



STATE OF ARIZONA

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Dear Community Members, Policy Makers, and Advocates:

The crimes of domestic violence and sexual assault have far reaching consequences in communities, affecting children and families throughout the State. We must begin to address the unmet needs of the victims and the children, and we must do more to both prevent abuse and hold offenders accountable for their crimes.

In Arizona today, 2 out of every 3 women who seek shelter will be turned away, a child will witness domestic violence every 36 minutes, and nationwide, a woman will be raped every two minutes. These are all reasons why I directed my Commission to Prevent Violence Against Women to develop the *State Plan on Domestic and Sexual Violence*. This blueprint will assist with identifying ways to improve Arizona's response to these public health and safety issues.

I am grateful for the hard work and dedication of those who helped to create this State Plan. However, documents like this get created every year with the best of intentions, but wind up collecting dust on bookshelves. Now we must roll up our sleeves and get to work on some very tough issues that will take significant leadership from all areas of the community, including the courts, law enforcement, social services, business leaders, elected officials, and clergy. I want to encourage every citizen to familiarize him or herself with this important State Plan and join me in working to end violence against women in Arizona.

Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano".

Janet Napolitano
Governor



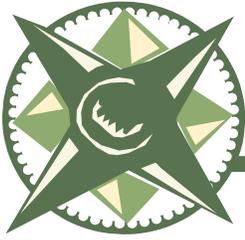


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Executive Summary

Domestic and sexual violence are crimes of power and control, and they are public health and safety issues occurring in epidemic proportions in our country. One in three Arizona women will be a victim of domestic violence. One in five women will be sexually assaulted in her lifetime. The implications of domestic and sexual violence extend beyond individual families, to workplaces and entire communities. Of particular concern is the negative, long-term impact on the millions of children who witness violence every year.

In 2003, Governor Napolitano charged the Commission to Prevent Violence Against Women with the task of creating a State Plan on Domestic and Sexual Violence. Subcommittees were formed around the following subject areas:

- ⌘ Prevention/Early Intervention
- ⌘ Victim Services/Crisis Response
- ⌘ Criminal Justice
- ⌘ Offender Treatment and Accountability
- ⌘ Sexual Assault
- ⌘ Data Collection

Subcommittee membership was open to the public, and participants included Commissioners as well as individuals with expertise in each subject area from around the state. This document is the result of months of input by more than 150 people. Each subcommittee generated recommendations and submitted those with the highest priority to the Commission.

The State Plan consists of over 50 broad reaching recommendations, including 13 that have been separated into a special Children's Chapter that specifically addresses the needs of children who witness domestic violence.

Executive Summary

The State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice in Arizona

To ensure that the *State Plan* will become reality, the Governor has asked the Commission to prepare for the process of implementation design.

Implementation strategies and action plans will be developed that can be applied to the various parts of the system such as law enforcement, the courts, social services and health care. By working together to implement these recommendations, Arizona will be able to make significant progress towards ending violence against women.

Summary of Arizona State Plan Recommendations for Domestic and Sexual Violence

Prevention/Early Intervention

- ☞ Identify families at risk via points of regular contact (schools, medical, etc)
- ☞ Increase prevention curriculum in education settings
- ☞ Enhance the faith based response
- ☞ Raise public awareness around elder and vulnerable adult abuse
- ☞ Encourage employers to provide public awareness and information to employees
- ☞ Develop a multi-lingual media public awareness campaign

Victim Services

- ☞ Increase availability of family advocacy centers and sexual assault service provider centers statewide
- ☞ Protect victims of domestic violence from eviction
- ☞ Increase civil and criminal legal representation for victims
- ☞ Develop more appropriate services for specialized populations, including immigrant victims
- ☞ Create a forum for discussing systems changes for law enforcement, the courts and judicial responses to domestic and sexual violence
- ☞ Strengthen coordination of SACT (State Agency Coordinating Team)
- ☞ Determine best method of accrediting/licensing domestic violence shelters



- ☞ Promote VAWA's statutes on battered immigrant women
- ☞ Improve coordination of basic needs resources such as Housing, Food Stamps, TANF and SSI
- ☞ Create a uniform, statewide, standardized curriculum for cross disciplinary training

Criminal Justice

- ☞ Identify and document children and vulnerable adults at the scene of domestic violence incidents and assess needs
- ☞ Create cross-disciplinary training, procedures and protocols subcommittee
- ☞ Centralize access to abusers' conditions of release to ensure victim safety
- ☞ Promote knowledge and enforcement of existing stalking laws
- ☞ Standardize procedures statewide for obtaining, enforcing and serving Orders of Protection across jurisdictions
- ☞ Develop procedures, policies and protocols to address the issue of dual arrest

Offender Treatment/Accountability

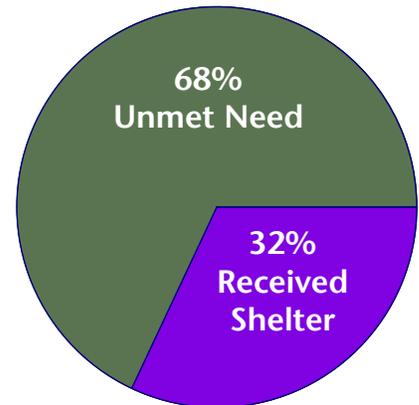
- ☞ Increase access to information on abusers by Law Enforcement, Courts, Probation
- ☞ Create task force to assess and improve offender treatment programs
- ☞ Increase sanctions for non-compliance of court orders
- ☞ Develop guidelines for judges in determining offender treatment
- ☞ Ensure that warrants for non-compliance are served in a timely manner
- ☞ Provide offender treatment to felony offenders while still in prison
- ☞ Support the implementation of the Department of Defense Task Force recommendations on domestic violence at AZ military bases

From July 2001 through June 2002, 27,678 women & children requested shelter in Arizona.

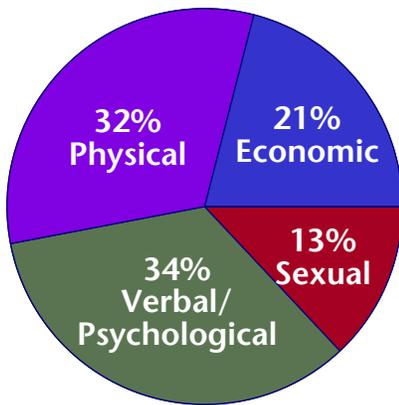
Shelter was available for 32%

Shelter was not available for 68%

Almost 2 out of 3 requests were unmet



Arizona Department of Economic Security & Department of Health Services, July 2001- June 2002



Type of Abuse

- ☞ 32% Physical
- ☞ 21% Economic
- ☞ 34% Verbal/
Psychological
- ☞ 13% Sexual

Arizona Department of Economic Security & Department of Health Services, July 2001- June 2002

Sexual Assault

- ☞ Increase capacity of the sexual violence community to provide services, promote prevention, conduct trainings, and create public awareness activities statewide
- ☞ Increase victim access to comprehensive crisis services
- ☞ Develop a formal training network focused on sexual assault issues
- ☞ Repeal Spousal Sexual Assault statute from Arizona Revised Statutes
- ☞ Allow forensic exams for victims who are unsure they want to file a police report
- ☞ Amend the sex assault statute to include multiple levels of sex assault to increase chances of prosecution
- ☞ Create sex trafficking task force
- ☞ Support the military's efforts to respond to allegations of sexual violence and to prevent future abuse
- ☞ Increase awareness about the incidence of sexual violence on Arizona college campuses and promote appropriate responses

Data Collection

- ☞ Support continued development of the Court Protective Order Registry (CPOR)
- ☞ Support local development of the National Incidence Reporting System (NIBRS)
- ☞ Encourage use of automated case management tools by service providers to increase efficiency in reporting and to assist in identification of gaps in services
- ☞ Increase prosecution of sex crimes through the Sex Crimes Analysis Network (SCAN) and the Violent Criminal Apprehension Program (VICAP)
- ☞ Work with the medical community to enhance data collection on the rate of domestic and sexual violence experienced by their patients



- ☞ Encourage fatality reviews in each region to improve services and coordination
- ☞ Support domestic violence service providers inclusion on the Homeless Management Information System (HMIS) as long as it is safe to do so
- ☞ Develop and support technology that will allow single data entry for multiple databases

Children Who Witness Domestic Violence

- ☞ Develop screening and assessment procedures and trainings on responding to domestic violence in the Child Protective System
- ☞ Create new joint service models in order to respond to families experiencing domestic violence and child maltreatment
- ☞ Discourage the use of potentially dangerous intervention in cases of domestic violence
- ☞ Identify best practices for working with battered women who maltreat their children
- ☞ Create safe visitation and exchange sites
- ☞ Develop bench book and training for family court judges and personnel
- ☞ Establish Training standards for custody evaluators
- ☞ Develop cross trainings on impact of domestic violence on children
- ☞ Develop a continuum of services to children who witness violence
- ☞ Promote coordination of law enforcement and schools, day cares, and youth agencies to address the needs of children who have witnessed domestic violence







Chapter 1: Defining the Problem

Domestic and sexual violence are not only crimes, they are public health and safety issues occurring in epidemic proportions in our state and nationally. One in three women will be a victim of domestic violence in her lifetime, and one in five women will be a victim of sexual violence. As many women will be affected by domestic violence this year as the number of men and women who will have heart attacks.¹ As significant public health and safety issues, both domestic and sexual violence require that the state, public officials and the public invest in finding a cure. The *State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice In Arizona* is the first step in engaging all stakeholders in a common vision to that end.

Domestic violence is defined as “a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence.”² Domestic violence includes physical abuse, sexual abuse, and emotional/psychological abuse. The goal of all forms of domestic violence is to intimidate the victim into a state of fear and psychological dependence where the abuser is in complete control. Many victims are also financially dependent on the abuser, adding an additional barrier to leaving the abusive relationship. Moreover, the risk and severity of violence goes up when women attempt to leave their violent relationships; The National Bureau of Justice Statistics reports that the risk of domestic violence-related assaults, including homicides, increases immediately following separation.

¹ Dr. Dean Coonrod, “Domestic Violence as Public Health Issue,” presented 4/27/04

² National Coalition Against Domestic Violence, www.ncadv.org

Defining the Problem

Arizona’s State Plan on Domestic and Sexual Violence

"To effectively address domestic and sexual violence, victims must have services, offenders must be held accountable, and programs must focus on preventing intergenerational violence."

Governor Janet Napolitano
State of Arizona

Like domestic violence, rape is a crime of power and control. Myths that rape only happens to young, beautiful women wearing provocative clothing perpetuate the idea that rape is a crime of passion, when in fact all women are vulnerable to rape, regardless of age, race, class, education or physical appearance. Research also shows that 60-75% of rapes are premeditated and motivated by aggression and hatred, not sex.³ Another myth perpetuated about rape is that most rapists attack women they do not know. In fact, the Rape, Abuse, Incest National Network (RAINN) reports that approximately 66% of sexual assault victims know their assailants.⁴ However, only 39% of rapes and sexual assaults are reported to law enforcement, and rapes committed by acquaintances are much less likely to be reported than stranger rapes.⁵

Violence Against Women as a Public Health Issue

The National Bureau of Justice Statistics reports that domestic violence is the leading cause of injury for women ages 15-44. The number of men and women who will suffer from a heart attack per year (1.5 million) is the same as the number of women who are affected by domestic violence in a year.



In 2003, 9,473 women and children received services in Arizona shelters, but that number represents only one-third of the people who requested shelter – almost 2 out of 3 requests were unmet as a result of a lack of shelter beds.⁶ Women are not the only victims. The Arizona Department of Economic Security reports that 48% of individuals who spent time in shelter in 2003 were children. Children are also vulnerable to sexual violence—RAINN estimates that 44% of rape victims are under the age of 18, and 15% are under the age of 12. Men are also victimized by both domestic and sexual violence, although not at the same rates as women or children.

³ Minnesota Center Against Sexual Assault

⁴ RAINN (Detailed breakdown: 48% friend or acquaintance; 30% stranger; 16% intimate; 2% other relative; 4% relationship unknown)

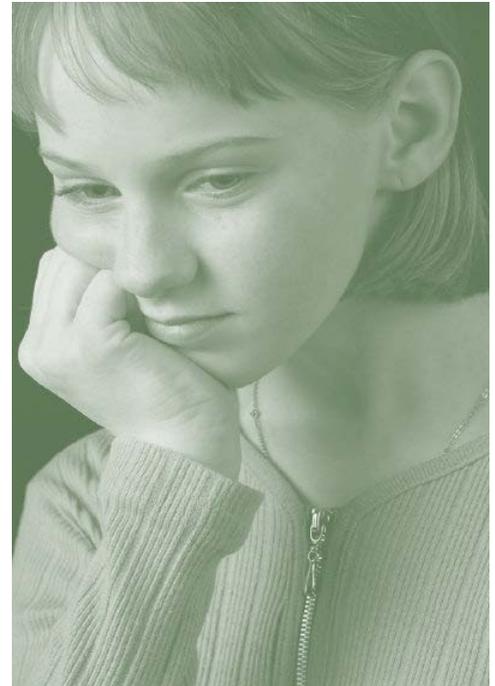
⁵ Ibid

⁶ Arizona Department of Economic Security

According to the Blue Shield Against Violence Foundation, intimate partner violence accounts for 37% of women’s visits to the emergency room, the most expensive location in which care is provided. A National Bureau of Justice Statistics study found that 63,800 victims of rape or sexual violence were treated in US emergency departments in 1994.⁷ According to a 1996 study by the National Institute of Justice, the average rape costs \$5,100, with the majority coming from medical and mental health care costs.⁸ Three percent of healthcare spending and 14% of injury related spending is due to interpersonal violence. Medical costs associated with domestic violence are \$1.8 billion!⁹

While organizations such as the American Medical Association, the American Academy of Pediatrics, and the Association of Women’s Health, Obstetric and Neonatal Nurses have stated that screening for domestic violence should be a standard practice in medical settings, but screenings are still not routinely conducted.

Domestic and sexual violence are public safety issues that require the attention of law enforcement, the courts, probation, and corrections systems. Violence against women necessitates the attention of specialized law enforcement investigation teams and prosecutors. According to a 2002 Governor’s Office survey of Arizona law enforcement agencies, police responded to a call involving domestic violence every 5 minutes and an arrest was made every 19 minutes. In 2003, there were 100 domestic violence-related homicides in Arizona.¹⁰ Domestic violence is one of the most dangerous calls law enforcement officers respond to. Not only are domestic violence incidents dangerous to victims and law enforcement, but also to neighbors, bystanders, family members and other witnesses.



Violence Against Women as a Public Safety Issue

⁷ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics

⁸ National Institute of Justice, “Victim Costs and Consequences,” 1996.

⁹ Dr. Dean Coonrod, “Domestic Violence as a Public Health Issue,” presented 4/27/04

¹⁰ Arizona Coalition Against Domestic Violence, www.azcadv.org

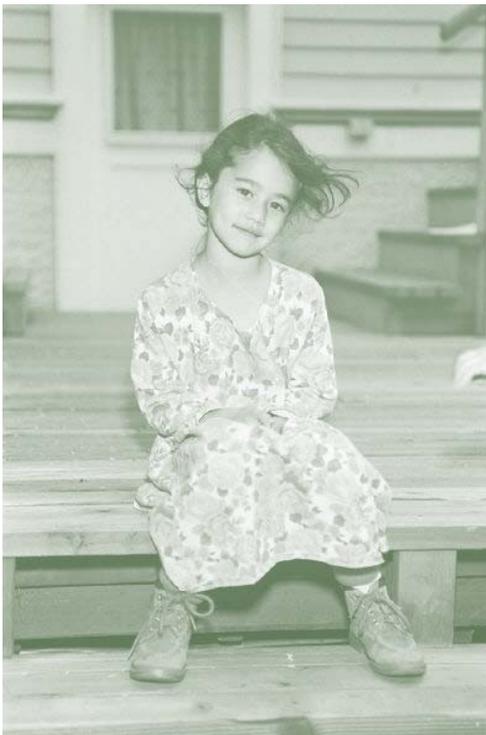


Violence and Children

"As we learn the connections and become a bit more sophisticated in our approaches, we learn that we can't keep kids safe unless we keep their moms safe."

David Berns, Director
Arizona Department of Economic

Nationally, more than 3 million and perhaps as many as 10 million children witness domestic violence each year. In Arizona in 2002, law enforcement reported responding to 14,560 scenes of domestic violence where at least one child was present. This translates into one or more children being exposed to domestic violence every 36 minutes. Violence against women has a multitude of negative consequences for children including: depression, anxiety, poor academic performance, and an increased likelihood to become abusive or be abused as an adult. Growing up in an abusive environment makes men more likely to be abusive and women more likely to become victims.¹¹ There also is a high rate co-occurrence of domestic violence and child abuse. Research shows that the overlap between domestic violence and child abuse is between 30 and 60%.¹² In a recent Arizona Republic article, David Berns, Director of the Arizona Department of Economic Security, expressed the clear link between domestic violence and child abuse, "As we learn the connections and become a bit more sophisticated in our approaches, we learn that we can't keep kids safe unless we keep their moms safe."



¹¹ Edleson, Jeffrey L., Ph.D.(1999) "Problems Associated with Children's Witnessing of Domestic Violence." University of Minnesota, School of Social Work.

<http://www.vaw.umn.edu/documents/vawnet/witness/witness.html>

¹² Family Violence Prevention Fund, "The Effects of Domestic Violence on Children" www.endabuse.org

Violence Against Women and the Workplace

Domestic violence does not stay in the home— in fact, the Department of Justice estimates that 13,000 incidents of violence take place in the workplace annually against women by their intimate partners.¹³ The workplace can be dangerous for victims because their abusers know exactly where to find them during work hours. A person who is stalking, threatening, or actually committing violent acts can follow the victim to work, resulting in adverse outcomes for her and her co-workers. Those abusers who do not show up in person at the victim’s workplace may use the telephone or e-mail to harass or stalk, resulting in intimidation and further loss of productivity.¹⁴ The Bureau of National Affairs estimates that domestic violence costs American businesses as much as \$5 billion a year in lost productivity and increased health care costs, with an estimated 8 million days of work productivity lost annually. Arizona employers have united their efforts to combat workplace violence in the Employers Against Domestic Violence organization (EADV). EADV reports that the majority of workplace violence incidents in Arizona are domestic violence related.

It is evident that domestic and sexual violence are pervasive in our state. To begin to impact real reform, domestic and sexual violence must be understood as public health and safety issues that impact all segments of our society.



¹³ “Violence and Theft in the Workplace,” U.S. Department of Justice, July, 1994

¹⁴ “Costs of Intimate Partner Violence Against Women in the United States” http://www.cdc.gov/ncipc/pub-res/ipv_cost/index.htm





Chapter 2: Arizona's Response

In keeping her pledge to address domestic and sexual violence, Governor Napolitano, in 2003, appointed 57 members to the Governor's Commission to Prevent Violence Against Women. The Commission reflects the ethnic and regional diversity of Arizona and includes representation from victim services, offender treatment, law enforcement, prosecution, the courts, the business community, the medical community, the mental health community, children's services, aging services, state agencies, advocacy groups, survivors, and populations at risk.

The purpose of the Commission is threefold:

- ☞ To unite and enhance statewide efforts to prevent and end violence against women
- ☞ To serve as a clearinghouse for domestic and sexual violence related work in Arizona
- ☞ To develop recommendations for appropriate policy and legislation.

In developing this Plan, the Commission has provided both vision and leadership. Commission members chair and/or participate on ad hoc subcommittees, serving as representatives of their region or areas of expertise, and provide invaluable information and perspective on critical issues affecting Arizona citizens.

Developing the State Plan

2.1 The Governor's Commission to Prevent Violence Against Women



2.2 Process of Developing State Plan

The *State Plan* was developed by six subcommittees:

- ☞ Prevention/Early Intervention
- ☞ Victim Services/Crisis Response
- ☞ Criminal Justice
- ☞ Offender Treatment and Accountability
- ☞ Sexual Assault
- ☞ Data Collection

The subcommittees were co-chaired by Commission members and began meeting monthly in June of 2003. Over 150 stakeholders participated in these meetings, including members of the public and individuals with expertise in each subject area.

Subcommittees prioritized recommendations based on three factors:

1. The likelihood of the recommendation reducing domestic and sexual violence.
2. The cost of implementing the recommendation.
3. The feasibility of accomplishing the recommendation.

Recommendations that received the highest scores or were otherwise deemed critical by the subcommittees are what make up the *State Plan*.



Many of the recommendations developed by the subcommittees focused on the effects of domestic and sexual violence on children, with the hope that solutions focusing on children can help prevent future generations from becoming victims or perpetrators. The recommendations in the Children's Chapter complement recommendations in Governor Napolitano's CPS Action Plan.

Once the subcommittees had completed their work, an Advisory Board was convened to review the recommendations for consistency with the guiding principles, to edit them to ensure clarity and purpose, and to address any remaining gaps. The Advisory Board sent the Commission more than 60 recommendations, which include those in the Children's Chapter.

It is the goal of this *State Plan* to address each of the problems identified through policy change, legislative action, training protocol development, and a variety of other activities at the state and local level. Law enforcement, the courts, probation, corrections, the medical community, child protective services, advocates, and citizens need to come together to work on these long-term sustainable solutions.

The recommendations contained within this document do not simply restate the problems of needed services and increased funding. These recommendations propose comprehensive solutions to difficult and complex issues. A coordinated community response that involves public and private partners who care about and are impacted by domestic and sexual violence is the key to reaching this vision.

These recommendations propose comprehensive solutions to difficult and complex issues. A coordinated community response that involves public and private partners who care about and are impacted by domestic and sexual violence is the key to reaching this vision.



2.3 Guiding Principles

The Commission established the following guiding principles that were used to develop the State Plan based on the vision of reducing the incidence of domestic and sexual violence in Arizona.

Guiding Principle 1

Increased Awareness And Understanding of The Prevalence and Incidence of Domestic and Sexual Violence in Arizona.

Guiding Principle 2

Increased Efforts to Prevent Domestic and Sexual Violence

Guiding Principle 3

Increased Collaboration and Coordination among Key Guiding Stakeholders

Guiding Principle 4

Stakeholders to Respond More Effectively to Acts of Violence Against Women and their Children

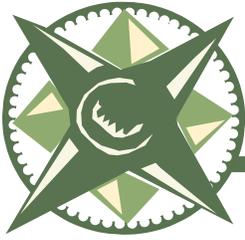
Guiding Principle 5

Increased Safety for Women and their Children

Guiding Principle 6

Increased Accountability for Offenders





Chapter 3: Prevention/Early Intervention Recommendations

Prevention strategies focus on protecting individuals from becoming a victim or perpetrator of abuse. They also include strategies that ensure that laws, regulations and services allow individuals to live in communities that demonstrate intolerance of abuse.

Early intervention strategies focus services on individuals who have already been exposed to abuse and provide them with support, information and resources that aim to prevent the violence from continuing. Strategies include ensuring that communities provide access to services that help individuals reduce the negative consequences of experiencing the abuse and that aid them in leaving an abusive relationship or in getting the help they need to stop the abuse.

The earlier that a family is screened for domestic or sexual violence, the sooner that families can receive the help they need to stop the violence. Ideal settings to screen for exposure to violence include health care providers, Child Protective Services, behavioral health providers, faith-based institutions, schools, and other systems that have regular interaction with families. At a minimum, personnel in these systems need appropriate training on how to identify domestic and sexual violence and information on where families can be referred when issues are identified.

Recommendations Prevention/Early Intervention

Prevention/Early Intervention: 3.1

Encourage agencies and systems that have regular contact with families to routinely screen for exposure to domestic and sexual violence and assess for needed services.

Prevention/Early Intervention: 3.2

Provide schools and youth agencies with evaluated, approved and standardized violence prevention curriculum that can be used to educate children and teens about the dynamics of domestic violence and healthy relationships.

Anyone can become a victim or perpetrator of violence, and reaching kids in settings they normally attend is an effective way to help them to know how to stay safe and understand healthy relationships. Schools, after school programs, childcare programs and grassroots and community-based programs are ideal settings for educating children about the dynamics of healthy relationships through age-appropriate standardized violence prevention curriculum. Some examples of effective violence prevention programs are Breaking the Cycle out of Tucson, Bullying Prevention programs by the Men's Anti-violence Network (MAN), and the PAVE and BRAVE programs which are provided through the Maricopa County area school systems.

Prevention/Early Intervention: 3.3

Encourage faith-based institutions to create awareness among their congregations on domestic and sexual violence, to provide appropriate responses and resources to individuals who disclose abuse, and get involved in community efforts that aim to prevent violence against women.

Two out of every 3 Americans are affiliated with a religious, spiritual, or faith-based group or organization and 1 out of every 4 is an active member. Due to their large member bases, faith-based institutions are uniquely positioned to champion efforts to end violence against women and girls. Because they are considered a safe place for families to interact, faith-based institutions can also relay messages of safety and support for victims and information on offender accountability. Faith-based communities can respond by educating the congregation through sermons, participation in awareness month activities, community events, and monthly newsletters. In the last several years, the Arizona faith community has undertaken significant efforts to train clergy and lay leaders to recognize and address the signs of abuse within their congregates. It is important that these training efforts continue.



According to the National Center on Elder Abuse, "vulnerable adult" is defined as a person who is either being mistreated or in danger of being mistreated or neglected, and who, because of age and/or disability, is unable to protect him/herself. "There are nearly 17,000 nursing homes in the United States that currently care for 1.6 million residents – a figure expected to quadruple to 6.6 million residents by 2050" (U.S. House of Representatives, Committee on Government Reform- Minority Office.) Eye witness accounts and surveys have sadly shown that nursing home abuse and neglect is a serious problem, and that there also is significant underreporting. Major underlying causes of elder mistreatment, according to findings of the National Academy of Sciences Panel to Review Risk and Prevalence of Elder Abuse and Neglect, are: stressful working conditions, staff shortages, staff burnout, and inadequate staff training.

In addition to nursing homes, elder or vulnerable adults who are cared for by family members are also susceptible to abuse. In fact, 90% of reported cases of elder abuse are committed by a family member. Family members need support to deal with the stress of having an older parent or vulnerable adult living with them. They need to be able to identify the warning signs of abuse and to know where to get help for themselves and/or the victims of abuse.

Prevention/Early Intervention: 3.4

Raise public awareness about the problem of elder and vulnerable adult abuse.

"There are nearly 17,000 nursing homes in the United States that currently care for 1.6 million residents — a figure expected to quadruple to 6.6 million residents by 2050."

U.S. House of Representatives, Committee on Government Reform - Minority Office.



Prevention/Early Intervention: 3.5

Encourage employers to be proactive in response to domestic violence experienced by their employees and to be leaders in the community promoting violence prevention.

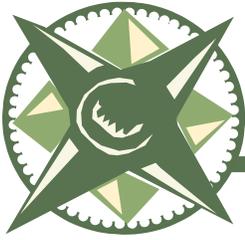
Domestic violence is estimated to cost employers between \$3 and \$5 billion annually in health care costs, absenteeism, security and other related costs. Employers can be an important ally and support system for their employees and can do the following to support employees who may be experiencing domestic violence, including: adopting policies on domestic violence in the workplace; regularly providing training to human resources directors, management, and employees on issues related to domestic violence; and ensuring that resource information is available for employees. Networks such as the Employer's Against Domestic Violence (EADV), which was started in Maricopa County in 1999 and now has over 100 employers as members, are effective in creating public awareness, raising money for programs, and providing resources to other employers. EADV has plans to expand statewide.

Prevention/Early Intervention: 3.6

Raise awareness through the media and community efforts.

Media and community education campaigns have proven to be tremendously effective in addressing many types of public health and safety hazards such as drunk driving, cigarette smoking and breast cancer screening. Media and community awareness campaigns can serve a vital role by providing critical information for potential victims and abusers as well as engaging other members of the community in a show of public intolerance for domestic and sexual violence. In addition, it is important that campaigns are designed to be ongoing, culturally and linguistically relevant, and age-appropriate. In order to reach the largest possible audiences, media campaigns and community efforts should be easily reproducible in formats that are easy to display, such as posters and brochures, as well as utilizing radio and television public service announcements.





Chapter 4: Victim Services/Crisis Response Recommendations

Recommendations found in this section are referred to as third tier prevention strategies, which aim to help individuals who have already suffered negative consequences from domestic and/or sexual violence from experiencing on-going adverse effects. Strategies include allowing victims to reestablish safe, stable, healthy and self-sufficient lives for themselves and their families, and ensuring that victims have access to services and support that protect them from on-going victimization. The recommendations are broken into two categories: direct services and systems changes. Recommendations in the direct services category concern victim-focused activities. Recommendations under systems changes focus on changes in policies, protocols, and procedures that will impact victim services, but don't impact the victim directly.

Recommendations Victim Services/Crisis Response

Arizona currently has a tremendous network of 13 Family Advocacy Centers throughout the state. Family Advocacy Centers (FACs) provide a unique array of services to victims in one location including: providing needed referrals and services, such as counseling or support groups; attending to medical needs or examinations; and obtaining Orders of Protection via remote access to the courts. FACs also assist in the collection of forensic evidence in the instance of a sexual assault or take pictures after a domestic violence incident. Some FACs have law enforcement on the premises, which can be helpful in filing a legal complaint against an abuser. While it is helpful for law enforcement to be on the premises, interaction with them should not be a requirement for accessing services offered by FACs.

**Victim Services/Crisis
Response - Direct Services:
4.1**
**Encourage the development
of Family Advocacy Centers
Statewide that will be
supportive of victims of
domestic and sexual
violence.**

**Victim Services/Crisis
Response - Direct Services:
4.2**

Crime free housing policies should hold harmless those victims of domestic violence who contact police to respond to an incident of domestic violence.

“Crime Free/Drug Free Addendums” are housing policies that allow landlords to evict a tenant(s) if police are called or a crime is committed in the residence of a multi-family housing unit. Oftentimes, landlords have used these policies as a reason for serving eviction papers on victims following a domestic violence episode. This can deter victims from reaching out for help for their abuse for fear of being evicted.

**Victim Services/Crisis
Response - Direct Services:
4.3**

Support the development of housing options, including emergency, transitional, and permanent housing, for victims of domestic violence trying to escape abuse.

The creation of more emergency shelter, as well as transitional and permanent housing units is necessary so that victims and their children remain safe and are not forced to return to their abusers due to lack of options. In Arizona today, 2 out of every 3 women and children who request shelter are turned away, and the lack of affordable housing options fails to satisfy the demand. As a consequence, many victims and their children have very few options for finding an escape from the abuse and, oftentimes become homeless. Homeless service providers also need to be prepared to respond to victims of domestic violence.

**Victim Services/Crisis
Response - Direct Services:
4.4**

Provide access to legal representation and advocacy in both civil and criminal matters so that victims may seek justice and safety from abuse.

Victims need access to legal representation to ensure that their rights are represented in criminal and civil matters. Adequate and affordable legal representation is especially critical at a time when abusers use power and control tactics to gain advantage over their victims, particularly in custody and divorce proceedings. However, many victims of domestic violence cannot afford legal counsel and there are currently insufficient free legal services to support the demand. Attorneys should be encouraged through the State Bar and their employers to volunteer services. Employers should also be encouraged to offer attorneys pro bono credit or other incentives to volunteer.



Victims from specialized populations require unique services. Specialized populations include persons with severe mental illness (SMI) and/or drug and alcohol addictions, the elderly, multicultural, LGBT, refugees and undocumented persons from other countries, survivors of trafficking, families with teen boys, male victims, persons with developmental or physical disabilities, teens, HIV+ and children. To best serve these victims, existing service providers need to develop partnerships with organizations that have expertise in specialized populations and can provide access to resources. Greater collaboration and cross-trainings will help ensure that all facets of a victim's profile are understood and addressed.

**Victim Services/Crisis
Response - Direct Services:
4.5**

Encourage service providers to develop partnerships with organizations that have expertise in specialized populations and can provide access to resources.

The more a client has input into his or her own case plan, the increased likelihood for success of self-sufficiency. An empowerment-based model for case management and assessment ensures that victims receive the services they need to reach self-sufficiency in the time they are in shelter. The Need for Services Assessment instrument is one example of such a tool being used by a number of shelters statewide to assess victim's needs at various points during their stay in shelter. This instrument also allows shelter staff to appropriately identify trends so that programs can structure their services to meet the needs of their clients.

**Victim Services/Crisis
Response - Direct Services:
4.6**

Encourage service providers to use a client-driven, empowerment case management tool, such as the Need for Services Assessment (NFA).



**Victim Services/Crisis
Response - System Changes:
4.7**

**Create and implement an
Ombudsman or review
panel for first responders
including law enforcement
and the Courts.**

A review panel made up of domestic and sexual violence advocates, first responders, legal and law enforcement professionals, community members and survivors could review complaints from victims, address systems issues, and recommend areas of needed improvements. Ideally the panel would serve as a sounding board for people who come into contact with these groups and to make recommendations for better serving victims and systems changes. Recently, SB1237, signed by the Governor in the 2004 Legislative Session, creates a review panel and process for making complaints against custody evaluators and other psychologists who are part of cases in the domestic relations court.

**Victim Services/Crisis
Response - System Changes:
4.8**

**Strengthen the
coordination of activities
and priorities of the state
agencies with regards to
domestic and sexual
violence through the State
Agencies Coordinating
Team (SACT).**

SACT is made up of eight state agencies that in some way or another fund domestic and sexual violence services including: the Arizona Criminal Justice Commission; Arizona Department of Housing; Arizona Supreme Court Administrative Office of the Courts; Arizona Department of Economic Security; Arizona Department of Health Services; Arizona Department of Public Safety; Governor's Office for Children, Youth and Families (Division for Women); and the Office of the Arizona Attorney General. The mission of SACT is "to collaboratively assess needs, maximize state and federal resources, support intervention and prevention activities, and improve quality services for domestic violence and sexual assault victims while positively influencing family violence policies and practices." Each year, SACT reports on their coordinated activities and sets their strategic plan for the following year. SACT should continue to coordinate its efforts and determine how to maximize their collective funding for systems change.



Although most domestic violence shelters are not behavioral health treatment facilities, The Department of Health Services, Office of Behavioral Health Licensure currently regulates them. While many victims may suffer from behavioral health symptoms, their victimization is not an indication that they suffer from a mental illness. The purpose of domestic violence shelters is to provide safety for women and their children seeking refuge from abuse, and having behavioral health license domestic violence shelters implies that this is a behavioral health issue. Other appropriate forms of accrediting and licensing of domestic violence shelters need to be explored and considered.

The 2000 reauthorization of the federal Violence Against Women Act (VAWA) provides a number of protections for battered immigrant women (BIW). Oftentimes, BIW face a myriad of obstacles such as fear of deportation, having their children taken away by their abusive partner, language barriers, and trouble accessing services they are entitled to under VAWA. Many service providers in the community, including victim advocates, faith-based groups, first responders and law enforcement, do not know of the protections afforded under the Violence Against Women Act. Therefore, more needs to be done to educate and train those who might come into contact with battered immigrant. Through a grant from the Department of Justice, the Governor's Office has assisted in the development of regional teams to address the issue of identifying and serving battered immigrant women in the border communities. Continuing to support these teams is critical to addressing the training and resource needs of battered immigrant women in the state.

**Victim Services/Crisis
Response - System Changes:
4.9**

**Determine best method of
accrediting or licensing
domestic violence shelters.**

**Victim Services/Crisis
Response - System Changes:
4.10**

**Improve the delivery of
services to battered
immigrant women,
including improving access
to the provision of the
Violence Against Women
Act that allows battered
immigrant women to self-
petition for citizenship
status.**

**Victim Services/Crisis
Response - System Changes:
4.11**

**Improve the coordination of
basic needs (aka
mainstream) resources such
as housing, food stamps,
TANF and SSI so that they
are accessible to victims/
survivors.**

Survivors of domestic violence, particularly those who are in domestic violence shelters, need access to mainstream resources that can assist them in becoming self-sufficient and safe. The Governor's Children's Cabinet is developing ways to streamline eligibility criteria for programs, ensuring clients' access to all services that they are entitled to, and creating maximum utilization of programs by eligible families. Survivors of domestic violence will benefit from these efforts as well.

**Victim Services/Crisis
Response - System
Changes :
4.12**

**Create a uniform,
statewide, standardized
curriculum for cross-
disciplinary training.**

A uniform, statewide, standardized domestic violence training curriculum for health care professionals, social workers, counselors, law enforcement, criminal justice (including prosecution, courts, and probation), mental health professionals, substance abuse counselors, and first responders would promote greater consistency in service delivery. This would help to assist those who come into contact with victims and abusers to better respond to their needs. By working together in a multi-disciplinary approach, service delivery systems will promote more victim safety and abuser accountability.





Chapter 5: Criminal Justice Recommendations

Recommendations under this heading focus on the law enforcement, prosecutorial and judicial responses to domestic and sexual violence incidents. Both systems level and practical issues need to be addressed in order to ensure victim safety and abuser accountability. Issues involving service and process of Orders of Protection are also a key focus of this section.

Recommendations Criminal Justice

Policies and procedures should be established for law enforcement to identify children and vulnerable adults present at all domestic violence scenes, whether or not the children or vulnerable adults are victims or witnesses in any particular case. Presently, unless they are direct victims of abuse or witnesses, they are rarely offered services or documented in police incident reports. By consistently identifying these children and vulnerable adults, service needs can be determined and provided, thereby reducing the likelihood of future domestic violence. Pima County's Breaking the Cycle program is an excellent example of how best to accomplish this goal, where law enforcement officers call Crisis Response Teams to scenes where children are present. Volunteers on the Crisis Response Teams provide age-appropriate information and resources to the families and children. In addition, the Pima County Attorney's Victim Witness Program follows up with the families and children.

Criminal Justice: 5.1

Identify children and vulnerable adults present at all domestic violence scenes.

Criminal Justice: 5.2

Ensure abuser's conditions of release are documented and treated in a way that ensures victim safety.

Offenders released from custody must comply with court-ordered Conditions of Release such as staying away from the victim both at home and work, surrendering firearms to law enforcement, and reappearing in court at set dates. Currently, offenders' release conditions are not relayed to victims, nor are they readily accessible to law enforcement officers in the field in all 15 counties. Release conditions would be a more effective accountability tool if they were entered into a centralized database, similar to what occurs for Orders of Protection. This database could then be easily accessed by officers in the field, thereby increasing the likelihood of enforcement of Conditions of Release.

Criminal Justice: 5.3

Provide information to the community, law enforcement, the courts, and advocates about the issues of stalking, laws related to stalking, and how to develop a safety plan for someone who is being stalked.

According to the Stalking Resource Center of the National Center for Victims of Crime, 88% of female homicide victims and 68% of attempted female homicide victims were stalked by their former partners. An equally alarming number of women were stalked and killed by their current partners. Stalking is a high predictor of lethality, and advocates, law enforcement and other service providers need to have the knowledge and skills to adequately respond to victims who are being stalked by providing victims with safety planning.



An Order of Protection is a critical tool that victims of domestic violence have at their disposal, to help ensure their protection and safety from an abuser who may not be in police custody. Presently, there are many different policies, procedures and practices regarding how Orders of Protection are issued and served throughout the state. To increase the intended validity and credibility, an Order of Protection should be treated the same regardless of the jurisdiction in which it was issued, served or enforced. Potentially, legislation may be needed to clarify that law enforcement shall serve, or cause to be served, an Order of Protection regardless of the jurisdiction in which it was issued.

Arizona state law mandates arrest of one or both parties in domestic violence situations in which there probable cause to believe there is an “infliction of physical injury or a discharge, use or threatening exhibition of a deadly weapon or dangerous instrument”.¹⁵ Where an officer is unable to determine specifically which participant was the predominant aggressor and which may be entitled to consideration of self-defense, a dual arrest often results. Along with training, dual arrest protocols and procedures need to be developed so they are consistent throughout the state. If protocols, procedures and training do not adequately address the issue, legislation detailing a “predominant aggressor” definition and mandated training may be necessary.

Criminal Justice: 5.4

Ensure that procedures for obtaining, documenting, serving and enforcing Orders of Protection are as similar/consistent as possible throughout the state.

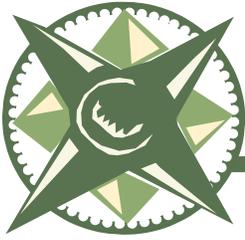
Criminal Justice: 5.5

Develop protocols, procedures and training modules for law enforcement in order to minimize the occurrence of dual arrests.

¹⁵ ARS 13-3601, subsection B







Chapter 6: Offender Treatment and Accountability Recommendations

Holding offenders accountable for their crimes presents many challenges for the courts, probation, law enforcement and service providers. These challenges are, in part, a result of limited resources, but also due to an inability to adequately track offenders and provide appropriate treatment. The following section outlines recommendations for improving systems responses for both offender accountability and offender treatment.

Recommendations Offender Treatment and Accountability

While Arizona has some of the most progressive domestic violence laws in the country, we currently lack an adequate criminal history database. As a result, in many cases, domestic violence defendants are often considered to be first time offenders even though they have a history of documented abuse in another jurisdiction. This impedes the ability of the police officer, prosecutor and judge to fully hold the repeat offender accountable. (See Data Section for possible resources in developing a comprehensive criminal history database on domestic violence offenders.)

Offender Treatment and Accountability: 6.1

Increase access to information on abusers so that law enforcement, prosecutors and judges can appropriately respond to repeat incidents of domestic violence statewide.

Offender Treatment and Accountability: 6.2

Create an Offender Treatment Provider Network to increase the effectiveness of offender treatment.

An offender treatment network consisting of members who represent the ethnic, geographic and cultural diversity of the State of Arizona, would increase the quality and effectiveness of how offender treatment is delivered throughout the state. Ideally, the offender treatment network would develop best practice curriculum and protocols for delivering offender treatment programs. Additionally, the network would serve as a resource for technical assistance for offender treatment providers throughout the state.

Offender Treatment and Accountability: 6.3

Develop sanctions, such as fees or warrants for non-compliance of court orders.

Warrants for non-compliance and other court imposed sanctions such as fines have been found to be an effective means of holding offenders accountable and reducing recidivism at the earliest stages of offending. Currently, the City of Phoenix, through a grant funded by the US Department of Justice, is providing supervised probation for first time offenders of domestic violence. Under this “pilot program” the City is aiming to demonstrate that holding offenders accountable through swift and immediate action at the earliest stages will decrease case flow in the courts, leaving more resources to focus on the most serious offenders.

Offender Treatment and Accountability: 6.4

Adopt guidelines for judges and service providers that will guide them in determining an abuser’s treatment and schedule.

The Office of Behavioral Health Licensure (OBHL), through the Arizona Department of Health Services, has published rules defining the length and content of offender treatment programs that are licensed under the state. Currently, the offender treatment licensing rules define the following: first time abusers should be required to complete 26 treatment sessions over at least a 4-month period; second time abusers need a minimum of an additional 36 sessions; and third time abusers should be required to complete 52 additional sessions. Although OBHL rules are guidelines, whenever possible, courts should require that offenders receive treatment by OBHL licensed providers. Challenges may exist for rural communities that may not have a licensed provider network. OBHL should work with those communities to help develop a strong treatment network.



Currently, felony offenders of domestic violence are not mandated to receive treatment while in prison. Once they are released, they may be required to attend an Offender Treatment Program as part of their release conditions. Ideally, as a part of their incarceration, offender treatment would be offered while offenders are still in prison and then continued once they leave (if not already completed).

Offender Treatment and Accountability: 6.5

Ensure that felony offenders of domestic violence receive offender treatment while still in prison.

Following a dramatic increase in domestic violence fatalities among military personnel in 1999, the Defense Task Force on Domestic Violence was created by the National Defense Authorization Act in 2000. The Task Force made several recommendations regarding the handling of domestic violence cases by military installations. Military bases around the country, including those in Arizona, are working to implement these recommendations to provide support to military families involved in domestic violence and increase accountability for offenders. Communities surrounding military bases need to work collaboratively with those bases to ensure families living off base and experiencing domestic violence are also receiving similar services and treatment.

Offender Treatment and Accountability: 6.6

Support the implementation of the recommendations from the Department of Defense Task Force on Domestic Violence at Arizona military bases.







Chapter 7: Sexual Violence Recommendations

Sexual Violence is a violent crime that is underreported in most communities. In fact, it is estimated that only 16% of all sexual assaults ever come to the attention of law enforcement, with only about 2% resulting in prosecution. This is mainly attributable to the lack of support systems for victims who report being “re-victimized”. The recommendations below attempt to identify strategies that, when implemented, will significantly increase community capacity to respond to sexual violence. This, in turn, will likely lead to an increase in victims coming forward to report their abuse.

Recommendations Sexual Violence

The sexual violence community currently lacks a well-formed, centralized alliance representing the best interest of all sexual violence victims in the state. Ideally, stakeholders in the sexual violence community would collaborate to promote leadership on the issue, provide technical assistance to service providers, provide training throughout the state, and advocate for victims at the Arizona State Legislature on the need for better defined and enforced sexual violence laws. A well-formed alliance of sexual violence stakeholders would geographically, culturally and ethnically represent the State of Arizona.

Sexual Violence: 7.1
Increase the capacity of the sexual violence community to provide comprehensive sexual violence services and promote prevention, training, and public awareness activities statewide.

Sexual Violence: 7.2

Increase victims' access to comprehensive sexual violence crisis services.

Sexual assault victims should have access to comprehensive crisis services, including rapid, appropriate responses and interventions that can minimize the detrimental and long-term effects of the violence. Comprehensive services should include, at a minimum, development of multidisciplinary Family Advocacy Centers or sexual assault service provider centers statewide and regular and on-going communication among multi-disciplinary team (MDT) partners. Each MDT should include a trained forensic examiner, a law enforcement officer, an advocate, and a prosecutor.

Sexual Violence: 7.3

Develop a formal training network on issues of sexual violence, from prevention to crisis intervention to the criminal justice response.

Trained professionals that respond to incidents of sexual violence are essential for successful prosecution, offender accountability and victim healing. Currently, sexual assault training is sporadic and lacks uniformity across the state. Professional training is needed in the areas of sexual violence prevention/education, sexual violence issues and advances in practices, and sexual violence investigations. Professionals who need training include crisis advocates, members of the Sexual Assault Response Teams (SARTs), and partners in the multidisciplinary team (MDT).

Sexual Violence: 7.4

Repeal the Spousal Sexual Assault statute from the Arizona Revised Statutes (ARS).

Arizona is one of only 7 states that separately define spousal sexual assault in statute and the only state to maintain a lesser criminal penalty. Further, only 10 states require specific elements for prosecution not prescribed for non-spousal victims, including Arizona. Rape can and does occur in the context of marriage, and, according to a report in the November/December 2003 issue of Sexual Assault Report, is the most common form of sexual assault, occurring at least twice as often as stranger rape. Further, rape by a spouse is more likely to reoccur rather than be a one-time event. The Arizona legislature must address the differences in law so that marital rape is not treated as a lesser crime than stranger or acquaintance rape.



Currently, forensic evidence must be collected within the first 120 hours after a sexual assault. If a victim of sexual assault does not immediately wish to file a police report, he/she is not given the opportunity to receive a forensic exam within the first 120 hours. Oftentimes, victims of sexual assault may be too traumatized to immediately press charges. Victims should be allowed to have forensic evidence collected within the first 120 hours so that evidence is preserved if they want to press charges at a later date.

Sexual Violence: 7.5

Allow all victims of sexual assault the ability to obtain a forensic exam in the first 120 hours following the incident regardless of whether they immediately report to law enforcement.

Currently only 2% of sexual assault cases ever result in conviction in Arizona. Many prosecutors attribute this to the fact that there is only one classification of sexual assault, a class 2 felony. Many states have up to 10 varying classifications for sexual assault thereby increasing the likelihood of conviction. Increasing the levels of sexual assault in the Arizona Revised Statutes would likely increase the conviction rate of sexual assaults leading to increased accountability for sexual offenders in Arizona.

Sexual Violence: 7.6

Amend the Sexual Assault Statutes in Arizona state law to add varying levels of sexual violence crimes.

The Arizona and Mexico border has been identified as a main entry point for sex traffickers and their victims. Sex trafficking is a form of modern-day slavery and occurs when a commercial sex act is induced by force, fraud, or coercion, or when the person forced to perform such an act is under the age of 18. Passage of the Trafficking Victims Protection Act of 2000 made sex trafficking a serious violation of Federal law. A task force made up of key stakeholders to collaborate on issues related to sex trafficking is essential to help prevent sex traffickers from continuing to use the border as an entry point to transport victims throughout the country.

Sexual Violence: 7.7

Create a task force to study the severity of sex trafficking in Arizona and to develop strategies for working with victims in Arizona.



Sexual Violence: 7.8

Support the military's efforts to identify the problem of sexual abuse by military personnel against military personnel and to develop solutions for how to respond to victims and perpetrators.

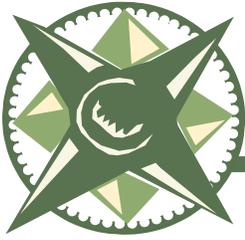
Recently, escalating reports of sexual assault in all branches of the military have brought to light serious system flaws in reporting of sexual assault claims and assistance provided to victims. The U.S. Department of Defense and Congress are responding to this escalating trend by identifying steps that need to be taken to better assist victims and hold perpetrators accountable. Service providers in the state need to be supportive of Arizona's military bases' implementation of any changes that are ordered.

Sexual Violence: 7.9

Engage Arizona's public and private colleges and universities in raising awareness about the incidence of sexual violence on campus and in promoting appropriate responses, both towards the victim and the perpetrator.

Women ages 16-24 are four times more likely to be sexually assaulted than women in any other age group, making the college years especially vulnerable for young women. Further, women in this age group who are in college are more likely to be victims than women of the same age not in college. Sexual assault on college campuses is much more likely to be perpetrated by someone the victim knows. Campus based resource centers should make available both rape prevention and education programs as well as intervention services for victims of sexual abuse. Prevention programs need to target college women and be delivered by both professionals and peers on campus. Also, campus law enforcement agencies need to be prepared to immediately respond to incidents of sexual violence to reduce trauma for victims and enforce accountability for offenders.





Chapter 8: Data Collection Recommendations

Reliable data is key to creating systems level changes. In the domestic and sexual violence fields, data is currently not collected systematically. There is a lot of anecdotal evidence, but hard numbers are also needed in order to make the case for the critical systems changes proposed in this State Plan. Recommendations in this section pertain to the collection of data from medical settings, the criminal justice system and victim services.

Recommendations

Data Collection

The Uniform Law Enforcement Domestic Violence Statistical Report developed by the Governor's Office is designed to collect data on law enforcement's response to domestic violence. This report represents some of the only comprehensive domestic violence law enforcement data available in the State and is primarily used for educating the public and applying for funding. The form was recently streamlined with questions to elicit more simplistic data in an attempt to increase response rate and data accuracy.

Data Collection: 8.1

Continue to streamline the Uniform Law Enforcement Domestic Violence Statistical Report used by the Governor's Office for collecting law enforcement data.

Data Collection: 8.2

Support the continued development of the Court Protective Order Repository (CPOR) by the Administrative Office of the Courts (AOC).

In 1999, the Administrative Office of the Courts (AOC) developed a database, the Court Protective Order Repository (CPOR), to allow court staff to input Orders of Protection and Injunctions Against Harassment into a system that can be accessed by law enforcement in the field and modified by judges in courts across the state. CPOR is a data collection tool, data repository, and data exchange mechanism for law enforcement agencies and the courts. Not only does CPOR increase the state's ability to collect domestic violence data, it also enables law enforcement to enforce violations of Orders of Protection with an electronic record in the field, greatly assisting to increase victim safety and abuser accountability.

Data Collection: 8.3

Support the continued development of the National Incident Based Reporting System (NIBRS) by the Arizona Department of Public Safety (DPS).

NIBRS is part of a national effort to increase the amount of data that is collected on all crimes, including domestic and sexual violence. The benefits of using this type of system are that it will provide an ability to do greater crime analysis and give more detailed, accurate data. When completed, NIBRS will furnish information on nearly every major criminal justice issue facing law enforcement today. And once fully implemented in Arizona, the prevalence of domestic and sexual violence will be easier to determine in Arizona.

Data Collection: 8.4

Support the use of an automated, consistent case management tool by domestic violence shelters.

ShelterBase is a database system for domestic violence shelters and is intended to create greater efficiency by allowing shelters to enter all information about a client into one database. The database provides specific reports for each funding agency. This method of streamlined reporting is a tool for providers to create aggregate data on the clients they serve, thereby creating more effective program delivery. Providers need training and on-going technical assistance in order to have the database work as an effective and valid tool.



The Department of Public Safety (DPS) developed the Sex Crimes Analysis Network (SCAN) in 2001. SCAN allows law enforcement to compare profiles of sex offenders and child abductors on a statewide basis. When fully implemented, SCAN will help law enforcement to capture more sexually violent criminals in Arizona. The FBI created VICAP in the mid-1980s to facilitate communication, cooperation, and coordination between the nation's law enforcement agencies, and to support their efforts to investigate, identify, track, apprehend, and prosecute violent serial and repeat offenders. Supporting Arizona law enforcement's participation on both of these databases is an important component of public safety.

Data Collection: 8.5

Increase the prosecution of sex crimes through the widespread use of the Sex Crimes Analysis Network (SCAN) and the Violent Criminal Apprehension Program (VICAP).

Medical settings not only serve as excellent points of prevention and early intervention for domestic and sexual violence, but also provide opportunities to collect data on victims/survivors and abusers. The Center for Disease Control (CDC) has created ideal data elements for collection in medical settings. An analysis needs to be conducted in Arizona to ascertain what is currently being collected by medical professionals and what data still needs to be incorporated into the medical field's data collection efforts. A training curriculum should also be developed on how to collect data on domestic and sexual violence from patients in a manner that is safe for victims.

Data Collection: 8.6

Encourage the medical community to create and implement a comprehensive, statewide data collection initiative on the incidence of domestic and sexual violence.

The mission of the National Domestic Violence Fatality Review Initiative is to provide technical assistance to support review of domestic violence related deaths with the underlying objectives to prevent them in the future, preserve safety of battered women, and hold accountable both the perpetrators of domestic violence and the multiple agencies and organizations that come into contact with the parties. Fatality reviews provide valuable information regarding the circumstances that lead to domestic violence related homicides, which can help shape and inform policy decisions for reform.

Data Collection: 8.7

Encourage local communities to develop Domestic Violence Fatality Review Teams.



Data Collection: 8.8

Build capacity of domestic violence shelters to participate on the Homeless Management Information System (HMIS).

The US Department of Housing and Urban Development (HUD) has commissioned all communities receiving funding from them to implement HMIS in order to better coordinate the delivery of services for people experiencing homelessness. HMIS is a web-based system that allows service providers to share information about clients and services offered to these clients. In order for domestic violence providers to effectively participate, more needs to be done to ensure the safe, secure and confidential exchange of information to protect victims. Otherwise, a process will need to be created whereby only aggregate data would be input into HMIS.

Data Collection: 8.9

Develop and support technology that will allow single data entry for multiple databases (such as ShelterBase, NFSA, and HMIS) for domestic violence programs.

Currently, shelter programs that participate on multiple databases must input data multiple times, creating the need for increased staffing. The capability to link databases together needs to be explored and developed so that data only needs to be entered once. Ideally, domestic violence programs would be able to use the empowerment case management tool such as the Need for Services Assessment (NFSA, discussed in the Victim Services/Crisis Response section), have all the information uploaded into ShelterBase for reporting requirements, and then uploaded into HMIS to create the aggregate data needed for HUD.





Chapter 9: Children Who Witness Domestic Violence Recommendations

*The impact of domestic and sexual violence on children is a common theme that has emerged throughout all sections of the recommendations. Children who live in a home where domestic violence is occurring are 50% more likely to be abused themselves. Equally detrimental are the life long developmental consequences that children suffer who live in a home with domestic violence. In 1999, the National Council of Juvenile and Family Court Judges published the resource guide *Effective Interventions in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice*, better known as “The Green Book”. The Green Book is a framework for communities to utilize in developing solutions to the complex issues surrounding domestic violence and child maltreatment. The recommendations in this section fall into three distinct categories of child protective services (CPS), domestic relations, and victim services.*

Recommendations

Children Who Witness Domestic Violence

The primary goal for most child welfare agencies first and foremost is to ensure child safety. However, research has revealed that domestic violence is also present in a majority of child maltreatment cases. CPS is uniquely positioned to intervene when these two issues overlap with the intent that keeping victims of domestic violence safe from abuse is also a key indicator in the ability to keep kids safe from abuse and neglect.

Child Protective Services (CPS)

Children Who Witness Domestic Violence - CPS: 9.1

Develop screening and assessment procedures and train staff to identify and respond to domestic violence in order to promote family safety and abuser accountability.

Currently, there is no standard form to assess for domestic violence in CPS cases. Given that the co-occurrence of these two issues is high, it is critical to get the entire family assistance and resources to effectively address the domestic violence issues. Therefore, procedures and training must be developed to screen for domestic violence in order to ensure appropriate case plans are developed and referrals are made.

Children Who Witness Domestic Violence - CPS: 9.2

Encourage collaborations between domestic violence programs, child protective services, child welfare agencies, health care agencies and juvenile courts to develop new joint service models for families experiencing domestic violence and child maltreatment.

Service providers need to better coordinate to address the needs of families experiencing domestic violence and child maltreatment. Some options to achieve better coordination include: (1) joint case consultations, and (2) co-location of services. One current program operating in the juvenile courts provides mothers access to domestic violence advocates and is the first program in Arizona to proactively screen and make services available to mothers with CPS cases.



Victims may be fearful about disclosing domestic violence or sexual abuse in the presence of the abuser. Also, an abuser can continue to exert his power and control tactics over the victim in these settings, making any attempt at intervention ineffective. Therefore, policies and protocols need to be developed to minimize situations where victims are required to be face-to-face with their abuser.

**Children Who Witness
Domestic Violence - CPS:
9.3**

Encourage service providers, child welfare agencies, CPS, and dependency courts to minimize the use of potentially dangerous or inappropriate interventions in cases of domestic violence that place victims face-to-face with their abusers, such as couples counseling, mediation, or family group conferencing.

One avenue to promote the safety and well being of children is to strengthen the self-sufficiency of the non-abusive adult victims. By providing non-abusive parents with resources and support such as TANF, food stamps and affordable housing, service providers increase the likelihood that a child will remain safe and that the victim can permanently leave the abusive situation.

**Children Who Witness
Domestic Violence - CPS:
9.4**

Provide resources for non-abusive parents and support increasing their ability to provide a safe home.



Children Who Witness Domestic Violence - CPS: 9.5

Create protocols and interventions for domestic violence programs to work with the child welfare system to support battered women who maltreat their children.

Domestic violence shelters also serve some women who abuse their children. Shelters need to develop the capacity to work collaboratively with CPS, and simultaneously create responses and make referrals to help abusive and neglectful mothers change their behaviors. These women should not be turned away from services, but instead need to be offered interventions and support. In addition, domestic violence shelters need to ensure safety and protection for maltreated children.

Domestic Relations

Divorce and child custody cases are an opportune time for a batterer to continue to exert power and control tactics over the victim. Judges, court personnel, mediators, psychologists, and domestic relations attorneys frequently come into contact with victims and perpetrators of domestic violence and child abuse. Below are best practices, protocols and procedures for dealing with these cases to ensure both safety for the victim and that the best interests of the children are represented.

Children Who Witness Domestic Violence - Domestic Relations: 9.6

Develop a Bench Book for court personnel pertaining to Arizona's child custody laws and relevant research on domestic relations and child custody.

Bench books have been developed for civil and criminal courts in Arizona by the Committee on the Impact of Domestic Violence and the Courts (CIDVC). These bench books are regularly used by judges to reference laws, protocols and standards for responding to domestic violence cases in their courtrooms. However, neither of these books includes information pertaining to domestic relations issues. Both the civil and criminal bench books should be expanded with new chapters on domestic relations laws, protocols, and best practice standards for these cases.



Safe visitation and exchange locations are critical in domestic relations cases that involve domestic violence. These locations can help to minimize potential conflict and help ensure that visitation and custody orders are abided by.

Children Who Witness Domestic Violence - Domestic Relations: 9.7

Develop the capacity for safe visitation and exchange locations.

In domestic relations cases, custody evaluators make recommendations to judges. Although these recommendations do not bind the court, judges give them substantial weight. Training and protocol standards for evaluations need to be established to ensure that child custody evaluators are prepared to appropriately assess for domestic violence, child abuse or sexual abuse.

Children Who Witness Domestic Violence - Domestic Relations : 9.8

Create training and protocol standards for custody evaluations in order to increase the likelihood that custody decisions are made based on qualified or accurate evaluations.

While there are a number of services available to abuse victims, many times these services fail to respond to the needs of children who are exposed to violence. Children interact with a variety of systems throughout the course of their day - i.e. schools, day care, and youth agencies, all of which can help identify children living with domestic violence. Recommendations in this section are focused on how service providers and systems with which children regularly come into contact respond to the traumatic effects of witnessing and/or experiencing abuse.

Victim Services



Children Who Witness Domestic Violence - Victim Services: 9.9

Create and implement training for judges (including juvenile court), prosecutors, law enforcement officers, and first responders on laws and trauma-related issues surrounding children who witness domestic violence.

All agencies that work with abused children and their families need regular cross-training about the dynamics and impact of domestic violence and child maltreatment, the risks to adult and child victims, the resources available to families, the laws that provide protection, and safety planning information.

Children Who Witness Domestic Violence - Victim Services: 9.10

Develop a continuum of services for children who exhibit behaviors consistent with exposure to or victimization by domestic or sexual violence.

Children who have witnessed domestic violence are at greater risk for emotional and behavioral problems than other children. Currently, neither the child welfare nor behavioral health systems have given this issue priority in the delivery of services to children. A focused coordinated plan as well as policies and procedures need to be developed to get services to these children. As part of this plan, systems need to be developed to provide children in shelter access to health care services.

Children Who Witness Domestic Violence - Victim Services: 9.11

Establish a notification system between law enforcement and schools/day care/youth agencies so that they can respond appropriately when a child has been exposed to domestic or sexual violence in the home.

Schools, day care or youth agencies may be the only place where children can be assessed for exposure to domestic violence. Training is needed for school and other agency personnel to know how to appropriately respond to children who have been exposed to violence in the home. There needs to be a system in which law enforcement automatically notifies schools/day care/youth agencies to inform them of an incident of domestic violence so that teachers and other personnel can appropriately respond to the needs of the child. Confidentiality and safety issues would need to be considered in the development of such a system.





Chapter 10: Implementation Process

With the completion of the *State Plan*, work must now begin to ensure that the recommendations become reality. Criteria such as the Governor's priorities, community impact, and feasibility will be used to determine which recommendations the Commission will address first.

Implementation Process

Just as the creation of these recommendations took participation from individuals from across the state, implementation will require the effort and buy-in from all the stakeholders, especially those entities who will be most affected by the changes. Implementation Design Teams (IDTs) will be formed in Summer 2004. In addition to Commissioners, community experts and key stakeholders, the IDTs will also include individuals from state and local levels who possess the ability to effect systems changes. In order to inform the public of the strategies and actions being identified and on the progress being made on the recommendations by the IDTs, public forums will be held around the state.

Implementation Design Teams will develop strategies and action plans based on priorities, community impact and feasibility assessments.

The IDTs will develop strategies and action plans around the selected recommendations. Potential strategies and action might involve amending statutes or rules, and improving training, education and outreach. Other strategies might involve cultivating new funding or looking for opportunities to leverage already existing funding. Moreover, the IDTs will identify barriers and ways to overcome implementation. The IDTs will also identify the collaborating entities and those parties who will be taking primary responsibility for ongoing development of the implementation designs.

Some communities may wish to work on recommendations that are beyond those included in the Commission's first implementation phase and they are encouraged to do so through their own regional coordinated response teams. It is the desire of the Commission to support and link with all efforts that will lead to ending domestic and sexual violence in Arizona.

To keep the State informed on the progress toward implementing the recommendations, updates will be given at least annually at a regular meeting of the Commission. These updates will also be included in the Commission's Annual Report that will be posted on the Governor's web page.





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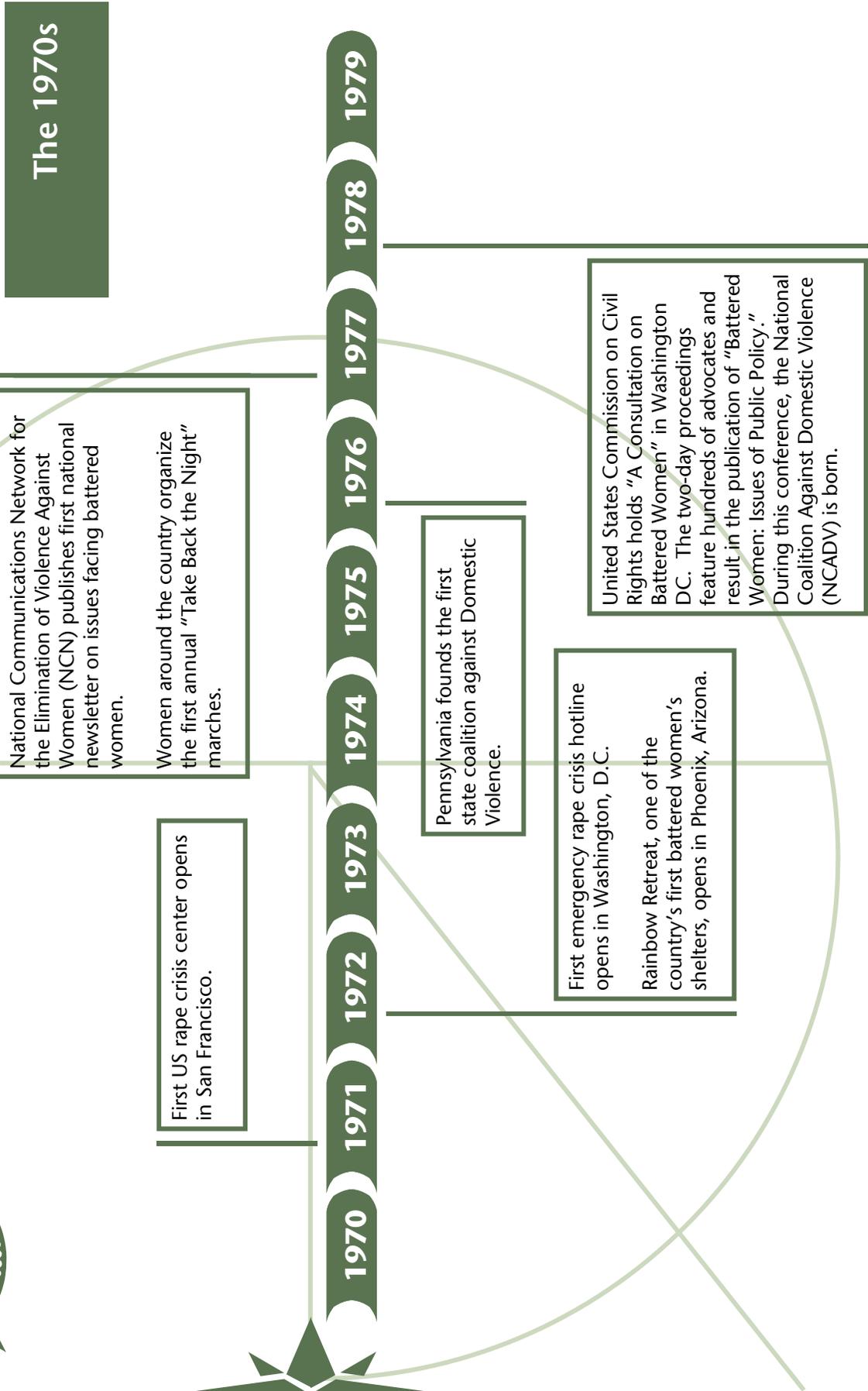
Governor's Division for Women Staff







Appendix B: A Timeline of Key Events in the History of Domestic and Sexual Violence (1970s –2000s)



The 1980s

The first annual Domestic Violence Awareness Month is celebrated.

Over 500 shelters are in operation nationwide.

Subcommittees of the Navajo Nation Council hold hearings on the impact of domestic violence, and Navajo Nation courts develop rules for criminal and civil proceedings.

NCADV opens first national domestic hotline.

1980

1981

1982

1983

1984

1985

1986

1987

1988

1989

NCADV holds national conference. 600 women, representing 49 states, attend.

Arizona Coalition Against Domestic Violence is born.

Surgeon General identifies domestic violence as a major public health concern.

Congress passes the Family Violence Prevention and Services Act (FVPSA).

The 1990s

The U.S. Surgeon General announces that abuse by husbands is the leading cause of injuries to women aged 15 to 44.

The American Medical Association recommends that doctors screen women for signs of domestic violence.

1990

1991

1992

1993

1994

1995

1996

1997

1998

1999

Office on Violence Against Women is created within the Department of Justice. This office oversees over \$1 billion in grants to states.

The United Nations identifies violence against women as an international human rights issue and produces the Declaration on the Elimination of Violence Against Women.

Over 1,200 shelters are in operation nationwide.

Congress passes the Violence Against Women Act (VAWA) into law, providing increased funding for services, increased training for law enforcement, and further civil remedies for victims of violence.

Arizona Legislature creates the Domestic Violence Shelter Fund, a dedicated fund source for shelter services in the state.

The 2000s

Arizona Legislature and Governor approve the appropriation of \$3 million in TANF funding for emergency shelter and legal advocacy services.

Congress Reauthorizes of the Violence Against Women Act, adding the Trafficking Victims Protection Act of 2000.

Governor Napolitano renames the Commission to Prevent Family Violence to the Governor's Commission to Prevent Violence Against Women.

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

Arizona Legislature and Governor approve the appropriation \$500,000 for emergency shelter and legal advocacy services.

Landmark Nicholson case in New York City rules that Child Protective Services cannot remove a child from the home solely because their mothers are victims of domestic violence.

The State Plan on Domestic & Sexual Violence: A Guide for Safety & Justice in Arizona is developed and implementation begins.



Appendix C: Myths and Facts about Domestic Violence

Appendix C:

Myths and Facts about Domestic Violence

Myth:

Battering is a momentary loss of temper.

Fact:

Battering is a pattern of behavior that establishes power and control over a partner using threats and violent behavior.



Myth:

Battered victims who return to their abusers are masochistic or extremely dependent.

Fact:

Abusers manipulate women's emotions using "recapture" language and tactics, convincing them to return.



Myth:

Most battered women are young, poor, minority, uneducated or unemployed.

Fact:

Domestic violence affects women of all races, ages, religions and social, economic or employment status.



Myth:

Battered women choose the wrong partner because of something in their past that affects their judgment.

Fact:

Domestic violence is not the result of poor judgment of a woman. Violence is a conscious choice of the abuser.

Myth:

Women cry “domestic violence” just to win in custody cases.

Fact:

In fact, there is a backlash against victims of domestic violence. Nationwide, in 70% of cases where abuse is alleged, the abusive parent gets full custody of the children.



Myth:

Battered women in shelters don’t know how to make good decisions, or they wouldn’t be there.

Fact:

The decision to go to a shelter is an act toward safety; a woman in a shelter sacrifices her privacy and her own home to obtain safety.



Myth:

If battered women would just leave, the abuse would stop.

Fact:

Actually, the most dangerous time for victims is when they are leaving.



Myth:

Alcohol and drugs cause domestic violence.

Fact:

While alcohol and drugs are present in many domestic violence scenes, they cannot be blamed for the violence - the abuser makes a choice to behave violently.



Myth:

Children aren’t aware of the violence in their home.

Fact:

There is no age at which children living with domestic violence are not adversely affected.





Appendix D: Glossary of Terms and Acronyms

Appendix D:

Glossary of Terms

Conditions of Release

A document provided by the court detailing the requirements and prohibitions of a person coming out of jail or prison.

Domestic Violence

Physical, sexual, emotional or psychological abuse of a current or former intimate partner.

Dual Arrest

Situation in which a law enforcement officer arrests both parties in a domestic violence situation.

Felony

A serious crime that is punishable by a more stringent sentence than that given for a misdemeanor.

Misdemeanor

A crime, less serious than a felony, which is punishable by a fine or imprisonment in a county or city jail rather than in a penitentiary.

Order of Protection

An Order of Protection is a civil court order that can be requested by a victim and is meant to protect that person from harm or harassment by the abuser.

Predominant Aggressor

The person who is more likely to inflict injury and less likely to be afraid as a result of having the power and control in the relationship.

Prevention

Primary Prevention

Primary prevention strategies protect individuals from becoming a victim, perpetrator, or witness of domestic or sexual violence.

Secondary Prevention/Early Intervention

Secondary prevention strategies aim to help keep individuals who have already been exposed to abuse from experiencing negative consequences linked with that experience.

Tertiary Prevention

Tertiary prevention strategies aim to help individuals who have already suffered negative consequences from DV or SA from experiencing ongoing, debilitating effects.

Sexual Assault

Purposeful exposure of an unwilling or unconsenting person to actions with sexual content, ranging from inappropriate touching to intercourse.

Shelter/Safe House

A safe, temporary place for victims of domestic violence and their children to go when they have left their abuser. The length of stay varies from 30 days at some shelters to 120 days in others. Some shelters also offer transitional housing, where women and children can stay for as long as two years.

Vulnerable Adult

A person who is either being mistreated or in danger of being mistreated or neglected, and who, because of age and/or disability, is unable to protect him/herself.



AHCCCS

Arizona Health Care Cost Containment System

APS

Adult Protective Services

AOCA

Administrative Office of the Courts, AZ Supreme Court

ARS

Arizona Revised Statute

BHS

Behavioral Health Services

BIW

Battered Immigrant Women

CCRT

Coordinated Community Response Team

CDC

Center for Disease Control

CPOR

Court Protective Order Repository

CPS

Child Protective Services

CPVAW

Commission to Prevent Violence Against Women

CRT

Crisis Response Team

DES

Department of Economic Security

DFW

Division for Women

DHS

Department of Health

DPS

Department of Public Safety

DOH

Department of Housing

DOJ

US Department of Justice

DVOTP

Domestic Violence Offender Treatment Program

EADV

Employers Against Domestic Violence

FAC

Family Advocacy Center

FRT

Fatality Review Team

GOCYF

Governor's Office for Children, Youth and Families

HHS

US Department of Health and Human Services



HMIS

Homeless Management
Information System

HUD

US Department of Housing and
Urban Development

IAH

Injunction Against Harassment

IDT

Implementation Design Teams

LGBT

Lesbian, Gay, Bisexual or
Transgendered

MAN

Men's Anti-violence Network

MDT

Multidisciplinary Team

NFSA

Need For Services Assessment

OBHL

Office of Behavioral Health
Licensure

OP

Order of Protection

RAINN

Rape, Abuse, Incest National
Network

SACT

State Agency Coordinating Team

SART

Sexual Assault Response Team

SCAN

Sex Crimes Analysis Network

SSI

Supplemental Security Income

TANF

Temporary Assistance for Needy
Families

VAWA

Violence Against Women Act

VICAP

Violent Criminal Apprehension
Program



Appendix E: Arizona Revised Statutes for Domestic Violence and Sexual Assault

A. "Domestic violence" means any act which is a dangerous crime against children as defined in section 13-604.01 or an offense defined in section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

B. A peace officer may, with or without a warrant, arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense is a felony or a misdemeanor and whether such offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order

Appendix E:

Arizona Revised Statutes for Domestic Violence and Sexual Assault

As of June 2004

ARS 13-3601.

Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure; notice; report; diversion

to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

- C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.
- D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.
- E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.
- F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.



- G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.
- H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.
- I. A person arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions which the court deems appropriate, including participation in any counseling programs available to the defendant.
- J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of such victim including:
 - 1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.
 - 2. The emergency telephone number for the local police agency.
 - 3. Telephone numbers for emergency services in the local community.
- K. A peace officer is not civilly liable for noncompliance with subsection J of this section.
- L. An offense included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized shall be increased by up to two years.
- M. If the defendant is found guilty of an offense included in domestic violence and if probation is otherwise available for that offense, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation or intensive probation, as provided in this subsection. The terms and conditions of probation or intensive probation shall include those necessary to provide for



the protection of the alleged victim and other specifically designated persons and additional conditions and requirements which the court deems appropriate, including imposition of a fine, incarceration of the defendant in a county jail, payment of restitution, completion of a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other counseling or diversionary programs that do not involve domestic violence and that are available to the defendant. On violation of a term or condition of probation or intensive probation, the court may enter an adjudication of guilt and proceed as otherwise provided for revocation of probation. On fulfillment of the terms and conditions of probation or intensive probation, the court shall discharge the defendant and dismiss the proceedings against the defendant. This subsection does not apply in any case in which the defendant has previously been found guilty under this section, or in which charges under this section have previously been dismissed in accordance with this subsection.

N. If a defendant is diverted pursuant to this section, the court shall provide the following written notice to the defendant:

You have been diverted from prosecution for an offense included in domestic violence. You are now on notice that:

1. If you successfully complete the terms and conditions of diversion, the court will discharge you and dismiss the proceedings against you.
2. If you fail to successfully complete the terms and conditions of diversion, the court may enter an adjudication of guilt and proceed as provided by law.

O. If the defendant is found guilty of a first offense included in domestic violence, the court shall provide the following written notice to the defendant:

You have been convicted of an offense included in domestic violence. You are now on notice that:

1. If you are convicted of a second offense included in domestic violence, you may be placed on supervised probation and may be incarcerated as a condition of probation.
2. A third or subsequent charge may be filed as a felony and a conviction for that offense shall result in a term of incarceration.

The failure or inability of the court to provide the notice required under subsections N and O of this section does not preclude the use of the prior convictions for any purpose otherwise permitted.



ARS 13-3602.

**Order of protection;
procedure; contents; arrest
for violation; penalty;
protection order from
another jurisdiction**

- A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.
- B. An order of protection shall not be granted:
1. Unless the party who requests the order files a written verified petition for an order.
 2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
 3. Against more than one defendant.
- C. The petition shall state the:
1. Name of the plaintiff. The plaintiff's address shall be disclosed to the court for purposes of service. If the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected. On the plaintiff's request, the address shall not be listed on the petition. Whether the court issues an order of protection, the protected address shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
 2. Name and address, if known, of the defendant.



3. Specific statement, including dates, of the domestic violence alleged.
4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.
5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.
6. Desired relief.

D. A fee shall not be charged for filing a petition under this section or for service of process. On request of the plaintiff, each order of protection that is issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order. On request of the plaintiff, each order of protection that is issued by a justice of the peace shall be served by the constable or sheriff for that jurisdiction if the defendant can be served within the jurisdiction. If the defendant cannot be served within that jurisdiction, the constable or sheriff in the jurisdiction in which the defendant can be served shall serve the order. On request of the plaintiff, each order of protection that is issued by a superior court judge or commissioner shall be served by the sheriff of the county. If the defendant cannot be served within that jurisdiction, the sheriff in the jurisdiction in which the defendant can be served shall serve the order. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area.

E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:

1. The defendant may commit an act of domestic violence.
2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.



- F. For purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.
- G. If a court issues an order of protection, the court may do any of the following:
1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.
 2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.
 3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
 4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
 5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
 6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.



- H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.
- I. At any time during the period during which the order is in effect, a party under an order of protection or restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.
- J. The order shall include the following statement:

Warning

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

- K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective upon service and expires one year after service of the initial order and petition.
- L. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is



a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

- M. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

- N. A person who is arrested pursuant to subsection M of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.



O. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, "pending" means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

1. An action has been commenced but a final judgment, decree or order has not been entered.
2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.



- P. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.
- Q. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.
- R. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:
1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
 2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.



3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:
 - (a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.
 - (b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.

4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.



ARS 13-1406.

**Sexual assault;
classification;
increased
punishment**

- A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

- B. Sexual assault is a class 2 felony, and the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. If the victim is under fifteen years of age, sexual assault is punishable pursuant to section 13-604.01. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-702, subsections B, C and D. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable.

The term for a first offense is as follows:

Minimum	Presumptive	Maximum
5.2 years	7 years	14 years

The term for a defendant who has one historical prior felony conviction is as follows:

Minimum	Presumptive	Maximum
7 years	10.5 years	21 years

The term for a defendant who has two or more historical prior felony convictions is as follows:

Minimum	Presumptive	Maximum
14 years	15.75 years	28 years

- C. The sentence imposed on a person for a sexual assault shall be consecutive to any other sexual assault sentence imposed on the person at any time.

- D. Notwithstanding sections 13-604 and 13-604.01, if the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until at least twenty-five years have been served or the sentence is commuted. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to section 13-604.01, subsection A.



ARS 13-1406-01

Sexual assault of a spouse; violation; classification

- A. A person commits sexual assault of a spouse by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with a spouse without consent of the spouse by the immediate or threatened use of force against the spouse or another.
- B. A first offense sexual assault of a spouse is a class 6 felony. Pursuant to section 13-702, the judge has discretion to enter judgment for conviction of a class 1 misdemeanor with mandatory counseling. Any subsequent sexual assault of a spouse is a class 2 felony and the person convicted is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. Convictions for two or more offenses not committed on the same occasion but consolidated for trial purposes shall not be counted as prior convictions for purposes of this section.





Appendix F: References

Appendix F:

References

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Related Websites

Arizona Coalition Against Domestic Violence www.azcadv.org
Arizona Sexual Assault Network www.azsan.org
Family Violence Prevention Fund www.endabuse.org
Minnesota Center Against Violence and Abuse www.mincava.org
National Bureau of Justice Statistics <http://www.ojp.usdoj.gov/bjs/>
National Center for Injury Prevention and Control <http://www.cdc.gov/ncipc/>
National Center on Elder Abuse www.elderabusecenter.org
National Center on Domestic and Sexual Violence <http://www.ncsdv.org/>
National Coalition Against Domestic Violence www.ncadv.org
National Domestic Violence Hotline <http://www.ndvh.org> 1-800-799-SAFE
National Sexual Assault Hotline 1-800-656-HOPE
National Sexual Violence Resource Center <http://www.nsvrc.org>
Rape, Abuse and Incest National Network (RAINN) <http://www.rainn.org>
Southern Arizona Center Against Sexual Assault (SACASA) www.sacasa.org
Violence Against Women Online Resources <http://www.vaw.umn.edu/>



The State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice in Arizona
is available in alternative formats by contacting the
Governor's Office for Children, Youth and Families - Division for Women, 602-542-1773.

