

DSVPC Fatality Near Fatality Review Team Recommendations

2022

Children

Recommendation 1: Develop a multi-disciplinary protocol in Fayette County outlining each agency's responsibility for providing services to children who witness and experience domestic violence, particularly when the domestic violence results in a death or near death of a parent or loved one.

Recommendation 2: Build the capacity of adults who work with children and families (teachers, school counselors, coaches, therapists, youth leaders, etc.) to provide information and support for children who witness and experience domestic violence, particularly when the domestic violence results in a death or near death of a parent or loved one.

Action Steps:

- Implement screening protocols across children services to assess domestic violence as a factor in children's trauma
- Develop a vetted list of resources and referrals for children requiring or requesting services and support
- Create resources and material that help us stay in touch with children at regularly scheduled intervals (based on hospice practices) as a way of conducting regular outreach
- Establish a core group of people focused on working on this topic

Action: In April 2022, DSVPC applied for a grant from the Office of Juvenile Justice and Delinquency Prevention regarding strategies to support children exposed to violence. While the grant was not received, the committee received positive feedback on how to improve future applications. DSVPC has done research on alternative funding opportunities and has requested a new position through the LFUCG budget process for the purpose of addressing the needs of children.

Undocumented Immigrants

Recommendation 1: Domestic violence is not considered by immigration courts, ICE detainers do not guarantee that domestic violence offenders will continue to be held, and deportation is not necessarily a remedy to domestic violence; therefore, undocumented immigrants who perpetrate domestic or sexual violence should complete their sentence in Fayette County before being released to ICE custody.

Recommendation 2: Victim advocates and other professionals who work with domestic violence survivors should be aware of the process required for-obtaining UVISAS and how likely they are to be available for victims of domestic violence.

Attorneys and Courts

Recommendation 1: When offenders are charged with a domestic violence crime, many protections are provided for their victims. However, when charges are amended (or changed) to no longer include domestic violence, those protections for victims are lost. Therefore, it is important that "domestic violence" not be removed from the charges.

Limited English Proficiency

Recommendation 1: Require all agencies to adhere to language access plans. Minor children and other family members should never be used in place of trained interpreters. Utilizing children or family members as interpreters may cause further trauma.

Recommendation 2: Build the capacity of agencies serving domestic violence victims to provide better outreach and services to victims with limited English capacity. This should include creating strong relationships with organizations serving LEP individuals and developing collaborations to cross-train staff and volunteers and share outreach strategies. Translation services should be fully funded within agency budgets and Directors should work to make sure there are ample qualified translators available.

Recognizing and Intervening in Domestic Violence

Recommendation 1: Build the capacity of all agencies, both individually and collectively, to collect and analyze data on domestic violence incidents to determine patterns of harm.

Pretrial Services

Recommendation 1: The Administrative Office of the Courts should add an evidence-based intimate partner-specific risk assessment to the existing tool used by Pretrial Services. This assessment would address the unique risks posed by defendants with a history of intimate partner violence. The Office of Pretrial Services does not currently measure risks specifically related to intimate partner violence re-offense or lethality.

Judges & Prosecutors

Recommendation 1: Every effort should be made to ensure that the information presented to the judge when making bond/bail determinations is complete and provides a full and accurate understanding of the risk posed by a defendant.

- In addition to reviewing the Citation form provided by police, judges should review the case history available through NCIC.
- Judges should make certain that the prosecutor, after reviewing the police report and other pertinent documentation, has the opportunity to provide any additional relevant information to ensure that the amount of bail shall be *"Commensurate with the nature of the offenses charged;"* 431.525 (1)(c) (d) and include *"Consideration of the past criminal acts and the reasonably anticipated conduct of the defendant if released;"* 431.525 (1)(d).
- Judges should note the number of bonds on which the defendant is currently released and take that into account when making decisions regarding bail.
- 431.515 (6) allows the court to withhold bail *"to a defendant who is found by the court to present a flight risk or to be a danger to others."* The County Attorney's Office should take the unique risks presented by perpetrators of intimate partner violence to their victims into account and consider opposing bail for domestic violence offenders or opposing the reduction of the bail amount.
- Considering the risks presented by perpetrators of intimate partner violence to their victims, the County Attorney's Office and/or the Commonwealth Attorney's office should file for bond revocation whenever there is a significant violation of bond conditions, especially those conditions that could have an impact on victim safety. (I don't know if there is a better word for "significant"?)

Action: Some Fayette District Court Judges have requested that a Victim Advocate from the County Attorney's Office be present in the courtroom and provide relevant information to the judge regarding the defendant's alleged crime(s).

Child Protective Services

Recommendation 1: Workers should have monthly face-to-face meetings with both children and the caregivers of children placed in kinship care by the Kentucky Cabinet for Health and Family Services. These visits will review the caregiver's adherence to any conditions established by the Cabinet.