



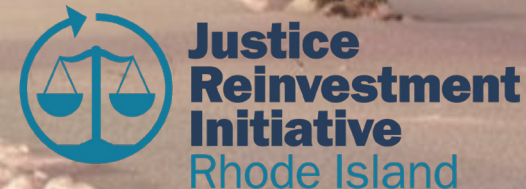
Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment Initiative: Improving Domestic Violence (DV) Responses in Rhode Island

Law Enforcement, Child Welfare, and Court Responses to DV

Second Presentation to the Executive Working Group
December 5, 2022

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Justice Reinvestment Initiative

A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism

The Justice Reinvestment Initiative is supported and funded by the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA).

Project partners include staff from The Council of State Governments (CSG) Justice Center and the Rhode Island Department of Corrections



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments (CSG) Justice Center is a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

The Rhode Island Department of Corrections (RIDOC)



The mission of the Rhode Island Department of Corrections (RIDOC) is to contribute to public safety by maintaining a balanced correctional system of institutional and community programs that provide a range of custodial options, supervision, and rehabilitative services in order to facilitate successful reentry into the community upon release.

Overview



- 1** Recap of Presentation 1
- 2** Intercept 1: Law Enforcement and Child Welfare Responses to DV
- 3** Intercept 2: Court Responses to DV
- 4** Victims' and Survivors' Experiences
- 5** Next Steps

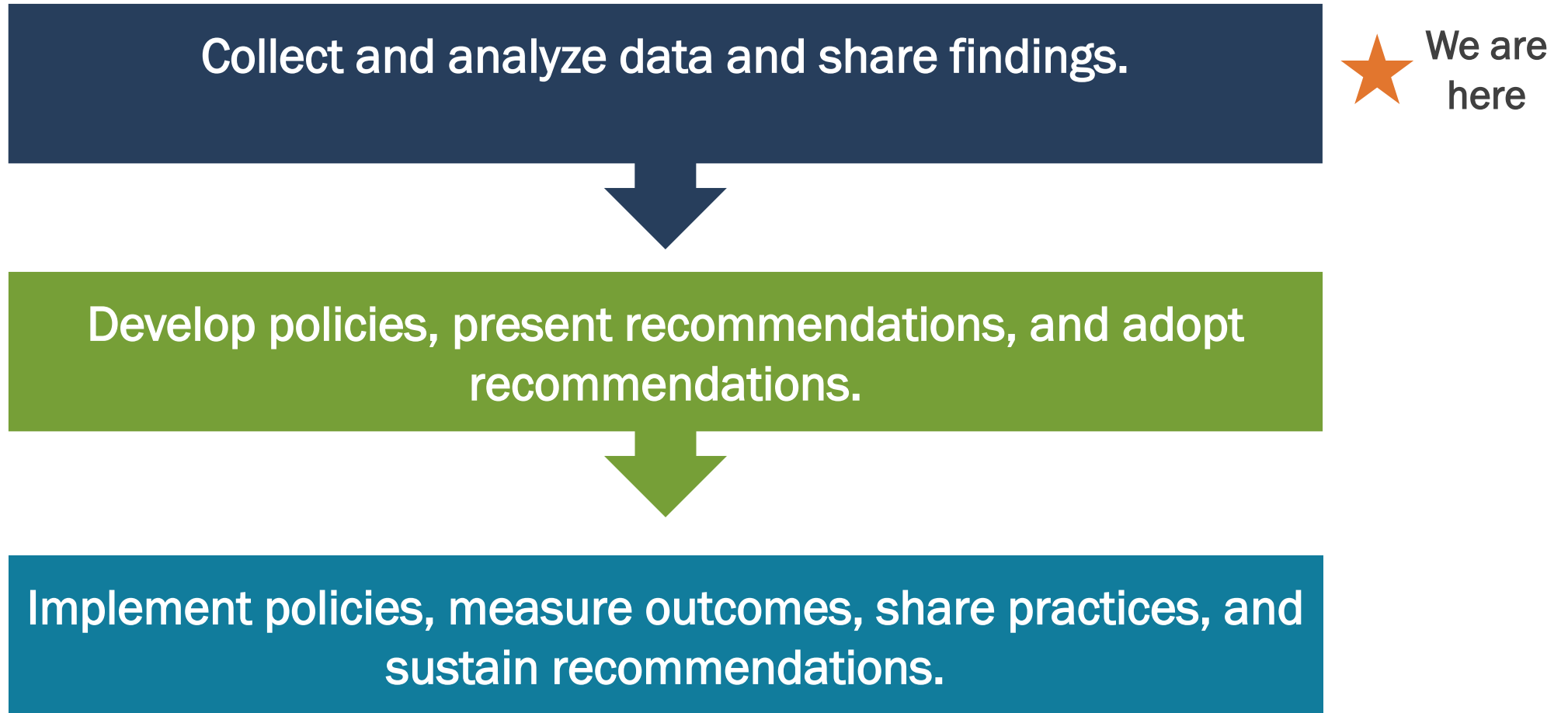
Recap of Presentation 1

Project Goals

Executive Working Group
Membership

Themes from Intercept 0:
Community Service Responses
to DV

The Justice Reinvestment approach utilizes data to understand and improve DV responses across Rhode Island.



Members of the Executive Working Group were invited to contribute their unique expertise in adopting changes to DV policies and practices.

Working group members will utilize their experiences and insights to:



Offer feedback on
analysis
presentations



Assist in promoting
awareness of and
support for the
project's priorities



Provide strategic
direction in the
development of
policy and
programming
options



Approve policy and
programming
options

Intercept 0 analysis examined community service responses to DV and highlighted needs related to training and data collection.

Domestic violence training requirements, content, and opportunities vary among community service agencies.

Given the complexities of domestic violence cases and needs of survivors, standardized training and education is important for consistent, responsive services.

There is **no statewide requirement for domestic violence advocacy training**, and domestic violence advocates surveyed report different training experiences upon hiring.

While **most advocates** surveyed (39 percent) received **more than 15 hours of initial domestic violence training**, 26 percent reported receiving 0–5 hours, and 22 percent reported receiving 6–10 hours of initial training.

Though 95 percent of advocates reported there were **opportunities for continued training** multiple times a year, most advocates (64 percent) reported that these trainings were **not required** for their agency.



Intercept 0 Presentation

Due to limited and inconsistent data, the true prevalence of domestic violence in Rhode Island remains unknown.

Minimal demographic data exist on domestic violence victims and survivors, as well as people who commit domestic violence.

Domestic violence can intersect with other violent victimization, such as sexual violence, stalking, and human trafficking. In these cases, experiences of domestic violence may not be isolated or recorded.

The complex nature of domestic violence also challenges data collection and prevalence estimation. Research does not consistently measure all types of domestic violence, including psychological, emotional, or economic violence. Victims and survivors may also not view their experiences as violent.

Prevalence estimates also do not reflect victims who do not engage law enforcement, which national data suggest is approximately half of victims.



Intercept 0 Presentation

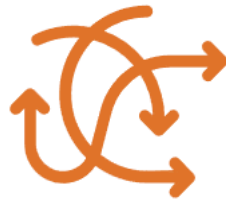
Data also described issues related to funding and resource constraints and a lack of role clarity among partnerships.

Roles and responsibilities among community service agencies are not always defined or communicated.

Most **advocates surveyed (67 percent)** reported **servicing survivors statewide, necessitating collaboration** with a variety of agencies across Rhode Island, and efforts to create continuity of care, such as Rhode Island Coalition Against Homelessness's DV/SA Case Conference Committee, are underway.

Stakeholders reported a **need for increased education among agencies** that interface with domestic violence victims and survivors about what resources are available and how to access them.

A **lack of clarity in roles and goals for service provision** is reported to contribute to environments that feel competitive when providing services.

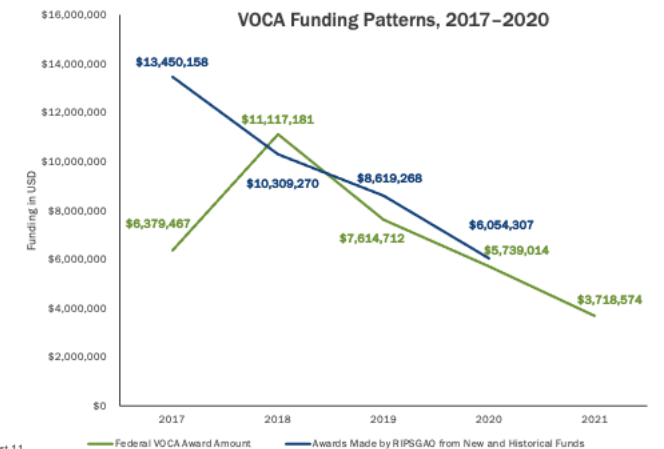


Intercept 0 Presentation

Funding sources for community services responding to domestic violence are not consistent.

The **governor has recently invested** \$11 million in homelessness services, including domestic violence agencies, and allocated \$4.5 million in the FY23 budget for domestic violence services; however, **future analysis aims to clarify historical state investment patterns in domestic violence.**

Federal **funding** through the Victims of Crime Act (VOCA) has faced **disinvestment** in recent years, impacting awards and **forcing community service agencies to struggle in meeting needs of victims with fewer resources.** Between 2017 and 2020, VOCA funding was primarily awarded to Rhode Island's nonprofit agencies.

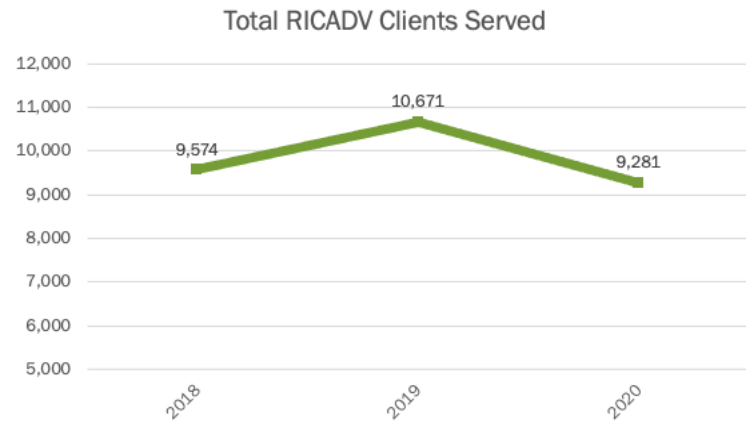


Intercept 0 Presentation

The Council of State Governments Justice Center, "Intercept 0: Community Services" (PowerPoint presentation, First Presentation to the Domestic Violence Response Justice Reinvestment Working Group, October 24, 2021).

Community service organizations work with thousands of victims and survivors by providing advocacy to address complex needs related to DV.

Rhode Island Coalition Against Domestic Violence (RICADV) member agencies serve an average of 9,842 clients per year.

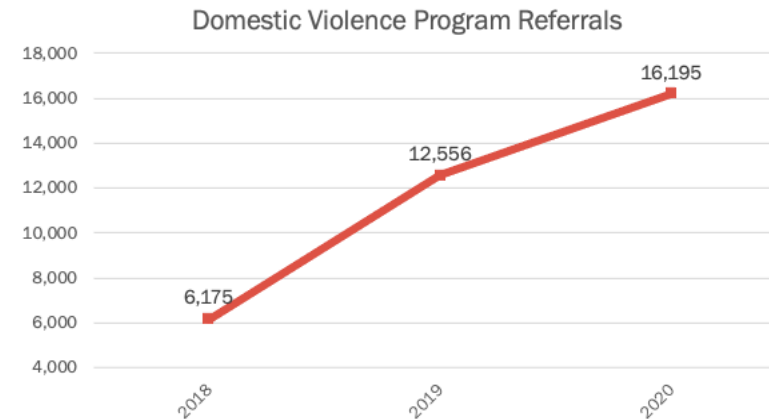


RICADV includes a network of six member agencies* that provide DV services. RICADV also provides limited DV services.

*In October 2020, Sojourner House became an independent organization, so data for this organization is missing for October–December 2020.

Intercept 0 Presentation

Staff at Rhode Island’s Statewide Helpline and domestic violence (DV) agency hotlines make thousands of referrals to DV programs each year.



The Statewide Helpline offers referrals for domestic violence (DV) and for other types of victimization, such as hate crimes.

The increase in DV referrals recorded between 2018 and 2020 reflects several changes: RICADV shifted to a new database system in 2018 that allowed information to be captured more accurately in subsequent years, and in spring 2020, the statewide helpline was advertised more often due to the COVID-19 pandemic.

Intercept 0 Presentation

However, victims and survivors reported a disconnect between their needs and available services.

Victims and survivors from culturally specific populations often face a disconnect between their needs and available domestic violence responses.

Though **most advocates reported training** specific to working with individuals identifying as BIPOC (62 percent), disabled (60 percent), LGBTQ+ (89 percent), and individuals whose primary language isn't English (57 percent), **gaps in service availability remain**.

Fewer than half of advocates surveyed reported unique services related to counseling, handouts, housing, or support groups for individuals identifying as BIPOC or disabled. About half of advocates reported unique support groups for individuals identifying as LGBTQ+ or individuals whose primary language is not English.

Advocates also report a **need for training on cultural responsivity and communication practices** for individuals who are Deaf, DeafBlind, or Hard of Hearing.



Reports by stakeholders also suggested a **conflation between culturally specific services and services that are for everyone**. Many services were described as open to anyone without addressing gaps in culturally responsive practices.

Intercept 0 Presentation

Individuals face barriers in accessing and exercising their legal rights and finding safety within the criminal justice system.

Advocates identified that for **victims and survivors whose primary language is not English, or who are immigrants or refugees**, legal rights and protections can be **unclear**. Accessing these rights through state agencies or systems is also **challenging**, as there are often language barriers, documentation requirements, and legacies of disparate treatment.



Advocates highlighted that individuals who are **Deaf, DeafBlind, or Hard of Hearing** face additional layers of challenges. Systems are **not consistently responsive** to cultural or communication needs of individuals within these communities. This lack of responsivity **impacts individuals' abilities to tell their own stories** and may leave them **feeling unsafe** to seek help from formal systems.

The **inaccessibility of formalized systems of support** can also be used as a **tool for control and further abuse** by the person committing domestic violence.

National data also underscores **reports of mistreatment** by state systems from individuals within **Deaf, DeafBlind, Hard of Hearing, immigrant, BIPOC, and LGBTQ+ communities** when people from these communities **seek support for victimization**.

Intercept 0 Presentation

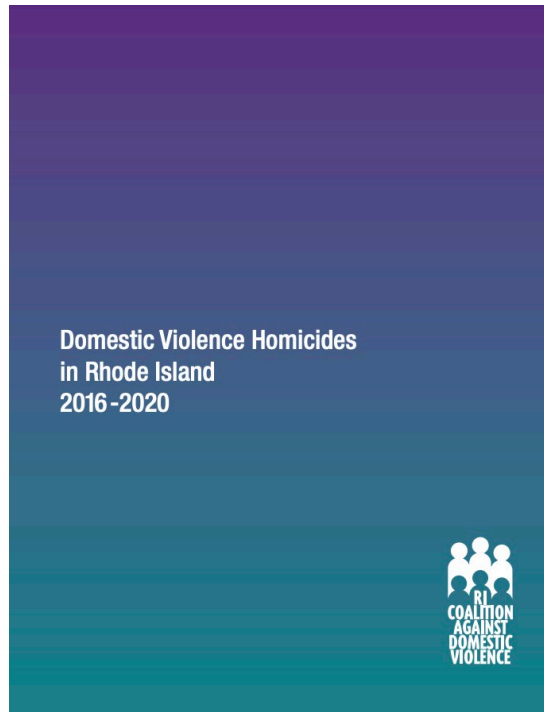
The Council of State Governments Justice Center, "Intercept 0: Community Services" (PowerPoint presentation, First Presentation to the Domestic Violence Response Justice Reinvestment Working Group, October 24, 2021).

Before we move forward,



What **lingering questions or comments** do you have about our last presentation?

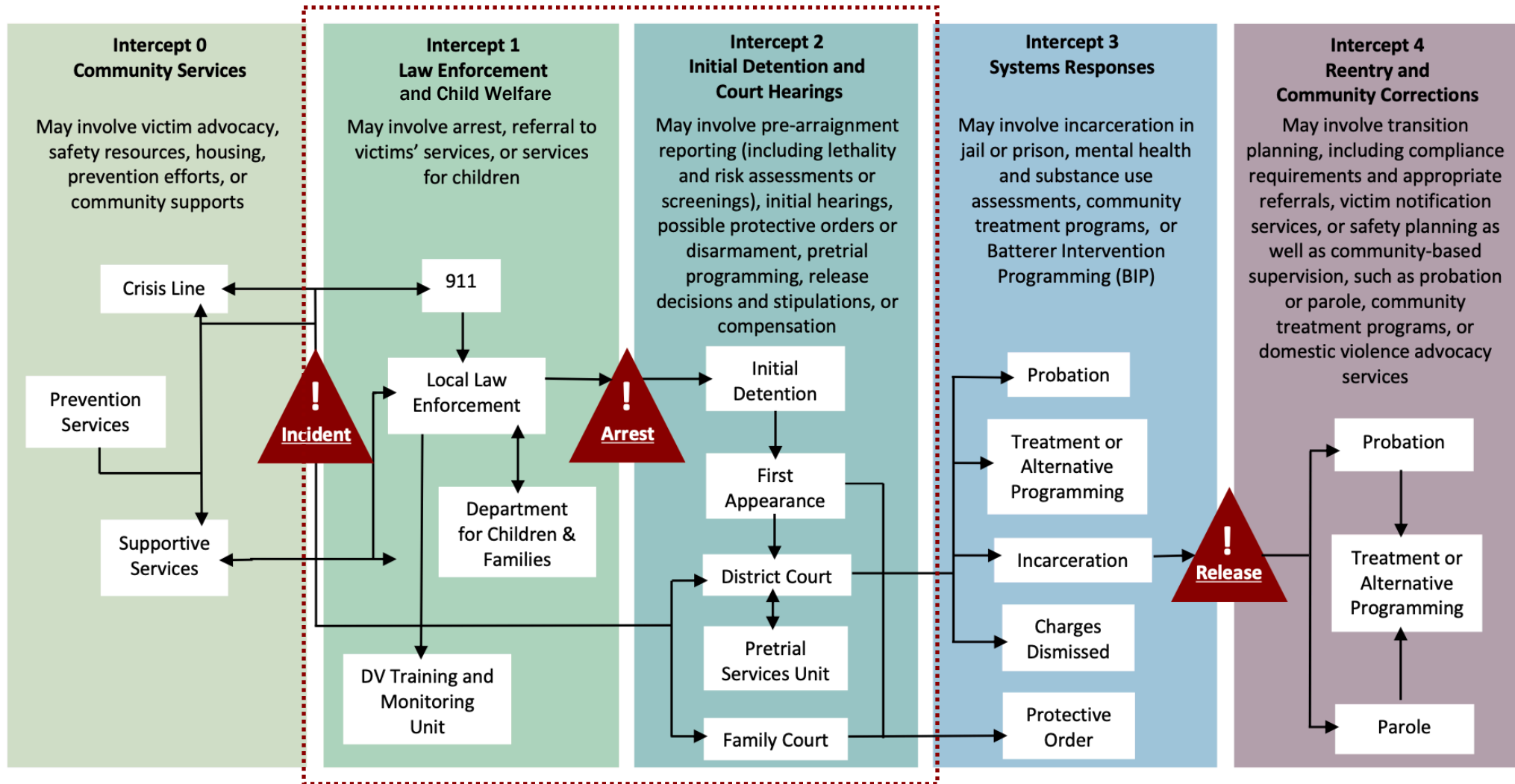
Since our last meeting, the Rhode Island Coalition Against Domestic Violence has released their latest homicide report.



- Between 2016 and 2020, **26 people died as a result of DV homicides** in Rhode Island, with **81 percent** of incidents involving **intimate partner violence**.
- Of the 21 intimate partner homicides, **71 percent of homicide victims were female**, and 91 percent of these homicides were committed by males.
- Most intimate partner homicides (43 percent) were **committed with a firearm**.
- Seven cases involved **histories of stalking**, six involved **prior threats to kill**, and in five cases the victim was **estranged or planning to leave** the relationship.
- In **55 percent of cases**, the person who committed the homicide was, or had been, subject to a **civil DV restraining order**, and **45 percent had been previously convicted** or pleaded **not guilty** in a DV case.

The Rhode Island Coalition Against Domestic Violence, *Domestic Violence Homicides in Rhode Island, 2016 to 2020* (Warwick, RI: The Rhode Island Coalition Against Domestic Violence, 2021).

We are utilizing Sequential Intercept Mapping to conduct a systemwide analysis of domestic violence responses.



Discretion is a powerful tool utilized by stakeholders in Intercepts 1 and 2.

- Discretion **can positively promote equitable processes**, allowing for implications of prior history and consideration of unique circumstances impacting a case. However, discretion also **can be complicated** without a clear understanding of practices, procedures, or **mechanisms of accountability**.
- Stakeholders reported that issues of discretion **can complicate victims' and survivors' perceptions** of the responses to domestic violence, particularly about issues of consistency or perceived fairness in response.
- Research supports the **importance of individuals understanding and believing in the fairness and unbiased nature** of the criminal justice system, highlighting a need for clear policies and procedures and overall consistency of responses.



Sharyn Roach Anleu, Russell Brewer, and Kathy Mack, "Locating the Judge within Sentencing Reform," *International Journal for Crime, Justice and Social Democracy* 6, no. 2 (2017): 46; Shawn D. Bushway and Brian Forst, "Studying Discretion in the Processes that Generate Criminal Justice Sanctions," *Justice Quarterly* 30, no. 2 (2012): 199.

Intercept 1: Law Enforcement and Child Welfare Responses to DV

Overview

Law Enforcement Identified DV Cases

Law Enforcement

Legal Advocates

Department for Children, Youth, and Families (DCYF) Responses to Domestic Violence

Law enforcement and Department for Children, Youth, and Families (DCYF) play important roles in coordinated community responses to DV.



Supported by decades of evaluation, a **coordinated community response (CCR)** is important for providing a collaborative response to DV across agencies and systems.



Law enforcement officers are often the **first on the scene** to respond to DV incidents and can provide safety and resources to victims and survivors.



DCYF works with families to identify and respond to DV, recognizing that DV has long-term mental, physical, and socioemotional **impacts on children.**

Office of Violence Against Women, *Twenty years of the Violence Against Women Act: Dispatches from the field* (Washington DC: US Department of Justice, Office of Violence Against Women, 2016); Sara Block, *Domestic Violence and the Illinois Department of Children and Family Services: Strategies for Advocating for Effective Interventions – Toolkit for Domestic Violence Advocates* (Chicago: Family Defense Center, 2014).

Our system assessment entailed multiple surveys, interviews, focus groups, and quantitative data analysis.

31,439

DV crime incidents between 2015 and 2018 were analyzed using data from Rhode Island's Domestic Violence Training and Monitoring Unit.

≈100

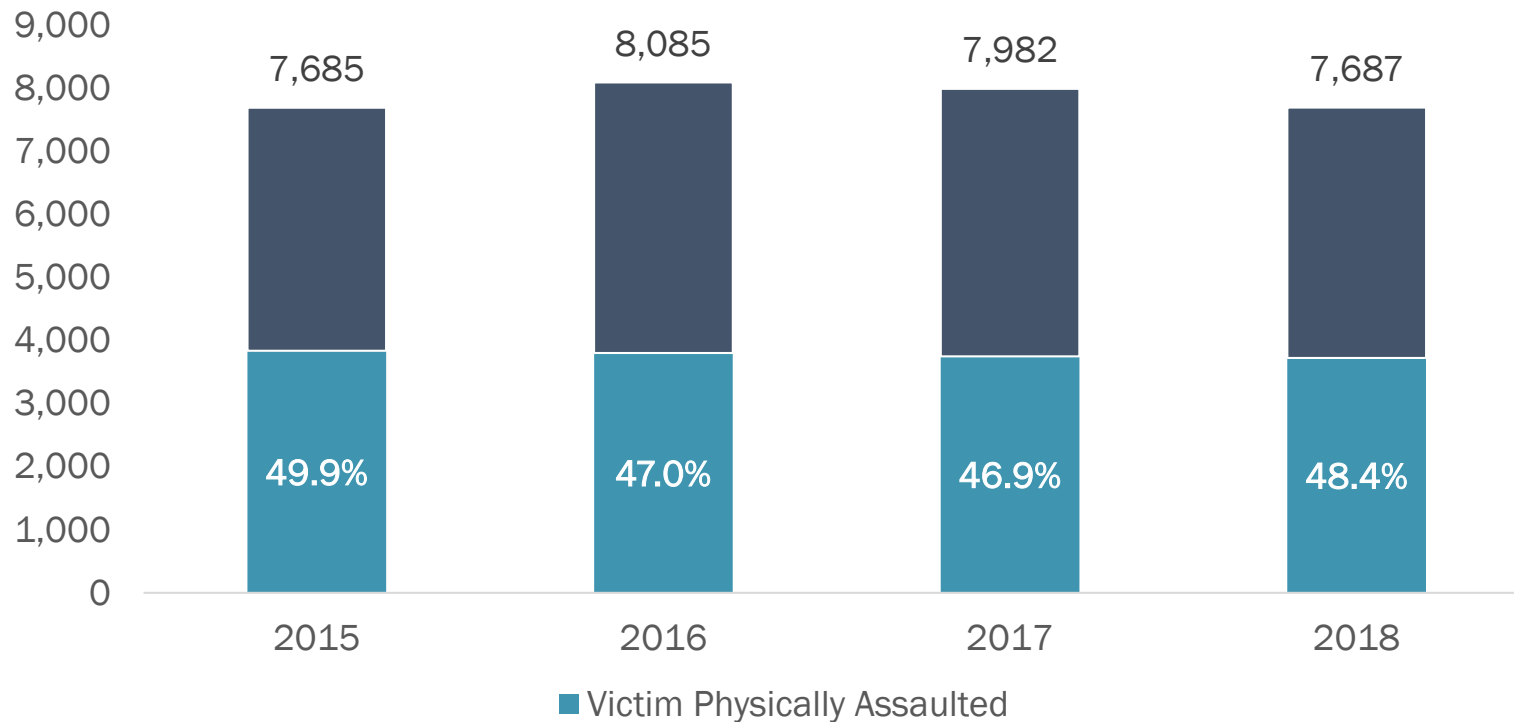
Individuals were interviewed or surveyed from the State Police; Division of Sheriffs; Department for Children, Youth, and Families; domestic violence agencies; SOAR; and Rhode Island Public Safety Grants Administration Office.

The Intercept 1 analysis has five objectives.

- 1 Describe incidences of law enforcement officer-identified DV.
- 2 Assess the DV **training, policies, and procedures** of members of law enforcement, law enforcement advocates, and DCYF **highlighting any disparities**.
- 3 Explore the **experiences of these entities** in responding to DV as well as **experiences of impacted victims and survivors**.
- 4 Contextualize the **relationships, coordination, and information sharing** of entities within a broader community response.
- 5 Identify **barriers and gaps** in responding to DV.

In Rhode Island, an average of about 7,860 DV incidents are reported to police annually. In nearly half of cases (48 percent) each year, the victim was physically assaulted.

Domestic Violence Incidents per Year and Percent of Incidents Involving Physical Assault



Police complete a Domestic Violence/Sexual Assault (DV/SA) form for every DV/SA incident or call for service. This chart depicts DV incidents and excludes SA incidents.

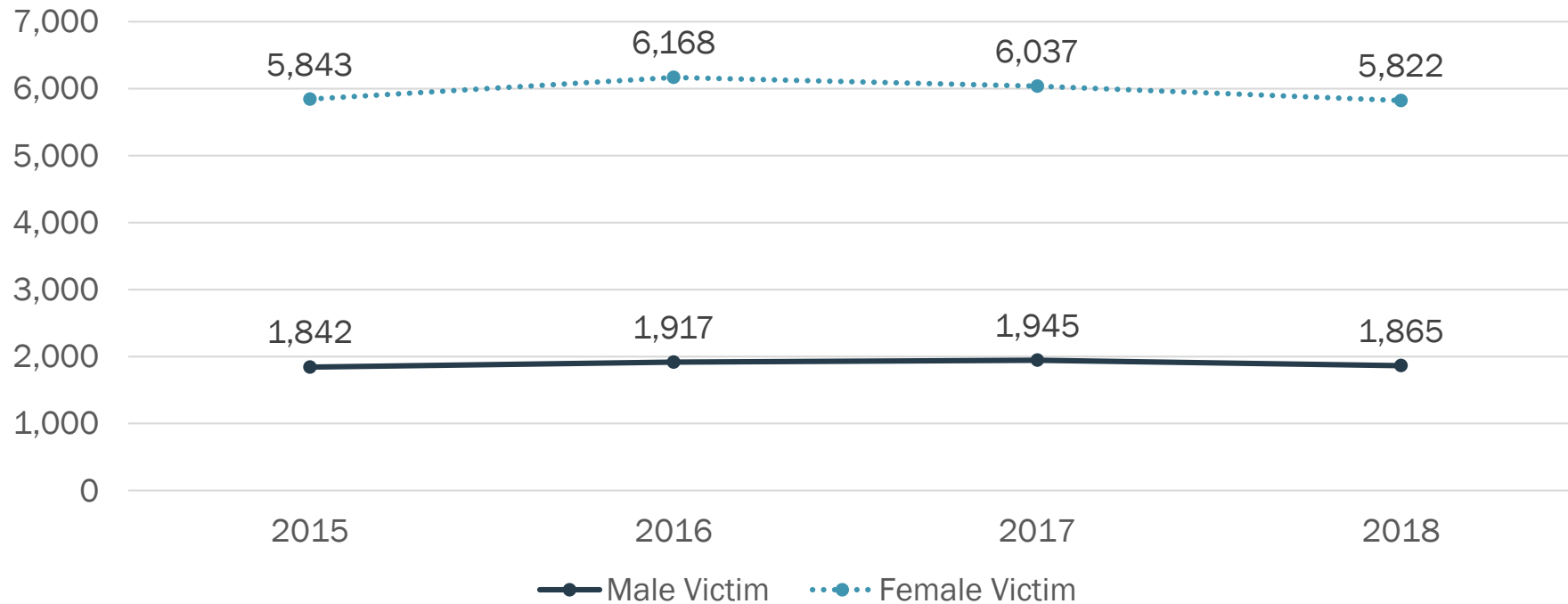
On average, in about 77.3 percent of incidents each year, there is probable cause to believe that a DV crime occurred.

These numbers are likely just a portion of all DV/IPV in the state, as national research shows that only about 41 percent of intimate partner violence victimizations are reported to police.

CSG Justice Center analysis of Rhode Island Domestic Violence/Sexual Assault Arrest Forms data, 2015–2018; Rachel E. Morgan and Alexandra Thompson, “Criminal Victimization, 2020” (Washington DC, U.S. Department of Justice, 2021).

Among DV incidents known to police in Rhode Island, about 76 percent of all victims are women on average each year.

Domestic Violence Incidents per Year,
by Victim Gender



These data reflect national statistics, which highlight that across the country 85 percent of DV victims are women.

DV is the leading cause of injury to women—more than car accidents, muggings, and rapes combined.

CSG Justice Center analysis of Rhode Island Domestic Violence/Sexual Assault Arrest Forms data, 2015–2018; Philip W. Cook, *Abused Men: The Hidden Side of Domestic Violence* (Westport, CT: Praeger, 2009): 198; Callie Marie Rennison, PhD, “Intimate Partner Violence,” (Washington DC, Bureau of Justice Statistics, 2003).

Among DV incidents known to police from 2015 to 2018, victims had the following demographic characteristics.

76.0% of victims identified as **women** compared to 51.0 percent of the general RI population.

99.0% of victims were **adults** compared to 80.9 percent of the general RI population.

32.8% of victims identified as **American Indian, Black, Hispanic, Asian, multiracial, or another racial or ethnic minority** compared to 29.6 percent of the general RI population.*

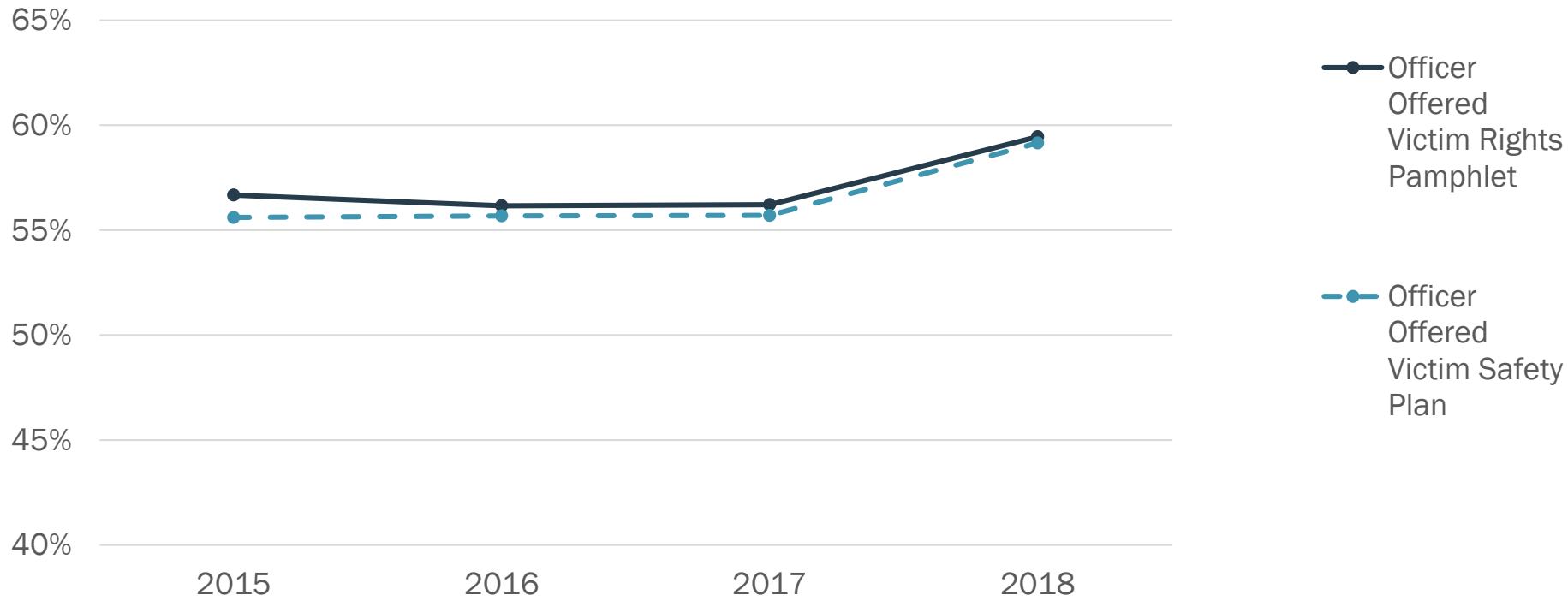
**Victim race and ethnicity data are limited, as it is unclear whether police record this information in a consistent manner (e.g., by asking victims to self-identify).*

National research shows that certain demographic groups face an **elevated risk of IPV**. Those groups include women—particularly women aged 18–24—and Black, Indigenous and People of Color (BIPOC).

CSG Justice Center analysis of Rhode Island Domestic Violence/Sexual Assault Arrest Forms data, 2015–2018; E. Miller and B. McCaw, “Intimate partner violence,” *New England Journal of Medicine* 380, no. 9 (2019): 850–857; “Rhode Island Quick Facts,” U.S. Census Bureau, accessed June 2, 2022, <https://www.census.gov/quickfacts/RI>.

Between 2015 and 2018, police officers responding to DV incidents offered resources to victims more than half the time.

Percent of DV Incidents in Which Officers Offered Victim Resources



Rhode Island tracks how often resources are offered but not whether the victim accepts the information.

These numbers may undercount the number of incidents in which officers offer resources, as this information is not always recorded.

CSG Justice Center analysis of Rhode Island Domestic Violence/Sexual Assault Arrest Forms data, 2015-2018.

All municipal police department recruits undergo **12 hours of training created by the VAWA Law Enforcement Domestic Violence/Sexual Assault Training Curriculum Committee.**



- The **curriculum is comprehensive**, addressing DV and trauma dynamics, Rhode Island laws related to DV, statutory requirements for law enforcement, barriers for victims and survivors, best practices for responding to DV, assessing lethality, and resources for victims. The curriculum is interactive, involving both reading material and role-playing, and has specific sections related to lethality risks.
- Most police (90 percent) reported that they **felt prepared to respond to their first DV call based on the training they received.**
- The curriculum **could benefit from enhanced discussion** of law enforcement-involved domestic violence, issues of immigration, interacting with Deaf/Hard of Hearing or non-English speakers, issues of bias, responding to individuals who have disabilities, and working with individuals who identify as LGBTQ+.

61 members of law enforcement, including police and sheriffs, responded to surveys about DV training, policies, protocols and procedures, and experiences.

Eighty-two percent of **police** respondents **reported DV-specific protocols** within their agencies, and 82 percent of these respondents agreed that **protocols** for responding to DV are **clear**.

All sheriff respondents **reported having protocols** for completing DV-related services of process (e.g., restraining orders) and **agreed that protocols were clear**.

Most Commonly Explained Procedures

- Determining when to make an arrest (84 percent)
- Determining the primary person committing violence (82 percent)
- Completing a report (80 percent)



Least Commonly Explained Procedures

- Cases involving stalking (53 percent)
- Identifying signs of strangulation (53 percent)
- When law enforcement officers use violence (53 percent)
- Approaching the scene (53 percent)

Police reported engaging in complex activities when responding to DV.

Many activities reported by survey respondents reflect best practices.



- Interviewing the victim separate from the person committing violence (97 percent)
- Photographing injuries (95 percent)
- Seizing weapons used by the person suspected of committing violence (95 percent)

However, certain activities that highlight extreme risk are not always conducted.

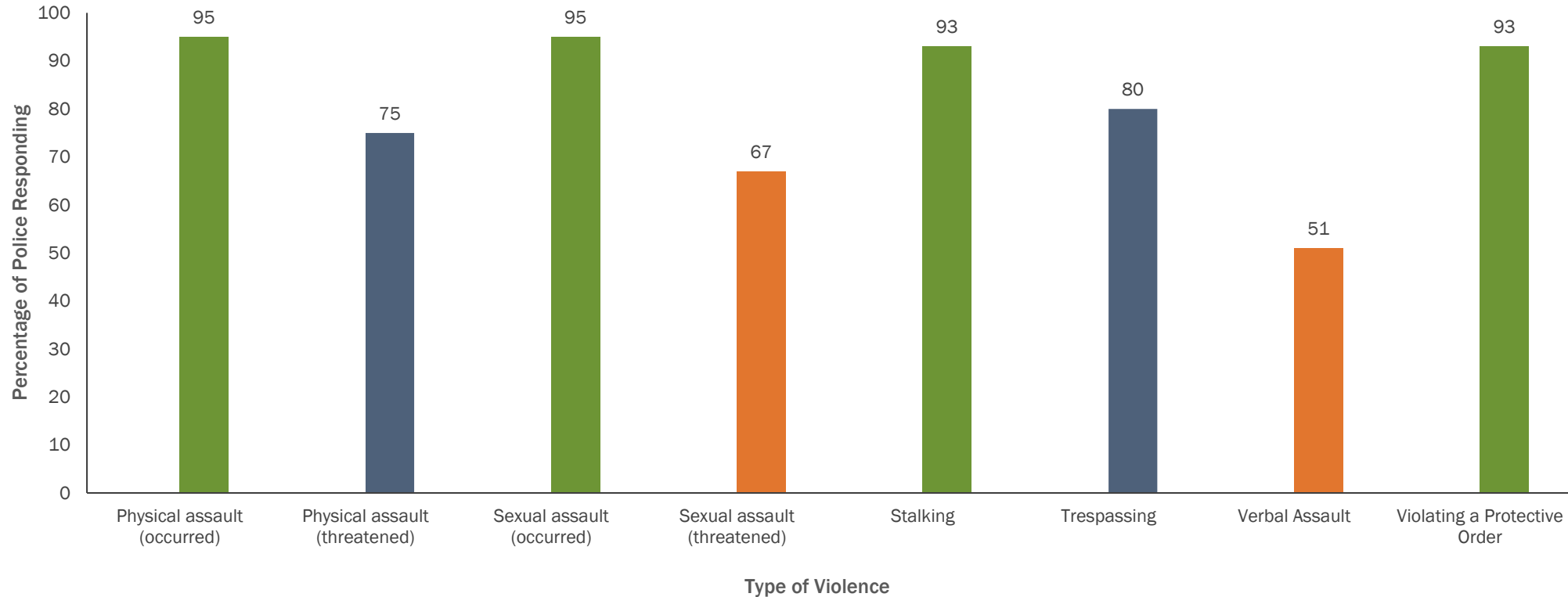


- Safety planning with a victim (69 percent)
- Assessing lethality factors (75 percent)

Most officers follow best practices when responding to child witnesses of DV; however, nearly half of officers (46 percent) see if a child can translate when adults are Deaf or Hard of Hearing or don't speak English.

Police respondents reported differences in what is considered DV by agency policy.

“Based on your agency’s policies, which of the following acts are considered DV?”



Though **80 percent** of police reported that an **incident report be completed** for all DV service calls even if an **arrest wasn't made**, **20 percent** reported that this was **not necessary**.

Law enforcement report diverse experiences and perceptions of current DV responses.



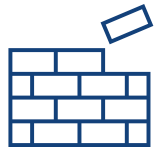
Most police (67 percent) and all sheriffs who responded agree that **DV is a significant public safety problem in their area of the state.** Seventy-seven percent of police and 84 percent of sheriffs reported responding to **repeat calls at the same address.**



Police respondents reported that it's **not hard to decide if there is probable cause for arrest** in DV cases. They reported that it's slightly more difficult when the parties **appear to be the same gender** (21 percent) than **different genders** (18 percent).



About half of police (47 percent) and sheriffs (50 percent) **agree that they have resources they need** to respond to a DV scene where a **person does not speak English or is Deaf/Hard of Hearing.**



Police report barriers of victim cooperation, cultural and linguistic barriers, and a lack of resources (including advocates) as posing challenges to their DV responses.

Partnerships are reported as integral to law enforcement's DV response; however, some partnerships are utilized more than others.

Slightly more than **half of police** (55 percent) reported **partnering with advocates** when responding to DV service calls.

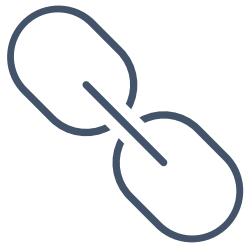
Sheriffs described that **partnerships are crucial**, and they most often partner with other law enforcement agencies, domestic violence advocates, and courts.

On a scale of excellent to terrible, **police respondents** reported that **relationships with the courts** and DCYF are fair; very good or fair with **social service organizations** and **domestic violence advocates**; and very good or excellent with **other law enforcement agencies**.



Tensions exist among some **law enforcement and advocates** as they may vary in their approaches and goals in working with victims.

Law enforcement agencies partner with advocates to support victims and survivors of DV.



- Advocates partnering with law enforcement offer **support to victims of DV**; though each law enforcement precinct once had its own advocates, **funding cuts** have led to an **advocate covering multiple precincts**.
- While some advocates work directly out of the law enforcement agency, others communicate with agencies primarily via email or phone.
- All advocates working with law enforcement receive **DV accreditation** and are encouraged to become certified to offer DV trainings to officers. Advocates report multiple opportunities for continued training.
- The most **common needs of victims and survivors** reported by advocates include housing, as well as basic needs related to safety and survival. Though these needs are prevalent, advocates can feel **limited in their ability to access appropriate options** for victims and survivors due to a lack of resources.
- **Relationships** with law enforcement can be **complicated**; trust takes time, and not all officers understand or support the role of the law enforcement advocate.

Before we discuss DCYF,



What questions or comments do you have about law enforcement responses to domestic violence?

23 DCYF investigators responded to a survey about DV training, policies, protocols and procedures, and experiences.

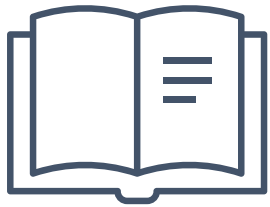


- 90 percent agreed that **DV is a significant public safety** problem.
- 48 percent agreed that current DCYF responses **meet the needs** of DV victims and survivors.
- 81 percent reported that for the families they work with, **DV often co-occurs** with mental illnesses and substance use.



- Sixty-two percent of respondents stated that they **feel equipped** to provide victims and survivors with helpful community resources.
- While some respondents see systems-level **partners as helpful**, others reported **harms** caused by these systems, particularly noting the harms of batterer intervention programs (BIPs). Community-level partners were considered helpful, though limited in supports they could offer due to resource scarcity.

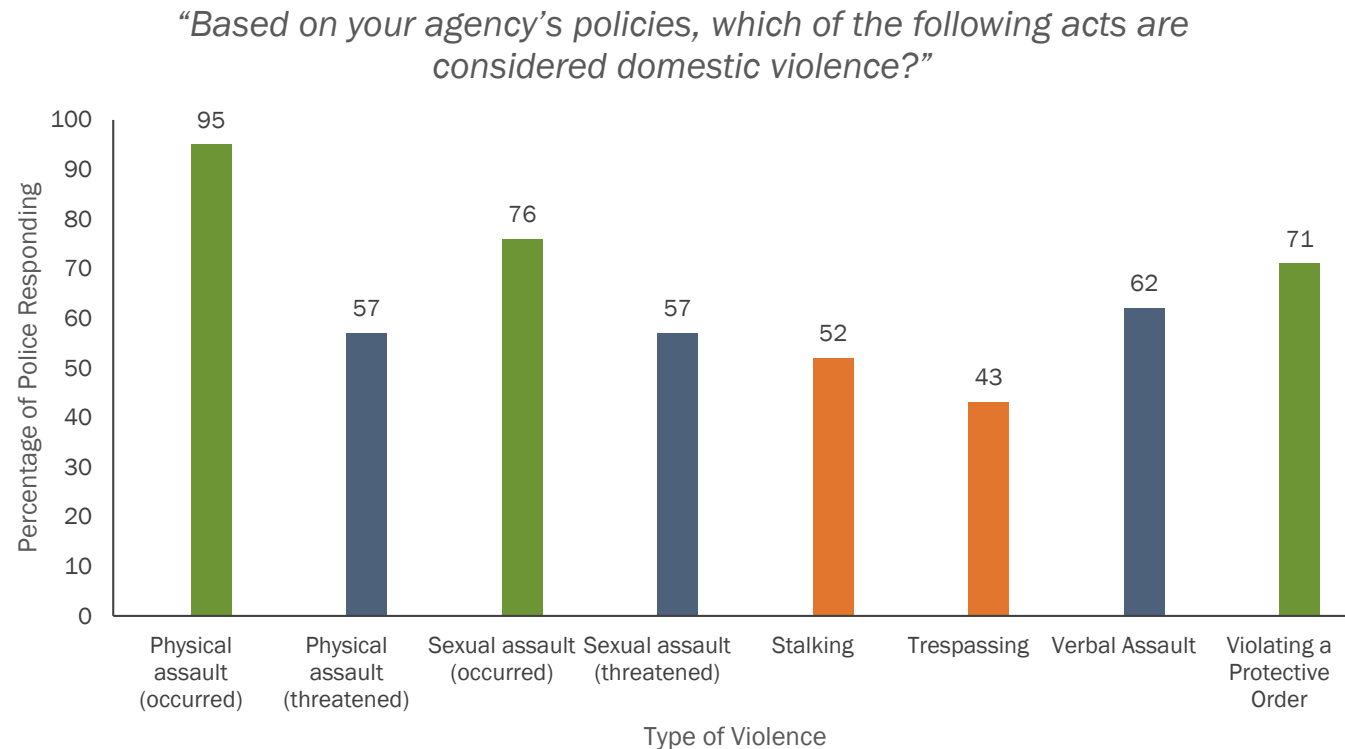
DCYF investigators who responded to the survey report differing experiences with training and education related to DV.



- Seventy percent of DCYF investigators surveyed reported receiving **DV-specific training**.
- The **most common training topics** included **physical abuse and emotional and/or verbal abuse**. The **least common training topics included** cases involving **immigration, stalking**, working with individuals whose **primary language is not English**, and working with **individuals** who identify as **disabled**.
- Among those who reported receiving DV training, 69 percent received **less than five hours of training**. Opportunities for continued training are limited, and **52 percent felt trainings were applicable**.
- Sixty-two percent of DCYF respondents reported that **based on training they received, they felt prepared to respond to their first DV case**.

Fifty-seven percent of DCYF respondents affirmed that their agency has procedures specific to DV.

Sixty-two percent of respondents reported that **agency protocols were clear**.



While 62 percent of DCYF investigators **note DV in their case notes**, approximately a quarter (24 percent) have a **DV-specific flag** in their **database**.

The current roles of DCYF investigators often require **discretion** in asking about DV and making determinations about removing children.

Before we discuss court responses,



What questions or comments do you have about DCYF responses to domestic violence?

Intercept 2: Court Responses to DV

DV Restraining Orders and Criminal Cases

Pretrial Services

Attorneys

Judiciary

Legal Advocates

Initial detention and court responses to domestic violence involve multiple entities within the Coordinated Community Response (CCR).



Access to **justice** for domestic violence victims and survivors **can mean many things**. For some victims and survivors, **justice may be defined as access to the criminal justice system through the courts** via orders of protection or civil or criminal cases.



By the time victims and survivors **seek orders of protection**, it's **often after a long history of abuse** in their relationship; however, it is vital to underscore that **all domestic violence situations are unique**.

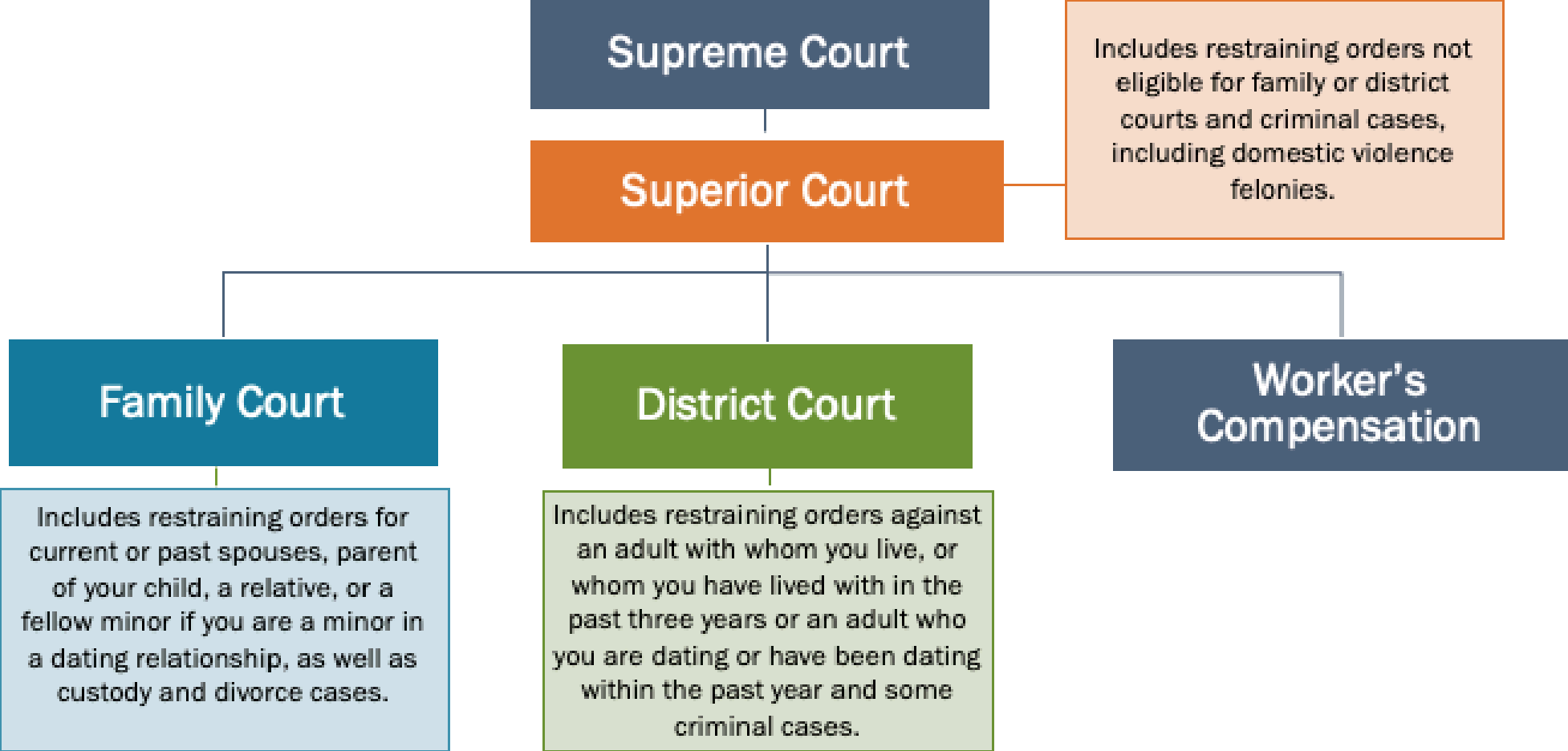


The **coordinated response** of legal advocates, prosecutors, defense attorneys, court clerks, and judges is **important to victim and survivor safety** and accountability for the person committing domestic violence. Standards of best practices for these entities exist; however, national data show variable practices.



Some states have utilized **specialized domestic violence courts**, often with a single judge model, to process domestic violence cases. Results on the **effectiveness** of these courts on domestic violence **recidivism and victim and survivor satisfaction are mixed**.

Rhode Island's family, superior, and district courts primarily interface with domestic violence cases.



Though our assessment of Intercept 2 is still in process, we have conducted multiple surveys, interviews, focus groups, and quantitative data analysis.

64,725

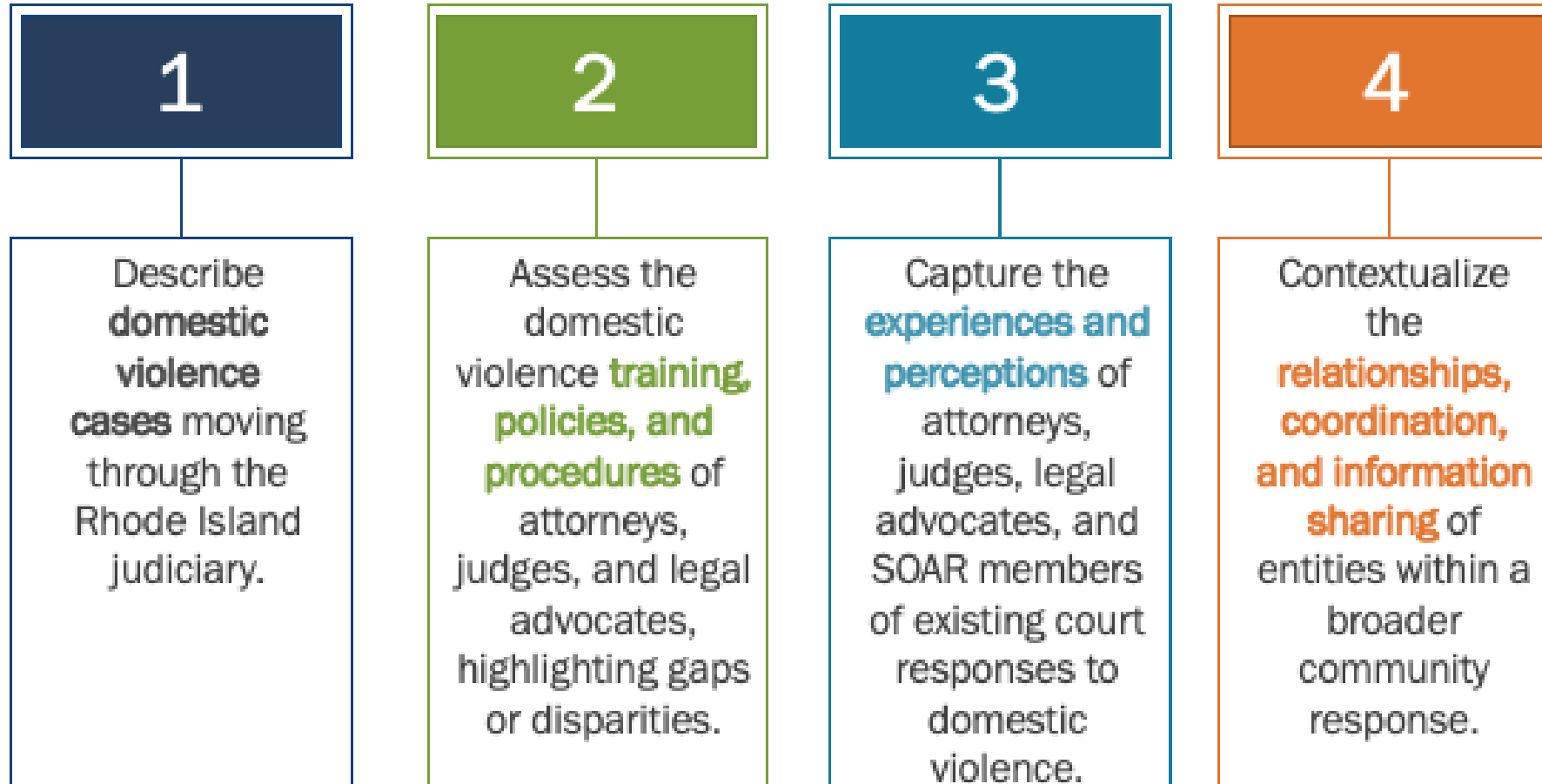
Domestic violence misdemeanor, felony, and protective order cases were analyzed from the Rhode Island Judiciary from 2017 to 2020.

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Individuals have been interviewed or surveyed so far from Pretrial Services, Office of the Attorney General, Rhode Island Public Defender, domestic violence agencies, and SOAR.

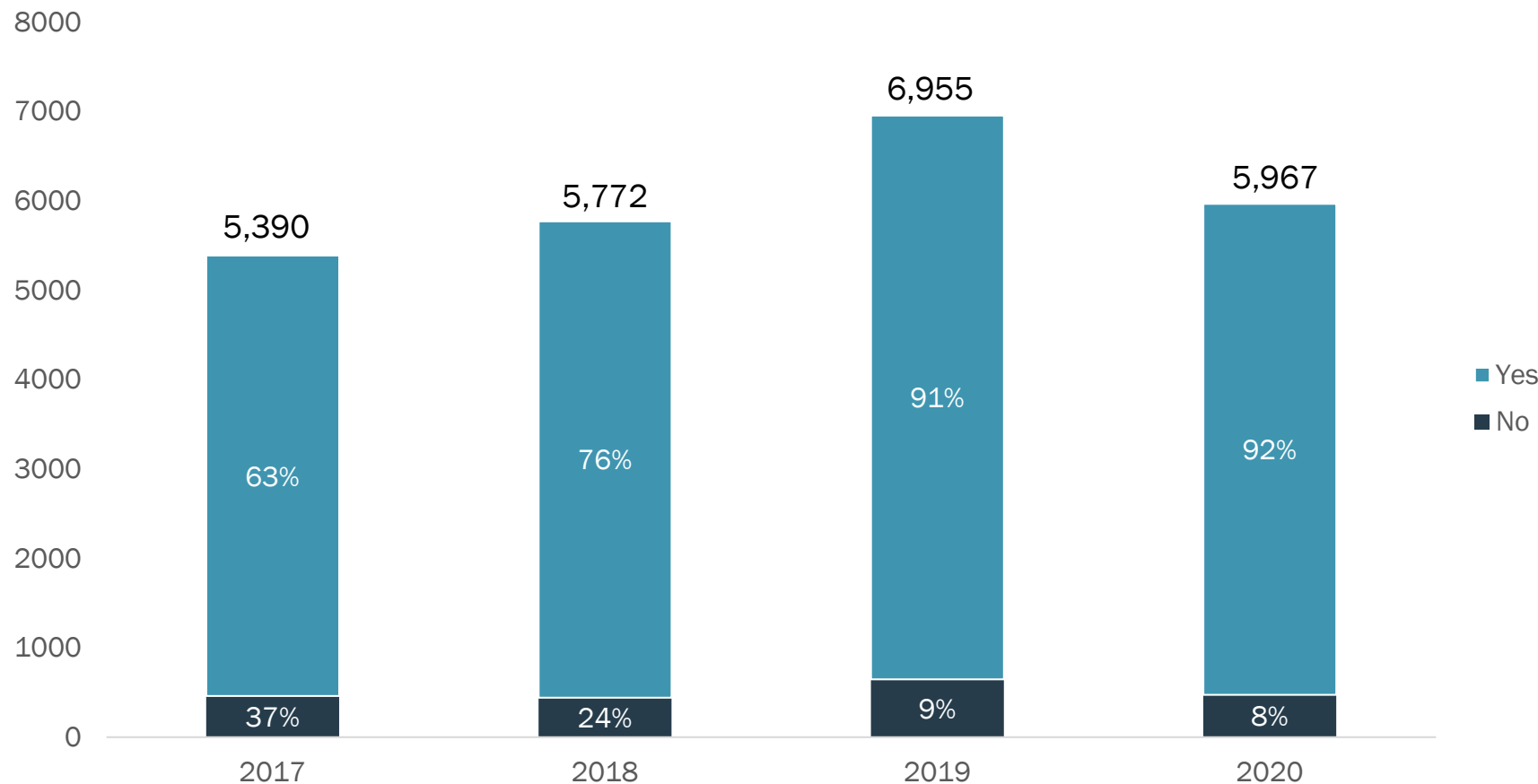
We are soon engaging the judiciary and attorneys.

The Intercept 2 analysis has four objectives.



A protective order is filed in the majority of domestic violence cases.

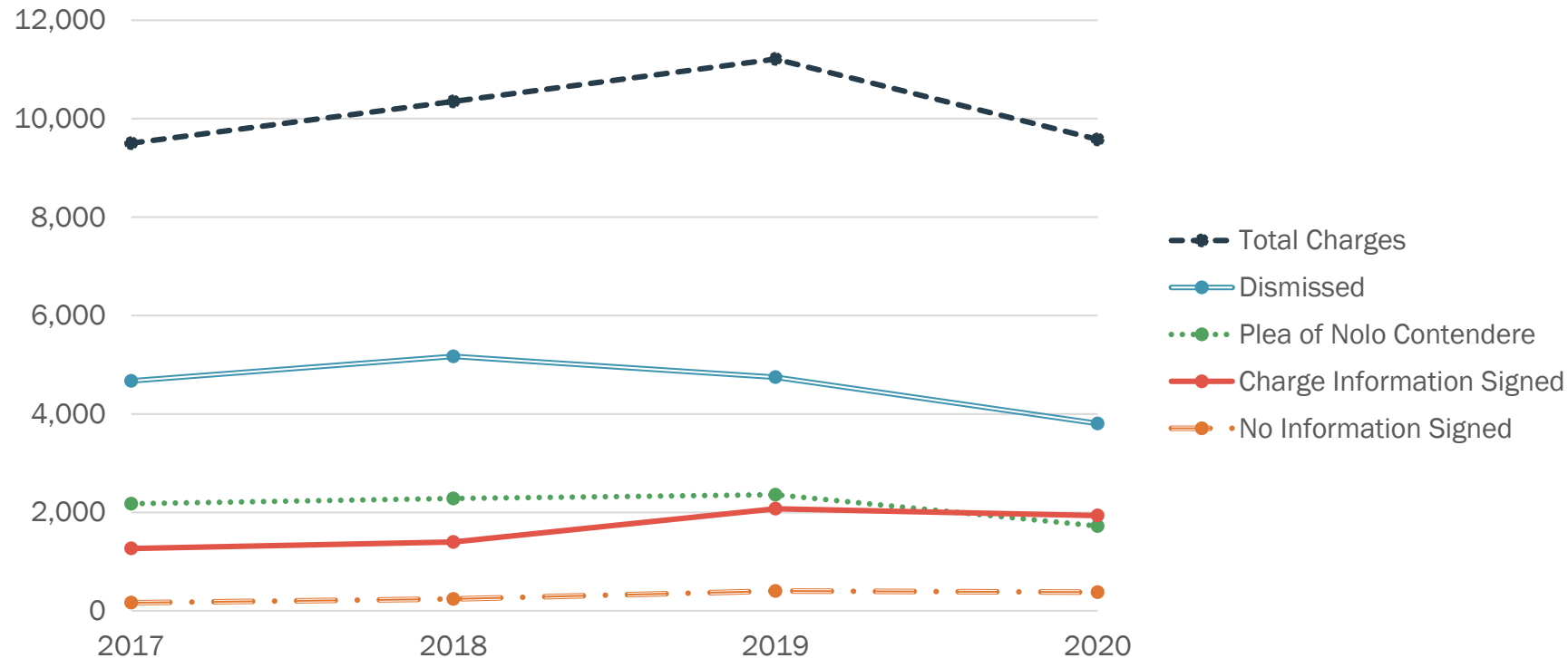
Domestic Violence Cases with Protective Orders, 2017–2020



More than 45 percent of cases with protective orders were filed in the 6th Division District Court, followed by the 3rd Division (27 percent) and Providence/Bristol County Superior Court (13 percent).

Between 2017 and 2020, more than 9,500 domestic violence charges were filed annually. In many years, around half of those charges were dismissed.

Total Charges for Domestic Violence and Dispositions, 2017-2020



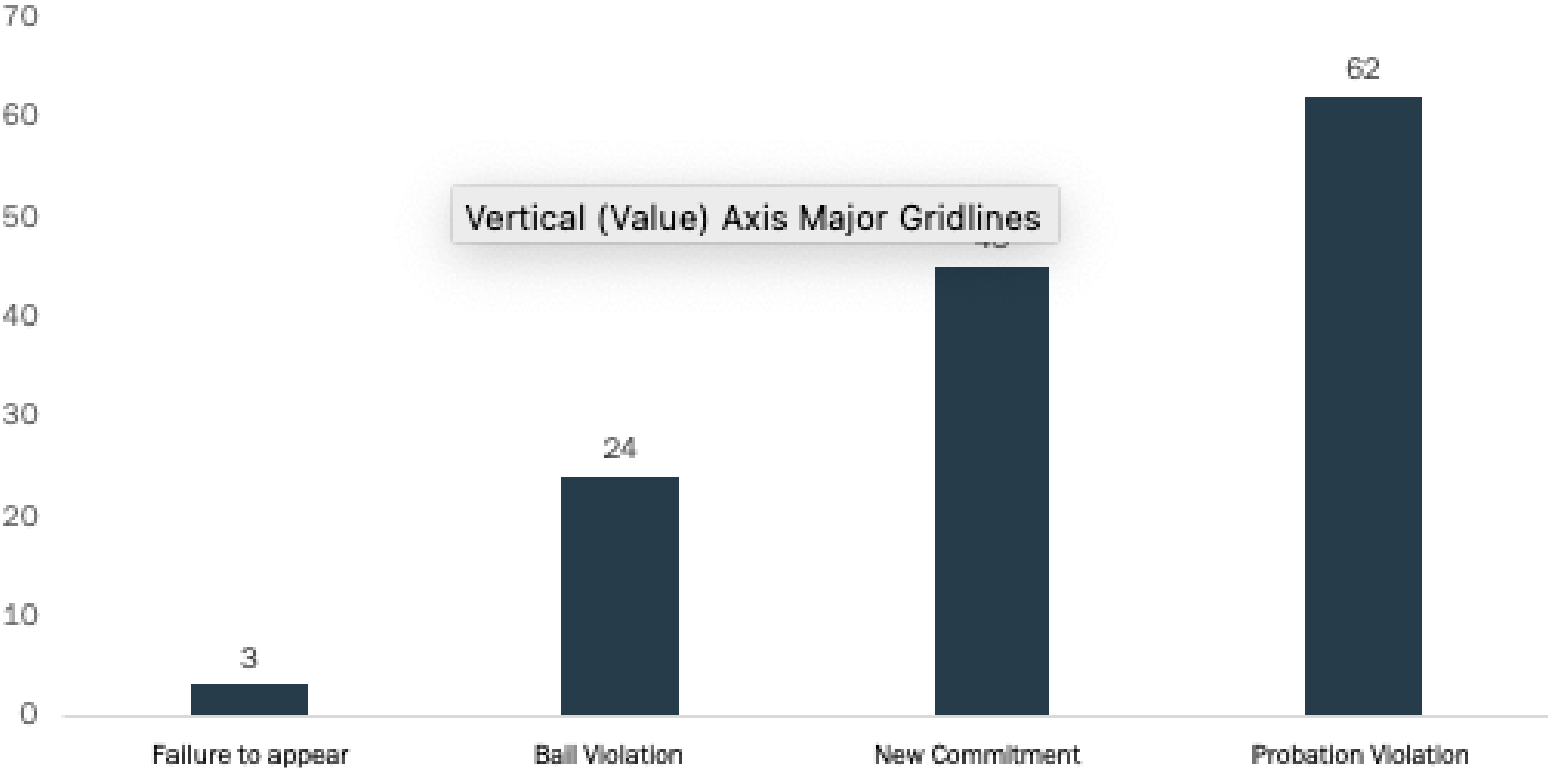
About three-quarters of all charges are for misdemeanor charges.

The most frequently charged offenses are:

- Domestic Violence—Disorderly Conduct—1st Offense
- Domestic Violence—Simple Assault and/or Battery—1st Offense
- Domestic Violence—Criminal Violation of No Contact Order—1st Offense

Of the 134 people in DOC facilities awaiting trial in June 2020 with a domestic violence-related charge, nearly half had violated probation.

People Awaiting Trial with a Domestic Violence-Related Charge by Admission Type, June 2020



Of those awaiting trial, 94 percent had more than one charge, including possession of a controlled substance and breaking and entering.

Ninety-one percent of those awaiting trial for a domestic violence-related charge were male, and 47 percent were White.

Many entities within the legal system respond to DV in Rhode Island.

The **Office of the Attorney General** handles all felony domestic violence cases, though true prevalence of felony cases is difficult to measure.

- The Office has a Special Victims Unit consisting of nine prosecutors.
- After the second conviction, DV offenses automatically rise to a felony level; however, charges are pleaded in many cases.
- If individuals plead nolo and receive a filing or straight probation (with no suspended time), it does not count as a conviction, so subsequent charges are not subject to enhanced felony charging, thus skewing the real incidence and prevalence in RI.

Town Solicitors respond to misdemeanor prosecutions in each of the 39 cities and towns.

Police officers may also act as prosecutors in misdemeanor arraignments.

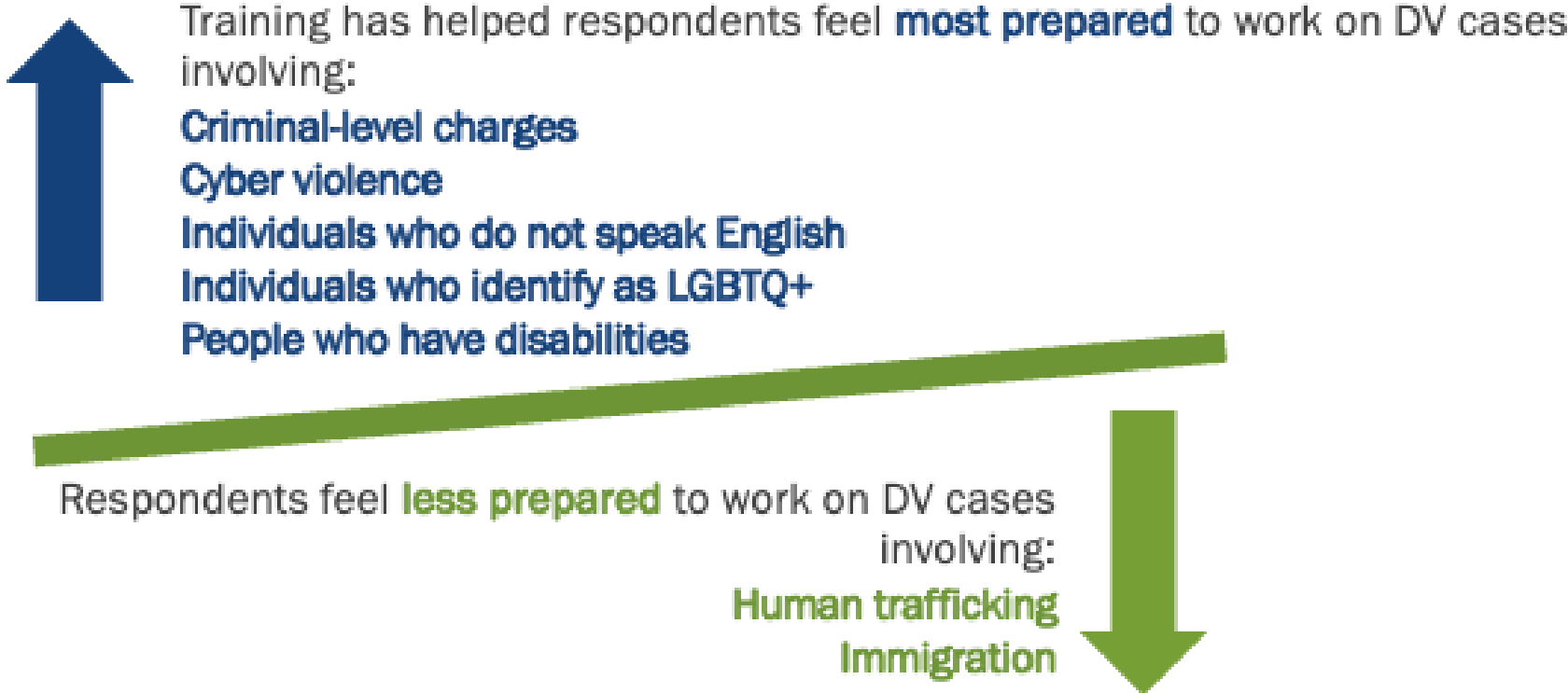
Pretrial services, providing assessments, monitoring, and treatment referrals, receive DV cases via statute.

The judiciary hears DV cases in family, district, and superior courts.

The Office of the Public Defender represents defendants who do not hire their own attorneys.

Ten public defenders responded to a survey about DV training, policies, protocols and procedures, and experiences.

Ninety percent of respondents reported **zero to five hours of initial DV-specific training** in their current role, though most reported “on the job” training as common.



All respondents indicated that DV cases are common on their caseload.



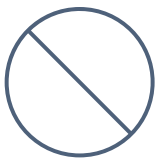
80 percent **disagreed** that court **responses are consistent** across the state.



90 percent **disagreed** that **conditions of court are effective**.



90 percent **disagreed** that **treatment responses** to DV, such as BIP, are **effective**.



Respondents indicated their **greatest challenges** in working with DV cases are the cost of BIP, perceived ineffectiveness of BIP, and mandatory sentences. They also stated a **need for more holistic approaches** to DV cases, including understanding bidirectional violence, financial barriers, and the importance of mental health supports.

Legal advocates support victims and survivors of DV throughout the court process.

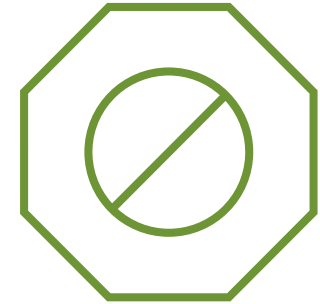


- Legal advocates work within domestic violence agencies to provide services to victims and survivors of DV and sexual assault, including **attending court**, helping **fill out restraining orders**, and **navigating** the often **overwhelming** and **confusing** legal system.
- A **high need and limited resources** mean that advocates must triage ways in which they can support victims and survivors.
- Advocates reported that they are often a victim or survivor's **first point of contact** in cases of restraining orders.
- The most **common needs of victims and survivors** reported by advocates include support in the legal process, explanation of their rights, and basic needs related to safety and survival. Though these needs are prevalent, advocates can feel **limited by resources available** for victims and survivors that **meet their needs**.
- Advocates report that **legal responses are inconsistent** statewide and do not always meet the needs of victims and survivors. Orders of protection **do not always equate to safety**.

The legal system does not seem accessible to all individuals.

Individuals who are Deaf, DeafBlind, and/or Hard of Hearing face **barriers in courtrooms for interpretation and communication**. More **education** is needed among law enforcement, judges, attorneys, and other entities within the criminal justice system to understand dynamics of abuse and control as they impact individuals in the Deaf, Deaf/Blind, and Hard of Hearing community.

Individuals whose cases involve **immigration** or other **criminal-legal involvement** may be **less likely to access** the legal system out of fear of deportation, incarceration, or other punishment.



Before we discuss victim and survivor experiences,



What **questions or comments** do you have about court responses to domestic violence?

Victims' and Survivors' Experiences

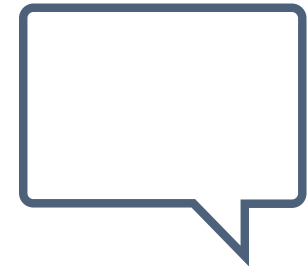
Experiences with Law
Enforcement

Experiences with DCYF

Experiences with the Courts

Victims and survivors reported varying experiences with law enforcement.

- Victims and survivors said at times they **felt supported**, while **other times they reported that they felt law enforcement did not help.**
- Several victims and survivors reported that after calling law enforcement for support, they were **told by officers to do more to prevent the violence.**
- Victims and survivors reported calling **law enforcement for safety** only to find out the law enforcement officer is **friends with the person causing harm.**
- Victims and survivors reported a **need for improved officer training** to have more consistent responses, and so that officers can recognize signs of domestic violence that aren't physical.
- **Advocates working with law enforcement are vital to feelings of safety;** however, victims and survivors reported there are **not enough** advocates.



Victims and survivors stated that impacts of DCYF can threaten feelings of safety.

- Victims and survivors stated that **DCYF did not always seem responsive** to their needs, particularly when seeking help for domestic violence.
- Victims reported that DCYF involvement seemed more **reactionary than preventive**; victims and survivors reported minimal follow-up in cases of DCYF involvement unless egregious harm had been caused.
- Victims and survivors reported being **threatened by case workers to leave the violence or face consequences**, when the reality was more complicated.



DCYF involvement was noted by some victims and survivors to be a **coercive tactic used by the person harming them** as a means for continued control.

Victims and survivors experienced a lack of consistency in court responses and overall struggles navigating the court system.



- Victims and survivors reported **disconnects between family and district courts**. Certain stipulations of family court, such as mediation encouraging co-parenting, directly contradicted conditions of district court related to no contact.
- **Inconsistent experiences** were reported in interacting with **judges**.
- Overall, victims and survivors reported that the **court system was confusing** and that they typically **did not know their rights** or what was going to take place.
- Victims and survivors also **reported errors of confidentiality** in which their contact information was inadvertently included on documents sent to the person causing harm.
- **Court** was cited by many victims and survivors as a form of **continued abuse**. **Litigation abuse** is not unique to Rhode Island and utilizes the legal process to harass victims and survivors.

Before we discuss next steps,



What **questions or comments** do you have about the presentation?

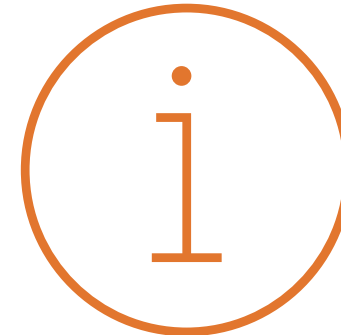
Next Steps

Areas for Further Analysis

Presentation 3: Systems Responses, Reentry, and Community Corrections

Prior to the January presentation, there are areas for continued analysis related to Intercepts 1 and 2.

1. We hope to **engage the judiciary** to learn more about their education, training, policies, procedures, and experiences responding to domestic violence cases.
2. We plan to speak more with **attorneys** from the Office of the Attorney General.
3. We are meeting with **caseworkers at DCYF** who provide ongoing support to families, some of whom are experiencing domestic violence.



The next analysis presentation in January will focus on Intercept 3 (Systems Responses) and Intercept 4 (Reentry and Community Corrections).



Intercept 3 involves responses such as incarceration in jail or prison, mental health and substance use assessments, community treatment programs, or batterer intervention programming (BIP). Intercept 4 involves probation, parole, or other community-based treatment programming.



CSG Justice Center staff will conduct outreach with survivors of domestic violence, Department of Corrections staff, substance use and behavioral health providers, and BIP providers.



CSG Justice Center staff will analyze data from the Department of Corrections to determine how many people are incarcerated or on community supervision for a domestic violence offense.

The next presentation will be on January 18, 2023

Thank You!

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<https://csgjusticecenter.org/resources/newsletters/>

For more information, please contact Carly Murray cmurray@csg.org

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