# Analysis of Utah Domestic Violence Council (UDVC) Justice Committee's SWOT (Strengths, Weaknesses, Opportunities, Threats) Survey Results

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Criminal and Juvenile Justice Consortium College of Social Work University of Utah

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#### **Background**

The Criminal and Juvenile Justice Consortium (CJJC) at the University of Utah contracted with the Utah Domestic Violence Council (UDVC) Justice Committee to conduct an analysis of the results they received from a SWOT (Strengths, Weaknesses, Opportunities, and Threats) survey administered to members of domestic violence coalitions across the state of Utah. This survey was piloted in Salt Lake County in the summer of 2003. CJJC consulted with the UDVC Justice Committee during the preliminary interpretation of the responses. The Justice Committee determined it was necessary to administer the survey statewide since the results would be used to help focus their agenda and efforts for the coming year. Over the winter of 2003-2004 the Justice Committee distributed the surveys through the local domestic violence coalitions. Completed surveys were shared with CJJC in the spring of 2004 for analysis.

#### **Objectives**

The main objective of conducting the SWOT survey was to inform the UDVC Justice Committee of the themes and perspectives that exist among domestic violence coalition members in the state of Utah. Information received on respondents' concerns on how domestic violence is viewed and handled in the justice system will be used to create a list of priority issues and action items that will be addressed by the Justice Committee. Specific areas for action include gaps in services identified in the system and challenges facing the field.

#### Methods

The Survey

The SWOT survey format was chosen due to its common use in strategic planning and the early stages of decision-making (Bartol & Martin, 1991: Johnson, Scholes, & Sexty, 1989). The survey is comprised of four open-ended categories that make up the SWOT acronym: Strengths, Weaknesses, Opportunities, and Threats. This format allows for the examination of a group's internal strengths and weaknesses (as seen from the respondents' perspectives) and the broader environmental opportunities and threats that influence the group. The SWOT survey was viewed as a particularly effective method for surveying coalition members, since they come from many diverse backgrounds. The SWOT survey allowed respondents to indicate the issues that pertained specifically to their organizations' role in addressing domestic violence and the concerns they had about domestic violence as well as the justice system at large.

A cover letter accompanying the survey gave instructions on how to answer the questions, detailed the intended use of the responses, and explained to respondents the confidentiality of their responses. Literature suggests that the inclusion of these elements increases response rate and decreases misinterpretation or confusion (Chadwick, Bahr, & Albrecht, 1984). Copies of the cover letter and survey are available in Appendix A and B, respectively.

#### Survey Administration

The cover letter and survey were distributed to local domestic violence coalitions by UDVC Justice Committee members Dawn Hollingsworth, Division of Child and Family Services Domestic Violence Program Administrator, and Sharon Daurelle, Department of Corrections Victim Service Program Administrator and Justice Committee chair. In most cases the local coalition members were given time during their regular coalition meetings to complete the surveys. A representative of each local coalition returned the completed surveys to either Dawn or Sharon. Members of the Washington County coalition conducted the SWOT survey as a group discussion during their coalition meeting and provided meeting minutes documenting their responses to the categories. The completed surveys and meeting minutes were provided to CJJC for analysis.

#### Qualitative Analysis

The qualitative analyses were conducted using Atlas-ti 4.2, a qualitative computer software program based on the principles of grounded theory (Strauss & Corbin, 1998). Grounded Theory is an approach to qualitative research analysis where responses are classified into themes and then organized into families.

A CJJC research assistant transferred the SWOT survey responses from the paper surveys into computer files. Those files were then loaded into Atlas-ti for analysis. The first step of analysis was open coding. All responses were read and given an initial code. The codes were then analyzed in terms of their relation to other codes and organized into analytic and thematic categories. In the last step, selective coding, categories and codes were integrated and polished to form an overarching theoretical scheme.

The responses to the statewide SWOT survey were analyzed independently of those received during the Salt Lake area pilot. The initial results of the Salt Lake area pilot can be found in Appendix C. Only after the entire coding process was completed and the thematic categories had been organized were the Salt Lake area responses reexamined and incorporated. The results of the statewide survey responses formed a unique framework for understanding issues related to domestic violence and the justice system. However, the responses obtained from the Salt Lake area pilot also fit that model quite well, indicating its validity in representing the key issues in areas across the state of Utah.

#### Results

#### Response Rate

Fifty (50) SWOT surveys were returned from six domestic violence coalitions: Cache (9 respondents), Davis (17), Iron (3), Utah (8), Washington (SWOT completed as a group), and Weber (13 respondents) counties. Respondents indicated the following agency affiliations:

Advocacy (16) Advocacy and Treatment (2) DCFS (Division of Child and Family Services) (4)

Law Enforcement (5) Treatment (7) Other (includes DWS, educational, prosecution, shelter, etc.) (8) No agency indicated (8)

#### Qualitative Analysis

The qualitative analysis resulted in the identification of ten major and five minor themes that captured the strengths, weaknesses, opportunities, and threats relating to domestic violence in Utah. The following paragraphs summarize those themes and the responses that comprise them.

#### Court Issues

The most frequently mentioned topics in the survey responses were thoughts on what is working in the justice system and what additional steps need to be taken to ensure that the justice system properly addresses domestic violence (DV). Respondents also cited the court's key role in addressing domestic violence, noting that ongoing abuse will occur and domestic violence will increase if courts do not intervene swiftly. These findings are not surprising, considering that text found within the cover letter informed respondents that one goal of the survey was to identify "how domestic violence is viewed and handled in the justice system." Nevertheless, issues relating to the court and judiciary handling of domestic violence were presented both frequently and passionately, indicating their importance to the survey respondents.

Comments surrounding the court in regards to DV included a few consistent

suggestions but also many unique strengths. Some recommendations for the

courts in general included: creating DV dockets and

protective order dockets in all courts, increasing DV-

specific courts, and increasing consistency in family

However, many strengths in the justice system were

and justice court responses to domestic violence.

#### **Court Needs:**

- DV/PO dockets
- DV-specific courts
- Consistent response
- Decreased plea-bargaining
- Judges' training

also noted. A couple Davis County respondents applauded the promptness of protective order hearings, while those from Iron County mentioned the court's timely exchange of information and referral for DV treatment that ensure clients' compliance and tracking. A strength of the 4<sup>th</sup> District DV court, located in Provo, that was mentioned was the presence of its perpetrator tracking program with

DCFS. The 1<sup>st</sup> District court in Cache County was praised for its sensitivity to victims' needs. The Washington County coalition noted that their court referral system was relatively easy to track. Strengths mentioned that were specific to a single location and are not currently present in other counties or districts should be identified as best practices and replicated in other areas of the state.

#### **Court Strengths:**

- Prompt protective order hearings
- Perpetrator tracking
- Mandatory Prosecutor reviews

The role of the prosecutor was also identified as key in addressing domestic violence. Increased education and implementation of evidenced-based prosecutions were seen as strengths, as were mandatory reviews by the prosecutor's office. A major weakness mentioned by many respondents was the frequency of plea-bargaining. Other problems noted were the prosecution of female perpetrators and the lack of prosecutor advocacy for victim's rights.

An area that was identified by a number of respondents as insufficient within the court system is DV education and training for the judiciary. This was one of the most frequently mentioned codes out of all of the surveys received. This need for further DV education and trainings for appropriate court officials was also identified in the Salt Lake area pilot, conducted in the summer of 2003. Trainings would hopefully address the concerns that were mentioned by respondents in both the Salt Lake pilot and the statewide survey: inconsistency in judges' orders, lack of judges' reliance on therapists' recommendations, and inappropriate treatment ordered for perpetrator, such as anger management instead of domestic violence. Respondents noted that even when DV trainings are made available another challenge could be getting the judges to attend trainings. A few respondents noted that many judges do not attend trainings because they feel that the trainings would threaten their impartiality. There is a need for the development of trainings that will not only inform the judiciary of key issues in domestic violence but also present the information in a manner that is unbiased and appropriate for the audience.

#### Victim issues

One concern of many respondents is the difficulty they experience when prosecuting perpetrators when the victim is reluctant to press charges. A number of problems within the system were identified that may contribute to victims' reluctance to get involved in the litigation process. One identified problem was "re-victimization" by the system, especially when restraining orders failed to protect the victim, the perpetrator

was still in the community, or the perpetrator was not held accountable. Respondents noted that sometimes neither the perpetrator nor the victim observes the protective order (PO), and in some instances the victims are threatened with arrest by law enforcement or actually arrested if they help the perpetrators violate the PO. Many victims also fear losing custody of their children if they get involved with the system.

### Barriers to victim involvement in justice system:

- Perpetrator unaccountability
- Noncompliance with PO's
- Fear of losing children

Although many obstacles deter domestic violence victims from getting involved in the legal system, respondents identified many opportunities to help victims and possibly increase their willingness to prosecute the perpetrators. Respondents cited the need for increased victim education. Education is needed to inform victims about violence prevention and the cycle of abuse, protective orders and what the victims' responsibilities are, and about the legal process and how victims can help in their cases. Other opportunities to better serve victims include sending a domestic violence advocate to all DV calls (rather than relying on the victim to request one), providing low-cost or free legal assistance, providing treatment for the victim once the criminal justice process

is over, and notifying the victim of the perpetrator's release. Another opportunity is to simply increase prosecution, even when the victim is non-cooperative.

Although many respondents noted a number of overlooked opportunities to better serve victims of DV, overall the majority of respondents viewed the legal, emotional, and physical support currently available to victims as a strength. Services are increasing and a

### Opportunities to better serve victims:

- Education on the cycle of abuse
- Education on justice processes
- Low-cost/free legal assistance
- Send advocates to all DV calls

variety are available to victims, including support groups, legal resources, and domestic violence shelters. Providing resources to women and children who are victims of domestic violence and child abuse is seen as a strength, however the opportunity to provide more services to strengthen victims and families still exists.

#### Law Enforcement Issues

The role of law enforcement in addressing domestic violence was second only to that of the courts. Respondents provided many comments on law enforcement's strengths

and suggestions on ways they could improve their response to domestic violence. Respondents from a couple counties said well trained, supportive law enforcement was a strength of their communities. In addition a few respondents noted that a lack of law enforcement was a weakness in their area. Many respondents from the statewide survey and the Salt

#### Law Enforcement Strengths:

- Mandatory reporting
- Mandatory arrests
- Free police reports
- Enhancing charges

Lake pilot mentioned mandatory reporting, citing, and arrests as law enforcement strengths. Other police activities that were well liked included making free police reports available to victims, arresting the perpetrator even when the victim does not press charges, and enhancing charges for recidivists.

Increased DV training and improvements in education for officers were both noted as current strengths in the system; however, many said the need still exists for additional training. Requests for law enforcement trainings were the second most frequent suggestion given, after requests for trainings for the judiciary. This was also a

#### **Law Enforcement Needs:**

- Training
- Consistent response
- Decreased response time
- Correct ID of aggressor

common theme in the Salt Lake area pilot. Some common complaints concerning law enforcement and domestic violence were also noted. The most frequently mentioned complaint was inconsistent law enforcement responses to domestic violence cases. One respondent summarized this concern by noting the "lack of consistency in judging whether a law is

broken, in when to give a protection order or not, [and] in arrest for protection order violation." Other suggestions included decreasing the response time of police officers and making sure they do not leave the scene before a victim advocate arrives. Lastly, some respondents praised law enforcement for their correct identification of the predominant aggressor and victim in the charges. However, others said this area could use some improvement as well.

#### Perpetrator Issues

The most common concern regarding perpetrators was that their punishment was too lenient and that the system was not holding them accountable. Respondents from both

the statewide survey and Salt Lake pilot noted the leniency in DV punishment compared to other crimes and how this creates an opportunity for the violence to escalate. Most perpetrators are not receiving jail time for their offenses and mandatory jail sentences are being ignored. An opportunity noted by one respondent was to increase maximum

# Ways to increase perpetrator accountability:

- Mandatory jail
- Mandatory treatment
- Longer probation
- Increase penalties for recidivists

sentencing for offenders. Furthermore, most respondents felt that perpetrators were not even being held accountable through treatment and/or probation. Sometimes perpetrators are told to get an assessment instead of treatment and when treatment is ordered, there is no accountability in ensuring they attend the sessions. One respondent noted that some courts even allow probation to expire without offender accountability. As mentioned earlier in the section on victim issues, victim safety is greatly compromised when perpetrators are not held accountable by the system. A concern related to this continuing violence, is the lack of increasing penalties for repeat offenders. Suggestions given to improve perpetrator accountability include ordering mandatory treatment, tracking defendant compliance with treatment, and ordering longer probation.

Respondents recognized several challenges in the system that are making it more difficult to hold perpetrators accountable, including a lack of treatment and incarceration options complicated by overcrowding in the jails and prisons. There is also often a delay between legal action and the start of treatment and treatment expectations might not be

# Challenges to perpetrator accountability:

- Lack of treatment options
- Overcrowded jails
- Delay in treatment order

clearly explained to the treatment providers. One respondent felt it was a weakness that only the perpetrators were ordered to attend treatment, rather than the victim and the perpetrator as a couple. In contrast, another respondent indicated that it was a weakness to request victims to attend treatment with the perpetrators. Obviously, differing philosophies

exist in the field on this issue. Respondents' opinions on perpetrator accountability, however, were very consistent. Suggestions include increasing sanctions for perpetrators, especially repeat offenders, and at the very least following through with the current sanctions whatever they may be.

#### Children and Domestic Violence

Many respondents listed issues relating to child abuse, child witnessing, child custody, divorce, and parenting under the weaknesses and threats sections on the survey. This new theme in responses was not present in the Salt Lake area pilot. Statewide survey respondents indicated that the opportunity exists to improve policies to protect women

and children, increase awareness of child abuse issues in domestic violence, and increase

family support systems. Specifically, there is a need to increase protection of children who witness DV and/or experience child abuse and increase support from Child Protective Services. A strength noted by one respondent was the investigation of possible reports of child abuse and another was pleased that children are now identified as victims of domestic violence as well. However, many respondents listed the lack of treatment for children who witness abuse

### Issues concerning children and domestic violence:

- Child abuse
- DV witnessing
- Child custody
- Divorce
- Parenting

as a weakness. The Washington County coalition listed "the law on child abuse witnessing changed from a Class A misdemeanor to a Class B misdemeanor" as a strength.

Child custody issues were viewed as especially complicated. Respondents noted the difficulty in deciding who should have custody of a child and when a child should be removed from the home. Problems include removing children from the parents' custody rather than working with the shelters, awarding temporary custody to the perpetrator, allowing unsupervised visitation with the perpetrator, and returning children to unsuitable homes. An additional threat, also noted in victim issues, is victim reluctance to get involved in the system because they fear they will lose custody of their children.

A noted strength was understanding parenting issues and how they relate to domestic violence. Additionally, not following through with recommended parenting skills training was listed as a weakness. Lastly, respondents were concerned that past domestic violence and/or child abuse are being overlooked during divorce proceedings and that protective orders are dismissed when divorces are finalized. These concerns relate directly to the issue of victim reluctance to get involved in the justice system, which in turn can lead to an increased risk of violence.

#### **Interagency Collaboration**

A common strength noted in the system was interagency collaboration. Similarly, lack of collaboration between agencies was seen as a weakness and respondents felt the opportunity to increase communication to better serve victims and families exists. Multiple respondents from nearly every county and various affiliations, including DCFS, advocacy, prosecution, law enforcement, and treatment, expressed this theme. A couple specific strengths noted by respondents were the unified tracking system in Utah County and the St. George Police Department Victim Services coordination with DCFS.

Some general threats were identified that may hamper interagency collaboration. Territorial conflicts between agencies for referrals and/or resources were one such problem. This concern was also noted during the Salt Lake area pilot. Other problems

include agency overlap in services, inconsistent protocol across agencies, and conflicting agency focus. For example, one respondent noted that DCFS focuses on child victims, while CAPSA serves adults, which can sometimes create barriers. A result of these problems is that victims may "fall through the cracks"

#### Threats to collaboration:

- Competition for referrals & resources
- Inconsistent protocols
- Conflicting agency focus

in the system and never receive assistance.

Some general and specific suggestions were listed to help increase interagency collaboration and functioning. Respondents recommended interdisciplinary staffings and trainings from other agencies. There is also a need for a complete comprehensive program to assist victims that spans across many agencies and services, such as DCFS, Department of Workforce Services, advocates, shelters, police department, etc. Additionally, Washington County coalition members want to create a better way to track domestic violence victims through the system and plan to consult other groups in the state to see if a flow chart exists that could track victims from initial advocacy to court to transitional housing and beyond. Lastly, respondents from a few counties indicated the need for increased collaboration between the courts and treatment as well as the courts and DCFS, especially concerning court involvement in DCFS tracking programs.

#### **Protective Orders**

The topic of protective orders (PO) spans many other themes that surfaced in the analysis of survey responses (such as, victim, perpetrator, and law enforcement issues). However, respondents mentioned protective orders frequently, warranting a sub-analysis of issues pertaining directly to PO's.

Respondents most often mentioned protective orders as strengths or opportunities in the system. This theme was consistent across both the statewide survey and Salt Lake area pilot. Respondents had an overwhelmingly positive opinion of them. They also noted that PO's were free and easy to obtain and that in-court assistance on PO's was an additional strength.

However, this system is not without its flaws. Respondents also cited misuse of protective orders, lack of support for enforcing them, and lack of observation of PO's by both the perpetrator and victim. Concerning protective order violations, some respondents felt that punishment should "go both ways", punishing the victim and/or the perpetrator if they violate the PO. Others felt it was a weakness of the system when victims were punished again if they help the perpetrator violate the protective order. While respondents recognized protective orders as a major strength in the justice system, their responses also indicate that it is not a panacea for domestic violence.

#### Public Awareness and Education

The issue of public awareness and education on domestic violence was quite prominent in the Salt Lake area pilot and was also a major theme in the statewide survey

responses. Many respondents noted increased community awareness as a strength. Community coordination, support, and involvement were also listed as strengths. However, the opportunity to increase education was mentioned by several people, with others citing the lack of public awareness and decreasing public interest in domestic violence as challenges.

Suggestions for increasing public awareness

### Ways to improve public awareness:

- High profile spokesperson
- Collaboration with targeted community
- Various media outlets
- Education to religious leaders
- Education in schools

included using high profile individuals, such as the governor or attorney general, to share the message. Another opportunity noted was to use members of the targeted community to help develop programs, trainings, and responses to domestic violence. Increased media coverage was also mentioned. A respondent from Iron County noted that they use radio broadcasts, volunteer trainings, and domestic violence core trainings to inform the public. Increased education for local religious leaders and school children was also suggested. The Washington County coalition suggested that a dating boundaries and date rape curriculum be taught in the schools, perhaps by the school police officer.

#### Advocacy

Many strengths were mentioned regarding advocates and advocacy. For example, several people felt that advocates work well together and are an asset for victims during the criminal justice process. Advocates' 24-hour availability to victims, presence at police departments, and assistance on protective orders were all listed as strengths. Advocacy programs are increasing and gaining more recognition. However, respondents

still cited the need for new advocate programs. Suggestions for improving current programs included placing advocates in police departments and shelters, rather than in county attorney's offices; decreasing advocates response time to below 20 minutes; and increasing advocates' education to victims on how they can help their cases in the criminal justice system.

#### **Advocate Strengths:**

- Collaboration
- 24-hour availability
- Assistance on PO's
- Presence in police depts.

#### **Coalitions**

Topics related to coalitions were another new theme that emerged during the analysis of the statewide survey responses. Overall the presence of coalitions was viewed as positive. Many respondents said their coalitions are growing and comprised of diverse, committed members. Cache coalition members cited their education dinners and trainings to various groups as strengths. The Iron County coalition's new leadership is helping maintain attendance and encourages support. Statewide, coalition members have confidence in their coalitions.

A few suggestions were offered to enhance the effectiveness of coalitions. One was to create area or statewide coalition links. This would help in idea sharing and dissemination of best practices, such as the victim tracking flow-charts that Washington County wants to implement. Another suggestion was to increase coalition membership and diversity (although many respondents said these were already strengths of the organizations). Specific professions noted were education, law enforcement, medical, and judicial.

#### Additional Themes

The remainder of the responses were clustered around five less often mentioned themes: funding, multicultural, training, treatment, and legislative issues. Lack of funding

was a major issues presented in the Salt Lake area pilot. A few respondents from the statewide survey also echoed this concern, specifically noting the need for additional funds for law enforcement, probation, and victim services. A couple respondents also mentioned a lack of staffing as a related problem. Concerning multicultural issues, several respondents indicated the need for multilingual services and bilingual workers and interpreters. Salt Lake area respondents noted these same issues, but also felt there was a need for culturally appropriate services and culturally sensitive workers. These

#### **Additional Response Themes:**

- Lack of funding
- Multilingual services
- Training on DV
- Treatment for AOD use
- Legislative support

issues did not surface in the statewide survey.

Most of the training issues raised in the survey were grounded in other larger themes, such as court and law enforcement issues. However, some additional opportunities for training were mentioned that did not fit into any other categories. For example, one respondent noted that there is "always [an]

opportunity for ongoing training w/ all involved in DV investigation, prosecution, [and] support services." Others said the opportunity exists for specialized training in domestic violence issues.

One respondent said a strength of the system was that agencies were well-prepared to provide therapy, while another said that a "better understanding of underlying issues that result in DV would certainly bring about better interventions." One area concerning treatment that resonated for a number of respondents was substance abuse and domestic violence. Respondents noted that a weakness in the system was understanding the relationship between substance abuse and domestic violence and a threat was not adequately addressing drug and alcohol problems in domestic violence situations. One suggestion was to order substance-abusing perpetrators to concurrent substance abuse and domestic violence treatment. Additional treatment issues were raised in the Salt Lake area pilot; however, this could be due to a larger percentage of those respondents coming from the treatment affiliation.

Similar to the themes that surfaced in the Salt Lake area pilot, respondents of the statewide survey indicated the legislature's role in addressing domestic violence, and again the responses were mixed. Some said the laws protecting victims were good, while others felt they were not very strict. Furthermore, respondents indicated that there is a lack of understanding in the legislature on domestic violence issues and victim's needs and that legislative actions are not "services" friendly.

#### **Discussion**

The statewide administration of the SWOT survey to domestic violence coalition members expanded on and enhanced the preliminary findings obtained during the pilot survey of the Salt Lake area domestic violence coalition and its treatment and law enforcement subcommittees. Because the statewide survey responses were analyzed independently of the Salt Lake area responses, an understanding of the pertinent issues across the state was obtained that was clear of any bias that may have been unique to Salt Lake. However, after the statewide responses were coded and organized into thematic categories, the Salt Lake area responses were re-analyzed and incorporated. The model that developed from the statewide responses also fit the majority of the Salt Lake area

responses. Particularly salient issues raised in both the pilot and the statewide survey were: trainings for the judiciary and law enforcement, addressing challenges to victim participation in the justice process, increasing victim safety through perpetrator accountability and use of protective orders, increasing public awareness, and utilizing advocacy programs. New issues that surfaced during the statewide survey were the importance of coalitions and recognizing the impact of domestic violence on children. Some issues that were important in the Salt Lake area pilot, but were mentioned with less frequency in the statewide survey, were funding issues, treatment issues, and the impact of legislation. Overall, there was consistency across the responses obtained during both rounds of surveying that reflect the diverse topics that relate to domestic violence and the justice system in the state of Utah.

As found in the Salt Lake area pilot, the most important issues to respondents fit into many overlapping thematic categories. Some issues that surfaced multiple times in the statewide survey responses were "re-victimization" by the system, victim safety and perpetrator accountability, victim violation of protective orders, victim's fear of losing custody of children, interagency trainings and collaboration, and advocates educating victims on their role in the criminal justice process. These topics fit into many interrelated thematic categories and represent the crucial issues concerning domestic violence. Future action on these issues will have the greatest impact on domestic violence and the justice system.

Several action items can be identified from the strengths and suggestions indicated by the survey respondents. For example, many respondents said coalitions were a strength and recommended creating statewide coalition links. Increasing collaboration across coalitions and agencies will provide an opportunity for sharing best practices that were identified in the survey responses that are unique to a particular coalition or judicial district. Some unique strengths noted by survey respondents include Provo's 4<sup>th</sup> District court and DCFS tracking of perpetrator treatment, the investigation of domestic violence and child abuse reports in Iron County, and Cache County coalition education dinners. Sharing across agencies and coalitions would allow for the discussion and dissemination of innovative programs, policies, and practices.

Conversely, several weaknesses and threats were identified that were consistent across the coalitions, including the need for education for the judiciary and the need to increase offender accountability. These commonly cited concerns are another key area for action that often involve many interrelated components. For example, not only is there a lack of training for the judiciary, but when it does exist another barrier is addressing judges' concerns that the training will affect their impartiality. Many factors also influence the likelihood that perpetrators will be held accountable, including law enforcement response, victim willingness to get involved in the justice process, prosecutor action, judges' orders, and the availability of treatment and incarceration options. Each step is an area where coalition members of the respective professional backgrounds can apply their knowledge and skills to address the challenge.

#### Conclusion

Although responses were obtained from coalition members from across the state and from various professional backgrounds, a fairly consistent picture of domestic violence and the justice system in the state of Utah emerged. The majority of responses fell into ten thematic categories that addressed the most frequently mentioned strengths of and concerns about the system. Furthermore, these thematic categories also adequately encompassed many of the Salt Lake area pilot responses as well. As in the Salt Lake area pilot, many of the items listed under weaknesses, opportunities, and threats overlapped and were all considered to represent "needs" or "concerns" of the statewide survey respondents. Again, this did create overly negative response themes, as respondents also noted several strengths of the system. Both the strengths and the suggestions will assist the UDVC Justice Committee in prioritizing issues and creating action items to address in the coming year.

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### Appendix A

Cover Letter

August 6, 2003

#### Dear Coalition Member:

The Criminal Justice Committee of the Utah Domestic Violence Council (UDVC) is identifying statewide priority issues in regards to justice and domestic violence. As a first step we request input from your local domestic violence coalition. The goal of this survey is to identify gaps in services and concerns regarding how domestic violence is viewed and handled in the justice system. The results of the SWOT will be used to provide direction to the UDVC's efforts for the coming year.

The SWOT (Strengths, Weaknesses, Opportunities, and Threats) survey collects qualitative data in four open-ended categories. Please take 20 minutes to tell us the strengths and weaknesses that you perceive exist in the justice system's response to domestic violence, as well as opportunities and threats that you see facing this arena. Please limit each answer to no more than 10 bulleted items.

We sincerely thank you for your assistance. This survey will be distributed to other coalitions throughout the state. The information gathered will be analyzed by Audrey Hickert, Statistical Analyst with the Criminal and Juvenile Justice Consortium at the College of Social Work, University of Utah. Your individual responses will remain confidential and not be identified; however, de-identified and group survey results will be shared with your coalition. Your ideas and opinions matter a great deal to us. Thank you for your input.

If you have any questions, please contact your regional DCFS DV Coordinator or Sharon Daurelle at 801-545-5899.

Sincerely,

Dawn Hollingsworth 435-734-4032 UDVC Justice Committee

### Appendix B

SWOT Survey

# SWOT SURVEY (Please write legibly)

	(r lease write legibly)
STRENGTHS	
WEAKNESSES	
OPPORTUNITIES	
THREATS	
Treatment	Please indicate which most closely matches your affiliation:  Judiciary Advocacy Law Enforcement DCFS  Other

# Appendix C

Results of Salt Lake Area pilot

#### Strengths, Weaknesses, Opportunities, Threats (SWOT) Survey Utah Domestic Violence Council (UDVC) – Justice Committee Overview of Analysis

#### **Background/Purpose**

In August of 2003 the UDVC justice committee conducted a SWOT survey to identify gaps in services and concerns regarding how domestic violence is viewed and handled in the justice system. The results of the SWOT will help to focus UDVC's agenda and efforts for the coming year.

The SWOT survey collected qualitative data in four open-ended categories. This method allows for the examination of a group's internal strengths and weaknesses (as seen from the respondents' perspectives) and the broader environmental opportunities and threats that influence the group. SWOT analyses are commonly used in the early stages of decision-making and to influence strategic planning (Johnson et al., 1989; Bartol et al., 1991).

The UDVC justice committee distributed the SWOT survey along with an explanatory cover letter to members of the Salt Lake Area Domestic Violence Coalition and its Treatment and Law Enforcement subcommittees. Respondents completed the surveys during the coalition meetings and returned them to UDVC justice committee members.

#### **Analyses**

SWOT surveys were analyzed by the Criminal and Juvenile Justice Consortium, College of Social Work, University of Utah, using Atlas-ti 4.2, a qualitative computer software program, using a Grounded Theory approach (Strauss & Corbin, 1998). This type of analysis is conducted by classifying responses into themes that comprehensively represent all responses to every question. The themes are then analyzed in terms of their relation to other themes, resulting in families of themes that are related in terms of topic. This process is reiterated until an overall structure is created that captures the responses.

#### Results

SWOT surveys were collected from 28 respondents from the following affiliations:

Advocacy – 6 surveys DCFS – 2 surveys

Judiciary – 1 survey

Law Enforcement -1 survey

 $Other \ ({\tt Attorney's office}, {\tt Treatment \& Law Enforcement}, {\tt Legal Services}) - 3 \ {\tt surveys}$ 

Treatment - 8 surveys

Unknown (not marked) – 7 surveys

The analyses resulted in over 150 coded responses that were organized into the following families:

- Broader climate for domestic violence work (Public Awareness, Legislative, and Funding Issues)
- Advocacy and Law Enforcement, and their interrelationships

- Justice, Treatment, Criminal History/Tracking, and their interrelationships
- Victim, Perpetrator, and Multicultural Issues, and their interrelationships

#### **Climate for DV work**

Although two respondents cited increased community awareness of domestic violence as a strength, seven noted a need for increased public education and outreach, especially to adolescent and school aged children, to increase public attention to the issue. Respondents' opinions on legislative issues were mixed: three listed Utah's laws and legislative influence as strengths, but four respondents noted the ambiguity of the laws and legislators' lack of knowledge of DV as problems. Interestingly, one of the respondents who viewed Utah's DV laws as a strength also felt that "the conservative legislature" was a threat. Not surprisingly, lack of funding, for both general and specific programs (advocacy, victim, treatment), was mentioned ten times.

#### **Advocacy and Law Enforcement**

Advocacy's strengths were mentioned nine times, mostly by advocacy-affiliated respondents. Advocates' strengths included their availability to victims, networking skills, and the trainings they receive. Advocates in the police departments and their collaboration with law enforcement were also mentioned as strengths (five times). Conversely, lack of police departments with advocate programs and law enforcement not using advocates were listed as weaknesses. Respondents from many affiliations cited the need for more domestic violence trainings for police officers (including peace officers). One of the six respondents noted the lack of a "statewide mandatory training on DV for officers" as a weakness.

#### Justice, Treatment, Criminal History/Tracking

The most frequently cited problem across all of the themes and families is the need for more domestic violence training within the judicial system (15 times). Respondents from nearly every affiliation (including judiciary) identified the need to increase training to judges, prosecutors, and defense attorneys. Two related problems were noted by several respondents: 1) the lack of consistent trial outcomes/judges orders and 2) judges/courts lack of interest in DV. However, one respondent did list consistent judgments/sentences as a strength. Justice court DV programs and rapid court response were also listed as strengths.

Five respondents listed the collaboration between treatment providers and the court as a strength. In addition, a treatment-affiliated respondent said it was a strength that "judges order 'whatever treatment' is recommended by the therapists." However, two respondents felt there is still a need to increase collaboration between treatment and court. Other items listed as opportunities to improve treatment were: increasing provider collaboration (3 times), developing research-based treatment, researching longer-term treatment, and using members of the community to help develop programs, trainings, and responses.

Five respondents expressed concern about the lack of criminal history data on perpetrators, due to missing prior DV charges from other jurisdictions and states. Respondents' comments included suggestions to increase communication between courts

and increase reporting to BCI. Three respondents felt that having one judge follow each individual case improved tracking.

#### Victim, Perpetrator, and Multicultural

Many improvements were noted pertaining to victims' issues, including increasing education (on their rights, divorce, custody, and immigration), making these resources more available (through TV and radio), and providing low-cost/free legal assistance and support groups. Another important issue is ensuring that the perpetrator and victim are correctly identified in an altercation. One respondent noted that sometimes there are "two aggressors and only one person is charged." Many respondents said it would be an improvement to order the proper treatment for the perpetrator (DV vs. anger management), increase the length of their treatment, and increase the length of probation. Mandatory counseling, mandatory arrests, and attending court and treatment soon after citation were all seen as strengths in the system. Similarly, one respondent noted a need for dual treatment earlier in the process for both parties.

Six respondents expressed a need for interpreting services and a desire for culturally relevant and sensitive programs. Respondents suggested increasing resources and knowledge about non-traditional DV victims (GLBT, polygamous, etc.) and immigrant victims.

#### Table 1

The following table lists the most commonly listed themes (those that had 5 or more references). Those categories that have the word "All" after them indicate that two or more closely related codes were combined to create them. Some respondents listed a theme more than once, which resulted in a higher number of references than respondents. A list of the different groups who mentioned each theme can be found under the heading "Respondent Affiliation."

Most Frequently Mentioned Themes			
Themes	# of References	# of Respondents	Respondent Affiliation
Trainings for Judicial System	15	9	Advocacy DCFS Judiciary Other: Attorney's office Other: Legal Services Unknown
Increase multicultural awareness/services (All)	11	6	Advocacy Judiciary Unknown Treatment
Lack of Funding (All)	10	7	Advocacy Judiciary Unknown Treatment
Strengths of Advocacy	9	5	Advocacy Unknown

Themes	# of References	# of Respondents	Respondent Affiliation
Trainings for Officers	6	6	Advocacy Other: Attorney's office DCFS Unknown Treatment
Increase All Education	5	5	Advocacy Other: Attorney's office Unknown Treatment
Missing criminal Hx	5	4	DCFS Law Enforcement Treatment
Collaboration between Tx and Court	5	4	DCFS Unknown Treatment

#### Table 2

Table 2 lists the most common themes reported by each respondent group. Not surprisingly, each group was most likely to comment on themes related to their affiliation.

Most Frequently Mentioned Themes by Respondent Affiliation				
Advocacy	DCFS	Judiciary	Treatment	Unknown
Victim/Perp (9)	Justice (4)	Justice (5)	Victim/Perp (8)	Victim/Perp (5)
Advocacy (6)			General Tx (7)	Advocacy (4)
Advocacy/PD (4)			Tx/Court (5)	Funding (4)
Justice (4)				Justice (4)

#### Conclusion

The SWOT analysis illuminated many areas of importance mentioned by professionals working in the domestic violence field. During the analysis, items listed under weaknesses, opportunities, and threats greatly overlapped and were all considered to be "needs" or areas for improvement. However, this aggregation did not skew the results to be overly pessimistic. Many strengths of the system were championed by the respondents. In addition, the importance of certain issues was highlighted when some respondents listed them as strengths, and others noted that the lack of them was a weakness (ex: Advocate/Law Enforcement collaboration). The SWOT analysis yielded a number of re-occurring themes that help to explain the most salient issues expressed by the professionals who responded to the survey.

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# Appendix D

Most Common Codes in Statewide Survey

Most Common Codes in Statewide Survey			
Codes	Number of References	Respondent Affiliation	Respondent Coalition
Need for Judicial Training	19	Advocacy DCFS Law Enforcement Legal Services Prosecution Shelter Treatment	Cache Davis Utah Weber
Perpetrator Accountability	17	Advocacy DCFS Law Enforcement Shelter Treatment	Cache Davis Iron Utah Weber
Interagency Collaboration as Strength/Opportunity	10	Advocacy DCFS Law Enforcement Prosecution Shelter Treatment	Cache Davis Iron Utah Washington Weber
Need for Law Enforcement Training	9	Advocacy DCFS Law Enforcement Shelter Treatment	Cache Davis Utah Washington
Child Custody Concerns	8	Advocacy DCFS Law Enforcement Legal Services	Cache Iron Utah Washington Weber

### Appendix E

Tri-County Supplement to Statewide Report

#### **Supplement to**

"Analysis of Utah Domestic Violence Council (UDVC) Justice Committee's SWOT (Strengths, Weaknesses, Opportunities, Threats) Survey Results" Report

#### May 25, 2004

#### **Tri-County Responses to Statewide SWOT Survey**

The Tri-County Coalition, covering Sevier, Piute, and Wayne counties, completed the SWOT survey as a group and provided a copy of their responses to Dawn Hollingsworth, Division of Child and Family Services Domestic Violence Program Administrator, who forwarded them onto the researchers at the Criminal and Juvenile Justice Consortium, College of Social Work, University of Utah. Unfortunately the responses were not obtained in time to include them in the original report that was distributed at the May 20<sup>th</sup> meeting of the Utah Domestic Violence Council (UDVC) Justice Committee. This brief document will serve to incorporate the responses from the Tri-County coalition into the framework that was presented in the original report.

The ideas and information shared by the Tri-County Coalition supported the thematic structure that was derived from the responses of the statewide SWOT, as many of the same key issues surfaced.

#### Court Issues

The role of the justice system was again identified as integral in addressing domestic violence, with Tri-county Coalition members citing its authority to order abusers to attend treatment. The need for increased training and education on domestic violence to both law enforcement and the judiciary was also expressed. This was the most common suggestion in the statewide survey responses. However, Tri-County Coalition respondents noted that the judicial system has had a positive response to education provided by the coalition, which is in direct contrast with information received from other areas of the state where the judiciary is reluctant to attend trainings.

#### Victim issues

Tri-County Coalition members also identified several scenarios that contribute to victim reluctance to get involved with the justice system, including no guarantees of personal safety, fear of re-victimization by the system, and lack of low-cost/free legal support for the victim during the process. They noted that whenever there are discrepancies in court testimony, the person with the attorney is often believed. Perpetrators are provided with a free public defender, where the victims must find the means to hire their own representation. Their concerns about barriers that keep victims from accessing the criminal justice system were common in the statewide responses as well.

#### Law Enforcement Issues

As mentioned in the court issues section, ongoing training for law enforcement and judiciary was suggested. One concern the Tri-County Coalition members had, which also surfaced from other respondents, was ensuring the predominant aggressor was correctly identified. They considered it a weakness of the system when both the

perpetrator and victim were arrested or cited because of officer uncertainty. However, a noted strength is law enforcement encouragement that victims obtain protective orders.

#### Perpetrator Issues

Many of the perpetrator issues mentioned overlapped with other thematic areas and are included elsewhere in this summary (i.e. correct identification of perpetrator and victim, legal representation for perpetrator and victim). One new issue concerning perpetrators that surfaced from the Tri-County Coalition responses was the strength in enforcing protective orders and the punishment of violators with fines and/or jail sentences. This is encouraging, considering that many statewide respondents felt there was no accountability for perpetrators within the criminal justice system.

#### Children and Domestic Violence

Whereas many statewide respondents noted weaknesses in the system regarding children and domestic violence, the Tri-County Coalition members cited a couple of strengths. For example, they noted that protective orders empower victims by providing temporary child custody and establish child support. A concern of many statewide respondents was that victims fear losing their children if they get involved with the justice system. Another strength noted by Tri-County Coalition respondents was the legal assistance program through the state courts that helps victims obtain a divorce on-line.

#### Interagency Collaboration

Collaboration between agencies was viewed as a strength in their area, with the coalition members noting a "respect and working relationship with all agencies."

#### **Protective Orders**

As in the statewide survey responses, issues concerning protective orders (PO's) overlapped many thematic categories. However, protective orders were again mentioned frequently and positively by the Tri-County Coalition members warranting a brief subanalysis of issues concerning PO's. Members said, "The protective order is one of the greatest strengths in our three county area for helping victims of abuse." Specific strengths include, providing for child custody and support and access to personal property. Additionally, the law enforcement agencies are encouraging the use of PO's and the justice system is enforcing them through punishment for violators.

#### Public Awareness and Education

The Tri-County Coalition members provided a new perspective on public awareness and involvement. A concern they cited was lack of involvement by the general community (neighbors, friends, family members), when domestic violence is suspected. People not wanting to talk about the subject and/or believe that this kind of violence exists are additional weaknesses that interfere with increased reporting by the general public.

#### Advocacy

Respondents identified the involvement of advocates during court hearings and the protective order process as a strength.

#### **Coalitions**

The Tri-County Coalition noted that their group provides trainings to several groups, including law enforcement, medical staff, and the judicial system, on many topics. However, they also said "Rural Utah needs a continual 'helping hand' from the State Coalition." Respondents to the statewide survey from other areas also expressed an interest in increased collaboration across regional coalitions and with the state coalition.

#### Additional Themes

Similar to respondents from the Salt Lake area pilot and the statewide survey, funding cuts were seen as a threat. The Tri-County Coalition noted that funds are not available from local agencies and that decreased funding would hamper domestic violence prevention.

Overall, the responses from the Tri-County Coalition fit well into the thematic categories that surfaced during the original analysis of the statewide survey responses. The strengths noted and issues raised by the Tri-County Coalition confirm and expand on the ideas of other statewide respondents.

### Appendix F

Statewide Results Presentation

# Statewide SWOT Analysis

UDVC Justice Committee May 20, 2004



# Counties Surveyed:

- Cache (9)
- Davis (17)
- Iron (3)
- Utah (8)
- Washington
   (coalition completed as a group)
- Weber (13)

### Respondent Affiliation:

- Advocacy (16)
- Advocacy/Treatment (2)
- r DCFS (4)
- Law Enforcement (5)
- Treatment (7)
- Other (DWS, prosecution, education, shelter, etc.) (8)
- None indicated (8)

# 10 Major Response Themes

Court Issues
Victim Issues
Law Enforcement Issues
Perpetrator Issues
Children and Domestic Violence
Interagency Collaboration
Protective Orders
Public Awareness and Education
Advocacy
Coalitions

### **Court Issues**

- Importance of court system in addressing DV
  - "If DV issues continue to go unresolved w/ regard to judicial system, we will see an increasing of cases."
- Recommendations
  - DV/PO dockets in all courts, increase DV-specific courts, increase consistency in family/justice court response to DV
- Strengths
  - Promptness of PO hearings (Davis); Court and DCFS
     Tracking of Perp. Tx (Utah); Ease of tracking court referral system (Washington)
- Prosecution Issues
  - Strengths: evidence-based prosecutions, mandatory reviews
  - Weaknesses: frequency of plea bargaining

# Court Issues - Judiciary

- Need for training
  - Most frequent suggestion in all the surveys
- Concerns to address
  - Consistency with judges orders
  - Reliance on therapist recommendations
  - Wrong treatment ordered (DV vs. anger management)
  - "Victim blaming" by judges
- Challenges to training
  - Judges' need for impartiality



### Victim Issues

- Reluctance to get involved with legal system
- Barriers to victim involvement
  - "Re-victimization" by system
  - Lack of perpetrator accountability
  - Noncompliance with protective orders
  - Fear of losing custody of children
- Opportunities to increase services
  - Education for victims on violence prevention and cycle of abuse; how they can assist the legal process; their responsibilities regarding protective orders
  - Free/low-cost legal assistance
  - Treatment, support groups, shelters
  - Notification when perpetrator is released

# Law Enforcement Issues

### Strengths

- Mandatory arrests, citing, reporting
- Enhancing charges for recidivists
- Arrests without victim pressing charges
- Investigation of DV reports
- Free police reports for victims

### Need for training

- Inconsistent response
- Slow response time
- Leaving scene before victim advocates arrive
- Threaten victims regarding breaking PO
- Incorrectly identifying perpetrator/victim



# Perpetrator Issues

### Lack of accountability

- Jail time rarely ordered
- Probation too short probation expires without accountability
- Given "assessment" instead of treatment
- Penalties don't increase with recidivism

### Opportunities

- Maximum sentencing
- Longer probation
- Longer mandatory treatment
- Ensuring defendant compliance with treatment

### Children and Domestic Violence

### DV Witnessing

- Strengths: children now identified as victims of DV; Change in child abuse witnessing law (Class A to B misdemeanor)
- Weaknesses: lack of treatment for children who witness DV;
   victims charged with failure to protect

### Child Custody

 Weaknesses: victims fear losing custody of children; unsupervised visitation; (non)removal of children from homes; awarding temporary custody to perpetrator

#### Divorce

DV often ignored in divorce proceedings

### Parenting

- Strengths: understanding parenting issues and DV
- Weaknesses: lack of follow-through on parenting skills trainings

# Interagency Collaboration

- Viewed as major strength in system
- Opportunities to increase collaboration still exist
  - Competition for resources/referrals
  - Inconsistent protocol across agencies
  - Victims still "fall through cracks"

### Suggestions include

- Creation of unified tracking system
- Interdisciplinary staffings
- Comprehensive/multi-agency programs



# **Protective Orders**

- Viewed as major strength in system
- Some concerns are
  - · Commissioner not signing PO's
  - Lack of support for enforcing PO's
  - Misuse of PO's
  - · Noncompliance with PO's
    - Should PO's "go both ways" for violations?

### Public Awareness and Education

- Important strength in addressing DV
- Suggestions
  - Use high-profile spokesperson to share message
  - Collaborate with targeted community to develop programs, trainings, and responses to DV
  - Use various media outlets
  - Train religious leaders
  - Educate in schools
    - Dating boundaries/date rape education through school police officer



# Advocacy

### Strengths

- 24-hour availability
- Availability in police departments
- Assistance on protective orders/criminal justice process
- Collaboration

### Suggestions

- Increase advocacy programs
- House advocacy programs in police departments
- Decrease response time

### Coalitions

- Viewed as major strength in system
- Strengths
  - Diverse, committed members
  - · Provide education/trainings to the community

### Suggestions

- Create area or statewide coalition links
- Share ideas/best-practices across groups
- Increase diversity of professions attending, specifically medical, educational, law enforcement, and judicial

### **Additional Themes**

- Funding
  - Lack of funding for staff
- Multicultural
  - Need for multilingual services/interpreters
- Training
  - Educational opportunities always welcomed
- Treatment
  - Address relationship between AOD use and DV
- Legislative
  - Mixed support

### Most common codes

- Need for judicial training
  - Cache, Davis, Weber, Utah
  - Advocacy, DCFS, Law Enforcement, Legal Services, Prosecution, Shelter, Treatment
- 2. Hold perpetrators accountable
  - Cache, Davis, Iron, Weber, Utah
  - Advocacy, DCFS, Law Enforcement, Shelter, Treatment

# Most common codes cont.

- 3. Interagency collaboration as strength/opportunity
  - · Cache, Davis, Iron, Utah, Washington, Weber
  - Advocacy, DCFS, Law Enforcement, Prosecution, Shelter, Treatment
- 4. Need for Law Enforcement training
  - Cache, Davis, Utah, Washington
  - Advocacy, DCFS, Law Enforcement, Shelter, Treatment
- 5. Child custody concerns
  - Cache, Iron, Utah, Washington, Weber
  - Advocacy, DCFS, Law Enforcement, Legal Services

# Statewide SWOT Responses

- Provide broad view of DV and justice system in Utah
- Overall themes encompassed issues raised in Salt Lake area pilot
  - New issues were introduced
  - SL area concerns reiterated
- Provide many action items to address

