



The Evaluation of Milwaukee's Judicial Oversight Demonstration

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Chapter 1. Executive Summary: The Evaluation of Milwaukee's Judicial Oversight Demonstration

The Judicial Oversight Demonstration (JOD) was designed to implement and test model responses to intimate partner violence (IPV) that featured a strong judicial response combined with coordinated community services and integrated justice system policies. The primary goals of JOD were to protect victim safety, improve offender accountability, and reduce the incidence of intimate partner violence. Core strategies of the Judicial Oversight Demonstration interventions are:

- uniform and consistent initial responses to domestic violence offenses, including: a) pro-arrest policies, b) arrest of primary aggressor, and c) coordinated response by law enforcement and victim advocates;
- coordinated victim advocacy and services, including: a) contact by advocates as soon as possible after the domestic violence call, b) an individualized “safety plan” for the victim and children (if appropriate), and c) provision of needed services such as shelters, protection orders, and other assistance; and
- strong offender accountability and oversight, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention programs, and c) administrative and judicial sanctions and incentives to influence offender behavior.

The demonstration was funded with two goals in mind: 1) to learn from the experience of well-qualified sites who were given resources and challenged to build a collaboration between the courts and community agencies to respond to domestic violence; and 2) to test the impact of JODI interventions on victim safety and offender accountability.

Core partner agencies included the Milwaukee Criminal Court, the Office of the District Attorney, the Office of the Public Defender, the Milwaukee Police Department, the Division of Community Supervision (probation and parole) within the Wisconsin Department of Corrections and four non-governmental service providers of victim services and batterer intervention programs: Task Force on Family Violence, Milwaukee Women's Center, Sojourner Truth House, and Asha Family Services.

Federal funding from the Office on Violence Against Women supported JOD implementation in Milwaukee from 2000 to 2004. JOD created significant changes, large and small, in the response to incidents of intimate partner violence that came to the attention of the Milwaukee justice system. In the justice system:

- A new Domestic Violence Commissioner's Intake Court with a dedicated, 5-days-a-week domestic violence Court Commissioner assumed responsibility for pretrial appearances after the initial appearance, out of custody intakes, bail hearings and reviews, and status appearances five days a week for defendants charged with misdemeanor domestic violence. In 2002, 3,231 defendants appeared in the court, and one-fifth of all guilty pleas were entered in the court, before referral to the trial docket for sentencing. The number of bail conditions imposed increased.

- High-risk defendants were placed in an intensive pretrial supervision program. Defendants in the program were required to appear in the intake court at least three times for review of their compliance with bail conditions. Intensive supervision by a bail monitor employed by the court included office visits, letters, phone calls, collateral contacts, and home visit contacts with defendants and their victims. Cases in the pretrial monitoring program in which the bail monitor had contacts with the victim were almost twice as likely to end in conviction than cases in which the monitor did not have victim contacts.
- The Domestic Violence Prosecution Unit in the District Attorney's Office developed strategies for prosecuting cases without requiring victim testimony. These included expanded collection and use of photographs of injury and damage; use of victim statements made at the time of the incident, including tapes of 911 calls; charging defendants with bail jumping for their failure to appear (FTA) for court appearances; and tape recordings of threatening phone calls from jailed defendants. Misdemeanor conviction rates declined from 1999 to 2001 but rose sharply in 2002 and 2003, at the height of JOD implementation.

Felony cases were moved from the general felony dockets to the domestic violence court dockets where the Domestic Violence Prosecution Unit could focus attention and provide vertical prosecution. The increase in felony charge convictions was dramatic, with five times the number of felony IPV convictions in 2003 than in 1999, the year before the start of JOD. Other JOD justice system innovations included:

- A waiting room for domestic violence victims near the domestic violence courts provided victims with a safe place to wait for scheduled court appearances and speak with victim/witnesses specialists and others in private. It was equipped with play space for children. Between July 1, 2002 and June 30, 2003, the waiting room logged in 1,799 visitors, including 69 children.
- Judges in the three specialized domestic violence courts began scheduling IPV offenders on probation to return to their court for a compliance review hearing (60 to 90 days after sentencing, when the calendar permitted). Based on judicial assessment of progress at the time of review, the judge might encourage the offender to continue his/her progress; warn the offender, but allow probation to impose sanctions or additional requirements; or sanction the offender to serve all or some of the stayed condition time specified in the sentence. In 2002, the court held 1,347 review hearings.
- Probation agents began emailing reports to the court several days before a review hearing, expanded efforts to contact victims, collected information on attendance and progress from batterer treatment programs, and attended review hearings of their clients. In focus groups, victims praised probation officers, commenting that they made themselves available 24 hours per day and helped monitor the abusers' behavior.
- A combined Domestic Abuse/Harassment Injunction Court, opened in 2003, helped victims seeking restraining orders by eliminating the requirement that they take paperwork from the court to the Sheriff's office, adding formality to the hearing,

emphasizing consistency in response to petitions, and improving court room security and public access.

- The Milwaukee Police Department opened a Family Violence Unit (FVU) in the Sensitive Crimes Division in 2003 to support enhanced investigation of serious domestic violence cases and provide immediate services to victims. JOD funds supported a full-time Domestic Violence Liaison to make follow up contacts with victims to assist in safety planning and referrals to victim service providers.

Community-based agencies received funding under contract to expand their batterer treatment programs and add to their programs for victims:

- The Milwaukee Women's Center expanded their Older Abused Women's Project by adding a full-time case manager and one evening support group and developed a culturally specific Batterer Intervention Program (BIP) for Latino, Spanish-speaking offenders.
- Sojourner Truth House added a Domestic Violence Hotline Liaison to follow up with victims identified by calls to the hotline who were in need of service. Their BIP service enhancements included new Spanish speaking sessions, translation of documents and brochures from English to Spanish, an additional women's program group, a graduate maintenance group, more co-facilitated group meetings, and participation enhancement (specifically help with transportation costs and a partner outreach program).
- The Task Force on Family Violence expanded the scope of legal advocacy services to include taking digital photographs of injuries and distributing bus tickets, phone cards, and gift certificates to victims in emergency situations and added four BIP groups to their existing program.

Despite the scope and depth of these accomplishments, not all goals were achieved or achieved easily. Major challenges included:

- Linking JOD to the existing coordinated community response. Prior to JOD, Milwaukee had a sound coordinated community response, the Milwaukee Commission on Domestic Violence and Sexual Assault, which had a strong emphasis on victim services. Membership in the commission was legislatively defined and until recently did not include representation by the Milwaukee County Circuit Court because the court did not want to compromise its neutrality by becoming involved in policy changes outside of the courtroom. JOD was a judicial-based program, and it was realized that to institutionalize JOD into the community, the court needed to be a member.
- Expanding BIP options. Increased offender accountability resulting from JOD put an enormous strain on the capacity of Milwaukee's BIP providers and long waiting lists resulted. Because under JOD judges ordered participation in BIP as a condition of probation, the BIPs struggled to find ways to serve more offenders and populations for whom services were scarce or unavailable (e.g., Spanish speaking offenders and female perpetrators).
- Intervening with victims at the time of an incident. From the start, JOD tried to provide immediate services to victims following a domestic violence incident. A

number of strategies were tried. These included the Domestic Violence Crisis Response Unit (DVCRU), outreach by the bail monitor, follow-up contacts to victims calling the Sojourner Truth Domestic Violence Hotline, and most recently, a police liaison to provide referral services through MPD's FVU. Despite the initiatives' varied approaches, the goal of early intervention and safety planning remained elusive although it is too early to judge the effects of having the FVU police liaison available to facilitate collaboration with victim service agencies, the court, and the probation department.

The impact evaluation of Milwaukee's JOD initiative tested the hypothesis that JOD reduced domestic violence among offenders placed on probation following conviction on charges of intimate partner violence. Domestic violence recidivism was defined as any arrest for domestic violence. The analysis compares arrest records of a sample of 333 offenders placed on probation during JOD for intimate partner violence with those of a sample of 289 offenders placed on probation for similar offences before the introduction of new procedures for these cases.

JOD clearly increased the accountability of offenders. Compared to pre-JOD probationers, JOD probationers

- Were more likely to have been issued a no-contact order, and much more likely to have been issued a no contact order that banned *all* contact, not just abusive contact;
- Were much more likely to be required to remain sober, stay employed, and comply with other specific probation conditions;
- Were scheduled to appear before the sentencing judge once or more to review their compliance with probation conditions; and
- Reported to probation agents who had greater contact with their victims and BIP providers.

Probation agent responses to problems changed significantly under JOD than before JOD:

- Agents were more likely to penalize problems that came to their attention;
- Agents responded to problems with more severe penalties; and
- Agents initiated more revocations for technical violations, failure to comply with BIP requirements, unauthorized victim contacts, and new criminal activities.

One effect of these heightened monitoring conditions was a dramatic increase in probation revocations. Over a quarter (27%) of the JOD probationers were revoked in the first year (n=89), compared to 2% of the pre-JOD probationers (n=6). Over 70% of the JOD revocations were for failure to attend batterer treatment or other technical violations; however, over a quarter (27%) involved allegations of IPV.

JOD was associated with a reduced rate of arrest for domestic violence, an indication of gains in victim safety. JOD probationers were only half as likely as pre-JOD probationers to be arrested on DV-related charges in the year after case disposition. The predicted probability of a domestic violence arrest in the year following disposition was 4.2% for JOD offenders,

compared to 8.0% for their pre-JOD counterparts. Moreover, the average number of domestic violence arrests of JOD probationers was significantly lower than the average number of domestic violence arrests of pre-JOD probationers.

However, the higher rates of probation revocation under JOD may well have reduced the opportunity to commit a new offense. The pre-JOD sample served a total of 1,059 jail days after revocation compared to a total of 13,902 jail days for the JOD sample.¹ Thus, it is likely that the improvements in victim safety reflected in the lower rates of arrest for domestic violence were accomplished by removing high-risk offenders from the streets, rather than by lower rates of domestic violence during their days in the community. Thus, we attribute the gains to offender incapacitation, rather than offender deterrence.

¹ Based on the assumption that the full stayed sentence was imposed upon revocation.

Chapter 2. An Introduction to the Judicial Oversight Demonstration

INTRODUCTION

The Judicial Oversight Demonstration (JOD) was designed to implement and test model responses to intimate partner violence (IPV) that featured a strong judicial response combined with coordinated community services and integrated justice system policies. The primary goals of JOD were to protect victim safety, improve offender accountability, and reduce the incidence of intimate partner violence. Since the start of JOD in 2000, the courts in Dorchester, Massachusetts, Milwaukee, Wisconsin, and Washtenaw County, Michigan, have worked in partnership with the prosecutors, victim service providers, batterer intervention programs, police and probation to promote these goals. Core strategies of the Judicial Oversight Demonstration interventions are:

- uniform and consistent initial responses to domestic violence offenses, including: a) pro-arrest policies, b) arrest of primary aggressor, and c) coordinated response by law enforcement and victim advocates;
- coordinated victim advocacy and services, including: a) contact by advocates as soon as possible after the domestic violence call, b) an individualized “safety plan” for the victim and children (if appropriate), and c) provision of needed services such as shelters, protection orders, and other assistance; and
- strong offender accountability and oversight, including: a) intensive court-based supervision, b) referral to appropriate batterer intervention programs, and c) administrative and judicial sanctions and incentives to influence offender behavior.

The demonstration was funded with two goals in mind: 1) to learn from the experience of well-qualified sites who were given resources and challenged to build a collaboration between the courts and community agencies to respond to domestic violence; and 2) to test the impact of JODI interventions on victim safety and offender accountability. To assess these goals, the Urban Institute conducted an independent, national evaluation of JODI under a cooperative agreement with the National Institute of Justice. The demonstration goals are addressed through process and impact evaluation at each of the three sites.

This is the final report on the evaluation of JOD in Milwaukee. This chapter describes changes in responses to domestic violence leading up to JOD and highlights the research findings related to activities of the JOD partner agencies. The process evaluation findings are presented in Chapter 3. These include detailed descriptions of program development and statistics on services delivered. The findings include analyses of the challenges encountered and lessons on the implementation of the program for use by other jurisdictions. Results of the impact evaluation assessment of reductions in recidivism are presented in Chapter 4. Earlier reports from the evaluation of JOD include: *Evaluation of the Judicial Oversight Demonstration Initiative: Baseline and Implementation Report* (DeStefano, Harrell, Newmark, and Visser, 2001), *Evaluation of the Judicial Oversight Demonstration Initiative: Implementation Strategies and Lessons* (Harrell, Newmark, Visser, and DeStefano, 2002), *Victim Experiences in Milwaukee Three Years After the Initiation of the Judicial Oversight Demonstration Project* (Harrell and

DeStefano, 2003), *Probationer Perceptions of the Fairness of the Criminal Justice Response to Intimate Partner Violence: The Milwaukee Judicial Oversight Demonstration (JOD) Initiative, Third Year* (DeStefano and Harrell, 2004).

BACKGROUND²

The 1984 report of the Attorney General's Task Force on Family Violence initiated the call for a strong justice system response to domestic violence. Key recommendations of this panel are embodied in JOD:

- Family violence should be recognized and responded to as a criminal activity (p.10).
- Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence (p.13)
- Communities should develop a multi-disciplinary team to investigate, process, and treat all incidents of family violence...(p.14)
- A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime on the victim (p.33).
- In granting bail or releasing the assailant on his own recognizance, the judge should impose conditions that restrict the defendant's access to the victim and strictly enforce the order (p.34).

However, it is only in the past few years that criminal courts have begun to assume the leadership role in coordinated responses through innovations such as specialized domestic violence courts. Supported by leading practitioners, researchers, and activists such as the Expert Panel of the STOP Technical Assistance Project (Littel, Walker, and Tucker, 1997), and guided by research identifying progressive justice system policies (see Ford, Reichard, Goldsmith, and Regoli, 1996), domestic violence courts have introduced increased judicial supervision supported by case management, victim services, and required treatment for eligible offenders.

The challenges associated with handling domestic violence cases are enormous. The specter of subsequent violence, potentially lethal, is often present, but is difficult to gauge. Prior research shows that abuse following court hearings for protection orders is predicted not by the type and severity of the current charge, but by the history of recent abuse in the relationship and other factors, pointing to the need for victim interviews and records checks at court intake (see Harrell, Smith, and Newmark, 1993; Harrell and Smith, 1996). Victims and their children often need emotional support as well as medical, legal, and financial assistance to cope with what is often a long-standing pattern of abuse. Frequently isolated and without economic or social supports, victims are often reluctant to testify, fearing retaliation or hoping for reconciliation. The situation is often further complicated by concurrent cases in family court that involve custody or visitation disputes or allegations of abuse and neglect.

² The authors want to acknowledge the guidance to the research literature provided by Carlson (2000), Carlson, Worden, van Ryn, and Bachman (2000), Ford and Breall (2000), Hagen and Postmus (2000), Hirshel and Dawson (2003), Saunders and Hamill (2000), and Worden (2000a,b).

JOD was the culmination of many efforts by communities, victim service providers, and justice agencies to improve the response to domestic violence. The past two decades witnessed enormous gains in the legal protections for victims of abuse. During the 1990s, State legislatures passed laws prohibiting stalking, repealing spousal exceptions in rape cases, extending the use of protection orders in the criminal courts, criminalizing violations of civil protection orders, and widening the range of offences and severity of penalties for domestic violence (Miller, 1997). Expanded definitions of probable cause for warrantless arrest, enforcement policies that mandate or encourage arrest, and specialized training for law enforcement officers, now required by statute in most states, have elevated the status of “domestic disputes” to that of crimes likely to result in arrest. Expanded efforts to enforce protection orders, including those from other jurisdictions and states as required by the Violence Against Women Act, led to the development of computerized registries. In particular, changes in the courts, in prosecution, case handling, sentencing, and use of required participation in batterer intervention emerged to support enhanced enforcement in the goal of holding offenders accountable for crimes against intimate partners.

CHANGES IN PROSECUTION OF DOMESTIC VIOLENCE

Prosecution of domestic violence cases became increasingly specialized. Strategies such as specialized domestic violence prosecution units, vertical prosecution, and no-drop policies were developed to hold offenders accountable for criminal offences. By the mid 1990s, a survey of prosecutors in large jurisdictions found that most had formal protocols for domestic violence cases, two-thirds had no-drop policies (often flexible), and most said that victim willingness to testify did not have a big effect on their decision to prosecute (Rebovich, 1996). Such mandatory prosecution policies have contributed to new emphasis on independent evidence such as photographs of victim injury, hospital records, excited utterances, expert testimony, and 911 audiotapes in case prosecution. Research further indicated that specialized domestic violence prosecution units increased the number of cases that could be charged and pursued (Garner and Fagan, 1997).

Ford and Regoli’s (1993) experiment in Indianapolis found that court prosecution reduced the level of continuing violence at least 60 percent over that expected based on violence in the six months before prosecution and increased victim feelings of security and control in the six months after case disposition. In that study of cases initiated by victim complaint, those who were allowed to drop their cases faced a significantly higher risk of subsequent violence if they actually dropped the charges. Proponents defend mandatory prosecution as the best way to reduce victim intimidation and pressure to testify. Others sharply criticize the policy for failing to allow victims control over their lives and potentially increasing their risk of harm, leading to calls for additional study of the consequences for victims (see Buzawa and Buzawa, 1993; Fagan, 1996; Mills, 1999). Evidence from a variety of sources, coupled with the practical experience of most prosecutors, indicates that some (or many) victims do not want to proceed with prosecution (Ford, 1991; Erez and Belknap, 1998; Harrell and DeStefano, 2003). Although no-drop policies reduce early case attrition and increase the likelihood that offenders will be held accountable, little research has been conducted on the effects of these strategies on future offender recidivism or victim outcomes such as safety, satisfaction, and fear of assault. Some studies report that flexible no-drop policies contribute to victim perceptions of procedural justice, although the relationships of such perceptions to recidivism are unclear (Lind and Tyler, 1988; Feld, 1990).

Because they found that 20% to 27% of victims were revictimized during prosecution, Ford, Reichard, Goldsmith, and Regoli (1996) recommended steps to protect victims during prosecution, including: 1) warning them that counseling for the offender will not necessarily protect them and that dropping the case may increase the chance that they will be revictimized, 2) ensuring that warrants are served in a timely fashion, 3) issuing protection orders and ensuring that they are enforced, 4) watching for evidence of victim intimidation or evidence tampering, and 5) maintaining contact with the victim.

DOMESTIC VIOLENCE COURTS

By the second half of the 1990s, domestic violence courts continued the process of specialization with the goal of holding offenders accountable and protecting victims during prosecution of the case. A 1999 survey by the National Center for State Courts identified 160 domestic violence courts. Over half of the 105 courts that responded to the survey used: 1) intake units for particular kinds of cases involving domestic violence, 2) screening to coordinate case processing, 3) automated case tracking, 4) automated systems for identifying related cases, 5) specialized calendars, and 6) court-ordered batterer treatment (Keilitz, 1999).

Early evaluation results from domestic violence courts in Miami, Brooklyn, and Milwaukee indicated that such courts could increase compliance with court-ordered treatment (Goldkamp et al., 1997) and victim cooperation with prosecution (Davis, Smith, and Nickels, 1998), but could extend the time to case disposition (Newmark and Diffily, 1999). Process evaluation of the Dade County domestic violence court by Goldkamp et al. (1997) identified the need for accurate and current information in domestic violence courts on: 1) prior civil protection orders, 2) pending cases in civil and criminal courts, 3) offender substance abuse, 4) identification of potential witnesses, 5) treatment program attendance and progress, and 6) the effect of court activities on victims. The evaluation of the Dade County domestic violence court also endorsed combined substance abuse and batterer treatment for those offenders (a substantial portion) who abuse alcohol or illegal drugs. Defendants sent to integrated treatment programs were more likely to begin treatment, remained in treatment longer, and were rearrested at half the rate of those randomly assigned to separate, but concurrent, treatment programs. (Goldkamp, Weiland, Collins, and White, 1998). Although little research has focused specifically on differential impacts of sentencing alternatives, one study found that misdemeanor sentences that combined jail and probation were followed by lower rates of recidivism than jail or probation alone or in combination with a fine (Thistlewaite, Wooldredge, and Gibbs, 1998). However, sentence length was not significantly related to recidivism.

COURTS AND COORDINATED COMMUNITY RESPONSES TO DOMESTIC VIOLENCE

Prior to JOD, the missing link in many areas remained coordination among courts and other agencies. The importance of a coordinated, systemic response was stressed in the 1984 Task Force Report. It was further affirmed in the central role assigned collaboration in the Violence Against Women Act STOP block grant program which requires that states engage in a collaborative planning process prior to awarding subgrants, divide the funds among law enforcement, prosecution and victim service agencies, and encourage coordinated community responses. STOP subgrantees attributed the most significant changes in their communities to increased collaboration. The evaluation found that community partners almost unanimously agreed that collaborative efforts under the STOP awards had transformed the criminal justice

system response to victims in their community. Several critical elements of the process of building collaboration emerged from the process evaluation. Learning about each other's tasks, seeing the challenges and concerns of the others' profession, understanding the factors that have led up to the current attitudes, and simply getting to know one another and respect one another as individuals, were all identified as parts of the collaboration evolution (Burt et al., 1999, p.41).

A study of 1,509 abused women recruited through victim service and legal system agencies (n=890), as well as a random selection of households (n=619) found that 69 percent of these victims of IPV sought help from community victim service agencies and 79 percent sought help from legal system agencies to deal with domestic violence and sexual assault issues (Zweig and Burt, 2003). Interagency collaboration increased the likelihood that women victims involved with legal system agencies would use additional services. Severity of abuse also affected the number of agencies consulted by victims. Women who experienced higher levels of physical violence and control tactics perpetrated by their partners were more likely to use both victim services and legal system agencies than women in less violent and controlling relationships.

Although it is difficult to measure the impact of coordination, studies report significant effects of collaborative, multi-agency responses to domestic violence (Brygger and Edleson, 1987). Benefits documented by research include increased arrests, convictions, and mandated treatment for offenders associated with service coordination (Gamache, Edelson, and Schock, 1988; Zweig and Burt, 2003), reduction in repeat acts of violence (Syers and Edelson, 1992), and lower rates of recidivism (Babcock and Steiner, 1999). Tolman and Weisz (1995) found that offenders who moved further in the continuum of criminal justice interventions from arrest to prosecution to conviction were less likely to recidivate. Women victims of violence report that law enforcement, prosecution, and protective orders are more effective when they perceive legal system agencies to be working together with non-profit victim services to assist them and their case (finding based on a sample of 1,509 women -- Zweig and Burt, 2003). More importantly for JOD, evaluation of a coordinated community response to domestic violence in Baltimore found that reduced recidivism was associated with the cumulative effects of prosecution, probation monitoring, court-ordered counseling, and counseling intake and completion (Murphy, Musser, and Maton, 1998).

Evaluations of demonstration grants to eleven jurisdictions for building coordinated community responses to domestic violence identified six essential features of successful implementation of a coordinated approach to domestic violence: 1) designated personnel in each agency, 2) clear policies defining roles and responsibilities of partners, 3) strong leadership, especially by judges, 4) cross training of staff from multiple agencies, 5) vigorous prosecution, and 6) formal monitoring of partnership performance (Hofford and Harrell, 1993). These principles are reflected in the design of JOD.

RESTRAINING ORDERS

Civil restraining orders, issued in response to a petition by a victim, are a growing option for legal protection for victims threatened with immediate harm from an intimate partner (Buzawa and Buzawa, 1996). Victims, without legal representation, petition the court for an order that remains in effect temporarily (less than a month) while efforts are made to serve the abuser with notice of a hearing to show cause why the order should not be extended for a longer period of time, usually from six months to a year, sometimes permanently. The advantages are that petitions are usually heard the day or day after they are filed (immediacy) and the standard

of proof requires only that the preponderance of evidence supports the victim's allegations. However, victims who seek restraining orders must complete forms (sometimes complex and confusing); abusers often cannot be served with notice of the hearing (or final order); and enforcement is often poor (Harrell, Smith, and Newmark, 1993; Kinports and Fischer, 1993). Most research on their effectiveness in protecting victims is descriptive, lacking in rigorous research designs to assess impact. While there is little evidence that restraining orders actually protect victims (see Keilitz, Hannaford, and Efken, 1998; Keilitz, Davis, Efken, Flango, and Hannaford, 1998), they offer the advantage that reported violations can be used to indicate a pattern of abuse and a basis for arrest and prosecution.

COURT-ORDERED BATTERER TREATMENT

The 1999 survey by the National Center for State Courts found that batterer treatment was ordered by over 80% of the courts with specialized domestic violence procedures. Extensive reviews of batterer treatment conclude that research on the impact of these programs is inconclusive with some studies finding reductions in violence following participation, while others find no effect (Healey, Smith, and O'Sullivan, 1998; Gondolf, 1999; Saunders and Hamill, 2003). Statistical synthesis (meta-analysis) of multiple studies report that reductions in violence attributable to BIP treatment were small, and particularly small in experimental studies using victim reports (generally considered the most rigorous studies) (Babcock, Green, and Robie, 2004, and Levesque, 1998). There is no clear evidence on what treatment model or treatment length is most effective or which kinds of offenders benefit from treatment.

Studies show that BIP dropout rates are higher among the unemployed and less educated than among the employed and better educated (DeMaris, 1989; Rooney and Hanson 2001). Importantly, criminal justice mandates were found by Saunders and Parker (1989) to keep younger, less educated men in batterer intervention, and attendance checking was associated with higher BIP completion rates (Dehart, Kennedy, Burke, and Follingstad, 1999). Other strategies found to increase retention in BIP include the development of compassionate feelings in the first group session (Stosny, 1995), a marathon 12-hour orientation group (Tolman and Bhosley, 1991), and therapist encouragement and follow up (Taft, Murphy, Elliott, and Keaser, 2001).

The importance of quick and certain responses to noncompliance with court orders has been documented by Gondolf (1998). Thirty-day court reviews and mandated treatment in a deferred prosecution program in Pittsburgh reduced the no-show rate in domestic violence cases from 36% to 6%, and court review in combination with a 16-week batterer counseling program significantly reduced recidivism. Lack of monitoring of attendance and participation was cited as a cause of high BIP attrition rates in other studies (Hamburger and Hastings, 1990; Harrell, 1991). Gondolf (1997, 2000) found that mandatory monthly court reviews reduced program attrition from 52 to 35 percent. However, a review by Saunders and Hamill (2003) reports that Daly and Pelowski (2000) found that most available evidence, based on generally weak designs, does not support this conclusion.

VICTIM SERVICES

Shelters, hotlines, emergency services, legal assistance, and other kinds of victim services were among the earliest responses to domestic violence and have received expanded state and federal funding since the passage of the Violence Against Women Act in 1994. A review of 12 studies by Gordon (1996) reports that women victims most commonly sought help from the

criminal justice system, then social service agencies, medical services, crisis counseling, psychological services, clergy, support groups, and women's shelters.

A review by Hagan and Potmus (2000) indicates that shelter residents consistently rate shelter services as helpful. Zweig and Burt (2003) found that women perceive the services of non-profit victim service agencies to be even more helpful when such agencies work in collaboration with legal system agencies and other relevant agencies in their community (such as social services or health agencies), when women feel they have a sense of control when working with the agency, and the more the staff participate in positive rather than negative interactions with their clients (such as, listening to the women, keeping the women up to date on their case, providing women with useful information about services, etc.) Further, women found particular types of services provided by victim service agencies to be more helpful – specifically, child advocacy, legal advocacy, and individual advocacy (e.g., financial assistance, housing assistance) -- when the agency collaborated with legal system agencies. Ratings of helpfulness for services related to safety and emotional issues were not influenced by the extent to which the agency collaborated with legal system agencies.

However, rigorous impact evaluations assessing the effects of services for domestic violence victims are relatively scarce. One experimental evaluation by Sullivan and colleagues (1991; 1992; 1994) found that women who received assistance from advocates after leaving shelter reported more positive immediate outcomes in terms of social support, effective use of resources, and levels of quality of life than women in the control group, and improved quality of life and satisfaction six months later than women who did not receive these services. Another study found that case management and counseling provided in a shelter decreased abuse and improved satisfaction with life and coping skills reported by victims (McNamara, Ertl, Marsh, and Walker, 1997).

THE JUDICIAL OVERSIGHT DEMONSTRATION

The JOD demonstrations were designed to enhance existing coordinated community responses to domestic violence in carefully selected cities with many of the innovations described above already in place. Milwaukee, and the other two demonstration sites, Dorchester, Massachusetts and Washtenaw County, Michigan, were chosen following a competition process that included submitting proposals and hosting site visits by experts in the field. The JOD sites benefited from thoughtful planning designed to prevent implementation failure. They were provided support for an extended planning period for the development of policies and procedures, hiring staff, and acquiring office space and supplies for the project. Throughout the project, the sites received additional assistance in the form of technical assistance from domestic violence experts around the country provided by the Vera Institute under contract to the Office on Violence Against Women. The sites also benefited from ongoing analysis provided by site evaluation coordinators (SEC) supported by the OVW funds. Full-time, on-staff, professional evaluators provided the projects with the capacity to collect and analyze data for program operations and local evaluation purposes as well as the capacity to provide data for the national evaluation.

The implementation of JOD, described in Milwaukee in the following chapter, involved building on prior experiences to develop improved policies and practices and evaluate their effectiveness in protecting and serving victims and holding abusers accountable under the law.

The evaluation is designed to document their achievements, identify lessons for other jurisdictions, and document the impact of their efforts.

Chapter 3. JOD in Milwaukee

BACKGROUND

Milwaukee's selection as a demonstration site for the Judicial Oversight Demonstration initiative (JOD) followed a 20-year commitment in the city and county to the problem of domestic violence. In 1979, the city of Milwaukee formally established the Commission on Domestic Violence and Sexual Assault with broad membership representing governmental and nongovernmental agencies. The Commission facilitates Milwaukee's coordinated community response, spearheading collaborative efforts to address education, legislation and public policy issues related to domestic violence and sexual assault.

In 1986, in coordination with the Commission, the City of Milwaukee Police Department initiated a pro-arrest policy and began holding specialized charging conferences at the Office of the District Attorney on the day after an incident. The Milwaukee District Attorney's office offered victim/witness services for victims who appeared at the conferences.

Three years later, in 1989, Wisconsin became one of the first states to pass a mandatory arrest law for domestic violence offenses. This was followed by an immediate, dramatic, and sustained rise in arrests. For example, during March of 1989, the Milwaukee Police Department processed 884 cases. During the first month of the new mandatory arrest law in April of 1989, the City of Milwaukee Police Department processed 1,254 domestic violence cases with similar increases in the ensuing months.

Milwaukee subsequently served as an experimental site for replication of the Minneapolis Domestic Violence Experiment and received Violence Against Women Act funds through the Centers for Disease Control and Prevention to promote public awareness of domestic violence.

In 1989, the Milwaukee District Attorney's office established a misdemeanor domestic violence prosecution unit. On August 1, 1994, the first specialized domestic violence court was established. Within six months in early 1995, in order to respond to the very large caseloads, a second domestic violence court was added in 1995, followed by a third specialized domestic violence court in 1997.

Milwaukee County, through the Office of the District Attorney, received funding under the Violence Against Women Act of 1994 to expand services and begin formal collaboration between the courts and community based agencies. In 1997, a five-year award under the Grants to Encourage Arrest program provided support for two specialized domestic violence Assistant District Attorneys, three victim/witness specialists, and contractual payments to community-based victim service organizations to enhance services and advocacy to victims. A Wisconsin STOP grant supported an additional victim/witness domestic violence specialist, a sexual assault victim advocate, one vertical misdemeanor domestic violence prosecutor, and provided assistance for serving subpoenas in domestic violence cases.

MILWAUKEE'S JUDICIAL OVERSIGHT DEMONSTRATION INITIATIVE

Milwaukee's Judicial Oversight Demonstration (JOD) Initiative built on these earlier initiatives designed to integrate the court and justice agencies into a coordinated community

response to domestic violence.³ Based on its earlier success, Milwaukee was one of a selected number of sites invited to a planning meeting in Washington, DC in late 1998 to learn more about the planned JOD demonstration. Following the meeting, the partner agencies developed a proposal to the Office on Violence Against Women based on JOD guidelines and goals and their assessment of local needs.

The justice agencies involved in the initial planning of JOD included the Circuit Court, the Office of the District Attorney, the Office of the Public Defender, the Milwaukee Police Department, and the Division of Community Corrections (probation and parole) within the Wisconsin Department of Corrections. Partners included four non-governmental service providers: Task Force on Family Violence, Milwaukee Women's Center, Sojourner Truth House, and Asha Family Services. These community-based agencies had long been partners in providing victim services, advocacy, and batterer intervention programs (BIPs). They collaborated through the Milwaukee Commission on Domestic Violence and Sexual Assault. Milwaukee's initial proposal requested funds for:

- A new Domestic Violence Commissioner's Court with a dedicated, 5-days-a-week domestic violence Court Commissioner to handle pretrial appearances, take pleas and oversee intensive pretrial monitoring of defendants;
- The addition of four Assistant District Attorneys (ADAs) to the domestic violence prosecution unit (two to staff the new court and two felony Assistant District Attorneys);
- Specialized domestic violence detectives and investigative equipment (digital cameras) for the Milwaukee Police Department;
- Development of revised deferred prosecution agreements;
- Training for defense attorneys to include background information on BIP and other services available to defendants, as well as general information on domestic violence;
- A specialized pretrial supervision unit (pre-trial court monitoring) for cases originating in two of the seven police districts;
- Additional services for domestic violence victims and offenders through subcontracts to four existing community-based service agencies;
- A domestic violence court resource monitor to ensure that court orders are followed;
- Probation status review hearings of domestic violence probationer compliance after sentencing;
- A Domestic Violence Crisis Response Unit (DVCRU) to provide immediate in-person response by victim advocates to domestic violence victims and on-going case management in selected IPV cases; and

³ Although JOD was funded with the goal of improving victim safety and offender accountability in IPV cases, some of Milwaukee's JOD initiatives addressed both IPV cases and other domestic violence cases (including child, family, non-intimate cohabitating adults, and elder abuse cases). If an initiative addressed only IPV cases, it is noted as IPV, and when an initiative addressed both IPV and other domestic violence cases, it is referred to as DV.

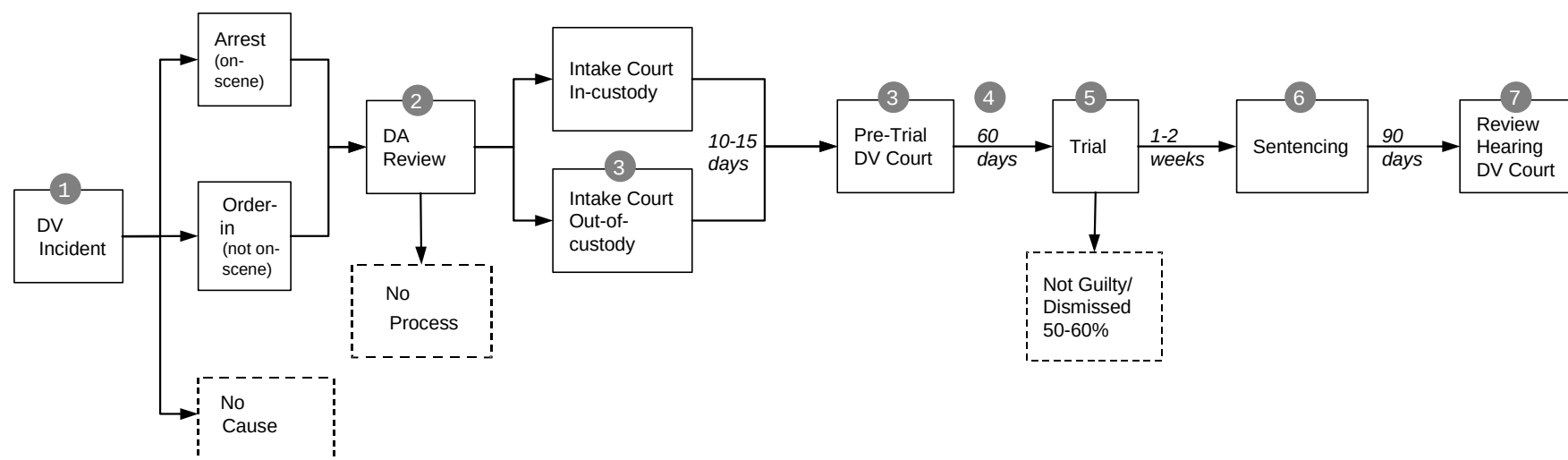
- Extended access to restraining orders through electronic filings and expanded filing hours and locations.

The proposal also requested funds for collaboration including:

- Staff to support interagency coordination and planning; and
- An offender tracking system to support communication between the Court, probation agents, and batterer/substance abuse service providers.

Milwaukee County's plan for JOD enhancements is illustrated in Figure 3.1. This figure is reproduced from their proposal. In the original proposal, Milwaukee County identified the following performance goals: (1) faster disposition of cases; (2) increased conviction rates; (3) increased felony charging and conviction rates; (4) increased issuance of charges for bail violations; (5) increased participation of victims in the court process; (6) reduced average time from sentencing to issuance of warrants for offenders who abscond from probation; (7) reduced average time from conviction to revocation for probation violators; (8) reduced average time from incident to entry into BIP, and (9) reduced recidivism.

Figure 3.1. Milwaukee Processing of Misdemeanor Domestic Violence Cases: Planned JOD Enhancements



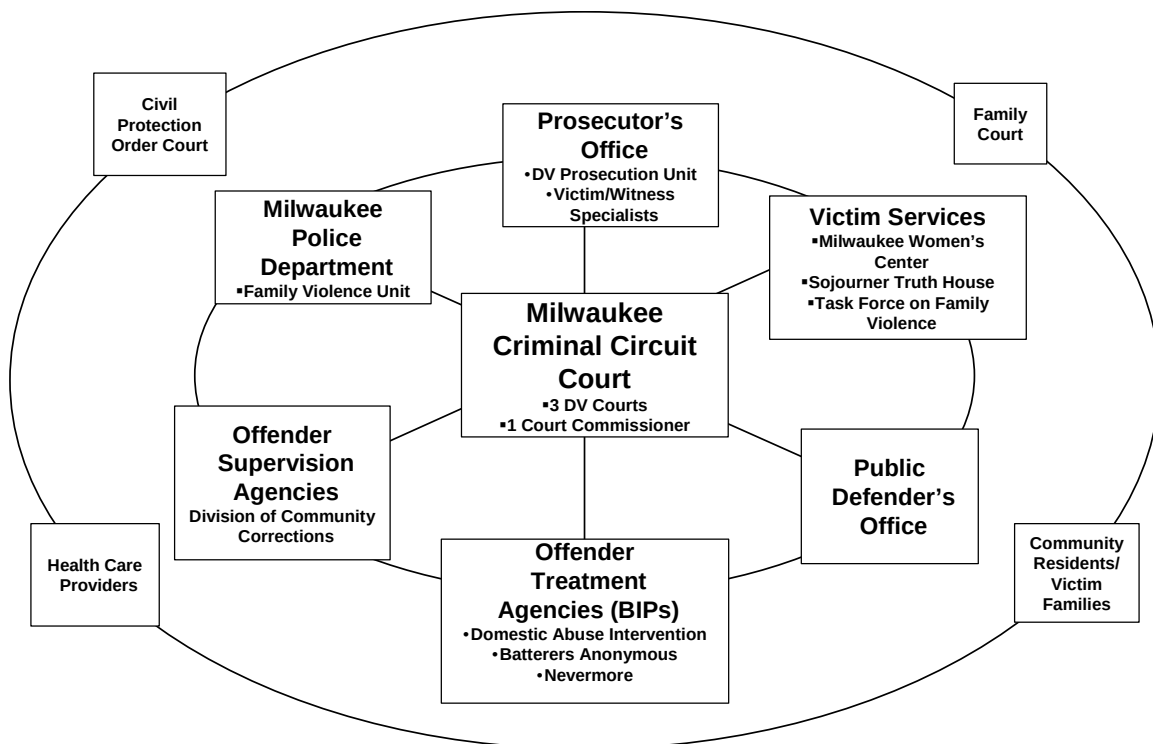
Primary JOD Enhancements (Proposed)

- ① DV Crisis Response Unit notified in MPD
- ② 4 New Assistant District Attorneys; vertical prosecution; deferred
- ③ New DV Court Commissioner hears these cases and handles all
- ④ Pretrial monitoring of defendants from Districts 2 and 3 by special probation agents, including
- ⑤ Special investigation if needed by MPD Sensitive
- ⑥ Court Resource Monitor tracks DV offenders for court
- ⑦ DV Judge conducts mandatory probation status review hearings and responds to

This chapter describes the growth and evolution of JOD in Milwaukee from the start of the project in early 2000 through 2003. During the demonstration period, the goals of JOD remained constant, but specific objectives, activities, and performance goals were revised as lessons on effective strategies emerged. The following sections describe the JOD-related activities of partner agencies so that readers can understand the program behind the impact evaluation findings and the lessons learned from Milwaukee's efforts to improve its response to domestic violence. The data for the tables describing activities come from three primary sources: (1) a JOD case tracking system maintained by the project, which monitors contacts with victims and offenders in domestic violence cases; (2) monthly aggregate statistics on JOD-related activities compiled by partner agencies and the local evaluator and submitted to the Urban Institute for the process evaluation; and (3) court records on case processing and restraining orders.

The JOD network of partner agencies is illustrated in Figure 3.2. Activities funded by JOD during the implementation phase are highlighted. For organizational purposes, JOD is described agency by agency below. However, it is crucial to understand that JOD is, at its core, a collaboration in which multiple agencies play an active and ongoing role in responding in a coordinated manner to domestic violence, and its effectiveness depends on the continuation of joint management and regular communication among the partner agencies.

Figure 3.2 JOD Network of Agencies in Milwaukee



MILWAUKEE CIRCUIT COURT

The Milwaukee County Circuit Court is a large urban court with strong central management under the direction of the Chief Judge and the Office of the Court Administrator. The general court process for handling domestic violence cases in Milwaukee, both before and during JOD, involved the following steps:

- Charge Review. The Office of the District Attorney reviewed the arrest decisions of law enforcement agencies, along with their investigative police reports. Once charges were issued, an initial hearing before the court ensued.
- Initial Hearing. Defendants detained on domestic violence charges appeared at an initial hearing before a Commissioner within 48 hours of arrest seven days a week. Defendants who were not detained were ordered to appear the next day for the initial hearing. The charges were read and the defendant was given the opportunity to enter a plea. At the initial hearing, most defendants entered a plea of not guilty.
- Pretrial Appearance and Trial. Defendants charged with misdemeanor domestic violence offenses who did not plead guilty at the initial hearing were scheduled for pretrial appearances and a trial in one of the three specialized domestic violence courts. At any pretrial hearing in a domestic violence court, the case could be dismissed or the defendant could plead guilty.
- Sentencing. If the victim was present, sentencing could take place at the time of a plea or trial. If the victim was not present, or if the plea was entered before a commissioner, the case was scheduled for a later sentencing hearing in a domestic violence court.

JOD introduced significant changes in case handling. Three major innovations, described below, included creation of the Domestic Violence Commissioner's Court (DVCC), development of the intensive Pretrial Monitoring Program, and the introduction of probation status review hearings.

Domestic Violence Commissioner's Court

JOD supported the creation of a fourth domestic violence court, the DVCC, to allow the domestic violence trial judges the time to conduct probation status review hearings and to hear felony domestic violence cases. The DVCC Commissioner assumed responsibility for pretrial appearances after the initial appearance, out of custody intakes, bail hearings and reviews, and status appearances five days a week for defendants charged with misdemeanor domestic violence. If defendants entered a guilty plea in DVCC, they were referred to a trial court for immediate sentencing.

Between January 1, 2002, and December 31, 2002, 3,231⁴ defendants appeared before the Commissioner; a large majority (93%) was released with bail conditions. Table 3.1 describes the bail conditions imposed. The number of bail conditions ranged from one to six, with 80% of the

⁴ Of the 3,213 defendants appearing before the Commissioner, data on bail conditions is missing for 82 defendants; figures are based on 3,149 cases.

defendants receiving only one condition. Almost all (99%) were required to have no contact with the victim. Other bail conditions, such as mental health assessments/referrals and assessments for alcohol and other drug abuse (AODA), were used sparingly. Four percent of the defendants were placed in pretrial monitoring: 2% in JOD Intensive Pretrial Monitoring (described below) and 2% in Wisconsin Correctional Services (WCS) monitoring, which includes drug and alcohol screening and referrals to treatment. Other bail conditions included in-house electronic monitoring, third-party contact,⁵ and no possession of guns.⁶

Table 3.1. Bail Conditions Imposed by the DVCC in Domestic Violence Misdemeanor Cases: January 1, 2002, through December 31, 2002 (n=3,149)

Bond Condition	Number	Percent
No Contact With the Victim	3,124	99%
Mental Health Assessment/Referral	80	3%
Alcohol and Other Drug Abuse Assessment	56	2%
Absolute Sobriety	71	2%
Any Pretrial Monitoring	118	4%
Intensive Pretrial Monitoring	67	2%
Wisconsin Correctional Services Pretrial Monitoring	51	2%
In House/Electronic Monitoring	73	2%
Third Party	32	1%
Alcohol and/or Drug Testing	16	1%
Prohibited Access To Guns	19	1%
Other Condition	2	0%
No Violent Contact With the Victim	1	0%

Source: JOD Case Tracking System (Pretrial DVCC Intake Court)

The work of the dedicated DVCC commissioner freed the three domestic violence judges to spend more time with domestic violence bench and jury trials, permitted sentencing hearings to occur sooner, allowed felony domestic violence cases to be moved from general felony court to the domestic violence courts, and provided time for the new probation status review hearings. As Table 3.2 shows, the DVCC accepted guilty pleas in 20%⁷ of the misdemeanor cases reaching disposition during 2002, limiting the work of the domestic violence courts in these cases to sentencing and review hearings.

There is further evidence that the DVCC has proven to be an increasingly valuable resource for relieving congestion in the trial judges' calendars. Over half (51%) of all pleas taken

⁵ Third party contact conditions allow the defendant to use a third party to contact the victim for very specific purposes stated by the Court. Third party contact conditions are almost exclusively ordered for purposes of child visitation.

⁶ At the pretrial stage, defendants have not been convicted of a crime, so a prohibition against possession of firearms is usually not included as a condition of bail. Also, the arresting municipality has the authority to confiscate weapons for certain charges. Because restraining orders (Domestic Abuse and Child Abuse Injunctions) always include a prohibition against possession of firearms, no possession of firearms is inherent in the law for some charges, but is not often used as a condition of bail.

⁷ Although the DVCC primarily heard domestic violence misdemeanor cases, in occasional instances when a defendant was arraigned on felony domestic violence charges and had a pending misdemeanor domestic violence case, the felony case would also be heard in the DVCC. Exact number of felony pleas heard in DVCC is unknown but is thought to be extremely low.

prior to the day of trial in 2003 were entered before the Commissioner, up substantially from the latter half of 2001 when the DVCC took 41% of all early pleas.⁸ A study by the site evaluation coordinator based on a random sample of 180 cases from 2001 through 2003 found that the average number of pretrial hearings in DVCC per defendant increased from 1.8 in 2001 to 2.5 in 2003, further evidence of the work accomplished by the intake court.

Table 3.2. IPV Case Dispositions: January 1, 2002, through December 31, 2002 (n=3,114)⁹

Disposition of Case	Number of Cases	Percent of All Disposed Cases
Dismissals	1,253	40%
Pleas	1,733	56% ¹⁰
<i>In DVCC</i>	<i>(629)</i>	<i>(20%)</i>
<i>In Trial Court</i>	<i>(1,104)</i>	<i>(35%)</i>
Found Guilty at Trial	73	2%
Found Not Guilty at Trial	43	1%
Hung Jury at Trial	12	>1%

Source: JOD Case Tracking System

Intensive Pretrial Monitoring

The Milwaukee JOD planners identified early intervention in domestic violence cases as a top priority and proposed a strategy involving on-scene advocacy, services for victims at the time of an incident (described below), and intensive monitoring for defendants released prior to case disposition. From the start, the pretrial monitoring plans were controversial; they were revised several times.

The criteria for placement in intensive pretrial monitoring became a major issue. Recognizing that JOD was designed as a research demonstration, Milwaukee initially planned to conduct an experiment to test the impact of JOD pretrial monitoring by selecting cases for JOD randomly from those filed in two police districts. When the random assignment plan failed to receive support from all partner agencies, JOD proposed implementing intensive early intervention in two areas, Police Districts 2 and 3, and using cases from the remaining five Milwaukee Police Districts as the quasi-experimental comparison sample.

The pretrial monitoring system was constructed in the following manner: The City of Milwaukee is broken up geographically into seven total police districts or precincts. Two probation agents, funded by JOD, were assigned to the DVCC to monitor IPV cases from police districts 2 and 3. The agents were responsible for contacting defendants at least three times during the two weeks following the initial charging of the case and at least once per week during the entire pretrial period. Agents also contacted victims whenever possible to check on their safety, made referrals to victim services, and assessed compliance with the no-contact order.

⁸ Some data are only available for the last half of 2001, which is when the project began tracking court case progress in a reliable way.

⁹ Table 3.2 presents outcomes for all domestic violence cases disposed between January 1, 2002, and December 31, 2002. However, dispositions may relate to cases *charged* in 2001 but not disposed until 2002.

¹⁰ Includes the 16.8% of early pleas that were accepted in the DVCC.

In August 2001, a challenge filed by a private defense attorney raised legal objections to basing bail conditions only on geographic location without regard to individualized circumstances. Based upon equal protection grounds, it was argued that structuring pretrial monitoring based on the police district of arrest would allow a minor offender in one district to get extra monitoring and a severe offender in another district to receive no extra monitoring. The challenge was upheld.

JOD also encountered operational problems in the early months of pretrial monitoring, prior to the legal challenge. One issue was ensuring that intensive monitoring was implemented as planned. Because the program was staffed by agents assigned to the position by the Division of Community Corrections of the Wisconsin Department of Corrections on the basis of seniority and departmental personnel policies, the court had no direct management authority. As a result, pretrial monitoring responsibilities (and JOD funds) were shifted from the Division of Community Corrections to the Milwaukee Office of the Chief Judge at the end of June 2002.

A second operational issue arose, namely, how to handle contacts between the two probation agents and victims. Although JOD was deeply concerned about the need for early victim contact and safety planning, project planners realized that staff charged with monitoring compliance with bail conditions could not pledge confidentiality to victims. This caused concern among the defense bar; they believed information provided during monitoring could affect evidence in the case. Meanwhile, advocates were concerned that victims could face additional abuse if they provided information about bail violations. As a result, protocols were developed to guide contact with victims that included reminding them repeatedly that communications were not confidential.

After a temporary suspension of the program, a revised Pretrial Monitoring Program became operational on July 1, 2002. Supported by JOD funds, the court hired a bail monitor supervised by the associate project director. Defendants, identified by prosecutors (at the time of issuance of charges) or a Commissioner (at the defendant's first court appearance), were admitted (depending upon space availability¹¹) based on the following eligibility criteria:

- Defendants were only eligible if they had been charged with a crime that related to *intimate partner* violence (IPV);
- Defendants were only eligible if they had previously been charged with a domestic violence crime, even if the case was dismissed;¹² and
- Defendants who were currently being supervised by the Division of Community Corrections were not eligible, under the assumption that additional supervision might be duplicative.
- Defendants assigned to the intensive Pretrial Monitoring Program were required to meet in-person with the bail monitor within 24 hours of the initial hearing. If in custody, the defendant was ordered to report immediately upon release from custody. Defendants ordered to pretrial monitoring were required to appear in court for an

¹¹ The program was initially limited to 30 high-risk defendants. Later it was expanded to 40.

¹² Defendants with previously dismissed domestic violence cases were included, based upon the theory that the defendant had previously been determined to have engaged in abusive conduct and may have successfully dissuaded (manipulated) the victim from appearing in court to testify on behalf of the prosecution prior to JOD when the prosecution had not yet begun to develop and employ evidence-based prosecution strategies.

initial pretrial hearing approximately two weeks after charging, a second review approximately five weeks after charging, and a final review about one week before trial. The DVCC assigned additional pretrial court appearances, beyond the three listed above, if deemed necessary.

The intensive pretrial monitoring included office visits, letters, phone calls, collateral contacts, and home visit contacts by the bail monitor with defendants and their victims. At each contact, the bail monitor was required to remind the defendant or victim that he was contacting them as a court employee and that he must report violations to the Court. On average, defendants reported every two weeks prior to case disposition, in front of either the commissioner or the pretrial monitor (Exhibit 3.1).

Exhibit 3.1. Comparison of Original and Modified Pre-Trial Monitoring Models

	Original Pre-Trial Monitoring Model	Modified Pre-Trial Monitoring Model
Monitored by judge and	2 probation agents	1 bail monitor
IPV defendant reported to	Agent's office and court	Bail monitor and court
Eligibility of IPV defendants	All or a random sample of IPV defendants arrested in Police Districts 2 and 3	30 to 40 defendants identified as high risk by prosecutors or a commissioner

In a preliminary evaluation of the JOD Pretrial Monitoring Program conducted by the Milwaukee JOD Project Team, 40.6% of the 69 cases closed from the Program between July 1, 2002, and December 31, 2003, had bail violations.¹³ The majority of the violations were for communication with the victim in violation of the no-contact order, not for repeat violence against the victim. In almost all cases, the victim herself generated the no contact order complaint, which in turn was conveyed to the DVCC by the bail monitor for sanctioning. Of all first time violations, 42.9% were violations of the no contact order, and 32.1% of non-compliant defendants failed to make required contact with the bail monitor. Eighty percent of program defendants who violated bail conditions received increased bail and, consequently, were taken into custody by the DVCC at their hearing. Seventy-three percent of defendants who violated the no contact condition were criminally charged with bail jumping. Cases in the pretrial monitoring program in which the bail monitor had contacts with the victim were more likely to end in conviction (71%) than cases in which the monitor did not have victim contacts (38%). The difference may be due to the interest of these victims in getting help from the courts, but the early contact with the bail monitor may also have encouraged continued participation in case prosecution.

Probation Status Review Hearings

Starting very early in the project (May 2000), the domestic violence judges began scheduling probation status review hearings to monitor the compliance of domestic violence offenders with conditions of probation. Prior to JOD, most offenders on probation for domestic

¹³ Note that the sample of cases was small and not randomly selected from all cases in the program.

violence were ordered to attend a BIP, but the court did not require review hearings or regular reports in order to monitor compliance with the court's orders.

Milwaukee was concerned that many domestic violence probationers failed to enroll in BIP while on probation or waited to enroll until their period of probation was almost complete. As a result, many probationers failed to complete their BIP requirement. As part of JOD, offenders were given a date for a probation status review hearing when they were sentenced and informed that the sentencing judge intended to review their compliance with all probation requirements at the time of the hearing. Additional review hearings were ordered if needed. After much discussion and experimentation with various timeframes for scheduling probation court reviews, the courts ultimately settled upon a 60-90 day timeline between the sentencing hearing and the initial probation review court hearing.

Initially, JOD funded a court resource monitor for the domestic violence trial courts. The monitor, employed from November 2000 to January 2001, reviewed probation rules with newly sentenced offenders and made appointments with a probation agent for intake. Additional duties were to include collection of information regarding offender compliance for use in the review hearings. However, during a reallocation of funds following a reduction in the JOD support expected from OVW, the decision was made to use the funds for higher priorities. The probation agents in the Division of Community Corrections assumed full responsibility for probationer orientation, intake, and compliance reports.

The probation status review hearings were scheduled for Friday afternoons to accommodate the need to have deputy sheriffs present to take offenders into custody to serve jail time sanctions across the weekend (or longer if ordered). It was assumed that jail sanctions across a weekend would be less likely to interfere with work schedules. The hearings were attended by offenders, their probation agents, a State Public Defender, an Assistant District Attorney, victim/witness specialists, and victim advocates. Some private defense attorneys attended.

At the offender's sentencing hearing, judges often imposed and stayed periods of jail so that the judge legally would have a period of jail to impose, at his or her own discretion, upon an unsuccessful probationer. Then, at the probation review hearing, the judge reviewed the court reports submitted by probation agents earlier in the week and often asked additional questions about compliance. Based on judicial assessment of progress, the judge might encourage the offender to continue his/her progress; warn the offender, but allow probation to impose sanctions or additional requirements; or sanction the offender to serve all or some of the stayed condition time specified in the sentence. The judges also scheduled additional probation status review hearings if they believed additional court monitoring was needed. Table 3.3 shows that for all scheduled hearings, 43% of offenders were judged compliant at their review hearings, while 28% were judged non-compliant.¹⁴ Another 26% of the JOD offenders had failed probation before the time of their scheduled review hearing by absconding or being revoked,¹⁵ while 4% failed to appear at the review hearing. When absconders were picked up, the probation agent usually requested revocation and no further review was scheduled.

¹⁴ Criteria for compliance and noncompliance depended both on objective rules and the judges' assessment of the offenders' attitudes and behaviors. For example, a failed drug test was clear evidence of non compliance. However, judges could also consider a probationer's level of cooperation with probation and participation in BIP in determining compliance.

¹⁵ Includes offenders with a pending revocation hearing.

The JOD case tracking system counted 1,347 review hearings in 2002 for misdemeanor cases. The number of hearings per probationer ranged from one to five, averaging 1.1. The time to the first review hearing ranged from a minimum of 61 to a maximum of 244 days, with 150 being the average number of days from sentencing to the first probation status review hearing.¹⁶ This was almost double the target timeline of 60-90 days. The delay in review hearing timing resulted both from crowded judicial dockets and from the delay in getting defendants into BIPs due to long waiting lists.¹⁷ In an effort to maintain consistency in review hearing scheduling, the court adopted a formal policy in December 2003 requiring the domestic violence judges to mandate as a condition of probation on all domestic violence cases that the defendant reappear for a probation status review hearing within 90-120 days of the sentencing hearing. In addition, the policy required domestic violence judges to schedule and conduct additional review hearings where appropriate or upon the request of the probation agent assigned to the case.

Table 3.3. Probation Status Review Hearing Outcomes: January 1, 2002, through December 31, 2002
(n=1347)

Status at Hearing ¹⁸	Number of Appearances ¹⁹	Percent of All Hearings
Compliant With Probation Conditions.	572	43%
Not Compliant With Probation Conditions	378	28%
Prior Non-compliance, did not appear at review hearing	345	26%
<i>Absconded during probation</i>	(126)	9%
<i>Revoked by probation agent</i>	(219)	16%
Failed To Appear For Review Hearing ²⁰	52	4%

Source: JOI Court Case Tracking

Table 3.4 shows that judges imposed sanctions at 405 hearings between January 2002 and December 2002. In 318 (78.5%) of the cases, offenders were required to appear for another hearing. Two hundred thirty-one (57.0%) offenders were ordered to jail. The average number of jail days imposed was 11; the median was 6 days. Some persons not counted in Table 3.3 as non-compliant were given sanctions, almost always in the form of an additional review hearing. This occurred when the judge had concerns about the probationer's behavior or progress, but the offender had no clear technical violations that could be used to classify him/her as non-compliant.

¹⁶ The median of 153 days was close to the average.

¹⁷ The long waiting lists were a result of the court initiating judicial review hearings prior to the BIPs having an opportunity to increase capacity of their programs to accommodate the sudden surge in intakes.

¹⁸ The probation agent reported the behavior, and the judge determined compliance.

¹⁹ Some defendants may appear more than once.

²⁰ This number probably counts individuals who failed to appear, but it is possible that some individuals are counted more than once.

Table 3.4. Review Hearings in Which Sanctions Were Imposed: January 1, 2002, through December 31, 2002 (n=405)

Sanction Imposed	Number Of Hearings
Additional Hearing Only	174
Jail: Partial Stayed Time Only	64
Jail: Partial Stayed Time Plus Additional Hearing	142
Jail: Full Stayed Time Only	23
Jail: Full Stayed Time Plus Additional Hearing	2
Jail Time Imposed	Number of Days
Average Stayed Time Imposed	11
Median Stayed Time Imposed	6

Source: JOD Case Tracking

Access to Restraining Orders

Although the Milwaukee Task Force on Family Violence operated a highly regarded clinic to assist victims petitioning the courts for restraining orders prior to JOD, the project planners were concerned that the time-consuming process was a barrier to many. The process required victims to complete the following steps:

- Go to the Restraining Order Clinic on the 7th Floor of the Milwaukee County Courthouse, meet with an advocate, and complete paperwork to file for a Temporary Restraining Order (TRO);
- Go to the Family Court Commissioner’s office on the 7th Floor to have the TRO decided and get a date for the final injunction hearing;
- Wait for the clerk to give you the court date and copies of the paperwork;
- Go to the Clerk of Courts office on the ground floor of the Courthouse and file the TRO;
- Walk copies of the paperwork and an information sheet detailing where the respondent could be served to the Sheriff’s Department in the Safety Building (next door);
- Take copies of the paperwork to the petitioner’s local police department (both where she resides and is employed); and finally
- Attend a second hearing, scheduled within 14 days of the initial hearing, to have a longer-term injunction, or “permanent” restraining order issued. Not all injunctions are granted. The court must find “reasonable grounds” to believe abuse has or might occur to grant the final order.

Milwaukee experimented with ways to alleviate some of the burden on victims requesting a TRO. Initially, Milwaukee tried to implement software that would enable victims to file for TROs at a satellite location. The goal of e-filing was to eliminate the need for the victim to go downtown to file for a TRO as well as to eliminate the need for her to walk the paperwork

through the various offices at the Courthouse complex.²¹ Electronic-filing was designed to begin in January 2002 and required one judge to be on duty for extended hours. The software was an internet based program with servers in California and India, and once the judge granted the order, the copies were distributed to the court, the Clerk and the Sheriff's Department by email and fax. Advocates were available at a satellite office to help victims complete the required paperwork and transmit the forms electronically to the duty judge. However, the effort was discontinued several months later after repeated technical problems. The Task Force on Family Violence continued to be available during expanded hours—including two weeknights and several hours on Saturdays at a local hospital—for those persons wishing to obtain a temporary restraining order. The advocates were available for victims who wanted to meet with them during extended hours to do safety planning, fill out the paperwork, and learn the process before they went to the courthouse complex. However, this initiative was discontinued after several months because few victims used the service.

JOD subsequently shifted project efforts to reducing the burden on victims coming to the courthouse for a restraining order. Historically, domestic abuse restraining orders and injunctions were heard in a small room staffed by only a Commissioner, court reporter, and bailiff when both parties appeared. All petitioners and respondents waited for their hearing together in a large waiting room. Harassment injunctions were heard in a more formal courtroom in an adjacent building. Victims were required to walk copies of the paperwork and an information sheet detailing where the respondent could be served to the Sheriff's Department in the adjacent building (as described above) whenever the respondent did not appear in person at the injunction hearing.

In June of 2003,²² the Circuit Court created a combined Domestic Abuse/Harassment Injunction Court, staffed by a Court Commissioner, deputy court clerk (funded by JOD), court reporter, and bailiff located in a large courtroom. The new court heard domestic abuse and harassment injunctions Monday through Friday. The change was made for several reasons:

- Legal requirements. Wisconsin state law mandates that all court proceedings be open to the public. The small hearing rooms discouraged an open format.
- Increased formality. Milwaukee believed that having the hearings in a formal courtroom was critical in encouraging better behavior and adherence to court orders on the part of defendants/respondents.
- Consistency. Having a unified court helps ensure that the message given to litigants is consistent. That is, it helps to avoid “forum shopping,” which often results in inconsistent decisions or situations where a victim inadvertently selects the incorrect legal remedy. Hearing domestic abuse and harassments in one court was expected to lessen the confusion for victims.

²¹ The Milwaukee County Courthouse Complex consists of the Courthouse, Criminal Justice Facility and Safety Building. The three separate buildings are connected through a common walkway.

²² Note that this occurred late in the project, after cases were selected for inclusion in the impact evaluation.

- Reduced victim burden. JOD funded an additional position in the office of the Clerk of Court. As a result, TRO and injunction paperwork were taken to the Sheriff's Department by court staff, not the victim.²³
- Increased safety. Prior to the unified court, petitioners and litigants shared a waiting room with respondents before hearings. In the new, larger courtroom, petitioners and litigants waited in the jury box under the protection of the bailiffs, while respondents waited in the gallery. Protocols were devised for special security if problems were anticipated.

Other Organizational Changes in the Court

Other JOD changes in the court identified by judges as important in facilitating a coordinated response to domestic violence cases included:

- Co-location of the courts. Following the opening of a victim waiting room (see below), the four domestic violence courts were located on the same floor of the courthouse. This promoted efficiency in staff scheduling and coordination among the JOD partners in the courthouse (the prosecutors, victim/witness specialists, and defense attorneys) as well as protecting victims who used the waiting room. For example, although Assistant District Attorneys and victim/witness specialists were generally assigned to a specific courtroom, they were sometimes called upon to handle cases in more than one courtroom and to provide coverage for other staff. The proximity of the spaces helped manage the workload.
- Victim waiting room. A waiting room for domestic violence victims was opened on October 15, 2000, and was staffed by the victim/witness unit and located near the domestic violence courts. Victims and witnesses in misdemeanor and felony cases were subpoenaed to the waiting room and could choose to remain there (with any children) until time to testify. The District Attorney's Office staffed the room until the last case was called for the day. Although it might have been useful to keep the room open at all times for use by community agencies and the bail monitor, the victim/witness unit could not spare staff time to monitor the room outside of the hours the domestic violence court trial dockets were hearing cases. Leaving the room unsupervised was a potential threat to victim safety so the room was locked at the end of court each day.
- Inclusion of felony cases in the domestic violence courts. Prior to JOD, felony domestic violence cases were prosecuted in six general felony courts by the Office of the District Attorney's 18-member felony team. Because domestic violence felony cases were a small portion of the very large caseloads assigned to the felony attorneys and are difficult and time consuming to prosecute, JOD planners decided to move these cases (about 300 per year) to the Domestic Violence Courts and fund two additional attorneys in the DA's Domestic Violence Prosecution Unit. This shift allowed much more intensive case prosecution by a single attorney (vertical prosecution) and encouraged development of innovative prosecution strategies. A

²³ If the respondent lives out of the county or is in custody or the pick up for the day is past, the petitioner must still walk the paperwork to the Sheriff's Department themselves.

pilot project was conducted by one of the domestic violence courts in 2003 to determine the impact of having preliminary hearings in front of the judge to whom the case was assigned instead of the Preliminary Hearing Court Commissioner. Due to the success of this pilot, the practice was extended to all the domestic violence courts effective March of 2004.

Issues confronting the Court in implementing JOD

The Supreme Court of Wisconsin has a mandatory rotation policy that does not exempt the domestic violence courts. Accordingly, the Milwaukee Criminal Court rotates judicial assignments regularly. Between 1999 and 2003, eight judges and two commissioners were assigned to the domestic violence courts. The judicial rotation brought with it both benefits and challenges.

One of the main benefits of the judicial rotations is that there is widespread training and increased understanding among many judges about domestic violence. This is especially important since domestic violence is likely to be present in cases outside of the domestic violence courts, including other criminal cases as well as those heard by Family Court, Children's Court and in Civil Court. Judges assigned to the domestic violence dockets regularly attended meetings that also involved BIPs, the police, and probation to work on domestic violence issues affecting the criminal justice system as a whole. Another potential advantage of rotation was a reduction in the risk of judicial burnout. Domestic violence dockets provide little variation in case type, thus requiring judges to deal with large numbers of emotionally exhausting and often frustrating cases fraught with human tragedy and safety risks to victims and children.

Challenges of the judicial rotation included the need for intensive judicial training annually as well as frequent meetings to discuss policies and consistency in case handling. Another challenge included the wide variation in the judge's adherence to JOD policies and the ways in which they exercised their judicial discretion. For example, the domestic violence judges varied widely in the time they set for the first probation status review hearing and their use of graduated sanctions.

JOD also faced the challenge of how to integrate the judges into the coordinated community response to domestic violence, which had been managed for some years by the Milwaukee Commission on Domestic Violence and Sexual Assault. The challenges were both philosophical and organizational. Historically, the judges were reluctant to become involved in policy decisions outside of issues that involved court management. Because the Commission traditionally focused on victim advocacy, the judges were hesitant to apply for membership. However, it was soon realized that in order to have JOD integrated into the larger community, a seat by the judges on the Commission was needed and could be handled in a way that did not compromise their impartial position. Thus, in April 2002, following an amendment to ordinance governing membership, the Chief Judge²⁴ joined the Commission. The Commission, in turn, added JOD as a separate agenda item in each monthly meeting so that the entire Milwaukee community received an update on all new JOD initiatives. This shift in the Commission's governance formally joined the court to the larger community response and leaves a structure for further joint planning of policies and practices well into the future.

²⁴ The Chief Judge is represented on the Commission by a presiding domestic violence judge.

OFFICE OF THE DISTRICT ATTORNEY

There were significant changes in the prosecution of domestic violence cases as part of JOD. Prior to JOD, a specialized Domestic Violence Prosecution Unit with a staff of seven Assistant District Attorneys reviewed police reports on domestic violence misdemeanor cases within 24-48 hours of an incident to prepare recommendations for the initial appearance hearing.²⁵

In adherence to the state of Wisconsin domestic abuse law (Wis. Stats. § 968.075), the Milwaukee District Attorney's office practices a "no drop" policy. Wis. Stats. § 968.075(7) specifies that a prosecutor's decision not to prosecute should not be based "[u]pon the victim's consent to any subsequent prosecution" of the offender.²⁶ In practice, the District Attorney's office interprets the statute to mandate prosecution based on the facts of the incident, not the likelihood of the victim's testimony.

During the prosecution of a case, a team of six victim/witness specialists assist the Assistant District Attorneys (ADAs) by working to secure victim and citizen witness cooperation, maintaining regular contact with the victim, informing victims of case progress, and providing contacts and referrals to community partner agencies—all mandated by the state victim rights legislation.

The Office of the District Attorney's Domestic Violence Prosecution Unit worked with a number of JOD partner agencies prior to the demonstration:

- The Milwaukee Police Department had a liaison in the DA's Office to review police reports of domestic violence incidents and arrests for completeness and accuracy and prepare files for prosecutorial review.
- The Division of Community Corrections had liaison probation agents to screen new police incident reports and identify those on probation at the time of an incident and determine whether abusers who had restraining orders against them were also on probation.
- Community-based victim advocates were stationed in the office to make early contacts with victims to offer safety planning and make referrals to community services such as housing, counseling, child issues, and general assistance.
- The District Attorney's Domestic Violence Prosecution Unit

JOD funds were used to add four Assistant District Attorneys to the DA's Domestic Violence Prosecution Unit. During JOD, two Assistant District Attorneys were assigned to each of the four domestic violence courts (including the DVCC). A total of seven ADAs covered the four courts and charging duties to handle the misdemeanor domestic violence cases.²⁷ Misdemeanor cases were prosecuted horizontally, with different prosecutors appearing at varying stages of a case, from charging to disposition. Two full-time equivalent Assistant

²⁵ The Domestic Violence Prosecution Unit also includes one paralegal, one social worker, two part-time hourly process servers, and three secretaries.

²⁶ Wis. Stats. § 968.075(7)(a) further states that a prosecutor's decision not to prosecute a domestic abuse incident should also not be based "[s]olely upon the absence of visible indications of injury or impairment."

²⁷ In October of 2002, with JOD project cuts, one less ADA position was funded by JOD, leaving a total of six misdemeanor domestic violence ADAs.

District Attorneys were added to a previously existing third Assistant District Attorney to handle the felony domestic violence cases and serious, complex misdemeanor domestic violence cases. The felony and complex misdemeanor cases were all prosecuted vertically, with the same prosecutor handling the case from charging through case disposition.

Priorities for the Domestic Violence Prosecution Unit during JOD included enhanced evidence collection and prosecution strategies. Protocols for building a case that could be prosecuted independently of, or in combination with, victim testimony were greatly expanded under JOD. In August 2001, the Office of the District Attorney began requesting follow-up investigation by the Milwaukee Police Department's Sensitive Crimes Unit on specific cases.²⁸ To assist the police in evidence collection, JOD funds were used to purchase six digital cameras, and the Domestic Violence Prosecution Unit began requesting photographs on a regular basis. While the Milwaukee Police Department had typically photographed their felony case investigations, in January 2002, the Milwaukee Police Department established a standard operating procedure for the taking of photographic evidence in the vast majority of misdemeanor domestic violence cases, which included IPV, child, family, non-intimate cohabitant, and elder abuse cases.

Alternative strategies were developed to prosecute cases without requiring victim testimony. These included:

- Collection of additional evidence such as digital pictures of injuries suffered following a domestic violence episode. Follow-up photos taken up to 72 hours after the incident helped to document the changing colors and shapes of bruises. Photographs of damage at the scene illustrated the volatility of the incident and were critical when the charge required the prosecutor to prove facts about behavior causing damage to property (such as "Disorderly Conduct" or "Criminal Damage to Property").
- Use of victim statements made at the time of the incident. Assistant District Attorneys used tapes of 911 calls to corroborate the state's case and records of excited utterances made to authorities while under stress caused by a domestic violence incident. These were used in lieu of victim testimony if a reluctant victim recanted, minimized the severity of the incident, or failed to appear in court.
- Charging defendants with bail jumping for their failure to appear (FTA) for court appearances. Failure to appear in court for scheduled court appearances was a violation of the court's order and, therefore, a crime. Charging absconders with bail jumping recognized the impact a defendant's failure to appear in court could have on the state's ability to prosecute the offender and provided increased offender accountability for illegal behavior. In addition, issuance of bail jumping charges for failure to appear helped protect victims, many of whom reported being threatened, controlled, and manipulated during pending criminal proceedings. The longer a case took to reach disposition, the greater the potential for a domestic violence victim to be controlled or manipulated, resulting in increased risks and threats to victim safety.

²⁸ This expanded with the establishment of the Milwaukee Police Department's Family Violence Unit in January 2003.

- Tape recording the defendant's phone calls from jail. Phone calls made on jail phones (calls automatically recorded) were used as evidence to support additional charges such as intimidation of victims and witnesses, solicitation to commit perjury, solicitation to commit false swearing, and bribery of witnesses.

During this time the unit continued to develop and pilot innovative prosecution strategies and produced a comprehensive 575-page manual for prosecutors, entitled the *Wisconsin Domestic Violence Prosecution Manual, 2004*, which was distributed to all state prosecutors. The manual encapsulated best practices for evidence-based investigation and prosecution for all Wisconsin prosecutors.

The unit also developed new policies for using deferred prosecution agreements (DPAs). Eligibility criteria for DPAs were modified during JOD to reduce perceived racial disparity in the offer of DPAs and encourage BIP participation prior to trial. After protracted discussions, a revised DPA protocol was reached with the Office of the Public Defender, representatives of private defense attorneys, Division of Community Corrections, and BIPs. The Office of the District Attorney viewed DPAs as a step backward in the criminalization of domestic violence, and they were offered in less than 2.5% of the cases in 2002 and even fewer in 2003.²⁹ Factors considered in making a DPA offer include the following:

1. Defendant's history of criminal activity
2. Defendant's character, employment history, and life circumstances
3. Type of charge
4. Level of violence and threat of danger
5. Injury to victim
6. AODA concerns
7. Prior history of domestic violence: isolated vs. continuing course of conduct
8. Victim's wishes and desires
9. Circumstances of victim at time of offense (e.g., disability or pregnancy)
10. Use or threat of use of weapons
11. The general facts of the given case
12. The defendant's likelihood of success in treatment
13. The probability of recidivism
14. The presence of children.

To be eligible for a DPA, the victim must agree to the deferral and the defendant must have no prior record of domestic violence. The current offense must be of low severity; cases involving serious incidents are not eligible. Eligible defendants had to admit to the facts up front and agree to prosecution that would result in a conviction if they failed to complete the DPA. Those who accepted the DPA offer waived their right to a jury trial and were carefully monitored. If they failed to comply with all conditions (terms often including: no contact with

²⁹ In 2002, a total of 98 DPAs were completed. In 2003, only 56 DPAs were completed.

victim, attendance at BIP, restitution, parenting classes, and community service), the case was rescheduled to go forward under full prosecution and the offender would be found guilty of the crime. At the time of the agreement, a hearing was scheduled for judicial review at a time when offenders would have completed BIP. If the defendant had completed BIP at the time of the review and complied with the other DPA terms and conditions, the case was dismissed. If not, a hearing was held to enter the finding of guilt and for sentencing.

During the demonstration, the Office of the District Attorney's Domestic Violence Prosecution Unit participated in a number of training sessions, often in partnership with other JOD agencies. These included training of recruits for the Milwaukee Police Department and Milwaukee County Sheriff's Department; in-service training for the entire Milwaukee Police Department (72 sessions for approximately 2,000 patrols, sergeants, and lieutenants); the Milwaukee Police Department Sensitive Crimes division; all suburban police agencies (14 sessions); and 80 probation and parole agents from the Milwaukee office of the Wisconsin Division of Corrections. The unit also worked with the Milwaukee Police Department and other agencies to update the domestic abuse Standard Operating Procedures (SOP) of the Milwaukee Police Department governing the response of all members of the department to domestic abuse incidents.

Statistics on the prosecution of domestic violence were provided by the District Attorney's Office for five years (1999 before JOD, 2000 and 2001 during early JOD implementation, and 2002 and 2003 during JOD full implementation). The results shown in Table 3.5 illustrate the changes over time in prosecution.

The trends in case charging and conviction are summarized in Figure 3.3. However, as the discussion below indicates, much of the change during JOD involved an increased focus on felony cases and the use of evidence based prosecution.

Charge Review

Analysis of Table 3.5 shows that between 1999 and 2003 the number of domestic violence charges reviewed by the DA's Office rose noticeably after the inception of JOD. In both 2001 and 2002, charges reviewed exceeded 10,000 but then made a significant decline in 2003. Given that many of the felony offenders were individually responsible for repeated domestic abuse calls for police service in the past, it is possible that at least part of the drop in police calls resulted from improved felony prosecution under JOD, leading to an increase in the likelihood of conviction and incarceration of high rate offenders.³⁰

Trends were distinctly different for felony and misdemeanor charges. The number of felony charges reviewed from 1999-2003 rose dramatically across these years, increasing by nearly 60%, while misdemeanor charges declined. As a result, the percentage of domestic violence charges involving felonies increased from 4% of all charges reviewed in 1999 to 8% in 2003.

³⁰ The number of domestic violence misdemeanor cases coming into the Milwaukee County DA's office for review has continued to decline. In June 2004, the partner agencies convened a meeting to explore a number of theories for this decline.

Table 3.5. Prosecution of Domestic Violence Charges: 1999-2003

	1999	2000	2001	2002	2003
Charges Reviewed	9,675	9,194	10,463	10,193	8,634
Misdemeanors	9,277	8,729	9,893	9,504	7,950
Felonies	398	465	570	689	684
Charges Issued	4,890	5,326	5,744	5,007	4,513
Misdemeanors	4,752	5,172	5,558	4,720	4,195
Felony Charge	138	154	186	287	318
<i>Bail Jumping Charges</i> ³¹	394	343	486	663	580
Charge Disposition					
Convicted	2,626	2,717	2,875	3,161	2,757
Misdemeanor Convictions	2,581	2,625	2,759	2,989	2,531
Felony Convictions	45	92	116	172	226
Days To Disposition (By Case)					
Less Than 90 Days	57%	62%	69%	60%	48%
90-150 Days	26%	22%	18%	20%	24%
More Than 150 Days	17%	16%	16%	20%	28%

Source: Charge data were provided by the Domestic Violence Prosecution Unit of Office of the District Attorney. Data on days to disposition were provided by the Wisconsin Circuit Court.

Charging Outcomes

Prior to 2002, about a third of the felony arrests were charged as felonies at the time the case was filed. However, in 2002 and 2003 this rose to 42% and 47% respectively, perhaps reflecting improved evidence collection by police and increased use of evidence based prosecution strategies. However, misdemeanor charging fell in 2002 and 2003, both in absolute numbers and as a percentage of charges reviewed. As a result, the overall number of charges issued declined in 2002 and 2003 after several years of rising. The shift, illustrated by the yearly changes in charging described below, reflects enforcement and prosecution policies that emphasized investigation and charging of serious assaults.³²

- Prior to JOD, in 1999, 398 domestic violence felony arrests/cases were reviewed, resulting in only 138 domestic violence felony charges and 54 misdemeanor charges. In 2000, 465 domestic violence felony arrests/cases were reviewed, resulting in 154 domestic violence felony charges and 72 misdemeanor charges.
- In 2001, 570 domestic violence felony arrests/cases were reviewed, resulting in 186 domestic violence felony charges and 93 misdemeanor charges.

³¹ The bail jumping charges are a subset of BOTH misdemeanor AND felony charges. If the underlying charge is a misdemeanor, then the ensuing bail jumping charge will be charged as a misdemeanor. If the underlying charge is a felony, then the ensuing bail jumping charge will be charged as a felony.

³² This is consistent with the goals of the Milwaukee Police Department's Family Violence Unit, described above. This special investigative division of police officers was established in 2003 to respond to the most aggravated cases of domestic violence in the City of Milwaukee.

- In 2002, 689 domestic violence felony arrests/cases were reviewed, resulting in 287 domestic violence felony charges and 98 misdemeanor charges.
- In 2003, 684 domestic violence felony arrests/cases were reviewed, resulting in 318 domestic violence felony charges and 87 misdemeanor charges.

Figure 3.3. Charges Reviewed, Filed, and Convicted

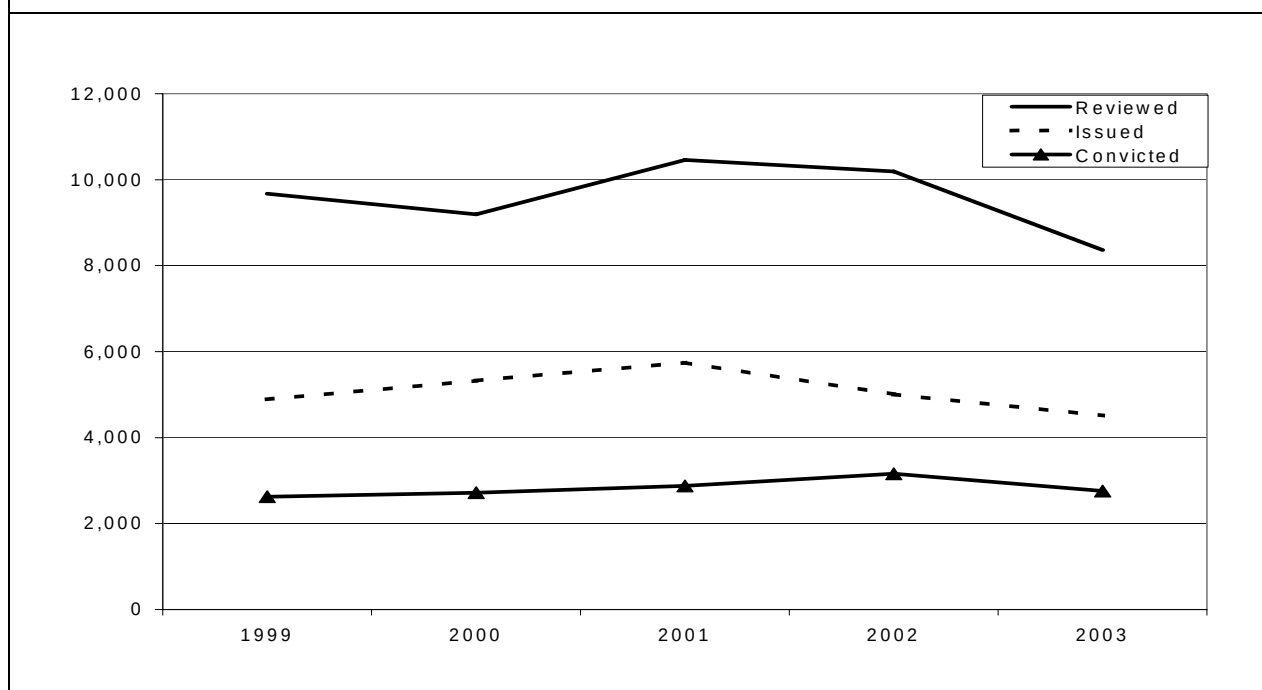


Table 3.5 also shows a substantial increase in the use of bail jumping charges based upon a decided shift in prosecution policy. Bail jumping charges are, by definition, secondary charges resulting from defendant behavior following arrest for domestic violence. Issuance of bail jumping charges rose from 394 in 1999 to 663 in 2002 before declining slightly in 2003. The increase in bail jumping charges helped increase case conviction rates as evidence of bail jumping was generally unambiguous.

Charge Convictions

Overall, the number of charges resulting in conviction for domestic violence rose steadily from 2,626 in 1999 to 3,161 in 2002 before declining to earlier levels in 2003. The increase in felony charge convictions was dramatic, increasing by over 500% from 44 in 1999 to 226 in 2003. Misdemeanor charge convictions, the large majority of the charges prosecuted, rose gradually through 2002 before declining. Although convictions may not occur in the same year as review and issuance of charges, a comparison of the trend lines suggest that the number of misdemeanor charge convictions rose faster than the number of charges issued. The ratio of convicted charges to issued charges rose from about 50% in 1999 through 2001 to 60% or more in 2002 and 2003. In part, the higher conviction rates reflect the decision to issue fewer misdemeanor charges and concentrate prosecution efforts on those with stronger evidence. This is consistent with the jump between 1999 and 2003 in the ratio of felony charge convictions to

charges filed. In 1999, 138 felony charges were issued, and 45 felony charges were convicted (a ratio of one conviction to three charges issued); in 2003, 318 felony charges were issued, and 226 felony charges were convicted (a ratio of seven convictions to every ten charges issued).

Charge Time to Disposition

In 2001, almost 70% of charges were disposed of in less than 90 days, up from 57% in 1999. However, in 2002, the percentage dropped close to the 1999 figure, and dropped again significantly in 2003 to 48% of the cases.

After using trend analysis to analyze the problem and troubleshoot solutions, Milwaukee JOD project staff identified two reasons for the drop in cases reaching disposition in less than 90 days: 1) the dramatic increase in felony prosecution and the fact that felony cases take longer to prepare and try than misdemeanor cases; and 2) a significant decrease in the number of dismissed cases, thereby increasing time to disposition significantly. The dismissal rate dropped from 42% in 2001 to 34% in 2003, as the prosecutor's office began focusing their efforts on more serious cases and those with stronger evidence with which to proceed.

Cases involving indigent defendants require at least one additional court appearance, on the average, for a trial court to make a legal determination of indigency for the purposes of appointing legal counsel. Finally, budget cuts at the Public Defender's Office increased the time for offenders to obtain a public defender attorney for legal representation.

Milwaukee JOD project staff worked with the DVCC commissioner and domestic violence judges on this issue. During the early part of 2004, strides were made in reducing the time to disposition. Time-reduction strategies included shortening the time between hearings and limiting the use of continuances/adjournments.

Case Processing

These statistics can be used to evaluate Milwaukee's success in meeting four of the case-processing performance goals identified by Milwaukee at the start of JOD:

- faster disposition of cases;
- increased misdemeanor conviction rates;
- increased felony charging and conviction rates; and
- increased issuance of charges for bail violations.

The statistics indicate clear success in meetings goals 3 and 4, some success in meeting goal 2 (higher conviction rates may be partially explained by lower charging rates), and no clear reduction in the average time to case disposition. Table 3.5 shows a steady increase in the issuance of felony charges; from 2.8% of total charges issued in 1999 to 7.0% in 2003. The issuance of bail jumping charges increased from 8.1% in 1999 to its peak of 13% in 2003, an increase of 39% overall. Table 3.5 also shows that misdemeanor conviction rates declined from 1999 to 2001 but rose sharply in 2002 and 2003, at the height of JOD implementation.

The above statistics are based on analysis of individual charges. However, many cases involved multiple charges. For that reason, the following tables present statistics based on prosecution of cases in 2002 based on data collected by the JOD tracking system. This database

followed individual defendants from case filing through disposition. The statistics on cases varied from the statistics on charges in several ways. In 2002, 49% of the charges resulted in prosecution (Table 3.5, last column), compared to 40% of the cases (Table 3.6) suggesting that issued cases had a greater number of charges per case than those that were not prosecuted. Most of the cases disposed in 2002 (Table 3.7) resulted in a conviction on at least one of its charges.

Table 3.6. Number of IPV Cases Filed in 2002 and 2003

Cases	2002	2003
Number Of Cases Reviewed	9,010	7,398
Number Of Cases Charged	3,567 ³³ (40%)	3,270 (44%)
<i>Number Of Cases Charged With At Least One Felony Charge</i>	306	332
<i>Number Of Cases Charged With Misdemeanors (No Felony Charge)</i>	3,261	2,938
Number Of Cases Not Charged Or Pended	5,443	4,128

Source: Office of the District Attorney's Daily Log

Table 3.7. Outcomes for Domestic Violence Cases Disposed: January 1, 2002, through December 31, 2002³⁴

	Charged only with Misdemeanors n=3,882	Charged with a Felony n=226
Cases Reaching Disposition		
Dismissed	1226 (31%)	27 (12%)
Found Not Guilty	41 (1%)	2 (0.9%)
Deferred Prosecution Agreement	96 (3%)	Not eligible
Misdemeanor Conviction	2242 (58%)	36 (16%)
Felony Conviction	Not eligible	156 (70%)
Hung Jury	10 (0.3%)	2 (0.9%)
Missing Case Disposition	267 (7%)	3 (1%)
Days To Disposition		
Median	85.2	104.1

Source: JOD Case Tracking

Of the 226 felony cases reaching disposition, 85% were convicted: 70% on a felony charge, and 16% on misdemeanor charges only. Of the 3,882 misdemeanor cases reaching disposition, 58% were convicted, and 3% were placed on deferred prosecution. The Office of the District Attorney's Monthly Charging Report indicates that bail-jumping charges were among the

³³ Deferred Prosecution Agreements (DPA's) included. In 2002, 76 defendants successfully completed the DPA and had their charges dismissed.

³⁴ Table 3.7 presents outcomes for all domestic violence cases disposed between January 1, 2002 and December 31, 2002. However, dispositions may relate to cases *charged* in 2001 but not disposed until 2002.

conviction charges in 275 (11%) of the 2,380 cases disposed in 2002 for which data are available.

VICTIM WITNESS SERVICES FOR DOMESTIC VIOLENCE VICTIMS

The Office of the District Attorney has employed specialized domestic violence victim/witness specialists to work directly with victims since the 1980s. The number of specialists grew from three to six during the 1990s with the expanding domestic violence caseloads. The victim/witness specialists notify victims of charges, hearings and case actions, meet with victims in court on a daily basis, help connect victims with community resources to help break cycles of abuse, and provide them with victim rights information.

In Wisconsin, one victim right is the right to submit a Victim Impact Statement (VIS) to the court at the time of an offender's sentencing hearing. Victim Impact Statements ensure that victims will have a true "voice" for their desires at the time of an offender's sentencing hearing. The specialists give impact statement forms to victims, help them fill out these forms when necessary, and ensure that completed Victim Impact Statements are distributed to the court and the parties/litigants. Specialists also meet with victims to answer questions and encourage them to assist in prosecution. They also refer victims in need of services to advocates from community-based victim service agencies.

JOD greatly increased the workload of the specialists. Prior to JOD, two specialists were assigned to each of the three domestic violence courts. One worked with victims in court while the other staffed the office, making calls, sending letters, and putting copies of victim letters, impact statements, and evidence provided by victims into the case files. JOD expanded the number of courts to be covered by adding the DVCC. Because JOD expanded the number of courts to be covered by adding the DVCC and felony preliminary hearing courts, two additional courts required Victim Witness Specialists' attention.³⁵

The Witness Waiting Room opened in October 2000, providing a safe and private space for interviewing victims and included a specially-equipped area for their children. The room also offered a central location for all courts to reduce confusion on where to report and increase opportunities for specialists to offer assistance and information. Victims and witnesses scheduled to appear in domestic violence jury trials were subpoenaed directly to the waiting room rather than the courtroom. Initially used for misdemeanor cases, the room's use was extended to include victims and witnesses in felony cases and those appearing for preliminary hearings.

While the establishment of a victim waiting room adjacent to the courtrooms provided increased security and comfort for victims, it also resulted in a sixth location that needed to be staffed by the specialists. Records maintained by the specialists indicate that during the year from July 1, 2002 to June 30, 2003, a total of 5,110 persons were subpoenaed to the waiting room, and 1,799 used the room, including 69 children. During this period, 69% of the victims who were subpoenaed for preliminary hearings came to the room. In contrast, only 32% of the victims who were subpoenaed for jury trials came to the room. The two-thirds of victims that did

³⁵ In March of 2004, after a successful experiment in one domestic violence specialty trial court, all preliminary hearings for felony cases were moved to all three domestic violence specialty trial courts, thereby eliminating the coverage of an additional court. It is also hoped that a reduction in disposition time on felony domestic violence cases will result from this change.

not appear included victims who did not wish to participate in the trial, victims for whom there was no record of their current address or phone number, victims who wanted to participate in prosecution but were not able to appear, and victims placed “on-call” who were not expected to make an actual appearance in the waiting room until and unless the jury trial proceeded.

Victims were not subpoenaed for the hearing in DVCC. However, victim witness specialists staffed the court to identify victims who appear to observe the hearings, request modification of a no-contact order, or report violations of a no-contact order. At that time, the specialists explained the criminal court process, answered questions, and coordinated with advocates from Sojourner Truth House on victim service needs. If the defendant had been assigned to the Pretrial Monitoring Program, the victim was connected with the bail monitor. Between February 13, 2003, and December 25, 2003, specialists met with 481 victims appearing in the DVCC.

Similarly, review hearings added to the workload. Victim witness specialists appear at the monthly Probation Review Hearings scheduled for the court to which they are assigned. Although the number of victims who chose to attend these hearings was low, a specialist was available to answer questions or discuss any relevant issue with victims, including available referrals or resources.

As part of JOD activities, the probation department sought to establish contact with victims in domestic violence cases as soon as possible after sentencing to explain conditions of probation and review the no contact order if relevant. Because probation agents were experiencing difficulties establishing contact with victims because they may not have current phone or address information, the victim witness unit agreed to help by providing the latest contact information directly to the probation department. Beginning in February 2003, specialists prepared an information sheet on all probation cases for delivery to the probation department on a weekly basis. Between the start and the end of the year 2003, information was provided to the probation department on 1,050 cases. In addition, the specialists discussed contacts with the probation agent with victims when they were notified about the case disposition.

JOD funding did not expand the number of specialists. It is likely that the additional workload placed on specialists, as well as the built-in challenges of a generalized system of horizontal misdemeanor prosecution, contributed to some complaints about lack of support and information at the courthouse, voiced by victims during July 2003 focus group interviews. (See *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC).

OFFICE OF THE STATE PUBLIC DEFENDER

Attorneys from the Office of the State Public Defender and a group of contract attorneys from the community represent indigent defendants charged with domestic violence cases in Milwaukee County. Although representatives of the State Public Defender’s Office (SPD) were not involved in writing the grant application, they have been involved in JOD planning since notification of the award. Representatives from SPD attended all of the subcommittees and had the opportunity to voice their concerns. SPD raised issues concerning the protection of their clients, particularly during the pretrial phase. Their input helped JOD balance increasing offender accountability with protecting the rights of the accused.

Because the judiciary serves as the focal point of a Judicial Oversight system model, the presence of defense counsel at meetings eliminated the potential of ex parte communication issues for judges and prosecutors. Throughout the tenure of JOD in Milwaukee, the SPD was engaged as a full partner and made important contributions to JOD improvements to the processing of offenders through the Division of Community Corrections (probation and parole) of the Wisconsin Department of Corrections during the JOD initiative.

Probation review hearings created uncompensated work for the SPD. Wisconsin State statute does not allow the SPD to represent the defendant post-sentencing unless the probation agent expresses an intention to revoke an offender's probation or parole status. However, the SPD representatives were extremely concerned that clients appearing before a Judge for a probation status review hearing might require legal representation, even without a probation agent's intention to revoke. To ensure access to legal representation, an SPD representative attended review hearings in case a defendant needed an attorney.

Because public defenders' cases are assigned a weighted fixed-point value for case completion, JOD probation review hearings resulted in added responsibilities without any added point value compensation for individual public defenders. In cases where the State Public Defender system appointed private bar attorneys to represent offenders, the SPD private bar attorney were paid a fixed flat fee per case. Thus, when SPD appointed private bar attorneys appeared at probation review hearings, the additional required work was not compensated.

During JOD, 18,023 domestic violence cases were represented by the public defenders office. The number of cases per year averaged just over 3,600, declining from 3,914 in 1999 to 3,205 in 2003. The decline in 2003 followed cuts in agency staffing. During these years, however, the percentage of indigent IPV defendants needing representation increased. As a result, the workload per attorney increased.

DEPARTMENT OF CORRECTIONS, DIVISION OF COMMUNITY CORRECTIONS

The Division of Community Corrections (DCC) of the Wisconsin Department of Corrections (DOC) provided probation supervision for domestic violence offenders sentenced in the Milwaukee Circuit Court. The department is part of a statewide corrections department and is independent of the courts. At the start of JOD, there were over 350 probation field agents in the Milwaukee County Region. A majority of them carried general caseloads that could include domestic violence offenders. The number of probationers at any point in time was approximately 19,000, and agents supervised an average of 60-80 active cases.

All probation agents employed by DCC received a brief introduction to domestic violence during their initial job training. Each of the six regional division offices had at least one domestic violence specialist on staff who received additional, specific training on domestic violence including appropriate supervision methods, procedures for interacting with victims, and information on community resources and programs. These specialists served as consultants to other agents managing domestic violence offenders or domestic violence issues among clients. These agents also worked on regional policy development and on the training of other probation agents in the supervision of domestic violence offenders.

Prior to JOD, the regular interactions between the court and probation agents were limited. A Probation Department Specialist from the division was assigned to the Office of the

District Attorney two days per week to review files, cross reference protection orders, and identify domestic violence offenders on probation who were arrested and charged with new offenses. Review hearings of noncompliant probationers before trial judges were infrequent as most agents initiated the revocation process when indicated.

JOD PROBATION SUPERVISION OF DOMESTIC VIOLENCE OFFENDERS

Initially, the division received JOD funding for two agents assigned to the DVCC for pretrial monitoring. As discussed above under the courts section, funding for the pretrial monitoring was shifted to the court at the end of June 2002. As a result, the changes in probation supervision introduced by JOD involved shifts in policies and practices without additional funds.

In Milwaukee, the probation department became an active partner in the JOD network, resulting in a number of significant changes in the supervision of IPV offenders. Senior division staff participated actively in JOD planning and management meetings and appeared at many review hearings. Probation agents regularly monitored compliance of IPV probationers by: 1) establishing regular contacts with BIP providers to monitor probationer entry, attendance, and participation in developing standardized reporting forms for recording BIP status, 2) preparing and submitting reports on probationer compliance to the court prior to review hearings, and 3) attending their clients' review hearings. The result was increased offender accountability in the face of large caseloads, lack of automation, and bureaucratic hurdles.

Agents adopted the following procedures for supervising domestic violence probationers. At the initial probation meeting, the probation agent completed an assessment, determined the kinds of services required, and referred the offender to a specific BIP. Based on the assessment, additional requirements not mandated by the sentencing judge could be imposed by the agent. Agents monitored compliance with requirements through office or other face-to-face meetings with the offender, calls to the victim, checks with the service providers, and other collateral contacts. As always, agents had the authority to issue an immediate warrant for the probationers arrest authorizing detention of the probationer. Agents called the BIPs to verify attendance and program status the week before a review hearing. However, agents requested immediate notification from the BIP if a probationer violated any treatment requirements.

Early in the week of a scheduled probation status review hearing, agents completed a court report (using word processing) and emailed it to the trial court. The reports followed a specified format adopted as part of the Probation Review Protocol and were sent to the court. Copies were given to the Judge, Assistant District Attorney, and defense attorney (either to defense counsel or directly to the pro se defendant). The reports contained information on participation in BIPs, results of any drug tests, payment of fees, and compliance with all other conditions of probation. The supervising agents (or substitutes if necessary) attended all review hearings.

A description of the domestic violence offenders supervised by probation agents in 2002 is shown in Table 3.8. Of the 1,480 domestic violence probationers supervised in 2002, most (78%) were on probation for a single charge and sentenced to an average of 20 months probation. The minimum probation sentence increased with the number of charges from a minimum of two months for one charge to a minimum of 12 months for three charges. However,

the average time sentenced to probation increased only slightly with the number of charges (i.e., from an average of 20 months for one charge to an average of 28.33 months for three charges).

Table 3.8. Duration of Probation Supervision of IVP Offenders³⁶ Placed on Probation: January 1, 2002, through December 31, 2002 (n=1,480)

Sentenced to Probation for 1 Charge	1,152
Average Months On Probation	20.0 ³⁷
Range Of Months On Probation	2 - 72
Sentenced To Probation For 2 Charges	267
Average Months On Probation	24.5
Range Of Months On Probation	6 - 66
Sentenced To Probation For 3 Charges	61
Average Months On Probation	28.3 ³⁸
Range Of Months On Probation	12 - 60

Source: JOD Case Tracking System

The Division of Community Corrections had to overcome several serious challenges in implementing JOD. These included:

Staff resistance. At the start of JOD, many agents were unhappy about the requirement to attend probation status review hearings. They objected to having to appear in court on Friday afternoons and resisted the extra work required by the probation status review hearings and accompanying court reports. Agents were also concerned that the probation status review hearings were designed to supervise their work and that they would be openly chastised when probationers failed to comply with court and probation orders. However, initial resistance to the additional work requirements and the inconvenience of appearing at Friday afternoon probation status review hearings dissipated as agents came to appreciate the judicial support of their supervision efforts and endorsement of their authority.

Training requirements. Although files of offenders from the domestic violence courts were clearly marked as such when assigned to probation, cases were often assigned to agents with general caseloads because there were not enough specialized agents to handle all such cases. Consequently, over 350 agents needed to understand and apply the intensive monitoring procedures developed under JOD. Relatively high staff turnover among agents required ongoing efforts to ensure that all of them understood the new procedures and protocols. The division did not receive JOD funds and did not have additional resources for specialized training. During JOD, the Milwaukee District Attorney's Office, in conjunction with the Task Force on Family Violence, conducted training for probation agents on investigation strategies for agents in order

³⁶ Offenders on probation could be sentenced to straight probation, jail and probation, prison and probation, or jail and prison and probation. Offenders were sentenced for up to four domestic violence charges. All offenders guilty on three or more charges were sentenced to some straight jail or prison time.

³⁷ One offender was sentenced to 180 months of probation. Since this was clearly an outlier, this case was removed when calculating the mean. By removing this case, the mean did not change significantly (from 20.14 months with the outlier to 20.00 months without the outlier).

³⁸ One offender was sentenced to 240 months of probation. Since this was clearly an outlier, this case was removed when calculating the mean. By removing this case, the mean changed significantly (from 31.74 months with the outlier to 28.33 months without the outlier).

to help them prepare better for revocation hearings.³⁹ Additional training was provided with JOD technical assistance funds.

Automated tracking. The statewide-computerized data system used by the Division of Community Corrections did not contain a field that could be used to meet the local need for a flag identifying the JOD offenders and modification of this system to meet local needs was not possible. The division lacked the tools to assist in managing this small subset of their typically large caseloads. It also lacked other relevant information on prior domestic violence probation violations and revocation proceedings.

Recidivism Checks. The division had to rely on hand checking of arrest and court records to identify which JOD offenders had been rearrested or charged with new offenses. The division assigned one or two liaison agents to this task, but the position was chronically understaffed, compromising the certainty of detecting new offenses.

Information on Compliance with Requirements for Batterer Intervention. The division needed to develop procedures for receiving up-to-date information from BIPs for inclusion in the review hearing reports. Problems were both logistical (as noted above, there were over 350 field agents involved and multiple BIPs) and substantive (involving negotiations over what information could and should be shared).

Despite these challenges the division has made considerable progress and became a central partner in new JOD procedures. In focus groups with victims conducted in mid-2003, victims were enthusiastic about the help they received from probation and viewed probation's intervention very positively (see findings from Milwaukee victim focus groups in *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC.).

However, the division struggled with several difficult issues around the supervision of domestic violence offenders. These included protocols for victim contacts, recommendations on revising no contact orders, and when to end probation supervision.

Victim Contacts. Prior to JOD, the probation department had written protocols for victim contacts but the protocols did not address domestic violence victims specifically. As part of JOD, the probation department wanted to start contacting victims on a regular basis to explain the conditions of probation to the victim, review the no contact order (if one existed), notify victims of the next court date, and provide victims with domestic violence community resource referrals. In addition, probation agents reported that victims often called them, rather than the police, to report new incidents or to request changes to the no contact order. Establishing protocols for contact that would protect the victim was challenging and the department requested and received JOD technical assistance in this area. Written protocols addressing best practices for contacting domestic violence victims were finalized in March 2004 after 16 months of hard work on their development. In an effort to facilitate early and timely victim contact by the assigned agent, Victim/Witness Specialists in the District Attorney's Office regularly submit victim contact information to the Probation department as soon as possible following sentencing on a probation case. Information was provided in over 1,000 cases in the last six months of 2003.

³⁹ In total, 80 probation and parole agents attended this training. Because of the overwhelmingly positive feedback, plans to expand the training to include more attendees and more topics are forthcoming.

Recommendations on Lifting No Contact Orders. During JOD, no contact orders were included as a bail condition at the initial hearing of IPV cases and as a condition of probation for offenders sentenced to probation on IPV charges. However, in many cases (exact percentage is unknown) victims requested that the order be lifted or modified, particularly when there were children in common (see findings from Milwaukee victim focus groups in *Victim Experiences in Milwaukee Three Years After the Implementation of the Judicial Oversight Demonstration Initiative*, 2003, The Urban Institute, Washington, DC.) Discussions on this issue continue, and Milwaukee has instituted avenues for having a no-contact order lifted.⁴⁰ As the process has become more formalized under JOD, agents had the option of asking victims to put their request for lifting a no contact order in writing and were expected to consider factors such as the attitude of the defendant and his compliance with BIP requirements before proceeding. If appropriate, the probation agent would negotiate a no violent contact agreement signed by all parties. Agents may have been caught in the middle as victims and offenders pressed for changes.

Deciding When to End Supervision. An important issue for probation agents and judges is deciding when supervision should be ended and who should be authorized to make such a decision. Concerns were raised that defense attorneys were requesting early termination of probation in some cases and probation agents were not voicing objections. As a result, in June 2002, probation reminded agents that the department had an administrative process for early discharge and that most domestic violence offenders would not meet the criteria.

LAW ENFORCEMENT AGENCIES

The large majority (approximately 85%) of the domestic violence cases appearing in the Milwaukee County Circuit Court originate in the City of Milwaukee. Since the late 1980s, the Milwaukee Police Department (MPD) which has operated under a mandatory arrest policy for domestic violence, required officers to call the Sojourner Truth House domestic violence hotline at the time of an incident,⁴¹ and provide victims with written information regarding community resources at the time of an incident. All MPD officers receive training on handling domestic violence calls at the Academy and at regular in-service training sessions. MPD maintained a police liaison in the District Attorney's Office and collaborated with the office on the investigation of cases, although a lack of resources meant that follow-up investigation on misdemeanor domestic violence cases was often difficult to obtain.

In 2000, about 12 percent of domestic violence arrests in Milwaukee County came from police districts outside the city limits, most from the West Allis Police Department (WAPD). Prior to Milwaukee receiving JOD funds, WAPD collaborated with both the District Attorney's Domestic Violence Prosecution Unit and MPD's Sensitive Crime Unit in an effort to enhance its domestic violence investigations.

⁴⁰ The judge has the final say in whether a no-contact order would be lifted; however, the judge relies heavily upon the recommendations of the probation agent. Sometimes, as a condition of probation, the judge leaves the modification of the no-contact order up to the probation agent's discretion, provided the victim has requested the modification.

⁴¹ In reality, statistics collected on police phone calls to the domestic violence hotline show that officers usually call the hotline at the end of their shift, instead of calling the hotline from the scene.

The JOD Domestic Violence Crisis Response Unit

One of the core components of the proposed plan for JOD in Milwaukee was a Domestic Violence Crisis Response Unit (DVCRU), in which the police and crisis response advocates worked together to facilitate victim services at the time and place of an incident. The plan required the police to call the advocate after responding to an IPV call and wait for the advocate to arrive on the scene. DVCRU was designed to reach victims at the time of an incident since many victims did not receive any offers of assistance until (and if) they were contacted by court-based advocates or victim/witness specialists unless the officer called the hotline from the scene and the victim spoke with the hotline advocate. For some years, advocates working for the hotline maintained by Sojourner Truth House had received calls from the police notifying them of an incident, calls were sometimes made after leaving the scene; other times, the victim did not wish to talk at the time and attempts at follow up calls were not always successful. As a result, most victims did not talk with advocates immediately after an incident. The goal of the DVCRU was comprehensive advocacy, including assuring the victim's physical safety, tending to medical and shelter needs, and turning to additional advocacy such as describing legal options and making referrals to appropriate service agencies. Once the crisis assistance was provided, DVCRU advocates provided supplementary and follow-up services for up to six months.

The DVCRU began operating in September 2000 as a pilot program in Police Districts 2 and 3, employing seven advocates working for the county. DVCRU advocates experienced success in contacting victims and believed that victims benefited by having an early understanding of the court process and the services available to them. However, it became obvious almost immediately that MPD, facing great pressure about slow response times in high crime neighborhoods, was reluctant to provide officer time for the project. Because follow up police investigations were assigned to detectives, the responding officers were expected to leave the scene as soon as possible to handle other calls and not wait to protect advocates who were called to assist the victims. Concerns for advocate safety led JOD to suspend on-scene response by advocates in February of 2001. The staff of seven advocates was reduced to two advocates who continued to contact victims by telephone and make referrals for services as needed.

In July of 2001, the West Allis Police Department introduced an on-scene advocacy outreach modeled on the DVCRU. During the start up phase, DVCRU advocates provided crisis response services in West Allis. DVCRU advocates worked in conjunction with WAPD officers. In the meantime, WAPD submitted its own grant to Wisconsin State Violence Against Women Office and received funding in July 2002 for one victim advocate position. Upon receiving this funding, the JOD crisis response advocates returned to Milwaukee and conducted victim follow-up work there. The unit was subsequently disbanded in March 2002 due to JOD budget cuts and, in the absence of on-scene crisis response, DVCRU services such as referrals were available through other programs. In addition, MPD was working to put together a Family Violence Unit, which may have provided crisis intervention in serious domestic violence cases.

MPD Family Violence Unit

In April 2002, MPD announced plans for a Family Violence Unit (FVU) within the Sensitive Crime Division to support enhanced investigation of serious domestic violence cases and provide immediate services to victims. Previous resistance to creating a specialized unit

within MPD focused on the concern that the officers in the unit would have a lot of “down time” because the original proposal was to respond to intimate partner violence victims only. To address this concern, the unit covered all types of domestic violence, including IPV, child abuse, elder abuse, and other types of domestic violence crimes. Work began on policies, procedures, and training. The unit officially opened in January 2003.

Before the Family Violence Unit officially opened in January of 2003, the entire Family Violence Standard Operating Procedures were revised and updated to reflect the latest police investigative techniques from across the country. A multi-disciplinary team of law enforcement officers, prosecutors from the District Attorney’s office, JOD project staff, and advocates from the community participated in the development of the procedures.

The FVU is called to respond to a domestic violence call when one of the following criteria was met:

1. Domestic violence incident and substantial battery occurred (felony);
2. Domestic violence incident and a child is injured during incident;
3. Domestic violence incident involving offender strangling victim;
4. Domestic violence incident and offender is in hostage-taking conduct;
5. Domestic violence incident in which weapon was brandished or displayed;
6. Domestic violence incident and offender is threatening suicide;
7. Domestic violence incident and determination is made that stalking behavior is present;
8. Repeat violations of protective order where respondent is not in custody;
9. Domestic violence incident and victim is vulnerable because of age, disability or pregnancy; or
10. Any domestic violence incident as determined necessary by the shift commander.

JOD funds supported a full-time Domestic Violence Liaison (DVL) within the FVU. The term “liaison” was used in lieu of “advocate.” The police department did not wish to confuse victims in terms of the privilege of confidentiality, which a victim enjoys from a community advocate. Because the Domestic Violence Liaison is an employee of the Milwaukee Police Department, liability issues were considered. As a matter of MPD policy, it was determined that a victim’s communications with the Domestic Violence Liaison would not be confidential. Lack of confidentiality was explained to victims.

The Family Violence Unit Liaison works from 12 pm - 8 pm and is able to respond to IPV calls after the Family Unit officers respond and the suspect is in custody. In addition, responding officers often referred victims to the liaison after an incident for follow up services. The DVL was able to establish working relationships with the District Attorney’s victim/witness specialists, probation, and the private/non-profit providers. This greatly enhances the extent to which the DVL can link victims to other sources of assistance.

The following procedures were established for dispatching the FVU. First, the Police District supervisor calls the FVU immediately after an initial response by district officers and photographs by a district sergeant. The FVU responds by collecting physical evidence, interviewing witnesses, including children, and calling the hotline to report the incident. If the suspect is in custody, the DVL responds to offer crisis intervention to the victim (Table 3.9).

Table 3.9. Program Activity for the Milwaukee Police FVU Domestic Violence Liaison (DVL): March 2003 through November 2003

Services	Number
Victims Referred To DVL	144
Victims Contacted By DVL	118 (82%)
Community Referrals Given To Victims	103
Follow-Through On Community Referrals By Victims	94 (91%)
Average Number Of Community Referrals Per Victim	0. 87

Source: Data are from the DVL monthly JOD report

Initially, referrals to the DVL by District and Sensitive Crime Division officers were low: only between eight and twenty-two per month from March through October 2003. However, after a concerted effort was made by staff of the Family Violence Unit to reach all district officers to let them know about the DVL position, referrals increased nearly 200% beginning in November 2003. By the end of 2003, the liaison was receiving almost 70 victim referrals per month from across all districts at MPD and was able to make contact with 82% of the victims referred. One of the most important functions of the DVL is to connect victims with community resources very quickly. Those victims served by the DVL connected with social services agencies at a high rate. Ninety-one percent of victims actually followed through on referrals made to them by the DVL.

Throughout JOD, the MPD devoted resources to improved evidence collection to support prosecution. MPD developed procedures for responding to requests from prosecutors for photographs of injuries and damages and in January 2002, the taking of photographs in domestic violence cases became a standard operating procedure.

COMMUNITY-BASED SERVICE PROVIDERS

Four non-profit, domestic violence providers were active in JOD at the start of the demonstration project: Task Force on Family Violence, Milwaukee Women's Center, Sojourner Truth House, and Asha Family Services. Collectively, they delivered a broad range of victims' services and operated all the BIPs used by the court for years. Despite the rich array of services for victims, there were gaps and unmet needs. Many victims were not ever in contact with service providers, while others were confused by the array of providers in the community and did not understand how to seek services. Programs for batterers were in short supply and did not match the diverse language and cultural needs of the offenders coming through the court. Moreover, compliance with court orders to attend BIP was poor, with more than half of the offenders failing to report for an intake interview as ordered by the court. With few slots available and poor compliance, the average time from date of offense to program enrollment was over nine months. The long lapse between sentencing and program enrollment meant that few probationers actually completed their BIP requirement. Most of the referrals into BIP were part

of a criminal sentence and were managed by probation agents. However, reports concerning progress in BIP were not routinely given to probation and procedures for such feedback varied considerably among the four BIPs.

The JOD planners identified the following gaps and proposed funding the four non-profit agencies to provide needed services:

- Additional services to victims and offenders. This included hiring additional staff, expanding victim support programs and increasing the capacity of the BIPs;
- Immediate referral and entry to a BIP for convicted batterers and regular monitoring of attendance and progress in the program by probation agents;
- Development of standard administrative procedures and minimum certification standards for all four BIPs; and
- Procedures for accepting clients into BIPs during the pretrial period, including incentives to encourage defendants to choose this alternative (e.g., DPAs).

JOD funded the four community service agencies to provide specific services to improve the coordinated community response to domestic violence. Each organization submitted a yearly proposal requesting support for services as a JOD partner. The proposals were reviewed and accepted by the Project Director's and the Chief Judge's Office, and contracts were executed between the county and the requesting agency. The amount of funding received and the services to be offered as a result of the funding varied from year to year as the project evolved.

The Task Force on Family Violence of Milwaukee, Inc.

The Task Force on Family Violence, founded in 1975, is a 501(c)(3) non-profit organization providing legal and employment advocacy, batterers' education, and public policy advocacy on issues of domestic violence. Its pre-JOD services included:

- **Legal Advocacy Program:** Task Force staff helped victims obtain the legal protection of a restraining order. Staff also assisted victims in completing forms, assisted in court at injunction hearings, and provided safety planning and safety checks.
- **Legal Emergency Assistance Project (LEAP):** Legal Action attorneys represented family violence victims in emergency legal proceedings related to violence. Community Resource Advocates assisted with in-depth safety and resource planning and ensured a victim's other social service needs did not interfere with the success of her legal proceedings.
- **Children's Advocacy Project:** This program provided direct support to children who witnessed or experienced abuse and teen victims of abuse and their families similar to the services in LEAP.
- **DAIP: The Domestic Abuse Intervention Project for Adults:** This program provided 18-weeks of batterer education to abusers, many of whom were referred by the court.
- **Employer Bridges:** LEAP advocates assisted clients on an individual basis to identify work-related problems and provided solutions for both the survivor and the

employer. Advocates called the employer to discuss the employees' immediate needs such as missing work due to court appearances or the need to obtain shelter, health care, and childcare arrangements.

- **When Family Violence Comes to Work:** Half-day seminars designed for managers, human resource professionals, and security staff discussing the dynamics of family violence, how to recognize signs of abuse in employees, and how to identify options for approaching and assisting employees with the problem.
- **Community and professional trainings:** Presentations were given about family violence reaching more than 1,000 people a year.⁴²

In MOUs with the project, Task Force laid out the following goals:

- provide LEAP services to additional victims each month (to increase from 200 annually prior to October 2001 to 1200 annually thereafter);
- offer victims after hours and weekend restraining order assistance (200 per year reduced to 5 per month in October 2001, discontinued due to low usage);
- provide safety and resource planning and screening for legal emergency assistance to 400 victims;
- aim to ensure that 90% of the temporary restraining order requests were granted with 40% obtaining permanent orders;
- initiate follow up services by phone with restraining order clients (effective October 2001);
- provide BIP to 400 perpetrators annually.

Using JOD funds, the Task Force on Family Violence expanded its Legal Emergency Assistance Project (LEAP) and Courthouse Advocacy program for restraining orders by adding two half-time staff trained in both programs, offering services during evenings and weekends and at offsite locations. However, as was previously discussed, these services were discontinued due to implementation problems. The Task Force also expanded the scope of legal advocacy services to include taking digital photographs of injuries and distributing bus tickets, phone cards, and gift certificates to victims in emergency situations.

Court records show that the number of temporary restraining orders (TROs) rose during JOD averaging between 400 and 500 per month, despite a few months when fewer orders were issued (Figure 3.4). A large portion of those seeking TROs receive assistance from LEAP and other statistics (not shown) indicate that about 90% of the requests are granted. However, the percentage of “permanent” orders, which follow temporary restraining orders, remains low. Although the exact percentage is not shown due to the lag between the temporary and permanent order, it appears that permanent orders are issued to less than a quarter of those victims obtaining temporary orders.

⁴² The data collected for the evaluation on Task Force activities were not designed to measure these outcomes, but rather to document the level of direct services provided to victims and offenders during JOD as measured by monthly statistics from the court on restraining orders and the DAIP program on batterer treatment caseload and services.

Figure 3.4. Number of Temporary and Permanent Restraining Orders Issued by Month

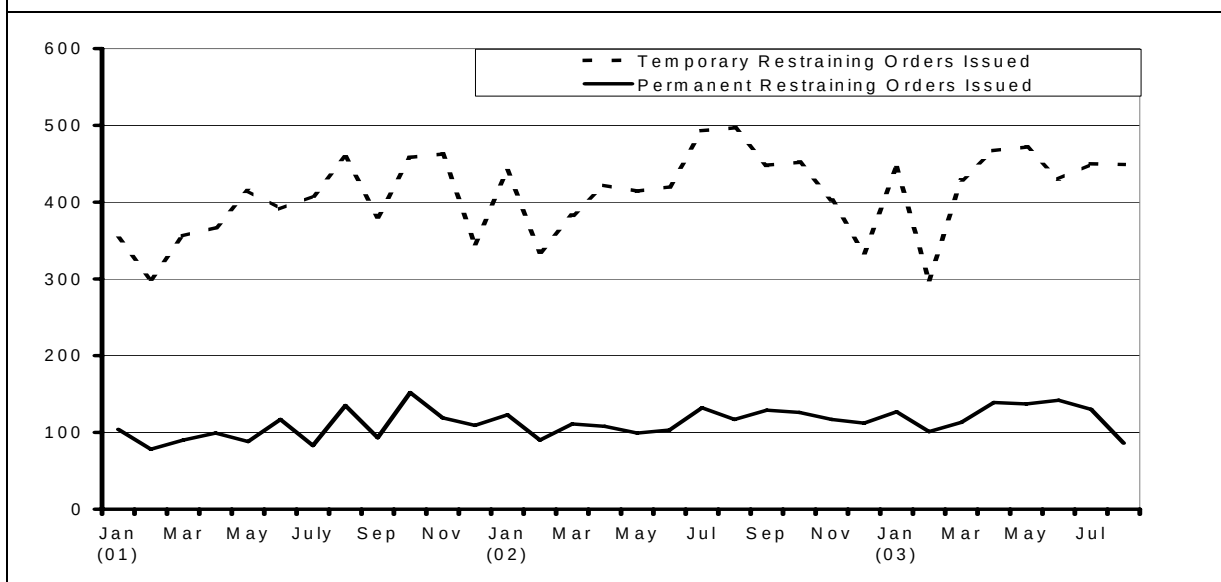
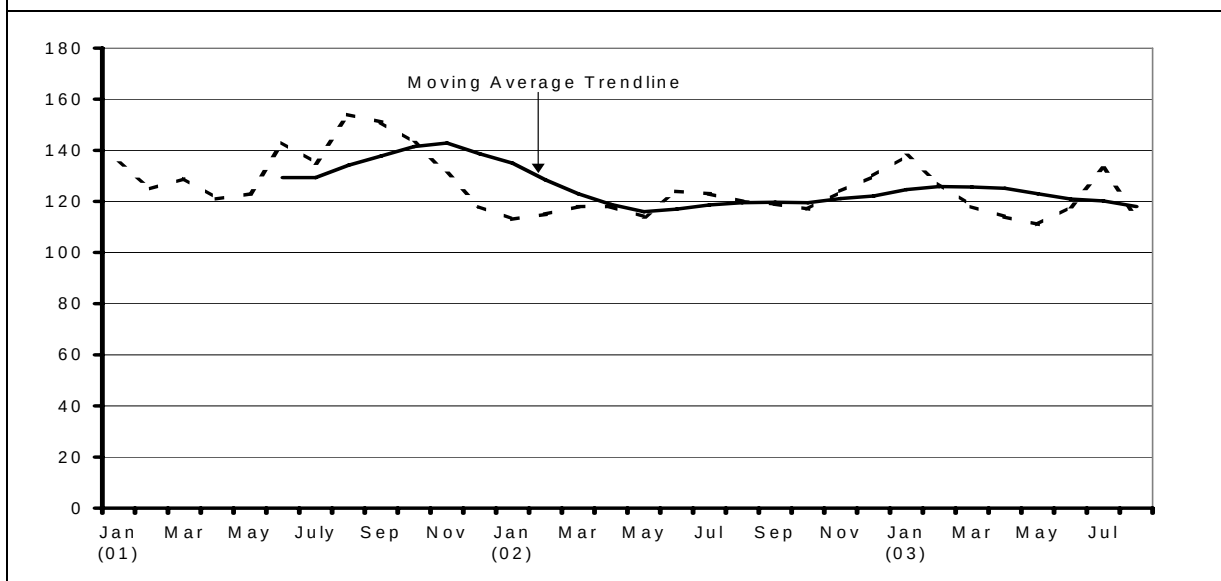


Figure 3.5. Number of Active Clients in Domestic Abuse Intervention Project by Month



During JOD, the Task Force added four BIP groups to their Domestic Abuse Intervention Program and began using "Stages of Change"⁴³ interventions, and gender specific groups. Figure

⁴³ *Stages of Change*, developed by James Prochaska and Carlo DiClemente, is a transtheoretical framework for understanding how people change. It has been widely used to explain how people overcome certain negative lifestyle behaviors, such as smoking or weight loss, and includes a 5-stage continuum of behavior change beginning with precontemplation (person does not recognize the behavior is a problem), to contemplation (sees the problem and begins thinking about change), to preparation (making a plan to change), to action (proactively changing

3.5 shows that the number of active clients in the DAIP increased during 2001, probably because of an increase in sessions offered. Once these sessions filled however, the number of active clients declined from a peak of a 143 to about 120. The decline and eventual stabilization of active clients may be due to an increase in the time probationers stayed in treatment, which would reduce the number of open slots.

Milwaukee Women's Center (MWC), Inc.

MWC was founded in 1980, as a private, non-profit, women and minority-governed organization to address family violence issues. The agency's mission is "to research, develop, and administer programs to end abuse." MWC provides prevention, intervention, and support services in the areas of family violence, homelessness, substance abuse, mental health issues, poverty, and maternal and child health problems. Victim services are concentrated in the areas of domestic violence, mental health, substance abuse, and maternal and child health care. Its pre-JOD Services included:

- **24-hour Refuge:** Emergency shelter for battered women and their children.
- **24-hour Crisis Line:** Information, crisis counseling, and referral.
- **Second Stage Program:** Services to help homeless clients achieve economic independence, safe and stable housing.
- **Older Abused Women's Program:** Case management/support groups for women 50+ years old who are being abused by their partners or adult children.
- **Community Education:** Education, training, materials, and curriculums on abuse and related issues.
- **Behavioral Health Clinic:** State certified outpatient mental health clinic specializing in services to victims and perpetrators of family violence, sexual assault, child abuse, substance abuse, and mental health.
- **Family Intervention:** Home-based, family-focused alcohol and other drug abuse counseling and case-management, specializing in African American and Hispanic families.
- **POWER Program:** Case management promoting healthy drug- and alcohol-free mothers who can care better for their own health and that of born and unborn children.
- **Birth to Three:** Home-based assessments, case management, and intervention services.
- **NEVERMORE Program:** Originally, a 16-week BIP (12 group sessions and 4 individual sessions operating from an integrated treatment model blending cognitive-behavioral, feminist, solutions-focused, experimental and intra-psychic factors. The program changed to a 20 week, educational model program during JOD.

behavior) to maintenance (maintaining behavior change over the longer term). Many batterer intervention scholars and practitioners have adopted the *Stages of Change* model.

For JOD, MWC hired a full-time case manager to assist the underserved population of older abused women in Milwaukee County. The goal was to expand case management services to this older population and add an evening support group for older abused women. Key strategies for case management included the following:

- Housing coordination.
- Ongoing consultation with physical and mental health providers.
- Coordination with elderly benefit specialists (social security) to meet immediate needs.
- Support group and individual counseling services.
- Building a peer support network including driving women to weekly groups, contacting victims outside of support group, and housing women for one to two days as respite from the abuser.
- Legal assistance regarding eviction proceedings, divorce, nursing home legalities and policy change.
- Caregiving through extensive cooperation with the local aging department and volunteer organizations.
- Court support for women whose partners or adult children are involved in criminal cases or who need escort services for civil restraining orders.

The MWC Older Abused Women's Project was expanded by adding a full-time case manager and one evening support group. As a result, the program's caseload increased during the third and fourth year of JOD, peaking at 60 in 2002 and over 75 in 2003 (Figure 3.6). More importantly, the number of women actively engaged in services doubled from an average of 15 in 2001 to 25 in 2002 and to 35 in the first half of 2003.⁴⁴

MWC planned to expand its BIP program, "Nevermore," to tailor BIP services to meet the needs of African American men, women domestic violence offenders, older adults who abuse their partners, and abusive adult children. The expansion was laid out in MOUs with the project and indicated plans to expand to ten groups. Due to low referrals, the expansion did not occur. In September 2003, MWC expanded its culturally focused BIP services for Latino offenders through a partnership with La Causa, Inc. and the United Community Center, both of which provide services to Milwaukee's Latino/a population. As Figure 3.7 shows, the number of active clients in the Nevermore program actually declined during 2002 before starting to rise to earlier levels in 2003. The decline can be attributed to staff changes and a change in its approach to BIP (i.e., from an integrated treatment model to an educational model).

⁴⁴ The data collected for the evaluation on MWC activities were not designed to measure these outcomes, but rather to document the level of direct services provided during JOD as measured by monthly statistics from the Older Abused Women's Program and from the Nevermore batterer intervention on client caseloads and services.

Figure 3.6. Number of Women Served by the MWC Older Abused Women's Program by Month

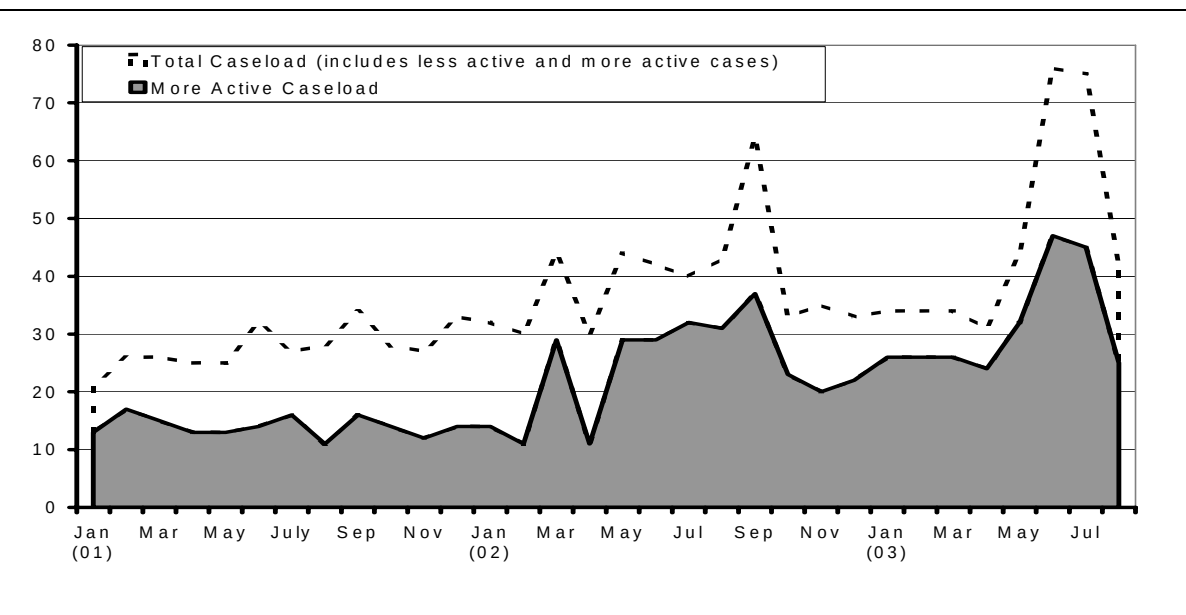
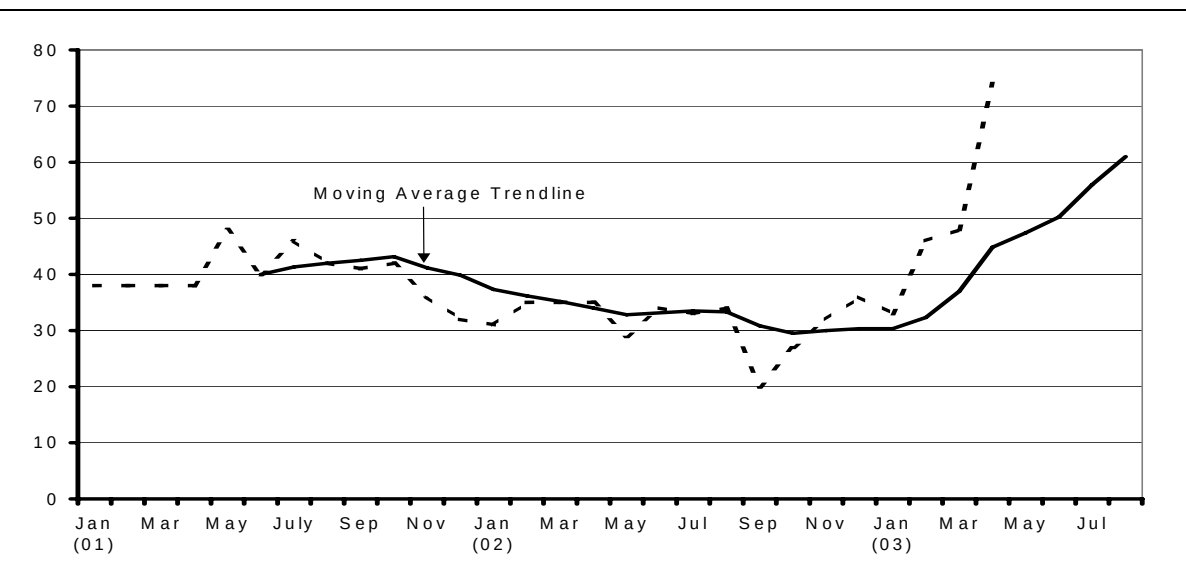


Figure 3.7. Number of Active Clients in Nevermore Batterer Intervention by Month



In MOUs with the project revised in January 2003, MWC agreed to:

- provide case management services to an additional 70 older abused women annually;
- provide an evening support group for older abused women;
- provide BIP services to 200 offenders annually (lowered to 175 in October 2001 and again lowered to 120 in January 2003);
- institute a Latino BIP facilitator training component and provide two BIP groups for Spanish-speaking offenders, starting in August 2003.

Sojourner Truth House

Sojourner Truth House opened in 1978 and was the first agency in Milwaukee County to provide shelter for battered women and their children. Its pre-JOD services included:

- **Sojourner Truth House:** 38-bed shelter, open 24 hours/day.
- **Belle Resource Center:** Additional programming and support groups for battered women in the Sojourner Truth House shelter, including children's programming (domestic violence survival skills) and an after-school homework tutoring program. The support groups are available to battered women in the shelter and for women in the community at large without charge.
- **Transitions Program** (funded by a HUD Continuum of Care grant): The program assists women who are homeless because of domestic violence and offers them self-sufficiency skills and permanent housing.
- **Job Readiness Training:** Job skills training program.
- **24-hour Domestic Violence Hotline:** Housed within the shelter, the 24-Hour Domestic Violence Hotline handles crisis, information and referral calls, as well as calls from law enforcement officers from throughout Milwaukee County. If officers call from the scene of an incident, hotline advocates may speak with victims at that time. The hotline also receives calls from the Milwaukee County Sheriff's Department regarding the imminent release of individuals taken into custody during domestic violence incidents. Hotline workers will then attempt to notify the victim. Based on information provided during the hotline call, advocates offer safety planning, community referrals and identify victims who may want additional assistance.
- **Domestic Abuse Victim Advocate office:** Located in the Office of the District Attorney and staffed by Sojourner Truth House advocates, this office helps women with the legal aspects of the violence, including notifying victims of charges issued and providing information about the criminal justice system and restraining order processes.
- **Community Education:** This program is designed to disseminate information about domestic violence, its effects, and the services offered by Sojourner Truth House.
- **Batterers Anonymous-Beyond Abuse (BA):** BA provides direct personal service through a 23-week closed program to batterers. BA teaches intervention strategies that help participants focus on two major areas: 1) recognizing physical abuse as but one of many forms of controlling behavior, and 2) emotional literacy.
- **Graduate maintenance group:** Support group for men who have completed the 23-week BIP.
- **Sojourner Truth House Volunteer Training:** Twice per year, a six-session volunteer training course is conducted over a six week span of time. It is typically attended by as many as 75 prospective volunteers, looking to learn about domestic abuse and get involved in the Milwaukee community.

Sojourner Truth House used JOD funding to enhance programming in two service areas. The agency added a Domestic Violence Hotline Liaison to link two of their existing services, the 24-hour domestic violence hotline and victim advocates stationed in the District Attorney's Office. The liaison evaluated hotline records and identified victims who might need or benefit from follow-up contact, attempted contact by phone, and provided services to those reached. In addition, staff devoted time to checking and maintaining records, exchanging information with other agencies, and providing training. Its BIP program, Batterers Anonymous-Beyond Abuse, added group facilitators, and a new intake worker, expanded the hours of current facilitators and opened program cycles. BIP improvements included expanded Spanish speaking sessions, translation of documents and brochures from English to Spanish, an additional women's program group, a graduate maintenance group, more co-facilitated group meetings, and participation enhancement (specifically help with transportation costs and a partner outreach program).

In MOUs with the project, Sojourner Truth House agreed to do the following between August 2000 and October 2001:

- receive 3,500 hotline calls;
- provide follow up services to 2,750 clients;
- provide advocate contact to 2,000 clients;
- provide advocacy services to 1,800 clients;
- refer 1,500 clients to community services; and
- provide BIP services to 75 additional offenders with JOD funding.

In October 2001, service delivery targets under a new MOU were specified as follows:

- Provide BIP services to additional offenders with JOD funding (340 new intakes, 315 BIP entries, 175 retained in program for 20 sessions, 150 program graduates);
- provide a graduate maintenance group for BIP graduates;
- identify 1,800 victims in need of follow-up contact and reach 1,000 of them;
- contact an additional 450 victims during non-business hours; and
- add a partner outreach program to assist victims of BIP participants (discontinued in 2004 due to low usage).

In January 2003 and 2004, earlier services were continued with the following changes in service delivery targets:

- provide follow up contact to victims who request it during hotline call; and
- provide BIP services to 260 offenders each year.⁴⁵

The hotline operated by Sojourner Truth House receives a large number of calls for service each month. Figure 3.8 shows that in 2001, the number of calls hovered around 1,400 per

⁴⁵ The data collected for the evaluation on Sojourner Truth House activities were not designed to measure these outcomes, but rather to document the level of services provided during JOD as measured by monthly statistics on client caseload and services from the hotline and from the Batterers Anonymous: Beyond Abuse program.

month. This number declined, along with the number of reported domestic violence incidents, during 2002 and the first half of 2003. It stabilized at about 1,200 calls per month.

Based on information provided during the hotline call, advocates identify victims who may want additional assistance. Figure 3.9 shows that the number identified for follow up contact rose during 2001 to about 200 per month and has remained at about that level. However, as indicated by figure 3.10 reaching victims for follow-up contact has not been easy. Even with the additional staff provided by JOD funding, only about a third of those targeted for follow up services could be contacted, well below its goal of 55.5%. Those contacted (about 60 to 70 per month) received information about criminal justice system options, safety planning and referrals for services, as needed.

Figure 3.8. Number of Active Clients in Batterers Anonymous-Beyond Abuse Batterer Intervention

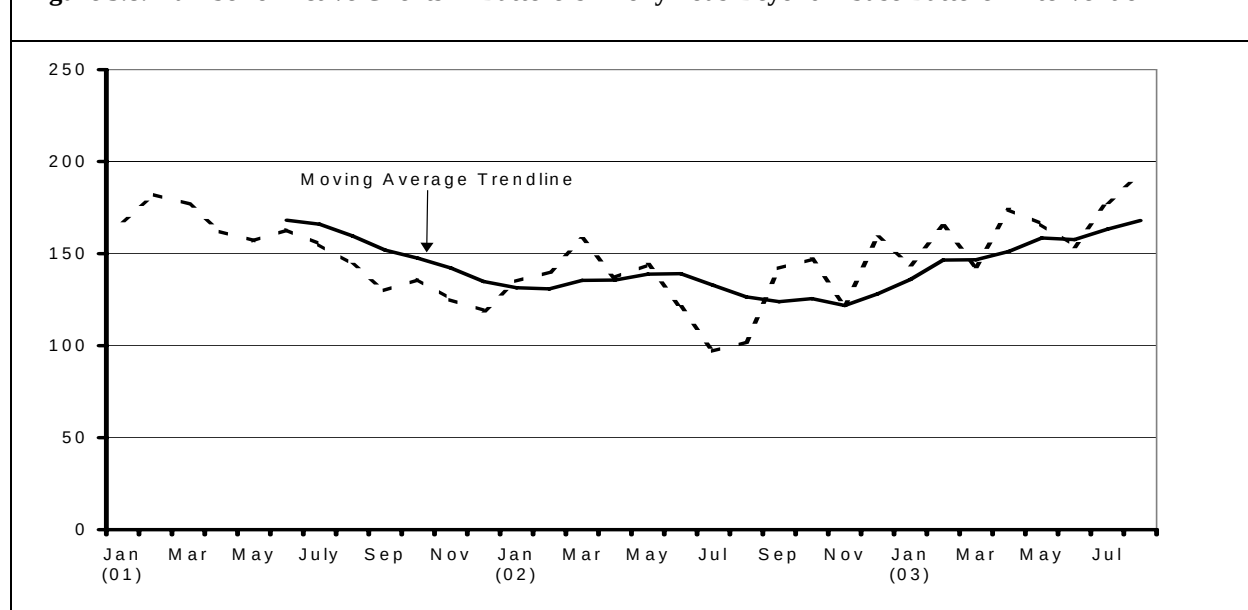


Figure 3.9. Number of Sojourner Truth House Hotline Calls by Month

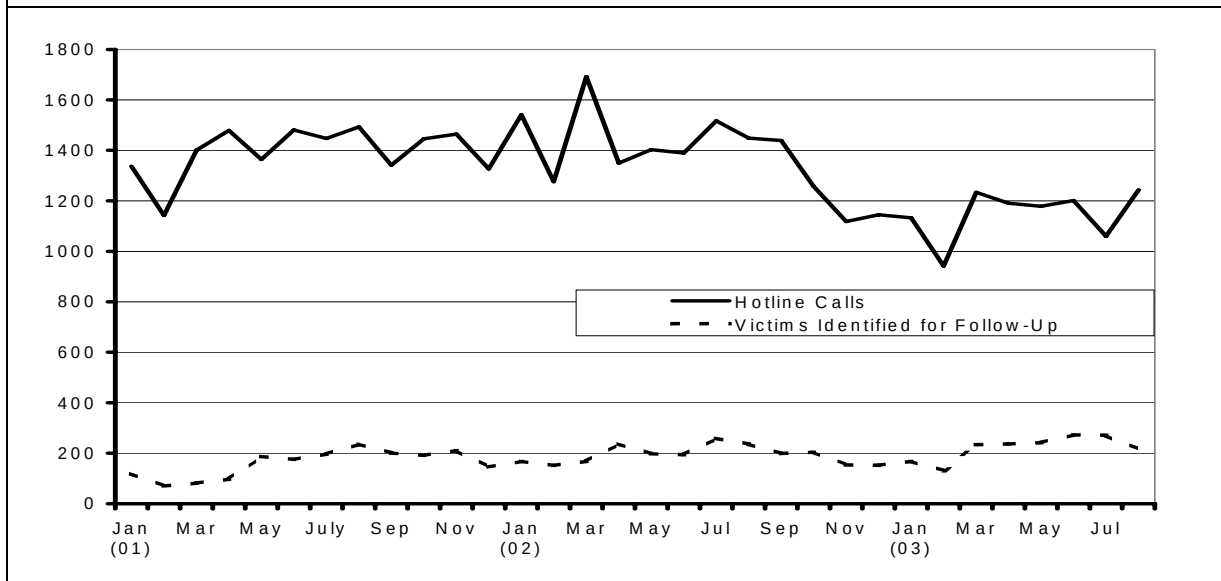
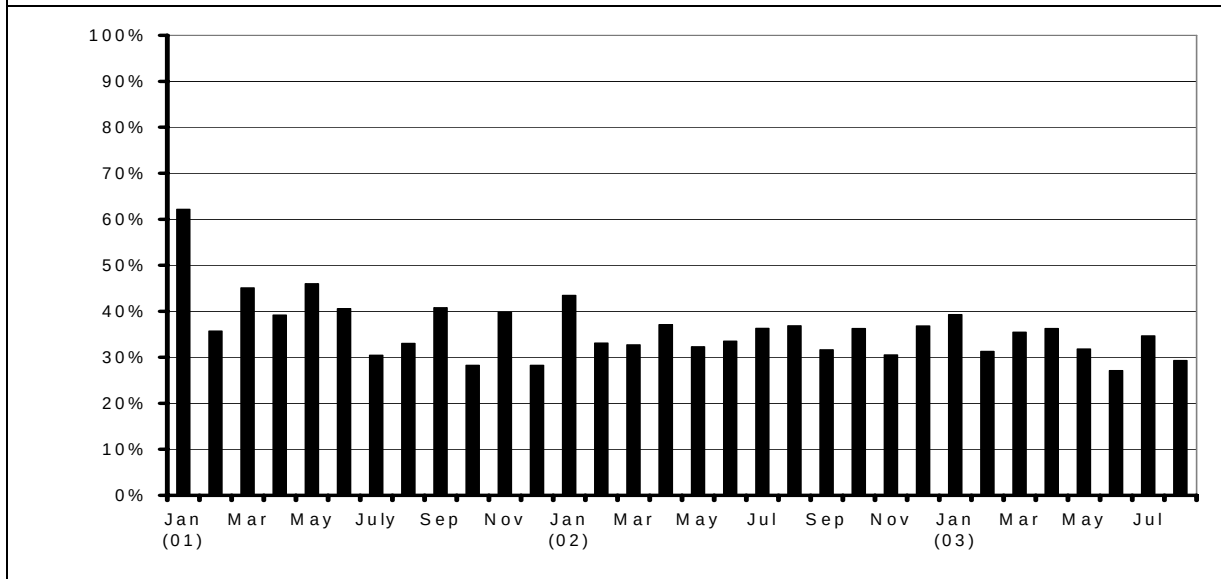


Figure 3.10. Sojourner Truth House: Percent Contacted for Follow-Up⁴⁶



A large number of offenders were enrolled in Sojourner Truth House's BIP, Batterer's Anonymous-Beyond Abuse. The number of active clients ranged between 97 and 193. As the moving average line in Figure 3.8 shows, the number of clients active in Batterers Anonymous-Beyond Abuse declined slightly during most of JOD, rising again in 2003 to reach the level of

⁴⁶ Percent contacted for follow-up equals the number contacted for follow-up divided by the number identified for follow-up.

2001.⁴⁷ The decline in active clients during 2002 may result from increased retention of probationers in treatment, decreasing the number of new openings.

Asha Family Services, Inc.

Founded in 1989, Asha Family Services, Inc. is a private, non-profit, spiritually-based, people of color-governed organization. Asha is committed to providing effective family violence prevention and education by employing culturally specific treatment methods. Its pre-JOD services included:

- **Asha Women of Color "Sister Circles":** A safe place to exchange ideas and experiences. Group meetings where feelings of friendship, sisterhood and trust among women of similar ancestry are fostered.
- **Ujima Men's Educational Program:** A 24-week, nontraditional abuser treatment program created by and for African American men.
- **Ujima, Jr.:** Alternative to Aggression Course for African American males between the ages of 13 and 17.
- **Fatherhood and Responsibility: Brother to Brother (BTB):** A stand-alone aftercare program of Ujima, designed specifically to address self-improvement and relationship-development of African American males.
- **Domestic Abuse DA's Office & Court Advocacy Program:** For a short period of time, advocates were located in the Milwaukee County Office of the District Attorney, Domestic Violence Prosecution Unit of the Criminal Justice Facility to offer a variety of services, from counseling to court accompaniment. However, due to management issues, Asha's services were discontinued in October 2000.
- **Community Education/Training:** Violence presentations for schools, churches, correctional facilities, etc. on issues of family violence and working with African American populations.

Using JOD funds, Asha added a full time victim services manager to be responsible for the victim services program accountability, coordination of the advocates providing weekend services, organization of staff training, and oversight of the accuracy of data reporting. Asha agreed to develop an automated record-keeping system and received technical assistance from the Vera Institute to assist them. However, the automated record-keeping system was never created. Asha expanded its BIP program, Ujima, by adding three part-time educators and three new groups. Due to problems in management, JOD funding for Asha was discontinued in October 2002.

During its participation in the project, Asha agreed to:

- provide advocacy services to additional victims annually (60 additional per year prior to October 2001 and 75 additional from October 2001 to October 2002); and
- provide BIP services to 170 offenders per year.

⁴⁷ Additional funding was provided by JOD in 2003 so that Sojourner Truth House could add two additional groups in order to alleviate system-wide waiting lists for BIPS.

The number of new clients entering Asha's BIP, Ujima, is shown in Figure 3.11. New admissions fluctuated greatly, with an average of 20 to 30 clients entering monthly. However, as Figure 3.12 illustrates, the average number of active clients in Ujima declined steadily during 2002. Again, the decline results from longer stays in BIP, which resulted from the increase in offender accountability and judicial oversight provided by JOD. The number of new openings may have thus declined, reducing the number of new and active clients. No statistics are available on victim services provided during JOD.

Figure 3.11. Number of New Clients Attending First Ujima Batterer Intervention Group

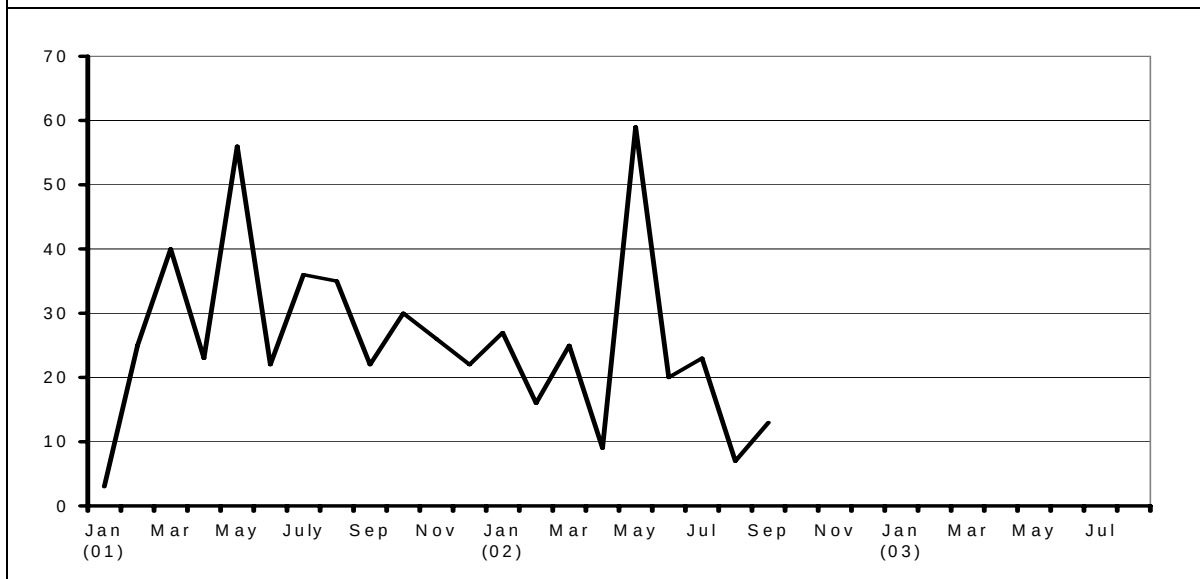
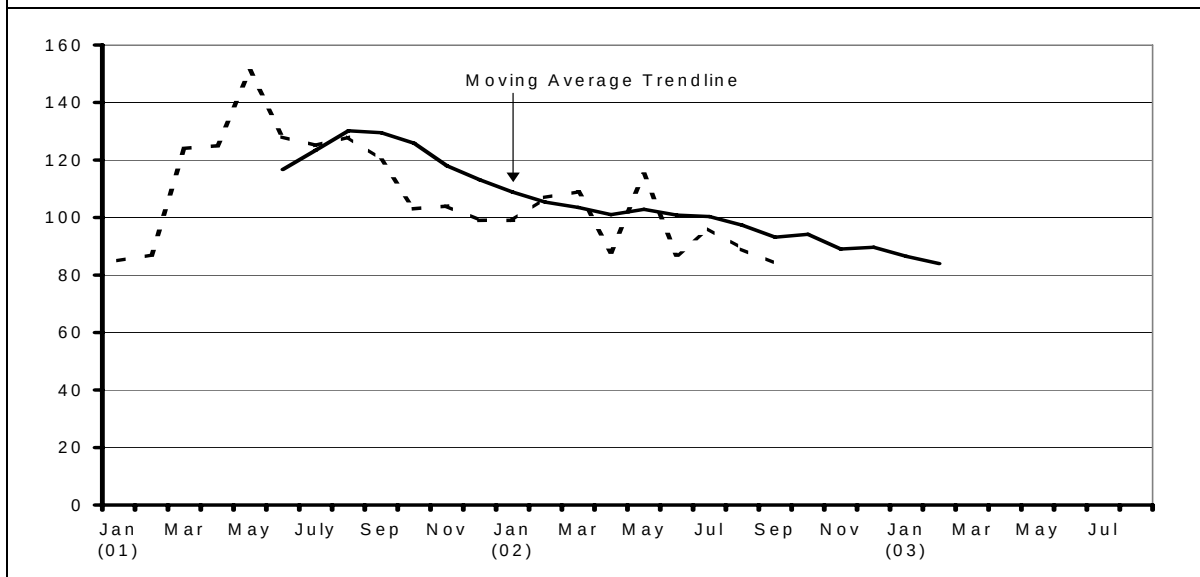


Figure 3.12. Number of Active Clients in Ujima Batterer Intervention by Month



BATTERER INTERVENTION SERVICES

The statistics on agencies providing services to offenders referred from Milwaukee's Circuit Court reveal the difficulty in expanding the number of available BIP slots. The following graphs combine the statistics from the four agencies, illustrating BIP services during JOD. During 2001 and the first nine months of 2002, there was a substantial gap between the number of court referrals and the number of probationers attending their first BIP session. While it was hoped that probationers would enter BIP shortly after sentencing, probationers usually had to wait for an intake appointment and opening. However, even with a time lag, the chart shows a persistent gap between referrals and treatment entry. Because the longest waits occurred among offenders referred to Ujima, the gap declined after September 2002. The number of offenders entering and graduating from BIP remained relatively steady during 2001 and the first nine months of 2002, declining slightly after Ujima services were no longer funded by (nor reported to) JOD (Figure 3.13).

In an effort to understand where problems were encountered, the following graphs look at the percentage of offenders referred to BIP who completed an intake interview (Figure 3.14) and the percentage of offenders referred to BIP who attended the first group (Figure 3.15). It should be recognized that these ratios do not capture the time lags that occur, but do show the general trends over time. Many scheduled intake interviews did not take place because offenders failed to show up for their intake appointment. Similarly, some offenders who completed an intake interview failed to attend the first group. These problems are not unique to Milwaukee, but as a result, fewer than half of the offenders ordered to BIP by the court attended. Over the course of JOD, the total number of offenders completing court-mandated BIPs rose in 2001, only to fall during the following two years.

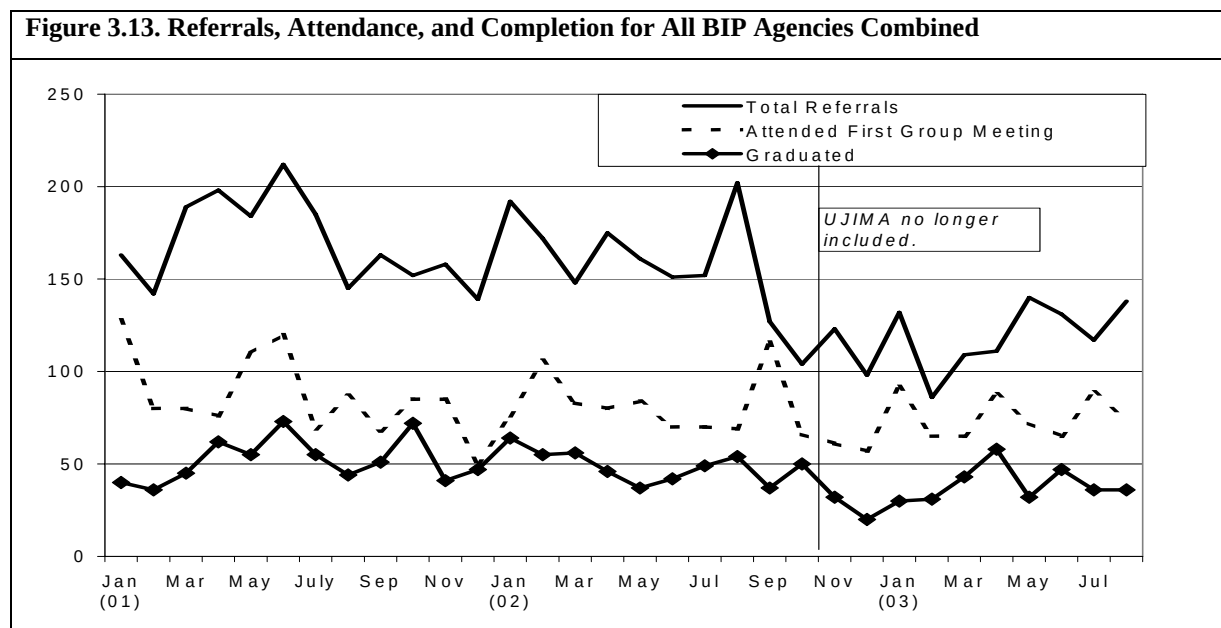


Figure 3.14. Intakes Attended as a Percentage of Referrals

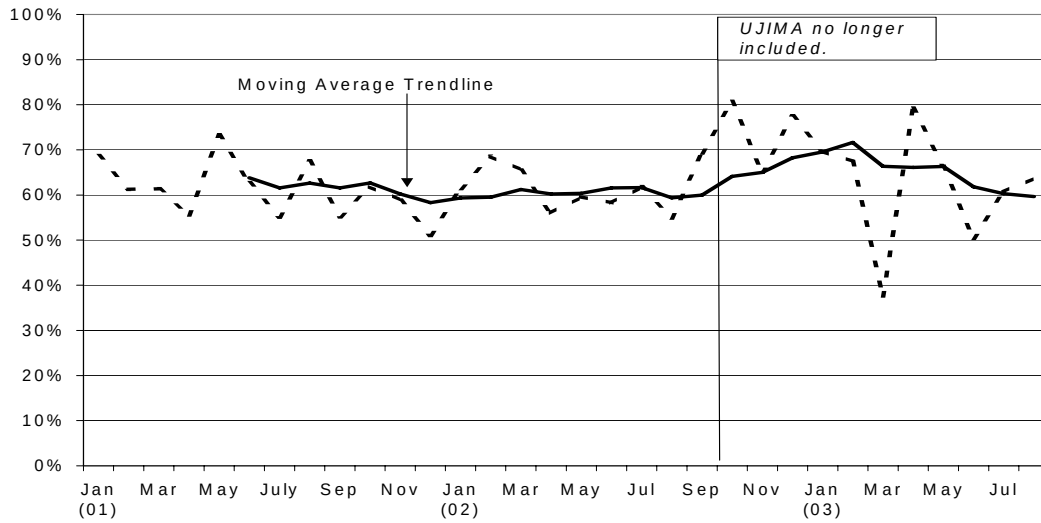
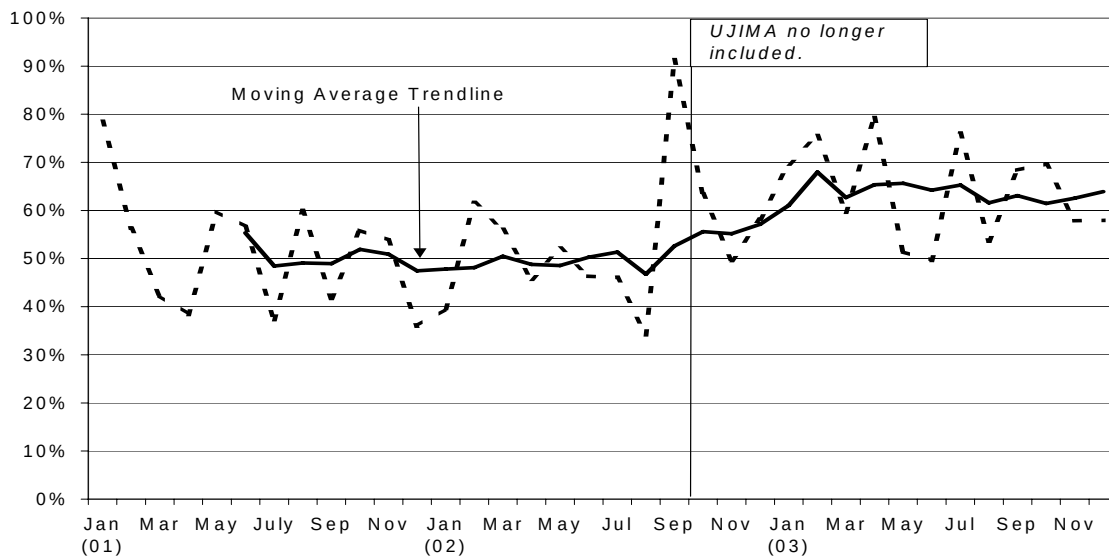


Figure 3.15 illustrates that, on average, from June 2001 to August 2002 about 50% of offenders referred to BIP actually attended their first BIP session. However, once Ujima statistics are no longer included in the totals, a gradual increase in the percentage of probationers attending their first group occurred, peaking at almost 70% in February 2003. The trend then stabilizes at approximately 62% for the remainder of 2003.

Figure 3.15. First Group Attendees as a Percentage of Referrals



LESSONS ON JOD IMPLEMENTATION

Expanding Community Services for Domestic Violence Victims and Offenders

JOD faced several challenges in building partnerships to provide victims and offenders involved in court cases with needed services. These challenges included:

Linking JOD to the existing coordinated community response. Prior to JOD, Milwaukee had a sound coordinated community response, the Milwaukee Commission on Domestic Violence and Sexual Assault, which had a strong emphasis on victim services. Membership in the commission was legislatively defined and until recently did not include representation by the Milwaukee County Circuit Court because the court did not want to compromise its neutrality by becoming involved in policy changes outside of the courtroom. JOD was a judicial- based program, and it was realized that to institutionalize JOD into the community, membership of the court on the commission would need to be considered.

Developing and supporting expanded BIP options. Increased offender accountability put an enormous strain on the BIPs. The introduction of probation status review hearings began before programs had a chance to increase capacity and it was difficult for them to find or train new group facilitators, locate additional space, and finance the costs of expansion while holding direct charges to offenders low. Long wait lists resulted. In addition, as a condition of probation, JOD mandated BIP treatment, and the BIPs have had to find ways to serve larger portions of populations not normally served (e.g., Spanish speaking offenders and female perpetrators).

Offering immediate intervention to victims of domestic violence. From the start, JOD tried to provide immediate services to victims following a domestic violence incident. A number of strategies were tried. These included the DVCRU, outreach by the bail monitor, follow-up contacts to victims calling the Sojourner Truth Domestic Violence Hotline, and most recently, a police liaison to provide referral services through MPD's FVU. Despite initiatives' varied approaches, the goal of early intervention and safety planning remains elusive, although it is too early to judge the effects of having a police liaison available and collaborating with victim service agencies, the court, and the probation department.

Managing the Collaboration

In Milwaukee, JOD funds were awarded to the county to be administered by the court. The Chief Judge and the court administrator convened an Advisory Board, comprised of representatives from all partner agencies and community stakeholders, to inform the project. The Advisory Board, which met quarterly in the beginning of the project, appointed working committees charged with developing plans to implement portions of JOD. The committees included:

- Victim Service Advisory Board
- Court Processing Committee
- Probation Monitoring and Tracking Committee
- Assistant District Attorney Defense Subcommittee
- E-filing committee

- Sustainability Committee

The committees in turn created subcommittees to tackle particular assignments. The frequency of Advisory Board meetings lessened as the Court Processing Committee replaced the Advisory Board as the most influential committee of the JOD project. This committee met monthly throughout the project to negotiate working arrangements needed to facilitate the intensive pretrial monitoring, probation status review hearings, and the other changes in court operations described above. Other committees such as the E-filing had more limited assignments and met as needed.

Milwaukee developed implementation plans in small subcommittees rather than involving all JOD partners in its strategic planning of the overall program. This approach to planning, while efficient in using the time of committee members, may have led to a lack of understanding of how the partner agencies would coordinate on specific project components. For example, lack of concrete involvement by law enforcement in developing the DVCRU led to difficulties in arranging for officers to accompany advocates to meet with victims shortly after arrest. Additionally, unexpected logistical problems required several major shifts in JOD plans, described earlier. Although all agencies were invited to participate in subcommittee deliberations, decisions not to convene the Victim Services Advisory Panel for a period of time may have led some agencies to be less involved in JOD collaborative efforts.

Milwaukee found that a full time project director was essential and that the project struggled during times when this key position was empty. The project director managed the relationships with all of the providers, raised funds, solved problems in the court process, and set up systems and monitored their efficient operation. The project director was free to enter into policy discussions in areas avoided by the judges, who remained mindful of the need to maintain a separation of powers between judicial responsibility and the policy and practice of other JOD partners (including the Public Defender and the District Attorney). Other JOD staff included an associate project director, the site evaluation coordinator, a research assistant, and an administrative assistant. The staff coordinated grant activities and the work of the committees and subcommittees, prepared reports to the Office on Violence against Women on project activities, and maintained databases used to track JOD activities and accomplishments.

During JOD, the number of partner agencies grew and links to other community resources were strengthened. Quickly, the partnership grew from the original nine partner agencies to include the West Allis Police Department and Milwaukee County Law Enforcement Executives Association (MCLEEA). As previously mentioned, in July 2001, the West Allis Police Department introduced an on-scene advocacy outreach program modeled on the DVCRU. During the start-up phase, JOD advocates provided crisis response services in West Allis. In return, WAPD shared their liaison's case management database with JOD. In addition, WAPD was instrumental in helping to define and shape the MPD FVU liaison position.

The MCLEEA also became a valuable addition to the JOD partnership. By having MCLEEA at the JOD table, it was able to take information about JOD and share it with the suburban police departments.

Lessons for managing collaborative efforts to implement JOD strategies emerged from the Milwaukee project. Recommendations based on their experiences include:

- Developing a plan for hiring and managing new staff. Many of the early implementation problems encountered by JOD in Milwaukee stemmed from delays and limitations on hiring key staff and turnover in key staff. Since most of the JOD positions were opened as county positions, county hiring freezes and seniority rules delayed the hiring of a project director and limited the pool of candidates who could be considered for key positions. Similarly, the selection of the probation agent to staff the new pretrial monitoring unit was governed by the Division of Community Corrections seniority rules, which resulted in appointment of an individual whose performance undermined the effectiveness of the new program. Moreover, when vacancies occurred during implementation, the long county hiring process required to replace staff disrupted the momentum of the project. Subsequently, Milwaukee shifted more JOD-funded positions from county management to state court management.
- Recognizing and planning for interagency communication. In Milwaukee, the BIP, probation agents, and court exchanged information and court reports by phone and email. The probation department's case management system, a statewide database, did not have a field for flagging domestic violence cases. Probation agents were responsible for tracking upcoming court dates and sending reports to the court the week of the probationers' reviews. Problems in existing data systems made it difficult for probation officers to identify the domestic violence offenders on their caseloads. The process of monitoring new arrests and restraining orders was not automated and no system for tracking cases from arrest to probation was available. The existing systems that tracked arrests, criminal charges and cases, probation and restraining orders did not communicate with each other and there was no electronic mechanism for flagging cases active in both criminal and civil court.

In order to track JOD activities, a database was designed to track cases in the pretrial program and paper forms were developed for agencies and the court to use in submitting data. Unfortunately, staff turnover delayed the completion of the database and entry of data. As a result, a large number of paper coding forms on court activities accumulated. When they finally were entered, they had to be crosschecked with the court calendars for accuracy. This took months of staff time and the records were so delayed that they were not initially available for use in program operations when needed. However, beginning in mid 2002, monthly statistics were submitted for the evaluation. Once the Milwaukee evaluation data were updated and data collection coordinated by the evaluation staff, Milwaukee used the trend data extensively to identify and address problems in the system and strengthen collaboration activities. The project found the trend analysis to be an invaluable resource for ongoing quality improvement of the system.

One observation from the demonstration is that change requiring the cooperation and participation of many agencies and partners is not rapid. Despite early optimism and rapid adoption of some important changes such as review hearings, it took several years for partner agencies to develop and implement the detailed policies and procedures needed to integrate the envisioned reforms into agency practice. However, by the third year of the demonstration, significant progress had been made toward institutionalizing changes that affected multiple partner agencies. Permanent changes have been made in how domestic violence cases are investigated, prosecuted, and monitored and in court access to restraining orders. It is likely that

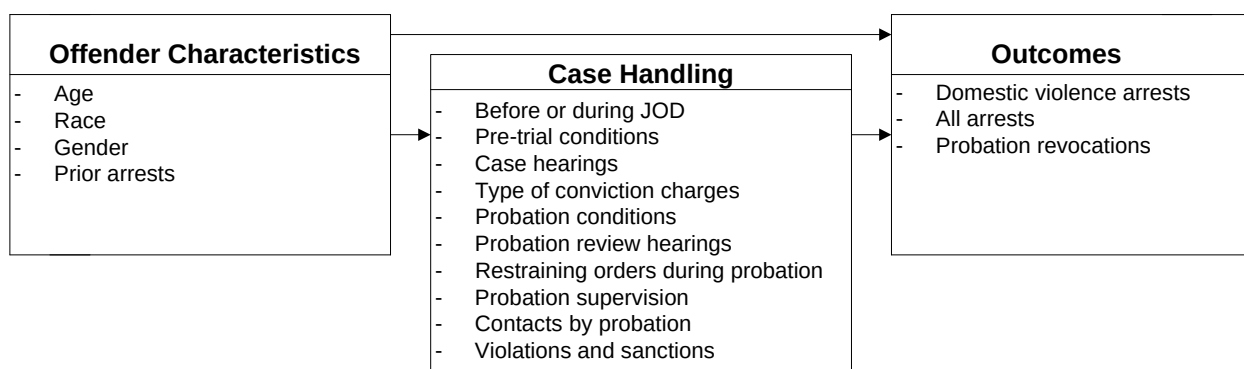
some, but not all, of these gains can be sustained, despite the severe budget cutbacks facing many, if not all, of the partner agencies.

Chapter 4. The Impact of JOD

JOD introduced enhancements in case handling and probation supervision with the goal of increasing offender accountability and protecting victims from subsequent abuse. This evaluation assessed the impact of JOD by comparing case handling, probation supervision, and recidivism during the year after case disposition among offenders sentenced to IPV probation before and during JOD. The Evaluation Framework shown in Exhibit 4.1 illustrates the design.⁴⁸

- The outcome (shown on the far right) was detected recidivism in the year following case disposition; measures were based on arrest and probation revocation records.
- Exposure to JOD was defined by the date of case disposition (either before or after JOD implementation). Court records and probation files were used to document offender compliance with probation conditions.
- Characteristics of offenders expected to affect the risk of recidivism independently of post-disposition interventions are shown on the left. These include age, race, gender, and number of prior arrests. The analysis controls for differences in characteristics of offenders placed on probation in the two time periods to isolate the effects of JOD.

Exhibit 4.1. Evaluation Framework for the Impact Evaluation of the Milwaukee Judicial Oversight Demonstration Initiative



METHODS

The analyses compare two samples of offenders: 1) a JOD sample of 333 offenders who were found guilty of intimate partner violence between January 1, 2001 and May 21, 2002 and 2) a pre-JOD sample of 289 offenders who were found guilty of intimate partner violence between October 8, 1997, and December 21, 1999. This quasi-experimental design was selected when early plans for an experiment had to be abandoned and no comparable contemporaneous comparison group could be identified. Although this design requires the assumption that differences in behavior result from the changes introduced by JOD and not from other events, this assumption appears plausible given that no major changes in laws or public events occurred in Milwaukee during the study period that might be expected to influence the likelihood of domestic violence.

⁴⁸ Definitions of the variables are provided in Appendix A.

Sample Selection

Eligible sample members were identified from Consolidated Court Automated Program⁴⁹ (CCAP) records for consecutive cases⁵⁰ in which the offender had been sentenced to probation for intimate partner violence.⁵¹ Consecutive cases that met the following criteria were included in the samples:

- The incident involved intimate partner violence (not other types of domestic violence, such as violence between siblings or parents and children).
- The defendant was over the age of 18 at the time of case disposition.
- The case was disposed in a Milwaukee Domestic Violence Trial Court or the Domestic Violence Commissioner's Court.

Some cases were eliminated from the sampling frame because the files could not be located (10 JOD cases; 64 pre-JOD cases), the offender had multiple cases (only the first case was sampled) (6 JOD cases; 17 pre-JOD cases), or a review hearing was held before the official start of JOD (35 pre-JOD cases).⁵² Only cases that had a review hearing scheduled no later than 122 days after sentencing were included.⁵³

A comparison of the two samples, shown in Table 4.1, indicates that the samples were remarkably similar on all of the measured characteristics. There were no significant differences between the two samples on age, race, sex, and prior arrests.

Table 4.1. Comparison of the Pre-JOD and JOD Offender Sample Characteristics

Offender Characteristics	Pre-JOD (n=289)	JOD (n=333)
Age in years	34.9	33.5
Race		
White	32%	32%
Black	56%	49%
Other	13%	19%
Gender		
Male	96%	93%
Female	5%	7%
Number of Prior Arrests	5.1	5.2

* p<.05; ** p<.01; *** p<.001

⁴⁹ CCAP is maintained by the state. The information in CCAP is available to the public. Information includes case-level data from incident through sentencing.

⁵⁰ In the case of the JOD sampling, the review began with cases disposed on January 1, 2001, and worked forward in time. For the pre-JOD sample, the review began with cases disposed on December 21, 1999, and worked backwards in time.

⁵¹ CCAP cases coded domestic violence were reviewed by JOD site staff and those involving intimate partner violence were identified for sampling.

⁵² Early in sampling, an additional 47 cases were excluded from the pre-JOD sample as ineligible, but the reasons were not coded.

⁵³ In Milwaukee, crowded court calendars prevented the scheduling of timely review hearings in some courts towards the end of 2001. To ensure the original hypothesis of JOD—that increased judicial monitoring improved offender outcomes—was tested, only cases receiving judicial monitoring as JOD intended were included in the sample.

Data Sources

Data for the analysis were obtained from records maintained by criminal justice agencies. Earlier plans to interview probationers as part of the planned experiment were not pursued due to the difficulty of locating the pre-JOD probationers so long after the case disposition and questions about the validity of recall after several years.

Data were initially collected during 2003 from two automated databases: the Consolidated Court Automated Program (CCAP) and the National Crime Information Center (NCIC).

- CCAP provides web-based public access to Wisconsin Circuit Court records and includes case-level data on defendant demographics, case status, charge information⁵⁴, findings, sentencing information (including probation conditions), subsequent charges filed against offender, and any changes to his/her sentence. Counties are responsible for entering their own data into the system. Information is updated hourly.
- The National Crime Information Center (NCIC) database is a nationwide information system that provides criminal history records to law enforcement agencies. Data contained in NCIC is provided by the FBI, federal, state, local and foreign criminal justice agencies, and authorized courts. The Milwaukee Police Department's (MPD) internal database was used to cross check the data. In rare cases, supplementary data were also added from this database if an MPD arrest occurred but did not show up in either the CCAP or NCIC databases.

Prosecutor and probation files were reviewed and coded by UI researchers to supplement the data not available in these databases.

CCAP and prosecutor files were used to identify offenders who met the sampling criteria and to code case specifics, offender and victim characteristics, dates of probation review hearings, information on probation revocations in the year after disposition, and information on any restraining orders taken against the sample member in the year after disposition. NCIC⁵⁵ records on arrests were retrieved and coded by the Milwaukee Police Department. A complete arrest history record, including the dates and charges of all arrests, was created for each sampled offender.

In response to reviewer comments on the impact analysis, additional data collection on probation supervision was undertaken two years later in 2005. Agents of the Milwaukee Division of Community Supervision (DCS) within the Wisconsin Department of Corrections coded the probation files of sample members, using data extraction protocols prepared by the Urban Institute.⁵⁶ Files were located and coded for 262 of the 333 JOD probationers (79%) and 232 of the 289 pre-JOD probationers (80%). By the time of the file review, about all sample members

⁵⁴ During the period that data were collected for this study, the publicly accessible CCAP system included information on both charged cases and those cases where an arrest was made but no charges were issued. The public access CCAP Web site has since been changed and now includes only charged cases.

⁵⁵ NCIC records were checked against Consolidated Court Automated Program⁵⁵ (CCAP) records and the Milwaukee Police Department's internal database to ensure all arrests were recorded in NCIC.

⁵⁶ A copy of the coding form is shown in Appendix B.

(98%) had completed probation so the data reflect supervision across the entire period of supervision. To protect the privacy of probationers, the data were provided to the Urban Institute without individual identifiers and the analysis thus does not control for any individual characteristics (see Exhibit 4.2).

Exhibit 4.2. Data Source Matrix

	CCAP	Prosecutor Files	Probation Files	NCIC	MPD
Offender Characteristics					
Demographics	X	X			
Prior Arrests				X	X
Case Handling					
Pretrial Conditions	X				
Case Hearings	X				
Type Of Conviction Charges	X				
Probation Conditions	X		X		
Probation Review Hearings	X		X		
Restraining Orders During Probation	X				
Probation Supervision			X		
Contacts By Probation			X		
Violations And Sanctions			X		
Outcomes					
Post-Disposition Arrests			X	X	X
Probation Revocations	X		X		

Analytic Strategy

The analysis began with an assessment of the similarities between the two samples of probationers with regard to age, sex, race, and number of prior arrests (see previous Table 4.1). Given their comparability on these variables, the analysis then examined differences between the JOD and pre-JOD samples in: (1) the handling of target cases and (2) the supervision provided during probation. The purpose was to test the hypothesis that JOD increased offender accountability and to document changes in criminal justice system procedures and the use of court and corrections resources. The results can also be used to understand the factors that might explain reductions in domestic violence recidivism during probation.

The final analyses tested the hypothesis that JOD reduced officially detected domestic violence during the year after case disposition. Logistic regression was used to test the hypotheses of reductions in likelihood of arrest (domestic violence and any type), using one-tailed tests of significance. The models controlled for age and number of prior arrests, the two independent variables significantly related to arrest in the first year of probation. Poisson regression tested the significance of differences in the number of domestic violence and any arrests in the year after disposition using the same control variables. To examine the hypothesis that JOD effectiveness was contingent upon prior criminality, these multivariate analyses were repeated using a term that specified an interaction between JOD and the number of prior arrests.

One important limitation to these analyses is that the more intensive probation supervision provided by JOD may well have increased the likelihood of detection of probation

violations and reduced the opportunity for additional arrests. The likelihood of probation revocation may have increased for a number of reasons related to effective program implementation: 1) abusive incidents that did not result in arrest and might have gone undetected prior to JOD may have come to the attention of probation officers, 2) arrests classified by police under other charges might not have come to the attention of probation officers, 3) the additional JOD requirements and close monitoring may have led to an increase in technical violations of probation conditions, and 4) probation outreach to victims during JOD may have increased the likelihood that the supervising officer would be aware of repeat incidents. The analyses used the data from the file review to examine the extent to which JOD heightened supervision, increased the certainty and severity of penalties for detected probation violations, and increased probation revocations for technical violations or violations that did not involve IPV.

Because any arrest or revocation of probationers is likely to be followed by a period of incarceration during which the offenders would not have an opportunity to commit IPV or other crimes, JOD offenders may have spent more days in jail, decreasing arrest opportunities. The analysis thus compared the number and reasons for revocations before and during JOD. This is followed by an analysis of opportunity for arrest. Because data on days of incarceration was not available for probationers who recidivated, we compared days between the case disposition date and the date of the first arrest or revocation for probationers in the two samples. This assumes that prior to the first incident the probationers were not incarcerated. Cox regression, controlling for age, race, gender, current charge type, and number of prior arrests, tested the null hypothesis that there was no difference between the two samples in the proportion of the sample surviving (not arrested or revoked for any reason) across the first 365 days following case disposition.

CASE HANDLING

Pretrial Case Handling

The comparison of *pretrial* case handling shows that JOD did not significantly increase the workload of the courts prior to case disposition during the sampling period (Table 4.2). There was no significant difference between the samples in number of days to case disposition or number of hearings prior to case disposition.

Table 4.2. Comparison of Pre-JOD and JOD Case Handling

Pretrial Case Handling	Pre-JOD sample (n=289)	JOD sample (n=333)
Days From Incident To Disposition	128	109
Number Of Court Appearances Before Disposition	2.9	3.1

* p<.05; ** p<.01; *** p<.001

The use of no-contact orders and pretrial release, widespread prior to JOD, increased significantly under JOD (Table 4.3). Defendants who ultimately were sentenced to probation for an IPV offense during JOD were more likely than the pre-JOD sample members to have a no-contact order (99% compared to 95%). Moreover, the JOD sample served fewer days in jail prior to case disposition than the pre-JOD sample.

Overall there was no significant difference in the percentage of defendants placed on pretrial supervision in the DVCC. However, the likelihood of pretrial monitoring by other agencies declined significantly, as more offenders were assigned to the JOD Pretrial Monitoring Program located at domestic violence intake court (see Chapter 3 for description).

Table 4.3. Comparison of Pre-JOD and JOD Pretrial Supervision

Pretrial Case Supervision	Pre-JOD (n=289)	JOD (n=333)
Pretrial No-Contact Order	95%	99%***
Any Pretrial Supervision (Includes JOD Or Other):	27%	21%
JOD Intensive Monitoring	--	8%
Other Pretrial Monitoring	27%	12%***
Number Who Served Jail Time Prior To Sentencing	226 (78%)	250 (75%)
Days Of Jail Served Prior To Sentencing (Among Those Who Served Time)	28.1	15.7*

* p<.05; ** p<.01; *** p<.001

Case Sentencing

There were no significant differences between JOD and pre-JOD cases in the number of charges at disposition or the duration of probation sentences. However, the JOD offenders sentenced to probation received significantly less stayed time (the days of incarceration that can be imposed for failure to comply with the conditions of probation) than offenders on probation for IPV prior to JOD (an average of 156 days compared to 177 days) (see Table 4.4).

Table 4.4. Comparison of Pre-JOD and JOD Sentencing

Case Sentencing	Pre-JOD (n=289)	JOD (n=333)
Days Of Jail Stayed At Sentencing	177	156*
Days Of Probation Ordered	596	582
Number Of Charges At Conviction	1.2	1.2
Felony Conviction	0.7%	0.6%

* p<.05; ** p<.01; *** p<.001

Probation Requirements

After conviction, JOD significantly increased probation requirements and court monitoring of compliance:

- **Probation conditions:** JOD offenders had more requirements imposed as conditions of probation (Table 4.5) than IPV offenders placed on probation before JOD. During JOD, judges were significantly more likely to order no contact with the victim and significantly less likely to issue the less strict no violent contact order. They required 90% of the offenders to have no contact at all with their victims during probation, up from 59% before JOD. JOD offenders were significantly more likely than pre-JOD offenders to be required to remain sober (51% compared to 19%) and employed (89% compared to 45%) while on probation than offenders on probation prior to JOD. Other changes included increased allowances for third party child visitation and more

orders prohibiting any contact with firearms. The latter requirement was controversial due to the popularity of hunting in Wisconsin. There was a small but significant reduction during JOD in the percentage of probationers required to make financial restitution. Most JOD and pre-JOD offenders were ordered to participate in a BIP, AODA/other treatment program, and pay costs and surcharges both before and during JOD. There was no significant difference in the likelihood of receiving these probation conditions.

- **Restraining Orders:** During JOD, restraining orders were issued against 8% of the offenders on probation, compared to 3% of the offenders on probation before JOD ($p < .01$). Restraining orders are issued at civil court hearings initiated by victim petition. This result implies that JOD efforts to assist victims helped increase victim access to restraining orders. Can we add anything about what these orders add to the protections under the no-contact orders issued as conditions of probation?
- **Review hearings:** All of the JOD probationers in this sample had a probation review hearing scheduled, and 29% had more than one scheduled. Pre-JOD probationers had no review hearings. The JOD sample had their first review hearing about three-and-a-half months after sentencing (mean = 106 days).

Table 4.5. Comparison of Offender Accountability Requirements for the JOD and Pre-JOD Samples Following Sentencing

Requirements	Pre-JOD (n=289)	JOD (n=333)
Probation Conditions		
Any No-Contact Order	95%	100%***
No Abusive Contact With Victim	37%	10%***
No Contact With Victim	59%	90%***
Maintain Sobriety	19%	51%***
Maintain Employment	45%	89%***
Third Party Child Visitation	11%	39%***
No Firearm Contact	35%	51%***
Make Restitution	10%	6%*
Batterer Intervention Program	92%	89%
AODA/Other Treatment	92%	92%
Pay Costs Surcharges	96%	97%
Civil Restraining Order In Year After Disposition ⁵⁷ :		
Any Restraining Order	3.1%	8.4%**

* $p < .05$; ** $p < .01$; *** $p < .001$

⁵⁷ Prior to September 2002, Harassment Orders were given instead of Restraining Orders for IPV in dating relationships. Restraining order figures include Harassment Orders in the 365 days following disposition if the Harassment Order was issued before September 2002.

PROBATION SUPERVISION⁵⁸

JOD was expected to introduce new supervision strategies for managing IPV offenders. Milwaukee did not have a specialized domestic violence probation unit like other JOD sites, although each regional office had domestic violence specialists who managed these cases and served as a resource for other agents in the office. The intensity of supervision of all probation cases was determined by state standards based on risk assessment and this policy did not change during JOD. However, Milwaukee JOD supervision changes did include: 1) increased efforts to contact victims to review conditions of probation and no contact orders, and 2) new procedures for monitoring compliance with batterer treatment requirements. These changes were documented by the review of probation files.

As intended, JOD increased the likelihood of contact with victims. Prior to JOD, probation agents had contact with 42% of the victims compared to 57% during JOD (Table 4.6). The average number of contacts with victims was also significantly higher during JOD than prior (1.9 compared to 1.2 contacts). With regard to victim requests for help or reports of problems, however, about the same number of victim contacts before and during JOD involved either, suggesting that the increased JOD contacts primarily involved outreach to explain the conditions of probation as planned.

Agent contacts with batterer treatment providers also increased under JOD. Prior to JOD, agents had contact with a BIP provider for just over half of their cases. Under JOD this increased significantly to 80%, despite no increase in the likelihood of required BIP attendance. Among cases that involved probation officer contact with the BIP, the average number of BIP contacts increased significantly from 1.3 to 2.1 per case.

There was no significant difference in the percentage or amount of contact that officers had with offenders (virtually all POs had contact with offenders, approximately 21 times).

Table 4.6. Probation Officer Contacts

	Pre-JOD (n=232)	JOD (n=262)
With Victims		
Percent Who Had Contact	42.2%	56.9% ***
Number Of Contacts	1.2	1.9 **
Number Of Times Reported Problem	0.5	0.5
Number Of Times Requested Help	0.3	0.4
With BIP Providers		
Percent Who Had Contact	53.0%	79.8% ***
Number Of Contacts	1.3	2.1 ***
With Offenders		
Percent Who Had Contact	99.6%	99.6%
Number Of Contacts	21.8	21.2

* p<.05, ** p<.01, *** p<.001

⁵⁸ This analysis of supervision is based on a review of probation files in 2005, completed for about 80% of the sample.

Sanctioning of Compliance Problems

IPV offenders engaged in a variety of problems (violations) during their probation, both prior to and during the JOD program. In response, probation officers inflicted sanctions ranging in severity from simple warning letters (least severe) to initiation of a revocation (most severe). The coding of the files entailed recording each probation violation or compliance problem that came to the attention of the agent and the agent's response to that problem. Because multiple problems (and sanctions) could have been noted on the same date, we selected only the most serious problem and sanction per date noted.

Compliance problems were classified from most severe to least severe into the following categories: IPV, including unsubstantiated allegations; contact with victim when prohibited; criminal behavior or arrest; BIP noncompliance; failure to report or absconded; alcohol or drug use; other probation violation; and other problem.

Responses to the problems were classified from most severe to least severe into the following categories: court imposed jail time or probation revoked; defendant taken into custody; court added conditions (no contact, etc.); treatment referral; agent imposed new rules; warrant or apprehension; court issued warning; agent issued warning; agent reported to court; no penalty; and other. To assess the severity of the sanction, the responses were recoded into three categories: jail time/probation revocation; a sanction not involving incarceration; and no penalty.

Both before and during JOD, over 90% of the probationers had at least one compliance problem noted in their files (Table 4.7). The number of problems ranged from 0 to 12.⁵⁹ However, the average number of compliance problems declined significantly from 4.4 before JOD to 3.8 during JOD, perhaps due to a more aggressive response to problems during JOD.

Table 4.7. Compliance Problems and Sanctions

	Pre-JOD (n=232)	JOD (n=262)
Problems		
Percent with at least one problem	91.4%	94.7%
Number of problems	4.4	3.8 *
Sanctions		
Percent with at least one sanction (<i>excludes "no penalty"</i>)	83.2%	85.5%
Number of sanctions	2.9	2.8
Sanction Likelihood and Severity (All Problems)		
Number of problems	1031	1010
Percent of problems sanctioned (likelihood of sanction)	64.4%	72.4% ***
Severity of sanction (0= <i>none</i> , 1= <i>other</i> , 2= <i>jail/revocation</i>)	0.6	0.8 ***

* p<.05, ** p<.01, *** p<.001

⁵⁹ Up to twelve problems per probationer were recorded in the file review; only four individuals (less than 1%) had more than twelve problems reported.

Although there were no significant differences in the overall percentage of probationers with at least one sanction or the number of sanctions, the likelihood of sanctioning per compliance problem was significantly higher during JOD. During JOD, a sanction was recorded for 72% of the problems, compared to 64% prior to JOD. Likewise, the severity of sanctioning increased under JOD.

Table 4.8 provides a breakdown of sanction likelihood and severity by the type of problem detected. This shows that JOD probationers were significantly more likely to receive a sanction from the agent for new criminal behavior or BIP non compliance. In addition, during JOD probationers received more severe sanctions for the following problems: any IPV, new criminal behavior, BIP non compliance, and other probation violations.

Table 4.8. Sanction Likelihood and Severity, by Type of Problem

	Pre-JOD (n=232)	JOD (n=262)
IPV, Incl. Unsubstantiated Allegations		
Number Of Problems	550	380
Percent Of Problems Sanctioned	59.1%	64.2%
Severity Of Sanction	0.6	0.7 *
Contact With Victim When Prohibited		
Number Of Problems	28	68
Percent Of Problems Sanctioned	89.3%	83.8%
Severity Of Sanction	0.9	1.0
Criminal Behavior/Arrest		
Number Of Problems	83	91
Percent Of Problems Sanctioned	71.1%	84.6% *
Severity Of Sanction	0.7	0.9 *
Bip Noncompliance		
Number Of Problems	95	142
Percent Of Problems Sanctioned	53.7%	67.6% *
Severity Of Sanction	0.5	0.8 *
Failure To Report / Absconded		
Number Of Problems	26	29
Percent Of Problems Sanctioned	88.5%	86.2%
Severity Of Sanction	0.9	1.0
Alcohol Or Drug Use		
Number Of Problems	82	52
Percent Of Problems Sanctioned	70.7%	82.7%
Severity Of Sanction	0.7	0.8
Other Probation Violation		
Number Of Problems	154	229
Percent Of Problems Sanctioned	72.7%	76.4%
Severity Of Sanction	0.7	0.9 *
Other Problem		
Number Of Problems	5	12
Percent Of Problems Sanctioned	80.0%	66.7%
Severity Of Sanction	0.8	0.7

* p<.05, ** p<.01, *** p<.001

Details on the most severe sanction given for each problem are shown in Appendix C. The results confirm that agents held IPV probationers more accountable for probation compliance during JOD than before JOD.

Review Hearings

Review hearings were a fundamental component of JOD supervision, holding IPV offenders regularly accountable for their behavior during the probationary period by bringing them back before the judge to have their compliance (or non-compliance) with probation conditions assessed. Table 4.9 presents information on review hearings occurring during the JOD initiative.

Virtually all JOD probationers were subject to at least one review hearing, with the average probationer subject to 1.3 hearings. JOD probationers were compliant in just over one-quarter (29%) of the review hearings to which they were subjected. The most commonly detected non-compliant behaviors included: failure to appear at BIP (detected in 28% of hearings), violation of absolute sobriety (28%), failure to appear at a probation appointment (27%), violation of no contact orders (20%), and failure to maintain employment (10%).

Table 4.9. Review Hearings for JOD Probationers (n=262)

Percent With At Least One Review Hearing	98.5%
Average Number Of Review Hearings	1.3
Percent Of Hearings Where Offender Was Compliant	28.6%
Reasons For Non-Compliance (Multiple Reasons Per Hearing)	
FTA At BIP Intake And/Or Session	28.4%
Violation Of Absolute Sobriety	27.6%
FTA At Probation Appointment	26.7%
Violation Of No Contact Order	19.8%
Failure To Maintain Employment	10.4%

PROBATION REVOCATION AND ARREST IN THE YEAR AFTER SENTENCING

Probation Revocations

Probation revocations in the year after case disposition increased significantly during JOD (Table 4.10). Another difference is that significantly more JOD probationers absconded (7%) than probationers prior to JOD (0%). This difference may stem from increased precision of record keeping during JOD, in preparation for review hearings. Fewer JOD probationers successfully completed their period of supervision during the year, with only 8% of the JOD probationers completing probation successfully, compared to 16% of the pre-JOD probationers.⁶⁰ Hence, more pre-JOD probationers were still on probation after a year, since more JOD probationers had absconded or been revoked.

⁶⁰ Since average probation sentences were about 19 months in both samples, the higher percentage of successful completions after one year in the pre-JOD sample does not represent shorter sentences in that time period, but rather lower rates of revocation and absconding.

Table 4.10. Probation Status at the End of One Year of Probation

	Pre-JOD (n=289)	JOD (n=333)
Currently on Probation	82%	58%***
Completed Successfully	16%	8%**
Revoked	2%	27%***
Absconded	0%	7%***

* p<.05; ** p<.01; *** p<.001

Reasons for probation revocation found in court files were coded from probation records into the following hierarchy of categories:

1. Revocation with an allegation of IPV;
2. Revocation for failure to appear at BIP (a technical violation), with no allegation of domestic violence; or,
3. Revocation for other technical violations of probation, not involving an allegation of domestic violence.

As Table 4.11 shows, 70 percent of the revocations during JOD (63 out of 89) involved technical violations of probation conditions, including failure to attend BIP (19 out of 89), while 27 percent were due to IPV allegations (half with an arrest, half without). There is little to be gained from comparing these with pre-JOD revocations, since there were only six such cases. However, it can be speculated that the higher rate of revocations under JOD resulted from the additional probation requirements and supervision (such as review hearings and victim contact) imposed under JOD. JOD probationers had more expectations to meet and greater surveillance of their performance.

Table 4.11. Revocation in the JOD and Pre-JOD Samples

	Pre-JOD (n=289)	JOD (n=333)
Percent Revoked	2%	27%***
Number Of Revocations	6	89
Reason For Revocation		
IPV Allegation	3	24
<i>With Arrest In NCIC</i> ⁶¹	2	12
<i>No Arrest In NCIC</i>	1	12
Failure To Appear At BIP ⁶²	1	19
Other Technical Violation(s)	2	44
Missing Data On Revocation Reason	0	2

Probationers who were revoked were required to serve the number of days specified in their sentence as "stayed time," minus the number of days served prior to revocation proceedings

⁶¹ One of these arrests was recorded as domestic violence in NCIC. The remainder were recoded for this analysis to domestic violence from other charge categories, mainly assault and battery, based on file reviews that indicated police response to a new incident.

⁶² FTA at BIP is considered a technical violation. Failure to attend BIP appointments alone does not usually result in revocation.

(prior to sentencing or as condition time). For the 89 JOD revoked offenders, the average number of days of stayed time minus up front time was 140 days, with a range of 13 to 867 days. The six pre-JOD revoked offenders had an average penalty of 151 days, with a range of 56 to 270 days.⁶³

Arrests

Using data from our review of criminal history records, we counted the number of arrests for any offense that each probationer accumulated before the date of case disposition (number of prior arrests). Arrests that occurred after the date of case disposition were classified according to the following hierarchy:⁶⁴

1. Included a domestic violence charge (including, but not limited to, IPV);⁶⁵
2. Included a charge of violence other than domestic violence;
3. Included a drug charge, but no charges of violence of any kind;
4. Included a property offense charge, but no violence or drug charges;
5. Included a probation violation; including but not limited to failure to appear for probation appointment(s) or court hearing, but no other criminal charge;
6. Included another criminal charge; or
7. Arrest charges unknown.

Arrests that were accompanied by a revocation with an allegation of IPV were classified as domestic violence. The probation records indicated that 13 revocations were accompanied by an arrest recorded in NCIC under other charges, mainly assault and battery and disorderly conduct. Because the files indicated that the arrest occurred following a police call to an incident and not after a warrant for probation violation, these arrests were reclassified for this analysis as domestic violence.

The following two measures defined domestic violence recidivism during the year: any domestic violence arrest (yes/no) and the number of arrests for domestic violence (ranging from 0 to 4). To assess whether the enhanced supervision under JOD reduced overall involvement in detected crime, the analysis also examined the likelihood of any arrest (arrest types 1 through 7), and the number of any arrests (ranging from 0 to 4).

Table 4.12 shows the likelihood of arrest during the year following case disposition for various offenses as well as the average number of arrests for those offenses. The results show no significant differences in the likelihood of arrest or the average number of arrests with one very important exception. Even after reclassifying 13 arrests of revoked probationers (12 for JOD probationers and only one pre-JOD probationer) the results show that JOD probationers were significantly less likely than pre-JOD probationers to be arrested for domestic violence ($p < .05$) and

⁶³ Measures of stayed time included all revoked offenders, not just those revoked offenders who did not have an arrest associated with their revocation.

⁶⁴ Multiple charges may have been made at the time of arrest. However, arrests were classified in this study by their top charge (as ranked above).

that they had significantly fewer domestic violence arrests during the first year on probation ($p < .05$).⁶⁶

Table 4.12. Recidivism in the Year Following Case Disposition

	Any Arrest (% of sample)		Number of Arrests	
	Pre-JOD (n=289)	JOD (n=333)	Pre-JOD (n=289)	JOD (n=333)
Any arrest	68 (23.5 %)	82 (24.6 %)	0.4	0.3
Domestic violence arrest	23 (8.0%)	14* (4.2%)	.09	.04*
Other violence arrest	16 (5.5%)	16 (4.8%)	.06	.06
Drug offence arrest	11 (3.8%)	9 (2.7%)	.05	.03
Property arrest	4 (1.4%)	9 (2.7%)	.02	.03
Probation violation arrest	6 (2.1%)	5 (1.5%)	.02	.02
Other arrest	24 (8.3%)	34 (10.2%)	.1	.1
Charge unknown arrest	0 (0.0%)	1 (0.3%)	0	.003

* $p < .05$; ** $p < .01$; *** $p < .001$

These results are confirmed by the multivariate analyses of domestic violence arrests and the number of domestic violence arrests that controlled for age and number of prior arrests (Table 4.13). JOD probationers were significantly less likely than pre-JOD probationers to be arrested for domestic violence in the year after sentencing and had significantly fewer domestic violence arrests during the year.

Table 4.13. Arrests in the Year Following Case Disposition

Independent Variable	Dependent Variable			
	Any Domestic Violence Arrest (Odds ratio)	Number of Domestic Violence Arrests (Parameter estimate)	Any Arrest (Odds ratio)	Number of All Arrests (Parameter Estimate)
JOD	-.493*	-.854**	.998	-.212
No. of prior arrests	1.057*	.049*	1.095***	.060***
Offender age	.989	-.01	.961***	-.037***
Model Fit				
N	619	619	619	619
X ²	8.6997*	11.763**	40.140***	49.05***
Df	3	3	3	3

* $p < .05$; ** $p < .01$; *** $p < .001$

⁶⁵ The arrest records did not make a distinction between IPV and other types of domestic violence.

⁶⁶ Findings based on poisson regression were confirmed by negative binomial regression results.

These findings hold true regardless of whether the probationer was revoked or not. There was no evidence to support the hypothesis that the JOD intervention was more effective for offenders with more (or fewer) prior arrests, based on tests of models (not shown) that included an interaction between JOD and number of prior arrests. No significant differences between the two samples were found in overall frequency or prevalence of arrests for any reason.

One reason for the lower likelihood of arrest among JOD probationers may be that they spent fewer days on the street (and more days in jail), given their higher percentage of probation revocations. In Milwaukee, probation revocation results in immediate imposition of the stayed time specified at sentencing, meaning that the JOD probationers may have had less time at which they were at risk of being arrested than did the pre-JOD probationers.

To assess the relative street time available to the two samples, we used a proportional hazards model (Cox regression) to estimate the number of days to first arrest or revocation for any reason during the year after sentencing. Results in Table 4.14 show that JOD offenders had, on average, significantly fewer days to failure than their pre-JOD counterparts (hazard ratio greater than one), controlling for age, race, sex, prior arrests, and felony conviction. Specifically, at any time in the first year, the hazard of an arrest or revocation for those receiving the JOD intervention was nearly double the hazard of arrest or revocation for the pre-JOD comparison group, significant at $p < .001$.

Table 4.14. Days to First Arrest or Revocation in the Year Following Case Disposition

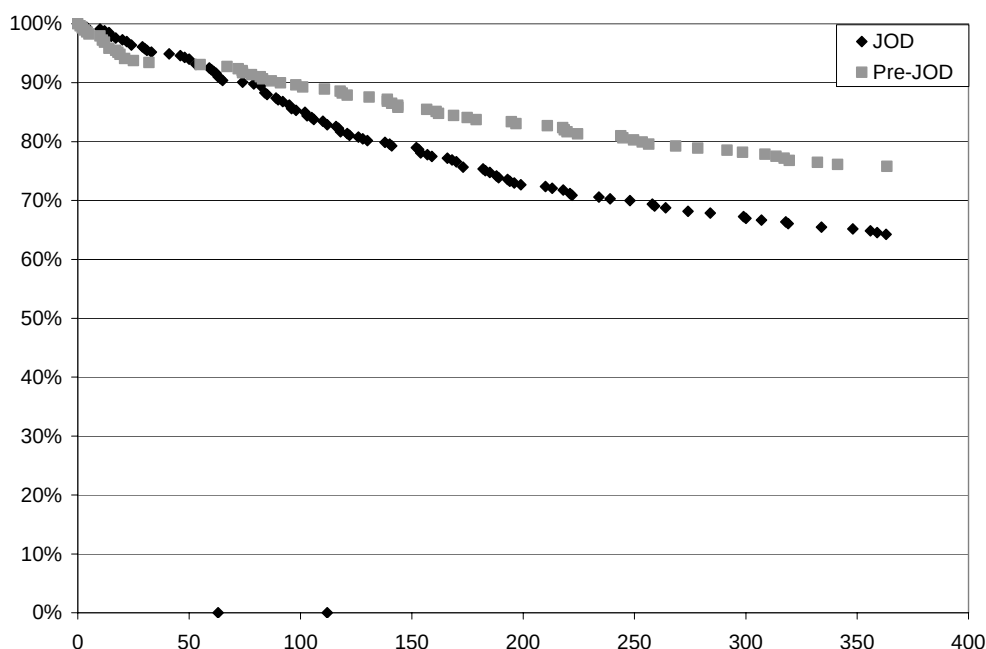
Independent Variable	Cox Regression Hazard Ratio
JOD Treatment	1.879***
No. Of Pre-Arrests	1.021
Offender Age	.989
White	.837
Male	1.441
A Felony Conviction In Sampled Case	3.677
Model Fit	
N	296 (108 censored)
-2LL	1960.41**

* $p < .05$; ** $p < .01$; *** $p < .001$

The difference in the percentage of probationers with no reported arrest or revocation is illustrated in the survival curve plot in Exhibit 4.3 based on results from the multivariate model shown in Table 4.14. The percentage of probationers with no failures (shown on the left side) gradually declines over time (shown in days on the bottom line). However, it is clear that at any point in time, more JOD probationers than pre-JOD have been revoked (mostly on technical violations), which would decrease their opportunity to commit acts of domestic violence that could result in an arrest. For example, 100 days after case disposition about 90% of the pre-JOD

sample had no arrest or revocation compared to less than 85% of the JOD sample; 250 days after case disposition about 80% of the pre-JOD sample had no arrest or revocation compared to 70% of the JOD sample.

Exhibit 4.3. Days to First Arrest or Revocation by JOD and Pre-JOD Sample Members: Survival Curve from Date of Disposition



This analysis suggests that the JOD probationers had substantially fewer days on the street during which time they were subject to arrest for a new domestic violence incident. In Milwaukee, probationers who are revoked are given their full stayed sentence. Thus we estimate that the six revoked pre-JOD probationers each faced 176.5 days of jail each (the average stayed sentence), while the 89 revoked JOD probationers each faced 156.2 jail days of jail (the average stayed sentence). This translates into 1,059 jail days for the pre-JOD sample and 13,902 jail days for the JOD sample. We have no reason to expect that the jail days for arrests not involving domestic violence differ, given the similarity of arrest rates on other charges.

These results imply that JOD resulted in increased offender accountability and reduced the time available to reoffend.

Revocation and Arrest Status at the End of Probation

In 2005, two years after the collection of the data shown above, the probation records of approximately 80% of the two samples were coded to provide data to test hypotheses about probation supervision. The probation status of the subset of the samples was significantly different at this point in time as shown in Table 4.15. The vast majority of both samples had completed probation.

Nearly half of the JOD sample and over half of the pre-JOD sample had completed probation successfully (Table 4.15). Overall, 49 percent of JOD probationers and 43 percent of pre-JOD probationers had their probation revoked and/or were rearrested. No JOD probationers and only a few pre-JOD probationers had been arrested without revocation. Similar proportions had been revoked in the absence of an arrest. However, the records showed that JOD probationers were significantly more likely than pre-JOD probationers to have been arrested and revoked (22% compared to 15%).

Table 4.15. Probation Status in 2005

Status	Pre-JOD (n=232)	JOD (n=262)
Continuing On Probation	0.0%	1.2%
Completed Successfully	56.0%	48.7%
Revoked And Arrested	15.1%	22.1% *
Revoked Only	27.2%	27.1%
Arrested Only	0.4%	0.0%
Transferred To Another Jurisdiction / Other / Not Specified	1.3%	0.8%

* p<.05, ** p<.01, *** p<.001

The records indicated, however, that the top arrest charge against the JOD probationers was less likely than the top charge against the pre-JOD probationers to involve assault and battery and more likely to involve a lesser offense, such as disorderly contact or other offenses (Table 4.16). It is possible that JOD increased the likelihood of an arrest in conjunction with violations of no-contact order, violations that often involve disorderly conduct. Note that these arrest records come from probation files, not from an NCIC or police check, and may omit arrests that would be found in other databases.⁶⁷

Table 4.16. Rearrest Charge, Among Those Arrested

Charge	Pre-JOD (n=35)	JOD (n=57)
Sexual Assault / Rape / Aggravated Assault	11.4%	7.0%
Assault And Battery	48.6%	26.3% *
Property Offense	14.3%	12.3%
Disorderly Conduct / Resisting Arrest / Other	22.9%	49.1% *
Violation Of Probation	2.9%	5.3%

* p<.05, ** p<.01, *** p<.001

Multiple reasons were listed in probation files as the basis for revocation. The percentage of revoked offenders with each type of revocation reason is shown below in Table 4.17. The first two categories, evidence of IPV and violation of a no-contact order or other unwanted victim contact, involve harm to intimate partners. Just over 50% of the revocations in both samples cited one or both of these reasons. However, the JOD revocations were significantly more likely

⁶⁷ An additional check of criminal history records to detect arrests in the second year of probation was not conducted.

to involve banned victim contact, while the pre-JOD revocations were more likely to involve IPV. These differences may reflect the higher use of no-contact orders during JOD probation.

Table 4.17. Reasons for Revocation

Revocation Reason	Pre-JOD (n=95)	JOD (n=128)
Evidence Of IPV, Including Threats	36.8%	22.7% *
Violation Of No Contact Order / Contact With Victim	15.8%	28.9% *
Arrest / Criminal Behavior	14.7%	23.4%
BIP Failure	21.1%	22.7%
Abscond / Failure To Report	39.0%	34.4%
AOD Violation – Alcohol Or Drug Use	39.0%	38.3%
Other Violation Of Probation Including FTA For AOD Treatment Requirements	26.3%	35.9%

* p<.05, ** p<.01, *** p<.001

DISCUSSION

JOD clearly increased the accountability of offenders. Compared to pre-JOD probationers, JOD probationers

- Were more likely to have a no-contact order, and much more likely to have a no contact order that banned all contact, not just abusive contact;
- Were much more likely to be required to remain sober, stay employed, and comply with other specific probation conditions;
- Were scheduled to appear before the sentencing judge once or more to review their compliance with probation conditions; and
- Reported to agents that had greater contact with their victims and BIP providers.

Probation agent responses to problems changed significantly under JOD than before JOD:

- Agents were more likely to penalize problems that came to their attention;
- Agents responded to problems with more severe penalties; and
- Agents initiated more revocations for technical violations, failure to comply with BIP requirements, unauthorized victim contacts, and new criminal activities.

JOD did not increase the number of days or number of hearings required to reach case disposition during the study period.⁶⁸ JOD actually resulted in a significant reduction in use of jail prior to case disposition for offenders subsequently placed on probation. In addition, it

⁶⁸ During the period of the impact evaluation, the time to case disposition was not significantly longer than prior to JOD. However, in subsequent months, the time to case disposition increased as the number of review hearings increased.

appears that DV-specific JOD pretrial monitoring, which was initiated with the JOD grant, replaced other forms of pretrial monitoring already in place in Milwaukee for DV defendants. The increase in JOD monitoring resulted in a decreased caseload for other pretrial monitoring programs, at least in IPV cases. However, substantial resources other than those supported by JOD funding were devoted to holding offenders accountable after case disposition. The court dedicated time and space to review hearings and additional probation surrender hearings. The Division of Community Corrections' responsibilities also expanded as the number of mandated probation conditions grew, the requirements to write reports and appear at review hearings were added, and more intensive monitoring led to an increase in revocation proceedings. The increase in revocations increased the use of jail beds by domestic violence probationers.

In the year after case disposition, JOD probationers were significantly less likely to be arrested for domestic violence, including both IPV and other kinds of domestic violence, than offenders on probation for IPV prior to JOD, even when arrests on other charges accompanied by a revocation that alleged domestic violence were counted.

The increase in revocation and the resulting incarceration suggests that the lower domestic violence arrest rates may have been attained primarily through early detection and incarceration of probationers who continued their pattern of domestic violence or otherwise failed to comply with conditions of probation.

The findings are based on a quasi-experimental comparison, and results must be interpreted in the light of the limitations imposed by this design. Although the changes over time are attributed to JOD, arrest and revocation rates may have been influenced by factors external to JOD. The two samples may differ in risk of recidivism in ways not controlled for by the analysis. Another inherent limitation is recidivism is based on incidents that were reported to the authorities and on which the authorities took action (arrests or probation revocations) and do not include incidents known only to victims. Survey data being collected in other JOD sites will be used to examine incidents of abuse reported by victims while their abuser was on probation for IPV.

Thus the success of JOD in Milwaukee appears to result from increased surveillance and rapid, consistent responses to probation non-compliance. There is little evidence that offenders were deterred from subsequent abuse, but rather that incapacitation reduced the likelihood of subsequent domestic violence arrests.

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Appendix A: Variable Glossary

	Definition	Distribution Over Pooled Samples (n=622)		
Offender Characteristics				
Offender Age	at disposition	mean=34.2	min=18.0	max=82.7
Offender Race	categorized as white, black or other	32% white	52% black	16% other
Offender Sex	categorized as male or female	94% male	6% female	
Number of Prior Arrests	at disposition, includes juvenile arrests	mean=5.1	min=0	max=36.0
Case Characteristics				
No of Charges at Conviction	information on the case resulting in the IPV conviction (sampled case)			
Percent with Felony Conviction	percent with felony charge at conviction	mean=1.2	min=1.0	max=8.0
No of Pre-Trial Court Appearances		99% no	1% yes	
Pre-Trial Bail Release		mean=3.0	min=1.0	max=14.0
Bail Amount	total of all bail amounts imposed throughout the court process	2% no	98% yes	
Pre-Trial Release on Personal Recognizance		mean=\$1045.81	min=\$0	max=\$21,500
Pre-Trial No Contact Order		48% no	52% yes	
Any Pre-Trial Supervision	includes JOD or other	3% no	97% yes	
JOD Intensive Monitoring		77% no	24% yes	
Other Pre-Trial Monitoring		96% no	5% yes	
Upfront Time in Days	includes days served in jail prior to arraignment and/or sentenced jail time that was served prior to probation	81% no	19% yes	
Stayed Time	includes jail/prison time imposed and stayed at sentencing	mean=16.5	min=0	max=998.0
Duration of Probation in Days		mean=165.6	min=0	max=1095.0
Days from Incident to Disposition		mean=588.5	min=54.0	max=1095.0
Restraining Order Information:	information on any restraining orders taken against offender in the 365 days following conviction on charges of IPV	mean=117.4	min=5.0	max=1271.0
Percent with Any Restraining Order				
Number of Restraining Orders		94% no	6% yes	
Conditions of Probation	conditions imposed on offender at IPV case sentencing	mean=0.07	min=0	max=3
BIP	attend Batterer Intervention Program			
AODA/Other Treatment	includes requirements to attend Alcohol and/or Drug Treatment, Anger Management, and/or Mental Health Treatment	10% no	91% yes	
Sobriety		8% no	92% yes	
Any No Contact Order	includes strict no contact orders and orders requiring no abusive contact with victim	64% no	36% yes	
No Abusive Contact with Victim	order where defendant may have contact with victim as long as contact does not rise to the level of probable cause that a crime has been committed	2% no	98% yes	
No Contact with Victim		78% no	22% yes	
Third Party Child Visitation	someone neutral has to facilitate child visitation (usually used in conjunction with no contact order to allow pick-up and drop-off of child)	25% no	75% yes	
Pay Costs and Surcharges		74% no	26% yes	
Pay DOC Supervision		3% no	97% yes	
Employment	maintain employment	6% no	94% yes	
No Firearm Contact		32% no	68% yes	
Restitution		56% no	44% yes	
		92% no	8% yes	

	Definition	Distribution Over Pooled Samples (n=622)		
Offender Accountability	<i>information on offender monitoring and compliance</i>			
Revocation Hearing in year after disposition		84% no	16% yes	
<i>Probation Status one year after disposition:</i>				
Currently on Probation		31% no	69% yes	
Completed Successfully		88% no	12% yes	
Revoked		84% no	15 % yes	
Absconded		97% no	4% yes	
<i>Reason for Revocation:</i>	<i>information on reasons for revocation for those revoked offenders who had locatable probation files</i>			
DV Incident		96% no	4% yes	
FTA at BIP		97% no	3% yes	
Technical Violation (s)		93% no	7% yes	
Post Disposition Recidivism Data	<i>information on any arrests in the 365 days following conviction on charges of IPV</i>			
Any Arrest		76% no	24% yes	
Number of Arrests		mean=0.3	min=0	max=4.0
Any DV Arrest	includes any arrest for domestic violence	94% no	6% yes	
Number of DV Arrests		mean=0.07	min=0	max=4.0
Days to First Act of Recidivism	first act of recidivism could be an arrest or a revocation with any allegation	mean=139.9	min=1.0	max=363.3
<i>Arrest by Crime Type:</i>	<i>number of offenders with rearrest(s) in the 365 days following disposition categorized by crime type</i>			
Other Violence	number with other violence as top charge in any rearrest	95% no	5% yes	
Number of Other Violence Arrests		mean=.06	min=0	max=2
Drug	number with a drug charge as top charge in any rearrest	97% no	3% yes	
Number of Drug Arrests		mean=.04	min=0	max=2
Property	number with property charge as top charge in any rearrest	98% no	2% yes	
Number of Property Arrests		mean=.02	min=0	max=2
Probation Violation		98% no	2% yes	
Number of Arrests for Violation of Probation		mean=.02	min=0	max=1
Other	number with other charge as top charge in any rearrest	91% no	9% yes	
Number of Other Arrests		mean=.12	min=0	max=3
Unknown	number with unknown charge as top charge in any rearrest	100% no	0% yes	
Number of Unknown Arrests		mean=.002	min=0	max=1

Appendix B. Milwaukee Probation Record Coding Form

Version 3/31/05

Evaluation of JOD Probation Record Coding Form

Date Coded _____ Coder Initials _____

Sample Type: JOD ____ PreJOD ____ (check one) Sample # _____

Milestone Dates

Sentencing date _____ Duration of probation term _____ (months)
(mm/yy)

Probation 1st Contact date _____ Last contact date _____
(mm/yy) (mm/yy)

Contacts with Officer

(Read through the file and tally the contacts by type)

With Offender _____ #

With Victim _____ # reported problem _____ # times

requested help _____ # times

With BIP provider _____ #

Revocation Initiations

Revocations Initiated (check one outcome)

Date _____ Outcome: __revoked __new conditions __no change __FTA at hearing
(mm/yy)

Date _____ Outcome: __revoked __new conditions __no change __FTA at hearing
(mm/yy)

Probation Status

Probation End Date _____ (code 99/99 if still on probation and go to next block)
(mm/yy)

Probation termination reason: (check all that apply)

___ Completed successfully

___ Transferred to another jurisdiction

___ Revoked Revocation date _____ (mm/yy)

Reason _____

___ Arrested for new offense date of arrest _____ (mm/yy)

charges at arrest _____

___ Other (include deceased, convicted on other charges, etc)

___ Not specified

JOD Coding Form, page 2

Date Coded _____ Coder Initials _____

Sample Type: JOD _____ PreJOD _____ (check one) Sample # _____

First JOD Probation Review Hearing Date _____ (mm/yy)	
<i>(Check all non-compliant behaviors in file since START of probation)</i>	
_____ Re-arrest with domestic violence	_____ Re-arrest, no domestic violence
_____ Violation of no contact orders (no arrest made)	_____ Violation of absolute sobriety
_____ Threatening Probation agent	_____ FTA at probation appointment
_____ FTA at BIP Intake and/or session	_____ FTA at AOD or MH Treatment
_____ Failure to maintain employment	_____ Failure to pay costs/surcharges
_____ Other (specify: _____)	

Second JOD Probation Review Hearing Date _____ (mm/yy)	
<i>(Check all non-compliant behaviors in file since FIRST Probation Review Hearing)</i>	
_____ Re-arrest with domestic violence	_____ Re-arrest, no domestic violence
_____ Violation of no contact orders (no arrest made)	_____ Violation of absolute sobriety
_____ Threatening Probation agent	_____ FTA at probation appointment
_____ FTA at BIP Intake and/or session	_____ FTA at AOD or MH Treatment
_____ Failure to maintain employment	_____ Failure to pay costs/surcharges
_____ Other (specify: _____)	

Third JOD Probation Review Hearing Date _____ (mm/yy)	
<i>(Check all non-compliant behaviors in file since SECOND Probation Review Hearing)</i>	
_____ Re-arrest with domestic violence	_____ Re-arrest, no domestic violence
_____ Violation of no contact orders (no arrest made)	_____ Violation of absolute sobriety
_____ Threatening Probation agent	_____ FTA at probation appointment
_____ FTA at BIP Intake and/or session	_____ FTA at AOD or MH Treatment
_____ Failure to maintain employment	_____ Failure to pay costs/surcharges
_____ Other (specify: _____)	

USE JOD PROBATION REVIEW HEARING CONTINUATION FORMS AS NEEDED

JOD Coding Form, page 3

Date Coded _____

Coder Initials _____

Sample Type: JOD ____ PreJOD ____ (check one) Sample # _____

Supervision Problems Noted In File

Problem Date _____ (mm/yy)

Reason (check all that apply)

____ FTA at appointment ____ FTA at court ____ skipped/positive drug test

____ Other (describe) _____

Officer response to problem: ____ none listed OR (check all that apply)

____ warning letter ____ meeting ____ verbal warning ____ new referral

____ revocation initiated ____ Other (describe) _____

Problem Date _____ (mm/yy)

Reason (check all that apply)

____ FTA at appointment ____ FTA at court ____ skipped/positive drug test

____ Other (describe) _____

Officer response to problem: ____ none listed OR (check all that apply)

____ warning letter ____ meeting ____ verbal warning ____ new referral

____ revocation initiated ____ Other (describe) _____

Problem Date _____ (mm/yy)

Reason (check all that apply)

____ FTA at appointment ____ FTA at court ____ skipped/positive drug test

____ Other (describe) _____

Officer response to problem: ____ none listed OR (check all that apply)

____ warning letter ____ meeting ____ verbal warning ____ new referral

____ revocation initiated ____ Other (describe) _____

J OD Coding Form, page 4

Date Coded _____ Coder Initials _____

Sample Type: JOD ____ PreJOD ____ (check one) Sample # _____

Problem Date _____ (mm/yy)

Reason (check all that apply)

___ FTA at appointment ___ FTA at court ___ skipped/positive drug test

___ Other (describe) _____

Officer response to problem: ___ none listed OR (check all that apply)

___ warning letter ___ meeting ___ verbal warning ___ new referral

___ revocation initiated ___ Other (describe) _____

Problem Date _____ (mm/yy)

Reason (check all that apply)

___ FTA at appointment ___ FTA at court ___ skipped/positive drug test

___ Other (describe) _____

Officer response to problem: ___ none listed OR (check all that apply)

___ warning letter ___ meeting ___ verbal warning ___ new referral

___ revocation initiated ___ Other (describe) _____

Problem Date _____ (mm/yy)

Reason (check all that apply)

___ FTA at appointment ___ FTA at court ___ skipped/positive drug test

___ Other (describe) _____

Officer response to problem: ___ none listed OR (check all that apply)

___ warning letter ___ meeting ___ verbal warning ___ new referral

___ revocation initiated ___ Other (describe) _____

USE JOD CODING FORM CONTINUATION PAGES AS NEEDED

Appendix C. Detailed Table of Sanction Severity by Type of Problem

	Pre-JOD	JOD
IPV, incl. Unsubstantiated Allegations		
Number of times problem occurred	550	380
Likelihood of sanction by type:		
Court imposed jail time / revoked	0.4%	2.4% **
Defendant taken into custody	5.1%	4.2%
Court added conditions (no contact, etc.)	2.4%	2.6%
Treatment referral	2.6%	0.5% *
Agent imposed new rules	0.7%	0.5%
Warrant / apprehension	12.4%	11.6%
Court issued warning	0.0%	0.0%
Agent issued warning	28.0%	32.9%
Agent reported to court	6.6%	8.7%
Other	1.1%	0.8%
No penalty recorded	40.9%	35.8%
Contact with Victim		
Number of times problem occurred	28	68
Likelihood of sanction by type:		
Court imposed jail time / revoked	3.6%	11.8%
Defendant taken into custody	28.6%	8.8% *
Court added conditions (no contact, etc.)	7.1%	2.9%
Treatment referral	3.6%	1.5%
Agent imposed new rules	0.0%	8.8%
Warrant / apprehension	0.0%	10.3%
Court issued warning	0.0%	1.5%
Agent issued warning	28.6%	20.6%
Agent reported to court	14.3%	13.2%
Other	3.6%	4.4%
No penalty recorded	10.7%	16.2%
Criminal Behavior/Arrest		
Number of times problem occurred	83	91
Likelihood of sanction by type:		
Court imposed jail time / revoked	0.0%	1.1%
Defendant taken into custody	9.6%	9.9%
Court added conditions (no contact, etc.)	6.0%	2.2%
Treatment referral	3.6%	0.0%
Agent imposed new rules	4.8%	5.5%
Warrant / apprehension	3.6%	5.5%
Court issued warning	0.0%	0.0%
Agent issued warning	19.3%	23.1%
Agent reported to court	21.7%	35.2% *
Other	2.4%	2.2%
No penalty recorded	28.9%	15.4% *
BIP Failure		
Number of times problem occurred	95	142
Likelihood of each sanction:		
Court imposed jail time / revoked	1.1%	8.5% **
Defendant taken into custody	1.1%	0.7%
Court added conditions (no contact, etc.)	1.1%	1.4%

	Pre-JOD	JOD
Treatment referral	13.7%	14.1%
Agent imposed new rules	1.1%	0.0%
Warrant / apprehension	0.0%	0.7%
Court issued warning	0.0%	0.0%
Agent issued warning	30.5%	30.3%
Agent reported to court	5.3%	11.3%
Other	0.0%	0.7%
No penalty recorded	46.4%	32.4% *
FTR / Abscond		
Number of times problem occurred	26	29
Likelihood of each sanction:		
Court imposed jail time / revoked	3.9%	10.3%
Defendant taken into custody	11.5%	0.0%
Court added conditions (no contact, etc.)	7.7%	0.0%
Treatment referral	7.7%	0.0%
Agent imposed new rules	0.0%	3.5%
Warrant / apprehension	26.9%	34.5%
Court issued warning	0.0%	0.0%
Agent issued warning	19.2%	3.5%
Agent reported to court	11.5%	34.5% *
Other	0.0%	0.0%
No penalty recorded	11.5%	13.8%
AOD		
Number of times problem occurred	82	52
Likelihood of each sanction:		
Court imposed jail time / revoked	0.0%	1.9%
Defendant taken into custody	4.9%	9.6%
Court added conditions (no contact, etc.)	2.4%	9.6%
Treatment referral	24.4%	13.5%
Agent imposed new rules	3.7%	0.0%
Warrant / apprehension	1.2%	0.0%
Court issued warning	0.0%	0.0%
Agent issued warning	28.1%	36.5%
Agent reported to court	4.9%	11.5%
Other	1.2%	0.0%
No penalty recorded	29.3%	17.3%
Other Probation Violation		
Number of times problem occurred	154	229
Likelihood of sanction by type:		
Court imposed jail time / revoked	1.3%	10.9% ***
Defendant taken into custody	6.5%	1.8% *
Court added conditions (no contact, etc.)	2.6%	1.8%
Treatment referral	15.6%	10.9%
Agent imposed new rules	2.6%	2.6%
Warrant / apprehension	2.6%	1.3%
Court issued warning	0.0%	0.4%
Agent issued warning	34.4%	28.4%
Agent reported to court	7.1%	17.5% **
Other	0.0%	0.9%