

# **Victim Legal Assistance Network (VLAN)**



**2016-2017**

**STATE OF GEORGIA**

**IMPLEMENTATION PLAN**

# Introductions & Acknowledgements

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## DEFINITIONS

**Civil Legal Services:** *free* legal assistance to low and middle-income people who have *civil* legal needs. These problems are non-criminal; rather, civil legal aid helps people access basic necessities such as healthcare, housing, government benefits, employment, and educational services, ensure safety and security.

**Core Partner:** an agency or organization within the VLAN network that provides comprehensive, pro bono “no cost” legal assistance, and/or referrals to other legal partners.

**Direct Representation:** the delivery of direct legal services by a lawyer or legal service organization

**Legal Partner:** an agency or organization within the VLAN Network that provides civil legal services

**Network Client:** a crime victim who receives a legal or non-legal service through the VLAN network

**Non-Legal Partner:** an agency or organization within the VLAN Network that provides a non-legal service (i.e. a social service provider, shelter, etc.).

**Open Door Policy:** the concept that no network client will be turned away by a Core Partner based on service area or need. Rather, the Partner will refer the client to an agency who can better meet their needs

**Receiving Partner:** the partner whom the client is referred to, based on a needs assessment conducted by another agency

**Referral Form:** : a form filled out by the referring partner identifying basic information about the network client including what type of assistance they are seeking

**Referring Partner:** the agency who cannot assist the client with some or all of their reported needs, and provides a referral form to another agency who may be able to better meet the client’s needs

**Release of Information:** A form that authorizes the access to or disclosure of information pertaining to an individual

**SNAP:** the acronym for Supplemental Nutrition Assistance Program, a federally-funded program that provides monthly benefits to low-income households to help pay for the cost of food

**TANF:** the acronym for Temporary Assistance for Needy Families which provides monthly cash benefits along with an Employment Services component for low-income families

**VLAN or Network: Victim Legal Assistance Network**

**Warm hand-off:** refers to the process by which clients are referred to various agencies. The goal is for a referring partner and receiving partner to communicate with each other in a way that ensures the client's referral process is as simple as possible

## I. INTRODUCTION

### A. NETWORK PROJECT OVERVIEW

In the State of Georgia, access to civil legal services is hindered by limited access to legal representation, geographic and linguistic barriers, and a victim's general lack of familiarity with the resources and remedies available to him/her.

In 2014, Georgia received an Office for Victims of Crime's FY 2014 Vision 21: Victim Legal Assistance Networks (VLAN) award. The Core Partners of the state of Georgia's VLAN Grant Project are the Criminal Justice Coordinating Council (CJCC), research partner Georgia State University (GSU), Georgia Legal Services Program (GLSP), Georgia Asylum and Immigration Network (GAIN), Atlanta Volunteer Lawyers Foundation (AVLF), and Atlanta Legal Aid Society (ALAS). The initial needs assessment award was made to begin October 1, 2014 through March 31, 2016. In October 2015, the Project was extended through an implementation phase award that runs from April 1, 2016 through March 30, 2017.

Through this grant, the Core Partners developed a Victims Legal Assistance Network ("VLAN" or "Network") to provide comprehensive, *pro bono "no-cost"* legal assistance to victims of crime in the State of Georgia. Through direct services and referrals for both legal and non-legal needs of crime victims, the Network hopes to increase overall access to civil legal services and address the wide range of needs that crime victims face in the wake of their victimization.

To reach these goals, the Core Partners conducted a needs assessment, developed and supported a Steering Committee and an Advisory Committee, developed policies and protocols for the network, and begun establishing a statewide network of pro bono legal assistance providers for victims of crime in the State of Georgia. This project, funded under the Office for Victims of Crime (OVC) Vision 21 Initiative, has the potential to transform the victim-services field through a more holistic victim-centered approach and a "substantial, systematic, and sustained collaboration" of service delivery among providers.<sup>1</sup>

### B. SCOPE OF NEED

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<sup>1</sup> Office for Victims of Crime, Office of Justice Programs, Vision 21: Transforming Victim Services Final Report, NCJ 239957, May 2013, [http://ovc.ncjrs.gov/vision21/pdfs/Vision21\\_Report.pdf](http://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf) (last accessed October 27, 2015).

According to the most recent Georgia Uniform Crime Reporting Program report, 365,949 crimes were reported to Georgia law enforcement in 2014. There were 24,434 sworn police officers and 8,709 civilian law enforcement personnel in 2014. A total of 36,873 of these crimes were violent crimes. A total of 65,529 crimes were family violence incident reports and 2,091 were rapes.<sup>2</sup> If we add to these statistics the untold number of victims who are unable to report or fail to report their victimization to law enforcement or obtain civil legal assistance, the potential number of victims is staggering. In 2014 there were 579 murders in Georgia. The Georgia Domestic Fatality Review Project determined that 114 of the 2014 murders were domestic violence murders (almost 20% of all murders that year). In 2015 according to the Georgia Domestic Violence Fatality Review Project there were 139 domestic violence murders in the state which was an increase from the year before.

Research shows that civil legal services can effectively help keep domestic violence victims safe and their communities safer.<sup>3</sup> Yet, the unmet legal need in this area is staggering as well. The Georgia Superior Court Clerks Authority reports the number of victims seeking Twelve Month Protective Orders (TPOs) in Georgia in 2014 was 22,574. Untold numbers of victims who wanted legal assistance were not able to obtain TPOs because legal services agencies do not have the capacity to serve all victims and victims have very little resources outside these over extended agencies.

The Federal Trade Commission (“FTC”) states in its Consumer Sentinel Network Data Book of 2015 Georgia was ranked seventh in the nation for Identity Theft complaints at 15,230 complaints (149.1 per 100,000 population) for 2015. In that same report Georgia ranked second in the nation in the number of fraud and other complaints when compared to population. There were 123,429 of these complaints in Georgia in 2015 (1,208.3 per 100,000 population).<sup>4</sup> Victims of these fraud and identify theft are numerous in Georgia and the Network will work to include services for these crime victims. Victims of domestic violence and elder abuse can experience concurrently with other abuse this type of crime and our Network will address these victimizations as well.

Furthermore, the agencies involved in the Network already serve crime victims in Georgia, but do not necessarily gather data on this service outside of services to victims of domestic violence. The Core Partners will work to serve crime victims more fully and to provide them with appropriate referrals, legal advice, and information helpful to victims. The Network will ensure that victims of certain crimes know that they have

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[http://gbi.georgia.gov/sites/gbi.georgia.gov/files/related\\_files/site\\_page/2014CrimeStatisticsSummaryReport.pdf](http://gbi.georgia.gov/sites/gbi.georgia.gov/files/related_files/site_page/2014CrimeStatisticsSummaryReport.pdf)

<sup>3</sup> Farmer, Amy, Civil Legal Services; NLADA Report; TK Logan Kentucky study; Supporting Survivors ... The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence <http://policyintegrity.org/publications/detail/supporting-survivors>.

<sup>4</sup> <https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2015/160229csn-2015databook.pdf>

rights as a victim in a criminal case as outlined in The Georgia Crime Victims Bill of Rights at O.C.G.A. 17-15-1, et seq. (See Exhibit J)



## C. NEEDS ASSESSMENT

The research portion of the needs assessment phase has been directed by Dr. Leah Daigle of Georgia State University (GSU) with the advice and consent of the Core group. Dr. Daigle has been researching and developing a Needs Assessment by using several methods as described in the Executive Summary. The recommendations will be updated as the research and evaluation of the Implementation Phase continues. The Executive Summary of the research completed to date is available in Appendix G.

### 1. BACKGROUND ON ACCESS TO JUSTICE AND PRO BONO SERVICES

Research on the need for civil legal services suggests that adults are likely to encounter situations for which they will need civil legal services. In fact, Sandefur<sup>5</sup> found that two-thirds of adults in a mid-sized American city experienced at least one civil justice situation, such as with debt, insurance,

<sup>5</sup> Sandefur, R. L. (2014). Accessing justice in the contemporary USA: Findings from the Community Needs and Services Study. American Bar Foundation.

or employment, during the previous 18 months. Despite many people reporting civil legal needs, less than one-fourth of the individuals studied reporting seeking assistance with a third party outside of their social network with their issue. This lack of help-seeking was likely at least in part tied to the lack of defining the issue a legal need.

Beyond a basic understanding that their needs are legal in nature and thus could result in help-seeking behavior, it is also likely that people have civil legal needs that are going unmet because they are unable to pay for legal assistance. In Georgia, over 1.8 million people were living in poverty in 2013,<sup>6</sup> and the unemployment rate is above the national average.<sup>7</sup> Even those who are employed may not earn adequate wages to afford the expenses associated with hiring a private attorney. Minimum-wage full-time workers in Georgia earn only \$15,080.00 a year. This economic and well-being picture of Georgia is further complicated when the legal needs of low-income households are considered. Low-income households in Georgia experience an average of three legal needs each year. When extrapolated across all low-income households, this totals over 2 million legal needs annually for this population.<sup>8</sup>

In Georgia, low-income persons are more likely to live in rural counties than urban centers, and there are fewer attorneys available in these areas. In fact, although there is one private attorney for every 25 Georgians, there is only one legal services lawyer for every 25,000 poor persons.<sup>9</sup> More telling, six counties in Georgia, all rural, do not have any attorney residing in them.<sup>8</sup> Legal aid services and other legal services designed to assist low-income individuals can only address about 20% of the legal needs of the poor in Georgia.<sup>8</sup>

## 2. MAJOR FINDINGS

\*Please refer to the Executive Summary in Appendix G for a full list of findings

- Seventy-one percent of victim service providers indicated that victims of sexual violence or abuse have some or a lot of unmet civil legal needs, 68% indicated that victims of financial exploitation/identify theft/fraud

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<sup>6</sup> USDA (2013). Percent of total population in poverty, Georgia. Retrieved from <http://ers.usda.gov/data-products/county-level-data-sets/poverty.aspx>

<sup>7</sup> Georgia in Perspective (2013). Statistics, Trends, Facts & Figures for Key Policy Issues. Governor's Office of Planning & Budget.

<sup>8</sup> Dale, D. M. (2009). Civil Legal Needs of Low and Moderate Income Households in Georgia: A Report Drawn from the 2007/2008 Georgia Legal Needs Study.

<sup>9</sup> State Bar of Georgia Pro Bono Project (2013). A Civil Pro Bono Primer for the Young Lawyer. Atlanta, GA.

(68%), victims of stalking (67%), victims of burglary and home invasion (66%), victims of labor trafficking (64%), victims of sex trafficking (63%), homicide survivors (63%), victims of robbery (62%), victims of theft (62%), victims of false imprisonment or hostage situations (61%), victims of kidnapping (61%), and victims of child molestation or child sexual abuse (61%) have some or a lot of unmet civil legal needs.

- When asked about how important it is for crime victims to receive assistance for other needs from the agency helping them in response to their victimization, an overwhelming majority of victim service providers identified as very important that crime victims have assistance with attending hearings and trial, having a general explanation of the criminal justice system, having assistance with general mental health counseling or treatment referrals, and assistance with victims' impact statements.
- Slightly less than one-half (42%) of victim service providers indicated that their organization often assisted crime victims with securing temporary or ex parte protection orders. One-third of victim service providers said their organization often or sometimes assisted crime victims with enforcing temporary or ex parte protection orders, 38% indicated their agency often or sometimes assisted crime victims with securing permanent protection orders, 33% said their agency often or sometimes assisted crime victims with housing counseling/relocation, and 31% indicated that their agency often or sometimes assisted crime victims with public benefits cases.
- Almost all (84%) of the legal professionals who work in project partner agencies said that their organization often provides crime victims assistance with securing temporary or ex parte protection orders.
- Most (69%) victim service providers indicated that they could handle between 0 and 10% of the eligible request for civil legal services that they currently receive.
- Survey respondents also identified language barriers. Slightly more than one-fourth (27%) of victim service providers indicated that between 10% and 25% of their clients were non-English speaking or ASL. Forty-two percent of legal professionals indicated that between 10% and 25% of their clients were non-English speaking or ASL.
- FLIC Directors and Law Librarians also mentioned that there is a lack of cooperation across agencies that prohibits the comprehensive provision

of services for crime victims. Victim service providers, however, for the most part (about 60%) felt their agency was very cooperative with prosecutor's offices, and about two-thirds felt their agency was very cooperative with civil legal service providers in the county or city in which their agency is located.

- Seventy percent of victim service providers indicated that they needed training on the civil legal needs of crime victims. Most (77%) legal professionals working in project partner agencies have received informal training as compared with formal training in an educational setting (47%) on the civil legal needs of crime victims.
- Victim service providers identified several reasons that their agency does not use *pro bono* attorneys to assist crime victims with their legal needs: too few attorneys in the area, attorneys are reluctant to take these cases, and resources are not available to set up a referral. Problems identified when using *pro bono* attorneys include an unwillingness of attorneys to handle certain types of cases, problems with recruitment, language barriers, and conflicts of interest.
- Almost all private attorneys (90%) have not received any training in law school, but most (67%) indicated that they would be willing to attend a training that was focused on the civil legal needs of crime victims for continuing legal education credit.

### 3. RECOMMENDATIONS

- a. Expand services to crime victims that have the most civil legal needs** as identified through the needs assessment and that project partner agencies have expertise and ability to serve such as victims of domestic violence, sexual violence/abuse, and human trafficking. Also, expand services to crime victim types that have been identified as having large unmet needs, such as such as victims of financial exploitation/identity theft/fraud, homicide survivors, stalking, and burglary/home invasion. Identify resources in community and collaborators who can assist in providing the civil legal needs of these crime victims.
- b. Provide training on the civil legal needs of crime victims to victim service providers and attorneys**, focusing on the specific civil legal needs of different types of crime victims, the laws relating to crime victims, service delivery, and the services available to them. The training should also include information about the network and how to refer victims to services for their civil legal needs. This training should be

provided both in person and also be recorded so that can be accessed virtually. This training should account for **CLE credit** for attorneys to incentive them. **This training should encourage service providers to educate crime victims about civil legal services and to refer them to the network.**

- c. Coordinate efforts with the Access to Justice Committee of the GA Bar to **recruit attorneys to provide pro bono civil legal service to crime victims.** Provide information on the types of cases likely to handle, how to interact with crime victims and the importance in doing so, and how to coordinate providing *pro bono* service to crime victims in need of civil legal assistance. Outreach efforts on recruitment with the GA Bar need to occur.
- d. **Create an online resource for professionals providing civil legal services to crime victims that can also be used by victims.** This resource should be searchable by county and be printable. This resource should be comprehensive in nature and cover all types of resources that crime victims may need (e.g., criminal justice, mental/physical health, social services, civil legal).
- e. **Address language barriers that victims have.** Ensure that victims who speak languages other than English have interpreters as needed, access to documents in their language of choice, the online resource website is available in multiple languages, and hotlines and automated phone messages are recorded in Spanish (the language that was identified overwhelmingly as the language most often spoken by clients other than English).
- f. Develop and/or implement innovative **strategies for delivering services that utilize technology** so that transportation barriers can be overcome. Such strategies may include using Skype or other web-conferencing services, contracting with Uber or other transportation services, or hotlines.
- g. **Develop and/or implement innovative strategies for disseminating information to crime victims and service providers.** The use of videos and screen casts may be useful to instruct crime victims and providers on how to access the network, how to fill out forms, and where to go online for information.
- h. **Provide victims not only civil legal services but access to comprehensive services and referrals as needed through our legal**

**network.** Survey respondents reported that it was very important for victims to receive assistance with attending court and trial, to have the CJ system explained, and to receive assistance with general mental health counseling or treatment referrals. Such service delivery could potentially be delivered through a “one-stop-shop”, where victims could receive comprehensive care and legal services in a single locale. Victim service providers and legal professionals in project partner agencies widely endorsed referring clients to such one-stop-shops if they existed.

- i. Improve data collection efforts.** Project partners should work towards collecting data on clients that reflects whether they are seeking assistance in relation to a criminal victimization, and if so, what type of criminal victimization. In addition, efforts should be made to be consistent in collecting data on every client. There is a large amount of missing data in project partner databases, which makes it difficult to evaluate clients on some meaningful variables (e.g., outcomes, needs). Consistent data collection should be done by the network during the pilot project phase for effective evaluation
- j. Seek continuation funding for the Victim Legal Assistance Network,** as lack of resources was cited as one of the key barriers for service by all survey respondents and FLIC directors/law librarians. In addition, seek out additional funding streams for free/low cost civil legal services (e.g., grants, foundation funds), and work towards increasing fee structure that funds FLIC/law libraries.

## **II. THE VLAN NETWORK**

### **A. NETWORK GOALS**

In order to create and sustain a comprehensive, coordinated, collaborative network of free wraparound legal services that holistically addresses the full range of legal needs of crime victims in connection with their victimizations, the Network will work towards accomplishing the following goals – developed with consideration given to the recommendations from the needs assessment:

**GOAL 1: EXPAND THE DELIVERY OF CIVIL LEGAL SERVICES AND SOCIAL SERVICE AID THROUGHOUT THE STATE OF GEORGIA**

Expand services to victims not traditionally receiving services for civil legal needs across the state. Evaluate by tracking who is receiving services through the Network and the types of crimes they experience. We will compare this to data gathered using the needs assessment. Also expand provision of civil legal services in general to crime victims.

## **METHODS:**

1. Collaborate within the VLAN to problem-solve and share resources to increase the breadth of information and legal resources available to areas that may not otherwise have such access (e.g. knowledge of immigration procedures, unique methods and practices used by attorneys in some areas that may be useful to try in other areas).
  - Work to develop private attorney lists of referrals for damages actions on behalf of victims of crime, including sexual assault, domestic violence, elder abuse, and consumer criminal victimization.
  - Assist in securing Temporary Protective Orders, if eligible. Specific to AVLF, AVLF will increase direct representation of victims of domestic violence for family law matters related to making a clean and permanent break from the cycle of violence. AVLF expects to see an increase in number of cases.
2. Utilize navigators to collaborate on the many social services available throughout Georgia and connect clients to those they may not otherwise have known about.
3. Evaluate by comparing services provided by project partners year to year and also by comparing within specific pilot sites, as well as through referral forms.

## **GOAL 2: PROVIDE HOLISTIC SERVICES TO CRIME VICTIMS IN THE STATE OF GEORGIA**

### **METHODS:**

1. Recruit and partner with legal and non-legal service providers from across the State of Georgia
2. Screen for poly-victimization and develop referral process for legal and non-legal needs of crime victims
  - Screen for and obtain public benefits for victims, including TANF, SNAP, Medicaid, PeachCare, Victims Compensation, child support, division of property, transportation, and all other benefits to support financial stability of the family.
  - Maximize the financial support of victims and children of victims in all actions handled on behalf of victims in family law cases.
  - Work to maintain and improve subsidized housing for victims.
  - Assist certain populations (ex. immigrant) to file for employment authorizations cards, if eligible, so that they can find gainful and legal employment.
3. Develop a Network Referral Form to identify the various needs/services that may be required by future clients
4. Maintain an updated list of agencies and their practice areas to allow for ease of referral
5. Increase safety and security for victims of crime, including children victims of crime:

- Obtain or defend the custody rights of orders for victim parents.
- Represent the children of victims in education cases to keep them in school.
- Increase successful referrals between Network partners.

**GOAL 3: INCREASE AWARENESS AND UNDERSTANDING OF THE CIVIL LEGAL NEEDS OF CRIME VICTIMS**

**METHODS:**

1. Provide training on the civil legal needs of crime victims to victim service providers and attorneys.
  - Conduct trainings at statewide conferences whenever possible and record them to add to online resources.
  - Expand trainings to include more victim service providers, attorneys, state agencies serving victims, and law enforcement
  - Coordinate with the State Bar of Georgia, local bar association, law schools, GLSP, AVLf, ALAS, and other organizations to recruit pro bono volunteers.
  - Evaluate this training – before and after on knowledge and awareness of topics covered. Evaluation could also include knowledge and awareness post-training.
  - Incorporate and develop new and relevant training content as necessary.

**GOAL 4: INCREASE PRO BONO REPRESENTATION FOR CRIME VICTIMS WITH CIVIL LEGAL NEEDS**

**METHODS:**

1. Coordinate with the Access to Justice Committee of the State Bar of Georgia, local bar associations, existing law firm/corporate partners and others with an interest in serving crime victims
2. Conduct additional outreach efforts to recruit volunteer attorneys to work with network partners
3. Provide trainings with CLE credits to inform and prepare volunteers attorneys for pro bono work and educate on VLAN and NCVLI.
4. Maintain contact with pro bono attorneys, provide legal support and access to navigators and NCVLI's legal team, as needed.

**GOAL 5: INCREASE USE OF TECHNOLOGY FOR SERVICE DELIVERY AND DISSEMINATION OF INFORMATION**

**METHODS:**

1. Create an online web portal to share information related to civil legal services for crime victims
  - a. Core Partners will work to develop a website that provides information for victims of crime through [www.georgialegalaid.org](http://www.georgialegalaid.org) at [www.georgiacrimevictims.org](http://www.georgiacrimevictims.org)
  - b. Network partners will access a spreadsheet that includes contact information for all Network partners including information on the intake criteria and capacity of each Network partner.
  - c. Provide access to training materials, recordings and webinars through the Network section of [www.georgiaadvocates.org](http://www.georgiaadvocates.org) to pro bono attorneys and victim service providers across the state.
2. Utilize Skype/Video conferencing to conduct initial intakes for crime victims in need of immigration assistance
3. Develop and maintain an outreach and awareness plan to increase awareness of the legal issues of crime victims in Georgia that includes:
  - a. Videos and memes You-Tube, Facebook, and Twitter to spread information about the Network to victims of crime across Georgia and direct victims to its website.
  - b. Materials for outreach and education of victims of crime on their rights and steps to take to protect themselves
  - c. Creative plans for dissemination of materials.

**GOAL 6: ADDRESS LANGUAGE BARRIERS FACING CRIME VICTIMS IN THE STATE OF GEORGIA**

**METHODS:**

Network Partners will ensure that victims who speak languages other than English have their civil legal needs met by the Network and throughout the process and advocate for language access. Specific actions include:

1. Translate website into Spanish and other languages as necessary.
2. Use phone messages recorded in Spanish and English.
3. Strive to make Network resources available in English and Spanish and translate materials as necessary into other languages for victims.
4. Network partners with only English-speaking employees will use interpreters to communicate with Limited English Proficient victims of crime.
5. Network partners will attempt to hire bilingual staff when possible.
6. Represent LEP victims of crime to ensure they are provided with interpreters in all court proceedings including mediation and court programs.
7. The Network will promote the adoption of the Model Language Access Plan for Law Enforcement developed by GLSP.

8. The Network will promote the adoption of the Model Language Access Plan for Courts being developed by the Administrative Office of the Courts.
9. Core Partners and the Advisory Committee will work together to seek funding for an interpreter bank to serve LEP victims of crime in Georgia better.
10. An evaluation can be accessed through surveys and also through intake forms.

**GOAL 7: DEVELOP AND IMPLEMENT INNOVATIVE STRATEGIES FOR DISSEMINATING INFORMATION AND PROVIDING SERVICES TO CRIME VICTIMS**

**METHODS:**

1. The Network will develop a multi-level approach to disseminating information to victims and service providers. Network partners have videos available to use on the client website and on the service provider website.
2. Georgia Legal Services is working with a volunteer to develop a walk-through program for the current Twelve Month Protective Order Petition and Ex Parte Order and the Network will develop materials for outreach across the state to both crime victims and service providers.
3. Other Core Partners have discussed following suit and creating their own pertinent videos in their area of expertise and practice. The Core Partners will evaluate this idea to see if it should be integrated.
4. Using video-conferencing/Skype and researching other avenues to overcome transportation barriers that prevent crime victims from obtaining services

**GOAL 8: INCREASE CONNECTEDNESS AND COLLABORATION BETWEEN AND AMONG VICTIM SERVICE PROVIDERS AND LEGAL SERVICE PROVIDERS IN PROJECT AREAS**

**METHODS:**

1. Development of VLAN Network of legal and non-legal victim service providers and the creation of the Standing Advisory Committee.
2. Invite all victim service providers in the pilot areas into the Network
3. Participate in joint trainings to Network members, victim service providers, and court/law enforcement personnel.
4. Create a Network Referral form to streamline referrals amongst network members
5. Use web portal to identify the capacity of each victim service provider to accept new referrals and provide services to crime victims
6. Continue regular meetings of Core Partners and Advisory Committee.
7. Develop a system for partnership between GAIN and GLSP to provide immigration services using GLSP offices and remote meetings with GAIN attorneys or volunteer attorneys in Atlanta. Other partners will be invited to follow this model.

## **GOAL 9: IMPROVE DATA COLLECTION**

### **METHODS:**

1. Create/Implement a Network Referral form to help identify who is accessing services through their network, what criminal activity they are a victim of, and what other civil legal needs they may have.
2. Core partners will work together to find ways to collect more data and make the data that can be collected comparable and consistent across agencies and take advantage of data that is collected in other places by other state agencies and partners.

## **GOAL 10: WORK TOWARDS ENSURING SUSTAINABILITY OF VLAN NETWORK**

### **METHODS:**

1. Core Partners and the Advisory Committee will work together to seek continued and increased funding to serve victims of crime in Georgia.
2. Evaluate and sustain the effectiveness of VLAN Implementation Phase:
  - a. Utilize Network Referral Form to identify the legal and non-legal needs of crime victims and to capture essential data
  - b. Complete a quarterly review of best practices and protocols by the Standing Advisory Committee
  - c. Consult with TA provider, NCVLI, on other network procedure.
3. Evaluate satisfaction and perspective of attorneys and professionals working in Network through surveys

## **B. GOVERNING STRUCTURE**

### **1. CORE PARTNERS**

The Criminal Justice Coordinating Council (CJCC), research partner Georgia State University (GSU), Georgia Legal Services Program (GLSP), Georgia Asylum and Immigration Network (GAIN), Atlanta Volunteer Lawyers Foundation (AVLF), and Atlanta Legal Aid Society (ALAS).

The role of the Core Partners is to lead the Georgia Victim Legal Assistance Network, to research the holistic civil legal needs of victims of crime, to provide training to Network partner victim service providers, and to develop and implement a collaborative model plan to serve victim needs within the resources of the VLAN Project.

The Core Partners will work together to make final decisions on how the Network functions and create the Implementation Plan and Network protocols with advice from the Steering and Advisory Committees. The Core Partners will also employ and train the Network-funded attorneys and navigators, house the pilot project sites, and make changes to the Implementation Plan and Network as necessary with the advice of the Advisory Committee.

The Core Partners also served as heads of the Steering Committee subcommittees and will transition to heads of the same subcommittees for the Advisory Committee. (See Appendix X: Subcommittee Report) See Chart 1 for a graphic demonstrating the Network structure.

## 2. STAFFING



The VLAN Network is fully committed to increasing response to these unmet legal needs of crime victims in the State of Georgia. With funding from this grant, Network Core Partners have hired additional staff for the pilot project offices (see chart on page 28 for full list of additional staff). Current point persons from the Georgia Legal Services Program, the Atlanta Legal Aid Society, the Atlanta Volunteer Lawyers Foundation, the Georgia Asylum and Immigration Network and Georgia State University involved thus far with the Network intend to continue their involvement as contacts for the Network, Core Committee Members, and Advisory Committee Members.

## 3. STEERING COMMITTEE

The role of the Steering Committee is to advise the Network, help promote and expand the Network, help in the evaluation of the pilot projects, and to help design educational materials on working with crime victims for use by Network providers. The original Steering Committee was made up of twenty-four members and was launched on June 30, 2015. It included subcommittees and central issues to focus on during the planning phase (See Appendix H Central Issues and Subcommittees).

The purpose of the VLAN (Victims Legal Assistance Network) project is to develop a statewide Network to provide “no cost civil legal assistance to victims of crime to address the wide range of legal needs they may have in the wake of their victimization.” The role of the VLAN Steering Committee in the first phase of the project was to:

- (1) Advise on and contribute to the needs assessment and findings of service gaps and unmet needs;
- (2) Review and advise on policies and protocols and make related recommendations for the implementation phase;
- (3) Identify, recruit, and support pro bono legal service providers to be partners in the Network; and
- (4) Ensure that all topics addressed by the Steering Committee and its Subcommittees incorporate and is influenced by the Rural v. Urban dynamic and the critical cultural competency piece – including any implications of these concerns for service delivery models.

#### **4. SUBCOMMITTEES**

To structure the work of developing the Steering Committee's recommendations and the policies and protocols that will guide the Network's implementation phase, the Core Partner Committee identified the following Subcommittees:

- **ACCESS TO SERVICES AND TECHNOLOGY-BASED SOLUTIONS:** This subcommittee will make recommendations and advise on policies and protocols around the Network's access points, outreach to victims (including the use of "navigators"), the role of pro se resources, language access issues, and technological innovations that could meet rural victims' needs or otherwise aid the Network's efforts.
- **CULTURAL COMPETENCY:** This subcommittee will make recommendations and advise on policies and protocols to ensure that the Network incorporates best practices for cultural competency in all relevant aspects of its work. Ensuring cultural competency has implications for the training of all involved professionals, the development of pro se resources and technology-based solutions, and the establishing of access points, and is generally a theme that will run through all of the issues we address and subcommittees we form.
- **CIVIL LEGAL SERVICES AND REPRESENTATION:** This subcommittee will make recommendations around who the network will serve, both in terms of eligibility and substantive coverage, and advise on policies and protocols around the involvement of traditional civil legal service provider organizations and their staff attorneys in the Network, the recruitment, training and supervision of pro bono attorneys, the use of private contract attorneys, and any other issues directly related to the representation of victims.
- **VICTIM-CENTERED LAW ENFORCEMENT:** This subcommittee will make recommendations and advise on policies and protocols around the role of law enforcement in the delivery of services and justice to victims of crime, including training, issues around enforcement, language access issues specific to law enforcement and effective strategies for partnering with law enforcement.
- **COURT INVOLVEMENT FOR VICTIMS OF CRIME:** This subcommittee will make recommendations and advice on policies and protocols around the role of the courts and court-based services in the Network, including judicial training, the role of court-based advocates, district attorneys and solicitor's offices, and the role of the courts generally as an access point to services.

#### **5. ADVISORY COMMITTEE (AFTER MAY 1, 2016)**

The Steering Committee will transition to an Advisory Committee during the Implementation Phase. It will be made up of legal and non-legal victim service

providers and experts to continue to build the Network, aid in training its members, and continue to provide guidance to the Network on reaching its goals.

Current members of the Core Group will continue to have one representative on the Advisory Committee and will work to ensure the members of the Advisory Committee reflect the geographic and diverse population of Georgia including representatives who serve the legal needs of rural North, and South Georgia, metropolitan Atlanta, and Georgia's immigrant community at the very least. The Advisory Committee shall not have more than twenty members in total. As stated, the Advisory Committee will have only one representative from each Advisory Committee organization.

a. **ROLE**

The Advisory Committee will meet at least quarterly (four times a year) to assess the implementation of the Network, review any data collected, continue recruitment into the Network, focus on the sustainability of the Network, suggest and help develop trainings for Network partners, assist to revise the Implementation Plan and make suggestions to the Core Partners on how to better the Network as necessary.

The Advisory Committee shall also draft a Network partner guide, and provide guidance and assistance on development of language access plans for Network partners, and provide feedback and suggestions for policy development.

b. **THE CHAIR OF THE ADVISORY COMMITTEE**

The Chair of the Advisory Committee is the Project Director through the CJCC. The Chair will:

- Provide advice to the Committee;
- Help with research and evaluation of pilot projects;
- Help with training;
- Recruit civil legal service providers and other victim service providers into the Network;
- Promote Victim Outreach; and
- Aid in sharing information and resources with victim service providers, including law enforcement agencies and criminal legal service providers.

**C. NETWORK MEMBERSHIP**

The success of the project is wholly dependent on creating a network of providers who are willing to collaborate and coordinate to better serve the legal needs of victims. This section addresses who can join the Network and what the benefits of the Network will be for members.

**a. LEGAL PARTNERS**

The Network's overarching goal is to provide free no-cost holistic legal services to crime victims and referrals for legal services not provided by the Network. Therefore, the Network members must include those agencies and organizations which together can provide the broadest possible spectrum of free legal services to crime victims seeking to recover from victimization. These legal service providers are called Legal Partners. Legal Partners will provide crime victims direct legal services and refer victim clients to fellow Network partners by using the Network referral form. These providers may include (but are not limited to) some of the following groups: legal aid organizations, non-profit organizations with licensed attorneys on staff, pro bono programs operating within local or specialty bar associations, and County and District Attorney Offices.

**b. NON-LEGAL PARTNERS**

Although the Network's primary focus will be the provision of civil legal services, non-legal service providers also play a pivotal role in the operation of the Network. These providers, called Non-Legal Partners, will serve as a major referral source in connecting crime victim clients with the Network's Legal Partners for civil legal services. Additionally, they will also receive referrals from fellow Non-Legal Partners and Legal Partners of victim clients who may be eligible for and benefit from services of other Non-Legal partners. These Non-Legal service providers include agencies and organizations which provide services solely to crime victims such as rape crisis centers, domestic violence shelters, social service agencies and victim assistance offices affiliated with law enforcement and prosecutor's offices. These Non-Legal service providers also include those agencies and organizations which provide services to victims within vulnerable populations like the elderly, the homeless, children, veterans, immigrants and the LGBTQ community. They may include various government offices such as the Division of Family and Children's Services and Department of Human Resources offices around the state of Georgia, the Georgia Attorney General's Office of Consumer Protection, and local branches of federal or state offices like the Federal Bureau of Investigation or the Georgia Bureau of Investigation.

**c. JOINING THE NETWORK**

Providers can become part of the Network by requesting to join the Network through the *GeorgiaAdvocates* website through its Online Justice Community and completing a survey once approved to add the information of the new partner to the Network database. Once a part of the Online Justice Community VLAN section each provider will provide basic information including service area, eligibility for service requirements, services provided, capacity for handling cases, the name and contact information for an employee to serve as the Network contact for the provider and a fax number or email address to be used for Network referrals. This information allows us to map the services available

in the area and verify that the provider is a legitimate agency/organization and provides the services listed. That list of services will be available to all other partners in the Online Justice Community through the *GeorgiaAdvocates* website link to the Network database. Partners will be able to update their Capacity information on the spreadsheet as often as it changes.

The Network website for partners is: [www.GeorgiaAdvocates.org](http://www.GeorgiaAdvocates.org). The spreadsheet for partner information and on which to share capacity information is linked to the “Victim Help” tab in a folder labeled “Capacity and Intake Information.”

To join the Network, Partners will be asked to take the following steps:

**Step One:** Fill out the form to populate the spreadsheet with the intake criteria and contact information of the partner.

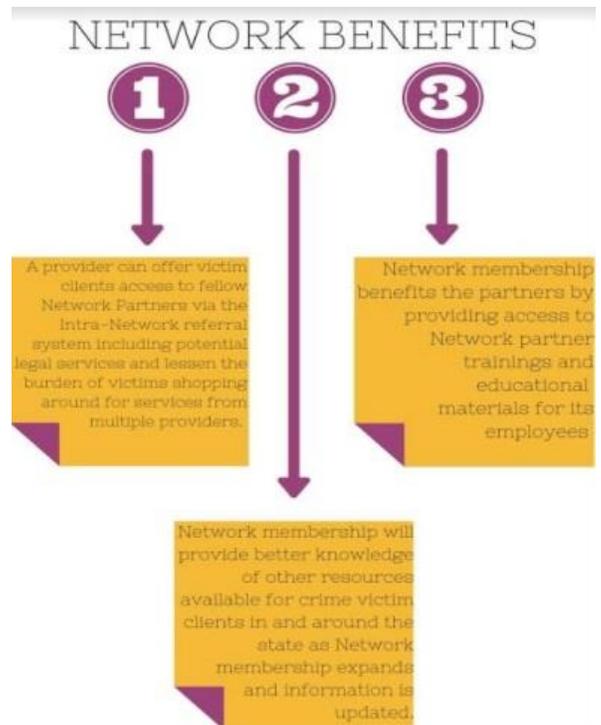
**Step Two:** Keep the “Capacity” section updated as often as capacity changes in the office. Instructions are on [www.GeorgiaAdvocates.com](http://www.GeorgiaAdvocates.com). Also update other information in the spreadsheet as it changes. Partners will have access to edit information in the spreadsheet.

Network website for client resources and information:

[www.georgiacrimevictims.org](http://www.georgiacrimevictims.org)

#### d. NETWORK BENEFITS

Providers will reap three main benefits from joining the Network. First, as a Network partner, a provider can offer victim clients access to fellow Network partners via the Intra-Network referral system, including potential legal services, and lessen the burden on victims of shopping around for services from multiple providers. Second, Network membership benefits the partners by providing access to Network partner trainings and educational materials for its employees. Finally, Network membership will provide better knowledge of other resources available for crime victim clients in and around the state as Network membership expands and information is updated.



## **D. INTRA-NETWORK INFORMATION SHARING**

Each Network partner will have a GeorgiaAdvocates account. Each partner access the database so that it can be populated with each organization's information and capacity information can be kept up-to-date. This information should help Network partners to make more effective referrals and help the navigators make a warm hand off to organizations with the capacity to help the victim. The Network will use a victim-centered approach to services, take steps to avoid breaching confidentiality or waiving privileges that protect clients, and will respect a client's choices on privacy as the law permits.

## **E. NETWORK REFERRAL: PRESCREEN INFORMATION AND NETWORK APPLICATION**

Core partners, in conjunction with members of the Steering Committee, have developed a two-step Referral Process for cases entering/receiving services from the VLAN Network. (See Appendix B for Flow Chart for Intra-Network Referrals).

### **1. PROCEDURE**

The process is designed to safeguard both victim privacy and the partner's ethical duties and will begin with a victim applying for services at any Network Partner Agency. If that Network Partner, following an evaluation of the victim's needs, determines that another partner agency offers the service matching the victim's need, the Network Partner will send the referral to the appropriate Network Partner Agency. The Navigator or individual making the referral (i.e. the Referring Partner) will provide a warm hand off to the agency receiving the referral (i.e. The Receiving Agency). The Receiving Agency will then confirm receipt of the referral and its capacity to accept the referral.

The goal is to make effective referrals instead of simply handing the victim a list of local agencies/resources or referring them to an organization that does not currently have the capacity to accept the victim's case.

Once the receiving Legal Partner reviews the information, the partner will send notice to the Referring Partner indicating whether the referral is accepted or rejected. If the referral is accepted, the Legal Partner will fully screen and assess the victim's eligibility for services.

If, however, the Receiving Partner determines that the referred applicant presents a conflict or is ineligible for services, the Referring Partner will be notified so that they refer the victim to another Network or local resource.

## **2. CAPACITY AND ACCEPTANCE**

As discussed earlier, resources are limited and Network implementation cannot fully address the lack of resources for legal services to crime victims. Each Network partner will be providing services in accordance with its individual priorities in mind. Therefore, an Intra-Network referral to a Legal or a Non-Legal Partner cannot guarantee that the victim applicant will receive services. To avoid excessive referrals that cannot be handled by Legal Partners, the Legal Partners will provide information to the Network outlining their case acceptance criteria and capacity for the purposes of Network referrals. The tracking of Legal Partner priorities will help manage the expectations of all partners, particularly the Non-Legal Partners.

Partners will update their capacity via the Capacity and Acceptance Criteria page of the VLAN Network's website. They will indicate whether they are accepting certain types of cases and/or when the agency expects to have the capacity again to take new cases. See Appendix I for a Sample Capacity and Acceptance Criteria Form.

Although the overarching goal of the Network is to create a collaborative and coordinated Network to holistically address the legal needs of victims, the Network must never oversell itself or it may risk losing legitimacy before implementation is complete. Over time, we believe the Network will expand direct services through the re-allocation of resources currently used on duplicated services. However, this expansion is a long-term process. In the meantime, we must temper Network partner and crime victim applicant expectations by providing a realistic picture of what the Network Legal Partners can do in the short-term. The Network will offer other services to benefit both crime victims and victim service providers that will be unaffected by case acceptance priorities.

The main objective for this implementation component is to create a referral system wherein a crime victim is only required to apply for legal services once and will benefit from the services of a diverse group of legal and non-legal service providers.

## **3. REFERRAL/RELEASE FORMS**

In order to facilitate the in-Network referrals, partner organizations will use the Network Release of Information and the Referral Form developed collaboratively by the Civil Legal Services and Representation Subcommittee and approved by the Core Partners (See Appendix D, E).

Prior to making an Intra-Network Referral, the Referring Partner will obtain a Release of Information from the victim to authorize the sharing of information contained in the Referral Form with partner agencies. This consent will allow the victim applicant to designate whether or not they authorize the sharing of their information with Network partners for legal services and/or non-legal services

After obtaining the Release of Information, the Referring Partner will complete the Network Referral Form which includes certain basic information needed by the Receiving Partner to conduct conflict checks and/or make an initial assessment of the victim's eligibility for services.

The Referral Form was developed with an eye toward the significant value it would have from a data collection and research standpoint. To that end, the Network will have a protocol in place for the sharing of redacted information with our research partner. The form was developed as a fillable PDF to aid in redacting confidential information.

Accepting the referral form is the first step of eligibility determination and indicates willingness on the part of the receiving agency to fully screen the victim for eligibility and inform the client of their decision. It does not constitute a commitment to ultimately accept the case for representation.

#### **4. MANDATED REPORTING**

When referring to a partner agency that employs individuals who are mandated to report suspected child abuse to Child Protective Services, the referring partner will be careful to explain that "the Receiving Agency" may not be able to keep as much of what a client reports confidential, and will get a written consent before making a referral except in the case of an emergency when verbal consent for a referral will be sufficient. Receiving partners who employ individuals who are mandated to report suspected child abuse will fully inform clients of this obligation before accepting any information from an interview with a referred client.

#### **5. CONFIDENTIALITY AND PRIVILEGE**

Legal Partners will follow the rules of attorney/client confidentiality and of confidentiality of client information under Georgia Rules of Professional Conduct 1.6 as well as all Georgia Rules of Professional Conduct and all rules governing attorneys in Georgia when working within the Network and making referrals to Legal and Non-Legal Partners.

#### **6. DEALING WITH A LEGAL CONFLICT**

Some potential clients will be both a survivor and a perpetrator of a crime and sometimes a perpetrator will attempt to create a conflict with available legal service providers for a survivor or victim. In all cases the Network will strive to serve a person who is the victim or survivor of a crime and not the person who perpetuated a crime – while making sure to keep the reason they cannot accept a case confidential.

In order to avoid potential conflicts of interest, Network Partners will:

- Conduct their own internal conflict check.

- If a potential legal conflict exists, the partner will give that applicant the direct phone number of a navigator from another partner agency unless there is not another agency handling cases in that area.
- If there is not another partner serving the area the partner receiving the initial call will refer the client to the local bar association.
- The partner will not give further advice in the event of a legal conflict and will not elicit more information than is necessary to complete a conflict check.

## 7. PRIVACY

Partner law firms will follow Georgia law on privacy of information for applicants and clients.<sup>10</sup>

### III. THE PILOT PHASE

The Core Partners and Steering Committee concluded that the solutions to providing increased and better services to crime victims must vary by whether the victim lives in an urban or a rural region of Georgia. All providers already serve all types of crime victims, but previously only kept data on the cases for domestic violence victims. For example, the Atlanta-based portion of the Network, given the concentration of lawyers and large law firms, may be better positioned to increase service delivery capacity through the use of volunteer attorneys. The same approach may be significantly less available in rural communities, where the private bar and pool of volunteer attorneys is small to non-existent. Accordingly, the Pilot Phase of the Project will consist of – and test – two distinct service delivery models, specifically fashioned to address the distinct barriers to holistic services that exist in the respective regions.

Core Partners have hired or will hire VLAN navigators and attorneys into new positions as full time employees as outlined in the following table:

<b>Core Partner</b>	<b>Office Location</b>	<b>New Position Funded</b>	<b>In place/Hiring</b>
GLSP	Dalton	Attorney	In place
GLSP	Central Office & Dalton	(2) Navigators	In place
GLSP	Brunswick	Attorney	In place
AVLF	Safe Families Office, Atlanta	Attorney	In place
AVLF	Safe Families Office, Atlanta	Navigator	In place
GAIN	Atlanta	Navigator	In place
GAIN	Atlanta	Attorney	Hiring as needed
ALAS	Downtown Atlanta	Navigator	In place

<sup>10</sup> Add citation

- **URBAN PILOT PROJECT**

The core implementing partners for the urban pilot will be the Atlanta Legal Aid Society and the Atlanta Volunteer Lawyers Foundation. The Urban Pilot Project will have the following four components:

- i. Supporting access, increasing services;
- ii. Improving access to and coordination of existing services;
- iii. Increasing the capacity to deliver critical legal services; and
- iv. Improving crime victims' understanding of the criminal process by referrals to and active engagement with District Attorney and Solicitor General Offices of Victim's Assistance.

**The Atlanta Volunteer Lawyers Foundation (AVLF) and the Safe Families Office:**

The Atlanta Volunteer Lawyers Foundation (AVLF) is the largest provider of pro bono legal services in Greater Atlanta, inspiring volunteer lawyers to fight for justice on behalf of thousands of low-income Atlantans annually. Founded in 1979 by a diverse group of leaders in Atlanta's legal community, AVLF has leveraged the full power and resources of this metropolitan area's legal community for more than 35 years to provide education, advocacy and representation at no charge to families with basic civil legal needs.

The cornerstone of AVLF's Safe and Stable Families Project is the Safe Families Office. Located in a former courtroom in the Fulton County courthouse, it is Georgia's only lawyer-staffed, courthouse-based resource for victims of intimate partner abuse. Lawyers, paralegals and law students trained by AVLF in the law and psychology of domestic violence offer legal consultation, advice, direction, and when necessary direct representation in their effort to secure Protective Orders, the highest protection offered by the law for a victim and family. In each year of its operation the Safe Families Office has given direction, advice and/or representation to least 1,800 visitors annually and the American Bar Association has honored the Safe Families Office as a national "Best Practices" model.

**The Atlanta Legal Aid Society:**

Atlanta Legal Aid was founded by a group of prominent Atlanta lawyers in 1924 to provide free legal services for those who could not afford to hire a lawyer. For over ninety years, ALAS has helped its clients deal with some of life's most basic needs—a safe home, enough food to eat, a decent education, personal safety, and protection against fraud. ALAS serves clients in Clayton, Cobb, DeKalb, Fulton, and Gwinnett counties in Georgia. In 2014, Atlanta Legal Aid provided legal advice and representation to over 22,000 clients in the five-county service area, including over 4000 victims of domestic violence in protective orders and other family law matters, and also consumer, housing and

employment matters. Over one-third of all cases handled involve family law matters, including stopping family violence and obtaining custody and financial support for women raising children on their own.

Atlanta Legal Aid and AVLf enjoy a strong collaborative relationship. AVLf was founded in response to the need to coordinate and promote pro bono efforts in Fulton County to complement the services being provided by Legal Aid. For every year since its inception in 1998, ALAS and AVLf have jointly worked on the “Legal Services to Victims of Family Violence Project” grant from the State of Georgia to provide assistance to victims of violence in Fulton County. Atlanta Legal Aid’s role in this proposal will be to support access and increase services in metro Atlanta areas not served by AVLf, through partnerships and direct representation in protective orders and to increase the capacity to deliver critical legal services by handling complex family law, housing, employment and other law issues. Its experienced attorneys have the expertise needed to handle cases that are outside of the scope of AVLf’s staff and volunteer attorneys.

#### **1. SUPPORTING ACCESS AND INCREASING SERVICES THROUGH THE STANDING WITH SURVIVORS INITIATIVE PILOT**

For victims of domestic violence, making it to the door of the Safe Families Office – or that of any other service provider – takes incredible strength. For survivors who take that stand to break free from violence, legal representation is critical. For many, however, more support is needed in order to take full advantage of the legal support offered and to move closer to true independence and safety.

To test the best ways to provide that additional support, AVLf’s Safe Families Office will serve as one of the designated sites for the urban pilot. Safe Families Office staff will be augmented by a Network Staff Attorney and a full-time Network Navigator. Together with Network partners, these new Network staff will support AVLf’s pilot Standing with Survivors Initiative, which will: 1) support better access to and coordination of existing services, and 2) increase the capacity to deliver critical legal services through leveraging the work of volunteer lawyers.

Atlanta Legal Aid will also have a navigator to coordinate and support its work and its partnership with the Network. Atlanta Legal Aid’s staff in its 5 county service area will be augmented by a part-time Network Navigator who will work with Network partners to test the best ways to provide additional support to survivors. Atlanta Legal Aid also has partnerships with court staff, other victim advocates and volunteer bar associations in Clayton, Cobb, Gwinnett and DeKalb Counties. Its staff attorneys will work with partners to provide additional sites for the urban project to assist victims with obtaining temporary protective orders, U-Visas and handling other relevant legal matters.

## 2. THE NETWORK NAVIGATOR: SUPPORTING BETTER ACCESS TO AND COORDINATION OF EXISTING SERVICES

The Standing with Survivors initiative's dedicated Network Navigator will work in tandem with the rest of the AVLF staff and the Network partners to provide support that is as holistic as possible to clients of the Safe Families Office.

The first aspect of the navigator's role will be in her or his capacity as the AVLF contact for the Network. In this capacity, the navigator will be responsible for:

- Receiving and sending referrals from Network partners using the Network referral form;
- Maintaining data for the VLAN pilot project for further research by Network-partner researchers;
- Cultivating, building, and maintaining relationships with community resources, in particular with the Network partner agencies;
- Updating the AVLF criteria and capabilities for accepted cases through the *GeorgiaLegalAid* website and reviewing the capacity and acceptance criteria of the Receiving partner before making a referral of a client; and
- Conducting intake and assessments to identify other client needs, including need for additional related legal services to be provided by AVLF's Network Staff Attorney and referrals to other providers through the Network.

The second focus of the AVLF navigator will be the removal of all the barriers clients face before a final hearing to secure a long-term protective order, participating in other subsequent hearings related to any additional legal services being provided, or otherwise completing the difficult process of breaking the cycle of violence. That support may take the form of:

- Regular contact and encouragement with the victims being served by the Safe Families Office.
- Arranging for related ancillary support such as transportation assistance.
- Addressing barriers to full engagement in client's own legal case and assist client with navigating the civil legal system as it relates to her or his victimization.
- Using expanded knowledge of resources to serve as link between the victim and AVLF's other programs and other community resources.
- Providing crisis intervention, advocacy and supportive counseling, as appropriate.
- Maintaining accurate, up-to-date client records.
- Otherwise assisting and empowering the clients of AVLF's domestic violence-related legal services to obtain true safety and independence as they break away from the cycle of violence.

Atlanta Legal Aid's Navigator will assist clients in other metro-Atlanta counties with accessing non-legal support services needed to break the cycle of violence and serve

as the Atlanta Legal Aid contact for the Victims Legal Assistance Network (VLAN). In this capacity, the Navigator will be responsible for:

- Receiving and sending referrals from Network partners using the Network referral form;
- Maintaining data for the VLAN pilot project for further research by Network-partner researchers;
- Cultivating, building, and maintaining relationships with community resources, in particular with the Network partner agencies;
- Updating the Atlanta Legal Aid criteria and capabilities for accepted cases through the *GeorgiaLegalAid* website and reviewing the capacity and acceptance criteria of the Receiving Partner before making a referral of a client; and
- Conducting intake and assessments to identify other client needs, including need for additional related legal services to be provided by Atlanta Legal Aid's staff and referrals to other providers through the Network.

### **3. INCREASING THE CAPACITY TO DELIVER CRITICAL LEGAL SERVICES THROUGH THE NETWORK STAFF ATTORNEY AND THE LEVERAGING OF VOLUNTEER LAWYERS**

Through the free legal support and safety planning available at the Safe Families Office, a large majority of visitors who decide to seek a Protective Order are successful in obtaining that Order. However, many victims must thereafter address legal issues that arise as a consequence of their decision to stand up to their abuse; the legal services to address those issues, however, are rarely available to those who cannot pay. The final pillar of support to be deployed through the urban pilot, therefore, is intended to be even broader, working to address all the related civil legal needs that the survivor faces on the path toward truly breaking free.

To that end, the ALAS staff attorneys and AVLF's Network Staff Attorney will personally provide – and recruit, coordinate and supervise pro bono attorneys to provide – representation for family law matters directly related to making a clean and permanent break from the cycle of violence. Areas of representation could include:

- Child support establishment and enforcement;
- Custody disputes;
- Legal representation for contempt proceedings for the enforcement related to any of the above;

Additionally, those attorneys will refer clients to the Victim's Assistance Offices of the Solicitor General or District attorney for various needs relating to their criminal cases, if applicable, including but not limited to rights enforcement in criminal proceedings. ALAS staff attorneys and volunteers will additionally provide representation in other areas needed to make a clean and permanent break from the cycle of violence, such as housing, unemployment and consumer law matters.

Drawing on the unique strengths and resources available within the Urban Pilot site's geographic location, the focus of ALAS and AVLF will be to coordinate the provision of free, high quality legal representation by experienced family law practitioners to those asking for custody of or support for their children or seeking a divorce from their abusers.

To that end, AVLF has already begun the process of recruitment, and a significant segment of Atlanta's domestic relations bar has committed to taking on family law cases through this initiative. ALAS has long standing relationships with the private bar in other metro-Atlanta urban centers, such as Decatur, Marietta, Lawrenceville and Jonesboro, who are committed to taking family law cases for victims of domestic violence. ALAS staff attorneys and AVLF's Network Staff Attorney will administratively pair clients who have secured a protective order and who now face custody, support or divorce concerns with a volunteer domestic relations lawyer who will directly, and at no cost, represent the victim in the family law matter.

Throughout the direct representation, Atlanta Legal Aid and AVLF offer support and involved supervision, which can include full participation in client meetings, trial preparation, and actual participation in Court hearings. As needed, the Atlanta Legal Aid staff or the AVLF Network Staff Attorney will also directly represent clients in these matters.

For the myriad of other legal issues a survivor may face – landlord-tenant disputes, employment and unemployment issues, public benefits, immigration law, debt-defense and bankruptcy – the AVLF team will work to actively link the client to AVLF's other programs – which can address landlord-tenant, unpaid wage or bankruptcy cases – or to those of the Network partners in the community. ALAS staff, when appropriate, can address landlord-tenant, housing, unemployment, bankruptcy and other legal issues. Where there are unmet needs, AVLF and ALAS will work with the Network and other pro bono partners to explore developing new aspects of the Standing with Survivors Initiative in order to answer that call.

Relatedly, relevant ALAS and AVLF staff will also be trained by Core Partner, GAIN (Georgia Asylum Immigrant Network) to identify and refer immigration issues to protect immigrant survivors who need U or T visas, VAWA Self-Petitions, or other immigration relief. AVLF VLAN staff will facilitate referrals to GAIN as needed.

Finally, the Network Navigator will stay in touch with the Network clients throughout the provision of the additional legal services to increase the likelihood of success by facilitating access to other resources such as counseling, safety-planning and shelters, and transportation. Moreover, once the representation is over, the navigator's sustained contact with the victim will allow the Network to better measure the effectiveness of the program and the real-life outcomes for the client.

#### 4. URBAN PILOT: CONCLUSION

The Network believes that, taken together, the support provided through the Urban Pilot will make the critical legal support traditionally provided – as well as the additional services facilitated by the Network – more likely to “stick” and make a meaningful difference in the lives of survivors and their children.

Moreover, the full-time job of AVL’s staff is the recruitment, engagement, training and supervision of the private bar’s pro bono work – annually leveraging approximately \$2.5M in donated attorney hours to support its programs. By tapping this expertise, the Network is confident that in the Urban site, there is real potential for a cost-effective “force multiplier” that can significantly expand the services provided by AVL and ALAS for a relatively small investment in Network staff.

#### • RURAL PILOT PROJECTS

The Georgia Legal Services Program provides civil legal services in the 154 counties outside of metro Atlanta. GLSP has ten regional offices in larger cities where attorneys circuit ride out to rural counties to meet and represent clients where they live. GLSP has offices in Albany, Athens, Augusta, Brunswick, Columbus, Dalton, Gainesville, Macon, Savannah and the Piedmont area. For the past 45 years, GLSP has been providing civil legal services to victims of crime, including victims of domestic violence, sexual assault, stalking, and dating violence. GLSP also represents victims of elder abuse. Through our Elder Legal Services and Ombudsperson programs, GLSP provides legal representation for elder victims of abuse, neglect, and financial exploitation.

##### a. RURAL PILOT SITE LOCATIONS:

Georgia Legal Service’s Dalton Regional Office covering the following counties: Catoosa, Chattooga, Dade, \* Murray,\* Walker, Whitfield (all ages) Bartow, Fannin, Floyd, Gilmer, Gordon, Pickens (Seniors over 60) and its Brunswick Regional Office covering the following counties: Appling,\* Atkinson, \*\* Bacon, \*\* Brantley, \*\* Camden, Charlton, \*\* Clinch,\* Coffee, Glynn, Jeff Davis,\* McIntosh,\* Pierce,\* Ware, Wayne

\* Between five (5) and twenty (20) attorneys in the county \*\*Less than five (5) attorneys in the county

Both are isolated areas (one in North Georgia and one in South Georgia) where legal access is stretched to its capacity and additional civil legal service resources are desperately needed.

**b. BARRIERS TO SAFETY**

While domestic violence leads to struggle for all victims, rural victims often face unique barriers to safety. Most rural areas lack the resources survivors need, including shelters, DV agencies, affordable childcare, housing, or jobs. Transportation is a unique barrier in rural communities that cover vast areas and provide little to no public transportation. Rural victims also face the lack of access to healthcare and more entrenched areas of poverty. Finally, there are fewer private attorneys to offer pro bono services for victims of domestic violence or elder abuse. In GLSP's service area, primarily in South Georgia, there are 60 counties with fewer than ten attorneys.

GLSP's Project Sites to Provide Civil Legal Services to Victims of Crime: GLSP proposes to operate pilot projects out of two offices in northern and southern Georgia from our Dalton and Brunswick offices where the legal needs of victims often go unmet. Dalton GLSP serves 12 North Georgia counties with more than 56,000 potentially eligible clients. The office has had a special focus is on reducing poverty by representing victims of domestic violence, assisting clients to obtain financial benefits, increasing services to senior citizens, and serving Spanish-speaking clients. Dalton houses a Long-Term Care Ombudsman project, Elder Law project, a Spanish-speaking attorney, and a Spanish Intake Project paralegal. Dalton has had inordinate success in collaborating with domestic violence community providers. This small office has one of the highest percentages of success in serving domestic violence survivors with current resources. The Brunswick GLSP office serves 14 counties with more than 75,000 potentially eligible clients in the Brunswick/Waycross area. The focus in Brunswick is representing victims in protective order cases and helping clients retain or obtain financial resources. Yet, the needs of many go unmet for the reasons outlined here.

**c. PROJECT ATTORNEYS**

The VLAN Rural Project will place an attorney in both of these offices to provide holistic legal representation in protective order, divorce, custody, support, visitation, and legitimation defense cases. Only OVC approved services will be provided with OVC funding and other services provided to victim clients will be provided using non-OVC funding. If OVC changes its rule on using VOCA funding for representation of victims in divorce cases, then project attorneys will use project funds to represent clients in divorce cases. Attorneys will use best practices to assure zealous legal representation to protect victims, their children, their homes, and their financial resources. The attorneys can also file contempt actions to enforce orders when the abuser fails to comply with the order. The attorneys will be trained by Core Partner, GAIN (Georgia Asylum Immigrant Network) to identify and refer immigration issues

to protect immigrant survivors who need U or T visas, VAWA Self-Petitions, or other immigration relief. The VLAN attorneys in the two outlying rural areas will make arrangements in the GLSP office so that clients who need immigration assistance can be interviewed by phone or by Skype or other technology directly by a GAIN attorney in their own communities without having to travel the 3-4 hours to Atlanta.

Research and our years of experience show that without the financial resources to support themselves and their children, victims are often forced to return to violent households. GLSP will develop our pilot projects to provide holistic legal services that include a financial safety plan for each client. Survivors will be screened and evaluated for benefits that can increase family income to foster financial independence from the abuser. GLSP's VLAN attorneys will assure that every victim of crime client is assessed for Medicaid, PeachCare, and ACA healthcare eligibility. We will assure that eligible survivors who need and want benefits are enrolled in and receive TANF and SNAP/food stamp benefits, child care assistance, transportation, and energy assistance. Clients will be advised about the TANF and Medicaid Family Violence exemption so that they can receive benefits without disclosing abusers when to do so would put them at greater risk.

GLSP's VLAN lawyers in the two pilot areas will also be trained and able to assist victims of elder abuse and financial exploitation. GLSP can assist elder victims of crime by referrals to county District Attorneys' offices, adult protective services, and the Ombudspeople and use the legal system to protect themselves, their assets, and their eligibility for Medicaid.

GLSP's VLAN Project attorneys will also collaborate with and build the relationships that are essential to assuring project success. Many communities develop and nurture relationships through a community taskforce that looks at the needs of survivors in their area and bands together to address those needs.

#### **d. NETWORK NAVIGATORS**

GLSP will hire and train two VLAN Network Navigators to provide navigation services to the victims of crime who contact GLSP for assistance. The navigator will be a guide the victim through the myriad of services and providers that can serve their needs. The navigator will also serve as the contact person to make and receive warm handoffs for victims from project partners and the community.

The Network Navigators will maintain contact with the client throughout the provision of the additional legal services to increase the likelihood of success by facilitating access to other resources such as counseling, safety-planning and shelters, and financial security through benefits available to the survivor and her family.

\*Please see Appendix P for full job description for the GLSP Navigator

#### **e. RURAL PILOT: CONCLUSION**

The GLSP VLAN Project will use the lessons learned from the needs assessment and the resources provided to increase services and improve best practices across the state in providing civil legal representation to survivors of domestic violence, sexual assault, stalking, dating violence, elder abuse and exploitation, and identity theft. GLSP will take advantage of the network of core and community partners to ensure that survivors receive the wraparound services critical to achieving independence and flourishing in new lives free from violence or crime. GLSP will help to facilitate communication between victims needing immigration services and GAIN through the Network Navigators described in the next section.

#### **• IMMIGRATION COMPONENT**

The Georgia Asylum and Immigration Network (GAIN) will serve as the immigration service provider and support both the urban and rural pilot sites.

Born from the collective concern of passionate Atlanta lawyers and law firms, GAIN was created in 2005 to increase access to legal representation for asylum seekers in Atlanta. The founders of the Atlanta Bar Asylum Project (ABAP) sought to train volunteer attorneys to represent asylum seekers, and to provide a screening, mentoring and referral mechanism for asylum cases. In 2009, with the addition of the Victims of Violence Project, ABAP grew to reflect the needs of the larger immigrant community in Georgia, and became Georgia Asylum & Immigration Network - GAIN as is known today.

Since its inception ten years ago, GAIN has provided legal resources to hundreds of asylum seekers and immigrant victims of domestic violence, sexual assault, and human trafficking. Through its relationships with Georgia's largest law firms and top immigration attorneys, GAIN have provided exceptional representation to clients who often have nowhere else to turn. GAIN trains volunteer attorneys, partners them with veteran volunteer mentors or GAIN staff, and provides supervision for their cases. Although a majority of GAIN's cases are handled through pro bono referrals, GAIN staff attorneys also provide direct legal representation to 20% of cases, typically the more complex cases.

GAIN is one of the few legal service providers in the State of Georgia designed to provide free legal services in immigration matters through pro bono referrals. With a staff of five (5) and only two (2) full-time attorneys conducting intakes, screening cases, and placing viable cases with volunteer attorneys, they rely heavily on a volunteer base of 200+ attorneys to assist GAIN in providing representation to immigrant victims of crime in Georgia.

To date however, GAIN's services have primarily been limited to individuals residing in the Metro Atlanta area (e.g. Gwinnett, DeKalb, Fulton, Cobb Counties etc.) or those who are otherwise able to travel to our office in Atlanta, GA. See Appendix F for a chart of GAIN Clients by County

Despite GAIN's efforts, countless crime victims remain unable to secure legal representation for their immigration matters due to linguistic, geographic, and/or other barriers to legal services.

In an effort to help bridge this gap, GAIN will work to accomplish the following:

**a) INCREASE CAPACITY:**

With funding from this grant, GAIN will hire and train a VLAN Network Navigator to provide navigation services to the victims of crime who contact GAIN for assistance. The navigator's primary role will be to assist with intakes, screenings, and referrals to volunteer attorneys and VLAN Network partners. (Please see Appendix P for full job description for GAIN Navigator).

GAIN will also continue to recruit, train, and mentor pro bono attorneys, but with the assistance of local bar associations, law-firm partners and others, we will seek to identify private attorneys outside the Metro Atlanta area to expand the reach of our services.

**b) STRENGTHEN COLLABORATIVE EFFORTS WITH NETWORK AND COMMUNITY PARTNERS**

- Provide training to Network partners on the immigration options available to select victims of crime – namely, the T and U visa, VAWA Self-Petition, I-751 Battered Spouse Waiver, and Asylum.
- Provide technical assistance to Network partners and Network Navigators and assist them in identifying potential clients
- Broaden existing training efforts for law enforcement, the courts, and legal and community partners throughout the state of Georgia
- Maintain a presence at the rural and urban pilot sites by conducting periodic site visits and disseminating materials to help inform immigrant crime victims of their rights and options in terms of immigration relief

**c) LEVERAGE TECHNOLOGY TO INCREASE ACCESS TO IMMIGRATION SERVICES**

As lack of transportation prevents many immigrant victims of crime from accessing services, GAIN will attempt to leverage technology to increase access to individuals residing outside of the Metro Atlanta area. Specifically, we will coordinate with the Georgia Legal Services Program (GLSP) to organize an "Intake Day" whereby potential clients can come to GLSP's rural pilot sites and utilize Skype or other creative technology to communicate with GAIN staff. This will allow us to obtain information needed for a thorough screening of the case without requiring travel to our Atlanta office.

**d) IMMIGRATION COMPONENT CONCLUSION**

GAIN plays a critical and sensitive role in empowering crime victims and aiding in their recovery. By obtaining immigration relief, these individuals are able to receive work authorization, a driver's license, social security card, and access to

certain other benefits that will help them regain stability and independence from their abusers/perpetrators. GAIN will expand its capacity with additional staff as necessary, strengthen its partnership with other agencies and Network partners, and provide a means for crime victims in rural Georgia to access this much needed service from the comfort of their own community.

## IV. GUIDING POLICIES

In making, receiving and assessing the eligibility of Network referrals, partner organizations will be guided by the following principles, policies, and procedures:

### A. NO WRONG DOOR POLICY:

The Georgia Legal Services Program (GLSP), the Atlanta Legal Aid Society (ALAS) and the Atlanta Volunteer Lawyers Foundation (AVLF) are the three major points of entry for Victims of Crime who need civil legal assistance in Georgia through the VLAN. Victims in the 154 counties outside metro Atlanta contact GLSP at 1-800-822-5391 or TDD 1-800-255-0056. Victims in the 5 county metro Atlanta area call ALAS at 404-524-5811. Victims in Fulton County, whose population is approaching one million, may also call AVLF at 404.521.0790 or ask for help through avlf.org. Additionally, victims of domestic violence in Fulton County frequently visit the Safe Families Office operated in the Fulton County Courthouse and run by AVLF in partnership with Partnership against Domestic Violence (PADV) in-person.

A 2014 Pew Research Center Report estimated there are 400,000 undocumented immigrants in the State of Georgia<sup>11</sup>. Undocumented immigrant victims of crime in the State of Georgia may call GAIN at 404-572-2609 for assistance in immigration matters connected to their victimization

Partners will refer clients they cannot help themselves or who need additional services not provided by the referring partner to an appropriate Network partner or partners if necessary. Partners are expected to keep their criteria and capabilities to accept cases updated through the GeorgiaLegalAid website and referring partners must check the capacity and acceptance criteria of the receiving partner before making a referral of a client.

The goal is to make effective referrals instead of referring a person to an organization that does not currently have the capacity to take the case for the victim client.

Network Navigators will exhibit compassion, cultural competency, and professionalism when communicating with clients, volunteer attorneys, community partners, etc. and will

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<sup>11</sup> 2014 Pew Research Center Report. Available at: <http://www.newsmax.com/FastFeatures/illegal-immigration-Georgia/2015/09/14/id/691510/>. Accessed 7.12.16

be responsible for ensuring crime victims are warmly received and referred to the Network and other available resources.

Partners will include in their Capacity and Acceptance Criteria form on whether they are accepting cases, what types, and if they are not accepting certain types of cases when it expects to have the capacity again to take new cases and of what types. The initial information and update can be sent via email to be made a part of the GeorgiaLegalAid website to the following email address: \_\_\_See Appendix X for a Sample Capacity and Acceptance Criteria form.

In order to facilitate the in-Network referrals, partner organizations will use the Network referral form developed collaboratively by the Network's Civil Legal Services and Representation Subcommittee (See Appendix \_\_). "Accepting" the referral form in this first step of eligibility determination would not constitute a commitment to ultimately accept the case for representation, but only a commitment to fully screen the individual for appropriate legal services and inform the client of the decision.

The Network referral form was developed with an eye toward the significant value it would have from a data collection and research standpoint. To that end, the Network will have a protocol in place for the de-identified sharing of these forms with our research partner. Specifically, the form was developed as a fillable PDF that could be easily redacted in Adobe Acrobat.

## **B. INCOME ELIGIBILITY**

Network partners who use means tests for their related services will screen and prioritize for services to low-income victims once referred to those Network partners. Relatedly, an important function of the documented and shared Capacity and Acceptance Criteria information will be that referring agencies are aware of the income eligibility standards of all the participating partners in the Network.

## **C. IMMIGRATION STATUS**

Similar to the discussion of income eligibility standards, no status restrictions will be applied to any of the "Navigator" functions of triage and referral, nor to any of the domestic-violence related legal work performed by partner staff that is funded through this project grant. Network partners who otherwise must or have elected to restrict related services based on immigration status, however, will still be able to apply those policies once referred and where applicable, as long as Network project funds are not expended in the provision of those services. Relatedly, an important function of the documented and shared Capacity and Acceptance Criteria information will be that referring partners are aware of any such eligibility restrictions.

#### **D. RECENCY (OF VICTIMIZATION)**

While the Network recognizes that individual Network partners may have their own eligibility requirements related to the recency of the victimization, the Network generally disfavors requirements that act as barriers to services (e.g., recency, requiring that police were called, requiring visible bruising, etc.) and will specifically decline to institute a policy that categorically restricts services based on a specific “recency” requirement tied to the date of victimization.

#### **E. NEXUS TO THE VICTIMIZATION**

While eligibility for services will be made by the service-providing partner on a case-by-case basis, it is the intent of the Network that there is some nexus between the victimization and the needed holistic legal service (e.g., landlord-tenant, immigration law).

#### **F. NETWORK LEGAL ISSUES**

The Network will strive to represent crime victims in a range of legal issues including the following types of legal cases:

- Obtaining Family Violence Protective Orders
- Survivor-related Divorces per the new VOCA rule effective August 2016
- Other survivor-related family law issues (Custody, legitimization defense, child support)
- Contempt Proceedings (for all family law issues addressed by the Network)
- Immigration Law (for victims)
- Cases that improve survivor financial stability including: Medicaid, PeachCare, SNAP, TANF, and other public benefits programs.
- Other survivor-related legal needs, including bankruptcy, financial fraud-related issues, and housing/landlord-tenant disputes.
- Referrals to Victim’s Assistance Offices of the Solicitor General or District Attorney for legal assistance with victim’s related criminal cases, if applicable, including but not limited to right enforcement in criminal cases.

#### **G. TECHNOLOGY**

Using two existing websites currently managed by the State Bar of Georgia, Georgia Legal Services Program, and the Atlanta Legal Aid Society, GA VLAN will create a hub for sharing and disseminating information related to the civil legal needs of crime victims in the State of Georgia.

*Network website for  
VLAN Members:*

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● [www.georgiaadvocates.org](http://www.georgiaadvocates.org) ●

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For use by potential victims and the general public. The website address has already been publicized widely in Georgia to potential clients and contains many Pro Se Resources and Resources.

*Network website for client  
resources and information:*

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● [www.georgiacrimevictims.org](http://www.georgiacrimevictims.org) ●

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For internal use by VLAN members. This website is widely used by attorneys throughout Georgia and will be available to VLAN for Intra-Network training opportunities and information on intake criteria and capacity to be shared only with Network partners. Members will fill out an application to become part of the Network and this application will be submitted to the website administrator, Mike Monahan, for approval. Folders will be used to sort resources by geographic area.

**Technology Policies:** Any web-based public access/education effort of the Network will be implemented to ensure that the site is mobile compatible and that it enhances and does not replace more traditional means of access – e.g. phone, in-person. See Appendix X.

The websites can be used to provide information on training to Partners, to share Capacity and Case Acceptance Criteria, to contain a searchable database of victim service providers and to serve as a portal for crime victims to access the Network or to access Pro Se information.

Partners around the state will reach out to service providers working with victims around the state to include all possible partners in the Network. Each organization will be invited to update its GeorgiaLegalAid public profile periodically. Partners will also be invited to join GeorgiaAdvocates to provide information on the current Capacity and Case Acceptance Criteria of its office. Service providers, including legal service providers, with more than one office will have a different profile for each office if its individual offices have different Capacities and Case Acceptance Criteria.

VLAN partners will work together to keep this information updated through key contacts at Georgia Legal Services, the State Bar of Georgia, and the Atlanta Legal Aid Society.

## **H. VICTIM-CENTERED LAW ENFORCEMENT**

VLAN Partners acknowledge that collaboration with local, state, and federal law enforcement is critical to protecting the rights and needs of crime victims in the State of Georgia. A truly holistic approach will require legal professionals, service providers, and law enforcement to work in tandem to screen for victims, identify their needs, and connect them with the agencies best equipped to assist them.

As first responders, law enforcement officers are uniquely positioned to identify potential victims and assist them in accessing supportive services. Unfortunately, lack of information and limited resources often prevent officers from understanding the full scope of the victim's needs, thereby making it more likely the victim will remain in an abusive situation. Additionally, law enforcement response to victims differs across the state. VLAN goal is to help to unite and educate Georgia's many law enforcement agencies so that victims are receiving similar no matter where they live in GA.

To equip officers with the tools to take a more victim-centered approach and to encourage them to work more collaboratively with members of the VLAN Network, we propose the following:

**a. LAW ENFORCEMENT CORNER**

A clearinghouse of materials on the legal and non-legal needs of crime victims, substantive areas of law, and links to local resources will be available at [www.GeorgiaLegalAid.org](http://www.GeorgiaLegalAid.org) and [www.GeorgiaAdvocates.org](http://www.GeorgiaAdvocates.org). Materials to be included:

**1. Training Manuals and Toolkits**

Connecting Community Resources with Law Enforcement (CCRLE) Roll Call Training: The trainings are multidisciplinary to increase communication and relationships between local community agencies. Local domestic violence advocates are included as presenters in all trainings and inform law enforcement of local resources available to victims. Local prosecutors are also invited to attend trainings and to address the officers. The Core Partners will provide aid in putting on trainings or provide trainings themselves on working with victims of crimes, cultural competency, pro bono representation and language access issues.

**2. Relevant reports**

Georgia Domestic Violence Fatality Review: An annual report published by the Georgia Coalition Against Domestic Violence and the Georgia Commission on Family Violence

**3. Model Plans/Protocols**

GLSP Model Language Access Plan (Appendix X) (available online at a link on <http://www.glsp.org>)

Law Enforcement Protocol for Family Violence (Appendix X)

**4. Contact lists/links to local resources**

**b. LAW ENFORCEMENT ALLIANCE/TECHNICAL ASSISTANCE TEAM**

Purpose: To enhance communication and collaboration between law enforcement and members of the VLAN Network.

A coalition of members from the Network will provide subject-matter expertise to law enforcement officials on civil legal services. This group may consist of fellow law enforcement officers, prosecutors, lawyers, and representatives from social service agencies and shelters.

### **c. TRAINING/EDUCATION**

To help law enforcement understand the sensitivities and needs of crime victims, we will continue existing efforts but leverage technology to explore options such as webinars, training videos, teleconferencing, and use of the law enforcement corner of the VLAN website to make information more readily available and accessible. The Core Partners will facilitate these trainings when possible or educate others to help do necessary training across the state. Trainings will also be made available through webinar whenever possible so that law enforcement agencies across the state can access them.

Training topics may include:

- Effective interviewing techniques for first responders
- Language access
- Cultural competency
- Immigration options for victims of crime
- Victim compensation
- Enforcement of protective orders

## **I. COURT INVOLVEMENT FOR VICTIMS OF CRIME**

The Court Involvement for Victims of Crime Subcommittee made recommendations and advised on policies and protocols around the role of the courts and court-based services in the Network, including judicial training, the role of court-based advocates, district attorneys and solicitor's offices, and the role of the courts generally as an access point to services. Specifically, this subcommittee explored the lack of information and access to resources for victims at the court level and inside the courthouse. Victims need a court environment that feels safe enough for them to come forward. Additionally, judges and court staff should be more uniformly made aware of the particular circumstances and difficulties victims face so that the courthouse can be an effective and efficient place for victims to find and use resources. Core Partners will be available to facilitate and provide this type of training to court staff and judges. Trainings will also be made available through webinar whenever possible so that law court staff and judges across the state can access them.

## **J. CULTURAL COMPETENCY INCLUDING LANGUAGE ACCESS FOR NETWORK OVERARCHING POLICIES**

Many victims have difficulty working with legal organizations, social service organizations, law enforcement and court systems that do not understand the cultural competency component of domestic violence. The VLAN subcommittee on cultural competency found a variety of factors adding to that difficulty, including language, immigration status, and cultural misunderstandings. The difficulties can even affect housing. In general, LGBTQ,

homeless, elderly and immigrant victims have additional barriers with access to shelters, services and additional resources.

Language access is intricately tied into cultural competency and is an issue for victims throughout their interactions with all facets of their cases. When victims can explain their stories to listeners in their native language, the victim is more likely to come forward in the first place and be able to fully explain her legal issues. Without this language parity, important details may be overlooked and victims may not even be comfortable enough to come forward in the first place. Ideally, advocates would have and utilize a database of certified Georgia interpreters.

Most court correspondence is in English, causing some victims difficulty with navigating the courts and advocating for themselves. While bilingual services can address this problem, and courts are mandated to provide interpreters, they do not always do so. Rural areas especially may not provide the necessary interpreters when needed. There have even been cases where the abuser has been asked to interpret for the victim in protective order hearings or when law enforcement responds to a domestic violence call. Additional training of all victim service providers is needed to educate and to bridge that gap.

Additionally, certain court processes or law enforcement processes are different culturally for these victims, resulting in miscommunication or lack of understanding on both sides. They may hear rumors from the community and their abusers or traffickers and believe those rumors. As a result, they choose not to contact law enforcement or seek help, creating additional hurdles later in the case. Upon initial contact with law enforcement, immigrant victims may be reluctant to cooperate with investigations due to a variety of factors, and law enforcement needs to be educated and trained in how to best confront these challenges. Even victim's advocates face challenges when overcoming these cultural differences because they may not understand the value an immigrant client places on a particular item or particular right.

Not surprisingly, immigration and deportation has a dramatic impact on whether a victim will access law enforcement or other kinds of assistance, and abusers often utilize this impact to continue their abuse. Abusers may threaten their victims with deportation and use a victim's immigration status to gain more information on the victim and exploit that in court.

## **V. CONCLUSION**

### **A. EVALUATION OF IMPLEMENTATION PHASE**

Legal Partners will use several sources of data for evaluation: tracking Network Referral forms, data from Pilot Projects on Network cases, and Satisfaction Surveys for Network Clients.

Outcome of Pilot Projects: Following the outcome of the pilot projects, the Network will have a better understanding of how the Network performs. Then it can open the pilot project

Network beyond the areas of the initial pilot project offices and build a comprehensive Network that can address the holistic legal needs of crime victims throughout the entire 159 county service area covered by the Core Partners.

Network Paralegals and Navigators will be placed with the Core Partner organizations, all civil legal service providers for victims. They are resources for partners to contact for help with placing cases and locating appropriate resources. Network Paralegals and Navigators placed at partner organizations will work within those organizations to provide direct services to victims, reach out to potential partners and keep regular contact with current partners, and help plan trainings for Network partners. The paralegals and navigators will be the primary contacts for the Non-Legal Partners and will work closely with Non-Legal Partners to plan and arrange for outreach to the public and community education of victims on their legal rights.

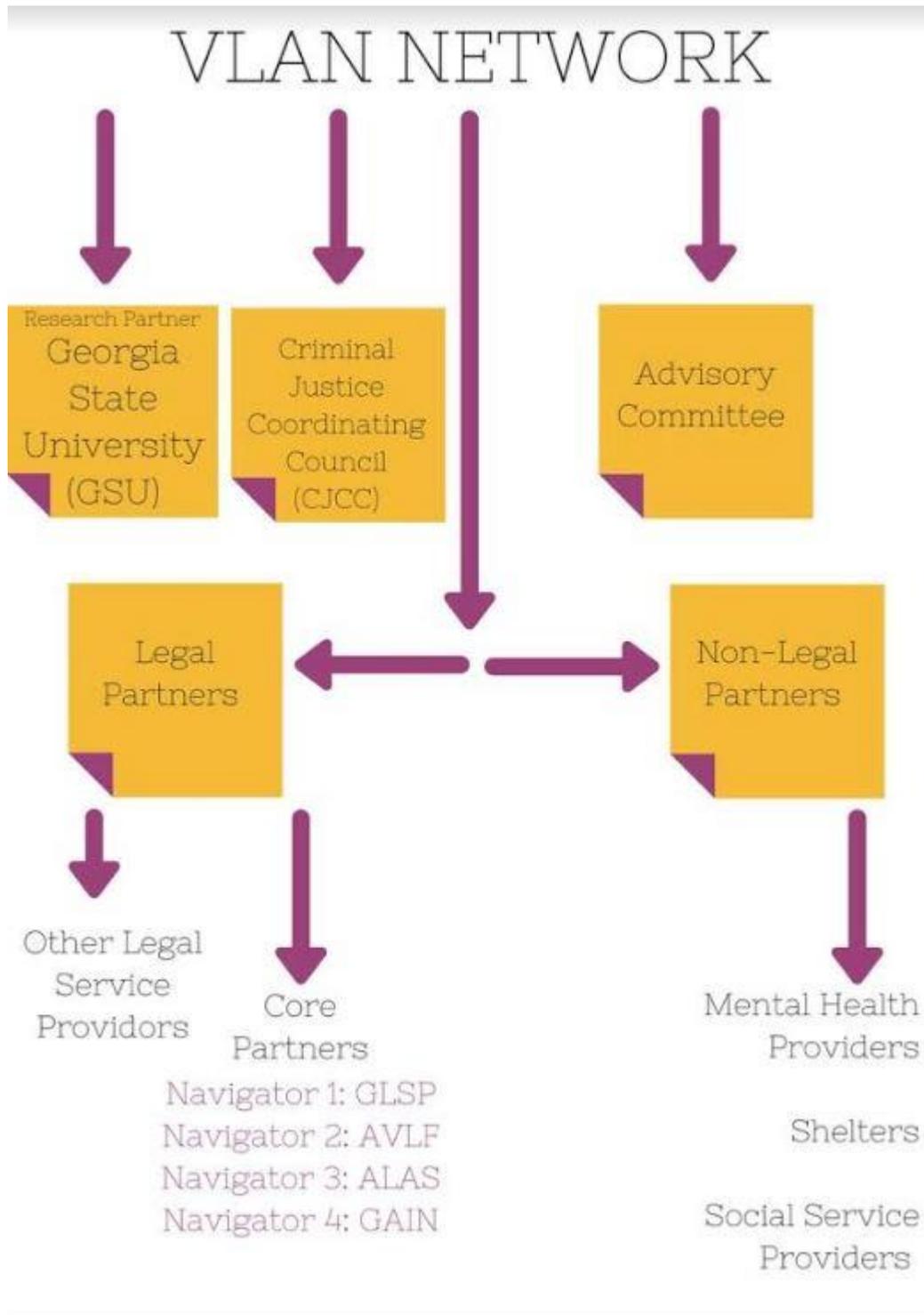
## **B. SUSTAINABILITY OF NETWORK**

Project partners will work to retain staff hired as Network Navigators and Attorneys by incorporating these positions into their organizations. The public facing GeorgiaLegalAid website has been up for several years and was first funded under another grant. The page created for the Network has been made a part of the website and will be maintained by Network members. The information available on GeorgiaAdvocates for partners has been made a part of that also pre-existing resource website. The website will have a section maintained by the Network for its partners to continue to share acceptance criteria and capacity information. If the information is helpful in making good referrals, then partners will want to keep their information updated to keep receiving referrals for cases that the receiving organization might be able to accept. Partners and the Advisory Committee will strive to obtain further funding when necessary for Network projects and position and to increase language access for victims.

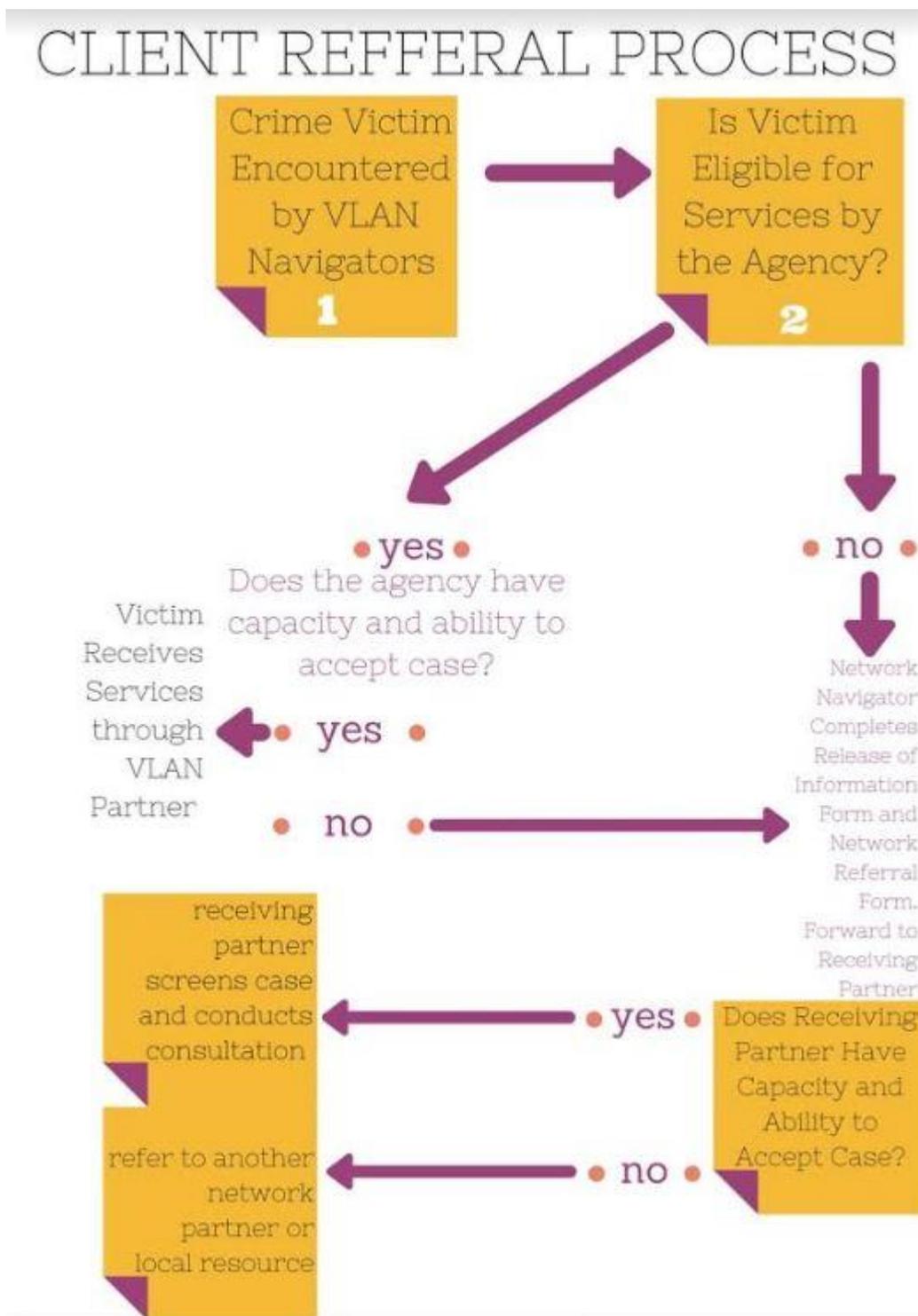
## **VI. TABLE OF APPENDICES**

<b>Appendix A:</b>	Makeup of VLAN Network
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## APPENDIX A



## APPENDIX B



## APPENDIX C

### Georgia VLAN Referral Protocol

The purpose of the Georgia VLAN Referral Protocol is to set up policies for assuring that callers who contact one agency are appropriately and safely referred to partner agencies that can help to meet their needs. Georgia VLAN has adopted the policy of “no wrong door” so that each “victim of crime” caller who contacts any agency will be screened for the services of the contacted agency and then receives a “warm hand-off” to any other network partners who might be able to provide help to keep the caller secure safety or stability. The following protocol has been adopted to guide Partners in making referrals throughout the Network.

1. Always ensure that the caller is in a safe and comfortable place for completing an intake call to obtain necessary information to assess the caller’s legal and other needs. Offer to call back if they are driving, at work, or may be around AP.
2. On taking information confirm that the contact information by phone, email, or physical address is safe and that the caller wants us to contact her there.
3. After completing Intake, provide emergency referrals as needed and always refer to 24 hour hotline or shelter agency for Safety Planning: 1 800 334-HAVEN, or Sexual assault crisis number, GA Food Bank, Benefits Hotline, etc.
4. Always ask what the caller’s goals are. What does the caller want from this contact: Basic information, legal representation, referrals for services, financial/healthcare assistance.
5. Provide caller with information and options on her reason for calling.
6. Screen caller for family law issues: Family Violence Act Protective Orders, Stalking Orders, Divorces, Custody, Immigration Issues, and assess Network’s ability to respond to the need. Open family law case if this legal agency can respond to this need.
7. If Network does not have capability or capacity to respond to legal needs—attempt to identify and provide referral resources (i.e.: Georgia Trial Lawyer Association).
8. Screen caller for public benefits eligibility based on information provided. Ask follow up questions as needed. IE: Benefits Checklist.
9. Open an additional case for any assistance with Benefits. Have caller sign DFCS release form if assistance will include contacting DFCS on their behalf. When

appropriate, obtain permission to create a Compass account to better monitor the application and submit necessary documents.

10. If referring to VLAN Network partner, determine how best to have caller sign a release form, if time allows.
11. If caller needs to/wants to speak with referring agency immediately, send redacted referral form to partner organization with only contact information and basic issue identification.
12. If necessary, Navigator may 3-way call in the Navigator for the Network or Partner agency.
14. Keep both completed Intake information and redacted referral information to submit blind data to research partner.
15. VLAN Partners will keep adequate records to provide legal representation and compile data information for research partner.

## APPENDIX D

### GEORGIA VICTIMS LEGAL ASSISTANCE NETWORK REFERRAL FORM

Name of screener: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Screening Agency: \_\_\_\_\_

Date of Initial Screening: \_\_\_\_\_ Phone \_\_\_ or Walk-in \_\_\_ Date Referral Sent: \_\_\_\_\_

This Referral is Being Sent to (list agency): \_\_\_\_\_

Check box if potential client gives permission to share this information with agency listed above:

#### Information about Potential Client

Name (Please include middle initial): \_\_\_\_\_

Gender: \_\_\_ Female \_\_\_ Male \_\_\_ Transgender \_\_\_ Other: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Interpreter Needed? \_\_\_\_\_ Language: \_\_\_\_\_

Ethnicity (check all that apply): \_\_\_ Asian/Pacific Islander \_\_\_ Black \_\_\_ Hispanic \_\_\_ Latino/Latina  
\_\_\_ Multiracial \_\_\_ Native American \_\_\_ White \_\_\_ Other: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Is this a safe number? \_\_\_ Alt. Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_ City and County of Residence: \_\_\_\_\_

Preferred Method of Contact: \_\_\_\_\_

Total Monthly \_\_\_\_\_ (circle one) Household Income: \$ \_\_\_\_\_

Source of Funds/Income: \_\_\_ Child Support \_\_\_ Disability \_\_\_ Employment \_\_\_ Food Stamps \_\_\_ Pension  
\_\_\_ Social Security \_\_\_ Employment \_\_\_ Spousal Support \_\_\_ SSI \_\_\_ TANF \_\_\_ Unemployment  
\_\_\_ Veteran's Benefits \_\_\_ Worker's Compensation \_\_\_ Other or Unknown: \_\_\_\_\_

If some or all household income is not accessible, please explain: \_\_\_\_\_

# Adults in Household: \_\_\_\_\_ # Children in Household: \_\_\_\_\_ Ages of Children: \_\_\_\_\_

Marital Status: \_\_\_ Never Married \_\_\_ Married \_\_\_ Living Together \_\_\_ Divorced \_\_\_ Separated \_\_\_ Widowed

Adverse / Opposing Party (Please include middle initial; if more than one, please use additional sheet)

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Aliases: \_\_\_\_\_ Date of Birth (list as much as is known): \_\_\_\_\_

Case-related deadlines and court dates for applicant or adverse party (list date and nature): \_\_\_\_\_

Is assistance requested related to being the victim of any of the following crimes (check all that apply):

Domestic Violence \_\_\_ Rape \_\_\_ Sexual Assault \_\_\_ Physical Assault \_\_\_ Child Abuse \_\_\_ Human Trafficking  
\_\_\_ Elder Abuse \_\_\_ Kidnapping \_\_\_ Robbery \_\_\_ Identity Theft \_\_\_ Fraud \_\_\_ Theft \_\_\_ Stalking \_\_\_ Assault  
Other: \_\_\_\_\_

Where did the crime occur (county, state)? \_\_\_\_\_ When did the crime occur? \_\_\_\_\_

Was the crime reported to anyone? \_\_\_\_\_ If yes, to whom? \_\_\_\_\_

Has the applicant been a victim of any other crimes unrelated to the assistance being requested?

Domestic Violence \_\_\_ Rape \_\_\_ Sexual Assault \_\_\_ Physical Assault \_\_\_ Child Abuse \_\_\_ Human Trafficking  
\_\_\_ Elder Abuse \_\_\_ Kidnapping \_\_\_ Robbery \_\_\_ Identity Theft \_\_\_ Fraud \_\_\_ Theft \_\_\_ Stalking \_\_\_ Assault  
Other: \_\_\_\_\_

Where did this other crime occur (county, state)? \_\_\_\_\_ When did the crime occur? \_\_\_\_\_

Was this other crime reported to anyone? \_\_\_\_\_ If yes, to whom? \_\_\_\_\_

Legal Assistance Requested (check all that apply for this specific referral):

Family: \_\_\_ Divorce \_\_\_ Custody \_\_\_ Child Support \_\_\_ Protective Order \_\_\_ Legitimation \_\_\_ Other: \_\_\_\_\_

Immigration: \_\_\_ VAWA Petition \_\_\_ U-Visa \_\_\_ Asylum \_\_\_ T-Visa \_\_\_ Other: \_\_\_\_\_

Housing: \_\_\_ Eviction \_\_\_ Repairs (rental) \_\_\_ Other Landlord-Tenant \_\_\_ Foreclosure/Homeownership

Consumer: \_\_\_ Bankruptcy \_\_\_ Debt-Collection \_\_\_ Credit Reporting \_\_\_ Identity Theft \_\_\_ Other: \_\_\_\_\_

Public Benefits: \_\_\_ Food Stamps \_\_\_ Social Security \_\_\_ TANF \_\_\_ Disability \_\_\_ Other: \_\_\_\_\_

Other: \_\_\_\_\_

Non-Legal Assistance Requested (check all that apply for referral):

\_\_\_ Food \_\_\_ Clothing \_\_\_ Emerg. Shelter \_\_\_ Child Care \_\_\_ Safety Planning \_\_\_ Support Group \_\_\_ Counseling  
\_\_\_ Victim Assistance \_\_\_ Medical \_\_\_ Transportation \_\_\_ Job Training \_\_\_ ESL Classes \_\_\_ Other: \_\_\_\_\_

*For Receiving Agency Only:*

Date received: \_\_\_\_\_ Date Potential Client Contacted: \_\_\_\_\_

Outcome of Referral (Rejected & Informed; Appointment Date, etc.): \_\_\_\_\_

NEITHER THE COMPLETION NOR TRANSMITTAL OF THIS FORM ESTABLISHES AN ATTORNEY-CLIENT  
RELATIONSHIP BETWEEN THE APPLICANT AND EITHER THE TRANSMITTING OR RECEIVING AGENCY.

## APPENDIX E

### *Georgia VLAN*

#### RELEASE OF INFORMATION

I, \_\_\_\_\_, give my permission to

\_\_\_\_\_ (agency) and its attorneys and/or staff to discuss my case with other persons or agencies for the purpose of investigation, representation, and the provision of assistance.

This release applies to all records and information shared with the agency. This agency can contact other persons or agencies about my information if it will help my legal case. This may include getting services or working on my legal case to obtain services or assistance.

The information will only be used for the reasons described above. This release will last **FOR NINETY DAYS**. I understand that I may take back my consent at any time except when limited by state or federal law.

**Confidentiality Statement:** The privacy of my information and records is protected by state and federal laws and regulations. Georgia attorney-client confidentiality requirements are set forth by the State Bar of Georgia. I have been notified how to get information contained in my file. Some network partner agencies may have staff who are required to report possible child or elder abuse to the state.

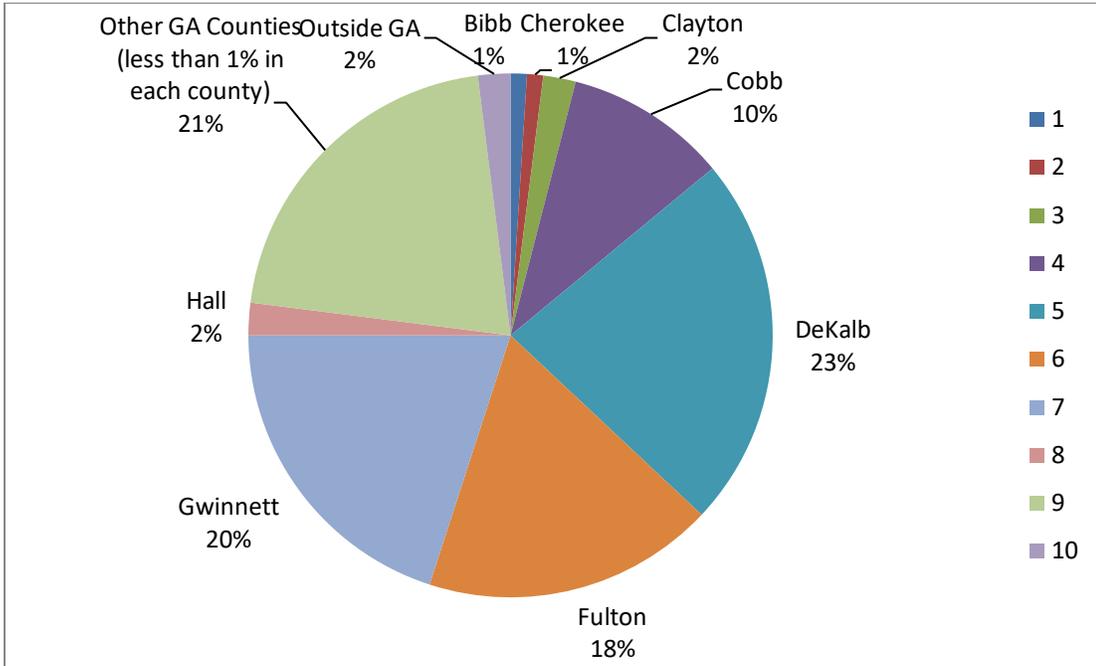
\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Date

*The Georgia Victim Legal Assistance Network is a network of agencies coming together to provide wraparound services for victims of crime.*

# APPENDIX F

## GAIN CLIENTS BY COUNTY



# APPENDIX G

## VLAN: NEEDS ASSESSMENT

### Executive Summary

#### Background on Access to Justice and *Pro bono* Service

Research on the need for civil legal services suggests that adults are likely to encounter situations for which they will need civil legal services. In fact, Sandefur<sup>12</sup> found that two-thirds of adults in a mid-sized American city experienced at least one civil justice situation, such as with debt, insurance, or employment, during the previous 18 months. Despite many people reporting civil legal needs, less than one-fourth of the individuals studied reporting seeking assistance with a third party outside of their social network with their issue. This lack of help-seeking was likely at least in part tied to the lack of defining the issue as legal.

Beyond a basic understanding that their needs are legal in nature and thus could result in help-seeking behavior, it is also likely that people have civil legal needs that are going unmet because they are unable to pay for legal assistance. In Georgia, over 1.8 million people were living in poverty in 2013<sup>13</sup>, and the unemployment rate is above the national average.<sup>14</sup> Even those who are employed may not earn adequate wages to afford the expenses associated with hiring a private attorney. Minimum-wage full-time workers in Georgia earn only \$15,080.00 a year. This economic and well-being picture of Georgia is further complicated when the legal needs of low-income households are considered. Low-income households in Georgia experience an average of three legal needs each year. When extrapolated across all low-income households, this totals over 2 million legal needs annually for this population.<sup>15</sup> In Georgia, low-income persons are more likely to live in rural counties than urban centers, and there are fewer attorneys available in these areas. In fact, although there is one private attorney for every 25 Georgians, there is only one legal services lawyer for every 25,000 poor persons.<sup>16</sup> More telling, six counties in Georgia, all

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<sup>12</sup> Sandefur, R. L. (2014). Accessing justice in the contemporary USA: Findings from the Community Needs and Services Study. American Bar Foundation.

<sup>13</sup> USDA (2013). Percent of total population in poverty, Georgia. Retrieved from <http://ers.usda.gov/data-products/county-level-data-sets/poverty.aspx>

<sup>14</sup> Georgia in Perspective (2013). Statistics, Trends, Facts & Figures for Key Policy Issues. Governor's Office of Planning & Budget.

<sup>15</sup> Dale, D. M. (2009). Civil Legal Needs of Low and Moderate Income Households in Georgia: A Report Drawn from the 2007/2008 Georgia Legal Needs Study.

<sup>16</sup> State Bar of Georgia Pro Bono Project (2013). A Civil Pro Bono Primer for the Young Lawyer. Atlanta, GA.

rural, do not have any attorney residing in them.<sup>4</sup> Legal aid services and other legal services designed to assist low-income individuals can only address about 20% of the legal needs of the poor in Georgia.<sup>4</sup>

### **Study Background**

To investigate the extent to which crime victims' civil legal needs are being met in Georgia, as well as how *pro bono* legal service providers, private attorneys, victim service providers, and Family Law Information Center Directors and Law Librarians view the civil legal service provision, data were collected in a variety of ways: (1) email surveys of 103 victim service providers who direct agencies that are certified to receive Local Victim Assistance Funds in Georgia; (2) email surveys of 72 legal professionals who work in project partner agencies (Atlanta Legal Aid Services, Atlanta Volunteer Lawyers Foundation, Georgia Legal Services Providers, and Georgia Immigration and Asylum Network); (3) email surveys of 511 private attorneys who are members of the Criminal Law, Family Law, General Practice/Litigation, Elder Law, and Consumer Law sections of the Georgia Bar; (4) nine interviews with Directors of Family Law Information Centers and Law Librarians and support staff; and (5) analysis of existing data from 2015 from project partners on clients seeking assistance for civil legal services related to criminal victimization. Continuing data collection efforts are being made via (1) focus groups of victims of human trafficking and (2) paper surveys of clients who have received services from victim service agencies or project partner agencies.

### **Sample**

To select persons for the email survey of victim service providers, the Criminal Justice Coordinating Council (CJCC) provided a list of contact information for all agencies in Georgia that receive funding from the CJCC. Each individual was emailed an introductory letter, a consent form, and a link to the online survey. In total, 219 individuals were contacted to complete the survey. After the initial email (August 26, 2015), individuals were then contacted again with follow-up requests to complete the survey 3 business days later and again 11 business days after that, and finally 3 business days later. Of those who were contacted, 1 had an invalid email or was no longer with the agency and no additional contact person's information was provided. In total, 103 individuals completed the survey, with an overall response rate of 47.3%.

To select persons for the email survey of legal professionals working in project partner agencies, each project partner sent an introductory letter, informed consent, and a link to the online survey to the legal professionals working in their agency. In total, 151 individuals were contacted to complete the survey. After the initial email (August 26, 2015), individuals were then contacted again with follow-up requests to complete the survey 2 business days later and again 2 more business days later and then an additional 6

business days later. In total, 72 people completed the survey, with an overall response rate of 47.7%.

To select private attorneys for the email survey of private attorneys in Georgia, the research team identified the types of private attorneys who may be most willing to provide *pro bono* service to crime victims, and the sections of the State Bar of which they likely would be members. The sections of the state bar that were identified were: Criminal Law, Family Law, General Practice/Litigation, Elder Law, and Consumer Law. Graduate Research Assistants located publicly-available email addresses for all individuals who were members of these sections. They were able to locate email addresses for 4,610 out of 5,114 members who were listed online. Each attorney was then sent an introductory letter, informed consent and a link to the online survey. After the initial email (October 28, 2015), individuals were then contacted again with follow-up requests to complete the survey 5 business days later and again 19 business days after that, and a final request was sent 3 business days later. Of those who were contacted, 36 had invalid emails or were no longer with the agency and no additional contact person's information was provided. In total, 609 attorneys completed the survey, with an overall response rate of 13.3%.

To conduct interviews with FLIC directors and legal librarians, each director was contacted after receiving a list of FLICs from project partners and also doing a thorough internet search to identify FLICs in Georgia. Each FLIC director or Law Librarian was contacted to attempt to schedule an interview. Nine FLIC directors/law librarians agreed to either a face-to-face interview or a telephone interview, and one answered questions via email, covering Fulton County, DeKalb County, Cobb County, Hall County, Chattahoochee, Augusta, Albany, and Gwinnett County. Of the eight interviews, five were conducted in-person. Interviews took place over the course of three months (August-October, 2015).

To analyze data from our project partners, data from their existing databases were collected. From each agency, case data from January 1, 2015 to December 31, 2016 were collected on cases related to criminal victimization. From Atlanta Legal Aid Society (N=3867) and Georgia Legal Service Providers (N=3302), this data included cases for clients seeking assistance related to Domestic Violence. For Atlanta Volunteer Lawyers Foundation (N=1958), data were collected from the Safe Families project, which is operated in the Fulton County Courthouse in partnership with the Partnership Against Domestic Violence. From Georgia Asylum and Immigration Network (GAIN) (N=136), data from all cases opened during 2015 were collected. To supplement these data from GAIN, the university research team also coded additional case information from files from those cases that were worked on by GAIN during June 2015-December 2015.

## ***Research Questions***

The overarching goal of the research is to determine what unmet civil legal needs crime victims in Georgia have. To meet this goal, the specific research questions addressed are:

1. To what extent and what kind of crime victims are organizations assisting with civil legal needs in Georgia?
2. What types of civil legal needs do crime victims in Georgia have?
3. What types of other needs do crime victims in Georgia have, and are these needs being met?
4. How do service providers view the importance of victims receiving assistance with civil legal needs and other general legal services in Georgia?
5. Are crime victims' civil legal needs being met?
6. Is there enough capacity currently to meet the civil legal needs of crime victims in Georgia?
7. What barriers to receiving assistance with civil legal needs exist in Georgia?
8. Why are attorneys not involving themselves in *pro bono* service to crime victims, and what are agency experiences with using *pro bono* attorneys?
9. How can *pro bono* service to assist crime victims with civil legal needs be incentivized?
10. What do agencies need to increase capacity to service additional crime victims in meeting their civil legal needs?
11. What kind of training do service providers and attorneys have in working with crime victims in meeting their civil legal needs?
12. How might service delivery be improved to meet the civil legal needs of crime victims?

## **Major Findings**

*To what extent and what kind of crime victims are organizations assisting with civil legal needs in Georgia?*

- Project partners served in some capacity (at least screened) 9,263 persons from January 1, 2015-2016. Although not all of these persons were crime victims, at least 4,433 (48%) were seeking assistance related to domestic

violence from project partners. Across agency, the “typical” client was female, in her mid to late 30s, and English-speaking.

- Over one-third of GAINs clients in the second half of 2015 had experienced domestic violence (35%), 14% were victims of trafficking, 8% had experienced rape, 8% had experienced simply battery or assault, and 6% had engaged in prostitution.
- Victim service providers and legal professionals working in project partner agencies both indicated that they most commonly provided services to victims of domestic violence, and the second largest percentage of both groups reported assisting victims of sexual violence and abuse.
- Almost half of legal professionals who work in project partner agencies and less than 5% of private attorneys indicate that between one-quarter and one-half of their clients during the previous twelve months have received assistance to deal with a legal issue that directly relates to a criminal victimization.
- Less than half (43%) of private attorneys reported that they had ever provided *pro bono* services to crime victims, 30% had done so during the past 12 months, and 51% had at some point provided crime victims services as a reduced cost.

*What types of civil legal needs do crime victims in Georgia have?*

- Persons seeking assistance from project partner agencies often sought services related to family law (e.g., divorce, separation, or annulment). Twenty percent of those served by GLSP sought assistance for these services, while did 26% of individuals served by ALAS. Atlanta Legal Aid Society also commonly assisted individuals with private landlord/tenant issues (11% of persons assisting).
- The legal issues GAIN’s clients have centered on U Visas (44%), violence against women (31%), and T Visas (20%).
- Slightly less than one-half (42%) of victim service providers indicated that their organization often assisted crime victims with securing temporary or ex parte protection orders. One-third of victim service providers said their organization often or sometimes assisted crime victims with enforcing temporary or ex parte protection orders, 38% indicated their agency often or sometimes assisted crime victims with securing permanent protection orders, 33% said their agency often or sometimes assisted crime victims with housing counseling/relocation, and 31% indicted that their agency often or sometimes assisted crime victims with public benefits cases.

- Almost all (84%) of the legal professionals who work in project partner agencies said that their organization often provides crime victims assistance with securing temporary or ex parte protection orders. Over half of the legal professionals who work in project partner agencies indicating their agency often assists crime victims with child support (54%) or housing-related issues (52%), while 47% noted that their organization often assists crime victims with divorces.
- FLIC directors/Law Librarians all identified divorce as the legal issue that individuals were seeking assistance with most frequently. The other issues commonly cited were custody and legitimation

*What types of other needs do crime victims in Georgia have and are these needs being met?*

- About 6% of clients assisted by AVLf secured either a 6-month or 12-month temporary protective order.
- For GLSP, of clients whose cases were closed, the majority (57%) received counsel and advice, while 22% received a negotiated settlement with litigation.
- For ALAS, most clients were advised and counseled (85%), while 7% received limited action, 4% received a negotiated settlement with litigation, and 2% had their cases resolved through a contested court decision. Many positive outcomes resulted—32% of clients received child support, 13% received DV protection, 12% received another family law benefit, and 11% had a custody or visitation arrangement implemented.
- The average mean annualized benefit produced for clients who received some type of monetary benefit (either in recovery or avoidance) across the three agencies was \$6156.64.
- When asked about how important it is for crime victims to receive assistance for other needs from the agency helping them in response to their victimization, an overwhelming majority of victim service providers identified as very important that crime victims have assistance with attending hearings and trial, having a general explanation of the criminal justice system, having assistance with general mental health counseling or treatment referrals, and assistance with victims' impact statements.
- Almost three-fourths (74%) of victim service providers reported that their agency often attended court hearings and trials of victims, 73% reported their agency often provided general explanations of the criminal justice system, 66% indicated their agencies often provided crime victims assistance

with victims' compensation and 62% said their agencies often provided crime victims assistance with safety planning (62%).

*How do service providers view the importance of victims receiving assistance with civil legal needs and other general legal services in Georgia?*

- The legal service that had the greatest percentage of legal professionals who work in our project partner agencies (88%) rating it as very important was securing temporary or ex parte protection orders. Eighty-three percent of legal professionals rated helping crime victims with housing issues related to landlord/tenant issues, Section 8, and eviction as very important. Over eight in ten legal professionals working in our project partner agencies (81%) rated helping crime victims with public benefits cases (e.g., TANF) as very important.
- Securing temporary or ex parte protection orders was considered very important by over half of victim service providers (53%). Securing permanent protection orders was considered very important by 49% of victim service providers. Enforcement of these orders—both temporary (39%) and permanent (36%) was viewed as very important by this group as well. Beyond protection orders, 36% of victim service providers evaluated assisting crime victims with child abuse petitions and 29% viewed assisting crime victims with immigration issues as very important.
- Two-thirds of private attorneys identified that it was very important for crime victims to be able to receive assistance at low or not cost with enforcing temporary or ex parte protection orders. Almost two-thirds (63%) of private attorneys identified securing temporary or ex parte protection orders as very important. Securing (57%) and enforcing (61%) permanent protection orders were also considered very important by private attorneys for crime victims to receive assistance with at a low cost or no cost. Private attorneys also considered receiving assistance with child abuse petitions (58%) and elder abuse petitions (56%) as very important.
- Almost half (47%) of victim service providers indicated that it is very important for crime victims to have referrals with no other legal service offered. Over 30% felt that providing general legal advice and providing general legal advice with a referral to legal service provider were very important.
- Over half of legal professionals viewed every general legal service except for referrals with no other legal service offered as being very important that their agency assisted crime victims with. Every legal professional in project partner agencies viewed legal representation as very important. Almost all

(93%) viewed the preparation of legal briefs/filing of motions/drafting legal documents as very important.

*Are crime victims' civil legal needs being met?*

- Despite the array of services offered by project partners, about 30% of individuals had their cases approved for placement or referred to an attorney at AVL, and 29% of cases were rejected by GLSP. Although there are a variety of reasons why cases are not able to be processed, a portion of cases at both AVL and GLSP were rejected because of a lack of resources (21% of GLSP cases; 14% of the cases that were rejected because client did not file ex parte). Other common problems were case conflicts that prevent attorneys from taking the case or because potential clients do not meet guidelines (e.g., make more the income limits allow).
- Seventy-one percent of victim service providers indicated that victims of sexual violence or abuse have some or a lot of unmet civil legal needs, 68% indicated that victims of financial exploitation/identify theft/fraud (68%), victims of stalking (67%), victims of burglary and home invasion (66%), victims of labor trafficking (64%), victims of sex trafficking (63%), homicide survivors (63%), victims of robbery (62%), victims of theft (62%), victims of false imprisonment or hostage situations (61%), victims of kidnapping (61%), and victims of child molestation or child sexual abuse (61%) have some or a lot of unmet civil legal needs.
- Over 85% of legal professionals who work in project partner agencies thought that each type of crime victim identified had some or a lot of unmet civil legal needs. The types of crime victims who were identified by the greatest percentage of legal professionals who work in project partner agencies as having a lot of unmet needs were victims of sex trafficking, victims of labor trafficking, and victims of financial exploitation/identity theft/fraud.

*Is there capacity currently to meet the civil legal needs of crime victims in Georgia?*

- Most (69%) victim service providers indicated that they could handle between 0 and 10% of the eligible request for civil legal services that they currently receive.
- About one-fourth of legal professionals indicated that they could meet between 31 and 40% of eligible requests. Further, 40% indicated that their agency could meet 51% or more of the eligible requests for civil legal services for crime victims.

*What barriers to receiving assistance with civil legal needs exist in Georgia?*

- Six percent of GLSP's clients speak a language other than English as their primary language, 8% of ALAS's clients speak a language other than English as their primary language, and 71% of GAIN's clients speak a language other than English as their primary language. For all agencies, Spanish is the primary language spoken most frequently other than English.
- Seventeen percent of victim service providers identified transportation issues and difficulty in understanding the legal issues they face as the most common barriers they perceive crime victims facing in receiving assistance with their civil legal needs. Sixteen percent reported that crime victims were unaware of services that are provided, and 9% indicated that crime victims face restrictions that make them ineligible for service.
- Legal professionals working in project partner agencies identified barriers such as victims being unaware of services provided (13% of legal professionals), transportation issues (12% of legal professionals), not understanding the legal issues they face (11% of legal professionals), issues related to mental health (10% of legal professionals), and issues related to cognitive or intellectual disability (9% of legal professionals).
- Survey respondents also identified language barriers. Slightly more than one-fourth (27%) of victim service providers indicated that between 10% and 25% of their clients were non-English speaking or ASL. Forty-two percent of legal professionals indicated that between 10% and 25% of their clients were non-English speaking or ASL.
- Family Law Information Center (FLIC) Directors and Law Librarians also identified barriers that victims face in receiving service. They noted: barriers with child care; cultural, religious, sexuality barriers; literacy and digital competency issues, comprehension issues, language barriers, transportation issues, and issues with immigration status.
- Agency barriers to service delivery were also identified. One-quarter of victim service providers noted that persons in their organization did not have the qualifications to provide legal assistance, and that there were not financial resources available to provide legal assistance to crime victims. Twenty percent of victim service providers felt that the restrictions placed on their agency on what they are legally able to provide serve as a barrier to service provision. Another common barrier identified was that their agency received more requests for service than they are able to provide assistance with (8%).
- Just over one-quarter of legal professionals working in project partner agencies indicated that they had more requests for service than they were

able to accommodate, 23% reported that there were not sufficient financial resources to provide legal assistance to meet the civil legal needs of crime victims, and 22% identified the restrictions on what they are legally able to do as a barrier for service.

- Barriers to recruitment and retaining staff attorneys were also identified. Low salaries were identified as a serious barrier by 49% of the legal professionals, operating in a rural, isolated service area was identified as a moderate or serious barrier by 48% of the legal professionals, while attorneys being unwilling to work in the service area was identified as a moderate or serious barrier by 46% of the legal professionals.
- FLIC Directors and Law Librarians identified lack of funding as the most common barrier to service, as it prevented their agency from hiring and expanding service. They also identified lack of volunteers as a barrier and conflicts that prevent them from representing clients.
- FLIC Directors and Law Librarians also mentioned that there is a lack of cooperation across agencies that prohibits the comprehensive provision of services for crime victims. Victim service providers, however, for the most part (about 60%) felt their agency was very cooperative with prosecutor's offices, and about two-thirds felt their agency was very cooperative with civil legal service providers in the county or city in which their agency is located.

*Why are attorneys not involving themselves in pro bono service to crime victims and what are agency experiences with using pro bono attorneys?*

- Victim service providers identified several reasons that their agency does not use *pro bono* attorneys to assist crime victims with their legal needs: too few attorneys in the area, attorneys are reluctant to take these cases, and resources are not available to set up a referral. Problems identified when using *pro bono* attorneys include an unwillingness of attorneys to handle certain types of cases, problems with recruitment, language barriers, and conflicts of interest.
- Legal professionals who work in project partner agencies also identified problems encountered when using *pro bono* attorneys such as recruitment, unwillingness of attorneys to handle certain kinds of cases, and language barriers.
- Private attorneys who have not provided *pro bono* services to crime victims during the previous twelve months noted that they do not have enough time to do so (25%), that they do not know how to reach a group to assist in such a service (19%), and they do not feel qualified (18%).

*How can pro bono service to assist crime victims with civil legal needs be incentivized?*

- Legal professionals who work in project partner agencies most commonly indicated their agency used awards and recognition (28%), free training with Continuing Legal Education credit (24%) and mentoring (17%) to encourage *pro bono* attorneys to handle cases involving the civil legal needs of crime victims.
- Over one-quarter (27%) of private attorneys indicated that free training that included Continuing Legal Education (CLE) credits would incentivize them to provide *pro bono* services to crime victims in civil legal matters. Partial payment was selected by 19% of private attorneys, while 14% thought a CLE voucher or gift certificate would work for an incentive or encouragement.

*What is needed for agencies to increase capacity to service additional crime victims in meeting their civil legal needs?*

- If their agency were to expand service provision to crime victims to meet their civil legal needs, victim service providers noted requiring training on laws specific to crime victims and training on service delivery most frequently (24%). Office space was identified by 18% of victim service providers, while 16% noted that their agency would require additional contractual language interpreters.
- The most frequently identified resource needed by legal professionals working in project partner agencies was additional office space (22%), followed by contractual language interpreters (17%), contractual attorneys (15%), training on laws specific to crime victims (15%), and requiring training on service delivery (12%).

*What kind of training do service providers and attorneys have in working with crime victims in meeting their civil legal needs?*

- Seventy percent of victim service providers indicated that they needed training on the civil legal needs of crime victims. Most (7%) legal professionals working in project partner agencies have received informal training as compared with formal training in an educational setting (47%) on the civil legal needs of crime victims.
- Almost all private attorneys (90%) have not received any training in law school, but most (67%) indicated that they would be willing to attend a training that was focused on the civil legal needs of crime victims for continuing legal education credit.
- All FLICs provide some kind of training for the attorneys who provide volunteer service for them; however, this training may only consist of a five minute overview session that is largely instructional.

- If training were to be provided, over one-third (34%) of victim service providers indicated they would prefer an in-person workshop, 18% preferred a self-paced web-based workshop, and 17% preferred a web-based workshop at a specific time.

*How might service delivery be improved to meet the civil legal needs of crime victims?*

- Almost one-fourth (22%) of legal professionals employed in project partner agencies indicated they would be willing to use pro se clinics and *pro bono* attorneys to provide legal services to crime victims. Slightly less than one-fifth (19%) indicated that they would be willing to use law students to provide legal services to crime victims, while 16% said they would use paralegals employed by their agency.
- Victim Service Providers were asked about “one-stop-shops” that could provide crime victims assistance with civil legal needs. Ninety-one percent indicated that they would refer victims to such a place if one were close by, 81% thought this one-stop-shop should provide services such as mental health counseling, and 83% indicated that these one-stop-shops should be able assist crime victims with asserting their rights as crime victims.
- One-stop-shops were also supported by legal professionals working in our project partner agencies. Everyone surveyed said they would refer victims to one, 95% indicated they should provide mental health counseling, while 92% thought they should assist with crime victims’ rights. In further support, 78% noted they would be willing to work, 57% would be willing to volunteer, and 39% would be willing work as a reduced-fee contract attorney in a one-stop-shop.
- FLIC Directors and Law Librarians were asked about innovative ways to provide civil legal services to crime victim victims. Many FLIC Directors also supported the development and use of one-stop-shops for crime victims. Others identified ways to better service crime victims such as: law clinics staffed by law students, creation of online resources that are also printable, providing free transportation through Uber, and communication through Skype or hotlines.

## **Recommendations**

- 1. Expand services to crime victims that have the most civil legal needs** as identified through the needs assessment and that project partner agencies have expertise and ability to serve such as victims of domestic violence, sexual

- violence/abuse, and human trafficking. Also, expand services to crime victim types that have been identified as having large unmet needs, such as such as victims of financial exploitation/identity theft/fraud, homicide survivors, stalking, and burglary/home invasion. Identify resources in community and collaborators who can assist in providing the civil legal needs of these crime victims.
2. **Provide training on the civil legal needs of crime victims to victim service providers and attorneys**, focusing on the specific civil legal needs of different types of crime victims, the laws relating to crime victims, service delivery, and the services available to them. The training should also include information about the network and how to refer victims to services for their civil legal needs. This training should be provided both in person and also be recorded so that can be accessed virtually. This training should account for **CLE credit** for attorneys to incentive them. **This training should encourage service providers to educate crime victims about civil legal services and to refer them to the network.**
  3. Coordinate efforts with the Access to Justice Committee of the GA Bar to **recruit attorneys to provide pro bono civil legal service to crime victims**. Provide information on the types of cases likely to handle, how to interact with crime victims and the importance in doing so, and how to coordinate providing *pro bono* service to crime victims in need of civil legal assistance. Outreach efforts on recruitment with the GA Bar need to occur.
  4. **Create an online resource for professionals providing civil legal services to crime victims that can also be used by victims**. This resource should be searchable by county and be printable. This resource should be comprehensive in nature and cover all types of resources that crime victims may need (e.g., criminal justice, mental/physical health, social services, civil legal).
  5. **Address language barriers that victims have**. Ensure that victims who speak languages other than English have interpreters as needed, access to documents in their language of choice, the online resource website is available in multiple languages, and hotlines and automated phone messages are recorded in Spanish (the language that was identified overwhelmingly as the language most often spoken by clients other than English).
  6. Develop and/or implement innovative **strategies for delivering services that utilize technology** so that transportation barriers can be overcome. Such strategies may include using Skype or other web-conferencing services, contracting with Uber or other transportation services, or hotlines.
  7. **Develop and/or implement innovative strategies for disseminating information to crime victims and service providers**. The use of videos and screen casts may be useful to instruct crime victims and providers on how to access the network, how to fill out forms, and where to go online for information.

8. **Provide victims not only civil legal services but access to comprehensive services and referrals as needed through our legal network.** Survey respondents reported that it was very important for victims to receive assistance with attending court and trial, to have the CJ system explained, and to receive assistance with general mental health counseling or treatment referrals. Such service delivery could potentially be delivered through a “one-stop-shop”, where victims could receive comprehensive care and legal services in a single locale. Victim service providers and legal professionals in project partner agencies widely endorsed referring clients to such one-stop-shops if they existed.
9. **Improve data collection efforts.** Project partners should work towards collecting data on clients that reflects whether they are seeking assistance in relation to a criminal victimization, and if so, what type of criminal victimization. In addition, efforts should be made to be consistent in collecting data on every client. There is a large amount of missing data in project partner databases, which makes it difficult to evaluate clients on some meaningful variables (e.g., outcomes, needs). Consistent data collection should be done by the network during the pilot project phase for effective evaluation.
10. **Seek continuation funding for the Victim Legal Assistance Network,** as lack of resources was cited as one of the key barriers for service by all survey respondents and FLIC directors/law librarians. In addition, seek out additional funding streams for free/low cost civil legal services (e.g., grants, foundation funds), and work towards increasing fee structure that funds FLIC/law libraries.

## APPENDIX H

### STATEWIDE VICTIM LEGAL ASSISTANCE NETWORKS GRANT PROJECT

#### Central Issues and Subcommittees

This purpose of the VLAN (Victims Legal Assistance Network) Project is to develop networks that provide “no cost civil legal assistance to victims of crime to address the wide range of legal needs they may have in the wake of their victimization.”

#### **The role of the Steering Committee in this phase of the project is to:**

- 1) Advise on and contribute to the needs assessment and findings of service gaps and unmet needs;
- 2) Review and advise on policies and protocols and make related recommendations for the implementation phase; and ultimately; and
- 3) To identify, recruit, and support pro bono legal service providers to be partners in the Network.

**Rural v. Urban dynamics and cultural competency and their implications for service delivery models are central issues that will run through all of the topics we address and subcommittees we form.**

To structure the work of developing the Steering Committee’s recommendations and the policies and protocols that will guide the Network’s implementation phase, the Core Partner Committee identified the following Subcommittees:

- **Access to Services and Technology-based Solutions:** This subcommittee will make recommendations and advise on policies and protocols around the Network’s access points, outreach to victims (including the use of “navigators”), the role of pro se

resources, language access issues, and technological innovations that could meet rural victims' needs or otherwise aid the Network's efforts. (Mike Monahan & Currey)

- **Cultural Competency:** This subcommittee will make recommendations and advise on policies and protocols to ensure that the Network incorporates best practices for cultural competency in all relevant aspects of its work. Ensuring cultural competency has implications for the training of all involved professionals, the development of pro se resources and technology-based solutions, and the establishing of access points, and is generally a theme that will run through all of the issues we address and subcommittees we form. (Monica)
- **Civil Legal Services and Representation:** This subcommittee will make recommendations around who the network will serve, both in terms of eligibility and substantive coverage, and advise on policies and protocols around the involvement of traditional civil legal service provider organizations and their staff attorneys in the Network, the recruitment, training and supervision of pro bono attorneys, the use of private contract attorneys, and any other issues directly related to the representation of victims. (Michael & Vicky)
- **Victim-Centered Law Enforcement:** This subcommittee will make recommendations and advise on policies and protocols around the role of law enforcement in the delivery of services and justice to victims of crime, including training, issues around enforcement, language access issues specific to law enforcement and effective strategies for partnering with law enforcement. (Alpa)
- **Court Involvement for Victims of Crime:** This subcommittee will make recommendations and advise on policies and protocols around the role of the courts and court-based services in the Network, including judicial training, the role of court-based advocates, district attorneys and solicitor's offices, and the role of the courts generally as an access point to services. (Rachel)

**APPENDIX I**  
**SAMPLE CAPACITY AND CRITERIA STATEMENT**

## APPENDIX J

### GEORGIA CRIME VICTIM'S BILLS OF RIGHTS, O.C.G.A. 17-15-1, ET SEQ.

#### **GEORGIA'S CRIME VICTIMS' BILL OF RIGHTS**

#### **O.C.G.A. § 17-17-1**

#### **VICTIM'S RESPONSIBILITY**

***Victims must provide to the law enforcement agency, prosecuting attorney, and custodial authority a current address and telephone number to be notified of specific actions in a criminal case against the accused.***

- ◆ It is the right and the responsibility of the victim who desires notification under this chapter or any other notification statute to keep the following informed of the victims' current address and phone number:
  - ✓ The investigating law enforcement agency
  - ✓ The prosecuting attorney
  - ✓ The Department of Corrections (if the accused is in the custody of the state) or any county correctional facility
  - ✓ The State Board of Pardons and Paroles
- ◆ The victim has the option to waive any of the information or notification or other obligations specified under the Crime Victims Bill of Rights.
- ◆ A victim has the right to designate a spouse, adult child, parent, sibling or grandparent to act on behalf of him or her, when the victim is physically unable to personally assume the rights under the law.
- ◆ If the victim has been trafficked for labor or sexual servitude (as defined in Code Section 16-5-46), they have the right to be notified of the availability of compensation through the federal government pursuant to 22 U.S.C. Section 7105.

#### **VICTIMS HAVE THE RIGHT:**

- ◆ To be treated fairly and with dignity by all criminal justice agencies involved in the case
- ◆ To proceedings free from unreasonable delay
- ◆ To be notified of the availability of victims compensation, which is available under the Georgia Crime Victims Compensation Program at (800) 547-0060 or [www.cjcc.ga.gov](http://www.cjcc.ga.gov)
- ◆ To be notified of the Georgia Crime Victims Bill of Rights
- ◆ To be notified of community based victim service programs
- ◆ To reasonable, accurate and timely notice of the following:
  - ✓ An arrest warrant being issued for the accused
  - ✓ The accused's arrest
  - ✓ The condition that the accused is prohibited from contacting the victim
  - ✓ The accused's release or escape from custody

- ✓ Any court proceeding where the release of the accused will be considered
  - ✓ Any scheduled court proceedings or any changes to such proceedings, including restitution hearings
  - ✓ The accused's release on an electronic release and/or monitoring program
- ◆ To be present at all criminal proceedings in which the accused has the right to be present
  - ◆ To NOT be excluded from any scheduled court proceedings, except as provided in O.C.G.A. §17-17-1 or otherwise provided by law
  - ◆ To a waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends and witnesses
  - ◆ To be reasonably heard at any scheduled court proceedings involving the release, plea or sentencing of the accused
  - ◆ To complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused (O.C.G.A. 17-10-1.1)
  - ◆ To restitution as provided by law
  - ◆ To refuse to submit to an interview by the accused, accused's attorney or agent of the accused
  - ◆ To a requirement by court that defense counsel not disclose victim information to the accused (17-17-10)
  - ◆ To be notified by the Department of Behavioral Health and Developmental Disabilities (DBHDD) if the accused is committed to the DBHDD for an evaluation, as mentally incompetent to stand trial or as not guilty by reason of insanity at the time of the crime. Upon the written request of the victim, at least ten days before the release or discharge, the department shall mail notice to the victim of the accused release from such facility.
  - ◆ To request not to receive any form of written, text, or electronic communication from an inmate who was convicted of a criminal offense against the victim
  - ◆ To be advised on how to file a complaint with the Judicial Qualification Commission if a judge denies the victim's right to be heard

## LAW ENFORCEMENT

- ◆ Upon initial contact with a victim, all law enforcement and court personnel shall make available to the victim the following information written in plain language:
  - ✓ The possibility of pretrial release of the accused
  - ✓ The victim's rights and role in the stages of the criminal justice process
  - ✓ The means by which additional information about these stages can be obtained
  - ✓ The availability of victim compensation, which is available under the Georgia Crime Victims Compensation Program at (800) 547-0060 or [www.cjcc.ga.gov](http://www.cjcc.ga.gov)
  - ✓ The availability of community based victim services programs
- ◆ Whenever possible, the investigating law enforcement agency shall give to a victim prompt notification as defined in paragraph (9) of Code Section 17-17-3 of the arrest of the accused.

- ◆ Whenever possible, the custodial authority shall give prompt notification to a victim of the release of the accused.

### **PROSECUTION**

- ◆ Whenever possible, the prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the release of the accused pending judicial proceedings.
- ◆ Victims have the right to confer with the prosecuting attorney in any criminal prosecution related to the victim.
- ◆ The prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the disposition of an accused's case, including the view of the victim regarding:
  - ✓ Plea or sentence negotiations
  - ✓ Participation in pretrial or post-conviction diversion programs.
- ◆ Victims have the right to notification, by the prosecuting attorney, of the procedural steps in processing a criminal case including the right to restitution, the rights and procedures of victims under the law and suggested procedures if the victim is subjected to threats or intimidation.
- ◆ Upon the written request of the victim, the prosecuting attorney shall notify the victim of the following:
  - ✓ That the accused has filed a motion for new trial, an appeal of his or her conviction, or an extraordinary motion for new trial;
  - ✓ Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal;
  - ✓ The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings; and
  - ✓ The result of the motion or the appeal.

### **DEPARTMENT OF CORRECTIONS**

- ◆ Whenever possible, the custodial authority shall give prompt notification to a victim of the accused's release from custody of the state or any county correctional facility.
- ◆ Whenever practical, the custodial authority shall provide notification to a victim of an escape by the accused and his or her subsequent rearrest.
- ◆ The Department of Corrections shall provide, to the prosecuting attorneys, the procedures a victim shall follow in order to block inmate mail. If a victim submits a request to block inmate mail, the Department of Corrections shall notify the custodial authority and notify the inmate of sanctions if direct or third party contact of the victim is made.

### **STATE BOARD OF PARDONS AND PAROLES**

- ◆ If a victim has expressed objection to the release of the accused or has expressed a desire to be notified, they must provide the State Board of Pardons and Paroles with a current address and telephone number

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- ◆ Upon notification by the victim to the State Board of Pardons and Paroles, of their desire to be notified, the State Board of Pardons and Paroles shall give 20 days advance notification to a victim, whenever it considers making a final decision to grant parole or any other manner of executive clemency action to release a defendant for a period exceeding 60 days.
  - ◆ The board shall provide the victim with an opportunity to file a written objection in any parole proceedings involving the accused

This Information was provided by the  
**Criminal Justice Coordinating Council**  
104 Marietta Street NW, Suite 440 - Atlanta, GA 30303  
Telephone Number: 404-657-1956  
Facsimile Number: 404-463-7652  
Website: [cjcc.ga.gov](http://cjcc.ga.gov)



## APPENDIX K

### MODEL LANGUAGE ACCESS PLAN FOR GEORGIA LAW ENFORCEMENT



## *Model Language Access Plan for Georgia Law Enforcement Agencies<sup>17</sup>*

*Developed by Georgia Legal Services Program<sup>® 18</sup>*

### **DEFINITIONS**

**Authorized Interpreter (AI) List of the :SO or PD:::** An accounting of bilingual :SO or PD:: employees who are qualified and authorized to act as interpreters. The Training Section will create and maintain the list and provide it to the :SO or PD:: 9-1-1 Communications Center.

**Bilingual:** The ability to speak two languages fluently and communicate directly and accurately in two languages. For the purpose of this document a person who is bilingual speaks English and another language. Being bilingual does not automatically qualify a person to serve as an interpreter.

**Deaf/Hard of Hearing (DHH):** *Deaf* - Having such a severe hearing loss that communication and learning is mostly by visual methods (i.e., manual communication, writing, speech reading, and gestures). *Hard of Hearing* - Having some degree of hearing loss ranging from mild to profound. People who are hard of hearing may benefit from the use of hearing aids or other assistive listening devices. They depend primarily upon spoken language in communicating with others.

**Interpretation:** The act of listening to a verbal communication in one language (source language) and saying the same thing in another language (target language) while retaining the same meaning of the source language communication. Individuals who do this task are called interpreters.

**Limited English Proficiency (LEP)/ Non-English Proficient (NEP):** Designates persons whose primary language is not English and who have a limited or no ability to read, write, speak, or understand English. LEP/NEP persons may be competent in certain forms of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations

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<sup>17</sup> Georgia law enforcement agencies are encouraged to use this model plan as a template and edit as needed to meet the needs of the communities they serve.

<sup>18</sup> Currey Hitchens, Esq., Sarah Morris, Esq., Felix Montañez, Esq., and Jana J. Edmondson-Cooper, Esq.  
**NOTE:** This plan was adapted from language access plans developed by Lake Worth, Florida Police Department in cooperation with the U.S. Department of Justice (March 2007) and the Metropolitan Police Department [Washington, DC] in cooperation with the DC Office of Human Rights (2013-2014). GLSP thanks the Georgia Asylum & Immigration Network and Douglass County Sheriff's Office for their instrumental feedback on this initiative.

are context-specific: a person may possess invaluable enough English language skills to function in one setting, but these skills may not be enough in other settings. An LEP designation should not be made based on an accent that sounds “foreign” or on the way a person looks, but on a person’s language proficiency as stated above. This document will primarily use the acronym LEP to include persons with limited or no proficiency in English.

**Non-vital Documents:** Documents which are not critical to access such services and benefits as described in the definition of “Vital Documents” below at p. 4.

**Primary Language:** The language in which a person best communicates. ::SO or PD:: employees must not make assumptions about a person’s primary language. For example, not all persons from Central or South America speak Spanish. Some Central or South Americans may speak an indigenous language. A DHH person may speak a sign language other than American Sign Language (ASL). Not all DHH persons are fluent in sign language and some use alternative means of communication. ::SO or PD:: employees must make every effort to determine a person’s primary language to ensure communication is effective.

**Qualified Interpreter<sup>19</sup>:** An individual who is competent in the skill of interpretation and interprets using necessary specialized vocabulary. Competent means interpreting effectively, accurately and impartially. Interpreting effectively and accurately means rendering vocabulary precisely so that the meaning of the verbal communication is clear and conceptually correct in the target language. This is especially critical in situations such as conferences, professional discussions, medical or legal situations, or any time there is specialized terminology in use. Therefore, in certain types of situations, interpreters with special background or experience are essential. Interpreting impartially means correctly expressing the voice, tone, emotion, and non-spoken message of the communication audibly and/or visually to the LEP or DHH person as the speaker communicates it. The interpreter cannot allow his or her own opinions, emotions, or experiences to change the messages being communicated. A qualified interpreter will also be knowledgeable of and abide by industry-recognized ethical/ professional standards of conduct for interpreters.<sup>20</sup>

**Qualified Translator<sup>21</sup>:** An individual who is competent in the skill of translation. Competent means translating effectively, accurately, and impartially. Translating effectively and accurately means

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<sup>19</sup> The ::SO or PD:: must make a diligent effort to find a qualified interpreter who holds professional certification or other credentials from a recognized credentialing body or organization.

<sup>20</sup> See, Code of Professional Conduct, National Association of the Deaf & Registry of Interpreters for the Deaf available at <http://www.rid.org/ethics/code-of-professional-conduct/> (last visited September 10, 2015). See also, Code of Ethics and Professional Responsibilities, National Association of Judicial Interpreters and Translators available at <http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf> (last visited September 10, 2015); Code of Professional Responsibility for Interpreters, Supreme Court of Georgia Commission on Interpreters available at <http://coi.georgiacourts.gov/sites/default/files/coi/Appendix%20C%20-%20Code%20of%20Professional%20Responsibility%20for%20Interpreters%2007%2015.pdf> (last visited September 10, 2015).

<sup>21</sup> The ::SO or PD:: shall make a diligent effort to find a qualified translator who holds professional certification or other credentials from a recognized credentialing body or organization.

preserving the tone and level of language used in the source language in the target language. It also means rendering any written vocabulary precisely so that the meaning of the written communication is clear and conceptually correct in the target language. Therefore, in certain types of situations, translators with special background or experience are essential. Translating impartially means the translator cannot allow his or her own opinions, emotions or experiences to change the written content being translated. A qualified translator will also be knowledgeable of and abide by industry-recognized ethical/professional standards of conduct for translators.<sup>22</sup>

**Source Language:** The language in which the verbal or written communication originates.

**Target Language:** The language into which the original verbal or written communication must be interpreted or translated.

**Translation:** The replacement of written text from one language (source language) into an equivalent written text in another language (target language). Individuals who do this task are called translators.

**Vital documents:** Documents that contain information that is critical for the public to obtain services and benefits, or is required by law. Vital documents include, but are not limited to, for example: applications, written Miranda rights, consent forms, grievance/complaint forms, other notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, inmate rulebooks, written tests that do not assess English language competency (but rather competency for a particular license, job, or skill for which English competency is not required), and letters or notices that require a response from the beneficiary. For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be a vital document.

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<sup>22</sup> See, Code of Ethics and Professional Practice, American Translators Association, *available at* [http://www.atanet.org/governance/code\\_of\\_ethics\\_commentary.pdf](http://www.atanet.org/governance/code_of_ethics_commentary.pdf) (last visited September 10, 2015). See also, Code of Ethics and Professional Responsibilities, National Association of Judicial Interpreters and Translators, *available at* <http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf> (last visited September 10, 2015).

## **OBJECTIVES**

This Department aims to comply with Title VI of the Civil Rights Act of 1964, the Safe Streets Act, the Americans with Disabilities Act (ADA), and their implementing regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination, in part, on the basis of national origin in the delivery of services or benefits funded by the Federal government. Under this law, federally assisted programs must ensure their activities normally provided in English are accessible to Limited English Proficient (LEP) persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination. Similarly, the ADA prohibits discrimination in the delivery of services or benefits to persons who are Deaf/Hard of Hearing (DHH).

The ::SO or PD:: intends to provide meaningful and free access to all persons during interactions with the sheriff's office (SO) or police department (PD) regardless of national origin or limited ability to speak, read, write, or understand English. Therefore, the ::SO or PD:: shall take reasonable steps to ensure that it communicates effectively with LEP and DHH persons in the language(s) in which they are proficient.

The ::SO or PD:: shall take the following steps:

1. Distribute the Language Assistance Plan and Language Assistance Policy Statement (See Appendix A: Language Assistance Policy Statement) to all staff, employees, officers, and managers in the ::SO or PD::;
2. Distribute the ::SO or PD::'s Language Assistance Plan and Language Assistance Policy Statement to a variety of community organizations serving the LEP communities encountered by the ::SO or PD::, including but not limited to, those serving LEP/DHH persons who speak Spanish and other LEP communities served or interacted with by the ::SO or PD::;
3. Translate the final paragraph of the Language Assistance Policy Statement into Spanish and other languages as needed. Post the English and translated versions of the Statement in a public area of the ::SO or PD:: building, including the lobby; and
4. Develop Language Assistance Operating Procedures and applicable Implementing Memoranda, consistent with Department of Justice (DOJ) Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons. (See Appendix B – U.S. Department of Justice Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.) These Operating Procedures and applicable Implementing Memoranda must focus on instructions for employees, including officers, about implementation of the Language Access Plan.
5. The ::SO or PD:: shall identify:
  - (a) a process for assessing the proficiency and qualifications of bilingual staff speaking to LEP persons in a language other than English;

(b) a process for assessing and ensuring the qualifications of staff used to provide interpretation; and

(c) a training program that:

(i) ensures initial and periodic training to improve language skills;

(ii) identifies language needs of persons who are LEP; and

(iii) ensures that those used to interpret or speak to LEP persons in a language other than English are skilled and qualified to do so. Incorporate these processes into the Language Access Plan and Language Assistance Policy Statement.

# Language Assistance Plan

## General Order Number:

### **PURPOSE**

The ::SO or PD:: knows the importance of effective and accurate communication between its employees and the community. Language barriers can block effective and accurate communication in a variety of ways. Language barriers can sometimes slow, discourage or even prevent LEP or DHH persons from accessing and understanding important rights, obligations, and services. Language barriers can keep LEP or DHH persons from communicating accurately and effectively in difficult situations. Such problems in communication with LEP and DHH victims, witnesses, alleged perpetrators, and community members can present the ::SO or PD:: with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of law enforcement, the victims, and the community.

The purpose of the Order is to have effective procedures available for departmental employees to follow when interacting with LEP and DHH persons. The procedures are consistent with federal law prohibiting national origin discrimination and discrimination based on disability, including Title VI of the Civil Rights Act, the Safe Streets Act, the American with Disabilities Act, and their implementing regulations.

### **POLICY**

All ::SO or PD:: employees shall follow this Order and take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the ::SO or PD:: provides in ::SO or PD::--conducted programs or activities. All ::SO or PD:: employees shall provide free language assistance services to LEP/DHH persons with whom they interact and whenever an LEP/DHH person asks for language assistance services. ::SO or PD:: employees must inform members of the public that language assistance services are available free of charge to LEP and DHH persons.

It is important for all department members to become fully aware of the language assistance resources that are available to assist them in providing services to LEP and DHH persons.

# PROCEDURE

Department employees shall make reasonable efforts to make sure that law enforcement services are provided and accessible to LEP and DHH persons.

## I. Identifying Persons who need Language Assistance

### A. All employees shall try to identify the primary language of an LEP/DHH person at the start of an interaction with the LEP/DHH person.

1. Use language identification cards (e.g., “I speak cards”) which ask LEP/DHH persons to identify their language needs to staff. ::SO or PD:: officers and other employees who may have contact with LEP/DHH persons shall carry language identification cards. (See, Appendix C: Language Identification Card.)
2. If the LEP/DHH person’s primary language cannot be identified using the cards, employees shall access telephone interpretation services using the procedure described below. Refer to **Section II Procedures for Accessing Interpretation Services-Types of Language Assistance Available** (See, p. 12 below).
3. If relatives, friends, or neighbors are present with the LEP/DHH person, ask these persons about the LEP/DHH person’s primary language. However, family members, neighbors, friends, and bystanders shall not be used for interpretation. Children must not be used for interpretation outside of an emergency. Refer to **Section II Procedures for Accessing Interpretation Services: Types of Language Assistance Available** (See, p. 12 below).
4. The following series of questions will help the ::SO or PD:: to know how LEP and DHH persons may come into contact with their agency:

<p><b>What are specific activities conducted by your agency that require interaction with the public? (Select all that apply)</b></p>	<p><input type="checkbox"/> Reception Area/Information Desk</p> <p><input type="checkbox"/> In-person interviews and contacts</p> <p><input type="checkbox"/> Group presentations/eligibility sessions</p> <p><input type="checkbox"/> Written notices or letters</p> <p><input type="checkbox"/> Customer service hotlines</p> <p><input type="checkbox"/> Outreach activities</p> <p><input type="checkbox"/> <b>Other:</b></p>
<p>Identify the various manners in which your agency interacts with the public or</p>	<p><input type="checkbox"/> In-Person</p> <p><input type="checkbox"/> Via Telephone</p> <p><input type="checkbox"/> Electronically (e.g. email or website)</p>

LEP/NEP persons. (Select all that apply.)	<input type="checkbox"/> Via Written letters (via U.S. mail or hand-delivered written messages) <input type="checkbox"/> Other: _____
Does your agency have information on your website in multiple languages?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when your agency updates information on its website, does it also update that information in other languages?	<input type="checkbox"/> Yes <input type="checkbox"/> No _____

5. List the tools, materials, and information currently available to agency employees who assist LEP/NEP customers as the public contact for the Department. These include but are not limited to: policies and procedures, sign-in sheets where language is indicated, telephone interpreter call-in information cards, hardware such as dual handsets, etc.

Name of Resource	Location of this Material/Resource (e.g. reception areas, agency data base, resource library, customer service manual, etc.)	Estimated Frequency of Usage: Often, Sometimes, Rarely	Is this Resource Accessible by all Agency Employees? Y/N
Notice of Free Interpretation & Translation Services			
"I Speak Card"			
Telephone Interpreter Desk Reference Card			
Telephone Interpreter Pocket Card			
OTHER:			

6. List documents/materials that your agency has identified as vital to the daily operation of your agency and has ALREADY translated. (Please do not include materials that have been given to your agency from outside organizations.)

Title of Document	Description of Document	Agency Division/ Department Name	Public Point of Entry Where Document will be found?	Currently Available in the Following Languages	When was this Document Translated? ( e.g. FY 10)	Has this Document been Recently Updated? Y/N
Resources for Victims of Domestic Violence and Sexual Assault						
Complainant/ Witness Statement						
Victim's Rights Cards						
Domestic Violence Report						
Other:						

- List documents/materials to be translated. List may include but is not limited to: applications for a program or service, notices to the public, correspondence templates (e.g. notice of eligibility or notice of scheduled hearing, legal contracts, outreach materials, press releases, etc.)

Title of Document	Description of Document	Agency Division/ Department Name	Public Point of Entry Where Document will be Found?	Target Language for Translation	Target Date for Translation
Your Communication Rights if You are Deaf or Hard of Hearing					
Auto Theft Information Brochures					
Customer Satisfaction Survey					
Bullying Prevention					

**B. All employees shall take reasonable steps to help LEP/DHH persons.**

- For emergency services, calls should be transferred to the department's 9-1-1 center, where immediate access to a telephone interpretation service is available to provide interpretation.
- Utilize the ::SO or PD:: AI list to contact other members of the department who may be able to provide interpretation of the language spoken by the LEP/DHH person.
- Mutual aid assistance may be requested from other area law enforcement agencies that have qualified bilingual staff that can assist in providing law enforcement services to an LEP/DHH person.

## **II. Procedures for Accessing Interpretation Services: Types of Language Assistance Available**

### **A. Emergency Calls to 9-1-1 – Telephone Interpretation Services**

#### **1. 9-1-1 Communications with LEP Callers**

When a 9-1-1 call-taker receives a call and determines that the caller needs a qualified interpreter, the call-taker shall tell the caller he or she will be placed on hold. However, in any emergency call, where the caller is LEP but can give key information in English, the call-taker shall get this information first and take appropriate action before placing the LEP caller on hold. If the language of the LEP caller is known, the call-taker shall immediately survey the Communications Center for an available and appropriate ::SO or PD:: AI to respond. If an AI is available, the original call-taker shall immediately transfer the LEP caller to the available AI. The AI shall follow the standard operating procedures for all 9-1-1 calls.

#### **2. 9-1-1 Communications with DHH Callers**

Each ::SO or PD:: shall ensure it can accept calls from DHH persons through the use of a Telecommunications Device for the Deaf (TTD), teletypewriter (TTY), or other communication technologies available for receiving emergency calls from DHH persons. A list of communication technologies available for serving DHH persons may be found at <http://www.911.gov/pdf/TDI-11072006.pdf> (See, Appendix D – Expectations of the Deaf and Hard-of-Hearing Community for Comprehensive Federal Action to Accelerate Emergency 9-1-1- Access).

#### **NOTE 1: Notification by Dispatchers**

The call-taker shall note in the information sent to the radio dispatch that the 9-1-1 caller is an LEP/DHH person and indicate the language, so that this information is provided to responding ::SO or PD:: employees. Dispatchers shall make every effort to send an appropriate bilingual officer to the assignment.

#### **NOTE 2: In-house Language Capacity**

The ::SO or PD:: shall take reasonable steps to develop in-house language capacity in the Communications Center by hiring employees with specific language skills. The ::SO or PD:: shall determine its Communications Center staffing needs, and must work with the Employees Department to recruit and hire qualified bilingual employees.

## **B. ::SO or PD:: Employees Requesting Interpretation Services**

### **1. Responding ::SO or PD:: Employees Responsibilities**

::SO or PD:: employees in the field in need of interpretation services will try to learn the LEP/DHH individual's primary language by using the language identification cards or other appropriate means. ::SO or PD:: employees shall immediately contact the ::SO or PD:: Communications Center by telephone and ask that an available AI be dispatched or that the LEP/DHH person be transferred to the contracted telephone interpretation service provider.

#### **NOTE 1: Emergency Circumstances**

::SO or PD:: employees are expected to follow the procedures outlined in this Order; however, emergency circumstances may require deviations. In emergency situations, employees shall use the most reliable, temporary interpreter available, such as bilingual ::SO or PD:: employees or other bilingual persons (see NOTE 2 below). Examples may include the need to obtain descriptive information on a fleeing suspect or identifying information of an injured person. However, once an emergency has passed, all employees shall return to the procedures as outlined in this Order.

#### **NOTE 2: Family, Friends, Bystanders and Minor Children**

The use family, friends, bystanders or minor children to interpret increases the risk of a breach of confidentiality, a conflict of interest, or an inaccurate, unreliable interpretation. Outside of emergency circumstances, ::SO or PD:: employees shall not use family, friends, or bystanders for interpreting. When family, friends or bystanders must be used :SO or PD:: employees will restrict such use to informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP/DHH individual. Additionally, except for temporary emergency circumstances where there is an immediate threat to health and safety while awaiting an appropriate qualified interpreter, ::SO or PD:: employees shall not use minor children to provide interpreter services.

#### **NOTE 3: Responding to Domestic Violence Calls when the Victim is**

**LEP/DHH** In order to maintain power and control over the victim and continue the abuse, abusers often take advantage of an LEP or DHH victim's limited ability to communicate in English. It is important that ::SO or PD:: employees NOT permit an alleged abuser to interpret for a victim. Additionally, if one or more parties to a domestic violence call is LEP/DHH, ::SO or PD:: employees will not determine who the primary aggressor is or make an arrest until the ::SO or PD:: employee has been able to communicate with the LEP/DHH party(ies) through a qualified interpreter who speaks the LEP/DHH party's primary language.

#### **NOTE 4: Georgia's 24-Hour Statewide DV Crisis Line**

Law enforcement officers and victims of domestic violence may call Georgia's 24-hour Statewide DV Crisis Line at 1-800- 33 HAVEN. If the caller is Spanish-speaking, the caller will be connected to a trained Spanish-speaking Advocate. Assistance in languages other than English and Spanish are available as well. All Crisis Line Advocates will do a safety assessment, provide resources, and connect the victim to other resources in her or his area.

**NOTE 5: Signs that a DV Victim is LEP/DHH**

(1) Use of incomplete sentences; (2) Combining English with another language; (3) Providing only "yes" or "no" responses; or saying "okay" often; (4) Providing little to no explanation; or (5) Use of gestures more than speaking.

**2. Communications Center Responsibilities**

The Communications Center employees shall consult the AI List to determine whether an AI is available to respond to the assignment. If no AI is available, the Communications Center shall contact the telephone interpretation service provider.

**C. Contracted/Qualified In-Person Interpreters**

Contracted in-person interpreters shall be available to ::SO or PD:: employees when interacting with LEP/DHH persons. While this service is available to all ::SO or PD:: employees, it is best suited for investigative units operating under non-emergency situations (e.g., witness interviews and criminal interrogations). Supervisory approval is required prior to getting the services of a contracted qualified interpreter. A list of qualified interpreters shall be maintained by the ::NAME DIVISION:: Commander. The ::NAME DIVISION:: employees must connect employees in the field to an appropriate qualified interpreter after getting approval of supervisor.

**1. Accessing Contracted In-Person Interpreters**

::SO or PD:: employees who believe they need an interpreter shall talk to the highest-ranking supervisor on location. If the supervisor agrees, the supervisor will contact the Communications Center. The supervisor approving the request shall give the Communications Center the name of the officer requesting an interpreter, a contact phone number, and the exact location where the interpreter is needed (i.e., the numerical address with room or floor numbers where the interpreter will report). The use of this service shall be noted on the correct department report or log.

**2. Communications Center Responsibilities**

At the direction of the commanding officer, the Communications Center dispatcher shall contact the contracted in-person interpreter service. The dispatcher will pass on all information and provide the location where the interpreter is needed. The dispatcher shall obtain an estimated time of arrival (ETA) for the interpreter and notify the officer/investigator. The in-person

interpreter should be on location no more than two hours from the time of notification.

### **3. Upon Arrival of Contracted or Qualified In-Person Interpreter**

Upon the arrival of the interpreter, the officer/investigator shall look at the identification of the interpreter. The officer/investigator shall record the interpreter's name and company affiliation, if any, on the investigative report with the interpreter's arrival and departure times. Once the interpreter is ready to start, the ::SO or PD:: employees shall administer the Interpreter Oath and ask all questions using the interpreter.

#### **NOTE 1: Interpreter Oath**

Foreign Language Interpreter - *Do you swear or affirm that you will interpret from English into \_\_\_::LANGUAGE::\_\_\_ and \_\_\_::LANGUAGE::\_\_\_ into English accurately and impartially, to the best of your ability, and will perform your duties in accordance with the [Supreme Court of Georgia Commission on Interpreters Code of Professional Responsibility for Interpreters](#)?*

Sign Language Interpreter - *Do you swear or affirm that you will interpret from English into \_\_\_::LANGUAGE::\_\_\_ and \_\_\_::LANGUAGE::\_\_\_ into English accurately and impartially, to the best of your ability, and will perform your duties in accordance with the [Registry for Interpreters for the Deaf Code of Professional Conduct](#)?*

**NOTE 2: It is the responsibility of the ::SO or PD:: employees to develop and ask any questions. Under no circumstances will an interpreter independently question an LEP/DHH person. The role of the interpreter is to be a neutral party, taking care not to insert his or her perspective into the communication between the parties.**

### **4. Conflict of Interest/Bias of Interpreter**

If the officer/investigator believes that there is a conflict of interest or bias with the assigned interpreter, or that there is any other reason that the interpreter should not be used (i.e., recused), the officer/investigator shall consult with the highest ranking supervisor on location. The supervisor will decide if getting another interpreter is necessary. If the supervisor finds that there is a reason to use another interpreter, the supervisor shall forward a memorandum to the departmental LEP Coordinator identified in Section VII (A), below at p. 19, for follow-up and review.

## **III. Interrogation, Interviews and Complaints**

### **A. Criminal Interrogations and Crime Witness Interviews**

Criminal interrogations and crime witness interview scenarios potentially involve statements with evidentiary value with which a witness may be impeached in court. Because of their importance, accuracy of what is said is a priority. Moreover, a failure to protect the rights of LEP/DHH persons during arrests and interrogations presents risks to the integrity of the investigation. The ::SO or PD:: employees must know that miscommunication during interrogations or crime witness interviews may have substantial impact on the evidence presented in any related criminal prosecution.

A qualified interpreter, preferably in-person, shall be used for any interrogation and for any formal statement that could adversely impact the legal rights of a suspect or witness. Because of the dual role an AI may have when conducting interrogations and acting as an interpreter, an AI will only be used as an interpreter during interrogations if she has identified herself to the interviewee as an officer or employee of the Department and the AI is also trained in using proper interpretation protocols. For interrogations and witness interviews it is preferable that employees use a certified interpreter or other qualified interpreter recognized by the Supreme Court of Georgia Commission on Interpreters (COI), Registry of Interpreters for the Deaf (RID), or other recognized credentialing body.

**NOTE:**

***Miranda* warnings, and all other vital documents, shall be available to the suspect or witness or other persons interacting with the Department in his or her primary language. Sometimes an LEP/DHH person will use a language that is not common and the ::SO or PD:: may not have forms translated into that language. Sometimes a person will be illiterate in any language. In these cases the content of the forms shall be read or signed to the LEP/DHH person in his or her primary language by a qualified interpreter, such as an AI or the contracted interpreter.**

**B. Complaint Procedures for LEP/DHH Persons**

Any LEP/DHH person who wants to file a complaint with the ::SO or PD:: regarding language access, or the discharge of ::SO or PD::'s duties, shall be given the translated Citizen Complaint Form. (*See also*, Appendix E - Sample Title VI Complaint Form) The complaint shall be investigated in accordance with the ::SO or PD:: policy on complaints. Citizen Complaint Forms must be available in Spanish and other languages as appropriate (*See*, Appendix F - List of other languages Determined by Assessment of :SO or :PD:). Contracted in-person interpreters of an AI or interpretation service not involved in the underlying complaint shall be used when conducting all interpretation necessary in such an investigation, including but not limited to interviews.

**IV. Procedures for Accessing Document Translation Services**

**A. Identification and Translation of Vital Documents**

The Commanding Officer of the ::DIVISION NAME::, with assistance from other Department Commanders, shall be responsible for determining whether documents are

vital or non-vital, and for determining into what languages the vital documents will be translated. To be informed about what languages and quantities of these documents are needed, the::DIVISION NAME:: Commander shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations. The::DIVISION NAME:: Commander shall be responsible for having the documents translated and distributed to LEP communities. The::DIVISION NAME:: shall serve as the central repository of all translated documents and make them available to ::SO or PD:: employees and members of the public upon request.

#### **B. Requests by Other Units for Document Translation**

Although the::DIVISION NAME:: Division will be the central conduit for document translation, all ::SO or PD:: employees shall have access to translation services through the following procedures:

##### **1. Commanding Officers**

When a Commanding Officer identifies a need for a specific document to be translated, a memorandum shall be sent to the Commanding Officer of ::DIVISION NAME:: for review, approval and translation.

##### **2. Translation of Investigative Documents**

When an investigator needs a note, letter, email, text message, or other document translated for investigation, a memorandum shall be sent to the Commanding Officer of the Criminal Investigations Division with a copy of the document to be translated.

#### **V. Notifying the Public about ::SO or PD::'s Language Services**

##### **A. Signage**

In the ::SO or PD:: public areas (e.g., lobby), notice shall be posted in the most commonly spoken languages stating that interpreters are available free of charge to LEP/DHH persons. The ::SO or PD:: shall also maintain translated written documents for LEP/DHH person as identified in Section I (A)(5)-(7) above. A list of these documents along with the available languages will be maintained by the ::DIVISION NAME::. Notice that translated documents are available must be posted in the public lobby. In the case of illiteracy or languages into which written materials have not been translated, these documents must be read to LEP/DHH persons in their primary languages upon request.

##### **B. Commanding Officer Responsibilities**

The Commanding Officer of each Division or Section of the ::SO or PD:: with direct public access shall ensure that the signage on free LEP/DHH language services is posted

so that the general public can see it, including posting signs in the public lobby area as described in Section V (A) above.

## **VI. Training: Language Assistance Policy and Interpreter Skills**

### **A. LEP/DHH Policies**

The ::SO or PD:: shall provide regular training to employees about the ::SO or PD::'s LEP/DHH policies, including how to access ::SO or PD::-authorized telephone and in-person interpreters. The ::SO or PD:: shall do training for new recruits during their orientation or field training program, as part of an in-service training session, and at roll call for officers at least every two years. In-service and roll call training shall first be conducted within 180 days of the effective date of this Order.

### **B. Competency of Interpreters**

The ::SO or PD:: shall assess the language skills of employees identified as bilingual who are willing to act as AIs. The ::SO or PD:: will use a structured assessment tool and a review committee. This committee will be made up of certified interpreters and appointed by the ::DIVISION NAME:: Commander. The ::DIVISION NAME:: shall be responsible for maintaining a record of qualifications, training, or certifications that each AI has received. For contracted interpretation services, the ::SO or PD:: shall utilize a qualified interpreter from the list of interpreters provided by the COI, RID or other recognized credentialing body.

**NOTE:** The ::SO or PD:: encourages officers to review the law enforcement LEP training video (20 minutes in length) released by the San Francisco Police Department giving practical tips and warning signs officers need to look for when responding to domestic violence and elder abuse calls involving LEP victims. *Available at:* <https://www.youtube.com/watch?v=i8qY1zi0tzc> (last visited September 3, 2015).

## **VII. Monitoring and Updating Language Assistance Efforts**

### **A. LEP/DHH Coordinator**

The ::DIVISION NAME:: Commander shall be the ::SO or PD::'s LEP/DHH Coordinator who is responsible for coordinating and implementing all aspects of the ::SO or PD::'s language access services to LEP/DHH persons.

### **B. Community Review**

The Commanding Officer of the ::DIVISION NAME:: shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into

which vital documents should be translated and whether the Department should hire employees who are bilingual in specific languages.

**C. Documents**

The Commanding Officer of the ::DIVISION NAME:: shall be responsible for annually reviewing all new documents issued by the ::SO or PD:: to assess whether they will be considered vital documents and be translated.

**D. Collection of LEP Contact Data**

The Commanding Officer of ::DIVISION NAME:: shall be responsible for collecting ::SO or PD:: LEP contacts. This data may be collected through the review of Communications Center Computer Aided Dispatch records on AI usages and billing statements submitted by the contracted telephone and other contracted in-person language services providers.

**1. Tracking and Analysis of LEP and DHH Data**

The ::DIVISION NAME:: Commander or her designee shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the ::SO or PD:: is providing meaningful access to LEP persons to the services and benefits that the ::SO or PD:: provides and in all ::SO or PD:: conducted programs or activities.

**2. Complaint or Incident Reports**

Officer Responsibilities: If during the course of handling an assignment the responding officer either used her bilingual skills, the services of an AI, an in-person interpreter, or a telephone interpreter service, “LEP” or “DHH” (i.e. use both if a person is both LEP and DHH) in large bold letters shall be inserted in the report and in the remarks section.

By Order Of:

\_\_\_\_\_  
**::NAME:, SHERRIFF / CHIEF OF POLICE**

**::SO or PD::**

Effective Date: **::MONTH DATE, YEAR::**

**APPENDIX L**  
**LAW ENFORCEMENT PROTOCOL FOR FAMILY VIOLENCE**



**GEORGIA COMMISSION ON FAMILY VIOLENCE**

*2 Martin Luther King Jr. Drive  
Suite 1570, East Tower  
Atlanta, Georgia 30334  
(404) 657-3412 (phone) \* 404-656-3987 (fax)*

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**A MODEL LAW ENFORCEMENT PROTOCOL  
FOR FAMILY VIOLENCE INCIDENTS**

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Forward

The Georgia Commission on Family Violence would like to express its appreciation to Chief Joseph H. Lumpkin, Sr. and the Athens-Clarke County Police Department for their assistance in preparing 1998's Family Violence Guidelines For Georgia Law Enforcement. This guideline is intended to be a model for Georgia law enforcement agencies and may be copied, changed, or adapted to conform to the needs of local law enforcement agencies.

Questions regarding this document should be directed to:

The Georgia Commission on Family Violence  
2 Martin Luther King Jr. Drive  
852 East Tower  
Atlanta, Georgia 30334  
404-463-0122

**I INTRODUCTION**

Family violence is abuse that occurs between family members, unmarried partners, or others as defined by Georgia law. One person in the relationship gains power and control over the other by using physical, sexual, and/or emotional force. The vast majority of victims are women.

The *[Insert department name]* recognizes that a great deal of domestic violence is preventable. By thoroughly investigating incidents of domestic violence and appropriately enforcing applicable laws, short and long-term positive effects are realized. Reductions in domestic homicides, assaults, elder abuse, child abuse, spousal rapes, and instances of stalking, often result from aggressive enforcement of family violence laws. Additionally, domestic hostage situations are far less frequent. Such reductions interrupt learned violent behavior in children. This reduces juvenile crime on the street and in schools; moreover, it reduces the number of children who become abusive adults.

**APPENDIX M**  
**PROTECTED PLACES FLYER**

***Protected Places – If you are a victim of  
Domestic Violence . . .***



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***Immigration Removal Enforcement Actions  
are not allowed at:***

- Domestic violence shelters, rape crisis centers, supervised visitation centers, family justice centers, victim services or victim services providers, or community-based organizations, or
- Courthouses, if the victim is there for a protection order case, a child custody case, or other civil or criminal case related to domestic violence, sexual assault, trafficking, or stalking. 8 U.S.C. Sec. § 1229(e)
- Department of Homeland Security regulations also prohibit enforcement actions “near sensitive community locations such as, schools, places of worship and funerals or other religious ceremonies.”

**If you are contacted by law enforcement:**

**Always Remain Silent, except to**

**Ask for An Attorney**

**Never Sign Anything without Asking  
Your Attorney**

The information is based on: the Family Court Bench Card  
on the Violence Against Women Act (VAWA) Confidentiality by Lesley Orloff at:  
<http://www.lsc.gov/sites/default/files/LSC/pdfs/7.%20%20Appendix%20VI%20%20VAWA%20Confidentiality%20Benchcard%20%2010%2011%2013.pdf>. This is not legal advice and does not create an attorney/client relationship.

Contact an attorney for more information specific to you.

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