

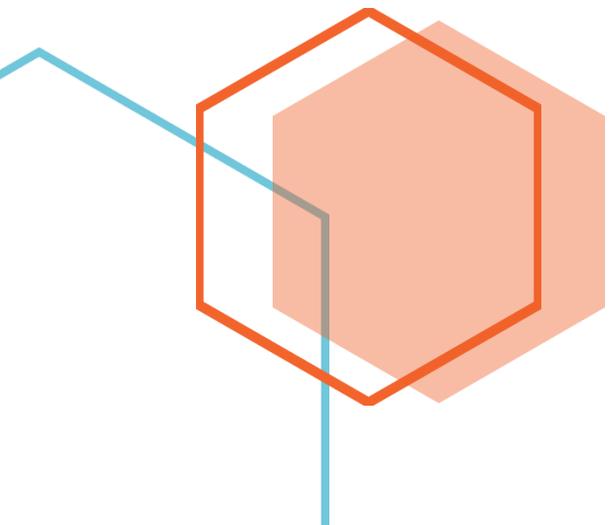


## Louisiana Domestic Violence Prevention Commission

---

### 2018 Annual Report

Pursuant to LA R.S. 46:2145, the Louisiana Domestic Violence Prevention Commission provides this report of its work and recommendations for 2018. The Commission met on four occasions in 2018. Four subcommittees – Victimization Data, Criminal Justice Data, Firearms Transfer, and Legal Issues - were established to utilize the expertise of commission members and community members to look further into specific priority areas. This report is formatted to provide a concise overview and executive summary of the Commission's efforts, focus areas, and recommendations.





## 2018 Annual Report Domestic Violence Prevention Commission

### Executive Summary of Recommendations

In 2018, the Louisiana Domestic Violence Prevention Commission conducted extensive research and coordinated the implementation of various projects, the details of which are summarized throughout this report. A compilation of the commission's recommendations is as follows:

- 1) Continue improvements in data collection systems utilized by criminal justice entities in order to effectively track domestic violence case data from arrest through adjudication, and use aggregate level data from integrated data collection systems to inform policy decisions.
- 2) Increase domestic violence program capacity for assessment and data collection for the presence and impact of strangulation among domestic violence survivors.
- 3) Expand screening for strangulation among multiple points of access, i.e., Women, Infants and Children's (WIC) program, and health care providers.
- 4) Increase collaboration between health care providers and domestic violence advocates. When feasible, work to develop co-location of medical services with advocacy services, or at minimum to develop working collaborations with health care providers to assist with follow up medical services for domestic violence injuries, especially non-fatal strangulation.
- 5) Elevate public awareness of the long-term impacts of mild traumatic brain injury that can result from strangulation and the need for medical intervention for survivors reporting adverse clinical symptoms related to strangulation.
- 6) Continue statewide training efforts related to firearms transfer protocols, and request feedback from various statewide jurisdictions on the implementation of Title 35 (Firearms Transfer Act).
- 7) Monitor annual firearm-related domestic violence homicide statistics and use these data to inform improvements to legislation and firearms transfer implementation as necessary.
- 8) Continue partnership among domestic violence experts, advocates, and the Louisiana State Law Institute to work toward the creation of consistent and comprehensive definitions of domestic abuse in Louisiana law.

### Commission Purpose and Structure



This Commission is tasked with seven primary responsibilities:

- (1) Assist local and state leaders in developing and coordinating domestic violence programs.
- (2) Conduct a continuing comprehensive review of all existing public and private domestic violence programs to identify gaps in prevention and intervention services and to increase coordination among public and private programs to strengthen prevention and intervention services.
- (3) Make recommendations with respect to domestic violence prevention and intervention.
- (4) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all domestic violence victims.
- (5) Establish a method to transition domestic violence service providers toward evidence-based national best practices focusing on outreach and prevention.
- (6) Develop a plan that ensures state laws on domestic violence are properly implemented and provides training to law enforcement and the judiciary.
- (7) Develop a framework to collect and integrate data and measure program outcomes.



## Victimization Data Subcommittee

Organized to address purpose area 7 of the Domestic Violence Prevention Commission, the work of the Victimization Data subcommittee is to develop a framework to collect and integrate data pertaining to domestic violence victimization and measure program impact. The committee is comprised of advocates, public health and criminal justice professionals, epidemiologists, and researchers. Organizations represented include the Louisiana Coalition Against Domestic Violence, the New Orleans Family Justice Center, the Department of Children and Family Services, Louisiana Commission on Law Enforcement, the Office of Public Health – Bureau of Family Health, and Tulane University School of Public Health. This representation ensures the subcommittee is working closely with nationally-funded initiatives such as the Centers for Disease Control and Prevention's Core State Violence and Injury Prevention Program and National Violent Death Reporting System (NVDRS) surveillance project and the National Institutes of Health Pregnancy-associated Mortality and Impact of State-level Policy on Maternal Mortality research grants.

In 2018, the subcommittee completed a data inventory of potential data sources and data variables collected from domestic violence programs, vital statistics, hospitalization and emergency department data, police department and 911 call data, as well as national and local surveillance systems, i.e., NVDRS, Pregnancy Risk Assessment Monitoring System (PRAMS) and National Violent Injury Statistics System (NVISS). Subcommittee members analyzed data and identified gaps and limitations in data sources, specifically in non-fatal injury data.

From there, the subcommittee created a plan for statewide primary data collection for assessment of coercive control, experiences of physical harm (including strangulation) and sexual violence by adding questions to the Louisiana Behavioral Risk Factor Surveillance System, an annual CDC-funded survey of the adult general population. In addition, members initiated an analysis of comparison of predictors of future violence among survivors who reported being strangled versus those who did not report being strangled on their danger assessment.

Given the connection between experiences of strangulation and the likelihood of future fatality, the overarching recommendations resulting from the work of the subcommittee are moving data to action for strangulation prevention. First, the subcommittee recommends that Louisiana increase capacity for better assessment and data collection for the presence of strangulation among domestic violence program staff (work has started with onboarding domestic violence programs interested in this training). Outside of domestic violence programs, screening for strangulation should be expanded among multiple points of access for women, i.e., Women, Infants and Children's (WIC) program, and health care providers.

To build a comprehensive and integrated approach to services, collaboration should be increased between health care providers and advocates. When feasible, programs should work to develop co-location of medical services with advocacy services, or at minimum to develop working collaborations with health care providers to assist with follow up medical services for domestic violence injuries, especially non-fatal strangulation.



Finally, the subcommittee recommends resources be dedicated toward elevating public awareness of the long-term impacts of mild traumatic brain injury that can result from strangulation and the need for medical intervention for those survivors reporting adverse clinical symptoms related to strangulation.

## **Criminal Justice Data Subcommittee**

The Criminal Justice Data subcommittee was formed to address purpose area 7: *Develop a framework to collect and integrate data and measure program outcomes*. This subcommittee consists of representatives from law enforcement, prosecution, court, and advocacy organizations. Throughout 2018, the subcommittee conducted research regarding existing data collection by law enforcement and prosecutorial agencies in Louisiana, as well as methods of data compilation and aggregation at the state level.

The subcommittee found that there has historically been inconsistent data collection among law enforcement agencies regarding domestic violence-related crimes. These inconsistencies led to a lack of meaningful data regarding such issues as domestic violence crime rates, offender data, and dual arrest rates. In addition to inconsistencies in law enforcement data collection, no statewide data collection requirements exist pertaining to district attorneys' offices. This lack of consistent data tracking requirements by criminal justice entities leads to an inability to track and analyze trends in case outcomes statewide from arrest through adjudication. Moving toward consistent data collection would allow trends to be analyzed and policy decisions to be informed by existing criminal justice data.

The subcommittee found that some advocacy groups currently track domestic violence case data from arrest through adjudication in order to inform their advocacy efforts. This tracking is promising and provides valuable information both at the case and aggregate level. However, this process could be simplified and implemented statewide, rather than jurisdiction-by-jurisdiction, if consistent data were collected by law enforcement, court, and prosecutorial agencies and made available for analysis.

After extensive research and communications with the Louisiana Commission on Law Enforcement (LCLE), the subcommittee found that many gaps in existing data collection by law enforcement are in the process of being addressed through changes to these agencies' required data submission to LCLE. For example, using the Louisiana Incident Based Reporting System (LIBRS), Louisiana law enforcement agencies can collect and report incident-level crime data. Agencies reporting crime data by means of LIBRS collect detailed data regarding individual crime incidents and arrests and submit them in separate reports. Because LIBRS is incident-based, it allows for all reportable offenses within an incident to be identified. However, although LIBRS is promising, it is not yet statewide. The subcommittee recommends that the Louisiana Commission on Law Enforcement continue its implementation of data collection improvements.



## Firearms Transfer Subcommittee

The Firearms Transfer Subcommittee focused its work in 2018 on purpose area 6: *Develop a plan that ensures state laws on domestic violence are properly implemented and provide training to law enforcement and the judiciary.*

In 2017, the Law Enforcement and Implementation Subcommittee of the Domestic Violence Prevention Commission committed efforts to studying and developing the process of transferring weapons from individuals who are prohibited from possessing firearms as a result of specific domestic violence related offenses or as a result of a condition of a qualifying protective order. The full Commission voted to create a Domestic Violence Homicide Prevention and Relinquishment of Firearms Taskforce in order to make recommendations regarding laws and policies addressing firearms transfer from such prohibited possessors.

The Commission and Taskforce supported the legislative efforts of a broad coalition of partners, including Lafourche Parish Sheriff Craig Webre and Lt. Valerie Martinez-Jordan, in successfully getting Act 367 passed and signed by Governor Jon Bel Edwards. The Act is now Title 35, The Firearms Transfer Act. Title 35 became effective October 1, 2018, with full implementation of jurisdictional specific forms and policies effective January 1, 2019.

After the passage of Title 35, members of the Firearms Transfer Subcommittee, including Lt. Martinez-Jordan, Sunny Funk, the Chief of the Family Violence Unit with the Jefferson Parish District Attorney's Office, and the Honorable Judge Pamela Baker of the 19<sup>th</sup> Judicial District, collaborated on a best practices training and sample forms to be utilized by jurisdictions across the state. From June through December 2018, Lt. Martinez-Jordan and Prosecutor Sunny Funk coordinated and conducted 12 all-day statewide trainings wherein participants from every parish Sheriff's Office, District Attorney's Offices, Judicial Districts, Clerks of Court, and domestic violence advocates were invited to attend. Additionally, Lt. Martinez-Jordan on her own conducted six additional trainings. Over 700 individuals from these groups, mostly law enforcement, attended the trainings and were able to take back to their respective jurisdictions a blueprint for best practices to implement Title 35. At every statewide training, the Louisiana Coalition Against Domestic Violence was present with the most up-to-date literature to assist in educating the jurisdictions about intimate partner violence. The training efforts were furthered by Lt. Martinez-Jordan conducting a nationwide web training for the Violence Against Women Act STOP formula grant program comprehensive technical assistance provider, Alliance of Local Service Organizations' STOP Technical Assistance to Administrators Resource Project (STAAR). The training materials as well as the sample forms have been and will continue to be made freely available statewide to any jurisdiction. Subcommittee members have also been continuously available for individual questions regarding implementation.

The Firearms Transfer Subcommittee recommends that the Taskforce continue training efforts and request feedback from the various statewide jurisdictions on the implementation of Title 35. The main goal of the Firearms Transfer Act is to reduce the firearms and concealed weapons-related domestic violence homicide rate in Louisiana. The Taskforce must address the statistics yearly and improve the legislation and implementation of such when necessary.



## Legal Issues Subcommittee

The Legal Issues Subcommittee's work addressed purpose area 3: *Make recommendations with respect to domestic violence prevention and intervention.* Upon recommendation of the full Commission, the subcommittee partnered with the Louisiana State Law Institute to initiate a comprehensive review of existing laws affecting domestic violence survivors as they seek relief through civil legal avenues.

In 2018, the Legal Issues Subcommittee continued its partnership with the Louisiana State Law Institute to review existing laws affecting domestic violence, particularly in the civil legal area. Members of the Marriage-Persons Committee of the Law Institute with input and participation from advocates against domestic violence addressed the issues of spousal support, divorce grounds, attorneys' fees in tort cases, and reconciliation in the context of domestic violence. Recommendations went to the Law Institute Council and then to the Legislature which passed the changes in existing law.

Additionally, the Marriage-Persons Committee has started considering domestic violence issues in other proposed legislation, for example, Parenting Coordinators. Members of the Commission are invited and attend these Marriage-Persons Committee meetings.

The biggest project which will be addressed in 2019 is the definition of domestic violence. There are numerous definitions of domestic violence and domestic abuse in Louisiana laws. These need to be consistent and comprehensive. To that end, two committees of the Law Institute are addressing this issue: the Marriage-Persons Committee for civil definitions and the Criminal Code and Code of Criminal Procedure Committee for the criminal definitions. It is a consensus that the civil definition can be broader than the criminal definition. Input has been solicited and received from several members of the Commission, and it is expected that they will attend the meetings to discuss the definitions.

This report is intended to provide a concise overview and summary of several months of research, analysis, and discussion by members of the Domestic Violence Prevention Commission. With proper implementation of this report's recommendations, progress can be made toward strengthening offender accountability, promoting the safety of domestic violence victims, and ultimately reducing domestic violence in Louisiana. For further discussion of the work or recommendations of this Commission, please contact its members, an official list of whom can be found at:

<https://www.legis.la.gov/legis/BoardMembers.aspx?boardId=982>

## Commission Members



**Mariah Wineski, Chair**, Louisiana Coalition Against Domestic Violence

**Kimberly Resetar, Secretary**, Appointee, House Committee on the Administration of Criminal Justice

**Tracy Dahmer Farris**, Office of the Attorney General

**Lila Trifco Hogan**, Governor's Appointee

**Rutha Chatwood**, Louisiana Commission on Law Enforcement

**Tommy Clark, Jr.**, Association of Chiefs of Police

**Mary Claire Landry**, New Orleans Family Justice Center

**Connie Couvillon**, Louisiana Clerks of Court Association

**Constance Hester**, Bureau of Alcohol, Tobacco, Firearms, and Explosives

**Molly Brannon**, Louisiana Sheriff's Association

**Hon. Lala Sylvester**, Louisiana District Judges Association

**Hon. Laurie Hulin**, Louisiana District Judges Association

**Senator Gary Smith**, Senate Committee on Judiciary B

**Representative Paula Davis**, Louisiana Legislative Women's Caucus

**Sunny Funk**, Louisiana District Attorneys Association

**Ramona Harris**, Louisiana Supreme Court

**Twahna Harris**, The Butterfly Society

**Jane Herwehe**, Louisiana Department of Health

**Lindsay Blouin**, Louisiana Association of Criminal Defense Lawyers