

**DOMESTIC VIOLENCE:
HELP IS AVAILABLE**



GRAND JURY 2013-2014

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SUMMARY

My husband and I have been married for over 18 years. I work at a local hospital. One night, after returning home, I sat on the sofa to watch television. Without warning, my husband came from behind and struck me in the head at least three or four times. I screamed, feeling as though I was passing out. Suddenly, I realized he was hitting me with a wooden baseball bat. I was able to grab the bat and open the front door and throw it outside. When my husband went to retrieve the bat, I was able to close and lock the door. Neighbors heard my screams and came over to find me covered in blood. I ended up with a broken right hand and a two inch laceration on my head that required five sutures.¹

This is an all-too-frequent incident that plays out in households nationwide. Indeed, this scenario happened in Orange County! It could have happened in a Newport Beach mansion overlooking the ocean, an urban home, an apartment, or a mobile home park. Domestic violence cuts across all socio/economic and racial backgrounds.

The 2013-2014 Orange County Grand Jury initiated this study to determine what role Orange County government agencies play in addressing domestic violence. The Grand Jury considered the plight of both the victim and the batterer. The Grand Jury interviewed a number of County government officials and non-profit organizations. In addition, the Grand Jury visited several resource sites in the County, including four domestic violence emergency shelters, and four businesses that operate domestic violence batterer intervention programs. The following are key findings of this study.

1. Domestic violence is a problem in every Orange County community.
2. Victims of domestic violence have a wide variety of available services and resources to help them break from the cycle of violence.
3. County governance is actively involved in all aspects of domestic violence disputes.
4. Most notably, this study showed that employees of the County government, non-profit sector, and business sector that provide programs and services to victims and batterers do so with a high level of sensitivity and respect for the individuals involved in these emotionally charged disputes.
5. This study uncovered some gaps in communication and coordination within the County government and between County agency officials and those with whom they partner; however, these can be easily corrected.
6. The impact of domestic violence cannot be ignored. While there is a cost to the County in the form of resource expenditures to handle domestic violence incidences; nonetheless, these behaviors are against the law and contribute to human depression, low self-esteem, chronic disorders, job loss, and the abuse of children.
7. By implementing the Grand Jury recommendations, Orange County responsiveness to domestic violence victims and batterers can be raised to even higher levels.

¹ Interview: the Orange County District Attorney's office.

REASON FOR THE STUDY

The Grand Jury began this study by asking, “What is the nature of domestic violence?” The preliminary information showed the following:²

- a) one in four women have experienced severe physical violence by an intimate partner sometime during their lifetime,
- b) women are disproportionately more likely to be victims of domestic violence than men,
- c) women are four times more likely to be beaten,
- d) women are six times more likely to be slammed against something and nine times more likely to be strangled, and
- e) more than 80% of women who experienced physical violence by an intimate partner reported significant short or long term emotional impact related to the experience.

Additional research showed the results of a national survey on domestic violence conducted on a *single* day in September, 2012. This survey was sponsored by the National Census of Domestic Violence Services and involved over 1,600 domestic violence providers in the United States. The results posted for this *one 24 hour period* included the following national statistics.³

1. Over 20,800 domestic violence hotline calls were answered by local, state and national services.
2. Over 29,000 domestic violence victims received non-residential assistance in the form of counseling.
3. Over 35,000 domestic violence victims found refuge in emergency shelters.

At the state level, research showed that for the year 2012, California law enforcement agencies received over 157,000 domestic violence-related calls in the state. Of these calls, 10,988 were from Orange County victims.⁴ This represents .35% of the County population. In comparison, data for the same year indicated that San Diego County received 16,400 calls (.51% of the population) and Riverside County received 5,947 calls (.26% of the population).

In spite of these findings and the fact that domestic violence is a crime, the Grand Jury discovered that there has been no study of domestic violence as a distinct and separate issue in Orange County by a Grand Jury in more than 15 years.

The scope of this study is limited to identifying Orange County government’s responsiveness to domestic violence including its partnerships formed with the non-profit and business sectors. The purpose is two-fold: to determine what role Orange County government agencies play in addressing domestic violence; and to raise public awareness of the County government programs and services available to assist both victims of domestic violence and batterers.

² California Partnership to End Domestic Violence: <http://www.cpedv.org/Statistics>.

³ National Network to End Domestic Violence, 2012 Domestic Violence Counts: <http://nnev.org/resources/census/3418-2012-report>.

⁴ CJSC Statistics: Domestic Violence-Related Calls for Assistance: <http://oag.ca.gov/crime/cjsc/stats/domestic-violence>.

BACKGROUND AND FACTS

What is Domestic Violence?

Domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.⁵

For most of the twentieth century, domestic violence was *not* recognized as a crime. Domestic violence incidents were considered a private matter whereby victims often felt shame and blamed themselves. There were few laws or avenues of recourse to protect victims. Battered women's shelters or domestic violence safe havens were mostly non-existent. Indeed, cultural mores made it difficult for women to leave an abusive relationship. It was a struggle for a woman to work outside her home, earn her own money, get credit, or divorce her spouse.

This situation began to change with the advent of the women's movement in the 1970s followed by an extensive grassroots effort in the 1980s and 1990s. By the mid 1990s, society and the government finally began acknowledging that domestic violence was a public health issue, a public safety issue and human rights concern. The following is key legislation regarding domestic violence that impacts Orange County residents.

Violence Against Women Act⁶ – The Act provides federal funding toward investigation and prosecution of violent crimes against women, imposes automatic and mandatory restitution on those convicted, and allows civil redress in cases prosecutors chose to leave un-prosecuted.

Domestic Violence Prevention Act⁷ – This state legislation defines domestic violence under California Code Sections 6200 – 6219.

California Welfare and Institutions Code Sections 18290 - 18309.8⁸ – This state legislation lists the requirements for state funding of domestic violence shelters.

California Penal Code Sections 13700 - 13702⁹ – This state legislation requires every law enforcement agency in the state to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls.

⁵ The United States Department of Justice: <http://www.ovw.usdoj.gov/domviolence.htm>

⁶ Violence Against Women Act of 1994: <https://www.govtrack.us/congress/bills/112/hr4970/text>

⁷ Domestic Violence Prevention Act, California Code Sections 6200 – 6219: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=06001-07000&file=6200-6219>

⁸ California Welfare and Institutions Code Sections 18290-18309.8: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=18001-19000&file=18290-18309.8>

⁹ California Penal Code Sections 13700-13702: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=13001-14000&file=13700-13702>

California Penal Code Sections 1203.097 and 1203.098¹⁰ – This state legislation establishes the minimum course requirements for Batterer Intervention Programs.

What is Orange County’s Role in Addressing Domestic Violence?

During this study, the Grand Jury determined that there are a number of Orange County government agencies and departments involved in addressing the consequences of domestic violence. County entities such as law enforcement, health care, social services, community resources, probation and the criminal justice system have devoted significant staff resources to domestic violence cases and issues. The Grand Jury interviewed selected representatives from each of these entities to gain information and an understanding of the County’s domestic violence programs and services.

In addition, the Orange County government has established partnerships with County non-profit organizations and for-profit businesses to assist both victims and batterers involved in abusive relationships. The County has formal contracts with four domestic violence emergency shelters for victims and has memoranda of understanding with 14 Batterer Intervention Program (BIP) businesses.

A list of contacts made with County government agencies, city police departments, non-profit organizations and the business sector is contained in the *Appendix*.

The following is a discussion of programs and services available to Orange County residents affected by domestic abuse. This information is presented in a sequence of actions that unfolds following a dispute similar to the scene of domestic violence described at the opening of this report.

What Happens to Victims in the Aftermath of a Domestic Violence Dispute?

The Hotline – A Lifeline for Victims

The first reaction to a violent attack is usually to call 911; however, there are other crisis hotlines that are available to assist victims of domestic violence in Orange County.

The Orange County District Attorney’s office has prepared the Domestic Violence Prevention and Resource Handbook that lists several hotline numbers as referenced in Table 1.

Table 1: Orange County Domestic Violence Hotlines

National Emergency Number	911
National Domestic Violence Hotline	1-800-799-SAFE
Domestic Violence Safety Plan Hotline	1-800-978-3600

¹⁰ California Penal Code Sections 1203.097 and 1203.098: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=01001-02000&file=1191-1210.5>

The First Responders to the Scene

In Orange County, local police departments respond to hotline distress calls (911) received within their jurisdiction. The Orange County Sheriff's Department responds to calls from unincorporated areas within the County as well as to cities with which it contracts.

Based on recommendations, the Grand Jury visited the Irvine Police Department to review *how one local police force responds* to scenes of domestic violence. The Grand Jury learned that in 2012, the Irvine Police Department responded to nearly *one thousand* calls involving domestic violence within its city jurisdiction. According to department officials, domestic violence scenes can be very challenging, in particular those involving family members and children. Domestic violence related calls are considered to be one of the most dangerous for law enforcement responders due to the escalating emotions involved.

As part of a County-wide established protocol, it is required that at least two peace officers respond to calls involving suspected domestic violence. Additional units may be sent depending on the circumstances involved.

As first responders, the work and effort by the police at the scene is critical to any future criminal charges or possible prosecutions involving domestic violence. As such, all Irvine police officers carry Domestic Violence Response Kits to assist them at the scene. These kits consist of the following:

- a) checklist of forms and information that may be relevant to the scene,
- b) victim's waiver to release information to a trained victim's advocate,
- c) victim's resource guide with contact information and legal advice,
- d) domestic violence crime report sheet, and an
- e) emergency restraining order form.

There is a small window of opportunity to get the investigation right, starting at the scene of the crime. Officers try to do a thorough job of interviewing all witnesses, including children and neighbors. Officers always prepare written reports. Subsequently, report summaries are uploaded to the Department of Justice system which can be accessed by all County and city law enforcement agencies. All Irvine police officers receive special training on domestic violence issues every two years for the purpose of providing updates on new regulations, policies and evidence gathering techniques.

Following the first response, police reports are forwarded to Irvine Police Department Domestic Violence Investigators for further development. Once these investigations are concluded, the case files are forwarded to the Orange County District Attorney's office for filing consideration.

In 2012, the department forwarded 317 cases to the District Attorney. The Irvine Police Department also has a court liaison on staff who follows-up with the District Attorney's office on the status of case files.

The Irvine Police Department stresses the importance of providing immediate support to victims. This engenders trust and subsequent empowerment so that victims can move forward and serve as witnesses in eventual criminal court cases. In addition to domestic violence investigators, the Irvine Police Department has access to a full-time Domestic Violence Victim's Advocate. This individual is employed by the Community Services Programs, Inc. (CSP), although assigned to the Irvine Police Department facility. This advocate sometimes accompanies officers to the alleged crime scene and always follows up with victims to get them support and resources to meet their immediate needs.

The Grand Jury also learned that the Irvine Police Department has initiated and participates in a number of community outreach programs aimed at preventing domestic violence. Most notably, the department has been recognized for its Family Violence Program with a national award in 2009. This program emphasizes building community relationships with substantial efforts in:

- a) working with the local domestic violence emergency shelter to escort victims to the facility,
- b) partnering with emergency shelters to make presentations to local high school students on teen dating violence,
- c) hosting the holiday "Shop with a Cop"¹¹ program to build trust with children traumatized by domestic violence, and
- d) issuing public service announcements to reach culturally diverse communities.

In addition to visiting the Irvine Police Department, the Grand Jury conducted telephone interviews with the police departments from Anaheim, Fullerton, Huntington Beach, and Santa Ana to obtain information as to how these departments handle domestic violence cases. The Grand Jury learned that similar to the Irvine Police Department, each has established separate Family Violence Units to handle domestic violence related calls. Police officers assigned to these units have been provided special training to assist them in handling these volatile situations. In particular, Anaheim and Fullerton Family Violence Units indicated that domestic violence advocates are included on some first response calls in order to provide immediate assistance to victims.

The Emergency Shelter – Getting a Victim to a Safe Haven

After making the initial distress call, a victim of domestic violence usually has an urgent need to find a safe place away from the attacker. In Orange County, there are a number of shelters to serve victims and their children, some culturally based and some faith-based. Four of these emergency shelters which are listed in Table 2 have formal funding contracts with Orange

¹¹ Interview with Irvine Police Department.

County Community Resources Department and are strategically located to serve different areas of the County.¹²

Table 2: Orange County Shelter Hotlines

Laura’s House (South Orange County)	(949) 498-1511
Human Options (South/Central OC)	(877) 854-3594
Interval House (West/Central OC)	(714) 891-8121
Women’s Transitional Living Center (Central/North OC)	(714) 992-1931

The Orange County government’s relationship with the organizations in Table 2 stems from the California Welfare and Institution Code Sections 18290 - 18309.5, which provides for state funding of domestic violence emergency shelters. All funding is derived from portions of marriage license fees and batterer court fees paid to the County. In Orange County, the Community Resources Department oversees this funding by utilizing a formal contracting process, the Request for Proposal (RFP). The RFP process is initiated every five years to solicit applications from domestic violence shelters that could qualify for government support. In addition, the Orange County Board of Supervisors reviews and reapproves contracts and funding annually.

The Grand Jury reviewed the most recent RFP for domestic violence shelters which was conducted in 2012. The Grand Jury also interviewed the Orange County Community Resources staff responsible for the evaluation of RFP applications. *Only four domestic violence shelters in Orange County responded to the RFP. Each met the comprehensive requirements outlined in California Welfare and Institutions Code Sections 18290 - 18309.5.* After rating scores were assigned by an RFP evaluation committee, the four shelters, Laura’s House, Human Options, Interval House, and Women’s Transitional Living Center, were selected for County funding.

The Grand Jury toured all four domestic violence emergency shelters and interviewed shelter officials. At one organization, the Grand Jury had the opportunity to speak with current and past client/victims that were now serving as volunteers for the shelter’s counseling and educational programs. The following is a summary of the Grand Jury’s observations of the programs and services offered at each shelter.

Laura’s House

This organization is the only women’s domestic violence emergency shelter under contract with Orange County that is serving the southernmost communities. It was founded almost 20 years

¹² Orange County Office of the District Attorney Domestic Abuse Prevention and Resource Handbook: <http://www.orangecountyda.com/home/index.asp?page=90>

ago as a result of the tragic death of a woman, a victim of on-going physical abuse by her husband. Since its inception, Laura's House has assisted over 25,000 victims of domestic violence in South Orange County.

Laura's House has a staff of 26 full and part-time employees. In 2012, 497 volunteers contributed over 8,100 hours to the shelter. Most notably, this shelter has a full-time legal advocate on site that advises and supports victims through the restraining order process as well as other legal proceedings.

Services and programs are offered in a variety of languages. There are multi-lingual speaking therapists and hotline advocates as well as translation services as needed. The facility meets ADA (Americans with Disabilities Act) requirements.

Laura's House emergency shelter has a total of 42 beds. There are large living spaces including a full-service kitchen and a play yard for children. Clients can eventually transition to a longer term smaller facility for up to a year.

In 2012, this shelter provided the following assistance to victims of domestic violence:

- a) 24-Hour Hotline – approximately, 2,234 calls were received; a 21% increase from the prior year, and
- b) 304 individuals were provided emergency shelter.

During the Grand Jury's interview with shelter officials, it was observed that this organization actively promotes domestic violence awareness to County communities in a variety of ways. These include: a Speakers Bureau where in 2012, 176 outreach events were conducted reaching over 10,800 audience members; and the Healthy Emotions and Attitudes in Relationships for Teens (H.E.A.R.T.) program in local high schools aimed at raising awareness of teen dating violence. This shelter also advertises its services by placing its business cards in public women's restrooms as way to reach victims of domestic violence.

During the Grand Jury's visit to Laura's House, the issue of how restraining orders are initiated was discussed at length. Under current procedures, the shelter's clients must travel more than 25 miles to request an order at the Lamoreaux Justice Center in the city of Orange. Often, the clients lack sufficient transportation and thus the shelter legal advocate personally drives them to the center. The net effect of this process is that clients must allocate a full day to request a restraining order, which often requires childcare if the client has children.

Because of the extenuating circumstances involved in requesting restraining orders for clients at Laura's House, both the Grand Jury and the shelter representatives recognized the benefits of being able to FAX these requests directly to the Lamoreaux Center. This procedure is already available to clients at the Orange County Family Justice Center but not to any of the County emergency shelters.

The shelter representatives offered the following suggestions to improve services for victims in Orange County:

- a) increase funding to better serve additional victims,
- b) increase awareness of domestic violence issues through outreach and a greater availability of resources available from print and media, and
- c) provide victims of domestic violence support and uncomplicated access to on-going mental health counseling after leaving a shelter.

Human Options

This organization's emergency shelter is located to serve the central communities in the County. It opened over 30 years ago and has grown and evolved to include comprehensive counseling, outreach, and educational programs.

Human Options' emergency shelter has 36 beds and is ADA compliant with large living areas and a separate suite of rooms for victims with particular needs.

A detached smaller structure contains a large classroom and play yard used for children's counseling and educational programs. Notably, children's counseling at Human Options' is extensive and is aimed at assisting youths exposed to domestic violence, cope with their emotions and trauma.

Human Options has 52 full-time staff members and over 80 volunteers that provide multi-lingual services to victims and their children. Adult counseling programs include one-on-one and group sessions. Clinical counseling services range from 4 to 24 sessions depending on the client's history of abuse and trauma.

Human Options also sponsors second and third level transitional living facilities following the initial emergency shelter stay of 45 days. In 2012, 25 families were housed in the second-step transitional housing facility.

This emergency shelter has extensive referral services that include assistance with legal issues, housing and medical issues. Legal advocates assist clients in obtaining temporary and permanent restraining orders, powers of attorney, conservatorship and assistance with financial abuse.

In 2012, this shelter provided the following assistance to victims of domestic violence:

- a) 24-Hour Hotline – 2,379 callers were provided with crisis intervention, and
- b) 300 individuals were provided emergency shelter.

Human Options has fostered a close relationship with the local police department; a police officer always escorts the victim to the emergency shelter in order to ensure absolute safety of client/victims.

The Grand Jury observed that this organization is engaged in a variety of community outreach programs. Shelter advocates work with youth organizations to provide programs aimed at building positive role models for children. Advocates also participate in presentations to area school students on teen dating violence as well as on developing healthy relationships. Partnerships are forged with local law enforcement and local hospitals to raise awareness of domestic violence issues and resources.

The Human Options' staff made the following suggestions to improve services for domestic violence victims:

- a) increase funding to better serve victims and their children,
- b) increase public awareness regarding the resources available in the County to help victims of domestic violence,
- c) the County should be proactive in screening and identifying victims of domestic violence on all County intake forms,
- d) create a liaison between emergency shelters and the mental health programs sponsored by the County,
- e) enlist shelter personnel to help train first responders, and
- f) utilize school health classes to help train students on preventing abuse and developing healthy relationships beginning at a young age.

Interval House

This shelter is strategically located to support the northern and western areas of the County where most domestic violence victims have very diverse multi-cultural backgrounds. Over 70 languages are spoken by the staff at Interval House, including Spanish, Farsi, Vietnamese, Chinese, Slavic, Russian, to name a few. The shelter's décor and art work depict multiple cultures.

Interval House opened over 30 years ago in Orange County. Currently, there are three separate facilities that provide shelter and services to victims of domestic violence including, two home sites that provide longer term transitional housing. The main shelter facility was remodeled in 1999 and includes large common living spaces, a large children's play yard and a first floor bedroom and bathroom that are ADA accessible. This shelter has a total of 71 beds, with almost 100% occupancy throughout the year. In 2012, this shelter provided emergency housing for 372 individuals.

Interval House first opened with only four staff members, most of whom had personally experienced domestic violence. There was no public funding at the time. Currently, there are 22 full-time and 39 part-time staff members and over 300 volunteers. *Many of the staff members and volunteers are former clients of the shelter and therefore have a keen understanding of family issues and what causes and leads to abuse.* One former client assisted with the passage of

the Violence Against Women Act in 1994 and now assists local law firms in understanding this legislation.

A variety of classes and referral services are provided to meet victims' needs. During the Grand Jury's visit to the emergency shelter, a Personal Empowerment Program (P.E.P.) class was in session for about 15 clients. In addition, the shelter has a Health and Wellness program through partnerships with local clinics. A shelter staff member arranges and coordinates attendance at the local schools for all school-aged children of clients. Also, there is a Teen Program that focusses on developing and maintaining healthy relationships.

The shelter's staff partners with a local law firm within the County and local law schools to assist their clients in obtaining restraining orders and preparing for court trials.

Local police who encounter a domestic violence situation follow a protocol to notify the shelter. Some police departments have a domestic violence advocate on-site or on-call who can help with investigations, victims' questions, and offer assistance.

At Interval House there are multi-cultural programs including the SALAAM ("peace" in Arabic) program that works with middle-eastern groups to help victims who cannot leave an abusive situation due to religious beliefs. "Creating a Safe Environment" is another outreach program aimed at faith based groups, primarily the African American community, focused on educating boys and men.

Because this organization's clients are so diverse, and many are new immigrants to the United States, the shelter is closely linked to local colleges and evening programs to assist victims with learning the English language.

Interval House staff made the following suggestions to improve services for domestic violence victims:

- a) improve the collection of earmarked funds (such as batterers' fees) that support the comprehensive domestic violence programs offered by the four emergency shelters in the County receiving these funds,
- b) consider standardizing protocols to collect, record, and follow-up on batterer fees, and
- c) continue to provide funding to the four domestic violence shelters that offer comprehensive services to victims.

Women's Transitional Living Center (WTLC)

This shelter is located in North Orange County and opened over 35 years ago. There are two facilities – an emergency shelter for stays up to 45 days, and a transitional living home for longer periods. Approximately 50% of victims arrive at the shelter with dependent children.

The Grand Jury toured the emergency shelter and interviewed a staff member. There are 30 full-time and part-time employees and about 100 volunteers at the emergency shelter. In 2012, this emergency shelter provided the following assistance to victims of domestic violence:

- a) 24-Hour Hotline – over 1,900 callers were provided with crisis intervention, and
- b) 403 individuals were provided with emergency shelter.

This particular shelter distinguishes itself by offering services and counseling to victims with substance abuse issues.

WTLC places particular emphasis on reaching out to victims of domestic violence that may not want or need emergency shelter housing. In this regard, the shelter staff teaches Personal Empowerment Program (PEP) classes and offers counseling at faith based organizations, family resource centers and at other non-profit organizations in the community. The emergency shelter personnel work closely with the Orange County Family Justice Center to obtain legal assistance for clients, including help with requesting restraining orders. The Grand Jury subsequently learned that the Family Crimes Unit within a local police department works closely with WTLC and the community to provide assistance and guidance for victims of domestic violence.

During the Grand Jury's visit to this emergency shelter, the organization's staff member offered the following suggestions to improve County services to domestic violence victims:

- a) increase transparency in the County agencies sponsoring mental health programs,
- b) create a liaison between the County Health Care Agency and the domestic violence shelters to coordinate and guide victims in accessing information, and
- c) increase more affordable housing when victims leave the shelter.

Shelter Summary

All four emergency shelters that receive County funds have crisis hotlines staffed 24 hours a day, seven days a week. Typically, when calls for help are received at a domestic violence emergency shelter, the staff will conduct a short interview to obtain key information to determine the victims' needs such as medical treatment, housing, and/or legal assistance. The immediate goal is to move the victim out of harm's way to a safe haven for the night. A more in-depth interview is held the next day to assess the victim's options and long term needs. If necessary, the victim is assigned to an emergency shelter for up to 45 days before transitioning to a long-term housing arrangement.

The emergency shelters' staff recognize that each family and domestic violence situation is different. Multiple considerations are given to determine the most appropriate response to meet individual and family needs. If a shelter is unable to accommodate a particular hotline caller, at least three resources are provided. If a shelter happens to be at capacity, callers in need of a safe haven will be referred to another shelter or a hotel for the night.

All four shelters operate additional walk-in centers separate from their emergency shelters. These centers provide counseling, legal assistance and an array of comprehensive services. At all four shelters visited, the Grand Jury observed activities and facilities designed to provide life skill tools to victims, their families, and the community, to break the continuing cycle of violence.

The Grand Jury observed that each shelter has designated staff members assigned to arrange and coordinate the continued education of school age children with the local school districts. This includes providing daily transportation to schools during stays at the domestic violence shelters.

Finally, it is noted that the portion of funds from marriage licenses and batterer court fees directed to the four emergency shelters discussed in this report represents a small percentage of the revenue needed to properly operate these facilities. As charitable organizations, all of these shelters depend mainly on public donations for revenue.

The Restraining Order – Providing a Victim with Continued Safety

In addition to reaching a safe location, victims of domestic violence have a need to protect themselves and their children from further abuse. In Orange County, victims have several options.¹³

1. Emergency Orders – These are issued by law enforcement first responders at the scene and are good for five days.
2. Temporary Restraining Orders – These are issued by the Orange County Superior Court for approximately 25 days until a formal hearing is held. Victims can petition the court for relief in the following ways:
 - a. restrain the perpetrator from hurting the victim involved,
 - b. direct the perpetrator to leave the home,
 - c. prevent the perpetrator from going to the victim’s workplace, school or other location based on the situation,
 - d. award custody of or visitation with a minor child,
 - e. direct child support for minor children and or other financial responsibilities, and
 - f. direct that either or both parties participate in counseling.
3. Restraining Order – These are issued by the Orange County Superior Court and can last for approximately five years.

In Orange County, the Lamoreaux Justice Center in the city of Orange serves as the central location where temporary restraining order requests are processed by the presiding judge/commissioner. While it is recognized that the Grand Jury has no jurisdiction over the courts, the Grand Jury visited this justice center and observed restraining order proceedings in Courtroom 63 to gain an understanding of the process.

¹³ Extended Restraining Order: accessed, August 17, 2013, <http://www.occourts.org/self-help/restrainingorders/domesticviolence.html>

Victims of domestic violence must appear in person before the presiding judge/commissioner in Courtroom 63 to obtain a restraining order. Accused offenders may choose to appear or not to plead their side of the issue. If a restraining order is granted, the order is transmitted to the Sheriff's Department to be served on the offender. In 2012, over 5,100 petitions were requested by Orange County citizens from this venue.

The Grand Jury also interviewed a representative from the Community Services Programs, Inc. (CSP), a non-profit organization that is on-site at the Lamoreaux Justice Center to assist victims with restraining order applications. CSP sponsors the Domestic Violence Assistance Program (DVAP) that provides support to victims as their cases move through the legal system. In addition, CSP interacts with Lamoreaux court personnel to transmit approved restraining orders to the Sheriff's Department for processing. Approximately 4,000 victims of domestic abuse in the County utilize the CSP advocates annually.¹⁴

The current justice system policy requires victims of domestic violence to appear in person to request a restraining order; however, there is one exception to this requirement. The Orange County Family Justice Center (OCFJC), located in Anaheim, has had a "pilot" program in place for the past seven years that allows requests for restraining orders to be faxed to the Lamoreaux courthouse. A legal advocate is on-site at OCFJC who assists the victim with the application which is then faxed to the Lamoreaux courthouse. In this way, victims do not have to be concerned with arranging transportation to court. See Table 3 for *contact numbers*.

Community Service Programs, Inc.	949-250-0488
Domestic Violence Assistance Program	714-935-7956
The Orange County Family Justice Center	714-765-1645

On-Going Legal and Counseling Services – The Orange County Family Justice Center

To further serve victims of domestic violence, assistance is available at the Orange County Family Justice Center (OCFJC). This is a collaborative non-profit organization that opened in 2006 through the efforts of the city of Anaheim. The mission of OCFJC is to provide direct assistance to victims and families whose lives have been impacted by domestic violence, child abuse, sexual assault or elder abuse.

There are 15 partnership organizations with the OCFJC which co-locate employees of law enforcement and social services under one roof. In addition, representatives from the Orange County District Attorney's office actively participate in OCFJC's programs to help victims. The Grand Jury visited the OCFJC and interviewed representatives from law enforcement, the

¹⁴ Interview: Community Services Program, Inc.

District Attorney's office and the Community Service Programs, Inc. (CSP). The following are some of the programs and services offered:

- a) a pilot program that allows restraining order requests to be faxed directly to the Lamoreaux Justice Center in lieu of a personal appearance,
- b) coordination with local domestic violence shelters to assist victims through legal proceedings,
- c) a partnership with the Chapman University legal clinic to help prepare witnesses in domestic violence cases for court appearances, and
- d) training classes for domestic violence advocates who are required to receive 40 hours of professional education.

Although the Grand Jury lacks jurisdiction over the courts, the courts are an integral part of the team that also includes law enforcement, prosecutors, legal and victim advocates that provides services at the OCFJC. In particular, Anaheim Police Department's Family Protection Unit is located on-site. These police investigators have special skills in handling domestic violence issues and crimes. Deputy district attorneys from the Orange County District Attorney's office work at the OCFJC to prepare victims who are witnesses in felony domestic violence cases. CSP advocates assist victims with crisis intervention and referrals to community resources, such as, housing and medical treatment. In 2012, the OCFJC provided services to 2,000 victims of abuse.

What Happens to Batterers in the Aftermath of a Domestic Violence Dispute?

The Investigation by Law Enforcement – The Family Protection Unit of the Sheriff's Department

As noted earlier, if a local police department officer responds to a domestic violence call, the matter is subsequently investigated by that department's personnel. If Orange County Sheriff's Department deputies respond to a domestic violence call, the required written reports are forwarded to the Orange County Family Protection Unit within the Sheriff's Department.

The Family Protection Unit is a group of case investigators that focus exclusively on domestic violence, elder abuse and child abuse cases. It consists of a supervising sergeant, six deputy investigators, two administrative assistants and a full time victims' advocate. The Grand Jury interviewed the sergeant and four staff members including the victims' advocate to gain an understanding of how the Sheriff's Department investigators handle domestic violence cases.

The Family Protection Unit has compiled and distributed a leaflet to all Sheriff's Department first responders with a checklist of items and information needed for subsequent investigations. This leaflet contains pertinent penal code sections as well as guidance for gathering evidence at the scene. When Sheriff's deputies enter reports into a County data base system, the Family Protection Unit retrieves these reports and initiates a formal investigation by visiting the victim's home, record statements from the victim, alleged batterer and any witnesses. All unit

investigators have received additional training that enables them to handle sensitive issues and unique circumstances involved in human abuse crimes. All investigations are documented and then forwarded to the District Attorney's office that determines whether to charge the offender.

Approximately 1,300 domestic violence cases are investigated each year by the Sheriff's Department Family Protection Unit. Many of these investigations involve repeat offenders.¹⁵

The Family Protection Unit employs a full-time victim's advocate on its staff. The advocate reviews investigative reports and works with victims to refer them to services. These services can include shelter, counseling or medical treatment clinics. The advocate provides support to victims as their domestic violence cases move through the court system. The advocate utilizes a comprehensive packet of information on domestic violence which includes the following:

- a) a copy of Marsy's Law,¹⁶
- b) a victim's bill of rights,
- c) victim counseling support and safety information,
- d) a list of Orange County shelters and contact numbers, and
- e) guidelines on court proceedings.

The Family Protection Unit also handles requests for U-VISA's.¹⁷ The U-VISA is a non-immigrant visa and its purpose is to give victims of certain crimes temporary legal status and work eligibility in the U.S. for up to four years. Only 10,000 U-VISA requests are approved by the U.S. Immigration Service annually. To qualify, an applicant must have suffered substantial physical or mental abuse due to criminal activity. In addition, applicants must agree to assist government officials and local law enforcement with investigations and prosecution of the attacker. In Orange County, approximately 100 U-VISA requests are received each year and all are screened by the Family Protection Unit to validate that the undocumented victims are truly victims and not just trying to use the system to stay in the United States. On average, five percent of U-VISA requests received by the County are denied each year.

The Criminal Justice System

In Orange County, law enforcement investigations involving domestic violence are forwarded to the District Attorney's office for evaluation and potential prosecution of the alleged batterers. This includes investigations conducted by local police departments as well as the Sheriff's Department. The Grand Jury met with members of the District Attorney's office to discuss their role in domestic violence matters within the County.

The District Attorney's office is staffed with six deputy district attorneys who specialize in domestic violence crimes and determine if and how charges will be filed. Felony domestic

¹⁵Interview: Family Protection Unit, Orange County Sheriff's Department.

¹⁶California Department of Corrections and Rehabilitation: http://www.cdcr.ca.gov/victimservices/marsys_law.html

¹⁷UVISA for Immigrants who are Victims of Crime, US Immigration Support, accessed December 15, 2013, <http://www.usimmigrationsupport.org/visa-u.html>.

violence is defined as a serious act of violence against another member of the household. Misdemeanor domestic violence crimes are described as *an act or a threat of violence* against another in the household. Alleged domestic violence crimes charged as felonies are assigned in a *vertical* manner i.e., all actions on a case are handled by a single deputy district attorney from start to finish. Misdemeanor domestic violence cases are assigned in a *horizontal* manner i.e., several deputy district attorneys may handle various aspects of the matter from start to finish. The Grand Jury obtained the information in Table 4 concerning felonies and misdemeanor charges filed in Orange County from the District Attorney’s office.

Table 4				Orange County District Attorney			
DOMESTIC VIOLENCE CASE DISPOSITIONS				DOMESTIC VIOLENCE CASE DISPOSITIONS			
Misdemeanors				Felonies			
Fiscal Year	2011-2012	2012-2013		Fiscal Year	2011-2012	2012-2013	
Reviewed	4071	3849		Reviewed	1101	988	
Rejected	2512	2566		Rejected	719	679	
Filed	1559	1283		Filed	382	309	
Dismissal	377	310		Dismissal	9	17	
Not Guilty	7	9		Not Guilty	1	2	
Guilty Misdemeanor	1134	993		Guilty Felony	266	235	
Guilty Infraction Only	5	2		Guilty Infraction Only	86	61	
Total Closed	1523	1314		Total Closed	362	315	
Convictions	2011-2012	2012-2013		Convictions	2011-2012	2012-2013	
Total Convictions	1139	995		Total Convictions	352	296	
Convicted / Dismissed/Acquitted	1523	1314		Convicted / Dismissed/Acquitted	362	315	
% Convicted	75%	76%		% Convicted	95%	96%	
<i>Consolidated cases are not used to calculate conviction rates</i>				<i>Consolidated cases are not used to calculate conviction rates</i>			

During interviews with the District Attorney’s staff, the Grand Jury learned that the large number of case rejections, dismissals, or reduced charges stems from the hidden nature of most domestic violence issues. Obtaining evidence can be very difficult as many domestic violence victims recant their stories or are unwilling to serve as witnesses at trial. They fear repeated abuse, are concerned about the impact on their children and/or depend on their spouse/partner for financial support. Also, under recent legislation, victims cannot be forced to testify; however, this does not necessarily preclude prosecution.

In spite of the challenges, the Orange County District Attorney’s office obtained convictions for 2,782 domestic violence offenders for the fiscal years 2011-2012 and 2012-2013.

The Grand Jury also learned that the Orange County District Attorney’s office participates in a number of community outreach and educational programs aimed at raising awareness of

domestic violence services to help victims and families break the cycle of violence and move forward including the following.

1. The Domestic Abuse Prevention and Resource Handbook was prepared and distributed by the District Attorney and includes a Q&A on domestic violence issues, contact numbers for shelters, lists of County legal aid clinics, 24-hour hotlines, County medical aid clinics, and counseling centers.¹⁸
2. Safe from the Start is a public health campaign aimed at protecting children from being exposed to violence.¹⁹
3. Deputy district attorneys participate in teaching classes for domestic violence advocates that work in the County shelters.
4. Deputy district attorneys give presentations at *brown bag* lunch training seminars.
5. The District Attorney's staff serves on the Orange County Family Violence Council and the Family Violence Project (FVP).

In addition to the above, the Orange County District Attorney's office is one of several County agencies that partners with the Orange County Family Justice Center in Anaheim. Deputy district attorneys assist domestic violence victims in preparing for court trials.

Convicted Batterers on Probation

Most offenders convicted of felony domestic violence in Orange County end up under the jurisdiction of the Orange County Probation Department. The overall mission of the Orange County Probation Department is to maintain a safe community environment by ensuring that offenders on formal supervision comply with court orders and remain law abiding citizens.

The Orange County Probation Department has two major roles pertaining to domestic violence crimes. First, the department supervises all offenders assigned by the court as well as offenders released from prison on Post-Release Community Supervision (PCS). Secondly, the department oversees the administration of the Batterers' Intervention Program (BIP). The Grand Jury met with officials from the two divisions that carry out these responsibilities to gain an understanding of the work and protocols involved.

The Probation Department has established a Special Supervision Division that includes a Domestic Violence Unit. This unit's ten Deputy Probation Officers (DPO), along with two DPO's from the Post-Release Community Supervision are tasked with monitoring and supervising offenders with domestic violence related offenses. The probation officers administering these caseloads have received unique training in the domestic violence cycle of behaviors. Examples of this training include classes in the following:

¹⁸ Orange County District Attorney: <http://www.orangecountyda.com/home/index.asp?page=90>.

¹⁹ Orange County Department of Education: <http://www.ocde.us/OCSFTS/Pages/default.aspx>.

- a) autism awareness,
- b) child/elder abuse,
- c) addict recovery,
- d) bullying, and
- e) mental health issues.

According to the unit officials, the additional training enables the probation staff to better understand and assess the needs of their assigned probationers.

Because of specific training, officers assigned to the Domestic Violence Supervision Unit have been able to determine that many domestic violence offenders suffer from mental health issues that require treatment. These officers estimate that 15% to 25% of offenders on probation, at any given time, suffer from acute mental health issues that pose additional complications for rehabilitation.

Probation officers also work with victims of the offenders under their supervision. This allows the officers to establish restitution and to enforce restraining orders.

The Domestic Violence Supervision Unit reported that between October, 2012 and October, 2013, a total of 888 cases concerning felony domestic violence were assigned to Probation's caseloads. Generally, offenders report to this supervisory unit twice a month. Probation officers assigned to this unit reported that there has been an increase in the overall violent nature of the crimes as well as crimes involving the use of weapons.

With regard to recidivism, the Probation Department does not calculate separate rates for domestic violence offenders. Department staff estimates that the recidivism rates for domestic violence offenders is less than the general supervision average rate of 37%. Similar to other statistics regarding domestic violence, exact calculations are difficult since family-related domestic violence tends to be under-reported.

In addition, the Grand Jury learned that the Probation Department Domestic Violence Supervision Unit is involved in several initiatives as follows.

1. Global Positioning System (GPS) Monitoring – The Probation Department began a Continuously Electronic Monitoring Center program in April, 2010 for adults and juveniles. The approximate cost of supervising an individual with GPS equipment per day is \$13.31 compared to \$420 cost per day for incarceration.
2. Tablet Technology – This initiative allows probation officers access to the department's case management system while working in the field. The features include the ability to pull up pictures of probationers as well as a history of contacts and concerns.
3. Death Review Teams – This team meets quarterly to review domestic violence death cases. Representatives from county law enforcement, health care agency, and the courts

also participate on these teams. A methodology is used to identify key points in a relationship where intervention might have prevented the death.²⁰

Convicted Batterers in Treatment

In the state of California, convicted and sentenced domestic violence batterers are ordered by the court to attend a Batterer Intervention Program (BIP) as a condition of probation. This usually applies to offenders convicted of felonies as well as misdemeanors.²¹

The goal of the BIP treatment is to eliminate or reduce domestic violence behavior by getting batterers to be accountable for their actions and change their abusiveness. The BIP treatment is 52 weeks in duration and is highly regulated under California Penal code 1203.097 and 1203.098.²² Convicted batterers are required to attend one 2-hour group session per week, consisting of 10 to 15 participants. The BIP treatments are conducted by trained facilitators that have met the state educational requirements.

Cost for the BIP treatment is borne by the batterer who pays a fee based on an economic sliding scale. Many offenders complete the program but do not receive certification for failure to pay the required program fees. The penal code indicates that services cannot be denied to batterers; however, certification can be refused for failure to pay agreed upon fees. Table 5 provides information regarding the BIP treatments in Orange County for 2012:

Total Enrollees	8,531
Gender	82% male 18% female
Prior Domestic Violence Offenses	27%
Misdemeanor Convictions	86%
Felony Convictions	14%

In Orange County, the Programs Division of the Probation Department is responsible for the administration of the Batterer Intervention Program for convicted offenders, including the selection of facilitators who provide the BIP. Initially, the BIP providers are selected through the Request for Proposal (RFP) process. Then, the Programs Divisions solicits renewals of BIP providers annually, usually in March, from the County’s non-profit and business sectors. Prior to this solicitation, the division hosts an open informational meeting for the prospective providers to discuss the criteria of the selection process and the needs of the County program. Thereafter, applicants submit binders with detailed descriptions of their credentials and their treatment programs.

²⁰ Interview with Orange County Probation Department.

²¹ California Penal Code section 1203.097 (a) (1) & (6), accessed, January 13, 2013.

²² California Penal Code section 1203.097, California code, accessed January 9, 2014, <http://codes.lp.findlaw.com/cacode/PEN/3/2/8/1s11203.097>.

Final selections of BIP providers are made in May of each year. While the BIP providers do not receive County funding; nonetheless, formal memoranda of understanding are signed between BIP providers and the County Probation Department, Programs Division. These formal memoranda of understanding are a way to hold the BIP providers accountable and responsible for following the state requirement outlined in California Penal Code 1203.097. In 2013, there were 14 BIP providers in Orange County.

The Grand Jury visited and interviewed four of the current Orange County providers of the BIP treatment. The purpose of these visits was not to evaluate the providers' specific programs per se, but rather to obtain input and recommendations on the County's overall administration of the BIP program related to domestic violence and to view the other side of the issue. Several observations and concerns were expressed by this group as follows.

1. Collaborative Courts - All providers indicated that the collaborative courts that were utilized in the past in Orange County were very beneficial to the citizens. The court personnel understood the domestic violence issues from both the victim and offender viewpoints and were well versed in the various services and treatment programs available in the County. (Subsequent to the interviews, the Grand Jury learned that these collaborative courts for domestic violence cases were discontinued due to court funding issues.)
2. BIP Fee Collection – All providers reported experiencing great difficulty with the collection of program fees from BIP participants. The fees are the only source of revenue for services, and providers receive no County funds. The treatment providers estimated that 30% to 40% of program participants fail to pay fees. There is no recourse for failure to pay other than non-receipt of certification for course completion.
3. CADVOC Meetings – All providers discussed the Coalition Against Domestic Violence in Orange County (CADVOC) meetings held quarterly with the Probation Department Programs Division. There was a strong sentiment that these meetings could be improved. Most providers wanted more in-depth and meaningful agendas, workshops with guest speakers, and more opportunities for interaction and communication among the attendees.
4. Mental Health Needs – Most providers indicated that their client offenders have a need for more extensive mental health services beyond the 52 week BIP. The providers; however, indicated that there was not much awareness of County sponsored programs for referrals and it is generally very difficult to navigate the County government systems.

Access to Mental Health Programs

The Grand Jury interviewed officials from Behavioral Health Services, a department of the Orange County Health Care Agency. This department has primary responsibility for overseeing the Orange County behavioral health programs for adults and children. The purpose of this was to gain an understanding of County sponsored mental health programs that could benefit victims of domestic violence as well as assist batterers with long term changes in violent behavior.

The Grand Jury also reviewed the Fiscal Years 2012-2013 and 2013-2014 Orange County Mental Health Services Act (MHSA) Plans that list the mental health programs that have been funded for the County. Orange County mental health services and programs have grown exponentially during the past 10 years. Since the passage of the California Mental Health Services Act (MHSA) in 2004, Orange County has received over *\$100 million* annually to fund mental health programs for adults and children.²³

The Grand Jury learned that Orange County has over 30 mental health programs underway that could address the needs of domestic violence victims and batterers. Most of these programs are part of the Prevention and Early Intervention section of the MHSA plan that targets trauma exposed individuals. Per the Behavioral Health Services officials, domestic violence is a common problem that is addressed in veteran's programs, child abuse programs, parenting classes and family crisis interventions.

The following is a partial list of programs overseen by the Behavioral Health Services Department that assist (or could assist) in addressing needs of domestic violence victims and batterers.

1. Children's Support and Parenting Program (CSPP)
2. Orange County Postpartum Wellness (OCPPW)
3. Youth as Parents
4. Stress Free Families
5. Outreach & Engagement Collaborative
6. Violence Prevention
7. Veteran's Services Court Programs

The Behavioral Health Services officials also stated that in the past, County citizens with mild and moderate mental health problems could not qualify for County services under Medi-Cal; however, with the implementation of the National Affordable Care Act, these individuals will now be covered.

The Grand Jury also discussed ways to establish communication forums between Behavioral Health Services and the domestic violence emergency shelters and batterer intervention programs for the purpose of raising awareness of available mental health services. As referenced in Table 6, Behavioral Health Services officials advised that Orange County recently initiated a separate telephone access line for information on behavioral health services.

²³ Mental Health Services Act Plans, Orange County, accessed January 14, 2014, <http://ohealthinfo.com/bhs/about/pi/mhsa>

Table 6: Behavioral Health Services Telephone Number

OC Links @ 1-855-625-4657 or 1-855-OC-LINKS

Monday - Friday 8:00 a.m. to 6:00 p.m.

Justice is Served

With regard to the domestic violence incident described in the opening scenario of this report, the offender was convicted and sentenced to eight years in state prison.

METHOD OF STUDY

The various resources utilized by the Grand Jury to study the Orange County government's response to the issue of domestic violence are as follows.

Confidential interviews were conducted with officials and representatives from the following Orange County government agencies.

1. District Attorney's Office
2. Public Defender's Office
3. Irvine Police Department
4. Orange County Sheriff's Department, Family Protection Detail
5. Orange County Community Resources Department, Community Services
6. Orange County Auditor-Controller's Office, County Budget Office
7. Orange County Probation Department, Special Supervision Division
8. Orange County Probation Department, Programs Division
9. Orange County Health Care Agency, Behavioral Health Services

Confidential interviews were conducted with representatives from the following Orange County *non-profit* organizations.

1. The Four Orange Domestic Violence Emergency Shelters that receive County funds:
Laura's House, Human Options, Interval House and Women's Transitional Living Center
2. Batterer Intervention Program Provider, La Habra
3. Community Services Provider, Inc., Domestic Violence Assistance Program
4. Orange County Family Justice Center, Anaheim

Confidential interviews were conducted with representatives from the following Orange County *for-profit* businesses.

1. Batterer Intervention Program Provider, North Costa Mesa
2. Batterer Intervention Program Provider, South Costa Mesa
3. Batterer Intervention Program Provider, Orange

Written questionnaires were sent and responses were received from the following four Domestic Violence Emergency Shelters that receive County funds.

1. Laura's House
2. Human Options
3. Interval House
4. Women's Transitional Living Center

Site tours were taken at the following Orange County facilities.

1. The Four Domestic Violence Emergency Shelters that receive County funds
2. Lamoreaux Justice Center, Courtroom, Orange
3. Orange County Family Justice Center, Anaheim

The following legislation was studied and reviewed.

1. National Violence Against Women Act (VAWA), 1994
2. California Penal Code Sections 13700 - 13702 – Definitions of domestic violence crimes
3. California Penal Code Section 1203.097 – Conditions of probation for crimes of domestic violence
4. California Family Code Section 6218 – Domestic violence protective orders
5. California Welfare and Institutions Code Sections 18290 - 18309.5 – Procedures for state funding of domestic violence emergency shelters

ANALYSIS

Domestic Violence Data

The issue of domestic violence cuts across all races, nationalities, and socio-economic levels with an overwhelming number of victims who are women.

The Grand Jury has concluded that domestic violence is a serious problem in Orange County. This is evident from the domestic violence data collected during the study for the year 2012 as follows.

1. Batterers Assigned to Supervised Probation	888
2. Emergency Shelter Stays by Victims	1,679
3. Felony/Misdemeanor Convictions (2011/2012)	2,782
4. Temporary Restraining Orders Requested	5,100
5. Crisis calls to Emergency Shelters	6,500
6. Batterer Intervention Program Enrollees	8,500
7. Hotline Calls to Police and First Responders	10,300

The above listed statistics for emergency shelter-stays and crisis calls to shelters reflect data for *only* the four emergency shelters that receive County funds. Hotline calls to law enforcement reflect that Orange County is slightly lower than San Diego County and slightly higher than Riverside County experienced in 2012. In addition to these statistics, it is known that many more victims of domestic violence utilize other non-county government services. There are also an untold number of victims who do not report abuse. This indicates that domestic violence is greater than what the basic data shows.

Is Orange County Government Involved in Addressing Domestic Violence?

The answer to this question is a resounding, *Yes!* The Grand Jury determined that the County of Orange is pro-actively addressing the issues of domestic violence through a number of constructive programs and services. County functions, such as law enforcement, the criminal justice system, Health Care Agency, Social Services, Community Resources and the Probation Department have devoted significant staff resources to domestic violence cases and issues. County agencies have recognized that domestic violence cases require sensitive treatment and as such, special units have been established in law enforcement departments, the criminal justice system and the Probation Department. Employees in these unique units have received individualized training to better deal with the highly emotional and challenging situations created by domestic violence.

The County has partnered with excellent non-profit organizations to assist victims. Efforts have also been made to provide convicted batterers the opportunity to change their criminal behavior and become more accountable for their actions. Notably, several County agencies have been actively engaged in efforts to reduce and prevent domestic violence behaviors through outreach programs at community resource centers and school districts.

The following was noted during this study.

1. Hotlines – County citizens have excellent access to immediate help in a domestic violence situation. County hotline numbers appear to be well publicized on County websites and by resource materials distributed by law enforcement, emergency shelters, and County sponsored community organizations.

2. First Responders – The Grand Jury also studied the batterer/offender side in the aftermath of a domestic violence situation by visiting a local police agency and the Orange County Sheriff’s Department. The Grand Jury made note of the high level and quality of responsiveness by the Irvine Police Department as a first responder. Particularly noteworthy was the investigative work performed by the Sheriff’s Department, Family Protection Unit. Contact with additional police departments in Anaheim, Fullerton, Huntington Beach, and Santa Ana revealed that all of these entities consider domestic violence a very serious crime requiring sensitive handling. All police agencies contacted have established special units and trained their employees to handle the highly charged domestic violence scenes. Each interview they conduct, beginning with the initial visit to the scene and continuing throughout the investigation, is captured on an audio recording and maintained with the file to ensure accuracy and verify consistency of statements. All agencies have access to full-time victim’s advocates. In short, the Grand Jury concluded that the Police Departments contacted and the Orange County Sheriff’s Department Family Protection Unit have demonstrated a high level of responsiveness and sensitivity to domestic violence in the County.

3. Emergency Shelters – After completing on-site visits and interviews at four domestic violence emergency shelters, the Grand Jury has determined that County citizens have excellent options for getting to a safe haven if necessary. From the Grand Jury’s interviews and tours, the emergency shelters that receive County funds are all very well managed operations providing a full complement of needed assistance and resources to domestic violence victims, many of whom arrive in the middle of the night with children and few possessions. In addition to providing emergency shelter, the four organizations offer extensive counseling, legal assistance and referrals to social services to both shelter residents and to those living in their own homes or other housing. It is evident that the funding allowed to local shelters by the California Welfare and Institutions Code is being effectively utilized for County citizens in need.

The Grand Jury observed that all four emergency shelters make every effort to accommodate victims and address their needs. Shelters’ staff regularly collaborate and if necessary, will refer clients to one another’s facilities where there are vacant beds and space. *During visits to the emergency shelters, the Grand Jury observed that each organization is dedicated to ensuring the safety, security and anonymity of all client victims.*

4. Requests for Restraining Orders – *This is a concern that the Grand Jury determined needs to be addressed, even though the Grand Jury recognizes that it does not have jurisdiction over the courts.* Current policy requires a personal appearance by the victim at the Lamoreaux Justice Center in the city of Orange. This is burdensome for a victim who is physically located in the southern communities of the County. Because of

extenuating circumstances involved in requesting restraining orders for clients located at great distances from the Lamoreaux Justice Center, both the Grand Jury and emergency shelter representatives recognized the benefits of being able to FAX these requests directly to the Lamoreaux Justice Center. Currently, this procedure is only available to clients at the Orange County Family Justice Center and not to any of the four emergency shelters that receive County funds. The shelter located the greatest distance from the Lamoreaux Justice Center has a full-time legal advocate on staff that could easily oversee the faxing process to ensure that all procedures are followed.

5. Legal Assistance for Victims – The Grand Jury determined that victims of domestic violence have access to a significant number of services from County sponsored partnerships and outreach programs to meet their needs. The Orange County Family Justice Center and the Community Services Program, Inc. are excellent examples of County government agencies partnering with the non-profit sector to provide a convenient *one stop shop* of legal and counseling services. This support is critical to empowering victims to stay safe and serve as witnesses in criminal trials.
6. Criminal Justice System – The Orange County District Attorney’s office has taken the initiative to establish a unit of prosecutors who specialize in domestic violence cases. Deputy district attorneys assigned domestic violence felony cases handle these in a *vertical* manner which allows them to become very knowledgeable of all aspects of the crime including the victim’s and batterer’s particular circumstances. The Orange County District Attorney’s office has taken the time to review over 10,000 misdemeanor and felony domestic violence referrals during the 2011 and 2012 fiscal years. Of the cases actually filed in court, 75% of the misdemeanors and 95% of the felonies resulted in convictions.

Especially noteworthy, are the various outreach efforts to the Orange County communities by the District Attorney’s office. These efforts include, among others, the participation at the Orange County Family Justice Center, participation on the Family Violence Council, presentations at the *brown bag* lunch forums, and presentations during the 40 hour certification classes for domestic violence advocates.

7. Probation Department, Special Supervision Division – The establishment of the Domestic Violence Unit has given necessary focus to domestic violence issues. Trained probation officers have become adept at identifying behaviors and elements associated with cycles of violence, as well as the common mental health problems associated with domestic violence offenses. As such, the Probation Department staff needs the assistance of the Behavioral Health Services to refer the supervised batterers to appropriate treatments in order to promote long term wellness, change violent behavior traits and reduce recidivism.

The Grand Jury commends the department for several initiatives involving the Domestic Violence Unit. These include the following: the use of GPS tracking devices to monitor probationers; the use of tablet technology to provide instant information for probation officers in the field; and the use of the Orange County Death Review team to try to learn the cause of a domestic violence fatality and how to avoid it in the future.

8. Probation Department, Programs Division – The Programs Division carries out all administrative responsibilities for the Batterers’ Intervention Program (BIP) oversight. Of significance, 8,531 Orange County citizens were enrolled in the BIP during 2012. Through discussions with BIP providers, the Grand Jury concluded that these programs appear to operate in accordance with the state penal code as required.

The Grand Jury also determined that the *Programs Division would improve the relationship between the County and the BIP providers by taking the following step:*

- a. in addition to initiating surveys of the BIP participants and their assigned probation officers, the BIP providers should also be surveyed as well to obtain input on how to improve the process and program, and
- b. although CADVOC is not a County government entity, the CADVOC meetings (mentioned on page 23) would clearly benefit from a more active leadership role from the Programs Division.

Mental Health Needs of Victims and Batterers

Throughout this study, members of the Grand Jury heard a consistent message from representatives of both victims and batterers; that many victims who endure long term domestic violence (or are the perpetrators of domestic violence), suffer from mental health illnesses, such as severe depression and a sense of powerlessness. The representatives from the County government, non-profit and business sectors clearly indicated that there is a need to provide access to mental health services beyond the initial treatments offered at emergency shelters or at batterer intervention program sessions.

The Grand Jury determined that there are existing forums in the County that could allow for Behavioral Health Services to collaborate and communicate with representatives of both domestic violence victims and batterer intervention program facilitators. The four emergency shelters meet regularly during the year. The batterer intervention program facilitators meet quarterly along with the County Probation Department officials at the Coalition Against Domestic Violence in Orange County (CADVOC). Both forums provide opportunities for Behavioral Health Services to make presentations, answer questions and *cut through red tape* on information concerning County mental health services.

The Probation Department, Special Supervision Unit would benefit from the establishment of formal liaison arrangements with Behavioral Health Services. The Special Supervision Unit staff has daily contact with hundreds of convicted batterers that are deemed in need of mental health resources. Linking these two County offices together by creating a more direct connection, would be positive.

Finally, each year the Behavioral Health Services officials oversee the comprehensive planning process for distributing Mental Health Services Act (MHSA) funds. The emergency shelters and the batterer intervention program facilitators should join the Probation Department in participating as stakeholders in the MHSA planning process.

FINDINGS

In accordance with California Penal code Sections 933 and 933.05, the 2013-2014 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Domestic Violence in Orange County, the 2013-2014 Orange County Grand Jury has arrived at ten findings, as follows:

Penal Code Sections 933 and 933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested from departments of local agencies and their non-elected department heads.

F.1. Instances of domestic violence are prevalent in Orange County. The evidence indicates that thousands seek help through crises hotlines, emergency shelters and counseling programs in locations throughout the County.

F.2 There are many Orange County government agencies that are actively addressing domestic violence issues involving both victim and batterer.

F.3. Orange County has established effective partnerships with domestic violence emergency shelters for victims.

F.4. Orange County has established effective partnerships with non-profit organizations that offer victims support and resources through the legal justice system.

F.5. There is a lack of constructive communication regarding the Batterer Intervention Program (BIP) between the Probation Department, Programs Division and the BIP facilitators that have formal Memoranda of Understanding with Orange County.

F.6. Orange County Health Care Agency, Behavioral Health Services receives substantial annual funding from the Mental Health Services Act (MHSA) from the state of California, some of which could be applied to the problem of domestic abuse.

F.7. Orange County Health Care Agency, Behavioral Health Services staff hosts an annual meeting of County stakeholders to receive input on how best to distribute and spend MHSA funding. Agencies and non-profit organizations that deal primarily with domestic violence have not been included in the collaboration.

F.8. Advocates and representatives of domestic violence victims and their batterers need additional information and understanding of Orange County sponsored mental health programs and services that can provide assistance for clients with long term mental health illnesses.

F.9. There is a gap in coordination and collaboration between the Orange County Health Care Agency, Behavioral Health Services, and the Orange County Probation Department, Special Supervision Division, in addressing the mental health issues of convicted batterers under court ordered supervision.

F.10. The process for requesting a temporary restraining order from the Lamoreaux Justice Center in the city of Orange is burdensome for domestic violence victims living in southern Orange County communities.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2013-2014 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Domestic Violence in Orange County, the 2013-2014 Orange County Grand Jury makes the following seven recommendations:

R.1. Orange County Probation Department, Programs Division should begin to conduct written surveys of Batterer Intervention Program (BIP) participants and the probation staff that supervise them to obtain input and suggestions on improving the program. (F.5.)

R.2. Orange County Probation Department, Programs Division should begin to conduct written surveys of the BIP facilitators to obtain input on the effectiveness of BIP and recommendations for improvement. (F.5.)

R.3. Probation Department, Programs Division should promote more in-depth agendas for the CADVOC quarterly meetings that include attendee interactions and County government guest speakers such as the Behavioral Health Services. (F.5.)

R.4. Health Care Agency, Behavioral Health Services should appoint a liaison between its office and the four domestic violence emergency shelters that receive County funds. The liaison will contact these four organizations and offer to attend their collaborative meetings as well as assist with understanding the available County mental health programs and services. (F.8.)

R.5. Health Care Agency, Behavioral Health Services should appoint a liaison with the Probation Department to assist the probation staff with identifying mental health issues of convicted batterers under probation supervision. (F.8.), (F.9.)

R.6. Health Care Agency, Behavioral Health Services should include representatives from the Probation Department, Batterers Intervention Program facilitators and the four domestic violence shelters in the participation of the annual Mental Health Services Act planning process as stakeholders. (F.7.), (F.8.), (F.9.)

R.7. Orange County District Attorney should request the Orange County Superior Court to consider allowing requests for restraining orders to be faxed to the Lamoreaux Justice Center from the domestic violence shelter that receives County funds and is located 25 miles away. (F.10.)

REQUIRED RESPONSES

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff-Coroner, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses Requested:

Orange County Probation Department: F-5, F-8, F-9

Orange County Health Care Agency: F-6, F-7, F-9

Responses Required:

Orange County District Attorney's Office: F-10

Responses Requested:

Orange County Probation Department: R-1, R-2, R-3,

Orange County Health Care Agency: R-4, R-5, R-6

Responses Required:

Orange County District Attorney's Office: R-7

APPENDIX

STUDY CONTACTS IN ORANGE COUNTY

