

PERFORMANCE AUDIT REPORT

REVIEWING THE EFFECTIVENESS OF THE DOMESTIC VIOLENCE LAWS IN KANSAS

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
March 1997**



LEGISLATURE OF KANSAS
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March 17, 1997

To: Members, Legislative Post Audit Committee

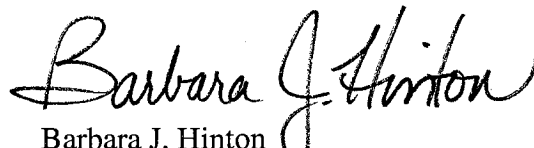
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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Reviewing the Effectiveness of the Domestic Violence Laws in Kansas*.

The report also contains appendices showing the summary of surveys returned by law enforcement officers, program directors of domestic violence victims' advocacy groups, and victims of domestic violence, and a list of member programs of the Kansas Coalition Against Sexual and Domestic Violence.

This report includes several recommendations to help decrease domestic violence in Kansas, including suggestions for legislative changes. We would be happy to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other State officials.


Barbara J. Hinton
Legislative Post Auditor

People told us the requirement to make an arrest in domestic violence situations has brought some problems with it. page 14
“Dual arrests”—arresting both parties—is a problem law officers blame on the mandatory arrest policy. Officers told us it’s oftentimes extremely difficult to distinguish between the offender, or “primary physical aggressor,” and the victim. They also explained that sometimes both parties are engaged in “mutual combat” when they arrive on a domestic violence scene, or the fighting has stopped but both parties show signs of physical abuse. Another problem cited with the mandatory arrest policy is that some areas of the State have limited available jail space.

People told us the courts’ increased involvement has provided some benefits in dealing with domestic violence situations. page 15
Judges and prosecutors told us that, generally, the sentence for first-time offenders is diversion or probation, which includes some type of counseling program. However, very few counseling programs across the State deal with power and control, which many people we spoke with thought was the basis for many domestic violence actions. In addition, recent changes in the State’s battery law mandate harsher sentences for repeat offenders, including making a third conviction of domestic battery a felony. But this new law may not be as effective as intended because offenders are plea bargaining to a lesser crime to avoid a felony charge. Finally, a court record helps establish an offender’s criminal history regarding domestic violence, which can help the judge in deciding the offender’s punishment.

Most people we interviewed thought the courts had improved their handling of domestic violence cases, but pointed out that judges need more training in understanding domestic violence. page 16
People we talked with said some judges dismiss domestic violence cases that come before them because they have a hard time understanding why victims wouldn’t testify, and think victims may share the blame. The general feeling among prosecutors, law enforcement officers, and program directors we spoke with was that judges need additional training to better understand the actions of victims of domestic violence, including an understanding of the “battered woman syndrome”—the psychological dependency that keeps a spouse trapped in a violent relationship, repeatedly forgiving the abuser and even sometimes blaming herself or himself for the attacks.

**Question 2: Have Victims of Domestic Violence Fared Better
Since Domestic Violence Laws Were Passed?**

Program directors reported that victims of domestic violence have been faring better. page 20
The director of the Kansas Coalition Against Sexual and Domestic Violence and the program directors in the cities we visited for this audit told us that, even though domestic violence still occurs as frequently as before the changes in State law in 1991, overall things are getting better for victims. They cited such things as improved handling of domestic violence cases, stricter laws, more services for victims, and more intervention programs for offenders. However, we also were told that the mandatory arrest policy may not be getting the intended results.

Because some victims of domestic violence don't want the offender arrested, they don't call police. page 20
About 40% of police officers answering our survey indicated that, over the past five years, victims of domestic violence have been less likely to call the police for help. In addition, about three out of every 10 domestic violence victims we surveyed said they didn't call the police regarding their most recent incident of abuse. Further, about one in five of those who did call the police indicated they didn't want the offender arrested. Some indicated they just wanted the abuse to stop, some were afraid of what their abuser would do if they called the police, some were afraid they would be arrested, and some were afraid of what would happen to the children.

Program advocacy groups offer shelter and services State-wide to victims of domestic violence. page 22
Programs set up to help victims are generally non-profit, community-based organizations operated by staff and trained volunteers. These centers are located Statewide; however, in the more remote areas of Kansas, a network of program staff and volunteers either will travel to meet with the victim, or will provide information about available assistance over the phone through a direct-link, toll-free phone number. The centers provide services to people who've been abused and who seek their help, including listening to victims, providing support, identifying the victim's options, and helping the victim understand the cause and effects of relationship violence and sexual assault. Funding for these centers comes from federal and State grant moneys, as well as local moneys from United Way, city and county general funds, and private contributions.

People we spoke with offered numerous suggestions for trying to address the domestic violence problem more effectively. page 23
All those we spoke with said domestic violence couldn't be "corrected" through more legislation. There were, however, suggestions for minor changes or clarification in State law. In addition, other suggestions for improvements were more broad-reaching, including developing new resources for victims, offenders, and children, increasing training and education regarding domestic violence, and providing additional staffing resources and jail space.

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Reviewing the Effectiveness of Domestic Violence Laws in Kansas

Kansas has had Statewide domestic violence laws on the books since 1979, when the Kansas Protection from Abuse Act was passed. That Act was designed to protect victims of domestic violence from bodily harm or threats, and to simplify victims' access to judicial protection. In 1991, the Legislature passed a law requiring local law enforcement agencies to adopt a mandatory arrest policy for acts of domestic violence when there was "probable cause" that a crime had been committed.

The Attorney General's Office administers both federal and State grants that provide funding for local domestic violence programs. These grants generally provide for temporary emergency shelters, counseling and assistance to victims and their children, or educational services directed at reducing domestic abuse.

Legislative concerns have been raised about the effectiveness of Kansas' domestic violence laws. Specific concerns included whether the number of protection-from-abuse judicial orders has increased since the 1991 changes to the domestic violence laws, and how often victims of abuse are assisted by victim advocates.

This performance audit addressed the following questions:

- 1. What effect have domestic violence laws had on domestic violence in Kansas?**
- 2. Have victims of domestic violence fared better since domestic violence laws were passed?**

To answer these questions, we reviewed available records and interviewed officials at the Attorney General's Office, the Kansas Bureau of Investigation, the Office of Judicial Administration, the Kansas Sentencing Commission, and the Kansas Law Enforcement Training Center. For a sample of four localities—Emporia, Leavenworth, Overland Park, and Topeka—we also reviewed available records and interviewed a sample of local law enforcement officers, judges, prosecutors, defense attorneys, probation officers, and directors of domestic violence victims' advocacy groups. Finally, we surveyed a sample of law enforcement officers in our four cities, a random sample of domestic violence victims across the State, and all directors of domestic violence victims' advocacy groups in Kansas. Given the scope of this audit, we didn't look at the effect of any changes in the State's stalking laws.

In conducting this audit, we followed all applicable government auditing standards set forth by the U.S. General Accounting Office. Our findings begin on page seven, following a brief overview of domestic violence laws in Kansas.

Overview of Domestic Violence Laws in Kansas

Domestic violence is an abusive situation between or among individuals—family members or individuals who are or have been involved in an intimate relationship—in which the offender uses physical or mental abuse to gain power and control over the victim. This situation can produce physical injuries and result in criminal behavior such as assault, battery, aggravated battery, or even murder. Oftentimes, the offender will isolate the victim from family and friends, and won't allow the victim access to a phone, car, or money. In some cases, the offender will threaten to abuse or take the children away from the victim. The victim becomes dependent emotionally and financially on the offender.

In 1979, the Legislature passed the Protection from Abuse Act (K.S.A. 60-3101 et seq.) allowing victims of domestic violence to obtain a “protection-from-abuse” order. This order is similar to a restraining order, but the victim doesn't have to file for—or be in the process of filing for—a divorce to obtain one. This Act was considered to be the Legislature's first step toward specifically helping victims of domestic violence. (The profile on the facing page describes protection-from-abuse orders in more detail.)

In 1984, the Legislature amended the “arrest” statute (K.S.A. 22-2401) to allow law enforcement officers to arrest people for misdemeanor crimes without a warrant or without viewing the crime. Because most offenses related to domestic violence are misdemeanors, this change was viewed as another step by the Legislature to help domestic violence victims.

The 1991 Legislature Passed a Law That Focused Attention on Domestic Violence, and Made It Clear Domestic Violence Is a Crime, Not a Family Matter

The 1991 Legislature enacted K.S.A. 22-2307, which specifically addressed domestic violence. Also called “the mandatory arrest law,” it simply says that law enforcement officers must make an arrest in cases of domestic violence when there is “probable cause” that a crime has been committed. Before 1991, there was a general concern that some law enforcement officers were treating domestic violence situations as a family matter to be worked out between the individuals involved. Generally, probable cause is when there's “evidence, facts, and circumstances of a reasonably trustworthy nature which would warrant a law enforcement officer to believe that a person has committed or is committing a criminal offense.”

This new law required law enforcement centers to adopt policies and procedures specifically regarding domestic violence calls. Those policies were to include a definition of domestic violence, and require law officers to provide written information to victims of domestic violence about such things as emergency and medical telephone numbers, available resources that may assist them, and victims' rights. In addition, law enforcement officers were required to complete a standard offense report whether or not an arrest was made, and to submit that report to the Kansas Bureau of Investigation.

Court Orders Help Protect Victims

A protection-from-abuse order is a type of restraining order that has been available to victims of physical abuse in Kansas since 1979. A plaintiff may file for this order in district court if he or she is living — or has lived — with the defendant, and if physical violence is alleged. There is no docket fee. A judge may grant an emergency order and then a temporary order without the defendant appearing in court. A hearing on a final order is held within 20 days of filing.

The number of protection from abuse orders, how they are used, and how they are enforced were concerns of people we spoke with about this audit.

- **The number of protection-from-abuse orders filed in Kansas is increasing.** Between fiscal years 1995 and 1996, the Statewide number of orders filed approximately doubled, to nearly 7,000. However, court officials told us that only 30% to 50% of those who file and receive short-term emergency orders complete the process and receive final, year-long orders. They said the most common reason the plaintiff doesn't receive a final order is the plaintiff's failure to appear at the hearing required for a final order.
- **Some plaintiffs appear to use a protection-from-abuse order as a short-term "divorce."** In addition to the restraining, custody and visitation, and residence rights that may be included in a temporary order, the court may include in the final order its decisions requiring suitable alternative housing, ordering support payments, awarding costs and attorney fees, dividing personal property and ordering a law enforcement officer to help secure that property, and requiring the parties to seek counseling. A final protection-from-abuse order may be in effect for a year and may be renewed for one more year.
- **Violating a protection-from-abuse order is a criminal act.** In 1996, the Legislature created a new crime called "violation of a protective order." A violator also could be charged with crimes including criminal trespass, assault, or battery.

As part of this audit, we sent surveys to victims of domestic violence through domestic violence program directors. We received 146 completed surveys from victims. In all, 133 victims responded to the question as to whether a protection-from-abuse order is useful in protecting victims from their abusers; 53% said this type of order is useful. However, as one court services officer told us, "this piece of paper isn't going to stop a bullet."

Clearly, this change in State law was designed to make it clear that domestic violence is a crime, rather than a family matter, to allow information to be gathered about domestic violence, and to ensure that law enforcement officers responded properly.

Although the law didn't define domestic violence, the Attorney General's Office has defined it as:

any harmful physical contact or threat thereof, or destruction of property between associated individuals or formerly associated individuals, used as a method of coercion, control, revenge, or punishment

The Attorney General's Office defines "associated individuals and formerly associated individuals" as including the following:

- spouses, whether residing together or not
- former spouses, whether residing together or not

- persons who are involved in an ongoing, intimate relationship with each other, regardless of whether they currently live together or have done so in the past
- persons who have in the past had an ongoing, intimate relationship with each other, regardless of whether they lived together or not
- persons, eighteen years of age or older who are blood- or step-related to one another (such as father/daughter, stepson/stepfather, brother/sister, and the like)

The graphic on page five shows the various legislative changes addressing domestic violence since 1979.

In Addition to Changes in the Law, the Legislature Has Provided State Funding To Help Victims of Domestic Violence

In 1984, the Legislature targeted moneys collected from marriage license fees to help fund programs for victims of domestic violence. Initially the amount credited to the Protection-from-Abuse Fund was 32% of the fees collected; that figure was increased to 57.5% in 1989. Starting in 1994, a small percentage of moneys collected from both district and municipal court docket fees also was credited to the Fund.

















Moneys from this Fund are administered by the Attorney General's Office through grants to programs in Kansas offering assistance to domestic violence victims. These programs also receive funding from a variety of other sources, including federal and local grants, gifts, and private contributions. No moneys from the State's General Fund are used for these programs. The table below shows the revenues and expenditures from the Protection-from-Abuse Fund since 1990, as reported by the Division of Accounts and Reports.

**Protection-from-Abuse Fund
Fiscal Years 1990 - 1996**

<u>Fiscal Year</u>	<u>Revenues</u>	<u>Expenditures</u>
1990	\$ 520,642	\$ 395,905
1991	534,526	467,828
1992	496,336	610,425
1993	523,110	482,250
1994	516,911	500,811
1995	748,121	755,500
1996	<u>759,010</u>	<u>782,981</u>
Totals	\$ 4,098,656	\$ 3,995,700

The Attorney General's Office also distributes federal moneys to help victims of domestic violence. Officials at the Attorney General's Office distribute federal moneys primarily received from the Family Violence Prevention and Services, Victims of Crime, and Violence Against Women Programs. The table on page six

Timeline of Laws Addressing Domestic Violence in Kansas

- 1979**  K.S.A. 60-3101, Protection-from-Abuse Order
Created to allow victims of domestic violence to seek restraining orders without filing for divorce.
- 1983**  K.S.A. 21-3502, rape statute
Amended to allow spouses to be charged with a crime for raping their spouses.
- 1984**  K.S.A. 22-2401, arrest statute
Amended to allow law enforcement officers to arrest for misdemeanor crimes without a warrant and without viewing the crime.
-  K.S.A. 74-7325, Protection-From-Abuse Fund
Targeted a portion of the marriage license fee to create a fund to help programs dealing with domestic violence.
- 1986**  K.S.A. 21-3721, Violation of Protection-from-Abuse Order
Amended to allow criminal trespass to be considered a violation of an order.
- 1990**  K.S.A. 60-3101, Protection-From-Abuse Order
Amended to clarify law enforcement officer's ability to make an arrest when protection-from-abuse orders are violated, and to provide for the law to be applied uniformly.
-  K.S.A. 74-7301, Crime Victims Compensation Act
Amended to allow domestic violence victims to apply for compensation.
- 1991**  K.S.A. 22-2307 and 22-2308
Required law enforcement agencies to have written policies on how to handle domestic violence crimes, and required law enforcement officers to make an arrest if there is "probable cause."
-  K.S.A. 60-1610, children's custody and residency statute
Amended to require courts deciding child custody to consider spousal abuse evidence.
- 1994**  K.S.A. 60-3101, Protection-from-Abuse Order
Amended and deleted language requiring abuser to have continued access to victim's residence.
-  K.S.A. 28-172, Docket fees
Required new docket fee for district and municipal courts to generate funds for domestic violence programs. Law originally scheduled to sunset in 1996, but the sunset language was deleted.
- 1996**  K.S.A. 60-3101, Protection-from-Abuse Order
Amended to include orders issued in another state. Also amended to allow a person to obtain a protection-from-abuse order in any judicial jurisdiction.
-  K.S.A. 21-3843, Violation of a Protective Order
Made it a crime to knowingly or intentionally violate an abuse order, restraining order, or any order issued as condition of pretrial release, diversion, probation, suspended sentence, or post-release supervision, and condition of release after conviction pending disposition of an appeal.
-  K.S.A. 22-2309
Required all city, county, and district prosecutors to have written policies on how to prosecute crimes related to domestic violence.
-  K.S.A. 21-3412, battery law
Amended to make domestic battery a felony when an individual is convicted of battery three times.
-  K.S.A. 21-3721, criminal trespass
Amended to require offenders who commit criminal trespass violations against a protection-from-abuse order or a restraining order to spend 48 hours in jail before posting bond. Also required to spend 48 hours in jail upon conviction.

shows the amounts distributed from these programs in fiscal year 1996 to help victims of domestic violence in Kansas, as reported by the Attorney General's Office.

**Moneys Awarded for Programs to Help Victims of Domestic Violence
Fiscal Year 1996**

<u>Funding Source</u>	<u>Amount</u>
Family Violence Prevention & Services	\$ 202,002
Victims of Crime	491,903
Violence Against Women	<u>144,084</u>
Total	\$ 837,989

More information about the programs funded by grants through the Attorney General's Office, and services offered to victims of domestic violence by these moneys, is provided in question two of the audit.

What Effect Have Domestic Violence Laws Had on Domestic Violence in Kansas?

A 1991 change in State law focuses on domestic violence as a crime. Although that law requires local law enforcement centers to report the incidence of domestic violence to the Kansas Bureau of Investigation, for a variety of reasons the Bureau's statistics aren't complete. As a result, it's difficult to identify the effect the changes in laws have had on domestic violence in Kansas. Law enforcement officials, prosecutors, judges, and program directors reported that the incidence of domestic violence hasn't changed since the 1991 changes in the law, but the number of arrests has increased. That increase seems to be due to the law's mandatory arrest provision. However, that provision also has resulted in many dual arrests.

The increase in arrests has increased the involvement of the courts in cases of domestic violence—providing greater opportunities for abusers to get into programs that might help them. In addition, a recent change in the battery law specifies more severe penalties for repeat offenders, including making the third offense of domestic battery a felony which may help decrease domestic violence over time. People we spoke with pointed out that some judges aren't adapting as well as others to the viewpoint that domestic violence is a crime. They suggested additional training to improve the situation. These and other findings are presented in the following sections.

No Reliable and Complete Information Is Available Statewide or at the Local Level To Show How the Number of Reported Domestic Violence Incidents, Arrests, or Repeat Offenses Has Changed Since 1991

The 1991 changes to the State's laws to specifically address domestic violence required law enforcement centers across the State to complete a standard offense report on all incidents of domestic violence, and to submit those reports to the Kansas Bureau of Investigation. Information from those reports was intended to be published annually by the Attorney General's Office.

For the first time, such reports would give policymakers and others a tracking tool that would help identify the nature and extent of crime in Kansas related to incidents of domestic violence.

During this audit, we had hoped to be able to review this information, identify any increases or decreases in domestic violence incidents, arrest rates, repeat offenders, and the like. However, when we asked the Kansas Bureau of Investigation for reports of domestic violence incidents, we were informed the information was only available for some years, and what was available was incomplete, and not comparable over time. The reasons why are discussed below.

A change in the reporting requirements between 1992 and 1993 means that the 1992 information isn't comparable to other years. In 1992, law enforcement agencies were asked to report the number of incidents regarding domestic violence. For example, in one domestic violence call, there may be several offenses;

Definitions for the More Common Domestic Violence Crimes

Kansas doesn't have a "domestic violence" crime per se. Domestic violence is a situation in which the crime happens. In domestic violence situations, abusers are commonly charged with one of the following crimes.

Assault	Intentionally attempting or threatening to harm another person
Aggravated Assault	Simple assault committed with a deadly weapon, committed while disguised to conceal identity, and/or committed with intent to commit a felony
Battery	Intentionally or recklessly causing bodily harm to another person, or intentionally touching another person in a rude, insulting, or angry manner
Aggravated Battery	Intentionally or recklessly causing bodily harm or disfigurement of another person, causing bodily harm or disfigurement to another person with a deadly weapon, or touching another person in a rude, insulting, or angry manner with a deadly weapon
Terroristic Threat	Terrorizing another person by using a threat to commit violence
Criminal Trespass	Violating a restraining order; also entering or remaining in an area without authorization
Disorderly Conduct	Engaging in brawling or fighting; disturbing an assembly, meeting, or procession; using offensive, obscene, or abusive language; or engaging in noisy conduct that arouses alarm, anger, or resentment in others
Criminal Damage to Property	Intentionally injuring, damaging, mutilating, defacing, destroying, or impairing the use of any property by a means other than fire or explosive, and doing so without the consent of the person(s) with an interest in the property

such as battery, assault, and kidnapping. Only the most severe offense—kidnapping—would have been reported in the 1992 Attorney General's report.

Beginning in 1993, law enforcement agencies were asked to use a new form that reported the number of offenses of domestic violence. As noted above, each incident of domestic violence may include several offenses. As a result, the number of incidents reported in 1992 is understated compared to the number of incidents reported in 1993 and later years, and can't be used for comparison purposes.

The State's larger law enforcement centers didn't report domestic violence information to the Bureau for 1993 and 1994 because that information couldn't be reported electronically. Except for the large metropolitan areas, all law enforcement centers in Kansas provide paper documentation about domestic violence statistics to the Bureau. Bureau staff enter that information into the computer. Because the Bureau doesn't have the resources to enter data from the large metropolitan areas in the State, those areas are supposed to report that information electronically.

In 1993 and 1994, many of the centers in the large metropolitan areas didn't report the required information. These included Lenexa, Overland Park, Topeka, Wichita, Sedgwick County, and Wyandotte County. These are the State's large population centers; without their information, the statistics available about domestic violence cases from a Statewide perspective are meaningless.

Officials at these centers generally told us that, since the Bureau required the new form in 1993, they've had trouble developing a computer program capable of electronically generating the information required for reporting purposes. They indicated they could provide the Bureau with their paper documentation, but Bureau officials indicated they couldn't handle it with their current resources. Some center officials said they provided summary information to the Bureau regarding domestic violence statistics; however, this information generally wasn't as complete as the Bureau's statistics from other jurisdictions.

The Kansas Bureau of Investigation has only recently begun entering the data it received from law enforcement centers for 1995 and 1996 into its computer. Bureau officials told us they generate statistics for reporting purposes. However, they haven't had the staff to enter all the data from the incident records law enforcement centers provided. Currently, staff are entering selected information about domestic violence, including all arrests and those incidents related to the more serious crimes, such as murder, rape, aggravated battery, and aggravated assault. Bureau officials also said they would be entering data related to simple assault and simple battery, because the majority of crimes associated with domestic violence fall into these two categories. (Definitions of the more common crimes associated with domestic violence are shown in the profile on the preceding page.)

Bureau officials indicated they plan to have the 1995 and 1996 data entered by late fall 1997, and to issue a report in early 1998. This limited information still won't include Lenexa and Topeka because they are still having software problems, and can't generate summary data. (Bureau officials are working with Sedgwick County, but at this point can't say with certainty that the county's information will be included.) Thus, it won't capture all the information about domestic violence cases, and won't be comparable with the information previously reported for 1993 and 1994.

Bureau officials also said that even if they had the staff to handle all the data entry, past numbers couldn't be made complete at a later date, because the paper documentation for past years had been destroyed. The Bureau is working with the Kansas Incident-Based Reporting System (KIBRS) Subcommittee of the Criminal Justice Information System Advisory Board to develop a method that will enable all law enforcement centers Statewide to transfer data to the Bureau electronically. However, this is only the first year of the Board's five-year plan.

Even if the Kansas Bureau of Investigation had complete information, the numbers likely wouldn't be comparable because law enforcement agencies have different definitions of domestic violence. The 1991 law required law enforcement centers to develop written policies and procedures regarding domestic violence calls. Those policies and procedures were to include a statement defining domestic violence. The law itself doesn't define domestic violence.

How Serious is Domestic Violence?

In 1996, a total of 17 people were murdered in Topeka. Of those, eight (or 47%) allegedly were killed during domestic disputes. In addition, two of the murderers later committed suicide. The circumstances surrounding those eight murders are as follows.

- February 9: a 24-year-old woman was shot, and then burned by her 22-year-old boyfriend
- February 18: a 33-year-old woman was found dead under a bridge, presumably murdered by her husband of three days, who was charged with second-degree murder
- April 26: a 30-year-old woman allegedly was stabbed to death by her 34-year-old boyfriend as they sat in an automobile
- September 10: a 41-year-old woman was killed in her home by her estranged husband. The man later killed the woman's 15-year-old daughter in a Topeka motel.
- November 1: a 21-year-old woman and her father were killed by her 21-year-old estranged husband. The husband then committed suicide.
- December 5: a 31-year-old man was killed in the driveway of his girlfriend's home by her ex-boyfriend. The ex-boyfriend then committed suicide.

Statistics reported by a local newspaper show domestic violence is on the rise, reporting that:

- in Kansas, 30% of all violent crime is domestic in nature
- nationwide, a woman is battered every 15 seconds
- 33% of female murder victims are killed by their male partners
- of married women, more than 50% can expect to experience some form of violence from their spouses
- during their lifetimes, more than half of all American women can expect to be victims of sexual assault or domestic violence

Officials at the Attorney General's Office told us that most law enforcement centers have adopted the definition developed by their Office. We found that the definition used by the law enforcement centers in the areas we visited for this audit was the same as the one recommended by the Attorney General's Office. However, for any centers that have adopted very narrow definitions of domestic violence (for example, specifying that "associated persons" include only spouses or former spouses, or those who are currently living together), the number of arrests related to domestic violence may be lower than for centers that have adopted the broader definition of domestic violence.

Localities we visited also couldn't provide us with specific statistics about their changes in domestic violence incidents, arrests, and repeat offenses since 1991. In the absence of complete or comparable Statewide statistical information, we hoped to be able to obtain such information directly from our sample of localities. For our sample we selected two large metropolitan cities—Overland Park and Topeka, and two smaller cities—Emporia and Leavenworth—and their related counties.

In each city, we tried to get specific information regarding domestic violence from 1991 to present, including the number of incidents, arrests, convictions, dismiss-

als, and final sentencing information. We asked local law enforcement centers for any statistical information they could provide. As noted earlier, however, because of software problems Topeka and Overland Park didn't have information. (To provide us with any summary statistics, for example, officials at the Topeka Police Department said they would have to hand-tally the information from the more than 30,000 estimated offense reports generated each year.) In addition, we found that Emporia and Leavenworth couldn't provide meaningful and historical information. Officials from these two cities said they send the required forms to the Bureau, but don't track the information themselves.

Although the courts aren't required to track information about domestic violence, we asked the courts in our sample areas if they had any information in this area. Again, they were unable to provide meaningful and historical information.

In the Absence of Any Comparable, Reliable Statistical Data, We Were Limited in this Audit to Obtaining Anecdotal Evidence About the Effect of Domestic Violence Laws

As part of that effort, we interviewed the chief of police and the county sheriff in each of the four localities we visited. We also surveyed police officers who handle domestic violence cases in our sample cities. In addition, we interviewed judges, prosecutors, defense attorneys, probation officers, and directors of victim advocacy groups. Finally, we surveyed all program directors of domestic violence victims' advocacy groups in Kansas, and a random sample of domestic violence victims across the State. (Complete survey results are shown in Appendices A, B, and C.) The sections that follow describe our findings.

The People We Spoke With Told Us the Frequency of Domestic Violence Hasn't Changed Since the Laws Were Changed

Before July 1991, officers who answered a domestic violence call were required to make an arrest only when they witnessed someone committing a crime. Although they could make an arrest if there was "probable cause," they weren't required to, and Officials at the Attorney General's Office told us that most officers weren't aware of this allowance. Officers also weren't required to complete an offense report for each call they answered that involved a domestic violence situation, and no specific records were kept on the number of domestic violence incidents.

Officers we spoke with told us that, when responding to a domestic violence call before the mandatory arrest law in July 1991, they generally would get the situation under control and leave, oftentimes being called back to the same location within an hour or two for the same type of disturbance.

Because incidents of domestic violence weren't tracked before 1991, and there is no meaningful data after 1991, we asked law enforcement officers in the localities we visited if the number of incidents of domestic violence had changed since the new law took effect in 1991. In general, they told us the new law had very little impact on the frequency of domestic violence. In addition, they said they currently

are seeing the children and grandchildren of offenders and victims of domestic violence from 10 to 20 years ago involved in domestic violence situations.

Although Changes in the Law Haven't Affected the Frequency Of Domestic Violence, We Were Told Those Changes Have Increased the Number of Arrests

After the new domestic violence laws went into effect in July 1991, law enforcement officers were required to make an arrest during an incident of domestic violence whenever there was "probable cause" that a crime had occurred (such as battery, assault, aggravated battery, and the like) whether they witnessed the crime or not. Changes in the law have led to more arrests, especially in cases involving misdemeanors. Because of this mandatory-arrest provision, a large number of domestic violence offenders are showing up in local jails and courts.

Most people we talked with said law enforcement officers are doing a good job handling domestic violence cases, and view domestic violence as a crime, not a family matter. One of the concerns that led to this audit was that law enforcement officers weren't being as aggressive as they should be in following the mandatory arrest order. The thought was that officers were allowing crimes to go unpunished because they still viewed domestic violence as a family matter. We found that generally didn't appear to be true.

Judges, prosecutors, and probation officers we interviewed in our four sample localities stated that law enforcement officers in their jurisdictions were doing a good job in handling cases involving domestic violence. Most reported that officers in their area view domestic violence as a crime, and held that viewpoint even before the 1991 changes in the law.

In addition, about 54% of the program directors responding to our survey agreed that law enforcement officers in their area viewed domestic violence as a crime, not a family matter. Only 18% disagreed with this statement.

We also found that the policies and procedures adopted by the law enforcement agencies in our sample were similar to those suggested by the Attorney General's Office. In addition, police chiefs and sheriffs we spoke with said their departments' attitudes are that domestic violence is a crime and won't be tolerated.

To determine if this attitude was filtering down through the ranks and resulting in arrests, we surveyed 347 police officers who handle domestic violence cases. We asked each of them about their department's arrest policy regarding domestic violence calls. A total of 231 officers (67%) answered our survey. Of those, more than 79% said they make an arrest when there is probable cause.

When we asked police chiefs why this response rate wasn't 100%, they said an officer may not make an arrest when there's probable cause because the offender has left the scene. One officer also told us he may not make an arrest if the evidence of probable cause isn't that strong, and neither party shows visible signs of physical injury. Only 3% of officers responding to our survey said they might not arrest when there was probable cause because the situation was a family matter best handled by the parties involved.

Intervention Programs Try to Change Batterers' Violent Behavior

During this audit, we were told that most first-time domestic violence offenders receive probation, which includes some type of counseling. This counseling can include treatment for alcohol and drug abuse, behavior modification, or anger management. However, those we spoke with said that domestic violence is a form of control over the victim, and requires counseling specifically directed at stopping abusive behavior.

We were told that several cities across the State—Hays, Emporia, Leavenworth, Overland Park, Pittsburg, Topeka, and Wichita—have intervention programs that focus on specific problems related to domestic violence. Each program has specific goals that include stopping the violence surrounding each participant, holding offenders accountable for their actions, promoting an effective community response to domestic violence crimes, and attempting to meet participants' special needs.

The following is information about those programs located in the cities we visited for this audit—Emporia, Leavenworth, Topeka, and Overland Park:

- The Mental Health Center of East Central Kansas in Emporia offers gender-segregated seminars and group therapy for domestic abusers. The program lasts 24 weeks after which the member is evaluated to determine if an additional 12 weeks of participation are needed.

- The Alliance Against Family Violence in Leavenworth just started offering an intervention program called "Domestic Violence/Battering Behavior by Men," a behavior-modification program for male offenders. The program is based on a model established by the Family Violence and Sexual Assault Institute in East Texas. The program lasts 26 weeks, and administrators monitor participants for an additional 26 weeks.
- Topeka's Young Women's Christian Association offers "The Alternatives to Battering Program," which is based on a program developed in Duluth, Minnesota. The program lasts 32 weeks, with a four-month follow-up. During the follow-up, each participant attends a monthly session to monitor progress.
- Safehouse, Inc., offers a batterer-intervention program in Overland Park. This program has a dual goal of safeguarding victims and changing offenders. This program lasts 26 weeks.

One program director told us that no studies have been completed to show how well these types of programs work in Kansas. She said one problem her program finds in trying to track the results is that it's difficult to follow-up with participants because they are mobile, often moving out of the area. However, she did say that based on a five-year follow-up study, a similar program in Minnesota claims about a 60% improvement rate.

Although law enforcement officers say they are being trained with the perspective that domestic violence is a crime, program directors we surveyed indicated that officers aren't adequately trained in handling domestic violence cases. Some law enforcement centers send their officers to the Kansas Law Enforcement Training Center in Hutchinson for training, while others have their own academies—Kansas City, Lawrence, Overland Park, Topeka, Wichita, Sedgwick County, and the Kansas Highway Patrol.

Officials at the Training Center said the training philosophy regarding domestic violence changed with the new laws, and now those types of cases are handled as a criminal matter, rather than a civil one. Before 1991, they said, the emphasis in training was on mediation. Now the focus is on arrest.

Law enforcement officials we spoke with in our sample localities explained that officers are trained in handling domestic violence cases as part of basic training,

and receive additional training in this area as part of their required continuing education hours. More than 97% of the officers answering our survey reported that they had received formal training on how to handle domestic violence calls. Officers are trained to identify and handle incidents of domestic violence based on the definition and guidelines laid out in their centers' regulations.

About 60% of the program directors responding to our survey indicated that law enforcement officers in their area hadn't received adequate training to effectively handle cases involving domestic violence. Only 25% agreed that officers were adequately trained; the rest had no opinion. In addition, about 28% of victims responding to our survey, indicated the police officers didn't provide information about available services as required by State law.

People Told Us the Requirement to Make an Arrest In Domestic Violence Situations Has Brought Some Problems With It

Some people we spoke with identified the "dual" arrest situation as a problem. Others pointed out that an increase in arrests can place a strain on limited jail space.

"Dual arrests"—arresting both parties—is a problem law officers blame on the mandatory arrest policy. One concern that led to this audit was that some law officers were arresting both the offender and the victim when answering domestic violence calls. Some people we spoke with expressed concern that, by arresting both parties, law enforcement officers were abdicating some of their responsibilities to the courts for determining the "primary physical aggressor." One program director responding to our survey said that, in some cases, the victims may have visible signs of abuse, but because the abuser stated the victim started it, or the victim put up some defense, officers arrest both the victim and the abuser.

Officers we spoke with said they sometimes arrest both parties if they can't identify the primary physical aggressor. This was especially troublesome for officers in the Emporia Police Department. Officers we spoke with in Emporia said they knew their department was having a problem with dual arrests. They explained that oftentimes it's extremely difficult to distinguish between the offender and the victim. They also stated that sometimes both parties are engaged in "mutual combat" when they arrive on a domestic violence scene, or the fighting has stopped but both parties show signs of physical abuse.

Some officers also said they were concerned with the issue of liability if an arrest weren't made when probable cause existed. However, officials at the Attorney General's Office told us this concern is addressed by K.S.A. 22-2308, which states that "no law enforcement agency or employee of such agency shall be liable for damages resulting from the adoption or enforcement of any policy adopted under [the mandatory arrest law]...."

Officials at the Attorney General's Office also told us they work with the Law Enforcement Training Center and provide information to local training academies on identifying the primary aggressor and defensive wounds in cases of domestic violence. In addition, the written procedures for Emporia, Topeka, Leavenworth County, Lyon County, and Shawnee County specify that officers should determine whether

one party can be labeled the “primary physical aggressor” who causes the other to commit “defensive combat.” Nonetheless, a number of people we spoke with said law enforcement officers needed additional training in this area.

The increase in arrests has had an impact on the limited jail space available for domestic violence offenders. Limited jail space may have an impact on a community’s response to domestic violence situations. For example, officials we spoke with in the Topeka (Shawnee County) area pointed out that limited jail space may result in more lenient decisions in cases for bail, plea bargaining, and shorter jail time. They explained that with limited jail space, criminals placed in jail must be prioritized.

People Told Us the Courts’ Increased Involvement Has Provided Some Benefits in Dealing With Domestic Violence Situations

Because of the mandatory arrest policy in domestic violence situations, domestic violence offenders are going through the court system. The courts’ increased involvement broadens communities’ options for dealing with domestic violence. For example, it provides a way to force offenders into programs designed to help them stop abusive behavior. Further, new laws are in effect that specify increased penalties for repeat offenders.

Court involvement makes it more likely an offender will get some type of help to stop the abusive behavior, although those programs may not always be available. Judges and prosecutors told us that, generally, the sentence for first-time offenders is diversion or probation, especially if the offender shows remorse and has no prior criminal history. This sentence gets the offender into some type of counseling program, which can include treatment for alcohol or drug abuse, behavior modification therapy, or anger-management. Those we spoke with estimate the use of alcohol or drugs is present in between 70% to 90% of domestic violence cases.

Although offenders often are referred to programs, most of the counseling programs available deal with anger management or behavior modification. Very few deal with power and control, which many people we spoke with thought was the basis for many domestic violence actions. (At the same time, everyone was pretty clear that you can’t know what treatment will stop the abuse, or stop repeat abuse. They also agreed that, until the offender decides to quit the abusive behavior, no program can make it happen.)

Only a handful of Kansas centers offer programs set up specifically to address the needs of domestic violence offenders. (More information about those programs can be found in the profile on page 13.) However, with the change in domestic violence laws, people said that offenders are getting the message that domestic violence is wrong, and that this type of behavior is a criminal offense.

Recent changes in the battery law will mandate harsher sentences for repeat offenders, but the new law may not be as effective as intended. Law enforcement officers, prosecutors, and judges in our four sample cities estimated that the number of repeat offenders ranged from a low of 25% to 30% in Johnson County, to a high of 75% to 90% in Topeka and Shawnee County. Of those victims responding to

our survey, almost 80% reported that this wasn't the first time they were the victim of domestic violence. (More information about crimes in cases of domestic violence can be found in the profile on page 17.) We were told that second-time offenders generally were fined and may spend time in jail, and most third-time offenders did jail time.

The 1996 changes to the battery law created a new category of crime called domestic battery. Under this new law, the third repeat offense in a domestic battery situation became a felony crime, not just a misdemeanor, and was subject to longer sentences and higher fines. However, people we spoke with pointed out that the 1996 change in the battery law might not be as effective as intended. They reported that third-time offenders may plea-bargain to a lesser offense to avoid a felony on his or her record.

We also noted that sentencing for crimes associated with domestic violence appears to vary by location. In some locations, judges will forgive fines if the offender successfully completes some type of counseling. In other areas, offenders may not serve their entire jail sentence because the jail space is needed for other criminals.

A court record helps establish an offender's criminal history regarding domestic violence. Before the mandatory arrest law, there really was no official record of how often an offender was involved in incidents of domestic violence, especially if the crimes were misdemeanors. In addition, an officer's job often was mediation, not arrest. Now, because of the mandatory arrest law, the courts are more likely to know whether this is the offender's first, second, or third offense. This becomes an important issue when the judge is deciding the offender's punishment for the crime.

Most People We Interviewed Thought the Courts Had Improved Their Handling of Domestic Violence Cases, But Pointed Out that Judges Need More Training In Understanding Domestic Violence

The courts also are having to adapt to the new focus that domestic violence is a crime, rather than a family matter. According to some prosecutors and law officers we spoke with, some judges aren't adapting as well as they need to.

People we talked with said some judges dismiss domestic violence cases that come before them because they have a hard time understanding why victims wouldn't testify, and seem to think the victims may share the blame. Victims in domestic violence cases often refuse to testify or change their stories. The victim may fear the offender will be placed in jail and lose his or her job—causing financial hardship on the family—or may fear for his or her safety. For example, one victim we surveyed stated, "If my testimony would cause him to have a sentence of time in prison, and therefore lose his job, no I would not [testify]." About 40% of victims who responded to our survey, who reported that their abuser was arrested, said they didn't plan to testify.

Some prosecutors told us that, in the absence of a victim's testimony, some judges have made convictions based on other evidence such as pictures, police testimony, and testimony from other available witnesses. However, they also noted that some judges have a tendency to dismiss cases when the victim won't testify. They

Types of Crimes Committed in Cases of Domestic Violence in Kansas

During our audit, we were unable to obtain valid statistics for the number of domestic violence crimes committed in Kansas. However, we were able to get some information from the Kansas Bureau of Investigation that at least indicates the frequency of crimes committed in association with domestic violence.

Type of Crime	Number in 1992	Number in 1993	Number in 1994
Felony:			
First Degree Murder	29	28	16
Second Degree Murder	1	3	2
Aggravated Assault	596	641	595
Aggravated Assault on an Officer	8	29	11
Aggravated Battery	481	418	487
Aggravated Battery on an Officer	6	7	5
Terroristic Threat	345	532	453
Kidnapping	15	48	43
Aggravated Kidnapping	4	15	18
Robbery	—	13	10
Rape (a)	163	85	82
Aggravated Criminal Sodomy	2	9	11
Aggravated Sexual Battery	3	6	4
Burglary	60	80	87
Aggravated Burglary	12	40	63
Arson	7	15	12
Aggravated Arson	<u>3</u>	<u>3</u>	<u>3</u>
Subtotal	1,735	1,972	1,902
Misdemeanor:			
Simple Assault	542	541	605
Simple Assault on an Officer	58	83	72
Battery (b)	14,552	13,121	14,089
Battery on an Officer	25	100	74
Unlawful Restraint	12	58	68
Lewd and Lascivious Behavior	—	2	—
Sexual Battery	13	21	17
Unlawful Deprivation of Property	6	10	24
Criminal Trespass	581	838	704
Disorderly Conduct	2,031	2,502	2,315
Riot	—	63	—
Harassment by Telephone	<u>214</u>	<u>154</u>	<u>135</u>
Subtotal	18,034	17,493	18,103
Can Be a Felony or a Misdemeanor:			
Sodomy	—	4	—
Theft	93	223	286
Criminal Damage to Property	849	1,513	1,624
Miscellaneous Offenses	<u>106</u>	<u>539</u>	<u>606</u>
Subtotal	1,048	2,279	2,516
Total	20,817	21,744	22,521

- (a) K.S.A. 21-3501 et seq. was amended in 1983 to allow spouses to be charged with rape as a crime.
- (b) Domestic battery didn't become a crime classification until 1996 when the Legislature amended K.S.A. 21-3412.

Certain Characteristics are Typical for Domestic Violence Victims and Offenders

According to "The Battered Woman," a book written in 1979 by Lenore Walker, victims of domestic violence share common characteristics as do domestic violence offenders. Those characteristics are outlined below.

Common Characteristics of Victims

Common Characteristics of Offenders

Have low self-esteem	←→	Have low self-esteem
Believe the myths about battering relationships	←→	Believe the myths about battering relationships
Are traditionalists about the home, strongly believe in family unity and sex-role stereotypes	←→	Are traditionalists about the home, strongly believe in family unity and sex-role stereotypes
Accept responsibility for their abusers' actions	←→	Blame others for their actions
Suffer from guilt, yet deny the terror and anger they feel	←→	Are pathologically jealous
Appear passive to the world, but have the strength to manipulate their environments to prevent further violence and to prevent being killed	←→	Present a dual personality
Have severe stress reactions, with psychosomatic complaints	←→	Have severe stress reactions, and batter their partners to cope
Use sex to establish intimacy	←→	May use sex as an act of aggression to enhance self-esteem
Believe no one can help them resolve their predicaments	←→	Believe their violent behavior shouldn't have negative consequences, and deny the severity of any harm they do to their partners
Are dependent both emotionally and financially	←→	May use drugs or alcohol to relieve stress
Are isolated	←→	Try to isolate their victims
Were often abused as children or witnessed abuse in their families	←→	Try to control their victims' behavior and activities
Believe they can change their abusers; have "caretaker" attitudes	←→	Have explosive tempers
	←→	May have grown up in an abusive family
	←→	Are more violent at times of pregnancy or separation
	←→	Depend intensely on their victims

think it's because these judges don't fully understand why victims are reluctant to testify. Many prosecutors and program directors told us they thought judges needed training to better understand the "battered woman syndrome"—the psychological dependency that keeps a spouse trapped in a violent relationship, repeatedly forgiving the abuser and even sometimes blaming herself or himself for the attacks.

According to people we spoke with, some judges also think the victim may be as much to blame as the offender. This viewpoint apparently is based on the fact that many victims continually return to abusive relationships, or leave one abusive relationship only to enter another. Prosecutors and law enforcement officers also expressed frustration with such victims.

Finally, in one locality we visited, the concern among prosecutors and program directors was that some judges don't have enough trial experience, especially in dealing with domestic violence cases. In addition, one program director stated that some judges still are looking at these incidents as personal problems or marital disagreements, rather than as crimes. Also, only about 28% of law enforcement officers and 48% of program directors responding to our survey indicated that judges in their areas viewed domestic violence as a crime and sentenced accordingly.

The general feeling among prosecutors, law officers, and program directors we spoke with was that judges needed additional training to better understand the actions of victims of domestic violence. Some even suggested that such training should be mandated. This type of training is offered, but some judges reported there wasn't money in their budgets for such training.

Some of the judges we spoke with reported attending seminars that had sessions dealing with and understanding issues related to domestic violence. However, they pointed out that they'd been hearing battery cases for some time, and saw domestic battery cases as no different.

**A New Federal Law
Could Inadvertently Encourage
Police Officers To Ignore
Domestic Violence Crimes
Committed by Their Co-workers**

One concern regarding domestic violence is that law officers aren't arresting fellow officers who abuse their partners. We surveyed victims of domestic violence across the State, and received some specific comments from victims whose abuser is an officer. Those comments were as follows:

- My husband wasn't arrested "because he is a police officer. My husband is a part-time officer in the police department, but he thinks he is above the law."
- "I have been abused not only by my ex-husband for nine years, who is a detective, but also by the... police department, who have protected and covered up many illegal transactions."

A new federal law that took effect on September 30, 1996, prohibits anyone convicted of a misdemeanor for domestic violence from carrying a firearm. The law didn't make exceptions for military personnel or law enforcement officers, who usually must carry a firearm as part of their jobs. This law has caused some concern, because now police officers have more of an incentive to protect their co-workers who are accused of domestic violence. In addition, some victims may be afraid to report their abusers, because the new law could cause the abuser to lose his or her career.

Have Victims of Domestic Violence Fared Better Since Domestic Violence Laws Were Passed?

Based on the reports of law enforcement officers, judges, and program directors, it appears that the incidents of domestic violence hasn't declined. Nevertheless, program directors report that victims of domestic violence are faring better. We found that, as a result of the mandatory arrest requirement, some victims won't call police because they don't want the offender arrested. Shelters and other services for victims of domestic are available Statewide. Although the people we talked with in this audit didn't have the answer to end domestic violence, they did have numerous recommendations and suggestions to help decrease or stop domestic violence in Kansas. These and other findings are presented in the following sections.

Program Directors Report That Victims of Domestic Violence Have Been Faring Better

People we spoke with during this audit generally said the number of domestic violence incidents hasn't changed since the 1991 change in the law. This also means the number of domestic violence victims hasn't changed. Almost 80% of victims we surveyed reported this wasn't the first time they were a victim of domestic violence.

Because no statistical information is available, we asked the director of the Kansas Coalition Against Sexual and Domestic Violence and program directors in the cities we visited for this audit if things are getting better for victims. They concluded that, even though domestic violence still occurs about as frequently as before, overall things are getting better for victims. They cited the following:

- law enforcement officers, prosecutors, and judges are getting better at handling cases involving domestic violence
- laws are getting stricter in dealing with offenders
- more services are being offered for victims of domestic violence in more areas across the State, and victims are getting more information about those services
- more intervention programs are being offered across the State to help offenders recognize their abusive behavior, learn that this behavior is wrong, and take steps to stop it

However, we were told that the mandatory arrest policy may not be getting the intended results.

Because Some Victims of Domestic Violence Don't Want the Offender Arrested, They Don't Call Police

At first thought, it might seem that victims of domestic violence would be more likely to call police for help because of the mandatory arrest requirement in State law. However, about 40% of the police officers answering our survey indicated

that, over the past five years, victims have become less likely to call the police for help. In addition, about three out of every 10 domestic violence victims we surveyed said they didn't call the police regarding their most recent incident of abuse. Further, about one in five of those who did call the police indicated they didn't want the offender arrested.

In exploring this issue further, we found the following reasons why victims might not want the offender arrested:

- Many victims, for one reason or another, didn't want their abuser arrested, they just wanted the abuse to stop. Some victims we surveyed said the following:
 - I just wanted him to leave.
 - He just needs counseling, he doesn't need to be in jail.
 - I didn't want to see someone I love handcuffed, and I didn't want to be blamed.
- Some victims are afraid of what their abuser will do if they call the police. One victim surveyed said, "He will hurt me bad if I ever call the police."
- In cases where both parties have been arrested in the past, the victim is less likely to call for help for fear of being arrested again. As noted earlier, there are times when an officer answering a domestic violence call finds both parties engaged in "combat." In cases where no primary aggressor can be identified, both parties are arrested if there is probable cause. Oftentimes when this happens, the victim feels he or she is being abused by the system, and hesitates to call the police.
 - One victim commented, "I had to go to the emergency room for my injuries, and the police arrested me. If anything like this happens again, and I am arrested, I will kill myself before I go to jail. I am so ashamed and embarrassed."
 - One program director answering our survey commented that because of the high number of dual arrests in her area, "victims are afraid that they will be arrested if they call for help."
- If children are involved, dual arrests can cause problems in arranging for child care. Many times there's no place for the children to go, and they end up in the custody of the State. Police officers we surveyed also expressed concerns in this area, commenting that they are reluctant to arrest both parties because there is nowhere to take the children.

A number of victims who don't call the police for help go to shelters or safehouses specifically set up for victims of crimes. In fact, some victims choose to seek shelter when no abusive behavior has taken place, but they fear it's imminent. One program director we spoke with said some victims can recognize signs that the offender is moving towards abusive behavior. When these warning signs are present, the victim will seek shelter before any abuse takes place.

The Safevisit Program in Topeka Helps Protect Victims from Coming in Contact With Their Abusers

One of the concerns that led to this audit was the thought that previous domestic violence incidents aren't taken into consideration when the courts decide child custody and visitation issues. Even though a couple is separated or divorced, they still may have contact with each other because of their children. The concern is that when the children are exchanged, it may create an opportunity for the abuser to come in contact with the victim, setting up a situation for domestic violence. But because the courts support a parent's right to continue seeing his or her children, as long as the children aren't in danger, there may be little the victim can do.

In 1991, K.S.A. 60-1610 was amended to require courts to consider evidence of spousal abuse before determining child custody and residency. During this audit, we were told by judges, prosecutors, and defense attorneys that the courts do consider domestic violence when making those types of decisions.

To specifically address this issue, courts often specify supervised visitation at a

neutral party's house, or exchanging the children in public places such as a restaurant or law enforcement center. However, even these are imperfect solutions, because the couple often must still come into contact with each other.

As an alternative, the Young Men's Christian Association (YMCA) in Topeka has established the Safevisit Program. This program started in January 1997 with the goal of providing an objective, safe environment for supervised visitation or monitored exchanges of children between separated parents. In supervised visitation, the noncustodial parent visits with the child(ren) for one hour with social workers nearby. When the parents use the monitored exchange system, one parent drops the child(ren) off at the YMCA, and the other parent comes later, after the first parent is gone, to pick up the child(ren). This helps keep the victim safe from his or her abuser.

Most families who use the program are referred by the courts. But, some families refer themselves, while others have been referred by school officials and attorneys.

Program Advocacy Groups Offer Shelter and Services Statewide To Victims of Domestic Violence

Programs set up to help victims of domestic violence (as well as other crimes) are generally non-profit, community-based organizations operated by staff and trained volunteers. They provide services to people who've been abused and who seek their help. These services include listening to victims, providing support, identifying the victim's options, and helping the victim understand the cause and effects of relationship violence and sexual assault.

Victims of domestic violence have access to assistance and services no matter where they live in the State. According to information provided by the Kansas Coalition Against Sexual and Domestic Violence, centers are located to provide services Statewide. Currently there are 29 centers across the State that provide various services for victims of crime in Kansas. Most of these centers have come into existence in the past 15 to 20 years. (Appendix D lists these centers in Kansas by location.) Services offered by these centers related to domestic violence include the following:

- emergency shelter to victims who can't stay in their homes
- court advocates to help victims through the court system
- counseling—group and individual—to help victims in their current situation (for example, self-concept, assertiveness, and parenting classes)
- assistance to victims working towards independence including getting needed social services
- public education to inform the community about domestic violence

Coalition officials told us that, in some of the more remote rural areas of the State, a network of program staff and volunteers either will travel to meet with the victim, or will provide information about available assistance over the phone through a direct-link, toll-free phone number.

Funding for centers to help victims of domestic violence comes from federal and State grant moneys, as well as local moneys. The Attorney General's Office distributes grants to centers that aid victims of crime in Kansas. In addition, local moneys from United Way, city and county general funds, and private contributions pay for services to help local victims of crime.

Nobody We Spoke With Claimed to Have the Answer to Curbing Domestic Violence, But Many Suggested Ways to Try to Address the Problem More Effectively

One question we asked everyone we spoke with on this audit was what was needed to decrease or stop domestic violence in Kansas. The answers we received covered many areas; however, most said it was something that couldn't be corrected through more legislation. There were, however, suggestions for minor changes or clarifications in State law. Other suggestions for improvements were more broad-reaching. These suggested improvements are summarized below.

Improve domestic violence laws

- **Require 24-hour jail time for offenders immediately following arrest.** That would give the offender a cooling-down period.
- **Require bail conditions for offenders to include a "no-contact" order.** That would help keep the offender away from the victim. People told us that, oftentimes, the offender threatens the victim into not testifying.
- **Expand the Protection from Abuse statute (K.S.A. 60-3101) to include verified emotional or mental abuse.** Currently the basis for obtaining an order is limited to physical abuse.
- **Statutorily define domestic violence.** This is now a local decision and, therefore, isn't uniform across the State. Officials at the Kansas Bureau of Investigation stated that without a uniform definition the statistics gathered and reported regarding domestic violence in Kansas won't be comparable.

Victims Expressed Their Appreciation For Services Offered by Victim Advocacy Programs in Kansas

We surveyed a random sample of domestic violence victims for this audit. Many of those victims answering our survey commented on how grateful they were to the victims' advocacy programs and to have those types of services available. The following are several of those comments:

- "I am very happy that they have services to provide for people in my kind of situation. If it wasn't for them, I would still be with him."
- "Thank God I know of domestic violence programs that could help me protect myself and my daughter."
- "I'm really glad that I came back to these meetings [group therapy]. I really like them and they are helping me out a lot, thank you for just caring."
- "Ladies at the shelter and office took real good care of me and my children. They understand."

- **Relax laws regarding property damage.** Law enforcement officers told us they shouldn't have to arrest someone for destroying his or her own property when no one was physically harmed.
- **Clarify the statutory definition of assault (K.S.A. 21-3408) to include any situation where a "reasonable person would fear injury."** This statute currently refers only to fear of "bodily harm." Some prosecutors think this clarification may help officers determine probable cause.
- **Statutorily allow an "order to appear" to be given to victims.** This would require the victim to appear in court at first appearance. This is being done in some areas, but its legality may be challenged. Prosecutors reported that victims who are present at first appearance and make a statement about what happened are more likely to testify in court.
- **Clarify the Protection from Abuse statute (K.S.A. 60-3101) limiting the time between when the abuse occurred and the filing for an order.** Some people reported that the victim will file for a protection-from-abuse order months after the abuse. Also, there were suggestions to place time restrictions on the stipulation of formerly resided together. In both situations, the victim should be seeking a restraining order, not a protection-from-abuse order which results in immediate action to protect the victim from imminent harm.

Develop new resources for victims, offenders, and children

- **Provide legal assistance for victims so they can afford to leave the abuser.** Some judges and program directors we spoke with said the victim often wants to leave his or her abuser permanently, but can't afford to file for divorce. For example, we were told that some attorneys charge a \$600 retainer fee. For many victims, getting this amount of money is impossible.
- **Provide job training to help victims become independent so they are no longer under the abuser's total control.** People we talked with said there was a need for more funding for transportation, child care, and education. They noted that many victims are totally dependent on their abuser, and sometimes aren't allowed access to a phone, car, or money. And in some cases, where victims are immigrants, they aren't allowed to learn English.
- **Provide counseling for victims so they don't return to abusive situations, or don't take up with someone else who abuses them.** Many people we spoke with indicated counseling is available for offenders, but victims and their children also need some type of counseling. Some went as far as to suggest that counseling for victims be mandated.
- **Develop intervention programs specifically designed for domestic violence offenders to try to address their special needs.** People told us that domestic violence often is about control and power, not about anger management. Specific programs need to be set up across the State to help stop the domestic batterer.
- **Provide counseling for children trapped in domestic violence situations so they can learn that abusive behavior is wrong.** This was the most frequent recommendation we heard. Many suggested starting programs in the elementary and secondary schools similar to D.A.R.E. or Just Say No programs.

Increase training and education regarding domestic violence

- **Provide training to law enforcement officers, prosecutors, and judges in handling cases involving domestic violence.** Areas cited where training is needed included dual arrests, determining the primary aggressor, identifying defensive wounds, understanding battered woman syndrome, and the like.
- **Increase community and school education about domestic violence so that everyone gets a better understanding that abusive behavior is wrong, whether or not it is committed in a family setting or in a relationship.** Many people we spoke with thought this was the key to stopping domestic violence. They said abusive behavior is learned—often passed from one generation to the next. The only way to stop the cycle is to get to the children at an early age—elementary level.

Provide additional staffing resources and jail space

- **Increase the number of probation officers.** Some people thought this would help ensure that domestic violence offenders follow the conditions of their probation or diversion, such as complying with the “no-contact” order, and attending counseling. Probation officers told us that, because of their large caseloads, they don’t have time to monitor each client and must rely heavily on outside sources for that type of information. That includes reading about additional crimes or probation violations the offender has committed in the local newspaper, hearing about it from concerned citizens, or being notified by local law officers. One probation officer reported having a caseload of more than 90 clients.
- **Increase the number of law enforcement officers.** Some people thought this would allow officers to keep up with all the warrants for arrest, including tracking down domestic violence offenders who have left the scene; have a warrant issued for their arrest, or violated probation. Law officers in Shawnee County told us they can’t keep up with all these warrants because it simply doesn’t have the staff.
- **Add jail space to handle the large number of domestic violence offenders who are arrested but who often don’t serve any jail time because there isn’t any jail space available.** For some crimes, jail time is mandatory. However, people we spoke with in areas where there is limited jail space indicated that only those who have committed the more severe crimes actually do jail time. In most cases, they said, the court simply forgives the jail sentence for misdemeanor crimes—including those related to domestic violence.

Conclusion

Domestic violence is a problem that can't be legislated away. However, what the Legislature can do is make sure that the laws reflect society's view that domestic violence is criminal behavior and won't be tolerated. The introduction of mandatory arrest regarding incidents of domestic violence was a major step in that direction. However, officials in the communities we visited indicated additional statutory clarifications could be helpful in addressing certain domestic violence situations, and in improving the enforcement and prosecution of domestic violence laws. They cited the need for additional training for judges, prosecutors, and law enforcement officers as part of this effort.

In addition, community officials expressed a need for more resources to provide such things as counseling programs specifically designed to address domestic violence that would help offenders, victims, and children, and training and job skills that victims need to become independent. Currently, the federal government, the State, and some local city and county governments are helping, but community representatives indicated that more is needed to stop the cycle of domestic violence in Kansas.

Recommendations

1. To address community representatives' suggestions for making State law more effective in addressing situations of domestic violence, the appropriate legislative committees such as the Joint Committee on Children and Families should review the suggestions for legislative changes made in this report, consider hearing testimony from interested groups, and decide whether legislation should be drafted to do the following:
 - amend K.S.A. 22-2307 to define domestic violence. (The law currently makes this definition a local decision.)
 - clarify the statutory definition of assault (K.S.A. 21-3408) to include any situation where a reasonable person would fear injury. (This law currently refers only to fear of "bodily harm.")
 - expand the Protection from Abuse Act (K.S.A. 60-3101 et seq.) to include verified emotional or mental abuse. (The law currently is limited to physical abuse.)
 - clarify the Protection from Abuse Act regarding a timeframe for when a protection-from-abuse order should be filed (or a restraining order should be filed).
 - allow an "order to appear" to be given to victims of domestic violence, requiring them to appear in court at first appearance.
 - require 24-hour jail time for domestic violence offenders after arrest.
 - require bail conditions for domestic violence offenders to include a "no-contact" order.

2. To ensure that complete, reliable, comparable, and timely statistics related to crimes associated with incidents of domestic violence in Kansas are available in the future to law enforcement officers, the courts, and policymakers, the Kansas Bureau of Investigation should do the following:
 - a. continue working with the Kansas Incident-Based Reporting System Subcommittee of the Criminal Justice Information System Advisory Board to develop methods to allow local law enforcement centers to submit information electronically.
 - b. continue working with officials in the State's metropolitan cities to identify and correct computer software problems that prevent them from electronically reporting information in the format specified by the Bureau. The Bureau also should work closely with local law enforcement officers to ensure that the reporting solutions they develop are efficient and effective, and don't have to rely on re-keying large amounts of data.
3. To ensure that law enforcement officers, prosecutors, and judges are effectively enforcing, prosecuting, and interpreting the laws related to domestic violence, the Office of Judicial Administration and the Attorney General's Office should do the following:
 - a. use the information reported in this audit as the starting point to identify areas where education and training is needed. For law enforcement officers, that includes help in identifying the primary aggressor and defensive wounds in a domestic violence call, which could in turn reduce the number of dual arrests made during those calls. For judges, that includes help in understanding the battered woman syndrome, and in viewing domestic violence as a crime.
 - b. conduct whatever other inquiries are needed to identify additional areas for improvement in handling domestic violence cases.
 - c. ensure that the needed education and training is available to law enforcement officers, prosecutors, and judges throughout the State, and ensure that all parties are aware of these education and training resources. This may include developing new education and training programs to address specific problem areas that have been identified.
 - d. consider the need to mandate training in some of the most critical areas relating to domestic violence.
4. To help ensure that community representatives across the State are doing what they can to address the problem of domestic violence in

their communities, the Attorney General's Office should continue to work with them to help develop or obtain the resources needed to more effectively address domestic violence. Some of these resources may be more program specific—such as providing legal assistance for victims, developing intervention programs specifically designed for domestic violence offenders, and providing counseling for children and victims. Some could involve educational programs designed to teach children in schools that domestic violence is a crime and shouldn't be tolerated. Other resources are more broad-reaching, such as adding jail space and increasing the number of law enforcement officers, and can't be done without the support of local communities and taxpayers.

APPENDIX A

Summary of Survey Responses from Law Enforcement Officers

On December 23, 1996, we had surveys distributed to 347 law enforcement officers working with domestic violence incidents in four cities—Emporia, Leavenworth, Overland Park, and Topeka. We asked questions to obtain information about training, opinions on various issues regarding domestic violence, and suggestions for stopping repeat offenses. Overall, 231 officers responded, for a response rate of 67%. This appendix is a summary of the responses we received.

Law Enforcement Officer Survey

The Legislative Post Audit Committee has directed the Legislative Division of Post Audit to conduct a performance audit reviewing the domestic violence laws in Kansas. One of the objectives of the audit is to determine if domestic violence laws have helped victims of domestic violence. To help us meet this objective, we are conducting a survey of law enforcement officers who have worked on domestic violence cases.

We would appreciate it if you would take the time to answer the following questions. The returned surveys, which will be anonymous, will be included in the audit working papers which will become part of a public document once the audit is completed. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope by **Monday, January 13, 1997**. If you have any questions related to the survey, please contact Trish Pfannenstiel at (913) 296-5817 or Barbara Coultis at (913) 296-5180 or write them at Legislative Post Audit, 8th and Jackson, Topeka, KS 66612.

For the questions below, please check the appropriate box or boxes.

1. Have you answered a domestic violence call in Kansas in the past five years?

4 No If no, you may disregard this survey. *Note: We didn't use surveys that answered "no"*

231 Yes If yes, please continue with the survey.

2. Have you received any formal training on how to handle domestic violence calls?

6 No **225** Yes, please check the box (or boxes) below where you received training:

42 Kansas Law Enforcement Center at Hutchinson

182 Internally at your department's academy

15 At another state's law enforcement training center or academy

49 Other: *29 - Department training*

7 - class by prosecutor's office

6 - other department's academy

3 - victim advocacy program training

3 - Attorney General's seminar

4 - miscellaneous

Note: some respondents wrote more than one answer under "other"

3. Is there any reason why you wouldn't make an arrest regarding a domestic violence call when there was probable cause that a crime had been committed?

183 No **48** Yes, please check the box (or boxes) that best explains why:

0 courts are too busy

8 considered a family matter and best handled by the parties involved

17 directive from superior(s)

31 other: *8 - adult needed to stay and care for children*

4 - victim refused to cooperate

4 - can't locate the suspect

4 - incident involves siblings or parental discipline

3 - jail won't take females unless crime is a felony

13 - miscellaneous

Note: some respondents wrote more than one answer under "other"

4. In my opinion, in the past five years domestic violence victims have become more willing to press charges against their abuser. *1 survey had no response to this question.*

3 Strongly Agree **51** Agree **85** Neither Agree Nor Disagree **76** Disagree **15** Strongly Disagree

6. In my opinion, the best way to stop repeat offenses in domestic violence cases is: (check all that apply) *6 surveys had no response to this question.*

- 170** arrest
- 17** diversion
- 36** probation
- 128** anger control or behavior modification therapy
- 161** jail time
- 31** other:
 - 5 - counseling or education (victims and/or offender)*
 - 2 - public embarrassment*
 - 2 - stronger punishment, fines*
 - 1 - follow-up to ensure offender received therapy*
 - 21 - miscellaneous*

7. In my opinion, the prosecutors working in my jurisdiction have done a good job prosecuting domestic violence cases. *5 surveys had no response to this question.*

16 Strongly Agree **90** Agree **68** Neither Agree Nor Disagree **42** Disagree **10** Strongly Disagree

8. In my opinion, the judges working in my jurisdiction view domestic violence as a crime and sentence offenders accordingly. *4 surveys had no response to this question.*

9 Strongly Agree **55** Agree **78** Neither Agree Nor Disagree **61** Disagree **24** Strongly Disagree

The staff of Legislative Post Audit thanks you in advance for completing this survey. If you need additional space to make any comments regarding domestic violence laws, please attach additional pages. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope, or fax the completed survey to the attention of Trish Pfannenstiel at (913) 296-4482.

APPENDIX B

Summary of Survey Responses From Domestic Violence Program Directors

On December 23, 1996, we sent surveys to the directors of the 30 domestic violence agencies in Kansas to obtain their opinions of the effect of the 1991 statute changes, opinions on various issues regarding domestic violence in their area, and suggestions for stopping repeat offenses. (Two agencies had an additional person complete the survey for a total of 32 surveys sent out.) Overall, 28 people responded, for a response rate of 88%. This appendix is a summary of the responses we received.

Program Director Survey

The Legislative Post Audit Committee has directed the Legislative Division of Post Audit to conduct a performance audit reviewing the domestic violence laws in Kansas. One of the objectives of the audit is to determine if domestic violence laws have helped victims of domestic violence. To help us meet this objective, we are conducting a survey of directors of programs that help domestic violence victims.

We would appreciate it if you would take the time to answer the following questions. The returned surveys, which will be anonymous, will be included in the audit working papers which will become part of a public document once the audit is completed. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope by **Monday, January 13, 1997**. If you have any questions related to the survey, please contact Trish Pfannenstiel at (913) 296-5817 or Barbara Coultis at (913) 296-5180 or write them at Legislative Post Audit, 8th and Jackson, Topeka, KS 66612.

For the questions below, please check the box that best describes your opinion.

1. In my opinion, the changes made to the State's domestic violence laws in 1991 helped to increase the number of arrests for domestic violence in my area.

10 Strongly Agree 15 Agree 1 Neither Agree Nor Disagree 2 Disagree 0 Strongly Disagree

2. In my opinion, domestic violence victims in my area are more willing to press charges.
2 surveys had no response

0 Strongly Agree 8 Agree 10 Neither Agree Nor Disagree 7 Disagree 1 Strongly Disagree

3. In my opinion, protection from abuse orders help protect victims of domestic violence from their abusers. *1 survey had no response*

7 Strongly Agree 14 Agree 2 Neither Agree Nor Disagree 4 Disagree 0 Strongly Disagree

4. In my opinion, law enforcement officers working in my area view domestic violence as a crime.

1 Strongly Agree 14 Agree 8 Neither Agree Nor Disagree 4 Disagree 1 Strongly Disagree

5. In my opinion, law enforcement officers working in my area have received adequate training to effectively handle incidents of domestic violence.

1 Strongly Agree 6 Agree 4 Neither Agree Nor Disagree 15 Disagree 2 Strongly Disagree

6. In my opinion, the best way to stop repeat offenses in domestic violence cases is: (check all that apply)

28 arrest

12 diversion

11 probation

21 anger control or behavior modification therapy

21 jail time

14 other: 4 - public education and prevention programs about domestic violence
2- mental health counseling for family
1 - separation during counseling to break the cycle
1 - consistent response by law enforcement
1 - name of offender in newspaper
5 - miscellaneous

7. In my opinion, the prosecutors working in the courts in my area have done a good job of prosecuting cases involving domestic violence.

2	Strongly Agree	11	Agree	7	Neither Agree Nor Disagree	6	Disagree	2	Strongly Disagree
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8. In my opinion, the judges working in the courts in my area view domestic violence as a crime and sentence offenders accordingly. 1 survey had no response

5	Strongly Agree	8	Agree	10	Neither Agree Nor Disagree	4	Disagree	0	Strongly Disagree
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COMMENTS:

The staff of Legislative Post Audit thanks you in advance for completing this survey. If you need additional space to make any comments regarding domestic violence laws, please attach additional pages. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope, or fax the completed survey to the attention of Trish Pfannenstiel at (913) 296-4482.

APPENDIX C

Summary of Survey Responses From Victims of Domestic Violence

On December 23, 1996, we sent surveys to the 30 domestic violence agencies in Kansas for distribution to victims of domestic violence. The agency directors distributed the surveys to victims who used their agencies' services during a two-week period. We asked questions to obtain information about their most recent experiences with domestic violence. Overall, 146 victims responded. This appendix is a summary of the responses we received.

Domestic Violence Survey

The Legislative Post Audit Committee has directed the Legislative Division of Post Audit to conduct a performance audit reviewing the domestic violence laws in Kansas. One of the objectives of the audit is to determine if domestic violence laws have helped victims of domestic violence. To help us meet this objective, we are conducting a survey of individuals who have been involved in domestic violence situations.

We would appreciate it if you would take the time to answer the following questions. The returned surveys, which will be anonymous, will be included in the audit working papers which will become part of a public document once the audit is completed. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope by **Monday, January 13, 1997**. If you have any questions related to the survey, please contact Trish Pfannenstiel at (913) 296-5817 or Barbara Coultis at (913) 296-5180 or write them at Legislative Post Audit, 8th and Jackson, Topeka, KS 66612.

For the questions below, please check the appropriate box or boxes.

1. This is the first time I have been a victim of domestic violence.
31 Yes **115** No, I have been a victim of domestic violence _____ times in the past two years.

2. This is the first time I have sought shelter because of domestic violence. *20 surveys had no answer to this question.*
83 Yes **43** No, I have sought shelter because of domestic violence _____ times in the past two years.

3. This is the first time I have called law enforcement officers to help me because of domestic violence. *1 survey had no answer to this question.*
37 Yes **73** No, I have called law officers _____ times in the past two years because of domestic violence.
35 Didn't call law officers

4. The law enforcement officers: (check all that apply) *36 surveys had no answer to this question.*
 - 61** arrested the person who was abusing me
 - 69** provided information about help available to me as a victim of domestic violence
 - 50** provided information about getting a protection from abuse order
 - 32** took pictures of any injuries I sustained as a result of domestic violence (that same day or later)
 - 14** took pictures of any property damaged as a result of domestic violence (that same day or later)
 - 20** other:
 - 3 - took statement*
 - 3 - asked abuser to leave*
 - 2 - advised victim to leave*
 - 2 - also arrested victim*
 - 2 - did nothing*
 - 8 - miscellaneous*

5. I wanted the law officers to arrest the person who abused me. *14 surveys had no answer to this question.*

24 Didn't call law officers **82** Yes **26** No, please explain

6. I have obtained a protection from abuse order. *7 surveys had no answer to this question.*

62 No **77** Yes

7. In my opinion, a protection from abuse order is useful in keeping me safe from the person who abused me. *13 surveys had no answer to this question.*

41 Strongly Agree **30** Agree **23** Neither Agree Nor Disagree **12** Disagree **14** Strongly Disagree **13** Don't Know

8. In this most recent incident of domestic violence, did the person who abused you violate a protection from abuse order? *13 surveys had no answer to this question, and 3 of the 23 surveys who answered "yes" had no answer to the second part*

110 No **23** Yes If yes, did the officers arrest the person who abused you? **14** No **6** Yes

9. Are you planning to testify in court against the person who abused you? *15 surveys had no answer to this question.*

47 No arrest was made **52** Yes **32** No, please explain

COMMENTS:

The staff of Legislative Post Audit thanks you in advance for completing this survey. If you need additional space to make any comments regarding domestic violence laws, please attach additional pages. Please return the completed survey in the enclosed, self-addressed, postage-paid envelope, or fax the completed survey to the attention of Trish Pfannenstiel at (913) 296-4482.

APPENDIX D

Agencies Serving Domestic Violence Victims in Kansas

Programs are available Statewide to assist victims of domestic violence. This appendix lists the name of each program, its address, the name of its director, and its office (non-crisis) telephone number. This information was provided by the Attorney General's Office and the Kansas Coalition Against Sexual and Domestic Violence.

These agencies are members of the Kansas Coalition Against Sexual and Domestic Violence. The Coalition provides educational and other resources, coordinates grants, and provides other services including accreditation of domestic violence programs in the State. The Coalition's address is:

Kansas Coalition Against Sexual and Domestic Violence
820 SE Quincy, Suite 416
Topeka, KS 66612
(913) 232-9784

The Kansas Statewide Hotline, (800) 400-8864, provides two options: the caller can be connected with the nearest program or the caller may speak with a central hotline advocate. This service is available 24 hours a day.

**Member Programs of the Kansas Coalition
Against Sexual and Domestic Violence**

<u>City</u>	<u>Name, Address</u>	<u>Director</u>	<u>Phone</u>
Atchison	DoVES P.O. Box 262 Atchison, KS 66002	Sherry Dunn	913-367-0365
Dodge City	Crisis Center of Dodge City P.O. Box 1173 Dodge City, KS 67801	Jan Scoggins	316-225-6987
El Dorado	Family Life Center of Butler County P.O. Box 735 El Dorado, KS 67042	Lynn Toonen	316-321-7104
Emporia	SOS Inc. P.O. Box 1191 Emporia, KS 66801	Susan Moran	316-342-1870
Garden City	Family Crisis Services P.O. Box 1092 Garden City, KS 67846	Lana Christensen	316-275-2018
Great Bend	Family Crisis Center P.O. Box 1543 Great Bend, KS 67530	Patty Linsner	316-793-1965
Hays	Northwest Kansas Family Shelter P.O. Box 284 Hays, KS 67601	Nancy Meade	913-625-4202
Hiawatha	Multi-County Domestic Violence Program, Inc. P.O. Box 216 Hiawatha, KS 66434	Debbie Roland	913-742-7695
Hutchinson	Sexual Assault and Domestic Violence Center of Reno County 1 E. 9th Hutchinson, KS 67501-2856	Marian Poe	316-665-3630
Iola	Hope Unlimited P.O. Box 12 Iola, KS 66749	Delma Rourk	316-365-7566
Junction City	Crisis Center, Inc. P.O. Box 152 Junction City, KS 66441	Sandy Barnett	913-762-8835
Kansas City	Joyce Williams Haven P.O. Box 172122 Kansas City, KS 66117	LaDora Lattimore	913-321-1566
Lawrence	Women's Transitional Care Services P.O. Box 633 Lawrence, KS 66044	Connie Burk	913-843-3333

**Member Programs of the Kansas Coalition
Against Sexual and Domestic Violence**

<u>City</u>	<u>Name, Address</u>	<u>Director</u>	<u>Phone</u>
Leavenworth	Alliance Against Family Violence P.O. Box 465 Leavenworth, KS 66048	Kay Andersen	913-682-1752
Liberal	Liberal Area Rape & Domestic Violence Services 150 Plaza Drive Liberal, KS 67901	Gretchen Loucks	316-624-8818
Manhattan	Crisis Center Inc. P.O. Box 1526 Manhattan, KS 66502	Sandy Barnett	913-539-7935
McPherson	McPherson County Council on Violence Against Persons P.O. Box 341 McPherson, KS 67460	Marge Gillock	316-241-8300
Newton	Domestic Violence/Sexual Assault Association P.O. Box 942 Newton, KS 67114	Sherry Neuhring	316-284-6920
Overland Park	Safehome, Inc. P.O. Box 4469 Overland Park, KS 66204	Sharon Katz	913-432-9300
Pittsburg	Safehouse, Inc. 101 E. 4th, Suite 214, Box 10 Pittsburg, KS 66762	Trisha Conley	316-231-8692
Reserve	Native American Family Services, Inc. Rt. 1, Box 60 Reserve, KS 66434	Nanette Roubideaux	913-742-7593
Salina	Domestic Violence Association of Central Kansas 203 S. Santa Fe Salina, KS 67401	Sam Dilling	913-827-5862
Scott City	H.E.L.P. P.O. Box 72 Scott City, KS 67871	Jan Kuhlman	316-872-2420
Topeka	Battered Women Task Force P.O. Box 1883 Topeka, KS 66601	Marilynn Ault	913-354-7927
Ulysses	DOVES of Grant County P.O. Box 563 Ulysses, KS 67880	Barbara Dye	316-356-4142

**Member Programs of the Kansas Coalition
Against Sexual and Domestic Violence**

<u>City</u>	<u>Name, Address</u>	<u>Director</u>	<u>Phone</u>
Wichita	Catholic Social Services/Harbor House P.O. Box 3759 Wichita, KS 67201	Nell Kaba	316-263-6000
Wichita	New Hope, Inc. 3033 W. 2nd, Suite 311 Wichita, KS 67203	Kevin Danler	316-942-5000
Wichita	YWCA Women's Crisis Center P.O. Box 1740 Wichita, KS 67201	Susan Farrell	316-263-7501
Winfield	Cowley County Safe Homes P.O. Box 181 Winfield, KS 67156	Marijean Cockran	316-221-7300

APPENDIX E

Agency Responses

On Wednesday, March 5, 1997, we provided draft copies of this audit to the Attorney General's Office, the Kansas Bureau of Investigation, the Office of Judicial Administration, and the Kansas Coalition Against Sexual and Domestic Violence. Those agencies' responses are included in this appendix.



State of Kansas

Office of the Attorney General

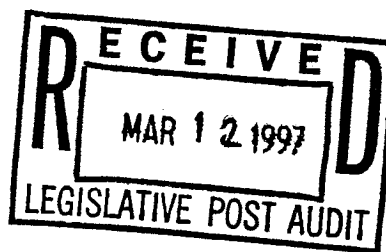
301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

March 12, 1997

MAIN PHONE: (913) 296-2215
FAX: 296-6296
TTY: 291-3767

Barbara J. Hinton
Legislative Post Auditor
Mercantile Bank Tower
800 SW Jackson, Suite 1200
Topeka, KS 66612



Dear Ms. Hinton:

Thank you for the opportunity to respond to the Post Audit Report in regard to the effectiveness of domestic violence laws in Kansas. It is my privilege to be seen as a key advocate in addressing domestic violence, or "undomesticated violence," as I believe this crime should be called---there is nothing "domestic" about a family member inflicting violence on another. I believe this report provides some recommendations which can be reviewed and developed and I look forward to working with legislators on these issues.

The laws provided by the Kansas Legislature have made an impact on the way domestic violence is viewed by the criminal justice system. The Kansas Legislature has responded by creating laws that view domestic violence as a crime and creating greater sanctions against the offender. However, I do not think that there are any laws which can be enacted to eliminate domestic violence. Only the offenders of domestic violence can stop domestic violence. Too often we have a tendency to view the victim as the person to stop the violence, when it is the offender who should be held accountable for his or her criminal behavior.

Currently funds for domestic violence programs have been provided by state and federal grants, however, stable funding remains essential. These programs provide the victim and children of domestic violence the needed safety from the violent behavior. Domestic violence programs work with victims to develop safety plans to hopefully assist and protect them from further harm.

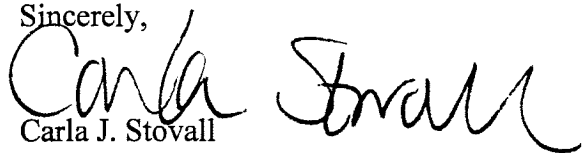
I agree with the report that more training is necessary for those working with domestic violence crimes. This past year I awarded funds from the Federal STOP Violence Against Women grant program to provide training for law enforcement officers, prosecutors, judges and court personnel and domestic violence advocates. I will continue my efforts in working with these professionals in obtaining training for working with domestic violence crimes.

In addition, I support the need to work with communities in developing a coordinated response to the crime of domestic violence. Community agencies must be sure that victims and their children are provided protection and that offenders are held accountable for their crimes. This community effort can play a vital role in addressing the crime of domestic violence, when all agencies work toward common goals and objectives.

While there is much more to be done to address domestic violence in Kansas, I believe that we have made great strides in establishing the needed laws and funds to provide protections to victims and their children.

I want to thank you and your staff for the time they took in preparing this report.

Sincerely,



Carla J. Stovall
Attorney General

CJS:jam



Kansas Bureau of Investigation

Larry Welch
Director

Carla J. Stovall
Attorney General

March 11, 1997

Barbara J. Hinton
Legislative Post Audit
800 S.W. Jackson, Suite 1200
Topeka, Kansas 66612-2212



Dear Ms. Hinton:

This letter is in response to your request for comments on the performance audit, Reviewing the Effectiveness of Domestic Violence Laws in Kansas. The Kansas Bureau of Investigation generally concurs with the findings as they relate to the reporting of domestic violence information. We appreciate the time your staff devoted to learning about the Kansas Incident Based Reporting System (KIBRS).

As the audit reflects, there is a lack of complete, reliable, and timely statistics to adequately compare the annual incidents of domestic violence. The audit identifies a number of reasons why the information is either not available or not reliable. Of those, the KBI believes that a uniform definition for domestic violence is essential to accurately report incidents throughout the state. Without uniformity the statistics will always be questionable.

The KBI is most concerned about the lack of current crime data. The Crime Data Information Center has six full-time employees with responsibilities for the KIBRS program, Missing Persons Clearinghouse, and the Sex Offender Registration File. Three of these employees are keyboard operators with responsibility for KIBRS data entry. The current staff keys an average of 13,500 reports per month. It takes 13 months to key the annual reported incidents of PART I crimes and simple assault/battery, all arrests for adults/juveniles, and contacts with children in need of care. This represents 60% of the total number of incidents reported in a calendar year. The remaining 40% isn't keyed into the system. Simply stated, the KBI does not have sufficient staffing to process the volume of reports received each year.

Recent efforts to acquire additional personnel have not been productive. In FY 1997 the KBI requested an additional keyboard operator. The request wasn't approved by the Governor and not restored by the Legislature. In 1996 the KBI applied for a federal grant through the Violence Against Women Grants Office. The KBI asked for funding to hire five special project employees to reduce backlogs and become current on domestic violence and sex offender data. The grant was not awarded.

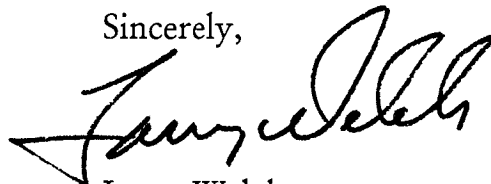
The audit recommendations suggest that the KBI should continue efforts to automate data submissions and work closely with agencies who are currently developing automated programs. The KBI concurs with both recommendations and has been working with a number of agencies who submit data via magnetic tape or diskette. Automated data is the long term solution to the management of KIBRS data.

While briefly mentioned in the audit report, it is important to note that the KIBRS program is a part of the state's plan to improve criminal history records through the statewide Criminal Justice Information System (CJIS) Project. The CJIS Project is a five year plan to replace the state's data communications network, integrate databases at the KBI, replace the Automated Fingerprint Identification System (AFIS), and provide real time access to criminal history databases by criminal justice agencies.

Under the CJIS Project, the KIBRS program is being evaluated to determine the level of automation that currently exists among agencies submitting data to the system. A parallel evaluation of the data elements being collected will identify areas where the program can be streamlined. The objective is to minimize the amount of data required to establish meaningful statistical data, while automating the submission of data to the KBI.

Thank you for the opportunity to respond to the audit report. Again, we appreciate the time and effort it required of your staff to prepare the document.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Welch".

Larry Welch
Director

LW/pjs



Supreme Court of Kansas

Kansas Judicial Center

301 W. 10th

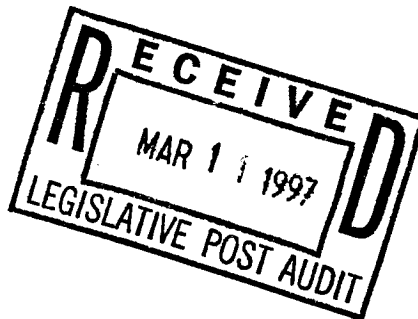
Topeka, Kansas 66612-1507

HOWARD SCHWARTZ
Judicial Administrator

(913) 296-4873

March 10, 1997

Barbara J. Hinton
Legislative Post Audit
800 SW Jackson, Suite 1200
Topeka, KS 66612-2212



Dear Ms. Hinton:

Thank you for the copy of the Post Audit Report on domestic abuse. The report raises the issue of judicial education about domestic abuse. In the past five years, our judicial education programs have included two sessions on domestic abuse. In addition, this past fall the Office of Judicial Administration worked with the Kansas Bar Association to develop a seminar on domestic abuse which was broadcast statewide to judges, clerks, and attorneys. We will continue to offer judges education on this very important subject.

Sincerely,

A handwritten signature in cursive script that reads "Howard Schwartz".

Howard Schwartz
Judicial Administrator

HS:mp

DOMESTIC VIOLENCE IN KANSAS:

A Response to the Legislative Post Audit Report -- April, 1997 **By The Kansas Coalition Against Sexual and Domestic Violence**

"Determining the effectiveness and impact of strategies, initiatives, and services on the safety, autonomy, and options for abused women and their children must be done with care and consideration. When abused women make decisions about their lives, they consider all the risks they face -- not just the risk of physical violence. Other risks ... might include arrest, danger to their children, reduction in standard of living, losing their children due to snatching, custody disputes, or allegations of child abuse or neglect, loss of or danger to family and friends. Advocates analyzing the impact of a plan or initiative must understand whether some women [and children] will be put at greater risk and must consider all the risks abused women consider" (KCSDV: State Plan, 1996 - 2001).

Thank you to Representative Candy Ruff and Senator Lana Oleen for requesting this audit, and to the Legislative Post Audit Committee for granting the resources necessary to complete the audit. And, a special thank you to the Legislative Division of Post Audit for the State of Kansas for agreeing to break new ground in performance auditing by tackling such a large process.

The Post Audit Report is the first attempt to collect information from across the state. The Coalition applauds the care, thought, and work that went into its design and implementation.

I. What Did The Audit Discover?

- Identified needs for accurate data collection to establish a base-line data set for future comparisons.
- Increased awareness about the issue of domestic violence and previous legislative initiatives.
- Identified need for training of judges, prosecutors, court service personnel, domestic violence program staff, and law enforcement.
- Identified the need for evaluation and study regarding all components of domestic violence work.
- Identified the need for entire communities to respond as a single system, not just one or two entities such as law enforcement and shelters.
- Highlighted differing professional philosophical view points which may pose barriers to a comprehensive strategy whether at local community or state level.
- Exposed prevalence of victim blaming.
- Uncovered a general misperception of who files charges, controls plea agreements, differences between battery and abuse, etc..

II. Concerns Regarding The Content of The Legislative Post Audit Report

As is often the case in any collection of information, it is not possible to include all data available. However, after meeting at length with fourteen program directors from across the state these concerns were consistently raised; (a list of participants is attached)

1. The model, "Characteristics of Victims and Offenders" (page 18) should be omitted.
 - This model is no longer used by domestic violence victim advocates. This model, based on 1960's research sought to find character deficits as the root cause of domestic violence.
 - Recent and more rigorous research challenges the notion that victims enter abusive relationships already displaying these characteristics. It is now understood that these characteristics are more likely to be the result of victimization rather than a factor in being victimized.
2. The sample of four communities chosen for in-depth interviews may not be representative of the state or the problems faced by domestic violence victims;
 - No extremely rural areas were included, nor communities from Western Kansas.
 - Programs that serve primarily minority populations were omitted, ie. Wyandotte County.
 - The audit asked respondents if they believed that victims had "fared better" since the inception of State laws in 1991. No definition of "fared better" was included with this question so that respondents answers were subjective. It cannot be determined what factors may have contributed to victims faring better. Factors other than mandatory arrest laws may also have had a substantial impact on the perception that victims are "faring better." Factors such as increased victim access to advocacy, increased access to courts, increased awareness about domestic violence in the general population which has led to more support for victims are likely to be influential in that perception.
3. Responses from program directors became inconsistent with long-time concerns and issues brought to the Coalition.

For example: Question 1 (Program Director Surveys) asked for the opinion of the director whether they believe the State's domestic violence laws have resulted in increased arrests for domestic violence. Program directors reported that they felt compelled to answer affirmatively because arrests have increased. However, directors reported that the number of dual arrests may have significant impact on increased arrest rates. Without this explanation, it appears that the "mandatory arrest" laws, have indeed, worked. The post audit report also addresses this issue of dual arrests, but its impact on victims cannot be overstated.

4. The post audit is too narrow in scope.

Domestic Violence has a critical impact on other social problems. Connections between domestic violence and other problems such as juvenile crime, child abuse, elder abuse,

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etc, are now being researched. Early conclusions indicate that domestic violence is not only connected to these other problems, but may even be one of the direct causes of on these related issues. As is mentioned in the post audit report, it is imperative to approach domestic violence from a comprehensive perspective that encompasses a broad spectrum of issues, agencies, and professions. Therefore, it is critical that any study of domestic violence in Kansas be similarly designed. It is unlikely that focusing only on laws will derive data that can direct future legislative initiatives or public policy decisions at the state and local governmental level, nor will it inform programmatic refinements at the community level.

5. Specific problems of domestic violence service programs and the Coalition are not addressed.

- Through their advocacy role, domestic violence victim service programs are one of the single greatest factors in Kansas in addressing domestic violence. Without shelters, counselling, and support, many victims would not be able to find safety or resources, learn about options available to them, gain strength from other victims, volunteers, or staff, or receive advocacy and assistance to participate in the law enforcement and criminal justice process.
- The 30 programs in Kansas are facing similar challenges as they attempt to meet the demand for services in their own service regions such as;
 - a. lack of space in shelters
 - b. old buildings, some with physical disability access problems
 - c. need for stabilization -- administrative and programmatic
 - d. need to expand programs into rural counties
- A state map of program service regions is attached.

6. The two independent sexual assault/rape programs were omitted from the audit report

- Sexual assault/rape is a commonly used tactic in abusive relationships -- both in marital and dating relationships.
- Sexual abuse is used in these contexts in the same manner as other tactics; to gain power and control over the victim. All domestic violence programs and the two independent rape/sexual assault response programs provide thousands of hours of service annually to victims of sexual assault and rape who were victimized in the context of their relationships.

III. Concerns with the "Suggested Improvements to Better Address Domestic Violence"

Suggestions from survey participants (pages 23-25) are the basis for the recommendations made by the Division of Legislative Post Audit staff (pages 26-28) of the audit report. Throughout this section, the differences between the beliefs and knowledge between victim advocates and law enforcement/prosecutors/and the courts is most apparent. However, it is worthy of note that the differences are not polarized, but that advocates add another dimension

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to the suggestions. The perspective of the victim taken into consideration with the dynamics of abusive relationships is compelling enough to assert that;

... if recommendations are developed and followed from these suggestions without further study, serious ramifications to victims may be the result.

The following is a brief discussion of the Coalition's primary concerns with these suggestions.

A. Require 24-hour jail time for offenders immediately following arrest.

- Until the issue of dual arrest is resolved and victims are no longer likely to be arrested, any mandatory "hold" may severely and negatively impact victims and their children.
- Topeka, KS already has a 48-hour hold time for arrests based on the statutory upper-time limit allowed before bond is set. Currently, it appears that no barriers exist to holding offenders. Any legislative specifications could interfere with localities that are already implementing longer "hold" programs.

B. Require bail conditions for offenders to include a "no-contact" order.

- Some jurisdictions are already using, as a condition of bond, "no-contact" orders or "no-violent-contact" orders if more appropriate. In most of these jurisdictions, the decision to drop or amend an order is made only after careful consideration of the potential danger to the victim and her/his children. Other jurisdictions are allowing "no-contact" orders to be dropped at the request of the victim without any further screening.

C. Expand the current Protection From Abuse Statute to include verbal or/and emotional or mental abuse.

- Protection From Abuse orders may be granted under the current statute when a threat of harm or abuse is made by the perpetrator.
- Emotional or/and mental abuse is virtually impossible to quantify. Considerations such as; who would be qualified to verify the existence of emotional/mental abuse and, the kind of evidence needed to support such a claim would prove difficult to legislate.
- K.S.A. 60-6301 (Protection From Abuse) is already inconsistently interpreted and enforced in different jurisdictions across the state, this change may make it even more complex.

D. Statutorily define domestic violence.

- Domestic violence is already defined in two places. First, it is clearly defined in the model policies written and distributed to all law enforcement agencies in Kansas by the Attorney General's office just after the passage of the "mandatory arrest" statute. Second, domestic violence as it pertains to the crime of battery is defined in K.S.A. 21-3412.
- Domestic violence is a complex set of dynamics and actions, some of which are criminal acts, some are not. To date, Kansas has encouraged a strong law enforcement and prosecution response to domestic violence by mandating an arrest when probable cause

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exists that a crime has occurred, and if that crime occurred in the context of an intimate relationship. Since no new crimes were created, the crime which the perpetrator may be accused of already existed prior to the "mandatory arrest law." The 1991 statutory change (K.S.A. 22-2307 and 22-2308) simply instructed law enforcement how to respond when the crime occurred in the context of an intimate relationship. The lack of a statutory definition of domestic violence should not inhibit law enforcement agencies from complying with these statutes.

E. Relax Laws regarding property damage.

- The explanation following this recommendation seems to contradict the statement to "relax the laws regarding property damage." If property damage occurs as a threat to the victim, and the law enforcement agency has defined within their policies that such a situation is a crime in the context of an intimate relationship, then arrest may be mandatory. However, program directors report arrest under such a circumstance is rare.

F. Statutorily allow an "order to appear" to be given to victims.

- There is no barrier for any jurisdiction to issue an "order to appear." Such a statute is unnecessary.
- Issuing "Notices to Appear" (NTA's) or "Orders to Appear" (OTA's) is still a controversial topic among domestic violence advocates. Advocates have, for years, asked that domestic violence be treated just like any other crime. Opponents of issuing NTA's believe that, in treating domestic violence exactly like any other crime the distinctions between the victims and perpetrators of domestic violence and other crimes is lost. Perpetrators of domestic violence, unlike other crimes, usually have physical, psychological, and emotional access to their victim. That access may result in increased danger to the victim, especially if the perpetrator does not spend time in jail.
- Proponents of issuing NTA's believe that having the victim in court to "tell her story" helps prosecution strengthen their case, thereby holding the perpetrator accountable. Additionally, it is thought that if the court makes it clear to the perpetrator that the victim had no choice it would remove the issue from being a point of coercion by the abuser.

G. Clarify the Protection From Abuse statute (K.S.A. 60-3101) limiting the time between when the abuse occurred and filing for an order.

- Such a change in K.S.A. 60-3101 would be counter to the original intention of the statute which was designed to meet the victims' need for safety, timely accessibility, and prevent economic hardship by disallowing filing fees. Recognizing the diversity of problems that bring a victim to the court for relief, the legislature prefaced the Protection From Abuse statute with "This statute should be construed liberally..."
- If an abuser is released from jail/prison after a state-imposed separation and the victim applies for a PFA months or several years after the last abusive incident, the request may be denied if this suggestion is acted upon.

Some victims are stalked for months or years after terminating an abusive relationship. At the point that the victim, law enforcement officers, or an advocate believe more stringent action

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should occur to protect the victim, a PFA may be denied based on time between the last incident and recognition of their fear of harm.

- Other victims report that after a separation or divorce, the abuser may not harass or abuse for a period of time, but that after some triggering event (child support enforcement efforts, end of abuser's relationship, etc.) the abuse/harassment may start again.
- Domestic violence does not end when a divorce, separation, or relationship termination occurs. The PFA was designed to assist victims of domestic violence, not just those who are victims during their marriage or relationship.

H. Develop new resources for victims, offenders, and children.

- The five suggestions in this section pertain to;
 - 1) providing legal assistance to victims *so they can afford to leave the abuser,*
 - 2) providing job training to victims *so they are no longer under the abuser's total control,*
 - 3) Provide counseling for victims *so they don't return to abusive situations, or don't take up with someone else who abuses them,*
 - 4) develop intervention programs designed for domestic violence offenders *to try to address their special needs,*
 - 5) provide counseling for children *trapped in domestic violence situations who have been victim of, or witness to, domestic violence.*

The above statements (as presented in the Audit Report) are separated into two parts. The section in *italics* is the portion of the statement that the Coalition members expressed concern about. Overall, each statement demonstrates the lack of understanding about domestic violence dynamics, victimization in general, and the prevalence of the problem among all population. Domestic violence has no boundaries. Any one can be a victim or a perpetrator regardless of social characteristics such as, class, race, socio-economic standing, etc.

- Each of these statements is primarily focused on the victim rather than on the perpetrator. Services to victims are critically important to their safety, emotional health and healing, and long-term achievements. Victim Services should always be central to any intervention plan or public policy considerations. Focusing on victims with the expectation that they will end violence by leaving the abuser is naive. Abusers will also continue to abuse future partners. A comprehensive community plan which merges and coordinates victim and perpetrator services with prevention efforts will be more effective.

I. Increase training and education regarding domestic violence.

- The Coalition concurs with both suggestions in this section. The only addition to the enhanced education component is to include domestic violence program staff in the list of those needing training.

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- Given the differences in philosophy/beliefs about the causes and proper response to domestic violence, and the perception about each others' roles and actual practices, it may be extremely useful for those training sessions to include all parties rather than in groups of like professions.
- Often targeted professional audiences, particularly judges, do not attend.

Increasing education about domestic violence to children, especially elementary school-aged children is critical to stemming the inter-generational passing of violent behavior. Numerous programs across the nation and in Kansas have developed specialized childrens' programs for use in shelters, schools, and community youth groups.

J. Provide additional staffing resources and jail space.

- There are three suggestions under this heading;
 - 1) increase the number of probation officers,
 - 2) increase the number of law enforcement officers,
 - 3) add jail space to handle the large number of domestic violence offenders who are arrested but don't serve time in jail because of lack of space.
- One of the first components that must be in place for a community-wide domestic violence intervention model to be successful is the ability to coordinate. Coordination cannot occur without a communication system which allows for easy access to accurate information from all key members in the intervention plan. Currently, many county and municipal courts cannot track cases because of a lack of technology, or a system to allow the transfer of information.
- When given an opportunity for law enforcement, courts, prosecutors, advocates, and prevention specialists to work together toward a common goal, creative solutions to the above mentioned problems can be found.

IV. Additional Recommendations From the Kansas Coalition Against Domestic and Sexual Violence

1. All crimes that occur in the context of an intimate relationship should be consistently recorded.
 - Currently, crimes such as arson, theft, kidnapping, rape, burglary, stalking, etc. are inconsistently reported by law enforcement agencies as domestic violence related.
2. Training of professionals should include topics such as;
 - sensitivity to victims and avoiding victim blaming
 - full understanding of the dynamics of domestic violence

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- appropriate treatment/intervention modalities
 - how to enhance prosecution efforts with victimless prosecution and using expert testimony in non-murder domestic violence cases
 - models for effectively tracking cases throughout the entire system
 - how to develop county or community wide responses
3. Shelter and domestic violence intervention programs need General revenue funds;
- capitol improvements/building funds
 - development of satellite offices in rural counties
 - technology to enhance administrative and client record functions
4. Future study of domestic violence should include;
- The connection between child abuse, elder abuse, juvenile crime, delinquency etc. and domestic violence.
 - Policy considerations should take the above listed issues into consideration so bridges can be built between them. Historically, these systems have operated as isolated units responding to separate problems, they are not. Integrated rather than separate responses may be far more effective.
5. Other studies and recommendations should be available to any policy making body.
- National research and recommendations have already been developed from The American Bar Association, American Medical Association, U.S. Justice Department, The National Council of Family and Juvenile Court Judges, National Coalition Against Domestic Violence, National Resource Center on Domestic Violence, National Center for Women's Policy Studies
 - The Kansas Coalition Against Domestic and Sexual Violence is currently compiling these reports, they should be available in the near future. Juliene Maska, State Wide Victims' Rights Coordinator in the Office of Attorney General, Carla Stovall may also have access to most of these.
 - The Coalition would be happy to summarize these documents and reports for any legislative committee that is addressing domestic violence issues.
7. The two independent sexual assault/rape service programs should be included in the audit report.
- Sexual Assault/rape is central to the issues of domestic violence.

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- Any legislative and/or policy changes should consider these crimes as part the victimization in intimate relationships when studying the issue of domestic violence.

Wichita Area Sexual Assault Center
201 N. Waters, 5th Floor
Wichita, KS 67202
(316) 263-3002
Contact: Jill Carroll

Douglas County Rape Victim Survivor Services
1419 Massachussets
Lawrence, KS 66044
(913) 841-2345
Contact: Sarah Jane Russell

V. Conclusion

The Coalition would once again like to reiterate its appreciation for the work to produce the legislative post audit report. Although this response is lengthy, it should not be construed as indicative that the Coalition has multiple criticisms of the report or it's contents, it doesn't. The central theme throughout this response is one of concern that when the report's information is accepted out of the context of domestic violence dynamics, any action, legislative changes or clarification may not yield the intended results.

What We Hope Will Come From This Audit

In addition to the specific recommendations, it is the hope of the Coalition that the debate, which will surely ensue as these initiatives are developed, will build consensus about the causes of domestic violence. Agreement will lead to the most appropriate and creative intervention methods. Without such a consensus, energy and time is spent in advocacy on behalf of victims rather than focusing on implementation of programs.

This report has been prepared by Sandy Barnett for The Kansas Coalition Against Sexual and Domestic Violence with input from program directors (Coalition members).

**Contributing Program Directors to the Legislative Post
Audit Response**

Lynn Toonan
Family Life Center
El Dorado

Patty Linsner
Family Crisis Center
Great Bend

Susan Moran
SOS
Emporia

Marian Poe
Sexual and Domestic Violence
Center of Reno County
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Jill Carroll
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Wichita

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KCSDV
Topeka

Gloria Hegge
Joyce Williams Have
KCMO

Kay Anderson
Alliance Against Family Violence
Leavenworth

DOMESTIC VIOLENCE SERVICE REPORTING FORM

Reporting period: Fiscal Year 1996
Total of Kansas Programs

Total number of victims receiving services during reporting period:

NEW		Total New Victims	CONTINUING			Total Continuing Victims	RETURNING			Total Returning Victims
			Women	Children	Men		Women	Children	Men	
12,233	4,396	17,532	3,352	2,441	39	5,832	1,114	768	20	1,902

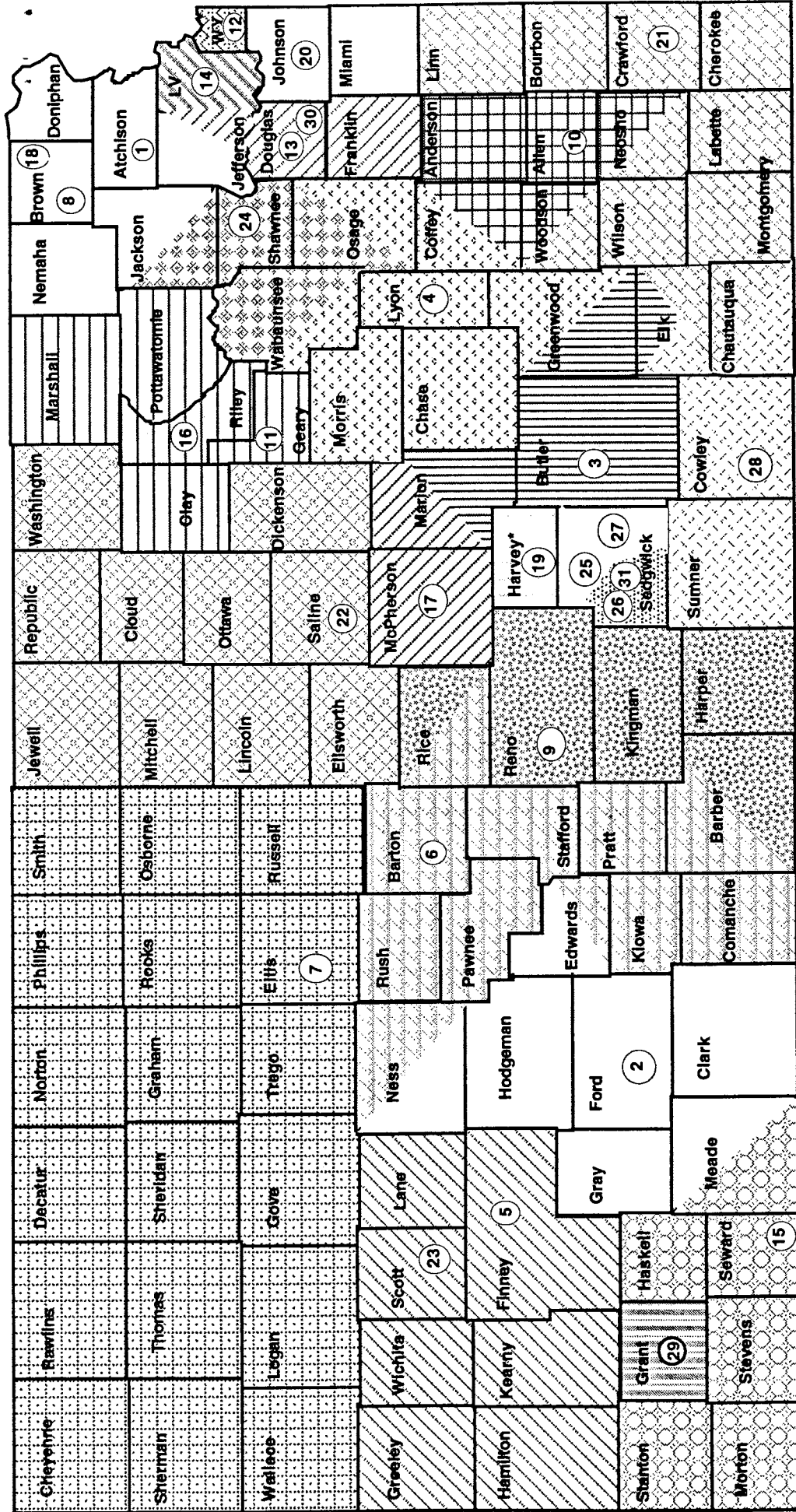
Total number of Domestic Violence victims receiving shelter/transitional housing during report period:

	NEW		Total New Victims	RETURNING			Total Returning Victims
	Women	Men		Women	Children	Men	
Shelter	1,854	2,036	3,901	285	227	0	512
Transitional Housing	25	37	62				

TOTAL NUMBER OF VICTIMS SERVICED BY:

- Counseling 34,746
- Crisis Hotline Calls 38,662
- Civil Court Advocacy 2,365
- PFA Orders 2,315

KANSAS PROGRAM SERVICE AREAS



1. DoVes, Atchison, 913-367-0365
2. Crisis Center of Dodge City, Dodge City, 316-255-6987
3. Family Life Center of Butler County, El Dorado, 316-321-7104
4. SOS, Inc., Emporia, 316-342-1870
5. Family Crisis Services, Garden City, 316-275-2018
6. Family Crisis Center, Great Bend, 316-793-1965
7. Northwest Kansas Family Shelter, Hays, 913-625-4202
8. Native American Family Services, Inc., Reserve, 913-742-7593
9. Sexual Assault and Domestic Violence Ctr. of Reno Co., Hutchinson, 316-665-3630
10. Hope Unlimited, Iola, 316-365-7566
11. The Crisis Center, Inc., Junction City, 913-762-8835
12. Joyce Williams Haven, Kansas City, 913-321-1566
13. Womens Transitional Care Services, Lawrence, 913-843-3333
14. Alliance Against Family Violence, Leavenworth, 913-682-1752
15. Liberal Area Rape and Domestic Violence Services, Liberal, 316-624-8818
16. The Crisis Center, Inc., Manhattan, 913-539-7935
17. McPherson County Council on Violence Against Persons, McPherson, 316-241-4655
18. Multi-County Domestic Violence Program, Inc., Hlawatha, 913-742-7695
19. Domestic Violence/Sexual Assault Association, Newton, 316-284-6920 *Harvey County refers clients to Butler County for shelter services.
20. Safehome, Inc., Overland Park, 913-432-9300
21. Safehouse, Inc., Pittsburg, 316-231-8692
22. Domestic Violence Association of Central Kansas, Salina, 913-827-5862
23. H.E.L.P., Scott City, 316-872-2420
24. Battered Women's Task Force Sexual Assault Counseling Prog., Topeka, 913-354-7927
25. Catholic Social Services Harbor House, Wichita, 316-263-6000
26. Wichita Area Sexual Assault Center, Wichita, 316-263-0815
27. YWCA Women's Crisis Center, Wichita, 316-263-7501
28. Cowley County Safe Homes, Winfield, 316-221-7300
29. DOVES, Ulysses, 316-356-4142 *Ulysses refers clients to Liberal, Garden City and Dodge city for shelter services.
30. Rape Victim/Survivor Service, Lawrence, 913-843-8965
31. New Hope, Inc., Wichita, 316) 942-5000

* Divided counties indicate that more than one Program provides services in that county. The division does not indicate any geographic boundaries in terms of service area.
 Update: 04/29/97

