Services Agency, Department of Family and Children's Services
- Nicole Baran, Grant and Contract Manager, Support Network for Battered Women
- Angela Coventry, Former Director of Safety and Support Services, Community Solutions
- Perla Flores, Acting Director of Safety and Support Services, Community Solutions
- Cynthia Hunter, Project Director, Santa Clara County Domestic Violence Advocacy Consortium
- Jennifer Sweeney, Project Director, Santa Clara County Greenbook, Kids in Common

Members of the Santa Clara County Domestic Violence Advocacy Consortium would like to thank Social Services Agency, Department of Family and Children's Services for the opportunity to collaborate on this project.

Members of the TDM work group, which consisted of staff from the Department of Family and Children's Services and community based organizations, made a valuable contribution to the development of this protocol:

Celia Anderson, Jim Anderson, Janet Atkins, Sherley Azad, Diane Bennett, Penelope Blake, Elena Maria Burn, Sunny Burgan, Carol Cornell, Saundra Darrington, Marsha Earle, Ellen Edelstein, Paula Gann, Carolyn Genirberg, Roxanne Graham, Mary Grimm, Robert Hale, Maria Holmes, Marla Johanning, Stefanie Nieto Johnson, Dana Koga, Georgann Lane, Renee Lay, Janet Lazar, Yazmina Letona, Yvonne Moore, Gilbert Murillo, Beth McGhee, Maria Nasjleti, Jenny Niklaus, Erin O'Brien, Oswaldo Orosco, Sarah Orozco, Jan Panell, Irene Peoples, Ginny Raschella, Cari Santibanes, Steven Schmitt, Gale Simmons, Annette Stahlnecker, Roxanne Stephens, Cindy Stoops, Connie Vega, Kim Huynh Vu, Dan Weidman, Gwen Westphal, Jonathan Weinberg, Kay Wright, Dennis Wyatt

A. WHAT: Participants' Roles and Training

TDM Facilitator

Domestic violence should be a core element of TDM facilitator training (DeMuro and Rideout), in addition to ongoing training in emerging issues relating to domestic violence so that TDM practice will support safe and positive outcomes for all who participate (Anne E. Casey Foundation).

TDM facilitators are responsible for the process of the meeting, setting the tone of welcome, comfort, safety, and openness for the participants. If a TDM participant is suspected or known to be abusive with his partner, activities and planning undertaken at a TDM meeting may have little impact on de-escalating the violence. In those cases alternatives to a joint TDM should be arranged. It is intended that the TDM meeting will build support for the non-offending parent, develop greater accountability for the alleged offender, and increase safety and protection for the children (Anne E. Casey Foundation).

Domestic Violence Advocate

Domestic violence advocates must be associated with a domestic violence community based organization and have completed the 40 hour domestic violence training.

The role of the domestic violence advocate is to provide emotional support and assistance to the victim during the TDM meeting. The support provided to the victim will be negotiated between the victim and advocate prior to the TDM. Confidentiality and privilege laws will be followed unless the victim has given the advocate permission to share information and has signed a waiver. The advocate may also provide education on domestic violence that may be beneficial for the social worker and TDM facilitator.

The advocate may request to meet privately with the victim if safety is a concern during the TDM.

Batterer Intervention Program Facilitator

Batterer intervention program facilitators must be employed by a certified batterer intervention program.

The role of the batterer intervention program facilitator is to help ensure safety of the victim and children during the TDM and to hold the perpetrator accountable for their abuse.

NOTE: It is strongly recommended that domestic violence advocates and batterer intervention facilitators complete DFCS' TDM training and parent orientation. It is also recommended that community partners attending TDMs shadow emergency response, dependent intake and continuing unit social workers and observe juvenile dependency court to learn more about the child welfare and juvenile dependency court systems.

B. WHAT: Preparation for the TDM Meeting

Emergency Response Social Worker

The emergency response social worker shall conduct routine domestic violence screening for all families entering the child welfare system.

In a routine screening for domestic violence, it is important to make it clear that the same questions are asked for every child abuse or neglect report. Questions should be asked in a calm and matter-of-fact manner, using follow-up questions to further clarify vague or confusing answers. Below are some sample questions that the child welfare agency intake worker should pose to the agency or individual who initially referred the family to Child Protective Services (Carter, 2003):

- Has anyone else in the family (in addition to the child) been hurt or assaulted? If so, describe the assault. Who is the victim? Who is the perpetrator?
- Has anyone in the family made threats to hurt or kill another family member or him- or herself? If so, describe what happened. Who is the intended victim? Who is the perpetrator?
- Do you know if weapons have been used to threaten or harm a family member? If so, what kind of weapons? Are the weapons still present?
- Have the police ever been called to the house to stop assaults against adults or children? Have arrests ever been made?
- Has anyone threatened to run off with the children?
- Has any family member stalked another family member? Has anyone taken a family member hostage?

Referring Social Worker

(Emergency Response, Dependent Intake and Continuing Unit Social Workers)

If domestic violence is identified as an issue for a family from the initial screening, the referring social worker must conduct a full assessment of the domestic violence to determine the nature, extent, severity, frequency, potential lethality, and impact on family members of the violence.

This assessment must be completed before the TDM takes place. Strong partnerships with domestic violence services providers are crucial, especially if the child welfare agency does not have its own in-house expertise in safety assessment for domestic violence cases. Domestic violence service providers have expertise in assessing the lethality of the violence and in addressing safety issues. By working together to assess risk, child welfare workers, TDM facilitators, and domestic violence service providers can better ensure a safe and productive meeting.

The following are some sample questions that can be directed to the survivor to assess the nature of the violence in the home. These questions are not comprehensive and are not a substitute for a thorough domestic violence assessment (Carter, 2003):

- How does your family resolve conflict? How do you and your partner communicate when either of you is upset?
- What happens when you and your partner disagree and your partner wants to get his/her way?
- Have you ever been injured in an argument? Has your partner ever used physical force against you or destroyed property during an argument? Have you ever felt threatened or intimidated by your partner? If so, how?

- If your partner has used physical force against a person or property, describe what happened. Tell me about the worst or most violent episode. What was the most recent episode? Are you afraid of being harmed?
- Have the children ever been hurt in any of these episodes? Have the children been present? Are the children afraid of your partner?
- How frequently do the violent episodes occur? Have there been any changes in the frequency or severity of the abuse in the past month or year? Have the police or any other agency been involved?

Similar questions can be asked of extended family and community members who may have information about the family's situation. The abuser can also be interviewed (always separately from the survivor) using the above questions as well as the following ones:

- Have you ever used physical force against your partner? If so, talk about the worst episode. Describe the most recent episode
- Is your partner afraid of you?
- Are your children afraid of you?

The referring social worker must provide the TDM facilitator with information gathered from the domestic violence screening and assessment to help prepare for the safety of all participants in the TDM meeting.

Please note: this is not the court ordered domestic violence assessment.

C. WHAT: Determining if the Abuser Should Participate in the TDM Meeting

The referring social worker must find out if the victim believes the abuser can be safely present at the TDM. **If the survivor does not want a TDM with the abuser present, then the agency should conduct separate TDM meetings. Bottom line: if the social worker, facilitator or the victim believe it is too dangerous to conduct a TDM with the abuser present, it should not be done.** Below are some questions for the adult victim and the referring social worker to explore together before the meeting to determine whether or not the abuser should attend the TDM

Referring Social Worker

(Emergency Response, Dependent Intake and Continuing Unit Social Workers)

The referring social worker must review the information gathered from the assessment with the survivor to help prepare for the safety of all participants in the TDM meeting. The following questions should also be answered to determine if the abuser can be safely present at the TDM:

- Is there a restraining order? If there is a "No Contact" order in place the abuser can not participate. A separate TDM may be planned for him. If there is a "Peaceful Contact" order in place the abuser can participate but not in person.
- Is the victim afraid of the abuser? Will the victim feel safe expressing her concerns if the abuser or abuser's extended family is present?
- Is the abuser threatening to harm the mother, the children or himself?
- Do they live together?
- Is domestic violence a topic that been addressed publicly with him, the police, a judge, the child welfare worker, other family members? How did he react?
- What is the biggest fear if he does participate?

- Are there any current stresses in his life that might make him more violent?
- Are the severity and frequency of the violence escalating? Have the children been used to threaten the survivor or keep the abuser from inflicting further violence? How?
- Does the abuser or survivor have access to weapons? Have weapons been involved in prior assaults?
- Has the criminal justice system been involved? If so, are there pending charges or is there a probation or parole officer assigned to the case?
- If the abuser has participated in some type of education or treatment program, how has he responded to that intervention?
- What has been the extent of the victim's injuries? Have there been injuries requiring hospitalizations?
- Is the abuser or survivor chemically dependent?
- Is there a history of mental illness?

Answering “yes” to one or more of these questions does not necessarily eliminate the use of a joint TDM. However, pre-meeting planning must take these issues into account. The social worker and survivor should answer the following questions: “How could a TDM make the situation better?” and “In what ways could a TDM make the situation worse, or more dangerous?” **Ultimately, if the survivor does not want a TDM with the abuser present, then the agency should conduct separate TDM meetings.**

In practice, TDMs conducted with the abuser present are for domestic violence cases involving low levels of risk, and when the adult victim, referring social worker and facilitator believes the abuser can be safely present at the meeting. The bottom line is that if either the facilitator or the victim believes it is too dangerous to conduct a TDM with the abuser present, it should not be done (Carter, 2003). Refer to DFCS' *Family Violence Prevention Best Practice Guide* for additional practice applications on how to assess lethality of the abuser (Appendix A, page 6).

D. WHAT: Alternatives to Abuser Attending TDM

TDM Facilitator

If there is a "No Contact" order in place a separate TDM may be planned for the abuser. If there is a "Peaceful Contact" order in place the abuser can participate but not in person.

The facilitator can explore a variety of options available for the abuser to participate in a TDM without actually being present (Carter, 2003):

- Two separate TDMs may be conducted, one with the adult victim and the children, if appropriate, and another with the abuser.
- Conference call with abuser on phone during TDM.
- Abuser's verbal/written input given to social worker/facilitator prior to or after TDM.
- Abuser represented by victim approved family member or service provider.

E. WHEN: DV is Present/Suspected and Victim Wishes to Proceed with Abuser Present

Referring Social Worker and/or TDM Facilitator

Assess safety and discuss concerns with victim to determine if abuser should be present during TDM (review “Preparation for the TDM Meeting” and “Determining if the Abuser Should Participate” above).

Invite domestic violence advocate and batterer intervention facilitator to participate in TDM meeting.

Domestic Violence Advocate

Domestic violence advocate attends TDM, ideally an advocate chosen by the victim that has worked with her in the past

Batterer Intervention Facilitator

Batterer intervention program facilitator attends TDM, ideally the facilitator from the batterer's 52 week program.

F. WHEN: Domestic Violence is Suspected or Disclosed during TDM

TDM Facilitator

1. If DV is suspected or disclosed during a TDM meeting, the facilitator must decide if the environment is safe to allow further questioning and discussion. Care must be exercised not to exacerbate the DV situation for the adult victim while discussing the children's risk and safety issues. This should be done without potentially implicating the victim and putting her at risk of retaliation from the perpetrator (*In the Moment Strategies*, 2004).
2. If you feel there are serious concerns about the adult victim's safety or emotional welfare during the meeting, take a break and, with social worker and victim, assess safety, share concerns and determine how best to proceed. Consult with victim advocate by phone if time permits (*In the Moment Strategies*, 2004).
3. If victim or facilitator is concerned about safety or no longer wishes to proceed, TDM will be rescheduled with increased safety precautions within 24 hours if possible (review "Alternatives to Abuser Attending TDM" above).

G. WHEN: Individual Meetings/Caucus Required (at Discretion of TDM Facilitator)

TDM Facilitator

1. The TDM facilitator can stop the meeting at any time to caucus with participants. These are short confidential meetings providing an opportunity for the facilitator to share or receive concerns from the referring social worker, social work supervisor, parents, the advocate, or batterer intervention facilitator and for further assessment of safety for participants.
2. Safety planning and de-escalation of a volatile participant may be provided during this time.
3. If it is determined that the meeting should be rescheduled due to safety concerns, the facilitator will inform the participants and reschedule TDM with increased safety precautions within 24 hours if possible (review "Alternatives to Abuser Attending TDM" above).

Works Cited

DeMuro, Paul and Patricia Rideout. *Team Decisionmaking: Involving the Family and Community in Child Welfare Decisions, Building Community Partnerships in Child Welfare, Part Two*. The Annie E. Casey Foundation: September 2002.

Carter, Lucy Salcido. *Family Team Conferences in Domestic Violence Cases: Guidelines for Practice*. Family Violence Prevention Fund: September 2003.

Santa Clara County Social Services Agency, Department of Family and Children's Services. *Family Violence Prevention Best Practice Guide*.

The Annie E. Casey Foundation, *In the Moment Strategies for Facilitators of Team Decisionmaking Meetings: When Domestic Violence is Present or Suspected*. May 2004.
http://www.aecf.org/initiatives/familytofamily/tools/t dm/29402_acf_manual.pdf

Appendix 8

Law Enforcement DV Protocol

DOMESTIC VIOLENCE PROTOCOL

FOR

LAW ENFORCEMENT

2007

***Police Chiefs' Association
of
Santa Clara County***

Adopted February 8, 2007

POLICY STATEMENT

Domestic violence is a serious community problem, **which affects individuals of all races, religions and socio-economic backgrounds, including elders and juveniles.** Santa Clara County Law Enforcement Agencies, in conjunction with the Santa Clara County District Attorney's Office, agree to respond to acts of domestic violence as crimes. Victims of domestic violence will be treated with respect and dignity and will be given all available assistance by law enforcement personnel responding to an incident of domestic violence.

The Domestic Violence Protocol for Law Enforcement provides guidelines and establishes standards for public safety call takers, dispatchers, first responders and investigators in handling domestic violence incidents. The Protocol seeks to interpret and apply statutory and case law relating to domestic violence incident response and investigation. Particular attention is given to protecting victims of domestic violence, including children, other members of the household and pets, through enforcement of restraining orders, medical care, and working with support agencies to provide alternate shelter, relocation services, counseling and legal services. Local agency training programs and materials will supplement information provided in the Protocol.

All Law Enforcement Agencies must have written policies and standards for officer's response to domestic violence (PC 13701).

This protocol will be updated annually as new legislation, research and best practices are reviewed periodically by the Domestic Violence Council Protocol sub-committee in order to maintain an effective and sensitive response by the law enforcement community to this serious problem. The Community College Chief's of Police also support this protocol.

Scott Seaman
Chair, Police Chiefs' Association of Santa Clara County

Date

**POLICE CHIEFS' ASSOCIATION OF
SANTA CLARA COUNTY
MEMBERSHIP**

- **CALIFORNIA HIGHWAY PATROL**
Captain Michael D. Marlatt
- **CAMPBELL POLICE DEPARTMENT**
Chief David Gullo
- **GILROY POLICE DEPARTMENT**
Chief Gregg Giusiana
- **LOS ALTOS POLICE DEPARTMENT**
Chief Bob Lacey
- **LOS GATOS- MONTE SERENO
POLICE DEPARTMENT**
Chief Scott Seaman
- **MILPITAS POLICE DEPARTMENT**
Chief Dennis Graham
- **MORGAN HILL POLICE
DEPARTMENT**
Chief Bruce Cumming
- **MOUNTAIN VIEW POLICE
DEPARTMENT**
Chief Scott Vermeer
- **PALO ALTO POLICE DEPARTMENT**
Chief Lynne Johnson
- **SAN JOSE POLICE DEPARTMENT**
Chief Rob Davis
- **SAN JOSE STATE UNIVERSITY PD**
Chief Andre Barnes
- **SANTA CLARA COUNTY DISTRICT
ATTORNEY'S OFFICE**
D.A. Dolores Carr
- **SANTA CLARA COUNTY SHERIFF'S
DEPARTMENT**
Sheriff Laurie Smith
- **SANTA CLARA POLICE
DEPARTMENT**
Chief Stephen D. Lodge
- **SUNNYVALE DEPARTMENT OF
PUBLIC SAFETY**
Director Don Johnson

ACKNOWLEDGEMENT

The Domestic Violence Protocol for Law Enforcement was developed in 1993 at the request of the Police Chiefs' Association of Santa Clara County and the Domestic Violence Council. Participants in this work included:

Joyce Allegro, Judge, Santa Clara County Superior Court
Mike Barbieri, Sergeant, Los Gatos Police Department
Melanie Bertelsen, Sergeant, San Jose Police Department
Dave Bliss, Lieutenant, Mountain View Police Department (retired)
Jim Enslin, Captain, Mountain View Police Department (retired)
Karen Hildebrandt, Officer, San Jose Police Department
John Hughmanick, Sergeant, Los Altos Police Department
Don Olsen, Commander, Sunnyvale Department of Public Safety (retired)
Brad Zook, Captain, Palo Alto Police Department

Significant changes in the protocol for **2007** are highlighted in **bold** text. We acknowledge those who reviewed the protocol and recommended amendments and updates:

Chata Alfaro, Support Network for Battered Women
Russell Bence, SJPD
Patricia Bennett, Next Door Solutions to Domestic Violence
Gary Berg, Campbell PD
L. Michael Clark, Santa Clara County Counsel's Office
LaMond Ray Davis, SCCO Sheriff's Office
Richard Fitting, Santa Clara PD
Perla Flores, Community Solutions
Alana Forrest, Los Gatos/Monte Sereno Police Department (Co-Chair)
Cindi Hunter, DV Advocacy Consortium
Patricia Jimenez, LACY
Rosa Quinones, Gilroy PD
Paul Kelly, SJPD
Coleen Kohtz, DFCS/San Jose Police Department
Annie Martinez, La Familia, SNBW
Adrienne Moore, Palo Alto Police Department
Marcel Pajuelo-Schwarz, SCCO
Rolanda Pierre-Dixon, Santa Clara County District Attorney's Office (Chair)
Phoenix Podell, SNBW
Mike Ross, SJPD
Julie Saffren, Family Law Attorney
Janet Shannon, SCCO Sheriff's Office
David Swing, Morgan Hill Police Department
Emily Tallerico, Next Door Solutions to Domestic Violence
Edna Thomas, Adult Probation Department
Louisa Velazquez, Community Solutions

TABLE OF CONTENTS

DEFINITIONS	6
COMMON CHARGES	9
FREQUENTLY USED PHONE NUMBERS	10
911 CALL-TAKER/DISPATCHER RESPONSE	11
PATROL OFFICER RESPONSE/INVESTIGATION	12
FOLLOW-UP INVESTIGATION	23
ENFORCEMENT OF RESTRAINING ORDERS	26
VICTIM ASSISTANCE	32
MILITARY SUSPECTS	33
LAW ENFORCEMENT SUSPECTS	34
JUVENILE SUSPECTS	34
TRAINING	34
DOMESTIC VIOLENCE STATUTES	36
DOMINANT AGGRESSOR “DECISION TREE”	37
DOMESTIC VIOLENCE FLOW CHART	38
RESTRAINING ORDER ADMONITION	39
ATTACHMENTS	
• Victim Witness Assistance Center	
• Law Enforcement Letter of Recommendation	
• 2007 Domestic Violence Law Enforcement Protocol Training Comment	

DEFINITIONS

- A. 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 himself or another (13700(a) PC).
- B. Cohabitant means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (includes same sex relationships). Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship (13700(b) PC).
- C. Cross-Reporting refers to mandated reporting of suspected child abuse as required under 11165, 11166 and 11172(a) PC and mandated reporting of suspected abuse of elders and dependent adults as required under 15610, 15630 and 15640 WI.
- D. Dating Relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.
- E. Deadly Weapon means any weapon, the possession or concealed carrying of which is prohibited by Section 12020 PC (12028.5 (3)).
- F. Domestic Violence is abuse committed against an adult or any minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship (13700(b) PC). Same sex relationships are included.
- G. Domestic Violence Order is a type of restraining order which is issued pursuant to the Domestic Violence Prevention Act, (Family Code Sections 6200-6389), or the Uniform Parentage Act (Family Code Sections 7710 and 7720), or in connection with a dissolution, legal separation or annulment (Family Code Sections 2045, 2047, and 2049), or in cases of elder or dependent adult abuse (Welfare and Institutions Code Section 15657.03). This includes all local Domestic Violence related orders from other states, counties, tribal courts and juvenile courts.

- H. **DOMINANT AGGRESSOR** means the person determined to be the most significant, rather than the first aggressor. In identifying the **dominant aggressor**, the officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self defense (PC 13701(b)).
- I. **Emergency Protective Order** (EPRO) is a type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session. It is intended to function as a temporary restraining order if a person is in immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative or where stalking exists. It can also function as an order (when no custody order is in existence) determining temporary care and control of minor children of the above-described endangered person. **(Family Code Section 6250)** The issuance of an EPRO is not precluded by an arrest.
- J. **Firearm** is any device designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion (12001(b) PC).
- K. **Officer** is defined as any law enforcement officer as defined by Penal Code Sections 830.1 - 830.32.
- L. **Pro-Arrest Policy** refers to a philosophical position in which physical arrest shall be made in every situation where an arrest is legally permissible; absent exigent circumstances.
- M. **Stalking** means willfully, maliciously, and repeatedly following or willfully, maliciously, and repeatedly harassing another person and making a credible threat with the intent to place that person in fear for his or her own safety, or the safety of his or her immediate family (646.9 PC).
- N. **Stay Away Order** is a type of restraining order in a criminal, juvenile delinquency (a Juvenile Probation order can be in effect until the offender's 21st birthday) or civil case involving domestic violence where there is a likelihood of harassment or violence toward the victim by the defendant. A Stay Away Order typically orders a person to stay away from the victim and/or other specified locations. A Penal Code 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 issued pursuant to Penal Code Section 136.2 while a criminal prosecution is pending. Orders may also be issued pursuant to the Civil Harassment Prevention Act (Code of Civil Procedure Section 527.6), Workplace Violence Safety Act (Code of Civil Procedure Section 527.8), Uniform Parentage Act (Family Code Sections 7710 and 7720, Domestic Violence Protection Act 6200 - 6389 Family Code), or in connection with a dissolution, legal separation, or annulment (Family

Code Sections 2045, 2047, and 2049). Civil Restraining Orders may be issued for a maximum of 5 years, but may be renewed for the period set forth in the order. Restraining Orders may be issued for a maximum of 10 years pursuant to 646.9(h) PC. **The Juvenile and Dependency Court can also issue restraining orders pursuant to W& I Section 213.5 if the minor meets the qualifications listed under sections (a), (b) and (c) of this section.**

- O. Restraining Order is an order, which requires a person to refrain from doing a particular act or acts. It is issued by the Court, with or without notice, to the person who is to be restrained. A restraining order will remain in effect for a set period of time (**usually five years**), which is stated on the face of the order. If no time period is stated on the face of the order, the effective time period is 3 years.
- P. Temporary Restraining Order is a type of restraining order, which requires a person to refrain from doing a particular act or acts. It is issued by the Court, with or without notice to the person who is to be restrained. A temporary restraining order will remain in effect until a formal court hearing can be held.
- Q. Victim means a person who is a victim of domestic violence.
- R. Trafficking is depriving or violating the personal liberty of another person with the intent to effect or maintain a felony violation of P.C. 266(procurement for prostitution), P.C. 266h (pimping), P.C. 266i (pandering), P.C. 267 (abduction for prostitution), P.C. 311.4 (using a minor to create obscene matter), or P.C. 518 (extortion), or to obtain forced labor or services. (Penal Code section 236.1)
- S. **Peaceful Contact Order- No hitting, grabbing, throwing objects, damaging property, or pulling the phone cord out of the wall; knock over, or break furniture; swear at, or about, the victim; tear up important papers; stop the victim from leaving the house; make threats to hit, harm or kill the victim; argue with the victim or a family member; argue or shout so loud that the neighbors are disturbed; have your friends come over and do any of the above; and do not do anything that makes the victim, or the family, frightened, hurt, injured, upset, or disturbed.**

COMMON CHARGES

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code: (This list is not exhaustive.)

1. 136.1 - Intimidating or dissuading a witness.
2. 148 - Resisting arrest.
3. 166 - Violation of a court order.
4. 187 - Murder.
5. 207 - Kidnapping.
6. 236/237 - False imprisonment.
7. 236.1 - Trafficking
8. 240 - Assault.
9. 243 (a) - Battery.
10. 243 (e) - Battery - Spousal/cohabitant/parent of suspect's child/former spouse/fiancée/fiancé/dating and former dating relationship abuse.
11. 243.25 - Battery of an elder or dependent adult, who knew or should have known that the victim is an elder or dependent adult.
12. 245 - Assault with a deadly weapon / assault with intent to commit great bodily injury.
13. 246(a) - Shooting at an inhabited dwelling.
14. 246.3(b) - **Willfully discharging a BB device in a grossly negligent manner, which could result in injury or death to a person.**
15. 261.5 - Unlawful sexual intercourse.
16. 262 - Spousal rape, **eliminates the reporting and corroboration requirements. Now consistent with P.C. 261.**
17. 270.6 - Leaving California with the intent to avoid paying spousal support, after having notice that a court has made a temporary or permanent order.
18. 273.5 - Abuse of spouse, former spouse, cohabitant, former cohabitant or parent of suspect's child.
19. 273.6 - Violation of a protective order.
20. 273a - Child abuse / endangerment
21. 417 - Brandishing a weapon.
22. 418 - Forcible entry into the home of another.
23. 422 - Criminal threats.
24. 459 - Residential burglary.
25. 591 - Malicious destruction of a telephone line.
26. 591.5 - Unlawful removal, damage of wireless communication Device, **or obstructing use of such device to summon law enforcement.**
27. 594 - Vandalism
28. 597a - Cruelty to Animals
29. 602.5 - Aggravated Trespassing.
30. 603 - Forcible entry with damage to property.

- 31. 646.9 - Stalking.
- 32. 653m (c) - Annoying telephone calls - (1) violating court order; or (2) by spouse/cohabitant/parent of suspect's child.
- 33. 12020 (a) - Possession of a dangerous weapon.
- 34. 12021(g) - Restrained person possess or attempt to purchase firearm.
- 35. 12025 (a) - Possession of a concealed firearm.
- 36. 12028.5 - Confiscation of firearms (Authority for seizure).
- 37. 12031 - Possession of a loaded firearm.
- 38. 664 - Attempt of any of the above

FREQUENTLY USED PHONE NUMBERS

Adult Protective Services	408-928-3860 or 1-800-414-2002
California Victim Compensation Board Of Santa Clara County	1-800-777-9229 or 408-295-2656
Child Protective Services (child abuse hotline)	408-299-2071 (ofc) 408-975-5851 (fax)
County Communications (<u>for duty judge after hours</u>)	408-299-2501
Family Court (<u>M-F, 8 AM to 5 PM</u>)	408-534-5702
Victim Notification Service	1-800-464-3568
Victim-Witness Assistance Center for Santa Clara County	408-295-2656

911 CALL-TAKER/DISPATCHER RESPONSE

- A. The dispatcher who receives a domestic violence incident call shall dispatch officers to every reported incident. The dispatcher should, when warranted, give a domestic violence incident call the same priority as any other life threatening call and should, whenever possible, dispatch at least two officers to the scene.
- B. No dispatcher or 911 call-taker, in speaking with a victim of domestic violence, should inquire as to the victim's desire to "prosecute," or "press charges." Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate.
- C. During the initial call for assistance, the call-taker should ask:
1. Where is the emergency? What address? What apartment number?
 2. Who am I speaking to (spell name)?
 3. What has happened? Is it occurring now?
 4. Has anyone been injured? If yes, is an ambulance needed?
 5. Are you the victim? If no, are you a witness?
 6. Is the suspect present? Is he/she in the same room? Can he/she hear you? What is his/her name? Please describe the suspect **and their clothing**, and, if not present, his/her expected whereabouts.
 7. **Does the suspect have current access to weapons?** If yes, what kind? Where are they located?
 8. Is the suspect under the influence of drugs, alcohol or prescription medication? If yes, what substance?
 9. Are children present? How many? Ages?
 10. Are there previous incidents of domestic violence involving the suspect and victim? Have the police been to this address before? If yes, how many times?
 11. Does the victim have a current restraining order?
 12. Is the suspect on probation or parole?
 13. **Does the suspect have any mental health issues?**
- D. The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 call-takers. The 911 call-taker should advise the victim to ensure his/her safety. For example, **suggest that** a victim wait for officers at a neighbor's house or remain on the 911 line.
- E. Upon receipt of a medical report or phone contact made by a medical professional where domestic violence per Penal Code Section 13700 is alleged, the agency of jurisdiction shall respond unless circumstances such as distance or lack of personnel do not allow for quick response.

The responding agency shall make a police report and if not the agency of jurisdiction, shall then forward it to the agency where the offense occurred.

PATROL OFFICER RESPONSE/INVESTIGATION

A. ENFORCEMENT OF LAWS IN DOMESTIC VIOLENCE INCIDENTS

Felony

1. An arrest shall be made in the event that there is probable cause to believe that a felony has occurred. All suspects arrested should be booked into the County Jail or Juvenile Hall. A pro-arrest policy should be implemented by all agencies.
2. If an officer has probable cause to believe that a felony has occurred, an arrest shall be made irrespective of whether the officer believes the offense may ultimately be prosecuted as a misdemeanor.

Misdemeanor

1. The suspect shall 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 who witnesses an act of domestic violence, a violation of a verifiable restraining order or illegal possession of a weapon.
2. When a misdemeanor domestic violence assault or battery has been committed outside the officer's presence, and the victim is the suspect's spouse, former spouse, cohabitant, former cohabitant, fiancée, parent of his or her child, or a person with whom the suspect has had or is having an engagement relationship or a current or prior dating relationship, a peace officer may arrest the suspect without the need of a private person's arrest. This will also apply if the assault or battery involved a person age 65 or older where the elderly victim is related to the suspect by blood or legal guardianship (836.5 PC).

836(d) PC now makes it possible for officers to arrest when the crime does not take place in their presence where both of the following circumstances apply.

- a. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

- b. The peace officer makes the arrest as soon as probable 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.
3. An arrest shall be made if the officer has probable cause to believe that the suspect has violated a domestic violence protective order, restraining order, stalking emergency protective order, or elder abuse protective order, even when the crime did not occur in the officer's presence (836 PC).
4. If a victim complains only of a prior unreported incident and has no complaint of pain or physical injury at the time of the current report, the officer shall make a good faith effort to inform the complainant of his/her right to make a private person's arrest (the arrest must fall within the statute of limitations). If the complainant chooses not to exercise that right, the officer shall submit a report to the District Attorney or Juvenile Probation for review. The arrest must fall within the statute of limitations and meet the requirements listed above in paragraph (3).

B. HANDLING OF THE INCIDENT

1. The existence of the elements of a crime or the willingness of the victim to make a private person's arrest shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, ARE NOT to influence the officer's decision **to investigate** or arrest in domestic violence incidents except as they relate to the elements of the crime:
 - a. The relationship or marital status of the suspect and the victim, i.e., not married, separated, or pending divorce;
 - b. The fact that the victim and suspect are of the same gender;
 - c. Whether or not the suspect lives on the premises with the complainant;
 - d. The existence or lack of a temporary or other restraining order;
 - e. The potential financial consequence of arrest;
 - f. The complainant's history or prior complaints;
 - g. Verbal assurances that violence will cease;
 - h. The complainant's emotional state;
 - i. Injuries are not visible;

- j. The location of the incident, i.e., public or private;
- k. Speculation that the complainant may not follow through with the criminal justice process or the arrest may not lead to a conviction.
- l. The suspect is a juvenile. Officers should be aware that Juvenile Court orders can be in effect until the offender's 21st birthday.
- m. The complainant's immigration status.**
- n. Whether or not the suspect is present in a restraining order case.**

2. Once a suspect is arrested on a misdemeanor offense, he/she should be booked into the County Jail or Juvenile Hall.
3. The officer should interview the victim, suspect, children, roommates, and any available neighbor witnesses. A warrant check, Domestic Violence Restraining Order System (DVROS) check, criminal history check and Juvenile Probation status check should also be conducted.
4. An officer shall make no statements which would tend to discourage a victim from reporting an act of domestic violence or requesting a private person's arrest. A peace officer who accepts a private person's arrest is immune from civil liability for false arrest or false imprisonment when, 1) at the time of the arrest, the officer had reasonable cause to believe that the arrest was lawful, 2) the arrest was made pursuant to PC 142 i.e., a victim or witness demanded that the officer receive a private person's arrest, or, 3) the arrest was made pursuant to a charge, upon reasonable cause, of the commission of a felony by the person to be arrested (PC 847).
5. 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.

C. INVESTIGATION OF DOMESTIC VIOLENCE CASES

1. Officers arriving at a domestic violence scene should conduct a thorough investigation and submit reports of all incidents of violence and all crimes related to domestic violence. If the incident occurred in another jurisdiction, the officer should contact that jurisdiction to determine which agency will investigate the incident.
2. The following steps should be included in an officer's investigation and subsequent report:

- a. Arrival at scene
 - i. Determine location and condition of victim, suspect, and children.
 - ii. Determine if any weapon is involved or in the home. Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or physical assault, officers shall take temporary custody of any firearm or deadly weapon in plain sight or pursuant to a consensual search or other lawful search. If unable to book the weapon (other than firearms) due to size or other extenuating circumstances, photograph the weapon.
 - iii. Provide appropriate level of aid to injured parties.
 - iv. Separate suspect, victim, and witnesses. (Victim should be out of suspect's view.)
- b. Preliminary investigation
 - i. Interview everyone separately - victim, suspect, children, other witnesses. **Officers are encouraged to audiotape these statements.** If the victim speaks a language other than English, call for another officer conversant in that language or arrange for other **neutral and/or certified professional** translation services. **Avoid using third party individuals (children, family or neighbors) to translate statements.** Document the names and personal information of all witnesses and translators. Note information concerning the victim's whereabouts for the next few days **in the police report.**

Document names and ages of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home. Also document the names, addresses and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect.

(Note also that suspected child abuse must be cross-reported as required pursuant to PC 11166.)
 - ii. Ask victim and suspect if they have pain even if there are no visible injuries. Determine if there are indications of strangulation. Ask the victim if she/he has been forced to have sex against her/his will.

- iii. Document victims, suspects, and child's condition and demeanor.
 - Document torn clothing.
 - Document smeared make-up.
 - Investigate the evidence of injury.
 - Document if victim is pregnant.
 - Document if the victim is under the influence of alcohol or drugs.
- iv. Document and photograph disarray in house.
- v. Document suspect's symptoms of use/influence of alcohol, controlled substances or prescription medications.
- vi. Document size relation of victim and suspect.
- vii. In apparent "mutual combat" situations, try to determine who was the **dominant aggressor** (dual arrests shall be discouraged, when appropriate, but not prohibited per Penal Code Section 13701):
 - Was one party in actual fear of the other?
 - Did one party escalate the level of violence, i.e.; did one party react to a slap by beating the other party?
 - Was one party physically larger and stronger than the other?
 - Was there a history of violence by one of the parties against the other? Against other people?
 - Was one party usually the aggressor?
 - Did any injuries appear to be defense wounds?
 - **Which party will be in greater danger if nothing is done?**
- viii. Check for the existence of any restraining orders against the suspect. If victim has a restraining order against suspect, obtain a copy of the order and valid proof of service (proof of service is not necessary if the suspect was in court when the order was issued). If no copy is available, contact the Department of Justice Domestic Violence Restraining Order System DVROS/CLETS) to verify the existence of the order (Family Code Section 6383(d)). If there is no order, inform victim how to get an order. Officers should be aware that the most recently issued criminal court order takes precedence over previous criminal court orders and over civil orders. However, most criminal court orders will contain a provision

that all juvenile and family court orders are to be followed. It is also permissible for a criminal court order to be modified (made more restrictive) by the Family Court.

All family or juvenile court custody or visitation orders made after a criminal protective order has been issued pursuant to P.C. 136.2, must include a reference to, and acknowledge the precedence of enforcement of, any criminal protective order. Any criminal protective order takes precedence over any other order except as stated below regarding Emergency Protective Restraining Order's.

- ix. **The officer shall advise the victim of the availability of an EPRO in every case. The officer is required to request the protective order if the officer believes the person requesting the order is in immediate and present danger. (Victim should be out of suspect's view.) If possible, prepare the form before calling the on-duty judge. An emergency protective order shall have precedence in enforcement over any other restraining or protective order (criminal or civil) if all of the following requirements are met: (1) the emergency protective order protects one or more persons who are already protected under another restraining or protective order, (2) the emergency protective order restrains the same person who is restrained under the other order and (3) the provisions of the emergency protective order are more restrictive than the provisions of the other order.**

- x. If victim has a restraining order, which has not yet been served on suspect, verbally inform the suspect of the order and note in the report including case number of the Restraining Order. If victim has an extra copy of the order, serve on the suspect and fill out proof of service. **If the officer does not have an additional copy of the order he or she shall give verbal notice of the terms and conditions of the order. This shall constitute service and notice for purposes of P.C. 273.6 and 12021(g). This also includes protective orders issued for protection of elders, stalking victims and workplace violence victims (CCP 527.8, FC 6383 and W&I 15657.03).** Within one business day of service, the law enforcement **agency** serving the protective order shall **enter** the proof of service directly into the DOJ Domestic Violence Restraining Order System (DVROS), including the officer's name and employing agency and shall transmit the original proof of service to the issuing court (FC 6380(d)). If a suspect is given

verbal notice of the Order, the officer must advise the suspect to go to the local Family Court to obtain a copy of the Order containing the full terms and conditions of the Order (FC 6383(g)).

- xi. If victim has proof that a copy of the restraining order was sent by mail to the respondent and he/she was present in court when the initial order was made, this is good service if the only change in the new order is the expiration date.
- xii. **Law enforcement is authorized to request the immediate surrender of firearms when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.**
- xiii. A restraining order does not allow the use of a civil standby by the restrained person. The "protected person" cannot be in violation of his or her own protective order.
- ix. Officers shall enforce a restraining order even if it has been issued in another jurisdiction, providing that the order identifies both parties and on its face is currently in effect.
- x. Document if the defendant has made any threats against anyone.
- c. If suspect taken into custody
 - i. Document spontaneous statements **by the victim and/or suspect.**
 - ii. **Prevent** communications between suspect and victim/witnesses/children.
 - iii. Advise suspect of Miranda rights.
 - iv. Conduct interviews **and document statements of the suspect.** If a "violent felony" is alleged, the interview of the suspect will be electronically recorded as outlined in the Santa Clara County Police Chiefs' Association "Recording of Violent Suspect Statement Protocol." See PC 667.5(c) for a listing of violent felonies.
 - v. Evaluate the suspect for danger to self or others under 5150 W&I. If appropriate, complete a 5150 W&I form for jail mental

health staff.

- d. Evidence, Firearms, and Other Deadly Weapons
 - i. Document **and photograph** the condition of crime scene (disarray of physical surroundings).
 - ii. Encourage the victim to contact the investigating agency/follow-up investigator if further bruising occurs.
 - iii. Ensure that the victim's and suspects visible injuries are photographed. **Make sure that the photos taken preserve the dignity of the victim as much as is possible, and also photograph their faces for identification purposes.**
 - iv. If necessary for the protection of officers or other persons present, inquire of the victim, alleged abuser, or both, whether a firearm or other deadly weapon is present at the location and confiscate any firearm or deadly weapon discovered pursuant to paragraph vi below, and note this in the report (13730 (3) PC). **If an EPRO is issued request the immediate surrender of firearms once the perpetrator is served. (Family Code 6389).**
 - v. Check in the Consolidated Firearms System (CFS) and Prohibited Armed Persons (PAP) file to determine if firearms are registered to any involved person or if any involved person is prohibited from owning firearms.
 - vi. Seize any firearm or other deadly weapon located in plain sight, discovered pursuant to a consensual search or other lawful search, as necessary for the protection of officers or other persons present (12028.5 PC).
 - vii. Seize any firearms possessed in violation of 12021(a) PC – convicted felons, or 12021(c) PC – other specified misdemeanor convictions.
 - viii. If a firearm is confiscated, issue a receipt to the owner describing the firearm and listing the serial number or other known identifier. Explain that the weapon **will** be returned **within** five business days **after the owner or possessor demonstrates compliance with PC 12021.3 (must apply to the State Department of Justice for a determination of whether he or she is eligible to possess a firearm)**. If the weapon is seized as evidence of a crime or the owner of the firearm is subsequently prohibited from possession by a

restraining order, the firearm will not be returned (12028.5 PC). **If the person does not file the receipt with the court within 48 hours after being served with the protective order it is a violation of the protective order.**

- e. Medical treatment
 - i. Obtain authorization for release of medical records from victim, if possible.
 - ii. Document extent of injuries/treatment, if known.
 - iii. Obtain names, addresses, and phone numbers of fire and emergency medical personnel treating the victim, if possible.
 - iv. Transport or call for transport of victim and children to a hospital for treatment when necessary, or stand by until victim or children can safely leave.
- f. Completing Crime Report
 - i. Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.
 - ii. Ensure that elements of all involved crimes are included in the report.
 - iii. Document any injuries victim and suspect have sustained.
 - iv. Document that victim received the Domestic Violence Resource Card per Penal Code Section 13701 (i).
 - v. Document past history of violence and check for existence of a restraining order.
 - vi. Document prior domestic violence incidents at that address involving the alleged abuser or victim.
 - vii. Document statements of victim, suspect, and all witnesses including children.
 - viii. Document physical evidence obtained.
 - ix. Document probation/parole status.

- x. Document whether alcohol, illegal drugs or prescription drugs were involved by the alleged abuser.
- xi. Document names, ages and relationship of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home.

Also document the names, addresses and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect. Include information on their whereabouts after the incident.

- xii. Document if any pets were threatened, harmed, or there is evidence of animal abuse.
 - xiii. Document whether the officer found it necessary, for the protection of the officer or other persons present, to inquire of the victim, abuser, or both, whether a firearm or other deadly weapon was present at the location (13730 PC).
 - xiv. If a valid restraining order prohibits firearms possession or ownership by a person involved in the incident, the officer shall make record in the crime or incident report of:
 - Inquiries made to determine if the restrained person possesses any firearms,
 - The results of efforts made to locate and seize any unlawfully possessed firearms.
 - xv. If a violation of a restraining order is alleged:
 - In the police report, describe the specific terms of the order that were violated by the restrained person.
 - Attach a printout of the order from DVROS.
 - Request of records or communications personnel that information on the reported violation is entered into the Domestic Violence Restraining Order System (DVROS). (See the California Department of Justice Information Bulletin #02-05-BCIA, dated April 4, 2002.)
3. When documenting a domestic violence-related crime, identify the report as a domestic violence incident on the face of the report as required by Penal Code Section 13730 (c).

4. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. Officers shall not advise victims of domestic violence that the victim has the authority to "press" charges or "drop" charges.
5. Officers shall furnish victims with a "Domestic Violence Resource Card" which includes the phone number for the Victim/Witness Assistance Center in Santa Clara County (408-295-2656) and the toll free number for the California Victim Compensation and Government Claims Board (800-777-9229). The card shall also include the names and phone numbers of shelters or counseling centers and state that domestic violence or assault by a person who is known to the victim or who is the spouse of the victim is a crime. The California Victim Compensation and Government Claims Board can authorize a cash payment or reimbursement to an adult victim of domestic violence for specified expenses. Counseling funds for children may also be available for those identified in the police report. **The card shall also include the statement that the victim has a right to have a domestic violence counselor and a support person of the victim's choosing present at any follow-up interview by law enforcement authorities, prosecutors, or defense attorneys. (679.05 P.C.)**
6. When completing a Probable Cause Affidavit or Juvenile Contact Report, officers will ensure that the following information is provided.
 - a. The officer shall complete all applicable sections of the Affidavit or Juvenile Contact Report forms, including non-narrative portions.
 - b. The narrative portion of the Affidavit or Juvenile Contact Report shall thoroughly detail the injuries received and how they were inflicted. The officer should not merely check one of the boxes to indicate extent of injuries, as this information is often subjective. If the injury involved is "complaint of pain only," this fact shall be explicitly stated. This is necessary to avoid calling the officer back to clarify the Affidavit. If a felony arrest is made on an injury involving complaint of pain with no visible injuries, the officer shall give a detailed description of the force used, including type of force, number of blows inflicted, etc. (i.e., fist, open hand slap, etc.).

A description of the extent and severity of the pain is also necessary.

- Does the victim have difficulty breathing?
 - Does the victim have difficulty standing or moving?
 - Is the victim experiencing other restrictions as a result of the injuries?
- c. The officer shall note whether the victim has received medical attention, and the results, if known. Officers should inform the victim

to seek medical attention.

- d. Strangulation attempts shall be explicitly described. It should be noted whether hands or a ligature device was used. The force of the attempt should be detailed. If present, consider additional charges of 664/187 PC, attempted murder or 245 PC, assault with force likely to produce great bodily injury.
- Did the victim lose consciousness?
 - Does the victim have difficulty breathing or swallowing?
 - Are there any marks visible on the victim's neck?
 - Does the victim complain of a hoarse or raspy voice as a result of the injuries?
 - Is there indication of petechiae (rupture of the small capillaries, usually in the eyes, head or neck area above the point of constriction)?
- e. In any domestic violence incident, the officer shall note on the Probable Cause Affidavit or Juvenile Contact Report whether an Emergency Protective Order was granted or was declined by the victim.

FOLLOW-UP INVESTIGATION

- A. All domestic violence reports prepared by officers pursuant to Penal Code section 13700 et seq., should be reviewed and given follow-up investigation as needed.
- B. Follow-up investigations should be geared to the requirements of the District Attorney's Family Violence Unit.
1. Follow-up investigations should include the following:
 - a) Verify the inclusion of all investigative steps described above regarding patrol officer response/investigation.
 - b) Obtain medical records, if available.
 - c) Preserve a copy of the 911 recording involving the original call for assistance, as needed.
 - d) Interview/re-interview the victim, witnesses, and suspect as necessary. **Remind victim of his/her right to have a domestic violence counselor and a support person of their choosing present at the interview. If the presence of the person would be detrimental to the purpose of the interview the support person**

can be excluded. If a "violent felony" is alleged, the interview of the suspect will be electronically recorded as outlined in the Santa Clara County Police Chiefs' Association "Recording of Violent Suspect Statement Protocol." See PC 667.5(c) for a listing of violent felonies.

If on-scene language translation assistance was provided by a family member, neighbor, or other uncertified person, **it is necessary** to re-interview the victim or witnesses by a court certifiable translator.

Remember; avoid using third party individuals (children, family or neighbors) to translate statements.

- e) Contact the victim to inform him/her of the status of the case and the intended referral to the District Attorney or Juvenile Probation.
 - f) Photograph injuries to the victim (irrespective of whether photos were taken by the responding officer).
 - g) Record name, address, and phone number of two close friends or relatives of the victim who will know the victim's whereabouts 6-12 months from the time of the incident.
 - h) Conduct a complete CJIC, CII and NCIC criminal history check of the suspect. When appropriate, conduct a Juvenile Probation records check. Also conduct queries on the suspect in the Consolidated Firearms System (CFS), Prohibited Armed Persons (PAP), Domestic Violence Restraining Order System (DVROS), and the Violent Crime Information Network (VCIN). Attach results of these checks to the investigator's report.
 - i) If children are present or living in the home, a copy of the incident or crime report shall be provided to the designated on-site Department of Family and Children Services (DFCS) social worker. Law enforcement agencies without a designated on-site DFCS social worker shall fax a copy of the incident or crime report to DFCS at (408) 975-5851. (Note also that suspected child abuse must be cross-reported as required by 11165, 11166 and 11172(a) PC.) (DFCS, 408-299-2071).
 - j) Suspected elder or dependent adult abuse must be cross-reported as required by 15610, 15630 and 15640 W&I. (Adult Protective Services, 408-928-3860 or 800-414-2002.)
 - k) Those agencies working or having an operational agreement with victim advocacy agencies shall provide a copy of the police report to them.**
2. Follow-up investigation shall not consider the desire of the victim to

"drop" charges in assessing whether the case should be submitted to the District Attorney's Family Violence Unit.

3. Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:

a. Can the elements of the offense be established without the testimony of the victim?

i. If the answer is "yes," the case should be submitted to the District Attorney or Juvenile Probation Department for review, irrespective of the wishes of the victim.

ii. If the answer is "no," the next question should be considered.

b. Will the victim come to court and tell the truth if subpoenaed to do so by the District Attorney?

i. If the answer is "yes," the case should be submitted to the District Attorney or Juvenile Probation Department for review.

ii. If the answer is "no," can further investigation locate additional witnesses or evidence which would allow prosecution without a cooperative victim, such as:

- witness statements;
- prior inconsistent statements;
- physical evidence;
- content of 911 recording;
- circumstantial evidence;
- defendant's statements;
- **spontaneous statements.**

If so, the evidence should be obtained and the case should be submitted to the District Attorney **or Juvenile Probation Department.**

If not, the case need not be submitted, but should be filed with Records pursuant to Penal Code Section 13700 et seq.

4. Under **NO CIRCUMSTANCES** should a victim be asked if he/she wishes to "press charges" or "drop charges." Investigative personnel should not ask a victim if he/she wants to "prosecute" his/her partner. The focus of the investigative follow-up should be on the questions contained above in section 3 and the victim should be informed that the decision to proceed is out of his/her control.

5. Officers arriving at a medical facility in response to a phone call or report made by a medical professional shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim.
6. If the crime involves the use of a firearm, the reports shall be submitted to the District Attorney's Office or Juvenile Probation Department for review.
7. A law enforcement agency may file a petition to prevent the return of a firearm or other deadly weapon.

The petition must be filed within 60 days, unless good cause can be provided for an extension, in which case the petition must be filed within 90 days (PC 12028.5).

ENFORCEMENT OF RESTRAINING ORDERS

Police officers involved in domestic violence investigations deal primarily with civil restraining orders. However, restraining orders are also issued in criminal courts as a sentence imposition or as a condition of probation. Civil restraining orders are of three types:

An Emergency Protective Restraining Order (EPRO) is requested by a police officer in urgent circumstances. The EPRO is authorized by a Duty Judge after receiving a telephonic application from the requesting officer. An EPRO is valid for five court days **or seven calendar days**, providing the protected person sufficient time to obtain a Temporary Restraining Order. See local agency policies and procedures for instructions on obtaining an EPRO. **(Refer to Pages 16-17 regarding precedence).**

A Temporary Restraining Order (TRO) is obtained in court by a protected person upon submission of an application, including an affidavit explaining the need for the order. A TRO is valid for a limited period of time, usually about a month, until a court hearing is conducted to receive testimony from both the restrained and protected persons. A protected person may receive assistance from a victim advocacy agency in applying for a TRO.

A Restraining Order (RO) (also known as an Order After Hearing) is issued by a judge for a longer period of time, typically five years. However, the order can be extended beyond five years upon request of the protected person at the time the RO is scheduled to expire.

- A. Domestic violence restraining orders will be enforced by all law enforcement officers. Under Penal Code Section 273.6(a), it is a misdemeanor for the restrained party to intentionally and knowingly violate any of the protective

orders issued pursuant to the Uniform Parentage Act, Family Code, Code of Civil Procedure, Welfare & Institutions Code, the Domestic Violence Prevention Act, the Workplace Violence Safety Act or the Civil Harassment Prevention Act. Penal Code Section 273.6 (d) makes it a felony to violate a restraining order, with violence or threat of violence, after suffering a prior conviction for violation of Penal Code Section 273.6 within 7 years.

The elements of the crime require willful disobedience of the terms of the order. Proof of Service shows that the suspect has the necessary knowledge to be in violation of the order.

Verbal notice by the officer of the terms of the Order is sufficient notice for the purpose of Section 273.6 PC (Family Code Section 6383(e)).

However, in order to successfully prosecute a later violation of the order, the officer who delivered verbal notification must be able to testify that the subject notified was positively identified as the restrained person.

Each agency shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report. Note: The terms and conditions of the restraining order remain valid and enforceable, in spite of the acts of the victim, and may be changed only by order of the court. **The “protected person” in a criminal or civil order cannot be in violation of his or her own protective order.**

Penal Code Section 273.6 shall apply to the following orders:

1. An order enjoining any person from directly or indirectly contacting, telephoning, contacting repeatedly with the intent to harass, molesting, attacking, striking, threatening, stalking, sexually assaulting, battering, harassing, or disturbing the peace of the other person or other named family and household member(s).
 2. An order excluding one person from the family dwelling or the dwelling of the other person/party or other named family and household member(s).
 3. An order enjoining a person from specified behavior that the court determined was necessary to effectuate the orders.
- B. Criminal Protective Orders (also known as Stay Away Orders) are typically ordered in domestic violence cases as a condition of a supervised own-recognizance release, or an adult or juvenile sentence, and will be enforced by all law enforcement officers. This order is valid until the order is terminated or modified by the court. Information in support of the need for a Stay Away Order should be included by the police officer in the Probable Cause Affidavit or Juvenile Contact Report.

- C. Officers shall make arrests for any violations under the above sections that they observe. A victim still retains his/her right to make a private person's arrest. A misdemeanor warrant less arrest shall be made absent exigent circumstances if an officer has reasonable cause to believe that the person violated a restraining order outside his/her presence (836(c)(1) PC), (13701 P.C)
- D. If, at the scene of a domestic disturbance a person shows or informs the officer of the existence of a restraining order, it is crucial to establish the present status and terms of the order. Pursuant to Penal Code Section 13710, each Law Enforcement Agency shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents. These records shall include orders which have not yet been served, orders issued pursuant to Penal Code section 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

All civil restraining orders are in the statewide registry available to all law enforcement.

1. Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody (13710(c) PC). **Verbal notice by the officer of the terms of the order is sufficient. However, in order to successfully prosecute a later violation of the order, the officer who delivered verbal notification must be able to testify that the subject notified was positively identified as the restrained person (FC 6383(e)).** Within one business day of service, the law enforcement **agency** serving the protective order shall **enter** the proof of service directly into the DOJ Domestic Violence Restraining Order System (DVROS), including the officer's name and employing agency and shall transmit the original proof of service to the issuing court (FC 6380(d)). Once the order is served, an arrest may be made if the suspect refuses to comply with the terms of the order.
2. If the officer cannot verify the order, it may be enforced through a private person's arrest procedure. If it is the officer's opinion that the elements of the crime do not exist, the officer may then consider a release per Penal Code Section 849(b).
3. If a Restraining Order violation has occurred and the suspect is not present, the officer will submit a crime report of the appropriate violation and the officer will attempt to locate the suspect and arrest pursuant to Section 836(c) PC.

Under **NO CIRCUMSTANCES** shall an officer fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.

4. If a violation of a restraining order is alleged, the officer shall request of records or communications personnel that information on the reported violation is entered into the Domestic Violence Restraining Order System (DVROS).
 5. A restraining order issued in a criminal case of domestic violence has precedence over any conflicting civil orders affecting the parties, **unless it is an EPRO, which is more restrictive.** (PC 136.2 (h)(2))
- E. When responding to any domestic violence incident, an officer shall advise the victim of the availability of an Emergency Protective Restraining Order (EPRO) in every case.
1. In arrest situations, the following procedures should be implemented:
 - a. When a person is arrested based upon an allegation of a recent incident of abuse or threat of abuse or in danger of stalking, and the officer can assert reasonable grounds to believe that a person is in immediate and present danger of domestic violence, or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative, which would require restraint if the defendant were to be released from custody (e.g., bail, OR, 849, or no PC found), then the police officer shall be required to explain the EPRO to the victim and ascertain if the victim desires one. Where the officer fears for the safety of the victim, but the victim does not desire an EPRO, an investigating officer shall request one on behalf of the victim. **(Family Code 6275) The officer shall advise the victim that an EPRO has been issued. Every effort should be made to provide the victim with a copy of the EPRO at the earliest opportunity.**
 - b. If an EPRO is appropriate, the application should be completed. The officer should note on the application whether or not the suspect has been arrested, or will be arrested when located. During normal court hours the police officer should call the Family Court at (408) 534-5601 and ask to speak to a judge available to process an EPRO. After 5 PM on weekdays, on weekends, and holidays, the police officer should call County Communications at (408) 299-2501 and ask for the Duty Judge to call back. The police officer should leave the phone number where he/she can be reached. Officers should ensure that the telephone equipment is operational before requesting that the Duty Judge utilize that number. If the Duty Judge is not available, the officer should ask to speak to another Judge.

Note: The Duty Judge may elect to call County Communications at

408 299-2501 and request that the phone call be transferred to the number where the officer is located. This will protect the privacy of the Duty Judge's home phone number if the Duty Judge is calling into a private residence.

- i. Police Officers should be advised that EPROs are not provided at the County Jail or Juvenile Hall nor is a Stay Away Order automatically issued.
- ii. An officer should not request a Stay Away Order or an EPRO on the probable cause affidavit or Juvenile Contact Report. If he/she feels a restraining order is required upon defendant's release, follow the EPRO procedures.

Information in support of the need for restraint should be included in the probable cause affidavit or Juvenile Contact Report.

- iii. The functions of each order do not necessarily overlap. The Court Order provides a mechanism for supervision of a criminal defendant or juvenile offender, including ensuring court appearances, and it often includes drug and weapon conditions. The EPRO provides the victim with a way to enter the Civil Justice System with protection already in place.
2. In a non-arrest situation where an EPRO is desired, the officer should complete an application then contact the Duty Judge or Family Court for evaluation and issuance of the EPRO.
 3. If issued, EPRO legislation requires an officer to make a reasonable attempt to serve the restrained party. If he or she is present or can be readily contacted, serve the order and complete the Proof of Service on the form. Document whether and how the order was served in the police report. **Request the restrained person to turn over all firearms immediately.** Copies of the EPRO should be distributed as follows:

Original	– Court
Yellow	– Restrained Person
Pink	– Protected Person
Goldenrod	– Law Enforcement Agency
 4. Once an EPRO is issued, it is the responsibility of the police agency to promptly file the EPRO with the Family Court at 170 Park Center Plaza, San Jose, California 95113.
 5. A judicial officer may also issue an EPRO if a peace officer asserts reasonable grounds to believe that a person is stalking another person

as defined in PC 646.9 (authority PC 646.91).

F. Officers shall enforce out-of-state protective or restraining orders that are presented to them if conditions below are met. ("Out-of-state" orders include those issued by U.S. Territories, Indian tribes, and military agencies.)

1. The order appears valid on its face
2. The order contains both parties' names
3. The order has not yet expired

(Full Faith and Credit Provision of the Violence Against Women Act, Family Code 6400-6409).

Officers should check CLETS to determine if the order has been registered in California. If the order is not registered, an attempt should be made to contact the foreign jurisdiction or its registry for confirmation of validity. If validation cannot be substantiated, contact the Duty Judge for an EPRO, but the out-of-state protective or restraining order must still be enforced if it meets the above criteria. If not registered in California parties should be advised to immediately register the order through the Family Court.

G. When an officer verifies that a restraining order has been issued, the officer shall make reasonable efforts to determine if the restraining order prohibits the possession of firearms and/or requires the relinquishment of firearms. If the order prohibits firearms possession, the officer will make reasonable efforts to:

1. Inquire of the restrained person, if present or contacted during the investigation, if he/she possesses firearms.
2. Inquire through the CLETS, and the Consolidated Firearms System (CFS) to determine if any firearms are registered to the restrained person.
3. Inquire of the protected person whether the restrained person possesses any firearms.
4. Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search.
5. **Law enforcement is authorized to request the immediate surrender of firearms when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.**

H. If a restraining order prohibits firearms possession, the officer shall make record in the crime or incident report of:

1. Inquiries made to determine if the restrained person possesses any firearms.
 2. The results of efforts made to locate and seize any unlawfully possessed firearms.
- I. All law enforcement agencies shall have the responsibility of receiving and storing firearms surrendered pursuant to a restraining order for residents in their jurisdiction.
 - J. Each county law enforcement agency having responsibility for the investigation of domestic violence shall adopt policies and procedures addressing the receipt, storage and release of firearms surrendered or seized pursuant to a restraining order.

VICTIM ASSISTANCE

- A. If a victim has injuries, visible or not, which require medical attention, officers shall administer first aid, as appropriate, and offer to arrange for proper medical treatment. The officer shall transport or call for transport of the victim and children to a hospital for treatment when necessary, or stand by until the victim and children can safely leave.
- B. When a **victim** in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, officers shall stand by a reasonable amount of time until the party has safely done so.
- C. In all domestic violence incidents, an officer shall:
 1. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the officer determines a need exists.
 2. Explain options available to the victim including the private person's arrest process, temporary restraining orders, Emergency Protective Restraining Orders, and in cases of arrest, the follow-up procedures in ensuing criminal or juvenile delinquency proceedings.
 3. Advise the victim of available community resources and the California Victims' Compensation and Government Claims Board. (This includes the victim of an alleged battery or corporal injury to a domestic partner). Pursuant to Penal Code Section 13701, officers shall furnish victims with a "Domestic Violence Resource Card" which includes the phone number

for the Victim/Witness Assistance Center in Santa Clara County (408-295-2656) and the toll free number for the California Victim Compensation and Government Claims Board (1-800-777-9229). The card shall include the names and phone numbers of shelters or counseling centers, and state that domestic violence or assault by a person who is known to the victim or who is the spouse of the victim is a crime. The card will contain an explanation of the Santa Clara County Victim Notification Service 1-800-464-3568.

It will also state that the victim has the right to have a domestic violence counselor and a support person of the victim's choosing present at any follow-up interview by law enforcement authorities, prosecutors, or defense attorneys.

4. Verify and enforce court issued protective orders pursuant to this protocol.
 5. Exercise reasonable care for the safety of the officers and parties involved. No provision of this instruction shall supersede that responsibility.
 6. Provide a copy of the report relating to domestic violence to the victim at no charge when requested, or to the representative of the victim if the victim is deceased (FC 6228).
- D. If the suspect is taken into custody, the victim will be provided the option of having her/his phone number blocked by the Santa Clara County Department of Corrections to prevent the suspect from contacting the victim while the suspect is in custody.

MILITARY SUSPECTS

- A. All domestic violence incidents involving military suspects shall be handled according to this law enforcement protocol if:
 1. The incident occurred outside the boundaries of a military facility; **or**
 2. Local law enforcement agencies are called to assist in handling such an incident.
- B. The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel.

- C. No informal agreements with military police or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by non-military authorities.

LAW ENFORCEMENT SUSPECTS

All domestic violence incidents involving law enforcement suspects should be handled according to this protocol.

Any officer investigating an alleged incident of domestic violence involving a law enforcement suspect shall have an on-duty supervisor notified as soon as possible. The investigating agency shall notify the employing agency as soon as possible after the incident or initial report. All alleged incidents of domestic violence involving suspects who are employed as peace officers will be reviewed by the District Attorney's Office. All reports and information regarding suspects who are employed as peace officers shall be delivered to the suspect's law enforcement employer as soon as practical at the completion of the investigation.

The investigating agency shall contact local domestic violence agencies for assistance when referring the victim to an advocate trained in working with victims of domestic violence perpetrated by law enforcement suspects.

JUVENILE SUSPECTS

All provisions of this protocol, including **pro** arrest and booking of the perpetrator, whether a felony or misdemeanor, offering the victim an Emergency Protective Order, enforcing Protective and Restraining Orders, shall be applied to all juvenile cases of domestic violence. Domestic violence, as defined by the Penal

Code, is violence perpetrated against juveniles as well as adults.

TRAINING

- A. Each law enforcement agency shall conduct mandated domestic violence training for members of the agency per 13519(b) PC and 13730 PC.
- B. The goals of the training are to inform officers of:
 - 1. The domestic violence and stalking laws;
 - 2. This Protocol;
 - 3. The department's domestic violence policy and procedures;
 - 4. The signs and dynamics of domestic violence, including the effects on children;
 - 5. Police officer investigative techniques;
 - 6. District Attorney Family Violence Unit policies;
 - 7. Juvenile Delinquency Domestic Violence Court procedures;
 - 8. Victim advocacy groups working in their jurisdiction; and,
 - 9. Domestic violence issues specific to various cultures and lifestyles.
- C. Additional training should include written bulletins, DVD's, videotapes, verbal reminders, and updates during patrol briefings. The "Domestic Violence Law Enforcement Protocol Training Comments" attachment may be used as a supplemental discussion guide.
- D. The Chief of Police, Sheriff, or his/her designee, shall ensure the review of his/her department's training policies annually and make any revisions deemed necessary.

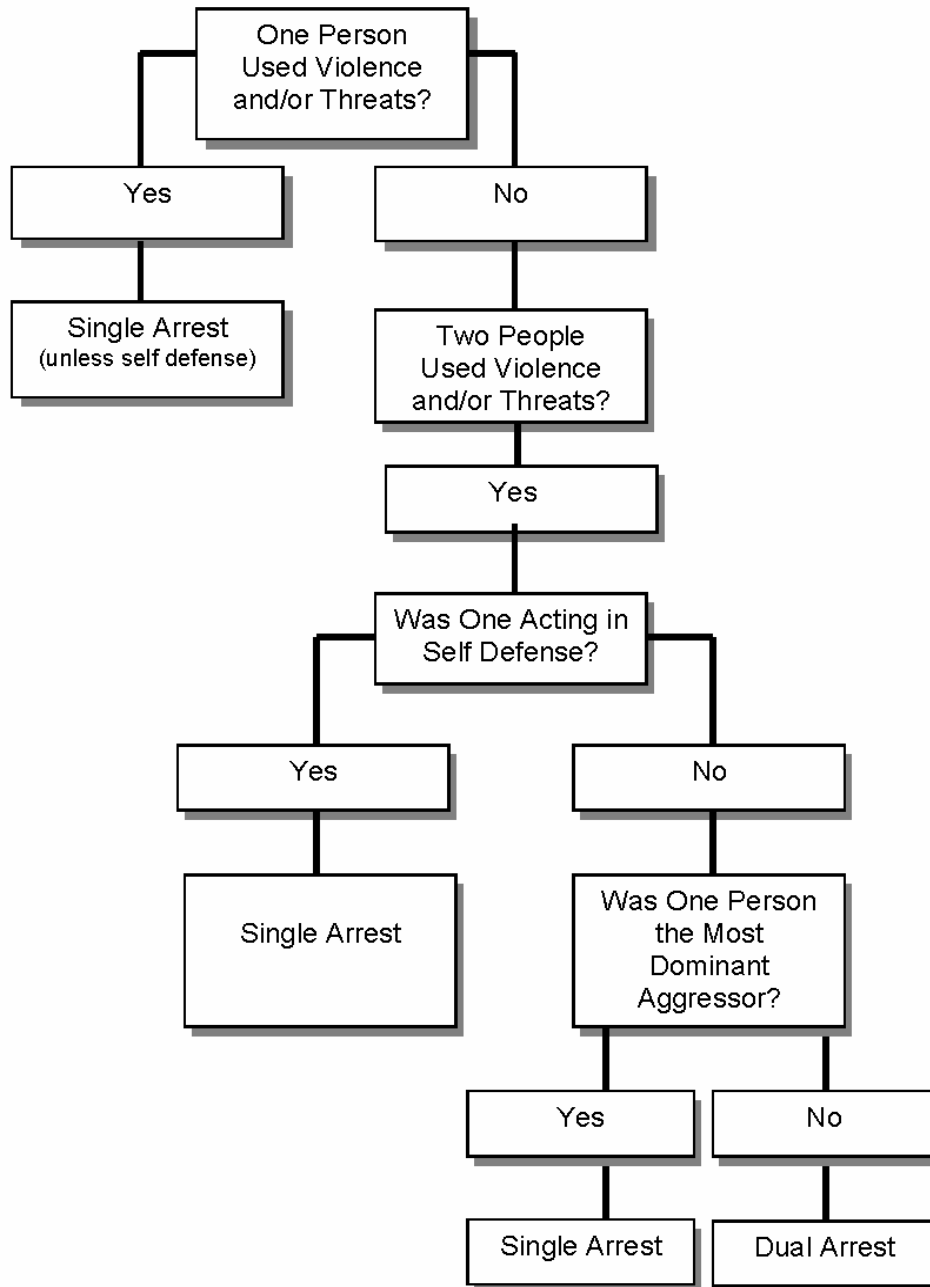
DOMESTIC VIOLENCE STATUTES

All Penal Code statutes listed below apply equally to adults and juveniles.

	Law Enforcement Response	Spouse/ Cohabitant Assault	Restraining Orders	Emergency Protective Orders	Confiscating Firearms	Domestic Violence Battery
Victim's Relationship to Defendant	PC 13700	PC 273.5	FC 6218	FC 6300	PC 12028.5	PC 243(e)
Spouse	X	X	X	X	X	X
Former Spouse	X	X	X	X	X	X
Cohabitant	X	X	X (a)	X (a)	X (a)	X
Former Cohabitant	X	X	X	X	X (a)	X
Dating Relationship	X		X	X	X (c)	X (b)
Engaged or Formerly Engaged	X		X	X	X (c)	X
Co-parent	X	X	X	X	X (c)	X
Child	X		X	X	X	
Parents & Other People Related by Consanguinity (aunts, uncles, grandparents, etc.)	X		X	X	X	

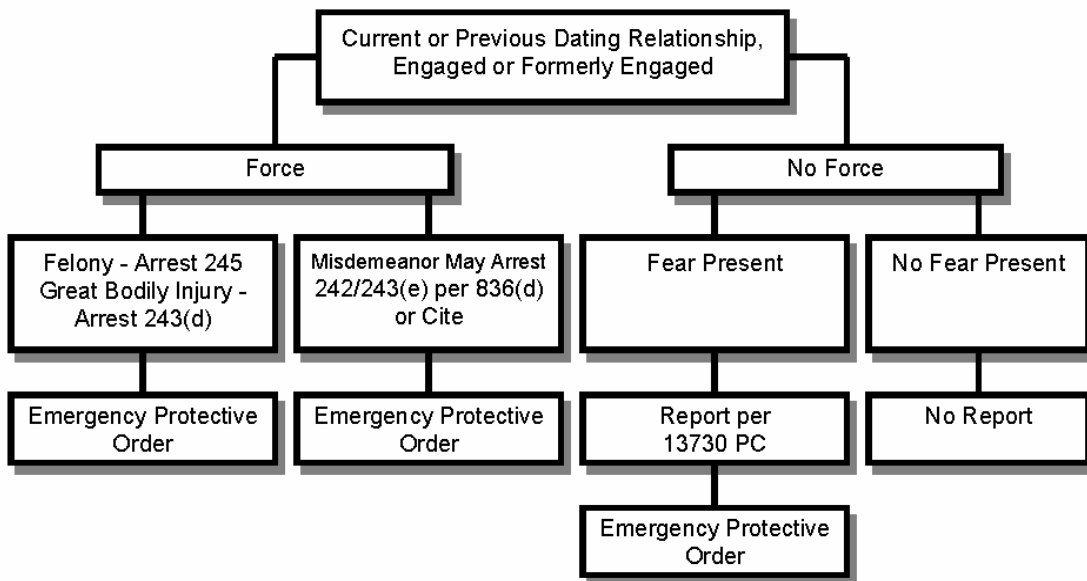
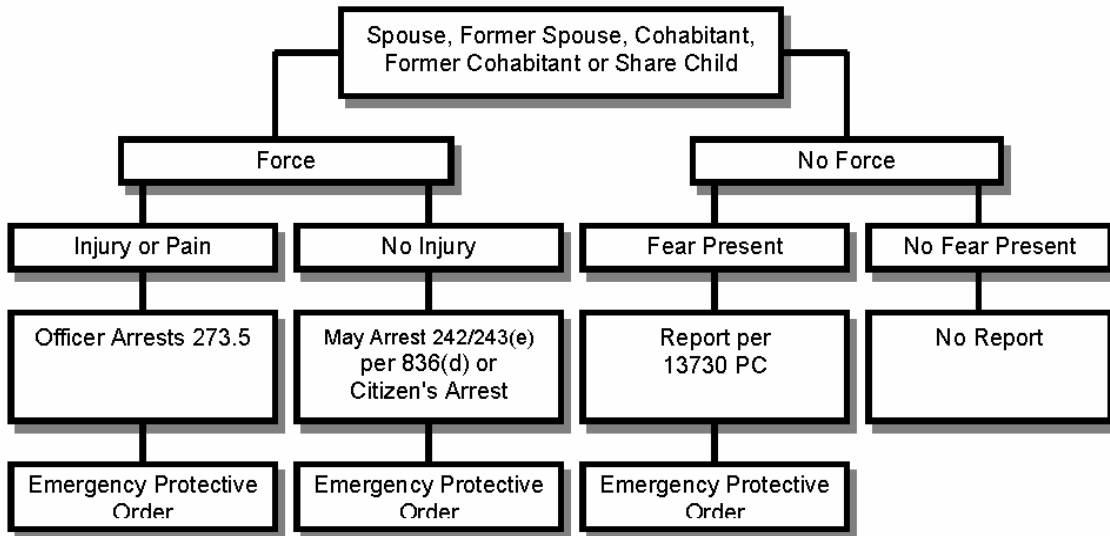
- (a) Cohabitants are included under household resident.
- (b) Current or former.
- (c) Must be living together

DOMINANT AGGRESSOR “DECISION TREE”



DOMESTIC VIOLENCE FLOW CHART

Processes charted below apply to both adult and juvenile cases.



Restraining Order Admonition

What should you do if a court order prohibits you from contacting a protected person and the protected person initiates contact with you?

The law (Penal Code Section 13710 (b) clearly states that the terms and conditions of the protection order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court.

This means if the protected person calls you, invites you over or contacts you in any manner you must quickly end all such contact. You must hang up the phone, decline the invitation or leave the immediate area where they are. If you don't do this, you can and will be arrested for violating the protective order.

The protective order prohibits you from having any contact with the protective person. This order does not prohibit them from contacting you, therefore they are not breaking the law, but you are if you continue the contact.

In order for a protective order to be lifted the party requesting the order must return to court and make that request. That individual will get a document (piece of paper) showing that the order was rescinded. If the protected person tells you the order was lifted ask to see the document, make a copy of it and carry it on your person at all times.

Assistance for Domestic Violence Victims
SVCCJ Santa Clara County
Victim Witness Assistance Center
(408) 295-2656

Who is eligible?

"Victim" – anyone who suffers physical injury or threat of physical injury as a result of a crime that occurs in California providing the person is willing to assist law enforcement in the investigation and/or prosecution of the crime. A California resident, victimized elsewhere, may also be eligible for assistance. Children who reside in a home where domestic violence has occurred are also considered victims, regardless of whether they witnessed the crime.

"Derivative Victim" – other members of the victim's family or household (parent, sibling, spouse, grandparents, grandchildren) who are affected emotionally or financially by the crime. Persons who become primary caretakers of children as a result of a crime may also be considered derivative victims.

Persons protected by a permanent restraining order, even if a crime report has not been filed.

What assistance is available?

- Emergency housing or shelter. When the need is immediate, police officers may authorize victims to seek lodging (hotel, motel) for later reimbursement. Up to \$700 is available for emergency temporary housing expenses.
- Counseling and mental health treatment up to \$10,000 for victims and \$3,000 for derivative victims (a higher limit of \$10,000 is available to some derivative victims). Children who reside in a home where domestic violence has occurred are considered direct victims.
- Home security installation or improvement up to \$1,000.
- Medical and dental expenses.
- Moving or relocation expenses up to \$2,000 per household.
- Qualifying wage or income loss due to a crime related disability.
- Support loss for dependents of deceased or disabled victims, up to \$70,000 per household.
- Job retraining for disabled victims.
- Home or vehicle renovation or retrofitting for permanently disabled victims up to \$70,000.
- Funeral and/or burial expenses up to \$7,500.
- Crime scene clean-up up to \$1,000 for homicides that occurred in a residence performed by persons licensed by the State.

Important: Victims should file a claim to establish eligibility whether or not there is current need.

Questions & Answers

How can police officers assist a victim in obtaining assistance through the Victim Witness Assistance program?

Police officers should always provide a domestic violence victim with the phone number for the Victim Witness Assistance Center and explain benefits available through this program.

During weekday business hours, police officers may call the Victim Witness Assistance Center to refer a victim and facilitate the submission of an application by the victim. Victims may also call the Victim Witness Assistance Center directly. Completion of a Letter of Recommendation for Victims of Domestic Violence (form attached) by a police officer will expedite requests for temporary lodging, permanent relocation, or a residential security upgrade.

When emergency temporary housing (hotel, motel) is needed after business hours, a police officer should explain to a victim that reimbursement for temporary housing expenses is available through the Victim Witness Assistance program. The officer should complete a Letter of Recommendation for Victims of Domestic Violence (form attached), fax this to the Victim Witness Assistance Center, and instruct the victim to call the Center as soon as possible during business hours to submit an application for assistance.

Note: A referral via a Letter of Recommendation may be made by any law enforcement officer, including a probation officer or parole agent.

Are all persons involved in a domestic violence incident eligible for assistance?

No, those ineligible for assistance include:

- Perpetrators or persons who committed an associated crime
- Persons who were not victims but participants in mutual combat
- Persons under supervision for a felony conviction (even if a domestic violence victim) except when the victim is killed, then funeral and burial expenses may be covered but not medical expenses.
- Victims who are unwilling to assist law enforcement in the investigation and/or prosecution of the crime

How quickly can a victim receive reimbursement for qualifying expenses?

Once an application is submitted and a copy of the crime report received by the Victim Witness Assistance Center, a reimbursement check for qualifying expenses can usually be issued to the victim on the same day.

Must a victim provide assistance to law enforcement in the investigation and prosecution of the crime before benefits are provided?

The Victim Witness Assistance Center will accept the law enforcement referral as valid at the time application is made, including law enforcement's affirmation that the victim intends to support prosecution. Benefits will be provided based upon this understanding. If a victim later refuses or neglects to assist law enforcement, the victim will be refused additional benefits through the Victim Witness program. If a victim receives benefits through the Victim Witness program, then refuses or neglects to assist law enforcement in the investigation and/or prosecution of the crime, will the victim be required to repay the State?

Under these circumstances, the Victim Witness Assistance Center **must** report to the State that assistance rendered to the victim **may be** an "overpayment." The State could attempt to collect this money from the beneficiary by demand letter or lien. In practice, this typically occurs only when victim misuses money provided through the program, e.g. buys alcohol, drugs or otherwise misspends money that was provided for a specific purpose, such as a permanent relocation. The program may also pursue the victim for any overpayment.

Why should a victim file a claim absent a present need for assistance?

Victims must establish eligibility for assistance within one year of the incident date. Child victims may file up to one year after their 18th birthday. Late applications may be allowed under some restricted good cause guidelines. Once a victim establishes eligibility, the victim may request assistance at anytime thereafter should the need arise.

Are emergency housing and permanent relocation both available to a victim?

Yes, a victim may request emergency housing and assistance in permanently relocating to another home. However, assistance provided for emergency housing (up to \$700) is included in victim's maximum permanent relocation benefit of \$2,000 per qualifying family or household member.

For additional information or to apply for assistance, contact:

The SVCCJ Santa Clara County Victim-Witness Assistance Center:
777 North First Street, Suite 220
San Jose, CA 95112
(408) 295-2656
www.victim.org

Law Enforcement Letter of Recommendation
for Victims of Domestic Violence

Instructions: Use this form to expedite an emergency request for a residential security upgrade, obtaining temporary lodging, or permanent relocation benefits. The recommendation must document that the request for benefits is urgent based upon concerns for the safety of the victim.

Print or photocopy the completed form on agency letterhead and contact the Victim-Witness Assistance Center at 295-2656 for further instructions.

Date: _____

Victim: _____

Law Enforcement Agency: _____

Crime Report #: _____

The above named victim is in urgent need for the following services necessary to ensure and protect the victim's safety:

- _____ residential security upgrade
- _____ temporary lodging
- _____ permanent relocation

Describe below the circumstances that have caused the victim concern for his/her safety and necessitated the urgent request for assistance.

Title and Name of Investigating Officer: _____

Phone #: _____ Date: _____

Signature: _____

2007 Domestic Violence Law Enforcement Protocol Training Comments

In addition to legislative and other changes included in the revised protocol, trainers are encouraged to discuss the following issues with members of their organizations.

Firearm Relinquishment. Law enforcement is authorized to request the immediate surrender of firearms when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.

EPRO's denied. EPROs are occasionally denied by the reviewing magistrate. If the requesting officer or follow-up investigator still has concerns for the victim's safety, the District Attorney's Office would like to know and might be able to help in writing the affidavit or speaking with the magistrate. In these circumstances, please contact DDA Rolanda Pierre-Dixon at (408) 792-2533 (Monday through Friday, 8:00 AM to 5:00 PM) or by email at rpierredixon@da.sccgov.org)

Reporting restraining order violations to DVROS. As noted in this year's DV Protocol revision pages, the Domestic Violence Restraining Order System (DVROS) has been enhanced to enable law enforcement agencies to document violations of restraining orders. This enables other law enforcement personnel or prosecutors to retrieve historical data on all restraining order violations. Law enforcement agencies should establish local procedures

Children residing in or visiting the home. List in the police report the names and dates of birth of all children residing in the home or visiting the home where the incident occurred, even if the children did not witness the incident or were not present at the time it occurred. This will prompt police records personnel to provide a copy of the report to CPS and will qualify the child for counseling and relocation reimbursement, if necessary.

Victim's rights to a domestic violence counselor and support person. A new law signed in July 2004 provides that a law enforcement officer must advise a domestic violence victim that they have the right to a domestic violence counselor and support person of the victim's choosing present at any follow-up interview by law enforcement authorities, prosecutors or defense attorneys. The officer's obligation can be met by providing the Domestic Violence Resource Card as required by PC Section 13701 (i).

Pursuant to PC 11106, police officers are authorized to disseminate to a domestic violence victim information from DOJ regarding the number and description of any firearms the perpetrator has purchased or obtained. This information may be given about a person if he or she is being prosecuted, or is serving a sentence for, a domestic violence offense, or is the subject of an EPRO or TRO.

