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# MODEL GUIDE FOR DEVELOPING LOCAL COORDINATING COUNCILS ON DOMESTIC VIOLENCE

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**Developed in Association with The Arizona Regional Community Policing Institute**

This project is supported by cooperative agreement #99-CK-WX-0086 awarded by the Office of Community Oriented Policing Services, U.S. Dept. of Justice. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position of the U.S. Department of Justice.

# BACKGROUND

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Between February 1998 and May 2000, 86 women, children and men were killed in Maricopa County in domestic violence incidents. Countless others have been victimized. Police Departments in Maricopa County respond to tens of thousands of domestic violence calls every year.

As the prevalence and pervasiveness of domestic violence has been acknowledged and brought to the forefront of our community consciousness, the response to it has never been more critical. The victims of domestic violence — a category that all too often includes children — suffer from both physical *and* emotional abuse. Children who are on the receiving end of domestic violence or who witness this type of violence are more likely to experience emotional problems associated with these incidents. They are more likely to become abusers or to be involved in other violent activity.



Domestic violence also impacts employers and businesses. The demands on many organizations due to domestic violence are tremendous. The costs to local business due to the loss of productivity that results from domestic abuse is staggering, and adds to the problems of employee turnover and rising health care costs.

Between 3.3 and 10 million children witness domestic violence each year.

While domestic violence is a nationwide problem, a state and regional response is critical. Positive results are much more likely when local communities are involved in their own coordinated response. Local communities not only have specific needs, but they also have a variety of resources that can be tapped to assist in a collaborative effort.

In a desire to build strong community responses to domestic violence, the Maricopa Association of Governments (MAG) Regional Domestic Violence Council has developed this guide to help individual communities create local coordinating councils throughout the county and state. The MAG committee continues to exist as a regional resource and hopes to provide ongoing outreach to local communities.

The first steps of any local effort can be found on the pages that follow. The model protocol is intended as a guideline to provide building blocks with which every community can construct an effective response to domestic violence. Although the document describes an extremely comprehensive approach with tremendous resource allocation, it is not intended to imply that local communities would need to follow every aspect of this guide to be successful. We simply want to provide as many suggestions as possible so that local communities can have the most comprehensive guide possible.

Once a local community establishes a Coordinating Council, regardless of its complexity, a collaborative effort will result — making positive strides toward reducing domestic violence.

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# INTRODUCTION

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## MAG Regional Domestic Violence Council

In the first comprehensive, region-wide effort to address the Valley's dramatic rise in domestic violence, the Maricopa Association of Governments (MAG) Regional Domestic Violence Council was convened on January 27, 2000. A list of the council members can be found in Appendix A. The task of the Council is to oversee the implementation of 41 recommendations contained in the 1999 MAG Regional Domestic Violence Plan. The Plan was developed following a dramatic rise in domestic violence related murders in the Valley. The community-wide effort convened more than 150 professionals and concerned citizens, who spent four months developing the recommendations.

The Council has been charged with outlining steps that need to be taken to address domestic violence through a coordinated community response. One of the key recommendations identified by the regional council was the creation of local coordinating councils. The recommendation sprung out of the belief that each community in the Valley has its own unique resources available to address issues of domestic violence at the local level. It is also evident that a regional effort will only be as effective as the progress being made in local communities.

This guide realizes the value of having local stakeholders come together to help define their community's overall response to domestic violence. These types of coordinating councils can be found in communities around the country and range from simple, small groups to extensive, resource intensive organizations.

Over the past two decades, Arizona has enacted significant and progressive legislation to address the crimes involved in cases of domestic violence. In addition, Arizona has developed a statewide network of services and protection for domestic violence victims and their children, which includes additional funding for victim services, a regional system of shelters, mental health centers, county-based social services, the CONTACTS system (centralized system to identify any available bed space in shelters), and most recently, stiffer penalties for repeat offenders.

Local communities have created programs and services to build on the resources provided by the state and have developed policies, procedures and training to implement the new laws. In most communities, this network of services and protection has evolved to include a variety of professionals who play key roles in identifying and addressing domestic violence. Each of these professionals brings a unique approach to domestic violence prevention and intervention.

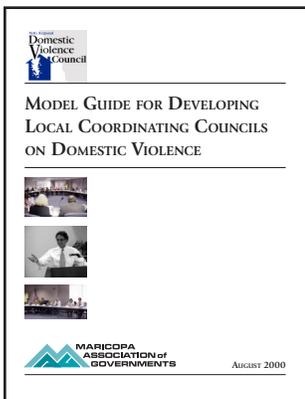


The MAG Regional Domestic Violence Council was convened on January 27, 2000

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Communication, coordination and collaboration between these disciplines are essential to effectively address domestic violence in the community. Local coordinating councils are the most practical and functional method of bringing all of the disciplines together to form a multidisciplinary response to domestic violence. Law enforcement officers, social workers, advocates, clerks, prosecutors, judges, mental health and health care providers, educators and probation/parole officers are all active participants in the crusade against domestic violence. Each of the disciplines involved provides an important service, and together they must form a collaborative network of services and protections. No matter where a victim of domestic violence first seeks help, the same system of services and protections should be set in motion.

## Model Guide for Developing City/Local Coordinating Councils on Domestic Violence



This *Model Guide* was created to 1) assist communities that want to initiate local coordinating councils, and 2) to provide ideas for further action to local councils already in existence. It was designed with the understanding that the resources and needs of each community are different. While all communities should have coordinating councils on domestic violence to maximize their resources and effectiveness, the composition, complexity, organization, and approach of these councils will vary significantly.

The *Model Guide* offers ideas, guidelines, resources and tools to facilitate the process of forming and operating a successful coordinating council. It includes some step-by-step guidelines for getting started, developing strategic plans, and evaluating the effectiveness of councils. In addition, suggested actions and strategies for achieving those goals are included to assist local councils in generating their own plans of action. Sample forms and documents are provided which can easily be modified to suit the needs of local communities. For local councils that may need more information, national and state resource lists, and a list of contact persons for existing local councils are included in the Appendix.

It is important to understand that coordinating and improving a community's response to domestic violence is a long-term process that generally is achieved one step at a time. Local councils must be careful not to become overwhelmed in the initial stages. As with any large-scale project, goals can be broken into smaller "doable" components to allow for initial successes. The "Strategies to Achieve Goals" section of the *Model Protocol* (page 15) contains many ideas for projects of varying size. As the group begins to coalesce and working relationships develop, larger projects will become more achievable.

# LOCAL COUNCILS: GOALS

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The MAG Regional Domestic Violence Coordinating Council has proposed five goals for local coordinating councils on domestic violence. Local councils are encouraged to use and build on these goals, and not be restrained by them. Suggested strategies to achieve each of these goals are discussed on page 15.

- GOAL 1: *To develop and facilitate an effective community-wide system of prevention and intervention that is responsive to the needs of domestic violence victims and their children;*
- GOAL 2: *To identify and coordinate the roles and services of local agencies or offices that provide services to domestic violence victims, or that investigate or prosecute domestic violence cases;*
- GOAL 3: *To monitor, evaluate, and promote the quality and effectiveness of domestic violence services in the community and the criminal justice system;*
- GOAL 4: *To promote a clear understanding of domestic violence, current laws, and resources available in the community; and*
- GOAL 5: *To serve as a clearinghouse for information on domestic violence issues.*

# GETTING STARTED

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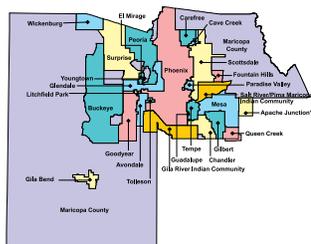
The structure and focus of local coordinating councils on domestic violence (hereafter referred to as “local councils”) need to be defined by the community to be served, since communities in Arizona vary greatly by size, population, topography, resources and accessibility of services.

There are three primary considerations in creating a council:

- **What geographic areas will the council serve?**
- **What will the focus of the council be?**
- **Who needs to serve on the council?**

Two or three interested people in a community can take the initial steps to start a council on domestic violence. If there are community leaders or elected officials who have expressed interest in improving the community’s response to domestic violence, they should be contacted first and included in a small group discussion to determine what geographic area the council should cover. Additionally, their suggestions can be sought on what the focus of the council should be and who else should be invited to participate on the council. This initial discussion is intended to provide the base upon which to begin building the council. Once established, the whole council can revisit these issues, if needed.

## Geographic Area To Be Served By The Council



The first issue that needs to be decided is what geographic area the council will cover. Geographic areas served by councils can vary greatly by size and population. In less densely populated areas, several cities or towns might join together to form a local council. In a typical urban area, a council might cover only one city.

In determining the area to be served, the primary consideration should be the working relationship of the agencies and professionals involved. In other words, the members of the council should be serving the needs of a common constituency. If the council serves a large region and its members work in disparate jurisdictions, it is unlikely that the participants will be able to coordinate their efforts.

The most commonly used geographic designations for councils are cities and counties. It is important to strike a balance between including all of the primary players who intervene in domestic violence in a given community and limiting the council to participants who can establish effective working relationships and collaborative efforts.

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## Focus of the Council

The majority of local councils that address domestic violence are single-issue councils. Many communities feel that domestic violence is such a serious, complex, and pervasive issue that it would be too difficult and distracting to include other issues, such as juvenile crime or child abuse.

Some communities already have established councils or task forces dealing with more general issues, such as human services, women's issues or crime. In some of these communities, councils or task forces with a more general focus have created special committees to coordinate their community's response to domestic violence. This approach can be effective — however, it is critical that all of the primary players participate on the committee, and that the issue of domestic violence be recognized as a priority by the larger group, rather than one of many issues needing attention.

There are advantages and disadvantages to each of these approaches and each community should determine the most beneficial model for its unique situation.

## Who Should Participate on a Local Council?

Once there has been an initial discussion of the geographic area to be served and the focus of the council, the next step is to identify who should be involved (see *Local Council Members*, page 10.) Who should be involved will be greatly influenced by the area served and the focus of the council. However, all councils should include a mixture of policy makers, direct service staff and interested citizens, including victims/survivors. This balance is necessary to ensure that the work of the council is guided by the real needs of domestic violence victims and their children.

After potential council members have been identified, they must be contacted and invited to join the council. Potential members can be invited to join by letter. However, many people will be more likely to respond affirmatively if they are contacted in person or by telephone, especially if an influential member of the community contacts them. The involvement of a community leader, such as a mayor, county attorney or judge, can draw attention to the issue of domestic violence and give a message to the community and potential members that the council will have the necessary influence and resources to effect change in the community.

If the council is formalized (see *Organizational Structure*, page 13) through incorporation or a city/county ordinance, members may be formally appointed to serve on the council. In some communities, this might give additional incentive to people who have not formerly shown much interest in domestic violence, but who are important to developing a coordinated community response.

# LOCAL COUNCIL MEMBERS

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MAG Regional Domestic Violence Council members

Domestic violence is a serious crime that requires the intervention of a variety of disciplines to ensure victim safety and perpetrator accountability. In order to serve as the educational and functional connection between the various disciplines involved, local councils should be composed of representatives of all of the primary agencies that intervene in domestic violence. Interested citizens, including victims and survivors of domestic violence, should also be invited to participate on local councils. Each member brings a unique perspective that contributes to the combined strength of the council.

The diversity of membership, and the level of participation of the members, will in great part determine the success of the council in eliminating domestic violence. The “suggested core members” listed below play a key role in every community’s efforts to address domestic violence, and therefore are considered crucial to the effective functioning of local councils.

The participation of professionals and individuals identified as “other suggested members” may vary from community to community, but they can also greatly enhance the performance of local councils and their ability to develop policies and programs that respond to the needs of domestic violence victims and their children.

The number of core members and the extent of your initial group can be limited and later grow as needed. The following are some recommended core members and in no way suggests that a council will be ineffective or viable if it does not contain a significant number of the following individuals.

## Suggested Core Members:

- County Attorney
- City Attorney
- Superior Court Judge
- Municipal Judge
- Law Enforcement
- Sheriff
- Adult Probation
- AZ DES Representative
- Shelter Provider
- Child Protective Services
- Victim Advocate
- Rape Crisis Center
- Public School Representative
- Health Care Provider
- Mental Health Center Representative
- Victim/Survivor
- Victim Counselor
- Certified Offender Treatment Provider

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## Other Suggested Members:

- College/University Police
- Pretrial Officer
- Coroner
- Child Care Representative
- Local Government Official (e.g. Mayor, City Council, Magistrate, or Judge)
- Religious Leader
- Representative of Higher Education
- Homeless Center Representative
- Park Rangers
- Jailer
- Representative of Local Business
- Legal Services Representative
- Bar Association Representative
- Private Mental Health Practitioner
- Home Health Agency Representative
- Public Housing Authority Representative
- Employment Support Provider
- Private Philanthropy and Foundation Representatives

# ROLES OF LOCAL COUNCIL MEMBERS

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The following sections describe the role of each local council member. They highlight the roles of individuals considered as essential team members as well as those whose participation may not be required, but who would enhance the local council's effectiveness. First, several key responsibilities are identified that are common to all team members.

## Key Responsibilities Common to All Council Members

- Keep as the top priority: the safety of victims and their children;
- Respect the confidentiality of all victims;
- Attend council meetings and actively participate in council activities;
- Participate on committees of the council, or identify appropriate agency personnel to serve on committees;
- Stay well trained and informed on domestic violence and other related issues;
- Cross-train and share information with other council members;
- Be willing to share statistical information collected by your agency;
- Identify trends in the community in domestic violence crime;
- Work and communicate in an open, cooperative and respectful manner with other council members;
- Be willing to honestly identify problems in the current system and build consensus in designing solutions;
- Understand that all council members represent a discipline or a constituency rather than themselves; each member has a role;
- Participate in community awareness forums to whatever extent possible;
- As citizens of Arizona, report all incidents of domestic violence to a law enforcement agency. Members of the local council, particularly those who work directly with victims/survivors or who have personally experienced domestic violence, can assist the council by providing: insight into the nature, dynamics and effects of domestic violence on victims, children and families;
- Assist with providing information regarding the quality, availability and accessibility of resources, services and protections for victims, children and families;
- Identify barriers to effective intervention in domestic violence crime specific to the community, including problems, gaps and duplications in the network of services and protections for victims and their children;
- Provide information regarding the court process and court practice in any given community; and
- Provide leadership in identifying the training needs of all personnel who deal with domestic violence.

# ORGANIZATIONAL STRUCTURE

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## Structure and Leadership

The organizational structure of local councils on domestic violence can be formal or informal. Formalized local councils are governed by by-laws, which define the mission and goals, membership, committees, leadership, staff support and operating procedures of the council. Some communities find this approach helpful in generating interest in and support for their local council. Local councils that are not formalized generally establish their organizational structure and operating procedures through consensus or democratic process. In communities where councils are composed of very few members, there may be little advantage to establishing a formal structure.

A council that is informally initiated may decide to adopt a formal structure later, which can allow time for the group to coalesce and establish some common goals. The decision for a local council to function formally or informally is based upon many variables, including the resources and inclinations of those involved. By-laws are important when a council wishes to raise money as a tax-deductible charity. The council can incorporate and apply for tax-exempt status (501(c)(3)), or achieve tax-exempt status as a governmental entity created by a city/county ordinance. In either case, by-laws are required.

Generally, when the council is formed, one person is selected to serve as chairperson for meetings for a designated period of time. The Chair of a local council often consists of an elected official (such as a prosecutor or judge), or a prominent member of the community. It is imperative that the person selected to chair the council has demonstrated an understanding of domestic violence and a working knowledge of the community the council will serve. Often the chairperson, or the governing body with which the council is affiliated (e.g. local government), will provide staff support. Other officers of the council may be elected by the council or appointed by the governing body.

Local councils that are less formal may choose to designate one person as chairperson or to rotate the responsibility of leadership. In either case, one or more persons should be designated to perform staff work between meetings, including drafting the agenda and sending out meeting notices.

## Committees

If the local council consists of a large number of members and has multiple functions, committees may be created to take primary responsibility for each of several areas. Committees may be asked to meet between council meetings, and to report to the council at its regular meetings. Some examples of committees that might be considered by local councils include: criminal justice committee, mental health committee, victim services committee, housing



**Phoenix City  
Councilwoman  
Peggy Blisten, Chair  
MAG Regional Domestic  
Violence Council**

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and support services committee, public awareness committee, research committee, fundraising committee, membership committee, systems audit committee, data coordination committee and legislative committee. Some councils have developed fatality review committees in order to give special focus and response to domestic violence cases that result in the death of the victim.

Standing committees are ongoing committees, which generally handle long-term issues. Ad hoc committees may be formed to address short-term issues on an as needed basis. While committees can greatly increase the productivity of councils, it is important not to divide the council into groups that are too small to maintain their momentum.

## Timing and Frequency of Meetings



Full Committee Meeting

The timing of meetings is crucial to achieving full attendance. Once the council has had an initial meeting, members should be polled to determine what time of day most members would be able to attend meetings. Some councils meet during the lunch hour, allowing members to brown bag their lunches, since many people are free during that time; others meet close to the end of the work day (e.g. 4:00 p.m.).

A common meeting frequency for councils is one meeting per month. However, the frequency of meetings should depend on the structure of the council and the needs of the community. Initially, a council may need to meet more often to build momentum and initiate action. If the council has formed committees, there should be time allowed for committee meetings in between regular council meetings. It is helpful for local councils to establish a regular meeting time (e.g. the third Thursday of every month at noon) so that members know to reserve that time.

# STRATEGIES TO ACHIEVE GOALS

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The following strategies are offered as ideas to assist local councils in achieving the five goals established by the MAG Domestic Violence Council. These strategies are not intended to restrict the creativity of local councils, but to help local councils generate their own ideas and plans for action.

Local councils should recognize that developing an effective and comprehensive system of domestic violence prevention and intervention is a process. The strategies listed below represent steps for action that may occur over a long period of time. They are not listed in order of importance, since priorities must be developed in the local community.

## **GOAL 1:**

*To develop and facilitate an effective community-wide system of intervention and prevention that is responsive to the needs of domestic violence victims and their children.*

### STRATEGIES:

1. Conduct community needs assessments.
  - Identify the immediate and long-term needs of domestic violence victims and their children within the community.
  - Review current systems to identify gaps/problems in services and protections. This may include a comprehensive safety and accountability audit. (*See attachments.*)
  - Compare current system to “state of the art” services and protections.
2. Ensure that essential protections and services are available and accessible to victims on an immediate and long-term basis.
  - Prioritize identified needs and establish short and long term goals to address them.
  - Develop services and protections based upon identified needs.
3. Create a multi-disciplinary case review team involving the prosecutor, victim advocates, law enforcement, offender’s treatment provider, shelter and social service personnel to discuss individual cases prior to court hearings.
4. Promote implementation of “best practice” programs (adapted for the local community).

## **GOAL 2:**

*To identify and coordinate the roles and services of local agencies or offices that provide services to domestic violence victims, or that investigate or prosecute domestic violence cases.*



**Sarah Buel**, National Domestic Violence Expert

### STRATEGIES:

1. Promote effective communication among agencies, policy makers and interested citizens (including victims/survivors).
  - Hold regular interagency meetings.
  - Sponsor in-service trainings for front-line staff to clarify roles and provide education on current laws and practices.
2. Facilitate interagency agreements or protocols.
3. Assist in the development of the policies and procedures of member agencies that promote effective intervention and prevention.

### GOAL 3:

*To monitor, evaluate and promote the quality and effectiveness of services and protections in the community.*

### STRATEGIES:

1. Promote compliance with established protocols and local, state and federal laws and regulations concerning domestic violence.
2. Encourage local agencies to comply with established standards of care applicable to their particular professions.
3. Develop standards/practices of improved data collection and information sharing among agencies.
4. Support and encourage the provision of services in a non-judgmental and empathetic manner.
5. Coordinate court watch or court monitoring programs through the use of volunteers and/or interns.
6. Commend personnel who effectively respond to victims' concerns.
7. Make information available to citizens regarding the mechanism or process for filing a complaint against agency personnel or elected officials.
8. Establish fatality review teams to explore ways to improve the services and protections in the community.
9. Encourage the resolution of interagency conflicts through mediation.

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#### **GOAL 4:**

*To promote a clear understanding of domestic violence, current laws and resources available in the community.*

#### **STRATEGIES:**

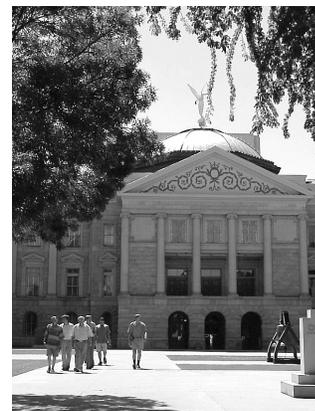
1. Inform citizens in the community of the nature and extent of domestic violence, current laws and community resources.
  - Promote awareness through public awareness campaigns, presentations to civic groups and organizations, printed materials and the media.
  - Promote awareness of victims in the community regarding the dynamics of domestic violence, victim's rights, available resources and current laws and protections.
  - Create and provide a community resource guide.
  - Sponsor candidates' forums to provide the public with an opportunity to hear the views of candidates for public office on domestic violence and other crime victim issues.
  
2. Encourage the inclusion of family violence prevention education in the schools.
  - Provide classroom presentations.
  - Encourage implementation of age appropriate family violence prevention curricula in kindergarten through high school.
  - Encourage the inclusion of family violence in higher education curricula.
  - Inform college/university faculty and staff of the local/state job market need for professionals who are knowledgeable regarding domestic violence issues.

#### **GOAL 5:**

*To serve as a clearinghouse for information on domestic violence issues.*

#### **STRATEGIES:**

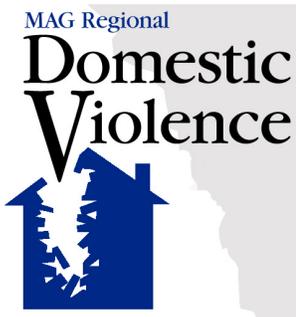
1. Promote community involvement by publicizing legislative proposals affecting domestic violence and informing citizens how to contact legislators.
  
2. Identify and distribute information regarding potential funding sources for domestic violence programs (e.g., foundations, federal/state grants).
  
3. Provide council members, civic organizations, schools, businesses, and interested citizens with current printed materials, video and audiotapes, and other resources that address domestic violence.



Arizona State Capital

# STRATEGIC PLANNING

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## Identifying Problems, Setting Priorities and Planning Action

Strategic planning can be as simple or as complex as you want it to be. Different ways of planning range from making informal decisions about high priority projects to using a formal and structured planning procedure. The basic purpose of strategic planning, no matter what method you use, is simple:

1. To identify the problems or issues on which you want to work;
2. To decide what you need to do to address those issues; and
3. To evaluate the effectiveness of your completed plans.

## Identifying Problems and Issues

Before your local council can take any action, the primary problems and issues facing domestic violence victims in your community must be identified. The first step in your planning process should be to identify and prioritize those issues and problems.

Areas that could be considered in identifying these problems include the quality, availability and accessibility of services and protections for victims and their children, and of treatment for perpetrators. The working relationships and amount of collaboration between agencies are other significant areas that could be considered.

There are many ways to come up with a list of problems and issues to address. To get as much input as possible from all council members and from the community, consider trying some of the following techniques:

- Brainstorm at a council meeting (write down all ideas mentioned);
- Have each council member submit a written list of problems/issues ;
- Conduct a "round-table" (go around the table at a council meeting and have each member give *one* problem or issue at a time, until each member has run out of ideas); or
- Distribute a simple survey to council members and people at involved agencies and organizations, including victims/survivors (a sample survey follows).

Once you have compiled a list of the problems and issues that the council can identify, decide as a group those that should be addressed first. The next step is the creation of a plan of action.

# SAMPLE SURVEY 1

## Domestic Violence Community Needs Assessment

What do you see as the primary problems facing domestic violence victims in this community in getting the help that they need? Please rank each area as follows: "1" — significant problem, "2" — somewhat of a problem, "3" — not a problem or "0" if you do not have an opinion.

Emergency shelter	_____ Quality	_____ Availability	_____ Accessibility
Protective orders	_____ Quality	_____ Availability	_____ Accessibility
Criminal court remedies	_____ Quality	_____ Availability	_____ Accessibility
Court advocacy services	_____ Quality	_____ Availability	_____ Accessibility
Law enforcement services	_____ Quality	_____ Availability	_____ Accessibility
Free/affordable legal assistance	_____ Quality	_____ Availability	_____ Accessibility
Counseling for victims	_____ Quality	_____ Availability	_____ Accessibility
Counseling for children	_____ Quality	_____ Availability	_____ Accessibility
Treatment for perpetrators	_____ Quality	_____ Availability	_____ Accessibility
Health care services	_____ Quality	_____ Availability	_____ Accessibility
Affordable housing	_____ Quality	_____ Availability	_____ Accessibility
Employment/training assistance	_____ Quality	_____ Availability	_____ Accessibility
Childcare	_____ Quality	_____ Availability	_____ Accessibility
Other (please specify):			
_____	_____ Quality	_____ Availability	_____ Accessibility
_____	_____ Quality	_____ Availability	_____ Accessibility
_____	_____ Quality	_____ Availability	_____ Accessibility
_____	_____ Quality	_____ Availability	_____ Accessibility

Cooperation and collaboration between agencies working with domestic violence issues. (Please rank: "1" — significant problem, "2" — somewhat of a problem, "3" — not a problem or "0" if you do not have an opinion)

What could be done to improve the problem areas you have identified?

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**Thank you for your responses!**

# CREATING A PLAN OF ACTION

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Two sample methods of strategic planning follow, illustrating the wide range of formality and complexity that it is possible for you to use.

## A. Priority Planning

There are four simple steps in this kind of strategic planning:

1. **Identify the problems or issues you are concerned about.**
2. **Set priorities: Which do you need to address first?**
3. **Pick your highest priority problem and decide on a plan of action to deal with it.**
4. **Decide whether or not your completed plan of action actually helped to address the problem.**

Any group or committee can effectively use this kind of planning process. Brainstorming problems and issues to deal with, choosing which should be addressed first, and coming up with plans of action are the kinds of tasks that can be efficiently accomplished in meetings.

Once you have identified and prioritized the problems and issues you will address, decide upon the steps you need to take to improve the situation. Specify the following: who will complete each step, any additional people from other agencies or organizations needed to accomplish the step, and a target date for completion of the step.

A planning sheet can be a good tool for councils to use in updating and evaluating plans, because all of the information needed for review is compiled in one place. A sample planning sheet follows to illustrate an easy way to keep track of your issues and plans of action. Once you have completed the action plans on your planning sheet, look back over the sheet to determine whether or not the completed plans actually affected the target problem/issue that you identified. If your actions solved the problem, then you can move on to the next issue. If they did not, then a new plan of action may be needed to effectively address the problem/issue.

## B. Goals, objectives and action steps: A step-by-step planning procedure

The use of a structured, formal planning procedure is another way to clarify and streamline the planning process. Through the use of goals, objectives and action steps, both the overall direction you hope to head in as well as the specific steps necessary to get there are written out in a clear, concise plan that can be easily evaluated for successes and shortcomings.

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**GOALS:**

Broad, global statements of the direction in which you are headed. What is it that you want to accomplish? Goals are not necessarily totally achievable or measurable; they represent the best of all possible worlds. For example: *Develop a fully coordinated effort to stop domestic violence in the community.*

**OBJECTIVES:**

Smaller steps toward achieving the goal. Objectives are specific, targeted, time-limited and measurable. Inherent in objectives are the means to determine whether they have been accomplished or not. For example: *Establish regular interdisciplinary meetings with full attendance within eight weeks. (At the end of eight weeks, have regular meetings with full attendance been established?)*

**ACTION STEPS:**

Specific, discrete strategies aimed at completing an objective. These are the front-line, practical tasks necessary to actually implement change. For example: *Contact a member from each agency by Friday to invite them to the first meeting.*

Goals, objectives and action steps can be seen as a hierarchical planning structure. To be effective, each step lower on the hierarchy must contribute to the accomplishment of the step above it. For example, you should be able to pick out an action step and easily see how it contributes to the accomplishment of the objective it serves. Similarly, you should be able to pick out an objective and clearly understand how it contributes to the accomplishment of the goal above it.

The means of evaluation are built into the step-by-step planning process. By relating each level of the plan to the one above it, you can determine whether the objectives and action steps that you identified actually contributed to progress toward your goals. If you discover, upon reviewing your completed plans, that some action steps did not contribute to the objectives, or that some objectives did not really address the goals, then you can develop new objectives and action steps that may be more effective in achieving your goals.

# HELPFUL HINTS FOR STARTING OUT

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- In the beginning of your cooperative planning process, as well as throughout the process, try to maintain a clear vision of your goals.
- Don't try to expand too quickly. To begin with, choose clear, short-term tasks with a high likelihood of success. This will boost members' enthusiasm and confidence.
- Think about maintaining the foundation of your strategic planning through ongoing meetings, if possible.
  - Schedule regular meetings.
  - Develop and distribute agendas.
  - Get input from others in developing agendas.
  - Schedule time within agendas for other business.
  - Keep meetings on time and time-limited.
  - Prepare and circulate minutes between meetings.
  - Keep all records and documentation.

# SAMPLE STRATEGIC PLANNING SHEET

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## Priority Planning

ISSUE/PROBLEM:

Potential Strategies	People/Agencies Who Need to be Involved	Target Dates	Goal Achieved? (If not, why not?)

# SAMPLE STRATEGIC PLANNING OUTLINE

---

## Goals, Objectives, Action Steps

### GOAL #1:

#### A. Objective 1 (measurable):

- Action Step/Person Responsible/Target Date:
- Action Step/Person Responsible/Target Date:

#### B. Objective 2 (measurable):

- Action Step/Person Responsible/Target Date:
- Action Step/Person Responsible/Target Date:

### GOAL #2:

#### A. Objective 1 (measurable):

- Action Step/Person Responsible/Target Date:
- Action Step/Person Responsible/Target Date:

#### B. Objective 2 (measurable):

- Action Step/Person Responsible/Target Date:
- Action Step/Person Responsible/Target Date:

Add as many goals, objectives and action steps as needed.

# EVALUATING LOCAL COUNCILS

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## Evaluating The Effectiveness Of Local Councils

Local councils should periodically evaluate their progress to determine whether or not they are achieving their goals. The most definitive method of measuring a local council's effectiveness would be to conduct a periodic comprehensive evaluation of each component of the intervention system — however, few communities have the resources necessary to undertake such an extensive project.

A more simple method of evaluating a council's progress is to conduct a limited opinion poll regarding the resources, services, protections and interagency relationships in the community. The sample community needs assessment survey on page 19 can be utilized to survey primary service providers and/or victims/survivors of domestic violence to measure their opinions regarding the quality, availability, and accessibility of the various services and protections. It can also be used to gather their ideas on how to address identified problems. Periodically repeating the survey would give the council some basis to measure progress.

Finally, a local council can simply survey the members themselves, or another target group, regarding their opinions about whether or not the council is achieving its goals. A sample survey for self-evaluation is provided on page 26. This type of evaluation can also take place in the form of a "round-table" discussion; however, some members may be more willing to provide honest feedback in an anonymous survey than in a public forum.

Communities must decide which method of evaluation best suits their resources and their needs. Whichever method, it is important that local councils periodically take stock of their progress to ensure that their efforts are properly directed and productive.

# SAMPLE SURVEY

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## LOCAL COUNCIL SELF-EVALUATION

Please review the goals of the "name of local council" listed below and circle the rating that best describes how effective you feel the council has been in meeting that goal. "1" — very effective, "2" — somewhat effective, "3" — little progress, "4" — no progress, "N/O" — no opinion

### GOAL 1:

To develop and facilitate an effective community-wide system of intervention that is responsive to the needs of domestic violence victims and their children.

1      2      3      4      N/O

### GOAL 2:

To identify and coordinate the roles and services of local agencies or offices that provide services to domestic violence victims, or that investigate or prosecute domestic violence cases.

1      2      3      4      N/O

### GOAL 3:

To monitor, evaluate and promote the quality and effectiveness of services and protections in the community.

1      2      3      4      N/O

### GOAL 4:

To promote a clear understanding of domestic violence, current laws and resources available in the community.

1      2      3      4      N/O

### GOAL 5:

To serve as a clearinghouse for information on domestic violence issues.

1      2      3      4      N/O

In the areas where we are not meeting our goals, what coordinated efforts could be made to achieve them?

**Thank you for your responses!**

# APPENDIX

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<b>A</b> Membership of the MAG Regional Coordinating Council . . . . .	28
<b>B</b> Sample Safety Plans for Adults and Children . . . . .	30
<b>C</b> Resource Lists (National, State, Internet) . . . . .	31
<b>D</b> Arizona Revised Statutes . . . . .	38

# APPENDIX A

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## Membership Of The MAG Regional Domestic Violence Coordinating Council

<b>COUNCIL MEMBER</b>	<b>ORGANIZATION</b>
Tom Ambrose	Phoenix Suns
Tracy Bame	Phelps Dodge Corporation
<b>Peggy Bilsten, Chair</b>	City of Phoenix
Mary Ellen Bradshaw	Arizona Public Health Association
Michael Branham	Arizona Criminal Justice Commission
<b>Tom Canasi, Vice-chair</b>	City of Tempe
Michael Carey	Police Chief, Town of Buckeye
Maggie Cathey	Gilbert Town Council
Dean Coodrod MD MPH	Maricopa Medical Center
Sandy Cowen Miller	The Cowen Agency
Gene D'adamo	The Arizona Republic
Sheila Day-Gerry	John C Lincoln Health Network
Pat Dennis	City of Peoria
Sandy Ernst	Arizona Community Foundation
David Easchief	Salt River Pima-Maricopa Indian Community
Susan Ehrlich	Supreme Court - Court of Appeals
Paul Eppinger	Arizona Ecumenical Council
Jill Faver	Arizona Women's Foundation
Kathleen Ferraro	ASU Women's Studies
Margarita Garcia	Guadalupe Town Council
David Goulet	City of Glendale
Mary Lou Hanley	Department of Economic Security
Cmdr Kim Humphrey	Arizona Regional Community Policing Institute
Roger Illingworth	Department of Public Safety
Dyanne Greer	Maricopa County Attorney's Office
Mary Lynn Kasunic	Area Agency on Aging
Loren Kirkeide	Salt River Project
John Leach	City of Goodyear
Rev Deborah Lerner	Paradise Valley United Methodist Church
Marie Rogers-lopez	City of Avondale

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Cynthia Lukas	City of Scottsdale
Jo Ellen Lynn	American Express
Preston McMurry	McMurry Publishing
Carolyn McBurney	3TV-KTVK
Rick Miller	Violence Prevention Initiative
Laura Miller	Arizona Attorney General's Office
Karen O'conner	Maricopa County Superior Court
Stephanie Orr	Center Against Sexual Abuse
Paul Oves	Tosco Marketing Company
Fran Park	NW Valley Community Council
Janice Parker	Save the Family
David Peterson	Arizona State Senate
Don Peyton	Phoenix Fire Department
Connie Phillips	Sojourner Center
Lynn Potts	Mesa Prosecutor's Office
Elizabeth Reich	Governor's Office for Domestic Violence Prevention
Michelle Robson	Robson Communities
Angela Rodgers	Children's Action Alliance
Lawrence Sands DO	Maricopa County Department of Public Health
Joan Shafer	City of Surprise
Marie Sullivan	Arizona Women's Education and Employment
Louie Tovar	Phoenix Police Department Domestic Violence Unit
Margaret Trujillo	Value Options
Roberta Voss	House of Representatives
Mary Wambach	Arizona Coalition Against Domestic Violence
Kerry G. Wangberg	Criminal Division Phoenix City Prosecutor
Phillip Westbrooks	City of Chandler

**What You Need:**

**Other Things**

- Keys to House, Car and Safety Deposit Boxes
- Medications for You and Your Children
- Small Objects to Sell
- Jewelry
- Address Book
- Phone Card
- Pictures of You, Children and Your Abuser
- Children's Small Toys
- Toiletries/Diapers
- Clothing

**To Do**

1. Open a savings account in your own name. Get your own post office box so that you can receive mail and checks.
2. Plan who to stay with or who would be able to lend you money during a crisis.
3. Contact the hotline or any shelter for help in safety planning and keep the hotline number with you at all times.

**When Preparing to Leave**

Provided by:



**and Community Partners:**  
 Arizona Department of Economic Security  
 Association of Arizona Food Banks  
 Arizona Ecumenical Council  
 Maricopa County Task Force Against Domestic Abuse  
 Governor's Office of Domestic Violence Prevention  
 Area Agency on Aging, Region One  
 Maricopa County, City of Phoenix  
 Arizona Coalition Against Domestic Violence  
 Valley of the Sun United Way, American Express

**Local Shelters and Support:**  
 Autumn House, Chrysalis, DeColores, Faith House, My Sister's Place, New Life Shelter, Sojourner Center

Legal Advocacy Hotline 279-2900  
 Older Adults: 264-HELP (4357)

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**IN AN EMERGENCY - CALL 911 IMMEDIATELY**  
 Go to an emergency room if you need medical help.  
 Take pictures of bruises and injuries.

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Feel free to copy and distribute as needed.

**KEEP THIS CARD WITH YOU**

**24-Hour Hotlines**

For Local Shelter Call:  
**263-8900 or 1-800-799-7739**  
 National Hotline: 1-800-799-SAFE (7233)

If you are in immediate danger call 911

**Domestic Violence Safety Plan**

Do You Feel Safe at home?



You can.

For Local Shelter Call:  
**263-8900 or 1-800-799-7739**  
 National Hotline: 1-800-799-SAFE (7233)



**Safety at Home When Abuser is There**

- Stay out of rooms with no exit
- Avoid rooms that may have weapons
- Select a code word that alerts friends and children to call police
- Leave suitcase and checklist items with a friend

**When Abuser has Moved Out**

- Obtain an Order of Protection
- Change locks on doors and windows
- Insert a peephole in the door
- Change telephone number, screen calls and block caller ID
- Install/increase outside lighting
- Consider getting a dog
- Inform landlord or neighbor of situation and ask that police be called if abuser is seen around the house

**Safety at Work What to Do**

- Tell your employer
- Give security a photo of abuser and Order of Protection
- Screen your calls
- Have an escort to your car or bus
- Vary your route home
- Consider a cell phone for your car
- Carry a noisemaker or personal alarm

**Protecting Your Children**

- Plan and rehearse an escape route with your children
- If it is safe, teach them a code word to call 911, and how to use a public telephone
- Let school personnel know to whom children can be released
- Give school personnel a photo of abuser
- Warn school personnel not to divulge your address and phone number

**Getting an Order of Protection**

- Call 506-SELF (7353) to learn about an Order of Protection and Injunction Against Harassment.
- Call the Police to get an immediate Order of Protection.
- Keep your order with you at ALL times, and give copies to family, friends, schools, employers and babysitters.

**KEEP THIS CARD WITH YOU**

**Quick List**

- Identification: Driver's license, birth certificates
- Money: ATM card, credit cards, checkbooks
- Legal Papers: Protective order, medical records
- Important Personal Items: Keys, medicine

**Getting Out Now**

**What You Need:**

**Identification**

- Driver's License
- Children's Birth Certificates
- Your Birth Certificate
- Social Security Card
- Welfare Identification
- Medical Insurance Cards

**Money**

- Money and/or Credit Cards
- ATM Card
- Savings Books
- Checkbook

**Legal Documents**

- Lease, Rental Agreement, or Deed to House/Properties
- Car Registration & Insurance Papers
- Health and Life Insurance Papers
- Medical Records for You and Your Children
- School and Shot Records
- Work Permits/Green Card or Visa
- Passport
- Divorce Papers
- Custody Papers

**When Preparing to Leave**

### Domestic Violence Shelters

Shelter Hotline

**(602) 263-8900**

Lists available beds in Maricopa County for all shelters.

Autumn House  
Prehab of Arizona  
P.O. Drawer 5860  
Mesa, AZ 85211-5860  
(480) 835-5555

Chrysalis  
P.O. Box 9956  
Phoenix, AZ 85068  
(602) 955-9059

Chrysalis  
P.O. Box 1551  
Scottsdale, AZ 85252  
(480) 481-0402

De Colores  
Chicanos por la Causa  
P.O. Box 6553  
Phoenix, AZ 85005-6553  
(602) 269-1515  
(Spanish Speaking Services Available)

Faith House  
8581 N. 61st Ave.  
Glendale, AZ 85302  
(623) 939-6798

My Sister's Place  
East Valley Catholic Social Services  
610 North Alma School Road, #18  
Mesa, AZ 85224  
(480) 821-1024

New Life Center  
P.O. Box 5005  
Goodyear, AZ 85338  
(623) 932-4404

Sojourner Center  
P.O. Box 20156  
Phoenix, AZ 85036  
(602) 244-0089

### Court Locations

Avondale Magistrate Court  
521 East Western Avenue  
Avondale, AZ 85323

Buckeye Justice Court  
100 North Apache  
Buckeye, AZ 85326

Buckeye Magistrate Court  
100 North Apache  
Buckeye, AZ 853236

Carefree Municipal Court  
100 Easy St.  
Carefree, AZ 85377

Cave Creek Municipal Court  
37622 North Cave Creek  
Cave Creek, AZ 85331

Central Phoenix Justice Court  
One West Madison  
Phoenix, AZ 85003

Chandler Justice Court  
2051 West Warner Road  
Chandler, AZ 85224

Chandler Municipal Court  
255 East Buffalo Street  
Chandler, AZ 85225

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East Mesa Justice Court  
4811 East Julep, Suite 128  
Mesa, AZ 85205

East Phoenix Justice Court #1  
One West Madison  
Phoenix, AZ 85003

East Phoenix Justice Court #2  
4109 North Twelfth Street  
Phoenix, AZ 85014

Fountain Hills Magistrate Court  
16836 East Palisades  
Fountain Hills, AZ 85269

Gila Bend Justice Court  
209 East Oima  
Gila Bend, AZ 85337

Gilbert City Court  
945 South Gilbert Road  
Gilbert, AZ 85296

Glendale City Court  
5711 West Glendale Avenue  
Glendale, AZ 85301

Glendale Justice Court  
6830 North 57th Drive  
Glendale, AZ 85301

Goodyear Magistrate Court  
120 East Western Avenue  
Goodyear, AZ 85338

Guadalupe City Court  
9050 South Avenida del Yaqui  
Guadalupe, AZ 85283

Litchfield Park Municipal Court  
214 West Wigwam Boulevard  
Litchfield Park, AZ 85340

Maryvale Justice Court  
4622 West Indian School Road,  
Suite 10  
Phoenix, AZ 85301

Mesa City Court  
245 West Second Street  
Mesa, AZ 85201

North Mesa Justice Court  
1837 South Mesa Drive  
Mesa, AZ 85202

Northeast Phoenix Justice Court  
10255 North 32nd Street  
Phoenix, AZ 85028

Northwest Phoenix Justice Court  
11601 North 19th Avenue  
Phoenix, AZ 85029

North Valley Justice Court  
5222 W. Glendale  
Glendale, AZ 85301

Paradise Valley Municipal Court  
6401 East Lincoln Drive  
Paradise Valley, Az. 85253

Peoria City Court  
8401 West Monroe  
Peoria, AZ 85345

Peoria Justice Court  
7420 West Cactus Road  
Peoria, AZ 85381

Phoenix City Court  
300 W. Washington  
Phoenix, AZ 85003

Scottsdale City Court  
3700 North 75th Street  
Scottsdale, AZ 85251

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Scottsdale Justice Court  
3700 North 75th Street  
Scottsdale, AZ 85251

South Mesa/Gilbert Justice Court  
1837 South Mesa Drive, B -103  
Mesa, AZ 85202

South Phoenix Justice Court  
217 East Olympic Drive  
Phoenix, AZ 85040

Surprise City Court  
12604 Santa Fe Drive  
Surprise, AZ 85374

Tempe City Court  
140 East Fifth Street  
Tempe, AZ

Tempe Justice Court  
1845 East Broadway, Ste. 8  
Tempe, AZ 85282

Tolleson Justice Court  
9550 West Van Buren  
Tolleson, AZ 85353

West Mesa Justice Court  
122 North Country Club Drive  
Mesa, AZ 85201

West Phoenix Justice Court  
527 West McDowell Road  
Phoenix, AZ 85003

Wickenburg Justice Court  
155 North Tegner  
Wickenburg, AZ 85358

Youngtown Municipal Court  
12030 Clubhouse Square  
Youngtown, AZ 85363

## Superior Court SELF-HELP Center

FORMS/INFORMATION AVAILABLE  
Call for additional information

**(602)506-7353**

**Superior Court\*\***  
201 West Jefferson  
Phoenix, AZ 85003

**Superior Court\*\***  
222 East Javelina Avenue  
Mesa, AZ 85252

**\*\*These are the courts that issue  
Orders of Protection for cases  
involving annulment, divorce, legal  
separation, paternity, and maternity.**

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## Offender Treatment Services

Arizona Behavioral Counseling and Education, Inc.  
6516 North 7th Street, #106  
Phoenix, AZ 85020  
(602) 788-1116

Arizona Behavioral Counseling and Education, Inc.  
3519 East Shea, #137  
Phoenix, AZ 85208  
(602) 788-1116

Avalon Counseling Center, Inc.  
1660 South Alma School Road, #223  
Mesa, AZ 85210  
(480) 491-4259

Catholic Social Service of Central & Northern Arizona/East Valley  
430 North Dobson  
Suite 110  
Mesa, AZ 85201  
(480) 964-8771

Center for Recovering Families, Inc.  
7125 East 2nd Street, #102  
Scottsdale, AZ 85251  
(480) 945-3115

Central Counseling & Education  
1802 East Thomas  
Suite 6  
Phoenix, AZ 85016  
(602) 235-9237

Chrysalis Shelter  
2345 East Thomas Road  
Suite # 470  
Phoenix, AZ 85016  
(602) 955-9059

Faith House, Inc.  
4425 West Glendale Avenue  
Suite #5  
Glendale, AZ 85301  
(623) 842-3327

Justice Services, Inc.  
423 North Country Club Drive, #35  
Mesa, AZ 85201  
(480) 464-8581

Justice Services, Inc.  
7447 East Earll, #101  
Scottsdale, AZ 85251  
(480) 949-8871

Justice Services, Inc.  
201 E. Monterey Way  
Phoenix, AZ 85012  
(602) 253-4747

Life Management Systems  
10030 North 32nd Street  
Phoenix, AZ 85032  
(602) 404-1566

Maricopa Adult Resource Center, L.L.C.  
4425 W. Glendale Avenue  
Suite 2  
Glendale, AZ 85301  
(623) 463-2582

New Horizons Counseling Service  
6151 West Olive Avenue  
Suite 3  
Glendale, AZ 85302  
(623) 939-6567

SAGE Counseling Services  
644 E. Southern  
Suite 100  
Mesa, AZ 85204  
(480) 649-3352

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West Valley Court Diversion Services  
WVCDS Domestic Abuse Intervention  
8401 W. Monroe  
Peoria, AZ 85345  
(623) 572-0489

Western Judicial Services  
9550 West Van Buren  
Suite 18  
Tolleson, AZ 85353  
(623) 936-8828

## Crisis Lines

National D. V. Hotline  
1 (800) 799-SAFE

Value Options  
(602) 222-9444

Suicide Prevention  
(480) 784-1500

Community Information and Referral  
Services  
(602) 263-8856

Maricopa County Shelters - (ACADV)  
(602) 279-2900 or 1-800-786-7386

## Sexual Assault Information

Arizona Sexual Assault Network  
(602) 254-6400, ext 139

Center Against Sexual Abuse (CASA)  
2333 North Central Avenue, Suite  
#100  
Phoenix, AZ 85004  
(602) 254-6400

Sexual Assault Recovery Institute  
3625 North 16 Street, #128  
Phoenix, AZ 85006  
(602) 235-9345

## Children's Services

Child Abuse Hotline  
1-888-767-2445

Child Protective Services  
(602) 530-1800

Crisis Nursery of Phoenix  
(602) 273-7363

East Valley Crisis Nursery  
(480) 969-2308

West Valley Crisis Nursery  
(480) 848-8863

Child Help USA  
(602) 271-4500

## Elder Abuse Information

Adult Protective Services  
1122 North Seventh Street, Suite #205  
Phoenix, AZ 85006  
1-877-767-2385

Area Agency on Aging  
1366 East Thomas Road, Suite #108  
Phoenix, AZ 85014  
(602) 264-2255

Senior Help Line  
(602) 264-4357

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## Legal Services

ACADV Legal Hotline  
(602) 279-2900

Community Legal Services - Central  
(602) 258-3434

Community Legal Services - East  
(480) 833-1442

Community Legal Services - West  
(602) 506-7948

Family Lawyers Assistance Project  
101 West Jefferson, Phoenix, AZ 85003  
(602) 506-7948

Maricopa County Lawyer Referral  
(602) 257-4434

Maricopa County Superior Court  
SELF-HELP Center  
(602) 506-7353

Phoenix Indian Center-Urban  
Indian Law  
(602) 263-0021  
Sojourner  
Legal Advocacy Program  
(602) 258-0373

Tele-Law Tapes  
(602) 254-4099

## Victim Witness Services

Glendale Police Department  
Victim Assistance Program  
6835 North 57th Drive  
Glendale, AZ 85301  
(623) 930-3030

Maricopa County Attorney  
Victim Witness Division  
301 West Jefferson, Ninth Floor  
Phoenix AZ 85003  
(602) 506-8522

Maricopa County Attorney  
Victim Witness Division  
222 E. Javelina, Suite 2400  
Mesa, Arizona 85210  
(480) 506-2488

Mesa Police Department  
Victim Assistance Program  
130 North Robson  
Mesa, AZ 85201  
(480) 644-3232

Mesa Prosecutor's Office  
Victim Rights  
245 West Second Street  
Mesa, AZ 85201  
(480) 644-2188

Mesa Center Against Family Violence  
225 E. First St., Ste. 102  
Mesa, Arizona 85201  
(480) 644-4075

Peoria Police Department  
Victim Assistance  
8401 W. Monroe St.  
Peoria, AZ 85380  
(623) 979-4222

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Phoenix City Prosecutor's Office  
Victim Witness Program  
300 W. Washington  
Phoenix, AZ 85003  
(602) 261-8192

Phoenix Police Department - Family  
Advocacy Center  
2120 N. Central Ave., Ste. 250  
Phoenix, Arizona 85004  
(602) 534-2120

Scottsdale City Prosecutor's Office  
Victim Assistance Program  
3939 Civic Center Boulevard  
Scottsdale, AZ 85251  
(480) 481-0670

Scottsdale Police Crisis Intervention  
Unit  
3700 North 75th Street  
Scottsdale, AZ 85251  
(480) 391-5055

Tempe Police Department  
Victim Assistance  
120 East Fifth Street  
Tempe, AZ 85280  
(480) 950-8011

Victim Rights and Witness Assistance  
Arizona Attorney General's Office  
1275 W. Washington  
Phoenix, Arizona 85007  
(602) 542-4911

## **§ 13-1201 – Endangerment; classification**

- A.** A person commits endangerment by recklessly endangering another person with a substantial risk of imminent death or physical injury.
- B.** Endangerment involving a substantial risk of imminent death is a class 6 felony. In all other cases, it is a class 1 misdemeanor.

## **§ 13-1202 – Threatening or intimidating; classification**

- A.** A person commits threatening or intimidating if such person threatens or intimidates by word or conduct:
1. To cause physical injury to another person or serious damage to the property of another; or
  2. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly, or transportation facility; or
  3. To cause physical injury to another person or damage to the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, a criminal syndicate or a racketeering enterprise.
- B.** Threatening or intimidating pursuant to subsection A, paragraph 1 or 2 is a class 1 misdemeanor. Threatening or intimidating pursuant to subsection A, paragraph 3 is a class 4 felony.

## **§ 13-1203 – Assault; classification**

- A.** A person commits assault by:
1. Intentionally, knowingly or recklessly causing any physical injury to another person; or
  2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or
  3. Knowingly touching another person with the intent to injure, insult or provoke such person.
- B.** Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor.

## **§ 13-1204 – Aggravated assault; classification**

- A.** A person commits aggravated assault if the person commits assault as defined in section 13-1203 under any of the following circumstances:
1. If the person causes serious physical injury to another.
  2. If the person uses a deadly weapon or dangerous instrument.
  3. If the person commits the assault after entering the private home of another with the intent to commit the assault.
  4. If the person is eighteen years of age or more and commits the assault upon a child the age of fifteen years or under.
  5. If the person commits the assault knowing or having reason to know that the victim is a peace officer, or a person summoned and directed by the officer while engaged in the execution of any official duties.
  6. If the person commits the assault knowing or having reason to know the victim is a teacher or other person employed by any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, or any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties, or any teacher engaged in any authorized and organized classroom activity held on other than school grounds.
  7. If the person meets both of the following conditions:
    - (a) Is imprisoned or otherwise subject to the custody of any of the following:
      - (i) The state department of corrections.
      - (ii) The department of juvenile corrections.
      - (iii) A law enforcement agency.
      - (iv) A county or city jail or an adult or juvenile detention facility of a city or county.
      - (v) Any other entity that is contracting with the state department of corrections, the department of juvenile corrections, a law enforcement agency, another state, any private correctional facility, a county, a city or the federal bureau of prisons or other federal agency that has responsibility for sentenced or unsentenced prisoners.
    - (b) Commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities prescribed by subdivision (a) of this paragraph.
  8. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.
  9. If the person commits the assault knowing or having reason to know that the victim is a fire fighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties, or a person summoned and directed by such individual while engaged in the execution of any official duties.
  10. If the person commits the assault knowing or having reason to know that the victim is a licensed health care practitioner

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who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. The provisions of this paragraph do not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550 or is afflicted with Alzheimer's disease or related dementia.

11. If the person commits assault by any means of force which causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.
12. If the person commits assault as prescribed by section 13-1203, subsection A, paragraph 1 or 3 and the person is in violation of an order of protection issued against the person pursuant to section 13-3602 or 13-3624.
  - B.** Except pursuant to subsection C of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section is a class 3 felony except if the victim is under fifteen years of age in which case it is a class 2 felony punishable pursuant to section 13-604.01. Aggravated assault pursuant to subsection A, paragraph 11 of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 7 of this section is a class 5 felony. Aggravated assault pursuant to subsection A, paragraph 3, 4, 5, 6, 8, 9, 10 or 12 of this section is a class 6 felony.
  - C.** Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 11 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 5 of this section resulting in any physical injury to a peace officer while the officer is engaged in the execution of any official duties is a class 5 felony.

### **§ 13-1302 – Custodial interference; child born out of wedlock; defenses; classification**

- A.** A person commits custodial interference if, knowing or having reason to know that the person has no legal right to do so, the person does one of the following:
  1. Takes, entices or keeps from lawful custody any child, or any person who is incompetent, and who is entrusted by authority of law to the custody of another person or institution.
  2. Before the entry of a court order determining custodial rights, takes, entices or withholds any child from the other parent denying that parent access to any child.
  3. If the person is one of two persons who have joint legal custody of a child takes, entices or withholds from physical custody the child from the other custodian.
  4. At the expiration of access rights outside this state, intentionally fails or refuses to return or impedes the return of a child to the lawful custodian.
- B.** If a child is born out of wedlock, the mother is the legal custodian of the child for the purposes of this section until paternity is established and custody or access is determined by a court.
- C.** It is a defense to a prosecution pursuant to subsection A, paragraph 2 if both of the following apply:
  1. The defendant has begun the process to obtain an order of protection or files a petition for custody within a reasonable period of time and the order of protection or petition states the defendant's belief that the child was at risk if left with the other parent.
  2. The defendant is the child's parent and has the right of custody and the defendant either:
    - (a) Has a good faith and reasonable belief that the taking, enticing or withholding is necessary to protect the child from immediate danger.
    - (b) Is a victim of domestic violence by the other parent and has a good faith and reasonable belief that the child will be in immediate danger if the child is left with the other parent.
- D.** A violation of this section is:
  1. A class 3 felony if committed by a person other than the parent or agent of the parent or custodian or agent of the custodian.
  2. Notwithstanding paragraph 3 of this subsection, a class 4 felony if the child or incompetent person is taken, enticed or kept from lawful custody out of this state by the parent or agent of the parent or custodian or the agent of the custodian.
  3. A class 6 felony if committed by a parent or agent of the parent or custodian or agent of the custodian.
  4. A class 1 misdemeanor if the child or incompetent person is voluntarily returned without physical injury prior to arrest or the issuance of an arrest warrant.

### **§ 13-1303 – Unlawful imprisonment; classification**

- A.** A person commits unlawful imprisonment by knowingly restraining another person.
- B.** In any prosecution for unlawful imprisonment, it is a defense that:
  1. The restraint was accomplished by a peace officer acting in good faith in the lawful performance of his duty; or
  2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical injury.

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C. Unlawful imprisonment is a class 6 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place prior to arrest in which case it is a class 1 misdemeanor.

**§ 13-1304 – Kidnapping; classification; consecutive sentence**

A. A person commits kidnapping by knowingly restraining another person with the intent to:

1. Hold the victim for ransom, as a shield or hostage; or
2. Hold the victim for involuntary servitude; or
3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
4. Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or such third person.
5. Interfere with the performance of a governmental or political function.
6. Seize or exercise control over any airplane, train, bus, ship or other vehicle.

B. Kidnapping is a class 2 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place prior to arrest and prior to accomplishing any of the further enumerated offenses in subsection A of this section in which case it is a class 4 felony. If the victim is released pursuant to an agreement with the state and without any physical injury, it is a class 3 felony. If the victim is under fifteen years of age kidnapping is a class 2 felony punishable pursuant to section 13-604.01. The sentence for kidnapping of a victim under fifteen years of age shall run consecutively to any other sentence imposed on the defendant and to any undischarged term of imprisonment of the defendant.

**§ 13-1502 – Criminal trespass in the third degree; classification**

A. A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.
2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

B. Criminal trespass in the third degree is a class 3 misdemeanor.

**§ 13-1503 – Criminal trespass in the second degree; classification**

A. A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.

B. Criminal trespass in the second degree is a class 2 misdemeanor.

**§ 13-1504 – Criminal trespass in the first degree; classification**

A. A person commits criminal trespass in the first degree by knowingly:

1. Entering or remaining unlawfully in or on a residential structure or in a fenced residential yard; or
2. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.
3. Entering unlawfully on real property subject to a valid mineral claim or lease with the intent to hold, work, take or explore for minerals on such claim or lease.
4. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.

B. Criminal trespass in the first degree is a class 6 felony if it is committed by entering or remaining unlawfully in or on a residential structure or committed pursuant to subsection A, paragraph 4. Criminal trespass in the first degree is a class 1 misdemeanor if it is committed by entering or remaining unlawfully in a fenced residential yard or committed pursuant to subsection A, paragraph 2 or 3.

**§ 13-2904 – Disorderly conduct; classification**

A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency; or

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6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.
- B.** Disorderly conduct under subsection A, paragraph 6 is a class 6 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4 or 5 is a class 1 misdemeanor.

**§ 13-2921 – Harassment; classification; definition**

**A.** A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:

1. Anonymously or otherwise communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.
2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
3. Repeatedly commits an act or acts that harass another person.
4. Surveils or causes another person to surveil a person for no legitimate purpose.
5. On more than one occasion makes a false report to a law enforcement, credit or social service agency.
6. Interferes with the delivery of any public or regulated utility to a person.

**B.** A person commits harassment against a public officer or employee if the person, with intent to harass, files a nonconsensual lien against any public officer or employee that is not accompanied by an order or a judgment from a court of competent jurisdiction authorizing the filing of the lien or is not issued by a governmental entity or political subdivision or agency pursuant to its statutory authority, a validly licensed utility or water delivery company, a mechanics' lien claimant or an entity created under covenants, conditions, restrictions or declarations affecting real property.

**C.** Harassment under subsection A is a class 1 misdemeanor. Harassment under subsection B is a class 5 felony.

**D.** This section does not apply to an otherwise lawful demonstration, assembly or picketing.

**E.** For purposes of this section, "harassment" means conduct directed at a specific person which would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.

**§ 13-2921.01 – "Aggravated harassment; classification; definition**

**A.** A person commits aggravated harassment if the person commits harassment as provided in section 13-2921 and any of the following applies:

1. A court has issued an order of protection or an injunction against harassment against the person and in favor of the victim of harassment and the order or injunction has been served and is still valid.
2. The person has previously been convicted of an offense included in section 13-3601.

**B.** The victim of any previous offense shall be the same as in the present offense.

**C.** A person who violates subsection A, paragraph 1 of this section is guilty of a class 6 felony. A person who commits a second or subsequent violation of subsection A, paragraph 1 of this section is guilty of a class 5 felony. A person who violates subsection A, paragraph 2 of this section is guilty of a class 5 felony.

**D.** For the purposes of this section, "convicted" means a person who was convicted of an offense included in section 13-3601, who had judgment deferred pursuant to section 13-3601, subsection M or who was adjudicated delinquent for conduct that would constitute a historical prior felony conviction if the juvenile had been tried as an adult for an offense included in section 13-3601.

**§ 13-2923 – Stalking; classification; definitions**

**A.** A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

1. Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears for their safety or the safety of that person's immediate family member.
2. Would cause a reasonable person to fear physical injury to or death of that person or that person's immediate family member and that person in fact fears physical injury to or death of that person or that person's immediate family member.

**B.** Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 is a class 3 felony.

**C.** For the purposes of this section:

1. "Course of conduct" means maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.
2. "Immediate family member" means a spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past six months.

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**§ 13-3601 - Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure; notice; report; diversion; notice**

**A.** "Domestic violence" means any act that 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, 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923, 13-3018, 13-3601.02 or 13-3623, if any of the following apply:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons of the opposite sex 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 of the opposite sex 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 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

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rules of criminal procedure or 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 against a pregnant victim and knew that the victim was pregnant, the court shall increase by up to two years the maximum sentence otherwise authorized.

**M.** If the defendant is found guilty of an offense included in domestic violence and if probation is otherwise available for such 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. If you are convicted of a third or subsequent offense included in domestic violence, you will be sentenced to a term of incarceration.

**P.** 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.

### **13-3601.01 - Domestic violence; treatment; definition**

**A.** The judge shall order a person who is convicted of a misdemeanor domestic violence offense to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department. If a person has previously been ordered to complete a domestic violence offender treatment program pursuant to this section, the judge shall order the person to complete a domestic violence offender treatment program unless the judge deems the alternative sanctions are more appropriate. The department of health services shall adopt and enforce guidelines that establish standards for domestic violence offender treatment program approval.

**B.** On conviction of a misdemeanor domestic violence offense, if a person within a period of sixty months has previously been convicted of a violation of a domestic violence offense or is convicted of a misdemeanor domestic violence offense and has previously been convicted of an act in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense, the judge may order the person to be placed on supervised probation and the person may be incarcerated as a condition of probation. If the court orders supervised probation, the court may conduct an

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intake assessment when the person begins the term of probation and may conduct a discharge summary when the person is released from probation. If the person is incarcerated and the court receives confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence, may provide in the sentence that the person, if the person is employed or is a student and can continue the person's employment or studies, may continue the employment or studies for not more than twelve hours a day nor more than five days a week. The person shall spend the remaining day, days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the actual hours of employment or studies.

**C.** A person who is ordered to complete a domestic violence offender treatment program shall pay the cost of the program.

**D.** If a person is ordered to attend a domestic violence offender treatment program pursuant to this section, the program shall report to the court whether the person has attended the program and has successfully completed the program.

**E.** For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply to convictions for offenses that were committed on or after January 1, 1999.

**F.** For the purposes of this section, "domestic violence offense"; means an offense involving domestic violence as defined in section 13-3601.

### **13-3601.02 - Aggravated domestic violence; classification; definition**

**A.** A person is guilty of aggravated domestic violence if the person within a period of sixty months commits a third or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.

**B.** A person convicted under this section who within a period of sixty months has been convicted of two prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in jail.

**C.** A person convicted under this section who within a period of sixty months has been convicted of three or more prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in jail.

**D.** The dates of the commission of the offenses are the determining factor in applying the sixty month provision in subsection A of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.

**E.** For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply only to convictions for offenses that were committed on or after January 1, 1999.

**F.** Aggravated domestic violence is a class 5 felony.

**G.** For the purposes of this section, "domestic violence offense" means an offense involving domestic violence as defined in section 13-3601 or aggravated domestic violence as prescribed in this section.

### **§ 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

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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 data base 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 § 13-3601, subsection A and whether there is pending between the parties an action for 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 which is sought to be restrained.
6. Desired relief.

**D.** The amount and payment of filing fees for a petition filed under this section are established pursuant to §§ 12-284, 22-281 and 22-404. Filing fees and fees for service of process may be deferred or waived under any rule, statute or other law applicable to civil actions, the court shall advise a plaintiff that the plaintiff may be eligible for the deferral or waiver of these fees at the time the plaintiff files the petition. The court shall not require the petitioner to perform community service as a condition of the waiver or deferral of filing fees and fees for service of process. A law enforcement agency or constable shall not require the advance payment of fees for service of process of orders of protection. If the court does not waive the fees have not been waived, the serving agency may assess the actual fees against the plaintiff. On request of the plaintiff, each order of protection 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 issued by a justice of the peace shall be served by the constable 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 issued by a superior court judge 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 immediately after service of the order any firearm owned or possessed by the defendant 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.

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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. A hearing requested by a party under an order of protection or 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 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 six months after service on the defendant. A modified order is effective upon service and expires six months after service of the initial order and petition. Beginning on January 1, 1999, an order expires one year after service on the defendant and a modified order 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 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 was issued shall register a copy of the order of protection and a copy of the affidavit of service of process or acceptance of service with the sheriff's office in the county in which the plaintiff resides. 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 six months from the date of service of the order on the defendant. Beginning on January 1, 1999, a copy of an order, 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 injunction on the defendant. Any changes or modifications of the order are effective upon entry of an order of the court and shall be registered with the sheriff within twenty-four hours of the entry of the order, excluding weekends and holidays.

**M.** A peace officer may, with or without a warrant, 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 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 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 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.

**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

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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 its ex parte order of protection involving the exclusive use of the parties' residence 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 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, § 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. 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 making an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for such arrest if the officer acts upon 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 may serve an order of protection 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.

### **§ 13-411 - Justification; use of force in crime prevention**

**A.** A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary to prevent the other's commission of arson of an occupied structure under section 13-1704, burglary in the second or first degree under

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section 13-1507 or 13-1508, kidnapping under section 13-1304, manslaughter under section 13-1103, second or first degree murder under section 13-1104 or 13-1105, sexual conduct with a minor under section 13-1405, sexual assault under section 13-1406, child molestation under section 13-1410, armed robbery under section 13-1904, or aggravated assault under section 13-1204, subsection A, paragraphs 1 and 2.

- B.** There is no duty to retreat before threatening or using deadly physical force justified by subsection A of this section.
- C.** A person is presumed to be acting reasonably for the purposes of this section if he is acting to prevent the commission of any of the offenses listed in subsection A of this section.

**§ 13-4419 - Victim conference with prosecuting attorney**

- A.** On request of the victim, the prosecuting attorney shall confer with the victim about the disposition of a criminal offense, including the victim's views about a decision not to proceed with a criminal prosecution, dismissal, plea or sentence negotiations and pretrial diversion programs.
- B.** On request of the victim, the prosecuting attorney shall confer with the victim before the commencement of the trial.
- C.** The right of the victim to confer with the prosecuting attorney does not include the authority to direct the prosecution of the case.

**§ 13-602 - Designation of offenses**

- A.** The particular classification of each felony defined in this title is expressly designated in the section or chapter defining it. Any offense defined outside this title which is declared by law to be a felony without either specification of the classification or of the penalty is a class 5 felony.
- B.** The particular classification of each misdemeanor defined in this title is expressly designated in the section or chapter defining it. Any offense defined outside this title which is declared by law to be a misdemeanor without either specification of the classification or of the penalty is a class 2 misdemeanor.
- C.** Every petty offense in this title is expressly designated as such. Any offense defined outside this title without either designation as a felony or misdemeanor or specification of the classification or the penalty is a petty offense.
- D.** Any offense which is declared by law to be a felony, misdemeanor or petty offense without specification of the classification of such offense is punishable according to the penalty prescribed for such offense.
- E.** Any offense defined within or outside this title without designation as a felony, misdemeanor or petty offense is punishable according to the penalty prescribed for such offense.
- F.** Any offense defined outside this title with a specification of the classification of such offense is punishable according to the provisions of this title.
- G.** Any petty offense, class 3 misdemeanor or class 2 misdemeanor, except a violation of title 28, is deemed a minor nontraffic offense for the limited purpose of armed forces recruitment.

**§ 13-604 - Dangerous and repetitive offenders; definitions**

**A.** Except as provided in subsection F, G or H of this section or section 13-604.01, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a class 4, 5 or 6 felony, whether a completed or preparatory offense, and who has a historical prior felony conviction shall be sentenced to imprisonment as prescribed in this subsection and shall not be 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, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

Felony	Minimum	Presumptive	Maximum
Class 4	3 years	4.5 years	6 years
Class 5	1.5 years	2.25 years	3 years