

DOMESTIC VIOLENCE: AN INCONSISTENT PRIORITY FOR LAW ENFORCEMENT

SUMMARY

Domestic violence is a particularly egregious crime that can lead to permanent physical and emotional scars or death for victims and their families. Domestic violence can also be the gateway to other crimes such as homicide, rape, and assault. Law enforcement finds itself on the front line when responding to these extremely complex situations.

The Grand Jury investigated domestic violence and law enforcement's response to this problem based on both complaints and concerns expressed by some community organizations. We found a wide variety of responses and approaches by the Sacramento County law enforcement community. Failure to effectively intervene in domestic violence creates a situation of revolving referrals, family disruption and significant risk of physical harm or death.

The Grand Jury collected data and interviewed Sacramento law enforcement agencies as well as community service providers and victim advocates. Some Sacramento area law enforcement agencies are experiencing success in dealing with domestic violence as a result of their interventions. These successful programs are characterized by:

- Leadership at the executive level that prioritizes domestic violence
- Ongoing officer domestic violence training and victim supports
- Collaboration with community based organizations
- Effective use of first domestic violence contacts by law enforcement
- Use of data collection and tracking systems

Unfortunately, these evidence-based approaches, with proven success rates, are not uniformly used by all Sacramento County law enforcement agencies. The Grand Jury observed that in those law enforcement agencies where domestic violence was apparently not a priority, the culture was significantly different. The Sacramento County Sheriff Department's lack of domestic violence emphasis was reflected in negative comments and attitudes about victims, lack of effective interventions or referrals, and a "revolving door" of "frequent flyers." These attitudes have been communicated to the community, the victim advocates and the victims, and have created very poor outcomes.

Since Sacramento County has excellent programs that can serve as models for law enforcement’s response to domestic violence, the Grand Jury strongly recommends these models be adopted by all local law enforcement agencies. This will provide all county residents access to a balanced, effective response to domestic violence that includes not only public safety and personal responsibility, but also coordinated services and support for victims and families.

BACKGROUND

The Grand Jury heard from a citizen who contacted law enforcement after witnessing a domestic violence assault. The resident was concerned about the response to the incident, as well as subsequent follow-up.

This incident of domestic violence is one of hundreds that occur daily on the streets and homes in Sacramento County. In 2014, approximately 15,200 calls for service related to domestic violence were made to the seven law enforcement agencies. There were 3,908 arrests made for domestic violence, and law enforcement issued approximately 600 Emergency Protective Orders. The District Attorney filed and prosecuted 1,904 cases in that same time period, and of those, 841 were felonies, 1,060 misdemeanors, and 3 violations of probation.

In the United States, 1 in 4 women and 1 in 7 men have been victims of domestic violence. On any given day, domestic violence hotlines nationwide receive over 20,000 calls. In the majority of domestic violence calls, there is history of prior abuse complaints. Domestic violence victims not only suffer from physical abuse but also from a host of long-term health and mental health problems.

**Domestic Violence
By the Numbers***

1 in 4 women and 1 in 7 men will experience domestic violence in their lifetime.

On average, 3 women and 1 man are murdered by their intimate partner in this country every day.

Every 9 seconds a woman is assaulted or beaten in the United States.

50% of all police calls for service are domestic violence related.

Children who witness domestic violence in the home are twice as likely to become abusers as adults.

Victims of intimate partner violence lose almost 8 million days of paid work each year due to violence perpetrated against them by a current or former husband, boyfriend or date. This loss is equivalent to more than 32,000 full-time jobs and almost 5.6 million days of household productivity as a result of violence.

Domestic violence is one of the most un-reported crimes.

85% of domestic violence is learned in the home.

***Excerpt from California State Sheriff’s Association Magazine, April, 2016**

Domestic violence affects more than just the specific victim. It impacts the entire family with particularly negative effects on the children who witness domestic violence. Children who are exposed to domestic violence are at serious risk for emotional, psychological, and physical consequences, particularly if the violence is chronic.

Law enforcement insight into the potential lethality of domestic violence is critical. The Federal *Bureau of Justice Statistics* reports that over 40 percent of female murder victims are killed by an intimate partner.

METHODOLOGY

The Grand Jury interviewed:

- Women Escaping A Violent Environment (WEAVE)
- A Community for Peace/Citrus Heights domestic violence Intervention Center
- My Sister's House
- Elk Grove Police Department
- Citrus Heights Police Department
- Sacramento Police Department
- Sacramento County Sheriff's Department
- Sacramento County District Attorney's Office

The Grand Jury reviewed domestic violence statistical data, policies and procedures, and officer training requirements from:

- Sacramento County Sheriff's Department
- Sacramento Police Department
- Elk Grove Police Department
- Citrus Heights Police Department
- Folsom Police Department
- Rancho Cordova Police Department
- Galt Police Department
- Sacramento County District Attorney's Office

DISCUSSION

Domestic violence is criminal conduct and law enforcement is required to make reasonable efforts to identify the dominant aggressor in any incident; vigorously enforce laws as a means to deter, prevent and reduce domestic violence; and prosecute domestic violence as a serious crime. A successful outcome beyond the arrest of the abuser is often dependent on the attitude of the responding officers and the assistance provided to the victims.

Being able to determine the extent of danger to a domestic violence victim is critical. Law enforcement's use of a field-based lethality risk assessment tool is crucial to providing first responders with a simple and consistent method to measure the level of danger faced by a victim of domestic violence. Law enforcement agencies that use the tool report a decrease in serious injury and homicides of domestic violence victims. The risk assessment tool consists of a standard set of questions that are asked of the victim in a specific order; the responses that the victim provides help to determine the level of danger.

Leadership at the Citrus Heights Police Department (CHPD) has made domestic violence a priority. This is reflected in the consistent and ongoing training of all officers and the development of innovative programs such as the nationally recognized Domestic Violence Response Team (DVRT) that has been duplicated by other departments across the nation. The DVRT is comprised of a sergeant, seven patrol officers, two detectives, and victim advocates from A Community for Peace. Officers and victim advocates are trained together, and use a three-tier response to domestic violence calls. Officers are able to focus on their preliminary investigation, make an arrest when appropriate, and provide emergency protective orders where needed. The victim advocates are able to provide crisis intervention, emotional support, and information about options and services. They also assist with restraining orders, shelter placements and resource referrals. CHPD reports that only 8 percent of victims were utilizing victim services before this response team was implemented. The department currently reports that 72 percent of victims receive follow-up services.

The Elk Grove Police Department (EGPD) has also made domestic violence a priority and has a comprehensive response to victims. There is commitment from the top leadership, all patrol officers, and detectives. The EGPD partners with Women Escaping A Violent Environment (WEAVE) to have a victim advocate assigned to the department. The victim advocate attends briefings, provides training, responds as needed to calls with officers, and provides follow-up and advocacy for victims. The advocate not only assists

with temporary restraining orders (TROs) and domestic violence services, but also helps with such needs as housing, financial supports, children's needs and other services to help meet family needs. Outreach pamphlets are available in six different languages for victims and at events to educate the public about domestic violence and services. The EGD maximizes the use of laws that can protect domestic violence victims, such as provisions of the Penal Code to confiscate the firearms of any party with a TRO and collaborates with the Department of Justice to identify if a person with a TRO has purchased any firearms. The EGD is one law enforcement agency whose patrol officers successfully use a field-based risk assessment tool.

The Sacramento Police Department (SPD) reported that they also see domestic violence as a critical priority. The SPD has a dedicated unit of four officers supervised by a sergeant that specifically handles domestic violence and sexual assault cases. Officers work with all the domestic violence services programs in the community and recognize the value of having domestic violence victim advocates working directly with officers. The SPD has limited funding to support extensive innovative programs at the present time. However, they have committed \$50,000 to the Family Justice Center.

The Sacramento County Sheriff Department, which covers the largest service area in Sacramento County, does not have a dedicated domestic violence unit. The representatives of the Sheriff's Department expressed frustration with domestic violence situations because, in their experience, victims recant or refuse to testify. The representatives expressed concern for the recurring nature of domestic violence referring to the "revolving door" of "frequent flyers." The Sheriff's Department could not provide accurate domestic violence statistical data. They could only provide minimal information regarding efforts to adequately address domestic violence repeated incidents. The Sheriff's Department did not identify domestic violence as a priority within the agency.

Law enforcement's role is only one part of the community-wide response necessary to adequately address domestic violence. Law enforcement must also join and actively participate with domestic violence victim advocates and social service agencies to provide a comprehensive response. It is estimated that as many as 80 percent of victims refuse to cooperate with law enforcement and it often takes as many as seven reported incidents before a victim is willing to seek assistance. However, when domestic violence victim advocates work in partnership with law enforcement, many more victims are willing to cooperate with an investigation toward prosecution.

In general, domestic violence victims routinely go to as many as 16 different sites to get services. A Family Justice Center (FJC) allows law enforcement, prosecutors, social services, domestic violence victim advocates, and community non-profit providers to work together to assist victims and their families in a one-stop shop approach. The Sacramento County District Attorney's Office has taken the lead in establishing a FJC. The first site is scheduled to open soon and will offer support services for filing TROs and safety planning. A second site will provide one-stop multi-disciplinary services.

FINDINGS

- F1. Some law enforcement agencies in Sacramento County fail to use innovative domestic violence intervention best practices. These evidence-based practices demonstrate measurable results that have a positive impact on victims, families, law enforcement, and the community. These practices include:
- Leadership at the executive level that prioritizes domestic violence
 - Countywide Domestic Violence Response Teams (DVRT) and active partnerships with domestic violence victim advocates
 - Specialized domestic violence training for patrol officers, first responders, and domestic violence investigators
 - Use of a field-based lethality risk assessment tool by patrol officers and first responders
 - Data collection and tracking system
- F2. Not all law enforcement departments in Sacramento County participate in active partnerships among police, prosecutors, victim advocates, social service agencies, and community organizations to reduce the incidence of domestic violence.
- F3. Coordinated and accessible domestic violence services for victims and their families have been proven to be most effective.
- F4. The comprehensive and coordinated approaches to domestic violence found at both Citrus Heights Police Department and Elk Grove Police Department are model programs that protect victims and create safer communities.

RECOMMENDATIONS

Sacramento County law enforcement agencies should:

- R1. Demonstrate their commitment to addressing domestic violence adequately by having fully functional domestic violence units that focus on response, investigations, follow-up, tracking and collection of comprehensive domestic violence data.
- R2. Establish partnerships with domestic violence advocacy groups and provide comprehensive domestic violence specialized training for all patrol officers and detectives.
- R3. Develop, expand, and support the use of domestic violence victim advocates in law enforcement domestic violence calls and field investigations.
- R4. Use a field-based lethality risk assessment tool.
- R5. Evaluate the effectiveness of a Family Justice Center or similar models.

REQUEST FOR RESPONSES

Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

- Sheriff, Sacramento County Sheriff's Department - Findings 1-3 and all Recommendations
- Chief, Sacramento Police Department - Findings 1-3 and all Recommendations
- Chief, Elk Grove Police Department - Findings 1-3 and all Recommendations
- Chief, Citrus Heights Police Department- Findings 1-3 and all Recommendations
- Chief, Folsom Police Department - Findings 1-3 and all Recommendations
- Chief, Rancho Cordova Police Department - Findings 1-3 and all Recommendations
- Chief, Galt Police Department - Findings 1-3 and all Recommendations
- Sacramento County District Attorney – Findings 2 and 3 and Recommendation 5

Mail or hand-deliver a hard copy of the response to:

Kevin R. Culhane, Presiding Judge
Sacramento County Superior Court
720 9th Street, Department 47
Sacramento, CA 95814

In addition, email the response to:

Becky Castaneda, Grand Jury Coordinator at castanb@saccourt.com