



WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

WASHINGTON STATE SUPREME COURT
**GENDER AND JUSTICE
COMMISSION**

MEETING

FRIDAY, SEPTEMBER 9, 2011

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

**WASHINGTON STATE SUPREME COURT
GENDER AND JUSTICE COMMISSION**

2011-2012

CHAIR

Honorable Barbara A. Madsen
Washington State Supreme Court

MEMBERS

Ms. Barbara L. Carr
Jefferson County Juvenile Court

Honorable Vickie I. Churchill
Island County Superior Court

Ms. Mirta Laura Contreras
Columbia Legal Services

Honorable Joan DuBuque
King County Superior Court

Honorable Ruth Gordon
Jefferson County Clerk

Dr. Margaret Hobart
WSCADV

Honorable Cynthia Jordan
Coeur d'Alene Tribal Court

Ms. Jennie Laird
Attorney at Law

Ms. Judith A. Lonquist, P.S.
Attorney at Law

Professor Natasha T. Martin
Seattle University School of Law

Honorable Craig Matheson
Benton County Superior Court

Honorable Alicia H. Nakata
Chelan County District Court

Ms. Leslie W. Owen
Northwest Justice Project

Mr. Bernard Ryan
Retired, Attorney at Law

Honorable Ann Schindler
Court of Appeals Division I

Honorable Jane M. Smith
Colville Tribal Court of Appeals

Mr. David Ward
Legal Voice

Honorable Chris Wickham
Thurston County Superior Court

STAFF

Myra Downing
Executive Director

Pam Dittman
Program Assistant



GENDER AND JUSTICE COMMISSION

September 9, 2011, 8:45 a.m. – 12:30 p.m.
AOC SEATAC OFFICE
SEATAC, WASHINGTON

CHIEF JUSTICE BARBARA MADSEN, CHAIR

		TAB
8:45 a.m.	CALL TO ORDER - Introductions and Approval of Minutes	
	COMMISSION BUSINESS <ul style="list-style-type: none"> • Staff Report <ul style="list-style-type: none"> ○ Elder Abuse Session ○ Cultural Competency and Facilitation of Professional Guardian Board ○ Conflicting Orders Regional Meetings ○ Annual Report ○ Sexual Assault Bench Guide ○ CPL ○ Women in the Profession – October 28 • Chair Report <ul style="list-style-type: none"> ○ WSBA Presentation ○ IDGC – ABA Young Lawyer’s Presentation ○ Gonzaga Program ○ Budget Update 	1
	SPECIAL PRESENTATIONS Beyond Pink – Barbara Carr Work Place Violence – Maya Raghu, Futures Without Violence Gender and Justice Commission Web site – Beth McGrath	
	COMMITTEE REPORTS AND PROJECTS <ul style="list-style-type: none"> • DV Committee <ul style="list-style-type: none"> a. Regional Meeting Report b. Goodman Work Group c. Attorney General’s Work Group • SJI Immigration Grant Project Update 	
	EDUCATIONAL PROGRAMS <ul style="list-style-type: none"> • Sexual Orientation • Girls in Trouble • ColorBlind Justice • Elder Abuse • Lethality Risk Assessment • DMCMA Regional Training – In Her Shoes • Judicial College 	

	NEW BUSINESS	
	<p>ADDITIONAL MATERIALS</p> <ul style="list-style-type: none"> • DV Regional Meeting Schedule • Specialized DV Courts • Federal Plan Tightens Penalties For Domestic Violence on Tribal Land • New Resource Addresses the Workplace Costs of Domestic and Sexual Violence • War on Women: Time for Action to End Sexual Violence in Conflict • A Family Planning Clinic Partner Violence Intervention to Reduce Risk Associated with Reproductive Coercion • Reproductive Coercion: Connecting the Dots Between Partner Violence and Unintended Pregnancy • Batterers Treatment Judicial Presentation • Preventing Violence and Promoting Safety in Higher Education Settings • Proclamation – Presidential Lesbian, Gay, Bisexual, and Transgender Pride Month • Proclamation – Women’s Equality Day • Stereotypes Still Keep Women From Leadership Roles • Women Who Worked for Peace Quiz • Men Who Supported Women’s Rights Quiz • Gold Firms for Women • Structured Decision Making Risk Assessment: Does it Reduce Racial Disproportionality in Washington’s Child Welfare System • Myth of Equal Justice Examined by ABA Panelists • LBAW Newsletter • NACM Newsletter 	2
12:30 p.m.	ADJOURNMENT	

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**Gender and Justice Commission
May 13, 2011
Meeting Minutes**

In Attendance: Chief Justice Barbara Madsen, Ms. Barbara Carr, Judge Vicki Churchill, Ms. Laura Contreras, Judge Joan DuBuque, Ms. Ruth Gordon, Judge Cynthia Jordan, Ms. Jennie Laird, Judge Craig Matheson, Ms. Emily McClory, Judge Alicia Nakata, Ms. Leslie Owen, Mr. Bernie Ryan, Judge Ann Schindler, Justice Jane Smith, Mr. David Ward, Judge Chris Wickham, Ms. Myra Downing and Ms. Pam Dittman

Guests: Ms. Mary Gough via phone, Mr. David Martin, Ms. Heather Morford

Absent: Judge Sara Derr, Dr. Margaret Hobart, Ms. Judith Lonnquist, Professor Natasha Martin, Ms. Yvonne Pettus

COMMISSION BUSINESS

Staff Report – Ms. Myra Downing

Pam Dittman was hired as the new Program Assistant.

Evaluations

The Commission co-sponsored two educational programs for the Superior Court Judges' Association Spring Conference: "Civil Hard Times" on Monday, May 2, 2011 and "Immigration" on Tuesday, May 3, 2011. Each session received very positive feedback and ranked the highest with participation levels of over 100 people in each session.

Annual Conference

The Commission is either sponsoring or co-sponsoring five sessions for the Fall Conference

1. **Diversity** on Sunday, October 2, 2011: Co-sponsors are the DMCJA Diversity Committee, the Minority and Justice Commission and the SCJA Equality and Fairness Committee
2. **Elder Abuse** on Monday, October 3, 2011. Co-sponsored with the Professional Guardian Board.
3. **Sexual Orientation**, on Monday, October 3, 2011 Co-sponsored with the DMCJA Diversity Committee.
4. **Risk Assessment**, sponsored by our Commission, on Monday, October 3, 2011
5. **Girls in Trouble**, sponsored by our Commission, on Tuesday, October 4,

Bench Guides

The Commission will be updating the DV Bench Guide and intending to create a Sexual Assault Bench Guide. Judge Churchill agreed to take the lead on the Sexual Assault Bench Guide.

NCHIP¹ Grant and Imaging Project – Proof of Concept – View Protection Orders

The Commission submitted a grant application to the Washington State Department of Information Services who in turn included it in their grant to the Federal Government to develop a “proof of concept” that would allow judicial officers to view protection orders through an imaging process. Judge Wickham came up with this idea. The memorandums of understanding and contract with the vendor are being prepared.

Washington State Judicial and Court Personnel Training Project Grant Application

A grant was submitted to fund eight DV trainings that includes “In Her Shoes.”

Chair Report – Chief Justice Barbara Madsen

Budget

Budget Update: House and Senate budget proposals differ greatly. It is unsure how the Administrative Office of the Courts (AOC) will be affected at this point. The Supreme Court budget is the same in both the House and Senate and faces some significant cuts. One dire cut is the Law Library, which if the Senate version of the budget is approved, would be cut by 72 percent. This effectively closes the Law Library and removes a valuable and needed resource from our community and from the public. JIS funding is also in jeopardy and makes it increasingly difficult to have projects or even updates to the JIS system kept current.

The Supreme Court will be addressing the boards and commissions budget item in July. Chief Justice Madsen is looking at the current boards and commissions to determine if the best possible system is set up to ensure collaboration between the various entities.

ACTION: A Nomination Committee will be formed to identify potential people for Vice Chair of the Commission.

Scholarship

A scholarship made available by the National Association of Women Judges (NAWJ) was presented to University of Washington Law School Student Priyanka Prakash. The scholarship was presented at the second annual judicial conference cosponsored by the NAWJ, the Gender and Justice Commission, Women’s Law Caucus’s for the University of Washington, and Seattle University Schools of Laws.

Annual Report

The Commission needs to continue to show the Legislators and others that we are an active and dedicated Commission that has accomplished much through the past few years. The Annual Report is an integral piece. The report needs to be short and highlight the major works and accomplishments of the Commission.

ACTION: Myra will prepare a draft report for review by Commission members.

¹ NCHIP – National Criminal History Improvement Program

COMMITTEE REPORTS AND PROJECTS

SJI Immigration Grant Report – Judge Ann Schindler

The faculty for the SCJA educational session, held on May 3 were Judge John Erlick, Federal Judge Tammy Fitting, and Judge Steven Gonzalez; Ms. Grace Huang from WSCADV, Chief Counsel Dorothy Stefan, ICE²; Ms. Pramila Jayapal from One America, and Mr. Matt Adams and Mr. Jorge Baron from Northwest Immigration Project. One of the more effective components of the program was Judge Erlick discussing ethical situations that arise in immigration matters, what can and cannot be done ethically. One of the more significant outcomes for judicial officers was the realization that most people are not represented at the ICE hearings.

Legislative Update – Mr. David Ward

Effective date on all below-mentioned legislation is July 22, 2011

HB 1182: Tampering with Witness

Clarifies that each instance of an attempt to intimidate or tamper with a witness constitutes a separate violation for purposes of determining the unit of prosecution under tampering with or intimidating a witness statutes.

HB 1188: Suffocation and DV offenses

Specifies that assault in the second degree includes assaulting another by suffocation. "Suffocation" means to block or impair the intake of air at the nose and mouth, whether by smothering or other means, with the intent to obstruct the ability to breath. Provides that a prior conviction for a repetitive domestic violence offense is not included in the offender score if the person has spent ten consecutive years in the community without being convicted of a crime.

HB 1267: Uniform Parentage Act

Makes significant changes to Washington's Uniform Parentage Act (UPA), including:

- Clarifies the law's equal application to state-registered domestic partners, including an explicit provision that state-registered domestic partners who have children together are presumed to be the child's parents.
- Restores a "holding out" provision to provide that a person is presumed to be a child's parent if, for the first two years of the child's life, the person resided in the same home with the child and openly held out the child was his or her own.
- Specifies a person who provides gametes for or consents to assisted reproduction with another person, with the intent to be the parent of the child, is the parent of the resulting child. Parentage of a child conceived through assisted reproduction may be disproved by admissible evidence showing the intent of the parents.
- Generally uses gender-neutral terms throughout the UPA.
- Extends the time period under which a person can challenge parentage from two years to four years. If action to challenge parentage is commenced more than two years after child's birth, child must be made a party to the action.

Provisions in the original bill authorizing compensated surrogacy agreements were stripped from the bill by the Senate.

² ICE – Immigration and Custom Enforcement

HB 1565: Terminating or modifying DV Protection Orders

Sets guidelines and procedures for terminating or modifying domestic violence protection orders that are permanent or issued for more than two years. The Legislature finds that some factors identified by the Supreme Court's decision from *In re: Marriage of Freeman* for terminating an order place an improper burden on petitioners and are not demonstrative of a respondent's likelihood to resume acts of domestic violence.

Provisions include:

- Motion and Affidavit – A respondent's motion for modification or termination must include an affidavit stating the facts in support of modification or termination. The petitioner may file opposing affidavits. Upon reviewing the affidavits, the court must dismiss the motion unless there is adequate cause for a hearing.
- Standard of Proof – If the respondent's motion is for termination, the respondent bears the burden of proving by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent is not likely to resume acts of violence.
- Factors to Consider – In determining whether there has been a "substantial change in circumstances," the court may consider the following factors:
 - Whether the respondent has committed or threatened domestic violence, sexual assault, stalking, or other violent acts since the protection order was entered;
 - Whether the respondent has violated the terms of the protection order, and the time that has passed since the entry of the order;
 - Whether the respondent has been convicted of criminal activity since the protection order was entered;
 - Whether the respondent has either acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order or successfully completed domestic violence perpetrator treatment or counseling;
 - Whether the respondent has a continuing involvement with drug or alcoholic abuse, if such abuse was a factor in the protection order;
 - Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly;
 - Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of domestic violence may be committed from any distance; and
 - Other factors relating to a substantial change in circumstances.
- Court may not grant a respondent's motion solely based on the fact that time has passed without violations or the fact that the respondent or petitioner has relocated to an area more distant from the other party. Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence that brought about the order were of such severity that the order should not be terminated.

Modification of orders – If the respondent's motion is for modification rather than termination, the respondent bears the burden of proving by a preponderance of the evidence that modification is warranted and would not diminish the protections provided to the petitioner. If modifying the protection order would reduce the duration of the order

or would eliminate provisions that restrain the respondent from harassing, stalking, threatening, or committing other acts of domestic violence, the court must consider the factors relating to whether there has been a substantial change in circumstances.

The petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent in either a motion for modification or termination by the respondent.

Petitioner may also move for termination or modification of an order. Petitioner does not have to show adequate cause for motion.

Court may require a respondent to pay court costs and service fees in addition to the petitioner's costs and attorneys' fees incurred in responding to the motion.

Service – When a respondent files a motion for modification or termination, a licensed process server, sheriff, or other local law enforcement must personally serve the petitioner. If the petitioner files the motion, he or she can achieve server through another private party.

HB 1649: Reciprocity and Statutory Construction with Regard to Domestic Partnerships
Provides that validly formed same-sex marriages from other jurisdictions will be recognized as state-registered domestic partnerships in Washington.

Amends the statutory construction provision of the domestic partnership law to explicitly state that it applies to any future legislation, unless the legislation expressly states otherwise. (Statutory construction provision provides that for the purposes of interpreting the RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family must be interpreted as applying equally to domestic partnerships, to the extent the interpretation does not conflict with the federal law.)

SB 5395: DV Fatality Review Panels

Authorizes Domestic Violence Fatality Review (DVFR) to convene statewide issue-specific review panels, in addition to its existing authority to convene regional domestic violence fatality review panels.

The DVFR is no longer required to issue biennial reports, but may issue periodic reports containing its recommendations on policy changes that would improve program performance and issues identified through the work of the regional fatality review panels. The DVFR is required to report to the appropriate legislative committees, rather than specific committees identified in statute.

SB 5579: Anti-harassment Orders. *(See separate handout from Judge Prochnau for complete wording and information.)*

In summary:

The only types of anti-harassment petitions that should be heard on the anti-harassment calendar in superior court are:

- Action pending or previously adjudicated between parties in superior court.
- Action involves title or possession of real property and respondent has no cognizable claim to property i.e., no claim of title, tenancy interest, etc. Boundary disputes, actions between landlords and tenants or housemates

- should not be on the anti-harassment calendar but should be filed using a Summons and Complaint i.e., an Unlawful Detainer or Action to Quiet title.
- Actions transferred from district court to superior court based on Findings and Conclusions of Law and which are not required to be filed as a DVPO, SAPO, under a Title 26 action or as a separate civil action.
- One or more respondent are under 18 years of age.

DV Regional Meetings – Judge Chris Wickham

Tentative Schedule:

- Thursday, June 16 – Spokane County
 - ◆ DV Committee Representative(s): Judge Jordan, Judge Matheson
- Monday, June 20 – Stevens/Ferry/Pend Oreille Counties
 - ◆ DV Committee Representative(s): Judge DuBuque, Judge Jordan
- Friday, June 24 – Benton/Franklin Counties
 - ◆ DV Committee Representative(s): Judge Matheson
- Tuesday, July 12 – King County
 - ◆ DV Committee Representative(s): Judge Churchill, Judge Nakata
- Tuesday, July 19 – Clark County
 - ◆ DV Committee Representative(s): Ms. Grace Huang, Judge Wickham
- Thursday, July 28 – Skagit County
 - ◆ DV Committee Representative(s): Ms. Ruth Gordon, Judge Churchill
- Tuesday, August 23 – Chelan/Douglas Counties
 - ◆ DV Committee Representative(s): Judge Nakata
- To be Determined – Pacific/Wahkiakum
 - ◆ DV Committee Representative(s): Ms. Ruth Gordon, Judge Wickham

Funding

Judge Wickham has been working on a project relating to risk assessments. The risk assessment would be built into the system and then pre-trial staff would enter information from the assessment questionnaire into the system. From there, the judicial staff could see the assessment and utilize it in making decisions when issuing no-contact/protection orders etc. If this works, would be able to implement it statewide. Additional funding may be necessary and will be considered at a later date by the Commission.

Workplace Violence Policies

A presentation will be made at the July meeting on a new resource made available by Futures without Violence (formally the Family Violence Prevention Fund).

Guardian Ad Litem – Ms. Leslie Owen

This project will be delayed until budgets are finalized.

GUEST PRESENTER – Mr. David Martin, King County Prosecutor, Domestic Violence Unit

The Domestic Violence Initiative is a regional response (King County) to domestic violence that is focusing on protection orders, risk assessments, and U-Visas. (*PowerPoint handouts, sample checklists, etc., included as a separate handout.*)

Protection Order Project

- The goal of the protection order piece was to identify and resolve issues relating to protection orders in King County that provided high impact and ease of implementation of standards and guidelines.
- Created checklists (Police, Court & Data Center, Patrol Service & Civil Standby, and Judge & Petitioner), information packet, and a reference guide.
- Created a “Filing for Domestic Violence Protection Order” Information packet.
- Next steps were identified such as promoting the checklists locally, identifying Web sites on which to post, and discussing for statewide use.

Risk Assessment Project

- Should Seattle Police Department and its partner agencies utilize a risk assessment tool for domestic violence cases? The tool would be an instrument that patrol can implement with no change in procedure that provides the best available risk assessment information to downstream users.
- At this time, the workgroup is determining the cost of a pilot project/study, locating funding for said project/study, and then building and implementing a pilot program
- Also working with Thurston County Courts.

U-Visas

- Discussing regarding how to engage evidence-based tools to improve decision-making and move away from institutional bias.
- Discussion regarding the term “helpful” and exactly what does that mean and how is that implied. The inconsistency of the application of this word leads to inconsistent U-Visa results.

GUEST – Ms. Merrie Gough, Pattern Forms (via phone)

Merrie called concerning standardizing forms to include the wording on pattern forms regarding term “replacement order” versus the term “modifies another order.” This standardized wording is partially in response to ESHB 2777 and the thought behind the wording may assist in recognizing and avoiding conflicting/duplicative orders.

There was discussion regarding the use of the phrase “replacement order” as this is a term that is not identified in statute.

The Commission members thanked Mary for contacting them and want to continue this conversation, but at this time, asked that this language not be incorporated into the standardized forms until more conversation can be had.

Washington State Gender and Justice Commission

FFY10 STOP GRANT TO THE COURTS QUARTERLY PROGRESS REPORT

Award No. IAA11282	Date Report Prepared: August 1, 2011
Project(s): Hire a full time court-based DV Advocate.	Report No.: X 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4
	Reporting Period: June 2011
	Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grantee: Spokane County District Court	Subgrantee: YWCA of Spokane

REPORT (Attach additional pages if necessary.)

(1) Project activities during the reporting quarter.

- The advocate attended all Mental Health Court and Veterans Court staffings, ShowCause dockets, Pretrial and Motion dockets
- While at those staffings and dockets the advocate communicated the desires and concerns of the listed victims on the domestic violence cases, and provided education to the Mental Health team on the interplay between mental health issues and domestic violence dynamics
- The advocate contacted the listed victims of defendants newly accepted into the Mental Health court, by phone and by mail, to inform them of the defendant's new court status. She educated the victims about the intricacies of the mental health court and its emphasis on treatment and intensive supervision of the defendants.
- The advocate contacted the listed victims of defendants prior to the defendant's ShowCause, PreTrial and Motion hearings. She collected statements from the victims and shared those statements, with the victim's consent, with the prosecution and the court. After court hearings the advocate checked back with the victims to update them on the status of the cases.
- The advocate checked in with victims who attended the defendant's hearings. She helped them to prepare for their motion hearings and stood with them when they addressed the judge in the courtroom.
- The advocate worked with the prosecutors to help them understand the safety needs of the victim. She scheduled and facilitated meetings between the victims, prosecutors, and defense attorneys in order to help the victim's voices be heard.
- The advocate kept statistics on the clients she served and gathered data in the following domains: demographic data, defendants diagnoses, defendant's date of acceptance into the mental health court, defendant's progress, all active protection orders, written correspondence with victims, informing victims about their legal options, educating victims on mental health topics, empowering victims to work towards safety within the legal system, and all contacts attempted and made with the victims.
- The following is a summary of the statistics gathered:
 - Number of Clients Served: 50
 - Gender Split of Victims: Women-31, Men-20
 - Protection Orders: 29
 - MHTC Intro Letters Sent: 20
 - Clients Who Discussed Safety Planning: 13
 - Clients Informed About Their Legal Options: 16
 - Conversations About Mental Illness Dynamics: 6
- The advocate also led an in-service training on June 30th, 2011 for the YWCA's Alternatives to Domestic Violence program. She provided an overview of Trauma Disorders, Psychotic Disorders, and how people with those disorders interact with the legal system.
- The advocate organized meetings with different members of the mental health team to explain how her advocacy role could contribute to the court. She provided informal education on domestic violence and legal advocacy, while also building relationships between the advocate office, the probation office, and the prosecutor's office.

(2) Any significant problems that developed.

The advocate is working to refine the mental health team's understanding of what an advocate does and does not do for the team. There have been some attempts to have the advocate work with family members who are not the listed victims in a domestic violence case, to have the advocate work with defendants who are domestic violence victims in the alpha

courts, or to have the advocate provide legal advice. Fortunately, these attempts have been met with healthy and clear communication and the mental health team is strengthening its respect for and appropriate utilization of the advocate's role.

(3) Activities scheduled during the next reporting period.

1 - The advocate is working with the MHTC manager and the MHTC Judge to provide two trainings for the mental health team. First, the community educator from the YWCA's Alternatives to Domestic Violence Program will provide a training on domestic violence and the dynamics of victimization. Second, a representative from a local domestic violence perpetrator treatment program will come and share about treatment strategies that effectively address domestic violence. The first training will address domestic violence and victimization; the second training will help the team to understand effective domestic violence treatment.

2 - The advocate plans to continue meeting with different professionals on the mental health team in order to increase understanding of the advocate's role.

3 - The advocate plans to work more in the Veterans Court and with the professionals on the team.

4 - The advocate will have a table at the next Veterans Forum night to discuss her role and how she can help victims of domestic violence and explain her role in the courtroom.

Submitted by:

Name:	Sandy Manfred
Title:	Mental Health/Veterans Court Manager
Phone Number:	509-477-2277
e-mail address:	smanfred@spokanecounty.org

**Duplicate and Conflicting Orders
Regional Meetings
2011**

Thursday, June 16 - Spokane	
<i>Commission Representatives: Judge Sara Derr</i>	
Noon Spokane County Courthouse Annex, 3 rd Floor Jury Assembly Room 1116 West Broadway Spokane, WA	1:30 Spokane County Courthouse Annex, 3 rd Floor Jury Assembly Room 1116 West Broadway Spokane, WA

Monday, June 20 - Colville	
<i>Commission Representatives: Judge Cynthia Jordan, Judge Sara Derr, Judge Dubuque</i>	
Noon Stevens/Ferry/Pend Oreille Counties 215 South Oak Jury Room Colville, WA 99114	1:30 Stevens/Ferry/Pend Oreille Counties 215 South Oak Jury Room Colville, WA 99114

Friday, June 24 - Kennewick	
<i>Commission Representative: Judge Craig Matheson, and Bernie Ryan</i>	
Noon Benton/Franklin Counties Benton County Justice Center 7122 W. Okanogan Place Building A, Courtroom E Kennewick	1:30 Benton/Franklin Counties Benton County Justice Center 7122 W. Okanogan Place Building A, Courtroom E Kennewick

Tuesday, July 12 - Seattle	
<i>Commission Representative: Judge Alicia Nakata and Bernie Ryan</i>	
Noon King County Administration Building Doc Maynard Room, 2 nd floor 500 - 4 th Avenue Seattle, WA	1:30 King County Administration Building Doc Maynard Room, 2 nd floor 500 - 4 th Avenue Seattle, WA

**Duplicate and Conflicting Orders
Regional Meetings
2011**

Tuesday, July 19 - Vancouver	
<i>Commission Representatives: Judge Chris Wickham and Bernie Ryan</i>	
Noon Clark County Public Service Center 1300 Franklin Street Room 680 Vancouver 98660	1:30 Clark County Public Service Center 1300 Franklin Street Room 680 Vancouver 98660

Thursday, July 28 – Mount Vernon	
<i>Commission Representatives: Judge Vicki Churchill and Judge Doug Fair</i>	
Noon Skagit County Courthouse 700 South 2nd Street Mount Vernon, WA 98273-3879	1:30 Larry Moller Public Safety Bldg (across street from Courthouse) Sheriff's Training Room 600 S. Third Street Mount Vernon

Tuesday, August 23 - Wenatchee	
<i>Commission Representative: Judge Alicia Nakata and Bernie Ryan</i>	
Noon Law & Justice Building Superior Court, 5 th Floor 350 Orondo Street, Wenatchee	1:30 Law & Justice Building Superior Court, 5 th Floor 350 Orondo Street, Wenatchee

Specialization of Domestic Violence Case Management in the Courts: A National Survey

By Susan Keilitz

2004
NCJ 199724

Susan Keilitz, J.D., M.A., is with Sherwood Consulting in Williamsburg, Virginia.

This project was supported under award 98-WT-VX-0002 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Findings and conclusions of the research reported here are those of the author and do not reflect the official position or policies of the U.S. Department of Justice.

Despite the far-reaching roles and responsibilities of courts and judges in domestic violence cases, courts have been the last of the justice system components to engage in institutional reform to improve the system's impact on domestic violence (Buzawa and Buzawa, 1996; Epstein, 1999). Law enforcement and prosecution have made dramatic advances and systemic changes since the early 1970s (Epstein, 1999; Little et al., 1998), but, with a few exceptions, courts did not begin focusing attention on domestic violence cases until the early 1990s. Domestic violence cases now account for a significant and growing portion of State court caseloads. Ten-year trend data from the Court Statistics Project of the National Center for State Courts (NCSC) indicate that from 1989 to 1998 domestic violence filings in State courts increased 178 percent (Ostrom and Kauder, 1999). This rise in court filings contrasts sharply with trend data from the Bureau of Justice Statistics (Rennison and Welchans, 2000), which reported in May 2000 that the rate of intimate partner violence fell by 21 percent from 1993 to 1998.

Specialized Court Processes and Services for Domestic Violence Cases

Since the late 1990s, a key development in State courts has been the institution of specialized structures, processes, and practices to address not only rising domestic violence caseloads but also the distinct nature of these cases and the need to give them special attention. These specialized approaches have collectively come to be called domestic violence courts. There is, however, great variation among these courts and in the specialized processes they use. NCSC designed this study to determine what those variations are and to develop a greater understanding of the structural and operational changes that courts are implementing to address domestic violence. Information from the study is expected to be useful to judges and court managers who plan to institute specialized processes or to change existing ones, to other system practitioners and domestic violence advocates who seek to improve justice system responses, and to researchers and evaluators who need greater clarity about types of court processes and services to develop more appropriate study designs and methodologies.

Benefits of Domestic Violence Courts

Justice system practitioners, victim advocates, and researchers (Fritzler and Simon, 2000; Karan, Keilitz, and Denaro, 1999; Keilitz, Jones, and Rubio, 2000; Tsai, 2000; Winick, 2000) have cited the following major benefits of domestic violence courts:

- ◆ Enhanced coordination of cases and consistent orders in different cases involving the same parties.
- ◆ More comprehensive relief for victims at an earlier stage of the judicial process.
- ◆ Advocacy services that encourage victims to establish abuse-free lives.
- ◆ Greater understanding by judges of how domestic violence affects victims and their children.
- ◆ More consistent procedures, treatment of litigants, rulings, and orders.

- ◆ Greater availability of mechanisms to hold batterers accountable for the abuse.
- ◆ Improved batterer compliance with orders.
- ◆ Greater confidence on the part of the community that the justice system is responding effectively to domestic violence.
- ◆ Greater system accountability.

The specialized processes and services that courts have implemented to achieve these benefits include intake units for protection order cases; service referral processes; case coordination mechanisms to identify, link, and track cases involving the same parties or their children; specialized calendars for protection orders and/or criminal cases; specialized judges to hear domestic violence cases; judicial review calendars or other mechanisms to monitor compliance with court orders; and data systems for improved case coordination, decisionmaking, and compliance monitoring.

Concerns

Although specialization of domestic violence case management holds great potential to address domestic violence effectively and create greater safety for victims, practitioners and advocates have expressed concerns that specialization may, in practice, compromise victim safety, access to justice, fairness, or batterer accountability for the sake of innovation (Epstein, 1999). For example, providing specialized judges to hear domestic violence cases may increase judicial expertise in the dynamics of domestic violence. It may lead, however, to loss of judicial neutrality, to the assignment of judges who are not motivated to acquire the knowledge and skills required to be effective in these cases, or to loss of judicial effectiveness from the stress of fast-paced decisionmaking in difficult and emotionally charged cases every day.

Another concern about specialized court calendars and judges is that prosecution units also may specialize to achieve maximum efficiency in the court at the expense of the domestic violence victims' interests. The pursuit of efficiency can lead to assembly-line justice that ignores the special needs of victims and the nature of the violence perpetrated against them. Batterers can escape appropriate sanctions through plea bargains or diversion to ineffective and unproven treatment programs (Hanna, 1998). Victims can be coerced to participate in defendants' prosecution through threats of sanctions against them (Hanna, 1996). Prosecutors can ignore or act in opposition to victims' concerns about safety or status in the community (Crenshaw, 1991; Epstein, 1999; Richie, 1996).

Perhaps the most detrimental effect of specialized domestic violence case management for victims with children is the information-sharing function designed to promote more consistent and complete relief for them. Violence against women can be enmeshed with child abuse and neglect issues, often because batterers also are abusing children in the home or children are suffering from the secondary effects of the violence committed against their mothers. In systems that screen cases and share information among government agencies, mothers who seek relief from the court risk becoming the target of dependency proceedings that can lead to their losing

custody of their children (Epstein, 1999; Miccio, 1999; Schechter and Edleson, 1999). Word of restrictive and punitive policies to address child abuse and neglect passes through the community, and the fear of losing their children may deter victims from accessing the system for the relief that is their right and that the system intends to offer.

Expected Outcomes

For several reasons, the NCSC study was expected to identify a wide variation in court structures, processes, services, and levels of integration of court processes. Numerous other studies of State courts have revealed significant differences in court size, organization, and jurisdiction. Courts vary greatly in their case management approaches. The level of automation is high in many courts but rudimentary in others. Many courts have judges and court managers who are highly innovative and community oriented; others do not. Laws related to domestic violence vary greatly across the States, and implementation of laws varies within States. Finally, reports from court practitioners and the domestic violence advocacy community indicated that court responses to domestic violence were far from uniform.

Design and Methodology

The implementation of specific court responses to domestic violence is relatively new. Until recently, little was known about the scope and nature of that implementation. The study therefore was designed to identify and describe as many courts with specialized processes as possible rather than to establish and study a representative sample of all courts in the Nation. Courts with specialized processes and services were identified through three primary sources: an initial mail survey of the State court administrator and the State coalitions against domestic violence in each State, an online survey of members of an NCSC court listserv, and NCSC project staff contacts with experts in the field.

This process produced a pool of approximately 200 courts from which project staff identified 160 courts with at least one specialized unit, process, or service for domestic violence cases.

The information reported in the study findings derives from three sources: responses of 106 of the 160 courts to a written questionnaire developed with the assistance of the project's advisory committee and pretested in several courts; followup telephone interviews with representatives of 82 of the 106 courts that responded to the mail survey; and a modified Delphi study (two rounds of questionnaires) with a panel of 27 professionals, including judges and court managers in courts that use specialized processes to manage and adjudicate domestic violence cases as well as other noted domestic violence experts and practitioners.

Findings

Delphi Study

The Delphi study findings indicate considerable consensus on several issues related to court management of domestic violence cases. The areas of accord demonstrate an understanding among those who have experience with domestic violence cases that victim safety, batterer

accountability, and system integrity are essential to an effective system response to domestic violence. The areas in which the study participants' views diverge reflect an uncertainty about the appropriate role of courts in providing services to domestic violence victims, limitations imposed by court jurisdiction and organization, and the issues associated with adapting established systems to address new and different issues. The key areas of consensus that follow indicate that specialization of processing and services for domestic violence cases is essential to managing them effectively (at least 70 percent of the study participants either agree very strongly or agree with the items related to these issues).

- ◆ Effective management of domestic violence cases requires coordination of all cases that involve the parties to the domestic violence case, integration of information in court data systems, and availability of information from all related cases to judges adjudicating the case.
- ◆ Effective management of domestic violence cases requires specialization, including intake for domestic violence cases, court staff, judges, prosecutors, and probation.
- ◆ Victims' access to justice is a primary goal of effective domestic violence case processing. Achieving this goal is facilitated by expedited proceedings, user-friendly directions and forms, assistance to victims by court staff or other personnel, accompaniment of victims by advocates in court proceedings.
- ◆ Court processes should ensure victim safety, both through court orders and service referrals and in the courthouse through such means as metal detectors, separate waiting areas for victims and defendants/respondents, and security officers in courtrooms.
- ◆ Court and judicial resources should be brought to bear on monitoring batterers' compliance with court orders and enforcing those orders to the fullest extent.
- ◆ Courts must address the interests of children involved in domestic violence cases, either as witnesses to or victims of the violence or through custody and visitation disputes between the victim and the offender (guardians ad litem and custody evaluators must have training in domestic violence issues).
- ◆ Domestic violence training for judges should be mandatory and ongoing; judges should be sensitive to the needs of domestic violence victims and understand the dynamics of domestic violence.

National Survey of Courts

The 106 courts that responded to the mailed questionnaire reported having numerous specialized processes and structural components to manage domestic violence cases, including specialized calendars, intake units, case screening, specialized judicial assignment, and court-ordered and -monitored batterer intervention programs. Most of the courts have some of these processes and components, but few of the courts have all of them. Moreover, the combinations and configurations of these processes and structures vary substantially across the courts, and no clear patterns are evident. Although many of these 106 courts have instituted some changes in organization, procedures, or judicial assignment to manage domestic violence cases more effectively,

relatively few appear to have implemented a more comprehensive system for their domestic violence caseloads.

Specialized calendars. Of the 82 courts contacted in the telephone survey, 67 reported having a specialized calendar for at least one type of case within its jurisdiction. Twenty-seven of those courts have specialized calendars for both protection orders and domestic violence misdemeanors, which is the most prevalent pattern of overlap among the three types of cases. Nine of the twenty-seven courts also have specialized calendars for the third case type, domestic violence felonies. The 10 courts that specialize their calendars for domestic violence felonies also handle protection orders on a specialized calendar.

Intake management and services. Among the 106 courts, only 66 have an intake unit or process for domestic violence cases, and practice varies greatly among those courts. Courts most often provide intake for protection orders, followed in frequency by misdemeanors, felonies, custody, child support, and divorce. The types of case processing services provided by intake units also vary. The most prevalent type of service is assistance with protection order petitions (85 percent), followed by screening for other pending cases (50 percent). Few courts assist litigants with other legal or economic matters, such as petitions for divorce/dissolution, child support, or paternity. Management designs also vary across the courts with specialized intake for domestic violence cases. The most common model is court management by court employees only (67 percent). Other management models include multiagency teams with the court as a partner, multiagency teams without the court, and outside agencies.

Case screening and coordination. Among the 106 courts, 68 screen domestic violence cases for related cases. In 48 of those courts, one purpose of screening is to link and coordinate cases for case processing. Fewer courts regularly apply the information obtained from case screening to guide judicial decisionmaking in key areas of victim safety. Forty courts use case screening information to inform bail and sentencing decisions, and 37 draw on this information to develop civil protection orders and safety plans. Only 19 courts use their screening capability for all three of these important purposes.

Judicial assignment and training. Less than one-quarter (22 percent) of the 106 courts assign judges exclusively to domestic violence cases, while in almost half (47 percent), judges have a mixed caseload that includes assignment to cases heard on a dedicated domestic violence calendar. Judicial training in domestic violence issues apparently is given little attention in courts with specialized processes for domestic violence cases. Most of the courts surveyed by telephone reported some type of judicial training on domestic violence, but in half of those courts the training is voluntary. Twenty-two courts require specific domestic violence training for judges. Only six of the courts require judges who have exclusive assignments to domestic violence to participate in any domestic violence training.

Batterer compliance monitoring. Of 82 courts surveyed by telephone, 71 reported that they regularly order batterers to participate in treatment programs, and all but one of the courts have some type of monitoring mechanism. Of the 70 courts that monitor batterer compliance, 43 percent reported having some type of hearings to review batterer compliance. The more common model is to set compliance hearings for individual defendants on mixed calendars that include

other matters. In fewer courts, batterer hearings and status checks are held periodically (e.g., weekly or monthly) on a calendar dedicated to batterer compliance review. Thirty-seven percent of the 70 courts do not regularly hold hearings, but monitoring reports are submitted to the court on a regular basis. In another 20 percent of the courts, batterer compliance is monitored more passively; other agencies are responsible for notifying the court only when the batterer does not participate in the ordered treatment.

Conclusions. Although all of the courts surveyed in this study have instituted some changes in organization, procedures, or judicial assignment to manage domestic violence cases, relatively few appear to have implemented a more comprehensive system for their domestic violence caseloads. Furthermore, the following overall conclusions indicate that courts have not taken the more holistic approach to domestic violence case management needed to fully address the complexities of domestic violence cases or the needs and interests of the victims who seek remedies through the courts.

- ◆ In many courts, screening and case coordination are not standard operations.
- ◆ Many courts do not use available information systems for case screening and tracking.
- ◆ Many courts do not use available information to inform decisions critical to victim safety, such as protection order provisions, safety planning, and bail arrangements.
- ◆ Most courts do not have systematic mechanisms to monitor batterer compliance.
- ◆ Judicial training is severely lacking, even in courts in which judges have exclusive assignments to domestic violence calendars.
- ◆ Few courts provide the full array of services needed to assist victims.
- ◆ Few courts provide access to legal assistance for civil matters and economic support.

Implications for Researchers

Study findings suggest that the implementation of specialized processes for domestic violence cases is proceeding without a common understanding of what components and resources are needed to achieve an effective and safe case management system. In designing future studies, researchers should take into account the great variation in specialized court processes or specialized courts. Understanding the particular process or court characteristics is critical to developing a coherent body of research and evaluation on the effectiveness, efficiency, and safety of specialized domestic violence processes. Researchers also need to account for variations in the context in which specialized court programs operate. (For example, is the court part of a coordinated justice system and community approach? Do one or more components of the system pose significant barriers to success? What type of data system infrastructure supports the program?)

Implications for Practitioners

Judges and court managers should ensure that they have a common understanding of the goals of any court reforms they seek to implement to improve domestic violence case management. The development of goals and of the components, processes, and services to meet those goals should be a collaborative process that involves law enforcement, prosecution, the defense, probation, community and government service providers, and the victim advocacy community. Addressing problems and gaps in the court process only, without consideration for operational, resource, or mission issues in other parts of the system, will frustrate the courts' efforts and limit their effectiveness. Court planners and policymakers also should become informed by the experiences of other courts that have implemented systems to increase victim safety, batterer accountability, and public trust and confidence that the judicial process will benefit domestic violence survivors who seek the remedies it offers. Practitioners in the domestic violence service community and in other parts of the justice system should work cooperatively with judges and court managers to ensure that they understand the needs, limitations, and resources that their potential collaborators bring to the effort.

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Federal plan tightens penalties for domestic violence on tribal land

The U.S. Department of Justice has unveiled a legislative proposal that would stiffen federal sentences for certain domestic-violence crimes in Indian Country and expand tribes' authority to enforce protection orders against non-Indians living on reservations.

By FELICIA FONSECA

The Associated Press

FLAGSTAFF, Ariz. — The U.S. Department of Justice has unveiled a legislative proposal that would stiffen federal sentences for certain domestic-violence crimes in Indian Country and expand tribes' authority to enforce protection orders against non-Indians living on reservations.

The proposal seeks to address crimes on tribal lands that officials say have reached epidemic rates. One-third of all American Indian women will be raped in their lifetime and nearly three of five have been assaulted by their partner, the Justice Department says. In addition, murder rates are 10 times higher than the national average for Native women.

"Not surprisingly, abusers who are not arrested are more likely to repeat and escalate their attacks," U.S. Associate Attorney General Tom Perrelli said.

Tribal leaders, police officers and prosecutors are all too familiar with this cycle of violence, and Justice Department officials say it's time to address it.

The agency is proposing fixes it hopes Congress will consider in reauthorizing the Violence Against Women Act first passed in 1994. Though no one has committed to sponsoring the proposed amendments, the U.S. Senate Indian Affairs Committee and other lawmakers say they're reviewing them.

Only federal prosecutions can lead to serious penalties for major crimes involving Native Americans on tribal lands.

Justice officials want to expand the types of reservation crimes over which the federal government has jurisdiction. Doing so would bring sentences more in line with those faced by defendants in state courts who commit the same crimes, and give prosecutors better tools for deterring the offenses.

The crimes include assault resulting in substantial bodily injury, which would carry a five-year sentence. The maximum penalty for assault or an attempt to assault by strangulation or suffocation would increase from six months to 10 years. Anyone found guilty of assault by striking, beating or wounding could be imprisoned for a year.

Federal prosecutors have declined to pursue some assault cases committed against women on reservations because the injuries were not serious enough to constitute a felony.

Tribal officials say the authority they most look forward to acquiring is over non-Indians in domestic-violence cases. According to Justice Department officials, tribal police often wrongly assume they cannot arrest a non-Indian suspect. The agency wants to clarify that an arrest should be made even if tribes cannot prosecute non-Indians in criminal cases.

The proposed amendments would give tribal courts the ability to enforce protection orders against non-Indians, regardless of where the order originates.

Lorena Halwood, who works with domestic-violence victims on the Navajo Nation, said family abuse violates not only the law but the traditional Navajo way of life, which preaches harmony and talking with one another to mitigate problems. She stood with others in the Navajo Nation's capital this week, asking tribal lawmakers to support legislation that would specifically criminalize domestic violence for the first time on the reservation.

Halwood's work with domestic violence spans 16 years, creating a network of safe houses for victims awaiting transport to one of two shelters on the 27,000-square-mile reservation, the size of West Virginia. She's seen broken jaws and noses, sexual assault and rape cases, and has made 2 a.m. visits to the emergency room.

Tribal police often are late in arriving to the scene because of the remoteness of the reservation. Halwood said women's in-laws often blame them for the abuse, and women find it difficult to leave without transportation or a support system.

She welcomed any change that would make offenders realize they're not getting off with what she says commonly is a slap on the wrist and a warning not to hit a woman again.

"If we have harsher penalties, stiffer sentences, then maybe they'll see 'I'm not supposed to be doing this. The next time I might spend more time in jail away from my family, my children,'" she said.

The Justice Department's proposed amendments build on a sweeping piece of legislation passed last year to combat crime on tribal lands. The Tribal Law and Order Act revamped training for reservation police, expanded tribal courts' sentencing authority from one to three years, and aims to improve the collection and reporting of Indian crime data.

Department officials convene listening sessions every five years when the Violence Against Women Act is up for reauthorization. While provisions of the act are permanent, its grant programs expire. Agency officials say they're seeking a new grant program that would provide funding for tribes to ensure that defendants are appointed counsel when needed, realizing tribal resources are scarce.

If passed by Congress, the amendments to the Violence Against Women Act would take effect in two years, giving tribes time to amend their laws and ensure that defendants' rights are protected. A pilot project would allow any tribe that believes it has met the requirements to request an earlier start date.

New Resource Addresses the Workplace Costs of Domestic and Sexual Violence

An employee receives incessant and/or threatening telephone calls and emails at work from a one-time date.

A supervisor makes unwanted sexual advances to a subordinate and threatens to fire them if they tell anyone.

A union member leaves work early to drive to an ex-partner's workplace, waits for her in the parking lot, and attacks her when she comes out.

Workforces include *both* victims and perpetrators of domestic violence, sexual violence, and stalking. As such, the violence already may be imposing economic, safety and human costs on a business without a company's knowledge, and exposing the company to legal liability.

- The Centers for Disease Control and Prevention estimates that the annual cost of lost productivity due to domestic violence equals \$727.8 million.ⁱ Sixty-one percent of recently surveyed senior executives stated that domestic violence has a harmful effect on their company's productivity and 70% said domestic violence negatively affects employee attendance.ⁱⁱ
- A study by the Maine Department of Labor found that more than three-quarters of perpetrators used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten the victim.ⁱⁱⁱ
- A Department of Justice 2009 study found that of the 79% of stalking victims who had a job, one in eight lost time from work. More than half the victims surveyed lost five or more days from work.^{iv}

A new resource helps employers and unions to assist victims, ensure the safety and productivity of their workplace, and minimize exposure to liability.

Authorized pursuant to the Violence Against Women Act of 2005, the Workplaces Respond National Resource Center is funded by the U.S. Department of Justice Office on Violence Against Women and initially was created by a partnership of six national organizations: Futures Without Violence (formerly Family Violence Prevention Fund), Legal Momentum, Pennsylvania Coalition Against Rape and National Sexual Violence Resource Center, Resource Sharing Project of the Iowa Coalition Against Sexual Assault, American Bar Association Commission on Domestic Violence, Corporate Alliance to End Partner Violence, and Victim Rights Law Center.

The Resource Center provides information, resources, interactive tools, and technical assistance to employers and unions, particularly those with underrepresented workers, including those who are low wage, immigrant, young, older or in other ways vulnerable.

The Resource Center's website, www.workplacesrespond.org, launched in October 2010, has information and interactive tools that have never before been available, including a quiz to test knowledge about domestic and sexual violence, fact sheets, frequently asked questions with answers, a protection order guide, safety and security information, an interactive training module, and a customizable and downloadable workplace policy. Additional online Resource Center components help employers and unions assess security issues, provide safe and effective responses to violence, make referrals to community-based services when violence is identified, and implement measures to prevent violence.

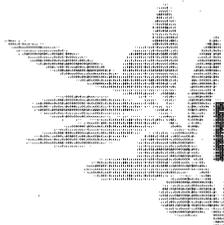
During the next two years, a robust outreach program will engage employers and labor organizations while the initiative develops additional tools to assist workplaces in effective, safe responses to domestic and sexual violence. Local domestic and sexual violence services programs can use the virtual resource center as a basis for partnering with local employers in workplace violence response and prevention activities.

ⁱ Ctr. for Disease Control and Prevention, Nat'l Ctr. for Injury Prevention and Control, *Cost of Intimate Partner Violence Against Women in the United States* (2003).

ⁱⁱ Corporate Alliance to End Partner Violence, 2008 Survey (2008).

ⁱⁱⁱ Ellen Ridley, Maine Dep't of Labor & Family Crisis Services, *Impact of Domestic Offenders on Occupational Safety and Health: A Pilot Study* (2004).

^{iv} Katrina Baum, U.S. Dep't of Justice, Bureau of Justice Statistics, *Stalking Victimization in the United States* (2009).



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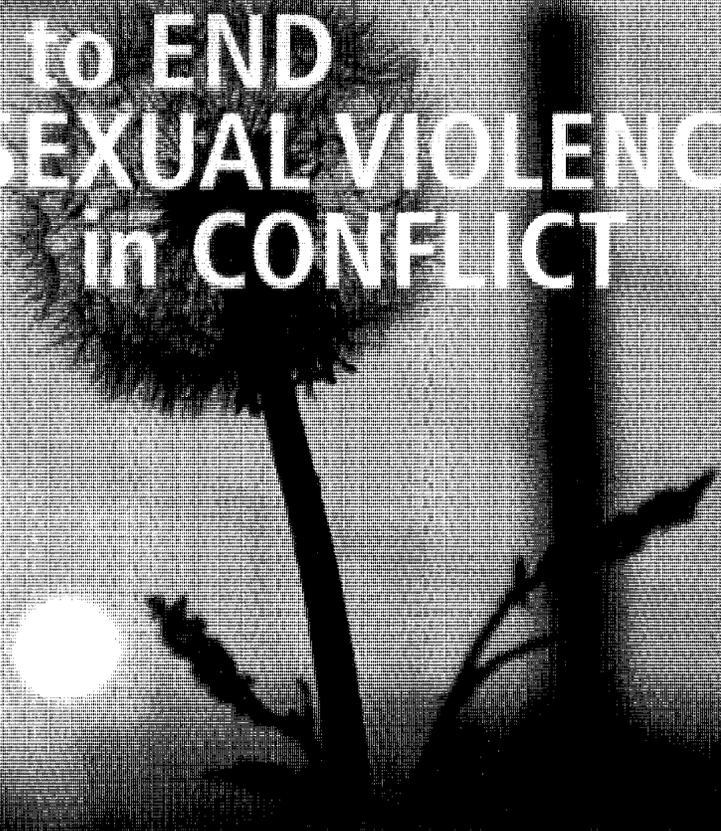
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to END

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INTRODUCTION

"It is more dangerous to be a woman than to be a soldier in modern conflict." Patrick Cammaert (2008, former Deputy Force Commander of the United Nations Mission to the Democratic Republic of Congo [MONUC])

Sexual violence in conflict is not a new phenomenon. The saying goes that "rape is as old as war itself" and women have had the battlefield played out on their bodies for centuries around the world. But the wars in Bosnia–Herzegovina and Rwanda in the 1990s were a turning point. These conflicts brought about the term "rape as a weapon of war" as rape was carried out systematically, and was strategically used as a war tactic. Horrendous accounts of atrocities were documented and reported, and survivors spoke out about their experiences of gang rape, rape camps, rape slavery and forced pregnancy. The accounts not only fuelled global outrage and condemnation, but also spurred the international community to define the issue of sexual violence in conflict as a serious threat to peace and security.

Activists and advocates around the world have worked tirelessly in the last two decades to put an end to rape as a weapon of war and the impunity enjoyed by perpetrators. Their efforts have resulted in United Nations (UN) Security Council resolutions to prevent the use of wartime rape, local and national campaigns to end violence against women, and support for survivors and their families.

While these efforts have certainly helped to raise awareness about the severity and impact of sexual violence in conflict, the level of violence against women is by no means abating. Reports continue to surface with horrendous statistics and stories of women's realities in conflict regions throughout the world. As recent reports from places such as Darfur, the Democratic Republic of Congo (DRC) and Burma demonstrate, that reality is too true for too many women in this world. Clearly, more coordinated and targeted action is needed to put an end to rape as a weapon of war.

SEXUAL VIOLENCE IN CONFLICT – A THREAT TO PEACE AND SECURITY

Rape as a weapon of war is a crime occurring on a massive global scale that has to be stopped. Not only does sexual violence in conflict lead to devastating physical and psychological ramifications for survivors, their families and communities, it is a severe human rights violation constituting an act of torture, a war crime and/or crime against humanity.

The widespread occurrence of sexual violence in conflict is a threat to peace and security, as it diminishes the prospects for reconciliation and peacebuilding. It puts entire communities at risk, rips apart their social cohesion, and condemns them to a life of poverty. However, Ambassador Theodor Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces, has noted the unwillingness to see sexual violence in conflict as a threat to security:

“Regrettably, in debates around ‘security’ and security sector governance and reform, sexual violence tends to be considered a marginal issue, a side-effect of insecurity rather than a key form of insecurity in itself.”¹

The fact is that rape is both a cause and consequence of low female participation in decision-making processes at all levels. After conflict, the stigma associated with sexual violence can impede women’s participation in democratic processes. When Afghan women participated in the *Peace Jirga* convened in June 2010,² they emphasized that gains made in relation to women’s rights should not be annulled in the course of reconciliation and transition. Impunity for acts of sexual violence committed during conflict perpetuates a tolerance of such abuses against women and girls as a long-lasting consequence of the conflict.

Sexual violence in conflict takes place in concert with other crimes such as killings, kidnappings and looting. While militias and armed groups have widely committed rape, the propensity for sexual violence by newly mobilized combatants and state forces highlights the need for comprehensive security sector reform in post-conflict states. The culture of impunity that often surrounds sexual violence in conflict perpetuates the crime, allowing it to permeate into other parts of society. Perpetrators are rarely held accountable for their actions and do not fear prosecution or punishment for their acts.

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1. Megan Bastick, Karin Grimm and Rahel Kunz, *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007), p. 8.
 2. The Afghan government uses *jirgas* to reach consensus with parliamentarians and civil society on controversial or problematic policy issues.

A GLOBAL OVERVIEW OF SEXUAL VIOLENCE

*"1 in 3 women will be abused or beaten in her lifetime."*³

While the profile of sexual violence varies across regions with some similarities within and across regions, sexual violence has occurred in every region of the world: Africa, the Americas, Asia, Europe and the Middle East. While documentation and reporting has been limited in some regions, some countries' situations have been extensively researched, with reliable evidence of the widespread nature of the crime readily available. Data forms a key component in collecting evidence to hold perpetrators to accountability. Many more resources must be invested into the systematic documentation of cases of sexual violence, particularly in regions experiencing high levels of violence but not necessarily deemed traditional conflicts.

AFRICA

*"We will kill you, Nuba, and rape your women! We will exterminate the Nuba!"*⁴

Countries where sexual violence in conflict has occurred include *Algeria, Angola, Burundi, the Central African Republic, Chad, Côte d'Ivoire, the DRC, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Liberia, Mozambique, the Republic of Congo, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda, and Zimbabwe.*

Africa has witnessed the world's highest number of conflicts over the last three decades and has been hardest hit by conflict-related sexual violence. Sexual violence has been extensively used as a strategy of war in places like Rwanda, Darfur and the DRC. Women and girls of all ages have been the target of sexual violence, with even infants and elderly women being raped. Child combatants are often forced to become perpetrators of sexual violence, entrenching aggressive behaviour and psychological trauma.

Brutal forms of sexual violence, including sexual slavery, gang rape, mutilation, torture, and insertion of sharp objects into women's vaginas have been used widely in conflicts across the African continent. High levels of rape have had a significant impact on women's contribution to the economy and their injuries require specialized gynecological care. High numbers of traumatic fistula⁵ cases have been reported in Burundi, Chad, the DRC, Rwanda, Sierra Leone and Sudan.

Sexual violence is ongoing in places such as the DRC. In the country's eastern provinces, women are publicly raped in front of their family and community, there is forced rape between victims, objects are inserted into victims' cavities, melted rubber is poured into women's vaginas, abortion is induced by inserting sharp objects, and women are murdered by shooting them in the vagina.

3. International Rescue Committee, *Women Fighting to Survive* [online]. Available from World Wide Web: [<http://www.rescue.org/special-reports/ending-violence-against-women>].

4. Physicians for Human Rights, *Darfur: Assault on Survival. A Call for Security, Justice, and Restitution* (U.S.: Physicians for Human Rights, 2006), p. 22. Janjaweed soldiers attacking Terbeba, Darfur on February 15, 2004.

5. Traumatic fistula is an abnormal opening in the birth canal, between the bladder and/or rectum and the vagina, resulting in chronic incontinence. It is commonly caused by inserting objects into the vagina.

A new study, published in June 2011 by the *American Journal of Public Health*, revealed that about 48 women are raped every hour in the DRC, totaling more than 1,100 women every day.⁶ The research also indicated that levels of sexual violence were high not only in the eastern provinces, but in other areas of the country as well. Not surprisingly, the UN has called the DRC the “rape capital of the world.”⁷

Displacement, politically motivated violence and election-related violence have contributed to the proliferation of sexual violence on the African continent. Moreover, the spillover of armed conflict across borders, such as in West Africa and the Great Lakes region, has also led to the spread of sexual violence as armed groups move between countries, introducing their sexual warfare tactics to a new environment.

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6. Amber Peterman, Tia Palermo and Caryn Bredenkamp, “Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of Congo,” *American Journal of Public Health* 101, 6 (June 2011).
 7. UN News Centre, “Tackling sexual violence must include prevention, ending impunity – UN official,” April 27, 2010 [online]. Available from World Wide Web: [<http://www.un.org/apps/news/story.asp?NewsID=34502>].

SUDAN – DARFUR

*"When we tried to escape they shot more children. They raped women. I saw many cases of Janjawid raping women and girls. They are happy when they rape. They sing when they rape and tell that we are slaves and that they can do what they wish."*⁸

A Darfurian non-governmental organization has documented 9,300 cases of rape, although observers on the ground have argued that the number of rapes is closer to double that figure. There have also been reports of rampant clusters of rapes. For example, one woman reported to Coalition for International Justice investigators that 41 of the women on her camp block had been raped.⁹

A UNICEF survey in the Darfur town of Tawila documented a large number of rape cases, in one case targeting 41 school girls and teachers, and in another the gang rape of minors by up to 14 men.¹⁰ In August 2006, the International Rescue Committee reported that more than 200 women had been victims of sexual violence within five weeks around Kalma, the largest internally displaced persons camp in South Darfur.¹¹ Sadly, all programs for gender-based violence in Darfur, including counselling and mental health services, disappeared following the March 2009 expulsion of 13 international and 3 national human rights and humanitarian non-governmental organizations.¹²

While women are not obligated to report rape, obtaining medical treatment involves filling out a police form and is often accompanied by extensive questioning, re-traumatizing survivors and putting them at further risk if their rapists are officers or security forces members. Due to stringent legislation governing sexual violence in the sharia-based Article 149 of the Sudanese Criminal Code of 1991, many women are hesitant to report rape as it may lead to counter-charges. The evidentiary standards for rape are four male witnesses to prove that the act was non-consensual, or a confession. If this cannot be proven, there is no distinction between rape and zina (adultery), which is punishable by flogging and stoning for married women.¹³

8. Amnesty International, *Sudan, Darfur: Rape as a Weapon of War* (London: Amnesty International, July 18, 2004), p. 11 re: Mukja, age 37.

9. Physicians for Human Rights, *The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan* (Boston: Physicians for Human Rights, October 2004), p. 16.

10. Bastick et al., 2007, p. 63.

11. International Rescue Committee, *Sudan: Increased Sexual Assaults Signal Darfur's Downward Slide* (New York: International Rescue Committee, August 23, 2006).

12. African Centre for Justice and Peace, *Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process* (London: African Centre for Justice and Peace, February 2011).

13. African Centre for Justice and Peace, February 2011.

AMERICAS

"A woman would never go to report a rape to the HNP [Haitian National Police]," said a Haitian woman, "she is likely to be raped by them again."¹⁴

Countries where sexual violence in conflict has occurred include *Colombia, El Salvador, Guatemala, Haiti, Nicaragua, Peru, and Mexico.*

Sexual violence has been used as a terror tactic throughout the Americas to punish communities that collaborate with "the enemy" or to silence political activists and human rights defenders. Colombian security forces, for example, have used rape, genital mutilation and other forms of sexual violence to terrorize communities suspected of supporting guerrilla forces.

Women's rights activists have been especially targeted in many countries throughout the region. Margaret Sekaggyam, UN Special Rapporteur on the Situation of Human Rights Defenders, focused her 2011 report on the serious and gender-specific circumstances faced by women human rights defenders, and stated that women human rights defenders in the Americas are at highest risk of being killed or having an attempt made on their lives.

Women have been subjected to a wide variety of sexual violence including rape, gang rape, sexual slavery, mutilation of sexual organs, and removing fetuses from pregnant women as punishment for their political activism and defense of human rights. There is an evident intersection between gender and ethnicity in many of the conflicts in the region, with systematic and widespread discrimination suffered by indigenous women. In Colombia, Guatemala and Peru, for instance, indigenous women, often from rural areas, are at greater threat and often specifically targeted for their rights activism. Peru's legislation, for example, for many years allowed community members to force women to marry their attackers, providing "consent" for continued assault.

MEXICO

On May 3 and 4, 2006, more than 4,000 state security and police attacked at least 200 people in San Salvador Atenco, Mexico during a protest. During the attack, 2 youth were killed, some 207 protesters were taken prisoner, and 50 women suffered rape, sexual abuse and torture. An investigation by federal authorities later named 34 police officers suspected of being responsible for the abuses.

In February 2009, the Mexican Supreme Court confirmed that the women in San Salvador Atenco suffered major physical and sexual abuse at the hands of police officers. But even with the affirmation of the highest court in Mexico, the women in Atenco are still waiting for these officers to be held accountable for their crimes. To date, no officers have been criminally prosecuted and only a small number were subjected to minor disciplinary actions shortly after the event.

Many Latin American countries emerging from conflict – El Salvador, Guatemala, Haiti and Nicaragua – report a high and growing incidence of criminal violence, including sexual and other forms of violence against women. In Guatemala, the phenomenon of femicides, the targeted murder of women, is particularly disturbing and is taking place with systematic impunity. More than 3,800 women and girls have been murdered in Guatemala since the year 2000. The conviction rate for these murders is less than two per cent.

14. Refugees International, "RI Bulletin: Haiti: UN Civilian Police Require Executive Authority" (March 14, 2005).

HAITI

*"I live in a tent in a camp. I have witnessed violence against women and girls. And, I have also witnessed the completely inadequate government response. KOFIVIV has recorded at least 242 cases of rape since the earthquake. But, we have yet to see a case prosecuted."*¹⁵

A survey of 5,720 individuals during a 22-month period (February 2004 – December 2005) documented the cases of 8,000 people murdered and 35,000 women who were victims of sexual violence in the Port-au-Prince area. More than 50 per cent of the women who survived sexual violence were under 18 years old. Identified perpetrators of sexual violence were mostly criminals, but also the national police (13.8 per cent) and groups opposed to then-president Jean-Bertrand Aristide in 2004 (10.6 per cent).¹⁶

ASIA

*"Three women, aged 18, 35 and 37 were at their farm in the Kho Lam area when they were arrested by 80 SPDC troops from IB 99 led by Capt. Than Muang. They were kept for four days and three nights, during which time they were repeatedly gang-raped by the troops."*¹⁷

Countries where sexual violence in conflict has occurred include *Afghanistan, Burma, Cambodia, India, Nepal, the Philippines, Sri Lanka, Tajikistan, East Timor, Indonesia, Papua New Guinea, and the Solomon Islands.*

Conflict-related sexual violence has taken many different forms throughout Asia and it is difficult to identify common patterns. Sexual violence has been widely used as a means of terror and punishment for women involved in pro-democracy movements, the defense of human rights, and armed liberation movements. Women have been subjected to sexual harassment, sexual torture involving insertion of objects into vaginas or the burning of genitals, rape, sex slavery, and forced prostitution servicing troops and militias.

In Afghanistan, police, military forces and former combatants commit sexual violence against female activists, teachers and other women aiming to participate in public life. Large numbers of women joined guerilla groups in conflicts in Nepal and Sri Lanka, for both combat and other roles – one reason being to seek protection against sexual violence. Women's organizations in Burma have extensively documented systematic sexual violence by the military, police and border guards as part of their anti-insurgency strategy against the ethnic nationalities, including cases of gang rape, sexual torture and slavery, forced marriage and pregnancy, genital penetration with knives and other objects, and mutilation of breasts and genitals.

15. Address by Malya Villard-Apollon, leader of the Commission of Women Victims for Victims (KOFIVIV) to the UN Human Rights Council, Geneva, June 7, 2010.

16. Bastick et. al., 2007, p. 79.

17. The Shan Human Rights Foundation and The Shan Women's Action Network, *License to Rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan State* (Chiang Mai, Thailand: The Shan Human Rights Foundation and The Shan Women's Action Network, 2002), p. 11.

The trafficking of women, girls and boys for sexual exploitation is a serious problem throughout Asia, including Afghanistan, Burma, Cambodia, Nepal, the Philippines, Sri Lanka, and Tajikistan. The armed conflict in Nepal, for instance, significantly increased the number of women trafficked for sexual exploitation, with many being sent to brothels in India. Sex trafficking of refugees has also been reported in the region.

A number of studies documented sexual violence perpetrated by UN peacekeepers in Cambodia. This led to an increase in HIV/AIDS as a result of rising numbers of sex workers.

BURMA

In 2002, the Shan Human Rights Foundation and the Shan Women's Action Network published a report documenting 173 incidents of sexual violence that involved 625 girls and women in Shan state between 1996 and 2002. Tatmadaw (Burma's army) officers committed 83 per cent of the assaults.¹⁸ More recently, following a three-week military offensive in March 2011, the Shan Women's Action Network documented six cases of gang rape.¹⁹

Physicians for Human Rights surveyed 603 households in Burma's Chin state in 2009 and confirmed 17 cases of rape over a one-year period – all committed by Tatmadaw forces. One-third of the victims were under the age of 15.²⁰

Refugees International published research in 2003 focusing on rapes perpetrated against women other than those of Shan origin. In 26 interviews, information about 39 rapes and 4 attempted rapes was collected. Based on anecdotal evidence, the research findings indicated several thousand women and girls had been sexually assaulted and raped by Burmese soldiers.²¹

18. The Shan Human Rights Foundation and The Shan Women's Action Network, 2002.

19. Shan Human Rights Foundation, *Summary of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive, 13 March 2011 – 6 April 2011* (Shan Human Rights Foundation).

20. Physicians for Human Rights, *Life under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State* (Cambridge, MA: Physicians for Human Rights, January 2011).

21. Refugees International, *No Safe Place: Burma's Army and the Rape of Ethnic Women* (Washington, D.C.: Refugees International, April 2003), pp. 25–26.

EUROPE

"I was put in a camp. The soldiers would taunt me, calling me a Turkish whore. Then they began to rape me. I would cry every time and when I passed out I would wake up with a different soldier in the room and they would keep going until I didn't come round anymore. When they found out I was pregnant they put me on a truck and I arrived in Sarajevo. I had to take medicines to calm me down and I think this is why my son is so nervous and has to have therapy. I love my son. Sometimes I look at him and feel angry though – I see him as a focus of what has gone wrong with my family and our lives."²²

Countries where sexual violence in conflict has occurred include Azerbaijan, Bosnia–Herzegovina, Croatia, Georgia, Russia, Serbia, and Kosovo.

During the conflicts in the former Yugoslavia, sexual violence was used to terrorize and displace populations as part of a campaign of "ethnic cleansing." Women and girls were also often abducted into "rape camps," being raped repeatedly to force pregnancy and only being released when abortion was too late, ensuring an ostracized child was born. This has left a highly fragmented society with many children in orphanages and adoptive families, and with state institutions struggling to support counselling.

The conflicts in the former Yugoslavia also led to a sharp increase in movement of trafficked women and children, as the demand for sexual slaves and prostitutes by international military and civilian staff grew. Women's organizations in the region have estimated that around 50 per cent of clients at brothels are foreign citizens, and that traffickers brought 90 per cent of the women and girls at these brothels into the country. Permeable borders and proximity make human trafficking between the former Soviet Union, former Yugoslavia and Eastern Europe a serious problem.

In contrast to the former Yugoslavia, much of the information on sexual violence committed in the armed conflicts in Azerbaijan, Georgia and Russia is anecdotal and has received little international attention. It appears that much of the sexual violence is related to the targeting of ethnic minorities. With the Nagorno-Karabakh conflict in Azerbaijan, the Abkhazian conflict in Georgia, and in Chechnya, for example, women of specific ethnicities have been targeted for rape.

BOSNIA–HERZEGOVINA

Estimates of the total number of women subjected to sexual violence during the war in Bosnia–Herzegovina vary from 14,000 to 50,000.²³ Non-governmental organizations have alleged that more than 35,000 women and children were held in Serb-run camps, where girls and women 10 to 30 years of age were raped daily by 40 to 50 men.²⁴ The UN Security Council's Commission of Experts reported that there were 162 detention sites in the former Yugoslavia where people were detained and sexually assaulted.²⁵

22. Kate Holt and Sarah Hughes, "Bosnia's rape babies: abandoned by their families, forgotten by the state," *The Independent*, December 13, 2005.

23. Bastick et al., 2007, p. 1175.

24. Women War and Peace, *The Impact of the Conflict on Women in Bosnia-Herzegovina*.

25. United Nations Security Council, "Letter Dated 24 May 1994 From the Secretary-General to the President of the Security Council," S/1994/674, Annex IX: rape and sexual assault.

MIDDLE EAST

*"Children told us they have witnessed horrendous scenes. Some said they saw their fathers murdered and mothers raped. They described things happening to other children, but they may have actually happened to them and they were just too upset to talk about it – it's a typical coping mechanism used by children who have suffered abuse."*²⁶

Countries where sexual violence in conflict has occurred include *Iraq, Israel/Palestine, Kuwait, Lebanon, Yemen, Egypt, and Libya.*

Overall, there is little documentation available on the prevalence of sexual violence in conflict throughout the Middle East. Sexual violence has been used in attempts to silence political opposition and human rights defenders. During detention, it is used as a form of torture against women and men, as reported in Iraq, Israel and the Palestinian territories. In Iraq, government-affiliated militias are using torture and rape as common investigation methods in police stations. Forms of sexual violence and humiliation include rape, gang rape, videotaping and photographing of naked male and female detainees, forcibly placing detainees in various sexual positions, or forcing groups of male detainees to masturbate on film.

As in many parts of the world, survivors of sexual violence in the Middle East face extreme stigma. A woman or girl who has been raped is deemed to have brought shame upon her family. Many survivors do not report such crimes for fear of sexual exclusion, re-victimization, or falling victim to "honor killings."

Sexual violence has been reported in the recent revolutions and political uprisings sweeping the Middle East as a retaliatory tool against political opponents. For example, some female protestors in Egypt were arrested, tortured and subjected to virginity tests. Further, the case of Iman al-Obeidi – who was allegedly raped by 15 pro-Gadhafi paramilitary troops in March 2011 – was widely reported in the international media, and reports from doctors, surgeons and international journalists in Libya confirm the use of sexual violence to punish regime opponents.

PALESTINE

According to a survey of 4,212 households conducted by the Palestinian Central Bureau of Statistics between December 2005 and January 2006, 23.3 per cent of married women in the West Bank and 22.6 per cent in Gaza reported being victims of physical violence during the year 2005. The same survey indicated that 11.5 per cent of women in the West Bank and 9.7 per cent in Gaza reported having experienced sexual violence at the hands of their husbands, and that only 1.2 per cent of the victims had filed a formal complaint.²⁷

26. David Batty, "Libyan children suffering rape, aid agency reports," *The Guardian*, April 23, 2011.

27. Bastick et. al., 2007, p. 133.

WHY IS SEXUAL VIOLENCE USED IN CONFLICT?

The purpose, function and hence motivation for wartime rape varies significantly from case to case and even within various contexts. While it is difficult to give a comprehensive list of all the different functions and motivations, some have emerged as most common.

RAPE AS A STRATEGY OF WAR: The most prominent examples of this are the cases of Bosnia–Herzegovina, Rwanda, the DRC, Sudan/Darfur and Burma. The function of rape in Herzegovina and Rwanda, for example, was to fulfill a particular war goal, namely ethnic cleansing and genocide, by destroying women as child bearers and/or increasing sexually transmitted infections amidst enemy groups. The widespread use of rape in these two conflicts brought international attention to the issue of sexual violence due to the perpetration of rape as part of, rather than as a consequence of, war.

RAPE AS A MEANS OF CREATING COHESION BETWEEN COMBATANTS: In a number of conflicts, new recruits have been forced to commit such taboo acts as the rape of relatives in order to sever their ties with the community and bind them to the armed group. The practice of gang rape in particular has been employed to create cohesion within units, bonding fighters who have been recruited by force and increasing their tolerance to violence. This also tends to insulate perpetrators from a sense of personal guilt and leaves victims less able to identify perpetrators.

RAPE AS A REWARD: The underlying assumption here is that “boys will be boys,” with looting and pillaging often seen as integral or even an inevitable part of war, and rape as the reward of war. Rape has also been widely documented during pillaging of communities by state forces that have not been paid and are seeking compensation. This argument that rape will always coexist with war is challenged by its wide variation and the absence of sexual violence among some groups during armed struggle.

RAPE AS A MEANS TO DESTROY SOCIAL AND CULTURAL COHESION: Socio-cultural norms defining gender roles can contribute to the use of wartime rape. This is particularly true in patriarchal societies where masculinity is equated with dominance, power and control and a clear hierarchy exists – women are subordinate to men and often seen as “property” and objects to be protected from “invasion.” In many societies, women are seen as the bond that holds families and communities together, and thus as the source of social and cultural cohesion. In such societies, rape of women in war is effective in destroying families, communities and overall cultural cohesion.

RAPE FOR ECONOMIC ENDS: The disruption of formal economies and state institutions often brought on by conflict heightens the risk of trafficking in persons for purposes such as sexual or labour exploitation, as well as the risk of abduction and extortion by armed groups. Sexual violence has also served as a method of terror to clear populations from mining areas that in turn fund and prolong conflict.

RAPE AS A MEANS OF EXTRACTING INFORMATION: A method usually used during detention, there is emerging evidence that sexual violence has been used to extract information from women and girls during forced civilian disarmament in order to obtain locations of arms caches.

Several factors contribute to the proliferation of sexual violence, raising the level of vulnerability for women and girls. Inadequate re-integration support for demobilized soldiers returning to communities, coupled with the proliferation of small arms, raises risk of exposure to sexual violence. Ineffective national army integration as mandated by peace settlements along with lack of reform, such as in the DRC, leads to increased attacks on the civilian population. Displacement also greatly increases the risk of sexual violence occurring during flight and at camp sites, both within the camps by fellow refugees and internally displaced persons, as well as outside the camps – for example, as women and girls go to fetch firewood. Darfur is a prime example.

Environments prone to instability or breakdown in law and order, with lax control of armed groups, are conducive to a rise in sexual violence, especially opportunistic rape. We have recently witnessed the widespread use of sexual violence in conjunction with electoral processes in Guinea, Côte d'Ivoire, Kenya, Zimbabwe and in the recent revolutions in the Middle East, in Egypt and Libya. The presence of peacekeepers is also known to increase incidents of prostitution and trafficking, and a number of UN personnel have been charged with rape.

IRAQ

The Monitoring Net of Human Rights in Iraq claimed in November 2005 that "reports confirm that 2,000 women were raped by the occupation troops, especially the American, British, Italian, Polish and Spanish." The same source claims that reports confirm more than 500 "rape incidents" against Iraqi children by occupying troops, including 30 by American forces and 15 by British forces.²⁸

While it is clear that rape is widely used in conflicts as both an overall warfare strategy and due to personal motivations by combatants, it is important to recognize that variations among conflicts exist and the use of rape is not always prevalent. The relative absence of sexual violence among numerous armed groups proves that sexual violence is not inevitable.

Two examples of such groups are the Liberation Tigers of Tamil Eelam, the Tamil secessionist group in Sri Lanka, and the insurgent army Frente Farabundo Martí para Liberación Nacional in El Salvador. In these cases, an organizational culture prohibits the use of sexual violence, enforced by the leadership of the armed group and the attitude of group leaders that sexual violence would be counter-productive or is against their norms. These are determining factors prohibiting the proliferation of sexual violence. Enforcement of these views depends on the strength of the military hierarchy. The norms observed by the combatants concerning violence and the dependence or close and co-operative relations with civilian populations is another factor helping prevent widespread sexual violence in conflict.

28. IRIN Middle East, Iraq: NGO warns of rise in violence against women, March 12, 2006.

CONSEQUENCES OF SEXUAL VIOLENCE IN CONFLICT

"The problem [of rape] is destroying our households and families, foreigners are coming and raping our wives, devastating them. Since you are not God or an angel, you will stop loving her. That is why we say those people are ruining our communities."²⁹

Sexual violence in conflict has numerous short- and long-term economic, social, cultural and health consequences. The most evident consequence is the loss of life due to sexual violence-related deaths, killings or suicide. Victims and survivors suffer long-term health consequences such as psychological trauma – including isolation, fear, hot flashes, feelings of unworthiness and suicide – and medical trauma such as gynecological fistula, sexually transmitted infections, and HIV/AIDS.

Sexual violence can reduce women's and girls' contribution to economic development, trapping them in a life of poverty. Sexual violence limits women's freedom of movement in relation to subsistence activities. In Darfur, attacks on internally displaced women and girls are most often committed when they venture beyond camp perimeters to obtain firewood and water. Also, the lack of economic opportunities for displaced populations often results in commercial and exploitative sex as one of the few options for income generation to meet basic needs.

Women who have been attacked, as well as children born out of rape, are stigmatized and ostracized as a consequence of these crimes. In certain areas, husbands disown their wives and the high levels of discrimination cause the destruction of family and social relationships that make up the fabric of society. Women in such cases are often left in poverty and outside their communities.

Addressing sexual violence as a peace and security imperative with a clear focus on prevention, protection and accountability can advance economic recovery, community reconstitution and broad-based peace-building, which in turn enhance the legitimacy and durability of peace processes.³⁰

INTERNATIONAL ACTION ON SEXUAL VIOLENCE IN CONFLICT

In the last two decades, international tribunals have helped to develop the current legal definitions of sexual violence, particularly rape in conflict. The International Criminal Tribunal for Rwanda (ICTR) had a milestone verdict in 1998, with the first successful conviction of the crime of genocide in international law ruling that rape constituted genocide. The ICTR, the International Criminal Tribunal for the Former Yugoslavia, and the Special Court for Sierra Leone have included numerous prosecutions and convictions for sexual violence as a crime against humanity and/or as a war crime.

29. Open Society Institute and Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo: Profiles of Violence, Community Responses, and Implications for the Protection of Women* (Open Society Institute and Harvard Humanitarian Initiative, August 2009).

30. UN Secretary-General, "Report of the Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009)," *A/65/592-S/2010/604*. November 24, 2010, Paragraph 21.

The definition widely adopted today by international and national jurisdictions borrows from the International Criminal Court's approach, regarding it as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity against either gender. These acts are prosecutable both as crimes against humanity and as war crimes. To date, judges of the International Criminal Court have charged twelve people with sexual violence crimes, some of them with multiple counts of different kinds of sexual violence. Three of these are currently on trial, four are in custody with their cases pending and three are not in custody, including Sudanese President Omar Hassan Al-Bashir.

SECURITY COUNCIL RESOLUTIONS ON SEXUAL VIOLENCE IN CONFLICT

Starting with resolution 1325 in the year 2000, a series of UN Security Council Resolutions (UNSCRs) were adopted dealing with women, peace and security, with later resolutions focusing more narrowly on sexual violence in conflict. UNSCR 1325 (2000) addresses the impact of conflict on women during and in the aftermath of armed conflicts. The resolution calls for the participation of women in peace processes; gender training in peacekeeping operations; protection of women and girls in respect for their rights; and gender mainstreaming in the reporting and implementation systems of the UN relating to conflict, peace and security.

UNSCR 1820 (2008) explicitly recognizes sexual violence as a tactic of war and gives the Security Council authority to intervene when necessary to provide security for women. It demands that conflicting parties train troops and enforce military discipline in an effort to end sexual violence.

UNSCR 1888 (2009) requested that the UN Secretary-General develop a proposal to ensure monitoring and reporting of sexual violence in conflict and post-conflict situations. UNSCR 1888 also called on the UN Secretary-General to establish the mandate of the Special Representative on Sexual Violence in Conflict to provide coherent and strategic leadership, to work effectively to strengthen existing UN coordination mechanisms, and to engage in advocacy efforts with all relevant stakeholders. Margot Wallström of Sweden was appointed as the Special Representative on Sexual Violence in Conflict in 2010.

UNSCR 1889 (2009) requires the UN system to collect data on, analyze and systematically assess particular needs of women and girls in post-conflict situations in order to improve their system-wide response to the security and participation of women and girls in decision-making.

UNSCR 1960 (2010) builds on the previous resolutions by creating institutional tools to combat impunity, including the listing of perpetrators in the UN Secretary-General's annual reports, referrals to the UN Sanctions Committees and the International Criminal Court, international condemnation, and reparations. This focus on ending impunity and prosecuting offenders is critical in bringing justice to past crimes and deterring future acts of brutality.

These resolutions define the obligations of member states and many countries have developed national action plans to fulfill the goals outlined in the UNSCRs on women, peace and security. Yet, implementation of the resolutions remains a major challenge, with political will and adequate resources lacking.

CALL TO ACTION: WE CAN END SEXUAL VIOLENCE IN CONFLICT!

Women, women's organizations, non-governmental organizations and governmental organizations are doing a tremendous job in responding to sexual violence, and delivering much-needed support to victims and survivors of sexual violence. They have expended much time and energy advocating and lobbying for an end to all forms of violence against women, for accountability of perpetrators, for the protection and support of women and girls, and the inclusion of women in decision-making processes on peace and security. Their efforts have helped bring about mechanisms, tools and projects at the local, national and international level to address the needs of women and girls affected by sexual violence.

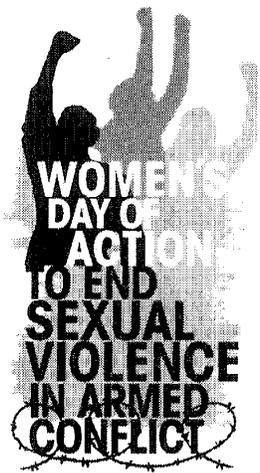
Women have documented and reported individual cases and systematic occurrences of sexual violence – often at great risk to themselves, since it makes these women vulnerable to retributive rape and sexual violence. Nevertheless, much effort has gone into research on the various aspects of sexual violence, including research on armed groups and perpetrators of violence, informing responses and interventions. Others have raised awareness and educated affected populations, policy makers, law enforcement personnel and armed groups on the various aspects of sexual violence in conflict, its causes and consequences, and existing legislation or international frameworks to prevent and reduce the occurrence of sexual violence.

Most importantly, people throughout the world are working to provide much needed services and support for survivors of sexual violence. They are providing medical assistance and helping survivors access services that are not necessarily available in their communities. Others have provided shelters and rehabilitation programs, and psychosocial support and therapy, as well as job training, providing survivors with the space to heal and recover their voices to rebuild their lives.

A key component to ending rape as a weapon of war is the successful prosecution of perpetrators. Efforts are pursued at the local, national and international level to put in place mechanisms that ensure accountability. Locally, victims and survivors of sexual violence are provided with access to legal clinics, sometimes in mobile form, in order to document cases for submission to courts. Nationally, truth commissions have been established where women have given testimony of the abuses they have suffered in conflict. International tribunals have prosecuted perpetrators of war crimes and crimes against humanity, including sexual violence and rape, and UN resolutions have led to the establishment of national action plans to combat sexual violence in conflict.

While these initiatives have brought about remarkable changes, much more is needed to see an end to crimes of sexual violence. The global community must step up its efforts in putting comprehensive strategies in place that protect women, bring perpetrators to justice, and deliver immediate and long-term services for victims and survivors. A more coordinated effort involving civil society, government, the military and other people working on the ground is required if this issue is going to be adequately addressed.

Significant gaps remain in the effective implementation of international mechanisms and the provision of support and services for those most vulnerable. Incidences such as the mass raping that occurred in Walikale Territory, North Kivu, DRC in July and August 2010, where more than 300 women, girls, men and boys were raped by armed men in four terrible days cannot be repeated. It is unacceptable that such an incident could take place within 30 kilometres of a UN peacekeepers' base where a company of 80 blue helmet troops was stationed.



RECOMMENDATIONS – ENDING SEXUAL VIOLENCE IN CONFLICT

Ending sexual violence in conflict – starting with rape as a weapon of war – will require a concerted global effort. We offer the following recommendations aimed at moving the world towards that goal.

THE CANADIAN GOVERNMENT CAN:

- Become a champion on the international stage for ending rape as a weapon of war and other forms of sexual violence. Canada can take initiative on peacekeeping missions central to women's security and on the advancement of the global women, peace and security agenda at the United Nations and in other international forums.
- Ensure that all Canadian agencies working in conflict and post-conflict states contribute to the end of rape as a weapon of war and other forms of sexual violence. Civilian protection and women's security must be lead priorities. Fully implement *Canada's Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security*, with timely benchmarks for reporting and monitoring that are public and transparent, and that respond to women's perspectives and voices. The plan includes the training of all Canadian military personnel on gender-based violence and protection strategies.
- Include women in battalions during community outreach initiatives and include female police officers in peacekeeping missions.
- Insist on the inclusion of women at peace negotiation tables, highlighting women's security as a major concern in conflict resolution, and promote women's participation in reconstruction efforts.
- End impunity for sexual violence in conflict by supporting politically and financially the International Criminal Court and other international justice mechanisms; supporting national legal and judicial reform, truth, justice and reconciliation commissions, reparations, and transitional justice as important tools for promoting a just peace; and ensuring there is no impunity for the use of sexual violence as a tactic of conflict in cease-fire agreements, peace negotiations and post-conflict reconciliation plans.
- Provide sufficient funding for criminal trials in Canada of war crimes, ensuring that all war crimes cases include charges of sexual violence and drawing on best practices in the treatment of victims and witnesses.
- Amend the State Immunity Act so that foreign governments and their agents can be sued in Canada for torture and war crimes, including sexual violence.
- Provide financial and moral support to women's community-based groups that have a proven track record on both advocacy and survivor support.
- Ensure that the extractive industry (mining) contributes to ending sexual violence in conflict by implementing transparency initiatives that encourage Canadian extractive companies to publically disclose all payments to host governments and other like measures.
- Support security sector reform, including increasing the number of women working in senior levels in the sector and increasing the capacity of people who work in the sector to prevent, respond to and prosecute sexual violence.

THE INTERNATIONAL COMMUNITY CAN:

- Spearhead more concerted and comprehensive coordination between donors and governments, and civil society and survivors to ensure strategies that integrate support to survivors, and prosecution and prevention towards ending sexual violence in conflict.
- End impunity for sexual violence in conflict by supporting the International Criminal Court and other international justice mechanisms – including at the national level.
- Provide long-term and sustained resources to local organizations supporting survivors and human rights defenders to enable long-term planning and the development of best practices.
- Prioritize the views and concerns of women and girls when granting funding and identifying priorities for investment and reconstruction, enabling women and girls to participate politically in reconstruction efforts as required by UNSCR 1325.
- Provide funding for research to better understand the problem of sexual violence in conflict and its ramifications and impact to feed into better responses and recovery strategies – more data is needed.

WHAT CAN THE INDIVIDUAL DO TO END SEXUAL VIOLENCE IN CONFLICT?

SPREAD THE WORD! Explain the issue to your friends, classmates and colleagues. Use social media to highlight women's experiences and support groups.

HELP BREAK THE SILENCE! Tell your local media – radio, newspaper, magazines and television – to raise the profile of sexual violence in conflict. Write letters to editors or discuss the subject on your blog.

EDUCATE! Host an event to educate yourself and others. You can use different sources of media, such as film, news articles, theater, and music to communicate to your audience.

RAISE POLITICAL WILL! Send letters to your elected officials to increase efforts to address sexual violence in conflict.

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Original research article

A family planning clinic partner violence intervention to reduce risk associated with reproductive coercion[☆]

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Abstract

Background: This study examined the efficacy of a family-planning-clinic-based intervention to address intimate partner violence (IPV) and reproductive coercion.

Study Design: Four free-standing urban family planning clinics in Northern California were randomized to intervention (trained family planning counselors) or standard of care. English-speaking and Spanish-speaking females ages 16–29 years ($N=906$) completed audio computer-assisted surveys prior to a clinic visit and 12–24 weeks later (75% retention rate). Analyses included assessment of intervention effects on recent IPV, awareness of IPV services and reproductive coercion.

Results: Among women reporting past-3-months IPV at baseline, there was a 71% reduction in the odds of pregnancy coercion among participants in intervention clinics compared to participants in the control clinics that provided standard of care. Women in the intervention arm were more likely to report ending a relationship because the relationship was unhealthy or because they felt unsafe regardless of IPV status (adjusted odds ratio=1.63; 95% confidence interval=1.01–2.63).

Conclusions: Results of this pilot study suggest that this intervention may reduce the risk for reproductive coercion from abusive male partners among family planning clients and support such women to leave unsafe relationships.

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1. Introduction

The extent and health impact of intimate partner violence (IPV) worldwide have prompted recommendations for screening in clinical settings to identify and assist victims [1–3]. Young adult women utilizing family planning clinics

report higher rates of IPV as compared to their same-age peers [4–6], underscoring the potential of family planning clinics to provide intervention and to serve as a bridge to further services for a large number of women affected by IPV.

The consistent associations of IPV with increased risk for unintended pregnancy, abortion and sexually transmitted infection (STI) [7–21] are increasingly considered to be a result of male coercive behaviors related to sex and contraception [22–26]. “Reproductive coercion” spans both pregnancy coercion (e.g., male partners’ verbal pressure to get women pregnant) and birth control sabotage (e.g., condom manipulation and other active interference with contraceptive methods) and results in women’s compromised decision-making regarding, or limited ability to enact, the use of condom and other contraceptives [4]. The likely role of reproductive coercion in elevating abused women’s

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risk for unintended pregnancy [4,27,28] and other sexual and reproductive health concerns strongly suggests that clinic-based IPV assessments may benefit from addressing reproductive coercion directly.

Moreover, prior research indicates that clinic-based IPV assessment can be the first step in recognizing partner violence [29,30]; thus, discussion of the specific elements of reproductive coercion in the clinical context, such as pressure not to use contraception or fear of condom negotiation, may similarly provide a unique opportunity to enhance women's ability to identify and address such abuse. Expanding IPV screening to include reproductive coercion also provides a context to introduce harm reduction behaviors to assist women in resisting and minimizing the potential impact of such coercion on their health and safety. Currently, family planning counselors and clinicians are urged to assess for IPV among their patient population; however, these protocols do not include assessment tools to identify reproductive coercion, or guidance on counseling patients to reduce their risk for unintended pregnancy based on IPV and reproductive coercion.

Clinical interventions that facilitate awareness of male partner reproductive coercion, as well as strategies for overcoming such coercion, may be critical tools in reducing unintended pregnancy and related abortions. To our knowledge, the currently described and evaluated intervention offers the first harm reduction protocol that assesses for reproductive coercion and focuses on reducing women's risk for unintended pregnancy in the context of IPV. Of note, this reproductive coercion intervention enhances existing standard-of-care practice and does not require additional structures or personnel, maximizing potential sustainability.

The current study evaluates this family-planning-clinic-based intervention using a randomized controlled design, comparing changes in reports of reproductive coercion, IPV, awareness and utilization of IPV-related resources, and relationship status among participants in intervention and control clinics.

2. Materials and methods

2.1. Brief description of intervention and control conditions

The intervention was developed collaboratively by a team of community-based practitioners, IPV advocates and researchers. Delivered by trained paraprofessional reproductive health specialists (RHS; aka family planning counselors), the intervention constitutes an enhanced IPV screening, which focuses first on educating clients about reproductive coercion and the many forms of IPV, specifically ways in which IPV can affect sexual and reproductive health with respect to control of reproductive choices (e.g., birth control use, condom use, pregnancy and timing of pregnancy). Such assessment can be done efficiently during a clinic visit in that the provider asks about IPV or reproductive coercion within the context of why the client is visiting the clinic. For

example, if a client were seeking to change her birth control method, an RHS would ask the client about possible partner influence on her birth control use. In the event of a positive assessment for either IPV or reproductive coercion, the RHS will then assist the patient in identifying harm reduction behavioral strategies specific for the reason the client is visiting the clinic to reduce risk for IPV and reproductive coercion (e.g., minimizing risk for partner interference in birth control by using a hidden method of birth control and/or emergency contraception). Finally, RHS educate women regarding local IPV and sexual assault resources and facilitate utilization of these services by contacting these programs together with the client or by offering a safe space within the clinic for patients to initiate such contact. Business-card-size intervention cards were developed to serve both as an ongoing clinical prompt for staff and as a resource for patients. The RHS reported that the time required to review the intervention card with a client varied from less than a minute to longer discussions if IPV or reproductive coercion was disclosed. As the intervention is designed to be visit-specific and reframes the way providers approach the clinic visit, providers in the intervention clinics reported that the intervention helped to streamline the clinic visit. Thus, the intervention appears to be feasible and replicable, accomplished within time and resource constraints.

Clients attending control clinics received standard of care, which involves responding to two violence screening questions on an intake form that is then reviewed by the RHS: "Have you ever been hit, kicked, slapped or choked by your current or former partner?" "Have you ever been forced to have sex against your will?" Questions concerning reproductive coercion are not included in this standard-of-care assessment. In the event of a positive disclosure in the control clinics, RHS and clinicians follow a standard clinic protocol, including filing any necessary mandated reports, documenting IPV on the client chart and giving the client a list of violence victimization resources.

2.2. Sample and setting

Six free-standing urban family planning clinics in Northern California were recruited to participate in this intervention study, of which four agreed to participate. These four clinics were randomized evenly into intervention and control arms using a computer-generated randomization scheme via SAS (cluster randomization with clinics as the level of randomization) [31]. The providers in the two intervention clinics received the intervention training described above. The two control clinics continued to provide standard of care as described above (i.e., two IPV screening items regarding physical violence and sexual assault on an intake form completed by the client then reviewed by the RHS). This longitudinal study was conducted via a baseline and follow-up survey at 12–24 weeks postintervention; participants were recruited from October 2008 to May 2009, and all follow-up surveys were

completed by October 2009. All English-speaking and Spanish-speaking females ages 16–29 years seeking care in participating family planning clinics were eligible. All female clients were screened by trained research staff for age eligibility upon clinic entry. Eligible women who were interested in participating were escorted to a private area in the clinic for consent and survey administration. As participants were receiving confidential services, parental consent for participation was waived for minors. At the time of consent, participants agreed to be recontacted in 3 months' time to complete a follow-up survey and provided research assistants with at least three methods to contact them.

Evaluation data were collected via an audio computer-assisted survey instrument, a self-administered computer program that allows participants to complete surveys on a laptop computer with questions read aloud through headphones. Each participant received a card listing local violence-related resources, a US\$15 gift card upon baseline survey completion and a US\$25 gift card after the follow-up survey to remunerate them for their time. All materials were provided in English or Spanish based on client preference. All study procedures were approved by the Human Subjects Research Committees at the University of California Davis and the Harvard School of Public Health and also reviewed by the Planned Parenthood Federation of America. The data were protected with a federal certificate of confidentiality.

Clinic staff from all four participating clinics referred eligible female clients ($N=1337$) to research assistants, among which 1207 agreed to complete the survey, resulting in a participation rate of 90.3%. Nine hundred six women returned to complete the follow-up survey, for a retention rate of 75.1%. The primary reasons for nonparticipation at baseline were lack of time and plans to move away from the local area in the near future (these individuals were disqualified based on the study's longitudinal design). Nonparticipants did not differ significantly from participants by age or ethnicity.

Follow-up surveys were completed at each of the four clinics between 12 and 24 weeks after the baseline survey; the mean interval to follow-up was 17.3 weeks ($SD=4.9$). A minority (13.9%) of follow-up participants were unable to return to the clinic due to work schedules or because they had moved out of the area and requested for follow-up survey completion via e-mail. This option was offered only to women 18 years and older and who were able to confirm by phone and e-mail that they had a safe private computer on which to take the survey.

2.3. Participant survey measures

Single items assessed demographic characteristics, including age, ethnicity, education level, nativity and relationship status.

Intimate relationships were defined as "your sexual or dating relationships." Recent (past-3-months) experiences of physical and sexual violence were assessed using items

modified from the Conflict Tactics Scales 2 [32] and the Sexual Experiences Survey [33].

Two domains of reproductive coercion were assessed. *Recent (past-3-months) pregnancy coercion* was assessed using an investigator-developed set of four items:

1. "In the past 3 months, has someone you were dating or going out with told you not to use any birth control (such as pills, shot, ring, etc.)?"
2. "In the past 3 months, has someone you were dating or going out with said he would leave you if you did not get pregnant?"
3. "In the past 3 months, has someone you were dating or going out with told you he would have a baby with someone else if you did not get pregnant?"
4. "In the past 3 months, has someone you were dating or going out with hurt you physically because you did not agree to get pregnant?"

A positive response to any of these items was coded as pregnancy coercion.

Recent (past-3-months) birth control sabotage was assessed via five items. Participants were asked the following:

1. "In the past 3 months, has someone you were dating or going out with taken off the condom while you were having sex so that you would get pregnant?"
2. "In the past 3 months, has someone you were dating or going out with put holes in the condom so you would get pregnant?"
3. "In the past 3 months, has someone you were dating or going out with broken a condom on purpose while you were having sex so you would get pregnant?"
4. "In the past 3 months, has someone you were dating or going out with taken your birth control (such as pills) away from you or kept you from going to the clinic to get birth control so that you would get pregnant?"
5. "In the past 3 months, has someone you were dating or going out with made you have sex without a condom so you would get pregnant?"

A positive response to any of these items was coded as birth control sabotage.

Awareness and recent use of IPV services was measured via the following questions: "Do you know about the following services in your area?" and "Have you used any of the following services in the past 3 months?" Responses included a list of eight local and national services for IPV and sexual assault, with awareness and recent use of services defined as being aware or having used any of these eight services.

Relationship changes from T_1 to T_2 were measured with the following questions: "Have you stopped dating or going out with someone in the past 3 months?" If the respondent said yes, she was prompted to identify the reason for this change; options used for the current analysis include "It was an unhealthy relationship" and "I felt unsafe." Other options (not included in the final analysis) included "We grew apart,"

“It was a mutual decision,” “He left me” and “My feelings changed,” as well as an option to enter another reason.

2.4. Analyses

As the intervention emphasized harm reduction and connection to IPV-related resources, and as these harm reduction discussions and connection to resources were likely to be more relevant to those reporting partner-related abuse, intervention effects were hypothesized to be concentrated among women reporting recent IPV at baseline. Thus, outcome analyses were stratified based on baseline IPV status. Baseline differences in demographic characteristics by intervention status were assessed via chi-square analyses; the significance for all analyses was set at $p < .05$ (Table 1). Prevalence estimates were calculated for recent (past-3-months) IPV, birth control sabotage, pregnancy coercion, awareness of services and recent use of services at baseline (T_1) and on follow-up (T_2). Baseline and follow-up prevalence of key outcomes was described for each arm (i.e., comparing participants from intervention clinics to participants from control clinics), stratified by recent IPV status at baseline (Table 2). The potential effects of the intervention on follow-up measures of birth control sabotage, pregnancy coercion, and awareness and use of IPV-related services were assessed via logistic regression models (Table 3). All available data on follow-up were utilized within an intention-to-treat framework. Models were adjusted for baseline report of the outcome, reason for visit, age, race/ethnicity and immigrant status, and were stratified by past-3-months IPV at baseline to evaluate the impact of the intervention both in the presence and in the absence of recent IPV. In this pilot study, clinics were the unit of randomization. By including the baseline report of the outcome as predictor, our primary assessment of the intervention effect is able to adjust for clinic effects on outcomes that are persistent over time, but we are not able to adjust for time-varying clinic effects that may confound our estimate of the intervention effect (thus increasing the probability of a Type 1 error). Post hoc analyses assessed reports of relationship status changes from baseline to follow-up via chi-square analyses. With maximization of power by utilizing all available data, N varies slightly across outcomes based on missing data (specific sample sizes are noted throughout). Statistical analyses were conducted using SAS, version 9.1 [31].

3. Results

3.1. Demographic characteristics and attrition analyses

Seventy-six percent of the entire sample (across all four clinics) were 24 years of age or younger. These family planning clinics were located in urban neighborhoods predominantly serving communities of color; thus, more than three quarters of the participants identified themselves as non-White. The intervention clinics had more Hispanic/

Table 1

Demographic characteristics of the sample comparing intervention participants and control participants (collected at baseline)

	% ^a	% Among intervention participants	% Among control participants	Chi-square p-value
Age ($n=897$)				
16–20 years	43.6	45.7	41.4	0.438
21–24 years	32.8	31.6	34.0	
25–29 years	23.6	22.7	24.6	
Race/ethnicity ($n=897$)				
White	22.9	22.5	23.2	<0.001
Non-Hispanic Black	27.9	23.6	32.2	
Hispanic	29.7	37.5	21.6	
Multiracial/more than one race	6.7	5.1	8.3	
Asian/Pacific Islander/other	12.9	11.3	14.6	
Relationship status ($n=896$)				
Single/dating more than one person	31.9	32.2	31.6	0.927
In a serious relationship	46.7	47.2	46.1	
Married/cohabiting	19.2	18.3	20.1	
Divorced/separated/widowed	2.2	2.2	2.3	
Education ($n=890$)				
Less than high school	1.9	1.3	2.5	0.375
Some high school	19.8	18.3	21.2	
High school graduate	34.5	36.7	32.3	
Some college or technical school	33.9	34.5	33.4	
Graduated from college or technical school	9.9	9.2	10.6	
Country of origin ($n=899$)				
Born in the United States	83.3	79.9	86.7	0.006
Born outside of the United States	16.7	20.1	13.3	
Reason for visit ($n=897$) ^a				
General ob-gyn	48.8	53.9	43.7	0.002
Abortion-related	9.7	5.7	13.7	<0.001
Birth-control-related	44.0	41.5	46.6	0.123
Emergency contraception	8.0	10.4	5.6	0.009
STI/HIV	23.3	25.4	21.2	0.135

^a Items not mutually exclusive.

Latina participants, while the control clinics had significantly more African-American participants. More intervention clinic participants were born outside of the United States. About one third of all participants described their current relationship status as single or dating more than one person (Table 1).

Among participants who did not return to complete the follow-up survey, there were no differences based on baseline demographics, IPV, birth control sabotage or pregnancy coercion reports, nor differences in attrition between the intervention arm and the control arm.

3.2. Differences in outcomes of interest at baseline and on follow-up

Participants from the intervention and control clinics were similar at baseline in reporting awareness and utilization of services, as well as in experiencing pregnancy coercion in

Table 2
Prevalences of outcomes of interest at baseline and on follow-up for intervention and control participants, by IPV status at baseline

	Total sample		Among women exposed to recent IPV (n=156) ^a		Among women not exposed to recent IPV (n=741) ^a	
	T ₁ [% (N)]	T ₂ [% (N)]	T ₁ [% (N)]	T ₂ [% (N)]	T ₁ [% (N)]	T ₂ [% (N)]
IPV in the past 3 months						
Intervention	21.2 (96)	22.1 (97)	-	-	-	-
Control	13.5 (60)	15.7 (70)	-	-	-	-
Awareness of services						
Intervention	32.7 (147)	47.0 (211)	29.2 (28)	41.1 (39)	33.6 (119) ^a	48.6 (172)
Control	30.8 (138)	48.2 (216)	30.0 (18)	51.7 (31)	31.3 (120)	48.4 (185)
Use of services in the past 3 months						
Intervention	1.8 (8)	13.6 (60)	3.1 (3)	11.6 (11)	1.4 (5)	14.2 (49)
Control	2.2 (10)	16.7 (75)	10.0 (6)	17.0 (10)	1.0 (4)	17.0 (65)
Birth control sabotage in the past 3 months						
Intervention	10.7 (47)	4.4 (18)	24.2 (23)	9.3 (8)	7.0 (24)	3.1 (10)
Control	7.0 (31)	4.8 (20)	17.0 (10)	8.5 (5)	5.6 (21)	4.2 (15)
Pregnancy coercion in the past 3 months						
Intervention	9.3 (41)	7.5 (31)	23.2 (22)	10.5 (9)	5.5 (19)	6.8 (22)
Control	7.9 (35)	7.6 (32)	25.4 (15)	23.7 (14)	5.3 (20)	5.0 (18)

T₁=baseline survey; T₂=follow-up survey.

^a Outcomes may have small amounts of missing data.

the past 3 months. At baseline, intervention clinic participants overall were somewhat more likely to report past-3-months birth control sabotage (11% versus 7% in control clinics; $p=.054$) and were significantly more likely to report past-3-months IPV (21% versus 14%; $p=.002$). Baseline differences between respondents reporting recent IPV and respondents reporting no recent IPV are shown in Table 2.

3.3. Intervention effects by baseline IPV status

Among women who reported at baseline having experienced IPV in a relationship with a male partner in the past 3 months, those women who were exposed to the intervention demonstrated a 71% reduction in the odds of pregnancy coercion compared to participants in the control clinics [adjusted odds ratio (AOR)=0.29; 95% confidence interval (95% CI)=0.09–0.91] (Table 3). However, among women not reporting past-3-months IPV, the intervention was not associated with a significant change in reports of pregnancy coercion on follow-up (AOR=1.63; 95% CI=0.80–3.34). There were no significant changes in past-3-months IPV on

Table 3
Intervention effects stratified by recent partner violence

Outcome	Among women exposed to recent IPV ^a [AOR (95% CI)]	Among women not exposed to recent IPV ^a [AOR (95% CI)]
Awareness of services	0.66 (0.31–1.42)	1.07 (0.77–1.48)
Use of services	0.89 (0.31–2.53)	0.87 (0.57–1.34)
Birth control sabotage	0.71 (0.17–2.94)	1.00 (0.41–2.43)
Pregnancy coercion	0.29 (0.09–0.91)	1.63 (0.80–3.34)

Recent IPV refers to IPV (physical and/or sexual violence) in the past 3 months reported at baseline.

^a AOR of intervention versus control for T₂ outcomes, estimated in logistic regression models that were adjusted for age, race/ethnicity, immigrant status, reason for visit and baseline (T₁) report of outcome.

follow-up for women in either the intervention arm or the control arm, regardless of IPV status at baseline.

Awareness of IPV-related services and reports of utilization of those services increased in both the intervention group and the control group (McNemar's test, $p<.001$; Table 2). These increases did not differ between the intervention arm and the control arm (Table 3).

3.4. Changes in relationship status

Bivariate analyses of relationship change from baseline to follow-up were conducted post hoc to assess whether intervention exposure was associated with a greater likelihood of such changes. Across the total sample (i.e., not stratified based on baseline IPV status), more women in the intervention arm than in the control arm reported having stopped dating or going out with someone during the past 3 months ($p<.001$) and having stopped going out with someone in the past 3 months because the relationship was unhealthy or they felt unsafe ($p=.013$) (Table 4). Analyses stratified by recent IPV at baseline indicate that these differences were not due to a greater number of women reporting recent IPV in the intervention arm. Models adjusted for age, ethnicity, immigrant status, reason for visit and report of recent IPV at baseline demonstrated a significant difference between the intervention group and the control group in respondents reporting ending a relationship and in respondents reporting leaving because the relationship was unhealthy or because they felt unsafe.

4. Discussion

Exposure to this brief and sustainable intervention to reduce male partner reproductive coercion was associated with a large reduction in pregnancy coercion among women

Table 4
Relationship status change from baseline to follow-up

	Total			Among women exposed to IPV			Among women not exposed to IPV			Total AOR ^a (95% CI)
	Intervention (n=453) [% (N)]	Control (n=451) [% (N)]	Chi-square p-value	Intervention (n=96) [% (N)]	Control (n=60) [% (N)]	Chi-square p-value	Intervention (n=357) [% (N)]	Control (n=384) [% (N)]	Chi-square p-value	
Stopped dating or going out with someone in the past 3 months	37.1 (168)	26.8 (121)	<0.001	52.1 (50)	45.0 (27)	0.389	33.1 (118)	24.0 (92)	0.006	1.54 (1.13, 2.10)
Stopped going out with someone in the past 3 months as relationship unhealthy or she felt unsafe	13.0 (59)	8.0 (36)	0.013	29.2 (28)	20.0 (12)	0.202	8.7 (31)	6.0 (23)	0.159	1.63 (1.01, 2.63)

Recent IPV refers to IPV (physical and/or sexual violence) in the past 3 months reported at baseline.

^a Adjusted for age, race/ethnicity, immigrant status, reason for visit and report of recent IPV at baseline.

who had recently experienced IPV. Post hoc analyses suggest that intervention exposure was also associated with leaving a relationship because it was unhealthy or because the woman felt unsafe, perhaps partially explaining the observed reduction in reproductive coercion experiences. While intervention participants reported greater awareness of services and utilization of services on follow-up, this increase did not differ significantly from control participants. Findings suggest the utility of an intervention that educates women about reproductive coercion and promotes harm reduction strategies and possibly ending abusive relationships, which may lead to reduced experiences of reproductive coercion. Larger-scale and longer-term studies are necessary to assess the potential for this type of intervention to improve clinical outcomes, specifically unintended pregnancy.

These findings should be interpreted in the context of several limitations. First, as a pilot study, the small number of clusters (i.e., clinics; $n=4$) and the relatively small number of participants resulted in a design underpowered to assess key outcomes of interest. To compensate for this, we used an analysis strategy that assumed that heterogeneity arising from unmeasured clinic-level effects was not present — an assumption that, if violated, could cause us to understate our actual Type I error probability. In addition, the interval to follow-up was short; the 12-week to 24-week follow-up interval precluded examining longer-term clinical outcomes such as unintended pregnancy. Third, the differences in demographics across clinics at baseline, while adjusted for in the outcome analyses, may reflect other unmeasured clinic differences that are not accounted for in our analyses. Fourth, as women in the intervention arm were not asked specifically about whether their leaving a relationship (between baseline and follow-up) was related to their receiving the intervention, we cannot ascertain the extent to which exposure to the intervention may have contributed to this finding. Adjusted models indicate a significant difference between intervention and control in patients leaving a relationship because it felt unhealthy or because the women felt unsafe, suggesting that these differences in outcome could be attributable to exposure to the intervention. Of note, no changes in clients'

reports of recent IPV emerged at the 3-month follow-up; the close interval to follow-up may have been too short to see substantial reductions in IPV overall. Finally, findings from this nonrepresentative sample from four family planning clinics in one Northern California region cannot be generalized to all family planning clinic clients. A larger cluster-randomized controlled trial with a greater number of clusters, more participants from geographically diverse clinics and longer-term follow-up with assessment of clinical outcomes is needed.

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Editorial

Reproductive coercion: connecting the dots between partner violence and unintended pregnancy[☆]

Reproductive health professionals are in a critical position to reach women victimized by abusive relationships. In the general population, physical and sexual violence victimization by an intimate partner affects an estimated one in four women across the life span, with one in five adolescent girls reporting such abuse [1–3]. The prevalence of intimate partner violence reported among women utilizing sexual health services and seeking care in gynecologic and adolescent clinics is generally double these population-based estimates [4–7]. This is not surprising, as such victimization is consistently associated with increased pregnancy and sexually transmitted infection (STI), with abused women demonstrating disproportionately higher rates of seeking care at family planning and other health services related to sexual health, such as HIV and STI testing [8–16].

Moreover, mounting evidence that unintended pregnancy occurs more commonly in abusive relationships highlights that victimized women face compromised decision making regarding contraceptive use and family planning, including condom use [17–22]. Forced sex, fear of violence if she refuses sex and difficulties negotiating contraception and condom use in the context of an abusive relationship all contribute to increased risk for unintended pregnancy and STIs. Thus, in settings where women seek care for sexual and reproductive health services, providers are well situated to build a bridge to further services for a significant number of women affected by partner violence. We suggest that providers can actually do more than simply offering a woman victim advocacy hotline numbers, based on new research findings.

In the April issue of *Contraception*, we highlighted a phenomenon we labeled “reproductive coercion”: explicit male behaviors to promote pregnancy (unwanted by the woman). Reproductive coercion can include “birth control sabotage” (interference with contraception) and/or “preg-

nancy coercion,” such as telling a woman not to use contraception and threatening to leave her if she doesn’t get pregnant [23–26]. While reproductive coercion was associated with unintended pregnancy in our study, we found that the risk for unintended pregnancy doubled among those women reporting both partner violence and reproductive coercion. This is certainly not surprising, as women in abusive relationships are more likely to fear the consequences of resistance to such coercive behaviors.

Reproductive coercion provides a new lens on contraceptive decision making and counseling women regarding pregnancy prevention options. This evidence linking partner violence, male influences on contraceptive decision making and unintended pregnancies underscores the need to strengthen connections between family planning practices and policies with efforts to reduce intimate partner violence [27]. Reproductive health care providers should receive specific tools to assess for reproductive coercion and strategies to help affected clients. These tools and strategies include safety cards and posters that educate clients about reproductive coercion and methods of contraception that partners cannot interfere with (i.e., intrauterine devices, injectable contraceptives), policies that ensure clients have access to emergency contraception as well as longer acting and hidden forms of contraception, and training for providers on how to offer referrals to domestic violence hotlines and shelter resources. Planned Parenthood Federation of America has been working in tandem with the Family Violence Prevention Fund to implement these tools and strategies. This effort began with Planned Parenthood Shasta/Diablo (partner in this recent study) and has continued with affiliates in Los Angeles and Santa Barbara.

Screening and counseling related to reproductive coercion have benefits even for patients who may not currently identify themselves as being in a coercive relationship. Conversations on this topic may encourage women to recognize how an unhealthy relationship might be constraining her reproductive autonomy and affecting her health, while simultaneously providing an opportunity to introduce strategies to protect her sexual and reproductive health.

For adolescents in particular, assessment of a male partner’s reproductive coercion may help to explain a

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young woman's inconsistent contraceptive use. Education and harm reduction strategies may be especially helpful for this population, as teens may misinterpret a partner's controlling behaviors as evidence of his love, may not recognize such behaviors as abusive or coercive and may be particularly susceptible to such tactics based on conflicting peer pressures as well as her own ambivalence regarding pregnancy. Prior to assuming that a non-adherent teen needs additional education or motivation, assessment for partner violence and reproductive coercion may help to identify those young women struggling in an unhealthy relationship.

This work also has important implications for pregnancy prevention programs. Comprehensive sexuality education curricula that integrate discussions of partner violence, reproductive coercion and the contrast with healthy relationships are desperately needed. This information might increase girls' and women's self-efficacy in negotiating contraceptive and condom use while providing skills and knowledge on how to seek help for an unhealthy relationship. Of course, prevention programs that directly engage men and boys in reducing unintended pregnancy and promoting healthy, respectful, gender-equitable relationships are also needed.

Many questions emerge from this initial study. Pregnancy-controlling behaviors are certainly not exclusive to abusive relationships, but women experiencing partner violence appear to be at higher risk for experiencing reproductive coercion, and the experience of partner violence amplifies the impact of such coercion on women's risk for unintended pregnancy [6,23,24]. How reproductive coercion operates in the absence of violence requires further study. In addition, does partner violence manifest before attempts to control a woman's pregnancy and the outcomes of that pregnancy? Or do coercive behaviors that include attempts to control her body and reproductive outcomes foreshadow physical and sexual violence in the relationship? And related to this, why might men engage in such controlling behaviors? How do they recognize and understand reproductive coercion? And finally, what might we do to reduce the prevalence of this range of behaviors among young men?

In conclusion, the addition of this concept of reproductive coercion may help providers in reframing inconsistent contraceptive use, moving us away from regarding this simply as a woman's problem with noncompliance. We in the reproductive health field must strive to create sensitive, stigma-free spaces for women struggling in unhealthy relationships and contribute concretely towards promoting their safety and reducing their risk for unintended pregnancy.

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Science of Batterer Treatment: Outcomes

*Superior Court Judges'
Spring Conference*
April 27, 2010

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What Works?



1. WSIPP researcher gathers all the studies she can locate on a topic.

2. She applies "standards of evidence" to identify the high quality studies.

3. She analyzes all of the high quality studies to estimate an average effect.

Batterer Treatment

Most DV treatment programs are based on a model developed in Duluth.

The Duluth model assumes that:

- Abuse is instrumental behavior used by males to gain or retain power over women.
- Changing offender attitudes toward women and sex roles is key to reducing abusive behavior.

**Effects of DV Treatment
On Crime**

We found nine rigorous evaluations of DV treatment programs (2,255 men)

On average:

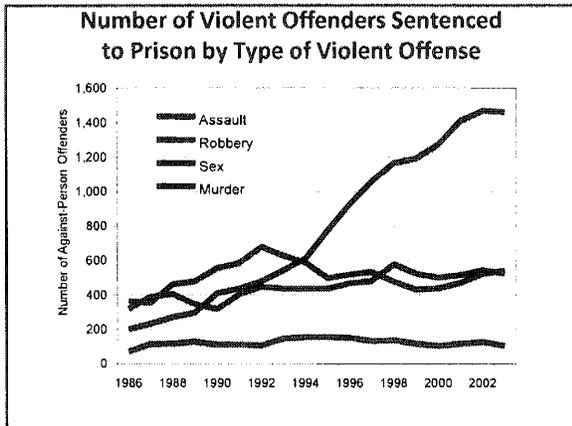
- No effect of treatment on domestic violence recidivism
- No effect of treatment on other criminal recidivism

**Effects of Batterer Treatment
In Washington State**

No comparison group studies to date

Thus, we don't know if programs in Washington are more effective than those evaluated elsewhere

Based on current evidence, a victim whose batterer is ordered to treatment is no safer than one whose batterer is not ordered to treatment.



Other Approaches for DV Offenders

Domestic violence courts

- Coordinated effort among
 - Criminal justice
 - Social service partners
 - DV Investigators
- Two studies to date with mixed results

Domestic violence couples therapy

- One study, hard to interpret, naval base

Other Approaches for DV Offenders

Judicial monitoring

- DV offenders seen regularly in court during probation period
- One study indicating no effect on recidivism

Other approaches not yet evaluated

- Mind-body approach
- Faith-community
- Coordinated community response

Other Tools for DV Offenders

Tools for Assessing Risk of DV Reoffending

Several assessment tools for DV offenders that predict the risk of re-offense based on offender characteristics

- Ontario Domestic Assault Risk Assessment (ODARA)
- Domestic Violence Risk Appraisal Guide (DVRAG)

Assist courts and clinicians identify those offenders that pose the greatest risk

Decrease the chances that the most dangerous offenders will “fall through the cracks”

DV Offenders Are Not “Specialists”

Criminal history (Massachusetts)

- 26% DV
- 56% any violent crime
- 52% property
- 58% drug/alcohol

Recidivism in Seattle:

- 60% percent of recidivism was for crimes other than DV

Other Programs for Offenders Can Reduce Recidivism

Program	Crime Reduction
Cognitive-Behavioral	7%
Adult drug courts	9%
Intensive supervision with treatment	18%

Summary

- Batterer treatment programs do not appear to reduce recidivism.
- Not enough evidence to draw conclusions about other batterer-specific programs or approaches.
- Most batterers are not specialists.
- They may also respond to programs shown to be effective for the general offender population.

Thank you!

Questions?

Preventing Violence and Promoting Safety in Higher Education Settings

*Overview of a
Comprehensive Approach*



The Higher Education Center
for Alcohol and Other Drug Abuse
and Violence Prevention
Funded by the U.S. Department of Education

Preventing Violence and Promoting Safety in Higher Education Settings: Overview of a Comprehensive Approach

by Linda Langford, Sc.D.

Institutions of higher education (IHEs) are often regarded as sanctuaries, protected environments where young people explore great ideas in a collegial atmosphere and make lifelong friendships. Consequently, incidents of violence on campus are particularly shocking for the extended campus community, evoking questions about whether there is any safe haven. An abundance of evidence indicates that in fact campuses are not immune from such incidents. There are many types of campus violence—including rape, assault, fighting, hazing, dating violence, sexual harassment, hate and bias-related violence, stalking, rioting, disorderly conduct, property crime, and even self-harm and suicide. While grappling with these complex problems is challenging, lessons learned from community-based prevention research point to a set of best practices to guide the development, implementation, and evaluation of interventions to improve campus health and safety.

This publication was developed to help campuses prevent violence and promote safety. It reviews the scope of campus violence problems, describes the wide

array of factors that cause and contribute to violence, outlines a comprehensive approach to reducing violence and promoting safety on campus, and lists specific recommendations that administrators, students, faculty, staff, and community members can follow to review and improve their policies and strengthen their programs and services. The document concludes with vignettes describing initiatives specific campuses have undertaken to reduce violence and promote a safe environment.

Scope of the Problem

Estimates of campus violence range widely due to both the underreporting that skews official statistics and the use of differing definitions and data collection methodologies in surveys. Existing data indicate, however, that a substantial minority of college students experience some type of violence and related consequences. According to one nationally representative survey of college students, approximately 17 percent of students reported experiencing some form of violence or harassment in the previous year.¹

Common forms of campus violence include sexual and interpersonal violence. A 1997 national telephone survey found that 1.7 percent of college women had experienced a completed rape and 1.1 percent an attempted rape in the seven months prior to the study. Projecting these figures over an entire calendar year, the survey's authors concluded that nearly 5 percent of college women might be victimized annually and that up to 25 percent might be assaulted by the end of their college years. In the same

study, 13 percent of college women reported they had been stalked during the seven-month period.² Other studies, using varying definitions, estimate that from 20 to 50 percent of students experience dating violence by the end of college.^{3,4} In addition, 13.2 percent of college students report having been in a physical fight in the past 12 months,⁵ 8.5 percent report carrying a weapon in the past 30 days,⁵ and 4.3 percent report "having a working firearm with them at college."⁶

Hazing is also a common concern. Of the 25 percent of National Collegiate Athletic Association (NCAA) athletes who responded to a 1999 Alfred University survey, 79 percent had experienced some form of hazing, and 51 percent of respondents had been required to participate in drinking contests or alcohol-related hazing. Approximately 20 percent of the respondents reported what the authors called "unacceptable and potentially illegal" hazing.⁷

Hate and bias crimes occur all too frequently on campus. A 1998 study estimated that an average of 3.8 hate crimes per campus occurred that year, 80 percent of them motivated by the victim's race or sexual orientation.⁸ In a study of gay and lesbian students, 42 percent reported experiencing some level of physical aggression due to their sexual orientation.⁹

Victims of violence experience a wide variety of physical and emotional consequences, often leading to social and academic difficulties.¹⁰ Violence can lower the quality of life for all campus constituents, who may become fearful and

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restrict their activities out of concern for safety. In addition, violence affects the bottom line for colleges by increasing costs, lowering retention, and absorbing resources that could otherwise be used to further the academic mission.

What Causes Violence?

Studies have found that no single factor causes violence. Researchers have identified many determinants, including both individual characteristics and attributes of campus and community environments.¹¹ These factors can be organized according to a “social ecological framework,” a commonly used public health model. This model recognizes that health- and safety-related behaviors are shaped through multiple levels of influence—individual, group, institutional, and community as well as public policy and societal factors.^{12, 13} The nature and strength of these factors will vary across settings and by type of violence.¹¹

In a campus community, the following are examples of possible influences at each level:

- *Individual* factors, such as student, faculty, and staff attitudes and beliefs about violence; skills for negotiating conflict.
- *Interpersonal or group* processes, such as group norms regarding appropriate behavior; responses of bystanders to violence.
- *Institutional* factors, such as campus policies and procedures; existence of high-risk settings that contribute to violence; high levels of alcohol consumption in the campus environment.
- *Community* factors, such as high rates of violence and drug selling in the surrounding community; extent of community law enforcement.
- *Public policy and societal influences* that influence campus life and students, including the existence and

enforcement of federal, state, and local laws and statutes; cultural contributors such as male gender role socialization and media images that glamorize violence.

Any given violent event typically results from a convergence of some or all of the above factors. The National Research Council concluded: “A violent event requires the conjunction of a *person* with some (high or low) predisposing potential for violent behavior, a *situation* with elements that create some risk of violent events, and usually a *triggering event*” (emphasis added).^{*, 11}

The complexity of violence suggests that efforts to reduce violence will require multicomponent initiatives designed to address the array of contributing factors. In addition, efforts should take into account the typical dynamics of campus violence. For example, most incidents of campus sexual assault are perpetrated not by a stranger who jumps out of the bushes but by someone known to the victim.²

Addressing Campus Violence

Campus administrators understandably struggle with their roles and responsibilities with respect to influencing student behavior. While some incidents of violence are unpredictable, it is possible to identify and reduce the factors that make violence more likely. Recent court decisions reflect a growing expectation that campuses will deal proactively with these foreseeable risks to students.¹⁴ Thus, campuses must consider whether there are factors within their control that might contribute to the likelihood of violence or injury.

*A “triggering event” is a description of the immediate circumstances surrounding an act of violence and is not intended to convey a lack of agency or responsibility by perpetrators. A triggering event can occur at a social level, e.g., the football game that precedes a riot, or within an individual, e.g., a cognitive error in information processing that impairs decision-making.

Failure to institute basic measures such as educating students about common types of violence, creating and enforcing strong policies, implementing comprehensive alcohol prevention efforts, and reviewing incidents with the aim of preventing future problems may expose institutions to legal action. By identifying and adequately addressing local conditions that contribute to violence, individual campuses reduce both the probability of harm and the likelihood of a successful lawsuit, while also enhancing the learning environment.

While avoiding liability is desirable, recent legal and scientific work urges administrators to broaden their view beyond a “rules and regulations” orientation in order to foster a safe, healthy, and civil campus environment.^{14, 15} Violence prevention and safety promotion should be seen as part of the broader mission of any institution of higher education, namely, to create a context in which all campus constituents flourish both academically and personally.

The Need for Prevention

Often, responses to violence focus on reacting to specific incidents, typically relying on disciplinary measures or the criminal justice system. Such efforts are essential to maintain a safe environment, and strong enforcement sends a clear message about an institution’s intolerance for violent behavior. A comprehensive approach to violence, however, also includes complementary measures aimed at early intervention and prevention. As the social ecological model suggests, campuses must seek to minimize the broad spectrum of factors that contribute to violence, as identified through a local assessment of campus conditions. A comprehensive program will include approaches such as the following:

- Addressing attitudes, beliefs, perceptions, and skills that contribute

to violence through education, skill building, curriculum infusion, and other efforts.

- Supporting healthy group norms and promoting bystander intervention.
- Conveying clear expectations for conduct among students, faculty, staff, and visitors.
- Creating and disseminating comprehensive policies and procedures addressing each type of violent behavior, and instituting training programs to ensure that policies are followed and enforced.
- Providing a range of support services for students, including mental health services, crisis management, and comprehensive and compassionate services for victims.
- Helping students to avoid harm through such measures as escort services and self-defense classes.
- Establishing comprehensive alcohol and other drug prevention programs.

Some of these approaches, such as escort services and self-defense classes, are already common on campuses. While such risk reduction efforts can be an important part of an overall approach, they focus on protection against assaults by strangers and target only potential victims. Therefore, these measures must be supplemented with other programs and policies targeting violence among acquaintances, friends, and intimates and addressing potential perpetrators and bystanders.

Given the complexity of violent behavior and the diversity of settings, structures, cultures, and students among campuses, there is no simple, one-size-fits-all solution for violence in higher education settings. Officials at each institution must design a program that meets their particular circumstances and needs.

Recommendations

In recent years a consensus has emerged from community-based prevention research about the best practices for developing, implementing, and evaluating interventions designed to reduce health and safety problems. Taken together, these lessons from prevention science suggest a number of clear principles that should govern efforts to address campus violence.

Principles for Designing Effective Campus Violence Interventions

Interventions should be

- **prevention-focused** in addition to response-focused
- **comprehensive**, addressing multiple types of violence, all campus constituents, and on- and off-campus settings
- **planned and evaluated**, using a systematic process to design, implement, and evaluate the initiative
- **strategic and targeted**, addressing priority problems (and their risk and protective factors) identified through an assessment of local problems and assets
- **research-based**, informed by current research literature and theory
- **multicomponent**, using multiple strategies
- **coordinated and synergistic**, ensuring that efforts complement and reinforce one another
- **multisectoral and collaborative**, involving key campus stakeholders and disciplines
- **supported** by infrastructure, institutional commitment, and systems

The following recommendations build upon the above principles, providing

concrete actions that individual campus and community teams can use to assess their campus and community conditions, set priorities, and implement well-designed strategies.

Campus and community teams should do the following:

1. Use multiple, coordinated, and sustained intervention approaches designed to achieve synergy among program components.

Most campuses already have some programs, policies, and systems in place to address violence. However, many educational efforts are one-time programs, and they are rarely coordinated with other policies or services. Some may even present conflicting or confusing messages. Prevention research shows that coordinated and sustained activities are more effective than one-time programs. Ensuring that multiple efforts are coordinated and synergistic is the *single most important way* in which practitioners can improve their initiatives against violence. For example, programs such as staff training on policies and procedures, student educational programs, and disciplinary actions for policy violations should all be examined to ensure that their messages are consistent. The remainder of these recommendations provide additional guidance for coordinating and integrating multiple strategies.

2. Engage in a “problem analysis” to assess local problems and resources, which will inform specific goals and objectives.

To be effective, programs must be based on data that reveal the most serious local problems and the factors that contribute to them. For example, one campus may experience problems with fights outside bars in the local community, whereas another may be faced with high rates of sexual assault in on-campus fraternity houses. Such dissimilar problems require very different sets

of intervention strategies. A thorough review of campus conditions also can help college administrators identify campus assets and existing initiatives that can be mobilized as part of a coordinated and comprehensive campus response. Helpful sources for the problem analysis include statistics, policies, and programs compiled to comply with the Clery Act¹⁶ and the Drug-Free Schools and Communities Act (DFSCA).¹⁷ Additionally, campuses may (1) survey students to obtain information about behaviors, knowledge, norms, and skills; (2) perform environmental scans;¹⁸ (3) conduct regular safety audits;^{19, 20} and (4) collect information from key campus stakeholders to document existing efforts and priority concerns. The planning team should analyze the collected data to identify specific problems and their contributors, articulate the conditions that need to be changed, and translate the campus's needs into concrete goals and objectives.

3. Draw on existing research, theory, and logic to decide what strategies might work to solve the targeted problems.

Keeping in mind the specific problems and their contributors identified in step 2, planners should examine existing research and theory to determine how best to make changes. The key is to remain focused on local problems rather than to adopt initiatives that seem generally promising but do not address the locally identified issues. For example, if the problem analysis found that fights in residence halls usually involved unaccompanied outside visitors, the planning team would look for programs, policies, and procedures that have been effective in monitoring and supervising visitors to campus.

Good sources for such promising strategies are evaluations of efforts designed to address similar problems in both campus and community settings. Reviews of "best practices" for

community and youth violence prevention compiled by federal agencies may provide programs, policies, and services that can be adapted to campus settings (see "Non-Campus Best Practice Reviews" in the Resources section of this publication). In the absence of evaluated strategies, intervention approaches may be based on behavioral or other theories.^{21, 22}

While practitioners at other campuses can be an invaluable source of information to help generate ideas and avoid stumbling blocks, it is advisable not to adopt programs and policies from other campuses uncritically. Planners should examine any strategy under consideration to determine whether it has empirical or theoretical support and whether it is a match for their own local problems and conditions.

4. Create a logic model and program plan.

Regardless of the source of programming ideas, planners should choose programs and policies based on the likelihood of their achieving the defined goals and objectives. There should be a logical connection between program activities and desired results. Many campus teams find it useful to create a "logic model," a diagram illustrating how each planned activity will contribute to the long-term goal of reducing campus violence.²³ In addition, to ensure that the initiative stays on track, it is helpful to create a detailed work plan that lists specific tasks, states who is responsible for each, and sets out a timeline for completing those tasks.

5. Build infrastructure to support planning and implementation efforts, including partnerships and collaborations, institutional support, and systems.

In order to succeed, planned initiatives require supportive infrastructure, defined here as the broad range of resources, systems, and processes need-

ed to develop, implement, and evaluate interventions. While developing infrastructure will not by itself reduce violence, these components are critical for creating the strategic changes needed to improve campus safety. Important types of infrastructure for such efforts include partnerships and collaborations, institutional support, and systems.

Partnerships and Collaborations.

Because violence is a multifaceted problem, solutions must engage multiple campus and community stakeholders. Most violence-related issues will require consultation with numerous stakeholders, including representatives from campus law enforcement, campus judicial or disciplinary systems, student affairs, health services, counseling, health education, victim advocacy, students, faculty, and parents. Campus legal counsel and risk managers should ensure that policies and programs comply with federal, state, and local laws. Other departments that may be involved include equity, diversity, or social justice offices; residence life; admissions; fraternities and sororities; athletics departments; and human resources. Some initiatives, such as those involving threat assessment or crisis management teams, also might draw on multiple departments. Because many violent offenses on campuses involve alcohol, some campuses have developed task forces specifically to coordinate violence interventions with alcohol and other drug prevention efforts. In addition, because problems are rarely confined within campus boundaries, campus officials will need to engage members of the surrounding community in order to make systematic and lasting changes.

Research suggests that successful partnerships share such qualities as an inclusive and broad-based membership; a strong core of committed partners; a shared vision for the group's work; effective and stable leadership; adequate staff support; clearly defined roles and

responsibilities; concrete goals and objectives; and avoidance or resolution of severe conflict.^{24, 25} There is, however, no one partnership structure that will work for every campus at all times, and campus officials are encouraged to think strategically about which structure best meets their current needs. For example, an institution addressing off-campus student riots would need to work with a broadly inclusive campus and community coalition from the start, whereas a campus that is revising the student conduct code may start with a campus-based task force, expanding the group's membership or consulting community representatives to address off-campus issues. To facilitate cooperative working relationships and information sharing across departments and agencies, campuses should consider creating formal and informal interagency agreements.

Institutional Support. Without high-level support, efforts to address violence will languish. College presidents must establish campus violence prevention as a priority and to that end provide support and funding for planning, implementation, and evaluation processes. Administrators also should assist program directors in their efforts to obtain external funding.

A common barrier to implementing proposed initiatives is lack of staff time. Simply put, efforts that are inadequately staffed are unlikely to succeed. It is essential for planning teams to specify whose staff will implement each effort and to create a system of accountability for follow-through. Ideally, every campus should have a dedicated office or staff person to coordinate programs, policies, and services addressing violence.

Systems. In some cases, institutional systems may actually hinder violence intervention efforts. For example, the problem analysis may reveal that data sharing is difficult. In this case, campus

officials might create a new data system, shared between campus security and judicial systems, to facilitate the collection and use of crime and disciplinary data by both departments. Other strategies may require creation of specialized infrastructure, for example, cross-departmental teams devoted to crisis management or threat assessment.

6. Evaluate programs, policies, and services, and use results for improvement.

Given that resources are scarce, it is imperative to use them both efficiently and effectively. The key to ensuring accountability is to evaluate whether initiatives are achieving their intended outcomes. Long-term financial support for violence intervention, whether it comes from outside sources or is part of a college's regular budget, will be available only if evaluation results warrant it.

Because most program planners associate evaluation with measuring results, they often delay thinking about it until after a program is up and running. To be most effective and useful, however, the evaluation should be planned as the program is being developed. Building this component into the process from the outset will sharpen everyone's thinking about the program—its mission, goals, objectives, and tactics. Additionally, planning teams can use evaluation results to revise and improve their programs to maximize their effectiveness. Including a professional evaluator on a project team helps to ensure that outcome-based thinking is an integral part of the project's design and implementation.²⁶

Conclusion

Campus violence is a complex problem, and there are no easy answers. It cannot be solved by a one-time program or a single department, nor is there a one-size-fits-all blueprint for successful efforts. Rather, prevention science suggests a set of *principles* and a *process* that

campus and community stakeholders can use to guide their work. Senior administrators must exercise leadership by establishing and supporting a long-term, collaborative process to create and sustain a comprehensive, strategic, multicomponent, coordinated approach to preventing violence and promoting safety on campus. This process will bring together multiple partners in order to examine local data; identify and prioritize local problems; target those problems with an appropriate mix of strategies; construct a logic model, work plan, and evaluation plan; create infrastructure to support implementation; and evaluate the effectiveness of these efforts. This strategic planning process can be used to formulate integrated initiatives addressing specific subtypes of violence and to coordinate efforts across different types of violence.

While this process may seem burdensome, ultimately there is no other way to ensure that scarce campus resources are well spent. Despite the challenges, many campus communities have begun to establish long-term initiatives and share lessons they have learned. Ongoing efforts to prevent violence and promote campus safety require dedication, commitment, resources, and persistence, but they are a necessary investment if all campus constituents are to reach their full potential. This view is summarized eloquently by the National Association of Student Personnel Administrators: "A safe campus environment is one in which students, faculty, and staff are free to conduct their daily affairs, both inside and outside the classroom, without fear of physical, emotional, or psychological harm. Personal safety is a basic human need that must be preserved if the mission of the university is to be pursued."²⁷

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What Campuses Are Doing

Given that no single approach to violence and safety will work for every campus, the following vignettes illustrate targeted interventions implemented by individual campuses in response to an identified need or problem. Each of these programs follows the principles and process described above for developing successful initiatives.

Multicomponent Approach to Campus Violence

University of Northern Colorado

The University of Northern Colorado's (UNC) approach to violence includes complementary and coordinated initiatives designed to support victims, hold perpetrators accountable, and minimize violent incidents. The university has introduced strong administrative policies and procedures, rigorous admissions standards, crime prevention and awareness programs, proactive policing, management of the physical environment (lighting, vegetation, emergency telephones), and other prevention and intervention initiatives such as peer education, a men's program, and services for survivors.

"Stop, Look, Listen" (SLL), UNC's unique and comprehensive safety program, is a two-hour workshop *required* for all incoming freshmen. SLL explores a variety of health and safety issues geared toward promoting personal health and safety, and it emphasizes discussions concerning sexual assault and alcohol consumption.

These measures are strengthened further by ongoing review of incidents and potential problems, campus and community partnerships,

coordinated alcohol and violence reduction efforts, and a strong emphasis on victim support.

UNC's efforts are based on firm policies combined with rapid and consistent enforcement. All campus constituents are urged to report incidents. Campus policy requires all alleged sexual offenses to be investigated; when appropriate, cases also are referred to the local district attorney. Graduated administrative sanctions are based on the principle of student accountability, and penalties provide for potential removal of problem individuals if deemed appropriate. Emphasis is placed on supporting and protecting victims during the disciplinary process. A cross-departmental committee meets regularly to ensure that policies and procedures are appropriate, to locate loopholes in existing policies, and to revise and initiate policies as needed.

UNC holds a variety of prevention education programs throughout the year, including a required workshop for first-year students at summer orientation. To ensure that messages concerning the need to prevent alcohol use and sexual assault are consistent, these sessions are led jointly by campus law enforcement and alcohol and other drug prevention staff. The Student Code of Conduct further highlights the link between alcohol and sexual assault by noting that "voluntary intoxication is NOT an excusable justification for inappropriate or illegal behavior." *Victims* of crime, however, are rarely sanctioned for alcohol consumption or possession, and sexual assault victims, in particular, are never sanctioned.

Additional personal safety, sexual assault prevention, and alcohol prevention education programs are held throughout the year. These educational efforts include information about advocacy services available to victims.

Other initiatives address the physical environment. Each year, campus police conduct visual security surveys and facility audits to scan for physical hazards and unsafe areas. An array of measures has been instituted as a result: emergency telephones, electronic alarm systems, a high-security lock/key system, regular trimming of vegetation, and registration for bicycles and other items of value. Walking and golf cart escort services are available.

UNC police take a proactive approach to crime prevention. Campus areas are actively patrolled by police officers, and officers participate in the ongoing safety audits and educational programs described above. In addition, mutual aid agreements between UNC and local police allow for shared training, mutual assistance, and systematic reporting to campus officials of incidents in areas adjacent to campus.

A campus and community committee, Sexual Assault Free Environment (SAFE), which meets monthly, includes representatives from the assault survivors advocacy program (ASAP), the counseling center, the dean of students, residential life, campus police, the alcohol and drug office, Greek life, and the district attorney's office. UNC's crisis response committee also meets weekly. The staff who

serve on this team regularly share information about new and ongoing safety issues and concerns.

Consequently, the structures described allow campus and community officials to coordinate policies and programs, ensure that they remain effective, and respond to new mandates as required. For example, Colorado recently passed a state law forbidding any student convicted of riotous behavior from enrolling in a state institution. Because UNC's admissions standards already allowed for a special committee to review applicants with felony and sex crime convictions, they were more easily able to respond to this new law.^{28, 29}

The Center for the Prevention of Violence Against Women Marshall University (West Virginia)

Because Marshall University serves the area of West Virginia with the state's highest reported rates of domestic violence and sexual assault, it is likely that many students on campus have witnessed violence in their families. Within the context of this high-risk environment, the university's Office of Women's Programs noted that the number of crimes against women reported was lower than expected, suggesting underreporting. This information, taken together, indicated the need for a more comprehensive campus program addressing both domestic violence and sexual assault.

In the year 2000, the Office of Women's Programs applied for and received funding from the federal Violence Against Women Office (VAWO) to establish a campus-based Center for the Prevention of

Violence Against Women. The center developed a multifaceted set of initiatives aimed at reducing the incidence of violence and ensuring that perpetrators are held accountable for their actions. The project involves collaborations among judicial affairs, the counseling center, the women's center, and public safety. The program is designed to do the following:

1. Provide advocacy services for victims and increase student awareness of the availability of these services.
2. Educate students about how to report these crimes.
3. Establish networks of advisers and mentors to students among faculty, staff, and other university personnel.
4. Increase awareness of violence against women on campus among university and local police departments through a media campaign and training programs for officers.
5. Develop educational content about violence against women and incorporate this material into existing courses and freshman orientation.

While many campus programs focus primarily on preventing sexual assaults, Marshall staff responded to the particular needs of their students by also including extensive information and education about all forms of intimate partner violence. Educational efforts include separate programs for men and women.

The project also has allowed the university to create partnerships and initiatives to solve newly identified problems. For example, the Center

for the Prevention of Violence Against Women teamed up with the office of judicial affairs, the counseling center, and public safety to develop an antistalking policy to increase the accountability of perpetrators for their stalking behaviors.

As a result of these combined efforts, referrals to the women's center and counseling center have increased dramatically.^{30, 31}

University Counseling and Advising Network (U-CAN) Cornell University

Cornell University has created a problem-focused early intervention program characterized by cross-disciplinary collaboration and coordination of existing services. While not specifically focused on violence, this initiative is designed to facilitate early identification of problems that might lead to aggression or self-harm. Cornell's University Counseling and Advising Network (U-CAN) grew out of five interrelated observations:

1. Cornell's counseling center staff noted a growing demand for counseling services locally and among college students nationwide.
2. Campus-specific survey data revealed a wide array of student mental health and substance abuse problems at Cornell for which students were not seeking assistance, indicating that unmet needs for service were high.
3. Staff noted that students experiencing difficulty manifested a range of symptoms, which in some cases probably reflected more serious underlying problems (e.g., substance abuse,

eating disorders, self-harm, depression, aggression).

4. Many staff, faculty, and students were aware of student distress but were unsure of whether or how to respond.
5. Campus prevention and intervention responses were characterized by departmental fragmentation and other institutional barriers to integrated efforts, as well as lack of funding for program staff.

In 1999 the director of health services at Cornell University responded by initiating a program designed to increase early identification and referral of a broadly defined category of "students in distress." With funding from supportive alumni, two full-time staff members worked with cross-departmental teams from medical, nursing, counseling, health pro-

motion, academic advising, and other departments to create a network to facilitate, coordinate, and enhance the work of the many service providers who were already supporting students. U-CAN accomplished this goal through five basic initiatives:

1. **Training** faculty, teaching assistants, secretaries, and other people not in formal helping roles as the system's "eyes and ears" by increasing their ability to identify and reach out to students in distress.
2. **Offering student-centered consultation** by U-CAN staff to guide and support faculty and staff in working with individual students.
3. **Providing program-centered consultation** to assist departments and divisions in developing organizational practices and

protocols—for example, U-CAN works with Cornell's "advising offices" to develop guidelines and procedures for when and how advisers should share information with U-CAN staff about students in distress.

4. **Instituting a "network forum"** to enable networking and continuing education for student services professionals.
5. **Outreach** by U-CAN staff to identified students in distress who might be reluctant to accept referrals to formal counseling services.

During the development of these programs, a postdoctoral fellow and graduate student were hired as part-time evaluators to help clarify the program's goals and objectives and to design appropriate process and outcome evaluation measures.³²

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The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention

The U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention provides nationwide support for campus alcohol, other drug, and violence prevention efforts.

The Higher Education Center offers training and professional development activities; technical assistance; publications; support for the Network Addressing Collegiate Alcohol and Other Drug Issues; and assessment, evaluation, and analysis activities.

The Higher Education Center lists resources addressing campus violence at <http://www.higheredcenter.org/violence>. Its Campuses and Other Drugs Web page, found at <http://www.higheredcenter.org/drugs>, includes resources on date rape and club drugs. For contact information, please see back cover.

Federal Resources

Office of Safe and Drug-Free Schools (OSDFS)

U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202-6123
(202) 260-3954
<http://www.ed.gov/osdfs>

OSDFS supports efforts to create safe schools, respond to crises, prevent alcohol and other drug abuse, ensure the health and well-being of students, and teach students good citizenship and character. The agency provides financial assistance for drug abuse and violence prevention activities and activities that promote the health and well-being of students in elementary and secondary schools and institutions of higher education. OSDFS participates in the development of Department program policy and legislative proposals and in overall administration policies related to drug abuse and violence prevention. It also participates with other federal agencies in the development of a national research agenda for such prevention.

Office for Civil Rights

U.S. Department of Education
Customer Service Team
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20202
(800) 421-3481
<http://www.ed.gov/about/offices/list/ocr/index.html>

Sexual harassment is a form of discrimination prohibited in schools by Title IX of the Education Amendments of 1972. In 2001, the U.S. Department of Education's Office for Civil Rights published guidelines to assist institutions with Title IX compliance related to sexual harassment, titled "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties."

Office of Postsecondary Education Campus Security Statistics

U.S. Department of Education
Office of Postsecondary Education
1990 K Street, NW
Washington, DC 20006
(202) 401-1576
<http://www.ope.ed.gov/security>

The Office of Postsecondary Education (OPE) maintains a Web site for campus security statistics, authorized by Congress with the 1998 amendment to the Higher Education Act of 1965 to help potential college students and parents research criminal offenses on college campuses.

National Organizations

The National Sexual Violence Resource Center (NSVRC)

123 North Enola Drive
Enola, PA 17025
(877) 739-3895 (717) 909-0710
<http://www.nsvrc.org>

The National Sexual Violence Resource Center serves as an information clearinghouse, provides information and technical assistance to people working to prevent sexual violence, and identifies emerging policy issues and research needs to support the development of policies and practices specific to the intervention and prevention of sexual violence. The Web site includes campus-specific resources.

Security On Campus, Inc.

133 Ivy Lane, Suite 200
King of Prussia, PA 19406-2101
(888) 251-7959
<http://www.securityoncampus.org>

Security On Campus, Inc. (SOC), founded in 1987, is a nonprofit grassroots organization dedicated to fostering safe campus environments. SOC educates prospective students, parents, and the campus community about the prevalence of crime on campus and assists victims with information about laws, advocacy organizations, legal counsel, and other resources. SOC also provides guidance to campuses regarding compliance with the Clery Act and other federal laws.

Stophazing.org

<http://www.stophazing.org>
Established in 1992, Stophazing.org is a Web-based resource committed to providing students, parents, and educators with resources and up-to-date statistics on the problem of hazing in America. The site lists books, articles, and hazing prevention programs.

Stop the Hate

Association of College Unions International (ACUI)
One City Centre, Suite 200
120 West Seventh Street
Bloomington, IN 47404-3925
<http://www.stophate.org>

The Association of College Unions International (ACUI) created the Stop the Hate initiative to provide training and other resources to aid colleges in addressing hate and bias-related crimes and incidents.

Campus Organization

Indiana Campus Sexual Assault Prevention Project (INCSAPP)

Student Wellness Office
601 Stadium Mall Drive
West Lafayette, IN 47907
(765) 496-3363

<http://www.purdue.edu/incsapp>
The Indiana Campus Sexual Assault Prevention Project is the campus component of the Communities Against Rape (CARE) Initiative of the Purdue University Cooperative Extension Service. While INCSAPP's Web site is designed to promote collaboration between campus and community organizations in the state of Indiana, it also offers generally helpful resources related to sexual assault, including bibliographies, campus policies, and victim advocacy information.

Non-Campus Best Practice Reviews

Although not specific to college and university campuses, the following reviews of "best practices" for community and youth violence prevention compiled by federal agencies may provide programs, policies, and services that can be adapted to campus settings.

Best Practices of Youth Violence Prevention: A Sourcebook for Community Action

Centers for Disease Control and Prevention
National Center for Injury Prevention and Control
<http://www.cdc.gov/ncipc/dvp/bestpractices.htm>
This sourcebook presents effective violence prevention practices in four areas: parents and families; home visiting; social and conflict resolution skills; and mentoring. The resource also discusses the science behind each program and provides a directory of additional resources.

Blueprints for Violence Prevention

Center for the Study and Prevention of Violence
<http://www.colorado.edu/cspv/blueprints/index.html>
Blueprints for Violence Prevention is an initiative that describes effective and promising youth violence prevention and intervention programs. Eleven model programs and 21 promising programs were identified for their effectiveness in reducing adolescent violent crime, aggression, delinquency, and substance abuse.

Early Warning, Timely Response: A Guide to Safe Schools

U.S. Department of Education
Special Education and Rehabilitation Services
<http://cecp.air.org/guide/guide.pdf>
This guide offers research-based practices designed to help school communities identify early warning signs of violence and develop prevention and intervention programs and crisis response plans. Although the recommendations are aimed at primary and secondary schools, many of the resources are adaptable for higher education.

"Youth Violence Prevention: Descriptions and Baseline Data from 13 Evaluation Projects," by Powell, E., and Hawkins, F. (*American Journal of Preventive Medicine* 12 (5S): 1996)

This issue of *American Journal of Preventive Medicine* includes articles describing 13 school, hospital, and community violence prevention projects and their initial evaluation results.

Preventing School Violence: Plenary Papers of the 1999 Conference on Criminal Justice Research and Evaluation—Enhancing Policy and Practice Through Research, Volume 2.

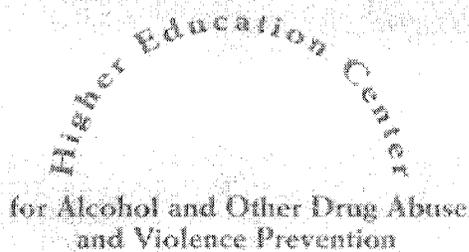
National Institute of Justice
<http://www.ncjrs.org/pdffiles1/nij/180972.pdf>
This publication includes three papers describing current efforts and promising practices for school violence prevention.

Youth Violence: A Report of the Surgeon General

Department of Health and Human Services
Office of the Surgeon General
<http://www.surgeongeneral.gov/library/youthviolence>
This report summarizes the research on youth violence in the United States, including the scope of the problem, causes of violence, risk and protective factors, and effective strategies and programs to reduce and prevent youth violence.

World Report on Violence and Health

World Health Organization
http://www.who.int/violence_injury_prevention/violence/world_report/wrvh/en
This publication examines various types of violence as an international public health problem, including youth violence, intimate partner violence, and sexual violence. It describes the magnitude and impact of violence, key risk factors, the effectiveness of intervention and policy responses to violence, and recommendations for action.



Our Mission

The mission of the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention is to assist institutions of higher education in developing, implementing, and evaluating alcohol and other drug abuse and violence prevention policies and programs that will foster students' academic and social development and promote campus and community safety.

How We Can Help

The Higher Education Center offers an integrated array of services to help people at colleges and universities adopt effective prevention strategies:

- Training and professional development activities
- Resources, referrals, and consultations
- Publication and dissemination of prevention materials
- Support for the Network Addressing Collegiate Alcohol and Other Drug Issues
- Assessment, evaluation, and analysis activities

Get in Touch

Additional information can be obtained by contacting:

**The Higher Education Center
for Alcohol and Other Drug Abuse
and Violence Prevention**

Education Development Center, Inc.
55 Chapel Street
Newton, MA 02458-1060

Web site: <http://www.higheredcenter.org>

Phone: 1-800-676-1730; TDD Relay-friendly, Dial 711

E-mail: HigherEdCtr@edc.org



Funded by the U.S. Department of Education

Presidential Proclamation—

Lesbian, Gay, Bisexual, and Transgender Pride Month

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION

The story of America's Lesbian, Gay, Bisexual, and Transgender (LGBT) community is the story of our fathers and sons, our mothers and daughters, and our friends and neighbors who continue the task of making our country a more perfect Union. It is a story about the struggle to realize the great American promise that all people can live with dignity and fairness under the law. Each June, we commemorate the courageous individuals who have fought to achieve this promise for LGBT Americans, and we rededicate ourselves to the pursuit of equal rights for all, regardless of sexual orientation or gender identity.

Since taking office, my Administration has made significant progress towards achieving equality for LGBT Americans. Last December, I was proud to sign the repeal of the discriminatory "Don't Ask, Don't Tell" policy. With this repeal, gay and lesbian Americans will be able to serve openly in our Armed Forces for the first time in our Nation's history. Our national security will be strengthened and the heroic contributions these Americans make to our military, and have made throughout our history, will be fully recognized.

My Administration has also taken steps to eliminate discrimination against LGBT Americans in Federal housing programs and to give LGBT Americans the right to visit their loved ones in the hospital. We have made clear through executive branch nondiscrimination policies that discrimination on the basis of gender identity in the Federal workplace will not be tolerated. I have continued to nominate and appoint highly qualified, openly LGBT individuals to executive branch and judicial positions. Because we recognize that LGBT rights are human rights, my Administration stands with advocates of equality around the world in leading the fight against pernicious laws targeting LGBT persons and malicious attempts to exclude LGBT organizations from full participation in the international system. We led a global campaign to ensure "sexual orientation" was included in the United Nations resolution on extrajudicial execution -- the only United Nations resolution that specifically mentions LGBT people -- to send the unequivocal message that no matter where it occurs, state-sanctioned killing of gays and lesbians is indefensible. No one should be harmed because of who they are or who they love, and my Administration has mobilized unprecedented public commitments from countries around the world to join in the fight against hate and homophobia.

At home, we are working to address and eliminate violence against LGBT individuals through our enforcement and implementation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. We are also working to reduce the threat of bullying against young people, including LGBT youth. My Administration is actively engaged with educators and community leaders across America to reduce violence and discrimination

in schools. To help dispel the myth that bullying is a harmless or inevitable part of growing up, the First Lady and I hosted the first White House Conference on Bullying Prevention in March. Many senior Administration officials have also joined me in reaching out to LGBT youth who have been bullied by recording "It Gets Better" video messages to assure them they are not alone.

This month also marks the 30th anniversary of the emergence of the HIV/AIDS epidemic, which has had a profound impact on the LGBT community. Though we have made strides in combating this devastating disease, more work remains to be done, and I am committed to expanding access to HIV/AIDS prevention and care. Last year, I announced the first comprehensive National HIV/AIDS Strategy for the United States. This strategy focuses on combinations of evidence-based approaches to decrease new HIV infections in high risk communities, improve care for people living with HIV/AIDS, and reduce health disparities. My Administration also increased domestic HIV/AIDS funding to support the Ryan White HIV/AIDS Program and HIV prevention, and to invest in HIV/AIDS-related research. However, government cannot take on this disease alone. This landmark anniversary is an opportunity for the LGBT community and allies to recommit to raising awareness about HIV/AIDS and continuing the fight against this deadly pandemic.

Every generation of Americans has brought our Nation closer to fulfilling its promise of equality. While progress has taken time, our achievements in advancing the rights of LGBT Americans remind us that history is on our side, and that the American people will never stop striving toward liberty and justice for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2011 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

BARACK OBAMA

**WOMEN'S EQUALITY DAY, August 26, 2011
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**

A PROCLAMATION

The 19th Amendment to the United States Constitution tore down the last formal barrier to women's enfranchisement in our Nation and empowered America's women to have their voices heard in the halls of power. This Amendment became law only after decades of work by committed trailblazers who fought to extend the right to vote to women across America. For the women who fought for this right, voting was not the end of the journey for equality, but the beginning of a new era in the advancement of our Union. These brave and tenacious women challenged our Nation to live up to its founding principles, and their legacy inspires us to reach ever higher in our pursuit of liberty and equality for all.

Before the Amendment took effect, women had been serving our Nation in the public realm since its earliest days. Even before they gained the right to vote, America's women were leaders of movements, academics, and reformers, and had even served in the Congress. Legions of brave women wrote and lectured for change. They let their feet speak when their voices alone were not enough, protesting and marching for their fundamental right to vote in the face of heckling, jail, and abuse. Their efforts led to enormous progress—millions upon millions of women have since used the power of the ballot to help shape our country.

Today, our Nation's daughters reap the benefits of these courageous pioneers while paving the way for generations of women to come. But work still remains. My Administration is committed to advancing equality for all of our people. This year, the Council of Women and Girls released "Women in America: Indicators of Social and Economic Well-Being," the most comprehensive report in 50 years on the status of women in our country, shedding light on issues women face in employment, crime, health, and family life. We are working to ensure that women-owned businesses can compete in the marketplace, that women are not discriminated against in healthcare, and that we redouble our efforts to bring an end to sexual assault on college campuses.

On the 91st anniversary of this landmark in civil rights, we continue to uphold the foundational American principles that we are all equal, and that each of us deserves a chance to pursue our dreams. We honor the heroes who have given of themselves to advance the causes of justice, opportunity, and prosperity. As we celebrate the legacy of those who made enormous strides in the last century and before, we renew our commitment to hold true to the dreams for which they fought, and we look forward to a bright future for our Nation's daughters.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2011, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and recommit ourselves to the goal of gender equality in this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty fifth day of August, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-sixth.

BARACK OBAMA

Stereotypes Still Keep Women from Leadership Roles

By RICK NAUERT PHD *Senior News Editor*

Reviewed by John M. Grohol, Psy.D. on July 14, 2011

The recent death of former First Lady Betty Ford stimulated discussion of how women have advanced over the last 35 years. However, a new study suggests women are still limited in opportunities and that discrimination continues to hinder women from holding leadership roles.

Northwestern University researchers performed a meta-analysis (an integration of a large number of studies addressing the same question) that shows leadership continues to be viewed as culturally masculine.

According to the researchers, this suggests women suffer from two primary forms of prejudice. Women are viewed as less qualified or natural in most leadership roles, the research shows, and secondly, when women adopt culturally masculine behaviors often required by these roles, they may be viewed as inappropriate or presumptuous.

As a consequence, women leaders acquire a gender stereotype based on the role they assume when competing with men for leadership roles.

Previous research found that predominantly "communal" qualities, such as being nice or compassionate, are associated with women, and predominantly "agentic" qualities, such as being assertive or competitive, are associated with men.

Because men fit the cultural stereotype of leadership better than women, they have better access to leadership roles and face fewer challenges in becoming successful in them.

The good news for women is that the project's analyses indicate that this masculine construal of leadership is weaker now than in the past. Despite this shift toward more androgynous beliefs about leadership, it remains culturally masculine — just not as extremely so as in the past, say the researchers.

However, this masculinity lessens somewhat for lower-level leadership positions and in educational organizations.

The implications of the meta-analysis are straightforward, said Dr. Alice Eagly, professor of psychology and faculty fellow in the Institute for Policy Research at Northwestern and a co-author of the study.

"Cultural stereotypes can make it seem that women do not have what it takes for important leadership roles, thereby adding to the barriers that women encounter in attaining roles that yield substantial power and authority," she said.

The meta-analysis reviewed studies from three different paradigms. The paradigms are characterized as think manager-think male; agency-communion; and masculinity-femininity.

An advantage of the Northwestern project is its use of these paradigms, which provide independent tests of leader stereotypes, Eagly said.

Most of the data came from the United States, with some from Canada, Europe and East Asia. Few studies of leader stereotypes were available from other nations.

"Women's experiences will differ depending on their culture," she said. "We would like to have more data from different nations, and also subcultural data within the United States that takes race and social class into account, but that's something to look to in the future."

Source: Northwestern University

Women Who Worked for Peace Quiz

1. Who was branded a traitor when she begged the British and the Colonials to lay down their arms instead of waging a revolution?
2. Who was active in American Society of Peace in 1828 and served as President of the Pennsylvania Peace Society from 1870 to 1880, and tried to get military training out of public schools and argued that arbitration is the proper means to settle disputes?
3. Who joined William Garrison in founding the New England Non-Resistant Society in 1838 and latter became a famous lecturer for women's rights?
4. Who started "Mother's Day" as an annual event when women could demonstrate against war; first event was a women's peace festival on June 2, 1873?
5. Who ran for US President on Equal Rights Party in 1884 and 1888 and was an American delegate to the first world peace Congress in Paris in 1889?
6. Who created peace materials for schools as head of WCTU's Department of Peace and Arbitration from 1887 to 1916 – the largest peace movement of the 19th Century, against military drills, martial toys and conscription?
7. Who organized and led the 1914 peace parade in New York City in 1914 and aided conscientious objectors and refugee relief programs in World War I?
8. Who wrote international best-seller "Lay Down Your Arms" in 1889, was president of Austrian Society for the Friends of Peace and was the first woman to be granted the Nobel Peace Prize in 1905?
9. Who co-founded the American School Peace League in 1908 after supporting the international court proposed at the Hague Conference on 1899?
10. Who was the famous suffragist who joined Jane Addams in 1915 in founding the Woman's Peace Party at a meeting of 3000 women in Washington DC?
11. Who won the Nobel Peace Prize in 1931, was first president from 1919 to 1935 of the Women's International League of Peace and Freedom and was called an unpatriotic subversive by press and the US government?
12. Who won the Nobel Peace Prize in 1946 after being secretary-treasurer of the WILPF from 1919-1937 and being called with other pacifists by Wilson "amoral" in 1915 although all the ideas of the Woman's Peace Party became his 14 points without acknowledging authorship.?
13. Who developed a peace curriculum used in all public schools from 1913 to 1950 and co-founded the American School Peace League in 1908?
14. Who was a charter member of the Fellowship of Reconciliation in 1915; founded the War Resisters League in 1923 and in 1940 the Pacifist Teachers League?

15. Who joined 49 other Congress members in voting against entry into World War I; was the only member to vote against World War II and organized a Brigade which demonstrated against the Vietnam War in 1968?
16. Who was an organizer of the Woman's Peace Party, a leader of American Union Against Militarism, and latter co-founded the ACLU?
17. Who suggested achieving World Peace Through a Peoples Parliament – a group of 60 from different economic ranks and professions in 1944?
18. Who was executive secretary of the Pennsylvania branch of WILPJ for 40 years. organized conferences and build a huge membership; served on the board of SANE, working against nuclear proliferation?
19. Who attacked the Catholic "just-war" theory with pacifist views, supported draft-card burning, opposed the Vietnam conscription and war and profoundly impacted "The Challenge of Peace" in 1983?
20. Who protested nuclear weapons with the Committee for Nonviolent Action in 1983, and was imprisoned where she "Prison Notes"?
21. Who helped found Women Strike for Peace in 1961 which opposed the Vietnam War – the first woman elected to Congress on a women's rights peace platform?
22. Who was a founder of the Women's Institute for Freedom of the Press in 1972 and an activist in Women Strike for Peace?
23. Who won the Nobel Peace Prize in 1976 with a friend for their efforts against violence in Northern Ireland?
24. Who is the Canadian woman who founded Women's Action for Nuclear Disarmament (WAND) focusing on women's priorities as mothers and supporting continuous lobbying actions.?
25. Who was founder of FREEZE in early 1980s which became SANE/FREEZE in 1987 and then Peace Action in 1993?

Answers

1. Ann Lee February 29, 1736-September 8, 1784
2. Lucretia Mott January 3, 1793-November 11, 1880
3. Abbey Kelly Foster January 15, 1810-January 14, 1887
4. Julia Ward Howe May 27, 1819-October. 17, 1910
5. Belva Lockwood October 24, 1830-May 19, 1917
6. Hannah Bailey July 5, 1839-October 23, 1923
7. Fanny Garrison Villard Dec. 16, 1844 - July 5, 1928
8. Bertha von Suttner June 9, 1843-June 21, 1914
9. Lucia Ames Mead May 5, 1856-November 1, 1936
10. Carrie Chapman Catt January 9, 1859-March 9, 1947
11. Jane Addams September 6, 1860-May 21, 1935
- 12.Emily Greene Balch January 8, 1867-January 9, 1961
13. Fannie Andrews September 25, 1867-January 23, 1950
- 14 Jessie Hughsan December 25, 1875 – April 10, 1955
- 15.Jeannette Rankin June 11, 1880- May 18, 1973
16. Crystal Eastman June 25, 1881-July 8, 1928
17. Nora Stanton Barney September 30, 1883- January 18, 1971
18. Mildred Scott Olmsted December 5, 1890-July 2, 1990
19. Dorothy Day November 8, 1897- November 29, 1980
20. Barbara Deming July 23, 1917-August 2, 1984
21. Bella Abzug July 24, 1920- March 31, 1998
22. Donna Allen August 19, 1920- July 19, 1999
23. Mairead Corrigan Maguire January 27, 1944-
24. Dr. Helen Caldicott August 7, 1938)
25. Randall Forsberg July 23, 1943 – October 19, 2007

Men Who Supported Women's Rights Quiz

1. In 1775, this Revolutionary-era patriot wrote an essay supporting women's rights. In *An Occasional Letter on the Female Sex*, he wrote "[T]he women, almost -- without exception -- at all times and in all places, adored and oppressed. Man, who has never neglected an opportunity of exerting his power..."
2. At a time when married women did not have any property rights, he introduced a bill to grant married women the right "to hold and control property" in the New York State Legislature in 1837.
3. This Quaker father was an important role-model for his famous daughter, and provided her with financial and moral support in her work for abolitionism and women's rights.
4. A Unitarian minister, he was one of the most a well-known abolitionist and reformers on the national scene. He preached the first women's rights sermon in 1845.
5. As early as 1847, as a member of the Indiana House of Representatives, he supported women's right to vote; and in 1868 as a member of U.S. House of Representatives, he introduced a constitutional amendment conferring the right to vote on women.
6. The patriarch of one the wealthiest and most prominent Black families in Philadelphia, this 19 th century activist used his considerable wealth to support progressive causes including abolitionism and women's rights.
7. One of the strongest voices for abolitionism, this free Black man attended the first women's rights conference in 1848 and supported the controversial issue of woman suffrage. He continued working for woman's suffrage throughout his life, including a speech at a women's rights conference on the day he died in 1895.
8. In 1850, as a member of the Indiana Constitutional Convention he was instrumental in securing to widows and married women control of their property, and later succeeded in passing a state law giving greater freedom to women in divorce.

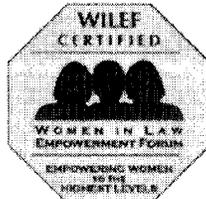
9. He preached a sermon, *Women's Right to Preach the Gospel*, in 1853 at the ordination of Antoinette Brown, the first woman to be ordained a minister in the United States.
10. On February 26, 1861, this self-made man presented a college board with half of his fortune and a deed for 200 acres of land to be used to build one of the first women's colleges in the United States.
11. A Cayuga chief, while addressing the New York Historical Society in 1866, he encouraged white men to use the occasion of Southern reconstruction to establish universal suffrage, "even of the women, as in his nation."
12. He helped draft the constitution of the feminist American Equal Rights Association in 1865, and served as vice-president of the New Hampshire Woman Suffrage Association. In 1868, he was co-editor with Elizabeth Cady Stanton of *The Revolution*, published by Susan B. Anthony.
13. This man, who represented California in the U.S. Senate, introduced a joint resolution proposing an amendment that would enfranchise women on January 10, 1878. He was good friends with both Elizabeth Cady Stanton and Susan B. Anthony.
14. A Native American who served as director of the Rochester Museum of Arts and Science, he gave a brief argument for modern American women to consider in 1909: "...that the red woman that lived in New York state five hundred years ago had far more political rights and enjoyed a much wider liberty than the twentieth century woman of civilization. . . ."
15. He helped found the Men's Equal Suffrage League in 1910 and was President of the Men's Equal Suffrage League of New York State when he delivered his famous commencement address at Bryn Mawr in 1913, titled *Woman Suffrage and Why I Believe in It*.
16. To help women in California win the right to vote in 1911, this wealthy Pasadena banker founded the Political Equality League. He was very successful in recruiting prominent business men to join the California Woman Suffrage campaign which mobilized thousands of local supporters.

17. In the 1920 U.S. presidential campaign leaflets addressed "To the Woman Voter" were distributed that praised this imprisoned Socialist Party presidential candidate for his long time commitment to women's rights including his support of votes for women, equal pay in the workplace, and a stance against the criminalization of prostitution.
18. In 1972, this world-famous singer-songwriter recorded a song with his wife that includes these lyrics:
"We insult her every day on TV
And wonder why she has no guts or confidence
When she's young we kill her will to be free
We put her down for begin dumb . . . "
19. A famous sport journalist, he wrote an article, "Why I Support the ERA" that appeared in the October 1975 issue of *Ms. Magazine*.
20. A poet and community organizer, he has been credited with creating the foundation for Chicano letters and literature. He wrote *An Open Letter to Carolina*, in which he reflected on relations between women and men from his perspective as a Chicano.
21. At the Equal Rights Amendment rally in Washington, DC in 1981, this award-winning actor gave an impassioned speech calling on the American people to take action to protect the rights of their daughters, wives, sisters and mothers by working to make the ERA the 27th Amendment to the US Constitution.
22. A gender equity specialist since 1985, he has hosted a national anti-sexist men's conference, served on the board of the National Organization for Men Against Sexism, and served as a volunteer at the Tucson Rape Crisis Center.
23. Founder of the Woman Suffrage Media Project in 1993, he spent nearly 20 years researching and writing about the drive for equal rights, resulting in his landmark book, *Winning the Vote: The Triumph of the American Woman Suffrage Movement*.
24. A contemporary American sociologist, he is editor of *Men and Masculinities*, spokesperson for the National Organization for Men Against Sexism, and the co-author of *Against the Tide: Pro-Feminist Men in the U.S., 1776-1990*.

25. This award-winning documentary film maker combines the art of the visual medium with an investigation of social issues. He received an Academy Award nomination for Documentary Short Subject for his first film, *Sewing Women*, an oral history of his mother testifying to her extraordinary tenacity, inner strength, and courage.

Answers:

1. **Thomas Paine (February 9, 1737– June 8, 1809)**
2. **Thomas Herttell (1771-1849)**
3. **Daniel Anthony (1794-1862)**
4. **Samuel Joseph May (September 12, 1797-July 1, 1871)**
5. **George Washington Julian(May 5, 1817–July 7, 1899)**
6. **Robert Purvis (August 4, 1810–April 15, 1898)**
7. **Frederick Douglass (February 1818–February 20, 1895)**
8. **Robert Dale Owen(1801-1877)**
9. **Reverend Luther Lee (November 30, 1800-1889)**
10. **Ma tthew Vassar (April 29, 1792–June 23, 1868)**
11. **Dr. Peter Wilson, (1761-1837)**
12. **Parker Pillsbury (September 22, 1809–July 7, 1898)**
13. **Aaron A. Sargent (September 28, 1827-August 14, 1887)**
14. **Arthur Caswell Parker (April 5, 1881–January 1, 1955)**
15. **MaxEastman (J anuary 4, 1883–March 25, 1969)**
16. **John Hyde Braly (1839? - ?)**
17. **Eugene Victor Debs (1855-1926)**
18. **John Lennon (October 9, 1940-December 8, 1980)**
19. **Howard Cosell (March 25, 1918-April 23, 1995)**
20. **Abelardo Delgado (1947-)**
21. **Alan Alda (January 28, 1936)**
22. **Timothy Wernette (1947-)**
23. **Robert P. J. Cooney, Jr. (November 27, 1950-)**
24. **Michael Scott Kimmel(1951-)**
25. **Arthur Dong (October 30, 1953-)**



It's certified: These firms empower women

Karen Sloan ContactAll Articles

The National Law Journal

June 14, 2011

The Women in Law Empowerment Forum on June 14 released the initial list of law firms qualifying for its new Gold Standard Certification — a designation for firms that have integrated women in top leadership positions and compensated them well.

The organization invited more than 300 firms with 100 or more attorneys to apply for the certification by June 1, and 32 met the criteria. The certification process went beyond simply looking at the percentage of women employed at law firms. It focused on whether they are significantly represented in positions of power and among the top-earning attorneys.

To be certified, firms had to meet at least three of the six criteria:

- Women account for at least 20% of equity partners.
- Women represent at least 10% of firm chairs and office managing partners.
- Women make up at least 20% of the firm's primary governance committee.
- Woman represent 20% or more of the firm's compensation committee.
- Women make up at least 25% of practice group leaders or department heads.
- Women represent at least 10% of the top half of the most highly compensated partners.

The 32 firms that met those criteria are to be commended, said WILEF National Chairwoman Elizabeth Anne "Betiayn" Tursi, who runs a legal marketing firm.

"I didn't think these criteria were too hard to meet, but I wasn't surprised that so few firms qualified," Tursi said. "This tells me that there is still a lot of work to be done."

Tursi said she suspects that two-tiered partnerships at law firms are largely to blame for the relatively small number of firms that achieved the Gold Standard certification, since only women who are equity partners counted. Women make up a disproportionate amount of non-

equity partners at many firms, she said.

WILEF did not release details about which firms met which criteria, although Tursi said that three firms met all six.

WILEF did provide a percentage breakdown of firms that met each standard. The highest percentage — 84% — met the standard that women constitute at least 10% of the top half of the highest paid partners. Additionally, 81% met the standard that women be 10% of firm chairs or office managing partners, while 75% met the standard that women make up at least 20% of the compensation committee. Another 72% met the standard that women constitute at least 20% of the firm's executive committee.

Only 42% of the certified firms had 20% or more women as equity partners, and even fewer — 37% — met the standard that women make up at least 25% of practice group leaders or department heads.

The discrepancy between the relatively high percentage of certified firms that met the top-pay standard versus the relatively low percentage that met the total equity partner standard is "really glaring," Tursi said. That gap indicates that firms are fairly compensating their very successful women partners who have books of business, but aren't giving enough women the opportunity to be equity partners, she said.

Few so-called "megafirms" met the standard. Only five of the largest 20 firms by attorney headcount made the cut. Similarly, few "white shoe" firms made the list.

Many of the firms on the list were on the smaller side, and based outside major legal markets, Tursi noted. Washington and New York were home to four of the firms on the list, with San Francisco, Seattle, Atlanta, Los Angeles, Denver and Newark each claiming two.

WILEF will accept applications for certification on a rolling basis, and plans a luncheon in September to honor the qualifying firms. The certified firms will be issued a seal to indicate they meet WILEF's standards.

"At a time when women are losing ground at some firms, it is wonderful to recognize 32 law firms where women are prominently represented at the highest levels of leadership and compensation," said Ida Abbott, a legal consultant and chairwoman of WILEF's certification committee. "These firms prove that a commitment to the advancement of women can produce great results."

Firm with Gold Standard Certification

- Covington & Burling
- Davis Wright Tremaine
- Faegre & Benson
- Finnegan, Henderson, Farabow, Garrett & Dunner
- Ford & Harrison
- Fowler White Boggs
- Fried, Frank, Harris, Shriver & Jacobson
- Frost Brown Todd
- Fulbright & Jaworski
- Gibbons
- Gibson, Dunn & Crutcher
- Hanson Bridgett
- Holland & Hart
- Holland & Knight
- Jackson Kelly
- Kilpatrick Townsend & Stockton
- Littler Mendelson
- Manatt, Phelps & Phillips
- McCarter & English
- Morrison & Foerster
- Perkins Coie
- Pillsbury Winthrop Shaw Pittman
- Quarles & Brady
- Reed Smith
- Sherman & Howard
- Shook, Hardy & Bacon
- Sidley Austin
- Simpson Thacher & Bartlett
- Skadden, Arps, Slate, Meagher & Flom
- Steptoe & Johnson PLLC (W. Va.)
- Stoel Rives
- Thompson Hine



STRUCTURED DECISION MAKING® RISK ASSESSMENT: DOES IT REDUCE RACIAL DISPROPORTIONALITY IN WASHINGTON'S CHILD WELFARE SYSTEM?*

The 2007 Washington State Legislature created the Washington State Racial Disproportionality Advisory Committee (Committee).¹ The Committee was charged with determining if children of racial and ethnic minorities were over-represented in Washington's child welfare system. The Washington State Institute for Public Policy (Institute) provided technical assistance to the committee. Findings published in 2008 indicated that American Indian, Black, and Latino children were more likely than White children in Washington to be the alleged victims in referrals to Child Protective Services (CPS).² Among children with CPS referrals, Indian and Black children were more likely to be placed in foster care and more likely to remain in foster care for over two years than White children with CPS referrals.³

In 2009, based on recommendations in the Committee remediation plan, the Legislature directed the Institute to study the effects of implementation of Family Team Decision Making (FTDM)⁴ and Structured Decision Making® (SDM) on racial disproportionality.⁵ Findings for FTDM were published earlier.⁶ This report focuses on findings for SDM.

* This report replaces the earlier title *Structured Decision Making® Risk Assessment: Does It Reduce Racial Disproportionality In Washington's Child Welfare System?* in order to clarify that this evaluation includes only the SDM risk assessment, and not the entire SDM model.

¹ Laws of 2007, Chapter 465, SHB 1472

² M. Miller. (2008). *Racial disproportionality in Washington State's child welfare system*. Olympia: Washington State Institute for Public Policy, Document No. 08-06-3901.

³ Throughout this report, we use the term foster care to mean removal from home to placement in licensed foster homes, group homes, or the care of unlicensed relatives.

⁴ Under the FTDM model, facilitated meetings are convened whenever child placement decisions are made. Attendees include parents and other family members, the child (when appropriate), friends, foster parents, caseworkers, and other professionals involved with the case.

⁵ Laws of 2009, Ch. 213, ESSB 5882

⁶ M. Miller. (2011). *Family Team Decision Making: Does it reduce racial disproportionality in Washington's child welfare system?* Olympia: Washington State Institute for Public Policy, Document No. 11-03-3901.

Summary

In 2008, the Washington State Institute for Public Policy (Institute), together with the Washington State Racial Disproportionality Advisory Committee, studied racial disproportionality in Washington's child welfare system. We found that following referrals to Child Protective Services (CPS), Indian and Black children (but not Asian or Latino children) were more likely to be placed and remain in foster care significantly longer than White children.

The Structured Decision Making (SDM) model is a system of assessment tools used at various decision points in the child welfare system. DSHS Children's Administration adopted the SDM risk assessment, but not any other SDM tools. The risk assessment is used during CPS investigations to classify families on their risk of further child maltreatment.

The 2009 Legislature directed the Institute to study the effects of SDM on racial disproportionality.

Findings

Between 2004 and 2008, we found marked year-to-year variation in disproportionality following CPS referrals (Disproportionality Index After Referral: DIAR), especially for Black children. This variation can be partly explained by rates of referral that also differed from year to year.

Our analysis took advantage of the fact that SDM was implemented statewide in October 2007. We assumed that if SDM affected outcomes for children, we would see the effect of SDM by comparing outcomes for children with referrals in 2008 with those of children with referrals in earlier years.

When our analysis combined children of all races, we observed no effect of SDM on:

- ✓ Out-of-home placements, or
- ✓ New reports to CPS.

We also analyzed outcomes for each race separately. For White, Indian, Asian, and Latino children we found no effect of SDM on placements or new CPS reports.

Black children with referrals in 2008 were more likely to be removed from home and more likely to have new CPS referrals than Black children with referrals in earlier years. We cannot be certain that the SDM risk assessment was the cause of the differences in 2008; differences may also be the product of the largely unexplained year-to-year fluctuations in disproportionality for Black children.

In this report, we provide a brief description of SDM and its implementation in Washington State. We describe research findings regarding racial disproportionality, effects of SDM on rates of out-of-home placements, and rates of subsequent reports to CPS.

BACKGROUND

Most children enter the child welfare system when a report is made to CPS about alleged child abuse or neglect. These reports are called "referrals." On the basis of the report, referrals may be accepted for investigation. Based on the findings of investigations, children may be placed in foster care, or families may be provided services while children remain at home.

The Structured Decision Making® (SDM) model is a system of six assessment tools developed by the Children's Research Center⁷ for use at various decision points in the child welfare system. Children's Administration adopted the risk assessment tool, but none of the other SDM instruments. Throughout the remainder of this report we use the term "SDM" to refer only to the risk assessment tool. However, the current evaluation should not be used to judge the effectiveness of the **entire** SDM model.

The first SDM risk assessment was developed for use in Alaska in the late 1980s.⁸ SDM is used during the CPS investigation to classify families based on the likelihood of future maltreatment. The SDM risk assessment is actuarially based; that is, it was originally developed using data from Child Protective Services (CPS) investigations to identify those characteristics most associated with future maltreatment, as measured by new reports to CPS. It uses objective measures that may be less sensitive to bias than other approaches to estimating risk. The SDM assessment currently in use in Washington was developed in California, using information about the California CPS caseload.

⁷ The Children's Research Center (CRC) is a division of the National Center on Crime and Delinquency. The CRC is located in Madison WI.

⁸ K. Johnson & A. Bogie. (2009). *North Carolina Department of Health and Human Services risk assessment validation: A prospective study*. Madison, WI: Children's Research Center.

STUDY LANGUAGE FROM THE 2009 LEGISLATURE

"...the Washington state institute for public policy shall evaluate the department of social and health services' use of structured decision-making practices and implementation of the family team decision-making model to determine whether and how those child protection and child welfare efforts result in reducing disproportionate representation of African-American, Native American, and Latino children in the state's child welfare system."

Laws of 2009, Ch.213, ESSB 5882,
(Emphasis added)

Social workers complete the SDM form as they conduct the CPS investigation. After tallying results, families are classified on the basis of risk of future maltreatment into four categories: low, moderate, moderately high, and high risk. Given limited resources, such classification "allows child welfare workers to ensure that higher risk children not requiring foster care placement receive in-home services before lower-risk children."⁹

Prior to October 2007, the DSHS Children's Administration (CA) used a consensus-based¹⁰ risk instrument (Washington Risk Assessment Matrix, WRM), to assess risk of future maltreatment at the time of a CPS investigation. A study later revealed that the WRM was not a good predictor of future abuse or neglect. For example, families classified as high risk were less likely to have new CPS reports than those classified as moderate risk.¹¹ A study published in 2000 compared SDM with the WRM and another consensus based assessment. That study found SDM was better than either of the consensus-based instruments at identifying families most likely to have new reports to CPS and distinguishing them

⁹ W. Johnson. (2011). The validity and utility of the California family risk assessment under practice conditions in the files: A prospective study. *Child Abuse and Neglect*, 35(1), 18-28.

¹⁰ Consensus-based risk assessments are generally created using elements thought by experts and practitioners to be associated with increased risk of future maltreatment. That is, the factors included in the assessment are based on opinion and not necessarily empirical evidence.

¹¹ D. English, D. Marshall, S. Brummel, & M. Orme. (1999). Characteristics of repeated referrals to child protective services in Washington State. *Child Maltreatment*, 4(4), 297-307.

from families who would not.¹² Based in part on these findings, in October 2007, the Children's Administration (CA) replaced the WRM with the SDM risk assessment.

In the Institute's 2008 report to the Committee, we found that, compared with White children, American Indian, Black, and Latino children were over-represented in Washington's child welfare system.¹³ Much of the disproportionality occurred at the point of referral to CPS. After referral to CPS, Indian and Black children were at greater risk of removal from home and long-term foster care than White children. Because SDM is used only in conjunction with CPS investigations, any effect on racial disproportionality should be observed at the point of removal from home.

In addition to studying effects of SDM on rates of out-of-home placements, the Committee also asked us to study whether the use of SDM was related to reductions in the rates of new CPS referrals.

STUDY APPROACH

For this report, we asked three questions.

- 1) Did racial disproportionality vary across the years 2004 through 2008? The Institute's first analysis of racial disproportionality¹⁴ focused on the cohort of children with referrals in 2004. As background for this report, we investigated whether disproportionality was constant between 2004 and 2008.
- 2) Did CA's implementation of the SDM risk assessment affect the rate of out-of-home placements? Did SDM reduce racial disproportionality at placement?
- 3) Did implementation of the SDM risk assessment reduce the rates of subsequent CPS referrals accepted for investigation?

Our approach to the analysis took advantage of the fact that SDM was implemented on a single day

statewide in October 2007. Because SDM is used only with the CPS investigation, if the risk assessment affected disproportionality, we should observe less disproportionality at the point of child removal from home. In our analysis, we compared outcomes for children with referrals in 2008, after implementation of SDM, with those of children referred in 2004 through 2007.

SDM classifies families based on risk of future child abuse or neglect. To determine whether implementing SDM reduced the likelihood of future CPS referrals, we identified children with CPS investigations in the first three months of 2007 (before SDM) and 2008 (after SDM). We then compared rates of new CPS referrals during a six-month follow-up period.

DATA SOURCES

The Children's Administration Management Information System (CAMIS) was the source for referrals, accepted referrals, and placements (children removed from home). We analyzed data for children with CPS referrals in the first six months of each year from 2004 through 2008.¹⁵

State food stamp records were used to determine if a child's family had been receiving food stamps at the time of the CPS referral. Receipt of food stamps was used as a measure of family poverty in the regression analyses.

Population estimates by age and by county were obtained from Washington's Office of Financial Management.

Defining Race. Race is a complex concept that carries many cultural interpretations. Individuals may have more than one racial or ethnic heritage. In the 2000 census, respondents could choose as many races/ethnicities as were necessary to describe themselves.¹⁶ While most Americans described

¹² C. Baird & D. Wagner. (2000). The relative validity of actuarial- and consensus-based risk assessment systems. *Children and Youth Services Review*, 22(11/12), 839-871.

¹³ Miller, 2008

¹⁴ Ibid.

¹⁵ Children's Administration transitioned to a new data system, FamLink, in February 2009. We did not use FamLink data here, because we were unable to link referrals to placements.

¹⁶ U.S. Census Bureau. (2001). *Census brief: Two or more races, population 2000*. Washington, D.C.: Department of

themselves as one race, 2.4 percent indicated more than one and some indicated up to six racial categories, in addition to Latino/Hispanic origin.

The Committee specified the following rules for classifying multi-racial/ethnic children, which we used in this analysis.

- American Indian. If any of the six racial codes indicated American Indian background, the child was coded Indian in our analysis.
- Black. If a child had no Indian heritage, but any of the codes indicated Black or African American, the child was coded as Black.
- Asian/Pacific Islander. If a child was coded as Asian or one of the codes for Pacific Islander, with no Black or American Indian heritage, the child's race was coded as Asian.
- Latino. Any child with Latino/Hispanic heritage, but not Indian, Black, or Asian was coded as Latino.
- White. Any child with no indication of Indian, Black, Asian, or Latino race/ethnicity was coded as White.

Measuring Disproportionality. We used the same two measures of disproportionality that we used in our report for the Committee.¹⁷

The first measure is the *Disproportionality Index* (DI). The DI compares rates of occurrence of an event for the state population of children in various racial groups with the rates for White children.

First, we calculated *rates* for each racial group at each decision point, such as referral to CPS. For example, in the first six months of 2008, we observed that 2,624 Indian children were referred to CPS. The estimated state population of Indian children was 63,202.¹⁸ We calculated the rate for Indian children by dividing the number of children

referred by the number of children in the population and multiplying the result by 1,000 to get the rate per 1,000 children:

$$\begin{aligned} &\text{Rate of referral for Indian children:} \\ &(2,624 \div 63,202) \times 1,000 = 42 \end{aligned}$$

This represents a rate of 42 Indian children referred for every 1,000 Indian children in the population.

At each decision point, we calculated the DI for each racial group compared with White children by dividing the rate for a racial group by the rate for White children. Using this same example, the comparable rate of CPS referrals for White children in the first six months of 2008 was 16 per 1,000 children.

$$\begin{aligned} &\text{DI at referral for Indian children:} \\ &42 \div 16 = 2.6 \end{aligned}$$

This means that in 2008, Indian children were 2.6 times as likely to be referred to CPS as White children.

We also created a second metric, the *Disproportionality Index After Referral* (DIAR). In the current analysis, the DIAR compares rates of out-of-home placements for children with CPS referrals to the rate for White children with CPS referrals. This allows us to distinguish disproportionality that may occur *after* children become known to the child welfare system. For example, in 2007, 11.8 percent of Indian children who were the alleged victims in CPS referrals were placed in out-of-home care compared with 8.0 percent of White children.

$$\begin{aligned} &\text{DIAR for Indian children at the point of placement:} \\ &11.8 \div 8.0 = 1.5 \end{aligned}$$

That is, Indian children with CPS referrals were 1.5 times as likely to be placed in foster care as White children with CPS referrals.

Commerce, U.S. Census Bureau. Accessed from <http://www.census.gov/prod/2001pubs/c2kbr01-6.pdf>

¹⁷ Miller, 2008

¹⁸ Based on Washington's Office of Financial Management intercensal populations estimates for 2008 of children 0 to 17 years of age. For a full description of population estimates used in this study, see Appendix A2.

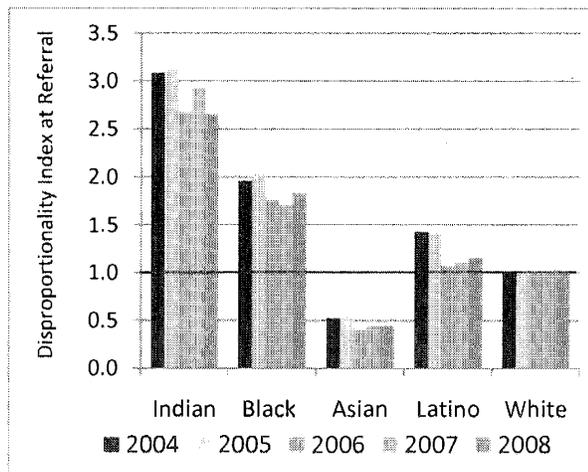
FINDINGS

Did racial disproportionality vary across the years 2004 through 2008?

The Institute's first study on racial disproportionality focused on the cohort of children with CPS referrals in 2004. As background, we analyzed disproportionality over the following four years. Exhibit 1 displays the disproportionality observed at CPS referral. Because the Disproportionality Index (DI) is defined in comparison with rates for White children, the DI for White children is always one.

In the first six months of each year, from 2004 through 2008, we found that Indian and Black children were consistently more likely to be alleged victims of maltreatment than White children.

Exhibit 1
Multi-Year Comparisons of Disproportionality at Referral to CPS*



*Children with CPS referrals January through June of each year.
WSIPP, 2011

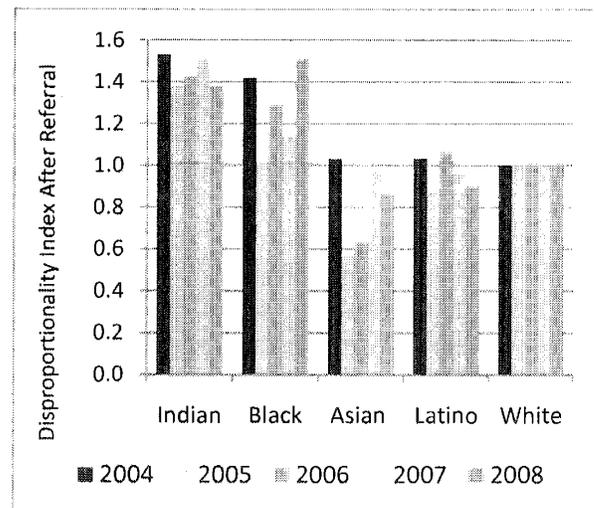
We observed considerable variation in the Disproportionality Index After Referral (DIAR).¹⁹ Exhibit 2 displays the DIAR observed at the decision to remove children from home across a five-year

¹⁹ We also observed wide variation in disproportionality of Asian children. However, in any given year, the number of Asian children removed is relatively small, so small year-to-year differences in the number of Asian children placed can cause large fluctuations in the Disproportionality Index.

period. For example, for Indian children, DIAR was consistently above 1.3. That is, Indian children with CPS referrals were more than 1.3 times more likely to be removed from home than White children with referrals. For Asian and Latino children, DIAR remained at or below 1; they were less likely to be removed from home than White children with CPS referrals. For Black children, DIAR varied more dramatically.

Our first report on disproportionality focused on the cohort of children referred to CPS in 2004. If we had chosen, instead, to study referrals in 2005, our conclusions would have been quite different; among children with CPS referrals in 2005, we found no disproportionality after referral for Black children.

Exhibit 2
Multi-Year Comparisons of Disproportionality After Referral at Decision to Remove Children From Home*



*Children with CPS referrals January through June of each year.
WSIPP, 2011

Year-to-year variation in DIAR for Black children is partially explained by differences in the rates of referral to CPS (see Exhibit 1).²⁰ That is, higher

²⁰ We conducted logistic regression on likelihood of out-of-home placements for Black children, controlling disproportionality at referral. Years with higher DI at referral were associated with lower rates of out-of-home placements. We found no similar relationship for other races. Results of regression analyses are provided in Appendix A.3.3.

rates of referral (and thus, high DI at referral) were associated with slightly lower DIAR at placement for Black children. However, even after controlling for DI at referral, we still observed varying rates of placement across years. We did not find similar effects of DI at referral for other races.

Did CA's implementation of the SDM risk assessment affect the rate of out-of-home placements? Did SDM reduce racial disproportionality at placement?

Because case characteristics may influence the decision to place children out of home, we used a statistical technique called logistic regression. The analysis estimated the likelihood of placement controlling for known case characteristics.²¹ This allowed us answer the question, "All else being equal, did implementing SDM affect rates of out-of-home placement?" For this analysis, we included referrals in the first six months of each year from 2004 through 2008, assuming any difference in placement rates in 2008 was due to SDM.²²

When we analyzed placement rates for the caseload statewide, we found no effect of SDM on rates of placement.

For Black children—but not for any other race/ethnicity—we observed a significant increase in the rate of out-of-home placements in 2008, after implementation of SDM. That is, over the period 2004 through 2007 before SDM, 13.5 percent of Black children with accepted referrals were removed from home. Controlling for case characteristics, the rate increased to 16.7 percent in 2008, after SDM. However, we cannot be certain whether this increase in placements of Black children was due to SDM or was a product of the largely unexplained year-to-year fluctuations in DIAR for Black children.

²¹ Analyses controlled for race, child age at the time of the referral, type of alleged maltreatment, month in which the referral was received, type of reporter (e.g. medical professional, social service professional, etc.), DSHS region, number of victims on the CPS referral, whether the family was receiving food stamps at the time of the referral, and the disproportionality index at referral for each race and year. Regression results are displayed in Appendix A.3.

²² We conducted similar analyses limiting the year of referral to 2007 and 2008, with similar results.

During the CPS investigation, the social worker completes not only the SDM but also a safety assessment—an appraisal of the immediate safety of children if they remain at home.²³ Given the design of the SDM—to classify families on the basis of their statistical likelihood of future reports to CPS—lack of an overall effect on placement rates may not be surprising. SDM risk levels may be more useful in guiding social worker decisions about services for families where children remain at home, enabling the worker to offer services to those families at greatest risk of future harm.²⁴

Further, although SDM appears better at predicting future child abuse and neglect than consensus-based assessments,²⁵ it still produces a number of false positives. In a study of SDM in California, 35 percent of families with Moderate High or High risk scores had further substantiated referrals; 65 percent of families with similar risk levels had no further substantiations. The authors state, "While better than chance alone, the predictive properties of this [SDM] are not of sufficient quality to warrant its use as the sole predictive measure of whether or not children will be harmed in the future."²⁶

Did implementation of the SDM risk assessment reduce the rates of subsequent CPS referrals accepted for investigation?

If SDM improved the assessment of risk, and CA used the risk level to target services to the families at highest risk of further CPS referrals, then the rates of re-referral might be reduced. The Committee requested that we examine whether a relationship exists between CA's implementation of SDM and the rate of new reports to CPS.

²³ Children's Administration Practice and Procedures Guide 2331. Investigative Standards. Accessed from http://www.dshs.wa.gov/ca/pubs/mnl_pnpg/chapter2.asp#2330

²⁴ Johnson, 2011

²⁵ See: C. Baird & D. Wagner. (2000); also A. D'Andrade, M. Austin, & A. Benton. (2008). Risk and safety assessment in child welfare: instrument comparisons. *Journal of Evidence for Child Welfare Practice*, 5(1 & 2), 31-56.

²⁶ A. Shlonsky & D. Wagner. (2005). The next step: Integrating actuarial risk assessment and clinical judgment into an evidence-based practice framework in CPS case management. *Children and Youth Services Review*, 27(4), 409-427.

We identified children with accepted CPS referrals occurring in the months of January, February, and March in 2007 (before SDM) and 2008 (after SDM). Then we looked for new CPS referrals accepted for investigation within six months of the index report.²⁷ We assumed that any change in re-referral rates from 2007 to 2008 were due to SDM. When we analyzed the statewide caseload, we found no significant effect of implementing SDM on rates of re-referral. When we analyzed the racial groups separately, we again found no significant effect of new CPS referrals in 2008 after implementation of SDM.²⁸

Our findings on re-referrals are consistent with a recent Children's Administration study. The CA study compared re-referral rates observed with SDM and those observed prior to SDM using the WRM. With both assessment tools, families assessed at higher risk levels were more likely to be re-referred than families assessed a lower risk levels.²⁹

CONCLUSIONS

The most striking finding of this analysis is that DIAR varied markedly from year to year for Black children. Some of the variation can be explained by annual differences in rates of referral. However, analyses that controlled for referral rates still revealed year-to-year differences in rates of out-of-home placement for Black children. We are unable to explain these yearly fluctuations.

Our approach to evaluating the effect of the SDM took advantage of the fact that the risk assessment was implemented statewide on October 27, 2007. We assumed that any differences observed in 2008 compared with earlier years would reflect the effect of SDM.

In an analysis that combined all races, we found no statistically significant effect of SDM on out-of-home placement. We also found no effect of SDM for Indian, Asian, Latino, or White children. Compared with Black children with CPS referrals in earlier years, those with referrals in 2008 were significantly more likely to be removed from home. However, we cannot be certain whether this increase in placements is due to SDM or is a product of the largely unexplained year-to-year fluctuations in DIAR for Black children.

SDM classifies families on the basis of their statistical likelihood of future child abuse and neglect. Thus, we might expect to see lower rates of re-referral after implementation of SDM. We found no statistically significant effect of SDM on rates of new referrals accepted for investigation for the caseload statewide or when we analyzed racial groups separately.

As it has been implemented in Washington State, the SDM risk assessment did not reduce racial disproportionality in the child welfare system.

²⁷ We omitted new referrals occurring within seven days of the index referral to avoid the possibility of multiple reports on the same incident. We also omitted children removed from home within two weeks of the referral and remaining in care for over five days.

²⁸ Full results of regression analyses are available in Appendix A.4.

²⁹ David B. Marshall. Personal communication. April 5, 2011.

TECHNICAL APPENDIX

A1. Data Sources.....	A-1
A2. Population Estimates of Children by Race	A-1
A3. Logistic Regression Analyses of Likelihood of Placement	A-1
A5. Logistic Regression Analyses of New Reports to CPS	A-5
A6. Child Outcomes by Race.....	A-8

A1. Data Sources. The Children's Administration Management Information System (CAMIS) was the source for all referrals, accepted referrals, and placements (children removed from home). CAMIS does not identify out-of-home placements resulting from CPS referrals; therefore, we used the same procedure used by Children's Administration in its federal reporting to the National Child Abuse and Neglect Data System (NCANDS). NCANDS defines an out-of-home placement as one occurring in the 90 days following a referral to a CPS placement.³⁰

The CAMIS data system was replaced by FamLink in February 2009; thus, we had a limited follow-up period for referrals in 2008. In order to look at placements following referrals, we limited the sample to the first six months of 2008. To avoid issues related to seasonality of reporting and placement, we limited data for all years in the analysis to the months January through June in each year.

When studying new reports to CPS, we limited the sample to children with referrals in January, February, and March of 2007 and 2008. This allowed us to look for new reports in a six-month follow-up period.

Staff at the Research and Data Analysis Division at DSHS matched children with referrals to CPS to records of families receiving food stamps at the time of each referral. We used food stamp receipt as a proxy for poverty.

A2. Population Estimates of Children by Race. Following the 2000 census, the Bureau of the Census released estimates of children in multiple racial categories by county. Similar estimates are not yet available for the 2010 Census. For this analysis, we used intercensal population estimates for 2008 available from Washington's Office of Financial Management. The 2008 estimates provided only a count of children listed as "multi-racial." We apportioned children listed as multi-racial in the same proportions as were observed in the 2000 Census. That is, if 20 percent of multi-racial children in 2000 were classified as Indian, we assumed 20 percent of multi-racial children in 2008 were also Indian.

A3. Logistic Regression Analyses of Likelihood of Placement. The exhibits in this section display statistics from logistic regression analyses described in the report. The regression analyses model the likelihood of a decision or outcome that retains a child in the child welfare system, controlling for reporter type and other factors. We included all the children with an accepted CPS referral in modeling the

likelihood that a child would be placed in foster care. Because disproportionality at referral varied year to year, when estimating likelihood of placement, regression models controlled for the disproportionality at referral observed for each race in each year.

How to Read Tables. The next six tables provide the odds ratios of the effects of various case characteristics on the likelihood of removal from home. Exhibit A.3.1 combines children of all races. The other five tables provide analysis for each of the racial groups. Some variables are coded 0 or 1. For example, the variable SDM would be coded 0 for children whose CPS referrals were filed before January 1, 2008, and coded 1 if the referral was filed on or after January 1, 2008. Except when factors were continuous, we omitted the variable for one group to serve as a comparison; then the odds ratios indicated the magnitude and direction of an effect.

The tables display measures of significance with asterisks (*) for each observation where the p-value was less than 0.10; that is, where we might observe this outcome by chance less than 10 percent of the time. While p-values of more than 0.05 are usually considered non-significant, we include them here to indicate trends that might be significant with larger samples. Items without an asterisk are considered non-significant. For example, Exhibit A.3.1 indicates the effect of SDM is statistically non-significant; that is, the p-value is greater than 0.10. In Exhibit A.3.1, when we combined children of all races, the odds of an infant being placed in foster care were 2.89 times greater than the odds for children 6 to 9 years old; this finding was highly significant, as signified by three asterisks (***)

We also list the statistic, Area Under the Receiver Operating Characteristic (AUC). This statistic provides a measure of how well the model predicts an outcome. AUC can vary between 0 and 1. A value of 0.5 indicates the model does not predict the outcome. Values of 0.7 or greater indicate the model does a good job of predicting the outcome.

³⁰ National Data Archive on Child Abuse and Neglect, State Mapping Form for the field "Foster Care Services." Michael Dineen. Personal communication on March 4, 2011.

Exhibit A.3.1
Placement Given an Accepted Referral
All Children
N=89,928 AUC=0.771

	Odds Ratio	P-Value
SDM	0.99	0.7875
Referral Month (Compared to January)		
February	0.98	0.5575
March	1.00	0.9237
April	0.89***	0.0026
May	0.99	0.7988
June	1.01	0.8343
Child's Age (Compared to Ages 6 to 9)		
Infant	2.89***	<.0001
Ages 1 to 2	1.44***	<.0001
Ages 3 to 5	1.17***	<.0001
Ages 10 to 13	1.1***	0.0089
Ages 14 and older	1.23***	<.0001
Male (Compared to Female)	0.91***	<.0001
Number Prior Referrals	1.14***	<.0001
Risk at Intake	2.12***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.75***	<.0001
Sex abuse	0.54***	<.0001
Abandoned	6.50***	<.0001
Race (Compared to White)		
Indian	1.63**	0.0228
Black	1.37***	0.0019
Asian	0.83**	0.0329
Latino	1.02	0.5849
Disproportionality Index at Referral	0.88	0.2393
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	3.26***	<.0001
Medical Professional	1.50***	<.0001
Mental Health Professional	0.82***	0.0014
Social Service Professional	1.54***	<.0001
Friends/Relatives	0.80***	<.0001
Others	1.03	0.5999
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.61***	<.0001
Region 2	1.27***	<.0001
Region 3	1.02	0.524
Region 5	1.49***	<.0001
Region 6	1.97***	<.0001
Food Stamps	0.80***	<.0001

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

Exhibit A.3.2
Placement Given an Accepted Referral
Indian Children Only
N=9,752 AUC=0.749

	Odds Ratio	P-Value
SDM	0.94	0.4934
Referral Month (Compared to January)		
February	0.83*	0.0588
March	1.00	0.9766
April	0.76***	0.0062
May	0.87	0.1833
June	0.98	0.8728
Child's Age (Compared to Ages 6 to 9)		
Infant	2.33***	<.0001
Ages 1 to 2	1.20	0.171
Ages 3 to 5	0.96	0.7041
Ages 10 to 13	0.98	0.8648
Ages 14 and older	0.94	0.5836
Male (Compared to Female)	1.07	0.2306
Number Prior Referrals	1.09***	<.0001
Risk at Intake	2.00***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.77**	0.0129
Sex abuse	0.65*	0.0504
Abandoned	10.40***	<.0001
Disproportionality Index at Referral	1.00	0.9787
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	2.92***	<.0001
Medical Professional	1.23*	0.0649
Mental Health Professional	0.68**	0.0224
Social Service Professional	1.34***	0.0014
Friends/Relatives	0.74***	0.0013
Others	0.92	0.6202
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.34***	0.0042
Region 2	1.29**	0.0163
Region 3	0.79**	0.0134
Region 5	1.10	0.3499
Region 6	1.49***	0.0001
Food Stamps	0.65***	<.0001

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

Exhibit A.3.3
Placement Given an Accepted Referral
Black Children Only
N=9,931 AUC=0.782

	Odds Ratio	P-Value
SDM	1.31***	0.0003
Referral Month (Compared to January)		
February	1.43***	0.0013
March	1.36***	0.0044
April	1.17	0.1604
May	1.38***	0.0029
June	1.34***	0.0089
Child's Age (Compared to Ages 6 to 9)		
Infant	2.3***	<.0001
Ages 1 to 2	1.25	0.1132
Ages 3 to 5	1.10	0.3422
Ages 10 to 13	1.04	0.6862
Ages 14 and older	1.07	0.5692
Male (Compared to Female)	0.84***	0.005
Number Prior Referrals	1.16***	<.0001
Risk at Intake	2.47***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.97	0.7574
Sex abuse	0.42**	0.0111
Abandoned	12.07***	<.0001
Disproportionality Index at Referral	0.57**	0.0368
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	3.23***	<.0001
Medical Professional	1.52***	0.0006
Mental Health Professional	0.97	0.8771
Social Service Professional	1.68***	<.0001
Friends/Relatives	1.00	0.9729
Others	1.43**	0.0391
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.63***	<.0001
Region 2	1.01	0.9743
Region 3	1.31**	0.0137
Region 5	1.55***	<.0001
Region 6	2.42***	<.0001
Food Stamps	0.72***	<.0001

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

Exhibit A.3.4
Placement Given an Accepted Referral
Asian Children Only
N=3,555 AUC=0.823

	Odds Ratio	P-Value
SDM	1.08	0.6496
Referral Month (Compared to January)		
February	0.66*	0.053
March	0.99	0.9482
April	0.71	0.109
May	0.49***	0.0023
June	1.06	0.7797
Child's Age (Compared to Ages 6 to 9)		
Infant	2.62***	<.0001
Ages 1 to 2	1.51	0.1572
Ages 3 to 5	1.15	0.5172
Ages 10 to 13	1.52**	0.0395
Ages 14 and older	2.02***	0.0015
Male (Compared to Female)	1.10	0.4667
Number Prior Referrals	1.28***	<.0001
Risk at Intake	2.45***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.71**	0.0488
Sex abuse	0.72	0.3459
Abandoned	9.95***	0.0027
Disproportionality Index at Referral	0.34	0.4145
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	3.25***	<.0001
Medical Professional	0.76	0.2953
Mental Health Professional	0.81	0.5651
Social Service Professional	1.22	0.2969
Friends/Relatives	0.46***	0.0011
Others	1.07	0.8449
DSHS Region (Compared to Region 4, King Co.)		
Region 1	2.34***	0.0025
Region 2	1.44	0.2983
Region 3	1.35	0.1332
Region 5	3.12***	<.0001
Region 6	2.48***	0.0001
Food Stamps	0.77*	0.051

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

NA=too few observations to be meaningful.

Exhibit A.3.5
Placement Given an Accepted Referral
Latino Children Only
N=12,195 AUC=0.782

	Odds Ratio	P-Value
SDM	0.88	0.1168
Referral Month (Compared to January)		
February	0.93	0.4693
March	0.88	0.1884
April	0.78**	0.0205
May	0.91	0.332
June	0.77**	0.0154
Child's Age (Compared to Ages 6 to 9)		
Infant	2.52***	<.0001
Ages 1 to 2	1.13	0.3616
Ages 3 to 5	0.93	0.4938
Ages 10 to 13	1.04	0.6845
Ages 14 and older	1.38***	0.0057
Male (Compared to Female)	0.87**	0.0297
Number Prior Referrals	1.15***	<.0001
Risk at Intake	2.15***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.70***	0.0003
Sex abuse	0.50***	0.0018
Abandoned	3.76**	0.0233
Disproportionality Index at Referral	0.79	0.2406
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	3.63***	<.0001
Medical Professional	1.4***	0.0027
Mental Health Professional	0.62**	0.0195
Social Service Professional	1.53***	<.0001
Friends/Relatives	0.87	0.1511
Others	0.99	0.9422
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.8***	<.0001
Region 2	1.29**	0.0111
Region 3	1.12	0.3201
Region 5	2.13***	<.0001
Region 6	2.96***	<.0001
Food Stamps	1.03	0.7059

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

Exhibit A.3.6
Placement Given an Accepted Referral
White Children Only
N=54,496 AUC=0.772

	Odds Ratio	P-Value
SDM	0.97	0.4306
Referral Month (Compared to January)		
February	0.98	0.6342
March	0.97	0.5117
April	0.92	0.1074
May	1	0.9595
June	1.01	0.7659
Child's Age (Compare to Ages 6 to 9)		
Infant	3.14***	<.0001
Ages 1 to 2	1.59***	<.0001
Ages 3 to 5	1.29***	<.0001
Ages 10 to 13	1.14***	0.0065
Ages 14 and older	1.27***	<.0001
Male (Compared to Female)	0.89***	<.0001
Number Prior Referrals	1.15***	<.0001
Risk at Intake	2.07***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.68***	<.0001
Sex abuse	0.51***	<.0001
Abandoned	4.93***	<.0001
Disproportionality Index at Referral	NA	NA
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	3.29***	<.0001
Medical Professional	1.62***	<.0001
Mental Health Professional	0.87*	0.0909
Social Service Professional	1.57***	<.0001
Friends/Relatives	0.78***	<.0001
Others	1.02	0.8406
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.51***	<.0001
Region 2	1.2***	0.0032
Region 3	0.98	0.6399
Region 5	1.35***	<.0001
Region 6	1.77***	<.0001
Food Stamps	0.82***	<.0001

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

NA: By definition DI always has a value of 1 for White children; hence, it has no meaning in this analysis.

A4. Logistic Regression Analyses of New Reports to CPS. For this analysis, we first identified children with accepted CPS referrals in January through March of 2007 and 2008. We then identified new CPS referrals accepted for investigation in the six months following the referral. We omitted new referrals occurring within one week of the index referral to exclude referrals that may have been reporting the same incident. We also excluded from

analysis those children removed from home within 14 days of referral and who remained in care for over five days. Children with referrals in 2008 were considered SDM cases. Odds ratios greater than 1 indicate an increased likelihood of having a new report to CPS within six months after the index referral; odds ratios less than 1 indicate a decreased likelihood.

Exhibit A.4.1

**New Accepted Referrals to CPS Within Six Months
All Children
N=16,354 AUC=0.653**

	Odds Ratio	P-Value
SDM	0.99	0.776
Referral Month (Compared to January)		
February	1.10	0.103
March	1.03	0.617
Child's Age (Compared to Ages 3 to 5)		
Infant	1.36***	0.000
Ages 1 to 2	1.32***	0.006
Ages 6 to 9	1.27***	0.001
Ages 10 to 13	0.84**	0.014
Ages 14 and older	0.59***	<.0001
Male (Compared to Female)	0.94	0.231
Number of Prior Referrals	1.13***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	1.04	0.521
Sex abuse	0.82	0.203
Abandoned	2.52	0.255
Race (Compared to White)		
Indian	1.34***	<.0001
Black	0.97	0.750
Asian	0.66***	0.005
Latino	0.90	0.148
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	0.71***	0.000
Medical Professional	0.93	0.464
Mental Health Professional	1.06	0.567
Social Service Professional	0.95	0.464
Friends/Relatives	1.00	0.998
Others	0.69***	0.003
DSHS Region (Compared to Region 4, King Co.)		
Region 1	0.80**	0.004
Region 2	0.74***	0.000
Region 3	0.82***	0.006
Region 5	0.65***	<.0001
Region 6	0.64***	<.0001
Food Stamps	1.66***	<.0001

* p-value < 0.10
 ** p-value < 0.05
 *** p-value < 0.01

Exhibit A.4.2

**New Accepted Referrals to CPS Within Six Months
Indian Children Only
N=1,702 AUC=0.643**

	Odds Ratio	P-Value
SDM	1.07	0.611
Referral Month (Compared to January)		
February	1.00	0.982
March	1.31*	0.074
Child's Age (Compared to Ages 3 to 5)		
Infant	1.16	0.474
Ages 1 to 2	1.15	0.601
Ages 6 to 9	0.86	0.437
Ages 10 to 13	0.55***	0.004
Ages 14 and older	0.56**	0.014
Male (Compared to Female)	0.77**	0.040
Number of Prior Referrals	1.1***	0.000
Type of Maltreatment (Compared to Neglect)		
Physical abuse	1.05	0.811
Sex abuse	0.13**	0.049
Abandoned	0.00	0.977
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	0.76	0.326
Medical Professional	0.93	0.787
Mental Health Professional	1.24	0.402
Social Service Professional	1.01	0.943
Friends/Relatives	1.41**	0.048
Others	0.69	0.314
DSHS Region (Compared to Region 4, King Co.)		
Region 1	0.5***	0.003
Region 2	0.72	0.113
Region 3	0.71*	0.060
Region 5	0.56***	0.009
Region 6	0.45***	0.001
Food Stamps	1.17	0.280

* p-value < 0.10
 ** p-value < 0.05
 *** p-value < 0.01

Exhibit A.4.3
New Accepted Referrals to CPS Within Six Months
Black Children Only
N=1,703 AUC=0.637

	Odds Ratio	P-Value
SDM	1.26	0.113
Referral Month (Compared to January)		
February	1.22	0.267
March	1.17	0.367
Child's Age (Compared to Ages 3 to 5)		
Infant	0.89	0.612
Ages 1 to 2	0.56	0.110
Ages 6 to 9	0.88	0.546
Ages 10 to 13	0.89	0.596
Ages 14 and older	0.65*	0.080
Male (Compared to Female)	0.87	0.335
Number of Prior Referrals	1.10***	0.001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.76	0.189
Sex abuse	1.59	0.341
Abandoned	7.63	0.109
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	1.08	0.781
Medical Professional	1.43	0.221
Mental Health Professional	0.77	0.517
Social Service Professional	1.37	0.131
Friends/Relatives	1.12	0.585
Others	0.88	0.743
DSHS Region (Compared to Region 4, King Co.)		
Region 1	0.81	0.423
Region 2	0.82	0.563
Region 3	0.94	0.781
Region 5	0.64**	0.020
Region 6	0.43**	0.019
Food Stamps	1.40**	0.045

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01

Exhibit A.4.4
New Accepted Referrals to CPS Within Six Months
Asian Children Only
N=668 AUC=0.783

	Odds Ratio	P-Value
SDM	1.14	0.690
Referral Month (Compared to January)		
February	1.08	0.827
March	0.90	0.792
Child's Age (Compared to Ages 3 to 5)		
Infant	3.76**	0.015
Ages 1 to 2	5.89***	0.002
Ages 6 to 9	2.15*	0.082
Ages 10 to 13	0.67	0.389
Ages 14 and older	0.34	0.119
Male (Compared to Female)	0.74	0.336
Number of Prior Referrals	1.34***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	1.67	0.172
Sex abuse	1.34	0.715
Abandoned	NA	NA
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	0.31*	0.088
Medical Professional	0.13*	0.059
Mental Health Professional	0.49	0.372
Social Service Professional	0.65	0.310
Friends/Relatives	0.67	0.363
Others	1.05	0.957
DSHS Region (Compared to Region 4, King Co.)		
Region 1	1.33	0.694
Region 2	1.46	0.651
Region 3	0.36*	0.055
Region 5	0.71	0.445
Region 6	0.42	0.291
Food Stamps	0.92	0.791

* p-value < 0.10
** p-value < 0.05
*** p-value < 0.01
NA=too few observations to be meaningful.

Exhibit A.4.5
New Accepted Referrals to CPS Within Six Months
Latino Children Only
 N=2,327 AUC=0.661

	Odds Ratio	P-Value
SDM	0.95	0.713
Referral Month (Compared to January)		
February	1.09	0.590
March	0.99	0.969
Child's Age (Compared to Ages 3 to 5)		
Infant	1.21	0.376
Ages 1 to 2	0.88	0.669
Ages 6 to 9	1.45**	0.041
Ages 10 to 13	0.94	0.767
Ages 14 and older	0.63*	0.073
Male (Compared to Female)	1.19	0.189
Number of Prior Referrals	1.13***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	0.78	0.178
Sex abuse	0.64	0.317
Abandoned	0.00	0.983
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	0.66	0.111
Medical Professional	0.60*	0.078
Mental Health Professional	1.27	0.400
Social Service Professional	1.27	0.227
Friends/Relatives	0.89	0.516
Others	0.81	0.561
DSHS Region (Compared to Region 4, King Co.)		
Region 1	0.67*	0.075
Region 2	0.67**	0.032
Region 3	0.77	0.208
Region 5	0.83	0.524
Region 6	0.65*	0.093
Food Stamps	1.99***	<.0001

* p-value < 0.10
 ** p-value < 0.05
 *** p-value < 0.01

Exhibit A.4.6
New Accepted Referrals to CPS Within Six Months
White Children Only
 N=9,106 AUC=0.660

	Odds Ratio	P-Value
SDM	0.92	0.216
Referral Month (Compared to January)		
February	1.16*	0.059
March	0.97	0.709
Child's Age (Compared to Ages 3 to 5)		
Infant	1.51***	0.000
Ages 1 to 2	1.49***	0.003
Ages 6 to 9	1.34***	0.002
Ages 10 to 13	0.87	0.148
Ages 14 and older	0.57***	<.0001
Male (Compared to Female)	0.96	0.521
Number of Prior Referrals	1.13***	<.0001
Type of Maltreatment (Compared to Neglect)		
Physical abuse	1.25**	0.012
Sex abuse	0.96	0.833
Abandoned	4.60	0.197
Type of Reporter (Compared to Educators/Childcare)		
Law Enforcement	0.72***	0.010
Medical Professional	1.06	0.656
Mental Health Professional	1.04	0.802
Social Service Professional	0.85	0.121
Friends/Relatives	0.95	0.507
Others	0.62***	0.004
DSHS Region (Compared to Region 4, King Co.)		
Region 1	0.84*	0.095
Region 2	0.75**	0.024
Region 3	0.84*	0.096
Region 5	0.60***	<.0001
Region 6	0.67***	0.000
Food Stamps	1.83***	<.0001

* p-value < 0.10
 ** p-value < 0.05
 *** p-value < 0.01

A5. Child Outcomes by Race. Exhibit A.5 displays by race the average percentages of children removed from home following an accepted CPS referral, and the rates of re-referral to CPS following in the six months following an investigated CPS referral.

Exhibit A.6
Child Outcomes by Race

Child Race	Removed From Home After Accepted CPS Referral ¹		New Accepted Referral During 6-Month Follow-up ²	
	N	Percentage	N	Percentage
All	76,324	12.4%	18,213	12.6%
White	44,721	12.3%	10,132	12.5%
Indian	8,011	16.4%	1,948	14.8%
Black	8,006	13.5%	1,928	11.8%
Asian	2,832	9.6%	725	9.1%
Latino	9,712	12.7%	2,589	11.4%

¹ Children with accepted CPS referrals in the first six months of each year, 2004 – 2008.

² Children with accepted CPS referrals in the first three months of 2007 and 2008.

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Myth of Equal Justice Examined by ABA Panelists

By Jason Fujioka
American Bar Association
Aug. 6, 2011

TORONTO — “Across the United States, if not the world, there is some sense that because we have a president who is African-American, that things have changed and racism has gone out the window,” said Dennis Archer, former mayor of Detroit and past ABA president, speaking yesterday at “‘Implicit Bias’ and the Myth of Equal Justice,” a program at the American Bar Association’s annual meeting in Toronto. “But I will tell you that racism is alive and well.”

Archer was joined by a panel that included Dahlia Lithwick, senior editor at Slate; Jeffrey Rachlinski, professor at Cornell Law School; and Mark Geragos, principal of law firm Geragos & Geragos, to discuss the problem of bias in the justice system.

“I see [bias and racism] on a daily basis,” said Geragos, who is a noted criminal defense attorney from Los Angeles. “Anybody who walks in any jail or any prison in California can’t for a minute think that racism is dead or that we’ve made a lot of progress because the prisons are filled disproportionately with people of color.”

Citing statistics from 2003, Archer said that there were 2.1 million people behind bars in the United States, and 40 percent were African-American and 23-25 percent were Hispanic—far higher than the percentage of the U.S. population that these groups make up.

Rachlinski, who has written extensively on the influence of human psychology on decision-making by courts, said that a recent Tufts University study showed that both African-Americans and whites perceive a decline in racism from generations ago.

However, Geragos believes that the perception may exist because racism is just less obvious than it was years ago. “We’ve become somewhat more sophisticated as a culture and as a society, in terms of being politically correct in how we express [our biases].”

Archer agreed with Geragos, and said that Americans’ treatment of Muslims following 9/11 is an example of the racism that can occur when political correctness does not keep it in check.

Said Geragos, “It hasn’t become politically incorrect to sublimate any of your feelings or biases against Muslims so therefore, Muslims can be demonized. You can say what you want.”

Lithwick said bias and racism isn’t just prevalent in the criminal justice system. They also affect the civil justice system, and there are several biases at work at the same time, such as those related to gender and sexual orientation. As a reporter on issues related to the U.S. Supreme Court, Lithwick noted the subtle racism in the confirmation hearings of Justice Sonia Sotomayor. She recalled Sotomayor being asked if she was a bully because of her aggressiveness. “No one ever asks if Antonin Scalia is a bully.”

Human judgment involves two different mental processes: intuition and deliberation. Rachlinski said that people often make bad judgments in the justice system because they rely too much on intuition.

Rachlinski explains that intuition involves reasoning by association and emotion, while deliberation is deductive and rule based. "Intuition is a very rapid way of processing the world.

"The problem with modern judgment in a complex society comes because the intuitive system is fast, confident and operates a bit outside the conscious sphere of thought," he said.

Both types of reasoning serve important purposes when it comes to decision-making, but when reasoning involves the justice system, it is important to be aware of the biases clouding judgment, the panelists concluded



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The Upcoming Decade of Latina/o Political Empowerment

By: Joaquin G. Avila, Director National Voting Rights Advocacy Initiative, Fred T. Korematsu Center for Law and Equality, Seattle University School of Law

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The year 2010 marked a new era for Latina/o community struggles to achieve equal access to the political process. Since the end of the Mexican American War in the late 1840s, the struggles to eliminate discriminatory methods of election and other devices that served to prevent, discourage and inhibit Latina/o political participation have traversed a historical trajectory that has witnessed a transition from direct exclusions from registering to vote to greater electoral participation in national, state and local elections. Yet this struggle is by no means over.

As a result of recent Latina/o participation in both the 2008 presidential and 2010 midterm elections, Latina/o communities across the country have been galvanized to become more involved in electoral politics. Unlike previous decades, Latina/o commu-

nities' interest in political representation has extended beyond the States of California, Arizona, New Mexico, Colorado and Texas. This community interest is now present in all of our countries' regions, including the State of Washington.

This column will focus on these community efforts both at the national and local levels. In sharp contrast to previous decades, here in the State of Washington, there is presently a growing sense of the importance of the political process among community activists, educators, administrators, business people, and persons within our various professions. As for our Latina/o legal profession at the national level, this growing awareness is reflected by the establishment of a Voting Rights Section within the Hispanic National Bar Association, where I am

currently serving as its chair. At the state and local level the Latina/o Bar Association of Washington has exerted its professional leadership in supporting strategies and advocacy efforts to secure our community's right to greater access to the political process.

At the moment our collective efforts in the State of Washington are focused on the decennial redistricting of congressional, state legislative, county council, city council, school district and special election districts. For those governmental entities having district elections, whereby only the voters residing within an election district, such as a congressional district, elect a representative from that district, the release of the decennial Census figures requires that the boundaries of these districts be adjusted so that each district has approximately

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The Upcoming Decade of Latina/o Political Empowerment (cont.)

"... the Latina/o Bar Association of Washington has exerted its professional leadership in supporting strategies and advocacy efforts to secure our community's right to greater access to the political process."

the same number of persons. This is often referred to as the one-person one vote principle or the equal population principle. In addition, the district boundaries must not be drawn in a manner that either fragments or over-concentrates Latina/o and other people of color communities.

This antidiscrimination principle is incorporated in the federal Voting Rights Act. As the redistricting process gets underway, the political

leadership at the state and local levels has to calibrate the redistricting process so as to not violate the equal population principle, preserve communities, and comply with the requirements of the federal Voting Rights Act. As Latina/o lawyers we will need to first develop our expertise in this area and then aggressively advocate on behalf of Latina/o communities across the state to protect their right to vote.

This column is the first step to provide this expertise. Moreover this column will promote a voting rights advocacy agenda that seeks to establish a strong foundation within our community that will permit us to aggressively engage in those struggles to break down, once and for all, the electoral barriers that continue to persist within our body politic. Let us begin.

Civility in Our Conversations About Race and Culture

By: The Honorable Mary I. Yu

Can we talk about race? Can we genuinely engage our friends, neighbors, and colleagues in a serious conversation about race and culture without inflicting pain or guilt upon one another? Can you recall the last conversation you may have had about the topic and how it ended?

Our temptation may be to politely decline or avoid at all costs any discussion on the state of race relations or

the impact of multi-cultural growth in our community because of our fear of being misunderstood. We worry about not being heard or perhaps we dread discovering what someone's "true" opinions might be about the topic. We wonder who we can trust with our stories or honest questions.

But as lawyers (leaders) in our community, should we be afraid of the conversation just because it is difficult?

The fact is we are becoming a multi-cultural and multi-racial community. Recent events involving police use of force in minority communities have called into question the integrity of our criminal justice system. The need for the discussion could not be more timely or important. Dare we try?

The principles underlying the practice of civility can guide us into the conversation and dictate the rules of



Chach Daurte White and Nicole Gaines at the LBAW-WWL Wine Reception at the Tagaris Winery in Richland, WA.

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Civility in Our Conversations About Race and Culture (cont.)

the discussion. As noted in previous Bar News articles by Paula Lustbader & Stella Rabaut, civility is more than politeness; "civility is courage with kindness." The practice of civility permits us to listen with our hearts to the experiences of others; to comprehend the feeling of alienation and of being an outsider. Civility calls us to step outside of our own lived experience and to engage in a sincere exploration of another through the simple art of listening before speaking. Civility challenges us to reflect and ponder upon what we have heard, before making a judgment. Civility calls us to a state of compassion and empathy.

An active and civil engagement about a difficult topic such as race would also permit us to reveal our own biases, share our unfamiliarity of traditions and practices, and expose our ignorance of certain facts without causing personal pain to another. And when we inadvertently cause pain to another, civility requires an apology and a request to rewind and start over. At the same time, the practice of civility also requires vulnerability; it means that some of us must take the risk of sharing the

pain of being on the receiving end of bigotry, both real and perceived, with the hope that the listener might better understand its impact.

Finally, the practice of civility requires patience and restraint. Patience in having to repeat what has been said by others so many times before and in having to share once again; and restraint from reacting at an emotional level to what we think we heard. You might ask yourself why bother, it sounds like a lot of work! So why even have the conversation? We need to have the conversation because of our unique role and function in a democracy and the pressing need to restore faith in our system of justice. Despite the colossal progress we have made towards achieving equality for all across this nation, there still exists a massive racial chasm that gets exposed through high profile cases in our criminal justice system, or even by remarks made by a Supreme Court justice.

Mark Peffley and Jon Hurwitz in their 2010 study, *Justice in America, The Separate Realities of Black and*

Whites offer a rigorous examination of how the different realities of African Americans and European Americans influence the respective perceptions of justice and the legal system. These scholars offer extraordinary insight into how the radically different experiences of African Americans and Whites explain the polarized views of our legal system and whether they believe justice will be delivered fairly. The conclusions are troubling and offer a compelling reason to get engaged in a conversation about race. Frankly, in order to better understand the lived experiences of one another, we must wade into the muddy waters of having a candid conversation about the topic. We must "bother" with listening and learning about the many forms of racial injustice experienced by communities of color and find ways we can move forward together.

As lawyers, we are responsible for maintaining a system of justice that is not only fair in its application of the law, but that is also perceived as fair by the broader community. We stand in a unique position to explore and address the specific "systems" or institutional practices that

"An active and civil engagement about a difficult topic such as race would also permit us to reveal our own biases, share our unfamiliarity of traditions and practices, and expose our ignorance of certain facts without causing personal pain to another."

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Civility in Our Conversations About Race and Culture (cont.)

directly impact how members of minority communities experience or perceive our courts and what we do, particularly in our criminal justice system. The discussion cannot and should not be delayed; the restoration of

confidence in our system of justice needs to be the focus of conversation in our personal and professional lives. We *can* talk about race and we *can* do it with civility.

"We can talk about race and we can do it with civility."

Entre Hermanos: Seattle's Latino LGBTQ Organization Seeks Board Members

Almost twenty years ago a small group of Latino lesbian, gay, bisexual and transgender people in the Seattle area came together to address the need for support and advocacy on behalf of their community.

Those conversations led to the formation of Entre Hermanos, a community based nonprofit whose mission is to promote the health and well-being of our local Latino LGBTQ community. The organization is going strong, and is currently recruiting board members; in particular someone with general legal expertise, and also a member with financial expertise.

It's not a requirement to be LGBTQ, or to be Latino to serve on the board of Entre Hermanos. What is required is a willingness to support the mission of the organiza-

tion and help it meet its goals. Currently, Entre Hermanos' programs focus in these areas:

- HIV Prevention
- Tobacco Prevention
- Lesbian Health
- Referrals for health, social services and immigration
- Providing a social space for Latino LGBTQ
- Youth prevention and support

The board meets monthly, and members are expected to spend an additional 2.4 hours per month on board business. Board members contribute financially within their means, and also help identify potential donors and assist in selling tickets to our annual event, the Latino Pageant.

You can learn more about Entre Hermanos at the website:

www.entrehermanos.org

For more information, email Executive Director [Marcos Martinez](mailto:Marcos.Martinez@entrehermanos.org) or call (206) 322-7700.

PRESS RELEASE: *Offensive Comments Highlight Need for Real Leadership*

Recent comments by Kennewick City Council candidate Loren Nichols – and the lack of any public condemnation so far by elected officials in Washington State – serve as a stark reminder that immigrant communities and communities of color need leaders willing to stand up for them.

Mr. Nichols took a volatile political environment around immigration issues to new lows by proposing that undocumented immigrants “be shot at the border” and that “If they value their lives, they would leave.” Meanwhile, the disparity in education, health, and wealth between populations in North and South Seattle continues to widen. And in just the first half of 2011, state legislators across the country have introduced over 1,500 immigration-related bills, many of them inviting racial profiling.

This year’s redistricting process provides an opportunity for communities of color to help create majority-minority electoral districts that will elect leaders who prioritize issues first and foremost on their agendas.

Today, the United for Fair Representation coalition submitted our Unity Maps to the Washington State Redistricting Commission. The Unity Maps include a new 10th Congressional District in South King County and five legislative districts across the state that are each majority people of color.

“The Member of Congress repre-

senting a majority people of color district would have condemned these hateful remarks,” said George Cheung, Director of the Win/Win Network. “The deafening silence from our elected leaders is even more proof that communities of color in Washington need a champion from the 10th Congressional District.”

“While we hope Mr. Nichols is a fringe candidate, the truth of the matter is that racism continues to run deep and strong in Washington State,” said Fé Lopez, President of the Latino Bar Association of Washington, a member of the United for Fair Representation coalition. “Until we can have the opportunity to elect officials that truly represent our ever growing communities of color, we run the real risk that people like Mr. Nichols will get elected.”

“Washington’s gain of a tenth Congressional District is a significant result of the minority population’s growth over the last ten years,” added Cherry Cayabyab of United for Fair Representation. “The creation of districts based on these Unity Maps is a step towards achieving fair and proportional representation for communities of color in our state.”

Advocates for majority-minority districts have testified at nearly every one of the 18 public hearings held by the Commission this summer, including a packed hearing last Tuesday in South

Seattle.

“People living in South Seattle have more in common with those living in Kent or Federal Way than Lake Washington or North Seattle, making it a viable community of interest,” said OneAmerica Policy Director Ada Williams Prince. “This new 10th Congressional District would provide these communities with the power to influence elected officials to take action in reducing health disparity and support educational equity.”

“People of color majority in political jurisdictions, is an essential evolutionary step in our journey from a segregated and biased society to one which rises up to the vision articulated by Martin Luther King where in the content of ones character is the measure by which one is judged,” remarks Tom Hilyard, Tacoma Black Collective.

**FOR IMMEDIATE
RELEASE**

August 15, 2011

Contact: Cherry Cayabyab

[206.227.1948](tel:206.227.1948) or

cherry@fairrepresentationwa.org

USDA Hispanic and Women Farmer Claims Program in Washington State

By: Michael Martinez, Special Assistant at the USDA Office of the Assistant Secretary for Civil Rights

The USDA is the 5th largest department of the United States government with an annual budget exceeding \$134 billion. Among its roles, the USDA promotes agricultural trade and production, assures food safety, protects natural resources, fosters rural communities and seeks to end hunger in the United States and abroad. One other important function of the USDA is to make and guarantee loans to family farmers and ranchers to promote, build and sustain family farms. Last year, the USDA's Farm Service Agency extended over \$6 billion in farm loans within the U.S.

For decades, the USDA had an unfortunate and checkered history with regard to civil rights. Reports dating back to the 1960's have found discrimination at USDA in both program delivery and the treatment of employees. USDA was also the target of a number of lawsuits seeking redress for discrimination in the delivery of its farm loan programs.

Background

In an attempt to resolve claims filed in federal district court by African American farmers, the USDA entered into a consent decree in 1999, known as *Pigford I*, in which the agency agreed to pay African American farmers for alleged past discrimination in lending and other USDA programs as part of a claims resolution process. Thousands of claims had been adjudicated under *Pigford I*, and the government provided a cumulative total exceeding \$1 billion in cash relief, estimated tax relief, and debt relief to successful claimants.

But thousands of other claims were not considered on their merits because the affected farmers submitted their claims after the settlement claims deadline. To address these claims, Congress extended to these farmers another avenue for redress in the 2008 Farm Bill by providing a right to file a claim in federal court, and appropriated a \$100 million "placeholder" in the legislation – but no settlement in the lawsuit would be reached until Secretary Tom Vilsack was appointed to head the USDA.

On February 18, 2010, USDA worked with the Department of Justice to enter into a settlement with African American farmers for \$1.25 billion, known as *Pigford II*. And on December 8, 2010, President Obama signed legislation that will provide \$1.15 billion in funding for this settlement beyond the \$100 million provided for in the 2008 Farm Bill. This settlement received preliminary approval by a Federal court during May, 2011.

In addition to the lawsuits filed by African American farmers, USDA is the target of lawsuits – some of which sought class-action status – brought by women, Hispanic, and Native American producers.

On October 19, 2010, USDA and the Department of Justice announced the settlement of a discrimination class action lawsuit filed against USDA by Native American farmers referred to as *Keepsagle*. The settlement, which received final approval by a federal court during April, 2011, ends litigation concerning complaints from Native Americans generally covering the period 1981-1999. Under the settlement, \$680 million will be made available to eligible class members to compensate them for their discrimination claims, plus debt forgiveness and tax relief.

A group of Women farmers and ranchers filed suit in federal district court under a case referred to as *Love*. And a number of Hispanic farmers and ranchers filed suit in federal district court under another case referred to as *Garcia*. However, neither the *Love* nor *Garcia* actions succeeded in obtaining class certification status.

Both President Obama and Secretary Vilsack continue to make progress in closing this unfortunate chapter in USDA's history once and for all. Under Secretary Vilsack's leadership, USDA made civil rights a top priority and has worked to move USDA into a new era for civil rights. It is Secretary Vilsack's goal that the USDA achieves Abraham Lincoln's vision of "the people's department" where each employee and customer is treated fairly and equitably.

Cont. on next page

USDA Hispanic and Women Farmer Claims (cont.)

USDA, working with the Department of Justice, has established a plan to turn the page on the discrimination claims of Hispanic and Women farmers by making monies available from the Judgment Fund administered by the Department of Justice.

USDA Hispanic and Women Farmer and Rancher Claims Program.

Because federal courts did not certify either the Hispanic or Women farmers' cases as a class, these claims would only be resolved through numerous individual lawsuits. USDA and the United States Department of Justice have provided an alternative means for these claims to be resolved outside of court, efficiently and fairly.

Elements of the USDA Hispanic and Women Farmer Claims Program:

1. Individuals who submit claims of discrimination in farm loan programs during the approximate time period from 1981 to 2000 will go through a non-adversarial, out-of-court, administrative process to have their claims resolved.
2. The time period to submit claims will last 180 days from the date the USDA announces commencement of the claims period.
3. The awards will be adjudicated and administered by a third-party contractor, not by USDA.
4. The third-party administrator will prepare and distribute the claims forms and packages and provide a toll-free call-line to assist claimants.
5. There are two types or "tiers" of claims.
 - a) Successful claimants in "Tier 2", available to individuals who are able to present all of the necessary written documents required by the program, will receive a guaranteed award of \$50,000.
 - b) Successful claimants in the "Tier 1" process, available to those who lack the same level of documentation as Tier 2 claimants, are eligible for awards of up to \$50,000, which may be reduced as Tier 1 funds will be divided among successful Tier 1 claimants.
 - c) USDA will also provide a total of up to \$160 million in debt relief to successful claimants who currently owe USDA money for eligible farm loans. Successful claimants will receive an additional amount equal to 25% of the combined cash award plus debt relief, paid to the Internal Revenue Service to help defray federal taxes that may be owed on the award.

For those claimants who choose not to participate in this unified claims process, the option of utilizing the federal court system still remains.

In addition to making monetary awards available to claimants, the USDA is also instituting changes to its programs to help make them more accessible to Hispanic farmers and ranchers, including providing more technical and other forms of assistance.

This claims program is being made available to more than just the limited number of named plaintiffs already included in the *Garcia* and *Love* litigation. This program includes extensive outreach and notice efforts to Hispanic and Women farmer communities so that all eligible farmers learn about this option and are provided an opportunity to participate.

Agricultural census figures report almost 56,000 Hispanic-owned farms in the U.S., comprising in excess of 17 million acres of land. Between 1980 and 2000, the Hispanic/Latino population in rural and small town America nearly doubled and is now the most rapidly growing segment in non-metropolitan counties. The USDA 2007 Census of Agriculture reports that there were nearly 8,100 farms in Washington operated by Women producers, and nearly 1,650 farms in Washington operated by Hispanic producers.

As a result of our experience in the African American farmers' *Pigford I* case, we know that farmers and

Cont. on next page

USDA Hispanic and Women Farmer Claims (cont.)

ranchers in minority communities are often difficult to reach. Some see that factor as a potential reason for the subsequent *Pigford II* action which Congress agreed to fund late last year. We face potentially greater challenges when trying to reach Hispanic farmers and ranchers in remote areas with potential language barriers. USDA therefore seeks the assistance of the Hispanic community and the legal community in trying to reach potential Hispanic farmer and rancher victims of discrimination.

For obvious reasons, we at USDA and within the U.S. Government face certain limitations in providing assistance to individuals who may be filing claims against the government. We therefore expect that civic minded community organizations, bar associations, legal assistance offices, and clinics might be wishing to learn more about this program and, in turn, wish to extend assistance to these communities. We stand ready to provide the needed information to allow this to happen.

Outreach Through LBAW.

A critical element to the success of the program is outreach to the Hispanic community and the community of Women producers. Because USDA recognizes the importance of this outreach, we are seeking assistance from the Latino Bar Association of Washington members to supplement our own extensive efforts.

We seek assistance from LBAW members in promoting awareness of the claims process. We are especially trying to promote the Claims Program website: <https://farmerclaims.gov/FarmerClaims/farmer.do> and the toll-free number (1-888-508-4429), which allow potential claimants to register to receive a claims package from the Administrator. Our outreach efforts are national in scope, but we are placing particular focus on outreach in the states such as Washington, with significant numbers of Hispanic and Women producers.

Further, we welcome suggestions for ensuring that potential claimants have access to adequate legal services and that those services will be provided in an ethical manner. Finally, please feel free to contact me with any suggestions regarding outreach to potential claimants through community-based organizations, or legal service providers. I can be reached as follows: michael.martinez@ascr.usda.gov - 202-720-1010. Thanks to LBAW members who have already forwarded some great suggestions!

We thank you for assisting in this important effort, and we look forward to working with you to help create a new era at USDA in civil rights for Hispanic and Women farmers and ranchers.

For additional information, please see:

Pigford I and Pigford II Cases: <https://www.blackfarmcase.com/> or 877-810-8110

Keepseagle Case: <https://www.indianfarmclass.com/> or 888-233-5506

USDA Hispanic and Women Farmer Claims Program: <https://farmerclaims.gov/FarmerClaims/farmer.do> or 888-508-4429

**NOTICE
TO
HISPANIC
AND/OR
WOMEN
FARMERS
OR
RANCHERS**

Click here if you are a woman or Hispanic farmer and believe you were improperly denied farm loan benefits by USDA between 1981 and 2000. You may be eligible for compensation.

USDA United States
Department of
Agriculture

USDA is an equal opportunity
provider and employer.

La Pesadilla y el Sueño: The Nightmare and the Dream

By: Lourdes Fuentes

<http://LFuentesJD.com>

I was about 6 years old when I was whisked out of Cuba without any warning. I'm not saying that my parents didn't plan the departure carefully, only that no one told me what we were doing or asked me what I wanted. As it happened, one day my mother, sister and I boarded an airplane with two little boys who were handed to my mother by a stranger on the tarmac. I had never been on an airplane before and suddenly these little boys got to sit with my mother while I cried by myself in the front of the plane.

What happened to me that day has helped shape who I am as an immigration attorney. I often see myself in my clients, particularly those who were brought to the U.S. in their youth. I refer to them as "my kids," regardless of their age because I understand their plight—no one asked them if they wanted to come to the U.S. Yet here we all find ourselves.

One of my kids is Maria (not her real name). She was brought to the U.S. at about the same age as I was. She was a perfect 'A' student in high school until she was raped. Terrified that reporting this crime would lead to immigration problems for her family, she reported it all the same. Despite her courage, the police officer didn't believe her and refused to investigate it. Nine months later she delivered her daughter and shortly thereafter DNA testing ordered by DSHS so the baby could receive public benefits confirmed that the accused man was the baby's father. Maria miraculously graduated from high school with a baby in her arms. Maria and I met about two years later. She had been at a party where unbeknownst to her there was underage drinking. She knew better than to drink so when the police gave everyone a breathalyzer test she blew a perfect '0.' However, the police questioned her about her place of birth and next thing she knew she was detained and put into removal proceedings. Interestingly, she was the only one taken to the police station; the underage drinkers were merely told to disperse.

Lucky for Maria, immigration law allows for victims of certain crimes such as rape to apply for a U Visa, if the victim cooperates in the investigation. Lucky for Maria, the police had made a note of her reporting the rape and their refusal to investigate. Lucky for Maria, DSHS required and paid for a DNA test to determine parentage. We could say that Maria was one of the "lucky" ones, but do we really want kids to be considered lucky because they were a victim of rape?

Another of my kids is Jaime (not his real name). Perhaps we can say that he is not as "lucky" as Maria. He is 19 years old and a graduate from high school in Washington State with good grades. He has absolutely no criminal history or interaction with the police department, not even a parking ticket. He lives with and takes care of his ailing U.S. citizen grandfather. He was brought to the U.S. when he was only months old and has never been outside the U.S. He speaks perfect English. Furthermore, he wants to join the military but is unable to do so without lawful status. At a time when our country is at war and the risks are high, it is admirable that he would want to risk his life for a country that is diligently trying to remove him to a country he does not know. Jaime was "picked up" by Immigration and Customs Enforcement (ICE) when they knocked on his grandfather's door looking for his uncle. Just like Maria, he was asked where he was born and ended up at the Northwest Detention Center where we met.

I will fight to keep Jaime here ... it's my job and I am passionate about fighting for him to be able to stay in the only country he knows. So far I have filed a Motion to Suppress, asked for prosecutorial discretion, and gotten our U.S. Senators involved. I will not give up on Jaime because I think of myself at Jaime's age and understand that the only difference between him and me was luck—I was born in a country where getting legal status in the U.S. was relatively easy, even if my non-English speaking parents didn't think so at the time.

I could write a book about my kids; each with his or her unique story. About a year ago I found myself sharing

Cont. on page 11

Eastern Washington Update

By: M. Laura Contreras

laura.contreras@columbialegal.org**"Coordinated Early Pipeline Recruitment by Three In-State Law Schools Reaches Heritage University"**

On April 8, 2011, law students from Washington's three law schools came together at Heritage University, a local college sited in Toppenish and in the heart of the Yakama Indian Nation. University of Washington, Seattle University, and Gonzaga Law students journeyed to the tranquil and rural campus for an afternoon of discussion on law school, legal careers, and developing a joint pre-law mentorship program through an informal kick-off entitled "*Exposing Yourself to the Law.*" Over 15 law students participated to meet first generation Latina/o and Yakama Indian undergraduate students interested in pursuing a career in law. The program is the first integrated law school student-based outreach of its kind in that it is a true collaboration of all three in-state law schools and a service-based outreach that focuses on an underserved community of students.

First Statewide Law School Pre-Law Mentorship Program With Heritage University

M. Laura Contreras, Columbia Legal Services/Yakima Office and LBAW member, facilitated the discussion on personal inspirations, law school opportunities and resources, legal career choices, and the development of a Law School Mentorship Program with Heritage University. The goal of the Program is to further early pipeline recruitment and local leadership development efforts to under-represented and low-income communities, particularly in rural Washington so that more students will not only be encouraged, but supported to apply to law schools within and beyond Washington law schools. Heritage University's mission as a local university is to provide higher educational opportunities to predominantly low-income students from the Latina/o farm worker community and Yakama Nation, and in doing so to promote community service and learning opportunities in the region. Kay Bassett, Heritage University's Director of Special Initiatives said, "this [Program] is a great model for us here at Heritage for future law-faculty, law student and pre-law student activities, and also a range of career mentorship programs. It reinforces the "Yes, You Can!" message we would like all of our students to have." A Heritage University student stated that she "came to the session without an expectation that she could do it, but left inspired that she and her daughter could not only finish undergraduate studies together, but potentially pursue law school together too." By connecting Heritage University students with law students from all three schools, the mentorship program hopes to serve as a professional and educational network that will increase law school enrollment of more diverse candidates from the region, who may in turn come back to serve as mentors and leaders of the future.

Sponsors of the Program

A big shout out to all of the law students and Heritage University students, as well as the following institutional representatives who made the first event possible: Jennifer Fan, Managing Director of the University of Washington Entrepreneurial Law Clinic; Fé Lopez, Seattle University School of Law Assistant Director, Student Life and President of the Latino/a Bar Association of Washington; Inga Laurent, Gonzaga University Director of Externships; Aline B. Carlton, University of Washington Assistant Director, UW School of Law William Gates Public Services Program; Kay Bassett, Heritage University Director of Special Initiatives; Paul Eklund, Heritage University Business Professor; and Aurora Martin, Columbia Legal Services Deputy Director.

Be Part of the Program

Latina/o Bar Association of Washington has connected with firms interested in sponsoring and supporting Heritage University pre-law students interests. A fall event is being planned and there will be more opportunities for LBAW members, in particular those with roots in the Yakima Valley, to participate and assist in this Program. LBAW will reach out to the Northwest Indian Bar Association (NIBA) in collaborating on this project to increase awareness of and access to law schools to Latina/o and Yakama Indian undergraduate students from Central Washington. If you would like to volunteer to be a mentor or if you have questions, please contact Mirta Laura Contreras.

La Pesadilla y el Sueño: The Nightmare and the Dream (cont.)

their stories with some staunch anti-immigrant political activists. I asked them how they would feel if our government punished *their* children for actions they (the parents) had taken 15-20 years ago which may have seemed correct at the time, even if misguided. Unanimously, they argued that it would be inappropriate because a child should not be punished for his or her parent's actions. Then I reminded them of my kids. No one asked my kids whether they wanted to come to the U.S., they merely found themselves here and don't know any other country.

It's time for our government to pass the DREAM Act so that we don't consider being a victim of a heinous crime to be "lucky". My kids and all kids deserve to live productive lives without fear and fulfill their dreams in the only country they know.

I understand why my parents did what they did and why I was not consulted at age 6. What I don't understand is why our government continues to punish children for the actions of their parents. The thought of my being removed to my home country when I was in my late teens or even in my twenties scares me even now. I didn't know any other country than the U.S. even though I was born in Cuba. My kids don't know any other country either. It's time for all of us to take a stand against this inmigration *pesadilla* and allow for the *sueño* to start!

Latina/o Arts and Literary Corner

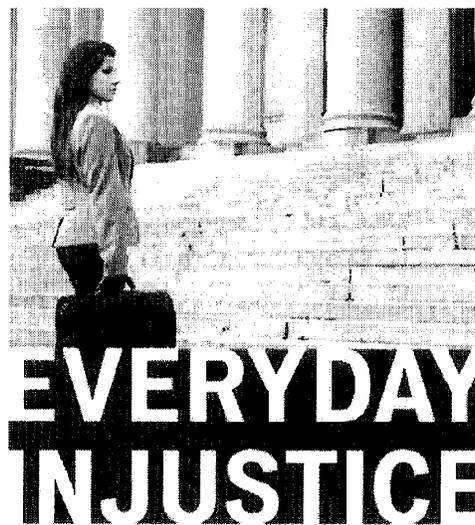
Everyday Injustice: Latino Professionals and Racism

By: Dr. Maria Chávez

Everyday Injustice: Latino Professionals and Racism looks at the experiences of Latino professionals by focusing on Latino lawyers' professional, political, and social experiences. This is done by analyzing a combination of survey research, focus group interviews, and individual in-depth interviews collected roughly between 2000-2004. It examines the role of culture and language; it then examines their experiences in the workplace, their level of civic participation, and the important role that education plays in improving all aspects of Latino lawyers' lives. It also examines the unique struggles that Latina lawyers face both as women and as people of color. The findings suggest that despite the considerable success in overcoming educational, economic, and class barriers on their paths to becoming lawyers, Latinos still experience marginalization. It shows how structural racism continues to operate even among the most privileged members of the Latino community shedding light on the structures of racism and inequality in America.

Book information for *Everyday Injustice* can be found at: www.rowman.com/ISBN/1442209194

About the Author: Dr. Maria Chávez is an associate professor at Pacific Lutheran University. Her research, teaching, and service commitments are dedicated to examining issues of social justice, particularly for communities of color.



Latino Professionals and Racism

Maria Chávez
foreword by Joe R. Feagin

WHY YOU SHOULD JOIN LBAW!

Paid membership in LBAW provides the following benefits:

- Networking opportunities with Latino community leaders at socials and other community events;
- Reduced member rates at CLEs that provide current developments on topics such as immigration, workers rights and other topics relevant to the Latino community;
- The opportunity to be added to our attorney directory;
- Press releases and news bulletins directly related to events that affect the Latino community;
- Access to the membership directory at www.lbaw.org, allowing access to our members' contact information, practice areas and language skills;
- Discounted membership fees to join the Hispanic National Bar Association as an HNBA affiliated member; and
- Assistance to Latina/o law students in the transition from law school to the legal profession.

GET INVOLVED WITH OUR COMMITTEES

Annual Banquet. The Banquet Committee determines the banquet theme, venue, entertainment, program, and keynote speaker. For more info, contact Banquet Chair [Emily Gonzalez](#).

Continuing Legal Education. The CLE Committee organizes educational programs in western and eastern WA for LBAW members. The committee researches topics of interest, identifies and recruits speakers, assists in the development of the agendas, and coordinates the publicity and registration of the CLE. For more info, contact CLE Chair [Lourdes Fuentes](#).

Judicial Evaluations. The Judicial Evaluation Committee (JEC) evaluates individuals seeking either appointment or election to judicial office: incl. the municipal and district courts, superior courts, courts of appeals, and the Washington Supreme Court. For more info, contact JEC Co-Chairs [David Perez](#) and [Norma Linda Ureña](#).

Social Events. The Social Committee plans the general membership meetings, our annual Karaoke event, happy hours, and other various networking opportunities organized with other minority bar associations. For more info, contact LBAW VP of Socials [Emily Gonzalez](#).

QUESTIONS?

Contact VP of Membership [Reuben Ortega](#).

If you are ready to join, visit www.lbaw.org and complete the membership form.

August 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
	Membership BBQ					Minority Job Fair
28	29	30	31			
MBA Picnic			LBAW Happy Hour			

UPCOMING EVENTS

Monday, August 22 at 5:30 pm — Membership Appreciation BBQ hosted by José Gaitán, 3131 Elliott Avenue, Suite 700 (Seattle)

Saturday, August 27 – Northwest Minority Job Fair

Sunday, August 28 – Minority Bar Association Summer Picnic at Seward Park

Wednesday, August 31 – LBAW Happy Hour, location TBD

August 31 – September 4 – HNBA National Convention, Texas

Wednesday, September 28 – LBAW Happy Hour, location TBD



(from left): Sal Mungia, Jorge Baron, Fé Lopez, and Cj Valdez

CONTACT US

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Jennifer Davis — President-Elect & VP of Communications
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For general questions and inquiries:
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Mailing Address: P.O. Box 21134, Seattle, WA 98111

CHECK OUT OUR WEBSITE @ www.lbaw.org

ABOUT LBAW

The purpose of the Latina/o Bar Association of Washington is to represent the concerns and goals of Latino attorneys and Latino people of the State of Washington. To do so, we encourage and promote the active participation of all Latino attorneys and seek the involvement of Latino community, political, governmental, educational, and business leaders.

Efforts are made to encourage and assist Latino students and to recognize the needs and voice the concerns of Latino people and their communities. LBAW recognizes the importance of promoting Latino judicial appointments, encouraging respect for the integrity of the judicial system, and advocating for fairness and equality.

Further, it is our goal to become a unified and active participant within the legal community of the State of Washington and assist in providing solutions to the problems that confront our legal system and communities.

NEWSLETTER OPPORTUNITIES

WOULD YOU LIKE TO CONTRIBUTE AN ARTICLE OR COLUMN FOR THE LBAW NEWSLETTER?

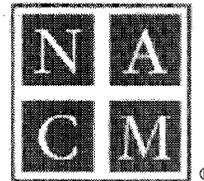
Contact VP of Communications Jennifer Davis at
DavisJK@LanePowell.com or (206) 223-6114.

Upcoming Submission Deadlines:

- October 12, 2011
- December 12, 2011

DISCLAIMER. The content of the LBAW Newsletter includes volunteer opportunities, upcoming events, updates and articles relevant to LBAW members and supporters. The purpose of the LBAW Newsletter is to provide a forum for an exchange of information, opportunities, opinions, ideas. Submission does not guarantee publication in the LBAW Newsletter. The LBAW officers and directors accept no responsibility for the accuracy of the information submitted by others. All authors are solely responsible for the content that they submit. The LBAW officers and directors reserve the right to edit and publish materials submitted for inclusion. The LBAW officers and directors also reserve the right to refuse or omit any submission it deems.

Court Express



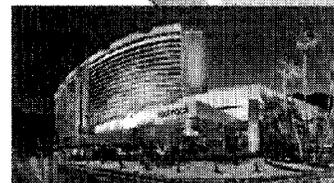
NATIONAL ASSOCIATION FOR COURT MANAGEMENT

SPRING 2011

VOL. 12, NO. 2

The NACM
2011 Annual
Conference

Pushing the Boundaries: Coming Together to Strengthen and Support the Administration of Justice



By Jeanine Tucker

In this age of budget cuts and doing more with less, seeking additional ways to collaborate and partner is becoming the norm. The annual conference (July 10-14) is a great example.

Together, NACM and NASJE (National Association of State Judicial Educators) are Pushing the Boundaries: Coming Together to Strengthen and Support the Administration of Justice to improve the justice system and to support professional court management education. They recognize that it is even more important now than ever before to acknowledge the contributions of judicial branch education (JBE) to the profession and to give state JBE administrators a forum for exchanging resources and wisdom, for exploring trends and problem solving, and for networking.

No stone will be left unturned at the fabulous Red Rock Resort in Las Vegas, as the annual conference will also be continuing its look at the 2010-2015 NACM National Agenda, with a focus on three of the six identified priorities: Community Collaboration, Continuing Education, and Sustaining Excellence in Tough Budget Times. The NACM National Agenda is designed to drive NACM program priorities and improvements in the court management profession, and the conference agenda is rich in course offerings and keynotes that concentrate on each of these three areas but are not limited to these alone.

Those wanting to learn more about the opportunities and benefits of community collaboration will want to attend "Enhancing Public Perceptions of the Courts and Increasing Community

Collaboration," presented by the Honorable Jean Hoefer Toal, chief justice of South Carolina, who will deliver a keynote address Monday on the topic of iCivics, a Web-based education program designed to not only teach civics to students but to inspire them to become active participants in our democracy. Chief Justice Toal will also be the recipient of the National Center for State Courts' first Sandra Day O'Connor Award for the Advancement of Civics Education, to be awarded by none other than Justice Sandra Day O'Connor.

Monday's workshops will explore topics such as "Working Across Systems to Meet the Needs of our Children, Youth and Families" and the judicial branch team decision-making process. Other offerings include: "Court and Community Collaboration: A Model for Juvenile Justice," and "Court and Community Communication."

In the context of sustaining excellence in tough budget times, Tuesday will begin with a keynote address by Theresa Robinson on "Supporting Professional Court Management Education Through Team Building and Critical Analysis." Robinson will emphasize how taking care of "me" maximizes long-term team performance. Workshops include: "Fueling the 'Me' In Team: An Integrated Approach to Team Performance," succession planning, and leadership challenges.

Shared interest group discussions will focus on general jurisdiction courts, limited jurisdiction courts, and family/juvenile jurisdiction courts.

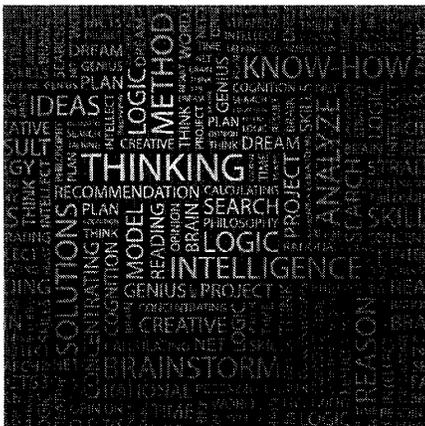
Michigan State University is offering Court and Community Communication, as well as Resources, Budget, and Finance. The American Institute of Architects (AIA) is offering several workshops, including "How Am I Going to Get My Courthouse Built in This Economy?"

Those interested in further exploration of continuing education will be treated to workshops such as "The Art and Science of Being a Judicial Branch Educator," "Talent Management," "Who Are You? The Myers-Briggs Type Indicator and Your Leadership Style," and "Elders and the Courts: Resources and Training Opportunities." There will also be a facilitated discussion on the diversity issues explored in the context of the court, in the movie "Winter's Bone."

The NCSC's Doctor Is In program offers conference attendees a free consultation with one or more NCSC professionals to discuss a challenge your court is facing. An extensive exhibit show, Court-2-Court, and fun social events will complete the conference experience, and all of the above is just a taste of what attendees will find July 10-14 at the NACM/NASJE annual conference. Plan to be there! Register at www.nacmnet.org.

By Peter Coolsen and Jeanine Tucker

Left-Handed PLANNERS



Given the remarkable changes going on in state courts today, the role of strategic planning has become even more valuable than it was when our courts were in a more stable environment.

In his *Harvard Business Review* article called “Strategy As Revolution,” Gary Hamel states that “experience is valuable only to the extent that the future is like the past” and urges planners to free themselves from the “tyranny of experience.” Likewise, the strategic planning guru Henry Mintzberg prompts us to be less conventional and more “intuitive” in our thinking. In his article in the same journal, entitled “The Fall and Rise of Strategic Planning,” Mintzberg refers to the “left-handed planner” as one who encourages others to think more strategically, is open to developing new paradigms and less conventional strategies, and is somewhat more inclined toward the intuitive processes identified with the brain’s right hemisphere. The National Association for Court Management seeks to encourage this left-handed approach through its publications and its workshops at conferences like the NACM annual conference, which convenes in Las Vegas, Nevada, this July.

In this issue of *Court Express*, articles by Mary McQueen and by John Martin and Brenda Wagenknecht-Ivey continue the dialogue about the strategic direction of courts and the NACM National Agenda in the areas of Court Trends and Governance of State Courts. Also, the article on the upcoming NACM annual conference elaborates on the themes and innovative workshops that will be presented at NACM’s annual gathering. For those of you who are able to attend the annual conference, we trust that it will invigorate you and assist you in developing new court management strategies. For NACM members who might not be able to attend the annual conference, we will report on it on the NACM website, in the next issue of *Court Manager* and through other NACM follow-up activities. Either way, as court managers, we encourage you to develop your left-handed planning and thinking skills. You just might be surprised by the results.

Experience is valuable only to the extent that the future is like the past.

Court Express is published quarterly by the National Association for Court Management. Opinions expressed and procedures explained in the articles are not necessarily those of the association. The association encourages submission of material that will interest or benefit its members. Address correspondence to:

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Jeanine Tucker

“Will of its own...”

By Mary McQueen

In *Federalist No. 51*, James Madison described a new structure of government with three separate but interrelated departments.

He wrote that each department (later to become known as “branch”) of government should have a “will of its own,” including the necessary “means” to protect its independence. So began the American experiment – a single republic with powers divided between two distinct government structures (federal and state) and subdivided among separate branches (executive, legislative, and judicial) in order to balance “separation of powers” with necessary “checks and balances.”

Two hundred years later, state courts still struggle to develop the necessary “means” to achieve Madison’s vision of three separate yet cooperative branches of government with the necessary capacity to work together effectively while protecting their Constitutional independence. Effective governance mechanisms enable the state judicial branch and trial courts to participate as equal partners with executive and legislative leaders in crucial policy discussions, to define the roles and responsibilities of courts, and continually improve the administration of justice. Historically, discussions of judicial branch governance have been largely confined to 1) structural organization – the principles of unified or top-down court structures, and 2) unitary budgeting – the tensions between state versus locally funded courts.

A broader framework is necessary if the state courts are to address the challenges of true governance. In order to consider the complex relationships between a state court system and various local courts, we can learn from the study of medical institutions and institutions of higher education. These “loosely coupled” organizations, like courts, resemble federations in which individuals and groups (e.g.,

tenured professors and independently elected or appointed judges) have high autonomy relative to the larger system (e.g., university or state judicial system). Administering a loosely coupled organization requires a unique approach to governing.

In order for the judicial branch of government (state or trial court) to achieve the “means” to protect its independence, it must adopt governance mechanisms compatible with this loosely coupled environment. Viewing the judicial system as “loosely coupled” provides an objective way to

The American experiment – a single republic with powers divided between two distinct government structures (federal and state) and subdivided among separate branches (executive, legislative, and judicial) in order to balance “separation of powers” with necessary “checks and balances.”

analyze alternative governance and leadership models for court operations – state or local. Because of the varying levels of autonomy, individual decision-making authority, and resource allocation channels within state court systems, legitimacy, fairness, transparency, and delegated authority are highly valued. To be effective, state and trial court governance mechanisms must reflect those values.

For the past three years, a group of chief justices, presiding trial court judges, state court administrators, trial court administrators, and legislative and executive branch representatives, along with members of the media, business, and academic communities, have participated in an Executive Session for State Court Leaders at Harvard’s Kennedy School of Govern-

NACM’s
2010-15
NATIONAL
AGENDA
PRIORITIES

(This is the third article in a series examining the six NACM National Agenda Priorities.)

ment. A paper developed as part of that Executive Session discussing various court governance and leadership models will be published later this summer. Whether at the state judicial system level or in a trial court, several essential governance mechanisms are essential if courts are to secure the means necessary to become an equal partner with their legislative and executive branch partners.

Legitimacy, transparency, fairness, and communication mechanisms ensure the coordination of the various moving parts within the judicial system – vertically (state) or horizontally (trial court). The capacity to build coalitions and enable judges across the system may be the most essential mechanism for effectively governing a state judicial system or trial court. One size does not have to fit all – but all must provide justice. Tensions will always exist between commitment to the “mission” (doing justice) and the “institution” (individual courts). Designing the right governance mechanisms varies based upon size, geography, judicial selection model, and funding sources.

Trust is the rate of exchange – the currency – that fuels a loosely coupled system. Individual judges and court managers may easily agree on core values but continue to disagree on how to achieve them. But by adapting governance mechanisms that have proven effective in administering loosely coupled organizations and systems, the state courts can finally achieve the “means” Madison identified as essential to the effective administration of justice.

Mary McQueen is president of the National Center for State Courts.

TRENDS INDICATE NEED FOR Dramatic Changes in Courts¹

By John A. Martin and Brenda J. Wagenknecht-Ivey

NACM'S
2010-15
NATIONAL
AGENDA
PRIORITIES

(This is the fourth article in a series examining the six NACM National Agenda Priorities.)

Trends and Trend Consequences

We indicated at the recent NACM midyear conference in Baltimore, that the consequences of trends now shaping both demand on our courts and court service capacity are far more profound than they have ever been and require courts to dramatically rethink their mission and how they do their work. In this short article we: (1) list the key trends likely to shape courts over the next decade; (2) identify key consequences of these trends; and (3) offer suggestions for what courts need to do to shape a more favorable future.

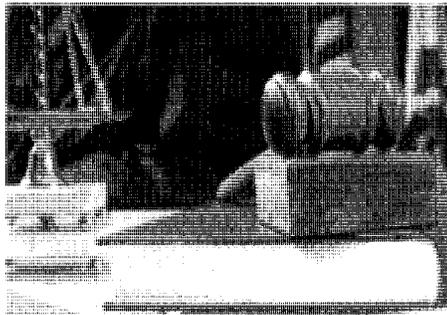
Figure 1 (page 5) provides a list of trends we believe will have the greatest affect on courts in the coming decade.²

Some of the most significant consequences of these trends for courts in the next decade likely include:

- a widening gap between society's expectations of courts and courts' capacity to meet those expectations;
- increasing numbers of court users with diverse and rapidly changing and evolving needs;
- increasing case complexity;
- more pressure to achieve better case outcomes and appropriately supervise and monitor offenders;
- increasing demand for culturally appropriate and therapeutic approaches to court and justice services;

- greater difficulty keeping pace with and using existing and emerging technologies;
- greater difficulty recruiting, hiring, and retaining highly skilled executives, managers, and staff;
- more and more inadequate court facilities and infrastructure;
- more pronounced ideology-driven politics threatening judicial independence, perceptions of fairness, and public trust and confidence in courts; and
- increasing opportunities for implementing innovations and revolutionizing how courts do business and provide services.

What Courts Must Do



Although shaping a better future will be difficult, below are seven things court leaders can and must do to prepare for and respond to these trends.

1. *Court leaders must jettison the mind-set that we are going through a short-term economic rough patch and that, in time, things will get better.*

For at least the next decade or so, it is plausible that even if and when the general economic outlook improves, funding for courts will not return to previous levels. Consequently, courts will not only be required to do "more with less" but also "less with less" in the years ahead.

2. *Courts must re-examine their missions and critically review and align the scope of services they provide.* This includes choosing X service instead of Y service or eliminating some services entirely – especially services that are outside courts' core missions or are secondary or tertiary.

3. *Court leaders must re-think and dramatically alter how courts provide primary services, conduct business,*

and achieve effective outcomes. This requires questioning both why and how courts do business and radically altering how justice services are provided.

4. *Court organizations must become more nimble, agile, and responsive.*

Instead of striving for stability, court leaders must design and build court organizations that can easily and quickly respond and adapt to changing needs and times.

5. *Court leaders must revolutionize their court cultures and work environments.* Court leaders must be pioneers in implementing flexible and effective contemporary human resource approaches and policies and in developing an engaging work environment

Continued on page 5

¹ A longer version of this article will appear in the NCSC publication *Future Trends in the State Courts 2011*.

² Many of the trends listed in Figure 1 were also identified in a recent national survey of court managers. Respondents to the survey believe that these trends will continue to shape the next decade for courts.

that will attract, motivate, and retain highly skilled staff.

6. *Courts must expand existing, and forge new, partnerships.* Courts must leverage and expand existing partnerships to include working more closely with regional, national, and even international justice networks.

7. *Court leaders must be even more tenacious in advocating for the needs of the judiciary and courts, communicating accomplishments and demonstrating accountability.* Being less insular, more transparent, and more direct and forceful about needs and accomplishments are essential to

shaping a more favorable future.

John A. Martin, PhD (jamartin@indra.com) is director, *Immigration in the State Courts Initiative*, at the Center for Public Policy Studies. Brenda J. Wagenknecht-Ivey, PhD (bwagen@praxisconsulting.org) is CEO of PRAXIS Consulting, Inc.

FIGURE 1: Critical Trends For Courts – 2010 to 2020

Social/Demographic Trends

- Changing social demographics, including population and workforce aging
- Alterations in family composition, including declining numbers of traditional families and alterations in the role of societal institutions and community norms and values
- Polarization of people by class, race, ethnicity, and lifestyle preferences
- Shifting and mobile population – rapid population growth in some areas and decline in other areas
- Explosion in the use of social media and social networking as ways to build and maintain relationships, communicate, and do business.

Economic Trends

- Protracted economic recession and slow recovery
- Increasing stratification between higher/lower incomes
- People working longer; delaying retirement
- Greater demands to do business 24/7

Polity and Political Trends

- Increasing scrutiny on how public tax dollars are spent
- Increasing fragmentation, position polarization, and gridlock among political parties
- Increasing tension between preserving individual rights and rolling back civil liberties

- Ongoing tension between increasing expectations for government solutions (e.g., public expects courts to solve many of society's problems) and the call for less government involvement in personal lives (e.g., smoking cessation, obesity, dietary decisions)
- Ongoing debate over healthcare reform
- More tension between local control and need for regionalization of services
- Continued pressure to help organizations suffering from economic downturns

Justice System Trends

- Perpetual federal, state, and local funding challenges
- Aging court infrastructure, especially facilities, security, technology, and equipment
- Changing demographics and characteristics of court users
- Continuing demand for justice system transparency and performance accountability
- Increasing local/state justice system and state court involvement in the enforcement and adjudication of federal policy, such as immigration and healthcare policy, and responses to mortgage foreclosure crisis
- Greater expectations and demands for access to information and ability to do business with courts from re-

- mote locations (e.g., e-filing, fines and fees payment, access to case information, video arraignments)
- Continuing politicization of the judiciary and attacks on judicial independence
- Increase in legislation for specific crimes and unfunded mandates

Technological/Scientific Trends

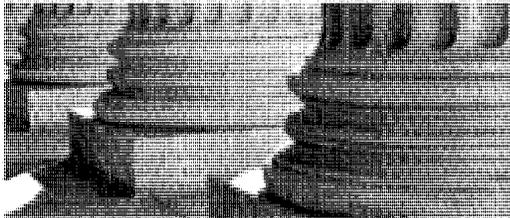
- Continued rapidly developing information, telecommunications, and networking technology
- Continuing wireless revolution and use of the Internet
- Rapid advances in the types of communications and information technology and the cost-effective applications of technologies, especially use of mobile devices
- Rapidly advancing and cost-effective technologies for distance learning and virtual meetings
- Continued scientific breakthroughs in nanotechnology, human genetics, robotics, etc.
- Increasing capacity for nano, bio, and electronically enhanced behavior monitoring and modification





New Mentoring Program Now Available

Offered through its Mentor and Early Career Professional (ECP) programs, NACM is pleased to share an exciting opportunity for its members. NACM and the Justice Programs Office, School of Public Affairs at American University, have developed a partnership to promote mentorship opportunities for NACM members who seek to enhance their skills and experience in providing technical assistance and training services to state and local courts in other locales.



The program offers many benefits, including, but not limited to:

- Exposure to other courts and their business practices
- Opportunities to work with seasoned professionals who are experts in certain areas of court administration
- Assistance to court colleagues in need of assistance and guidance
- Personal satisfaction
- Review of one's own strengths and weaknesses
- Objective feedback on skills
- Increased career satisfaction
- Enhanced reputation and professional identity
- Increased career network opportunities

Questions? Contact Paul DeLosh, Mentor Committee chair, at pdelosh@courts.state.va.us or Kelly Steele, ECP Committee chair, at kelly.steele@gaaoc.us.

MEMBERSHIP ZONE

By Michele Oken

Take the Membership Challenge!

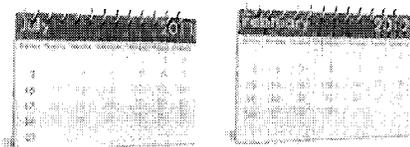
Each NACM member is challenged to recruit at least one new member! Receive one raffle ticket for each new member recruited. Tickets will be entered into a drawing for an Apple iPad that will be held at the annual conference in Las Vegas.

Members who recruit 10 or more members will be placed in a separate special drawing to be held at the annual conference in Las Vegas!

PROGRAM DATES: January 1, 2011 through June 15, 2011

QUESTIONS???: Contact Michele Oken, Membership Committee chair moken@lasuperiorcourt.org – (213) 974-5231

Mark Your Calendar



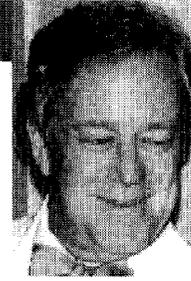
JULY 10-14, 2011
NACM 2011 Annual Conference
Pushing the Boundaries
Red Rock Resort
 11011 W. Charleston Blvd.
 Las Vegas, Nevada
 (702) 797-7777
Room Rate: \$130 per night
 for reservations made by
 June 17, 2011

FEBRUARY 5-7, 2012
NACM 2012 Midyear Conference
Hilton Minneapolis
 1001 Marquette Ave. South
 Minneapolis, Minnesota
 (612) 376-1000
Room Rate: \$139 per night
 single/double occupancy for
 reservations made by Jan. 13, 2012

Chris Crawford

June 25, 1952 – March 26, 2011

By Jude Del Preore and Ingo Keilitz



In the Broadway musical *Rent*, the question is posed, how do you measure a life? We are then proffered several possibilities, including in daylight, in sunsets, in cups of coffee, or in laughter. However, the question is then answered with a question, how about love?

In remembering our friend Chris Crawford, it would be helpful to remember some of the things he loved. We start with his wife of 31 years, Elaine. As we have repeatedly said, the national court community is rather small. Word of Chris' untimely death circulated throughout our ranks, and we hope that the outpouring of love and sympathy in some small measure helped to comfort Elaine and remind her of how many lives her partner touched.

Next, we turn to another of Chris' loves – courts. As Ingo Keilitz said at the memorial service, Chris had a huge presence in, and impact on, the field of court management in the United States and around the globe. Chris was described as a trouble-shooter and turnaround specialist. Whenever he was needed in a court, he made time to get there. There are thousands of courts across the United States, from villages and hamlets to large sprawling metropolises. We dare say that in most there are people who know and respect Chris.

Chris loved teaching. Many of us remember Chris in his role as faculty for NACM or the National Center for States Courts' ICM programs or as a trainer in courts around the world.

Somehow Chris was able to blend his love for technology with his love of courts. From 2005 to 2010, he served as chair of FACT – Forum on

the Advancement of Court Technology. It was no surprise that he was able to leverage this love to start his own business nor in the selection of a business name – Justice Served. This court management and information technology consulting firm became best known for its annual Top 10 Court Website Awards.

There are so many other loves Chris had in his life: laughter, horses, fine cigars, and brandy. But one other contributed to his legacy – his love of community.

In his obituary in Eureka, California's *Time Standard*, Chris is described as a community activist. He was credited with helping connect his own Humboldt County with the digital world. He was the former president and a member of the Greater Eureka Chamber of Commerce and the Humboldt Business Council. Chris was a founding member of the Redwood Technology Consortium and a board member for the Humboldt No. 1 Fire Protection District. He was passionate about community affairs and, no surprise to his court colleagues, loved to speak his mind.

Ingo Keilitz reported on Chris' memorial service in the following e-mail: Chris' memorial was truly extraordinary in many ways. Sure, I knew Chris was an activist in the community but not the prominent figure that I learned

he actually was ... I learned that Chris knew everybody from the luminaries to the laborers in the community. The street in front of the historic and beautifully restored Arkely Center was blocked off by the fire department, and a large hook-and-ladder fire truck was parked in front of the Center. Around 20-30 firefighters, all in dress uniform – probably the entire force – manned the entrance, inside doors, and the aisles of the theater. I understand that Chris served on the fire department's board and, a few years ago, he drafted and successfully guided to passage legislation ensuring the department's transition from a volunteer force to continued existence as a well-staffed professional department. It was just one of the many things Chris did. I learned that most people in Eureka who knew Chris well had a vague sense that he might have a "day job" but knew very little about it.

There is a gospel solo being sung in the background during the *Rent* song "Seasons of Love." It says ... "Love is a gift from above. Share love, give love, spread love, measure, measure a life in love." Chris was loved by many.



By Jeanine Tucker

Future Trends in State Courts – Immigration

The article on court trends in this issue of *Court Express* prompted some additional thought on the subject of remarkable trends affecting state courts, and one trend in particular stood out—the ever-increasing populations of both legal and undocumented immigrants. The rapid increase in immigrant populations, and the associated impact on state courts, is no longer just for states like California, Texas, New York, Florida, and Arizona to grapple with. A tremendous rise in this population has recently been experienced in states such as

Georgia, Minnesota, Washington, and North Carolina. One out of every four children in our nation has one or more immigrant parent, a higher percentage than in the 1800s. As of 2008, 5.5 million children lived in families with at least one parent who is an illegal immigrant. As a result of these and other startling statistics put forth by John Martin and Steve Weller, et. al., courts are experiencing a marked increase in the complexity of family and juvenile cases.

of State Court Criminal Judges and Court Administrators” (Winter 2010) and “Addressing Immigration in the State Courts” by John Martin, Steven Weller, David A. Price, Angie Lederach, and Jeff Yoder (Spring 2009). There is also a downloadable Practitioners Guidebook, the result of a partnership between the State Justice Institute (SJI) and the Center for Public Policy Studies (CPPS) as part of a multiyear initiative regarding immigration and the state courts. Awareness and understanding of the various issues surrounding this topic are key to dealing with their impact on the courts. To this end, the NACM Publications Committee will continue to strive to highlight up-to-date resources and publications information to assist court managers and other court professionals in addressing this complex topic.

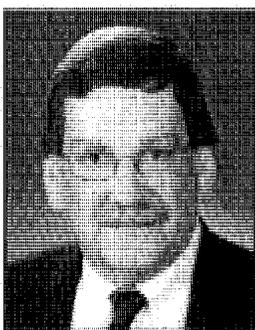
We refer you to the following links:

- http://www.sji.gov/PDF/Addressing_Immigration_in_the_State_Courts.pdf
- <http://www.centerforpublicpolicy.org/index.php?s=70>

Here you will find additional links to numerous resources and publications, including relevant articles from *Court Manager* such as “Implications of *Padilla v. Kentucky* for the Duties



Milestones



Bob Wessels

After 37 years with Harris County Texas courts, 35 as its first court manager, **Bob Wessels** retired April 30, 2011. A past NACM president and board member, he also served on the boards of Justice Management Institute, National Center for State Courts, and chaired numerous state and national committees relating to court management and technology.

Don't expect to find Bob confined to his bass boat or golf cart, as he plans to remain actively involved in court improvement activities and teaching.

Superior Court Presiding Judge Brian McCabe announced the appointment of former NACM board member **Linda Romero Soles** as the Merced County Superior Court's executive officer effective April 4, 2011. Linda came to the Merced court with more than 31 years of court experience. Most recently, she was employed at the Stanislaus Superior Court, where for 20 years she served in a variety of positions, including assistant executive officer, chief deputy executive officer, and assistant clerk/administrator for the municipal court. Linda is an Institute for Court Management Court Executive Development Program graduate and a certified Fellow.



Linda Romero Soles