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RESEARCH REPORT JUNE 2007

Final Report on the Evaluation of the Judicial Oversight Demonstration

VOLUME 2

Findings and Lessons on Implementation

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Chapter 1. Survey Methodology for the Judicial Oversight Demonstration

The JOD Demonstration

The Judicial Oversight Demonstration (JOD) Initiative was funded by the Office of Violence Against Women with the goal of improving victim safety and offender accountability in intimate partner violence (IPV) cases. JOD aimed to achieve these goals through a strong judicial response, combined with coordinated community services and integrated justice system policies in IPV cases. Since the start of JOD in 2000, the courts in Dorchester, Massachusetts, Milwaukee, Wisconsin, and Washtenaw County, Michigan, worked in partnership with their prosecutors' offices, victim service providers, batterer intervention programs, police, probation, and other community agencies to promote these goals. The JOD core intervention strategies included the following components:

- Uniform and consistent initial responses to domestic violence offenses, including: a) pro-arrest policies, b) identification and arrest of the primary aggressor, and c) a coordinated response by law enforcement;
- Coordinated victim advocacy and services, including: a) contact by advocates as soon as possible after the domestic violence call, b) an individualized "safety plan" for the victim and children (if appropriate), and c) provision of needed services such as shelters, protection orders, and other assistance; and
- Strong offender accountability and oversight, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention and other needed programs, and c) administrative and judicial sanctions and incentives to influence offender behavior.

The demonstration was funded with two long-term goals in mind: 1) to learn from the experiences of well-qualified sites who were given resources and challenged to build a collaboration between the courts and community agencies to respond to IPV; and 2) to test the impact of JOD interventions on victim safety and offender accountability.

The evaluation included both impact and process evaluation. This chapter describes the methods used in the impact evaluation surveys of victims and offenders.

Impact Evaluation Overview

The evaluation used a quasi-experimental design that compares victims and offenders in eligible intimate partner violence (IPV) criminal cases in the Judicial Oversight Demonstration (JOD) sites to similar victims and offenders in comparison jurisdictions. Evaluation data sources included agency records and in-person interviews with victims and offenders approximately two months after case disposition or sentencing and again nine months later. Altlantic Research and Consulting (Atlantic) conducted the in-person interviews in Massachusetts. The Center for Urban Studies (CUS) at Wayne State University conducted the in-person interviews in Michigan.

The impact evaluation compared criminal IPV cases in two JOD sites, Dorchester, MA and Washtenaw County, MI to similar cases in Lowell, MA and Ingham County, MI. Court records in each site were reviewed to identify eligible cases. All domestic violence cases reaching

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disposition were reviewed and sampled if appropriate. The files of all criminal domestic violence cases disposed during the sampling period in participating courts were reviewed for eligibility. Information was collected from police and court files on the incident, court processing, and the victim and offender characteristics and contained information on the population of cases represented by the survey sample recorded in a database. This database was used to identify respondents for in-person interviewing.

Victims and offenders in eligible cases were recruited for interviews independently; there was no requirement that both parties in a case agree to be interviewed. Sample members were recruited by mail, phone and in-person. Respondents completed the interviews on laptop computers, assisted as needed by the interviewer. Hardcopy versions of the questionnaires were used when interviewing incarcerated offenders and when computer difficulties arose. Neither survey firm matched respondents to interviewers based on race or gender. However, male interviewers were not assigned to interview female victims. Spanish versions of the questionnaires were prepared and used by bilingual interviewers. Bilingual interviewers and translation services were available when needed for other languages.

The initial interview was preceded by obtaining written informed consent to study participation and collecting information on how to locate respondents for the follow up interview. At this time, the interviewer answered questions about the study and gave victim respondents written contact information on agencies in their community that provided services for victims of domestic violence. All the follow up respondents were again asked for consent to complete the interview. The average time between the case disposition and completion of the initial interview was two months. The average time between the initial interview and follow up interview was nine months.

Most interviews were completed in the home, courthouse, or survey offices.[1] Other locations included food outlets, public places, homes of relatives, and jail (by special arrangement for a few offenders). Interviews were always conducted in a setting that ensured privacy for the respondent. Interviewers were trained in procedures for protecting their own safety and were told not to conduct interviews unless they felt safe.

Protection of Human Subjects procedures, reviewed and approved annually by the Institutional Review Board at the Urban Institute and Wayne State University, the MI survey contractor, included 1) informed consent, 2) staff confidentiality pledges, and 3) data security plans. At each step of the survey, procedures were designed to protect the safety of the victim.

At the end of each interview, respondents were given $50 in cash and completed a voucher documenting name and signature, social security number (requested, but not required), and address to confirm receipt of the payment. A copy was given to the respondent, one to the interviewer for their records, and one was returned to the survey firm.

To increase the likelihood of locating respondents for the follow up interview, interim contacting procedures were developed. Respondents were asked to call to update or verify their address four months after the initial interview. In addition, the survey firm began calling respondents at four months to verify the contact information. Respondents who called or were reached by telephone by the survey firm received $10.

[1] A very few follow up interviews were completed by telephone when the respondent had moved from the area.

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Chapter 1. Introduction

As Volume 1 of this Report described, the Judicial Oversight Demonstration (JOD) Initiative tested the idea that a coordinated community response to domestic violence, a focused judicial response, and a systematic criminal justice response can improve victim safety and service provision, as well as increase offender accountability. The priorities of the JOD initiative included victim safety and well-being, strong judicial commitment to positively affecting victim safety and offender accountability, and improvement of the availability of victim services and advocacy in coordination with all segments of the criminal justice system and the community. To hold offenders accountable, the JOD initiative encouraged the development or enhancement of grassroots community and justice system partnerships designed to assist offenders in changing abusive behavior. This Volume presents the process evaluation of the three JOD sites, including detailed descriptions of JOD operations in each partner agency within each site, and concludes with lessons learned about implementing JOD (and similar initiatives).

In 1999, following an extensive search for sites with the resources, infrastructure and commitment needed to implement the envisioned demonstration, three sites -- Dorchester, MA, Milwaukee County, WI, and Washtenaw County, MI -- were selected to implement the project. The demonstration activities were jointly funded and managed by the U.S. Department of Justice's Office on Violence Against Women and the Office of Justice Program's National Institute of Justice. Technical assistance to the demonstration sites, provided by the Vera Institute of Justice in New York, NY under contract to the Office on Violence Against Women, included on-site consultations, training, and educational opportunities within and across sites. The Urban Institute conducted an independent national evaluation under a cooperative agreement with the National Institute of Justice. Each demonstration site employed a local evaluator who assisted the Urban Institute in gathering data for the evaluation and responded to local evaluation needs.

Description of the JOD Model

The JOD Initiative tested the idea that a coordinated community response, a focused judicial response, and a systematic criminal justice response can improve victim safety and service provision, as well as offender accountability in intimate partner violence (IPV) cases. The JOD model included the following critical elements:

- Uniform and consistent initial responses to domestic violence offenses, *including: a) pro-arrest policies, b) arrest of primary aggressor, and c) a coordinated response by law enforcement and victim advocates.*

- Coordinated victim advocacy and services, *including: a) contact by victim's advocates as soon as possible after the domestic violence incident, b) an individualized "safety plan" for the victim and children (if appropriate), and c) provision of needed services such as shelters, protection orders, etc.*

- Strong offender accountability and oversight, *including: a) intensive court-based supervision, b) referral to appropriate batterer intervention programs (BIP), and c) administrative and judicial sanctions and incentives to influence offender behavior.*

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To achieve these objectives, a partnership among criminal justice agencies and community-based agencies that provided services to victims and offenders was formed in each JOD community to work collaboratively to support the effective response to incidents of IPV that enter the criminal court. This initiative thus differed from earlier coordinated community responses to domestic violence by placing special focus on the role of the court in the partnership, as illustrated in Figure 1.

Support for JOD innovations was grounded in recognition of the challenges these cases pose to criminal justice agencies and the need to take steps to better protect victims from repeat violence. The specter of subsequent violence, potentially lethal, is often present but is difficult to gauge. Prior research shows that abuse following court hearings for protection orders is predicted not by the type and severity of the current charge, but by the history of recent abuse in the relationship and other factors, pointing to the need for thorough record checks of defendants and substantial victim interviews at court intake (see the review of prior research in Volume 1 of this report). Victims and their children often need emotional support as well as medical, legal, and financial assistance to cope with what is often a long-standing pattern of abuse. Victims are often reluctant to testify, fearing retaliation or hoping for reconciliation, and they may be socially isolated and without economic or emotional support.

JOD was also developed to test the feasibility and effectiveness of closely monitoring offenders to improve offender accountability. By adopting a more intensive approach to managing domestic violence cases, JOD would hold offenders accountable for their criminal behavior and require their participation in treatment, victim restitution, and community service when appropriate. Key recommendations of the 1984 report of the Attorney General's Task Force on Family Violence are embodied in JOD: (1) Family violence should be recognized and responded to as a criminal activity; (2) Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence; and (3) A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime on the victim, and (4) In granting bail or releasing the assailant on his/her own recognizance, the judge should impose conditions that restrict the defendant's access to the victim and strictly enforce the order.

However, it is only in the past few years that criminal courts have begun to assume the leadership role in coordinated responses through innovations such as specialized domestic violence courts. These courts have introduced increased judicial supervision supported by case management, victim services, and required treatment for eligible offenders. It was the dual focus on increased offender accountability and coordinated services for victims in IPV cases that was the essential feature of JOD.

The three demonstration sites, assisted by technical assistance teams, reviewed and developed model policies, programs and findings to the needs of their jurisdictions based on experiences in other jurisdictions, recent research, and other best practices for intimate partner violence cases. (For more information, see the review of prior research in Volume 1).

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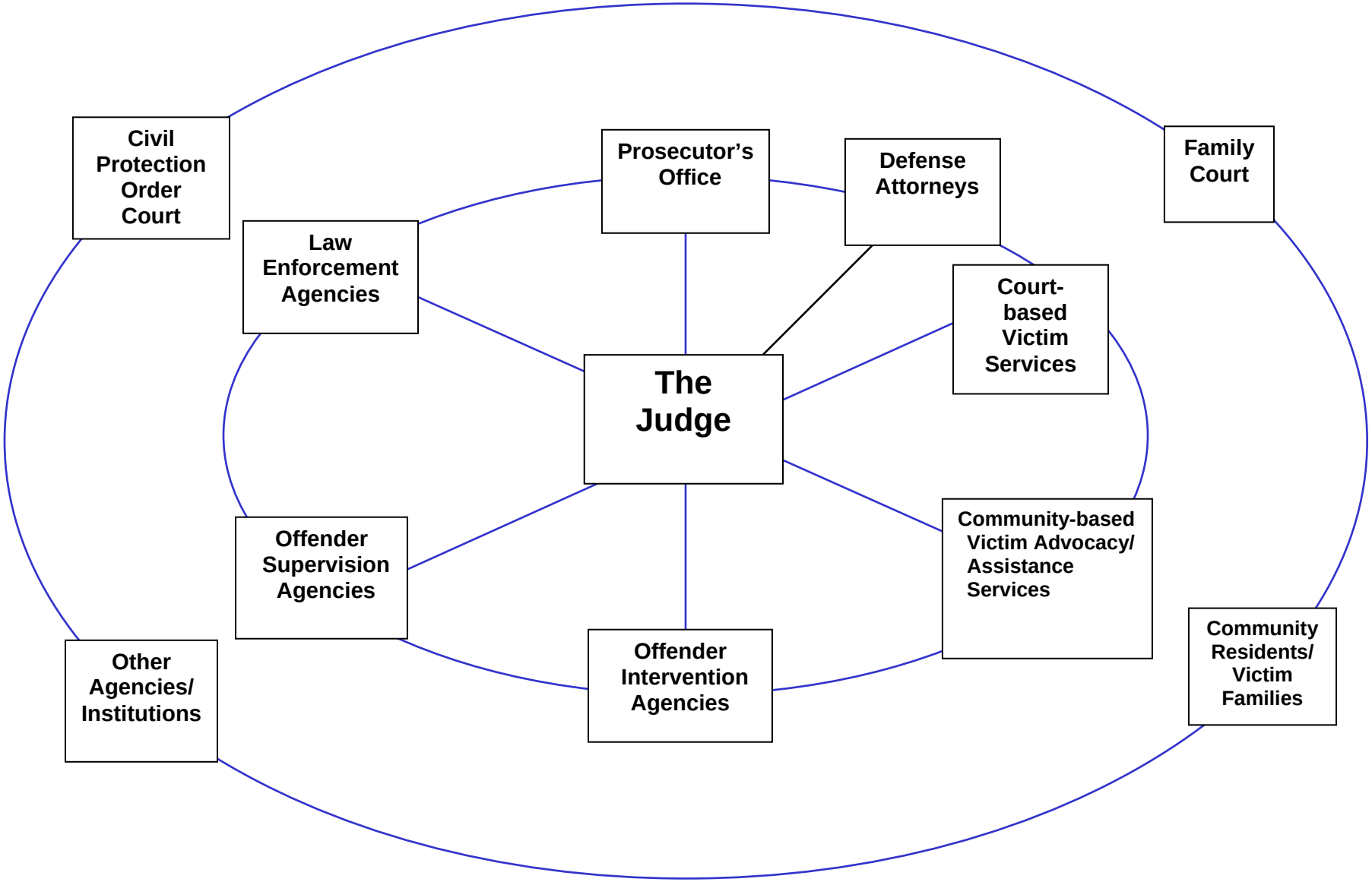
`Figure 1.

JOD Network of Partners



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All demonstration sites included the following criminal justice and community elements:

Proactive law enforcement. In law enforcement agencies around the country, written policies and procedures are now in place and officers are far more likely to have specialized training in domestic violence than 15 years ago. The law enforcement components of the JOD initiatives included training, arrest, and protection order enforcement innovations, as well as innovations in interagency communications.

Specialized prosecution. JOD prosecutors expanded their use of independent evidence such as photographs of victim injury, hospital records, excited utterances, expert testimony, 911 audiotapes, and other evidence to support or replace victim testimony. The JOD projects included best practices such as special units, no-drop policies, vertical prosecution, and evidence-based prosecution. One site placed special focus on prosecuting bail violations such as bail jumping and witness tampering.

Specialized pretrial procedures. Two of the three JOD sites focused on improvements to pretrial processes including: standardization of bond conditions, group meetings to review bond conditions with defendants, creation of a commissioner lead domestic violence court to process all pretrial matters, and implementation of an intensive pretrial monitoring component for offenders accused of a repeat DV offense.

Specialized domestic violence dockets. Some of the features of these courts included: 1) intake units for particular kinds of cases involving domestic violence, 2) screening to coordinate case processing, 3) automated case tracking, 4) automated systems for identifying related cases, 5) specialized calendars, and 6) court-ordered batterer treatment. The JOD demonstrations included specialized dockets, judicial review hearings for probationers, and a domestic violence intake court at one site.

Specialized probation and batterer intervention services. The JOD sites' demonstrations included specialized probation officers; enhanced staffing to reduce caseloads; referrals to certified BIPs only; enhancement of communication among probation officers and BIP staff to provide information for judicial review hearings.

Enhancement of victim services. JOD sites expanded in-court victim services from both justice-based and community-based providers in a variety of ways, including civil legal services, autonomy programs, and victim waiting rooms in the courthouse.

Coordination of court and community agencies. As discussed in Volume 1, the missing link in a community response to domestic violence remained coordination among courts and other agencies. The complex and recurring nature of domestic violence required a coordinated, systemic response. Its importance was affirmed in the central role assigned to collaboration in the Violence Against Women Act STOP block grant program which requires that states engage in a collaborative planning process prior to awarding subgrants, divide the funds among law enforcement, prosecution and victim service agencies, and encourage coordinated community responses. Evaluation indicates that STOP subgrantees attributed the most significant changes in their communities to increased collaboration (Burt, et al. 1999).

The design of JOD and its specific elements in each site reflected principles identified in earlier demonstrations focused on building coordinated community responses to domestic violence. Hofford and Harrell (1993) identified six essential features of successful implementation of a coordinated approach to domestic violence: 1) designate personnel in each agency, 2) clear

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policies defining roles and responsibilities of partners, 3) strong leadership, especially by judges, 4) cross training of staff from multiple agencies, 5) vigorous prosecution, and 6) formal monitoring of partnership performance. Mechanisms to ensure coordination in the JOD sites included hiring a Project Director to coordinate and oversee implementation of JOD; an executive committee, with working subcommittees that met regularly to identify and troubleshoot emerging issues; the development of standard policies and protocols to improve the consistency of case handling practices; and enhanced communication among agencies through shared databases.

Demonstration Period and Level of Funding

The initial demonstration grants to Dorchester, MA, Milwaukee County, WI, and Washtenaw County, MI were officially awarded in October 1999. However, funds were not released to the sites for several months. In February 2000, teams from all three sites, federal project officers from the Office on Violence Against Women and the National Institute of Justice, staff from the Vera Institute of Justice (technical assistance provider), and the Urban Institute convened in San Diego for an three-day, kick-off meeting and strategic planning session. Detailed program development and implementation in each site began after this kick-off session. Table 1 provides the dates of JOD implementation and the total awards made to each of the sites.

Table 1. JOD Sites, Period of Funding, and Estimated JOD Funding

JOD SITE	FUNDING PERIOD	ESTIMATED FUNDING*
Dorchester, MA	February 2000 – 2005	$7,449,879
Milwaukee, WI	February 2000 –2005	$7,892,981
Washtenaw County, MI	February 2000 – 2004	$6,749,778

*Some sites were able to supplement their JOD funding with funds from other Office of Violence Against Women grants. In all sites, partner agencies used their funds to support some JOD activities, and many agencies made in-kind contributions such as office space, staff time, and even supplies.

In Dorchester, after the strategic planning meeting in February, project start-up was slightly delayed while the grantee, the Boston Police Department, resolved some financial issues. Staff was hired over the summer, the domestic violence court began in September, and a Project Director and Site Evaluator were hired in October 2000. Additional probation officers were hired in November and judicial review hearings with the new probation officers began in March 2001. A strategic planning meeting and cultural competency training for all JOD partner agencies was held in June 2001. New services managed by the four victim service agencies in the community were developed and implemented during the summer of 2001.

In Milwaukee, after the February strategic planning session, the judges were eager to implement the post-conviction review hearings and began these hearings in May 2000. The implementation kick-off meeting was held in August and officially, JOD got underway in September with the hiring of the domestic violence Commissioner and restructuring of the other courts to accommodate JOD. Initial plans for pretrial monitoring of defendants had to be modified and a revised plan along with other elements of JOD were put in place by March 2001.

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In Washtenaw County, primary elements of JOD were put into place during the summer of 2000, and a formal kick-off was held in August 2000 after the opening of the centralized Domestic Violence Unit in new space apart from the courthouse and its offices. Also in August, the county courts were restructured to accommodate a domestic violence docket and judges began post-conviction review hearings of probationers.

Process Evaluation Methods

The implementation study and process evaluation of JOD used a variety of methods and data collection strategies. The primary methods were:

- -- Site visits *that involved semi-structured interviews with JOD partners; observations of court proceedings, project team meetings, and other activities (such as batterer intervention sessions); and meetings with groups of line staff (e.g., probation officers, domestic violence law enforcement personnel). Site visits were held quarterly in the initial phases of the demonstration and twice annually in the last year of the demonstration period. Summary reports on each visit were prepared and submitted to the site's project director.*

- -- Collection of quantitative data *including: 1) aggregate descriptive data of the case before the court, the court and treatment interventions, and system and client outcomes; 2) performance indicators to use in monitoring program operation and reporting accomplishments; and, 3) documentation of services and court processing from the local evaluation staff. This entailed working with court and JOD staff to identify data elements, descriptive statistics, and retrieval and analysis strategies as well as variables and categories needed to describe special JOD services or sanctions. Data from the different agencies involved in JOD at each site were gathered by the local evaluator and submitted to UI monthly. UI then analyzed the data and returned summary reports to each site on a monthly basis, for use in further refinements and developments of JOD activities.*

The extent to which the JOD projects were able to provide the identified data elements varied by site. Eventually, Dorchester and Washtenaw County were able to submit data for most categories on a monthly basis. However, in Milwaukee, due to budget cutbacks, they were unable to fund the Court Resource Monitor position responsible for compiling statistics from court and probation records. Thus, Milwaukee's local evaluator and research assistant collected the requested data on hard-copy forms and prepared the data for submission to UI, eventually submitting data for the entire demonstration period.

-- *Participation in conference calls* with sites and national partners, *attendance at meetings and technical assistance workshops* as scheduled. The conference calls created opportunities for discussion and reflection as to how JOD was operating, including identification of problems, possible solutions, and revisions or modifications in the JOD project. The meetings and workshops included formal strategic planning sessions for individual sites and the entire partnership, as well as technical assistance workshops on specific topics, such as victim advocacy, probation supervision, and judicial oversight.

-- *Focus groups of offenders and victims* in each site to gain a more in-depth, personal perspective about how men and women involved in IPV cases were affected by the actions of the JOD partner agencies, to ascertain their views about how they were treated by JOD partner agencies, and to help interpret the interview data. To the extent that victims or offenders felt

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that they were not treated fairly or given an opportunity to voice their opinion as to appropriate actions, that may provide information useful in replicating the JOD model in other communities.

-- *Site visits to comparison sites* (Ingham County, MI and Lowell, MA) at the beginning and end of the JOD demonstration period to document the criminal justice and community response to IPV cases in the communities that the Urban Institute selected as part of the impact evaluation design. Similar to the site visits to the demonstration sites, the comparison site visits entailed interviews with a variety of agencies involved in IPV cases, including the court, prosecution, law enforcement, probation, victim services agencies, and batterer intervention program providers. These visits were important for the interpretation of the results from the impact evaluation and documenting any changes that might have occurred in the comparison sites during the JOD demonstration period (see Volume 1, Chapter 3, Comparison of Study Sites, for a description).

In combination, these methods for documenting the implementation of JOD were complementary and provided UI with a thorough understanding of the overall operations in each JOD site (and the comparison sites) and the specific procedures implemented within each JOD partner agency. The three subsequent chapters in this volume present detailed descriptions of the implementation of JOD in Dorchester, MA, Milwaukee County, WI, and Washtenaw County, MA.

An important component of the process evaluation was to document the context in which JOD was implemented. UI interviewed key actors in the demonstration project, including project planners, judges, court administrators and other court staff, prosecutors, law enforcement officials, pretrial services, probation, parole, members of the defense bar, victim advocates, victim service providers, and community providers of other important services such as substance abuse and mental health treatment, to collect data on: 1) their perceptions of and goals for JOD, 2) how the system worked prior to project implementation, and 3) what databases existed and how they might be used for the evaluation and collection of existing reports, statistics, policy or procedure documents, and forms to supplement these interviews. In August 2001 a process evaluation report was submitted to NIJ summarizing the baseline status and implementation progress at each site, *Evaluation of the Judicial Oversight Demonstration Initiative: Baseline and Implementation Report* (DeStefano, Harrell, Newmark, and Visher, 2001). This report was followed by a report in December 2003 updating implementation progress and challenges

Organization of the Process Evaluation Report

The remainder of this volume on the implementation of JOD is organized into four chapters:

Chapter 2 presents a detailed description of how JOD was implemented in Dorchester, Massachusetts. The principal innovations in Dorchester included:

- *Law enforcement enhancements;*
- *Dedicated domestic violence court session with vertical adjudication;*
- *Dedicated domestic violence unit of the District Attorney's Office with vertical prosecution;*
- *Expansion of the dedicated domestic violence unit of the Probation Department;*

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- *Batterer intervention program referrals;*
- *Probation status review hearings;*
- *Courthouse-based victim services; and*
- *Restraining order education program for batterers.*

Chapter 3 presents a detailed description of how JOD was implemented in Milwaukee, Wisconsin. Highlights of the JOD innovations in Milwaukee included:

- *DV intake court;*
- *Intensive pretrial monitoring;*
- *Prosecution staffing and enhanced evidence collection;*
- *Probation review hearings;*
- *Co-location of DV courts and inclusion of felony cases;*
- *Victim waiting room in courthouse;*
- *Probation enhancements; and*
- *Community-based agency enhancements.*

Chapter 4 presents a detailed description of how JOD was implemented in Washtenaw County, Michigan. Highlights of the JOD innovations in Washtenaw County included:

- *Creation of a centralized, multi-agency domestic violence unit*.
- *Dedicated domestic violence docket days with vertical adjudication through the post-disposition period;*
- *Enhanced law enforcement resources;*
- *Dedicated domestic violence unit of the Washtenaw County Prosecuting Attorney's Office (WCPAO) with vertical prosecution;*
- *Dedicated domestic violence probation agents and compliance officers*;
- *Batterer intervention program enhancements;*
- *Probation status review hearings; and*
- *Enhanced victim services*.

Finally, Chapter 5 discusses the lessons learned in implementing JOD across the three sites in terms of the primary elements of the demonstration: agency and project coordination; courts and the judiciary; prosecution; law enforcement; probation; victim service providers; and batterer intervention providers.

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Chapter 2. Judicial Oversight Demonstration in Dorchester

Background

The Dorchester Municipal Court,[1] the hub of the Judicial Oversight Demonstration (JOD) project, serves Dorchester and parts of the contiguous neighborhoods of Roxbury and Mattapan. The area served by the court, referred to in this report as Dorchester, is densely populated and diverse in terms of income, ethnicity, and language. According to 2000 Census data, Dorchester and neighboring Mattapan have a population of about 130,000, about 20 percent of the population of Boston. There are significant numbers of Black/African-American, White, Latino, and Asian residents, including many new immigrants from various parts of the world, primarily the Caribbean, Latin America, Southeast Asia, Cape Verde and Ireland.

The Dorchester Court handles arrests made by the Boston Police Department (BPD) in three Districts (C-11, B-3, and B-2). From 1999 through 2003, these districts accounted for an average of 55% of the domestic violence calls for service received by BPD. In the year before JOD, the five sitting judges in the Dorchester Court carried a caseload of 9,500 criminal cases, over 1,500 of which involved domestic violence. However, prior to JOD, the Dorchester Court did not have a specialized domestic violence court to manage the thousands of domestic violence case hearings held each year. Domestic violence matters were heard throughout the day by any of the five sitting judges, making it difficult to coordinate the schedules of the victim/witness staff, prosecutors, judges, and probation officers dealing with domestic violence cases and focus on the needs of these victims and offenders.

Judges at the Dorchester Court had been active in developing a coordinated response to domestic violence for some years. In 1991, a Dorchester Court judge initiated the Dorchester Court Roundtable. Two of the Dorchester judges were active participants in the Massachusetts District Court Professional Development Group for Abuse Prevention Proceedings, which developed the Trial Courts' Guidelines for Judicial Practice in Abuse Prevention Proceedings. The Trial Court conducted a two-day training for all Massachusetts District Court judges in 1994 and has provided training for all new judges since that time.

In 1996, Northeastern University obtained a Coordinated Community Response grant from the Centers for Disease Control and Prevention for the Dorchester Court Roundtable, enabling it to develop into the Dorchester Community Roundtable. Roundtable members included representatives of many different segments of the community, including victim advocates, police, prosecutors, probation officers, health care providers, mental health and substance abuse service providers, and batterer intervention programs. Under the grant, the project expanded existing half-time victim advocacy positions in community health centers into full-time positions to provide more crisis intervention, referrals, counseling, safety planning, support groups, and criminal justice system advocacy. The project also funded a victim/witness staff in the Suffolk County District Attorney's Office to assist victims in criminal domestic violence cases.

[1] The Dorchester court was a state District Court until July 2003, when it became the Dorchester Division of the Boston Municipal Court Department under state court reorganization legislation.

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Staff at the court dedicated to domestic violence included, in addition to the victim witness unit, a four-person Domestic Violence Unit in the Probation Department. The Unit monitored attendance at a batterer intervention program (BIP), often required as a condition of probation. BIP services were provided to probationers referred by the Dorchester court primarily by four non-profit organizations: Common Purpose, Roxbury Comprehensive Community Health Center, Emerge, and Spectrum Health Service, Inc.'s Prevention of Abuse and Violence through Education program. At the start of JOD, these four BIPs were serving approximately 300 court-referred offenders from Dorchester and surrounding communities, an estimated 200 of them referred by the Dorchester Court.

Dorchester had a network of victim services developed over the years to respond to domestic violence. At the courthouse, the Northeastern University Law School operated a clinic staffed by law students to assist victims seeking civil restraining orders. In the community, victim services included a domestic violence hotline, emergency shelter, counseling, transitional assistance and referrals to battered women's shelters offered by Casa Myrna Vazquez, FINEX House, and the Asian Task Force Against Domestic Violence. These agencies engaged in community outreach and education programs. Several helped victims with issues related to court cases and sometimes their staff accompanied victims to hearings. Six Dorchester neighborhood health centers and two hospitals were staffed by advocates who referred victims to emergency hospital, shelter, police or physician care as well as to additional services such as drug and alcohol treatment and counseling.

JOD Plans in Dorchester

The overarching goal of JOD was to enhance capacity and collaboration between existing agencies to better serve the diverse needs of the multi-cultural, multi-lingual residents of Dorchester. Four key strategies, identified in Dorchester's proposal for JOD, were to:

- Build strong partnerships and effective collaboration among nonprofits, law enforcement, clergy, and community stakeholders;
- Target resources on those at most risk of offending and those most at risk of being victimized;
- Use data and analysis to focus action on problems; and
- Direct enforcement operations on the worst offenders, providing consistent and clear messages to the highest risk offenders.
- Specifically, JOD planned to:
- Create a specialized domestic violence court to conduct arraignments, bail hearings, pretrial hearings, probation violation hearings, probation review hearings, ex-parte and contested civil restraining order hearings;
- Conduct regular hearings before the judge to review probation compliance after sentencing;
- Expand probation services to provide closer supervision of domestic violence offenders, including supervision in the community and the home;

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- Provide specialized, trained domestic violence prosecutors and prosecution support personnel to staff the domestic violence court and provide vertical prosecution;
- Encourage cooperation among partner agencies staffing the domestic violence courtroom with teams comprised of advocates, detectives, prosecutors, and probation officers;
- Provide court-based advocacy services, including safety planning and emergency aid, to victims who are not able or ready to participate in criminal case prosecution;
- Provide information to respondents in civil restraining order cases to explain the conditions of the order and the consequences of violation, provide direction on how to comply with the order, work to reduce confrontations with the victim following the order, offer education on domestic violence, and encourage use of services such as BIPs and substance abuse treatment; and
- Purchase a computerized case tracking system for storing detailed information on victims, children, and defendants in domestic violence criminal and restraining order cases for use by judges, police, district attorneys, and probation officers.

This chapter describes the growth and evolution of JOD in Dorchester from the start of the project in early 2000 to September 2004. During the demonstration period, the goals of JOD remained constant, but specific objectives, activities, and performance goals were revised as lessons on effective strategies emerged. The following sections describe the JOD-related activities of partner agencies so that readers can understand the program behind the impact evaluation findings and lessons from Dorchester's efforts to improve the response to domestic violence. The data for the tables describing their activities come from three sources: monthly aggregate statistics on JOD-related activities submitted to the Urban Institute for the process evaluation, data provided by the JOD site evaluation coordinator, and data on cases sampled for the impact evaluation.

Figure 2.1 illustrates the partnership network as arrayed around, and supporting the court response to domestic violence. Some, but not all, of the partners received JOD funds for specific activities. All undertook changes to foster a collaborative response to domestic violence.

For organizational purposes, JOD is described by agency below, starting with the justice agencies in order of intervention following an incident (law enforcement, prosecution, the court, probation and followed by the primary community agency partners (victim service agencies and BIPs). However, it is crucial to understand that JOD is, at its core, a collaboration in which multiple agencies play an active and ongoing role in responding in a coordinated manner to domestic violence and its effectiveness depends on the continuation of joint management and regular communication among the partner agencies. In Dorchester, a full-time JOD project director spearheaded the coordination of the interagency communications and planning.

The Boston Police Department

The Boston Police Department (BPD) is a large urban force organized into twelve districts. The BPD Domestic Violence Unit located at police headquarters tracked statistics and developed policy, forms, and training for the entire department. The three BPD districts (B-2, B-3, and C-11) that served the Dorchester Court area had domestic violence detective positions (C11 had 3, B3 had 2, and B2 had 3), although these positions were not always fully staffed. Within broad

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guidelines, District Captains enforced policies on domestic violence issues such as the priority placed on serving restraining orders and when cases should be referred to child protective services. As a result, enforcement of Department policies varied by District depending on competing priorities and available resources.

Domestic violence training for police officers was in place before JOD. New officers received 60 hours of domestic violence training that included: 20 hours on domestic violence, addressing the complexity of the crime and police response; 10 hours of crisis intervention skills; 10 hours of conflict resolution; 10 hours of interpersonal relations skill building; 4 hours on child abuse; 4 hours on elder abuse; and 2 hours on victim's rights. Domestic violence detectives received mandatory in-service training that includes 4 hours on case preparation and domestic violence investigations. All officers were apprised of changes to the law relating to domestic violence on an as needed basis, either though written communications from the Academy or as part of regular in-service training. These activities continued throughout JOD.

Policies in place at the time JOD began required police officers to provide victims with: 1) a copy of the abuse prevention law, 2) telephone numbers for victims services and community-based shelters, 3) information on how to get a restraining order and a copy of the incident report from the initial police intervention, and 4) information on a victim's right to pursue criminal charges and how to request additional police protection. This information was listed on a card available in nine languages. Dual arrests were discouraged by BPD policy.

Prior to JOD, the police in all districts worked closely with prosecutors preparing domestic violence cases. A police officer was located at the Dorchester Courthouse to serve as a liaison between the District Commander and the District Attorney. Police incident reports (the 1.1 form) were used during arraignments and sentencing hearings unless the officer's appearance was requested by one of the parties or the prosecutor. However, officers routinely testified at criminal trials.

The BPD used a number of strategies to assist domestic violence victims. The police district stations had a civilian employee (a peace liaison) to assist victims. The peace liaisons reviewed incident reports filed the day before, contacted victims when indicated, helped detectives deal with victims who needed to be referred to shelters or community support services, and initiated contact with those who seemed to need additional help. Their daily routine also included fielding requests for help from the proseuctor's office, community advocates, responding officers, and victim walk-in cases. One experienced peace liaison estimated that she worked with 150 to 200 new cases each month involving all kinds of domestic violence, not just intimate partner violence (IPV). In addition, BPD's centrally-located Domestic Violence Unit worked collaboratively with a number of agencies. For example, they regularly coordinated with local shelters, the Mayor's Women's Commission, the DA's victim/witness staff, and participated in the Dorchester Community Roundtable. Police personnel participated in the preparation of the JOD proposal, and bringing the partner agencies together.

BPD enhanced domestic violence enforcement in a number of ways during JOD, using JOD funds, funds from the federal Grants to Encourage Arrests program, and departmental resources. Funding from the federal Grants to Encourage Arrest program, awarded to BPD separately in the first year of JOD and combined with JOD funding thereafter, supported two domestic violence data analysts in the department's Central Domestic Violence Unit and four peace liaisons (three located in the JOD target area). These funds also provided support for Close to Home, an organization that works with neighborhood crime watch groups and civic organizations to try to develop and strengthen grass root responses to IPV.

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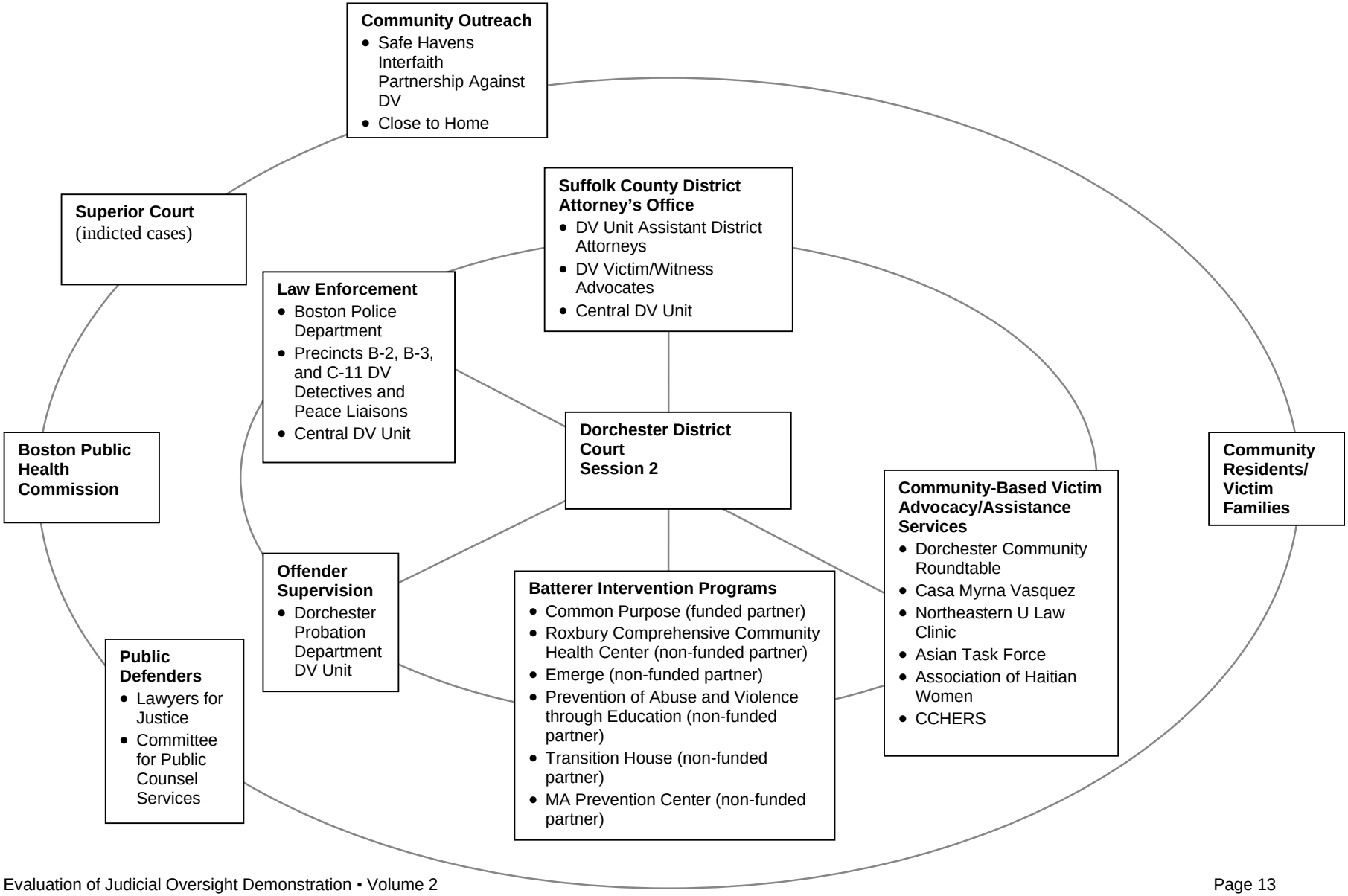
Figure 2.1 Network of JOD Partners in Dorchester



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Other changes included:

- Each of the three police districts serving the Dorchester Court assigned three detectives to domestic violence investigation thus covering both day and night shifts.
- A new laminated domestic violence checklist for evidence collection was distributed to all patrol officers.
- Duty supervisors were directed to take pictures at domestic violence crime scenes if domestic violence detectives were unavailable to do so; JOD funds were used to purchase digital and Polaroid cameras.[2]
- A detective, supported by another grant, was assigned to the Central Domestic Violence Unit to handle warrant management and the identification of high-risk offenders.[3]
- Twenty-two domestic violence detectives and supervisors were trained in identification of the dominant aggressor with the understanding they would train the patrol officers. The goal was a reduction in arrests of both parties (dual arrest) in a domestic violence incident.
- An enhancement to existing policies on dual arrest was made. The new policy now requires a duty supervisor to respond to the scene of all dual arrests. The supervisor is required to review all pertinent information including past criminal history and prior police calls to that address, and determine if a dominant aggressor could be identified in the current case before signing off on a dual arrest.
- Additional emphasis was placed on requiring written reports on every domestic violence call for service, including those that did not result in arrest.
- A new BPD policy for officers involved in domestic violence was implemented. It specified that incidents involving officers be assigned to the Domestic Violence Unit and handled by a higher-ranking officer. It also spelled out services to be made available to victimized officers. Policies regarding domestic violence are explained to family members of police recruits at the Police Academy family nights.
- BPD data management resources, strong at the start of JOD, were improved to provide much more precise information on domestic crimes.
- The reporting categories used by the BPD Domestic Violence Unit were enhanced. Broad overarching categories of family trouble were revised to include specifics about the nature of the calls (including violation of a restraining order) and the type of domestic violence incident.
- The codes used to classify 911 calls were revised to reflect the type of domestic violence, distinguishing between intimate partner domestic violence cases and

[2] Union contract prohibits patrol officers from taking photographs and when domestic violence detectives were not available to do so, pictures went untaken prior to this policy being enacted.
[3] High Risk Offenders were: 1) offenders with a significant history of domestic violence, 2) those whose current case involved the use of firearms or knives, serious bodily injury, or homicide, or 3) offenders with gang affiliations.

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non-intimate partner domestic violence cases. This provided better up-front information to officers responding to domestic violence incidents.

- The three captains from the district stations that serve the Dorchester area began voluntarily and routinely providing the courts and district attorneys a fingerprint verified record check from the National Criminal Information Center (NCIC) as part of the arrest packets sent to the District Attorney's Office and the Dorchester Probation Department. This provided more timely information on prior out-of-state offenses.

The BPD and JOD senior staff formed a task force to address repeat and high-risk domestic violence offenders. The task force included representatives from the police department, federal and local prosecution, probation, victim services, batterer intervention services, parole, the faith based community, and the re-entry program at the house of correction. The task force's mission was to identify, test, and implement strategies for police and probation officers to use to identify and monitor high-risk offenders. This group decided to focus on the development of a computer linkage system for the criminal justice partners to ensure timely sharing of pertinent information.

By 2002, BPD had implemented a data system to collect addresses of all 911 calls coded by the dispatcher as family violence. This allowed officials to run checks for previous calls for service to a specific location so that they would know more about the history of the situation at the time of a call for service. This system also allowed supervisors to see how calls were handled--response times, arrest decisions, and subsequent reports filed. Each week, a list of BPD's top priority domestic violence warrants was sent electronically to all the police captains and the JOD project director. The JOD project director then distributed the information to the domestic violence units in the District Attorney's office and in the probation department to help with case preparation and probationer supervision.

The BPD Domestic Violence Unit also began entering information on all domestic violence incidence reports into a database daily and used it to develop a monthly listing of repeat and high risk (those known to be most violent) offenders. The database included specific information on these defendants' criminal histories and most recent incidents. In a proactive effort to put this information to use, the DV unit began contacting district station officers, the Suffolk County District Attorney's Office, the Probation Department, and parole agents to update them on new details related to active cases.

The IT departments of three justice agencies [BPD, Dorchester Probation and the Suffolk County District Attorney's Office (SCDAO)] cooperated in the development of a new data system for the Domestic Violence Court. Developed under contract from JOD, the new system combined data from the three agencies and included the name, phone number, and email address of the contact person in each agency. The new system performed automated daily updates, which minimized duplication of data entry. To protect agency databases, the new system was located on a separate server. If negotiations now underway are successful, the system will soon become available to BPD domestic violence detectives, peace liaisons, and their supervisors. At the courthouse, access will be restricted by passwords to certified users from Dorchester Probation, the Dorchester Court Restraining Order Office, and SCDAO.

The new system, funded by JOD, was designed to improve the efficiency and effectiveness of the response to domestic violence. For example, it enabled:

- Domestic violence detectives to find out which Assistant District Attorney (ADA) was trying a case or which probation officer was supervising a defendant they arrested the night before for a subsequent offense;

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- Officers attempting to effect warrants to check probation records for recent address and collateral contact information on defendants;
- Probation officers to have desk-top access to police incident reports, booking photos, and police repeat call analysis information;
- ADAs to determine which domestic violence detectives investigated those incidents as well as access Police Incident Reports, booking photos, and police repeat call analysis information and could check which patrol officers responded to incidents; and
- Patrol officers, domestic violence detectives, and duty officers to check daily on scheduled probation violation hearings, pretrial hearings, and trials.

Independently of JOD, BPD initiated the *B3 Threat Assessment Pilot Project* in 2002 to test the feasibility of on-scene victim assistance. The peace liaison in the B3 district station was given a beeper and placed on 24-call so that officers could call at the time of an incident. The plan called for the peace liaison to make contact with the alleged victim, in person or by telephone, within an hour of an arrest. When called, the peace liaison met with the victim to provide immediate referrals to needed services and offered to accompany the victim to court, assist with a restraining order application or the criminal justice process. However, calls for an on-scene response were fewer than planned; more often, a domestic violence detective and the peace liaison picked victims up the following morning, took them to the courthouse, and introduced them directly to an ADA and the Victim Witness staff. Several factors contributed to the decision not to continue the 24-hour, on-call advocacy. The project was stressful for the peace liaison; it raised concerns about providing security of staff at the scene; and it added to the time needed by the responding officers.

In the final year of JOD, BPD announced plans for a reorganization that placed officers assigned to a newly created Family Justice Division within the Bureau of Investigative Services and elevated the Senior Domestic Violence Officer to the rank of Deputy Superintendent with new authority and resources to devote to domestic violence cases. Beginning in the Fall of 2005, after the JOD demonstration period, these officers will be located with prosecutors, social workers, advocates and doctors at a newly created Family Justice Center designed to provide comprehensive services to the community. While this signals an important commitment to domestic violence, the new center will be some distance from Dorchester and not easily accessible by public transportation. Planning to create access for victims from Dorchester began immediately.

Table 2.1 below describes the BPD calls for service in the area served by the Dorchester Court that were dispatched using the Family Trouble Code, a general category used when the dispatcher was unsure about the nature of problem, and the number of calls confirmed by responding officers to involve domestic violence (IPV and other domestic violence). The table also shows the number of IPV arrests on the day of an incident. If the perpetrator was not arrested on the day of an incident, a warrant was requested and the resulting arraignment does not show in police arrest counts. Because apprehension on warrants issued when offenders were not arrested on the day of an incident were not counted as arrests, the number of domestic violence arraignments in Dorchester Court was considerably higher than the number of arrests on domestic violence charges shown in these statistics. No count is available of domestic violence warrants.

Table 2.1 below describes the “Family Trouble” dispatched calls for service in the area served by the Dorchester Court. Family Trouble is a general category code used when a dispatcher is unsure about the specific nature of the problem or the relationships between the parties. Responding officers then confirm that the call qualifies as domestic violence and

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further refine the code if the case reflects intimate partner violence (IPV). The table also shows the number of IPV arrests on the day of an incident. If the perpetrator was not arrested on the day of an incident, a warrant was requested and the resulting arraignment does not show in police arrest counts. Because apprehension on these warrants were not counted as arrests, the number of domestic violence arraignments in Dorchester Court was considerably higher than the number of arrests on domestic violence charges shown in these statistics. No count is available on domestic violence warrants.

Table 2.1. BPD Responses to Calls for Service by Year

	2001	2002	2003
Calls for Service Dispatched as Family Trouble*[4]	4022	3458	4717
Family Trouble Calls Determined to be Domestic Violence	2951	2862	2804
IPV Arrests	809	761	644
Dual Arrests for IPV	49	32	32

Implementation Issues

Because there are six very strong police unions in Boston, all changes in officer responsibilities (including some personnel policies that impeded effective deployment of officers and detectives for domestic violence initiatives) required careful negotiation. In addition, there was a continuing need for training to improve knowledge and attitudes about domestic violence among BPD officers and staff. Ongoing JOD-funded training (described later under JOD technical assistance) was provided to support domestic violence enforcement. Strong leadership and commitment to the project enabled the BPD to make far-reaching changes.

Prosecution

Prior to JOD, the Suffolk County District Attoney's Office (SCDAO) in the Dorchester Court was staffed by 12 ADAs. In Massachusetts, prosecutors do not screen cases, but file charges on all police reports. This practice eliminated the delays that can occur when prosecutors review and eliminate cases with insufficient evidence prior to filing. However, this resulted in a large volume of cases entering the courts and high dismissal rates as many lacked the evidence needed for successful prosecution. The heavy workload in Dorchester limited the resources that could be devoted to domestic violence cases. While the office did not have a special unit, it did have one prosecutor who served as the contact point to assist ADAs with domestic violence prosecution; this prosecutor was, however, very busy with a caseload of about 200 open cases (not all of which were domestic violence). Other ADAs also handled domestic violence cases as part of a general caseload. Frequently the newest prosecutors were assigned to these time-consuming and difficult cases and turnover was high.

The SCDAO employed a total of three victim/witness staff for all cases. Victim/Witness staff provided information about the court process as mandated by the Massachusetts Victim's Bill of Rights and also made referrals to community-based services. The SCDAO team members routinely contacted victims by telephone or met with them in person at the court. On occasion, they also met with victims at their homes or at a hospital. The staff encouraged victims to attend hearings and testify if needed. Prior to trials, all witnesses, including victims were subpoenaed (usually by mail). One member of the victim/witness staff, funded by the Dorchester Community Roundtable, handled most domestic violence cases.

JOD added much-needed resources to the SCDAO.

[4] Family trouble was the code used to classify calls for service related to domestic disturbances of any type. Officers identified those involving IPV upon response to the call.

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- JOD funded three new assistant district attorneys (ADAs), bringing the total to 15. Of the 15, five were assigned to a newly created dedicated domestic violence unit.

- JOD funds were also used to hire a second investigator for the SCDAO to follow up on IPV cases. The investigator worked to locate victims, made home visits, and collected evidence including photographs, using cameras provided by JOD. These efforts, combined with expanded evidence collection by the police, meant that prosecutors more routinely received information on 911 calls, better criminal history records, medical records, and photographs.

- JOD provided technical assistance and training in evidence-based prosecution.

- Changes in prosecution followed. Vertical prosecution, not used prior to JOD, became standard practice during JOD.[5] It was used routinely except when ADA turnover required another attorney to take over or when cases were transferred to other courts. These additional resources also gave prosecutors additional time to speak with victims at arraignment.

Table 2.2 shows domestic violence case prosecution outcomes. During JOD the percentage of cases found guilty declined from 40 percent in 2001 to 33 percent in 2003, while the percentage of cases dismissed grew from 30 percent in 2002 to 48 percent in 2003.

Table 2.2. Domestic Violence Case Prosecution Outcomes in Dorchester Court by Year [6]

	2001	**2002**	**2003**
Case Disposition			
Total Number	1203 (100%)	1303 (100%)	1,488 (100%)
Pled/Found Guilty	487 (40%)	468 (37%)	484 (33%)
Found Not Guilty	33 (3%)	34 (3%)	38 (3%)
Dismissed or Otherwise not pursued	358 (30%)	509 (39%)	718 (48%)
Indicted to Superior Court	18 (1%)	29 (2%)	29 (2%)
Continued Without a Finding (CWOF)	307 (26%)	263 (20%)	219 (15%)

The rise in case dismissals may have resulted from a drop in victim participation in prosecution. The reasons for dismissal, shown in Figure 2.2, indicate a rise in the percentage of charges dismissed due to lack of supporting testimony from the victim – because the victim failed to appear at the hearing or appeared but declined to testify (asserting marital privilege or taking the fifth amendment). The drop in continued without finding (CWOF) dispositions followed the judges' decision to require consistently that those taking this plea agree to batterer intervention and supervision by the DV Probation Unit. In addition, the growing understanding that violations of these supervision conditions could lead to deportation of offenders in the country illegally probably also played a role in the decrease in CWOF pleas.

JOD funding enabled SCDAO to continue to employ a victim/witness staff member dedicated to IPV cases when the Roundtable funding for this position ended. The large volume of

[5] Under vertical prosecution, a single prosecutor handles the case from start to case disposition.
[6] Table includes IPV and other types of domestic violence cases heard in DDVC and other Dorchester courts.

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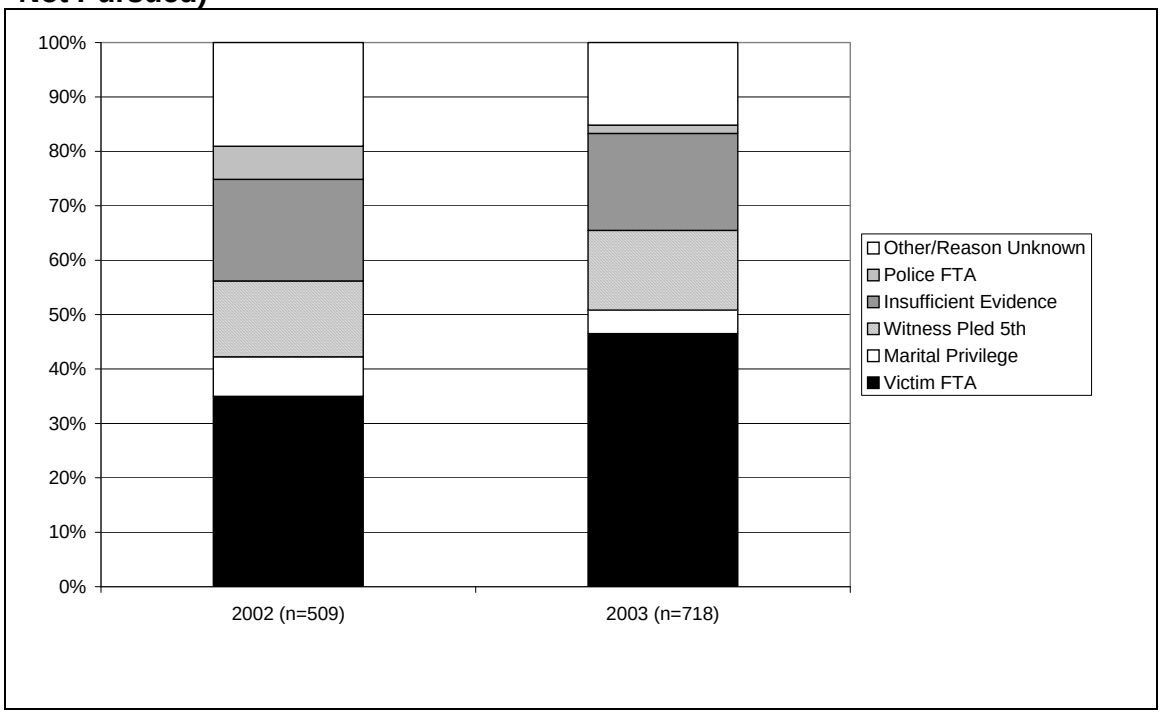
domestic violence cases meant that the other two victim/witness specialists also handled many of these cases. Continuing earlier practices, the victim/witness staff received copies of police reports daily from those transmitted by BPD to the prosecutors and immediately began efforts to contact victims and notify them of hearings. They also received referrals from the JOD-funded "Triager," who directed victims in criminal cases to the unit if they came to the courthouse about their case. In addition, the victim/witness staff was sometimes contacted directly by victims who were referred by the police or community advocates.

The victim/witness staff tried to contact victims as soon as possible by telephone or letter. Although many could not be located prior to arraignment (usually within a day of the incident), the victim/witness staff made contact with almost all victims by the time of the pretrial hearing (about 30 days after the arraignment). Services provided by the unit included initial crisis assessment, victim safety planning, service needs assessment and referral, notifications, system orientation, and restraining order advocacy. Victims were advised of their right to submit a victim impact statement at sentencing.

Figure 2.2. Reasons for Case Dismissal (Percentage of Cases Dismissed or Not Pursued)



Statistics maintained by the unit, shown in Figure 2.3, count the number of times victims received various services and include multiple services to each victim. It seems clear that most victims received assessment/referrals and safety planning. Restraining order advocacy and referrals to other agency were provided as needed.

In another effort to help victims during prosecution, JOD dollars were used to establish a small, but very important, fund in the District Attorney's Office to help victims with expenses related to the IPV incident or its prosecution. For example, victims could request funds for cab fare to get to court or reimbursement for the cost of changing locks. All victims were eligible, regardless of their feelings or decisions about prosecuting the case. Due to administrative difficulties, less than half of the funds available were dispersed (about $10,000 of $25,000 allocated) and plans have been made to move the fund to another agency in the coming year unless these administrative delays can be resolved.

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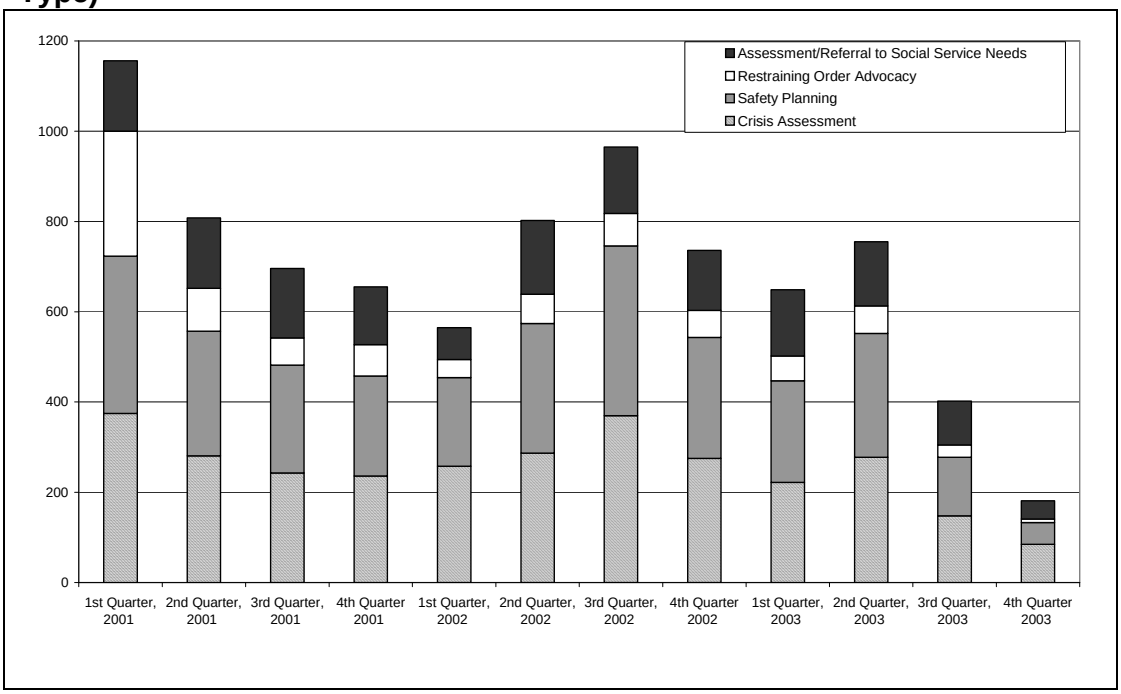
Implementation Issues

It was difficult for SCDAO to attract and retain experienced prosecutors for the Domestic Violence Unit during the project. Salaries were low; staff were trained in domestic violence only to be transferred to other assignments; and staff turnover in the Victim/Witness Unit required ongoing training and left positions open at some points. The departure of the head of the Central Domestic Violence Unit and the Victim/Witness Unit, both of whom were very active in the development of JOD, meant no seasoned staff was available to ensure support and training for the constantly changing victim witness staff. In the later years of the project,

Figure 2.3 Most Frequent Victim/Witness Staff Services during JOD (by Type)[7]



productivity was further threatened by difficulty filling open positions for the unit's secretary/paralegal assistant and the domestic violence investigator whose activities supported prosecution. As a result, morale was low and hopes for more enhanced prosecution was largely unrealized.

Defense Attorneys

Suffolk Lawyers for Justice, which contracted services from the Committee for Public Counsel Service, represented indigent defendants in criminal and civil cases in the Dorchester Court under contract to the Committee for Public Counsel Services (CPCS).[8]

[7] Missing data for 9/03 and 11/03.

[8] CPCS was responsible for the work of about 120 full-time, salaried public defenders, conducting trainings for private attorneys that are assigned to indigent defense cases, and paying private attorneys for their indigent defense work.

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During JOD

From the start, JOD planning included a defense attorney from the Committee for Public Counsel Services. The defense representative joined in the development of JOD procedures to ensure that the rights and interests of defendants were considered as new procedures were developed. Strategies supported by the defense included:

- Hearing IPV jury trials in another courtroom (session 5); and
- Helping respondents named in civil restraining orders understand the court requirements and avoid violating orders which would lead to criminal charges and penalties. The defense bar played a role in the development of the Dorchester Community Outreach Worker Program in which a worker from the community met with respondents of civil restraining orders to review the order's requirements and the potential criminal justice, housing, employment and immigration consequences of violating an order. The program also offered respondents referrals to appropriate services (batterer intervention, shelter, adult basic education, employment, job training, higher education, and substance abuse treatment and mental health treatment).

A defense attorney—daily duty attorney—was assigned to the Dorchester Domestic Violence Court (DDVC) to represent indigent defendants (and probationers) appearing for hearings. The services of these private attorneys were paid through a court contract with the Suffolk Lawyers for Justice. [9] The number of defendants represented by public defenders during JOD is shown below in Table 2.3.

Table 2.3. Public Defender Representation of IPV Defendants in DDVC

	2001 (9 months)	2002	2003
Number of domestic violence offenders assigned a public defender	857[10]	1437	1475

Source: Monthly data submitted to UI by JOD.

Implementation Issues

According to the JOD defense representative, defense attorneys working in the Dorchester Court did not typically believe that the specialized court and intensified offender accountability unfairly increased the penalties their clients received. This was because many of their clients were sentenced to probation with enhanced supervision rather than to incarceration. However, another JOD partner expressed concern that by urging clients to accept a minimal plea, such as continued without a finding (CWOF), defense attorneys might not be serving their clients' best interests. Although these pleas appeared relatively risk free and easier than going to trial, this attorney argued that more aggressive defense might result in screening of cases and prosecution of only those with more robust evidence.

During the project it became evident that the understanding of JOD among the relatively large pool of private attorneys assigned to these cases varied. Training for defense attorneys has been planned by JOD, but delayed by a variety of circumstances.

Because IPV cases were more labor intensive and draining than cases from the other arraignment session (motor vehicle charges, trespassing, possession charges plus the more serious youth violence and drug cases), the assignment to DDVC was not popular with

[9] Cases involving serious felony charges (facing sentences of 2.5 years or more) were heard in Superior Court and represented by attorneys from the Committee for Public Counsel Services.
[10] Does not include January, February, or April 2001.

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defense attorneys and a policy of making assignments on a rotating basis to reduce the burden of representing these cases was put into place.

Dorchester Court

The Dorchester court, originally the Dorchester District Court and now the Dorchester Municipal Court is a busy urban court. In the year before JOD, the five sitting judges in the Dorchester Court carried an overall caseload of 9,500 cases. In the year before JOD began, the five sitting judges held nearly 2,000 civil protection order hearings, heard1,500 felony and misdemeanor cases annually, and oversaw approximately 600 convicted domestic violence offenders on active probation.

The only specialized court sessions were those devoted to scheduled probation violation hearings. Civil restraining order matters were heard throughout the day in regular sessions as soon as the paperwork was completed. Judges presided at hearings for probationers when the probation officer requested a sanction, probation revocation, waiver of fees, or early termination of probation. There were no routine review hearings.

The judges adhered to the Massachusetts Trial Courts' Guidelines for Judicial Practice in Abuse Prevention Hearings, developed by the District Court Professional Development Group. Judges routinely emphasized to defendants that domestic violence is a serious crime, and not a personal problem or lesser matter. Sentences required jail or probation with conditions that included successful completion of a MA Department of Public Heath certified BIP and, if needed, substance abuse treatment.

JOD helped promote a number of changes to the way the court managed domestic violence cases. Key changes, described in more detail below, included:

- Creation of a specialized court part (Session 2) to consolidate court proceedings involving domestic violence.
- Creation of a new post-conviction compliance process—known as judicial review hearings. The judges regularly scheduled a time and date to check on offender compliance with conditions of probation and used graduated sanctions and rewards to motivate offender compliance with probation officers and the terms and conditions of probation.
- Expansion of court-based services for victims. The court made office space available for staff from four community based victim assistance agencies to assist victims seeking protection orders and those involved in criminal cases. These services improved the linguistic capacity of the court to respond to the needs of these victims as described in more detail in the section on victim services.
- Creation of the Dorchester Outreach Worker Program to engage respondents in civil protection order hearings. Its goals were to help: 1) defuse angry respondents, 2) give victims time to exit the court while the respondent was talking with the worker, and 3) educate respondents regarding the conditions of the order, the consequences for violations, and gave practical strategies to avoid violations.
- Enhancements in safety for victims and staff, including education for court officers regarding courtroom safety issues in IPV cases and additional space in Session 2 to hold in-custody defendants who are making court appearances.

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In addition to these specific changes, the Judges who sat in Session 2 participated in, and conducted, judicial education sessions specific to the dynamics of IPV. This included local, state and national level education programs. They also hosted site visits for parties interested in learning more about JOD activities. The court worked closely with JOD administrative staff, criminal justice agencies, and community partners to assure that JOD-related administrative and outcome goals were met in a fair and just manner.

Creation of a Specialized Court Part

In September of 2000, a separate court part (Session 2) was created to consolidate most court proceeding addressing intimate partner violence crimes. For the remainder of this report, this new session is referred to as the Dorchester Domestic Violence Court (DDVC). Specifically, DDVC conducted restraining order hearings, arraignments, bail hearings, dangerousness hearings, pretrial hearings, plea hearings and sentencing in cases resolved without trial. Although it originally planned to handle all domestic violence matters, the DDVC scaled back its mission to include only those cases involving intimate partners—removing those cases related to domestic violence involving parent/child, siblings, extended family relationships, and household members who were not intimate partners. This helped manage the daily calendar and work flow in the DDVC and allowed for development of targeted resources to address the distinct needs of cases involving IPV. The DDVC also scaled back its calendar by moving all IPV trials to another court session (Session 5) although it continued to monitor all defendants who were found guilty at trial and who were subsequently sentenced to probation or probation with a split sentence. The DDVC also held hearings related to probation violations or new arrests involving a defendant/probationer in IPV cases and conducted all of the newly added post-conviction compliance hearings.

At arraignment, preliminary charges were filed, judges issued statutory warnings, bail was set, and no-contact orders were issued upon victim request. [11] Bail could be denied only under limited conditions, such as commission of a new crime during pretrial release (up to 60 days), or risk to public safety (in general or to a specific person) if there was probable cause that the person committed a crime and no conditions can adequately protect public safety. Records of prior crimes and protection orders and outstanding warrants were available to the judge for consideration in setting bail. About half of the defendants in DDVC were released on their own recognizance (45% of those arraigned in 2001; 53% in 2002; and 50% in 2003). During JOD, the number of IPV arraignments in DDVC remained relatively steady as Table 2.4 shows.

Table 2.4. Arraignments on IPV Criminal Charges in DDVC[12]

	2001	2002	2003
Number of Arraignments in DDVC	1462	1430	1545
Released on PR	659	756	774
Bail/Bond Set	612	549	643
Held without Bail	173	125	128
Unknown	18	0	0

Cases then proceeded as usual to case disposition. While the case was pending, victims received regular notification of court hearings and findings. This notification came by mail or

[11] No contact orders were issued as a condition of release in criminal cases upon the request of the victim. These differ from civil protection orders barring contact which were issued in response to petitions filed by the victim.
[12] The Table does not count domestic violence arraignments in other sessions.

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telephone from the prosecutor's Victim/Witness Unit.[13] Victims were encouraged to appear at hearings and advised of their right, under state law, to be heard at sentencing. Their wishes can be heard through submitting a written statement or they can appear in person. However, no information is available on how often victims took advantage of this option.

In addition to the standard case dispositions (convicted, dismissed, or found not guilty), cases could be continued without a finding (CWOF) if the incident involved no serious injury to the victim and the defendant had no prior domestic violence charges (other prior convictions might be allowed). During the continuation period, the defendants were supervised in the same manner as offenders sentenced to probation, with the similar supervision conditions including completion of a certified BIP. Upon successful completion of the CWOF conditions, the case was dismissed and no finding of guilty was entered. Violations of CWOF conditions resulted in probation violation hearings, and the judge responded with sanctions, ranging from the imposition of a guilty finding with an extension of probation, a suspended sentence, a split sentence or a commitment or a continuation of CWOF (for minor technical violations) with additional terms of supervision.

The sentences imposed upon conviction, shown in Table 2.5, indicate that between 2001 and 2003 approximately two-thirds of those convicted were sentenced to probation and subject to intensive supervision by the Domestic Violence Probation Unit (described later in this report). Most of the remainder served some time incarcerated for their offense.

Table 2.5. Domestic Violence Case Sentencing in Dorchester Court by Year [14]

Sentences Imposed at Initial Sentencing Hearing	2001	2002	2003
Total Number	487 (100%)	468 (100%)	484 (100%)
Probation/Suspended sentence	321 (66%)	301 (64%)	320 (66%)
Jail time plus probation (split sentence)	42 (9%)	90 (19%)	69 (14%)
Incarceration Only	84 (17%)	67 (19%)	68 (18%)
Other Penalties Only (Fines/Guilty File/time served)	40 (8%)	10 (2%)	27 (6%)

Judicial Review Hearings for Probationers

Beginning in February of 2001, offenders sentenced to probation for IPV were routinely scheduled for one or more post-conviction compliance hearings (also known as Judicial Review Hearings or "probation reviews"). The date of the first compliance review was typically set at the time of sentencing and typically scheduled for 30 days after sentencing. A second review hearing, scheduled at the conclusion of the first review hearing, was set for 90 days (or sooner if compliance problems were identified). A third review hearing was scheduled 120 days thereafter again depending on compliance. Thus, all probationers were expected to have a minimum of three compliance hearings and could have more, unless probation was revoked during the year.

Judicial review hearings differed from standard revocation/surrender or violation hearings in that they were automatically scheduled and were not dependent on lack of compliance to trigger the hearing. The goals of these review hearings included: sending a message to newly sentenced probationers that the judge was serious about assuring that court orders were met; reinforcing the role and the authority of the probation agent who was supported by

[13] State law required victim notification any time a defendant was released.
[14] Table includes IPV and other types of domestic violence cases hearing in DDVC and other Dorchester courts.

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the judge in assuring that court orders were met; setting a process for checks on system functioning such as ability to quickly enroll and monitor offenders assigned to community programming as a condition of probation; and providing opportunities for the judge to impose graduated sanctions and rewards based on the level of compliance demonstrated by the probationer and reported on by the probation agent. Both the probation agent and the probationer were required to appear at review hearings. If the probationer failed to appear at a scheduled review hearing a warrant was issued. During the hearing, the judge was updated on probationer compliance by the probation officer and asked questions about the probationer's progress and any problems the probationer was having. The judge also typically asked questions directly to the probationer. Questions directed to probationers frequently related to what the probationer felt he or she was learning from the process and any other information that the probationer wished to share with the court. Victims were made aware of the hearings and were welcome to appear or send messages to the court through the probation agent, but their participation was strictly voluntary. However, if a serious probation violation was detected, the probation agent did not wait for the regularly scheduled compliance hearing, but requested an immediate surrender hearing before the court. Immediate violation hearings were requested for: 1) a new arrest, 2) victim reports of repeat abuse, 3) persistent failure to comply with probation conditions such as not attending batterer treatment or failing drug tests, and 4) apprehension on a warrant for probationers who had absconded. An initial (preliminary) probation violation hearing was scheduled as soon as possible after a serious infraction to provide an immediate response. When possible, preliminary probation violation hearings also took place before the sentencing DVCC judge.

Because serious violations were addressed immediately, in advance of a scheduled review hearing, most review hearings involved probationers without serious violations. As illustrated in Table 2.6, the vast majority of probationers (90% or more) were in compliance at the time of their review hearing. The remaining 10% were sanctioned or, if they failed to appear a warrant was issued.

Table 2.6. Number of Judicial Review Hearings in DDVC by Year

	2001	2002	2003
Review Hearings Held[15]	249	555	617
Probationer in Compliance	221	542	602
Probationer not in Compliance	28	13	15
Penalties Imposed			
Warning issued	4	4	3
Surrender hearing	11	4	6
Other (change probation terms, detoxification, psychological evaluation, schedule for 30 day review)	13	5	6
Failed to appear, warrant issued	5	22	29

Surrender hearings were scheduled to consider revocation or the imposition for serious penalties. At a preliminary surrender hearing, scheduled as rapidly as possible after the violation, violation charges were reviewed and a date for a final surrender hearing set. At this hearing, a decision was made on whether to release the probationer pending the final hearing. Probationers could be detained if there was reason to believe that a violation had

[15] Review hearings that were scheduled, but not held because a surrender hearing occurred before the scheduled review hearing are not included, nor are hearings at which the probationer failed to appear.

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occurred and that there was a safety issue or flight risk. In cases involving technical violations, judges often preferred to release the offender and give them 30 days before a final probation violation hearing to get into compliance with probation conditions. At the final hearing, the evidence against the probationer was presented and a defense could be offered. At the final hearing, the judge could impose a committed sentence, a split sentence or a suspended sentence, or continue probation with different, usually more restrictive, requirements. If a new offense had occurred (especially one involving violence or threats), the judge might revoke probation on the earlier offense and add probation on the new offense to follow incarceration on the first.

Penalties at probation violation hearings tended to be severe. About half resulted in incarceration or a split sentence being imposed. Warnings alone were relatively rare, never occurring in more than 4 percent of the final violation hearings. The remainder had conditions of supervision increased or other penalties imposed. The number of final probation violation hearings and the sanctions imposed are shown by year in Table 2.7.

Table 2.7. Final Probation Revocation Hearings and Penalties

	2001[16]	2002	2003
Number of Final Probation Violation hearings Held	N/A	220	252
Number of Penalties Imposed at Final Probation Violation hearings	N/A	203	222
Warning Issued	N/A	13	8
Probation Extended or Requirements Increased	N/A	85	79
Suspended/Split Sentence Imposed	N/A	24	23
Incarceration	N/A	68	81
Other	N/A	13	31
Warrants Issued for Failure to Appear	N/A	11	8

Overall, the supervision of IVP probationers entailed a significant number of hearings each year. Assuming one preliminary probation revocation hearing occurred prior to each final probation revocation plus regularly the scheduled review hearings shown in Table 2.6, the total number of hearings for IPV probationers in DDVC is estimated to be 601 in 2001, 995 in 2002, and 1121 in 2003.

Consolidation of Requests for Restraining Orders

The DDVC also assumed responsibility for hearing all requests for civil restraining orders.[17] They are initiated by a victim petition to the court alleging threat of harm by the respondent. If there is evidence of risk to the victim, the court issues a temporary order, effective for 10 days. DDVC held 1043 hearings in 2002 and 892 hearings in 2003 to consider requests for temporary restraining orders (shown in Table 2.8). Temporary orders were issued at nearly 95% of the preliminary hearings for IPV petitions in the DDVC. To extend the orders, victims had to return in 10 days for a hearing to get the order extended. Between the two hearings, respondents (alleged perpetrators) named in the orders had to be served notice of the hearing to be sure that they were given an opportunity to contest it. Often service was delayed, and matters continued at the extension hearing to provide additional time to locate and serve the respondent. Civil restraining orders differ from no-contact orders issued by the court during criminal procedures. No-contact orders are issued upon the discretion of the judge and are not subject to evidentiary hearings.

The only data on hearings to extend temporary restraining orders covers all types of domestic violence orders heard in any of the Dorchester Court sessions (shown in Table

[16] Probation data was not standardized until May 2001.
[17] Local laws prohibited the use of mutual restraining orders except where both parties file a claim and the court finds that both are primary aggressors, with neither acting in self-defence.

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2.9). These data, covering both IPV and other domestic violence, indicate that domestic violence petitioner/victims did not return for more than half the hearings and the temporary order expired. The reasons why they did not appear could not be documented, but an earlier study of IPV protection orders in Denver indicated that failure to return to request order extension occurred for a variety of reasons.

Table 2.8. DDVC IPV Temporary Restraining Order Hearings by Year

	2001	2002	2003
Temporary Restraining Order Hearings in DDVC (IPV)	N/A	1043	892
Orders Issued	N/A	977	841

There were four reasons frequently cited by the sample of 119 women who did not return for an order extension were that: 1) her partner had stopped bothering her (reported by 64%), 2) her partner talked her out of returning (35%), 3) she had reconciled with her partner (27%), and 4) her partner had entered counseling (25%) (Harrell, Smith, and Newmark, 1993). A smaller percentage reported fear of retaliation (11%), partner threats (6%), and partner forced his way back into the home (4%).

Other restraining order hearings involved victim petitions to have an order vacated. Victims have the right and obligation to request that the restraining order be vacated if they decide they are no longer at risk and wish to have unrestricted contact with the respondent named in the order. If victims requested that a restraining order be vacated, judges granted the request only after inquiring about reasons (to eliminate coerced requests) and requesting that the victim speak with an advocate first about the advisability of reducing, not eliminating, the restrictions imposed on the abuser, and risks to children.

Table 2.9. Dorchester Court[18] Domestic Violence Restraining Order Extension Hearings by Year

	2001	2002	2003
Permanent Order* 10-day Extension Hearings (all			
Confirmed/Extended by judge	603	753	535
Denied	5	7	8
Vacated[19]	--	230	155
Dismissed/ No Person Present	786	800	807

Enhancements to Court-based Advocacy and Safety

The lead judge in the DDVC, the JOD project director, JOD site evaluator, and the clerk's office worked collaboratively with four very diverse non-governmental, community-based organizations to enhance and expand court-based services for victims in criminal domestic violence cases and persons seeking civil restraining orders.

Under the enhanced system, when a petitioner seeking a civil restraining order or a victim in a criminal case entered the courthouse, they were directed to speak with a specially-designated person in the clerk's office who would briefly assess the situation and circumstances of the request, and then direct the petitioner to either the newly enhanced court-based advocacy office inside the courthouse or to one of the pre-existing victim/witness staff who work for the DAs office. The referral decision by the clerk's "triager" was based mainly on whether or not there was an open criminal case, what the level of

[18] Includes hearings in all sessions, not just DDVC.
[19] Data on the number of retraining orders vacated at the 10-day return was not kept until January 2002.

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violence was that was being alleged (could it rise to a chargeable criminal offence), and what outstanding advocacy needs the petitioner might have.

For example, to reduce the number of court appearances for the victim and ensure that the defendant had full notice of the order, victims in criminal cases were often assisted by staff in the prosecutor's Victim/Witness Unit and their petitions were heard in conjunction with the criminal case. If there were no pending criminal cases against the alleged offender—i.e. the listed respondent, the triager would often refer the petitioner to the shared office housing the community advocacy agencies. At that point, a representative from one of the four agencies was selected to help the petitioner prepare the paperwork needed to request the order. Agencies represented in this shared office came from one of four, nongovernmental, community-based organizations: Asian Task Force Against Domestic Violence, the Association of Haitian Women in Boston, Casa Myrna Vazquez, or the clinic operated by the Northeastern University School of Law's Domestic Violence Institute. The agencies selected to participate in the court-based project were chosen because they were culturally and linguistically diverse and were representative of populations served by the Dorchester Court. Having this diversity helped enhance the language capacity of the court and gave the agencies an opportunity to link petitioners to neighborhood-based services outside of court.

An analysis of 669 domestic violence restraining order applications during the first six months of 2002, prepared by the site evaluation coordinator, showed that the vast majority of the petitioners (88%) received assistance from one of these sources. In only three instances was no advocate available to help.

One loss that affected victims waiting for restraining order hearings was the closure of the court's childcare center that had been located on the first floor of the courthouse. Furnished for child-care prior to JOD, the room was diverted to other uses midway through implementation of JOD. This closure occurred when state funding for staffing was not continued. As a result, from that point on, victims and their children could be seen waiting in the halls or in the victim services conference room throughout the day.

In addition to the triager's role in directing petitioners to the appropriate court-based services, the triager maintained a case tracking system for referrals, maintained a community referral system, participated in community outreach for JOD, and provided advocacy back up when needed. The number of victims seen by the triager varied by month from 80 to nearly 180, averaging about 125 (as shown in Figure 2.4).

The triager position was particularly critical in Dorchester as many victims were not fluent in English and needed to speak with someone in their native language. As described later, JOD made significant efforts to expand capacity within the courthouse to provide multi-lingual staff, particularly advocates. The triager was fluent in three languages and could call upon other staff for help in other languages. This position was staffed initially by the Dorchester Community Roundtable and later moved to the Office of the Clerk Magistrate. It has been selected as a high priority for continued funding after the demonstration period.

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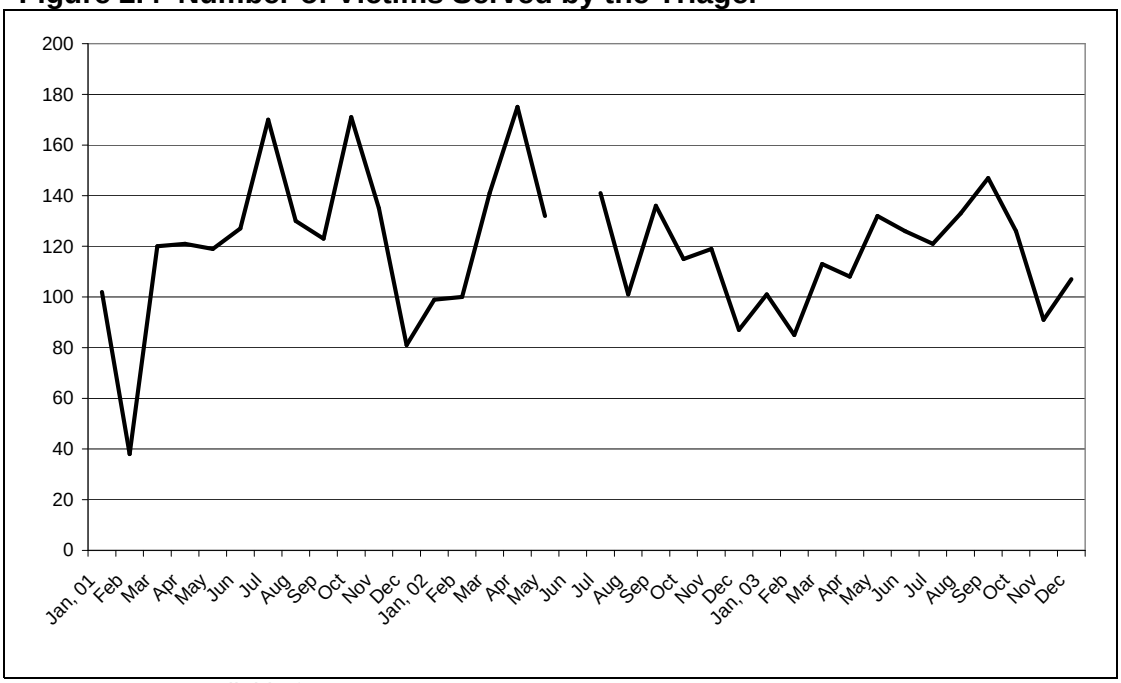
Table 2.10. Civil Restraining Order Advocacy provided at the Dorchester Court

January - June 2002	
Restraining order applications	669
Number of plaintiffs who received advocacy	589
Plaintiffs who did not receive advocacy*	80
No advocate available	3
Refused advocacy	6
Conflict of interest	42
Primary aggressor	21
Arraigned on a warrant	8

* Advocacy was declined for one of several reasons: 1) a conflict of interest occurred when the civil legal advocates had assisted the opposing party in a current or prior restraining order application, 2) the request came from a person they determined to be the primary aggressor, and/or 3) the applicant/petitioner was being arraigned on a warrant.

Figure 2.4 Number of Victims Served by the Triager



Note: Data not available for June 2002.

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Enhancements to Victim and Staff Safety Inside the Courthouse

In response to concerns for courtroom safety, a secured holding area was constructed in Session 2 (DDVC). Due to state budget cuts and staff shortages, it was common for only one court officer to be assigned to the session on any given day. When the officer had to leave the courtroom to prepare an in-custody case for a court appearance or the take a person into custody, this left the courtroom in a vulnerable situation. The secured room did not solve the staffing issue, but it did help the court officer better manage potentially volatile defendants and limited the amount of time it took for the officer to move defendants. It also helped defense attorneys have a more secure environment to meet with their clients before court appearances.

A number of enhancements were made to help better assure safety for both victims and for staff of the Dorchester Court and the newly created DDVC. JOD program partners and various court staff worked to assure ongoing coordination, cross-training, and collaboration to help make the court more aware of and responsive to safety issues in IPV cases. Court security staff members were encouraged to attend regularly scheduled, grant-team meetings held at the courthouse. A few examples resulting from JOD coordination efforts to address safety include the creation of a process to engage respondents in civil restraining order hearings (the Dorchester Community Outreach Worker Program explained below) and the addition of a secured holding space for in-custody defendants making court appearances in Session 2.

The Dorchester Community Outreach Worker Program was an important new initiative. While the program had a number of objectives (defusing angry respondents; giving victims time to exit the court while the respondent was talking with the worker; educating respondents regarding the conditions of the order, the consequences for violations, and giving practical advice on strategies to avoid violations; making referrals to community-based organizations; as well as, hosting community-education forums with at-risk populations), at its core was the goal of enhancing safety both inside and outside of the courthouse. In court, this was achieved by having an outreach worker immediately make contact with the respondant after a contested hearing. The worker would explain that his (the worker's) role was to help assure that the respondant fully understood what happened in court and to help the respondant understand the practical implications of the restraining order. This was especially important in Dorchester because of the diverse cultural populations served by the court. Many of which included new immigrants to the United States. Like the triager position, the search for the outreach staff focused on hiring staff with diverse cultural and linguistic capacity. Although the worker provided a service for the court, the program was run by a community-based organization. Services provided by the program are described in Table 2.11.

Table 2.11. Dorchester Outreach Worker Program Services in 2003

Respondents served	**226**
Total Number Of Times Services Provided	464
By Type of Service	
Safety planning/crisis intervention	180
Restraining order education/clarification	185
Referral to shelters	4
Referral to substance abuse agency	5
Referral to educational agencies	29
Referral for other legal needs	4
Assessment/referral for social service needs	0
Other services	44
Community presentations	23

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Implementation Issues

In implementing these changes, the court addressed several issues. These included:

- Resistance to change. There was relatively strong opposition within the courthouse and the court system to making the changes in procedures required by JOD. Pleas for additional judges were slow to be heard; space for project staff was difficult to arrange. The leadership of the judges, the skills of the project director, and positive experiences with JOD staff produced gradual acceptance of DDVC and produced a fundamental change. As one partner from another agency, emphasizing the difficulty of the task, put it "It was a combination of …a solid idea, plus dollars, that made it possible … against all odds."

- Judicial workload. The DDVC began with two judges, but found the workload too heavy. In 2001, the Administrative Office sent a judge to observe for a week. As a result of his observation of the critical staffing needs of the court, this judge volunteered to sit in the domestic violence session one day a week. In 2002, the number of judges in the dedicated domestic violence session increased to four. In 2004, there are five judges who each sit in the session one day a week.

- Coordination of hearings with the probation officers' schedules. Because a goal of the initiative was to have probation violation or compliance hearings heard before the sentencing judge, and because agents were not assigned to a specific judge, this often meant that agents had to spend more time in court—a hearing could be scheduled on any day and at any time—judges rotated and there were no pre-set times or days for hearing certain types of cases. This increased the challenge to agents needing to schedule offender meetings and needing to conduct random field monitoring.

- Evidence for probation violation hearings. For probation violation hearings, policies were developed to allow probation officers to request assistance from the domestic violence prosecutors in complicated violation hearings with a lot of testimony from witnesses. The policies included providing prosecutors with copies of violation notices when issued, followed by a conference to determine who to summons in for the violation hearing. ADAs assisted with questioning in violation hearings when requested by a probation officer to do so and helped train twenty probation officers in techniques to use in examining witnesses.

In July 2003, court reorganization legislation moved the Dorchester Court from the District Court Department to the Boston Municipal Court (BMC) department within the Massachusetts Trial Court, bringing additional judges and lower caseloads. In the spring of 2004, about 800 trial cases from Dorchester, including some IPV cases, were assigned to other local courts within BMC in a one time effort to help clear the backlog that had developed when Dorchester Court was under resourced with judges. While offering much needed assistance, this may have temporarily diluted the effectiveness of the carefully built and nurtured procedures for collaboration among Dorchester agencies in handling IPV cases. Cases were heard on dockets not dedicated to IPV without the benefit of specialized domestic violence training for the judges and prosecutors, and without easy access to the court-based community advocates, victim/witness staff trained in IPV, and specialized probation agents in the Dorchester Court. However, the IPV cases reaching disposition in other courts were returned to DDVC for post sentence supervision by the probation department and were scheduled for probation review hearings in the DDVC. Going forward, this change may alleviate some of the pressure from the very busy trial caseload in Dorchester Court.

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Probation

The Probation Department in Dorchester was a division of the court and was located in the courthouse. At the start of JOD, the staff of the specialized Domestic Violence Probation Unit included four probation officers and a supervisor. The unit, while trained and motivated, was hampered by high caseloads of 150 to 165 per officer. The unit had a policy of requiring IPV offenders to report to a probation officer weekly for at least the first four months of probation. Those who complied in every detail might be allowed to report bi-weekly after that, but rarely less frequently than twice a month. This meant that contacts had to be brief and routine. Most IPV probationers were ordered to attend a BIP and the officers received monthly reports on program compliance in accordance with Massachusetts state standards and could reach BIP providers easily for additional information.

Resources to assist officers were sparse. In the absence of desktop computers, officers had to request data from multiple systems to check on clients (e.g., to check for outstanding warrants or delinquent payments to the court).

Probation goals identified in the Dorchester JOD proposal included: 1) expanding victim outreach efforts; 2) providing information to judges at arraignments on the probation compliance of those arrested on new charges, and 3) improving record-keeping by enhancing technical resources.

The number of IPV offenders placed on probation in DDVC is shown in Table 2.12, with a description of the number of times various conditions of probation were included in court orders. The number of offenders entering probation for IPV averaged about 40 per month during JOD. Statistics for offenders placed on probation between March 2003 and December 2003 indicates that 86 percent of the IPV probationers were male. Approximately 70 percent were required to attend a BIP, and about half were ordered to substance abuse testing and/or evaluation and treatment as needed. Fewer than 10% were ordered to other treatment services. In cases where children were present, when the victim has expressed concern about the defendants' manipulation or negative parenting, or when the victim and child wanted more contact with the defendant, a probationer might be required to attend the Fatherhood Program operated by the Probation Department for the purpose of encouraging men to become involved in their children's lives in positive ways. Another program used as part of probation included the Changing Lives Through Literature Program, a program designed to improve reading skills. This program was usually offered only after successful completion of a BIP. Because the enrollment criteria for this college-campus course were selective and limited to those probationers showing positive progress, and because successful completion of this course could result in a reduced probation sentence (by as much as six months), it was viewed by most probationers as an incentive for positive change. Other conditions included on all probation orders were restricted travel, reporting to probation within 48 hours of release from incarceration, monthly verification of residence and employment, full-time employment, school or job training, compliance with all local, state & federal laws and court orders, and no abuse of the victim. Officers could make additional service referrals as needed.

In late 2000, JOD funds were used to increase the number of specialized agents from four to eight. This reduced the average caseload to between 60 and 80 cases per officer – a heavy, but more manageable workload. Across the next few years, the technological resources to support intensive supervision of IPV offenders were steadily expanded and upgraded. The decreased caseloads in the Domestic Violence Unit gave officers time for:

- Increased victim contacts.
- More home visits and community contacts, putting probationers on notice that they were subject to spot checks.

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- More in-depth discussion with probationers regarding problems and an expanded focus on problems such as drug or alcohol abuse and employment problems that contribute to probation failure.

- More time to prepare and document level of probationer compliance for judicial review hearings.

Table 2.12. Conditions of Supervision for IPV Offenders on Probation[20]

	2001	2002	2003
Number starting Probation for IPV	633	601	494
New cases referred from DVCC	552	533	449
Cases transferred from other courts	81[21]	68	45
Conditions of Supervision[22]			
Batterer Intervention Program	331	364	315
Substance Abuse Testing	N/A	266	205
Substance Abuse Evaluation or Treatment	144	254	202
Mental Health Evaluation or Treatment	29	36	37
Fatherhood Program	30	64	47
Community Service	16	4	0
Anger Management	N/A	6	15
Restitution	19	26	10
Fines	66	9	0
No-contact with victim		89	62
Other	88	95	117

The officers had a policy of contacting the victim monthly, made increasingly possible with lower caseloads. Victims were encouraged to report violations, but were advised that officers were required to report any serious violations to the court. In some circumstances, officers referred victims to victim service agencies for confidential advocacy and counseling. Officers almost always had contact with the victims in their cases. Nearly half the time, the first contact was when victims appeared with probationers on the day probation was ordered. This was possible because in Dorchester, unlike other JOD sites, no contact with the victim was not routinely ordered as a condition of probation, but was included when requested by the victim.

As stated under the section on courts, the addition of automatic, post-conviction compliance hearings meant that probation agents were now required to prepare reports for the judge who was conducting the compliance reviews. Agents were expected to appear at each of these hearing. They gave on-the-record, verbal reports on the level of probationer compliance and answered questions the judge had. Agents also made requests for offender sanctions or rewards as indicated by the probationer's level of compliance. The agents usually reported information including: BIP attendance records and level of participation in classes; whether or not BIP fees were paid and up-to-date; information on employment status; and the status of other ordered terms of probation such as mental health treatment, community service, GED/ job training, status of mandated drug and alcohol testing, payment of child support or fines and restitution. Judges also wanted to know if the victim in the case had been contacted and if there was information that the victim wanted the court to know.

[20] Includes persons sentenced upon conviction and those sent to probation while the case was continued without a finding.
[21] Does not include January 2001 or February 2001.
[22] Does not include January 2001 or February 2001.

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If the agent detected noncompliance prior to a review hearing, they could use the review date to motivate the probationer to get into compliance before they had to face a judge and the potential consequences for non-compliance. If this did not motivate the probationer, or if the violation was too serious to wait until the scheduled review date (e.g. a new arrest or allegation of new violence), Dorchester agents could request an immediate surrender hearing.

The kinds of technical violations that might trigger a probation violation hearing include, in addition to drug test failures, failure to provide verification of employment, failure to provide verification of current address (this could be a letter from a shelter worker), or verification that they had attended required AA/NA meetings, BIP meetings, that they had failed to stay in Massachusetts, that they failed to provide child support or pay court ordered restitution or fines. All of these constitute technical violations, and one or any combination of these could result in a request for a violation hearing. Any new arrest or violence would result in an immediate request for a violation hearing. At the preliminary hearing, the probation officer presents evidence of the violations. If the violation involves any violence, the officer will request detention (up to 30 days) pending a final violation hearing. For other violations, the officer may request release to give the probationer a chance to get into probation compliance before the final violation hearing.

Officer descriptions of their supervision practices indicate close monitoring with sanctions that increased in severity when non-compliance persisted. Asked to describe when a violation hearing would be requested, one officer used the example of positive drug tests. His response to the first positive test in cases with no suggestion of risk to the victim would be warnings and treatment referrals, but he would probably request a preliminary probation violation hearing in response to a third. Some response to failed drug test was certain, but the point at which a probation violation hearing was requested depended on the drug history, the drug being used (marijuana versus crack or heroin), and whether other violations were observed. The probation supervision activities are described in Table 2.12.

JOD also helped improve intensive monitoring of IPV offenders by purchasing desktop computers for the Domestic Violence Unit. The Massachusetts Trial Court Information Technologies Division (IT) provided two days of training to get them started. The officers used the computers to track cases using word processing software. The IT division subsequently decided to computerize the entire Dorchester probation department, and provided computers for the Probation Clerical Unit, that were all connected to the Massachusetts Trial Court computer network. These changes gave officers desktop access to: (1) the CORI (criminal records) database, (2) another database of current warrants and (3) a financial system with information on payment of court fines, fees and restitution.

Table 2.12. Supervision by the Domestic Violence Probation Unit

	2001	2002	2003
Number of Contacts with Probationers	13,352	18,356	20,468
Number of Home/Field Visits[23]	N/A	2,189	3,199
Number of Contacts with Victims	1,439	2,541	2,560
Number of Contacts with Batterer Intervention	1,910	2,629	2,576
Number of Contacts with Other Service Providers[24]	3,197	4,763	5,150
Number of Contacts With Defense Attorneys	1,181	1,568	1,519

[23] Number of home visits was not collected until March 02.
[24] Number of contacts with other service providers includes number of contacts made with alcohol/substance abuse service providers, mental retardation/health providers, and other service providers/programs.

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Cited benefits of the new resources and increased collaboration included:

- New police contacts with probationers were easier to detect.
- Information on compliance, 911 and police contacts, and treatment participation was readily available to use as evidence at probation violation and review hearings.
- Reports to the court on probationers being arraigned on new charges were easier to prepare and included much more detail on compliance and criminal history.
- The unit supervisor began developing internal management systems for documenting supervision and probationer outcomes.
- Officers believed the detailed records motivated clients, who referred to the data during the review hearings and cited it as evidence of their achievements and success in complying with probation conditions.

Another benefit of improved data and collaboration during JOD was better and faster corrective actions. One example, cited during interviews, was a case in which a new serious incident occurred and due to JOD enhancements, a probation violation hearing took place within 12 hours rather than seven to ten days it might have taken prior to the JOD enhancements. During that period of time, a file of all the information required by the court was assembled (e.g., the police report, criminal history report), the victim and advocates were contacted, and a place on the docket scheduled. While not all cases were so dramatic, the higher detection rates and faster response removed dangerous or potentially dangerous probationers from the community.

Enhanced information sharing did not always mean a negative consequence for probationers. It also meant that those probationers who complied with conditions of probation could be moved to less intensive monitoring over time or could be enrolled in incentive programs as mentioned earlier. Not only is this good for individual motivation and positive social change, better information can lead to more productive use of scarce resources. For example, funds saved because of better caseload management are now being used for the development of an integrated database to expand interagency data sharing. System development was completed in 2004 and negotiations on data access and system security are underway. If implemented, the integrated system will give probation agents computer linkage to additional information from the police and DAs office, booking information and photo, repeat call analysis to specific address, the names of police and DAs office staff that handled specific cases with their phone numbers and email addresses.

In another effort to improve access to data, JOD funds were used to hire two assistant probation officers, who along with providing probation information to the judge in DDVC, also collected data during the session. Because this information was not recorded in existing court information systems, it provided the court, the probation department, and JOD project managers and evaluators with much needed data on probation cases.

Several JOD partners commented on the greater collaboration between the probation unit and other agencies. Examples included: joint home visits with domestic violence detectives in dangerous cases; using the JOD project director as a single point of contact for BPD officers trying to locate a suspect's probation officer; expanded communication with BIPs on client progress; and contacts with community-based advocates, victim/witness staff, and the peace liaisons in district police stations. These examples reflect the emphasis on a team approach adopted in Dorchester. Benefits cited by JOD partners included:

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- Increased individualized case management and expanded probation conditions which expanded participation in collateral services;
- Increased cross-training and collaboration with other agencies. For example, BIPs did not reveal information disclosed by victims, but might let probation officers know that they were concerned about a client, alerting the officer to the need to investigate;
- A wider influence on the policies and practices of courts and probation offices outside of Dorchester. For example, the director of Common Purpose was invited to participate in training of probation officers in Roxbury and West Roxbury in JOD procedures and how to replicate programs in their area.

Implementation Issues

Even as other state and city agencies and the general probation department lost staff positions to budget-cutting strategies like early retirement incentives and layoffs, the probation department's domestic violence unit staffing remained stable. The consistency in personnel contributed to the success of the unit's intensive monitoring efforts. However, state-wide budget cuts in the later years of JOD threatened the level of services provided under JOD as open positions in the probation department went unfilled and officers in the domestic violence unit were assigned additional non-DV cases in addition to their normal case assignments.

Although the enhanced monitoring and review hearings appear to increase the workload for probation agents, the caseloads during JOD actually tended to decrease. Reasons may include earlier revocation of noncompliant offenders, reduced contacts with those who showed strong early evidence of progress in BIP, as well as a possible, though not desired, increase in transfers to other probation jurisdictions.

Community-based Victim Service Agencies

Prior to JOD, services available for domestic violence victims in Dorchester included a domestic violence hotline, emergency shelter, counseling, transitional assistance and referrals to battered women's shelters offered by Casa Myrna Vazquez, FINEX House, and the Asian Task Force Against Domestic Violence. These agencies engaged in community outreach and education programs. Several helped victims with issues related to court cases and sometimes their staff accompanied victims to hearings. Six Dorchester neighborhood health centers and two hospitals were staffed by advocates who referred victims to emergency hospital, shelter, police or physician care as well as to additional services such as drug and alcohol treatment and counseling. Coordination among these advocates was facilitated by the Dorchester Community Roundtable Project.

At the courthouse, Northeastern University Law School's Restraining Order Clinic helped victims seeking civil restraining orders prepare petitions and referred victims to services for other legal problems. Victims could receive advice on court matters and were sometimes accompanied to court hearings. The clinic was staffed by law students, working as interns for legal experience under the supervision of a law school professor. There was no formal linkage between the criminal court and any other community-based victim service agencies, nor any presence in the courthouse except for the restraining order clinic. Service coverage by the law clinic was also limited due to students' schedules and academic breaks.

From the start, a primary goal of JOD was to create a comprehensive governmental and non-governmental victim services network. During planning, the project sponsored a facilitated meeting of victim advocacy agencies, adopted a mission statement, membership

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and policies for adding members to the subcommittee, delineated principles for governing members and co-chairs' responsibilities.

A core part of the JOD strategy was establishing a four-person Community Advocacy Team. The Team was given a shared office in the courthouse and access to additional space for meeting with victims. Members of the Community Advocacy Team, funded by JOD through contracts with victim service agencies, provided direct services and referrals for victims, participated in training on domestic violence and community outreach and education, and assisted in collecting data for the JOD evaluation.

The agencies and the role of their team members are described below.

- **Casa Myrna Vazquez**. Casa Myrna Vazquez provides a wide range of services in English and in Spanish to victims of domestic violence who are shelter or community clients. Their services include shelter, mental health services, children's services, and a legal advocacy program. The project staffs SafeLink, a 24 hour, toll free, confidential state-wide domestic violence hotline with the capacity to serve people in any language. For JOD, Casa Myrna Vazquez hired an attorney to assist victims with restraining orders, coordinate services for victims not involved in criminal cases, act as a consultant and trainer on legal issues, and serve as a liaison to the Suffolk Probate Court Project.[25]

- **The Asian Task Force (ATASK)**. The ATASK specializes in working with Asian families and professionals who are working with Asian families. It offers an emergency shelter and safe home program, advocacy for legal, healthcare, housing, and public benefits, English as a Second Language tutoring, parenting skills and children's advocacy, individual counseling and support groups, and job training and educational opportunities. It operates a 24-hour hotline with services in Cantonese, Mandarin, Khmer, Vietnamese, Korean, Japanese, Nepali, Hindi, Urdu, Punjabi, and English. Prior to JOD, ATASK had six to eight community based advocates, serving Vietnamese, Chinese, Korean, and Cambodian populations. In June 2001, ATASK hired a court-based bilingual (English/Vietnamese) advocate to assist with victims seeking a restraining order.

- **The Association of Haitian Women in Boston (AFAB)**. Founded in 1988, the AFAB works to empower Haitian women by providing information on their legal rights and how the justice system works. AFAB services included after-school and Saturday programs for children, cultural and language programs, adult literacy, computer classes, and economic classes for Haitian women. AFAB had seven transitional housing units available for families in crisis (for up to two months) through a subcontract with Transition House. In the summer of 2001, AFAB hired a bilingual advocate (English/Haitian Creole) to assist victims from the Haitian community with restraining orders and do community outreach education.

- **Northeastern University School of Law's Domestic Violence Institute (Northeastern)**. Northeastern operates a clinic at the court to assist domestic violence victims with restraining orders. The program operates during academic semesters when law student interns working under a supervising attorney are available to staff the program. During JOD, Northeastern was designated as the lead agency for civil legal advocacy training for court-based non-governmental advocates assisting with restraining order applications and coordinating the

[25] The Suffolk Probate Court Project is a civil legal services project that is run by Greater Boston Legal Services, Casa Myrna Vazquez and Northeastern University Law School's Domestic Violence Institute at the Suffolk Probate Court.

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delivery of these services. Northeastern assigned a full-time attorney, experienced in domestic abuse prevention, to supervise the community advocacy team at the court house, supervise the law students in the clinic, assist victims with specialized legal needs, and coordinate services for victims not involved in criminal cases.

The Community Advocacy Team significantly expanded the resources available to victims at the DDVC especially as it related to assistance with filing for a restraining order. The number of community-based agencies with staff at the courthouse increased from one to four, each with a corresponding referral network. The advocates from these agencies spent four days per week at court and one at their home agencies to allow them to participate in agency staff meetings, supervision and community outreach efforts. Under JOD, victims had access to advocates who spoke English, Spanish, Haitian Creole, and Vietnamese (supplemented by the DAs victim/witness specialist who spoke Cape Verdean Creole).

Each agency submitted summary statistics on the number of victims served monthly and the number and types of services offered to these victims (shown in Figures 2.5 to 2.8). For reporting purposes, the numbers of court-based services provided to victims were categorized into the following types of services: initial crisis assessment, subsequent counseling sessions, lethality assessment, safety planning, restraining order advocacy, child-related legal advocacy, criminal justice advocacy, referral to other court based advocacy, assessment/referral for other legal needs, assessment/referral for other social service needs, and other services.

JOD continued funding for the ATASK and the AFAB in 2005 due to the language skills and culturally specific advocacy they offered. However, the end of the demonstration meant that funding for the legal advocacy and referrals provided by the Casa Myrna Vazquez attorney and the full-time attorney from Northeastern could not be extended. However, Northeastern law students continued to assist with protection orders during clinical internship semesters under the civil legal services grant, as they had been prior to JOD.

JOD also initiated subcontracts with victim service agencies working in the Dorchester community. The Dorchester Community Roundtable received support to continue coordinating victim services in the community and providing community education and training. Using JOD funds, the Roundtable initially hired the triager to act as the first point of contact for victims coming to the courthouse. Another agency, Safe Havens, was funded to support outreach efforts to faith-based communities. The Close to Home Program was funded to do outreach in the community to strengthen informal neighborhood responses to intimate partner violence, to conduct focus groups in the community and to provide guidance on residents' perceptions of, and any concerns about, the JOD coordinated response to domestic violence.

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Figure 2.5 Most Frequent CMV Services during JOD (by type)[26]

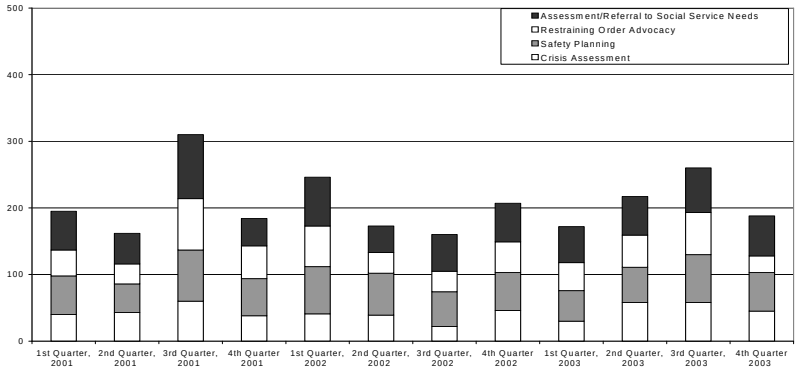


Figure 2.6 Most Frequent ATASK Services during JOD (by type)

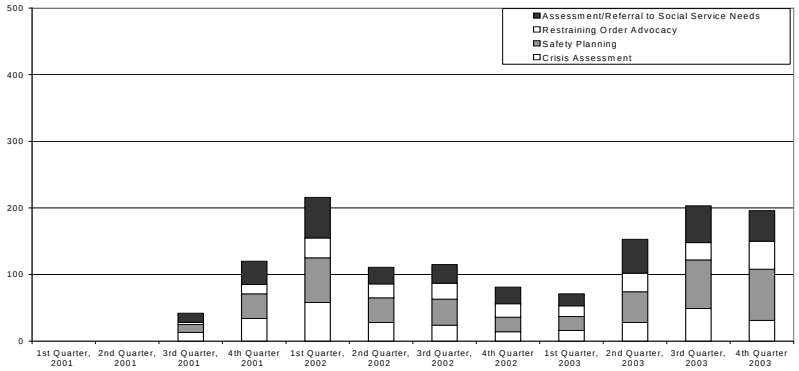


Figure 2.7 Most Frequent AFAB Services during JOD (by type)

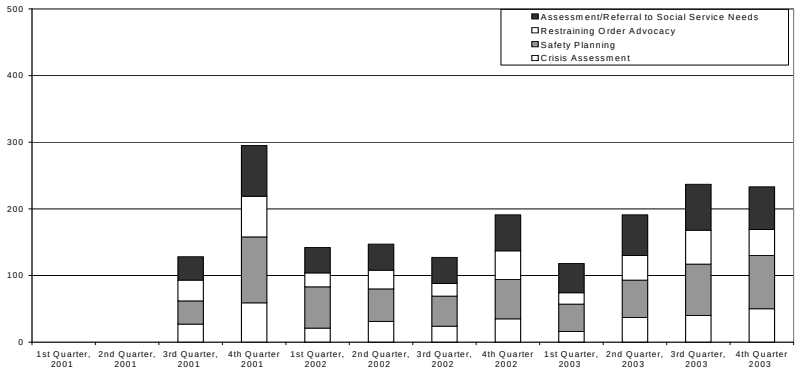
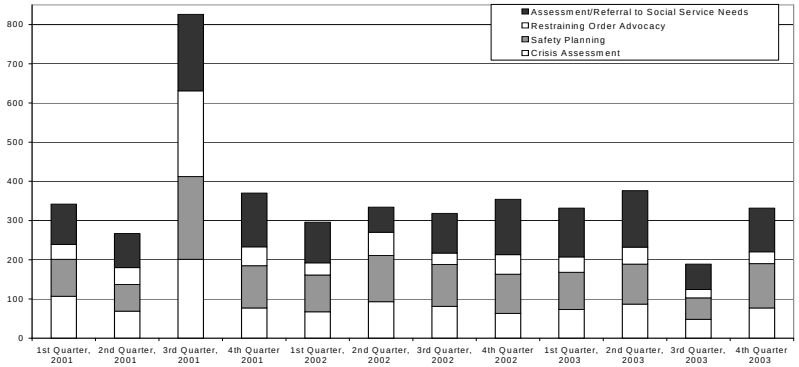


Figure 2.8 Most Frequent NE Law Clinic Services during JOD (by type)



[26] Missing data for the following series of graphs on victim services as follows:
CMV-missing data for 12/01. ATASK-missing data for 7/01, 8/01. AFAB-missing data for 7/01, 8/01. NE Law Clinic-missing data for 5/01.

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Implementation Issues

The expansion of advocacy at the courthouse started slowly and was difficult to sustain. Delays in completing contracts with the victim service agencies meant that only two of five planned positions, the Casa Myrna Vazquez attorney and the Roundtable triager, were filled prior to the summer of 2001. During the interim period, advocates from Casa Myrna Vazquez and Northeastern University law students handled restraining order requests when they were available. Victim/witness staff from the prosecutor's office helped certain victims (i.e. those whose abusive intimate partners had open criminal cases) file restraining order petitions. However, in these early days of the initiative, in some cases, victims did not see an advocate. But, overtime this improved. From late 2001 through 2002, virtually every victim who came to the court was able get assistance with restraining order petitions from an advocate or the Victim/Witness Unit.

To help manage ongoing coordination issues, a victim services subcommittee was established early in the planning phase and met regularly to network and brainstorm about issues and concerns that arose in their daily practice. The committee met monthly and gave the governmental and nongovernmental advocates a chance to network, share referral information, and brainstorm about how to handle co-working some cases. In addition, administrative staff from the victim service agencies met to develop policies and procedures for referring victims to the most appropriate victim services.

Even though the subcommittee helped alleviate many challenges, other more philosophical issues remained. With different missions and allegiances, the various agencies, all committed to helping victims, often disagreed on the best course of action. For example, community-based advocates wanted all victims to be at least offered confidential advocacy. They were concerned because it was routine for victims whose partners had open criminal cases to be directed to the victim witness/staff within the prosecutor's office as a first line of action. Even though there was an agreement for cross-referrals, the community-based office reported that they rarely received referrals from the victim/witness staff for victims who might need additional services. It is also common that many community-based advocacy groups do not believe that criminal prosecution is always in the best interest of the victim. On the other hand, many victim/witness staff feel that criminal justice intervention is critical, even in cases where the victim may disagree. Victim/witness staff wanted all victims involved in criminal cases to participate in prosecution by testifying or at least attending hearings, and encouraged them to complete victim impact statements for sentencing. They were concerned that the community-based advocates would undermine this effort. These philosophical differences often caused conflict and distrust about adherence to cross-referral policies and motivations. Negotiations were ongoing and staff turnover required continued focus on trust building and orientation of new staff. Outside facilitation by neutral facilitators was also helpful in managing this tension.

Batterer Intervention and Services for Offenders

At the start of JOD, four BIPs were serving approximately 300 court-referred offenders from Dorchester and contiguous communities, an estimated 200 referred by the Dorchester Court. These agencies, Common Purpose, Roxbury Comprehensive Community Health Center, Emerge, and the Massachusetts Alliance of Portuguese Speakers (MAPS), offered State-certified programs in English, Spanish, Vietnamese, and Portuguese. Groups for batterers in relationships with same-sex partners were offered by EMERGE. Common Purpose received the majority of the referrals and played a major role in JOD planning and management.

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These BIPs were able to provide services in a few languages other than English, but serving the wide range of diversity represented in the Dorchester population was a challenge (other commonly spoken languages included Cape Verdean Creole and Haitian Creole).

All four BIPs required a minimum of 40 (two-hour sessions) per week, with extended attendance for those attendees who failed to make satisfactory progress. They evaluated attendees with drug or alcohol problems, required them to attend concurrent treatment when necessary, and notified probation agents when substance abuse evaluations and referrals were made. When probation initially refers cases to the BIP, the probation department provided the BIPs with police arrest reports on offenders and copies of criminal records, with appropriate releases from offenders. The BIPs in turn provided monthly reports to probation on probationer attendance and compliance with program requirements, threats to partners, indications of dangerous and substance abuse so that probation agents can take corrective or protective action. As specified in the Massachusetts state standards, BIPs reported on compliance to the probation department monthly.

Prior to JOD, probation officers gave probationers ordered to attend BIP 30 days to enroll. Failure to enroll would result in probation scheduling a preliminary probation violation hearing. However, many offenders delayed entry until just prior to a final probation violation hearing. At that time, the judge usually issued a verbal warning and extended probation if necessary to allow them enough time to complete the BIP. Because of the high probation caseloads, it sometimes took longer for agents to discover violations and longer to address those violations. Thus, accountability was delayed.

As required by the Public Health Department, Dorchester BIPs tried to contact all battered women whose partners were attending groups and succeeded in reaching an estimated 60 percent. Contacts were attempted at program entry, half way through the program, and at the end of program participation (whether by graduation or termination). The purposes of contact were to: 1) describe the content and requirements of the program; 2) warn the victim of risk during treatment; 3) offer resources and referrals needed by the victim; and 4) provide the opportunity for her to tell her story under conditions of confidentiality which is not possible in conversations with probation officers. Battered women had the right to decline the interviews and to have the information they provided kept completely confidential with the exception of child abuse or imminent risk to victim or public safety.

To expand BIP services for probationers, JOD funded Common Purpose to:

- Provide BIP services to up to 40 indigent men unable to do community service in exchange for payment of services;
- Provide 38 JOD partner staff people with a 24-hour, Massachusetts Department of Public Health certified training on how to work effectively with batterers. Attendees included police detectives, probation officers, advocates for victims, assistant district attorneys, and management staff;
- Provide technical assistance, support and supervision to Transition House's newly created Haitian Creole program for men who batter. Assistance was given regarding record keeping, reporting to probation and the MA Department of Public Health, and computerizing their records for more accurate tracking of defendants. This program was later transferred to Common Purpose and has doubled in size; and
- Make direct referrals of Cape Verdean probationers with limited English to the MA Alliance of Portuguese Speakers (MAPS) and worked with MAPS to increase

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program referrals so that a Cape Verdean Creole speaking BIP could be established in their Dorchester office.

JOD promoted much closer collaboration between probation and the BIP programs. Due to the reduced probation caseload, communication and face-to-face contact between batterer intervention facilitators and probation officers increased significantly. Probation officers began going to the BIP program before, in between, and after BIP groups- to meet with probationers, check in with BIP facilitators, and reinforce the contact and support between the two agencies. When probation officers wanted to meet with a victim without the probationer present, they could verify that the probationer was at the BIP and then go to the victim's house knowing that the probationer would not be there. The closer contact also encouraged BIP facilitators to call a probation officer immediately with concerns about victim safety, a probationer's attendance, participation, or substance abuse issues rather than waiting to send that information in the monthly report. According to probation officers, the time between a referral to BIP and entry declined, perhaps because probationers were motivated to enter and have a couple of sessions completed before their 30-day review hearing.

Table 2.13. BIP[27] Referrals and Referral Outcomes during JOD

	2001	2002	2003
Cases referred to BIP[28]*	546	489	447
Common Purpose	465	430	427
Transition House[29]	19	5	0
Roxbury Comp Behavioral Health	38	23	10
Emerge	24	31	10
Referral Outcome			
Enrolled	432	393	337
Readmitted after previous termination	110	96	110
Placed on waiting list	4	0	0

*Note: Includes those cases readmitted after a previous termination.

Nearly 90 percent of the IPV probationers referred to BIP during JOD were sent to Common Purpose. Figure 2.9 illustrates the very substantial rise of active participants in the Common Purpose BIP between 2001 and the end of 2002. During 2003 the caseloads began to decline as those referred in the early years of JOD began to graduate, drop out, or get terminated.

Financial support for BIP services became a crisis during JOD. JOD provided about 20 percent of the budget for Common Purpose BIP services during JOD. These funds were used to expand the number of treatment slots. However, JOD also resulted in a much larger proportion of indigent clients required to attend while on probation. During JOD, many of these clients did community service in lieu of payment creating pressure on program budgets at a time when other public health funding was becoming increasingly difficult to obtain. In anticipation of funding cutbacks after the end of JOD, Common Purpose began requiring some payment from clients who would not have been required to pay anything when JOD funding was available to help support the agency.

[27] Spectrum served a few clients during JOD, but did not consistently report on monthly caseloads. Their caseload and case outcomes are not included in this table.
[28] Missing data from the following agencies: Transition House: Dec 2002-Aug 2003. Emerge: June-July 2001; Aug-Oct 2003; Dec 2003.
[29] In August 2003, Transition House stopped offering treatment for batterers.

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One gap identified during JOD was the absence of appropriate programs for women placed on probation for IPV (14 percent of those sentenced to probation on IPV charges in DDVC). It was apparent that the content of available BIP programs was not appropriate for heterosexual women and no program model or provider emerged. In an effort to provide resources to help women on probation remain crime free and re-direct their energies towards positive changes in their lives, the Probation Department developed a 12-week Women's Group to provide some services to female probationers and some of the judges ordered this as a condition of probation for IPV female offenders. The group, which began in 2002, emphasized five core values (themes) that encouraged the participants to strengthen linkages to community resources and build on personal strengths in learning to recognize and cope with the problems they face.

Figure 2.9. Common Purpose Monthly Caseload (New and Continuing)

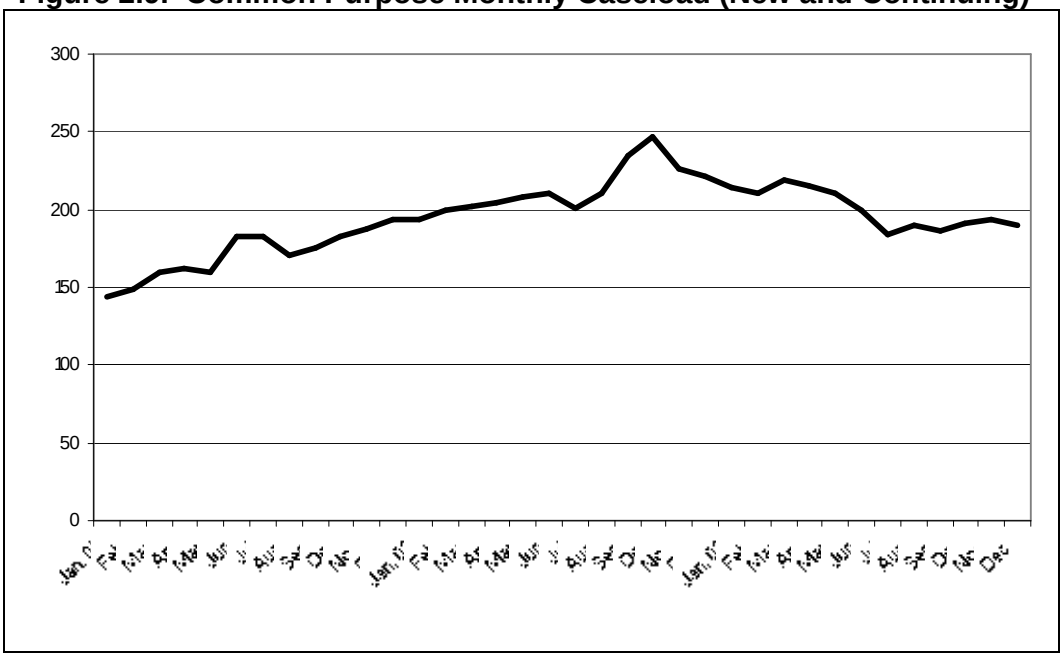

Table 2.14. Clients Leaving Common Purpose BIP by Year and Reason

	2001	2002	2003
Number Leaving CP*	286	510	557
Graduated	117	230	175
Terminated	169	280	382
Dropped Out/Absences	101	137	191
New Arrest (Any)	22	50	61
Rule Violations[30]	46	93	130
Financial	--	82	127

* Note: Includes graduation and termination of clients who were readmitted a second time to Common Purpose and thus is larger than the number originally referred shown in Table 2.14.

[30] Detailed information on rule violations not available until January 2002.

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Table 2.15. Collateral Contacts by Common Purpose			
	2001	**2002**	**2003**
Number of monthly reports to Probation	1952	2425	2419
Number of contacts to Probation in addition to the monthly reports[31]	2430	3450	3600
Number of cases with victim contacts (to or from victim)	428	526	620[32]

Another gap mentioned was the near absence of aftercare for program graduates. At Common Purpose, graduates were welcome to continue group participation for free but rarely did.

[31] Missing Data for Jan 01.
[32] The number of cases with victim contact can exceed the number of cases during the year because victims in open cases referred in prior years continued to be contacted throughout the time the batterer remained in treatment.

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Chapter 3. JOD in Milwaukee

Background

Milwaukee's selection as a demonstration site for the Judicial Oversight Demonstration initiative (JOD) followed a 20-year commitment in the city and county to the problem of domestic violence. In 1979, the City of Milwaukee formally established the Commission on Domestic Violence and Sexual Assault with broad membership representing governmental and nongovernmental agencies. The Commission facilitates Milwaukee's coordinated community response, spearheading collaborative efforts to address education, legislation and public policy issues related to domestic violence and sexual assault.

In 1986, in coordination with the Commission, the City of Milwaukee Police Department initiated a pro-arrest policy and began holding specialized charging conferences at the Office of the District Attorney on the day after an incident. The Milwaukee District Attorney's office offered victim/witness services for victims who appeared at the conferences.

Three years later, in 1989, Wisconsin became one of the first states to pass a mandatory arrest law for domestic violence offenses. This was followed by an immediate, dramatic, and sustained rise in arrests. For example, during March of 1989, the Milwaukee Police Department processed 884 domestic violence cases. During the first month of the new mandatory arrest law in April of 1989, the City of Milwaukee Police Department processed 1,254 domestic violence cases with similar increases in the ensuing months.

Milwaukee subsequently served as an experimental site for replication of the Minneapolis Domestic Violence Study and received Violence Against Women Act funds through the Centers for Disease Control and Prevention to promote public awareness of domestic violence.

In 1989, the Milwaukee District Attorney's office established a misdemeanor domestic violence prosecution unit. On August 1, 1994, the first specialized domestic violence court was established. In order to respond to the very large caseloads, a second domestic violence court was added in early 1995, followed by a third specialized court in 1997.

Milwaukee County, through the Office of the District Attorney, received funding under the Violence Against Women Act of 1994 to expand services and begin formal collaboration between the courts and community based agencies. In 1997, a five-year award under the Grants to Encourage Arrest program provided support for two specialized domestic violence Assistant District Attorneys, three victim/witness specialists, and contractual payments to community-based victim service organizations to enhance services and advocacy to victims. A Wisconsin STOP grant supported an additional victim/witness domestic violence specialist, a sexual assault victim advocate, one vertical misdemeanor domestic violence prosecutor, and provided assistance for serving subpoenas in domestic violence cases.

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Milwaukee's Judicial Oversight Demonstration Initiative

Milwaukee's JOD Initiative built on these earlier initiatives designed to integrate the court and justice agencies into a coordinated community response to domestic violence.[33] Based on its earlier success, Milwaukee was one of a selected number of sites invited to a planning meeting in Washington in late 1998 to learn more about the planned JOD demonstration. Following the meeting, the partner agencies developed a proposal to the Office of Violence Against Women based on JOD guidelines and goals and their assessment of local needs.

The justice agencies involved in the initial planning of JOD included the Circuit Court, the Office of the District Attorney, the Office of the Public Defender, the Milwaukee Police Department, and the Division of Community Corrections (probation and parole) within the Wisconsin Department of Corrections. Partners included four non-governmental service providers: Task Force on Family Violence, Milwaukee Women's Center, Sojourner Truth House, and Asha Family Services. These community-based agencies had long been partners in providing victim services, advocacy, and batterer intervention programs (BIPs). They collaborated through the Milwaukee Commission on Domestic Violence and Sexual Assault. Milwaukee's initial proposal requested funds for:

- A new Domestic Violence Commissioner's Court with a dedicated, 5-days-a-week domestic violence Court Commissioner to handle pretrial appearances, take pleas and oversee intensive pretrial monitoring of defendants;
- The addition of four Assistant District Attorneys (ADAs) to the domestic violence prosecution unit (two to staff the new court and two felony Assistant District Attorneys);
- Specialized domestic violence detectives and investigative equipment (digital cameras) for the Milwaukee Police Department;
- Development of revised deferred prosecution agreements;
- Training for defense attorneys to include background information on BIP and other services available to defendants, as well as general information on domestic violence;
- A specialized pretrial supervision unit (pre-trial court monitoring) for cases originating in two of the seven police districts;
- Additional services for domestic violence victims and offenders through subcontracts to four existing community-based service agencies;
- A domestic violence court resource monitor to ensure that court orders are followed;
- Probation status review hearings of domestic violence probationer compliance after sentencing;

[33] Although JOD was funded with the goal of improving victim safety and offender accountability in IPV cases, some of Milwaukee's JOD initiatives addressed both IPV cases and other domestic violence cases (including child, family, non-intimate cohabitating adults, and elder abuse cases). If an initiative addressed only IPV cases, it is noted as IPV, and when an initiative addressed both IPV and other domestic violence cases, it is referred to as DV.

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- A Domestic Violence Crisis Response Unit (DVCRU) to provide immediate in-person response by victim advocates to domestic violence victims and on-going case management in selected IPV cases; and
- Extended access to restraining orders through electronic filings and expanded filing hours and locations.

The proposal also requested funds for collaboration including:

- Staff to support interagency coordination and planning; and
- An offender tracking system to support communication between the courts, probation agents, and batterer/substance abuse service providers.

Milwaukee County's plan for JOD enhancements is illustrated in Figure 3.1. This figure is reproduced from their proposal. In the original proposal, Milwaukee County identified the following performance goals: (1) faster disposition of cases; (2) increased conviction rates; (3) increased felony charging and conviction rates; (4) increased issuance of charges for bail violations; (5) increased participation of victims in the court process; (6) reduced average time from sentencing to issuance of warrants for offenders who abscond from probation; (7) reduced average time from conviction to revocation for probation violators; (8) reduced average time from incident to entry into BIP, and (9) reduced recidivism.

This chapter describes the growth and evolution of JOD in Milwaukee from the start of the project in early 2000 through 2003. During the demonstration period, the goals of JOD remained constant, but specific objectives, activities, and performance goals were revised as lessons on effective strategies emerged. The following sections describe the JOD-related activities of partner agencies so that readers can understand the program behind the impact evaluation findings and the lessons learned from Milwaukee's efforts to improve its response to domestic violence. The data for the tables describing activities come from three primary sources: (1) a JOD case tracking system maintained by the project, which monitors contacts with victims and offenders in domestic violence cases; (2) monthly aggregate statistics on JOD-related activities compiled by partner agencies and the local evaluator and submitted to the Urban Institute for the process evaluation; and (3) court records on case processing and restraining orders.

The JOD network of partner agencies is illustrated in Figure 3.2. Activities funded by JOD during the implementation phase are highlighted. For organizational purposes, JOD is described agency by agency below. However, it is crucial to understand that JOD is, at its core, a collaboration in which multiple agencies play an active and ongoing role in responding in a coordinated manner to domestic violence, and its effectiveness depends on the continuation of joint management and regular communication among the partner agencies.

Law Enforcement Agencies

The large majority (approximately 85 percent) of the domestic violence cases appearing in the Milwaukee County Circuit Court originate in the City of Milwaukee. Since the late 1980s, the Milwaukee Police Department (MPD) has operated under a mandatory arrest policy for domestic violence, required officers to call the Sojourner Truth House domestic violence hotline

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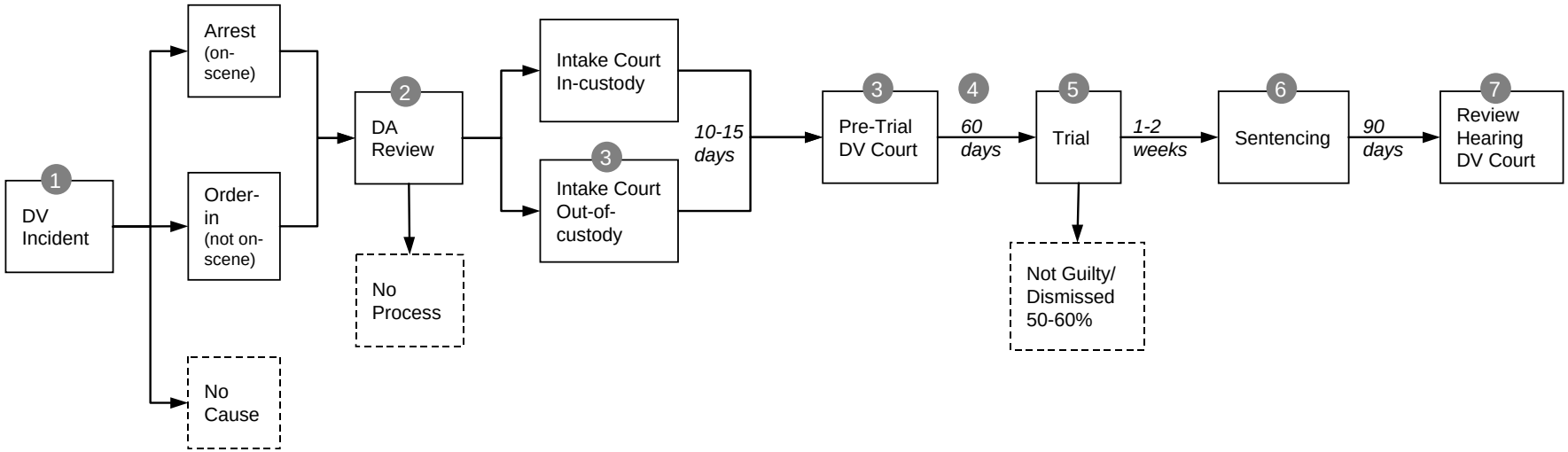
Figure 3.1 Milwaukee Processing of Misdemeanor Domestic Violence Cases: Planned JOD Enhancements



Primary JOD Enhancements (Proposed)

1. DV Crisis Response Unit notified in MPD Districts 2 and 3
2. 4 New Assistant District Attorneys; vertical prosecution; deferred prosecution review/offer
3. New DV Court Commissioner hears these cases and handles all pretrial hearings
4. Pretrial monitoring of defendants from Districts 2 and 3 by special probation agents, including pretrial status hearings
5. Special investigation if needed by MPD Sensitive Crimes Unit
6. Court Resource Monitor tracks DV offenders for court (see text)
7. DV Judge conducts mandatory probation status review hearings and responds to violations (all cases)

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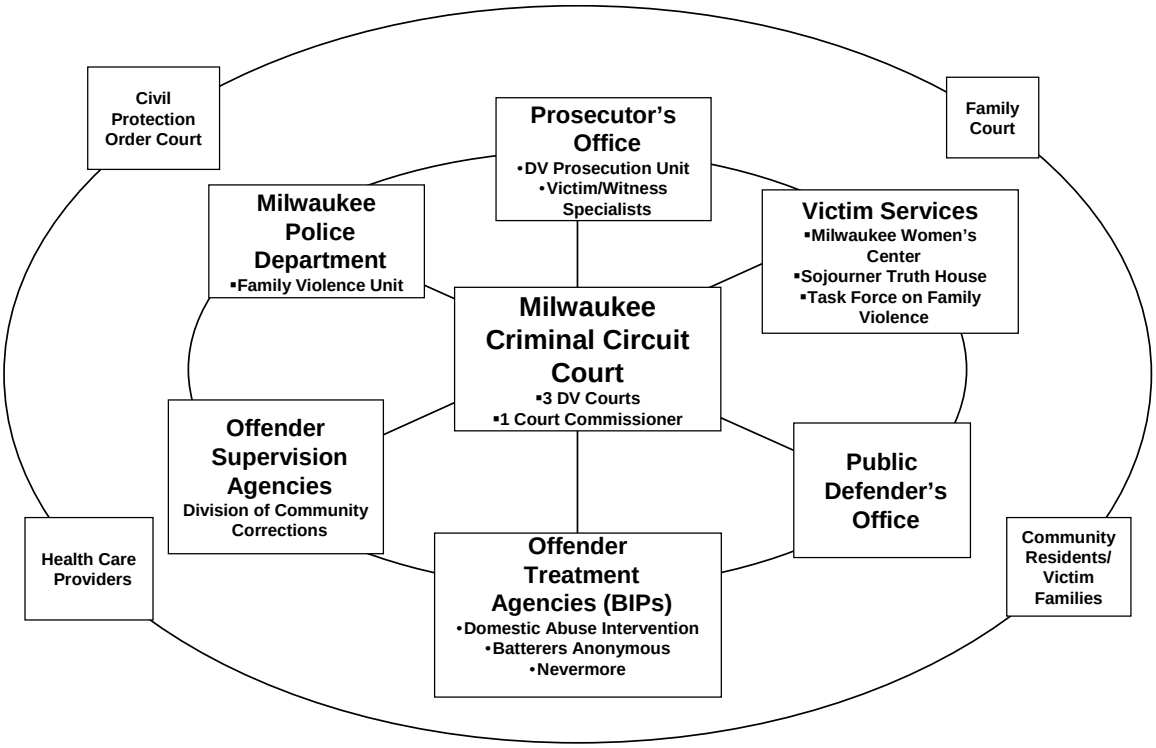
Figure 3.2 JOD Network of Agencies in Milwaukee



at the time of an incident,[34] and provided victims with written information regarding community resources at the time of an incident. Upon entering the Academy, all MPD officers receive training on handling domestic violence calls and receive regular in-service training sessions thereafter. MPD maintained a police liaison in the District Attorney's Office and collaborated with the office on the investigation of cases, although a lack of resources meant that follow-up investigation on misdemeanor domestic violence cases was often difficult to obtain. In 2000, about 12 percent of domestic violence arrests in Milwaukee County came from police districts outside the city limits, most from the West Allis Police Department (WAPD). Prior to Milwaukee receiving JOD funds, WAPD collaborated with both the District Attorney's Domestic Violence Prosecution Unit and MPD's Sensitive Crime Unit in an effort to enhance its domestic violence investigations.

The JOD Domestic Violence Crisis Response Unit

One of the core components of the proposed plan for JOD in Milwaukee was a Domestic Violence Crisis Response Unit (DVCRU), in which the police and crisis response advocates worked together to facilitate victim services at the time and place of an incident. The plan required the police to call the advocate after responding to an IPV call and wait for the advocate to arrive on the scene. DVCRU was designed to reach victims at the time of an incident since many victims did not receive any offers of assistance until (and if) they were contacted by court-based advocates or victim/witness specialists unless the officer called the hotline from the

[34] In reality, statistics collected on police phone calls to the domestic violence hotline show that officers usually call the hotline at the end of their shift, instead of calling the hotline from the scene.

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scene and the victim spoke with the hotline advocate. For some years, advocates working for the hotline maintained by Sojourner Truth House had received calls from the police notifying them of an incident, calls were sometimes made after leaving the scene; other times, the victim did not wish to talk at the time and attempts at follow-up calls were not always successful. As a result, most victims not did talk with advocates immediately after an incident. The goal of the DVCRU was comprehensive advocacy, including assuring the victim's physical safety, tending to medical and shelter needs, and turning to additional advocacy such as describing legal options and making referrals to appropriate service agencies. Once the crisis assistance was provided, DVCRU advocates provided supplementary and follow-up services for up to six months.

The DVCRU began operating in September 2000 as a pilot program in Police Districts 2 and 3. DVCRU advocates experienced success in contacting victims and believed that victims benefited by having an early understanding of the court process and the services available to them. However, it became obvious almost immediately that MPD, facing great pressure about slow response times in high crime neighborhoods, was reluctant to provide officer time for the project. Because follow up police investigations were assigned to detectives, the responding officers were expected to leave the scene as soon as possible to handle other calls and not wait to protect advocates who were called to assist the victims. Concerns for advocate safety led JOD to suspend on-scene response by advocates in February of 2001. The staff of seven advocates was reduced to two advocates who continued to contact victims by telephone and make referrals for services as needed.

In July of 2001, the West Allis Police Department introduced an on-scene advocacy outreach modeled on the DVCRU. During the start up phase, DVCRU advocates provided crisis response services in West Allis. DVCRU advocates worked in conjunction with WAPD officers. In the meantime, WAPD submitted its own grant to Wisconsin State Violence Against Women Office and received funding in July 2002 for one victim advocate position. Once WAPD had its own funding to hire staff, the JOD crisis response advocates returned to Milwaukee and conducted victim follow-up work there. The unit was subsequently disbanded in March 2002 due to JOD budget cuts and, in the absence of on-scene crisis response, DVCRU services such as referrals were available through other programs. In addition, MPD was working to put together a Family Violence Unit, which may have provided crisis intervention in serious domestic violence cases.

MPD Family Violence Unit

In April 2002, MPD announced plans for a Family Violence Unit (FVU) within the Sensitive Crime Division to support enhanced investigation of serious domestic violence cases and provide immediate services to victims. Previous resistance to creating a specialized unit within MPD focused on the concern that the officers in the unit would have a lot of "down time" because the original proposal was to respond to intimate partner violence victims only. To address this concern, the unit covered all types of domestic violence, including IPV, child abuse, elder abuse, and other types of domestic violence crimes. Work began on policies, procedures, and training. The unit officially opened in January 2003.

Before the Family Violence Unit officially opened in January of 2003, the entire Family Violence Standard Operating Procedures were revised and updated to reflect the latest police investigative techniques from across the country. A multi-disciplinary team of law enforcement

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officers, prosecutors from the District Attorney's office, JOD project staff, and advocates from the community participated in the development of the procedures.

The FVU is called to respond to a domestic violence call when one of the following criteria was met:

1. Domestic violence incident and substantial battery occurred (felony);
2. Domestic violence incident and a child is injured during incident;
3. Domestic violence incident involving offender strangling victim;
4. Domestic violence incident and offender is in hostage-taking conduct;
5. Domestic violence incident in which weapon was brandished or displayed;
6. Domestic violence incident and offender is threatening suicide;
7. Domestic violence incident and determination is made that stalking behavior is present;
8. Repeat violations of protective order where respondent is not in custody;
9. Domestic violence incident and victim is vulnerable because of age, disability or pregnancy; or
10. Any domestic violence incident as determined necessary by the shift commander.

JOD funds supported a full-time Domestic Violence Liaison (DVL) within the FVU. The term "liaison" was used in lieu of "advocate." The police department did not wish to confuse victims in terms of the privilege of confidentiality, which a victim enjoys from a community advocate. Because the Domestic Violence Liaison is an employee of the Milwaukee Police Department, liability issues were considered. As a matter of MPD policy, it was determined that a victim's communications with the Domestic Violence Liaison would not be confidential. Lack of confidentiality was explained to victims.

The Family Violence Unit Liaison works from 12pm - 8 pm and is able to respond to IPV calls after the Family Unit officers respond and the suspect is in custody. In addition, responding officers often referred victims to the liaison for follow up services after an incident. The DVL was able to establish working relationships with the District Attorney's victim/witness specialists, probation, and the private/non-profit providers. This greatly enhances the extent to which the DVL can link victims to other sources of assistance.

The following procedures were established for dispatching the FVU. First, the Police District supervisor calls the FVU immediately after an initial response by district officers and photographs by a district sergeant. The FVU responds by collecting physical evidence, interviewing witnesses, including children, and calling the hotline to report the incident. If the suspect is in custody, the DVL responds to offer crisis intervention to the victim.

Initially, referrals to the DVL by District and Sensitive Crime Division officers were low: only between eight and twenty-two per month from March through October 2003. However, after a concerted effort was made by staff of the Family Violence Unit to reach all district officers to let them know about the DVL position, referrals increased nearly 200 percent beginning in November 2003. By the end of 2003, the liaison was receiving almost 70 victim referrals per month from across all districts at MPD and was able to make contact with 82 percent of the

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victims referred. One of the most important functions of the DVL is to connect victims with community resources very quickly. Those victims served by the DVL connected with social services agencies at a high rate. Ninety-one percent of victims actually followed through on referrals made to them by the DVL. Activities are summarized in Table 3.1.

Table 3.1 Program Activity for the Milwaukee Police FVU Domestic Violence Liaison (DVL): March 2003 through November 2003

Services	Number
Victims Referred to DVL	144
Victims Contacted by DVL	118 (82)
Community Referrals Given to Victims	103
Follow-through on Community Referrals by Victims	94 (91)
Average number of community referrals per victim	. 87

Source: Data are from the DVL monthly JOD report

Throughout JOD, the MPD devoted resources to improved evidence collection to support prosecution. MPD developed procedures for responding to requests from prosecutors for photographs of injuries and damages and in January 2002, the taking of photographs in domestic violence cases became a standard operating procedure.

Office of the District Attorney

There were significant changes in the prosecution of domestic violence cases as part of JOD. Prior to JOD, a specialized Domestic Violence Prosecution Unit with a staff of seven Assistant District Attorneys reviewed police reports on domestic violence misdemeanor cases within 24-48 hours of an incident to prepare recommendations for the initial appearance hearing.[35]

In adherence to the state of Wisconsin domestic abuse law (Wis. Stats. § 968.075), the Milwaukee District Attorney's Office practices a "no drop" policy. Wis. Stats. § 968.075(7) specifies that a prosecutor's decision not to prosecute should not be based "[u]pon the victim's consent to any subsequent prosecution" of the offender.[36] In practice, the District Attorney's office interprets the statute to mandate prosecution based on the facts of the incident, not the likelihood of the victim's testimony.

A team of six victim/witness specialists assist the Assistant District Attorneys (ADAs) by working to secure victim and citizen witness cooperation, maintaining regular contact with the victim, informing victims of case progress, and providing contacts and referrals to community partner agencies—all mandated by the state's victim rights legislation.

The Office of the District Attorney's Domestic Violence Prosecution Unit worked with a number of JOD partner agencies prior to the demonstration:

[35] The Domestic Violence Prosecution Unit also includes one paralegal, one social worker, two part-time hourly process servers, and three secretaries.
[36] Wis. Stats. § 968.075(7)(a) further states that a prosecutor's decision not to prosecute a domestic abuse incident should also not be based "[s]olely upon the absence of visible indications of injury or impairment."

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- The Milwaukee Police Department had a liaison in the DA's Office to review police reports of domestic violence incidents and arrests for completeness and accuracy and prepare files for prosecutorial review.
- The Division of Community Corrections had liaison probation agents to screen new police incident reports and identify those on probation at the time of an incident and, if requested by the victim, determine whether abusers who had restraining orders against them were also on probation.
- Community-based victim advocates were stationed in the office to make early contacts with victims to offer safety planning and make referrals to community services such as housing, counseling, child issues, and general assistance.

JOD funds were used to add four Assistant District Attorneys to the DA's Domestic Violence Prosecution Unit. During JOD, two Assistant District Attorneys were assigned to each of the four domestic violence courts (including the DVCC). A total of seven ADAs covered the four courts and charging duties to handle the misdemeanor domestic violence cases.[37] Misdemeanor cases were prosecuted horizontally, with different prosecutors appearing at varying stages of a case, from charging to disposition. Two full-time equivalent Assistant District Attorneys were added to a previously existing third Assistant District Attorney to handle the felony domestic violence cases and serious, complex misdemeanor domestic violence cases. The felony and complex misdemeanor cases were all prosecuted vertically, with the same prosecutor handling the case from charging through case disposition.

Priorities for the Domestic Violence Prosecution Unit during JOD included enhanced evidence collection and prosecution strategies. Protocols for building a case that could be prosecuted independently of, or in combination with, victim testimony were greatly expanded under JOD. In August 2001, the Office of the District Attorney began requesting follow-up investigation by the Milwaukee Police Department's Sensitive Crimes Unit on specific cases.[38] To assist the police in evidence collection, JOD funds were used to purchase six digital cameras, and the Domestic Violence Prosecution Unit began requesting photographs on a regular basis. While the Milwaukee Police Department had typically photographed their felony case investigations, in January 2002, the Milwaukee Police Department established a standard operating procedure for the taking of photographic evidence in the vast majority of misdemeanor domestic violence cases, which included IPV, child, family, non-intimate cohabitant, and elder abuse cases.

Alternative strategies were developed to prosecute cases without requiring victim testimony. These included:

- Collection of additional evidence such as digital pictures of injuries suffered following a domestic violence episode. Follow-up photos taken up to 72 hours after the incident helped to document the changing colors and shapes of bruises. Photographs of damage at the scene illustrated the volatility of the incident and were critical when the charge required the prosecutor to prove facts about behavior causing damage to property (such as "Disorderly Conduct" or "Criminal Damage to Property").

[37] In October of 2002, with JOD project cuts, one less ADA position was funded by JOD, leaving a total of six misdemeanor domestic violence ADAs.
[38] This expanded with the establishment of the Milwaukee Police Department's Family Violence Unit in January 2003.

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- Use of victim statements made at the time of the incident. Assistant District Attorneys used tapes of 911 calls to corroborate the state's case and records of excited utterances made to authorities while under stress caused by a domestic violence incident. These were used in lieu of victim testimony if a reluctant victim recanted, minimized the severity of the incident, or failed to appear in court.

- Charging defendants with bail jumping for their failure to appear (FTA) for court appearances. Failure to appear in court for scheduled court appearances was a violation of the court's order and, therefore, a crime. Charging absconders with bail jumping recognized the impact a defendant's failure to appear in court could have on the state's ability to prosecute the offender and provided increased offender accountability for illegal behavior. In addition, issuance of bail jumping charges for failure to appear helped protect victims, many of whom reported being threatened, controlled, and manipulated during pending criminal proceedings. The longer a case took to reach disposition, the greater the potential for a domestic violence victim to be controlled or manipulated, resulting in increased risks and threats to victim safety.

- Tape recording the defendant's phone calls from jail. Phone calls made on jail phones (calls automatically recorded) were used as evidence to support additional charges such as intimidation of victims and witnesses, solicitation to commit perjury, solicitation to commit false swearing, and bribery of witnesses.

During this time the unit continued to develop and pilot innovative prosecution strategies and produced a comprehensive 575-page manual for prosecutors, entitled the *Wisconsin Domestic Violence Prosecution Manual, 2004*, which was distributed to all state prosecutors. The manual encapsulated best practices for evidence-based investigation and prosecution for all Wisconsin prosecutors.

The unit also developed new policies for using deferred prosecution agreements (DPAs). Eligibility criteria for DPAs were modified during JOD to reduce perceived racial disparity in the offer of DPAs and encourage BIP participation prior to trial. After protracted discussions, a revised DPA protocol was reached with the Office of the Public Defender, representatives of private defense attorneys, Division of Community Corrections, and BIPs. The Office of the District Attorney viewed DPAs as a step backward in the criminalization of domestic violence, and they were offered in less than 2.5 percent of the cases in 2002 and even fewer in 2003. [39] Factors considered in making a DPA offer include the following:

1. Defendant's history of criminal activity

2. Defendant's character, employment history, and life circumstances

3. Type of charge

4. Level of violence and threat of danger

5. Injury to victim

6. Alcohol and other drug addiction concerns

7. Prior history of domestic violence: isolated vs. continuing course of conduct

[39] In 2002, a total of 98 DPAs were completed. In 2003, only 56 DPAs were completed.

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8. Victim's wishes and desires
9. Circumstances of victim at time of offense (e.g., disability or pregnancy)
10. Use or threat of use of weapons
11. The general facts of the given case
12. The defendant's likelihood of success in treatment
13. The probability of recidivism
14. The presence of children.

To be eligible for a DPA, the victim must agree to the deferral and the defendant must have no prior record of domestic violence. The current offense must be of low severity; cases involving serious incidents are not eligible. Eligible defendants had to admit to the facts up front and agree to prosecution that would result in a conviction if they failed to complete the DPA. Those who accepted the DPA offer waived their right to a jury trial and were carefully monitored. If they failed to comply with all conditions (terms often including: no contact with victim, attendance at BIP, restitution, parenting classes, and community service), the case was rescheduled to go forward under full prosecution and the offender would be found guilty of the crime. At the time of the agreement, a hearing was scheduled for judicial review at a time when offenders would have completed BIP. If the defendant had completed BIP at the time of the review and complied with the other DPA terms and conditions, the case was dismissed. If not, a hearing was held to enter the finding of guilt and for sentencing.

During the demonstration, the Office of the District Attorney's Domestic Violence Prosecution Unit participated in a number of training sessions, often in partnership with other JOD agencies. These included training of recruits for the Milwaukee Police Department and Milwaukee County Sheriff's Department; in-service training for the entire Milwaukee Police Department (72 sessions for approximately 2,000 patrols, sergeants, and lieutenants); the Milwaukee Police Department Sensitive Crimes division; all suburban police agencies (14 sessions); and 80 probation and parole agents from the Milwaukee Office of the Wisconsin Division of Corrections. The unit also worked with the Milwaukee Police Department and other agencies to update the domestic abuse Standard Operating Procedures (SOP) of the Milwaukee Police Department governing the response of all members of the department to domestic abuse incidents.

JOD Impact on Case Processing

Statistics on the prosecution of domestic violence were provided by the District Attorney's Office for five years (1999 before JOD, 2000 and 2001 during early JOD implementation, and 2002 and 2003 during JOD full implementation). The results shown in Table 3.2 illustrate the changes over time in prosecution.

The trends in case charging and conviction are summarized in Figure 3.3. However, as the discussion below indicates, much of the change during JOD involved an increased focus on felony cases and the use of evidence based prosecution.

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Charge Review

Analysis of Table 3.2 shows that between 1999 and 2003 the number of domestic violence charges reviewed by the DA's Office rose noticeably after the inception of JOD. In both 2001 and 2002, charges reviewed exceeded 10,000 but then made a significant decline in 2003. Given that many of the felony offenders were individually responsible for repeated domestic abuse calls for police service in the past, it is possible that at least part of the drop in police calls resulted from improved felony prosecution under JOD, leading to an increase in the likelihood of conviction and incarceration of high rate offenders.[40]

Trends were distinctly different for felony and misdemeanor charges. The number of felony charges reviewed from 1999-2003 rose dramatically across these years, increasing by nearly 60 percent, while misdemeanor charges declined. As a result, the percentage of domestic violence charges involving felonies increased from 4 percent of all charges reviewed in 1999 to 8 percent in 2003.

Table 3.2 Prosecution of Domestic Violence Charges: 1999-2003

	1999	2000	2001	2002	2003
Charges reviewed	9,675	9,194	10,463	10,193	8,634
Misdemeanors	9,277	8,729	9,893	9,504	7,950
Felonies	398	465	570	689	684
Charges Issued	4,890	5,326	5,744	5,007	4,513
Misdemeanors	4,752	5,172	5,558	4,720	4,195
Felony charge	138	154	186	287	318
Bail jumping charges[41]	394	343	486	663	580
Charge Disposition					
Convicted	2,626	2,717	2,875	3,161	2,757
Misdemeanor convictions	2,581	2,625	2,759	2,989	2,531
Felony convictions	45	92	116	172	226
Days to disposition (by case)					
Less than 90 days	57%	62%	66%	60%	48%
90-150 days	26%	22%	18%	20%	24%
More than 150 days	17%	16%	16%	20%	28%

Source: Charge data were provided by the Domestic Violence Prosecution Unit of Office of the District Attorney. Data on days to disposition were provided by the Wisconsin Circuit Court.

[40] The number of domestic violence misdemeanor cases coming into the Milwaukee County DA's office for review has continued to decline. In June 2004, the partner agencies convened a meeting to explore a number of theories for this decline.

[41] The bail jumping charges are a subset of BOTH misdemeanor AND felony charges. If the underlying charge is a misdemeanor, then the ensuing bail jumping charge will be charged as a misdemeanor. If the underlying charge is a felony, then the ensuing bail jumping charge will be charged as a felony.

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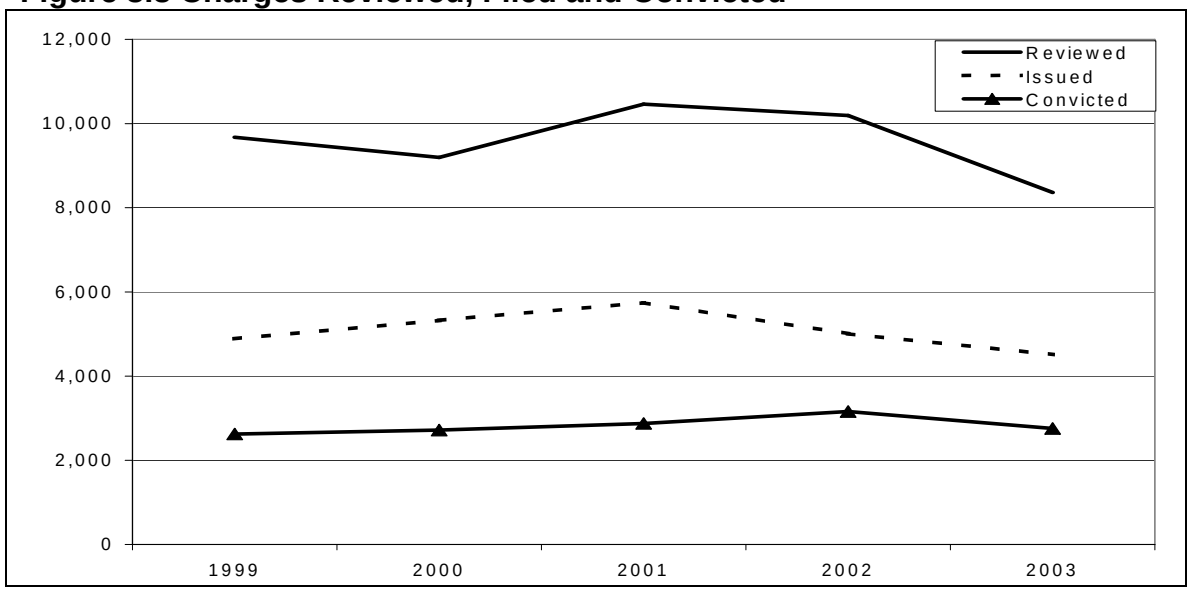
Charging Outcomes

Prior to 2002, about a third of the felony arrests were charged as felonies at the time the case was filed. However, in 2002 and 2003 this rose to 42 percent and 47 percent respectively, perhaps reflecting improved evidence collection by police and increased use of evidence based prosecution strategies. However, misdemeanor charging fell in 2002 and 2003, both in absolute numbers and as a percentage of charges reviewed. As a result, the overall number of charges issued declined in 2002 and 2003 after several years of rising. The shift, illustrated by the yearly changes in charging described below, reflects enforcement and prosecution policies that emphasized investigation and charging of serious assaults.[42]

- Prior to JOD, in 1999, 398 domestic violence felony arrests/cases were reviewed, resulting in only 138 domestic violence felony charges and 54 misdemeanor charges. In 2000, 465 domestic violence felony arrests/cases were reviewed, resulting in 154 domestic violence felony charges and 72 misdemeanor charges.
- In 2001, 570 domestic violence felony arrests/cases were reviewed, resulting in 186 domestic violence felony charges and 93 misdemeanor charges.
- In 2002, 689 domestic violence felony arrests/cases were reviewed, resulting in 287 domestic violence felony charges and 98 misdemeanor charges.
- In 2003, 684 domestic violence felony arrests/cases were reviewed, resulting in 318 domestic violence felony charges and 87 misdemeanor charges.

Figure 3.3 Charges Reviewed, Filed and Convicted



[42] This is consistent with the goals of the Milwaukee Police Department's Family Violence Unit, described above. This special investigative division of police officers was established in 2003 to respond to the most intensive cases of domestic violence in the City of Milwaukee.

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Table 3.2 also shows a substantial increase in the use of bail jumping charges based upon a decided shift in prosecution policy. Bail jumping charges are, by definition, secondary charges resulting from defendant behavior following arrest for domestic violence. Issuance of bail jumping charges rose from 394 in 1999 to 663 in 2002 before declining slightly in 2003. The increase in bail jumping charges helped increase case conviction rates as evidence of bail jumping was generally unambiguous.

Charge Convictions

Overall, the number of charges resulting in conviction for domestic violence rose steadily from 2,626 in 1999 to 3,161 in 2002 before declining to earlier levels in 2003. The increase in felony charge convictions was dramatic, increasing by over 500 percent from 44 in 1999 to 226 in 2003. Misdemeanor charge convictions, the large majority of the charges prosecuted, rose gradually through 2002 before declining. Although convictions may not occur in the same year as review and issuance of charges, a comparison of the trend lines suggest that the number of misdemeanor charge convictions rose faster than the number of charges issued. The ratio of convicted charges to issued charges rose from about 50 percent in 1999 through 2001 to 60 percent or more in 2002 and 2003. In part, the higher conviction rates reflect the decision to issue fewer misdemeanor charges and concentrate prosecution efforts on those with stronger evidence. This is consistent with the jump between 1999 and 2003 in the ratio of felony charge convictions to charges filed. In 1999, 138 felony charges were issued, and 45 felony charges were convicted (a ratio of one conviction to three charges issued); in 2003, 318 felony charges were issued, and 226 felony charges were convicted (a ratio of seven convictions to every ten charges issued).

Charge Time to Disposition

In 2001, almost 70 percent of charges were disposed of in less than 90 days, up from 57 percent in 1999. However, in 2002, the percentage dropped close to the 1999 figure, and dropped again significantly in 2003 to 48 percent of the cases.

After using trend analysis to analyze the problem and troubleshoot solutions, Milwaukee JOD project staff identified two reasons for the drop in cases reaching disposition in less than 90 days: 1) the dramatic increase in felony prosecution and the fact that felony cases take longer to prepare and try than misdemeanor cases; and 2) a significant decrease in the number of dismissed cases, thereby increasing time to disposition significantly. The dismissal rate dropped from 42 percent in 2001 to 34 percent in 2003, as the prosecutor's office began focusing their efforts on more serious cases and those with stronger evidence with which to proceed.

Cases involving indigent defendants require at least one additional court appearance, on the average, for a trial court to make a legal determination of indigency for the purposes of appointing legal counsel. Finally, budget cuts at the Public Defender's Office increased the time for offenders to obtain a public defender attorney for legal representation.

Milwaukee JOD project staff worked with the DVCC commissioner and domestic violence judges on this issue. During the early part of 2004, strides were made in reducing the time to disposition. Time-reduction strategies included shortening the time between hearings and limiting the use of continuances/adjournments.

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Case Processing

These statistics can be used to evaluate Milwaukee's success in meeting four of the case-processing performance goals identified by Milwaukee at the start of JOD:

- Faster disposition of cases;
- Increased misdemeanor conviction rates;
- Increased felony charging and conviction rates; and
- Increased issuance of charges for bail violations.

The statistics indicate clear success in meetings goals 3 and 4, some success in meeting goal 2 (higher conviction rates may be partially explained by lower charging rates), and no clear reduction in the average time to case disposition. Table 3.2 shows a steady increase in the issuance of felony charges; from 2.8 percent of total charges issued in 1999 to 7.0 percent in 2003. The issuance of bail jumping charges increased from 8.1 percent in 1999 to its peak of 13 percent in 2003, an increase of 39 percent overall. Table 3.2 also shows that misdemeanor conviction rates declined from 1999 to 2001 but rose sharply in 2002 and 2003, at the height of JOD implementation.

The above statistics are based on analysis of individual charges. However, many cases involved multiple charges. For that reason, the following tables present statistics based on prosecution of cases in 2002 based on data collected by the JOD tracking system. This database followed individual defendants from case filing through disposition. The statistics on cases varied from the statistics on charges in several ways. In 2002, 49 percent of the charges resulted in prosecution (Table 3.2, last column), compared to 40 percent of the cases (Table 3.3) suggesting that issued cases had a greater number of charges per case than those that were not prosecuted. Most of the cases disposed in 2002 (Table 3.4) resulted in a conviction on at least one of its charges. Of the 226 felony cases reaching disposition, 85 percent were convicted: 70 percent on a felony charge, and 16 percent on misdemeanor charges only. Of the 3,882 misdemeanor cases reaching disposition, 58 percent were convicted, and 3 percent were placed on deferred prosecution. The Office of the District Attorney's Monthly Charging Report indicates that bail jumping charges were among the conviction charges in 275 (11 pErcent) of the 2,380 cases disposed in 2002 for which data are available.

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Table 3.3. Number of IPV *Cases* Filed in 2002 and 2003

Cases	2002	2003
Number of Cases Reviewed	9,010	7,398
Number of Cases Charged	3,567[43] (40)	3,270 (44)
Number of Cases charged with at least one felony charge	306	332
Number of Cases charged with Misdemeanors (no felony charge)	3,261	2,938
Number of Cases Not Charged or Pended	5,443	4,128

Source: Office of the District Attorney's Daily Log

Table 3.4. Outcomes for Domestic Violence *Cases* Disposed from January 1, 2002 – December 31, 2002[44]

	Charged only with Misdemeanors n=3,882	**Charged with a Felony n=226**
Cases Reaching Disposition		
Dismissed	1226 (31)	27 (12)
Found not guilty	41 (1)	2 (0.9)
Deferred Prosecution Agreement	96 (3)	Not eligible
Misdemeanor conviction	2242 (58)	36 (16)
Felony conviction	Not eligible	156 (70)
Hung jury	10 (0.3)	2 (0.9)
Missing case disposition	267 (7)	3 (1)
Days to Disposition		
Median	85.2	104.1

Source: JOD Case Tracking

[43] Deferred Prosecution Agreements (DPA's) included. In 2002, 76 defendants successfully completed the DPA and had their charges dismissed.

[44] Table 3.7 presents outcomes for all domestic violence cases disposed between January 1, 2002 and December 31, 2002. However, dispositions may relate to cases *charged* in 2001 but not disposed until 2002.

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Domestic Violence Victim/Witness Services in the Office of the District Attorney

The Office of the District Attorney has employed domestic violence victim/witness specialists to work directly with victims since the 1980s. The number of specialists grew from three to six during the 1990s with the expanding domestic violence caseloads. The victim/witness specialists notify victims of charges, hearings and case actions, meet with victims in court on a daily basis, help connect victims with community resources to help break cycles of abuse, and provide them with victim rights information.

In Wisconsin, one victim right is the right to submit a Victim Impact Statement (VIS) to the court at the time of an offender's sentencing hearing. Victim Impact Statements ensure that victims will have a true "voice" for their desires at the time of an offender's sentencing hearing. The specialists give impact statement forms to victims, help them fill out these forms when necessary, and ensure that completed Victim Impact Statements are distributed to the court and the parties/litigants. Specialists meet with victims to answer questions and encourage them to assist in prosecution. They also refer victims in need of services to advocates from community-based victim service agencies.

JOD greatly increased the workload of the specialists. Prior to JOD, two specialists were assigned to each of the three domestic violence courts. One worked with victims in court while the other staffed the office making calls, sending letters, and putting copies of victim letters, impact statements, and evidence provided by victims into the case files. Because JOD expanded the number of courts to be covered by adding the DVCC and felony preliminary hearing courts, two additional courts required Victim/Witness Specialists' attention.[45]

The Witness Waiting Room opened in October 2000, providing a safe and private space for interviewing victims and included a specially equipped area for their children. The room also offered a central location for all courts to reduce confusion on where to report and increase opportunities for specialists to offer assistance and information. Victims and witnesses scheduled to appear in domestic violence jury trials were subpoenaed directly to the waiting room rather than the courtroom. Initially used for misdemeanor cases, the room's use was extended to include victims and witnesses in felony cases and those appearing for preliminary hearings.

While the establishment of a victim waiting room adjacent to the courtrooms provided increased security and comfort for victims, it also resulted in a sixth location that needed to be staffed by the specialists. Records maintained by the specialists indicate that during the year from July 1, 2002 to June 30, 2003, a total of 5,110 persons were subpoenaed to the waiting room, and 1,799 used the room, including 69 children. During this period, 69 percent of the victims who were subpoenaed for preliminary hearings came to the room. In contrast, only 32 percent of the victims who were subpoenaed for jury trials came to the room. The two-thirds of victims that did not appear included victims who did not wish to participate in the trial, victims for whom there was no record of their current address or phone number, victims who wanted to participate in prosecution but were not able to appear, and victims placed "on-call" who were not expected to make an actual appearance in the waiting room until and unless the jury trial proceeded.

[45] In March of 2004, after a successful experiment in one domestic violence specialty trial court, all preliminary hearings for felony cases were moved to all three domestic violence specialty trial courts, thereby eliminating the coverage of an additional court. It is also hoped that a reduction in disposition time on felony domestic violence cases will result from this change.

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Victims were not subpoenaed for the hearings in the DVCC. However, victim/witness specialists staffed the court to identify victims who appeared either to observe the hearings, request modification of a no-contact order, or report violations of a no-contact order. At that time, the specialists explained the criminal court process, answered questions, and coordinated with advocates from Sojourner Truth House on victim service needs. If the defendant had been assigned to the Pretrial Monitoring Program, the victim was connected with the bail monitor. Between February 13, 2003, and December 25, 2003, specialists met with 481 victims appearing in the DVCC.

Similarly, review hearings added to the workload. Victim/witness specialists appear at the monthly Probation Review Hearings scheduled for the court to which they are assigned. Although the number of victims who chose to attend these hearings was low, a specialist was available to answer questions or discuss any relevant issues with victims, including available referrals or resources.

As part of JOD activities, the probation department sought to establish contact with victims in domestic violence cases as soon as possible after sentencing to explain conditions of probation and review the no-contact order if relevant. Because probation agents were experiencing difficulties establishing contact with victims because they may not have current phone or address information, the victim/witness unit agreed to help by providing the latest contact information directly to the probation department. Beginning in February 2003, specialists prepared an information sheet on all probation cases for delivery to the probation department on a weekly basis. Between the start and the end of the year 2003, information was provided to the probation department on 1,050 cases. In addition, the specialists discussed contacts with the probation agent with victims when they were notified about the case disposition.

JOD funding did not expand the number of specialists. It is likely that the additional workload placed on specialists, as well as the built-in challenges of a generalized system of horizontal misdemeanor prosecution, contributed to some complaints about lack of support and information at the courthouse, voiced by victims during July 2003 focus group interviews. (See *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC).

Office of the State Public Defender

Attorneys from the Office of the State Public Defender and a group of contract attorneys from the community represent indigent defendants charged with domestic violence cases in Milwaukee County. Although representatives of the State Public Defender's Office (SPD) were not involved in writing the grant application, they have been involved in JOD planning since notification of the award. Representatives from SPD attended all of the subcommittees and had the opportunity to voice their concerns. SPD raised issues concerning the protection of their clients, particularly during the pretrial phase.

Because the judiciary serves as the focal point of a Judicial Oversight system model, the presence of defense counsel at meetings eliminated the potential of ex parte communication issues for judges and prosecutors. Throughout the tenure of JOD in Milwaukee, the SPD was engaged as a full partner and made important contributions to JOD improvements to the processing of offenders through the Division of Community Corrections (probation and parole) of the Wisconsin Department of Corrections during the JOD initiative.

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Probation review hearings created uncompensated work for the SPD. Wisconsin State statute does not allow the SPD to represent the defendant post-sentencing unless the probation agent expresses an intention to revoke an offender's probation or parole status. However, the SPD representatives were extremely concerned that clients appearing before a Judge for a probation status review hearing might require legal representation, even without a probation agent's intention to revoke. To ensure access to legal representation, an SPD representative attended review hearings in case a defendant needed an attorney.

Because public defenders' cases are assigned a weighted fixed-point value for case completion, JOD probation review hearings resulted in added responsibilities without any added point value compensation for individual public defenders. In cases where the State Public Defender system appointed private bar attorneys to represent offenders, the SPD private bar attorneys were paid a fixed flat fee per case. Thus, when SPD appointed private bar attorneys appeared at probation review hearings, the additional required work was not compensated.

During JOD, 18,023 domestic violence cases were represented by the public defenders office. The number of cases per year averaged just over 3,600, declining from 3,914 in 1999 to 3,205 in 2003. The decline in 2003 followed cuts in agency staffing. During these years, however, the percentage of indigent IPV defendants needing representation increased. As a result, the workload per attorney increased

Milwaukee Circuit Court

The Milwaukee County Circuit Court is a large urban court with strong central management under the direction of the Chief Judge and the Office of the Court Administrator. The general court process for handling domestic violence cases in Milwaukee, both before and during JOD, involved the following steps:

- Charge Review. The Office of the District Attorney reviewed the arrest decisions of law enforcement agencies, along with their investigative police reports. Once charges were issued, an initial hearing before the court ensued.

- Initial Hearing. Defendants detained on domestic violence charges appeared at an initial hearing before a Commissioner within 48 hours of arrest seven days a week. Defendants who were not detained were ordered to appear the next day for the initial hearing. The charges were read and the defendant was given the opportunity to enter a plea. At the initial hearing, most defendants entered a plea of not guilty.

- Pretrial Appearance and Trial. Defendants charged with misdemeanor domestic violence offenses who did not plead guilty at the initial hearing were scheduled for pretrial appearances and a trial in one of the three specialized domestic violence courts. At any pretrial hearing in a domestic violence court, the case could be dismissed or the defendant could plead guilty.

- Sentencing. If the victim was present, sentencing could take place at the time of a plea or trial. If the victim was not present, or if the plea was entered before a commissioner, the case was scheduled for a later sentencing hearing in a domestic violence court.

JOD introduced significant changes in case handling. Three major innovations, described below, included creation of the Domestic Violence Commissioner's Court (DVCC), development

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of the intensive Pretrial Monitoring Program, and the introduction of probation status review hearings.

Domestic Violence Commissioner's Court (DVCC)

JOD supported the creation of a fourth domestic violence court, the DVCC, to allow the domestic violence trial judges more time to conduct trials, probation status review hearings, and to hear felony domestic violence cases. The DVCC ran five days per week and handled all misdemeanor domestic violence cases. The Commissioner presided over all pretrial appearances occurring after the initial appearance, conducted intake hearings for out-of-custody defendants, bail hearings and reviews, and status appearances. If defendants entered a guilty plea in DVCC, they were referred to a trial court for sentencing. If the victim was present, sentencing could be scheduled immediately. If not, the victim was given notice and a date was scheduled to assure a victim's right to appear at sentencing.

Between January 1, 2002, and December 31, 2002, 3,231[46] defendants appeared before the Commissioner; a large majority (93 percent) was released with bail conditions. Table 3.5 describes the bail conditions imposed. The number of bail conditions ranged from one to six, with 80 percent of the defendants receiving only one condition. Almost all (99 percent) were required to have no contact with the victim. Other bail conditions, such as mental health assessments/referrals and assessments for alcohol and other drug abuse (AODA), were used sparingly. Four percent of the defendants were placed in pretrial monitoring: 2 percent in JOD Intensive Pretrial Monitoring (described below) and 2 percent in Wisconsin Correctional Services (WCS) monitoring, which includes drug and alcohol screening and referrals to treatment. Other bail conditions included in-house electronic monitoring, third-party contact,[47] and no possession of guns.[48]

Table 3.5. Bail Conditions Imposed by the DVCC in Domestic Violence Misdemeanor Cases: January 1, 2002, through December 31, 2002 (N=3,149)

Bond Condition	Number	Percent
No Contact With the Victim	3,124	99
Mental Health Assessment/Referral	80	3
Alcohol and Other Drug Abuse Assessment	56	2
Absolute Sobriety	71	2
Any Pretrial Monitoring	118	4
Intensive Pretrial Monitoring	67	2
Wisconsin Correctional Services Pretrial Monitoring	51	2
In House/Electronic Monitoring	73	2
Third Party	32	1

[46] Of the 3,213 defendants appearing before the Commissioner, data on bail conditions is missing for 82 defendants; figures are based on 3,149 cases.
[47] Third party contact conditions allow the defendant to use a third party to contact the victim for very specific purposes stated by the Court. Third party contact conditions are almost exclusively ordered for purposes of child visitation.
[48] At the pretrial stage, defendants have not been convicted of a crime, so a prohibition against possession of firearms is usually not included as a condition of bail. Also, the arresting municipality has the authority to confiscate weapons for certain charges. Because restraining orders (Domestic Abuse and Child Abuse Injunctions) always include a prohibition against possession of firearms, no possession of firearms is inherent in the law for some charges, but is not often used as a condition of bail.

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Table 3.5. Bail Conditions Imposed by the DVCC in Domestic Violence Misdemeanor Cases: January 1, 2002, through December 31, 2002 (N=3,149)

Alcohol and/or Drug Testing	16	1
Prohibited Access To Guns	19	1
Other Condition	2	0
No Violent Contact With the Victim	1	0

Source: JOD Case Tracking System (Pretrial DVCC Intake Court)

The work of the dedicated DVCC commissioner freed the three domestic violence judges to spend more time with domestic violence bench and jury trials, permitted sentencing hearings to occur sooner, allowed felony domestic violence cases to be moved from general felony court to the domestic violence courts, and provided time for the new probation status review hearings. As Table 3.6 shows, the DVCC accepted guilty pleas in 20 percent[49] of the misdemeanor cases reaching disposition during 2002, limiting the work of the domestic violence courts in these cases to sentencing and review hearings.

There is further evidence that the DVCC has proven to be an increasingly valuable resource for relieving congestion in the trial judges' calendars. Over half (51 percent) of all pleas taken prior to the day of trial in 2003 were entered before the Commissioner, up substantially from the latter half of 2001 when the DVCC took 41 percent of all early pleas.[50] A study by the site evaluation coordinator based on a random sample of 180 cases from 2001 through 2003 found that the average number of pretrial hearings in DVCC per defendant increased from 1.8 in 2001 to 2.5 in 2003, further evidence of the work accomplished by the intake court.

Table 3.6. IPV Case Dispositions (Misdemeanors and Felonies): January 1, 2002, through December 31, 2002 (N=3,114)[51]

Disposition of Case	Number of Cases	Percent of All Disposed Cases
Dismissals	1,253	40
Pleas	1,733	5652
In DVCC	(629)	(20)
In Trial Court	(1,104)	(35)
Found Guilty at Trial	73	2
Found Not Guilty at Trial	43	1
Hung Jury at Trial	12	>1

Source: JOD Case Tracking System

[49] Although the DVCC primarily heard domestic violence misdemeanor cases, in occasional instances when a defendant was arraigned on felony domestic violence charges and had a pending misdemeanor domestic violence case, the felony case would also be heard in the DVCC. Exact number of felony pleas heard in DVCC is unknown but is thought to be extremely low.
[50] Some data are only available for the last half of 2001, which is when the project began tracking court case progress in a reliable way.
[51] Table 3.2 presents outcomes for all domestic violence cases disposed between January 1, 2002, and December 31, 2002. However, dispositions may relate to cases *charged* in 2001 but not disposed until 2002.
[52] Includes the 16.8% of early pleas that were accepted in the DVCC.

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Intensive Pretrial Monitoring

The Milwaukee JOD planners identified early intervention in domestic violence cases as a top priority and proposed a strategy involving on-scene advocacy, services for victims at the time of an incident (described below), and intensive monitoring for defendants released prior to case disposition. From the start, the pretrial monitoring plans were controversial; they were revised several times.

The criteria for placement in intensive pretrial monitoring became a major issue. Recognizing that JOD was designed as a research demonstration, Milwaukee initially planned to conduct an experiment to test the impact of JOD pretrial monitoring by randomly selecting cases from those filed in two police districts. When the random assignment plan failed to receive support from all partner agencies, JOD proposed implementing intensive early intervention in two areas, Police Districts 2 and 3, and using cases from the remaining five Milwaukee Police Districts as the quasi-experimental comparison sample.

The initial design of the pretrial monitoring system was constructed in the following manner: The City of Milwaukee is broken up geographically into seven total police districts or precincts. Two probation agents, funded by JOD, were assigned to the DVCC to monitor IPV cases from police districts 2 and 3. The agents were responsible for contacting defendants at least three times during the two weeks following the initial charging of the case and at least once per week during the entire pretrial period. Agents also contacted victims whenever possible to check on their safety, made referrals to victim services, and assessed compliance with the no-contact order.

In August 2001, a challenge filed by a private defense attorney raised legal objections to basing bail conditions only on geographic location without regard to individualized circumstances. Based upon equal protection grounds, it was argued that structuring pretrial monitoring based on the police district of arrest would allow a minor offender in one district to get extra monitoring and a severe offender in another district to receive no extra monitoring. The challenge was upheld.

JOD also encountered operational problems in the early months of pretrial monitoring, prior to the legal challenge. One issue was ensuring that intensive monitoring was implemented as planned. Because the program was staffed by agents assigned to the position by the Division of Community Corrections of the Wisconsin Department of Corrections on the basis of seniority and departmental personnel policies, selection was made without regard for the quality of the candidates' experience with domestic violence offenders.

A second operational issue arose, namely, how to handle contacts between the two probation agents and victims. Although JOD was deeply concerned about the need for early victim contact and safety planning, project planners realized that staff charged with monitoring compliance with bail conditions could not pledge confidentiality to victims. This caused concern among the defense bar; they believed information provided during monitoring could affect evidence in the case. Meanwhile, advocates were concerned that victims could face additional abuse if they provided information about bail violations. As a result, protocols were developed to guide contact with victims that included reminding them repeatedly that communications were not confidential.

In June 2002, pretrial monitoring responsibilities (and JOD funds) were shifted from the Division of Community Corrections to the Milwaukee Office of the Chief Judge. This gave the court

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management control over hiring and supervision of staff. It also helped alleviate some of the defense bar's disdain for having an accused person under the authority of DOC. After a temporary suspension of the original program, a revised Pretrial Monitoring Program became operational on July 1, 2002. Supported by JOD funds, the court hired a bail monitor supervised by the associate project director. Defendants, identified by prosecutors (at the time of issuance of charges) or a Commissioner (at the defendant's first court appearance), were admitted (depending upon space availability[53]) based on the following eligibility criteria:

- Defendants were only eligible if they had been charged with a crime that related to *intimate partner* violence (IPV);
- Defendants were only eligible if they had previously been charged with a domestic violence crime, even if the case was dismissed;[54] and
- Defendants who were currently being supervised by the Division of Community Corrections were not eligible, under the assumption that additional supervision might be duplicative.
- Defendants assigned to the intensive Pretrial Monitoring Program were required to meet in-person with the bail monitor within 24 hours of the initial hearing. If in custody, the defendant was ordered to report immediately upon release from custody. Defendants ordered to pretrial monitoring were required to appear in court for an initial pretrial hearing approximately two weeks after charging, a second review approximately five weeks after charging, and a final review about one week before trial. The DVCC assigned additional pretrial court appearances, beyond the three listed above, if deemed necessary.

The intensive pretrial monitoring included office visits, letters, phone calls, collateral contacts, and field contacts by the bail monitor with defendants. The monitor also made phone contact with the victims and on occasion, conducted field welfare checks to assess a victim's safety. At each contact, the bail monitor was required to remind the defendant or victim that he was contacting them as a court employee and that he must report violations to the Court. On average, defendants reported every two weeks prior to case disposition, in front of either the commissioner or the pretrial monitor.

Exhibit 3.4. Comparison of Original and Modified Pre-Trial Monitoring Models

	Original Pre-Trial Monitoring Model	**Modified Pre-Trial Monitoring Model**
Monitored by commissioner and	2 probation agents	1 bail monitor
IPV defendant reported to	Agent's office and court	Bail monitor and court
Eligibility of IPV defendants	All or a random sample of IPV defendants arrested in Police Districts 2 and 3	30 to 40 defendants identified as high risk by prosecutors or a commissioner

[53] The program was initially limited to 30 high-risk defendants. Later it was expanded to 40.
[54] Defendants with previously dismissed domestic violence cases were included, based upon the theory that the defendant had previously been determined to have engaged in abusive conduct and may have successfully dissuaded (manipulated) the victim from appearing in court to testify on behalf of the prosecution prior to JOD when the prosecution had not yet begun to develop and employ evidence-based prosecution strategies.

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In a preliminary evaluation of the JOD Pretrial Monitoring Program conducted by the Milwaukee JOD Project Team, 40.6 percent of the 69 cases closed from the Program between July 1, 2002, and December 31, 2003, had bail violations.[55] The majority of the violations were for communication with the victim in violation of the no-contact order, not for repeat violence against the victim. In almost all cases, the victim was the one who reported that the defendant had violated the no-contact order. The complaint, in turn, was conveyed to the DVCC by the bail monitor for sanctioning. Of all first time violations, 42.9 percent were violations of the no contact order, and 32.1 percent of non-compliant defendants failed to make required contact with the bail monitor. Eighty percent of program defendants who violated bail conditions received increased bail and, consequently, were taken into custody by the DVCC at their hearing. Seventy-three percent of defendants who violated the no contact condition were criminally charged with bail jumping. Cases in the pretrial monitoring program in which the bail monitor had contacts with the victim were more likely to end in conviction (71 percent) than cases in which the monitor did not have victim contacts (38 percent). The difference may be due to the interest of these victims in getting help from the courts, but the early contact with the bail monitor may also have encouraged continued participation in case prosecution.

Probation Status Review Hearings

Starting very early in the project (May 2000), the domestic violence judges began scheduling probation status review hearings to monitor the compliance of domestic violence offenders with conditions of probation. Prior to JOD, most offenders on probation for domestic violence were ordered to attend a BIP, but the court did not require review hearings or regular reports in order to monitor compliance with the court's orders.

Milwaukee was concerned that many domestic violence probationers failed to enroll in BIP while on probation or waited to enroll until their period of probation was almost complete. As a result, many probationers failed to complete their BIP requirement. As part of JOD, offenders were given a date for a probation status review hearing when they were sentenced and informed that the sentencing judge intended to review their compliance with all probation requirements at the time of the hearing. Additional review hearings were ordered if needed. After much discussion and experimentation with various timeframes for scheduling probation court reviews, the courts ultimately settled upon a 60-90 day timeline between the sentencing hearing and the initial probation review hearing.

Initially, JOD funded a court resource monitor for the domestic violence trial courts. The monitor, employed from November 2000 to January 2001, reviewed probation rules with newly sentenced offenders and made appointments with a probation agent for intake. Additional duties were to include collection of information regarding offender compliance for use in the review hearings. However, during a reallocation of funds following a reduction in the JOD support expected from OVW, the decision was made to use the funds for higher priorities. The probation agents in the Division of Community Corrections assumed full responsibility for probationer orientation, intake, and compliance reports.

The probation status review hearings were scheduled for Friday afternoons—a time when the court rarely scheduled trails. This accommodated the need to have additional deputy sheriffs present to take offenders into custody should the judge impose all or part of the stayed jail time. Friday hearings also allowed immediate use of jail time sanctions across the weekend (or longer if ordered). It was assumed that jail sanctions across a weekend would be less likely to interfere

[55] Note that the sample of cases was small and not randomly selected from all cases in the program.

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with the probationer's work schedules. The hearings were attended by offenders, their probation agents, a State Public Defender, an Assistant District Attorney, victim/witness specialists, and victim advocates. Some private defense attorneys attended.

At the offender's sentencing hearing, judges often imposed and stayed periods of jail so that the judge legally would have a period of jail to impose, at his or her own discretion, upon an unsuccessful probationer. Then, at the probation review hearing, the judge reviewed the court reports submitted by probation agents earlier in the week and often asked additional questions about compliance. Based on judicial assessment of progress, the judge might encourage the offender to continue his/her progress; warn the offender, but allow probation to impose sanctions or additional requirements; or sanction the offender to serve all or some of the stayed condition time specified in the sentence. The judges also scheduled additional probation status review hearings if they believed additional court monitoring was needed. Table 3.7 shows that for all scheduled hearings, 43 percent of offenders were judged compliant at their review hearings, while 28 percent were judged non-compliant.[56] Another 26 percent of the JOD offenders had failed probation before the time of their scheduled review hearing by absconding or being revoked,[57] while 4 percent failed to appear at the review hearing. When absconders were picked up, the probation agent usually requested revocation and no further review was scheduled.

The JOD case tracking system counted 1,347 review hearings in 2002 for misdemeanor cases. The number of hearings per probationer ranged from one to five, averaging 1.1. The time to the first review hearing ranged from a minimum of 61 to a maximum of 244 days, with 150 being the average number of days from sentencing to the first probation status review hearing.[58] This was almost double the target timeline of 60-90 days. The delay in review hearing timing resulted both from crowded judicial dockets and from the delay in getting defendants into BIPs due to long waiting lists.[59] In an effort to maintain consistency in review hearing scheduling, the court adopted a formal policy in December 2003 requiring the domestic violence judges to mandate as a condition of probation on all domestic violence cases that the defendant reappear for a probation status review hearing within 90-120 days of the sentencing hearing. In addition, the policy required domestic violence judges to schedule and conduct additional review hearings where appropriate or upon the request of the probation agent assigned to the case. Table 3.8 shows that judges imposed sanctions at 405 hearings between January 2002 and December 2002. In 318 (78.5 percent) of the cases, offenders were required to appear for another hearing. Two hundred thirty-one (57.0 percent) offenders were ordered to serve all or a part of their stayed jail sentence[60]. The average number of jail days imposed was 11; the median was 6 days. Some persons not counted in Table 3.7 as non-compliant were given sanctions, almost always in the form of an additional review hearing. This occurred when the judge had concerns about the probationer's behavior or progress, but the offender had no clear technical violations that could be used to classify him/her as non-compliant.

[56] Criteria for compliance and noncompliance depended both on objective rules and the judges' assessment of the offenders' attitudes and behaviors. For example, a failed drug test was clear evidence of noncompliance. However, judges could also consider a probationer's level of cooperation with probation and participation in BIP in determining compliance.
[57] Includes offenders with a pending revocation hearing.
[58] The median of 153 days was close to the average.
[59] The long waiting lists were a result of the court initiating judicial review hearings prior to the BIPs having an opportunity to increase capacity of their programs to accommodate the sudden surge in intakes.
[60] As a part of graduated sanctioning, judges could order that the jail time be served with work release privileges if safety was not an issue.

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Table 3.7. Probation Status Review Hearing Outcomes: January 1, 2002, through December 31, 2002 (n= 1347)

Status at Hearing[61]	Number of Appearances[62]	Percent of All Hearings
Compliant with probation conditions.	572	43
Not Compliant with probation conditions	378	28
Prior Non-compliance, did not appear at review hearing	345	26
Absconded during probation	(126)	9
Revoked by probation agent	(219)	16
Failed to appear for review hearing [63]	52	4

Source: JOI Court Case Tracking

Table 3.8. Review Hearings in which Sanctions Were Imposed: January 1, 2002 – December 31, 2002 (n=405)

Sanction Imposed	Number of hearings
Additional Hearing Only	174
Jail: Partial stayed time only	64
Jail: Partial stayed time plus additional hearing	142
Jail: Full stayed time only	23
Jail: Full stayed time plus additional hearing	2
Jail Time Imposed	Number of Days
Average stayed time imposed	11
Median stayed time imposed	6

Source: JOD Case Tracking

Access to Restraining Orders

Although the Milwaukee Task Force on Family Violence operated a highly regarded clinic to assist victims petitioning the courts for restraining orders prior to JOD, the project planners were concerned that the time-consuming process was a barrier to many. The process required victims to complete the following steps:

- Go to the Restraining Order Clinic on the 7th Floor of the Milwaukee County Courthouse, meet with an advocate, and complete paperwork to file for a Temporary Restraining Order (TRO);

[61] The probation agent reported the behavior, and the judge determined compliance.
[62] Some defendants may appear more than once.
[63] This number probably counts individuals who failed to appear, but it is possible that some individuals are counted more than once.

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- Go to the Family Court Commissioner's office on the 7th Floor to have the TRO decided and get a date for the final injunction hearing;
- Wait for the clerk to give you the court date and copies of the paperwork;
- Go to the Clerk of Courts office on the ground floor of the Courthouse and file the TRO;
- Walk copies of the paperwork and an information sheet detailing where the respondent could be served to the Sheriff's Department in the Safety Building (next door);
- Take copies of the paperwork to the petitioner's local police department (both where she resides and is employed); and finally
- Attend a second hearing, scheduled within 14 days of the initial hearing, to have a longer-term injunction, or "permanent" restraining order issued. Not all injunctions are granted. The court must find "reasonable grounds" to believe abuse has or might occur to grant the final order.

Milwaukee experimented with ways to alleviate some of the burden on victims requesting a TRO. Initially, Milwaukee tried to implement software that would enable victims to file for TROs at a satellite location. The goal of e-filing was to eliminate the need for the victim to go downtown to file for a TRO as well as to eliminate the need for her to walk the paperwork through the various offices at the Courthouse complex.[64] Electronic-filing was designed to begin in January 2002 and required one judge to be on duty for extended hours. The software was an internet based program with servers in California and India, and once the judge granted the order, the copies were distributed to the court, the Clerk and the Sheriff's Department by email and fax. Advocates were available at a satellite office to help victims complete the required paperwork and transmit the forms electronically to the duty judge. However, the effort was discontinued several months later after repeated technical problems. The Task Force on Family Violence continued to be available during expanded hours—including two weeknights and several hours on Saturdays at a local hospital—for those persons wishing to obtain a temporary restraining order. The advocates were available for victims who wanted to meet with them during extended hours to do safety planning, fill out the paperwork, and learn the process before they went to the courthouse complex. However, this initiative was discontinued after several months because few victims used the service.

JOD subsequently shifted project efforts to reducing the burden on victims coming to the courthouse for a restraining order. Historically, domestic abuse restraining orders and injunctions were heard in a small room staffed by only a Commissioner, court reporter, and bailiff when both parties appeared. All petitioners and respondents waited for their hearing together in a large waiting room. Harassment injunctions were heard in a more formal courtroom in an adjacent building. Victims were required to walk copies of the paperwork and an information sheet detailing where the respondent could be served to the Sheriff's Department in the adjacent building (as described above) whenever the respondent did not appear in person at the injunction hearing.

[64] The Milwaukee County Courthouse Complex consists of the Courthouse, Criminal Justice Facility and Safety Building. The three separate buildings are connected through a common walkway.

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In June of 2003,[65] the Circuit Court created a combined Domestic Abuse/Harassment Injunction Court, staffed by a Court Commissioner, deputy court clerk (funded by JOD), court reporter, and bailiff located in a large courtroom. The new court heard domestic abuse and harassment injunctions Monday through Friday. The change was made for several reasons:

- Legal requirements. Wisconsin state law mandates that all court proceedings be open to the public. The small hearing rooms discouraged an open format.

- Increased formality. Milwaukee believed that having the hearings in a formal courtroom was critical in encouraging better behavior and adherence to court orders on the part of defendants/respondents.

- Consistency. Having a unified court helps ensure that the message given to litigants is consistent. That is, it helps to avoid "forum shopping," which often results in inconsistent decisions or situations where a victim inadvertently selects the incorrect legal remedy. Hearing domestic abuse and harassments in one court was expected to lessen the confusion for victims.

- Reduced victim burden. JOD funded an additional position in the office of the Clerk of Court. As a result, TRO and injunction paperwork were taken to the Sheriff's Department by court staff, not the victim.[66]

- Increased safety. Prior to the unified court, petitioners and litigants shared a waiting room with respondents before hearings. In the new, larger courtroom, petitioners and litigants waited in the jury box under the protection of the bailiffs, while respondents waited in the gallery. Protocols were devised for special security if problems were anticipated.

Other Organizational Changes in the Court

Other JOD changes in the court identified by judges as important in facilitating a coordinated response to domestic violence cases included:

- Co-location of the courts. Following the opening of a victim waiting room (see below), the four domestic violence courts were located on the same floor of the courthouse. This promoted efficiency in staff scheduling and coordination among the JOD partners in the courthouse (the prosecutors, victim/witness specialists, and defense attorneys) as well as protecting victims who used the waiting room. For example, although Assistant District Attorneys and victim/witness specialists were generally assigned to a specific courtroom, they were sometimes called upon to handle cases in more than one courtroom and to provide coverage for other staff. The proximity of the spaces helped manage the workload.

- Victim waiting room. A waiting room for domestic violence victims was opened on October 15, 2000, and was staffed by the victim/witness unit and located near the domestic violence courts. Victims and witnesses in misdemeanor and felony cases were subpoenaed to the waiting room and could choose to remain there (with any children) until time to testify. The District Attorney's Office staffed the room until the

[65] Note that this occurred late in the project, after cases were selected for inclusion in the impact evaluation.
[66] If the respondent lives out of the county or is in custody or the pick up for the day is past, the petitioner must still walk the paperwork to the Sheriff's Department themselves.

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last case was called for the day. Although it might have been useful to keep the room open at all times for use by community agencies and the bail monitor, the victim/witness unit could not spare staff time to monitor the room outside of the hours the domestic violence court trial dockets were hearing cases. Leaving the room unsupervised was a potential threat to victim safety so the room was locked at the end of court each day.

- Inclusion of felony cases in the domestic violence courts. Prior to JOD, felony domestic violence cases were prosecuted in six general felony courts by the Office of the District Attorney's 18-member felony team. Because domestic violence felony cases were a small portion of the very large caseloads assigned to the felony attorneys and are difficult and time consuming to prosecute, JOD planners decided to move these cases (about 300 per year) to the Domestic Violence Courts and fund two additional attorneys in the DA's Domestic Violence Prosecution Unit. This shift allowed much more intensive case prosecution by a single attorney (vertical prosecution) and encouraged development of innovative prosecution strategies. A pilot project was conducted by one of the domestic violence courts in 2003 to determine the impact of having preliminary hearings in front of the judge to whom the case was assigned instead of the Preliminary Hearing Court Commissioner. Due to the success of this pilot, the practice was extended to all the domestic violence courts effective March of 2004.

Issues confronting the Court in Implementing JOD

The Supreme Court of Wisconsin has a mandatory rotation policy that does not exempt the domestic violence courts. Accordingly, the Milwaukee Criminal Court rotates judicial assignments regularly. Between 1999 and 2003, eight judges and two commissioners were assigned to the domestic violence courts. The judicial rotation brought with it both benefits and challenges.

One of the main benefits of the judicial rotations is that there is widespread training and increased understanding among many judges about domestic violence. This is especially important since domestic violence is likely to be present in cases outside of the domestic violence courts, including other criminal cases as well as those heard by Family Court, Children's Court and in Civil Court. Judges assigned to the domestic violence dockets regularly attended meetings that also involved BIPs, the police, and probation to work on domestic violence issues affecting the criminal justice system as a whole. Another potential advantage of rotation was a reduction in the risk of judicial burnout. Domestic violence dockets provide little variation in case type, thus requiring judges to deal with large numbers of emotionally exhausting and often frustrating cases fraught with human tragedy and safety risks to victims and children.

Challenges of the judicial rotation included the need for intensive judicial training annually as well as frequent meetings to discuss policies and consistency in case handling. Another challenge included the wide variation in the judge's adherence to JOD policies and the ways in which they exercised their judicial discretion. Discretionary decisions such as sentencing remain a challenge because of the resulting inconsistencies. For example, the domestic violence judges varied widely in the time they set for the first probation status review hearing and their use of graduated sanctions.

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JOD also faced the challenge of how to integrate the judges into the coordinated community response to domestic violence, which had been managed for some years by the Milwaukee Commission on Domestic Violence and Sexual Assault. The challenges were both philosophical and organizational. Historically, the judges were reluctant to become involved in policy decisions outside of issues that involved court management. Because the Commission traditionally focused on victim advocacy, the judges were hesitant to apply for membership. However, it was soon realized that in order to have JOD integrated into the larger community, a seat by the judges on the Commission was needed and could be handled in a way that did not compromise their impartial position. Thus, in April 2002, following an amendment to ordinance governing membership, the Chief Judge[67] joined the Commission. The Commission, in turn, added JOD as a separate agenda item in each monthly meeting so that the entire Milwaukee community received an update on all new JOD initiatives. This shift in the Commission's governance formally joined the court to the larger community response and leaves a structure for further joint planning of policies and practices well into the future.

Department of Corrections, Division of Community Corrections

The Division of Community Corrections (DCC) of the Wisconsin Department of Corrections (DOC) provided probation supervision for domestic violence offenders sentenced in the Milwaukee Circuit Court. The department is part of a statewide corrections department and is independent of the courts. At the start of JOD, there were over 350 probation field agents in the Milwaukee County Region. A majority of them carried general caseloads that could include domestic violence offenders. The number of probationers at any point in time was approximately 19,000, and agents supervised an average of 60-80 active cases.

All probation agents employed by DCC received a brief introduction to domestic violence during their initial job training. Each of the six regional division offices had at least one domestic violence specialist on staff who received additional, specific training on domestic violence including appropriate supervision methods, procedures for interacting with victims, and information on community resources and programs. These specialists served as consultants to other agents managing domestic violence offenders or domestic violence issues among clients. These agents also worked on regional policy development and on the training of other probation agents in the supervision of domestic violence offenders.

Prior to JOD, the regular interactions between the court and probation agents were limited. A Probation Department Specialist from the division was assigned to the Office of the District Attorney two days per week to review files, cross reference protection orders, and identify domestic violence offenders on probation who were arrested and charged with new offenses. Review hearings of noncompliant probationers before trial judges were infrequent as most agents initiated the revocation process when indicated.

JOD Probation Supervision of Domestic Violence Offenders

Initially, the division received JOD funding for two agents assigned to the DVCC for pretrial monitoring. As discussed above under the courts section, funding for the pretrial monitoring was shifted to the court at the end of June 2002. As a result, the changes in probation supervision introduced by JOD involved shifts in policies and practices without additional funds.

[67] The Chief Judge is represented on the Commission by a presiding domestic violence judge.

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In Milwaukee, the probation department became an active partner in the JOD network, resulting in a number of significant changes in the supervision of IPV offenders. Senior division staff participated actively in JOD planning and management meetings and appeared at many review hearings. Probation agents regularly monitored compliance of IPV probationers by: 1) establishing regular contacts with BIP providers to monitor probationer entry, attendance, and participation in developing standardized reporting forms for recording BIP status, 2) preparing and submitting reports on probationer compliance to the court prior to review hearings, and 3) attending their clients' review hearings. The result was increased offender accountability in the face of large caseloads, lack of automation, and bureaucratic hurdles.

Agents adopted the following procedures for supervising domestic violence probationers. At the initial probation meeting, the probation agent completed an assessment, determined the kinds of services required, and referred the offender to a specific BIP. Based on the assessment, additional requirements not mandated by the sentencing judge could be imposed by the agent. Agents monitored compliance with requirements through office or other face-to-face meetings with the offender, calls to the victim, checks with the service providers, and other collateral contacts. As always, agents had the authority to issue an immediate warrant for the probationer's arrest authorizing detention of the probationer. Agents called the BIPs to verify attendance and program status the week before a review hearing. However, agents requested immediate notification from the BIP if a probationer violated any treatment requirements.

Early in the week of a scheduled probation status review hearing, agents completed a court report (using word processing) and emailed it to the trial court. The reports followed a specified format adopted as part of the Probation Review Protocol and were sent to the court. Copies were given to the Judge, Assistant District Attorney, and defense attorney (either to defense counsel or directly to the pro se defendant). The reports contained information on participation in BIPs, results of any drug tests, payment of fees, and compliance with all other conditions of probation. The supervising agents (or substitutes if necessary) attended all review hearings.

A description of the domestic violence offenders supervised by probation agents in 2002 is shown in Table 3.9. Of the 1,480 domestic violence probationers supervised in 2002, most (78 percent) were on probation for a single charge and sentenced to an average of 20 months probation. The minimum probation sentence increased with the number of charges from a minimum of two months for one charge to a minimum of 12 months for three charges. However, the average time sentenced to probation increased only slightly with the number of charges (i.e., from an average of 20 months for one charge to an average of 28.33 months for three charges).

The Division of Community Corrections had to overcome several serious challenges in implementing JOD. These included:

Staff resistance. At the start of JOD, many agents were unhappy about the requirement to attend probation status review hearings. They objected to having to appear in court on Friday afternoons and resisted the extra work required by the probation status review hearings and accompanying court reports. Agents were also concerned that the probation status review hearings were designed to supervise their work and that they would be openly chastised when probationers failed to comply with court and probation orders. However, initial resistance to the additional work requirements and the inconvenience of appearing at Friday afternoon probation status review hearings dissipated as agents came to appreciate the judicial support of their supervision efforts and endorsement of their authority.

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Table 3.9. Duration of Probation Supervision of IVP Offenders[68] Placed on Probation: January 1, 2002, through December 31, 2002 (n=1,480)

Sentenced to Probation for 1 Charge	1,152
Average months on probation	20.0[69]
Range of months on probation	2 months to 72
Sentenced to Probation for 2 Charges	267
Average months on probation	24.5
Range of months on probation	6 months to 66 months
Sentenced to Probation for 3 Charges	61
Average months on probation	28.3[70]
Range of months on probation	12 months to 60 months

Source: JOD Case Tracking System

Training requirements. Although files of offenders from the domestic violence courts were clearly marked as such when assigned to probation, cases were often assigned to agents with general caseloads because there were not enough specialized agents to handle all such cases. Consequently, over 350 agents needed to understand and apply the intensive monitoring procedures developed under JOD. Relatively high staff turnover among agents required ongoing efforts to ensure that all of them understood the new procedures and protocols. The division did not receive JOD funds and did not have additional resources for specialized training. During JOD, the Milwaukee District Attorney's Office, in conjunction with the Task Force on Family Violence, conducted training for probation agents on investigation strategies for agents in order to help them prepare better for revocation hearings.[71] Additional training and consultation with protocol development was provided with JOD technical assistance funds.

Automated tracking. The statewide-computerized data system used by the Division of Community Corrections did not contain a field that could be used to meet the local need for a flag identifying the JOD offenders and modification of this system to meet local needs was not possible. The division lacked the tools to assist in managing this small subset of their typically large caseloads. It also lacked other relevant information on prior domestic violence probation violations and revocation proceedings.

[68] Offenders on probation could be sentenced to straight probation, jail and probation, prison and probation, or jail and prison and probation. Offenders were sentenced for up to four domestic violence charges. All offenders guilty on three or more charges were sentenced to some straight jail or prison time.
[69] One offender was sentenced to 180 months of probation. Since this was clearly an outlier, this case was removed when calculating the mean. By removing this case, the mean did not change significantly (from 20.14 months with the outlier to 20.00 months without the outlier).
[70] One offender was sentenced to 240 months of probation. Since this was clearly an outlier, this case was removed when calculating the mean. By removing this case, the mean changed significantly (from 31.74 months with the outlier to 28.33 months without the outlier).
[71] In total, 80 probation and parole agents attended this training. Because of the overwhelmingly positive feedback, plans to expand the training to include more attendees and more topics are forthcoming.

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Recidivism Checks. The division had to rely on hand checking of arrest and court records to identify which JOD offenders had been rearrested or charged with new offenses. The division assigned one or two liaison agents to this task, but the position was chronically understaffed, compromising the certainty of detecting new offenses.

Information on Compliance with Requirements for Batterer Intervention. The division needed to develop procedures for receiving up-to-date information from BIPs for inclusion in the review hearing reports. Problems were both logistical (as noted above, there were over 350 field agents involved and multiple BIPs) and substantive (involving negotiations over what information could and should be shared).

Despite these challenges the division has made considerable progress and became a central partner in new JOD procedures. In focus groups with victims conducted in mid-2003, victims were enthusiastic about the help they received from probation and viewed probation's intervention very positively (see findings from Milwaukee victim focus groups in *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC.).

However, the division struggled with several difficult issues around the supervision of domestic violence offenders. These included protocols for victim contacts, recommendations on revising no-contact orders, and when to end probation supervision.

Victim Contacts. Prior to JOD, the probation department had written protocols for victim contacts but the protocols did not address domestic violence victims specifically. As part of JOD, the probation department wanted to start contacting victims on a regular basis to explain the conditions of probation to the victim, review the no contact order (if one existed), notify victims of the next court date, and provide victims with domestic violence community resource referrals. In addition, probation agents reported that victims often called them, rather than the police, to report new incidents or to request changes to the no-contact order. Establishing protocols for contact that would protect the victim was challenging and the department requested and received JOD technical assistance in this area. Written protocols addressing best practices for contacting domestic violence victims were finalized in March 2004 after 16 months of hard work on their development. In an effort to facilitate early and timely victim contact by the assigned agent, Victim/Witness Specialists in the District Attorney's Office regularly submit victim contact information to the Probation department as soon as possible following sentencing on a probation case. Information was provided in over 1,000 cases in the last six months of 2003.

Recommendations on Lifting No-Contact Orders. During JOD, no-contact orders were included as a bail condition at the initial hearing of IPV cases and as a condition of probation for offenders sentenced to probation on IPV charges. However, in many cases (exact percentage is unknown) victims requested that the order be lifted or modified, particularly when there were children in common (see findings from Milwaukee victim focus groups in *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC.) Discussions on this issue continue, and Milwaukee has instituted avenues for having a no-contact order lifted.[72] As the process has become more formalized under JOD, agents had the option of asking victims to put their request

[72] The judge has the final say in whether a no-contact order would be lifted; however, the judge relies heavily upon the recommendations of the probation agent. Sometimes, as a condition of probation, the judge leaves the modification of the no-contact order up to the probation agent's discretion, provided the victim has requested the modification.

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for lifting a no-contact order in writing and were expected to consider factors such as the attitude of the defendant and his compliance with BIP requirements before proceeding. If appropriate, the probation agent would negotiate a no-violent contact agreement signed by all parties. Agents may have been caught in the middle as victims and offenders pressed for changes.

Deciding When to End Supervision. An important issue for probation agents and judges is deciding when supervision should be ended and who should be authorized to make such a decision. Concerns were raised that defense attorneys were requesting early termination of probation in some cases and probation agents were not voicing objections. As a result, in June 2002, probation reminded agents that the department had an administrative process for early discharge and that most domestic violence offenders would not meet the criteria.

Community-Based Service Providers

Four non-profit, domestic violence providers were active in JOD at the start of the demonstration project: Task Force on Family Violence, Milwaukee Women's Center, Sojourner Truth House, and Asha Family Services. Collectively, they delivered a broad range of victims' services and operated all the BIPs used by the court for years. Despite the rich array of services for victims, there were gaps and unmet needs. Many victims were not ever in contact with service providers, while others were confused by the array of providers in the community and did not understand how to seek services. Programs for batterers were in short supply and did not match the diverse language and cultural needs of the offenders coming through the court. Moreover, compliance with court orders to attend BIP was poor, with more than half of the offenders failing to report for an intake interview as ordered by the court. With few slots available and poor compliance, the average time from date of offense to program enrollment was over nine months. The long lapse between sentencing and program enrollment meant that few probationers actually completed their BIP requirement. Most of the referrals into BIP were part of a criminal sentence and were managed by probation agents. However, reports concerning progress in BIP were not routinely given to probation and procedures for such feedback varied considerably among the four BIPs.

The JOD planners identified the following gaps and proposed funding the four non-profit agencies to provide needed services:

- Additional services to victims and offenders. This included hiring additional staff, expanding victim support programs and increasing the capacity of the BIPs;
- Immediate referral and entry to a BIP for convicted batterers and regular monitoring of attendance and progress in the program by probation agents;
- Development of standard administrative procedures and minimum certification standards for all four BIPs; and
- Procedures for accepting clients into BIPs during the pretrial period, including incentives to encourage defendants to choose this alternative (e.g., DPAs).

JOD funded the four community service agencies to provide specific services to improve the coordinated community response to domestic violence. Each organization submitted a yearly proposal requesting support for services as a JOD partner. The proposals were reviewed and accepted by the Project Director's and the Chief Judge's Office, and contracts were executed

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between the county and the requesting agency. The amount of funding received and the services to be offered as a result of the funding varied from year to year as the project evolved.

The Task Force on Family Violence of Milwaukee, Inc.

The Task Force on Family Violence, founded in 1975, is a 501(c)(3) non-profit organization providing legal and employment advocacy, batterers' education, and public policy advocacy on issues of domestic violence. Its pre-JOD services included:

- **Legal Advocacy Program**: Task Force staff helped victims obtain the legal protection of a restraining order. Staff also assisted victims in completing forms, assisted in court at injunction hearings, and provided safety planning and safety checks.

- **Legal Emergency Assistance Project (LEAP**): Legal Action attorneys represented family violence victims in emergency legal proceedings related to violence. Community Resource Advocates assisted with in-depth safety and resource planning and ensured a victim's other social service needs did not interfere with the success of her legal proceedings.

- **Children's Advocacy Project**: This program provided direct support to children who witnessed or experienced abuse and teen victims of abuse and their families similar to the services in LEAP.

- **DAIP**: **The Domestic Abuse Intervention Project for Adults**: This program provided 18-weeks of batterer education to abusers, many of whom were referred by the court.

- **Employer Bridges**: LEAP advocates assisted clients on an individual basis to identify work-related problems and provided solutions for both the survivor and the employer. Advocates called the employer to discuss the employees' immediate needs such as missing work due to court appearances or the need to obtain shelter, health care, and childcare arrangements.

- **When Family Violence Comes to Work**: Half-day seminars designed for managers, human resource professionals, and security staff discussing the dynamics of family violence, how to recognize signs of abuse in employees, and how to identify options for approaching and assisting employees with the problem.

- **Community and professional trainings:** Presentations were given about family violence reaching more than 1,000 people a year. [73]

In MOUs with the project, Task Force laid out the following goals:

- provide LEAP services to additional victims each month (to increase from 200 annually prior to October 2001 to 1200 annually thereafter);

[73] The data collected for the evaluation on Task Force activities were not designed to measure these outcomes, but rather to document the level of direct services provided to victims and offenders during JOD as measured by monthly statistics from the court on restraining orders and the DAIP program on batterer treatment caseload and services.

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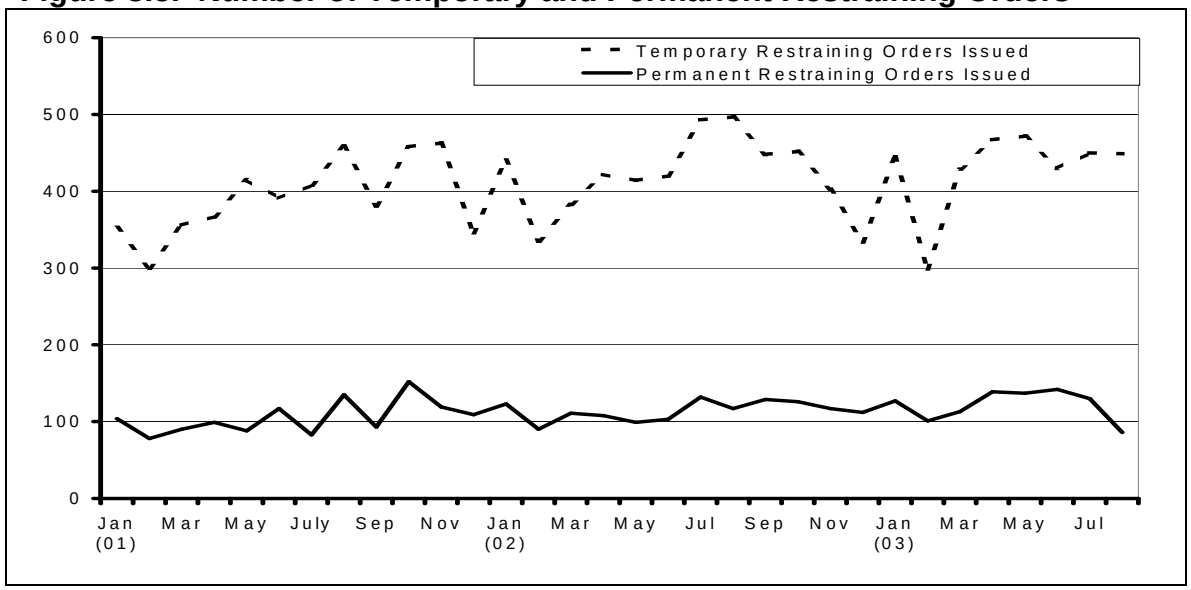
- offer victims after hours and weekend restraining order assistance (200 per year reduced to 5 per month in October 2001, discontinued due to low usage);
- provide safety and resource planning and screening for legal emergency assistance to 400 victims;
- aim to ensure that 90 percent of the temporary restraining order requests were granted with 40 percent obtaining permanent orders;
- initiate follow-up services by phone with restraining order clients (effective October 2001);
- provide BIP to 400 perpetrators annually.

Using JOD funds, the Task Force on Family Violence expanded its Legal Emergency Assistance Project (LEAP) and Courthouse Advocacy program for restraining orders by adding two half-time staff trained in both programs, offering services during evenings and weekends and at offsite locations. However, as was previously discussed, these services were discontinued due to implementation problems. The Task Force also expanded the scope of legal advocacy services to include taking digital photographs of injuries and distributing bus tickets, phone cards, and gift certificates to victims in emergency situations.

Court records show that the number of temporary restraining orders (TROs) rose during JOD averaging between 400 and 500 per month, despite a few months when fewer orders were issued (Figure 3.5). A large portion of those seeking TROs receive assistance from LEAP and other statistics (not shown) indicate that about 90 percent of the requests are granted. However, the percentage of "permanent" orders, which follow temporary restraining orders, remains low. Although the exact percentage is not shown due to the lag between the temporary and permanent order, it appears that permanent orders are issued to less than a quarter of those victims obtaining temporary orders.

Figure 3.5. Number of Temporary and Permanent Restraining Orders



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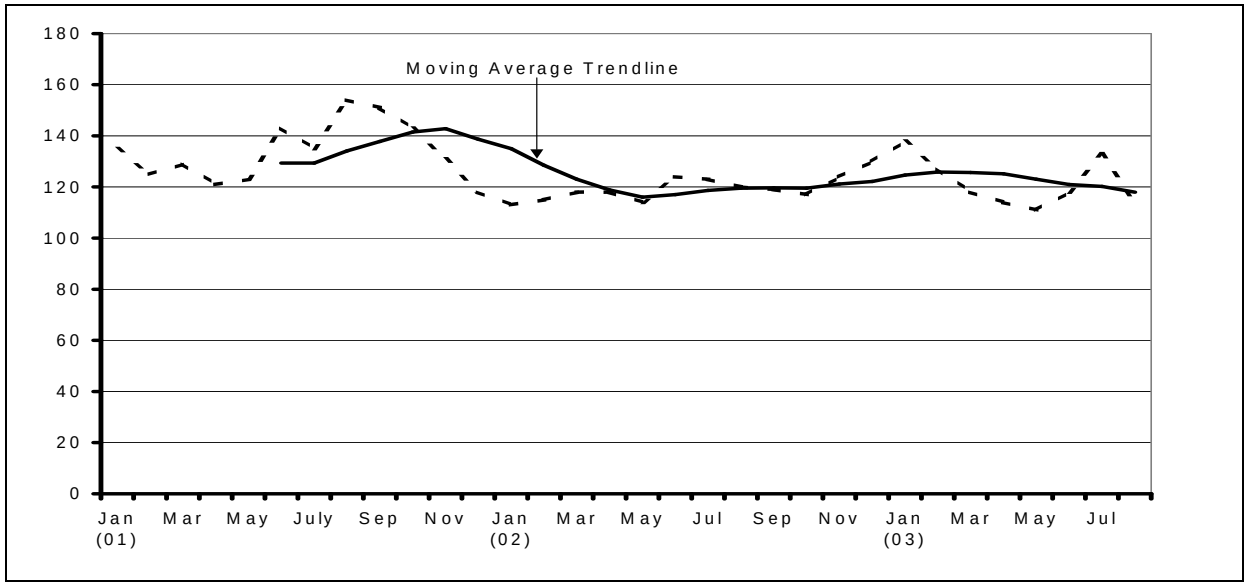
During JOD, the Task Force added four BIP groups to their Domestic Abuse Intervention Program and began using "Stages of Change"[74] interventions, and gender specific groups. Figure 3.6 shows that the number of active clients in the DAIP increased during 2001, probably because of an increase in sessions offered. Once these sessions filled however, the number of active clients declined from a peak of a 143 to about 120. The decline and eventual stabilization of active clients may be due to an increase in the time probationers stayed in treatment, which would reduce the number of open slots.

Milwaukee Women's Center (MWC), Inc.

MWC was founded in 1980, as a private, non-profit, women and minority-governed organization to address family violence issues. The agency's mission is "to research, develop, and administer programs to end abuse." MWC provides prevention, intervention, and support services in the areas of family violence, homelessness, substance abuse, mental health issues, poverty, and maternal and child health problems. Victim services are concentrated in the areas of domestic violence, mental health, substance abuse, and maternal and child health care. Its pre-JOD Services included:

- **24-hour Refuge:** Emergency shelter for battered women and their children.
- **24-hour Crisis Line:** Information, crisis counseling, and referral.

Figure 3.6 Number of Active Clients in Domestic Abuse Intervention Project by Month



[74] *Stages of Change*, developed by James Prochaska and Carlo DiClemente, is a transtheoretical framework for understanding how people change. It has been widely used to explain how people overcome certain negative lifestyle behaviors, such as smoking or weight loss, and includes a 5-stage continuum of behavior change beginning with precontemplation (person does not recognize the behavior is a problem), to contemplation (sees the problem and begins thinking about change), to preparation (making a plan to change), to action (proactively changing behavior) to maintenance (maintaining behavior change over the longer term). Many batterer intervention scholars and practitioners have adopted the *Stages of Change* model.

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- **Second Stage Program:** Services to help homeless clients achieve economic independence, safe and stable housing.
- **Older Abused Women's Program:** Case management/support groups for women 50+ years old who are being abused by their partners or adult children.
- **Community Education:** Education, training, materials, and curriculums on abuse and related issues.
- **Behavioral Health Clinic:** State certified outpatient mental health clinic specializing in services to victims and perpetrators of family violence, sexual assault, child abuse, substance abuse, and mental health.
- **Family Intervention:** Home-based, family-focused alcohol and other drug abuse counseling and case-management, specializing in African American and Hispanic families.
- **POWER Program:** Case management promoting healthy drug- and alcohol-free mothers who can care better for their own health and that of born and unborn children.
- **Birth to Three:** Home-based assessments, case management, and intervention services.
- **NEVERMORE Program:** Originally, a 16-week BIP (12 group sessions and 4 individual sessions operating from an integrated treatment model blending cognitive-behavioral, feminist, solutions-focused, experimental and intra-psychic factors. The program changed to a 20 week, educational model program during JOD.

For JOD, MWC hired a full-time case manager to assist the underserved population of older abused women in Milwaukee County. The goal was to expand case management services to this older population and add an evening support group for older abused women**.** Key strategies for case management included the following:

- Housing coordination.
- Ongoing consultation with physical and mental health providers.
- Coordination with elderly benefit specialists (social security) to meet immediate needs.
- Support group and individual counseling services.
- Building a peer support network including driving women to weekly groups, contacting victims outside of support group, and housing women for one to two days as respite from the abuser.
- Legal assistance regarding eviction proceedings, divorce, nursing home legalities and policy change.

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- Caregiving through extensive cooperation with the local aging department and volunteer organizations.
- Court support for women whose partners or adult children are involved in criminal cases or who need escort services for civil restraining orders.

The MWC Older Abused Women's Project was expanded by adding a full-time case manager and one evening support group. As a result, the program's caseload increased during the third and fourth year of JOD, peaking at 60 in 2002 and over 75 in 2003 (Figure 3.7). More importantly, the number of women actively engaged in services doubled from an average of 15 in 2001 to 25 in 2002 and to 35 in the first half of 2003.[75]

MWC planned to expand its BIP program, "Nevermore," to tailor BIP services to meet the needs of African American men, women domestic violence offenders, older adults who abuse their partners, and abusive adult children. The expansion was laid out in MOUs with the project and indicated plans to expand to ten groups. Due to low referrals, the expansion did not occur. In September 2003, MWC expanded its culturally focused BIP services for Latino offenders through a partnership with La Causa, Inc. and the United Community Center, both of which provide services to Milwaukee's Latino/a population. As Figure 3.8 shows, the number of active clients in the Nevermore program actually declined during 2002 before starting to rise to earlier levels in 2003. The decline can be attributed to staff changes and a change in its approach to BIP (i.e., from an integrated treatment model to an educational model).

In MOUs with the project revised in January 2003, MWC agreed to:

- provide case management services to an additional 70 older abused women annually;
- provide an evening support group for older abused women;
- provide BIP services to 200 offenders annually (lowered to 175 in October 2001 and again lowered to 120 in January 2003);
- institute a Latino BIP facilitator training component and provide two BIP groups for Spanish-speaking offenders, starting in August 2003.

[75] The data collected for the evaluation on MWC activities were not designed to measure these outcomes, but rather to document the level of direct services provided during JOD as measured by monthly statistics from the Older Abused Women's Program and from the Nevermore batterer intervention on client caseloads and services.

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Figure 3.7. Number of Women Served by the MWC Older Abused Women's Program by Month

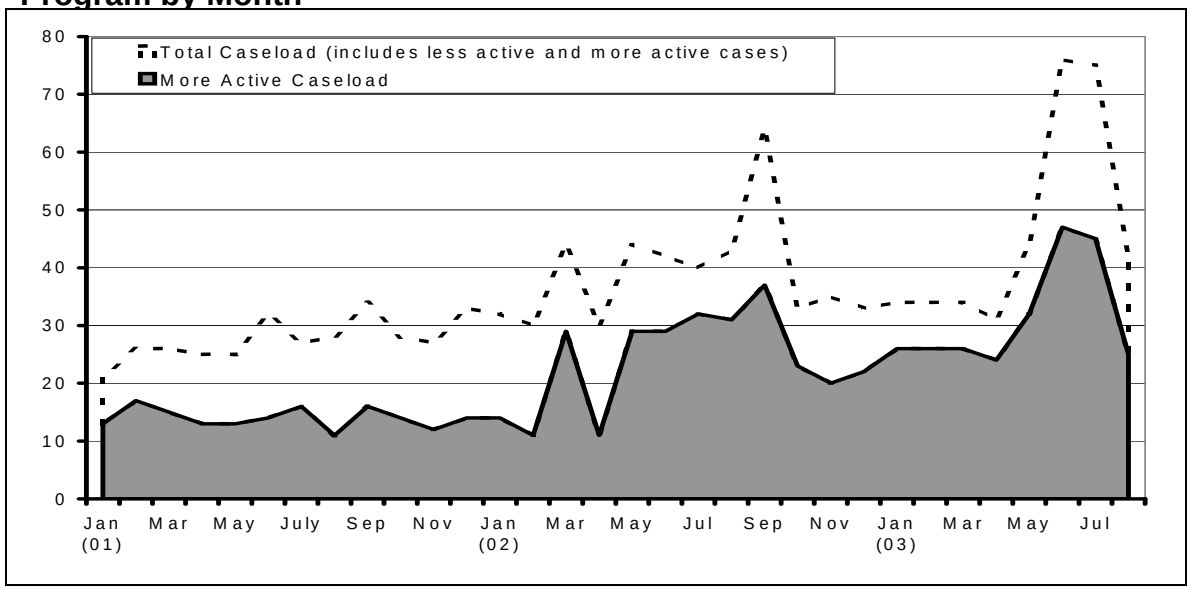
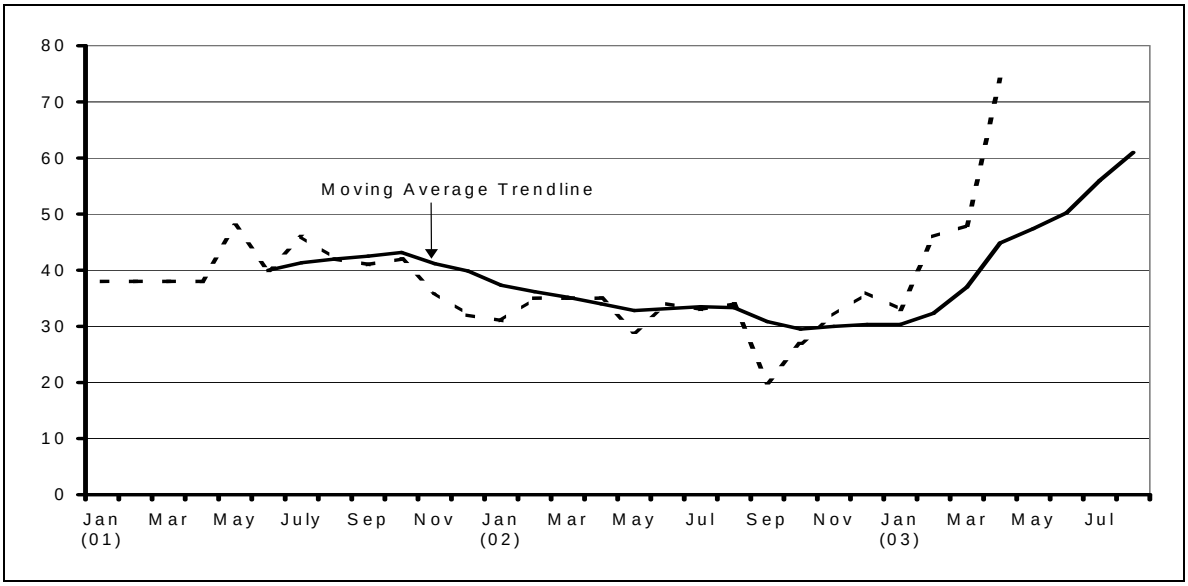


Figure 3.8. Number of Active Clients in Nevermore Batterer Intervention by Month



Sojourner Truth House

Sojourner Truth House opened in 1978 and was the first agency in Milwaukee County to provide shelter for battered women and their children. Its pre-JOD services included:

- **Sojourner Truth House:** 38-bed shelter, open 24 hours/day.

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- **Belle Resource Center**: Additional programming and support groups for battered women in the Sojourner Truth House shelter, including children's programming (domestic violence survival skills) and an after-school homework tutoring program. The support groups are available to battered women in the shelter and for women in the community at large without charge.

- **Transitions Program** (funded by a HUD Continuum of Care grant): The program assists women who are homeless because of domestic violence and offers them self-sufficiency skills and permanent housing.

- **Job Readiness Training**: Job skills training program.

- **24-hour Domestic Violence Hotline**: Housed within the shelter, the 24-Hour Domestic Violence Hotline handles crisis, information and referral calls, as well as calls from law enforcement officers from throughout Milwaukee County. If officers call from the scene of an incident, hotline advocates may speak with victims at that time. The hotline also receives calls from the Milwaukee County Sheriff's Department regarding the imminent release of individuals taken into custody during domestic violence incidents. Hotline workers will then attempt to notify the victim. Based on information provided during the hotline call, advocates offer safety planning, community referrals and identify victims who may want additional assistance.

- **Domestic Abuse Victim Advocate office:** Located in the Office of the District Attorney and staffed by Sojourner Truth House advocates, this office helps women with the legal aspects of the violence, including notifying victims of charges issued and providing information about the criminal justice system and restraining order processes.

- **Community Education:** This program is designed to disseminate information about domestic violence, its effects, and the services offered by Sojourner Truth House.

- **Batterers Anonymous-Beyond Abuse (BA):** BA provides direct personal service through a 23-week closed program to batterers. BA teaches intervention strategies that help participants focus on two major areas: 1) recognizing physical abuse as but one of many forms of controlling behavior, and 2) emotional literacy.

- **Graduate maintenance group:** Support group for men who have completed the 23-week BIP.

- **Sojourner Truth House Volunteer Training:** Twice per year, a six-session volunteer training course is conducted over a six week span of time. It is typically attended by as many as 75 prospective volunteers, looking to learn about domestic abuse and get involved in the Milwaukee community.

Sojourner Truth House used JOD funding to enhance programming in two service areas. The agency added a Domestic Violence Hotline Liaison to link two of their existing services, the 24-hour domestic violence hotline and victim advocates stationed in the District Attorney's Office. The liaison evaluated hotline records and identified victims who might need or benefit from follow-up contact, attempted contact by phone, and provided services to those reached. In addition, staff devoted time to checking and maintaining records, exchanging information with

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other agencies, and providing training. Its BIP program, Batterers Anonymous-Beyond Abuse, added group facilitators, and a new intake worker, expanded the hours of current facilitators and opened program cycles. BIP improvements included expanded Spanish speaking sessions, translation of documents and brochures from English to Spanish, an additional women's program group, a graduate maintenance group, more co-facilitated group meetings, and participation enhancement (specifically help with transportation costs and a partner outreach program).

In MOUs with the project, Sojourner Truth House agreed to do the following between August 2000 and October 2001:

- receive 3,500 hotline calls;
- provide follow up services to 2,750 clients;
- provide advocate contact to 2,000 clients;
- provide advocacy services to 1,800 clients;
- refer 1,500 clients to community services; and
- provide BIP services to 75 additional offenders with JOD funding.

In October 2001, service delivery targets under a new MOU were specified as follows:

- Provide BIP services to additional offenders with JOD funding (340 new intakes, 315 BIP entries, 175 retained in program for 20 sessions, 150 program graduates);
- provide a graduate maintenance group for BIP graduates;
- identify 1,800 victims in need of follow-up contact and reach 1,000 of them;
- contact an additional 450 victims during non-business hours; and
- add a partner outreach program to assist victims of BIP participants (discontinued in 2004 due to low usage).

In January 2003 and 2004, earlier services were continued with the following changes in service delivery targets:

- provide follow up contact to victims who request it during hotline call; and
- provide BIP services to 260 offenders each year.[76]

The hotline operated by Sojourner Truth House receives a large number of calls for service each month. Figure 3.9 shows that in 2001, the number of calls hovered around 1,400 per month. This number declined, along with the number of reported domestic violence incidents, during 2002 and the first half of 2003. It stabilized at about 1,200 calls per month.

[76] The data collected for the evaluation on Sojourner Truth House activities were not designed to measure these outcomes, but rather to document the level of services provided during JOD as measured by monthly statistics on client caseload and services from the hotline and from the Batterers Anonymous: Beyond Abuse program.

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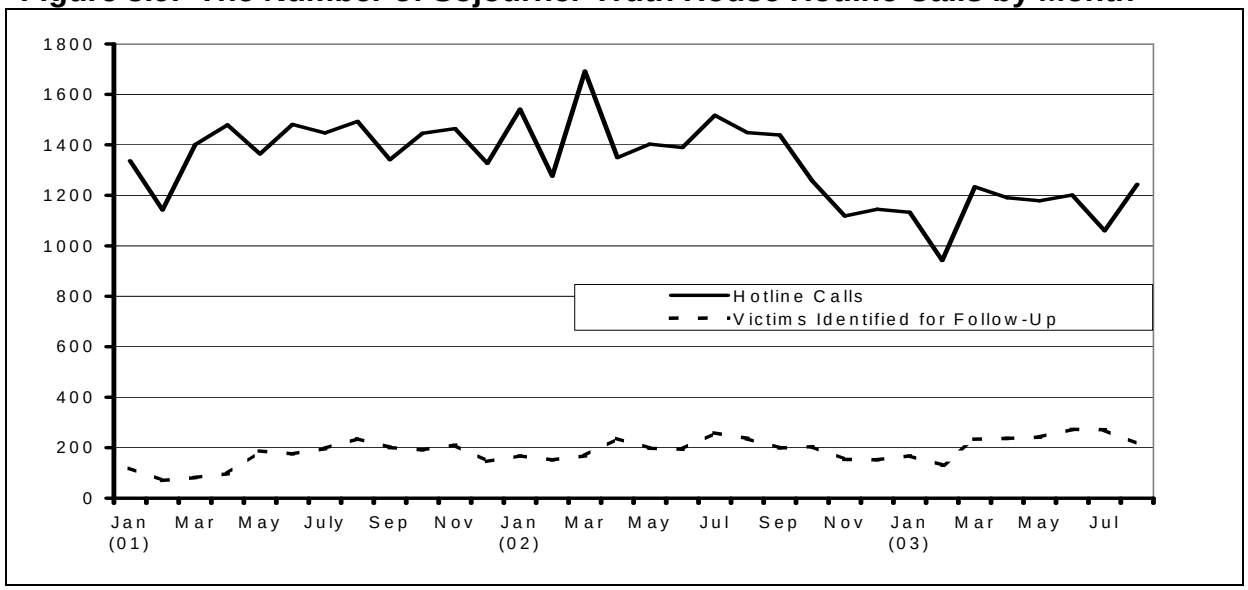
Based on information provided during the hotline call, advocates identify victims who may want additional assistance. Figure 3.9 shows that the number identified for follow-up contact rose during 2001 to about 200 per month and has remained at about that level. However, as indicated by Figure 3.10 reaching victims for follow-up contact has not been easy. Even with the additional staff provided by JOD funding, only about a third of those targeted for follow-up services could be contacted, well below its goal of 55.5 percent. Those contacted (about 60 to 70 per month) received information about criminal justice system options, safety planning and referrals for services, as needed.

Figure 3.9. The Number of Sojourner Truth House Hotline Calls by Month



A large number of offenders were enrolled in Sojourner Truth House's BIP, Batterer's Anonymous-Beyond Abuse (See Figure 3.11). The number of active clients ranged between 97 and 193. As the moving average line in Figure 3.10 shows, the number of clients active in Batterers Anonymous-Beyond Abuse declined slightly during most of JOD, rising again in 2003 to reach the level of 2001.[77] The decline in active clients during 2002 may result from increased retention of probationers in treatment, decreasing the number of new openings.

Asha Family Services, Inc.

Founded in 1989, Asha Family Services, Inc. is a private, non-profit, spiritually-based, people of color-governed organization. Asha is committed to providing effective family violence prevention and education by employing culturally specific treatment methods. Its pre-JOD services included:

- **Asha Women of Color "Sister Circles":** A safe place to exchange ideas and experiences. Group meetings where feelings of friendship, sisterhood and trust among women of similar ancestry are fostered.

[77] Additional funding was provided by JOD in 2003 so that Sojourner Truth House could add two additional groups in order to alleviate system-wide waiting lists for BIPS.

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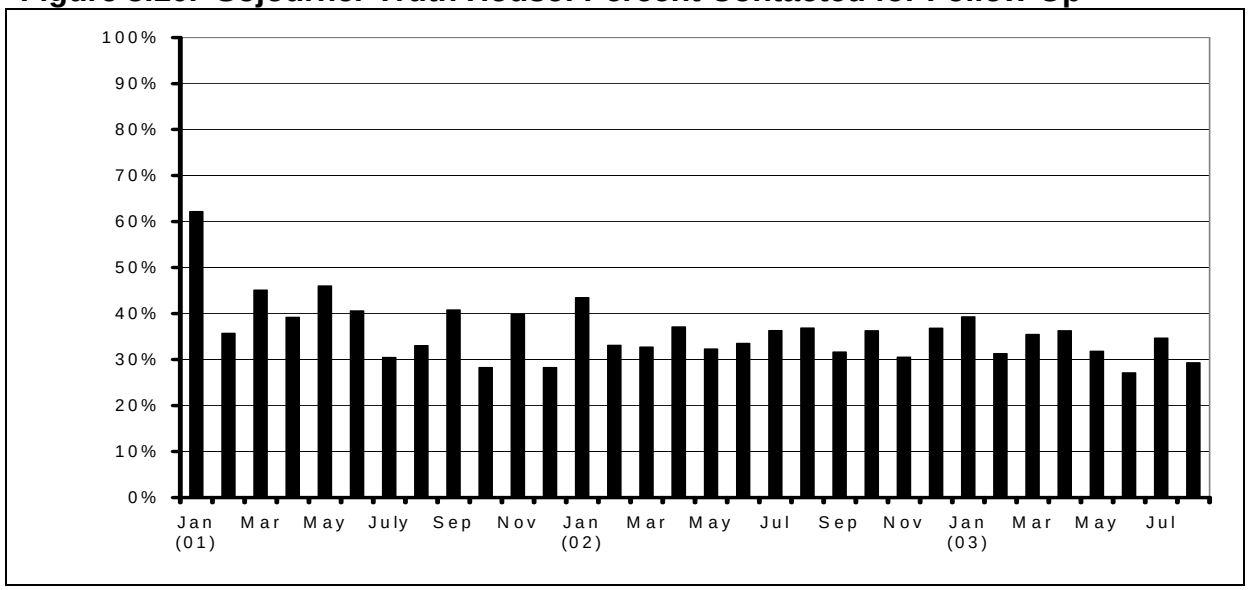
- **Ujima Men's Educational Program:** A 24-week, nontraditional abuser treatment program created by and for African American men.
- **Ujima, Jr.**: Alternative to Aggression Course for African America males between the ages of 13 and 17.
- **Fatherhood and Responsibility: Brother to Brother (BTB):** A stand-alone aftercare program of Ujima, designed specifically to address self-improvement and relationship-development of African American males.

Figure 3.10. Sojourner Truth House: Percent Contacted for Follow-Up[78]



[78] Percent contacted for follow-up equals the number contacted for follow-up divided by the number identified for follow-up.

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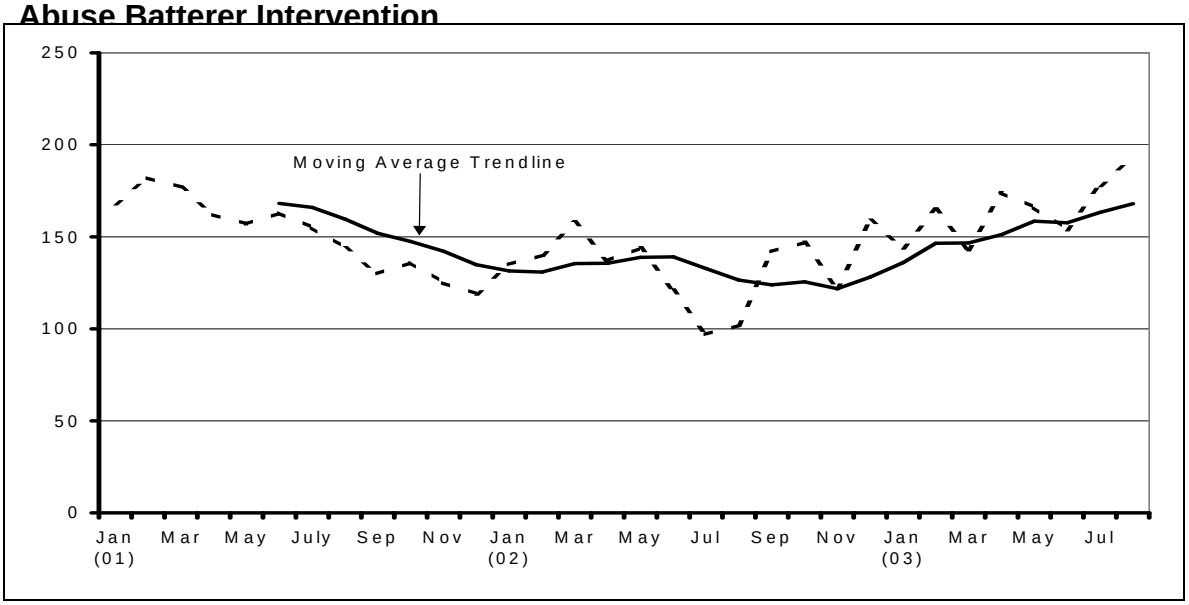
Figure 3.11 Number of Active Clients in Batterers Anonymous-Beyond Abuse Batterer Intervention



- **Domestic Abuse DA's Office & Court Advocacy Program:** For a short period of time, advocates were located in the Milwaukee County Office of the District Attorney, Domestic Violence Prosecution Unit of the Criminal Justice Facility to offer a variety of services, from counseling to court accompaniment. However, due to management issues, Asha's services were discontinued in October 2000.

- **Community Education/Training:** Violence presentations for schools, churches, correctional facilities, etc. on issues of family violence and working with African American populations.

Using JOD funds, Asha added a full-time victim services manager to be responsible for the victim services program accountability, coordination of the advocates providing weekend services, organization of staff training, and oversight of the accuracy of data reporting. Asha agreed to develop an automated record-keeping system and received technical assistance from the Vera Institute to assist them. However, the automated record-keeping system was never created. Asha expanded its BIP program, Ujima, by adding three part-time educators and three new groups. Due to problems in management, JOD funding for Asha was discontinued in October 2002.

During its participation in the project, Asha agreed to:

- provide advocacy services to additional victims annually (60 additional per year prior to October 2001 and 75 additional from October 2001 to October 2002); and

- provide BIP services to 170 offenders per year.

The number of new clients entering Asha's BIP, Ujima, is shown in Figure 3.12 new admissions fluctuated greatly, with an average of 20 to 30 clients entering monthly. However, as Figure 3.13 illustrates, the average number of active clients in Ujima declined steadily during 2002. Again, the decline results from longer stays in BIP, which resulted from the increase in offender accountability and judicial oversight provided by JOD. The number of new openings may have

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thus declined, reducing the number of new and active clients. No statistics are available on victim services provided during JOD.

Batterer Intervention Services Across Agencies

The statistics on agencies providing services to offenders referred from Milwaukee's Circuit Court reveal the difficulty in expanding the number of available BIP slots. The following graphs combine the statistics from the four agencies, illustrating BIP services during JOD. During 2001 and the first nine months of 2002, there was a substantial gap between the number of court referrals and the number of probationers attending their first BIP session. While it was hoped that probationers would enter BIP shortly after sentencing, probationers usually had to wait for an intake appointment and opening. However, even with a time lag, the chart shows a persistent gap between referrals and treatment entry. Because the longest waits occurred among offenders referred to Ujima, the gap declined after September 2002. The number of offenders entering and graduating from BIP remained relatively steady during 2001 and the first nine months of 2002, declining slightly after Ujima services were no longer funded by (nor reported to) JOD (Figure 3.14).

In an effort to understand where problems were encountered, the following graphs look at the percentage of offenders referred to BIP who completed an intake interview (Figure 3.15) and the percentage of offenders referred to BIP who attended the first group (Figure 3.16). It should be recognized that these ratios do not capture the time lags that occur, but do show the general trends over time. Many scheduled intake interviews did not take place because offenders failed to show up for their intake appointment. Similarly, some offenders who completed an intake interview failed to attend the first group. These problems are not unique to Milwaukee, but as a

Figure 3.12. Number of New Clients Attending First Ujima Batterer Intervention Group

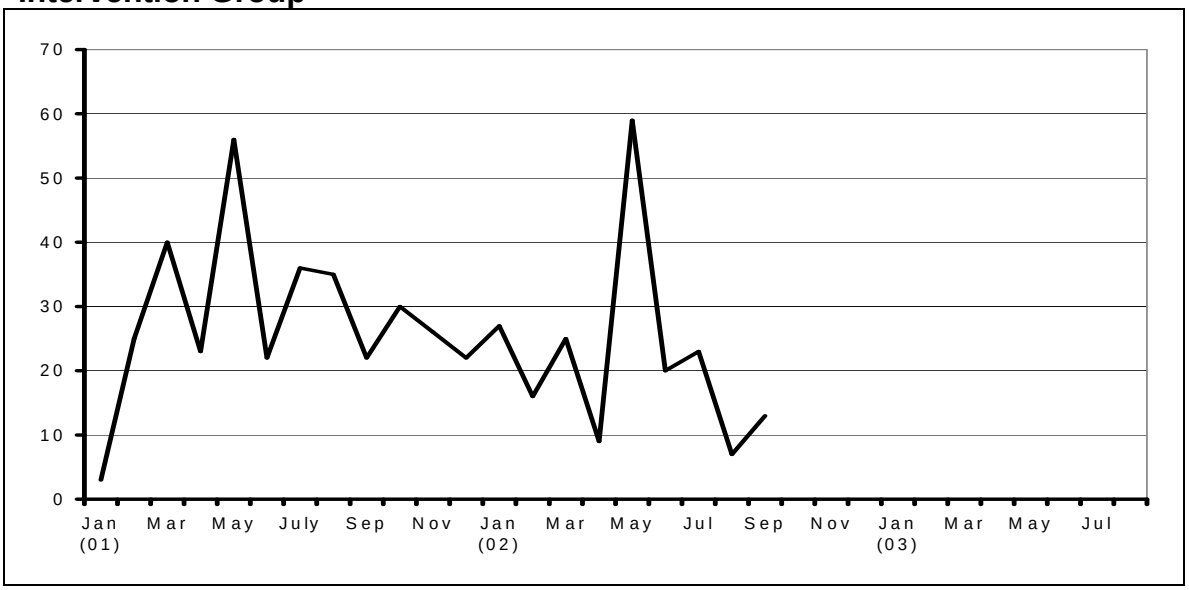

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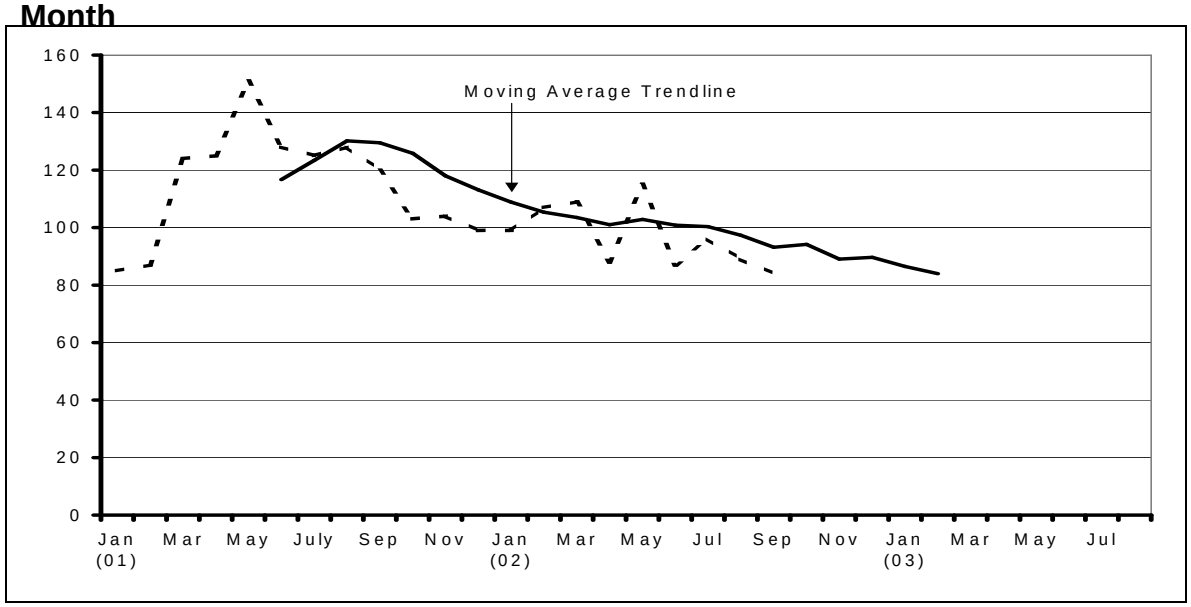
Figure 3.13 The Number of Active Clients in Ujima Batterer Intervention by Month



result, fewer than half of the offenders ordered to BIP by the court attended. Over the course of JOD, the total number of offenders completing court-mandated BIPs rose in 2001, only to fall during the following two years.

Figure 3.14 Referrals, Attendance, and Completion for All BIP Agencies

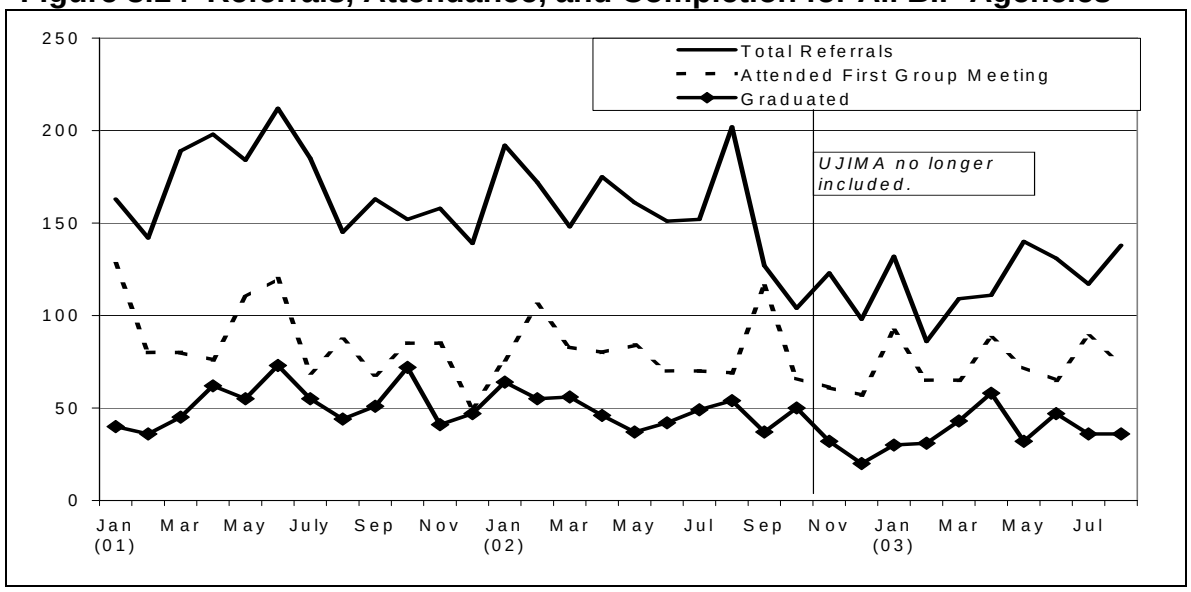


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Figure 3.15. Intakes Attended as a Percentage of Referrals

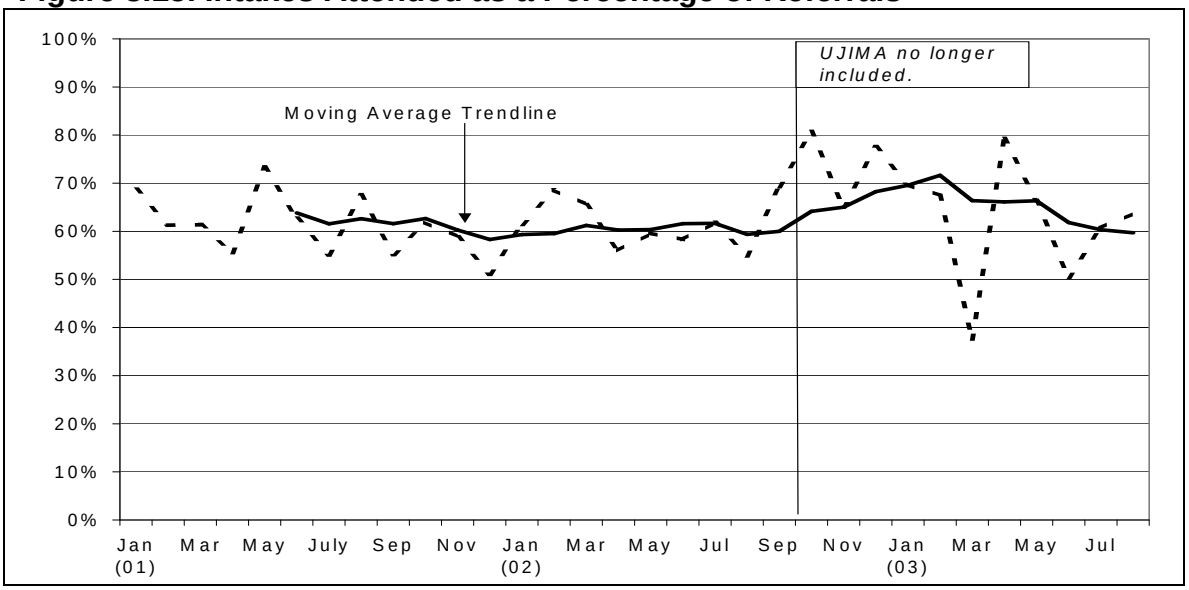
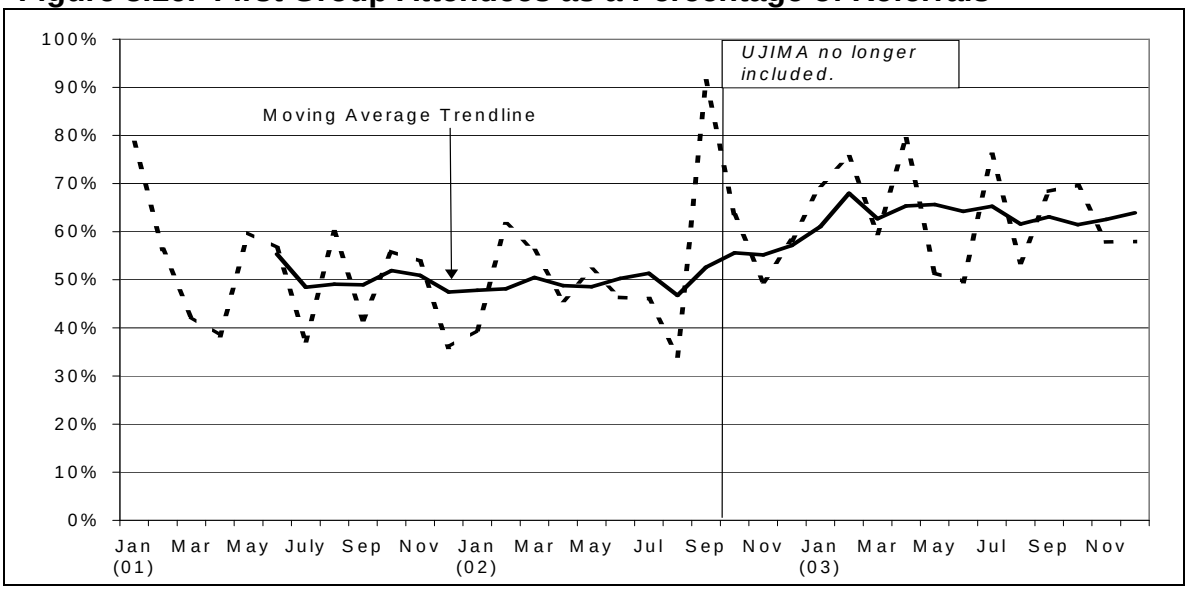


Figure 3.16 illustrates that, on average, from June 2001 to August 2002 about 50 percent of offenders referred to BIP actually attended their first BIP session. However, once Ujima statistics are no longer included in the totals, a gradual increase in the percentage of probationers attending their first group occurred, peaking at almost 70 percent in February 2003. The trend then stabilizes at approximately 62 percent for the remainder of 2003.

Figure 3.16. First Group Attendees as a Percentage of Referrals



JOD Challenges to Expanding Community Services for Domestic Violence Victims and Offenders

JOD faced several challenges in building partnerships to provide victims and offenders involved in court cases with needed services. These challenges included:

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Linking JOD to the existing coordinated community response. Prior to JOD, Milwaukee had a sound coordinated community response, the Milwaukee Commission on Domestic Violence and Sexual Assault, which had a strong emphasis on victim services. Membership in the commission was legislatively defined and until recently did not include representation by the Milwaukee County Circuit Court because the court did not want to compromise its neutrality by becoming involved in policy changes outside of the courtroom. JOD was a judicial- based program, and it was realized that to institutionalize JOD into the community, membership of the court on the commission would need to be considered.

Developing and supporting expanded BIP options. Increased offender accountability put an enormous strain on the BIPs. The introduction of probation review hearings began before programs had a chance to increase capacity and it was difficult for them to find or train new group facilitators, locate additional space, and finance the costs of expansion without deferring the costs to offenders—most of whom were low income and already facing payment of court fees and fines. Long wait lists resulted. In addition, as a condition of probation, JOD mandated BIP treatment, and the BIPs have had to find ways to serve larger portions of populations not normally served (e.g., Spanish speaking offenders and female perpetrators).

Offering immediate intervention to victims of domestic violence. From the start, JOD tried to provide immediate services to victims following a domestic violence incident. A number of strategies were tried. These included the DVCRU, outreach by the bail monitor, follow-up contacts to victims calling the Sojourner Truth Domestic Violence Hotline, and most recently, a police liaison to provide referral services through MPD's FVU. Despite initiatives' varied approaches, the goal of early intervention and safety planning remains elusive, although it is too early to judge the effects of having a police liaison available and collaborating with victim service agencies, the court, and the probation department.

Managing the Collaboration

In Milwaukee, JOD funds were awarded to the county to be administered by the court. The Chief Judge and the court administrator convened an Advisory Board, comprised of representatives from all partner agencies and community stakeholders, to inform the project. The Advisory Board, which met quarterly in the beginning of the project, appointed working committees charged with developing plans to implement portions of JOD. The committees included:

- Victim Service Advisory Board
- Court Processing Committee
- Probation Monitoring and Tracking Committee
- Assistant District Attorney Defense Subcommittee
- E-filing committee
- Sustainability Committee

The committees in turn created subcommittees to tackle particular assignments. The frequency of Advisory Board meetings lessened as the Court Processing Committee replaced the Advisory Board as the most influential committee of the JOD project. This committee met monthly

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throughout the project to negotiate working arrangements needed to facilitate the intensive pretrial monitoring, probation status review hearings, and the other changes in court operations described above. Other committees such as the E-filing had more limited assignments and met as needed.

Milwaukee developed implementation plans in small subcommittees rather than involving all JOD partners in its strategic planning of the overall program. This approach to planning, while efficient in using the time of committee members, may have led to a lack of understanding of how the partner agencies would coordinate on specific project components. For example, lack of concrete involvement by law enforcement in developing the DVCRU led to difficulties in arranging for officers to accompany advocates to meet with victims shortly after arrest. Additionally, unexpected logistical problems required several major shifts in JOD plans, described earlier. Although all agencies were invited to participate in subcommittee deliberations, decisions not to convene the Victim Services Advisory Panel for a period of time may have led some agencies to be less involved in JOD collaborative efforts.

Milwaukee found that a full-time project director was essential and that the project struggled during times when this key position was empty. The project director managed the relationships with all of the providers, raised funds, solved problems in the court process, and set up systems and monitored their efficient operation. The project director was free to enter into policy discussions in areas avoided by the judges, who remained mindful of the need to maintain a separation of powers between judicial responsibilities and the policy and practice of other JOD partners (including the Public Defender and the District Attorney). Other JOD staff included an associate project director, the site evaluation coordinator, a research assistant, and an administrative assistant. The staff coordinated grant activities and the work of the committees and subcommittees, prepared reports to the Office on Violence Against Women on project activities, and maintained databases used to track JOD activities and accomplishments.

During JOD, the number of partner agencies grew and links to other community resources were strengthened. Quickly, the partnership grew from the original nine partner agencies to include the West Allis Police Department and Milwaukee County Law Enforcement Executives Association (MCLEEA). As previously mentioned, in July 2001, the West Allis Police Department introduced an on-scene advocacy outreach program modeled on the DVCRU. During the start-up phase, JOD advocates provided crisis response services in West Allis. In return, WAPD shared their liasion's case management database with JOD. In addition, WAPD was instrumental in helping to define and shape the MPD FVU's liaison position.

The MCLEEA also became a valuable addition to the JOD partnership. By having MCLEEA at the JOD table, it was able to take information about JOD and share it with the suburban police departments.

Lessons for managing collaborative efforts to implement JOD strategies emerged from the Milwaukee project. Recommendations based on their experiences include:

- Developing a plan for hiring and managing new staff. Many of the early implementation problems encountered by JOD in Milwaukee stemmed from delays and limitations on hiring key staff and turnover in key staff. Since most of the JOD positions were opened as county positions, county hiring freezes and seniority rules delayed the hiring of a project director and limited the pool of candidates who could be considered for key positions. Similarly, the selection of the probation agent to

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staff the new pretrial monitoring unit was governed by the Division of Community Corrections seniority rules, which resulted in appointment of an individual whose performance undermined the effectiveness of the new program. Moreover, when vacancies occurred during implementation, the long county hiring process required to replace staff disrupted the momentum of the project. Subsequently, Milwaukee shifted more JOD-funded positions from county management to state court management.

- Recognizing and planning for interagency communication. In Milwaukee, the BIP, probation agents, and court exchanged information and court reports by phone and email. The probation department's case management system, a statewide database, did not have a field for flagging domestic violence cases. Probation agents were responsible for tracking upcoming court dates and sending reports to the court the week of the probationers' reviews. Problems in existing data systems made it difficult for probation officers to identify the domestic violence offenders on their caseloads. The process of monitoring new arrests and restraining orders was not automated and no system for tracking cases from arrest to probation was available. The existing systems that tracked arrests, criminal charges and cases, probation and restraining orders did not communicate with each other and there was no electronic mechanism for flagging cases active in both criminal and civil court.

In order to track JOD activities, a database was designed to track cases in the pretrial program and paper forms were developed for agencies and the court to use in submitting data. Unfortunately, staff turnover delayed the completion of the database and entry of data. As a result, a large number of paper coding forms on court activities accumulated. When they finally were entered, they had to be crosschecked with the court calendars for accuracy. This took months of staff time and the records were so delayed that they were not initially available for use in program operations when needed. However, beginning in mid 2002, monthly statistics were submitted for the evaluation. Once the Milwaukee evaluation data were updated and data collection coordinated by the evaluation staff, Milwaukee used the trend data extensively to identify and address problems in the system and strengthen collaboration activities. The project found the trend analysis to be an invaluable resource for ongoing quality improvement of the system. As a result, the court implemented an internet-based data system based on the project's data plan to institutionalize data collection and thus improved the quality of monitoring.

One observation from the demonstration is that change requiring the cooperation and participation of many agencies and partners is not rapid. Despite early optimism and rapid adoption of some important changes such as review hearings, it took several years for partner agencies to develop and implement the detailed policies and procedures needed to integrate the envisioned reforms into agency practice. However, by the third year of the demonstration, significant progress had been made toward institutionalizing changes that affected multiple partner agencies. Permanent changes have been made in how domestic violence cases are investigated, prosecuted, and monitored and in court access to restraining orders. It is likely that some, but not all, of these gains can be sustained, despite the severe budget cutbacks facing many, if not all, of the partner agencies.

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Chapter 4. Judicial Oversight Demonstration Initiative in Washtenaw County

This chapter describes the growth and evolution of JOD in Washtenaw County and presents lessons learned from Washtenaw County's efforts to improve its response to domestic violence. The chapter is divided into two sections to clarify changes in operations due to budget reductions during the demonstration. The first section covers the Full Federal Funding period from January 2000 through March 16, 2004 and discusses the operations of Washtenaw County's JOD Initiative under full funding. The second section covers the Reduced Federal Funding period from March 16, 2004 through October 31, 2005 and discusses the changes to Washtenaw County's JOD model because of budget reductions. Despite the reduction in funding, the goals of JOD remained constant as Washtenaw County searched for more cost-effective ways to meet its mission. In interpreting the impact findings, readers should remember that a slight majority of the impact evaluation sample cases (57 percent) reached disposition during the reduced funding period.

Background

Washtenaw County was one of three demonstration sites selected for JOD. Washtenaw is a large county (720 square miles) located in southeastern Michigan. It contains 27 cities (including Ann Arbor), villages, and townships (including Ypsilanti) and is the home to two large universities, the University of Michigan and Eastern Michigan University. According to the Census, the county population was approximately 345,000 in 2000: 78 percent White, 12 percent African-American, and 8 percent Asian. Hispanics make up 3 percent of the population. Many county residents are well-educated and relatively affluent, with half having a Bachelor's degree or higher, and a median household income of $52,000. However, there are pockets of poverty in the county, with 13 percent of the population living below the poverty level. Ten percent of the population is foreign-born, and 13 percent speak a language other than English at home.[79]

Formal services to address intimate partner violence (IPV)[80] began in 1974 with the advent of the Domestic Violence Project, Inc./Safe House,[81] a non-profit agency providing services, including emergency shelter, to survivors of domestic violence and their children. Subsequently, police agencies within the county adopted mandatory and pro-arrest policies in the 1980s and took the lead in establishing this protocol statewide. Throughout the past two decades, representatives from Washtenaw County have taken the lead in initiating state legislation on domestic violence, including marital rape laws (passed in 1987) and anti-stalking legislation (passed in 1994). In 1992, Washtenaw County enacted the only property tax millage in the country dedicated to the construction and maintenance of a new shelter for survivors of domestic violence and their children. The $3.2 million raised through property taxes built a new facility including a fifty-bed shelter, children's center, education center, and offices for Safe House Center staff. The federal STOP (Services, Training, Officers, Prosecutors) Violence Against Women Technical Assistance Office chose Washtenaw County as a "best practices" site and has encouraged other jurisdictions to learn from their work.

[79] Information obtained from www.ewashtenaw.org/about, accessed 2/24/06.
[80] IPV includes spouse, partner, and dating violence.
[81] Domestic Violence Project, Inc/Safe House was renamed Safe House Center in November 2004.

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In 1998, with the solid foundation of community commitment to the prevention of domestic violence, Washtenaw County received an award under the federal Grant to Encourage Arrest Policies and Protection Orders Program (GTEAP). Under the goals of this grant, the 15th District Court (which serves the City of Ann Arbor) established a designated domestic violence docket and assigned a dedicated probation agent. The grant also allowed the prosecutor's office to designate a prosecutor for DV cases being heard in the 15th District Court. Also, two of the 11 police agencies[82] in the County[83] were able to dedicate staff to specialize in domestic violence.

Based on the County's history of commitment to improved responses to domestic violence and clear vision for the future, Washtenaw County was one of three jurisdictions awarded funds by the Office on Violence Against Women (OVW) to participate in the Judicial Oversight Demonstration (JOD) Initiative and continue to build its coordinated response to domestic violence.[84]

JOD Plans

Following the notification from OVW of the JOD funding award in 1999, Washtenaw developed a mission statement and a set of goals to guide the project. These were developed jointly by the partner agencies during an early strategic planning session, led by the Vera Institute, and a subsequent planning session held in 2002 by the Project's Executive Committee convened to assess JOD implementation and set goals for the remainder of the project. Washtenaw County established the following goals for its JOD Initiative:

- Create a cultural environment that does not tolerate domestic violence in the Washtenaw County community;
- Hold offenders accountable for their behavior through comprehensive, consistent, consequences;
- Maximize safety and promote the autonomy of victims and their children;
- Educate and motivate the community to make the safety of victims and their children the first priority in decision-making;
- Develop and implement culturally sensitive practices in working with people affected by domestic violence;
- Foster communication and coordination between the community and criminal justice system;
- Ensure substantive and procedural justice for victims and arrestees; and
- Define and implement clear and measurable criteria for success.

[82] GTEAP established dedicated police officers in the Washtenaw County Sheriff's Department and the Ann Arbor Police Department.
[83] Designated means that the staff member was assigned to domestic violence cases in addition to their regular duties. Dedicated means that the staff member was assigned to domestic violence cases only.
[84] Washtenaw County's JOD initiative funds were used to address intimate partner violence, although the County used the term domestic violence.

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Project planners anticipated the following outcomes would result from JOD innovations:

- Increased victim participation in criminal cases due to (1) additional support and assistance for victims around issues of autonomy and restoration, (2) help resolving barriers to attending court appearances: e.g. notification, transportation, and childcare problems, (3) increased use of victim impact statements, and (4) increased use of court orders for restitution;
- Increased convictions and decreased dismissals in IPV cases;
- Increased efficiency in the court process, resulting in less delay for the sanctioning of batterers and additional time for judges to listen to and speak with victims in the court;
- Increased use of consistent consequences for batterers, achieved in part by charging more batterers with second and third offenses and imposition of consistent penalties for repeat offenders;
- Greater enforcement and quicker sanctions for batterers through a new process for enforcing no-contact orders and bond violations;
- Increased uniformity in prosecution because of vertical prosecution and new protocols and resources that allow an increased prosecutor presence at sentencing;
- Increased referral of batterers to batterer intervention programs that meet state standards;
- Intensive monitoring of all defendants in the pretrial period[85], and of offenders convicted of IPV offenses;
- Increased contact with victims to provide copies of bond conditions and probation contracts, so they know what the court's requirements are, and to solicit victim input on offender compliance; and
- The addition of offender photographs to probation files to assist in the apprehension of probation violators.

Figure 4.1, reproduced from the County's JOD proposal to VAWO (now OVW), illustrates Washtenaw County's plan for JOD enhancements. Under JOD, Washtenaw County initiated the following changes:

- Established a centralized Domestic Violence Unit which operated from July 1, 2000 to March 16, 2004, and co-located these specialized staff:

- Five dedicated Domestic Violence Prosecutors (from the Washtenaw County Prosecuting Attorney's Office) who used vertical, evidence-based prosecution strategies for misdemeanors and felonies,

- Two Victim/Witness Advocates (victim specialists) from the WCPAO,

[85] Later scaled back to bond review sessions described later in this chapter.

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- Four dedicated Domestic Violence Probation Agents, a Supervisor, and two Compliance Officers who provided enhanced probation supervision, and

One Domestic Violence Investigator from the Washtenaw County Sheriff's Department;

- Created dedicated domestic violence docket days in four[86] districts courts -- 14-A2, 14-A3, 14-B, and 15 – and developed and implemented a domestic violence protocol to standardize case handling practices across the courts;
- Instituted a pre-trial program for defendants consisting of standardized guidelines for arraignments and bond conditions and a group review of bond conditions;
- Increased focus on offender accountability and monitoring through enhanced bond conditions, post-conviction review hearings, and increased contact between batterer intervention programs and probation agents;
- Enhanced communication among probation agents, judges, and batterer intervention programs through a secure, web-based, case-level database that brought together information needed for effective, timely monitoring and accountability;
- Established dedicated domestic violence resources in several law enforcement agencies, including the Washtenaw County Sheriff's Department, the Ann Arbor Police Department, the Pittsfield Police Department, and the Ypsilanti Police Department;
- Established specialized autonomy services within Safe House Center designed to increase the independence of victims of domestic violence, and enhanced other program services;
- Created and implemented a batterer intervention orientation program within the county jail for incarcerated offenders (both those held pending trial and those serving sentences);
- Developed community education materials and outreach on the grant goals and activities; and
- Developed and implemented training for all grant employees, members of the grant team, and all constituent groups (courts, probation, prosecution, defense bar, victim advocates, batterers intervention specialists, and law enforcement).

These changes were developed and implemented by a strong network of governmental and community-based partner agencies. Building upon the long history of effective and respectful collaboration among the grant partners, Washtenaw County's pre-JOD coordination around the issue of domestic violence took place through interlocking partnerships, formal boards, and committees, including the Ann Arbor Domestic Violence Coordinating Board and the Mayor's (Ann Arbor) Task Force on Increasing Safety for Women, rather than a single countywide coordinating council.

[86] District Courts 14-A1 and 14-A4 did not hear domestic violence cases.

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JOD oversight and policy planning was provided by an Executive Committee, which evolved from the coordinating committee that developed the JOD proposal. The Executive Committee, initially comprised of the Director of Safe House Center, the Washtenaw County Prosecuting Attorney, the Chief Judge from the 15th District Court (representing all judges in the county's district courts), and the Washtenaw County Sheriff, expanded over the course of the project to include the Deputy Director of the Pittsfield Township Police Department as well as a 14-A District Court Judge and the 14-B Court Administrator. They, along with the ex-officio members – the project manager, 15th District Court Administrator, grant coordinator, and the local grant evaluator – met twice a month to oversee grant implementation and give final policy approval. Washtenaw County also formed a Grant Team, comprised of various subcommittees that met once a month to develop protocols implementing the objectives of the grant. The Grant Team consisted of representatives from the Ann Arbor Police Department; Alternatives to Domestic Aggression (batterer intervention program); 14-A, 14-B and 15th District Courts; Pittsfield Township Police Department; District Court Probation; Washtenaw County Prosecuting Attorney's Office; the private defense bar; the Public Defender's Office; Safe House Center; Washtenaw County Sheriff's Office; Ypsilanti Police Department; and the Ypsilanti Township Prosecuting Attorney's Office. Many of the grant partners also invited input from other grant participants in their various selection and hiring processes.

Figure 4.2 illustrates the JOD network of active partner agencies. For organizational purposes, JOD is described agency-by-agency in the remainder of this chapter. However, it is crucial to understand that JOD was, at its core, a collaboration in which multiple agencies played an active and ongoing role in responding in a coordinated manner to domestic violence, and its effectiveness depended on joint management and regular communication among the partner agencies. The project also used the services of a project director (the chief of staff for WCPAO) to coordinate the interagency communications and planning at the local level and to be the first point of contact for the project in communications with OVW and the centralized technical assistance provider (the Vera Institute of Justice).

Law Enforcement

Eleven different law enforcement agencies responded to domestic violence calls in Washtenaw County during JOD. They include the countywide Washtenaw County Sheriff's Department; the police departments for the towns or cities of Ann Arbor, Chelsea, Milan, Northfield, Pittsfield, Saline, and Ypsilanti; campus police for Eastern Michigan University and the University of Michigan; and the Michigan State Police.

Prior to JOD

The 11 agencies operated independently and each used its own generic police report form for domestic violence cases. Most of the domestic violence arrests in the county were made by two agencies, the Ann Arbor Police Department and the Washtenaw County Sheriff's Department (WCSD). Officers hired in recent years received 12 hours of training in domestic violence, at Michigan police academies. This training followed the model policy developed by the Michigan Coalition of Law Enforcement Services and included four hours by a subject matter expert on DV. In addition, Safe House Center provided a six-hour domestic violence training to most of the law enforcement agencies in the County.

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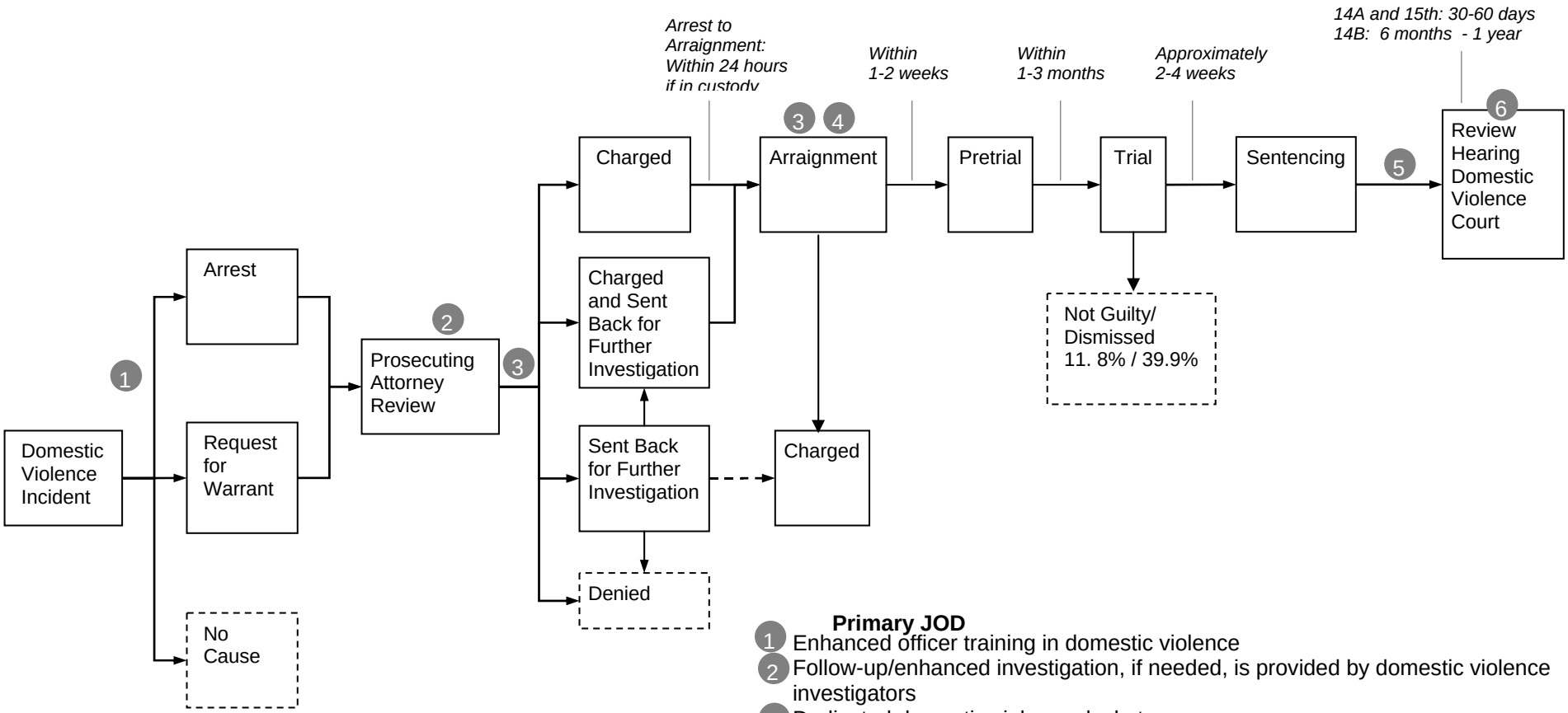
Figure 4.1.
Washtenaw County: Processing of Misdemeanor Domestic Violence Cases: JOD Enhancements[87]



Primary JOD

1. Enhanced officer training in domestic violence
2. Follow-up/enhanced investigation, if needed, is provided by domestic violence investigators
3. Dedicated domestic violence dockets
4. Enhanced bond conditions
5. Domestic Violence Probation Unit providing intensive supervision
6. Domestic violence judges conduct mandatory probation status review hearings

[87] Reproduced from the Washtenaw Proposal

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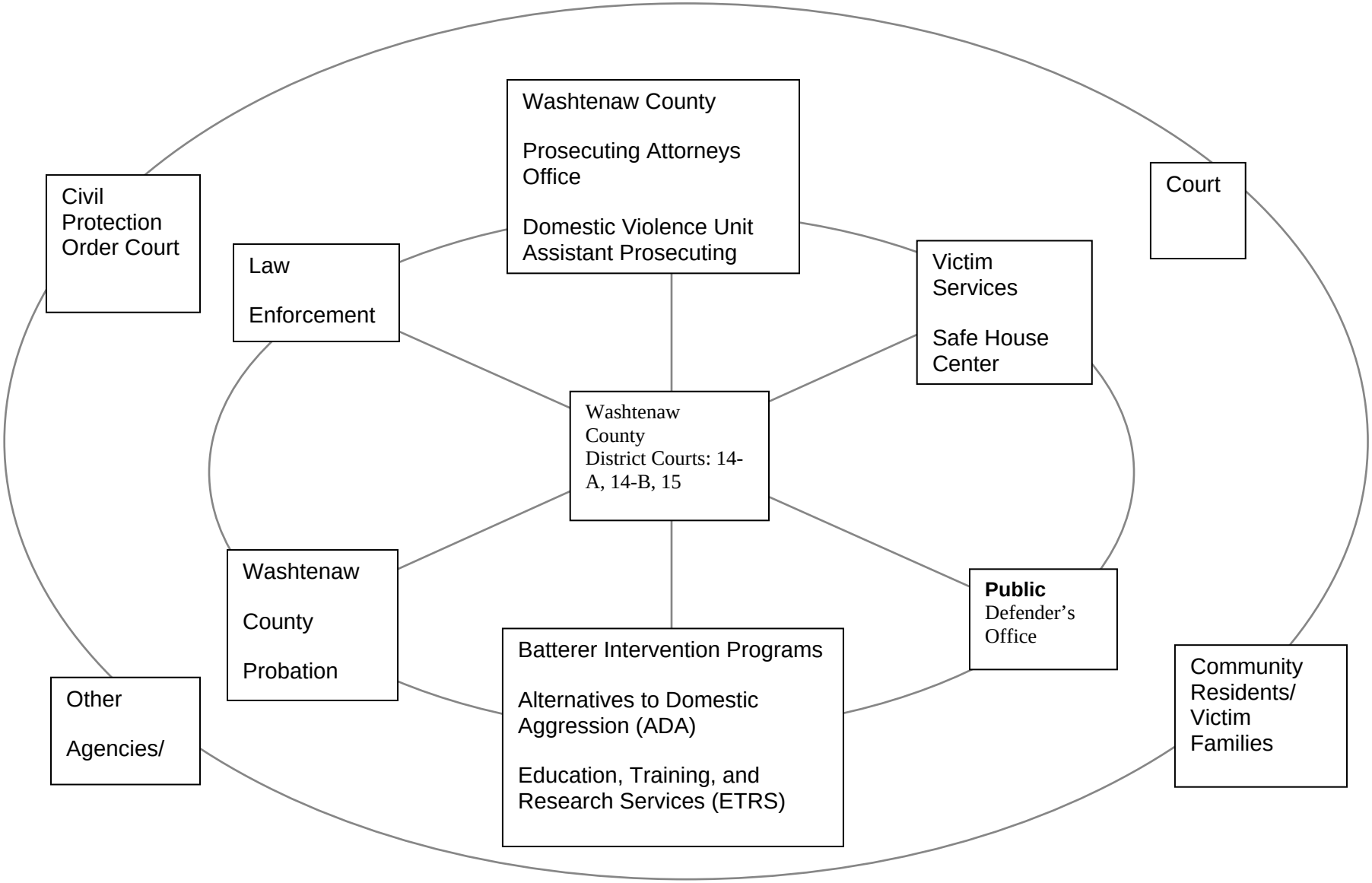
Figure 4.2 Washtenaw County: JOD Network of Partners



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Before the start of JOD, law enforcement agencies in Washtenaw County worked closely with Safe House Center staff on a case level, as well. After law enforcement made an arrest, nine[88] of the 11 police departments paged Safe House Center on-call advocates. These advocates responded to police pages 24 hours a day, going to the home of the victim to provide information, support, and advocacy. Police also frequently called the Safe House Center on-call advocates when an arrest could not be made (when, for example, the suspect had fled), and the on-call advocates called the victim to offer assistance.

Two of the 11 law enforcement agencies had specialized domestic violence units prior to JOD. These were the Ann Arbor Police Department and the WCSD.

The WCSD specialized domestic violence unit reviewed domestic violence incident reports for accuracy and completeness, returned incomplete incident reports to the responding officer for correction, collected and compiled statistics on domestic violence, conducted officer training on domestic violence, and provided consulting services to other agencies in regard to domestic violence cases. The WCSD's "preferred arrest policy" required that if an arrest is not made when probable cause exists, the responding office must document the reasons.

The Ann Arbor Police Department's Domestic Violence Unit consisted of an assigned detective handling all domestic violence warrant authorization processes and any follow-up investigation necessary to prosecute the case. The unit also employed a community service assistant and a civilian employee to assist the sworn officer dedicated to domestic violence cases.

JOD Changes

JOD provided additional enhancements for the handling of domestic violence calls within the county. Washtenaw County used JOD funds to create two additional domestic violence units, to provide additional law enforcement training in domestic violence, and to create a uniform domestic violence police reporting form.

Creation of Additional Domestic Violence Units

One of the JOD goals for law enforcement was the creation of domestic violence units in additional police agencies, so that 80 percent of the county's population was served by agencies with special units. To meet this goal, JOD funds were used to create two additional domestic violence units within law enforcement agencies: one in the Pittsfield Police Department and another in the Ypsilanti Police Department.

The Domestic Violence Unit in Pittsfield Township provided for a dedicated domestic violence investigator to conduct follow-up investigation for the WCPAO. All domestic violence reports in Pittsfield came to this officer, who followed up with further investigation if necessary, such as working with victims to get more information, working with prosecutors on case preparation, and working with officers in other departments.

The Domestic Violence Unit in the Ypsilanti Police Department provided for a civilian Domestic Violence Coordinator, who met with victims at the police department, took pictures, obtained medical release forms, sent out subpoenas, and maintained the monthly database.

[88] All but Chelsea and Eastern Michigan University.

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In addition, JOD funds were used to support the investigator in the Ann Arbor Domestic Violence Unit, formerly supported by GTEAP funds. The two investigators assigned to the prosecutor's office also provided specialized follow-up investigation support to the remaining six smaller agencies (all but the State Police). This shared investigation service was particularly important to the smaller agencies that could not justify having specialized or dedicated officers or investigators for domestic violence. Having the centralized investigators act as the first point of contact also created greater consistency because it allowed individual relationships to form and facilitated better communication and cooperation between WCPAO and the various law enforcement agencies.

Enhanced Training

The JOD Executive Team, in conjunction with Safe House Center, worked to ensure that all of the law enforcement agencies in Washtenaw County responded to domestic violence in accordance with JOD policies and procedures by providing regular training sessions. In addition to the standard 12 hours of training on domestic violence received by all police recruits, Safe House Center provided enhanced training to the various law enforcement agencies in the county. The training generally consisted of the following elements: the dynamics of power and control; destruction of myths and stereotypes about the causes of domestic violence; understanding and working with survivors; barriers to survivor safety; helpful law enforcement intervention; effective response to and investigation of domestic violence incidents; and batterer manipulation of police and others.

Police agencies received additional training on investigation techniques to facilitate prosecution without victim participation, and recognizing self-defense injuries in order to determine the primary aggressor and thus reduce the number of victims arrested for domestic violence. In addition to police officer training, dispatchers received enhanced training in August 2001. Dispatcher training focused on eliciting more information from victims during the initial call by asking specific questions.

Creation of a Uniform Domestic Violence Police Report

Under new Michigan domestic violence laws implemented October 1, 2002, during JOD, all police departments were required to use an existing standardized domestic violence reporting form or develop their own form that complied with the standardized form. The WCSD and the Pittsfield Township Police Department created their own supplemental reports, while the remaining law enforcement agencies adopted the supplemental domestic violence report used by the Michigan State Police. This standardization of content was intended to improve the quality of information included in reports and assist in subsequent investigation and prosecution of domestic violence charges.

Cross-Agency Collaboration

JOD fostered the coordination of cases across police agencies. For example, law enforcement agencies began using an investigative technique that involved linking several Personal Protection Order (PPO) violations together, usually across several law enforcement agencies, to produce an enhanced charge i.e. felony aggravated stalking which carries a maximum penalty of five years.

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Issues Confronting Law Enforcement In Implementing JOD

The number of different agencies serving the county made a coordinated response by law enforcement a challenge. The support of eleven different chiefs of police had to be gained. Further, new strategies such as improving evidence collection through the use of digital photography and enhanced investigations were especially difficult for the smaller agencies with limited resources and staffing. In addition, there was a continuing need for training to improve knowledge and attitudes about domestic violence among officers and staff and improve documentation of incidents in police reports.

Prosecution

Before JOD

Washtenaw County is comprised of numerous cities, townships, and municipalities. Under Michigan law, such jurisdictions that reach specific population criteria may create their own Prosecuting Attorney's Office and prosecute all local ordinance cases. Otherwise, cases are prosecuted by the County Prosecuting Attorney's Office under state statutes. Before JOD began, the WCPAO prosecuted all felony cases across the county, all misdemeanor domestic violence cases in District Court 14-A (all of Washtenaw County outside Ypsilanti Township and Ann Arbor) and District Court 15 (the City of Ann Arbor), and repeat domestic violence misdemeanor offenses in District Court 14-B (Ypsilanti Township). The Ypsilanti Township Prosecuting Attorney's Office prosecuted first-time misdemeanor domestic violence cases under local domestic battery ordinances.

At that time WCPAO had 27 prosecutors, including the elected Chief Prosecuting Attorney. These prosecutors were generally assigned by court, although there were specialized units for rape cases and for habitual offender cases. Neither the WCPAO nor the township attorneys had specialized domestic violence prosecutors on staff, so domestic violence cases were handled as part of the general caseloads of prosecutors assigned to criminal trial responsibilities. Even though WCPAO did not have a special unit prior to JOD, it did practice vertical prosecution[89] with domestic violence cases that were handled in the 15th District Court. This was possible because of the GTEAP project. Vertical prosecution was not possible in other courts due to staffing limitations.

The WCPAO had three Victim/Witness Staff (VWS) to assist all victims of violence, not just victims of domestic violence. They contacted victims by mail to inform them of their rights and tried to call victims who provided a phone number on the police report. VWS did not accompany victims to court, assist with victim impact statements, play an active role in encouraging victims to participate in the prosecution process, or make referrals for other services. The Ypsilanti Township Attorney's Office did not have any victim/witness staff.

In Washtenaw County, law enforcement agencies forwarded incident reports to the WCPAO for a review of charges. During the charge review, the Assistant Prosecuting Attorney could charge the case, deny it, or charge it and request further investigation. Offenses charged as misdemeanors were prosecuted in District Court. Domestic violence offenses charged as felonies were forwarded to Circuit Court after being arraigned and indicted in District Court. In

[89] Vertical prosecution refers to the practice of assigning one prosecutor to handle the same case from charging to disposition to allow for continuity.

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the two years prior to JOD implementation (1998-1999), prosecutors from the WCPAO charged approximately 60% of the law enforcement incident reports submitted to them for review.

If the WCPAO issued charges and the defendant was in custody, the defendant appeared before a magistrate or judge, usually the same day, for arraignment. If the defendant was not at the scene, and hence not in custody, the court issued a warrant and requested that the defendant call and schedule an appearance. Arrest warrants were issued in cases where the defendant failed to schedule an appearance.

Once a case was charged, the WCPAO had a mandatory no-drop policy under which defendants were prosecuted without the victim's testimony if there was sufficient evidence to proceed. Such a policy encouraged prosecution in difficult cases and sent the message that domestic violence is a crime against the state and a victim's reluctance would not affect prosecution. If the prosecution could not proceed without the victims' testimony and the victim did not appear, the prosecutor informed the court of the inability to proceed and the court dismissed the case without prejudice.

JOD Changes

Creation of a Domestic Violence Prosecution Unit

To increase offender accountability WCPAO created a Domestic Violence Prosecution Unit, the Unit prosecuted misdemeanor and felony offenses under state law whenever possible, enhanced prosecution strategies and evidence collection, and developed formal eligibility criteria for deferred sentencing. The Domestic Violence Prosecution Unit staff included five Assistant Prosecuting Attorneys (one of whom was designated as head of the Unit), two VWS hired with JOD funds, and an investigator from the Sheriff's Department supported with JOD funds. The specialized unit allowed WCPAO to institute vertical prosecution in misdemeanor cases starting in 2000 and felony domestic violence cases starting in 2001. Vertical prosecution permitted a single prosecutor to handle a case from arraignment through sentencing, thereby increasing continuity and consistency.

The WCPAO domestic violence staff (prosecutors, VWS, and the investigator) were co-located with The Domestic Violence Probation Unit at the centralized Domestic Violence Office, but in a separate building apart from the courthouse and other prosecutors. Co-location of the dedicated domestic violence staff greatly facilitated communication and discussion of problem cases, policies, and strategies. The VWS from the Unit covered domestic violence dockets in four courts located across the county. The District Courts strategically scheduled domestic violence docket days on different days of the week so that the VWS could cover all four dockets. They also covered the four circuit courts as needed. Because they were not in the office often, they used pagers and cell phones to allow victims and other agency staff to reach them more readily.

The two additional VWS dedicated to domestic violence cases enabled the staff to broaden their roles beyond primarily processing required paperwork to include more active support functions. VWS received notice of cases as they were filed and immediately sent a letter to the victim. This letter provided information on the justice system and the status of the case involving their partner. It encouraged the victim to participate in the prosecution and was an opportunity to provide service referrals. The VWS followed up the letter with telephone calls. They estimated that they reached approximately half of the intimate partner violence victims by phone. They also made contact if the victim called to get a no-contact order dropped. This was done to

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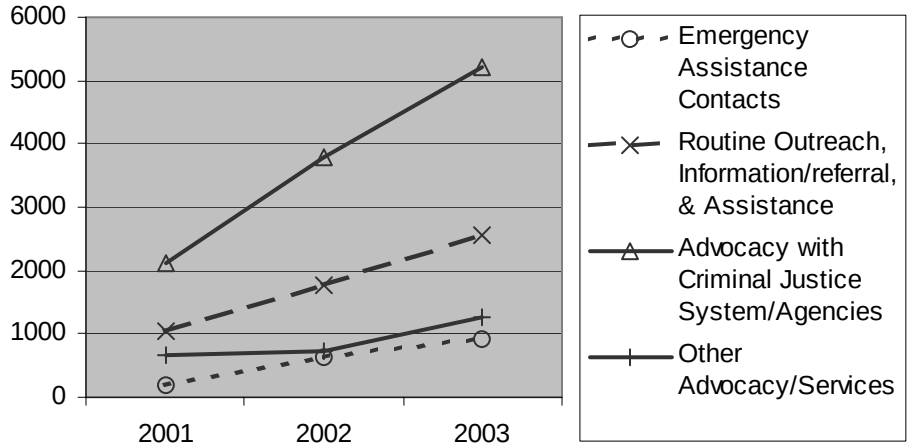
assess safety issues and to try to discern if the victim was being pressured by the defendant to have order dropped. Although the VWS defined their main responsibility as providing assistance in the prosecution of cases, providing referrals and assistance to victims were also important aspects of their jobs. Their expanded role included court accompaniment and case management such as helping victims with childcare, referrals to victim services, and dedicating more time to listen to victims.

Figure 4.3 describes the activities of the VWS from April 2001[90] through December 2003.[91] [92] [93] [94] Their services increased substantially over the course of JOD. From 2002 to 2003 (the only years with complete data), the major types of VWS activities increased between 38 and 70 percent.

Figure 4.3 Victim Witness Staff Activities During JOD (by Type), 2001 - 2003



Prosecutorial Authority

In an effort to increase offender accountability, JOD sought to prosecute more domestic violence cases under state laws (prosecution by the WCPAO), rather than under local ordinances (prosecution by city or township attorneys' offices). This would increase accountability for a number of reasons.

Under local ordinances, offenders could be sentenced to up to 90 days in jail without probation; under state law for misdemeanor domestic violence crimes, they could be sentenced to up to 93 days in jail and two years on probation.

[90] Data were not available before April 2001.
[91] Emergency assistance contacts include crisis counseling, emergency financial assistance, and safety planning.
[92] Routine outreach, information/referral, and assistance include the following activities: initial letter sent to victim; follow-up contacts; information and referral; assistance in filing compensation claims; reviewing bond conditions with the victim; and adult referrals.
[93] Advocacy with criminal justice system/agencies includes the following activities: courtroom accompaniment; speaking as an agent of the victim in court; calling jails and prisons to determine if defendant is still incarcerated; contact with probation officer (after and before sentencing); victim impact statement assistance; reporting bond violations; contact with non-victim witnesses; contact with prosecutors; contact with other attorneys; and contact with police agencies.
[94] Other advocacy/services include the following activities: personal advocacy; services provided to children (include childcare); case coordination with Safe House; and speaking with another agency on victim's behalf.

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District courts did not report convictions under local ordinances to Central Records, so that many batterers convicted under local domestic violence ordinances may have escaped detection and prosecution as repeat domestic violence offenders (in Washtenaw or other counties).

Township attorneys relied heavily on victim testimony rather than evidence-based prosecution strategies. They lacked special training in prosecution strategies for handling domestic violence cases and did not use dedicated staff. They also lacked dedicated domestic violence investigators to help gather evidence and victim/witness staff to work with victims.

Ypsilanti Township's Prosecuting Attorney's Office transferred prosecutorial authority for repeat domestic violence offenses to the WCPAO, but retained jurisdiction over first-time misdemeanor offenses in Ypsilanti Township.[95] The Ypsilanti Township Prosecuting Attorney's Office had maintained records on first offenders charged under local ordinances so that subsequent charges could be identified as repeat offenses and transferred to the WCPAO for prosecution.

Enhanced Evidence Collection and Prosecution Strategies

Domestic violence cases pose problems for prosecutors because witnesses often fail to appear at hearings and some victims are reluctant to testify or want to change their account of the incident at the time of trial. To improve offender accountability and reduce pressure on victims to testify, the Domestic Violence Prosecution Unit prioritized improved evidence collection and prosecution strategies. Protocols for building a case that could be prosecuted independently of, or in combination with, victim testimony were greatly expanded under JOD. Improved case preparation strategies were expected to increase charging rates, and thus increase conviction rates as well. The investigator from the Washtenaw County Sheriff's Department helped improve evidence collection by conducting critical follow-up investigation in domestic violence cases and subpoenaing witnesses.

The WCPAO worked with the 11 different law enforcement agencies in the county to provide more rigorous on-scene investigation training. An additional enhancement included the creation of forms that prosecutors could easily complete and email to law enforcement requesting specific pieces of additional evidence.

The WCPAO noted a considerable improvement in its ability to proceed without victim testimony due to the following investigation enhancements:

- Digital cameras replaced Polaroid shots. Prosecutors could enlarge digital photos making it easier to see important detail, such as bruising and other injuries. In addition, Polaroid pictures fade over time, whereas prosecutors can reprint digital photography.
- Law enforcement emailed pictures to prosecutors, so they were received in a timelier manner and were less likely to get misplaced. This also helped with evidence distribution to other parties like the courts and the defense bar.
- Police provided digital 911 recordings to prosecutors via email and documented "excited utterances" for use in evidence-based prosecution strategies. The WCPAO

[95] The WCPAO prosecuted all other domestic violence crimes in the county.

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offered the following advice for other jurisdictions trying to enhance prosecution of domestic violence cases through improved evidence collection, case preparation, and charging:

- Use digital cameras because they provide better picture quality and the option of trouble-free enlargement making it easier to see details;
- Instruct police to obtain contact numbers for victims and their relatives at the time of the police report;
- Encourage police to ask for non-traditional domestic violence charges such as telephone tapping, suspended license, and destruction of property;
- Consider the felony charge of aggravated stalking in cases of personal protection order violations;
- Contact all identified witnesses to enhance case preparation;
- Obtain statements from medical personnel called to the scene since their statements are hearsay rule exceptions; and
- Interview victims carefully since many claim to be initial aggressors but usually are not.

A program was also developed under which the WCPAO initiated criminal contempt hearings against defendants who violated personal protection orders (but who were not arrested at the scene of the violation). This enhancement removed the burden from the victim who was normally required to initiate a show cause hearing.

Eligibility Criteria Developed for Deferred Sentencing

The State of Michigan has a deferred sentencing statute for first time domestic violence offenders, which requires that the prosecution consent to the deferral. When a defendant enters a guilty or no contest plea, the deferred sentence program might be an option. Under this option, the defendant had to plead guilty to the charges; the sentence was then deferred and the offender was given anywhere from six months to one year probation supervision, usually coupled with BIP attendance. Upon successful completion of probation requirements, the guilty plea is set aside and not entered into the record. If the probation requirements are not completed successfully, the guilty plea is entered into the record and the deferred sentence is imposed. Because this type of “conviction” might not ever be entered into the defendant’s record, it was a matter of some controversy as to whether cases disposed through a deferred sentence agreement should be considered convictions at the time of initial disposition. There was, however, a nonpublic record of sentencing deferrals maintained at the State Police’s Central Records, to ensure that a defendant did not avail himself or herself of a deferral twice. The authorizing statute requires courts to verify that defendants had not received a previous deferral by checking with the State Police’s Central Records.

First offenders in 14-B prosecuted by the Ypsilanti Township Prosecuting Attorney were frequently offered deferred sentencing. Some JOD partners were concerned about this

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practice, raising questions about how closely deferred defendants were supervised, and whether they were always required to attend a BIP. Additional concerns centered on how case tracking affected the way new criminal cases would be handled if these offenders were arrested again on domestic violence charges (i.e., would they be identified as having previously received a deferral and therefore treated in the new case as a repeat offender, which carries harsher penalties, or would the previous deferral not be identified so that they would be treated as a first-time offender again, and hence offered another deferral).

Cases prosecuted by the WCPAO were rarely offered deferred sentencing. In a minority of cases, however, the Office did consent to the deferral and to standardize this practice, the Office developed eligibility requirements for deferral in domestic violence cases as part of its JOD protocols. The protocol required the assistant prosecutor to analyze eleven factors and determine whether any applied to the defendant. If any factor applied to the defendant, the defendant was ineligible for the deferral. In addition, the assistant prosecutor was required to consult with the victim before consenting. The prosecution made exceptions for defendants who had been previous victims of domestic violence, by consenting to the deferral even though one or more of the eleven factors may have applied. Defendants receiving deferred sentencing were required to comply with probation conditions similar to any other probationer.

Issues Confronting Prosecution in Implementing JOD

While implementing JOD, the prosecution element of Washtenaw County's initiative faced the challenge of consistency across different prosecuting agencies. Because the goal of JOD was to create uniform processes for managing domestic violence cases, having more than one agency involved in prosecuting IPV misdemeanors created variation in how records were kept and variation in the prosecutorial strategies used. Another challenge was in establishing a plea bargaining policy that would make a strong statement against domestic violence crimes without decreasing the likelihood of a conviction.

Prosecution of First Offenses by Ypsilanti Township Prosecuting Attorney's Office

The Ypsilanti Township Prosecuting Attorney's Office continued to prosecute all misdemeanor domestic violence first offenses in District Court 14-B throughout JOD implementation. This was significant because, as described above, there were a number of differences in the Township Attorney's and the WCPAO's approach to domestic violence cases. One area of debate concerned the use of deferred sentencing. The Ypsilanti Township Attorney's Office found deferrals useful in weak cases because the result was to involve offenders in BIP. However, WCPAO rarely used deferrals and was concerned that offenders that had previously been deferred might be charged as first offenders rather than as repeat offenders, despite the requirement to check the State Police central records for prior deferrals. Whatever the specifics of these issues, the most fundamental implication was that the JOD goal of consistent and coordinated responses to domestic violence across the county was not fully realized.

The clear difference among courts in the use of deferred sentences is illustrated in Figures 4.4a – 4.4e. Deferred sentencing was used in one-third to one-half of the pled cases in 14-B Ypsilanti Township, with a steep drop from 2002 to 2003. This practice allowed offenders to avoid having their conviction recorded permanently if they complied with conditions during a six-month to one-year period following the conviction. With the exception of District Court 14-A cases in 2002 and District Court 15 cases in 2003, deferred sentences were used in five percent or less of the convictions in other Washtenaw courts.

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Figure 4.4a Use of Deferred Sentences for All District Courts, 2001-2003

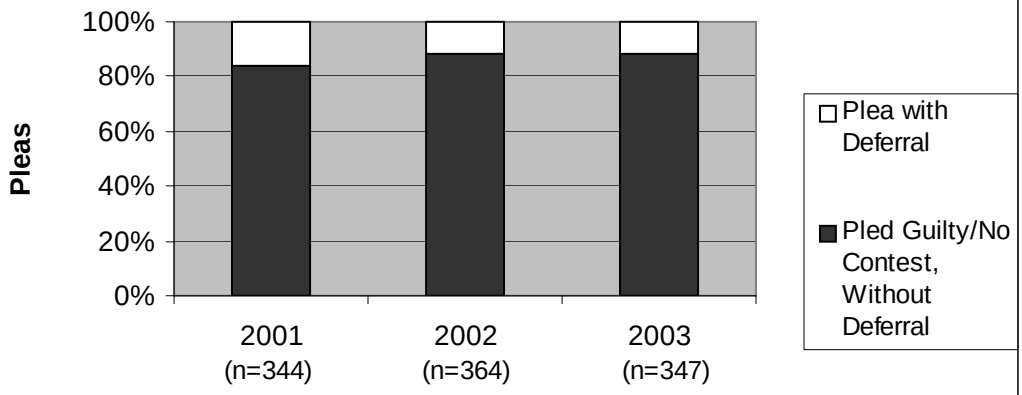


Figure 4.4b Use of Deferred Sentences for District Court 14-A, 2001-2003

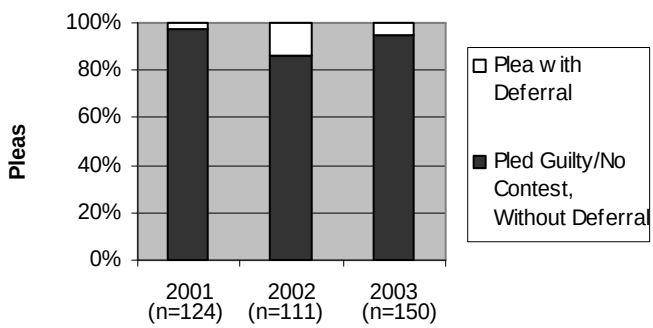


Figure 4.4c Use of Deferred Sentences for District Court 14-B County, 2001-2003

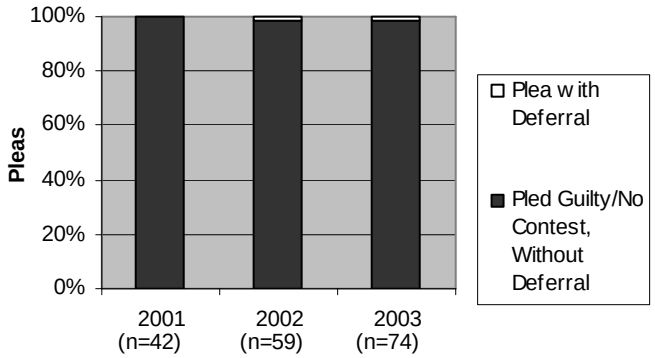


Figure 4.4d Use of Deferred Sentences for District Court 14-B Ypsilanti Township, 2001-2003

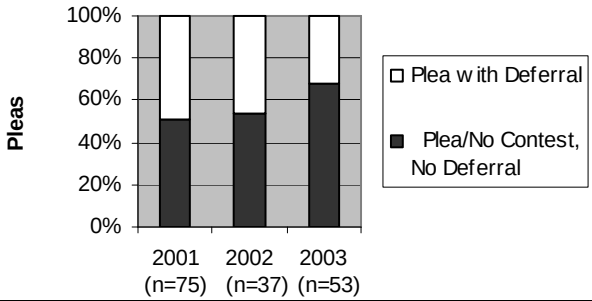
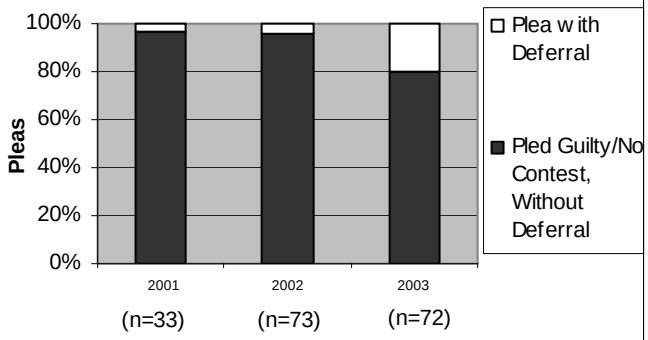


Figure 4.4e Use of Deferred Sentences for District Court 15, 2001-2003



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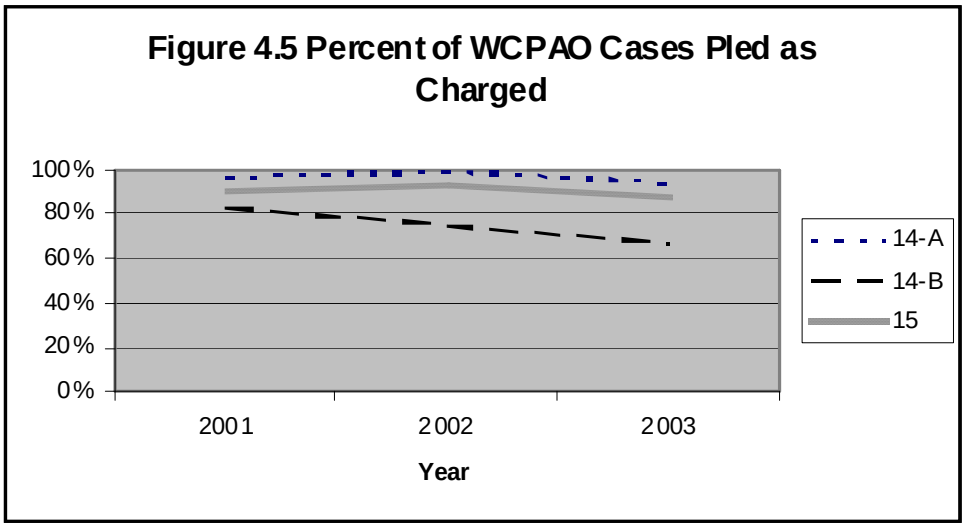
Plea Agreements

The position of the WCPAO was that allowing defendants to plead guilty to a lower charge to get a conviction trivialized the severity of domestic violence offenses and the WCPAO did not often offer reduced pleas. However, in the absence of plea agreements, prosecutors had to rely on evidence from police reports and victim testimony in court, making it more difficult to obtain convictions. From the Public Defender's perspective, there was little, if any, incentive to advise defendants to plead guilty in domestic violence cases if they faced the same sentence that would be imposed if they were found guilty (i.e., 93 days in jail and two years of probation with batterer intervention program requirements). WCPAO was able to get the large majority of convictions through pleas by offering suspended jail time rather than downgrading the charges (see Figure 4.5).



Case Disposition

Across the district courts and across the three years of JOD implementation, it is clear that at least a slight majority of cases were consistently found guilty. There is no clear cross-court trend over time, however, as 57 percent of cases were found guilty in 2001, dropping to 52 percent in 2002, then rising to 60 percent in 2003 (see Figures 4.6a – 4.6e). However, it must be noted that the high conviction rates reported by Court 14-B included cases placed on deferred sentencing that allowed the conviction to be removed from the record if the offender complied with conditions set by the court. These statistics thus overstate, to an unknown degree, the percentage of cases in which a conviction entered the permanent record of the offender, allowing subsequent offenses to be charged as first offenses, at least in courts that do not have access to the courts sealed records of deferrals or the Michigan State Police records.

A closer look shows that disposition patterns varied across the courts over time. The rates for guilty dispositions stayed fairly constant in 14-B County and 14-B Ypsilanti Township over time (at 61 to 65 percent and 66 to 69 percent, respectively). However, as Figure 34d shows, a third to half of these convictions were offered deferred sentencing. In Court 14-A, convictions dropped by ten percentage points from 2001 to 2002, then rose 14 percentage points from 2002 to 2003, and District Court 15 saw a steady increase in the guilty rate (from 52 percent to 57 percent to 68 percent). The rise in conviction rates in Courts 14-A and 15 reflect the enhanced

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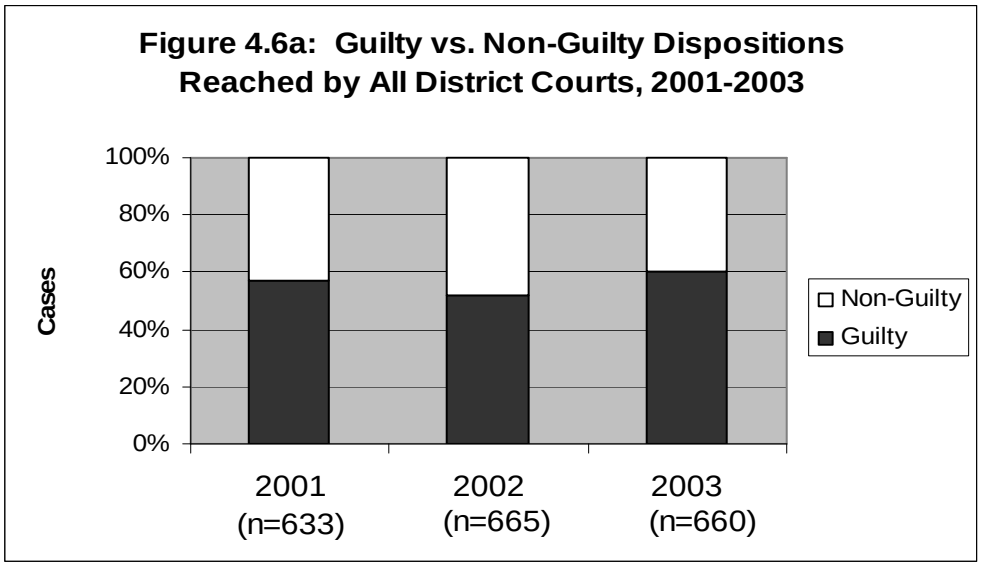
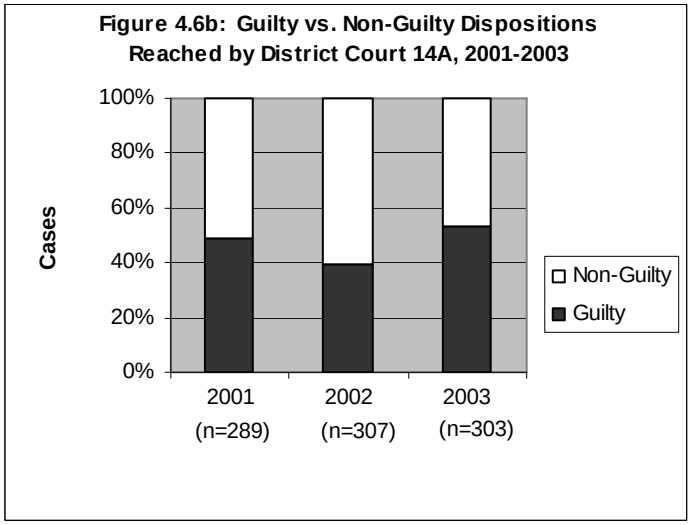
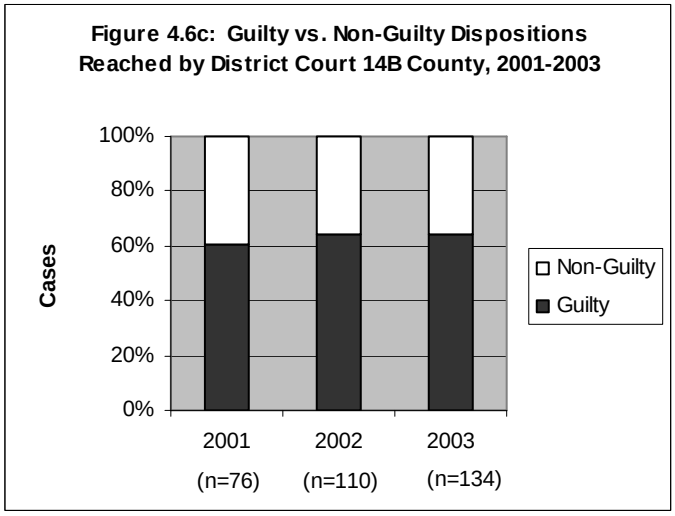
prosecution strategies described above rather than selective case screening by the prosecution (in which case charging rates could be expected to decline): in the first two full years of JOD implementation (2001 and 2002), charging rates were about 55 percent and then jumped to 69 percent during 2003.







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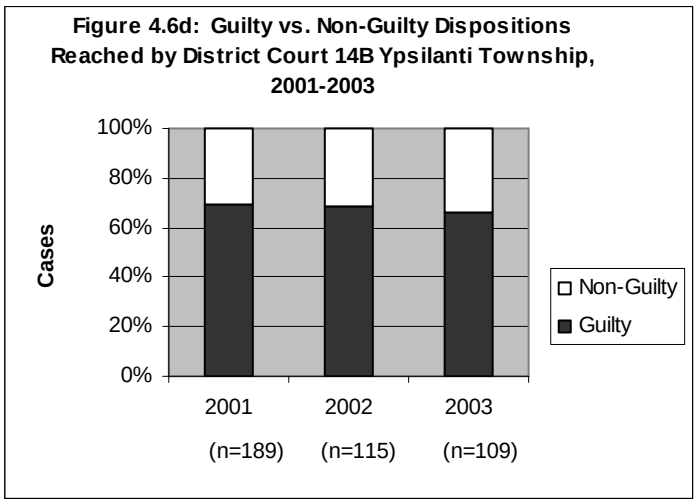

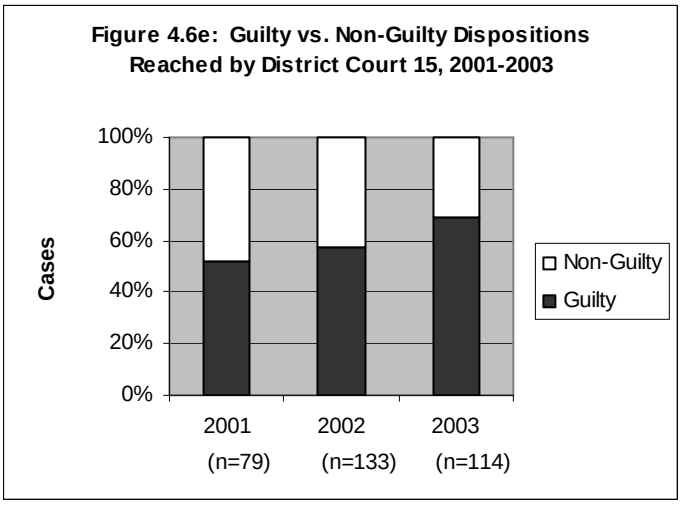

Defense Bar

The majority of the defendants were indigent and in need of free representation in the misdemeanor IPV cases in Washtenaw County. Arrangements for providing legal counsel for them varied by court:

- In District Court 14-A, the Washtenaw County Office of the Public Defender (WCOPD) represented indigent misdemeanor defendants;
- Defense attorneys from Model Cities represented indigent misdemeanor defendants in District Court 15; and
- In District Court 14-B, a private defense attorney provided pro bono representation for indigent misdemeanor defendants.

The WCOPD also represented indigent felony defendants in the Circuit Courts as well as the sentencing of cases originally charged as felonies but reduced to misdemeanors in the 15th and 14-B districts. Overall, the WCOPD represents approximately 80 percent of the indigent criminal and juvenile cases in Washtenaw County. Prior to JOD, the WCOPD did not have an attorney dedicated to representing clients charged with domestic violence.

Feedback from defense bar representatives indicated that they felt that the JOD initiative had responded well to cultural diversity issues, and they approved of certain programs for defendants such as the group bond reviews and an in-jail batterer intervention program offered by Alternatives to Domestic Aggression (discussed in the Batterer Intervention Program section, below). They also appreciated being included in JOD planning and development efforts.

Despite the involvement of the Public Defender's Office in formulating JOD, the defense bar continued to have a number of concerns about how JOD was affecting defendants' rights. These concerns included:

Lack of flexibility in the decision to prosecute a domestic violence case. They expressed concern that cases were being prosecuted under JOD without regard to the strength of the

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evidence or preferences of the victim and that many cases that would have not been accepted in the past were being prosecuted. This policy was thought to lead to more trials and higher acquittal and dismissal rates because of weak evidence and victim refusal to cooperate.

Rigid criteria for a deferral. The limited access to a deferral option left defendants who wished to dispute a charge with few choices except to request a trial.

Lack of individualized sentencing with most offenders receiving similar sentences. The defense attorney cited as examples clients with mental problems who could not participate in BIP, foreign students who could be deported even on a deferred sentence, and defendants in public housing who could be evicted on the basis of a formal charge. There was a perception of unequal treatment of male and female defendants. The perceived lack of independence among the judiciary, WCPAO, the batterer intervention provider, and Safe House Center, and sharing of information on offenders among these entities.

Some of these concerns were not supported by the monthly statistics on court activity. The number of cases filed actually declined during JOD and there was no increase in acquittal or dismissal rates. Other perceptions could not be tested with the data available. However, the these concerns clearly pointed to the need for additional communication and joint planning between the defense bar and other justice agencies, grounded in data and empirical analysis of innovative practices.

JOD Changes

Although the defense counsel providers did not receive JOD funds and were not initially members of the Grant Team, their participation became an integral part of Washtenaw County's JOD initiative. Defense bar representatives were added to the Grant Team after the federal grant was awarded, and this addition helped to ensure that defendants' rights were highlighted and protected.

Members of the defense bar participated in various subcommittees responsible for the development of JOD policies and practices. With the introduction of probation review hearings and the increase in the use of bond violation hearings to sanction noncompliance with court orders, the WCOPD realized that their clients should be represented at these hearings. Approximately one year into the grant, the County approved and funded a temporary staff attorney at WCOPD to represent domestic violence clients (although this position was not dedicated exclusively to domestic violence cases). In December of 2001, this position was made permanent.

Washtenaw County Court System

The Washtenaw County court system consists of district, circuit, and probate courts. Misdemeanor domestic violence cases and personal protection orders are heard in district court, whereas felony domestic violence cases are heard in circuit court. Probate court handles divorce, custody, and related matters. As part of the Unified Trial Court Demonstration Project, Washtenaw County judges are elected to a particular district, circuit, or probate court, but every judge in the county is authorized to hear cases in any other court in the county. Accordingly, any one of the 14 judges in the county may have presided over a domestic violence matter—whether a misdemeanor or felony criminal case, a divorce or custody case, or a civil protection order case.

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Before JOD

Prior to JOD, six of the seven Washtenaw County district court judges handled the majority of misdemeanor domestic violence criminal cases, from arraignment through sentencing. The seventh district court judge handled the issuance, modification, and enforcement of Personal Protection Orders, pursuant to a local protocol created through a collaborative effort of the courts, law enforcement, attorneys, Safe House Center, and the county prosecutor. Domestic violence cases were heard in three District Courts in Washtenaw County -- 14-A (with subdivisions one through four), 14-B, and 15. Only District Court 15 had a specialized domestic violence docket prior to JOD (under the federal GTEAP initiative).

- District Court 14-A serves the entire county except for the City of Ann Arbor and Ypsilanti Township and handles approximately fifty percent of the domestic violence cases countywide. Three judges preside in District Court 14-A. Domestic violence matters are heard in two 14-A sub-divisions: 14-A2 or 14-A3.

- District Court 14-B serves Ypsilanti Township and handles approximately thirty-five percent of all domestic violence cases countywide. District 14-B separated from the 14th District in January 1985 after the citizens of Ypsilanti Township voted to have their own district court. The court staff is comprised of one judge and one magistrate, has a local prosecutor (the Ypsilanti Township Attorney's Office), and its own public defender. Some cases in District Court 14-B are prosecuted by the Washtenaw County Prosecuting Attorney's Office; these are referred to as 14-B-County cases. Others are prosecuted by the Ypsilanti Township Attorney's Office, and are referred to as 14-B-Ypsilanti Township cases.

- District Court 15 is funded by and serves the City of Ann Arbor. This district handles about fifteen percent of the county's domestic violence cases. Three judges preside in the 15th District; one hears civil cases and most personal protection orders for the entire county, while the other two preside over criminal matters for the 15th District.

With the exception of the 15th District, designated dockets for domestic violence cases did not exist prior to JOD. Therefore, domestic violence cases were heard as part of a general caseload. Under the goals of the1998 federal Grant to Encourage Arrest Policies and Protection Orders Program (GTEAP), the 15th District Court established a designated domestic violence docket and a dedicated probation agent for domestic violence cases.

Because the district courts are spread throughout the county, the lack of specialized dockets made it difficult for Safe House Center advocates and Victim/Witness staff (VWS) within the WCPAO to staff the courthouses and assist victims in need. None of the courts, except Court 15 had a formal pretrial monitoring program, making it difficult to enforce compliance with conditions ordered by the court, such as no contact with the victim and no alcohol and/or drug use. Because many victims did not attend arraignments, they were unaware of the conditions and the option to report noncompliance.

Another concern was the variation across the Washtenaw County courts in specific policies and procedures for handling domestic violence cases. For example, some courts routinely prohibited contact with the victim during the pretrial stage while others limited it to no non-consensual contact as a condition of bond. Many defendants claimed to be unaware of these conditions when violations were reported, so that a special effort to educate them was needed.

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Differences in sentences were substantial, depending upon how a case was charged. The WCPAO charged most misdemeanor domestic violence cases under state law, which carried maximum penalties of 93 days in jail and two years of probation supervision. In addition, offenders were required to attend batterer intervention program (BIP). Offenders who were court-mandated to BIP often attended either a 26-week program, which is the state minimum standard, or attended BIPs that were not state-certified. However, in 14-B, Ypsilanti Township attorneys often prosecuted first-offense misdemeanor domestic violence cases as assault and battery ordinance violations carrying maximum penalties of 90 days in jail and no probation supervision or BIP mandates.

Changes Resulting From JOD

A key objective of Washtenaw County's JOD initiative was a coordinated response to domestic violence among the district courts. To achieve coordination, the district courts implemented operational changes under JOD modeled after practices implemented by the 15th District as part of the GTEAP initiative. These practices included designated judges and domestic violence dockets. In addition, JOD developed a domestic violence court protocol calling for the same practice of strict review and monitoring in all misdemeanor domestic violence cases in the county, regardless of which district court handled the case.

Designated Judges and Domestic Violence Dockets

To promote a uniform court response to domestic violence cases under JOD, the courts designated domestic violence judges in each district court[96] to hear all misdemeanor domestic violence matters. Judges assigned to the domestic violence dockets regularly attended multidisciplinary grant-team meetings. These coordination meetings often included representatives from batterer intervention programs (BIPs), law enforcement agencies, prosecutors' offices, defense agencies, nonprofit advocacy groups, and the Domestic Violence Probation Unit.

In August 2000, each District Court initiated its own designated domestic violence docket. The docket was scheduled one day per week. Each court chose a different day of the week to prevent scheduling conflicts for staff that worked across the different courts. The dedicated dockets heard all domestic violence matters including arraignments, pretrial motions, pleas, trials, sentencing, and the new post-conviction compliance review hearings. Consolidating domestic violence hearings to one day per week allowed for key persons, such as the prosecutors, Domestic Violence Unit probation officers, victim/witness staff, and advocates from Safe House Center to be present at different stags of the court case.

Policy/Procedural Changes in the Court Management of Domestic Violence Offenders

Significant procedural changes also occurred in the court management of domestic violence offenders during JOD. All District Court judges signed a domestic violence protocol to guide their management of domestic violence cases by establishing: standardized bond conditions; group reviews of pretrial bond conditions; policy and practice changes to expedite case processing; and post-conviction review hearings.

[96] District 14-A has two designated domestic violence judges.

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Standardized Bond Conditions

The JOD Executive Committee identified the standardization of bond conditions across the three districts as a key objective of the project. Some of the variation in bond conditions prior to JOD was due to a lack of sufficient information at the time of arraignment (e.g., previous arrest records and victim input), and some was due to differing policies by the issuing judge or magistrate. For example, some courts routinely prohibited contact with the victim during the pretrial phase while others limited it to no non-consensual contact. The only guideline a judge was required to follow was that bond could not be denied in domestic violence cases with the exception of cases charged as murder or criminal sexual conduct first degree.

To standardize bond conditions and improve the availability of crucial information at the arraignment hearing, the JOD Pretrial Committee created a bond recommendation form that the police officer completed prior to any domestic violence bond authorization. It included lethality indicators such as prior police calls to the home, defendant's criminal history, whether there was a Personal Protection Order (PPO) against the defendant, any threats of suicide or homicide, and whether there were any weapons in the home. The victim's request for specific conditions was also included in this form. The prosecutor reviewed and signed the bond recommendation form and delivered it to the arraigning judge or magistrate. Such information was rarely, if ever, provided to the arraigning official prior to JOD.

The Pretrial Committee also developed the Order of Conditional Release form that the judge or magistrate used in all domestic violence cases. This form, which also acted as an arraignment script since the judge or magistrate read it aloud to the defendant in all domestic violence cases, emphasized the seriousness of the conditions and standardized the use of no-contact conditions. The order included a section in bold type for the defendant to sign indicating that he/she understood each condition, and that failure to comply would result in immediate arrest, bond revocation, and jail. In addition to the judge reading it aloud, the defendant received a written copy of the form.

To reinforce the bond conditions further, the Court ordered all defendants to contact the Domestic Violence Probation Unit within 24 hours of release to schedule an appointment for a probation agent to further review the bond conditions in a group format (to be discussed in detail in the following section). Prior to such an initiative, defendants arrested for bond violations often denied knowledge of the conditions.

Most often, conditions prohibited the defendant from having contact with the victim[97] and defendant's possession of firearms, ammunition, and other dangerous weapons. Additionally, an initial drug test could be ordered or the use/possession of alcohol and/or illegal drugs prohibited. Also new under JOD was the widespread adoption of a court policy to enter pretrial conditions of release into the Law Enforcement Information Network (LEIN).[98] This enhancement allowed the police to detect bond violations if they encountered the defendant.

Group Bond Review Session

The predisposition period (from arraignment to disposition) lasted an average of ten weeks, with typically one or two predisposition hearings during this time**.** Originally, Washtenaw County

[97] Normally, the straight no-contact order was reconsidered at the pretrial hearing and often modified to stipulate no non-consensual contact with the victim if the victim was requesting to have contact with the accused.
[98] This initiative had been occurring in the 15th District as a part of GTEAP.

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proposed an extensive pretrial monitoring component consisting of regular contact between a supervision agent and the defendant.

JOD's first pretrial monitoring initiative consisted of the client contacting the Domestic Violence Probation Unit within 24 hours of arraignment to schedule an appointment to meet with a domestic violence probation agent individually to review the bond conditions and discuss the consequences of violations. After the initial contact, there were no follow-up contacts during the pretrial period. If bond conditions changed at the second pretrial hearing date, probation noted the changes and continued to monitor the file. However, this form of pretrial monitoring was soon revised due to defense bar concerns that that one-on-one meetings between defendants and probation officers might lead to the defendant saying something that the probation agent could then use against the defendant in court. However, due to defense bar concerns about the constitutionality of this level of supervision, the original pretrial plan was scaled back.

Thus in late 2001 (relatively early in the project), Washtenaw County introduced group bond review meetings, modeled after a similar program in Westland, Michigan**.** At the group bond reviews a probation agent from the Domestic Violence Probation Unit met with a small number of misdemeanor domestic violence defendants (four to six) to review bond condition requirements and the consequences of noncompliance. The format provided an opportunity for defendants to ask questions and gain clarity on the conditions. The defense bar agreed to the program because they expected that since one-on-one contact would not occur, it would be less likely that defendants would discuss details of their individual case with a probation agent who could subsequently use these details against the defendant in court. Also, it was agreed that, at the beginning of each group session, the agent running the session would read aloud a statement reminding the group that communications with the agent were not confidential. The group format thus addressed the defense bar's objections while making efficient use of the probation department's resources.

Figures 4.7a and 4.7b present statistics on defendants ordered to group bond reviews and their compliance. The data show that the courts ordered the majority of defendants to bond reviews and that the proportion of defendants so ordered increased by 6 percentage points over the two years. The large majority of defendants complied with this requirement; non-compliance rates were quite low, ranging from seven to 10 percent over these two years. Special case processing protocols were developed by JOD to enable the court to respond promptly to bond (or probation) violations. Arrest warrants were issued immediately for defendants who failed to appear at the required group bond review hearing and entered into the shared law enforcement database (LEIN).

Court Policy Changes to Expedite Domestic Violence Cases

Because the volume of Washtenaw County's domestic violence cases did not warrant a full-time domestic violence docket within each district court, there was concern that hearing domestic violence cases only one day per week might increase the number of days it would take to resolve a case (i.e., days to disposition). The district courts adopted a number of policy changes in an effort to operate the new docket efficiently. Such policy changes included appointing attorneys for defendants at arraignment rather than at the pretrial hearing to avoid delays; expediting domestic violence pretrial hearings and trials through priority scheduling; and transferring responsibility for subpoena service from the courts to the police.

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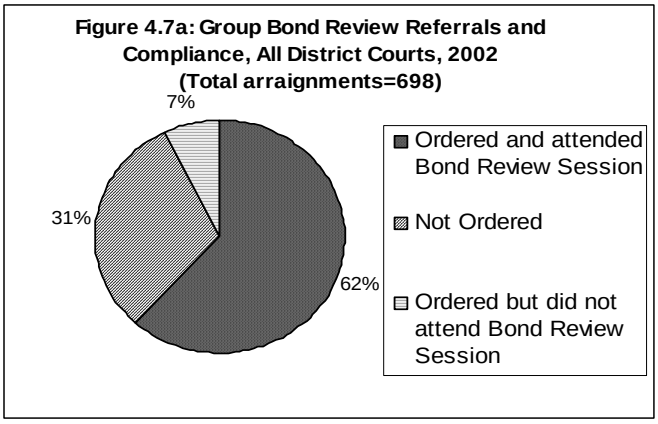

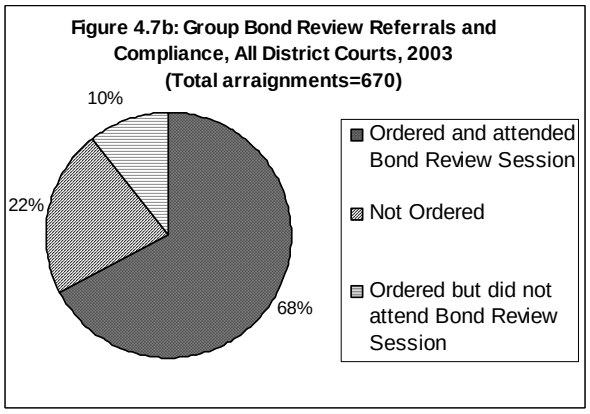

Transferring subpoena service from the courts to the police was critical to expediting cases. When subpoena service was the responsibility of the courts, the court often did not serve victims until two or three days prior to trial. Short notice may have been a contributing factor to victims/witnesses failing to appear at trial, increasing the likelihood of a continuance. By transferring subpoena service to the police, victims/witnesses were often notified two to three weeks prior to trial.

Table 4.1 illustrates the average number of days from arraignment to disposition to sentencing during JOD implementation, using the sample of 726 cases reviewed for inclusion in the impact evaluation.[99]

Table 4.1 includes two separate columns for domestic violence cases heard in 14-B. As discussed in detail in the Prosecution section, the Ypsilanti Township Attorney's Office was responsible for prosecuting first-time misdemeanor domestic violence cases; WCPAO prosecuted repeat domestic violence misdemeanor offenses. Therefore, the column labeled 14-B County only includes repeat misdemeanor offenses prosecuted by the WCPAO using procedures developed under JOD and utilized by the Domestic Violence Unit. The column labeled 14-B Township only includes first domestic violence offenses prosecuted by the Ypsilanti Township Attorney's Office. The result show that predisposition period lasted an average of ten weeks (somewhat longer in the busier 14-A District Court, somewhat shorter in the other courts) and defendants could enter a plea at any of the predisposition hearings (typically there were one or two such hearings). It took another two months, on average, to reach sentencing in cases with convictions. Time from disposition to sentencing was longer than this average in District Court 14-B, and shorter than this average in District Court 15. The relatively long time to sentencing was the result of crowded dockets and the need to allow time for probation to prepare a sentencing report. During this time, the pretrial no-contact order remained in place.

[99] These statistics are based on intimate partner violence cases involving adult victims and defendants and disposed between February and April 2003, and between November 2003 and October 2004.

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Table 4.1: Case Processing Time for Cases Disposed in Each JOD District Court

	14-A	14-B County	14-B Ypsilanti Township	15	Overall average
All Cases	**N=365**	**N=175**	**N=42**	**N=144**	**N=726**
Avg. days arraignment to disposition	81	63	60	67	73
Avg. number of predisposition hearings	1.7	1.3	1.7 (N=28 cases)[100]	1.5	1.6
Guilty cases only	**N=156**	**N=95**	**N=25**	**N=98**	**N=374**
Avg. days disposition to sentencing	57	80	92	46	62

Judicial Review Hearings

The majority of misdemeanor cases with guilty pleas or findings were assigned to probation supervision. To assure better system and offender accountability, judges in the participating courts added judicial review hearings to support probation supervision by allowing judges to play a more active role in assuring that their orders are being followed. This was achieved by requiring the probationer and the probation agent to appear in court to give regular updates on the status of the probationer's compliance, rather than only seeing probationers after a violation or new arrest. This reduced the risk that offenders would exploit the gaps in the system caused by large probation caseloads, waiting lists for BIP entry, and delays in getting drug tested. The reviews allowed judges to directly interact with probationers in order to assess their level of cooperation and to use graduated sanctions and rewards to motivate compliance and positive behavioral changes.

Review hearings were scheduled so that a number of probationers were present. This helped reinforce the necessity of compliance by providing examples of sanctions for non-compliance and rewards for those who chose to fully cooperate. A few days prior to the judicial review hearings, probation officers were required to submit a written report to the judge. This report included compliance information regarding the number and quality of the probationer's contacts with the agent, as well as the number and quality of the probationer's attendance and level of participation in the assigned batterers intervention program. If random drug tests were ordered, the agent stated the number of tests and the outcomes. Information on payment of program fees, fines, restitution, and/or child support was also noted. Prior to the review, officers were expected to run checks on LEIN (the local law enforcement database) to see if there were any new arrests, warrants, or new orders for protection issued against the probationer.

Because enhancing victim safety was a major goal and because the only way to know if the victim felt safer was to ask the victim, probation officers were expected to make contact with the

[100] All the other data in this and the previous row are based on at least 95% of the total number of cases for each court.

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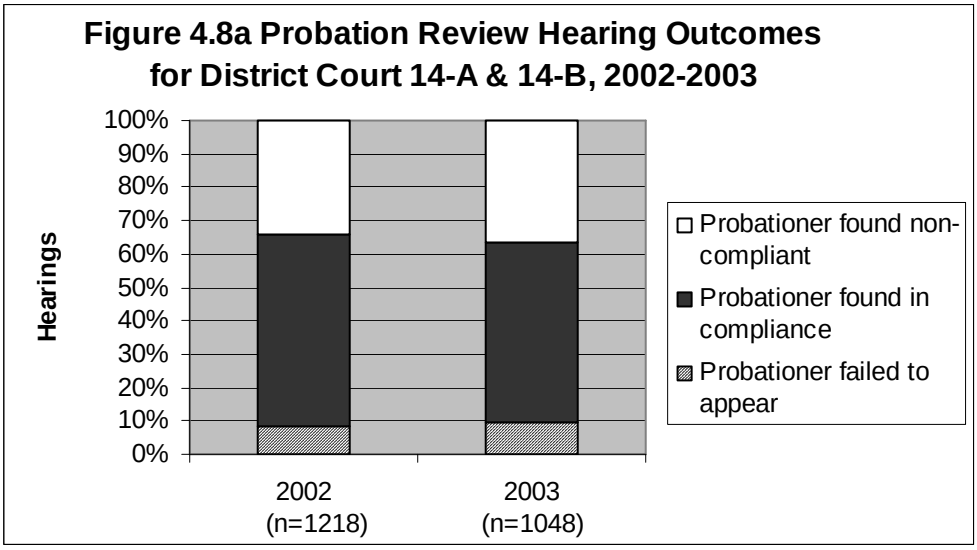
victim(s) prior to the review.[101] Victims were made aware of the review dates and were invited to attend if they so desired. Practices varied but it was common for both the defense and the prosecution to be present at review hearings, especially if there were probation reports that showed low levels of compliance, which could mean that the probationer could face partial or full imposition of jail time or even the possibility of new charges if new crimes were alleged.

During the review, the agent provided a verbal report to the court. If the probationer was in full compliance, the judge offered encouragement for continued success. If the probationer showed ongoing compliance over a significant period of time, the judge might offer graduated rewards such as positive public praise, less frequent review dates, or less stringent probation reporting conditions, etc. Conversely, if the report showed low levels of compliance or complete disregard, the judge could utilize graduated sanctions. The range of responses might include: verbal warnings, increased fines, more frequent probation review hearings, more weekly sessions at BIPs, or imposition of jail-time (use of work release, weekend custody, or full revocation of probation). The judge could also impose mental health screening and treatment if warranted.

Although all courts conducted probation review hearing, the number and timing of review hearings varied considerably across courts. For instance, one judge in District Court 14-A scheduled review hearings for 90 days post-disposition and then followed probation's recommended review schedule thereafter. Another judge in 14-A scheduled the first hearing within 45 to 60 days (30 to 60 days for repeaters), with subsequent reviews depending on offender compliance. District 15 planned the first review within 28 to 42 days, then again in 90 days, and usually every 90 days thereafter until the end of probation. Finally, District Court 14-B did not routinely schedule review hearings until six months to one year after case disposition.

Figures 4.8a,b,c show the outcomes of probation review hearings scheduled in District Courts 14-A and 14-B for 2002 and 2003 (complete data were not available for District Court 15). It shows similar review hearing outcomes across the two courts. Around 10 percent of probationers failed to appear for their review hearings; about 55 percent were found in compliance with probation conditions; and just over one-third were found out of compliance.



[101] See probation section for details on how safety considerations were managed when making this contact and using this information in open court.

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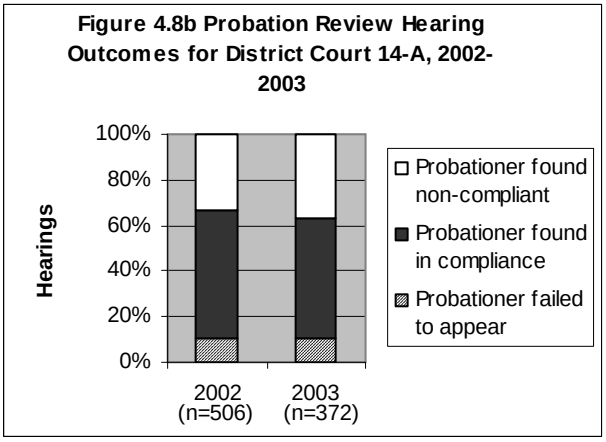

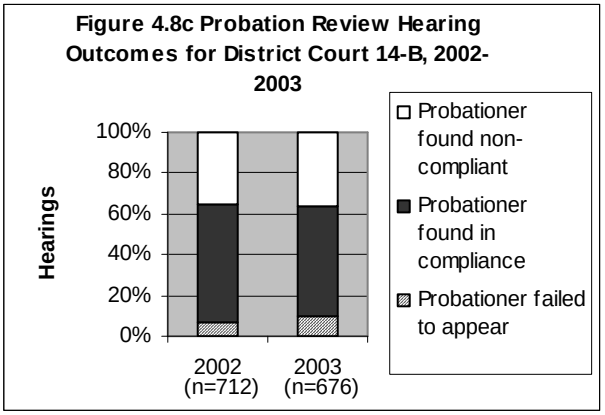

Figures 4.9a-c present findings on sanctions imposed at hearings where non-compliance was reported in District Courts 14-A and 14-B (complete data were not available for District Court 15). These data cannot link the violation to the sanction and thus it is possible that violations in one court or in one year were more substantial than in others.

- District Court 14-A most frequently issued a verbal warning or imposed short-stay jail time,[102] with probation revocation and enhanced supervision requirements imposed less frequently in 2002. There was a somewhat greater tendency to enhance supervision requirements rather than revoke probation in 2003, but overall District Court 14-A's pattern is fairly stable across the two years.

- District Court 14-B made the most extensive use of verbal warnings and probation revocation in 2002, but subsequently shifted toward a strategy of enhanced supervision requirements for the majority of cases in 2003, with verbal warnings and

- Probation revocation used much less frequently.

Issues Confronting the Courts in Implementing JOD

The Washtenaw County District Court System faced three important considerations when implementing JOD. The first was how to implement a coordinated judicial response to JOD with three independent court districts. The second consideration was whether to institute a judicial rotation in order to institutionalize promising judicial practices in the court management of domestic violence cases. The third consideration was how to maximize efficiency and victim/witness participation in the face of the many adjournments common during case processing.

Independent District Courts

Unlike the Milwaukee County and Dorchester JOD demonstration sites, Washtenaw County has three independent court districts; each with its own policies and procedures, making JOD efforts to institute and standardize best practices across the three district courts more challenging. As a result, courts varied substantially in some areas, including:

[102] Short-stay jail time refers to weekend incarceration or a few days in jail used as a sanction.

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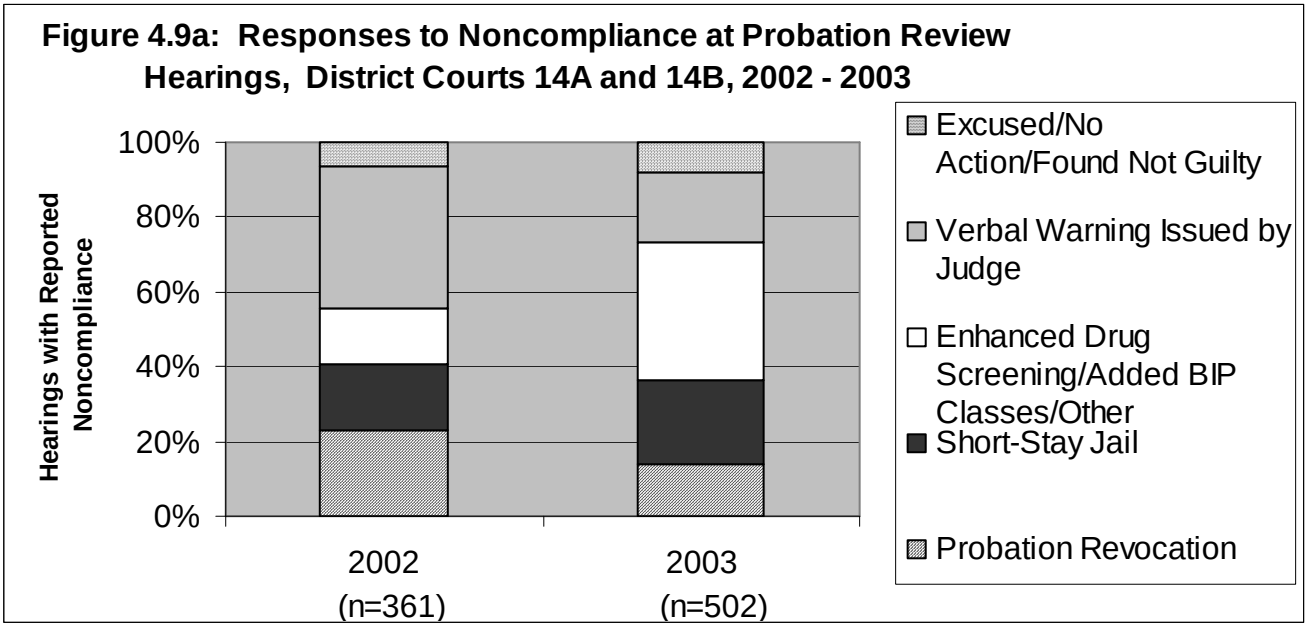

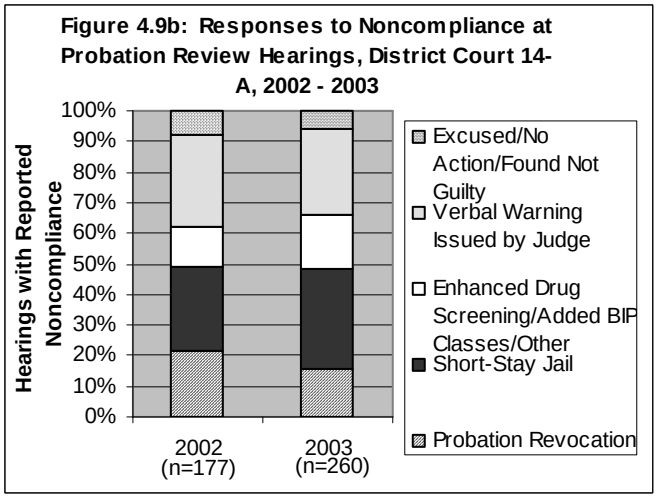

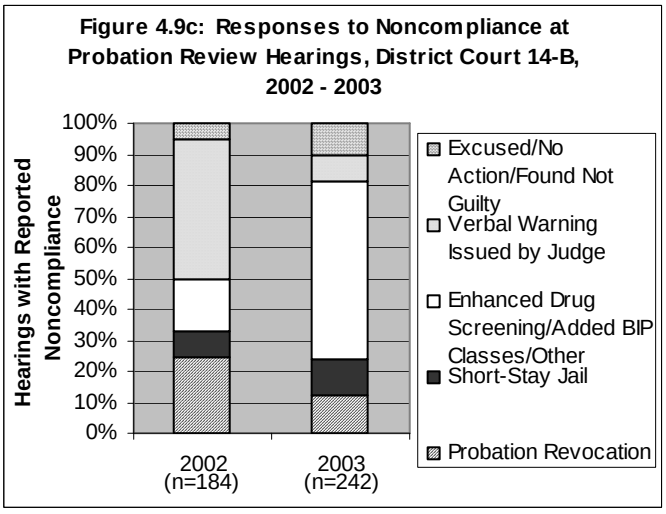

- The duration of BIP requirements. Although all judges agreed to two years probation coupled with BIP for first offenders, District Court 15 routinely ordered offenders to a 64-week BIP whereas 14-A and 14-B routinely ordered offenders to 26- or 32-week programs.

- The frequency of judicial review hearings and the use of sanctions for non-compliance with probation conditions. One court required the first hearing 90 days post-sentencing, whereas another court required the first hearing anywhere from 30 to 45 days, and another required the first hearing six months to one year post-sentencing. As data in Figures 4.9b and 4.9c suggest, sanctions related to non-compliance differed across courts and perhaps over time in District Court 14-B.

- Victim appearance requirements. One objective of Washtenaw County's JOD initiative was to make the court process easier on victims who choose to participate,

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and one way to do this was to limit required victim appearances prior to the trial (or settlement) date. However, not all district courts agreed this was the best course of action. Some courts required the victim to appear at the final settlement conference or to appear at jury selection and again at the jury trial. Ordinarily, victims' failure to appear at either of these hearings resulted in the prosecution dismissing the case with prejudice.

Although there were differences in court operations, the Executive Committee and the larger Grant Team offered a forum for concerns to be discussed and possible resolutions suggested. The arraignment script mentioned earlier was an example of how the courts worked together to develop consensus and a uniform protocol.

Judicial Rotation

Judicial assignments to the domestic violence dockets are voluntary, with no fixed period of duration. The voluntary nature of Washtenaw County's judicial rotation has led to very little turnover in judicial assignment to the domestic violence courts, and this has both advantages and disadvantages. One advantage of consistency among domestic violence judges is that there was no need for repeat judicial training or frequent meetings to discuss policies and consistency in case handling. In addition, having the same judges and magistrates handling domestic violence cases meant that there would be less variation in the judges' adherence to JOD-initiated policies. The primary disadvantage of not requiring rotation in Washtenaw was that it reduced the likelihood that innovative practices would become institutionalized among all of the judges and magistrates within the court system. This was significant since domestic violence is likely to be present in cases outside of the domestic violence courts, including other criminal cases as well as those heard by district, circuit, probate, juvenile, and civil courts.

Adjournments

The courts also faced the issue of how to handle the large number of adjournments (continuances) granted in case processing. The prosecution argued that this practice, most often initiated by defense, was actually a defense bar tactic used in the hopes that the victim would fail to appear at the next hearing, thereby greatly weakening the prosecution's case and ultimately ending in a dismissal. Figures 4.10a,b,c,d show that the defense requested three-quarters or more of the adjournments across courts and over time, although the court or prosecution also requested a fair proportion of adjournments in District Courts 14-B in 2002 and 2003, and in District Court 15 in 2001.

Judicial training provided by JOD technical assistance emphasized the importance of avoiding delays in resolving domestic violence cases. In Washtenaw, the judges gave IPV cases priority in scheduling, recognizing that proper handling of these cases is homicide prevention. To avoid delays in case processing, the judges agreed to appoint attorneys at arraignment (unless the defendant had retained one or could name the attorney he or she planned to retain).

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Figure 4.10a Court Adjournments (Continuances) by Requesting Party - All District Courts

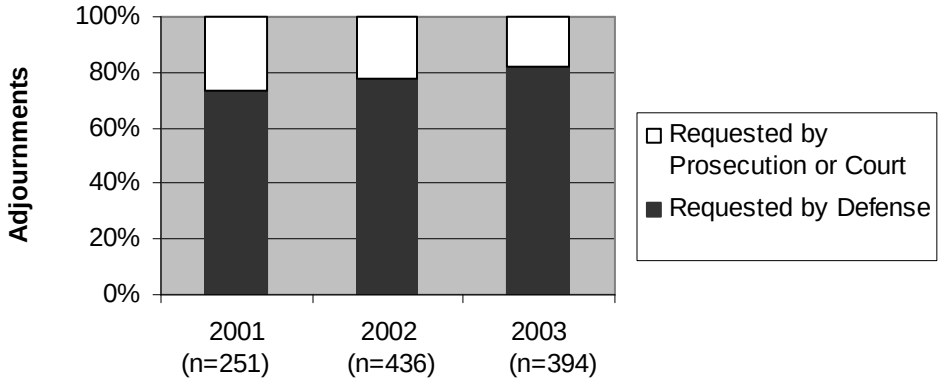


Figure 4.10b Court Adjournments (Continuances) by Requesting Party - District Court 14-A

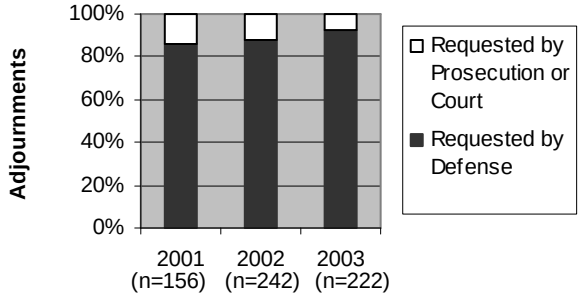


Figure 4.10c Court Adjournments (Continuances) by Requesting Party - District Court 14-B

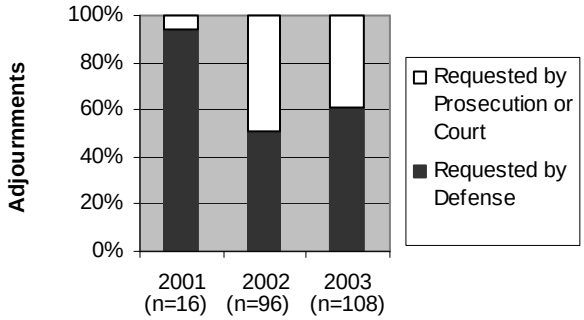
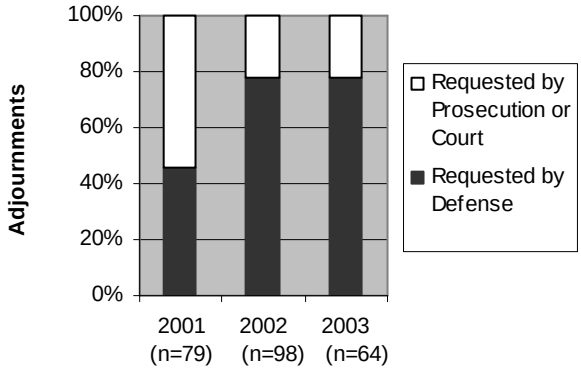


Figure 4.10d Court Adjournments (Continuances) by Requesting Party - District Court 15



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Probation

Before JOD

Prior to JOD, each of the district courts had its own probation department, with probation officers who supervised all probationers convicted by the court. The only specialized domestic violence probation unit was the relatively new unit in the 15th District Court under the GTEAP project and the only pretrial supervision for domestic violence defendants occurred in the 15th District Court, where drug screens were required of those who were suspected of using drugs at the time of the incident.

- The 14-A District Court had three full-time probation officers and one part-time agent. Each agent worked specifically for one judge from that District Court. Caseloads averaged between 250 and 300 cases and included all types of cases. The funding authority for 14-A probation is Washtenaw County.

- The 14-B District Court, funded through the Township of Ypsilanti, had two full-time probation officers who supervised a caseload of approximately 300 probationers per agent. This court has one judge, for whom both probation officers worked. Neither agent specialized in domestic violence cases.

- The 15th District Court had five probation officers plus one supervisor, with caseloads of 175 to 300 probationers per agent. The funding authority for 15th District Court Probation is the City of Ann Arbor. As previously mentioned, in 1998 the county received the GTEAP award, which established more intensive monitoring of domestic violence defendants. A dedicated domestic violence probation agent in the 15th District Court was established to monitor all domestic violence offenders, who were mandated to three post-conviction review hearings within their first 90 days of probation. Furthermore, the Court initiated routine drug and alcohol screens of all domestic violence defendants in the pretrial period, when such substances were involved in the incident, and the agent elicited and incorporated victim input throughout the probation process.

Because probation officers worked for a particular district court within the county, there was little coordination of policies and practices across the three district probation offices. District courts provided little if any training for probation officers on the dynamics of domestic violence, lethality factors, or interviewing techniques. Probation officers often referred probationers to batterer intervention programs that did not meet state recommended standards and progress reporting was not done in a proactive way (e.g., noncompliance was only reported after the probationer had failed out of the program). High caseloads, coupled with these limitations, resulted in little intensive monitoring of domestic violence probationers.

JOD Changes

In an effort to build a coordinated response to the supervision of domestic violence offenders and enhance the supervision provided, JOD funds were used to create the Domestic Violence Probation Unit (DVPU), provide intensive monitoring, solicit victim input, and build a database to enhance communication between probation officers and court staff on probation compliance.

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The Domestic Violence Probation Unit

Washtenaw County used JOD funds to create a specialized probation unit handling all misdemeanor domestic violence and intimate partner stalking cases in the county. The DVPU essentially was an expansion of the 15th District Court probation operations under the GTEAP, in which the Court assigned all misdemeanor intimate partner violence cases to a dedicated probation agent. A key part of the county's strategic approach to domestic violence, the DVPU, utilized promising probation practices for enhanced supervision and was greatly aided by the support provided by the addition of judicial review hearings.

The DVPU was staffed by four probation officers (two for District Court 14-A and one each for courts 14-B, and 15), two compliance monitors, one supervisor, and an administrative assistant. It was located in the county's centralized Domestic Violence Unit where officers could meet formally as well as informally to identify challenges and problem-solve together, coordinate with staff from the WCPAO and law enforcement, and receive training. The DVPU resulted in more intensive monitoring of domestic violence offenders and more consistent supervision practices across the district courts.

Intensive Monitoring and Innovative Practices

One challenge to intensive monitoring was the size of officers' caseloads. Large caseloads meant that officers only had time to contact probationers once a month, and often the contact consisted of a telephone call rather than a face-to-face contact. With the creation of the DVPU and the dedication of four officers to domestic violence cases, agent caseloads were reduced to approximately 75 to 100 active cases (initially), making intensive monitoring much more feasible. Officers were able to make face-to-face contact with the probationer once a week for the first three to six months. After that, the agent often reduced the frequency of contact if a probationer was compliant with all probation conditions and the agent did not consider the probationer a high lethality risk. Probation officers promptly reported any violations to the court.

Caseloads grew over the course of JOD implementation, however. With an average of 300 new cases assigned to probation in 2002 and 2003, and bearing in mind that two years was the standard probation term, the four probation officers' caseloads rose significantly across the years. As JOD progressed and caseloads grew, the DVPU used JOD funds to hire two half-time compliance monitors in March of 2003 to assist the officers by handling the more routine aspects of supervision and preparation of reports for judicial review hearings, and assisted officers with probationer contacts outside the office. Their duties and responsibilities included, among other things, accompanying officers on home visits, assisting with victim contacts, preparing files for review hearings, attending court, and assisting with pretrial and probation group reporting.

The organizational change from separate court units to an integrated DVPU allowed the officers more flexibility to implement new supervision practices. When probation officers reported directly to a district court, agency regulations prohibited officers from conducting business outside of the office, so they could not conduct home visits to probationers or victims. Consequently, pre-sentence reports rarely included victim input. Probation officers were also prevented from visiting probationers at their workplaces or at BIPs or other intervention sites.

Office policy changes occurring under JOD allowed probation officers to conduct such business outside of the office, and a protocol for home/work visits was developed and implemented in early 2001. Later, the DVPU compliance officers assisted with these visits. Around the same

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time, all DVPU probation officers were certified in the use of preliminary breath tests for alcohol use, and probation officers periodically attended batterer intervention program groups to randomly conduct breath tests and random urine screens. The officers also conducted random telephone check-ins with probationers and monitored probationers' attendance at work, BIP, and other treatment groups on a frequent basis. Probation officers also worked closely with the batterer intervention programs, Safe House Center, and victim/witness staff from the Prosecutor's Office to maximize victim safety and offender accountability (for example, through the exchange of information about offender compliance with program requirements and problems reported by victims).

The DVPU conducted extensive investigations into models of intensive probation in other communities to incorporate best practices into JOD. One of the innovations under the demonstration was group reporting for probationers from the 14-B and 15th District Courts. Probation officers held group meetings twice a month, with an average of about 20 probationers per group.[103] Group meetings were held in lieu of individual sessions with probation officers, to help manage caseload requirements, and included reviews of BIP requirements and payment of court costs; making announcements such as upcoming preliminary breath test roundups; getting probationers' input on BIP; and facilitating mentoring between those new to probation and those who had been under supervision for a number of months.

Another innovation was the use of group bond reviews with defendants in the predisposition phase, as discussed previously in the court section of this chapter. To summarize, shortly after a defendant was released on bond, he or she was required to attend a group meeting (held twice a month, usually by the DVPU supervisor) with other recently-released defendants. The purpose of these meetings was to go over the conditions of bond and consequences of non-compliance, to make sure that defendants understood the terms under which they were released. It was hoped that this procedure would reduce bond violations and increase victim safety during the pretrial period.

Increased Victim Input

The probation agent solicited and incorporated victim input throughout the probation process, especially at the time of the pre-sentence investigation. Probation officers estimated that they reached approximately 70 percent of victims for input in the pre-sentence investigation report. The judges encouraged increased use of flextime to make probation officers even more accessible to victims during non-traditional business hours.

Because information shared by the victim could be used in open court, before engaging in discussions with victims, officers read a statement regarding the limits on confidentiality. If they were meeting in person, they would have the victim sign the statement as a way to reinforce the seriousness of the communication. While one objective was to gather information from the victim, the main objective of these contacts was to share information. It was made clear that all communications and referrals were strictly voluntary. Information was shared regarding the conditions placed on the offender. Probation officers received training and even did role plays with SAFE House victim advocates to learn how to safely question victims and establish a rapport and provide information to help keep victims safe. The hope was that the victim would call probation to report any violations. Probation officers were trained to write compliance reports to try to keep the focus on the defendant's actions and not connect reported violations

[103] Groups were organized by batterer intervention programs, so that probationers in the same program reported together.

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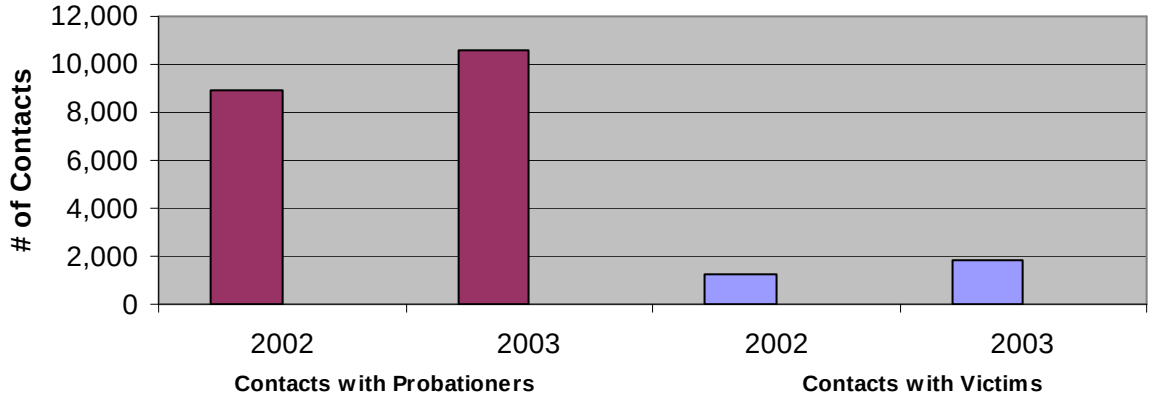
directly to reports by the victim whenever possible. For example, if a victim wished to let the judge know that certain conditions of probation were not being met, the agent would help prepare the victim for how this information would be used. They also helped the victim assess the possibility for retaliation from the offender or the offender's friends and family. One probation officer explained that when he was going to use information from the victim to request a sanction against the probationer, he would call the victim before the hearing and read the statement to the victim so that the victim knew exactly what the offender would hear in court and when they would hear it. If the victim expressed concerns regarding retaliation, he would assist the victim with safety planning and help the victim access Safe House Center services.

Probation officers also provided victims with updates when there were going to be changes to the offender's supervision levels. Victims could also receive information about upcoming court hearings and opportunities for them to have input into these hearings if the so desired. Officers provided information on community services and other resources that might be of assistance to the victim and the victim's children. More active officers also routinely engaged in ongoing safety planning activities with the victim. Probation conditions used for almost all IPV probationers included BIP, no drug or alcohol use (with testing as needed), and no possession of weapons or ammunition. Approximately half were ordered to substance abuse assessment or treatment. No contact with the victim was required in many cases. Other conditions included mental health assessment or treatment, restitution, and maintaining employment.

Figures 4.11a and 4.11b describes the supervision practices utilized by the DVPU. In 2002, officers conducted almost 9,000 contacts with domestic violence probationers, and this increased to a little over 10,500 contacts in 2003. Telephone contacts were the most commonly used supervision method, at over half of all contacts for both years. One-on-one office contacts increased slightly from 2002 to 2003, from 30% of total contacts in 2002 to 34% in 2003. Group reporting of probationers became a viable option in helping to monitor the increasing caseloads, and remained steady at 12 percent of contacts during 2002 and 2003.

As described above, contacting victims, with the goal of enhancing their safety, was central to the JOD vision in Washtenaw County. Probation officers were able to request help from victim advocates and victim/witness staff in locating victims. From 2002 to 2003, there was a nearly 50% increase in the number of probation contacts with victims. However, this does not measure the percentage of the victims that officers were able to reach at least once. And, this trend in increased contact was not observed beyond 2003

Figure 4.11a Number of Contacts by Probation Agents, 2002 - 2003



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Web-based Probation Compliance System

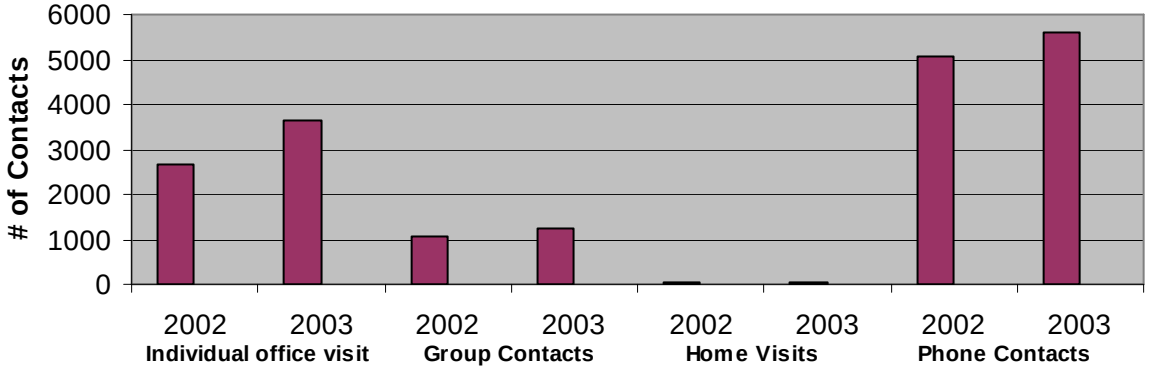
Prior to JOD, data collection in probation was very labor intensive due to the lack of a compliance-tracking database. Probation compliance information was added to the County's internal JOD Website. The probation compliance application allowed for making BIP referrals, monitoring BIP and probation compliance, and reporting compliance to judges via the web. It also intended to provide a rich data source for research on the strengths and weaknesses of the various components of the grant. However, the system had significant drawbacks. It asked for so much detailed information that it proved too time consuming for the probation officers to enter all the required data. Additionally, some data fields were subject to user interpretation, thus complicating data analysis. Due to the increasing caseloads and the eventual disbanding of the centralized probation unit, use of the system was not maintained.

Issues Confronting Probation In Implementing JOD

Under the new unit, officers were no longer employed by a specific District Court, although probation officers still reported to one district court judge. Consequently, officers had to reconcile the differing practices of the various judges (e.g., on BIP requirements, frequency of review hearings, and responses to violations) with the more uniform policies and protocols of the DVPU.

A problem inherent to many probation agencies is the never-ending increase in caseloads; the DVPU was no different. What started out as manageable numbers that allowed officers to conduct intensive supervision, quickly turned into caseloads of 150 or more, thereby hampering officers' ability to conduct intensive supervision as originally planned. In an effort to improve efficiency, compliance officers were hired and two officers replaced most of their individual reporting with group reporting. But, as indicated by Figure 4.11b, intensive supervision practices such as home visits did not increase over the course of JOD.

Figure 4.11b Type of Contacts with Probationers, 2002-2003



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Non-governmental Victim Services

Before JOD

- Safe House Center (SHC) is the only non-profit, non-governmental victim advocacy and service program in Washtenaw County for victims and families of domestic violence. SHC 's services include:
- A 24-hour crisis line, staffed 365 days a year and including a telecommunications device for the deaf and 24-hour interpretation into 140 languages;
- A 50-bed shelter, which also offers counseling, advocacy, information, transportation, and on-site health care services to anyone in the county who has experienced sexual assault or domestic violence (women and children);
- Counseling and legal advocacy and accompaniment services for non-residential clients, including assistance in obtaining civil protection orders;
- 24-hour, on-call response to police and health care agencies;
- General and specialized support groups for victims;
- Children's support groups; and
- Post-residential services through the non-residential program. SHC also features a Families First Program, which is a collaboration between domestic violence programs and family preservation agencies.

JOD Changes

Safe House Center identified four areas in need of expansion under JOD. First, SHC wanted to expand its services by assisting victims in reclaiming their autonomy. SHC created an Autonomy Program and used JOD funds to hire two Autonomy Advocates and provide victims in the program with direct financial assistance. Second, SHC used JOD funds to fund two Legal Advocates who provided in-court assistance to victims. Third, SHC recognized the need to streamline and increase accessibility of the personal protection order (PPO) process and hired an advocate to assist in this area as well. A final area identified by SHC was the need for additional training for the partner agencies and community on the dynamics of domestic violence. SHC used JOD funds to provide training to its own and other agencies' staff.

Autonomy Program

Using JOD funds, Safe House Center (SHC) developed and initiated its Autonomy Program, an advocacy program to enhance victims' autonomy and restore them to their pre-victimization status, through financial assistance and other means. Autonomy advocates worked with victims to identify losses due to the battering – from major issues such as loss of custody of the children to damaged credit history to broken eyeglasses to damaged reputation. They also identified barriers to autonomy (e.g., lack of transportation or childcare) and ways to overcome those barriers, including offender restitution, victim compensation, other financial resources, and direct financial assistance from SHC's Autonomy Program.

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SHC's Autonomy Program also provided direct financial assistance to enhance victims' autonomy. During the project at total of $74,660 was used to enhance the autonomy of victims of domestic violence, through such means as security safeguards (changing locks, providing emergency cell phones, establishing phone service), housing relocation (credit check fee, application fee, first month's rent, security deposit), employment and educational assistance, driver's license restoration, childcare, and transportation.

Autonomy advocates made recommendations to the court as to how the batterer could make restitution to the victim and her children. Restitution may have included written or public acknowledgements of abuse and apologies, as well as financial redress. They also assisted victims with the victim compensation process and obtaining access to private sources of financial assistance, such as funds offered by faith-based organizations.

Legal Advocacy Program

Safe House Center was able to continue and expand legal advocacy services with JOD funding. Two legal advocates funded under JOD assisted on criminal cases and provided a range of other supportive services. Legal advocates explained the court process to victims and sent letters to the court with information on what the victim wanted to happen with the case. The legal advocates also made referrals to the autonomy advocates when appropriate.

Table 4.2 shows a steady increase in the number of victims served through SHC's Legal Advocacy Program. From 2001 to 2003, the number of victims served through this program more than doubled. The largest increase in SHC services was in the area of emergency legal advocacy. Emergency legal advocacy is provided by the SHC domestic violence on-call teams that assist victims who had the police respond to their home and arrest the assailant.

Table 4.2 Victim Contacts by Safe House Center Legal Advocacy Program

	2001[104]	2002	2003
Total number of victims served	1604	2712	3451
Services provided			
Crisis counseling	347	556	464
Information and referral	762	978	639
Safety planning	413	579	862
Follow-up contact	1151	1070	1540
Criminal justice support/advocacy	1498	2187	2928
Personal advocacy	254	437	584
Emergency legal advocacy	220	222	1310
On-call assistance	720	1209	1135

Personal Protection Order Liaison

Prior to JOD, victims needing assistance with obtaining personal protection orders had to travel to Safe House Center for assistance from SHC's protection order advocate. SHC wanted to make protection order assistance accessible at the courthouse as well, and used JOD funds to staff a PPO liaison position at the 15th District Court[105] to assist victims. The Washtenaw County Prosecuting Attorney's Office provided office space in the courthouse without charge to SHC. The protection order liaison provided support, crisis intervention, information, advocacy,

[104] Data not available for January and February 2001.
[105] The 15th District handled all PPOs for the County.

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and accompaniment to victims of domestic violence and their children who were seeking a protection order or involved in protection order proceedings.

Training

Safe House Center used JOD funds to coordinate and conduct 36 hours of initial training to all personnel hired under the JOD grant. In addition, to help ensure that all eleven law enforcement agencies were consistently responding to domestic violence calls in accordance with Washtenaw County's JOD objectives, SHC also used funds to provide a six-hour domestic violence training to most of the law enforcement agencies in the County. The training consisted of the following elements: the dynamics of power and control; myths and stereotypes of the causes of domestic violence; understanding and working with survivors; barriers to survivor safety; helpful law enforcement interventions; effective response to and investigation of domestic violence incidents; and batterer manipulation of police and others. In addition, SHC staff regularly visited each law enforcement agency during their shift briefings to address the issue of domestic violence. Each law enforcement agency decided how often to provide training and who would attend.

Issues Confronting Safe House Center In Implementation of JOD

Coordination between Safe House Center Advocates and Prosecution-Based Victim/Witness Staff

Historically, collaboration did not exist between the prosecution-based Victim/Witness Staff (VWS) and the non-governmental Safe House Center advocates. As is the case in many communities, advocates from governmental and non-governmental agencies differed on issues of basic mission and client confidentiality.

As staff of the prosecutor's office, VWS are charged with enhancing the prosecution of the case. SHC advocates operated under a philosophy of respecting the victim's wishes, and if she/he chose not to support prosecution, SHC would honor that decision. As a consequence, VWS might have been reluctant to refer victims to SHC, for fear they would support victims' non-participation in prosecution, and SHC might have been reluctant to refer victims of VWS, for fear they would push prosecution regardless of the victim's wishes. This reluctance could have limited victims' access to the range of services available, and limited the opportunities for governmental and non-governmental advocates to collaborate on cases. Under JOD, VWS's role and direct contact with victims expanded, making them a potentially valuable source of client referrals for SHC. Likewise, SHC used JOD funds to expand their services to victims whose partners had open criminal cases, as described above, so their input became increasingly influential on cases in which VWS were traditionally the major victim service provider. Expansions by both sets of service providers made collaboration more critical than ever before.

Another issue was client confidentiality. Prosecution records are subject to discovery, so VWS could offer little confidentiality to victims they served. The confidentiality of SHC's client records are protected under law, which may make victims much more open and candid in their interactions with SHC advocates, but was another barrier to communication and collaboration between governmental and non-governmental advocates. Confidentiality differences were another major issue for advocates to address and reach a resolution.

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To address these challenges, the VWS and SHC advocates met on a monthly basis to get to know each other. Over time, the VWS and SHC staff developed a respectful relationship and were able to co-work and cross-refer cases by coming to an understanding of each provider's role, requirements, and limitations. New practices were developed to enhance coordination between the VWS and Safe House Center advocates as a direct result of the JOD initiative. These included:

- VWS facilitated the introduction of victims in court to the SHC advocates for private conferences. This was done in such a way that the offender in court did not know that the victim was making contact with SHC advocates. This significantly enhanced the ability of SHC advocates to make contact with victims of domestic violence.
- When court was in session, the VWS relayed information from the SHC advocates directly to the prosecutor about how to assist victims in the court process. For example, in one case, the SHC advocate was able to convey a request to the prosecutor at trial to call sequestered witnesses in a certain order, which allowed the SHC advocate an opportunity to make a safe, private contact with a victim who had been under the constant watch of her assailant and teenage child.
- VWS contacted SHC advocates to seek assistance for victims needing transportation to court hearings.
- VWS notified SHC advocates about the prosecutor's plans for the case, insofar as possible.
- Confidentiality issues were addressed by the use of release of information forms, so that victims could authorize SHC to share information with VWS.

Batterer Intervention Programs

Before JOD

Prior to JOD, probation officers often made referrals to batterer intervention programs (BIPs) that did not meet minimum state standards. Communication between BIPs and probation officers was often inadequate. Officers were frequently not aware of when an offender failed to appear for their intake session or stopped attending group sessions and was subsequently discharged. The lack of a mechanism ensuring regular communication between BIPs and Probation did not allow for the agent to respond in a timely manner to noncompliance with BIP requirements. The JOD initiative focused on developing regular communication between BIPs and Probation, and ensuring that only high quality BIPs received court referrals.

JOD Changes

Under JOD, the newly created Domestic Violence Probation Unit decided to refer all JOD offenders to three BIPs that met state standards and that agreed to provide probation officers with regular progress reports on probationer attendance and participation. The three BIPs

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selected were Alternatives to Domestic Aggression (ADA), Taking Responsibility to End Domestic Aggression (TREDA), and Education, Training, and Research Services (ETRS).[106]

- ADA offered a 52-week program (64 weeks for 15th District Court probationers[107]) operated by Catholic Social Services, and this program served the majority of JOD probationers. The ADA Program, established in 1986, is based on a four-level progressive model of intervention, with its own curriculum and "accountability workbook." It is philosophically based in feminist theory, and sees domestic violence as a means that is chosen to control women.

- TREDA offered a 36-week program utilizing a group psychotherapy approach that takes advantage of the normative influence of the group. This meant that once a group was established, group members tended to conform to the standards, values, and norms held by the group as a whole. As the group inducted new members, their thinking, feelings, and behavior promoted positive group norms simply because of the human tendency to want to be accepted by a group. The program did not follow a set curriculum but rather addressed the concerns and issues that arose in group discussion.

- ETRS, serving Michigan Courts since 1981, was designed to provide comprehensive education and skills while insuring accountability for battering behavior. The goal of ETRS's program is to provide assistance and intervention as the batterer enters the process of becoming non-abusive. Prior to JOD, the program offered weekend, 12-week, and 26-week programs. To accommodate JOD clients, it initiated a 44-week program as well as a separate program for female offenders.

- The number of probationers referred to the BIPs during JOD is shown in Figures 4.12a-d. Clearly, ADA was the most widely used BIP provider.

ADA Enhancements

ADA was the only BIP to receive JOD funds, ADA used JOD funds to hire facilitators for the additional groups it needed to accommodate the increase in court-referred clients expected to result from more court referrals and longer stays in the program, while staying within state standards that limit group size to 15 participants. The new groups included special programs in different languages to accommodate the diversity of court-referred clients.

ADA also used JOD funds to implement a jail-based orientation BIP. The 12-session/6-week jail-based program served as a preparation course for the full 52-week, post-conviction program. The jail-based program was never intended as a stand-alone program, only as an orientation to the full 52-week program. The program consisted of an education series designed to prepare inmates being held in the jail both pretrial and post-disposition to either enter a long-term BIP upon release from custody, or to enter batterer intervention within the jail facility Anecdotal observations by the Director of ADA noted that persons who participated in the jail-based program were more likely to engage in the full program.

[106] While these 3 agencies were the primary referrals, some probationers with special needs (serious mental health issues, language access, severe substance abuse, etc.) were referred to specialized service providers.
[107] Upon completion of the 52-week program, probationers from District 15 must return, free of charge, one time per month for the next 12 months.

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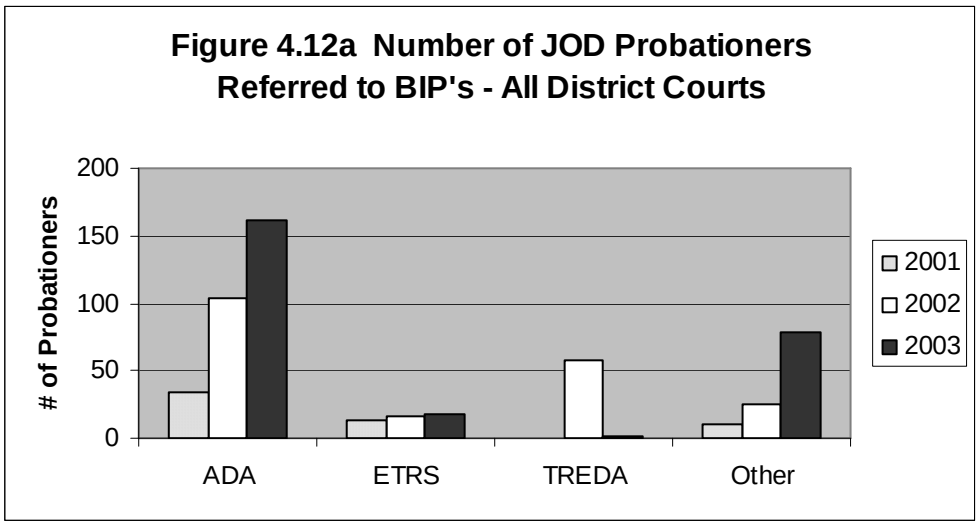

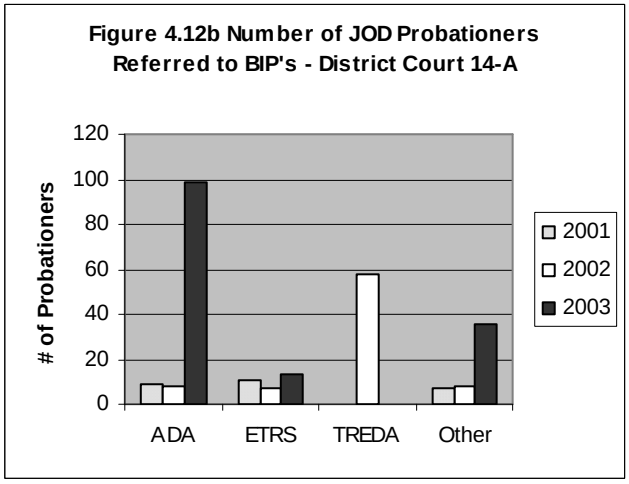

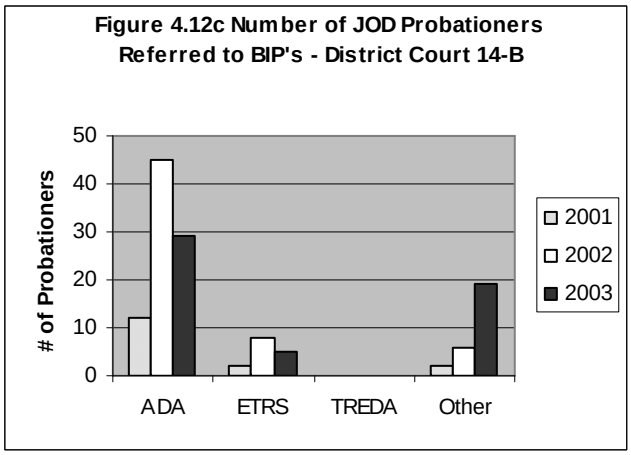

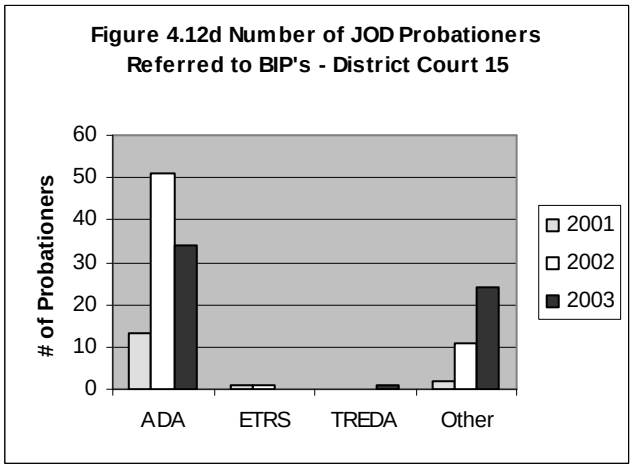

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Although JOD funds were not used for technological innovations, ADA also made technological advances in order to better communicate with probation officers and the courts on the progress of court-referred clients. With the assistance of a technology firm, ADA developed its own database that allowed judges and probation officers access to real-time information and reports on probationers' attendance, progress, current status, payment, and other commentary. Probation officers accessed the database frequently to prepare for status review hearings and meetings with probationers. ADA also set up an instant-messaging system[108] with Probation that has been very useful in case coordination and general trouble-shooting.

Another new ADA program that was begun during the JOD period but did not use JOD funds was Crossroads, a 26-week program for first-time dating violence offenders ages 17 to 22. This group was formed in response to a new state law allowing violence in dating relationships to be charged under DV statutes. Judges had concerns about mandating minors into programs designed for adults so JOD encouraged the development of the young offenders program.

Issues Confronting BIPs In Implementation of JOD

Throughout JOD, there appeared to be a lack of agreement among judges and probation officers on the appropriate duration of BIP requirements. For example, some believed that regardless of arrest history, domestic violence offenders should receive the maximum two years probation coupled with the intensive, 52- (or 64-) week BIP, whereas others believed that a shorter program was suitable. Others were concerned that the 52-week BIP was too difficult, too expensive, and not appropriate for all clients and feared a trend in which offenders subject to the 52-week program would choose to take the 93 days in jail rather than agree to attending (and paying for) the lengthy program as part of a plea bargain. Choosing jail also meant saving almost $3000 in BIP and drug testing fees. Data on BIP dropout were not available to compare program retention in alternative models.

ADA program managers note two important lessons they would like to share with other jurisdictions considering implementing a court-based domestic violence initiative:

- Probation status review hearings can have a major impact on how well probationers comply with BIP requirements, but it is important to have many of these hearings toward the beginning of the probationary period to effectively send the message that the requirements will be monitored and enforced.

- To ensure that judges are not misled by what probationers tell them in court, it is important that judges are familiar with BIPs – what they are about, their policies, and their staff.

Washtenaw County JOD Initiative – Reduced Federal Funding Period

OVW funded the JOD initiative in Washtenaw County for $6,749,778 between 2000 and 2004**.** The sites were expected to supplement federal funds over the funding period, eventually supplanting the federal funding by the end of the demonstration period, to sustain valuable innovations. However, as in many communities, Washtenaw County suffered severe financial hardships, stemming from state budget crises. Supplementary funding was not available at the

[108] This service was provided free of charge from America On Line.

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desired level, so that the JOD initiative had to be changed as federal funding levels fell. The County looked for ways to maintain the integrity of the original JOD initiative while responding to a severe budget shortfall.

The following section describes the modifications made to Washtenaw County's JOD initiative starting in March 2004, due to a sharp drop in federal funding.[109] Partner agencies laid off many staff, with some agencies particularly hard hit while others witnessed less change, depending on the nature of their role in JOD. Because the very heart of JOD was a collaborative effort among multiple agencies, it was inevitable that funding cutbacks in one partner agency would affect JOD as a whole.

Decentralization of the Domestic Violence Unit

Budget decreases eliminated funds for the lease of space for the centralized Domestic Violence Unit, where Washtenaw County housed the dedicated prosecutors, probation officers, victim/witness staff, and investigators. As a result, probation agency staff returned to their pre-JOD locations, namely at courthouses scattered throughout the county; prosecutors and victim/witness staff returned to the prosecutor's offices in Ann Arbor; and the investigator returned to the sheriff's office near Ann Arbor. The centralized location had greatly enhanced collaboration among agencies across the county, and its elimination had significant consequences on working relationships among agencies, with staff no longer in close physical proximity. This, coupled with the cutback in staffing and other resources devoted to domestic violence cases, made it impossible for many agencies to give the kind of focused attention to cases that had been a hallmark of JOD under full federal funding.

In an effort to preserve innovative practices and coordination while making most efficient use of limited resources, judges, court administrators, and probation officers from different district courts began participating in jointly Change Management Groups when the centralized location was dismantled.

Changes in the District Courts

The cutback in federal funds had little impact on the operations of the Washtenaw County District Courts, since the JOD changes did not involve costly budget items such as additional staff and space. Rather, JOD in the District Courts focused on restructuring court dockets and implementing new protocols and policies. The new probation review hearings did increase demands on court dockets, but the impact varied by court since the courts used different schedules for holding these hearings.

The District Courts continued dedicated docket days and the use of protocols developed under JOD (such as conditional release forms). However, District Court 14-B adjusted the probation review hearing schedules due to the resource demand they created. In an effort to use court resources as efficiently as possible, judges reviewed only those probationers with major compliance problems, while a Magistrate reviewed compliant probationers or those with minor compliance problems.

Severe overcrowding in the county jail also influenced case handling during this period. Despite JOD efforts to negotiate priority for domestic violence cases, lack of jail space was a

[109] The impact evaluation sample was split between the full federal funding and the reduced federal funding periods, with 43 percent of the cases disposed in the former period, and 57 percent in the latter period. Thus the periods are differentiated and described in some detail, as the nature and level of JOD activity may relate to outcome findings.

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consideration in pretrial release decisions, sentencing, and responses to probation violations, with some courts particularly unlikely to hold defendants or send offenders to jail.

Changes in the Office of the Prosecuting Attorney

Budget cuts affecting the WCPAO included loss of prosecution and victim/witness staff within the Domestic Violence Unit, loss of the dedicated domestic violence investigator position, and as previously discussed, the end of co-location and its benefits.

The Prosecutor's Office continued using evidence-based prosecution strategies and kept the dedicated Domestic Violence Unit, but lost one assistant prosecutor position. This left four, instead of five prosecutors dedicated to domestic violence cases. Each domestic violence prosecutor was assigned to one of the four district courts to preserve the vertical prosecution model, and two of them also handled felony exams (indictments). However, in response to the staffing loss, the Prosecutor's Domestic Violence Unit stopped prosecuting felony cases after they were adjourned to Circuit Court. This change meant that Circuit Court prosecutors, who did not specialize in the prosecution of domestic violence cases, began handling felony domestic violence cases.

The prosecution-based victim/witness staff (VWS) also suffered cutbacks: one of the two dedicated staff positions hired with JOD funds was lost. The remaining specialist assumed responsibility for covering all four courthouses on designated docket days, in addition to her regular duties. Prosecutors noted that the VWS were instrumental in meeting the needs of domestic violence victims and sustaining their interest in participating in the prosecution. With the staffing loss, the concern is that fewer victims may be willing to participate in the prosecution.

In the spring of 2004, the Domestic Violence Unit also lost its dedicated domestic violence investigator from the Washtenaw County Sheriff's Department. The lack of this specialized resource focusing exclusively on follow-up investigations in domestic violence cases meant that the domestic violence prosecutors had to rely upon generalist police officers for follow-up investigation. Many of these officers did not have the training in domestic violence that the project investigator had and they had to combine their domestic violence investigations with other competing job responsibilities. Communication also suffered as the generalist officers did not have the same close working relationship with the domestic violence prosecutors. Reaching them also became a challenge because they are often in the field and thus not readily available to the prosecutors.

Changes in Law Enforcement Agencies

JOD brought enhancements to a number of the law enforcement agencies in Washtenaw County, including specialized sworn and civilian staff, a good deal of training on domestic violence dynamics and enhanced investigation techniques, and new equipment such as police radios. Budget cutbacks that began in the spring of 2004 had significant effects on levels of dedicated staffing and the availability of domestic violence training. Some agencies were able to absorb JOD staff and preserve their dedication to domestic violence cases, while others were not.

- The Washtenaw County Sheriff's Department lost its JOD funding for two domestic violence investigators funded by JOD, and thus its domestic violence unit, in March

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2004. Although the Sheriff's Department retained the staff, their duties changed: one became the DARE officer and the other became a generalist.

- In Ypsilanti City, the JOD-funded civilian position in the police department was eliminated when JOD funding was lost.
- The Ann Arbor Police Department retained its JOD-funded detective and a civilian dedicated to domestic violence cases because the city agreed to provide the funds to continue positions.
- The Pittsfield Police Department also retained its dedicated domestic violence investigator hired with JOD funds, when the town agreed to pick up the cost.

The impact of fewer staff and fewer DV-dedicated staff in law enforcement agencies was significant. Fewer resources were available to investigate cases and collect evidence for successful prosecution, to respond to violations of bond and probation, and to serve subpoenas and other court process. With generalist officers picking up domestic violence cases again, and with the curtailment of domestic violence training, those who handled these cases were not as well-trained as under fully funded JOD implementation. Agencies that obtained equipment with JOD funds continued to have the advantage of those resources, of course, as long as the equipment remained functional and up-to-date.

Changes in Probation

One of the agencies hit hardest by the budget cuts was Probation. Before March 2004, the Domestic Violence Probation Unit consisted of eight dedicated domestic violence staff, including four probation officers, two compliance officers, one supervisor, and an administrative assistant. The officers received specialized domestic violence training and carried caseloads of about 100 active cases each (although caseloads increased over the years of JOD implementation). In March and April 2004, Washtenaw County eliminated the supervisor, two probation officers, one compliance officer, and the administrative assistant positions. This left only District Court 14-B and District Court 15 with a dedicated domestic violence probation agent; District Court 14-B also retained a dedicated compliance officer. In 14-A, the Court transferred all domestic violence cases to generalist probation officers. The staffing cuts resulted in a substantial increase in caseloads in District Courts 14-A and 14-B.

In an effort to sustain enhanced monitoring of domestic violence offenders, Washtenaw County hired three additional compliance officers several months after decentralization and the start of staff reductions. One of the new compliance officers supervised the domestic violence cases in District Court 14-A-2, another performed data entry tasks for all four courts, and the third was responsible for night work, such as bond review groups and home visits.

The increased caseloads and the reduction of specialized, trained probation officers had significant implications for the ability of the officers to conduct intensive supervision. First, with the growth in caseloads, officers had less time to conduct home visits, make victim contacts at case initiation or before probation review hearings, conduct breathalyzer visits at BIP, or use phone reporting by probationers. Some of these activities were assigned to the compliance officers hired since decentralization of the domestic violence unit. It was also much more difficult for probation officers to hold coordination meetings given the more pressing workload, although the District Court 14-B and 15 domestic violence officers attempted to get together monthly whenever possible. Second, in District Court 14-A, generalist probation officers began

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supervising all domestic violence offenders, and these officers had not received the intensive training that the domestic violence probation officers received over the previous four years.

Probation officers were able to continue some intensive supervision practices, providing some measure of continuity in services. Bond review groups continued to be held twice a week, but coordination with prosecution and police on bond violations suffered. Group reporting continued twice a month for District Court 14-B and 15 probationers, but not for 14-A cases. Probation officers continued to appear in court on domestic violence docket days and for judicial review hearings.

Changes in Non-Governmental Victim Services

Safe House Center received JOD funds to create five new positions, provide direct financial assistance to victims through the autonomy program, and provide training. With federal funding cuts in the spring of 2004, two positions and $25,000 per year for autonomy funds, training, and support were lost. Three positions were retained with JOD funds: a court advocate, a personal protection order advocate, and an autonomy advocate. The loss of staff and financial resources made it much more challenging to continue serving as many victims and meeting their needs as thoroughly. The county budget crisis made it very difficult to obtain supplementary funds to make up for these losses.

Changes in Batterer Intervention Programs

JOD funds were provided to Alternatives to Domestic Aggression to implement a 12-session Jail Intervention Preparation Program to prepare inmates to enter a full course of BIP. These funds were sustained even under the reduced federal funding period, so that this program could be continued.

Summary of Reductions in Dedicated Domestic Violence Resources

In short, reductions in federal funding levels, coupled with shortages in the availability of state and county funds to augment reduced federal monies, led to reductions in the scope of JOD activities during the last year and a half of its implementation. The Domestic Violence Unit was closed, challenging the close case coordination that had been greatly facilitated by staff co-location. Some agencies, such as the courts and defense bar, had received little JOD funding so did not lose staff or resources, but did need to modify policies and procedures to maximize efficiency in the face of rising workloads. Other agencies received significant JOD funding for staff and other resources, and experienced staffing and resource reductions when the funding diminished (such as the WCPAO, some law enforcement agencies, probation, and Safe House Center). One agency's JOD funding was sustained through the reduced federal funding period so that its JOD-funded activities could continue (the Alternatives to Domestic Aggression batterer intervention program).

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Chapter 5: Lessons Learned on Implementing JOD

Lessons in this chapter were drawn from the experiences of all three demonstration sites and identify the salient lessons learned during the implementation of JOD. It is hoped that these lessons will provide useful direction to other jurisdictions that are considering innovative, comprehensive, JOD-like responses to IPV in their communities. The lessons fall generally into three categories:

- Barriers and challenges faced in implementing JOD
- Strategies used by JOD sites to facilitate change
- Impact of JOD on system responses to IPV

These lessons are described below with one or two examples drawn from the site case studies and agency-specific implementation issues presented in the earlier chapters of this Volume.

JOD Implementation Challenges

JOD partnerships began with a vision of collaborative operations in which agencies would work together seamlessly to protect victims and hold offenders accountable for their violence. Agreements were forged and commitments made. However, the process of actualizing this collaborative vision encountered barriers and challenges that can serve as a lesson and guide to agencies embarking on similar coordinated responses to IPV. The issues highlighted below required each of the JOD sites to work on issues not anticipated when the vision was formed.

Challenge 1: Gaps in Knowledge About the Operations of Other Partner Agencies. Despite existing coordinated community response for domestic violence that was in place in all three sites prior to the demonstration, JOD partner agencies often did not understand the specific operations of other partner agencies. For example, Dorchester planners discovered that cameras to be used for collecting pictures to be used as evidence could, under union rules, only be used by detectives and not by the officers who responded to the scene of an incident. Washtenaw County found that developing consistent policies and procedures across 11 law enforcement agencies, independent courts, and probation agents required an enormous effort.

Challenge 2. Understanding the implications of changes on the workload of partner agencies. A related challenge was the unforeseen impact of JOD activities on the workload of partner agencies. For example, Milwaukee introduced a crisis response team of advocates available to assist victims at the time of an incident, without anticipating the extra burden on the police who would need to stay to ensure the safety of the advocate. Washtenaw County found probation agent workloads spiraling upward with the advent of judicial review hearings and added probation requirements and decided to hire compliance specialists to assist the agents in monitoring IPV offenders.

Challenge 3: County and state rules governing recruiting and funding of new positions can slow the start of a new project and limit hiring options. All of the sites were eager to begin JOD and developed ambitious plans for early change, only to encounter difficulties in staffing the project. Both Dorchester and Milwaukee experienced delays in starting new activities stemming from limitations on hiring key staff and turnover in key staff. In Milwaukee, the selection of the

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probation agent to staff the new pretrial monitoring unit was governed by the Division of Community Corrections seniority rules, which resulted in the appointment of an individual whose performance undermined the effectiveness of the new program. In Dorchester, delays in hiring the project director were encountered due to county personnel rules governing hiring, a hiring freeze, and seniority.

Challenge 4: Lack of systems for sharing of data across justice agencies and with community service providers. A critical need in a system that emphasizes offender accountability is the need for multiple agencies to share up-to-date information on offenders active in the criminal justice system. Data systems routinely kept by the courts and other justice agencies may not be adequate or in a form that can be used to provide information to other partner agencies. This presented problems in all three JOD sites, none of which had systems shared by police, courts, and probation agencies and none of which had consistent procedures for collecting information on compliance with BIP requirements. In all sites, development of these data-sharing systems was technically complicated and sometimes controversial. In Dorchester, the probation agents received computers for the first time as part of the JOD initiative, permitting automated tracking of compliance for review hearings. In Washtenaw, the County devoted extensive local funding to an interactive, web-based system for sharing data on probationers but found that the system was difficult and time consuming to use. In Milwaukee, the state-maintained probation database lacked a field for identifying IPV offenders making it difficult for officers to monitor IPV offenders who were a small part of large, general probation caseloads.

Challenge 5: Building collaboration between justice agencies and community-based victim service providers. Collaboration between victim advocates from community-based organizations and justice agencies was central to the goals of JOD, but integrating community-based service providers into justice system operations proved difficult in all sites. Inter-agency differences among victim advocates needed to be accommodated through strategies for bridging the differences in goals, roles, and expectations of the two groups. Issues arose around client confidentiality, encouraging victims to testify in court, and weight to be given to victim preferences during prosecution. The sites had varying levels of success in meeting this challenge, and other communities are likely to face similar challenges.

Successful JOD Strategies

The process evaluation identified a number of strategies used by JOD to accomplish the goals of the project. The following list identifies those seen as critical to moving each site forward in the implementation of JOD.

Strategy 1: A formal strategic planning process. All sites benefited from intensive, strategic planning sessions including the kick-off meeting in February 2000 where site teams had an opportunity to present their plans to the other sites, agency officials, the technical assistance provider, and the national evaluator. Later, sites engaged in one- or two-day planning sessions, usually with a trained facilitator, to discuss initial plans for JOD with all local JOD partners. For all sites, these sessions were the first time that such a diverse group of justice and community agencies had come together to discuss a coordinated response to domestic violence in their community. These planning sessions highlighted components of the initiative that required more attention, allowed agency partners to discuss their views on their role in the initiative, and led to the development of subcommittees and further technical assistance on specific topics.

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Strategy 2: Active management of the collaboration with regularly scheduled meetings and a full time project director. A full-time project director was critical to the full implementation of JOD. In all sites, the project director was someone who was knowledgeable about one or more components of the criminal justice system or community responses to IPV. One project director was from the victim service field, another was from the police department, and the third had years of management experience in the prosecutor's office. The JOD project directors had the confidence of the primary agency that was initiating JOD (the court or the prosecutor) and sufficient contacts throughout the criminal justice system and the community service network to know whom to talk to when a specific problem arose. The project directors also ensured that grant deadlines were met, committee meetings were scheduled, and the overall implementation of JOD continued to move forward.

The collective planning and ongoing meetings in all sites increased understanding among the agencies and confidence on the part of social service providers and probation that their efforts to change offender behavior would be supported. Case-level collaboration also increased substantially. In each site, the management of JOD required regular team meetings, Executive Committee meetings, and meetings of subcommittees around specific issues.

Strategy 3: An inclusive set of partners. Projects typically began with a core group of agencies that had collaborated in project design and preparation of the initial proposal to OVW for funding. It was critical, however, that this core group draw a wider group of agencies into project planning, giving them a voice in shaping policies and procedures. Of particular importance was the inclusion of the defense bar as full network partners in an effort to retain a balance between advocacy on behalf of victims and defendants in court cases. The sites also found it important to continue adding partners as the partnership grew and developed plans for outreach to specific cultural groups and adding to the types of victim assistance and offender intervention programs available for court referrals. It was not always easy to integrate JOD into the existing coordinated community response because judges are reluctant to appear as advocates for either the prosecutor or the defense. Introducing the courts into existing victim service provider networks challenged some existing understandings about agency roles and responsibilities.

Strategy 4: Training and technical assistance by "outsiders" with acknowledged expertise to help promote change. In all demonstration sites, training of personnel in JOD partner agencies and technical assistance in developing new policies and procedures was extensive and ongoing. All sites benefited from general training on domestic violence dynamics, cross agency training on specific interagency protocols being developed, and specialized technical assistance and/or training on skills for specific positions including judges, prosecutors, law enforcement officers, probation agents and others. OVW funded the Vera Institute to coordinate specialized training that greatly assisted the sites. For example, judges were offered the opportunity to attend a one-week workshop offered by the Judicial Training Institute, while others also received state training. Law enforcement officers were trained in JOD sites throughout the demonstration period either by using local victim service providers or through state domestic violence organizations. During JOD, the Milwaukee District Attorney's Office, in conjunction with the Task Force on Family Violence, conducted training for probation agents on investigation strategies for agents in order to help them prepare better for revocation hearings.

Strategy 5: Dedicate specialized staff to intimate partner violence cases. Specialized staff in the justice agencies is critical to developing a more effective response to domestic violence in a community. IPV cases present specific challenges, including difficulty in collecting evidence for prosecution, the need to consider victim safety, the resistance of offenders to behavior change

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despite intervention, and the ambivalent feelings of those victimized by intimate partners. To act effectively, the police, prosecutors, courts, and probation agencies need to understand, through training, the challenges of these cases and strategies for responding effectively. In addition, they need to build ties to specialized staff in partner agencies to foster a team approach to managing cases.

Impact of JOD on System Responses to Intimate Partner Violence

The process evaluation identified three principal impacts of JOD on criminal justice and community responses to IPV cases: (1) coordination between the judiciary and other justice and community agencies; (2) increased consistency in the justice system response to IPV cases; and (3) permanent changes in the system response to IPV after the demonstration concluded.

Impact 1: Fundamental change in the coordination between the judiciary and other justice and community agencies in IPV cases.

A major contribution of JOD has been the involvement of judges and the commitment of judges to the issue of domestic violence in the three demonstration sites. This shift has dramatically and permanently changed the culture of the court system in all three sites.

JOD judges were committed to the independence of the judiciary and their role as interpreter of the law. They avoided involvement in policy decisions on substantive matters that might come before them. At the same time, they were committed to systemic changes in the courts designed to improve the administration of justice, which entails holding offenders accountable under the law. They realized the importance of being seen as “fair” and not biased toward either the victim or the defendant, and that they must maintain a balance between the presumption of innocence vs. willingness to hear the kinds of evidence relevant to domestic violence. The prospect of JOD challenged these traditional notions of the judiciary, but all judges in the project emerged with a strong belief that JOD could simultaneously help to ensure victim safety while holding offenders accountable.

JOD permitted experimentation with innovative court responses that would likely have not been attempted otherwise. In Milwaukee, the Chief Judge believes that the project has affected the legal community, District Attorney, Department of Corrections, and Public Defender’s Office, and also has greatly increased linkages with social services. JOD also faced the challenge of how to integrate the judges into the coordinated community response to domestic violence, which had been managed for years by the Milwaukee Commission on Domestic Violence and Sexual Assault. Historically, the judges were reluctant to become involved in policy decisions outside of issues that involved court management. However, it was soon realized that in order to have JOD integrated into the larger community, a seat by the judges on the Commission was needed and could be handled in a way that did not compromise their impartial position. This shift in the Commission’s governance formally joined the court to the larger community response and leaves a structure for further joint planning of policies and practices well into the future.

In sum, one site’s perception about the impact of JOD on the judiciary and its operations is edifying: There was relatively strong opposition within the courthouse and the court system to making the changes in procedures required by JOD. Pleas for additional judges were slow to be heard; space for project staff was difficult to arrange. The leadership of the judges, the skills of the project director, and positive experiences with JOD staff produced gradual acceptance and,

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eventually a fundamental change. As one partner from another agency, emphasizing the difficulty of the task, put it "It was a combination of …a solid idea, plus dollars, that made it possible … against all odds."

Impact 2: Increased consistency in the justice system response to intimate partner violence cases.

One criteria of justice is consistency in the standards applied to defendants and probationers. The expectation of a well-functioning justice system is that responses of the police, courts, prosecutors, and probation will be similar for similarly situated individuals and that variations should derive from differences in the offense and mitigating circumstances. JOD jurisdictions made huge strides in establishing consistent practices and policies that were negotiated by multiple partners and made efforts to ensure that these policies were clear to offenders.

Chapters 2 – 4 of this volume offer detailed descriptions of the efforts in the JOD sites to standardize procedures for IPV cases and to communicate clearly the actions of the court to both offenders and victims. Some of the most notable examples are briefly reviewed below.

Standardized procedures for law enforcement officers are particularly difficult to develop and implement. In Washtenaw County, a uniform incident reporting form was developed for domestic violence cases, which was eventually put into place in the majority of the law enforcement agencies in the County. In addition to getting officers to respond consistently to IPV incidents, the information collected greatly helped prosecutors in the development of their cases.

The judiciary has struggled with consistent pretrial release conditions for IPV offenders, especially concerning when to impose a no-contact order and for how long. Washtenaw County judges negotiated a common script for the pretrial hearing that recommended imposition of a standard set of release conditions, including victim no-contact orders. Judicial meetings to discuss policies on pleas, sentencing, probation conditions, and their enforcement occurred regularly. One effect of these changes was enhanced consistency in the response to these offenders, reducing the potential for bias and increasing the predictability of outcomes.

The judiciary in the JOD sites also had difficulty in deciding whether to lift a no-contact order, either during the pretrial period or during probation. Less progress was made on consistent policies in this area, as judges reacted differently to victim's requests that a no-contact order be lifted. Probation officers were frequently asked for information about an offender's compliance with court requirements to provide additional information for the judge's decision. As a compromise, several sites developed a no violent contact or no non-consensual contact agreement that was signed by all parties.

Probation officers have little flexibility in their work, are often overworked and underpaid, and rarely have been able to implement special supervision procedures for particular types of cases. JOD placed substantial attention on the probation function as a critical element of offender accountability. In response, probation agencies in JOD sites developed new procedures and protocols that attempted to impose some consistency on officer's interactions with offenders and with victims. These included protocols for officer contacts with victims, recommendations on revising no contact orders, and when to end probation supervision. Specialized domestic violence probation officers, and ideally, specialized DV probation units, improved consistency in response to offender violations.

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Impact 3: JOD produced changes in the response to IPV that will outlast the demonstration period.

All three demonstration sites eventually chose to implement JOD throughout their communities, rather than in few police districts or with a selected subset of IPV cases. Thus, the demonstration period was actually a full-scale assessment and overhaul of policies and practices related to the justice system and community response to IPV cases in which all partner agencies participated. Such an intensive process is likely to have lasting effects on the community. In 2006, at least one year after the funding for JOD, there are several changes that occurred that have outlasted the demonstration period:

Post-conviction judicial review hearings with IPV probationers. These hearings were strongly embraced by most judges and probation officers, despite the extra work. Although the review hearings add to the time judges spend on the bench, most believe that they are worth the effort. They can see for themselves whether offenders are making progress and they appreciate the chance to receive feedback from victims and the probation staff. Most probation officers appreciate the court's support of their supervision and report that offenders faced with a review hearing are more willing to comply with referrals to batterer intervention programs and other probation requirements

Improved practices for investigating and prosecuting IPV cases. All JOD sites developed enhanced evidence collection procedures targeted to IPV cases for law enforcement and prosecution investigators. The use of digital cameras at the scene of the incident and tapes of harassing calls from defendants in jail to their victims are just two of the innovative prosecution methods that resulted from JOD. In Milwaukee, the prosecutor's domestic violence unit documented their new practices in a manual for the investigation and prosecution of IPV cases.

Greater involvement of probation officers with BIPs and IPV victim. It is likely that permanent change has occurred in the ways that probation officers handle IPV defendants in JOD sites. While not all sites have been able to retain specialized domestic violence probation officers, the lessons learned during the demonstration about enhanced monitoring have been included in training of new staff and formalized in written procedures. Moreover, probation officers in the JOD sites recognize the value of communicating with IPV victims and have benefited from specialized training for victim contacts. In addition, probation officers have developed collaborative relationships with batterer intervention providers (who have improved their case tracking and reporting procedures) thus enabling probation and the court to have more timely information on the offender's compliance with probation conditions.

Conclusion

In summary, the process evaluation of JOD detailed in the chapters of this volume describes the broad changes in the demonstration sites as they implement a model of coordinated justice and community response to IPV. Such a model was unique in the nation prior to the JOD site awards. All of the sites experienced challenges to the implementation of JOD, yet when faced with a problem, were able to devise creative solutions to most problems and move forward. In addition, the dedication of the site teams to the goals of the demonstration enabled the sites to develop new strategies to facilitate change in their community's response to IPV, even "against all odds". Their accomplishments are further supported by the permanent changes in the system response to IPV after the demonstration was concluded in the three sites.