

To: Al Robinson, Chair of Ways & Means Committee

Through: Robert E. Guenzel, County Administrator

From: Brian L. Mackie, Prosecutor

Date: April 7, 1999

Regarding: Judicial Oversight Demonstration Initiative Grant Program U.S. Department of Justice - Office of Justice Programs Violence Against Women Grants Office

BOARD ACTION REQUESTED:

The Prosecutor's Office is requesting the Board to ratify the County Administrator's signature on an application for the Judicial Oversight Demonstration Initiative Grant Program through the Violence Against Women Grants Office of the U.S. Department of Justice - Office of Justice Programs, in the amount of \$1,997,383 for one year commencing January 1, 2000 and ending December 31, 2000 with the possibility of renewal up to an additional four years thereafter contingent upon Congressional appropriations.

BACKGROUND:

The Prosecutor's office was awarded a grant (Grants to Encourage Arrest Policies) through the Violence Against Women Grants Office in the fall of 1998 which was implemented January 01, 1999. The program is comprised of a cooperative initiative of the Prosecutor's Office, SAFE House, 15th District Court, Ann Arbor Police Department, and the Washtenaw County Sheriff's Department to address Domestic Violence issues in the County.

The Judicial Oversight Demonstration Initiative is a joint effort of the Office of Justice Programs' Violence Against Women Office and the National Institute of Justice. The initiative will support demonstration project in 3-4 communities in the nationwide that wish to build upon a coordinated community response to domestic violence. This program will greatly enhance the project which was implemented January 1, 1999 in Washtenaw County.

April 7, 1999

DISCUSSION:

The Prosecutor's Domestic Violence program was invited to submit an action plan for the Judicial Oversight Demonstration Initiative, which is a joint effort of the Office of Justice Programs' Violence Against Women Office and the National Institute of Justice. The initiative will support demonstration project in 3-4 communities in the nationwide that wish to build upon a coordinated community response to domestic violence.

This funding will provide the opportunity to consolidate services to domestic violence victims via vertical prosecution, intensive probation of the perpetrators and implementation of judicial protocol which was approved by each District Court Judge within Washtenaw County. The project consists of additional dedicated assistant prosecuting attorneys, continuation of positions funded by the initial grant (assistant prosecutor, grant coordinator, community service officer for Ann Arbor Police Department, intensive supervision probation officer, and a Washtenaw County Sheriff's Department Sergeant), additional intensive supervision probation officers, legal advocate for SAFE House, and necessary support staff or all disciplines.

The resultant deliverables will be unified and consistent manner of handling domestic violence misdemeanor cases in the county, vertical prosecution, improved processes and procedures, expediency of case processing, and uniform accountability by perpetrators.

IMPACT ON HUMAN RESOURCES:

The receipt of the grant award will require the creation and/or elimination of the following grant status positions:

Position

Number Position Title Grade Group #Created # Eliminated

2708-0030 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE

2708-0031 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE

2708-0032 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE

3104-0007 (G) First Assistant Prosecuting Atty 31 22 1.0 FTE

1631-0003 (G) Victim / Witness Coordinator 16 12 1.0 FTE

1631-0004 (G) Victim / Witness Coordinator 16 12 1.0 FTE

1631-0005 (G) Victim / Witness Coordinator 16 12 1.0 FTE

1246-0014 (G) Legal Clerk I/II 12/14 12 1.0 FTE

1246-0015 (G) Legal Clerk I/II 12/14 12 0.5 FTE

2525-0002 (G) Investigator 25 32 1.0 FTE

2720-0030 (G) Management Assistant 27 32 1.0 FTE

2719-0038 (G) Management Analyst I/II 27/29 32 1.0 FTE

The grant would support the continued funding for an existing Assistant Prosecuting Attorney I/II and Sergeant position. It is anticipated that upon receipt of the grant award, and through collaboration with local jurisdictions, up to eight (8) District Court Probation Agent and one (1) Probation Supervisor positions will need to be created.

Al Robinson, Chair, Ways & Means

Domestic Violence Court - U.S.Dept. of Justice

April 7, 1999

IMPACT ON BUDGET:

This funding in the amount of \$1,997,383 if awarded, will cover the cost of personnel continuation from the initial grant, cover the personnel cost of new positions, equipment, supplies, facility and indirect costs 100%. There is no match funding requirement.

IMPACT ON INDIRECT COSTS:

Indirect costs are allowable per grant guidelines and have been calculated to be \$140,000.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

The funding will provide for continuation of the initial team (Prosecutor's office, SAFE House, 15th District Court, Ann Arbor Police Department and Sheriff's Department). In addition to funding the additional positions for the Prosecutor's office, SAFE House and the District Courts, monies will be provided for an evaluation team from the University of Michigan to work in conjunction with the National Institute of Justice.

CONFORMITY TO COUNTY POLICIES:

This grant application conforms to county policies.

Al Robinson, Chair, Ways & Means

Domestic Violence Court - U.S.Dept. of Justice

April 7, 1999

ATTACHMENTS/APPENDICES:

Grant Application

Resolution

Budget

**JUDICIAL OVERSIGHT
DEMONSTRATION INITIATIVE**

Office of Justice Programs'
Violence Against Women Office
&
The National Institute of Justice
U.S. Department of Justice

Submitted By:

Washtenaw County Prosecutor

Domestic Violence Project, Inc./SAFE House

14th District Courts

15th District Court

Washtenaw County Sheriff Department

Ann Arbor Police Department

Ypsilanti Police Department

Alternatives to Domestic Aggression/Catholic Social Services

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PROJECT SUMMARY

Enhanced funding would promote increased safety for survivors through major expansion of measures designed to hold the domestic violence batterer accountable. This will be accomplished by intervention, monitoring, and consistent, graduated consequences for batterers throughout the criminal justice system, commencing at arrest and continuing through pre-trial, conviction, and post conviction. Our project would include enhanced victim services with a major focus on restoration for victims through creative measures and extensive evaluation of grant activities.

The current Grant to Encourage Arrest Policies was built upon a solid foundation of community commitment to the prevention of domestic violence in Washtenaw County. In the 1980s, our police agencies became the first in Michigan to adopt mandatory and pro-arrest policies, and took the lead in establishing this protocol statewide. This community initiated statewide marital rape (1987) and anti-stalking legislation(1994). In 1992, Washtenaw County passed the only property tax millage in the country dedicated to the construction and maintenance of a new shelter for survivors of domestic violence and their children. The \$3.2 million raised through property taxes built a new facility including a fifty-bed shelter, children's center, education center and offices for the Domestic Violence Project, Inc./SAFE House. The STOP Technical Assistance Office has chosen this community as one to highlight so that other programs in the country may learn from our work.

Progress In The First Quarter: In the first quarter of this grant, an amazing amount of progress has been made. In an unprecedented move, all of the County's District Court Judges have adopted and signed a new domestic violence protocol. (See the appendices for a copy of the protocol).

The City of Ann Arbor has recently agreed (March, 1999) to charge all of its domestic violence misdemeanor cases under state law rather than local ordinance. The dedicated domestic violence prosecutor rather than the City Attorney will handle the cases in court. This change has enormous implications for graduated, consistent consequences for batterers. State law requires that police take and maintain fingerprints and report to statewide Central Records the arrest and conviction of domestic batterers. Michigan law now provides for enhanced sentencing of those convicted of domestic violence, second or third offense. If a person is arrested and convicted under local ordinance, no record of the arrest and conviction is required in Central Records. (Records of arrest are not accepted). Accordingly, many batterers convicted in local ordinance prosecutions escape detection and prosecution as second or subsequent offenders.

There has been an increase in victim follow-up by the law enforcement component. The Washtenaw County Sheriffs Department is developing a uniform domestic violence police report (a preliminary one is attached to this grant as an appendix) for utilization by the county's eleven law enforcement agencies. Currently, each police agency uses its generic report form for domestic violence cases. Vertical prosecution and intensive probation (post conviction) has been implemented in the cases covered by this grant. The Domestic Violence Project, Inc./ SAFE House conducted one week of trainings by Lydia Walker in March of 1999 for the entire county focusing on basic interventions, cultural sensitivity, and children's issues. The City of Ann Arbor Police Department has committed itself to training on self defense injuries in order to reduce the number of victims arrested for domestic violence. The sheriff and the prosecutor have agreed to convene a committee to develop a protocol for police officers who batter.

Proposed Expansion: Expansion of this grant will create a county-wide domestic violence unit. Physically co-located within the unit will be domestic violence prosecutors, investigators, victim intervention specialists, and pre-trial supervision and post-conviction probation officers.

They will work in tandem with batterers' intervention programs, domestic violence units within police agencies, and victim advocates from the non-governmental, non-profit victim advocacy organization. (The Domestic Violence Project, Inc./SAFE House for brevity will hereinafter be referred to as DVPSH.) The unit will be located in a geographically central facility that will increase accessibility. The unit will have access to language interpreters through AT & T, and will have a telecommunications device for the deaf.

Courts: All district courts in the County will use a designated domestic violence docket. Priority will be given to domestic violence cases. Schedules will be coordinated to ensure that prosecutors will be available for all stages of the process including sentencing and that victim advocates can be in court at all times during domestic violence dockets. All the courts will operate under a domestic

violence protocol. The judges will routinely issue no contact orders starting at arraignment. The prosecuting attorneys, pretrial personnel, probation officers, advocates, batterers intervention program personnel and officers will travel to each district court on the prescribed day to carry out their duties.

Prosecution: All misdemeanor domestic assault cases will be handled by the five prosecutors in this unit. In the current grant, 150 cases will be prosecuted by the designated prosecutor. This number will rise to more than 1100 with additional grant funds. Felony domestic violence cases will also be charged by the unit. An investigator will be assigned to the prosecution to assist in gathering evidence, serving personal protection orders, and in ensuring that victims and other witnesses receive court subpoenas in a timely manner.

Probation: All misdemeanor domestic violence cases in the County will be assigned to the intensive probation unit. Intensive monitoring will begin at pre-trial and continue post conviction by the same probation officer. There is currently no pre-trial supervision of those charged in domestic assault cases in the County. Extensive investigation has been conducted into models of intensive probation in other communities so as to incorporate best practices into this grant. Eight probation officers (to be phased in) will handle more than 1100 cases in the first year starting at pre-trial. (This figure is based on the number of domestic violence cases charged in the County in 1998).

A number of measures have been implemented in the current grant. Routine drug screens are done when alcohol or other drugs are involved. Victim input is elicited and incorporated by the probation officer throughout the probation process. The probation officer now does home visits to monitor the batterer. The probation officer will attend batterers intervention programs' groups serving those on his caseload. He/she will do random telephone checks, and monitor attendance at work and groups. The probation officer will be recommending restitution measures to the judge, including provision/replacement of telephones so that the victim is able to call for help. All these measures will be implemented for every defendant pre-trial and every batterer on probation in the County if additional grant funds are received. Great care will be taken to differentiate the role of victim intervention specialists, attached to the governmental domestic violence unit from advocates at the Domestic Violence Project, Inc./SAFE House. For example, victims will know that information received by the victim intervention specialists at the unit will be used in the criminal justice process, but that information shared with DVPSH is totally confidential.

Police: Currently, there are two domestic violence units within law enforcement agencies. This enhancement would create a third unit. Additional units will be added in subsequent years. Units will eventually be situated in the police agencies that serve 80% of the population of the county. Smaller jurisdictions would be served by a police trainer/coordinator in subsequent years. In the first year, police will receive additional training on investigation techniques to facilitate prosecution without victim participation, and in identifying situations in which the victim of domestic violence is using self defense.

Victim Services: The current grant provides for legal advocacy for victims in the district court. The enhancement would provide for two autonomy advocates. They would work with the victim to identify losses due to the battering – from major issues such as loss of custody of the children to damaged credit history to broken eyeglasses to damaged reputation. The advocates would work with the victim to identify barriers to autonomy (e.g. no car or no child care). The foci would be on both enhancing autonomy and also restoring the victim to the pre-victim status. The advocate will make recommendations to the court as to how the batterer can make restoration to the victim and her children. Restoration may include written or public acknowledgments of abuse, and apologies to friends, employers, etc. The advocate will identify community resources for restoration (such as victim's compensation, assistance from religious organizations, etc.). 100 victims would receive these specialized services and would be eligible for an average of \$500 per victim in direct reimbursement from this grant. DVPSH would also receive funds to compensate for staff time in grant activities, including training, consultation, meetings, etc., as well as for supervision of the advocates. Plans for subsequent years include enhancement of services for underserved populations.

Batterers Intervention Services: Alternatives to Domestic Aggression will develop and implement a batterers' intervention program in the jail, where one third of inmates are incarcerated for domestic assault or domestic violence related offenses.

If this program is successful in the first year, it may be expanded in subsequent years.

(See appendix for a further description. More information about Alternatives to Domestic Aggression is available on the web – <http://comnet.org/adacss>).

Defense Bar: Training on domestic violence will be developed and provided by the Domestic Violence Project, Inc./SAFE House and offered to the County Bar Association and the Public Defender's Office. In 1992, a major conference on defense was held in the county featuring the National Clearinghouse for the Defense of Battered Women. The Executive Director of DVPSH is on the advisory board for the National Clearinghouse.

Training: All personnel hired under this grant will go through thirty-six hours of initial training coordinated and conducted by DVPSH. Extensive ongoing training will be provided as well. A special training will be offered to judges and magistrates in the county in the first year.

Policy and Protocols: All existing policies and protocols for handling domestic violence cases will be reviewed and amended by the current project team which is comprised of representatives from 15th District Court, Prosecutor's Office, Ann Arbor Police Department, Washtenaw County Sheriff's Department, the Domestic Violence Project, Inc./SAFE House, and the 15th District Probation Department. The team will be expanded to include representatives from the 14th District Court, Ypsilanti Police Department and Alternatives to Domestic Aggression. New policies and protocols will be created as needed.

Extensive evaluation will be conducted by the University of Michigan, School of Social Work, in compliance with the National Institute of Justice guidelines.

**ADDITIONAL OUTCOMES EXPECTED
FROM THE ENHANCEMENT OF THIS GRANT**

Overall, there will be more victim input into the criminal justice system process. Victims will receive additional support and assistance around issues of autonomy and restoration.

The court process will become quicker and more efficient. This will result in less delay in sanctions for batterers.

Consequences for batterers will be more consistent and will be graduated. More batterers will be charged with second and third degree domestic violence (due to enhanced reporting of first convictions).

Judges will have more time to listen to and speak with victims in the court.

The number of victims receiving subpoenas for court in a timely manner will increase. The number of victims receiving assistance resolving transportation and child care problems will increase. Therefore, the number of victims participating in prosecution will increase. There will be fewer dismissals and more convictions.

In the situations where the subpoena or logistics was not the barrier to participation, the number of prosecutions without victim participation will increase. This will also increase convictions.

More batterers will be charged and convicted of second and third domestic violence offenses, and therefore will receive graduated penalties for repeat offenses.

A new process for enforcing no contact orders and bond violations will be instituted resulting in greater enforcement and quicker sanctions for batterers. The victim will receive a copy of bond conditions and the probation contract.

Uniformity in prosecution (due to vertical prosecution and new protocols) will increase.

Due to designated dockets and additional resources, prosecutors will be present at sentencing. This will result in more victim impact statements, more restitution, and tougher, more consistent sanctions.

Pre-trial monitoring of batterers will occur for the first time. Victim input will be solicited rather than waiting for the victim to find probation.

There will be more warrantless arrests for probation violations. Victims will receive a copy of the probation contract. A picture of the assailant will be inserted into the file.

This will result in easier apprehension of the assailant by the police.

Restitution will be ordered routinely by judges.

More batterers will be referred to batterers intervention programs that meet state standards.

All defendants and all those convicted of domestic assault will be subject to intensive monitoring. This will result in quicker sanctions, graduated sanctions and more consistent sanctions.

EXISTING COORDINATED COMMUNITY RESPONSE

(All questions are addressed sequentially as presented in the Action Kit)

Judicial Response

At one time or another, any one of the fourteen judges in the county may preside over a domestic violence matter - whether it be a misdemeanor or felony case, a divorce or custody matter, or Personal Protection Order. This is the result of the Michigan Supreme Court's approval of Washtenaw County's innovative Unified Trial Court Demonstration Project in which traditional jurisdictional lines are blended to better serve the public.

Ordinarily, Michigan courts consist of district, circuit and probate courts within each county. District courts handle

arraignments, pretrials, trials and sentencings in misdemeanor criminal cases; and preliminary examinations (probable cause determinations) and arraignments in felony cases. Circuit courts handle felony pretrials, trials and sentencings; child protection proceedings; juvenile delinquency and status cases; divorce and child custody matters; and Personal Protection Orders. Probate courts handle mental health and estate proceedings. (The district and circuit courts handle civil cases also.)

While judges are still elected/appointed to either a district, circuit or probate court, every Washtenaw County judge is authorized to hear cases in any other court in the county.

The majority of misdemeanor domestic violence cases - from arraignment through sentencing - are handled by six of the seven district court judges. The seventh district court judge handles the issuance, modification and enforcement of Personal Protection orders (civil) pursuant to a local protocol created through collaborative efforts of the courts, law enforcement, attorneys, DVPSH, and the county prosecutor. A probate court judge and two circuit court judges handle divorce and custody cases. One other judge handles primarily juvenile delinquency, child abuse and neglect matters. Each judge is assigned to weekend and holiday arraignments, which include the setting of domestic violence bond conditions.

There are no pretrial services currently available. The district courts have a probation department where officers are employees of the court. The probation department for the circuit court is run by the State of Michigan Department of Corrections.

In the 15th District Court, possession of firearms and/or alcohol or illegal drugs is often prohibited pre-trial. Bond may not be denied for domestic violence cases other than murder or criminal sexual conduct 1st degree. The court has access to the defendant's criminal record prior to arraignment. Factors that may cause an arraigning judge to set a very high bond include prior history of assaults; serious injury; stalking behavior; defendant's threat to kill victim or self; use of a weapon and risk of flight.

The courts have a respectful and productive working relationship with DVPSH. The victim advocates are employed by DVPSH. DVPSH advocates are in court for six reasons:

- a. to provide immediate assistance to the victims, including written information about domestic violence (support)
- b. to enhance accessibility of the criminal or civil legal system (interpretation)
 - c. to help the victim obtain what she needs and ensure that her privacy and autonomy are respected. This includes obtaining assistance with translation of languages besides English, sign language, disability, etc. (advocacy)
- d. to provide immediate access to other DVPSH services (referrals)
 - e. to provide technical assistance to police, prosecutors, judges, probation, attorneys and other court personnel (consultation)
 - f. to observe and record the manner in which the court processes domestic violence cases (monitoring)

Victim input at the pretrial release stage is sporadic. Michigan law requires that the victim be given an opportunity to be heard prior to sentencing.

Often the judge is aware of pending or resolved domestic violence cases involving the defendant when presiding over civil or criminal cases. Up until very recently, 15% of the misdemeanor domestic violence prosecutions were handled as 90-day assault and battery ordinance violations rather than domestic violence cases under state law. This meant that there might not be a record of prior convictions. This has now changed.

When the judge who handles Personal Protection Orders (PPO) hears from a victim that she wishes to terminate the PPO, that judge explores with the victim whether there has been any pressure from the assailant to terminate the Personal Protection Order. The judge will ask whether there are changes to the Personal Protection Order which could meet her needs without terminating the Order altogether. The judge also might pass the matter briefly and ask the victim to meet with a DVPSH victim advocate to explore options. However, if the victim expressed continued desire to have the Order terminated, the judge will do so. The judge will inform the victim that the courts are still available should the victim decide later that a PPO was again necessary. This process is part of the PPO protocol adopted this year by the courts as part of the collaborative effort described earlier.

The majority of the judges emphasize that domestic violence is a crime against the community, not the victim versus the defendant, and that batterers will be held accountable.

Convicted batterers' required appearances before the court varies by district court. In the 15th District Court (which is a component of the initial grant), cases of convicted batterers are reviewed in court at least twice within 90 days. Batterers are placed on probation for the maximum time allowed by law, with continuing reviews by the same judge. Batterers who fail to comply with probation are sent to jail.

By design, our County does not have a county wide coordinating council. There are a series of interlocking partnerships, formal boards, and committees. These include the Ann Arbor Domestic Violence Coordinating Board and the Mayor's (Ann Arbor) Task Force on Increasing Safety for Women. Task-oriented groups are also established. Judges participate in all of these endeavors.

The only mandatory domestic violence education for judges is provided to new judges by the Michigan Judicial Institute. All other training is voluntary on the part of judges who choose to participate. Many local judges voluntarily attend domestic violence trainings. The Michigan Judicial Institute has a major contract with the State for STOP grant funding to provide training to judges on domestic violence and sexual assault. This encompasses orientation to the new domestic violence benchbook written for judges in Michigan. (For an outstanding guide to Michigan laws on domestic violence, you may wish to look at the bench book, now online at <http://www.supremecourt.state.mi.us/courts/mji/dvbench.htm>)

In 1998 - 1999, DVPSH provided six hours of domestic violence training to the district court judges primarily responsible for PPO issuance and enforcement. In 1997, a representative of the Michigan Coalition Against Domestic and Sexual Violence met with all seven of the district court judges in the county to provide a training on domestic violence and to

answer specific questions posed by judges.

Currently all judges handle domestic violence cases. Criminal cases are assigned to a specific judge for the life of the case.

The courts do not order the victims to do anything. Routine referrals are made to DVPSH, but victims are not mandated to attend. If someone charged with a crime is found to have a history of victimization of domestic violence, they are also referred to DVPSH . To date DVPSH does not accept mandatory referrals to their services. Beginning in April 1999, DVPSH will conduct a two hour information session every month to which the court can send victims of domestic violence who have been convicted of crimes. The monthly session will cover victims' legal rights, information about domestic violence and information about services available at DVPSH and elsewhere in the county.

All seven of the district court judges will be directly involved in this judicial demonstration project.

Services for Victims

A victim of domestic violence is first contacted by a victim advocate from DVPSH at one of three stages:

- a. When the assailant is arrested - law enforcement agencies in the County routinely page DVPSH on-call teams whenever there has been an arrest in a domestic violence incident. Most of the agencies also page the on-call team even when the assailant has not been arrested.
- b. When referred - the police, prosecutors, courts, probation, and attorneys frequently facilitate contact with the victims.
- c. In court - DVPSH victim advocates are in court every day to intervene with victims who have not previously had contact with DVPSH.

Our courthouse does not have separate waiting rooms for victims in domestic violence cases. The county courthouse has a metal detector which people must pass through. However, the courtrooms for the five district courts, clerks' offices, magistrates, and juvenile court, located outside the county courthouse, are not screened unless metal detector wands are specifically requested for a particular hearing.

Victim advocates are in court on days that courts are handling domestic violence cases and can consult with every victim. They are employees of DVPSH. Victim advocates also respond to court requests for assistance when called to do so.

MCL 600.2157a; MSA 27A.2157(1) provides for confidential communication between a victim and a domestic violence

counselor.

Emergency protection orders are not available during evenings or weekends.

If batterers are judicial or law enforcement officers, cases are handled, theoretically, the same as any other domestic violence case. By law, if a petitioner obtains a PPO against a police officer, the officer is entitled to an expedited hearing on any objection. (Development of a statewide protocol concerning law enforcement officers who batter is in the planning stage).

There is no legislation or policy that expressly provides for victim advocates to speak in court. However, to our knowledge, advocates rarely are prevented from speaking, and in fact, are often asked for information by the judges.

The judiciary seeks information and assistance from victim advocates, refers to DVPSH and facilitates contact between victims and advocates. The victim advocates will contact the judiciary with any concerns or questions about court processes and seek to resolve any concerns directly with the involved judge.

We are a relatively small community, and so referrals to social services, etc., are handled by the legal advocate on site.

DVPSH has an extensive array of services for victims and their children. See their web site at <http://comnet.org/dvp>.

Children's Issues

The majority of law enforcement agencies routinely note in their reports when children are present at a domestic violence incident and will refer the incident to Protective Services if they reasonably suspect child abuse and neglect. However, Michigan criminal law makes no distinction for the presence of children at the scene in domestic violence prosecutions.

Victims of domestic violence are not routinely charged criminally for failure to protect. Legislation which would make such charges more common is pending before our state legislature, and is opposed by members of this grant team, DVPSH, and the Michigan Coalition Against Domestic Violence.

Cultural Issues

Washtenaw County has a population of 283,000. 17% of the population is non-white: 11.2% African American; 4.1%

Asian or Asian American; 2% Hispanic; and .04% Native American. 7.5% of the population is elderly and 21.6% are below the age of 18.

DVPSH runs a series of support groups specifically designed to assist underserved populations. These include support groups for: women of color; teen survivors of domestic violence; older women; and lesbians and bisexual women. DVPSH has some educational materials in other languages, and contracts with interpreters in ASL when appropriate.

DVPSH also has a successful major clergy initiative, which is in part an outreach/alliance program in the African American community. DVPSH has an internal accessibility project designed to move beyond non-discrimination into making our services welcoming and accessible to all survivors of domestic violence. This includes maintaining racial, ethnic, and religious diversity among staff.

There are several batterers' intervention programs to which the courts refer convicted domestic violence offenders. One of these is the Alternatives to Domestic Aggression (ADA), operated by Catholic Social Services. The ADA strives to meet the various needs of our community. Over the past twelve years, the program has endeavored to seek out and employ a staff reflective of the community diversity.

Law Enforcement

Training is conducted in a variety of ways. Recruits receive training through the police academies. All police academies in Michigan include 12 hours of training on domestic violence. This training follows the model policy developed by the Michigan Coalition of Law Enforcement Services (MCOLES) and includes four hours by a subject matter expert on domestic violence (usually DVPSH staff in this county).

DVPSH has provided a six hour domestic violence training to most of the law enforcement agencies in the county. The training consists of, generally, the dynamics of power & control, destruction of myths and stereotypes of the causes of domestic violence (with emphasis on alcohol use, "loss of control" argument); understanding and working with survivors; barriers to survivor safety; helpful law enforcement intervention; effective response to and investigation of domestic violence incidents; and batterer manipulation of police and others.

Specialized trainings are held for police, prosecutors, and judges by a partnership of key players.

The police and prosecution have an exemplary relationship in Washtenaw County, evidenced by the multiple collaborative projects and tasks implemented in the county. Officers often provide information to the court at arraignments, civil protection order hearings, trials and sentencings. Police and prosecutors collaborate on domestic violence case investigations.

Police Departments work very closely with victim advocates. After an arrest has been made, police throughout the county page a team of DVPSH on-call advocates. On a 24 hour basis, DVPSH advocates respond to police pages and go to the home of the victim to provide information, support and advocacy.

More than 800 in-person interventions occurred after police calls last year. Police also work with DVPSH advocates on an as-needed basis for civil standbys, service of PPOs, escorting victims to and from work and from court hearings, etc. The city of Ann Arbor Police Department houses their detective and civilian assistant at DVPSH, thereby ensuring active collaboration between victim advocates and police.

Police countywide responded to 256,672 incidents of varying nature in 1998. Of these, 2150 calls were specifically domestic violence cases. That number however is subject to increase as investigations may determine a domestic violence incident in lieu of family trouble, etc. Nearly 2% county wide were specifically domestic violence related.

There is a very low dual arrest rate. The arrest rate for women, however, is higher than the national average. One of the goals of the current grant is to analyze the reasons for this disparity and develop strategies to address the issue.

Prosecution

In 1998, police agencies filed approximately 1500 Domestic Violence cases for potential prosecution in Washtenaw County. The Washtenaw County Prosecutor's Office authorized approximately 974 cases for prosecution in 1998. The cases that the Washtenaw County Prosecutor's Office did not authorize were either denied authorization due to insufficient evidence or returned for further investigation and the results of the further investigation were not received in 1998.

Regarding domestic violence cases that were both charged and reached disposition in 1998, courts dismissed approximately 56% of these cases on the day of trial due to witness problems. Specifically, victims and/or witnesses did not appear for trial and the prosecutor could not proceed. The Prosecutor's Office convicted approximately 80% of those defendants whose domestic violence cases did not have witness problems (cases resulting in a plea or trial). The Prosecutor's Office convicted approximately 50% of those defendants whose domestic violence cases went to trial. Overall, 36% of domestic violence Defendants whose cases were charged and reached disposition in 1998 were convicted of domestic violence.

The State of Michigan has a deferred sentence for batterers convicted for the first time. This statute requires that the prosecution consent to the deferral. The Washtenaw County Prosecutor's Office does not consent to pre-trial diversion on any domestic violence cases. In addition, the Prosecutor's Office strongly discourages deferred sentencing on domestic violence cases.

Due to staffing limitations, the Washtenaw County Prosecutor's Office does not vertically prosecute domestic violence cases (except in cases handled under the current grant) All seventeen assistant prosecutors assigned criminal trial responsibilities handle Domestic Violence cases.

The Washtenaw County Prosecutor's Office does have a mandatory no-

drop policy. The Prosecutor's Office prosecutes without the victim's testimony provided that there is sufficient evidence to proceed. If the prosecution cannot proceed without the victim and the victim does not appear, the prosecutor informs the court of the inability to proceed and the court dismisses the case without prejudice. The police attempt to subpoena the victim in every case.

Sanctions

In cases of first conviction, the batterer is usually sentenced to probation with a variety of conditions. Those conditions usually include completion of a batterers intervention program and substance abuse treatment (if applicable).

Often these conditions include that the offender has no contact with the victim and that the offender not engage in assaultive or threatening behavior to the victim or others. Judges in the 15th District Court routinely refer convicted batterers to 52 week or 36 week programs. Other county district judges often use much shorter programs.

Violations of probation for a new assault, failure to report or failure to comply with a court order including not regularly attending a batterers intervention program sometimes results in incarceration.

District court probation officers are employed by the district court.

Under the current grant, the 15th district court has a dedicated probation officer intensively monitoring domestic violence cases. Four other county district judges do not have a probation officer assigned solely to domestic violence cases.

As previously noted, the 15th district court often orders batterers to attend and complete Alternatives to Domestic Aggression which has the longest program in the state. Other county district courts often refer batterers to shorter programs.

ADA Philosophy: Domestic violence is a crime which must be comprehensively responded to by a coordinated community response. Domestic violence is never justified, excusable, provoked, hereditary, out of control, accidental, or an isolated incident. Domestic violence is not caused by disease, diminished by intellect, alcoholism/addiction or intoxication, mental illness or any person or event. The batterer is responsible for his behavior, NOT the person who is the target of the battering. Domestic violence is a means for men to systematically dominate, control, devalue and disempower women. Domestic violence is prevalent across all lines, race, ethnicity, geography, education, social class, religion, and sexual orientation. Battering and abusive behavior is regulated by the batterer's estimation of probable consequences, never by "provocation". Battering is a chosen behavior and, therefore, other choices can be made. Non-violent and respectful ways of participating in intimate relationships can be implemented. Battering is a lifestyle; never a singular event. Batterers of domestic violence must be held accountable for their criminal actions.

The 15th District Court and its probation department meets with ADA for coordination purposes on a monthly basis and are on ADA's advisory council. ADA and DVPSH have a long history of working, consulting and collaborating on specific cases and community related issues. ADA is the only batterers intervention program to which DVPSH will make referrals.

Technology

The County has developed a network to which the Prosecuting Attorney, Courts, and limited law enforcement agencies have access in order to obtain information. The majority of law enforcement agencies have in-house systems to track individual incident and arrest data.

The Domestic Violence Project, Inc./SAFE House (DVPSH) has developed an extraordinary data base, which compiles extensive victim and batterer data, through a collaborative effort with all of the law enforcement agencies (with one exception) in the County.

SUBSEQUENT YEARS

Start up costs in the first year of grant funding will be converted to other purposes in years two through five.

Police units will be created in all of the larger police agencies (covering 80% of the population). A police trainer and coordinator will be hired to cover those police agencies serving the other 20% of the population.

Some prosecutors and probation officers will be hired immediately, and others will be phased in to reflect increased caseload. In subsequent years, all these positions will be filled, which means that additional monies would be allocated from the start up costs. Staff salary increases must also be taken into account.

Special focus in subsequent grant years will be on enhancement of victim services to underserved populations.

The grant team will analyze remaining gaps in services during the first year so that the remaining funds can be appropriately and effectively allocated.

TECHNICAL ASSISTANCE

While the need for technical assistance may be required, at this stage of the grant process we cannot identify any specific needs. As the need for technical assistance becomes apparent, we would look to the Violence Against Women Grant Office for advice and guidance.

EVALUATION

Project evaluation will be conducted by Daniel Saunders, Ph.D. and Richard Tolman, Ph.D. from the University of Michigan School of Social work.

A RESOLUTION RATIFYING THE COUNTY ADMINISTRATOR'S SIGNATURE ON AN APPLICATION WITH THE U.S. DEPARTMENT OF JUSTICE - OFFICE OF JUSTICE PROGRAMS' VIOLENCE AGAINST WOMEN OFFICE FOR THE JUDICIAL OVERSIGHT DEMONSTRATION INITIATIVE FUNDING PROGRAM FOR THE PROSECUTOR'S OFFICE IN THE AMOUNT OF \$1,997,383 FOR THE PERIOD COMMENCING JANUARY 1, 2000 AND ENDING DECEMBER 31. 2000.

WASHTENAW COUNTY BOARD OF COMMISSIONERS

APRIL 21, 1999

WHEREAS, The Prosecutor's Office is requesting the Board to ratify the County Administrator's signature on an application for the Judicial Oversight Demonstration Initiative Grant Program through the Violence Against Women Grants Office of the U.S. Department of Justice - Office

of Justice Programs, in the amount of \$1,997,383 for one year commencing January 1, 2000 and ending December 31, 2000 with the possibility of renewal up to an additional four years thereafter contingent upon Congressional appropriations; and

WHEREAS, the Prosecutor's office was awarded a grant (Grants to Encourage Arrest Policies) through the Violence Against Women Grants Office in the fall of 1998 which was implemented January 01, 1999. The program is comprised of a cooperative initiative of the Prosecutor's Office, SAFE House, 15th District Court, Ann Arbor Police Department, and the Washtenaw County Sheriff's Department to address Domestic Violence issues in the County; and

WHEREAS, the Judicial Oversight Demonstration Initiative is a joint effort of the Office of Justice Programs' Violence Against Women Office and the National Institute of Justice. The initiative will support demonstration project in 3-4 communities in the nationwide that wish to build upon a coordinated community response to domestic violence. This program will greatly enhance the project which was implemented January 1, 1999 in Washtenaw County; and

WHEREAS, this funding in the amount of \$1,997,383 will cover all project costs and provide the opportunity to consolidate services to domestic violence victims via vertical prosecution, intensive probation of the perpetrators and implementation of judicial protocol which was approved by each District Court Judge within Washtenaw County ; and

WHEREAS, there is no match requirement per grant guidelines; and

WHEREAS, the project consists of additional dedicated assistant prosecuting attorneys, continuation of positions funded by the initial grant (assistant prosecutor, grant coordinator, community service officer for Ann Arbor Police Department, intensive supervision probation officer, and a Washtenaw County Sheriff's Department Sergeant), additional intensive supervision probation officers, legal advocate for SAFE House, and necessary support staff or all disciplines; and

WHEREAS, this matter has been reviewed by the County Administrator's Office, the Finance Department, Human Resources, Corporation Counsel and the Ways and Means Committee.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners ratifies the County Administrator's signature on an application with the Department of Justice - Office of Justice Programs' Violence Against Women Office for the Judicial Oversight Demonstration Initiative in the amount of \$1,997,383 for the time period commencing January 1, 2000 and ending December 31, 2000, as on file with the County Clerk.

BE IT FURTHER RESOLVED that the Board of Commissioners takes the following actions contingent upon receipt of the grant award in conformity with the grant application.

1. Authorizing Chair of the Board OR Administrator to sign the Notice of Grant Award
 2. Amending the Budget, as attached hereto and made a part hereof
1. Authorizing the County Administrator to sign the delegate contracts in conformity with the award upon review of Corporation Counsel
 2. Create and eliminate the following grant status positions:

Position

Number Position Title Grade Group #Created # Eliminated

2708-0030 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE
2708-0031 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE
2708-0032 (G) Assistant Prosecuting Atty I/II 27/29 22 1.0 FTE
3104-0007 (G) First Assistant Prosecuting Atty 31 22 1.0 FTE
1631-0003 (G) Victim / Witness Coordinator 16 12 1.0 FTE
1631-0004 (G) Victim / Witness Coordinator 16 12 1.0 FTE
1631-0005 (G) Victim / Witness Coordinator 16 12 1.0 FTE
1246-0014 (G) Legal Clerk I/II 12/14 12 1.0 FTE
1246-0015 (G) Legal Clerk I/II 12/14 12 0.5 FTE
2525-0002 (G) Investigator 25 32 1.0 FTE
2720-0030 (G) Management Assistant 27 32 1.0 FTE
2719-0038 (G) Management Analyst I/II 27/29 32 1.0 FTE

3. Authorizing the County Administrator to create up to eight (8) District Court Probation Agent and one (1) Probation Supervisor positions as identified through collaboration with local jurisdictions (14-A, 14-B and 15th District Courts).

Prosecuting Attorney's Office

Violence Against Women

----994300

Current Revised

Budget Budget Variance

Revenue:

50000 Federal Revenue \$ 0 \$1,997,383 \$1,997,383

Expenditures:

70050 Personal Services \$ 0 \$1,200,059 \$1,200,059

72600 Supplies/Other

Services & Charges \$ 0 \$ 657,324 \$ 657,324

94000 Internal Service Chgs \$ 0 \$ 140,000 \$ 140,000

Total \$ 0 \$1,997,383 \$1,997,383

Indirect Costs = \$140,000

[Return to the Board of Commissioners Ways and Means Committee April 7, 1999 Agenda](#)