

**Avon Program for Women and Justice
Domestic Violence Advisory Committee
Serving Orders of Protection Task Force**

Interim Report-Spring 2011

Background:

The O'Connor House was founded under the leadership of former US Supreme Court Justice Sandra Day O'Connor to be a center where *civil talk leads to civic action*. Justice O'Connor believes that in order to solve complex problems, stakeholders must be brought together to discuss views openly and develop consensus on concrete steps to advance solutions. Justice O'Connor chose domestic violence as the first issue to address.

The Avon Program for Women and Justice at O'Connor House (Avon Program) began in late 2009 with a grant from the Avon Foundation. Its purpose is to convene the community to create solutions to empower domestic violence victims and improve the systems that assist them.

Although domestic violence has been treated as a crime and handled in the criminal justice system for over 30 years, the challenge of stopping domestic abuse continues. However, studies have shown that when Protective Orders are issued by courts and successfully enforced by law enforcement, they do deter further abuse by some perpetrators against their victims¹.

However, further analysis by the Avon Program revealed certain "gaps" in the system: experts, victims, and other stakeholders noted that although protective orders can be an asset to victims, the process is often confusing and cumbersome, making the system difficult for victims to navigate, especially when many victims do not have an attorney. In addition, the domestic violence community suggested that because different agencies and jurisdictions have different systems, serving, tracking, and enforcing protective orders across local jurisdictions or different law enforcement agencies is challenging.

The Avon Program set out to address these gaps in a strategic manner. Under the leadership of former Tempe Presiding Judge Louraine Arkfeld, The O'Connor House process was implemented to address barriers to the service of protective orders.

O'Connor House Process:

The Avon Program employed the following process to move toward solutions to address service of orders of protection:

- Convene divergent stakeholders, community and opinion leaders
- Listen to stakeholders' views and opinions and facilitate discussion
- Assess the problem from high-level perspective, analyze it in-depth and re-frame it from new perspectives
- Research and develop fresh solutions
- Promote consensus
- Build collaborations and partnerships for implementation
- Monitor progress of solutions

Narrative of progress:

- The Avon Program Domestic Violence Advisory Committee discussed all aspects of protective orders, including issuance, service and enforcement. After hearing from judges, victims and other stakeholders, the Committee decided to address issues associated with service in order to promote efficiency of the process.

¹ See Kentucky study at: www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf

- Experts in the field of domestic violence were brought together to make recommendations to address barriers to serving orders of protection so that orders of protection that domestic violence victims have obtained can more easily be provided to the service agency and for law enforcement to more effectively serve. **Stakeholders are listed in the box included in this narrative.** (*List of all members of the Task Force with title and organization*)
- Task Force members designed a purpose statement to guide future work on these issues:

When the court issues a protective order, upon request of the plaintiff (victim), the court has an efficient method to collect relevant information about the defendant and an efficient method to distribute the information and order to a service entity responsible for coordinating service on the defendant. The victim would have an easy method to verify, in a timely manner, that it was served and that it is in effect.
- Task Force members discussed how service of protective orders is accomplished in various agencies and discussed the various strengths and barriers to service.
 - Five specific barriers to the service of protective orders were targeted:
 - 1) Issues with the **Defendant Information Sheet**:
 - The Defendant Information Sheet is not a mandated form, therefore many jurisdictions do not utilize them
 - Defendant Information Sheets are often not complete, or are completed illegibly.
 - Since Defendant Information Sheet forms vary depending on jurisdiction, some forms request insufficient information to make service of the order efficient. A consistent form with the most relevant information is needed.
 - Some Defendant Information Sheets refer to a fee that is required for some plaintiff's, which is not allowable for victims of domestic violence because it is in violation of the federal Violence Against Women's Act (VAWA). Violation of this act could mean a loss of funding to Arizona. This should be clarified for victims of domestic violence.
 - 2) Issues with **Plaintiff request for service**:
 - The plaintiff guide sheet/or the Petition does not include an option for the plaintiff to request the Protective Order be served by law enforcement. Including this option would clarify the choice for the victim and confirm if they want it served immediately.
 - 3) Issues regarding the **transfer of orders and information**:
 - Current practice requires domestic violence victims physically take the protective order to the jurisdiction in which it will be served. This sometimes necessitates a victim traveling long distances to hand deliver the order to the appropriate jurisdiction. Victims may have transportation challenges and may need to bring children with them, it is often during the day which may mean time lost from employment. The result is that victims bear much of the responsibility of ensuring that an order gets served. If protective orders could be transferred from agency to agency electronically, the victim would be alleviated of the challenges of getting an order to another jurisdiction.
 - Current practice has made it challenging to serve protective orders to a defendant who is in jail.
 - 4) Issues regarding **efficiency of service**:
 - Often, the information on the defendant information sheet is illegible or incomplete. There needs to be a system of verification of this information so that law enforcement (or other service agency) can efficiently serve the order of protection
 - 5) Issues regarding the **victim's ability to quickly verify that service has occurred**:
 - There is currently no quick and easy means for victims to know that the protective order has been served and therefore is enforceable.
- Additional stakeholders needed to make changes in these areas were invited to the Task Force for further meetings. The Maricopa County Sheriff's Office (MCSO) and the Arizona Constables Association were invited to participate in the Task Force.

- The issues outlined in the purpose statement were addressed in four work groups:
 - 1) Forms
 - 2) Transfer of Information
 - 3) Targeted service
 - 4) Timely verification of service.

Each work group included a “lead” and several individuals with a high level of experience or expertise in the area of interest. During Task Force meetings, the work groups determined goals, action steps and deliverables.

Results to date:

Significant progress has been made by the work groups that will potentially impact nearly 5,000 victims of domestic violence. Due to the efforts of Task Force members, the following outcomes can be achieved:

- ***Domestic violence victims will be relieved of having to travel long distances to ensure an order of protection is served. As many as 1,765 victims in Maricopa County will be impacted by this change in policy.*** As of May 1, 2011, The Maricopa County Sheriff’s Office will launch a 120 day pilot whereby they will accept faxed orders of protection for the unincorporated areas of Maricopa County and the Contract Cities (Guadalupe, Gila Bend, Litchfield Park, Cave Creek, Carefree, Queen Creek and Fountain Hills) that MCSO provides service for as long as there is a clear plaintiff name and phone number on the Defendant Information Sheet to allow for contact and verification of information if needed. The Arizona Constables Association indicates they also will accept orders accompanied by a defendant information sheet by fax.
- ***Cross jurisdictional issues related to protective orders will be alleviated. Over 3,000 victims in Maricopa County as well as additional victims statewide may be impacted by this change in policy*** The Arizona Constables Association will ensure that the protective order is provided to the Constable in the correct jurisdiction so that the defendant can be served regardless of the jurisdiction where the plaintiff receives the order. They will also ensure the protective order is served even if it is sent to the wrong jurisdiction.
- ***Arizona will not burden domestic violence victims with fees for protective orders or jeopardize our state’s federal funding from the Violence Against Women’s Act (VAWA).*** The Maricopa County Sheriff’s Office Defendant Information Sheet will be updated so that it is clear that a fee will not be charged to victims of domestic violence.
- ***Defendants will be served in Maricopa County jails.*** The Maricopa County Sheriff’s Office’s 120 day pilot will include serving all Orders of Protection when the defendant is in custody at one of our Maricopa County Sheriff’s Office Detention Facilities.

**Avon Program for Women and Justice at O'Connor House
Domestic Violence Advisory Committee**

**Serving Orders of Protection Task Force
Participant List**

Judge Louraine Arkfeld, Chair, Serving Orders of Protection Task Force & former Presiding Tempe Judge

Allie Bones, Director, Arizona Coalition Against Domestic Violence

Amelia Cramer, Chief Deputy, Pima County Attorney's Office

Amy Offenber, Prosecutor, Phoenix Prosecutor's Office,

Betsy Jo Fairbrother, Victim Services Specialist, Chandler Police Department

Brenda Oliver, Phoenix Police Office

Cheri Clark, Family Court Administrator, Maricopa County Superior Court

Dan Levey, Director, Office of Victim Services, Arizona Attorney General

Dena Salter, Program Coordinator, District Medical Group, Maricopa Medical Center

Elizabeth Ortiz, Executive Director, Arizona Prosecuting Attorney's Advisory Council

Judge Elizabeth Finn, Presiding Judge, Glendale City Court

Irene Jacobs, Director, Avon Program for Women & Justice at O'Connor House

John Pombier, Mesa City Prosecutor

Kay Radwanski, Policy Analyst, Administrative Office of the Courts, Arizona Supreme Court

Kent Burbank, Director, Victim Services Division, Pima County Attorney's Office

Kim Humphrey, Commander, Phoenix Police Department and Chair, Maricopa Association of Governments (MAG)
Regional Domestic Violence Council

Kim Sterling-Heflin, Co-Chair, Avon Program for Women & Justice Domestic Violence Advisory Committee

Larry Farnsworth, Commander of the Civil Division of the Maricopa County Sheriff's Office (MCSO)

Leah Meyers, Division for Women, Governor's Office, Children, Youth & Families

Lindsay Johnson, Administrative Intern, Avon Program for Women and Justice at O'Connor & Master of Social Work
Candidate, Arizona State University

Lindsay Simmons, Arizona Coalition Against Domestic Violence

Lucia Howard, Immediate Past President, O'Connor House & Chair, Avon Program for Women & Justice Domestic
Violence Advisory Committee

Lynn Howe, Training Officer, Arizona Peace Officers Standards and Training Board

Monalou Callery, Assistant Director, Diane Halle Center for Family Justice

Sandra Day O'Connor College of Law, Arizona State University

Patricia Meza, Courtroom Operations and Protective Orders; Phoenix Municipal Court, Criminal Division

Paul Michaud, Sergeant, Judicial Process Detail, Phoenix Police Department

Phil Hazlett, President, Arizona Constables Association

Rena Tenney, Human Services Planner, Maricopa Association of Governments

Robbie Bates, Family Investigations Bureau, Phoenix Police Department

Rosemary Kupel, Criminal Court Supervisor, City of Phoenix Municipal Court/Courtroom Operations II & Jury Center

Sarah Jones, Chief Executive Officer, Emerge, Center Against Domestic Abuse