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Author(s): Deborah L. Spence

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Institute for Law and Justice

1018 Duke Street

Alexandria, Virginia

Phone: 703-684-5300

Fax: 703-739-5533

E-Mail: ilj@ilj.org

Everett, Washington, Arrest Policies Project

A Process Evaluation

October 4, 2000

Prepared by
Deborah L. Spence

Prepared for
**Everett Domestic Violence Unit
National Institute of Justice
Violence Against Women Office**

Introduction

The Grants to Encourage Arrest Policies Program encourages jurisdictions to implement mandatory or pro-arrest policies as an effective domestic violence intervention that is part of a coordinated community response. Congress appropriated funds for the Arrest Program under the Violence Against Women Act (1994). The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders. Ensuring victim safety and offender accountability are the guiding principles underlying the Grants to Encourage Arrest Policies. The Violence Against Women Act directs that the Arrest Program funds be used to

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest program and policies for protective order violations;
- Develop policies and training programs in police departments and other criminal justice and tribal agencies to improve tracking of cases involving domestic violence;
- Centralize and coordinate police enforcement, prosecution, probation, parole or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers or judges
- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system
- Educate judges and others responsible for judicial handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to improve judicial handling of such cases.

The Institute for Law and Justice, Inc. (ILJ) is conducting a national assessment of the Grants to Encourage Arrest Policies Program, which is funded by the National Institute of Justice. ILJ is using a three-stage methodology for this evaluation. First is an annual national assessment of all sites that will document the type and extent of projects funded. Second, a process evaluation of twenty sites will examine the process and problems associated with implementation of the project. And third, an impact evaluation of five to six sites will assess the

impact of the project on the agencies involved, victim well-being, offender accountability, and the community.

This report discusses the project environment, describes the development and implementation of the Everett Domestic Violence Unit, and offers conclusions and recommendations drawn from the Everett experience. The information derives from interviews, program documentation, and a review of local statistics.¹ The city of Everett was awarded two, 18-month Arrest Program grants to implement a “Domestic Violence Enhanced Prosecution Effectiveness” project, which involves a Domestic Violence Unit (DVU) administered by the Everett City Attorney’s Office. The DVU represents a collaboration with various local partners—primarily the Everett Police Department and the Snohomish County Center for Battered Women (CBW). The Everett DVU was launched with a \$314,005 Arrest Program grant awarded in March 1997. The City Attorney’s Office also applied for and received a continuation grant for \$425,000 to cover a second 18-month period (from September 16, 1998 through March 15, 2000). The project’s overall goal, as stated in the application, was “to increase the successful prosecution of misdemeanor domestic violence related charges, in the City of Everett, by 50 percent within 18 months.”

Key project personnel proposed were a city prosecutor to handle all domestic violence cases, a police sergeant, a victim/witness coordinator, and an office assistant. The Everett Police Department contributed \$116, 663 to cover salary and benefits for the sergeant. The second grant also supports one full-time advocate to serve Everett residents through a contract with the CBW.

Project Environment

City of Everett and Snohomish County Demographics

The city of Everett is located about 30 miles north of Seattle, Washington, on the Port Gardner Bay. It is the Snohomish County seat and the county’s largest city, with a population of about 84,130. The city has an elected mayor and a seven-member city council. Approximately 92 percent of the city’s population is white, with the largest minority groups being Hispanic and

¹ A site visit was conducted July 12-16, 1999.

Asian. In addition, Everett has a significant number of residents from Eastern Europe and the Middle East for whom English is a second language.

As the City Attorney's Office notes in its second grant application, Everett's population "is neither extremely wealthy nor extremely poor." Although Everett was once a lumber mill town, its major employers now include many technical and services industries, including Boeing, GTE Northwest, and BF Goodrich (aircraft maintenance), as well as the Kimberly Clark Paper Company and Naval Station Everett. The naval station, whose population has been growing, has a family services coordinator who works cooperatively with the City Attorney's DVU

Criminal Justice System

The key criminal justice agencies involved in the Domestic Violence Unit are the Everett Police Department, Everett City Attorney's Office, and the Everett Municipal Court, which supervises the Municipal Probation Office.

Law Enforcement

The Everett Police Department has a force of 180 sworn officers. Each of the department's three divisions—Administration, Investigations, and Patrol—is headed by a deputy chief. The patrol division has two sections, North and South. The department also has a strong community policing component.

Other law enforcement agencies serving the area are the Snohomish County Sheriff's Department and Washington State Police. The Sheriff's Department has 200 officers and serves the unincorporated areas in the county. Although technically it has jurisdiction throughout the county, the Sheriff's Department typically refers cases from the city of Everett to the Everett Police Department. The Washington State Police have 80 troopers based in Snohomish County. They serve in the area primarily to enforce traffic laws but also enforce the criminal code throughout the county. In the last few years, the troopers have begun serving all Orders of Protection and assisting with photographic evidence collection.

City Attorney's Office

The Everett Legal Department is supervised by the City Attorney and provides both prosecution and defense services for the Municipal Court. The Legal Department's On-Going

Legal Services Program houses the prosecutor's office, as well as general attorneys for the city. The Indigent Defense Program provides legal assistance to indigent defendants in the Municipal Court through contractual arrangements with private counsel. The Legal Department is also responsible for providing legal advice and training to the Everett Police Department.

One Assistant City Attorney, who is the current Project Director for the Domestic Violence Unit, prosecutes domestic violence cases in the Municipal Court. In general, domestic violence cases are tried as gross misdemeanors, which carry sentences of up to one year and a \$5,000 fine. Misdemeanor domestic violence cases that occur outside the Everett city limits, within Snohomish County, are heard in the County District Court. Felony domestic violence cases in the city of Everett are heard in the Snohomish County Superior Court and are prosecuted by the Snohomish County Attorney's Office.

Court System

The Everett Municipal Court has jurisdiction in the city of Everett over misdemeanors, gross misdemeanors, and traffic offenses and infractions filed by the Everett Police Department or the City Attorney. The Court has two municipal judges, one court administrator, and other administrative and security staff. One municipal judge serves as a senior, presiding judge and hears municipal cases on a three-quarter time schedule; the other municipal judge hears cases on a half-time schedule.

Municipal Probation Office

The Municipal Court Probation Office is housed adjacent to the courthouse and is supervised by the Municipal Court judges. It is staffed by two probation officers, who are responsible for monitoring all misdemeanor probationers at the municipal level. Most case monitoring is done through electronic monitoring or phone contact. The probation office is also responsible for pre-trial case screening and for pre-sentencing reports. One objective for the second grant period is to increase compliance monitoring of domestic violence offenders in cooperation with the Probation Office. The work plan calls for obtaining technical assistance from the Office of Justice Programs (OJP).

Center for Battered Women

The Arrest Program requires grantees to work in partnership with a community victim services organization. In Everett, this partner is the Snohomish County Center for Battered Women (CBW). The CBW is a private, non-profit organization based in Everett. It has served Snohomish County since 1976 and is the only program in the county providing emergency shelter and comprehensive services to victims and child witnesses of domestic violence. An early supporter of the project, CBW became a formal partner when the second Arrest Program grant provided funds for a CBW legal advocate to serve Everett residents.

As a state-funded program, the CBW is mandated to use an advocacy-based counseling approach that has “a primary focus on safety planning and on empowerment of the client through reinforcing the client’s autonomy and self-determination.”² The organization believes that “battering is a learned behavior and that batterers must be held accountable for their use of violence.”³ The CBW’s policy is to respond to the community “without regard to age, gender, race, religion, culture, national origin, sexual orientation, or income level.” In terms of specific services, CBW provides

- A 24-hour victim hotline for crisis intervention.
- Information and referral services.
- Temporary, emergency shelter services in a confidential location for battered women and their children. Within the shelters, CBW supports victims with food and clothing, counseling, support groups, domestic violence education, children's services, and general information and referral services. CBW also has a transitional housing program.
- Community support groups for women who are being or have been abused.
- Legal advocacy, information, and education services. This includes assisting victims with protection orders, criminal processes, and other legal issues; and making referrals for legal representation.
- Community education through speakers, training, and workshops.

CBW has a current staff of approximately 20, including 4 legal advocates, 3 women's services advocates, 2 children's services advocates, and 1 case manager for transitional housing. The legal advocates work in police departments, shelters, and the community at large. The

² “Snohomish County Center For Battered Women Victim Advocacy Services,” handout provided to ILJ project staff in July 1999 (n.d.).

³ Ibid.

women's and children's services advocates work directly in the shelters, and the housing case manager oversees nine transitional housing units. The remainder of the staff are supervisory or administrative.

Oversight and Policy Guidance Committee

The Oversight and Policy Guidance Committee first met in April 1997 and has been meeting monthly since that time to address issues related to case processing, service coordination, and other grant objectives. The Committee includes the DVU staff, the non-profit partner (CBW), the Snohomish County Victim Assistance Unit, Municipal Court, Snohomish County Protection Order Program, Providence Hospital Sexual Assault Center, U.S. Naval Family Advocacy Program, and others.

Through the Committee, the Unit refined its mission statement, and policies and procedures were developed based on sample protocols from the Battered Women's Justice Project. Some of these include victim safety during court proceedings, educating victims about prosecution, personal service of victims who are cooperative with prosecution, and when a violation should result in revocation of probation. The Committee also discussed ways to ensure that perpetrators are not released prior to a judge setting bail and signing No Contact Orders.

Domestic Violence Laws

As a separate municipality, the city of Everett has created its own ordinances that mirror the domestic violence provisions of the state law. Where there is no relevant local ordinance, the Revised Code of Washington (RCW) governs.

Below is a summary of the sections of the code that are generally used when processing domestic violence cases in the Everett Municipal Court. The two areas that deal most directly with this crime are the sections covering assaults and protection orders. The code for protection orders is directly defined by the Everett Municipal Code. There are no relevant local ordinances for assault; consequently the RCW is followed.

Assault

In the Everett Municipal Code, Title 10, Chapter III, Section 10.16, outlines Assault and Related Offenses and is used to prosecute domestic violence cases. In this section, the code

directly defers to the Revised Code of Washington (RCW), which outlines applicable cases for assault from the first to the fourth degree. Assaults in the first, second, or third degree are considered Class A, B, and C felonies and are therefore not heard in the Municipal Court.

Assaults in the fourth degree, which are classified as gross misdemeanors, are the only forms of assault that may be tried in the Everett Municipal Court. However, as assault in the fourth degree is not specifically defined in the RCW, the DVU defers to components of Jury Instructions. This includes the following four Instructions or definitions used to define assault at the municipal level:

- (1) An Assault is an intentional touching or striking of another person that is harmful or offensive, regardless of whether any physical injury is done to the person. A touching or striking is offensive if the touching or striking would offend an ordinary person who is not unduly sensitive.
- (2) An Assault is also an act, with unlawful force, done with intent to inflict bodily injury upon another, intending, but failing to accomplish it, and accompanied with the apparent present ability to inflict the bodily injury if not prevented.
- (3) An Assault is an act, with unlawful force, done with the intent to create in another apprehension and fear of bodily injury, and which in fact creates in another reasonable apprehension and imminent fear of bodily injury even though the actor did not actually intend to inflict bodily injury.
- (4) “Bodily harm” means physical pain, illness, or an impairment of physical conditions.

No Contact Orders

A criminal No Contact Order may be pursued by the victim of an assault once criminal charges are filed or pending (RCW 10.99). A violation of pretrial or post-conviction No Contact Order issued under RCW 10.99 is a gross misdemeanor. A violation that occurs through an assault, which does not amount to a first or second degree assault, is a Class C felony. Penalties for violation of a No Contact Order are equivalent at both the pretrial and post-conviction stages; however, the court may require electronic monitoring of an offender who violates a pretrial No Contact Order.

Order of Protection

Any person who is a victim of domestic violence or fears violence by a “family or household member” may obtain a civil Order of Protection (RCW 26.50). Family or household members here are defined as persons who are married, have been married, or who have a child in

common; adult persons who are related and reside or resided together; and persons 16 years of age and older who have been or are dating. Orders of Protection can be tailored to individual needs and can do the following:

- Prohibit contact of any kind
- Remove the abuser from a shared residence and prohibit the abuser from entering
- Give temporary custody of children and set a visitation schedule
- Order the abuser into treatment or counseling.

Violation of a restraint provision under an Order of Protection is a gross misdemeanor and may result in exclusion of the violator from a residence, workplace, school, or day care facility.

Restraining Orders

According to RCW 26.09 and 26.26, married persons or persons with a child in common, who are filing for divorce, legal separation, custody, or to determine parentage, may file for a civil Restraining Order.⁴ A Restraining Order has the same powers as a civil Order of Protection, except it may also order child support and maintenance income, assign property, establish permanent child custody or use of family income. In order to qualify, a person does not need to have experienced assault or threats of violence.

Project Planning and Proposed Objectives

For the original grant application, an Everett deputy police chief and a city prosecutor took the lead in project planning. The first application was submitted by the Everett Police Department and envisioned a police-administered project, with a sergeant in a supervisory role. After the grant was awarded, however, it was decided it was not appropriate for a police officer to supervise a city prosecutor. The project was turned over to the City Attorney's Office, and an Assistant City Attorney was chosen as Project Director. She supervised another Assistant City Attorney who prepared and prosecuted cases for the DVU; a police sergeant; a victim witness coordinator; and an office assistant. When the first Project Director was promoted in March 1998, the Unit prosecutor became Project Director in addition to continuing his prosecutorial duties.

⁴ Where no relationship exists between the parties, the court may issue a civil Anti-Harassment Order. According to RCW 10.14, a person who is seriously alarmed, annoyed, or harassed by conduct of another, which serves no legitimate for lawful purpose, may obtain a civil Anti-Harassment Order.

The city's continuation grant application proposed a formal partnership with the CBW. That application, submitted by the City Attorney's Office, included a Memorandum of Understanding (signed by the Mayor, City Attorney, and CBW Executive Director) wherein the city agreed to contract with CBW for a victim advocate to serve Everett residents.

The overall purpose of the Domestic Violence Unit, as explained in the first grant application, is to enhance the successful prosecution of misdemeanor domestic violence cases by using "a combination of multi-dimensional victim/witness services" and by implementing "victimless prosecution" in appropriate cases involving uncooperative victims.

The singular goal of the project was stated as follows: "To increase the successful prosecution of misdemeanor domestic violence related charges, in the City of Everett, by 50 percent within eighteen (18) months." The Project's objectives are outlined in Exhibit 1.

Exhibit 1: Project Objectives

Subject Area	Objectives/Tasks
<i>Case screening and preparation</i>	<ul style="list-style-type: none"> • Coordinate with the police • Identify deficiencies in domestic violence police reports • Provide training and other assistance to police to aid in correcting deficiencies
<i>Victim/witness coordination, counseling/referral, and other services</i>	<p>A victim/witness coordinator to work with police, prosecutor and victim services to:</p> <ul style="list-style-type: none"> • Make initial contact and conduct screening interviews with all domestic violence victims associated with cases referred by the Everett Police Department. • Immediately identify “reluctant, hostile and/or uncooperative victims of domestic violence.” • Collect articles of evidence to support cases deemed appropriate for “victimless” prosecution (e.g., E-911 tapes, medical reports, photographic or video evidence, additional witness statements, etc.) • Advise all victims (including those who are reluctant or uncooperative) of available community services and support • Help victims obtain subpoenas, protection orders, and other legal documents.
<i>Record keeping and case tracking</i>	<ul style="list-style-type: none"> • Establish and maintain a computerized case tracking database capable of producing monthly case status and statistical reports

For the continuation grant period, the City Attorney’s Office proposed continuing the program elements outlined above, with several enhancements intended to provide a more coordinated community response for victims, strengthen the project’s legal advocacy component, and address needs for community and judicial education. Thus, the second application added the objectives and tasks described in Exhibit 2.

Exhibit 2: Additional Objectives and Tasks in the Continuation Grant

Subject Area	Objectives/Tasks
<i>Enhanced centralization and coordination of law enforcement, prosecution, probation, and victim services</i>	<ul style="list-style-type: none"> • Increased monitoring of offender compliance with sentencing conditions • Use of legal interns training and mentored by the project director
<i>Judicial education</i>	<ul style="list-style-type: none"> • Prepare a training program specifically for judges • Hire <i>pro tem</i> judges to cover the court calendar while the municipal judges are in training
<i>Training on co-occurrence of domestic violence and child abuse</i>	<ul style="list-style-type: none"> • Bring child advocates onto the oversight and policy guidance committee
<i>Strengthened legal advocacy services</i>	<ul style="list-style-type: none"> • Contract with the CBW for a full-time advocate • Ask all victims receiving Unit services to complete a questionnaire about their experiences.

For both grants, the city of Everett proposed that success be measured primarily by “comparing successful domestic violence case prosecution to case referral ratios.” Additional measures proposed for the second grant period included

- Increases in penal sanctions for violations of sentencing conditions
- Feedback from the community and the Oversight and Policy Guidance Committee with respect to public education efforts
- For CBW advocate services, feedback from the victim questionnaire, and number of cases referred for prosecution after CBW counseling or other services.

Project Implementation

After the first grant was awarded in March 1997, the City Attorney and the initial project director hired staff and resolved various logistical issues to create the office. By July 1997, they had filled all positions, and Unit operations began on August 15, 1997. The current unit consists of the following positions:

- City Prosecutor (currently the Project Director)
- Two patrol officers (formerly the Police Sergeant)
- Victim/Witness Coordinator (contracted through Center for Battered Women)
- Office Assistant.
- Legal intern.

Unit Staffing and Training

The quality and motivation of staff assigned to the DVU determine the success of this project. This section focuses on changes in Unit staffing and training.

Staffing. Several staffing changes have occurred since the project first began. The current Project Director has been with the Unit throughout both grant periods, first as the domestic violence case prosecutor and then (after March 1998) as both prosecutor and Project Director. A patrol officer replaced the sergeant initially assigned in March 1998. Another patrol officer was added in September 1998. Shortly after the ILJ site visit in July 1999, the first patrol officer was reassigned out of the Unit. In February 1999, a new victim/witness coordinator took over. The first office assistant hired for the Unit worked from August 1997 through July 1998, when the current office assistant began.

These staffing changes do not appear to have had a negative effect on the Unit's ability to meet its objectives. As will be discussed in the following section, the number of domestic violence cases successfully prosecuted increased almost as soon as the Unit began operation and has remained at a high level. Where there was the most change was in the victim/witness coordinator's area of emphasis. Apparently, the first coordinator spent considerable time in the field working with police on victim contacts and follow-up investigations, while the second spends more time in court and on legal advocacy. The difference in approach was attributed by some to the individuals' backgrounds before joining the Unit; moreover, by the second grant period, the Unit had identified a need to enhance legal advocacy services.

Training. Project staff have attended and led a number of training sessions on domestic violence since this project began. In the first six months, these included a VAWO-required Tacoma Regional Technology Workshop, the National College of District Attorneys 7th Annual National Conference on Domestic Violence, a regional conference on domestic violence, and a three-day conference focusing upon the dynamics of domestic violence and federal laws, batterers and intervention, child witnesses, enforcement of orders, effective police response, investigation and report writing for prosecution, and victim safety and law enforcement issues.

In the second quarter, project staff attended a special condition training entitled, "Building An Effective Coordinated Community Response", a U.S. Naval Symposium where they were trained on who to contact when sailors are charged with domestic violence, and an

Open House at Providence Hospital's Sexual Assault Unit, which coordinates with the DVU when victims are treated for injuries.

In the third quarter, one Unit officer attended the National College of District Attorney's Annual Domestic Violence Conference. The Project Director attended the Washington State Association of Municipal Attorney's Conference, where one day was devoted to domestic violence prosecution. The Unit also attended a VAWO sponsored focus group to discuss program successes, VAWO's role in improvement, and ways to strengthen the programs.

Meeting Project Objectives

During the first grant period, the DVU implemented three core program elements: case screening and prosecution, victim/witness coordination, case tracking/statistical reporting. In the second grant period, the Unit worked to meet four additional objectives (centralization and coordination of services; judicial education; training on the co-occurrence of domestic violence and child abuse; and legal advocacy).

Case Screening and Prosecution. As of September 22, 1997, the prosecuting attorney began a case screening and preparation process that includes reviewing all cases, coordinating investigations, and making charging decisions on all non-booked cases. Preparation is enhanced through follow-up investigations conducted by the patrol officer and the victim/witness coordinator. The evidence collected by the officer includes medical reports and records; copies of 911 tapes; supplemental photographs; and, with the coordinator's assistance, victim and witness statements.

During the first six months, the Unit sergeant, began providing the Unit prosecutor with the criminal history of perpetrators. This enabled the prosecutor to make informed bail requests, as well as charging and no-contact order decisions. The goal here was to decrease the incidence of dismissals for repeat offenders. DVU members also began meeting twice weekly to review upcoming bench and jury trials and review strategies for proceeding on cases without victim participation.

A critical element of the case screening and prosecution objective is to provide training and other assistance to the police to ensure proper case handling and to correct deficiencies in written reports. The Unit prosecutor addressed this need both through one-on-one

communication with officers and through various training classes. Early in the project, he began contacting officers regularly, providing feedback regarding their investigations, reports, and testimony, and later notifying them as to the disposition of their cases. The officers responded positively and began calling the prosecutor to ask questions. By the time the prosecutor had taken over as Project Director, he was regularly fielding questions from Everett Police Officers and had established an open line of communication.

A number of persons interviewed noted major improvements in the quality of police reports in domestic violence cases (for example, “reports improved 200 percent,” “reports improved greatly,” “the EPD has a better understanding of domestic violence because of the grant . . . much improved with respect to evidence and reports”).

In addition, the Unit prosecutor teaches a four-hour class to recruits that addresses victimless prosecution, statutory requirements, report writing, and testifying. The Unit sergeant also began one-on-one training of new department recruits, explaining case handling procedures and also emphasizing the importance of domestic violence cases in the city of Everett. By the second quarter, the Unit prosecutor began on-going, monthly in-service training on domestic violence for sworn officers. The EPD also asked that the Unit prosecutor write all domestic violence examination questions for the police sergeant's examination.

In the third quarter, the Project Director/prosecutor began going to trial more often to give officers more courtroom experience, as well as show batterers that domestic violence cases would be prosecuted with or without victims present. By the third quarter, the Unit prosecutor reported that the defense bar began to accept as routine the aggressive prosecution of cases without victim testimonies.

Another important facet of the case screening and prosecution component of this grant is inter-agency coordination. Staff provided several examples of coordination with the Snohomish County Attorney's Office. In the first six months of the project, the Unit prosecutor collaborated with the county prosecutor and had a case upgraded to a felony charge; and the county prosecutor informed the Unit prosecutor of another case that would not be charged as a felony in time for the Unit prosecutor to file misdemeanor charges before the arrestee was released.

The Unit prosecutor also met with the local Judge Advocate General's (JAG) Office regarding domestic violence involving naval personnel. Three key results of this meeting were

the following: (1) the Unit agreed to notify JAG of domestic violence cases involving naval personnel, (2) the Navy agreed to put naval no-contact orders on perpetrators when requested by the Unit, and (3) the Navy agreed that the Everett Police Department may serve protective orders on the base.

Victim/Witness Coordination. The objective to provide victim/witness coordination, counseling, referral, and other services requires the work of both the victim/witness coordinator and the police officers assigned to the Unit. In the first quarter, the Unit sergeant began providing police patrol, investigations, and the jail with a list of active, no-contact orders, with the goal of increasing victim safety and decreasing the reliance on victims to report violations. Other accomplishments early in the project included

- Creating a safe place for victims in the courthouse.
- Notifying victims of charging decisions.

Case Tracking/Statistical Reporting. The office assistant, along with other Unit staff, is responsible for maintaining all domestic violence case files for the Unit, establishing and maintaining a database of victim and offender information, and producing monthly statistical reports.

In the first quarter of the first grant period, the Unit streamlined its record keeping functions and improved its case tracking processes through informal communication. This resulted in what the Project Director described as a “visual tracking system,” a variety of checklists and routing forms, and delegation of case tracking and record keeping responsibilities within the Unit. The Unit also developed and implemented a form for personally-served subpoenas, and began stamping subpoenas with a declaration of mailing, which assists in holding witnesses accountable for court appearances.

Also in the first quarter, a computer case management program was adopted; it was a modification of the police system. The system provides case management/control information, but does not provide criminal history or criminal intelligence information.

The Project Director and City Attorney realized the Unit was in need of a database and tracking software system. As this was not budgeted into their original grant, they asked their in-house information technology staff to provide them with a database with tracking capabilities. At the time of the ILJ site visit in July 1999, the system functioned as a database, but it was only

able to track cases by case number. The Unit continues to work to develop a more efficient case tracking system.

The Unit was able to provide the evaluators with summary reports for 1997 (August through December), 1998, and 1999 (January through June) indicating the number of cases received, total cases closed, and total positive dispositions (guilty plea or verdict) as a percentage of cases closed. Also provided were average annual conviction rates and monthly conviction rates.

Centralization and Coordination of Services. In the second grant period, the Unit sought to enhance its efforts to centralize and coordinate services in two ways: through increased compliance of offenders with sentencing conditions and by employing legal interns to assist with case processing.

In the earlier stages of the project, the role of probation had been peripheral, as the Municipal Court has only two probation officers for all cases. Project staff reported that batterers were consistently being held accountable through rigorous, victimless prosecution. However, it was also reported that a case came before the court where a perpetrator had a history of 12 No Contact Order Violations with the same victim. Although the Unit prosecutor joined these cases and got a one-year county jail sentence, this case makes it apparent that monitoring of probationers is minimal.

The Domestic Violence Unit saw the use of legal interns as one way to not only obtain assistance in case processing, but also to mentor future domestic violence prosecutors. In the third quarter of the first grant period, the DVU brought in its first Rule 9 Intern. Under Washington State Law, the intern was able to practice law under the supervision of the Unit prosecutor. The intern remained with the Unit until October 1998. A second intern began in January 1999.

Judicial Education. Another objective for the second grant period was to “educate the judiciary about domestic violence to improve judicial handling of such cases to ensure victim safety and offender accountability through proactive judicial management.” The prosecution's reputation for being diligent and well prepared has evidentially been recognized by the judges. Anecdotal evidence suggests that the Unit prosecutor and victim witness coordinator were able to encourage more court-ordered batterer treatment and reduce “victim bashing” by judges.

Training on the Co-Occurrence of Domestic Violence and Child Abuse. The Unit proposed to immediately bring child advocates into the Oversight and Policy Guidance Committee (specifically, child advocates from Child Protective Services, the Snohomish County Prosecutors Office, and the CBW). With the help of the expanded Committee, the Unit then planned to develop a training program specifically focused on the co-occurrence of domestic violence and child abuse, and the impact of domestic violence on child witnesses.⁵

Legal Advocacy. The Domestic Violence Unit brought on a full-time legal advocate through a contract with the CBW. Her specific responsibilities include

- Serving victims referred by the Unit and other Everett service providers
- Providing outreach to Everett hospitals, child protective services, welfare, and other service providers to increase identification and referral of domestic violence victims.
- Participating in the Unit’s training programs.

The DVU developed a questionnaire to gauge victim satisfaction as part of the continuation grant application. However, this questionnaire has not yet been administered.

Project Performance

According to the proposal, project performance would be measured primarily by “comparing successful domestic violence case prosecution to case referral ratios.” Additional measures proposed for the second grant period included

- Increases in penal sanctions for violations of sentencing conditions
- Feedback from the community and the Oversight and Policy Guidance Committee with respect to public education efforts
- For CBW advocate services, feedback from the victim questionnaire, and number of cases referred for prosecution after CBW counseling or other services.

This project does not have an independent evaluator. Consequently, some of the measures proposed have never been collected. For instance, the victim questionnaires have not been administered, and feedback from the community and the Oversight and Policy Guidance Committee remains informal. Nevertheless, project staff have collected data on conviction rates.

⁵ The VAWO imposed a number of special conditions on the second, continuation grant. Most of these were routine; however, one required VAWO approval for any “child abuse/CPS collaborative efforts.”

The Unit is referred an average of 80 to 90 cases per month. Just prior to the formation of the Domestic Violence Unit, the prosecutor's office implemented data collection procedures, so as to provide a baseline for comparison of statistics after the implementation of “Enhanced Prosecution.” Exhibit 3 shows the pre-grant conviction rates of 40 percent in January 1996 and January 1997, and the post-grant rate of 85 percent for the same period in 1998.

Exhibit 3: Pre- and Post-Grant Conviction Rates

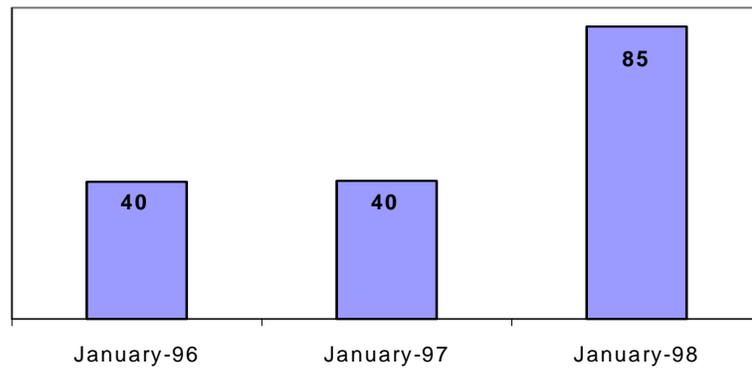
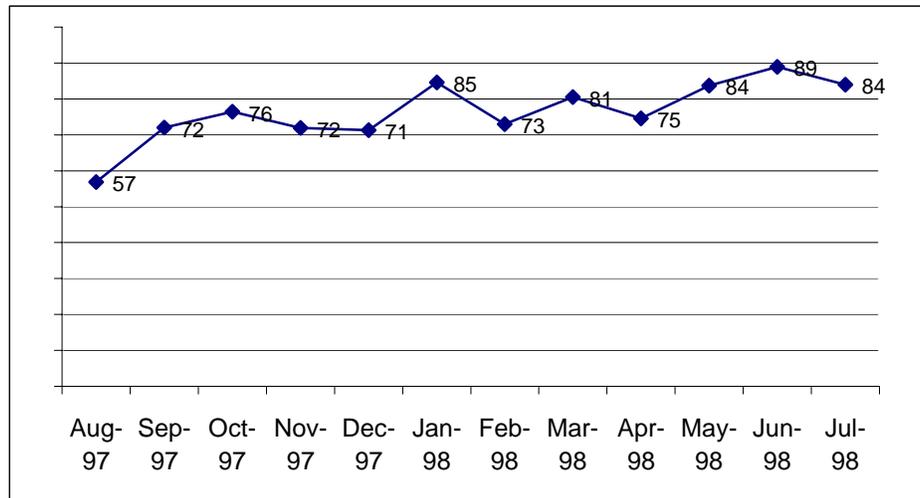


Exhibit 4 illustrates the upward trend in conviction rates over a one-year grant period. In August 1997, the conviction rate was 57 percent. This figure gradually increased so that, for the first part of 1998, the accumulated conviction rate was more than 80 percent. The average conviction rate over the entire project period through to May 1999 was 80 percent.

Exhibit 4: Domestic Violence Conviction Rates, August 1997 to July 1998

Recommendations and Conclusions

The Everett Arrest Project has met its primary measure of success, as stated in their proposals. As is demonstrated above, the percentage of successful prosecutions as compared to the number of cases referred has increased since the project began. However, this does not mean that there are not ways in which the project team might improve the overall project performance.

While there is daily interaction between the partnering agencies and the partnership between the City Attorney's Office and CBW has evolved so that there is an increased role for the non-profit, the focus of the project remains on prosecution. Despite intentions outlined in the project goals and objectives, advocacy is more or less considered a separate entity outside the project. Based on the solid foundations of this partnership, there is room for considerable growth in the role played by CBW. This would increase the likelihood that the Everett project was really meeting one of the guiding principles of the Arrest Program—enhanced victim safety.

Greater effort and emphasis on the first two goals of the second proposal would also be of benefit to this project's performance. It does not appear that as of this site visit, much was being done to increase the role of probation in this project. The other guiding principle of the Arrest

Program is increased offender accountability. Without improvements in the monitoring of probationers, the only way the Everett project can hold batterers accountable is through rigorous, victimless prosecution, and this might in fact jeopardize victim safety. Going forward with the project plans for judicial education would also go far to improve both victim safety and offender accountability. While it seems that the judges have been influenced by indirect means to be more considerate of the victims, the fact that the municipal court judges supervise the city's probation office suggests that formal training and education of the city's judiciary could have a very important effect on both victim safety and offender accountability.

With these components addressed, the Everett Arrest Project could stand as an example of a comprehensive effort to combat domestic violence, with the added bonus of statistical and analytical capabilities. Without them, the Everett Project can only demonstrate the dedication of the City Attorney's Office to prosecuting domestic violence cases. While this is commendable, there is no evidence that this will lead Everett to fulfill the principles of the Arrest Program.

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Institute for Law and Justice

1018 Duke Street
Alexandria, Virginia
Phone: 703-684-5300
Fax: 703-739-5533
E-Mail: ilj@ilj.org

Everett, Washington, Arrest Policies Project

A Process Evaluation

October 4, 2000

Prepared by
Deborah L. Spence

Prepared for
**Everett Domestic Violence Unit
National Institute of Justice
Violence Against Women Office**

Introduction

The Grants to Encourage Arrest Policies Program encourages jurisdictions to implement mandatory or pro-arrest policies as an effective domestic violence intervention that is part of a coordinated community response. Congress appropriated funds for the Arrest Program under the Violence Against Women Act (1994). The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders. Ensuring victim safety and offender accountability are the guiding principles underlying the Grants to Encourage Arrest Policies. The Violence Against Women Act directs that the Arrest Program funds be used to

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest program and policies for protective order violations;
- Develop policies and training programs in police departments and other criminal justice and tribal agencies to improve tracking of cases involving domestic violence;
- Centralize and coordinate police enforcement, prosecution, probation, parole or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers or judges
- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system
- Educate judges and others responsible for judicial handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to improve judicial handling of such cases.

The Institute for Law and Justice, Inc. (ILJ) is conducting a national assessment of the Grants to Encourage Arrest Policies Program, which is funded by the National Institute of Justice. ILJ is using a three-stage methodology for this evaluation. First is an annual national assessment of all sites that will document the type and extent of projects funded. Second, a process evaluation of twenty sites will examine the process and problems associated with implementation of the project. And third, an impact evaluation of five to six sites will assess the

impact of the project on the agencies involved, victim well-being, offender accountability, and the community.

This report discusses the project environment, describes the development and implementation of the Everett Domestic Violence Unit, and offers conclusions and recommendations drawn from the Everett experience. The information derives from interviews, program documentation, and a review of local statistics.¹ The city of Everett was awarded two, 18-month Arrest Program grants to implement a “Domestic Violence Enhanced Prosecution Effectiveness” project, which involves a Domestic Violence Unit (DVU) administered by the Everett City Attorney’s Office. The DVU represents a collaboration with various local partners—primarily the Everett Police Department and the Snohomish County Center for Battered Women (CBW). The Everett DVU was launched with a \$314,005 Arrest Program grant awarded in March 1997. The City Attorney’s Office also applied for and received a continuation grant for \$425,000 to cover a second 18-month period (from September 16, 1998 through March 15, 2000). The project’s overall goal, as stated in the application, was “to increase the successful prosecution of misdemeanor domestic violence related charges, in the City of Everett, by 50 percent within 18 months.”

Key project personnel proposed were a city prosecutor to handle all domestic violence cases, a police sergeant, a victim/witness coordinator, and an office assistant. The Everett Police Department contributed \$116, 663 to cover salary and benefits for the sergeant. The second grant also supports one full-time advocate to serve Everett residents through a contract with the CBW.

Project Environment

City of Everett and Snohomish County Demographics

The city of Everett is located about 30 miles north of Seattle, Washington, on the Port Gardner Bay. It is the Snohomish County seat and the county’s largest city, with a population of about 84,130. The city has an elected mayor and a seven-member city council. Approximately 92 percent of the city’s population is white, with the largest minority groups being Hispanic and

¹ A site visit was conducted July 12-16, 1999.

Asian. In addition, Everett has a significant number of residents from Eastern Europe and the Middle East for whom English is a second language.

As the City Attorney's Office notes in its second grant application, Everett's population "is neither extremely wealthy nor extremely poor." Although Everett was once a lumber mill town, its major employers now include many technical and services industries, including Boeing, GTE Northwest, and BF Goodrich (aircraft maintenance), as well as the Kimberly Clark Paper Company and Naval Station Everett. The naval station, whose population has been growing, has a family services coordinator who works cooperatively with the City Attorney's DVU

Criminal Justice System

The key criminal justice agencies involved in the Domestic Violence Unit are the Everett Police Department, Everett City Attorney's Office, and the Everett Municipal Court, which supervises the Municipal Probation Office.

Law Enforcement

The Everett Police Department has a force of 180 sworn officers. Each of the department's three divisions—Administration, Investigations, and Patrol—is headed by a deputy chief. The patrol division has two sections, North and South. The department also has a strong community policing component.

Other law enforcement agencies serving the area are the Snohomish County Sheriff's Department and Washington State Police. The Sheriff's Department has 200 officers and serves the unincorporated areas in the county. Although technically it has jurisdiction throughout the county, the Sheriff's Department typically refers cases from the city of Everett to the Everett Police Department. The Washington State Police have 80 troopers based in Snohomish County. They serve in the area primarily to enforce traffic laws but also enforce the criminal code throughout the county. In the last few years, the troopers have begun serving all Orders of Protection and assisting with photographic evidence collection.

City Attorney's Office

The Everett Legal Department is supervised by the City Attorney and provides both prosecution and defense services for the Municipal Court. The Legal Department's On-Going

Legal Services Program houses the prosecutor's office, as well as general attorneys for the city. The Indigent Defense Program provides legal assistance to indigent defendants in the Municipal Court through contractual arrangements with private counsel. The Legal Department is also responsible for providing legal advice and training to the Everett Police Department.

One Assistant City Attorney, who is the current Project Director for the Domestic Violence Unit, prosecutes domestic violence cases in the Municipal Court. In general, domestic violence cases are tried as gross misdemeanors, which carry sentences of up to one year and a \$5,000 fine. Misdemeanor domestic violence cases that occur outside the Everett city limits, within Snohomish County, are heard in the County District Court. Felony domestic violence cases in the city of Everett are heard in the Snohomish County Superior Court and are prosecuted by the Snohomish County Attorney's Office.

Court System

The Everett Municipal Court has jurisdiction in the city of Everett over misdemeanors, gross misdemeanors, and traffic offenses and infractions filed by the Everett Police Department or the City Attorney. The Court has two municipal judges, one court administrator, and other administrative and security staff. One municipal judge serves as a senior, presiding judge and hears municipal cases on a three-quarter time schedule; the other municipal judge hears cases on a half-time schedule.

Municipal Probation Office

The Municipal Court Probation Office is housed adjacent to the courthouse and is supervised by the Municipal Court judges. It is staffed by two probation officers, who are responsible for monitoring all misdemeanor probationers at the municipal level. Most case monitoring is done through electronic monitoring or phone contact. The probation office is also responsible for pre-trial case screening and for pre-sentencing reports. One objective for the second grant period is to increase compliance monitoring of domestic violence offenders in cooperation with the Probation Office. The work plan calls for obtaining technical assistance from the Office of Justice Programs (OJP).

Center for Battered Women

The Arrest Program requires grantees to work in partnership with a community victim services organization. In Everett, this partner is the Snohomish County Center for Battered Women (CBW). The CBW is a private, non-profit organization based in Everett. It has served Snohomish County since 1976 and is the only program in the county providing emergency shelter and comprehensive services to victims and child witnesses of domestic violence. An early supporter of the project, CBW became a formal partner when the second Arrest Program grant provided funds for a CBW legal advocate to serve Everett residents.

As a state-funded program, the CBW is mandated to use an advocacy-based counseling approach that has “a primary focus on safety planning and on empowerment of the client through reinforcing the client’s autonomy and self-determination.”² The organization believes that “battering is a learned behavior and that batterers must be held accountable for their use of violence.”³ The CBW’s policy is to respond to the community “without regard to age, gender, race, religion, culture, national origin, sexual orientation, or income level.” In terms of specific services, CBW provides

- A 24-hour victim hotline for crisis intervention.
- Information and referral services.
- Temporary, emergency shelter services in a confidential location for battered women and their children. Within the shelters, CBW supports victims with food and clothing, counseling, support groups, domestic violence education, children's services, and general information and referral services. CBW also has a transitional housing program.
- Community support groups for women who are being or have been abused.
- Legal advocacy, information, and education services. This includes assisting victims with protection orders, criminal processes, and other legal issues; and making referrals for legal representation.
- Community education through speakers, training, and workshops.

CBW has a current staff of approximately 20, including 4 legal advocates, 3 women's services advocates, 2 children's services advocates, and 1 case manager for transitional housing. The legal advocates work in police departments, shelters, and the community at large. The

² “Snohomish County Center For Battered Women Victim Advocacy Services,” handout provided to ILJ project staff in July 1999 (n.d.).

³ Ibid.

women's and children's services advocates work directly in the shelters, and the housing case manager oversees nine transitional housing units. The remainder of the staff are supervisory or administrative.

Oversight and Policy Guidance Committee

The Oversight and Policy Guidance Committee first met in April 1997 and has been meeting monthly since that time to address issues related to case processing, service coordination, and other grant objectives. The Committee includes the DVU staff, the non-profit partner (CBW), the Snohomish County Victim Assistance Unit, Municipal Court, Snohomish County Protection Order Program, Providence Hospital Sexual Assault Center, U.S. Naval Family Advocacy Program, and others.

Through the Committee, the Unit refined its mission statement, and policies and procedures were developed based on sample protocols from the Battered Women's Justice Project. Some of these include victim safety during court proceedings, educating victims about prosecution, personal service of victims who are cooperative with prosecution, and when a violation should result in revocation of probation. The Committee also discussed ways to ensure that perpetrators are not released prior to a judge setting bail and signing No Contact Orders.

Domestic Violence Laws

As a separate municipality, the city of Everett has created its own ordinances that mirror the domestic violence provisions of the state law. Where there is no relevant local ordinance, the Revised Code of Washington (RCW) governs.

Below is a summary of the sections of the code that are generally used when processing domestic violence cases in the Everett Municipal Court. The two areas that deal most directly with this crime are the sections covering assaults and protection orders. The code for protection orders is directly defined by the Everett Municipal Code. There are no relevant local ordinances for assault; consequently the RCW is followed.

Assault

In the Everett Municipal Code, Title 10, Chapter III, Section 10.16, outlines Assault and Related Offenses and is used to prosecute domestic violence cases. In this section, the code

directly defers to the Revised Code of Washington (RCW), which outlines applicable cases for assault from the first to the fourth degree. Assaults in the first, second, or third degree are considered Class A, B, and C felonies and are therefore not heard in the Municipal Court.

Assaults in the fourth degree, which are classified as gross misdemeanors, are the only forms of assault that may be tried in the Everett Municipal Court. However, as assault in the fourth degree is not specifically defined in the RCW, the DVU defers to components of Jury Instructions. This includes the following four Instructions or definitions used to define assault at the municipal level:

- (1) An Assault is an intentional touching or striking of another person that is harmful or offensive, regardless of whether any physical injury is done to the person. A touching or striking is offensive if the touching or striking would offend an ordinary person who is not unduly sensitive.
- (2) An Assault is also an act, with unlawful force, done with intent to inflict bodily injury upon another, intending, but failing to accomplish it, and accompanied with the apparent present ability to inflict the bodily injury if not prevented.
- (3) An Assault is an act, with unlawful force, done with the intent to create in another apprehension and fear of bodily injury, and which in fact creates in another reasonable apprehension and imminent fear of bodily injury even though the actor did not actually intend to inflict bodily injury.
- (4) “Bodily harm” means physical pain, illness, or an impairment of physical conditions.

No Contact Orders

A criminal No Contact Order may be pursued by the victim of an assault once criminal charges are filed or pending (RCW 10.99). A violation of pretrial or post-conviction No Contact Order issued under RCW 10.99 is a gross misdemeanor. A violation that occurs through an assault, which does not amount to a first or second degree assault, is a Class C felony. Penalties for violation of a No Contact Order are equivalent at both the pretrial and post-conviction stages; however, the court may require electronic monitoring of an offender who violates a pretrial No Contact Order.

Order of Protection

Any person who is a victim of domestic violence or fears violence by a “family or household member” may obtain a civil Order of Protection (RCW 26.50). Family or household members here are defined as persons who are married, have been married, or who have a child in

common; adult persons who are related and reside or resided together; and persons 16 years of age and older who have been or are dating. Orders of Protection can be tailored to individual needs and can do the following:

- Prohibit contact of any kind
- Remove the abuser from a shared residence and prohibit the abuser from entering
- Give temporary custody of children and set a visitation schedule
- Order the abuser into treatment or counseling.

Violation of a restraint provision under an Order of Protection is a gross misdemeanor and may result in exclusion of the violator from a residence, workplace, school, or day care facility.

Restraining Orders

According to RCW 26.09 and 26.26, married persons or persons with a child in common, who are filing for divorce, legal separation, custody, or to determine parentage, may file for a civil Restraining Order.⁴ A Restraining Order has the same powers as a civil Order of Protection, except it may also order child support and maintenance income, assign property, establish permanent child custody or use of family income. In order to qualify, a person does not need to have experienced assault or threats of violence.

Project Planning and Proposed Objectives

For the original grant application, an Everett deputy police chief and a city prosecutor took the lead in project planning. The first application was submitted by the Everett Police Department and envisioned a police-administered project, with a sergeant in a supervisory role. After the grant was awarded, however, it was decided it was not appropriate for a police officer to supervise a city prosecutor. The project was turned over to the City Attorney's Office, and an Assistant City Attorney was chosen as Project Director. She supervised another Assistant City Attorney who prepared and prosecuted cases for the DVU; a police sergeant; a victim witness coordinator; and an office assistant. When the first Project Director was promoted in March 1998, the Unit prosecutor became Project Director in addition to continuing his prosecutorial duties.

⁴ Where no relationship exists between the parties, the court may issue a civil Anti-Harassment Order. According to RCW 10.14, a person who is seriously alarmed, annoyed, or harassed by conduct of another, which serves no legitimate for lawful purpose, may obtain a civil Anti-Harassment Order.

The city's continuation grant application proposed a formal partnership with the CBW. That application, submitted by the City Attorney's Office, included a Memorandum of Understanding (signed by the Mayor, City Attorney, and CBW Executive Director) wherein the city agreed to contract with CBW for a victim advocate to serve Everett residents.

The overall purpose of the Domestic Violence Unit, as explained in the first grant application, is to enhance the successful prosecution of misdemeanor domestic violence cases by using "a combination of multi-dimensional victim/witness services" and by implementing "victimless prosecution" in appropriate cases involving uncooperative victims.

The singular goal of the project was stated as follows: "To increase the successful prosecution of misdemeanor domestic violence related charges, in the City of Everett, by 50 percent within eighteen (18) months." The Project's objectives are outlined in Exhibit 1.

Exhibit 1: Project Objectives

Subject Area	Objectives/Tasks
<i>Case screening and preparation</i>	<ul style="list-style-type: none"> • Coordinate with the police • Identify deficiencies in domestic violence police reports • Provide training and other assistance to police to aid in correcting deficiencies
<i>Victim/witness coordination, counseling/referral, and other services</i>	<p>A victim/witness coordinator to work with police, prosecutor and victim services to:</p> <ul style="list-style-type: none"> • Make initial contact and conduct screening interviews with all domestic violence victims associated with cases referred by the Everett Police Department. • Immediately identify “reluctant, hostile and/or uncooperative victims of domestic violence.” • Collect articles of evidence to support cases deemed appropriate for “victimless” prosecution (e.g., E-911 tapes, medical reports, photographic or video evidence, additional witness statements, etc.) • Advise all victims (including those who are reluctant or uncooperative) of available community services and support • Help victims obtain subpoenas, protection orders, and other legal documents.
<i>Record keeping and case tracking</i>	<ul style="list-style-type: none"> • Establish and maintain a computerized case tracking database capable of producing monthly case status and statistical reports

For the continuation grant period, the City Attorney’s Office proposed continuing the program elements outlined above, with several enhancements intended to provide a more coordinated community response for victims, strengthen the project’s legal advocacy component, and address needs for community and judicial education. Thus, the second application added the objectives and tasks described in Exhibit 2.

Exhibit 2: Additional Objectives and Tasks in the Continuation Grant

Subject Area	Objectives/Tasks
<i>Enhanced centralization and coordination of law enforcement, prosecution, probation, and victim services</i>	<ul style="list-style-type: none"> • Increased monitoring of offender compliance with sentencing conditions • Use of legal interns training and mentored by the project director
<i>Judicial education</i>	<ul style="list-style-type: none"> • Prepare a training program specifically for judges • Hire <i>pro tem</i> judges to cover the court calendar while the municipal judges are in training
<i>Training on co-occurrence of domestic violence and child abuse</i>	<ul style="list-style-type: none"> • Bring child advocates onto the oversight and policy guidance committee
<i>Strengthened legal advocacy services</i>	<ul style="list-style-type: none"> • Contract with the CBW for a full-time advocate • Ask all victims receiving Unit services to complete a questionnaire about their experiences.

For both grants, the city of Everett proposed that success be measured primarily by “comparing successful domestic violence case prosecution to case referral ratios.” Additional measures proposed for the second grant period included

- Increases in penal sanctions for violations of sentencing conditions
- Feedback from the community and the Oversight and Policy Guidance Committee with respect to public education efforts
- For CBW advocate services, feedback from the victim questionnaire, and number of cases referred for prosecution after CBW counseling or other services.

Project Implementation

After the first grant was awarded in March 1997, the City Attorney and the initial project director hired staff and resolved various logistical issues to create the office. By July 1997, they had filled all positions, and Unit operations began on August 15, 1997. The current unit consists of the following positions:

- City Prosecutor (currently the Project Director)
- Two patrol officers (formerly the Police Sergeant)
- Victim/Witness Coordinator (contracted through Center for Battered Women)
- Office Assistant.
- Legal intern.

Unit Staffing and Training

The quality and motivation of staff assigned to the DVU determine the success of this project. This section focuses on changes in Unit staffing and training.

Staffing. Several staffing changes have occurred since the project first began. The current Project Director has been with the Unit throughout both grant periods, first as the domestic violence case prosecutor and then (after March 1998) as both prosecutor and Project Director. A patrol officer replaced the sergeant initially assigned in March 1998. Another patrol officer was added in September 1998. Shortly after the ILJ site visit in July 1999, the first patrol officer was reassigned out of the Unit. In February 1999, a new victim/witness coordinator took over. The first office assistant hired for the Unit worked from August 1997 through July 1998, when the current office assistant began.

These staffing changes do not appear to have had a negative effect on the Unit's ability to meet its objectives. As will be discussed in the following section, the number of domestic violence cases successfully prosecuted increased almost as soon as the Unit began operation and has remained at a high level. Where there was the most change was in the victim/witness coordinator's area of emphasis. Apparently, the first coordinator spent considerable time in the field working with police on victim contacts and follow-up investigations, while the second spends more time in court and on legal advocacy. The difference in approach was attributed by some to the individuals' backgrounds before joining the Unit; moreover, by the second grant period, the Unit had identified a need to enhance legal advocacy services.

Training. Project staff have attended and led a number of training sessions on domestic violence since this project began. In the first six months, these included a VAWO-required Tacoma Regional Technology Workshop, the National College of District Attorneys 7th Annual National Conference on Domestic Violence, a regional conference on domestic violence, and a three-day conference focusing upon the dynamics of domestic violence and federal laws, batterers and intervention, child witnesses, enforcement of orders, effective police response, investigation and report writing for prosecution, and victim safety and law enforcement issues.

In the second quarter, project staff attended a special condition training entitled, "Building An Effective Coordinated Community Response", a U.S. Naval Symposium where they were trained on who to contact when sailors are charged with domestic violence, and an

Open House at Providence Hospital's Sexual Assault Unit, which coordinates with the DVU when victims are treated for injuries.

In the third quarter, one Unit officer attended the National College of District Attorney's Annual Domestic Violence Conference. The Project Director attended the Washington State Association of Municipal Attorney's Conference, where one day was devoted to domestic violence prosecution. The Unit also attended a VAWO sponsored focus group to discuss program successes, VAWO's role in improvement, and ways to strengthen the programs.

Meeting Project Objectives

During the first grant period, the DVU implemented three core program elements: case screening and prosecution, victim/witness coordination, case tracking/statistical reporting. In the second grant period, the Unit worked to meet four additional objectives (centralization and coordination of services; judicial education; training on the co-occurrence of domestic violence and child abuse; and legal advocacy).

Case Screening and Prosecution. As of September 22, 1997, the prosecuting attorney began a case screening and preparation process that includes reviewing all cases, coordinating investigations, and making charging decisions on all non-booked cases. Preparation is enhanced through follow-up investigations conducted by the patrol officer and the victim/witness coordinator. The evidence collected by the officer includes medical reports and records; copies of 911 tapes; supplemental photographs; and, with the coordinator's assistance, victim and witness statements.

During the first six months, the Unit sergeant, began providing the Unit prosecutor with the criminal history of perpetrators. This enabled the prosecutor to make informed bail requests, as well as charging and no-contact order decisions. The goal here was to decrease the incidence of dismissals for repeat offenders. DVU members also began meeting twice weekly to review upcoming bench and jury trials and review strategies for proceeding on cases without victim participation.

A critical element of the case screening and prosecution objective is to provide training and other assistance to the police to ensure proper case handling and to correct deficiencies in written reports. The Unit prosecutor addressed this need both through one-on-one

communication with officers and through various training classes. Early in the project, he began contacting officers regularly, providing feedback regarding their investigations, reports, and testimony, and later notifying them as to the disposition of their cases. The officers responded positively and began calling the prosecutor to ask questions. By the time the prosecutor had taken over as Project Director, he was regularly fielding questions from Everett Police Officers and had established an open line of communication.

A number of persons interviewed noted major improvements in the quality of police reports in domestic violence cases (for example, “reports improved 200 percent,” “reports improved greatly,” “the EPD has a better understanding of domestic violence because of the grant . . . much improved with respect to evidence and reports”).

In addition, the Unit prosecutor teaches a four-hour class to recruits that addresses victimless prosecution, statutory requirements, report writing, and testifying. The Unit sergeant also began one-on-one training of new department recruits, explaining case handling procedures and also emphasizing the importance of domestic violence cases in the city of Everett. By the second quarter, the Unit prosecutor began on-going, monthly in-service training on domestic violence for sworn officers. The EPD also asked that the Unit prosecutor write all domestic violence examination questions for the police sergeant's examination.

In the third quarter, the Project Director/prosecutor began going to trial more often to give officers more courtroom experience, as well as show batterers that domestic violence cases would be prosecuted with or without victims present. By the third quarter, the Unit prosecutor reported that the defense bar began to accept as routine the aggressive prosecution of cases without victim testimonies.

Another important facet of the case screening and prosecution component of this grant is inter-agency coordination. Staff provided several examples of coordination with the Snohomish County Attorney's Office. In the first six months of the project, the Unit prosecutor collaborated with the county prosecutor and had a case upgraded to a felony charge; and the county prosecutor informed the Unit prosecutor of another case that would not be charged as a felony in time for the Unit prosecutor to file misdemeanor charges before the arrestee was released.

The Unit prosecutor also met with the local Judge Advocate General's (JAG) Office regarding domestic violence involving naval personnel. Three key results of this meeting were

the following: (1) the Unit agreed to notify JAG of domestic violence cases involving naval personnel, (2) the Navy agreed to put naval no-contact orders on perpetrators when requested by the Unit, and (3) the Navy agreed that the Everett Police Department may serve protective orders on the base.

Victim/Witness Coordination. The objective to provide victim/witness coordination, counseling, referral, and other services requires the work of both the victim/witness coordinator and the police officers assigned to the Unit. In the first quarter, the Unit sergeant began providing police patrol, investigations, and the jail with a list of active, no-contact orders, with the goal of increasing victim safety and decreasing the reliance on victims to report violations. Other accomplishments early in the project included

- Creating a safe place for victims in the courthouse.
- Notifying victims of charging decisions.

Case Tracking/Statistical Reporting. The office assistant, along with other Unit staff, is responsible for maintaining all domestic violence case files for the Unit, establishing and maintaining a database of victim and offender information, and producing monthly statistical reports.

In the first quarter of the first grant period, the Unit streamlined its record keeping functions and improved its case tracking processes through informal communication. This resulted in what the Project Director described as a “visual tracking system,” a variety of checklists and routing forms, and delegation of case tracking and record keeping responsibilities within the Unit. The Unit also developed and implemented a form for personally-served subpoenas, and began stamping subpoenas with a declaration of mailing, which assists in holding witnesses accountable for court appearances.

Also in the first quarter, a computer case management program was adopted; it was a modification of the police system. The system provides case management/control information, but does not provide criminal history or criminal intelligence information.

The Project Director and City Attorney realized the Unit was in need of a database and tracking software system. As this was not budgeted into their original grant, they asked their in-house information technology staff to provide them with a database with tracking capabilities. At the time of the ILJ site visit in July 1999, the system functioned as a database, but it was only

able to track cases by case number. The Unit continues to work to develop a more efficient case tracking system.

The Unit was able to provide the evaluators with summary reports for 1997 (August through December), 1998, and 1999 (January through June) indicating the number of cases received, total cases closed, and total positive dispositions (guilty plea or verdict) as a percentage of cases closed. Also provided were average annual conviction rates and monthly conviction rates.

Centralization and Coordination of Services. In the second grant period, the Unit sought to enhance its efforts to centralize and coordinate services in two ways: through increased compliance of offenders with sentencing conditions and by employing legal interns to assist with case processing.

In the earlier stages of the project, the role of probation had been peripheral, as the Municipal Court has only two probation officers for all cases. Project staff reported that batterers were consistently being held accountable through rigorous, victimless prosecution. However, it was also reported that a case came before the court where a perpetrator had a history of 12 No Contact Order Violations with the same victim. Although the Unit prosecutor joined these cases and got a one-year county jail sentence, this case makes it apparent that monitoring of probationers is minimal.

The Domestic Violence Unit saw the use of legal interns as one way to not only obtain assistance in case processing, but also to mentor future domestic violence prosecutors. In the third quarter of the first grant period, the DVU brought in its first Rule 9 Intern. Under Washington State Law, the intern was able to practice law under the supervision of the Unit prosecutor. The intern remained with the Unit until October 1998. A second intern began in January 1999.

Judicial Education. Another objective for the second grant period was to “educate the judiciary about domestic violence to improve judicial handling of such cases to ensure victim safety and offender accountability through proactive judicial management.” The prosecution's reputation for being diligent and well prepared has evidentially been recognized by the judges. Anecdotal evidence suggests that the Unit prosecutor and victim witness coordinator were able to encourage more court-ordered batterer treatment and reduce “victim bashing” by judges.

Training on the Co-Occurrence of Domestic Violence and Child Abuse. The Unit proposed to immediately bring child advocates into the Oversight and Policy Guidance Committee (specifically, child advocates from Child Protective Services, the Snohomish County Prosecutors Office, and the CBW). With the help of the expanded Committee, the Unit then planned to develop a training program specifically focused on the co-occurrence of domestic violence and child abuse, and the impact of domestic violence on child witnesses.⁵

Legal Advocacy. The Domestic Violence Unit brought on a full-time legal advocate through a contract with the CBW. Her specific responsibilities include

- Serving victims referred by the Unit and other Everett service providers
- Providing outreach to Everett hospitals, child protective services, welfare, and other service providers to increase identification and referral of domestic violence victims.
- Participating in the Unit’s training programs.

The DVU developed a questionnaire to gauge victim satisfaction as part of the continuation grant application. However, this questionnaire has not yet been administered.

Project Performance

According to the proposal, project performance would be measured primarily by “comparing successful domestic violence case prosecution to case referral ratios.” Additional measures proposed for the second grant period included

- Increases in penal sanctions for violations of sentencing conditions
- Feedback from the community and the Oversight and Policy Guidance Committee with respect to public education efforts
- For CBW advocate services, feedback from the victim questionnaire, and number of cases referred for prosecution after CBW counseling or other services.

This project does not have an independent evaluator. Consequently, some of the measures proposed have never been collected. For instance, the victim questionnaires have not been administered, and feedback from the community and the Oversight and Policy Guidance Committee remains informal. Nevertheless, project staff have collected data on conviction rates.

⁵ The VAWO imposed a number of special conditions on the second, continuation grant. Most of these were routine; however, one required VAWO approval for any “child abuse/CPS collaborative efforts.”

The Unit is referred an average of 80 to 90 cases per month. Just prior to the formation of the Domestic Violence Unit, the prosecutor's office implemented data collection procedures, so as to provide a baseline for comparison of statistics after the implementation of “Enhanced Prosecution.” Exhibit 3 shows the pre-grant conviction rates of 40 percent in January 1996 and January 1997, and the post-grant rate of 85 percent for the same period in 1998.

Exhibit 3: Pre- and Post-Grant Conviction Rates

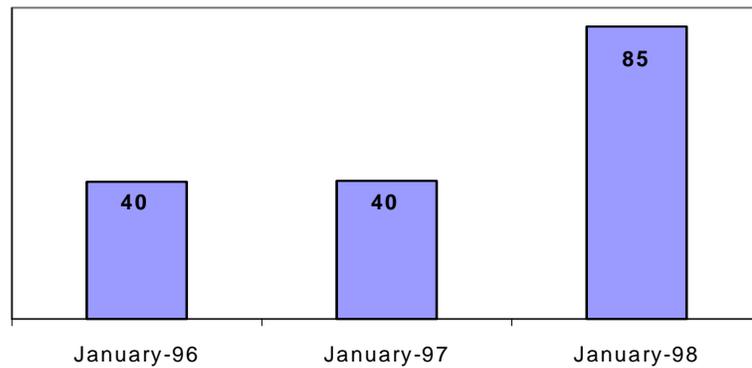
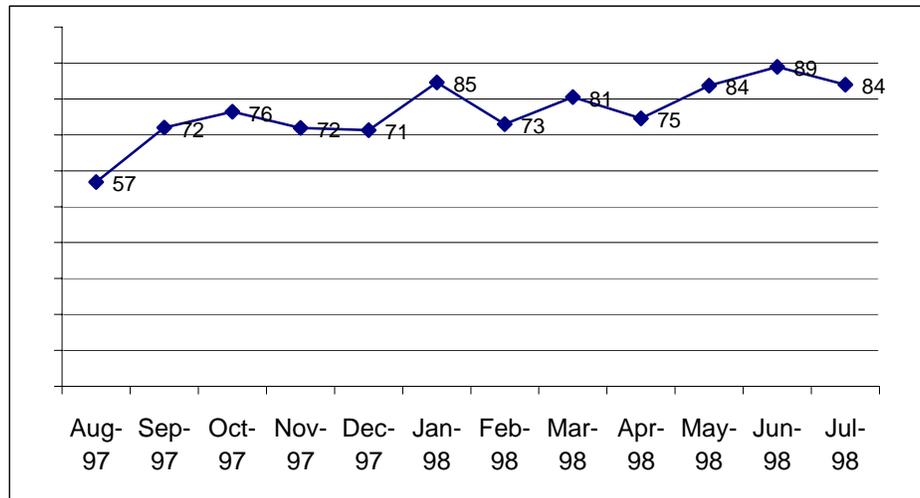


Exhibit 4 illustrates the upward trend in conviction rates over a one-year grant period. In August 1997, the conviction rate was 57 percent. This figure gradually increased so that, for the first part of 1998, the accumulated conviction rate was more than 80 percent. The average conviction rate over the entire project period through to May 1999 was 80 percent.

Exhibit 4: Domestic Violence Conviction Rates, August 1997 to July 1998

Recommendations and Conclusions

The Everett Arrest Project has met its primary measure of success, as stated in their proposals. As is demonstrated above, the percentage of successful prosecutions as compared to the number of cases referred has increased since the project began. However, this does not mean that there are not ways in which the project team might improve the overall project performance.

While there is daily interaction between the partnering agencies and the partnership between the City Attorney's Office and CBW has evolved so that there is an increased role for the non-profit, the focus of the project remains on prosecution. Despite intentions outlined in the project goals and objectives, advocacy is more or less considered a separate entity outside the project. Based on the solid foundations of this partnership, there is room for considerable growth in the role played by CBW. This would increase the likelihood that the Everett project was really meeting one of the guiding principles of the Arrest Program—enhanced victim safety.

Greater effort and emphasis on the first two goals of the second proposal would also be of benefit to this project's performance. It does not appear that as of this site visit, much was being done to increase the role of probation in this project. The other guiding principle of the Arrest

Program is increased offender accountability. Without improvements in the monitoring of probationers, the only way the Everett project can hold batterers accountable is through rigorous, victimless prosecution, and this might in fact jeopardize victim safety. Going forward with the project plans for judicial education would also go far to improve both victim safety and offender accountability. While it seems that the judges have been influenced by indirect means to be more considerate of the victims, the fact that the municipal court judges supervise the city's probation office suggests that formal training and education of the city's judiciary could have a very important effect on both victim safety and offender accountability.

With these components addressed, the Everett Arrest Project could stand as an example of a comprehensive effort to combat domestic violence, with the added bonus of statistical and analytical capabilities. Without them, the Everett Project can only demonstrate the dedication of the City Attorney's Office to prosecuting domestic violence cases. While this is commendable, there is no evidence that this will lead Everett to fulfill the principles of the Arrest Program.

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