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First Judicial District Arrest Policies Project

Santa Fe, New Mexico

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First Judicial District
National Institute of Justice
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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 this 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 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 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 or six sites will assess the

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

This report is a process evaluation of the Arrest Program in the First Judicial District located in New Mexico. To fully understand the project, this report will describe the project environment, planning, goals, implementation, problems encountered, the partnership, community coordination, and conclusions.

Project Environment

The First Judicial District Attorney's Office is located in Santa Fe, New Mexico. However, the judicial district encompasses three counties: Santa Fe, Los Alamos, and Rio Arriba. These counties cover a large area (7,876 sq. miles) and have a very diverse population.

Santa Fe County is 1,909 square miles and has a population of about 120,000. The only urban area in the county is the city of Santa Fe, which serves as a haven for tourists year round. The county is primarily Hispanic with a small Anglo population. The city of Santa Fe has a significant population of gay, lesbian, bi-sexual, and transgender individuals, and this creates a unique problem when addressing domestic abuse.

Los Alamos is a very small in land size, 109 square miles, but has a population of 18,200. Government scientists live and work in Los Alamos. Nuclear weapons are created and tested there. The community is very "closed" and employees have high-level security clearances. The population is largely Asian and Anglo, although there are a few Hispanics. Because of the highly sensitive nature of the work that is done in this area, there have been some problems with getting into this community to help victims of domestic violence.

Rio Arriba is the largest of the three counties, 5,858 square miles, and extends north to the Colorado border. This county has nine Indian reservations, one Apache and eight northern pueblos. Each reservation has its own government and court system. Tribes enjoy a tax-free income from casinos they own and operate on their reservations. There is also a large Hispanic population, and there has recently been an influx of Mexican nationals to this area. Rio Arriba County is often in the top ten counties in the nation when it comes to illegal drug use. Heroin is the primary drug of choice.

State Legislation

In New Mexico, alleged offenders of domestic violence are typically charged with assault and aggravated assault against a household member, assault against a household member with intent to commit a felony, battery and aggravated battery against a household member. Household member is defined as “a spouse, former spouse or family member, including a relative, parent, present or former step-parent, present or former in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship.” Cohabitation is not necessary to qualify someone as a household member under the Family Violence Protection Act (§40-13-2).

Section 30-3-12 of the criminal code states that assault against a household member consists of “an attempt to commit a battery against a household member or any unlawful act, threat or menacing conduct that causes a household member to reasonably believe that he is in danger of immediate battery.” Assault against a household member is a petty misdemeanor. Aggravated assault against a household member (Section 30-3-13) consists of “unlawfully assaulting or striking at a household member with a deadly weapon or willfully and intentionally assaulting a household member.” Aggravated assault is a fourth degree felony. Assaulting a household member with the intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second or third degree, robbery, kidnapping, false imprisonment or burglary is a third degree felony.

Battery of a household member is addressed under section 30-3-15 and 16 of the criminal code and is “the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner” and is a petty misdemeanor. Aggravated battery against a household member is defined the same, but includes the intent to injure a person or another. Aggravated battery is a misdemeanor when it inflicts injury to a person that is not likely to cause death or great bodily harm, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body. However, if great bodily harm is inflicted with a deadly weapon or otherwise, it is a third degree felony.

A victim of domestic abuse may petition the court under the Family Violence Protection Act for an order of protection. There is no waiting period to establish residency to obtain a

protection order. The victim does have to live in the jurisdiction where she files for an order. Upon filing a petition for an order of protection, the court immediately grants an *ex parte* order of protection without bond if probable cause is shown in the affidavit or petition. Within 10 days after granting a temporary order, a hearing is held to determine if a permanent order is necessary. All parties involved must be served notice of the hearing. If notice of the hearing cannot be served within 72 hours, the temporary order of protection shall be automatically extended for 10 days.

Law Enforcement

There are many law enforcement agencies within the First Judicial District. Each county has its own police department, and some of the cities within the counties also have police departments. The handling of domestic violence cases varies greatly. Some of the police departments have received training; however, there is still a lot of room for improvement.

Court System

The cities of Santa Fe, Los Alamos, and Espanola have municipal courts, which enforce city ordinances. The ordinances cover most of the misdemeanor crimes. Municipal courts have jurisdiction for crimes that carry penalties of 90 days or less. Police officers prosecute cases in municipal court and there are no victim advocates assigned to the court. In Santa Fe, domestic violence cases aren't sent to municipal court. However, domestic violence cases are occasionally sent to municipal court in the other jurisdictions. Police officers use their discretion to decide in which court to file a case.

Magistrate Court is run by the state and has jurisdiction in a specific county for misdemeanor cases. Judges in this court are required to have a high school diploma and are elected officials. This court hears cases for crimes that carry a punishment up to 364 days. Preliminary hearings for felonies also take place here. Since there is such a backlog of cases in Magistrate Court, judges have requested that prosecutors take cases directly to the grand jury.

District Court hears felony cases that carry a punishment of more than one year. A fourth degree felony is punishable for 18 months or more, third degree for 3 years, second degree for 9 years, and first degree for 18 years. Domestic violence cases are usually prosecuted as third degree felonies, which include aggravated battery with a deadly weapon and great bodily harm.

There are two district court judges in Santa Fe who handle criminal cases. One day per week is designated for scheduling the docket and entering pleas while trials take place the rest of the week. Los Alamos and Rio Arriba counties have district courts where trials and jury selection occur for incidents that are committed in their jurisdictions. The backlog of cases in Santa Fe was very apparent while observing in District Court during the site visit.

The First Judicial District also has a Protection Order Court. A commissioned hearing officer, supervised by a district court judge, hears cases. The hearing officer is an attorney and makes the decision whether or not to grant the final order. Hearings are held twice a week. Violations of protection orders are handled in another court. Also, if there is a criminal or civil case already pending concerning the parties involved, protection orders are handled in the court that is hearing the case.

If the victim is single and has no children by the perpetrator, the order can be valid for up to 20 years. If there are children involved, protection orders can only be valid for up to six months because of custody issues. If the alleged perpetrator has been notified of the order and violates it, he can be arrested only if the victim has the order in her possession at the time of arrest.

Native American reservations in the area each have their own court system. They handle their own misdemeanor domestic violence cases. Felony domestic violence cases are sent to the U.S. Attorney's Office and the Bureau of Indian Affairs investigates these cases. If a crime is committed on a reservation by a non-tribal member, the local law enforcement agency is called and the District Attorney handles the case.

Existence and Adequacy of Planning

There was no planning team established for the first VAWA grant. The director of the diversion program, along with the District Attorney, was involved in developing the vision for the original grant proposal. At that time, the diversion program was being funded by the state legislature and the program's director was seeking funds to continue the program.

Within the first year of the grant, the director of the diversion program resigned. Shortly thereafter, a project director for the Domestic Violence Unit (DVU) was hired. The project director of the DVU wrote the continuation grant. Again, there was no planning team, however,

the non-profit agencies involved were consulted on the proposal. The second grant was written with input from VAWGO as to the grant limitations.

A needs assessment was done to determine the level of training needed by law enforcement. Methods used in the assessment included a self-administered questionnaire that was given to police departments in all three counties and focus groups that were conducted with members of the patrol division as well as their supervisors. Essentially, the assessment validated the perceived need for law enforcement training. The findings indicated that domestic violence training was needed in the following areas (listed by priority):

1. Orders of Protection
2. Federal Crimes
3. Children
4. Victim Safety
5. Special Issues
6. Arrest Criteria
7. Probable Cause
8. Documentation
9. Policy Information.

Goals of the Project

The goals of the Arrest Project have changed since the inception of the grant. The initial focus of the project was deemed inappropriate by the Violence Against Women Grant Office and the goals were changed in an effort to continue the grant.

Initial Goals

Goal 1: Creation of a Domestic Violence Family Unit within the First Judicial District Attorney's Office consisting of eight personnel.

Separately functioning departments of family law and prosecution will be brought together to allow for better coordination, reporting, services, effectiveness and involvement in the community. The unit will aggressively prosecute all domestic violence cases.

Goal 2: To continue the Domestic Violence Diversion Program.

As an alternative to prosecution, this program works with victims and assures offender accountability. Perpetrators must complete their individualized treatment plans within a two-year period or face prosecution with a signed statement of guilt.

Goal 3: Establish uniform and effective arrest policy and procedures for domestic violence cases and train law enforcement on this policy.

A mandatory arrest policy will be established for domestic violence cases and law enforcement agencies in the area will be informed of this policy. Training will be given on determining primary aggressor as well as information about services for victims.

Goal 4: Develop a domestic violence tracking system.

A tracking system will be developed that will link law enforcement, prosecutors, the judiciary, and social service agencies to effectively disseminate information about domestic violence cases.

Goal 5: Provide services to victim of domestic violence.

Victim advocates will be hired to work in the unit and with the non-profit agencies. Relationships with area shelters will be established and legal advocacy will be provided.

Goal 6: Educate the community regarding domestic violence.

Brochures and packets with information about domestic violence will be created; presentations will be made at schools; and local agencies will be contacted to inform them of these services.

The first two were addressed in the first six months of the project. The domestic violence unit was in the process of being set-up and the diversion program was already in place when the grant began. The Director of the Diversion Program was focused on successfully diverting offenders and other aspects of the grant were neglected. All other goals were not addressed until the project director was hired.

Current Goals

Since the special conditions of the initial VAWA grant stated that funds could not be used for diversion activities, the goals of the project were re-evaluated and changed. The current goals for the project are

- To continue the Domestic Violence Unit in the District Attorney's Office.
- To better assist victims with obtaining protection orders by hiring a court advocate working with the local shelter.¹

¹ Two victim advocates were hired for the Domestic Violence Unit in November 1997.

- To provide judicial oversight rather than diversion for perpetrators of domestic violence.
- Development of a case tracking system for domestic violence cases.²
- To include the Native American Tribal Nations in community education about domestic violence.³

All of the goals stated above have been met.

Implementation

Implementing the initial goals and objectives was problematic in a number of ways.

Obstacles the District Attorney's Office faced are discussed below.

- **Staffing** — There were problems with staffing the unit. In the beginning, there were only three attorneys and two advocates working in the unit. Turnover was a problem then and still is.
- **Diversion** — Most of the monies were going towards diversion, which was prohibited by VAWGO. The project approach had to be revamped and funds (\$7,000) used for diversion had to be paid back to VAWGO.
- **Protocols** — Roles and responsibilities within the unit were not clearly defined. Protocols for the unit were needed to outline responsibilities and procedures for unit operations.
- **Caseload** — The first Chief Attorney for the Domestic Violence Unit was not screening and assigning cases in a timely manner. Therefore, a tremendous backlog of cases developed.
- **Partners** — The non-profit organizations were unhappy with the partnership because they were essentially left out of the project after the grant was awarded. At that time, there was no one to facilitate collaboration. The relationship between agencies was in jeopardy.

A project director was hired in October 1997. She started to formalize the unit and restore the relationship with the non-profit agencies. Job descriptions and protocols were developed, advocates were now being supervised, and the post-conviction program was created in lieu of diversion, and planning for the case management system began.

² Computer hardware was purchased and received by October 1997. The Vera Institute was contacted to provide assistance with software development.

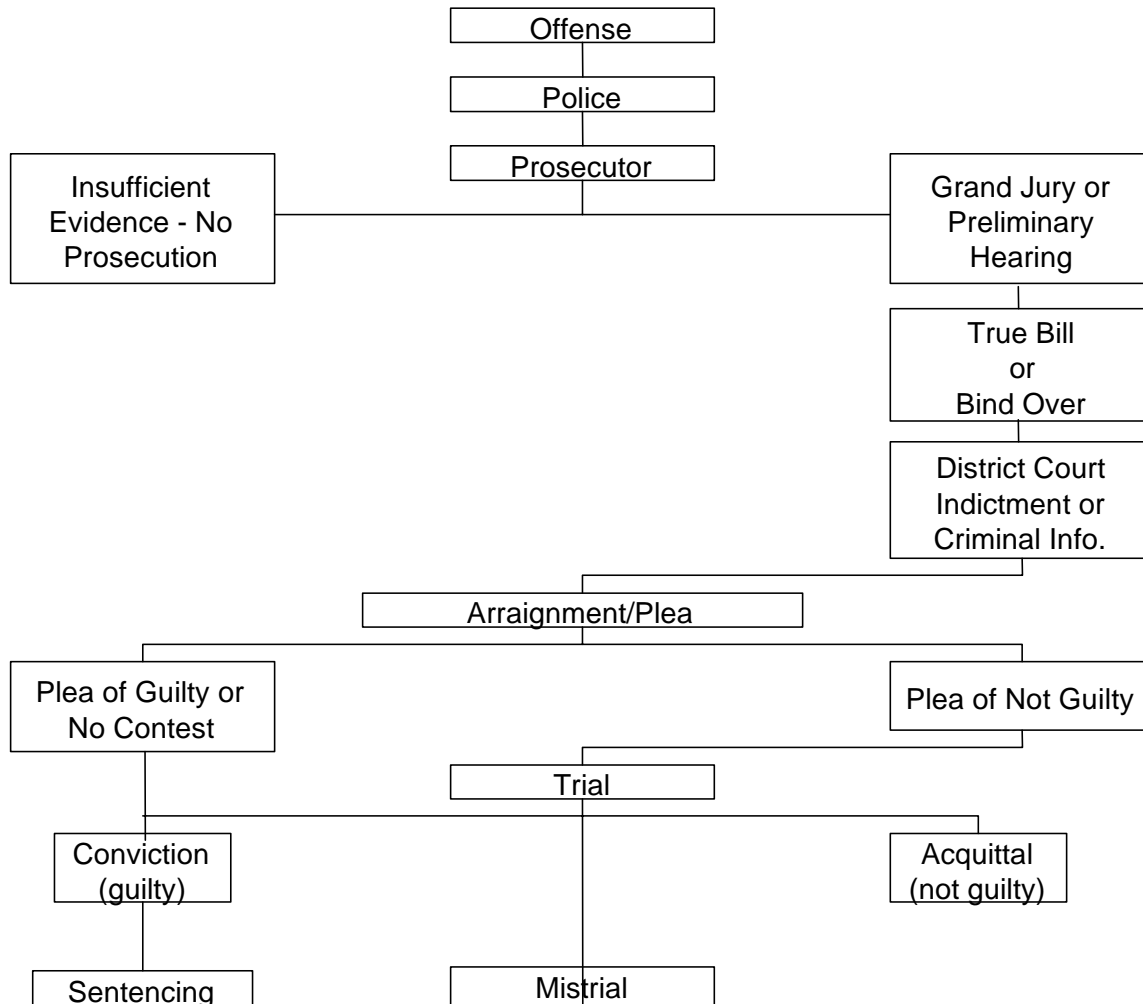
³ A resource and safety pamphlet for domestic violence victims was completed and distributed to all appropriate community agencies and to victims.

Operational Description

This section will discuss how cases flow through the courts in the First Judicial District, how the Domestic Violence Unit handles these cases, and the roles of the non-profit agencies.

Domestic Violence Unit

The Domestic Violence Unit consists of five prosecutors—three felony attorneys and two misdemeanor attorneys. There are also three victim advocates, two prosecution administrators, two secretaries, and two investigators. The Deputy District Attorney screens all domestic cases and determines if they are felonies, misdemeanors, miscellaneous, or no crime has been committed. After the cases are entered into the case management system, the Chief Attorney of the unit assigns cases to attorneys in the unit. Prosecution of cases in a timely manner has been difficult due to the backlog of cases. Defense attorney tactics (e.g. motions) have also caused delays in prosecution. The chart below illustrates the flow of felony cases through the system.

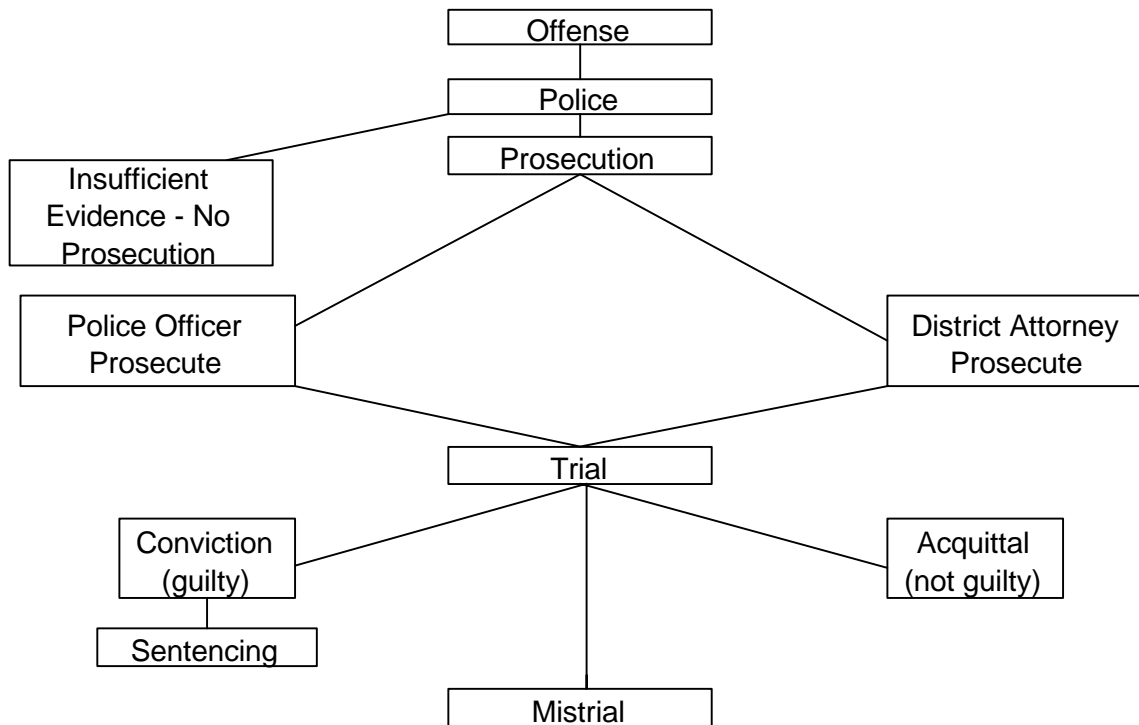
Exhibit 1: Cases Flow of Felony Cases

As stated earlier, felony cases usually by-pass the preliminary hearing and go directly to grand jury because magistrate judges have no time to hear them. This arrangement would be efficient if Rio Arriba and Santa Fe Counties were not limited to eight grand jury hearings a month. When probable cause is established (true bill), the case goes to District Court. If an indictment is reached, an arraignment is held and the defendant gives a plea. The time lapse

from grand jury to trial is approximately eight months. Trials and jury selection are held in the jurisdiction in which the incident occurred.

The misdemeanor process is very different. Depending on where the case is filed, Municipal or Magistrate Court, a police officer could be prosecuting the case. District Attorneys never prosecute in Municipal Court. The chart below illustrates the procedures for misdemeanor cases.

Exhibit 2: Procedural Flow for Misdemeanor Cases



Investigations

The Domestic Violence Unit has two investigators who work with the prosecutors. One investigator handles child abuse cases whether they are domestic related or not. The other investigator works solely for the Domestic Violence Unit. Both investigators are former law enforcement officers with several years of experience. The investigators locate and interview

victims/witnesses, take photographs, serve subpoenas, get medical records, and collect evidence necessary to prosecute a case.

Advocacy

Three victim advocates work within the Domestic Violence Unit. One advocate works on cases from Rio Arriba and Los Alamos. Since the caseload is so large, the other two advocates handle Santa Fe cases. After cases are entered into the case management system, a file is created and the project director assigns cases to the advocates. The advocate attempts to contact the victim by phone in felony cases. If no contact is made, a letter is sent to the victim. Misdemeanor cases are always handled by mail. Information provided to the victim includes notification of all proceedings, safety planning, protection orders, victim's rights, restitution, compensation, and referrals for services.

Advocates provide support for victims by accompanying them to court. The relationship established between a victim and her advocate is valuable to prosecutors because the advocates serve as a liaison. Advocates are usually the first to know if a victim will be cooperative or not. Since hearsay is admissible in motion hearings, advocates are occasionally, asked to testify in the victim's absence.

Coordinated Community Intervention Program Services

The Coordinated Community Intervention Program (CCIPS) began in June 1999 and is a joint project between the District Attorney's Office and the Magistrate Courts. CCIPS is a court-mandated program for offenders convicted of domestic violence. To be eligible for the program the applicant must

- Be a first time domestic violence offender
- Plead guilty to misdemeanor domestic violence (felony cases are not eligible to participate in the program).

Participants of the program agree in writing to abide by the conditions of the program including paying restitution, attending all counseling, paying for treatment services, maintaining contact with program staff on a regular basis, not violating the law, and not engaging in any further acts of domestic violence. An individual intervention plan is created for each offender by CCIPS staff. The plan includes any appropriate intervention needed such as counseling, batterer

re-education, and alcohol treatment. CCIPS staff meet with offenders twice a week. The client is required to bring progress reports regarding compliance in any court-mandated counseling or community service. Meetings with CCIPS staff are more infrequent over time if the client is compliant with all conditions. Clients can be sentenced to a maximum of 180 days in the program.

The majority of clients referred to the program are sentenced to unsupervised probation by the court. However, there are a few who receive supervised probation by the state and are also referred to CCIPS. A relationship has been established with the state probation office to collaborate in the project. This relationship is helpful because CCIPS staff are unable to order urine testing or have clients arrested for non-compliance. When CCIPS staff think it is necessary for a client to have a urine test, state probation is willing to provide testing. CCIPS staff prepares and submits written progress reports to the court regarding each client on a monthly basis. Non-compliance in CCIPS results in termination from the program and the client is charged with contempt of a court order.

Challenges

Staff interviews were conducted during the site visit, and they revealed some current challenges faced by the unit.

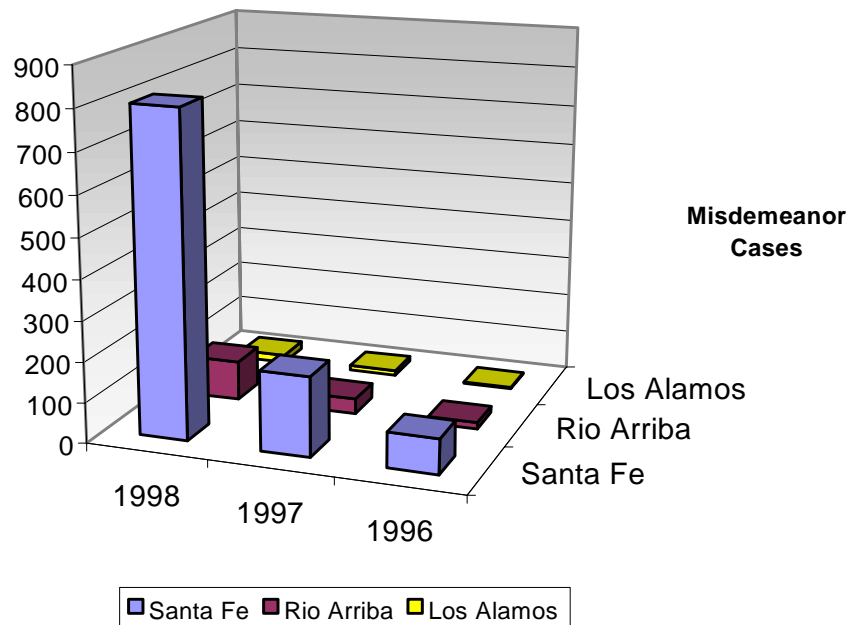
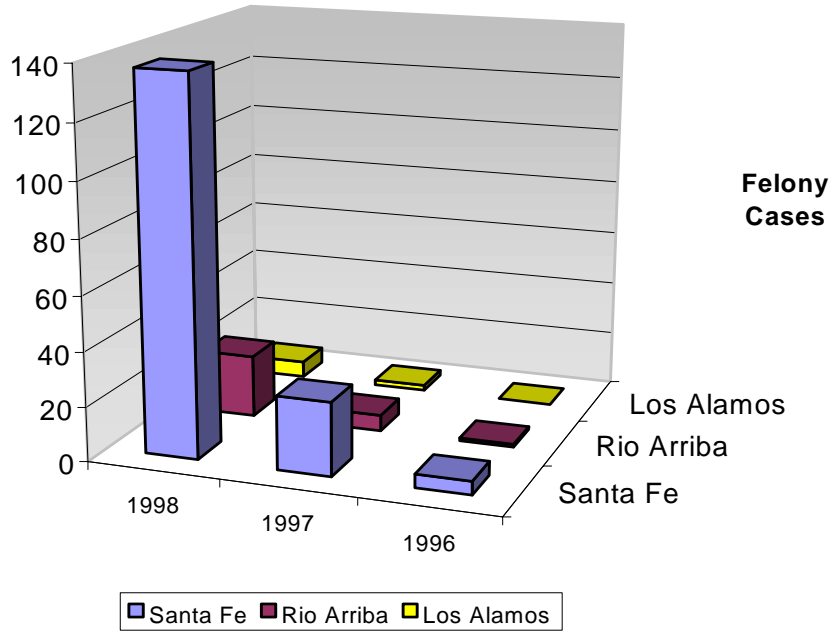
- 1. Case Screening** – It has been time consuming for the Deputy District Attorney to screen cases. This task shifted to him when the previous Chief Attorney was not keeping up with this work.
- 2. Turnover** – The Domestic Violence Unit has experienced high turnover since its inception. Attorneys have transferred out of the unit because they disliked dealing with family issues. Some attorneys have sought employment with other jurisdictions for different reasons. One is the residency requirement. All employees of the District Attorney’s Office are required to live within the First Judicial District. The cost of living in Santa Fe is high and the rest of the area is rural. Second, the unit is small and there is little room for advancement. Third, the salaries in the district are lower than in neighboring Albuquerque.
- 3. Judiciary** – Some judges in the district are not familiar with the rules of evidence in domestic violence cases.
- 4. Victims** – Although many victims are cooperating, many more may be willing if the court system were not so frustrating. Since the courts in the district are backlogged, some victims change their minds about participating in prosecution. Once anxiety and frustration build, it is harder for victims to remain cooperative.

- 5. Counseling** – Recently, the therapeutic community has complained that victim advocates are providing therapy that they are not qualified to give. Advocates provide counseling for victims, but the question remains “At what point does short-term counseling become therapy?”

Progress

The First Judicial District Attorney’s Office has seen an increase in the number of domestic violence cases prosecuted over the past three years. The charts below show the increase in misdemeanor and felony cases the office received between 1996 and 1998.

Exhibit 3: Number of Domestic Violence Cases



The Partnership

The non-profit agencies in the project are the only domestic violence service providers in the area. The relationship with the non-profit agencies was under tremendous strain in the initial stages of the partnership. Promises made to these agencies were not kept. The non-profit agencies were essentially left out of the project. When the project director was hired, one of her biggest hurdles was to repair this relationship. Meetings were held to re-gain their trust and to establish a renewed commitment to the project.

The Crisis Center

The Crisis Center has been a rape crisis and domestic violence center since April 1992 and has 16 staff members. The Center is located in Rio Arriba County in the city of Espanola and serves northern Santa Fe County, Los Alamos, and the Pueblo tribes. It receives funds from federal grants, the state, and private foundations. Approximately 300 people are served per year. The Center operates a 12-bed shelter (Haven House) for victims and their children. Ninety days is the maximum length of time a victim can reside at the shelter. The shelter also operates a 24-hour crisis hotline, offers individual and group counseling, family therapy, and community and school-based violence prevention education. There is no cost to receive services. However, men are required to pay fees for the domestic violence program (\$200) and substance abuse component (\$150). The substance abuse program is a three-phase (26 weeks), court-ordered program. Computerized assessments are conducted for all participants.

Esperanza

Esperanza is a private, non-profit, community-based organization. Its main office and shelter are located in Santa Fe. Outreach offices for counseling are in Santa Fe, Las Vegas, and Espanola. The organization has 25 staff members and its major objectives are

- To maintain a safe, confidential, temporary shelter for victims of domestic violence and for their dependent children.⁴
- To provide individual and group counseling and other guidance for victims of domestic violence and for their assailants.
- To provide public information and education about domestic violence.

⁴ Two state police officers live on the grounds of the shelters and at least one is available at all times.

- To work closely with the legislature, the courts, and the police to strengthen laws and law enforcement with respect to domestic violence.

A court advocate, funded through the Arrest Grant, helps victims obtain protection orders at Esperanza. The advocate assists with approximately 100 protection orders a week. She works Monday through Thursday assisting victims' with completing the paperwork necessary to file for a protection order; and she accompanies them to court. When a victim gets an *ex parte* order, the advocate hand carries the paperwork to the judge for his signature. An *ex parte* order is good until the date of the final hearing. A victim has to appear at the hearing to be granted a protection order.

Information Management

In March 1998, members of the Domestic Violence Unit, Vera Institute, and the District Attorney's Association in Santa Fe collaborated to enhance the existing case management system to more efficiently track domestic violence cases. The system is NCIC compatible; however, it is not accessible to law enforcement and social services agencies.

There are two prosecutor administrators in the unit who input cases into the system; one enters felony cases into the system, and the other enters misdemeanor cases. The unit receives incident reports from five law enforcement agencies. The information on incident reports varies, and two of these agencies don't use supplemental domestic report forms. Case numbers are color-coded, manually assigned, and entered into the system. Case numbers include the initials of the county for quick identification (e.g., SF, RA, and LA). Some cases have already been filed in Magistrate Court when the paperwork comes to the unit. These cases have additional court related information attached. Sometimes the administrator has to read the officer's summary and determine who the primary aggressor is because the officer did not make a determination. If there is no clear aggressor, the case is filed as miscellaneous but is still tracked in the system.

The case management system has additional fields that record victim information on protection orders, drug and alcohol usage, injuries, photos, and weapons involved. Protection order information is sent over by the court advocate at Esperanza and tracked in the database.

The defendant information consists of the same fields. All charges against defendants are tracked. If a defendant has prior offenses, the prosecutor on the case is notified.

After cases are opened, a victim folder is created and given to the advocate assigned to the case. Contact information with the victim is kept in this folder. To protect confidentiality, advocates don't write detailed notes about their contact with victims because these files can and have been subpoenaed by defense attorneys. Since advocates aren't licensed professionals, the same confidentiality laws do not protect them. When a victim is in extreme danger, she is sent to counseling with a licensed therapist so that confidentiality is protected.

During the life of a case, DVU staff updates the record in the system. The administrator ultimately records the final disposition of a case. There is a significant time lapse (1 or 2 weeks) between the case being opened in the system and the files being sent over to the chief prosecutor to be assigned to an attorney. This may be due to the large number of cases that have to be opened as well as the quantity of information recorded in the system (e.g. protection orders, dispositions).

Levels of Accountability

The Domestic Violence Unit has developed a system of “check and balances” to ensure that procedures are being followed. After the initial screening of cases by the Deputy District Attorney, the Chief Attorney for the unit reviews them. Twice a month, prosecutors and advocates meet to discuss cases and develop new strategies to better serve victims.

The advocates have weekly meetings for case review. The project director conducts a random quality review of cases each month. She pulls cases from the system by date or by attorney and reviews the file to ensure proper handling of the case. If there is something missing or not documented, she informs the attorney or advocate so they can follow-up on the case.

Resources

The First Judicial District initially received \$402,990 under the Arrest Program. These funds were awarded under the original program goals (to include diversion). Consequently, a portion of the funds that were misused had to be paid back to the Violence Against Women Office. Under the revision of the grant, the District Attorney's Office was awarded \$412,990.

They office did have some STOP funding that was used to hire an investigator. The District Attorney's Office has since put this position in its budget.

Most of the funding has been allocated for staff salaries. Some computer equipment was purchased, and money was set aside to pay for the development of the unit's database. Travel for training was also allocated in the budget.

Community Coordination

A domestic violence steering committee began in 1998 as an informal group of government officials and community members. The project director for the unit was the impetus for the committee. In her past experience, she worked on several state boards and was familiar with many community leaders. The committee discusses the activities of the unit and helps to guide the unit in future endeavors.

The committee was formalized in April of 1999 and meets quarterly. Representation on the steering committee includes law enforcement, probation and parole, shelters, judiciary, mental health, corrections, universities, tribal, and local community organizations. The committee is developing subcommittees in the areas of judiciary, law enforcement, prosecutors, and non-profits. These groups will meet monthly. The project director is still trying to get the substance abuse and therapeutic communities to join the committee.

Conclusions

Many women who report domestic abuse are from low-income families. Since New Mexico is one of the poorest states in the county, it is crucial that the District Attorney's Office and other government agencies view domestic violence as a serious problem. The First Judicial District has been successful in bringing this issue to the forefront. Most jurisdictions do not confront the problems associated with such a geographically large, rural, and ethnically diverse community. Their ability to accomplish this is extraordinary.

Although the Domestic Violence Unit in the First Judicial District is headed in the right direction to achieve the guiding principles of the Arrest Program, victim safety and offender accountability, there were a few concerns noted during the site visit. They relate to victim and advocate testimony, guidelines for the CIPPS program, and collaboration with law enforcement.

Victim and Advocate Testimony

Obviously, the likelihood of conviction in domestic violence cases increases when the victim is participating in the process. The District Attorney's Office takes this a step further by having victim advocates testify as well. Since hearsay is admissible in a motion hearing, victim advocates are being asked to testify in the absence of the victim. This may not jeopardize confidentiality since the advocates are asked to testify to what the victim has said about the incident. However, this does raise a question on what effect this has on how the victim views the advocate when this happens; especially when the victim does not want to participate in the process. The victim may feel that someone she has grown to trust is really a "spy" for the prosecution.

It was also discovered during the visit that victims are occasionally subpoenaed to testify. Many practitioners view this as jeopardizing victim safety. Although the parties involved are often told that charges are being filed by the "state", the victim's participation in the prosecution may, at times, put her more at risk. Requiring victims to testify can also be viewed as re-victimizing.

CCIPS Program

In many jurisdictions, monitoring domestic violence offenders has not been made a priority. Therefore, the CIPPS program is a very important component of the project in Santé Fe. The majority of offenders in the program are on unsupervised probation. However, there are some offenders in the program who receive supervised probation, which means they are already being monitored by a state probation officer. To avoid duplicating services and to prevent draining resources from the CCIPS program, these offenders should not be court-ordered into the program. In order for this component to be as effective as possible, guidelines for the program should be clarified for judges, the District Attorney's staff, and community.

Collaboration with Law Enforcement

Prosecuting domestic violence cases is a difficult job. Without the help of law enforcement, it's even more difficult. Police officers are the first point of contact for victims. The experience that a victim has at this point is very important to a successful prosecution. A victim may make up her mind at that point whether or not she will be participating in the

prosecution of her batterer. Therefore, continuing training for law enforcement is vital. Prosecutors in the Domestic Violence Unit could provide training so that police officers are aware of what is needed to prosecute a case with or without a victim. There are so many law enforcement agencies in the area that uniform handling of cases can be problematic. However, the newly created steering committee is an excellent avenue to pursue collaboration with law enforcement.

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