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**Author(s): Brenda K. Uekert Ph.D.**

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**Institute for Law and Justice**  
1018 Duke Street  
Alexandria, Virginia  
Phone: 703-684-5300  
Fax: 703-739-5533  
E-Mail: [ilj@ilj.org](mailto:ilj@ilj.org)

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## **Process Evaluation of the Pueblo Domestic Violence Project**

**July 1999 – Pueblo, Colorado**

**Submitted August 7, 2000**

*Prepared by*  
**Brenda K. Uekert, Ph.D.**

*Prepared for*  
**Pueblo County, Colorado  
National Institute of Justice  
Violence Against Women Office**

## **Introduction**

The Grants to Encourage Arrest Policies Program promotes the implementation of 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.

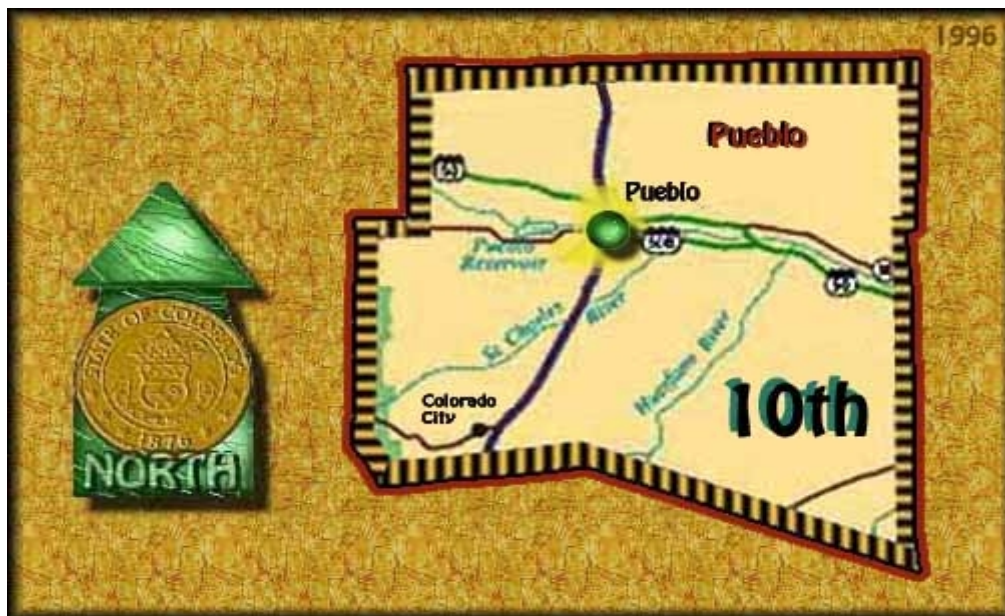
This report is a process evaluation of the Arrest Program in Colorado's 10<sup>th</sup> Judicial District, Pueblo County. The Pueblo Domestic Violence Project received \$241,884 for an 18-month period beginning March 1997. In September 1998, the Pueblo Project received an additional \$450,000 from the Arrest Program. The latest award keeps the project funded through February 29, 2000. Information for this report derives from staff interviews, courtroom observation, program documentation, and a review of local statistics.<sup>1</sup>

## Project Environment

Pueblo County is located approximately 110 miles south of Denver (see Exhibit 1). The estimated 1998 population for the county is 134,867, with the vast majority of those residents living in the city of Pueblo (pop. of 107,301). According to local statistics, about 35% of the population is Hispanic. The city of Pueblo has re-emerged economically since the 1980s, when the city reported double-digit unemployment rates. In 1999, with the influx of service industries, the unemployment rate was just under 5 percent.

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**Exhibit 1: Map of Pueblo County, Colorado**



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<sup>1</sup> A site visit was conducted July 12-16, 1999.

## **Criminal Justice System**

The criminal justice system in Pueblo's 10<sup>th</sup> Judicial District includes two major law enforcement agencies, the District Attorney's Office, Courts, and Probation.

The Pueblo Police Department, with jurisdiction over the city of Pueblo, has three bureaus: Operations, Investigations, and Services. The Operations Bureau is responsible for patrol, traffic, and vice/narcotics, while the Investigations Bureau handles all cases that are not resolved immediately by a patrol response, as well as specialized activities. The domestic violence detective funded through the Arrest grant works in this Bureau. In 1998, the Pueblo Police Department reported 2,288 domestic violence complaints.

The Pueblo Sheriff's Department, with a staff of 249, has jurisdiction over the unincorporated areas of the county and administers the jail. Of particular significance to the domestic violence initiative is the Sheriff's Department Civil and Fugitive Division, which is responsible for service of restraining orders, summons, subpoenas, warrants, and all civil duties. Four deputies are assigned to this division. In 1997, over 660 requests to serve restraining orders were received by the Sheriff's Department. Given the high volume of requests for service (a total of 7,000 to 8,000 active locally issued warrants), domestic violence offenders are not arrested unless they are stopped for a traffic violation or they commit a new offense and are actually contacted by the police department. The continuation grant partially funded a Sheriff's deputy to follow up domestic violence cases in the Sheriff's Department, assist in the service of restraining orders and to actively seek out domestic violence fugitives.

The District Attorney's Office prosecutes misdemeanors and felonies occurring in Colorado's 10<sup>th</sup> District, Pueblo County. The District Attorney's Office has been an active player in the domestic violence area. This project funds a Deputy District Attorney, who is also the Project Director. This Deputy Attorney carries a caseload of felony domestic violence cases and is an advisor for misdemeanor cases handled in County Court.

In the state of Colorado, County Court is the court of limited jurisdiction, handling misdemeanors, traffic infractions, small claims, felony complaints (which may be sent to District Court) and civil cases under \$10,000. The District Court is the court of general jurisdiction—it handles criminal, civil, domestic relations, juvenile, probate, mental health, and water cases. The Tenth Judicial District has six district judges and three county judges.

The Office of Probation Services is a state agency under the responsibility of the Colorado Judicial Branch. Each district has a Probation Department, managed by the Chief Probation Officer. State law mandates victim services programs for probation departments. The Probation Department is also charged with responding to victims' requests for information regarding absconion, early termination, transfer, change of venue, revocation, death, and disposition. In 1996, the Chief Justice directed that domestic violence perpetrators be screened for risk, with those identified as high-risk receiving further assessment. The Office of Probation Services developed the Domestic Violence Screening Instrument (DVSI) and later adopted the Spousal Assault Risk Assessment (SARA). This project funds a specialized domestic violence probation officer.

## **Non-Profit Community**

There are three organizations that play a particularly important role in the Arrest Policies project: Pueblo Domestic Violence Coordinating Council, the YWCA Family Crisis Shelter, and ACOVA (A Community Organization for Victim Assistance). The Pueblo Domestic Violence Coordinating Council is a direct outcome of the Arrest Policies grant. Members of the Council have been meeting regularly since 1997 (although the origin of the council dates to 1989).<sup>2</sup> Membership on the Council is diverse, with representation from more than 30 agencies including local law enforcement, the District Attorney's Office, both courts, the probation department, the YWCA Family Crisis Shelter, local hospitals, the Department of Social Services, and treatment providers.

The YWCA has provided shelter for domestic violence victims since 1978. On an annual basis, they serve approximately 400 women and children. Through this grant, the District Attorney's Office reimburses for staff services. Under the memorandum of understanding, YWCA participates in the planning and implementation of a community domestic violence policy, the Arrest Policies project, and provides assistance with restraining orders. This organization also uses state grant funds<sup>3</sup> to provide legal advocacy to victims. The YWCA offers a transition program to assist victims with finances and employment.

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<sup>2</sup> In 1989, the District Attorney's Office received a technical assistance grant from the Colorado Trust and devoted funds to establish the Pueblo Community Domestic Task Force. The task force met for approximately two years before disbanding.

<sup>3</sup> Colorado Lawyer Trust Account Foundation (COLTAF)

The ACOVA program works in conjunction with the Pueblo Police Department, Pueblo County Sheriff's Office, and the District Attorney's Office. ACOVA advocates offer crisis intervention with victims and families, referrals to community organizations, and conducts community awareness programs. Staff are available 24 hours a day to respond on-scene to crisis situations, which may include domestic violence incidents.

## **Colorado Laws**

Domestic violence, as defined in C.R.S. § 18-6-800.3(1), is “an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship.” “Domestic violence” also includes any other crime against a person or against property or any municipal ordinance violation against a person OR against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.” C.R.S. § 18-6-800.3(2) defines an “intimate relationship” as a “relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.”

Colorado statutes also call for a mandatory restraining order against any person charged with a domestic violence violation. C.R.S. § 18-1-1001(1) requires that the order “remain in effect from the time that the person is advised of his or her rights at arraignment or the person's first appearance before the court and informed of such order until final disposition of the action.” The statute goes on to mandate that defendants released on bail in cases involving domestic violence are provided with the terms of the restraining order on the record. The court is required to acknowledge the restraining order as a condition of any bond for the release of the defendant.

Under state law, domestic violence is not a statutory crime; it is a sentencing enhancement. The preferred sentence is participation and completion of an approved batterer intervention program. Under C.R.S. § 18-6-801.1, all domestic violence offenders are subjected to an intake evaluation conducted by a certified treatment provider. The batterer will be referred back to court for alternative disposition if the evaluator deems that sentencing to a treatment program would be inappropriate.

State law discourages mutual arrests. C.R.S. § 18-6-803.6(2) states:

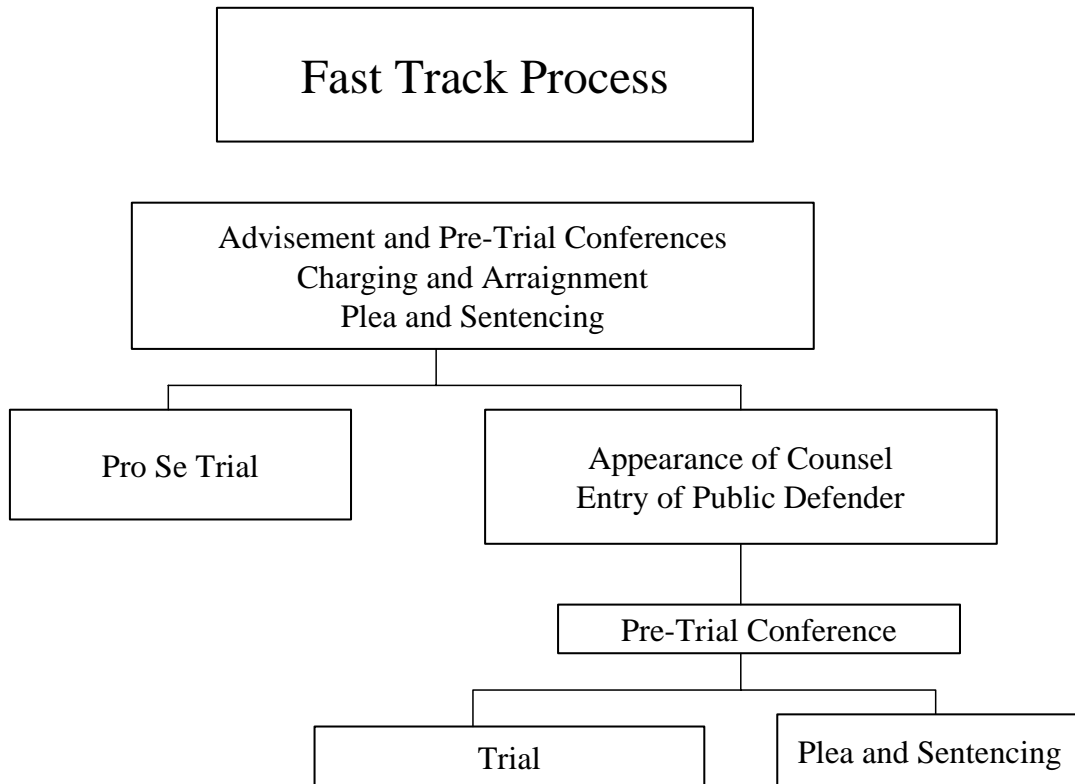
If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider: (1) any prior complaints of domestic violence; (2) the relative severity of the injuries inflicted on each person; (3) the likelihood of future injury to each person; and (4) the possibility that one of the persons acted in self defense.

## Fast Track Prosecution

The Pueblo Domestic Violence Project takes place in the context of fast track prosecution. Since fast track plays a central role, some attention must be paid to the practice itself. Fast track prosecution of domestic violence cases occurs in several districts in the state of Colorado and continues to expand. Fast track is not unusual in other contexts, most commonly drug courts. Exhibit 2 is the District Attorney’s outline of its fast track program.

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### Exhibit 2: Outline of “Fast Track”





In traditional first appearance hearings, defendants appear before a magistrate or judge at which time they are informed of specific charges and their constitutional rights, and bail or other conditions of pre-trial release are determined. First appearance hearings are also used as the locus of initial determinations of defendants' eligibility for public defender representation. In minor cases, the court may accept a plea at the first appearance. If there is no plea, the case will then proceed to preliminary hearing. Felony arraignment and trial may follow.

Fast track is used in misdemeanor cases only. Initially, the District Attorney's Office specified three criteria for offenders to be processed under fast track, although it now appears that fast track is used for all domestic violence misdemeanants. The criteria and sentencing recommendations are provided below.

1. First-time domestic violence offenders with no aggravating circumstances. The recommended sentence is deferred sentence, restitution, no contact with the victim, and, if necessary, a drug/alcohol evaluation.
2. First-time domestic violence offender with aggravating circumstances (i.e., pregnant victim, severe bruising, history of unreported domestic violence). In these cases, a deferred sentence may be offered as long as the Deputy Attorney feels the sentence is appropriate.
3. Repeat domestic violence offenders with no aggravating circumstances. The District Attorney's Office prohibits deferred sentences in these cases. Jail is discretionary and a no jail sentence can be stipulated if the guilty plea carries with it two years probation, no contact with the victim, and attendance at a 36-week domestic violence counseling session.

Under the fast track program, the emphasis in the first appearance hearing is on the plea. Most of the defendants are in custody, and those who have been released are under court order to not have any contact with the victim. Under state law, an individual may enter a guilty plea without the benefit of counsel. On all class 1 misdemeanors, such as third degree assault, there is a constitutional right to an attorney. On class 2 or 3 misdemeanors, there is a constitutional right to an attorney only where the District Attorney stipulates in writing to the court that there is no intent to seek a jail sentence.<sup>4</sup> It is the practice of the District Attorney's Office not to provide this stipulation on any case of domestic violence. In reality, the State's public defender system is overburdened and indigents are not provided counsel upon their initial fast track appearance

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<sup>4</sup> See C.R.S. § 16-5-501 and C.R.S. § 16-7-301.

regardless of the type of jail sentence offered. If defendant refuses the initial plea offer, the court, subject to the financial qualifications, will appoint a public defender to represent the defendant.

Upon arrest, defendants are booked into the county jail in Pueblo. Defendants are not allowed to post bond until they are advised by a judge on the record and advised of the mandatory restraining order. Defendants are brought to a common room in the jail at a set time to watch a videotape advisement, prepared especially for domestic violence defendants. Following the video advisement and while in custody, a Deputy District Attorney meets with each defendant to explain their rights to an attorney, review the documentation of the case against them, and offer a plea bargain. For the most part, defendants do not have counsel present during plea negotiations, and most defendants waive their right to counsel to expedite the case. This all occurs by 3:00 p.m. when the defendants in the fast track program appear in court in front of a County Judge. The Judge accepts pleas and sets bond on those cases where no agreement has been reached.

Victims of domestic violence also play an integral role in the fast track process. When law enforcement officers make an arrest at the incident scene, they present the victim with a packet of information and a 'Notice to Appear.' The legal import of this notice is unclear. Although the 'Notice to Appear' is not treated as a summons by the District Attorney's Office, it clearly states:

*Failure to appear may result in the disposition of this case without your input or presence or may result in prolonged court proceedings and personal service of process upon you.*

The 'Notice to Appear' instructs victims to appear in the county courthouse at a designated time on the first business day following arrest.

Prior to meeting with the defendants in custody, the Deputy Attorney, an advocate from the District Attorney's Victim Assistance office, and a YWCA advocate will meet with the victim. Victims are requested to attend a briefing session held in a room in the courthouse, at which time the Victim Assistance advocate explains the court process, the mandatory restraining order, and asks victims to complete a witness statement form. The YWCA advocate, who offers a wide range of services and can offer confidentiality, often meets with victims on an individual

basis. The Deputy Attorney also meets with each victim and goes over the facts as presented in the police report. The special investigator from the Pueblo Police Department sometimes attends these sessions as well, and is generally available should follow-up photographs or a supplemental police report be required. Most of the victims then attend the court session.

The application of fast track prosecution is controversial. For this reason, a separate discussion of the advantages and disadvantages of fast track is warranted. The following discussion represents a diverse array of opinions, which do not necessarily coincide with all interested local parties.<sup>5</sup> In addition, some of the differences in opinion result from ambiguity in Colorado statutes—ambiguity that can only be clarified through higher court decisions or revisions to statutory language.

## **Advantages**

There are several advantages to fast track:

1. Defendants are sentenced to treatment faster.
2. Victims receive in-person advocacy support.
3. Probationers are supervised.
4. The courts become more efficient.

**Faster Treatment.** Defendants are sentenced to treatment faster. The program's premise is that faster referral to treatment will reduce recidivism by interrupting the cycle of violence. The cycle of domestic violence involves a pattern of tension-building and violence, followed by reconciliation. The major advantage of fast track prosecution is the swiftness of intervention. Since defendants appear in court the business day following the offense, they are more likely to feel remorseful and accept responsibility for the incident. Those who plead guilty are then able to enter into a treatment program, oftentimes within a month after the incident. Some professionals in the Colorado criminal justice system indicate that the quicker turnaround in the court system leads to better treatment completion rates and lower recidivism rates.<sup>6</sup>

**In-Person Advocacy Support.** A second component of fast track is that victims receive in-person advocacy support. Nearly all victims who receive a 'Notice to Appear' at the time of the incident attend a session with advocates. Victims thus receive immediate support

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<sup>5</sup> In addition to interviews with local program staff, telephone and email inquiries resulted in information from the public defender's office and the state's Court Watch program.

<sup>6</sup> Solid research documenting this relationship has not been found.

from Victim Assistance and learn of services available through the YWCA. This personal meeting with advocates is intended to provide the victim with knowledge and resources, and should enhance victim safety. The fact that this meeting occurs within one business day of the incident results in fewer recantations, as defendant contact with the victim has not been permitted.

**Supervision of Probationers.** Fast track prosecution, as implemented in Pueblo, is often coupled with sentences to treatment and probation. Under this program, defendants receive treatment geared toward their specific needs and most importantly, probation officers work with treatment providers to monitor attendance and participation. Ultimately, the combination of swift prosecution, treatment, and supervision is a positive outcome and goes a long way toward meeting the goal of community safety.

**Court Efficiency.** Another advantage to fast track is increased efficiency in the courts. If the defendant pleads guilty and accepts the prosecutor's terms of the sentence, the case is closed—requiring no further action from the courts. In addition to greater court efficiency, fast track also decreases the amount of time law enforcement officers must spend in court.

## **Disadvantages**

The implementation of fast track has several disadvantages, including the following:

The implementation of fast track has several disadvantages, including the following:

1. The process raises serious constitutional issues.
2. The system depends on the integrity of the entire criminal justice system.
3. Fast track may disadvantage those who cannot afford counsel, and quite possibly, women defendants.
4. Fast track requires additional probation resources.
5. Fast track prosecution does not allow for pre-sentencing assessment.

**Constitutionality Issues.** Public defenders and defense attorneys have raised concerns regarding the constitutionality of fast track. Of key concern is the lack of counsel during initial plea negotiations—state law provides that indigents are not entitled to counsel at the state's expense where the District Attorney does not seek incarceration.<sup>7</sup> Even in those cases where jail

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<sup>7</sup> Under C.R.S. § 16-5-501, indigent defendants are not entitled to a public defender if the prosecuting attorney states in writing that he will not seek incarceration as part of the penalty upon conviction of an offense for which the defendant has been charged.

is sought, defendants who accept the initial offer are extremely unlikely to secure the services of a public defender.<sup>8</sup> Although it is the policy of the District Attorney's Office and the courts that plea negotiation offers remain open to defendants if they choose to consult with counsel, defense attorneys point out that defendants may feel coerced into pleading guilty in the belief that it will eliminate future court hearings and the need to take time from work to attend court. These constitutional problems can arise when defendants are placed on probation and subject to jail time if they violate the terms and conditions of probation.<sup>9</sup> The constitutionality of fast track remains to be determined; appealed cases have not yet reached the Colorado Supreme Court.

**System Integrity.** Fast track prosecution depends on the integrity of the entire criminal justice system. Law enforcement must make appropriate arrests with adequate documentation, the prosecutor must decide which cases to prosecute based on the evidence, and the judge must ensure that defendants are notified of their rights and understand the nature of the charges. Since fast track increases the number of guilty pleas, and hence, the District Attorney's conviction rates, there may be an unstated incentive to prosecute borderline cases. Particularly problematic are those cases of dual arrests and arrests of self-defending victims. By law, officers are required to conduct a primary aggressor analysis. Yet dual arrests occur and both the victim and the abuser enter the fast track system where the prosecutor must determine the merit of charges against both parties. Since fast track leads to high plea rates, it may actually encourage the prosecution of both parties, especially since the District Attorney's Office does not have an explicit policy on handling dual arrest cases.

**System Bias.** Fast track disadvantages those who cannot afford counsel and may also disadvantage women defendants. In the criminal justice system, research has noted the strong relationship between social class and the likelihood of arrest and conviction. In fast track, the social class issue becomes even more troublesome as so few defendants have resources to hire an attorney and, being first-time offenders, may not have an understanding of the criminal justice

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<sup>8</sup> According to the public defender's office, high caseloads and insufficient funding logistically result in the denial of legal representation to defendants accused of misdemeanor charges. Statewide, the public defender's office prioritizes representation for defendants charged with felony-level crimes. Consequently, virtually no fast track indigent defendants will obtain the services of a public defender at their first appearance in court when the plea offer is initially tendered to them.

<sup>9</sup> Local officials state that the prosecutor's promise prior to sentencing that no jail will be imposed as part of the agreement is not binding at revocation proceedings. Furthermore, defendants are protected in the context of potential revocation because they are again formally advised of their rights to counsel.

system. Defendants who can obtain an attorney and postpone court proceedings are likely to be advantaged not only by counsel, but also by the fact that the victim is likely to recant over time. Such cases are less likely to result in prosecution and conviction. In addition to social class biases, some local observers believe that fast track disproportionately disadvantages female defendants, some of whom may be self-defending victims. The trauma of jail, combined with the strong desire to quickly close the case to be home with children, may impact women differently than men.

**Probation Resources.** Fast track results in an increase in the number of probationers; this stretches probation resources that may already be strained. While the State and the 10<sup>th</sup> Judicial District have responded to this need by adding staff, fast track prosecution clearly increases probation caseloads and requires an influx of public funding to ensure proper supervision of probationers. Fast track also places additional burdens on treatment providers who may be requested to develop new programs for different types of batterers. Treatment providers must also deal with increasing enrollments while accommodating probationers with inadequate financial resources.

**Pre-Sentencing Assessment.** Fast track does not allow for any intensive assessment prior to the plea agreement. Given the speed at which prosecution occurs, there is no time for an assessment of the defendant's battering history or mental capacities. And because first-time domestic violence defendants prosecuted under fast track are not subject to jail time, nearly all offenders are sentenced to a diversion program and probation regardless of the level of danger they present to the victim and the community. Those convicted of domestic violence crimes eventually undergo an evaluation that is used to primarily place them in the appropriate treatment program. Yet the unavailability of pre-sentencing assessments, alternative sentences (including jail), and the speed at which the cases are resolved tie the judge's hands in terms of fast track sentencing.

## **Planning and Implementation**

The District Attorney's Office led the planning effort to secure Arrest Policies funding. The initial proposal was submitted in 1997, with a request for supplemental funding submitted in April 1998. The major differences between the proposals are the addition of staff (deputy

sheriff, court clerk) and compensation of the YWCA Crisis Shelter and ACOVA in the continuation proposal.

## **Proposal**

The content of the Arrest Project has expanded over time, but the goals identified in the proposal remain constant:

1. To more effectively and efficiently handle domestic violence cases.
2. To form a multidisciplinary coordinating committee.
3. To develop a protocol for a coordinated system response.
4. To improve communication between the component agencies of the criminal justice system.
5. To educate all segments of the community in the issues surrounding domestic violence.

The first goal, increasing the effectiveness of the domestic violence response, was to be accomplished by creating a multi-agency team of professionals and developing a fast track prosecution program for domestic violence offenders. The multi-agency team, hereafter referred to as the VAWA team, includes the following positions.

- Deputy District Attorney/Project Director
- Pueblo Police Officer – Domestic Violence Detective
- Victim Assistance Specialist
- Domestic Violence Probation Officer
- Pueblo County Sheriff’s Deputy – Domestic Violence Fugitive/Restraining Order Deputy (continuation grant)
- Assistant Division Clerk (.5 FTE – continuation grant)

The second goal would be accomplished by establishing the Pueblo Domestic Violence Task Force. The committee would be responsible for the training component of the grant, assessing community resources, and reviewing the effectiveness of domestic violence policies. The third goal includes the development of a clear, mutually-agreed upon set of policies and procedures to guide the criminal justice response. The fourth goal, improving interagency communication, requires either the creation of a centralized tracking system or ensuring staff access to multiple agency databases. The final goal, education, calls for the provision of training sessions to various criminal justice agencies.

The core of this proposal is threefold: (1) the VAWA Team, (2) fast track prosecution, and (3) the Pueblo Domestic Violence Task Force. The VAWA team would be responsible for enhancing police response, strengthening the prosecution response through the use of a dedicated

prosecutor, and ensuring that probationers are supervised, rather than monitored. The fast track program aimed to drastically decrease the length of time it took for the courts to respond to domestic violence cases.<sup>10</sup> The committee, with input from diverse sectors of the community, would not only enhance awareness but would provide the criminal justice system with feedback necessary to improve its response. Implementation of this broad-reaching proposal would require dedication from multiple agencies, flexibility from the courts, and participation from the community.

## **Project Implementation**

Project implementation involved several steps, including hiring staff, establishing the fast track program, and creating a domestic violence task force. The District Attorney's Office, as the lead agency, and the Deputy District Attorney/Project Director in particular, were crucial to the implementation of this project. Here project implementation is described in terms of the five proposed goals.

### **Enhancing the Domestic Violence Response**

The most ambitious goal of this project calls for an improved response from the entire Pueblo County criminal justice system. Accomplishment of this goal was undertaken by creating a multi-agency team and establishing fast track prosecution.

**VAWA Team.** In the first half of 1997, the VAWA team was comprised of four members: a Victim Assistant Specialist in the District Attorney's Office, a domestic violence detective in the Pueblo Police Department, the Deputy District Attorney who is also the Project Director, and a probation officer. All members of the team came to this project with considerable experience in criminal justice and were selected because of their interest in domestic violence.

The Pueblo police detective would be responsible for the review, follow-up, and investigation of domestic violence reports. The detective also was assigned the development of training programs for police officers. The Victim Assistance Specialist, while considered part of the District Attorney's Office, would actually be housed in the Pueblo Police Department,

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<sup>10</sup> The initial proposal noted that the average misdemeanor took 274 days from the time of the incident until disposition by the court.



alongside a volunteer from ACOVA.<sup>11</sup> This individual would work closely with the domestic violence detective and be responsible for contacting victims, responding to walk-in requests, providing referrals, reviewing domestic violence reports, and providing general services to domestic violence victims. The Deputy District Attorney, in addition to acting as Project Director, would specialize in domestic violence cases and coordinate the prosecution effort. The addition of a probation officer to the existing Probation Department's Domestic Violence Unit would provide some relief from a heavy domestic violence caseload. The probation officer assigned to the VAWA team would be able to concentrate on monthly record checks for new offenses, home visits, victim contacts, completion of assessments (SARA), and revocations.

With supplemental funding, two team members were added in 1999. The implementation of fast track increased the administrative burden on the courts. To accommodate this demand, an assistant division clerk was funded through the Arrest Policies grant to complete the paperwork for fast track cases and update the restraining order database. During this same period, grant funds were used to support the salary of a deputy in the Pueblo County Sheriff's Department. The deputy, in addition to following up domestic violence cases, is responsible for monitoring the service of restraining orders and arrest warrants.

Staffing on the VAWA team has stayed rather consistent through the life of this grant. The most significant development was the introduction of a new Deputy District Attorney/Project Director in the latter half of 1997. The Victim Assistance Specialist also left her position in 1999. This departure left the team without a full-time advocate for the position housed in the police department. Other members of the District Attorney's Victim Assistance Unit filled this temporary void.

The success of the VAWA team would depend on agency collaboration and training. Members of the team are housed in separate facilities—a fact that makes the development of a “team” concept problematic. In the first four months of the initial grant, the VAWA team met formally 6 times and worked on approximately 30 cases. As the project progressed, formal team meetings became less frequent while informal contact between all team members increased substantially. Training also played an important role in building a sense of cohesiveness.

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<sup>11</sup> The District Attorney's Office had a standing agreement with the Pueblo Police Department that enabled a Victim Assistance Specialist to work from police headquarters.

Individual members of the team received specialized training on domestic violence issues. For instance, members attended a local conference sponsored by the Pueblo Police Department and the YWCA and received training from the Colorado Springs Domestic Violence Enhanced Response Team. Team members continue to attend training sessions provided by the federal technical assistance providers.<sup>12</sup> While VAWA team members have received training, they have also been instrumental to the delivery of local training.

**Fast Track.** Fast track prosecution requires coordination from VAWA team members, as well as accommodation from the jail and courts. The Pueblo County jail, under the administration of the Sheriff's Department, was asked to modify its policies. With some initial reluctance, jail staff worked with the District Attorney's Office to ensure that domestic violence defendants would remain in custody until arraignment and transported to court at the designated time. The jail also provided a common room that is used for group video advisement and pre-trial conference. Fast track prosecution requires the county court judges to rearrange their dockets so that domestic violence cases can be heard at the same time every day. The judges rotate duty weeks and consequently, fast track cases are heard in front of all three judges.

Rather than introduce fast track on an all-or-nothing basis, the Project Director and team members set up two trial periods before full implementation. The trial periods occurred in August and November 1997. Team members noted that nearly all victims who received notices to appear attended the session in the courtroom with the advocates and prosecutor. While the experimental trial periods were considered successful, four related issues emerged from the experience. First, team members noted that the victims sometimes felt overwhelmed by the number of people providing assistance. Victims often met with four separate individuals—the detective, prosecutor, victim assistance specialist, and the YWCA counselor—and had difficulty understanding the role of each person. Second, the lack of private and secure meeting space in the courthouse became an obvious and ongoing problem. Third, the number of fast track cases varied considerably by the day of the week. Fourth, the fast track program created extra administrative demands for the courts.

Members of the team worked to address these issues. The YWCA counselor volunteered to meet with individual victims in the hallway, thus limiting the number of staff present at the

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<sup>12</sup> Battered Women's Justice Project.

initial meeting with the victim. Space in the courthouse remains a problem, and it is hoped to be resolved when the County builds a new Justice Center. Victims currently meet in a small jury room and at times, in the hallway. Victims are still subject to unwelcome contact from family and friends of the defendant, but members of the VAWA team are very conscious of victim safety issues and do their best to maintain privacy and security in difficult situations. The high volume of fast track cases on Mondays and the weekday following holidays initially overwhelmed the District Attorney's Office. They resolved this problem by devoting a second Deputy District Attorney and Victim Assistance Specialist to assist the Project Director on high-volume days. The quick turnaround of fast track cases placed additional demands on the court administrative staff, especially in completing paperwork in a timely manner. With continuation funds, a clerk was hired on a half-time basis to ease some of the responsibilities of the court staff. In April 1998, the fast track program was implemented on a permanent daily basis.

### **Establishing the Domestic Violence Task Force**

The first meeting of the Pueblo Domestic Violence Task Force was held in February 1997, with representation from 13 agencies. The priorities of the task included law enforcement training, community outreach, and creating a more victim-friendly system. By the end of 1998 the task force boasted membership of over 80 individuals representing 30 agencies. The meetings are held on a monthly basis.

The task force has evolved over time. In addition to the priorities noted above, the task force has addressed particular problems. For instance, inconsistencies in the issuance and enforcement of restraining orders have been a recurring theme. Members have also been involved in campaigns intended to increase public awareness, sponsoring events during Domestic Violence Awareness Month and promoting community education. At the time of this site visit, some attempts were underway to formalize the task force by establishing by-laws.

### **Development of Criminal Justice Response Protocol**

A product of the Domestic Violence Task Force that existed from 1989 to 1991 was the Pueblo Community Comprehensive Domestic Violence Policy. One of the goals of the Arrest Policies grant was to modernize the policy and create a response protocol that would cover all segments of the criminal justice system. In the first half of 1998, a subcommittee of three

members met to work on the development of a comprehensive protocol. The members were to contact agencies and collect updated policies outlining agency responses to domestic violence. These policies would be merged and revised into a single document. At the time of this site visit, a revised criminal justice protocol had not yet been created.

Several agency-specific protocols and policies exist. For instance, the District Attorney's Office has a detailed outline of its fast track program and the Pueblo Police Department has a domestic violence response policy. There have also been numerous documents created under this grant, such as forms required for the cellular phone project, safety planning forms, and officer feedback forms. The core documents needed for a comprehensive protocol exist, and this goal can be accomplished with some effort from the VAWA team and the task force.

### **Improving Communication**

The proposal focused on communication in a narrow scope: access to agency databases and the creation of a case tracking system. Two outside developments affected the implementation of this goal. First, the priority of the city, county, and state information managers was to ensure that all systems would be Y2K compliant. This left few resources for the development of new or integrated data systems. Second, the state of Colorado was developing a case tracking system, called the Colorado Integrated Criminal Justice Information System (CICJIS). The system is comprised of five agencies with access to criminal justice system information so that a case can be tracked through the system.<sup>13</sup> In 1998, Pueblo became the first site to be used to test the new system. Later that same year, Colorado went statewide with full implementation of CICJIS.

While the grant specified the development of a computerized system as the primary means to improving communication, the VAWA team has taken other steps that go a long way toward meeting this goal. In particular, the District Attorney's Office now provides officers regular feedback on the outcome of domestic violence arrests that go through fast track prosecution. The officer feedback form has been used as a way to increase officer accountability and allows prosecutors to reiterate the elements of the police report and investigation that are

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<sup>13</sup> The five separate systems include the Department of Corrections, Office of Youth Services, Colorado Bureau of Investigation, Judicial Branch, and the Colorado District Attorneys Council.

necessary for prosecution. The VAWA team meetings and task force meetings have also provided a valuable forum for system agents.

## **Educating the Community**

A goal of the Arrest Policies Project was to educate all segments of the community in issues surrounding domestic violence. However, the federal Violence Against Women Office discouraged the use of grant funds for the purpose of public education. Nevertheless, through the work of the task force, several initiatives were undertaken to address this goal.

Considerable efforts were taken to provide training for patrol officers. In 1997, the domestic violence detective and victim assistance specialist provided in-service training for the Pueblo Police Department. In 1999, the Pueblo Police Department began requiring new recruits to attend domestic violence training. Members of the VAWA team were integral to this training, providing instruction in such areas as investigation, dual arrests, the cycle of violence, and restraining order enforcement.

Members of this project have also worked hard to educate members of the community. Their efforts have included the acquisition of Public Service Announcements, special events during Domestic Violence Awareness Month, presentations at local high schools, and highly publicized roundups of individuals with outstanding warrants in domestic violence cases.

## **Project Performance**

At the time of this site visit, project performance, as measured through statistics, was difficult to gauge. Pre-grant data for prosecution of domestic violence cases is typically not available, since these types of cases were not distinguished from general misdemeanor crimes. The availability of statistics is further limited by changes in the District Attorney's database (Blackstone) and glitches with the newly implemented CICJIS. A complete assessment of the project has not yet been undertaken—and no funds have been devoted to a local independent evaluation. Nevertheless, progress reports provide some data that points to a direct impact of this project on time to disposition. In addition to noting this data, this section of the report discusses project performance from the perspective of VAWA team members.

The continuation proposal indicated that the success of this project would be evaluated through the following measures:

- Number of domestic violence reports written by law enforcement and the change over time
- Number of arrests for domestic violence
- Number of victims contacted
- Types of services provided to victims
- Development and analysis of surveys sent to victims regarding services provided
- Number of reports received in the DA's office.

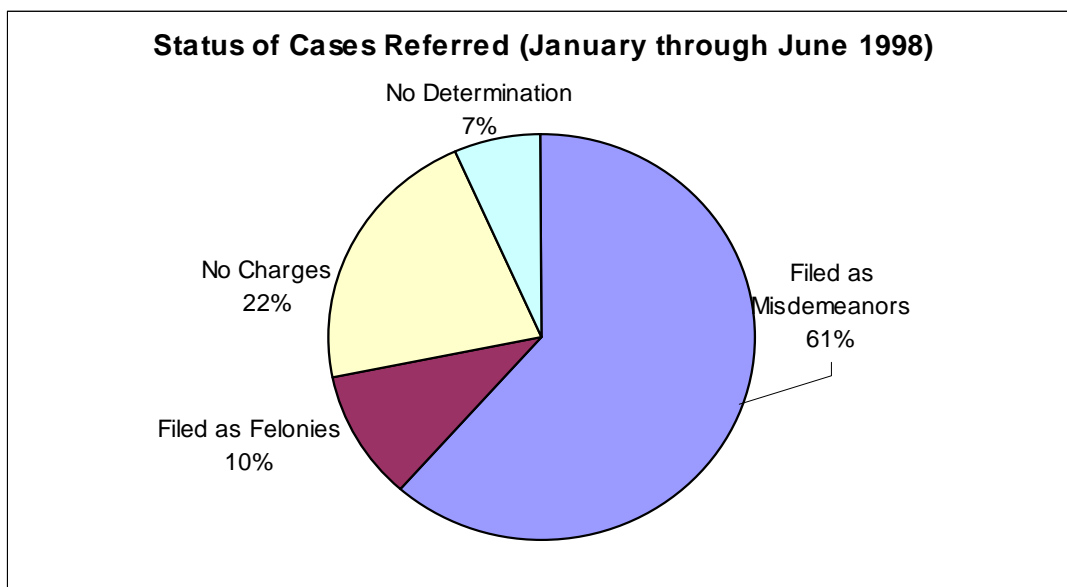
The original grant listed several other prosecution measures, including

- Number of times a criminal action was taken
- Number of cases pending and completed during the time period
- Number of misdemeanor and felony cases
- Number of times video camera used on scene<sup>14</sup>
- Breakdown of the type of criminal action under taken.

These exact figures have not been reported. However, there are three types of data that indicate prosecution performance: filing status, disposition, and time to disposition. Exhibit 3 shows the filing status of domestic violence cases for the first half of 1998. This chart shows that 61 percent of the cases referred to the District Attorney's Office were filed as misdemeanors, and another 10 percent as felonies. The Office reported a rejection rate of 22 percent. Pre-grant data showing this breakout for domestic violence cases is not available.

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### Exhibit 3: Filing Status of Domestic Violence Cases



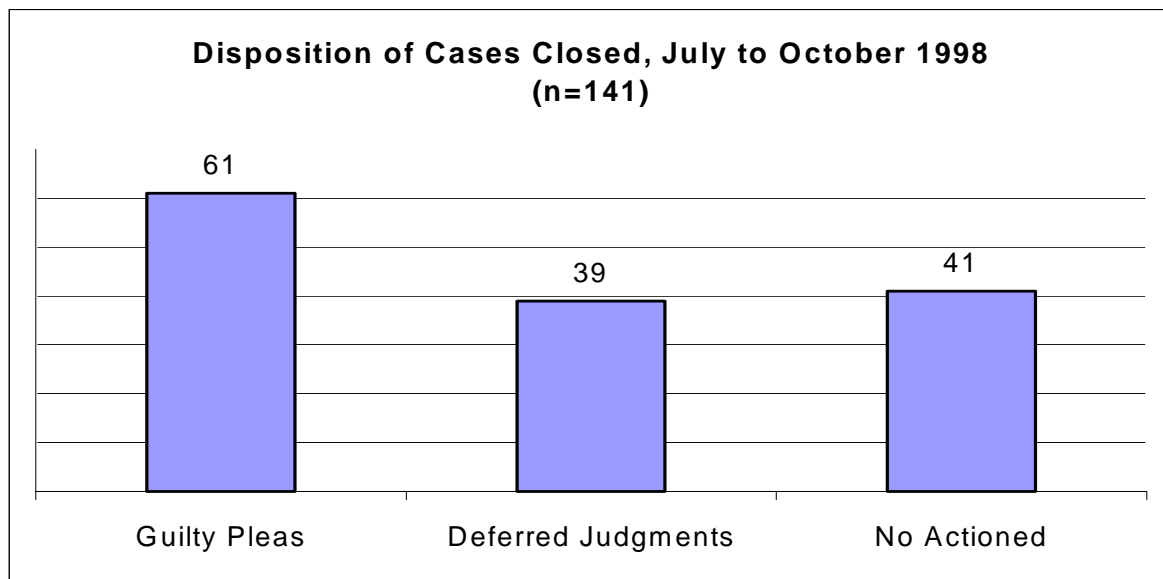
<sup>14</sup> Originally, this grant called for the purchase of several video cameras to be used by police officers. Polaroid cameras were purchased instead.

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Some data inconsistencies prevent analysis of data on a yearly basis. The following charts document data from a 4-month period in 1998. There were 220 cases opened during this period, with 141 cases reaching disposition. Exhibit 4 shows the final disposition of closed cases for this period. Of 141 closed cases, 61 (43 percent) resulted in guilty pleas, and another 39 cases (28 percent) were sentenced to the deferred judgment program. The remaining 41 cases (29 percent) were rejected for prosecution. Many of the no-actioned cases were dual arrests or cases declined in the best interest of justice. Again, pre-grant data is not available for domestic violence cases.

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**Exhibit 4: Disposition Status of Domestic Violence Cases**



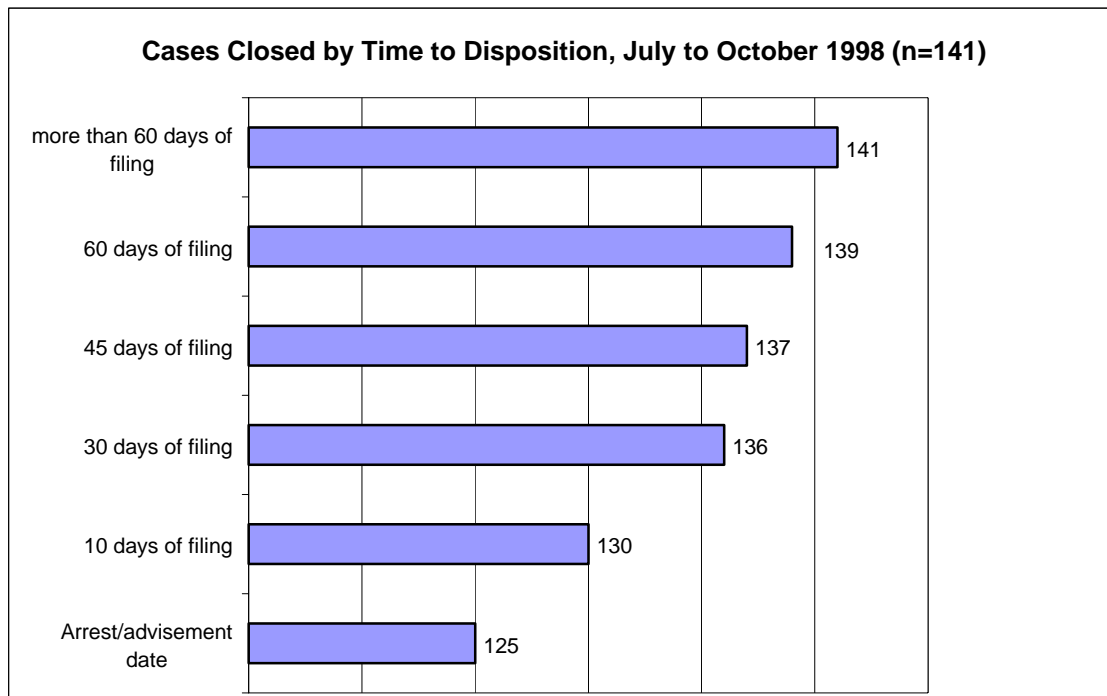
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The time from filing date to disposition prior to this grant is debatable—the progress report notes that the time to disposition for cases not fast tracked was not available due to changes in the prosecution database. However, the proposal indicates that a two to three month time span between first appearances, pre-trial conferences, and sentencing was common. According to this same source, the average time between a domestic violence incident and the sentencing of the perpetrator was over six months. Exhibit 5 shows the time to disposition of

domestic violence cases prosecuted under the fast track program. Of 141 cases reaching disposition between July and October 1998, a total of 125 cases were disposed of on the arrest date or date of advisement. This number represents 89 percent of all cases disposed. Within thirty days of filing, 96 percent of domestic violence cases have been disposed. These figures show a tremendous change in time to disposition as a direct result of the fast track program.

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**Exhibit 5: Time to Disposition of Domestic Violence Cases Prosecuted under the Fast Track Program**



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Another facet of fast track prosecution is victim advocacy. The ‘Notice to Appear’ handed to victims at the scene has made a noticeable difference in the number of victims appearing at the courthouse to meet with the YWCA counselor and members of the VAWA team. The District Attorney’s Office notes that over 90 percent of the victims appear at the designated time to meet with the team. Pre-grant data is not available and not comparable, since prior to this grant, victims did not receive an official notice to appear.

This data suggests that the Arrest Policies grant is leading to more prosecutions and convictions in a shortened period of time, and an increase in the number of victims receiving



assistance from victim specialists and the YWCA counselor. Perspectives from VAWA team members provide another measure of project performance.

The Pueblo police detective working on this project notes that the creation of the team has increased the level of scrutiny given to domestic violence offenders. The level of communication between various agencies has grown exponentially. For instance, the police detective now regularly contacts the domestic violence probation officer to determine if a defendant has violated a condition of probation. According to the detective, police training sessions, combined with the officer feedback form, has resulted in better reports (including photographs and better documentation of damage), and improved on-scene investigations. The detective also notes that fast track prosecution has led to a quicker review of the cases, resulting in the addition of charges at advisement. The Deputy District Attorney now files charges on a variety of domestic violence related crimes, such as harassment, false imprisonment, menacing without a weapon, and violation of bond conditions.

The Probation Department also documents several changes resulting from the Arrest Policies grant. The addition of a probation officer has led to an increased level of supervision. Moderate-risk clients are now being supervised more closely, with probationers receiving instruction and referrals immediately following sentencing. The domestic violence unit in the Probation Department developed priority warrants for high-risk clients who re-offend—priority warrants are expedited through the judicial system. Communication with treatment providers has also increased and the unit now uses a standardized form that provides comprehensive information regarding the probationer's progress in the domestic violence treatment program.

The Arrest Policies grant has fed into other domestic violence initiatives. For example, in 1998, the SAFE HAVEN Foster Project was created to provide free or low cost temporary shelters for pets. Other projects include the ongoing cellular telephone program and the AWARE-ADT alarm pendant program.

## **Recommendations and Conclusions**

The Pueblo Domestic Violence Project is an ambitious multi-agency effort to address the problem of domestic violence. The level of collaboration between agencies and non-profit organizations exceeds all expectations. The lead agency, the District Attorney's Office, is

flexible and very responsive to concerns expressed by other agencies and community members. Yet there is room for improvement and this section is devoted to recommendations and conclusions.

## **Recommendations**

There are seven recommendations:

1. Consider alternatives to fast track prosecution
2. Revise the 'Notice to Appear'
3. Initiate field supervision from probation officers
4. Scrutinize the restraining order process
5. Conduct judicial and magistrate training programs
6. Improve evaluation and documentation efforts
7. Develop protocol and formalize the task force.

## **Alternatives to Fast Track Prosecution**

The future of fast track prosecution is uncertain. Particular concerns include the lack of counsel at the pre-trial conference and during the court appearance, and the application of jail sentences. In a letter dated October 9, 1997, the county court judges expressed their concern about whether a defense attorney or public defender would be available to the defendants at the jail during the pre-trial conference. The judges' correspondence with other fast track courts in the state indicated that the public defenders office had declined invitations to attend the pre-trial conferences—primarily due to lack of staffing and resources. This concern is ongoing, especially as the original criteria for the fast track program has been discarded so that all misdemeanor domestic violence defendants fall under the scope of fast track prosecution. Constitutionally, the application of jail sentences in the fast track program appears to be a particularly questionable practice.

The legalities of fast track prosecution are a matter for state and perhaps eventually, federal authorities. Yet the Pueblo District Attorney's Office should draft alternative options in case elements of fast track prosecution are declared unconstitutional. Vertical prosecution is one such option, even though it would require accommodation from the Courts.<sup>15</sup> A great advantage of the fast track program has been the consistency provided by the Deputy District Attorney/Project Director. Among project participants, there is unanimous agreement of the

value of a designated prosecutor handling domestic violence cases. Any alternative plans should take into account the advantages of specialized prosecution staff.

### **Revising the Notice to Appear**

The high ratio of victims attending the courthouse session with advocates and other VAWA team members is largely a result of the ‘Notice to Appear’ given to victims at the time of the incident. The notice is couched in threatening language that implies legal action will be taken against the victim if she fails to appear. This sends the wrong message to victims. While the notice does bring victims into contact with victim services staff, it can be reworded to de-emphasize legal action. The District Attorney’s Office could experiment with several different versions of the form with the intent of maintaining a high level of victim contacts.

### **Field Supervision of Domestic Violence Probationers**

The Probation Department is a state agency, with restrictions placed on them by the Colorado Judicial Branch. In recent years, there has been a considerable effort to make the Probation Department more pro-active. This has included the addition of advocates, the widespread use of assessments, and an increase in supervision. Nevertheless, field supervision of domestic violence probationers is seldom undertaken. Instead, probationers are scheduled to appear at designated times to meet with the probation officer. Field supervision, which would allow probation officers to monitor batterers on an unscheduled basis, would go a long way toward increasing offender accountability.

### **Restraining Order Process**

The Domestic Violence Task Force has been the primary means to critique the restraining order process. At the time of this site visit, there were a number of complaints regarding the process and in particular, the high number of applications for restraining orders denied by the magistrate. The task force should continue their efforts in this area.

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<sup>15</sup> The current structure of the Courts, which use rotating duty weeks and assigns prosecutors to individual Courts, does not allow the District Attorney’s Office to implement vertical prosecution.

## **Judicial Training**

The Arrest Policies grant has been used to conduct training, primarily for police officers. Yet a gap in the system is the lack of domestic violence training provided to the judges and magistrates. Local staff may want to explore designing their own training program or allocating grant funds for judges and magistrates to attend a training program.

## **Evaluation and Documentation**

Much of the success of this project is based on incomplete data and anecdotal material. There are certain items that should be monitored on an ongoing basis, such as the number of dual arrests. Certainly, the implementation of the CICJIS should improve data availability, but currently, there is no one designated to conduct an independent analysis of the data. The VAWA team should continue to explore the option of contracting with a local evaluator to establish a system that allows them to monitor basic statistics on an ongoing basis.

## **Protocol Development and Formalization of Task Force**

The VAWA team could benefit from the development of a comprehensive protocol that outlines the entire criminal justice response. Protocol development has been a goal of the Arrest Policies project and at this time, has yet to be accomplished. While consistency in VAWA team staffing lessens the urgency of protocol, the introduction of personnel to this project could be somewhat disruptive without the presence of a comprehensive protocol. The endurance of the task force could also be enhanced if the structure was formalized through by-laws.

## **Conclusions**

The Pueblo Domestic Violence Project is an ambitious multi-agency project that has a remarkable level of collaboration between criminal justice agencies and non-profit organizations. The lead agency, the Pueblo District Attorney's Office, has demonstrated a great deal of flexibility and openness to change. This is truly a unique project in terms of the high level of communication between various agencies and staff. Early indications point to a great deal of success in holding offenders more accountable for their action. While fast track prosecution remains a concern, the implementation of the VAWA team and the excellent relations between non-profit victim service providers and the criminal justice agencies deserve national attention.

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