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National Evaluation of the Grants to Encourage Arrest Policies Program

Executive Summary of Final Report

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Chapter 1: Introduction

Executive Summary

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.¹ 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?

¹ 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.²

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

² 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/.

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 interviewed³ 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

³ 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.⁴
- 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

⁴ 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.