

**CROSSROADS PROGRAM  
PROSECUTION GUIDELINES**  
Duluth City Attorney's Office

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**INTRODUCTION**

The Crossroads Program is a program intended for victims of ongoing domestic abuse who are charged with criminal offenses against their partners. It is designed to provide participants an opportunity to address their use of violence within the larger context of their victimization. The program seeks to hold participants accountable without invoking the full ramifications of the criminal court process.

**DEFINITIONS**

The guidelines rely on the following definitions:

- “Defendant” is a person who is charged with a domestic-related offense and has a history of physical abuse by the complainant.
- “Complainant” is a person who is the victim of a domestic-related offense and has a history of physically abusing the defendant.
- “Deferral” is the agreement of the State and defendant to a stay of prosecution for a specified time period, after which criminal charges against the defendant will be dismissed if the defendant successfully completes the terms of the stay.

**GOALS**

The goals of prosecution in these cases are:

- To protect the complainant from additional acts of violence committed by the defendant.
- To hold the defendant accountable for using violence without creating greater vulnerability to continued abuse.
- To deter either person from committing continued acts of violence against others.
- To create a general deterrence to domestic violence in the community.

**ELIGIBLE OFFENSES**

Domestic-related criminal charges, particularly assault or disorderly conduct, will be considered for deferral under this program.

**ELIGIBILITY FOR INITIAL CONSIDERATION**

- The defendant must have a history of physical abuse by the complainant.
- The defendant should not have any pending or previously deferred charges or convictions under any state laws or any local ordinances for:
  - assault
  - gross misdemeanor obstructing legal process.

It is highly unlikely that an applicant would be fully reviewed for admission into the program with any pending or deferred charges or convictions noted above. A record of other violence may also preclude the defendant from full consideration.

- The defendant must submit a written application to the City Attorney's Office
- The defendant has not previously been admitted to the Crossroads program.

## **FACTORS CONSIDERED FOR ADMISSION**

The prosecutor will review each case file and make a determination regarding admission into the program based on consideration of the following factors:

- the probation department's recommendation
- the defendant's criminal history
- the defendant's history of violent behavior
- the defendant's history of victimization by the complainant
- the severity of the incident
- the nature of the defendant's admission to the charged offense(s)
- the views of the complainant
- the circumstances surrounding the use of violence
- the motives for the use of violence
- the defendant's willingness to participate in recommended education and counseling programs.

## **DEFERRAL OF CASE**

Upon admission into the Crossroads Program, the prosecutor will defer the criminal charge(s) against the defendant for an agreed-upon time period. Conditions of the deferral program may include, but not be limited to:

- full admission to the charged offense(s)
- successful completion of recommended education and counseling programs
- no same or similar incidents
- restrictions on the use of alcohol.

## **REINSTATEMENT OF CHARGES**

The prosecutor may reinstate the criminal charge(s) at any time before the expiration of the deferral period if the defendant fails to comply with any of the conditions of the agreement.

## **DISMISSAL OF CHARGES**

The prosecutor will dismiss the deferred criminal charge(s) if the defendant complies with all of the terms of the deferral agreement.

**CROSSROADS PROGRAM  
EVALUATION GUIDELINES  
FOR PROBATION OFFICERS AND PROSECUTORS**

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**The defendant's criminal history**

To be eligible for the Crossroads Program, the defendant should not have any pending or deferred charges or convictions under any state law or local ordinance for assault or gross misdemeanor obstructing legal process. In order to account for some rare situations in which a previous conviction would not compromise the intent of the program, the policy uses the words "should not" rather than "must not." Typically a past conviction will result in immediate rejection from consideration. However, if the defendant makes a reasonable argument that a past conviction does not compromise the intent of the program, then the probation officer should proceed with the investigation. The interviewing probation officer should document all other convictions, arrests, and police incident reports involving the defendant. In doing so, the probation officer provides the prosecutor with a general picture of the scope and nature of any criminal activity in which the defendant has been involved. The intent of these guidelines is not to exclude people with a previous criminal history from this program but rather to exclude people who have a history of aggressive, abusive, and violent behavior. If the probation officer believes that a pattern of criminal activity indicates that the defendant does in fact have an ongoing problem with aggressive and violent behavior, the probation officer should recommend against acceptance into the program.

**The defendant's history of violent behavior**

In this category the probation officer will be documenting the history of violence that the defendant has used against his or her partner and the history of violence that the person has used in other situations not reflected in the criminal background check. The probation officer would obtain this information from interviews with the defendant and the complainant and from their statements. It would be expected that the defendant may have been violent more than once with this partner if both the relationship and the complainant's abuse have existed over an extended time period. However, if the defendant shows a pattern of widespread use of violence in many different relationships or circumstances, then the probation officer should recommend against admittance into the program.

**The defendant's history of victimization by the complainant**

The assumption of the Crossroads Program is that the defendant is being battered by the complainant, i.e., that the complainant has established a pattern of coercion and intimidation, threats, and the use of physical and/or sexual violence. Battering does not refer to isolated incidents of violence, nor for the purposes of this program does it refer to abuse which is exclusively psychological or emotional. The intent of the program is to protect the safety of both parties and to avoid making victims of ongoing coercion, intimidation, and violence more vulnerable to this violence through the actions of the criminal justice system. With this primary purpose in mind the probation officer should review the defendant's documentation of assistance sought through visits to the shelter, calls to 911, affidavits from previously filed protection orders, and police reports or statements from others such as social workers, counselors, and family or friends. While the defendant is not required to document a severe pattern of high-risk

violence, the probation officer must have strong indicators that there is definite pattern of battering by the complainant against the defendant.

### **The severity of the incident**

The Crossroads Programs addresses misdemeanor domestic-related criminal offenses. This limitation itself will exclude most serious assaults. However, occasionally a misdemeanor assault can be quite brutal in nature, or it can result in the infliction of severe harm to the victim. The probation officer should consider recommending against acceptance into the program in these cases.

### **The nature of the defendant's admission to the charged offense(s)**

The applicant will not be required to make a written statement of admission but will be required to provide an oral statement to the probation officer. This statement must be sufficient to establish that he or she admits to committing the offense and admits to facts sufficient to support the criminal charges. This admission is one indication of a defendant's willingness to participate fully in recommended education and counseling. If the defendant describes a set of circumstances that the probation officer believes constitutes self-defense, the probation officer should document those statements and make a recommendation to the prosecutor that the case be further reviewed for either dismissal or alternative disposition. The program is not intended to be a substitute for the proper raising of self-defense in cases in which the defendant claims not to have committed a criminal act.

### **The views of the complainant**

The probation officer should contact the complainant and take a statement from him or her regarding the impact of offering a deferral on the complainant's ongoing safety. If the complainant feels that such a disposition of the case would compromise his or her safety, the probation officer should explore the reasons for the complainant's statement and convey this information to the prosecutor for consideration.

### **The circumstances surrounding the use of violence**

This program is intended to deal with a broad range of behaviors of victims of ongoing physical and/or sexual abuse, including the use of violence as a form of retaliation or as a means of coping with the violence used against them in intimate relationships. It is not intended to be used to resolve assault cases in which there is no apparent link between the use of violence by the defendant and ongoing victimization by the complainant. If the complainant has not been engaging in intimidating, coercive, or physical abuse for an extended period of time, or if the incident itself was not related to the experience of previous violence, the probation officer should consider recommending against admittance into the program. This would mean that in cases where there has been a past history of abuse but no violence, threats or intimidation for a period of time, the defendant is not necessarily appropriate for this program.

### **The motives for the use of violence**

In interviews with both the defendant and the complainant, the probation officer should try to establish the reasons the defendant used violence. It is not the intent of the City Attorney's Office to establish acceptable or unacceptable motives for an assault against a partner, even when that

partner is engaging in ongoing acts of battering. However, it is the intent to exclude those applicants whose motives are the ongoing domination of their partners. If the probation officer finds that the defendant's motive tends to be inconsistent with the fairly broad scope of cases that this policy is intended to cover, then the probation officer should document this concern.

### **The defendant's willingness to participate in recommended education and counseling programs**

This program is designed for defendants who are beginning to use violence against their batterers in ongoing abusive relationships. Defendants who are appropriate for the program are those who have not engaged in patterns of violence in other situations. The probation officer should expect to hear from the defendant a clear willingness to participate in recommended education and counseling. If a defendant does not express such a willingness, the traditional court process with its additional controls may be more appropriate.