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Eloy, Arizona, Arrest Policies Project

A Process Evaluation

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Prepared for
**Eloy Police Department
National Institute of Justice
Violence Against Women Office**

Prepared by
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Introduction

The Grants to Encourage Arrest Policies Program encourages jurisdictions to implement mandatory or pro-arrest policies as an effective domestic violence intervention that is part of a coordinated community response. Congress appropriated funds for the Arrest Program under the Violence Against Women Act (1994). The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders. Ensuring victim safety and offender accountability are the guiding principles underlying the Grants to Encourage Arrest Policies. The Violence Against Women Act directs that the Arrest Program funds be used to

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest program and policies for protective order violations;
- Develop policies and training programs in police departments and other criminal justice and tribal agencies to improve tracking of cases involving domestic violence;
- Centralize and coordinate police enforcement, prosecution, probation, parole or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers or judges
- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system
- Educate judges and others responsible for judicial handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to improve judicial handling of such cases.

The Institute for Law and Justice, Inc. (ILJ) is conducting a national assessment of the Grants to Encourage Arrest Policies Program, which is funded by the National Institute of Justice. ILJ is using a three-stage methodology for this evaluation. First is an annual national assessment of all sites that will document the type and extent of projects funded. Second, a process evaluation of twenty sites will examine the process and problems associated with implementation of the project. And third, an impact evaluation of five to six sites will assess the

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

This report is the process evaluation of the Grants to Encourage Arrest Policies program in the City of Eloy, Arizona. The Eloy project was chosen for evaluation for three reasons. First, semi-annual progress reports suggested that the goals of the grant were being met in a timely way. Second, the project had successfully brought together professionals from several facets of the criminal justice and social services systems. Finally, project directors and staff were willing to share their insights and experiences with an outside evaluator.

The project received \$272,396 for the 18-month period beginning November 1, 1996 and ending April 30, 1998. A continuation grant in the amount of \$377,141 covered another 18 months of operation, through March 2000.¹

This report is based on a five-day site visit that concentrated on interviews and document review. Follow-up interviews and inquiries were conducted by telephone. This report is divided into five sections: (1) Project Environment; (2) Grant Development and Implementation; (3) Project Achievements; (4) Unresolved Issues; and (5) Conclusions and Recommendations.

Project Environment

This section describes the geographic and demographic environment of Pinal County and provides an overview of the criminal justice system.

Geographic and Demographic Environment

The City of Eloy is located in Pinal County in southern Arizona, about half way between Phoenix and Tucson. Pinal County covers over 5,000 square miles and is physically approximately the size of the state of Connecticut. The County has eight incorporated cities, of which Casa Grande is the largest, with a 1996 estimated population of 21,300. The City of Eloy covers approximately 67 square miles (1% of the County's area). With a population estimated to have been 9,045 in 1996, it accounted for 6% of the County's population.

¹ The continuation grant start date is specified as 10/1/98. Presumably, the program was not funded by the Violence Against Women Grants for the five months from May through September 1998.

The population of Pinal county is predominately white (75%). Persons of Hispanic heritage account for 29% of the population of the County as a whole, but are estimated to account for 67% of the population of Eloy. The Ak-Chin and Gila River Indian Communities are located within Pinal County, with an estimated combined population of 12,052, but there are virtually no Native Americans living in Eloy.

The majority of land is owned by the federal or state government. Just one-fourth of the County's land is individually or corporately owned. County-wide, the unemployment rate is reported to be 5.5%, but the unemployment rate in the City of Eloy is almost twice that, at 10.9%. The entire County is an Enterprise Zone, and the tax base for Eloy is the lowest in the County.

The Criminal Justice System

This section outlines Arizona's domestic violence laws, the State's judicial system, and law enforcement in the City of Eloy.

Arizona Law

State law (ARS § 13-3601A) defines "domestic violence" as an act which is a dangerous crime against children or a specific offense (e.g., assault, unlawful imprisonment, criminal damage, disorderly conduct, etc.) if the victim is: 1) the defendant's spouse or former spouse; 2) the parent of the defendant's child; 3) pregnant by the defendant; or 4) resides or resided in the same household and is the opposite sex of the defendant. In addition, the law defines as "domestic violence" acts in which the victim is related to the defendant or the defendant's spouse by blood as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, step-child, step-grandchild, brother-in-law, or sister-in-law. Most first offenses are classified as misdemeanors, unless the specific offense is classified as a felony (e.g., unlawful imprisonment is a class 6 felony, unless the victim is released unharmed and voluntarily in a safe place prior to the defendant's arrest).

Arizona statute (ARS § 13-3601B) mandates that an arrest be made in domestic violence cases that include physical injury or a weapon and allows an arrest, with or without a warrant, when the law enforcement officer has probable cause to believe that an incident of domestic violence has been committed and that the person to be arrested has committed the offense.

Arrested “on-view” suspects cannot be cited and released (as they can be in most misdemeanors) but must be held to be seen by a judge. As of January 1, 1998: “The judge shall order a person who is convicted of a misdemeanor domestic violence offense to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department” (ARS §13-3601.01). This statute places intervention programs at the forefront of the domestic violence debate.

Arizona laws defining domestic violence specifically exclude adults in same-sex relationships. As a consequence, homosexual victims of partner abuse are unlikely to come to the attention of specialized domestic violence units in the State. In addition, the statistics on domestic violence may be somewhat difficult to interpret and compare with those of other jurisdictions because they may not only underestimate the extent of partner abuse but include data on violence between individuals who are not domestic partners (e.g., fathers and sons).

Law Enforcement

Peace officers in Arizona include marshals, sheriffs, state police, local police, tribal police, and border patrol officers. Within the city limits, the Eloy Police Department has jurisdiction. The agency is budgeted for 44 positions (25 sworn personnel and 19 civilians), but had three vacancies among sworn personnel and three civilian vacancies in June 1999. The Department routinely has vacancies because its salary scale is lower than that of larger cities within commuting distance and because some professionals do not want to live and/or work in a small town.

The Judicial System

In Arizona, the Justice of the Peace Court (also called the Justice Court) has jurisdiction over: petty thefts; assault or battery not committed upon an on-duty public officer; breaches of the peace, riots, affrays, and committing willful injury to property; and all other misdemeanors and criminal offenses committed within the precinct which are punishable by a fine not exceeding \$2,500 and/or imprisonment in the County jail for not more than six months. In addition, the Justice of the Peace Court determines whether or not there is probable cause to send the case to Superior Court for trial. The Superior Court handles all felonies. There is also a Municipal Court (also called the City Court) which has jurisdiction over misdemeanors

committed within the municipality. In Eloy, because the Municipal Court and the Justice Court have overlapping jurisdictions, they have reached certain agreements which enable them to divide their work to maximize efficiency. For example, orders of protection are generally issued by the Justice Court during business hours and by the Municipal Court after hours and on weekends. The Justice Court tracks all orders of protection. Because of its dual role as the gatekeeper for Superior Court and the court of record for misdemeanors and criminal offenses excluding those committed within the municipality, the Justice Court generally hears more domestic violence cases than the Municipal Court.

Grant Development and Implementation

The Partnership

For the initial Arrest grant application, the program partners were the Eloy Police Department and two community agencies: the Pinal Hispanic Council and Against Abuse, Inc. The Chief of Police was designated as the project director. When he left Eloy Police Department soon after the Arrest program was funded, project management was assumed by an Eloy Police Sergeant with 18 years on the force.

The not-for-profit Pinal Hispanic Council operates three mental health clinics in Pinal County (two in Eloy and one in Coolidge). Founded as a grassroots organization in 1979, the Pinal Hispanic Council was incorporated in 1987. The Pinal Hispanic Council currently provides outpatient services to children, youth, and families who are experiencing problems with alcohol, drugs, mental health, domestic violence, child abuse, marriage discord, etc. The agency also provides information, referral services and client advocacy. Historically, the agency had provided treatment to domestic violence offenders. Due to recent changes in the regulatory requirements, however, the Council was not authorized to provide batterer intervention services at the time of the process evaluation.

Against Abuse, Inc. provides the only shelter and transitional housing in Pinal County for victims of domestic violence. The non-profit agency is located in Casa Grande, 15 miles northwest of Eloy. Founded as a grassroots organization a few years prior to its incorporation in 1981, Against Abuse, Inc. started as underground “safe homes” and still utilizes safe homes

when necessary. The organization operates one 14-bed domestic violence shelter, a transitional home, and two children's shelters for abused, neglected or exploited children.

As is often the case in rural areas, most of the residents of Eloy know one another, and the civic leaders meet often, both formally and informally, to take care of business and advance the City's agenda. Thus, it is not surprising that the impetus to write Eloy's initial proposal came with a phone call from the Chief of Police to the Executive Director of the Pinal Hispanic Council just a few weeks before the application was due.

The two professionals met and decided to apply for the grant. Within a few days, they had outlined the program they wanted to implement and worked out the division of labor and funding: the Police Department would update its domestic violence policies and procedures, get specialized domestic violence training for its personnel, update its antiquated information system, and hire or promote a full-time records clerk. The Pinal Hispanic Council would implement a Legal Advocate Program, hire or promote a legal advocate, and develop a lethality assessment tool with which to identify risk factors and recommend treatment. Late in the process, the partners invited Against Abuse, Inc. to join the group to provide the domestic violence training.

As part of the grant proposal, the partners obtained a letter of support from the Justice of the Peace and commitments from the Pinal County Domestic Violence Coalition² and the Eloy Governor's Alliance Against Drugs³ to serve in an advisory capacity and assist in the development of the lethality assessment tool.

The partners and advisors met monthly as the grant was implemented. Within the first year, the dynamics of the partnership had changed: Against Abuse, Inc. had stepped up its role and the Justice Court had joined the partnership. The Pinal County Domestic Violence Coalition continued to serve in an advisory capacity, but the advisory role of the Eloy Governor's Alliance

² The Coalition has over 60 members, including judges, attorneys, representatives of local law enforcement, schools and public and private service agencies. Approximately 20 of the members regularly attend the monthly meetings. The Arrest project is always on the Coalition's agenda. The Coalition conducts an annual conference at which members present workshops to domestic violence professionals in the community.

³ The Alliance is a professional planning board which meets monthly. Members include volunteers from the Justice of the Peace Court, the police, schools, housing, human services, and the City of Eloy. They discuss local drug use and abuse issues and plan activities to address them.

Against Drugs diminished.⁴ The newly-configured partnership also identified additional needs and, in April 1998, requested funds for a continuation grant that would enable them to maintain the positions and services already implemented and to supplement them with additional services, training, a vehicle, the purchase of a shelter bed and additional staff, including:

- a full-time detective to be assigned exclusively to domestic violence cases;
- a half-time counselor to provide mental health counseling to domestic violence victims at the Pinal Hispanic Council;
- a half-time case manager at Against Abuse, Inc.;
- a half-time court clerk for the Justice Court to expedite and monitor orders of protection; and
- a part-time external evaluator to work two days per month for the 18-month term of the grant to conduct both a process and an outcome evaluation.

Goals and Objectives

The overarching goal of the Arrest project was “to implement an innovative, collaborative, technologically driven project that enhances arrests, increases victim safety and promotes community wellness.” The initial proposal specified ten objectives:

1. Agency and collaborating entities’ Policies and Procedures would be reviewed to ensure pro-arrest mandates.
2. All officers on the police force would receive experiential training provided by Against Abuse, Inc. The goal was modified in the continuation grant to cover new officers hired after 12/13/97.
3. All officers would review the five training tapes provided by the Phoenix Police Department.
4. Training would be facilitated by the Eloy Police Department at the Second Annual Domestic Violence Conference. The goal was modified in the continuation grant to cover subsequent annual conferences during the grant-funded period.
5. A Legal Services Program would be developed and implemented by the Pinal Hispanic Council.
6. The Eloy Police Department would operationalize a technologically-enhanced computer system.

⁴ Because the Domestic Violence Coalition was already serving in an advisory capacity and included members with greater expertise in the area of domestic abuse, and because of limitations on Alliance members’ time, the Alliance gradually and naturally withdrew from its initial advisory role.

7. The Pinal Hispanic Council and the Domestic Violence Coalition would develop a lethality assessment tool.⁵
8. There would be a statistically significant increase in the number of arrests and prosecutions for family violence. The continuation grant specified that the police department would continue to maintain an arrest rate of between 80% and 100% of reports taken.⁶
9. A protocol for intensive supervision of probationers arrested for domestic violence would be developed by the Adult Probation Department.
10. Legal Advocacy Services would be provided to a minimum of 100 victims. The continuation grant increased the total number to 125 to be served by the end of the Arrest program.

The continuation grant proposal added five new objectives:

11. Counseling services would be provided to a minimum of 75 survivors and their children.
12. Staff at the two county hospitals and the medical community would receive domestic violence training from Against Abuse.
13. The Pinal County Domestic Violence Coalition would receive domestic violence training from Against Abuse.
14. A minimum of 5 survivors would receive transitional home services from Against Abuse; and
15. A minimum of 6 survivors would utilize shelter bed services from Against Abuse.

The fifteen objectives concentrate on five areas:

- Policies and Procedures (Objectives 1 and 9);
- Training (Objectives 2, 3, 4, 12, 13, and 14)
- Victims' Services (Objectives 5, 7, 10, 11, 15, and 16)
- Information Technology (Objective 6)
- Outcomes (Objective 8).

The following section outlines the program's achievements in each of these areas.

⁵ The initial grant application specified the Eloy Police Department rather than the Pinal Hispanic Council.

⁶ The Department's arrest rate as a percentage of reports fluctuated over time. The specified 80%-100% was an arbitrary benchmark.

Project Achievements

Policies and Procedures

The Coalition Against Domestic Violence has developed the *Pinal County Domestic Violence Protocols* for use by professionals in the area. The notebook includes protocols on:

- police communication and patrol responses to incidents of domestic violence, follow-up investigations, and responses to violations of Orders of Protection;
- prosecution;
- victim/witness services;
- offender interventions; and
- probation.⁷

At the meeting of the Arrest project partners in June 1999, the protocols were reported to be ready for distribution and several of the partners volunteered to hand-deliver the three-ring binders to their colleagues and key contacts (e.g., the Eloy Police Department would distribute binders to other law enforcement agencies and Against Abuse would provide a binder to the administrator of the hospital in Casa Grande).

In addition to this “public” document, the Eloy Police Department has continued to refine its longstanding pro-arrest domestic violence policy and procedures in General Order Number 51 (GO#51). First issued in 1987, GO#51 has been reviewed and revised several times subsequently, and the effective date of the most current order is 1/1/97 (see Appendix A).⁸ The current policy statement reads as follows:

“As a matter of policy, the department assigns domestic violence (domestic disturbance) calls as a high priority. Law enforcement must exercise leadership in the community in responding to domestic violence. An immediate legal response can make a major difference in the disputants’ lives. Department personnel responding to a domestic disturbance call shall (1) terminate the conflict, (2) arrest persons when probable cause exists that a crime has occurred, (3) provide safety and security for the crime victim(s), (4) and refer participants to appropriate agencies to help prevent future occurrences. The department policy and philosophy is PRO-ARREST, in order to break the cycle of violence and to deter future abuse.”

⁷ Note that the probation protocol was still in draft form as of June 1999. Once the protocol has been finalized, it will need to be distributed to holders of the protocol binders, and Adult Probation Department agents will need to be trained and monitored on its implementation.

⁸ The general order has actually been revised several times since January 1, 1997, but the effective date was not changed. The document attached is the most current version.

Training

Against Abuse, Inc. has refined and diversified its training curricula and presentation format to address the informational needs of a wide variety of audiences. As part of the Arrest program, the agency:

- provided four hours of mandatory classroom training to all nineteen sworn officers (i.e., patrol officers, detectives, supervisors, and command staff) of the Eloy Police Department as of November 19, 1997. During the next two months, all sworn officers visited the shelter, in groups of three, to learn about the shelter's operation and to participate in a roundtable discussion with survivors of domestic violence. The roundtable discussion enabled the officers to interact with the shelter clients, to learn about the experience from the victims' point of view, and to talk with them about what was working and what was not in terms of the response of law enforcement to domestic violence.

Although there was no formal evaluation of the training, the progress report submitted for the period 1/1/98 to 6/30/98 referred to the visits, noting that "the overwhelmingly positive response from the police officers to this aspect of the training component made it an unqualified success. The value of these visits by police officer cannot be overemphasized. Any future efforts by other police agencies should always include some sort of interaction between officers and actual domestic violence survivors." Over a year and a half after the training, two of the three Eloy police officers interviewed talked about how compelling the visits to the shelter had been.

- Against Abuse targeted Casa Grande Regional Medical Center (located in Casa Grande) and the Central Arizona Medical Center (located in the county seat, Florence) for domestic violence training. By June 1999, the Casa Grande Regional Medical Center had agreed to training for the emergency room and nursing department staff, but the training date had not been established. At the time, Against Abuse was still strategizing about how to reach the larger community of physicians.
- Against Abuse also provided basic training to the Pinal County Domestic Violence Coalition group in the last quarter of 1998, and an advanced training series in March, 1999.

In a less structured arena, the Eloy Police Department facilitates some of the training provided at the Annual Domestic Violence Conferences sponsored by the Pinal County Domestic Violence Coalition.

Victim Services

Victim services available as part of the Arrest project grant include legal services, case management, counseling,⁹ shelter, and transitional housing:¹⁰

- The Pinal Hispanic Council legal services advocate:
 - reviews police reports;
 - conducts face-to-face interviews with victims, when possible;
 - provides resource information, referrals, and safety planning;
 - assists with the application and filing for orders of protection as requested;
 - assists in compiling and documenting information on the incident for a successful prosecution;
 - contacts local law enforcement about violations of orders of protection;
 - informs the courts of non-compliant defendants court-ordered for treatment at the Pinal Hispanic Council;
 - conducts occasional on-site crisis intervention with police assistance.
- Among the individuals interviewed for this report, it is generally agreed that the Pinal Hispanic Council's legal advocacy program as implemented had a larger human service/community service component than most traditional legal advocacy programs. However, the focus seems to be shifting somewhat since the agency hired a new (half-time) counselor to address the increasing number of victims seeking counseling. The program is likely to continue to be refined over time.
- Victims who contact the Pinal Hispanic Council receive case management and sometimes receive some form of counseling such as short-term grief work or anger management. The program expects to provide counseling services to a minimum of 75 survivors and their children.
- Against Abuse provides shelter and transitional housing for victims of domestic violence in the region. Through the end of June 1999, eleven Eloy families (i.e., 11 women and 8 children) utilized shelter bed services for a total of 206 bed nights. Domestic violence victims in shelter care may generally stay 45 days, although that is sometimes extended to 60 and, very occasionally, 90 days, but the average length of stay is less than 45 days. Among the Arrest program clients, the average length of stay was approximately 11 days. Among the 11

⁹ Counseling for victims of domestic violence is also available through a number of organizations in the area not funded by the Arrest project grant and is provided by Against Abuse, Inc. and the Pinal Hispanic Council using non-grant funds.

¹⁰ Shelter and transitional housing expenses were not requested in the initial grant application but were added in the continuation grant.

women, 6 were non-Hispanic Caucasians, 4 were Hispanic, and 2 were African Americans. Among the children, 2 were non-Hispanic Caucasians, 4 were Hispanic, and 2 were African Americans. Only one family (one adult and two children) was receiving Temporary Assistance to Needy Families (TANF) funds at the time of her stay at the shelter.¹¹

- The continuation grant application estimates that a minimum of five survivors will receive transitional home services from Against Abuse as part of the Arrest project. As of the December 31, 1998, no Eloy domestic violence referral victims utilizing the shelter requested or needed transitional housing. Against Abuse currently maintains one transitional home and is building three others (in partnership with another not-for-profit). Individuals needing transitional housing pay a modest monthly rent (\$125, or about one-third of the going rate for similar accommodations in the community) and may generally stay for up to 45 days, although that can sometimes be extended to 60.

Information Technology in the Eloy Police Department

Technology funds were not released until November 1997. When funds became available, three computers were purchased and a local area network was created. The system uses the current version of CISCO, commercial software produced in Florida. (The agency had been using a version of CISCO that was more than ten years' old).

The installation of the Computer-Aided Dispatch and Records Management System (CAD/RMS) in the Eloy Police Department was completed at the end of May 1998 and by the end of July 1998 all of the valid orders of protection (over one hundred orders) in the paper file had been entered into the system and were available on line. New orders continue to be added to the system as they are issued and served. With these data in the system, the dispatcher can advise officers calling in whether or not an order of protection has been issued, and whether or not the defendant has been served.

The three computers currently on the network are assigned to the dispatcher, the records clerk, and the project manager. Three additional computers, which were purchased with funds from the continuation grant, have been assigned to the acting Chief of the Department, the

¹¹ The demographic breakdown is not consistent with the population of Eloy, but several professionals noted that the Hispanic community in Eloy is quite close. Hispanic domestic violence victims needing shelter may be more likely to stay with local friends and family than to move to the regional shelter 15 miles away.

sergeants who supervises the patrol officers, and the domestic violence detective. They had not been added to the network as of June 15, 1999.¹²

The agency plans to enter all of the police reports on domestic violence cases from January 1, 1999 forward (i.e., 84 cases through 6/30/99). Once they are entered, the cases will be tracked to disposition. Once the case report data are entered, the dispatcher will be able to advise calling officers of previous domestic violence arrests.

While the updated hardware and software have improved data collection and reporting within the Eloy Police Department, the new system is limited in its utility even within the Department. Information on charges, pleas, findings, and sentences can only be added to the cases in a narrative format. Summarizing such data, therefore, will require a time-consuming review of the narrative of each case, and maintenance of a manual or spreadsheet list of individuals arrested to be tracked.

Access to the data is limited to selected staff (and data change access is limited to a very few) within the Eloy Police Department. In order for the Department to provide a complete conviction history to the prosecutor (to facilitate appropriate decision-making about current charging options) and/or judge (in order to promote appropriate sentencing decisions and conditions of parole or probation), a member of the staff of the Department would be required to review the narrative section of each arrest on file for each defendant for whom such a report is requested.¹³

Outcomes

In its semi-annual report for the period July 1 through December 31, 1998, the Eloy Police Department reported the number of domestic violence incidents reported by the officers and arrests at the scene. The numbers are shown in Exhibit 1.

¹² The new computers had been linked to the system by the end of June 1999.

¹³ Both the Municipal Judge and the Justice of the Peace reported that they seldom have pre-sentencing reports because they have no probation officers to collect and verify the defendant's prior conviction history.

Exhibit 1: Domestic Violence Incidents

Quarter	Reports	At-Scene Arrests
January-March '97 (pre grant)	30	20 (67%)
April-June '97	49	45 (92%)
July-September '97	56	44 (79%)
October-December '97	58	47 (81%)
January-March '98	44	35 (80%)
April-June '98	43	33 (78%)
July-September '98	50	40 (80%)
October-December '98	41	28 (68%)

The post-grant percentages of at-scene arrests generally compare favorably with the pre-grant (January-March '97) rate of 67%, and to the 48% reported for Arizona 1997.^{14, 15}

Preliminary data for the period January-March '99, presented to the grant partners at their June meeting, indicate that there were 32 on-scene arrests for 40 reports (80%).

Dual arrests are carefully scrutinized in Eloy. Each is reviewed by the Eloy Police Department Domestic Violence Detective¹⁶ and presented at the quarterly meetings of the Arrest

¹⁴ A better pre-grant comparison would include the four quarters from the year prior to grant implementation (i.e., April-June '96, July-September '96, and October-December '96 as well as the January-March '97 quarter.) Since these data are based on reports submitted quarterly as part of the Uniform Law Enforcement Domestic Violence Statistical Report, it should be relatively easy for the Department to add these data.

¹⁵ At-scene arrests under-represent the total number of arrests because they exclude the arrests of alleged offenders who flee the scene and are arrested later on a warrant. This measure was chosen because it is one of the elements included in the Uniform Crime Report. It might be worthwhile for the Eloy Police Department to compile information on the total number of arrests and/or on the numbers of warrants issued and served to supplement this indicator.

¹⁶ The grant-funded detective assumed her position in January 1999. The detective had been on the force and involved with the program prior to her appointment, however. She had attended Coalition meetings, and had participated in a domestic violence training conference soon after the grant funds were released. From July to November, 1998, because there were no other detectives in the Department, she was frequently required to take on additional duties and even in June 1999 was still assigned to two unsolved homicides. As of June 1999, the Department had hired two additional detectives and the domestic violence detective was expected to be able to concentrate primarily on her specialty area. The job description is attached as Appendix C.

project staff. Four dual arrests were reported for the January-March '99 quarter, of which one was questionable.¹⁷

Data on prosecutions were compiled for the first time in June on 43 domestic violence reports from the the first quarter of 1999 (January-March).^{18, 19} As of April 15, 1999:

- Sixteen cases had been adjudicated guilty;
- Twelve (including one felony) were pending adjudication;
- Seven were pending City Attorney approval;
- Four had been cleared exceptional with no charges filed;
- Three had had warrants issued for failure to appear; and
- One had been dismissed by the City Attorney.

Until all the cases from a particular reporting period are resolved, any prosecution status report will be dynamic, so interpretation of the data is limited. When all 43 of these cases have been resolved, the final number prosecuted as a percentage of the total might be compared to pre-intervention percentages to assess the extent of change, if any. In addition, reporting on the number of convictions and the types of sentences will build a more complete picture of the system.

Unresolved Issues

Three issues undermine the effectiveness of the Arrest project in Eloy: the limited partnership; training issues; and the use and utility of the lethality scale. Each is discussed below.

Limited Partnership

The Eloy Police Department is the only one of the five partners (i.e., the police department, the two human service agencies, the Justice Court, and the advisory group) with the authority to make arrests or impact on the arrest process in Eloy and they continue to refine their

¹⁷ The incident in question involved a father and son. Discussion at that meeting suggested that “traditional” (i.e., husband/wife or boyfriend/girlfriend) incidents of domestic abuse should be distinguished from familial incidents in the future.

¹⁸ There is a slight discrepancy not yet resolved in the number of domestic violence reports reflected in the Uniform Crime Report and the count maintained by the Eloy Police Department domestic violence detective (40 vs. 43).

¹⁹ The data on prosecutions should be expanded to include the number of cases forward to the prosecutor(s) by the police and the number of cases filed by the prosecutor(s).

pro-arrest policy. In order to effect the kinds of changes that would be likely to deter crimes of domestic violence, consistency in prosecution and sentencing are also required. In Eloy, the collaboration would need to be expanded to include the City and County Prosecutors, the Municipal and Superior Courts, and Parole and Probation.²⁰ If the objective were to be applied to the entire county, all of the law enforcement agencies, courts, and parole and probation agencies in the area would also be required to review and revise their policies and procedures and train their staffs to conform to the revisions.

Training

Unfortunately, the Eloy Police Department has a great deal of turnover. This is at least in part because of their lower salaries in comparison with other local law enforcement agencies. One interview subject estimated that fully one-third of the patrol officers on staff in June 1999 had not had the domestic violence training provided by Against Abuse in late 1997 and early 1998. To address the problem, Against Abuse, Inc. has scheduled another round of training for the Eloy Police Department starting in July 1999 and will provide ongoing training as requested.

One objective of the initial grant proposal was to have the sworn staff of the Eloy Police Department review a series of five training tapes on domestic violence which had been produced by the Phoenix Police Department. Such tapes supplement hands-on training and are used in new officer orientation and periodic in-service training. By the time the classroom and experiential training had been completed in the Arrest project, however, the Phoenix tapes were significantly outdated and other, more up-to-date tapes had been acquired, including a tape prepared by the Arizona POST which features the Eloy Police Department. There are mixed feelings now among the Arrest project partners about whether or not the review of the Phoenix Police Department tapes is still necessary.

Lethality Scale

As part of the Arrest project, a lethality assessment was to be completed by the legal advocate in every case. The tool was to have been used to assess the risk posed by the defendant

²⁰ The Eloy Municipal Judge, in office just since October 1998, will be invited to next quarterly meeting of the Arrest project partners in September 1999.

and to help make treatment and sentencing recommendations. Adult Probation was to be “instrumental in the development and enforcement of the lethality assessment tool.”

The Arrest Follow-Up Assessment (see Appendix B) now in use by the project in Eloy was adapted by the Pinal Hispanic Council and approved by the Domestic Violence Coalition. It does not appear that Adult Probation was in any way involved in its development or implementation. The form is derived from a more formal tool provided by the Battered Women’s Justice Project, technical advisors to Arrest project grantees.

Initially, information on the form was to be derived from formal interviews with both the victim and defendant. Potential respondents, however—especially defendants—often proved unwilling to provide the information requested. Accordingly, formal assessment interviews have been dropped in favor of a more informal approach in which the legal advocate gathers information during one or more interactions with the victim and from reading the police report. Now, the form is designed to “assess a batterer from the victim’s standpoint” and relies on the victim’s knowledge and willingness to share information about the defendant.

As of June 1999, the assessment form had been used to document about 25 cases and help advise the victim on safety issues. It is not clear that the tool is being used by the Prosecutors or the Court, or even that they have seen it. It seems likely that a tool which relies on the victim’s knowledge and memory (rather than an official source of information on a defendant’s arrest and conviction history) may not be sufficient to inform prosecutorial or judicial decision-making. If this is the case, the utility of the tool needs to be reassessed. If a lethality assessment will assist the decision-making, then a valid and reliable tool should be acquired or constructed to meet that need.

Conclusions and Recommendations

That the police department in a small town in a poor rural county of what has often been described as a very conservative state should take a strong position against domestic violence is, in and of itself, somewhat surprising. That it implemented its first pro-arrest policy in 1987, before the current shift in Federal and State funding brought domestic violence to the forefront of the criminal justice agenda is more surprising. That the police sought and won the support of human service providers and the judiciary to create a strong partnership is more surprising still.

On the other hand, it may not be surprising at all. It may be that a small town is the best place for a person of vision, determination, and influence to effect change. In the 1980s, a Chief of Police in Eloy ensured that a pro-arrest policy was implemented. A social worker in Casa Grande talked with anyone who would listen about domestic violence and the need for a shelter in Pinal County. Another social worker worked to provide behavioral health services to the citizens of Eloy. In 1996, these were the three partners who applied for the Arrest project grant. They had been thinking about domestic violence issues for a long time. Given all of this, it does not seem surprising that Arrest project has accomplished many of its original objectives, modified and added objectives as the project unfolded, and continues to work diligently toward its goal “to implement an innovative, collaborative, technologically driven project that enhances arrests, increases victim safety and promotes community wellness.”

The initial grant was written in a matter of weeks, but the program it outlined and the objectives it sought were relatively straightforward. Direction of the project continues to be strong and focused. The partners can be rightfully proud of what they’ve accomplished.

Some refinements in the design and implementation of the grant, however, might have led to even better results. These include:

- including descriptions or definitions in the objectives which would reflect the common understanding of the partners and lay the groundwork for what was to follow;
- thinking about the future and explaining how the goals will continue to be addressed as the grant progresses and when the grant funding ends;
- assessing the reliability, validity, utility and the intended use of tools;
- obtaining a commitment from all of the entities involved to update their information systems to facilitate the sharing of information, to refine their data elements, and to be responsive to requests for information;
- obtaining commitments from all of the entities necessary to ensure the arrest, prosecution, sentencing, and community oversight of domestic violence offenders; and
- bringing in an outside evaluator as early in the process as possible.

Each is discussed briefly below.

Including Descriptions or Definitions in the Objectives

Well-specified objectives clarify and facilitate project implementation, data collection, and data reporting. They outline the substance of what is to be done and how it may best be

tracked. For example, the Arrest project objective that reads, “A Legal Services Program will be developed and implemented by the Pinal Hispanic Council” leaves a lot to the imagination of the internal program designers. If their vision of a legal services program is not that of the partnership, or the grant funders, or the community, even a well-designed and well-implemented program is likely to fall short of the mark. A program in which a case manager refers victims to local attorneys working pro bono vs. one in which a paralegal helps victims complete police and court paperwork and accompanies them to court are distinctly different but might both be legitimately called “legal services programs.” It might have benefited Arrest project if the objectives had been more substantive.

Thinking About the Future

Plans to address on-going needs and post-grant programs made early in the process help ensure program continuity, and are critical when new services or personnel are added. For example, training for new staff and periodic refresher courses will always be needed. The partnership realized the need and included a second police officer training in the continuation grant, but the on-going need has not yet been fully addressed. Videotaping the classroom training, certifying internal trainers, and negotiating with Against Abuse (or another shelter or victims’ group) to continue the experiential training would help ensure that at least some form of training can continue, even after the grant funding ends.

Reliability, Validity, Utility and the Intended Use of Tools

To be useful, it is essential that any measurement tool be both valid and reliable. It must measure what it purports to measure, and it must elicit similar results when two trained users assess the same individual. Validity and reliability are necessary but not sufficient to endorse the use of a tool, however. A tool may be both valid and reliable, but still lack utility. Because the Arrest Follow-Up Assessment describes the offender only from the victim’s perspective (perhaps supplemented by information from the police incident report), it is not likely to be of real utility in assessing the degree of danger the alleged offender poses. Instead, it assesses the extent of the victim’s fear and his or her knowledge of the offender’s prior history. The lack of utility seems to be born out in the fact that only 25 assessments had been undertaken through June 1999 (when well over 200 clients had been referred to the Pinal Hispanic Council by the Eloy Police

Department), and many of the assessments remained in the client's file at the Council. Especially because the assessment is time-consuming and difficult to complete, the partners may wish to review the tool again and determine whether or not it serves a legitimate purpose for the program.

Commitment to Update Information Systems to Share Information

Sharing of information is always a critical piece of any partnership, and the Arrest project is to be commended for establishing (and maintaining) a quarterly meeting schedule at which the partners provide updates and discuss critical issues. Because the group did not coordinate and formalize data collection and reporting requirements prior to program startup, however, it is difficult to say with certainty precisely what Arrest project services any one family may have utilized, and to summarize the data on arrests, prosecutions, sentences, and services across the program over time. Because the police, the social services agencies, the prosecutors, and the courts all maintain independent data bases, there is likely to be considerable duplication of effort and opportunity for error as well. If the program partners and other critical agencies (e.g., the prosecutors' offices) had agreed, for example, to share one offender identification number—perhaps in addition to the traditional agency number—and to exchange and upload selected computerized information, one entity might have been able to track an offender from arrest through charging, prosecution, finding, sentencing, and parole or probation, to add that individual's prior record to the system, to add additional offenses (if any) in the future, and to record any project services provided to the offender. Similarly, domestic violence victims and their families might have been given an Arrest project number and tracked through each of the project partners and peripheral agencies to whom they may have been referred. By establishing a shared data base, all of the entities would have had the opportunity to better understand how the program as a whole was working, and to address problems as they became apparent.

One obvious issue which makes the establishment of a shared data base problematic is the confidential nature of the information, and the requirements, for example, that the courts not consider an alleged offender's prior record in making the determination of his or her guilt or innocence on the current charge. The partnership would have had to establish strict guidelines on access to the information and on how it was to be reported.

Another critical aspect are the data themselves. Precisely what data are to be reported? As an example, the domestic violence arrest data reported by the Eloy Police Department are “at-the-scene” arrests, which underestimate total arrests because they fail to include those offenders who may have been arrested after the fact. The rates would be likely to improve if the Department would add subsequent arrests to the measure. A second confounding factor is that some of the arrests included in the measure may be dual arrests and/or dual arrests of non-domestic partners. If possible, it would be useful to report dual arrests and “non-traditional” domestic violence arrests separately.

A final potential problem is in the report formats themselves. As noted earlier, the data reported on the prosecutions is difficult to interpret because it reflects one point in time in a dynamic measure. In the disposition reporting, it may be more useful to report not on the cases initiated during the quarter but those terminated within the quarter, since many cases initiated in one quarter are likely to be terminated in the next.

Commitments From All Critical Entities

Obtaining commitments from all of the relevant entities is a critical component of any joint venture, and the failure to do so can have a dramatic negative impact on the overall success of a program and its evaluability. Getting commitments and ensuring that they are kept is difficult. Although the Arrest project has tried, and has forged a good and growing partnership between the collaborators, it has not been able to establish a crucial link with the Eloy City Prosecutor.

The cases of all individuals wanted or arrested in Eloy for misdemeanor domestic violence or sexual assault of a spouse are referred to the City Prosecutor. The case may be dismissed, cleared with no charges filed, or forwarded to the court for a warrant or a hearing. It is the prosecutor who must determine whether or not the offender should be charged as a misdemeanant or felon, and how to present the case. Historically, across the county, the police and prosecutors have the same goal: to try and convict offenders. Presumably, this holds true in Eloy as well, but the City Prosecutor does not appear to “partner” with the police.²¹ Because the

²¹ The City Prosecutor was unable to meet with the process evaluator during her five-day stay, and was not amenable to a phone interview. Accordingly, the evaluator has no firsthand information on the issues from his perspective.

police are particularly frustrated when a case is rejected by the prosecutor before it gets to court, that might be an area in which feedback from the prosecutor's office would improve the process. The Municipal Court Judge will be invited to join the partners for their next meeting in September, and it is likely that the partners will discuss their issues with him to determine whether or not he can intervene with the City Prosecutor to help the situation.

In order to ensure that the entire system is consistent, Arrest project partners should invite parole and probation to join the project to ensure that convicted domestic violence offenders are monitored at an appropriate level, and that their conditions of release are enforced.

Finally, it would be helpful to involve neighboring law-enforcement agencies to review and revise their domestic violence policies and procedures to make them consistent with those of the Eloy Police Department.

The Role of an Outside Evaluator

The Arrest project's partners believe in what they are doing, and believe that the program is making a positive difference for the citizens of Eloy. The partners are eager to measure their successes, and willing to acknowledge obstacles they've failed to overcome, but did not generally incorporate the collection of data and analyses in the day-to-day program activities. Unfortunately, when data collection and reporting is just one more thing a busy professional needs to do when victims need assistance, data collection and reporting is often set aside, sometimes forever.

Coupled with the need to collect ongoing data is the problem of compiling pre-grant data from available sources. It's never easy, and it's not always intuitive. It is particularly difficult to interpret trends when an issue suddenly becomes the focus of attention. Articles in the paper, for example, which have talked about the problems of domestic violence and praised the unique approach being undertaken by The Arrest project are not likely to have led to more domestic violence, but may well have increased the numbers of incidents reported. At the same time, the Eloy Police Department was training staff to avoid dual arrests, it was extolling them to make an arrest if they had probable cause that a crime had been committed, so it would be possible that the two policies would result in a flat arrest rate. These sorts of complicated, real-world problems are the arenas in which evaluation experts can (and should) be invited to assist.

The continuation grant application sought funds for a part time evaluator to join the Eloy Arrest project team, but no professional had been hired to address this crucial aspect of the project at the time of the process evaluation.

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