



National Institute of Justice

The Safety and Accountability Audit

**Prepared by Ellen Pence and Dorothy Smith for the National
Institute of Justice and Office on Violence Against Women**

October 26, 2004 Meeting

U.S. Department of Justice
Office of Justice Programs
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Washington, DC 20531

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When a woman who is being beaten by her partner calls 911 for help, she activates a complex institutional apparatus – the criminal justice system (CJS). She wants “help.” The help she has in mind is specific to her situation. She may well have a definite form of help in mind. Perhaps she wants him removed. She wants her car, or child or tax refund check back. She certainly wants the violence to stop and her call to 911 is a part of her effort to make that happen. The criminal justice system coordinates a number of agencies and individual practitioners to respond to her call as a case to be managed. Her situation, or at least some aspect of her situation, is transferred by the intervening practitioner into a category that makes her experience institutionally actionable. Her bloody nose and her statement give the responding officer the authority to arrest. The nature of her injury means that, if arrested, her abuser will be charged with a misdemeanor assault. The fact that she told the officer that she threw an ashtray at him after he had hit her repeatedly means she too might be charged with the same crime. Here lies the beginning of a disjuncture between her experience of the *violence* and the formulation of that experience as a legal case by the state.

Her call is not simply a call to a dispatch center. It is a call to her community; to the government. While she is calling for help to stop the violence of someone more powerful than she, she is tapping into a system of agencies and institutional processes that will process her call as a single – or more often a series – of distinct “cases” to be managed by legal and human service agencies. The coordination of these agency interventions is not linked so directly to her situation as a woman being abused within an intimate relationship as it is to the various functions of these agencies as proprietors of institutions of social management. Activists seeking to reorient the responses of institutions from the specific missions of these agencies (police to investigate and arrest, prosecution to charge and convict, mental health workers to assess and heal) to their relevance in the lives of battered women have sought to do so by calling for coordinated responses centered on the collective goal of public safety. In these circumstances, public safety translates into the safety of battered women and their children. A strategic goal to secure that safety has been to shift the responsibility of holding offenders accountable for their offenses from the victims of their violence to institutions of social control. This goal is talked about in terms of offender and systems accountability. Many communities have taken up the challenge of change by organizing coordinated multi-agency reform initiatives. Increasingly those initiatives are turning to principles of institutional ethnography to determine how victim safety and offender accountability are either centralized or marginalized at specific points of intervention in domestic abuse related cases.

Institutional ethnography, as a research approach, was developed by Canadian sociologist Dorothy Smith (1987) to explore and analyze institutional organization from the standpoint of the everyday world. By investigating social organization and relationships, researchers in institutional ethnography ultimately produce methods by which practitioners can expand their understanding of the institutional order in which they are involved. Institutional ethnography does not address a given institutional setting from the point of view of its overall organization. Instead, it begins with a particular standpoint – for example, that of a woman who has been abused – and questions the institutional processes that produce a certain outcome from that standpoint. The layers of legal, bureaucratic, and professional structures are not addressed as a whole. Rather, specific processes relevant to the problems women experience are identified. Institutional ethnography traces those processes as sequences of institutional activity in which people participate at various levels and in various capacities.

Using this approach, agents of social change ask questions in new ways – focusing neither on the individual practitioner nor the subjects of the cases being processed. Instead the focus is turned to explicating how practitioners' work has been organized to standardize the ways in which they act on cases. The investigative questions become, “How is the case being put together by workers in the system in ways that produce problematic outcomes for women?” and “How are workers organized to account for and enhance victim safety and offender accountability?” We are interested in understanding how victim safety and

offender accountability are affected by the ways in which workers are coordinated by institutional processes to assemble cases.

Institutional ethnography encompasses people's everyday activities and experiences as participants in an institutional order (Campbell and Gregor, 2002; Campbell, 1998; Currie and Wickramasinghe, 1998; Devault and McCoy, 2001; Grahame, 1998). This method focuses on the distinct ways in which people's activities are coordinated in the institutional process, rather than on the individuals themselves or on their beliefs, attitudes, or biases. Institutions are viewed as coordinators of people's activities. In so doing, they rely on formalized discourses such as law, medicine, psychology and other scientific and professional knowledge bases, and are mediated by texts and documents (de Montigny, 1995; Mykhalovskiy, 2001; Ng, 1988; Pence, 2001; Rankin, 1998; Smith, 1990; Smith 1999; Smith, 2001; Turner, 2001).

In its application to the field of domestic violence, institutional ethnography has thus far been used primarily by criminal justice practitioners and domestic violence advocates rather than by academics or trained researchers. Ellen Pence, director of Praxis International, has developed a specific method of conducting an institutional ethnographic study that relies on interagency groups of systems workers and battered women's advocates. These groups are charged with the task of forming an audit team to uncover specific practices that produce poor outcomes relative to safety and accountability. The "Praxis Audit" asks local teams to focus their inquiry on how the work routines of 911 operators, police officers, jailers, prosecutors, judges, and other practitioners are organized to

make domestic violence cases institutionally “actionable.” Those teams are organized to conduct an assessment or “audit” that presumes that an opportunity for centralizing victim safety and offender accountability exists at every point of interaction within those institutions.

The research objective is to examine one (e.g., dispatching) or a sequence of case processing steps (e. g., dispatching, police investigation, booking, arraignment) with an eye toward uncovering safety and accountability concerns.¹ The team traces and describes a practitioner’s work activities and how s/he is institutionally coordinated to act on a case, assuming that individuals in large bureaucracies do not independently decide how to perform their jobs. Instead, every practitioner – from dispatchers to judges – is coordinated by institutional means of standardization embodied in policies, guidelines, administrative forms and protocols (such as 911 coding guidelines, definitions of probable cause, booking forms, bail schedules, supervised release criteria, pre-sentence investigation forms, police report-writing formats and statutory distinctions between misdemeanor and felony). This standardization is both natural and necessary when interacting with and responding to large groups of people, as bureaucracies are charged with doing. However, general standards that are applied to the unique characteristics of domestic violence often inadequately attend to the victim’s safety needs. The audit allows the team to scrutinize the impact of every conceptual and bureaucratic process that

¹ Women who are brought into an institutional existence because of battering or a life experience related to the abuse they are experiencing are frequently being processed as a number of distinct cases in different legal or human service agencies. For example in one audit of child protection cases involving domestic violence we mapped five different institutional cases opened in a single name during the period her CPS case was under investigation.

constitutes case processing. By so doing, an institutional audit examines the very method of standardization that institutions employ to guide workers' responses and actions. In addition to examining institutional methods of standardizing practitioners' actions, the audit is also designed to identify other organizers of practitioners' actions such as the availability of resources, time, technology and training (see figure 1 on scope of inquiry).

The administrative practices that standardize practitioners' actions are embedded in ways of thinking about the people whose lives are being managed as a case, about the function of the state in their lives, about the violence, about family relationships. Practitioners are continually required to make sense of the situation they are processing as a case. The professional discourse that is available to the police officer, prosecutor, judge, and/or rehabilitation provider shapes the manner in which the practitioner transposes the situation into conceptual categories that direct the practitioners' analyses of "what is going on." The concepts and theories operative in a local community are a crucial determining factor in how practitioners act in the safety interests of victims. For example, the probation officer or sentencing judge who sees the violence in a particular case as the result of poor communication or limited relationship skills may feel a lessened sense of urgency when a couple proclaims they have "separated for good." Another judge who understands the violence in that relationship as an attempt to establish dominance by the abuser may understand the same declaration as signaling a period of heightened risk for the victim. The audit uncovers operative concepts and theories active in the management of

cases and allows the audit team to look for the safety consequence of employing certain concepts, theoretical assumptions or even language in managing a case.

Methods of investigation are straightforward: 1) focus groups with people whose experiences are being processed as an institutional case; 2) interviews with institutional practitioners about a) the context of the work they do in the larger process of managing the case; b) the specific ways they act on cases at each institutional point of intervention; and c) the texts or reports they use or produce at each interchange between practitioners and the case in the process; 3) observations of practitioners actually doing their jobs; and 4) analyses of all of the administrative and regulatory texts used by the institution to coordinate workers across time and sites of institutional action.

Since the focus is not on individuals, interviews and observations follow the classic field procedures of sociological ethnography (e.g., Spradley, 1979; Schwartzman, 1993; Emerson, Fretz, & Shaw, 1995; Holstein and Gubrium, 1998). In large bureaucracies, the “case file” is a key coordinating instrument, and therefore a primary object of inquiry. Text analysis further adds to the understanding of institutional actions, as texts are situated in and actively coordinate the work of practitioners.

Since institutional ethnography and the audit process characterize institutional processes rather than individuals, there are no systematic sampling procedures. Instead, interviews and observations sample the work process at different points to ensure a sufficient range of participants’ experiences. This method gives reasonable confidence that the audit locates the normal

institutional function and normal range of cases that are processed. Practitioners along those points of intervention are knowledgeable about routine processes, and interviews tap into this competence. The audit design envisions most interviews and observations of practitioners to be with those who are considered competent and well versed in their jobs. The practitioners interviewed during the audit process are co-investigators with the audit team. Their intimate knowledge of how the institutional processes actually work in everyday practice and their first hand experience with the people whose cases are being processed supply many of the critical observations and insights of the audit.

Established as a research procedure for sociology, institutional ethnography translates readily into participatory forms of research in which practitioners examine and evaluate how their own work processes, and the work of others, add up to outcomes beyond those they envisage. At the same time it provides advocacy groups, who often act in a coordinating role for the audit team, with a non-hostile, methodical, in depth way of turning the attention of inter-agency coordinating bodies to a critique of how institutional processes serve to protect victims and hold offenders accountable for their abuse. This process folds organically into the inter-agency reform work already begun in so many communities but lacking focus or methods of promoting meaningful change. The process of analyzing what's going on frequently points to the obvious solution. For example, let's assume that an audit team has transcribed some twenty-five domestic related 911 calls, and then traced the flow of written information from the dispatchers, to the ongoing record of calls in the CAD system, to the

responding officers, to the final police report (if a report was made). The team can now review this flow of information from the perspective of a prosecutor, who is representing the safety interests of the victim at the arraignment hearing; a probation officer determining if a defendant on his\her caseload has violated his conditions of probation; a CPS worker who uses the report to screen the case for possible child abuse; and an advocate, who decides whether or not to try and call this victim because of the level of danger she appears to be facing. These perspectives offer meaningful insights into ways in which the ability of practitioners to centralize victim safety and offender accountability can be enhanced or limited in just the first few hours of a case. The institutional process is assembled by means of work process and key coordinating texts (or by other coordinating mechanisms such as laws, regulations, agency directives, or the role of supervisors). Audit team members arrive at a practical understanding of the means by which institutions produce particular outcomes from the perspective of victim safety. This attention to case management is highly useful in the measurement of safety because it does not presume, for example, that increasing the rate of prosecution alone will make victims safer. At the same time, it reveals concrete reasons for a low prosecution rate.

As a research method, the audit directs researchers and participants to focus on how work *that is properly done* can nevertheless produce undesirable outcomes – through the ways in which workers are institutionally organized to act on a case, are organized to conceptualize a case, and finally are coordinated with practitioners at different sites of intervention.

Focus on institutionalized forms of coordination, particularly texts, has two major merits: (1) because the focus is on work practices, an audit team can identify particular problems in those practices; and (2) problematic outcomes that are caused by institutional organization can be identified. By seeing how a particular conceptual or administrative practice compromises safety or accountability, the team is frequently pointed to a solution.

Institutions are organized and coordinated, for the most part, by means of standardized texts or standardized protocols for producing texts. Policymakers can change the protocol for writing a particular coordinating text such as a police report. On a broader scale, legal professionals can uncover organizational disjunctures such as gaps in communication between the prosecuting attorney's office and the police. Rather than raising issues in arenas that are difficult to change (e.g., public opinion or political climate) changes can be introduced at the level of direct interaction or service. Changes at the ground level make the institutional process more likely to produce desired outcomes: in this case, enhanced safety for women abused by their partners, and increased accountability for domestic violence offenders.