

A COMMUNITY APPROACH TO DOMESTIC



2-21-92
MF1

132885

ROLE IN POLICE

Bellevue Police Department
J.A. Smith
Chief of Police



**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Bellevue Police Department

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**A COMMUNITY APPROACH TO DOMESTIC VIOLENCE
The Bellevue Stipulated Order of Continuance Program**

Published by the Bellevue Police Department

J.A. Smith

Chief of Police

Bellevue, WA

Bellevue Domestic Violence Program

Committee Members

**Captain William R. Baker
Mary Ann Darby
Bellevue Police Department**

**Susan Irwin
Bellevue City Prosecutor**

**Fran Minietta
Eastside Mental Health**

**Karen Reagan
Patti West
Eastside Domestic Violence Program**

**Judge Brian D. Gain
Judge Joel A.C. Rindal
Judge Fred Yeatts
Fumi Hirai
Bellevue District Court**

**Tony Schock
Dick Wuhrman
Bellevue Probation Department**

A community approach to Domestic Violence: The Bellevue Program is published through the Bellevue Police Department, P.O. Box 90012, Bellevue, Washington, 98009-9012.

The Bellevue Domestic Violence Committee wishes to recognize these additional persons who were also involved in the implementation of this program:

**Former Police Chief D.P. VanBlaricom
Former Program Coordinator Glenna Trout
Pamela Loginsky
Nancy Clark
Gloria Wright**

TABLE OF CONTENTS

	<u>Page</u>
Dedication by Joseph A. Smith, Chief of Police	1
Introduction	2
Section I: How the Program Developed	3
Section II: Focus on the Agencies	6
The Police Experience	6
City Prosecutor	7
Bellevue District Court	9
Bellevue Probation Department	10
Victim's Advocate: Eastside Domestic Violence Program	11
Batterer's Counseling: Eastside Mental Health Program	12
Section III: Evaluation of the Program	13
Selected References	23
Appendices: Forms Used in the Bellevue Program	24
1984 Domestic Violence Law, Washington State	35
Glossary	41
Participating Agencies	42

DEDICATION BY J.A. SMITH, CHIEF OF POLICE

Incidents of domestic violence have long been among the most difficult problems facing law enforcement. Police have had to deal with these emotionally charged and inherently dangerous situations with the knowledge that solutions for the immediate circumstances were often of little help in solving the long-term, escalating effects of continued abuse. Victims of domestic violence have historically been left to deal with the often brutalizing consequences alone.

The Bellevue Police Department felt an increasing frustration in its attempt to combat domestic violence. It had become clear that a means was needed to help break the pattern of continued escalating abusive behavior which often led to serious injury and even death.

Early in 1982, the need for more effective violence intervention was made clear by the violent deaths of four people which resulted directly from long-term patterns of abuse. A task force was formed at that time to study the problem. The results of that task force can be seen today in the form of a systematic response by police and other involved organizations to all reports of domestic violence.

Our accomplishments speak for themselves. Since our program's inception in September of 1983, over 3,500 domestic violence-related incidents have been investigated by the police, resulting in 1,200 abusers being prosecuted. The real mark of success for a program of this type, however, is its effect on recurrence of similar incidents, and our program has clearly proven to be a success in that regard. Of the 299 abusers who have completed the program to date, only 12 have reoffended.

The Bellevue Police Department made a commitment in 1983 to work together with probation, the court, mental health agencies, victims' advocates, and our prosecuting attorney to help combat domestic violence through prompt and systematic follow-up on all such cases. We will continue to honor that commitment because, as we have seen, a community approach to domestic violence is a legal and viable alternative to this devastating community problem.

Sincerely,

Joseph A. Smith, Chief of Police

INTRODUCTION

During 1983 and 1984 an innovative community program on domestic violence was planned and carried out in Bellevue, Washington. After 7-1/3 years of successful implementation of the program, we are currently in a position to evaluate its results as well as provide an update on the procedures of the organizations involved in the program. Thus, this is the long-awaited third edition.

The program has effectively reduced the escalation of violence within relationships in the City of Bellevue. It has helped to protect the victim and to hold the batterer accountable for his or her acts. It has also succeeded in coordinating previously independent services of the police, prosecutor, judges, probation and private counseling agencies for the benefit of both the victim and the batterer. The key to the program has been the immediate and coordinated attention provided by the group of participating agencies to the couple in question.

The Bellevue Stipulated Order of Continuance Program (SOC) is a diversion program. It is available for persons arrested for a crime involving domestic violence if certain criteria are met. The program offers the option of avoiding trial by following agreed conditions emphasizing counseling needs. Each participating agency's procedures and experiences are detailed in this report.

The results of the program are promising. Specifically, of the 299 batterers who completed the SOC program as of December 1990, only 12 were re-arrested for assault. In addition, the program brought about vastly improved documentation of, and intervention in, domestic violence incidents reported to the police. In conjunction with this police attention, the program has resulted in increased support and protection of the victim, increased supervision and treatment for the batterer, prompt and effective judicial intervention, and a broader understanding of the phenomenon of domestic violence for all involved.

The program could not have developed unless each community agency put away its biases long enough to achieve a more effective approach to the problem of domestic violence in Bellevue. Each agency committed itself to making the program a priority; presently, all of the agencies agree that the results have justified their efforts.

SECTION 1

THE PROGRAM

HOW IT DEVELOPED: GOALS AND RELATIONSHIPS

In May 1983, advocates for victims of domestic violence met with concerned police and probation representatives in Bellevue, Washington to brainstorm effective methods of dealing with domestic violence in the community.

Several problems were apparent to this informal group of community representatives. Too often, victims of domestic violence were unwilling to pursue criminal charges, and the judicial system would not intervene unless criminal charges were officially filed. Essentially, victims were not aware that prosecution could improve their life situation, nor were they aware of existing resources offering support and assistance. Batterers were generally unwilling to seek counseling even if they knew that it was available.

There were other problems of equal significance. Police officers' beliefs about domestic violence mirrored society's myths, and the officers did not understand the dynamics of domestic violence. Officers were reluctant to arrest on "minor" assaults, knowing the chances of convicting a batterer on the charges were slim. Even when an arrest was made, batterers were often released within several hours on their own recognizance. In the few cases where the victims pursued criminal charges, trials were held long after the incident. This caused additional problems for the victim especially when the couple had reconciled, and the deterrent effect was severely weakened on the few batterers who were convicted.

The prospects for effectively controlling domestic violence in Bellevue by continuing this type of response appeared grim. With no outside intervention, it was clear that physical and psychological violence within the couple tended to escalate and officers were forced to respond more and more frequently to the victims' repeated calls for help.

The committee members agreed that they needed an approach to domestic violence that was both comprehensive and systematic.

Comprehensive in that agencies that intervene with the couple could coordinate their efforts. Therefore, once an arrest had been made, police, city prosecutors, judges, probation, victims' advocates and batterers' counselors needed to immediately agree on the best treatment for each couple.

Systematic in that incidents and treatment could be followed over time on each couple. An understanding could be gained by documenting each incident from the moment the police were called (no matter how early in the cycle of escalating violence) until the termination of the treatment and/or criminal proceedings.

At this point, the Bellevue SOC program became specific. Community representatives were selected to serve on a formal planning committee. The planning committee agreed that the overall purpose of the program was to recognize that violence in the community is not acceptable, and individuals should be held accountable for their violent acts.

They also decided that their efforts would focus on misdemeanor cases occurring within Bellevue city limits in order to keep the scope of the program manageable. If felony cases have been included, the number of involved agencies would have increased dramatically. Instead, the program involves only one police department, the city prosecutor's office, one district court with three judges, one probation department, one victim's advocacy agency, and a non-profit batterer's counseling service in the city.

Within four months of the initial brainstorming session, the agency were ready to implement their ideas. Specifically, when an incident of domestic violence is reported to the police, the following occurs (as appropriate for each couple):

- Responding police officers document the incident with complete records processing. If they have probable cause to believe a crime took place, a full custody arrest is made.
- The victim's name and phone number is given to Eastside Domestic Violence Program by the police records department in the morning following the incident for immediate advocate follow-up regardless of whether an arrest was made.
- The arraignment is held on the first court date following the incident, and the batterer and victim are interviewed by both probation officer and the prosecutor at the courthouse immediately preceding the arraignment.
- A representative from the Eastside Domestic Violence Program is also present at the arraignment as an advocate for the victim and to inform the victim of a variety of continuing services.
- Following the interview, if the batterer is found eligible, s/he may voluntarily enter a diversion program at the arraignment without entering a plea. The order containing the conditions of the diversion is called a "Stipulated Order of Continuance" (SOC).
- The diversion conditions are set by the prosecutor and probation department; if all parties agree to the terms, the judge signs the order. The order can contain a number of terms, but included is the stipulation that the batterer attend counseling specifically targeted at his or her violent behavior.
- The probation officer monitors the batterer's progress and promptly reports any non-compliance to the prosecutor.
- If the conditions to the order are not met, the prosecutor immediately schedules the case for a revocation hearing; the SOC is set aside and a traditional criminal prosecution is pursued.
- If the batterer completes the counseling and fulfills all the conditions in the order, the prosecutor requests a dismissal of the criminal charges. In this instance, there is no conviction on the batterer's record.

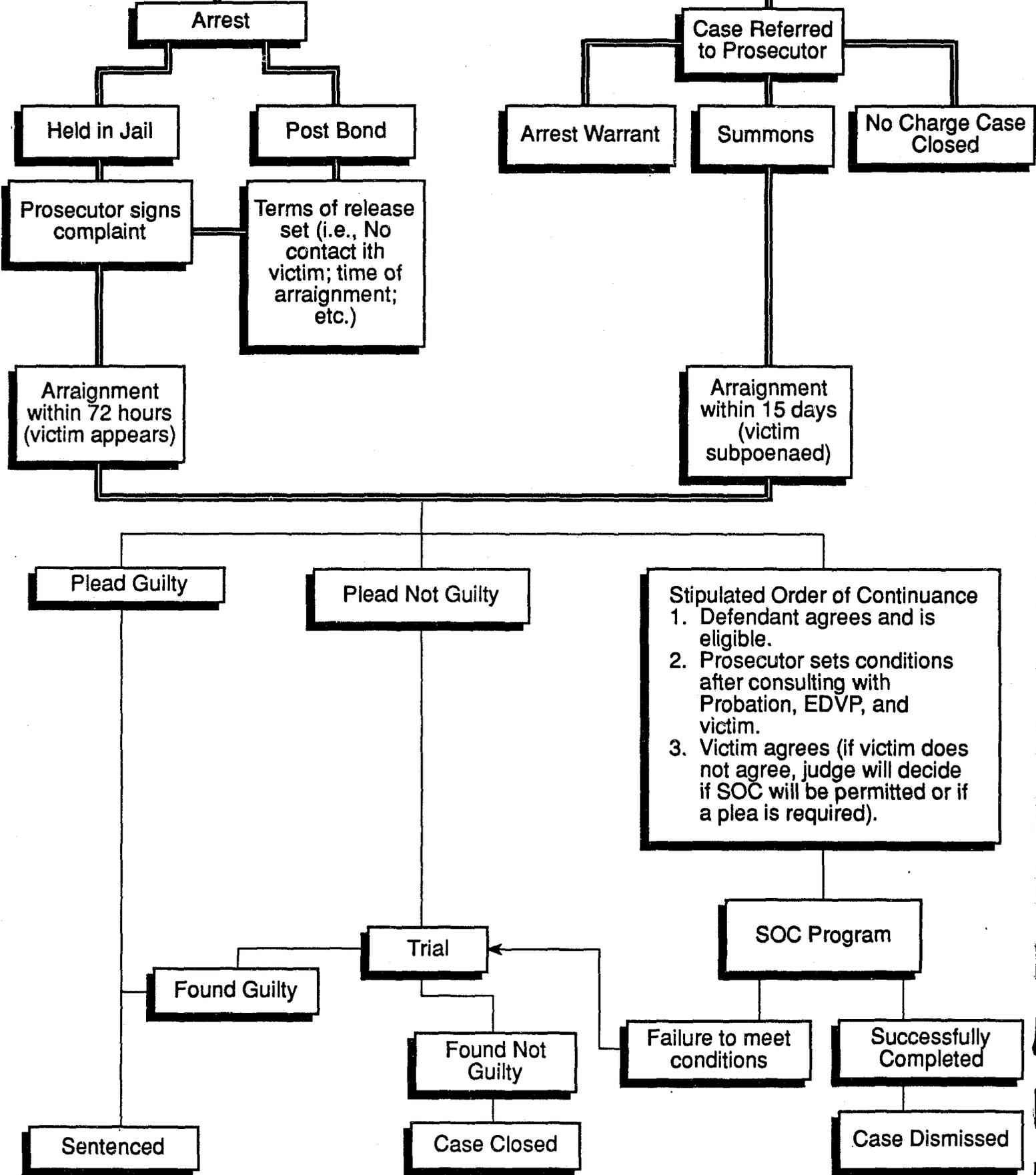
The flow chart on the following page illustrates the path a case may follow through the program.

The committee initially chose one member to coordinate the agencies and maintain program momentum. The program coordinator's major responsibilities were to organize monthly meetings, to resolve personality and procedural conflicts, and to manage the evolution of the program. Statistics were collected and distributed as the program was implemented.

The committee developed specific procedures and allocated staff and supplies to the program. The committee meets during their own lunch hour so as to minimize time away from their other duties. No substantial outside money was available initially, although the Bellevue Police Department authorized one part-time clerk to assist the lieutenant serving as program coordinator. In addition, the City of Bellevue subsequently made block grants available to Eastside Mental Health and Eastside Domestic Violence Program for their increased client loads as a result of this program.

Section II develops in detail each agency's role in the program, beginning with the Bellevue Police Department and followed by the City Prosecutor, District Court, Probation Department, Eastside Domestic Violence Program, and Eastside Mental Health.

**DOMESTIC VIOLENCE
Police Respond**



SECTION II

FOCUS ON THE AGENCIES

THE POLICE EXPERIENCE

Before the SOC program was implemented, the majority of the Bellevue Police Officers felt the same frustration in dealing with domestic violence cases that law enforcement officers across the nation feel. In general, a high percentage of duty-related injuries and deaths to police officers occurred while responding to domestic calls. Typically, involved parties failed to cooperate with the investigation, and the victims were hesitant to file charges or testify at the trial. Few officers understood the dynamics of domestic violence and many instead clung to the myths ("... if she stays, she must like it" and "she must deserve it").

If an officer did make an arrest, prosecutors often declined to file charges and judges tended to dismiss even those charges the prosecutors filed. Society, reflected in its law enforcement and judicial systems, assumed that family violence was a result of psychopathology or dysfunctional relationships and therefore should be treated through the mental health professions and not through the criminal court process.

Under such circumstances, officers operated in good faith by using whatever technique that seemed appropriate to de-escalate the crisis and allow them to get back to "real" police work. A popular approach to "settle" domestic disputes was to separate the involved persons for the night with the warning, "If we have to come back tonight, someone is going to jail!" Another technique was to "clear the air" by interviewing each party and facilitating communication for them in hopes that once the problems were verbalized, there would be no further need for the couple to fight. Finally, most officers could only encourage the couple to seek professional counseling and provide information about community services in hopes that the couple would take the initiative.

All of the techniques used by the officers were effective in stopping an immediate dispute. Nevertheless, they were not effective in breaking the escalating cycle of violence first postulated by Walker (1979). While victim counseling was available, little was done to hold batterers accountable for their acts of violence or to mandate their treatment.

Complicating the police experience was the constant minimization of the violence by both the victim and the batterer when reporting it to the officer. It was also common for the officers to get enmeshed in the dispute, focusing on the reason for the argument as somehow justifying the violence. Instead of holding the batterer responsible for his or her behavior, the blame was often incidentally placed on the victim for "causing" the violence by provoking the batterer.

Implementation of the Program

The Chief of the Bellevue Police Department at the time, Donald VanBlaricom, had long been interested in the issue of domestic violence. In 1983, VanBlaricom declared that domestic violence was a department priority and he wrote a policy and procedures directing a strong police response a year before it was required by law through the Domestic Violence Prevention Act of 1984. Experts were brought in to train all patrol personnel in two mandatory, intensive 8-hour sessions. The Chief then assigned one lieutenant to train all supervisors to develop further department policy and to participate in patrol shift briefings. Since that time, a patrol captain has assumed the continuing administrative functions.

Sequence of Police Actions and Procedures

Briefly, the police responsibilities include responding to and fully investigating all reports of domestic violence in Bellevue. Each case must be documented and the paperwork turned in prior to the officer going off duty that day. Where there is probable cause to believe a crime has been committed, the officers are required to make a full custody arrest regardless if the victim wishes to press charges. Any person

who is arrested on a domestic violence related offense is booked into jail on a \$1,000 cash bail with no chance of personal recognizance release. Any time officers have reason to believe the violence will continue, they can request that the prosecutor move to raise the bail in order for the defendant to remain in jail until the arraignment on the following court date. Should the defendant post bail, a 72-hour no contact order is automatically issued to protect the victim until a permanent order may be drawn up at the arraignment.

When officers cannot establish probable cause for an arrest, the case reports indicate the action taken by the officers and the officers request a review of the case by the prosecutor for possible issuance of a summons.

In cases where an arrest is made or a summons requested, officers fill out the Domestic Violence Victim and Defendant Information Forms (see appendix) and they leave a copy of Bellevue's Domestic Violence Victim's Information Booklet with the victim. Whenever needed or requested, officers assist the victim in contacting Eastside Domestic Violence Program and transport victims to safe homes or shelters.

After the case is turned in by the officer, the patrol supervisor reads and approves the report and forwards it to the records department. Records personnel process the case in time for the prosecutor's review the following morning. In addition, a records specialist phones Eastside Domestic Violence every weekday morning with the victim's name and contact number so that an advocate can contact the victim as close in time to the incident as possible.

Since the implementation of the program, there are significant changes in the way domestic violence cases are handled by the police officers. Perhaps the most important change is that due to the training, the police officers are more sensitive to the problem and most no longer believe the commonly held myths. Arrests are made much more frequently, and more victims are assisted in finding safe homes. Having learned the efficacy of the program's response, officers report far fewer frustrations in responding to these calls. They are now better equipped to recognize patterns of violence that had previously gone unnoticed. Overall, their load is likely reduced by effectively intervening earlier in a couple's violent relationship and thus avoiding the characteristic repeated responding.

In the Bellevue program, a police lieutenant was selected by the agencies to serve as coordinator. For a diversion program, this choice seemed logical since the police are involved early and frequently from the time of occurrence through the trial and probation on a case. As the program progressed (and the original program coordinator retired from the police department) the SOC committee became self-regulating and did not need to select a replacement for the job of coordinator.

During the first year of the program, however, the role of program coordinator carried nearly full-time responsibilities. Fortunately, after the first six months of the program, the coordinator helped interview applicants and eventually supervised a part-time records specialist who analyzed police records, computed statistics and eventually assumed many of the committee's on-going administrative functions.

Initial costs to the police department for the first year of the Bellevue SOC program included 35 hours a week of a lieutenant's salary of which 20 were at regular wages and 15 were overtime wages. Continuing costs are the wages of the part-time records specialist (20 hours a week), part of the wages of a captain who is currently assigned to oversee the police involvement in the program, and the printing expenses for specialized domestic violence paperwork.

PROSECUTOR'S ROLE

The initiation of Bellevue's domestic violence program required development of several new procedures. As the program continued, certain revisions were required; now the system operates fairly smoothly. On the average, each case that is considered for the program requires approximately three hours of the prosecutor's time. This does not include the approximate two hours that is involved in requesting higher

bail/No Contact orders after normal court hours. Clearly the highest cost of the program from the prosecution's viewpoint is time; the time necessary to properly administer these cases affects the ability to attend to other prosecutorial duties. The results, however, appear to warrant such costs.

Procedure Upon Notice of a Domestic Violence Case

Priority is given to domestic violence cases. The report is filed with the prosecutor's office the morning following the incident. After reviewing the case, assuming legal sufficiency, the complaint is issued. Following that decision, contact is made with the victim. Discussion with the victim will include: the City's decision regarding filing of charges; determination of whether a No Contact Order is desired by the victim; explanation of the D.V. program and court proceedings; and answering any questions.

In addition to speaking with the victim, the other participants in the program must be notified of the case. The prosecutor's office coordinates the appearance of the Probation Officer, E.D.V.P. advocate, victim and defendant at the scheduled court hearing. At the court hearing (details below), a decision is made to either permit diversion or proceed with prosecution. The prosecutor will then monitor the diversion program or proceed to trial.

Procedure at Court Hearing

There is a lot of activity which precedes the domestic violence court hearing. The prosecutor provides Probation with a copy of the police report and discusses the facts as they are then known. While Probation interviews the defendant, an advocate from EDVP is speaking with the victim.

Following the interview and consultation with the victim, a decision is made regarding the appropriateness of diversion (eligibility is determined on a case by case basis; factors considered include prior record, attitude, and victim's wishes). If the defendant appears to be a proper candidate, a Stipulated Order of Continuance (SOC) is drafted (a form has been prepared which merely requires the specific conditions to be listed) and presented to the defendant for his/her signature. If the defendant is unwilling to enter the program, or determined not to be a proper candidate, a normal arraignment will take place.

At the hearing a determination should also be made regarding a No Contact Order. If one is to be issued, it is important that the victim recognize that s/he should also avoid contact with the defendant. An explanation should be made that there is a potential for an "Aiding and Abetting" charge if s/he encourages, invites or permits a violation of the Order.

Only after all of these steps have occurred does the hearing begin. After the court advises the defendant of his/her rights, the SOC is presented to the judge for entry. The court will generally ascertain the defendant's willingness to enter the program and comply with the conditions prior to signing this order.

Following the court hearing, copies of the SOC and No Contact Order are given to the victim, defendant, probation and prosecutor.

Vacating a No Contact Order

Whenever a victim requests that a No Contact Order be set aside, the prosecutor thoroughly discusses the request. An attempt is made to ascertain the reason for the request; if it appears that intimidation is the motivating factor, the prosecutor will decline to seek a vacation of the Order.

If intimidation is not the issue, but there is still a question as to the advisability of setting it aside, a court hearing is set and the victim subpoenaed. At the hearing, the prosecutor indicates to the court that the hearing has been set at the victim's request and that the prosecution is making the motion solely on his/her behalf, not because it supports the motion itself. The court may then inquire of the victim, and make the decision. In cases where the victim's reason for wanting the Order vacated seems reasonable to

the prosecutor, this same procedure is followed; however, the prosecution is able to act as the actual moving party.

Once the Order is vacated it is important that the police be notified immediately. Probation should also be notified of the change.

Increasing Bail/Obtaining a No Contact Order After Normal Court Hours

Every so often the prosecutor gets a call at home regarding a D.V. case that just occurred (early morning hours and weekends seem to be particularly popular). These calls occur when a suspect has been arrested and the police are concerned about the likelihood of reoccurring or increasing violence if the person is released. The prosecutor needs to make several decisions: (1) Do the facts warrant sufficient alarm that we believe the person should be held in jail pending a hearing? (2) Is it likely that the \$1,000 cash bail is not sufficient to obtain that result? If the answer to either of these questions is yes, it necessitates a trip to the police department by the prosecutor.

Once at the station, the prosecutor reviews the case for legal sufficiency. If it appears that a crime has occurred, the complaint is prepared.

Assuming a request for increased bail is to be made, the following steps are taken: (1) a blank arrest warrant form is obtained and pertinent information filled in by the prosecutor; (2) a decision is made regarding the amount of bail to be requested given the circumstances; (3) the judge is contacted and presented with the request for higher bail; (4) if the judge agrees to increase the bail, the warrant is signed with the new bail amount indicated; and (5) the defendant is arrested on the warrant, with the complaint and warrant being filed at court on the next working day.

Violation of SOC

The prosecutor is to be notified of any violations of the SOC conditions. Once the details are known, the violation is discussed with the Defendant's probation officer. Frequently, the victim will also be contacted. A decision must then be made as to whether the interests of all parties are best served by revocation or continuance of the SOC.

Tracking D.V. Cases

Upon issuing a complaint in a D.V. case, a file is opened in the prosecutor's office. In addition to the file, a 4" by 6" card is prepared which includes the Defendant's name, date of birth, violation date, crime charged, citation and police case numbers. These cards are kept alphabetically and updated whenever any action is taken on the case.

Summary

The D.V. program requires a great deal of time and attention by the prosecutor's office and is sometimes an inconvenience. In spite of that, it appears to be a good concept. The victims are receiving necessary assistance, the problems are being promptly addressed and repeat offenses seem to have lessened. Most important, the victim is made to realize that the prosecutor is aware of him/her as a person, not just a case and so is more willing to cooperate with the prosecutor and the system as a whole.

BELLEVUE DISTRICT COURT

Implementation of the Bellevue Program was easily accomplished at the court level. Diversion by Stipulated Order of Continuance was not a new concept except by way of handling DV cases and, it did not necessitate any new training for court clerks.

Special hearings must be set on short notice for the arraignment/diversion; those are added to regularly scheduled hearings previously set for that day. The prosecutor takes responsibility for advising the court of the necessity of such a hearing in addition to arranging for the presence of the victim, the victim's advocate and the probation officer. The time of the hearing is set by the court on the same day notice is given by the prosecutor.

At the arraignment/diversion hearing, no clerical changes were required. If the defendant chooses to enter into a Stipulated Order of Continuance (SOC), the court does make specific inquiries of him/her to ascertain s/he understanding of the program and conditions with which s/he must comply. The victim is also addressed to see if s/he wishes to comment on the program.

If a No Contact Order is issued, the clerk will provide a certified copy to the victim, and copies to all parties. This was a new procedure that was necessitated by the program (and later, the new law, Domestic Violence Prevention Act of 1984).

After the SOC is signed, the defendant's case is handled as a normal probation case but is segregated for filing and records purposes. Originally, the prosecutor took responsibility for notifying the police of the No Contact Order; later, a court clerk was assigned to oversee domestic violence cases (under the law effective September 1, 1984) and she takes responsibility for forwarding a copy of the order to the police.

The Probation Department continued to handle follow-up and notification of both the court and prosecutor of any necessary court action.

When the program was developed, a decision was made that bail in DV cases should be higher than for other cases. To accomplish that result, the court took responsibility for arranging a \$1,000 cash bail. It required contacting jail personnel and establishing a procedure to designate DV cases so that personal recognizance releases were not allowed and that the person would only be released if s/he posted the \$1,000 bail. Additionally, the judges are on call 24 hours a day to issue warrants and review bail requests when bail above the \$1,000 standard is desired.

Participation in the program for seven years has shown that compared with regular arraignments, the D.V. hearing requires extra court and clerical time. Also, the urgency of the hearing causes an interference in the scheduled calendar. In addition, due to the varying length of the interviews, it is difficult for the court to set the hearing at a specific time. On the other hand, if the SOC is implemented, the court is saved trial time and related clerical time. It was not necessary to add any staff because of the program, so there has been no real cost increase resulting from it.

THE PROBATION DEPARTMENT

The Probation Department plays a crucial role in the Bellevue Program, and the implementation of the program has greatly enhanced the success of reducing re-offenses of Domestic Violence.

Prior to the SOC program, domestic violence offenders were often not received by probation until four to six weeks after a conviction was obtained. Through the SOC program, probation is able to intervene as soon as 24 to 48 hours after the incident occurs.

This timing is crucial to the success of the program. Speaking with the defendant, as well as the victim, within such a short period of time after the incident occurred appears to have more of an impact on the defendant and reduces minimization of the crisis. Timing is also crucial to the factual information reported from both the defendant and the victim, and often alerts probation personnel to other possible areas of concern (i.e., alcohol/drug abuse and/or battering and anger control issues).

A special feature in the Bellevue program is the enhanced support received by the victim. Along with the other members on the program's team, probation personnel also have contact with the victim within 24-48

hours. This not only provides probation with first-hand reports of the incident and special needs that the defendant might have, but also allows probation to assist and advocate for the immediate safety of the victim. Through the traditional system, probation often did not have contact with the victim for weeks or even months after the incident, resulting in vague reports and often inimical contacts with the victim.

Because the program specifically requires contact with the defendant within 24 to 48 hours, it is imperative that the probation department make available a probation counselor on short notice to handle the workload. Domestic Violence cases tend to be as much as two to three more time-consuming than traditional probation cases as reflected by the multiple issues often involved (i.e., child custody, no contact orders, restitution, and/or chemical dependency and anger management issues). Also, domestic violence cases are often high risk due to the extreme emotional issues involved.

The initial interview and process is currently 15 hours per week, 37.5% of a 40-hour work week. Presently, probation counselors are on a rotating court duty schedule and a Domestic Violence Specialist has recently been hired to assist with absorbing the extra workload.

Fortunately, the majority of probation personnel have had some prior experience with battering, significantly reducing the amount of training needed to successfully work with clients. As continued training, six half-hour staff meetings provided additional expansion in DV areas and the training provided through the Washington State Criminal Justice Training Commission was enormous assistance to the continued success of the program.

An area the Probation Department is working to expedite is communication. The Department requires a timely and continual flow of information concerning new violations, new court hearings, and progress and problems in counseling. Thus far, this kind of information has been slow in reaching the Probation Department, although with new procedures the information flow has shown improvement.

Summary

It is obvious that the Bellevue program works. From the onset of the program in September 1983, until recidivism statistics were tallied in December 1990, only 4% of the 299 defendants who completed the SOC program reoffended, while 19% of the 654 DV defendants who were routed through the traditional probation process reoffended. Thus, the recidivism rate of those who have completed the SOC Program is significantly lower at only 4%. Once again, the success of this program can be attributed only to the timing of the action taken, the teamwork of supporting organizations and the dedication and professionalism of the probation personnel in regards to combating a problem of this magnitude within the community.

VICTIM'S ADVOCATE: EASTSIDE DOMESTIC VIOLENCE PROGRAM

Under the Bellevue Program, advocates contact the victim by phone to make arrangements about the arraignment. This timely and in-person communication right after the incident increases the victim's understanding of his/her alternatives. Experience demonstrates that the victim wants the batterer to get help. In many cases the victim will cooperate with the police and the prosecutor, knowing there is a good chance of court-ordered counseling. In high risk cases where violence is a continuing hazard, the prosecutor and the judge can arrange for a no-contact order issued at arraignment.

As part of the program, the advocate called every victim within 48 hours of an arrest. The advocate also arranges to meet the victim at arraignment, to discuss whatever concerns and questions the victim might have.

A new form which encourages the victim to participate in the process is the "Victim's Viewpoint" (see Appendix). Since experience in the program indicates victims may initially be overwhelmed by the police

response to their "call for help", this form and the victim's advocate work together with the officer, prosecutor and judge for a positive outcome.

A major concern of the Eastside Domestic Violence Program was addressing the battering behaviors, rather than placing too much emphasis on the relationship of the couple. This concern has been largely met through the cooperation between the prosecutor, the probation department, court, police, batterer's counselor and victim's advocate. The joint effort has not only led to quick treatment for the batterer and greater safety for the victim, but to a better overall understanding of the problem.

In addition to providing support groups for the victims, EDVP provides children's education groups to help prevent the next generation of batterers and/or victims.

The Eastside Domestic Violence Program was already well prepared for the Bellevue Program, since its staff and volunteers have had training in domestic violence and legal issues. All volunteers are required to complete 40 hours of comprehensive training, including such issues as "why women stay", the "cycle of violence", and "legal issues". A minimum of four hours is spent on legal training. In addition, the volunteers representing the Agency at arraignment have spent hours of crisis line work and peer counseling, along with additional in-service meetings on the Washington State court structure. Some volunteers and employees take advantage of the continuing legal education classes sponsored by Northwest Women's Law Center. Finally, one or more representatives attend monthly SOC meetings at the Bellevue District Court.

BATTERER'S COUNSELING: EASTSIDE MENTAL HEALTH (EMH)

EMH is a licensed, private, non-profit community mental health center, offering a full range of mental health services. Since 1983, EMH has also offered specialized, comprehensive treatment services to men and women involved in anger and domestic violence issues. These services are provided in the Eastside Behavioral Responsibility Program (EBRP). Staff members of EBRP have participated in the operation of the Bellevue S.O.C. Program since its inception.

The priority intervention goal of EBRP is victim safety; thus, the treatment focus is to stop the violence and help batterers learn more effective and acceptable personal and interpersonal skills. By consensus with other agencies involved in domestic violence treatment and in full compliance with standards recently set by Washington law, EBRP's domestic violence program for voluntary and court-ordered clients consists of three phases: 1) a clinical intake/assessment, 2) psychoeducational training in anger management and prevention of domestic violence (four weeks), and 3) participation in weekly therapeutic groups for approximately five months. Individual therapy is offered as an alternative to phases 2 and 3 as deemed appropriate by the EBRP staff.

The SOC Program provides a rapid and efficient referral to treatment for batterers, and EBRP is committed to responding in like manner to the needs of both clients for effective treatment, and the legal and probation systems for close monitoring of clients' progress in treatment.

Cost to the Agency

The overall cost to the agency approximately balances out. The cost of providing the treatment is somewhat less than revenues received; while fees are on a "sliding scale" and some clients pay less than cost-of-service, a significant number can pay full cost-of-service. Unfortunately this type of program has rather high overhead through "hidden costs." These include not only administrative costs and time spent in coordination but also the extensive case management time spent getting, tracking and monitoring cases. These services are not reimbursed in any way by the typical cost of group therapy and could not be provided for this unique and large population without the assistance of the H.U.D. block-grant monies.

SECTION III

EVALUATION OF THE PROGRAM

As of December 31, 1990, the City of Bellevue's Stipulated Order of Continuance (SOC) Program had been in effect for 7-1/3 years. The first printing of this booklet contained an evaluation of the SOC program based on a comparison between the statistics for the year prior to the program and the first year of the program. Significant improvements in the community's response to domestic violence incidents were seen in the areas of police documentation of cases, police intervention, and services to the victim. The second edition of this booklet looked at the SOC program after it had been in effect 3-1/2 years. At that point, it was clear that the SOC program was successful and that improvements in documentation, intervention and victim services were continuing.

The Domestic Violence Prevention Act of Washington State (RCW 10.99) took effect September 1, 1984, when the SOC program was exactly one year old. The law which this act created mandated many of the intervention and documentation improvements that Bellevue Police Department had already implemented as part of the SOC program. Thus, contrary to most other police departments in Washington State which were forced to alter their response because of the directives of the new law, Bellevue's comprehensive officer training and strong administrative support had already provided the impetus for change.

The total number of documented incidents of domestic violence in Bellevue exceeded 3,600 as of December 1990, and over 1,200 of those cases have had charges filed. We are therefore currently able to define the phenomenon of domestic violence in Bellevue as seen by the police. In addition, these statistics allow an evaluation of the outcome of prosecution of the defendants and an understanding of the success of the SOC program.

Empirical Analysis of Domestic Violence in Bellevue

Methodology

The data base of this analysis was derived from 3,666 City of Bellevue police reports of domestic violence over a 7-1/3-year period from September 1983 through December 1990. An incident was classified as domestic violence according to the current law in Washington state: if the participants were married or cohabiting as husband and wife at the time of the incident, or some time in the past, or if there was a child in common regardless of whether they had been married or lived together at any time. In addition, gay cohabiting couples were included. Routine interviews at the site of the incident by police officers was the principal method of data collection.

An obvious bias of the analysis is that our sample was limited to those couples who themselves requested police assistance or who were brought to the attention of the police by another party. The findings are somewhat limited due to the fact that this is obviously not a random sample of Bellevue's citizenry. In fact, the 1986 U.S. Bureau of Justice's National Crime Survey found that almost half (48%) of all incidents of domestic violence were not reported to the police between 1978 and 1982. Nevertheless, we can study the phenomenon from the law enforcement perspective and evaluate our response to those couples who have, in fact, come to our attention.

Participants

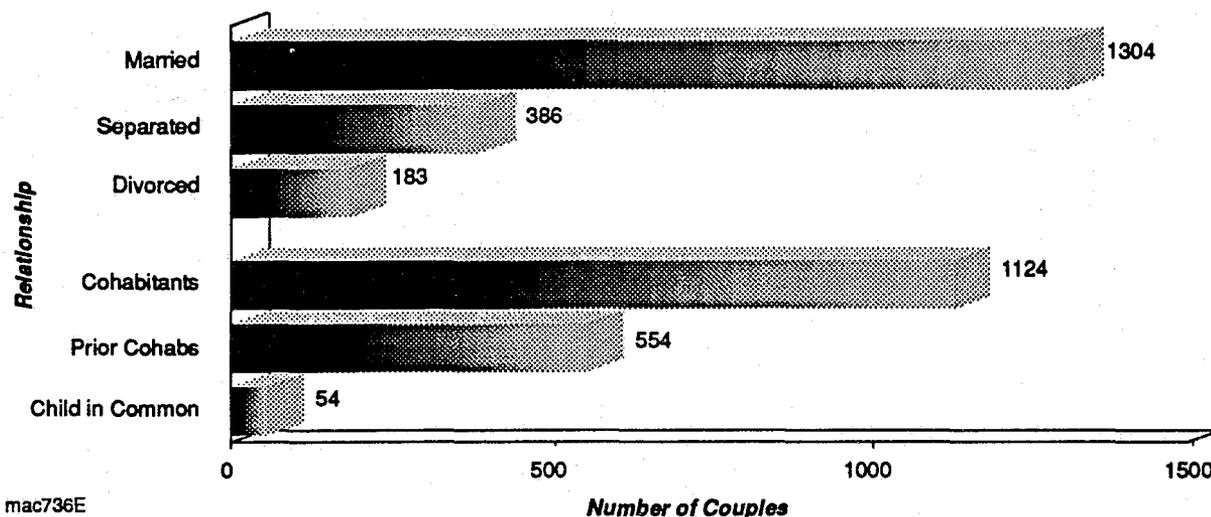
1. Age of Participants

Persons of age 15 to 90 were involved in documented cases of domestic violence. The mean age for males was 32, while the female participants tended to be slightly younger with a mean age of 29.

2. Types of Partnerships

Figure 1 indicates the relative percentages of the types of partnerships in the present study. Married couples continue to make up the highest percentage of partnerships involved in these cases, though in recent years there have been an increasing number of incidents involving cohabiting couples.

FIGURE 1
Relationship of Participants
Sept. '83 - Dec. '90



3. Criminal History of the Participants

Fourteen percent of the cases reported a criminal history (usually misdemeanor domestic violence assault) for one or both participants. Sherman and Berk (1984), in their classic Minneapolis Police Department study, reported a 59% prior arrest rate for suspects involved in domestic violence. In contrast, 27% of the Bellevue sample had had prior Bellevue domestic violence cases, and 51% indicated a history of violence whether reported or not. It is clear from this data that domestic violence is a chronic problem until someone intervenes.

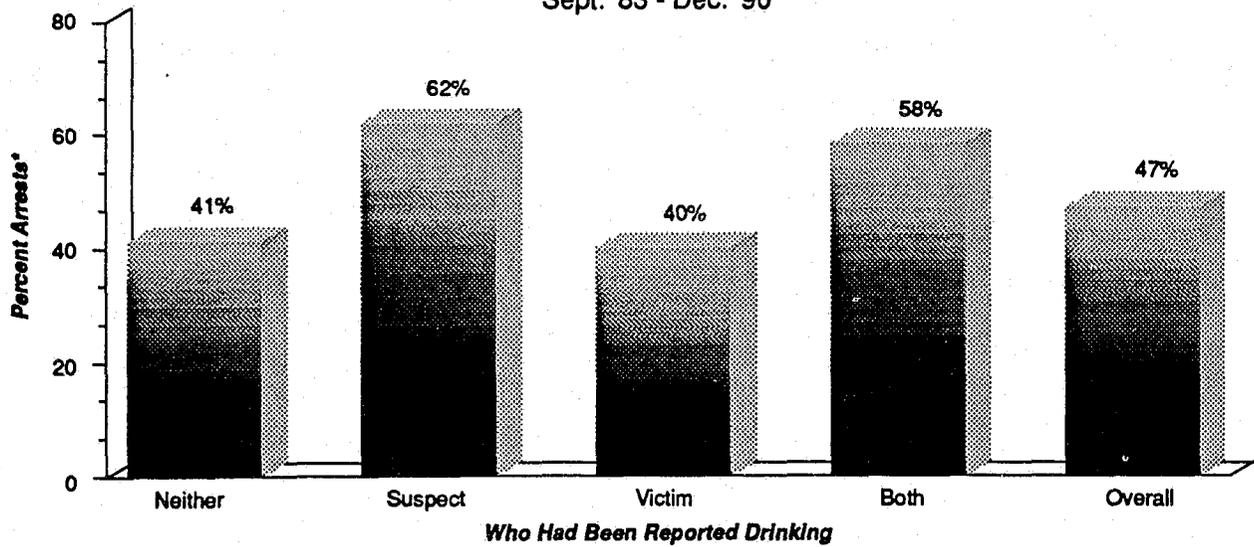
4. Alcoholism or Drug Abuse of the Participants

A history of alcoholism or drug abuse for one or more of the participants was mentioned by reporting officers in only 12% of the cases. This low figure could be due to a failure on the officer's part to elicit or record the information, or a refusal on the participant's part to provide the information.

Another possibility, contrary to popular belief, is that this figure is a fairly accurate estimation of the relatively small contribution of "mood-altering substances" to these incidents. In fact, only 29% of the reports mentioned involvement of alcohol or drug use at the time of the incident.

Nevertheless, the arrest rate for incidents of domestic violence was significantly correlated with the amount of alcohol consumed (i.e., when alcohol is involved, the level of violence tended to be higher). See Figure 2.

FIGURE 2
Arrest Rate for Cases According to Reported Alcohol Use
 Sept. '83 - Dec. '90



* Arrest Figure: Arrests on site plus summons for arrest.

mac736D

5. Breakdown of Primary Aggressors

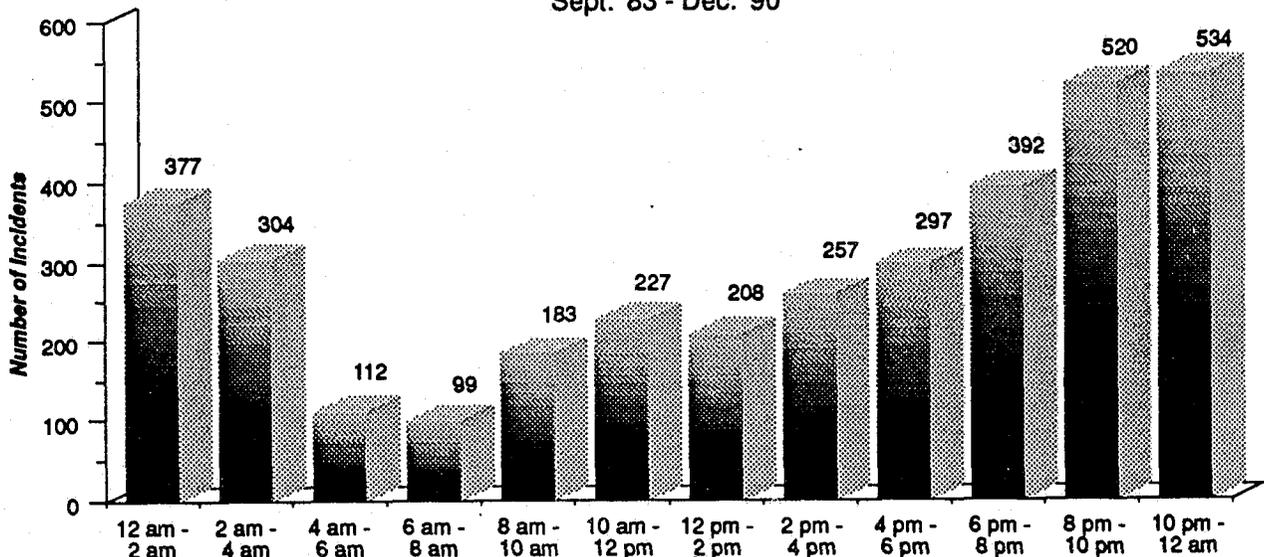
For every ten incidents of domestic violence in this study, six were initiated by the male, three were mutual assaults, and one was initiated by the female.

Frequency of the Incidents

1. Time of Day

Figure 3 illustrates the frequency of incidents according to the time of day. As expected, the hours during which most incidents take place are from 8 p.m. to midnight.

FIGURE 3
D.V. Incidents Per Time of Day
 Sept. '83 - Dec. '90

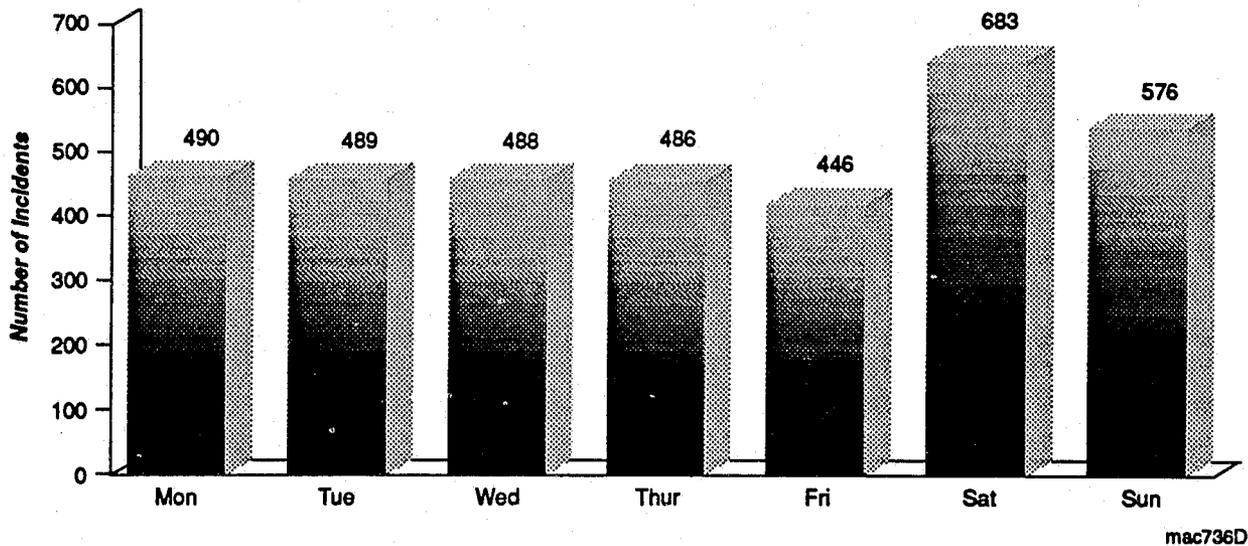


mac736D

2. Day of Week

Figure 4 illustrates the frequency of incidents per each day of the week. The low percentage of cases which occur on Fridays is partially due to a number of incidents occurring after midnight and thus are calculated in Saturday's statistics.

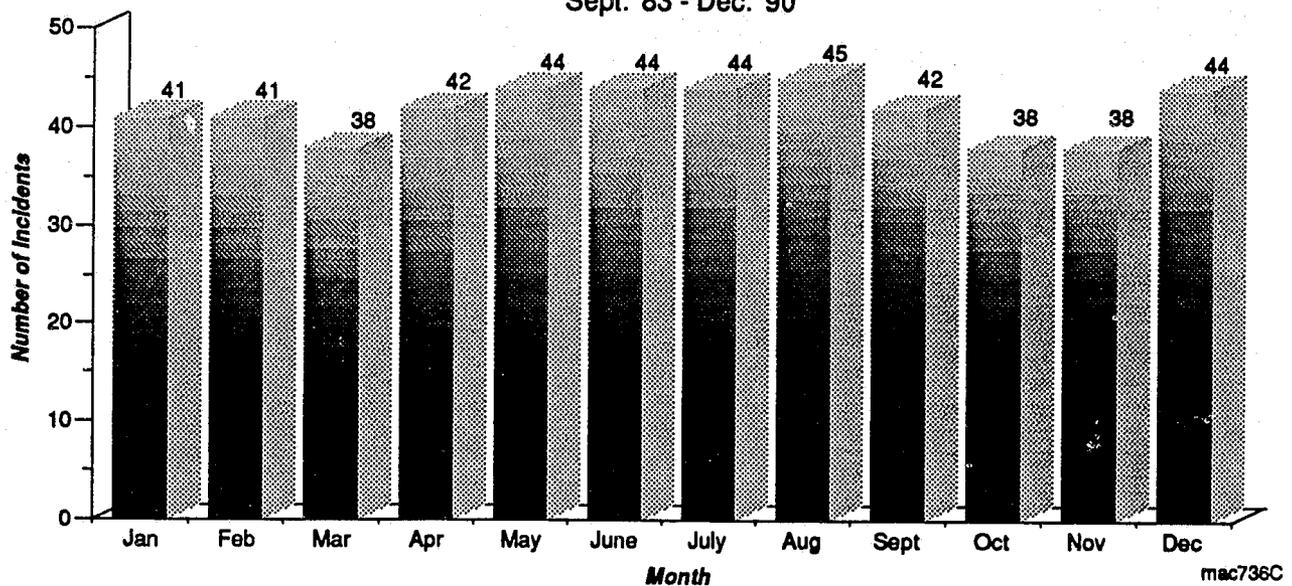
FIGURE 4
D.V. Incidents Per Day of the Week
Sept. '83 - Dec. '90



3. Month of the Year

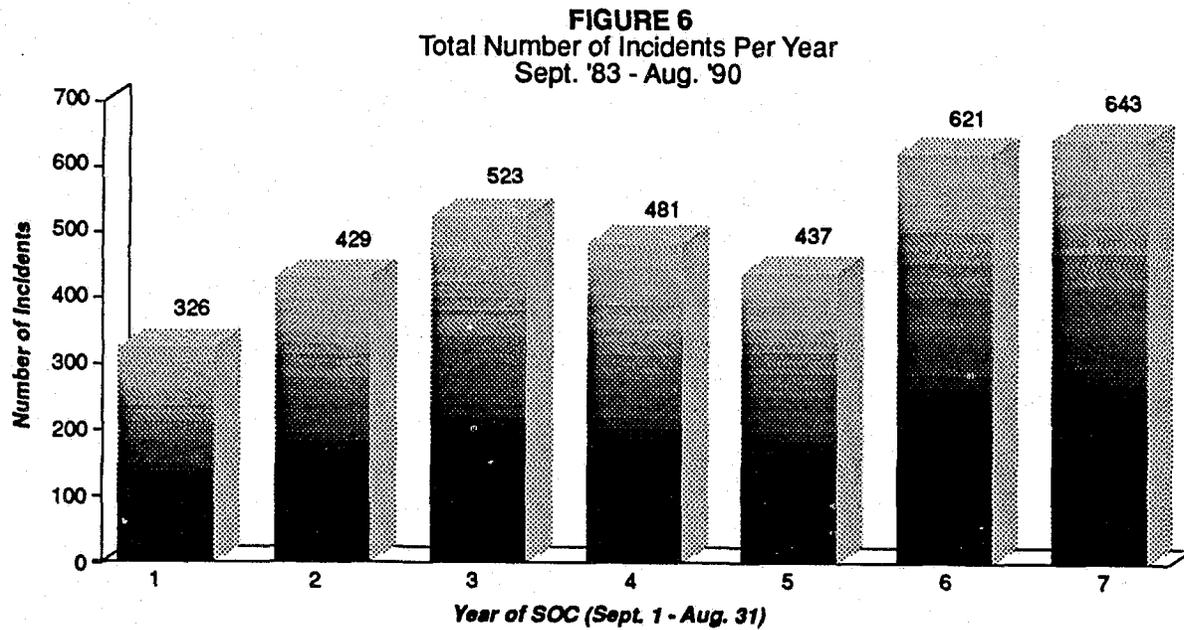
Figure 5 illustrates the distribution of incidents during each month. They are surprisingly stable.

FIGURE 5
Average # of DV Incidents Per Month
Sept. '83 - Dec. '90



4. Yearly Trends

Figure 6 gives an account of the yearly totals of domestic violence reports in Bellevue. While the population of the City of Bellevue has increased approximately 10.5% in the past seven years, the number of incidents reported have almost doubled. Notice the number of incidents took a sharp jump at the beginning of the program (there were only 175 cases reported the year before the program), the slight downward trend in the fourth and fifth years, then the significant rise in numbers during the past two years. We believe the initial jump was a function of change in the rate of reporting rather than an increase in the actual number of assaults; the later fluctuation we believe to be a function of the change in method by which the reports were gathered.



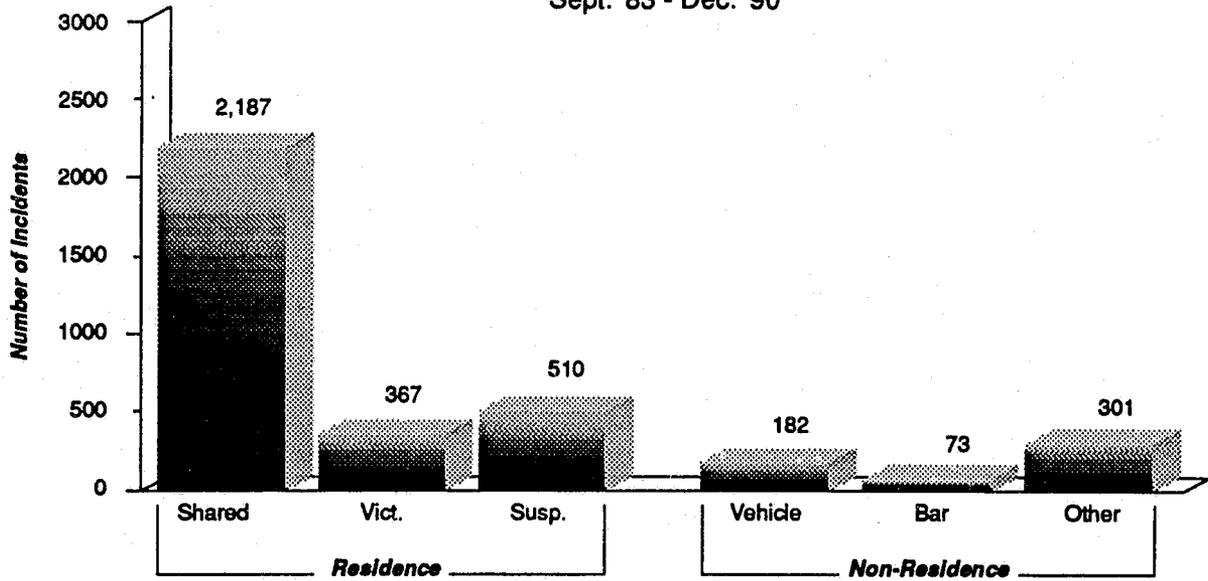
mac736C

Assault Information

1. The Location

The bar chart in figure 7 demonstrates that the vast majority (84%) of the incidents took place in the residence of one or both of the participants.

FIGURE 7
Location of Incident
Sept. '83 - Dec. '90

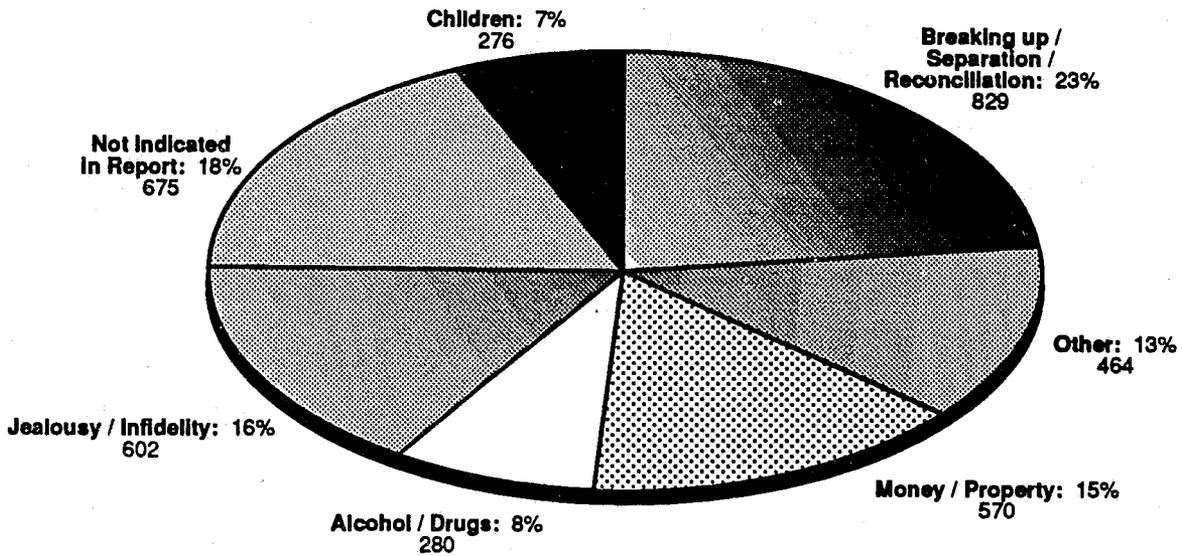


mac736C

2. Reason for Dispute

The reason for the dispute was frequently vague, though it could usually be classified into one of several general categories found in figure 7. The threat or attempt by one of the participants to leave the relationship seemed to be an especially dangerous time as evidenced by the high number of assaults taking place for that reason.

FIGURE 8
Reason for Dispute
Sept. '83 - Dec. '90



Note: Some cases indicated more than one reason, therefore, totals add up to more than 3,666 (total # of cases).

mac736B

3. Level of Violence

Table 1 displays the sex differences in the types of violence used. Males engaged in more frequent and more severe violent behaviors. Nevertheless, the most frequent action noted for both sexes was some sort of verbal dispute.

TABLE 1

Percent of Men and Women who used Various Methods of Violence:
(up to 2 actions coded per person – percentages will not add up to 100%)

<u>Method</u>	<u>Men</u>	<u>Women</u>	(n = 3,666)
Property damage	11.95%	5.02%	
Restricting movement of other	3.87%	0.71%	
Scratching/biting	3.16%	5.86%	
Pushing/shoving	27.55%	8.51%	
Slap (open hand)	9.87%	4.12%	
Punch (closed hand)	13.61%	3.85%	
Kick	3.46%	2.05%	
Choke	6.00%	0.19%	
Threaten w/Weapon	2.86%	1.55%	
Sexual Assault	0.55%	0.00%	
Use of Weapon	1.45%	1.21%	
<hr/>			
Verbal Only	38.30%	32.98%	

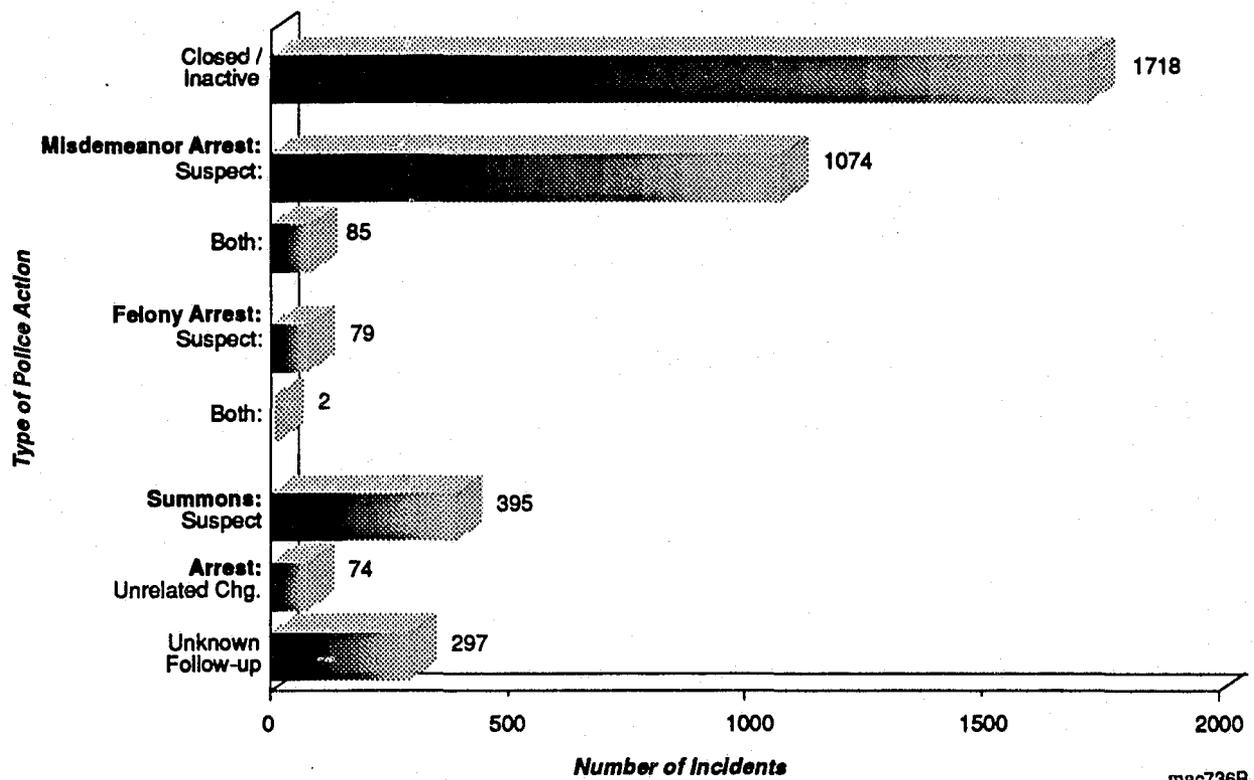
4. Injuries Visible to Responding Officer

In only 27% of the cases were there injuries visible to the Responding Officer. Unfortunately, this situation makes it difficult for an officer to prove, given the absence of a witness, that an assault took place.

5. Resolution of Incidents

An arrest was made in 47% of all incidents. This includes misdemeanor and felony in-custody arrests and summons-to-appear in court for arraignment. Arrest rate estimates from other police agencies range from 3% (Longley and Levy, 1977) to 10% (Roy, 1977). Figure 9 gives the breakdown of the action chosen by the responding officer to resolve the situation.

FIGURE 9
Resolution of Incident
Sept. '83 - Dec. '90



mac736B

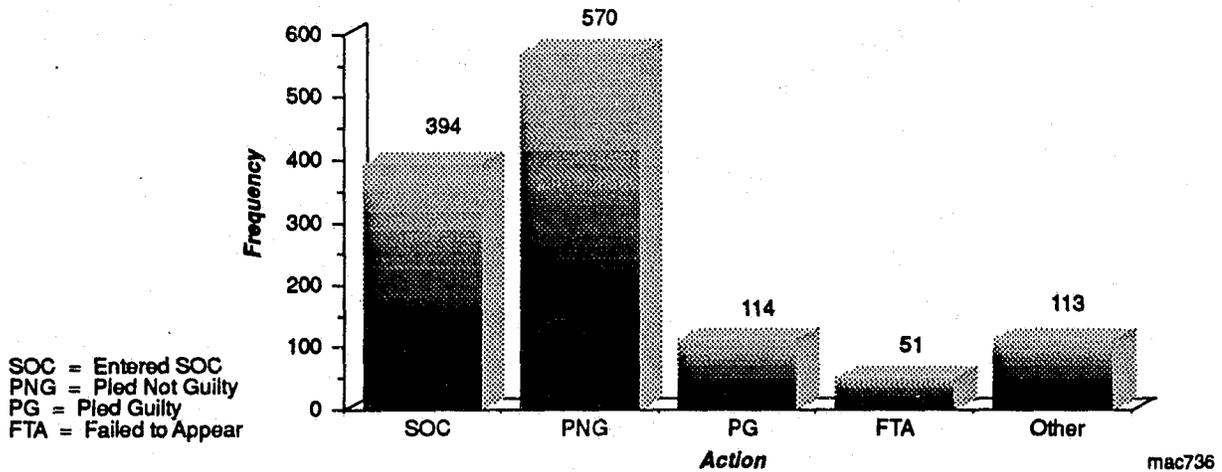
Prosecution

The number of cases which completed the criminal court process or are currently being prosecuted is 1,212. The vast majority of the cases (64%) were arraigned, according to the objectives of the program, within three days of the incident. Most of the defendants were kept in custody until the time of their arraignment, but those who posted bail were also required to appear at the first court date following the incident.

1. Arraignment Action

Figure 10 illustrates the breakdown of the paths chosen by the defendants at their time of arraignment (more than one action was indicated for many cases; therefore, totals do not add up to 100%) of 1,212 prosecuted. Over 1/3 of the defendants chose to enter the SOC program when it was offered: not all who were offered the program accepted it, although 70 more defendants chose to enter the program some time after arraignment.

FIGURE 10
Arraignment Action
Sept. '83 - Dec. '90



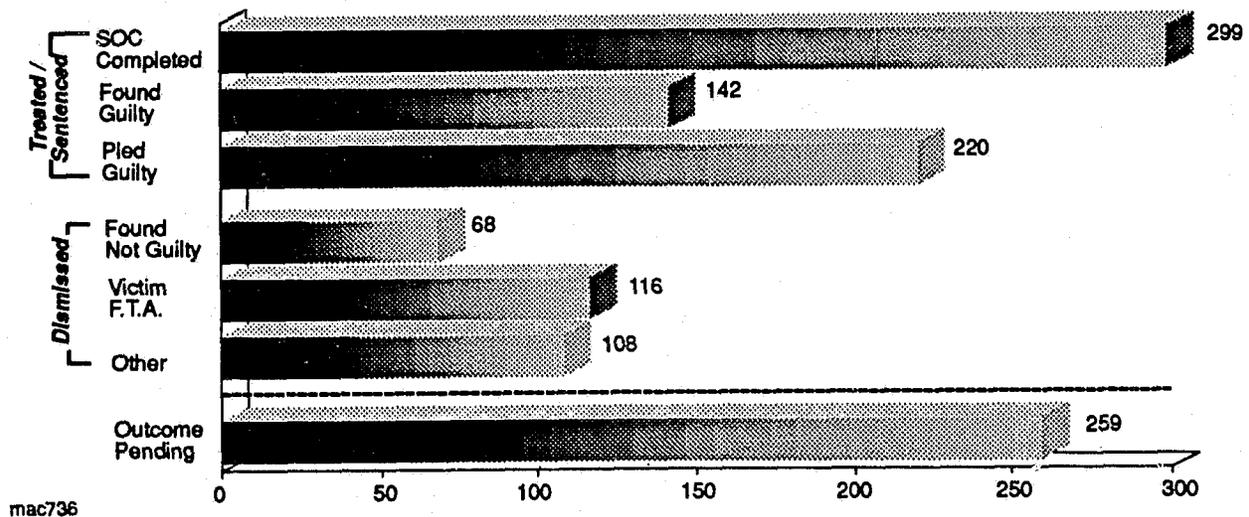
2. No-Contact Orders

The prosecutor obtained no-contact orders for 242 (20%) of the victims during the arraignment proceedings. Twelve (5%) of those were subsequently violated by the defendant, leading to the initiation of additional criminal charges.

3. Final Outcome

Over 2/3 (69%) of the defendants completing the criminal court process for their domestic violence charge were successfully treated (through the SOC program) or successfully prosecuted. In Minneapolis, only 2% of the cases were even brought before a judge (Sherman and Berk, 1984). Figure 11 illustrates the final outcome of the reported domestic violence cases at the district court level.

FIGURE 11
Final Outcome of D.V. Defendants
Sept. '83 - Dec. '90



Evaluation of the SOC Program

Three hundred and ninety-four defendants entered the SOC program at arraignment, and 70 were allowed to enter some time after arraignment. From that total, 117 defendants (25%) have been revoked and 299 defendants (64%) have completed the program. The remainder were complying with counseling at the time of this report.

1. Reason for Revocation

The reasons for revocation of the 117 defendants may be grouped into five categories. Sixty-seven defendants (67%) failed to attend counseling or probation appointments; 22 (19%) defendants reassaulted their partners or had other criminal charges brought against them; 11 (9%) defendants opted for a trial instead of completing the counseling, and 3 failed to maintain abstinence; and 1 violated an NCO.

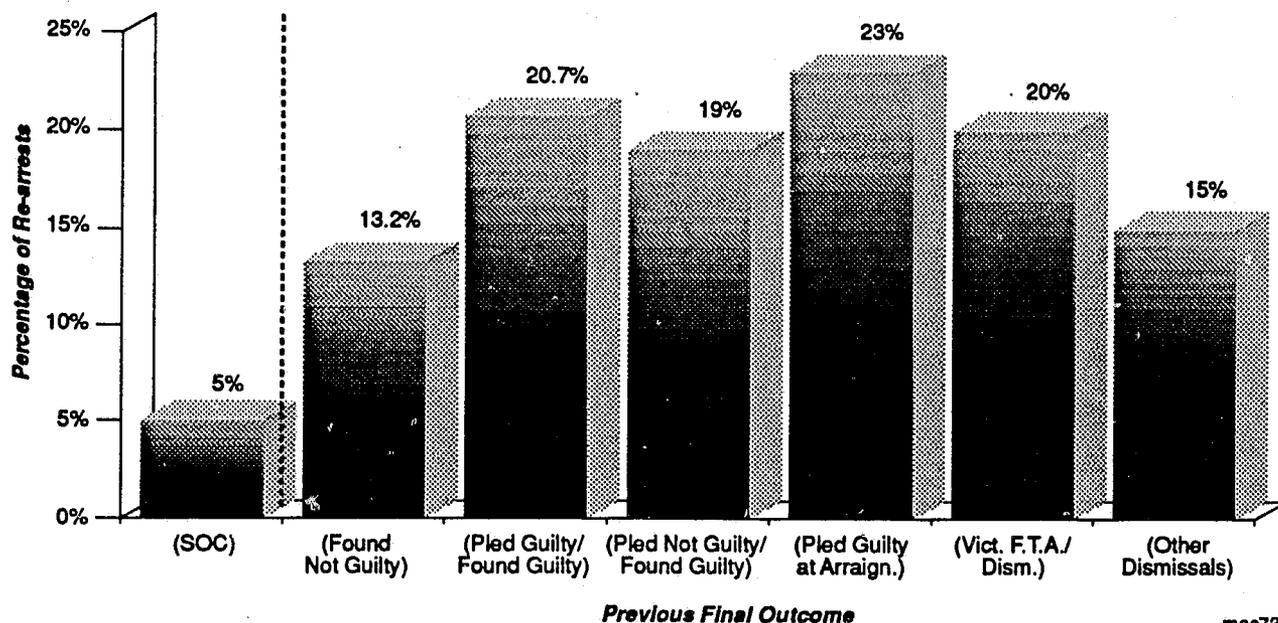
2. Time Involved

The average time to the event leading to revocation from the program was approximately 5 months, whereas the average time taken to complete the program was just over 11 months. Thus, the longer the defendant remained in counseling, the more likely it was that s/he would complete the program and subsequently have all charges dropped.

3. Recidivism

The most encouraging statistic in the 7-1/3-year evaluation of the SOC program involves the low recidivism rate of those defendants who have completed the program. Of 299 completing the program, 12 (4%) were subsequently arrested for assault. Of the defendants prosecuted through the traditional court process in Bellevue, 123 (18.5%) were later arrested for another incident of domestic violence. Figure 12 shows the percentages of reassaults committed by those who were in the SOC versus those who went through the traditional court process, shown according to what the defendant's previous final outcome had been.

FIGURE 12: RECIDIVISM
Comparison of Defendants Re-arrested after
Going Through S.O.C. vs. Traditional Court Process
Sept. '83 - Dec. '90



mac736

Selected References

Langley, R. and Levy, R.C. (1977). Wife Beating: The Silent Crisis.
New York: E.P. Dutton.

Roy, M. (Ed.)(1977). Battered Women. New York: Van Nostrand Reinhold Co.

Sherman, L.W. and Berk, R.A. (1984). Police Response to Domestic Assault.
American Sociological Review, 49, 261-272.

Walker, L.E. (1979). The Battered Woman. New York: Harper & Row.

1 FORM

2

3

4

IN THE KING COUNTY DISTRICT COURT
STATE OF WASHINGTON
BELLEVUE DIVISION

5

6

CITY OF BELLEVUE,)

7

Plaintiff,)

8

v.)

NO. _____

9

_____,)

NO CONTACT ORDER

10

Defendant.)

11

THIS MATTER having come on before the undersigned judge of
the above-entitled court, and the court having considered the
records and files herein and being fully advised in the
premises, now therefore

12

13

14

15

16

17

18

19

IT IS HEREBY ORDERED, that pursuant to B.C.C. 10A.92.010*,
the defendant shall have no contact**, directly or indirectly,
in person, in writing, or by phone, personally or through other
person(s), with: _____

20

until the trial and/or sentencing of this cause is concluded.

21

(*If initialed here _____, and only when accompanied by a
police officer, defendant may return to the residence to obtain
his/her personal effects.)

22

23

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER

24

10.99 R.C.W. AND B.C.C. 10A. 92.010 AND IS ALSO SUBJECT TO CIVIL

25

CONTEMPT PROCEEDINGS.

26

NOTICE: To all peace officers.

27

28

NO CONTACT ORDER - 1

1 YOU ARE HEREBY DIRECTED to maintain a record of this No
2 Contact Order and enforce its provisions. This order shall
3 remain in effect until the trial and/or sentencing of this cause
4 is concluded.

5 PLEASE notify the Prosecuting Attorney's Office, Bellevue
6 City Hall, Bellevue, Washington if the defendant is apprehended
7 for violation of this order.

8 DATED this _____ day of _____, 19____.

9 _____
10 JUDGE

11 Presented by:

12 _____
13 Prosecuting Attorney

14 Copy Received:

15 _____
16 Defendant

_____ Date

17 Witnessed by:

_____ Date

18 *10A.92.010 Issuance and Violation of A No Contact Order.

19 Because of the likelihood of repeated violence directed at those
20 who have been victims of domestic violence in the past, when any
21 defendant charged with a crime involving domestic violence is
22 released from custody before trial, on bail or personal
23 recognizance, the court authorizing the release may prohibit the
24 defendant from having any contact with the victim . . . Willful
25 violation of a court order issued under this section or under
26 RCW 10.99.040 is a misdemeanor. The written No Contact Order
27 issued under this section and releasing the defendant shall
28 contain the court's objectives and shall bear the legend:
VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER
10.99 R.C.W. AND BELLEVUE CITY CODE 10A.922.010. A certified
copy of such order shall be provided to the victim.

NO CONTACT ORDER - 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE BELLEVUE DISTRICT COURT FOR KING COUNTY

CITY OF BELLEVUE,)	
)	
Plaintiff,)	
)	NO. _____
v.)	
)	STIPULATED ORDER OF
Defendant.)	CONTINUANCE (D.V.)
)	
_____)	

COMES NOW the Plaintiff, City of Bellevue, by and through its attorney, Susan R. Irwin, Prosecuting Attorney, and the defendant, _____, by and through (his/her) attorney, _____, and agrees and stipulates as follows:

That (he/she) is aware of the right to trial of (his/her) case within ninety days of the date of appearance and that absent (his/her) waiver of this right, the court will dismiss the complaint if trial is not provided within this period.

That the above referenced matter should be continued for a period of ninety days from the date this order is signed:

That the terms and conditions of such continuance are that the defendant:

STIPULATED ORDER OF CONTINUANCE (D.V.) - 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- | | | YES | NO |
|----|--|-----|-----|
| 1. | Have no contact with _____
Duration _____ | ___ | ___ |
| 2. | Abstain from alcohol | ___ | ___ |
| 3. | Have no arrests or convictions for any
criminal matters. | ___ | ___ |
| 4. | Be placed on supervised probation, comply
with all rules and regulations, and pay
the fees | ___ | ___ |
| 5. | Pay court costs
Amount _____ | ___ | ___ |
| 6. | Obtain counseling (until released by
Probation) (Circle) alcohol drugs batterer
anger control other _____
where/agency name _____ | ___ | ___ |
| 7. | Other conditions(s) _____

_____ | | |

That the court may further continue this matter on its own without the presence of counsel or the defendant in increments of ninety days for a period of one year from the date this order is signed.

That for the purposes of this continuance, the defendant waives, (his/her) right to be tried within ninety days.

That is at the end of the agreed conditions set forth above the City will make a motion to dismiss its action.

STIPULATED ORDER OF CONTINUANCE (D.V.) - 2

VICTIM WORKSHEET

Victim: _____

Defendant: _____

Relationship of parties: _____

Is victim requesting a No-Contact Order? Yes ___ No ___

Does victim want/need a safe place to go?
Transportation? Yes ___ No ___
Yes ___ No ___

Is victim looking for support services? Yes ___ No ___

Prior incidents? Yes ___ No ___

Has defendant been arrested before?
On Probation? Yes ___ No ___
Yes ___ No ___

Are there drug/alcohol problems? Yes ___ No ___

What events precipitated incident? _____

Weapons involved? Yes ___ No ___ What kind? _____

Children's Names Date of Birth Has CPS been involved?

If children, were they involved in the incident? Yes ___ No ___

Explain: _____

Safety Plan? _____

Other: _____



CITY OF BELLEVUE
Police Department

DOMESTIC VIOLENCE CHECKLIST

Case No. _____

CHECKLIST FOR 4-HOUR ASSAULT (RCW 10.31.100(2)(b)).

- | | YES | NO |
|--|-----|-----|
| 1. Suspect is 18 years or older and a spouse, former spouse, or resides/formerly resided with victim. | ___ | ___ |
| 2. Victim claims to have been assaulted. | ___ | ___ |
| 3. The victim is in fear of imminent physical harm. | ___ | ___ |
| 4. Victim appears emotionally/physically to have been assaulted. | ___ | ___ |
| 5. Witness(es) corroborate allegations. | ___ | ___ |
| 6. There is evidence present at the scene which substantiates that an assault or confrontation took place. | ___ | ___ |
| 7. Assault occurred within previous four hours. | ___ | ___ |
| 8. Probable cause exists to believe an assault was committed. | ___ | ___ |

CHECKLIST FOR MUTUAL ASSAULTS (RCW 10.31.100(2)(b))

1. Who was the primary physical aggressor? _____
2. Who made the most serious threats creating fear of physical injury? _____
3. Past history of DV between these persons shows this person to have been the primary physical aggressor. _____
4. Who is the victim in greatest need of protection? _____

CHECKLIST FOR COURT ORDERS

- | | | |
|---|-----|-----|
| 1. The court order was verified in WACIC (Records) or a certified copy was at the scene. | ___ | ___ |
| 2. Subject knows or is deemed to have notice of order. | ___ | ___ |
| 3. a. <u>Protection Orders</u> : There is P/C that a violation of the exclusion/restraint provisions of the protection order has occurred. | ___ | ___ |
| b. <u>No Contact Orders</u> : There is P/C that a violation of the terms of the no contact order has occurred. | ___ | ___ |
| c. <u>Restraining Orders</u> : There is P/C that a violation of those terms of the order restraining the subject from acts or threats of violence or excluding the subject from the residence has occurred. | ___ | ___ |
| 4. Arrest was made for violation of court order under:
BCC 10A.92.020 or RCW 26.50.110 (protection order)
BCC 10A.92.010 or RCW 10.99.055 (no contact order)
BCC 10A.92.030 or RCW 26.09.300 or RCW 10.31.100(2)(a) (restraining orders) | ___ | ___ |
| 5. The person is deemed to have notice if: | | |
| a. Person or person's attorney signed it, or | ___ | ___ |
| b. Person or person's attorney was present in court, or | ___ | ___ |
| c. Proof of service is available, or | ___ | ___ |
| d. Officer reads order to the subject or hands subject a certified copy of order. | ___ | ___ |

Investigating Officer _____

Date/Time _____

Lieutenant _____

Date/Time _____

NOTE TO OFFICER: Persons Eligible for the S.O.C. Program

Misdemeanor domestic violence related offenses that occur between cohabitants (persons who are married or who are cohabiting with another as husband and wife at the present time or at some time in the past or any person who has one or more children in common with another person regardless of whether they have been married or lived together at any time).

Revised August 1985

Form No 1589



City of Bellevue
Police Department
Special Assignments Division

DOMESTIC VIOLENCE VICTIM INFORMATION FORM

SOC Program

Date: _____ Police Case # _____

Defendant: _____ Home Phone # _____

Address: _____ Work Phone # _____
City/Zip

Victim: _____ Home Phone # _____

Victim Not in Safe Home: Address: _____

Victim is in Safe Home: Work Phone # _____

Bellevue Police Officers have responded to this call to investigate the crime of domestic violence. Domestic violence is any crime or act of violence committed by one family or household member against another, including — but not limited to — assault, burglary, trespass, kidnapping and unlawful imprisonment. Without intervention, domestic violence will escalate in frequency and intensity.

It may be possible to avoid a trial in this case if charges are filed. At the arraignment on the charges, the judge may sign a Stipulated Order of Continuance if both parties agree to cooperate with guidelines set forth by the court and if the defendant meets other conditions and qualifications.

- The above named defendant has been arrested for and will not be released on personal recognizance prior to arraignment, but might be released after posting a bail or bond. You, as the victim, need to be present at arraignment for an explanation of the nature of a Stipulated Order of Continuance and what procedures are involved. **Phone the City Prosecutor (455-6822) on the first business morning following the incident to find out the date and time of the arraignment.**

- This case will be reviewed by the City Prosecutor and charges may be filed. If the defendant receives a summons to appear in court as a result of this incident, you as the victim will be subpoenaed to be present at the arraignment. At that time, the judge may sign a Stipulated Order of Continuance allowing both parties to meet specific conditions in order to avoid trial. For the victim, assistance is available through the Eastside Domestic Violence Program (746-1940). Assistance is also available for the defendant through Bellevue Probation (455-6956).



POLICE DEPARTMENT
Special Assignments Division

DOMESTIC VIOLENCE DEFENDANT INFORMATION FORM

SOC Program

Date _____

Police Case Number _____

- You have been arrested for _____. At your arraignment, you may be allowed to enter into a Stipulated Order of Continuance. If eligible, you will begin an 11-month program that bypasses part of the court process (trial-sentencing). If all conditions of the Stipulated Order of Continuance are met, the prosecutor will then dismiss the charge(s), thereby closing the case, and you will not have to go through a trial.
- Your involvement in this case will be reviewed by the City Prosecutor for the filing of charges. If criminal charges are filed, you may be allowed to enter a Stipulated Order of Continuance at your arraignment. If eligible, you will begin an 11-month program that bypasses part of the court process (trial-sentencing). If all conditions of the Stipulated Order of Continuance are met, the prosecutor will then dismiss the charge(s), thereby closing the case, and you will not have to go through a trial.

Conditions:

1. Your criminal record will be considered (juvenile, misdemeanor and felony matters), and might disqualify you.
2. You must intend to plead guilty to the charge or state that if the evidence were presented in court, there would be a substantial likelihood of a guilty verdict.
3. You must be willing to pay probation costs.
4. You must agree to follow and pay for the conditions set forth in the program prepared by the counselor, which may include but is not limited to, one or more of the following: alcohol, drug or anger management and (no cost) community service.
5. You may not be eligible for this program if you suffer from chronic problems of alcoholism, drug addiction or mental illness.
6. You must cooperate throughout the period of continuance and compliance must be evident, having no criminal arrests during the program.
7. The counselor may reject your application for a Stipulated Order of Continuance if it is determined that you are ineligible, based on the above criteria.
8. The prosecutor will review all applications and has the discretion to reject any application, even though an applicant may meet the general criteria.

If you believe you are eligible for this program and wish to apply, call Bellevue Probation Department, 455-6956 within three (3) days of your arrest date. (Bellevue Probation Department, 655 120th Ave. N.E., Bellevue, WA. 98005)

I have received a copy of this document and it has been explained to me. I understand that a trial may be avoided in this case if I qualify and if I cooperate with all conditions set forth in the Stipulated Order of Continuance.

Defendant's Signature

Date/Time

Defendant's Name Printed

Investigating Officer



IN THE BELLEVUE DISTRICT COURT - KING COUNTY - STATE OF WASHINGTON

CITY OF BELLEVUE,

Plaintiff,

vs.

Case No. _____

Citation No. _____

NO CONTACT ORDER (Domestic Violence)

CONDITIONS OF RELEASE PENDING FILING OF COMPLAINT

Bail Bond

Pursuant to RCW 10.99.040 and King County Superior General Order 12050-AR, as amended, you are:

HEREBY ORDERED that the defendant shall have no contact, directly nor indirectly, in person, in writing nor by telephone, personally nor through any other person, with _____

NOTICE: To the Defendant

VIOLATION OF THIS ORDER IS A SEPARATE CRIMINAL OFFENSE UNDER CHAPTER 10.99 OF THE REVISED CODE OF WASHINGTON AND WILL SUBJECT A VIOLATOR TO ARREST.

This order shall remain in effect until your appearance before a judge or 72 hours, whichever comes first.

You are scheduled to appear at the Bellevue District Court on _____ (day) _____ at 1:00 P.M. Your hearing will be at _____ (date)

Bellevue District Courthouse located at 585 112th S.E., Bellevue, Washington. If you fail to appear, a warrant may be issued for your arrest.

I ACKNOWLEDGE THIS ORDER AND AGREE TO ITS TERMS: I have received a copy of this order.

DEFENDANT

For the next 72 hours my telephone number is (HM) _____ (WK) _____.

By direction of the Presiding Judge of the Bellevue District Court and King County Superior Court General Order 12050-AR.

Issued: _____
Date _____ Time _____
(Void after 72 hours from this date/time)

Bellevue Police Department, in conjunction with: Court Services Section, Department of Adult Detention, 344-4020

B/A Number _____

NOTICE: To the Director of the King County Department of Public Safety and all peace officers:

You are hereby directed to maintain a record of this order prohibiting contact and to enforce its provisions. This order shall remain in effect until further order of the court or 72 hours from the date/time issued.

ROUTING: WHITE-Defendant, YELLOW-Records, PINK-Case Report

CHAPTER 10.99
DOMESTIC VIOLENCE-OFFICIAL RESPONSE
WASHINGTON STATE

10.99.010 Purpose-Intent

The purpose of this chapter is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between cohabitants and of the same crimes occurring between strangers. Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

Enacted by Laws 1979, Ex.Sess., Ch. 105, § 1.

10.99.020 Definitions

Text of section effective July 1, 1987

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Reckless endangerment [in the second degree] (RCW 9A.36.050);
- (f) Coercion (RCW 9A.36.070);
- (g) Burglary in the first degree (RCW 9A.52.020);
- (h) Burglary in the second degree (RCW 9A.52.030);

- (i) Criminal trespass in the first degree (RCW 9A.52.070);
 - (j) Criminal trespass in the second degree (RCW 9A.52.080);
 - (k) Malicious mischief in the first degree (RCW 9A.48.070);
 - (l) Malicious mischief in the second degree (RCW 9A.48.080);
 - (m) Malicious mischief in the third degree (RCW 9A.48.090);
 - (n) Kidnapping in the first degree (RCW 9A.40.020);
 - (o) Kidnapping in the second degree (RCW 9A.40.030);
 - (p) Unlawful imprisonment (RCW 9A.40.040);
 - (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);
 - (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);
 - (s) Rape in the first degree (RCW 9A.44.040); and
 - (t) Rape in the second degree (RCW 9A.44.050).
- (3) "Victim" means a family or household member who has been subjected to domestic violence.

Amended by Laws 1984, ch. 263, § 20, eff. Sept. 1, 1984; Laws 1986, ch. 257, § 8, eff. July 1, 1988.

10.99.030 Law enforcement officers - Training, powers, duties

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide 24-hour toll-free hotline at 1-800-562-6025. The battered women's shelter and other resources in your area are-(include local information)."

- (5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.
- (6) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.
- (7) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.
- (8) Records kept pursuant to subsections (3) and (7) of this section shall be made identifiable by means of a departmental code for domestic violence.

Amended by Laws 1981, ch. 145, § 5; Laws 1984, ch. 263, § 21, eff. Sept. 1, 1984.

10.99.040 Restrictions upon and duties of court

- (1) Because of the serious nature of domestic violence, the court in domestic violence actions:
 - (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
 - (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
 - (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: Provided, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and
 - (d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.
- (2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding

restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control, or subject to that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which that person resides or to the defendant's counsel for safekeeping.

- (3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended.
- (4) Wilful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within 72 hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.
- (5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Amended by Laws 1981, ch. 145, § 6; Laws 1983, ch. 232, § 7; Laws 1984, ch. 263, § 22, eff. Sept. 1, 1984; Laws 1985, ch. 303, § 10.

10.99.045 Appearances by defendant - Orders prohibiting contact

- (1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest.
- (2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.
- (3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject

to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

- (4) Appearances required pursuant to this section are mandatory and cannot be waived.
- (5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040(2) and (4).

Added by Laws 1981, ch. 145, § 7. Amended by Laws 1983, ch. 232, § 8; Laws 1984, ch. 263, § 23, eff. Sept. 1, 1984.

10.99.050 Restriction or prohibition of contact with victim - Procedures

- (1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.
- (2) Wilful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest.
- (3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Amended by Laws 1984, ch. 253, § 24, eff. Sept. 1, 1984; Laws 1985, ch. 303, § 12.

10.99.055 Enforcement of orders against defendants

A peace officer in this state shall enforce an order issued by any court in this state restricting a defendant's ability to have contact with a victim by arresting and taking the defendant into custody, pending release on bail, personal recognizance, or court order, when the officer has probable cause to believe that the defendant has violated the terms of that order.

Added by Laws 1981, ch. 145, § 8. Amended by Laws 1983, ch. 232, § 9; Laws 1984, ch. 263, § 25, eff. Sept. 1, 1984.

10.99.060 Notification of victim of prosecution decision – Description of procedures available to institute criminal proceedings

The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding.

Added by Laws 1979, Ex. Sess., ch. 105, § 6.

10.99.070 Liability of peace officers

A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

Added by Laws 1979, Ex. Sess., ch. 105, § 7.

10.99.900 Severability-1979 ex.s. c 105

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Enacted by Laws 1979, Ex. Sess., ch. 105, § 9.

GLOSSARY

Advocate - One who pleads the cause of others on a one-to-one basis.

Arraignment - A court hearing where the defendant is told about the charges against him/her and his/her rights to have an attorney and a trial.

Cohabitant - Married or living together as husband and wife at the present or some time in the past or have a child in common regardless of whether or not they have been married or lived together.

Defendant - A person who is charged with a crime.

Domestic Violence - Any crime of act of violence committed by one "cohabitant" (see above definition) against another.

Eastside Domestic Violence Program (EDVP) - A community-based agency whose purpose is to provide safety and support for victims of domestic violence and their children and community education services. Services include a 24-hr. crisis line, advocacy, telephone information and referral, support groups, a speaker's bureau, emergency shelter/services, safe homes, and training for volunteers and professionals. (206-746-1940)

Eastside Mental Health - A community-based agency dedicated to providing quality mental health care to the Eastside community. The Behavioral Responsibility Program offers services to domestic/family violence offenders. Services include screening, intake and assessment; psychoeducational training; group, individual, couples and family therapy; and case management including liaison with police, probation, the courts and victim advocates.

Misdemeanor - A crime for which a person may be sentenced to imprisonment for a term of less than one year upon conviction.

No Contact Order - Order issued by a judge mandating that the defendant have no contact with the victim. A violation of that order is a criminal offense (misdemeanor).

Personal Recognizance (P.R.) - The release of an arrested person without bail, on the promise of a voluntary return to court.

Probable Cause - Sufficient cause based on articulable facts known to the officer at the time to believe an individual has committed or is committing a crime.

Stipulated Order of Continuance (SOC) - An order signed by a judge granting a continuance of a case on the grounds the defendant meets conditions specified in the order.

PARTICIPATING AGENCIES

Bellevue Police Department
P.O. Box 90012
Bellevue, WA 98009-9012
(206) 455-6917

Bellevue Prosecutor
P.O. Box 90012
Bellevue, WA 98009-9012
(206) 455-6822

Eastside Mental Health
Northup West
2840 Northup Way
Bellevue, WA 98004
(206) 455-4357

Bellevue District Court
585 - 112th Avenue S.E.
Bellevue, WA 98004
(206) 454-4937

Bellevue Probation Department
P.O. Box 90012
Bellevue, WA 98009-9012
(206) 455-6956

Eastside Domestic Violence Program
P.O. Box 6398
Bellevue, WA 98008-0398
(206) 746-1940