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# **National Evaluation of the Grants to Encourage Arrest Policies Program**

**Final Report**

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## Table of Contents

<b>Chapter 1. Introduction</b>	1
Overview of the Arrest Policies Program	1
Evaluation Approach and Issues	1
Overview of Methodology	2
Evaluation Issues	2
Evaluation Findings	4
Report Overview	6
<b>Chapter 2. Literature Review and Background on the Arrest Policies Program</b>	7
Problem of Domestic Violence	7
Responding to Domestic Violence	8
Catalysts for Change in Law Enforcement and Prosecution Policies	9
Overview of Changes at the National Level	10
Research on Arrest and Prosecution	12
Minneapolis Experiment, Replications, and Reanalysis	12
Research on Law Enforcement Implementation of Arrest Policies	14
Research on Dual Arrests	15
Research and Policy Change in Prosecution	16
No Drop and Evidence Based Prosecution	18
Other Relevant Research	19
Domestic Violence Courts	19
Coordinated Community Response	20
Victims' Assessments of Criminal Justice Interventions	21
Summary	22
<b>Chapter 3. Local Implementation of the Arrest Policies Program</b>	23
Arrest Policies Program Goals	23
Offender Accountability and Victim Safety	24
Overview of Grantees and Projects	25
National Survey Results	26
Local Project Implementation	27
Site Selection for Process Evaluation	28
Overview of Process Evaluation Methods	29
Implementation Issues	29
Staffing and Personnel Issues	29
Administrative and Technology Delays	35
Local Resources	41
Need for Inter-Agency Cooperation and Coordination	42
Summary	42

<b>Chapter 4. Arrest Policies Program and Criminal Justice Process Changes</b>	44
Overview of Case Processing Issues .....	44
Arrest Policies Program System Changes .....	46
Specialized Domestic Violence Units.....	46
Law Enforcement Specialized Units.....	48
Prosecution Units and Court Organization Structures .....	50
Probation .....	54
Training and Mentoring.....	56
Improved and Increased Services .....	58
Follow-Up Activities and Services .....	59
Report Writing and Evidence Collection .....	60
Improved Case Prosecution and Court Processing .....	61
Victim Services.....	62
Criminal Justice-Victim Services Partnership Changes .....	65
Partnerships Descriptions.....	65
Types of Partnerships.....	67
Differing Paths to Partnerships .....	69
Coordination in Planning.....	69
Accepting Differences in Agency Philosophies and Roles.....	70
Shared Decisionmaking .....	73
Summary .....	74
<b>Chapter 5. Impact Evaluation</b>	77
Evaluation Strategy .....	78
Site Selection and Local Research Coordinators .....	80
Quantitative Measures .....	81
Statistics .....	81
Sample Data .....	82
Qualitative Data .....	84
Content Analysis of Incident Reports .....	84
Focus Groups.....	85
Victims/Survivors Interviews .....	86
Overview of the Sites.....	87
Domestic Violence Indicators .....	87
Local Program Focuses .....	88
Charging Practices .....	89
Characteristics of Arrestees .....	90
Program Impacts on Offender Accountability .....	92
Arrest Policies and Trends .....	93
Gaps in Law Enforcement’s Response to Domestic Violence .....	95
Prosecution Efforts.....	99
Filing Decisions and Case Screening.....	100
Charging Practices .....	102

Conviction and Sentencing .....	102
Court Dispositions of Domestic Violence Cases .....	103
Sentencing Patterns.....	106
Oversight of Offenders.....	110
Summary .....	111
Arrest Policies and Trends .....	112
Prosecution Efforts.....	112
Conviction, Sentencing, and Supervision .....	113
System Approach .....	113
<b>Chapter 6.. Impact Evaluation</b> .....	<b>113</b>
Participants.....	114
Research Issues.....	115
Victim Services and Satisfaction with Services.....	116
Victim Assistance Arrangements.....	117
Victim Services Provided.....	118
Victim Services.....	119
Victim Satisfaction with Services .....	121
Need for Additional Victim Services.....	122
Victim/Survivor Perceptions of the Criminal Justice Response.....	123
Law Enforcement Response.....	123
Prosecution/Court Response.....	125
Participation in the Criminal Justice System.....	126
Victim Participation .....	126
Effects of Participation Decisions: Satisfaction with Care .....	127
Summary .....	129
<b>Chapter 7. Evaluation Summary and Recommendations</b> .....	<b>130</b>
Introduction .....	131
Grant Program Implementation Issues.....	131
Criminal Justice Process Changes .....	133
Impact Evaluation.....	135
Arrest Policies and Trends .....	135
Prosecution Efforts.....	136
Conviction, Sentencing, and Supervision .....	136
Victims/Survivors Experiences .....	137
Conclusions.....	137
Administrative Recommendations.....	138
Domestic Violence Practitioner Recommendations.....	139
Research Recommendations.....	141

- Appendix A. National Survey of Project Directors
- Appendix B. Overview of Traditional Approaches to Misdemeanor Domestic Violence Case Processing
- Appendix C. Survey of Arrest Project Participants
- Appendix D. Structured Interview Questionnaire

## List of Exhibits

Exhibit 3-1: Site Descriptions by Type of Project.....	30
Exhibit 4-1: Specialized Units Funded (in whole or part) Through the Arrest Policies Program .....	47
Exhibit 4-2: Components of Multi-Agency Policing Projects.....	49
Exhibit 4-3: Arrest Policies Program Staffing at Prosecution-Led Projects.....	51
Exhibit 4-4: Key Components of Specialized Prosecution Units and Domestic Violence Courts .....	52
Exhibit 4-5: “Fast Track” Projects in Pueblo and La Plata Counties, Colorado.....	54
Exhibit 4-6: Criminal Justice Agency Grantees and Their Partners .....	66
Exhibit 4-7: Role of Community Service Providers in Arrest Policies Projects .....	67
Exhibit 5-1: Types of Summary Statistics .....	82
Exhibit 5-2: Primary Charges Issued by Prosecutors’ Offices for 1999 .....	89
Exhibit 5-3: Racial/Ethnic Background of Domestic Violence Arrestees for 1999 (Urban Sites).....	91
Exhibit 5-4: Domestic Violence Arrestees by Race/Ethnicity.....	92
Exhibit 5-5: Prosecution Filing Rates by Site, 1999.....	101
Exhibit 5-6: Dispositions of Misdemeanor Domestic Violence Cases, 1999 .....	104
Exhibit 5-7: Sentences of Convicted Batterer Misdemeanants for Impact Sites, 1999.....	106
Exhibit 5-8: Misdemeanor Sentences, Lozen County, 1996 and 1999.....	109
Exhibit 5-9: Violation of Probation Cases Filed, Lozen County, 1996-1999.....	111
Exhibit 6-1: Grant Staffing for Victim Assistance at Impact Sites.....	118
Exhibit 6-2: Types of Victim Services Provided .....	120
Exhibit 6-3: Victim Prosecution Preferences by Level of Violence.....	127

## **Chapter 1**

### **Introduction**

The Institute for Law and Justice (ILJ), under a grant from the National Institute of Justice (NIJ) and funding from the Violence Against Women Office (VAWO), conducted a national evaluation of the Grants to Encourage Arrest Policies Program.<sup>1</sup> The Arrest Policies Program is funded under the Violence Against Women Act of 1994. This final report presents findings from the evaluation, which included a survey of 130 grantees, a process evaluation involving 20 grant projects, and an impact evaluation involving six projects.

### **Overview of the Arrest Policies Program**

Under the Violence Against Women Act of 1994 and its reauthorization in 2000, the VAWO provides grants for the purpose of establishing or enforcing policies favoring arrest and prosecution of persons committing domestic violence. Development of this program was based on testimony at congressional hearings about the pervasiveness and seriousness of domestic violence, and on research showing that arrest of batterers can deter future domestic violence by defendants. At the time this evaluation began, VAWO had awarded 130 Arrest Policies Program grants. Most grants were for projects sponsored by law enforcement agencies or prosecutors' offices, with some grants going to probation departments, statewide agencies, and tribal organizations.

### **Evaluation Approach and Issues**

Based on the congressional mandate establishing the program, three primary questions were considered in designing the evaluation: (1) What types of projects are being implemented under the Arrest Policies Program? (2) How has implementation of the Arrest Policies Program changed the criminal justice system and the delivery of services to victims of domestic violence? and (3) How has the Arrest Policies Program increased victim safety and well-being and offender accountability?

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<sup>1</sup> In 2000, the Grants to Encourage Arrest Policies Program was renamed the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

This section provides an overview of the methods employed in the evaluation, followed by a discussion of issues that influenced our approach, particularly with respect to addressing the third question related to offender accountability and victim safety and well-being.

## **Overview of Methodology**

The evaluation used a combination of quantitative and qualitative methods to document both the national scope of the Arrest Policies Program and the implementation and outcomes of local projects. All 130 active grantees were asked to complete a questionnaire requesting information on project activities and performance. With guidance from a national advisory board, ILJ developed site selection criteria and selected 20 projects to participate in a process evaluation. ILJ visited the 20 projects to assess the implementation process by interviewing staff, observing grant activities (e.g., courtroom proceedings, police work through ride-alongs), and collecting documentation. ILJ staff prepared case study reports on each site.<sup>2</sup>

Finally, ILJ explored the impact of the Arrest Policies Program on offender accountability and victim safety. Six projects were selected from among the 20 that participated as process evaluation sites. Multiple methodologies were employed, including collection of summary statistics on law enforcement, prosecution, and victim services performance (e.g., arrests, cases filed, victims served); analysis of sampled data for two time periods, 1996 (pre-grant) and 1999 (post-grant); content analysis of police incident reports prepared before and after grant implementation; focus groups with key criminal justice agency personnel and victim services providers; and interviews and focus groups with victims/survivors.

## **Evaluation Issues**

The Arrest Policies Program was not a test or demonstration of any single, pre-determined pro-arrest strategy. Instead, and as Congress intended, grant applicants had a great deal of flexibility in designing their projects. In their applications for funding, sites were asked to describe how they would address at least one of six legislative purpose areas. Briefly, these areas addressed development of mandatory and pro-arrest policies and programs; training; creation or enhancement of specialized domestic violence units; domestic violence case tracking

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<sup>2</sup> The individual site reports prepared by ILJ were approved for Internet distribution by local project directors and can be found on ILJ's web site: [www.ilj.org/dv/](http://www.ilj.org/dv/).

improvements; coordination of case tracking systems across agencies; and strengthened services for victims of domestic violence. Many projects addressed several purpose areas, and the grant amounts varied, as did existing resources and strategies in the grantee jurisdictions. In short, although the grantees had in common certain guidelines and requirements, they could and did develop many different interventions.

This flexibility in local programming afforded grantees many advantages, but it also posed challenges for evaluating the impact of the Arrest Policies Program as a whole. Significant challenges came from the timing of the evaluation grant award. Many grantees had made considerable progress in implementing their projects before the evaluation grant was awarded. Although this is a positive comment on the funding agency's and grantees' ability to move forward with implementation, it limited opportunities to set up special data collection systems or control groups for the evaluation. Related to this (and one of the areas that the authorizing legislation in fact sought to address) was the fact that local sites varied greatly with respect to computer system capabilities for tracking domestic violence cases.

The evaluation team received excellent cooperation from the sites participating in the evaluation. The evaluators were able to thoroughly address key questions related to process; for example: What obstacles did grantees encounter, how were they overcome, and what barriers remained? What changes were made in criminal justice system handling of domestic violence cases? Did services to victims/survivors increase as a result of the grant? Were victims/survivors satisfied with the services provided?

These were important questions for VAWO and Congress. However, challenges noted earlier could not be overcome with respect to evaluating impact. Specifically, an experimental research design using control groups and a random sampling process for selecting victims to be interviewed<sup>3</sup> could not be accomplished. Without such methods, we cannot conclude that certain positive outcomes documented in this evaluation were a direct result of interventions supported by Arrest Policies Program grant funding, rather than competing factors. To compensate for the

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<sup>3</sup> In addition, the decision to use methods other than random sampling to recruit victims/survivors for interviews was influenced by concerns for victim safety; a desire to ensure that victims/survivors who were members of racial and ethnic minority groups were interviewed; and at participating small and rural jurisdictions, small numbers of prosecuted cases compared to large urban areas.



inability to implement a more rigorous evaluation design, other qualitative and quantitative methodologies were developed.

The evaluation addressed the following key questions of concern to VAWO and Congress:

- How are Arrest Policies Program funds being spent by grantees?
- Were victims satisfied with the services provided through Arrest Policies Program projects?
- What impacts did the Arrest Policies Program have on organizations (e.g., law enforcement agencies, prosecutors)?
- What impacts did Arrest Policies Program projects have on offender accountability?

These questions differ from the questions one might hope to answer had this been an evaluation of a field test or demonstration project, but they are important not only to legislators, the funding agencies, and researchers, but also to policymakers and practitioners in the field.

## **Evaluation Findings**

Key findings from the evaluation are summarized below and discussed in detail in Chapters 3 through 7 of this report.

- The national survey of grantees found that most projects used their funds to support development of specialized units and for training. The 111 grantees that responded to the survey reported the establishment of 130 new units for combating domestic violence. Of that number, 45 new units were in police departments, 37 in prosecutors' offices, 17 in probation, 10 in courts, and 21 were multi-agency units.<sup>4</sup>
- The surveyed grantees also reported the use of grant funds to enhance 92 existing specialized units. Of that number, 25 were in police departments, 28 in prosecutors' offices, 17 in probation, 10 in courts, and 12 were multi-agency units.
- In total, the 111 grantees funded 536 staff positions, for an average of 4.8 staff per project. The majority of those hired (58 percent) were in law enforcement or prosecution. The fewest number of people hired were in the areas of probation (60 staff, 11 percent of all hires) and courts (70 staff, 13 percent of all hires).
- The process evaluation involving 20 sites showed that grantees used their funds to make significant changes in handling domestic violence cases. These changes

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<sup>4</sup> Jurisdictions may have established more than one specialized unit to assist victims of domestic violence.

ranged from large organizational restructuring, such as establishing domestic violence courts, to changes in day -to-day operations, such as improvements in evidence collection procedures.

- In most sites, the grants resulted in improved communication and cooperation among criminal justice agencies and community-based victim services organizations. As might be expected, collaboration on Arrest Policies Program projects was most notable at sites where key agencies already had solid working relationships prior to applying for grant funds.
- Adoption of preferred or mandatory domestic violence arrest policies, or new domestic violence law enforcement initiatives, corresponded with an increase in law enforcement arrests or referrals to prosecutors across all sites. These increases eventually stabilized. Increases in arrest are likely due to the new or urgent management emphasis on domestic violence.
- ILJ's analysis of the sample data found that the proportion of warrant arrests of domestic violence suspects increased from an average across all sites of 4.1 percent of all arrests prior to the Arrest Policies Program grants to 15.5 percent during the grant period. This suggests a change on the part of law enforcement in procedures for arresting batterers.
- Some gaps in the law enforcement response were identified with respect to cases where the suspect fled the scene and in the enforcement of protection orders.
  - In general, where police departments did not have specialized domestic violence resources (e.g., detective units), there was little likelihood that efforts would be made to locate and apprehend suspects who fled.
  - Law enforcement officers in focus groups expressed frustrations with protection order enforcement, including a perceived lack of support from prosecution and courts. In their focus groups, victims/survivors and service providers/advocates indicated that a lack of enforcement led them to believe protection orders were not an effective safety measure.
- With respect to prosecution practices, several findings stand out as a result of the evaluation:
  - Prosecutors file on a high percentage of domestic violence charges.
  - Prosecutors reduced dismissals of domestic violence case filings.
  - Limited case screening was conducted by prosecutors' offices. Most prosecutors' offices filed charges on nearly all domestic violence arrests.
  - Charging practices were influenced by the flexibility of the state code and reflected agency philosophies.
- Findings with respect to conviction, sentencing, and supervision included the following:
  - The percentage of cases resulting in convictions remained constant from pre-grant to post-grant periods (61.4 percent in 1996; 60.0 percent in 1999).

- The percentage of cases resulting in some form of diversion increased from 7.2 percent in 1996 to 14.5 percent in 1999
- The majority of victims/survivors were contacted by victim assistance staff and were provided a variety of services, including help with protection orders and safety planning.
- In terms of victim services, five developments were documented at various sites:
  - Victims/survivors were contacted at earlier stages in the criminal justice process.
  - The addition of victim witness specialists and community advocates resulted in an increase in the number of women who were offered services.
  - The types of services were expanded, with civil legal assistance becoming a component of victim services.
  - Outreach and bilingual victim assistance staff had the potential of improving access for victims/survivors from under-served communities.
  - Access to services was improved as victim assistance was delivered at criminal justice agencies.
- A majority of victims/survivors in interviews and focus groups reported satisfaction with the victim assistance services they received and the law enforcement response. With respect to victim services, victims/survivors' primary unmet need was for follow-up information on criminal case status and disposition.

## **Report Overview**

Chapter 2 presents background on the Arrest Policies Program and reviews relevant literature, focusing on studies related to mandatory and preferred arrest policies and prosecution handling of domestic violence cases. Chapter 3 provides additional information on the Arrest Policies Program goals, presents findings from the national survey of 130 grantees, and presents details on the 20 sites that participated in the process evaluation. Chapter 4 describes how Arrest Policies Program grant funds changed the way domestic violence cases were handled by law enforcement, prosecution, courts, and probation. The chapter also discusses improvements in communication and coordination between criminal justice agencies and community victim service organizations. Chapter 5 discusses the impact evaluation. It provides detail on the evaluation methodology, including discussions of data collection and analysis, and discusses evaluation findings. Chapter 6 discusses victims/survivors' experiences with victim services provided and with criminal justice system handling of their cases. Chapter 7 summarizes key findings from the evaluation and offers recommendations for policy and future research.

## **Chapter 2**

# **Literature Review and Background on the Arrest Policies Program**

It is only within the last 30 years that the United States has made significant progress in treating domestic violence as a crime, rather than as a private matter. This chapter does not attempt an exhaustive review of the literature on domestic violence but instead focuses on research findings and public policies—particularly those related to arrest and prosecution of batterers—that either led to the Arrest Policies Program or that have become available since implementation of the Program.

## **Problem of Domestic Violence**

The Arrest Policies Program defines domestic violence as an act of violence against an intimate partner or any other person protected by a state's domestic violence laws. Intimate partners typically include spouses, former spouses, cohabiting couples, couples with a child in common, and dating couples. However, this is not a universal definition. In some states, domestic violence is more broadly defined to include acts of violence between members of the same family or even persons living together as roommates.

Domestic violence is a serious problem in the United States today. For example, the Federal Bureau of Investigation (FBI), using data submitted to the National Incident Based Reporting System (NIBRS) from 14 states, estimated that nearly 25 percent of all reported violent crimes in 1998 involved domestic violence (FBI 1999).

Estimates of the prevalence of domestic violence vary significantly, however. For example, the National Violence Against Women Survey (NVAW) estimates that 1.8 million women and 1 million men are victimized by intimate partners annually (Tjaden and Thoennes 2000). In contrast, the Bureau of Justice Statistics (BJS) National Crime Victimization Survey (NCVS) estimated that in 1998, 1 million violent crimes were committed against intimate partners, 85 percent of which were against women (Rennison and Welchans 2000). The NCVS does not include crimes such as stalking in its definition of domestic violence; moreover, other differences in the two surveys' definitions, methodologies, samples, and other factors account for

differences in findings on prevalence, as well as the high number of male victims seen in the NVAW results.

Domestic violence is also the largest cause of intentional injury to women. A study of violence-related injuries treated in hospital emergency rooms found that a spouse, ex-spouse, or boyfriend was responsible for approximately 38 percent of all emergency room visits by women with intentionally caused injuries (Rand, 1997). Furthermore, the risk to women of domestic violence victimization is much higher than the risk to men. The NCVS estimated that 22 percent of all female victims of violence were attacked by an intimate partner, compared to only 3 percent of male victims (Rennison and Welchans 2000). The FBI reports a similar trend in homicide rates. In 1997, almost one-third (29 percent) of all female homicide victims were killed by an intimate partner, a rate that has remained relatively constant since 1976 (Owens-Manley, 1999). By contrast, intimate partner murders accounted for only 6 percent of all male homicides (Rennison and Welchans 2000).

While the NCVS indicates that domestic violence is more prevalent in low-income and urban households, it exists in all racial, ethnic, and economic groups. Domestic violence also affects women of all ages, although it is most common against women age 20-24, with women ages 35-49 most vulnerable to murder by an intimate partner (Rennison 2001).

Under-reporting of domestic violence to law enforcement is another issue that makes it difficult to determine prevalence. The NCVS estimates that only half of women victimized by an intimate report the violence to law enforcement (Rennison and Welchans 2000), and NVAW survey estimates are even lower (only 27 percent of women physically assaulted) (Tjaden and Theonnes 2000). Because of this, the criminal justice system faces not only the challenge of improving its responses to domestic violence, but to encourage women to come forward and report the violence.

## **Responding to Domestic Violence**

The last 25 years have seen changes in how police and prosecutors respond to and handle domestic violence cases. Over the years, states and the federal government have enacted a variety of legislative changes concerning violence against women. A review of those changes is provided in the sections that follow.

## Catalysts for Change in Law Enforcement and Prosecution Policies

Historically, domestic violence was considered a private matter, not one in which criminal justice intervention was considered appropriate. Three things changed this attitude with respect to law enforcement policies: concerted efforts by advocates for victims and women; influential lawsuits challenging police practices; and research—in particular, the Minneapolis Domestic Violence Experiment.

First, the women’s movement in the 1970s took up the challenge of making domestic violence a policy issue (Pleck 1987; Schneider 2000). These efforts resulted in legislation in many states that provided for civil orders of protection and provided new criminal law powers to the police. By 1982, 27 states had enacted laws that authorized police to arrest suspects in misdemeanor domestic violence cases based on probable cause, and nearly 40 states had provided courts with powers to issue orders of protection against domestic violence. Seven states also enacted laws making domestic violence a separate crime (Lerman, Landis, and Goldzweig 1983). At best, enforcement of these new laws was inconsistent. Police in many jurisdictions at that time were trained to avoid making an arrest, with many local law enforcement agencies favoring a family crisis model in which officers attempted to mediate, make referrals, and/or temporarily separate the parties. However, there were law enforcement critics who felt that this mediation model was not appropriate in cases involving physical violence (Loving 1980).

Second, lawsuits challenging police indifference to domestic violence victims,<sup>5</sup> caused local jurisdictions to take a hard look at how they dealt with domestic violence. In 1984, municipal governments across the country took notice when Torrington, Connecticut, was ordered to pay \$2.3 million to Tracy Thurman on the grounds that the police department had a policy of failing to provide equal protection to victims of domestic violence.<sup>6</sup>

Third, arguments for greater criminal justice involvement in domestic violence were reinforced in the 1980s by research findings—particularly the results of the Minneapolis

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<sup>5</sup> See, for example, *Bruno v. Codd*, 396 N.Y. S.2d 974 (Sup. Ct. 1977); *Scott v. Hart*, No. 6-76-7395 (N.D. Cal.: 1976).

<sup>6</sup> *Thurman v. City of Torrington*, 595 F. Supp. 1521 (D. Conn. 1984). See also *Sorichetti v. City of New York*, 65 N.Y. 2d 461, 492 N.Y. 2d (1985), which resulted in an out-of-court settlement in which the New York City Police Department agreed to change its policies.

Domestic Violence Experiment, which suggested that arrest was far superior to other traditional police responses as a specific deterrent to domestic violence recidivism.

Research on prosecution practices was not as extensive at that time or as influential. However, many researchers as well as victim advocates recognized the limitations of the Minneapolis experiment, including a need to examine what happens after arrest with respect to prosecution practices and outcomes. By the time Congress enacted the Violence Against Women Act in 1994, many victim and women's advocates had turned their attention to reforming prosecution practices. As a result, the last 20 years have seen more prosecutors treating domestic violence as a serious crime (Hanna 1996), with many now taking an "evidence based" approach to prosecution.

### **Overview of Changes at the National Level**

Both Congress and the executive branch began to take steps in the 1970s to respond to domestic violence. Congress began holding subcommittee hearings on domestic violence as early as 1978. These continued through the 1980s and culminated in the Violence Against Women Act of 1994.

Initially, Congress focused primarily on prevention issues. For example, only two of 43 witnesses at the 1978 hearings were from the criminal justice system, and both represented a probation department.<sup>7</sup> Executive branch efforts also involved a number of non-criminal justice agencies, including the Departments of Health, Education and Welfare and Housing and Urban Development. By the late 1970s, however, federal support for criminal justice system reforms began to increase. For example, the Department of Justice supported several model projects with Law Enforcement Assistance Act (LEAA) funding. Several years later, the Attorney General's Task Force on Family Violence (1984) recommended statutory and criminal justice reforms, including a recommendation that all law enforcement agencies "establish arrest as the preferred response in incidents of family violence."

Also in the early 1980s, Congress enacted the Victims of Crime Act (VOCA), which created the federal crime victim compensation program and set priorities for the funding of victim services related to domestic violence, sexual assault, and child abuse. VOCA required

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<sup>7</sup> Domestic Violence, Hearings Before the Subcommittee on Child and Human Development of the Committee on Human Resources, United States Senate, Ninety-Fifth Congress, Second Session (1978).

victim participation in the criminal justice system for states to get compensation funds. VOCA did not require this participation for jurisdictions to receive grants to improve services to victims, both within and outside of the criminal justice system, as well as others. VOCA victim services grants provided core funding for domestic violence and sexual assault programs that became platforms for training and criminal justice system reform during the 1980s. Other congressional legislation in this period also dealt with domestic violence in the non -criminal justice context.<sup>8</sup>

In 1992, Congress enacted the Battered Women’s Testimony Act (Pub. L. 102-527, 106 Stat. 3459). This law was narrowly drawn to authorize the State Justice Institute to conduct research on testimonial issues relating to the state of mind and experiences of battered women when they were defendants in intimate partner homicide cases.

In 1994, the Violence Against Women Act (VAWA) was enacted as part of a comprehensive crime bill, the Violent Crime Control and Law Enforcement Act (Pub. L. 103-322, 108 Stat. 1902). Title IV of VAWA included authorization for grants to combat violent crimes against women, including domestic violence; funding for a national hotline for domestic violence victims; shelters, and rural law enforcement agencies; and funding to establish community programs on domestic violence. VAWA also created the new crimes of interstate domestic violence and interstate violation of an order of protection; and it included a focus on stalking.<sup>9</sup>

VAWA also included authorization for the Arrest Policies Program, providing grants assist local efforts in six areas. Briefly, these areas were implementation of mandatory or pro-arrest policies; training; specialized domestic violence units; coordination of computer case tracking systems across agencies; strengthening of legal advocacy programs for victims; and judicial education and improved judicial case handling. The legislation authorizing the Arrest Policies Program responds to long-standing complaints of victim advocates that police do not arrest domestic violence suspects to the extent they should (Schechter 1982); a belief that police remain reluctant to arrest in domestic violence incidents compared to otherwise similar assaults

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<sup>8</sup> For example, a study of domestic violence in the context of child custody (Pub. L. 102-528, 106 Stat. 3451); and the Family Violence Prevention and Services Act (42 U.S.C. § 40271 et. seq.), enacted in 1986 and administered by the Department of Health and Human Services.

<sup>9</sup> The National Stalking and Domestic Violence Reduction program was authorized in the 2000 amendments to VAWA).



(Klinger 1995; Avakame 2001); and the need for a strong message that domestic violence is and will be handled as a crime.

In addition, the need to develop coordinated community responses to domestic violence—in particular, to build bridges between criminal justice agencies and community based victim service providers—was also widely recognized by the time the Arrest Policies Program was developed. All grantees were required to work in partnership with a community based victim services organization.

## **Research on Arrest and Prosecution**

### **Minneapolis Experiment, Replications, and Reanalysis**

The Minneapolis Domestic Violence Experiment was the first experimental test of the specific deterrent effect of arrest in misdemeanor domestic violence cases and involved the random assignment of three responses—arrest, mediation, or ordering men to leave the scene—to legally eligible assault suspects. The behavior of the suspects was monitored for six months after the police intervention. The researchers concluded that arrests were more effective than either of the other two responses in reducing subsequent domestic violence (Sherman and Berk 1984; Sherman and Cohn 1989).

The Minneapolis experiment findings were widely accepted, with far-reaching results. Within one year of the first Minneapolis study publication, more than half of all major police departments had heard of the experiment, with three-quarters correctly remembering its general conclusion that arrest was the most effective police response (Buzawa and Buzawa 1996). By the mid-1990s, most states permitted, and more than half the states and the District of Columbia required, police to arrest assailants in misdemeanor domestic violence incidents based on probable cause (Zorza 1994, Miller 2000).

Replications of the Minneapolis study by various researchers over the following decade yielded results that suggested the deterrent effect of arrest on spousal abuse was more complicated than the original hypothesis suggested. NIJ funded replication studies in five other jurisdictions (Omaha, Milwaukee, Colorado Springs, Charlotte, and Miami) in the Spouse Abuse Replication Project. In several of the jurisdictions, deterrent effects of arrest were present for some outcome measures; but overall, the results led some to conclude that the deterrent effect of

arrest was short-lived (Sherman *et al.* 1992) or only marginal (Davis and Smith 1998). Some of the replication studies also suggested that mandatory arrest might actually increase recidivism in some circumstances. In the Milwaukee study, researchers reported that arrest did have a short-term deterrent effect and led to a decrease in recidivism with some groups of offenders, but higher rates of recidivism were reported among arrestees who were unmarried, unemployed, high-school drop-outs, or African-American (Sherman *et al.* 1992).

One criticism of the Minneapolis experiment and replication studies is that they were too narrowly focused, examining only the initial police response, one of many possible interventions (Zorza 1994). In addition, specific deterrence is not seen as the only potential benefit of laws and policies favoring arrest; they serve to “remind the victim, the offender, and society at large that particular conduct will not be allowed.” (Buzawa and Buzawa 1996).

The National Institute of Justice (NIJ) recognized that it was difficult to generalize from the Minneapolis replications because of significant differences in case selection, incident eligibility rules, analytical models, and outcome measures (Maxwell, Garner, and Fagan 2001). In an effort to address this, NIJ funded a reanalysis examining all of the replication studies. The reanalysis showed that arrest did reduce recidivism across all five study sites, although the relationship was “modest compared with the effect of other factors (such as the batterer’s age and prior criminal record) on the likelihood of repeat offending.” The researchers also found no indication that arrest increased the risk of subsequent aggression.

The reanalysis employed two data sources: data from victim interviews and the criminal history database. Response categories were collapsed into arrest and non-arrest. Looking at the likelihood of re-offending based on victim interviews, the researchers found that about 36 percent of suspects in the arrest group re-offended, compared to 48 percent of suspects in the non-arrest group. Overall, about 40 percent of the interviewed victims reported subsequent victimization, whether the suspect had been arrested or not. Maxwell *et al.* (2001) found this rate to be consistent with other studies of batterer recidivism. Finally, although a majority (60 percent) of batterers did not re-offend, there was a high concentration of repeat offending among a small number of batterers; victim interview data revealed that 82 percent of 9,000 new incidents were reported by only 8 percent of the victims.

## **Research on Law Enforcement Implementation of Arrest Policies**

By the time the 1994 VAWA was enacted, state laws and police policies had clearly moved in a pro-arrest direction. However, there were still concerns that police remained reluctant to arrest in domestic violence cases compared to otherwise similar, non-domestic violence incidents (Klinger 1995; Avakame 2001).

For example, studies of the adoption of mandatory arrest policies in a southern jurisdiction found that arrests did not, in fact, increase (Greenleaf 1993); rather, what increased significantly were the number of incident reports containing explanations of why an arrest was not made (Lanza-Kaduce, Greenleaf, and Donahue 1995). In contrast, an evaluation of the New Jersey mandatory arrest law found that police arrests for domestic violence increased 33 percent in the eight years following the new law's enactment in 1991, even though arrests for violent crimes generally dropped 12 percent. One interesting by-product of the new law was increased reporting; after the new law went into effect, reports of domestic violence increased by 51 percent (Ciraco 2001).

Even more dramatic increases in arrests were reported in Massachusetts. Prior to a new preferred arrest law, only 7 percent of domestic violence calls resulted in an arrest, compared to 37.8 percent after the law's enactment; and arrests in protection order violations, where arrest is mandatory upon a finding of probable cause, rose to 49.4 percent. Among the other key findings was that the more experienced the officer, the less likely was arrest. However, state training to reduce dual arrests was considered largely successful, with dual arrests occurring in only 2.4 percent of the cases; and the new law's clarification of the police role was reported to have improved cooperation between victim shelters and the police (Holmes, Mignon, and Headley 1993).

A third state study was conducted in New York, which adopted a mandatory arrest law in 1994. This study found significant problems with implementation of the law. Suspects fled the scene in over 50 percent of the cases, yet officers were given no guidance on how to proceed. There was also a tendency in the first two years after the law's adoption to undercharge crimes of domestic violence, i.e., to charge suspects with harassment rather than assault. The study also looked at probation policies and found that they treated a first violation of court orders of protection more seriously than a repeat abuse incident. Overall, probation agencies initiated

probation violation proceedings 50 percent more often than was the case prior to adopting the new policy. Most probation agencies (76 percent) referred batterers to intervention programs and 87 percent of the probation agencies monitored the referrals; 80 percent initiated violation proceedings for non-compliance. Recidivism, as measured by repeat calls for service, occurred in 30 percent of the cases within nine months of the original incident. Overall, the results of this study suggested that the new mandatory arrest law had been effective, but that there were some problem areas that needed to be addressed.

Finally, only a few researchers have focused on organizational and policy changes that have been designed to improve the police and prosecutor response. For example, Epstein and Langenbahn (1994) note a need for research on multi-disciplinary cross-training, the use of victim witness advocates, third-party reporting, and measures to protect victim privacy in the hope of encouraging reporting and prosecution.

### **Research on Dual Arrests**

Another concern about mandatory arrest policies is whether they result in increased “dual arrests,” where both parties are arrested even though one party is a victim resisting abuse. Arrest of both parties in a domestic assault or related criminal incident may trivialize the seriousness of the batterer’s conduct and compromises the safety and legal rights of the victim. There is also some reason to believe that true mutual combat is not common. The North Carolina Governor’s Crime Commission (1998) has estimated that only in 3 to 4 percent of cases are both parties the combatants.

Studies in a number of states have indicated that pro-arrest policies have coincided with an increase in dual arrests. Martin found that dual arrests constituted on average one-third of battering arrests when Connecticut’s mandatory arrest law was first implemented (Martin 1997). Another review of statistics in pro-arrest jurisdictions found dual arrest rates ranging from as high as 50 percent to 1 percent (in a department with intensive training to help officers avoid arresting both parties) (Jones and Belknap 1999). Similarly, concerted efforts to reduce both dual and female arrests in Rhode Island have resulted in dual arrest rates that vary from a low of 1.3 percent in Providence to a high of 13.7 percent in East Providence. Providence police have a special domestic violence squad that reinforces command policy to arrest only primary

aggressors and reviews dual arrest reports to ensure that exceptions are warranted; if not, arresting officers receive training and correction.

Dual arrests, however, are only a subset of the larger problem of inappropriate arrests of female suspects in domestic violence cases. The California Criminal Justice Statistics Center (1999) reported that 17 percent of all arrests in domestic violence cases are of females, and both the Connecticut Department of Public Safety (1997) and the North Dakota Bureau of Criminal Investigation (1999) found an even higher rate of 23 percent.<sup>10</sup> Unfortunately, studies that have examined what forces are driving arrests of females do not provide consistent answers (Jones and Belknap 1999). A study by Lyon (1999) found that, in one jurisdiction, arrests of female suspects were correlated with prior calls for service from the household where the woman resided. Conversely, where there had not been a prior call, victim reports of prior abuse correlated with arrest of the batterer. Lyon speculates that these findings may reflect unconscious retaliation by police against the woman for staying with her abuser (Lyon 1999). For some police officers, mandatory arrest may suggest that an arrest of one party must be made, even where they do not have the time or skills to investigate the circumstances of the domestic violence and to ascertain which party is the primary aggressor. In these situations, officers may make a determination about the party to be arrested based on the most visible injuries.

### **Research and Policy Change in Prosecution**

Whereas adoption of mandatory and pro-arrest policies was influenced by research on the deterrent effect of arrest, early studies of the deterrent effect of prosecution were not as numerous or as influential. One difference was the promotional campaign that was launched to publicize the results of the Minneapolis study (Buzawa and Buzawa 1996). Another difference was that unlike the Minneapolis study, early research on the deterrent effects of prosecution was not as convincing, although it did uncover significant trends that were explored in later studies.

It has been argued that arrest without effective prosecution cannot be expected to produce significant deterrent effects (Hirschel and Hutchinson 1992). In the sites participating in the Spousal Assault Replication Project, a majority of the offenders were booked but never

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<sup>10</sup> These rates are significantly higher than the 15 percent male victimization rates reported by the Bureau of Justice Statistics victimization surveys.

prosecuted. Indeed, the failure to prosecute may explain findings at some replication sites that any deterrent effect from arrest is limited to batterers with no prior criminal record.

One of the first studies of the prosecution/adjudication process was conducted between 1980 and 1983 by Barbara Smith, who examined how domestic violence cases were handled in four jurisdictions. In Minneapolis, Smith found a very low case dismissal rate (10 percent); and in Minneapolis and Charlotte, convictions were reached in over half the cases and jail sentences were imposed in one-third. These findings contrasted with commonly held views that domestic violence cases were extremely difficult to prosecute and that sentences of incarceration were rare. One reason why dismissal rates in Charlotte were low was the establishment of a special domestic relations court to hear domestic violence cases.

In Minneapolis, there was some suggestion that prosecutors had adopted evidence-based prosecution practices, since victims rarely appeared in court. Another important finding was that prior domestic violence incidents seemed to be highly correlated with short-term recidivism.<sup>11</sup> For most batterers, however, arrest and prosecution was correlated with no repeat violence (Smith 1983). Although these findings did not receive much attention at the time, many of the themes identified in this early study have been the subject of later research.

Other research on deterrent effects of prosecution has produced mixed results. Fagan, Friedman, Wexler, and Lewis (1984) studied the deterrent effects of prosecution in a sample of 720 battered women seeking services and found that neither prosecution nor conviction reduced the rate of new violence. Two studies by Steinman (1988, 1990) found that arrest and prosecution together had a significant deterrent effect, whereas arrest alone had no such effect. Davis and Smith (1998) investigated re-arrest after court disposition in a large sample of domestic violence misdemeanor cases in Milwaukee County, Wisconsin, in 1995, but found no evidence that dispositions affected the likelihood of recidivism in these cases.

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<sup>11</sup> Data on long-term recidivism was gathered in only one site (Brooklyn). At that site, long-term recidivism was not so highly correlated with prior incidents; however, there was an indication that this was because the parties were no longer together and the focus of the batterer's violence had shifted.

## **No Drop and Evidence Based Prosecution**

The most important policy change in prosecution has been to reduce reliance on the victim's willingness to testify in determining whether a case will proceed.<sup>12</sup> Some prosecutors began to institute "no drop" policies, making the prosecutor the sole decision maker with respect to whether a case should be prosecuted; and more recently, "evidenced based prosecution" strategies have gained ground.

While the clear trend has been toward more aggressive prosecution, neither prosecutors nor the domestic violence advocates have reached consensus on the extent to which the state should use its powers to compel women to help prosecute their batterers (Hanna 1996). Proponents contend that domestic violence is a crime against the public order, not just the individual victim. They maintain that no-drop policies could help reduce pretrial intimidation of the victim because the batterer would realize that the victim does not have the ability to have the prosecutor drop charges. Others fear that the policies might in fact do more harm than good, citing instances where women who fail to cooperate may be charged with filing false police reports or obstruction of justice and cases where women compelled to testify lied under oath to avoid batterer retaliation, exposing themselves to criminal liability. Additional concerns are that requiring the involuntary testimony and participation of victims may cause fewer women to report abuse (Booth 1999), and that credence must be given to victims' capacity and need to make decisions affecting their safety.

Ford and Regoli (1993) conducted a randomized study in Indianapolis in 1986 and 1987, comparing mandatory prosecution and drop-permitting policies and found that the prosecution protocol used could affect batterer recidivism. Victims who were permitted to drop charges but chose to proceed with prosecution were far less likely to experience new violence either during the prosecution process or within the six-month follow-up period. From this group, none of the victims interviewed were assaulted during the process, and only 13 percent were battered after case settlement. The researchers also found that victims in the drop-permitted category who chose *not* to prosecute had a risk of re-abuse greater than those in the no-drop category. Since

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<sup>12</sup> Until recently, the only evidence gathered by police at the scene of domestic violence was the complaint of the victim. With the introduction of pro-arrest policies, police training on evidence gathering reduced the need of the prosecutor to rely on victim testimony. Technological advances such as the use of Polaroid™ and digital cameras have further increased the quality of evidence gathered.

the experiment involved only cases that were unlikely to involve a high risk of injury to the victim, the results cannot be generalized to high-risk cases (Mills 1998).

Over time, no drop policies have evolved into an evidence-based prosecution approach in many jurisdictions. Evidence based prosecution relies heavily on enhanced investigation by law enforcement and/or the prosecutor's staff. Decisions about whether to prosecute are based on an assessment of the sufficiency of the evidence to prove the criminal case, rather than on the availability of victim testimony. The victim may or may not testify. Victims are not usually coerced into testifying nor does their refusal result in sanctions against them. There is recognition that in some cases, the victim's safety or well being may be compromised by testifying. Where the prosecution is unlikely to prove the case without victim testimony, a decision about proceeding with prosecution may then be made in light of the victim's willingness to testify. In contrast, in no-drop jurisdictions, prosecutors typically emphasize successful prosecution and often use measures to compel victim testimony.

## **Other Relevant Research**

### **Domestic Violence Courts**

One of the six legislative purpose areas for the Arrest Policies Program was related to judicial training and improved judicial case handling, and several Arrest Policies Program evaluation sites used grant funds to enhance their work through domestic violence courts. Several evaluations of special domestic violence courts have been conducted. The studies have varied with respect to methodology, ranging from process descriptions (Fritzler and Simon 2000), to prescriptive (Tsai 2000), to limited statistical measurements (Yanich 1999).

One study of the San Diego Domestic Violence Court found a one-third reduction in recidivism (Peterson and Thunberg 2000). Another study looked at the impact on convictions of a special domestic violence court in Milwaukee. The court not only centralized the handling of domestic violence cases, but also established a "fast track" procedure resulting in trials being scheduled within 60 days of intake. Case disposition time was shortened from 188 days to 86 days. This acceleration was thought to be responsible for an increase in conviction rates from 56 to 69 percent. This occurred despite the fact that the prosecutor accepted twice as many cases as before the policy (30 versus 15 percent). To encourage pleas, the incidence of jail sentencing



was reduced to only 39 percent of the cases compared to 75 percent before the establishment of the new court (perhaps also reflecting prosecution's need to accept lesser sentences in weaker cases). There was little evidence that recidivism changed after the establishment of the new court (Davis, Smith, and Rabbitt 2001). The study also included interviews with victims about their feelings of satisfaction and safety, and there was a trend toward feelings of improved safety among victims whose cases were heard in the new unified court.

### **Coordinated Community Response**

Some have argued that for arrest to succeed, the responses of all areas of the criminal justice system—law enforcement, prosecution, courts, jails, probation, and treatment—need to be reinforced and redesigned to complement each other (Walsh 1995). Researchers have begun to look at arrest not just in terms of its immediate effects but also as an integral part of a wider response that takes into consideration the complex patterns and wide range of behaviors associated with domestic violence (Bracher 1996). For example, Clark *et al.* (1996) in conducting a study of coordinated community responses to domestic violence in six sites, concluded that “the overall impact of the criminal justice response is only as strong as its weakest link. In order to bring about system-wide changes, a community needs to raise the consciousness of each agency about their role in addressing domestic violence and how this role interacts with and affects the ability of other agencies to respond to this issue.”

A few researchers have recently gone further. In line with earlier recommendations (Bowman 1992; McCord 1992), they have attempted to measure criminal justice responses that include aggressive prosecution and meaningful judicial sanctions, combined with a range of services that aid and protect victims. For example, Thistlethwaite, Wooldredge, and Gibbs (1998) studied the effects of court dispositions on rearrest for domestic violence. They suggest that sentence severity (type of sentence as opposed to sentence length) may contribute to the prevention of further violence.

Syers and Edelson (1992), in examining coordination among police, prosecution, and the courts, found that police home visits followed by arrest, prosecution, conviction, and court-mandated treatment resulted in greater reductions in recidivism than any of these interventions alone.

A study of Iowa legislation mandating a minimum jail sentence for conviction of domestic violence shows how complicated the issue of sanctions can be. The study found that jail sentencing increased dramatically; and the new emphasis on domestic violence intervention also resulted in the increased use of batterer intervention programs (Carlson and Nidey 1995). These changes did not come without a cost. When researchers re-analyzed the data, they found a 10 percent reduction in the number of cases resolved by pleas, and that dismissals increased by nearly 200 percent. The number of cases going to trial in the year immediately following the new law's adoption went from 5 to 45, although this number was later reduced by adoption of new dismissal policies. Reanalysis also showed that combining both dismissals and not guilty findings, over 40 percent of all domestic violence filings did not result in a conviction, compared to 18 percent before the new law.

More recently, Tolman and Weisz (1995) looked at the effect of prosecution as part of a system-wide protocol for handling domestic violence cases. Comparing cases resulting in conviction with cases resulting in dismissal or acquittal, they examined recidivism over an 18-month period; they failed to find any change in subsequent recidivism as measured by police reports or arrests.

Others advocate broadening the research focus to include examining the continuum of services and resources needed to overcome the fragmented and incomplete response to the needs of battered women and their children (Owens-Manley 1999). These resources include not only emergency services but also long-term resources such as housing assistance, access to employment opportunities, health and mental health services, child care, educational opportunities, and legal assistance.

### **Victims' Assessments of Criminal Justice Interventions**

Official recidivism statistics are an indirect and weak measure of victim safety. Not surprisingly, some of the early arrest experiments were criticized for not pursuing more victim-informed assessments or for downplaying the results of victim interviews (Bowman 1992; Zorza 1995). In recent years, research solicitations by NIJ and the Centers for Disease Control (CDC), for example, have emphasized a need to develop more direct measures of victim safety. In addition, several recent and ongoing studies sponsored by NIJ focus on the experiences of immigrant and racial/ethnic minority victims of crime. Another study by Buzawa, Austin,

Bannon, and Jackson (as reported in Stephens and Sinden 2000) examined factors associated with officer decisions to arrest and victims' preferences concerning arrest. They found that victim satisfaction with the police response was almost entirely dependent on whether officers followed victims' wishes. Muraoka's survey of residents in an Omaha shelter found that interpersonal reasons were key to victims' approval of their experience with police (Stephens and Sinden 2000).

## **Summary**

Several factors have been important to the development of pro-arrest and pro-prosecution policies. Adoption of state laws and police policies favoring arrest were influenced by pressure from concerned victims' and women's advocates, lawsuits against local police agencies, and research, most notably the results of Minneapolis Domestic Violence Experiment published in 1984. By 1996, five replications of the Minneapolis experiment had been completed, with varying results. Five years later, a reanalysis of those replications concluded that arrest did in fact have a consistent, specific deterrent effect on domestic violence recidivism in misdemeanor cases, although the effect was determined to be more modest than that found in the Minneapolis experiment.

At a practical level, prosecutors have been challenged to process an increasing number of arrest cases. In addition, there has been significant support for the theory that arrest combined with prosecution and conviction will have a greater specific deterrent effect than arrest alone, and prosecutors have adopted more aggressive strategies in prosecuting domestic violence cases. Training throughout the country, including national training conferences (e.g., annual domestic violence conferences sponsored by the National College of District Attorneys) also appear to have served as catalysts for change, as well as sources of information about prosecution strategies, including evidence based prosecution approaches.

The Arrest Policies Program, which was first authorized under the Violence Against Women Act of 1994, was designed to assist states and local jurisdictions in meeting a broad range of challenges associated with pro-arrest and pro-prosecution approaches. Paramount among them is the need to address issues of victim safety and well being, at the same time holding offenders accountable for the crimes they commit.

## Chapter 3

### **Local Implementation of the Arrest Policies Program**

The first sections of this chapter present results from two tasks undertaken during the start-up phase of the evaluation. These tasks were to

- Review the goals of the Arrest Policies Program as set forth in the authorizing legislation and the Violence Against Women Office (VAWO) grantee application kit; and
- Review grant applications provided by VAWO to determine who received Arrest Policies Program grants and for what purposes.

The rest of the chapter discusses the following tasks associated with the process evaluation phase of this study:

- Develop and conduct a survey of all grantees to understand more specifically how grantees were using or intended to use their grant funds.
- Analyze the grantee survey results and develop criteria for selecting 20 local project sites to participate in the process evaluation.
- Conduct site visits to the 20 local projects and examine how the funds were actually used.

The chapter includes descriptions of the types of projects implemented by the 20 grantees and explores implementation challenges faced by a number of grantees.

### **Arrest Policies Program Goals**

The Arrest Policies Program promotes the implementation of mandatory or pro-arrest policies as an intervention that is part of a coordinated community response to domestic violence. The Violence Against Women Act (VAWA) directs that the Arrest Policies Program funds be used to

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest programs and policies for protection order violations.
- Develop policies and training programs in police departments and other criminal justice and tribal agencies to improve tracking of cases involving domestic violence.

- Centralize and coordinate police enforcement, prosecution, probation, parole, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers, or judges.
- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system.
- Educate judges and others responsible for judicial handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to improve judicial handling of such cases.<sup>13</sup>

### **Offender Accountability and Victim Safety**

A VAWO “program brief” for the Arrest Policies Program<sup>14</sup> explains that arrest “should be one element in a comprehensive criminal justice system response to hold offenders accountable and enhance victim safety.” With respect to criminal justice system handling of domestic violence cases, the program brief states the following:

- Arrest should be followed by immediate arraignment and a thorough investigation.
- Orders of protection should be enforced, and cases should be vigorously prosecuted.
- Designated dockets can enhance the management of domestic violence cases and expedite the scheduling of trials.
- Frequent judicial oversight and the use of graduated sanctions can help courts monitor the behavior of domestic violence offenders.
- Probation and parole agencies should closely monitor offenders and strictly enforce the terms and conditions of probation or parole.

Clearly, the Arrest Policies Program encourages cooperation and participation from most major sections of the criminal justice system—law enforcement, prosecution, courts, and probation. The items listed above, however, do not represent short-term grant requirements; rather, they suggest a “model” of criminal justice system coordination to consider over the long

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<sup>13</sup> The 2000 Violence Against Women Act expanded the goals of the program, which is currently known as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program; however, this evaluation predates those additions.

<sup>14</sup> The program brief can be found under Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program at the Violence Against Women Office web site ([www.ojp.usdoj.gov/vawo](http://www.ojp.usdoj.gov/vawo)). October 2002.

term for achieving offender accountability. Not every grantee was expected to address all of the elements of the model.

At the same time that grantees seek to do more to hold offenders accountable, they are also expected to address the second key objective for the criminal justice response: to enhance victim safety. Much of the research suggests that without attention to victims' needs, attempts at perpetrator accountability are not likely to succeed. Beyond physical safety from future domestic violence, victims' requirements often include (a) services and resources to improve their overall well-being (e.g., long-term health care, housing, means of financial recovery), and (b) empowerment to participate more fully in the criminal justice process (e.g., input in assessing risk for conditions of release, restitution). Specific expectations for victim safety and participation are not described specifically in the same program brief but are emphasized in other VAWO and VAWO-supported materials and training programs.

The Arrest Policies Program recognizes that independent victim services and advocacy organizations have distinct roles to play in helping domestic violence victims achieve greater safety and well being. As the Arrest Policies Program evolved, the development of a coordinated community response became a required element of grant applications. Each grantee must generate a memorandum of understanding that formalizes the grantee's relationship with a nonprofit, non-governmental domestic violence program, such as a local battered women's shelter, or an advocacy organization.

### **Overview of Grantees and Projects**

At the start of this evaluation, the VAWO reported that there were 130 active Arrest Policies Program grantees in 1998. The majority of grantees were county or city governments, 13 grantees were tribal governments, and 12 grantees were statewide initiatives. The Arrest Policies Program was implemented in jurisdictions of all sizes, including both rural areas and major metropolitan centers. Of the 130 grantees, 15 were located in rural areas with populations of less than 25,000 and 11 grantees were located in cities or counties with populations in excess of 1 million.

Initial grant awards varied considerably, ranging from \$7,473 for creation of an advisory task force and police training in the city of Williamsburg, Massachusetts, to over \$1.8 million for the development of a statewide computer tracking system in Maryland.<sup>15</sup>

A review of 125 grant applications prepared by the grantees before the grant funds were awarded showed that there were four general categories of projects planned:

- Law enforcement projects (28 percent)
- Prosecution, courts, and probation projects (26 percent)
- Multi-agency collaborative projects (35 percent)
- Computer technology projects (e.g., case tracking system) (11 percent).

### **National Survey Results**

In January 1999, to obtain more detailed information about how the local grantees had actually implemented their grants, ILJ staff sent a mail survey to project directors of the 130 active Arrest Policies Program grants. A total of 111 project directors completed and returned the survey, a response rate of 85 percent. Among the key survey findings were the following.

- Training was the most popular grant-funded activity, with 82 percent of grantees reporting that they had developed and implemented domestic violence training programs. In nearly all cases (93 percent), training was directed to law enforcement officers.
- Law enforcement policies were developed by 67 percent of the grantees. Most new policies were directed at arrest and related responsibilities (e.g., weapon seizure) and services for victims and child witnesses. Sixteen percent of the grantees developed law enforcement policies to improve responses to victims belonging to under-served populations (e.g., translation services, deployment of multilingual officers).
- New prosecution policies were developed by 52 percent of the grantees. These included policies relating to evidence based prosecution, victim safety planning, and services to victims.
- About two-thirds of the grantees created a new (or enhanced an existing) specialized law enforcement unit (53 percent) or prosecution unit (49 percent). New or enhanced domestic violence units were also established by probation agencies (26 percent) and the courts (16 percent). Special multi-agency units were created or added to by 28 percent of the grantees. In total, 130 specialized units were created and 92 existing specialized units enhanced.

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<sup>15</sup> Award amounts were available for 124 of the 130 grantees included in the survey. These amounts do not include any continuation awards. The median initial award amount was \$266,483.

- New staff positions created by grant funds averaged nearly five persons per grantee, with the majority of new hires being in law enforcement (32 percent) or prosecution (26 percent). Less than 20 percent of the new hires were for victim services positions. The remainder of the new positions were for court and probation personnel (24 percent).
- Improved or new services for victims were reported by 70 percent of the grantees.

Other important findings included:

- Forty-three percent of the grantees reported court practices had changed with respect to issuance of orders of protection and referral of defendants to batterer intervention programs.
- Thirty-nine percent of grantees addressed probation or parole policies or practices. Policies on collaboration with domestic violence advocates and batterer intervention programs were the most common. A few grantees reported implementing intensive supervision of domestic violence offenders.
- A large proportion of the grantees (69 percent) reported that their grant activities included creation or enhancement of case tracking systems.
- Twenty-three percent of the grantees reported being engaged in judicial education programs.
- Twenty percent of the grantees used their funds to create or enhance existing dedicated domestic violence courts or dockets.

A detailed report on the national survey findings was submitted as an interim product to NIJ and VAWO. The survey instrument is included in Appendix A.

## **Local Project Implementation**

To both validate the grantee survey findings and assist in selecting sites for the impact portion of the evaluation, visits were made to 20 sites. At each site, ILJ staff conducted a process evaluation of grantee efforts. In addition to examining how the grantees implemented their projects, staff identified common issues that resulted in delays, modifications, and even the collapse of specific project objectives, as well as grantees' ability to overcome obstacles. These issues are important because the lessons learned can be of value to new grantees, the funding agency, and the grantee itself as it seeks to ensure project survival after grant funding ends.

The rest of this chapter discusses the site selection criteria for the 20 grantees participating in the process evaluation; provides an overview of process evaluation methods employed; describes the types of projects implemented by the sample of 20 grantees; and explores common implementation issues and highlights specific challenges faced by a number of



grantees. Additional findings are presented in Chapter 4, which details how the Arrest Policies Program grants affected the criminal justice system and assisted grantees in developing a coordinated community response to domestic violence.

### **Site Selection for Process Evaluation**

The selection of 20 process evaluation sites was a joint effort of ILJ staff and the advisory board for the evaluation. Two approaches to site selection were considered, each of which offered benefits and presented drawbacks. One approach would have involved grouping the projects (e.g., based on type of grantee agency such as law enforcement agency, prosecutor's office, etc.) and then randomly selecting a proportion of grantees in each category. This would have had the advantage of avoiding selection bias; however, a major disadvantage is that it would have required spending significant evaluation funds to assess projects that may have been of limited interest to the field. For example, projects operating in unusual legal environments, extremely complex projects, and projects that had not completed their planning phases would have been just as likely as others to have been selected.

The advisory board strongly recommended and ILJ ultimately opted for a different approach. The overall goal was to produce information that would have greater practical value for other agencies interested in working toward Arrest Policies Program goals. Based on information from the grantee surveys, follow-up interviews, and other information (e.g., grantee progress reports to VAWO), the pool of eligible projects was first limited to those that had made considerable progress in implementation. Other criteria included geographic and local ethnic diversity, size of jurisdiction, and program diversity. With respect to program diversity, the evaluators made every effort to select 20 projects that represented a microcosm of the Arrest Policies Program as a whole. They included 7 law enforcement-led projects; 6 prosecution-led projects; 5 projects that represented collaborations between criminal justice agencies (primarily prosecutors and courts) in establishing domestic violence courts; and 2 projects with key objectives for enhanced probation. Most importantly, they included projects that provided increased services to victims of domestic violence, often in the context of new working relationships between police or prosecution and victim services agencies. A final factor in site selection was the grantees' ability and willingness to cooperate in the evaluation by providing data, documentation, and access to key personnel.

The study's advisory board, NIJ, and VAWO approved the selection of sites for the process evaluation.

### **Overview of Process Evaluation Methods**

The methodologies used during site visits included interviews; court observation; review of statistical records of performance; and examination of grantee reports including grant proposal, progress reports, training materials developed, policies and procedures manuals, and others. Because of the diversity of the projects, interview protocols were designed to capture information on less common project objectives (e.g., probation initiatives, domestic violence courts) as well as information applicable to all sites. The focus was on understanding the procedures used by the local projects for arrest and prosecution; delivery of services to victims; project staff selection and staffing levels; training; and the process by which specific project goals and strategies had been selected. Short descriptions of each site visited are provided in the Exhibit 3-1. The sites are grouped according to the dominant partner or grant goal.

### **Implementation Issues**

Nearly all projects experienced either delays in beginning grant implementation or in modifying project goals to reflect unanticipated problems. While the specifics of these implementation issues were uniquely local, ILJ found that regardless of the type of project, four factors commonly influenced project implementation:

- Staffing and personnel issues
- Administrative requirements and technology priorities
- Local resources
- Cooperation among key criminal justice system agencies.

#### **Staffing and Personnel Issues**

A number of staffing issues dominated many of the projects and affected operations. Staffing issues fell into the following categories:

- Unit staffing and turnover levels
- Staffing resources in the agencies
- Project leadership.

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**Exhibit 3-1: Site Descriptions by Type of Project****Law Enforcement-Led Projects**

**Greenville, Mississippi** ¾ Six officers were hired to staff the domestic violence unit, with two domestic violence officers working each shift. A sergeant, who supervised the unit, conducted follow-up investigations and handled aggravated assault cases.

**Eloy, Arizona** ¾ Police department hired a full-time detective to handle domestic violence cases.

**Durham, North Carolina** ¾ Police department created a domestic violence unit composed of three investigators and specialized field response officers.

**Brockton, Massachusetts** ¾ Police department created a domestic violence unit, consisting of a sergeant, a part-time detective, and a multilingual civilian advocate.

**Jefferson County, Kentucky** ¾ Police department created a domestic violence unit composed of three teams. Each team included a patrol officer, an advocate from the local victim services organization, a probation officer, and a home incarceration officer.

**Chicago Heights, Illinois** ¾ Police department created a domestic violence unit composed of five detectives, a project director, and an assistant. The unit was housed in a separate facility that included other community services organizations.

**Austin, Texas** ¾ Grant funds were used to create the Family Violence Protection Team (FVPT). The team consisted of detectives and victim witness specialists from the police department and county sheriff's office, as well as many different legal and social service providers. All team members were housed in one location.

**Prosecution-Led Projects**

**Everett, Washington** ¾ Grant funds were used to create a prosecution-based unit consisting of two police officers, a victim witness coordinator, and an office assistant. The city attorney supervised the unit.

**Lynchburg, Virginia** ¾ Commonwealth Attorney's Office created a domestic violence unit consisting of two prosecutors, a paralegal, a victim witness assistant, and a Management Information Systems manager.

**Lake County, California** ¾ Arrest Program was headed by the District Attorney's Office, which used funds to support a deputy district attorney, a district attorney investigator, a sheriff's investigator, two victim witness specialists, a deputy probation officer, and an office assistant.

**Marin County, California** ¾ Grant supported the salaries of an attorney/project coordinator, a part-time grant administrator, a victim advocate coordinator, a temporary

restraining order volunteer coordinator, and in the continuation grant, a deputy district attorney.

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**Exhibit 3-1 (Cont.): Site Descriptions by Type of Project****Prosecution-Led Projects (Cont.)**

**Santa Fe County, New Mexico**<sup>3/4</sup> First Judicial District Attorney's Office created a specialized unit composed of three felony prosecutors, two misdemeanor prosecutors, three victim advocates, two administrators, two administrative assistants, and two investigators.

**Dane County, Wisconsin**<sup>3/4</sup> Arrest Program was used to expand the number of specialized domestic violence prosecutors from two to five and to support two additional victim witness specialists. The project also included a specialized bail monitoring position.

**Prosecution-Domestic Violence Courts Projects**

**Sacramento County, California**<sup>3/4</sup> Arrest Program grant established a specialized "Home Court" to hear domestic violence cases. The grant expanded the prosecutor's unit to permit handling of misdemeanor cases, supported two victim witness specialists, and funded a special probation unit.

**Queens County, New York**<sup>3/4</sup> Prosecutor established a domestic violence misdemeanor unit that worked with new victim assistance staff from a non-profit partner. The unit handled cases that appeared in front of a specialized domestic violence court and a special treatment-monitoring court component.

**Shelby County, Tennessee**<sup>3/4</sup> Grant funds were used to consolidate all pretrial judicial proceedings in one court, create a dedicated prosecution unit, enhance pretrial services, and support victim services.

**Pueblo, Colorado**<sup>3/4</sup> District Attorney's Office designated a deputy district attorney to oversee "fast track" prosecution. Grant funds also supported a domestic violence detective in the police department, a deputy in the sheriff's department, and victim assistance staff. Funds were also used to create a local task force.

**La Plata County, Colorado**<sup>3/4</sup> Grant funds were used to hire a dedicated prosecutor to handle all domestic violence cases in the "fast track" court. The project was later expanded to fund a magistrate and probation staff. The grant also supported victim advocacy, civil legal assistance, and a community task force.

**Probation-Led Projects**

**Clinton County, New York** -- Grant funds were used to create a Domestic Abuse Reduction Team (DART) consisting of probation officers, victim advocates, and a case coordinator. A task force coordinator was also hired through grant funds.

**Jackson County, Oregon**--Arrest Program included creation of a domestic violence unit consisting of a probation officer, a unit coordinator, and community advocates. The grant also supported the salary of a task force coordinator.

### *Unit Staffing*

Two types of unit staffing issues were seen in the site visits. First, staff turnover caused problems in operations and inter-agency relations due to chronic vacancies and changes in unit staffing. Second, the assignment of staff to the unit reflected both the priority given domestic violence and the extent to which this assignment fit into any larger agency plan for career development.

**Staff Turnover.** To some degree, turnover in any agency, public or private, is routine. In many law enforcement agencies, departmental policy is to rotate officers and investigators between units and divisions every few years. Staff turnover in several of the law enforcement-run grantee projects was much higher than the norm. In two police agencies, major reorganizations led to an overhaul of unit staff. In one agency, staff turnover was temporarily crippling. The police department reorganization, along with the promotional process, resulted in the loss of all six members of the Domestic Violence Unit (including field response officers and investigators) in a very short period of time. While the staff were soon replaced, it took some time before the unit ran as effectively as it had before. In another project, the officer/advocate response teams were in a perpetual state of rebuilding—primarily a result of high turnover in the advocate position.<sup>16</sup>

Several other projects experienced significant turnover in the areas of prosecution and victim witness services. For example, in Queens, victim assistance was provided by a local non-profit partnering agency. Counselor turnover was a chronic problem, primarily a result of low salaries and uncertainty of federal funding sources. A few more examples are given below.

- In La Plata County, turnover in the victim witness specialist position and the coordinator of the local task force affected inter-agency relations.

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<sup>16</sup> The advocates who rode with the police officers were employees of the shelter-based victim services organization and worked within that organization's wage structure. Staff reported that it was challenging to retain competent advocates with the amount of compensation offered and the high expectations in terms of hours, hazardous duty, skill, and judgment.

- In Lake County, there was significant turnover in the domestic violence prosecutor position, and for a period of time, more than one prosecutor was handling domestic violence cases.
- The Everett project experienced a number of changes in the police officers and victim witness specialists staffing the specialized prosecution unit.
- In Jackson County, a private contractor was hired to serve as a training coordinator and to work closely with the Domestic Violence Council's training committee. When the coordinator left the project, the training calendar had to be modified and some scheduled events were canceled.

Although turnover was a problem for many grantees, turnover can sometimes be managed. For example, in Queens, the domestic violence prosecution unit was elevated in status by transferring it to the Special Victims Bureau and assigning a Deputy Bureau Chief to head the unit (more recently, the unit was elevated to Bureau level). This helped ensure continuity of leadership. Queens was also one of the few prosecutor's offices to manage attorney staff turnover by assigning new attorneys to the domestic violence unit for 18 months. As this period neared its end, a replacement attorney was assigned to work with and train under the reassigned attorney. This allowed for continuity in the unit's practice of assigning cases for vertical prosecution.

**Staff Experience.** A related problem, especially for prosecutor's offices, was the assignment of inexperienced staff to the new domestic violence unit. At a number of projects, a new attorney (not experienced in domestic violence) was designated the "domestic violence prosecutor" and handled nearly all of the agency's domestic violence cases. For example, both projects in Colorado were headed by new attorneys who not only acted as project director but also prosecuted cases.

On the one hand, prosecutor's offices emphasized the importance of domestic violence by creating a special position or unit. On the other hand, the position was often advertised as entry-level and filled by a recent law school graduate with limited experience. While some of these new attorneys performed admirably, the handling of domestic violence cases was generally not seen as a career path. In contrast, Dane and Sacramento Counties' domestic violence prosecution units had experienced prosecutors working with and mentoring junior attorneys. In these units, new attorneys were gradually tutored in prosecution techniques and how to handle domestic violence cases, and the unit was generally given greater prestige within the agency. The Queens approach was especially innovative in making the domestic violence unit an

attractive position for new attorneys because of the opportunities it gave them to try cases in court and receive extra training in trial advocacy. In-service training was also emphasized and included weekly staff meetings with the Bureau Chief. The result was that assignment to the unit typically went to well qualified new attorneys.

### *Staffing Resources*

Implementation of the Arrest Policies Program was also affected by the overall staffing resources of the agencies participating in the project. In some communities, especially those with an inadequate tax base or high living expenses, agencies had difficulties attracting qualified applicants to local government careers. Several examples are given below.

- In Eloy, the police department had a large number of unfilled vacancies. For a time, the department had only one detective handling all crimes, including domestic violence. The project, which called for a designated domestic violence detective, could not be fully operational until additional detectives became available.
- In Greenville, the police department was chronically understaffed. While the Arrest Policies Program supported specialized domestic violence police officers, in reality the officers responded to a variety of calls. Prioritization of domestic violence calls would have left parts of the city without any police coverage.
- In Santa Fe, understaffing of the District Attorney's Office was a chronic problem, partly due to the combination of residency requirements,<sup>17</sup> low salaries, and the high cost of living in the immediate Santa Fe area.
- In Lynchburg, both the police department and the Commonwealth Attorney's Office experienced staff shortages as high as 20 percent. Staffing was a problem for the non-profit victim services partner as well.
- The prosecutor's office in Shelby County estimated that it was 50 percent understaffed according to a state prosecutor association study.

### *Leadership*

Leadership was a third staffing-related issue, and it often proved critical to the creation of multi-agency teams. The role of leadership can have two differing impacts. Strong leadership can positively affect morale and unit effectiveness, but it may make unit stability somewhat dependent on an individual personality.

Several examples of leadership issues were present at some of the projects. In Sacramento, for example, leadership of the prosecution unit changed several times. After the

city's Domestic Violence Home Court was established, there were three different chiefs of the special prosecution unit. This had the short-term effect of reduced unit effectiveness as measured by number of convictions. However, at the time of our site visit, the District Attorney for Sacramento County had recently appointed a new chief of the domestic violence unit, who was specifically charged with re-instituting strong pro-prosecution policies and practices. In Eloy, there was a constant change in police leadership.<sup>18</sup> Fortunately, the major non-profit partner, the Pinal Hispanic Council, provided some stability to the project. In Austin, the multi-agency Family Violence Protection Team had leadership issues that resulted in problems with meeting grant reporting requirements.

Ironically, strong leadership was also seen as an issue at a few sites. In Chicago Heights and Brockton, the Arrest Policies projects were dependent on the leadership of the project directors, who were responsible for writing the proposals, designing the units, establishing policy and operations, and overseeing the projects. The project directors were extremely dedicated and managed a staff that remained unusually stable, even adding staff through a continuation grant. Yet both projects relied to some degree on individual personalities for their continued success; and both project directors acknowledged the downside of their centralized role. In Chicago Heights, the project director stayed on for the primary purpose of institutionalizing the project and setting the procedures and support systems in place so the unit could function well under other management. In Brockton, the project was designed so that nearly all responsibilities would be placed in the hands of one sergeant who would serve as a "facilitator of domestic violence on the whole force."<sup>19</sup> Like Chicago Heights, the Brockton project director worked to create an infrastructure to ensure the survival of the unit beyond his tenure. Ultimately, projects driven by individual personalities and leaders may be difficult to replicate.

### **Administrative and Technology Delays**

Following the receipt of grant awards, many project directors experienced difficulties implementing the participation promises given by partner agencies that supported the project's

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<sup>17</sup> Employees of the District Attorney's Office are required to live within the First Judicial District.

<sup>18</sup> The chief of police, who initiated the department's application for Arrest funds, left shortly after the grant was awarded. Project management was assumed by a sergeant, who also resigned from the department to take a position with another agency.

<sup>19</sup> Part of the emphasis on the sergeant's role relates to a specific component of the Brockton Arrest project: improving the oversight of officer responses to domestic violence incidents.



grant application. Each agency had internal policies and procedures to comply with before undertaking any new activity, much less the reassignment or hiring of new staff to carry out these new activities. Federal requirements sometimes presented other obstacles to immediate implementation. In addition, many of the projects' technology goals, such as development of inter-agency case tracking systems, could not be realized because of other priorities. This section discusses three types of issues:

- Local administration
- Federal conditions
- Technology delays.

**Local Administration.** Grantees represented just one government agency, yet project implementation required hiring staff and coordinating with other agencies. Since these activities required administrative approval, delays in project implementation were common. Chicago Heights and Durham provide two typical experiences. In Chicago Heights, creation of a new unit required hiring officers to replace the individuals who would be assigned to the domestic violence unit. Hiring took several months, so the unit was initially composed of two detectives until the remaining detectives could be pulled from other assignments. Similarly, the police department in Durham had to await city approval before officers could be hired to replace the officers to be assigned to the new unit. The department used this time to establish a selection committee, with participants including the local non-profit partner and the prosecutor's office. In this manner, the administrative delay was used productively to gain input from other agencies in considering the qualifications needed to be an effective domestic violence detective.

Many of the court-involved prosecution-based projects also required accommodation and participation from various segments of the justice system. For example:

- In Pueblo County, the project called for a new case processing system, which required the county jail to modify its policies and the court to hold arraignments on domestic violence cases the same time each day.<sup>20</sup>
- The La Plata project was complicated by the fact that the Sixth Judicial District included three counties. While a magistrate and specialized docket were established in La Plata County, separate arrangements were made in the neighboring counties of San Juan and Archuleta, which hear fewer cases.

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<sup>20</sup> Jail staff worked with the District Attorney's Office to ensure that domestic violence defendants remained in custody until arraignment and were transported to court at the designated time. The jail also provided a common room that was used for group video advisement and pre-trial conferences.

- In Marin County, the processing of cases presented an obstacle to the Arrest Policies project. The lead partner, Legal Aid, identified prospective clients from police reports of domestic violence incidents. Yet the source of these reports, the District Attorney’s Office, was not a partner in the initial grant and was reluctant to turn over copies of reports. Eventually, the lack of agreement and continuing problems with this process, along with a number of other problems, influenced the project directors to end the project.

While some level of administrative delay is to be expected, some projects minimized delays by involving collaborating agencies in the planning stage of the Arrest Policies Program proposal. For instance, in both Sacramento and Queens counties, the prosecutors’ offices and the court administration collaborated on the establishment of their domestic violence courts during the grant application planning period. In these counties, project implementation was a relatively smooth process.

One interesting example of grant management problems was in Austin, Texas. The project experienced administrative problems and lost its funding. However, through tenacious efforts of the police administration, community organizations, and others, the project improved its response to domestic violence and received new VAWO funding.

**Federal Requirements.** Three types of federal grant requirements presented difficulties for various sites: (1) limits on the types of projects or activities eligible for funding; (2) special conditions delineated by VAWO at the time of grant award; and (3) other restrictions on the use of grant funds that VAWO imposed when unforeseen issues required interpretation of the guiding policies.

An example of the first type of restriction—limits on the types of activities eligible for funding—affected the Brockton project. The VAWO request for proposals clearly stated that Arrest Policies Program funds were not to be used for domestic violence curricula in schools; this restriction was reiterated in the form of a special condition imposed on all grantees.<sup>21</sup> Nevertheless, Brockton’s proposal contained a strong K-12 educational component. Since this component was not eligible for Arrest Policies Program funding, the site was required to rethink

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<sup>21</sup> Special conditions placed on all Arrest Policies Program grantees included the following: “The recipient agrees that grant funds will not be used to support the development or presentation of a domestic violence curriculum for primary or secondary schools. The grantee further agrees that grant funds will not be used to teach primary or secondary school students from an already existing curriculum.”

its approach; ultimately, the funds Brockton originally budgeted for educational programming were reallocated to hire a local task force coordinator.

*Snapshot: Loss of Federal Funds in Austin*

Austin's experience is not only an example of implementation problems, but of the importance of dedicated professionals working together to keep a project afloat. The Austin project was an innovative attempt to coordinate the criminal justice system with community-based service providers. The sheer number of participating agencies made project implementation an ambitious, complicated endeavor.

Austin experienced typical delays in the creation of the new unit. A coordinator was not brought on board until four months after the grant was awarded, and the technology initiatives were delayed because the county was purchasing a new integrated justice information system. The real problem was that the absence of formal policies and procedures and inter-agency agreements led to role confusion and conflict about the supervision of the Family Violence Protection Team (FVPT). Communication and collaboration among team members was limited.

A year after the project began, the police department reorganized and the team's lieutenant was reassigned, the team's sergeant retired, and the project director/coordinator moved to part-time status (after revising the grant to eliminate the coordinator position). Administrative and staffing problems prompted a visit from the Violence Against Women Office in 1998. After the visit, the FVPT funding was discontinued.

The loss of federal funds could have signaled the end of the FVPT. However, a new commitment emerged from this event and the FVPT was reconstituted. When the federal funding was discontinued, various agencies collaborated to apply for interim funds from the state Victims of Crime Act (VOCA) program. The agencies received the grants; and combined with cost savings from the first Arrest Policies Program grant, they were able to continue operations. In January 1999, a new coordinator was hired with VOCA funds. Under this new project direction and leadership, the FVPT team pulled together to reapply for VAWA Arrest Policies Program funds in 1999. In the spring of 1999, the team was notified that the VAWO had approved its new application.

The second type of requirement—a special condition delineated by VAWO at the time of grant award—was exemplified by a federal government requirement that all grant funded information systems comply with the Criminal Intelligence Systems Operating Procedures, which specifies confidentiality, security, and access, among other things. This requirement is not unique to VAWO grants; however, because grantees had not worked out these issues in detail

with their partners prior to grant award, start-up of the technology component of all grants was delayed until this condition could be satisfied.

The third type of requirement—conditions imposed by VAWO to address post-implementation issues that arose—resulted in major changes in several projects. In Sacramento, the original grant was used to fund staff from the public defender’s office. This component was eliminated in the second grant at the request of VAWO. Santa Fe County used its original grant funds to support a pre-trial diversion program, which required offenders to complete individualized treatment plans within a two-year period or face prosecution. The VAWO notified the county that the use of grant funds for diversion programs would be prohibited. In response, the District Attorney’s Office, working with the Magistrate Courts, turned the diversionary practices into a post-plea deferred prosecution program, called the Coordinated Community Intervention Program.<sup>22</sup> The county was asked to return the grant funds that had been used for diversion to the federal government. Finally, Dane County had developed and pilot tested a lethality index when it was informed that Arrest grant funds “may not be used to acquire or develop lethality assessment tools, instruments or devices which seek to summarize the potential for violence through numeric scoring devices.” The responsible local task force turned the index into an assessment tool, which contains a checkbox of items that are not scored. Eventually, this component of the project languished.

**Technology Delays.** A majority of the projects (70 percent of grantee survey respondents) included a technology component. The prosecution-based projects often involved development of computer systems to link agencies and allow cases to be tracked throughout the criminal justice system. While federal conditions for compliance with Criminal Intelligence Systems Operating Procedures resulted in some delays in start-up, the ability to meet technology goals was affected by local priorities at nearly every site. Most Arrest Policies projects were just underway in 1997 and 1998—the same timeframe when many local governments had begun updating information technology (IT) systems to handle the year 2000 (Y2K) transition. According to interviews with many grantees, this meant that few technology staff were available

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<sup>22</sup> Noncompliance results in termination from the program and the client is charged with contempt of a court order.

to work on specialized systems, resulting in delays in developing domestic violence systems until larger government systems could be updated.

In Lake County, for example, all IT staff were assigned to upgrade the county's system to meet Y2K needs, requiring the technology components of the Arrest Policies project to be postponed. Creation of a multi-agency system was also delayed by the Sheriff's Department, which could not address technology issues until the department relocated into new facilities. A similar problem occurred in Pueblo County, where the technology resources were simply not available to assist with creation of a case tracking system. The technology component in Pueblo was also delayed for other practical reasons—the state of Colorado was developing a case tracking system that would link five agencies.<sup>23</sup> And in Dane County, the proposed interface between the database used by law enforcement and prosecution and the database used by the state court system ran into roadblocks. The technology component was eventually carried out on a limited scale, but staff delayed further action until the state could complete development of its integrated system.<sup>24</sup>

### **Local Resources**

In some communities, limited facilities and other local resources were a minor obstacle for staff and clients. In other communities, there were so few resources that key proposal objectives, especially those involving staff specialization, could not be adequately implemented. Examples of the effect of local resources on project implementation include the following:

- Implementation of “fast track” prosecution in Pueblo was complicated because of insufficient meeting facilities for victim interviews in the courthouse. This resulted in community advocates and victim witness staff meeting with victims in hallways.
- A lack of facilities affected project implementation in Durham, where the domestic violence unit changed its location several times, from police headquarters, to an office at a shopping center, to a rented house a few miles from downtown (where it was located at the time of the evaluation). The unit's relocations made it difficult to keep operations running smoothly and limited the unit's community visibility.
- In Lake County, the non-profit victim services partner had to disband, resulting in the loss of the only women's shelter in the county. However, the project director

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<sup>23</sup> In 1998, Pueblo County became the first site to test the new system.

<sup>24</sup> The application has been limited by internal networking barriers. Only 50 users can access the database at any given time. The number of users often exceeds 50, requiring users to request others to close out their sessions.

secured a commitment to participate in the Arrest Policies project from the county's only other non-profit human services provider.

In addition, at two of the 20 process evaluation sites, the general lack of funding for basic victim services led to alterations in project implementation. In these sites, the cities have a low tax base and subsequent difficulty maintaining basic services. Specialized staff often found themselves responding to a variety of calls for service. The grant projects in these communities had difficulty creating and maintaining the domestic violence focus of their programs.

### **Need for Inter-Agency Cooperation and Coordination**

Both VAWA and the Arrest Policies Program emphasize the need for a coordinated response to domestic violence. For criminal justice agencies, coordination between police and prosecutors was expected to produce well documented arrest reports followed by vigorous prosecution. Subsequent chapters of this report include examples of proactive approaches by prosecutors who worked closely with law enforcement to improve evidence collection and other investigative techniques. At the opposite end of the spectrum, if agreement and coordination cannot be achieved early on, the entire project can be derailed. The snapshot that follows presents an example of this from the study.

*Snapshot: Limited Cooperation of Prosecutor*

In one city, the police department joined in developing a domestic violence team to provide investigative services, civil legal assistance, and social services. However, the local prosecutor did not participate except to provide a paralegal to assist victims in filing for court orders of protection. According to focus group participants, a lack of agreement on goals and poor coordination between police and prosecutors were contributing factors in the prosecutor's use of diversion in lieu of pressing for convictions in domestic violence cases. One result was to diminish the benefits that might have been gained because of improved evidence collection practices by police responding to reported domestic violence. In addition, coordination between prosecutors and service agencies was lacking; several prosecutors noted their office's need for victim advocates. The effect of these issues on successful prosecution could not be determined because of limited access to prosecution data.

## **Summary**

This chapter outlined the Arrest Policy Program goals; summarized results from the national survey of grantees; and explained the approach to conducting the process evaluation. It then summarized implementation issues found across a significant number of Arrest Policies

Program sites participating in the process evaluation. Some of the issues encountered mirror trends that have been found over the years in other major, national projects funded by the Office of Justice Program (OJP). These issues persist despite the efforts of OJP staff to enhance the federal programs with detailed program instructions, technical assistance and training, site visits by federal staff, guideline documents, and more. Some grant-related implementation problems may well be intractable and endemic to the nature of federal funding. Other problems can be anticipated and avoided through careful planning and monitoring.

Chapter 7 presents a series of recommendations offered to address key issues identified in this chapter. These issues include turnover in the project director's position and among key project staff; the need to assign experienced personnel to handle domestic violence cases and work with victims/survivors; the importance of strong project leadership and the need to not only train replacement personnel but ensure they are committed to achieving the project objectives; difficulties related to the administrative requirements of federal grants; project delays related to information technology acquisitions and local procurement rules; and finally, the need to ensure proposed partners fully appreciate the extent of collaboration and resource sharing expected under federal grant projects.



## **Arrest Policies Program and Criminal Justice Process Changes**

The overriding purpose of the Arrest Policies Program is to encourage local criminal justice systems to assign greater priority to domestic violence by developing new ways of responding to domestic violence cases, and improving offender accountability and victim safety. Grantees responded to this challenge primarily through the following approaches:

- Increases in staffing/specialized units
- New court structures
- Staff training
- Improved case handling procedures
- Increased capacity to provide victim services
- Increased coordination among agencies.

This chapter first provides a brief review of issues and problems associated with traditional domestic violence case handling. The chapter then describes changes in local criminal justice processes that occurred as a result of the Arrest Policies Program grants. The chapter concludes with a discussion of grantee experiences with community partnerships.

### **Overview of Case Processing Issues**

Appendix B provides background information on case processing issues (see “Overview of Traditional Approaches to Misdemeanor Domestic Violence Case Processing.”). It is difficult to provide a “typical” scenario because variations in state laws, agency policies, court structures, local resources, and many other factors are almost infinite. The overview in the appendix is offered to assist readers who are somewhat unfamiliar with the details involved in processing misdemeanor domestic violence cases from arrest through sentencing.

What all states do have in common are laws that authorize a law enforcement officer to arrest without a warrant when the officer has probable cause to believe a suspect has committed domestic violence. Most states’ laws provide that arrest for domestic violence is required (or in a few states, “preferred”) where probable cause to arrest exists. These laws generally apply only

to misdemeanor-level domestic violence, since common law has always authorized warrantless arrests based on probable cause in felony cases.

The Arrest Policies Program focused grantees on overcoming a number of obstacles, identified both in research and in practice, that were widely viewed as impediments to implementing those laws. Some of the critical case processing and organizational objectives that various projects were responsible for addressing included the following.

#### **Law Enforcement**

- Better understand the seriousness of domestic violence; do a better job of assessing the potential of each incident for future violence.
- Conduct more thorough investigations.
- Arrest suspects when probable cause exists.
- Gather all the evidence needed for successful prosecutions.
- Demonstrate greater responsiveness to victims' needs; inform victims of their options; refer or link victims to community resources available to assist them.

#### **Prosecution**

- Assign a sufficient number of specially trained, experienced prosecutors to vigorously prosecute domestic violence cases.
- Provide law enforcement with feedback to improve the quality and thoroughness of police investigations and related reports.
- Employ a vertical prosecution approach

#### **Court Processes**

- Develop judicial expertise in domestic violence cases; institute a specialized docket for domestic violence cases.
- Screen domestic violence cases carefully to assess whether the defendant should be released on his own recognizance, not released, or released with conditions.
- Provide meaningful sanctions that serve to hold offenders accountable for their criminal conduct, violations of protection orders, and violations of conditions of probation

Other issues of concern to grantees with respect to prosecution and court processes included inconsistency in charging, prosecution, and sentencing; and lack of attention to unique accountability requirements of individual offenders, especially in assessing future dangerousness.

### **Community Coordination**

- Coordinate the response to domestic violence across all criminal justice agencies.
- Increase collaboration among criminal justice agencies and non-profit victim services and advocacy agencies.

Most Arrest Policies Program grantees limited their approaches to a manageable number of objectives based on needs they saw as local priorities. The sections that follow describe key features of the approaches taken and resulting changes in domestic violence case handling processes, as well as changes in organizational structures and priorities needed to support those changes.

### **Arrest Policies Program System Changes**

The Arrest Policies Program required applicant jurisdictions to examine how funds could be used to improve local criminal justice practices. For the first time in some jurisdictions, domestic violence became a significant policy concern, requiring assessment of domestic violence-related problem areas and development of alternative strategies. The result was that the Arrest Policies Program changed the way many local criminal justice systems responded to domestic violence cases. Using program funds, local criminal justice agencies reexamined existing priorities, policies, and practices for domestic violence cases; increased staffing directed at domestic violence; developed new organizational units, including domestic violence courts; created staff training and mentoring programs; worked to improve law enforcement's response; increased victim services; made changes in prosecution case handling policies and procedures; and worked to address other issues to increase offender accountability and victim safety. These efforts are discussed in more detail below.

### **Specialized Domestic Violence Units**

While each project varied in terms of objectives and implementation, one change common across sites was an increase in staffing devoted to responding to domestic violence cases. Most grantees applied grant funds available for staffing toward creation of new specialized domestic violence units or enhancement of existing units. Often, these units also had non-grant funded staff assigned to them. Exhibit 4-1 shows which grantees used funds to create or enhance existing specialized domestic violence units in law enforcement, prosecution,

probation, or victim witness services. As the exhibit reflects, many grantees developed more than one specialized unit.

**Exhibit 4-1: Specialized Units Funded (in whole or part) Through the Arrest Policies Program**

	<u>Law Enforcement</u>	<u>Prosecution and Courts</u>	<u>Probation</u>	<u>Victim Witness</u>
<b>POLICE-LED PROJECTS</b>				
Eloy, AZ	✓			
Greenville, MS	✓			
Durham, NC	✓			
Chicago Heights, IL	✓			✓
Jefferson County, KY	✓		✓	✓
Brockton, MA	✓			✓
Austin, TX	✓			✓
<b>PROSECUTION-LED PROJECTS</b>				
Everett, WA		✓		✓
Lynchburg, VA	✓	✓		✓
Lake County, CA	✓	✓	✓	✓
Marin County, CA		✓		
Santa Fe County, NM		✓		✓
Dane County, WI		✓		✓
Pueblo County, CO	✓	✓		✓
La Plata County, CO		✓		✓
Sacramento County, CA		✓	✓	✓
Queens County, NY		✓		✓
Shelby County, TN		✓		✓
<b>PROBATION-LED PROJECTS</b>				
Clinton County, NY			✓	✓
Jackson County, OR			✓	✓

Depending on the jurisdiction’s size and the grant amount, the number of staff hired for these specialized units ranged from one person (a single dedicated officer or prosecutor) to multiple staff assigned in four different agencies (Lake County, California).

## **Law Enforcement Specialized Units**

The creation of specialized grant-funded units drew more of management's attention to the domestic violence problem. Specialized units also provided more oversight, accountability, and training for field personnel.

Most of the newly created units in law enforcement were investigative units. Typical functions of domestic violence detectives included follow-up on cases where the suspect fled the scene, investigation of complex cases, review of incident reports, referral to victim services agencies, and officer training. The Greenville and Durham police departments created specialized units with first response officers. These officers responded to domestic violence calls whenever possible.

### *Snapshot: Durham Police Department*

The Durham Police Department used Arrest Policies Program funds to create a Domestic Violence Unit composed of three investigators and specialized field response officers (one officer per shift). The police department's first efforts under the Arrest Policies Program involved creation of a domestic violence investigative unit. Investigators soon noted the low quality of incident reports written by patrol officers and a lack of evidence collected at the scene.

To improve patrol response, the department expanded its Arrest Policies Program grant to hire additional staff to specialize in field response. At the time of this evaluation, the Domestic Violence Unit included a special domestic violence officer available on each shift. In addition to providing the initial response to domestic violence calls, the officer performed a variety of follow-up tasks (such as obtaining and serving arrest warrants) and provided on-scene training for other patrol officers. While these officers were able to prioritize their assignments to handle domestic violence incidents, they were not able to cover all domestic violence calls because of limited staffing. The detectives conducted follow-up investigations on cases not handled by the domestic violence field officers.

**Multi-Agency Teams.** Four jurisdictions used grant funds to create multi-agency teams in which specialized police officers formed just one component of the response. In several of the multi-agency teams, non-grant funds were used to fund staff. For example, probation, which played a key role in Brockton's project, did not receive grant funds through the Arrest Policies Program.

A key difference between specialized units in law enforcement and multi-agency specialized units was the relationship with victim services and advocacy staff. In addition to a stronger victim services component, multi-agency units tended to either have a working relationship with probation or were housed in a common facility with community service providers. Exhibit 4-2 shows the key components of multi-agency projects led by police departments.

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**Exhibit 4-2: Components of Multi-Agency Policing Projects**

<u>Police Department</u>	<u>Victim Services</u>		<u>Special Shared Facility</u>
	<u>On-Site</u>	<u>Probation</u>	
Brockton	✓	✓	
Jefferson County	✓	✓	
Chicago Heights	✓		✓
Austin	✓		✓

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There are several features that set these projects apart from more traditional units:

- **Victim Services.** All four police-led multi-agency teams provided some form of victim services on-site; and all but one of the projects included victim witness staff and/or community advocates who were able to provide services to non-English speaking victims/survivors.
- **Probation.** In both Brockton and Jefferson County, the specialized units had formal arrangements with probation departments. These relationships included ride-alongs and regular communication between police and probation officers, essentially adding an extra layer of supervision to offenders and alerting police officers, advocates, and victims to escalating conditions.
- **Shared Facilities.** In Chicago Heights and Austin, the detectives were located in a facility that was apart from police headquarters and included a number of victim services providers.

Generally, these projects had specific objectives to address multiple needs of victims and help protect victims from future violence; and to improve inter-agency communication (in two departments, by housing officers and victim service providers together). By establishing closer relationships with other agencies and interacting with victims in a variety of contexts, law enforcement sought to take on a more pro-active role.

*Snapshot: Austin's Family Violence Protection Team*

The Austin Police Department took a team-oriented approach to the domestic violence problem. Grant funds were used to create the Family Violence Protection Team (FVPT), which consisted of staff from the police department, Travis County Sheriff's Office, Travis County Attorney's Office, and many legal and social service providers (e.g., Legal Aid of Central Texas, Women's Advocacy Project, SafePlace). All team members, and the full-time civilian coordinator, were housed in one location and provided investigative, legal, and social services.

The police department had eight FVPT detectives to handle domestic violence incidents where the suspect had fled and other types of incidents that require follow-up. Most of the cases assigned to the unit were assault with injury cases; one detective specialized in stalking cases. The team included a detective from the Travis County Sheriff's Office who followed up on all domestic violence incidents, including arrests, occurring in the county.

**Prosecution Units and Court Organization Structures**

All prosecution-led projects created or expanded a specialized unit of domestic violence prosecutors. The units usually included victim witness staff and/or community advocates who provided victim services. Some prosecution-led projects operated in jurisdictions with a traditional court structure, and some operated in a specialized domestic violence court setting.

**Specialized Prosecution in a Traditional Court Structure.** Six prosecution-led projects created a designated prosecution unit that operated under a traditional court structure. No changes were made to the way in which the courts operated in these jurisdictions. Instead, these grants focused office resources on domestic violence cases and increased the number of prosecutors assigned to these cases. Several of these projects also enhanced victim assistance and staffing for other agencies. Exhibit 4-3 shows the variety of efforts involved in the prosecution-led grant projects in traditional court settings.

**Exhibit 4-3: Arrest Policies Program Staffing at Prosecution-Led Projects**

<u>Grantee</u>	<u>Prosecution</u>	<u>Victim Assistance</u>	<u>Police</u>	<u>Probation</u>	<u>Other Staff</u>
Dane County	✓	✓			1 bail monitor 1 MIS specialist*
Everett	✓	✓	✓		None
Lake County	✓	✓	✓	✓	1 office assistant
Lynchburg	✓	✓	✓		1 MIS manager*
Marin County	✓	✓			1 grant administrator
Santa Fe	✓	✓			4 administrative staff

\* Management information systems

In some jurisdictions, the Arrest Policies Program grant was instrumental in increasing the number of prosecutors in an established domestic violence unit. This often enabled prosecutors to handle both misdemeanor and felony-level domestic violence crimes. In other jurisdictions, the grant afforded (for the first time) a designated prosecutor who handled all domestic violence cases, signaling to law enforcement and the community that these cases would be taken seriously. The snapshot that follows describes this situation in Lynchburg, Virginia.

*Snapshot: Lynchburg Commonwealth’s Attorney’s Office*

Virginia law does not require the Commonwealth’s Attorney to prosecute misdemeanors. Prior to the Arrest Policies Program grant, Lynchburg’s prosecutor handled only those misdemeanor cases in which the defendant was represented by counsel. With grant funds, the Commonwealth’s Attorney started a domestic violence unit to prosecute all domestic violence crimes, including misdemeanors. The unit consisted of two prosecutors, a paralegal, a victim witness assistant, and a management information systems specialist. A continuation grant added a domestic violence coordinator for the Lynchburg Police Department.

**Specialized Prosecution in Domestic Violence Courts.** In three sites (Sacramento, Queens, and Shelby County), special prosecution units worked within newly created domestic violence courts. Two smaller sites (Pueblo and La Plata Counties in Colorado), had “fast track”



prosecution projects; specialized prosecution staff at those two sites worked with a domestic violence docket within the same criminal court.<sup>25</sup>

New Domestic Violence Courts

The domestic violence courts in Queens, Sacramento, and Shelby counties involved establishing a separate court docket for domestic violence cases and assigning a single judge to the domestic violence court. Typically, these courts were created to manage the domestic violence cases handled by the newly created special prosecution units. By using a single courtroom for these cases, the prosecutors improved efficiency in handling the domestic violence caseload.

Each court system operated somewhat differently. Some details of the domestic violence court and specialized prosecution units operations are summarized in Exhibit 4-4.

**Exhibit 4-4: Key Components of Specialized Prosecution Units and Domestic Violence Courts**

<b>Component</b>	<b>Sacramento County</b>	<b>Queens County</b>	<b>Shelby County</b>
Domestic violence prosecution staff	16 prosecutors	8 prosecutors	6 prosecutors
Case screening	Extensive	Minimal	None
Hearings handled by special court (average caseload)	3,000 filings/year	4,700 filings/year	4,000 filings/year
Domestic violence court jurisdiction	Misdemeanors and preliminary felony matters	Intimate partner domestic violence misdemeanors	Misdemeanors and preliminary felony matters
Prosecution unit jurisdiction	Misdemeanors and felonies	Misdemeanors	Misdemeanors
Judges	1 judge	1 domestic violence judge, 1 compliance judge	1 judge

<sup>25</sup> Domestic violence courts existed at some other sites, but the Arrest Policies Program did not directly involve the courts at those sites.

*Snapshot: Queens District Attorney's Office Domestic Violence Unit*

In Queens, Arrest Policy Program funds were used to expand the domestic violence misdemeanor unit from three part-time prosecutors to eight full-time prosecutors. The unit was also transferred to the Special Victims Bureau, elevating its status in the District Attorney's office. Recently, the unit became a bureau itself. The specialized unit, because of the high caseload, handled only domestic violence cases involving violence among intimate partners. The District Attorney's Office also worked closely with the city's probation department to pursue probation violations. A fundamental aspect of the project was delivering victim services provided by advocates from Safe Horizon, a non-profit community victim services organization. The victim advocates worked in the same offices as the DA's domestic violence unit and case screening unit. The grant also funded a civil legal attorney who worked for Safe Horizon. An additional component of the grant was training for prosecutors, police, and emergency room hospital staff.

In Queens, the court had a special compliance component, in which a retired judge held regular status hearings of batterers. In Shelby County, the domestic violence judge held status hearings every 90 days to check on batterers' progress.

Domestic Violence Dockets

Another type of court-involved project was implemented in two Colorado counties. Locally, the projects were referred to as "fast track" prosecution, implying that a project goal was to increase the speed at which the justice system operated. "Fast track" was based on the premise that a quick disposition and sentencing to treatment would deter batterers from continued violence and abuse.<sup>26</sup>

"Fast track" prosecution placed primary importance on the arraignment hearing.<sup>27</sup> The court process was streamlined. Each morning, a prosecutor reviewed the previous day's domestic violence arrests and made charging decisions. The prosecutor met with defendants, as authorized by Colorado law, informed them of their rights of legal representation, discussed their cases, and negotiated pleas when appropriate. In the afternoon, defendants were brought to court

<sup>26</sup> No statistics were available to determine whether "fast track" increased offender participation in treatment and whether it reduced recidivism.

<sup>27</sup> An arraignment is a court hearing in front of a judge where a defendant is advised of the formal charges filed by the state attorney's office or law enforcement. The defendant is allowed to enter a plea of guilty, no contest, or not guilty to the charges.

where they waived the right to counsel and pled guilty or the case was held over and a not guilty plea entered. In Pueblo, pre-trial negotiations were held at the jail, while the La Plata prosecutor held the defendants' pre-trial conferences in the courtroom just prior to appearance before a magistrate. In both counties, "fast track" prosecution was limited to first-time domestic violence misdemeanor offenders where no aggravating circumstances were present. Pueblo County prosecutors reported that of 141 domestic violence cases handled between July and October 1998, 125 (89 percent) were disposed of either on the arrest date or date of advisement (initial court appearance). Due to the quick turn-around, case screening and the ability to conduct follow-up investigations was limited.

Both Colorado projects had some important similarities: both programs included strong victim advocacy components, and both District Attorney Offices had close links with probation departments. However, as shown in Exhibit 4-5, there were differences in vertical prosecution, judicial arrangement, and police partnerships.

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**Exhibit 4-5: "Fast Track" Projects in Pueblo and La Plata Counties, Colorado**

<u>Component</u>	<u>Pueblo County</u>	<u>La Plata County</u>
Vertical prosecution	"Fast track" assigned to prosecutors on rotating basis	One prosecutor handled all domestic violence cases
Judicial arrangement	Rotating judges	Designated magistrate
Police partnerships	Partnerships with police department and sheriff's office	No formal partnerships with law enforcement
Probation	Specialized officers, assessment and oversight of treatment, some supervision	
Victim witness and advocacy	Victim witness support, community advocates provided early access to victims, links to civil legal assistance	

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**Probation**

Probation tended to be the least-funded component of the Arrest Policies Program. Of the 20 projects participating in the process evaluation, two were led by probation departments and a total of five projects funded probation staff to specialize in domestic violence cases. Because of staffing shortages for misdemeanor probation, many grantees instituted alternatives to probation.

### *Probation-Involved Projects*

When misdemeanants are placed on probation, there is typically little or no personal supervision. To fill this gap, Arrest Policies Program grants were sometimes used to designate specialized domestic violence probation officers to provide increased supervision for domestic violence probationers assigned to intensive supervision. In Sacramento, grant funds were used to establish a team of two probation officers who provided intensive supervision to the highest threat batterers. Similarly, in Lake County, California, a deputy probation officer (DPO) was assigned to provide intensive supervision of both felony and misdemeanor offenders. Historically, probation staff had been so limited that most misdemeanor offenders, including domestic violence offenders, received little supervision. This lack of supervision was recognized as a significant gap in the domestic violence response continuum in Lake County because most batterers begin at the misdemeanor level. The DPO was given a reduced caseload to free up time for field work, such as monitoring batterers' compliance with probation conditions.

Additionally, a number of the Arrest Policies Program projects worked to strengthen police and probation relations. For instance, in Jefferson County, Kentucky, the domestic violence teams were composed of a patrol officer, an advocate from the local victim services organization, a probation officer, and a home incarceration officer. In Sacramento, the probation officers worked with police officers to conduct compliance and warrant sweeps.

#### *Snapshot: Clinton County's Domestic Abuse Reduction Team*

The Clinton County (New York) Department of Probation created a Domestic Abuse Reduction Team (DART) that consisted of one probation officer, a victim advocate, and a case coordinator. The unit worked out of the District Attorney's Office. It handled follow-up investigations for domestic violence cases and provided training to local law enforcement. Continuation funding paid for two additional specialized probation officers, two community advocates, and a task force coordinator. The team met weekly to share information and review pending cases. Each probation officer carried a caseload of approximately 40 probationers.

#### *Probation Alternatives for Monitoring and Supervision of Batterers*

Monitoring and supervision of batterers was sometimes assigned to non-probation staff. As noted earlier, in Queens and Shelby Counties, court officers took responsibility for monitoring batterer court-ordered attendance at intervention programs. Supervision of batterers

was not always limited to post-conviction. For example, the Dane County project developed a bail monitoring program for domestic violence defendants.

*Snapshot: Queens District Attorney's Office*

In Queens, a variety of initiatives have been implemented to increase supervision of batterers. The Criminal Court's special "Treatment Part" was presided over by a retired judge who served as a special master. Once defendants were sentenced to attend a treatment or intervention program, they were required to attend the Treatment Part to periodically report on program attendance. The defendant was required to provide proof of program attendance, typically receipt of payment given each time the defendant attended the program. The special master provided individual attention to all delinquent defendants in an effort to minimize program failures. If program failure occurred, the case was returned to the sentencing court for a hearing, at which incarceration could be imposed.

In addition to the Treatment Part, two other innovations were implemented. First, the District Attorney's bureau chief could request that police officers from the domestic violence unit conduct an unannounced visit to the victim's home to determine whether the criminal court's stay-away order was being obeyed. Violations of the court order were subject to felony penalties. Second, the bureau chief notified the Probation Department's domestic violence coordinator of any rearrest of convicted batterers who were on probation or parole. This information was given to appropriate probation officers to file violation of probation complaints.

*Results of Changes in Supervision*

As a result of the changes discussed in this section on how batterers were supervised, the following changes were observed:

- Suspects were more likely to undergo a formal assessment to evaluate the appropriateness of programs.
- Intensive supervision was being conducted on "hard-core" batterers to increase accountability.
- Probationers were subject to increased supervision where specialized probation officers were assigned.
- Compliance with court orders was enhanced through periodic court appearances.

**Training and Mentoring**

Training was part of nearly every Arrest Policies Program grant. At some sites, training was limited to sending staff to regional or national conferences. At other sites, project staff, often in collaboration with partners, developed and delivered training to large segments of the

criminal justice system. Most grantees reported that the amount of training devoted to domestic violence had increased. In addition, the role of specialized personnel often included informal mentoring and tutoring of less experienced staff.

The Austin Police Department's project included the institutionalization of domestic violence training for both recruit and experienced police officers, as noted by two detectives who participated in a focus group:

It used to be that training happened on the job. In the last two to three years, the training is much better. It's continuous training throughout the year.

The Family Violence Protection Team has made a big effort to train officers. It's much more tailored and specific to domestic violence. The training is excellent now.

Austin's Family Violence Protection Team also increased patrol officers' awareness of when and how to get assistance. In another focus group in Austin, a patrol officer noted: "Domestic violence calls take more time to figure out. If you don't know what to do in every case, call the detectives to find out what to do to cover yourself."

*Snapshot: Police Training in Brockton, Massachusetts*

Training was an important component of the Brockton Police Department's Arrest Policies Program grant. The supervisor (and project director) of the Domestic Violence Unit actively monitored family violence incident reports and required officers to file a Family Incidence Report Form when a family disturbance was considered unfounded by the responding officers. This change ensured that cases that did not result in an arrest were still reviewed and that follow-up action could be taken if deemed appropriate. The project director, in conjunction with a civilian advocate and the local non-profit partner, developed a "Manual on Domestic Violence" to guide police response and conducted training sessions. In 1997 alone, the team conducted 13 training sessions for officers. The sessions covered the dynamics of domestic violence, Massachusetts laws, departmental policies, arrest powers, and patrol procedures. The team delivered training to police recruits and trained the detective division, the narcotic and gang unit, and all emergency telecommunications division and dispatch personnel. In addition, training was expanded to park and school police. By June 1998, the entire police department had received domestic violence training and the team began to focus on continuing roll-call training for officers.

The prosecutor's role in training was also helpful in many projects. At a number of sites, domestic violence prosecutors provided officers with feedback on the quality and content of incident reports. Previously, the officers rarely received feedback on reports and were seldom informed of case disposition. In Pueblo, Colorado, the prosecutor developed a special form, which he completed on all domestic violence cases, to notify arresting officers of case outcome and sentence. In addition, the prosecutor frequently contacted supervising officers to both acknowledge and admonish patrol officers for their response to particular incidents.

*Snapshot: Queens County District Attorney's Office*

In Queens County, the new domestic violence unit was staffed with new attorney hires. Historically, domestic violence cases were viewed as difficult to win and assignment to these cases was often perceived to be "punishment." Extensive training was provided to the new domestic violence attorneys, including trial advocacy, since the unit was taking a firm position on plea bargaining and had to be ready to try cases. It was this promise of litigation, along with the training, that attracted eager new attorneys to the unit.

Once a week, the unit's attorneys met with supervisors for in-service training over lunch. Additional lunch sessions were devoted to group case discussion and problem solving. The new attorneys litigating the cases were also assisted in court by supervisors who served as court mentors.

Specialized prosecutors and victim witness staff were also helpful in developing and delivering training that addressed the importance of evidence and documentation in domestic violence cases. For instance, in Everett, Washington, the domestic violence prosecutor taught a four-hour class to police recruits that addressed evidence-based prosecution, statutory requirements, report writing, and testifying. The prosecutor also provided in-service training for sworn officers.

### **Improved and Increased Services**

Objectives among the majority of Arrest Policies Program grantees were focused in the following areas:

- Improved new case follow-up and investigation by law enforcement
- Improved report writing and evidence collection
- Increased and more responsive victim services

- Improved prosecution case handling
- Increased options for holding batterers accountable.

### **Follow-Up Activities and Services**

Prior to the Arrest Policies Program projects, there was seldom any follow-up on cases that did not involve arrest and prosecution. But with grant funds, police departments began to make efforts to follow up on many more domestic violence cases. The special investigators in District Attorney's offices and police departments provided additional personnel to track down at-large suspects and provide victims/survivors with support services.

The effect of follow-up services was most noticeable in policing. For many victims, a common complaint has been the lack of police follow-up when the suspect has fled the scene. Another area of concern has been a lack of police attention to protection order violations. A few grantees devoted special attention to these concerns and established policies to improve the relationship between law enforcement and victims. For instance, in Eloy, Arizona, officers were instructed to periodically check up on domestic violence victims. A number of Eloy domestic violence victims who participated in the focus groups expressed appreciation for the police follow-up:

Now, the police come and check up on you—stop by the house—not to be nosey, but to help.

I've seen changes in the last year. Cops come back to check around the house.

Things have gotten better. They come to my house and check or call and let me know if they've picked him up.

Lake County, California, also placed a higher priority on tracking down domestic violence batterers who fled. A sample of arrest cases, comparing the pre-grant to the post-grant period, showed that there was greater variety in the *location* of arrests. Using grants funds, law enforcement was making more arrests at traffic stops, defendants' apartment, and defendants' workplaces, suggesting that law enforcement was being more aggressive in pursuing at-large suspects.



## Report Writing and Evidence Collection

Most projects reported that the quality of police reports improved as a result of the Arrest Policies Program. This improvement appeared to be associated with the increased training efforts within police departments, as well as greater monitoring and feedback from prosecutors.

To verify this information, ILJ staff examined a sample of arrest reports from pre-grant and post-grant periods from five sites.<sup>28</sup> Report contents were reviewed according to criteria associated with successful domestic violence prosecution, such as documentation of physical injuries<sup>29</sup>, inclusion of excited utterances, and attachment of photographs of victim injuries. The reports were coded and entered into a database. At four of five sites, the quality of incident reports improved in the post-grant period.<sup>30</sup> Specific findings include:

- In Eloy, post-grant police reports were more likely to contain victim statements, documentation of victim injuries, descriptions of victim and suspect demeanors, and a history of domestic violence, when present. The most improvement occurred in the description of both suspect and victim demeanors (included in 11 percent of pre-grant reports and 49 percent of post-grant reports).
- In Lake County, the percentage of cases in which victims' injuries were "well documented" rose from 9 percent to 22 percent post-grant. In the post-grant period, more victims were interviewed separately from their attackers, rising from 27 percent to 40 percent, and witnesses were more likely to be interviewed separately from both the victim and perpetrator (from 7 percent to 13 percent). The percentage of reports with photographs included rose from 25 percent to 38 percent.
- In Austin, victim statements in the incident reports were more detailed in the post-grant period. In those incidents involving injury, the percentage of cases documented with photographs more than doubled (from 20 percent in the pre-grant period to 48 percent in the post-grant period).
- In Shelby County after the grant, police included more pictures and provided more details about victim injuries; and more often than before, they included the suspect's statement and information about the suspect's alcohol use. On average, the length of the police reports increased over 15 percent.

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<sup>28</sup> ILJ staff examined an average of 50 pre-grant reports and 50 post-grant reports from each site. At the sixth site, Queen County, we were not granted access to police reports. However, a review of the prosecutor case long-ins, which detailed the evidence collected by the police, showed considerable improvement in evidence collection, e.g., 100 percent increase in photographs of victim and a crime scene being provided.

<sup>29</sup> Injuries were coded as "well documented" when the nature and location of the injury was described in detail. In contrast, if there was simply a statement that the victim was injured, with no further details, then it was coded as "documented."

<sup>30</sup> The fifth site, Dane County, has a history of quality law enforcement response to domestic violence. Incidents were well documented in both pre-grant and post-grant periods.

Improvements in the quality of case documentation were also noted by prosecutors at a number of sites. For instance, in Austin, a prosecutor indicated that his office's ability "to successfully prosecute the offender has increased because of the better paperwork by the police department." Similarly, a Shelby County prosecutor noted that "overall, the quality of cases has improved. We get about 50 percent of the cases with pictures. They are also doing better reports."

### **Improved Case Prosecution and Court Processing**

The Arrest Policies Program contributed to a variety of changes in the way cases were prosecuted and in the court process itself. In many sites, partnerships between trained law enforcement officers, specialized prosecutors, victim support coordinators, and community victim services enabled greater efficiency in case handling. Changes at various sites included the following:

- Greater consistency in case handling because of specialization of prosecution and vertical prosecution
- Improvements in prosecution's ability to handle cases based primarily on the evidence rather than victim testimony
- Increased use of alternative charging
- Greater consistency in sentencing through closer coordination among court, prosecutor, and probation
- Increased court enforcement of conditions of release/probation
- Streamlining of court functions and processes.

In Shelby and Lake Counties, the prosecutors increased the use of alternative charging options. The Shelby County project also developed a program to monitor abusers who were on bail awaiting their court appearances.

Some sites (Shelby County, Santa Fe, and Dane County) made greater attempts to assess the risk of repeated violence among domestic violence offenders. In Shelby County, pre-trial services began routinely contacting the victim (prior to bail decision) to include information from them as part of a risk assessment. Santa Fe's program included training on determining the primary aggressor in domestic conflicts. In Dane County, risk assessments also addressed co-occurrence of domestic violence and child abuse; and the grantee worked with a nonprofit service provider for long-term victim/survivor support. In contrast, Pueblo's and La Plata's

domestic violence projects chose to implement a fast response (“fast track prosecution”) to gain quicker access to offender treatment and increase court efficiency, rather than conducting pretrial risk assessments.

Evidence based prosecution was also aimed at improving domestic violence case management in Lake County, Everett, LaPlata, and Lynchburg. In Lynchburg, police-initiated cases seemed to increase somewhat, and the Lynchburg Commonwealth’s Attorney responded by providing resources and personnel for prosecution and victim services coordination.

*Snapshot: Queens County District Attorney’s Office*

In Queens County, New York, before the Arrest Policies Program grant, prosecution of domestic violence cases was the responsibility of three assistant prosecutors who also had other duties. With grant funding for four prosecutors, the District Attorney’s office established a specialized domestic violence unit consisting of eight prosecutors and one deputy bureau chief. The unit instituted vertical prosecution of all misdemeanor domestic violence cases. Special efforts were made to contact victims as soon as the police made arrests: unit paralegals accessed the police department’s on-line booking system to obtain incident information. Close supervision by the unit chief ensured consistency in case handling. The unit chief also worked closely with police commanders in Queens to improve supervisory monitoring of police officer evidence collection and report writing. New policies have also mandated that prosecutors petition the arraignment court to issue pretrial orders of protection and request that the sentencing court require batterer intervention and issue multi-year orders of protection where authorized.

**Victim Services**

Services to domestic violence victims/survivors increased as a result of the Arrest Policies Program. In the sites studied by ILJ, services were provided by professional victim witness staff working in criminal justice agencies and by advocates from community based organizations. In addition, police officers, prosecutors, and probation officers provided some types of victim assistance. In terms of victim services, five developments were documented at various sites:

- Victims/survivors were contacted at earlier stages in the criminal justice process.
- The addition of victim witness specialists and community advocates resulted in an increase in the number of women who were offered services.

- The types of services were expanded, with civil legal assistance becoming a component of victim services.
- Outreach and bilingual victim assistance staff had the potential of improving access for victims/survivors from under-served communities.
- Access was improved as victim assistance was delivered at criminal justice agencies.

At many sites, victims/survivors were more often provided with referral information upon contact with a police officer during a domestic violence call,<sup>31</sup> and some projects developed information packets for officers on the scene to hand victims. In Brockton, Massachusetts, for example, victims were provided with information that included a safety plan, a copy of the Abuse Law, and a guide for parents when children were witness to domestic violence. Some projects developed teams of officers and advocates who rode together to provide direct assistance to victims on the scene.

Victim assistance was a common function of the prosecutors' offices participating in the Arrest Policies Program. With grant funds, specialized services for domestic violence victims/survivors were sometimes offered for the first time. For example, in Queens and Shelby Counties, the non-profit partner's advocates worked with the prosecutor's domestic violence unit. The advocates worked to contact victims/survivors whose misdemeanor cases were being handled by the unit. The result was that many more women were offered services than prior to the grant.

The types of victim services were also expanded by the grants. In some sites, non-profit partners provided attorneys to assist victims with civil legal matters such as divorce proceedings, child custody, housing, etc. where these services had not existed before. In Dane County, grant funds were used to hire a legal advocate to work at the community victim services agency. The legal advocate, among other things, assisted victims with obtaining protection orders. In Queens, grant funds were used by the community victim services agency to hire an attorney to assist victims with civil legal matters. One important service provided by the attorney was helping victims obtain extended orders of protection from Family Court. These extended orders were for

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<sup>31</sup> Many state codes require officers responding to a domestic violence incident to provide the victim with notice of rights and with referral information.

three years versus the typical one-year court orders. About 20 percent of victims served by this attorney obtained extended orders (most victims did not seek extended orders).

Additionally, victim witness specialists, working with police, prosecutors, or probation officers, often expanded the services they provided. For example, in Brockton, a civilian advocate was hired to assist victims on a full-time basis. Housed in the district court, the advocate helped victims file for restraining orders, assessed victim needs, and offered referrals to community services, including social services, legal advocates, housing authority staff, and hospital patient advocacy staff.

Language and cultural barriers sometimes prevent victims from seeking criminal justice assistance. A number of Arrest Policies Program grantees addressed this issue by hiring bilingual victim witness specialists or community advocates who could enhance outreach to specific underserved communities. For example, in Brockton, the bilingual advocate was able to make connections to the minority Cape Verdean community. The victim advocates in Queens used a telephone-based interpreter service to talk with victims (over 150 ethnic groups live in the county). In some sites, these bilingual positions were difficult to fill.

The two Colorado projects represent examples of increased cooperation between criminal justice staff and community organizations that resulted in improved access to victim services. In both Colorado projects, the community advocate worked with victim witness staff to ensure that victims received information and services prior to speaking with the prosecutor the day following the domestic assault. Projects that included shared facilities were able to provide immediate access to services for women who approached the center for assistance with domestic and other criminal matters.

*Snapshot: Austin Victim Services Division*

The Victim Services Division at the Austin Police Department consisted of 28 full-time counselors, 3 of whom were assigned to the Family Violence Protection Team. Victim services staff offered counseling, information, and referrals to victims and also accompanied detectives on interviews at victims' homes and at the police station. The division had crisis teams to respond to incidents in all sectors of the city and deliver crisis intervention 24 hours a day. All crisis teams were equipped with an unmarked car, police radio, handi-talkie, and mobile data terminal.

## **Criminal Justice-Victim Services Partnership Changes**

The Arrest Policies Program required criminal justice agencies to partner with local non-profit, non-governmental victim service providers to encourage development of coordinated community responses. At many sites, communication and cooperation increased between criminal justice agencies and community organizations. Police officers, victim witness assistance staff, prosecutors, probation officers, and advocates began to discuss individual cases and brainstorm ways to make victims safe. Much of the impetus for these changes came from the Arrest Policies Program grant requirements. At the same time, the degree to which collaboration occurred was often dependent on the history of interagency relations and individual personalities.

Findings on the influence of the Arrest Policies Program on the nature and strength of these partnerships were well documented in the evaluation. To assess these partnerships, ILJ staff distributed a brief survey to key agency and community-based organization personnel at all sites. A copy of the survey instrument is contained in Appendix C. The sections that follow discuss changes in interagency coordination that resulted from the grant program, along with assessments of how and why changes did or did not occur.

Key factors included planning processes, agency philosophies and roles, and shared decisionmaking.

### **Partnerships Descriptions**

When the Arrest Policies Program began, it did not adequately require grantees to document their proposed partnerships, and some of the partnerships were not developed. As VAWO gained experience with the grant program, it (a) required memorandums of understanding showing agreement among agencies and (b) required that some funds be used to support the victim service provider partner. Those requirements sent a message to criminal justice grantees that partnerships with community service providers should be taken seriously. Criminal justice agency relationships with community partners increased as the program evolved, and community partners were more likely to be compensated in the continuation grants than in the original grants.

Some projects involved a number of system agencies and community service providers, while others were limited in both number and involvement of partners. Exhibit lists the lead agency, justice system partners, and community partners for each of the 20 projects included in the process evaluation component of this study.

<b>Exhibit 4-6: Criminal Justice Agency Grantees and Their Partners</b>		
<b>Lead Agency</b>	<b>System Partners</b>	<b>Community Partners</b>
<b>POLICE-LED PROJECTS</b>		
Eloy Police Department	Justice Court (protection orders)	Pinal Hispanic Council, Against Abuse
Greenville Police Department		Salvation Army (1 <sup>st</sup> grant), Our House, Inc. (2 <sup>nd</sup> grant)
Durham Police Department		Coalition for Battered Women
Chicago Heights Police Department		South Suburban Family Shelter
Brockton Police Department	Adult Probation Department	Family and Community Resources
Jefferson County Police Department	Department of Corrections, Probation and Parole	Center for Women and Families
Austin Police Department	County Attorney's Office, County Sheriff's Office	Legal Aid of Central Texas, Women's Advocacy Project, SafePlace
<b>PROSECUTION-LED PROJECTS</b>		
Everett, WA (City Attorney's Office)	Everett Police Department	Center for Battered Women
Lynchburg, VA (Commonwealth's Attorney's Office) <sup>32</sup>	Lynchburg Police Department (2 <sup>nd</sup> grant)	YWCA Domestic Violence Prevention Program
Lake County, CA (District Attorney's Office)	Lake County Sheriff's Department, Lake County Probation Department	Sutter Lakeside Community Services, Inter-Tribal Council of California
Marin County, CA (Legal Aid of Marin)	Marin County District Attorney's Office (2 <sup>d</sup> grant)	Marin Abused Women's Services, Family Law Center
Santa Fe, NM (1 <sup>st</sup> Judicial District Attorney's Office)		The Crisis Center, Esperanza
Dane County, WI (District Attorney's Office)	Circuit Court, Madison Police Department, Dane County Sheriff's Department	Domestic Abuse Intervention Services
Pueblo County, CO (10 <sup>th</sup> Judicial DA's Office)	Pueblo Police Department, Probation Department	YWCA Family Crisis Shelter
La Plata County, CO (6 <sup>th</sup> Judicial DA's Office)	Probation Department	Violence Prevention Coalition, Alternative Horizons
Sacramento County, CA (District Attorney's Office)	Probation Department, "Home" Court	WEAVE (unfunded)
Shelby County, TN (Pre-Trial Services)	Prosecutor's Office	Shelby County Victim Assistance Center, YWCA
Queens County, NY (District Attorney's Office)	New York Police Department, Probation, Criminal Court	Safe Horizons, Minority Group Associates

<sup>32</sup> Lynchburg's initial grant included a "cooperation and participation agreement" between nine agencies. In practice, only the police department and the non-profit service provider had direct responsibility for the Arrest project.

**PROBATION-LED PROJECTS**

Jackson County Community Corrections	Courts, District Attorney's Office	Dunn House
Clinton County Department of Probation	District Attorney's Office	Stop Domestic Violence

**Types of Partnerships**

Community victim services agencies provided a range of services to Arrest Policies Program grantees. In general, relationships between the justice agencies and the community victim services agencies at the 20 sites were either

- Traditional relationships in which the justice agencies referred victims to the service providers at a remote location or,
- Newly created arrangements in which service providers were housed at justice agencies or worked alongside justice agency staff.

Co-housing of agencies' staff generally appeared to increase projects' ability to provide victim assistance services efficiently, although at several sites where services were not co-located, mutual referrals between community based service providers and police or prosecutor special units were routine. Service providers were much more likely to do this when they personally knew the justice agency staff to whom the referral would be made and to whom they could explain the seriousness of the referral (including the level of threat involved). Co-housing increased the level of familiarity between agencies' staff. Exhibit 4-7 lists each of the sites by type of arrangement with community based service provider.

**Exhibit 4-7: Role of Community Service Providers in Arrest Policies Projects**

<u>Traditional Relationships</u>	<u>Integrated Services: Providers On-Site</u>
Eloy	Chicago Heights
Greenville	Jefferson County
Durham	Brockton
Dane County	Austin
Lake County	Pueblo County
Marin County	La Plata County
Santa Fe County	Shelby County
Everett	Queens County
Sacramento County	Clinton County
Lynchburg	Jackson County



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*Snapshot: Integrated Services/Providers On-Site: Queens County District Attorney's Office-Victim Services Partnership*

In Queens County, the prosecutor's newly formed domestic violence unit was moved from the criminal court building to a modern office a block from the courthouse. The co-funded victim services unit was given space in the same suite as the prosecutor's unit. This included a play area for children accompanying their parent and an interview room with one-way mirrors to permit observation of interviews with children. As a result of the co-location, referrals from assistant prosecutors to the victim services staff became quite common, both at the courthouse, where one victim services staff member handled intake, and in the shared office. The resulting closeness and sense of shared mission also permitted victim services staff to alert the prosecutors when a victim was arrested by the police on a false complaint from the batterer.

Prosecutors and victim services staff also worked together on an emergency response team that was called out to help with serious domestic violence cases. This led to a joint project to work with the emergency room staff at the borough's largest public hospital to identify domestic violence cases at hospital intake so victim services staff could provide early services and make sure police were notified. Another victim services staff member is co-located with the prosecutor's case intake unit, permitting the staff to telephone victims as soon as the case is received to provide immediate services, thus increasing the likelihood of victim cooperation with the prosecution.

*Snapshot: Traditional Partnership: Dane County Domestic Violence Unit and Domestic Abuse Intervention Services (DAIS)*

Within the Dane County District Attorney's Office, the domestic violence unit provided both general and child-focused services to domestic violence victims. DAIS is the leading domestic violence abuse program in Dane County and offers a broader range of services, including a 24-hour crisis line to legal assistance. While there was a long-standing relationship between DAIS and the Dane County domestic violence unit, there was no protocol designating the automatic referral of victims to DAIS. Rather, referrals were made on an as-needed basis to DAIS by domestic violence unit staff. The primary function of DAIS within the Arrest Policies Program was the training of project staff, including law enforcement, prosecutors, court personnel, child protective services, and emergency health care. Also, the grant created a legal advocacy position at DAIS.

## **Differing Paths to Partnerships**

Local partnership arrangements were a reflection of (1) different organizational structures, (2) resources of criminal justice and victim services agencies, and (3) the degree to which the agencies were already familiar with each other. Prior relationships were particularly important; they helped in several ways:

- Early grant planning for interagency coordination
- Acceptance of differences in agency philosophies and defined roles
- Coordinated implementation as an ongoing process requiring shared decisionmaking.

Where a pre-grant relationship existed among key criminal justice and community based project personnel, community based organizations usually played a more active role in accomplishing project tasks - for example, the CBO provided staff, participated in decisionmaking, regularly handled referrals, etc. Other projects established new relationships under their grants that appeared to be evolving into stronger roles for victim services organizations; however, given the limited time frame of the evaluation, the new relationships could not be documented over a long period.

### **Coordination in Planning**

In general, effective working partnerships were more likely to occur at sites where proposal development was a joint effort. Sites that submitted grant proposals demonstrating significant input from multiple agencies and service provider partners were those where personal relationships among key personnel usually existed prior to the grant. In sites without those pre-existing relationships, other structures, such as task forces, helped bring the partners together for the grant writing. In a few cases, community task forces played a central role in developing the proposal and identifying additional potential partners.

- Two projects were initiated and co-authored by a police officer and the director of a community service provider. In both cases, some level of collaboration between police officers and service directors had already been established. In Brockton, the service provider had previously worked closely with a police lieutenant to provide domestic violence training. In Eloy, the police chief and director of the Pinal Hispanic Council worked together to outline the program they wanted and worked out the division of labor and funding. Both projects subsequently expanded their partnerships beyond the original grant application (probation

became an active partner in Brockton; the Justice Court was added to the Eloy project).

- Several projects were the inspiration of local task forces. For example, in Louisville, the Jefferson County Domestic Violence Prevention Coordinating Council initiated the grant writing process by requesting a needs assessment, which was conducted by the Jefferson County Police Department. The initial proposal was written by the county's grant coordinator, the Director of the Office for Women, and members of the Crime Commission. In Austin, the Austin/Travis County Family Violence Task Force developed goals and objectives and then encouraged the Austin Police Department to submit the initial proposal. Both the Jefferson County and Austin grants were ambitious, including criminal, civil, and social components. For example, Jefferson County's project included funding for the Exchange Center, a centralized visitation center that provided victims with a safe place for their children to meet with the other parent for court-ordered visitations.

At some sites, failure to include the service provider partners in the proposal process reflected a lack of communication with these agencies.

- In Greenville and Durham, the Arrest Policies Program proposals were written by police staff with limited input from the community.<sup>33</sup> These two police-oriented projects did not involve a high level of coordination with service providers. For the most part, the service providers acted in more of an advisory capacity. They assisted in training efforts and worked to develop referrals from the police special units, but tended not to be involved in daily operations. Neither of these projects expanded their partnerships beyond the original grant.
- In Lynchburg, the original Arrest Policies Program proposal was initiated by the Commonwealth Attorney's Office. Virtually every aspect was centered on domestic violence prosecution, supplementing activities and personnel in the Commonwealth Attorney's Office. The Arrest Policies project was not widely known in the community—several members of the local domestic violence task force were unaware that Lynchburg had received such a grant.

### **Accepting Differences in Agency Philosophies and Roles**

Projects that appeared to have successful operations and “buy-in” from partners were characterized by mutual understanding and acceptance of differences in agency philosophies and roles. Justice agency victim witness staff often perform a smaller range of tasks within a limited

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<sup>33</sup> In Greenville, the police department hired an independent consultant to author the proposal. In Durham, the non-profit partner was asked for assistance in selecting goals and objectives. In Chicago Heights, the police chief wrote the grant in consultation with the local shelter-based organization. The police chief was on the local domestic violence task force and earlier, as a state's attorney, she had served on the board of the local domestic violence shelter. As a result, the department's grant application did include coordination between police investigators and court advocates.

time frame, e.g., help victims apply for victim compensation. In contrast, community-based service providers and advocates generally perform more tasks over a longer time; their work is not case-limited or time-limited. In addition, police or prosecutor victim witness staff cannot offer victims promises of confidentiality. Community-based advocates have no such split loyalties and in many states, statutory provisions protect victims' confidentiality.<sup>34</sup>

In practice, the reality was much more complex. Where victim witness agency staff were lacking, community advocates performed tasks typically assigned to agency staff, such as providing help with victim compensation applications. Conversely, at some sites, agency victim witness staff provided services and referrals to help victims meet basic needs (e.g., for transportation, health care, childcare). At other sites, community based service providers worked alongside agency victim witness staff, providing nearly identical services to help meet basic needs. (This was most common where the agency victim witness staff had formerly been community advocates or service providers. However, community advocates perform work that victim witness staff are seldom authorized to do—for example, provide assistance with civil remedies, provide long-term counseling, work for criminal justice system reform. Victim witness staff and community advocate roles are not interchangeable in these and other areas.). Finally, in one project, the agency's staff offered confidentiality to victim statements under the umbrella of the agency supervisor's therapist license in a state where there is a therapist-patient privilege.<sup>35</sup>

Whatever the difficulties of defining organizational roles, the most common barrier to interagency cooperation and coordination was the failure of "organizational empathy"—one agency fails to understand the other agency's defined role. For example, advocates might not understand the probable cause requirement for mandatory arrest. Police officers might not understand why advocates refuse to tell them what the victim said to them. Further, police and prosecutors often have difficulty understanding, unless they have received special domestic

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<sup>34</sup> These laws typically provide that statements made by a victim to a domestic violence counselor are confidential and may not be divulged, even in court proceedings, without the consent of the victim. In addition, the laws related to advocate-victim privilege are not designed to cover only counseling. Some (not all) of the statutory privileges address communications, identify/address, shelter records, work products, papers, and communications with third parties to facilitate the purposes for which the victim sought assistance of the advocate. Beyond state codes, funding sources, including VAWO, preclude disclosure of the above.

violence training, why advocates might challenge mandatory arrest and prosecution policies and criticize the prosecutor for ignoring the victim's choice about whether to prosecute.

Sites that developed close working relationships between police officers/prosecutors and victim service providers often involved (1) joint multi-disciplinary training and (2) formal arrangements for how and when information could be shared.

Four police-led projects involved community advocates co-housed or working alongside police officers or detectives. In Chicago Heights, Brockton, and Austin, outside service providers generally did not accompany police officers or detectives to the domestic violence scene. In these sites, there was a standard agreement between service providers and police staff. Officers and detectives did not have access to service providers' victim files and advocates did not have access to law enforcement automated offense report databases. However, the disclosure of incident reports varied—some states consider police reports to be public information. In Chicago Heights, community advocates had access to certain police files. In Austin, civilian team members, in the presence of police, could review offense reports assigned to the Family Violence Protection Team.

In Jefferson County, community advocates rode with police officers and were essentially under the supervision of police staff, but they reported to the local victim shelter. While this created some issues over confidentiality, a larger question was raised over supervision and the lines of authority between police and advocates. In this case, there was a persistent struggle to define the relationship between police officers and advocates.

In terms of prosecution-led projects, the relationships between prosecutors' offices, agency victim witness staff, and community service providers were also complicated. In Queens County, the grant-funded victim assistance staff worked side-by-side with prosecutors. Other, non-grant funded victim service staff were assigned to work at some of the police precincts or walk-in centers near the Family Court. This resulted in a larger borough-wide network of service provider-prosecutor communication than would typically occur. To some extent, the fact that service providers were able to provide assistance soon after arrest may have resulted in increased

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<sup>35</sup> The contention at this project is that the agency staff were acting as agents for the therapist/supervisor, similar to the relationship between an attorney and an investigator working for the attorney who is covered by the attorney's confidentiality privilege. This interpretation of state law has not been challenged in court.

victim cooperation with the prosecution,<sup>36</sup> although this was not an expected work task for the advocates. In Sacramento, the prosecutor's victim witness staff had formerly been with the local community-based victim advocate program. This facilitated cross-referrals of victim-clients for services, but had little impact on prosecutor decisionmaking.

Given the many barriers to mutual role understanding and organizational empathy, it is not surprising that problems related to this occurred at a number of Arrest Policies Program sites. Some examples are provided below.

- In Marin County, the role of the victim advocate was unclear from the start. A particular point of contention was the provision of court/legal advocacy. In particular, the community advocate sometimes acted on behalf of the client as a court advocate. In cases where the victim did not wish prosecution to proceed, the advocate was in direct conflict with the agency victim witness staff and prosecutors from the District Attorney's office.
- In Austin, the Family Violence Protection Team struggled to develop a referral system that would allow agencies to complement one another. The team also realized that the intake process could be streamlined to both improve victims' experiences and ease agency paperwork requirements (the agencies developed a standard screening form so that clients need only complete one form). Yet the boundaries between short-term assistance (provided by agency victim witness staff) and long-term counseling (the domain of SafePlace counselors) were sometimes ambiguous, and the roles of staff from the two agencies were an ongoing topic of discussion.
- In Dane County, victim witness specialists had long been an integral part of the District Attorney's Office. The relationship between prosecutors and victim witness staff was collegial, and domestic violence prosecutors and victim witness staff worked with the community victim services provider to conduct training and educational workshops. These relationships endured beyond recent changes in the leadership of the District Attorney's Office, the victim witness unit, and the local non-profit organization. Similar long-term relationships between prosecutor offices and the community victim advocate agencies were seen in Sacramento and Queens counties.

### **Shared Decisionmaking**

In general, project partners expected to be included in some form of decisionmaking, at least in regard to the project funded by the Arrest Policies Program. These expectations ranged from minimal consultation in future grant applications to participation in strategy meetings to

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<sup>36</sup> Anecdotal evidence suggested that this occurred. Additional research beyond the scope of this evaluation would be needed for verification.

refine the project. As a result, some non-profit organizations that were asked to be a partner on the project, but then excluded from policy-oriented activities, were not satisfied with the relationship. On the other hand, some community organizations were content with a limited role.

One reason for these varying responses was that collaboration and equality of decisionmaking are difficult in the context of public-private agency collaborations. In the Arrest Policies Program, the criminal justice agency was the lead agency and handled the administrative and financial aspects of the project. A hierarchy is automatically built into the program, and the non-profit partners were aware of this.

While a number of factors influenced shared decisionmaking, the projects that were most promising were those led by managers who sought input from other agencies and then incorporated the input into decisions about project goals and operations. For instance, the Pueblo County District Attorney's Office was particularly open to working with a variety of individuals and organizations. The high levels of support provided to project staff and the respect given to the community victim service provider helped create a positive working relationship. Similarly, the Lake County project continued to expand the number of agency partners on the project, primarily as a result of the project director's reputation for working with other agencies and involving them in decisionmaking and grant activities. The other extreme can be found in a site where the partnership was under tremendous strain in the initial stages and promises were made to the community victim service provider that could not be kept.

## **Summary**

This chapter has described changes in criminal justice processes that occurred as a result of the Arrest Policies Program grants: processes by which criminal justice agencies responded to domestic violence cases, and processes for coordinating those responses with community based victim service providers. Based on national survey results and site visits to 20 projects, apparent criminal justice system changes are summarized below.

**New or enhanced specialized law enforcement and prosecution units were created to arrest and prosecute domestic violence batterers.** All but two of the 20 grantees established specialized law enforcement or prosecution units (or both, in three sites). Most of the law enforcement units were investigative units that handled follow up of serious domestic violence or

cases where the suspect fled to avoid arrest. Sixteen jurisdictions established new or enhanced existing domestic violence victim assistance units. Four projects established multi-agency teams, including two projects with a shared facility.

**New court structures or specialized criminal dockets were created to hear domestic violence cases.** Five projects modified the way the courts assigned domestic violence cases for hearings. In three sites, a specialized domestic violence court, or part, was established that heard only domestic violence cases. Two smaller sites with “fast track” prosecution projects were served by a specialized domestic violence docket established to hear only domestic violence cases.

**In most sites, Arrest Policies Program grants were not used to fund probation staff.** Probation agencies were eligible to apply for Arrest Policies Program grants, but most applicants were police or probation agencies. Only two of the 20 projects examined were led by probation agencies. These sites used their grant funds primarily to establish specialized probation units specializing in domestic violence (three other sites also funded probation unit staff).

**Training was part of nearly every Arrest Policies Program grant.** Some sites sent staff to regional or national conferences, while others collaborated with partners to deliver extensive training locally. Most grantees reported that the amount of training devoted to domestic violence had increased. Many found it economical, as well as beneficial for understanding victim needs and agency roles, to have staff working in specialized units participate together in training. In addition, the role of specialized personnel often included informal mentoring and tutoring of less experienced staff.

**Projects where prosecutors took the initiative to train police and inform them of case status reported that the quality of police reports improved.** At a number of sites, domestic violence prosecutors provided officers with feedback on the quality and content of incident reports. Previously, these officers rarely received feedback on reports and were seldom informed of case disposition.

**Most of the projects examined resulted in improved case handling procedures, including increased evidence collection.** Case handling by both police and prosecutors was dramatically changed. Police improved their handling of evidence of domestic violence, including increased use of photographs to document injuries, and better documenting of cases



through interviewing victims, suspects, and witnesses. The creation of specialized prosecution units enabled vertical prosecution, with one prosecutor responsible for all facets of the domestic violence case. This resulted in greater consistency in case handling by experienced prosecutors. New court units at several sites also provided for enhanced monitoring of defendants to ensure attendance at court-ordered batterer intervention programs. Training and new evidence collection guidelines contributed to the improved evidence collection. Other advances at various sites included the following:

- Improvements in prosecution's ability to handle cases based primarily on the evidence rather than victim testimony
- Innovations in charging practices and sentencing recommendations
- Greater consistency in sentencing
- Enforcement of release/probation conditions by the court.

The capacity of the sites to provide victim services increased as a result of the Arrest Policies Program grants. With respect to victim services, various sites reported the following:

- Victims/survivors were contacted at earlier stages in the criminal justice process.
- The addition of victim witness specialists and community advocates resulted in an increase in the number of victims who were offered services.
- The types of services were expanded, with civil legal assistance becoming a component of victim services at two sites.
- Outreach and the hiring of bilingual victim assistance specialists was seen as having the potential to improve access to services for victims/survivors from underserved communities.
- Referrals increased and the provision of services to victims was more efficient when agencies were co-located.

**The Arrest Policies projects that were studied showed increased coordination** among criminal justice agencies, with coordination most common between police and prosecutors. Coordination between criminal justice agencies and community-based victim service providers also improved. Nearly two-thirds of the lead criminal justice agencies developed partnerships with community-based victim service organizations. The remaining projects had at least some level of cooperation between criminal justice agencies and community based organizations. Four police-led projects had community-based advocates working alongside police or co-housed with them.

Effective working partnerships were more likely to occur at sites where proposal writing had been a joint effort. Proposals demonstrating significant input from multiple agencies and service providers usually came from jurisdictions where personal relationships between key personnel had existed prior to the grant.

Sites that demonstrated close working relationships between police officers/prosecutors and victim service providers often involved (1) joint multi-disciplinary training, (2) formal arrangements for how and when information could be shared, and (3) project leaders who actively sought input from other agencies and then incorporated their ideas into project goals and operations. The most common barrier to interagency cooperation and coordination was a lack of organizational empathy—one agency fails to understand or accept the other agency's defined role.

## **Chapter 5**

# **Impact Evaluation**

Six grantees were selected for more intensive evaluation to study the impact of the Arrest Policies Program. The first sections of this chapter describe the evaluation strategy, site selection, and quantitative and qualitative data sources and analysis methods. Next, an overview of the six sites is provided, with a focus on findings related to offender characteristics. The chapter then presents findings on the effects of criminal justice agency responses on offender accountability, followed by a summary of key points discussed in the chapter. Findings on the impact of the grants on victim safety and well being are provided in Chapter 6.

## **Evaluation Strategy**

Multiple methods were selected for the evaluation design, which included collection of both quantitative and qualitative measures related to (1) criminal justice system changes, (2) offender accountability, and (3) victim safety and well being.

With respect to criminal justice system change and offender accountability, the evaluation plan first called for collection of quantitative data on arrests, prosecution filings, convictions, and sentences imposed. Diligent efforts were made to obtain these data from key criminal justice agencies participating in the local projects. Ultimately, we found that the quantity and quality of available data varied widely across the six sites. For example, case processing statistics from the prosecutors' offices were not available at four of the six study sites. As a consequence, statistics were not forthcoming from these sites on the number of convictions and conviction rates before and during the project period.

To compensate in part for this problem, the evaluators created a database containing data from a sample of 1,185 domestic violence cases across the six sites. Before and after data on case processing and outcomes, offender characteristics, and other factors were analyzed, as explained later in this chapter. However, since it was not possible to establish control groups at the six selected sites (see Chapter 1), we had to rely heavily on qualitative methods (e.g., key personnel interviews, analysis of police incident reports, and others) to help interpret the official

statistics and sampled data and determine more specifically what changes occurred and what factors influence (or inhibited) the changes.

The net result is that (1) several significant findings related to offender accountability were identified through our comparisons of pre- and post-grant data, but (2) in many instances it was not possible to state definitively that the observed changes were a direct result of Arrest Policies Program interventions.

The Arrest Policies Program goal of improved victim safety was even more difficult to measure. Criminal justice agencies do not maintain official statistics on victim safety. An analysis of calls for police service might indicate a reduction in repeat victimization. However, fewer calls to police might also mean that victims do not consider police involvement useful, or that victims are reluctant to call for fear of retaliation by the batterer. Much more information and analysis would have been needed before conclusions could have been drawn from call for service data. Moreover, several of the selected jurisdictions did not have computer-assisted dispatch systems or call coding schemes that were sophisticated enough to capture data on domestic violence victimization. As explained later, only qualitative data (results of focus groups and interviews with victims and service providers/advocates) were used to assess how well the sites achieved the goal of victim safety.

We also considered methods for measuring the impact of the grant projects on victim *well-being*. The term well-being, as used by domestic violence victim advocates, characterizes a range of positive outcomes for victims. Often, well being is seen as *including* safety from harms such as assaults, injuries, threats, and harassment. But well being also encompasses outcomes such as satisfaction with criminal justice agencies' handling of the case; financial recovery or self-sufficiency; access to support resources and counseling; access to health care; improved general health as well as recovery from injuries sustained from battering incidents; access to information needed for decisionmaking and an increased capacity for making decisions; resolution of problems affecting the care of children; and others. The protocols that guided interviews and focus groups with victims of domestic violence included questions about various outcomes associated with well being in this broader sense.

The next sections discuss site selection and provide more detailed information on data sources and analysis methods. Briefly, the methodology included the following measures:

### **Quantitative**

- Collection of summary statistics on law enforcement, prosecution, and victim services performance (e.g., arrests, cases filed, victims served)
- Analysis of sampled data for two time periods, 1996 (pre-grant) and 1999 (post-grant)

### **Qualitative**

- Content analysis of police incident reports prepared before and after grant implementation
- Focus groups with key criminal justice agency personnel
- Interviews with victims/survivors

## **Site Selection and Local Research Coordinators**

ILJ selected six grantees to participate in examining the impact of the Arrest Policies Program grants on offender accountability and victim safety and well being. We believed that six sites would allow for inclusion of different types of projects and project environments. We also determined that six was the maximum number of sites that could be examined in depth within the evaluation budget.

The 20 sites participating in the process evaluation were the starting point for selecting the six sites. Criteria had been established earlier in the project to assess each of the 20 projects in terms of data availability and access to victims/survivors. Other factors were also considered: type of project leadership (e.g., police, prosecutor), focus of the grant-funded efforts, jurisdiction size, geographic representation, and access to samples of domestic violence victims who were members of racial and ethnic minorities. The final selection of sites was made by the ILJ research staff in consultation with members of the national advisory board, the federal technical assistance providers, the National Institute of Justice, and the Violence Against Women Office.

The sites are identified by the following pseudonyms to honor confidentiality agreements and respect the wishes of those who participated in the evaluation.

- Huerta City
- Lozen County
- Addams County
- Jovita City
- Barnett County
- Stanton County.

ILJ researchers were assigned to each of the six sites. In addition, ILJ hired a local coordinator at each site to help implement the evaluation plan. The local coordinators were experienced researchers who also received training specific to this project from ILJ research staff. A research protocol was provided to guide the local consultants in supervising the collection of agency data, facilitating focus groups, and interviewing victims/survivors. ILJ staff closely monitored the work of the local coordinators through site visits as well as regular contact via email, phone, fax, and mail.

### **Quantitative Measures**

As noted earlier, two different approaches were used to collect quantitative data related to offender accountability. First, we collected summary statistics on agency performance, such as arrests or cases filed by the prosecutor, at every site for a period before and after grant implementation. As reflected throughout this chapter, the six sites varied considerably in terms of the availability, quality, and level of detail of the statistics provided. Second, we collected and analyzed samples of data from two periods in 1996 and 1999 to develop more reliable pre-and post-grant data on selected measures.

#### **Statistics**

Statistics on agency performance pre- and post-grant were collected from criminal justice agencies at all six sites. Local coordinators were provided a template for collecting specific data pertaining to (1) arrests, (2) prosecutions, (3) criminal case dispositions, (4) sentences, and (5) victim services; and statistics on such factors as gender, race/ethnicity, and age of offender were recorded. The data collection forms were adjusted to allow for site variations in charging codes, as well as disposition and sentencing options. Exhibit 5-1 lists the types of summary statistics that were requested at each site.

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**Exhibit 5-1: Types of Summary Statistics**

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Incidents and Arrests	Number of domestic violence arrests (at the scene and off-scene)
	Number of dual arrests
	Arrestee and victim demographics
	Level and type of charges
Prosecutions	Number of cases referred to, rejected by, and filed by the prosecutor
	Cases filed by primary charge (and level of charge)
	Offender demographics
Dispositions	Numbers for case dismissals (after filing)
	Number of convictions and acquittals
	Post-conviction diversion
	Conviction sentences
Probation Sentences	Number of probationers
	Number of revocations
Victim Services	Number of referrals for services/number of victims contacted
	Number of victims provided services

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While the methodology was intended to gather comprehensive and comparable statistics from all sites, data availability and reliability varied. For example, only one site could provide arrest statistics on domestic violence for years prior to 1996. Since most grantees began operations in 1997, this offered just one year of pre-grant data across all sites, although most projects were able to provide data for the years 1996 through 1999. Cross-site comparisons were also hampered by missing data in records and the lack of automation at all sites (see the section on “Overview of the Sites” later in this chapter for more details). As a result, we were not able to make valid cross-site comparisons from available statistics on the measures of interest.

**Sample Data***Data Sources and Data Collection Process*

To address the problem of inconsistent official data across sites, ILJ selected samples of cases from two time periods at all six sites. The sampling plan called for random selection at each site of 100 misdemeanor cases from a specified time period in 1996 (pre-grant), and 100 cases from the same time period in 1999 (post-grant). The cases were to be identified from police arrest reports and were restricted to intimate partner violence cases involving a male offender and female victim, which provided a focus on the most common form of domestic

violence. Because not all six sites had specific provisions in the law for designating domestic violence as felonies distinct from other felonies, only misdemeanors were included in the sample. The selection process also required that each offender be included in the database only once.

Although all six sites followed the data collection protocols to the extent possible, circumstances at the individual sites led to variations at three sites in how cases were selected:

- In Huerta City, the small number of cases annually required a change in the number of cases sampled to 50 for each year.
- In Lozen and Stanton Counties, police arrest information was not available, and cases had to be selected from prosecutor files.

After the samples were selected, the local coordinators reviewed criminal justice agency case files to determine the case status at each stage of criminal justice processing. Case information was recorded in an Access database.

#### *Data Analysis*

While there were minor variations in each of the sites' databases to reflect local differences in charges, disposition codes, and sentencing options, a core set of data elements was captured. Information collected included the following:

- Incident date
- Offender and victim demographics
- Use of drugs, alcohol, or weapons by either party
- Primary arrest and filing charges, and level of charge
- Disposition of case and date of disposition
- Sentencing for those convicted
- Probation violations
- Victim contact made by the victim witness unit.

The individual site databases were merged to create a *case sample database*, which served as an important source of quantitative data for the evaluation with respect to offender accountability measures. The database was exported into SPSS for quantitative analysis.

Cases were weighted at each site based on the ratio of the sample to the universe for the time period of the sample. For example, in Lozen County, all of the cases were selected into the sample, resulting in a weight of one for each case. In Jovita City, every third case was selected in the specified time period, so each case received a weight a three. The case sample database



consisted of 1,185 cases total. The weights range from 1 for Barnett, Lozen, and Stanton counties, to 5 for Addams County. The weighting procedures gave a weighted total of 2,552 cases.

## **Qualitative Data**

Qualitative research efforts formed a critical component of the research strategy, helping to explain variations in the quantitative data; identify victim and staff perceptions of case handling, including improvements and unmet needs; and document the quality of system responses. Three qualitative data sources were used: police incident reports, focus groups, and interviews with victim/survivors.

### **Content Analysis of Incident Reports**

The content analysis of police incident reports had two objectives. The first was to identify changes in the quality of police documentation at the sites after grant implementation. Improved police documentation of domestic violence incidents should contribute to better prosecutions and increased convictions. The second objective was to aid the researchers in making cross-site comparisons of police response practices. However, due to wide variations in documentation practices, cross-site analyses of incident reports proved not to be feasible.

Incident reports for the content analysis were drawn from the case samples used to create the sample databases at five of the six sites.<sup>37</sup> Because of budget and time constraints, half the incidents were selected, resulting in content analysis of 50 cases for the pre-grant periods and 50 cases for the post-grant periods. A standard coding scheme was developed and information was recorded in an Access database, which was then exported to SPSS for analysis. Variables identified for coding included:

- Length of narrative report
- Inclusion of victim quotes in narrative
- Extensiveness of victim statement and documentation of history of violence
- Documentation of physical environment
- Histories of mental illness
- Victim and offender demeanor
- Injuries to either party
- Presence of children or other witnesses and whether they were interviewed

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<sup>37</sup> In Stanton County, police incident reports were not considered public information and researchers were not granted access.

- Provision of medical assistance
- Safe living arrangements
- Domestic violence assistance referrals to victim.

### **Focus Groups**

ILJ staff and local coordinators conducted focus groups at all six sites. The focus groups were designed for several purposes: to gather information on the quality of domestic violence responses in each community from a variety of perspectives; to obtain insights into the local impact of Arrest Policies Program funding; and to identify areas where participants felt improvements were needed at various stages of case processing and in the overall response to victims' needs.

Focus groups were organized with a number of different groups at each site. Specifically, an effort was made to conduct focus groups with victims/survivors, law enforcement officers, prosecutors, victim assistance providers, and female arrestees. The project plan also encouraged the creation of victims/survivor focus groups composed of women representing underserved minority communities whenever possible.

Victim focus group participants were identified through shelters, community support groups, and other community based organizations, which provided victims/survivors with contact information for the local research coordinator. Flyers were also posted in public places requesting participation.

In total, 326 people participated in focus groups across all sites. A breakdown by type of group follows:

- 148 victims/survivors in 24 groups
- 73 law enforcement officers, investigators, and supervisors in 11 groups
- 36 prosecutors in 5 groups
- 44 victim services providers in 8 groups
- 25 female arrestees in 4 groups.

In the two smallest jurisdictions (Huerta City and Lozen County), where there was only one prosecutor or victim witness specialist handling domestic violence cases, personal interviews were substituted for a focus group. Also, two sites (Lozen and Stanton counties) were unable to conduct focus groups of female arrestees. The recruitment of focus group participants was largely dependent on personal contacts with agency staff and community organizations.

Consequently, focus group participants cannot be considered representative of any larger population. The use of agency staff to help identify possible focus group participants and contact them to ask for participation was needed to protect victim safety.

### **Victims/Survivors Interviews**

In-depth personal interviews were conducted with domestic violence victims/survivors to (1) learn more about victim experiences with and perceptions of the criminal justice response, and (2) obtain victim perceptions about how the arrest and/or prosecution of their batterers affected their safety and well-being.

The evaluation design called for completion of 30 interviews with victims/survivors at each site. Fifteen of these 30 women were to be selected to participate in a “long version” of the interview. These women would have experienced the arrest and prosecution of their batterers. The additional 15 women were to be selected for a “short version” of the interview. In these cases, the batterer would have been arrested, but the case would have been declined for prosecution or dismissed initially by the prosecutor. With the level of prosecutorial effort as the primary difference between the two groups, the researchers sought to explore the effect of the prosecution on the victims’ safety and well-being.

The recruitment of victims/survivors for interviews was challenging at all sites. The key variable—prosecution effort—required that victims/survivors be first identified from prosecutor’s files. In addition, the cases selected had to be closed to assure prosecutors that the interviews would not interfere with any criminal cases.

With assistance from victim witness staff, local research coordinators used a variety of techniques to recruit victims/survivors. Across sites, the greatest difficulty was locating, contacting, and recruiting victims whose cases had not been fully prosecuted. As might be expected based on prior research involving victims of domestic violence, attempts to locate correct addresses or phone numbers were not always successful. Because of these problems, local coordinators were not always able to obtain the desired number of victims for interviews.

Despite recruitment difficulties, a total of 81 interviews were conducted across the six sites, with the number of victim interviews at a single site ranging from 1 to 30. Each interview was conducted using a structured questionnaire that included both closed - and open-ended items.

Copies of the interview instrument are included in Appendix D. The “long interviews” with women whose cases had been prosecuted lasted approximately 90 minutes and consisted of 86 multi-item questions covering a wide range of topics, including the following:

- Severity and history of domestic violence
- Social support networks
- Perceptions of police response
- Satisfaction with the criminal justice process and the sentence
- Experiences in court
- Satisfaction with prosecutors, victim services providers/advocates and probation officers.

The closed-ended interview responses were coded for analysis using SPSS. Responses to open-ended items, as well as additional remarks, were entered into a narrative document for review and analysis.

Inconsistencies in selection methods, recruitment difficulties, the lack of a complete list of victims, and the low number of completed interviews produced a non-representative sample. Therefore, findings cannot be generalized to other victims served by the Arrest Policies Program projects or the broader population of victims/survivors. Nevertheless, the interviews provided rich, interesting, and often eloquent views of domestic violence victims’ experiences in the criminal justice system.

## **Overview of the Sites**

This section provides background information on the incidence of domestic violence cases at the six sites; findings on offender characteristics; and information on differences among the sites in local charging practices.

### **Domestic Violence Indicators**

The most reliable agency statistics on domestic violence incidents at each site tended to be either for arrest or prosecution (only one site could provide both arrest and prosecution data). Data availability was related to the type of local agency administering the Arrest Policies Program project. For example, three of the projects administered by prosecutors (Barnett, Stanton, and Lozen Counties) could not provide the number of domestic violence police calls for service or arrests. One obstacle was that police did not have a separate database code for

“domestic violence” arrests; an assault occurring in the context of a domestic relationship could not be distinguished from other assaults.<sup>38</sup> Two of the police-led sites (Huerta City, Jovita City), which had law enforcement data, could not provide data on prosecution filings or convictions; the prosecutors’ offices serving those jurisdictions were somewhat reluctant to participate in this evaluation. The number of years for which data was available also varied across sites. In both Stanton and Barnett counties, data was available for a two-year period only.

## **Local Program Focuses**

Based on interviews and focus groups conducted during the evaluation, a synopsis of agency involvement at each site follows.

- In both Huerta City and Jovita City, Arrest Policies Program grant resources were directed at improving law enforcement’s ability to follow up on domestic violence cases.<sup>39</sup> However, in both cities, policing efforts under the grants received limited support from local prosecutors.
- In Addams County, local law enforcement had a long history of being proactive in domestic violence cases, and the Arrest Policies Program grant was used to enhance specialized prosecution.<sup>40</sup> However, those convicted of domestic violence offenses were seldom subjected to court or probation department supervision.
- In Barnett County, pre-trial services worked to improve the assessment and sentencing recommendation process, and designated prosecutors were assigned to domestic violence cases. A domestic violence court provided some level of offender oversight.<sup>41</sup>
- In Stanton County, the Arrest Policies Program focused on misdemeanor prosecutions.<sup>42</sup> Judicial oversight of offenders was strong, and coordination between law enforcement and prosecution improved.
- In Lozen County, the District Attorney’s Office formed the cornerstone of the county’s domestic violence response, which involved active participation from law enforcement and probation. In Lozen County, grant funds created new positions at the sheriff’s office, the prosecutor’s office, and the probation office to

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<sup>38</sup> Lozen County did have a specific domestic violence charge code, however, the law enforcement agencies did not have data for any years prior to the current year.

<sup>39</sup> In Huerta City, a domestic violence detective followed up on incidents; in Jovita City, a team of eight detectives followed up on domestic violence incidents that did not result in an arrest at the scene.

<sup>40</sup> The Arrest Policies Program added three domestic violence prosecutors, bringing the total number of domestic violence prosecutors to five.

<sup>41</sup> Funds were used to develop an assessment center and hire a supervising prosecutor for the domestic violence unit.

<sup>42</sup> The county had eight prosecutors handling domestic violence misdemeanors.

increase the level of cooperation between the different agencies and improve the county's response to domestic violence.

### Charging Practices

Statistics on domestic violence will be affected by state law definitions of domestic violence. Accordingly, charging practices varied across the six sites. For instance, in Stanton County, 24 different offense codes were listed under misdemeanor crimes filed by the prosecutor's domestic violence unit. In other states, laws are more restrictive and prosecutors seldom file non-assault charges on domestic violence cases.

Depending on the site, either the sample data or the summary statistics were used to document the primary charge on which the prosecutor filed charges. Summary statistics are reported here for Lozen and Stanton counties. However, prosecution charges were either not available or the summary statistics were unreliable in the other four sites and the sampled data was used instead. Exhibit 5-2 shows the primary prosecution charges in the six sites. The general types of charges listed in the Exhibit should be interpreted as follows:

- Assault/battery includes physical violence and very often, injury to the victim.
- Disorderly conduct encompasses not only disorderly conduct charges, but crimes such as vandalism, criminal mischief, and public order crimes, all of which are considered domestic violence charges in some states.
- "Other" refers to a variety of non-assault charges, such as criminal damage to property, contempt, and criminal trespass.

**Exhibit 5-2: Primary Charges Issued by Prosecutors' Offices for 1999**

<b>Charge</b>	<b>Huerta City</b>	<b>Addams County</b>	<b>Jovita City</b>	<b>Lozen County</b>	<b>Barnett County</b>	<b>Stanton County</b>
Assault/Battery	68%	24%	98%	75%	99%	69%
Disorderly conduct	18%	39%	0%	0%	0%	9%
Other non-assault	14%	37%	2%	25%	1%	22%
	50 cases sampled	99 cases sampled	100 cases sampled	274 cases*	155 cases sampled	3,687 cases*

\* This number represents all cases at this site during 1999

The summary of primary charges shows that in two sites—Jovita City and Barnett County—at least 98 percent of prosecutor filings were assault cases. In three of the other sites

(Huerta City, Lozen and Stanton Counties), assault charges comprise at least two-thirds of the cases. In Addams County, the majority of domestic violence crimes were filed as disorderly conduct or other non-assault charges, with only 24 percent filed as assault charges. This variance in charges was consistent with the levels of injury to the victim as documented in the sampled data. For instance, the sample of cases from Addams County indicated that an injury to the victim occurred in 38 percent of the cases, while the other five sites recorded victim injuries in 63 to 71 percent of the cases analyzed.

Statistics on dual arrests were collected at four sites. Dual arrest rates ranged from 6 percent in Addams County to 12 percent in Huerta City. These rates are relatively low. For example, a review of statistics in pro-arrest jurisdictions by Jones and Belknap (1999) found dual arrest rates ranging from as high as 50 percent to 1 percent (in a department with intensive training to help officers avoid arresting both parties). In terms of women arrested or prosecuted on domestic violence charges, Lozen County reported a low percentage of women being prosecuted- 10 percent of case referrals- while the highest percentages of women arrested on domestic violence charges were in Addams County and Jovita City (20 and 19 percent, respectively).

### **Characteristics of Arrestees**

In the four urban sites, African Americans were arrested or prosecuted for domestic violence in disproportion to their presence in the population. This was not as noticeable with Hispanic domestic violence offenders.<sup>43</sup> Exhibit 5-3 shows the percentages for racial/ethnic background for these urban sites, according to available summary statistics from the sites.

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<sup>43</sup> Compare California Criminal Justice Statistics Center, *Report on Arrests for Domestic Violence in California 1998* (1991) that reported that Blacks had the highest rate of arrests (447.6 arrests per 100,000 population, followed by Hispanics (230.2 per 100,000), followed by Whites (no data). Accordingly, charging practices varied across the six sites.

**Exhibit 5-3: Racial/Ethnic Background of Domestic Violence Arrestees for 1999<sup>44</sup>  
(Urban Sites)**

Race/Ethnic Background of Arrestees	<u>Arrest Data</u>		<u>Prosecution Data</u>	
	Addams County (intimate partner arrests)	Jovita City (arrests)	Barnett County (arraignments)	Stanton County (intimate partner misdemeanors)
White	62%	29%	19%	18%
African American	33%	28%	81%	33%
Hispanic	3%	42%	—	31%
Other	2%	1%	—	18%
Sample	2,298 cases	3,829 cases	4,171 cases	3,687 cases

These statistics by race/ethnicity were compared to city and county data, using 2000 Census Bureau statistics:

- In Addams County, African Americans comprised one-third of intimate partner domestic violence arrests, but just 4 percent of the county’s population.
- In Jovita City, African Americans comprised 28 percent of domestic violence arrestees, but just 10 percent of the population. Hispanics comprised 31 percent of the population, and made up 42 percent of the domestic violence arrests.
- In Barnett County, 81 percent of those arraigned on domestic violence charges were African American, while the county’s population is 48 percent African American.
- In Stanton County, one-third of the intimate partner case filings included an African American defendant, while African Americans comprise 19 percent of the county’s population. Approximately 31 percent of domestic violence offenders were identified as Hispanic, while Hispanics made up 25 percent of the county’s population.

These findings are consistent with other studies that have found high percentages of racial or ethnic minorities, particularly African Americans, arrested for domestic violence compared to their representation in the general population. Recently, NIJ and VAWO have begun to focus greater attention on this issue by sponsoring related research and discussion forums. Research issues include a need to examine the correlation between race, class, and individual characteristics and the rates at which domestic violence occurs or is reported to

<sup>44</sup> In Addams County, data for 1998 was used.



police.<sup>45</sup> This evaluation did not collect data that would shed light on those issues (e.g., offender or victim income levels or employment status). However, we did explore whether there were any changes in arrests by race/ethnicity pre-and post-grant based on the sampled data. Our analysis showed virtually the same distribution of white, African American, and Hispanic persons arrested pre- and post-grant (see Exhibit 5-4 below).

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**Exhibit 5-4: Domestic Violence Arrestees by Race/Ethnicity**

(Weighted n=2,509 cases)

	<b>Pre-Grant (1996)</b>	<b>Post-Grant (1999)*</b>
White	39.5%	37.0%
African American	34.1	36.2
Hispanic	23.7	24.6
Other	2.7	2.2

Source: Sampled data

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The sample data was also used to calculate the median age of offenders. While most offenders were in their early 30s, white batterers tended to be older than minority batterers (35.5 years of age versus 31.5 years).

**Program Impacts on Offender Accountability**

The Arrest Policies Program anticipates that batterers’ arrests and other criminal justice system interventions will increase offender accountability. This section provides findings at the six sites in terms of arrests, prosecutions, convictions, and oversight of offenders.

The criminal justice response begins with a report of an incident. Decisions are then made by police officers, prosecutors, and judges to determine the likelihood that offenders will be held accountable for their crimes. There are several key questions related to the decisionmaking process:

- Will reporting a domestic violence incident to law enforcement lead to an arrest?
- If an arrest is made or the victim complains directly to the prosecutor, will the prosecutor file charges?

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<sup>45</sup> See for example, Rinku Sen, 1999, “Between a Rock & a Hard Place: Domestic Violence in Communities of Color,” *ColorLines Magazine*, published by the Applied Research Center and available at [www.arc.org/C\\_Lines](http://www.arc.org/C_Lines).

- Will prosecution of the case be pursued?
- Will the offender be convicted?
- What sentence will be imposed?
- If the sentence includes treatment, will the offender be monitored to ensure compliance?

To answer these questions and assess the impact on offender accountability, ILJ used both the database of sampled cases and available summary statistics from the six sites. Results are supported through the aid of qualitative observational and interview/focus group information.

## **Arrest Policies and Trends**

The evaluation found that:

Adoption of preferred or mandatory domestic violence arrest policies, or new domestic violence law enforcement initiatives, corresponded with an increase in law enforcement arrests or referrals to prosecutors across all sites. These increases eventually stabilized. Some gaps in the law enforcement response existed with respect to cases where the suspect fled the scene and in the enforcement of protection orders.

Three of the sites specifically funded law enforcement activities through their Arrest Policies Program grants—Huerta City, Jovita City, and Lozen County. At Stanton and Barnett counties, useable arrest data were not available. In Addams County, mandatory arrest policies were well-established and the number of arrests remained steady over time. A closer look at arrest trends in three of the projects shows the following:

- Huerta City—there was an initial increase in the number of intimate partner domestic violence arrests, but arrests later declined to pre-grant levels. The number of intimate partner domestic violence arrests ranged from 110 in 1995 to a high of 126 in 1997. The number of arrests declined to 99 in 1998 and rose slightly to 105 in 1999.
- Jovita City—the number of domestic violence arrests increased steadily from 1996 to 1998 and then decreased slightly in 1999. The police department recorded 3,108 domestic violence arrests in 1996 and 4,132 in 1998, a 33 percent increase. Domestic violence arrests were 3,981 in 1999, a decrease of 3.7 percent over 1998.
- Lozen County—the number of domestic violence referrals to prosecution dramatically increased from 162 in 1996 to 387 in 1997, a 139 percent increase.

These data suggest that the creation of new domestic violence arrest policies or domestic violence initiatives results in an initial increase in arrests, with the number of arrests peaking and then leveling off. Increases in arrest are likely due to the new or urgent management emphasis on domestic violence.

The fact that the increases in arrests peaked and leveled off is not unusual. First, the raw numbers of reported domestic violence incidents are not likely to continue to rise. As officers are trained to recognize domestic violence and adapt to the mandatory/preferred domestic violence arrest policies, the number of arrests are likely to normalize over time. Second, police officers interviewed in Jovita City and Huerta City indicated that the leveling off in arrests might be indicative of frustrations with what they perceived as a lack of support from the rest of the criminal justice system. Related comments from officer interviews included the following:

Initially, when the laws first came out, it was very serious. Somebody had to go to jail. Now over the years, maybe because of the frustrations over enforcing [domestic violence] laws, why make the effort? The offender gets released; the prosecutors don't enforce any kind of mandatory minimum sentencing. The courts don't take it seriously. It's gone back in the other direction. (Huerta City police officer)

When the laws first changed, there was always an arrest. Now the victims say, "why bother?" So it gets real frustrating for the officer, too. We now have to make an evaluation. Then we'll see how the situation is. (Jovita police officer)

At each site, ILJ also examined arrests based on warrants. This was of interest because in many situations, persons suspected of domestic violence flee before the police arrive and are not arrested. The jurisdictions had differing policies about when police should seek arrest warrants or how those warrants should be served upon domestic violence batterers.

ILJ's analysis of the sample data found that the proportion of warrant arrests of domestic violence suspects increased from an average across all sites of 4.1 percent of all arrests prior to the Arrest Policies Program grants to 15.5 percent during the grant period. This suggests a change on the part of law enforcement in procedures for arresting batterers.

## **Gaps in Law Enforcement's Response to Domestic Violence**

While most police officers made domestic violence arrests based on preferred/mandatory policies, the following two situations were reported by victims and victim advocates with enough frequency to suggest trends:

- A significant number of victims and victim service providers reported that while domestic batterers were likely to be arrested at the scene, there was limited patrol officer (first responder) follow-up when the suspect had fled the scene.
- These reporters also believed that police officers could have made more extensive efforts to enforce protection orders.

### *At-Large Domestic Violence Suspects*

Across sites, there were complaints from service providers/advocates and victims/survivors that patrol officers (first responders) did not make sufficient efforts to find suspected batterers who had fled the scene. First-responding officers at the focus groups confirmed this problem. For instance, a patrol officer in Barnett County noted, "If the suspect is gone and it is a misdemeanor, you don't go looking for him." Most patrol officers did not feel it was their job to locate suspects and did not believe they had to do so because of their call handling responsibilities. ILJ's evaluation found that two factors affected the likelihood that at-large suspects would be apprehended:

- Suspects who fled the scene were unlikely to be immediately arrested for the domestic assault unless the police department had a sufficient staff of specialized domestic violence detectives (although the victim could swear out a warrant for arrest).
- Rural police departments were in a better position than urban departments to locate domestic violence suspects who had fled and follow-up with victims.

Mandatory and preferred arrest laws are often circumscribed by time limitations. For example, a domestic violence arrest in Barnett County can be made if the suspect is still at the scene. If the suspect has fled, the victim must appear in court to request a warrant. Even if a warrant is granted, police departments are not likely to actively pursue at-large suspects. In fact, ILJ found that some police departments could not even identify warrants taken out for domestic violence offenses. For example, the investigator in Lozen County noted that the only way to identify domestic violence-related warrants was to manually sort through outstanding warrants.

None of the six sites could provide data on the number of domestic violence arrest warrants issued and served.

Some domestic violence victims/survivors reported that patrol officers did not take the time to track suspects who fled and did not always make arrests when suspects were later found. The comments below were made by victims/survivors in Addams County, where the urban police department does not have designated investigators to follow up on domestic violence cases.

The police came, but by then my husband had left to cool off. The police would have arrested him if he had been there, but because he had left, the police said that it was “null and void.” They did find him and explained that he should just keep separated from me for eight hours.

He had left before they arrived and the police informed me that they would follow up on the abuse and just to “leave it at that.” I later contacted them to find out what happened and was told that the case had been stamped closed and there was nothing else to do .

He came over to where I was staying in the middle of the night with a gun and tried to break in. Not having a phone, we hollered for the neighbors to call the police, but by the time the police arrived, he had run. The police told us if no one was hurt, there was really nothing they could do, but that if he should come back to call.

In general, where police departments did not have specialized domestic violence resources (e.g., detective units), there was little likelihood that efforts would be made to locate and apprehend suspects who fled. No jurisdiction had a policy of requiring officers to seek arrest warrants for fleeing suspects, and lack of staff resources often limited the opportunities for the original responding officers to return at a later time to see if the suspect had returned. The detective units at the six sites generally focused on felony offenses, and could not devote special resources to domestic violence.<sup>46</sup>

A victim/survivor in Lozen County, which had a specialized domestic violence detective (grant funded), said, “I want to point out that the detective called me three to four weeks later, just to check on me and see how I was doing. I was surprised and thought it was dear and nice

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<sup>46</sup> While in theory victims can go to court and seek arrest warrants against their abusers when police fail to arrest, this was rarely done.

that he did so.” In Huerta City, one of two rural projects, comments from three different victims/survivors noted a change in police response:

Now the police come and check up on you—stop by the house. Not to be nosey, but to help.

I see changes in the last year. Cops would check with a spotlight around the house.

Things have gotten better. The police come to my house and check or call and let me know if they’ve picked him up or if they found him.

As the police in Huerta City noted, in rural areas, there are fewer places for suspects to flee and law enforcement is often familiar with the habits of repeat offenders. When the location of the domestic violence is also the suspect’s home, the suspect may return within a short period of time. Thus, follow-up by patrol or specialized unit officers can usually result in an arrest, unless there are time limitations on warrantless arrests.<sup>47</sup>

#### *Enforcement of Protection Orders*

Victims/survivors and service providers/advocates consistently reported that protection orders were not being consistently enforced by police agencies. Upon closer examination, the issue of protection orders was complex and two issues stood out:

- Police officers expressed reservations and frustrations with enforcing protection orders.
- The lack of enforcement led victims/survivors and service providers/advocates to believe that protection orders were not an effective safety measure.

Data on protection order violations was complicated at several sites. For instance, in Stanton County, a state code charge is “offenses related to judiciary,” which also includes contempt and violations of various non-domestic violence court orders. The other sites were able to provide some data on protection order violations. Of those, Lozen County was the only project that reported a relatively high percentage of protection order violations (based on primary charges filed by the prosecutor)—17 percent of domestic violence cases in 1999. In contrast, Addams County police identified a protection order violation as a primary charge in 6 percent of

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<sup>47</sup> Less than a dozen states establish time limitations upon the authority of a law enforcement officer to make a warrantless arrest based on probable cause. In the majority of states, therefore, law enforcement agencies have discretion to set their own policy on how long probable cause to arrest lasts.

the cases; and in Jovita City, Huerta City, and Barnett County, charges on protection order violations accounted for less than 1 percent of domestic violence arrests. In these four jurisdictions, arrests are not often made where a violation of court orders is the primary charge, although it is possible that such arrests are made as a second charge along with a domestic violence assault charge.

Victims/survivors discussed their experiences in regard to protection orders, with typical comments as follows:

He would still call and harass me. I tried a restraining order, but when he would violate it, he would calm down and by the time the police came, he agreed to leave and promised police he wouldn't bother me anymore. (Addams County victim/survivor)

Police should serve orders more quickly. I had an order issued in 1999 and served in August 2000. (Lozen County victim/survivor)

We need a system set up so that police have immediate access to up-to-date restraining order information. It can be difficult for a victim to understand the process or keep copies, so the system needs to be proactive. (Lozen County victim/survivor)

He pled guilty and I got a one-year order of protection. He's not in a program anymore and he kept harassing me. I called the police and told them that he was violating the order of protection. They told me they couldn't find him, although I knew and told them where he lived. (Stanton County victim/survivor)

Restraining orders do nothing. He can be right outside your door and you call the police and if they do come, my guy just says he was visiting someone nearby; or if they follow you to the grocery store, they have every right to be in the store, too. It don't help. The abuser doesn't have fear of a restraining order. (Addams County victim/survivor)

My experience with the women is calling the police and then the police not doing anything. A lot of the women, when I ask if they want a restraining order will reply, 'No, it's a waste of time to even do one if it's not going to be followed through on. Why even do it?' (Addams County community advocate)

Police officers in their focus groups said they believed it is possible for victims to manipulate the integrity of the orders of protection, and that consequently, officers were

frustrated with what they perceive as “orders of convenience.” Candid remarks by police officers in their discussion of protection order laws were as follows:

It’s not fair to the defendant because it’s not right for the plaintiff to be harassing the defendant and the defendant to try his best to avoid this person. The wife gets mad on Monday, puts an order of protection on them on Tuesday, and by Friday she’s calling him because it’s pay day and bills need to be paid. Friday night she’s calling the police department because he’s now drunk or something, and that’s where the order of protection is frustrating. (Huerta City police officer)

It’s not okay for him to be around, but she can still keep calling and contacting the defendant without being in violation. Why even issue an order if it doesn’t apply to both parties? It’s only when it’s convenient for the plaintiff that there’s no contact between the parties. I don’t know why that changed in law, but that is really frustrating when an injunction is issued. (Addams County police officer)

Even in cases where police officers were enforcing protection order violations, many felt that police actions were not always being supported by prosecutors or judges. A police officer said, “I dare any judge in this county to say they would vigorously prosecute violations of restraining orders.” Some officers feared that protection orders were almost endangering victims by giving them a false sense of security.

There were signs of recent improvements in a number of jurisdictions. A victim/survivor in Lozen County commented, “The police got information faxed over from the courthouse regarding the terms of the order and gave me a copy of the new terms.” In Stanton County, a criminal court order of protection (“stay-away order”) is routinely issued at both pretrial release and sentencing hearings. In that county, the prosecutor can call upon a specialized domestic violence unit to make unannounced house calls to see if the order is being obeyed.

### **Prosecution Efforts**

Domestic violence batterers enter the criminal justice system by being arrested. Following arrest, there are several key prosecution issues that determine whether the accused will be prosecuted and convicted. First, prosecutors must weigh the case merits and quality of evidence to determine whether charges should be filed. Second, prosecutors determine the specific charges to be filed and what sanctions will be sought. These latter decisions are influenced by a number of factors, such as flexibility in state laws, availability of sentencing



options, mode of defense attorney participation (e.g., receptive to plea bargaining), and judicial sentencing preferences. Several findings stand out as a result of the evaluation:

- Prosecutors file on a high percentage of domestic violence charges.
- Prosecutors reduced dismissals of domestic violence case filings.
- Limited case screening was conducted by prosecutors' offices. Most prosecutors' offices filed charges on nearly all domestic violence arrests.
- Charging practices were influenced by the flexibility of the state code and reflected agency philosophies and policies.

Most of the results presented in this section on prosecution efforts were derived from the sampled data obtained at the six sites. As previously mentioned, the decision to obtain a sample of data was due to the fact that case processing statistics were not available at four of the sites. Even in obtaining a sample of data, some problems were encountered because certain data were simply unavailable in the case files. Nevertheless, the evaluation team was able to make several conclusions, as described below, which reflected the experiences of the sites.

### **Filing Decisions and Case Screening**

While most prosecutors' offices could supply information on domestic violence cases filed, they did not document the number of domestic violence referrals in which no charges were filed. Filing rates were not available in Stanton County at all;<sup>48</sup> and the only site able to provide statistics for both referrals and filing was Lozen County. For the remaining four sites, the sample data was used to determine filing charges, and the resulting figures were validated by local project staff. Exhibit 5-5 shows the filing rates for five sites.

Nearly all cases were filed as misdemeanors. However, the Addams County District Attorney's Office had the option of filing charges on municipal ordinances, rather than state criminal code, and did so in 8 percent of the cases sampled in 1999.

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<sup>48</sup> The Stanton County prosecutor used a different definition of domestic violence for purposes of assigning cases to the specialized domestic violence unit than was used by the police department in its reporting. Hence, the two statistics on domestic violence were not comparable.

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**Exhibit 5-5: Prosecution Filing Rates by Site, 1999**

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<u>Site</u>	<u>Cases Referred</u>	<u>Cases Filed</u>	<u>Filing Percentage</u>
Huerta City	50	50	100
Jovita City	100	91	91
Addams County	102	99	97
Barnett County	155	155	100
Stanton County	N/A	N/A	N/A <sup>49</sup>
Lozen County	359*	274	76

\* Data was readily available in Lozen County for all 1999 cases.

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High filing rates by prosecutors may have been partly attributable to well-documented incident and arrest reports submitted by police. For example, in Addams County, 5 to 6 page police report narratives were the norm. However, we also considered to the extent to which cases were carefully screened and the effect of careful screening on filing rates. There appeared to be little effort devoted to screening cases as they were referred for prosecution in Barnett County and Huerta City, where filing rates were found to be over 98 percent; and the Jovita City prosecutor's case screening unit dropped only 9 percent of all domestic violence cases brought by the police.

Lozen County presents an interesting example of how a grant supported prosecutor provided feedback to police to ultimately improve evidence gathering and documentation to upgrade case quality. From 1996 to 1999, the number of domestic violence cases referred for prosecution increased 121 percent from 162 to 359 cases. In 1996, 60 percent of the referrals were accepted for prosecution. In 1999, after the assignment of a prosecutor dedicated to domestic violence cases, the filing rate rose to 76 percent. In Lozen County, the domestic violence prosecutor, who worked closely with law enforcement, created a checklist for officers and deputies to ensure proper documentation of domestic violence cases. While this improved the quality of cases, the prosecutor also diligently screened referrals, declining to file charges in nearly one of every four cases.

We can draw only limited conclusions related to case screening based on the data collected and analyzed for this evaluation. For example, despite high filing rates overall,

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<sup>49</sup> Stanton County prosecutors estimated the filing rates between 95 and 99 percent because misdemeanor cases receive only minimal screening to see that the police report and victim complaint allege a criminal offense.

analysis of the sampled data shows that the percentage of cases resulting in dismissals was 31.3 percent before the grant period, compared to 25.5 percent after the grant period. However, issues related to case screening and the quality of cases prosecuted were raised during interviews and focus groups by prosecutors, police, and victims/survivors (see Chapter 7, “Research Recommendations”). These included difficulties in determining probable cause for arrest and identifying primary aggressors.

### **Charging Practices**

Prosecution charging practices are affected by state law differences in defining domestic violence crimes and the priorities and philosophy of the prosecutors’ offices. In states where physical injury is required under domestic violence statutes, there is little variation in charging. For example, in Jovita City and Barnett County, it appeared that over 98 percent of persons arrested for domestic violence were charged with assault.<sup>50</sup> Other state domestic violence statutes, however, may allow more flexibility in charging under the state’s domestic violence crime law. Two of the six sites, where the prosecutor’s office was the lead agency on the grants, revised charging practices, primarily due to increased attention given domestic violence in the Arrest Policies Program.

- In Lozen County, there was a significant change in charging from the pre-grant period to the post-grant period. According to the sampled data, the percentage of domestic violence offenders charged with “general battery” rose from 2 to 24 percent. The prosecutor explained that under this section of the criminal code, the crime was easier to prove, while still requiring the batterer to participate in batterer intervention programs and prohibiting possession of firearms. The criminal code does not require a cohabiting relationship and visible injury for general battery, whereas it would for the charge of injury on a spouse (or cohabitant).
- In Addams County, sampled data showed that prosecutors were less willing to lower charging levels in the post-grant period. In 1996, nearly 20 percent of domestic violence cases were reduced to a municipal violation or lesser misdemeanor compared to 3 percent in 1999.

### **Conviction and Sentencing**

Conviction and sentencing of batterers is not a simple, straightforward process. It involves a variety of alternative sanctions and conditional discharges that complicate matters.

Sentencing tended to be based on local resources, judicial preferences, and prosecution requests, which varied considerably by jurisdiction. Key findings from this study include:

- Grant resources were focused on case screening at Lozen County where the conviction rate (80 percent) was considerably higher than at the other five sites.
- Sentencing patterns varied by the availability of alternative sanctions and resources to enforce those sanctions; sentencing philosophies were also a key influence.

### **Court Dispositions of Domestic Violence Cases**

Court disposition categories can generally be grouped into four types: (1) criminal convictions, including pleas, (2) diversion or deferred prosecution,<sup>51</sup> (3) municipal violations, and (4) dismissals (or dropped charges). The analysis of the weighted sampled data for 1996 and 1999 showed that:

- The percentage of cases resulting in convictions remained constant from pre-grant to post-grant periods—61.4 percent in 1996; 60.0 percent in 1999.
- The percentage of cases resulting in some form of diversion increased from 7.2 percent in 1996 to 14.5 percent in 1999.<sup>52</sup>

The sampled data showed that in four of the six sites, there was no significant change in the percentage of cases resulting in convictions. In Addams County, the conviction rate actually declined over the grant period from 64.1 percent to 57.5 percent. However, there was an increase Addams County's use of a deferred prosecution program, from 3.3 percent to 11.8 percent. Thus, the combined rate for offender accountability actually rose slightly from 67.4 percent to 69.3 percent. More importantly, Addams County prosecutors also gained convictions at a higher level than the pre-grant period. Prior to the grant, about 20 percent of cases resulted in convictions at a lower level than originally charged, as compared to only 3 percent during project implementation. Given the lack of case screening in Addams County, there is little

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<sup>50</sup> It is unclear how cases involving other types of domestic violence were processed. It is possible that those cases were prosecuted by assistant district attorneys not assigned to specialized domestic violence units.

<sup>51</sup> There are two distinct types of programs that a defendant may attend, successful completion of which results in charges being dropped. These two programs differ primarily in whether a guilty plea is required before entry into the program. If no plea is required, the prosecutor will drop charges at program completion. If the program is not completed, the prosecutor retains discretion to reinstitute the suspended charges. If a plea is entered, upon successful program completion, the prosecutor will move to vacate the plea and drop charges. If the program is not completed, the case will be brought up on the court docket for sentencing.

<sup>52</sup> Chi-square tests show that this is a significant change over time.

likelihood that this reduction was due to changes in case filing standards rather than new policies against downgrading cases after filing.

Stanton was thus the only site to report a significant increase in the conviction rate, as it doubled over the grant period. This reflects a change in prosecution policies whereby fewer cases were subject to a special procedure allowing Adjournment in Contemplation of Dismissal (ACD); in practice although ACDs involve a conditional case dismissal, they were rarely revoked due to subsequent misbehavior by the defendant. Instead, prosecutors were aggressively pursuing convictions on misdemeanor charges.

Stanton was also able to provide comparative pre-grant and post-grant about the *number* of convictions obtained. Convictions increased from 533 in the six months prior to the grant to 2,211 convictions during the year 1999 when the grant projects were fully in place, with only a slight increase in the number of cases filed.<sup>53</sup> One other site, Lozen County, also reported a significant increase in the number of convictions obtained (142 percent increase), without any change in the conviction rate. And in two of the remaining sites (Barrett and Huerta City) that failed to show changes in conviction rates, problems with the quality of the prosecutors' case information system may have obscured real gains in both the number of convictions and the conviction rates.

Using ILJ's sampled data, Exhibit 5-6 shows case dispositions of domestic violence crimes charged as misdemeanors in 1999.

**Exhibit 5-6: Dispositions of Misdemeanor Domestic Violence Cases, 1999**

<u>Impact Site</u>	<u>Cases</u>	<u>Conviction</u>	<u>Diversion or Deferred Prosecution</u>	<u>Municipal Violation</u>	<u>Dismissed or Dropped</u>	<u>Unknown Outcome</u>
Huerta City	42	43%	17%	N/A	4%	36%
Jovita City	78	41%	32%	N/A	19%	8%
Addams County	78	60%	13%	6%	21%	0%
Barnett County	148	59%	10%	N/A	29%	0%
Stanton County	1,873*	54%	N/A	N/A	46%	0%
Lozen County	251*	80%	N/A	N/A	20%**	0%

\* Includes all cases for 1999. \*\* Includes 4 acquittals.

<sup>53</sup> During the six months prior to the grant, 1,809 cases were filed compared to 3,687 cases filed during the year 1999.

The conviction rates in Jovita City and Huerta City, 41 and 43 percent respectively, may be underestimated because of many missing dispositions (more than one-third missing in Huerta City). In these cases, defendants were charged, the cases were listed as over, but no dispositions could be found.<sup>54</sup> Three sites (Stanton, Barnett, and Addams counties) were found to have domestic violence case conviction rates between 54 and 60 percent. In Lozen County, the conviction rate was 80 percent, due in part to its case screening procedures.

*Snapshot: Lozen County's Conviction Rate*

The prosecutor's statistics in Lozen County showed that the county maintained its conviction rate over time during the Arrest Policies Program project. What is notable is that there was a dramatic increase in the domestic violence arrest filing rate and the number of cases disposed of in that same period. Ninety-eight cases were filed in the 1996 pre-grant period (60 percent of those referred) and 274 were filed in 1999 during the project (76 percent of those referred). Of the 104 cases disposed of in 1996,\* 79.8 percent resulted in conviction. In 1999, 251 cases were disposed of (142 percent increase in the number of dispositions), yet the conviction rate held steady at 80.0 percent. Lozen County's experience illustrates that with a dedicated prosecutor and strong feedback to improve local law enforcement's role, it is possible for a small prosecutor's office to maintain a high level of convictions even when faced with considerably more domestic violence cases.

\* Note: More cases were disposed in 1996 than were filed because of cases that were filed late in 1995 and disposed in 1996.

Conviction is not the only disposition with the potential to hold offenders accountable. Deferred and diversionary sentences sometimes allow for greater oversight and more stringent accountability than the judicial sentence after conviction. The complex nature of dispositions and local efforts to impose some form of accountability were demonstrated at two sites.

- In Barnett County, 27 percent of the sampled cases resulted in dismissal. But even in these cases, prosecutors made informal arrangements with some defendants, so that 40 percent of those who had their cases *nol prossed* by the prosecutor "agreed" to attend some type of treatment program.<sup>55</sup>
- In Addams County, the deferred prosecution program, restricted to first-time offenders, was used in 13 percent of the domestic violence cases sampled in 1999.

<sup>54</sup> In both sites, the prosecutors' offices were not very supportive of the evaluation.

<sup>55</sup> Data were obtained on aggregate case records from the domestic violence unit within the Barnett County prosecutor's office. Defendant compliance rates with treatment agreements is unknown and the legality and effectiveness of this practice is unclear.

Local authorities preferred the oversight provided by the deferred prosecution program to probation because of the greater supervision it provided.<sup>56</sup>

**Sentencing Patterns**

Convicted domestic violence batterers should receive meaningful sentences. In the grant programs, and in most jurisdictions, since most domestic violence convictions are misdemeanors, the impact of the sentences depends on local resources and the availability of effective treatment. Probation is a common sentence for misdemeanants, but there is a significant difference between unsupervised probation and supervised probation. The extent to which offenders can be held accountable is determined by probation resources and priorities. Also, the quality of batterer intervention programs varies widely, so that in some sites, prosecutors and judges may be reluctant to assign convicted misdemeanants to the program.

In Exhibit 5-7, three common types of sentences are compared across sites: jail, probation, and batterer intervention programs. Misdemeanants often received a combination of sentences, so the sum of the percentages will exceed 100 percent in most cases. The inability of prosecutors' offices and courts to provide sentencing data on domestic violence cases required that ILJ rely on sampled data for the analysis portrayed in Exhibit 5-7. Consequently, the number of convicted offenders included in the sample was small, and caution should be used in interpreting the data. These data were shared with Arrest Policies Program grantee staff at all sites for their review. Local police, prosecutors, and court staff confirmed that the sentencing patterns were consistent with their experiences.

**Exhibit 5-7: Sentences of Convicted Batterer Misdemeanants for Impact Sites, 1999**

<u>Impact Site</u>	<u>Number of Convictions</u>	<u>Jail</u>	<u>Probation</u>	<u>Batterer Intervention</u>
Huerta City	18	22%	83%	61%
Jovita	32	31%	38%	34%
Addams County	46	30%	46%	33%
Barnett County	88	100%	63%	48%
Stanton County	61	8%	2%	34%
Lozen County	170*	85%	89%	66%

\* Total number of convictions in jurisdiction in 1999

<sup>56</sup> As in many jurisdictions, probation in Addams County lacks adequate resources to supervise in any meaningful way domestic violence misdemeanor offenders. In one site, however, batterers placed on deferred prosecution were not supervised. Prosecutors used this legal solution to comply with speedy trial rules.

Jail sentences are related to jail space; where jails are overcrowded, domestic violence misdemeanants are unlikely to receive a jail sentence. Two of the sites, Barnett and Lozen counties, had available jail space and sentenced nearly all misdemeanants to jail time. In Barnett County, median time served was six days; in Lozen County, 70 percent of offenders served 1-30 days. Because of the caveats noted earlier, the statistics from Barnett County must be viewed cautiously. With this in mind, case tracking data indicate that jail sentences accompanied by other conditions such as probation or batterer intervention resulted, on average, in 10.7 jail days served. Case tracking data also indicate that up to 38 percent of jail sentences imposed consisted solely of this penalty and that time served in these cases averaged 59 days. According to the prosecutor, these cases involved recidivist offenders whose batterer intervention and/or probation had not succeeded and other ‘high risk’ defendants. These figures can be compared to the 1997 pre-grant period when 3 percent of cases resulted in jail time served.

Jail sentences were used less than one-third of the time in the remaining sites, with Stanton County posting the lowest percentage of jail sentences (8 percent). While all of these other sites also focused on recidivists as candidates for jail sentencing, only Barnett County had a formal risk assessment process to help in making sentencing decisions.

Probation sentences were common at most sites, as shown in Exhibit 5-7. Typically, probation sentences did not include formal or intensive supervision because of a lack of probation staff. Those convicted of domestic violence and sentenced to probation almost always received unsupervised probation as a sentence.

Sentences to batterer intervention programs were common across sites—at least one-third of convicted misdemeanants were assigned to batterer intervention at every site. Analysis of before and after sampled data found the following:

- Sentencing that included requiring convicted batterers to attend treatment increased during the program period, from 34.6 pre-grant to 40.3 percent post-grant.<sup>57</sup>

The greatest use of batterer intervention programs occurred in the rural jurisdictions (about two-thirds of misdemeanants were sentenced to batterer intervention in Huerta City and Lozen County). In Stanton County, according to statistics provided by the Court Administrator’s

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<sup>57</sup> Chi-square tests show that this is a significant change over time.



Office, 70 to 80 percent of domestic violence offenders were sentenced to batterer treatment, depending upon how one counts the various dispositions. Often, misdemeanants sentenced to batterer intervention programs were also sentenced to drug/alcohol treatment programs. The effectiveness of batterer intervention programs was not evaluated at any of the sites.

A variety of other sentences were used at the sites. For instance, fines were not used in Lozen or Barnett counties; but in Stanton County, 97 percent of those convicted of domestic violence misdemeanors were required to pay court costs. The only other site that included high levels of fines as domestic violence sentences was Huerta City (89 percent of convicted misdemeanants).<sup>58</sup>

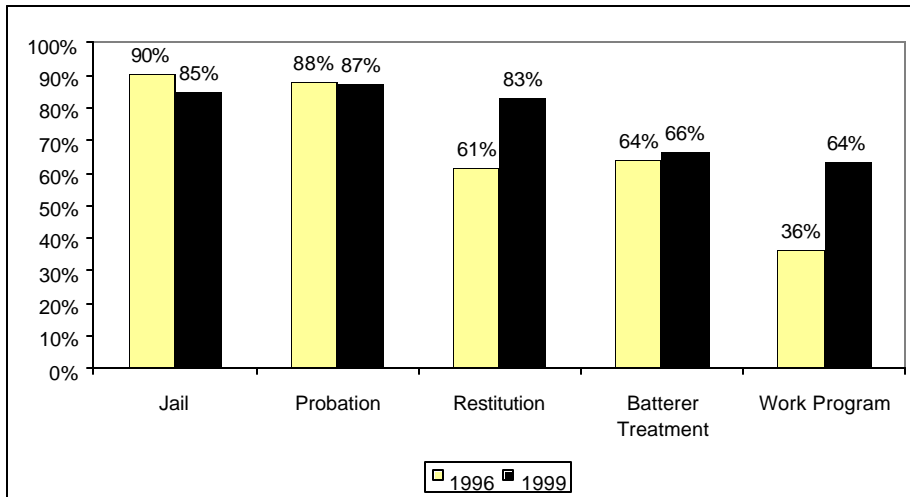
Lozen County was able to provide statistics on restitution and work program sentences, as well as sentences to jail, probation, and batterer treatment. Neither the statistics nor the sampled data indicated a substantial change in sentencing from pre-grant to post-grant. In Exhibit 5-8, the statistics show that for those convicted of a misdemeanor, there were minimal drops in the use of jail and probation, and a similarly slight increase in the use of the batterer treatment program. There was a more substantial increase in the imposition of restitution. By far the most notable change is in the use of the county's work program, which the statistics show increased in use from 36 percent of the time to 64 percent of the time.

The increased use of the work program could not be readily explained and was a surprise to the prosecutor. Prosecutorial policy prefers jail time to the work program in hopes of communicating to batterers that domestic violence is a crime taken seriously by the criminal justice system.

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<sup>58</sup> The use of fines is rather controversial, as community advocates and victims/survivors indicate that fines and court costs are sometimes paid by victims. Also see the Huerta City case study, where victims critiqued the city's practice of fining defendants.

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**Exhibit 5-8: Misdemeanor Sentences, Lozen County, 1996 and 1999**

Source: Sampled Data

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It was the consensus of all those involved in the Lozen County Arrest Project that the introduction of a dedicated Deputy Probation Officer (DPO) to supervise all domestic violence probationers greatly increased offender accountability, but the means by which to quantify this success remained largely elusive. Exhibit 5-9 demonstrates a dramatic increase in the number of violation of probation cases filed however, and this change can no doubt be attributed to the increase in field supervision. An increase in violations of probation (but not more law violations) can be considered a measure of success in intensive supervision programs.

In Stanton County, many domestic violence misdemeanants were allowed to offer a conditional guilty plea to domestic violence assault (and unconditionally plead guilty to a lesser charge of harassment). After a period of “good behavior” and attendance at treatment, the domestic violence assault conviction was erased with the prosecutor’s approval. Also in Stanton County, a special “treatment court” held sessions three days a week to review offender compliance with permanent protection orders.

There were clear sentencing preferences across sites:

- Lozen County took domestic violence very seriously and imposed a combination of jail, probation, and batterer intervention in most cases. Firm sentencing was reportedly influenced by the high quality of cases presented to the judge.

- Barnett County sentenced all misdemeanants to jail and nearly two-thirds to probation. Since this site did not have the same careful case screening and quality control of police reporting as Lozen County, the firm sentencing was more likely an outcome of prosecution preferences and the domestic violence court judge's propensity to assign sentences recommended by the assessment center.
- While Lozen and Barnett counties regularly assigned jail and probation, Stanton County fell on the other end of the spectrum, where fines and conditional pleas with orders of protection were widely favored over jail and probation. This reflected, in part, a recognition of limited local resources (jail space was a scarce resource) and a philosophical decision to rely on criminal orders of protection to deter future domestic violence (violation of the order may at the discretion of the prosecutor be treated as a felony).

### **Oversight of Offenders**

To ensure offender accountability, domestic violence offenders who are convicted and sentenced should be monitored for compliance. However, few probation departments actively monitored domestic violence probationers. Even in those sites that offered judicial oversight, there were few statistics that indicated probation levels, violations, and revocations. However, two sites could provide statistics on violations, Barnett County and Lozen County. In Barnett County, 67 percent of probationers violated the terms of their conditions.

ILJ's analysis of sample data showed high rates of probation violations at three sites, Addams, Barnett, and Lozen counties; but the data is not reliable because of the small sample sizes. In Addams County, 5 of the 21 probationers had violated the terms of their probation, with 1 revocation noted. In Barnett County, in 1999, violation of probation charges were made against half of the 55 probationers. About 60 percent of the charges were filed because the offender was rearrested on a new charge.

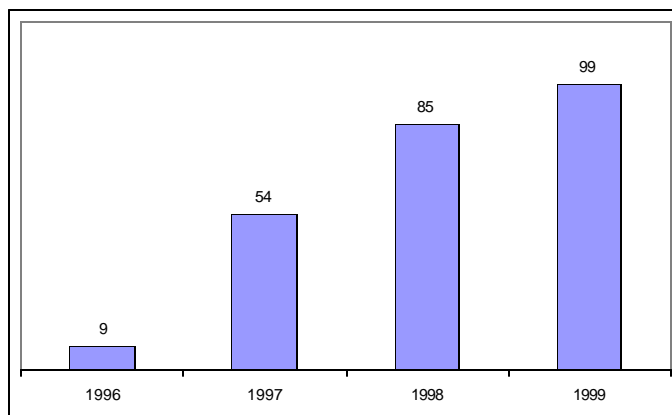
The only one of the six sites to include a specialized probation component was Lozen County, which funded a full-time probation officer to supervise domestic violence cases. While the probation officer supervised those on formal probation, he also informally monitored many on "summary" probation, i.e., no active supervision ordered. Furthermore, judges required those on summary probation to appear in court and document their compliance with court-ordered conditions. As a result of this close supervision, there was a steady increase in cases filed as probation violations from 1996 to 1999. In 1996, Lozen County reported nine domestic violence

cases filed with probation violations. As shown in Exhibit 5-9, this figure increased steadily to 99 cases in 1999.

It was the consensus of all those involved in the Lozen County Arrest Program project that the introduction of a dedicated Deputy Probation Officer (DPO) to supervise all domestic violence probationers greatly increased offender accountability, but the means by which to quantify this success remained largely elusive. Exhibit 5-9 shows a dramatic increase in the number of violation of probation cases filed however, and this change can no doubt be attributed to the increase in field supervision. An increase in violations of probation (but not more law violations) can be considered a measure of success in supervised probation programs.

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**Exhibit 5-9: Violation of Probation Cases Filed, Lozen County, 1996-1999**



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## Summary

The Arrest Policies Program process evaluations at 20 sites were the starting point for selecting sites for the impact portion of the evaluation. Final selection of six sites took into consideration program diversity, data availability, access to victims/survivors, geographic distribution, and program environments (e.g., opportunities to interview victims who were members of racial and ethnic minority groups). Since control groups could not be established, other methods had to be developed to determine, to the extent possible, the effects of the Arrest Policies Program grants on offender accountability and victim safety and well being.

## **Arrest Policies and Trends**

Adoption of preferred or mandatory domestic violence arrest policies, or new domestic violence law enforcement initiatives, corresponded with an increase in law enforcement arrests or referrals to prosecutors across all sites. These increases eventually stabilized. The increases in arrest were likely due to the new or urgent management emphasis on domestic violence.

The proportion of warrant arrests of domestic violence suspects increased from an average across all sites of 4.1 percent of all arrests prior to the Arrest Policies Program grants to 15.5 percent during the grant period. This suggests a change on the part of law enforcement in procedures for arresting batterers.

Trends identified included gaps in the law enforcement response existed respect to cases where the suspect fled the scene and in the enforcement of protection orders. In general, where police departments did not have specialized domestic violence resources (e.g., detective units), there was little likelihood that efforts would be made to locate and apprehend suspects who fled. Police officers in their focus groups expressed reservations and frustrations with enforcing protection orders; many felt that police actions were not supported by prosecutors or judges. The lack of enforcement led victims/survivors and service providers/advocates to believe that protection orders were not an effective safety measure.

## **Prosecution Efforts**

Several findings stand out as a result of the evaluation:

- Prosecutors file on a high percentage of domestic violence charges with only limited case screening.
- Prosecutors reduced dismissals of domestic violence case filings.
- Charging practices were influenced by the flexibility of the state code and reflected agency philosophies.
- For the three sites for which conviction data were available, all three showed improvements in either conviction rates, number of convictions, or level of convictions.

Grant resources were focused on case screening at two sites; at one of those sites, the conviction rate doubled over the grant period; at the other, the conviction rate (80 percent) was considerably higher than at the other six sites. We cannot draw conclusions about that observation from this evaluation. However, our findings do support a recommendation for

further exploration of prosecutor case screening practices and related issues (see Chapter 7). For example, we also found significant improvements in police documentation of domestic violence incidents where grant-supported prosecutor units worked closely with police toward that end.

### **Conviction, Sentencing, and Supervision**

Key findings in these areas included the following:

- Sentencing patterns varied by the availability of alternative sanctions and resources to enforce those sanctions.
- The percentage of cases resulting in convictions remained constant from pre-grant to post-grant periods (61.4 percent in 1996 and 60.0 percent in 1999).
- The percentage of cases resulting in some form of deferred prosecution (usually including some form of supervision) increased from 7.2 percent in 1996 to 14.5 percent in 1999

Probation sentences were common at most sites. Typically, probation sentences did not include formal or intensive supervision because of a lack of probation staff. Those convicted of domestic violence and sentenced to probation almost always received unsupervised probation as a sentence. Few probation departments actively monitored domestic violence probationers.

### **System Approach**

The Lozen County project was as close to a *systems model* as possible. First, the project added domestic violence specialists, both to the Sheriff's Office and the District Attorney's Office, to follow up on domestic violence cases. Second, the domestic violence prosecutors screened cases, providing valuable feedback to police toward improving the quality of police reports submitted. Third, the project had a full-time probation officer to provide active supervision of probationers. The data from Lozen County indicate that increased arrests were made, cases were screened, defendants were convicted, those convicted were sanctioned, and probationers were supervised.

## **Chapter 6**

### **Victims/Survivors Experiences**

This chapter focuses on victims/survivors' experiences at the six sites with services provided by local criminal justice agencies and community based organizations participating in the Arrest Policies Program projects. Information on research participants and issues is presented, followed by an overview of victim services at the six sites. The rest of the chapter explores areas where victims/survivors' reported satisfaction and unmet needs with respect to the responses of victim services providers, police, and prosecutors/courts. Findings related to victims/survivors' participation in arrest and prosecution decisions are also presented.

#### **Participants**

A total of 229 domestic violence victims/survivors participated in ILJ's impact evaluation of the Arrest Policies Program; 81 victims were personally interviewed and another 148 victims shared their experiences in focus groups. Several focus groups consisted primarily of women of color, shown below:

- 7 groups of African American women (Addams, Stanton, and Barnett counties)
- 5 groups of Spanish-speaking women (Huerta City, Jovita, Stanton, and Addams counties)
- 1 group of American Indian women (Lozen County)
- 1 group of immigrant women (Stanton County)

Recruitment methods varied for the interviews and focus groups and may have resulted in differences in these two groups of participants. The prerequisite for interview participation was that victims/survivors experienced a domestic violence incident that led to arrest of the batterer. Since interview candidates were drawn from prosecutors' files, the majority of women interviewed had experiences with prosecution.

In the personal interviews, background information was obtained from victims/survivors. Nearly half of the women were Caucasian. Approximately 40 percent were married and 78 percent indicated that they had minor children living at home. Median age was 32. Nearly half of the victims indicated that they had been harmed at least two or three times per month.

Victims/survivors who were interviewed were asked about the levels of violence they had experienced in the incidents that led to the batterers' arrests.<sup>59</sup> Building on the work of Sullivan and Bybee (1999), the victims were classified into four groups ranging from no physical violence to severe/potentially severe physical violence (defined as choking, threatened with a knife or gun, etc.). Statistical analysis was then performed on the two categories that reflected the highest levels of violence reported. These two categories contained 24 and 26 victims, respectively, accounting for 82 percent of the total sample. Results of the statistical tests on the two groups were as follows:

- There was no significant difference between the two groups on the average number of injuries from the target incident.
- Victims in the severe/potentially severe category reported more incidents in which the offender harmed or attempted to harm the victim in the 6 months prior to the target incident.
- Victims in the severe/potentially severe category were more likely to think that the offender was capable of killing her.
- However, there was no statistical difference between the two groups on fearing that the offender would, in fact, attempt to kill her in the future.

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Approximately 68 percent of victims/survivors in the sample reported such injuries as cuts, scrapes, bruises, and soreness without bruises (many victims reported more than one of these types of injuries); 30 percent sought medical treatment for their injuries.

Focus group participants were recruited through local domestic violence shelters, ethnic-based organizations, and a variety of service providers. The focus groups reflected a variety of experiences; some of those victims/survivors had limited contact with the criminal justice system.

## Research Issues

As designed, the evaluation intended to explore the impact of Arrest Policies Program interventions on victim safety and well-being. However, interviews and focus groups were held after grant implementation, and information about pre-grant experiences were dependent on

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<sup>59</sup> Most of the batterers of the victims/survivors in the sample had been charged with misdemeanors; because of sample recruitment methods, some batterers may have been charged with felonies.



victims' recollections. As a result, the evaluation was not able to address questions of grant impact on victim safety and well being as originally proposed.

Even with these caveats, the interviews and focus group data provided a rich source of material on victims' experiences in the criminal justice system and the effect of such experiences. As the research developed and data were analyzed, it became clear that the focus groups and interviews could also provide insights into policy-oriented issues, such as victim participation in the criminal justice process. For example, many victims expressed views about the effects of mandatory arrest laws and prosecution policies (e.g., evidence based, "no drop") with respect to reducing their influence on the way certain domestic violence incidents were handled.

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Several key research questions guided this portion of the research:

- Are victims/survivors receiving services? If so, what kinds of services are they receiving?
- Are victims/survivors satisfied with their interaction with victim witness specialists and community advocates?
- Are victims/survivors reporting unmet needs? If so, what are the unmet needs?
- What are victims/survivors experiences with law enforcement? With prosecution?
- Are victims/survivors satisfied with the police response? With prosecution's response? What influences satisfaction levels?
- How do victims' experiences with police and prosecutors/courts affect their likelihood of involving the justice system in the future?
- Are there differences in victim history that might explain participation in the justice system? What are the reasons given for victim requests to drop criminal charges?

## **Victim Services and Satisfaction with Services**

The Arrest Policies Program encouraged the enhancement of victim services by requiring lead agencies to partner with local victim services providers. This section provides an overview of victim services arrangements at the six sites. This is followed by a discussion of the provision of services, victim levels of satisfaction, and unmet needs.

## **Victim Assistance Arrangements**

The arrangements for victims/survivors services varied across the six sites. All but the most rural jurisdiction, Huerta City, had victim witness staff who primarily worked out of the prosecutors' offices. These victim witness specialists provided a range of services pertaining to the criminal justice process, including crisis intervention, referrals to counseling and other resources, assistance with victim compensation claims, and court assistance. Independent community service organizations (CSOs) usually provided a broader range of services, such as 24-hour crisis hotlines, support groups, emergency shelters, and legal advocacy.

There were differences in the roles and confidentiality privileges between victim witness staff, who were employed by the criminal justice agencies, and victim service providers and advocates who worked for community based organizations. Community advocates, under most state laws, are not required to disclose statements made in confidence. Furthermore, victim witness staff often serve dual roles—they help victims who enter the criminal justice system, but they also work for agencies that have specific objectives for case processing. For example, victim witness staff who work in prosecutors' offices encourage victims to cooperate with prosecution, while community advocates may sometimes support domestic violence victims' decisions not to pursue prosecution.

At three sites (Huerta City, Lozen County, and Addams County) criminal justice staff referred victims to community victim assistance organizations whose staff worked in separate facilities and had only limited contact with criminal justice staff. In the other three sites, the roles and relationships were more intertwined. In Jovita City, community advocates shared office space with victim witness staff, law enforcement officers, legal assistance providers, and social services staff. In Barnett County, community advocates shared the court caseload with victim witness staff. Pre-trial services randomly assigned victims to either service provider. In Stanton County, the community advocates essentially were used in lieu of the prosecutor's victim assistance unit.

The Arrest Policies Program grants funded victim assistance staff and services at each of the six sites. Most often, this included staff from both the victim witness unit and a community service organization. Exhibit 6-1 shows staff hired through the Arrest Policies Program grants at

each site, as well as project partners that provided outreach to historically underserved populations.

**Exhibit 6-1: Grant Staffing for Victim Assistance at Impact Sites**

<b><u>Arrest Project</u></b>	<b><u>Victim Witness Unit</u></b>	<b><u>Community Services Organization (CSO)</u></b>	<b><u>Outreach Component</u></b>
Huerta City	None	Part-time counselor Part-time case manager	Partnership with Hispanic CSO
Jovita City	2 specialists (police dept.)	2 victim advocates	
Lozen County	2 specialists	None	Partnership with Native American CSO
Addams County	2 specialists	Training coordinator Legal advocate	
Barnett County	2 specialists	2 victim advocates	
Stanton County*	None	3 coordinators 1 supervisor 6 counselors	

\* The CSO was the District Attorney’s victim witness unit

Under the Arrest Policies Program, victim witness units were expanded and community victim services organizations were provided resources to increase services to domestic violence victims/survivors. In addition, the Arrest Policies Program enabled Stanton County to provide services to victims of misdemeanor crimes for the first time. Two of the projects directly addressed outreach to underserved populations. In Lozen County, the project included a partnership with a Native American CSO, and in Huerta City, the project supported a counselor from the partnering Hispanic CSO.

**Victim Services Provided**

Victim witness specialists in police departments, such as Jovita City, work to contact victims who report domestic violence incidents. Victim witness specialists in prosecutors’ offices often have a narrower scope—they contact only victims in cases where the prosecutor has filed charges. Due to victim witness resource limitations, referrals are made to community advocates to also serve victims through prior arrangements with the victim witness staff.

The different types of relationships between community service organizations and victim witness units in the six sites made the interpretation of data extremely challenging. In particular, community advocates essentially functioned as agency victim witness staff at several sites, not allowing for comparisons between the two types of staff. Furthermore, victims could not always identify the agency offering the services. For these reasons, victim assistance in this chapter is sometimes discussed in general terms.

Data from the interviews with victims/survivors and focus groups suggested the following:<sup>60</sup>

- The vast majority of victims/survivors were contacted by victim assistance staff and were provided a variety of services
- Most victims/survivors were satisfied with victim assistance; however, gaps existed in the communication of case outcome information to victims
- More victim/survivor services are needed, especially for traditionally underserved communities, including timely translation services. Many victims/survivors also discussed needs for assistance with childcare, shelter or other affordable housing options, employment, and other matters that affected their safety and well being.

### **Victim Services**

Of the 81 domestic violence victims interviewed, 71 percent reported that they had been contacted by either a victim witness specialist or community based service provider/advocate. Most of the contact was through form letters or telephone calls. Forty-one percent of those contacted by a victim witness specialist had also been contacted by a community advocate. As noted earlier, victims/survivors could not always distinguish between victim assistance staff from the two types of organizations. In fact, a number of women were confused by the role of the community advocate, feeling they had already been offered such services through victim witness staff. This was most apparent in Jovita City, where duplication of services was an issue of contention among service providers. A few related victims' comments from Jovita City are noted below:

[The community advocate] pretty much told me the same as the advocate from [the police department]. She did not give me any new information.

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<sup>60</sup> The limited sample size of interviews at each site does not allow for cross-site comparisons. Differences among sites are noted only where variations were obvious and issues raised in interviews were also discussed in focus groups.

[The community advocate] basically told me what I already knew from the police advocate.

Considering that the victim interview sample was drawn from prosecutors' case files (with most cases resulting in prosecution), it seemed significant that 25 percent of victims reported that they had not been contacted by victim assistance staff. This may have been due in part to the chronic understaffing of victim services agencies, even with the addition of staff funded through the Arrest Policies Program. For example, five victim witness specialists handled over 3,000 victims' cases in Addams County. A community advocate in Jovita City, noting similar staff shortages, said, "There's a need for more advocates for family violence. There is only one [advocate] in district court for family violence." Typically, victim services in Jovita City would make one attempt to contact victims; with little time for follow up.

Victims/survivors who were contacted by either victim witness staff or community advocates reported they had received an array of services. Exhibit 6-2 shows the types of services received.

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**Exhibit 6-2: Types of Victim Services Provided\***

<u>Types of Services</u>	<u>Percent Receiving Service</u>
Discussed protection orders	63
Discussed safety planning	62
Provided counseling	57
Referred to a shelter	47
Discussed victim compensation	42
Discussed other matters	37
Court accompaniment	28
Referred to welfare	12
Provided a cell phone	10

\* Data from 60 victims participating in personal interviews who reported contact from either victim witness staff or community advocates.

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The most common types of services provided included discussion of protection orders, safety planning, and counseling. More than half of those interviewed who had contact with victim assistance staff reported receiving these services. For the most part, the services provided appeared to be matched to individual needs of the victims.

## **Victim Satisfaction with Services**

Overall, victims reported high levels of satisfaction with both victim assistance staff and community advocates. For instance, 88 percent of those who had contact with a victim witness specialist were satisfied with their experience; 89 percent were satisfied with community advocates. Women participating in the focus groups also expressed appreciation for victim assistance staff. A sampling of comments from victims/survivors follows:

I felt very supported, safer knowing [the victim witness specialist] was with me. It's scary if you've never been through testifying. I would not have been able to go through it; couldn't have done it without the [victim witness specialist]. (Addams County)

The [Hispanic CSO] has always been responsive. (Huerta City)

[The victim witness specialist] made me feel safer and like I was not battling this alone. (Lozen County)

[The community advocate] came every time I called the police. She was very calm. Every time I spoke with [the advocate] she got back to me with information. (Jovita City)

In my own experience, I was pretty clueless as to what was going on until the [community advocates] explained it to me. I felt lost until then. (Addams County)

Although about 89 percent of domestic violence victims were satisfied with victim assistance staff, many reported that the staff were not always efficient in keeping them informed of their case status. Consequently, some domestic violence victims were frustrated that they had not been kept apprised of case developments. In Barnett County, several victims reported that the service provider was unable to convey information regarding the criminal case. In Stanton County, a victim had requested her batterer be assigned to an intervention program but was not informed whether this had happened. A number of victims/survivors interviewed in Addams County also noted a lack of follow-through on case outcome:

I never found out directly that the case was dropped. They should have contacted me before this happened. I still don't know the final outcome.

I don't feel like I know anything now about what happened. If he was sent to counseling, he's probably not going, but I don't know what is happening.

## **Need for Additional Victim Services**

In focus groups of domestic violence victims composed of traditionally underserved women, there was strong consensus that assistance in several key areas were lacking. Women discussed cultural and language differences that affected their participation in the criminal justice system, and they also spoke about social and economic needs that were not being met.

### *Criminal Justice Services—Cultural and Language Proficiency*

For immigrant and Native American women in particular, there was considerable reluctance to involve the criminal justice system in a “family matter.” Cultural and language barriers were commonly reported when women did seek domestic violence victim assistance. In addition, some said immigration status often limited participation in the justice system. Language barriers and criminal justice agencies’ inability to provide timely translation services were noted by a number of women, especially in Stanton County, which had a large immigrant population.

The first barrier is that I’m an illegal alien and I don’t have a social security number. The second barrier is language. (Jovita City)

There are no interpreters for Chinese people and I don’t know what to do. One time I had to wait from 8:30 a.m. until 3:30 p.m. for an interpreter, and at 3:30 p.m. they told me there wasn’t going to be any interpreter that day and I should come back another day. You don’t get any business done. (Stanton County)

I had problems with the translator. I [asked] for [a] translator because his lawyer spoke very, very quickly. When the translator came, he was not well-prepared; he just bothered me. He didn’t talk better English than I did and he didn’t talk Romanian properly. (Stanton County)

### *Social and Economic Needs*

Many of the issues that prevent domestic violence victims from seeking assistance fall outside the domain of the criminal justice system. For instance, victims often spoke of the need for more services for mothers with young children. Others stressed the importance of job training opportunities, or the lack of transitional housing or shelter space. A domestic violence victim/survivor in Lozen County summarized the sentiment of many women with her statement, “To leave is to become poor.” Comments related to these issues included the following:

It was hard to find shelter with children. (Jovita City)

I felt discriminated against because I am not a legal resident and cannot receive any type of assistance. The shelter cannot help illegal aliens unless they have children who are U.S. citizens. (Jovita City)<sup>61</sup>

The shelter should have its own daycare. Our kids have different needs because of domestic violence. Also, if they go to regular daycare, their fathers have access to them. (Jovita City)

I feel stuck; can't afford to get divorced. There's no place to go to feel safe and get a new start. Most women don't want to go to shelter; it's crowded with no privacy. We need resources for women to get out. (Addams County)

When this [is] finished, I don't know, I feel like after so many years raising my kids, being at home ... and he [doesn't] let me work. I want to go out and work, and I'm [not] prepared for it. (Stanton County)

## **Victim/Survivor Perceptions of the Criminal Justice Response**

The victims participating in the interviews and focus groups provided important perspectives on how the criminal justice system handles domestic violence victims. This section explores victims/survivors experiences with both law enforcement agencies and prosecutors' offices. The evaluation found the following two trends:

- The majority of victims/survivors reported being satisfied with the law enforcement first response. Most victims cited the behavior and demeanor of officers as crucial to their perception of the justice system.
- Fewer than half of victims/survivors who had contact with prosecutors' offices were satisfied with their experience. Victims/survivors expressed reservations about the court process itself.

### **Law Enforcement Response**

Law enforcement officers are usually victims' first contact with the rest of the criminal justice system. The urgency and quality of law enforcement's response affects victims' sense of safety and their willingness to become further involved in the criminal justice system. Across the sites, nearly two of three (63 percent) victims interviewed reported satisfaction with law enforcement's response to their domestic violence incident. Victims' experiences and levels of satisfaction were directly related to their perceptions of the responding officers' demeanor and behavior. Simply stated, women were satisfied with the law enforcement response when officers

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<sup>61</sup> It should be noted that HUD funding for homeless people does not preclude sheltering undocumented workers.



arrived quickly, were respectful, and made a concerted effort to investigate the domestic violence incident.

Among victims who were dissatisfied with police, some noted slow response times, but more often they discussed what they perceived as a poor demeanor and attitude of the officers. Many domestic violence victims reported positive experiences with police officers who they felt treated them respectfully, noting that they were satisfied when the police tried to locate the offender if he fled, listened to and believed their story, and periodically checked on them.

The police were very helpful. [The officer] kept me informed. [The offender] took flight and [evaded] arrest for four hours. The officer kept me informed. (Addams County)

Even after the incident, they still had the same officer drive by the school and house and just wave. (Jovita City)

The police come to my house and check, or call and let me know if they have picked him up or found him. (Addams County)

The police believed my story and helped me out with everything possible. I stayed with my friend and kept in constant contact with the police. (Addams County)

Women who reported unsatisfactory experiences with law enforcement stated that the responding officers acted disinterested, appeared to blame them for their victimization, or did not listen to or believe them.

The officer acted like it was a waste of time for him to be there. (Barnett County)

The police did not believe me the first time they came. (Jovita City)

The police make it the victim's fault. The officers asked why I just don't leave. (Jovita City)

Women do not have credibility with the police. (Barnett County)

I look at all of us [in this room] as a small percentage of those who have said, "enough is enough." But the police are not seeing us. They are seeing all those who aren't like us and call all the time. They look at us, not as victims, but as volunteers of domestic violence. (Barnett County)

The police came and arrested him, but they wouldn't believe my story. He's a good talker and it seemed like they turned more towards me like I

had done something wrong. Thank God my son was there to verify my story because they totally believed what he [abuser] was saying. (Addams County)

### Prosecution/Court Response

Of ~~58~~ victims/survivors in the interview sample who had contact with prosecutors,<sup>62</sup> ~~59~~ percent were dissatisfied with the way the prosecutor handled their case. Unlike victim satisfaction with law enforcement, which was often based on the demeanor of individual officers, victim satisfaction with prosecution was related to perceptions of the court “system,” lumping prosecutors and courts together in the system. Victims/survivors made several comments that indicated reluctance to participate in the prosecution and court proceedings.

Deleted: 78

Deleted: 60 percent

I’m afraid that they’ll [prosecutors] turn things around and that they are going to take away custody of my children. (Jovita City)

So his attorney is going to drag you through the mud and here you are the victim. The attorney makes you feel like trash and like you’ve got no self worth. (Addams County)

You are fighting for your life and for your children’s life and then you have to fight the judicial system. You only have so much energy to fight. (Barnett County)

Some victims also reported they did not understand the court process, or that they were being treated, in the words of one Jovita City domestic violence victim, like “numbers, not human beings.”

On the other hand, many victims believed the prosecutor was helpful in securing their safety. In these cases, there was a relationship between victim satisfaction and the personal and respectful way prosecutors treated victims/survivors. Victims/survivors were generally pleased when they were included in the court process and informed of court procedures and case status.

The prosecutor’s office asked me if I wanted an order of protection and for how long. They helped me a lot. (Stanton County)

The prosecutor’s office treated me very well; they returned my calls. I knew which DA to telephone in the case and she is a very nice lady. (Stanton County)

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<sup>62</sup> A total of 62 victims/survivors in the sample reported that their cases proceeded through prosecution, but 4 of those victims/survivors reported that they did not have contact with the prosecutor.

## **Participation in the Criminal Justice System**

The criminal justice system has become less dependent on domestic violence victim participation to ensure both arrest and prosecution of batterers. However, there are diverse views about the practice of proceeding with domestic violence cases when victims are opposed to such actions. This section presents findings from a sample of victims whose cases were prosecuted. The section discusses their views about the effects of participating in the justice system and the likelihood that they would engaging the justice system for future domestic violence. Three findings are highlighted:

- The majority of victims/survivors were supportive of arrest and prosecution, yet more than one-third of victims/survivors wanted criminal charges dropped. As reasons given for wanting charges dropped, women most often cited issues that affected their well being (e.g., safety, family concerns, and others).
- A strong relationship existed between violence levels and support of prosecution. Those victims who experienced “highly severe” incidents were more likely to support prosecution efforts than were victims experiencing lesser levels of violence.
- Victims’ likelihood of engaging the criminal justice system in the future was influenced by their perceptions of the court system’s effectiveness in deterring domestic violence.

### **Victim Participation**

The findings in this discussion were based on detailed interviews with 62 domestic violence victims who had their cases proceed through prosecution. When the police first responded to the domestic violence, 65 percent of victims asked officers to make the batterers leave the premises. Others specifically requested that officers arrest their partner. Most women, regardless of whether they requested an arrest, expected their partner to be prosecuted and convicted.

The majority of women interviewed were supportive of prosecution, but 38 percent wanted the charges dropped. Of those victims who wanted the charges dropped, 88 percent cited one or more of the following as having influenced their decision:

- Wanted the process to be over
- Cared about or loved their partner
- Did not want to upset the children.

Many women who wanted the charges dropped also feared that they would be required to testify; of those women who wanted to drop charges, 67 percent did not want to testify. Financial reasons for wanting charges dropped were also common; about half of the women who wanted charges dropped cited their dependence on the batterer's income as a reason. A strong relationship existed between the most severe/potentially severe violence level reported by victims/survivors and support of prosecution. Victims who reported severe/potentially severe domestic violence (e.g., choked, smothered, threatened with knife) were far less inclined to drop charges than victims who experienced violence that was coded as somewhat less severe (e.g., physically restrained, hit with fist, forced sexual activity, bitten burned). Exhibit 6-3 shows the charging preferences for sample victims by level of violence experienced during the incident that led to arrest. Because of small sample sizes, no conclusions can be drawn with respect to victims reporting no violence (6 victims) or other types of violence (5 victims).

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**Exhibit 6-3: Victim Prosecution Preferences by Level of Violence**

<u>Prosecution Preference</u>	<u>Level of Violence During Incident</u>			
	<u>No Violence</u>	<u>Severe/Potentially Severe</u>		
Wanted charges dropped	33%	40%	54%	23%
Did not want charges dropped	67%	60%	46%	77%
Sample Size	6	5	24	26

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While a number of victims wanted the charges dropped, only 49 percent of that group actually took actions to have them dropped, and most went directly to the prosecutor to pursue this. Sometimes, victims actively seeking to have the charges dropped consulted their partner's attorney. After considering victim demographics, levels of violence, fear, threats, and physical assaults after arrest, there does not appear to be any differences that might explain why some victims actively sought to have charges dropped while others did not.

**Effects of Participation Decisions: Satisfaction with Care**

As expected in jurisdictions that operate under domestic violence pro-prosecution policies, the majority of domestic violence offenders were convicted despite some victims wanting charges dropped. Of those victims interviewed, 54 percent reported the offender had been convicted, 8 percent indicated charges had been dismissed or the defendant acquitted, 13

percent reported “other,” and 25 percent not know the case outcome. Overall, victims who wanted charges dropped were no more satisfied, or dissatisfied, with case outcome or the court process than victims who did not want charges dropped.

Like satisfaction with police and prosecution, satisfaction with case outcome depended on how victims were treated. Victims were satisfied when the case was handled quickly, they were treated with compassion, and they believed the offender received a fair sentence. They were dissatisfied when they felt they had been treated disrespectfully or felt the offender had not been held accountable for his crime. In general, victims wanted the batterers to receive some type of *monitored* sentence, like jail or supervised probation, in addition to treatment or counseling.

Communication was also a key to understanding victim satisfaction with case outcome. For example, some victims/survivors were pleased with the prosecution, but dissatisfied with case outcome because they were never contacted and informed of case status or disposition.

It does not appear that the prosecution of offenders, despite victims’ wishes to have charges dropped, had any impact on the likelihood that victims would engage criminal justice system services in the future. In fact, 87 percent of victims interviewed reported they would contact the police if they were assaulted by their partner again, and 74 percent said they would want the prosecutor and court involved if they were assaulted again. Domestic violence victims who did not want the batterer prosecuted were no exception. Despite their reservations, the majority of victims who wanted the charges dropped said they would seek help from the criminal justice system if assaulted again.

It appears that the reason these victims were willing to re-engage the criminal justice system was very simple—without the criminal justice system, many victims said, they were left with no alternatives for dealing with domestic violence. For instance, a victim/survivor in Jovita City said she would call the police again “because it stops the beating.” She added, “It gives you time to cool down and think about your options.” Many victims/survivors felt that calling the police and prosecuting through the courts offered hope of protection from future assaults and threats. Of 40 victims/survivors who felt that prosecution would keep the offender from threatening or assaulting them again, 34 (85 percent) said they wanted the prosecutor and courts involved in the future. Of 16 victims/survivors who felt that prosecution would *not* keep the

offender from threatening or assaulting them again, 7 (44 percent) wanted the prosecutor and courts involved in the future. Thus, decisions to support prosecution efforts were influenced by victims' assessments of the justice system's effectiveness in protecting them.

A number of comments also suggested that an increased feeling of empowerment had resulted from victims' actions calling the police. In Addams County, a victim/survivor indicated she would call the police in any future acts of domestic violence because she was "not letting anyone get away with it again." And in Barnett County, a victim/survivor reported that she would involve the courts again because "she's not going to put up with it."

Others also felt that involving the police and courts could result in permanent changes in offender behavior. For example, a victim/survivor in Jovita City felt that jail time would give the offender "time to think that he should not hit or hurt people."

## **Summary**

A total of 229 domestic violence victims/survivors participated in ILJ's impact evaluation of the Arrest Policies Program—81 victims were personally interviewed and another 148 victims shared their experiences in focus groups.

Several findings were reported relative to victim services. First, the majority of victims/survivors were contacted by victim assistance staff and were provided a variety of services, including help with protection orders and safety planning. Second, most victims/survivors were satisfied with victim assistance services; when they were not satisfied, it was usually because they had not been updated on the status of the court case. Third, victims/survivors, especially non-English speaking women, had a strong need for additional services, such as translators in the criminal justice agencies and services to help with such needs as affordable housing or job skills.

Victim/survivor perceptions of the criminal justice response were gauged with respect to law enforcement and prosecution/court responses. The majority of victims/survivors reported being satisfied with the law enforcement response. The key factor that influenced victim satisfaction was positive and respectful behavior and demeanor from individual officers who responded to the scene. Victim satisfaction was lower regarding the prosecution/court response because of victims' reluctance, fear, and uncertainty about the prosecution and court process.

itself. Those who were satisfied tended to point to personal efforts made by particular prosecutors as reasons for satisfaction.

Three findings were highlighted in terms of domestic violence victims/survivors participation in the criminal justice system. First, the majority of domestic violence victims/survivors were supportive of arrest and prosecution of batterers. However, 38 percent of victims/survivors wanted charges dropped, with most citing psychological well-being as the reason. Second, there was a strong relationship between violence levels and victim support of prosecution. Those domestic violence victims who experienced “highly severe” violence were more likely to support prosecution than were victims who experienced lesser levels of violence. Third, victims’ likelihood to engage the criminal justice system in future acts of domestic violence was influenced by their perceptions of system effectiveness. Domestic violence victims who felt that prosecution would deter offenders from engaging in future violent acts were more likely to involve the prosecution and courts again than were victims/survivors who indicated that court action would not deter batterers from future violence.

## **Chapter 7**

# **Evaluation Summary and Recommendations**

## **Introduction**

This chapter presents an executive summary of the findings of ILJ's national evaluation of the VAWA-funded Grants to Encourage Arrest Policies Program. The chapter reviews key findings from Chapters 3 through 6 and includes policy and research recommendations suggested to improve future funding efforts in this field.

## **Grant Program Implementation Issues**

Chapter 3 presented results from a national survey of 130 Arrest Policies Program grantees and an overview of project implementation at 20 sites selected to participate the process evaluation phase of this study. We identified several issues common to other major, national OJP-funded programs over the years. These issues persist despite the efforts of OJP staff to enhance the federal programs with detailed program instructions, technical assistance and training, site visits by federal staff, guideline documents, and more. Some grant-related problems are endemic to the nature of federal funding in general. Others can be anticipated and avoided through careful planning and monitoring.

Turnover in the project director's position has always plagued federally-funded grant programs. It is one of the greatest causes of project management problems. Turnover of key project staff, which affected implementation of several of the Arrest Policies Program grants, can be avoided in many instances. A local law enforcement agency, for example, can require a term of commitment of the program staff, with provisions for phasing in a trained replacement if necessary (e.g., a staff member is promoted in rank).

Leadership issues are also important in VAWA-funded programs like the Arrest Policies Program. Strong leadership can provide stability, promote positive morale, and ensure coordinated, effective project interventions. On the other hand, we found several examples where strong leadership made the project potentially too dependent on one individual. When that individual leaves, the project may falter. This points out the necessity of project directors



not only training their replacements, but also ensuring that new staff fully understand and are committed to achieving the core project goals and objectives.

Some Arrest Policies Program projects also struggled with certain federal requirements. The issues varied from site to site; they included limits on the types of projects or activities eligible for funding, special conditions delineated at the time of grant award, and restrictions on the use of grant funds that were imposed in response to unforeseen situations. In all cases, the issues were dealt with quickly and efficiently by federal staff.

One of the inevitable problems with federally funded programs is the acquisition of technology. ILJ has studied this issue extensively under a research effort for NIJ entitled Information Technology (IT) Acquisition project. In the Arrest Policies projects, some of the technology acquisitions were complicated because city/county IT specialists were distracted by Y2K matters. Many local governments also have procurement rules that apply to technology purchases, but local agencies do not always understand these rules. When technology acquisition is part of the federal grant proposal, the funding agency should require written involvement by the local jurisdiction's head of procurement related to the specific hardware or software being planned. Delays in technology acquisition and implementation are often due to lengthy request for proposal (RFP) processes, protracted contract negotiations, and other implementation problems (e.g., vendor non-performance, lack of training in how to use the technology, and more).

When a federal grant program involves inter-agency and community cooperation, as in the Arrest Policies Program, the federal agency should require detailed memoranda of understanding signed by agency chief executives. This was an expectation for the Arrest Policies Program grants; however, we would recommend taking such a requirement even further. Local agencies and community groups should attest in writing that they have actually held a face-to-face meeting and addressed issues of cooperation, communication, and resource sharing. This might help alleviate problems where agencies agree to participate during the process of quickly preparing responsive grant proposals but do not fully understand the commitments expected under grant projects.

## **Criminal Justice Process Changes**

Chapter 4 described in detail changes in criminal justice processes and in agencies' organizational structures that occurred as a result of the Arrest Policies Program grants. These changes affected criminal justice system handling of domestic violence cases, as well as the way criminal justice agencies coordinated with community-based providers of services to domestic violence victims.

All but two of the 20 grantees participating in the process evaluation established specialized law enforcement or prosecution units (or both, in three sites). The remaining two projects established specialized probation units (as did three other sites). Most law enforcement specialized units were investigative units that handled follow up of serious domestic violence or cases where suspects fled to avoid arrest. Sixteen jurisdictions established new or enhanced existing domestic violence victim assistance units. Four of the projects established multi-agency teams, including two projects where team members shared a facility.

In addition, new court structures or specialized criminal dockets were created to hear domestic violence cases. Five projects modified the way the courts assigned domestic violence cases for hearings: in three sites, prosecutor-led projects operated in environments where a specialized domestic violence court, or part, was established that heard only domestic violence cases. In two smaller sites, specialized domestic violence dockets (supporting "fast track" prosecution) were established to hear only domestic violence cases.

Of the 20 projects included in the process evaluation, only two were led by probation departments; a total of five projects included funding for probation staff to specialize in domestic violence cases.

Training was part of nearly every Arrest Policies Program grant. Most grantees reported that the amount of training devoted to domestic violence had increased. The establishment of specialized units also allowed grantees to target intensive domestic violence training to staff with a variety of professional backgrounds who worked together. In addition, the role of specialized personnel often included informal mentoring and tutoring of less experienced staff. The prosecutor's role in training was also helpful in many projects. At a number of sites, domestic violence prosecutors provided law enforcement officers with feedback on the quality and content

of incident reports. Previously, the officers rarely received feedback on reports and were seldom informed of case disposition.

Most of the 20 grant projects we examined resulted in improved case handling procedures, including improved evidence collection. Among prosecutors, the creation of specialized units enabled vertical prosecution wherein one attorney was responsible for all facets of the domestic violence case. This resulted in greater consistency in case handling. New court units also provided for enhanced monitoring of defendants to ensure attendance at court-ordered batterer intervention programs. Police also improved handling of domestic violence evidence, including increased use of photographs to document injuries and better case documentation through interviewing victims, suspects, and witnesses. Other changes at various sites included the following:

- Improvements in prosecution's ability to handle cases based primarily on the evidence rather than victim testimony
- Innovations in charging practices and sentencing recommendations
- Enforcement of release and probation conditions by the court

The capacity of the sites to provide victim services also increased as a result of the Arrest Policies Program grants. These included services provided by professional victim witness staff working in criminal justice agencies and staff employed by community-based victim assistance organizations. For example, we documented the following types of changes at various sites:

- Victims/survivors were contacted at earlier stages in the criminal justice process
- The addition of victim witness specialists and community advocates resulted in an increase in the number of victims who were offered services
- The types of services were expanded, with civil legal assistance becoming a component of victim services
- Outreach efforts were undertaken and bilingual victim assistance specialists were hired, with the goal of improving access for victims/survivors from underserved communities
- Referrals increased and the provision of services to victims was more efficient when agencies were co-located.

Arrest Policies Program grantees studied as part of the process evaluation showed increased coordination among criminal justice agencies and between justice agencies and community-based victim service providers. Most grantees had some level of increased coordination among the criminal justice agencies, most commonly between law enforcement and

prosecution. Nearly two-thirds of grantees had extensive partnership relationships between the leading criminal justice agencies and community-based victim service provider agencies.

In general, effective working partnerships were more likely to occur at sites where planning and proposal development had been a joint effort. At most of those sites, key personnel from the partnering agencies and organizations knew each other and had worked together prior to the grant. Moreover, strong, consistent leadership was important for implementing collaborative approaches; projects that appeared most promising in this regard were led by individuals who actively sought input from other agencies and incorporated their views and needs into project goals and operations. The most common barrier to interagency collaboration was a lack of “organizational empathy”—one agency fails to understand or accept another agency’s defined role.

## **Impact Evaluation**

Six grantees were selected from among the 20 process evaluation sites to participate in the impact portion of this evaluation. Our evaluation design, data collection and analysis procedures, and findings are discussed in detail in Chapter 5; information about other issues affecting the evaluation design are provided in Chapter 1. Key findings are summarized in the sections that follow.

### **Arrest Policies and Trends**

Adoption of preferred or mandatory domestic violence arrest policies, or new domestic violence law enforcement initiatives, corresponded with an increase in law enforcement arrests or referrals to prosecutors across all sites. These increases eventually stabilized. Some gaps in the law enforcement response existed with respect to cases where the suspect fled the scene and in the enforcement of protection orders.

The evaluation findings suggest that interventions supported by Arrest Policies Program funding resulted in an initial increase in arrests, with the number of arrests peaking during the grant period and then leveling off. The increases in arrest were likely due to the new or urgent management emphasis on domestic violence.

We also found that the proportion of warrant arrests of domestic violence suspects (e.g., individuals who fled the scene) increased from 4.1 percent of all arrests prior to the Arrest

Policies Program grants to 15.5 percent during the grant period. This suggests a change on the part of law enforcement in procedures for arresting batterers. Generally, however, it appeared that unless law enforcement agencies had specialized domestic violence resources (detectives or patrol officers), little effort was made to apprehend batterers who had fled the scene.

Although data on enforcement of protection orders were limited, victims/survivors and victim service providers reported that protection orders were not consistently enforced by police agencies; they also expressed concern that protection orders were not an effective safety measure. In addition, a number of police officers expressed frustration related to enforcing protection orders, including a perceived lack of support from prosecutors or judges.

### **Prosecution Efforts**

Several findings stand out as a result of the evaluation:

- Limited case screening was conducted by prosecutors' offices. Most prosecutors' offices filed charges on nearly all domestic violence arrests.
- Prosecutors reduced dismissals of domestic violence case filings.
- Charging practices were influenced by the flexibility of the state code and reflected agency philosophies.

### **Conviction, Sentencing, and Supervision**

Findings in these areas included the following:

- Grant resources were focused on case screening at two sites; at one of those sites, the conviction rate doubled over the grant period; at the other, the conviction rate (80 percent) was considerably higher than at the other six sites.
- Sentencing patterns varied by the availability of alternative sanctions and resources to enforce those sanctions.
- The percentage of cases resulting in convictions remained constant from pre-grant to post-grant periods—61.4 percent in 1996; 60.0 percent in 1999.
- The percentage of cases resulting in some form of diversion increased from 7.2 percent in 1996 to 14.5 percent in 1999

Probation sentences were common at most sites. Those convicted of domestic violence and sentenced to probation almost always received unsupervised probation as a sentence. Few probation departments actively monitored domestic violence probationers. Evidence from a jurisdiction with a specialized probation component indicated that active supervision of probationers may lead to greater levels of accountability.

Jail sentences were apparently related to the availability of jail space. Where jails were not overcrowded, it appeared that domestic violence misdemeanants were more likely to receive jail sentences. Sentences to batterer intervention programs were common across sites—at least one-third of convicted misdemeanants were assigned to batterer intervention at each of the six sites, with as high as 80 percent assigned to batterer intervention at one site.

## **Victims/Survivors Experiences**

Chapter 6 explored victim experiences with victim service provider responses, police and prosecutor/court responses, and victim participation in the justice system. Victim/survivor views were obtained through interviews (81 victims/survivors) and focus groups (144 victims/survivors). For several reasons (sample selection, recruitment process, sample size) the findings cannot be generalized, but victim participation in this evaluation provided rich detail and valuable insights into experiences and needs.

Most victims/survivors were satisfied with victim assistance services. The main service gap identified was a lack of follow-up communication with respect to case status or disposition. Non-English speaking women discussed the need for translators in criminal justice agencies; these women and others also identified needs related to safe, affordable housing; job skills; childcare; and other matters that affected their safety and well being over the long- and short-term.

The majority of victims/survivors reported being satisfied with the law enforcement response. The key factor that influenced victim satisfaction was respectful behavior and demeanor from individual officers who responded to the scene. Victim satisfaction levels were lower with respect to prosecution, but the tendency for victims to consider prosecution and court experiences together may have accounted for this. Also, victims/survivors who experienced higher levels of violence tended to be more supportive of prosecution.

## **Conclusions**

Some of the key factors that characterized the most promising projects are listed below:

- Comprehensive planning prior to the grant application that accommodated differing inter-agency interests and needs, including developing sound public-private agency partnerships.

- Emphasis on a coordinated, system-wide response to domestic violence, both within the justice system and in the community.
- Selecting and retaining project directors and staff with experience in domestic violence and a commitment to reducing domestic violence (or selecting experienced personnel and providing them with extensive domestic violence training).
- Developing project staff with specialized domestic violence roles: law enforcement to find and arrest batterers who fled the scene and enforce protection orders; prosecutors to screen and vertically prosecute domestic violence cases; specialized court services to expedite domestic violence cases, victim services staff to provide a variety of care to domestic violence victims/survivors, and probation staff to monitor batterers while in treatment and in the community.
- Providing specialized domestic violence training for staff responsible for domestic violence cases
- Using the Arrest Policies Program grant as a focal point for broader system-wide reform, especially in case handling procedures.
- Co-locating criminal justice and victim services staff, including staff from community-based organizations.

## **Administrative Recommendations**

The following recommendations relate to the administration of the Grants to Encourage Arrest Policies Program.

1. The national program should be continued.
2. The emphasis on coordination among criminal justice agencies and community-based victim services organizations should be strengthened. In addition to requiring detailed memoranda of understanding signed by agency chief executives, the local agencies and community organizations should attest in writing that they have actually held a face-to-face meeting and addressed issues such as the sharing of resources.
3. VAWO should publicize the most promising Arrest Policies Program projects by putting detailed case studies on its web site, along with key contact information. Projects that feature collaborative decision making and resource sharing among criminal justice agencies and with community based victim services should be highlighted. These sites should become “host sites,” inviting other sites to visit and learn their successful practices. Sites should be encouraged to use funding to visit other promising sites. Another approach might be that taken

by the Colorado Springs DVRT program which, aided by a separate grant from the COPS Office, has been able to widely distribute program information nationwide at a relatively low cost on CD ROM, as well as hosting visitors from other agencies.

4. Prior to issuing new solicitations for grant applications, VAWO should hold a one-day workshop to educate potential grantees about how to manage federal grants, how to develop effective programs, and more. VAWO does not need to pay travel for attendees but might consider “scholarships” for needy applications (especially those from low income areas whose projects would assist underserved populations).

5. VAWO should explore the concept of creating “binding funding commitments” to agencies submitting requests for continuation grant funding. Many agencies used grant funds to hire staff for these projects. While VAWO processes supplemental continuation grant awards as quickly as other OJP agencies, sometimes administrative delays occur. When these happen, local agencies may not have funds to continue paying the salaries of grant staff if they are not reimbursed by grant funding. Assuming Congress has appropriated program funding, it might be possible to quickly decide that the continuation grant meets funding criteria and immediately send the site a binding funding commitment. This would guarantee that the site would receive the grant funds, while also allowing more time for VAWO to administratively process the grants.

6. One of the most inevitable problems with federally-funded programs is the acquisition of technology. When technology acquisition is part of the federal grant proposal, VAWO should require written involvement by the local jurisdiction’s head of procurement related to the specific hardware or software being planned. In this way, VAWO would be assured that the grantee agency (e.g., police department) was talking to the procurement staff early on about technology acquisition issues.

7. VAWO domestic violence grant programs should express a strong preference, that staff assigned to work on the grant programs have experience in domestic violence.

## **Domestic Violence Practitioner Recommendations**

Many important activities and services were performed well by grantees across the country. Some of the most important issues for Arrest Policies Program grantees to focus on in the future include the following.



1. Criminal justice agency management should set policy and provide training, and retraining if necessary, to encourage staff who come in contact with victims/survivors to demonstrate behavior that is respectful, empathetic, and patient. Victims/survivors' perceptions of the entire criminal justice system are heavily influenced by the demeanor of agency staff.

2. Law enforcement should focus more attention on immediately arresting domestic violence batterers who have fled the scene. Law enforcement should also develop policies and practices that stress awareness of domestic violence protection orders and emphasize the importance of enforcing them.

3. Prosecutors should provide feedback and guidelines to law enforcement to improve the quality of evidence collection and report preparation.

4. Prosecutors, courts, and probation services should ensure that a mechanism is in place for monitoring convicted (or released in lieu of conviction) batterers who are required to attend treatment intervention programs. As the evaluation showed, few probation departments actively monitored domestic violence probationers. There was some evidence from this evaluation to suggest that active supervision may lead to increased levels of offender accountability and enhanced victim safety, at least short term.

5. Prosecutors and police should make better use of technological innovations to communicate with each other, including use of digital cameras and e-mail, to more quickly inform each other of case initiation, progress, and need for additional investigation.

6. Prosecutors and victim service agencies should emphasize early contact with victims to better provide services and reduce their dependency upon the abuser for immediate needs.

7. In terms of enhanced victim services, future grantees should consider the following:

- Address victims' needs for follow-up information on case status and case disposition.
- Ensure that translators are accessible to help victims from different cultures and nationalities communicate with criminal justice personnel and victim services providers.
- Enlist support from groups that serve special populations (e.g., immigrants) to help with victim services and batterer treatment intervention programs.

8. Criminal justice agencies receiving VAWO grants should make significant commitments to reduce turnover in key project staff, especially the project directors.

## **Research Recommendations**

One of the trends observed in this evaluation was a lack of enforcement of protection orders. Focus groups of officers suggested several reasons for this, including a perceived lack of support for protection order enforcement from prosecutors and the judiciary. VAWO's concerns related to this are evident (this program has been recast as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program). An important research question to consider, then, is, What impact does aggressive police enforcement of domestic violence protection orders have on domestic violence recidivism?

This evaluation closely examined only a few projects with a strong focus on probation monitoring of domestic violence offenders, but one of these projects stands out as a systems approach that appears to be successful in holding domestic violence offenders more accountable for probation violations. Related research questions to be considered are, What is the impact on domestic violence recidivism of close monitoring and aggressive enforcement of batterers' conditions of release and conditions of probation? What is the impact of this monitoring and enforcement on victim safety?

The evaluation also produced several interesting findings with respect to prosecutor case screening of domestic violence cases. As noted in Chapter 5, prosecutor filing rates for domestic violence cases were high. This can be viewed as an intended, desirable, and necessary outcome when the number of arrests for domestic violence increase. At the same time, prosecutor case screening efforts were limited (as they are throughout the country with respect to other types of misdemeanors). This raises such questions as: What is the quality of cases going forward? Are dual arrests or a high percentage of female arrests an issue in this regard?

Grant resources were focused on case screening at two sites; at one of those sites, the conviction rate doubled over the grant period; at the other, the conviction rate (80 percent) was considerably higher than at the other six sites. We also found significant improvements in police documentation of domestic violence incidents where grant-supported prosecutor case screening

units worked closely with police toward that end. We cannot draw conclusions about those observations from this evaluation, but they do suggest research areas to consider.

Finally, another Arrest Policies Program project demonstrated an innovative approach to early intervention in domestic violence cases that should be explored further. Police take digital photographs of the crime scene, which are available to the arraignment judge; victims are contacted by victim witness staff within a matter of hours; and the prosecutor's domestic violence unit has been elevated to bureau status under the prosecutor's Major Crimes section.

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