

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Sacramento County, California, Arrest Policies Project: A Process Evaluation

Author(s): Neal Miller

Document No.: 201879

Date Received: September 2003

Award Number: 98-WE-VX-0012

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.



Institute for Law and Justice

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

Sacramento County, California, Arrest Policies Project

A Process Evaluation

September 22, 2000

Prepared By
Neal Miller

Prepared for
Sacramento County, California
National Institute of Justice
Violence Against Women Office

This project was supported by Grant No. 98-WE-VX-0012 awarded to the Institute for Law and Justice by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Sacramento Arrest Policies Grant Project

Overview

The focus of the Arrest Policies grant to Sacramento County, California, was the establishment of a Domestic Violence Home Court to handle all preliminary non-evidentiary matters in domestic violence misdemeanor and felony cases. All other non-domestic violence charges against a defendant in Home Court are assigned to this court. To support this change in how domestic violence cases are handled in the county, the prosecutor's special Domestic Violence Unit for felony cases was enhanced to permit handling of misdemeanor cases and all domestic violence felony cases. A third initiative was to fund a special probation unit that would provide intensive supervision for the most "serious" domestic violence probationers. Although the original grant also provided funding for the public defender's office, this was eliminated in the renewal grant. This report is based on a three-day site visit in early June 2000 and follow-up telephone calls.

The Arrest Policies Grant

Funding

The first grant to Sacramento County was effective January 1, 1997, in the amount of \$939,020. Local matching funds amounted to \$382,540. The grant paid for 1 prosecutor, 2 public defenders, 3 probation officers, and 2 other prosecution staff (social worker and analyst). The local match included supervisory salary costs and \$100,000 for the Sheriff's existing segregated housing for domestic violence offenders. This grant was for an 18-month period.

A second grant was given to Sacramento County by VAWGO, effective September 1, 1998. This grant amounted to \$662,193, increasing the total grant amount to \$1,601,213.. The second grant deleted funding for the 2 public defenders. It was also for an 18-month period ending February 28, 2000. An application for a third continuation grant sought \$311,484. As of September 14, 2000, the application was still pending.

Pre-Grant Conditions

The Sacramento District Attorney's Office has a long history of treating domestic violence cases seriously. Much of the early justice system concern with these cases began with

the establishment of the local advocacy and assistance group WEAVE (Women Escaping a Violent Environment) in 1978. After several years of discussions between WEAVE and local law enforcement, the state legislature in 1985 enacted new California Penal Code provisions relating to domestic violence (PC 13700, 13701, and 13730), requiring, among other things, written law enforcement protocols. Implementation of these new laws led to formation of a Domestic Violence Inter-Agency Task Force and then a Coordinating Council. In 1987, the District Attorney formally sponsored the group and developed a prosecution protocol that emphasized prosecution without victim participation. The next year (1988) the District Attorney established a Domestic Violence Unit that emphasized vertical prosecution and victim advocacy.

Before the Arrest Policies grant, the Superior Court had multiple parts handling the domestic violence cases. Six Home Courts handled felony (4 courts) and misdemeanor arraignments (2 courts). All hearings in a case arraigned in a Home Court were heard in that court until a preliminary hearing or trial date was set. There were an additional 25 to 30 courts for trials and preliminary hearings. The District Attorney's Office had a small unit of about 7 prosecutors handling felony domestic violence and related stalking cases. Most domestic violence cases, both felony and misdemeanor, however, were not handled by the specialized unit attorneys but were distributed to 45 trial attorneys, 35 of whom were in felony parts. In 1993, for example, the Domestic Violence Unit filed 2,972 cases, retaining only 517 of the most serious cases for vertical prosecution. An overflow of 2,455 cases was assigned to the felony bureau and misdemeanor unit prosecutors. The unit prosecutors were assisted by an additional 3 victim advocates, 1 investigative assistant, 1 sworn investigator (grant-funded), and 1 receptionist.

Prior to the grant receipt, the District Attorney's Office already had close working relationships with one of the two major victim service providers in the County, WEAVE. WEAVE offers "drop in" counseling services to victims for up to 3 weeks, followed by individual counseling as needed. WEAVE also operates a shelter with up to 35 beds; this is estimated to be only 15 percent of need today. WEAVE advocates also work with the Sheriff's Department officers in a ride-along program that teams advocates with officers to respond who domestic violence calls.

A probation unit for handling domestic violence cases had been established in the southern half of the county before the grant. The unit officers each had caseloads of 225 probationers. There was no such staff unit in the northern half of the county. Probation officer general caseloads in the north county office were significantly higher.

Project Goals

Project goals included both process and performance objectives. Process objectives included the following.

- Reinforce law enforcement involvements in domestic violence by showing prosecution and court responsiveness to arrests
- Centralize all preliminary matters in domestic violence cases before a judge who is trained in the dynamics of domestic violence
- Increase criminal justice personnel's sensitivity to victim needs
- Improve probation supervision, including better communication between officers and victims
- Provide crisis intervention services to victims in court
- Improve issuance of criminal orders of protection
- Provide better services to victims
- Improve record keeping, case tracking, and performance evaluation
- Discourage dual arrests

Performance objectives included reduced recidivism among first-time low-level misdemeanor offenders and reduced sentencing variability

Findings

Process/Program Description

Staff

The District Attorney's Domestic Violence Unit has a total of 16 prosecutors. This includes, the unit head, 2 "lead" or supervisory attorneys, 1 intake or "filing" attorney, 1 plea or Superior Court Review (SCR) attorney, 8 trial attorneys, and 3 stalking attorneys (state and STOP grants). A legal intern works with the SCR attorney to fill out data forms when cases are pled. Attorneys assigned to the Unit have at least one year's experience in felony case prosecution.

The Domestic Violence Unit also has 5 (4 FTEs) victim advocates to work with victims, 2 of which (1 FTE) are funded by the grant, 1 by a state grant, and 2 with other grant funds. A unit paralegal, funded by the state grant, runs a class daily on restraining orders for victims. Two interns are also assigned to the Unit under the state grant. Probation has 2 officers assigned to intensive supervision of domestic violence probationers.

Criminal Process

Arrest. Offenders arrested for domestic violence are booked in every case; this is required under state law. A bail schedule, posted at the jail, allows offenders to be released after booking.¹ Most offenders who are charged with domestic violence and not released on bail are then sent to a special housing unit that restricted to domestic violence offenders with no gang affiliations or prior prison term. Inmates must agree to participate in "attitude-change" program. This is characterized as an awareness, not a treatment program. The program lasts for 3-5 days, although average stay is significantly shorter. Victims may visit the jail inmates in a visitor area where all conversations are taped. All stays in the unit are limited to 10 days. At the time of visit, average population was down to 4 inmates. This compares to 25 bed capacity and 10-15 average stays until a new judge in Domestic Violence Home Court began granting OR release to more inmates.

Case Screening. The Domestic Violence Unit's filing attorney reviews all cases before arraignment to screen out nonprosecutable cases. She gets case papers from the DA's screening unit, which assigns a case number before forwarding the papers to her. In most instances, the filing deputy will require that there be a visible injury to file domestic violence charges (under California law, domestic violence is a "wobbler" offense, meaning it can be charged as either a misdemeanor or felony). Borderline cases are treated as simple domestic violence assault (PC 243(e)). The filing deputy typically sees between 7 to 45 cases daily. All filing decisions must be made each day before 11 a.m. to meet the afternoon arraignment deadline. This time frame allows for victims to call her about the case before her filing decision is finalized. Calls will also be made by parents of the victim, parents of the defendant, and neighbors. She will also get occasional calls from the arresting officer and probation officers. Conversely, the filing deputy

¹ Penal Code § 853.6 bars the use of bail schedule release with arrestees charged with violating a court order of protection. These defendants are not released until appearing before a magistrate for bail hearings.

attempts to inform victims of her action in cases where charges are dropped, either by notifying the victim directly or by informing the advocate handling that case. For the first 18 months of the project, the rejection rate for all cases presented to the Filing Deputy was 13 percent. Warrant requests were rejected in 19 percent of the cases.

Arraignment. Arraignment is held within 48 “court hours” (excluding Saturday, Sunday, and holidays) in the Domestic Violence Home Court in the afternoon (the court sits five days each week except for holidays). At arraignment, a public defender is assigned to all indigent defendants. A court date is then set, usually within one week. Unless the victim objects, the court will issue a criminal order of protection. At arraignment, a Deputy District Attorney (DDA) is present. The DDAs at the arraignment hearing are the same as those responsible for plea negotiations (see below).

Warrants for Arrest. If law enforcement is not able to arrest the defendant at the scene, they will request the District Attorney's Office to seek a court warrant of arrest. The unit Filing Deputy also handles these requests. In some instances, cases may be logged into the police computer for up to one year without a warrant being requested; these cases are monitored for continued domestic violence and the prior incident may be used to determine whether charges are brought on a new incident. These cases may be held at the initiative of either the police or the filing deputies' recommendation to the police. On Tuesday and Friday each week, the Sheriff's Warrant Squad will pick up applications for a warrant and take them to the Domestic Violence Home Court Judge.

Post-Arraignment Hearings/Plea Negotiations. The plea negotiation process begins at the next hearing after arraignment. At this hearing, held each morning, the District Attorney's Office is represented by supervisory deputy district attorneys (DDA) or the specialized SCR DDA who primarily handles plea negotiations. Assignment of these DA staff is done on a regularly rotating basis. This procedure ensures that only experienced attorneys handle plea negotiations and tends to reduce lack of uniformity in plea decisions. Plea negotiations are held in chambers with the judge present and each case on that day's docket is reviewed before the Domestic Violence Home Court begins. The Battered Women's Justice Project reported in October 1999 that a significant proportion of cases are pled to non-domestic violence charges to avoid statutory requirements for batterer treatment (52 weeks long). If true then, that observation

is no longer valid since the present policy of the Unit is to request batterer treatment orders in all convictions.

Trial. If no plea agreement is reached at the first hearing, the case is continued for a second hearing. If no plea result occurs at this hearing, the case is set for trial. Trials and related matters are handled by 5 DDAs in the felony parts and 3 DDAs in the misdemeanor court. Once a case is referred to a trial attorney, that attorney is responsible for all actions in that case (modified vertical prosecution). Victim advocates in the District Attorney's Office also handle their case load on a vertical basis.

Sentencing. Presentence investigations are ordered at the discretion of the court. Orders for a presentence investigation are routinely ordered in felony cases, except where a plea agreement includes a specified state prison sentence. In misdemeanor cases, however, presentence investigations are less common, occurring in about one-fourth of the cases. Given the high incidence of pleas and the judge's active involvement in plea negotiations, this figure may be too high.

Probation. Probation in Sacramento County is under the Superior Court. Supervision of domestic violence defendants is done by two units, a unit for lower risk offenders and a higher supervision unit for higher risk offenders. The two probation positions funded under the grant are in the higher supervision subunit and together provide intensive supervision to 60 defendants. These are cases in which there is a high need for victim protection. Because of the constant threat that their probationers represent, the two officers have pagers for victims to call them. The two officers will also assist other probation staff in time of need. Conversely, they will call upon other officers to help with such tasks as making an arrest (e.g., for violation of no-contact order). Sacramento County Probation Office policy is for four of their officers to be present when an arrest is made. Grant-funded officers also train other probation staff on topics such as possession or use of firearms.

At this writing, the domestic violence low supervision unit has 3 probation officers (there are several unfilled positions for which they are recruiting) with caseloads of between 400 to 555 offenders. At the time of the site visit in June, caseloads were 75-225 defendants depending upon risk severity. The unit also uses volunteers from Volunteers in Victim Assistance (VIVA) to contact victims either by telephone or by letters notifying the victims that the defendant is on

probation and giving the name of the assigned probation officer for future contact. Two civilian staff also help with tracking defendants' participation in treatment programs (probation is responsible for certifying batterer treatment programs and has imposed mandatory attendance as a program requirement). The bottom line is that because victims are routinely contacted by probation officers, they are able to file complaints with the officers about renewed domestic violence. Combined with greater attention to individual cases from smaller caseloads, this can result in speedier processing of violations where there has been renewed violence. Furthermore, because the officers are informed by the jail information system when rearrested probationers are being let out from jail, they can head off many threats of renewed violence. One final innovation is the periodic use of compliance sweeps accompanied by a police officer to check on "how things are going." This was joined with a warrant sweep at the same time. It involved four teams of officers going out every night for one month. Because of staffing problems, it is unlikely this will be redone.

Protective Orders

Originally the judge in the Domestic Violence Home Court was to also handle all requests for orders of protection. The caseload was too high, however, for this to be feasible. Hence, requests for orders of protection are handled by the three judges who handle all civil family law matters. The Battered Women's Justice Project reports that there are few prosecutions for restraining order violations. Most violations are instead treated as probation violations. However, it should be noted that the Unit has two grant-funded attorney positions whose primary responsibility is prosecuting protection order violations and that convictions are obtained in over half the cases filed by these attorneys (see above).

Advocate Process

A victim advocate is also present at arraignment (two part-time advocates are assigned to arraignment). Each advocate is assigned to work with a specific DDA among those deputies assigned to arraignment. This arrangement routinizes the process of DDA referrals of clients to the advocates and provides for vertical case assignment whereby the advocate is responsible for that victim's case until services are no longer needed. The Filing Deputy may also refer clients to the advocates for cases that are rejected for filing; these cases are also handled vertically by the advocates.

Once a referral is made, the advocates will try to contact the victim by phone. In some cases, the victims will call the advocates directly. This occurs most often when the victims are seeking victim compensation or help in relocating (5 to 8 each week). Victims may also call in an effort to get the charges dropped (5-10 such calls each week). If phone contact is not made, a letter will be sent to the victim; this has not created any problems that have been reported to the Unit. Once contact is made, the advocate will provide the victim with case update information, refer victims to the local victim services agency (WEAVE), inform victims about the jurisdiction's jail release information system (VINE), and provide victims with safety information. Counseling is offered to the victims, especially where contact is made at the court hearing. As needed, crisis intervention help, which can last up to two months, is provided,. An appointment will be set for follow-up.

Related Activities

Prosecutors in the Domestic Violence Unit are heavily engaged in important related tasks such as training and community education. At the beginning of the Arrest Policies grant, Unit staff were involved in formal training of Sacramento Police Department officers for a period of 18 months. With this completed, the Unit prosecutors now provide training to police and Sheriff's Department officers as called upon. For example, in August 2000, prosecutors led two four-hour training sessions involving an estimated 300 officers at the California Reserve Officers Association Annual Training Conference. Another recent training was 8 sessions for firefighters who are "first responders" to the scene, typically as Emergency Medical Technicians. This was done with WEAVE.

Prosecutor office advocates are also engaged in training and community education. They do at least one community presentation each month to community organizations, schools, colleges, etc.

Statistical Performance

Pre- Domestic Violence Home Court Statistics

In the year preceding formation of the Domestic Violence Home Court, there were over 3,399 domestic violence cases filed by the District Attorney, according to the project grant proposal. Of these, 1,332 cases were felonies and 2,067 misdemeanors. Of these cases, 435

felonies were handled by the special Domestic Violence Unit. The remainder were handled by either the other felony prosecution teams or one of 10 misdemeanor prosecutors.

Implementation Statistics

Two research studies have been done on Unit performance.

Kingsnorth Study. A study conducted by Professor Rodney Kingsnorth examined 1,427 cases that had been referred to the Domestic Violence Unit between July 1, 1999 and November 1, 1999.² The study found the following.

- Arrests of victim were only 5.8 percent (Table 20) while arrests of female suspects constituted only 13.7 percent of all arrestees
- Rejected cases constituted 18.5 percent of referred cases (Table 2)
- Nearly half (46 percent) of all cases filed in the Domestic Violence Home Court were for felony domestic violence (PC 273.5); Another 20 percent were for misdemeanor domestic violence (PC 243e), and 10 percent each were for terroristic threats (PC 422) and violation of protection orders (PC 273.6) (Table 39).
- Misdemeanor filings as a proportion of all filings were 63.5 percent (Table 2a).
- Cases originating with arrest warrant constituted 27 percent of all cases (Table 41).
- Time elapsed from incident to arraignment was 51 days, including warrant arrest cases (Table 42).
- Time elapsed between arraignment to case termination was 45 days (Table 42).
- Advocates contacted victims in 39 percent of case sample (Table 43).
- Filed charges are dropped by the District Attorney in 25 percent of cases, primarily for lack of evidence (Table 49) (note that victim support for prosecution was dropped in 25.4 percent of cases where victim originally wanted prosecution). (Table 47). Logistic regression analysis showed that the most significant factor affecting the decision to drop charges was victim withdrew support (Table 68).
- Jury trials occurred in only 1.2 percent of cases, resulting in convictions over 90 percent of jury trials (Table 48).
- Overall conviction rate is near 75 percent. The Unit gets convictions in 98 percent of non-dismissed cases (Table 49). The great majority of convictions are for misdemeanors (67 percent). In 20 percent of cases, a violation of probation plea is entered in lieu of any new charges. In 3.5 percent of cases, defendant pled to non-domestic violence charge, but judge has authority to sentence to batterer

² Rodney Kingsnorth, "Domestic Violence Case Processing: An Analysis of 1427 Cases Processed Through the Sacramento County Criminal Court System Between July 1, 1999 and November 1, 1999" (n.d.).

treatment anyway (Harvey charge). In 9.5 percent of cases there was a felony conviction (compared to over one-third felony charges filed) (Table 51).

- Convictions for misdemeanor battery (PC 242) are the most common conviction charge (27 percent), followed by disorderly conduct (PC 415) (20 percent), felony domestic violence (PC 273.5) (17 percent), and violation of protection orders (PC 273.6) (7 percent). (Table 52)
- Most sentences are to probation (92 percent) (Table 54). Treatment is ordered in 49 percent of cases and batterer treatment in about half of these cases (25% of all cases) (Tables 55 and 63). However, in felony domestic violence cases (PC 273.5), batterer treatment was ordered in 84 percent of the cases (Table 63).³

In-House Study. A second study of 3,979 cases from the inception of the Domestic Violence Home Court in July 1997 through May 1999 found the following.⁴

- The number of cases heard by the Domestic Violence Home Court steadily increased, although considerable seasonal variation in case filing was seen. (Tables 1, 2)
- Misdemeanor filings slightly exceeded felony filings (47.8 % o 42.7 %) (9 % of cases missing) (Table 3). Seasonal variation seems to play a significant role in the distribution of felony versus misdemeanor filings. Violation of probation filings as the most serious charge were very few (less than 1 %).
- Dismissals accounted for 30.7 percent of cases filed (Table 6)
- Only 1 percent of cases go to trial (Table 9)
- Convictions were obtained in 82.7 percent of cases for which data was available (12.1 % missing could reduce rate to 72.7 %) (Table 12). Domestic violence charges comprised 67 percent of all charges and they resulted in domestic violence convictions (no downgrade) in 65.8 percent of those charged with this crime (Table 15). This conviction rate has been increasing since the inception of the Domestic Violence Home Court from 52 percent originally to 79 percent for the most recent quarter for which data was available (Table 16). Violations of protective orders constituted about 7 percent of all cases, resulting in same charge convictions in about half (52 %) of these cases (Table 18). Terroristic threats were only slightly more numerous, but these cases resulted in same charge convictions in 78.2 percent of these cases (Table 21).
- Over three-quarters (76.2 %) of all convictions were for misdemeanors ; 72.2 percent taking into account missing cases. Only 14.7 percent of all convictions were for felonies (13.9 % with missing cases) and 9.1 percent (other 8.6 % with

³ It is unclear what proportion of probation cases also receive sentences of incarceration that are not suspended in whole or part for probation – California law authorizes "shock probation" where a jail term may be made a condition of probation).

⁴ "Domestic Violence Home Court Supplemental Report" (July 30, 1999).

missing cases) were convictions for violation of probation (other new crime charges dropped) (Table 42).

- Probation was granted in 81.5 percent of the convictions (70.5 % taking into account missing cases) (Table 39).
- Jail sentences were given in 95.3 percent of all cases for which data was available (80 percent with missing cases taken into account). Sentences to prison constituted 4.7 percent of all cases (3.9 with missing cases) (Table 45). The median jail sentence was for 30 days (Table 48). For those 149 offenders sentenced to prison, the median sentence was 24 months (Table 51).
- Advocate services were provided in 43.4 percent of the cases (40 % with missing cases added) (Table 54).

Mandated Testimony from Victim

The VAWO office indicated it is concerned about reports that the District Attorney's Office policy for victimless prosecution allows the prosecutor to subpoena victims to testify at trial. Noncooperative victim-witnesses may be cited by the court for contempt when they defy a court order to testify. It is unclear how often such cases occur, given that there are so few jury trials and convictions result in almost all tried cases. Furthermore, the Battered Women's Justice Project reports that it is the practice of the court not to jail women for contempt for not testifying. Instead, the court will require the victims to attend 72 hours of counseling at WEAVE. Nonetheless, there are also reports that victims are threatened with jail time even if jail penalties never occur.

Overall Assessment

Domestic violence is taken very seriously by the District Attorney's Office as evidenced by the relatively high number of prosecutors assigned to handling these cases. Conviction rates are high and, notwithstanding the Battered Women's Justice Project report, the in-house study statistics do not show large numbers of cases being downgraded to avoid batterer treatment. On the other hand, the Kingsnorth study found a lower number of defendants being ordered to batterer treatment than might be expected. Recent changes in office policy may make these questions moot, however. The Sacramento County Probation Department showed a similar dedication to domestic violence. However, its abilities to supervise many domestic violence cases has become limited by staffing shortages and personnel cutbacks that have essentially cut

out supervision of moderate risk domestic violence offenders. It is unclear how these changes have affected the work of the special grant-funded team responsible for supervising high risk offenders.

One of the more interesting observations of the site visit was the relatively strong degree of inter-agency cooperation among all the major agencies, including the advocates. One factor inhibiting the project's maximizing this effort is the continued change in leadership of the Domestic Violence Unit. There have been three or four chiefs of the Unit since the Domestic Violence Home Court was established. Constant changes in leadership require that new ties be developed among the several agencies. One possibility for improvement here might be to upgrade the status of the Domestic Violence Unit so that it is no longer seen only as a stepping stone to higher responsibilities.

Questions also arise about police and prosecutor charging practices. Domestic violence under the California Penal Code (PC § 273.5) is a felony requiring proof of injury. A short observation of the screening decision process confirmed that this criterion is what guides filing decisions. Given the seeming lack of overcharging that this observation suggests, it is surprising that so few cases are charged as misdemeanor violations (PC § 243(e)) compared to felony domestic violence.⁵ The Kingsnorth study found that less than one-third of all domestic violence charges were for misdemeanor domestic violence (20 percent compared to 46 percent of all filings).⁶ Given a "normal" case dismissal rate of 25 percent, it would seem that the Domestic Violence Prosecution Unit is very vigorous in its screening decisions.⁷ Thus it would seem that where charges are reduced in order to obtain pleas, this is done by weighing the strength of the evidence in each case, rather than from any policy or practice to accept lesser pleas to "move the cases." More statistical information about recidivism and probation revocation outcomes is needed, however, before final conclusions can be drawn.

⁵ In most jurisdictions that we have examined, including several in California, misdemeanors strongly outnumbered felonies in filing.

⁶ The in-house study provided no statistics on PC § 243e filings. The study probably included them in an "other" category of offenses, which listed 1113 "other charges" in its analysis of filing versus conviction outcomes (Table 36).

⁷ The six-month grant reports indicate that 5 percent of all District Attorney's Office misdemeanor filings are of domestic violence misdemeanors; this compares to 20 percent of all felony filings in the Office being domestic violence felonies.

Unfortunately, it is impossible to make impact evaluative assessments since conviction rates before the establishment of the Domestic Violence Home Court are not available. Furthermore, the statistics presented by the second, in-house study seem contradictory at points. Most significantly, the individual crime conviction rates are far lower than the overall conviction rate. Furthermore, adding all the cases for which specific conviction rates are calculated exceeds the total number of domestic violence cases by several hundred cases.⁸ Nonetheless the general conclusions about high conviction rates seem accurate, whether it was 82.7 or 72.7 percent.

Report Gaps

Probably the most innovative aspects of the Sacramento County Arrest Policies grant are the intensive supervision probation and the closer ties between the District Attorney's Office and Probation Department that have developed as a result of the project. Statistics were not available to test the impact of the intensive probation unit, and time did not permit more intensive examination of the latter.

A second data problem is implicit in the criticisms found in the Battered Women's Justice Project (BWJP) about high court caseloads resulting in a lower quality of justice. Compared to other jurisdictions receiving grant funds, however, prosecutor staffing in the Domestic Violence Unit is relatively high. Moreover, the innovative use of experienced prosecutors to handle most plea bargaining tends to minimize variations in this key part of the process. It is unclear, however, how the office ensures that plea offers at the trial stage remain consistent with the offers made earlier. Clearly as some cases move towards trial, new problems of proof may appear that were not present earlier; how do changes in case "win-ability" affect later offers?

The BWJP report also suggests that there are serious morale problems in the Domestic Violence Home Court from the judge down, due largely to the high caseloads. The short site visit did not permit verification of this report.

⁸ The report analyzes unit performance for 3,979 filings. Of these, 2,344 were charged with domestic violence, 410 with violation of protection orders, 289 with terroristic threats, 53 with burglary, 164 with interference with telephone and other devices, 62 with vandalism, 67 with stalking, and 1,113 with other crimes. This totals 4,502 cases or 13 percent more than were analyzed.

Summary

With these significant caveats about data availability, both the prosecutor and probation in Sacramento County have vastly improved their respective offices' responses to domestic violence. Together with other grant-funded and office-initiated changes, there is now the strong beginnings of a coordinated multi-agency response to domestic violence in the county (consider for example the low rates of dual arrests and arrests of female suspects reported above). More local resources for probation may be needed, however, to ensure that these recent gains are not lost. A final achievement of the grant is the establishment of the Domestic Violence Home Court.

Table of Contents

Overview	1
The Arrest Policies Grant.....	1
Funding.....	1
Pre-Grant Conditions	1
Project Goals	3
Findings.....	3
Process/Program Description	3
Staff	3
Criminal Process.....	4
Protective Orders	7
Advocate Process.....	7
Related Activities	8
Statistical Performance.....	8
Pre- Domestic Violence Home Court Statistics	8
Implementation Statistics	9
Mandated Testimony from Victim.....	11
Overall Assessment.....	11
Report Gaps.....	13
Summary	14