

Prosecutors' Programs Ease Victims' Anxieties

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Solid evidence and the cooperation of witnesses are fundamental to a successful prosecution. In cases involving violence against women, these crucial elements are often difficult to obtain. Researchers investigating State and local responses to the Violence Against Women Act (VAWA) found new approaches implemented by prosecutors in four States (Arizona, Maryland, Massachusetts, and Oregon) that both led to increased punishment of offenders who victimized women and eased the strain of the prosecutorial process for the victims.

New Approaches in Prosecutors' Offices

Following the passage of VAWA in 1994, several changes were instituted at the four study sites:

- The court attorney in **Maricopa County, Arizona**, formed a Family Violence Bureau to prosecute felony domestic violence, stalking, elder abuse, and child physical abuse.
- The State's attorney in **Wicomico County, Maryland**, assigned VAWA-funded assistant attorneys to handle domestic violence cases in District Court and then in Circuit Court for felony cases.
- The district attorney of **Essex County, Massachusetts**, increased the number of bilingual domestic violence unit advocates in the office.
- The district attorney's Domestic Violence Unit in **Multnomah County, Oregon**, which had begun with only one attorney in 1990, was expanded to include six attorneys, a legal intern, and six victims' advocates.

Greater Interagency Collaboration

One of the major benefits of VAWA cited by practitioners interviewed for this study was a dramatic rise in collaboration and cooperation in addressing domestic violence. In some instances, task forces and interagency programs that had been started prior to passage of VAWA were accelerated and enhanced. In other areas, new ground was broken in bringing together prosecutors, other criminal justice agencies, social service providers, victims' advocates, and victims.

THE VIOLENCE AGAINST WOMEN ACT

The Violence Against Women Act (VAWA), incorporated in the Violent Crime Control and Law Enforcement Act of 1994, was intended to bolster the ability of law enforcement departments, prosecutors, and private nonprofit victim assistance organizations to enhance services to women victims of violence, to better assure victim safety, and to increase offender accountability. The language of VAWA suggests that these results could be achieved through three mechanisms: (1) strategic leadership by the Federal Government to increase coordination among Federal, State, local, and tribal agencies; (2) Federal funding for policing, prosecution, and victim services; and (3) statutory changes allowing for a more active role on the part of U.S. Attorneys in cases involving violence against women.

After VAWA was enacted, the Federal Government established a national hotline, a Violence Against Women Office, and a national Advisory Council on Violence Against Women. By the end of 2000, grants exceeding \$1 billion had been made to public and private organizations concerned with violence against women.

In the four study sites, collaborative efforts included:

- The Maricopa County attorney's office, together with more than 100 law enforcement, prosecutorial, judicial, victim service, and mental health professionals, led the development of a comprehensive criminal justice protocol for domestic violence that promoted evidence-based prosecutions. The county attorney also began a program with the Maricopa Probation Department to provide special case management for supervising the offenders prosecuted by the Family Violence Bureau. In 1999, the county attorney supported the creation of a Family Advocacy Center in Phoenix, Arizona, with the active participation of both city and county prosecutors. The Center, directed by the Phoenix ombudsman, houses representatives of the police, fire, and human services departments; the municipal court (which can issue protection orders for victims onsite using closed-circuit television); three victims' services agencies; and a sexual assault nurse. It also has offices set aside for the county attorney's staff. The Center includes a state-of-the-art forensic examination room to support successful evidence-based prosecutions.
- In Maryland, the governor created the Family Violence Council (FVC). Co-chaired

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by the lieutenant governor and the attorney general, FVC held hearings around the State, set up local councils, and published *Stop the Violence: A Call to Action*, which identified 20 initiatives to enhance the responsiveness to family violence of all parts of the justice system and community. In 1999, Maryland's State's attorneys, in conjunction with FVC, drafted a Model State's Attorney's Prosecution Policy and Model Domestic Violence Policy.

- The Domestic Violence Unit in Salem, Massachusetts, established by the Essex County district attorney, is housed in an office near the Salem District Court. The purpose of the unit is to put together a team that can foster collaboration and cooperation between criminal justice agencies and victim survivors, resulting in increased convictions rather than dismissals of domestic violence cases. A team includes an assistant district attorney, representatives of the local police departments, a victim/witness advocate

HOW IS COOPERATION ACHIEVED?

To cooperate effectively, prosecutors and victims' advocates have had to recognize and respect (if not agree with) their different perspectives and goals. Prosecutors in the jurisdictions studied saw enactment of the Violence Against Women Act (VAWA) as an opportunity to increase victim safety and offender accountability. They viewed the victim service provisions, primarily, as services that would ensure the victim's immediate safety and facilitate the collection of appropriate statements and evidence to secure a conviction. Victims and their advocates looked to the law for more direct short-term aid, such as shelter, and for long-term assistance that would allow the victim to become psychologically, emotionally, socially, and financially independent of the abuser.

From this perspective, prosecutors and advocates often view new programs very differently. For example, prosecutors see deferred sentencing as a way to hold accountable and supervise first-time offenders who would otherwise serve little or no jail time. Conversely, victims' advocates tend to view deferred sentencing as a slap on the wrist, not a serious deterrent, and see the offender's freedom as an ongoing threat, keeping the victim from getting on with her life. In the study sites, VAWA helped stimulate initial discussions and ongoing mechanisms for resolving these concerns, often spearheaded by prosecutors.

Above and beyond funding, strategies incorporated in VAWA helped bring about an increase in coordination between prosecutors, including U.S. Attorneys, and staff in other agencies concerned with preventing revictimization and reducing further trauma among women who have survived violence.

(bilingual, if necessary) from the district attorney's office, and a victims' advocate from a nonprofit organization that helps abused women and children.

- In Multnomah County, domestic violence offenders released under the district attorney's deferred sentencing program are intensely supervised by specially trained probation officers. Two domestic violence units established by the Portland (Oregon) Police Bureau with VAWA funds and the encouragement of the Multnomah County district attorney include a domestic violence victims' advocate as part of the law enforcement response team.

The Effect of VAWA

Prior to VAWA, many State, district, and county attorneys recognized the benefits of providing coordination and support services for victims of violence who were needed as witnesses. VAWA funds helped stimulate the allocation of more resources for prosecuting offenders who victimized women and more resources for supporting victims through the harrowing process of bringing those offenders to justice. Above and beyond funding, strategies incorporated in VAWA helped bring about an increase in coordination between prosecutors, including U.S. Attorneys, and staff in other agencies concerned with preventing revictimization and reducing further trauma among women who have survived violence.

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For more information

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- Download *State and Local Change and the Violence Against Women Act* online at <http://www.ncjrs.org/pdffiles1/nij/grants/191186.pdf>.

WHAT WORKS

According to the study's findings, key steps that district and county attorneys can take are:

- Forming a specialized unit to prosecute offenders who sexually assault or abuse women.
- Assigning to these units attorneys and victim/witness coordinators who have special training and skills in obtaining evidence and prosecuting sexual predators and offenders who batter and abuse their wives or girlfriends.
- Locating attorneys and victim/witness coordinators together in offices shared by shelter-based victim advocates and other criminal justice agency staff, including police and community corrections officers specially trained for dealing with cases involving family violence and sexual assault.
- Creating cross-agency response teams (one advocate/one police or probation officer; one advocate/one prosecutor; one nurse examiner/one advocate/one officer) who train together and meet with a victim at a suitably designed facility immediately after an assault has been reported.
- Developing state-of-the-art forensic examination rooms, offices equipped with closed-circuit telecommunication with courts, comfortable interview rooms, and childcare spaces on secure floors in buildings to which victims can be quickly transported immediately after they report an assault.