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U.S. Department of Justice
Office of Justice Programs
Violence Against Women Grants Office



**Violence Against Women
Grants Office**



**Grants to
Encourage
Arrest
Policies**

Program Brief

INTRODUCTION

The Grants to Encourage Arrest Policies encourage jurisdictions to implement mandatory or pro-arrest policies as an effective intervention that is part of a coordinated community response to domestic violence. The Program assumes that the arrest of a batterer will leverage the coercive and persuasive power of the criminal justice system to ensure victim safety and manage the behavior of abusive, violent offenders.

Arrest, accompanied by a thorough investigation and meaningful sanctions, demonstrates to the offender that he has committed a serious crime and communicates to the victim that she does not have to endure the offender's abuse. Arrest must be followed by immediate arraignment and a thorough investigation. Orders of protection and conditions of release must be proactively monitored. Cases must be vigorously prosecuted. Designated dockets must be created to enhance the management of offender behavior and expedite the scheduling of trials. The violent behavior of domestic violence offenders must be managed through frequent judicial monitoring and appropriate sanctions. Probation and parole agencies must develop strategies--in collaboration with local law enforcement--for monitoring offenders and strictly ensuring that the terms and conditions of probation or parole are met.

At each juncture in the criminal justice process, the actions of all partners in the system should be guided by concerns for victim safety. Mechanisms should be put in place to allow the voices and experiences of women who are victims of domestic violence, particularly those who have sought assistance from the criminal justice system, to inform the development of policies, protocols, procedures, and programs. These mechanisms should ensure that the diverse experiences of abused women are considered--particularly the experiences of women of color, immigrant women, the elderly, the disabled and women from other traditionally underserved parts of the community.

Criminal justice agencies must collaborate among themselves and in formal partnership with victim advocates from nonprofit, nongovernmental domestic violence programs, including local shelters, advocacy organizations and domestic violence coalitions to ensure that victim safety is of paramount consideration in the development of any strategy to address domestic violence.

Grants to Encourage Arrest Policies challenge victim advocates, police officers, pre-trial service personnel, prosecutors, judges and other court personnel, probation and parole officers, and community members to work together to craft solutions to overcome domestic violence.

SCOPE OF THE PROGRAM

Ensuring victim safety and offender accountability are the guiding principles underlying the Grants to Encourage Arrest Policies. The scope of the Grants to Encourage Arrest Policies Program includes the statutory program purposes and the special interest categories outlined below. Proposed projects need not address multiple program purposes or special interest categories to receive support.

Program Purposes

The Violence Against Women Act directs that Grants to Encourage Arrest Policies be used to:

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest programs and policies for protection order violations;
- Develop policies and training programs in police departments and other criminal justice agencies to improve tracking of cases involving domestic violence;
- Centralize and coordinate police enforcement, prosecution, probation, parole or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers or judges;

- Coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts;
- Strengthen legal advocacy service programs for victims of domestic violence by providing complete information and support for a victim of domestic violence as the case against her abuser moves through the criminal justice system; and
- Educate judges and others responsible for handling of domestic violence cases, in criminal, tribal, and other courts about domestic violence to ensure victim safety and offender accountability through proactive judicial management.

Special Interest Categories

The Office of Justice Programs (OJP) is interested in funding States, Indian tribal governments, and units of local government that have implemented--or plan to implement--promising approaches that respond to domestic violence as a serious violation of criminal law. Although applications that address any of the statutory program purposes outlined above are eligible for funding, OJP is especially interested in supporting new projects or the expansion of current arrest grant activities that also address a Special Interest Category. All applicants are required to collaborate with non-profit, non-governmental domestic violence programs in the development of applications and in the implementation of local projects.*

The following list of special interest categories does not imply any ordering of priorities among categories.

- Enforcement of protection orders and implementation of the full faith and credit provision of the Violence Against Women Act.
- Domestic violence courts that employ frequent and proactive judicial monitoring, sanctions and intensive supervision to manage offender behavior and ensure victim safety.
- Community-driven initiatives to address violence against women among diverse, traditionally underserved populations.

* Indian tribal governments that do not have private, non-profit domestic violence programs may negotiate alternative arrangements with OJP.

- Partnerships between the business community and the criminal justice system to enhance the safety of women in the community.
- Community policing to reduce and prevent violence against women.
- Initiatives within police departments to address the problem of police officers who are perpetrators of domestic violence.
- Collaboration among advocates working with victims of domestic violence, domestic violence programs, child protection service agencies and criminal justice agencies to provide support and resources to battered women and their children.
- Development and implementation of coordinated initiatives to address incidents of stalking occurring in a domestic violence context.

ELIGIBILITY FOR AWARDS

Eligible grantees for this Program are States, Indian tribal governments, and units of local government. For the purposes of this Program, a unit of local government is any city, county, township, town, borough, parish, village, or other general-purpose political subdivision of a State; an Indian tribe that performs law enforcement functions as determined by the Secretary of the Interior; or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands. By statute, police departments; pre-trial service agencies; district or city attorneys' offices; sheriffs' departments; courts; probation and parole departments; shelters; non-profit, non-governmental victim service agencies, and universities are not units of local government for the purposes of this grant program. These agencies or organizations may administer grant funds and assume responsibility for the development and implementation of the project, but they must apply through a State, Indian tribal government or a unit of local government.

To be eligible to receive funding through this Program, applicants must:

- (1) certify that their laws or official policies encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed. These laws and official policies must also encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;
- (2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;
- (3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and
- (4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused person bear the costs associated with filing criminal charges or the service of such charges on an abuser, or that the abused person bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

***For more information about this Grant Program,
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