

Ensuring the Effectiveness of Protective Orders in Virginia: Community Assessment Tool

This is an assessment tool to evaluate the policy and practice for effective process and enforcement of protective orders in a particular jurisdiction. This tool is intended to be utilized by Coordinated Community Response Teams (CCRTs) to assess their local community response.

The Community Assessment Tool, initially developed in 2008, has been revised to facilitate an assessment of your community's efforts to improve the cultural responsiveness of services in your community—the ability to adapt services to meet the diverse needs of victims regardless of age, race/ethnicity, or other cultural identity. While the Tool was designed to address services around protective orders, it may also be helpful in fostering discussion in your community around other services for victims of sexual and domestic violence.

A recent statewide needs assessment revealed that across the board, victims of sexual and domestic violence continue to face significant barriers, and that these challenges are compounded by additional barriers related to various cultural identities. The importance of culturally responsive services cannot be overstated, as culture is a lens through which all victims experience violence and interact with service providers. Effective solutions depend on an understanding of these barriers through culture, as victims' options and decisions are impacted by their cultural identity as well as the resources available in their community.

Please review each statement and check the appropriate box as to whether team members believe the statement is a **Strength** (a practice that is already in place and working well in your community) or a **Challenge** (a practice that may not be in place; or exists and is in place, but CCRT members are not aware of it or have weak consensus that it is a strength). As you complete the assessment, we encourage you to assess each item for strengths and challenges not just for victims as a whole, but also assessing how those strengths and challenges may change dependent upon victims' age, race/ethnicity, legal status, English proficiency, ability, gender identity, sexual orientation, or other cultural identity.

After identifying Strengths and Challenges, discuss which issues are priorities that will enhance your community's response to effective enforcement of protective orders. **Identify the top 5-10 priorities that your CCRT believes may be attained in 3 years.** (It is important to engage in consensus decision-making to choose your priorities.)

The outcomes of this assessment tool may be used to develop a strategic action plan for a coordinated community response to ensure the effectiveness of protective orders in your community. Your strategic action plan should include both short-term (attainable in 1-3 years) and long-term (attainable in 3-6 years) goals. Implementation of a strategic action plan will also improve your community's overall response to domestic and sexual violence and stalking. Communities can find resources on best practices through the Community Defined Solutions website (below), and through future training and resources developed by the GEAP partnership.

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	Actions	Culturally Responsive	Strength	Challenge	Priority	Notes
Civil/Legal Services Attorneys						
1	Victims with limited financial resources have access to free and/or affordable civil legal representation in connection with protective order hearings.					
2	Formalized pro bono legal services are available to all victims in connection with protective order hearings.					
3	Legal services including comprehensive intake services are available to qualifying victims.					
4	Civil attorneys follow the American Bar Association's (ABA) Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases.					
5	Civil attorneys receive training on the dynamics of domestic violence, safety planning, lethality assessment, cultural responsiveness, trauma informed response, and updates on current laws.					
6	Civil attorneys routinely ask the court to address custody, visitation, and child support issues through the protective order process, if requested to do so by victims.					
7	Civil attorneys work closely with, or refer victims to, victim advocates to assist clients with safety planning.					
8	Civil attorneys explain court procedures thoroughly in a language and format the client can understand, to ensure clients understand the protective order process and what to expect in court.					
9	Civil attorneys work with clients, advocates, law enforcement, and court security personnel to ensure client safety before, during, and after protective order hearings.					
10	Civil attorneys routinely inform the court of the respondent's access to or possession of firearms or concealed weapons permit.					
11	Civil attorneys routinely seek enforcement of protective orders through the contempt process for violations of economic or custody provisions.					
12	Civil/legal aid attorneys participate in the local coordinated community response team.					
13	Civil/legal aid attorneys are representative of the populations they serve with the respect to age, race/ethnicity, and other cultural identities.					

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Commonwealth's Attorney's Office						
14	The Commonwealth Attorney's Office routinely prosecutes criminal violations of protective orders.					
15	The Commonwealth Attorney's Office, utilizing their broad discretion, carefully assesses each domestic violence case to ensure that they do not prosecute "victims" of domestic violence.					
16	The Commonwealth Attorney's Office ensures information on protective orders readily available in a language and format understood by victims who are pursuing criminal charges.					
17	The Commonwealth Attorney's Office prosecutes violations of protective orders that comply with federal full faith and credit requirements.					
18	The Commonwealth Attorney's Office utilizes evidence-based prosecution where appropriate.					
19	The Commonwealth Attorney's Office regularly provides training to law enforcement on issues relevant to effective evidence collection in domestic violence cases.					
20	<p>All local prosecutors receive annual training on:</p> <ul style="list-style-type: none"> • Protective Orders/Criminal provisions • Dynamics of domestic/family violence • Federal and State Firearms provisions of protective orders • Prosecution of violations of protective orders • Cultural Responsiveness • Trauma Informed Response 					
21	The Commonwealth Attorney's Office has and maintains a relationship with the corresponding Federal Alcohol, Tobacco and Firearms personnel and/or U.S. Attorney's Office in order to cooperate on prosecuting violations of federal firearms prohibitions.					
22	The Commonwealth Attorney's Office regularly prosecutes violations of state firearms laws and routinely inquires about, and where appropriate, pursues investigations of perpetrators' access to firearms.					
23	Staff in the Commonwealth Attorney's Office is representative of the populations they serve with the respect to age, race/ethnicity, and other cultural identities.					

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Community Corrections and Batterer Intervention Programs						
24	Local community-based probation services agencies routinely provide evaluation and assessment services to determine a respondent's education and/or treatment needs and to communicate those needs to the court.					
25	Local community-based probation services agencies monitor the respondent's completion of education, treatment, and/or counseling programs ordered by the court, including Batterer Intervention Programs, and have a formalized mechanism for informing the court of the respondent's completion of such programs.					
26	A mechanism exists for monitoring the respondent's compliance with education, treatment, and/or counseling programs ordered by the court in protective order proceedings.					
27	There are Certified Batterer Intervention Programs available to qualifying persons, including older adults, immigrants, persons with disabilities, persons of any gender identity or sexual orientation, and those with limited English proficiency or diverse cultural identities.					
28	Local Batterer Intervention Programs routinely communicate with the court and local community-based probation services agencies regarding the respondents' completion of a court-ordered Batterer Intervention Program.					
29	Local programs exist to meet the needs of female respondents.					
30	Local programs exist to meet the needs of youth offenders.					
31	Local Batterer Intervention Programs provide services to respondents with Limited English Proficiency (LEP).					
32	Local community-based probation services professionals routinely receive training on the dynamics of domestic violence, safety planning, lethality assessment, predominant aggressor, updates on current laws, and cultural responsiveness.					
33	Local community-based probation services maintain a working relationship with local sexual and domestic violence service providers.					
34	Local community-based probation services participate in the local coordinated community response team.					
35	Local community-based probation service providers are representative of the populations they serve with the respect to age, race/ethnicity, and other cultural identities.					

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Community Practice and Prevention						
36	City and county government officials have committed resources to community efforts to address domestic and sexual violence in the community.					
37	There is an established Fatality Review Team that regularly reviews domestic and family violence fatalities and makes prevention recommendations to the appropriate city or county leadership. (See VA Code §32.1-283.3)					
38	There are representatives from City or County Government represented on the CCR Team.					
39	City and County Government officials are representative of the populations they serve with the respect to age, race/ethnicity, and other cultural identities.					
40	City and county government are regularly apprised of the local domestic/sexual violence statistics including demographic trends, and see DV/SV as an issue that is relevant to their work.					
41	There is a Coordinated Community DV/SV Prevention Initiative in the community that serves qualifying victims, including older adults, immigrants, persons with disabilities, persons of any gender identity or sexual orientation, and those with limited English proficiency or diverse cultural identities.					
42	Local Primary, Middle and High Schools and city/county government sponsored youth programs have education programs on dating, domestic and sexual violence where appropriate.					
43	Members of city and county government receive annual training on the dynamics of domestic violence, safety planning, lethality assessment, cultural competence, trauma informed response, and updates on current laws.					
44	Community conducts regular assessment of culturally specific community population and needs and makes recommendation to improve access to and services for these communities.					

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Coordinated Community Response (CCR) Teams						
45	There is an active DV/SV CCR Team that meets at least quarterly.					
46	The Team has a defined purpose related to reviewing and enhancing local policy and procedure.					
47	Team participants know the purpose of the Team and have a shared vision.					
48	The Team has a structure that includes shared responsibility for convening meetings, agendas development and meeting facilitation.					
49	The Team structure includes defining responsibility for recording group decisions, directions and recommendations for changes in local policy and procedure.					
50	The Team has a written policy describing their commitment to cultural and linguistic competence.					
51	Members of the Team are representative of their community with the respect to age, race/ethnicity, and other cultural identities.					
52	The Team annually reviews the overall system of DV/SV response for capacity to work with qualifying victims, including older adults, immigrants, persons with disabilities, persons of any gender identity or sexual orientation, and those with limited English proficiency or diverse cultural identities.					

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Coordinated Community Response (CCR) Teams Continued						
53	The Team is made up of the following representatives at a minimum:					
	• Commonwealth Attorney's Office					
	• Community Corrections					
	• Defense Bar					
	• Health Care Providers/Public Health					
	• General District Court Clerk					
	• Juvenile & Domestic Relations Court Clerk					
	• Juvenile & Domestic Relations Courts Judge					
	• Juvenile & Domestic Relations Intake					
	• Legal Aid					
	• Local Batterers Intervention Program					
	• Local Community Services Board/ Mental Health					
	• Local Department of Social Services					
	• Local Domestic Violence/Sexual Violence Agency					
	• Local law enforcement					
	• Magistrate					
	• Military Representatives					
	• Representatives from local government					
	• Representatives of underserved populations					
	• State Police Representative					
	• Victim/Witness Office					
	• Representatives of agencies that service cultural specific communities					
	• Local faith community					

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Court Safety						
54	Safe space is provided for victims and their children who are appearing in court for protective orders. Whenever practicable, childcare is available.					
55	The courts provide adequate security for court personnel and users of the courts from potential harm from abusers.					
56	The courts provide timely access to certified spoken and sign language interpreters. Courts provide access to CART (Communication Access Real-time Translation) or assistive listening devices for persons who request it, e.g. persons who are Deaf or Hard of Hearing.					
57	Law enforcement, prosecution, court, or clerk's office personnel do not disclose, except among themselves, the residential address, telephone number, or place of employment of the person (or family of the person) protected by the order unless required by law, necessary for law enforcement purposes, or permitted by the court for good cause.					
58	The Courts routinely provide respondents with oral and written information in a language they understand on their responsibility in ensuring they do not violate a protective order. It fully explains what the order means and the consequences for a violation.					
59	The Courts routinely provide petitioners with information in a language and format they understand on the benefits and limitations of protective orders, and what to do if the respondent is in violation.					
60	The Courts offer the petitioners of Protective Orders the opportunity to consult with a sexual/domestic violence advocate regarding safety issues and other alternatives prior to dismissing or modifying protective orders.					
61	Court services providers are representative of their community with the respect to age, race/ethnicity, and other cultural identities.					

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Domestic/Sexual Violence Agency						
62	There is an Accredited Domestic/Sexual Violence Agency available to victims and their children within a reasonable distance to the center of the local jurisdiction. (To view Accreditation Criteria go to www.vsdvalliance.org)					
63	Members of the CCR are informed about the range of services offered by the local Domestic/Sexual Violence Agency.					
64	The contact information for the Domestic/Sexual Violence Agency is readily available throughout all areas of the community, including at local courts, law enforcement agencies, legal services, prosecutors' offices, and community corrections.					
65	The Domestic/Sexual Violence Agency provides court advocacy and court accompaniment services for victims both in the community and those who utilize and receive shelter services.					
66	The Domestic/Sexual Violence Agency Advocates assist victims in obtaining and having their protective orders enforced in ways that prioritize victim safety, restoration and autonomy.					
67	The DV CCR Team is made aware of the shelter turn away rate for the Domestic Violence Agency annually.					
68	The Domestic/Sexual Violence Agency Confidentiality Policy complies with §63.2-104.1 (Confidentiality of records of persons receiving domestic and sexual violence services)					
69	Members of the DV CCR Team are aware of the Domestic Violence Agency Confidentiality Policy and respect the confidentiality of persons served by the agency.					
70	Where applicable, the Domestic/Sexual Violence Agency has received training on Virginia's Address Confidentiality Program (§2.2-515.2) and provides this information to persons receiving services.					
71	If they are separate programs, the Domestic Violence Agency and the Sexual Assault Crisis Center routinely provide cross training for their staff on protective orders and have a strong collaborative relationship.					
72	The Domestic/Sexual Violence Agency provides ongoing community education programs about protective orders and widely distributes information about obtaining protective orders.					
73	The Domestic/Sexual Violence Agency regularly works with community systems (i.e. law-enforcement, courts, C.A.'s) to address victim safety issues and to promote victim safety when policies and procedures conflict with best practice.					
74	The Domestic/Sexual Violence Agency receives regular training on providing culturally responsive services.					

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Juvenile and Domestic Relations District Court - Intake						
75	The Juvenile and Domestic Relations District Court has a process for petitioning for a protective order. There is also a clear process for petitioning when the courts are closed.					
76	There is no fee for filing a petition for a protective order.					
77	The Courts utilize I-CAN Program, Virginia's online forms completion system; and have protocols in place for accepting the forms generated via I-CAN!					
78	<p>Court Service Intake personnel receive annual training that includes:</p> <ul style="list-style-type: none"> • Dynamics of domestic/family violence • Definition of family abuse • Danger assessment • Overview of the Virginia statute that requires intake officers to provide a person seeking a protective order a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders. Va. Code §16.1-260. • Cultural responsiveness • Trauma informed response 					
79	Intake Officers routinely provide a person seeking a protective order with information on how to contact the local domestic violence program.					
80	Intake Officers routinely accept petitions for protective orders when family abuse has occurred. These petitions contain as much descriptive biographical data as possible, including name, date of birth and social security numbers for all parties on the petition.					
81	Intake Officers have a process for identifying Acts of Violence Petitions and smooth transfer to General District Court for timely hearing					
82	Intake Officers accept family abuse protective order petitions where the petitioner and the respondent are intimate partners of the same sex and are cohabitating or have recently cohabited.					
83	The courts have a current list of qualified spoken language and sign language interpreters and utilize translators and interpreters in a timely manner when appropriate or requested.					

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District Court Clerks' Offices (Juvenile and Domestic Relations District Court and General District Court)						
84	The District Court Clerks' Offices have a procedure on time sensitive entry of protective orders into the court interface with VCIN. This entry is completed forthwith (immediately) and in no case later than the close of business on the day of issuance of the protective order.					
85	The District Court Clerks' Offices have a procedure to ensure that all information, including identifying information, is completed on the protective order and all information is entered accurately into the court interface to be submitted to VCIN.					
86	The District Court Clerks' Offices remit copies of the orders to the primary law enforcement agency responsible for entry into VCIN, upon entry into the CMS and before the end of the business day.					
87	The District Court Clerks' Offices have a procedure in place to verify proper entry of all available information on the respondent.					
88	Preliminary Protective Order hearings routinely take precedence on the court docket. If not, there is a procedure that ensures they are heard the same day as the petition is filed.					
89	Information on how to modify a protective order is readily available to petitioners and respondents and modifications of orders take precedence on the court docket.					
90	The District Court Clerks' Offices have procedures and protocols for petitioning and protective order hearings that protect privacy for petitioners					
91	The District Court Clerks' Offices have a process for certifying foreign protective orders.					
92	The District Court Clerks' Offices annually inform the Team members of the process for certifying foreign protective orders and provides information in writing on what the process entails.					
93	The District Court Clerks' Offices routinely get training in intimate partner violence, sexual assault, and cultural responsiveness.					

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Judges						
94	Judges receive annual training on: <ul style="list-style-type: none"> • Dynamics of domestic/family violence • Assessing for risks • Impact of post traumatic stress • Impact of domestic/family violence on children • Importance of protective orders that includes training on how to write an effective order, in the context of mutual protective orders and availability of community resources • Update on any changes to Protective Orders in the Virginia Code • Federal and State Firearms prohibitions related to protective orders • Stalking • Cultural Responsiveness • Trauma Informed Response and Impact of Trauma • Lethality Assessment 					
95	Judges routinely ensure that persons (respondents) with concealed handgun permits are required to surrender their permits for the duration of the protective order.					
96	Judges routinely make clear to respondent that he/she is responsible for ensuring that the protective order is not violated and that a no abuse/no contact violation is a criminal offense.					
97	Judges clearly explain to all parties that a protective order can be modified only by the court.					
98	Judges routinely display a courteous and respectful manner with both the petitioner and the respondent and ensure that the courts provide a safe and welcoming environment for individuals seeking protection.					
99	Judges do not issue mutual orders of protection without a petition, notice and an opportunity for a full hearing on any charges of family abuse.					

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Law Enforcement Policy and Procedure						
100	Services are available to qualifying victims, including older adults, immigrants, persons with disabilities, persons of any gender identity or sexual orientation, and those with limited English proficiency or diverse cultural identities.					
101	The Law Enforcement agency has a written policy on responding to domestic and family violence pursuant to Virginia Code §9.1-1300 and sexual violence pursuant to Virginia Code §9.1-1301.					
102	This policy is updated by law enforcement and presented to the DV/SV CCR Team annually for review.					
103	<p>The policy includes but is not limited to:</p> <ul style="list-style-type: none"> • Arrest without a warrant and pro-arrest for assault and battery of a family or household member; • Arrest without a warrant and pro-arrest for violation of a no abuse, no contact order (protective order); • Standards for completion and filing of a required incident report with the department, including the details of any special circumstances which would dictate a course of action other than arrest; • Provisions for providing the alleged victim with information on community and legal resources available in the community; • Provisions for making a summary report available to the victim; • Standards for determining the predominant physical aggressor; • The department's policy on providing transportation to the allegedly abused person; • The department's policy on domestic violence incidents involving law enforcement officers; and • The department's policy on the handling of cases involving repeat offenders of family abuse or domestic violence. 					
104	Law enforcement agency policy includes guidelines for service of protective orders across jurisdictional lines and across state lines. Those protection orders on file for service receive highest priority for service.					

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Law Enforcement Policy and Procedure Continued						
105	Law enforcement agency policy includes a procedure for providing information on community and legal resources to persons with Limited English Proficiency (LEP).					
106	Law enforcement policy includes a requirement for officers to provide a protected person with the form to file for a preliminary protective order if the officer has requested an Emergency Protective Order. Va. Code §16.1-253.4.					
107	Services are available to qualifying victims, including older adults, immigrants, persons with disabilities, persons of any gender identity or sexual orientation, and those with limited English proficiency or diverse cultural identities.					
108	Law enforcement policy includes guidelines on seizure of weapons/firearms when there is a protective order in place or family abuse conviction. The policy includes a set timeframe for seizure; storage procedures; and a process for returning the weapons.					
109	Law enforcement officers are trained at least annually on the policy. The trainer has the most current information on new laws and best practices.					
110	The annual law enforcement training includes identification of probable danger of future acts of family abuse through Lethality Assessment and other tools.					
111	The annual law enforcement training includes identification of the predominant aggressor in domestic violence.					
112	The annual law enforcement training on cultural responsiveness to underserved communities					
113	Law enforcement agency enters protective order information into VCIN upon receipt of the information from the courts and supportive documentation for VCIN entry is filed according to the respondent's last name.					
114	Law enforcement agency (or a designated agency such as Victim/Witness) notifies the petitioner if there is a delay in service of the order or if the order cannot be served.					

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Magistrates						
115	Magistrates receive annual training on:					
	• Dynamics of domestic/family violence					
	• Identification of probable danger of future acts of violence/danger assessments, including use of past and current threats and acts of intimidation.					
	• Definition of family abuse (§16.1-228)					
	• Procedures required in issuing emergency protective orders pursuant to §16.1-253.4 regarding provision of information provided to protected persons					
	• Standards for the determination of the predominant aggressor					
	• Cultural Responsiveness					
	• Trauma informed response					
	• Lethality Assessment					
116	When an emergency order is issued, the magistrate provides the protected person or the law enforcement officer seeking the Emergency Protective Order with the form for use in filing a petition for a preliminary protective order. Va. Code §16.1-253.4.					
117	The magistrate collects and documents all descriptive biographical information for the respondent, petitioner and protected parties and enters the information into E-Magistrate system and /or provides to law enforcement for entry into VCIN.					
118	The magistrate is utilizing Virginia's E-Magistrate System for all warrants (misdemeanor and felony) and orders of protection.					