

**DRAFT (12-07-05) Building Women's Safety Into The Processing of Criminal Domestic Assault Related Cases**

.....Case Processing Steps.....

METHOD	.....Case Processing Steps.....						
	911	Law Enforcement	Jail	Arraignment	Pretrial/Trial	Sentencing	Enforcement & Rehabilitation-Probatio
<b>L E G I S L A T I O N</b>	<ul style="list-style-type: none"> <li>○ Interruption of a 911 call = gross misdemeanor</li> </ul>	<ul style="list-style-type: none"> <li>○ Allow warrant-less misdemeanor arrests with probable cause on DV</li> <li>○ Require officers to arrest under certain circumstances</li> <li>○ Allow DV pc arrests where there is a "significant romantic or sexual relationship"</li> <li>○ Mandate arrests for violation of PO (Protection Order)</li> <li>○ Petitioner does not violate PO by admitting excluded respondent into residence</li> <li>○ Criminal enhancement for prior convictions or where respondent in PO</li> <li>○ Expand time frame for probable cause arrests to 12 hours</li> <li>○ Allow officers to issue 72 hour PO</li> <li>○ Require officers to detain rather than cite</li> <li>○ When not arresting, officer must provide immediate assistance to the victim, including obtaining medical treatment and providing victim with notice of rights</li> <li>○ Require victim notice cards, with rights and availability of advocacy</li> <li>○ Require officers to file written report on arrests and non-arrests</li> <li>○ Require officers to share reports with DV programs</li> <li>○ Require written DV policies, created and evaluated with DV programs, with self defense and predominant aggressor determinations</li> <li>○ Fed VAWA Legislation</li> </ul>	<ul style="list-style-type: none"> <li>○ Hold DV arrestees for arraignment</li> <li>○ Make reasonable attempts to notify victims of release of DV offenders</li> <li>○ Notify arresting agency when releasing</li> </ul>	<ul style="list-style-type: none"> <li>○ Allow judge to issue PO from bench without petition.</li> <li>○ Make violation of no contact order an arrestable offense/misdemeanor</li> <li>○ Victim notification for bail hearings required</li> </ul>	<ul style="list-style-type: none"> <li>○ Require victim input on plea negotiation and sentencing</li> <li>○ Relevant victim input required at pre-trial release</li> <li>○ Build case law that increases ability to get evidence into court; exception to hearsay</li> <li>○ For safety reasons, disclosure of victim or witness's addresses and phone number not required</li> <li>○ Prosecutors must have policies developed and evaluated with DV programs with provisions regarding dismissal, deferral, victim subpoenas, evidence-based prosecution, and others</li> </ul>	<ul style="list-style-type: none"> <li>○ Increase length of probation for misdemeanor DV offense from 1 to 2 years</li> <li>○ Conduct PSI on all domestics</li> <li>○ *crime to own a gun if convicted of DV</li> <li>○ Victim impact statements are confidential</li> <li>○ Counseling for all convictions of PO violations</li> <li>○ Federal VAWA</li> </ul>	<ul style="list-style-type: none"> <li>○ Violations of PO can also be considered contempt court</li> <li>○ Minimum 3, 10, and 30 day sentence for misdemeanor, gross misdemeanor and felony violations of PO, respectively</li> <li>○ Victim notification when sentence modification is being considered</li> </ul>
<b>P O L I C Y</b>	<ul style="list-style-type: none"> <li>○ Retain DV tapes for 1 year</li> <li>○ Officers must be dispatched in DV cases</li> <li>○ DV assigned high priority</li> </ul>	<ul style="list-style-type: none"> <li>○ Determine predominant aggressor and avoid dual arrests</li> <li>○ Interview all witnesses at scene</li> <li>○ Discourage family, friends or neighbors as interpreters for the investigation</li> <li>○ Check on welfare of all children at scene</li> <li>○ Utilize arrest report-writing guidelines</li> <li>○ In non-arrest cases, officers must make detailed written explanation of why they didn't make arrest or seek warrant</li> <li>○ Contact DV program ASAP, in arrest cases</li> <li>○ Share arrest and non-arrest reports with DV programs</li> <li>○ Designate liaisons in DV program and law enforcement to respond to complaints</li> <li>○ Investigations support going forward with case without victim cooperation</li> <li>○ Do not ask victim whether she wants suspect arrested</li> </ul>	<ul style="list-style-type: none"> <li>○ Block victim's phones from jail at victims request</li> <li>○ Make 3 calls to victims before releasing offender</li> </ul>	<ul style="list-style-type: none"> <li>○ Agree on bail schedule on DV cases to gain consistency</li> <li>○ Use supervised release to monitor suspects in DV cases</li> </ul>	<ul style="list-style-type: none"> <li>○ <b>Automatic no-contact orders as requirement for release in all domestics*</b></li> <li>○ Subpoena victim</li> <li>○ Design alternative response for victims who fight back</li> <li>○ Build case on understanding that victim will likely not fully participate</li> <li>○ <b>*Do not drop prosecution because victim doesn't want to testify</b></li> <li>○ Work with DV program to hire victim support staff</li> <li>○ Prioritize fast track disposition</li> </ul>	<ul style="list-style-type: none"> <li>○ Conduct PSI on all domestics</li> <li>○ <b>* Enhancement of penalties for repeat offenders against some victims</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Stopping violence primary BIP goal</li> <li>○ Use jail to gain compliance</li> <li>○ Avoid couples counseling (rare exception)</li> <li>○ Special DV offender programs; account for (e.g. victims fighting back; (t) specialized groups, i.e., Spanish speaking, Native men, lesbians, etc</li> </ul>
<b>Procedures and Standardizing Tools</b>	<ul style="list-style-type: none"> <li>○ Computer screens with questions, including inquiry regarding the identity of persons making threats</li> </ul>	<ul style="list-style-type: none"> <li>○ Use law enforcement report writing guidelines</li> </ul>	<ul style="list-style-type: none"> <li>○ Contact DV program at booking</li> <li>○ Document and route threats made during booking to arraignment court/prosecutor</li> <li>○ Victim contact pre-release</li> </ul>	<ul style="list-style-type: none"> <li>○ Bail schedule</li> </ul>	<ul style="list-style-type: none"> <li>○ Guidelines for charging decisions</li> <li>○ Order 911 tapes immediately</li> </ul>	<ul style="list-style-type: none"> <li>○ Sentencing matrix to account for pattern crime</li> <li>○ Document patterns and severity of abuse &amp; victim needs with PSI format</li> <li>○ Risk assessment includes social risks to victim</li> </ul>	<ul style="list-style-type: none"> <li>○ Assessment/intake form focusing on violence</li> <li>○ Curriculum (control logs... anger logs)</li> </ul>
<b>Coordination/Linkages</b>	<ul style="list-style-type: none"> <li>○ Route DV 911 calls to probation &amp; prosecutor bi-weekly</li> <li>○ Data base with PO's and probation</li> </ul>	<ul style="list-style-type: none"> <li>○ See above</li> <li>○ Obtain phone numbers of two people who can always reach the victim and victim numbers</li> <li>○ Document history of abuse for use in PSI's and bail setting</li> <li>○ Contact advocacy program after arrest</li> <li>○ Provide advocacy program with copies of arrest and non-arrest reports</li> <li>○ Provide rehab program with copies of arrest report</li> <li>○ *Route reports to child protection when children are present</li> </ul>	<ul style="list-style-type: none"> <li>○ Transport inmates or DV abuser groups in jail</li> <li>○ Officers get additional contact info to reach victims</li> </ul>	<ul style="list-style-type: none"> <li>○ Provide mechanism for 24 hour on-call advocates to fax info about victim safety to court through probation or supervised release agent</li> <li>○ Share statistical data</li> </ul>	<ul style="list-style-type: none"> <li>○ Train police on report writing, evidence collection, testifying, interviewing suspect, victim, and witnesses</li> <li>○ Arrange to have all 911 tapes copied for charging decision</li> <li>○ Train dispatcher on use of 911 tapes as evidence in DV trials</li> </ul>	<ul style="list-style-type: none"> <li>○ Coordinated use of community resources: Batterers programs; Visitation centers; drug and alcohol programs</li> </ul>	<ul style="list-style-type: none"> <li>○ Report non-compliance court</li> <li>○ Revoke probation for failure to complete required services</li> <li>○ Revoke probation for continued threats, harassment, use of violence</li> </ul>

**Additional common coordination activities across all steps and involved agencies:**  
**Victim & Advocate-centered Reduce Conflicting theories Policy Development Exchange Information Provide Statistical Data Track/ Monitor Review Cases Handle complaints Organize Interagency & Special Meetings Evaluation**

**DRAFT (3/21/03) Building Women's Safety Into The Processing of Criminal Domestic Assault Related Cases**

**.....Case Processing Steps, Continued.....**

<b>METHOD</b>	<b>911</b>	<b>Law Enforcement</b>	<b>Jail</b>	<b>Arraignment</b>	<b>Pretrial/Trial</b>	<b>Sentencing</b>	<b>Enforcement &amp; Rehabilitation-Probatio</b>
<b>Advocacy Individual &amp; System</b>	<ul style="list-style-type: none"> <li>Collect 911 Reports</li> </ul>	<ul style="list-style-type: none"> <li>Contact Victim immediately following dv arrests and ASAP for non-arrests</li> <li>Where battered women are arrested arrange for their defense</li> <li>Explain process, rights, determine safety needs, provide resources, document victim's wishes regarding prosecution</li> <li>Provide emergency housing, support groups, and transportation for victim and children</li> <li>Collect / review police arrest and non-arrest reports</li> </ul>	<ul style="list-style-type: none"> <li>Assist jail in contacting victim pre-release, as needed</li> <li>Visit women arrested to assess needs and monitor case</li> </ul>	<ul style="list-style-type: none"> <li>Provide prosecution and probation with information victim would like court to know regarding no-contact orders and case outcome</li> <li>Attend hearings or monitor outcomes on behalf of victims</li> <li>Create safe space and practices for victims at the court house</li> </ul>	<ul style="list-style-type: none"> <li>See arraignment</li> <li>Ongoing communication with prosecution as needed regarding victim's experience</li> <li>Attend meetings with victim, as needed</li> <li>Maintain contact with victim throughout court process</li> </ul>	<ul style="list-style-type: none"> <li>See arraignment, pretrial/trial</li> <li>Maintain contact with victim</li> <li>Attend meetings with probation and victim as needed</li> <li>Assist her in communicating her wishes to probation/court</li> </ul>	<ul style="list-style-type: none"> <li>Provide orientation groups for victims whos partners are court ordere to BIP &amp; maintain conta with victim throughout</li> <li>Assist victim in reportin non-compliance where desired</li> <li>Provide specialized groups for battered women convicted of domestic assault</li> <li>Monitor batterer compliance with court orders</li> </ul>
<p><b>Additional common systems advocacy activities across all steps and involved agencies:</b>  <b>Victim &amp; Advocate-centered Reduce Conflicting theories Policy Development Exchange Information Provide Statistical Data Track/ Monitor Review Cases Handle complaints Organize Interagency &amp; Special Meetings Evaluation</b></p>							
<b>New Resources</b>	<ul style="list-style-type: none"> <li>Shared database on protection orders</li> <li>Shelters</li> </ul>	<ul style="list-style-type: none"> <li>Shelters for battered women and their children</li> </ul>		<ul style="list-style-type: none"> <li>Specialized DV courts for police and prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>Specialized DV units for detectives and prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>*<b>Electronic monitoring</b></li> <li>Phones for victims (cell)</li> </ul>	<ul style="list-style-type: none"> <li>Curriculum</li> <li>Films</li> <li>Training for rehab specialists</li> </ul>
<b>Training and Conceptual Shifts</b>	<ul style="list-style-type: none"> <li>Prosecutors &amp; advocates provide 911 operators training</li> <li>DV seen as pattern crime</li> <li>Dispatch linked to prosecutor</li> </ul>	<ul style="list-style-type: none"> <li>Provide specialized training on probable cause, self-defense, predominant aggressor, stalking, strangulation, report writing, interviewing in domestic cases</li> <li>Treat as crime, not lifestyle problem</li> <li>Pattern of abuse/get control of predominant aggressor</li> </ul>	<ul style="list-style-type: none"> <li>Release is dangerous time for victims</li> <li>DV should be part of jail programming</li> </ul>	<ul style="list-style-type: none"> <li>Place controls on suspect that are enforceable if victim safety is threatened</li> </ul>	<ul style="list-style-type: none"> <li>Assume victims are not in a position to help</li> <li>Use conviction as a way to get control over offender for extended period</li> </ul>	<ul style="list-style-type: none"> <li>Balance punishment with rehabilitation</li> <li>Don't allow offender to continue to harass without consequences</li> </ul>	<ul style="list-style-type: none"> <li>Tailor the rehab to who doing what to whom and with what impact</li> <li>Address gendered nature of domestic violence</li> </ul>
<b>Tracking, Monitoring, &amp; Oversight</b>	<ul style="list-style-type: none"> <li>Review dispatch documentation</li> </ul>	<ul style="list-style-type: none"> <li>Review arrest/non arrest reports, charging decisions, investigative practices, officer demeanor</li> <li>Department supervisor reviews reports</li> </ul>	<ul style="list-style-type: none"> <li>Monitor hold &amp; release practices, including victim and advocate contact</li> </ul>	<ul style="list-style-type: none"> <li>Monitor hearing outcomes, time, demographics and involved practitioners</li> </ul>	<ul style="list-style-type: none"> <li>Track/ monitor</li> <li>Hearing outcomes, including plea bargains, dismissals</li> <li>Judge, prosecution, law enforcement behavior</li> </ul>	<ul style="list-style-type: none"> <li>Track/ monitor:</li> <li>Sanctions,</li> <li>Conditions,</li> <li>Length of probation,</li> <li>PSI's ordered,</li> <li>Supervised or unsupervised probation</li> </ul>	<ul style="list-style-type: none"> <li>Track/monitor:</li> <li>Revocation outcomes</li> <li>Quality and extent of supervision</li> <li>Appropriateness of interventions for non-compliance/ re-offenses</li> </ul>
<p>Tracking for all steps: 1. Review records and written documentation; 2. Collect, compile, analyze data; 3. Distribute reports and analytical findings; 4. Monitor compliance with laws, policies, and other governing texts; 5. Monitor impact on victim; 6. Document complaints</p>							