it happened in our town

Findings and Recommendations from the Whatcom County Domestic Violence Fatality Review (DVFR)

Published October 2013

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BWCCADV
Bellingham - Whatcom County Commission Against Domestic Violence

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TABLE OF CONTENTS

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EXECUTIVE SUMMARY

The Bellingham-Whatcom County Commission Against Domestic Violence (DV Commission) and the Washington State Coalition Against Domestic Violence (WSCADV) collaborated to convene a Domestic Violence Fatality Review (DVFR) Panel in Whatcom County. The DV Commission, WSCADV, and the DVFR Panel worked together to learn about and improve our community response to lethal domestic violence incidents in Whatcom County. The Whatcom County Domestic Violence Fatality Review (DVFR) Panel conducted a formal, in-depth review of three intimate partner homicide cases to learn about and improve our community response to domestic violence.

Based on the case reviews, the Whatcom County DVFR determined that domestic violence homicide is preventable in Whatcom County. Specifically, the Panel found that:

Abusers consistently were not held accountable.

Domestic violence cannot be solved by survivors alone.

Many people knew about the abuse, bud did or said nothing to stop it.

From these case reviews, the Whatcom County Fatality Review Panel identified 77 recommendations. Members of the Panel then prioritized 12 key recommendations for the prevention of lethal domestic violence incidents in Whatcom; these key recommendations are listed below, and also highlighted throughout the report.

- **All Whatcom County law enforcement agencies:** Use Lethality Assessment Program (LAP) screening and protocol, which includes conducting the risk assessment tool at domestic violence verbal calls for service when the incident meets the criteria set forth by the LAP. *(See Appendix A)*
- **DVSAS and law enforcement agencies for the small cities**: Work together to expand the Criminal Justice Advocacy (CJA) program to the small cities.

- **DV Commission and DVSAS**: Implement a Domestic Violence High Risk Team (DVHRT) to increase management and containment of high risk offenders. Key players to this DVHRT should include domestic violence advocates, prosecutors, law enforcement, probation, child protection, and batterer's intervention.

- **Whatcom County Juvenile Detention**: Provide domestic violence prevention education and treatment groups for juveniles who are in detention.

- **Whatcom County Superior Court**: Pilot the use of the Battered Women's Justice Project's *Family Court Domestic Violence Interview Guide*; this guide includes forms and instructions that were created to identify and respond to domestic violence in family court cases. These tools are intended to be used by all practitioners in the family court system including court clerks, Guardians Ad Litem (GALs), and attorneys; and in all processes, including family evaluation, divorce and dissolution, GAL reports, and parenting plans. Conduct training on the *Domestic Violence Interview Guide* for all family court practitioners. *(See Appendix C)*

- **Washington State Coalition Against Domestic Violence (WSCADV):** Continue to prioritize legislation to bring Washington State law in alignment with federal law related to firearms and civil Domestic Violence Protection Orders**.**

- **Whatcom County 911 dispatch, law enforcement agencies, victim advocates, probation, prosecutors, defense attorneys, Judicial Officers, and DV perpetrator treatment providers**: Fully implement the *Plan to Disarm Defendants in Whatcom County: Recommendations and Promising Practices.* *(See Appendix E)*

- **Whatcom County Pregnant and Parenting Women and Teens Task Force**: Recruit and train Whatcom County prenatal care providers (including RNs, midwives, doulas, OB/GYNs, physicians, and nurse practitioners); reproductive health, family planning, and abortion providers; and pediatricians and family physicians to screen for domestic violence. Train providers to tell every patient about domestic violence, reproductive coercion, and local DV advocacy services, regardless of whether or not patients disclose abuse. Training providers to recognize of the signs of control and violence, and to follow the recommendations for providers from the DV Commission's *Community Survey Project*:
  - Routinely ask about domestic relationships and violence, and discuss domestic violence directly.
  - If you suspect someone is a victim and they deny it, talk as if it were a possibility.
  - Ask questions in a caring manner, and take time to listen.
  - Learn about domestic violence resources in the community and offer specific referrals.
  - Beyond the requirements of mandated reporting, give the victim control over what will happen next.
  - Safety for victims is a first priority.

- **Whatcom County Triple Play**: Develop cross-discipline recommendations for mental health care providers, health care providers, domestic violence advocacy agencies, substance abuse treatment providers, and domestic violence perpetrator treatment providers to screen for, identify, and provide referrals for abusers of domestic violence who are also depressed or suicidal. Provide cross trainings and networking on the dangerousness of the combination of suicidal thoughts, depression, and perpetrating domestic violence, as well as on implementation of the recommendations.

- **DV Commission and Division of Children and Family Services (DCFS) Bellingham office**: Create a local Child Protective Services (CPS)/Domestic Violence Best Practices Work Group, to include administrators, social workers, and domestic violence advocates. Meet regularly to improve communication and problem solving. (Contact WSCADV for information about good models for this work group.)

- **DV Commission and all Whatcom County School Districts**: Work together to address domestic violence, dating violence, sexual assault, and stalking as it impacts students. Develop and adopt domestic, dating, and sexual violence policies and procedures to include describing the school response, identifying a Prevention Liaison at each school, and connecting students experiencing these issues with a community-based advocate. Provide staff training on the policies and procedures, as well as on impact of domestic, dating, and sexual violence on children in school. Model policies and procedures, as well as training outlines, are being developed by the DV Commission with the Ferndale School District as part of the STEP grant (from the U.S. Department of Justice, Office on Violence Against Women), and will be completed in Fall 2013.

- **DV Commission**: Develop a toolkit for community members to respond to abusers of domestic violence, including messaging, screening tools, and resources and referrals.

DOMESTIC VIOLENCE FATALITIES

A domestic violence fatality is defined as a death that arises from an abuser's efforts to assert power and control over an intimate partner. These deaths include:

- homicides in which the victim was the current or former intimate partner of the person responsible;

- homicides of people other than an intimate partner that occur in the context of intimate partner abuse; these include situations when an abuser kills a partner's or ex-partner's friend or family member;

- homicides that are an extension of on-going intimate partner abuse; for example, cases in which an abuser kills the victim's children in an act of revenge;

- suicides of abusers that happen in the context of intimate partner violence.

WHATCOM COUNTY DOMESTIC VIOLENCE FATALITIES, 1997 - 2012

The map below shows the dates and locations of domestic violence fatalities in Whatcom County between 1997 and 2012.

The names and ages, as well as the dates and places of death, of intimate partner fatalities in Whatcom County since 1997 are listed below. These fatalities include victims and their children killed by abusive partners, friends and family killed by abusers, abusers killed in self-defense or by law enforcement, and abuser suicides.

- Valerie Jefferson, 60, was suffocated by her boyfriend Kevin O'Leary, 55. June 7, 2012 on the Lummi Reservation.
- Kriston Peterman-Dunya, 32, was shot by her estranged husband Keayn Dunya, 38. July 3, 2011 in Bellingham.

- Felicity Boonstra, 14, was shot by her mother's boyfriend Sean D. Wilson, 42, after he shot and wounded her mother; he then killed himself. January 7, 2010 in Maple Falls.
- Tawnia Costan, 39, was shot by her ex-boyfriend Daniel Salas, 55; he then killed himself. February 5, 2010 in Bellingham.
- Mark McCollum, 48, was shot by his girlfriend Lynda Holman, 46. February 17, 2010 in Everson.
- Deborah Leu-Weeks, 36, was stabbed by her husband Wilbur Weeks, 41, in front of their young daughter. May 30, 2010 in Sumas.
- Laura McQueen, 24, and her son Dominic Blackburn, 1, were beaten by her boyfriend Daniel E. Johnson, 27. March 4, 2009 in Ferndale.
- Iva Darlene Smith, 52, was the victim of an unsolved homicide. According to reports, police believe she was beaten by her boyfriend. She was taken to the hospital and died of her injuries several days later. May 15, 2009 in Ferndale.
- Renee DiLorenzo, 18, was shot by her ex-boyfriend Saxxon Rech, 20, after she broke up with him; he then killed himself. July 28, 2005 in Lynden.
- Kenneth Hoshowksi, 40, was beaten and stabbed by Frank Brunner, 42, the estranged husband of the woman Kenneth was dating. March 21, 2004 in Lynden.
- Francisco Navarro Sapp, 37, was killed in self-defense by his ex-girlfriend's fiancé; Francisco had attacked the fiancé in violation of a domestic violence protection order. July 29, 2003 in Sudden Valley.
- Donald Toby killed himself after holding his wife hostage in a stand-off with police. May 11, 2003 on the Lummi Reservation.
- Timothy Bowman, 43, was shot by his girlfriend Naomi Kinney, 31. March 4, 2002 in Bellingham.
- Benjamin W. Hillaire Jr., 55, was shot by a law enforcement officer responding to a domestic violence assault. July 7, 2001 in Birch Bay.
- Donna Ann Bankston, 42, was stabbed by her boyfriend Brian Edward Smith, 43; he then killed himself. June 1, 2000 in Bellingham.
- Neva Gallatin was shot by her ex-boyfriend Ralph Barnes. February 8, 1997 in Ferndale.

Three cases related to the deaths listed above were reviewed by the Whatcom County Domestic Violence Fatality Review (DVFR) Panel. In this report, we have not identified which Whatcom County cases were reviewed. This is to protect the confidentiality of those community members who have been impacted by domestic violence fatalities.

BACKGROUND

Whatcom County saw a disturbing spike in domestic violence fatalities beginning in 2009. After three years with no intimate partner fatalities, the community experienced eleven deaths between 2009 and 2012. These deaths were devastating for the communities in Whatcom County.

The members of the Bellingham-Whatcom County Commission Against Domestic Violence (DV Commission) and its community partners were alarmed about this rise in homicides, and looked for a way to examine the community response to domestic violence. The DV Commission partnered with the Washington State Coalition Against Domestic Violence (WSCADV) to convene a fatality review panel for Whatcom County. WSCADV has led the Washington State Domestic Violence Fatality Review (DVFR) since 1997 and convened review panels in 15 Washington counties to identify statewide recommendations. The Whatcom County DVFR was the first time in the State of Washington that a local community has conducted a DVFR; and the first time the findings and recommendations from such a review will be implemented locally.

The goals of conducting a Whatcom County DVFR are to take a deep look what lead up to each death; identify strengths and gaps in our community's response to the victims, abusers, and their children; strategize to enhance our strengths and address the gaps; and implement recommendations to improve the community response to domestic violence and prevent domestic violence related deaths in Whatcom County.

> One in every four women is a victim of physical domestic violence at some point in her life, and the Justice Department estimates that three women and one man are killed by their partners every day. (Approximately 85 percent of the victims of domestic violence are women.) Between 2000 and 2006, 3,200 American soldiers were killed; during that period, intimate partner homicides in the United States claimed 10,600 lives. This figure is likely an underestimate, as it was pulled from the FBI's Supplementary Homicide Reports, which gather data from local police departments, where homicide reporting is voluntary.
>
> Snyder, Rachel Louise. "A Raised Hand: Can a new approach curb domestic homicides?" The New Yorker, 22 July 2013, 34-41.

WHATCOM COUNTY DOMESTIC VIOLENCE FATALITY REVIEW (DVFR) CASE REVIEWS

The DV Commission and WSCADV convened a Whatcom County Domestic Violence Fatality Review (DVFR) Panel comprised of more than 50 people, representing a variety of disciplines including: domestic violence and sexual assault advocacy, criminal and civil justice, social services, housing, health

care, mental health, child welfare, faith communities, education and schools, chemical dependency, perpetrator treatment, animal control, business, and concerned citizens.

The Whatcom County DVFR Panel reviewed three fatality cases that occurred in our community. These cases were chosen based on the factors within the case; the Panel wanted to review cases that had differing fact patterns in order to get a broader scope of information. Additionally, cases were chosen that no longer had open investigations, prosecutions, or appeals in progress. The Panel reviewed cases that involved victims living with abusive partners, victims separated from abusers, children in common, children not in common, substance abuse, and abuser suicides.

For each case, the Whatcom County DVFR Panel received a case chronology, containing information gathered from police reports, prosecutors' files, court records, media accounts, and Child Protective Services records. Panel members also brought additional information from their own agencies to each review meeting. Each case chronology was approximately 50 pages long, and was discussed at a DVFR Panel case review meeting that lasted approximately four hours. By reviewing the details in the chronology, the Panel was able to identify the strengths and gaps in our community's efforts to prevent and respond to domestic violence. Summaries of the issues raised by Panel members at each case review formed the basis for the findings and recommendations described in this report.

To protect the confidentiality of community members who are intimately connected to the domestic violence fatalities in Whatcom County, the identity of the cases reviewed will not be revealed by DVFR Panel members or this report.

WASHINGTON STATE DOMESTIC VIOLENCE FATALITY REVIEW (DVFR)

The Washington State Coalition Against Domestic Violence (WSCADV) led Domestic Violence Fatality Review (DVFR) Panels in 15 counties to conduct reviews between 1997 and 2010. The key goals identified by these reviews are listed below. Throughout this report, findings from the Washington State DVFR are listed in sidebars to complement findings from the Whatcom County DVFR.

Eleven Key Goals to Improve the Response to Domestic Violence in Washington State

1. Offer comprehensive, survivor-centered advocacy at every point at which victims seek help.

2. Improve access to justice and culturally relevant services for victims in historically marginalized communities.

3. Integrate understanding of domestic violence into mental health, suicide, and substance abuse interventions.

4. Increase knowledge about teen dating violence and young people's access to appropriate services and interventions.

5. Build the capacity of friends, family members, neighbors, employers, and coworkers to support domestic violence victims and respond to abusers.

6. Improve the ability of family courts to identify domestic violence and appropriately address victims' and children's safety and well-being.

7. Maximize the effectiveness of Domestic Violence Protection Orders to protect victims and their children.

8. Ensure that the criminal legal system consistently imposes meaningful consequences for abusers' violence and increases victims' safety.

9. Maximize the use of existing legal means to restrict abusers' access to firearms.

10. Increase victims' options for economic and housing stability.

11. Develop state and local strategies to promote healthy relationships and prevent dating and domestic violence.

THEMES

Several overarching themes were present in Whatcom County Domestic Violence Fatality Review (DVFR) Panel discussions about each of the three cases reviewed: early intervention and prevention, abuser accountability, and screenings/resources/referrals for survivors. These themes are discussed below.

EARLY INTERVENTION AND PREVENTION

Throughout our discussions, Whatcom County DVFR Panel members noted that both domestic violence survivors and abusers needed help and support long before any criminal justice system intervened. It

was more challenging for the Panel to come up with a vision for how to prevent abusers' violence. Panel members suggested these steps toward preventing domestic violence:

- trauma-based therapy, counseling, and support services available at early ages to help children cope with stress and trauma, and break the cycle of violence (e.g. peer-based programs such as The Landing in Skagit County);
- providing information on healthy relationships and non-violent conflict resolution as an integrated part of all school levels from elementary through post-secondary;
- supporting students to stay in school and not drop out, especially when those students were experiencing disabilities or other risk factors;
- developing screening tools to identify potential abusers at younger ages, and provide them with counseling and other services to curb their abusive behaviors;
- highlighting more positive male role models in society; and
- creating smart phone applications as a way to teach about healthy relationships and conflict resolution.

The Panel discussed that though some of these ideas are lofty and perhaps seem difficult or impossible to achieve, domestic violence is a problem that needs more big ideas and creative solutions if we are going to end it.

ABUSER ACCOUNTABILITY

The Whatcom County DVFR Panel found that abusers consistently were not held accountable for their violence. Yet Panel members acknowledged that it was easier to identify resources and services for survivors than to identify ways the community could have stopped the abuser. Additionally, the Panel found that the impetus to hold an abuser accountable, or to end the violence in the relationship, often lies with the survivor.

As a group, the Panel committed to examine ways to prevent or stop the abuser's use of power, control, and violence. But the Panel often had difficultly identifying how our systems – whose responses tend to be incident based and thus fragmented – could have better held abusers accountable within the full context of their actions.

The Whatcom County DVFR Panel was left with the following thoughts and questions about abuser accountability: *How can the community address the kinds of controlling behaviors the abusers displayed? How can community professionals respond when they have no proof but do have "a gut feeling" that the survivor is in danger? What interventions might have stopped the abuser's use of control and violence? Many of the tactics used by abusers do not meet the legal definition of a crime, and many of these individual behaviors would not have the identified the abusers as high risk on risk assessment tools – but taken together, the behaviors do indicate a clear pattern of coercive control and high risk. How can the community, including professionals from the civil and criminal justice systems, recognize and address the patterns of control over time? How can we better track and monitor frequent and/or high-risk offenders*

that "everyone knows"? What are other opportunities for holding abusers accountable for their abuse of the survivor?

According to the Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse, there is a difference in how the advocacy model and the criminal legal system approaches and understands domestic violence.

The advocacy model understands that people who abuse their partners may:

- Establish a pattern of control that occurs 24-7
- Control and exploit their partner over time
- Use a number of tactics – some of which are illegal, ***most of which are legal***
- Rely on systems of oppression and social inequalities to maintain their control over their partner

Meanwhile, the criminal legal system:

- Is designed to address specific incidents and determine if they are legal or illegal
- Evaluates "moments in time," not patterns of abusive control
- Ignores bias and posits everyone as agents under the law – regardless of institutional inequalities

Burk, Connie. "DV vs. Legal Language." *Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse.* Published 2004. Accessed 26 September 2013. http://nwnetwork.org/resources/advocacy-tools/

SCREENINGS, RESOURCES, AND REFERRALS FOR SURVIVORS

The Whatcom County DVFR Panel spent a significant amount of time talking about how to expand access to services for survivors. The Panel discussed how and where to screen for domestic violence victimization, as well as resources and referrals that are available when domestic violence is identified. The Panel focused on places in the community that provide assistance to a wide range of individuals, including non-profit/social service organizations, health and mental health care providers, educational institutions, and faith based communities. The Panel agreed that survivors should be able to turn anywhere for help finding safety, justice, and healing – with the idea that there should be "no wrong door" for a victim to enter and disclose abuse. The Panel encouraged every community organization to identify domestic violence and connect survivors to Whatcom County's domestic violence advocacy organizations: Domestic Violence and Sexual Assault Services (DVSAS), Womencare Shelter, and Lummi Victims of Crime.

NOTE ABOUT LANGUAGE

According to the Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse, there is a difference in the language used by the advocacy model of domestic violence and the criminal legal system.

Advocacy Model Language	Criminal Legal System Language
Survivor = A person who experiences a pattern of power and control by another	Victim = A person against whom a crime of battery has been committed
Abuser/Batterer = A person who establishes a pattern of power and control over another	Perpetrator = A person who has been convicted of committing a crime of battery

Furthermore, the definitions of these words, as they are applied in these two contexts, are VERY different. Because these two approaches clearly describe different things, it is critical that we do not use these words interchangeably. For example: many times the domestic violence movement definition of 'survivor' and the criminal legal system definition of 'victim' apply to the same person – *but often they do not.*

Burk, Connie. "DV vs. Legal Language." *Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse.* Published 2004. Accessed 26 September 2013. http://nwnetwork.org/resources/advocacy-tools/

In this report, the word abuser generally is used for the person who is exerting power and control over their partner. The words perpetrator or offender may be used when referring to the abuser as related to the criminal justice system. The word survivor is used whenever possible to refer to people who are being abused by their partner; but the word victim is used instead when the person being abused has also been the victim of a crime, including homicide.

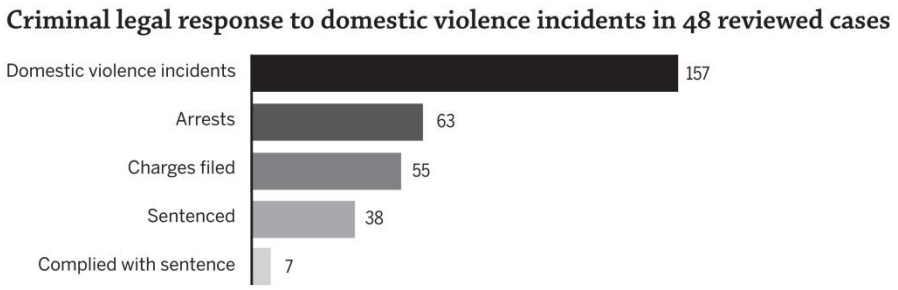
Additionally, throughout this report, survivors of domestic violence will be referred to using the feminine pronouns "she" and "her", and abusers will be referred to using the masculine pronouns "he", "him," and "his". This is because research continually shows that the majority of those who use coercive control and violence within relationships are male, and the majority of survivors are female. However, we fully recognize that males are also survivors of domestic violence, and that our County has had men killed by their female partners. Furthermore, domestic violence also exists within same-sex relationships, when the abuser and the survivor are both women, or both men.

Findings and Recommendations

Note: These findings and recommendations are not meant to be comprehensive. They were derived from taking an in-depth look at a limited number of domestic violence fatalities in Whatcom County. Therefore, the findings of the Whatcom County DVFR Panel are unique to the cases and incidents reviewed. There are likely other gaps in our community's response to domestic violence that were not identified because they were not factors in any of the cases reviewed, but that are still concerns for survivor safety and abuser accountability. Conversely, some of the findings and recommendations may be unique to the cases reviewed, and may not be true systemic gaps in our community response. However, the DVFR Panel believes that each of these findings and recommendations are vital components of our community's response to domestic violence.

CRIMINAL LEGAL SYSTEM

In each of the three reviewed cases in Whatcom County, law enforcement responded to at least one incident involving the victim and abuser prior to the homicide. None of these responses resulted in the abuser being charged with or sentenced for a domestic violence crime; only one resulted in the abuser's arrest. This pattern is consistent with DVFR findings statewide (see graph below).



"DOMESTIC VIOLENCE VERBAL" CALLS FOR SERVICE

Officers identify domestic violence calls as "verbal" or "information only" when they determine that no assault or other criminal offense has occurred, and there is no legal basis to make an arrest. In two of the three cases reviewed, law enforcement had responded to domestic violence verbal calls within weeks or months of the homicides. In these cases, the single incident was a snapshot that did not indicate the severity of the abuser's violence or the danger the victim faced.

These cases highlight the critical importance of law enforcement's response to verbal domestic violence calls, as an opportunity to identify potentially lethal violence and offer services to victims. At all domestic violence calls for law enforcement, officers hand out victim information brochures, which include local domestic violence resources for survivors. In one case reviewed, officers responding to the DV verbal call gave the victim information brochure to both the victim and the abuser. Neither was identified as the victim or suspect in the incident. Law enforcement representatives said this is consistent with the general practice for Whatcom County law enforcement agencies responding to domestic violence verbal calls.

At this time, no Whatcom County law enforcement agency consistently and routinely conducts risk assessments at the scene of domestic violence verbal calls. This means that our community currently has no consistent and institutionalized way to identify those DV verbal calls that present a higher risk for lethal violence, inform survivors about that risk, and connect survivors with advocacy and services based on the risk.

Washington State DVFR findings: Criminal Legal System

In-depth reviews of 84 domestic violence fatalities statewide documented a criminal legal system response to domestic violence that was inconsistent and unpredictable. Although there were examples of excellent practice, review panels documented failures at every point in the criminal legal system—from 911 dispatch to law enforcement response, to prosecution, sentencing, and post-sentencing supervision. Of 154 domestic violence incidents reported to police in reviewed cases, fewer than half resulted in the abuser's arrest; only 25% of incidents resulted in sentencing. The abuser completed all the terms of the sentence imposed in only 5% of incidents. The lack of meaningful consequences sent a message to both abusers and victims that the criminal legal system would not take abusers' violence seriously and that victims could not rely on legal intervention for protection.

Using Washington State Services, Training, Officers, and Prosecutors (STOP) grant funding designated for Whatcom County, the Whatcom County Sherriff's Office and Bellingham Police Department have implemented a Criminal Justice Advocacy (CJA) program to proactively connect survivors to domestic violence advocacy. DVSAS Criminal Justice Advocacy (CJA) volunteers read law enforcement reports from every DV verbal call for service, identify domestic violence survivors, and follow up by calling to offer advocacy. CJA volunteers have completed a 42-hour training by DVSAS, and are supervised on-site at the law enforcement agencies. Whatcom County DVFR Panel members identified this outreach as highly important, because it connects survivors to advocacy who likely would not access the services otherwise. When a survivor experiences a police response that does not result in more safety for her or consequences for the abuser, she may assume that officers do not take the violence seriously and therefore be less likely to reach out for help again. A CJA advocate can help survivors get accurate information about what to expect from law enforcement, as well as to assist with safety planning and connecting to other resources. The CJA program is currently not operating in the other law enforcement agencies in Whatcom County, though community STOP grant planning team members have identified expanding the program as a priority for the county.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **All Whatcom County law enforcement agencies:** Distribute victim information brochures only to the identified victim at domestic violence verbal calls for service, whenever the primary aggressor and victim can be determined.
- **All Whatcom County law enforcement agencies:** Use Lethality Assessment Program (LAP) screening and protocol, which includes conducting the risk assessment tool at domestic violence verbal calls for service when the incident meets the criteria set forth by the LAP. *(See Appendix A)*
- **DVSAS and law enforcement agencies for the small cities**: Work together to expand the Criminal Justice Advocacy (CJA) program to the small cities.

LAW ENFORCEMENT REPORTS TO CHILD PROTECTIVE SERVICES (CPS)

In one of the cases reviewed, law enforcement responded to a domestic violence verbal call for service several months before the homicide. In the law enforcement report, the officer had expressed concern for the child's welfare, and stated, "Please forward this report to CPS." CPS had no record of having received the report. Representatives from CPS on the Whatcom County DVFR Panel said that if they had, the report most likely would have screened in for investigation, and a social worker would have contacted the victim. Panel discussion brought to light that policies and procedures for reporting incidents to CPS vary across law enforcement agencies. In some agencies, responding officers do not make reports to CPS themselves, but pass on information to administrators who determine whether and how to make the report. In the reviewed case, it appeared that the officer who documented a concern for the child was not aware that the information was not reported to CPS. Law enforcement representatives on the Panel thought that officers do not always have clear guidance about what and how to report to CPS.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **All Whatcom County law enforcement agencies**: Clarify officers' role and responsibility for making a report to CPS. Develop and use a "cheat sheet" with the criteria for making a report to CPS, and how to document the correct and complete information for that report.

VICTIM DEFENDANTS

A "victim defendant" is a survivor of domestic violence who has been arrested and charged with a domestic violence crime.

In one case, a neighbor called police because he heard the victim and abuser fighting. In the course of the struggle, the victim injured the abuser. Officers arrested her and she was charged with a domestic violence assault. State law requires officers to identify and arrest the primary aggressor if they establish a domestic violence crime has been committed. It appeared from the records available that the

prosecutor and court recognized the victim in this case as a victim defendant. Under a deferred prosecution agreement, the court dropped the charges after she completed a domestic violence evaluation and other conditions. The Whatcom County DVFR Panel agreed that being arrested probably made this victim less likely to call police for help in the future, and that she may have assumed that victim services, including domestic violence advocacy, were not available to her.

The Panel identified resources available to domestic violence survivors charged with DV crimes. Both DVSAS and Womencare Shelter work with survivors who have been arrested, and they often receive referrals from the prosecution-based domestic violence advocates. Additionally, there is one perpetrator treatment provider in Whatcom County who facilitates groups only for women, and who has a specific group for victim defendants who are ordered to treatment. Though many service providers are aware that victim defendants can receive victim services from the domestic violence agencies, Panel members determined that this information is not generally known in the community. The DV advocacy agencies primarily promote this information through their contacts in the criminal justice system.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **All Whatcom County public defenders:** Develop and implement assessment protocols and criteria to identify victim defendants. Refer victim defendants to DVSAS and Womencare Shelter for domestic violence advocacy services.
- **DVSAS and Womencare Shelter**: Develop and implement assessment protocols and criteria to determine the survivor and abuser if there is any doubt or if both parties are seeking services. Consider using the assessment tools and guidelines developed by the Northwest Network of Bisexual, Trans, Lesbian, and Gay Survivors of Abuse.
- **Whatcom County Prosecutors' Domestic Violence Case Consultation Meeting attendees**: Identify victim defendants and refer them to DVSAS and Womencare Shelter for domestic violence advocacy services.

ARRESTS, PLEA AGREEMENTS, BAIL, AND SENTENCING

One abuser in a reviewed case was arrested after violating an Order for Protection approximately 30 times. He was released on bail the next day. Just a few days later, he broke into his ex-wife's home, attempted to kill her, and forced her to have sex with him. The victim said that only after she hired an attorney to advocate for her, the court increased the bail. The abuser was never charged with felony attempted kidnapping or rape. Based on information from Panel members and court documents, the Panel determined that prosecutors combined charges from the incident with previous protection order violations and the abuser spent approximately 4 months in jail.

In one case, law enforcement officers responded to a domestic violence verbal call approximately one month before the homicide. Officers documented in their report that the victim had told them that the abuser was going to kill her. The abuser had not physically assaulted the victim; officers arrested him on

a charge of Obstructing an Officer – Domestic Violence and issued a No Contact Order. The Whatcom County DVFR Panel noted that the officers in this case recognized the danger to the victim and took steps to protect her even though they were not mandated to make an arrest. Based on the facts of the incident, the abuser could not be charged with a domestic violence crime in this case; as a result, the No Contact Order was never entered with the court, and the victim was not connected with the DV victim advocate in the prosecutor's office. However, the Obstructing an Officer charge was valid. Prosecutors then reduced this charge to Disorderly Conduct.

In another case, the abuser broke into a shelter for homeless women and children. This incident occurred less than two weeks after his wife had filed for divorce, and the Panel speculated on the possibility that he was looking for her at the shelter. Prosecutors reduced the charge to Disorderly Conduct.

In another example from a reviewed case, an abuser was charged with DUI. The police report documented that he was drunk and reacted violently after he found out his girlfriend was pregnant. He was arrested after driving away from her house while drunk.

These two incidents also raised questions for the Panel about how victims' safety is addressed when domestic violence is an underlying issue in crimes that are not identified as DV offenses. The Panel noted the importance of law enforcement, prosecutors, and courts identifying when domestic violence is underlying another criminal offense; and considering that information in risk assessment and as a factor in making decisions about bail, conditions of release, and sentencing.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **All Whatcom County law enforcement agencies**: Arrest the respondent in a civil Domestic Violence Protection Order (DVPO) for every violation of the protection order when law enforcement has the authority to do so.
- **DV Commission and DVSAS**: Implement a Domestic Violence High Risk Team (DVHRT) to increase management and containment of high risk offenders. Key players to this DVHRT should include domestic violence advocates, prosecutors, law enforcement, probation, child protection, and batterer's intervention.
- **Prosecutors for all jurisdictions in Whatcom County**: Incorporate risk as indicated in the Lethality Assessment Program (LAP) screening and/or as identified by the DV High Risk Team as a factor in decision making around bail, release conditions, plea negotiations and agreements, and decisions about maintaining or dropping the DV tag.
- **Judicial Officers for all jurisdictions in Whatcom County**: Use the *Domestic Violence Risk Assessment Court Bench Guide* developed by the Minnesota State Supreme Court to obtain information regarding risk factors from legal personnel, provide victims with information on risk factors, and inform decisions including those around bail and release conditions. *(See Appendix B)*

JUVENILE DETENTION

In one of the cases reviewed, the abuser had spent time in Juvenile Detention when he was a youth. The Whatcom County DVFR Panel found that currently there are no perpetrator treatment groups for juveniles in Whatcom County, and identified this as an opportunity for early intervention and prevention of more serious violence.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County Juvenile Detention**: Provide domestic violence prevention education and treatment groups for juveniles who are in detention.

Washington State DVFR Findings: Juvenile Justice

Washington State DVFR had found that many abusers are first arrested as juveniles; yet the juvenile justice system's screening, risk assessment, and interventions do not address dating violence and intimate partner violence. Mental health services are often not available. Lack of services for abused and neglected children and youth is a missed opportunity to intervene with a group of offenders who are at increased risk for perpetrating domestic violence.

CIVIL LEGAL SYSTEM

FAMILY COURT

In one reviewed cases, the abuser had a disputed divorce and parenting plan with his previous wife. He had abused her throughout their marriage. In reviewing court records, the Whatcom County DVFR Panel noted that the abuser used the family court system to continue to manipulate and exert control over his estranged wife, even after she had left him. His current girlfriend was living with him during many of his interactions with the family court system. The Panel agreed that she likely got the message that the abuser was capable of "winning" in court.

In this case, the abuser filed for dissolution, and his ex-wife joined in his petition, meaning she did not contest what he asked for. The final parenting plan gave joint legal and physical custody of their child to both parents. The abuser had an attorney; the victim did not. There were no hearings related to the case. Since both parties agreed to the orders, a judicial officer likely reviewed and signed them without much scrutiny. There was no opportunity in this process for anyone – such as an advocate, court facilitator, or judicial officer – to identify red flags that may have indicated domestic violence. Though there are resources available in the community that offer legal assistance to victims, including LAW Advocates and Northwest Justice Project, there was no point in the dissolution process where the victim would likely have been made aware of them. This pointed to a critical gap in information and access to resources for domestic violence victims in the dissolution process.

The victim did not raise the issue of domestic violence in the dissolution or parenting plan process. The Panel pointed out a number of barriers and disincentives for women to do so. Since there were no police reports, it would have been very difficult for the victim to prove that her husband had abused her. Statewide reviews have raised similar concerns. Judges, attorneys, and others in the family court system may believe that women falsely claim domestic violence in order to gain an advantage in custody disputes, and this belief can then work against victims in court. Victims may also be afraid that if they disclose abuse in court, abusers will retaliate with violence, stalking, and continued harassment in the court system, or refusal to pay child support.

In this case, after their child disclosed sexual abuse that happened in her father's home, the victim and abuser agreed to have a Guardian ad Litem (GAL) assigned to the case, and to follow the GAL's recommendations for a parenting plan. The abuser minimized and denied the sexual abuse, and characterized the victim's report of the child's disclosure of sexual abuse as an attempt to gain custody. A CPS investigation determined that the sexual abuse did occur but that the allegation of neglect against the child's father was "unfounded." It then appeared that the abuser was able to leverage this "unfounded" determination to convince the GAL that the sexual abuse did not occur. The GAL concluded, and reported to the Court, that the abuser provided the most stable home environment. Panel members found it troubling that the GAL seemed to conclude that the child's mother had exaggerated or made up the abuse, even though CPS reports verified the child's account. Perhaps even more concerning to the Panel, the GAL prioritized the child's on-going relationship with her sexually abusive sibling over the child's protection from the sexual abuse. The Panel thought that it was likely that the victim did not know that she could contest the GAL's report, since she was not represented by an attorney.

Washington State DVFR Findings: Family Court

When victims and abusers had children in common, victims' fears that they would lose custody of their children were a great obstacle to escaping the abuse. In reviewed cases in which victims did leave, abusers were able to use dissolution and child custody proceedings and the resulting parenting plan orders to force contact long after the relationships had ended. Victims in these cases simply did not have the option to cut ties with abusers without leaving their children behind. Abusers used the court process as a tool of manipulation and control. Courts failed to understand how abusers' violence and controlling behavior threatened children's safety. Even when victims had legal representation, attorneys did not raise the issue of domestic violence, and did not propose parenting plans that could minimize contact and conflict. Ongoing contact, without sufficient protections from the courts, left victims and children vulnerable.

According to a recent Battered Women's Justice Project review of research about custody decisions in family court systems, "Family court practitioners hold a lot of beliefs about domestic violence. Some of the most common beliefs have to do with: (1) false allegations; (2) parental alienation; (3) friendly parenting; and (4) failure to protect. What all of these beliefs have in common is that they are beliefs about the victim-parent. More to the point, they are beliefs about victim-mothers." The review concludes, "Taken together, these studies suggest that custody evaluators' *beliefs* are more strongly associated with custody *outcomes* than what is actually going on in the real life of the family."

Davis, Gabrielle. "*Custody Evaluators' Beliefs About Domestic Abuse". Battered Women's Justice Project*. Published 2013 February. Accessed 9 August 2013. http://www.bwjp.org/custody_evaluators_own_beliefs_about_ domestic_ abuse_closely_related_to_custody_outcomes.aspx.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County Superior Court**: Pilot the use of the Battered Women's Justice Project's *Family Court Domestic Violence Interview Guide*; this guide includes forms and instructions that were created to identify and respond to domestic violence in family court cases. These tools are intended to be used by all practitioners in the family court system including court clerks, Guardians Ad Litem (GALs), and attorneys; and in all processes, including family evaluation, divorce and dissolution, GAL reports, and parenting plans. Conduct training on the *Domestic Violence Interview Guide* for all family court practitioners. *(See Appendix C)*
- **DV Commission**: Conduct a Safety and Accountability Audit of custody decisions and parenting plans to research family court processes and decision-making related to domestic violence, child sexual abuse, and risk factors.
- **Whatcom Dispute Resolution Center and DVSAS**: Provide domestic violence training for mediators and instructors of *Helping Children through Family Conflict* parenting classes for parents getting divorced. Train mediators and instructors to tell every client/parent about domestic violence and local services, regardless of whether or not the client/parent discloses victimization.
- **Project Safer and Whatcom County Superior Court**: Provide domestic violence "know your rights" publications for the Court Facilitator at Whatcom County Superior Court to give to everyone who is filling for divorce or dissolution pro se, and to distribute at Street Law clinics.
- **Project Safer and Whatcom County Superior Court**: Develop a domestic violence screening and referral tool to be used by the Court Facilitator at Whatcom County Superior Court when assisting people with filing for divorce and dissolution pro se.

SUPERVISED VISITATION

According to Ellen Pence, a leader in both the battered women's movement and the emerging field of institutional ethnography, the term *neutrality* as related to supervised visitation should be replaced with *fair and impartial,* particularly in the field of domestic violence. Her research saw that "in cases of domestic violence, there had to be an equal regard for the safety of battered women and their children." She made it clear that, "in families where there is a history of domestic violence, centers should never be neutral about the violence between the adults. The role of the center was to determine who needed protection from whom and provide the best possible options and services to the individuals vulnerable to abuse…when [centers] were neutral in the 'conflict' between the parents, they were taking a stand with the abuser. Treating both parents the same discounts the imbalance in power in the relationship". According to Pence, there is, "a way to create services that were focused on victim safety and still provide the abusive partner with fair and respectful services." Additionally, according to Pence, "supervised visitation centers should never lump all men who batter into a single category. Distinguishing the danger and safety that each man who batters poses to his partner and children is part of the work of the supervised visitation center."

Scaia, Melissa and Connelly, Laura. "With 'Equal Regard': An Overview of How Ellen Pence Focused the Supervised Visitation Field on Battered Women *and* Children", Violence Against Women, 16(9), 1022-1030, http://vaw.sagepub.com.

In each of the three reviewed cases, abusers had children in common with their current and/or former partners; this resulted in ongoing contact between the victim and abuser to facilitate visitation and exchange, even after the victim had left the abuser.

There are no supervised visitation programs in Whatcom County that specifically address the safety needs of domestic violence survivors and their children. Even the general supervised visitation offered in the community is not sufficient to meet the need. Most families who use supervised visitation services are low income and cannot afford to pay fee-for-service providers. The free program provided by Catholic Community Services is offered during limited hours due to the capacity of the program.

Moreover, there are no options for professional supervised or third-party exchange in Whatcom County. Instead, survivors often try to minimize risk by choosing a public place to exchange children with the abuser, such as a store parking lot with video cameras. Supervised visitation and exchange can be provided by non-professional third parties, such as families or friends, but these individuals generally do not have training in domestic violence or information about how to appropriately and safely structure visits.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Catholic Community Services**: Explore models of supervised visitation and exchange that are specific to situations involving domestic violence and prioritize survivor and child safety. Research programs funded by the Office on Violence Against Women (OVW) Safe Havens Program, and, as needed, use best practices from these models to adapt Catholic Community Service's current program to prioritize survivor and child safety when domestic violence is identified.
- **DV Commission**: Explore funding opportunities for the provision of professional DV specific supervised visitation as well as professional supervised exchange.

FIREARMS

Abusers used firearms to commit homicide and suicide in reviewed cases. The Whatcom County DVFR Panel noted that these cases highlighted potential opportunities for law enforcement or courts to remove firearms from abusers. Based on the discussion, the Panel identified a lack of policies and protocols to routinely disarm domestic violence offenders.

Washington State DVFR findings: Firearms

Each year in Washington State, over half of domestic violence homicides and 85% of murder-suicides are committed with firearms. Reviewed cases showed that courts rarely ordered surrender of weapons, even when lethality risk factors were clear. Courts did not routinely monitor compliance with orders. Law enforcement agencies did not have protocols in place to remove firearms from DV Protection Order (DVPO) respondents or convicted domestic violence offenders. In 10 reviewed cases, victims stated in DVPO petitions that the abuser had made threats with a gun. None of those temporary orders restricted the abuser's access to weapons.

CIVIL DOMESTIC VIOLENCE PROTECTION ORDERS (DVPOS)

One victim in a reviewed case filed for a Domestic Violence Protection Order (DVPO) against the abuser. The DVPO petition includes a question about whether the respondent (abuser) has access to firearms. A petitioner (victim) may also file a Petition to Order Surrender of Weapon along with the DVPO. A review of DVPO petitions (part of the *Safety and Accountability Audit of the Civil DV Order for Protection Process in Whatcom County* published April 2011), found no Orders to Surrender Weapon issued by the Court in a 3-year period, and only one petition for an Order to Surrender Weapon was filed by a petitioner in that same time period. The Audit team found that petitioners were not routinely informed about the option to submit a Petition to Order Surrender of Weapon. To address the removal of firearms and other weapons when appropriate as part of a DVPO, a DV Commission Work Group recently released *Recommendations for Responding to Firearms and Weapons in Domestic Violence Civil Orders for Protection.* Whatcom County District and Superior Courts

and all seven Whatcom County law enforcement agencies reviewed the recommendations and are participating in implementation.

- **Washington State Coalition Against Domestic Violence (WSCADV):** Continue to prioritize legislation to bring Washington State law in alignment with federal law related to firearms and civil Domestic Violence Protection Orders (DVPOs).
- **Whatcom County Superior and District Courts**: Fully implement *Recommendations for Responding to Firearms and Weapons in Domestic Violence Civil Orders for Protection. (See Appendix D)*
- **DV Commission**: Evaluate the implementation of *Recommendations for Responding to Firearms and Weapons in Domestic Violence Civil Orders for Protection. (See Appendix D)*
- **Whatcom County Superior and District Courts**: Consider issuing Orders to Surrender that only allow surrender to law enforcement, not to third party. If Orders to Surrender to a third party are allowed, consider ensuring some measures of accountability in case of third party surrender.
- **Whatcom County District and Superior Courts**: Conduct regular compliance reviews when Orders to Surrender Weapon are issued in DVPOs.

LAW ENFORCEMENT AND CRIMINAL COURTS

In one case the victim owned a firearm that was registered in her name but was controlled and carried by her abusive boyfriend. At one point, the victim was arrested on a domestic violence charge after she assaulted the abuser. Law enforcement did not seize the gun, since it was not involved in the assault; however, officers could have asked the victim defendant to voluntarily surrender the firearm for safekeeping. The court also could have ordered the victim defendant to surrender the firearm as part of the criminal No Contact Order or as a condition of release. Based on records of the incident, it is unlikely that the victim defendant in this case was asked about the firearm.

In another case, law enforcement responded to a domestic violence verbal involving the victim and abuser approximately a month before the abuser killed her with a firearm. The Bellingham Police Department, Whatcom County Sheriff's Office, and all other Whatcom County law enforcement agencies use a risk assessment tool when they respond to the scene of a domestic violence incident that asks about the presence of firearms in the home. This risk assessment goes to the prosecutor with the probable cause statement, and the prosecutor advises the court of any information related to risk. However, this risk assessment tool is not currently being used by law enforcement agencies in domestic violence verbal calls for service; therefore, officers did not ask the victim in this case about the presence of firearms. The *Plan to Disarm Defendants in Whatcom County: Recommendations and Promising Practices*, which was developed by the Firearms Forfeiture Workgroup of the Coordinated Judicial Response to Domestic Violence Committee of the Whatcom County Law and Justice Council, provides recommendations for the surrender of firearms in criminal cases.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County 911 dispatch, law enforcement agencies, victim advocates, probation, prosecutors, defense attorneys, Judicial Officers, and DV perpetrator treatment providers**: Fully implement the *Plan to Disarm Defendants in Whatcom County: Recommendations and Promising Practices. (See Appendix E)*
- **DV Commission:** Follow up with stakeholder groups about the implementation of the *Plan to Disarm Defendants in Whatcom County: Recommendations and Promising Practices.* Identify recommendations and practices which are not being implemented, identify barriers to implementation, and work with stakeholder groups to address barriers. *(See Appendix E)*
- **All Whatcom County courts**: Consider issuing Orders to Surrender Weapon that only allow surrender to law enforcement, not to third party. If Orders to Surrender to a third party are allowed, consider ensuring some measures of accountability in case of third party surrender.

HEALTH CARE

In each of the cases reviewed, the Whatcom County DVFR Panel identified health care providers as an important avenue for reaching victims and their children. Three specific fields within health care that were identified were reproductive, prenatal, and pediatric care. Perhaps surprisingly, in reviewing the records that were available, it appeared that none of the victims in the cases reviewed had emergency room visits as a result of domestic violence.

In one case reviewed, the abuser's previous wife shared that he coerced and forced her to have sex with him throughout their marriage, and even after she left him. He pressured her into two unwanted abortions, threatening her and keeping her up all night for days. The Panel identified a need for reproductive health, family planning, prenatal care, and abortion providers to offer all patients information about domestic violence and reproductive coercion.

In all of the cases reviewed, the victims had children, and the abusers also had previous partners with children. In one case, the victim's child had serious health problems as an infant, and thus the victim had extensive interactions with the health care system. The Panel identified prenatal care and pediatric visits as key opportunities for intervention; advocates on the Panel shared that pregnancy and the first year after childbirth may be especially lethal times for some survivors of domestic violence and their children, and also is a time when many survivors are engaged in health care services.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County Pregnant and Parenting Women and Teens Task Force**: Recruit and train Whatcom County prenatal care providers (including RNs, midwives, doulas, OB/GYNs, physicians, and nurse practitioners); reproductive health, family planning, and abortion providers; and pediatricians and family physicians to screen for domestic violence. Train

providers to tell every patient about domestic violence, reproductive coercion, and local domestic violence advocacy services, regardless of whether or not patients disclose abuse. Train providers to recognize the signs of control and violence, and to follow the recommendations for providers from the DV Commission's *Community Survey Project*:

- Routinely ask about domestic relationships and violence, and discuss domestic violence directly.
- If you suspect someone is a victim and they deny it, talk as if it were a possibility.
- Ask questions in a caring manner, and take time to listen.
- Learn about domestic violence resources in the community and offer specific referrals.
- Beyond the requirements of mandated reporting, give the victim control over what will happen next.
- Safety for victims is a first priority.

In 2002, as part of its *Community Survey Project*, the DV Commission conducted a survey through the offices of health care providers and a limited number of social service providers in Whatcom County. Efforts were made to include sites that served a variety of income and ethnic groups within the County; however, it was not a representative sample. The survey included demographic information, an assessment of the participant's experience with domestic abuse, and two checklists for the respondent to identify those factors that would discourage her from disclosing abuse to a service provider, and those factors that would encourage her to disclose abuse to a service provider. The survey also included questions about the participant's experience with being asked about abuse by a service provider. Responses indicated that:

- There is a strongly held desire for a woman to keep the experience of domestic violence to herself;
- Almost half of the sample would not disclose the abuse because they were unsure if what they experienced qualified as abuse;
- A number of feelings, beliefs, and individual circumstances impact a woman's willingness to disclose domestic violence;
- Respondents indicated that some provider behaviors can discourage and some can encourage disclosures:
  - approximately half of the respondents reported being encouraged to disclose abuse when the provider takes the time to listen,
  - for more than one-third of victims, just being asked about abuse or how an injury occurred could encourage them to disclose,
  - approximately one-third of respondents would be encouraged by a provider's apparent desire to know about the abuse and willingness to believe them, and
  - almost one-third reported they would not disclose for fear the provider would judge their partner; a relatively small percentage of women were concerned the provider would blame, or be disgusted with, them.

MENTAL HEALTH AND SUICIDE

Reviewed cases included a murder-suicide. According to records, the abuser in one case had a history of psychiatric hospitalizations and a diagnosis of Obsessive Compulsive Disorder, and had been prescribed an anti-depressant. His former wife said that his employer had been so concerned about his anger that he was forced to go to a physician and get medication. After the homicide, the police found notes from the abuser that indicated mental health concerns including possible suicide ideation.

The Whatcom County DVFR Panel members were not aware of mental health care providers who screen for domestic violence perpetration; and noted that screening for depression could be a way to identify abusers who are at risk for committing suicide and perhaps homicide as well.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County Triple Play**: Reach out to include more mental health care providers in efforts to address intersections between domestic violence, substance abuse, and mental health.
- **Whatcom County Triple Play**: Develop cross-discipline recommendations for mental health care providers, health care providers, domestic violence advocacy agencies, substance abuse treatment providers, and domestic violence perpetrator treatment providers to screen for, identify, and provide referrals for abusers of domestic violence who are also depressed and/or suicidal. Provide cross trainings and networking on the dangerousness of the combination of suicidal thoughts, depression, and perpetrating domestic violence, as well as on implementation of the recommendations.

SUBSTANCE ABUSE

In all cases reviewed, the victims and abusers were using alcohol and/or other drugs. In two of these cases, both the victim and the abuser were drinking significant amounts of alcohol the evening of the homicide. For abusers, substance abuse can increase the volatility of the domestic violence. When victims use substances, it limits their options for safety.

For survivors of domestic violence, integrated substance abuse and domestic violence services are valuable because the use of alcohol and other drugs makes it extremely difficult for survivors to identify choices, make decisions, and be safe. Substance abuse can be a barrier to calling the police or seeking assistance from social service agencies. Survivors may assume that their substance use makes them ineligible for services. Moreover, survivors are often using substances as a way to cope with the abuse, and so the ongoing violence makes it extremely difficult for survivors to get and stay clean and sober. Furthermore, abusers often undermine survivors' attempts at sobriety as a way to limit their options and thus maintain more control.

In one case, the victim was drinking alcohol frequently and in large quantities as a way to cope with the abuser's violence. She told others that drinking that much was "not who she really was". The night of the homicide, the victim was packing and intended to leave the next morning with her child. She did not leave that night because she was intoxicated and believed the abuser would immediately call law enforcement if she drove away, and she didn't want to get arrested for a DUI.

In another case, the victim was abusing substances, and the abuser frequently told others that the victim was using drugs, it seemed in an effort to alienate her from other people.

In another case reviewed, the victim used alcohol and marijuana on a regular basis. The police had responded to her residence, seen drug paraphernalia, and warned her that they would call Child Protective Services (CPS) if they responded to her home again. This fear of CPS may have been a barrier to her seeking services.

In all three of the cases reviewed, the abuser had an extensive history of alcohol and/or drug abuse.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County Triple Play**: Reach out to include more chemical dependency treatment providers in efforts to address intersections between domestic violence, substance abuse, and mental health.
- **Whatcom County Triple Play**: Develop cross-discipline recommendations for mental health care providers, health care providers, domestic violence advocacy agencies, substance abuse treatment providers, and domestic violence perpetrator treatment providers to screen for, identify, and provide referrals for abusers and victims of domestic violence who are also experiencing chemical dependency. Provide cross trainings and networking on the recommendations.
- **Whatcom County batterer's intervention programs**: Integrate perpetrator and chemical dependency treatment, as recommended by the State of Washington DSHS Division of Behavioral Health and Recovery.
- **DVSAS and Womencare Shelter**: Integrate sober support and dealing with substance abuse with domestic violence services.
- **DVSAS and Womencare Shelter**: Provide safety planning tools and strategies that integrate sobriety planning, and safety planning when drunk or high.
- **DVSAS and Womencare Shelter**: Provide advanced training for staff in substance abuse and addiction.
- **DVSAS and Womencare Shelter**: Routinely screen for chemical dependency and refer to treatment services.
- **Chemical dependency programs**: Provide advanced training for staff on domestic violence.
- **Chemical dependency programs**: Routinely screen for domestic violence and refer to domestic violence agencies.

CHILD PROTECTIVE SERVICES (CPS)

Child Protective Services (CPS) was involved in two of the reviewed cases.

Washington State DVFR Findings: Child Protective Services

Victims' fear (whether realistic or not) that CPS would remove their children due to domestic violence was a barrier to seeking help from police. When CPS was involved with victims and children in reviewed cases, social workers did not appropriately hold the abuser responsible for his violence or assess how to support the protective parent.

In one case, CPS had investigated sexual abuse of one child by another older child in the abuser's home. CPS determined that the sexual abuse did occur, but that it was not due to neglect of the abuser. CPS developed a service plan, which the abuser agreed to follow, to ensure the safety of the children in the home and protect them from further sexual abuse. Several years later, another child was sexually abused in the home. CPS investigated again, and determined that the sexual abuse did occur but that the allegation of neglect against the abuser was "unfounded." This determination of unfounded neglect was despite the fact that the abuser had not followed through on the service plan laid out for him in the previous instance, and had not kept children living in his home safe. The social worker in this case suspected that there was domestic violence in the family, but did not directly ask the victim. The social worker requested a court order to have the abuser complete a DV assessment, but the Court denied the request. At the time of these incidents, CPS did not routinely ask about domestic violence; since 2010, CPS policy directs social workers to ask about domestic violence in every case, and to complete a specialized DV assessment that guides social workers in making appropriate safety plans when domestic violence is present.

In another case, the Whatcom County DVFR Panel discussed the role of CPS in responding to domestic violence. Panel members hoped that a CPS response could help keep a child safe, but at the same time acknowledged that fear of CPS can be a barrier to survivors reporting abuse. At one incident in which police responded, the officers warned the victim that they would call CPS if the police responded to the home again. The victim no doubt experienced the prospect of CPS involvement as a threat, not as an opportunity for help. Regardless of the likelihood of the victim actually having her child removed from her care, her fear may have been a real barrier to her reporting to law enforcement or others.

CPS representatives on the Panel reflected on the difficulty social workers have in finding the appropriate balance between child safety and victim safety and autonomy when working with mothers who are survivors of domestic violence. CPS representatives acknowledged that intervention from a social worker is rarely welcomed by a survivor, and generally viewed as an intrusion. A few Panel members noted that when CPS is involved with domestic violence survivors and their children, service plans tend to hold the survivor responsible for keeping her children safe from the abuser, and rarely result in meaningful accountability for the abuser. Advocates on the Panel shared that this type of intervention from CPS then reinforces a common threat made by abusers: that if a survivor reaches out to law enforcement or others for help, CPS will become involved and the survivor will lose her children.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **DSHS Division of Children and Family Services (DCFS) Bellingham office and DVSAS**: Work together to reinstate having a full time domestic violence advocate stationed in the CPS office. DCFS and DVSAS work together to develop and document a model for the advocate's role. This model could then be replicated at other DCFS offices throughout the State.
- **DV Commission and Division of Children and Family Services (DCFS) Bellingham office**: Create a local Child Protective Services (CPS)/Domestic Violence Best Practices Work Group, to include administrators, social workers, and domestic violence advocates. Meet regularly to improve communication and problem solving. (Contact WSCADV for information about good models for this work group.)
- **DCFS Bellingham office**: Implement discretionary training for social workers on implementing the *Social Workers' Practice Guide to Domestic Violence*, including: how to conduct the specialized domestic violence assessment; document the domestic violence assessment; and incorporate the domestic violence assessment into decision making, safety planning, and service plans.
- **DCFS Bellingham office**: Re-evaluate the practice of referring abusers to outside agencies for the domestic violence assessment. Examine when and how the domestic violence assessment is ordered; clarify the goals, what information social workers need, and how that information is used; and determine if these outside assessments should be replaced by the domestic violence assessment performed by CPS social workers as directed by the *Social Workers' Practice Guide*.
- **DV Commission and DCFS Bellingham office**: Audit case files to look for domestic violence screening and documentation, review social workers' responses, and identify which parent is held responsible for the violence.
- **DCFS Bellingham office**: Incorporate the new Family Assessment Response Protocol into the response to cases that involve domestic violence. This Family Assessment Response provides a pathway for services but is not investigative, with the goal to effectively keep children with the protective parent and safe from the battering parent.
- **DCFS Bellingham office social workers**: Make connections with school counselors when working on cases with children in school, find out what services are available at that school, and refer the survivor and children to school resources.

SCHOOLS, COLLEGES, AND UNIVERSITIES

In each of the reviewed cases, the victim, abuser, and/or their children attended public schools in Whatcom County.

In one case, the abuser and victim both had children in school. In this case, there was sexual abuse occurring in the home in addition to domestic violence. School staff was not aware of the domestic violence or the sexual abuse. However, staff had very memorable and intense interactions with the

abuser, and described him as intimidating, even though they did not identify the domestic violence. The abuser was the parent who had most of the interactions with the school.

In another case, the abuser and victim had a child in common who attended school, and who was having behavior problems. As in the previous case, the abuser was the one who went to meetings at the school. Some Whatcom County DVFR Panel members speculated that perhaps the abuser didn't let the victim know about the school's invitations to meet. Staff from the school noted that the abuser always knew exactly what to say, and how to say the right things. Even though they often had a feeling that something was wrong with the abuser, they didn't know how to identify the violence at home or how it might be affecting the student's behavior, and thus the resulting support the student might need.

In another case reviewed by the Panel, the victim had dropped out of high school. Her family described a disability that may have made it more difficult for her to finish school without intensive support. Dropping out immediately limited her social and economic options and the Panel agreed that she was much more vulnerable to abuse and control as a result. Several Panel members identified support for young women to finish high school and continue education as powerful strategies to remove the economic barriers to leaving an abusive partner. The Panel also identified high school re-entry programs and vocational and technical schools as important places to connect young people with information about domestic violence and resources for survivors.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **DV Commission and all Whatcom County School Districts**: Work together to address domestic violence, dating violence, sexual assault, and stalking as it impacts students. Develop and adopt domestic, dating, and sexual violence policies and procedures to include describing the school response, identifying a Prevention Liaison at each school, and connecting students experiencing these forms of abuse with a community-based advocate. Provide staff training on the policies and procedures, as well as on impact of domestic, dating, and sexual violence on children in school. Model policies and procedures, as well as training outlines, are being developed by the DV Commission with the Ferndale School District as part of the STEP grant (from the U.S. Department of Justice, Office on Violence Against Women), and will be completed in Fall 2013.
- **DVSAS and all Whatcom County School Districts**: Work together to provide age-appropriate prevention education for students in grades kindergarten through 12 on boundaries, healthy relationships, conflict resolution, dating and sexual violence, stalking, and safety planning.
- **All Whatcom County School Districts:** For staff providing school programs for teenage parents, at risk youth, and special education, ensure training on domestic, dating, and sexual violence and healthy relationships, and provide that information to the students they serve.
- **Bellingham Technical College (BTC), Whatcom Community College (WCC), and Western Washington University (WWU):** Incorporate domestic violence information into orientation and financial aid information sessions to ensure every student has information about the local DV advocacy resources available.

- **Bellingham Technical College (BTC), Whatcom Community College (WCC), and Western Washington University (WWU):** Provide information on domestic violence dynamics and resources in student support classes, events, and other efforts that focus on issues in student's personal lives that impact their academic achievements.

ECONOMIC RESOURCES

In reviewing the three cases, it was clear to the Whatcom County DVFR Panel that domestic violence survivors face incredible barriers to achieving housing and economic stability; this, in turn, makes it extremely difficult for survivors to be safe and to leave the abusive relationship.

PUBLIC ASSISTANCE

In one of the cases reviewed, the victim had previously received food stamps and medical assistance from the DSHS Community Service Office (CSO). However, it was identified for the Whatcom County DVFR Panel that although the CSO does regular domestic violence screenings for Temporary Assistance to Needy Families (TANF), these screenings are not in place when people apply for food stamps or medical assistance.

In another case reviewed, the victim was receiving TANF, and had been identified as a victim of domestic violence in the screening. The victim qualified for the family violence option, which allowed her to attend school while receiving TANF. The victim was also referred to the DVSAS domestic violence advocate stationed part time at the Bellingham CSO; the advocate had called the victim and spoken with her. The Panel identified having a DV advocate co-located at the CSO as a critical resource that removes barriers to survivors getting both the safety planning and economic benefits they need. DV advocates at CSOs often serve as the in-house domestic violence expert and resource person, resulting in more effective screening and response to domestic violence throughout the office. Caseworkers can often immediately connect survivors with an advocate in person, rather than making a referral. DV advocates reported that working from the CSO office and calling from a DSHS phone number provides some additional "cover" for survivors who don't want a partner to know they are seeking domestic violence services. Though not available at the time of this homicide, DVSAS now also offers its New Beginnings Support Group for domestic violence survivors on-site at the CSO.

Washington State DVFR Findings: Economic Resources

Based on in-depth reviews of 84 domestic violence homicides in Washington, the Washington State DVFR found that "limited options for economic stability overwhelmingly contribute to keeping victims trapped in relationships with violent abusers." In reviewed cases, economic instability meant that victims were unable to leave or delayed leaving abusers. Often, abusers further undermined victims' and children's stability by refusing to pay court-ordered child support and harassing victims in the workplace.

In one case, the victim was also receiving Women, Infants, and Children (WIC) services and financial assistance, and attended appointments on a monthly basis at the Whatcom County Health Department. Unlike TANF, WIC clinics do not routinely screen participants for domestic violence or provide resource information. The Panel identified contact with WIC as an important opportunity to offer information about domestic violence advocacy and safety planning.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Bellingham DSHS Community Service Office (CSO) and DVSAS**: Maintain DVSAS advocate at Bellingham DSHS CSO, and increase advocate to full-time level, to offer domestic violence advocacy and support groups on-site at the CSO.
- **Bellingham DSHS Community Service Office (CSO):** Provide information and referrals on domestic violence and local domestic violence resources to everyone who applies for and receives food stamps and medical assistance.
- **Whatcom County Health Department:** Provide information on domestic violence and local domestic violence resources to everyone who applies for and receives Women, Infants, and Children (WIC) at the Whatcom County Health Department.

Washington State DVFR Findings: Housing and Homelessness

The Washington State DVFR further found that "communities lack affordable housing options for domestic violence victims who need to relocate." The lack of safe and affordable housing made it difficult for victims to leave abusive partners. And victims had few alternatives. Short-term shelters have a high turn-away rate. Subsidized housing often has long waiting lists; in some communities, wait lists for public housing are simply closed. And some victims struggled to obtain housing due to past evictions or criminal history.

HOUSING AND HOMELESSNESS

In all three reviewed cases, the victim's lack of access to safe and affordable housing made her more vulnerable to the abuser's violence. Specifically, the Whatcom County DVFR Panel found that:

- Domestic violence is a leading cause of homelessness. A survivor's efforts to escape abuse can result in loss of housing, employment, childcare, health care, and access to a partner's income. Domestic violence puts families at risk of homelessness, if not because of safety needs, then because of economic impacts
- Homelessness and/or a lack of safe and stable housing make women and their children vulnerable to victimization.

In one case, the victim and her children were homeless when they moved in with the abuser. The Panel noted that in this case, the victim's dependence on her abusive boyfriend for housing for herself and her children limited her options for safety.

In another case, the victim had moved out of the home she shared with the abuser, was staying with friends, and was actively looking for a place to live at the time of the murder. Her child stayed in the home with the abuser while she looked for safe, permanent housing, and as a result she spent a lot of time in the abuser's home in order to care for their child. A friend said that she had suggested resources such as Womencare Shelter and Lydia Place, but the victim stated that she did not want to disrupt her child's life by moving into a shelter. However, both Womencare Shelter and Lydia Place can refer survivors for other needed services. Moreover, Panel members noted that many survivors and other community members are not aware that Womencare Shelter offers services other than shelter, including legal advocacy and help to secure permanent housing. Both Womencare Shelter and Lummi Victims of Crime (LVOC) participate in the Domestic Violence Housing First and Rapid Re-Housing models, and have been leaders in the State of Washington in supporting permanent housing for domestic violence survivors and their families.

In a third case, the victim and her child were living with a male roommate prior to the homicides. According to the victim's family, the victim felt unsafe with the roommate, and worried that he was interested in her sexually and would not respect her boundaries. She had her boyfriend move in with her, because she believed the roommate would leave then her alone. Her boyfriend later killed her.

Domestic Violence Housing First (DVHF) recognizes that some survivors of abuse need confidential, domestic violence-specific housing in order to be safe, but may do not. Many can achieve safety and self-sufficiency through other housing and supportive services. DVHF eliminates housing as a reason for survivors to stay in abusive relationships by providing advocacy and a flexible approach to support that gives survivors the ability to establish a home and the freedom to choose how best to rebuild their lives. Key components of DHVF include: tailored services, mobile advocacy; housing search support; landlord education; and temporary financial assistance.

DVHF prioritizes the unique safety needs of domestic violence survivors and their children. Safety and self-determination are the driving factors, rather than the shortest possible timeline to permanent housing.

DVHF does not replace domestic violence shelters. While many new efforts are focused on placing and keeping families in permanent housing, emergency shelters continue to meet an important need in communities statewide. Domestic violence shelters provide critical, life-saving, emergency services. They are important for survivors and their children who need an immediate safe haven from an abuser. DVHF is intended as an additional option to provide a wider range of choices to meet the unique and varied needs of survivors. In addition, DVHF strategies may be used to help survivors in emergency shelters access permanent housing.

"Domestic Violence Housing First." *Washington State Coalition Against Domestic Violence.* Accessed 25 September 2013. www.wscadv.org/projects.cfm

The Panel discussed whether any of the victims in the reviewed cases would have qualified for housing services from the Whatcom Homeless Service Center (WHSC). Due to federal funding guidelines, the WHSC considers someone homeless who has stayed three nights on the street or in emergency shelter. Staying with friends, or "doubling up," is not considered homeless, unless WHSC staff identifies the situation as unsafe. Panel members thought this definition undercounts survivors and their children who are displaced from their homes due to abuse. Most women with children would choose to stay on the street instead of with an abusive partner only in the most desperate of circumstances. The WHSC does prioritize housing services for survivors fleeing domestic violence. The housing intake used in Whatcom County includes a question about a history of intimate partner violence. When a client indicates that she has been abused, the intake staff makes referrals to other community resources and services. When staff are concerned that a client may be in danger due to domestic violence situation but has not acknowledged it, staff will let the client know that people who are not safe due to domestic violence will be prioritized for housing services even if they are doubled-up with family or friends. However, being prioritized does not mean immediate access to permanent housing, but that the survivor will be prioritized for openings in transitional or permanent housing, depending on other demographic characteristics (e.g. having children versus single individual).

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Womencare Shelter**: Continue partnering with the Whatcom Homeless Service Center on the DV Housing First and Rapid Re-housing models, institutionalizing the priority on permanent housing to prevent survivors from becoming homeless.
- **Womencare Shelter**: Provide housing and housing case management services for women who are at risk for domestic violence or sexual assault because of lack of stable/safe housing, not just for women who are in active domestic violence situations.
- **DVSAS and Womencare Shelter:** Continue offering financial support to victims through the Stable Housing Initiative, which helps survivors to avoid homelessness through providing economic support for distinct financial needs.
- **All Whatcom County housing programs (e.g. shelters and transitional housing)**: Use the DV Housing First and Rapid Re-housing models when serving survivors of domestic violence.
- **Whatcom Homeless Service Center and all other Whatcom County housing providers**: Provide specific domestic violence training to intake and case management staff as part of their orientation to their job, as well as on-going domestic violence training on an annual basis.
- **Whatcom Homeless Service Center and all other Whatcom County housing providers**: Not only screen for domestic violence, but also listen for clues in the stories of people who apply to housing that indicate that domestic violence may be occurring. Give information on domestic violence and local resources to everyone who applies for housing, not just to people who screen in as survivors.
- **Whatcom Homeless Service Center and all other Whatcom County housing providers**: Integrate domestic violence advocacy into housing case management, so that safety planning is part of the housing plan.

- **Whatcom County landlords, property management companies, and realtors:** Seek training on the dynamics and red flags of domestic violence, local resources for survivors and how to make referrals, and applicable housing laws that impact survivors.

COMMUNITY RESPONSE: FRIENDS, FAMILY, NEIGHBORS

Whatcom County DVFR Panel members pointed out in each of the cases that many of the people around the victims, abusers, and their children were aware of the domestic violence. Neighbors, family, friends, new partners, coworkers, pastors, acquaintances, and roommates all stated afterwards that they suspected or knew about the abuse in the relationships. These people at times told victims about domestic violence services, suggested victims seek protection orders, told the abuser that they weren't treating the victim right, threatened the abuser, and/or called 911; other times, people acted in ways that enabled the abuser to continue his abuse and said things that blamed the victim. Most often, friends, family, and other bystanders did not know how to intervene, and so did nothing at all. The Panel concluded that in general, people don't know what to say or do about domestic violence, may not know about the local free and confidential domestic violence advocacy services available, and/or don't want to get involved because of their own situation (e.g. warrants out for arrest, involvement with CPS, substance abuse issues). But the Panel also stated that it is often up to these community connections to let the abuser know that the violence is not acceptable, and to support the victim. In order for the general community to know what to do and say in these situations, community-wide awareness efforts need to increase, and expand to include interventions for abusers.

As noted in one of the cases, the community response after an intimate partner homicide is very important, and while it cannot bring back homicide victims, a strong community response can bring healing to others who were connected to the victim and abuser, including their children, family, friends, and other community members.

Washington State DVFR Findings: Friends, Family, Neighbors

Victims turned to friends and family first and most often. In nearly all reviewed domestic violence fatalities, the victims had reached out to friends, family, neighbors, or co-workers. Friends and family were the first line of support for victims and their children, and were often aware of the abuse long before it escalated to lethal violence.

Victims can't rely on the legal system alone. In nearly a third of fatalities, police had no contact with the victim and abuser prior to the homicide. Fewer than half of domestic violence incidents that were reported to police resulted in the abuser being arrested.

Friends and family need support to be supportive. In most cases, friends and family wanted to be helpful but did not know how. Abusers attempted to sabotage victims' supportive relationships and isolate them from community. Family and friends need support to maintain and rebuild those connections over time.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Whatcom County employers**: Adopt the DV Commission's Domestic Violence in the Workplace Policy and Procedure Template for responding to survivors and abusers in the context of the workplace.
- **DV Commission**: Develop a toolkit for community members to respond to abusers of domestic violence, including messaging, screening tools, and resources and referrals.
- **DV Commission:** Focus Domestic Violence Awareness Month (DVAM) activities on informing community members about domestic violence, local resources, and how a bystander can safely and appropriately make a difference.
- **All Whatcom County faith communities and DV Commission**: Provide DV Commission's train the trainers presentation on Children and Domestic Violence to faith leaders, including youth group leaders.
- **All Whatcom County faith communities and DVSAS**: Identify members of faith communities to receive DVSAS's professional domestic violence advocacy training and act as a resource for congregations.
- **Neighborhood Watch Programs, Neighborhood Associations, DVSAS, and Womencare Shelter**: Connect to give neighborhoods information about domestic violence and local domestic violence advocacy services.
- **Neighborhood Watch Programs, Neighborhood Associations, and DV Commission**: Connect to create domestic violence response protocols for neighborhoods.
- **All Whatcom County community members**: Call the 24-hour helplines for DVSAS and Womencare Shelter to learn about the free and confidential domestic violence advocacy available for survivors. Find out how community members can be a part of the community solution to domestic violence. Share the information learned about DVSAS and Womencare Shelter with others in the community, especially with survivors.
- **All Whatcom County Community members**: Do not tolerate the abusive behaviors of family, friends, neighbors, or others. Let survivors know that you support them, and let abusers know that what they are doing is not okay.

RURAL COMMUNITY

Reviews included situations in which the victim and abuser lived outside of Bellingham. Services are often centered in Bellingham and may be difficult to access for people living in other communities. Even if organizations offer services outside of the City, there is less access to domestic violence, housing, and other resources for survivors who live in small cities and rural areas. There are also limited perpetrator treatment programs outside of Bellingham. There is one program in Blaine, one part-time program in Ferndale, and one program in Lummi. There are two programs in Bellingham. All of these programs are English-speaking, and other than Lummi, there are no culturally specific programs. Fewer formal supports from social service agencies make the community response from neighbors, churches, schools, and employers even more important.

That Whatcom County DVFR Panel identified the Domestic Violence Specialist (DVS) as an extremely important support to victims who live in the small cities of Whatcom County. The DVS is a prosecution-based advocate who serves domestic violence victims with criminal DV cases in any one of the five small city municipal courts in Whatcom County – Blaine, Everson-Nooksack, Ferndale, Lynden, and Sumas. The Domestic Violence Specialist is often the primary contact that victims have with the criminal justice system.

RECOMMENDATIONS FOR WHATCOM COUNTY

- **Womencare Shelter**: Research and institute a Safe Place Program – modeled on Safe Place Programs for homeless and runaway youth – for domestic violence survivors. Use the program to make churches, casinos, gas stations, stores, and other public places safe places for a victim to go and be connected to Womencare Shelter for a ride and a safe place to stay for the night. Train staff at these locations to give survivors a business card and make the phone call to Womencare's domestic violence helpline. Conduct outreach to the community to raise awareness of this program.
- **Small Cities of Whatcom County**: Prioritize funding for and fully fund the Domestic Violence Specialist.
- **DVSAS and Womencare Shelter**: Co-locate domestic violence advocates at the East Whatcom County Regional Resource Center in Kendall and at community health clinics in rural Whatcom County.
- **DVSAS and Womencare Shelter**: Provide domestic violence awareness and outreach to rural communities of Whatcom County, with a focus on reaching out through faith based communities.
- **DVSAS and Womencare Shelter**: Each provide at least one domestic violence support group in an area outside of Bellingham on a regular basis.
- **DV Commission**: Provide at least one event or outreach activity outside of Bellingham each year as part of Domestic Violence Awareness Month (DVAM).

APPENDIX A: LETHALITY ASSESSMENT PROGRAM (LAP) TOOL

Domestic Violence
Risk Assessment

Officer:	Date:	Case #:
Victim:	Offender:	

☐ ***Check here if victim did not answer any of the questions.***

➧ ***A "YES" response to any of Questions #1-3 automatically triggers the protocol referral.***

1. Has he/she ever used a weapon against you/threatened you with a weapon?	☐ Yes	☐ No	☐ Not Ans.
2. Has he/she threatened to kill you or your children?	☐ Yes	☐ No	☐ Not Ans.
3. Do you think he/she might try to kill you?	☐ Yes	☐ No	☐ Not Ans.

➧ ***Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.***

4. Does he/she have a gun or can he/she get one easily?	☐ Yes	☐ No	☐ Not Ans.
5. Has he/she tried to choke you?	☐ Yes	☐ No	☐ Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	☐ Yes	☐ No	☐ Not Ans.
7. Have you left him/her or separated after living together or being married?	☐ Yes	☐ No	☐ Not Ans.
8. Is he/she unemployed?	☐ Yes	☐ No	☐ Not Ans.
9. Has he/she ever tried to kill himself/herself?	☐ Yes	☐ No	☐ Not Ans.
10. Do you have a child that he/she knows is not his/hers?	☐ Yes	☐ No	☐ Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	☐ Yes	☐ No	☐ Not Ans.

➧ ***An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.***

Is there anything else that worries you about your safety? (If "yes") What worries you?

Was he/she using drugs or alcohol at the time of the incident? ☐ Yes ☐ No ☐ Not Ans.
If so, what kind?

Check one:

☐ **Victim screened in according to the protocol**
☐ **Victim screened in based on the belief of the officer**
☐ **Victim did not screen in**

If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the helpline advocate counselor? ☐ **Yes** ☐ **No**

APPENDIX B: DOMESTIC VIOLENCE RISK ASSESSMENT BENCH GUIDE

A research-based bench guide for use by Minnesota judges
at all stages of family, Order for Protection, civil or criminal involving domestic violence

Note: The **presence** of these factors can indicate **elevated risk** of serious injury or lethality. The **absence** of these factors is not, however, evidence of the absence of risk of lethality.

1. Does alleged perpetrator have access to a **firearm**, or is there a firearm in the home?
2. Has the alleged perpetrator ever used or threatened to use a **weapon** against the victim?
3. Has alleged perpetrator ever attempted to **strangle** or choke the victim?
4. Has alleged perpetrator ever **threatened to or tried to kill** the victim?
5. Has the physical **violence increased in frequency or severity** over the past year?
6. Has alleged perpetrator **forced** the victim to have **sex**?
7. Does alleged perpetrator try to **control** most or all of victim's **daily activities**?
8. Is alleged perpetrator constantly or violently **jealous**?
9. Has alleged perpetrator ever threatened or tried to commit **suicide**?
10. Does the **victim believe** that the alleged perpetrator will re-assault or attempt to kill the victim? *A" no" answer does not indicate a low level of risk, but a "yes" answer is very significant*
11. Are there any pending or prior Orders for Protection, criminal or civil cases involving this alleged perpetrator?

"

These risk assessment factors are validated by a number of studies. See Campbell, Jacquelyn, et al," Intimate Partner Violence Risk Assessment Validation Study: The RAVE Study Practitioner Summary and Recommendations: Validation of Tools for Assessing Risk from Violent Intimate Partners", National Institute of Justice (December, 2005); Heckert and Gondolf, "Battered Women's Perceptions of Risk Versus Risk Factors and Instruments in Predicting Repeat Reassault", Journal of Interpersonal Violence Vol 19, No 7 (July 2004).

Produced by the Gender Fairness Implementation Committee; 2009

HOW TO USE THE DOMESTIC VIOLENCE RISK ASSESSMENT BENCH GUIDE

- **Obtain information regarding these factors through all appropriate and available sources**
  - Potential sources include police, victim witness staff, prosecutors, defense attorneys, court administrators, bail evaluators, pre-sentence investigators, probation, custody evaluators, parties and attorneys
- **Communicate to practitioners that you expect that complete and timely information on these factors will be provided to the court.**
  - This ensures that risk information is both sought for and provided to the court at each stage of the process and that risk assessment processes are institutionalized
  - Review report forms and practices of others in the legal system to ensure that the risk assessment is as comprehensive as possible
- **Expect consistent and coordinated responses to domestic violence**
  - Communities whose practitioners enforce court orders, work in concert to hold alleged perpetrators accountable and provide support to victims are the most successful in preventing serious injuries and domestic homicides
- **Do not elicit safety or risk information from victims in open court**
  - Safety concerns can affect the victim's ability to provide accurate information in open court
  - Soliciting information from victims in a private setting (by someone other than the judge) improves the accuracy of information and also serves as an opportunity to provide information and resources to the victim
- **Provide victims information on risk assessment factors and the option of consulting with confidential advocates**
  - Information and access to advocates improves victim safety and the quality of victims' risk assessments and, as a result the court's own risk assessments.
- **Note that this list of risk factors is not exclusive**
  - The listed factors are the ones most commonly present when the risk of serious harm or death exists
  - Additional factors exist which assist in prediction of re-assault
  - Victims may face and fear other risks such as homelessness, poverty, criminal charges, loss of children or family supports
- **Remember that the level and type of risk can change over time**
  - The most dangerous time period is the days to months after the alleged perpetrator discovers that the victim
    - might attempt to separate from the alleged perpetrator or to terminate the relationship
    - has disclosed or is attempting to disclose the abuse to others, especially in the legal system

APPENDIX C: DOMESTIC VIOLENCE INTERVIEW GUIDE

INSTRUCTIONS FOR DOMESTIC VIOLENCE INTERVIEW GUIDE

TALKING ABOUT DOMESTIC VIOLENCE

This interview guide is designed to help you identify domestic violence and coercive controlling behaviors in family law cases. It should be used with all adults who are parties, or who play a parental role in a case, regardless of gender, marital status, sexual orientation, or parenting status. Screening for domestic violence is often complicated by the fact that victims: (1) may not know why it might be in the interests of their children or themselves to disclose abuse; (2) may be unclear or concerned about the ramifications of disclosure: (3) may not trust you with information about domestic violence, in spite your good intentions: and (4) may not perceive that their current level of risk warrants disclosure. For these and other reasons, victims are often reluctant to disclose abuse. Screening for domestic violence, therefore, is not a one-time event, but should occur periodically over the course of your involvement in the case. Bear in mind that talking about abuse may be emotionally difficult experience for the interviewee, as well as for you. It is important to plan accordingly.

INTRODUCTION TO THE INTERVIEWING GUIDE

The **first column** of this guide seeks general information across seven broad topic areas: (1) personal interactions; (2) access to resources: (3) children and parenting; (4) control of daily life; (5) emotional abuse; (6) physical abuse; and (7) sexual abuse. Below each broad topic area are examples of the kinds of things you might ask about in order to help you identify whether domestic violence is, or may be, present. Research shows that asking behaviorally specific questions is the most effective method of screening for abuse and coercive control.

Learning about these seven broad topic areas can help you identify important issues in the case. It can help you assess the relative capacities of the parties to meaningfully participate in alternative dispute resolution processes. It can help you recognize the kinds of protections that ought to be put in place to ensure that court proceedings are safe and effective. And, it can help you and the parties with whom you are working to determine together what the most beneficial and realistic outcomes might be for themselves and their children.

The **second column** suggests follow-up areas to explore when any domestic violence issues are identified or disclosed under column one. These discussion areas will help you gain a deeper understanding of the nature, context, severity and implications of domestic violence and coercive controlling behaviors.

The **third column** contains a checklist of key concepts, behaviors, and dynamics to listen for in the narrative responses to the questions asked in columns one and two.

PRACTICAL CONSIDERATIONS

For safety reasons, care must be taken in determining where, when and how to conduct this interview the *interview should not be conducted in the presence or proximity of any other party or interested person* unless s/he is an advocate or support person and it is determined that the presence of that person will not create any confidentiality problems or threaten any applicable professional privilege, such as the attorney-client privilege.

Before conducting the interview, you should explain to the interviewee:

1. That the professional standards that guide your work require that you look into certain issues in every case, including domestic violence, and that knowing about any history of domestic violence will help you carry out your functions and fulfill your professional responsibilities.
2. What your specific role and function is in relation to the case, including:
   - What you were appointed, hired or referred to do;
   - How you intend to do it;
   - What you will and won't share with the court, the opposing party, and others; and
   - Whether the information will appear in the record ru1cl/or a pleading or report.

3. The scope and/or limits of confidentiality and your duty to report suspected child abuse and certain serious crimes.

If a person discloses domestic violence, you should:

1. Obtain as much information as possible in order to fully understand its implications, without confining yourself to the topics listed in this guide
2. Assess with the person the risks s/he may be facing, including risks of injury, death or other dangers, especially those arising from disclosing abuse; and
3. Refer the person to a qualified domestic violence advocate for safety planning assistance and a more in-depth risk assessment, as appropriate,

Remember that risk from domestic violence is never static, that it is difficult to predict, that it can fluctuate over time, *and that it often escalates once it has been disclosed and/or the parties separate.*

Domestic Violence Interview Guide

Adapted from *Client Screening to Identify Domestic Violence Victimization*, Domestic Abuse Committee of the Family Law Section of the Minnesota State Bar Association, 2010; Holtzworth-Munroe, Beck & Applegate (2010), *Mediator's Assessment of Safety Issues and Concerns*; and Janet Johnson, et al., IN THE NAME OF THE CHILD (2d ed.), Springer Publishing Co., 2009.

1. Personal Interactions	**Discussion Areas:**	**What to Listen For:**
A. Let's start by talking about your current relationship with _____.	1. Quality of interactions a. Ability to express views b. Trust in other's judgment c. Reliance on other's word d. Cost of disagreement e. Post-separation changes	□ Autonomy □ Control □ Balance of power □ Fear/danger/safety □ Vulnerability
B. How comfortable are you interacting with _____ now? □ Being alone together □ Meeting face-to-face □ Talking by phone □ Emailing or texting □ Public encounters	2. Prior separations 3. Snapshots a. Happiest moments b. Most worrisome moment c. Scariest moments	□ Dependability/predictability □ Dis/honesty/deception □ Dis/respect □ Manipulation □ Coercion/intimidation □ Degradation/humiliation □ Sabotage
C. Do you have any concerns, fears or anxieties that I should be aware of?	4. Decision-making history 5. Stressors a. Violence b. Alcohol/drugs c. Physical/mental health	□ Surveillance □ Volatility □ Jealousy/possessiveness □ Entitlement
D. What worries you most?	d. Criminal activity e. Poverty	
2. Access to Resources	**Discussion Areas:**	**What to Listen For:**
A. I'd like to get a sense of your economic wellbeing.	1. History/detail	□ Control/Rulemaking □ Dependence □ Isolation
B. Do you have access to your own resources, like money, bank accounts, food, housing, transportation and healthcare?	2. Ability to meet basic needs 3. Ability to meet obligations	□ Denial of financial support □ Child abuse/neglect □ Child dependency
C. Who decides how you spend your money and manage your financial affairs?	4. Recent changes	□ Blackmail □ Financial sabotage □ Forced criminal activity □ Prostitution/pornography □ Theft/drug trafficking

3. Children/Parenting	Discussion Areas:	What to Listen For:
A. Let's talk about your children.		□ Direct physical abuse □ Child sexual abuse □ Moral corruption □ Pornography □ Racism/sexism □ Criminal activity
B. Do you have any concerns about your children or fears for their safety?	1. What worries you most?	□ Post-separation violence □ Intimidation/trauma/terror □ Children treated as property □ Lack of attunement to kids □ Denial of kids' feelings □ Boundary violations
C. How are parenting time arrangements currently being worked out? □ Division of duties □ Parenting skills/capacities □ Parenting concerns/conflicts □ Children's adjustment □ Access/exchange issues □ Satisfaction with the plan	2. Capacity for joint decisions a. Common beliefs/values b. Parental involvement c. Trust in parental judgment d. Support of other parent e. Respect for other parent f. Nurture/support of kids g. Conflict resolution skills h. Developmental stage(s)	□ Parenting styles □ Inconsistent parenting □ Erratic role reversals □ Unstable home environment
D. Has _____ ever used or threatened to use the children to manipulate, control, or monitor you?	3. Interference with care 4. Undermining authority 5. Threats to: a. Take children away b. Harm children c. File CPS reports d. Deport e. Evict	□ Minimizing kids' needs □ Denying effects of violence □ Punishing kids being kids □ Criticizing kids being kids □ Lack of empathy for kids □ Drawing kids into abuse □ Grilling kids for information □ Using kids as weapons
E. How are your children doing now?	6. Post-separation changes	□ Children acting out □ Children using violence □ Children mimicking abuse □ Children withdrawn/clingy □ Age-inappropriate behaviors □ Torn allegiances/loyalties □ Changes in school work □ Changes in social life

4. Control of Daily Life	Discussion Areas:	What to Listen For:
A. I'd like to get a sense of how much freedom you have in your everyday life. □ To come/go as you please □ To manage your own time □ To make own decisions □ To set your own priorities □ To interact with others **Can you talk a little about that?**	1. Detail 2. Frequency 3. Severity 4. Intent of other's behavior	□ Micro-management of life □ Rulemaking □ Demands for obedience □ Compliance/resistance □ Monitoring/surveillance □ Disrespect of privacy □ Disregard of boundaries □ Jealousy/possessiveness □ Expectations of loyalty
B. Is there anything that gets in your way of doing the things you want or need to do?	5. Meaning of behavior to you	□ Entitlement/privilege □ Power/control/omnipotence
C. Has _____ ever: □ Followed you □ Often checked up on you □ Examined your mail/email □ Examined phone records □ Hacked into email/accounts □ Grilled you/timed activities □ Used others to spy on you □ Invaded your space/privacy □ Misused social network sites	6. Effect on: a. Interactions b. Relationships c. Communications d. Self/children e. Parenting skills/capacities 7. Change: a. Over time b. Pre/post pregnancy c. Pre/post separation	□ Fear/intimidation/dread □ Danger/insecurity □ Unpredictability/instability □ Stalking □ Hostage-taking □ Trafficking
D. Has _____ ever physically restrained you, forbidden you from leaving, made you do things you didn't want to do, or punished you for defying his/her wishes?		
E. Has ever shown up unannounced, contacted you against your will, or left something for you to find in order to scare or intimidate you?		

5. Sexual Abuse	Discussion Questions:	What to Listen For:
A. While it is uncomfortable to talk about these kinds of things, it's very important for me to know if ____ ever pressured or forced you to do sexual things that you did not want to do or that made you scared, uncomfortable, or ashamed. Has anything like that ever happened?	1. Detail 2. In front of whom? □ Children □ Family □ Friends □ Co-workers □ Public □ Nobody – just in private 3. Frequency 4. Severity	□ Safety/risk/lethality □ Sexual assault/coercion □ Degradation/humiliation □ Use of pornography □ Control/intimidation/terror □ Escalation □ Jealousy/possessiveness □ Capacity to negotiate □ Relative bargaining power □ Capacity to co-parent □ Capacity to communicate
B. Has ever interfered with your decisions about birth control, pregnancy, and/or safe sex?	5. Intent of other's behavior 6. Meaning of behavior to you 7. Effect on: a. Interactions b. Relationships c. Communications d. Self/children e. Parenting skills/capacity	□ Danger to children □ Moral corruption of kids □ Impact on children □ Threat of child abuse □ Trauma/fear/anxiety □ Inappropriate boundaries
C. Has _____ ever used your image, or forced or pressured you to use your own image, to engage in sexting or pornography?	8. Change: a. Over time b. Pre/post pregnancy c. Pre/post separation	□ Primary perpetration □ Offensive/defensive wounds □ Proportionality of force □ Criminal justice response □ Protection orders □ Defiance of authority
D. Is there anything else you think I should know about 's sexual behavior towards you?	9. Injuries 10. Medical attention 11. Hospital visits 12. Calls for help/to police 13. Arrests 14. Convictions/sanctions 15. Orders for protection 16. Protection order violations	□ Response to abuse □ Fight □ Flight □ Freeze

6. Physical Abuse	Discussion Areas:	What to Listen For:
A. Let's turn to your personal safety, both now and in the past. Has ____ ever used or threatened to use physical force or violence against you or the children? □ Hold, pin down, restrain □ Kneel, stand or sit upon □ Tie up, bind, gag □ Push, shove, shake, grab □ Scratch, pull hair, shave hair □ Twist arm □ Bite □ Spit on □ Urinate upon □ Slap □ Hit or punch □ Kick or stomp □ Strike w/ or throw object at □ Choke, strangle □ Burn □ Poke, stab, cut □ Withhold food/medication □ Disable medical equipment **B. What's the worst thing ___ has ever done to you?** **C. What's the scariest thing ___ has ever done to you?**	1. Detail 2. In front of whom? □ Children □ Family □ Friends □ Co-workers □ Public □ Nobody – just in private 3. Frequency 4. Severity 5. Intent of other's behavior 6. Meaning of behavior to you 7. Effect on: a. Interactions b. Relationships c. Communications d. Self/children e. Parenting skills/capacity 8. Change: a. Over time b. Pre/post pregnancy c. Pre/post separation 9. Injuries 10. Medical attention 11. Hospital visits 12. Calls for help/to police 13. Arrests 14. Convictions/sanctions 15. Protection orders 16. Protection order violations	□ Safety/risk of danger □ Potential lethality □ Recent escalation □ Fear/dread/doom □ Control, intimidation □ Manipulation □ Entitlement/privilege/power □ Rulemaking □ Demands for obedience □ Compliance/resistance □ Humiliation □ Autonomy/personhood □ Equity/trust/security □ Predictability/stability □ Capacity to negotiate □ Relative bargaining power □ Capacity to co-parent □ Capacity to communicate □ Ability to meet kids' needs □ Differentiation of self/other □ Trauma/fear/anxiety □ Healthy attachments □ Appropriate boundaries □ Perspective of children □ Hopelessness □ Futility □ Primary aggressor □ Proportionality of force □ Offensive/defensive wounds □ Criminal justice interveners □ Defiance of authority □ Response to abuse □ Fight □ Flight □ Freeze

7. Emotional Abuse	Discussion Areas:	What to Listen For:
A. Let's talk more about how you and relate to one another. Can you describe how _____ treats you as a person? **B. Does _____ ever:** □ Insult you or put you down □ Ridicule you in public □ Purposely humiliate you □ Play mind games **C. Does _____ ever:** □ Intimidate you □ Yell or scream at you □ Act aggressively toward you **D. Does ever:** □ Get jealous or possessive □ Accuse you of infidelity **E. Does _ ever interfere with:** □ Your work/school life □ Your social life □ Your sleep □ Your healthcare/medications **F. Has ___ ever threatened to:** □ Kill you or the children □ Kill him/herself □ Harm you or the children □ Harm someone you care for □ Harm or kill pets **G. Has ever:** □ Destroyed your property □ Threatened you w/ weapon □ Put your life in danger □ Disabled car/equipment □ Driven recklessly to scare	1. Detail 2. In front of whom? □ Children □ Family □ Friends □ Co-workers □ Public □ Nobody – just in private 3. Frequency 4. Severity 5. Intent of other's behavior 6. Meaning of behavior to you 7. Effect on: a. Interactions b. Relationships c. Communications d. Self/children e. Parenting skills/capacities 8. Change: a. Over time b. Pre/post pregnancy c. Pre/post separation	□ Attacks on sanity □ Attacks on dignity □ Extreme cruelty □ Humiliation/embarrassment □ Entrapment/paralysis □ Hopelessness/futility □ Trauma/fear/anxiety □ Sabotage □ Obsessive jealousy □ Narcissism □ Entitlement □ Blackmail □ Access to weapons □ Seemingly innocent acts with hidden meaning □ Response to abuse □ Fight □ Flight □ Freeze

Implications of Domestic Violence for Safety and Parenting:	
Immediate Safety Concerns: *See Risk Assessment Factors and Questions 1(A)-(D), 3(B), 4(E), 5(F)-(G), 6(A)-(C), 7(A)-(D)*	**Risk Assessment Factors:** □ Increase in frequency/severity □ Access to firearms □ Recent separation □ Unemployment □ Use or threat to use lethal weapon □ Threat to kill □ Avoidance of arrest for dom.viol. □ Step-children □ Forced sex □ Attempted strangulation □ Illegal drug use □ Alcohol dependency □ Control of daily activities □ Violent or constant jealousy □ Assault during pregnancy □ Threatened or attempted suicide □ Threat to harm children □ Belief in capacity to kill □ Stalking □ Major mental illness
Immediate Economic Concerns: *See Questions 2(A)-(C), 4(C), 5(E)*	
Immediate Parenting Concerns: *See Questions 1(A)-(C), 2(A)-(C), 3(A)-(E), 4(A)-(E), 5(E)-(G), 6(A)-(C), 7(A)-(D)*	
Long-Term Concerns:	

APPENDIX D: RECOMMENDATIONS FOR RESPONDING TO FIREARMS AND WEAPONS IN DOMESTIC VIOLENCE CIVIL ORDERS FOR PROTECTION

1. A Petition to Order Surrender of Weapon should be included in all Order for Protection Application Packets. (Whatcom County Superior and District Courts) With assistance from Assigned Counsel, or a domestic violence advocate, petitioner may chose to fill out the Petition to Order Surrender of Weapon. At minimum, petitioners will be reminded by Assigned Counsel and/or domestic violence advocate, to fill out information on respondent access to firearms per page 6 of the Petition for Order for Protection. Domestic violence advocates, and Assigned Counsel as able, should suggest that petitioner be as specific as possible in listing any firearms that respondent has access to, as well as where the firearms are located if relevant.

2. Domestic violence advocates should routinely explore respondent access to firearms and help petitioner determine whether presence of firearms are a safety risk. Advocate can also assist petitioners in identifying the specific weapons respondent has access to, as well as the location, in case the court requests that information.

3. Temporary (Ex-Parte) Order: Court responds to petitioner request. If Order to Surrender Weapon is issued at ex parte hearing, LEA (law enforcement agency) serving the Temporary Order for Protection and Order to Surrender Weapon will notify the respondent of the provisions in the Order to Surrender Weapon, and advise the respondent to surrender their firearms/weapon(s) by date on the order. If respondent voluntarily surrenders firearms/weapons, LEA should ensure the court receives proof of service of any surrendered firearms as per step #9. If firearms are joint property and petitioner has access to the firearms, petitioner can surrender the firearms to LEA.

4. Permanent Protection Order Hearing: Court responds to petitioner request. If no Petition to Order Surrender of Weapon has been submitted, court may review petitioner statement, may ask about weapons and other risk factors, and determine if court has authority to issue Order to Surrender Weapon.

5. If Court issues an Order to Surrender Weapon, it will be a separate order attached to the domestic violence Order for Protection with the same case number. In the body of the Order for Protection, under item #9 (*Other*), it is recommended that the court write in the following: "Respondent shall comply with the Order to Surrender Weapon entered contemporaneously with this order. Failure to comply with the Order to Surrender Weapon could result in the Respondent being found in contempt of court and/or subject the Respondent to arrest for violation of RCW 9.41.810." This language will provide clear direction to law enforcement for enforcement. The court should make all efforts to be as specific as possible in identifying which firearms/weapons should be surrendered and where they might be located.

6. If Court issues Order to Surrender Weapon, respondent will be told to surrender firearms/weapons within two (2) business days, and will be given basic instructions, such as to call ahead to the law enforcement agency and to bring a copy of the Order to Surrender Weapon when surrendering weapons. Respondent will be asked to surrender the weapon to the LEA where petitioner resides. The court may make other arrangements in special circumstances. Respondent will be given a court date to return for a compliance review. The compliance review should be scheduled in two to three weeks if possible. The date for the compliance review can be entered in the Order for Protection under item #12.

7. The court will provide LEA with paperwork (orders) per regular process. If the box is checked on the Order to Surrender Weapon to prohibit obtaining and possessing a firearm, CPL, or other dangerous weapon, LEA records should enter this as PCO Code 07 in WACIC/NCIC. The date and location for surrender of weapons should be entered in the MIS field in WACIC/NCIC. Each LEA may want to identify other ways to document this information in own database, such as within LONGARM.

> *Diane Harrison, Auditor, Washington State Patrol has clarified that when a box is checked on the Order to Surrender Weapon to prohibit obtaining and possessing a firearm, CPL or other dangerous weapon, this should be entered as PCO Code 07 in WACIC/NCIC. Law enforcement has been trained to recognize the PCO Code 07 as the state firearm restrictor. Diane Harrison also stated that the date and place for surrender of firearms should be entered in the MIS field in WACIC/NCIC. She stated that once surrender of firearms has been made, this information <u>may</u> be removed from the MIS field by the LEA authorized to remove the information. (LEA where petitioner resides.)*

8. If respondent is not at final Protection Order hearing and Order to Surrender Weapon is issued by the court, the LEA serving the orders (Order for Protection and Order to Surrender Weapon) shall notify the respondent of the provisions in the Order to Surrender Weapon, and advise the respondent to surrender their firearms/weapon(s) by date on the Order. If the respondent voluntarily surrenders their firearm(s) LEA should ensure the court receives proof of service of surrendered firearms as per Step #9.

9. When firearms are surrendered, either through seizure by LEA or surrender by respondent or petitioner**, the LEA receiving the firearms/weapons should complete a Proof of Surrender of Firearm(s) form and return it to the court that issued the Order to Surrender Weapon. An impound list may be attached to the Proof of Surrender of Firearm(s) form. This special form will be provided to all LEA by the courts. The respondent should be given a copy of the Proof of Surrender of Firearm(s). (**If firearm/weapons are joint property and petitioner has access, petitioner may surrender the firearms/weapons.)

If seizure of firearms/weapons is by a LEA that is not the jurisdiction where petitioner resides, the LEA seizing the firearms/weapons should make all reasonable efforts to contact the LEA where petitioner resides and request that they take responsibility for any seized firearms/weapons. The Order to Surrender Weapon will state which LEA is the jurisdiction where petitioner resides. This will help ensure that surrender of weapons information can be entered into WACIC/NCIC. The LEA initially receiving the firearms should ensure the court receives proof of service of surrendered firearms.

10. Once court is notified that firearms/weapons have been surrendered through the Proof of Surrender of Firearm(s), the court issuing the Order to Surrender Weapon will determine whether or not to proceed with the review hearing. It is up to the respondent to contact the court to determine whether or not the review hearing has been stricken. If the court is not notified that firearms/weapons were surrendered, the review hearing will be held as scheduled per Step #6.

11. If LEA comes in contact with respondent who has been served with an Order to Surrender Weapon, and observes they are in possession of firearms beyond the time given by the court to surrender, it is recommended that an arrest is made. (RCW 9.41.810 Unlawful possession of firearms)

12. If LEA comes in contact with respondent who has been served with an Order to Surrender Weapon and observes they are in possession of firearms, yet it is within the time frame for surrender, it is recommended that LEA advise the respondent to surrender their weapon(s) by the date on the order and write a report and forward to the prosecutor for any charging decisions. If the respondent voluntarily surrenders their firearm(s) LEA should ensure the court receives proof of service of surrendered firearms as per Step #9.

13. Once the Order for Protection and/or Order to Surrender Weapon have expired, it is up to the respondent to obtain a certified copy of the expiration from the issuing court. The respondent must bring this certified copy to the LEA where firearms were surrendered in order to request the return of the firearms/weapons. LEA will determine, per regular process, whether or not the respondent is eligible to re-possess firearms/weapons.

14. It is recommended that no, or minimal, allowance for third party transfers of firearms/weapons is allowed.

APPENDIX E: PLAN TO DISARM DEFENDANTS IN WHATCOM COUNTY

INITIAL ACTION/CONTACT

Step 1: 911/DISPATCH/BORDER PATROL

- Ask about the presence (identity, quantity) and location of weapons
- Check databases for information, history on possession or prohibitions against weapons
- Check for warrants, protection orders, criminal history, previous responses to location, previous contacts with parties
- Relay info to LEA

Step 2: LAW ENFORCEMENT AGENCY (LEA)

- Ask about, locate and neutralize weapons (ask all parties, including children)
- Seek and accept surrender of weapons (consent); Provide receipt (i.e. copy of evidence form) to person surrendering the weapon
- Seize weapons when warranted (violation, prohibition, instrumentality of the crime)
- Document presence, allegation of presence, and/or removal of weapons in Probable Cause Statement
- Seek search warrant where probable cause exists to believe a suspect has unlawfully possessed a weapon

Step 3: VICTIM ADVOCATE (any agency)

- Ask victim about perpetrator's ownership and/or access to weapons
- Provide counsel on safety issues, planning that addresses the danger of weapons
- If available, check databases, historical files for information on possession or prohibitions against weapons
- If available, listen to 911 tape for reference to weapons
- Undergo training and maintain general understanding of weapons' prohibition laws/regulations and process for access to court records
- Advise LEA, Prosecutor, Probation and Judge of information if allowed (promptly and at any stage)

Step 4: PROBATION

- If the accused is placed on pre-trial monitoring, inquiry is made by the court; regarding access to or possession of weapons. Where appropriate, the court will order the surrender of weapons. Probation will follow the weapons surrender procedure established by the District Court Probation Department to facilitate the surrender of weapons. Under no circumstance will probation physically handle surrendered weapons.
- Probation shall notify the court of any potential violations of pretrial release conditions.

Step 5: PROSECUTOR

- Discuss case with LEA and Victim Advocate
- Listen to 911 tape for reference to weapons
- As information becomes available, advise judge of defendant's ownership and/or access to weapons
- As information becomes available, advise judge of defendant's history with ownership, access to, and use of weapons with emphasis on history and pattern of dangerousness with known risk factors
- Request pretrial surrender of weapons at earliest opportunity when defendant's access to weapons becomes apparent
- Request forfeiture of weapons order from judge when authorized at sentencing
- Consider including surrender/forfeiture of weapons in all negotiations
- Request immediate sanctions for failure to comply with surrender and forfeiture orders

Step 6: DEFENSE ATTORNEY

- Advise client to surrender weapons when legally required
- Advise client of consequences of failure to comply with surrender and forfeiture orders
- Facilitate surrender/seizure or sale of weapons when legally required

Step 7: JUDGE

- When appropriate, inquire as to the possession of and/or access to weapons and concealed weapons permit
- When appropriate, at court hearings for arraignment, pre-trial, pleas, deferred prosecution, order the surrender of weapons and concealed weapons permit to the arresting agency within 24 hours
- When appropriate, enter Declaration of Non-Surrender
- If access to or possession of weapons, in violation of pre-trial order is suspected, when appropriate, issue bench warrant and/or search warrant(s)
- Set immediate review hearing for noncompliance with orders to surrender or forfeit weapons
- Set mandatory review hearing for compliance with orders to surrender or forfeit firearms, which can be stricken with filed proof of compliance

POST-CONVICTION

Step 8: PROBATION/Community Correction Officers

- Ask defendant about ownership and access to weapons
- When ordered by the court, probation will follow the weapons surrender procedure established by the District Court Probation Department to facilitate the surrender of weapons. Under no circumstance will probation physically handle surrendered weapons
- Report non-compliance with weapons prohibitions to Court/Hearing Officer
- Provide information to Prosecutor, Judge and/or LEA (promptly and at any stage)

Step 9: TREATMENT PROVIDERS

- Inquire about and report weapon information immediately to defendant's probation officer
- Report weapon-related threats immediately to 911
- Understand the current requirements and procedures for surrender and return of weapons

Step 10: JUDGE

- When appropriate, enter Declaration of Non-Surrender
- When appropriate, order an arrest warrant and/or search warrant (when access to firearm is known) for non-compliance with orders to surrender or forfeit firearms/weapons
- When appropriate, authorize LEA to conduct search and seizure as necessary to enforce orders

EVIDENCE SECTION

- Accept, process and store weapon(s)
- Provide receipt (e.g. copy of evidence form, Affidavit of Surrender) to person surrendering the weapon (Defendant must file copy of receipt, evidence form, etc. with Court to show compliance with order(s))
- Release only when ordered by judge and when/to person not otherwise prohibited from possession
- Provide receiving party copies of state and federal firearms laws outlining the sanctions associated with illegal transfer or firearms. Have the receiving party sign a form acknowledging receipt of weapon and information
- Effectuate disposal of weapons according to individual law enforcement department policies

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