

# Community Response Plan

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Kittitas County Domestic Violence  
Comprehensive Plan

ASPEN  
(Abuse Support and Prevention Education Now)

2007

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## **MISSION STATEMENT**

We hereby commit ourselves as elected officials and community leaders to end family violence in Kittitas County and to adopt the mission, values and principles developed by the Domestic Violence Task Force of Kittitas County in its comprehensive plan.

The mission of the Domestic Violence Task Force (DVTF) is to seek ways to eliminate domestic violence in the community. Enhancement of victim services through community involvement and support, quality systems to promote victim autonomy and self determination while maintaining perpetrator accountability. Together we seek solutions to resolve community problems associated with domestic violence, using “best practice” and “model protocol” to develop and implement programs and projects that increase community education, awareness and prevention strategies.

## **GOALS**

1. Education and Training
  - a. Enhance DV education in our community
  - b. Law Enforcement Training
  - c. Provide Training for Criminal Justice System and Community Responders
  - d. Work place Violence on DV related issues
  - e. Dependency Relevance
2. Public Information
  - a. Enhance communications for timely approach to meeting the needs of victims and their batterers.
  - b. Identify cultural differences as they apply to DV
  - c. More treatment services for children living in DV households
3. Maintaining the System
  - a. Tracking Offenders
  - b. Treatment Plans
  - c. Assured Response
  - d. Reviewing Plans and Overall Problem Solving
4. Continue with a Steering Committee County-wide
  - a. Continue ongoing DVTF meetings
  - b. Continue Public Education (media, public schools, clergy, ect)
  - c. Continue Law Enforcement Training Committee

## **Executive Summary**

In Kittitas County, as in the rest of the state and nation, acts of domestic violence pose a serious threat to victims and their children and impact the community at all levels – law enforcement and the courts, social and mental health services and in the schools.

In June of 1991, members of the community and agencies that deal with domestic violence issues began meeting monthly to network and share information, determine what services were available, and to identify gaps in the system. This group became known as the Domestic Violence Task Force of Kittitas County.

The Task Force adopted a Domestic Violence Community Response Plan for Kittitas County in 1993. The game plan was to further efforts in collaboration, reduction of duplication, and joint trainings. The plan identified who and how services could best be provided to victims of domestic violence and others impacted by this crime.

As a result, there have been numerous joint trainings, on-going mutual funding of programs, increased interaction between all agencies addressing this issue, and a stronger commitment of ending the cycle of violence in Kittitas County.

As we enter a new century, the goal of ending domestic violence in our community is closer, but there is still much work to be done. The focus of this updated response plan continues to place an emphasis upon maximizing existing resources and personnel. But the Task Force is no longer in the formative stage. Rather, the Task Force is committed to improving upon the collaboration that has been created.

Protection of victims and accountability for offenders remains the primary goal of the Task Force. There is an added commitment to work towards changing the behavior of offenders through treatment. This secondary goal stems from a realization that criminal accountability alone has not been sufficient.

Reluctance towards this goal has existed in the past due to a lack of programs that can demonstrate success; most programs create better, more informed batterers. With the passage of legislation creating criteria and qualifications for such treatment, the resistance has turned into hope for progress.

The future success of the Task Force will depend upon those committed to the eradication of domestic violence. The safety of victims will continue to remain the primary focus with judicial and advocate intervention in the lives of the parties involved. The success of perpetrator treatment is dependent upon the continued requirement for qualified programs and the existence of funding mechanisms for such treatment.

The goals of the Task Force will not be realized without the participation of the citizens of our community. Our citizens must continue to step forward to support the efforts of the Task Force, continue to report incidents to law enforcement, and to continue to allow themselves to be educated about this issue and their role in ending violence.

Our success continues to hinge upon keeping this crime in the public spotlight, and not allowing victims to be forgotten, nor perpetrators to be ignored. While much success has been accomplished, the Task Force recognizes that now is not the time for complacency.

This renewed sense of urgency, purpose and commitment has led to revisions within the Kittitas County Domestic Violence Community Response Plan.

If you have any questions about this plan or the efforts of the member agencies, please contact ASPEN, the Domestic Violence and Sexual Assault Program of Kittitas County at (509) 925-9384.

### **Needs Assessment**

The first phase of the assessment process was a careful examination of the current domestic violence response system. All agencies, organizations and independent service providers having some connection to the problem of domestic violence were identified and their services, role, and staff capacity were cataloged. The next step was the development of a needs assessment process to identify specific problems which could be solved or improved by a coordinated community response to domestic violence.

Compiled and analyzed the needs assessment process identified the following needs:

- DSHS: Enhanced communications with other agency programs. Realistic expectations for victims and service providers. TANF case managers understand the referral system is complex.
- Kittitas County HeadStart/ECEAP: Awareness that their agency can help children with education.
- Kittitas County Prosecuting Attorney's Office: Find out what batterer's evaluation and ASPEN services entail.
- Schools: Exchanging information with agencies to make sure children's safety needs are being met. Use of schools to distribute educational brochures.
- ASPEN: Identified the need to provide continuing in-service training for community agencies and responders. An additional shelter is needed in the community and resources to support it.

- ASPEN: Increase trainings with the medical community including referrals and screening. Continued education and referral process.
- Independent Lifestyles Services: Need for wheelchair accessible shelter.
- Kittitas County Sheriff's Office: Funding is an issue.
- Kittitas County Volunteer Legal Services: Training to identify DV situations, and the need for a paid Attorney on staff.

While there were no additional substantive comments, it is important to note that all responding agencies agree that the Domestic Violence Task Force is a tremendous opportunity for networking and coordination of all phases of domestic violence response and services. The strength of this organization remains in the willingness of its members to commit time and energy to such things as education, training, meeting and participating in subcommittee work with the Task Force. It is a "call to action" to eliminate domestic violence in Kittitas County.

## **Background/History**

Domestic violence in its broadest interpretation includes violence between spouses, other adults living together or having a child in common, children as both primary and secondary victims, persons who are developmentally disadvantaged, dependent adults, and elder abuse.

Statewide, the problem of domestic violence continues to remain under scrutiny. In FY2002 -2003 The Washington State Domestic Violence Hotline reported 27,378 toll free Domestic Violence calls. This figure does not include the approximately 708 Domestic Violence emergency shelter/safe home beds in the State of Washington. Of the 708 Domestic Violence Shelters, 44 programs that contract with the Department of Social and Health Services, Children's Administrations, Division of Program and Policy; reported 23, 051 adults and children served with a total of 34, 835 turned away or unable to shelter.

Lack of coordinated prevention and intervention programs contributes to the cycle of violence through ignorance and denial of the seriousness of domestic abuse. Cooperative and integrated efforts between law enforcement, prosecution, the courts, probation, child protective services, advocacy and human service providers are necessary to effectively break the escalating cycle of violence and more fully protect victims and their children. Without a coordinated community response offenders are often not held fully accountable or treated before returning to their family unit and information gets scattered among agencies without tracking of repeat offenders.

Community education is critical to halting the intergenerational cycle of violence. Children exposed to domestic violence in the home are more likely to become victims or victimizers as adults than children who have not been exposed to such violence. In addition, victims who do not receive education or advocacy and counseling are quite likely to either continue to be abused by their partner or select a new partner who is also abusive. A strong community awareness program can begin to dispel the myths that domestic violence is "caused by" substance abuse, stress, rigid role expectations, poverty, or something the victim did or said. A good awareness program will spread the facts and impart a strong message that family violence is not acceptable.

In Kittitas County, as in the rest of the state and nation, acts of domestic violence pose a serious threat to victims and their children and impact the community at all levels – law enforcement and the courts, social and mental health services and in the schools. Recognizing the importance of the domestic violence issues individuals from many organizations in the county have come together to better respond to the challenges.

The Domestic Violence Task Force of Kittitas County is a voluntary association that was initiated after Law and Justice funding became available for the establishment of the Adult Misdemeanant Probation Program. Concern about how to consistently and

effectively respond to domestic violence led to initial discussions between the Probation Department and local area Judges.

In 1978 two nurses from Kittitas Valley Community Hospital became concerned about domestic violence issues within the community, together they decided to rally the community and hold a town hall meeting to address the issues, this meeting turned into the first domestic violence task force meetings.

In 1980 Arlene Bennette became the first Domestic Violence Program Director. Shirley Fischer maintained the program from 1982 until 1991 when additional members of the community and local agencies joined the discussions about domestic violence issues.

The group began meeting monthly to network and share information, determine what services were available, and to identify gaps in the system. This volunteer group became the Domestic Violence Task Force of Kittitas County (DVTF), headed by Chuck Haight and his wife Dody. Mr. Haight met with Central Washington Comprehensive Mental Health (CWCMMH) and asked what they could do about domestic violence in the community. CWCMMH in conjunction with Crisis Line developed a Volunteer Training program for community members interested in assisting victims. Crisis Line provided 24 hour telephone response for those needing emergency, information and community support services and as part of the DVTF, Crisis Line, maintained on call schedules for volunteer community members willing to respond to domestic violence calls, shortly there after Central Washington Comprehensive Mental Health took over leadership of the DVTF.

In 1974 Ellensburg Rape Relief was established by five women who were in the process of researching the subject of rape and what other communities were doing about the problem.

The Family Violence Task Force of Kittitas County was organized in 1978 to respond to needs of victims of domestic violence. Fifty people began the process of funding safe homes and developing a telephone information and service program to be staffed by volunteers.

These two groups merged in 1980 and joined with Central Washington Comprehensive Mental Health to become DV/SA, the Domestic Violence/Sexual Assault Program. Because of the similarity of goals, the community interactions, and the skills and qualifications required of the volunteers, combining these organizations strengthened and stabilized the services offered.

In 2000 DV/SA changed the name of the program to ASPEN: Abuse Support and Prevention Education Now, to reflect our renewed commitment to community development and social change.



The current DVTF meetings include multi-disciplinary teams which consist of Law Enforcement: Cle Elum-Roslyn Police Department, CWU Police Department, Ellensburg Police Department, Kittitas County Sheriff's Office, and Kittitas Police Department. CWCMH, Kittitas Valley Community Hospital, Central Washington University Wellness Center, HopeSource, Kittitas County Clerk's Office, Kittitas County Health Department, Kittitas County Probation Services, Central WA Disability Resources, Child Protective Services, Kittcom, Department of Corrections, Kittitas County Prosecutor's Office, Kittitas Valley Legal Services, Perpetrator Treatment, local schools and ASPEN the Domestic Violence, Sexual Assault program for Kittitas County are also involved in the meetings.

## **Existing Services**

### **Law and Justice**

#### **Law Enforcement**

There are five incorporated cities in the county, three of which has its own police department. The City of Cle Elum/Roslyn also serves South Cle-Elum and Roslyn. The City of Ellensburg has its own department. The County Sheriff's Department provides law enforcement for the unincorporated areas of the county. Central Washington University maintains their own law enforcement agency. Washington State Patrol provides enforcement on the state highways. KITTCOM (Consolidated Communications Agency for Kittitas Communications) provides dispatch services for all the law enforcement agencies except Washington State Patrol

#### **Prosecutors**

Kittitas County has an elected prosecutor with a staff of deputy prosecutors. The City of Ellensburg has a full-time City Attorney who also serves as the prosecutor for the city. The Cities of Cle Elum and Roslyn each have their own prosecutor. A prosecutor out of the Kittitas County Prosecutor's Office handles cases in Upper County.

#### **Kittitas County Probation Services**

A staff of probation personnel (adult misdemeanor) interview victims and offenders and make recommendations to the courts on sentencing needs. The staff provides casework services, which includes ensuring that court ordered treatment and accountability measures are followed by offenders on probation. The Misdemeanant Program has increasingly been playing a key linkage role between the various agencies and jurisdictions.

#### **Washington State Department of Corrections**

Provides counseling and casework services for adult felony offenders, conducts pre-sentence investigations and prepares reports for the Superior Court Judge. They also conduct investigations of parolees and probationers and attend legal hearings. They provide community supervision of personas on probation and monitor persons who receive parole from the Indeterminate Sentencing Review Board (ISRV) while those persons are living in this community.

#### **Court Advocates for Children Guardian Ad Litem Program**

Provides support and advocacy for children in the courtroom.

#### **Courts**

Kittitas County has one elected Superior Court Judge and an elected County Clerk. Two elected District Court Judges; one in Lower County and one in Upper County also serve the County. The District Court Judges hear all domestic violence cases enforcing city codes, state statutes, and county codes for misdemeanors and gross misdemeanors. The Clerk's office provides information and forms for Protection Orders and Anti-Harassment Orders.

## **Social Services for Perpetrators and Victims**

### **Central Washington Comprehensive Mental Health**

ASPEN, the domestic violence/sexual assault program of Central Washington Comprehensive Mental Health, provides an important link and advocacy role in the county. The addition of a full time legal advocate has greatly improved communication between the legal system and the social services. In addition to legal advocacy and victim support, ASPEN refers clients to medical, welfare and social services, arranges temporary housing in local motels or a safe house, or transports clients to shelters in other cities. Central Washington Comprehensive Mental Health also provides family counseling and children's therapy.

### **Alcohol and Drug Dependency Service**

Provides alcohol and substance abuse information, education, diagnosis/evaluation, testing, counseling, and intensive outpatient treatment. Also provides counseling for the families, youth and adult, employment counseling and drug testing. Refers to ASPEN for domestic violence services.

### **Kittitas Valley Recovery Services**

Provides substance abuse assessments, intensive outpatient, and alcohol/drug information school.

### **Crisis Line**

24 hour, countywide telephone service providing crisis intervention and referral service staffed by trained volunteers and paid staff. Refers all domestic violence calls to ASPEN.

### **Upper County Hospital District/Cle Elum Family Medicine Center**

Emergency medical services

### **Kittitas Valley Community Hospital**

Provides emergency medical treatment and rape kits are available for sexual assault. Will contact ASPEN advocates.

### **Ellensburg, Cle Elum/Roslyn, Thorp, and Kittitas School Districts**

Provide counseling services to children who have been affected by domestic violence occurrences. Refers to ASPEN and Child Protective Services.

### **DSHS Kittitas Community Service Office**

Adult protective services, financial assistance for eligible families and individuals and First Steps program.

### **DSHS Division of Children and Family Services**

Provides Child Protective Services.

### **DSHS Division of Developmental Disabilities and Aging Adult Services**

Services for the elderly and dependent adults, including Protective Services.

**Head Start/ECEAP**

Provides educational and health programs for birth to 3 year olds and their families. Includes educational, social service, health, dental services, psychological services, nutrition and parenting education. Families involved in domestic violence are referred to ASPEN.

**HopeSource**

Provides emergency and transitional housing, rent assistance, and transportation to income eligible individuals.

**Kittitas County Health Department**

Provides maternity support, immunizations, WIC, First Steps, HIV testing/counseling, breast/cervical education and referral to providers, tobacco education, intervention and smoking cessation education and referral, and oral health referrals. When appropriate, will refer clients to ASPEN or CPS.

**Central Washington University**

Community Psychological Services Center provides free counseling and psychological evaluation services to community members including adults, children, and families. Counseling is done by graduate students in Clinical and School Counseling under the supervision of faculty. There is no long- term therapy due to the quarter being ten weeks.

Student Health and Counseling Center provides unlimited counseling to registered CWU students only. Counselors are available 24 hours a day but can only be accessed by CWU police.

Wellness Center and the SAFE (Students for Assault Free Environment) provide education and advocacy for victims of sexual assault.

E-Center for Student Empowerment maintains an information and referral service and presents programs relevant to issues and concerns of gender, violence prevention, and non-traditional student issues both from CWU and the community. They maintain an extensive library of books and journals on these issues and provide support groups and networking.

**Private Therapists in Kittitas County**

Mike Olivero is a certified domestic violence perpetrator treatment provider. There are over 12 private practice therapists in Kittitas County.

**Physicians and Surgeons**

No surveys were received from individual doctors, but many have served domestic violence victims and some have referred them to ASPEN.

**Clergy and Churches**

There are over 50 churches or church organizations whose pastors or lay leaders provide counseling and referral for their members and other members of the community who contact them for assistance. Some of the pastors are members of the County Ministerial Association.

## County Descriptions

### Population

From the Office of Financial Management Forecasting, State of Washington, June 30 2003, the following population figures for the county and cities of Kittitas County for 2000 are available.

County of Kittitas:	33,362
Unincorporated:	13,614
Incorporated:	19,748
Cle Elum	1,755
Ellensburg	15,414
Kittitas	1,105
Roslyn	1,017
South Cle Elum	457

Central Washington University, located in Ellensburg, has a large effect on the demographics of the county. The Spring 2002 head count of students was 6,706. The figures also show that 2,476 students were housed in university owned apartments or residence halls.

### Geography

Kittitas County is located at the geographical center of the State of Washington. It is the eighth largest county in the state encompassing 2,308 square miles of mostly mountainous terrain. The I-90 corridor traverses the East to West length of the county.

County residents generally divide the county into “Upper County” and “Lower County” when describing places of residences. The most densely populated areas in the Upper County are in and around the incorporated cities of Cle Elum, Roslyn and South Cle Elum. Other unincorporated communities are Ronald, Easton and Liberty. Almost ½ of the County population lives in or adjacent to Ellensburg. The City of Kittitas is the only other incorporated city in the Lower County. Unincorporated communities include Thorp and Vantage.

## **Survey Results**

The Needs Assessment surveyed of Service Providers, including a separate survey of our local churches/clergy, the results of a Consumer Survey including victims and convicted offenders, and presentation of existing quantitative data and an evaluation of potential sources for more data.

There were approximately 30 of 50 surveys returned, which included all law enforcement agencies, all courts, probation and corrections, and representative numbers from mental health, the domestic violence/sexual assault advocacy and legal advocacy programs, medical treatment providers, alcohol/chemical dependency treatment programs, the community action program and one private attorney. Nine of fifty church or church related groups responded to their survey and 8 consumers, evenly divided between victims/survivors and offenders responded to the consumer survey.

The meeting discussions of the D.V. task force improved the level of communication between the various agencies and increased the knowledge base of what services are available in the community. It worked at identifying the internal and external institutional barriers the various agencies encounter in responding to domestic violence cases and provided much of the information for the grant application and the subsequent Needs Assessment Surveys.

### **Provider Survey Needs Assessment**

Specific problems which should be addressed as stated here along with survey results pertaining to each area. The need for timely response, especially in connecting victims to services. Too many victims are not making use of available resources. This problem contributes to an unwillingness of victims to prosecute their batterers and thus ensures that they will be abused again.

### **Law Enforcement:**

Most of our law enforcement agencies provide information at time of contact with Domestic Violence Victim, along with a phone number to call if they want assistance, but depending on the situation, may not contact Crisis Line or an ASPEN advocate directly for services. Occasionally, if it also involves calling in CWCMH, and a Crisis Worker comes out, the victim may get referred to ASPEN advocate because the programs work so closely together. Some of these referrals are inadequate.

### **Social Service Delivery Systems:**

- 1) The Domestic Violence/Sexual Assault (ASPEN) would like to get direct referrals from Law Enforcement of victim names and phone numbers so they could respond directly, before the victim reconsiders or is influenced by others not to get help.

- 2) Emergency housing/Financial needs: shelter is limited to 3 nights in a local motel and then to shelter outside of the county. There is no transitional housing, and usually some wait for financial assistance from DSHS.
- 3) One of the primary needs is a resource directory and public education so that if initial contact is not with law enforcement that appropriate referrals can be made and services made known to victims.
- 4) Privacy laws hinder information sharing between agencies and broader use of client "release of information" forms might facilitate people getting help prior to law enforcement involvement.

**The need to improve central collection, updating and dissemination of information regarding available services.**

The survey results pointed out the differences between agencies in how they track services. The courts and law enforcement agencies, at this point have the most sophisticated equipment and clearly defined categories for facilitating some sort of central reporting of offenders who have been arrested and disposition of those cases. It is not always easily obtainable, but the Planning Committee will need to look at the data obtained and see what is possible for central reporting and tracking of individuals for repeat offender information and follow through on offender treatment. Example: The Sheriff's Department tracks restraining orders currently in effect and arrest data that includes age, gender, and race.

Since most individuals and agencies expressed the need for more detailed information on available services, a Resource Book is seen as an important part of the work of this group. Responsibility to develop this booklet could be part of the Education Committee's tasks, but responsibility for ongoing collection and update for this would need to be determined, along with financing of the same.

**The lack of system to effectively track previous occurrences of battering or simultaneous involvement of offenders across and within jurisdictions.**

This was not addressed in the survey, but could be researched both by the planning committee and the project coordinator by contacting other county programs who have initiated these systems to see if it is feasible.

The existence of gaps in available services which hinders provision of a full continuum of services including a shelter, transitional housing, emergency and overnight childcare, emergency funds for victims to lessen the immediate impacts of physical and economic dislocation.

The shelter issue was not addressed by most service providers. Keeping a shelter location secret is a problem. Many times the housing problem is one that the offender has when a no-contact order is in effect and no housing is available or the expense of a second rental unit strains the family's resources. Due to this strain, many families disobey the no-contact orders, or refuse to testify so that the family can get back together. They will tolerate the violence more than financial strain, which is also taxed by court costs, offender treatment costs including Alcohol/Drug treatment, and Anger Management.

Clergy surveys included questions regarding Day Care programs available. Since some churches do provide daycare, it is a possible resource for providing daycare to families who have a partner in jail, and one has to work, or they need to attend counseling or treatment programs or be in court. Overnight care provisions were not addressed in the survey, but would necessitate licensing and financial resources. When both adults are arrested or one is hospitalized and the other jailed, CPS may provide overnight foster care.

Lack of timely treatment was a big issue. There is a great time delay in assessing Mental Health treatment. For families, this exacerbates the problem. Also children are often secondary victims of DV, but often do not get services. With a new ASPEN Coordinator there will be a D/V Group and support offered.

**Limited budgets, especially in the smaller municipalities, affect training, law enforcement response, and ability and willingness to prosecute offenders.**

Limited budgets and manpower affect the time a law enforcement officer can spend with a victim and agencies do not have office personnel to facilitate social services. It also will mean that training set up for agency personnel will need to address those agencies who work 24 hours a day, 7 days a week with only 2-3 people. Training may need to go to them, be one-on-one in some cases and be specific to their jobs. Prosecution may be enhanced by more interaction between prosecutors, D/V advocates, probation staff and other agencies such as Child Protective Services and Mental Health workers.

**The need to improve cultural sensitivity for cases involving ethnic minorities, especially the occasional need for translators.**

Translators seem to be available for most needs here in the county; translators are available for Spanish, German, French, Japanese, Laotian, Cambodian and other languages. The greatest need seems to be multicultural education and sensitivity and outreach to provide services to those minorities not availing themselves of services. Most users of services to those minorities not availing themselves to services.

**The need for more public education which debunks the myths of domestic violence and begins to impart a strong message that family violence is not acceptable in Kittitas County. Batterers need to clearly understand that they will be held accountable for their behavior. This will necessitate development of a better offender treatment module. Victims need to know that effective relief and protection are available to them.**

Again surveys reflected the need for education at all levels, for agency staff, including courts, law enforcement personnel, private and public attorneys, public information programs, clergy training and information, social service agencies, brochures in all agencies and a resource booklet. Speakers also need to get out to groups such as churches, Kiwanis, Rotary, and Chamber.



Education in High Schools as a part of curriculum and special speakers are needed to inform the public of new legislation. Educational programs at CWU for all dorm groups, other new students, and staff at all levels which could be incorporated into the curriculum in communication skills for daily living, problem solving in healthy adult ways, connection between alcohol/drug use and domestic violence, as well as current law and how it affects dorm partner, dating relationships, etc.

**The ongoing need for funding and coordinating training for those professionals with direct response responsibilities, as well as for professionals with direct response responsibilities, as well as for professionals with only occasional contact with domestic violence cases.**

Funding will be a major issue for a) central reporting and tracking; b) Follow up with victims offenders; c) Child-care; d) training; e) resource booklet (could charge cost fee); f) Offender treatment program: Start up and costs to clients are both issues to be considered.

**Common methods, procedures and protocols need to be developed in order to establish a systematic, coordinated and timely interagency approach to meeting the needs of victims and their batterers.**

The following were not addressed in the survey, but need to be addressed by the Planning Committee and community agencies. From surveys write in additional issues: Outlying areas cannot access services as easily for clients, offender treatment needs improvement. We need to find a way to define what kind of treatment is needed and then find a way to provide and implement through our court systems and providers. Anger management by itself does not address power and control issues and public perception of family roles, rights, and responsibilities. Added note: There is another task force working on children's Sexual Assault issues that might work jointly on issues of mutual concern.

### **Consumer Study Results**

Agency staff from domestic Violence/Sexual Assault, Kittitas County Probation Services (Misdemeanor Adults), and HeadStart conducted an in person and telephone interviews with victims and offenders consisting of 5 questions to solicit their input on domestic violence services in Kittitas County. These were conducted on conditions of anonymity and on a voluntary basis. This study was limited, but helpful to our purposes. Results were as follows:

Agencies involved: Law Enforcement (7), Courts (7), DV advocates (4), Counseling (4), Social Services (4), Clergy (3), and Alcohol Treatment (2).

- a.) All of the victims felt they received all of the information they needed about DV programs, resources and their legal protections and rights. One of the victims had an attorney and utilized DSHS services, but did not use the ASPEN program. The others had advocacy services. Child Protective Services was involved in one case.

- b.) None of the offenders felt they received the information they needed. Information they indicated would have been helpful. Specifically offenders cited a need for more information on consequences and quicker availability of counseling.

For victims, better public education of DV resources may have prevented incident escalating to law enforcement involvement. There appears to be no sense of network of support for DV as there is for A.A. for example.

Both offenders and victims would benefit from advocates who could impart knowledge of nature of charges, ramification of pleas, legal right to counsel/defense before arraignment.

Victims were asked if the system was supportive. Two victims from within the City of Ellensburg were very positive about police response time and helpfulness in explanations. One did not respond to that question. One victim felt that her ASPEN legal advocate was good, but that the other parts of the system, including courts, defense attorney for spouse, prosecutor's office, treatment program and one particular AA program were not supportive. Her words were: "the system stinks." She did praise two A.A. programs, the one in Kittitas and the one at the Methodist Church in Ellensburg as being helpful and positive.

Offenders were asked in what ways responses they encountered were helpful or not helpful. Their responses to "helpful": Forced him to put his life together, confront problems and improve life-style. Professional consideration from Probation Services and good referrals to services/counseling. Judge was considerate/paid attention to individual circumstances, respected individuals efforts to address situation and helped with the trauma. Clergy helped to get knowledgeable legal assistance about the situation and answers to questions helped offender deal with a situation.

Responses to "not helpful" included: Not knowing what to expect after arrest. General lack of information. Not directly referred to treatment provider (not reassuring/comfortable). Clergy consulted did not know local resources and therefore referred offender out of county. Took one month for evaluation. Added to stress/anxiety. Court system not fully considering desires of victim, e.g. imposing no contact orders without victim's participation. Cause further victimization of victim. Feels that he was railroaded into giving up control of his life.

All clients were asked, "How do you feel you were treated?" Victim responses: "good, fair, pretty good." Didn't like judge's decision about amount of child support (low). One victim felt that she wasn't listened to or respected.

Offender responses: treated like an animal, unfair. Generally pretty well, partially because of how I presented myself; some jail staff were rude, didn't need to be abrupt and not explain things to someone who was in a new situation; rules given weren't all correct and were not corrected. By law enforcement, understood what and why under Family Protection Act and what judge did was very fair (if offender not forced to take action, the offender wouldn't feel pressure to go and get treatment).

Finally, all of those surveyed were asked what they would do to improve the services provided by the system, including law enforcement, probation, courts, treatment/counseling, advocacy, and emergency needs.

Victim Responses: advocacy should remain available even if couple gets back together, a victim's support group was not available and would be helpful, due to lack of services for the offender, visitations were difficult, more affordable legal assistance was not available because couple had fluctuating income as partner came and went in the home, more resource information in Doctor's offices and Health Dept, more respect for the family unit.

Offender Responses: felt police officers should have more control on arrest issues, listen to victim, information before arraignment-minimum of written pamphlet, keeping offenders informed throughout the process and pamphlets about services, Legal advocates for offenders to alleviate feelings of helplessness and ignorance, arbitrator service to identify issues of both sides, counseling services readily available for both victim/offender, and provide training and education to clergy.

## Appendix A – Task Force Members

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Gail Farmer  
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Jim Roberts  
Kittitas County Sheriffs Office  
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Judge Thomas Haven  
Kittitas Lower District Court  
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Kevin Higgins  
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Chief Steve Ritereiser  
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Von Elison  
Central Washington Disability Resources  
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Mike Luvera  
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100 N. Pearl  
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Chief Mike Studer  
Kittitas Police Department  
Main Street  
Kittitas, WA 98934  
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Department of Corrections  
Ruth Hanson  
507 N. Pine Suite D.  
Ellensburg, WA 98926  
962-7700

Neal Cotner  
CPS  
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Ellensburg, WA 98926  
925-0450

Tim Redel  
Misdemeanor Probation  
507 Nanum  
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Dovie Sigel  
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Ellensburg, WA 98926  
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Doug Mitchell  
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Kittitas County Prosecuting Attorney

## **DOMESTIC VIOLENCE PROTOCOLS AND GUIDELINES**

### **KITTITAS COUNTY DOMESTIC VIOLENCE COMPREHENSIVE PLAN UPDATE**

#### **PREAMBLE:**

In May of 1993, the Kittitas County Domestic Violence Task Force, of which the Kittitas County Prosecuting Attorney's Office is a member, adopted a Comprehensive Plan for addressing Domestic Violence in Kittitas County. As a result of adoption of that plan, the responsible agencies within Kittitas County have taken significant steps to unite and give meaning to that Comprehensive Plan.

The Prosecutor's Office recognizes the importance of a community-wide response to domestic violence, the importance of multiple agencies and programs for the treatment of domestic violence victims, and the importance of rehabilitation of domestic violence offenders. Our commitment to work with agencies and task force members to achieve coordination of services to victims and offenders requires that we continue to revisit and update this plan to reflect the changes that have taken place since the original adoption in 1993.

The Domestic Violence Task Force and ASPEN have been essential in developing an effective prosecution response to domestic violence cases. Victim advocates can address victim reluctance, fear of retaliation, safety concerns, and misconceptions about the criminal justice system. ASPEN has also assisted our office in understanding the unique dynamics present in such cases.

This office and ASPEN have in place a valuable and beneficial working relationship. Victims coming to the office of the Prosecuting Attorney are referred to ASPEN for assistance, and those making their way to ASPEN first may be referred to our office or to the appropriate law enforcement agency.

The prosecuting attorneys at all times will respect the confidential nature of the advocate's relationship with a victim. The prosecuting attorneys do not expect, and will not request from the advocates, privileged information about their clients, nor shall we seek to have the advocates act as an extension of this office for evidence collection.

However, there will be times when information may be provided through ASPEN that is not violative of the confidential relationships of their clients, and this



information shall be provided when possible. No information will be sought or provided without consideration having been given to the victim's safety.

The attorneys and support staff of the office of the Kittitas County Prosecuting Attorney have and will continue to participate in training concerning the laws surrounding domestic violence. They will also participate in educational programs geared to increase their knowledge of domestic violence, the needs of victims, the efficacy of treatment for offenders, and other related topics. The staff of the Prosecuting Attorney's office will also participate, to the greatest extent possible, with committees and organizations with these goals and objectives.

This office will continue our efforts with the Domestic Violence Task Force to further improve education, performance and coordination of all agencies working to assist victims, hold offenders accountable, and ultimately, to end all acts of domestic violence in our county.

Since 1993, the Kittitas County Prosecuting Attorney's Office has added to their staff a full time victim/witness position and a part-time victim/witness position. This has allowed us to have a presence in every court in Kittitas County in which we appear. While these employees are involved in all cases where there are victims, whether they are property crimes or crimes against persons, the emphasis of the office is focused upon assisting and addressing the needs of victims of crimes against persons - in particular, domestic violence and sexual assault.

To insure that there is a consistent exercise of prosecutorial discretion in domestic violence cases, it is necessary that this office adopt and periodically review domestic violence guidelines for the charging and disposition of these cases in such a manner that coordination with other agencies is achieved wherever possible. These guidelines are advisory in nature, and a failure to follow them in a given case shall not give rise to any liability on the part of this office.

**DOMESTIC VIOLENCE GUIDELINES  
KITTTITAS COUNTY PROSECUTING ATTORNEY'S OFFICE**

**I. DISMISSAL OF DOMESTIC VIOLENCE CASES/CHARGES:**

In all cases, the prosecuting attorney must determine whether the case meets the general charging standards for legal sufficiency. If a case does not meet those criteria, then further investigation shall be requested from the responsible law enforcement agency. If such further investigation cannot be conducted, or does not result in sufficient evidence to meet the charging dispositions, the case shall be dismissed.

A case of domestic violence will not be dismissed because of a victim's desire for that result, absent other considerations. Nor shall a case be dismissed because the victim is not available; provided that there is sufficient other admissible evidence to

believe a conviction is obtainable. The desires of the victim as to case resolution, however, will be considered during the negotiation phase of any case.

A case of Assault 4/DV may be dismissed as part of a plea agreement, wherein other charges are pled, or more serious charges are pled, in conjunction with an appropriate sentence.

In all cases, the Prosecuting Attorney's Office staff, in conjunction with the victim, ASPEN staff, and involved law enforcement officers, will strive to take steps to assure the safety of the victim through the process, by utilizing appropriate court orders and judicial intervention.

## **II. STAYS OF PROCEEDINGS:**

In certain cases of Assault 4/DV, defendants may be offered, at the sole discretion of the prosecutor assigned to the case, a Stipulated Stay of Proceedings. A Stipulated Stay of Proceedings shall not be available in a felony case of domestic violence, and will not be available if a charge is reduced from a felony to a gross misdemeanor for disposition.

A Stipulated Stay of Proceedings shall not be available to any person previously convicted of domestic violence, as such agreements are intended to give the true "first time offender" the opportunity to correct their behavior, while maintaining accountability for their actions. In addition, if an individual has a documented history of domestic violence, but no prior convictions, they may be precluded from being offered a Stipulated Stay of Proceedings.

### **A. LENGTH OF STAY OF PROCEEDINGS:**

The length of time that the case is stayed will be determined on a case-by-case basis, depending upon the treatment recommendations of the Certified Domestic Violence Batterer's evaluation required for all such cases. However, in no case, shall a stay of proceedings be less than one year in duration, absent a joint request from the victim, and the treatment provider and probation services, for an earlier termination.

### **B. FACTORS TO BE CONSIDERED:**

The following non-exclusive list of factors may be considered by the Prosecutor in determining whether or not the Defendant will be offered the option to enter into a Stipulated Stay of proceedings:

1. Use of, or reference to a weapon during the commission or crime;
2. Prior convictions for Domestic Violence (disqualification required);
3. Prior acts of aggression by the defendant, upon the current victim or others (regardless of conviction);

4. Level of injuries sustained by the victim;
5. Presence of children during the commission of the crime (Additional charges may also be sought for this factor as appropriate);
6. Use of alcohol or illegal drugs prior to or during the commission of the crime – by either party;
7. Patterns of deliberate physical or emotional abuse or cruelty with the same or other victims;
8. Agreement of the victim to use of a Stipulated Stay of Proceedings;
9. Past manipulatory behavior of the defendant towards the victim or of the criminal justice system;
10. Any factors concerning the credibility of the defendant, or impacting upon his desire or amenability to treatment;
11. Any facts from the police reports, 911 calls, victim information, or victim family information, etc.;
12. Interference with reporting of the Domestic Violence; and
13. Any reliable knowledge obtainable from the community.

The strength or weakness of any case **MAY** be a valid consideration in determining to offer a stay, but must be weighed against the prosecutorial standards that guide us in our decisions as well as the objectives of these protocols.

**C. ONLY ENTERED WITH STANDARD STIPULATED  
STAY OF PROCEEDINGS APPROVED BY THIS  
OFFICE; A WAIVER OF SPEEDY TRIAL SIGNED BY  
THE DEFENDANT; AND INCLUSION OF THE  
FOLLOWING CONDITIONS:**

In order to enter a Stipulated Stay of Proceedings, the defendant must be willing to provide the following waivers and stipulations, and abide by the following conditions:

1. Provide a Waiver of the right to a speedy trial for the duration of the stay, plus an additional 90 days;
2. Provide a Waiver of the right to a jury trial;
3. Stipulate to the admissibility of all police reports and witness statements without further requirement for the state to present witnesses to testify to the facts or for foundational requirements (but authorizing the state to do so at their choosing);
4. Stipulate that the facts contained in the police reports and witness statements are sufficient for the court to enter a finding of guilty as to all charges stipulated to in the Stipulated Stay of Proceedings;
5. Stipulate to revocation of the Stipulated Stay of Proceedings upon any finding of a violation of the terms and conditions of the Stipulated Stay of Proceedings, leaving only the length of sentence to be imposed by the judge upon revocation and conviction to be argued;

6. The defendant must obtain a Domestic Violence Batterer's Evaluation from a qualified and certified provider/program, and abide by all recommended treatments as indicated by the evaluator, which may include not only the domestic violence component, but a substance abuse component and a mental health component.
7. The cost of the evaluation and treatment shall be the sole responsibility of the defendant, and a financial inability to obtain or complete shall not be a valid justification to avoid revocation, although it may be considered in not allowing entry into a Stay of Proceedings, or in allowing a longer duration to the period of the stay of proceedings, at the sole discretion of the Kittitas County Prosecuting Attorney's Office;
8. The defendant must agree to be under the supervisor of the Misdemeanant Probation Department for the period of the stay, and must abide by all of the rules imposed by the court, or subsequently imposed by probation. The costs of supervision shall be the sole responsibility of the defendant, and a financial inability to meet said obligations shall not be a valid justification to avoid revocation;
9. The defendant must agree to entry of, and abide by the terms of, a No Contact Order between the defendant and the victim, unless modified by Court Order upon the joint recommendation of the victim; the treatment provider; the Misdemeanant Probation Department; and the Prosecuting Attorney's Office.
10. The defendant shall be responsible for assuring that the No Contact Order is not violated, and the fact that the victim or a third party made the contact in violation of the order will not be a valid justification to avoid revocation;
11. Payment of any and all restitution to the victim, including both personal and property damage, mental or physical health treatment, and other expenses directly related to the crime;
12. Payment of the \$100.00 Domestic Violence Fund assessment; and
13. The defendant shall not commit any criminal offenses or offenses that could lead to the filing of criminal charges (conviction of such charge is not required for revocation of the Stipulated Stay of Proceedings).

### **III. DISPOSITION OF CASES OTHER THAN BY DISMISSAL OR STAY OF PROCEEDINGS:**

Cases that are not dismissed or subject to a stay of proceedings, shall either go to trial or result in a plea of guilty to the charges brought.

Every conviction or plea shall result in a recommendation/offer by the Prosecuting Attorney for a sentence that shall include a Batterer's Evaluation by a Certified Treatment provider/program and a requirement to follow any recommendations of the evaluation, including Substance Abuse Treatment and Mental Health Treatment as indicated.

Every sentence recommendation/offer shall require a provision for payment of any and all restitution to the victim, including personal and property damage, mental or physical health treatment, and other expenses directly related to the crime.

Every sentence recommendation/offer shall require a provision for payment of the \$100.00 Domestic Violence Fund Assessment.

Every sentence recommendation/offer shall include a request for probation for a period of not less than two years.

Every sentence recommendation/offer shall include a provision for a No Contact Order until further order of the Court, based upon recommendations by the Treatment Provider, Misdemeanant Probation, the Prosecuting Attorney and the victim.

Every sentence recommendation/offer will include a request for the imposition of the maximum 365 days of incarceration, with an appropriate amount of time suspended, as indicated by the facts and circumstances of the case.

#### **IV. DOMESTIC VIOLENCE COMMITTED BY JUVENILES**

In Washington State, defendants under the age of 18 have their cases adjudicated in the Juvenile Departments of the Superior Court for each county. For these reasons, the term Stipulated Stay of Proceedings is not applicable to the resolution of their cases. However, the spirit and intent of these policies shall govern the resolution of juvenile cases processed by the Kittitas County Prosecuting Attorney's Office. The statements concerning the rights of victims and the utilization of the victim/witness unit are equally applicable in the Juvenile Court setting.

#### **RIGHTS OF VICTIMS**

Every victim shall be notified by the Kittitas County Prosecuting Attorney's Office, either the attorney or assigned victim/witness staff handling their case, of any decision to: charge a case if not done so by citation; dismiss a case; to offer a Stipulated Stay of Proceedings; or the offer made to reach a settlement of a case, within five (5) days of making such decision.

Every victim shall be informed of the dates of all hearings scheduled, and shall be informed of their right to participate at sentencing if they desire. Participation may take any lawful form permitted by law, and may include actual victim testimony at sentencing, or the recitation by the assigned prosecutor of a written victim impact statement and submission of the written statement into the court record/file (Other options may be available depending upon the facts and circumstances of the case).

Every victim will be informed of their right to be present at post-sentencing hearings, and if they request notification of such hearings, the Kittitas County Prosecuting

Attorney's Office will make every effort to inform them of such hearings in a timely fashion.

A victim of domestic violence has the right to inform the prosecutor and the judge of their wishes and desires concerning disposition of their case. However, neither the prosecutor nor the judge is obliged to follow such recommendations.

In addition, the victim will be subpoenaed to testify in court, and their presence will be expected as with any other witness to a criminal case. While rarely used, and loathed by prosecutors, law enforcement and victim advocates, a material witness warrant is a tool that may be used by the prosecuting attorney to obtain the victim's presence at the time of trial.

### **VICTIM WITNESS UNIT:**

The Victim/Witness Unit within the Kittitas County Prosecuting Attorney's Office acts as a liaison for victims and witnesses. They request and assist in getting information from victims and witnesses to the prosecutor, and assist the prosecutor in providing information to victims and witnesses and coordinating meeting times. These functions may also be handled at times by the responsible legal secretary assigned to the case.

The Victim/Witness Unit will assist at the time of hearings, if requested, to provide access to a secure waiting area for victims and witnesses, so that they are not forced to have contact with the defendant, defendant's witnesses, or defendant's family.

The Victim/Witness Unit attempts to address all of the concerns of victims and witnesses that are not routine, and cannot be expeditiously handled by the prosecutor and responsible secretary.

The Victim/Witness Unit also assists in coordinating defense interviews. While the Victim/Witness Unit is available to support victims and witnesses, they will not duplicate services provided by ASPEN if a victim or witness has not made, or is not willing to make, a connection with ASPEN's advocates to access their services.

### **CONCLUSION**

Domestic Violence, while historically treated as a family problem, is not solely a family problem - it is a community and societal problem. In 1993, a group of committed individuals created our first county-wide Protocols to address Domestic Violence. This plan was the result of much work, many debates, a great deal of soul searching and a certain amount of disagreement.

Much has happened since 1993, including the benefit of increased trust, respect and admiration by all individuals in the criminal justice arena of the respective jobs that

we all perform. This has been accomplished only through a willingness to communicate with one another. While we may still disagree at times as to particular cases, it is clear that all participants realize that we are in this together, and that we share a common goal in processing these cases in a unified fashion. Together we will have an impact in reducing, and hopefully one day, eliminating the pain, hurt and injury of domestic violence.

The Kittitas County Prosecuting Attorney's Office is committed to the goals and objectives of the Domestic Violence Task Force. We look forward to expanding our collaborative process, adding new partners, learning new techniques, discarding old tools that don't work, and enjoying much success in our efforts.

Adopted this \_\_\_\_ day of December, 2005.

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Gregory L. Zempel  
Kittitas County Prosecuting Attorney



By my signature below, I fully acknowledge my agreement and assent of these guidelines as the standards for how I approach the prosecution of Domestic Violence cases that come before me in my role as a Deputy Prosecuting Attorney for Kittitas County:

---

L. Candace Hooper,  
Chief Criminal Deputy Prosecuting Attorney

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Douglas Mitchell  
Deputy Prosecuting Attorney

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Mark McClain  
Deputy Prosecuting Attorney, Adult Felonies

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Dovie Sigle  
Deputy Prosecuting Attorney, Upper District Court

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Paul Sander  
Deputy Prosecuting Attorney, Lower District Court