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Dane County, Wisconsin, Arrest Policies Project

A Process Evaluation

February 8, 2000

Prepared by
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Prepared for
**Dane County, Wisconsin
National Institute of Justice
Violence Against Women Office**

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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 polices for protection 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 scope 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 six sites will assess the impact

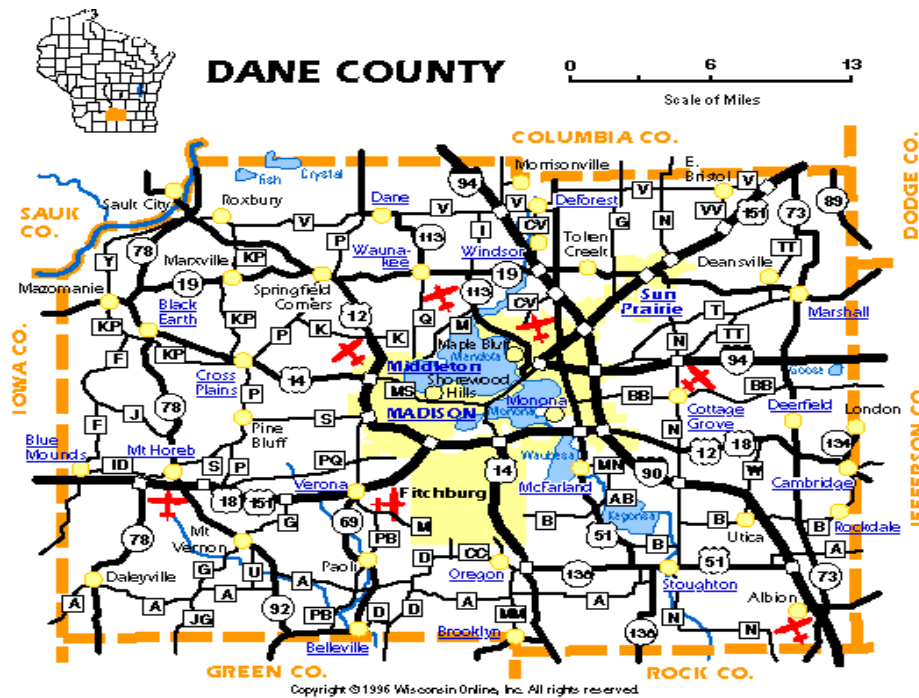
of the project on the agencies involved, victim well-being, offender accountability, and community coordination.

This report is a process evaluation of the Arrest Program in Dane County, Wisconsin. Dane County was awarded an Arrest grant of \$247,078 in May 1997. In 1999, Dane County was funded an additional \$753,126 to cover the project through October 2000. Dane County has received over \$1 million in funding. Information for this report derives from staff interviews, courtroom observation, program documentation, and a review of local statistics.¹

Project Environment

Dane County is located in southern Wisconsin and has both rural and urban characteristics (see Exhibit 1). This section provides an overview of the county, including demographics, the criminal justice system, non-profit community, and Wisconsin laws.

Exhibit 1: Map of Dane County, Wisconsin



¹ A site visit was conducted August 2-6, 1999.

Dane County Demographics

Dane County's largest city is the state capital, Madison, with a 1998 population of 209,306. Aside from the Madison suburbs of Sun Prairie (pop. 19,763) and Middleton (pop. 15,694), the remainder of the county is primarily rural. Dane County's population was estimated to be 424,586 in 1998. The population is primarily White (91 percent), with the largest minority groups being Asian (3.5 percent) and African American (3.4 percent).

Criminal Justice System

Dane County has been a statewide leader in its response to domestic violence crimes. In 1983, Dane County law enforcement adopted preferred arrest policies while the District Attorney's office adopted a pro-prosecution model. In 1989, Wisconsin enacted a statewide mandatory arrest law, which requires that law enforcement officers arrest the "primary physical aggressor" in domestic violence crime situations. The criminal justice system in Dane County is comprised of 29 law enforcement agencies, the District Attorney's Office, the Courts, and Department of Corrections.

Law Enforcement

The two major law enforcement agencies in Dane County are the Madison Police Department and the Dane County Sheriff's Office. The Madison Police Department has 366 sworn officers, while the Dane County Sheriff's Office has 379 sworn officers. The Sheriff's Office is the only agency with specialized domestic violence detectives.² Both departments have high hiring standards, reflected by the percentage of officers with a college diploma.

The considerable variance in police practices and the large number of police departments make the implementation of countywide arrest protocols crucial. The Madison Police Department and Dane County Sheriff's Office have extensive training programs and enforce aggressive arrest policies. This is in contrast to some of the rural police departments, such as the Stoughton and Verona Police Departments, which record disproportionately small numbers of domestic violence arrests.

² The Sheriff's Office has three specialized domestic violence detectives funded through a STOP Violence Against Women grant.

District Attorney's Office

The Dane County District Attorney first developed a formal response to domestic violence in 1984 by creating a Domestic Violence Specialist position to provide domestic violence victims additional support and advocacy. Currently, the District Attorney's Office reviews approximately 3,500 domestic violence cases each year, charging about 80 percent with crimes. The District Attorney's Office has a prosecution protocol for domestic violence cases, offers advocacy through its Domestic Violence Unit, and operates a deferred prosecution program.

Prosecution Protocol

In 1998, the Dane County District Attorney's Office had 23 adult criminal and traffic assistant district attorneys, including two prosecutors who specialized in prosecution of domestic violence crimes.³ The two domestic violence prosecutors handled approximately one-fourth of the total domestic violence caseload. In 1999, Arrest Policy funds were used to increase the number of domestic violence prosecutors from two to five. The District Attorney's Office also has a full-time paralegal who specializes in domestic violence crimes.

The Dane County District Attorney's Office protocol regarding the prosecution of domestic violence crimes contains the following criteria:

- Victims of domestic violence crimes are not required to sign a criminal complaint against their abusers. The complaint is signed by the law enforcement agency which has presented the charges.
- Domestic violence victims cannot "drop" charges once the case is submitted to the District Attorney's Office from the law enforcement agency. The decision of whether or not to file charges is made by the District Attorney's Office.
- The decision to issue charges will be made upon determination of sufficient evidence to independently corroborate the commission of a crime. The District Attorney may issue charges at the level of probable cause. The District Attorney will also determine the ability to prove the case beyond a reasonable doubt with or without the cooperation of the victim.
- Once charges are issued, the prosecutor will not move to dismiss the case merely because a victim is reluctant to cooperate.

³ The two specialized domestic violence prosecutors were funded by STOP Violence Against Women grant funds in mid-1996.

Advocacy

The Dane County District Attorney's Office has a domestic violence unit specializing in advocacy. In 1998, there were two full-time Domestic Violence Specialists and one Director. Arrest Policy funds were used to add two advocates to the unit, including a Domestic Violence Specialist who addresses the co-occurrence of domestic violence and child abuse.

Domestic Violence Specialists contact victims following the prosecutor's charging decisions for the purposes of informing victims of the charging decisions, the criminal justice process, community resources, and safety plans. The Specialist also solicits the victim's input on the conditions of the defendant's release. The Domestic Violence Unit refers victims to the non-profit service provider, Domestic Abuse Intervention Services (DAIS), for long-term support and advocacy.

Deferred Prosecution Program

The District Attorney's Office operates a Deferred Prosecution Program. The program is open to offenders with no previous criminal conviction or record who accept responsibility for the offense, and voluntarily agree to participate in the program. Rare exceptions to the "no prior conviction" rule occur on a case-by-case basis. In Dane County, deferred prosecution is used as a case resolution in ten percent of the total criminally charged domestic violence crimes.

Under deferred prosecution agreements, participants are required to sign a contract that stipulates classes to be attended, restitution, community restitution work, and counseling (abuser treatment, psychiatric, alcohol and/or drug, vocational). The defendant is required to enter a plea of guilt to some or all of the charges prior to referral to the Deferred Prosecution Program. In return for the successful completion of the program, the District Attorney's Office agrees not to proceed with prosecution. The contract is terminated if the defendant fails to adhere to any of the stated conditions or becomes involved in any criminal violations. In such cases, the defendant is referred back to court for adjudication and sentencing.

Courts

The Wisconsin Court System is comprised of 240 circuit judges in 72 counties, elected for six-year terms in non-partisan elections. The state's 72 counties are grouped into 10 judicial

administrative districts. The Dane County Circuit Court, Wisconsin's 2nd District, hears civil and criminal complaints and has 17 branches, or judges.

Dane County has a Bail Monitoring Program under the Court administration.⁴ Participants of the Program have been legally charged with either misdemeanors or felonies and are awaiting trial. Judges assign defendants to the Program, often based on advice from the District Attorney's Office. Typically, judges give defendants the option to agree to bail monitoring supervision in lieu of cash bail or for a reduced cash bail. Bail monitoring clients must be accepted by Alternatives to Incarceration Program (ATIP) staff before they are released from jail. Failure to comply with Bail Monitoring Program rules and bail conditions can result in reinstatement of cash bail and the defendant's return to the Dane County Jail. The minimum bail monitoring supervision requirements include the following:

- One face-to-face contact per week;
- Two telephone contacts per week;
- Verifiable and suitable residence;
- No alcohol and/or drug use (defendant will be subject to random urinalysis to screen for controlled substances);
- Defendant will be informed about upcoming court appearance; and
- Verification of employment, if any.

Other possible bail monitoring supervision requirements relevant to domestic abusers include no contact with victims; referral for counseling and/or treatment; and no unsupervised contact with minors.

Wisconsin Department of Corrections

Probation and parole are the responsibilities of the State of Wisconsin Department of Corrections. Probation agents are employed by the State, and as such, priorities and practices are relatively inflexible to local needs. The department has recently appointed one specialized domestic violence probation agent. Domestic violence offenders are commonly placed on probation following a 'guilty' or 'no contest' plea. Examples of conditions, which an offender may be required to fulfill while on probation supervision, are:

- Domestic violence abuser counseling
- Alcohol/Drug Assessment and treatment if recommended

⁴ The Bail Monitoring Program is part of the Alternatives to Incarceration Program (ATIP). In addition to the Bail Monitoring Program, ATIP includes the Electronic Monitoring Program; ATIP-Treatment Alternative Program; and the Drug Treatment Court Program.

- Psychiatric evaluation and treatment if recommended
- Conditions prohibiting contact or violent/threatening contact with the victim
- Requirement of full-time employment or schooling
- Restrictions on possession of firearms.

Offenders who fail to comply with probation or commits additional offenses may have probation supervision revoked and be required to serve a jail or prison term.

Non-Profit Community

Domestic Abuse Intervention Services (DAIS)⁵ is the leading, non-profit, community domestic abuse program in Dane County. DAIS offers the following services:

- 24-hour help/crisis line with access to translation services
- Emergency shelter
- Weekly support groups
- Counseling
- Advocacy
- Legal assistance
- Outreach

DAIS receives over 4,300 callers on the crisis line, and shelters about 230 women and children each year. The Legal Program serves another 650 persons. Services offered through the Legal Program include assistance with restraining orders, support in the criminal justice system, family law information, assistance with pro bono program, legal clinic, and a courtwatch program. In addition to those served directly through the legal program, about 2,000 people receive some form of legal services/information via the 24 hour help-line. DAIS also offers special services for traditionally underserved populations (rural, elderly, and gay/lesbian).

Dane County has a long history of community and system activism in the area of domestic violence. In 1990, the Dane County Commission on Sensitive Crimes initiated the Coordinated Community Response to Domestic Violence Task Force (CCRDVTF) which addresses coordination and communication among criminal, civil and family justice systems, victim advocacy, offender treatment, health care, schools, and housing resources. The CCRDVTF includes representatives from domestic violence programs, prosecution, rural and urban law enforcement, schools, health care, probation/parole, abuser treatment, services to children, and housing.

⁵ DAIS is formerly known as Dane County Advocates for Battered Women.

Wisconsin Domestic Violence Laws

In Wisconsin, domestic abuse for the purpose of mandatory arrest is defined as

- the intentional infliction of physical pain, physical injury or illness;
- intentional impairment of physical condition;
- violations of secs. 940.225(1),(2), or (3), Wis. Stats. (1st, 2nd, or 3rd degree sexual assault); and/or
- any physical act that may cause the other person to reasonably fear physical or sexual assault (W.R.S. § 968.075).

For domestic violence prosecution, the District Attorney may consider any crime enumerated in the Wisconsin statutes.

Law enforcement officers are required to make an arrest in domestic violence incidents when certain criteria are met under Sec. 968.075. Law enforcement officers should evaluate whether or not they are required to make an arrest of an adult⁶ suspect based upon the following criteria:

1. The officer has reasonable grounds (probable cause) to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime.
2. The relationship between the suspect and the victim can be defined as "domestic" by one of the following statements: (a) spouse; (b) former spouse; (c) adult with whom the person resides or formerly resided with; or (d) adult with whom the person has a child in common.
3. The suspect's acts constitute domestic abuse as defined in sec. 968.075(1)(a)1-4 Wis. Stats.
4. Either the officer has a reasonable basis to believe that continued domestic abuse against the victim is **LIKELY** and/or there is **EVIDENCE OF PHYSICAL INJURY** to the victim.
5. The domestic abuse is reported within 28 days of its occurrence.

Under sec. 968.075(3)(a)1.b, "the officer should arrest the person whom they believe is the primary physical aggressor." In determining the primary physical aggressor, an officer should consider the relative degree of injury or fear inflicted on the persons involved, any history of domestic abuse between the persons, and the intent of the law to protect victims of domestic violence. If an officer does not make an arrest when there are reasonable grounds to believe that a person is committing or has committed domestic abuse and that person's acts constitute the commission of a crime, the officer must prepare a written report stating why there was no arrest.

⁶ In Wisconsin, 17-year-old suspects are considered adults.

The report is sent to the District Attorney's Office immediately after the investigation of the incident has been completed (W.R.S. § 968.075(4)).

Planning and Implementation

Planning and implementation of the Arrest Project are divided into two phases. First, the original proposal called for database development and the creation of a lethality assessment. Second, the continuation proposal requested funding that greatly expanded the project in the areas of prosecution, advocacy, training, and bail monitoring. A multi-disciplinary committee was formed for the purposes of project development and implementation during both grant periods.

Database Development and Lethality Index (1997-1998)

In September 1996, Dane County submitted a proposal for Arrest Policy funds. The District Attorney's Office, working in conjunction with members of the CCRDVTF, recognized the need for a centralized method for identifying and tracking domestic violence offenders. In addition to the domestic violence offender database, task force members proposed to develop a lethality index that would assess offenders' potential lethality toward their victims and others.

The two objectives, as outlined in the proposal, are:

1. Domestic Violence Offender Database will lead to increased communication and coordination among criminal justice, law enforcement and victim service personnel which will result in overall improved systems response to domestic violence offenders and increased victim safety.
2. Law enforcement, prosecutors, court personnel, and victim service providers will demonstrate proficiency at tracking offenders, recognizing potentially lethal offenders, and providing information regarding offender and pending charges to victims which may increase their safety.

To accomplish these objectives, grant funds were to be used for technology acquisition, software development, and the hiring of a half-time Management Information Specialist (MIS) – Programmer/Analyst, and a full-time Clerk Typist. Dane County's Arrest Project was underway in May 1997.

Domestic Violence Offender Database

There are two primary databases in the Dane County criminal justice system—the Criminal Offense Prosecution System (COPS) utilized by law enforcement and prosecution, and

CCAP used by the Wisconsin State Court System.⁷ The two systems had not been integrated. In domestic violence cases, police officers were often unable to confirm court orders that restricted contact, and prosecutors were forced to make charging decisions without information regarding past history or pending criminal charges. The Domestic Violence Offender Database, which would be added to COPS, would highlight criminal history, pending criminal cases, court orders, and potential lethality of offenders.⁸ COPS would be interfaced with CCAP to create a broad-based information sharing system.

The Violence Against Women Office⁹ placed special conditions on the Dane County grant related to database access and confidentiality. The project could not move forward until these contingencies were lifted. In the last quarter of 1997, a computer technician was hired and hardware was purchased. In April 1998, the Clerk Typist was hired for data entry and most of the computer hardware was installed.

The interface of the COPS and CCAP databases ran into several roadblocks. First, Dane County Information Management Department was initially unwilling to provide outside law enforcement agencies with access to the prosecution database. In late 1998, an agreement was reached that would allow the database to be “tested” with several police departments. By the end of the year, only limited interface was occurring. Second, the software vendor has been mostly unresponsive to local needs. Third, the application has been limited by internal networking barriers. Only fifty users can have access to the database at any single time. The number of users often exceeds fifty, requiring users to request others to close out their session. These are limitations that will be accommodated as the County upgrades its computer and networking systems.

Lethality Index

The task force proposed the development of a lethality index that would enable criminal justice professionals and victim service providers with the ability to assess the potential for

⁷ In the COPS database, domestic violence cases are marked by checking the “domestic” box. A “domestic violence” box is also checked in the Circuit Court case tracking system (CCAP).

⁸ Types of data collected in database include a history of generalized and domestic violence, history of child abuse, extent/nature of injuries inflicted upon victims, threats of homicide/suicide, access to firearms, and history of alcohol/drug problems. This information is currently obtained by laws enforcement officers through routine investigation and is recorded in police reports.

⁹ Formerly the Violence Against Women Grants Office (VAWGO).

future violence or lethality. Under this scheme, batterers would be given a score based on several criteria. Presumably, those with the highest scores would be flagged as batterers whose violence was escalating. The ultimate goal of the lethality index was to enhance victim safety by pooling the system's resources to respond aggressively to potentially lethal incidents.

A multi-disciplinary group from the task force was convened to identify criteria to be included in the lethality index. In July 1997, a draft index was "tested" in two police districts—one urban and one rural—and modified according to suggestions from line officers. But a month later, members of the task force were confronted with a major blow to the development of a lethality index. In a letter from the Violence Against Women Office, the Dane County project participants were informed that "Grants to Encourage Arrest Policies funds may not be used to acquire or develop lethality assessment tools, instruments or devices which seek to summarize the potential for violence through numeric scoring devices." This proclamation created a crisis for the task force members.

The development of a numeric lethality index is not without controversy. On the one hand, the index provides a simplistic way to categorize offenders and can help draw attention to the worst batterers. On the other hand, the scientific accuracy of such measures has not been validated and some potentially lethal batterers may be mislabeled as a result. Furthermore, the mere existence of a scoring scheme could be subject to the rules of discovery; allowing defense attorneys to argue for leniency for their clients. Dane County CCRDVTF members have good cause to debate the use of a scale. Nevertheless, the VAWO restriction essentially turned the index into a lethality assessment tool.

In the first half of 1998, the basic risk assessment tool was developed, although it would undergo several modifications. The risk assessment questionnaire (included in the Appendix) contains 17 separate items and is in a checklist format. The items are not scored. The greater number of affirmative checkboxes is interpreted as a case where violence is likely to escalate. Data from the questionnaire are included in the Domestic Violence Offender Database.

Police officers are responsible for administering the risk assessment questionnaires. Thus, training to law enforcement agencies was a crucial element of the Arrest Project. Training began with the rural police departments and allowed continuous modifications before the forms were taken to the Madison Police Department and Dane County Sheriff's Office. By the end of

September 1998, twenty-four Dane County law enforcement agencies had been trained. Training was conducted on completing the risk assessment questionnaires, safety planning for victims and children, local resources, implementation of relevant laws and procedures related to domestic violence crimes, conducting investigations, and evidence collection. All of these agencies are submitting risk assessment information for inclusion in the COPS database.

Project Expansion (1999-2000)

In late 1998, Dane County submitted a proposal for the continuation of Arrest Policy grant funds. The restrictions of the lethality scale imposed by VAWO, and the added pressures placed on prosecution resources, transformed the nature of the Arrest Project. In the proposal for supplemental funds, Dane County proposed to increase offender accountability and victim safety “through the creation of a court-related bail monitoring program for high risk offenders, centralized prosecution of domestic violence offenders, and increased victim and child support and advocacy.”

This proposal documents five problems unique to Dane County. First, an overwhelming number of domestic violence cases burden the justice system, especially in terms of prosecutorial and victim advocacy resources. Second, the community is unable to meet the demand for community-based legal advocacy. Third, Dane County lacks the resources to effectively monitor violent, high-risk domestic violence offenders while they are released on bail pending resolution of criminal charges. Fourth, the community has failed to recognize the connection between domestic violence and the impact of witnessing abuse on children. Fifth, training efforts that could maximize community resources are fragmented. The proposal goes on to suggest the following solutions:

- Expansion of specialized prosecution and victim advocacy, to include combined child and adult family violence cases;
- Creation of a courts and community-based legal advocacy program to assist with victims through criminal, juvenile, and civil courts and in community policing precincts;
- Development of specialized pre-trial offender monitoring process for domestic abusers identified at “elevated risk” of violence through the risk assessment project; and
- Provision of training to law enforcement, prosecution, courts, child protective services, and emergency health care for the purposes of increasing adherence to arrest

policies to include recognition of stalking, child abuse, protection orders, and other domestic violence crimes.

Supplemental funding for this phase of the project was received in 1999. In addition to continued funding for the Management Information Specialist and Clerk Typist, the following positions were hired for the Arrest Project:

- Assistant District Attorney (5 year seniority level)
- Two Assistant District Attorneys (2 year seniority level)
- Domestic Violence Specialist—General
- Domestic Violence Specialist—Child Focus
- Assistant Jail Diversion Coordinator (Specialized Bail Monitoring)
- Training Coordinator (under contract with DAIS)
- Legal Advocate (under contract with DAIS)

Prosecution

Prior to Arrest Policies funding, the Dane County District Attorney's Office employed two specialized domestic violence prosecutors. These two prosecutors were able to handle only one-fourth of the total domestic violence caseload. By June 1999, the District Attorney's Office hired three additional assistant district attorneys to complete the specialized unit and ensure vertical prosecution of all domestic violence cases. Specialized prosecution, in conjunction with strong victim advocacy, increases the number of cases resolved prior to jury trial and expedites the court process so that a disposition in most cases is reached in ninety days or less.

This project addresses the difficult problem of child witnesses/victims in violent homes. In Dane County, at least 30 percent of the 3,000 annually reported domestic violence incidents involve children as witnesses or victims of the violence. The District Attorney's Office designated one of the prosecutor positions to specialize in the prosecution of combined domestic violence and child abuse cases, paying special attention to the needs of children affected by violence in the home.

Advocacy

The Arrest Project added advocacy resources to both the District Attorney's Office and the local non-profit partner. In the District Attorney's Office, two advocates and one program administrator had worked over 3,000 cases annually. In April 1999, two additional Domestic Violence Specialists joined the District Attorney's Office under the Arrest Program. One of the Specialists focuses on child victims and witnesses, and provides advocacy in teen dating violence

cases. The child-focused advocate and prosecutor network with child protective and juvenile justice system professionals with the intent of recognizing domestic violence in the home.

Another element of this grant focused on developing stronger ties with community-based legal advocacy. The legal advocate, under contract with DAIS, assists victims with restraining orders, networks with a wide variety of agencies and groups (District Attorney's Office, police, probation/parole officers, child protective services), and provides general legal advocacy to victims of domestic violence. The advocate, hired in March 1999, promotes greater coordination between the justice system and service providers. The legal advocate provided direct legal advocacy services to 70 clients by the end of September 1999.

Bail Monitoring

The Arrest Project expanded into the area of bail monitoring. The Wisconsin Statutes defining rules for bail release focus primarily on identification of whether or not offenders will appear at future court appearances. The rules do not focus on victim safety. Given these rules, most domestic violence offenders are released under signature bond rather than having a cash bail requirement imposed. Under the bail monitoring program, domestic violence offenders identified as posing a substantial threat to victims and/or their children will be monitored by the Alternatives to Incarceration Program (ATIP). The risk assessment would be used to identify offenders who are at a high or elevated risk for repeated violence. This project adds a specialized Assistant Jail Diversion position that will be responsible for monitoring high-risk domestic violence offenders, serving to provide greater accountability and promote victim safety.

An Assistant Jail Diversion Coordinator was hired in March 1999 to provide structured supervision of certain offenders. The Coordinator may require offenders to refrain from consuming alcohol or non-prescription drugs, participate in counseling, refrain from contact with the victim and/or children, and participate in electronic monitoring. Offenders in the program are required to report to their case manager at regular intervals.

Training

A Training Coordinator, under contract with DAIS, was hired in May 1999 under the Arrest grant to centralize and coordinate training efforts with all first responders to domestic violence crimes. The Coordinator is charged with developing training curriculum and

coordinating training to law enforcement, emergency health care, courts, court-related personnel, prosecution, victim advocates, child protective services, and other system players.

Project Performance

Dane County's Arrest Project does not have an independent local evaluator. Consequently, some of the proposed evaluation measures have not been collected and performance is difficult to document, especially for those components that are recent additions to the project. Nevertheless, some assessments can be made in the areas of training and bail monitoring. The original and continuation proposals outline the following measures of project performance.

Project Component	Performance Measure
<i>Domestic Violence Offender Database</i>	<ul style="list-style-type: none"> Eighty percent of surveyed users will experience an increase in communication of information regarding offenders, will express increased ability to effectively perform job duties, to include enhanced ability to hold abusers accountable and increased ability to provide victims information which may increase safety.
<i>Lethality Scale</i>	<ul style="list-style-type: none"> After each training, participants will be asked to complete an evaluation which will have questions used to ascertain (1) student understands the use of the database and methods for determining lethality, (2) student understands the dynamics of domestic abuse and victim needs/safety issues. If 80 percent of the evaluations returned demonstrate an understanding of the above standards, the objective would be positively achieved.
<i>Specialized Prosecution</i>	<ul style="list-style-type: none"> Eighty percent of all cases handled by specialized prosecution unit will be resolved prior to jury trial, the offenders will have entered a plea of guilty or no contest resulting in increased safety for victims and offender accountability.
<i>Bail Monitoring</i>	<ul style="list-style-type: none"> At least 50 percent of offenders will comply with their court ordered conditions of bail release.
<i>Training</i>	<ul style="list-style-type: none"> Eighty percent of training participants will identify through evaluation an increased awareness of safety issues impacting victims and children. Participants will be able to identify appropriate course of action that will increase safety and offender accountability. After training, participants will be asked to complete a written evaluation which will ascertain the training participants' understanding of domestic violence and effects on children, safety planning for victims and children, and methods for effective offender accountability. Eighty percent of evaluations returned will demonstrate an understanding of the above standards. Members will report increased sensitivity. Random sample of former victims will be asked to voluntarily complete an assessment of the system. At least 50 percent of those responding will report satisfaction with sensitivity of system.

Several project components have not been adequately evaluated. First, the development of the Domestic Violence Offender Database, which was delayed as a result of extraneous factors, has not been assessed through a survey of users. Second, the lethality scale, transformed into a risk assessment form, has been the subject matter of training but a specific evaluation of the assessment form has not been conducted. Third, specialized prosecution is a new element to the grant and statistics for the period of operationalization prior to this site visit could not be

collected. Fourth, a survey of former victims has not yet been conducted to assess staff sensitivity.¹⁰

This section reports on the two items that have been subject to local evaluation: training, and bail monitoring. A recent workshop for Dane County Law Enforcement Agencies was held October 14-15, 1999. The workshop contained sessions covering the following topics:

- Characteristics of Batterers
- Identifying Primary Physical Aggressor
- Advanced Investigating and Reporting
- Stalking
- Risk Assessment and Domestic Homicide
- Child Witnesses
- Strangulation
- Safety Planning.

Exhibit 2 shows the mean evaluation scores for each session. The highest level of satisfaction is assigned a score of five. The overall assessment of the workshop shows a great deal of satisfaction (mean score of 4.5) with the material covered. Workshop attendees were especially satisfied with the material covered in the advanced investigation and strangulation sessions, while expressing the least level of satisfaction with the session on child witnesses.

¹⁰ Some evaluation has been done by DAIS, who routinely survey service recipients to assess services and staff. In addition, Dane County staff will combine their survey items to ILJ's upcoming impact study, which will include victim interviews as part of the methodology.

Exhibit 2: Mean Evaluation Scores of Training Material (n=22 to 29 students)

Item: The presenter covered the material that I expected. (*1=completely disagree; 5=completely agree*)

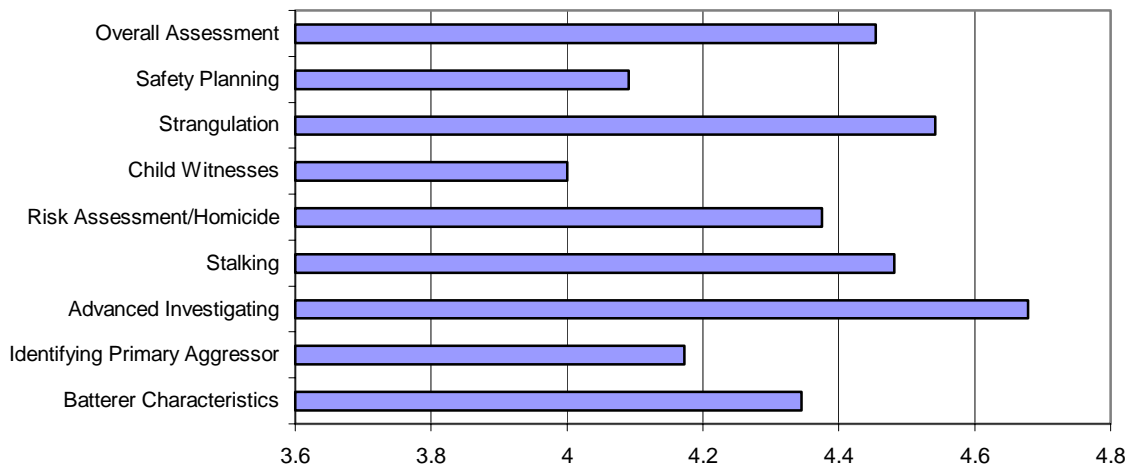
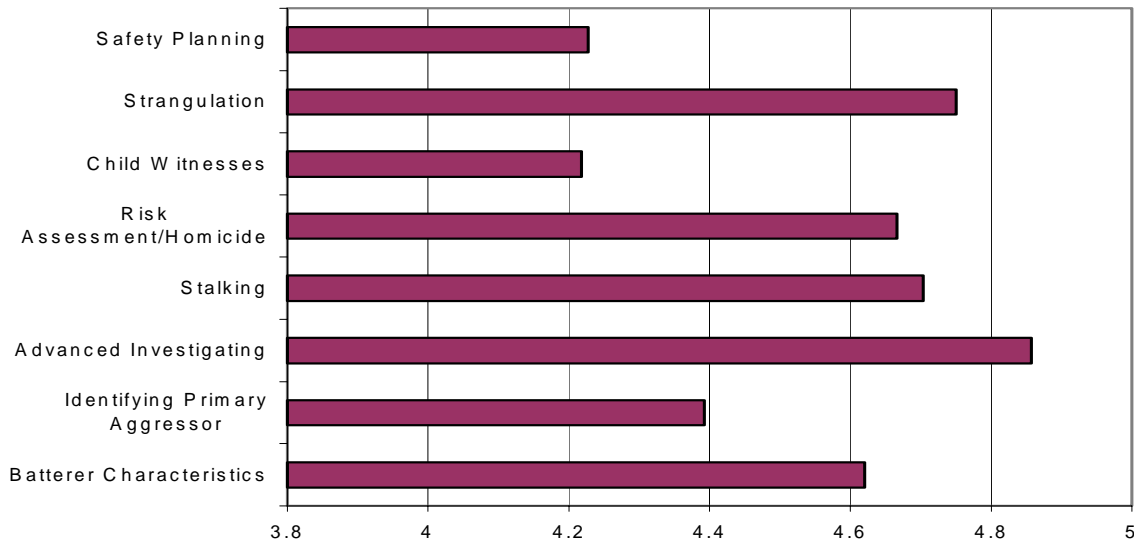


Exhibit 3 provides the mean evaluation scores given to presenters. Here attendees responded to the item: “The presenter demonstrated thorough and up-to-date knowledge.” A score of five again represents the highest possible score. The graph shows a high level of satisfaction with the presenters, as all means were above 4.0. Attendees showed the greatest amount of satisfaction with those who presented the material on the topics of advanced investigations, and strangulation. The presentations on safety planning and child witnesses were less well-received.

Exhibit 3: Mean Evaluation Scores of Training Presenters (n=22 to 29 students)

Item: The presenter demonstrated thorough and up-to-date knowledge. (1=completely disagree; 5=completely agree)



The bail monitoring program provided some information to assess performance. However, this program is relatively new and any long-term impacts cannot be gauged at this time. The proposal measured “success” as compliance by at least fifty percent of offenders with their court ordered conditions of bail release. As of September 30, 1999, fifty defendants were referred to the program, with 32 men accepted into bail supervision. Of those offenders, 13 (41 percent) have successfully completed pre-trial supervision without incident and 14 offenders had pending cases. Only five offenders did not successfully complete the program. While these offenders did not “successfully” complete the program, this can also be considered a success. Unsuccessful offenders are dealt with by having their signature bond revert to cash bail. Many of them are incarcerated in jail pending the outcome of the case. The bail monitoring program in this way promotes safety for victims. From these preliminary data, it appears that the bail monitoring program is successful as measured by compliance rates.

Recommendations and Conclusions

Dane County's Arrest Project is an ambitious attempt to hold batterers accountable for their actions and increase victim safety. The project is multi-dimensional and staffed by experienced professionals. This section of the report suggests recommendations to improve the response to domestic violence, and concludes by recognizing the Dane County Project as one of six projects across the nation to be included in further impact study.

Recommendations

The following recommendations, if implemented, would improve project performance.

1. Examine the validity and usefulness of the risk assessment tool.
2. Continue database development and expand accessibility.
3. Determine eligibility criteria and evaluate the bail monitoring program.
4. Develop protocol for handling domestic violence/child abuse cases.
5. Expand outreach to rural communities and underserved minority populations.
6. Encourage probation to participate in domestic violence initiatives.

Risk Assessment

The original intent of the Dane County Arrest Project was to create a lethality scale that would assist staff with identifying potentially lethal batterers. By doing so, resources could be pooled to protect especially vulnerable victims from future violence. Project staff have done an admirable job designing the risk assessment tool—especially after federal authorities dictated the elimination of numeric scaling. Yet the risk assessment tool remains unproven and its future is uncertain.

Police officers are complying with the District Attorney's request to complete and submit the risk assessment forms. While the assessment tool may suggest escalating violence, there is no systematic response in such cases. Project staff should consider reviewing victim responses to the assessment and track cases that indicate a "high" risk. Is the assessment tool accurate in predicting future violence? If so, should the system cater its response to this subset of victims and offenders? These are questions that can only be answered by examining the database and interviewing victims regarding frequency and severity of violence.

Database Development and Accessibility

The development of the Domestic Violence Offender Database has been delayed—primarily due to factors beyond the control of the District Attorney’s Office. The database, as designed, has a great deal of potential. Yet accessibility is currently limited. Staff should continue their effort to make the database available to all law enforcement agencies in the County. Networking issues should be resolved to ensure timely access to the data.

Bail Monitoring – Eligibility and Evaluation

The criteria for eligibility for the bail monitoring program remain vague. An internal memo (dated April 20, 1999) suggests that placement of an offender in the bail monitoring program should be based on the following factors:

- Seriousness of charges
- Pending domestic violence cases
- Prior domestic violence convictions
- Lethality assessment “score”
- Prior failures to appear or failure to follow court orders.

Yet referral to the program is discretionary to prosecutors and judges. The District Attorney’s Office, in conjunction with Bail Monitoring staff, should outline eligibility criteria. Although the discretionary aspect remains critical, guidelines would indicate the type of offenders most likely to benefit from the bail monitoring program. Similarly, eligibility criteria would help staff with early identification of offenders who are NOT suitable to the program.

Protocol Development

The newest element of Dane County’s Arrest Project is the special prosecution and advocacy provided in domestic violence cases where there is also child abuse. Staff are currently networking with Child Protective Services and community service providers. The system’s response to these types of cases is not clearly defined. The District Attorney’s Office should take the lead in developing a protocol that outlines the role played by each major agency and a common mission statement. The protocol should include law enforcement response to domestic violence incidents involving child witnesses or victims. Protocol development should be a collaborative process.

Outreach

The rural nature of Dane County is a challenge to service providers. Almost all resources are concentrated in the city of Madison. The District Attorney's Office, in conjunction with DAIS and the local task force, could improve outreach efforts. The task force provides an excellent forum in which to develop outreach. In addition to the challenge posed by rural areas, there are language and cultural barriers that impede the system's response to domestic violence. In particular, there is a sizeable Hmong community in the Madison area. Staff should continue to develop and expand networks into these communities.

Probation Participation

The most significant barrier to creating a system of accountability is the Wisconsin Department of Corrections. In general, the supervision accorded domestic violence probationers is minimal. Furthermore, the Department oversees batterer treatment options and requires only fourteen weeks of treatment. This level of treatment is well below the national average. Dane County's Arrest Project would be vastly improved if probation staff would devote resources to domestic violence offenders. Realistically, Arrest Program staff are limited in their ability to influence probation staff because the agency is under state authority and not subject to local parameters. Despite this obstacle, the District Attorney's Office and Courts can undertake a lobbying effort to increase the level of commitment from probation agents.

Conclusions

The Dane County Arrest Project is an ambitious attempt to tackle the problem of domestic violence. The merits of this project are worthy of discussion. Several elements coexist to produce a solidly run program. First, staff are clearly well-qualified and have considerable experience in domestic violence. Second, the level of coordination between advocates within the criminal justice system and the non-profit community is substantial. Third, the community boasts an active task force.

The District Attorney's Office has prioritized domestic violence. The domestic violence prosecution staff includes several experienced prosecutors who mentor newer staff. Advocacy has been a strong element in Dane County—the District Attorney's Domestic Violence Unit has seasoned specialists acting in this capacity. In addition, the bail monitoring program has been in

existence for nearly a decade and its application to domestic violence offenders has benefited by staff experience. Other than limitations imposed by probation, this project's success is a direct outcome of the experience and dedication of staff.

Advocacy agencies have different roles, depending on whether they are part of the criminal justice system or independent. The rules of confidentiality and operating philosophy are likely to differ between system and community advocates. This project involves an atmosphere of cooperation and understanding between advocacy groups. A close working relationship has developed between the District Attorney's Office and DAIS, which is expected to continue. Victims benefit from this cooperation by receiving a consistent message.

Dane County's task force, the Coordinated Community Response to Domestic Violence Task Force (CCRDVTF), provides an open forum for representatives of the criminal and civil justice systems, service providers, and community interests. The task force has highlighted problem areas, made attempts to involve appropriate staff, and continues to work to create a coordinated response. The task force will play a significant role in future domestic violence initiatives.

Finally, the Dane County Arrest Project has the potential of becoming a national model for a coordinated response to domestic violence. This project was chosen as one of six Arrest projects nationwide to be included in further impact study. Results from this study will reveal how project elements, such as specialized prosecution and bail monitoring, affect offender accountability and victim safety.

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